THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

W Jeffrey Young, Circuit Court Judge

Case No 2013-000084

Jane Doe — Appellant,

v

Charles Smith, Charleston County School District and James Island High School — Respondents

---

RECORD ON APPEAL
VOLUME II OF V

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RECORD ON APPEAL INDEX

ORDERS AND JUDGMENTS

1 Order Granting Summary Judgment for Defendant Charleston County School District and James Island High School entered September 10, 2012 1

2. Order Granting Summary Judgment for Defendant Charles Smith entered September 24, 2012.... 18

3. Order Denying Plaintiff's Motion to Reconsider Summary Judgment for Defendant Charles Smith entered December 13, 2012. ... .30

4 Order Denying Plaintiff's Motion to Reconsider Summary Judgment for Defendant Charleston County School District and James Island High School entered December 27, 2012... 31

PLEADINGS

5. Summons and Complaint dated November 20, 2007 32

6 First Amended Summons and Complaint dated February 1, 2008 56

7. Second Amended Summons and Complaint dated March, 22, 2011 63

8. Answer of Charleston County School District and James Island High School to Plaintiff's Second Amended Complaint dated April 11, 2011.... 74

9 Answer of Charles Smith to Plaintiff's Second Amended Complaint dated April 29, 2011.. .. .. .85

TRANSCRIPTS

10 Transcript of Record dated June 10, 2008 91

11. Transcript of Record dated July 23, 2012..... 129

12. Deposition of Jane Doe dated September 7, 2011 and September 8, 2011 171

13. Deposition of Rita Avila dated January 24, 2012..... .... .358

14. Deposition of Timothy Brewerton dated February 16, 2012..... . ... .603

15. Deposition of Tanya Bolton dated February 16, 2012... . .. .695

16. Deposition of Charles Smith dated February 28, 2012... ... .760

17. Deposition of Layton McCurdy dated April 16, 2012... 840

18. Deposition of Robert Bohnstengel dated July 16, 2012..... 895

OTHER MOTIONS, MATERIALS OR DOCUMENTS

19. Affidavit of Jane Doe dated June 6, 2008 1407

20. Affidavit of Heidi Zinzow, Ph. D. dated June 6, 2008 .. .. .1414

21. Defendant Smith's Motion for Summary Judgment dated April 10, 2012.... .1417

22. Motion for Summary Judgment by Defendants Charleston County school District and James Island High School date May 1, 2012..... 1423

23. Defendant Smith's Memorandum in Support of His Motion for Summary Judgment dated July 20, 2012.... 1427

24 Memorandum in Support of Motion for Summary Judgment by Defendants Charleston County School District and James Island High School dated July 23, 2012 1629

25. Plaintiff's Memorandum in Opposition to Defendants' Motion for Summary Judgment dated July 23, 2012 ... .1941

26. Plaintiff's Supplemental Memorandum in Opposition to the Defendants' Motions for Summary Judgment dated July 24, 2012 2173

27. Defendant Smith's Supplemental Memorandum in Support of His Motion for Summary Judgment dated July 24, 2012. 2179

28. Supplemental Memorandum in Support of Motion for Summary Judgment by Defendants Charleston County School District and James Island High School dated July 30, 2012 . . .. .2184

29. Plaintiff's Notice of Motion and Motion to Reconsider Order Granting Summary Judgment for Charleston County School District and James Island High School dated September 21, 2012... 2193

30. Plaintiff's Notice of Motion and Motion to Reconsider Order Granting Summary Judgment for Charles Smith dated October 4, 2012..... 2200

31 Notice of Appeal dated January 14, 2013. 2205

32 Statement Given by Jane Doe regarding Sexual Abuse by Charles Smith dated September 11, 2007.. . ... .2238

33. Statement Given by Jane Doe regarding Sexual Abuse by Charles Smith dated December 7, 2007..... 2241

34. Jane Doe High School Record..... 2248

35 Jane Doe Guidance Department Withdrawal Form..... . ... .2249

36 Charleston County School District Policies Manual Regarding Record Retention, Transportation, First Aid and Emergency Care... ... .2250

37. Charles Smith Yearbook Signature Page. 2542

38. Jane Doe Medical Records. . .. .2543

39. Jane Doe Records from Tanya Bolton Counseling Records 2553

40 Jane Doe Emergency Room and EMS Records from Suicide Attempt.. 2562

Certificate of Counsel

Certificate of Compliance

Proof of Service

-CPD 1000 HRS

-Solicitor's office
1130 w/Della

Statement Given By [redacted] on September 11, 2007 Regarding the Sexual Abuse By Charles Smith (James Island High School Teacher) Between the Beginning of the School Year 1988 until About February 1989

I am very slowly getting my memory back and am beginning to remember things that happed regarding the sexual abuse from Charlie Smith He was my Geography Teacher at James Island High School The sexual abuse happened between the beginning of school year 1988 until I attempted suicide at James Island High School in February 1989 On May 4, 1988 I turned 15 I have not gotten much of my memory back as to what occurred after the suicide attempt because I blocked it all out of my mind
I have had repressed memories all these years. I currently work at the Charleston County Detention Center About December 2006/January 2007 I was dealing with a particular inmate who was one of my inmate workers in Housing Unit 1-B. He was white and very tall He was a very good worker but was in jail on sexual charges regarding a juvenile I do not know the details of his case and never spoke to him about them After He was charged and sent to South Carolina Department of Corrections, I had a fellow co-worker come to me in conversation and stated that he found out that the inmate was raping his cellmate while he was at CCDC. The cellmate had enough confidence in the officer to tell him that he had been repeatedly raped by this particular inmate Something inside of me snapped and I began to have nightmares of Charlie Smith standing over me laughing I would wake up in a sweat and had many sleepless nights I was exhausted and needed some rest I realized that I needed to get some help in dealing with the nightmares I did not know where to go so I went to see an attorney I did not want to get my job involved and am ashamed of what happened and did not know where to turn The attorney told me about a place called "The National Crime Victims Research & Treatment Center" I met with Dr. Best who assigned me with Dr. Zinzow I am currently in treatment with Dr. Zinzow

My parents (Stepfather-[redacted]
My Mom, my brother and I are very close I just recently within the last few months told my mom of the sexual abuse My stepfather and I are not so close. He was somewhat violent after they got married in 1988. Over the years he has matured and has for the most part grown out of it My mom says it's because he did a lot of drugs when he was younger and his father was violent toward him
They are currently selling their house on James Island They made this decision about a month ago They also have a house in Eutawville that they have been staying at on and off for the last six years or so This is where they plan to retire We had three homes between July 88 to February 89 My parents were going to buy a house, they just were not sure where they wanted to buy it at on James Island Our first house was on Rivererest Drive (July-September?) The second house was on Trafager (sp) Drive (maybe Sept-Jan). The third house was on Landsowne Drive (which is the house they own today) My mom recently told me Charlie Smith showed up at my house after I attempted Suicide You'll have to get more details from her

9-11-07

617

What I remember about Charlie Smith

I have tried not to think about him so I may not remember much now. I have not seen him since 1992 when he operated a sports memorabilia shop on James Island. I have for the most part stayed off of the Island except to visit my parents who lived there. He is from somewhere up north, I believe Illinois and he served in the military. He has a wife and daughter who's name I believe is Kim. She was very young. I remember him having her at softball practice once. When I first began to attend James Island High School, he did not coach anything but everyone called him Coach Smith. I think he coached sports prior to me attending the school. He had a horse that he borded at [redacted] with other horses. I don't remember why, but prior to softball season and after I first began attending James Island High, he would give me a ride home. One day he took me to where his horse was at. I remember him saying that he had to feed it. I remember him taking me home at all three of the houses I lived in. He came inside of the Rivererest home. Nothing happened at my home, I do remember showing him around. He drove a big old yellow Bronco. I used to think that Bronco was cool. It had big tires. I loved Softball. I was a pitcher. He made the decision to coach softball when it began in (I think) January 1989. I started the school year off with very good grades. Despite a few bumps in the road at home, I was very happy and excited about school and starting all over in the South. The weather was very different in Pennsylvania. Most of the time it was dreary there. Always cloudy. During the sexual abuse, my grades began to drop. I became ineligible to play softball, but still went to all the practices and games. I don't remember if I started the season playing or not. He took me buy his house one day. I waited in his Bronco. I remember him running inside to get something, then we went to feed his horses again. I remember feeding the horses a lot with him. His classroom- It was near the main entrance of the high school. The main door was near the front of the room. If you walked into the room and looked directly across you would see his desk. If you looked right, you would see the big green chalk board. If you looked left you would see all the desk. If you walked in the door and looked down the wall the door was on you would see another green chalk board and a row of desk next to the chalk board. His desk area was concealed to where you could almost not see behind it. It was like two huge desks together with books and other things blocking views. He also painted houses on the side after school. I remember going to some sites where he painted houses. He painted part time for Shaddrix Painting(?) across from Captain D's on James Island. Lynn Shaddrix was a secretary at the school and a very good friend. Lynn's husband's name is Steve.

Sexual Abuse Memories

I remember when I first went to the classroom, I sat up front in the middle. I was very eager to learn and have always liked school. I eventually moved from the front to sitting next to the chalkboard that was on the same wall the door was on near the back. I remember him answering a question one day and him putting his right hand on the back of my chair and slowly moving his hand to the right side of my right breast. He slid his hand around as if he was leaning on the chair. I don't remember if this was after he began giving me a ride home. I don't remember what came upon him giving me a ride home in

9-11-07

RA

the first place I remember riding around with him a lot To the horse stables, to my houses, to his house (but I never went inside his house), and to his paint sites I used to wear dresses and dress clothes to school I remember me sitting behind his desk with him and him putting his hand on my leg Over a period of time he did put his hand all the way under my dress and touched my vagina I remember him smelling his fingers between turning pages as he was reading One day before he took me home after softball practice he pulled the bronco over I remember it being sunny that day It was next to the school The little grocery store It had to be around 5pm I think. It was sort of warm out Maybe it was getting ready to be dark I'm still not sure of all the details. He pulled over and shut the Bronco off The next thing I remember is him unzipping his polyester sport shorts and pulling out his penis and me giving him oral sex. I remember being able to clearly see his penis and that his short were a dark shade. I don't remember what was said I remember him ejaculating in my mouth. I remember him holding my head when I was performing oral sex on him I remember having a hard time and nearly choking because his penis was short but large He then took me home that evening. Then everything goes dark in my mind. When we were at the horse stables he would grab on me but in a gentle way not to hurt me He got rid of his Bronco and got a Camaro. The sexual abuse happened when he had his Bronco I remember wanting to die after that happened. When I attempted suicide at the school I remember thinking that I wanted him to pay for what he did to me. I was to embarrassed to tell anyone. I was a person who never had sex and really did not understand what happened. I ended up quitting day school and started night school I then ended up quitting James Island High all together It got harder and harder to go back into that building.

Other Memories

I went to school with Doug Wright (Summerville Police) I did at some point join the Charleston Police Explorers I don't remember when it was I did it because I had the biggest crush on Doug I was very competitive in school and Doug was a County Explorer We were in math class together and sat next to each other Doug might have suspected something was not right I think I joined the Police Explorers before the Suicide and after the sexual abuse. These time periods are blurry to me. This was all a very short period of time. I remember wearing my Explorer uniform to school one day and Charlie Smith Ignoring me that day

Mrs Saddie Brown (my English Teacher) I thought a lot of her then I think she had her suspicions about him giving me a ride home. She may have even said something. I'm not sure I think she stopped teaching at James Island at the end of the 1988 school year and began teaching at another school.

CC: Dr. Zinzow

[redacted]

CIC MESSAGE NUMBER 1580578 09/12/07

5. TO: CHSSO266-2352 20070912 09:23:03 00356BB781
OM: III-7059329 20070912 09:23:02 1F8900042A
NL011F8900042A2QH
SC0100000
NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX
(III) FOR NAM/[redacted].SEX/F.RAC/U.DOB/19730504.PUR/C.
END

510

CHARLESTON COUNTY SHERIFF'S OFFICE
3606 P[illegible] HAVEN DRIVE * CHARLESTON HEIGHTS, S C 29406-7781 (843) 202-1700
J Al Cannon, Jr
SHERIFF

INCIDENT REPORT

12617

SC0100000 | DISPATCH NUMBER: 07-018524 B | ORIGINAL CASE NUMBER: N/A | PAGE 1 OF 1 PAGES | NCIC ENTRY: NO | ENT: A

EVENT

	INCIDENT TYPE	INCIDENT CODE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1	CSC W/ MINOR		☒ YES ☐ NO	☐ YES ☒ NO	PARKING LOT	N/A
2			☐ YES ☐ NO	☐ YES ☐ NO		
3			☐ YES ☐ NO	☐ YES ☐ NO		

TYPE VICTIM: ☒ INDIVIDUAL ☐ BUSINESS ☐ FINANCIAL INST ☐ GOVERNMENT ☐ RELIG ORG ☐ SOC /PUB ☐ OTHER ☐ UKNOWN ☐ POLICE OFF

INCIDENT LOCATION: 1014 FT. JOHNSON RD, JAMES ISLAND, SC | ZIP CODE: 29412 | WEAPON TYPE: N/A

BEGINNING INCIDENT DATE	24 HR CLOCK	ENDING INCIDENT DATE	24 HR CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART TIME	TRACT #
01/01/89	0000	02/16/89	0000	9/12/07	0914	0914	0914	314 D

COMPLAINANT

NAME (LAST FIRST, MIDDLE): SAME AS VICTIM 1 | RELATIONSHIP TO SUBJECT #1 #2 #3 | RESIDENT: J | RACE | SEX | AGE | DOB | ETH

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
		BLD	BLK			

ADDRESS # | STREET NAME | CITY | STATE | ZIP CODE | DAY PHONE | EVENING PHONE

OCCUPATION | EMPLOYER | ALIAS | NIC #

VICTIM #1

NAME: [redacted]

RELATIONSHIP TO SUBJECT: #1 acquaint | #2 n/a | #3 n/a | RESIDENT: J | RACE: W | SEX: F | AGE: 35 | DOB: 5/4/73 | ETH: n

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
507	175	BRO	BRO	N/A	[redacted]	[redacted]

ADDRESS #: [redacted] | STREET NAME: [redacted] | CITY: [redacted] | STATE: SC | ZIP CODE: 29445 | DAY PHONE: [redacted] H | EVENING PHONE: 8[redacted] H

☐ VISIBLE INJURY ☒ NO ☐ YES | COMPLAINT OF NON VISIBLE INJURIES ☒ NO ☐ YES | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE SPLASHT ☐ ALONE
EXPLAIN | DRUGS ☒ NO ☐ YLS TYPE ☐ UNK | ☐ ONE MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION: DETENTION OFFICER | EMPLOYER: CCSO | ALIAS: N/A | NIC #: N/A

SUSPECT

☐ COMPLAINANT ☐ VICTIM # ☒ SUSPECT # 1 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE): SMITH, CHARLES | RELATIONSHIP TO SUBJECT #1 N/A #2 N/A #3 N/A | RESIDENT: J | RACE: W | SEX: M | AGE: 60 | DOB: 12/30/46 | ETH: N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
		BLD	BLK			

ADDRESS #: [redacted] | STREET NAME: [redacted] | CITY: [redacted] | STATE: SC | ZIP CODE: 29412 | DAY PHONE: [redacted] H | EVENING PHONE: H

☐ VISIBLE INJURY ☒ NO ☐ YES | COMPLAINT OF NON VISIBLE INJURIES ☒ NO ☐ YES | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE SPLASHT ☐ ALONE
EXPLAIN | DRUGS ☒ NO ☐ YES TYPE ☐ UNK | ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION: TEACHER | EMPLOYER: CCSD | ALIAS: CHARLIE | NIC #: N/A

ARREST

(A) CHARGE: N/A | (C) CHARGE:
(B) CHARGE: | (D) CHARGE:

NARRATIVE

(James Island) I/D met with victim [redacted] in reference to a sexual assault that occurred at 1014 Fort Johnson Rd between January 1, 1989 and February 15, 1989. [redacted] stated that suspect Smith (who was her teacher at the time) had her perform oral sex on him one day as he took her home from school. [redacted] also advised that one day, while sitting with Smith at his desk, he "touched" her vagina. I/D obtained a signed statement from [redacted] detailing her memories of the incidents. Investigation continues.

PROPERTY EST.

TYPE (GROUP)	N/A					TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN							
DAMAGED							
BURNED							JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED							
SEIZED							

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☐ YES ☒ NO | ☐ ACTIVE ☐ UNFOUNDED ☐ ADM CLOSED | ☐ 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

ADMINISTRATIVE

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
R. AVILA RA	9/15/07	9727	[illegible]	10-12-2007	8656
			FOLLOW-UP INVESTIGATION ☐ YES ☐ NO OFFICER		

621

Charleston County Sheriff's Off

COMPLETE PERSONAL HISTORY DATA
EFFECTIVE AS OF 10/12/07

NAME.....: [redacted]
ADDRESS....: [redacted]
CITY.....:
OCC.....: CASHIER
EMPLOYER...:
SCHOOL.....:
EYES.....: TEETH:
HGT: WGT: BUILD:
ETHNICITY: U
HAIR COLOR.: LENGTH:
D/L : SC # [redacted] OTHER ID:
PD# : FBI#:
NO FINGERPRINTS ON FILE
CAUTION.:
COMMENTS:

W/F DOB: [redacted] AGE: [redacted]
APT: HM PHONE:
STATE...: ZIP:
WK PHONE:
TYPE: GRADE:
SPEECH:
COMP: UNKNOWN GLASSES:
STYLE..:
#
FDLE#:

AKAS USED:

SUBJECT HAS NO KNOWN AKAS

MONIKERS USED:

SUBJECT HAS NO KNOWN MONIKERS

PERSONAL PROFILES:

SUBJECT HAS NOT BEEN PROFILED

OLD ADDRESSES:

SUBJECT HAS NO OLD ADDRESSES

OLD PHONE NUMBERS:

NO OLD PHONE NUMBERS FOR THIS SUBJECT

OLD EMPLOYERS:

NO OLD EMPLOYER HISTORY FOR THIS SUBJECT

MARKS, SCARS, TATTOOS:

COMPLETE PERSONAL HISTORY DATA F [redacted]

10/12/07

) MARKS SCARS OR TATTOOS KNOWN

SOCIAL SECURITY NUMBERS:

NO SOCIAL SECURITY NUMBER KNOWN

OTHER NUMBERS:

[redacted]

CT CRIME WATCH INFORMATION:

==========

-- DEPARTMENTAL DATA CONNECTIONS --

WARRANTS:

NO WARRANTS FOR THIS SUBJECT

BUSINESSES ASSOCIATED:

O BUSINESS ASSOCIATION TO THIS SUBJECT

VEHICLES ASSOCIATED:

ASSOCIATION: VEHICLE TYPE: AUTOMOBILES
VEH YEAR 1985 MAKE: PONTIAC MODEL: STYLE: 2D

VIN: 1G2NE2708FC710593
TAG: YHS194 STATE: SOUTH CAROLINA YEAR: 1992 ESTIMATED VALUE:

TOP COLOR: BOTTOM COLOR:
DESCRIPTION:
VANITY INFO:
COMMENTS...:

ASSOCIATION: VEHICLE TYPE: AUTOMOBILES
VEH YEAR 1985 MAKE: PONTIAC MODEL: STYLE:

VIN: 1G2NE2708FC710593
TAG: YHS194 STATE: SOUTH CAROLINA YEAR: 1993 ESTIMATED VALUE:

TOP COLOR: BOTTOM COLOR:
DESCRIPTION: TRAFFIC ACCIDENT
VANITY INFO:
COMMENTS...:

OFFENSE REPORTS:

COMPLETE PERSONAL HISTORY DATA F [redacted]

10/12/07

REPORT #: 91062024B

REPORT TITLE: DATE: 08/09/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: [redacted]

REPORT #: 9077825B

REPORT TITLE: DATE: 10/16/90

SUBJECTS IN THIS REPORT

RELATIONSHIP: VICTIM
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: [redacted]

RELATIONSHIP: SUSPECT
NAME: [redacted] RACE: WHITE SEX: M DOB: [redacted] AGE: 50

FIELD INTERVIEWS:

) FIR'S ON FILE ON THIS SUBJECT

PAWN TICKETS:

NO PAWN TICKETS ON THIS SUBJECT

CITATIONS:

NO TRAFFIC CITATIONS ON THIS SUBJECT

GUNS REGISTERED:

NO GUN REGISTRTIONS LISTED TO THIS SUBJECT

VEHICLE ACCIDENTS:

LOC: W MAIN RD REPORT #: 000039125
DATE: 07/04/92 TIME: 17:39 ACCIDENT TOA:

LOC. 3658 RIVERS AV REPORT #: 000039125
DATE: 03/26/92 TIME: 17:16 ACCIDENT TOA:

l S:

COMPLETE PERSONAL HISTORY DATA F [redacted]
10/12/07

NO DUI'S LISTED ON THIS SUBJECT

TRESPASSINGS:

NO TRESPASSINGS LISTED TO THIS SUBJECT

ARREST CHARGES:

NO ARREST CHARGES ON FILE WITH THIS SUBJECT

ASSOCIATES OF [redacted]

NO PERSONS LISTED THAT ARE ASSOCIATES OF THIS SUBJECT

END OF DEPARTMENTAL DATA ON SUBJECT

Charleston County Sheriff's Off

COMPLETE PERSONAL HISTORY DATA
EFFECTIVE AS OF 10/12/07

NAME.....: [redacted]
ADDRESS....:
CITY.....:
OCC.....:
EMPLOYER...:
SCHOOL.... :
EYES.....:
HGT: WGT: BUILD:
ETHNICITY:
HAIR COLOR.:
D/L : #
PD# :

W/F DOB: [redacted] AGE: 34
APT: HM PHONE:
STATE...: SC ZIP:
WK PHONE:
TYPE: GRADE:
TEETH: SPEECH:
COMP: GLASSES:
LENGTH: STYLE..:
OTHER ID: #
FBI#: FDLE#:

NO FINGERPRINTS ON FILE
CAUTION.:
COMMENTS:

AKAS USED:

SUBJECT HAS NO KNOWN AKAS

MONIKERS USED:

SUBJECT HAS NO KNOWN MONIKERS

PERSONAL PROFILES:

SUBJECT HAS NOT BEEN PROFILED

OLD ADDRESSES:

SUBJECT HAS NO OLD ADDRESSES

OLD PHONE NUMBERS:

NO OLD PHONE NUMBERS FOR THIS SUBJECT

OLD EMPLOYERS:

NO OLD EMPLOYER HISTORY FOR THIS SUBJECT

MARKS, SCARS, TATTOOS:

COMPLETE PERSONAL HISTORY DATA F [redacted]

10/12/07

NO MARKS SCARS OR TATTOOS KNOWN

SOCIAL SECURITY NUMBERS:

NO SOCIAL SECURITY NUMBER KNOWN

OTHER NUMBERS:

NO OTHER ID NUMBERS KNOWN

CT CRIME WATCH INFORMATION:

-- DEPARTMENTAL DATA CONNECTIONS --

WARRANTS:

CHARGE:
BOND: JUDGE:
ISSUING AGENCY:
WARRANT NUMBER: BENCH DATE ISSUE: DATE ENTERED: 04/18/90
STATUS: RECALL SERVED DATE: 05/01/96

BUSINESSES ASSOCIATED:

NO BUSINESS ASSOCIATION TO THIS SUBJECT

VEHICLES ASSOCIATED:

NO VEHICLES ASSOCIATED TO THIS PERSON

OFFENSE REPORTS:

FIELD INTERVIEWS:

NO FI'S ON FILE ON THIS SUBJECT

PAWN TICKETS:

COMPLETE PERSONAL HISTORY DATA F [redacted]

10/12/07

) PAWN TICKETS ON THIS SUBJECT

CITATIONS:

NO TRAFFIC CITATIONS ON THIS SUBJECT

GUNS REGISTERED:

NO GUN REGISTRTIONS LISTED TO THIS SUBJECT

VEHICLE ACCIDENTS:

NO TRAFFIC ACCIDENTS LISTED ON THIS SUBJECT

DUI'S:

NO DUI'S LISTED ON THIS SUBJECT

TRESPASSINGS:

NO TRESPASSINGS LISTED TO THIS SUBJECT

ARREST CHARGES:

NO ARREST CHARGES ON FILE WITH THIS SUBJECT

ASSOCIATES OF [redacted]

NO PERSONS LISTED THAT ARE ASSOCIATES OF THIS SUBJECT

END OF DEPARTMENTAL DATA ON SUBJECT

Charleston County Sheriff's Off

COMPLETE PERSONAL HISTORY DATA
EFFECTIVE AS OF 10/12/07

NAME. . . . .: [redacted]
ADDRESS. . :
CITY. . . . :
OCC. . . . . :
EMPLOYER. . :
SCHOOL. . . .:
EYES. . . . .: BLUE TEETH:
HGT: 5'07" WGT:140 BUILD:
ETHNICITY: U
HAIR COLOR.: BLONDE LENGTH:
D/L : SC # 004022384 OTHER ID:
PDL : FBI#:
NO FINGERPRINTS ON FILE
CAUTION :
COMMENTS:

W/F DOB: [redacted] AGE: 34
APT: HM PHONE: [redacted]
STATE...: SC ZIP: 29412
WK PHONE: [redacted]
TYPE: GRADE:
SPEECH:
COMP: UNKNOWN GLASSES:
STYLE..:
#
FDLE#:

AKAS USED:

SUBJECT HAS NO KNOWN AKAS

MONIKERS USED:

SUBJECT HAS NO KNOWN MONIKERS

PERSONAL PROFILES:

SUBJECT HAS NOT BEEN PROFILED

OLD ADDRESSES:

EFF. DATE: 10/14/91 [redacted] C.T.:
EFF. DATE: 08/09/91 C.T.:
EFF. DATE: C.T.:

OLD PHONE NUMBERS:

EFFECTIVE DATE: [redacted]
EFFECTIVE DATE:

OLD EMPLOYERS

529

COMPLETE PERSONAL HISTORY DATA F [redacted]

10/12/07

O OLD EMPLOYER HISTORY FOR THIS SUBJECT

MARKS, SCARS, TATTOOS:

NO MARKS SCARS OR TATTOOS KNOWN

SOCIAL SECURITY NUMBERS:

161-62-8572

OTHER NUMBERS:

NO OTHER ID NUMBERS KNOWN

CT CRIME WATCH INFORMATION:

-- DEPARTMENTAL DATA CONNECTIONS --

WARRANTS:

WARRANTS FOR THIS SUBJECT

BUSINESSES ASSOCIATED:

NO BUSINESS ASSOCIATION TO THIS SUBJECT

VEHICLES ASSOCIATED:

NO VEHICLES ASSOCIATED TO THIS PERSON

OFFENSE REPORTS:

REPORT #: 95079968B

REPORT STATUS: DATE: 09/26/95

SUBJECTS IN THIS REPORT

RELATIONSHIP: SUSPECT
NAME: ROBERTS MELVIN HOYT JR RACE: WHITE SEX: M DOB: 03/30/71 AGE: 36

RELATIONSHIP: SUBJECT
NAME: POLPE STEVEN MICHAEL RACE: WHITE SEX: M DOB: 03/03/56 AGE: 51

COMPLETE PERSONAL HISTORY DATA F [redacted]

10/12/07

RELATIONSHIP: WITNESS
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: [redacted]

RELATIONSHIP: SUSPECT
NAME: ROBERTS SAMANTHA L RACE: WHITE SEX: F DOB: 03/22/73 AGE: 34

REPORT #: 94090843B

REPORT TITLE: DATE: 10/31/94

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: MOSS MARK RACE: WHITE SEX: M DOB: 01/22/57 AGE: 50

RELATIONSHIP: SUBJECT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91080088B

REPORT TITLE: DATE: 10/14/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91065103B

REPORT TITLE: DATE: 08/20/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91064553B

REPORT TITLE: DATE: 08/18/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91064105B

REPORT TITLE: DATE: 08/16/91

SUBJECTS IN THIS REPORT

COMPLETE PERSONAL HISTORY DATA F [redacted]

10/12/07

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91062090B

REPORT TITLE: DATE: 08/09/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91058749B

REPORT TITLE: DATE: 07/29/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91059959B

REPORT TITLE: DATE: 08/02/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91057689B

REPORT TITLE: DATE: 07/25/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91058987B

REPORT TITLE: DATE: 07/30/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

COMP[illegible]E PERSONAL HISTORY DATA F
[redacted]
10/12/07

REPORT #: 91054580B

REPORT TITLE: DATE: 07/14/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 34

REPORT #: 91056409B

REPORT TITLE: DATE: 07/20/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [redacted] RACE: WHITE SEX: F DOB [redacted] AGE: 34

REPORT #: 91005844B

REPORT TITLE: DATE: 01/22/91

SUBJECTS IN THIS REPORT

RELATIONSHIP: WITNESS
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: 54

RELATIONSHIP: SUSPECT
NAME: [redacted] RACE: WHITE SEX: M DOB: [redacted] AGE: 50

RELATIONSHIP: VICTIM
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: [redacted]

REPORT #: 8954191B

REPORT TITLE: DATE: 08/04/89

SUBJECTS IN THIS REPORT

RELATIONSHIP: UNKNOWN
NAME: [illegible] MARK RACE: WHITE SEX: M DOB: 01/22/57 AGE: 50

RELATIONSHIP: WITNESS
NAME: [illegible]NS KENNETH EARL RACE: BLACK SEX: M DOB: 06/21/74 AGE: 33

RELATIONSHIP: VICTIM
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: [redacted]

COMP[illegible]E PERSONAL HISTORY DATA F
[redacted]
10/12/07

REPORT #: 8909602C

DATE: 02/13/89

[illegible]:

SUBJECTS IN THIS REPORT

RELATIONSHIP: VICTIM
NAME: [redacted] RACE: WHITE SEX: F DOB: [redacted] AGE: [redacted]

FIELD INTERVIEWS:

NO FI[illegible]S ON FILE ON THIS SUBJECT

PARKING TICKETS:

NO PA[illegible] TICKETS ON THIS SUBJECT

CITATIONS:

NO TRAFFIC CITATIONS ON THIS SUBJECT

GUN REGISTRATIONS (OWNED):

NO GUN REGISTRTIONS LISTED TO THIS SUBJECT

VEHICLE ACCIDENTS:

DOR[illegible]ORCHESTER RD KE REPORT #: 000054623
DATE: [illegible]/25/86 TIME: 16:48 ACCIDENT TOA:

DOR[illegible] RD SOUTH REPORT #: 000054623
DATE: [illegible]/25/90 TIME: 20:23 ACCIDENT TOA:

DUI'S:

NO DUI'S LISTED ON THIS SUBJECT

TRESPASSINGS:

NO TRESPASSINGS LISTED TO THIS SUBJECT

ADDITIONAL NAMES

COMP[illegible]E PERSONAL HISTORY DATA [illegible]

10/12/67

[illegible] CHARGES ON FILE WITH THIS SUBJECT

AS OCCUPANT OF [redacted]

[illegible] LISTED THAT ARE ASSOCIATES OF THIS SUBJECT

END OF [illegible]TMENTAL DATA ON SUBJECT

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE:	White	SEX	Female DATE OF BIRTH

During the 1988-1989 school year I attended James Island High School (JIHS). Charles R. Smith (Smith) was my Geography Teacher. That also was the first year he coached softball. He was the head coach and had the help of two other individuals. One of which was a female who only helped at the beginning a few times and then I don't recal what happened to her. The other was a person by the name of Bubba Brandt. I lived at three different addressed during the 1988-1989 school year. The first was [redacted] the second was on Trafalgar Drive and the third was on [redacted] My parents still currently own that house however, it is listed on the market to be sold. I started the school year off well. I had just moved down here from Pennsylvania with my Step-father, Mother and Brother. I did not have a car and don't recall having a drivers License. I don't recall how being given a ride home from Smith started. I do recall him giving me a ride to each of the three houses.

When I was fifteen, things seemed bigger that they are now. For instance, I remember the softball field being huge. As I walked on it about two months ago for therapy purposes, it seamed small. Please keep this in mind when reading this statement.

Smith painted part time for Steve Shaddrix of Creekside Painting. His wife Lynn Shaddrix worked or still does at JIHS. I have not had any affiliation with JIHS itself since I quit school. The Shaddrix's lived at [redacted] Avenue. Smith took me to their house one day. I went inside the side door and the only person I recall being there was Steve Shaddrix. I remember the both of them smiling a lot. I don't recall if anything happened but I do recall the feeling of nervousness overwelming me. I remember saying to myself that he had a very nice house. As I went into the side door I vaguley remember the room sort of opening up. I sat at the kitchen table and remember really liking the table. I think it was round. I think they had hardwood floors. They had a son in 9th grade who attended JIHS at the time I did. His name is Brian Shaddrix. I don't rember him being in any of my classes. I did however see him in Smith's classroom from time to time. Smith seemed to somewhat avoid me when he was there. I had went with Smith to Creekside Painint company that was located at [redacted] I remember us going upstairs and noone being there. I don't remember if anything happened there. I remember being at least at four of his paint sites. I definitely only know the address of one and think I know the address of the other. The first one I know the address of is [redacted] The one I am unsure of is [redacted] Drive.

Smith boarded a horse at [redacted] I remember him only telling me he owned one of the horses. There were other horses on the property. I never seen him ride any horse. I remember being so taken by the horses. I had always wanted one that I could ride. Although he never let me ride (continue on pg 2)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS: _____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continue from pg 1) the horse. We went to feed his horse a lot after school. I don't remember when it first started. I do remember the first time we went to the horse stables. I was really surprised and excited. I remember him kissing me one time at the stable and the feel of his mustache. I also remember him feeling my breast when we were at the stables. I remember his penis getting hard through his pants at the stables. I remember the stable being small and the grass being bushy. I used to hate walking from the gate to where the horses were. There was a metal fence that you could drive through. You had to get out of the vehicle to move the fence. We never drove back to the stables. I don't remember ever seeing anyone there. I remember anxiety feeling from being at the stables. The memories of the stable are still very fuzzy.

Memories of my Geography classmates are still very fuzzy. I don't remember who was in my class. I don't remember a lot about JIHS, just some things and most of what I do remember is about Smith. I started the class year off sitting near the front of all my class. I wanted to do well in school. I then remember moving from near the front to further from his desk. I don't remember why. I ended up next to the side chalk board at the back. I remember when I was sitting next to the chalk board and having a question. I raised my hand. We were taking a test or working on something quietly. When Smith came over, he put his right hand on top of the back of my chair near the right side. He leaned over me in a way to conceal his hand placement. His left hand was on the edge of my desk. His head was near my left shoulder. I was nervous. He moved his right hand around the back of my chair and began to rub the side of my right breast. I remember the anxiety and him smiling. I did not say anything. I remember being scared because of what he did.

I was very interested in Geography. I enjoyed learing. Smith had his desk blocked off to where you could not see behind it. He had alot of books on a desk next to his workdesk. I was getting some help from Smith one day. I then moved to his desk for help. This put me behind Smith's desk with him to where our middle and lower bodies were out of sight of other classmates. I remember it being quit. I was sitting in a chair next to his with my hands in my lap. He was very close to me. We were looking at the geography book. I began to read something. The next thing I knew he had gently took ahold of my hand and put it on his leg. I remember feeling scared. He then moved my left hand and put it on his penis. I remember his penis feeling hard. He massaged his penis with my left hand. I was very scared and did not know what to do. I feel as if I had somewhat built a trust for him by the point this had happened. I remember being shocked and not knowing what to do.

I remember Smith assigning me the desk next to his. I don't remember why. (continue on pg 3)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS: _____ 12/7/07

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

CA # _____ DATE 12/7/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE:	White	SEX	Female DATE OF BIRTH

(continue from pg2) I remember sitting at this desk a lot. Sometimes Smith had me sit very close to him behind his desk. I remember having on a dress and a blouse. I wore underware with knee high stockings. I liked to wear dresses and dress clothes. I remember him telling me to come and sit next to him. I did. It was quiet again and the class was working on something quietly. There were a lot of books on his desk. They were arranged like you would put them on a book shelf. Side by Side. I had a hard time seeing up over them. I sat next to him. We were looking at the Geography book. He put his right hand on my left leg and turned pages with his left hand. I was nervous and remember being scared. Smith put his right hand up my skirt and moved my underware and touched my vagina. I froze. I could feel him moving his fingers around on my vagina and having a smile on his face. He was looking at the book. I remember looking down at the desk as he did what he did and wanting to cry. I remember being very nervous and hoping another student would get up and come to the desk to ask a question. When Smith moved his hand, he put it to his face and nose. He left it near his nose while he turned the pages. I remember feeling sick to my stomach and froze until the school bell rang. I feel like I sat there forever. I then remember going into the school bathroom and crying. I feel like I sat there forever.

Smith used to keep it really cold in his classroom. I remember him giving me his jacket to wear a lot. It was light yellow. I also remember wearing a blue jacket. When we took the softball picture. I had his blue jacket on. I believe I also had his hat on in that picture. I remember wearing his yellow jacket in Sadie Brown's English class.

Smith did not coach any sports when I started school. I loved playing softball. I was a pitcher. He then decided to begin coaching softball that year. I remember him telling me how much he liked wrestling. I think he may have wrestled in college or high school. He may have even been a wrestling coach prior to the 1988-89 school year. I am not sure if I began playing softball but did make the softball tryouts. I remember practicing and running alot. I remember smith wearing a ball cap a lot. I don't ever remember seeing him with a tie on. He used to wear jeans and cowboy boots sometimes when he was at the stable. I remember him having a jean jacket with like a fleece or something around the collar. I did not live far from the stables. I remember riding my bicycle to the stables sometimes when he was there. I don't remember many of my softball team members except Stacey, Troi, Jennifer and Lilly. I remember other faces.

Smith had a big yellow bronco. It was loud and dirty inside. Dusty. He kept a lot of stuff in it. He used to always park up on the grass near and sometimes under the tree next to the home plate back fence. He would try to park in the shade. I remember him letting me move the vehicle a few (continue on pg 4)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS: _____ 9727

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 3) a few times for him. I did not drive it far. Just from one spot to the next. I remember being excited about that. I liked driving his bronco. I thought it was cool. The bronc sat really high off of the ground. It was hard for me to get into it. The bronco had window vent next to the side windows. He had his open a lot. It had row down windows. I always wondered if the top would come off the back and I remember thinking that would be neat if it was a convertible bronco. It had really big tires. I don't remember it smelling inside. I remember Smith always wearing a musk cologne. He always had a watch on. he wore glasses all the time. I never would see him wear sunglasses. He always fixed his hair with his right hand alot. Taking what little bit he had and pushing it to the side. I remember him having a lot of hair on his chest and a lot of hair on his arms. His ears were fuzzy. He chewed gun sometimes. He used to wear shorts a lot when the rest of us would wear sweatpants at softball practice. When Smith would give me rides home, sometimes I would meet him at his bronco after school. He dropped me off at all three houses.

I remember him giving me a ride home one day. It was a nice day out. We were leaving the softball field like we have done before. We were the last ones to leave. I don't remember seeing any other vehicles on the school premises. The ride felt normal. It was not dark out but it was not bright and sunny neither. Smith turned onto Seaside Lane. I figured we were going to feed the horses. He stopped the vehicle on the side of the little store. There was noone at the store. I wondered why he was stopping. He shut the bronco off and put it into first gear. He always did that when he shut the bronco off. I think that was to stop it from rolling. He was smiling and began to talk to me. I remember him talking to me but I can't remember what he was saying. I opened the console between the two seats. I was looking through it. I remember being nervous and scared. I remember a coffee cup. I don't remember what color the cup was or any details of writing on the cup. He was still talking to me. I don't remember why, but I sat up on the console. Smith lifted up his grey t-shirt and I saw him pull out his penis. I don't remember him unzipping his shorts. I remember him reaching into his shorts and pulling out his penis. I don't remember what was said. The next thing I remember is leaning down, opening my mouth and him putting his penis in my mouth. His penis was fat and short. I don't remember seeing his testicles exposed to me. Smith was already hard when he pulled his penis out. I'm pretty sure he was circumsized. I remember his skin being tight on his penis. I had never performed oral sex on anyone and really did not know what to do. He started to wiggle in the seat pushing his penis in and out of my mouth while he was holding my head. I remember gagging from him pushing his penis so deap down (continue on pg 5)

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[redacted]
Signature

WITNESS: DA 9727

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

_____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 4) my throat. I remember looking up and seeing something silver. He then ejaculated in my mouth. I gagged. It tasted horrible and nasty. He stopped grunting and let loose of my head. I was so scared. I came up from his lap and as I was coming up I say his ignition with the keys in the ignition. He had a lot of keys with a big clip on them. It was dirty gold. He did not say anything. I got off of the console. I remember hurting because of how uncomfortable I was. He began to fix his shorts and was moving around. I got into the seat on the passenger side. I remember not looking at him the whole way home. I remember not hearing the vehicle start up. I only looked out the window and it was rolled up. I cryied and did not look at him. He did not say anything. I remember watching the trees go by out the window. They passed by slow, as if they were not moving. We pulled up to [redacted] I grabbed my bookbag, opened the door and jumped out. I don't remember shutting the door. I went straight to my room, shut my door and held onto my cat. I don't think I come out of my room at all that night. As time goes on I remember more about what happened concerning this issue. My therapist and I are currently doing exposure regarding this memory. This exposure is the one we are focusing on due to it causing me the most anxiety.

The next thing I remember is attempting suicide at JIHS. I was scared and tired of the abuse. I felt as if everyone at the school was unapproachable. So many people liked him. I did not know who to tell. What was I going to say and to who. I swallowed a large bottle of Vivarin. I remember wanting to die and how hard it was to swallow all those pills. I swallowed them in the bathroom. I remember crying as I was swallowing them. I went to his classroom and don't remember anymore until I was at the hospital. I remember being forced to drink charcoal. At least I think it was charcoal. I remember how much I threw up and how sick I was. I remember going home and my mom sitting on the floor next to my bed, crying and telling me how much she loved me. I remember crying and throwing up all night. Then everything goes dark. I can't remember if I went back to school or for how long. I do remember quitting school and starting night school. I remember feeling isolated.

I remember going to see Mrs. Sadie Brown while she taught at a school in Charleston. She was my favorite teacher.

End Of Statement**********

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. [redacted]

WITNESS:

_____

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

C # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

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When I was fifteen, things seemed bigger that they are now. For instance, I remember the softball field being huge. As I walked on it about two months ago for therapy purposes, it seamed small. Please keep this in mind when reading this statement.

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I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. [redacted]

WITNESS: _____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

C CSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

CA # _____ DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

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I was very interested in Geography. I enjoyed learing. Smith had his desk blocked off to where you could not see behind it. He had alot of books on a desk next to his workdesk. I was getting some help from Smith one day. I then moved to his desk for help. This put me behind Smith's desk with him to where our middle and lower bodies were out of sight of other classmates. I remember it being quit. I was sitting in a chair next to his with my hands in my lap. He was very close to me. We were looking at the geography book. I began to read something. The next thing I knew he had gently took ahold of my hand and put it on his leg. I remember feeling scared. He then moved my left hand and put it on his penis. I remember his penis feeling hard. He massaged his penis with my left hand. I was very scared and did not know what to do. I feel as if I had somewhat built a trust for him by the point this had happened. I remember being shocked and not knowing what to do.

I remember Smith assigning me the desk next to his. I don't remember why. (continue on pg 3)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN [redacted] LY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS: _____ 9727

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

CCSO # DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continue from pg2) I remember sitting at this desk a lot. Sometimes Smith had me sit very close to him behind his desk. I remember having on a dress and a blouse. I wore underware with knee high stockings. I liked to wear dresses and dress clothes. I remember him telling me to come and sit next to him. I did. It was quiet again and the class was working on something quietly. There were a lot of books on his desk. They were arranged like you would put them on a book shelf. Side by Side. I had a hard time seeing up over them. I sat next to him. We were looking at the Geography book. He put his right hand on my left leg and turned pages with his left hand. I was nervous and remember being scared. Smith put his right hand up my skirt and moved my underware and touched my vagina. I froze. I could feel him moving his fingers around on my vagina and having a smile on his face. He was looking at the book. I remember looking down at the desk as he did what he did and wanting to cry. I remember being very nervous and hoping another student would get up and come to the desk to ask a question. When Smith moved his hand, he put it to his face and nose. He left it near his nose while he turned the pages. I remember feeling sick to my stomach and froze until the school bell rang. I feel like I sat there forever. I then remember going into the school bathroom and crying. I feel like I sat there forever.

Smith used to keep it really cold in his classroom. I remember him giving me his jacket to wear a lot. It was light yellow. I also remember wearing a blue jacket. When we took the softball picture. I had his blue jacket on. I believe I also had his hat on in that picture. I remember wearing his yellow jacket in Sadie Brown's English class.

Smith did not coach any sports when I started school. I loved playing softball. I was a pitcher. He then decided to begin coaching softball that year. I remember him telling me how much he liked wrestling. I think he may have wrestled in college or high school. He may have even been a wrestling coach prior to the 1988-89 school year. I am not sure if I began playing softball but did make the softball tryouts. I remember practicing and running alot. I remember smith wearing a ball cap a lot. I don't ever remember seeing him with a tie on. He used to wear jeans and cowboy boots sometimes when he was at the stable. I remember him having a jean jacket with like a fleece or something around the collar. I did not live far from the stables. I remember riding my bicycle to the stables sometimes when he was there. I don't remember many of my softball team members except Stacey, Troi, Jennifer and Lilly. I remember other faces.

Smith had a big yellow bronco. It was loud and dirty inside. Dusty. He kept a lot of stuff in it. He used to always park up on the grass near and sometimes under the tree next to the home plate back fence. He would try to park in the shade. I remember him letting me move the vehicle a few (continue on pg 4)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS: 9727

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT

Signature

CCSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

\# _____ DATE 12/7/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE:	White	SEX Female	DATE OF BIRTH

(continued from pg 3) a few times for him. I did not drive it far. Just from one spot to the next. I remember being excited about that. I liked driving his bronco. I thought it was cool. The bronc sat really high off of the ground. It was hard for me to get into it. The bronco had window vent next to the side windows. He had his open a lot. It had row down windows. I always wondered if the top would come off the back and I remember thinking that would be neat if it was a convertible bronco. It had really big tires. I don't remember it smelling inside. I remember Smith always wearing a musk cologne. He always had a watch on, he wore glasses all the time. I never would see him wear sunglasses. He always fixed his hair with his right hand alot. Taking what little bit he had and pushing it to the side. I remember him having a lot of hair on his chest and a lot of hair on his arms. His ears were fuzzy. He chewed gun sometimes. He used to wear shorts a lot when the rest of us would wear sweatpants at softball practice. When Smith would give me rides home, sometimes I would meet him at his bronco after school. He dropped me off at all three houses.

I remember him giving me a ride home one day. It was a nice day out. We were leaving the softball field like we have done before. We were the last ones to leave. I don't remember seeing any other vehicles on the school premises. The ride felt normal. It was not dark out but it was not bright and sunny neither. Smith turned onto Seaside Lane. I figured we were going to feed the horses. He stopped the vehicle on the side of the little store. There was noone at the store. I wondered why he was stopping. He shut the bronco off and put it into first gear. He always did that when he shut the bronco off. I think that was to stop it from rolling. He was smiling and [redacted] to talk to me. I remember him talking to me but I can't remember what he was saying. I opened the console between the two seats. I was looking through it. I remember being nervous and scared. I remember a coffee cup. I don't remember what color the cup was or any details of writing on the cup. He was still talking to me. I don't remember why, but I sat up on the console. Smith lifted up his grey t-shirt and I saw him pull out his penis. I don't remember him unzipping his shorts. I remember him reaching into his shorts and pulling out his penis. I don't remember what was said. The next thing I remember is leaning down, opening my mouth and him putting his penis in my mouth. His penis was fat and short. I don't remember seeing his testicles exposed to me. Smith was already hard when he pulled his penis out. I'm pretty sure he was circumsized. I remember his skin being tight on his penis. I had never performed oral sex on anyone and really did not know what to do. He started to wiggle in the seat pushing his penis in and out of my mouth while he was holding my head. I remember gagging from him pushing his penis so deap down (continue on pg 5)

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]
Signature

WITNESS: [signature] 9727

_____

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CHARLESTON COUNTY SHERIFF OFFICE
STATEMENT

C # DATE 12/7/2007

STATEMENT OF [redacted]
ADDRESS N/A PHONE # N/A
EMPLOYER Charleston County Detention Center PHONE # N/A
RACE: White SEX Female DATE OF BIRTH

(continued from pg 4) my throat. I remember looking up and seeing something silver. He then ejaculated in my mouth. I gagged. It tasted horrible and nasty. He stopped grunting and let loose of my head. I was so scared. I came up from his lap and as I was coming up I say his ignition with the keys in the ignition. He had a lot of keys with a big clip on them. It was dirty gold. He did not say anything. I got off of the console. I remember hurting because of how uncomfortable I was. He began to fix his shorts and was moving around. I got into the seat on the passenger side. I remember not looking at him the whole way home. I remember not hearing the vehicle start up. I only looked out the window and it was rolled up. I cryied and did not look at him. He did not say anything. I remember watching the trees go by out the window. They passed by slow, as if they were not moving. We pulled up to [redacted] grabbed my bookbag, opened the door and jumped out. I don't remember shutting the door. I went straight to my room, shut my door and held onto my cat. I don't think I come out of my room at all that night. As time goes on I remember more about what happened concerning this issue. My therapist and I are currently doing exposure regarding this memory. This exposure is the one we are focusing on due to it causing me the most anxiety.

The next thing I remember is attempting suicide at JIHS. I was scared and tired of the abuse. I felt as if everyone at the school was unapproachable. So many people liked him. I did not know who to tell. What was I going to say and to who. I swallowed a large bottle of Vivarin. I remember wanting to die and how hard it was to swallow all those pills. I swallowed them in the bathroom. I remember crying as I was swallowing them. I went b to his classroom and don't remember anymore until I was at the hospital. I remember being forced to drink charcoal. At least I think it was charcoal. I remember how much I threw up and how sick I was. I remember going home and my mom sitting on the floor next to my bed, crying and telling me how much she loved me. I remember crying and throwing up all night. Then everything goes dark. I can't remember if I went back to school or for how long. I do remember quitting school and starting night school. I remember feeling isolated.

I remember going to see Mrs. Sadie Brown while she taught at a school in Charleston. She was my favorite teacher.

End Of Statement**********

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BE[redacted]LY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

WITNESS:

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT

Signature

CCSO-109

CHARLESTON COUNTY SHERIFF'S OFFICE
STATEMENT

C.A.# _____ DATE 12/12/2007

STATEMENT OF	[redacted]		
ADDRESS	N/A	PHONE #	N/A
EMPLOYER	Charleston County Detention Center	PHONE #	N/A
RACE:	White	SEX	Female DATE OF BIRTH

In the statement dated December 7, 2007, page 4, paragraph 2, I wrote "I don't remember him unzipping his shorts." I need to correct that statement. I do remember him unzipping his shorts. I do not remember him unbuttoning his shorts. I ment to write unbuttoned but instead wrote unzipped. EOS/MLR

I HAVE READ (HAD READ TO ME) THE FOREGOING STATEMENT WHICH HAS BEEN FREELY AND VOLUNTARILY MADE AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[redacted]

WITNESS: 9727

I HAVE RECEIVED A COPY OF THE ABOVE STATEMENT _____
Signature

CCSO-109

CIC MESSAGE NUMBER 1580[illegible].3 09/12/07

TO: CHSSO266-2347 20070912 09:21:03 001E089509
FROM: DMV-562441 20070912 09:21:03 1F89000429
XLIC
DL NO [redacted]
1006 GREEN CASTLE DR
GOOSE CREEK SC 294454851 BERK CNTY
SEX F HGT 5 07 WGT 175 BIRTH [redacted]
SSN [redacted] RACE WHITE
STATUS-DL:NO SUSPENSION CDL:NO DISQUALIFICATION
DRIVER LICENSE CLASS D ISSUED 05/07/2007
** MORE **

547

10 YEAR DRIVER RECORD



Customer No: 25605923 **Driver License No:** [redacted]
Name: SMITH, CHARLES ROY
Address: [redacted]
City: **State:** SC **Zip:** 294124810
County:
DOB: [redacted] **Sex:** M **Driver Training:** N

Status - DL: NO SUSPENSION **CDL:** NO DISQUALIFICATION

License Information

Type	Class	Function	Issued	Expires	First Issued	Restrictions	Endorsements
Current							
CDL	BM	Re-exam	08/03/2005	12/30/2010	01/17/2003	Y	Y
BP	M	Renewal	10/02/2004	10/02/2005	10/03/2003	Y	N
Prior							
CDL	BM	Re-exam	04/28/2005	12/30/2010	01/17/2003	Y	Y
BP	M	Original	10/03/2003	10/03/2004	10/03/2003	Y	N
CDL	B	Reissue	01/17/2003	12/30/2008	01/17/2003	Y	Y
CDL	B	BP to DL	01/17/2003	12/30/2008	01/17/2003	Y	N
CBP	B	Returned	07/03/2002	01/03/2003	07/03/2002	Y	N
CBP	B	Convrsn	07/03/2002	01/03/2003	07/03/2002	Y	N
DL	D	Returned	12/27/2001	12/30/2008	12/23/1996	Y	N
DL	D	Renewal	12/27/2001	12/30/2006	12/23/1996	Y	N

Current
Restrictions: A Corrective Lens
Endorsements: P Bus (Passengers)
S School Bus
A Corrective Lens

Address Change -

Date Changed: 03/03/2003
Address: [redacted]
City: **State:** SC **Zip:** 294124810

Point Summary

Total Current Points: 0
Driver Credit: -0
Adjusted Current Points: 0

10 YEAR DRIVER RECORD

Customer No: 25605923 **Driver License No:** 2377929
Name: SMITH, CHARLES ROY

End of Report

Charleston County Sheriff's Office

COMPLETE PERSONAL HISTORY DATA
EFFECTIVE AS OF 10/11/07

NAME.....: SMITH, CHARLIE W/M DOB: [redacted] AGE: 60
ADDRESS....: [redacted] APT: HM PHONE:
CITY.....: STATE...: ZIP:
OCC.....: TEACH/JA ISL HI
EMPLOYER...: WK PHONE:
SCHOOL.....: TYPE: GRADE:
EYES.....: TEETH: SPEECH:
HGT: WGT: BUILD: COMP: UNKNOWN GLASSES:
ETHNICITY: U
HAIR COLOR.: LENGTH: STYLE..:
D/L : # OTHER ID: #
PD# : FBI#: FDLE#:
NO FINGERPRINTS ON FILE
CAUTION.:
COMMENTS:

AKAS USED:

SUBJECT HAS NO KNOWN AKAS

MONIKERS USED:

SUBJECT HAS NO KNOWN MONIKERS

PERSONAL PROFILES:

SUBJECT HAS NOT BEEN PROFILED

OLD ADDRESSES:

SUBJECT HAS NO OLD ADDRESSES

OLD PHONE NUMBERS:

NO OLD PHONE NUMBERS FOR THIS SUBJECT

OLD EMPLOYERS:

NO OLD EMPLOYER HISTORY FOR THIS SUBJECT

MARKS, SCARS, TATTOOS:

CO..LETE PERSONAL HISTORY DATA FOR
SMITH, CHARLIE
10/11/07

) MARKS SCARS OR TATTOOS KNOWN

SOCIAL SECURITY NUMBERS:

NO SOCIAL SECURITY NUMBER KNOWN

OTHER NUMBERS:

795-3508

CT CRIME WATCH INFORMATION:

-- DEPARTMENTAL DATA CONNECTIONS --

WARRANTS:

NO WARRANTS FOR THIS SUBJECT

BUSINESSES ASSOCIATED:

..O BUSINESS ASSOCIATION TO THIS SUBJECT

VEHICLES ASSOCIATED:

NO VEHICLES ASSOCIATED TO THIS PERSON

OFFENSE REPORTS:

REPORT #: 8710218B

REPORT TITLE: DATE: 02/15/87

SUBJECTS IN THIS REPORT

RELATIONSHIP: VICTIM
NAME: SMITH, CHARLIE RACE: WHITE SEX: M DOB: 12/30/46 AGE: 60

FIELD INTERVIEWS:

COMPLETE PERSONAL HISTORY DATA FOR
SMITH, CHARLIE
10/11/07

0 FIR'S ON FILE ON THIS SUBJECT

PAWN TICKETS:

NO PAWN TICKETS ON THIS SUBJECT

CITATIONS:

NO TRAFFIC CITATIONS ON THIS SUBJECT

GUNS REGISTERED:

NO GUN REGISTRTIONS LISTED TO THIS SUBJECT

VEHICLE ACCIDENTS:

NO TRAFFIC ACCIDENTS LISTED ON THIS SUBJECT

DUI'S

NO DUI'S LISTED ON THIS SUBJECT

TRESPASSINGS:

NO TRESPASSINGS LISTED TO THIS SUBJECT

ARREST CHARGES:

NO ARREST CHARGES ON FILE WITH THIS SUBJECT

ASSOCIATES OF SMITH, CHARLIE

NO PERSONS LISTED THAT ARE ASSOCIATES OF THIS SUBJECT

END OF DEPARTMENTAL DATA ON SUBJECT

Charleston County Sheriff's Office

COMPLETE PERSONAL HISTORY DATA
EFFECTIVE AS OF 10/17/07

NAME.....: BROWN, SADIE THOMPSON B/F DOB: [redacted] AGE: 61
ADDRESS....: [redacted] APT: HM PHONE: [redacted]
CITY.....: STATE...: SC ZIP: 29455
OCC.....: PRINCIPAL
EMPLOYER...: ST JOHNS HIGH SCHOOL WK PHONE:
SCHOOL... .: TYPE: GRADE:
EYES.....: BROWN TEETH: SPEECH:
HGT: 5'04" WGT:180 BUILD: COMP: UNKNOWN GLASSES:
ETHNICITY: U
HAIR COLOR.: BLACK LENGTH: STYLE..:
D/L : SC # 3300263 OTHER ID: #
PD# : FBI#: FDLE#:
NO FINGERPRINTS ON FILE
CAUTION.:
COMMENTS:

AKAS USED:

SUBJECT HAS NO KNOWN AKAS

MONIKERS USED:

SUBJECT HAS NO KNOWN MONIKERS

PERSONAL PROFILES:

SUBJECT HAS NOT BEEN PROFILED

OLD ADDRESSES:

SUBJECT HAS NO OLD ADDRESSES

OLD PHONE NUMBERS:

NO OLD PHONE NUMBERS FOR THIS SUBJECT

OLD EMPLOYERS:

NO OLD EMPLOYER HISTORY FOR THIS SUBJECT

MARKS, SCARS, TATTOOS:

COMPLETE PERSONAL HISTORY DATA FOR
BROWN, SADIE THOMPSON
10/17/07

0 MARKS SCARS OR TATTOOS KNOWN

SOCIAL SECURITY NUMBERS:

NO SOCIAL SECURITY NUMBER KNOWN

OTHER NUMBERS:

NO OTHER ID NUMBERS KNOWN

CT CRIME WATCH INFORMATION:

-- DEPARTMENTAL DATA CONNECTIONS --

WARRANTS:

NO WARRANTS FOR THIS SUBJECT

BUSINESSES ASSOCIATED:

NO BUSINESS ASSOCIATION TO THIS SUBJECT

VEHICLES ASSOCIATED:

NO VEHICLES ASSOCIATED TO THIS PERSON

OFFENSE REPORTS:

REPORT #: 99-009995

REPORT TITLE: C11-THREAT IN PERSON DATE: 04/30/99

SUBJECTS IN THIS REPORT

RELATIONSHIP: VICTIM
NAME: BROWN, SADIE THOMPSON RACE: BLACK SEX: F DOB: 07/14/46 AGE: 61

RELATIONSHIP: VICTIM
NAME: INMAN, CAROL MARIE RACE: WHITE SEX: F DOB: 12/03/48 AGE: 58

RELATIONSHIP: ARRESTED
NAME: NEAL, BETTY HUTTON RACE: WHITE SEX: F DOB: 07/02/44 AGE: 63

RELATIONSHIP: WITNESS
NAME: KOBES, LYNN RACE: WHITE SEX: F DOB: 08/25/69 AGE: 38

COMPLETE PERSONAL HISTORY DATA FOR
BROWN, SADIE THOMPSON
10/17/07

REPORT #: 8930069C

REPORT TITLE: DATE: 05/14/89

SUBJECTS IN THIS REPORT

RELATIONSHIP: VICTIM
NAME: BROWN, SADIE THOMPSON RACE: BLACK SEX: F DOB: 07/14/46 AGE: 61

FIELD INTERVIEWS:

NO FIR'S ON FILE ON THIS SUBJECT

PAWN TICKETS:

NO PAWN TICKETS ON THIS SUBJECT

CITATIONS:

NO TRAFFIC CITATIONS ON THIS SUBJECT

GUNS REGISTERED:

NO GUN REGISTRTIONS LISTED TO THIS SUBJECT

VEHICLE ACCIDENTS:

LOC: YORKTOWN DR REPORT #: 000069265
DATE: 05/07/85 TIME: 07:16 ACCIDENT TOA:

DUI'S:

NO DUI'S LISTED ON THIS SUBJECT

TRESPASSINGS:

NO TRESPASSINGS LISTED TO THIS SUBJECT

ARREST CHARGES:

Cha eston County Sheriff's Off e

COMPLETE PERSONAL HISTORY DATA
EFFECTIVE AS OF 10/12/07

NA E : SMITH, CHARLES
AD RESS: [redacted]
CITY:
OC :
EMPLOYER:
SCHOOL:
EYES: BLUE TEETH:
HGT: 5'08" WGT:195 BUILD:
ETHNICITY:
HAIR COLOR: BROWN LENGTH:
DA E: OTHER ID:
TRN: FBI#:
NO CRIMINAL HISTORY ON FILE
CAUTION:
COMMENTS:

W/M DOB: [redacted] AGE: 60
APT: HM PHONE: [redacted]
STATE...: SC ZIP: 29412
WK PHONE:
TYPE: GRADE:
SPEECH:
COMP: UNKNOWN GLASSES:
STYLE..:
#
FDLE#:

AL SO KNOWN

SMITH, CHARLES RAY

MONIKERS USED

SUBJECT HAS NO KNOWN MONIKERS

PERSONA PROFILES:

SUBJECT HAS NOT BEEN PROFILED

CURRENT ADDRESS

1085 QUAIL DR JAMES ISL C.T.:

PHONE NUMBERS:

NO PHONE NUMBERS FOR THIS SUBJECT

EMPLOYERS

NO KNOWN EMPLOYER HISTORY FOR THIS SUBJECT

MARKS, SCARS, TATTOOS:

556

COMP[illegible]E PERSONAL HISTORY DATA F
SMITH, CHARLES
10/12/07

MARKS SCARS OR TATTOOS KNOWN

SOCIAL SECURITY NUMBERS:

NO SOCIAL SECURITY NUMBER KNOWN

OTHER NUMBERS:

NO OTHER ID NUMBERS KNOWN

CJ CRIME WATCH INFORMATION:

-- DEPARTMENTAL DATA CONNECTIONS --

WARRANTS:

NO WARRANTS FOR THIS SUBJECT

BUSINESS ASSOCIATED:

NO BUSINESS ASSOCIATION TO THIS SUBJECT

VEHICLES ASSOCIATED:

NO VEHICLES ASSOCIATED TO THIS PERSON

OFFENSE REPORTS:

REPORT #: 94010050B

DATE: 02/05/94

SUBJECTS IN THIS REPORT

RELATIONSHIP: COMPLAINANT
NAME: [illegible] CHARLES RACE: WHITE SEX: M DOB: 12/30/46 AGE: 60

RELATIONSHIP: WITNESS
NAME: [illegible] PATRICK DORSEY RACE: WHITE SEX: M DOB: 02/10/66 AGE: 41

RELATIONSHIP: SUSPECT
NAME: [illegible] SHANE CARL RACE: WHITE SEX: M DOB: 11/08/79 AGE: 27

RELATIONSHIP: SUBJECT
NAME: [illegible] SUSAN BELINDA RACE: WHITE SEX: F DOB: 02/20/55 AGE: 52

COMP[illegible]E PERSONAL HISTORY DATA F
SMITH, CHARLES
10/12/07

REPORT #: 8913085B

DATE: 02/24/89

SUBJECTS IN THIS REPORT

[illegible] COMPLAINANT
NA[illegible], LYNN SMITH RACE: WHITE SEX: F DOB: 09/30/52 AGE: 55

[illegible] VICTIM
N[illegible] CHARLES RACE: WHITE SEX: M DOB: 12/30/46 AGE: 60

REPORT #: 195792B

REPORT [illegible]: DATE: 03/10/76

SUBJECTS IN THIS REPORT

[illegible] UNKNOWN
[illegible] CHARLES RACE: WHITE SEX: M DOB: 12/30/46 AGE: 60

REPORT #: D43566B

[illegible] DATE: 10/31/83

SUBJECTS IN THIS REPORT

[illegible] COMPLAINANT
[illegible] CHARLES RACE: WHITE SEX: M DOB: 12/30/46 AGE: 60

REPORT #: D17677B

[illegible] DATE: 05/04/83

SUBJECTS IN THIS REPORT

[illegible] VICTIM
[illegible] RACE: WHITE SEX: M DOB: 12/30/46 AGE: 60

[illegible] SUSPECT
[illegible] KATHERINE RACE: BLACK SEX: F DOB: AGE:

REPORT #: D15253B

[illegible] DATE: 04/17/83

SUBJECTS IN THIS REPORT

[illegible] VICTIM
[illegible] RACE: WHITE SEX: M DOB: 12/30/46 AGE: 60

COMP. [illegible]E PERSONAL HISTORY DATA F
SMITH, CHARLES
10/12/07

REPORT #: C18907B

DATE: 05/19/82

SUBJECTS IN THIS REPORT

[illegible]: VICTIM
[illegible] CHARLES RACE: WHITE SEX: M DOB: 12/30/46 AGE: 60

[illegible] SUSPECT
[illegible] TRAVIS RACE: WHITE SEX: M DOB: 03/07/70 AGE: 37

[illegible]DS

[illegible] ON FILE ON THIS SUBJECT

[illegible]

[illegible] CRIMES ON THIS SUBJECT

[illegible] TRAFFIC CITATIONS ON THIS SUBJECT

([illegible]RE)

[illegible] CRIMINAL CONVICTIONS LISTED TO THIS SUBJECT

[illegible]

[illegible] INCIDENTS LISTED ON THIS SUBJECT

DR [illegible]

[illegible] LISTED ON THIS SUBJECT

[illegible]

[illegible] ASSIGNED LISTED TO THIS SUBJECT

AR [illegible] CODES

COMP .E PERSONAL HISTORY DATA I
SMITH, CHARLES
10/12/07
ARREST CHARGES ON FILE WITH THIS SUBJECT

ASSOCIATES OF SMITH, CHARLES

NO PERSONS LISTED THAT ARE ASSOCIATES OF THIS SUBJECT

END OF DEPARTMENTAL DATA ON SUBJECT

568

Cha eston County Sheriff's Offi e

COMPLETE PERSONAL HISTORY DATA
EFFECTIVE AS OF 10/12/07

NAME.....: SMITH, CHARLES ROY W/M DOB: [redacted] AGE: 60
ADDRESS....: [redacted] APT: HM PHONE:
CITY.....: STATE...: ZIP:
OCC.....:
EMPLOYER...: WK PHONE:
SCHOOL.....: TYPE: GRADE:
EYES.....: TEETH: SPEECH:
HGT: WGT: BUILD: COMP: UNKNOWN GLASSES:
ETHNICITY: U
HAIR COLOR.: LENGTH: STYLE..:
D/L : # OTHER ID: #
PD# : FBI#: FDLE#:
NO FINGERPRINTS ON FILE
CAUTION.:
COMMENTS:

AKAS USED:

SUBJECT HAS NO KNOWN AKAS

MONIKERS USED:

UBJECT HAS NO KNOWN MONIKERS

PERSONAL PROFILES:

SUBJECT HAS NOT BEEN PROFILED

OLD ADDRESSES:

SUBJECT HAS NO OLD ADDRESSES

OLD PHONE NUMBERS:

NO OLD PHONE NUMBERS FOR THIS SUBJECT

OLD EMPLOYERS:

NO OLD EMPLOYER HISTORY FOR THIS SUBJECT

MARKS, SCARS, TATTOOS:

COMP. ..E PERSONAL HISTORY DATA I
SMITH, CHARLES ROY
10/12/07

MARKS SCARS OR TATTOOS KNOWN

SOCIAL SECURITY NUMBERS:

NO SOCIAL SECURITY NUMBER KNOWN

OTHER NUMBERS:

NO OTHER ID NUMBERS KNOWN

CT CRIME WATCH INFORMATION:

-- DEPARTMENTAL DATA CONNECTIONS --

WARRANTS:

NO WARRANTS FOR THIS SUBJECT

BUSINESSES ASSOCIATED:

NO BUSINESS ASSOCIATION TO THIS SUBJECT

VEHICLES ASSOCIATED:

NO VEHICLES ASSOCIATED TO THIS PERSON

OFFENSE REPORTS:

REPORT #: 518906C

REPORT TITLE: DATE: 12/30/76

SUBJECTS IN THIS REPORT

RELATIONSHIP: UNKNOWN
NAME: SMITH, CHARLES ROY RACE: WHITE SEX: M DOB: 12/30/46 AGE: 60

FIELD INTERVIEWS:

COMP[illegible]E PERSONAL HISTORY DATA I
SMITH, CHARLES ROY
10/12/07

[illegible]IR'S ON FILE ON THIS SUBJECT

[illegible]AWN TICKETS

NO PAWN TICKETS ON THIS SUBJECT

[illegible]'TATIONS

NO TRAFFIC CITATIONS ON THIS SUBJECT

GUNS REGISTERED:

NO GUN REGISTRTIONS LISTED TO THIS SUBJECT

[illegible]EHICLE ACCIDENTS:

NO TRAFFIC ACCIDENTS LISTED ON THIS SUBJECT

DUI'S.

NO DUI'S LISTED ON THIS SUBJECT

[illegible]ESPASSINGS:

NO TRESPASSINGS LISTED TO THIS SUBJECT

ARREST CHARGES:

NO ARREST CHARGES ON FILE WITH THIS SUBJECT

ASSOCIATES OF SMITH, CHARLES ROY

NO PERSONS LISTED THAT ARE ASSOCIATES OF THIS SUBJECT

[illegible] OF [illegible]RTMENTAL DATA ON SUBJECT

- Full time Grad @ Shrod/Dills Bluff
- Pondering
- W/M
- 50-56
- Dumond new teacher geography

847-1211 (@)
863-1026 (h)

1004 Green Castle Dr.
Goose Creek, SC.

Detention Center

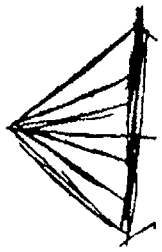
Sexual Assault Between
1988-1989

Attempted Suicide 1-1989 in class

990 Dills Bluff Rd.

Charles Smith
(Suspect)

ROA0562



DIALER FILE - 00 - 00 CHARLESTON COUNTY DIALER

Name ..... : [redacted]

Title ..... : DETENTION OFFICER
Address ..... : [redacted]

[redacted]

Emer/home phone : [redacted]
Business phone :
Cellular phone :
Console pager.. :
Telephone pager :
Backup pager... :
Radio ..... :

Notes ..... : DETENTION CENTER
TEAM 2

Search data .. :
Internet/E-Mail :
eXit, Dial, Encode, Page, 'RETURN'-group, '?'-index: ___

- nightmares - Smith - standing over her laughing
- Joe Sport" 18 sex offender
brought back memories
written up

- sex assault - Jan-Feb 89 - attempted suicide Feb 15, 89
quit school.

Sadie Brown - left same year
- might have said something to Smith

MAPQUEST

Start: [redacted]

End: [redacted]

Notes:
Only text visible within note field will print

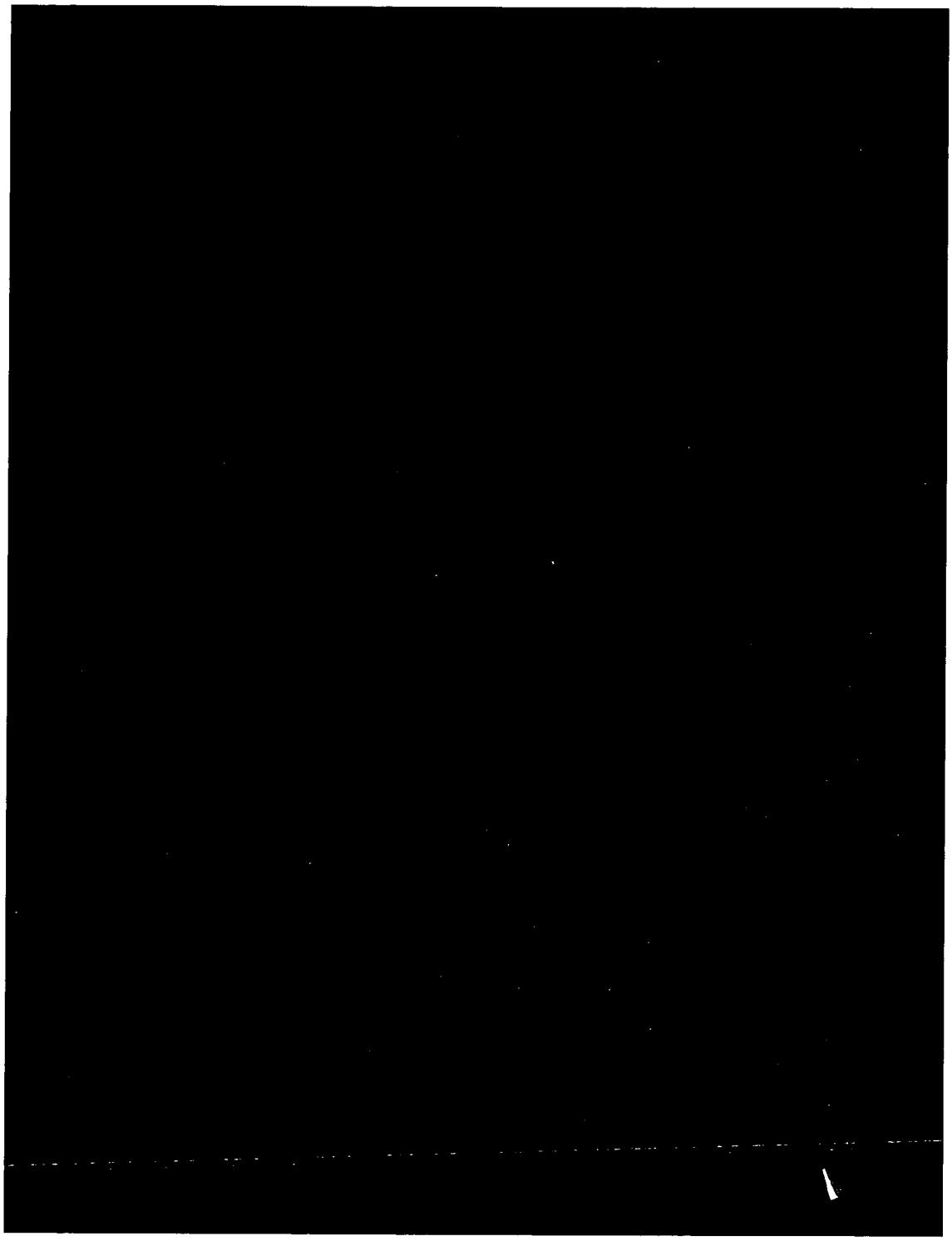
Build Your Business
with American Express

- Choose to pay your balance in full or over time
- Earn rewards travel awards or cash back for your business
- Automatic discounts when you use your Card at OPEN Savings® partners

Learn More

OPEN FOR BUSINESS

Directions		Distance
Total Est. Time: 22 minutes	**Total Est. Distance:** 12.84 miles	
START	**1:** Start out going EAST on PINEHAVEN DR toward DORCHESTER RD / SC-642	<0.1 miles
	2: Turn RIGHT onto DORCHESTER RD / SC-642.	0.5 miles
WEST 26	**3:** Merge onto I-26 W toward COLUMBIA	2 6 miles
EAST 526	**4:** Merge onto I-526 E via EXIT 212C toward MT PLEASANT.	1 9 miles
19 EXIT	**5:** Take the N. RHETT AVE exit- EXIT 19.	0.4 miles
	6: Turn LEFT onto N RHETT AVE.	0.8 miles
	7: N RHETT AVE becomes N RHETT EXT.	4.7 miles
	8: Turn LEFT onto RED BANK RD	0.3 miles
	9: Turn LEFT onto HARBOUR LAKE DR.	1.1 miles
	10: Turn RIGHT onto GREEN CASTLE DR.	<0.1 miles
END	**11** [redacted]	
Total Est. Time: 22 minutes	**Total Est. Distance:** 12.84 miles	



CIC MESSAGE NUMBER 3026506 10/15/08

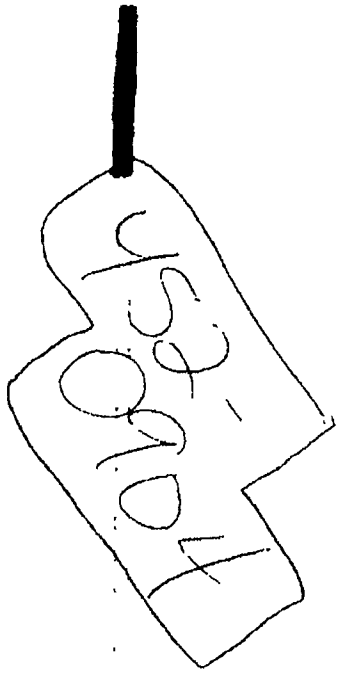
27' TO: CHSSO274-29426 20081015 14:06:47 001EB042B7
F: DMV-11551415 20081015 14:06:47 1F91002C20
XR
DL NO 0004200229
MACK,TROI SUZANNE
[redacted]
SEX F HGT 5 06 WGT 212 BIRTH [redacted]
SSN [redacted] RACE BLACK
STATUS-DL:NO SUSPENSION CDL:NO DISQUALIFICATION
DRIVER LICENSE CLASS D ISSUED 04/01/2008
NO CURRENT VIOLATIONS, SUSPENSIONS, OR ACCIDENTS
** END OF INQUIRY **

South Carolina Federal Credit Union
Branch Manager (wk)
569-4390

ROCIC | Regional Organized Crime Information Center | Home | Help

ROCIC INQUIRY / SUBMISSION SENT

Reference #	11682 (Please refer to this number when contacting CIU)
Type	Inquiry Only (locate suspect, witness, etc.)
Bulletin	No
Add to Gang?	No
RISSLeads	No
Agency Number	1884
Agency Name	Charleston County Sheriff's Office
Agency State	SC
Officer	DIANE TURNER
Agency Phone	843-308-7320
Agency FAX	843-554-9744
Pager	
Email	dturner@charlestoncounty.org
ORI	SC0100000
Case Number	2007-018524
Return VIA	Email
Dissemination is	Open
Reliability is	
Content is	
28 CFR	Yes
Criminal Activity	CSC W/MINOR
Narrative	PLEASE LOCATE ANY INFORMATION ON A FEMALE TROI MEYERS. WE HAVE NO INFORMATION ON HER OTHER THAN NAME AND FORMER ADDRESS OF 1637 WESTWAY IN CHARLESTON. PLEASE LOCATE ANY INFORMATION ON HER THAT YOU CAN. THANKS FOR YOUR ASSISTANCE.
Subject	Blank
Additional	Blank
Attachments	0
Attachment Names	
Officer Logged On	Officer Logged On: Diane B. Turner Agency (1884): Charleston County Sheriff's Office 3505 Pinehaven Dr North Charleston, SC 29405
Version	4 1 12/13/2007


ROA0569

Charleston County Sheriff's Office

COMPLETE PERSONAL HISTORY DATA
EFFECTIVE AS OF 10/13/08

NAME . . . : MEYERS, TROI W/F DOB: AGE:
ADDRESS . . : 1637 WESTWAY APT: HM PHONE
CITY . . . . . : STATE. . . . ZIP:
OCC . . . :
EMPLOYER . . . WK PHONE
SCHOOL. . . . : TYPE: GRADE
EYES . TEETH: SPEECH:
HGT WGT: BUILD: COMP: UNKNOWN GLASSES.
ETHNICITY: U
HAIR COLOR.: LENGTH STYLE .:
D/L : # OTHER ID: #
PD# FBI#: FDLE#:
NO FINGERPRINTS ON FILE
CAUTION.
COMMENTS

AKAS USED.

SUBJECT HAS NO KNOWN AKAS

MONIKERS USED:

BJECT HAS NO KNOWN MONIKERS

PERSONAL PROFILES:

SUBJECT HAS NOT BEEN PROFILED

OLD ADDRESSES:

SUBJECT HAS NO OLD ADDRESSES

OLD PHONE NUMBERS:

NO OLD PHONE NUMBERS FOR THIS SUBJECT

OLD EMPLOYERS:

NO OLD EMPLOYER HISTORY FOR THIS SUBJECT

MARKS, SCARS, TATTOOS:

COMPL.E PERSONAL HISTORY DATA FOR
MEYERS, TROI
10/13/08

MARKS SCARS OR TATTOOS KNOWN

SOCIAL SECURITY NUMBERS:

NO SOCIAL SECURITY NUMBER KNOWN

OTHER NUMBERS:

NO OTHER ID NUMBERS KNOWN

CT CRIME WATCH INFORMATION:

==========

-- DEPARTMENTAL DATA CONNECTIONS --

WARRANTS:

NO WARRANTS FOR THIS SUBJECT

BUSINESSES ASSOCIATED:

BUSINESS ASSOCIATION TO THIS SUBJECT

VEHICLES ASSOCIATED:

NO VEHICLES ASSOCIATED TO THIS PERSON

OFFENSE REPORTS:

==========

REPORT #: 913682B

REPORT TITLE: DATE: 04/23/79

SUBJECTS IN THIS REPORT

RELATIONSHIP: UNKNOWN
NAME: MEYERS, TROI RACE: WHITE SEX: F DOB: AGE:

FIELD INTERVIEWS:

COMPL .E PERSONAL HISTORY DATA FO..
MEYERS, TROI
10/13/08

) FIR'S ON FILE ON THIS SUBJECT

PAWN TICKETS:

NO PAWN TICKETS ON THIS SUBJECT

CITATIONS:

NO TRAFFIC CITATIONS ON THIS SUBJECT

GUNS REGISTERED:

NO GUN REGISTRTIONS LISTED TO THIS SUBJECT

VEHICLE ACCIDENTS:

NO TRAFFIC ACCIDENTS LISTED ON THIS SUBJECT

DUI'S:

NO DUI'S LISTED ON THIS SUBJECT

TRESPASSINGS:

NO TRESPASSINGS LISTED TO THIS SUBJECT

ARREST CHARGES:

NO ARREST CHARGES ON FILE WITH THIS SUBJECT

ASSOCIATES OF MEYERS, TROI

NO PERSONS LISTED THAT ARE ASSOCIATES OF THIS SUBJECT

END OF DEPARTMENTAL DATA ON SUBJECT

For Official Law Enforcement Use Only

Incident

Agency	N Charleston PD
Case Number	2007050416
Date	2007-11-29
Description	Case_Number

Offense	Statute	Section	UCR Code 250	Description		
Location	1590 COSGROVE AVE NORTH CHARLESTON SOUTH CAROLINA 29405					
Subjects	BROWN, ANTHONY BENJAMIN		1952-08-17	M	B	
Suspect						
Victims	BROWN, ARLONIA H		1932-04-22	F	B	
Witness						
Parent						
Complainants	MACK, TROI S.		1971-02-15	U	U	
Other	MORRISON, CHRISTINE LEE --			U	U	

Property	SN	Make	Model	Description	Quantity	Status
				CHECKS	13	UNKNOWN

Vehicle	Make	Model	VIN	TAG	Color	State	Status	Year

Narrative.

Case_NumberCase Description CAD Entry, 1043 - INFORMATION
Incident Description 1043 - INFORMATION

****
****

Narrative Title
Narrative
On 11/29/2007 I responded to 1590 Cosgrove Ave (South Carolina Federal Credit Union) in reference to the complainant, Ms Mack, the branch manager, having concerns regarding the account of one of their elderly members, victim Arlonia Brown At the time of my arrival the victim and the suspect, her son, Anthony Brown were with a bank representative The victim told the bank that she wanted to add the suspect to her account When the suspect would walk away, the victim would tell the representative that she did not want him on the account and then when he returned, she would change her mind again The victim also told the representative that she wanted to cash out several CD""s and deposit them into her checking account, which the manager said now had a $0 00 balance The complainant also had concerns that checks from the victim""s account (#8441) are being forged by the suspect There were 13 checks written this month all payable to the suspect She stated that this was out of the ordinary for the victim She further expressed concern that the victim is being financially manipulated by the suspect and possibly threatened I spoke with the suspect briefly and noted that he appearod extremely disoriented and possibly under the influence of an unknown narcotic The complainant was provided with the OCA and advised on follow-up procedures

****
****

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South Carolina
Department of Motor Vehicles

SCDMV

DMV Home > Member Services Menu > Customer Search

3330: No customers found that match search criteria

Search for an Individual

Last Name	meyers	First Name	tror	Middle Name	
City		Zip			
Birthdate	(M/D/YYYY)	SSN			

Submit

South Carolina Department of Motor Vehicles
10/13/2008 5 39 07 PM

CHARLESTON COUNTY

COMMON PLEAS

CIVIL ACTION DOCKET AS OF 10/14/2008

PLAINTIFF(S): DOE, JANE
-VS-
DEFENDANT(S): SMITH, CHARLES ETC

CASE ID: 2007-CP-10-005203
FILING: 11/20/2007
ACTION: PERSONAL INJURY-OTHER
JUDGE: CIRCUIT COURT

GROUP	TYPE	PARTY NAME				PHONE
001	AT	FLOWERS, DAVID				(864) 421-0036
			PO BOX 8359			
			GREENVILLE	SC	29604	
001	PL	DOE, JANE				
002	AT	GARRETT, GORDON H				(843) 554-5515
			POST OFFICE DRAWER 5247			
			NO. CHARLESTON	SC	29405	
			FAX: (843) 747-3198			
002	DF	SMITH, CHARLES ETC				
003	AT	PAYLOR, ALICE F				(843) 577-6726
			P O BOX 893			
			CHARLESTON	SC	29402	
003	DF	CHARLESTON COUNTY SCHOOL DISTRICT ETAL				
004	DF	JAMES ISLAND HIGH SCHOOL ETC ETAL				
005	AT	JOHNSON, WILBUR E				(843) 824-6659
			P O BOX 993			
			CHARLESTON	SC	29402	
006	AT	SENN, SANDRA				(843) 556-4045
			P O BOX 12279			
			CHARLESTON	SC	29422	
			FAX: (843) 556-4046			
007	AT	MCDONALD, STEPHANIE P				(843) 556-4045
			THREE WESLEY DR			
			CHARLESTON	SC	29407	
			FAX: (843) 556-4046			

DATE	***** EVENTS IN CASE *****
JUN 06 2008	MOTION HEARING/MOTION DOCKET
AUG 15 2008	MOTION HEARING/MOTION DOCKET

DATE ****** PROPERTY IN CASE *******

DATE	***** PROGRESS IN CASE *****	FEES
OCT 09 2008		

CONSENT ORDER GRANTING DEFNTS MOTION TO STRIKE
PUNITIVE DAMAGES
SEP 26 2008 AS TO JOHNSON, W
CHAS CNTY SCHOOL DISTRICT & JAMES ISLAND HIGH
SCHOOL'S ANSWER TO PLNTFF'S AMENDED CMPLNT & CERT/MAILING
SEP 15 2008
LETTER FR/ ATTY MOONEYHAM TO ATTY FLOWERS
AUG 21 2008 AS TO MCDONALD, S
ANSWER OF CHARLES SMITH & CRT/SRV
AUG 07 2008
MEMO IN SUPPORT OF MOTION TO STRIKE CRT/MAIL
AUG 07 2008 AS TO JOHNSON, W (15)
MOTION TO STRIKE PUNITIVE DAMAGES & CRT/MAIL
AUG 07 2008
NOTICE OF APPEARANCE OF ATTYS SANDRA SENN &
STEPHANIE MCDONALD ON BEHALF OF DEFNT CHARLES SMITH & CERT/SERV
JUL 24 2008
CERTIFICATE OF SERVICE (4)
JUL 09 2008
NOTICE OF APPEARANCE OF ATTY WILBUR JOHNSON
ON BEHALF OF DEFNT CHAS CNTY SCHOOL DISTRICT & CERT/MAILING
JUN 23 2008
AMENDED SUMMONS & AMENDED COMPLAINT
JUN 17 2008
FORM4 IN RE:ORDER 20080611 9990 MAILED FIRST CLASS
JUN 11 2008
ORDER-DEFNT'S MOTION TO DISMISS IS DENIED, PLNTFF
HAS AGREED TO FILE AN AMENDED CMPLNT
JUN 06 2008
AFFIDAVIT OF RHONDA ROE
JUN 06 2008
AFFIDAVIT OF JANE DOE
JUN 06 2008
AFFIDAVIT OF HEIDI ZINZOW PH.D
APR 14 2008 AS TO SENN, S (15)
MOTION TO DISMISS CHARLES SMITH & CRT/SRV
FEB 01 2008
AMENDED SUMMONS & AMENDED COMPLAINT
JAN 22 2008
MEMO OF LAW IN SUPPORT OF MOTION TO DISMISS
JAN 22 2008 AS TO PAYLOR, A (15)
MOTION TO DISMISS & CRT/SRV
DEC 27 2007 AS TO GARRETT, G
MOTION TO DISMISS
DEC 06 2007
AFFIDAVIT OF SERVICE
DEC 06 2007
ACCEPTANCE OF SERVICE
NOV 20 2007
SUMMONS & COMPLAINT
NOV 20 2007
RECEIPT #07-13734
NOV 20 2007
PAID $150.00

DOCKET TOTAL: .00

STATE OF SOUTH CAROLINA	)	**IN THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT**
COUNTY OF CHARLESTON	)	
JANE DOE,	)	**C.A. NO.: 2007-CP-10-5203**
Plaintiff,	)	
vs.	)	**AFFIDAVIT OF JANE DOE**
CHARLES SMITH AND CHARLESTON COUNTY SCHOOL DISTRICT	)	
Defendant.	)	

FILED
2008 JUN -6 AM 10: 17
JULIE J. ARMSTRONG
CLERK OF COURT

PERSONALLY APPEARED BEFORE ME, Jane Doe, who after first being duly sworn testifies:

1 I am over the age of 21 and I make the statements contained herein of my own free will.

2. In the academic year 1988-89, I was a freshman at James Island High School.

3. The Defendant Charles Smith was one of my teachers that year.

4. During that year, when I was 15 years old, the Defendant Charles Smith sexually assaulted me on several occasions.

5. During that same year, I attempted to commit suicide after one of the worst assaults that I can recall so far.

6. From the time I was 15 until last year, 2007, I had no memory of those assaults.

7. I am employed in law enforcement.

8. In January and February of 2007, as a result of a situation in my occupation, specifically the sexual assault of a minor by one of the inmates that I was

supervising, I began having a lot of anxiety and depression that was not normal for me.

9. Gradually, memories of Charles Smith assaulting me began to return to me. The memories also included nonsexual activities that he would engage in with me.

10. The memories were causing me a very difficult time and I sought treatment at MUSC.

11. In therapy, I am recovering more memories, and that process continues today.

12. Attached to this Affidavit are medical records that I recently obtained from Roper-St. Francis Hospital in Charleston that evidence my suicide attempt in 1989.

FURTHER THE AFFIANT SAYETH NOT.

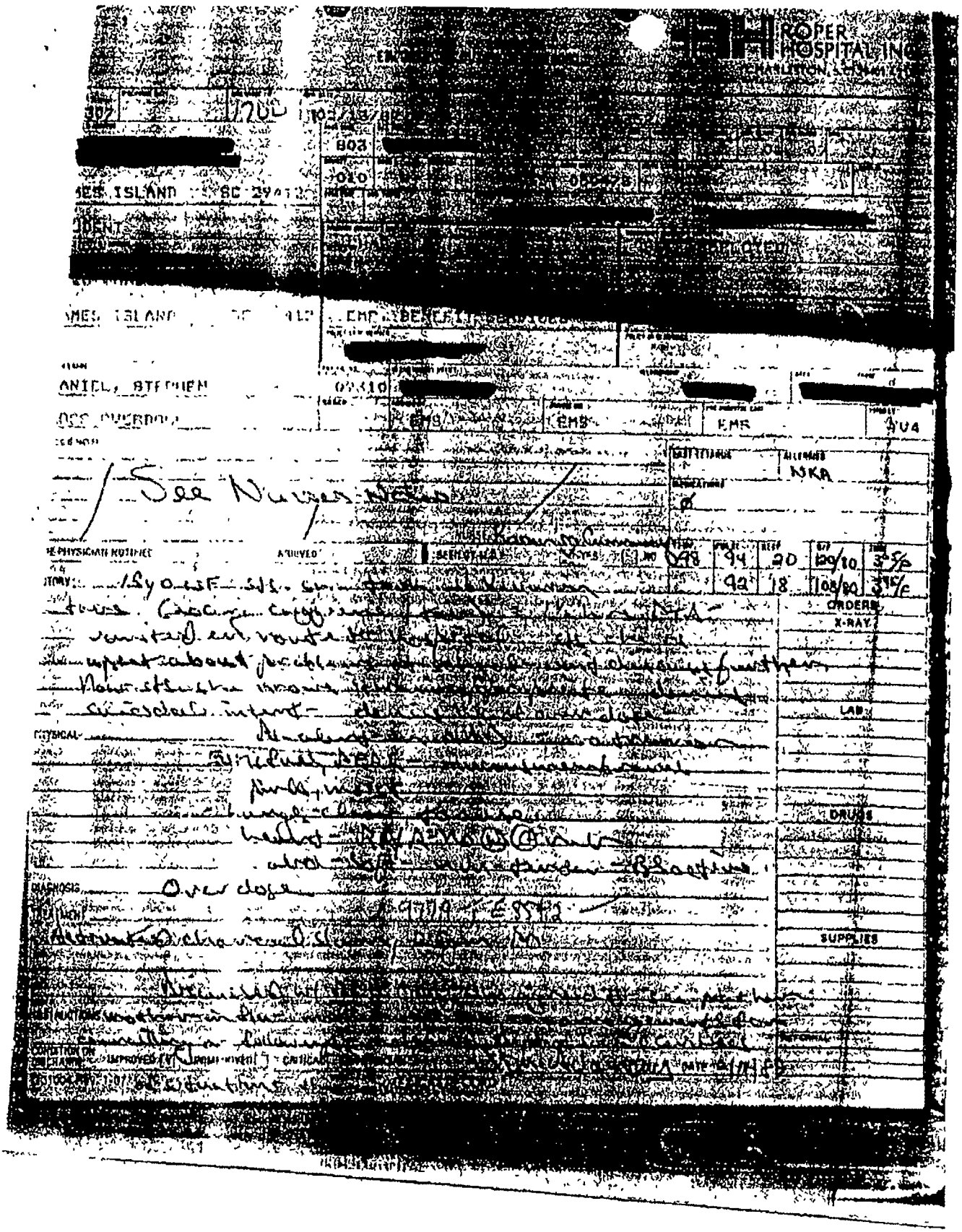
Jane Doe

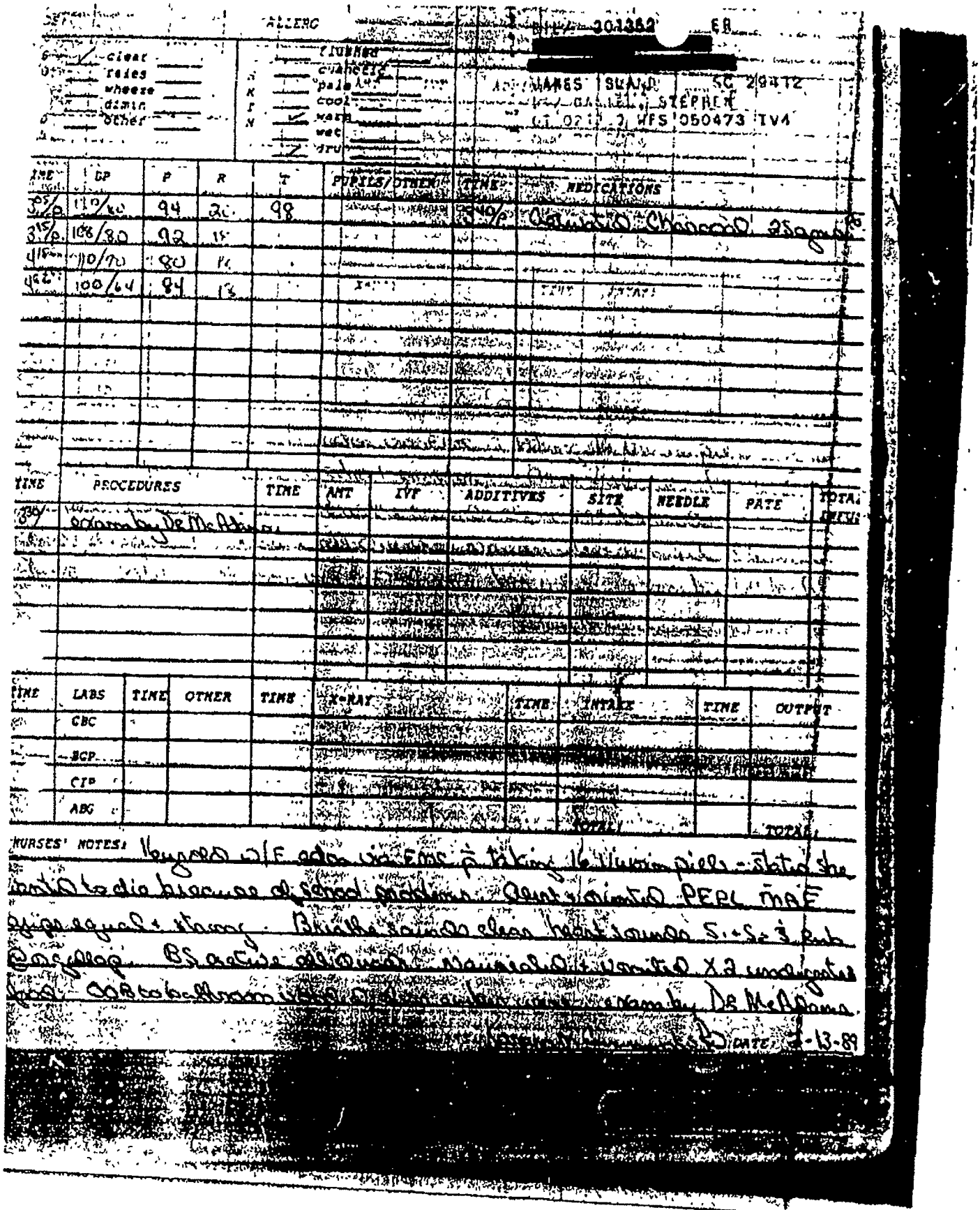
Jane Doe

Sworn to before me this 2ND day of JUNE, 2008

SP HCSSIS

Notary Public for South Carolina
My commission expires: 1/23/2017


ROPER HOSPITAL INC
EMS
EMS
EMS
EMS
NKA
DRUGS
SUPPLIES
Overdose



ALLERG

clear
rales
wheeze
dimin
other

flushed
cyanotic
pale
cool
warm
wet
dry

30 1352 ER

[redacted]

JAMES SEAN SC 29412

GA STEPHEN

WFS 050473 IV4

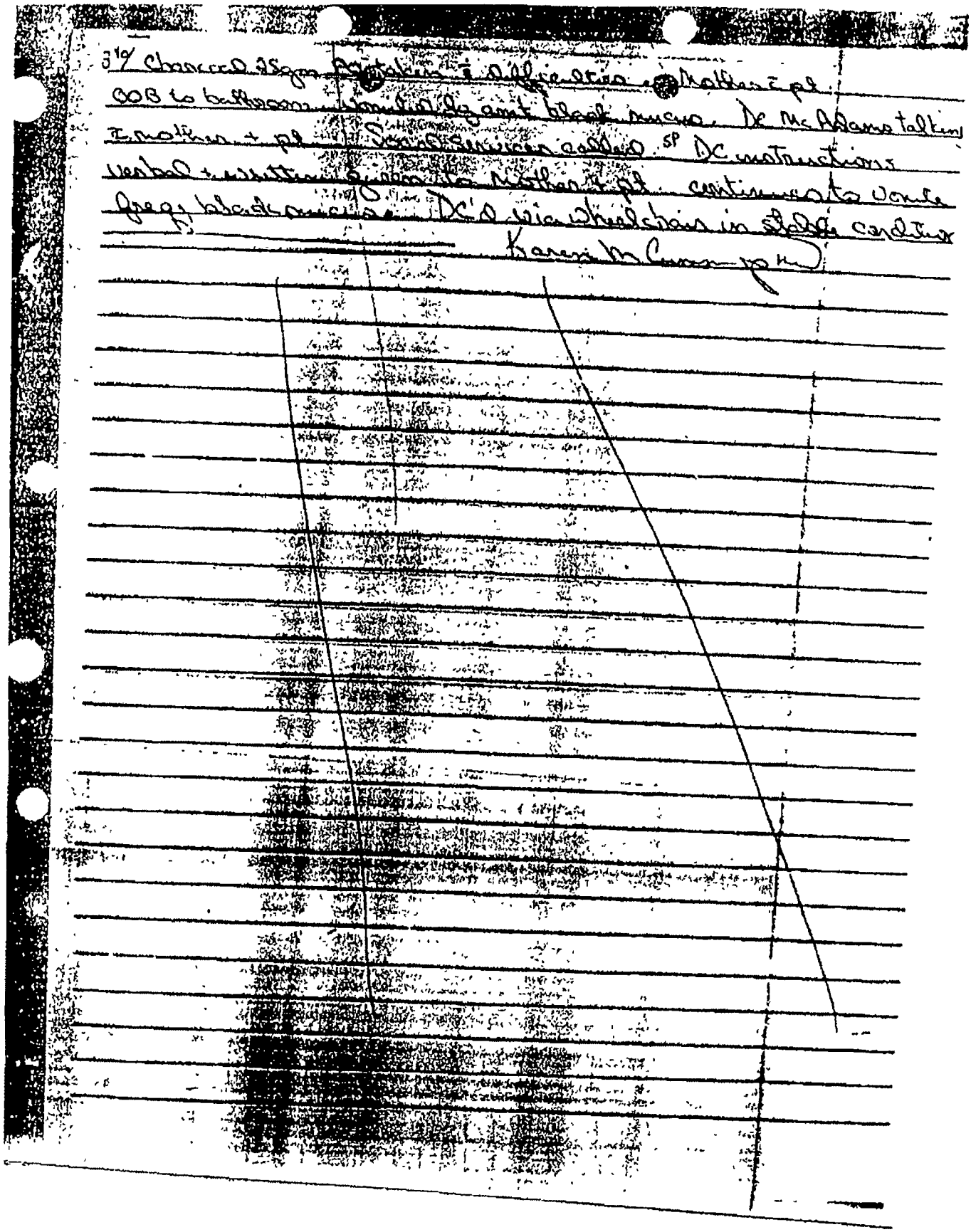
TIME	BP	P	R	T	PUPILS/OTHER	TIME	MEDICATIONS
305p	110/80	94	20	98		340p	Darvocet Compound 25 mg po
315p	106/80	92	18				
415p	110/70	80	16				
422p	100/64	84	18				

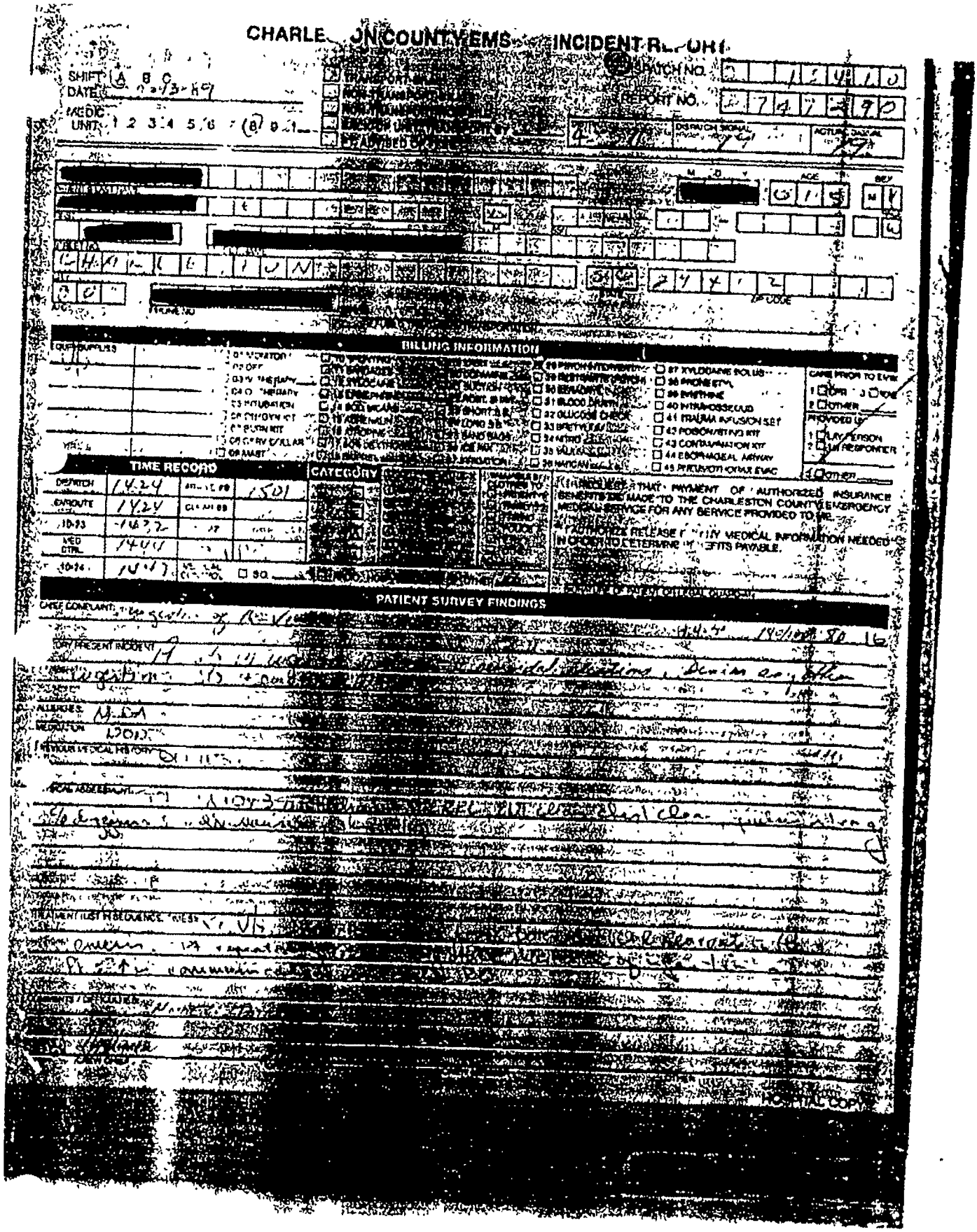
TIME	PROCEDURES	TIME	AMT	IVF	ADDITIVES	SITE	NEEDLE	PATE	TOTAL INFUS
336p	Examined by Dr McAdams								

TIME	LABS	TIME	OTHER	TIME	X-RAY	TIME	INTAKE	TIME	OUTPUT
	CBC								
	BCP								
	CTs						TOTAL		TOTAL
	ABG								

NURSES' NOTES: Ingrown L/F toe nail EMS to triage 16 Uterine pain - stated she started to die because of school problems. Treatment PER MAE Discharged stable. Blood sugar 144 Urine X 3 undigested food debris. Examined by Dr McAdams

DATE 2-13-89





CHARLESTON COUNTY EMS — INCIDENT REPORT

SHIFT A B C
DATE 03-Nov-09
MEDIC UNIT 1 2 3 4 5 6 7 (8) 9 21

DISPATCH NO. 0 1 2 4 1 0
REPORT NO. 2 7 4 7 9 0

DISPATCH SIGNAL 4 — 70
ACTUAL SIGNAL 70

[redacted] M F AGE 0 1 5 M F

[redacted]

CHARLESTON COUNTY 29412 DOB [redacted] SSN [redacted]

[redacted] 20 [redacted] 2 7 X 1 2 ZIP CODE

[redacted] PHONE NO.

BILLING INFORMATION

TIME RECORD

DISPATCH	14:24		1501
EN ROUTE	14:24		
ID 93	14:32		
MED CTRL	14:41		
ID 94	14:47		

CATEGORY

I AUTHORIZE THAT PAYMENT OF AUTHORIZED INSURANCE BENEFITS BE MADE TO THE CHARLESTON COUNTY EMERGENCY MEDICAL SERVICE FOR ANY SERVICE PROVIDED TO ME.

I AUTHORIZE RELEASE OF ANY MEDICAL INFORMATION NEEDED IN ORDER TO DETERMINE BENEFITS PAYABLE.

PATIENT SURVEY FINDINGS

CHIEF COMPLAINT: [illegible] 14:47 140/[illegible] 80 16

ALLERGIES: NKDA

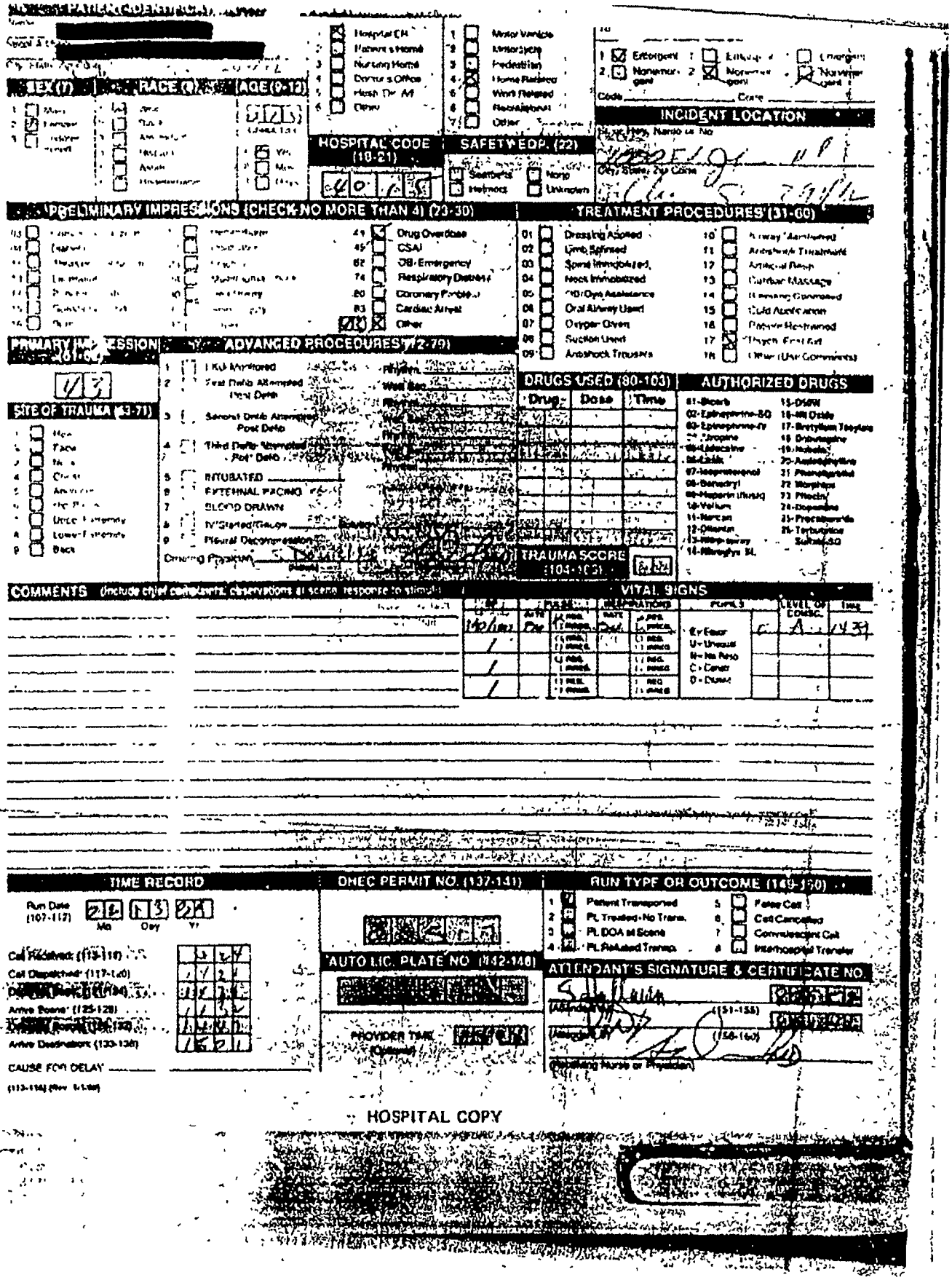
MEDICATION: NONE

PERTINENT MEDICAL HISTORY: [illegible]

TREATMENT / DISPOSITION: [illegible]

HOSPITAL COPY

584



SEX (7) | RACE (8) | AGE (9-12)

INCIDENT LOCATION

HOSPITAL CODE (18-21)

SAFETY EQP. (22)

PRELIMINARY IMPRESSIONS (CHECK NO MORE THAN 4) (23-30)

TREATMENT PROCEDURES (31-60)

PRIMARY IMPRESSION

SITE OF TRAUMA (3-71)

ADVANCED PROCEDURES (72-79)

DRUGS USED (80-103)

AUTHORIZED DRUGS

TRAUMA SCORE (104-105)

COMMENTS (Include chief complaint, observations at scene, response to stimuli)

VITAL SIGNS

TIME RECORD

Run Date (107-112)

OMEC PERMIT NO. (137-141)

RUN TYPE OR OUTCOME (149-150)

AUTO LIC. PLATE NO. (142-148)

ATTENDANT'S SIGNATURE & CERTIFICATE NO.

PROVIDER TIME (Optional)

CAUSE FOR DELAY

HOSPITAL COPY

585

STATE OF SOUTH CAROLINA	)	
	)	**IN THE COURT OF COMMON PLEAS**
COUNTY OF CHARLESTON	)	
	)	
Jane Doe	)	**CIVIL ACTION COVERSHEET**
Plaintiff(s)	)	
	)	2007 - CP - 10 - 5203
vs.	)	
	)	
Charles Smith and Charleston County School District	)	
Defendant(s)	)	

(Please Print)		**SC Bar #:**	015072
Submitted By: David Flowers		**Telephone #:**	864/421-0036
Address:	Mooneyham Flowers Berry & Karow	**Fax #:**	864/421-9060
	Post Office Box 8359	**Other:**	
	Greenville, South Carolina	**E-mail:**	david@bmllp.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION *(Check all that apply)*

If Action is Judgment/Settlement do not complete

- ☒ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
- ☐ This case is subject to **ARBITRATION** pursuant to the Circuit Court Alternative Dispute Resolution Rules
- ☒ This case is subject to **MEDIATION** pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR (certificate attached)

NATURE OF ACTION *(Check One Box Below)*

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- ☐ Other (299)

Torts - Personal Injury
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☒ Other (399)

Sexual Abuse

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions
- ☐ PCR (500)
- ☐ Sexual Predator (510)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Other (799)

Administrative Law/Relief
- ☐ Reinstate Driver's License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture (840)
- ☐ Other (899)

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Administrative Law Judge (980)
- ☐ Public Service Commission (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb (610)
- ☐ Medical (620)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Other (699)

Submitting Party Signature: _____ **Date:** November 15, 2007

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S C Code Ann. §15-36-10 et. seq

FOR MANDATED ADR COUNTIES ONLY
Florence, Horry, Lexington, Richland, Greenville**, and Anderson**
** Contact Respective County Clerk of Court for modified ADR Program Rules

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT

You are required to take the following action(s):

1. The parties shall select a neutral within 210 days of filing of this action, and the Plaintiff shall file a "Stipulation of Neutral Selection" on or before the 224th day after the filing of the action. If the parties cannot agree upon the selection of the neutral within 210 days, the Plaintiff shall notify the Court by filing a written "Request for the Appointment of a Neutral" on or before the 224th day after the filing of this action. The Court shall then appoint a neutral from the Court-approved mediator/arbitrator list.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3 Case are exempt from ADR only upon the following grounds:

   a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition,

   b. Cases which are appellate in nature such as appeals or writs of certiorari;

   c. Post Conviction relief matters;

   d. Contempt of Court proceedings;

   e. Forfeiture proceedings brought by the State;

   f. Cases involving mortgage foreclosures; and

   g. Cases that have been submitted to mediation with a certified mediator prior to the filing of this action

4. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference had been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Jane Doe,

Plaintiff

vs

Charles Smith and Charleston County School District,

Defendant

IN THE COURT OF COMMON PLEAS
C.A. No.: 2007-CP-10-5203

SUMMONS
JURY TRIAL DEMANDED

FILED
2007 NOV 20 AM 10:20
JULIE J. ARMSTRONG
CLERK OF COURT

TO: THE DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint on the undersigned at their office, located at 1225 S. Church Street, Greenville, South Carolina, 29605, within thirty (30) days after service thereof exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully Submitted,

MOONEYHAM FLOWERS BERRY & KAROW
David Flowers
Kim Berry
P.O. Box 8359
Greenville, SC 29604
864-421-0036

Attorneys for Plaintiff

November 15, 2007

013734

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
C.A. No : 2007-CP-10-5203

Jane Doe,)
)
Plaintiff)
)
vs)
)
Charles Smith and Charleston)
County School District,)
)
Defendant)

COMPLAINT
JURY TRIAL DEMANDED

FILED
2007 NOV 20 A 11:20
JULIE J. ARMSTRONG
CLERK OF COURT

Plaintiff, Jane Doe, respectfully complains of the Defendants and alleges as follows:

1. Jane Doe is a pseudonym for a South Carolina resident who attended high school in Charleston County She is bringing this action by way of a pseudonym due to the sensitive and private nature of these allegations.
2. Defendant Charleston County School District is a public school district located in Charleston County, which used to own, control and operate James Island High School, which is located in Charleston County.
3. Defendant Charles Smith was a teacher at James Island High School during the 1988-1989 school year
4. Defendant Charles Smith continues to teach at James Island High School today.
5. In the 1988-1989 school year, Jane Doe was a freshman student at James Island High School.
6. Defendant Smith was Jane Doe's geography teacher at James Island High School.
7. During the 1988-1989 academic year, Defendant Smith began touching Jane Doe, a minor child, in inappropriate and sexual ways on the premises of James Island High School during school hours

8. During that same time period, Defendant Smith ingratiated himself with Jane Doe and her mother.

9. During that school year, Defendant Smith began giving Jane Doe rides home from school.

10. During that school year, Defendant Smith began committing a series of sexual assaults on the minor child Jane Doe.

11 The sexual assaults occurred on the premises of James Island High School in Defendant Smith's car, and at other locations where Smith would take the minor child.

12. These assaults caused the minor child Jane Doe to suffer severe emotional distress to the point that she attempted suicide during that academic year.

13. Employees of James Island High School knew of Jane Doe's severe distress and of the time that Defendant Smith was spending with her, but no one attempted to investigate or intervene.

14. Defendant Smith is one of at least two teachers who were sexually assaulting students at James Island High School during that academic year.

15. As a teacher, Defendant Smith held, and unfortunately still holds, a position of authority and trust over the students at James Island High School.

16. Defendant Smith has a duty to not abuse the position of authority and trust that he held, and still holds.

17. Sexual contact between a teacher and a student is always inappropriate.

18 Sexual contact between a teacher and a student is always a breach of the standard of care owed by teachers to students in the State of South Carolina.

19. It is the responsibility of the teacher to see that sexual contact does not occur between that teacher and a student

20. Defendant Charleston County School District had a duty to train its teachers not to engage in sexual misconduct during the 1988-1989 academic year.

21. Defendant Charleston County School District had a duty to monitor its teachers such that the teachers did not engage in sexual misconduct during the 1988-1989 academic year.

22. Defendant Smith breached his duty to Jane Doe by engaging in sexual contact with her when she was a minor child.

23. Defendant Charleston County School District breached its duty to Jane Doe by not protecting her from the sexual predator, Charles Smith.

24 As a result of the Defendants' breaches, individually and collectively, Plaintiff has suffered damages in an amount to be determined by a jury.

25. Defendants are liable to the Plaintiff jointly and severally

FOR A FIRST CAUSE OF ACTION

BREACH OF FIDUCIARY DUTY

26 All prior allegations are incorporated into this cause of action as if fully set forth.

27. A teacher owes a fiduciary duty to minor children that they teach.

28. A public school owes a fiduciary duty to minor students who attend the school.

29. A public school district owes a fiduciary duty to the students in the school district.

30. Each of the Defendants breached their fiduciary duty to Plaintiff by engaging in sexual misconduct with the plaintiff or by permitting the sexual misconduct to occur.

31 The Defendants' respective breaches of their fiduciary duty to the Plaintiff have caused damage to Plaintiff.

32. Defendants' breaches were the proximate cause of the damage to Plaintiff and she is therefore entitled to receive actual and punitive damages in an amount to be determined by the jury.

FOR A SECOND CAUSE OF ACTION
GROSS NEGLIGENCE

33. All allegations above are incorporated herein as if fully set forth.

34. Charleston County School District officials have been grossly negligent in supervising Charles Smith.

35. Charles Smith, on the premises of Charleston County School District, groomed the plaintiff for his own sexual gratification and then sexually assaulted her on a number of occasions.

36. Charleston County School District had the ability to control Charles Smith at the time he harmed plaintiff.

37. The gross negligence of Charleston County School District officials is a proximate cause of plaintiff's harm.

38. Plaintiff has been harmed and has incurred damages as a result of the gross negligence of Charleston County School District.

39. Plaintiff is entitled to recover damages from Charleston County School District in an amount to be determined by the jury.

FOR A THIRD CAUSE OF ACTION
INJUNCTIVE RELIEF

40. All allegations above are incorporated herein as if fully set forth.

41. The Charleston County School District should be enjoined from failing to do the following.

a. To remove Charles Smith from contact with students;

b. To pursue with the State of South Carolina steps necessary to revoke the teaching certificaton of Charles Smith; and

c. To not retaliate against the plaintiff in any way.

REQUEST FOR JURY TRIAL

42. Plaintiff requests jury by trial.

WHEREFORE, the Plaintiff prays for the following from the court.

a. Damages in an amount to be determined by the jury,

b. Injunctive relief as set forth above;

c. The costs of this action be taxed against the defendants;

d. All factual issues be determined by a jury; and

e. Such other and further relief as the Court deems just and proper.

Respectfully Submitted,

MOONEYHAM FLOWERS BERRY & KAROW
David Flowers
Kim Berry
P.O. Box 8359
Greenville, SC 29604
864-421-0036

Attorneys for Plaintiff

Date: Nov. 11, 2007

MOONEYHAM FLOWERS BERRY & KAROW, L.L.C.
TRIAL LAWYERS

November 15, 2007

Hon. Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, #106
Charleston, SC 29401

RE: *Jane Doe vs Charles Smith and Charleston County School District*
C.A. No.: 2007-CP-10-5203
Our File No : 07-0137

Dear Ms. Armstrong:

Please find the original and four copies of the Summons and Complaint and filing fee in this matter for filing with your office. Please return our copies in the self-addressed stamped envelope provided. Thank you for your assistance in this matter.

Sincerely,

MOONEYHAM FLOWERS BERRY & KAROW, L.L.C.

Michelle R. Martinez
Paralegal

Enclosures

Post Office Box 8359 Greenville, South Carolina 29604
864.421.0036 Fax 864.421.9060
FIN: 26-1242624

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	CASE NO.: 2007-CP-10-5203
JANE DOE,	)	
Plaintiffs,	)	
v.	)	**ANSWER TO AMENDED COMPLAINT ON BEHALF OF CHARLES SMITH**
CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,	)	
Defendants.	)	

FILED
2008 AUG 21 PM 2:03
JULIE J. ARMSTRONG
CLERK OF COURT
BY

Comes now the defendant, Charles Smith, and hereby answers the Plaintiff's Amended Complaint to wit:

FOR A FIRST DEFENSE
(Qualified General Denial)

All not specifically admitted herein should be deemed denied.

1. Requires no response.

2. Admits.

3. Admits.

4. Admits.

5. Admits that he taught in James Island public schools for thirty-five (35) years until his retirement from James Island Charter High School in June of 2008.

6. Upon information and belief, admits.

7. Admits

8. Emphatically denies.

9. Denies.

10. Denies.

11. Admits only that defendant Smith gave students rides home from softball or wrestling practice if they were left at the field or if they had no ride home. Admits that he gave plaintiff a ride home from softball practice approximately six (6) times and that they were alone in a car together on only two (2) or three (3) such occasions. Defendant emphatically denies that any inappropriate behavior ever occurred on any occasion.

12. Denies.

13. Denies that any sexual assaults ever occurred, at any location.

14. Denies, as there were no such assaults. Admits only that plaintiff attempted an overdose during the specified academic year.

15. Admits only that defendant Smith reported certain behavior of plaintiff to the guidance counselor, principal, and assistant principal at James Island High School Defendant lacks knowledge or information as to what others may have known of plaintiff's emotional issues..

16 Denies that he ever assaulted any students at any location, during any academic year. Admits that he has subsequently learned that another teacher was involved in such behavior at that time but denies any connection to or involvement with such.

17. Admits he taught at James Island High School (now James Island Charter High School) for twenty-five (25) years, until his retirement.

18. Denies that he ever abused any position of authority or trust during his time as an educator, or otherwise. Further, this paragraph pleads conclusions of law requiring no response.

19. Admits that such contact would be inappropriate; however, defendant denies that any such contact ever occurred.

20. Again, defendant denies that any such contact ever occurred; the remainder of this paragraph pleads conclusions of law requiring no response.

21. Defendant denies that any such contact ever occurred. Further, this paragraph pleads conclusions of law requiring no response.

22. Defendant Smith denies any involvement in any such alleged misconduct. The remainder of this paragraph is not addressed to this defendant.

23. Defendant Smith denies any involvement in any such alleged misconduct. The remainder of this paragraph is not addressed to this defendant.

24. Denies.

25. Denies.

26. Denies.

27. Denies.

28. Requires no response

29 Calls for a legal conclusion requiring no response.

30. Calls for a legal conclusion requiring no response.

31. Calls for a legal conclusion requiring no response.

32. Denies.

33. Denies.

34. Denies.

35. Requires no response.

36. Denies.

37. Denies.

38. To the extent that this paragraph is addressed to defendant Smith, defendant denies that he ever assaulted or harmed the plaintiff or any other student.

39. Denies.

40. Denies.

41. Denies.

42. Requires no response.

43. Denies including subparts.

44. Requires no response.

FOR A SECOND DEFENSE
(Statute of Limitations)

45. This action is barred in its entirety by the applicable statutes of limitations.

FOR A THIRD DEFENSE
(Failure to State a Claim)

46. Plaintiff has failed to state a claim upon which relief may be granted.

FOR A FOURTH DEFENSE
(Sole Negligence/Comparative Negligence)

47. Plaintiff is solely responsible for her distress, or in the alternative, is comparatively negligent.

FOR A FIFTH DEFENSE
(South Carolina Tort Claims Act)

48 At the time of any interaction with this plaintiff, all of which was appropriate and within the scope of his employment as an educator and an athletic coach, defendant was acting within the scope of his employment with a governmental entity. Thus, defendant would plead any and all applicable sections of the South Carolina Tort Claims Act as defenses to this matter.

FOR A SIXTH DEFENSE
(Failure to Mitigate)

49 Plaintiff has failed to mitigate her alleged damages in failing to seek proper treatment for her emotional issues at the time of and immediately following her suicide attempt during the 1988-1989 school year.

FOR A SEVENTH DEFENSE
(Third Party Liability)

50. To the extent that plaintiff has suffered any damages, defendant contends that such are the result of the action or inaction of some unidentified third party.

Wherefore, having fully answered the Complaint, the answering Defendant hereby prays that the Complaint be dismissed with prejudice; that plaintiff be responsible for all costs associated with defending this action; and for all such further relief as this court deems just and proper.

Respectfully submitted,

Sandra J. Senn
Stephanie P. McDonald
Senn, McDonald & Leinbach, LLC
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045

Attorneys for Defendant

August 20, 2008
Charleston, South Carolina

Certificate of Service

This is to certify that I have served counsel for all parties in the foregoing matter with a copy of this pleading by

☒ depositing in the U.S. Mail a copy of same in a properly addressed envelope with adequate postage thereon.

☐ handing counsel a copy thereof.

☐ by Fax transmittal.

This 20 **day of** August, **20** 08

By Melissa B. Kinard

600

Senn, McDonald & Leinbach, LLC.

Attorneys at Law

3 Wesley Drive
Post Office Box 12279
Charleston, South Carolina 29422-2279
Telephone. (843) 556-4045
Facsimile. (843) 556-4046

Sandra J Senn
Stephanie P. McDonald

Teri J Leinbach
Robin L. Jackson

August 20, 2008

The Honorable Julie J. Armstrong
Clerk of Court, Charleston County
100 Broad Street, Suite 106
Charleston, SC 29401

RE: Jane Doe v. Charles Smith, Charleston County School District and James Island High School
Case No.: 2007-CP-10-5203

Dear Julie:

Enclosed for filing please find the original and two (2) copies of the Answer of Defendant Charles Smith in the above referenced matter. If you would, please clock-in the additional copies and return them to me in the envelope provided for your convenience. As noted by the Certificate of Service, opposing counsel and counsel for the co-defendant are being served with a copy of this pleading on today's date.

With kind regards, I am,

Sincerely,

Stephanie P. McDonald

mbk

Enclosure

cc. Wilbur E. Johnson, Esquire
David Flowers, Esquire
Alice F. Paylor, Esquire
Gordon H. Garrett, Esquire

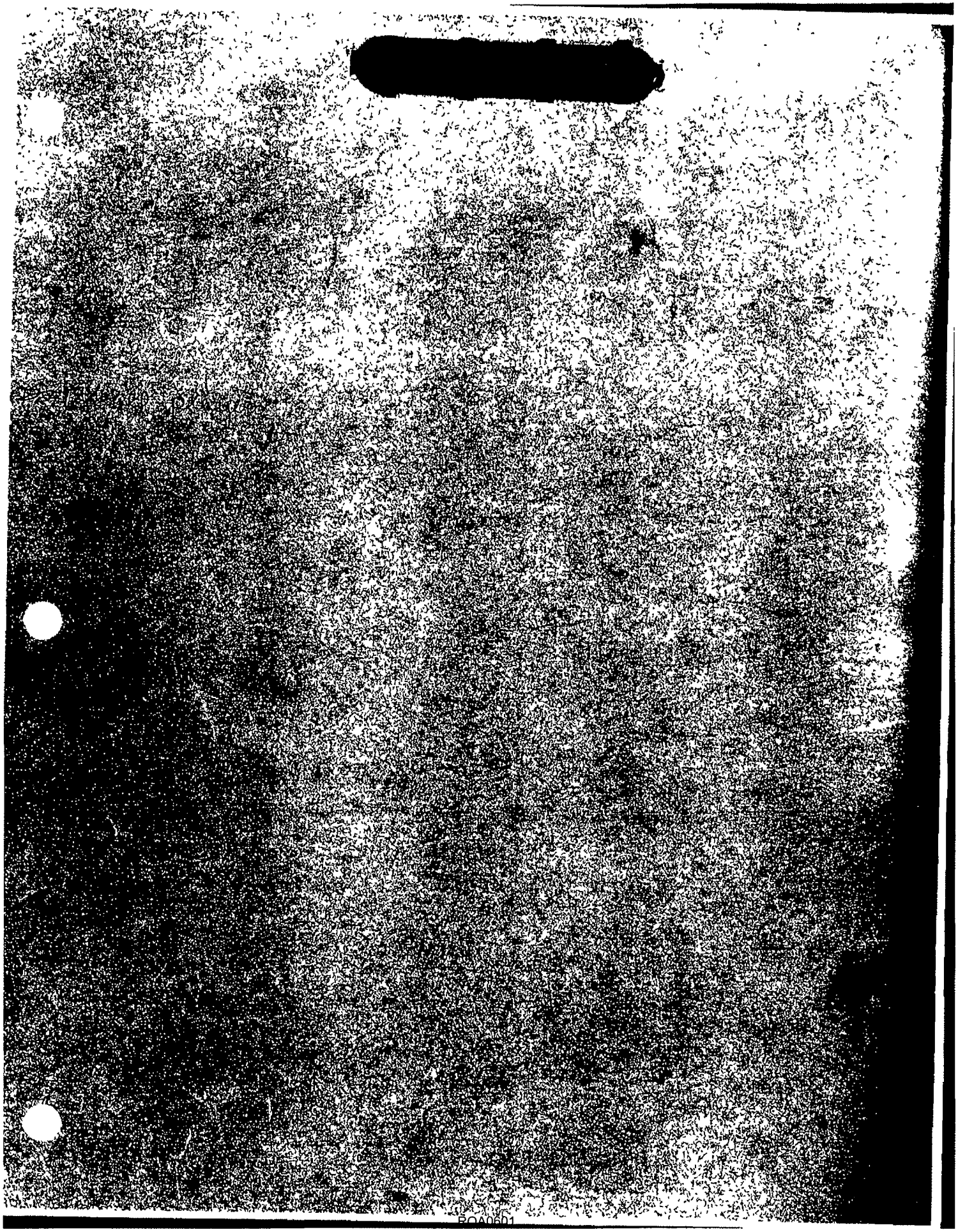
[redacted]

REVIEWED BY DOT [redacted] DATE 3-5-08

PREPARED FOR RECORDS BY [redacted]

SENT TO RECORDS DATE 3/7/08

602



2007-018524B CSC W/A MINOR
VICT: [redacted]
SUSP: SMITH, CHARLES
12617
AVILA

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

JANE DOE, CASE NO 2010-CP-10-7699

Plaintiff(s),

-vs-

CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,

Defendant(s)

THE DEPOSITION OF TIMOTHY D BREWERTON, taken on behalf of the Defendant on Thursday, February 16, 2012 commencing at 9 12 a m at the Law Offices of Senn Legal, 3 Wesley Drive, Charleston, South Carolina.

REPORTED BY: Nicole D. White

Page 10

the National Crime Victims Center?
A I would basically evaluate all the patients that they were seeing clinically for -- I would do a psychiatric evaluation and evaluate them for possible treatment with psychotropic medications 09 20 40 and I would be available for any consultation regarding any psychiatric or medical issues of any of their patients or clients
Q Okay And why did you leave that?
A I left when I left MUSC 09 20 55
Q Okay Why did you leave MUSC?
A I had a medical injury, medical problem that I -- that caused me to retire from MUSC
Q Okay And it says lower, under faculty appointments that you are a, or at least until 09 21 15 2004, a clinical professor of psychiatry and behavioral sciences at MUSC?
A That's correct And I still remain in that position
Q What do you teach? 09 21 26
A I teach -- basically I teach about eating disorders, family therapy, dissociative disorders, child abuse I supervise residents and child psychiatry faculty on child psychiatry fellows, excuse me, on whatever cases they have 09 21 49

Page 11

Usually it's eating disorders, but usually eating disorders have an array of comorbid problems, as well, so it could be anything within psychiatry, ADHD, depression, OCD, substance abuse 09 22 08
Q Okay Under professional societies I show that you are a member of the International Society For The Study of Dissociation from 1994 to 2005
A Still am a member
Q Okay Why didn't you put to present then, you 09 22 23 put that on other groups that you're still a member of?
A I don't know I don't know, but it is still to present
Q And what is the purpose of that group? 09 22 35
A It has -- it publishes a journal every month and it has an annual meeting and its purpose is to help educate professionals in the mental health field about dissociation and trauma
Q All right Then you have a heading called 09 22 57 Journals Refereed and Editorial Positions
A Uh-huh
Q What does that mean, "journals refereed"
A In the scientific community the way that articles are published is that an editor sends 09 23 24

Page 12

out articles for review once they're submitted for publication and they're sent out to review by people who know something about that in the field, in the community And so when I say articles refereed, that means I served as a 09 23 39 referee for that journal to review articles submitted to that journal
Q Okay
A It's thought to be an honor to be asked to review an article for a journal 09 23 58
Q Okay And are you still doing this for all of these journals?
A Well, the list is cumulative These are all the ones that I've done any reviewing for in my life 09 24 13
Q Okay There's no dates on this
A There's no dates, no I still do review for a number of articles -- number of journals
Q Do you still do reviews for the Journal of Traumatic Stress? 09 24 26
A Yes
Q Okay Well, what type of articles do you review for the Journal of Traumatic Stress?
A I mean, it's -- it can be anything that has to do with PTSD or dissociations or trauma 09 24 37

Page 13

They're highly variable And often because I'm a child psychiatrist they will send me something that's relevant to children, but not always
Q Okay
A. Because I'm a psychiatrist they may send me 09 24 56 something that's relative to neuroscience or neuro-psychopharmacology.
Q All right You were in the South Carolina Professional Society on The Abuse of Children from '95 to 2001? 09 25 18
A Right
Q What did you do as a member of that society?
A. I mostly helped to organize the yearly meeting that organization had It's a state chapter of the American Professional Society on the Abuse 09 25 37 of Children, APSAC I was very active in that organization at that time and primarily was involved in being on the board and also helping to organize the annual meeting
Q Okay Why did you stop your membership? 09 25 54
A Because I got disillusioned with the national organization in terms of its disorganization
Q And you are still in the Academy of Eating Disorders?
A Yes 09 26 15

Page 14

Q And Eating Disorders Research Society?
A **Yes**
Q All right You had an MUSC IRB approved research protocols What are IRB approved?
A **Institutional Review Board approved** 09 26 36
Q And then it says PI or co-PI?
A **Principal investigator or co-principal investigator**
Q All right And are these nine items all studies that were -- were -- what is a research protocol? 09 26 49
A **It's a document that details what it is you're going to do or propose to do in a given research project**
Q Okay And do you still have a copy of number seven or Dissociative Symptoms Related To Eating Disorders in Traumatized Children? 09 27 07
A **I don't know to tell you the truth That's been a long time ago**
Q It appears this took six years to do, 1995 to 2001 09 27 18
A **Okay**
Q Is that just -- does that include doing the research?
A. **Yes** 09 27 29

Page 15

Q Okay And was this research published somewhere?
A **I don't believe it was**
Q Okay Do you remember who worked on this project with you? 09 27 43
A **Maria La Via, who is -- who was a resident at the time**
Q Okay Would MUSC maintain a copy of this study, a research project?
A **They would have a copy of the protocol maybe, but nothing else** 09 28 07
Q Okay What was the result of that research?
A **Can I take -- can I look at the title again?**
Q Sure
A **Okay The result, this is a study that I did at the -- what is now called the Dee Norton Lowcountry Children's Center where children are evaluated before -- children are forensically evaluated for abuse and I did a study there evaluating eating disorder symptoms, posttraumatic stress disorder symptoms, which include dissociative symptoms, as well as depression and some other things and to see if there was an association between eating disorder symptoms and trauma symptoms and there was,** 09 28 21 09 28 57 09 29

Page 16

including dissociative symptoms.
Q Okay
A **So that's one of my unwritten papers**
Q Was there a certain age group that you were looking at? 09 29 29
A **Yes**
Q What was the age group?
A **Eight to 17**
Q And do you remember if there was a tighter correlation in a certain portion of that age group? 09 29 39
A **There was not**
Q Okay
A **It was a group correlation**
Q So you didn't separate it out into smaller age groups to evaluate? 09 29 49
A **Age was not a factor I mean, age, it was evaluated as a co-variant and it was not a significant co-variant**
Q Okay What dissociative symptoms were you considering or focusing on for that study? 09 30 02
A **Well, it's a sub-scale within the trauma symptom checklist, which is a validated instrument used in the study of trauma in kids So there are a group of -- you know, it's a large questionnaire** 09 30 24

Page 17

in which there are imbedded different questions about different symptoms, symptom clusters and there is a dissociative cluster of symptoms You're asking me what those are?
Q Yes 09 30 41
A. **Feeling detached, feeling unreal, memory problems, feeling numb, foggy, those kinds of things. Having identity disturbances**
Q All right And you were evaluating for all types of trauma including dissociative disorders, correct? 09 31 12
A. **Yeah There are a number of traumatic symptoms**
Q And so in this study did you ever separate out any specific percentage of children that had dissociative symptoms? 09 31 27
A **No, I didn't separate them out I mean, that wasn't the purpose of the study The purpose of the study was to see if there was a link between eating disorder symptoms and particular dissociative symptoms.** 09 31 43
One of the things that happens in eating disorders when people numb themselves through starvation or numb themselves by gorging on food or binging on food or numb themselves by purging, it's a way of avoiding traumatic 09 31 55

Page 18

memories and feelings and it's a way to numb themselves, which is a kind of dissociative phenomena So eating disorder behavior can facilitate disassociation --

Q Okay 09 32 14

A. -- much like substance abuse can

Q All right Under the heading teaching activities and responsibilities --

A Uh-huh

Q - and I'll be happy to let you look at these, 09 32 31 just the Roman Numerals that I highlighted

A Okay

Q Mainly I highlighted things dealing with child abuse and child sex abuse

A Okay 09 32 46

Q Can you tell me, did those teaching activities and responsibilities address dissociative symptoms related to child abuse and child sexual abuse?

A. Yes 09 33 03

Q Okay

A Definitely

Q And --

A Particularly the colloquium on child abuse, the Society on the Abuse of Children, South Carolina 09 33 15

Page 19

Society on the Abuse of Children, that's what the entire conference is about, is child abuse

Q Right But I'm talking about dissociative

A Yeah That's one of the components, but it's all aspects of it 09 33 30

Q And did you speak at that colloquium?

A I don't remember I would have to look in my list of presentations whether I did that year

Q Okay And then down here under primary areas of interest -- 09 33 46

A Uh-huh

Q -- are those in that order for a reason or are they just put down?

A The -- probably they're in that order because that's kind of the order in which they evolved 09 34 03 in my career

Q Okay And we have five areas, eating and feeding disorders, Serotonin, chronobiology --

A Uh-huh

Q -- child abuse and victimization and forensic 09 34 20 psychiatry and then there's information, more details after each one of those headings, correct?

A That's right

Q And in each one of those six depositions that 09 34 29

Page 20

you've previously given those were all dealing with forensic psychiatry?

A (Indicating)

Q Yes?

A I was testifying as a forensic psychiatrist, 09 34 37 yes

Q When I reviewed your published abstracts at national and international meetings, it appears that the first 51 of them deal with eating disorders On 52 and -- was an association of 09 34 57 psychosis with partial seizure disorder?

A Complex partial seizure disorder, yeah

Q Right Does that deal with dissociative disorders at all?

A Actually, complex partial seizure disorders of 09 35 17 the temporal lobe has been one of the neurological disorders that can produce dissociative symptoms, in particular derealization and a feeling that things aren't real, so it is actually and there is a report in 09.35 33 the literature of a case of multiple personality disorder associated with complex partial seizure disorder

Q Did you diagnose [redacted] with complex partial seizure disorder? 09 35 47

Page 21

A No, I did not

Q Okay Fluoxetine induced suicidality, serotonin and seasonality Does that deal with dissociative disorders?

A No 09 35 58

Q All right Circannual cyclicity of 5-HT and suicide Does that deal with dissociative disorders?

A No

Q All right Numbers 98 100 and 104 under your 09 36 12 published abstracts mentioned binge eating disorder and then rape, PTSD and bulimia and then PTSD and bulimia and binge eating disorder

A Right.

Q Would those be applicable to this case? 09 36 56

A Yes

Q Okay Do you have copies of those articles?

A I can provide you copies Well, these are the abstracts I can provide you with the actual article that came out of this work 09 37 11

Q Okay All right

A Yeah

Q And then also 113, the relationship of measures of alexithymia?

A Alexithymia 09.37.28

Page 22

Q Alexithymia and dissociation in eating disorder patients Would that be relevant to this case?
A **Yes**
Q And do you have a copy of the article that came out of that abstract? 09 37 43
A **Did not get an article out of that one That was a presentation**
Q Oh, okay Do you have a copy of the documents that were used to prepare the oral presentation?
A **I don't know That's a long time ago That's almost 20 years ago** 09 37 57
Q All right We have numbers 129, 130 and 131 which all say bulimia nervosa, PTSD and forgetting Appears maybe the same presentation that was given multiple times 09 38 20
A **Yes**
Q Do you have any documentation related to that?
A **Yes A book chapter was published out of that, yes**
Q Okay What book is that, do you know? 09 38 27
A **It's a book called Trauma and Memory edited by Linda Williams**
Q Okay And can you tell me a little bit about what was that, because it's got the word "forgetting" in quotations? 09 38 50

Page 23

A **What's your question?**
Q What was that presentation about?
A **These presentations were about data that I analyzed from the national women's study, which was a study I was involved in at the National Crime Victims Research and Treatment Center** 09 39 03
It was a survey, a telephone survey about national representative sampling of women in the U S where we had very detailed questions about trauma history, very detailed questions about rape, molestation and aggravated assault and other forms of victimization, as well as very detailed data about eating disorder and other psychiatric symptoms and disorders 09 39 20
And what I did is I -- you know, one of the questions in the PTSD criteria has to do with have you ever forgotten all or part of the traumatic experience So I took that one question and analyzed the results of that one or the responses to that one question in relationship to the presence of bulimia and PTSD and child abuse and child rape and so on and so forth and found very, very -- very, very highly significant relationships between the answers on that one question as to whether or not you've 09 39 38 09 39 58 09 40 16

Page 24

ever forgotten all or part of a traumatic event in the presence of child rape, as well as eating disorder symptoms like purging by vomiting or purging with laxatives and so that's what the chapter is about 09:40 38
Q Okay And it dealt with both sexual and non-sexual violence?
A **Yes**
Q Okay All right On the invited and other selected presentations it appears that the first 32 are about eating disorders 33 is, again, trauma, PTSD and eating disorders Is that gonna be a similar presentation to the last one we talked about? 09 41 12
A. **Can I take a look at the details?** 09 41 28
Q Certainly The last one specifically mentioned bulimia
A. **Yes. That's when I was doing that work That's after I had completed -- just after I'd begun to analyze this data. Yes.** 09:41:40
Q Okay All right And same heading 67 and 70, you spoke in Orangeburg on the diagnosis and treatment of dissociative disorders and at MUSC on psychiatric aspects of victimization
A **Okay** 09:42:11

Page 25

Q On number 67 the diagnosis and treatment of dissociative disorders
A **Uh-huh**
Q Would you have a copy of that presentation still? 09 42 22
A **No**
Q Okay What was the reason that you were asked to come speak on that topic, were they having a problem with dissociative disorders?
A **Because they were interested in it and had had cases and they didn't really know what to do and wanted to learn more about it** 09 42 34
Q Okay
A **And I had been identified as someone who had some knowledge and interest in that area** 09 42 46
Q Okay And on the psychiatric aspects of victimization what does that mean?
A **What does the term mean, the phrase, psychiatric aspects of victimization mean?**
Q What was that presentation about? 09 43 07
A **It's about -- looks like I gave this at the youth division, grand rounds, so I'm sure it was about the disorders that are found in children or seen in children or adolescents that are a result from various forms of victimization,** 09 43 25

Page 26

including child sexual abuse, physical abuse, emotional abuse

Q Okay So it's the psychiatric aspects --

A Yeah

Q -- resulting from victimization, not psychiatric aspects that may contribute to becoming a victim? 09 43 37

A I may have touched on that or included some of that, but I think the bulk of the literature about that is more the sequela of victimization 09 43 51

Q Okay

A We're not talking about -- not talking about what makes people violent or to be perpetrators, if that's what you mean

Q No I meant, what would lend itself to a person becoming a victim versus a sibling or another person in the same -- 09 44 06

A Actually, prior victimization is the best predictor.

Q And if there is no prior? 09 44 17

A Victimization predicts more victimization

Q In what percentage of the population?

MR EDWARDS Object to the form

A I don't know what percentage of the population You know, you have to look -- I mean, a large 09 44 34

Page 27

segment of the population are victimized

Q Okay

A A third of women have rape or molestation at some point in their life It's extremely common 09 44 48

Q Right But once you've been victimized -- of those women who have been victimized --

A Uh-huh

Q -- what percentage is revictimized?

A Well, about anywhere from 10 to 12 percent of women will have PTSD Not everybody who's victimized will develop posttraumatic stress disorder, 10 to 12 percent will There will be several more percent will have what's called partial PTSD or sub-clinical PTSD, which is something that's been increasingly written about and so perhaps as many as 40 percent of those with PTSD and partial PTSD will have experiences of revictimization 09 44 57 09 45 14

Q And does that PTSD, is there any determination between women who have PTSD for a short period of time versus an extended period of time? 09 45 33

MR EDWARDS Object to the form

Answer if you understand

A Repeat the question, please 09 45 49

Page 28

Q Well, would you agree with me that some people who are diagnosed with PTSD, after a period of time no longer suffer from the symptoms of PTSD?

A Yes I would agree that that happens

Q Okay And is there any differentiation between women who have a short period of PTSD symptoms versus women who have an extended years-long period of PTSD symptoms? 09 46 15

A Well, one of the factors is -- I mean, there are several factors One is genetics, another is the age at first traumatization 09 46 33

Q And how does that affect --

A Another is the emotional support that's available at the time Another -- another is whether there was disclosure or not And another -- you know, one of the biggest factors is the dose and frequency of the trauma And people who have more chronic PTSD tend to have a larger dose of PTSD -- larger dose of trauma and more frequent episodes of trauma than those who have like one episode 09 46 48 09 47 08

Q Okay

A But PTSD itself tends to be a chronic disorder with a third meeting full criteria ten years later in the national comorbidity study, so it 09 47 25

Page 29

tends to be chronic

Q Even for people with one trauma?

A Again, it's variable There are several factors you have to go into It certainly can happen There are people who have had one episode and their lives are never the same 09 47 40

Q Okay

A And again, it depends on a number of factors relevant to the nature of the trauma and the age and so forth 09 47 52

Q Okay And you've mentioned age several times Is there kind of a cutoff on the age situation?

A No, it's only a spectrum

Q Okay We'll talk more about that in a little bit On this you have, number 76, depression and psychiatric comorbidities 09 48 06

A Uh-huh

Q Were there specific comorbidities that you were addressing?

A I'm sure I was addressing all the ones I knew about at the time, which would include anxiety disorders, which would include PTSD and trauma People with depression have higher rates of prior trauma Certainly I was addressing eating disorders, substance abuse disorders, 09 48 16 09 48 35

Page 30

personality disorders You know, I'm sure I was addressing all of the ones that I knew about at the time, which there's a considerable amount of comorbidity with depression

Q Okay Have you diagnosed [redacted] with multiple personality disorder? 09 48 53

A No

Q Okay And she has not been diagnosed by you with bulimia Is that separate from binge eating? 09 49 17

A Binge eating -- well, bulimia is binge eating with purging Binge eating disorder is binging without purging, without compensation.

Q Okay All right So she was not diagnosed with bulimia? 09 49 32

A Correct

Q All right And under media coverage and community service, number 66, is an internet media interview, childhood sexual abuse is a risk factor for psychiatric disorders and 09 49 55 substance abuse from CBS News Health Watch When you were looking at the childhood sexual abuse as a risk factor, was there a certain age group that you were looking at during which the childhood sexual abuse would occur? 09 50 13

Page 31

A No, it's childhood, entire childhood It's -- by childhood there, I mean children and adolescents, so 17 and younger

Q So 0 to 17?

A Yes 09 50 25

Q Okay And a risk factor for psychiatric disorders and substance abuse, were you looking at psychiatric disorders and substance abuse that developed during childhood and adolescence or such disorders and substance abuse that 09 50 43 developed in adulthood?

A Both

Q Okay And was there a difference in the basis for the underlying abuse that related -- that resulted in psychiatric disorders in childhood 09 51 06 versus later in adulthood?

A That wasn't the nature of the -- I mean, I don't know if you've gotten any media presentations, but they're very short and sweet They're not extensive or in-depth at all, so we didn't get 09 51.23 into all that

Q Okay Have you done any additional studies or research on that issue?

A Repeat your question, please Exactly --

Q Okay Other than this short media interview, 09 51 38 have you done any studies or research on the length of time that a child sexual abuse survivor would develop a psychiatric disorder?

MR EDWARDS Object to the form

A The length of time that someone would develop a psychiatric disorder? Length of time, you mean after the abuse? 09 52 01

Q Yes

A It's highly variable It's highly variable I have looked at that, actually 09 52 17

Q All right And does it depend on the child's age at the time of the abuse?

A That's unclear That's not clear

Q Okay

A Sometimes it does 09 52 26

Q Okay And how often do you see that it's -- there's a delay in the manifestation of a psychiatric disorder of years?

A Frequently.

Q And is there -- 09 52 51

A It's common

Q Do you have an opinion as to the reason that there is such a delay of years before the psychiatric disorders are developed?

A Various reasons There are various reasons 09 53 02

Page 33

There's no one reason.

Q Okay All right Did you bring with you all of the records that you gave to Mr Edwards?

A Yes

Q Okay Good All right 09 53 48

THE DEPONENT Can I get a refill on water?

MR QUISENBERRY Let's take a quick break

(Whereupon, there was a short break 09 53 59 in the proceedings)

BY MS JACKSON

Q Okay Are you ready?

A Yes

Q All right I notice several mentions of 09 58 26 seasonal affective disorder You did not diagnose [redacted] with seasonal affective disorder, correct?

A No, I did not

Q Or any kind of seasonal psychiatric issues? 09 58 37

A No

Q Okay All right And you informed me at the beginning of this that the phrase "repressed memory syndrome" is not correct

A Well, it's not a correct psychiatric term It's 09 58 51

Lell

Page 34

really more of a lay term or a common term I know it's used in the legal profession

Q Okay

A But it's not a formal diagnosis in psychiatry You're not gonna find it in DSM-IV 09 59 08

Q Okay Well, what is the formal diagnosis for somebody who has a period of time extending years for which they have a blank slate?

MR EDWARDS Object to the form

A A blank slate? 09 59 27

Q For which they have no memories?

MR EDWARDS Same objection

A Yeah It's not exactly no memories You mean no memory of the trauma?

Q Now, when I -- when we took [redacted] 09 59 40 deposition, the information that we were given was that there was a period of years for which she had no memories

A Okay

Q Basically had an empty time period in her life 09 59 51 It wasn't that she just didn't remember the trauma, but according to her, she couldn't remember going to school, she couldn't remember any aspect of her life for that time period

A Okay 10 00 04

Page 35

Q So I'm talking about the period of time for which somebody has no memories

A Okay That would be dissociative amnesia

Q Okay

A Which is a known dissociative disorder 10 00 15

Q Okay Is it a different term for somebody who is only not recalling the incidents of trauma?

A Well, there's -- a related disorder is posttraumatic stress disorder delayed onset And so you often will have those two together 10 00 37 PTSD delayed onset has to do with the emergence of PTSD symptoms more than six months after the traumatic event And sometimes during that period there is amnesia for the event or events So you have both of them together and I think 10 01 05 that is what, you know, we're talking about with [redacted] that's what characterizes her best

Q Okay But whether it's someone who only has amnesia for the traumatic event or whether it's 10 01 19 someone who has total amnesia for a period of time, they're both dissociative amnesia?

A Yes Because dissociative amnesia is defined as amnesia for personal information that is too extensive to be explained by ordinary 10 01 37

Page 36

forgetfulness

Q All right

A So it can very much include both traumatic and non-traumatic events or experiences or periods of time 10 01 53

Q Okay What did you review in order to prepare your opinions for today's deposition?

A I reviewed all -- I reviewed the notes that I took during my evaluation of [redacted] I reviewed a number of articles on dissociative 10 02 14 amnesia, so-called repressed memory syndrome

Q Are those the ones that you produced this morning?

A Yes

Q Okay 10 02 29

A Yes That's pretty much it

Q Did you review doctor or Tanya Bolton's records?

A I did review all of her medical records, yes, and I've reviewed the depositions that were available to me. 10 02 42

Q Okay Whose depositions were available to you?

A [redacted] -- I really am drawing a blank right now on who else I reviewed

Q Did you review the detectives?

A What was his name? 10 03 12

Page 37

Q Her name, Rita Avila?

A I don't think so

Q Mother or the father?

A The mother

Q Just those two? 10 03 23

A Yeah

Q Okay Did you see Heidi Zinzow's records?

A From the crime victims center, yes, I did

Q And Health First?

A Health First? Who is the provider at Health 10 03 38 First?

Q I think it's an urgent care facility

A All right I've reviewed records from Tanya Bolton, Bolton Counseling and Consulting. I reviewed the records that I have here, these two 10 04 06 sheets (indicating)

Q Okay

A I didn't write that term down, but it may -- it may be one of these

Q Okay And these are pages 818 and 819 Yours 10 04 20 are not numbered

MS JACKSON Do you know how these got numbered?

MR EDWARDS I'm sure we Bate stamped them to produce them to you 10 04 31

Page 38

MR QUISENBERRY They've been Bate stamped, the medical documents that they produced to us

THE DEPONENT Yeah those are them 10 04 40

BY MS JACKSON

Q Did you interview anyone besides [redacted]

A **No**

Q Okay Have you prepared any written reports?

A **No** 10 04 49

Q The notes that you took, where did this information come from?

A **From the medical records of the places that are listed that were provided to me by the Richter Firm and I have those with me if you want to see them** 10 05 11

Q Okay So this was not provided from an interview with [redacted]

A. **Correct**

Q Okay Did you perform a clinical interview of [redacted] 10 05 21

A **Yes**

Q Okay Do you have notes from that?

A **I do There are notes on this sheet, as well as throughout the psychometric instruments that I** 10 05 35

Page 39

administered to her I took notes along the way and I also did the structured clinical interview for DSM-IV disorders, axis one and two and -- which is a computerized evaluation and I have that printout -- those printouts 10 06 03

Q Okay

A **So**

Q All right So the page that says psychiatric evaluation --

A **Uh-huh** 10 06 13

Q -- which is on my documents is 802 and 803 --

A **Uh-huh**

Q -- is all of that handwriting yours?

A **Yes**

Q And how many times did you meet with [redacted] 10 06 23

A **Once.**

Q And that was on January 23rd of this year?

A **Right**

Q 2012?

A **Uh-huh** 10 06 28

Q All right Have you provided any treatment to her?

A **No**

Q Do you have any treatment scheduled?

A **No I wouldn't do that.** 10 06 43

Page 40

Q You don't treat patients that you evaluate?

A **Absolutely not Not as a forensic expert**

Q How long did you spend with her on the 23rd?

A **Five and a half hours**

Q All right Now on page 802 the psychiatric evaluation, it says two gaps in memory 10 06 59

A **Uh-huh**

Q Birth or zero to ages 10, 11, 12 or 13?

A **Uh-huh**

Q And then ages 15 to 18 So basically from the time she was zero years old until she was 18 she has memories of about one to two years of her life? 10 07 25

A **Repeat that again, please**

Q If she has a gap in her memory from zero to somewhere between 10 and 13 -- 10 07 46

A **Uh-huh.**

Q -- and then another gap in her memory between the ages of 15 and 18 --

A **Uh-huh** 10 07 58

Q -- that gives us a period of time between about age 13 and about age 15 that she actually remembers is that correct?

A **Anywhere between 10 to 13 to 15, so, you know, I mean, that's the nature of this disorder is that** 10 08 15

Page 41

it's fuzzy The lines are not clearly delineated People are unsure and it's fuzzy And it's not necessarily a complete blank, but it's a relative blank It's a relative absence of memory compared to what most people would have 10 08 38

Q But are you aware that [redacted] has testified that she has a complete absence of memory for those periods?

A **Yes** 10 08 49

Q Okay And she claims she was molested by a babysitter at age four and assaulted by Charlie Smith at age 15, correct?

A **Yes I'm aware that she did have those gaps That doesn't mean that it's gonna stay that way It may be something that's evolving I mean, it obviously is evolving** 10 09 07

Q Okay Have you seen other patients with such substantial gaps?

A **Yes** 10 09 20

Q How many?

A **I've seen hundreds of patients in my career**

Q With 15-year gaps in their 18-year life?

A **Yes Did you ever see the show Ruby?**

Q All right It appears in this case that we have 10 09 36

Page 42

to answer two questions One, did the assault by Charlie Smith actually happen and two, did she actually have a loss of memory about it, okay?
A (Indicating) 10 09 56
Q And we have several instances of abuse throughout [redacted] life, according to her own testimony, the testimony of her mother and her reports to both -- well, to Heidi Zinzow, Tanya Bolton and to you 10 10 16
A Correct
Q How is it that -- well, let me ask you this Can you state to a reasonable degree of medical certainty that the symptoms that [redacted] is having now as an adult are solely related to her 10 10 34 allegation that Charlie Smith touched her breast and had her perform oral sex on him one time when she was 15?
A Yes
Q How? 10 10 47
A It all -- it all hangs together from my perspective in terms of the clinical presentation and her history and the story And you know, it's something that I've been studying for literally 25 years and I've seen a number of 10 11 14

Page 43

patients with dissociative disorders who have had longer gaps in their periods of life that they don't remember So it -- you know, the fact that she had earlier traumas actually primed her to have a later period of time of 10 11 33 severe amnesia I mean, she had an earlier -- she had dissociation beginning as a child
Q Which was much more lengthy than the one after this incident correct, zero to 10 versus 15 to 18? 10 11 57
MR EDWARDS Object to the form
Q Dissociative gap on the first set of abuse was longer than the dissociative gap on the second?
A It's not that -- it's not that simple It's not that simple She has more of a complete gap, 10 12 12 but she still didn't remember the assault until 2007, which makes it a much longer period of amnesia about that trauma So, you know, it -- it's just -- you have to be specific about what exactly you're talking about in terms of the 10 12 32 loss of memory
Q Okay
A But if you want me to explain why I think that it fits, I can continue
Q Well, hold on one second She was forced to 10 12 45

Page 44

perform oral sex on a babysitter at age four, correct?
A That's her -- that's her history, yes
Q Okay And at age four she then did not recall that memory until, I believe, 1996, correct? 10 13 04
A. Okay.
Q And isn't that the same significant gap of time to remember that abuse as the age 15 to 2007?
A It's a similar pattern
Q Right 10 13 26
A Okay.
Q So how is it that all of this can be attributed solely to the allegation against Charlie Smith and not also to the situation with the babysitter when she was four and as well as the 10 13 38 physical abuse that she alleged from her father when she was a child?
A Those earlier traumas do contribute to her propensity to disassociate, but that's beside the point as to whether or not he did it, which 10 13 54 is what you said, the two things
Q No Those are the two things that I need to figure out
A Yeah
Q I don't need you to figure it out, whether it 10 14 00

Page 45

actually happened
A You asked me what I thought about it
Q Well, those are the two things that have to be answered for this case
A Okay 10 14 11
Q These are two, two things that the jury's gonna have to --
A But you asked me what I thought in terms of an expert in terms of reasonable medical certainty, whether it made sense, the symptoms 10 14 19
Q No Whether it makes sense that what she's alleging happened with Charlie Smith is solely the cause of the symptoms she's having now, versus being contributory with the abuse she suffered as a younger child? 10 14 34
A You can't separate things out like that It's more like, if not but for, it's the straw that broke the camel's back Obviously her state of mind at that point is relevant. The state of -- her state of mind in her prior experiences at 10 14 52 the time of assault by Charlie Smith is -- is relevant
Q Okay She testified she was a happy child and at that point had no memory of the prior abuse
A Okay 10 15 07

Page 46

Q So how would the prior abuse, she had no memory of it at that point and didn't remember it until 1996, some seven years after the abuse she alleges by Charlie Smith, how did that affect her state of mind? Based on her own testimony, she was a happy child, excited about school and softball and all kinds of other things, leading her into Charlie Smith's allegations -- the allegations she made against him 10 15 23

MR EDWARDS Object to the form 10 15 38

What exactly is the question?

(A read-back in the proceedings)

BY MS JACKSON

Q How could that earlier abuse affect her state of mind when she didn't have any memory of it at that time? 10 16 13

A Because it's imprinted in the brain Dissociation is a survival mechanism It's a defense mechanism It's part of how the brain reacts to overwhelming stress and it alters the course of brain development And it's a protective mechanism So that ability to dissociate was triggered and once it's triggered, it kind of sticks around, that propensity continues on into adulthood 10 16 28 10 16 54

Page 47

The propensity to dissociate is a genetically determined quality It's part of our personality and it's also much -- we know this from twin studies, there's kind of a bi-mobile distribution, there are high dissociators and low dissociators that run in families and then when you add overwhelming abuse or stress earlier in childhood when there is a propensity toward dissociation, that person maintains that propensity up into and through adulthood 10 17 14 10 17 29

So the fact that she had these earlier experiences that caused her to block out these memories, which had a protective affect, which allowed her to feel okay at times, it's not gone, it's just hidden But that propensity is still there when another serious trauma comes along She -- you know, it worked before in terms of a protective mechanism, it's gonna be relied on again as a protective mechanism 10.17 44 10 18 05

Q For a person with the history that [redacted] had when the abuse at age four was discovered, would it have been helpful to her propensity to dissociate to have had psychological or psychiatric counseling after the first abusive 10 18 29

Page 48

session?

A Theoretically, but the abuse didn't stop there. You know, there was also a violent father and a violent stepfather that she -- so she had a -- she did not have a safe environment growing up The babysitter was just one thing. But there's also growing up in a family with an alcoholic, violent father and who's beating you and she's witnessing domestic violence There were multiple traumas and it's not just a one-time deal and just because she remembers only one incident with the babysitter doesn't mean there weren't multiple incidences But we do have per her testimony that there was also other major stressors in her family that probably contributed to the length of time that she had an amnesic period 10 18 47 10 19 07 10 19 24

Q Okay So the sexual abuse and the physical abuse and the violent home all contributed to her having a 10 to 13 years amnesic period? 10 19 41

A Yes Yes

Q That she didn't recover until 1996?

A That is certainly possible, yes

Q Okay And then that made her more prone to develop dissociation after the abuse she alleges 10 20 02

Page 49

at age 15?

A Exactly

Q And that period of amnesia ended at age 18, approximately --

A In part 10 20 17

Q -- based on her own --

A In part She didn't remember the abuse per se, but she started remembering her life more, but she, like I said, she didn't remember the actual assault by Charlie Smith until 2007 -- 10 20 30

Q Right And I'm not saying that she --

A -- at which point she's not 18 anymore

Q And I'm not saying that she recovered her memory at age 18, but starting at age 18 she no longer had amnesia from that point forward, is that correct? I'm not backwards, the 15 to 18 is still missing? 10 20 43

A She still had partial amnesia, yes, she did, for that event

Q Right But starting at age 18 she was able to remember that time period? 10 20 53

A Right

Q From age 18 up?

A And that's the way memory recovery happens It's just not all in one big fell swoop, it's 10 21 05

Page 50

piecemeal It's fragmented That's the nature of dissociation It's the failure to integrate experience and when it comes back, it comes back in a fragmentary way That's very typical

Q Okay When I was doing research on this I was not able to find any kind of research on patients who had a traumatic loss of memory age 15 and older Do you have any studies showing patients who have a traumatic loss of memory? 10 21 19

A. Sure There's a whole literature about holocaust survivors and dissociative amnesia and PTSD and there's a whole literature about combat veterans who have major dissociative symptoms, including dissociative amnesia 10 21 38

Q Okay I'm talking about sexual abuse 10 21 54

A It doesn't really matter

Q It does to me

A Abuse is abuse Recovered -- you know, dissociative amnesia -- you're talking about dissociative amnesia and that phenomenology, it doesn't really matter whatever can produce that kind of high, extremely high arousal will trigger the propensity to dissociate The brain -- the body brain self becomes so overwhelmed, so overwhelmed that it has this protective 10 22 05 10 22 23

Page 51

mechanism that's innate, that shuts off experience

Q Do you have any studies or research showing a victim of sexual abuse at age 15 who has traumatic amnesia, dissociative amnesia? 10 22 41

A You have adult women who are raped who have -- who forget parts or all of the trauma I mean, this happens at any age It happens more the younger you are, because we have an innate propensity toward dissociating That's age dependant But in the national women's study where we're interviewing adult women -- you know, adult women who were raped also have PTSD including one of the criteria for avoidance cluster symptoms, which is forgetting all or part of the trauma It's right there in this book I can show it to you right now 10 23 06 10 23 32

Q More than all or part of the trauma, the entire time period of their life, that's -- there seems to be a difference here between somebody who is simply -- and let me take that back, I don't mean simply, but somebody who has forgotten or repressed or become amnesic about the traumatic event versus somebody who, as in [redacted] case, says that she forgot or doesn't recall 10 23 48 10 24 06

Page 52

anything about her life --

A Uh-huh

Q -- for that time period --

A Uh-huh Okay

Q -- and with regard to the earlier abuse, the time period for which she has no memory goes back before the sexual abuse and extends significantly after it, which I understand includes some of the physical abuse 10 24 16

A Uh-huh Yeah 10 24 29

Q But it's a complete amnesia as to -- based on her own testimony, all aspects of her life

A Correct

Q And so --

A That happens 10 24 41

Q And so how does a person function from age 18 when her memory -- when her ability to recall starts back up, how does she function when she has no memory of 15 of the last 18 years of her life none? 10 24 58

A They function at a reduced level, but nevertheless, they function That's the whole part -- the whole reason for this defense is so that they can function It's so that they can get -- keep going and not be overwhelmed by the 10 25 20

Page 53

memories --

Q Okay

A -- attached to the trauma But people do forget everything. This happens in dissociative fugue, people take off and they forget everything They forget who they are and take on a new name This is not -- this is not an unheard of phenomena It happens in multiple personality disorder 10 25 34

Q But she doesn't have multiple personality disorder 10 25 46

A But she has dissociative disorder and so you have elements of -- it's possible

Q Okay

A You asked whether it's possible How can this happen We know that it does happen We can't explain everything We can't explain everything about that, most psychiatric disorders about how they happen How does schizophrenia happen? How does depression happen? How does a panic attack happen? We can't explain everything there is to know about how these disorders happen, but we know they happen 10 25 53 10 26 06

Q But this is not typical for dissociative amnesia, is it? Isn't it more typical that the 10 26 20

Page 54

person only has a loss of recall for the traumatic event?
MR EDWARDS Object to the form
A That's usually what the focus is on, but people do have -- you know, again, I'll refer you to the DSM-IV definition of dissociative amnesia it is the loss of memory for personal information too extensive to be explained by ordinary forgetfulness That's the definition of it Now, what -- you know, and that's variable How extensive is variable And yes, it can happen, that it can be a complete -- complete extensive -- you know, to the extent that it's complete 10 26 38 10 26 57
Q Okay 10 27 15
A People also -- I'll just stop there
Q Okay Well, how is it then that she or did she, based on what she's told you realize that she had no recall for all of those years of her childhood between the ages of 18 and 35, which 35 was 2007 10 27 43
A Uh-huh
Q -- when she suddenly started having these memories of what she alleges Charlie Smith did to her? I mean people talk about their 10 27 55

Page 55

childhood all the time I went to this elementary school or this was my favorite television show and if she has a complete loss of memory --
A Uh-huh 10 28 06
Q -- how is it that between 18 and 35 that didn't come up in her life?
A Repeat the question I'm not sure exactly what your question is
Q All right It seems to me that sometime between the age of 18 and 35 somehow in a discussion at work or somewhere -- 10 28 22
A She is aware of these gaps She is aware of them.
Q She's aware of them now, but was she aware of them between 18 -- 10 28 37
A I didn't interview her then
Q -- and 35?
A I didn't interview her then
Q Did you ask her if she was aware of them between 18 and 35? 10 28 44
A She indicated that she's suffered with this She said -- I wrote down, "It's very frustrating, like having a black hole " This just didn't occur to her, you know, last week or 10 28 58

Page 56

in 2007 There's been this sense of having a gap off and on periodically for some time
Q Well, people who have a gap, shouldn't they seek counseling --
MR EDWARDS Object to the form 10 29 12
Q -- or treatment?
MR EDWARDS Same objection
Q Is it your opinion that a person who feels that they have this black hole in their life or a big gap of time should seek treatment? 10 29 28
A Should of, could of, would of
Q A -- I'm asking you if a person who has a black hole in their memory should seek treatment?
A If they were -- I would consult -- if I were advising them, I would recommend that, but you see, the whole nature of dissociation is one of avoidance, okay You don't want to know That's why you blocked it out in the first place You don't want to know And treatment would indicate that you would want to know, okay Treatment would be approaching it when the whole idea is to avoid it 10 29 42 10 29 56
Q So she knows that there's --
A So I understand why she didn't seek treatment
Q So when she knows that there s a black hole, she 10 30 09

Page 57

knows that there's something in there that she doesn't want to know about?
A Yes I mean, there's -- chances are I didn't ask her that specifically, but it's -- in my experience with this, there's an ambivalence, there's a curiosity and there's a wanting to know, but then there's also at the same time a fear and not wanting to know. It's not black and white People have mixed feelings 10 30 25
Q And she would have had that the whole time that she knew about that black hole? 10 30 41
A. Yes And people only seek treatment when something becomes really distressful When it really interferes with their function, when there's a change, like what happened when she was working as a security guard and she was dealing with inmates, that reminded her, that triggered that memory Then it became problematic. 10.30 55
Q Okay 10 31 06
A And until that time, you know, out of sight, out of mind. I don't want to know about it, I don't want to deal with it It's just the here and now I'm doing fine, I'm getting up, I'm going to work, you know, life goes on And people 10.31 18

Page 58

often have that attitude I'm just gonna put this behind me and move on
Q Okay The Beck Depression Inventory II --
A Okay
Q -- has 21 questions 10 31 38
A Yep
Q Only question that she answered with a zero was punishment feelings and she answered with, "I don't feel I am being punished " Other than that, almost every answer she had was a two or a 10 31 55 three
A Okay
Q In reviewing this it seems --
A The Beck Anxiety Inventory?
Q No, the Beck Depression 10 32 16
A Oh, the Beck Depression
Q It seemed to me it was over the top
MR EDWARDS Object to form
Q It seems to me she was reaching for the answers
A Define "over the top" 10 32 26
Q It seemed that based on the scores less than 15 for mild depression, 15 to 30 for moderate depression and 30 plus for severe depression, that her score of 35 --
A Uh-huh 10 32 39

Page 59

Q Well, let me back up Let me ask you this Does she circle these or did she tell you the answer and you circled them?
A She circled them
Q Okay 10 32 48
A It's a self-report questionnaire
Q All right It seems to me that she may be overrating some of her symptoms
MR EDWARDS Object to the form
A Do you have a question? 10 32 59
Q Do you find that in this Beck Depression Inventory that patients will sometimes overstate their symptoms so that they can be considered depressed since that's how they see themselves?
A That can -- that can occur 10 33 13
Q Okay
A It's also my experience that people underestimate and deny their symptoms They both can happen
Q Okay Do you find that people underrate their 10 33 25 -- understate their symptoms more during treatment or more during forensic evaluation for litigation purposes?
MR EDWARDS Object to the form
A I haven't an impression either way 10 33 37

Page 60

Q Okay
A But I can say I would like to explain, if I may
Q Sure
A This is not the only measure of depression in my evaluation It is just one piece of 10 33 55 information And there I did an entire clinical interview, structured clinical interview, including mood disorders and when you see someone who is trying to exaggerate their symptoms, they tend to endorse everything, okay 10 34 11 And she did not endorse everything
Now, you can see that in the structured interview that I did, you can see that in the structured interview for dissociative disorders She is not someone that's just endorsing to be 10 34 23 endorsing, okay Her endorsements were very specific and it fit clinically from what I was seeing across the room and sitting -- and sitting with her for five and a half hours It fits that she was clinically depressed 10 34 38
Q Okay
A. And I've had a lot of experience with people who are -- are clinically depressed On the depression scale she endorsed all but one of the 21 questions, correct? Yes 10 34 51

Page 61

Q Okay And on the how can I tell if I have PTSD questionnaire --
A Right
Q -- she also endorsed all but one of the questions 10 35 00
A Okay Yeah Yeah, she's got bad PTSD
Q You don't consider that to be an exaggerated response?
A I have no evidence to make that conclusion based on the evaluation in toto 10 35 20
Q Okay On page 815 --
A And it fits in with the history It's not just that moment, but it fits in with her whole history
Q -- on page 8 -- it's my 815 and I'll show it to 10 35 33 you
A Okay All right. That's on the dissociative disorder EDIS Okay
Q Number 10, it says, "I feel pain in my genitals at times other than sexual intercourse " And 10 35 54 her answer was, "This applies to me a little with no physical cause known "
A Okay
Q What significance does that have to you in making your evaluation? 10 36 09

Page 62

A Well, there are two kinds of dissociation
There is this, typical with most people think of
dissociation psychological or cognitive
dissociation, but there's also semantic
dissociation in which symptoms manifest in the 10 36 31
body and the idea of sematic memories that often
are linked to the prior experiences that they
had And so that was one of many possible
symptoms that one could have, but it's certainly
compatible with -- I'm trying to find that, 10 36 57
where that is You don't have what part of --
what questionnaire that's a part of --
Q Looks like SDQ-20
A All right It would be certainly compatible
with someone who's been sexually abused These 10 37 13
kinds of symptoms, general pain, often occur in
people who have histories of sexual abuse and
particularly those who have dissociative
symptoms So rather than remembering it, they
feel it It's kind of a semantic memory. 10 37 30
Q Okay The sexual abuse that she's claiming
though, didn't involve her genitals, it involved
her providing oral sex to a separate person
A Okay
Q So wouldn't that make it a different situation? 10 37 42

Page 63

A Well, again, we don't really know everything
that happened to her, I don't think I mean,
she's made it clear in my interview, as well as
in her deposition that she's still subject to
remember more stuff And so we -- I think she 10 37 56
just began to scratch the surface and so we
don't know really what all happened to her And
you know, usually when someone -- when an adult
is abusing a child, it's usually not just the
one-time deal They usually do it as much as 10 38 13
they can get away with and they don't stop with
just oral sex So I don't have any evidence
that she was vaginally raped or digitally, you
know, raped vaginally, but that -- I'm certainly
open to that as being a possibility 10.38 34
Q Okay But right now there's no evidence of it?
A Not to my knowledge
Q Okay
A But what you point out does make one think or
wonder whether that happened That very 10 38.47
response that you pointed out
Q All right By the time you saw her, had she
already been diagnosed with certain psychiatric
disorders?
A Yes. 10 39 06

Page 64

Q What was she already diagnosed with?
A She had seen Tanya Bolton and she'd seen the
people at the National Crime Victims Center and
she was diagnosed with PTSD and major
depression And she had received Zoloft for 10 39 19
depression from her primary care doctor
Q Okay And she had been -- already being treated
for depression before she started recovering
these memories, correct?
A I think so But I'm not positive about that 10 39 31
Q Now, there were, and you've got them in your
notes, your handwritten notes, and you have page
one circled at the top, that's what I'm
referring to
A Okay 10 39 51
Q You show under Roman Numeral II or under circle
number two --
A Yeah
Q -- that she was -- that she says she was
assaulted by Charlie Smith at age 15 10 40 06
A. Uh-huh
Q Assaulted by a female babysitter age four
A Yes.
Q Age 20, a decapitated body at a crime scene
Age 26 and 29 stabbings 10 40 16

Page 65

A Uh-huh
Q Age 20, fatal MVA Age 16, Hugo --
A Uh-huh
Q -- and a shoulder dislocation at work
A Right 10 40 22
Q Family history of depression
A Right
Q Those are all pretty traumatic events, aren't
they?
A Uh-huh 10 40 28
Q Is that a yes?
A Yes
Q Okay And all of those events occurred except
for the assault by the babysitter, they all
occurred after her allegations with Charlie 10 40 38
Smith?
A Yes
Q Okay And one, two, three, four of them, the
decapitation, the two stabbings and the fatal
motor vehicle accident all happened in her 20's? 10 40 52
A Uh-huh Yes
Q All right And if you look at page two of your
notes, actually under your circled number three,
it actually talks about depression and Zoloft in
February of 2006 10 41 07

Page 66

A Okay Yes
Q And several treatments for that before we have this recovery of the memory?
A Right
Q All right 10 41 17
A A year before, yes
Q Okay I'm gonna skip ahead in the notes, but try to stay in the same time frame Let me see if I can find it here It's my page 832 It's in the dissociative disorder schedules It's in 10 41 41 the DSM-IV and it is questions under Roman Numeral VIII, says childhood abuse
A Okay
Q Page 13 There you go?
A Okay 10 42 05
Q All right Question 73, "Were you physically abused as a child or adolescent," and she put yes, correct?
A Right
Q "Was the physical abuse independent of episodes 10 42 15 of sexual abuse," answer, yes
A Right
Q Now, I want to make sure I understand the notes Are these your handwritten notes on this questionnaire? 10 42 27

Page 67

A Yes, they are Uh-huh
Q And when did you make these notes?
A When I was doing the interview
Q Okay Was that after she completed the answers or did you fill in the answers? 10 42 34
A No This is an interview that I did She did not -- this is not self-administered
Q So you asked her these questions?
A I asked her every question, yes
Q Well, why did you skip some of these questions? 10 42 44
A Because they were covered in other areas of the interview or evaluation, either the structured clinical interview for DSM-IV, axis four or the structured clinical interview for dissociative disorder 10 43 03
Q Okay And she did not sign a consent form for this?
A Oh, I didn't ask her to because she had signed a consent just for the entire evaluation
Q Okay So the notes that are in your 10 43 13 handwriting, these were taken --
A So I wanted -- I liked this section because it asked it in a very structured way and it was a way to organize the interview and make sure I didn't forget anything So I likely asked her 10 43 27

Page 68

just a part of this section
Q Okay And then --
A Because there's a lot of overlap with the other instruments that I mentioned
Q Okay So then after you asked these questions 10 43 43 73 and 74 --
A Uh-huh.
Q -- then did you follow it up with the information that you put in this note or was this information that she just gave you? 10 43 54
A. I don't understand
Q Did you ask her follow-up questions to ask her more about the abuse or did she just give this to you?
A She just gave this to me I asked her is there 10 44 01 anything more
Q Okay
A You know, I went down the list
Q Okay Is the F with the circle around it father? 10 44 13
A Yes
Q And the M with the circle around it is mother?
A Yes
Q Okay And so at one point it says, "Father beat really bad with a belt " 10 44 19

Page 69

A Correct
Q Okay And then down a little bit it says "Witnessed domestic violence between M and F "
A Yes
Q And M and step F? 10 44 27
A Yes
Q And under that M, "Reported F raping her when young child "
A Right Mother reported to her --
Q Okay 10 44 34
A -- that father raped mother when [redacted] was a young child
Q Okay So father raped mother?
A. In front of her
Q Not father raped [redacted] 10 44 50
A Correct
Q But father raped mother in [redacted] presence?
A Correct. That's what mother told her That's what she said mother told her
Q Okay And then, "Stepfather would push up 10 45 02 against wall, kicked her "
A Uh-huh
Q Is that a yes?
A Yes
Q Okay And then on the next page it says, "Hit 10 45 25

Page 70

with belt age 13 "
A Yes
Q And then at the -- after 77, "If you are physically abused, how old were you when it stopped?" And then you wrote, "Age 17, 18 by Mark " 10 45 51
A Right.
Q Do you know who Mark is?
A Mark is the stepfather
Q Okay, All right All right The recall of the sexual abuse by the babysitter came in 1996 with no trigger Is that unusual for there to be no trigger to a memory recall? 10 45 57
A I don't know that there was no trigger
Q I believe I pulled that out of your notes Do you recall her telling you what a trigger was? What triggered that recall? 10 46 28
A I do not. But just because someone doesn't recognize a trigger doesn't mean there wasn't one or isn't one 10 47 02
Q Okay Now, with the similarities of these allegations of abuse being that as it is now we have an allegation of oral sex abuse by the female babysitter and allegation of oral sex abuse by Charlie Smith, is there any reason why 10 47 22

Page 71

when she started to remember the abuse in 1996 she wouldn't have remembered this event as well?
MR EDWARDS Object to the form
Which event? 10 47 41
MS JACKSON The abuse by Charlie Smith when she remembered the abuse by the babysitter
MR EDWARDS Same objection
A Is there any reason why she would remember the babysitter and not Charlie Smith incident? 10 47 55
Q Yes
A And how old -- what was she in '96?
Q She was 15 in '89
MR EDWARDS Twenty two 10 48 22
Q About 22
A. Yeah Well, it's further -- it's -- it may have been safer for her to remember the babysitter incident. I don't know It's longer -- you know, there's a longer interval between that event and her age at the time compared to the Charlie Smith incident There may have been a trigger that she didn't recognize I don't think it's that unusual It could have been in the -- it could have been -- you know, [redacted] 10 48 36 10 49 10

Page 72

has had some confusion about her sexual orientation It could have been triggered by having a relationship with a woman, a sexual relationship encounter with a woman that triggered it I'm not sure But I don't think it's unusual 10 49 27
Q All right The incidents of abuse that she alleges by Charlie Smith, did she tell you about those?
A Yes 10 50 06
Q The specific instances?
A (Indicating)
Q What did she tell you were the specific instances?
A Well, she told me about the forced oral rape in his car She told me about an incident in front of the class at his desk in terms of touching her vagina and possibly making her touch him and then there was an incident at the stables of him kissing her and touching her breast 10 50 12 10 51 00
Q All right Have you been able to determine at what point she dissociated the memories of these events that she has advised you about or is that something that's possible to determine?
A Well, I can't tell you exactly when it started, 10 51 40

Page 73

but I think it started very shortly after the events took place
Q Okay
A And you know, we know that she had a suicide attempt that was probably short period after these events took place 10 52 05
Q Suicide attempt was in February of '89
A Right.
Q -- February 13th of 1989
A Okay 10 52 20
Q And your notes from the hospital records say, "Upset about problems at school, won't discuss further "
A Uh-huh
Q "And wants to die because of school problems " 10 52 29
A Right
Q Do you believe, based on your professional training and knowledge, that at the time she was in the hospital and gave these statements that she remembered these sexual abuse? 10 52 42
A Well, you can't -- you can't say for sure based on that limited amount of information, but probably
Q Okay Can you say to a reasonable degree of medical certainty that she didn't remember at 10 53 11

Page 74

the time of the suicide attempt?
A No
Q Okay And from her deposition transcript what she testified was immediately following the oral sex incident in the truck she got out at her 10 53 31
house, went straight into her bedroom, spent the evening crying and holding her cat because she was so upset Does that imply that at that point she had recollection of what had just happened to her? 10 53 48
A **It's not enough information to say**
Q Why not?
A **I mean, people -- people can be affected behaviorally by an event without necessarily consciously remembering or thinking about it** 10 54 06
Q Even if it's immediately following?
A. **Uh-huh**
Q Is that a yes?
A **Yes.**
Q All right We have the evidence that she was 10 54 19
being treated for depression prior to the recall of these memories She was not being treated for any PTSD until after the memories were recovered Can you tell me --
A **Well --** 10 55 03

Page 75

Q -- what --
A **She was treated for anxiety at Palmetto Primary Care in November of '07, so it's not clear exactly when in '07 she remembered, but you know, we're talking about primary care doctors** 10 55 24
who are not experts in psychiatric disorders
Q All right Well, if she had already reported it to the police before November of '07 then the treatment for anxiety would come after the recall of these memories And I will -- 10 55 47
A **If she disclosed to her doctor**
Q All right I will advise you this, it appears on September 11th of 2007 is when she filed her first police report, September
A **All right** 10 56 02
Q So at the time she was treated for anxiety in November she had been through some substantial work on this by reporting it to law enforcement retaining an attorney and beginning treatment
A **Okay** 10 56 18
Q Okay But what is there to support how she would be affected by depression before the recall but not PTSD before September, well, whenever in 2007 these memories arose?
A **Repeat the question, please.** 10 56 37

Page 76

Q Looks like February of '07 is when she first started having recall Before that, before February of '07 when she first started having recall --
A **Uh-huh** 10 56 50
Q -- how was she affected by depression but not PTSD when she had no memory of the events?
A **You don't need to -- I mean, there are a lot of people who get depressed and they don't know why they're depressed It's a physio -- depression** 10 57 11
is a brain disease Depression is -- the body still reacts to the stress, even though they might not be consciously aware of the trauma So you don't need to know to be depressed.
Q Okay Can you say to a reasonable degree of 10 57 27
medical certainty that the depression is only related to these unrecovered memories of abuse and not related to her involvement in viewing a decapitation, two stabbings, a fatal motor vehicle accident, an injury at work and 10 57 50
generally the stress of working with prisoners?
MR EDWARDS Object to the form
A **No You cannot just pinpoint it to one thing when there's a host of other stressors and factors** 10 58 06

Page 77

Q Would you agree that the job of a prison guard or a detention officer and I use both terms because she worked at Department of Corrections as a guard prison guard and the Charleston County Jail as a detention officer, that those 10 58 17
are stressful positions?
A **I would agree**
Q All right And as a female working in a male dominated environment with regard to the prisoners and inmates, that would also make for 10 58 30
a stressful job?
A **Yes**
Q All right All right Tell me the criteria for PTSD
A **Well, there are -- there are basically five** 10 58 44
criteria One is that you've had a traumatic event in which there was significant degree of horror or fright or threat
Secondly, there are -- and there are three clusters of symptoms One is the 10 59 14
re-experiencing symptoms in which you have flashbacks or nightmares, you have current intrusive imagery of the trauma that comes back to you You also, in the second cluster you have avoidance symptoms, which can involve also 10 59 33

Page 78

forgetting all or part of the memories You have also, just avoiding discussion, avoiding talking about it, avoiding people and places that remind you of it There is all sorts of manifestations of that avoidance It's also 10 59 54
feeling numbed
Then the third cluster is hyperarousal in which there are basically anxiety symptoms, panic symptoms, trouble falling asleep, being on guard, not being able to relax, being irritable 11 00 13
So you have the trauma and you have these three clusters, re-experiencing avoidance and hyperarousal and then you have to have evidence that there is dysfunction as a result of these symptoms as -- which is true for any psychiatric 11 00 34
disorder
Q Okay
A And then there are certain -- and then there are types of PTSD, there's acute, chronic and delayed onset 11 00 49
Q And are there certain requirements for delayed onset?
A Yes The -- the emergence of symptoms occurs six months or more after the event, traumatic event 11 01 13

Page 79

Q Okay And acute occurs what, almost immediately following?
A It -- the criteria required at least a month of these symptoms, so it's a month to six months and then more than six months it's chronic 11 01 28
Inside of a month people get the diagnosis of acute stress disorder at this point
Q Okay Can a person get -- have acute PTSD and then recover and then develop delayed onset PTSD at a later time? 11 01 55
A Yes
Q Okay How often does that occur?
A I'm not sure But it often, when it does occur, involves some degree of retraumatization It -- you know, as people become increasingly more 11 02 15
traumatized they become increasingly more sensitive to triggers or events So to some extent people become more sensitized to traumatic events given prior traumatic experiences 11 02 35
Q Okay Do some percentage of people who recover from acute PTSD actually become desensitized to traumatic events?
A They, they may appear to, but usually that's really more a function of the numbness that is 11 02 57

Page 80

really part of the syndrome So they may become, you know, numbed in terms of unresponsive and just kind of shut down the feeling, feeling-wise can be part of the syndrome But it's protective That's a 11 03 16
protective mechanism
Q Okay And what -- other than people with dissociative amnesia, what kind of people end up with this delayed onset?
A You -- what kind of people? 11 03 36
Q Or what kind of traumas result in delayed onset?
A Uh-huh Well, in my experience, I mean, I -- I see a lot of people with eating disorders as you know It's been a big focus of my career So I may see usually young women, but sometimes men 11 04 03
who are starving themselves to the point of near death I see people who are binging and vomiting, binging and taking laxatives, taking diuretics They're doing all kind of self-destructive behaviors that alter their 11 04 22
consciousness in terms of making themselves numb, much like a substance abuser would do, someone who's abusing alcohol or marijuana or cocaine
So I've seen people who at the beginning of 11 04 38

Page 81

treatment in the throws of their eating disorder deny that anything happened and they don't remember anything happening But then when they completely recover and they re -- and they have complete -- complete weight restoration if 11 04 54
they're anorexic or if they stop binging and purging and their brain starts working again and they also grow up, because usually these are adolescents or young women, then they start remembering when they feel calmer and safer and 11 05 07
they're in a trusting relationship and they're just thinking more clearly, traumas can emerge again So you see it more often in childhood or adolescent traumas
A lot of kids and people are abused and 11 05 23
they don't even know that they've been abused until later and they're out of it, because that's such a common -- that's what's normal for them It's the norm to be abused in their family Someone who grows up with a chronic 11 05 40
alcoholic father and they're coming home and he's raging and throwing things and they're living in fear, that's normal for them They think everybody's like that and then they grow up and leave home and see that, hey, you know, 11 05 53

Page 82

not all families are like that They realize how pathological in hindsight their situation was And they realize in hindsight, wow, I was abused Sometimes I have to convince people like this that, you know what, that's abuse 11 06 15
You know, you were hit, you were abused, you were -- you know, you were touched You know, they don't know that they were abused They have to kind of be -- they have to be shown the definition. And once there's the cognitive 11 06 27
realization that they were actually hurt, they were actually abused, then the PTSD symptoms came out So that's one -- that's one type of delayed onset PTSD --

Q Okay 11 06 45

A -- that I'm -- that I've seen a lot of You can see the same with substance abuse People, you know, they start using -- they start using in adolescence, even childhood sometimes They're numbing themselves Then they get clean later 11 06 58
They hit bottom, they get clean, then they start realizing, wow, I had a really crazy family, I was hurt. They start having the traumatic symptoms, PTSD symptoms

Q Okay 11 07 14

Page 83

A You see it in combat You see it in combat soldiers, you see it in grown men They suppress it It's not safe to be weak There's this whole machoism in the military and you're not supposed to be affected, you're supposed to 11 07 37
be men of steel You're supposed to be tough You're supposed to, you know, conquer everything, yet then they get out and they hold it together and deny it and get home, start getting back to work in their regular lives and 11 07 56
then the symptoms come forth, particularly if it's triggered by something that reminds them of it We saw that a lot in Vietnam

Q All right Earlier when I was asking you about the possibility of her remembering this event at 11 08 12
the time of her suicide attempt --

A Yeah.

Q -- and then I asked you if it was -- if you thought she would have remembered the event when she went into the house crying and stayed in her 11 08 24
room crying all night --

A Uh-huh

Q -- can you say to a reasonable degree of medical certainty that she did not recall the event immediately following it when she went into her 11 08 35

Page 84

room and was crying and holding her cat?

A No, I can't

Q Okay You've given me the definition for dissociative amnesia At what point after the event does the person have to dissociate from 11 08 55
that memory in order to qualify for dissociative amnesia?

A There's no -- there's no definitive point It -- in some ways it a judgment call, but when you're talking about years of someone's life, 11.09.22
big huge chunks, that's obviously abnormal You know, people without this may not -- nobody remembers everything Very, very few people remember everything in their lives, but they can generally know what schools they went to, who 11 09 43
their teachers were They can have a kind of stream, you know, a sequence of events that they can have certain -- they can point out certain facts in their life in that sequence But with people with dissociative amnesia, they're unable 11 10 03
to recall even some of the most neutral factual information And so it's all kind of relative, you know The bigger the gap, the more obvious it is

Q Okay So if she had a recall of the events with 11 10 20

Page 85

Charlie Smith and we've got several of them, at least five --

A Uh-huh

Q -- up until her suicide attempt and then after the suicide attempt when she survived, is it 11 10 30
possible that she disassociated at that point from those memories?

A Yeah You know, you're thinking of it as a one point in time and it's more like a process, rather than one distinct event in time 11 10 52

Q Okay

A You know, this was an extremely stressful overwhelming time for [redacted] You know, she -- it's not clear what exactly caused her to take the pills, you know, at the school 11 11 09
Something triggered her, chances are at school

Q And Charlie Smith was at school correct?

A Yes Yes Absolutely

Q Okay

A And then to -- and it's the whole thing, and not 11 11 21
disclose and have the shame of doing this in front of all of her classmates and then coming back and just being so mortified I mean, it's the whole context --

Q Okay 11 11 40

Page 86

A -- of the situation that led to the need to disclaim it, to forget about, you know, let me out of here And that led to her dropping out of school and it's that whole process. So no one can say, oh, it was this time, this minute on this day that dissociation began It doesn't work that way 11:11 56

Q Okay But is it likely --

A And it really doesn't matter

Q Why doesn't it matter? 11 12 08

A What difference does it make if it's that day or the next day or the next week? It happened

Q Well, would she recall between these five events, if we're kind of talking about the fact that this snowballed into this suicide attempt 11 12 28 and you say this built upon this and this built upon this and she drops out of school and it's this kind of snowball effect --

A Right

Q -- that would imply then that she would have 11 12 39 recall of each one of those events, at least for that short time period leading up to the suicide and then the embarrassment afterwards, before her brain kind of reached its breaking point and shut it down and put it away Is that -- is 11 12 53

Page 87

that what you're telling me?

A Well -- repeat that, please I'm not sure what you're saying

Q Okay What I'm trying to understand is, is your opinion that after event one that she -- between 11 13 15 events one and event five --

A We don't know what the time period was, the time span across those events

Q Okay But we know they ended before February 13th 11 13 32

A Right

Q And we know that she started school in September

A Right

Q So we only have that time period 11 13 35

A Right.

Q So it had to have been in that time period

A (Indicating)

Q And --

A But it was while he was coaching her probably 11 13 41

Q Right This was a softball team, spring sport

A I don't know what date softball started

Q It's a spring sport

A Okay

Q Okay So whatever we've got, we've got just a 11 13 54

Page 88

period of weeks to months

A Uh-huh Very probably a very short window of time

Q Okay So we have these five events and what I'm trying to understand is are you saying that 11 14 06 between that -- after event one, that she blocked that out and then event two and blocked that out or are you saying we've got these five events wrapping into the suicide attempt that kind of all built on one another and then we've 11 14 22 got after the suicide attempt this where her mind decided to put it away?

A I'm saying we don't really know is what I'm saying --

Q All right 11 14 35

A -- when exactly

Q So you can't say to a reasonable degree of medical certainty at what point she became dissociative amnesiac?

A Again, it's not an event, it's a process And 11 14 43 chances are the -- there was a degree of that after the first experience that continued to build

You know and she didn't realize cognitively what happened to her You have to take her 11 14 59

Page 89

psychology into consideration, her experiences before, the context You know, she'd already had -- you know, she had very negative experiences with authority figures, father figures 11 15 14

She said in her testimony and told me, as well, that she really looked up to this guy She needed a father figure She needed someone to be a positive role model for her She looked up to him He betrayed her He betrayed her 11 15 30 trust She was -- she thought that he was someone that she could trust and it wasn't gonna be a repetition of her father experiences, but he wasn't.

And you know, one of the things that 11 15 50 happens in kids is that they freeze. They just kind of freeze They're so frightened She'd already had -- she'd already been primed to be scared to death of authority, particularly male authority by her family experiences All right 11.16 11 And this guy comes along and he's nice to her, he gives her attention, you know, he pretends to care about her There's an attraction, perhaps an attraction at multiple levels, okay Just getting that attention It's something that she 11 16 29

Page 90

wasn't used to That, of course, you're gonna like, you know And he fooled her like a good perpetrator would He groomed her He led her to believe that he really cared about her, okay

Q Okay 11 16 47

A And then sex, she didn't know what sex was It's completely new experience Is this love, is this abuse Kids at her age, particularly her age, she was an immature fifteen-year-old Never had sex in her life except abusive sex by 11 17 01 a female So it's confusing, completely, you don't know what to think You know, you're not thinking clearly, someone in that situation

Q Okay Well, she didn't leave the truck happy that day, in love or thinking that this was 11 17 21 something about love She, according to her own testimony, when she left the truck --

A Right

Q -- she was crying

A Yeah 11 17 30

Q She was upset

A It was not pleasant

Q She knew that this wasn't something she wanted to do

A Right. 11 17 38

Page 91

Q This behavior continued on into her home for the rest of the evening --

A Right

Q -- according to her testimony

A But she couldn't trust -- she didn't have a good 11 17 44 enough relationship with any adult to tell anyone She didn't know that she could tell anyone Nobody had really protected her before, except her mother with the babysitter --

Q Right 11 17 55

A -- in hindsight

Q Right

A But mother had not protected her from father or stepfather

Q But mother had protected her from previous 11 18 01 sexual abuse --

A From the babysitter

Q -- from the babysitter

A Well, yes and no After the fact She didn't protect her before the fact and it was only 11 18 12 because the babysitter allegedly told mom, not because [redacted] told her

Q Right Okay And I'm not -- there's no question as to if [redacted] was feeling fear or froze or any of those things -- 11 18 33

Page 92

A Right

Q -- those are things that, you know, this was so long ago, no, we'll never know I mean, there's no eye witnesses, we don't know but taking her allegations as what they are -- 11 18 46

A Right

Q -- and you're saying that this is a process?

A Yes

Q There appears, by your definition of process, the way you just explained it, is there has to 11 18 58 at least be some recall of these events as they build up to --

A At the time But we're talking about -- we're talking about down the road You're talking about at the time of event 11 19 08

Q Right I'm talking about time of the event

A. Dissociative is down the road in retrospect, you know.

Q What do you mean down the road in retrospect?

A Well, you can't say someone has dissociative 11 19 19 amnesia until you're weeks, months, years down the road and they have a gap in retrospect

Q Okay So there's no way to say exactly when it started --

A Correct 11 19 35

Page 93

Q -- but the evidence that we have?

A The process -- the process started when she was a little kid

Q Right

A Okay I made that clear earlier That she was 11 19 43 primed --

Q Right

A -- because of her earlier abuse experiences This -- this chapter, this episode started when he started abusing her 11 19 55

Q And it ended with the suicide attempt?

A Yes

Q Okay All right

A I presume.

Q Okay 11 20 03

A Didn't end for her The abuse ended

Q The abuse ended?

A When she left

Q Okay

A And in that sense avoiding is adaptive 11.20 10

MS JACKSON Okay All right I need to take a quick break and I'm almost done

THE DEPONENT I need to go to the bathroom, too 11 20 23

Page 94

(Whereupon, there was a short break in the proceedings)
BY MS JACKSON
Q Okay This is -- you ready?
A **Yeah** 11 25 11
Q Okay The dissociative disorder interview schedules DSM-IV
A **Okay**
Q Now I'm looking at page 19 of that
A. **All right** 11 25 21
Q Question number 108 says, "Impulsive or unpredictable behavior in at least two areas that are potentially self-damaging, i e , spending, sex, substance abuse, reckless driving and binge eating " 11 25 49
A **Right**
Q And your handwritten comments say, "Used to," on food and then, "spending, binging"
A **Right**
Q Does that mean that she's no longer binging on food? 11 25 57
A. **No It's more the spending lots of money It's -- it was worse in the past and it's better now, but. .**
Q So she's no longer binging? 11 26 16

Page 95

A **She is still binging**
Q About how often?
A. **Well, she tells me that she's overeating every day And she's gained quite a bit of weight She's gained, I think 30 pounds, I think over the last two or three years** 11.26 39
Q Okay And did she have a history of binge eating before 2007?
A **No**
Q So the binge eating started when? 11 27 17
A **I'm looking for my notes here Basically it's -- she told me that she has gained most of the weight in the last four years So that's the duration of the binge eating**
Q Okay And what about the spending, what is the -- 11 28 16
A **That's spending on food She's buying a lot of food to binge on**
Q Okay
A **So it's -- it's specific to her eating problem** 11.28.26
Q Okay I'm not sure if these all go together It says, "Impactive event scale," but here "Trauma assessment scale for adults "
A **Okay**
Q And I'm on the page with question five and six 11 28 46

Page 96

A **All right.**
Q And five B says, "Did you ever think you might be killed or seriously injured?" And she answered, "Yes "
A. **Uh-huh** 11 29 11
Q Next to it you said, "Was scared of Charlie Smith "
A. **Uh-huh Yes**
Q Did she tell you what gave her reason to think that he might kill or seriously injure her? 11 29 22
A. **Not specifically, no.**
Q Did you ask her?
A. **Yes.**
Q And she couldn't tell you specifically?
A. **Right** 11 29 34
Q Okay
A **Now, this is something, you know, you want -- you noted one of my papers or presentations was on alexithymia and dissociation, so one of the characteristics of people who -- one of the characteristics of people who have eating disorders, who have trauma, who have dissociation have alexithymia, which is the inability to put your feelings in words And a lot of people really struggle with that ability** 11 29 47 11 30:01

Page 97

to simply state how you're feeling It may be easy for you and I, but it's not for a lot of people, particularly people who have been traumatized And I think, my impression was that [redacted] has a lot of trouble identifying specifically her feeling states 11 30 17
Q Okay
A **And I think, you know -- or why And that kind of clarity that you're asking about, I think is, you know, why did you feel fear and what did you think, you know, what scared you, that's just -- she's unable to do that** 11 30 33
Q Well, this goes beyond feeling --
A **I think it's part of the disorder**
Q This goes beyond feeling fear, this goes to being murdered or seriously injured This isn't just I was afraid of him 11 30 46
A **Yeah**
Q It's a very specific question
A **Right. Yeah** 11 30 57
Q All right And then on number six it says, "Before you were age 18 has anyone used pressure, coercion or non-physical threats to have sexual contact with you," and she circled, "Yes" Did she write these answers or did you? 11 31 10

Page 98

A She did and then I went over it with her, so this is her writing and this is my comment
Q So she circled yes?
A Yes
Q Did she tell you what the pressure, coercion or non-physical threat was? 11 31 19
A It was just more of a feeling and I think that's part of the fragmented nature of recovered memories, is that, you know, they're not complete There are gaps 11 31 37
Q Okay And on the next page it asks for physical force or threat of force --
A Right
Q -- to make you have some kind of unwanted sexual contact, and again she circled, "Yes"? 11 31 55
A Uh-huh
Q Did she tell you what the physical force or threat of force was?
A Well, when she was four it was just physically being forced to perform oral sex on the 20 11 32 08 something year old babysitter With Charlie Smith, it's, again, not clear, but some ways it's a moot point, because she was a minor and he's an adult
Q Okay But the question talks about physical 11 32 30

Page 99

force or threat of force
A Right
Q It doesn't talk about whether you're a minor and able to consent This doesn't deal with consent, this deals with force 11 32 40
A I know
Q Okay
A. But when you have someone who's been abused and they can -- and they're scared already, they can be extremely passive and manipulated That's 11 32 53 one of the things that perpetrators do, they pick out people who are vulnerable and who are manipulatable and that includes usually kids who have already had a history of trauma So they can smell that, who's vulnerable 11 33 12
Q Okay Question number ten it says, "At any time in your life has anyone ever attacked you with a gun, knife or some other kind of weapon and regardless of whether you ever reported it," and she put the answer to A, age 37 Did you 11 33 25 ever get any clarification as to what that event was?
A Well, that was in her work as a security officer in the detention facility
Q She said someone attacked her with a weapon? 11 33 36

Page 100

A Uh-huh
Q Did she give you any additional information?
A I wasn't focused on that, so no, I didn't pursue that
Q All right And then question number 11, "Has 11 33 52 anyone ever attacked you without a weapon, but with the intent to kill or seriously injure you," and she circled both
A Right
Q Did you get clarification on that? 11 34 06
A I think it's, again, indicative of her vagueness of not being sure of -- particularly this is -- this is reference to -- well, I got some clarification to answer your question And it's about her growing up with a father and 11 34 24 stepfather And you know, when your stepfather is throwing you up against the wall and your father is beating your mother and beating you, I mean, that's -- that's attacked with -- you feel like you're gonna be injured or killed when 11 34 43 you're a kid You're extremely frightened
Q All right Going to the SCID screen, patient questionnaire, extended diagnostic report
A. Okay
Q This lists diagnoses that are likely -- 11 34 56

Page 101

A Right.
Q -- diagnoses that are possible and diagnoses that are unlikely
A Correct
Q Okay The diagnoses that are likely, major 11 35 09 depressive episode
A Uh-huh
Q Melancholic type
A Uh-huh.
Q Dysthymic disorder 11 35 17
A Uh-huh
Q Agoraphobic avoidance, obsessive compulsive disorder
A Yes Uh-huh
Q Posttraumatic stress disorder, social phobia, 11 35 24 specific phobia, bulimia nervosa
A Right
Q Of those likely diagnoses, which ones did you actually diagnose her with?
A Major depression, dysthymic disorder, 11 35 36 posttraumatic stress disorder, social phobia and binge eating disorder, because I clarified that the compensation was really exercise, not vomiting, diuretics or laxatives
Q Okay And of the possible diagnoses, anxiety 11 36 07

Page 102

disorder, delusions --
A Uh-huh
Q -- and then it says symptom patterns suggest following diagnoses may be present and should be explored, agoraphobia, delusional disorder or 11 36 31 brief psychotic disorder
A Uh-huh
Q Schizoaffective disorder, depressive type or major depressive disorder with psychotic features and schizophrenia or schizophrenia form 11 36 45 disorder?
A Uh-huh
Q Delusional disorder or brief psychotic disorder Of those possible diagnoses did you diagnose her with any of those? 11 36 58
A No
Q Why not?
A Because she's not psychotic and she's not delusional
Q Why is she not delusional? 11 37 03
A Because there's no evidence of delusions There's no evidence of having a fixed idea that is irrational and not supported by reality
Q Okay And what evidence do you have that the incident she alleges with Charlie Smith actually 11 37 25

Page 103

happened and isn't a delusion?
A It's circumstantial It's just, again, the history in toto And this is not something that is -- people with -- who are psychotic typically come up with It's atypical, would be an 11 37 49 atypical delusion for someone who had a true psychotic disorder
Q Does she have to be psychotic?
A And they have to -- well, by definition delusions are a psychotic symptom And I think 11 38 05 the reason that that got triggered -- I mean, remember this is a computer program, okay, and the reason that that got triggered were things like reports having had the feeling that people were taking special notice of her The symptoms 11 38 40 that she endorsed can be easily explained by other conditions Her posttraumatic stress, her anxiety, her social phobia, her depression
Q Okay On the dimensional summary of responses to the SCID-II patient questionnaires -- 11 39 04
A Yeah
Q -- page one --
A Uh-huh.
Q -- it gives the clusters and then a range of 0 to 100 What does that mean? What is this 11 39 20

Page 104

range of 0 to 100, what does that mean?
A That's the -- that's basically the percent of the questions that, you know, are compatible with that personality disorder Percent of responses that are compatible with that 11 39 45 personality cluster or disorder
Q Okay So she had more than 50 percent of her responses --
A Uh-huh
Q -- that were compatible with being paranoid? 11 39 54
A Uh-huh
Q And more than 50 percent of her responses were compatible with being schizoid?
A Right
Q More than 50 percent of her responses were 11 40 04 compatible with being obsessive compulsive?
A Uh-huh
Q And more than 50 percent were compatible with being depressive?
A Right And 100 percent with -- 11 40 19
Q Avoidance?
A Uh-huh
Q Now, on page one of the actual summary of responses --
A Uh-huh 11 40 34

Page 105

Q -- personality screening questions answered yes
A Uh-huh
Q Says, "Acknowledges that she has avoided jobs or tasks that involved having to deal with a lot of people ' 11 40 46
A Uh-huh
Q She was a prison guard She had to deal with a lot of people, didn't she?
A Behind bars
Q Well, and other co-workers There's a lot of 11 40 57 people who work in a prison, aren't there?
A. I don't know There are others, yeah I don't know how many I don't know if you'd call it a lot
Q But this doesn't say you had to deal with a lot 11 41 10 of people who aren't behind bars, right?
A No, it doesn't say that
Q Okay So that's not really a truthful answer, is it, if she works as a prison guard?
MR EDWARDS Same objection 11 41 23
Q She didn't avoid a job that involved having to deal with a lot of people, she's had several
A Well, I think that's, that's certainly -- I wouldn't call it a dishonest answer I think there -- 11 41 40

Page 106

Q Why not?
A **Well, it's all relative You know, you don't know what jobs she avoided or didn't take because of her anxiety about being with people And in a prison, in some ways is -- you know,** 11 41 53
you're not exactly intimate with people You have them way at a distance There's major boundaries between you as a guard and people who are in the jail, major boundaries Not like they're your buddies who you're socializing 11 42 10
with
Q This doesn't say you're socializing with them This just says you have to deal with a lot of people and as a prison guard you deal with the inmates -- 11 42 23
A **Uh-huh**
Q -- correct? That's your job as a prison guard --
A **Yeah**
Q -- is to deal with the inmates? 11 42 27
A **Yeah**
Q So this question doesn't make a distinction about that type of thing, does it?
A. **Obviously not**
Q Okay All right And on page six she 11 42 38

Page 107

acknowledges that before age 15 she ran away from home and stayed away overnight Did she have any discussions about that? Any further information about that running away?
A **I did not ask her specifically about that, no** 11 43 04
What's important to me about that whole section on conduct is that there's not a clear pattern of sociopathic -- of sociopathy or anti-social personality
Q Okay All right The trauma symptom inventory 11 43 27
score report
A **Okay**
Q What does the TSI profile, what does that mean, this kind of --
A **This is a validated instrument that measures a** 11 43 55
spectrum of traumatic symptoms in adults
Q Okay What does DA mean along the bottom? That was her highest score
A **Defensive avoidance**
Q Okay All right And are those questions that 11 44 12
she answered on her own or did you fill in these answers?
A **She answered them on her own**
Q Okay And is an honest response important to these questions? 11 44 28

Page 108

A **Sure**
MR EDWARDS Are y'all looking at the same sheet?
A **This is her answer sheet**
Q Okay 11 44 35
A **Which then I plug into a computer program So she doesn't know what answers go to what sections or anything like that**
Q But she read the question?
A **She read the question** 11 44 47
Q And put her answer?
A **Which is on a different form**
Q So 25 she answered 0 on her circled form?
A **Uh-huh**
Q And 28 she answered 0 on her circled form and 11 45 01
those correspond with numbers 25 and 28 on this document (indicating)?
A **Correct**
Q Okay Those are the two I want to look at
A **Twenty-five and twenty-eight?** 11 45 14
Q Twenty-five Twenty-five says, "Threatening or attempting suicide," and she put 0, which means never, correct? But we know that she attempted suicide at least one time And I'm looking at the circled form that up here says 0 equals 11 45 34

Page 109

never
A **Yeah Yeah But I'm pretty sure that this is asking -- this is talking about your current state of mind, not ever in your life I don't seem to have the questions -- the instructions** 11 46 33
with me, but I'm pretty sure that this is -- the instructions are how you're feeling now on the last specified amount of time
Q And you don't know what that specified amount of time is? 11 47 00
A **I think it's in the last month So this is -- I know it's a current -- you know, these are current symptoms. These are not lifetime symptoms**
Q Now, the eating questionnaire actually says for 11 47 16
the past four weeks
A **Right**
Q If you would, please get those questions for the trauma symptom inventory so that I can see those, I would appreciate it 11 47 40
A **All right**
Q And is the eating questionnaire something that you use to base your diagnosis of binge eating on?
A **Yes Not exclusively It also came up in this** 11 48 03

Page 110

structured clinical interview
Q Okay And that's where we're going to next
All right The structured clinical interview
A I meant the other one The structured clinical
interview, DSM-IV, axis one The screen that 11 48 30
we've already went through
Q And this is the structured clinical interview
for DSM-IV dissociative disorders?
A Correct
Q And it appears that on page -- the first page 11 48 41
where the name is written, that's your
handwriting?
A Yes
Q Okay Is this something that you completed or
did she actually write in her own answers? 11 48 53
A I completed this It's an interview that I did
Q Okay This is the -- you're on the page that
starts amnesia, which is seven of the documents
and 914 of the Bate stamp?
A Okay 11 49 37
Q And this is all your handwriting, correct?
A Right
Q Okay It says on the left-hand side of the
page, "Not aware of gap until 2007," and then
dash "Nightmares of what had happened " Does 11 49 50

Page 111

that apply to both gaps or just the second one?
A The second one
Q Okay Again, I want to make sure that I
understand, if she has a gap of three years how
is it that a person is not aware that they're 11 50 18
missing three whole years of their life when
they're living a productive lifestyle and by
productive I mean working, paying bills, eating,
living in a home, buying a car?
MR EDWARDS Object to the form 11 50 41
A Well, it seems like we've been through this
already You want to know how is this possible
and it sounds like it may be hard for you to
believe, but this is the kind of phenomena that
has been described in the psychiatric 11 50 57
literature, in the dissociative disorders
literature specifically. So we don't know
exactly how it happens, but we know that it
definitely does You know you can ask that
question for a lot of things, how can people 11 51 17
live the way they live They do
Q On page ten it says, "She realized that she had
forgotten at age 14 and talked about this with
her mother in Pennsylvania "
A Right 11.51 31

Page 112

Q So at 14 she realized that she had lost first 10
to 13 years of her life and apparently nothing
was done about it, no treatment was received at
that time, correct?
A Not to my knowledge 11 51 44
Q Okay And then it says --
A But this is the kind of thing that you would see
in a dysfunctional family.
Q Okay On page 11 it says, "When was the last
time you noted gaps in your memory " She says 11 52 00
'Age 33 " What kind of gaps did she have at age
33?
A Well, this is -- this corresponds to 2007 when
she realized that she had the gap about Charlie
Smith That's the last time she noted a memory 11 52 19
gap
Q Okay So it's not the last time she experienced
a gap, it's the last time she realized she had a
gap?
A (Indicating) Uh-huh 11 52 29
Q All right The next section is
depersonalization and it appears that her
answers to all these questions were no
A Correct
Q But then many of the questions at the end were 11 52 50

Page 113

not answered Is that because of the prior nos?
A Yes.
Q Okay And her answers to derealization were
also no?
A Correct 11 53 05
Q And then later questions were not answered?
A Correct.
Q Identity confusion --
A Uh-huh.
Q -- at age 19, it says -- well, it says, 11 53 10
"Whenever I was younger," and then you have a
note up here, "age 19 "
A Uh-huh.
Q "Trying to figure out whether I wanted to be man
or -- 11 53 26
A. Be with men.
Q "Or with women "
A "Or with women. I decided I didn't want to be
with anyone, just myself "
Q "Just myself " 11 53 36
A And then I wrote, "We're really talking about
sexual orientation confusion "
Q Not identity confusion?
A Well, it's an aspect of identity what our sexual
orientation is, but it's not the kind of 11 53 54

Page 114

identity confusion we're talking about in dissociative disorder, which involves the kind you see in multiple personality Dissociative identity disorder

Q Okay Identity alteration, she answered all of those questions no? 11 54 10

A Correct

Q To the point that no further questions were asked Associated features of identity disturbance were all answered no 11 54 24

A Right

Q All right Okay And then on page 81 of that section it says "Criteria for dissociative identity disorder and dissociative disorder not otherwise specified " 11 54 52

A Uh-huh

Q Why was it not asked of her?

A I just didn't get around to completing it by the time you wanted these materials

Q Is this something you would have asked her about or is this something you would complete on your own? 11 55 00

A This is what I would complete on my own.

Q Is this something that you still intend to complete? 11 55 13

Page 115

A Okay, this is about DID and DDNOS, which does not apply to her She does not have DID or DDNOS, she has dissociative amnesia So I did complete this summary page, which is a summary of the entire interview 11 55 34

Q What page is this?

A Eighty-five

Q Eighty-five Okay

A Which basically just summarizes what I've already told you that she has dissociative amnesia 11 55 47

Q Okay So that was completed after we received the documents?

A Yes

Q All right What I'm gonna do is I'm going to make a copy of that for everyone 11 55 53

A Okay

Q Well, let me ask you this last question and I believe I'll be done and I'll pass it on to Brian while I make these copies 11 56 07

A. Okay

Q What did you do to assess her credibility?

A What did I do to assess her credibility? Well, in some of the -- in some of the questionnaires there is a kind of a check, you know, in terms 11.56 32

Page 116

of the consistency of the responses throughout the interview And nothing -- nothing kind of came up as a red flag in terms of discrepant answers. But I think it's just an overall kind of cohesion of the story given the psychometric instrument administration, that more formal evaluation, more of my clinical evaluation, talking with her, eye-balling her, sitting with her, looking at her deposition, with the whole history, there was nothing that -- there was nothing that came up that discredited her or made me think that she was unreliable. 11 56 57 11 57 19

Q Okay The other thing that I wanted to ask you about was with regard to the PTSD

A Yeah 11 57 47

Q Is the suicide attempt evidence of acute PTSD, or whatever you said it was, if you don't have it for a month?

A Acute stress disorder?

Q Acute stress disorder 11 58 05

A It could be I didn't really -- again, her memory isn't very good for that period of time and be making a retrospective diagnosis at a period of time where she's already having dissociative symptoms, so it's -- it's not 11 58 26

Page 117

clear, so I didn't really -- I didn't really attempt to do that.

Q Okay But we would have a --

A But her memory is not clear around that period of time and that's part -- that's indicative of her having dissociative symptoms at that period of time 11 58 41

Q Okay But leading up to the suicide attempt we have traumatic event

A Yeah 11 58 51

Q We have extreme --

A Distress as evidenced by her suicide

Q And we have evidence of dysfunction as evidenced by the suicide attempt

A (Indicating) 11 59 02

Q So doesn't that meet the criteria for PTSD or acute stress disorder?

A You have to have the symptoms for at least a month We don't know when the exact traumas were 11 59 13

Q So that would meet either?

A I would have to eyeball the acute stress disorder criteria to really -- if you let me look at that book I'll tell ya

Q You want to pull it out for me, I'll make a copy 11 59 22

Page 118

of that page real quick
(Whereupon, there was a short break in the proceedings)
(Defendant's Exhibits 3 and 4 were marked for identification) 11 59 26
BY MS JACKSON
Q Based on your review of acute distress disorder, which we copied for you from the DSM-IV, do you believe that sometime between September of 1988 and February of 1989 [redacted] met the 12 07 13 criteria for acute stress disorder?
A **Probably not And the reason is because of G, that the disturbance lasts for a minimum of two days and the maximum of four weeks So we know that this lasted more than four weeks as her 12 07 34 symptoms went on into PTSD and dissociative amnesia So this is something that would be reserved for someone who would not go on to develop PTSD**
Q Do you believe she met the criteria for PTSD 12 07 54 during this time?
A **No Because unless it was a month already and again, we don't know, we can't say because we don't know the date of the traumas or -- in reference to the date of the suicide attempt 12 08 10**

Page 119

Q Okay But you just told me that you don't believe she met acute stress disorder because it went on for more than four weeks, which is a month?
A **Her symptoms clearly went on, lasted more than a 12 08 21 month**
Q Okay So did she meet the criteria for posttraumatic stress disorder at that time because the symptoms went on for more than a month? 12 08 34
A **Yes**
Q Okay
A **Yes**
MS JACKSON All right And just for the Record, we marked the filled in 12 08 41 summary score sheet Exhibit 3 and the diagnostic criteria for acute stress disorder as Exhibit 4 And at this time I don't believe I have any further questions I may have one or two 12 09 00 follow-ups when he's done
E-X-A-M-I-N-A-T-I-O-N
BY MR QUISENBERRY
Q I'm Brian Quisenberry, Dr Brewerton I represent the Charleston County School District 12 09 51

Page 120

and James Island High School in this lawsuit I'm gonna ask you a few follow-up questions and questions from me, from my perspective You may have gone into them a little bit, but just to clarify, make sure I understand what your 12 10 06 testimony is
A. **Okay**
Q Just for the Record, I want to reserve the right to leave the deposition open just in case, because some of the documents weren't provided, 12 10 13 including, but not limited to your CV, which we definitely need to see your updated credentials
A. **Sure**
Q First I just want to make sure I understand some of these documents I'm looking at, it's 12 10 25 marked 823 for me, it's the dissociative disorder interview schedule DSM-IV version It starts out with a cover page, then goes into the consent form
A **Uh-huh 12 10 43**
Q Demographic data, and do you know what I'm talking about?
A **Yeah, I have it here**
Q I'm looking at page -- page four and it goes on for several pages And I understand from your 12 10 54

Page 121

testimony earlier, you said that you didn't ask her all the questions, but some of the questions that you felt were relevant to the information that you wanted, is that correct?
A **Correct Well, I didn't ask questions that I 12 11 09 thought were already asked in other interviews --**
Q Okay
A **-- or instruments**
Q And in some of these notes that you marked, such 12 11 19 as on page 14 --
A **Yeah**
Q -- those I understand your testimony to be that you, where needed, you asked additional questions, follow-up to the questions on the 12 11 41 form, is that correct?
A Yes
Q All right I want to take you to page four of this document and on the instruction, to me, it says, it seems like it's very structured 12 11 55 interview and I want to read this portion to you It says, "Questions in the dissociative disorder interview schedule must be asked in the order they occur in the schedule, all items in the schedule, including all items in the DSM-IV 12 12 12

Page 122

diagnostic criteria for dissociative disorder "
And it keeps going, 'And must be inquired about
The wording of the questions should be exactly
as written in order to standardize the
information gathered by interviewer The 12 12 28
interviewer should not read the section headings
aloud " Did you not follow the instructions
when you conducted the interview?
MR EDWARDS Object to the form
A **I did not follow those particular instructions 12 12 42**
and the reason is because this is a research
document If you look at - you know, if you
look at the second page of the consent form, it
says, "I agree to be interviewed as part of the
research project on dissociative disorder," so 12 13 05
the reason for that disclaimer -- the reason for
that instruction is to do it in the same way for
everyone who's in the research Now, it does
not mean that I can't take parts of it and use
it in a forensic interview or clinical 12 13 27
interview, particularly when I'm addressing
these very same issues in other ways
Q Would the order of the questions affect the
quality of the results in some instances?
A **If you were doing research, you would want to do 12 13 43**

Page 123

it the same way because it might
Q Uh-huh
A **There's no evidence that it did in this**
particular circumstance
Q But the reason they want it structured is 12 13 59
because in some instances it could affect the
results?
A **Just -- it's just general practice when you're**
doing research Again, research --
Q Uh-huh 12 14 09
A **-- which this is not, that you do everything**
exactly the same way as much as possible just to
standardize
Q So it's your view the only reason they wanted it
in the certain order is because of the research 12 14 25
aspect?
A **Yes The answers remain the same to the**
questions I asked her, regardless of the order
Q That's what you anticipate, correct, you don't
know for sure whether they'd be the same? 12 14 47
A **Correct**
Q All right I'm looking at page --
A **But I do know -- you know, I asked the same**
thing under child abuse, for example This came
up at various stages of the evaluation over a 12 15 00

Page 124

five and a half hour period
Q Uh-huh
A **So the -- and like I said before, all of the**
answers were consistent no matter how I asked
it 12 15 12
Q Uh-huh
A **Or you know, whether it was in a structured**
format or whether it was just in by way of
talking at other points in the exam
Q I understand Your opinion was that your 12 15 23
evaluation was accurate?
A **Everything was consistent**
Q Okay
A **Yeah**
Q On page 835, 836 -- 12 15 29
A **Okay I don't have those**
Q I'm sorry, 16 and 17 My fault
A **All right**
Q Some of these questions to me it seems like you
asked her, "Have you ever noticed things that 12 15 42
are missing in your personal possessions where
you've lived," correct, because you marked one?
A **Right**
Q And you didn't ask her these remaining questions
in this section, is that correct? 12 15 52

Page 125

A. **That is because this is the grandaddy, this is**
the grandaddy structured interview for
dissociative disorder (indicating)
Q Let the Record reflect that he's holding up
sched D 12 16 07
A **Yes This is the gold standard Instead of**
grandaddy, it's the gold standard of interviews
of how to evaluate whether someone has
dissociative disorder or not.
Q Okay 12 16 21
A. **This is the most studied, it's the most**
validated, it's considered the top.
Q Uh-huh
A **This is more of a second line interview**
schedule. It's not as well researched, it's 12.16 37
researched, but it's not as well validated and
researched as this is So I did not want to
waste her time or mine by being redundant and
asking her the exact same things about DID in
here that I've already covered in here 12 16 52
(indicating).
Q Some of these questions aren't in the sched D
though
A **But the point --**
Q If you look at -- 12 17 00

Page 126

A **The ones you asked me about, though, on page 16 are**
Q Well, some of them are, but if you look at 17, "Do people tell you about things you've done or said that you can't remember, not counting times you have been using drugs or alcohol," I don't recall that being in sched --
A **It's in the DES It's in the dissociative experience scale All the same exact topics**
Q It may not be presented in the exact terms and the exact order as in this interview schedule, correct? 12 17 26
A **Right But it is covered**
Q Do you typically use interview schedules in your evaluations? 12 17 38
A. **For forensic evaluations I do, yes**
Q Okay And there are other methods to do forensic evaluations, correct?
A **There are other methods Well, it depends on what the evaluation is about It depends on what the -- you know, what you're trying to evaluate Forensic evaluations are geared or should be geared to answer very specific questions --** 12 17 54
Q Yeah 12 18 04

Page 127

A **-- that -- you know, where psychiatry can enlighten the legal aspects or issues**
Q Well, let's say forensic evaluations dealing with psychiatric disorders There are other reliable methods besides using interview schedules, correct? 12 18 21
A **It's the most reliable, using structures**
Q In your opinion, interview schedules are
A **I think in most people's opinion who do this kind of work** 12 18 34
Q Uh-huh
A **You have a much more objective and structured approach and a more neutral and objective approach when you do structured interviews**
Q Okay 12 18 44
A **Now, they are supplemented by clinical strategies or you know, use things that or ways or approaches that are used in clinical work that supplement it**
Q And we've already -- and the supplemental interviews you did are all in your notes from -- your notes from those are all in these documents? 12 18 57
A **Yes**
Q Okay 12 19 07

Page 128

A. **Yes**
Q Now, you've gone over a little bit of -- during -- at some point you reviewed some documents that relate to this case correct?
A **Yes** 12 19 17
Q And I'm just gonna read off my list to make sure it's complete You mentioned earlier you read -- you reviewed Bolton's records, correct?
A. **Uh-huh Right**
Q And then depositions, including the depositions of [redacted] and her mother, is that correct? 12 19 27
A **And I think I also read Tanya Bolton's Well, she didn't give one yet**
Q She hasn't been deposed
A **Never mind She hasn't given one yet It was her records** 12 19 42
Q Heidi Zinzow's records?
A **Yes**
Q And then you did no other, you did no interviews of anyone else? 12 19 51
A **Correct**
Q Did you review the complaints in the case?
A **Yes**
Q Did you review any other pleadings or caption documents? 12 20 00

Page 129

A **I'm not sure what you mean**
Q Well, discovery documents that have been exchanged between the parties, court documents?
A **I think I did**
Q Do you know which ones? 12 20 13
A **The ones from Charles Smith. The responses**
Q Okay
A **The responses, yes, I did**
Q And then affidavits?
A **And the responses from the school board** 12 20 25
Q Did you review any affidavits?
A **Not that I recall**
Q Any written statements by [redacted] or her mother?
A **Oh, yes I'm sorry, yes, I did** 12 20 36
Q Okay Anything else that you reviewed?
A **No**
Q Nothing else?
A **Nothing else**
Q Okay Now, when did you review all these documents, before or after you met with her? 12 20 44
A **Before**
Q Before Okay And then after you didn't review anything else?
A **No** 12 20 58

Page 130

Q Okay
A **I had no new information provided**
Q Okay Now, I understand that some of these documents you administered by asking her the question and others she self-administered 12 21 18 correct?
A **Correct**
Q Would the self-administered documents -- where were you when she was answering those, were you in the room with her? 12 21 28
A. **Yes**
Q What were you doing while she was answering those?
A **Actually, no, I was not I was in and out**
Q In and out? 12 21 34
A **She was in my waiting room with the staff**
Q Okay
A **And I would go in and out checking on her**
Q How much time did you spend with her while she was answering the self-administered questions or 12 21 46 did you just introduce them to her?
A **What I told her is I'd like you to complete these and you have -- if you have any questions to let me know I'm just around the corner**
Q And then once you left how many -- did you not 12 21 56

Page 131

come back until she was done?
A **No, I was in and out checking**
Q And when you came in what did you say to check in?
A **How are you doing How's it going.** 12 22 05
Q Besides that, anything else?
A **No.**
Q And how long of a time period was it that she was doing the self-administered questionnaires?
A **I didn't time it.** 12.22 18
Q Was it several hours?
A **Oh, no Oh, no. Thirty minutes maybe**
Q Thirty minutes?
A **Thirty, forty minutes max**
Q All right Switch gears About different 12 22 27 authorities on these types of topics, would you agree that publications by the American Psychiatric Association such as the DSM-IV and other publications by the association are authoritative on dissociative disorders? 12 22 56
A **Yes**
Q Okay Now -- and including publications that the association has put forth since the DSM-IV has been published, correct, they are authoritative, also? 12 23 16

Page 132

A **That's a pretty all inclusive, you know, statement**
Q Uh-huh
A **You know, I'd like you to be more specific which ones you're talking about** 12 23 26
Q Well, just the publication, the journals that they produce Publications, such as journals that the association publishes that would be authoritative and you could look to that when you're trying to make a diagnosis, correct? 12 23 40
A **You could, yes**
Q All right Dissociative amnesia, you've testified about that and I understand that you've made a diagnosis of that in this case
A **Right** 12 23 56
Q That's something that is hard for lay people to get their head around
A **Sometimes**
Q And we're trying to understand it in this case
A **Sometimes** 12 24 05
Q And I want to make sure that my understanding of the -- of the disorder is correct, okay?
A **Okay**
Q Do you agree that the dissociative amnesia disorder must be distinguished from people who 12 24 20

Page 133

deliberately try to avoid thinking about an uncomfortable subject?
A **Yes**
Q And it must be distinguished from people who haven't thought about an uncomfortable subject 12 24 34 for a while, but could be capable of thinking of it if prompted, correct?
A **Yes, it is distinguishable**
Q Okay
A **They are distinguishable** 12 24 44
Q And when you're making your diagnosis it's your responsibility to make that distinction, correct?
A **Yes**
Q Now, what -- the typical period of amnesia is 12 24 58 something that -- is it typically a -- I understand it to be a -- generally it's atypical for the amnesia to be a long period of time before and after the traumatic event is that true? 12 25 28
MR EDWARDS Object to the form
Q It can occur, but it's atypical for it to be for long periods of time before and after the traumatic event that causes the amnesia?
MR EDWARDS Same objection 12 25 40

Page 134

A No, I wouldn't agree with that. I don't know that we know what the typical period of amnesia is
Q Well, you could find out by studying cases and seeing what the typical case is, correct? 12 25 52
A Typical in my experience involves years
Q Uh-huh
A Yes
Q This is jumping around a little bit, but I want to -- you said in your experience? 12 26 05
A Uh-huh. In my experience and in my reading of the literature, it is a matter -- it does involve long periods of time, often years.
Q Let's go into your experience first So you -- have you ever treated a patient, let's do 12 26 24 treated first Have you ever treated a patient with dissociative amnesia before?
A Yes
Q Okay Can you give me an approximate number with that particular disorder that you've 12 26 38 treated?
A Uh-huh.
Q Less than five?
A No, more than five. Many. Many
Q Many, as in how many? 12 26 51

Page 135

A You know, I didn't count I didn't count
Q Is there a way for you to tell from your records?
A I've been a psychiatrist for, you know, since 1982 12 27 06
Q Uh-huh
A. Starting residency in '78 I mean, I've seen hundreds of patients
Q But not all of them had dissociative amnesia, correct? 12 27 16
A No But I don't remember I didn't keep a tally of which diagnosis.
Q You don't keep records of your patients?
A I didn t say that I said I don't keep a tally of who had what diagnosis And I've worked in a 12 27 27 lot of different settings over my career
Q But they would be in your records, right what you diagnosed them or treated them for would be in your medical records?
A Yes 12 27 38
Q Okay
A The ones that I have in my private practice, but like I said, I've worked in a lot of different places and settings
Q How long have you been in private practice? 12 27 47

Page 136

A Since 2001
Q 2001 So you could go back and look at since 2001 how many of your patients --
A Yeah
Q -- you have treated for dissociative amnesia? 12 27 57
A. Yes
Q Okay
A Yeah
Q And what about diagnosed, how many patients have you diagnosed with dissociative amnesia? 12 28 09
A Many more
Q Many more?
A I mean, I ran an inpatient -- I was the attending psychiatrist in an inpatient facility at The Medical University for eight years 12 28 22
Q Uh-huh
A I saw a lot of people I saw all the traumatized people at the National Crime Victims Center, kids and adolescents for five years Many, many people They were all traumatized 12 28 35 Many, many people have dissociative symptoms
Q Symptoms, but the disorder itself?
A Some have the disorder But again --
Q Many less have the actual disorder?
A Sorry? 12.28.47

Page 137

Q Many less have the actual disorder?
A Are you -- do you want to know what the prevalence of dissociative amnesia is? Maybe that would be a more objective question
Q Please, describe it 12 28 59
A Yeah Well, the epidemiology of dissociative amnesia it puts it at, at least three or four percent up to seven or eight percent of the population
Q Uh-huh 12 29 11
A So it's not an uncommon phenomenon at all
Q But not in all practices --
A I've seen -- in my practice since 2001 I've seen at least ten I've diagnosed many, many more I've seen -- you know, part of that is because I 12 29 26 took an interest in dissociative disorders in 1988 when I saw my first patient with dissociative identity disorder
Q Uh-huh I'm not talking about all dissociative disorders, just to clarify I'm talking about 12 29 40 dissociative amnesia
A But it's similar phenomenology. They have the same kind of phenomenology in terms of the amnesia
Q I understand they have the same traits, but this 12 29 48

Page 138

particular dissociative amnesia is all I'm talking about
A Yes Okay
Q You said at least ten since 2001?
A Yes 12 29 57
Q And I might ask you to verify that by a search of your records
A **I would say five to ten just to be on the safe side**
Q Okay All right 12 30 04
A **And then many more before that when I was at MUSC and Crime Victims Center.**
Q Okay I understand I'm gonna try to ask some questions about the disorder itself, so bear with me 12 30 22
A **Okay**
Q This is, again, I believe this is correct Tell me if you agree with this statement "When dissociative amnesia results from child sexual abuse, it is more commonly seen in abuse to 12 30 39 young children ages one through ten versus adolescents "
A **Commonly seen when? You mean with a history of abuse in those cases?**
Q Yes More commonly results from the abuse that 12 30 59

Page 139

occurred between ages one and ten and the memory lapse occurred during ages one through ten
MR EDWARDS Object to the form
Q Not saying that it can't occur in other ways, but that's more common? 12 31 17
A **I'll answer it this way The earlier the abuse -- you know, there are certain risk factors that predict dissociative amnesia, okay And two of the biggest ones are age at abuse The younger one is at the time of abuse the more likely 12 31 32 dissociative symptoms occur But they can occur at any age The other major -- the other major factor is the relationship of the victim to the perpetrator and it's usually with people that you know that you have higher risk of 12 31 49 dissociation And then thirdly, where there is a threat of some kind to be quiet or for the suggestion to forget or not talk about it is also a factor**
Q Okay 12 32 07
A. **That's the best way I can answer it**
Q This is gonna be another question about symptom of dissociative amnesia Do you, again, tell me if you agree with this or not, that the typical time period of amnesia is for less than five 12 32 29

Page 140

years, not decades?
A **No. I do not agree with that I don't I don't know of data that says that, what you're telling me**
Q But do you know of data that says that it is 12 32 50 typical to have it last for decades?
A **Like I said earlier, I don't think that we know what a typical length of time is. I would have to research that question**
Q So you don't know? 12 33 06
A **I don't know what a typical length of time for amnesia is I don't think it's atypical**
Q I just want to get this clear So you can't say whether a repression of 18 years is typical or not? 12 33 21
A **It's not uncommon**
Q You just said that you couldn't -- you didn't know whether it was typical or not So uncommon and typical are synonyms to me. I'm just trying to clarify 12 33 34
A **Not to me**
MR EDWARDS Object to form
A. **Not to me**
Q How are they different? What did you mean? I'm just trying to clarify your testimony so it's 12 33 39

Page 141

clear on the Record
A **They're not uncommon It's not rare for it to be years, decades long Now, what the average is or typical length of time, I don't know**
Q Okay All right 12 33 49
A **Typical to me means the mean, the average**
Q So you're distinguishing typical would be common and -- but not rare as in remote, is your distinction?
A **Okay I'll go with that 12 34 02**
Q Is that what you're trying to say? I'm just trying to understand
A **I said what I was trying to say**
Q Well, it wasn't clear to me on the Record
A Okay 12 34 19
Q What is the typical process of recovering memories that are blocked due to dissociative amnesia?
A **Most memories that are recovered after a period of amnesia occur outside of therapy And there 12 34 41 are several studies that document that And usually it starts with fragments of memories, fragments of experiences that come back to the person at a later period of time And usually it's triggered by something that reminds them of 12 35 05**

Page 142

the abuse Something that reminds them that it was part of the original memory or reminds them of a part, so it comes back piecemeal

Q Uh-huh You said an event could trigger it that happens in their life? 12 35 31

A A reminder of Something often will remind them or it could be an event that is similar enough

Q Is it typical -- typically once the event -- the triggering event occurs, does it, at least a portion of it, come back during that event the 12 35 46 triggering event?

A Yes, a piece of it does Yes Or it could be just an image or a flash

Q But it's usually right during or immediately after the event, the triggering event? 12 35 58

A Yes

Q Okay

A Yeah But it's very idiosyncratic and unique to that person's experience

Q So, again, we're trying to distinguish between a 12 36 08 person that's just purposely blocking an event versus someone that can't -- has no ability to recall

A We're not talking about that, we're talking about dissociative amnesia, is what you told me. 12 36 23

Page 143

Q That s a fine line between people who are just refusing to think about something versus somebody who has no ability to think about it?

A. The distinction is that you can't remember it when asked 12 36:35

Q Yes

A If I asked someone during the period of abuse -- or the period of amnesia, were you ever abused and they really don't know --

Q Uh-huh 12 36 45

A -- they don't have access to that memory and so they would say no, because they can't remember it

Q And your --

A Not because they don't want to remember it 12 36 53

Q I understand That distinction is important So diagnosing this is almost exclusively relying on the credibility of the patient, correct?

A. Almost Now, you look for corroboration when you can find it, of course 12 37 09

Q Uh-huh

A That's very helpful

Q Uh-huh

A And you look for, again, the evidence in toto that makes this story believable 12 37 25

Page 144

Q Okay I've got a list here, so I'm gonna keep going through it Is it -- you were just talking about the recovery and that's something that's kind of hard for me to get my mind around Does it -- if you say there's other -- 12 37 58 there's more than one traumatic event that's caused different periods of repression in a patient, that's the scenario, would -- if you have a triggering event, isn't it typical to have it -- those events -- both periods of 12 38 13 repression come back, your amnesia is gone?

A No I just told you that it's very idiosyncratic It's very piecemeal It's very fragmented and --

Q I understand that 12 38 28

A -- it's not a total memory or a bunch of memories, it's usually fragments and pieces That's the typical way that it comes back

Q Yeah And I'm trying to understand a distinction That's fine And I don't think 12 38 41 I've communicated it well

A Then another piece comes back and another piece and so on and then it evolves that way

Q And after the first triggering event and you recall this, okay, something happened to me in 12 38 52

Page 145

the past and I think I have a vague recollection of it --

A. Right

Q -- then as time goes by you remember more details and the picture becomes clearer, that's 12 39 00 what your testimony is?

A That's usually how it goes, yes

Q But as for the, at least existence of a past event that's been repressed due to amnesia, those come back as the triggering event, right? 12 39 13 There's a distinction between coming back and then filling in the holes, is what I'm trying to say Once you --

A Again, I'll repeat what I said twice already It comes back in fragments and pieces, okay It 12 39 30 may not make sense That one or two fragments may not make immediate sense to the person

Q Uh-huh

A And they'll wonder what is this about, why am I having this reaction It may be a strong 12 39 44 feeling, may be a flash, a memory, an image, it's variable

Q How does that person distinguish the flash from an actual event that happened in their life?

A Then when they sit with it long enough and they 12 39 58

Page 146

get another piece of it and another piece comes
then at some point they realize there's enough
It's like doing a jigsaw puzzle, you get one
piece you don't know what the picture is
interesting You get another piece At some 12 40 12
point you get a critical mass of pieces that
then make an image and then you say, aha, now I
know what it is It's like that experience
where you're putting together a jigsaw puzzle
and then, wow, one minute you don't know what it 12 40 27
is, you don't have a clue of what it is and
then, boom, you know what it is
Q I understand that part of it and I'm just not --
what I'm just trying to distinguish between is
whether if you have a period where your memories 12 40 39
are triggered and you start to recover, could
you still be suffering from amnesia from a
totally different event at the same time? I
don't think you can
A Sure Sure Of course 12 40 52
Q So you can be suffering amnesia, totally blacked
on, on one event, but be recovering from
another
A It's not an all or nothing phenomena
Q You've seen that before? 12 41 02

Page 147

A Yes, I've seen that It's more typical
Q And if you were asked for specific examples
about that you could pull those out?
A It s typical in the treatment in recovery of
traumatized victims with PTSD and dissociative 12 41 14
disorder I mean, they remember --they remember
piecemeal. You know, it comes back in pieces
and then they make increasingly more and more
sense out of it and make -- and develop, develop
the story as time goes on 12 41 31
Q So the fact --
A And it becomes safer
Q So in this case --
A Yeah
Q -- assuming you might have seen this in the 12 41 38
deposition testimony that [redacted] testified
that the abuse from when she was a young child
came back in 1996?
A Okay
Q And -- but the abuse from Charles Smith did not? 12 41 51
A Uh-huh
Q You're saying that's perfectly consistent --
A Yes, I am
Q -- with the diagnosis All right
A Right Different memories are laid down in 12 42 04

Page 148

different parts of the brain
Q Anything else?
A No
Q Okay Are you aware that many qualified
commentators have disagreed with the legitimacy 12 42 31
of dissociative amnesia all together?
A. Yes
MR EDWARDS Object to the form
Q Have you read articles that have put forth that
point of view? 12 42 44
A Yes
Q And do you agree with portions of their
analysis?
A No
Q No? Why not? 12 42 48
A Because it's not what the data suggests It's
not what the science really suggests These are
nay sayers and they have an ax to grind and just
because they haven't experienced it or seen it
themselves doesn't make it real 12 43 05
Q Uh-huh So that -- anything else that you would
use to support your belief that they are
incorrect in their analysis?
A The data The data The multitude of
corroborated cases -- 12 43 17

Page 149

Q Uh-huh
A -- that exist There's well over 100
corroborated cases that exist in the
literature --
Q Yeah 12 43 22
A -- of dissociative amnesia with -- with
corroboration.
Q Have you ever written an article on dissociative
amnesia specifically?
A Yes and no I wrote an article on the one noted 12 43 32
that was asked by --
Q The one you testified about earlier?
A. On forgetting Bulimia is also
Q Anything else besides that?
A. Written an article on dissociative identity 12 43 51
disorder I've written an article, a lot of
articles and presentations on PTSD and
dissociation as part of PTSD, but that's it
Q Uh-huh Going back to the people that have
voiced concern over legitimacy of the disorder, 12 44 13
you said they had an ax to grind What was the
ax to grind? What's their motivation that
you're alleging?
A Well, the entire founding of the False Memory
Syndrome Foundation was built upon the case of 12 44 30

Page 150

Jennifer Freyd and it was founded by her parents She accused them of childhood sexual abuse and the whole premise of that society, that foundation was to deny her allegations of childhood sexual abuse by her father 12 44 49

Q So you're saying that everyone that's voiced skepticism over this has somehow motivation based on that case?

A No I said the Freyds did

Q Uh-huh 12 45 04

A And it has become a haven for a number of perpetrators And that's a fact

Q What do you mean a haven?

A It's a defense It's become a false defense for people who are guilty, but who want to hide 12.45 23 behind this false memory syndrome defense.

Q But someone -- some of these professionals are highly qualified though, right, that are writing those articles, correct?

A They have credentials, yeah 12 45 40

Q And I understand you disagree with their analysis?

A You betcha

Q All right

A The False Memory Syndrome is actually now in 12 45 4

Page 151

its -- on its last leg and defunct and it's published it's last newsletter, by the way

Q Uh-huh

A Because of the growing scientific validation that this syndrome -- dissociation, by the way, 12 46 05 has been in every DSM since DSM started

Q That's my next question

A. People have acknowledged dissociation. Psychiatry -- the American Psychiatric Association has acknowledged this phenomenon 12 46 since it's very beginning in 1952

Q And the association is one of the leading voices of authority in this area right?

A The American Psychiatric Association --

Q Yes 12 46 34

A -- is the organization that puts together the diagnostic and statistical manual

Q Right

A Right From version one, two, three, four and now working on five 12 46 45

Q And the American Psychiatric Association Committee on Psychiatric Diagnosis and Assessment --

A Yeah

Q -- is the committee that oversees the creation 12 46 51

Page 152

of the DSM, correct?

A Correct That's right

Q And were you aware that that was chaired by Layton McCurdy when the DSM-IV was written?

A At some point I may have been 12 47 03

Q Okay Are you aware that the -- that there is work on the DSM-V?

A Sure

Q And are you aware that there's a strong debate to leave out dissociative amnesia in the DSM-V? 12 47 16

A There always have been people who are nay sayers

Q So you're aware of that debate?

A But it's not gonna happen.

Q But are you aware of the debate? 12 47 28

A I am

Q Okay Do you agree that -- this is switching gears Some of the concerns when you're diagnosing this and you're going through how can I tell if this person has this or just 12 47 44 purposely withheld, do you agree that there's a legitimate concern that some people can be highly susceptible to suggestivity in treatment and in diagnosis?

A Yes 12 47 59

Page 153

Q And how do you avoid those concerns or triggering those concerns of highly suggestible individuals?

A Part of it is by using structured instruments --

Q Uh-huh 12 48 16

A -- and asking things in a very objective and neutral way that is not suggestive You certainly -- in this case, again, we're coming -- we're coming back to [redacted] here, I mean, that's why we're here She did not 12 48 32 remember these incidences while she was in therapy and most people who have recovered memories, evidence shows, do not remember what they remember while they're in therapy Only a very, very small minority of people have 12 48.46 remembered their events or traumas in therapy Most people remember them outside of therapy, before they're even in therapy and that's the case with [redacted]

Q Uh-huh So you're saying that, I think -- 12 49 01

A Do false memories exist? Let me be clear False memories exist. They can be induced by bad therapy, by bad therapists who don't know what they're doing, who are over zealous, want to attribute trauma to -- every psychiatric 12 49 18

Page 154

disorder to trauma, yeah
Q But it could occur outside of that situation, too, correct? You could do a good --
A I don't know of any experimental evidence or data that -- that really verifies that 12 49 37
Q Uh-huh
A That -- but I -- you know, I'm not saying it can't happen
Q This is right out of the DSM I'm quoting from page 479 It says, "The syndrome has been -- 12 49 52 says, "Some believe that the syndrome has been over diagnosed in individuals who are highly suggestible " So the concern is right there in the DSM not just people who are over zealous or -- you know it can happen to any person 12 50 06 making a diagnosis if the person is highly suggestible, correct?
A Highly suggestible to what, though? Doesn't say to what or whom
Q To being suggested that facts occurred, that 12 50 21 maybe they didn't, in therapy by prompting them If you read a question, have you ever been abused by an authoritative figure, well that could suggest maybe I have been That's what they're talking about in the DSM, correct? 12 50 37

Page 155

MR EDWARDS Object to the form
A I don't think that's what they're talking about when they mean suggestion When you suggest something it's more like, well, you were abused by an authoritative figure, weren't you, that's 12 50 52 suggestive.
Q So you're saying they're only referring to leading questions?
A They're referring to suggestion. You know, when you suggest that this is the case By asking it 12 51 02 in an objective way, that's not suggesting that you -- that you've experienced that You're asking if you've experienced this
Q All right
A How else are you gonna know? There's no way 12 51 13 around it Now, you can argue that it's less - you know, there may be degrees of suggestion If you never ask at all, you know, what is the alternative, not asking it at all?
Q I see what you're saying, but you agree that 12 51 30 even asking could be suggestive, correct?
A It's the less suggestive, but yes
Q And you can --
A. And I think what they're talking about is more in terms of what is heard in the media, what is 12 51 42

Page 156

heard on TV
Q What's your basis for that?
A Well --
Q Just your opinion?
A That's been, I think written about There are a 12 51 49 lot of things that people see on TV, they get ideas about I mean, to some extent suicide and violence is suggested on television by television minds People get the idea or it's triggered by that There's been a whole 12 52 12 literature about that, TV and suicide and kids and violence and TV and violence in our society
Q All right Let's --
A It's just one factor. It's not -- doesn't explain it all And why they're suggestible in 12 52 26 the first place -- in my opinion people who have false memory syndromes are often people with dissociative disorder or trauma who are made worse by bad therapy
Q And that could be the case in this case? 12 52 43
A No Because it didn't happen that way Didn't -- it didn't emerge in the context of the therapy at all
Q I think a lot of details did emerge in therapy, correct? 12 52 58

Page 157

A Not to my knowledge
Q You're not sure?
A Her first memories of her knowing that she was abused by Charles Smith did not emerge in therapy. 12:53:18
Q But just like you said, it's like putting a puzzle together and most of the details did arise in therapy, correct?
A. I don't know that.
Q Would that change your diagnosis? 12 53 25
A My understanding is that she remembered that she had been sexually abused by Charles Smith and was very upset about it and distraught about it and developed PTSD and then that's what brought her to therapy. 12:53 40
Q Your assumption -- your diagnosis is based on the assumption that she recalled being abused by Charles Smith sexually before she ever went into therapy?
A That's my understanding 12.53.51
Q And that's what you base your diagnosis on, that assumption?
A Not just that
Q Well, would you change your diagnosis if it had all developed in therapy, all the details, if 12 54 04

Page 158

she just --
A **That's not -- that's not what happened**
Q But still would it change your -- would it change?
A **That's completely speculative and irrelevant** 12 54 16
Q Well I'm trying to understand your thought process and I have the right to do that, how you make your evaluation So would that change your analysis? I want to see how much emphasis you put on credibility and suggestivity, so I want 12 54 30 to know, would that change your analysis and your diagnosis?
A **It might It might, but it's --**
Q It could?
A **It could** 12 54 39
Q Okay Can, can you say about when an amnesia ends and when it's recovered? We talked about it briefly about triggering Can you say to a reasonable degree of medical certainty that [redacted] her amnesia ended in 2007 12 54 57 specifically?
A. **No**
Q Okay
A **No**
Q So you can't say? 12 55 02

Page 159

A **Again, it's not an all or nothing phenomenon I've said that several times now**
Q Uh-huh
A **It happens piecemeal It's a process It's an ongoing process of recovery and remembering** 12 55 17
Q In your evaluation of her, did you ask her what events she did remember during the period of amnesia from the gaps in her memory? And I can go through some
A **Repeat the question, please** 12 55 35
Q It's a loaded question just because of the terms that we're dealing with here I'm just asking about your evaluation and some follow-up on your notes When you were evaluating her, did you ask her about -- I know in your notes you wrote 12 55 52 gaps, 1 to 10, then 15 to 18
A **Uh-huh**
Q Did you ask her, well, during those gap periods when you are suffering from amnesia, what did you remember about those gap periods did you 12 56 08 ask her about that?
A **What did she remember about the gaps in the gaps?**
Q So during - from 1987 to 2007 is the period of her amnesia So -- and the gaps, the amnesia 12 56 20

Page 160

that she suffered was from 15 to 18 So when from '89 to 2007 did she remember anything about being 15 to 18, did you ask her about that?
A **I don't think I asked her exactly that I mean, that's not the issue --** 12 56 44
Q Well --
A **-- what she did remember What's at issue is what she didn't**
Q I think that this goes to, and I think some commentators would agree, that goes to whether 12 56 52 she -- whether she is suffering from dissociative amnesia versus a subconscious intentional forced non-recollection, which we talked about earlier and that distinction Did you ask her about high school? Did she remember 12 57 15 that she went to James Island High School during her period of amnesia Did you ask her about that?
MR EDWARDS Object to the form
A **I asked her about what she remembered at the time I interviewed her** 12 57 27
Q Did you ask her about what she remembered during the period of amnesia?
A **This is -- this is her response She didn't know She didn't know You know, her -- it's** 12 57 45

Page 161

like she explained, much of her responses were around what I said on page seven That it was -- "It's very frustrating " She didn't remember a lot She didn't remember details "It's like having a black hole You just don't know even 12 58 04 **though you want to " That is exactly what dissociative amnesia is It's not because -- it's not that you don't know because you don't want to know.**
Q I'm not asking you about what it is I'm asking 12 58 21 you what you asked her
A **Yeah**
Q All right And it says so you asked her, "Can you describe when the --
A **If someone has a blank about what they -- if they have amnesia event or amnestic gap, how are they going to remember what they remembered then?** 12 58 28
Q You tell me whether you asked these questions I understand that you didn't think they were 12 58 42 relevant, but tell me if you asked them and we'll just go on, okay? I understand you're saying you don't think they're relevant?
A **You think I should have asked her --**
Q I think you should have asked her what did she 12 58 50

Page 162

remember
A Can I finish?
Q Yeah
A You think I should have asked her, do you remember anything when you didn't remember anything 12 58 59
Q Yes Of course
A That's absurd
Q Well, from reading -- from reading about -- how could she function from 1989 to 2007 not remembering that she went to high school? 12 59 06
A I didn't interview her then
Q Not remember her --
A It s irrelevant
Q Doesn't it go to her credibility as to whether she's actually suffering from this disease? 12 59 13
MR EDWARDS Objection to form
A To you, it does
Q But to you, it doesn't?
A No, it doesn't 12 59 19
Q Okay Well, I think --
A Because I wouldn't expect her to remember when she can't remember How are you gonna remember what you remembered if it's in the middle of a gap of amnesia That's absurd 12 59 31

Page 163

Q I understand your testimony I want to get this on the Record Did you ask her about remembering any attendance of high school during her period of amnesia?
A Yes 12 59 43
Q What did you ask her?
A During her period -- no I just asked her about what she remembered about high school
Q Now --
A Again, I just told you, I think that's an absurd approach 12 59 49
Q I'm gonna go through the list and you tell me whether you asked it or not
A That's the same response You can't -- you don't ask someone whether they're amnestic during a period of amnesia 12 59 59
Q Well, you can't -- so you're saying total amnesia you can -- she remembered parts of it, she's already testified in her deposition that she remembered parts of it 13 00 16
A I don't know what she remembered
Q You didn't ask her?
A I still don't know Whether I asked her or not, you can't know for sure All I can know is what she is telling me today when I'm interviewing 13 00 25

Page 164

her
Q I understand your testimony about that, but I'm just saying, I just want to document This is my chance for you to testify like I was sitting there in the evaluation room, so I want to know what was said back and forth, that's it 13 00 35
A Right
Q So you didn't ask her questions during the evaluation about what she remembered during her amnesic period? 13 00 45
A No, I did not
Q Okay Do you think she should be able to -- shouldn't she be able to identify the memories that she retained during her amnesia period?
MR EDWARDS Object to the form 13 01 11
A. Repeat the question again
Q Shouldn't she be able to identify when asked what memories that she retained while she was amnesic for other specific facts during that gap period? So how could she apply for a job listing her qualifications, I went to James Island High School, I went to -- if that supposedly blacked out of her mind during those periods of '89 to 2007? Does that cause concern for you at all? 13 01 32 13 01 50

Page 165

MR EDWARDS Object to the form
Does what cause concern?
Q The fact that --
A I need a break I need a break
Q Okay That's fine 13 02 01
(Whereupon, there was a short break in the proceedings)
BY MR QUISENBERRY
Q Now, we talked about earlier her recovery of memory, correct? 13 06 10
A Right
Q And that happened in 2007 May is what she says, correct?
A Right
Q Do you agree that your diagnosis would potentially be more reliable if you had conducted your evaluation closer to 2007 than in January of 2012? 13 06 16
A I don't know. I don't know
Q You don't -- well does -- 13 06 43
A I don't know
Q Does the lapse in time period from when the memories are recovered to the evaluation for a diagnosis affect the reliability of the diagnosis? 13 06 56

Page 166

A It could, but not necessarily
Q Okay
A Structured clinical interviews ask about lifetime diagnoses all the time
Q But when you're dealing with memories that are particularly subjective to concern over time period? 13 07 11
A Psychiatric disorders are by and large all dependant or mostly heavily dependant on patient report, whether it's about a memory disorder or if it's about psychotic disorder or eating disorder, it doesn't matter. They're all subject to memory distortion and variation 13 07 28
Q I understand Did you consider --
A On the other hand, if she's had time to really put the pieces together and really do some trauma work and is clearer, she could be clearer now about what happened to her than she was in 2007 13 07 41
Q About the underlying alleged facts that happened, but not -- 13 07 58
A. Yes
Q -- but not about whether the memory's -- how the memory's recovered, that would be foggier correct, because it happened five years ago, 13 08 07

Page 167

four and a half years ago?
MR EDWARDS Object to form
A The recovery of memories would be clearer after they're recovered, correct Like I said, they happened in fragments and pieces I don't know how clear she was or when she was clear. 13 08 18
Q All right So in your opinion the --
A It's an evolving process I don't know how she was then.
Q Let's try not to talk over each other I'm doing it, too I think you're done, then I jump in, but let me finish my question before you start 13 08 31
A Okay
Q Do you -- you were talking about reliance on her statements Did you consider in your evaluation the potential bias due to the fact that she cannot recover money damages in this case unless she s suffering from dissociative amnesia? 13 08 39
A I m aware of that 13 09 01
Q Did you consider that and evaluate that in your evaluation?
A I consider it, yeah
Q Okay How did you consider it?
A I'm aware of it 13 09 12

Page 168

Q Did you -- did you do anything different than you normally would because of that bias, potential bias?
A I don't know that I would have done anything different 13 09 27
Q You didn't do anything?
A I don't know that there was anything I could do differently
Q So you didn't do anything differently?
A I don't know what it would be 13 09 32
Q I'm asking you this, did you do anything different?
A No
Q No?
A I did what I thought was best in terms of how to evaluate this woman for dissociative amnesia and PTSD and trauma 13 09 39
Q So you didn't do anything different?
A I did recognize -- I gave her recognized standard assessments and evaluation that any other expert would give 13 09 52
Q And that wasn't any different than you would give someone that didn't have the potential bias for a lawsuit?
A You know, part of doing forensic evaluations is 13 10 02

Page 169

that's inherent to the situation, is that a lawsuit or legal issue is at stake and so you do the most objective and neutral evaluation that you can
Q Uh-huh 13 10 25
A You know, and there wasn't any corroboration available
Q Uh-huh
A I asked about it
Q Uh-huh 13 10 33
A But there's none available until someone else comes forward and I understand that there may be other people out there who were abused by that guy Until that happens, then it is her word against his. 13 10 45
Q Uh-huh
A I understand that
Q So I'm just trying to understand your testimony
A Uh-huh
Q You would -- you did the evaluation the same for [redacted] as if you would if it was someone not involved in a lawsuit? 13 10 54
A No This is a forensic evaluation
Q Uh-huh
A If I were seeing someone clinically I wouldn't 13 11 08

Page 170

be spending five and a half hours with them and
I wouldn't be giving them all this paperwork
Q To diagnose them you wouldn't --
A I wouldn't be as careful
Q You wouldn't -- to diagnose the patient you wouldn't try to do the best job you could? 13 11 20
MR EDWARDS Object to the form
A Yeah Yeah, that's, that's unfair
Q I'm just asking I'm trying to understand
A I would do the best job for doing a forensic eval and I would do the best job for a clinical eval and they are not the same 13 11 32
Q Okay
A She's not my patient in this situation
Q If the sexual conduct at issue in this case was consensual rather than force, would that change your diagnosis of dissociative amnesia? 13 11 51
A Can't be consensual because of her age
Q So that's -- so forced -- in the DSM it doesn't use the -- it says forced It doesn't use the term of consent due to age or anything like that It doesn't make that distinction 13 12 16
A Uh-huh
Q It just says forced
A Uh-huh 13 12 25

Page 171

Q So what -- do you think it would make a difference in a child that has consensual sexual relations with an adult, would not be as likely to have dissociative amnesia as one that's forced to perform sexual conduct, that's correct, right? 13 12 41
A No, it's not
Q Why?
A It's not. Because first off, I don't accept the phrase consensual sex of a child with an adult 13 12 48
Q Uh-huh
A I think that's ridiculous and outrageous and impossible, okay Because of the age and immaturity of a child they are unable to give consent 13 13 02
Q I agree with that legally, but I'm talking about forced, as in physical
A Can I finish?
Q Yes
A And there are many, many cases of incest, father/daughter love, which there was no force used in terms of physical force or threats of death, but it was a kind of "love affair" between a relative and a child, okay And the child believed that this was a very special 13 13 08 13 13 31

Page 172

relationship, et cetera, et cetera, in which there was not that kind of force that you're talking about
Q And what --
A And they developed dissociative symptoms and trauma down the road 13 13 41
Q Dissociative amnesia?
A Yes, of course
Q Okay Besides the facts that are written in your notes and the documents that you've reviewed and you've testified that you reviewed, is there any other facts that you have about [redacted]'s situation that affected your evaluation and diagnosis? 13 13 58
A No. 13 14 11
MR QUISENBERRY Okay I'm gonna pass it to Robin I might have one or two after she's done
MS JACKSON I just have very few
R-E-E-X-A-M-I-N-A-T-I-O-N 13 14 21
BY MS JACKSON
Q Do you know Dr Layton McCurdy?
A Yes, I do
Q And do you have an opinion of him professionally? 13 14 33

Page 173

MR EDWARDS Object to the form
A Can you clarify what you mean by that, my opinion of him professionally?
Q Do you respect him professionally?
A Yes Yeah He was the dean of medicine when I was a faculty member there 13 14 43
Q Do you know anything about his professional opinions with regard to dissociative amnesia?
A Not really
Q Okay All right Very quickly, briefly, since you're gonna provide us with the case list on the six previous depositions that you gave, were any of those related to dissociative amnesia, repressed memories or anything like that? 13 14 58
A I don't believe so, no 13 15 19
Q Okay Did any of them -- did you rely on any of those cases in making your opinions in this case?
A No
Q Okay And were those cases -- do you recall if you had them in State or Federal Court? 13 15 32
A I think mostly were State Court
Q Okay And were they all in South Carolina?
A Yes
Q Okay 13 15 52

Page 174

A One was a case in Georgia, but I did the deposition in South Carolina. Couple of cases in Georgia
Q Okay And of the six previous depositions, how many of those cases did you testify at trial? 13 16 08
A. None None of them went to trial
Q Okay All right I'm gonna take one stab at the question Brian was trying to ask earlier and if it works, fine and if it doesn't, we'll leave it 13 16 31
A Okay
Q Is it your understanding that [redacted] between the ages of 18 and 35 had no recollection of any portion of her life from ages 15 to 18?
A No I wouldn't put it that way 13:16 45
Q Okay Well, what is your understanding of what she did recall about ages 15 to 18?
A. What's more important is what she did not recall That's more to the question of dissociative amnesia It's not what you 13:17:05 remember, it's what you don't remember And it's -- it's traumatic material, okay That's the part of the personal knowledge, personal information that is forgotten That's the part that, you know, that's relevant here It is 13 17.19

Page 175

not, as I said earlier, an all or nothing phenomena It does not say you forgot all personal information It does not say that in that book
Q But [redacted] testimony says that 13 17 32
A It says --
MR EDWARDS Objection
A People -- you know, people, we all have cognitive distortions We all tend to think in all or nothing ways and sometimes we say things 13:17 43 that aren't necessarily exactly true, okay So I don't know what she remembered or didn't remember, but I know that there was a big gap in her memory, okay And that that gap included the events around the assault -- the alleged 13 18 00 assault by Charles Smith
Q Okay
A And that, to me, is what's really relevant as to whether she has this or doesn't
Q Okay In asking her specific questions about 13 18 11 that time period though, about outside events, events not related to Charles Smith for this abuse, she told me she has no recollection of that time period
A Okay 13 18 25

Page 176

Q And yet she managed to survive from age 19 to age 35, at least 2007 --
A Uh-huh
Q -- and apply for jobs and list her schools and function with information that she would have to 13 18 43 have gotten between ages 15 and 18
A Okay
Q So how is it that now when I ask her questions about this, why did you leave school, why did you -- you know, tell me about night school, 13 18 58 she's saying I don't know, I don't have any memories from that time period, but yet she was able to apply for department of -- these applications are --
A Here's the answer 13 19 10
Q -- pages long
A Here's the answer There's a difference between a memory of something and knowledge of something Okay. And this is something that you see very typically in people with 13:19 23 dissociative disorders They have knowledge that while they know they went to high school, you know, they got the diploma, they know it was that day and they graduated then or whatever, they have that knowledge, but they don't have 13 19 36

Page 177

the memories that go with the knowledge, okay They've obtained the knowledge somewhere else or from someone, from her mother, from a relative, some other way. So you can have the knowledge about something and not have the memory about 13 19 50 something You know that you were born on such and such a day, in such and such a hospital, at such and such a time, but you don't remember that But you have that knowledge And all of us have that knowledge of certain things that 13 20 04 happened to us, but we may not necessarily have the memory of it happening You see the distinction?
Q Okay
A That's my answer 13 20 12
Q That clarifies it for me Okay
A So she can have an amnesia for a certain period of time about those events, but still have knowledge about those events during that same period of time and that's not a contradiction or 13 20 30 a lie as you imply
Q Okay Is there a treatment for dissociative amnesia?
A The treatment is really is one for her PTSD That's what we know the most about in terms of 13:21:12

how to approach this She remembers at this
point -- at this point in time and that's all we
can deal with, is what's at this point in time
All right And so she's depressed now, she has
anxiety, she has PTSD and she has dissociative 13 21 28
amnesia, okay But as I said, that's an
evolving -- you know, that's something that's
evolving, has been, at least
She has enough memory, enough to start the
PTSD treatment and she's done that She's in 13 21 46
the middle of treatment and so as that happens,
as people calm down, as they feel better, as
they begin to process the trauma, digest the
trauma, if you will, sometimes more stuff comes
up, sometimes it doesn't, you know 13 22 02
And you have to kind of -- what you want --
you want -- what you don't want to do -- the
treatment is often what you want to make sure
you don't do is you don't want to do hypnosis,
you don't want to do uncovering kinds of 13 22 14
techniques to try to get at that memory, but
more a process why does she want to get at it
and how will it matter She knows enough right
now to deal with You know, she has enough
memories to deal with right now, to process 13 22 29

She's in the middle of doing that
Q Okay
A And you know, her depression needs to be
treated If I were -- if she were my patient, I
would be much more aggressive about treating her 13 22 42
depression So those are the kinds of things.
You treat the things that are also there, the
comorbidity, her binge eating, her sexual
confusion, I mean, you address these kinds of
things that are more relevant in her 13 23 02
psychotherapy now and if other stuff comes up,
great If it doesn't, great, fine
So you have to - you can't take, you know,
just the -- you can't just take the dissociative
amnesia from outside the context of everything 13 23 18
else that's going on in her life, other problems
that she has You have to kind of treat the
whole person, you know, and everything that's
going on with her
MS JACKSON All right Okay 13 23 29
That's all I have
MR QUISENBERRY All right We're
done
MS JACKSON Thank you very much
Do you want to read and sign? 13 23 42

MR EDWARDS Yes
THE DEPONENT Yes, please
(This deposition concluded at 1 25 p m)

(Signature reserved)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, Nicole D White, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me, that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction, that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action

_____ Date _____
Nicole D White
Notary Public in and for the
State of South Carolina

My Commission expires September 11, 2017

648

ERRATA SHEET

RE Jane Doe -vs- District of James Island High School and Charles Smith
DEPOSITION OF Timothy Brewerton

Please read this original deposition with care, and if you find any corrections or changes you wish made, list them by page and line number below DO NOT WRITE IN THE DEPOSITION ITSELF Return the deposition to this office after it is signed We would appreciate your prompt attention to this matter

To assist you in making any such corrections, please use the form below If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet

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649

A
Aaron 2.3 5.2
Aaron@richte... 2 6
ability 46.22 52 17 96·25 142 22 143 3 181.11
able 49 20 50 6 72.21 78 10 99 4 164 12,13 164·17 176 13
abnormal 84 11
absence 41 4,8
Absolutely 40 2 85·18
abstract 22·5
abstracts 20 7 21 11,19
absurd 162.8,25 163 10
abuse 10:23 11 5 13 9,15 15 19 18 6,14 18 14,18,19,24 18.25 19 1,2 19 20 23 22 26 1,1,2 29·25 30·19,21,23,25 31·7,8,10,14 32 2,7,12 42 6 43.12 44 8,16 45 14,24 46 1 46·3,14 47 8 47 22 48 2,18 48:19,25 49 7 50 15,18,18 51 4 52.5,7,9 62:17,21 66 12 66 20,21 68 13 70 11,22,23,25 71 1,6,7 72:7 73 20 76 17 82.5,17 90 8 91 16 93 8,16 93·17 94 14 123.24 138 20 138 20,24,25 139 6,9,10 142 1 143:7 147.17,20 150 3,5 175 23
abused 62.15 66 17 70 4 81·15,16,19 82.4,6,8,12 99 8 143 8 154.23 155 4 157 4,12,17 169 13
abuser 80 22
abusing 63·9 80 23 93 10
abusive 47 25 90 10
Academy 13 23
accept 171.9
access 143 11
accident 65·20 76·20
accurate 124 11
accused 150·2
acknowledged 151:8,10
acknowledges 105:3 107 1
action 181 14 181:18
active 8 8,15 13 16
activities 18 8 18 16
actual 21:19 49 9 104.23 136.24 137 1 145:24
acute 3:19 78 19 79 1,7,8,22 116.16,19,20 117 17,22 118 7,11 119·2 119:17
adaptive 93.20
add 47.7
added 5 10
additional 31 22 100 2 121·14 182 16
address 18 17 179.9
addressing 29·19,20,24 30 2 122.21
ADHD 11 4
administered 39 1 130 4
administration 116.6
adolescence 31 9 82 19
adolescent 66 17 81 14
adolescents 25 24 31 3 81.9 136 19 138 22
adult 42·15 51 6 51 12,13 63 8 91 6 98 24 171·3,10
adulthood 31 11 31·16 46.25 47.11
adults 95 23 107:16
advise 75.12
advised 72 23
advising 56:15
affair 171 23
affect 28.12 46 4,14 47 14 122:23 123·6 165.24
affective 33.16 33.17
affidavits 129 9 129·11
afraid 97 17
age 16.4,7,10,15 16:17,17 28 11 29 9,11,12 30·23 32 12 40 22,22 41·12 41:13 44 1,4,8 47 22 49 1,3 49·14,14,20,23 50 7 51 4,8,10 52 16 55:11 64 20,22,24,25 65·2,2 70 1,5 71.21 90:8,9 97 22 99.20 107·1 111 23 112:11,11 113 10,12 139 9,12 170.18,21 171 13 176·1,2
ages 40.8,10,19 54.20 138.21 139 1,2 174·13 174 14,17 176 6
aggravated 23 11
aggressive 179 5
ago 8·13 14 19 22 10,11 92 3 166.25 167 1
agoraphobia 102 5
Agoraphobic 101 12
agree 28 1,4 77·1,7 122·14 131 17 132 24 134.1 138·18 139 24 140 2 148 12 152.17 152.21 155 20 160 10 165:15 171:16
aha 146.7
ahead 66 7
alcohol 80:23 126·6
alcoholic 48:7 81 21
alexithymia 21 24,25 22 1 96:19,23
allegation 42:16 44 13 70 23,24
allegations 46 8 46·9 65 15 70 22 92.5 150.4
alleged 44 16 166·20 175 15
allegedly 91·21
alleges 46 4 48 25 54:24 72:8 102.25
alleging 45:12 149 23
allowed 47.15
aloud 122 7
alter 80 20
alteration 114.5
alternative 155:19
alters 46.20
ambivalence 57 5
amend 6·12,14
amended 3 17 5.9
American 13 15 131 17 151 9 151:14,21
amnesia 6·8,17 35:3,14,20,21 35 22,23,24 36·11 43 6,18 49 3,15,18 50·11,14,19,20 51 5,5 52.11 53.25 54 6 80 8 84·4,7,20 92 21 110 18 115.3,11 118.17 132 12 132·24 133 15 133 18,24 134 2,17 135 9 136 5,10 137 3 137 7,21,24 138 1,19 139 8 139:23,25 140 12 141·18 141:20 142·25 143.8 144.11 145.9 146:17 146 21 148 6 149 6,9 152·10 158·16,20 159.8,19,25,25 160:12,17,23 161 7,16 162·25 163 4 163 16,18 164·14 167 19 168 16 170·17 171·4 172.7 173.8,13 174 20 177·17 177·23 178 6 179.15
amnesiac 88·19
amnesic 48 17 48 20 51·23 164 10,19
amnestic

161 16 163:15
amount 30 3 73 22 109 8,9
analysis 148.13 148 23 150 22 158.9,11
analyze 24.20
analyzed 23 4 23.19
annual 11:17 13 19
anorexic 81 6
answer 27:24 42:1 58.10 59 3 61.21 66 21 99 20 100.14 105:18 105 24 108 4 108:11 126 23 139 6,21 176:15,17 177 15
answered 45.4 58 7,8 96.4 105.1 107 21 107.23 108:13 108 15 113:1,6 114 5,10
answering 130:9,12,20
answers 23 24 58 19 67 4,5 97:25 107.22 108.7 110 15 112 23 113:3 116 4 123:17 124 4
anticipate 123.19
anti-social 107 8
anxiety 29.21 58.14 75 2,9 75 16 78:8 101:25 103 18 106 4 178 5
anymore 49:12
apparently 112 2
appear 6.25 79 24
Appearances 2 3,7
appears 6 24 7:24 8 17 14:20 20 8 22 14 24 10 41:25 75:12 92:9 110 10 112.22 181 8
applicable 21:15
applications 176 14
applies 61 21
apply 111.1 115.2 164 20 176:4,13
appointed 9 21
appointments 10.15
appreciate 109:20 182:12
approach 127 13,14 163 11 178.1
approaches 127 18
approaching 56 21
approved 14 3,4 14 5
approximate 134 19
approximately 4 21 8 13 9:23 49:4
APSAC 13:16
area 25.15 151 13
areas 8:17 19 9 19 17 67 11 94 12
argue 155 16
arose 75:24
arousal 50.22
array 11:2
article 12:10 21:20 22.4,6 149.8,10,15,16
articles 6 2 8 4 11:25 12:1,5,6 12:18,22 21:17 36 10 148 9 149 17 150:19
asked 5 12 12.9 25 7 45.2,8 53:15 67 8,9 67:23,25 68 5 68:15 83 18 114:9,17,20 121 6,14,23 123.18,23 124 4,20 126:1 143:5,7 147 2 149:11 160 4 160.20 161:11 161 13,19,21 161:24,25 162 4 163 7,13 163:23 164 17 169 9
asking 9:5 17 4 56:12 83 14 97 9 109:3 125.19 130 4 153:6 155:10 155 13,19,21 159.12 161:10 161 10 168:11 170 9 175:20
asks 98:11
asleep 78 9
aspect 34.24 113:24 123 16
aspects 19:5 24:24 25:16,19 26 3,6 52.12 127:2
assault 23.11 42:1 43 16 45 21 49:10 65:14 175 15 175 16
assaulted 41 12 64:20,22
assess 115 22 115 23
assessment 95 23 151:23
assessments 168:20
assist 182.14
associated 20 22 114:9
association 15 24 20:10 131 18,19,23 132 8 151 10 151 12,14,21
assumed 5 17
assuming 147:15
assumption 157.16,17,22
attach 182 17
attached 53:3
attack 53:21
attacked 99 17 99 25 100 6,19
attempt 73:5,7 74:1 83 16 85:4,5 86:15 88:9,11 93.11 116.16 117 2,8 117.14 118 25
attempted 108:23
attempting 108:22
attendance 163:3
attending 136.14
attention 89:22 89:25 182 12
attitude 58 1
attorney 75.19 181:16
attraction 89:23 89:24
attribute 153:25
attributed 44 12
atypical 103:5,6 133:17,22 140 12
authoritative 131 20,25 132 9 154:23 155 5
authorities 131 16
authority 89 4 89:19,20 151 13
available 10 6 28:14 36:20,21 169:7,11
average 141 3,6
Avila 37 1
avoid 56.22 105 21 133:1 153.1
avoidance 51:14 56 17 77.25 78:5,12 101 12 104 21 107 19
avoided 105 3 106:3
avoiding 17.25 78 2,2,3 93 20
aware 9:14 41 7 41 14 55 13,13 55:15,15,20 76.13 110:24 111 5 148 4 152:3,6,9,13 152 15 167 20 167.25
ax 148 18 149:21,22
axis 39 3 67.13 110.5
A-P-P-E-A-R-... 2 1
a.m 1 16

B

B 3.14 96.2
babysitter 41:12 44:1,15 48:6 48:12 64.22 65:14 70 11,24 71 8,11,18 91:9,17,18,21 98 21
back 45 18 50 3 50 3 51:21 52.7,18 59 1 77 23 83.10 85.23 131 1 136 2 141:23 142:3,10 144.11,18,22 145 10,11,15 147 7,18 149 19 153 9 164 6
backwards 49 16
bad 61.6 68:25 153 23,23 156:19
bars 105.9,16

base 109 23 157 21
based 8 24 46 5 49 6 52 11 54.18 58 21 61 9 73 17,21 118·7 150·8 157 16
basically 10 2 10 21 34:20 40·10 77 15 78.8 95 11 104 2 115:9
basis 31 13 156·2
Bate 37 24 38.1 110.19
bathroom 93:25
bear 138:14
beat 68 24
beating 48 8 100 18,18
Beck 58·3,14,15 58 16 59:11
becoming 26 6 26 16
bedroom 74 6
began 63 6 86.6
beginning 33 23 43.7 75·19 80 25 151·11
begun 24·19
behalf 1 15
behavior 18 3 91 1 94·12
behavioral 10:17
behaviorally 74·14
behaviors 80:20
belief 148·22
believable 143 25
believe 15·3 44 5 70 15 73.17 90 4 111 14 115 19 118 9,20 119:2 119 19 138 17 154.11 173·15
believed 171 25
belt 68 25 70·1
best 26:18 35 18 139 21 168·15 170·6,10,11 181.11
betcha 150 23
betrayed 89 10 89 10
better 94 23 178 12
beyond 97.13 97.15
bias 167.17 168·2,3,23
big 49.25 56 9 80 14 84 11 175·13
bigger 84 23
biggest 28.16 139 9
bills 111 8
binge 9.20 21 11,13 30.9 30 11,11,12 94 15 95:7,10 95:14,18 101 22 109 23 179:8
binging 17:24 30 12 80·17,18 81·6 94 18,20 94 25 95·1
Birth 40 8
bit 22 23 29 15 69:2 95 4 120.4 128 2 134.9
bi-mobile 47 5
black 55:24 56·9 56 12,25 57.8 57 11 161.5
blacked 146 21 164 23
blank 34 8,10 36 22 41.3,4 161 15
block 47·13
blocked 56:18 88·7,7 141·17
blocking 142 21
Blvd 2·4
board 13:18 14 5 129:10
body 50·24 62.6 64 24 76.11
Bolton 37 14,14 42 10 64 2
Bolton's 36.17 128 8,12
book 22·18,20 22·21 51 17 117 24 175 4
books 6 2
boom 146 12
born 177.6
bottom 82 21 107:17
boundaries 106.8,9
Bquisenberry... 2 13
brain 46·17,19 46·21 50.23,24 76.11 81 7 86 24 148:1
break 33·9,10 93 22 94.1 118:2 165 4,4 165 6
breaking 86.24
breast 42.16 72:20
Brewerton 1·14 4 1,5,7,8 119 24 182.5
Brian 2:11 4 11 115 20 119·24 174:8
brief 102 6,13
briefly 158 18 173 10
bring 5 12,16 33·2
broke 45 18
brought 4·17 6:20 157·14
buddies 106 10
build 88.23 92.12
built 86·16,16 88 10 149·25
bulimia 21·12 21 13 22·13 23 21 24.17 30 9,11,15 101 16 149·13
bulk 26 9
bunch 144:16
buying 95.17 111 9

C

Calhoun 2 12
California 8·14
call 84 9 105.13 105.24
called 11:20 15:16 22 21 27 14
calm 178 12
calmer 81·10
camel's 45:18
capable 133 6
caption 128·24
car 72 16 111·9
care 37.12 64 6 75·3,5 89·23 182:7
cared 90·4
career 19 16 41 22 80.14 135 16
careful 170 4
Carolina 1.1,18 2 5,9,12 8 9 13.8 18 25 173 23 174·2 181·3,22
case 1 4 4:16 8 21,23 9 8 20 21 21:15 22·2 41 25 45 4 51.25 120.9 128·4,22 132 14,19 134·5 147 13 149:25 150:8 153 8,19 155.10 156 20 156 20 167·18 170:15 173:11 173.18 174 1
cases 4·24 10·25 25.11 134.4 138 24 148 25 149 3 171:20 173.17 173.20 174 2,5
cat 74.7 84·1
cause 45.13 61:22 164.24 165 2
caused 10·13 47 13 85 14 144·7
causes 133 24
CBS 30·21
center 9·23 10 1 15 17 23 6 37.8 64 3 136.19 138 12
certain 16.4,10 30.23 63 23 78 18,21 84 18 84·18 123 15 139.7 177.10 177.17
certainly 24:16 29·4,24 48 23 62·9,14 63·14 105.23 153 8
certainty 42 14 45.9 73 25 76 16 83.24 88.18 158 19
Certificate 3·8 181.1
certifications 8.7
certify 181:8
cetera 172 1,1
chaired 152·3
chance 164 4
chances 57:3 85·16 88 21
change 57·15 157 10,24 158 3,4,8,11 170:16
changes 182:8
chapter 13:14 22.18 24 5 93 9
characteristics 96.20,21
characterizes 35·17
Charles 1 8 129·6 147 20 157·4,12,18 175.16,22 182 4
Charleston 1 2 1 8,17 2.9,12

77.4 119.25 181 4
Charlie 4 10 41·12 42 2,16 44 13 45 12,21 46·4,8 49 10 54 24 64 20 65:15 70 25 71:6,11,22 72 8 85 1,17 96·6 98 21 102.25 112.14
check 115 25 131·3
checking 130 18 131 2
checklist 16 23
child 10 23,24 10 24 13 2 18 13,14,18,18 18.24 19 2,20 23 22,22 24·2 26:1 32 2 43 7 44 17 45 15,23 46 6 63.9 66 17 69.8,12 123.24 138 19 147 17 171·2 171·10,14,24 171 25
childhood 30 19 30 22,25 31·1 31:1,2,9,15 47 8 54:20 55·1 66 12 81 13 82 19 150 2,5
children 13 3,9 13 16 14.17 15:17,18 17 14 18 25 19:1 25 23,24 31.2 138.21
Children's 15:17
child's 32 11
chronic 28·18 28 23 29 1 78 19 79:5 81.20
chronobiology 19 18
chunks 84 11
Circannual 21 6
circle 59:2 64.16 68:19,22
circled 59 3,4 64 13 65:23 97 24 98 3,15 100:8 108 13 108 15,25
circumstance 123·4
circumstantial 103 2
claiming 62·21
claims 41 11
clarification 99:21 100 10 100 14
clarified 101 22
clarifies 177.16
clarify 120 5 137 20 140.20 140·25 173.2
clarity 97 9
class 72 17
classmates 85 22
clean 82 20,21
clear 32 13 63.3 75 3 85.14 93:5 98 22 107 7 117·1,4 140 13 141.1 141.14 153 21 167 6,6
clearer 145 5 166 17,17 167 3
clearly 41 1 81:12 90 13 119·5
CLEMENT 2:11
clients 10 8
clinical 10 16 38:20 39.2 42.22 60 6,7 67.13,14 110·1 110·3,4,7 116·7 122.20 127.16,18 166 3 170·11
clinically 10·3 60 17,20,23 169.25
closer 165 17
clue 146.11
cluster 17 3 51 15 77 24 78:7 104 6
clusters 17 2 77:20 78 12 103 24
coaching 87 20
cocaine 80 24
coercion 97:23 98·5
cognitive 62 3 82·10 175·9
cognitively 88:24
cohesion 116 5
colloquium 18 24 19·6
combat 50 12 83 1,1
come 25 8 38·12 55:7 75·9 83 11 103:5 131.1 141 23 142.10 144 11 145.10
comes 47:17 50:3,3 77 23 89 21 142.3 144:18,22 145 15 146·1 147·7 169 12 178.14 179 11
coming 81 21 85 22 145 11 153:8,9
commencing 1:16
comment 98·2
commentators 148.5 160.10
comments 94 17
Commission 181·25 184 17
committee 151:22,25
common 1.1 27·5 32 21 34 1 81·18 139·5 141.7
commonly 138.20,23,25
communicated 144 21
community 11 24 12 4 30 18
comorbid 11.2
comorbidities 29 16,18
comorbidity 28.25 30.4 179 8
compared 41 5 71 21
compatible 62 10,14 104 3 104:5,10,13,16 104 18
compensation 30 13 101·23
complaint 8 20 8 22,23 9·2,4,7
complaints 128·22
complete 41 3,8 43 15 52:11 54 12,13,14 55:3 81 5,5 98 10 114:21 114.23,25 115 4 128:7 130·22
completed 24:19 67 4 110.14,16 115.12
completely 81 4 90 7,11 158.5
completing 114.18
complex 20:12 20.15,22,24
components 19 4
compulsive 101 12 104.16
computer 103 12 108 6
computerized 39·4
concern 149 20 152.22 154 13 164 24 165·2 166.6
concerns 152 18 153·1,2
concluded 180 3
conclusion 61 9
conditions 103·17
conduct 107 7 170 15 171 5
conducted 122.8 165.17
conference 19 2
confusing 90·11
confusion 72 1 113:8,22,23 114 1 179 9
conquer 83·7
consciously 74:15 76 13
consciousness 80·21
consensual 170.16,18 171·2,10
consent 67 16 67·19 99 4,5 120 19 122 13 170:21 171 15
consider 61 7 166:14 167·16 167 21,23,24
considerable 30 3
consideration 89 1
considered 59 13 125·12
considering 16·21
consistency 116 1
consistent 124.4,12 147 22
consult 56 14
consultant 9.25
consultation 10 6
Consulting 37.14
contact 7 11 97·24 98·15
context 85:24

89 2 156 22 179·15
continue 43.24
continued 88·22 91·1
continues 46.25
contradiction 177·20
contribute 26 6 44.18
contributed 6·3 6·8,11 48 16 48 19
contributory 45 14
convince 82:4
copied 118 8
copies 6.1 21:17 21:18 115 20
copy 6 21,22,25 7 16 14 15 15 8,10 22.4,8 25.4 115 16 117 25
corner 130·24
correct 8 16,18 8 19,21 10:18 17:11 19 23 30 16 33·18,24 33·25 38 19 40 23 41.13 42.11 43 9 44 2,5 49 16 52 13 60:25 64:9 66·18 69·1,16,18 85 17 92:25 101·4 106 17 108 18,23 110 9,21 112.4 112 24 113 5,7 114 7 121·4,5 121·16 123.19 123 21 124.22 124.25 126 12 126 18 127 6 128·4,8,11,21 130 6,7 131 24 132 10,22 133 7,13 134 5 135.10 138:17 143 18 150·19 152·1,2 154 3 154 17,25 155 21 156 25 157:8 165 10 165 13 166.25 167.4 171 6
corrections 77 3 182.8,14
correlation 16 10,14
correspond 108:16
corresponden... 5 23
corresponds 112 13
corroborated 148 25 149 3
corroboration 143 19 149.7 169:6
counsel 5 13 181·13,16
counseling 37 14 47·25 56:4
count 135 1,1
counting 126 5
County 1 2,9 77:5 119 25 181 4
Couple 174 2
course 46.21 90.1 143 20 146 20 162·7 172 8
court 1·1 129 3 173·21,22
cover 120.18
coverage 30 17
covered 67·11 125·20 126.13
co-PI 14:6
co-principal 14 7
co-variant 16 18 16 19
co-workers 105:10
crazy 82.22
creation 151 25
credentials 120 12 150 20
credibility 115 22,23 143 18 158.10 162.15
crime 9.22 10 1 23:6 37 8 64 3 64:24 136 18 138 12
criteria 3 19 23.16 28 24 51 14 77·13,16 79:3 114 13 117 16,23 118.11,20 119 7,17 122 1
critical 146·6
crying 74 7 83 20,21 84 1 90·19
cumulative 12·13
curiosity 57 6
current 6 25 77 22 109·3,12 109·13
currently 8.8
cutoff 29 12
CV 6 20 7 1 8·11 120:11
cyclicity 21:6

D

D 1 14,20 3·1 4·1 125 5,22 181 6,21
DA 107.17
damages 167 18
dash 110 25
data 23 3,13 24.20 120 21 140 3,5 148 16 148 24,24 154.5
date 7 2 87 22 118 24,25 181·21
dates 12.16,17
David 4 7
day 86·6,11,12 90.15 95 4 176 24 177 7 184·11
days 118 14
DDNOS 115 1,3
deal 20:9,13 21.3,7 48 11 57 23 63 10 99 4 105·4,7 105·15,22 106.13,14,20 178 3,24,25
dealing 18.13 20.1 57 17 127 3 159:12 166:5
deals 99 5
dealt 24:6
dean 173 5
death 80:17 89·19 171 23
debate 152.9,13 152·15
decades 140 1,6 141·3
decapitated 64:24
decapitation 65.19 76:19
decided 88 12 113:18
Dee 15 16
Defendant 1.15 2 7 4.10
Defendants 4 12
Defendant's 5 4 118 4
Defendant(s) 1.11
defense 46 19 52·23 150 14 150 14,16
Defensive 107 19
Define 8 22 58 20
defined 35·23
definitely 18 22 111 19 120.12
definition 54:6,9 82 10 84:3 92·9 103.9
definitive 84 8
defunct 151 1
degree 42.13 73.24 76 15 77 17 79 14 83.23 88 17,21 158 19
degrees 155 17
delay 32·17,23
delayed 35.9,11 78 20,21 79 9 80 9,11 82 14
deliberately 133·1
delineated 41 2
delusion 103 1 103·6
delusional 102 5,13,19,20
delusions 102 1 102·21 103 10
Demographic 120·21
deny 59 18 81 2 83 9 150:4
department 77·3 176.13
depend 32 11
dependant 51:11 166 9,9
depends 29.8 126.19,20
depersonaliza... 112 22
DEPONENT 33·6 38 4 93 24 180·2
deposed 128 14
deposition 1.14 3 16 4:8,17 5 8 5·9 7 23 8 24 34 16 36:7 63·4 74 3 116.9 120.9 147.16 163 19 174·2 180:3 181·7,9,14 182.5,7,10,11
depositions 4 18 19 25 36.19,21 128 10,10 173·12 174 4
depressed 59 14 60 20,23 76 9,10,14 178 4

depression 11 4 15 23 29 15,23 30:4 53:20 58.3,15,16,22 58 23,23 59·11 60·4,24 64 5,6 64.8 65:6,24 74 21 75 22 76 6,10,11,16 101·20 103 18 179 3,6
depressive 101 6 102·8,9 104 19
derealization 20 19 113·3
DES 126.8
describe 137 5 161 14
described 111 15
desensitized 79 22
desk 72.17
detached 17·6
detailed 23 9,10 23 13
details 14 12 19 22 24·15 145·5 156 24 157·7,25 161.4
detectives 36 24
detention 77:2,5 99 24
determination 27.20
determine 72·21 72·24
determined 47 2
develop 27 12 32 3,5 48:25 79·9 118 19 147 9,9
developed 31 9 31 11 32 24 157·14,25 172.5
development 46 21
diagnose 20 24 33.17 101·19 102·14 170 3,5
diagnosed 9 15 28 2 30.5,8,14 63 23 64 1,4 135·18 136 9 136.10 137.14 154 12
diagnoses 100 25 101.2,2 101.5,18,25 102 4,14 166·4
diagnosing 143 17 152.19
diagnosis 9 5 24 22 25.1 34·4,6 79 6 109.23 116 23 132 10,14 133.11 135 12 135 15 147 24 151:22 152 24 154 16 157 10 157·16,21,24 158·12 165 15 165 24,25 170.17 172 14
diagnostic 3·19 100.23 119 17 122 1 151.17
die 73.15
difference 8 3 31 13 51:20 86·11 171 2 176·17
different 17:1,2 35·6 62 25 108 12 131·15 135 16,23 140.24 144 7 146 18 147·25 148:1 168 1,5 168 12,18,22
differentiation 28 5
differently 168 8 168 9
digest 178:13
digitally 63·13
dimensional 103:19
diploma 176:23
direction 181.12
disagree 150 21
disagreed 148.5
disassociate 44 19
disassociated 85.6
disassociation 18 4
disclaim 86 2
disclaimer 122 16
disclose 85 21
disclosed 75 11
disclosure 28.15
discovered 47 22
discovery 129 2
discredited 116 11
discrepant 116·3
discuss 73:12
discussion 55 11 78·2
discussions 107 3
disease 76:11 162·16
dishonest 105 24
disillusioned 13:21
dislocation 65·4
disorder 3·20 6·7 8·21 9.6,11 9 13,15,19,20 15 20,21,24 17 19 18·3 20·11,12,22,23 20.25 21 12,13 22 1 23·13 24.3 27 13 28 23 30.6,12 32.3,6,18 33.16,18 35·5 35 8,9 40·25 53 9,11,12 61:18 66 10 67 15 78·16 79 7 81.1 94·6 97:14 101 10 101 13,15,20 101 21,22 102.1,5,6,8,9 102.11,13,13 103 7 104 4,6 114·2,4,14,14 116 19,20 117.17,23 118:7,11 119 2 119 8,18 120·17 121 23 122 1,15 125 3 125:9 132 22 132 25 134 20 136:22,23,24 137·1,18 138 14 147.6 149.16,20 154 1 156:18 166:10,11,12
disorders 6.16 8:18 9 1 10·22 10 23 11·1,2 13·24 14 1,17 17 11,22 19.18 20:10,14,15,17 21.4,8 23·14 24 11,12,23 25·2,9,23 29 22,25,25 30:1,20 31·7,8 31·10,15 32 24 39:3 43 1 53 18,22 60 8 60 14 63 24 75 6 80.13 96 22 110.8 111:16 127:4 131.20 137 16 137.20 166·8 176·21
disorganization 13.22
dissociate 46.23 47 1,24 50 23 84:5
dissociated 72 22
dissociating 51.10
dissociation 11·8,19 22 1 43 7 46·18 47·9 48 25 50.2 56 16 62 1,3,4,5 86 6 96:19,23 139 16 149 18 151:5,8
dissociations 12 25
dissociative 6 7 6 7,16,16 10·22 14.16 15 22 16·1,20 17.3,10,15,20 18·2,17 19 3 20·13,18 21 4 21.7 24:23 25 2,9 35 3,5 35·22,23 36 10 43 1,12,13 50.11,13,14,19 50·20 51·5 53 4,12,24 54 6 60 14 61 17 62 18 66 10 67 14 80:8 84 4,6,20 88 19 92.17,20 94:6 110 8 111 16 114:2,3 114:13,14 115 3,10 116.25 117 6 118 16 120:16 121·22 122 1 122 15 125 3,9 126.8 131:20 132.12,24 134 17 135·9 136·5,10,21 137.3,6,16,18 137.19,21 138·1,19 139·8 139 11,23 141:17 142 25 147 5 148·6 149·6,8,15 152 10 156.18 160 12 161·7 167 19 168:16 170·17 171 4 172·5,7 173 8 173 13 174·20 176 21 177 22 178 5 179 14
dissociators 47·6,6

distance 106 7
distinct 85:10
distinction 106 22 133 12 141:9 143 4,16 144.20 145.11 160 14 170 22 177 13
distinguish 142 20 145.23 146:14
distinguishable 133 8,10
distinguished 132 25 133 4
distinguishing 141 7
distortion 166.13
distortions 175:9
distraught 157 13
distress 117:12 118:7
distressful 57 13
distribution 47:5
district 1 9 4.13 119.25 182.3
disturbance 114 10 118:13
disturbances 17 8
diuretics 80 19 101:24
division 25 22
doctor 9.14 36.17 64 6 75 11
doctors 75:5
document 5 20 6 24 14.12 108 17 121 19 122:12 141 21 164.3
documentation 22 17
documents 22 8 38 2 39 11 110:18 115 13 120 10,15 127 23 128:4 128 25 129.2,3 129 21 130 4,8 172:10
Dodds 2.4
Doe 1 4 182 3
doing 12 11 14 23 24.18 50.5 57.24 67 3 80 19 85 21 122:25 123:9 130 12 131.5,9 146 3 153 24 167:11 168 25 170 10 179.1
domestic 48 9 69 3
dominated 77 9
dose 28 17,19 28 19
Dr 4:5,8 119 24 172 22
drawing 36 22
Drive 1.17 2 8
driving 94 14
dropping 86 3
drops 86 17
drugs 126:6
DSM 151.6,6 152 1 154:9,14 154:25 170 19
DSM-IV 34.5 39:3 54:6 66 11 67 13 94:7 110 5,8 118 8 120.17 121.25 131 18 131 23 152:4
DSM-V 152 7,10
due 141 17 145 9 167.17 170.21
duly 4 1 181:9
duration 95 14
dysfunction 78 14 117:13
dysfunctional 112.8
dysthymic 101 10,20

E

E 2 3 3.1,14 182 1,1,1
earlier 43:4,6 44 18 46:14 47 8,12 52 5 83:14 93 5,8 121:1 128:7 139 6 140 7 149:12 160:14 165 9 174 8 175 1
easily 103 16
easy 97:2
eating 8.18,21 8:25 9 6,11,13 9 15,19,20 10:21 11 1,2 13 23 14.1,16 15.20,24 17:19 17.21 18 3 19 17 20:9 21:11,13 22:1 23.13 24:2,11 24 12 29 24 30:10,11,11,12 80 13 81.1 94:15 95 8,10 95 14,20 96:21 101.22 109 15 109 22,23 111.8 166.11 179:8
EDIS 61 18
edited 22:21
editor 11.25
Editorial 11 21
educate 11:18
Edwards 2 3 5 2 5:24 7 18 26:23 27:23 32 4 33 3 34:9 34 12 37 24 43:11 46 10 54.3 56.5,7 58 18 59 9,24 71:4,9,15 76 22 105 20 108 2 111.10 122:9 133 21 133.25 139 3 140 22 148:8 155:1 160 19 162:17 164.15 165 1 167:2 170 7 173 1 175:7 180 1
effect 86:18
eight 7 25 16 8 136:15 137 8
Eighty-five 115 7,8
either 59.25 67.12 117 21
elementary 55 2
elements 53.13
embarrassment 86 23
emerge 81 12 156 22,24 157.4
emergence 35.11 78:23
emotional 26:2 28.13
emphasis 158 9
employed 9:21 181 13,16
employee 181.16
empty 34:20
encounter 72:4
ended 49 3 87 9 93 11,16,17 158:20
endorse 60 10 60 11
endorsed 60 24 61 4 103:16
endorsements 60.16
endorsing 60 15 60 16
ends 158 17
enforcement 75:18
enlighten 127:2
entire 19:2 31 1 51 18 60.6 67:19 115 5 149:24
environment 48 5 77 9
epidemiology 137.6
episode 28 21 29 5 93.9 101 6
episodes 28 20 66:20
equals 108 25
errata 3:9 182:17
Esquire 2.3,7,11
et 172 1,1
eval 170:11,12
evaluate 10 2,4 16.16 40.1 125 8 126 22 167:21 168:16
evaluated 15 18 15:19 16:18
evaluating 15.20 17.9 159 14
evaluation 10:4 36 9 39 4,9 40 6 59:22 60:5 61 10,25 67.12,19 116.7 116 7 123 25 124:11 126:20 158 8 159 6,13 164.5,9 165.17 165 23 167 16 167:22 168:20 169 3,20,23 172:14
evaluations 126 15,16,18 126.22 127 3 168.25
evening 74:7 91 2
event 24 1 35 13 35.14,20 49:19 51:24 54 2 71 2,5,21 74:14 77:17 78 24,25 83 15 83:19,24 84 5 85 10 87 5,6 88 6,7,20 92.15,16 95 22 99:21 117.9 133 19,24 142 4,7,8,9,10 142 11,15,15 142 21 144 6,9 144:24 145 9

656

145 10,24 146 18,22 161:16
events 35 14 36.4 65.8,13 72·23 73:2,6 76 7 79 17,19 79:23 84 17,25 86 14,21 87.6 87:8 88 4,9 92 11 144·10 153 16 159.7 175.15,21,22 177 18,19
everybody 27 11
everybody's 81 24
evidence 61 9 63 12,16 74 20 78 13 93.1 102 21,22,24 116·16 117·13 123 3 143.24 153.13 154 4
evidenced 117 12,13
evolved 19 15
evolves 144 23
evolving 41.16 41.17 167 8 178 7,8
exact 117·19 125 19 126.9 126 10,11
exactly 6:9 9 3 31 24 34 13 43 20 46.11 49:2 55.8 72 25 75 4 85·14 88·16 92 23 106.6 111.18 122 3 123 12 160:4 161·6 175 11
exaggerate 60 9
exaggerated 61 7
exam 124·9
EXAMINATION 3 3
example 123 24
examples 147 2
exchanged 129 3
excited 46.6
exclusively 109 25 143:17
excuse 10·25
exercise 101.23
Exhibit 3.16,17 3 18,19 119·16 119·18
Exhibits 5.4,8 118·4
exist 149·2,3 153 21,22
existence 145 8
expect 162·22
experience 23 18 50.3 51:2 57.5 59 17 60·22 80·12 88 22 90·7 126 9 134.6,10,11,14 142 19 146.8
experienced 112 17 148.19 155 12,13
experiences 27·18 36 4 45 20 47·13 62·7 79 20 89 1,4,13,20 93.8 141 23
experimental 154·4
expert 4.16,22 40.2 45 9 168 21
experts 75 6
expires 181 25 184:17
explain 43:23 53·17,17,21 60 2 156:15
explained 35 25 54 8 92·10 103.16 161.1
explored 102·5
extended 27 22 28·7 100 23
extending 34.7
extends 52 7
extensive 31·20 35 25 54·8,11 54:13
extent 54 13 79·18 156 7
extreme 117.11
extremely 27 4 50 22 85 12 99 10 100 21
eye 92 4
eyeball 117 22
eye-balling 116 8
E-X-A-M-I-N-A.. 4 3 119 22

F

F 68 19 69.3,5,7
facilitate 18 4
facility 37·12 99·24 136 14
fact 43 4 47:12 86.14 91 19,20 147 11 150:12 165 3 167 17
factor 16 17 30:20,23 31·6 139 13,19 156 14
factors 28·9,10 28 16 29 3,8 76 25 139:7
facts 84 19 154 20 164 19 166·20 172.9 172.12
factual 84 21
faculty 10·14,24 173 6
failure 50:2
falling 78 9
false 149:24 150·14,16,25 153.21,22 156 17
families 47 7 82.1
family 10 22 48·7,15 65 6 81 20 82:22 89·20 112 8
fatal 65 2,19 76·19
father 37·3 44:16 48 3,8 68 20,24 69·11 69 13,15,17 81:21 89 4,8 89 13 91:13 100.15,18 150 5
father/daughter 171:21
fault 124 17
favorite 55·2
fear 57.8 81·23 91·24 97 10,15
features 102.10 114.9
February 1:15 65:25 73 7,9 76 1,3 87.9 118.10
Federal 173·21
feeding 19 18
feel 47:15 58.9 61.19 62 20 81 10 97:10 100:19 178.12
feeling 17:6,6,7 20:19 78 6 80.4 91.24 97 1,6,13,15 98 7 103 14 109:7 145:21
feelings 18 1 57 9 58:8 96:24
feeling-wise 80:4
feels 56:8
fell 49·25
fellows 10:25
felt 121.3
female 64.22 70:24 77 8 90 11
field 11 19 12 4
fifteen-year-old 90.9
figure 44.23,25 89·8 113·14 154 23 155:5
figures 89 4,5
filed 8 23 75·13
fill 67 5 107 21
filled 3 18 119 15
filling 145 12
financially 181·17
find 34.5 50.6 59:11,20 62 10 66 9 134 4 143·20 182 8
fine 57.24 143.1 144 20 165 5 174 9 179·12
finish 162 2 167·12 171 18
Firm 2 4 38·15
first 4 1 6 19 20.9 24.10 28 11 37 9,10 37:11 43·12 47·25 56 18 75 14 76:1,3 88 22 110 10 112 1 120:14 134·14,16 137.17 144·24 156 16 157 3 171:9
fit 60 17
fits 43 24 60.20 61.12,13
five 9:23 19 17 40 4 60·19 77·15 85 2 86.13 87.6 88:4,8 95 25 96 2 124:1 134 23,24 136:19 138 8 139 25 151·20 166.25 170·1
fixed 102 22
flag 116.3
flash 142 13 145·21,23
flashbacks 77·22
Fluoxetine 21 2
focus 54 4 80·14
focused 100·3
focusing 16 21
foggier 166.24
foggy 17 7
follow 68 8

122.7,10
following 74 4 74 16 79.2 83:25 102 4
follows 4·2
follow-up 68 12 120 2 121.15 159.13
follow-ups 119 21
food 17 23,24 94 18,21 95·17 95 18
fooled 90.2
force 98 12,12 98 17,18 99·1 99 1,5 170:16 171·21,22 172 2
forced 43 25 72 15 98:20 160 13 170.19 170:20,24 171 5,17
foregoing 181 7 181 9
forensic 19.20 20.2,5 40 2 59 22 122·20 126:16,18,22 127.3 168.25 169 23 170 10
forensically 15·18
forget 51:7 53·3 53.5,6 67 25 86 2 139.18
forgetfulness 36 1 54·9
forgetting 22 14 22 25 51·15 78 1 149 13
forgot 51 25 175 2
forgotten 23 17 24·1 51·22 111 23 174:24
form 26.23 27 23 32 4 34.9 43 11 46 10 54 3 56 5 58 18 59 9,24 67 16 71 4 76:22 102 10 108.12 108.13,15,25 111·10 120 19 121 16 122 9 122·13 133 21 139 3 140 22 148·8 155 1 160 19 162:17 164 15 165 1 167·2 170 7 173 1 182:15
formal 34 4,6 116.6
format 124 8
forms 23 12 25 25
forth 23 23 29 10 83.11 131 23 148 9 164 6
forty 131 14
forward 49 15 169 12
found 23 23 25 23
foundation 149·25 150 4
founded 150:1
founding 149 24
four 8 13 41.12 44·1,4,15 47 22 64.22 65 18 67 13 95·13 98:19 109 16 118 14 118 15 119:3 120.24 121.18 137:7 151 19 167 1
fragmentary 50 4
fragmented 50 1 98:8 144 14
fragments 141 22,23 144 17 145.15 145.16 167 5
frame 66 8
freeze 89·16,17
frequency 28:17
frequent 28.20
Frequently 32 19
Freyd 150 1
Freyds 150 9
fright 77 18
frightened 89 17 100:21
front 69 14 72 16 85·22
froze 91.25
frustrating 55 24 161·3
fugue 53.4
full 4:5 28.24
function 52·16 52·18,21,22,24 57·14 79·25 162 10 176.5
furnish 182 16
further 71 17 73·13 107·3 114 8 119:19 181:15
fuzzy 41.1,2

G

G 118·12
gained 95.4,5 95.12
gap 40:15,18 43·12,13,15 44.7 56 2,3,10 84 23 92:22 110.24 111.4 112 14,16,18 112.19 159 18 159 20 161:16 162·25 164 19 175·13,14
gaps 40 6 41 14 41 19,23 43 2 55 13 98 10 111.1 112·10 112 11 159 8 159:16,22,23 159·25
gathered 122 5
geared 126 22 126·23
gears 131 15 152.18
general 62:16 123 8
generally 76 21 84 15 133:17
genetically 47:2
genetics 28 10
genitals 61:19 62:22
Georgia 8·9,10 8 12 174.1,3
getting 57 24 83 10 89·25
give 68 13 100:2 128:13 134 19 168 21,23 171·14
given 4·18 7:19 8.4 14:13 20 1 22.15 34 16 79 19 84.3 116·5 128 15
gives 40.21 89:22 103.24
giving 170·2
go 6.20 29.4 66.14 93 24 95 21 108:7 118:18 130 18 134·14 136.2 141 10 159:9 161.22 162 15 163 12 177·1
goes 52·6 57 25 97:13,15,15 120 18,24 145 4,7 147 10 160·9,10
going 14:13 34 23 52 25 57 24 100·22 110 2 115·15 122·2 131 5 144 2 149.19 152.19 161 17 179 16,19
gold 125 6,7
gonna 5·7 7·21 24 13 34.5 41.15 45 6 47.19 58.1 66·7 89 12 90 1 100 20 115·15 120.2 128:6 138.13 139 22 144 1 152.14 155 15 162 23 163·12 172 16 173 11 174.7
good 33.5 90.2 91 5 116 22 154.3
gorging 17·23
gotten 31:18 176.6
graduated 176 24
grand 25:22
grandaddy 125·1,2,7
great 179:12,12
grind 148 18 149.21,22
groomed 90 3
group 11·15 16:4,7,11,14 16.25 30.24
groups 11 11 16:16
grow 81 8,24
growing 48 5,7 100 15 151 4
grown 83.2
grows 81 20
guard 57.16 77.1,4,4 78 10 105·7,19 106 8 106 14,18
guilty 150.15
gun 99 18
guy 89·7,21 169·14

H

H 3.14 182:1
half 40 4 60 19 124·1 167·1 170 1
hand 166 15
handwriting 39·13 67 21 110:12,21
handwritten 64 12 66 24 94:17
hangs 42 21
happen 29 4 42·2 53·16,16

53·19,19,20,21 53 23,23 54·12 59 19 152 14 154 8,15 156·21
happened 45:1 45·12 57 15 63 2,7,20 65 20 74 10 81.2 86.12 88 25 103:1 110 25 144.25 145.24 158 2 165 12 166·18 166 21,25 167 5 177 11
happening 81.3 177 12
happens 17·21 28 4 49 24 51:8,8 52 15 53 4,8 89 16 111:18 142 5 159 4 169.14 178:11
happy 6 21 18 10 45·23 46·6 90:14
hard 111·13 132.16 144:4
haven 150 11,13
Hawaii 8.14
head 132 17
heading 11:20 18 7 24 21
headings 19·22 122:6
health 11 18 30.21 37 9,10 37 10
heard 155·25 156.1
heavily 166 9
Heidi 37 7 42 9 128 17
help 11.18
helped 13·13
helpful 47 23 143.22
helping 13 18
hey 81.25
hidden 47.16
hide 150 15
high 1.10 4:13 47 5 50 22,22 120·1 160 15 160.16 162 11 163:3,8 164 22 176 22 182·3
higher 29 23 139.15
highest 107 18
highlighted 18 11,13
highly 13 1 23 23 32:9,9 150 18 152.23 153.2 154:12 154 16,18
hindsight 82·2,3 91·11
histories 62:17
history 23 10 42:23 44·3 47 21 61 12,14 65:6 95 7 99 14 103·3 116:10 138·23
hit 69 25 82 6,21
hold 43 25 83:8
holding 74 7 84 1 125 4
hole 55·24 56·9 56·13,25 57 11 161.5
holes 145 12
holocaust 50.11
home 48 19 81 21,25 83 9 91:1 107 2 111 9
honest 107 24
honor 12.9
horror 77·18
hospital 73·11 73 19 177.7
host 76·24
hour 124·1
hours 40 4 60 19 131 11 170 1
house 74·6 83 20
How's 131 5
huge 84 11
Hugo 65 2
hundreds 41 22 135 8
hung 9.2
hurt 82 11,23
hyperarousal 78 7,13
hypnosis 178 19

I

idea 56 22 62 6 102:22 156·9
ideas 156.7
identification 5 5 118 5
identified 4 16 25:14
identify 164 13 164·17
identifying 97 5
identity 17.8 113 8,23,24 114·1,4,5,9,14 137 18 149.15
idiosyncratic 142.18 144 13
II 58.3 64 16
image 142·13 145·21 146 7
imagery 77.23
imbedded 17 1
immature 90:9
immaturity 171 14
immediate 145.17
immediately 74 4,16 79 1 83:25 142 14
Impactive 95 22
imply 74·8 86 20 177 21
important 107 6 107:24 143 16 174 18
impossible 171 13
impression 59 25 97·4
imprinted 46·17
Impulsive 94·11
inability 96.24
incest 171 20
incidences 48 13 153·11
incident 43.9 48.12 71 11,19 71 22 72 16,19 74 5 102·25
incidents 35 7 72.7
include 6·11,13 14:23 15 22 29.21,22 36:3
included 5·18 26.8 175 14
includes 52:9 99·13
including 6:16 16·1 17·10 26 1 50.14 51.14 60.8 120:11 121·25 128:10 131 22
inclusive 132.1
incorrect 148 23
increasingly 27:16 79 15,16 147 8
independent 66 20
indicate 56 20
indicated 55 22
indicating 8:3 20:3 37·16 42:5 72:12 87:18 108 17 112 20 117:15 125:3,21
indicative 100:11 117 5
individuals 153:3 154 12
induced 21:2 153·22
information 8 1 19 21 34·16 35·24 38·12 54 8 60:6 68 9 68:10 73 22 74 11 84:22 100·2 107 4 121.3 122 5 130 2 174·24 175·3 176 5
informed 33 22
inherent 169 1
initial 9.10
injure 96 10 100:7
injured 96 3 97.16 100:20
injury 10 12 76.20
inmates 57.17 77:10 106 15 106:20
innate 51 1,9
inpatient 136 13 136 14
inquired 122 2
Inside 79.6
instances 42 6 72 11,14 122·24 123 6
Institutional 14.5
instruction 121:19 122 17
instructions 109.5,7 122 7 122:10
instrument 16:23 107 15 116.6
instruments 38 25 68.4 121·9 153 4
integrate 50.2
intend 114 24
intent 100:7
intentional 160.13
intercourse 61 20
interest 19 10 25 15 137.16
interested 25 10 181.18
Interesting 146 5
interferes 57 14
international 11:7 20:8
internet 30 18
interval 71·20
interview 30:19 31.25 38·7,18 38.20 39.2

55:17,19 60 7
60.7,13,14
63:3 67 3,6,12
67 13,14,24
94 6 110 1,3,5
110.7,16 115 5
116 2 120.17
121 21,23
122 8,20,21
125 2,14
126 11,14
127 5,8 162:12
interviewed
122·14 160 21
interviewer
122.5,6
interviewing
51:12 163 25
interviews
121 7 125 7
127 14,21
128.19 166.3
intimate 106.6
introduce
130·21
intrusive 77·23
inventory 58 3
58:14 59.12
107.10 109 19
investigator
14·7,8
invited 24 9
involve 62 22
77.25 134·13
involved 13.18
23·5 62 22
105 4,21
169·22
involvement
76 18
involves 79.14
114·2 134 6
in-depth 31:20
IRB 14:3,4
irrational 102.23
irrelevant 158 5
162 14
irritable 78 10
Island 1 10 4 13
120 1 160·16
164 22 182:3
issue 31 23
160 5,7 169 2
170·15
issues 10 7
33.20 122 22
127 2
items 5 10,11
14.9 121.24,25
i.e 94 13

J

Jackson 2 7 3 4
3 7 4·4,9 7·15
7:20 33 12
37 22 38.6
46.13 71 6
93 21 94 3
118·6 119 14
172 19,21
179.20,24
jail 77 5 106·9
James 1:10 4 13
120 1 160.16
164 21 182 3
Jane 1 4 182 3
January 39·17
165:18
Jennifer 150.1
jigsaw 146 3,9
job 77 1,11
105·21 106 17
164·20 170·6
170:10,11
jobs 105·3 106·3
176:4
Johnnie 2.4
journal 11·16
12.6,7,10,19
12 23
journals 11 21
11·23 12 12,18
132.6,7
judgment 84:9
jump 167·11
jumping 134:9
jury's 45.6

K

keep 52·25
135.11,13,14
144 1
keeps 122 2
kicked 69 21
kid 93 3 100·21
kids 16 24 81:15
89 16 90·8
99 13 136 19
156.11
kill 96 10 100.7
killed 96 3
100·20
kind 18 2 19.15
29·12 33 20
46·24 47·4
50 6,22 62.20
80 3,8,10,11
80 19 82·9
84:16,22 86 14
86 18,24 88:10
89.17 97.8
98 14 99 18
107·14 111 14
112 7,11
113.25 114 2
115 25 116.2,4
127:10 137 23
139 17 144 4
171:23 172 2
178:16 179 17
kinds 17 7 46:7
62:1,16 178 20
179 6,9
kissing 72 20
knew 29 20 30·2
57·11 90·23
knife 99.18
know 11 13,13
12 3 14·18
16:25 22.10,20
23·15 25:11
26 24,25 28 16
30:1 31 18
34 2 35:16
37·22 40 24
42 24 43.3,18
47:3,18 48 3
50·18 51:13
53·16,22,23
54 5,10,13
55:25 56 17,19
56 20 57:2,7,8
57 21,22,25
63.1,7,8,14
68 18 70 8,14
71·19,20,25
73:4,4 75 5
76 9,14 79·15
80 2,14 81:16
81·25 82.5,6,7
82 7,8,18 83.7
84:12,15,17,23
85 8,12,13,15
86 2 87 7,9,12
87:22 88 13,24
89 2,3,15,22
90.2,6,12,12
91:7 92 2,3,4
92 18 96·17
97 8,10,11
98.9 99 6
100 16 104 3
105 12,13,13
106·2,3,5
108.7,23 109.9
109.12,12
111 12,17,18
111·19 115.25
117 19 118.14
118.23,24
120 21 122·12
123:20,23,23
124 7 126.21
127.1,17 129 5
130 24 132.1,4
134:1,2 135 1
135 4 137.2,15
139 7,15 140 3
140.5,7,10,11
140·18 141 4
143 9 146:4,8
146:10,12
147 7 153·23
154·4,7,15
155·9,15,17,18
157 9 158:11
159:15 160·25
160 25,25
161·5,8,9
163 21,23,24
163:24 164 5
165 19,19,21
167 5,8 168.4
168 7,10,25
169 6 172·22
173·7 174 25
175 8,12,13
176·10,11,22
176:23,23
177 6,25 178 7
178 15,24
179:3,13,18
knowing 157 3
knowledge 9 12
25·15 63 17
73.18 112.5
157 1 174 23
176·18,21,25
177 1,2,4,9,10
177 19
known 35 5
61.22
knows 56 23,25
57·1 178·23

L

L 2.7,11
La 15 6
laid 147·25
lapse 139 2
165.22
large 16 25
26·25 166 8
larger 28 19,19
lasted 118:15
119 5
lasts 118:13
law 1·16 75.18
lawsuit 4 10
120.1 168 24
169 2,22
laxatives 24 4
80.18 101:24
lay 34 1 132 16
layman 6·6
Layton 152 4
172:22
leading 46·7
86 22 117:8
151·12 155 8
learn 25.12
leave 10 9,11
81·25 90 14
120.9 152 10
174.9 176.9
led 86.1,3 90 3
left 10·10,10
90·17 93·18
130.25
left-hand 110:23
leg 151·1
legal 1 17 2·8
34 2 127 2
169 2
legally 171:16

legitimacy 148.5 149 20
legitimate 152 22
lend 26 15
length 32·2,5,6 48 16 140.8,11 141 4
lengthy 43·8
let's 6 12 33 8 127.3 134.14 134:15 156 13 167 10
level 52 21
levels 89:24
licensed 8 12
licenses 8 7,8 8 14
lie 177 21
life 12.15 27.4 34 20,24 40 13 41 23 42.7 43.2 49:8 51 19 52 1,12 52 20 55:7 56 9 57 25 84.10,19 90.10 99 17 109·4 111:6 112 2 142 5 145 24 174.14 179.16
lifestyle 111 7
lifetime 109 13 166 4
liked 67·22
limited 73 22 120·11
Linda 22·22
line 125.14 143:1 182 9,18 182 20,22,24 183·1,3,5,7,9 183 11,13,15 183:17,19,21 183 23
lines 41·1
link 17.18
linked 62 7
list 4·24 12 13 19.8 68:18 128 6 144 1 163·12 173 11 176 4 182.9
listed 38 14
listing 164·21
lists 100.25
literally 42 25
literature 6·6 20 21 26.9 50.10,12 111:16,17 134 12 149.4 156.11
litigation 59.23
little 5·25 22:23 29·14 61 21 69.2 93:3 120 4 128·2 134·9
live 111:21,21
lived 124 22
lives 29:6 83·10 84 14
living 81.23 111 7,9
LLC 2 4
LLP 2·11
loaded 159.11
lobe 20.16
long 14 19 22·10 40:3 92 3 131 8 133·18,23 134 13 135·25 141 3 145:25 176:16
longer 8 15 28·3 43 2,13,17 49 14 71 19,20 94:20,25
look 15.13 18.10 19:7 24 15 26 25 65·22 108·19 117 24 122.12,13 125 25 126 3 132 9 136:2 143·19,24
looked 32 10 89 7,9
looking 16 5 30 22,24 31:7 94 9 95·11 108:2,24 116 9 120 15,24 123.22
looks 25 21 62 13 76.1
loss 42 3 43 21 50.7,9 54 1,7 55.3
lost 112 1
lot 60:22 68·3 76 8 80.13 81.15 82 16 83 13 95:17 96·25 97 2,5 105 4,8,10,14 105:15,22 106 13 111·20 135 16,23 136.17 149 16 156 6,24 161:4
lots 94·22
love 90.7,15,16 171 21,23
low 47·6
Lowcountry 15.17
lower 10:14

M

M 68·22 69·3,5,7
machoism 83:4
maintain 15 8
maintains 47·10
major 48.14 50:13 64 4 101 5,20 102 9 106.7,9 139 12 139 12
making 61:25 72·18 80 21 116·23 133 11 154 16 173·17 182:14
male 77.8 89.19
man 113 14
managed 176·1
manifest 62 5
manifestation 32:17
manifestations 78 5
manipulatable 99 13
manipulated 99:10
manual 151.17
Maria 15 6
marijuana 80.23
Mark 70 6,8,9
marked 5 4,8 118 5 119·15 120·16 121 10 124:22
mass 146.6
material 174 22
materials 114 19
matter 50.16,21 86:9,10 124 4 134.12 166:12 178 23 182 13
max 131:14
maximum 118:14
McCurdy 152·4 172.22
mean 11.23 12 24 16 17 17 16 25 17,18 25·19 26:14,25 28 9 31.2,17 32.6 34:13 40 25 41 15,16 43:6 48:12 51·7,22 54 25 57 3 63.2 70:19 74.13 76 8 80 12 85·23 92:3,19 94:20 100 19 103 11,25 104:1 107·13 107:17 111:8 122·19 129·1 135.7 136·13 138 23 140 24 141·6 147:6 150 13 153.10 155:3 156 7 160 4 173·2 179·9
means 12 5 108:22 141 6
meant 26.15 110 4
measure 60 4
measures 21·23 107 15
mechanism 46:18,19,22 47 19,20 51 1 80:6
media 30:17,19 31·18,25 155·25
medical 6 6 9 25 10.7,12,12 36·18 38 2,13 42 13 45 9 73:25 76·16 83 23 88 18 135.19 136.15 158 19
medications 10 5
medicine 173 5
meet 39:15 117·16,21 119:7
meeting 11 17 13·13,19 28 24
meetings 20 8
Melancholic 101.8
member 11·7,9 11·12 13·12 173.6
membership 13 20
memories 18 1 34 11,13,18 35.2 40.12 47:14 53·1 54 24 62 6 64:9 72:22 74 22,23 75.10 75:24 76 17 78 1 85 7 98:9 141:17,19,22 144 17 146.15 147 25 153 13 153·21,22 157·3 164 13 164 18 165·23 166 5 167 3 173.14 176 12 177·1 178.25
memory 6 3,9 17:6 22·21 33:24 34.14 36·11 40 6,15 40:18 41:5,8

6661

42 3 43 21 44 5 45:24 46 1,15 49 13 49 24 50 7,9 52 6,17,19 54:7 55.4 56:13 57:18 62 20 66 3 70 13 76.7 84 6 112 10,15 116 22 117:4 139:1 142:2 143 11 144.16 145 21 149 24 150:16,25 156 17 159 8 165:10 166 10 166 13 175:14 176:18 177:5 177 12 178 9 178 21

memory's 166 23,24

men 80:15 83:2 83 6 113 16

mental 11.18

mention 9:11,12

mentioned 21:11 24:16 29 11 68 4 128 7

mentions 33:15

met 4 8 118 10 118 20 119 2 129 21

methods 126:17 126 19 127 5 [redacted]20 24 33 17 35 17 36:9 38:7,18 38 21 39 15 41 7 42.14 47:21 69 11,15 71 25 85 13 91 22,24 97 5 118 10 128 11 129 13 147 16 153 9,19 158 20 169:21 174 12 [redacted]34 15 36:22 42 7 51 24 69 17 172 13 175:5

middle 162 24 178 11 179 1

mild 58.22

military 83 4

mind 45 19,20 46:5,15 57 22 88.12 109.4 128 15 144 4 164:23

minds 156:9

mine 125.18

minimum 118.13

minor 98:23 99:3

minority 153:15

minute 86 5 146 10

minutes 131.12 131 13,14

missing 8 1 49:17 111:6 124 21

misunderstan... 5 15,19

mixed 57 9

model 89.9

moderate 58 22

molestation 23:11 27:3

molested 41 11

mom 91:21

moment 61 13

money 94:22 167 18

month 11.16 79:3,4,6 109:11 116 18 117 19 118.22 119:4,6,10

months 35 12 78 24 79:4,5 88:1 92.21

mood 60.8

moot 98 23

morning 36 13

mortified 85.23

mother 37 3,4 42:8 68 22 69:9,11,13,17 69 18,19 91:9 91:13,15 100:18 111 24 128.11 129.14 177 3

motivation 149:22 150 7

motor 65:20 76 19

move 58 2

Mt 2 5

multiple 20 21 22 15 30 6 48:10,13 53 8 53 10 89.24 114 3

multitude 148 24

murdered 97 16

MUSC 10:10,11 10.13,17 14 3 15 8 24 23 138:12

MVA 65 2

N

N 3 1

name 4:6 36:25 37 1 53 6 110:11

national 9 22 10.1 13 21 20 8 23 4,5,8 28 25 51:11 64 3 136 18

nature 29:9 31:17 40 25 50.1 56.16 98.8

nay 148:18 152 11

NDW 183:25

near 80 16

necessarily 41:3 74:14 166 1 175 11 177 11

necessary 182 16

need 44 22,25 76 8,14 86:1 93 22,24 120 12 165 4,4

needed 5:16 89 8,8 121.14

needs 179:3

negative 89 3

neither 181 12

nervosa 22.13 101 16

neurological 20.17

neuroscience 13 6

neuro-psycho... 13 7

neutral 84:21 127 13 153.7 169:3

never 29:6 90:10 92 3 108.23 109:1 128 15 155:18

nevertheless 52:22

new 7 6 53.6 90 7 130:2

News 30 21

newsletter 151 2

nice 89.21

Nicole 1 20 181:6,21

night 83 21 176:10

nightmares 77:22 110:25

nine 14 9

non-physical 97:23 98 6

non-recollecti... 160 13

non-sexual 24 7

non-traumatic 36:4

norm 81 19

normal 81.18,23

normally 168 2

Norton 15 16

nos 113:1

Notary 181 22 184 14

note 68:9 113.12

noted 96 18 112 10,15 149:10

notes 36 8 38 11,23,24 39:1 64 12,12 65.23 66.7,23 66 24 67 2,20 70:15 73:11 95.11 121:10 127 21,22 159 14,15 172:10

notice 33 15 103:15

noticed 124 20

November 75 3 75 8,17

numb 17 7,22 17 23,24 18.1 80 22

numbed 78.6 80 2

number 6 1 12:18,18 14 15 17 12 25 1 29:8,15 30:18 36 10 42 25 61 19 64:17 65 23 94 11 97:21 99:16 100 5 134 19 150.11 182 9

numbered 37 21 37.23

numbers 21 10 22 12 108:16

numbing 82 20

numbness 79 25

Numeral 64.16 66 12

Numerals 18:11

O

Object 26.23 27 23 32 4 34:9 43:11 46:10 54 3 56.5 58.18 59 9,24 71 4 76:22 111 10 122 9 133:21 139 3 140:22 148 8 155 1 160:19 164.15 165 1 167:2

170·7 173 1
objection 34 12 56 7 71 9 105 20 133 25 162 17 175 7
objective 127·12,13 137 4 153 6 155 11 169:3
obsessive 101 12 104:16
obtained 177 2
obvious 84 23
obviously 41·17 45·18 84·11 106 24
occur 30 25 55·25 59·15 62·16 79 12,13 121 24 133·22 139.4,11,11 141 20 154 2
occurred 65 13 65 15 139.1,2 154:20
occurs 78:23 79·1 142.9
OCD 11.4
October 7.3,8
office 5.24 7 12 7:16 182.11
officer 77·2,5 99:23 181 6
Offices 1.16
oh 22.8 58·16 67 18 86·5 129 15 131 12 131:12
okay 4 14,22,24 5:1,6,20,23 6 1 6 10,12,14,18 6 19 7.5,8,20 8:6,12,14,17 9 4,7 10:9,11 10 14 11.6,10 12.8,11,16,22 13 4,20 14 15 14 22 15 1,4,8 15:12,15 16 2 16 13,20 18:5 18:12,15,21 19 9,17 21:2 21:17,21 22 8 22 20,23 24 6 24 9,21,25 25·7,13,16 26·3,11 27 2 28 5,22 29·7 29 11,14 30.5 30.8,14 31·6 31.13,22,25 32 14,16 33.2 33 5,13,22 34 3,6,19,25 35:3,4,6,19 36 6,15,21 37 7,17,20 38·9,17,20,23 39.6 41.11,18 42 4 43 22 44.4,6,11 45.5 45·23,25 47.15 48 18,24 50·5 50·15 52:4 53 2,14 54 15 54 17 56:17,21 57 20 58 3,4 58 12 59 5,16 59 20 60:1,10 60.16,21 61 1 61 6,11,17,18 61 23 62:21,24 63·16,18 64 7 64·15 65 13,18 66 1,7,13,15 67 4,16,20 68 2,5,17,19 68·24 69 2,10 69 13,20,25 70 10,21 73:3 73:10,24 74 3 75 20,21 76:15 78 17 79 1,8 79 12,21 80·7 82 15,25 84·3 84·25 85 11,19 85 25 86:8 87 4,9,24,25 88 4 89 24 90.4,5,14 91 23 92 23 93·5,13,15,19 93.21 94:4,6,8 95.7,15,19,21 95·24 96·16 97:7 98 11,25 99·7,16 100 24 101 5,25 102 24 103 12 103·19 104 7 105·18 106 25 107 10,12,17 107·20,24 108·5,19 110 2 110 14,17,20 110.23 111 3 112 6,9,17 113·3 114 5,12 115.1,8,12,17 115 21 116:13 117·3,8 119 1 119.7,12 120 7 121 8 124 13 124·16 125·10 126·17 127 15 127 25 129.7 129:16,20,23 130 1,3,17 131·22 132 22 132·23 133·9 134 19 135 21 136 7 138·3,10 138·13,16 139.8,20 141.5 141:10,15 142.17 144 1 144 25 145:15 147·19 148 4 152 6,17 158.16,23 161 22 162·21 164·12 165 5 166 2 167.14 167.24 170 13 171·13,24 172 9,16 173 10,16,20 173:23,25 174 4,7,11,16 174.22 175 11 175 14,17,20 175 25 176 7 176:19 177 1 177·14,16,22 178 6 179.2,20
old 7:6 8 11 40 11 70.4 71.13 98 21
older 50 8
once 12·1 27 6 39 16 46·23 82 10 130.25 142 8 145 13
ones 12·14 29 20 30 2 36 12 101 18 126 1 129 5,6 132 5 135·22 139 9
one's 7 6
one-time 48·10 63 10
ongoing 159.5
onset 35 9,11 78 20,22 79 9 80·9,11 82.14
open 63·15 120·9
opinion 32 22 56:8 87·5 124 10 127:8,9 156:4,16 167 7 172 24 173·3
opinions 36 7 173.8,17
oral 22 9 42.17 44·1 62·23 63·12 70 23,24 72·15 74.4 98 20
Orangeburg 24 22
order 19 12,14 19 15 36:6 84·6 121 24 122 4,23 123 15,18 126.11
ordinary 35·25 54 9
organization 13 14,17,22 151.16
organize 13·13 13 19 67 24
orientation 72·2 113·22,25
original 142:2 182 7
outcome 181·18
outrageous 171.12
outside 141·20 153 17 154.2 175 21 179 15
overall 116 4
overeating 95·3
overlap 68 3
overnight 107·2
overrating 59 8
oversees 151.25
overstate 59·12
overwhelmed 50.24,25 52.25
overwhelming 46·20 47 7 85 13

P

page 3:2 39.8 40 5 61 11,15 64:12 65.22 66.9,14 69 25 94:9 95:25 98.11 103 22 104:23 106:25 110 10,10,17 110·24 111·22 112 9 114 12 115:4,6 118.1 120:18,24,24 121 11,18 122 13 123·22 124·15 126 1 154.10 161·2 182 9,18,20,22 182 24 183 1,3 183 5,7,9,11 183:13,15,17 183 19,21,23 184·1
pages 7 7 37 20 120.25 176.16 182 16
pain 61:19 62·16
Palmetto 75.2
panic 53 20 78 9
papers 16·3 96.18
paperwork 170·2
paranoid 104:10
parents 150 2
part 23 17 24 1

46 19 47 2
49·5,7 51 16
51.18 52 23
62 11,12 68 1
78·1 80·1,4
97 14 98.8
117·5 122 14
137 15 142·2,3
146 13 149 18
153.4 168 25
174 23,24
partial 20 11,12
20 15,22,25
27 15,18 49·18
particular 17 19
20.18 122 10
123 4 134·20
138.1
particularly
18 24 62.18
83 11 89 19
90 8 97.3
100 12 122 21
166·6
parties 129.3
181.14,17
parts 51 7
122.19 148 1
163·18,20
pass 115 19
172·17
passive 99:10
pathological
82.2
patient 100 22
103 20 134·15
134·16 137 17
143 18 144 8
166 9 170.5,14
179:4
patients 10·2,8
22·2 40·1
41 18,22 43.1
50.7,9 59 12
135 8,13 136 3
136 9
pattern 44 9
107·7
patterns 102 3
paying 111:8
Pennsylvania
111·24
people 12·3
17·22 26·13
28 1,18 29·2,5
29 23 41.2,5
53 3,5 54 4,16
54 25 56:3
57 9,12,25
59·17,20 60 22
62 2,17 64.3
74.13,13 76 9
78 3 79 6,15
79·18,21 80.7
80 8,10,13,17
80 25 81:15
82·4,17 84 12
84 13,20 96.20
96:21,25 97 3
97 3 99.12
103 4,14 105 5
105:8,11,16,22
106 4,6,8,14
111.20 126 4
132 16,25
133:4 136 17
136 18,20,21
139 14 143 1
149·19 150·15
151·8 152 11
152 22 153:12
153·15,17
154 14 156·6,9
156·16,17
169 13 175.8,8
176:20 178 12
people's 127:9
percent 27·10
27 13,14,17
104:2,4,7,12
104.15,18,20
137 8,8
percentage
17·14 26:22,24
27 9 79:21
perfectly 147 22
perform 38·20
42 17 44.1
98 20 171 5
period 27.21,22
28 2,6,8 34.7
34 17,20,24
35 1,14,21
40 21 43 5,17
48 17,20 49 3
49 21 51 19
52·3,6 73 5
86.22 87.7,15
87:17 88.1
116 22,24
117·4,6 124 1
131 8 133 15
133.18 134 2
139 25 141 19
141 24 143·7,8
146.15 159·7
159 24 160 17
160:23 163 4,7
163 16 164:10
164.14,20
165·22 166·7
175·21,24
176 12 177:17
177 20
periodically
56 2
periods 36:4
41 9 43.2
133:23 134 13
144 7,10
159·18,20
164.24
perpetrator 90·3
139:14
perpetrators
26 13 99 11
150.12
person 26 15,17
47:9,21 52 16
54 1 56 8,12
62:23 79 8
84 5 111 5
141·24 142 21
145.17,23
152 20 154.15
154·16 179 18
personal 35·24
54·7 124·21
174 23,23
175.3
personality
20·21 30 1,6
47:3 53 8,10
104 4,6 105·1
107 9 114.3
person's 142 19
perspective
42:22 120 3
phenomena
18 3 53 8
111.14 146 24
175.2
phenomenolo...
50:20 137 22
137 23
phenomenon
137.11 151.10
159 1
phobia 101·15
101 16,21
103.18
phrase 25 18
33 23 171.10
physical 26 1
44 16 48·18
52·9 61·22
66:20 98 11,17
98 25 171:17
171.22
physically 66:16
70·4 98:19
physio 76 10
PI 14.6
pick 99 12
picture 145 5
146 4
piece 60·5
142 12 144 22
144 22 146 1,1
146·4,5
piecemeal 50 1
142.3 144 13
147·7 159·4
pieces 144.17
145.15 146.6
147.7 166 16
167·5
pills 85·15
pinpoint 76 23
place 56:19 73 2
73.6 156 16
places 38.13
78 3 135 24
Plaintiff 2·3
Plaintiff's 5·13
8 24
Plaintiff(s) 1 5
pleading 9:10
pleadings
128.24
PLEAS 1 1
pleasant 2·5
90 22
please 4 5 27 25
31.24 40.14
75 25 87 2
109 18 137 5
159.10 180:2
182 7,15,16
plug 108·6
plus 58 23
point 7·21 27 4
44 20 45 19,24
46·2 49 12,15
63.19 68:24
72.22 74·9
79·7 80·16
84 4,8,18 85 6
85.9 86.24
88.18 98.23
114 8 125 24
128:3 146·2,6
148 10 152 5
178:2,2,3
pointed 63 21
points 124·9
police 75 8,14
population
26 22,24 27·1
137·9
portion 16 10
121 21 142.10
174 14
portions 148·12
position 10 19
positions 11·21
77 6
positive 64·10
89 9
possessions
124 21
possibility
63·15 83·15
possible 7 11
10.5 48:23
53 13,15 62·8
72:24 85·6
101:2,25
102·14 111 12
123·12
possibly 72:18
posttraumatic
15·21 27:12
35 9 101 15,21
103:17 119.8

potential 167.17 168 3,23
potentially 94 13 165.16
pounds 95 5
practice 123·8 135·22,25 137 13
practices 137 12
predict 139.8
predictor 26 19
predicts 26·21
premise 150 3
prepare 22:9 36.6
prepared 38·9
presence 23 21 24.2 69.17
present 7 11 11·10,14 102 4
presentation 22.7,9,14 23 2 24 13 25:4,20 42 23
presentations 6 2 8 4 19·8 23·3 24 10 31 18 96·18 149:17
presented 126:10
pressure 97:23 98:5
presume 93.14
pretends 89 22
pretty 36 16 65 8 109·2,6 132 1
prevalence 137 3
previous 91 15 173.12 174·4
previously 20·1
primarily 8 5 13 17
primary 8 17 19 9 64 6 75·2 75·5
primed 43:5 89 18 93 6
Principal 14 7
printout 39 5
printouts 39·5
prior 26 18,20 29.24 45 20,24 46 1 62 7 74·21 79.19 113 1
prison 77 1,4 105 7,11,19 106·5,14,17
prisoners 76 21 77 10
private 135 22 135.25
probably 5 18 19 14 48:15 73·5,23 87 20 88 2 118:12
problem 10 12 25 9 95:20
problematic 57 19
problems 11.3 17:7 73·12,15 179 16
proceedings 33 11 46·12 94 2 118 3 165·7
process 85 9 86.4 88 20 92 7,9 93:2,2 141:16 158·7 159 4,5 167:8 178:13,22,25
produce 5.21 20·17 37·25 50 21 132 7
produced 36 12 38 3
productive 111 7,8
profession 34 2
professional 8 6 11·6 13 9,15 73:17 173 7
professionally 172 25 173 3,4
professionals 11 18 150 17
professor 10 16
profile 107.13
program 103 12 108.6
project 14:14 15 5,9 122:15
prompt 182 12
prompted 133 7
prompting 154 21
prone 48 24
propensity 44 19 46·25 47·1,9,10,16 47 23 50·23 51 10
propose 14·13
protect 91 20
protected 91 8 91 13,15
protective 46 22 47 14,19,20 50:25 80·5,6
protocol 14.11 15·10
protocols 14 4
provide 5 1,2 6 4 21·18,19 173·11
provided 5:17 38 14,17 39 21 120 10 130.2
provider 37 10
providing 62.23
psychiatric 10 4 10·7 23 14 24 24 25·16,18 26 3,5 29 16 30 20 31:6,8 31:15 32 3,6 32 18,24 33:20 33·25 39·8 40 5 47.25 53 18 63 23 75 6 78.15 111 15 127.4 131 18 151.9 151 14,21,22 153·25 166 8
psychiatrist 13 2,5 20 5 135:4 136·14
psychiatry 10·16,24,24 11.4 19:21 20 2 34 4 127:1 151 9
psychological 47 24 62 3
psychology 89:1
psychometric 38.25 116 5
psychosis 20·11
psychotherapy 179 11
psychotic 102 6 102.9,13,18 103 4,7,8,10 166·11
psychotropic 10·5
PTSD 12 25 21 12,13 22 13 23·16,21 24:12 27.11,15,15,18 27:18,20,21 28·2,3,6,8,18 28·19,23 29.22 35.11,12 50 12 51 13 61:1,6 64·4 74·23 75·23 76:7 77 14 78:19 79.8,9,22 82 12,14,24 116·14,16 117.16 118·16 118:19,20 147·5 149:17 149:18 157 14 168:17 177·24 178.5,10
Public 181 22 184·14
publication 12 2 132.6
publications 131·17,19,22 132 7
published 8 4 11 25 15 1 20 7 21:11 22:18 131 24 151 2
publishes 11.16 132.8
pull 117·25 147:3
pulled 70 15
punished 58 9
punishment 58.8
purging 17·25 24 3,4 30 12 30:13 81.7
purpose 11·15 11.17 17·17,17
purposely 142 21 152 21
purposes 59·23
pursue 100.3
push 69 20
put 11 10,11 19:13 58·1 66 17 68 9 86:25 88.12 96 24 99 20 108:11,22 131 23 148.9 158.10 166 16 174 15
puts 137 7 151.16
putting 146 9 157 6
puzzle 146·3,9 157 7
p.m 180 3

Q

qualifications 164 21
qualified 148 4 150 18
qualify 84 6
quality 47 2 122.24
question 23 1 23 19,20,25 27·25 31·24 46.11 55.8,9 58 7 59 10 66·16 67 9 75 25 91·24 94 11 95 25 97·19 98 25 99.16 100.5,14 106 22 108 9 108·10 111·20 115 18 130·5 137:4 139 22

140·9 151 7
154 22 159·10
159.11 164 16
167 12 174 8
174 19
questionnaire
16:25 59:6
61 2 62 12
66·25 100 23
109 15,22
questionnaires
103·20 115 24
131·9
questions 17.1
23.9,10,16
42 1 58·5
60:25 61 5
66.11 67:8,10
68 5,12 104·3
105 1 107·20
107 25 109.5
109 18 112 23
112:25 113 6
114 6,8 119:20
120 2,3 121 2
121 2,5,15,15
121 22 122 3
122 23 123·18
124·19,24
125 22 126.24
130.20,23
138 14 155·8
161·19 164 8
175 20 176:8
quick 33·9 93 22
118:1
quickly 173.10
quiet 139 17
Quisenberry
2.11 3 5 4.11
33:8 38·1
119·23,24
165.8 172 16
179 22
quite 7·6 95 4
quotations
22.25
quoting 154 9

R

R 182 1,1
raging 81.22
ran 107 1
136 13
range 103.24
104 1
rape 21·12
23 11,22 24 2
27 3 72 15
raped 51·6,13
63.13,14 69 11
69 13,15,17
raping 69 7
rare 141·2,8
rates 29 23
reached 86:24
reaching 58 19
reaction 145:20
reacts 46 20
76 12
read 9·7 108.9
108.10 121·21
122.6 128 6,7
128 12 148·9
154·22 179 25
182 7,18,20,22
182.24 183 1,3
183.5,7,9,11
183 13,15,17
183·19,21,23
reading 134 11
162 9,9
ready 33 13
94 4
read-back 46 12
real 20 20 118·1
148:20
reality 102 23
realization
82.11
realize 54·18
82:1,3 88 24
146 2
realized 111 22
112.1,14,18
realizing 82 22
really 25·11 34 1
36 22 50 16,21
57 13,14 63 1
63 7 68 25
79:25 80 1
82.22 86·9
88 13 89.7
90 4 91 8
96·25 101 23
105.18 113 21
116 21 117 1,1
117 23 143.9
148 17 154 5
166 15,16
173·9 175 18
177 24
reason 19.12
25 7 32 22
33.1 52·23
70 25 71·10
96.9 103 11,13
118 12 122 11
122:16,16
123 5,14
reasonable
42 13 45 9
73:24 76 15
83 23 88·17
158·19
reasons 32 25
32:25
recall 44:4 51 25
52 17 54 1,19
70·10,13,16,17
74:21 75.10,23
76:2,4 83 24
84 21,25 86 13
86·21 92 11
126.7 129 12
142 23 144:25
173:20 174 17
174 19
recalled 157 17
recalling 35·7
received 64 5
112·3 115 12
reckless 94:14
recognize 70·19
71 23 168·19
recognized
168.19
recollection
74 9 145·1
174 13 175:23
recommend
56.15
Record 4 6
119 15 120.8
125 4 141·1,14
163·2
records 33.3
36 17,18 37 7
37:13,15 38 13
73 11 128·8,16
128·17 135 3
135 13,17,19
138·7
recover 48 22
79 9,21 81·4
146.16 167:18
recovered 49 13
50·18 74·24
98.8 141 19
153 12 158 17
165 23 166:24
167.4
recovering 64·8
141 16 146 22
recovery 49.24
66 3 144 3
147.4 159·5
165:9 167 3
red 116 3
[redacted]9·15
20.24 30 5
35 17 118·10
153:9
reduced 52:21
181.11
redundant
125:18
refer 54 5
referee 12 6
refereed 11·21
11·23 12 5
reference 6.22
100.13 118 25
referring 64 14
155·7,9
refill 33 6
reflect 125:4
refusing 143.2
regard 9 25 52 5
77·9 116.14
173.8
regarding 8·25
10 7
regardless
99 19 123 18
regular 83:10
relate 128 4
related 14 16
18:18 22.17
31·14 35 8
42.15 76 17,18
173 13 175.22
181·13
relations 171:3
relationship
21 23 23 21
72 3,4 81 11
91·6 139 13
172.1
relationships
23.24
relative 13 6
41.4,4 84 22
106·2 171.24
177 3 181.15
relax 78:10
relevant 13 3
22 2 29.9
45 19,22 121.3
161.21,23
174·25 175 18
179·10
reliability
165.24
reliable 127 5,7
165 16
reliance 167 15
relied 47 20
rely 173.16
relying 143 17
remain 10·18
123 17
remaining 4.12
124:24
remember 15 4
16 9 19.7
34·21,23,23
43 3,16 44:8
46.2 49:7,9,21
63·5 71 1,10
71 18 73 25
81 3 84 14
103:12 126 5
135 11 143 4
143·12,15
145 4 147 6,6
153 11,13,14
153.17 159 7
159:20,22
160 2,7,15
161·3,4,17
162:1,5,5,13
162 22,23,23
174 21,21
175·13 177 8

6666

remembered 71:2,7 73 20 75 4 83.19 153 16 157 11 160:20,22 161 17 162 24 163 8,18,20,21 164:9 175 12
remembering 49:8 62 19 74 15 81 10 83:15 159:5 162 11 163 3
remembers 40 23 48 11 84 13 178.1
remind 78 4 142 6
reminded 57:17
reminder 142 6
reminds 83.12 141 25 142 1,2
remote 141 8
reopen 7 22
repeat 27:25 31:24 40.14 55 8 75.25 87:2 145 14 159:10 164 16
repetition 89:13
report 20:20 75.14 100:23 107 11 166 10
reported 1:20 69:7,9 75:7 99:19
Reporter 3:8 181:1
reporting 75 18
reports 38.9 42:9 103 14
represent 4 9 119 25
representative 23.8
represents 4 12
repressed 6.2,9 33 23 36 11 51 23 145.9 173 14
repression 140 14 144 7 144 11
request 6:15
required 79 3
requirements 78 21
research 9 22 14 1,4,10,13 14 24 15.1,9 15:12 23 6 31 23 32:1 50 5,6 51 3 122 11,15,18 122:25 123 9,9 123 15 140 9
researched 125 15,16,17
reserve 7:22 120 8
reserved 118 18 180 5
residency 135 7
resident 15.6
residents 10 23
respect 173.4
respond 9:6
response 61 8 63 21 107:24 160:24 163 14
responses 23:20 103 19 104 5,8,12,15 104 24 116 1 129 6,8,10 161 1
responsibilities 18.8,17
responsibility 133:12
rest 91.2
restoration 81 5
result 15:12,15 25 25 78 14 80.11
resulted 31:15
resulting 26 5
results 23.19 122:24 123 7 138 19,25
retained 164.14 164.18
retainer 5:20
retaining 75.19
retire 10 13
retraumatizati... 79 14
retrospect 92 17,19,22
retrospective 116:23
Return 182:10
revictimization 27:19
revictimized 27.9
review 7:23 12 1 12:2,6,10,17 12:22 14 5 36 6,17,18,24 118 7 128:22 128:24 129.11 129 20,23
reviewed 20 7 36 8,8,10,19 36 23 37 13,15 128.3,8 129:16 172 11,11
reviewing 12:14 58:13
reviews 12.19
revised 7.3,8
RE-EXAMINA... 3 6
re-experiencing 77.21 78 12
Richter 2 4 38:14
ridiculous 171 12
right 5 6 6:14,19 7.22 8 6,20 9 21 11:20 13:8,11 14 3,9 17 9 18 7 19 3 19 24 20 13 21.6,10,14,21 22 12 24.9,21 27:6 30 14,17 32 11 33 2,5 33:15,22 36 2 36 22 37.13 39.8,18,21 40 5 41:25 44 10 49.11,20 49.22 51.16,17 55:10 59:7 61 3,17 62:14 63 16,22 65:5 65.7,22 66 4,5 66.16,19,22 69:9 70 7,10 70.10 72:7,21 73 8,16 74 20 75:7,12,15 77.8,13,13 83 14 86:19 87:11,14,16,21 88 15 89 20 90:18,25 91 3 91 10,12,23 92 1,6,16 93 4 93 7,13,21 94:10,16,19 96 1,15 97:20 97:21 98 13 99 2 100.5,9 100 22 101 1 101 17 104 14 104:20 105:16 106 25 107:10 107:20 109 17 109 21 110.3 110:22 111 25 112 21 114.11 114.12 115 15 119 14 120:8 121.18 123 22 124 18,23 126.13 128 9 131.15 132:12 132 15 135:17 138:10 141 5 142 14 145:3 145 10 147 24 147:25 150 18 150 24 151:13 151:18,19 152 2 154 9,13 155:14 156:13 158:7 161 13 164 7 165:11 165 14 167 7 171:6 173:10 174:7 178 4,23 178.25 179 20 179 22
risk 30:20,23 31 6 139:7,15
Rita 37 1
RIVERS 2.11
road 92.14,17 92.19,22 172 6
Robin 2:7 4.9 172 17
Robin@smlla... 2 10
role 89 9
Roman 18 11 64 16 66.11
room 60 18 83 21 84:1 130:10,16 164 5
rounds 25.22
Ruby 41 24
run 47:6
running 107:4
R-E-E-X-A-M-I... 172 20

S

S 3:14 182 1
safe 48 5 83:3 138:8
safer 71 18 81 10 147 12
sampling 23 8
saw 63:22 83:13 136:17,17 137.17
sayers 148 18 152:12
saying 49 11,13 87 3 88:5,8,13 88:14 92 7 139 4 147 22 150:6 153 20 154:7 155 7,20 161.23 163:17 164 3 176 11
says 7:8 10:14 14 6 39.8 40.6 51 25 61 19 64:19 66 12 68:24 69 2,25 94 11 95.22 96 2 97 21 99:16 102:3 105 3 106.13 108 21,25 109 15 110 23 111 22 112.6,9 112 10 113 10 113:10 114 13

121·20,22 122 14 140 3,5 154.10,11 161 13 165 12 170 20,24 175:5,6
scale 60:24 95 22,23 126.9
scared 89 19 96 6 97:11 99·9
scenario 144:8
scene 64 24
sched 125 5,22 126:7
schedule 3:17 5·10,11 120 17 121 23,24,25 125 15 126.11
scheduled 39 24
schedules 66 10 94·7 126:14 127 6,8
Schizoaffective 102.8
schizoid 104·13
schizophrenia 53 19 102 10 102 10
school 1:9,10 4·13,13 34.23 46 6 55:2 73.12,15 85 15 85:16,17 86:4 86.17 87:12 119 25 120.1 129.10 160 15 160 16 162·11 163·3,8 164 22 176.9,10,22 182:4
schools 84 15 176·4
SCID 100 22
SCID-II 103 20
science 148 17
sciences 10·17
scientific 11.24 151 4
score 3·18 58 24 107·11 107 18 119:16
scores 58 21
scratch 63 6
screen 100 22 110 5
screening 105·1
SDQ-20 62 13
se 49.7
search 138·6
seasonal 33.16 33 17,20
seasonality 21 3
second 43 13 43.25 77.24 111 1,2 122·13 125 14
Secondly 77.19
section 67 22 68 1 107:6 112 21 114 13 122 6 124:25
sections 108.8
security 57 16 99 23
see 8 10 15 23 17.18 32 16 37 7 38:15 41.24 56 16 59:14 60 8,12 60 13 66.8 80.13,15,17 81 13,25 82.17 83·1,1,2 109·19 112 7 114 3 120.12 155 20 156·6 158 9 176.20 177·12
seeing 10:3 60 18 134 5 169·25
seek 56·3,10,13 56 24 57.12
seen 7.9 8 25 25 24 41 18,22 42 25 64·2,2 80·25 82 16 135.7 137 13 137·13,15 138 20,23 146 25 147·1 147·15 148 19
segment 27 1
seizure 20 11,12 20 15,22,25
selected 24 10
self 50 24
self-administe... 67·7 130 5,8 130 20 131.9
self-damaging 94 13
self-destructive 80 20
self-report 59 6
semantic 62:4 62·20
sematic 62·6
send 7:12,17 13 2,5
sends 11 25
Senn 1:17 2 8
sense 45 10,11 56 1 93·20 145·16,17 147 9
sensitive 79.17
sensitized 79 18
sent 12 2
separate 16 15 17 13,16 30·9 45:16 62 23
September 75 13,14,23 87.13 118.9 181.25
sequela 26:10
sequence 84 17 84·19
serious 47 17
seriously 96·3 96·10 97 16 100 7
serotonin 19 18 21 2
served 12 5
service 30 18
session 48 1
set 43·12
settings 135 16 135 24
seven 7 25 14:16 46 3 110 18 137.8 161 2
severe 43 6 58.23
sex 18·14 42 17 44:1 62 23 63·12 70 23,24 74 5 90·6,6,10 90 10 94.14 98 20 171 10
sexual 18 18 24 6 26:1 30 19,22,25 32:2 48:18 50 15 51 4 52 7 61:20 62 17,21 66·21 70·11 72 1,3 73 20 91 16 97.24 98 14 113 22,24 138 19 150.2,5 170 15 171 2,5 179.8
sexually 62·15 157.12,18
shame 85 21
sheet 3 9,10,18 38 24 108 3,4 119 16 182:17
sheets 37·16
she'd 64.2 89 2 89:17,18
short 27:21 28 6 31·19,25 33 10 73 5 86 22 88:2 94 1 118 2 165:6
shortly 73·1
shoulder 65:4
show 5:7 6 21 11 6 41·24 51·17 55 3 61 15 64.16
showing 50 8 51 3
shown 82 9
shows 153 13
shut 80.3 86 25
shuts 51 1
sibling 26·16
side 110 23 138 9
sight 57·21
sign 67.16 179 25
Signature 3.10 180 5 184 1,6
signed 67·18 182 11
significance 61·24
significant 16 19 23 24 44·7 77 17
significantly 52.8
similar 24·13 44:9 137·22 142 7
similarities 70·21
simple 43 14,15
simply 51:21,22 97 1
sit 145 25
sitting 4 11 60 18,19 116.8 164.4
situation 29·12 44:14 62·25 82·2 86 1 90:13 154:2 169.1 170 14 172:13
six 4 21 14 20 19:25 35 12 78 24 79 4,5 95·25 97·21 106·25 173 12 174 4
skepticism 150·7
skip 66 7 67 10
slate 34:8,10
small 153 15
smaller 16 15
smell 99 15
Smith 1.8 4 10 41·13 42 2,16 44 13 45 12,21 46·4 49 10 54 24 64.20 65.16 70 25 71:7,11,22 72 8 85.1,17 96 7 98·22 102·25 112 15 129:6 147 20

157 4,12,18 175.16,22 182 4
Smith's 46.8
snowball 86 18
snowballed 86 15
social 101 15,21 103 18
socializing 106 10,12
societies 11.6
society 11 7 13 9,12,15 14:1 18 25 19 1 150.3 156 12
sociopathic 107·8
sociopathy 107 8
softball 46·7 87·21,22
soldiers 83·2
solely 42 15 44 13 45·12
somebody 7 12 34 7 35.2,6 51 20,22,24 143.3
someone's 84 10
sorry 124 17 129:15 136 25
sorts 78 4
sounds 111 13
South 1.1,17 2.5 2.9,12 8 9 13 8 18 25 173·23 174 2 181 3,22
so-called 36 11
span 87 8
speak 19:6 25 8
special 103 15 171 25
specific 17 14 29.18 43 19 60.17 72.11,13 95 20 97 19 101·16 126 23 132:4 147 2 164 19 175.20
specifically 24 16 57 4 96 11,14 97 6 107.5 111:17 149 9 158·21
specified 109 8 109.9 114 15
spectrum 29.13 107 16
speculative 158 5
spend 40 3 130 19
spending 94.14 94.18,22 95 15 95 17 170 1
spent 74 6
spoke 24.22
sport 87 21,23
spring 87:21,23
stab 174 7
stabbings 64.25 65.19 76 19
stables 72:19
staff 7.14 130 16
stages 123 25
stake 169·2
stamp 110 19
stamped 37:25 38.2
standard 125:6 125·7 168 20
standardize 122 4 123.13
start 81:9 82 18 82.18,21,23 83 9 146·16 167·13 178 9
started 49 8 54 23 64:8 71.1 72·25 73 1 76.2,3 87.12,22 92 24 93 2,9,10 95·10 151 6
starting 49.14 49 20 135.7
starts 52·18 81 7 110.18 120 18 141·22
starvation 17 23
starving 80·16
state 1 1 4 5 13 14 42.13 45.18,19,20 46 5,14 97·1 109 4 173.21 173 22 181 3 181 22
statement 132 2 138 18
statements 73 19 129.13 167.16
states 97 6
statistical 151:17
stay 41:15 66 8
stayed 83 20 107:2
steel 83.6
step 69.5
stepfather 48·4 69:20 70 9 91:14 100.16 100.16
sticks 46 24
stop 13:20 48·2 54·16 63 11 81 6
stopped 70·5
story 42:23 116 5 143.25 147·10
straight 74 6
strategies 127·17
straw 45 17
stream 84:17
Street 2 12
stress 3:20 12·20,23 15.21 27.12 35.9 46.20 47 8 76.12,21 79 7 101 15,21 103:17 116 19 116.20 117:17 117·22 118 11 119 2,8,17
stressful 77·6 77·11 85 12
stressors 48 15 76 24
strong 145 20 152 9
structured 39 2 60·7,12,14 67.12,14,23 110:1,3,4,7 121 20 123.5 124 7 125 2 127·12,14 153 4 166:3
structures 127 7
struggle 96 25
studied 125:11
studies 14 9 31.22 32·1 47·4 50.8 51 3 141 21
study 8 18 11:8 15 8,15,19 16·21,24 17:13 17 17,18 23 4 23.5 28·25 51 11
studying 42 24 134 4
stuff 63 5 178 14 179:11
subconscious 160:12
subject 63.4 133 2,5 166 13
subjective 166 6
submitted 12 1 12:7
subpoena 3.16 5:9
SUBSCRIBED 184:10
substance 11 5 18·6 29 25 30.21 31.7,8 31·10 80·22 82 17 94:14
substantial 41 19 75:17
sub-clinical 27.15
sub-scale 16 22
suddenly 54·23
suffer 28 3
suffered 45 15 55 22 160·1
suffering 146 17 146·21 159 19 160 11 162 16 167 19
suggest 102 3 154 24 155 3 155 10
suggested 154:20 156·8
suggestible 153.2 154 13 154 17,18 156 15
suggesting 155 11
suggestion 139 18 155:3,9 155 17
suggestive 153 7 155·6,21 155·22
suggestivity 152.23 158 10
suggests 148 16,17
suicidality 21 2
suicide 21.7 73 4,7 74 1 83:16 85 4,5 86 15,22 88.9 88:11 93.11 108 22,24 116:16 117 8 117:12,14 118 25 156.7 156:11
Suite 2 12
summarizes 115 9
summary 3 18 103 19 104 23 115·4,4 119 16
supervise 10·23
supplement 127 19
supplemental 127 20 182.15
supplemented 127·16
support 7.14 28 13 75.21 148·22
supported 102 23

supposed 83:5 83:5,6,7
supposedly 164 23
suppress 83 3
sure 5 6 15 14 25 22 29:20 30:1 37.24 50 10 55.8 60.3 66.23 67.24 72 5 73 21 79:13 87:2 95 21 100.12 108 1 109 2,6 111:3 120 5,13,14 123.20 128 6 129 1 132:21 146:20,20 152 8 157 2 163 24 178.18
surface 63.6
survey 23 7,7
survival 46:18
survive 176 1
survived 85:5
survivor 32 3
survivors 50:11
susceptible 152 23
sweet 31:19
Switch 131 15
switching 152:17
swoop 49 25
sworn 4:2 181 9 184 10
symptom 16:22 17 2 102:3 103.10 107:10 109 19 139:22
symptoms 14:16 15 20,21 15 22,25,25 16.1,20 17 2,3 17 12,15,19,20 18 18 20 18 23:14 24 3 28:3,6,8 35 12 42:14 45.10,13 50.13 51 15 59 8,13,18,21 60:10 62 5,9 62 16,19 77:20 77:21,25 78 8 78 9,15,23 79 4 82 12,24 82:24 83 11 103.15 107 16 109 13,14 116.25 117 6 117 18 118:16 119:5,9 136 21 136 22 139:11 172.5
syndrome 6 3,9 33 24 36 11 80.1,5 149.25 150 16,25 151:5 154 10 154 11
syndromes 156 17
synonyms 140:19

T

T 3 14 182.1,1
take 15 13 24 15 33:8 51:21 53 5,6 85.15 88.25 93 22 106 3 121:18 122 19 174:7 179 13,14
taken 1 14 67.21 181:7,10,15
talk 29 14 54:25 99 3 139:18 167 10
talked 24 14 111 23 158 17 160 14 165 9
talking 19:3 26 12,12 35 1 35.16 43 20 50:15,19 75 5 78 3 84 10 86 14 92 13,14 92 14,16 109:3 113 21 114.1 116.8 120 22 124 9 132 5 137 19,20 138 2 142 24 142 24 144:3 154:25 155 2 155 24 167.15 171.16 172 3
talks 65:24 98 25
tally 135 12,14
Tanya 36:17 37.13 42.9 64.2 128 12
tasks 105:4
teach 10:20,21 10:21
teachers 84 16
teaching 18.7 18:16
team 87:21
techniques 178:21
telephone 23.7
television 55 3 156 8,9
tell 14 18 18:16 22:23 59:2 61:1 72 8,13 72 25 74.24 77:13 91 6,7 96 9,14 98:5 98:17 117 24 126.4 135:2 138:17 139:23 152 20 161:19 161.21 163 12 176:10
telling 70:16 87:1 140 4 163:25
tells 95:3
temporal 20 16
ten 6 1 28:24 99:16 111 22 137.14 138 4,8 138:21 139 1,2
tend 28 18 60:10 175 9
tends 28 23 29 1
term 6 5,7 25:18 33:25 34.1,1 35.6 37 18 170 21
terms 13 22 42.22 43 20 45 8,9 47.19 72.17 77:2 80:2,21 115 25 116 3 126:10 137:23 155:25 159:11 168 15 171 22 177:25
testified 4 2 41 7 45:23 74 4 132.13 147:16 149 12 163 19 172.11
testify 164:4 174 5
testifying 20 5
testimony 42:8 42:8 46:5 48.14 52 12 89 6 90 17 91:4 120 6 121:1,13 140:25 145 6 147:16 163.1 164 2 169:18 175:5 181 8,10
Thank 179:24
Theoretically 48:2
therapists 153:23
therapy 10.22 141:20 153:12 153 14,16,17 153:18,23 154:21 156:19 156.23,24 157:5,8,15,19 157:25
thereto 181:17
they'd 123 20
thing 6:19 48 6 76:23 85 20 106 23 112 7 116.13 123:24
things 5:14 7:9 15:23 17.8,21 18 13 20:19 44:21,22 45 3 45:6,16 46 7 81 22 89:15 91.25 92 2 99:11 103.13 111 20 124:20 125.19 126:4 127.17 153.6 156 6 175 10 177:10 179:6,7 179 10
think 26 9 35 15 37:2,12 43 23 62 2 63:2,5,19 64 10 71 24 72 5 73:1 81:24 90 12 95.5,5 96.2,9 97:4,8,9,11,14 98:7 100:11 103:10 105 23 105:24 109 11 116 4,12 127:9 128 12 129 4 140.7,12 143 2 143 3 144 20 145:1 146:19 153:20 155 2 155 24 156.5 156.24 160.4,9 160 9 161 20 161:23,24,25 162:4,21 163 10 164:12 167:11 171 1 171 12 173:22 175 9
thinking 74:15 81:12 85 8 90 13,15 133:1 133.6
third 27 3 28.24 78:7
thirdly 139 16
Thirty 131 12,13 131.14
thought 6 20 7 9 12 9 45 2,8 83:19 89 11 121 6 133:5 158:6 168 15
threat 77 18 98 6,12,18 99.1 139:17
Threatening 108:21
threats 97 23 171 22
three 8 13 58.11 65 18,23 77:19

78·11 95.6
111 4,6 137 7
151·19
throwing 81.22
100 17
throws 81·1
Thursday 1.15
tighter 16 9
time 6 22 13 17
14.19 15 7
22 10 27 22,22
28:3,14 29 21
30·3 32:2,5,6
32 12 34 7,20
34.24 35:1,22
36 5 40 11,21
42:17 43·5
44 7 45 21
46 16 48.16
49.21 51 19
52 3,6 55·1
56:2,10 57 7
57 10,21 63·22
66:8 71 21
73 18 74.1
75 16 79 10
83.16 85.9,10
85·13 86 5,22
87·7,7,15,17
88·3 92 13,15
92 16 99 17
108:24 109 8
109 10 112 4
112·10,15,17
112·18 114 19
116.22,24
117 5,7 118 21
119 8,18
125·18 130 19
131 8,10
133:18,23
134 13 139·10
139 25 140 8
140 11 141.4
141.24 145 4
146 18 147 10
160 21 165 22
166.4,6,15
175 21,24
176 12 177.8
177.18,20
178 2,3
times 22·15
29·11 39 15
47:15 61·20
126.5 159.2
Timothy 1 14
4·1,7 182 5
title 15:13
today 4 11 5·12
163·25
today's 36.7
told 5.13,15
54 18 69 18,19
72·15,16 89 6
91 21,22 95:12
115:10 119 1
130 22 142·25
144·12 163 10
175 23
top 58 17,20
64 13 125:12
topic 25 8
topics 126.9
131:16
total 35 21
144:16 163 17
totally 146:18,21
toto 61.10 103 3
143 24
touch 72 18
touched 26·8
42.16 82 7
touching 72:17
72·20
tough 83 6
training 73.18
traits 137 25
transcript 74·3
trauma 11 19
12 25 15:25
16.22,24 17·10
22 21 23:10
24·12 28 17,19
28 20 29.2,9
29.22,24 34 14
34 22 35·7
43·18 47 17
51.7,16,18
53 3 76 13
77·23 78 11
95 23 96 22
99 14 107·10
109·19 153 25
154 1 156:18
166.17 168 17
172 6 178.13
178.14
traumas 43·4
44 18 48.10
80·11 81 12,14
117:19 118·24
153 16
traumatic 12 20
12 23 17·12,25
23:18 24 1
35 13,20 36.3
50:7,9 51 5,23
54 2 65:8
77 16 78 24
79.19,19,23
82 23 107:16
117:9 133 19
133 24 144:6
174:22
traumatization
28 11
traumatized
14 17 79:16
97:4 136 18,20
147·5
treat 40 1 179.7
179.17
treated 64:7
74 21,22 75 2
75·16 134 15
134.16,16,21
135:18 136 5
179 4
treating 179 5
treatment 9.23
10 5 23 6
24 23 25 1
39·21,24 56 6
56 10,13,19,21
56 24 57:12
59:22 75.9,19
81 1 112:3
147:4 152 23
177 22,24
178 10,11,18
treatments 66.2
trial 174.5,6
trigger 50 23
70:12,13,14,16
70 19 71:23
142 4
triggered 46 23
46 24 57.18
70 17 72 2,5
83 12 85 16
103.11,13
141 25 146 16
156·10
triggering 142 9
142:11,15
144 9,24
145:10 153 2
158 18
triggers 79 17
trouble 78:9
97.5
truck 74·5 90:14
90·17
true 78.15 103 6
133.20 175 11
trust 89:11,12
91:5
trusting 81:11
truth 14 18
truthful 105:18
try 66.8 133·1
138 13 167:10
170.6 178 21
trying 60·9
62:10 87·4
88 5 113.14
126 21 132 10
132 19 140·19
140·25 141 11
141 12,13
142.20 144 19
145 12 146:14
158·6 169·18
170 9 174 8
TSI 107:13
TV 156·1,6,11
156:12
twenty-eight
108.20
Twenty-five
108 20,21,21
Twenty-two
71 15
twice 145 14
twin 47:4
two 35.10 37:5
37 15 39 3
40:6,12 42 1,2
44 21,22 45 3
45 6,6 58 10
62·1 64:17
65 18,19,22
76 19 88 7
94 12 95·6
108.19 118.13
119 20 139 8
145 16 151 19
172:18
type 12 22 82·13
101·8 102·8
106 23
types 17 10
78 19 131 16
typewriting
181·12
typical 50.4
53 24,25 62·2
133 15 134 2,5
134.6 139:24
140 6,8,11,14
140 18,19
141·4,6,7,16
142.8 144.9,18
147:1,4
typically 103:4
126·14 133·16
142 8 176.20

U

Uh-huh 6·23
11 22 18 9
19·11,19 25 3
27 8 29 17
39:10,12,20
40:7,9,17,20
52·2,4,10
54·22 55 5
58 25 64·21
65:1,3,10,21
67 1 68.7
69:22 73 14
74 17 76 5
80·12 83·22
85 3 88 2 96 5
96.8 98:16
100 1 101 7,9
101 11,14
102.2,7,12
103 23 104·9
104·11,17,22
104.25 105 2,6
106 16 108·14
112 20 113 9
113 13 114 16

120 20 123 2
123 10 124 2,6
125.13 127 11
128 9 132:3
134 7,11,22
135.6 136:16
137 10,19
142 4 143:10
143:21,23
145.18 147 21
148.21 149 1
149:19 150:10
151.3 153.5,20
154 6 159 3,17
169:5,8,10,16
169 19,24
170.23,25
171 11 176 3
unable 84 20
97:12 171 14
unclear 32 13
uncomfortable
133 2,5
uncommon
137.11 140.16
140 18 141 2
uncovering
178:20
underestimate
59 18
underlying
31 14 166 20
underrate 59 20
understand 6 5
9 3 27 24 52 8
56 24 66:23
68 11 87.4
88:5 111 4
120 5,14,25
121:13 124:10
130:3 132.13
132 19 133:17
137 25 138 13
141:12 143:16
144 15,19
146:13 150:21
158 6 161:20
161 22 163.1
164 2 166 14
169 12,17,18
170:9
understanding
4.15 5:12
132:21 157 11
157.20 174.12
174 16
understate
59.21
unfair 170 8
unheard 53:7
unique 142 18
University
136:15
unpredictable
94 12
unreal 17:6
unrecovered
76 17
unreliable
116 12
unresponsive
80 3
unsure 41.2
unusual 70 12
71 24 72:6
unwanted 98 14
unwritten 16.3
updated 120 12
upset 73:12
74 8 90:21
157 13
urgent 37.12
use 77 2 109 23
122 19 126:14
127:17 148:22
170 20,20
182:15
usually 11:1,1
54 4 63 8,9,10
79:24 80.15
81.8 99:13
139:14 141:22
141:24 142 14
144.17 145.7
U.S 23.9

V

vagina 72.18
vaginally 63 13
63:14
vague 145 1
vagueness
100 11
validated 16 23
107.15 125.12
125.16
validation 151.4
variable 13 1
29:3 32 9,9
54 11,11
145 22
variation 166 13
various 25.25
32 25,25
123.25
vehicle 65:20
76 20
verifies 154 5
verify 138:6
version 120 17
151:19
versus 26 16
27:22 28:7
31 16 43.9
45.14 51 24
138 21 142 22
143 2 160:12
veterans 50 13
victim 26.7,16
51 4 139 13
victimization
19 20 23.12
24:24 25:17,19
25 25 26 5,10
26 18,21,21
victimized 27:1
27:6,7,12
victims 9 22
10:1 23 6 37 8
64 3 136 18
138 12 147.5
Vietnam 83 13
view 123:14
148:10
viewing 76.18
VIII 66:12
violence 24:7
48:9 69.3
156 8,12,12
violent 26:13
48 3,4,8,19
Virginia 8 15
voiced 149 20
150:6
voices 151 12
vomiting 24:3
80 18 101 24
vs 1:7 182:3
vulnerable
99 12,15

W

waiting 130 16
wall 69 21
100:17
want 5 6 6 19
38:15 43 23
56 17,19,20
57:2,22,23
66 23 96.17
108 19 111 3
111:12 113:18
117.25 120:8
120:14 121 18
121:21 122 25
123 5 125.17
132 21 134 9
137.2 140 13
143:15 150 15
153:24 158 9
158.10 161.6,9
163.1 164 3,5
178:16,17,17
178:18,19,20
178.22 179.25
wanted 25 12
67.22 90 23
113:14 114:19
116:13 121 4
123 14
wanting 57 6,8
wants 73:15
wasn't 17:17
31.17 34.21
70:19 89 12,14
90:1,23 100 3
141:14 168 22
169.6
waste 125 18
Watch 30:21
water 33:7
way 11.24 17:25
18.1 39 1
41:15 49:24
50 4 59:25
67.23,24 86 7
92:10,23 106 7
111.21 122:17
123 1,12 124 8
135 2 139:6,21
144:18,23
151:2,5 153 7
155.11,15
156 21 174.15
177 4
ways 84 9 98:22
106 5 122.22
127 17 139 4
175:10
weak 83 3
weapon 99 18
99 25 100 6
week 55.25
86 12
weeks 88:1
92 21 109:16
118:14,15
119.3
weight 81 5 95.4
95:13
went 55 1 68 18
74.6 83.20,25
84.15 98 1
110 6 118 16
119:3,5,9
157.18 160 16
162:11 164 21
164:22 174:6
176:22
weren't 48 13
120:10 155:5
Wesley 1 17 2 8
we'll 6 14 29:14
92:3 161:22
174 9
we're 26 12
35.16 51 12
75:5 86 14
92 13,13 110:2
113 21 114 1
132 19 142:20
142 24,24
153:8,9,10
159 12 179 22
we've 4:17 7:24
85 1 87 25,25
88:8,10 110:6
111 11 127 20
white 1 20 57 9
181:6,21
Williams 22:22
window 88 2
wish 182 8
withheld 152 21
witness 181.8

181.10 184 6
Witnessed 69 3
witnesses 92 4
witnessing 48 9
woman 72:3,4 168 16
women 23:8 27.3,7,11,21 28 6,7 51 6,12 51 13 80 15 81 9 113 17,18
women's 23 4 51·11
wonder 63·20 145 19
word 9:2 22 24 169 14
wording 122:3
words 96:24
work 21 20 24 18 55·12 57 25 65 4 75.18 76 20 83 10 86 7 99·23 105 11 127:10,18 152 7 166·17
worked 15:4 47·18 77 3 135 15,23
working 57.16 76 21 77 8 81 7 111·8 151 20
works 105 19 174 9
worse 94 23 156 19
worth 7:25
wouldn't 39 25 62 25 71 2 105:24 134·1 162 22 169.25 170 2,3,4,5,6 174 15
wow 82 3,22 146 10
wrapping 88 9
write 37.18 97 25 110 15 182·10
writing 98 2 150.18
written 27 16 38·9 110 11 122 4 129 13 149·8,15,16 152 4 156 5 172.9
wrote 55 23 70.5 113·21 149 10 159.15

X

X 3:1,14

Y

ya 117 24
yeah 17·12 19 4 20 12 21 22 26 4 34:13 37.6 38·4 44 24 52 10 61·6,6 64:18 71 17 83 17 85.8 90:20 94 5 97 18,20 103·21 105 12 106.19,21 109 2,2 116 15 117:10 120.23 121.12 124.14 126 25 136 4,8 137.6 142:18 144 19 147 14 149·5 150·20 151 24 154.1 161:12 162.3 167 23 170·8,8 173·5
year 19.8 39·17 66:6 98.21
yearly 13.13
years 7 25 8 13 9 23 14.20 22 11 28 24 32.18,23 34 8 34 17 40 11,12 42 25 46 3 48·20 52·19 54 19 84·10 92.21 95.6,13 111:4,6 112 2 134 6,13 136:15,19 140.1,14 141.3 166·25 167 1
years-long 28 7
Yep 58:6
young 2.11 69 8 69 12 80 15 81·9 138·21 147 17
younger 31:3 45 15 51 9 113·11 139 9
youth 25.22
y'all 108.2

Z

zealous 153:24 154 14
zero 40 8,11,15 43·9 58:7
Zinzow 42 9
Zinzow's 37.7 128:17
Zoloft 64 5 65.24

0

0 31 4 103 24 104:1 108 13 108 15,22,25
004 3.4
006 3.16,17
07 75 3,4,8 76:1 76:3
09:12:52 4.5
09:13:43 4 10
09:13:52 4 15
09:14:01 4·20
09:14:13 4.25
09:14:20 5 5
09:14:42 5·10
09:14:54 5:15
09:15:06 5 20
09:15:16 5.25
09:15:29 6·5
09:15:47 6·10
09:15:59 6·15
09:16:11 6.20
09:16:30 6:25
09:16:43 7 5
09:17:04 7 10
09:17:14 7 15
09:17:22 7 20
09:17:34 7.25
09:17:53 8 5
09:18:13 8 10
09:18:38 8·15
09:18:47 8.20
09:19:14 8:25
09:19:25 9 5
09:19:33 9 10
09:19:43 9 15
09:19:48 9 20
09:20:22 9.25
09:20:40 10 5
09:20:55 10·10
09:21:15 10 15
09:21:26 10.20
09:21:49 10 25
09:22:08 11 5
09:22:23 11:10
09:22:35 11.15
09:22:57 11 20
09:23:24 11·25
09:23:39 12·5
09:23:58 12 10
09:24:13 12:15
09:24:26 12 20
09:24:37 12 25
09:24:56 13.5
09:25:18 13 10
09:25:37 13·15
09:25:54 13 20
09:26:15 13 25
09:26:36 14.5
09:26:49 14 10
09:27:07 14·15
09:27:18 14 20
09:27:29 14 25
09:27:43 15 5
09:28:07 15.10
09:28:21 15 15
09:28:57 15:20
09:29:12 15 25
09:29:29 16 5
09:29:39 16.10
09:29:49 16 15
09:30:02 16.20
09:30:24 16 25
09:30:41 17 5
09:31:12 17 10
09:31:27 17 15
09:31:43 17·20
09:31:55 17 25
09:32:14 18 5
09:32:31 18 10
09:32:46 18 15
09:33:03 18.20
09:33:15 18·25
09:33:30 19:5
09:33:46 19·10
09:34:03 19 15
09:34:20 19 20
09:34:29 19.25
09:34:37 20 5
09:34:57 20 10
09:35:17 20 15
09:35:33 20·20
09:35:47 20 25
09:35:58 21.5
09:36:12 21 10
09:36:56 21·15
09:37:11 21.20
09:37:28 21 25
09:37:43 22 5
09:37:57 22:10
09:38:20 22 15
09:38:27 22 20
09:38:50 22:25
09:39:03 23 5
09:39:20 23:10
09:39:38 23 15
09:39:58 23 20
09:40:16 23·25
09:40:38 24 5
09:41:12 24.10
09:41:28 24:15
09:41:40 24 20
09:42:11 24·25
09:42:22 25·5
09:42:34 25 10
09:42:46 25.15
09:43:07 25 20
09:43:25 25 25
09:43:37 26.5
09:43:51 26 10
09:44:06 26·15
09:44:17 26·20
09:44:34 26 25
09:44:48 27 5
09:44:57 27.10
09:45:14 27 15
09:45:33 27·20
09:45:49 27.25
09:46:15 28 5
09:46:33 28 10
09:46:48 28 15
09:47:08 28 20
09:47:25 28·25
09:47:40 29 5
09:47:52 29.10

09:48:06 29 15
09:48:16 29.20
09:48:35 29.25
09:48:53 30 5
09:49:17 30:10
09:49:32 30 15
09:49:55 30 20
09:50:13 30:25
09:50:25 31 5
09:50:43 31:10
09:51:06 31 15
09:51:23 31:20
09:51:38 31.25
09:52:01 32 5
09:52:17 32:10
09:52:26 32.15
09:52:51 32.20
09:53:02 32.25
09:53:48 33 5
09:53:59 33:10
09:58:26 33 15
09:58:37 33:20
09:58:51 33 25
09:59:08 34:5
09:59:27 34 10
09:59:40 34.15
09:59:51 34 20

1

1 3.16 5 4,8
159 16
1:25 180 3
10 5 10 27 10,13
40:8,16,24
43 9 48 20
61.19 112 1
159 16
10:00:04 34 25
10:00:15 35:5
10:00:37 35:10
10:01:05 35 15
10:01:19 35.20
10:01:37 35 25
10:01:53 36 5
10:02:14 36.10
10:02:29 36 15
10:02:42 36:20
10:03:12 36.25
10:03:23 37 5
10:03:38 37 10
10:04:06 37 15
10:04:20 37 20
10:04:31 37 25
10:04:40 38 5
10:04:49 38.10
10:05:11 38 15
10:05:21 38.20
10:05:35 38 25
10:06:03 39:5
10:06:13 39 10
10:06:23 39.15
10:06:28 39.20
10:06:43 39:25
10:06:59 40 5
10:07:25 40.10
10:07:46 40 15
10:07:58 40 20
10:08:15 40.25
10:08:38 41 5
10:08:49 41:10
10:09:07 41:15
10:09:20 41 20
10:09:36 41.25
10:09:56 42 5
10:10:16 42:10
10:10:34 42 15
10:10:47 42.20
10:11:14 42 25
10:11:33 43:5
10:11:57 43 10
10:12:12 43.15
10:12:32 43:20
10:12:45 43.25
10:13:04 44 5
10:13:26 44 10
10:13:38 44:15
10:13:54 44 20
10:14:00 44 25
10:14:11 45.5
10:14:19 45 10
10:14:34 45.15
10:14:52 45 20
10:15:07 45 25
10:15:23 46:5
10:15:38 46 10
10.16:13 46.15
10:16:28 46 20
10:16:54 46 25
10:17:14 47:5
10:17:29 47 10
10:17:44 47 15
10:18:05 47.20
10:18:29 47 25
10:18:47 48:5
10:19:07 48:10
10:19:24 48.15
10:19:41 48 20
10:20:02 48 25
10:20:17 49 5
10:20:30 49:10
10:20:43 49 15
10:20:53 49.20
10:21:05 49.25
10:21:19 50 5
10:21:38 50:10
10:21:54 50.15
10:22:05 50 20
10:22:23 50:25
10:22:41 51 5
10:23:06 51.10
10:23:32 51:15
10:23:48 51 20
10:24:06 51.25
10:24:16 52:5
10:24:29 52 10
10:24:41 52:15
10:24:58 52 20
10:25:20 52:25
10:25:34 53 5
10:25:46 53:10
10:25:53 53.15
10:26:06 53 20
10:26:20 53:25
10:26:38 54:5
10:26:57 54 10
10:27:15 54 15
10:27:43 54:20
10:27:55 54 25
10:28:06 55:5
10:28:22 55:10
10:28:37 55.15
10:28:44 55 20
10:28:58 55 25
10:29:12 56 5
10:29:28 56 10
10:29:42 56.15
10:29:56 56:20
10:30:09 56 25
10:30:25 57.5
10:30:41 57 10
10:30:55 57:15
10:31:06 57 20
10:31:18 57 25
10:31:38 58:5
10:31:55 58 10
10:32:16 58:15
10:32:26 58 20
10:32:39 58:25
10:32:48 59 5
10:32:59 59 10
10:33:13 59 15
10:33:25 59:20
10:33:37 59:25
10:33:55 60:5
10:34:11 60:10
10:34:23 60 15
10:34:38 60 20
10:34:51 60 25
10:35:00 61:5
10:35:20 61 10
10:35:33 61.15
10:35:54 61 20
10:36:09 61 25
10:36:31 62:5
10:36:57 62 10
10:37:13 62.15
10:37:30 62.20
10:37:42 62.25
10:37:56 63 5
10:38:13 63:10
10:38:34 63 15
10:38:47 63.20
10:39:06 63 25
10:39:19 64:5
10:39:31 64:10
10:39:51 64:15
10:40:06 64 20
10:40:16 64 25
10:40:22 65:5
10:40:28 65:10
10:40:38 65.15
10:40:52 65 20
10:41:07 65:25
10:41:17 66 5
10:41:41 66:10
10:42:05 66 15
10:42:15 66:20
10:42:27 66 25
10:42:34 67.5
10:42:44 67:10
10:43:03 67:15
10:43:13 67:20
10:43:27 67.25
10:43:43 68.5
10:43:54 68:10
10:44:01 68.15
10:44:13 68 20
10:44:19 68:25
10:44:27 69 5
10:44:34 69.10
10:44:50 69 15
10:45:02 69:20
10:45:25 69 25
10:45:51 70:5
10:45:57 70 10
10:46:28 70 15
10:47:02 70 20
10:47:22 70 25
10:47:41 71.5
10:47:55 71 10
10:48:22 71:15
10:48:36 71 20
10.49:10 71 25
10:49:27 72 5
10:50:06 72 10
10:50:12 72:15
10:51:00 72 20
10:51:40 72:25
10:52:05 73 5
10:52:20 73.10
10:52:29 73 15
10:52:42 73:20
10:53:11 73 25
10:53:31 74.5
10:53:48 74.10
10:54:06 74 15
10:54:19 74:20
10:55:03 74 25
10:55:24 75:5
10:55:47 75 10
10:56:02 75 15
10:56:18 75.20
10:56:37 75 25
10:56:50 76:5
10:57:11 76:10
10:57:27 76.15
10:57:50 76 20
10:58:06 76 25
10:58:17 77 5
10:58:30 77 10
10:58:44 77 15
10:59:14 77 20
10:59:33 77:25
10:59:54 78.5
100 21 10
103 25 104:1
104 20 149 2
104 21.10
108 94.11
11 5 10 40 8
100 5 112 9
181 25
11th 75.13
11:00:13 78.10
11:00:34 78.15

11:00:49 78.20	**11:15:30** 89:10	**11:33:36** 99 25	**11:48:53** 110.15	**12:10:25** 120 15
11:01:13 78 25	**11:15:50** 89.15	**11:33:52** 100·5	**11:49:37** 110 20	**12:10:43** 120.20
11:01:28 79 5	**11:16:11** 89 20	**11:34:06** 100.10	**11:49:50** 110·25	**12:10:54** 120 25
11:01:55 79 10	**11:16:29** 89:25	**11:34:24** 100 15	**11:50:18** 111:5	**12:11:09** 121·5
11:02:15 79 15	**11:16:47** 90 5	**11:34:43** 100·20	**11:50:41** 111 10	**12:11:19** 121.10
11:02:35 79:20	**11:17:01** 90 10	**11:34:56** 100 25	**11:50:57** 111·15	**12:11:41** 121 15
11:02:57 79 25	**11:17:21** 90 15	**11:35:09** 101.5	**11:51:17** 111.20	**12:11:55** 121 20
11:03:16 80.5	**11:17:30** 90 20	**11:35:17** 101 10	**11:51:31** 111.25	**12:12:12** 121 25
11:03:36 80 10	**11:17:38** 90.25	**11:35:24** 101 15	**11:51:44** 112·5	**12:12:28** 122.5
11:04:03 80 15	**11:17:44** 91 5	**11:35:36** 101.20	**11:52:00** 112 10	**12:12:42** 122 10
11:04:22 80.20	**11:17:55** 91·10	**11:36:07** 101 25	**11:52:19** 112.15	**12:13:05** 122·15
11:04:38 80 25	**11:18:01** 91.15	**11:36:31** 102·5	**11:52:29** 112·20	**12:13:27** 122.20
11:04:54 81:5	**11:18:12** 91 20	**11:36:45** 102.10	**11:52:50** 112 25	**12:13:43** 122 25
11:05:07 81 10	**11:18:33** 91 25	**11:36:58** 102 15	**11:53:05** 113:5	**12:13:59** 123·5
11:05:23 81:15	**11:18:46** 92·5	**11:37:03** 102·20	**11:53:10** 113 10	**12:14:09** 123 10
11:05:40 81 20	**11:18:58** 92 10	**11:37:25** 102·25	**11:53:26** 113·15	**12:14:25** 123:15
11:05:53 81 25	**11:19:08** 92:15	**11:37:49** 103 5	**11:53:36** 113·20	**12:14:47** 123 20
11:06:15 82·5	**11:19:19** 92 20	**11:38:05** 103.10	**11:53:54** 113 25	**12:15:00** 123:25
11:06:27 82 10	**11:19:35** 92·25	**11:38:40** 103 15	**11:54:10** 114:5	**12:15:12** 124·5
11:06:45 82.15	**11:19:43** 93 5	**11:39:04** 103·20	**11:54:24** 114 10	**12:15:23** 124 10
11:06:58 82 20	**11:19:55** 93 10	**11:39:20** 103·25	**11:54:52** 114:15	**12:15:29** 124.15
11:07:14 82·25	**11:20:03** 93.15	**11:39:45** 104.5	**11:55:00** 114 20	**12:15:42** 124 20
11:07:37 83 5	**11:20:10** 93 20	**11:39:54** 104 10	**11:55:13** 114.25	**12:15:52** 124 25
11:07:56 83·10	**11:20:23** 93 25	**11:40:04** 104:15	**11:55:34** 115 5	**12:16:07** 125.5
11:08:12 83 15	**11:25:11** 94 5	**11:40:19** 104 20	**11:55:47** 115·10	**12:16:21** 125 10
11:08:24 83 20	**11:25:21** 94:10	**11:40:34** 104.25	**11:55:53** 115 15	**12:16:37** 125·15
11:08:35 83·25	**11:25:49** 94 15	**11:40:46** 105 5	**11:56:07** 115:20	**12:16:52** 125 20
11:08:55 84 5	**11:25:57** 94·20	**11:40:57** 105 10	**11:56:32** 115.25	**12:17:00** 125 25
11:09:22 84 10	**11:26:16** 94·25	**11:41:10** 105:15	**11:56:57** 116.5	**12:17:11** 126:5
11:09:43 84 15	**11:26:39** 95.5	**11:41:23** 105 20	**11:57:19** 116·10	**12:17:26** 126 10
11:10:03 84.20	**11:27:17** 95.10	**11:41:40** 105.25	**11:57:47** 116.15	**12:17:38** 126:15
11:10:20 84·25	**11:28:16** 95 15	**11:41:53** 106 5	**11:58:05** 116 20	**12:17:54** 126 20
11:10:30 85.5	**11:28:26** 95·20	**11:42:10** 106:10	**11:58:26** 116·25	**12:18:04** 126.25
11:10:52 85 10	**11:28:46** 95.25	**11:42:23** 106 15	**11:58:41** 117 5	**12:18:21** 127 5
11:11:09 85·15	**11:29:11** 96 5	**11:42:27** 106.20	**11:58:51** 117.10	**12:18:34** 127 10
11:11:21 85·20	**11:29:22** 96 10	**11:42:38** 106 25	**11:59:02** 117 15	**12:18:44** 127.15
11:11:40 85 25	**11:29:34** 96:15	**11:43:04** 107 5	**11:59:13** 117·20	**12:18:57** 127 20
11:11:56 86.5	**11:29:47** 96 20	**11:43:27** 107·10	**11:59:22** 117·25	**12:19:07** 127 25
11:12:08 86 10	**11:30:01** 96.25	**11:43:55** 107 15	**11:59:26** 118 5	**12:19:17** 128.5
11:12:28 86·15	**11:30:17** 97.5	**11:44:12** 107·20	**113** 21 23	**12:19:27** 128 10
11:12:39 86·20	**11:30:33** 97·10	**11:44:28** 107 25	**119** 3.5,18,20	**12:19:42** 128:15
11:12:53 86.25	**11:30:46** 97:15	**11:44:35** 108:5	**12** 27:10,13 40:8	**12:19:51** 128 20
11:13:15 87·5	**11:30:57** 97.20	**11:44:47** 108·10	**12:07:13** 118 10	**12:20:00** 128·25
11:13:32 87.10	**11:31:10** 97 25	**11:45:01** 108.15	**12:07:34** 118:15	**12:20:13** 129 5
11:13:35 87 15	**11:31:19** 98·5	**11:45:14** 108·20	**12:07:54** 118 20	**12:20:25** 129:10
11:13:41 87.20	**11:31:37** 98 10	**11:45:34** 108 25	**12:08:10** 118 25	**12:20:36** 129 15
11:13:54 87 25	**11:31:55** 98·15	**11:46:33** 109.5	**12:08:21** 119.5	**12:20:44** 129·20
11:14:06 88·5	**11:32:08** 98 20	**11.47:00** 109 10	**12:08:34** 119 10	**12:20:58** 129:25
11:14:22 88 10	**11:32:30** 98·25	**11:47:16** 109·15	**12:08:41** 119:15	**12:21:18** 130 5
11:14:35 88 15	**11:32:40** 99.5	**11:47:40** 109 20	**12:09:00** 119 20	**12:21:28** 130·10
11:14:43 88·20	**11:32:53** 99 10	**11:48:03** 109 25	**12:09:51** 119 25	**12:21:34** 130 15
11:14:59 88 25	**11:33:12** 99·15	**11:48:30** 110.5	**12:10:06** 120.5	**12:21:46** 130.20
11:15:14 89 5	**11:33:25** 99.20	**11:48:41** 110:10	**12:10:13** 120:10	**12:21:56** 130.25

12:22:05 131 5
12:22:18 131.10
12:22:27 131 15
12:22:56 131.20
12:23:16 131 25
12:23:26 132·5
12:23:40 132 10
12:23:56 132 15
12:24:05 132·20
12:24:20 132·25
12:24:34 133:5
12:24:44 133 10
12:24:58 133:15
12:25:28 133 20
12:25:40 133 25
12:25:52 134 5
12:26:05 134 10
12:26:24 134 15
12:26:38 134.20
12:26:51 134 25
12:27:06 135·5
12:27:16 135 10
12:27:27 135:15
12:27:38 135 20
12:27:47 135·25
12:27:57 136·5
12:28:09 136.10
12:28:22 136.15
12:28:35 136 20
12:28:47 136:25
12:28:59 137 5
12:29:11 137:10
12:29:26 137 15
12:29:40 137·20
12:29:48 137·25
12:29:57 138 5
12:30:04 138.10
12:30:22 138.15
12:30:39 138·20
12:30:59 138 25
12:31:17 139:5
12:31:32 139 10
12:31:49 139 15
12:32:07 139:20
12:32:29 139 25
12:32:50 140·5
12:33:06 140 10
12:33:21 140.15
12:33:34 140 20
12:33:39 140 25
12:33:49 141:5
12:34:02 141.10
12:34:19 141 15
12:34:41 141 20
12:35:05 141 25
12:35:31 142·5
12:35:46 142 10
12:35:58 142·15
12:36:08 142 20
12:36:23 142 25
12:36:35 143.5
12:36:45 143 10
12:36:53 143.15
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130 22·12
131 22 12
14 111:23 112.1
121 11
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40·24 41 13
42·18 43:9
44 8 49 1,16
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52.19 58.21,22
64 20 71·14
107:1 159 16
160 1,3 174 14
174.17 176:6
15-year 41 23

16 1 15 65:2 124 17 126.1
17 16.8 31 3,4 70 5 124 17 126 3
172 3 7
18 40:10,11,19 43 10 49 3,12 49:14,14,16,20 49 23 52:16,19 54.20 55 6,11 55 16,21 70 5 97:22 140 14 159:16 160 1,3 174 13,14,17 176.6
18-year 41:23
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20's 65:20
2001 13 10 14:21 136 1,2 136:3 137:13 138 4
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2010-CP-10-7... 1 4
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819 37 20
823 120:16
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836 124.15
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Senn Legal, LLC.

Attorneys at Law

3 Wesley Drive
Post Office Box 12279
Charleston, South Carolina 29422-2279
Telephone: (843) 556-4045
Facsimile: (843) 556-4046

Sandra J. Senn
Robin L. Jackson
Christopher T. Dorsel
Marghretta A. Hagood
Caitlin E. Pierson

Of Counsel
Hon. Jenny A Horne
(House District 94)
(Licensed in SC & NC)

February 1, 2012

Aaron E. Edwards, Esquire
The Richter Firm, LLC
622 Johnnie Dodds
Mt. Pleasant, SC 29465

RE: Jane Doe v. Charles Smith, Charleston County School District and James Island High School
Case No.: 2010-CP-10-7699

Dear Aaron:

Please find enclosed the Amended Notice of Deposition and Subpoenas for Plaintiff's Experts Tonya Bolton and Dr. Timothy Brewerton in the above referenced matter. Pursuant to Dr. Brewerton's request to start the deposition as early as possible, we scheduled him to present his records at 8:30am and to begin the deposition at 9:00 a.m. I know you take your children to school, but recall that you were able to make it by 9am before.

I will arrange for the court reporter. I look forward to seeing you on the 16th.

Sincerely,

Robin L. Jackson

RLJ/jsf

Enclosures

cc: Brian Quisenberry, Esquire
Wilbur Johnson, Esquire

Δ π EXHIBIT 1
Deponent Brewerton
Date 2/16/12 Rptr DW
WWW.DEPOBOOK.COM

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JANE DOE, Plaintiff, v. CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH CIRCUIT CASE NO.: 2010-CP-10-7699 AMENDED NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that Counsel for the Defendants will take the oral deposition of the following:

Dr. Timothy Brewerton February 16, 2012 at 9:00 a.m.

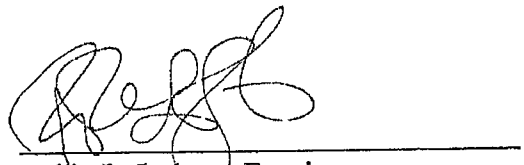
Tonya Bolton, MA February 16, 2012 at 1:00 p m.

pursuant to the South Carolina Rules of Civil Procedure, at the Law Office of Senn Legal, LLC, 3 Wesley Drive, Charleston, SC.

The deposition will be taken upon oral examination before an officer authorized by law to take depositions, at which time you are notified to appear, produce your witness and take such part in the aforementioned as you may be advised and as shall be fit and proper.

The oral examination will continue from day to day until complete. The deposition is being taken for the purposes of discovery, for use at trial and for all other purposes as are permitted under the rules of this Court and all applicable statutes and laws.

[signature on following page]



Robin L. Jackson, Esquire
Senn, McDonald & Leinbach, LLC
P.O. Box 12279
Charleston, SC 29422
843-556-4045
fax: 843-556-4046
Robin@SMLlawfirm.com
Attorney for Defendants

February 1, 2012

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JANE DOE, Plaintiff, v. CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH CIRCUIT CASE NO.: 2010-CP-10-7699 **Subpoena**

TO: Richter Law Firm, PA
Dr. Timothy Brewerton c/o Aaron Edwards, Esquire
622 Johnnie Dodds
Mount Pleasant, SC 29464

YOU ARE COMMANDED to appear in the Courthouse at the place, date, and time specified below to testify in the above case.

Place of Trial:	Date: Time:

XXX YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

Place of Deposition: Senn Legal, LLC 3 Wesley Drive Charleston, SC 29407	Date: February 16, 2012 Time: 9:00 a.m.

XXX YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects): **See attached Schedule A.**

Place: Senn Legal, LLC 3 Wesley Drive Charleston, SC 29407	Date: February 16, 2012 Time: 8:30 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to the testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. South Carolina Rules of Civil Procedure, 30(b)(6)

Issuing Officer's Name, Address and Phone Number:

Robin L. Jackson, 3 Wesley Drive, Charleston, SC 29407;(843) 556-4045 Attorney for Defendant

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1) AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney for Defendant Date: February 1, 2012

ISSUING OFFICER'S SIGNATURE AND TITLE (indicate if Attorney for Plaintiff or Defendant)
(See Rule 45, South Carolina Rules of Civil Procedure, Parts C & D on Reverse)

681

PROOF OF SERVICE

SERVED: Aaron Edwards, Esquire	DATE: February 1, 2012 PLACE: 622 Johnnie Dodds Mount Pleasant, SC 29464	

SERVED ON (PRINT NAME): Aaron Edwards, Esquire	MANNER OF SERVICE Regular Mail by Consent
SERVED BY (PRINT NAME) Johdie S. Fort	TITLE Legal Assistant

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 2/1/12
DATE

Johdie S Fort
SIGNATURE OF SERVER

3 Wesley Drive, Charleston, SC 29407
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d)

(c) Protection of PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a Subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that Subpoena The Court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises If objections is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance, or
(ii)requires a person who is not a party or an officer, director or managing agent of a party to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(III) of this rule, such a person may in order to attend trial be commanded to travel from the county where the subpoena was served to the place within the state where the trial is held; or
(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
(iii) requires a person who is not a party or an officer, director or managing agent of a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

SCHEDULE A

You are commanded to produce and permit inspection and copying of the following documents or objects:

1. All files, documents, books, papers or other materials relied upon in making an opinion in this case.

2. A copy of all documents provided to the deponent by counsel, or a list of the same.

3. A copy of any opinions already rendered in this case.

4. All pages of materials, such as depositions or evidentiary documents containing notes in the margins, underlinings, etc.

5. Printouts of all computerized documents or other information prepared by or received by deponent relating to this case

6. Copies of all correspondence and communications between the deponent and the hiring party/attorney, to include but not be limited to letters, e-mails, text messages, and phone messages.

7. A copy of the hiring documents to include but not be limited to contracts, letters, e-mails, phone messages and current fee schedule.

8. The most up-to-date curriculum vitae or resume on deponent's background, training, and education.

9. A written list of cases where the deponent has provided deposition or trial testimony as an expert witness.

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JANE DOE, Plaintiff, v. CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH CIRCUIT CASE NO.: 2010-CP-10-7699 **Subpoena**

TO: Richter Law Firm, PA
Tonya Bolton c/o Aaron Edwards, Esquire
622 Johnnie Dodds
Mount Pleasant, SC 29464

YOU ARE COMMANDED to appear in the Courthouse at the place, date, and time specified below to testify in the above case.

Place of Trial.	Date: Time:

XXX YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

Place of Deposition: Senn Legal, LLC 3 Wesley Drive Charleston, SC 29407	Date: February 16, 2012 Time: 1:00 p m.

XXX YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects): **See attached Schedule A.**

Place: Senn Legal, LLC 3 Wesley Drive Charleston, SC 29407	Date: February 16, 2012 Time: 12:30 p.m
Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to the testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. South Carolina Rules of Civil Procedure, 30(b)(6)	

Issuing Officer's Name, Address and Phone Number:

Robin L. Jackson, 3 Wesley Drive, Charleston, SC 29407;(843) 556-4045 Attorney for Defendant

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1) AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney for Defendant ROA0684 Date: February 1, 2012

ISSUING OFFICER'S SIGNATURE AND TITLE (indicate if Attorney for Plaintiff or Defendant)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts C & D on Reverse)

PROOF OF SERVICE

SERVED: Aaron Edwards, Esquire	DATE: February 1, 2012 PLACE: 622 Johnnie Dodds Mount Pleasant, SC 29464	
SERVED ON (PRINT NAME): Aaron Edwards, Esquire	MANNER OF SERVICE Regular Mail by Consent	
SERVED BY (PRINT NAME) Johdie S. Fort	TITLE Legal Assistant	

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 2/1/12
DATE

Johdie S Fort
SIGNATURE OF SERVER

3 Wesley Drive, Charleston, SC 29407
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d)
(c) Protection of PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a Subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that Subpoena The Court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises If objections is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it·

(i) fails to allow reasonable time for compliance, or
(ii)requires a person who is not a party or an officer, director or managing agent of a party to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(III) of this rule, such a person may in order to attend trial be commanded to travel from the county where the subpoena was served to the place within the state where the trial is held; or
(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
(iv) subjects a person to undue burden

(B) If a subpoena
(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
(iii) requires a person who is not a party or an officer, director or managing agent of a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions

(d) DUTIES IN RESPONDING TO SUBPOENA
(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand
(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

685

SCHEDULE A

You are commanded to produce and permit inspection and copying of the following documents or objects:

1. All files, documents, books, papers or other materials relied upon in making an opinion in this case.

2. A copy of all documents provided to the deponent by counsel, or a list of the same.

3. A copy of any opinions already rendered in this case.

4 All pages of materials, such as depositions or evidentiary documents containing notes in the margins, underlinings, etc.

5. Printouts of all computerized documents or other information prepared by or received by deponent relating to this case

6. Copies of all correspondence and communications between the deponent and the hiring party/attorney, to include but not be limited to letters, e-mails, text messages, and phone messages.

7. A copy of the hiring documents to include but not be limited to contracts, letters, e-mails, phone messages and current fee schedule.

8. The most up-to-date curriculum vitae or resume on deponent's background, training, and education.

9. A written list of cases where the deponent has provided deposition or trial testimony as an expert witness.

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON JANE DOE, Plaintiff, v. CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL, Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH CIRCUIT CASE NO.: 2010-CP-10-7699 **Certificate Service**

hereby certify that on this 1st day of February, 2012 a copy of the above and foregoing **AMENDED NOTICE OF DEPOSITION** has been mailed by facsimile and by mail to all counsel of record, postage prepaid and properly addressed as follows:

Aaron E. Edwards, Esquire
The Richter Firm, LLC
622 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29465

Brian Quisenberry, Esquire
Young, Clement, Rivers, LLP.
P.O. Box 993
Charleston SC 29402

Johdie S. Fort

TIMOTHY BREWERTON, MD
AMENDED SCHEDULE A

You are commanded to produce and permit inspection and copying of the following documents or objects·

1. All files, documents, books, papers or other materials relied upon in making an opinion in this case.

2. A copy of all documents provided to the deponent by counsel, or a list of the same.

3. A copy of any opinions already rendered in this case.

4. All pages of materials, such as depositions or evidentiary documents containing notes in the margins, underlinings, etc.

5. Printouts of all computerized documents or other information prepared by or received by deponent relating to this case

6. Copies of all correspondence and communications between the deponent and the hiring party/attorney, to include but not be limited to letters, e-mails, text messages, and phone messages.

7. A copy of the hiring documents to include but not be limited to contracts, letters, e-mails, phone messages and current fee schedule.

8. The most up-to-date curriculum vitae or resume on deponent's background, training, and education.

9. A written list of cases where the deponent has provided deposition or trial testimony as an expert witness.

10. Copies of any articles, books, or presentations on Repressed Memory Syndrome to which deponent has contributed.

11. Any other information or documentation on Repressed Memory Syndrome that deponent is relying on to make his opinions in this case.



Subject's initials _____ 85 Date _____
Interviewer _____ Total SCID-D score _____

SUMMARY SCORE SHEET FOR THE SCID-D

A. OVERALL DIAGNOSTIC IMPRESSION	☐ No evidence of a Dissociative Disorder ☐ Meets criteria for a Dissociative Disorder ☐ Past episode ☐ Present ☐ Meets criteria for Acute Stress Disorder	
B. TYPE OF DISSOCIATIVE DISORDER	☑ Dissociative Amnesia ☐ Dissociative Fugue ☐ Dissociative Identity Disorder (Multiple Personality Disorder) ☐ Depersonalization Disorder ☐ Dissociative Disorder Not Otherwise Specified	
C. DISSOCIATIVE SYMPTOMS	Severity*	
AMNESIA	1 ☐ Absent 2 ☐ Mild 3 ☐ Moderate 4 ☑ Severe	☐ Only with alcohol or drugs ☐ Sometimes with alcohol or drugs ☑ Not associated with alcohol or drugs
DEPERSONALIZATION	1 ☐ Absent 2 ☐ Mild 3 ☐ Moderate 4 ☐ Severe	☐ Only with alcohol or drugs ☐ Sometimes with alcohol or drugs ☐ Not associated with alcohol or drugs
DEREALIZATION	1 ☑ Absent 2 ☐ Mild 3 ☐ Moderate 4 ☐ Severe	☐ Only with alcohol or drugs ☐ Sometimes with alcohol or drugs ☐ Not associated with alcohol or drugs
IDENTITY CONFUSION	1 ☐ Absent 2 ☑ Mild 3 ☐ Moderate 4 ☐ Severe	☐ Only with alcohol or drugs ☐ Sometimes with alcohol or drugs ☐ Not associated with alcohol or drugs
IDENTITY ALTERATION	1 ☑ Absent 2 ☐ Mild 3 ☐ Moderate 4 ☐ Severe	☐ Only with alcohol or drugs ☐ Sometimes with alcohol or drugs ☐ Not associated with alcohol or drugs

*See Severity Rating Definitions in the *Interviewer's Guide to the SCID-D*, Revised, pp. 18–22.

Scoring of the Summary Score Sheet for the SCID-D should be performed using the guidelines described in the *Interviewer's Guide to the Structured Clinical Interview for DSM-IV Dissociative Disorders* (SCID-D), Revised (Washington, DC, American Psychiatric Press, 1994. Copyright © 1985, 1993, 1994 Marlene Steinberg, M.D.)

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Diagnostic criteria for 309.81 Posttraumatic Stress Disorder *(continued)*

E Duration of the disturbance (symptoms in Criteria B, C, and D) is more than 1 month

F. The disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning

Specify if
Acute: if duration of symptoms is less than 3 months
Chronic: if duration of symptoms is 3 months or more

Specify if
With Delayed Onset: if onset of symptoms is at least 6 months after the stressor

308.3 Acute Stress Disorder

Diagnostic Features

The essential feature of Acute Stress Disorder is the development of characteristic anxiety, dissociative, and other symptoms that occurs within 1 month after exposure to an extreme traumatic stressor (Criterion A) For a discussion of the types of stressors involved, see the description of Posttraumatic Stress Disorder (p 424). Either while experiencing the traumatic event or after the event, the individual has at least three of the following dissociative symptoms a subjective sense of numbing, detachment, or absence of emotional responsiveness, a reduction in awareness of his or her surroundings, derealization, depersonalization, or dissociative amnesia (Criterion B). Following the trauma, the traumatic event is persistently reexperienced (Criterion C), and the individual displays marked avoidance of stimuli that may arouse recollections of the trauma (Criterion D) and has marked symptoms of anxiety or increased arousal (Criterion E) The symptoms must cause clinically significant distress, significantly interfere with normal functioning, or impair the individual's ability to pursue necessary tasks (Criterion F) The disturbance lasts for at least 2 days and does not persist beyond 4 weeks after the traumatic event (Criterion G) The symptoms are not due to the direct physiological effects of a substance (i e , a drug of abuse, a medication) or a general medical condition, are not better accounted for by Brief Psychotic Disorder, and are not merely an exacerbation of a preexisting mental disorder (Criterion H).

As a response to the traumatic event, the individual develops dissociative symptoms. Individuals with Acute Stress Disorder have a decrease in emotional responsiveness, often finding it difficult or impossible to experience pleasure in previously enjoyable activities and frequently feel guilty about pursuing usual life tasks. They may experience difficulty concentrating, feel detached from their bodies, experience the world as unreal or dreamlike, or have increasing difficulty recalling specific details of the traumatic event (dissociative amnesia) In addition, at least one symptom from each of the symptom clusters required for Posttraumatic Stress Disorder is present. First, the traumatic event

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is persistently reexperienced (e g., recurrent recollections, images, thoughts, dreams, illusions, flashback episodes, a sense of reliving the event, or distress on exposure to reminders of the event). Second, reminders of the trauma (e.g., places, people, activities) are avoided. Finally, hyperarousal in response to stimuli reminiscent of the trauma is present (e.g , difficulty sleeping, irritability, poor concentration, hypervigilance, an exaggerated startle response, and motor restlessness)

Associated Features and Disorders

Associated descriptive features and mental disorders. Symptoms of despair and hopelessness may be experienced in Acute Stress Disorder and may be sufficiently severe and persistent to meet criteria for a Major Depressive Episode, in which case an additional diagnosis of Major Depressive Disorder may be warranted If the trauma led to another's death or to serious injury, survivors may feel guilt about having remained intact or about not providing enough help to others. Individuals with this disorder often perceive themselves to have greater responsibility for the consequences of the trauma than is warranted. Problems may result from the individual's neglect of basic health and safety needs associated with the aftermath of the trauma. Individuals with this disorder are at increased risk for the development of Posttraumatic Stress Disorder. Impulsive and risk-taking behavior may occur after the trauma.

Associated physical examination findings and general medical conditions. General medical conditions may occur as a consequence of the trauma (e g., head injury, burns)

Specific Culture Features

Although some events are likely to be universally experienced as traumatic, the severity and pattern of response may be modulated by cultural differences in the implications of loss There may also be culturally prescribed coping behaviors that are characteristic of particular cultures For example, dissociative symptoms may be a more prominent part of the acute stress response in cultures in which such behaviors are sanctioned For further discussion of cultural factors related to traumatic events, see p. 426.

Prevalence

The prevalence of Acute Stress Disorder in a population exposed to a serious traumatic stress depends on the severity and persistence of the trauma and the degree of exposure to it

Course

Symptoms of Acute Stress Disorder are experienced during or immediately after the trauma, last for at least 2 days, and either resolve within 4 weeks after the conclusion of the traumatic event or the diagnosis is changed. When symptoms persist beyond 1 month, a diagnosis of Posttraumatic Stress Disorder may be appropriate if the full criteria for Posttraumatic Stress Disorder are met The severity, duration, and proximity of an individual's exposure to the traumatic event are the most important factors in determining the likelihood of development of Acute Stress Disorder There is some

that social supports, family history, childhood experiences, personality variand preexisting mental disorders may influence the development of Acute Stress This disorder can develop in individuals without any predisposing conditions, if the stressor is especially extreme.

Differential Diagnosis

symptomatology following exposure to an extreme stress is ubiquitous and often not require any diagnosis Acute Stress Disorder should only be considered if the symptoms last at least 2 days and cause clinically significant distress or impairment in occupational, or other important areas of functioning or impair the individual's to pursue some necessary task (e.g., obtaining necessary assistance or mobilizing resources by telling family members about the traumatic experience).

Acute Stress Disorder must be distinguished from a **Mental Disorder Due to a General Medical Condition** (e g , head trauma) (see p 165) and from a **Substance-Induced Disorder** (e g , related to Alcohol Intoxication) (see p. 192), which may be common consequences of exposure to an extreme stressor In some individuals, dissociative symptoms may occur following an extreme stressor. In such cases, **Brief Psychotic Disorder** is diagnosed instead of Acute Stress Disorder. If a **Major Depressive Episode** develops after the trauma, a diagnosis of Major Depressive Disorder should be considered in addition to a diagnosis of Acute Stress Disorder A separate diagnosis of Acute Stress Disorder should not be made if the symptoms are an **exacerbation of a preexisting mental disorder.**

By definition, a diagnosis of Acute Stress Disorder is appropriate only for symptoms that occur within 1 month of the extreme stressor Because **Posttraumatic Stress Disorder** requires more than 1 month of symptoms, this diagnosis cannot be made during this initial 1-month period For individuals with the diagnosis of Acute Stress Disorder whose symptoms persist for longer than 1 month, the diagnosis of Posttraumatic Stress Disorder should be considered For individuals who have an extreme stressor but who develop a symptom pattern that does not meet criteria for Acute Stress Disorder, the diagnosis of **Adjustment Disorder** should be considered

Malingering must be ruled out in those situations in which financial remuneration, benefit eligibility, or forensic determinations play a role.

Diagnostic criteria for 308.3 Acute Stress Disorder

A. The person has been exposed to a traumatic event in which both of the following were present
   (1) the person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others
   (2) the person's response involved intense fear, helplessness, or horror

B. Either while experiencing or after experiencing the distressing event, the individual has three (or more) of the following dissociative symptoms

(continued)

☐ **Diagnostic criteria for 308.3 Acute Stress Disorder** *(continued)*

(1) a subjective sense of numbing, detachment, or absence of emotional responsiveness
(2) a reduction in awareness of his or her surroundings (e.g., "being in a daze")
(3) derealization
(4) depersonalization
(5) dissociative amnesia (i.e., inability to recall an important aspect of the trauma)

C The traumatic event is persistently reexperienced in at least one of the following ways: recurrent images, thoughts, dreams, illusions, flashback episodes, or a sense of reliving the experience, or distress on exposure to reminders of the traumatic event.

D. Marked avoidance of stimuli that arouse recollections of the trauma (e.g., thoughts, feelings, conversations, activities, places, people).

E Marked symptoms of anxiety or increased arousal (e.g., difficulty sleeping, irritability, poor concentration, hypervigilance, exaggerated startle response, motor restlessness)

F The disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning or impairs the individual's ability to pursue some necessary task, such as obtaining necessary assistance or mobilizing personal resources by telling family members about the traumatic experience.

G The disturbance lasts for a minimum of 2 days and a maximum of 4 weeks and occurs within 4 weeks of the traumatic event.

H The disturbance is not due to the direct physiological effects of a substance (e.g., a drug of abuse, a medication) or a general medical condition, is not better accounted for by Brief Psychotic Disorder, and is not merely an exacerbation of a preexisting Axis I or Axis II disorder

300.02 Generalized Anxiety Disorder (Includes Overanxious Disorder of Childhood)

Diagnostic Features

The essential feature of Generalized Anxiety Disorder is excessive anxiety and worry (apprehensive expectation), occurring more days than not for a period of at least 6 months, about a number of events or activities (Criterion A). The individual finds it

difficult to control the worry (Criterion B). The anxiety and worry are accompanied by at least three additional symptoms from a list that includes restlessness, being easily fatigued, difficulty concentrating, irritability, muscle tension, and disturbed sleep (only one additional symptom is required in children) (Criterion C) The focus of the anxiety and worry is not confined to features of another Axis I disorder such as having a Panic Attack (as in Panic Disorder), being embarrassed in public (as in Social Phobia), being contaminated (as in Obsessive-Compulsive Disorder), being away from home or close relatives (as in Separation Anxiety Disorder), gaining weight (as in Anorexia Nervosa), having multiple physical complaints (as in Somatization Disorder), or having a serious illness (as in Hypochondriasis), and the anxiety and worry do not occur exclusively during Posttraumatic Stress Disorder (Criterion D). Although individuals with Generalized Anxiety Disorder may not always identify the worries as "excessive," they report subjective distress due to constant worry, have difficulty controlling the worry, or experience related impairment in social, occupational, or other important areas of functioning (Criterion E) The disturbance is not due to the direct physiological effects of a substance (i.e., a drug of abuse, a medication, or toxin exposure) or a general medical condition and does not occur exclusively during a Mood Disorder, a Psychotic Disorder, or a Pervasive Developmental Disorder (Criterion F)

The intensity, duration, or frequency of the anxiety and worry is far out of proportion to the actual likelihood or impact of the feared event. The person finds it difficult to keep worrisome thoughts from interfering with attention to tasks at hand and has difficulty stopping the worry. Adults with Generalized Anxiety Disorder often worry about everyday, routine life circumstances such as possible job responsibilities, finances, the health of family members, misfortune to their children, or minor matters (such as household chores, car repairs, or being late for appointments). Children with Generalized Anxiety Disorder tend to worry excessively about their competence or the quality of their performance During the course of the disorder, the focus of worry may shift from one concern to another.

Associated Features and Disorders

Associated with muscle tension, there may be trembling, twitching, feeling shaky, and muscle aches or soreness Many individuals with Generalized Anxiety Disorder also experience somatic symptoms (e g , cold, clammy hands, dry mouth, sweating; nausea or diarrhea, urinary frequency, trouble swallowing or a "lump in the throat") and an exaggerated startle response. Depressive symptoms are also common

Generalized Anxiety Disorder very frequently co-occurs with Mood Disorders (e g , Major Depressive Disorder or Dysthymic Disorder), with other Anxiety Disorders (e.g., Panic Disorder, Social Phobia, Specific Phobia), and with Substance-Related Disorders (e g , Alcohol or Sedative, Hypnotic, or Anxiolytic Dependence or Abuse). Other conditions that may be associated with stress (e g , irritable bowel syndrome, headaches) frequently accompany Generalized Anxiety Disorder.

Specific Culture, Age, and Gender Features

There is considerable cultural variation in the expression of anxiety (e g., in some cultures, anxiety is expressed predominantly through somatic symptoms, in others through cognitive symptoms). It is important to consider the cultural context when

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

JANE DOE, CASE NO 2010-CP-10-7699

Plaintiff(s),

-vs-

CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL,

Defendant(s)

THE DEPOSITION OF TANYA E BOLTON, taken on behalf of the Defendants on Thursday, February 16, 2012 commencing at 2 29 p.m. at the Law Offices of Senn Legal, 3 Wesley Drive, Charleston, South Carolina

REPORTED BY: Nicole D White

A-P-P-E-A-R-A-N-C-E-S

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INDEX

EXAMINATION	Page
By Ms Jackson	004
By Mr Quisenberry	077
RE-EXAMINATION	
By Ms Jackson	101
By Mr Quisenberry	111
Certificate	112
Errata Sheet	113
Signature Sheet	115

EXHIBITS

Exhibit 1 - Curriculum Vitae	013
Exhibit 2 - Initial Assessment	019
Exhibit 3 - Photo Collage (Retained by Mr Edwards)	111
Exhibit 4 - Photo Collage (Retained by Mr Edwards)	111

(TANYA E BOLTON, having been first duly sworn, testified as follows)

E-X-A-M-I-N-A-T-I-O-N

BY MS JACKSON

Q Will you please state your full name for the Record?

A Tanya E Bolton

Q And Ms Bolton, my name is Robin Jackson I represent Charlie Smith who's one of the Defendants in the lawsuit that has been brought by [redacted] and next to me is Brian Quisenberry He represents the Charleston County School District and James Island High School, is that right? 14 29 08

MR QUISENBERRY Yeah 14 29 19

Q Okay Have you ever given a deposition before?

A I have

Q Well, this is just my opportunity to ask you some questions If at any time you don't understand my question, I know these are some technical medical issues, if I use an incorrect term, if you would let me know so that you don't just answer the question based on an incorrect term I want to make sure that we're all on the same page with the questions and answers And 14 29 27 14 29 43

if I stumble over something or you don't understand my question, please let me know and I'll be happy to rephrase it, okay?

A Okay

Q Also, if at any time you need to take a break, you just let me know and we'll take a break 14 29 51

A Okay

Q You brought a file with you today Did you receive the subpoena from my office?

A I did **14 29 59**

Q And did you bring everything that was listed in the subpoena?

A I did Uh-huh

Q Okay So do you have a copy of your retainer agreement? You don't have a retainer agreement you're a treating? 14 30 09

A That's right

Q Have you received any correspondence from the Richter Law Firm?

A I have not. **14 30 17**

Q Okay

A I don't think so No, I have not

Q Okay Did you bring a current copy of your CV?

A I apologize, I did not bring a current copy That is what I sent them is a current copy **14 30 31**

Page 6

Q Sent on May 11th of 2011?
A **Yes**
Q It hasn't been updated since then?
A **I actually updated it, but when I e-mailed it to [redacted], that was the updated copy** 14 30 45
Q When was that?
A **I'm trying to think I cannot remember the exact date, but the last time that I sent -- I'm not sure if it was the last -- the last time that I sent you notes she received the updated** 14 31 01 **copy, so that would be it If that's the last thing that you received from [redacted], that should be it There weren't any major updates.**
MS JACKSON Okay Can you check with [redacted], because in all the 14 31 16 updates, I never received an updated CV and this one is a year -- over a year old?
MR EDWARDS I'll have to check
A **I'm about positive that's the correct one I'm** 14 31 25 **pretty sure**
Q This one from May of 2011?
A **It should be. It should be**
Q All right You have a Bachelor's and a Masters Degree, correct? 14 31 41

Page 7

A. **Yes, ma'am**
Q And I want to go through your area of expertise with you Family and marital counseling, was that involved in your treatment of [redacted]? 14 31 53
A **In terms of family background and obtaining a family history that was involved, yes, ma'am.**
Q Okay And is that the only thing you did with regard to family was to obtain the history?
A **That was it, uh-huh** 14 32 09
Q Okay All right And then physical and sexual assault counseling?
A **Uh-huh**
Q And then substance abuse counseling, has there been any substance abuse counseling for Michelle 14 32 20 Redden?
A **No, ma'am**
Q Okay And this matter didn't involve any professional consulting?
A **No, it did not** 14.32 28
Q So basically what we're dealing with in your areas of expertise are physical and sexual assault counseling and then background of the family?
A **Yes** 14 32 37

Page 8

Q Okay Did you have any contact with the department of social services, police or court officials in regard to your treatment of [redacted]
A **No, ma'am** 14 32 50
Q Okay Have you prepared any written psychosocial assessments?
A **The initial -- and that was the initial psychosocial**
Q Okay And that's the one from March 25th? 14 33 01
A **March 25th of last year.**
Q Okay All right
A **And there was one updated diagnosis that should have been reflected in the last set of notes**
Q Okay What is a biopsychosocial assessment? 14 33 14
A **It is about as holistic an assessment as you can get We look at physical issues that a person presents Their psychological wellbeing Any history of mental or psychiatric, if there is a psychiatric history We look at alcohol or drug** 14 33 48 **abuse, if there is that history All types of social. We look at the entire person from every possible aspect possible**
Q Okay So did you evaluate [redacted] as a biopsychosocial assessment? 14 34 06

Page 9

A **Yes That was the March 25th, 2011 assessment**
Q All right Are you teaching or have you taught any classes other than what's listed in this CV and I'm happy to show it to you?
A **Okay** 14 34 22
Q (Document tendered)
A **Everything should be there Abnormal psychology -- so those are all I think last semester I did teach a -- I think they gave all of us a, what do they call it, a seminar class, which is** 14 34 43 **just for life skills for the students, but that's not technically a psychology class**
Q Okay And I show that you were a research associate at Benedict College?
A **Yes, ma'am** 14 35 00
Q What type of research did you do?
A **Institutional research We looked at various types of research that affected students and learning outcomes and then we compared them to other HBCU's, historically black colleges and** 14 35 12 **universities, as well as some of your main stream, like the University of South Carolina I don't think College of Charleston was included, but we did look at other schools to look at the -- just basically the backgrounds of** 14 35 25

Page 10

students and what factors played into their ability to achieve academically

Q Okay Have you given any presentations or prepared any professional papers that would have assisted you in your treatment of [redacted] 14 36 12

[redacted]

A Presentations, yes As far as papers, no, ma'am

Q Okay Which of the presentations on here would relate to [redacted] 14 36 22

A There was -- let me see.

Q (Document tendered)

A There was another -- "Let's talk about sex" and "The straight talk with teens," but it was also geared for -- it was one for the kids and one 14 36 47 for the parents and talking about sex and sexuality and overall dating and safe dating and how to make healthy relationship choices There was also a particular portion of that presentation that talked about ways for teens to 14 37 03 actually let someone know if they've been assaulted, because most people don't go to their parents If they do tell, it's years later and it's to a stranger or someone else and so we had that portion included, ways to report. 14 37 21

Page 11

Q I'm sorry, what did you say?

A I'm sorry, just ways to report different types of abuse

Q By the time you me[redacted] she already had reported the abuse, correct? 14 37 33

A Correct

Q So did that really apply to her?

A No I'm sorry, I thought you asked something else, if I had presented something since I've known her, but no, that wouldn't 14 37 44

Q Anything that would have applied to her treatment?

A No, I'm sorry

Q Okay All right So you are a licensed professional counselor, correct? 14 38 08

A. Yes

Q And I meant to ask you this earlier, are you on any medications or is there any reason that you do not believe you can give a truthful deposition here today? 14 38 21

A No, ma'am.

Q Okay Are you qualified to assess and treat for dissociative disorders?

A Yes, ma'am

Q Okay And did you assess or treat[redacted]for 14 38 33

Page 12

any dissociative disorders?

A Yes, ma'am.

Q Which ones?

A In particular, when you're dealing with folks who have a history of physical or sexual 14 38 46 assault, you look for issues surrounding anxiety or depression and specifically -- specifically, if you're talking about posttraumatic stress disorder, there tends to be dissociative quality, dissociative amnesia is one that I 14 39 03 continued to research and assess for and that was one of the latest diagnoses that was updated, I think around the end of last year, the beginning -- probably around the end of 2011 14 39 20

Q Can you find that in your notes?

A Sure I'm picturing where that second set of notes are -- I faxed them and then I left them

MR EDWARDS She probably has a copy 14 39 54

A Okay It will be the last set of notes that you received and it should have been November actually of last year

Q November 4th?

A Thank you Yes, ma'am Or actually check 14 40 21

Page 13

November 11th It should have been roughly around there Not November 4th, it had to be 11th or thereafter

Q The last note I have is November 8th

A. The diagnosis -- 14 40 46

Q I'm not trying to make you read upside down

(Document tendered)

A. That's okay.

Q Let's see

A That's the other set. 14 40 56

Q No, these are the bills

A I apologize. I can't believe I left them

Q I don't see those November 8, then it goes to November 21

A Okay November 21 14 41 45

Q Okay Posttraumatic stress disorder, dissociative amnesia

A Yes That includes all the axis on that one

Q All right Well, we're gonna go through these visits and we'll -- when we get there, we'll 14 42 03 talk about why you added that Let's go ahead and mark her resume

(Defendant's Exhibit 1 was marked for identification)

Q All right You do not have the ability to write 14 42 40

Page 14

prescriptions, correct?
A **No, I cannot**
Q Okay Apparently I'm missing something too so we'll start and then when I get to the end of these, I'll take a break and see if maybe they're in my big file I'm sure they are and I'll make a copy for you, too, so we can both look at them 14 43 22
All right I want to start with the initial, what did you call it, assessment? We can make room for you, too How many people have you treated who have had recovered memories of sexual abuse? 14 43 33
A **A lot It's hard to say exactly how many, but most of my practice, at least 80 percent of my practice deals with posttraumatic stress disorder, dissociative type disorders and recovered memory and things of that nature, so I can't really give you a number, but a large amount.** 14 44 02 14 44 19
Q Okay But your posttraumatic stress disorder patients also are dealing with HIV, aids, grief and loss of loved ones, divorce, involvement with DSS, correct?
A **A lot of them are, but the majority of my** 14 44 38

Page 15

clients are victims of abuse, physical or sexual abuse
Q Okay And of those physical and sexual abuse, what percentage are physical and what percentage are sexual? 14 44 53
A **I would say -- I would say out of 100 percent, at least 90 percent are sexual abuse and 10 percent are physical**
Q Okay All right All right How did you come to be involved with [redacted] 14 45 12
A **She was referred or I was referred to her by the Richter Law Firm.**
Q Okay And where did you meet with her on March 25th?
A **At the office in Mt Pleasant at the Richter Law Firm** 14 45 24
Q And why did you meet her at the law firm instead of at your office?
A **My office is in Columbia and it was just easier for the initial session to actually come to her** 14 45 37
Q Okay The section that says RE family --
A **Uh-huh**
Q -- Who was the historian?
A [redacted]
Q Okay Did anybody from the law firm provide you 14 45 48

Page 16

with any background information?
A **No With my initial assessments I rely wholeheartedly on the testimony of the client**
Q Okay What information did you have before you came down to meet with [redacted] 14 46 05
A **Basically that she was a young lady who was allegedly molested as a child and they knew that that was my area of expertise and they asked if I would be willing to meet with her and gain other information and that was pretty much it** 14 46 22
Q Okay Did they tell you at what age she was molested or by who?
A **To be honest, I don't recall a lot of information being given to me I can't say 100 percent that I wasn't told that, but I wouldn't doubt if I wasn't I like as little information as possible, so that I can kind of get a full picture from the client** 14 46 42
Q Okay Would it have mattered to you to know whether she was abused by two separate people at two different times in her life? 14 46 55
A **If that was something -- it's not that I wouldn't have asked them, but generally I try to get as much information from the client initially and then if there, you know, are gaps** 14 47 07

Page 17

that I want filled in, then I will, you know, ask questions to the attorneys afterwards But for the most part I pretty much got most of my information from [redacted]
Q Okay And did the law firm ask you to come down to their office? 14 47 18
A **They didn't I actually -- they let me know that she was not as trusting of therapists and I let them know that I didn't have a problem with coming there I actually asked if I could -- from what I remember, I asked if I could meet there and they did provide a space there for us** 14 47 32
Q Have you worked with the Richter Law Firm before?
A **I have.** 14 47 43
Q On about how many occasions?
A **Maybe --**
MR EDWARDS Couple of times with me
A **Couple of times Maybe two others** 14 47 54
MR EDWARDS I don't know
THE DEPONENT Me either
Q On what kind of cases?
A **Let me think One was an assault case**
Q Sexual or physical? 14 48 06

Page 18

A Physical assault of a child The other was also a physical assault, a child on another child Getting older, I don't remember as good as I used to

Q Do you have a list of cases that you've been involved in? 14 48 27

A I don't have it with me

Q But you have one?

A Not really Not really I have individual files, but over 15 years there's so many -- 14 48 37 yeah, I don't have an actual list that I can just put my hands on, no

Q Okay All right Was it just you and Michelle together alone in the room?

A Yes, ma'am 14 48 55

Q All right How do you go about determining whether the information that's being provided to you by the patient -- do you call them a patient or a client?

A Client 14.49 15

Q The information provided to you by a client is accurate?

A For the most part, initially you have to believe what you're told and after you've worked with a client for a while, you look at consistency, you 14.49 23

Page 19

tend to assess them beyond the main story that's being told It's a -- you never stop assessing for lack of a better explanation And what you'll find over time is there is consistency and if someone is saying that, you know, A or B 14 49 50 happened, you tend to see A or B show up in some other area of their life, so overall, it is the consistency

MS JACKSON Okay Let's go ahead and mark this 14 50 02

(Defendant's Exhibit 2 was marked for identification)

(Off-the-Record conversation)

BY MS JACKSON

Q Okay Did you ask -- what did you ask [redacted] 14 50 22 about her education?

A We tend to just ask basically about the last grade that you completed and you do ask specifics about, you know have them to kind of outline for the -- what they remember about 14 51 06 their education Of course, when she told me she stopped at ninth grade and she didn't remember a lot or how many times she was in ninth grade, we had to assess what was going on there 14 51.21

Page 20

But basically, just had her to tell the story and that led into a lot of the other story about the abuse as to why she did indeed stop at the ninth grade

Q Okay And now I understand that this is kind of your summary of what happened Do you have actual notes of this meeting? 14 51 31

A I will tell you -- I don't at this point What I normally do is I'll take my own personal notes in shorthand and my shorthand is horrible and 14 51 48 what I'll do is actually type it up so it looks like this (indicating) and if I'm lucky enough, I'll either rewrite it or type it and then I destroy my notes, unless there's something on there that -- something I need to know and it's 14 52 01 just -- you don't know how to put it in the report or it just doesn't make sense to put it in the report If it's not in here, which it isn't, then I've already destroyed it once I completed the typed copy 14 52 15

Q Okay Well, the part that I wanted to ask you about was under the school education

A Uh-huh

Q Do you recall if she told you that she had failed the ninth grade two times before dropping 14 52 31

Page 21

out?

A She did, yep I do remember that.

Q Okay Do you know why you didn't put that in there?

A I'm actually not sure I know that I referenced 14 52 39 it in other -- or another note, but no particular reason why I didn't put it in there

Q Okay And then on the third line it says, "She also recounts how she felt dead inside after the abuse " Is that talking about at the time of 14 52 57 the abuse or now?

A Oh, it was at that particular time

Q Okay

A Of course, she talked about feeling that way now, but in relation to this 14.53.09

Q This is talking about then?

A Yes, ma'am

Q "And blamed herself for not knowing how to stop it," is that back then?

A Yes, ma'am 14 53 17

Q "And she contributed her dropping out to the depression anxiety and other negative symptoms related to the sexual abuse by her former teacher and coach Charlie Smith "

A Uh-huh 14 53 28

Page 22

Q Is that how she said she felt back then?
A **She said that's how she felt back then and now**
Q Okay Right And she has actually testified and she's been able to tell me how she feels now, but she said that she wasn't able to tell 14 53 40 me how she felt back then, that's why I wanted to find out from you if that is what she indicated to you
A **Uh-huh**
Q All right All right On her employment it 14 53 49 says that she reported working for the Summerton Fire Station and then the Department of Corrections and then the sheriff's office
A **Uh-huh**
Q It appears she left out several employers 14 54 06
MR EDWARDS Objection
A **Okay**
Q And two of the employers she left out were employers who terminated her after she had a sexual relationship with her employer Did she 14 54 18 make you aware of that?
A **She did She actually did mention that Now, I do know for a fact the reason I didn't include that in the employment is because she did -- I didn't go back to clarify which particular jobs** 14 54 38

Page 23

they were that terminated her And I did not want to in error include that in there, but I made sure, if I'm thinking correctly, I think that should have been in other notes.
Q Okay All right And does that inappropriate 14 54 57 sexual -- well let me not characterize it Do those sexual relationships mean anything to you from a clinical standpoint?
A **Considering her history, definitely**
Q The fact that she initiated sexual relationships 14 55 19 with supervisors?
MR EDWARDS Object to the form
Q You can answer
MR EDWARDS Go ahead and answer
A **Definitely Whenever a person is sexually 14 55 31 assaulted, they can do one or two things and very little in the middle. They either totally withdraw and sex is the last thing that they want, or they can seek out sex with -- in a way to resolve the issues that they had because of 14 55 48 the abuse, they will tend to seek out people that they normally wouldn't seek out Or again, they could have some normalcy, but that's rare That's rare**
So [redacted] mentioned -- and I'll even say 14 56 03

Page 24

it's totally normal, again, just to seek out an authority figure and to see if you can then control the situation, because you didn't have control before What I think she found is that that still didn't take away the hurt or the 14 56 22 pain. It did not make it better
Q But at the point that she was having these relationships with her supervisors --
A. **Uh-huh.**
Q -- isn't that when she's claiming she had 14 56 30 repressed the memories of this abuse?
A **I'll use the saying that we say, that even if the mind doesn't remember, the soul does And I say that to say this, there are plenty of things that I believe [redacted] did, even during the 14 56 47 time that she didn't remember and can better make sense of now that she does remember. So the only thing I can -- I can say based on research, based on knowledge about abuse in our field, is it's just not unlikely for a person 14.57.06 to, again, be very sexually active or even to seek out people who in an -- in some manner remind them or have a similar role as a person who was the abuser. So even if she didn't recall, again, somewhere in her soul she 14 57 22**

Page 25

remembered Something was remembered
Q Okay And [redacted] actually has had three alleged abusers, correct, four, I'm sorry, four alleged abusers?
A **Four abusers? 14:57:35**
Q Yes You're not aware of four abusers?
A **There was the babysitter when she was four I have to remember Who am I forgetting?**
Q The father, her stepfather and Charlie Smith
A **You're talking about physical abuse, as well as 14 57 57 sexual?**
Q Correct
A **Correct There were two sexual abusers and two physical abusers**
Q Right And it's my understanding from 14 58 07 Dr Brewerton earlier, that she was a witness to her father raping her mother at some time in childhood, as well
A **Uh-huh**
Q So we've got four time periods of abuse, sexual 14 58 17 physical, physical, sexual?
A **Right**
Q And I think the physical kind of went through the teenage years
A **Uh-huh 14 58 33**

Page 26

Q I don't know where I was going with that
Totally lost it All right I'm sure we'll get
back there
MR EDWARDS Happens to me all the
time It will come back 14 58 48
Q All right On the section of sexual abuse
history --
A Okay
Q -- there is a very teeny, tiny, two sentence
paragraph about the babysitter 14 59 04
A Okay
Q Why is there not more information there about
that situation?
A She didn't share anymore information at that
time She basically said that she remembered 14 59 17
it She remembered her name was Linda and she
said I honestly can't remember that much about
that But she was consumed about Charlie Smith
and she was looking forward to talking about it
as much as she could at that time anyway 14 59 36
Q Okay
A But I did encourage her if she had any memories
about that whatsoever to share
Q What was she able to provide to you about the
time frame of the abuse that she's alleging by 14 59 52

Page 27

Charlie Smith?
A The biggest thing was that ninth grade year
She made it clear that there was a significant
amount of time where there was just no memory
and -- but she knew that it had to have happened 15 00 10
before she dropped out of school, which would
have been her ninth grade year
Again, she did mention that she was in
ninth grade twice She didn't quite remember
being in ninth grade twice and I think it was 15 00 25
later that we were figuring out it may have been
three times Once in Pennsylvania and twice,
you know, here So basically it all surrounded
or revolved around that ninth grade year, which
would have been her second ninth grade year 15 00 44
coming from Pennsylvania
Q Okay At some point later did y'all go back and
talk about the abuse by the babysitter?
A. We did, but there was still not a lot of
memories about it She just remembered 15 01 01
inappropriate touching My biggest concern was
to figure out what happened, if she remembered
everything that happened, how many times perhaps
and how did that affect her after that There
wasn't anything major She just remembered it 15 01 18

Page 28

was wrong It was a bad situation and she just
kind of went on about life
Q Okay Were you aware or has anybody told you
that she has most recently told Dr Brewerton in
her assessment with him that she was forced to 15 01 37
perform oral sex on the babysitter?
A She did not tell me -- tell me that What she
did tell me is that she remembered the
inappropriate touching and that she was sure
that there was more, but she was not at all 15 01 52
comfortable talking about it The only thing
she did mention is that probably led to her
identity confusion and that led me to figure,
but I did not -- I don't believe I made any
notes about it because she had not reported to 15 02 06
me that that happened. But she alluded to the
fact that there was more
Q Did she ever tell you that she had repression of
those memories?
A No, she never used that terminology It was 15 02 17
more of, I was young, and for the most part she
was just overwhelmed with Charlie Smith and
trying to recover those memories, because that's
where she felt like life really took a change
for the worse for her 15 02 38

Page 29

Q Okay So she did not tell you that she had no
memories from age 0 to age 10, 11, 12 or 13?
A I won't say that She told me that she had --
from what I can recall, she said most of those
years were just very much non-existent or very 15 02 53
blurry for her and she kind of attributed it to
just age
We talked about the abuse from her father,
stepfather, those years, but in terms, I can't
say she used those -- that particular 15 03 09
terminology
Q Okay Would you be surprised if she told
Dr Brewerton that she had a gap in her memory
from ages 0 to 10, 11, 12 or 13?
A No, I wouldn't be surprised From the history 15 03 25
that she has given me, there were plenty of
gaps There were a lot of gaps in her life
Q How does the fact that she was sexually abused
and if Dr Brewerton's records are correct,
forced to perform oral sex on a female 15 03 40
babysitter at age four, which was reported by
the babysitter to the mother --
A Uh-huh
Q -- and stopped, how did that contribute to
shaping her as to who she was, being abused at 15 03 53

Page 30

that age?
A I will tell you that research shows that children are more resilient at younger ages, which means that she had a better chance of, I hate to say it this way, but getting over it or 15 04 14
getting through it as she got older provided there were no other occurrences Doesn't mean it didn't deserve any attention Unfortunately, it didn't get any But again, when children are abused at any age, I mean it can be detrimental 15 04 30
to them, but they are more likely to be more resilient if the abuse happens and depending on what type of abuse, how extensive the abuse is, if it occurs at a younger age
So I can't say exactly how that would have 15 04 47
shaped her, but honestly, I don't believe that it would -- her life would have taken the turn that it did had the abuse by Charlie Smith not happened I think if that was her only occurrence with the babysitter, I think we would 15 05 02
have seen a different [redacted]
Q Okay And what if the earlier abuse had never happened and we only had the abuse with Charlie Smith?
A I'm considering her age, considering the impact 15 05 13

Page 31

that he had on her life, the fact that he was in a sense the father figure that she never had and now she had found something that she thought was golden and awesome and that she was disappointed and he basically destroyed everything that was 15 05 33
good Even if that was her only incident, it still could have had a large impact on her life and could have, again, that alone still could have, I don't want to say destroyed her life, but darned near. It could have influenced her 15 05 53
life in the same manner it has at this point.
Q All right By the time she got to you the first time she had already uncovered some of these memories
A Uh-huh 15 06 20
Q She had already been treated by Heidi Zinzow for posttraumatic stress disorder and depression
A Uh-huh
Q And then you say, [redacted] often disassociated during her recall in the sexual abuse " 15 06 46
A Right
Q In what way did she disassociate?
A There wasn't any regression, thank God, but there was a serious zoning out and it was as if she had honestly left the room And I had to 15 07.04

Page 32

regain her attention and remind her of where we were and the fact that she was safe And in retelling her story, she would often start to refer to various details in the story as if she was doing just that, telling someone else's 15 07 24
story, but her body language, the zoning out, the -- it was just classic dissociation, but without the regression. And when she finally -- when I had to redirect her and try to make her feel comfortable telling the story as if it was 15 07 42
her story, it is her story and to own it, we kind of lost a little control there She wasn't ready to do that I think it was overwhelming
But in terms of dissociation, it was this -- it was the zoning out, the not being as 15 07 56
present It was as if she was experiencing some of the trauma at that point
Q Okay In the next paragraph you said, "She talked about feeling damaged, used and worthless and remembers feeling that way following the 15 08 21
sexual abuse "
A Uh-huh
Q Did you and she put a timeframe on that following the sexual abuse?
A She didn't She just talked about even if she 15 08 28

Page 33

-- she talked about not even remembering how extensive at that point the abuse was But she talked about remembering, especially after the suicide attempt, she remembered just -- and feeling that particular way and she just said 15 08 48
she felt that way since then throughout her life, so it's kind of like she remembers after the incident happened, she couldn't tell me when it started and/or when she started feeling that way, she said, "I just know after that life 15 09 04
changed I can't tell you when, but it did " And she says she's felt that way ever since
Q Okay And she said that she attempted suicide following the sexual abuse, because she couldn't deal with the depression and emotional distress 15 09 21
from the sexual abuse?
A Yes, ma'am.
Q All right Do you have an opinion as to at what point she developed this dissociative amnesia?
A I have no clue It's -- I don't think there's 15 09 36
any way to really tell, to be honest
Q And do you -- can you say to a reasonable degree of certainty as a counselor exactly when she actually recovered these memories?
A I cannot -- cannot say exactly when I will 15 09 52

Page 34

tell you that I'm surprised that she didn't start recovering them before now having been, you know, just having worked with inmates and the sexual abuse I think that actually helped in the recovery, because she was being presented with what had happened to her, so at some point it was going to resurface But as far as when it happened, there's no real way to determine that 15 10 12

Q All right I'm gonna go through these fairly quickly I've just got a couple of things probably for each one 15 10 27

A Okay

Q The March 29th note

A Uh-huh 15 10 39

Q In the second paragraph she talks about being angry with herself for not having told years ago or after the incident occurred

A Uh-huh.

Q Is that something that she felt back then or something she's feeling now? 15 10 47

A Both

Q Okay All right And this appears to be where in the second paragraph where she said her life changed drastically and for the bad following 15 11 11

Page 35

the sexual assault

A Uh-huh

Q And she couldn't tell you when, but she knew it was because of the sexual assault?

A Uh-huh 15 11 20

Q Is that a yes?

A That's a yes

Q Okay All right April 5th, she said in this, in paragraph one, that she fears everyone will know that she was a victim Were you aware that she actually wrote letters in the community and sent post cards out about Charlie Smith? 15 11 37

A Yes

Q So if she's afraid, people will think she's a victim and yet she's sending out letters letting people know what happened with Charlie Smith and putting her own personal phone number on the cards isn't that letting everyone know she's a victim? 15 11 49

A It is, but in this particular instance she was an employee and she thought that she was making a report that was going to be somewhat confidential and that it wasn't gonna be coded a certain way She was extremely -- she just became paranoid. I mean, her co-workers would 15 12 00

Page 36

know that she was raped She knew that they could talk and that the inmates might know and so it was a different kind of thing For her it was more of they took her control away

Q Do you know -- I'm sorry, go ahead 15 12 33

A They just didn't honor -- she asked them to code it a certain way to protect her and it wasn't, so for her it was different in that regard

Q She wanted a special favor?

MR EDWARDS Object to the form 15 12 47

A I wouldn't say that

Q Well, she deserves to be coded the way all victims of this crime are coded, correct?

A. But she was an employee

Q Do you know if any other employees ever searched her record? 15 12 57

A I'm not sure I think that at some point -- I'm not sure. I'm honestly not sure I just know that there were other employees who would look at -- who would look up other employees just because they could and she was afraid that that would happen to her 15 13 15

Q But you don't know if it actually did?

A I can't recall at this time

Q Okay Okay April 15th, her diagnosis is still 15 13 26

Page 37

just PTSD, depressive disorder and relational problems It appears that she wants to blame every single thing that's happened in her adult life on Charlie Smith, despite the fact that she had an abusive father, an abusive stepfather, both of whom she should have been able to rely on A mother who was, if not an enabler, at least didn't stop it 15 13 55

A (Indicating.)

Q A brother, who also in the same position as the mother, who if not an enabler didn't stop any of the abuse that was happening to her in the home Sexual abuse by a babysitter and an allegation against this teacher All of these abusive situations went on for a longer period of time than the one with Charlie Smith 15 14 07

A Uh-huh

Q So it appears to me that this dramatic statement about how she would be married with a child and would have attended college and had a better job and not been plagued with depression and poor self-esteem, that she had already failed the ninth grade twice before she had this episode that she alleges with Charlie Smith, that at some point some of this responsibility needs to 15 14 25 15 14 44 15 14 58

Page 38

be on [redacted] and not necessarily on others
MR EDWARDS Object to the form
Q Does that not come into play at all?
MR EDWARDS Same objection 15 15 09
Q You can answer
MR EDWARDS What exactly is the question?
Q Did it ever come up that maybe some of this responsibility should be on [redacted] for the way 15 15 19
her life turned out? I need you to answer the question
MR EDWARDS Answer it, if you understand
A **If I'm understanding you correctly, I would 15 15 31**
blame the adults who put [redacted] in that
situation, but what I will tell you in dealing
with victims of physical assault versus sexual
assault, physical assault, unless you were
beaten repeatedly almost to death, you can 15 15 44
rebound quicker than you can from sexual
assault It's almost an offense to your soul
and I know I said that a lot, but it penetrates
you much deeper than a hit ever could So did
the other things that happened, could it have 15 15 59

Page 39

affected her as well, yeah, I think so But was
that the icing on the cake, what happened as far
as the physical or I'm sorry, the sexual assault
by Charlie Smith, I would be willing to bet that
that was just as much -- just as detrimental as 15 16 15
anything that happened and I'll tell you why
When you have a father and you come to
understand and accept the fact that this is who
he is, he's not good, he's gonna beat my mom
Q He's gonna rape my mom? 15 16 31
A **Yeah**
Q That's a sexual assault, right?
A **That's true**
Q And done in her presence?
A **That's true And I believe that was 15 16 38**
traumatizing, but it was traumatizing in a
different way That's all I can -- it's
traumatizing in a different way It still
wasn't her It was hurtful to see that towards
her mom and it would be hurtful, but it's a 15.16.51
different thing to see your stepfather and to
know that he's verbally and physically abusive
to your mom and at some point, you know, can act
out on you, I think that's a horrible thing and
that's traumatizing, but to finally have a hope 15 17 04

Page 40

in someone who has then replaced the only -- you
know, you've never had good male role model,
other than your brother, still doesn't equate,
but you finally have someone, a Charlie Smith,
and he is like this king at school and he's the 15 17 21
only person you ever put your trust in and for a
short period of time he's proven to you that he
is worthy of, you know, your admiration and all
this great stuff and then for him to do that, I
believe wholeheartedly was just as crushing as 15.17 36
anything else she had gone through
Q Okay So why is it that everything she is saying here is all his fault and not equally spread out amongst all of her abusers?
A. **Well, understand, we have talked about it I 15 17 51**
can't put everything in a note, I will say that
just because of the length of the note, but we
have talked about that and -- but she has been
able to make assessments of what has affected
her the most and based on what she remembers, 15 18 04
because she talks about how -- or she's talked
to me about how the father's abuse affected her,
how the stepfather's abuse, but it did not
compare to how she -- how this affected her with
Charlie Smith It was just different for her 15 18 23

Page 41

and that's what -- that's what's had the most
impact on her
Q Has it been discussed that the only person with insurance coverage is Charlie Smith?
MR EDWARDS Object to the form 15 18 33
A **I don't think that would matter to her**
Q She's suing for money, isn't she? She can't get anything else?
A **That's her only recourse Legally that's the**
only recourse 15 18 48
Q The babysitter, she can't sue her now?
A **We don't know where she is**
Q The dad and the step dad, nothing to get from them, is there?
A **Still different 15 18 55**
Q Okay Charlie has -- Charlie and the school district, they have money behind them, right?
MR EDWARDS Object to the form
Q They do, don't they, they have insurance coverage, right? 15 19 10
A **Well, I'm sorry, who has insurance coverage?**
Q The school and the teacher?
A **I don't believe she looks at it that way**
Q She only knew Charlie for a couple of months, right? He was her teacher, she started at that 15 19 26

Page 42

school in September
A Uh-huh
Q And he was her world geography teacher
A Uh-huh
Q So she had him for maybe 50 minutes a day and 15 19 34
then softball
A Softball coach
Q Which was a spring sport, so it wouldn't have
even started until January, February
A Okay 15 19 46
Q According to my research with the school
district and the NCAA, whatever, high school
athletic league, softball didn't start until
January, February So other than seeing her in
class for 50 minutes a day for the first 15 19 59
semester and then a two week Christmas break and
then she commits -- attempts suicide on February
13th we actually have a very short time period
of her knowledge of Charlie Smith, correct?
A I wasn't able to figure out exactly how long, 15 20 15
but there was so much opportunity because they
had a lot of contact outside of school and --
Q According to her?
A And according to her mother
Q Were you aware that Charlie Smith was a football 15 20 29

Page 43

coach in the fall and a wrestling coach in the
winter?
A I didn't ask about that
Q Okay So if the information that was provided
by your client and her mother isn't fully 15 20 39
correct, then there may not have been as much
after school contact as they've said?
A Who's to say it's not correct She painted with
him
Q And at the outside evidence of the painting 15 20 51
company is that she never painted with him
You're taking this all from her, correct?
A Correct
Q You haven't done any outside research on whether
or not what she's telling you is true? 15 21 01
A I have not
Q Okay All right Did you consider any of
[redacted]s bias towards her -- strike that Let
me start over again
Did you ever consider that the litigation 15 21 23
is the reason why she's putting, basically all
of her eggs in one basket and she's trying to
make everything be the fault of Charlie Smith?
A As therapists, you have to consider everything
Q But you couldn't, because she didn't tell you 15 21 42

Page 44

everything
MR EDWARDS Object to the form
Q Aren't you learning some stuff for the first
time today?
MR EDWARDS Same objection 15 21 51
She's known what you're telling her
A Right I knew what she's telling me
Q But I'm pulling this from the records of
Dr Brewerton who was here just an hour ago
telling me she's saying the babysitter made her 15 22 03
give her oral sex You didn't know that before
today, did you?
A And I didn't seek it out, but did she allude to
it?
Q Did she allude to it? 15 22 11
A She did Did I push it, I did not
Q Okay You met with her on multiple times in Mt
Pleasant, correct?
A Correct
Q Okay 15 22 19
A And in Columbia
Q Okay This is the May 2nd visit and it says,
"She remembered feeling scared and embarrassed
about sexual abuse and that kept her from
telling her mother " And is that what she was 15 22 38

Page 45

telling you about how she felt back then?
A She did She remembered the oral sex in
particular and him ejaculating in her mouth and
she recalled that.
Q That she feared being blamed? 15 22 51
A She did She just felt embarrassed, she felt
disgusting She talked about those types of
things
Q Okay So the fact that she had been feeling
those on -- for a time period after this and 15 23 05
presumably up until the suicide, would that be
suicide attempt, would that be correct?
A That would be correct
Q So at that point she had not developed
dissociative amnesia, because she was still 15 23 20
recalling these events and they were causing her
problems?
A Right
Q Okay All right On the note that says May 2nd
through May 6th 15 23 46
A Okay
Q On page two, the second dot it says, "Client
recalled attempting suicide via O-Ding on meds
at home " Were you aware that she actually took
the pills and entered and went into Mr Smith's 15 24 02

Page 46

classroom where she collapsed on his classroom floor?
A I'm sorry?
MR EDWARDS Which one are you talking about? 15 24 16
Q The second bullet point It says, "Client recalled attempting suicide via O-Ding on meds at home " But in truth, she took the pills at school and after she took the pills, she walked into Charlie Smith's classroom and collapsed on 15 24 30 his floor Were you aware of that?
A **I remember at some point her talking about that I can't recall when**
Q Okay And then the last bullet point it says, "She has questionable memories about some 15 24 49 things " Have you ever talked to her further about that and whether or not she's developed those?
A **She reported -- we talked about things, but I'm not pushing her to or trying to lead her to 15 25 03 recover any new memories per se, but she talked about feeling that there was more abuse than the, the main things that she can recall, mainly the oral sex and what have you, but I have not tried to push her** 15 25 25

Page 47

Q Okay
A **To -- I wouldn't want to do that at this point**
Q That s fine, because I saw it there as questionable and she didn't want to talk about it until she was sure I just wanted to make 15 25 34 sure she hadn't become sure and that was just new information we needed to get
A **No**
Q The May 25th note is when she took some FMLA leave? 15 25 47
A **Yes**
Q What was it about May of 2011 that caused her to need the FMLA leave when she hadn't needed it in 2007, 2008, 2009 and 2010?
A **I can't remember to be honest with you Let me 15 26 03 see I cannot -- the only thing that I can remember -- I'm trying to think If I'm recalling correctly, if I'm remembering correctly, this is during the time when she was actually, I think trusting, I use that word, and 15.26.29 she started to share more information and while that was a good thing it started -- she began flooding and becoming overwhelmed And I do remember the Zoloft I remember asking her to go to her doctor and get the medication that 15 26 44**

Page 48

would help her kind of take the edge off while we continued to deal with the counseling The only thing that I can recall at this point is just the fact that she was becoming overwhelmed Because I was kind of -- I don't want to say 15 26 56 pressuring her, but I was giving her different types of assignments to help her confront those issues and to help her better deal with them I think it was just being overwhelmed, to be honest with you 15 27 12
Q Okay All right Here on June 23rd --
A **Okay**
Q -- the second bullet point says, "Client fearful of experiencing another panic attack related to memories and conversation about sexual assault 15 27 42 history (by babysitter and Charles Smith) "
A **Uh-huh**
Q And then it goes on to say, "She doesn't remember much about the babysitter incident " So if she doesn't remember much about the 15 28 01 babysitter incident, why is that included in her fear of another panic attack?
A **While she didn't remember, if I'm remembering correctly, again, we were discussing everything and one thing that I do try to do is to figure 15 28 15**

Page 49

out if a person can, again, because I'm constantly assessing to make sure that the issue that we're discussing is the real issue and other things are not as you, you know equally pressing The babysitter issue did come up and 15 28 29 again, she would -- she would not acknowledge that it was oral sex, but she kept alluding to the fact, so I did question her and she just said that she didn't remember as much about the baby -- you know that incident But again, I 15 28 46 was pretty sure that something oral had happened between her and the babysitter, so I know I just included it probably more for me than anybody else But that still was an issue The -- most of the memories were about Charles Smith 15 29 03
Q Okay And we don't have any allegation at this point at least of vaginal sex with Charles Smith, correct? Just her performing oral sex on him?
A **And the inappropriate touching Him fondling 15 29 15 her, I don't recall her --**
Q Is that the incident in the classroom full of students?
A **Right When he touched her on her leg and touched her around -- on her vagina And then 15 29 30**

Page 50

the incident in class I think when he put his hand -- he was talking and I think he lowered his hand onto her breast and he just kind of -- you know, you talk to a student or whatever and pat, but he actually touched her breast area and 15 29 45
I think her back, something along those lines

Q Did you read her deposition?

A I did

Q Did you see that she acknowledged in that deposition that that may have been incidental? 15 29 54
I mean, did you see that in the deposition?

A I can't recall, to be honest I remember her wondering -- I remember her mentioning that to me, but as a teacher, how do you not know that you're going to a child's breasts She was 15 30 14
developed by that time He would have known

Q When you asked her to journal and write and she agreed to write, did she actually do that?

A No She said she tried, but it was just -- it was difficult for her I knew she wouldn't 15 30 26
after a time I just encouraged her to do it if she could make herself do it

Q Okay

A. But she did begin talking to me more, so that was good 15 30 38

Page 51

Q Okay And throughout the course of this treatment they apparently are increasing her Zoloft?

A They did

Q Looks like Dr U increased it from 50 to 75 15 30 54
milligrams --

A Uh-huh

Q -- in July Then she was trying to withdraw from therapy, is that correct?

A At one point I think she went to the doctor 15 31 13
She did want to avoid me a little bit It was getting difficult for her to really deal with this The medication wasn't taking enough of an edge off and I think her doctor, the doctor had a therapist in the office and basically asked 15 31 31
her to have a session and I think she met with -- with her once But she wanted to stop therapy It was just difficult, but she came back She didn't stay away too long

Q Okay In August looks like you met with her and 15 31 48
in the second paragraph she said she -- "Following the sexual assault she reported feeling nasty and dead inside and she knew her life would never be the same Client recalled a change in her life that left her empty and 15 32 04

Page 52

desirous of death or isolation " Is that the way she felt then, because you said recalled back at the time of the assaults?

A She said she recalled during that time

Q Okay All right 15 32 18

A That was prior to the suicide attempt

Q All right Have you reviewed any of her employment records?

A I have not

Q Do you consider her to be an aggressive 15 32 46
individual?

A I think you have to -- I think you almost have to force her to be aggressive She'd almost have to feel threatened to be aggressive

Q She had several work suspensions She was 15 33 09
terminated from Wal-Mart for a violent act She was terminated from the Department of Corrections for refusing to accept an assignment She was suspended from the detention center on several occasions and now 15 33 25
she has been terminated from the detention center Were you aware of that?

A Yes.

Q And did you know that she has been listed as aggressive and difficult to work with on her 15 33 37

Page 53

employment record?

A. She's mentioned that

Q All right I know we've been through a lot of these records and now I kind of need to go back, but how do I know the difference between when 15 33 50
y'all just had a phone conference and when you were meeting face to face?

A Generally it should be in there Generally if we had a phone conference, usually I wrote in there that it was a phone conference 15 34 03

Q Like on May 9th, says May 9th and May 11th, but then underneath of it time says one hour So I can't -- is that two 30-minute sessions?

A It would have been one hour each I'm sorry, tell me what date again 15 34 23

Q Okay Wait, this one actually says May 11th is a phone conference Okay Let's see Yeah, let's look at July June 30th, July 8th and July 9th, are these all phone conferences, does say phone at one point? 15 34 50

A Yes Uh-huh All phone conferences

Q Okay All right And where did y'all meet sometimes in Mt Pleasant and sometimes in Columbia?

A. We did 15 34 59

Page 54

Q And when you would meet in Mt Pleasant did you meet at the Richter Law Firm?
A **For the most part, yes, ma'am That was just easiest.**
Q Okay After you met with [redacted] did you get, any other information from the Richter Law Firm or anyone else? 15 35 09
A **No, ma'am**
Q Okay All right When -- before you made your very first diagnosis of PTSD, which symptoms did she have of PTSD that caused you to make that diagnosis? 15 35 33
A **Sure The severe anxiety sometimes accompanied with the panic attacks**
Q Okay 15 35 45
A **Okay The depressed moods I was just letting** you write
Q Okay You don't need to She'll get it and I can get it from her later Sorry, go ahead
A **I'm sorry There was -- of course with PTSD, just as a background, usually when a person's traumatized it's acute stress disorder and then the time -- because of the time progression it turns into a PTSD diagnosis But again, it's the anxiety with her in particular, accompanied** 15 36 03 15 36 20

Page 55

with panic attacks, the depression There were dissociative qualities present There was a continual flooding of the event, even though they were fragmented memories that, again, they continued to -- she continued to relive them and there were triggers Those were base -- were most of the basic criteria that she continued to deal with 15 36 37
Q Okay
A **And of course, all of the physiological issues they are a result of the anxiety I'm trying not to sound like a DSM-IV criteria box** 15 36 53
Q All right It appears from this note of September 7th that she talked to you the evening in the middle of her deposition Her deposition was on September 7th and 8th? 15 38 18
A **Yes, we talked**
Q Did she call you? It's a handwritten note
A **Okay I hate those If I'm remembering correctly she probably texted me during a break and then I called** 15 38 45
Q Okay And it says one and a half hour session Was it just a phone call or did she come and see you?
A **No That wouldn't have been at one time That** 15 38 56

Page 56

would have been we spoke several times throughout the day, so if we had several calls that would have been the total amount of time that I would have spent with her in that particular day 15 39 08
Q So she talked to you during the middle of the deposition when she was here at my office?
A **I'm positive I think I've spoken to her during most of the depositions via text and then we may have during one of your breaks and then definitely after the deposition** 15 39 19
Q Okay Because I don't see anything after the deposition for a week Deposition was finished on the 8th and you don't have a note for the 8th Your next note is for the 15th? 15 39 35
A **I did speak with her on the 8th, too I'm pretty sure I did, because you guys did go over there. I do remember that she had called back I don't know what I would have done with that note** 15 39 53
Q You don't have a note for the 8th?
A. **I don't have a note in here for the 8th And it's possible I just didn't do one, especially if it was a short conversation Generally I like to have a note for every conversation we** 15 40 20

Page 57

have
Q Okay
A **Or if it was a repeat of one, sometimes I will not write one But generally I don't make a habit of not writing a note** 15 40 32
Q One of the things that I keep coming back to is not the situations that she alleged occurred in private
A **Uh-huh**
Q Mainly the oral sex incident or anything at the stables But the two incidents where she claims she was sitting at his desk at the front of a classroom full of students and at one point alleges that he took her hand and put it on his penis and on another day when she went back up there and sat at his desk, again, he took his hand and put it under her dress on her vagina 15 40 57 15 41 15
A **Uh-huh**
Q And I guess, it just seems unlikely You know, if she had said it happened after school and there were no students in there -- 15 41 42
A **Uh-huh**
Q -- but she's saying that these two events occurred in a classroom full of teenagers, nosey ninth grade boys and girls 15 41 57

Page 58

A Uh-huh
Q And I'm just curious, did you ever question her about the difference between the allegations that she says occurred in private and the allegations that occurred in pretty much the 15 42 15 most public venue available to a ninth grader, which is the middle of a classroom?
A Did I question her -- can you rephrase the question? I'm sorry
Q Did you ever ask her about how could this happen 15 42 26 when you've got a room full of witnesses and all you have to do is stand up, walk away, don't go back up to his desk?
A Yeah I did ask her that, but it's not uncommon. It's not uncommon We look at 15 42 46 someone that age and we think -- as adults we think that's, that makes sense, you don't go back You don't put yourself in that position You can holler, you can do X, Y, Z, but as a child they don't think like we do 15 43 02
Q She was -- and I understand that technically, legally she was a child, but she was 15, almost 16
A That doesn't say a lot to be honest, in terms of their mental capacity I have women who I talk 15 43 14

Page 59

to who are in their 30's and they're sexually abused and you think even as a 30-year-old woman you would know to do certain things, but when someone is traumatizing you and they're taking control of you and they've just rendered you 15 43 31 helpless and hopeless they've taken everything from you You are no longer that person you were before you were abused
Q Okay
A So if that happens to someone our age, my God, 15 43 40 what can we expect from a 16, 16-year-old
Q Okay Let me turn it around then Let's look at it from the perspective of the abuser
A Okay
Q Abuse in a private setting is safer 15 43 52
A Uh-huh
Q More controlled and easier to control your victim
A Exactly
Q Put fear in them, physical, whatever, scare 15 44 02 them In a public venue it becomes extremely dangerous, risky, and the perpetrator also has to know that all my victim has to do is stand up yell out grab my arm and say get it off my leg 15 44 27

Page 60

A Uh-huh
Q Anything So from a perspective of sexual abuse cases that I've dealt with, it seems that the majority of sexual abuse takes place in private -- 15 44 41
A Uh-huh.
Q -- not in, again, the most public venue available to a ninth grader, the middle of the classroom, when, according to [redacted] there were plenty of opportunities to be in private 15 44 52 with her or that they were in private they were in his vehicle
A. Uh-huh
Q They were at softball He was driving her home and according to her, she painted with him 15 45 02
A Uh-huh
Q And so I question these allegations that she makes about things that happened in a public forum as her mind coming up with additional abusive incidents versus there were these two 15 45 23 diametrically apposed situations You see what I'm saying?
A I do Oh, go ahead, I'm sorry
Q I guess, let me get a question out
A Sure 15 45 37

Page 61

Q Does that seem unreasonable to question the fact that there's these two totally different situations, one's safe and one's unsafe, even from the perspective of the perpetrator, that makes this public forum less likely to occur 15 45 52 than the private forum?
MR EDWARDS Object to form
Q Go ahead
A It's not unlikely And I'll tell you this Before I started working with victims, I worked 15 46 06 with perpetrators and I learned far more than I ever wanted to Depending on the type of sexual deviate you're working with, there is a thrill and that is the word that they use Different people are aroused by different things and the 15 46 21 riskier, the more risk that's taken, it's more exciting Sometimes it's even more exciting than the penetration It's the fact that they got away with something
Q But they didn't get away with this because if 15 46 36 you were talking to them they got caught
A That's true, but remember, you never go into it thinking you're gonna get caught and the truth is the risk is worth it if you talk to them They never think they're gonna get caught and 15 46 49

Page 62

the risk, the excitement, the thrill, they talk about the, oh, gosh, not quite -- it's either the hormone rush or the adrenaline rush that they talk about that is even better than penetration That's what we hear about all the 15 47:06
time
Q But do those same perpetrators commit acts in private where they don't have the rush --
A It's still about control
Q -- or are they the type of perpetrator that 15 47 16
commits the acts in public for that rush?
A It depends on the sexual deviate It depends on that particular individual and what they're excited about I will tell you though, when you're talking about pedophiles like Charlie 15 47.29
Smith, when you're talking about a person who puts themselves in a position to be around a child, they will do things because he already had the perfect reputation. He was the unlikely person to be a perpetrator. He was not the one 15 47 44
who was supposed to do this. So for him to take that risk, he would have thought it was worth it So it's not awkward or it's not unbelievable for me to say he did something in private and something in public It wouldn't be 15 48 01

Page 63

an unlikely situation
Q But aren't those two different kinds of perpetrators?
A Not necessarily Not necessarily And the truth is a pedophile will sometimes show 15 48 16
slightly different characteristics than a person who will rape an adult Another adult, an adult on adult crime An adult on another adult is more likely to be very private rape And if you want to say a public place, it would be a 15.48.36
restroom where there's not a lot of people in there or they're expecting no one to come in for a while That would be their public thing per se
A pedophile, they know they're gonna have 15 48 48
kids on the field They're gonna be at that pageant, they're gonna be around a lot of people, so the accidental brushing, you know or rubbing a genital against another child's private area that kind of stuff could be 15 49:02
accidental, you can explain it away, but it's still a thrill for them, so it's not unlikely at all and they are better than you and I could ever be at spotting a victim I've had men tell me that person could be victimized and they can 15 49 16

Page 64

tell me why from an adult to a child
Q Did [redacted] ever tell you that she had a crush on Charlie Smith?
A I don't remember her saying she had a crush on him. I remember her saying just how much she 15.49 32
idolized him because he was everything that a father should have been, everything that a teacher should have been I can't say I recall her saying a crush per se, but I know that she really liked him and idolized him is the word 15 49 50
Q Did she ever tell you that she pursued him outside of school, she went to places where he was?
A I don't recall that I just remember her mother saying, in particular -- her mother actually 15 50 03
gave me more detail as to the amount of time that they spent together. [redacted] mentioned all the different things they did together, but her mother actually made -- she totally mentioned how much time She detailed the 15 50 21
amount of time they had together It was even more than I thought
Q Have things gotten worse for [redacted] since she was terminated from her job?
A For the most part, yes Whereas she used to -- 15 50.34

Page 65

I think the one thing that has been a little better if I can say better, once some of the memories were recovered she would walk into jail and she was constantly, I would say tormented by some of the cases that would come up, if they 15 51 03
would tell her about, you know, someone else being raped versus now, I think things have definitely gotten worse, but there has been a little relief in that she's not had to deal with the inmate issues as far as rape is concerned 15 51 17
Q But you're aware she wants her job back?
A She desperately wants to work, yes
Q And she wants her job back at the jail?
A And she wants her job back, yes
Q Can you tell me a little bit about these collage 15 51 30
frames that we have here?
A. Sure I think the one attempt that I made -- I knew the journaling was not gonna work I asked her to go and to find as many pictures as she could from the youngest age until present, 15 51 46
because sometimes if you can get those pictures, you can have the client -- you have to make them explain the picture and retell the story and sometimes that in and of itself helps them to remember things that they didn't before, because 15 52 03

Page 66

now they have a visual and when they're talking and they're looking at pictures and they're having to assign a time to it, that's actually a great recovery method, if you will So she did I bothered her for a while and she and her mom 15 52 19 and her brother actually found all of these pictures and I made her tell me a story and it was actually a really good experience for her

MS JACKSON Okay All right

Well, I'm at the end of my notes, so I'm 15 52 35 gonna just take a quick break and I m gonna let Brian, since he has his copies, I'm going to let him go through the rest of them with you if he has any questions about those I may have one 15 52 48 or two follow-ups and then we'll get you back up to Columbia

(Whereupon, there was a short break in the proceedings)

BY MS JACKSON 15 52 54

Q All right While we were on a break I found my copies of the notes from November 21st through February 7th

A Okay

Q Have you seen her since February 7th? 15 59 33

Page 67

A I have not seen her No, I have not seen her since then

Q Okay Have you talked to her on the phone?

A We have -- just in regards to -- actually, look at my date, I'm sorry, then I can tell you I 15.59 53 know we've spoken at least once It wasn't in regards to the case It was more about getting the new vehicle, things of that nature, but nothing regarding the case

Q Okay All right On November 11th, which is 16 00 04 the first typed report after the last round of handwritten ones, is when we first have the new diagnosis of dissociative amnesia

A Uh-huh

Q Can you tell me as a licensed professional 16 00 19 counselor what your qualifications are for making psychiatric diagnosis?

A. Sure As an LPC there, there are certain courses that we have to take and certain amount of training and certain amount of actual on hand 16 00 34 cases of different types of mental disorders in order to be able to treat them I can give you exact amount of hours, but basically having been in the field for fifteen years in the very beginning of my practice I received a lot of 16 00 56

Page 68

training, extra course work, extra training by PhD's and other experts in the field dealing with diagnosis and treatment of mental disorders, so I was qualified to actually treat and will diagnose and treat various types of 16 01 09 mental disorders

Q So is there a special certification that you have to receive in order to be able to diagnose --

A No, ma'am 16 01 18

Q -- certain mental disorders?

A No, ma'am

Q Okay

A Just certain types of training The biggest thing is you have to have training, specialized 16 01 25 training and ongoing CEU's, basic training, they're all training to maintain your areas of expertise

Q Okay And you have had specialized training in posttraumatic stress disorder? 16 01 41

A Yes, ma'am

Q And you've had specialized training in dissociative disorders?

A That's part of it, yes, ma'am.

Q Okay And are any of those listed on your 16 01 49

Page 69

resume?

A That would go under -- I don't think it specifically says that I think it's just listed under physical and sexual assault counseling But it does not spell that out in 16 02 08 particular

Q Are there certain mental disorders that you do not diagnose and treat?

A If it's outside of your expertise, definitely I'll say this, I'm qualified to diagnose most of 16 02 26 what's in, if not pretty much all, of what's in the DSM-IV As far as treating, that's a different thing Say, for instance, autism type disorders, I can diagnose it, but it's not an area of expertise, so I would not treat someone 16 02 43 with autism.

Q Okay What is it that changed as of November 11th of 2011 to cause you to change your axis one diagnosis from posttraumatic stress disorder to PTSD and dissociative amnesia? 16 02 59

A Okay The PTSD stayed the same What I did realize I did leave off was a major depression which can fall under the PTSD, but I still wanted to -- I really wanted this to be reflected in there, so I left that out, as well 16 03 14

Page 70

as relational problem NOS I have been assessing for dissociative amnesia ever since our initial. Generally, if you're still assessing for a diagnosis you can write it up as dissociative -- well, rule out for dissociative 16 03 35
amnesia, meaning you're saying it's not a full diagnosis, but I'm assessing for it Or you can just choose to not diagnose until you have enough evidence to show that they reach it
What made me change it is even when we were 16 03 52
working on the collage and other various activities, she still had not recovered any new memories that were significant And in my own looking up and exploring other diagnoses, I always included some of the -- I mentioned the 16 04 10
dissociative tendencies in the notes, but I hadn't officially diagnosed, so it was just merely an update because she had not recovered those memories, so -- so I was basically waiting on it to just to see if anything uncovered 16 04 28

Q What is axis five, GAF equals 74?

A Your GAF functioning And it's a scale on 1 to 100, basically a person's level of functioning in terms of their overall psyche, socially are they able to work, emotionally are they still -- 16 04 46

Page 71

you know, what's their level of depression And there's an actual scale you could actually see it in the DSM-IV, probably in the front of the book, but a GAF score for another treating clinician let's us know how -- a client's level 16 05 01
of functioning

Q Okay And I don't see where that's on any of the previous notes

A No That was just an update

Q Okay What was her GAF score in the beginning? 16 05 12

A Her GAF score in the beginning, which I did not do that on purpose, I usually like to give a full axis after I've had a significant amount of time with the client. I would say actually her GAF in the beginning would have been the same 16.05 30
She had -- she still has a lot of emotional distress, but she was still able to function, so I think anything in the range of 74 to 80 would be appropriate for [redacted] It has not changed If it was significantly different at 16 05 45
any point I would of had to make mention of it

Q Okay

A But it's merely an update

Q What is a GAF score for a healthy person, mentally healthy person? 16 05 58

Page 72

A If you're -- definitely 80 or above

Q Okay

A Hopefully above 85

Q Okay On January 12th, which was apparently her mother's deposition she apparently started 16 06 18
putting some blame on her mother for allowing this to happen and y'all discussed that and then she was extremely angry with me

A Did I put that in there?

Q Regarding how I could support and represent a 16 06 36
rapist

A That's normal That's not personal

Q I don't take it personally at all

(Off-the-Record conversation)

BY MS JACKSON 16 06 52

Q Okay And it looks like y'all dealt with the mother several times?

A I've only met with -- oh, we talked about the mother

Q The issues about the mother? 16 07 01

A Yes

Q And those have somewhat been -- she's come to a healthy understanding about the mother's responsibility and non-responsibility?

A Right She's always -- she loves her mom and 16 07 11

Page 73

the idea of her assigning blame has always been a real touchy issue, so she's always avoided it I think it just, you know, came home to roost when she had to attend that deposition and the mom actually acknowledged that she gave him 16 07 31
plenty of opportunity to have access to her and she was just trusting She wasn't there

Q All right And then she is being sued for something that allegedly occurred at the detention center when she was a detention 16 07 48
officer?

A Right I think it was a group of -- oh goodness, she told me about it in great detail Something she received I think someone searched and it was -- it wasn't her directly 16.08 02
involved, it was she was on that shift, but someone searched an inmate's quarters, I think, or searched them and took something that they shouldn't have It's in their personal documents or something along that line 16 08 16

Q All right I've noticed throughout the notes, your's and Heidi Zinzow's -- did you review Heidi Zinzow's notes?

A I'm sure I have I know I have I can't tell you that I remember anything in particular at 16 08.34

Page 74

this point about them, because I did in the beginning of the case, but I have not -- whenever the deposition started, but I cannot -- I can't recall anything in particular about hers 16 08 48

Q Okay Well throughout the course of those I've noticed a reoccurring theme that [redacted] wants Charlie Smith to apologize so that she can begin to heal

A Uh-huh 16 09 00

Q And it seems that she's hinging this ability to heal on an apology from Charles Smith

A Uh-huh

Q Have y'all addressed the fact that that apology is most likely not forthcoming? 16 09 12

A Of course

Q Okay

A Of course

Q I mean, I notice that back in the beginning and in the middle and now here we are in January 16 09 22 again and I've noticed that continuing and she seems to keep hinging on that

A And that's common Most victims want an apology They want someone to take responsibility for what they've done 16 09 35

Page 75

Sometimes -- and I told her before, her real healing won't really begin until this process is over and until she accepts whatever the fate of this is

Q All right Does the PTSD seem to be -- the word 16 09 52 I want to say is resolving and I know we're not -- I know it's not ending but does it seem to be getting better?

A No

Q Okay 16 10 13

A No Especially now I mean, there are depositions, she's having to hear all this information If nothing else, it's worsened, but that's normal, too, because it's in her face again, she has to deal with everything that's 16 10 27 going on, so it's definitely not getting any better

Q The dissociative amnesia, is that something that psychiatrically is considered to be resolving as a person is recovering more memory and once they 16 10 48 have a complete memory, it's resolved?

A. Usually, yes

Q Okay And if she never develops a complete memory, will she always be considered to have this diagnosis? 16 11 00

Page 76

A Yes.

Q And the only way we'll know if she has a complete memory is if she tells somebody?

A Exactly

Q Because of course there's no way to go into her 16 11 05 brain

A That's true.

Q Okay And she could have more memory, but she's just not telling anybody?

A I guess that's possible, but I doubt it With 16 11 20 her personality she would share it at this point

Q Okay And you had one meeting with her mother?

A Yes

Q All right And I think I asked you this 16 11 54 earlier but I just want to make sure if I didn't ask it the right way that I'd get it on the Record With regard to the dissociative amnesia --

A Uh-huh 16 12 04

Q -- can you state to a reasonable degree of certainty as a licensed professional counselor exactly when it began?

A No, ma'am

Q Can you state to a reasonable degree of medical 16 12 14

Page 77

certainty when she had her first memories of the abuse by -- the alleged abuse by Charlie Smith?

A Officially, no I -- she recalls when something triggered something deep within and some of the memories. She knew something was wrong, but as 16 12 38 far as exactly when they started coming back and what that memory was, no, ma'am

MS JACKSON All right I think that's all I have for now

E-X-A-M-I-N-A-T-I-O-N 16 12 49

BY MR QUISENBERRY

Q All right I'm Brian Quisenberry I'm the attorney for the school district and for James Island High School

A Okay 16 13 01

Q I'm gonna ask you some questions that I have and I hopefully won't take too long Tell me a little bit about your understanding of the dissociative amnesia

A Okay Dissociative amnesia, it's kind of a 16 13 19 two-fold You can have a basic amnesia that usually comes from a brain injury Dissociative amnesia is usually something that falls in line -- it's trauma induced

Q Uh-huh 16 13 35

Page 78

A And generally as a coping mechanism when a person experiences a certain level of trauma in order to protect yourself you start shutting down memories that surround that particular issue, so it's not that you just forgot the rape 16 13 49 or you just forgot the beating, but you start forgetting a time period, before and after sometimes, that particular event

The dissociative amnesia, again there's not just the forgetting, but it's like your life 16 14 03 began, ended and possibly began again. There is a dissociative quality about it I'm not sure if I could -- do I need to break --

Q No What are the criteria that you look for when diagnosing dissociative amnesia? 16 14 25

A There's the time period -- specific time periods that a person forgets There's usually, again, that trauma, a particular trauma that occurred There's dissociative qualities present. Sometimes you have a person who regresses, 16 14 44 meaning you can talk to them as -- at age 30, but they may present characteristics that are at an earlier age surrounding the time, if that makes any sense.

Q What is dissociative qualities present mean? 16 15 02

Page 79

A If a person dissociates, it's almost like an out-of-body experience They're present, but they're not really totally conscious or aware They may fixate on something else other than yourself They may shut down and be unable to 16 15 18 talk for a while or they'll lose concentration and again, sometimes a lot of people will regress

Q Well, I want to know and I appreciate your input on that, but what I want to know is what are the 16 15 31 definite required criteria that you need before you will make a diagnosis of dissociative amnesia?

A In the DSM-IV whenever we diagnose for anything -- well, let me say this, whenever you assess a 16 15 46 person and they give you a list of things that they're experiencing, if you worked in the field enough, you kind of know where it fits per se, but you have to be able to say this person meets this particular characteristic -- this 16 15 58 particular diagnosis because they meet the specific criteria as outlined in the DSM-IV

Q What is that criteria?

A With her in particular?

Q No Just in general, what are the criteria that 16 16 11

Page 80

you look for to make a diagnosis of dissociative amnesia?

A Again, it's the time loss It's significant time lapse Usually following, proceeding, you know, generally surrounded around trauma. 16 16 27 Again, it's dissociative qualities, which is a huge deal, not just the regression, but it's -- the only way I can always break it down, it's an out-of-body type, it's a loss of consciousness and awareness during the time that they're 16 16 43 experiencing anything that's reminiscent of the trauma Did I say regression already?

MS JACKSON Yes

BY MR QUISENBERRY

Q What you said is time lapse around the trauma 16 16 57 and then you said dissociative qualities such as an out-of-body experience Are those the requirements that you're looking for?

A They are There are maybe one or two extra, but definitely those are some of them, yes 16 17 13

Q Uh-huh What are the other two that you would look for?

A I'm trying to remember in particular I'm trying not to link it just to her I would actually have to look in the DSM-IV again. 16 17 27

Page 81

Q So you can't say from memory what the criteria are?

A No I'm trying to remember them in order But those are the basic, it is that time lapse, the presence of trauma, the dissociative qualities 16 17 43 and they will go ahead and list those distinctly different from dissociative fugue, all that other stuff. There is the ability to go ahead -- they basically assume a different -- not so much a different identity per se, but life just 16 18 01 starts again after the trauma, but it's -- it's just distinctly different than before

Q Uh-huh Well, that sounds pretty broad Like it doesn't sound like very specific criteria Can you give me more of a narrow scope of what 16 18 20 led you to make this diagnosis? It took you awhile to make it here, so I'm sure there's some specific criteria you look for

A With -- well, if you would hand me the book, I'd be glad, because I had it when I made it 16 18 31

Q Well, the book is -- this is my book, but I want to know what you know from your knowledge what you can say of the criteria

A And those are some of the main characteristics of the criteria 16 18 45

Page 82

Q Okay And you can't say any others right now?
A **If you want me to give it to you verbatim, no**
Q Is there anything else that you would look for besides what you already said?
A **Yeah There are two more things and I'm trying not to get stuck on what I diagnosed with her in particular There are two more distinctive things I don't think they apply to her I would actually have to review it again** 16 18 57
Q So you don't -- you can't say from here today? 16 19 12
A **At this particular moment, no**
Q Okay I want to go over kind of my trying to distinguish, you know dissociative amnesia versus other memory loss
A **Okay** 16.19 27
Q Is it your understanding that a person who has deliberately tried to avoid thinking about an unpleasant event does or does not suffer from dissociative amnesia?
A **Generally with dissociative amnesia there is trauma present.** 16 19 43
Q Uh huh
A **Versus making a decision not to think about having a bad day or a slightly bad incident There is some sort of trauma and there's a** 16 19 55

Page 83

blocking out, becomes a coping mechanism?
Q Uh-huh So a person who deliberately refuses to think about an event that is traumatic would not suffer from dissociative amnesia?
A **Well, you just said the trauma was present** 16:20 16
Q Well, yeah If trauma was present I suffered a traumatic event, I don't want to think about it It's not in my memory because I don't want to think about it, is that dissociative amnesia?
A **It's amnesia if it -- you honestly can't recall that event. If you can tell me what happened, no, but if you are definitely are telling me you cannot recall the event and you are missing time, there is honestly a time lapse before and after, then yes, you could definitely qualify for that particular diagnosis** 16 20 31 16 20 42
Q So the distinction comes to whether -- the credibility of the person reporting the alleged loss?
MR EDWARDS Object to the form 16 20 54
Q Is that true? You said, "honestly," you used the word, "honestly"
MR EDWARDS Same objection What is the question?
MR QUISENBERRY I just said it 16 21 04

Page 84

before you objected
Q You can answer if you want
MR QUISENBERRY Can you read back my question?
MR EDWARDS She never used the term, "credible"? 16 21 08
MR QUISENBERRY She said, "honestly"
BY MR QUISENBERRY
Q Didn t you? Did you use the word, "honestly"? 16 21 10
A **Do y'all consider that to be the same thing?**
Q Do you look -- I mean they need to be honest right, when they're reporting it to you for it to be accurate?
A **You can only assume it's honest reporting** 16 21 24
Q Uh-huh
A **That's all you have to go on is that and the consistency over time**
Q So you're relying on the honesty of the patient to make your diagnosis? 16 21 36
A **You're always relying on that and other information based on their life history of the reporting**
Q So how could you tell that a person's not purposely trying to block out a memory versus 16 21 44

Page 85

unable to recover?
A **There's -- usually over time with different types of assessment If someone is trying to -- say, for instance, if you're interviewing a victim of sexual assault and they're saying I don't -- I remember who did it -- or I remember what happened, but I don't remember who did it, which is common Well, you can assess them different ways and use different techniques where they almost can tell on themselves that they do remember it's just too hurtful to actually tell who the actual perpetrator was I say that to say during the assessment and just continuing to work with the client you generally -- they will share something that's different or something extra that let's you know there's more memory there than they, you know, initially let you know But with [redacted] it's been the same** 16 22·02 16.22 19 16 22 36
Q And whatever she's told you is in her notes -- in your notes? 16 22 48
A **For the most part Keep in mind with our notes there's no way on earth we would ever -- we could ever put in a note everything.**
Q But you put all the significant facts in your 16 23 03

Page 86

notes?
A For the most part, but there are things that clearly I can look back and say, you know, I didn't mention that, but like when we were going through there were things that I remembered that I may not have noted, because it wasn't as important at the time that I wrote it up. Doesn't mean it wasn't important, that was just me being subjective in writing a note 16 23 16
Q So sometimes you write notes and you don't include significant facts? 16 23 26
A. I would hope not, but are there times that I could possibly miss something that she may have mentioned, possibly
Q So it would be just an error on your part if it wasn't in your notes? 16 23 41
A. I would say that
Q Okay
A Or it wasn't anything that was new information per se or something I knew that we would include again 16 23 49
Q Uh-huh Well, your notes really kind of just recite kind of what she told you for the most part and I don't see a lot of analysis on your diagnosis Is that in your notes, your analysis 16 24 04

Page 87

on your diagnosis?
A Generally it is in the initial or throughout there A lot of those notes with [redacted] has been more of a narrative And that's just kind of how I chose to -- to write them 16 24 23
Q Well, I don't see anything in this note of November -- 11/21 -- let me give it to you here All right I'm gonna give you and these are in the Record already, this is marked at 999 of the Plaintiff's documents I'm gonna hand that to you This is your notes 16 24 45
A Okay
Q Take a look at that According to your testimony earlier, I think this is your first note where you've made -- included the axis with the diagnosis of dissociative amnesia is that correct? 16 25 00
A Yes
Q Okay And I don't see anything in the note -- in the body of the note that goes over why you added that or your analysis of how you came to that conclusion Do you see that? 16 25 11
A No, it's not in there
Q Do you have that analysis written down anywhere else? 16 25 22

Page 88

A If it's not in the file, no, it wouldn't be anywhere else Huh-uh
Q All right So you didn't record your analysis on that diagnosis?
A I did not. Doesn't look -- I did not 16 25 33
Q All right
A And generally I do
Q Why -- just a quick question about -- these are Robin's copies but you'll see these are 7 -- these are marked 745 through 750 and these are dated October 15th through November 8th, 2011 Take a look at those real quick 16 26 04
A. Okay
Q Just -- I just want to ask you a real general question Do you recognize those as your notes? 16 26 20
A. Uh-huh Yes.
Q Okay Why are these handwritten and then the note on November 11th is typed? Why did you do that?
A That's just a matter of preference, honestly With my case load it's just dependant upon time I'd rather have them typed, but I just don't have the time to do it 16 26.33
Q Do you know why you decided to type up the November 21st note? 16 26 47

Page 89

A It's all about time There's no specific reason
Q Okay Can you hand me those back and those -- that copy right there (indicating) I might give it back to you 16 26 58
A Okay.
Q Thank you Tell me -- we've already gone through -- I asked you about your recorded analysis of the diagnosis of dissociative amnesia Can you tell me orally in [redacted] 16 27 23 Redden's specific case why you diagnosed her with dissociative amnesia?
A Right In the beginning I knew that, again, that was just something that I was looking -- that was something that I knew we would assess for when she talked about the different time lapses in her life, but of course, that was our first session So in the first session you can never totally diagnose or make mention of everything 16 27 38 16 27 53
The reason we, I did initial -- I did eventually give her that diagnosis is because again, even after certain exercises that I really was counting on bringing back certain memories, it -- it didn't work I mean, it's -- 16 28 09

Page 90

she -- the only memories that she had, especially after the collage, was just simply the fact that she remembered happy times up to a certain point in her life, despite some of the situations that she experienced at home But 16 28 25
beyond that, no new memories

Q So what I understand is you're diagnosing her as having amnesia -- dissociative amnesia because she was unable to bring back anymore memories than what she had at the initial stage of your 16 28 41
treatment?

A And that she still had the dissociative qualities and even with a broad definition, I'm sorry, a diagnosis of PTSD, all of the depression, anxiety, dissociative 16 28 54
characteristics do come up

Q Uh-huh

A But that was the only one -- that was the only one that, yeah, that I added because she had not recovered anymore 16 29 06

Q So I think what you're saying is is that your diagnosis is that she is currently suffering from dissociative amnesia?

A Right.

Q Not about that she had amnesia in the past from 16 29 17

Page 91

'89 to 2007, because you weren't treating her then?

A Wasn't treating her then, no

Q And you didn't see her then?

A No 16 29 28

Q So you're diagnosing amnesia as in the present?

A The present, but it does relate to those time periods

Q But it doesn't relate to the Smith issue, correct? 16 29 38

A It's all about the -- yes

Q Well, she's recovered those memories right?

A Not totally

Q How do you --

MS JACKSON How do you know? 16 29 44

A Because she has not reported that she's recovered anymore than all of us know about, so unless she shares new information, which I don't see that happening

Q But what this -- what I want to know is whether 16 30 01
your diagnosis is what caused her to not know about the events she has remembered? It's not about --

A I think I understand You are asking was that pre-existing, is that what you're asking? 16 30 18

Page 92

Q I think you're saying you've seen -- from what your explanation was, is that she hasn't recovered anything else, even though you expected her to be able to, you think she is currently suffering from dissociative amnesia 16 30 28
that s caused her not to be able to recover anything else, is that what you're saying?

A Yes

Q You're not testifying or you didn't diagnose her with amnesia was why she wasn't able to recover 16 30 39
it up until 2007?

A Exactly, it was not a pre-existing issue

Q You didn't diagnosis that?

A Right

Q You re not dealing with why she couldn't 16 30 47
remember it up 'til 2007, what she did remember?

A Exactly.

Q Was -- did you ask her about -- I'm sure you have -- about in general what she remembers from high school and her friends and colleagues? 16 31 08

A (Indicating) I have

Q Tell me about that

A It's not much, to be honest

Q Uh-huh

A Most of her memories are after she got her GED 16 31 15

Page 93

She remembers getting a GED and those memories are even blotchy. She doesn't have a lot of specific memories throughout that time She just doesn't She remembers Pennsylvania She remembers coming back and then it gets blurry 16 31 41
for her She remembers trying to go back to school after -- I think for adult ed The course was next to his class She didn't want to go back And you know, different memories from there, but those periods there are no real 16 31 59
memories

Q I want to switch gears here and ask you just generally, are you aware that there are a number of qualified commentators that disagree with the legitimacy of dissociative amnesia? 16 32 16

A Definitely.

Q Have you read articles about that?

A Oh, yes

Q And do you agree with them or do you give them any merit? 16 32 24

A Not --

Q You see what their point of view is, at least?

A I can understand their lack of understanding

Q Okay

A And I think there is a problem definitely if a 16 32 37

Page 94

person has been led to remember memories or to recall memories But if a person is triggered and then begins to remember, a good therapist will then use different assessment techniques to help the client to actually express themselves 16 32 56 without any leading and then to try to validate those memories

Q You're aware of the concerns in the DSM and other places about suggestive people and individuals that may be prone to suggestion? 16 33 18

A Right

Q And that that's a concern with a lot of professionals?

A Definitely

Q All right Are you aware that there is an 16 33 24 extensive debate between professionals about whether to include dissociative amnesia in the DSM-V?

A Yes There are a lot of things being reviewed right now 16 33 44

Q Are you aware of just the debate on whether to include it?

A About certain dissociative, I'm not exactly sure about what's coming up and what's being included in or excluded in the DSM-V, but I know that 16 33 54

Page 95

dissociative -- several dissociative identity disorders are being challenged

Q Uh-huh

A But I'm not sure exactly what the new debates are for the DSM-V 16 34 07

Q So you're not sure whether -- you haven't heard whether dissociative amnesia is included in the debate or not?

A. Not in particular

Q All right Would it have been better if you 16 34 16 had, could have seen [redacted] right after she started recovering memories in 2007 than to wait until 2011? Would it have helped the accuracy of your treatment and diagnosis

A I think it would have been roughly the same and 16 35 05 the only reason I say that is because she actually had a therapist, Dr Zinzow who helped her to, you know, helped her with that process Our functions were a little different I think she caught her on the beginning edge when she 16 35 22 actually started uncovering and mine has been more of the treating and dealing with her day-to-day struggles

Q Uh-huh Tell me a little bit about your patient load How many patients do you see in a week? 16 35 37

Page 96

A Oh, my God Probably too many at this point On average if I'm trying to have a light day I can see as few as five, as many as eight clients a day I'll say anywhere from roughly, let's say 15 to 30 clients a week and that might be 16 36 00 low-balling it

Q How often have you diagnosed dissociative amnesia in patients?

A The only -- actually [redacted] was probably only the fourth person 16 36 19

Q Uh-huh

A And usually I just list the dissociative qualities There is a psychiatrist who works a lot with -- well, with the sheriff's department and that's something they want us to diagnose 16 36 35 you know, more, if those characteristics are present, so normally even if I actually write down the actual characteristics of it, I usually don't diagnose it, because so much falls under PTSD and in court you talk about the different 16 36 56 dissociative qualities versus having to diagnose

Q So four is what you said?

A About four.

Q Did you -- you said that -- is it -- I think you 16 37 03

Page 97

said that the first time you met with [redacted] it was in the Richter Law Firm?

A. Yes

Q Is that typical for you to meet in a law firm when you do your counseling? 16 37 19

A If it's somewhere out of town I meet where I'm comfortable --

Q Uh-huh

A -- because I don't know the client So if it was -- if you had referred I'd ask to meet here, 16 37 28 but yes, as long as it's a quiet place where no one else is present but myself and the client, I'd be fine But if it's in Columbia it's gonna be at my office

Q And you don't consider yourself a retained -- 16 37 43 retained in this case?

A No

Q You're retained by the Richter Law Firm?

A Huh-uh No, sir

Q You're just treating or counseling? 16 37 52

A Treating, uh-huh

Q Can you tell me about your communication with the Richter Law Firm, like initially how did they contact you and tell me about that?

A Okay I guess when they began working with 16 38 04

Page 98

[redacted] they just called and asked if -- if I'd be willing to work with a particular client of theirs and they give you just -- they gave me just the basic information

Q Did you review the complaint in the case -- 16 38 24

A. I did I did

Q -- before you saw her?

A Before I saw her, I don't believe so

Q Uh-huh

A. I don't remember having anything before I actually saw her And again, general practice for me, I kind of like as little as possible 16 38.33

Q Uh-huh

A I think I'm good at shielding out other information, but I like -- I like to just deal with my clients first. 16 38 45

Q You said that they contacted you, asked you to meet with her Anything else that they said? Did they say these are the things we think she might have, let us know what you think? 16 38 58

A No. No I don't like that and they don't do that, which is why I respect them No It's just, again, I can't -- I can't remember exactly what was said, but it wasn't a long conversation And my biggest thing was, you 16 39.13

Page 99

know, do you mind if I meet her there because I feel comfortable And I just wanted an overall assessment of her You know, I assumed she'd be safe to work with and okay to meet with there. But it was fine We had a private conference room 16.39 27

Q Uh-huh

A And we met there for awhile

Q And tell me how often did you speak with the lawyers of the firm since that initial setting about this case? 16 39 36

A Oh, about the case? For the most part they just wanted to make sure I was meeting with her or I called to just let them know I was meeting, mainly because I was calling to say, can I meet in a conference room, please Or if we weren't meeting there, I wanted them to know that I was not -- not avoiding her, that she was coming to Columbia So it was basically to let them know that we were still meeting, but we don't have a lot of contact until like with this situation when the depositions started there's certain things I review. They let me know when my deposition is. It's kind of minimal contact 16 39 50 16 40.04

Q How did you get a copy of the deposition, did 16 40 18

Page 100

they give that to you or did Michelle give that to you?

A I'm trying to remember Talked to [redacted] so much I cannot remember That's bad Y'all, I receive so much stuff via mail and via e-mail, I honestly cannot remember, but I know I had it 16 40 36

Q Now, you would have correspondence with them if you -- do you have any e-mails back and forth with the Richter Law Firm --

A Only if it was in regards to a conference room, but for the most part -- 16 40 47

Q -- about this case?

A About the case? Only deposition time and place and of course, I forwarded the notes

Q What did you talk about in preparation for your deposition today with the attorneys at the Richter Law Firm? 16 41 00

A. Let's see, I think I received -- I did receive something from [redacted] just saying what time to be here, address, to make sure I brought certain things. As far as what to do, it's just, you know, just asked if I had any questions, made sure I knew where I was coming and it was just -- 16 41 19

Q Did you have any questions for them? 16 41 34

Page 101

A I don't remember any questions, I don't think I work too much I'm getting older I think the only question that I remember asking was to make sure I knew what to bring. I think that was it That's all I can recall 16 41 55

Q All right Do we have all of your records? I just want to make sure so if we don't, we can get it all

A. You do You have what I forgot to bring, so you do. 16.42 09

Q I -- I do have everything?

A Yeah. I'm ashamed.

MR QUISENBERRY I'm gonna take a break and I think we're about done

MS JACKSON Okay 16 42 15

(Whereupon, there was a short break in the proceedings)

R-E-E-X-A-M-I-N-A-T-I-O-N

BY MS JACKSON

Q All right Just in follow-up, you said that you see about 15 to 30 clients per week? 16 45 41

A. Yes.

Q But then I also noticed you had a lot of phone consults

A Uh-huh 16 45 54

Page 102

Q Do you have a lot of phone calls with your clients?
A If they're out of town or if they are -- if they're on watch for like suicide watch or really depressed, yes 16 46 02
Q Okay So in addition to your 15 to 30 client meetings a week about how many phone calls are you addressing per day or per week?
A It's better because I'm setting better boundaries. If I'm lucky -- generally I've been 16 46 15 limiting them a lot Maybe about two to four, well, let's say one to four calls, but I limit the time
Q Per day?
A Per -- well, no, it can be -- well, it could be 16 46 35 as few as none Some I just don't answer just for my sanity and others it could be up to four calls a day after hours
Q Okay
A But generally I do not talk on the phone more 16 46 50 than 20, 30 minutes at a time, unless they're out of town and it's an actual phone session
Q All right And were you given any information about Dr Brewerton's testimony today before you came in? 16 47 11

Page 103

A I wasn't
Q Do you know Dr Brewerton?
A I've never met him
Q Okay Have you ever spoken to him about [redacted] and her psychiatric assessment that he 16 47 17 did in January?
A No
Q Have you ever seen any of the results of that psychiatric assessment?
A Huh-uh 16 47:27
Q Is that a no?
A No, ma'am
Q Has [redacted] ever given you any information about that psychiatric assessment?
A No She -- well, the only thing that she talked 16 47 34 about was the actual process, because it was five and a half hours She talked about that, but as far as particulars of it, all that other stuff, she hasn't
Q So you have no idea what he has diagnosed her 16 47 50 with?
A No
Q Do you know if he is aware of what you have diagnosed her with?
A I don't know. I do not know I haven't had 16 48 00

Page 104

contact, so I don't know what -- I don't know if he's asked any questions about me or if she shared anything
Q Do you expect [redacted] to recover from her PTSD at some point? 16 48 42
A I hope that she would -- she would get better I would hope that healing would begin I can't say that I've known anyone to ever recover totally
Q From what? 16 49 01
A From PTSD There would have to be some awesome circumstances, usually the person taking responsibility, her having the apology, her being able to -- healing would have to begin I don't know if she'd ever forget I doubt it, 16 49 22 even the little bit that she does remember But will she ever totally recover, I don't think so
Q Okay And you said you don't think anybody can fully recover from PTSD, do you mean people with a background like hers or people in general who 16 49 42 have been diagnosed with PTSD?
A I think anyone who's been diagnosed with PTSD I think that the symptoms -- I think people can become functional again and they can become -- they can get better I think they can get much 16 50 00

Page 105

better, but will they still experience some of those symptoms that could be debilitating, yeah But the level of severity I think is just different from person to person
Q And in order to recover fully from dissociative 16 50 13 amnesia, she would have to be able to tell you that she has a full memory?
A She would have to be able, yes, to recall those situations from those time periods that she's lost. 16:50 40
Q Okay Now, of course, everybody has things that they can't remember Maybe a sibling says do you remember when we went here and you say, we never went there There's a restaurant downtown my husband swears we have never been to and 16 50 55 we've been there four times He does not have dissociative amnesia There are things like that in every person's life
MR EDWARDS How much wine did he have? 16 51 09
Q So how do we get to a point where we go from the diagnosis of dissociative amnesia to a normal person who just is forgetful just doesn't remember some, you know events in their life, events that maybe are important to somebody 16 51 28

Page 106

else --
A Uh-huh.
Q -- but turns out not important to this person
A. Right. Well, the basic forgetting, that's normal. It happens with the best of us But again, if there is a blocking out as a coping mechanism in a surrounding trauma and you're blocking out time, there are honestly breakdowns in your life that you cannot recall, not just that event, but there are periods of time that you're missing and you honestly can't uncover it, that warrants a diagnosis Or at least mentioning I mean, it is definitely a dissociation because of that trauma, but it's quite different than just forgetting 16:51:36 16 51:55 16 52 14
Q Okay But in the course of recovering these memories --
A. Uh-huh
Q -- how do we then figure out, are we actually missing a period of time or was it just blah day-to-day and so she just doesn't -- you know, I remember my ninth grade prom, but I don't remember how many days of school I might have missed or what happened on a day-to-day basis 16 52 25
A. Uh-huh 16 52 44

Page 107

Q I remember a special event, I couldn't tell you who -- you said earlier -- somebody said earlier about, you know, you should be able to know who your teachers were Well, you went to school for 20 years, you don't remember who all your teachers were, but I know I went to college, I know I went to law school, I know I went to high school, so how do we get to a point where we go from she's recovered enough memories now to she isn't that special person who remembers every second of her life, but she's a normal person who just has forgetfulness for certain time periods that maybe are unimportant and that's why she doesn't recall them? How do we get -- how do you as a counselor or as a psychiatrist or psychologist, whoever's treating her, determine when she has reached that point of, okay, the traumatic events have been recalled, anything she doesn't remember now was probably just for lack of a better term, a non-event? 16 52 55 16 53 10 16 53 28 16 53 41
A Uh-huh
Q How do you get from here to there?
A Any time -- it's like putting together a puzzle, but you understand you're not going to get every piece together, but at least you can tell what 16 53 54

Page 108

the puzzle represents you can see the picture even with the missing parts In a sense, that's what you do when you're trying to uncover those memories or recover those memories If she's able to say, because again, I don't expect her -- if she starts remembering everything, that would scare me like the day-to-day because I can't -- I'll go home and forget, you know, a whole bunch from today But if she can put together a picture and it starts to make sense, and she can recall some basic things that -- from those years, not just the abuse, but other things surrounding, we're not looking for a total picture, we're just looking for -- for her to actually be able to just remember those pieces I mean, she's missing years That's a problem That's not normal. So if she can just start to put that picture back together, that's recovery and you drop that diagnosis 16 54 08 16 54 22 16 54 40
Q Okay And now the last kind of thing -- I want to make sure that I understand to the best that we can, is what is the difference between person A who is raped at age 15 and a half -- 16 54 59
A Uh-huh
Q And person B who is raped at age 15 and a 16 55 17

Page 109

half --
A Uh-huh
Q Both have the same home situation whatever it may be, both are in the same classes, same grades, and one develops dissociative amnesia at some point later and the other one remembers it but deals with it and moves on and has a successful life Is there any way to determine or predetermine or look at these two individuals and say here's why this happened to you and it didn't happen to you? 16 55 32 16 55 52
A No Not at all.
Q Okay
A Everybody's personality is different So who they become after an event is just -- it's just so individualized So there's no real way to explain it There are people who I've treated who have had a life far worse than [redacted] ever could have lived and they'll let you know every day I'm gonna survive and I'm gonna have the best life in the world because I have to And that's how they deal That's their coping mechanism and they fight through all the trauma and drama to create a different reality 16 56 05 16 56 22
And there are people who have had a perfect 16 56 35

Page 110

life and then they have an incident and they can't recover. So it's just so -- it's such an individual situation, you can't predetermine who's gonna be affected how

Q Have you seen any kind of studies where it is a chemical issue, whether it be serotonin or well, any chemical I can't think of them all, that affects the brain in a specific way to the point that either it can be medicated or treated by some physical means to assist with it? 16 56 47 16 57 09

A We're talking about with PTSD?

Q PTSD and dissociative amnesia both

A Not so much dissociative amnesia, but with PTSD you're basically treating the anxiety or the depression, so you're looking at 16 57 26 anti-depressants or anti-anxieties to help lessen the effects They don't take them away, they just hopefully make, you know, someone's life a little more manageable And that can change It is meant to change brain chemistry, 16 57 39 but it can help

Can it totally help it get 100 percent better, I haven't seen any set studies that suggest that and I definitely haven't dealt with anyone whose life has just been totally turned 16 57 55

Page 111

around because of medication

Q Or had any physical treatment?

A Generally long-term therapy, medication -- long-term therapy and medication is kind of what you recommend 16 58 14

MS JACKSON I don't think I have anything else Thank you so much

THE DEPONENT Thank you

R-E-E-X-A-M-I-N-A-T-I-O-N

BY MR QUISENBERRY 16 58 21

Q Is there anything else that -- any other facts or anything else we need to know about that affected your diagnosis in this case at all?

A Nothing that I can think of

Q Anything else besides what you've already said? 16 58 37

A Nothing I can think of

MR QUISENBERRY All right Thank you

THE DEPONENT Thank you

MS JACKSON You're done 16 58 44

(Defendant's Exhibits 3 and 4 were marked for identification)

(This deposition concluded at 5 00 p m)

(Signature reserved)

Page 112

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, Nicole D White, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me, that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction, that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action

_____ Date _____
Nicole D White
Notary Public in and for the
State of South Carolina

My Commission expires September 11, 2017

Page 113

ERRATA SHEET

RE Jane Doe -vs- District of James Island High School and Charles Smith
DEPOSITION OF Tanya Bolton

Please read this original deposition with care, and if you find any corrections or changes you wish made, list them by page and line number below DO NOT WRITE IN THE DEPOSITION ITSELF Return the deposition to this office after it is signed We would appreciate your prompt attention to this matter

To assist you in making any such corrections, please use the form below If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet

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SUBSCRIBED and SWORN TO before me this _____ day of _____, 2012

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acknowledge 49 6
acknowledged 50.9 73.5
act 39 23 52 16
action 112·14 112:18
active 24 21
activities 70.12
acts 62 7,11
actual 18·11 20·7 67 20 71 2 85 12 96 18 102.22 103.16
acute 54 22
added 13·21 87:21 90 19
addition 102·6
additional 60 19 113 16
address 100 20
addressed 74·14
addressing 102.8
admiration 40:8
adrenaline 62 3
adult 37·3 63 7 63 7,7,8,8,8 64:1 93:7
adults 38 16 58·16
affect 27.24
afraid 35 14 36 21
age 16·11 29 2,2 29 7,21 30.1 30:10,14,25 58.16 59·10 65 20 78 21,23 108:23,25
ages 29·14 30 3
aggressive 52.10,13,14,25
ago 34·17 44 9
agree 93·19
agreed 50 18
agreement 5 15 5 15
ahead 13 21 19.9 23 14 36 5 54·19 60·23 61 8 81.6,8
aids 14 22
alcohol 8.20
allegation 37 14 49 16
allegations 58:3 58 5 60.17
alleged 25 3,4 57 7 77:2 83:18
allegedly 16 7 73·9
alleges 37 24 57 14
alleging 26 25
allowing 72.6
allude 44:13,15
alluded 28 16
alluding 49:7
amnesia 12 10 13 17 33·19 45:15 67 13 69 20 70:2,6 75 18 76 19 77 19,20,21,23 78.9,15 79 13 80 2 82 13,19 82 20 83·4,9 83·10 87 16 89 10,12 90.8 90.8,23,25 91 6 92·5,10 93·15 94 17 95 7 96.8 105 6,17,22 109:5 110 12 110 13
amount 14 20 27 4 56:3 64·16,21 67:19 67 20,23 71 13
analysis 86.24 86.25 87 21,24 88.3 89.9
and/or 33·9
angry 34 17 72 8
answer 4.23 23 13,14 38 6 38 11,13 84·2 102 16
answers 4 25
anti-anxieties 110 16
anti-depressa... 110·16
anxiety 12 6 21 22 54:13,25 55.11 90 15 110 14
anybody 15 25 28·3 49.13 76 9 104.18
anymore 26.14 90.9,20 91 17
anyway 26.20
apologize 5 24 13 12 74:8
apology 74 12 74·14,24 104.13
apparently 14.3 51 2 72·4,5
Appearances 2·3,11
appears 22.15 34 23 37 2,18 55 13 112:8
applied 11.11
apply 11 7 82:8
apposed 60:21
appreciate 79 9 113·12
appropriate 71·19
April 35·8 36 25
area 7 2 16.8 19.7 50 5 63 20 69 15
areas 7 22 68·17
arm 59:24
aroused 61·15
articles 93.17
ashamed 101.12
asked 11·8 16 8 16 23 17 10,11 36.6 50 17 51 15 65.18 76 15 89 8 98·1,17 100 22 104 2
asking 47 24 91·24,25 101 3
aspect 8:23
assault 7 12,23 12.6 17·24 18 1,2 35 1,4 38:18,19,19,22 39 3,12 48:15 51.22 69 4 85 5
assaulted 10 22 23 16
assaults 52 3
assess 11 22,25 12.11 19.1,24 79 15 85 8 89·15
assessing 19 2 49:2 70 2,4,7
assessment 3 16 8·15,16 8·25 9 1 14 10 28.5 85 3,13 94.4 99 3 103·5,9,14
assessments 8:7 16 2 40 19
assign 66 3
assigning 73 1
assignment 52.19
assignments 48 7
assist 110·10 113·14
assisted 10·5
associate 9 14
assume 81 9 84 15
assumed 99 3
athletic 42·13
attach 113 17
attack 48.14,22
attacks 54 14 55:1
attempt 33 4 45 12 52 6 65·17
attempted 33 13

attempting 45 23 46 7
attempts 42 17
attend 73:4
attended 37.20
attention 30 8 32 1 113:12
attorney 77 13 112 16
attorneys 17 2 100 16
attributed 29 6
August 51:20
authority 24 2
autism 69:13,16
available 58.6 60.8
average 96:2
avoid 51 11 82 17
avoided 73 2
avoiding 99 18
aware 22:21 25:6 28 3 35 10 42 25 45 24 46 11 52 22 65 11 79 3 93 13 94 8,15,21 103.23
awareness 80.10
awesome 31 4 104:11
awhile 81.17 99:8
awkward 62:23
axis 13 18 69.18 70.21 71:13 87.15
A-P-P-E-A-R-... 2 1

B

B 3.13 19 5,6 108 25
baby 49.10
babysitter 25 7 26 10 27:18 28 6 29 21,22 30.20 37 13 41 11 44:10 48:16,19,21 49 5,12
Bachelor's 6 24
back 21:19 22 1 22 2,6,25 26.3 26 5 27 17 34.20 45:1 50 6 51.19 52 3 53 4 56:18 57 6,15 58 13,18 65:11 65.13,14 66 17 74 19 77 6 84:3 86:3 89 3 89 5,24 90:9 93:5,6,9 100 8 108 18
background 7:6 7:23 16:1 54 21 104 20
backgrounds 9:25
bad 28 1 34.25 82.24,24 100 4
base 55 6
based 4:23 24:18,19 40.20 84 22
basic 55 7 68 16 77 21 81:4 98:4 106 4 108:11
basically 7.21 9.25 16 6 19 17 20:1 26.15 27:13 31.5 43 21 51 15 67 23 70 19,23 81:9 99:19 110 14
basis 106.24
basket 43 22
beat 39:9
beaten 38 20
beating 78.6
becoming 47 23 48 4
began 47:22 76.23 78:11,11 97 25
beginning 12.14 67 25 71.10,11 71.15 74 2,19 89:13 95 20
begins 94:3
behalf 1 16
believe 11 19 13 12 18 23 24 15 28.14 30:16 39 15 40 10 41:23 98 8
Benedict 9 14
best 106.5 108 21 109.21 112.11
bet 39 4
better 19.3 24 6 24:16 30.4 37.20 48 8 62 4 63:23 65:2,2 75 8,17 95 10 102:9,9 104.6,25 105:1 107 20 110:23
beyond 19 1 90 6
bias 43.18
big 14 6
biggest 27.2,21 68.14 98 25
bills 13.11
biopsychosoc... 8.15,25
bit 51:11 65 15 77.18 95 24 104 16
black 9.20
blah 106:20
blame 37 2 38 16 72:6 73.1
blamed 21:18 45:5
block 84.25
blocking 83 1 106 6,8
blotchy 93 2
blurry 29.6 93 5
Blvd 2:6
body 32:6 87 20
Bolton 1 15 4 1 4.7,8 113 5
book 71.4 81:19 81:21,21
bothered 66 5
boundaries 102 10
box 55:12
boys 57.25
Bquisenberry... 2 24
brain 76:6 77 22 110.8,20
break 5:5,6 14.5 42.16 55:20 66 11,18,21 78:13 80 8 101.14,16
breakdowns 106 8
breaks 56 10
breast 50 3,5
breasts 50 15
Brewerton 25:16 28 4 29 13 44.9 103.2
Brewerton's 29:19 102 24
Brian 2 19 4:11 66 12 77 12
bring 5 11,23,24 90 9 101 4,9
bringing 89 24
broad 81:13 90:13
brother 37 10 40:3 66 6
brought 4.10 5 8 100:20
brushing 63:18
bullet 46:6,14 48:13
bunch 108:9

C

cake 39:2
Calhoun 2:21
call 9.10 14 10 18 18 55:18,23
called 55:21 56 18 98.1 99.14
calling 99:15
calls 56 2 102 1 102.7,12,18
capacity 58:25
cards 35 12,18
care 113:7
Carolina 1 1,19 2 7,15,22 9.22 112 3,22
case 1.4 17.24 67:7,9 74 2 88:21 89 11 97.16 98:5 99 11,12 100 12,13 111.13
cases 17 23 18:5 60:3 65:5 67.21
caught 61:21,23 61 25 95 20
cause 69:18
caused 47 12 54.11 91 21 92 6
causing 45 16
center 52 20,22 73:10
certain 35:24 36.7 59:3 67 18,19,20 68.11,14 69.7 78 2 89 23,24 90 4 94:23 99:22 100 20 107:12
certainty 33 23 76 22 77:1
Certificate 3 9 112 1
certification 68 7
certify 112:8
CEU's 68:16
challenged 95 2
chance 30:4
change 28:24 51 25 69 18 70:10 110 20 110 20
changed 33:11 34 25 69.17 71.20
changes 113 8
characteristic 79:20
characteristics 63 6 78 22 81.24 90:16

96 16,18
characterize 23·6
Charles 1·9 48 16 49.15,17 74 12 113 4
Charleston 1:2 1 9,18 2 15,22 4 12 9.23 112 4
Charlie 4·9 21 24 25 9 26.18 27·1 28 22 30 18,23 35·12,16 37 4 37 16,24 39.4 40.4,25 41 4 41 16,16,24 42·19,25 43·23 46:10 62·15 64 3 74 8 77 2
check 6.14,19 12 25
chemical 110 6 110 7
chemistry 110·20
child 16 7 18 1,2 18 2 37 19 58:20,22 62:18 64 1
childhood 25·18
children 30 3,9
child's 50 15 63.19
choices 10 18
choose 70·8
chose 87.5
Christmas 42.16
circumstances 104 12
claiming 24 10
claims 57.11
clarify 22 25
class 9·10,12 42.15 50.1 93 8
classes 9 3 109 4
classic 32 7
classroom 46 1 46.1,10 49 22 57·13,24 58 7 60 9
clear 27 3
clearly 86:3
CLEMENT 2 20
client 16 3,18,24 18 19,20,21,25 43:5 45 22 46 6 48 13 51:24 65·22 71 14 85 14 94.5 97 9,12 98 3 102·6
clients 15 1 96 3 96.5 98.16 101 21 102 2
client's 71:5
clinical 23 8
clinician 71.5
clue 33.20
coach 21 24 42 7 43 1,1
code 36 6
coded 35:23 36 12,13
collage 3·17,18 65 15 70:11 90:2
collapsed 46·1 46·10
colleagues 92 20
college 9.14,23 37.20 107 6
colleges 9.20
Columbia 15 19 44 21 53:24 66 17 97 13 99 19
come 15 9,20 17 5 26 5 38:4 38 9 39.7 49 5 55 23 63 12 65 5 72·22 90·16
comes 77 22 83 17
comfortable 28:11 32 10 97 7 99 2
coming 17 10 27 16 57.6 60:19 77 6 93 5 94.24 99 18 100·23
commencing 1·17
commentators 93.14
Commission 112·25 115·17
commit 62 7
commits 42 17 62:11
common 1 1 74:23 85.8
communication 97 22
community 35 11
company 43 11
compare 40·24
compared 9·19
complaint 98.5
complete 75.21 75.23 76 3
completed 19·18 20 20
concentration 79 6
concern 27 21 94·12
concerned 65:10
concerns 94:8
concluded 111·23
conclusion 87 22
conference 53 6 53·9,10,17 99.5,16 100.10
conferences 53 19,21
confidential 35·23
confront 48:7
confusion 28·13
conscious 79 3
consciousness 80·9
consider 43 17 43 20,24 52.10 84.11 97 15
considered 75·19,24
considering 23 9 30.25,25
consistency 18·25 19 4,8 84.18
constantly 49·2 65:4
consulting 7.19
consults 101:24
consumed 26·18
contact 8·1 42 22 43·7 97:24 99 21,24 104 1
contacted 98 17
continual 55·3
continued 12 11 48·2 55.5,5,7
continuing 74:21 85 14
contribute 29·24
contributed 21 21
control 24·3,4 32 12 36.4 59:5,17 62 9
controlled 59·17
conversation 19:13 48 15 56 24,25 72·14 98.25
copies 66·13,22 88:9
coping 78:1 83.1 106 6 109 22
copy 5:14,23,24 5:25 6 5,11 12 20 14:7 20:20 89 4 99 25
correct 6·20,25 11 5,6,15 14 1 14.24 25 3,12 25·13 29:19 36·13 42·19 43.6,8,12,13 44 18,19 45 12 45 13 49 18 51 9 87.17 91.10
corrections 22 13 52 18 113 8,14
correctly 23.3 38·15 47 18,19 48 24 55 20
corresponden... 5:18 100.7
counsel 112 13 112:16
counseling 7 3 7:12,14,15,23 48:2 69 5 97 5 97.20
counselor 11 15 33·23 67·16 76 22 107 15
counting 89 24
County 1 2,10 4:13 112.4
couple 17·18,20 34:11 41.24
course 19 21 21·14 51:1 54 20 55 10 68.1 74.6,16 74·18 76 5 89:17 93·8 100 14 105 11 106 16
courses 67 19
court 1 1 8·2 96·20
coverage 41.4 41·20,21
co-workers 35·25
create 109:24
credibility 83 18
credible 84·6
crime 36:13 63 8
criteria 55:7,12 78 14 79 11,22 79·23,25 81·1 81 14,18,23,25
crush 64 2,4,9
crushing 40·10
curious 58 2
current 5 23,24 5 25
currently 90 22 92.5

Curriculum 3 15
CV 5:23 6 16 9 3

D

D 1 21 3:1 112 6 112 21
dad 41 13,13
damaged 32 19
dangerous 59:22
darned 31.10
date 6 8 53 15 67:5 112 21
dated 88 11
dating 10 17,17
day 42:5,15 56 2 56:5 57:15 82 24 96 2,4 102:8,14,18 109.20 115:11
days 106 23
day-to-day 95.23 106 21 106:24 108:7
dead 21:9 51.23
deal 33 15 48:2 48 8 51.12 55.8 65.9 75.15 80 7 98 15 109:22
dealing 7:21 12:4 14 22 38 17 68.2 92.15 95 22
deals 14:16 109 7
dealt 60 3 72 16 110 24
death 38 20 52:1
debate 94.16,21 95:8
debates 95:4
debilitating 105.2
decided 88:24
decision 82 23
deep 77:4
deeper 38:24
Defendant 2 11
Defendants 1 16 4:10
Defendant's 13 23 19 11 111 21
Defendant(s) 1 12
definite 79 11
definitely 23:9 23:15 56 11 65 8 69.9 72:1 75 16 80 20 83 12,15 93 16 93 25 94:14 106.13 110 24
definition 90:13
degree 6 25 33.22 76 21,25
deliberately 82 17 83:2
department 8 2 22 12 52.17 96:14
dependant 88 21
depending 30:12 61 12
depends 62:12 62:12
DEPONENT 17 22 111:8,19
deposition 1 15 4:16 11 20 50 7,10,11 55:15,15 56 7 56:11,13,13 72.5 73 4 74:3 99 24,25 100:13,16 111 23 112 7,9 112:14 113:5,7 113 10,11
depositions 56 9 75 12 99 22
depressed 54:16 102 5
depression 12 7 21 22 31 17 33.15 37 21 55 1 69:22 71:1 90 15 110 15
depressive 37.1
deserve 30:8
deserves 36:12
desirous 52:1
desk 57 12,16 58:13
desperately 65 12
despite 37 4 90 4
destroy 20:14
destroyed 20.19 31.5,9
detail 64:16 73:13
detailed 64 20
details 32:4
detention 52.20 52 21 73.10,10
determine 34:8 107 17 109:8
determining 18 16
detrimental 30 10 39.5
developed 33 19 45:14 46:17 50 16
develops 75.23 109:5
deviate 61 13 62.12
diagnose 68 5,9 69:8,10,14 70 8 79:14 89:19 92 9 96 15,19,22
diagnosed 70 17 82:6 89:11 96.7 103:20,24 104.21,22
diagnoses 12:12 70 14
diagnosing 78.15 90 7 91 6
diagnosis 8.13 13.5 36:25 54 10,12,24 67:13,17 68:3 69.19 70.4,7 75:25 79 12,21 80 1 81:16 83:16 84.20 86 25 87 1,16 88.4 89 9,22 90 14,22 91 21 92:13 95.14 105 22 106:12 108:19 111 13
diametrically 60 21
difference 53 5 58.3 108 22
different 11 2 16:21 30 21 36 3,8 39.17 39 18,21 40:25 41:15 48 6 61 2,14,15 63:2,6 64 18 67 21 69:13 71:20 81:7,9 81 10,12 85 2 85:9,9,16 89 16 93.9 94:4 95 19 96 20 105:4 106:15 109.14 109 24
difficult 50 20 51.12,18 52.25
direction 112 12
directly 73 15
disagree 93:14
disappointed 31:4
disassociate 31:22
disassociated 31 19
discussed 41.3 72 7
discussing 48 24 49:3
disgusting 45 7
disorder 12:9 13.16 14 17,21 31:17 37:1 54:22 68 20 69 19
disorders 11:23 12:1 14 17 67 21 68:4,6 68.11,23 69:7 69 14 95:2
dissociates 79 1
dissociation 32 7,14 106:14
dissociative 11.23 12 1,9 12 10 13:17 14:17 33:19 45 15 55.2 67.13 68 23 69 20 70:2,5,5 70:16 75:18 76 18 77:19,20 77 22 78 9,12 78:15,19,25 79 12 80.1,6 80.16 81 5,7 82:13,19,20 83:4,9 87 16 89.9,12 90:8 90 12,15,23 92 5 93 15 94:17,23 95 1 95 1,7 96 7,12 96:21 105 5,17 105:22 109 5 110 12,13
distinction 83:17
distinctive 82:7
distinctly 81 6 81:12
distinguish 82.13
distress 33:15 71:17
district 1.10 4.13 41 17 42:12 77:13 113:3
divorce 14 23
doctor 47 25 51 10,14,14
Document 9 6 10 12 13.7
documents 73 20 87:10
Dodds 2 6
Doe 1 4 113 3
doing 32:5
dot 45 22
doubt 16:16 76 10 104:15
downtown 105.14

Dr 25 16 28:4 29 13,19 44.9 51.5 95 17 102 24 103:2
drama 109 24
dramatic 37.18
drastically 34 25
dress 57 17
Drive 1.18 2 14
driving 60:14
drop 108 19
dropped 27 6
dropping 20 25 21 21
drug 8:20
DSM 94:8
DSM-IV 55 12 69.12 71.3 79:14,22 80:25
DSM-V 94.18,25 95 5
DSS 14 24
duly 4 1 112:9

E

E 1 15 2 4 3:1,13 4 1,7 113.1,1,1
earlier 11 17 25 16 30:22 76:16 78 23 87 14 107:2,2
earth 85 23
easier 15:19 59.17
easiest 54.4
ed 93.7
edge 48:1 51 14 95:20
education 19 16 19:21 20:22
Edwards 2.4 3:17,19 6 19 12 19 17:18,21 22 16 23:12,14 26:4 36 10 38:3,5,7,13 41 5,18 44 2,5 46.4 61:7 83:20,23 84:5 105 19
effects 110.17
eggs 43 22
eight 96 3
either 17 22 20 13 23:17 62 2 110 9
ejaculating 45 3
else's 32 5
embarrassed 44 23 45.6
emotional 33 15 71:16
emotionally 70.25
employed 112:13,16
employee 35:21 36.14 112.16
employees 36:15,19,20
employer 22 20
employers 22:15,18,19
employment 22:10,24 52.8 53.1
empty 51 25
enabler 37:7,11
encourage 26:22
encouraged 50.21
ended 78 11
entered 45 25
entire 8 22
episode 37 23
equally 40:13 49:4
equals 70 21
equate 40:3
errata 3:10 113:17
error 23:2 86:15
especially 33.3 56.23 75.11 90 2
Esquire 2 4,12 2 19
evaluate 8:24
evening 55 14
event 55.3 78:8 82:18 83 3,7 83.11,13 106:10 107.1 109:15
events 45 16 57:23 91 22 105 24,25 107 18
eventually 89 22
everybody 105:11
Everybody's 109 14
evidence 43 10 70.9
exact 6 8 67.23
exactly 14 14 30 15 33:23,25 38:7 42:20 59:19 76 4,23 77 6 92 12,17 94.23 95:4 98 23
EXAMINATION 3:3
excited 62:14
excitement 62.1
exciting 61 17 61.17
excluded 94 25
exercises 89:23
Exhibit 3:15,16 3:17,18 13 23 19 11
Exhibits 111 21
expect 59:11 104:4 108 5
expected 92.4
expecting 63:12
experience 66:8 79:2 80:17 105:1
experienced 90.5
experiences 78 2
experiencing 32 16 48 14 79 17 80:11
expertise 7.2,22 16:8 68 18 69:9,15
experts 68 2
expires 112:25 115:17
explain 63 21 65 23 109:17
explanation 19 3 92 2
exploring 70.14
express 94.5
extensive 30:13 33 2 94 16
extra 68 1,1 80:19 85 16
extremely 35 24 59 21 72:8
e-mail 100 5
e-mailed 6:4
e-mails 100 8
E-X-A-M-I-N-A.. 4:3 77 10

F

face 53:7,7 75 14
fact 22:23 23 10 28 17 29.18 31:1 32 2 37.4 39 8 45:9 48.4 49 8 61 1,18 74 14 90:3
factors 10 1
facts 85 25 86 11 111 11
failed 20 25 37:22
fairly 34 10
fall 43:1 69 23
falls 77 23 96:19
family 7:3,6,7,9 7:24 15.21
far 10:7 34 7 39:2 61 11 65 10 69:12 77:6 100:21 103.18 109.18
fate 75 3
father 25 9,17 29 8 31:2 37 5 39 7 64:7
father's 40 22
fault 40:13 43 23
favor 36:9
faxed 12 18
fear 48 22 59 20
feared 45.5
fearful 48 13
fears 35:9
February 1:16 42 9,14,17 66 23,25
feel 32:10 52 14 99 2
feeling 21 14 32 19,20 33:5 33 9 34 21 44:23 45 9 46 22 51 23
feels 22 4
felt 21 9 22.1,2,6 28 24 33:6,12 34:20 45:1,6,6 52 2
female 29.20
field 24.20 63 16 67 24 68 2 79:17
fifteen 67.24
fight 109 23
figure 24:2 27 22 28 13 31.2 42:20 48 25 106 19
figuring 27.11
file 5.8 14:6 88 1
files 18.10
filled 17:1
finally 32:8 39:25 40 4
financially 112.17
find 12:16 19:4 22:7 65 19 113.8
fine 47:3 97 13 99.5
finished 56:13
Fire 22 12
firm 2 5 5 19 15.12,16,17,25 17 5,13 54:2,6 97 2,4,18,23 99.10 100.9,17
first 4 1 31:12 42:15 44 3 54:10 67:11,12 77:1 87 14 89 18,18 97:1 98 16
fits 79 18
five 70:21 96:3

103.17
fixate 79:4
flooding 47.23 55 3
floor 46.2,11
FMLA 47 9,13
folks 12.4
following 32:20 32 24 33 14 34:25 51 22 80 4
follows 4 2
follow-up 101 20
follow-ups 66:16
fondling 49.20
football 42 25
force 52:13
forced 28 5 29 20
foregoing 112 7 112 9
forget 104 15 108:8
forgetful 105:23
forgetfulness 107 12
forgets 78:17
forgetting 25 8 78 7,10 106:4 106:15
forgot 78:5,6 101:9
form 23 12 36 10 38 3 41.5,18 44 2 61 7 83 20 113:15
former 21 23
forth 100 8
forthcoming 74:15
forum 60.19 61:5,6
forward 26 19
forwarded 100 14
found 24 4 31 3 66 6,21
four 25 3,3,5,6,7 25:20 29 21 96 23,24
102 11,12,17 105:16
fourth 96:10
fragmented 55 4
frame 26 25
frames 65:16
friends 92.20
front 57:12 71 3
fugue 81:7
full 4 5 16.17 49:22 57 13,24 58 11 70:6 71:13 105 7
fully 43 5 104:19 105.5
function 71:17
functional 104 24
functioning 70 22,23 71:6
functions 95 19
furnish 113.16
further 46.16 112 15

G

GAF 70.21,22 71:4,10,11,15 71.24
gain 16 9
gap 29:13
gaps 16 25 29.17,17
geared 10 15
gears 93:12
GED 92:25 93 1
general 79 25 88 14 92:19 98.11 104 20
generally 16 23 53 8,8 56.24 57 4 70:3 78 1 80 5 82:20 85:15 87 2 88 7 93.13 102.10,20 111 3
genital 63:19
geography 42 3
getting 18 3 30:5,6 51 12 67 7 75.8,16
93 1 101.2
girls 57 25
give 11.19 14:19 44.11 67:22 71 12 79:16 81:15 82 2 87.7,8 89:5,22 93 19 98:3 100:1,1
given 4.16 10 3 16 14 29.16 102:23 103 13
giving 48:6
glad 81 20
go 7 2 10:22 13.19,21 18 16 19 9 22.25 23.14 27 17 34 10 36:5 47:25 53 4 54.19 56.17 58 12,17 60:23 61 8,22 65 19 66:13 69 2 76 5 81:6,8 82:12 84:17 93:6,9 105 21 107 8 108.8
God 31:23 59 10 96:1
goes 13:13 48.18 87:20
going 19:24 26 1 34.7 35:22 50 15 66.13 75:16 86 4 107:24
golden 31:4
gonna 13.19 34.10 35 23 39 9,10 61 23 61:25 63 15,16 63 17 65:18 66:11,12 77:16 87 8,10 97 13 101 13 109:20 109.20 110 4
good 18 3 31:6 39 9 40 2 47 22 50 25 66.8 94 3 98 14
goodness 73.13
gosh 62:2
gotten 64:23 65:8
grab 59 24
grade 19.18,22 19 24 20:4,25 27:2,7,9,10,14 27 15 37:23 57 25 106.22
grader 58 6 60.8
grades 109:5
great 40 9 66:4 73:13
grief 14:22
group 73.12
guess 57 19 60:24 76:10 97:25
guys 56 17

H

H 3:13 113:1
habit 57:5
half 55 22 103:17 108 23 109:1
hand 50 2,3 57 14,17 67.20 81:19 87 10 89 3
hands 18 12
handwritten 55:18 67 12 88:17
happen 36:22 58 10 72:7 109:11
happened 19:6 20 6 27.5,22 27.23 28 16 30 19,23 33 8 34.6,8 35:16 37:3 38:25 39 2,6 49.11 57:20 60 18 83 11 85:7 106:24 109.10
happening 37.12 91 19
happens 26 4 30:12 59.10 106:5
happy 5 3 9:4
90:3
hard 14.14
hate 30 5 55 19
HBCU's 9:20
heal 74 9,12
healing 75 2 104 7,14
healthy 10:18 71 24,25 72:23
hear 62 5 75 12
heard 95:6
Heidi 31.16 73:22,23
help 48 1,7,8 94 5 110 16,21 110 22
helped 34 4 95 13,17,18
helpless 59 6
helps 65 24
high 1 11 4 13 42.12 77:14 92 20 107.7 113.4
hinging 74 11 74 22
historian 15 23
historically 9.20
history 7:7,9 8:19,20,21 12:5 23:9 26:7 29 15 48 16 84.22
hit 38 24
HIV 14:22
holistic 8 16
holler 58.19
home 37 13 45:24 46:8 60:14 73 3 90 5 108:8 109 3
honest 16:13 33 21 47 15 48:10 50 12 58 24 84:12,15 92:23
honestly 26.17 30:16 31 25 36 18 83 10,14 83.21,22 84 8 84.10 88:20 100 6 106 8,11

honesty 84 19
honor 36:6
hope 39 25 86:12 104 6,7
hopefully 72:3 77 17 110 18
hopeless 59 6
hormone 62:3
horrible 20 10 39:24
hour 44 9 53 12 53.14 55 22
hours 67 23 102.18 103.17
huge 80 7
Huh-uh 88:2 97.19 103 10
hurt 24:5
hurtful 39 19,20 85:11
husband 105 15

I

icing 39:2
idea 73 1 103 20
identification 13 24 19 12 111.22
identity 28.13 81:10 95:1
idolized 64.6,10
impact 30:25 31 7 41 2
important 86 7 86 8 105:25 106:3
inappropriate 23:5 27:21 28 9 49:20
incident 31 6 33.8 34.18 48.19,21 49 10 49 22 50 1 57 10 82:24 110 1
incidental 50 10
incidents 57.11 60:20
include 22:23 23 2 86:11,20 94 17,22
included 9 24 10 25 48:21 49 13 70 15 87:15 94:24 95.7
includes 13 18
incorrect 4 21 4:23
increased 51:5
increasing 51 2
indicated 22 8
indicating 20 12 37 9 89:4 92 21
individual 18 9 52:11 62 13 110:3
individualized 109 16
individuals 94:10 109:9
induced 77 24
influenced 31:10
information 16:1,4,10,14 16 16,24 17.4 18.17,21 26.12 26 14 43 4 47 7,21 54 6 75 13 84.22 86:19 91:18 98 4,15 102:23 103:13
initial 3 16 8 8,8 14 10 15 20 16 2 70:3 87.2 89 21 90 10 99:10
initially 16 25 18 23 85.18 97:23
initiated 23:10
injury 77:22
inmate 65 10
inmates 34:3 36 2
inmate's 73 17
input 79.9
inside 21 9 51:23
instance 35:20 69 13 85 4
Institutional 9.17
insurance 41 4 41 19,21
interested 112:18
interviewing 85 4
involve 7:18
involved 7:4,7 15 10 18 6 73:16
involvement 14.23
Island 1.11 4:13 77:14 113:3
isolation 52.1
issue 49.2,3,5 49 14 73 2 78:5 91:9 92 12 110.6
issues 4:21 8.17 12 6 23 20 48 8 55:10 65:10 72 20

J

Jackson 2 12 3:4,7 4:4,8 6:14 19 9,14 66 9,20 72 15 77 8 80 13 91:15 101:15 101:19 111.6 111.20
jail 65:3,13
James 1:11 4:13 77:13 113:3
Jane 1:4 113.3
January 42.9,14 72:4 74 20 103:6
job 37:20 64 24 65 11,13,14
jobs 22 25
Johnnie 2.6
journal 50 17
journaling 65:18
July 51 8 53:18 53:18,19
June 48.11 53:18

K

keep 57.6 74.22 85.22
kept 44 24 49:7
kids 10:15 63 16
kind 16.17 17:23 19 19 20 5 25.23 28.2 29 6 32:12 33 7 36 3 48:1 48 5 50 3 53 4 63.20 77 20 79 18 82:12 86:22,23 87 4 98:12 99 24 108.20 110:5 111.4
kinds 63.2
king 40.5
knew 16:7 27.5 35:3 36 1 41:24 44:7 50 20 51 23 65.18 77:5 86.20 89:13,15 100 23 101:4
know 4:20,22 5 2,6 10:21 16:19,25 17:1 17 7,9,21 19 5 19:19 20 15,16 21 3,5 22:23 26:1 27.13 33 10 34:3 35:10,16,18 36 1,2,5,15,18 36 23 38:23 39:22,23 40:2 40 8 41:12 44:11 49 4,10 49 12 50.4,14 52.24 53 3,5 56 19 57:19 59:3,23 63 15 63 18 64.9 65.6 67 6 71:1 71 5 73.3,24 75:6,7 76:2 79.9,10,18 80:5 81 22,22 82:13 85 16,17 85 18 86.3 88 24 91:15,17 91:20,21 93 9 94.25 95:18 96 16 97 9 98:20 99:1,3 99.14,17,19,23 100 6,22 103 2 103:23,25,25 104.1,1,15 105 24 106 21 107:3,3,6,7,7 108.8 109.19 110 18 111 12
knowing 21:18
knowledge 24:19 42.19 81.22
known 11:10 44 6 50 16 104:8

L

L 2:12,19
lack 19.3 93:23 107 20
lady 16:6
language 32:6
lapse 80 4,15 81.4 83 14
lapses 89 17
large 14:19 31:7
latest 12 12
law 1 17 5 19 15:12,15,17,25 17:5,13 54 2,6 97 2,4,18,23 100:9,17 107 7
lawsuit 4 10
lawyers 99:10
lead 46 20
leading 94:6
league 42 13
learned 61:11
learning 9 19 44.3
leave 47 10,13 69:22
led 20:2 28 12 28.13 81 16 94 1
left 12 18 13 12 22.15,18 31.25 51.25 69 25
leg 49:24 59 25
Legal 1 18 2 13
legally 41 9

58 22
legitimacy 93 15
length 40 17
lessen 110 17
letters 35.11,15
letting 35 15,18 54 16
let's 10 13 13:9 13.21 19 9 53 17,18 59 12 71:5 85:16 96 4 100 18 102 12
level 70·23 71·1 71 5 78 2 105.3
licensed 11 14 67·15 76·22
life 9·11 16 21 19 7 28·2,24 29·17 30 17 31 1,7,9,11 33 7,10 34.24 37·4 38 11 51.24,25 78 10 81 10 84 22 89·17 90:4 105·18,24 106.9 107:11 109.8,18,21 110 1,19,25
light 96 2
liked 64·10
limit 102·12
limiting 102.11
Linda 26 16
line 21 8 73·20 77 23 113 9,18 113·20,22,24 114 1,3,5,7,9 114.11,13,15 114 17,19,21 114 23
lines 50 6
link 80 24
list 18 5,11 79.16 81:6 96.12 113·9
listed 5 11 9 3 52.24 68 25 69 4
litigation 43 20
little 16 16 23·17 32 12 51.11 65 1,9,15 77·18 95·19,24 98 12 104.16 110 19
lived 109·19
LLC 2.5
LLP 2 20
load 88 21 95·25
long 42·20 51 19 77 17 97.11 98 24
longer 37·15 59 7
long-term 111 3 111 4
look 8 17,20,22 9 24,25 12.6 14:8 18 25 36 19,20 53·18 58 15 59:12 67.4 78 14 80 1,22,25 81 18 82 3 84 12 86·3 87·13 88·5,12 109 9
looked 9.17
looking 26·19 66:2 70·14 80 18 89·14 108 13,14 110 15
looks 20·11 41 23 51.5,20 72·16
lose 79 6
loss 14 23 80 3 80·9 82:14 83·19
lost 26.2 32.12 105 10
lot 14 14,25 16:13 19 23 20 2 27 19 29.17 38 23 42 22 53.3 58 24 63.11,17 67·25 71 16 79·7 86·24 87 3 93.2 94.12,19 96 14 99 21 101·23 102 1,11
loved 14·23
loves 72 25
lowered 50 2
low-balling 96 6
LPC 67.18
lucky 20 12 102·10

M

mail 100.5
main 9 21 19 1 46:23 81 24
maintain 68.17
major 6 13 27 25 69 22
majority 14:25 60:4
making 35.21 67.17 82 23 113.14
male 40:2
manageable 110 19
manner 24 22 31 11
March 8 10,11 9 1 15·13 34·14
marital 7 3
mark 13:22 19:10
marked 13·23 19·11 87·9 88 10 111 22
married 37·19
Masters 6·24
matter 7·18 41·6 88 20 113.13
mattered 16 19
ma'am 7·1,7,17 8·5 9·15 10 8 11 21,24 12.2 12.25 18 15 21 17,20 33:17 54·3,8 68 10 68.12,21,24 76 24 77·7 103·12
mean 23.7 30 7 30.10 35 25 50:11 74·19 75 11 78.25 84·12 86 8 89 25 104.19 106 13 108·16
meaning 70 6 78.21
means 30.4 110·10
meant 11·17 110 20
mechanism 78·1 83 1 106.7 109·23
medical 4 21 76:25
medicated 110.9
medication 47·25 51.13 111:1,3,4
medications 11·18
meds 45 23 46.7
meet 15.13,17 16:5,9 17 11 53 22 54·1,2 79:21 97 4,6 97.10 98:18 99.1,4,15
meeting 20·7 53·7 76 13 99·13,14,17,20
meetings 102·7
meets 79·19
memories 14·12 24:11 26·22 27·20 28:19,23 29.2 31·14 33 24 46.15,21 48:15 49 15 55 4 65:3 70·13,19 77:1 77 5 78·4 89·25 90 1,6,9 91 12 92:25 93.1,3,9,11 94 1,2,7 95 12 106·17 107:9 108·4,4
memory 14 18 27 4 29.13 75.20,21,24 76 3,8 77.7 81·1 82 14 83 8 84·25 85 17 105 7
men 63·24
mental 8 19 58 25 67 21 68·3,6,11 69·7
mentally 71 25
mention 22 22 27·8 28·12 71 21 86.4 89:19
mentioned 23·25 53 2 64.17,20 70.15 86 14
mentioning 50 13 106 13
merely 70 18 71·23
merit 93 20
met 11.4 44.17 51:16,20 54 5 72 18 97 1 99·8 103 3
method 66.4 [redacted]4 11 6 5,12,15 7.4 7·15 8·4,24 10 5,10 11.4 11·25 15 10,24 16 5 17 4 18·13 19:15 23·25 24 15 25:2 30 21 31:19 38 1,10 38 16 54·5 60·9 64 2,17 64.23 71.19 74.7 85 18 87·3 89·10 95 11 96 9 97:1 98:1 100 1,3,19 103.5,13 104·4 109.18 [redacted]43 18
middle 23·17 55·15 56 6 58.7 60 8 74 20
milligrams 51 6
mind 24 13 60:19 85·22

99:1
mine 95 21
minimal 99 24
minutes 42 5,15 102 21
missed 106 24
missing 14:3 83 13 106 11 106 20 108:2 108 16
model 40:2
molested 16 7 16:12
mom 39 9,10,20 39.23 66 5 72:25 73:5
moment 82 11
money 41 7,17
months 41.24
moods 54.16
mother 25 17 29 22 37.7,11 42:24 43 5 44 25 64 14,15 64 19 72 6,17 72:19,20 76 13
mother's 72.5 72:23
mouth 45 3
moves 109:7
Mt 2:7 15:15 44 17 53 23 54 1
multiple 44 17

N

N 3 1
name 4:5,8 26.16
narrative 87:4
narrow 81:15
nasty 51 23
nature 14 18 67.8
NCAA 42:12
NDW 114 25
near 31 10
necessarily 38 1 63 4,4
necessary 113 16
need 5 5 20 15 38 11 47.13 53:4 54 18 78:13 79:11 84 12 111.12
needed 47.7,13
needs 37 25
negative 21 22
neither 112:12
never 6 16 19 2 28 20 30.22 31.2 40 2 43 11 51:24 61:22,25 75:23 84.5 89.19 103 3 105 14 105.15
new 46.21 47:7 67:8,12 70:12 86.19 90 6 91 18 95.4
Nicole 1:21 112 6,21
ninth 19.22,24 20:4,25 27 2,7 27 9,10,14,15 37 23 57.25 58:6 60 8 106 22
non-event 107 20
non-existent 29.5
non-responsi... 72 24
normal 24 1 72 12 75:14 105 22 106:5 107 11 108.17
normalcy 23.23
normally 20:9 23.22 96:17
NOS 70 1
nosey 57:24
Notary 112 22 115 14
note 13.4 21 6 34 14 40:16,17 45 19 47.9 55 13,18 56:14 56.15,20,21,22 56 25 57:5 85:24 86 9 87 6,15,19,20 88:18,25
noted 86 6
notes 6:10 8 14 12 16,18,21 20 7,9,14 23.4 28 15 66 10,22 70:16 71 8 73 21,23 85 20 85.21,22 86 1 86 10,16,22,25 87:3,11 88 15 100.14
notice 74 19
noticed 73 21 74:7,21 101.23
November 12 22,24 13 1 13:2,4,13,14 13 15 66.22 67.10 69.17 87:7 88 11,18 88 25
number 14 19 35 17 93 13 113:9

O

Object 23 12 36:10 38 3 41.5,18 44.2 61 7 83:20
objected 84 1
objection 22:16 38 5 44:5 83 23
obtain 7:9
obtaining 7.6
occasions 17:16 52 20
occur 61:5
occurred 34:18 57:7,24 58.4,5 73 9 78.18
occurrence 30 20
occurrences 30.7
occurs 30.14
October 88 11
offense 38:22
office 5 9 15:15 15:18,19 17 6 22 13 51.15 56:7 97.14 113 11
officer 73 11 112:6
Offices 1:17
officially 70.17 77:3
officials 8:3
Off-the-Record 19.13 72 14
oh 21 12 60:23 62:2 72 18 73 12 93:18 96.1 99 12
okay 4:16 5:3,4 5:7,14,21,23 6 14 7 8,11,18 8.1,6,10,12,15 8 24 9:5,13 10.3,9 11.14 11 22,25 12 21 13:8,15,16 14 3,21 15:3,9 15:13,21,25 16 4,11,19 17.5 18 13 19 9,15 20 5 20:21 21 3,8 21 13 22:3,17 23:5 25 2 26 8 26 11,21 27:17 28 3 29:1,12 30:22 32 18 33 13 34:13,23 35:8 36 25,25 40 12 41:16 42:10 43 4,17 44 17,20,22 45:9,19,21 46 14 47:1 48:11,12 49 16 50:23 51 1,20 52 5 53:16,17 53.22 54 5,9 54 15,16,18 55:9,19,22 56 12 57:2 59 9,12,14 66:9,24 67.3 67.10 68:13,19 68 25 69:17,21 71:7,10,22 72 2,4,16 74.6 74.17 75 10,23 76 8,13 77.15 77 20 82 1,12 82:15 86:18 87 12,19 88 13 88 17 89 3,6 93 24 97 25 99.4 101:15 102 6,19 103:4 104:18 105:11 106 16 107 18 108 20 109 13
old 6 18
older 18 3 30 6 101 2
once 20 19 27:12 51:17 65.2 67 6 75:20
ones 12 3 14 23 67 12
one's 61 3,3
ongoing 68.16
opinion 33.18
opportunities 60:10
opportunity 4:18 42 21 73 6
oral 28.6 29 20 44.11 45.2 46 24 49 7,11 49 18 57 10
orally 89:10
order 67 22 68.8 78:3 81.3 105 5
original 113:7
outcome 112.18
outcomes 9 19
outline 19 20
outlined 79 22
outside 42 22 43 10,14 64.12 69 9
out-of-body 79 2 80 9,17
overall 10.17 19 7 70 24 99:2
overwhelmed 28 22 47 23 48:4,9
overwhelming

32:13
O-Ding 45 23 46 7

P

page 3 3 4:25 45.22 113 9,18 113 20,22,24 114 1,3,5,7,9 114 11,13,15 114 17,19,21 114·23 115 1
pageant 63·17
pages 113:16
pain 24·6
painted 43 8,11 60 15
painting 43.10
panic 48 14,22 54 14 55·1
papers 10 4,7
paragraph 26 10 32 18 34·16,24 35 9 51·21
paranoid 35 25
parents 10 16 10.23
part 17 3 18:23 20 21 28·21 54·3 64 25 68 24 85·22 86.2,15,24 99 12 100 11
particular 10:19 12·4 21 7,12 22 25 29:10 33 5 35·20 45.3 54 25 56 5 62 13 64.15 69 6 73 25 74:4 78 4,8,18 79 20,21,24 80.23 82·7,11 83:16 95 9 98 3
particulars 103 18
parties 112 14 112·17
parts 108 2
pat 50·5
patient 18:18,18 84 19 95.24
patients 14.22 95.25 96 8
pedophile 63.5 63 15
pedophiles 62 15
penetrates 38 23
penetration 61 18 62 5
penis 57 15
Pennsylvania 27 12,16 93 4
people 10.22 14:11 16 20 23·21 24:22 35:14,16 61 15 63 11,18 79·7 94.9 104 19,20 104 23 109.17 109.25
percent 14:15 15 6,7,8 16.15 110 22
percentage 15.4 15.4
perfect 62·19 109 25
perform 28 6 29 20
performing 49 18
period 37 15 40 7 42:18 45·10 78 7,16 106 20
periods 25 20 78·16 91.8 93.10 105 9 106 10 107:13
perpetrator 59·22 61.4 62.10,20 85 12
perpetrators 61·11 62:7 63·3
person 8·17,22 23·15 24 20,23 40 6 41.3 49.1 59 7 62·16,20 63 6,25 71·24 71.25 75 20 78.2,17,20 79 1,16,19 82 16 83.2,18 94 1,2 96 10 104 12 105·4,4 105·23 106 3 107 10,11 108.22,25
personal 20.9 35:17 72 12 73 19
personality 76·11 109 14
personally 72:13
person's 54·21 70:23 84 24 105 18
perspective 59 13 60·2 61·4
PhD's 68.2
phone 35 17 53·6,9,10,17 53·19,20,21 55 23 67.3 101 23 102 1,7 102·20,22
Photo 3 17,18
physical 7·11,22 8.17 12 5 15:1 15 3,4,8 17 25 18:1,2 25 10 25·14,21,21,23 38 18,19 39:3 59.20 69 4 110 10 111.2
physically 39 22
physiological 55 10
picture 16 18 65 23 108·1,10 108·14,18
pictures 65 19 65 21 66·2,7
picturing 12.17
piece 107 25
pieces 108·16
pills 45:25 46 8 46.9
place 60·4 63 10 97.11 100:13
places 64:12 94:9
plagued 37 21
Plaintiff 2 3
Plaintiff's 87:10
Plaintiff(s) 1 5
play 38.4
played 10 1
PLEAS 1.1
Pleasant 2 7 15 15 44·18 53·23 54.1
please 4 5 5 2 99.16 113 7,15 113 16
plenty 24.14 29:16 60·10 73.6
point 20 8 24.7 27 17 31:11 32:17 33 2,19 34 6 36:17 37:25 39.23 45.14 46 6,12 46 14 47:2 48 3,13 49 17 51:10 53:20 57·13 71:21 74 1 76:12 90:4 93 22 96.1 104:5 105:21 107:8 107 17 109 6 110:8
police 8·2
poor 37 21
portion 10 19,25
position 37.10 58 18 62:17
positive 6 20 56 8
possible 8 23 8 23 16:17 56.23 76.10 98 12
possibly 78·11 86:13,14
post 35:12
posttraumatic 12 8 13·16 14·16,21 31·17 68 20 69·19
practice 14:15 14.16 67 25 98.11
predetermine 109 9 110 3
preference 88 20
preparation 100 15
prepared 8 6 10 4
prescriptions 14·1
presence 39.14 81 5
present 32·16 55 2 65·20 78.19,22,25 79 2 82 21 83.5,6 91 6,7 96 17 97 12
presentation 10 20
presentations 10 3,7,9
presented 11 9 34.5
presents 8 18
pressing 49.5
pressuring 48.6
presumably 45.11
pretty 6·21 16·10 17:3 49·11 56 17 58 5 69·11 81:13
previous 71·8
pre-existing 91 25 92:12
prior 52:6
private 57·8 58.4 59 15 60 5,10,11 61:6 62 8,25 63 9,20 99 5
probably 12.14 12·19 28 12 34:12 49.13 55 20 71·3 96 1,9 107·19
problem 17 9 70 1 93.25 108 17

45.17
proceeding 80 4
proceedings 66 19 101.17
process 75 2 95 18 103:16
professional 7.19 10.4 11 15 67·15 76·22
professionals 94 13,16
progression 54 23
prom 106 22
prompt 113.12
prone 94.10
protect 36 7 78:3
proven 40.7
provide 15 25 17·12 26·24
provided 18 17 18 21 30.6 43.4
psyche 70 24
psychiatric 8·19 8·20 67·17 103 5,9,14
psychiatrically 75 19
psychiatrist 96 13 107.15
psychological 8 18
psychologist 107.16
psychology 9.7 9 12
psychosocial 8 7,9
PTSD 37·1 54 10,11,20,24 69.20,21,23 75 5 90:14 96 20 104 4,11 104:19,21,22 110 11,12,13
public 58 6 59 21 60.7,18 61 5 62 11,25 63·10,13 112.22 115.14
pulling 44 8
purpose 71 12
purposely 84:25
pursued 64 11
push 44·16 46·25
pushing 46 20
put 18 12 20:16 20·17 21 3,7 32 23 38 16 40 6,16 50:1 57·14,17 58 18 59.20 72:9 85:24,25 108·9 108 18
puts 62·17
putting 35 17 43 21 72.6 107.23
puzzle 107·23 108·1
p.m 1.17 111:23

Q

qualifications 67·16
qualified 11 22 68.4 69:10 93.14
qualify 83·15
qualities 55.2 78.19,25 80 6 80 16 81 5 90.13 96 13,21
quality 12.10 78 12
quarters 73 17
question 4 20 4 23 5·2 38:8 38·12 49·8 58 2,8,9 60.17 60:24 61 1 83 24 84·4 88·8,15 101:3
questionable 46 15 47.4
questions 4.19 4 25 17.2 66·15 77 16 100·22,25 101·1 104.2
quick 66·11 88 8 88 12
quicker 38.21
quickly 34 11
quiet 97·11
Quisenberry 2 19 3:5,8 4.12 4 15 77 11,12 80 14 83.25 84 3,7,9 101 13 111·10 111:17
quite 27.9 62.2 106 15

R

R 113 1,1
range 71.18
rape 39.10 63 7 63 9 65 10 78:5
raped 36·1 65:7 108:23,25
raping 25:17
rapist 72 11
rare 23 23,24
reach 70 9
reached 107:17
read 13·6 50 7 84 3 93 17 113.7,18,20,22 113.24 114·1,3 114 5,7,9,11 114·13,15,17 114.19,21,23
ready 32 13
real 34:8 49 3 73·2 75 1 88.12,14 93 10 109.16
reality 109 24
realize 69 22
really 11·7 14 19 18 9,9 28:24 33:21 51 12 64 10 66·8 69:24 75.2 79.3 86 22 89 24 102:5
reason 11 18 21 7 22·23 43·21 89 2,21 95 16
reasonable 33·22 76 21,25
rebound 38.21
recall 16 13 20 24 24 25 29 4 31·20 36:24 46 13,23 48 3 49:21 50:12 64 8,14 74:4 83·10,13 94 2 101:5 105 8 106 9 107.14 108 11
recalled 45:4,23 46·7 51 24 52 2,4 107:18
recalling 45 16 47:18
recalls 77.3
receive 5 9 68·8 100 5,18
received 5:18 6 10,12,16 12.22 67 25 73 14 100·18
recite 86:23
recognize 88·15
recommend 111:5
record 4 6 36.16 53 1 76.18 87:9 88·3
recorded 89·8
records 29 19 44.8 52:8 53 4 101:6
recounts 21·9
recourse 41 9 41·10
recover 28.23 46:21 85 1 92.6,10 104 4 104.8,17,19 105 5 108·4 110:2
recovered 14·12 14:18 33.24 65 3 70 12,18 90 20 91:12,17 92 3 107 9
recovering 34 2 75.20 95.12 106 16
recovery 34:5 66.4 108 19
[redacted]4.11 7·5 7 16 8 4 10 6 15:10 30·21 38·1 98.1
[redacted]89 11
redirect 32:9
reduced 112 11
refer 32 4
referenced 21 5
referred 15 11 15:11 97 10
reflected 8:14 69·25
refuses 83.2
refusing 52 18
regain 32·1
regard 7.9 8·3 36·8 76 18
regarding 67 9 72.10
regards 67·4,7 100.10
regress 79 8
regresses 78:20
regression 31.23 32:8 80:7,12
relate 10 10 91:7,9
related 21 23 48.14 112 13
relation 21·15
relational 37 1 70 1
relationship 10·18 22·20
relationships 23·7,10 24 8
relative 112.15
relief 65.9
relive 55·5
rely 16·2 37 6
relying 84 19,21
remember 6 7 17 11 18·3 19 20,23 21.2 24.13,16,17 25 8 26·17 27·9 46 12 47.15,17,24,24 48 19,20,23 49·9 50·12,13 56 18 61.22

64 4,5,14
65:25 73:25
80 23 81.3
85:6,6,7,11
92 16,16 94 1
94 3 98 10,23
100 3,4,6
101 1,3 104:16
105:12,13,24
106.22,23
107 1,5,19
108 15
remembered
25 1,1 26:15
26 16 27 20,22
27 25 28 8
33 4 44 23
45 2 86:5 90 3
91 22
remembering
33 1,3 47.18
48.23 55.19
108.6
remembers
32:20 33:7
40:20 92 19
93 1,4,5,6
107.10 109 6
remind 24 23
32:1
reminiscent
80 11
rendered 59 5
reoccurring
74 7
repeat 57 3
repeatedly
38:20
rephrase 5:3
58 8
replaced 40.1
report 10 25
11:2 20:17,18
35:22 67 11
reported 1.21
11 5 22 11
28 15 29 21
46:19 51 22
91 16
REPORTER
112:1
reporting 83 18
84 13,15,23
represent 4 9
72.10
represents 4:12
108.1
repressed 24.11
repression
28 18
reputation
62.19
required 79.11
requirements
80.18
research 9 13
9:16,17,18
12 11 24 19
30.2 42:11
43:14
reserved 111:25
resilient 30 3,12
resolve 23.20
resolved 75:21
resolving 75 6
75:19
respect 98:22
responsibility
37 25 38 10
72 24 74 25
104:13
rest 66 14
restaurant
105 14
restroom 63 11
result 55 11
results 103.8
resume 13 22
69 1
resurface 34 7
retained 3 17,19
97.15,16,18
retainer 5 14,15
retell 65:23
retelling 32:3
Return 113 10
review 73:22
82:9 98:5
99 23
reviewed 52 7
94 19
revolved 27 14
rewrite 20:13
RE-EXAMINA...
3 6
Richter 2:5 5 19
15 12,15 17:13
54:2,6 97.2,18
97 23 100:9,17
right 4 14 5 17
6 24 7:11 8:12
9:2 11 14
13 19,25 14 9
15 9,9 18.13
18:16 22 3,10
22.10 23.5
25 15,22 26:2
26:6 31:12,21
33 18 34.10,23
35.8 39.12
41 17,20,25
43:17 44 7
45 18,19 48:11
49 24 52 5,7
53 3,22 54:9
55:13 66 9,21
67 10 72:25
73.8,12,21
75 5 76:15,17
77:8,12 82 1
84:13 87.8
88 3,6 89.4,13
90:24 91 12
92 14 94:11,15
94:20 95:10,11
101 6,20
102:23 106 4
111:17
risk 61:16,24
62:1,22
riskier 61 16
risky 59:22
RIVERS 2:20
Robin 2:12 4 8
Robin's 88.9
Robin@smlla...
2:17
role 24:23 40.2
room 14.11
18.14 31 25
58 11 99 6,16
100:10
roost 73 3
roughly 13 1
95:15 96:4
round 67:11
rubbing 63 19
rule 70 5
rush 62.3,3,8,11
R-E-E-X-A-M-I...
101:18 111:9

S

S 3 13 113 1
safe 10 17 32:2
61.3 99 4
safer 59.15
sanity 102 17
sat 57:16
saw 47.3 98:7,8
98:11
saying 19:5
24:12 40 13
44 10 57:23
60:22 64 4,5,9
64 15 70:6
85.5 90 21
92 1,7 100 19
says 15 21 21 8
22 11 33:12
44:22 45 19,22
46 6,14 48 13
53:11,12,16
55 22 58:4
69:3 105 12
scale 70 22 71:2
scare 59:20
108:7
scared 44:23
school 1 10,11
4:13,14 20 22
27:6 40:5
41.16,22 42:1
42 11,12,22
43.7 46 9
57 20 64:12
77.13,14 92:20
93 7 106:23
107:4,7,8
113 4
schools 9 24
scope 81:15
score 71 4,10
71 11,24
se 46 21 63:14
64 9 79 18
81 10 86:20
searched 36 15
73 15,17,18
second 12.17
27 15 34 16,24
45 22 46:6
48 13 51 21
107.11
section 15 21
26:6
see 10 11 13 9
13.13 14:5
19 6 24:2
39:19,21 47.16
50 9,11 53:17
55 23 56 12
60:21 70:20
71 2,7 86.24
87.6,19,22
88 9 91:4,19
93:22 95 25
96 3 100:18
101:21 108 1
seeing 42:14
seek 23:19,21
23:22 24.1,22
44 13
seen 30:21
66 25 67 1,1
92.1 95.11
103.8 110 5,23
self-esteem
37:22
semester 9 8
42.16
seminar 9 10
sending 35:15
Senn 1 18 2.13
sense 20.17
24.17 31 2
58 17 78 24
108:2,10
sent 5 25 6.1,8
6.10 35.12
sentence 26 9
separate 16:20
September 42.1
55.14,16
112 25
serious 31 24
serotonin 110:6
services 8.2
session 15:20
51 16 55 22
89:18,18
102 22
sessions 53 13
set 8.14 12.17
12 21 13 10

110 23
setting 59·15 99 10 102·9
severe 54 13
severity 105 3
sex 10 13,16 23 18,19 28.6 29 20 44 11 45·2 46:24 49·7,17,18 57 10
sexual 7 11,22 12 5 14·13 15·1,3,5,7 17 25 21 23 22·20 23 6,7 23 10 25:11,13 25·20,21 26 6 31 20 32:21,24 33.14,16 34 4 35 1,4 37·13 38 18,21 39·3 39 12 44·24 48 15 51 22 60.2,4 61 12 62 12 69·4 85·5
sexuality 10 17
sexually 23 15 24 21 29.18 59·1
shaped 30 16
shaping 29.25
share 26.14,23 47.21 76 11 85 15
shared 104 3
shares 91·18
sheet 3 10,11 113·17
sheriff's 22.13 96 14
she'd 52 13 99·3 104 15
She'll 54·18
shielding 98.14
shift 73:16
short 40:7 42 18 56 24 66 18 101:16
shorthand 20 10,10
show 9.4,13 19.6 63 5 70 9
shows 30·2
shut 79 5
shutting 78·3
sibling 105 12
Signature 3:11 111 25 115·1,6
signed 113 11
significant 27 3 70.13 71 13 80 3 85.25 86:11
significantly 71:20
similar 24:23
simply 90 2
single 37.3
sir 97:19
sitting 57:12
situation 24 3 26 13 28.1 38 17 63.1 99.21 109 3 110:3
situations 37 15 57 7 60:21 61·3 90 5 105 9
skills 9 11
slightly 63:6 82·24
Smith 1·9 4:9 21·24 25 9 26.18 27 1 28.22 30.18,24 35:12,16 37.4 37 16,24 39·4 40:4,25 41 4 42·19,25 43:23 48.16 49 15,18 62 16 64:3 74:8,12 77 2 91·9 113 4
Smith's 45·25 46.10
social 8 2,22
socially 70.24
softball 42 6,7 42 13 60:14
somebody 76 3 105.25 107 2
someone's 110 18
somewhat 35 22 72 22
sorry 11·1,2,8 11·13 25.3 36:5 39 3 41:21 46:3 53 14 54 19,20 58.9 60 23 67.5 90·14
sort 82 25
soul 24.13,25 38 22
sound 55:12 81·14
sounds 81 13
South 1:1,18 2:7 2 15,22 9·22 112 3,22
space 17:12
speak 56 16 99 9
special 36·9 68 7 107:1,10
specialized 68 15,19,22
specific 78 16 79 22 81.14,18 89.1,11 93 3 110 8
specifically 12.7 12 7 69·3
specifics 19 19
spell 69 5
spent 56·4 64:17
spoke 56.1
spoken 56 8 67 6 103·4
sport 42:8
spotting 63.24
spread 40·14
spring 42 8
stables 57·11
stage 90·10
stand 58.12 59:23
standpoint 23 8
start 14 4,9 32:3 34·2 42 13 43 19 78·3,6 108 18
started 33 9,9 41 25 42·9 47·21,22 61 10 72 5 74 3 77.6 95:12,21 99:22
starts 81·11 108.6,10
state 1 1 4 5 76·21,25 112 3 112.22
statement 37:18
Station 22 12
stay 51 19
stayed 69 21
step 41.13
stepfather 25 9 29 9 37.5 39.21
stepfather's 40:23
stop 19 2 20:3 21:18 37 8,11 51 17
stopped 19 22 29·24
story 19:1 20·2 20:2 32 3,4,6 32 10,11,11 65:23 66 7
straight 10.14
stranger 10 24
stream 9·22
Street 2·21
stress 12:8 13.16 14 16,21 31.17 54·22 68:20 69·19
strike 43 18
struggles 95:23
stuck 82 6
student 50.4
students 9 11 9 18 10:1 49:23 57 13,21
studies 110·5 110:23
stuff 40 9 44.3 63 20 81:8 100 5 103:19
stumble 5 1
subjective 86 9
subpoena 5:9 5 12
SUBSCRIBED 115:10
substance 7 14 7 15
successful 109 8
sue 41·11
sued 73:8
suffer 82 18 83·4
suffered 83.6
suffering 90 22 92 5
suggest 110.24
suggestion 94 10
suggestive 94 9
suicide 33 4,13 42.17 45·11,12 45 23 46 7 52.6 102 4
suing 41:7
Suite 2:21
summary 20.6
Summerton 22:11
supervisors 23.11 24 8
supplemental 113·15
support 72.10
supposed 62 21
sure 4 24 6 9,21 12.17 14 6 21 5 23 3 26:2 28 9 36:17,18 36:18 47 5,6,6 49 2,11 54:13 56:17 60 25 65·17 67.18 73:24 76 16 78 12 81 17 92·18 94 23 95 4,6 99.13 100:20,23 101 4,7 108·21
surprised 29 12 29·15 34 1
surround 78·4
surrounded 27·13 80 5
surrounding 12 6 78 23 106·7 108 13
survive 109 20

suspended 52.19
suspensions 52 15
swears 105 15
switch 93:12
sworn 4 1 112.9 115·10
symptoms 21 22 54 10 104:23 105 2

T

T 3·13 113 1,1
take 5·5,6 14 5 20 9 24.5 48.1 62 21 66 11 67·19 72·13 74·24 77 17 87 13 88.12 101:13 110 17
taken 1 15 30·17 59 6 61·16 112·7,10,15
takes 60 4
talk 10.13,14 13 21 27 18 36·2 47 4 50.4 58 25 61 24 62.1,4 78 21 79:6 96 20 100.15 102·20
talked 10 20 21:14 29 8 32 19,25 33:1 33·3 40 15,18 40 21 45·7 46:16,19,21 55.14,17 56 6 67 3 72 18 89 16 100·3 103·15,17
talking 10.16 12:8 21.10,16 25 10 26 19 28·11 46 5,12 50 2,24 61 21 62 15,16 66·1 110:11
talks 34.16 40 21
Tanya 1·15 4·1,7 113·5
taught 9 2
teach 9·9
teacher 21 24 37 14 41.22,25 42·3 50 14 64 8
teachers 107·4 107·6
teaching 9.2
technical 4 21
technically 9 12 58 21
techniques 85 9 94.4
teenage 25 24
teenagers 57.24
teens 10:14,20
teeny 26 9
tell 10:23 16 11 20:1,8 22.4,5 28 7,7,8,18 29:1 30 2 33 8 33 11,21 34·1 35·3 38·17 39·6 43 25 53.15 61 9 62 14 63:24 64.1,2,11 65 6 65·15 66 7 67 5,15 73·24 77 17 83 11 84 24 85 10,12 89 7,10 92:22 95 24 97 22,24 99·9 105:6 107:1,25
telling 32·5,10 43:15 44 6,7 44 10,25 45.1 76 9 83 12
tells 76 3
tend 19:1,6,17 23·21
tendencies 70.16
tendered 9 6 10.12 13:7
tends 12 9
term 4·22,24 84 6 107.20
terminated 22 19 23:1 52·16,17,21 64 24
terminology 28 20 29 11
terms 7.6 29 9 32 14 58·24 70·24
testified 4 2 22.3
testifying 92 9
testimony 16.3 87·14 102 24 112 8,10
text 56·9
texted 55.20
thank 12 25 31 23 89·7 111·7,8,17,19
theirs 98:3
theme 74 7
therapist 51 15 94 3 95 17
therapists 17 8 43 24
therapy 51·9,18 111:3,4
thereto 112:17
thing 6.12 7 8 23 18 24·18 27·2 28·11 36:3 37 3 39 21,24 47:16 47 22 48.3,25 63.13 65·1 68 15 69·13 84·11 98 25 103 15 108.20
things 14 18 23 16 24 14 34·11 38 25 45 8 46:16,19 46 23 49 4 57 6 59:3 60:18 61 15 62 18 64.18,23 65.7,25 67 8 79 16 82:5,8 86·2,5 94 19 98.19 99 23 100 21 105·11 105.17 108.11 108:13
think 5 22 6:7 9 8,9,23 12 13 17·24 23:3 24.4 25·23 27:10 30 19,20 32 13 33.20 34·4 35 14 36 17 39 1,24 41 6 47.17,20 48:9 50 1,2,6 51 10,14,16 52·12,12 56 8 58·16,17,20 59 2 61 25 65 1,7,17 69 2 69:3 71 18 73 3,12,14,17 76·15 77·8 82 8,23 83 3,7 83·9 87.14 90.21 91 24 92 1,4 93.7,25 95:15,19 96·25 98·14,19,20 100 18 101 1,2 101:4,14 104 17,18,22 104:23,23,25 105 3 110 7 111 6,14,16
thinking 23·3 61.23 82 17
third 21 8
thought 11.8 31 3 35 21 62·22 64:22
threatened 52:14
three 25.2 27 12
thrill 61 13 62 1 63:22
Thursday 1:16
time 4:19 5 5 6·8 6:9 11 4 19·4 21 10,12 24 16 25·17,20 26.5 26 15,20,25 27:4 31 12,13 36·24 37 16 40 7 42.18 44 4 45·10 47·19 50.16,21 52 3,4 53.12 54·23,23 55:25 56 3 62.6 64 16,20,21 66.3 71.14 78 7,16,16,23 80 3,4,10,15 81 4 83 14,14 84 18 85.2 86 7 88 21,23 89.1,16 91:7 93:3 97 1 100 13,19 102:13,21 105.9 106.8,10 106.20 107 12 107·23
timeframe 32 23
times 16.21 17 18,20 19·23 20.25 27·12,23 44 17 56.1 72:17 86 12 90 3 105·16
tiny 26:9
today 5 8 11 20 44:4,12 82.10 100.16 102 24 108·9
told 16·15 18 24 19 2,21 20·24 28:3,4 29 3,12 34 17 73·13 75·1 85:20 86·23
tormented 65·4
total 56.3 108 14
totally 23 17 24 1 26.2 61:2 64:19 79 3 89 19 91·13 104·9,17 110.22,25
touched 49 24 49 25 50:5
touching 27 21 28 9 49·20
touchy 73 2
town 97 6 102 3 102 22
training 67 20 68·1,1,14,15 68 16,16,17,19 68.22
trauma 32·17

77.24 78:2,18 78 18 80.5,12 80 15 81.5,11 82 21,25 83 5 83 6 106 7,14 109 23
traumatic 83 3,7 107 18
traumatized 54 22
traumatizing 39 16,16,18,25 59:4
treat 11.22,25 67 22 68 4,5 69·8,15
treated 14 12 31·16 109 17 110 9
treating 5.16 69.12 71 4 91 1,3 95·22 97·20,21 107 16 110.14
treatment 7 4 8 3 10·5 11 12 51 2 68 3 90 11 95:14 111·2
tried 46 25 50 19 82 17
triggered 77 4 94 2
triggers 55 6
true 39 13,15 43:15 61 22 76 7 83.21
trust 40.6
trusting 17·8 47.20 73·7
truth 46·8 61:23 63·5
truthful 11.19
try 16.23 32 9 48 25 94.6
trying 6 7 13 6 28.23 43 22 46 20 47 17 51·8 55.11 80 23,24 81 3 82 5,12 84:25 85 3 93·6 96 2 100 3 108:3
turn 30:17 59:12
turned 38 11 110 25
turns 54 24 106.3
twice 27 9,10,12 37 23
two 16 20,21 17.20 20·25 22 18 23 16 25·13,13 26 9 42 16 45.22 53.13 57 11,23 60·20 61:2 63·2 66 16 80.19,21 82 5 82.7 102 11 109·9
two-fold 77 21
type 9:16 14 17 20.11,13 30.13 61 12 62.10 69 13 80 9 88 24
typed 20 20 67.11 88 18,22
types 8 21 9:18 11 2 45:7 48 7 67·21 68 5,14 85 3
typewriting 112.12
typical 97:4

U

U 51.5
uh-huh 5·13 7·10,13 15 22 20·23 21 25 22 9,14 24.9 25 19,25 29.23 31.15,18 32 22 34 15,19 35:2 35·5 37·17 42 2,4 48:17 51 7 53 21 57·9,18,22 58.1 59:16 60 1,6,13,16 67·14 74 10,13 76 20 77.25 80.21 81 13 82 22 83:2 84 16 86.22 88 16 90 17 92·24 95 3,24 96·11 97 8,21 98 9,13 99·7 101 25 106:2 106.18,25 107 21 108·24 109:2
unable 79.5 85.1 90 9
unbelievable 62·24
uncommon 58 15,15
uncover 106 11 108 3
uncovered 31·13 70.20
uncovering 95 21
underneath 53 12
understand 4 20 5.2 20 5 38·14 39 8 40.15 58 21 90·7 91 24 93 23 107:24 108·21
understanding 25 15 38·15 72 23 77 18 82 16 93:23
Unfortunately 30.8
unimportant 107·13
universities 9:21
University 9:22
unpleasant 82.18
unreasonable 61 1
unsafe 61 3
update 70 18 71 9,23
updated 6 3,4,5 6 10,16 8·13 12·13
updates 6.13,16
upside 13 6
use 4 21 24 12 47 20 61.14 84 10 85 9 94·4 113 15
usually 53 9 54 21 71:12 75:22 77 22,23 78 17 80.4 85:2 96 12,18 104.12

V

vagina 49 25 57·17
vaginal 49.17
validate 94 6
various 9·17 32 4 68:5 70·11
vehicle 60.12 67 8
venue 58 6 59:21 60.7
verbally 39 22
verbatim 82 2
versus 38·18 60.20 65·7 82 14,23 84:25 96 21
victim 35 10,15 35 19 59·18,23 63 24 85 5
victimized 63.25
victims 15 1 36.13 38:18 61:10 74·23
view 93:22
violent 52 16
visit 44 22
visits 13:20
visual 66.1
Vitae 3·15
vs 1.7 113.3

W

wait 53·16 95 12
waiting 70 19
walk 58 12 65 3
walked 46 9
Wal-Mart 52 16
want 4 24 7·2 14 9 17·1 23 2 23·19 31.9 47 2,4 48 5 51 11 63·10 74 23,24 75.6 76 16 79 9,10 81·21 82 2,12 83.7,8 84.2 88 14 91 20 93·8,12 96·15 101 7 108 20
wanted 20.21 22 6 36 9 47 5 51·17 61·12 69 24,24 99 2 99·13,17
wants 37·2 65 11,12,13,14 74:7
warrants 106 12
wasn't 16 15,16 22:5 27·25 31·23 32 12 35.23 36:7 39 19 42 20 51·13 67 6 73 7,15 86 6,8 86:16,19 91 3 92 10 98 24 103:1
watch 102 4,4
way 21 14 23·19 30 5 31 22 32 20 33·5,6 33·10,12,21 34 8 35.24 36:7,12 38 10 39 17,18 41·23 52·2 76·2,5,17 80.8 85:23 109.8,16 110 8
ways 10 20,25 11 2 85·9
week 42·16 56 13 95.25 96·5 101 21 102 7,8
wellbeing 8.18
went 25·23 28 2 37 15 45·25 51 10 57 15 64.12 105 13 105 14 107.4,6 107:7,7
weren't 6.13

91:1 99 16
Wesley 1 18 2 14
we'll 5:6 13 20 13 20 14 4 26.2 66:16 76 2
we're 4:24 7:21 13:19 49 3 75.6 101.14 108 13,14 110:11
we've 25.20 53 3 67 6 89:7 105.16
whatsoever 26 23
White 1.21 112 6,21
whoever's 107 16
wholeheartedly 16 3 40 10
willing 16 9 39 4 98 2
wine 105 19
winter 43 2
wish 113:8
withdraw 23:18 51:8
witness 25 16 112:8,10 115 6
witnesses 58:11
woman 59 2
women 58.25
wondering 50 13
word 47:20 61:14 64 10 75 5 83 22 84.10
work 52 15,25 65:12,18 68 1 70 25 85 14 89 25 98 2 99 4 101 2
worked 17 13 18:24 34:3 61 10 79 17
working 22:11 61 10,13 70 11 97:25
works 96 13
world 42 3 109 21
worse 28:25 64 23 65 8 109 18
worsened 75:13
worth 61:24 62 22
worthless 32.19
worthy 40 8
wouldn't 11 10 16 15,23 23:22 29 15 36 11 42:8 47:2 50 20 55.25 62.25 88.1
wrestling 43:1
write 13:25 50:17,18 54 17 57 4 70.4 86 10 87 5 96 17 113:10
writing 57 5 86.9
written 8 6 87:24
wrong 28.1 77 5
wrote 35 11 53 9 86 7

X

X 3.1,13 58 19

Y

Y 58 19
yeah 4:15 18 11 39.1,11 53:17 58:14 82:5 83 6 90 19 101 12 105:2
year 6:17,17 8 11 12 13,23 27:2,7,14,15
years 10:23 18.10 25 24 29:5,9 34:17 67 24 107:5 108.12,16
yell 59 24
yep 21:2
young 2 20 16:6 28:21
younger 30:3,14
youngest 65 20
your's 73:22
y'all 27.17 53.6 53.22 72 7,16 74.14 84.11 100 4

Z

Z 58:19
Zinzow 31:16 95 17
Zinzow's 73:22 73:23
Zoloft 47 24 51:3
zoning 31:24 32:6,15

0

0 29.2,14
004 3 4
013 3:15
019 3 16
077 3 5

1

1 3:15 13:23 70:22
10 15 7 29 2,14
100 15.6 16:14 70.23 110 22
101 3:7
11 29:2,14 112.25
11th 6 1 13 1,3 53 11,16 67:10 69 18 88 18
11/21 87.7
111 3.8,17,18
112 3 9
113 3 10
115 3 11
12 29.2,14
12th 72 4
13 29:2,14
13th 42.18
14:29:08 4 10
14:29:19 4:15
14:29:27 4 20
14:29:43 4 25
14:29:51 5 5
14:29:59 5:10
14:30:09 5.15
14:30:17 5:20
14:30:31 5:25
14:30:45 6:5
14:31:01 6 10
14:31:16 6:15
14:31:25 6 20
14:31:41 6:25
14:31:53 7 5
14:32:09 7.10
14:32:20 7 15
14:32:28 7:20
14:32:37 7 25
14:32:50 8 5
14:33:01 8:10
14:33:14 8 15
14:33:48 8:20
14:34:06 8 25
14:34:22 9:5
14:34:43 9 10
14:35:00 9:15
14:35:12 9 20
14:35:25 9:25
14:36:12 10 5
14:36:22 10:10
14:36:47 10 15
14:37:03 10:20
14:37:21 10 25
14:37:33 11 5
14:37:44 11 10
14:38:08 11 15
14:38:21 11 20
14:38:33 11 25
14:38:46 12.5
14:39:03 12.10
14:39:20 12:15
14:39:54 12:20
14:40:21 12.25
14:40:46 13:5
14:40:56 13 10
14:41:45 13:15
14:42:03 13 20
14:42:40 13:25
14:43:22 14 5
14:43:33 14:10
14:44:02 14 15
14:44:19 14:20
14:44:38 14:25
14:44:53 15 5
14:45:12 15:10
14:45:24 15:15
14:45:37 15:20
14:45:48 15:25
14:46:05 16.5
14:46:22 16:10
14:46:42 16:15
14:46:55 16 20
14:47:07 16.25
14:47:18 17:5
14:47:32 17:10
14:47:43 17 15
14:47:54 17.20
14:48:06 17 25
14:48:27 18:5
14:48:37 18 10
14:48:55 18 15
14:49:15 18:20
14:49:28 18 25
14:49:50 19.5
14:50:02 19 10
14:50:22 19:15
14:51:06 19 20
14:51:21 19.25
14:51:31 20 5
14:51:48 20.10
14:52:01 20 15
14:52:15 20:20
14:52:31 20 25
14:52:39 21.5
14:52:57 21:10
14:53:09 21:15
14:53:17 21:20
14:53:28 21 25
14:53:40 22:5
14:53:49 22:10
14:54:06 22.15
14:54:18 22 20
14:54:38 22:25
14:54:57 23:5
14:55:19 23.10
14:55:31 23 15
14:55:48 23:20
14:56:03 23 25
14:56:22 24 5
14:56:30 24:10
14:56:47 24 15
14:57:06 24:20
14:57:22 24 25
14:57:35 25.5
14:57:57 25:10
14:58:07 25 15
14:58:17 25 20
14:58:33 25 25
14:58:48 26:5
14:59:04 26 10
14:59:17 26:15
14:59:36 26 20

14:59:52 26 25
15 18.10 58 22 96 5 101 21 102 6 108 23 108 25
15th 36 25 56 15 88 11
15:00:10 27 5
15:00:25 27.10
15:00:44 27:15
15:01:01 27 20
15:01:18 27·25
15:01:37 28.5
15:01:52 28:10
15:02:06 28 15
15:02:17 28·20
15:02:38 28:25
15:02:53 29 5
15:03:09 29·10
15:03:25 29·15
15:03:40 29.20
15:03:53 29 25
15:04:14 30 5
15:04:30 30:10
15:04:47 30 15
15:05:02 30·20
15:05:13 30 25
15:05:33 31 5
15:05:53 31 10
15:06:20 31 15
15:06:46 31·20
15:07:04 31 25
15:07:24 32 5
15:07:42 32 10
15:07:56 32.15
15:08:21 32.20
15:08:28 32 25
15:08:48 33·5
15:09:04 33·10
15:09:21 33 15
15:09:36 33.20
15:09:52 33 25
15:10:12 34·5
15:10:27 34.10
15:10:39 34:15
15:10:47 34 20
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EXHIBIT 2
Deponent Bolton
Date 2/16/10 Rptr
WWW.DEPOBOOK.COM

Client: [redacted]
P. O. Box 12406
Charleston, S C. 29422
843.619.1734

Date of Service: March 25, 2011

Length of Session: 2.5 hrs

Initial Assessment

[redacted] (i.e., client) reported early for our session in Mount Pleasant, S C She was neatly and appropriately dressed; was well-groomed; her affect appeared normal and stable, yet melancholy She voluntarily participated in the discussion and cried throughout the session as she reflected on her sexual abuse history and how her life seemingly took a downward spiral thereafter Her eye contact was minimal; she fixated on the table. Overall, she appeared coherent, oriented in all spheres, and presented coherent, logical speech.

[redacted] was referred to me by the Richter Law Firm following a claim of sexual abuse by Charles Smith, a former World Geography teacher and soft ball coach during her grade school years at James Island High School.

Re: Family – [redacted] is a 37 year old single, Caucasian female. She has resided in Charleston, S.C. and has lived with her mother, Pat Moore (age 57), for the past 2 years. She reported her mother as being a good mother; friend, and as being supportive. [redacted] said her mother, Pat, and father, Jim [redacted] (mid-late 50's), divorced when she was age 3 or 4. Pat and Jim also have a son, Mike (age 39), who [redacted] said is a prominent businessman in St George. [redacted] gleamed as she talked about her brother Mike and said they have a "really good, close" relationship.

[redacted] father, Jim, now resides in Pennsylvania. Per [redacted] her father remarried (Patty, age 50's) many years ago and had two children – Julie (age 20's) and Timothy (age uncertain). [redacted] reported having a distant relationship with her father and her sister Julie, but maintains contact with Timothy, who resides in St. George and works for her brother Mike.

Re: School / Education -- [redacted] reported dropping out of high school during her 9th grade year following the sexual abuse. She talked about how shy yet vibrant she was during those years and how she loved her friends and various activities. She also recounted how she felt "dead" inside after the abuse and blamed herself for not knowing how to stop it. She contributed her dropping out to the depression, anxiety, and other negative symptoms related to the sexual abuse by her former teacher and coach, Charles Smith.

Re: Employment – [redacted] reported working with the Summerton Fire Station prior to working for the Department of Corrections for the past 10 years. She is currently employed with the Charleston County Sheriff's Office in North Charleston While she enjoys working in her

current position, she reported it has become strained over the past several years after having more access to the inmate's crimes and dealing with the enormous amount of sex offenders.

Re: Sexual Abuse History [redacted] reported remembering being sexually abused (i.e., inappropriately touched, etc.) by a former baby sitter, Linda She said she doesn't remember Linda's last name or other identifiable information at this time.

[redacted] also recalled being courted and sexually abused by her former World Geography teacher and softball coach, Charles Smith, while attending James Island High School (roughly in 1988-89) [redacted] recounted how supportive and encouraging Charles Smith was and how he charismatically won the confidence of various students regarding personal, academic, and sports-related matters. [redacted] said that's how the abuse began and she briefly recounted places where the sexual abuse occurred. Due to her uncontrollable crying and emotional distress, I asked her to not recount any other details at that time and helped her calm down. I assured her that we would cover that information in our next session but wanted to build rapport and get a brief overview of what we would be dealing with. [redacted] agreed to continue with the session via phone and face-to-face meetings and worked to calm herself prior to the end of the session.

Overall Assessment – [redacted] was pleasant to talk to, but was guarded and frustrated. Her being guarded was related to her previous counseling relationship with Dr Heidi Zinzow in 2008-2009 for Post-traumatic Stress Disorder (PTSD) and Depression as related to her sexual abuse by Charles Smith. [redacted] said she and Dr. Zinzow made remarkable strides before Dr. Zinzow ended the counseling relationship because she relocated for an employment opportunity Further, [redacted] said she's guarded because she lost her overall trust in people following the sexual abuse and feels "naked, embarrassed, and dirty" as she recollects the memories of the sexual abuse by Charles Smith.

[redacted] often dissociated during her recalling the sexual abuse, which then led her to severe emotional distress so much so that we had to stop the session and help her compose herself. I feel she is desperate to find peace within and to work towards success in her personal and professional lives.

[redacted] experiencing much regret for dropping out of high school, for not informing anyone about her abuse, for trusting Charles Smith (who she looked at as a father figure since she and her father never had that type relationship), and for feeling she never had a chance at true happiness, peace, and success following the sexual abuse. She talked about feeling damaged, used, and worthless; and remembers feeling that way following the sexual abuse. [redacted] also reported having attempted suicide following the sexual abuse because she couldn't deal with the depression and severe emotional distress. She hated the fact she trusted in Mr. Smith so much and that he used her trust to get close to her and ultimately harm her in a way that "damaged (her) soul."

Treatment Recommendations – Biweekly sessions at 1.5 hours per session with brief phone contact in between sessions to ensure client's safety as we deal with her sexual abuse history. Further, [redacted] reported seeing Charles Smith in town at the local grocery store, etc., and I want to ensure her emotional state does not deteriorate during our therapeutic process. Note that she presents NO suicidal/homicidal ideations or self-destructive behaviors/risks at this time. Long-term therapy is needed.

[redacted]
Initial Assessment
03-25-11

Signed,

Tanya L. Bolton, MA, LPC, CAC

TANYA EVETTE BOLTON
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Columbia, South Carolina 29201
Phone: (803) 252-7952 / Fax: (803) 252-7953
Mobile: (803) 447-3230
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Education

Webster University, May 2002
Master of Arts Degree
Major: Counseling Psychology
Focus: Family & Marriage Therapy
Columbia, South Carolina

Columbia College, August 1999
Bachelor of Arts Degree
Major: Psychology
Columbia, South Carolina

Certificates and Licensure

- Licensed Professional Counselor (LPC), South Carolina
- Certified Addictions Counselor (CACD), South Carolina
- Certified Pharmacy Technician, U.S. Army

Areas of Expertise

Family and Marital Counseling

- Conduct seminars addressing such issues as ineffective communication styles; intimacy issues; HIV/AIDS; grief/loss of loved ones; separation/divorce and ways to cope and overcome them from a theoretical and spiritual perspective
- Consult with attorneys and the Department of Social Services for court regarding custody battles and determining parental fitness
- Conduct psychosocial interviews and provide written assessments

Physical and Sexual Assault Counseling

- Consult with attorneys, Department of Social Services, police, Victim Advocates, and court officials in cases involving physical and sexual assault
- Prepare written psychosocial assessments for court and qualified to testify as an expert
- Utilize art therapy, play therapy, and other existential techniques to aid in the interviewing and counseling process

Substance Abuse Counseling

- Conduct drug screenings and breathalyzer tests to assess for alcohol/drug use

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Deponent Bolton
Date 2/16/10 Rptr
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- Facilitate educational, relapse prevention, and intensive outpatient treatment groups encouraging clients to achieve and maintain sobriety

Professional Consulting

- Train other professionals to set up and manage a private counseling practice (legally and ethically)
- Conduct research for public and private institutions (institutional and community-based research)
- Evaluate programs, services, and curricula by developing questionnaires, collecting and analyzing data, researching related topics, and providing written analyses of results
- Life coaching services provided for individuals transitioning back into the workplace; balancing work and home effectively; developing effective leadership and supervisory skills; etc.

Work Experience

Benedict College *(August 2005 – Present): Adjunct/Full-time Instructor-*
Provide instruction to approximately 35 - 60 students per class; administer/grade exams and assign class projects; and assist students with practicum placements. Classes taught include *Introduction to Psychology, Personality Theory, Human Growth & Development, History of Psychology, Human Sexuality, and Abnormal Psychology.*

Bolton Counseling & Consulting, LLC *(April 2003 – Present): President –*
A private practice geared towards promoting healthier lifestyles to families, couples, individuals and public/private organizations by providing educational, therapeutic, and consulting services. Areas of specialization include marriage & family counseling, substance abuse counseling (and drug screening), and physical/sexual assault counseling. Years of experience and specialized training involving court evaluations for custody battles; determining parental fitness for court and/or Dept. of Social Services; and evaluating victims of physical and sexual assault for court, police, Victim Advocates, Dept. of Social Services, and attorneys.

Richland Primary Healthcare Association, Inc. *(May 2004 – January 2005): Addictions Counselor (Part-time, Grant funded position)* - Conducted biopsychosocial assessments; diagnosed clients based on the DSM-IV; made client referrals to other agencies; conducted individual counseling sessions; facilitated Intensive Outpatient (IOP) group sessions; conducted drug screenings and breathalyzer tests.

Benedict College (*September 2001 – May 2004*): *Research Associate –*
Designed and administered surveys; researched and collected data; conducted statistical analyses in Excel, Minitab, and SAS; assessed all pertinent courses, programs, and services at the College and prepared written assessments based on detailed research, and recommended courses of action; presented research findings to top level administration.

Lexington/Richland Alcohol & Drug Abuse Council (*May 2000 – September 2001*): *Assessment Counselor (Certified Addictions Counselor I)* – Conducted biopsychosocial assessments; diagnosed clients based on the DSM-IV; made client referrals to other agencies; recommended levels of treatment; conducted individual counseling sessions; facilitated Intensive Outpatient (IOP) group sessions; evaluated parental fitness based on AOD use and parenting skills; conducted drug screenings and breathalyzer tests. (*Also, volunteered and actively participated with The Bridge, an adolescent AOD outpatient program, from February 1996 to December 1998*).

Carolina Children's Home (*June 1999 – May 2000*): *Admissions Coordinator* – Interviewed caseworkers to assess for client's program appropriateness; maintained client files and Kidsnet database; prepared monthly reports: conducted institutional research

Carolina Children's Home (*July 1997 – June 1999*): *Therapeutic Assistant/Clinical Counselor* – Conducted individual and family counseling sessions; made home visits with adolescents in efforts to encourage acceptable social behavior via Behavior Modification Therapy (per the Wraps program); received training and provided counseling to address physical and sexual assault, substance abuse, depression, self-mutilation, and other issues (under the supervision of a licensed counselor/social worker).

Rite-Aid Pharmacy (*March 1993 – March 1997*): *Certified Pharmacy Technician* – Filled prescriptions on computer and manually; conducted pharmacy inventories; placed drug orders; conducted patient counseling; and made doctor referrals.

United States Army (*January 1990 – January 1998*): *SGT/Pharmacy Technician* - Worked inpatient and outpatient pharmacy filling prescriptions; conducted pharmacy inventory; conducted patient counseling; and supervised other pharmacy personnel.

Professional Papers and Presentations

Bolton, T.E. (February, 2002). *Marriage: What's God Got to Do With It?* Presented to 46 couples at a married couples retreat sponsored by Bethel AME Church, Columbia, S.C.

Bolton, T.E., Boatwright, M. & Bellinger, J. (October, 2002). *Assessing College Outcomes through the Eyes of Alumni* Paper presented at the 2002 Annual SAIR Conference, Baton Rouge, Louisiana.

Bellinger, J., Boatwright, M. & Bolton, T. (October, 2002). *Do Anticipated Grades Affect the Student Evaluation of Instructors? A Multiple Regression Approach.* Paper presented at the 2002 Annual SAIR Conference, Baton Rouge, Louisiana.

Bolton, T.E. (February, 2003). *Healing What Hurts.* Presented to the Bethel AME Married Couples Ministry at their 3-day retreat, Columbia, S.C.

Bolton, T.E. (May, 2003). *Marriage: What's God Got to Do With It?* Presented to 35 couples at a married couples retreat sponsored by Pine Grove AME Church, Columbia, S.C.

Bolton, T.E. (June, 2003). *Teen Talk: Self-Esteem, Peer Pressure, Sex & Sexuality.* Presented to 125 teenagers at a leadership conference at Bethel AME Church, Columbia, S.C. – sponsored by the 7th Episcopal District.

Bolton, T.E. (July, 2003). *Straight Talk with Teens.* Presented to 180 teenagers at a week-long leadership conference at Benedict College, Columbia, S.C., sponsored by the Columbia Housing Authority. Topics addressed included family of origin, self-esteem and achievement, sex and sexuality, identity (gender and race), and more.

Bolton, T.E. (August, 2003; September, 2003; October, 2003; April, 2004; August, 2004; April, 2005; October 2005; April, 2006; October 2006; March, 2007). *Start Your Own Private Counseling Practice.* Presented to Bachelors, Masters and Doctorate level counselors, social workers, and educators, Columbia, S.C.

Bolton, T.E., Bolton W.S. (February, 2004). *The Juggling Act.* Presented to the First Calvary Baptist Church Married Couples Ministry at their 2-day retreat, Rock Hill, S.C.

Bolton, T.E. (March, 2004). *Live Everyday Like It Matters.* Presented to 35 adults living beyond being diagnosed with HIV/AIDS sponsored by Delta Sigma Theta, Inc, Columbia, S.C.

Bolton, T.E. (April, 2004). *Let's Talk About Sex.* Presented to the Bethel AME Married Couples Ministry, Columbia, S.C.

Bolton, T.E. (June, 2004). *Coping without Doping: Handling Stress in the Workplace.* Presented to employees and administrators at Richland Primary Healthcare Association, Inc., Columbia, S.C.

Bolton, T.E. (January, 2007). *Rising Above Your Circumstance(s).* Presented to approximately 45 teens and 10 parent chaperones who were victims of either physical or sexual abuse (plus a "movie therapy" component), Manning/Columbia, S.C.

Bolton, T.E. (December, 2007). *Surviving Holiday Stress and Overcoming Loss.* Presented to approximately 50 adults attending Brookland Baptist Church's Married Couples Ministry and the Men's Ministry breakfast, Columbia, S.C.

Publications

- Start Your Own Private Counseling Practice (2003)
- *Getting Back to Parenting Basics*, IMARA Magazine (Jan/Feb Edition, 2011)
- *Boys, Boys! – Oh Boy!*, IMARA Magazine (March/April Edition, 2011)

Professional Group Memberships

- American Counseling Association (ACA)
- South Carolina Association of Alcohol & Drug Abuse Counselors (SCAADAC)
- Southern Association of Institutional Research (SAIR/AIR)
- American Educational Research Association (AERA)
- American Academy of Experts in Traumatic Stress (AAETS)
- Association of Black Psychologists (ABPsi)

Miscellaneous

- Computer literate in SAS, Minitab, and Excel research/statistical programs
- Speak limited Spanish.
- Attended the 2004 National Health Care for the Homeless Conference, June 16-19, 2004, New Orleans, LA (addressed substance abuse and sexual/physical abuse of the homeless)
- Completed approximately 180 hours of specialized training in marriage/family counseling utilizing a systemic approach, determining parental fitness (custody battles), physical and sexual abuse counseling, and substance abuse counseling between January 2002 and November 2004.

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Columbia, SC 29201Phone: **(803) 252-7952**
Bolton Counseling & Consulting LLC is a Clinical Social Worker facility and is located in Columbia, SC.

The **addiction treatment business** "Bolton Counseling & Consulting" is located at 5000 Thurmond Mall # 319 in Columbia, SC.

Tanya Bolton Kennard Dubois. **H.I.V./A.I.D.S Prevention and Care ... Tanya Bolton.** Educational Excellence Program. Sis. Pat Blakeney. Children's Church Ministry ... [www.bethelcolumbia.net (Is this the correct TB?)

> Sponsored by the School of Business and Applied Professional ... **Tanya Bolton**, Certified Licensed Counselor. Owner of Bolton Counseling LLC, Columbia, SC ... [www.scsu.edu]

Executive Speaker Series - Conflict Resolution: Professional Behavior in the Workplace

Wednesday, September 05, 2007

Executive Speaker Series

Sponsored by the School of Business and Applied Professional Sciences

Featured Speaker:
Tanya Bolton, Certified Licensed Counselor
Owner of Bolton Counseling LLC, Columbia, SC
Topic:
Conflict Resolution/Self-Management: Professional Behavior in the Workplace

For additional information, contact Dr. Ann S. Winstead at (803) 516-4864 or Debbie Morant at (803) 536-7138.

> **ORANGEBURG The College of Business and Applied Professional ... Tanya Bolton, Certified Licensed Counselor. Owner of Bolton Counseling LLC Columbia, S.C. ... [www.scsu.edu] Weekly Executive Speaker Series resumes Aug. 29**
>
> Friday, August 24, 2007
> **ORANGEBURG** – The College of Business and Applied Professional Sciences at SC State will kick off the eleventh year of its Executive Speaker Series on Wednesday, August 29.
>
> **The weekly lectures, which are open to the public, are held each Wednesday at 12 p.m. in the fourth floor auditorium of Belcher Hall.** For additional information, contact Dr. Ann S. Winstead at (803) 516-4864 or Debbie Morant (803) 536-7138.

The Executive Speaker Series is a partnership between participating companies and the business program. It supports the college's mission to provide quality management education and leadership to produce competitive graduates for a global and diverse environment.

Since the series' inception in 1996, key executives from major corporations and government have provided professional insight on various topics, and assist students in developing the soft skills needed to become successful leaders. Each Wednesday, executives spend the day interacting with students and faculty in roundtable discussions, a general lecture and a radio interview broadcast to the local community on WSSB 90.3 FM, the radio voice of SC State University.

Past participants have come from a wide array of companies and industries, including Pfizer Inc., Springs Industries, Bowater Inc., Ernst & Young, AT&T, Ameriprise Financial, Black Enterprise, Blue Cross Blue Shield, SCANA, Sonoco, Bank of America, Johnson Controls, Milliken & Company and the Federal Deposit Insurance Corporation (FDIC).

September **5**
Tanya Bolton, Certified Licensed Counselor
Owner of Bolton Counseling LLC – Columbia, S.C.
Topic: "Conflict Resolution/Self-Management: Professional Behavior in the Workplace"

Counselor Tanya E. Bolton featured in SC State's weekly Executive Speaker Series, Sept. 5

Friday, August 31, 2007

ORANGEBURG – The next installment of SC State's weekly Executive Speaker Series will feature **Tanya E. Bolton, certified licensed counselor and owner of Bolton Counseling LLC in Columbia, S.C.**

The lecture – which will focus on conflict resolution and professional behavior in the workplace – will be held on **Wednesday, Sept. 5**, at **12 p.m.** in the **Belcher Hall fourth floor auditorium.**

Bolton is a Licensed Professional Counselor in South Carolina and a Certified Addictions Counselor with **several years of clinical experience and eight years in the military. She earned a bachelor's degree in psychology and a master's degree in counseling psychology with a focus in marriage and family therapy.**

The Executive Speaker Series, sponsored by the College of Business and Applied Professional Sciences, is a component of the Leadership and Professional Development Program, which all business majors are required to complete. The series exposes students to various aspects of the workplace, including viewpoints of leaders who are on the cutting edge of business, industry and government.

Past participants have come from a wide array of companies and industries, including Pfizer Inc., Springs Industries, Bowater Inc., Ernst & Young, AT&T, Ameriprise Financial, Black Enterprise, Blue Cross Blue Shield, SCANA, Sonoco, Bank of America, Johnson Controls, Milliken & Company and the Federal Deposit Insurance Corporation (FDIC).

The Executive Speaker Series was implemented in the core curriculum of the School of Business in 1996 as a component of the Leadership and Professional development Program, which all business majors are required to complete. The series exposes students to various aspects of the workplace, including viewpoints of leaders who are on the cutting edge of business, industry and government.

Tanya	**E**	**Bolton**	Irmo,	SC		Warren Bolton
(Age		38)	Columbia,	SC		
Associated		**Names:**	Cranston,	RI		
Tanya	E	Nesbit	Providence, RI			
Tanya	E	Nesbitt				
Bolton	Tanya	Nesbit				

Ms. Solomon,
Our records indicate that she is up-to-date and will renew on 8/31/2011, which is the common renewal date for all licensees. **License#4603.**
Let me know if I can be of further assistance.

Susan Harrington
Administrative Assistant
Office of Licensure & Compliance
SC Department of Labor, Licensing,& Regulation
110 Centerview Drive, Columbia, SC 29211
Telephone: (803) 896-4771
Fax: (803) 896-4525
LPC

The Licensed Professional Counselor has advanced training, a graduate academic degree, clinical work experience, and has passed a state-certified licensing examination. Counselors treat all sorts of problems: from alcoholism and eating disorders to relationship issues and depression.

BOLTON COUNSELING & CONSULTING, LLC
5000 THURMOND MALL, SUITE 309
COLUMBIA, SOUTH CAROLINA 29201
PHONE: 803.252.7952 / FAX: 803.252.7953
MOBILE: 803.447.3230

Client: [redacted]

Date of Service: March 25, 2011

Length of Session: 2.5 hrs

Initial Assessment

[redacted] (i.e., client) reported early for our session in Mount Pleasant, S.C. She was neatly and appropriately dressed; was well-groomed; her affect appeared normal and stable, yet melancholy. She voluntarily participated in the discussion and cried throughout the session as she reflected on her sexual abuse history and how her life seemingly took a downward spiral thereafter. Her eye contact was minimal; she fixated on the table. Overall, she appeared coherent, oriented in all spheres, and presented coherent, logical speech.

[redacted] was referred to me by the Richter Law Firm following a claim of sexual abuse by Charles Smith, a former World Geography teacher and soft ball coach during her grade school years at James Island High School.

Re: Family – [redacted] s a 37 year old single, Caucasian female. She has resided in Charleston, S.C. and has lived with her mother, [redacted] (age 57), for the past 2 years. She reported her mother as being a good mother, friend, and as being supportive. [redacted] said her mother, Pat, and father, Jim [redacted] (mid-late 50's), divorced when she was age 3 or 4. Pat and Jim also have a son, Mike (age 39), who [redacted] said is a prominent businessman in St. George. [redacted] gleamed as she talked about her brother Mike and said they have a "really good, close" relationship.

[redacted] father, Jim, now resides in Pennsylvania. Per [redacted] her father remarried (Patty, age 50's) many years ago and had two children – Julie (age 20's) and Timothy (age uncertain). [redacted] reported having a distant relationship with her father and her sister Julie, but maintains contact with Timothy, who resides in St. George and works for her brother Mike.

Re: School / Education – [redacted] reported dropping out of high school during her 9th grade year following the sexual abuse. She talked about how shy yet vibrant she was during those years and how she loved her friends and various activities. She also recounted how she felt "dead" inside after the abuse and blamed herself for not knowing how to stop it. She contributed her dropping out to the depression, anxiety, and other negative symptoms related to the sexual abuse by her former teacher and coach, Charles Smith.

Re: Employment – [redacted] eported working with the Summerton Fire Station prior to working for the Department of Corrections for the past 10 years. She is currently employed with the Charleston County Sheriff's Office in North Charleston. While she enjoys working in her

Apr 28 11 09:56p The Boltons 803-407-3060 p 2

754

current position, she reported it has become strained over the past several years after having more access to the inmate's crimes and dealing with the enormous amount of sex offenders.

Re: Sexual Abuse History – [redacted] reported remembering being sexually abused (i.e., inappropriately touched, etc.) by a former baby sitter, Linda. She said she doesn't remember Linda's last name or other identifiable information at this time.

[redacted] also recalled being courted and sexually abused by her former World Geography teacher and softball coach, Charles Smith, while attending James Island High School (roughly in 1988-89). [redacted] recounted how supportive and encouraging Charles Smith was and how he charismatically won the confidence of various students regarding personal, academic, and sports-related matters. [redacted] said that's how the abuse began and she briefly recounted places where the sexual abuse occurred. Due to her uncontrollable crying and emotional distressed, I asked her to not recount any other details at that time and helped her calm down. I assured her that we would cover that information in our next session but wanted to build rapport and get a brief overview of what we would be dealing with. [redacted] agreed to continue with the session via phone and face-to-face meetings and worked to calm herself prior to the end of the session.

Overall Assessment – [redacted] was pleasant to talk to, but was guarded and frustrated. Her being guarded was related to her previous counseling relationship with Dr. Heidi Zinzow in 2008-2009 for Post-traumatic Stress Disorder (PTSD) and Depression as related to her sexual abuse by Charles Smith. [redacted] said she and Dr. Zinzow made remarkable strides before Dr. Zinzow ended the counseling relationship because she relocated for an employment opportunity. Further, [redacted] said she's guarded because she lost her overall trust in people following the sexual abuse and feels "naked, embarrassed, and dirty" as she recollects the memories of the sexual abuse by Charles Smith.

[redacted] often dissociated during her recalling the sexual abuse, which then led her to severe emotional distress so much so that we had to stop the session and help her compose herself. I feel she is desperate to find peace within and to work towards success in her personal and professional lives.

[redacted] is experiencing much regret for dropping out of high school, for not informing anyone about her abuse, for trusting Charles Smith (who she looked at as a father figure since she and her father never had that type relationship), and for feeling she never had a chance at true happiness, peace, and success following the sexual abuse. She talked about feeling damaged, used, and worthless; and remembers feeling that way following the sexual abuse. [redacted] also reported having attempted suicide following the sexual abuse because she couldn't deal with the depression and severe emotional distress. She hated the fact she trusted in Mr. Smith so much and that he used her trust to get close to her and ultimately harm her in a way that "damaged (her) soul."

Treatment Recommendations – Biweekly sessions at 1.5 hours per session with brief phone contact in between sessions to ensure client's safety as we deal with her sexual abuse history. Further, [redacted] reported seeing Charles Smith in town at the local grocery store, etc., and I want to ensure her emotional state does not deteriorate during our therapeutic process. Note that she presents NO suicidal/homicidal ideations or self-destructive behaviors/risks at this time. Long-term therapy is needed.

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755

Signed,

Tanya L. Bolton, MA, LPC, CAC

[redacted]
Initial Assessment
03-25-11

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
JANE DOE)
)
Plaintiff,)
)
v.)
)
CHARLESTON COUNTY SCHOOL)
DISTRICT, JAMES ISLAND HIGH)
SCHOOL, AND CHARLES SMITH)
)
Defendants.)

IN THE COURT OF COMMON PLEAS

Case No.: ~~2007-CP-10-5203~~ 2010-CP-10-7099

PLAINTIFF'S IDENTIFICATION OF EXPERT WITNESSES

FILED
2011 APR -1 PM 2:40
JULIE J. ARMSTRONG
CLERK OF COURT

1. Tanya Bolton, MA, LPC, CAC1
5000 Thurmond Mall, Suite 309
Columbia, SC 29201
(803) 252-7952

Witness is expected to testify as to her counseling aspects of the plaintiff, Plaintiff's sexual abuse, victimization, plaintiff's condition, diagnosis, prognosis, and treatment.

2. Each individual healthcare provider for plaintiff is expected to be called as an expert in his/her own field, and as to the presenting symptoms, diagnosis, prognosis, and disability rating, if any, of plaintiff. The names and addresses of these healthcare providers are already known to defendants and are contained in plaintiff's medical records already in defendants' possession or which will be forwarded to defendants.

3. Specific experts regarding the phenomenon of repressed memory syndrome will be supplemented at a later date.

The Richter Firm, LLC

Lawrence E. Richter, Jr., Esq.
Aaron E. Edwards, Esq.
622 Johnnie Dodds Blvd
Mt. Pleasant, SC 29464
843.849.6000 phone
843.8881.1400 fax

ATTORNEY FOR THE PLAINTIFF

March 31, 2011

THE RICHTER FIRM, LLC
Attorneys & Counselors at Law
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina 29464

Lawrence E. Richter, Jr
William Bee Ravenel Lewis
Alice Anne Richter Lehrman
Aaron E. Edwards

Telephone: (843) 849-6000
Telefax: (843) 881-1400

March 31, 2011

Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street
Charleston, SC 29401

Re: Jane Doe v. Charleston County School District, James Island High School and Charles Smith

Dear Ms. Armstrong:

Enclosed for filing please find the original and two copies of Plaintiff's Identification of Expert Witnesses in the above referenced matter. Please file the original and return the copies to our office in the self addressed, stamped envelope enclosed.

By copy of this letter to all counsel of record, I am advising them of this communication with the Court.

Very truly yours,

Michelle Stith

[redacted] Stith

/cms
Enclosures

cc: Stephanie McDonald
Brian Quisenberry
Jane Doe

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

DEPOSITION OF CHARLES SMITH

JANE DOE,

Plaintiff,

Case No 2010-CP-10-7699

vs

CHARLES SMITH, CHARLESTON COUNTY SCHOOL DISTRICT, and JAMES ISLAND HIGH SCHOOL,

Defendants

DEPONENT CHARLES SMITH

DATE February 28, 2012

TIME 9 45 A M

LOCATION THE RICHTER FIRM
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina

REPORTED BY TERI L HORIHAN
NCRA REGISTERED PROFESSIONAL REPORTER
CLARK & ASSOCIATES, INC
P O Box 73129
Charleston, SC 29415
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Teri@Clark-Associates com

APPEARANCES

ON BEHALF OF JANE DOE

THE RICHTER FIRM
BY AARON EDWARDS
BY LAWRENCE E RICHTER
622 Johnnie Dodds Boulevard
Mount Pleasant, SC 29464

ON BEHALF OF CHARLES SMITH

SENN, McDONALD & LEINBACH
BY ROBIN L JACKSON
3 Wesley Drive
Charleston, SC 29407

ON BEHALF OF CHARLESTON COUNTY SCHOOL DISTRICT and JAMES ISLAND HIGH SCHOOL

YOUNG CLEMENT RIVERS
BY BRIAN L QUISENBERRY
28 Broad Street
Charleston, SC 29401

Also Present [redacted]

INDEX

	Page
EXAMINATION	
By MR EDWARDS	4, 221, 264
By MR QUISENBERRY	215, 260
By MS JACKSON	217, 263
Certificate of Reporter	267

EXHIBITS

	Page
Exhibit No 1	45
Exhibit No 2	50
Exhibit No 3	114
Exhibit No 4	115
Exhibit No 5	116
Exhibit No 6	117
Exhibit No 7	118
Exhibit No 8	178
Exhibit No 9	261
Exhibit No 10	262

CHARLES SMITH,

having been first duly sworn, was examined and testified as follows

EXAMINATION

BY MR EDWARDS

Q State and spell your name for the record, please

A Charles Smith, C-H-A-R-L-E-S S-M-I-T-H

Q Your address?

A [redacted]

Q How long have you been at that address?

A Approximately 38 years

Q Do you own that home?

A Yes

Q Are you married?

A Yes

Q Your wife's name?

A I have to spell it for you C-H-I-A-K-I, Chiaki

Q C-H-I-A-K-A?

A No K-I

Q K-I Chiaki And Smith is the last name?

A Yes

Q That's an unusual name Does it have any

760

Page 5

special meaning?
A Her first name, you mean?
Q Yes
A It's Japanese
Q Okay How long have you been married?
A About 40 years
Q Now, if I asked her that question, would she say about 40 years, or would she know the number?
A She would probably know exactly
Q Okay Do you know exactly?
A Not right offhand, no
Q Do you have children?
A Yes
Q How many?
A One
Q And their name?
A Kimberley
Q How old is Kimberley?
A Kimberley is 26
Q And her last name?
A Smith Well, it's Tran now She's married T-R-A-N
Q Where does she live?
A She is in California
Q Do you have any other family members in

Page 6

Charleston County?
A Yes
Q Over the age of 18?
A Yes
Q Okay How many, roughly?
A One
Q And their name?
A Rick
Q Smith?
A Yes
Q And what is his relation to you?
A Brother
Q Older or younger?
A Younger
Q How much younger?
A Approximately 12, 13 maybe 13 years younger
Q Okay What does he do?
A He is the head of the nursing at a Johns Island nursing home
Q When you said head of the nursing home, what exactly does that mean?
A He's in charge of making sure most of the nurses do all their required --
Q So he's in charge of the nurses themselves?

Page 7

A Well, it's kind of complicated In a way He does a lot of the checking up behind them to make sure medications were distributed He does a lot of the book work for patients doing -- getting it paid for for the nursing home
Q And are you and your brother close?
A Yes
Q Does he know about this lawsuit?
A Yes
Q Have you discussed it with him?
A After the allegations were -- came out
Q How did that come up?
A We just talk about anything that relates to the family
Q So what did you say to him?
A I just told him that there was allegations about me and this young lady about 25 years ago
Q And what was his reaction?
A He just said, I don't understand
Q What about your wife? Talk to her about it?
A Yes
Q How does she feel about it?
A She is quite upset with everything
Q That's understandable Has that caused discord in your marriage?

Page 8

A No
Q Okay What about your daughter?
A Yes, she knows
Q And you told her?
A Yes
Q Does she ever visit from California?
A She hasn't from California
Q How long has she been there?
A About six months
Q Okay And before then, she lived here?
A No
Q Okay Where did she live before?
A Wichita, Kansas
Q All right When was the last time that you actually saw each other?
A About three weeks ago
Q Did you travel to visit her?
A Yes
Q In California?
A Yes
Q All right How long did you stay there?
A Seven days
Q Was this a planned trip?
A Yes
Q How long had it been planned?

Page 9

A Probably about two months
Q I understand that you recently had a surgery
A Yes
Q Can you tell me what that surgery was and what it was for?
A It was to remove two disks in the back of my vertebrae because they were pushing on the spinal cord And they needed to remove them and replace them with a titanium plate in order to relieve the pressure off the spinal cord because they said if eventually it was not done, I could be paralyzed on that side
Q How long had that been a problem for you?
A About six months
Q Okay Any problems with your -- is it your back or your neck?
A Neck
Q Any problems with your neck prior to that?
A No
Q Any other physical ailments or disabilities?
A Like what do you mean?
Q Got a bum knee? Your shoulder hurt? Anything like that?
A With the surgery, I had problems with my

Page 10

shoulders
Q With your shoulder?
A (Witness nodded)
Q Are you prescribed medication?
A Yes
Q Are you taking that medication now?
A No
Q Were you -- but you were prescribed medication?
A Yes
Q What was that medication?
A It was -- I've got to think of the name Oh, gosh It was pain medication I -- the name's just slipped my mind I can't think of what the name of it was
Q Do you know what type of pain medication it was? Maybe not the brand name, but was it a morphine, codeine, anything like that that you know of?
A It was a muscle relaxer
Q And what -- did that have any side effects on you?
A Drowsiness Tired
Q Just made you kind of tired?
A Uh-huh

Page 11

Q Okay And when was your surgery?
A Surgery was February 4th
Q After the surgery, were you in a good deal of pain?
A Not necessarily
Q How long have you been off medication?
A I took myself off of it probably four days after The pain medication, I took myself off about four days after surgery
Q The last deposition that you attended, do you remember that?
A Yes
Q Do you remember who it was?
A It was -- you mean the -- who the deposition was about?
Q Who the witness was
A Who the witness was?
Q Sure, yeah The person who was being deposed
A Yes
Q Okay Who was it?
A [redacted]
Q Okay And you attended that, didn't you?
A Yes
Q And that was how long after your surgery?

Page 12

A Let's see That would have probably been -- I think that was before my surgery
Q Before your surgery?
A With hers With her mother, it was after my surgery
Q I'm talking about the very most recent deposition that you attended Do you remember that?
A Yes That was her mother
Q Okay And that was after your surgery?
A Yes
Q Do you remember how long after your surgery that was?
A No
Q Okay Were you on pain medication at that time?
A No
Q Now, have you ever been deposed before?
A Yes
Q How many times?
A Once
Q And what was that case about?
A Had to do with a teacher at the high school
Q Which teacher?
A Eddie Fischer

Page 13

Q And what was that case about?
A It was about sexual molestation of students
Q By Eddie Fischer?
A Yes
Q Why were you deposed?
A There was a question about a grade
Q What was the question?
A The question was the grade had been changed, and wanted to know if I knew why it had been changed
Q Can you elaborate a little bit on that?
A A student in my class failed On his permanent records, his grade was a passing grade It had been changed
Q What was the student's name?
A I don't remember
Q Your whole deposition was about this, right?
A It was only like four questions
Q Do you remember who the attorney was that asked you the questions?
A No
Q So what do you know about that grade being changed?
A I didn't know anything about it until they showed me

Page 14

Q So you didn't change it?
A No
Q Who changed it?
A From indications, the initials were EF
Q Okay So that would be Eddie Fischer?
A I'm guessing that's who it would be, yes
Q Why would he do that?
A Pardon me?
Q Why would he do that?
A I don't know
Q Who -- you don't remember the student's name?
A No
Q Do you remember the class?
A World geography
Q Okay And this was a boy or a girl?
A Boy
Q Did this boy play sports, or was he just a student?
A I don't know if he participated in any sports or not
Q Did you coach him or not?
A No
Q And he failed your class?
A Yes

Page 15

Q You gave him an F?
A Gosh Yes, an F is failing
Q Okay And you entered that into his record? You reported the grade, and that's what it was, an F?
A Right
Q And then at some point after that, Eddie Fischer came in, you say, and changed it from an F to what grade?
A I think it was a 70 I think was what he put down
Q And what grade would that be in a letter?
A That's -- well, at that time, 70 is passing
Q It's a D, isn't it?
A D
Q Just barely passing?
A Right
Q What was it before? Do you remember?
A No
Q Now, why in the world would Eddie Fischer change -- a student of yours, change his grade from an F to a D?
A I have no idea
Q Okay Do you know Eddie Fischer?
A I knew him because he was part of our

Page 16

department
Q And what department was that?
A History
Q He was a history teacher?
A Yes
Q So you-all had kind of ran in the same circle at the school at least?
A Not -- no
Q You're in the same department, right?
A Right
Q And what department would that be?
A History
Q The history department Okay And world geography falls in the history department?
A In the history department, right
Q So did you have departmental meetings of any kind or anything like that?
A Yes
Q And you and Fischer and the other teachers in that department would all get together?
A Yes
Q How many other teachers were there in the department?
A I can't tell you a correct number
Q Ballpark figure?

Page 17

A Ballpark figure? Probably about seven
Q Seven at the time? Is that pretty consistent at that time?
A Yes, uh-huh
Q In the '80s?
A Yes
Q And what grade did Fischer teach? Do you remember?
A 11th, I think
Q And what grade did you teach?
A 9th
Q And was that consistent throughout your career?
A Yes
Q It was always 9th grade geography?
A Not totally
Q What else did you teach?
A You want all of my subject areas?
Q Well, if it's a laundry list this long, probably not But if it's two or three different areas, yes So why don't you tell me, how many different subjects did you teach in your career?
A So you want me to give you all the names of the subject areas that I taught?
Q No I just want you to tell me how many

Page 18

different subjects you taught
A Okay I've got to count them up One, two
Q An exact figure is not necessary unless you can give me an exact figure
A Three, four, five, six, seven, eight, nine Possibly nine
Q Nine different ones Okay I'd like to hear those nine
A Okay Physical science, world geography, civics
Q That's government and stuff like that?
A Yes
Q Okay
A Honors economics and government
Q Okay
A Health education, driver's education, physical education I think that's about it
Q That's only seven
A Seven? Let's see I'm trying to think
MS JACKSON I think the honors economics and honors government was two
THE WITNESS Yeah That's two different ones
Q Okay
A And if you wanted to add honors world

Page 19

geography because that would be two different ones too
Q Now, did you ever teach any classes in connection with or in conjunction with another teacher, or was it always you were the only teacher? You never had a TA or anything like that?
A What's that again?
Q Teacher's assistant or anything like that
A No
Q And did the teachers ever work together to teach a class?
A No
Q Okay What about extracurricular activities?
A You want all of those?
Q Well, do you remember how many?
A One -- I've got to count them again
Q Okay
A One, two, three, four, five, six Probably six That's right off the top of my head
Q All right What are those six?
A Golf, soccer, JV football, varsity football, wrestling, girls' softball, and I was an assistant in baseball
Q Assistant in baseball Now, is that over

Page 20

your entire career, that's what you're describing to me?
A Yes
Q Okay How many -- now, how does that work? You just asked to be coach?
A No They ask you
Q Who asks you?
A Either athletic department, the athletic director, sometimes the principal
Q And that's a pretty wide range of classes that you taught as well as extracurricular activities Do you have special knowledge about all of these different things?
A In a limited amount, yes
Q So who asked you to be a golf coach? Do you remember?
A The athletic director
Q And who was that?
A At this time, it was Pascal Crosby
Q So he came to you and said what?
A Would you like to coach the golf team
Q And you said yes?
A I said yes
Q How long did you coach the golf team?
A Well, that's going to be a little confusing

Page 21

I did it at the old high school, and we combined high schools, and I did it for a couple years at the new high school So probably overall, five years
Q Okay On more than one occasion?
A Pardon me?
Q Not five consecutive years? Or was it five consecutive years?
A It would have been five consecutive, yes
Q And soccer, that was men's soccer or women's soccer?
A Men's soccer
Q And who asked you to get involved in that?
A The principal at Fort Johnson High School
Q And that would be?
A Mr Hyatt
Q What about JV football and varsity football?
A That would be Pascal Crosby
Q Wrestling?
A Pascal Crosby
Q What about girls' softball?
A That would have been Pascal Crosby
Q And baseball?
A Baseball was -- would have been a friend of mine that was the head baseball coach

Page 22

Q Who would that be?
A Steve Shaddrix
Q When did you become assistant on the baseball team?
A 197- -- '76
Q Okay How long --
A It's in that area
Q Somewhere in the '70s?
A Yes
Q How long did you do that?
A It was just one year
Q Just the one year How long were you a girls' softball coach?
A I can't say consecutively It was different times Probably eight years, maybe
Q Including the '88 -- or the 1989 softball team?
A Yes
Q Now, how did you get involved in girls' sports other than Pascal Crosby asking you to?
A I played men's softball
Q Did you ever play baseball?
A Yes
Q Did you ever play football?
A Yes

Page 23

Q Soccer?
A Yes
Q Golf?
A Yes
Q And you played those recreationally or for a school or a team?
A Golf, recreationally
Q Okay And soccer and football?
A That was recreationally too
Q Baseball and softball?
A Baseball and softball was recreationally
Q Wrestling?
A Wrestling was high school and college
Q Did you have a scholarship?
A I could have gotten one
Q Okay But did you actually have one?
A No
Q Okay Now, of all those extracurricular activities, was Eddie Fischer involved in any way?
A No
Q Any of those nine different subject areas that you taught, was Eddie Fischer involved in any way?
A No
Q Out of all of those different classes and

Page 24

different extracurricular activities, how many of those students did Eddie Fischer sexually abuse?
A I don't know
Q Okay Was it a lot?
A I have no idea
Q Was it any?
A I don't know that
Q Well, who was it that said that they were sexually abused by Eddie Fischer?
A I don't know -- I don't remember the names except what came out in the newspaper
Q Well, you were deposed about it, right?
A No I was deposed about a grade
Q And that grade was given to a student?
A Yes
Q And that student alleged that he was sexually abused by Eddie Fischer?
A I don't know that
Q Okay You don't know if he was or you don't know if he alleged it?
A I don't know at all
Q Do you know if it -- but you remember it was a boy, right?
A Yes
Q Okay And do you think -- let's assume that

Page 25

he said Eddie Fischer abused him for the purpose of this question Do you think he made that up?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A I don't know
Q Okay Well, did you ever have any suspicions about Fischer?
A No
Q None?
A No
Q Thought he was aboveboard?
MR QUISENBERRY Object to the form of the question
MS JACKSON Objection
A Strange
Q Strange guy?
A (Witness nodded)
Q How so?
A Just his -- just the way he talked when we would pass in teachers' lounge
Q Can you give me an example?
A His money
Q Talked about money?
A He talked about his money
Q Did he have money?

Page 26

A I don't know
Q Well, what did he say about money?
A Just his family, that -- where he lived
Q And so that would have been strange?
A Well, it was all the time
Q Okay What about his interactions with the students? You didn't find any of that unusual?
A No
Q Okay Now, when you -- I want to talk about the late '80s time frame When -- and you, at that time, were teaching what classes? And what sports were you coaching during the '88-'89 school year?
A I was teaching world geography, and I was coaching girls' softball
Q Is that it?
A Recollections of what I coached was different years, different lengths of time And that's really all that I can remember
Q When did you teach driver's ed?
A Driver's ed, my last two years of teaching
Q Okay Were you ever a swimming coach?
A Pardon me?
Q Were you ever a swimming coach?
A No
Q Not involved with the swim team in any way?

Page 27

A No
Q Now, I'm not sure I -- did you have a lawyer when you were deposed before?
A No
Q Okay Do you have a copy of that deposition transcript?
A No
Q You didn't ask for it?
A No
Q And your testimony is that you were deposed because a student of yours who was a male had a grade that was changed, one of your grades that you gave him was changed
A Yes
Q Okay Did they think that you had changed it?
A They didn't say
Q Okay Why -- I don't understand why they would ask you any questions at all then Can you explain that?
A I don't know They just said that I needed to come to their office because they wanted to depose me for a grade that was changed
Q And was this student failing other courses?
A I don't know

Page 28

Q Was this student involved in sports?
A I don't know that
Q Was a failing grade harmful to him in some way, prevented him from going on to college or something like that?
A I don't -- no, I don't think so
Q Okay How many of your students do you fail?
A How many -- what was that?
Q How many do you fail?
A How many do I fail?
Q Yeah
A I don't fail anybody
Q Except for this one?
A No
Q Well, who else have you failed?
A It's students that don't pass the subject area
Q Okay And is that -- have there been many students that you have given an F to?
A No
Q Can you remember the students?
A Oh, no
Q Is it more than five?
A In different subject areas, possibly

Page 29

Q Okay Seems like an unusual thing I would be surprised to learn that you failed a lot of your students Is that a fair statement?
A Say that again
Q Well, would you say that you -- you can't remember how many you failed?
A Right
Q All right And if you have a student who's on the borderline between a 69 -- which would be failing, correct?
A Right
Q -- and a 70, which would be passing?
A Right
Q There's some discretion there, isn't there?
A Some
Q You give them a 70, and they pass?
A Depending on their work ethics, yes
Q Well, what was this student's work ethic like?
A I really couldn't tell you exactly I don't -- I don't remember
Q Was he a troublemaker?
A No
Q Okay Did he work hard?
A Not if he's failing

Page 30

Q Maybe he's just not smart Did he attend class?
A Yes
Q He didn't -- did he seem to pay attention?
A I really can't answer that
Q Did he seem happy?
A I don't know
Q Well, when a student's failing in your class, what do you do? Do you just give them an F and a foot in their butt and out the door?
MS JACKSON Object to the form
A No
Q Do you talk with them?
A Yes
Q Did you talk with this student?
A Yes
Q And was he a happy kid?
A I would believe so
Q Okay Was he happy about the fact that he was failing your course?
A There was no -- there was no indication that he was sad or happy
Q Did he say, I'm trying hard, I'm just not getting it?
A Might have

Page 31

Q Was he just not trying, not paying attention, not doing his homework, things like that?
A That's a possibility
Q You don't remember?
A No
Q Okay Did you remember in your deposition?
A No
Q You haven't thought about it since then?
A No
Q Now, this student, did you give him rides home?
A No
Q Have you ever given students rides home?
A Yes
Q In your personal vehicle?
A Yes
Q From school?
A Yes
Q And was that a common practice for you?
A Most of the time, they were athletes, which is -- coaches then did that
Q Other coaches did it?
A Yes
Q Okay How often would you give students --

Page 32

let's exclude the athletes right now How often would you give students rides home?
A I wouldn't give students rides home
Q What do you mean?
A If it was an athlete, policy states we have to make sure that they're protected and that they're not left after your practice, and we were supposed to wait Or if a student does not have a ride, you know, we could possibly give them a ride home so they're not staying there after the practice is over with
Q Okay I want to talk just about nonathlete students Did you ever give nonathlete students a ride home?
A Yes
Q Okay And was that something you did often?
A No
Q So tell me how that would happen
A If --
Q First of all, before we do that, do you remember who?
A No
Q You don't remember any students?
A Well, yes
Q Who would they be?

Page 33

A One of my friend's daughters
Q What's her name?
A Name's -- got it in my head It'll come to me Hold on Elena
Q All right Do you remember Elena's last name?
A Yianopolis
Q Do you have any idea how to spell that?
A Y-I-A-N-O-P-O-L-I-S
Q And why -- what were the circumstances -- how did that happen?
A She was crying after school when I got ready to leave because she had missed her bus and didn't have a way of getting home
Q So you offered to give her a ride?
A Yes
Q Did you know where she lived?
A Yes
Q Did you know her parents?
A Yes
Q How did you know her parents?
A From the time that I first moved down here They're friends of friends
Q Not teachers?
A No

Page 34

Q Did you console her?
A Pardon me?
Q Did you console her?
A I spoke to her, yes
Q What was she crying -- she was crying because she missed her bus?
A Because she didn't know how she was going to get home
Q Did you call her parents?
A No They were both working
Q But you didn't call them?
A No
Q Okay So when you took her home, there was nobody at the house?
A I don't know that
Q Well, they were both working, right?
A Right
Q Okay So did they have a nanny?
A No
Q Did she have brothers and sisters?
A She had two sisters
Q Older?
A Younger
Q Okay Were they home?
A I don't know

Page 35

Q How much younger?
A I don't know that either
Q Were they in high school at the same time?
A No
Q So they would have been in middle school or younger?
A Probably, yes
Q And I assume then they took the bus as well?
A Probably
Q Probably so Did they miss their bus that day?
A I don't know
Q Was that the only ride you gave Elena?
A Yes
Q Let me make sure I understand She was crying because she missed the bus?
A She was crying because she didn't know how she was going to get home
Q And she hadn't called her parents?
A No
Q And you didn't call her parents?
A No
Q And you didn't attempt to call them?
A I did afterwards
Q But not before?

Page 36

A No
Q Okay And you knew that they were both working?
A Probably I assume they were, yes
Q What did they do for a living?
A The father worked for Department of Natural Resources, and the mother was -- worked for a lawyer
Q Was she a paralegal or a secretary?
A I think I think a secretary maybe
Q Do you remember her father and mother's name?
A Cindy and Mike
Q Do you remember the law office she worked at?
A No
Q They still live around here?
A Pardon me?
Q Do they still live around here?
A Yes
Q So you took her home Where did she live?
A Like what do you mean where did she live? On the Island there? I don't understand
Q Did she live -- where did she live? Do you remember where her house was?

Page 37

A I remember where her house was, yes
Q Okay Do you remember the address?
A I think it was Jeffords Street, I think is the name of the -- is the address
Q Do you remember what it looked like?
A It's a brick home
Q On Jeffords Street?
A I'm pretty sure that's it
Q Is that close to the school?
A No
Q How far is it?
A A couple miles maybe
Q And did you go straight home?
A Yes
Q And you talked to her about the fact that she missed the bus?
A Yes
Q Did you make her feel better?
A I would think so
Q Was she still crying when you got home?
A No
Q Was she still upset?
A No
Q And did you take her into the house, physically?

Page 38

A No
Q You just dropped her off --
A And watched her go in the front door to make sure she safely got in the front door
Q And how old was she at this time?
A She would have been a freshman, ninth grade
Q 14?
A I guess, yes
Q Okay And when you called her parents afterwards, did you speak with them?
A Yes
Q What did you say?
A I just told them, I said, I went outside, and Elena was standing out there She was crying because she missed the bus, and I gave her a ride home
Q What was their response?
A Thank you
Q Who did you speak with?
A The father
Q Okay Was she an emotional child?
A No
Q She upset easily?
A No
Q Okay She have a boyfriend at the time?

Page 39

A I don't think so
Q She didn't have any brothers?
A No
Q Do you know the neighborhood that she lived in? Are you familiar with it?
A Yes
Q And how far is Jeffords Street from Quail Drive?
A Jeffords Street from Quail, maybe close to two-and-a-half miles maybe
Q Okay And what did you do after you dropped her off?
A I went home
Q What time of year was it?
A It would have been kind of at the very beginning of the school year
Q Kind of at the very beginning of the school year Okay How early in the school year, if you can take your mind back to that time?
A First few days of classes
Q Big transition, isn't it, going to a high school like that as a freshman girl?
A Oh, yes
Q Was she picked on?
A No

Page 40

Q No? Now, do you remember what year this was?
A No
Q Was it recently?
A Recently like when?
Q Recently as in after 1988 or '89 or before?
A After
Q After How long after?
A I don't recall the year
Q Was it in the '90s, post-2000?
A I would say 2000 maybe
Q You still in contact with Elena's family?
A Oh, yes
Q About how old is Elena?
A I'm going to guess -- because I don't know her birthday -- in her middle 20s
Q Who else nonathlete students did you give a ride home or anywhere else from school?
A Nonathlete? I don't recall any of them that weren't associated with the athletic program that I gave rides home
Q All right Now, where was -- I don't mean to beat a dead horse, but I do want to get details Where was Elena actually at in the school or on the school premises when you saw her crying?

Page 41

A Standing up in the front entrance of the school
Q Is that where the buses come?
A Yes
Q Was she alone?
A She was alone herself There was other students there
Q So it was during the time when buses were coming and going?
A They were already gone
Q What were other students doing? Just standing around?
A Waiting for parents
Q Okay How did the bus -- did you have a homeroom assignment?
A Pardon me?
Q Did you have a homeroom?
A Not that year, I don't think
Q Have you ever?
A Yes
Q And so in your -- homeroom is kind of the class where the students go to start off the day, and then they go to their classes
A Right
Q Right?

Page 42

A Right
Q Did you as a homeroom teacher have any knowledge about your students? How they got home? Whether they took a bus? Whether they drove a car? Whether they had parents drop them off? Big brother, big sister, anything like that?
A No
Q No idea how they got to school or how they left school?
A No
Q So how did you -- at the end of the day, the students would just -- they just left?
A They went all directions
Q Yeah And did anybody know who was going where?
A Actually, I don't think so
Q Now, athlete -- no other nonathlete students that you gave rides home?
A They were associated with the athletic program
Q All right Let's talk about those I'd like to know the students that you gave rides to
A Football players
Q Okay
A Wrestlers

Page 43

Q Okay
A That's about it, ones that I was associated with
Q Football players and wrestlers That's it?
A Well, softball players
Q Softball players Never gave any rides to any golf players, soccer players?
A No
Q Now, where is the -- where did the football team practice?
A I have to give you two answers because I was a coach at one high school, and then I coached at the combined high school And it was two different practice facilities
Q That was the five years you talked about earlier?
A Pardon me?
Q Was that the five consecutive years that you coached, or was that some other sport?
A No This is -- you're talking about football I coached football for half of my career
Q Yeah? Why did you stop?
A Stop?
Q I mean, did you stop and start? You coached

Page 44

football for a period of time, and then you wouldn't, and then you'd coach again?
A Yeah, kind of
Q Why?
A It got to be a lot of time that is spent with coaching, and it was less time that I could spend with my family
Q Okay When was your daughter born?
A In '83
Q So when did you -- can you tell me when you coached football?
A I coached it in '77 up to when we combined high schools, and then I went to the JV program Because I was on the varsity, JV previously and varsity I coached it at different times at different levels
Q All right Maybe it would be easier for you to tell me when you didn't coach
A No Over 35 years, I couldn't give you the specific dates and times
Q How about in the '80s? Did you coach football in the '80s?
A Yes
Q Did you coach football in the '90s?
A Yes

Page 45

Q Did you coach football after 2000?
A Yes
Q During the '88-'89 school year, did you coach football?
A I don't think I was
Q When did football practice start? Starts before school, doesn't it?
A Pardon me?
Q Does football practice start before school starts in the fall?
A Yes, yes
Q How long before?
A Usually, depending on the activities going on, it could be anywhere from a month before to three weeks before maybe
Q And the first game is usually around the start of school, isn't it?
A Approximately, yes
Q Did you ever coach tennis?
A No
(Exhibit No 1 was marked for identification)
Q I'm going to hand you what's been marked as Plaintiff's Exhibit Number 1 It's some documents from your employee file, and it's Bates labeled at

Page 46

the bottom YCR -- starting with YCR 001 --
MS JACKSON 1144, 1145, 1146, and 1147
Q Can you take a moment and look at that and tell me if that appears to be an accurate summary of your positions at the school?
A I don't understand this boys' tennis I was never -- it says zero years, boys' tennis, but it's got an effective date I never coached boys' tennis
Q Okay
MS JACKSON Could we go off the record while he's looking at that?
(Off-the-record discussion)
Q Does everything appear accurate in Exhibit Number 1 except for the tennis that you mentioned?
A I am going to guess that those dates and everything, that's better than what I would remember
Q So it appears accurate to you? Is there anything that doesn't look right?
MS JACKSON Besides the boys' tennis?
Q Besides the boys' tennis
A Oh, besides boys' tennis? Everything looks like that would be about right what I went through

Page 47

my years of coaching
Q Why do you think it says boys' tennis?
A I have no idea, unless they would have asked me
Q Did they?
A No, not that I -- I don't remember
Q Well, it says that you got paid $750
A For boys' tennis?
Q $1,750 It seems to indicate that
MS JACKSON Object to the form
Q Did you ever get paid for that?
A No
Q Were you terminated?
A I don't -- I didn't even do it I don't know how I would be terminated I never did it
Q Well, you wouldn't do it if you were terminated
MS JACKSON Objection
Q Did something happen at the tennis -- with the tennis team?
A I was never a tennis coach
Q Were you ever involved with boys' tennis in any way?
A No
Q Were you ever asked to be involved in any

Page 48

way?
A I don't remember I don't -- I just -- it's not in my mind that I had ever coached or even was asked to be a tennis coach, a boys' tennis coach
Q Who was the boys' tennis coach?
A Oh, gosh, I don't know
Q Who was the athletic director at that time, in 1994 and 1995?
A '94 and '95, I'm going to guess -- I don't -- I really couldn't tell you during that year who was athletic director We've had probably four or five I think it might have been Pascal Crosby maybe
Q How long was he the athletic director?
A I don't know his total amount of years
Q Give me an estimate, please
A 12 years
Q And what would the time frame be for those 12 years?
A '76 to in the '80s
Q 12 years would put it at '88 Does that sound right?
A I would say in that time span, yes
Q All right And who replaced him? Did he retire, or was he terminated?

Page 49

A He retired, I think
Q Are you sure?
A I think he retired
Q Well, he didn't move away, did he?
A No, no
Q Had he been doing it for a long time, longer than the 12 years? I mean, was he up in age, retirement age?
A Yes
Q Okay And who came in after him?
A I think it was Jack Metz
Q Jack Metz Was he there for a long time?
A No
Q What happened to him?
A Pardon me?
Q What happened to Jack Metz?
A He went on to I think working outside the school district, I think
Q Who came after Jack Metz?
A You're asking questions of 30-some years ago
Q No I'm wanting to find out who was the athletic director in 1994
A I can't tell you dates for different -- all I can tell you is the ones that I was involved with

Page 50

with the coaching aspect I don't know dates of when each one of them were athletic director and when they weren't athletic director I can't give you a date
(Exhibit No 2 was marked for identification)
Q As a coach, though, did you not have any -- athletic director didn't have any kind of authority over you as a coach?
A Yes
Q Did you have interaction with the athletic director from time to time?
A Yes
Q Okay And -- but you just don't remember who it was?
A I don't remember dates
Q All right Handed you what's marked as Exhibit Number 2, Bates labeled YCR 001314 This is a document out of your personnel file Have you ever seen this before?
A No
Q Do you know -- can you tell me what it appears to be?
A It looks like they are asking me to be the boys' tennis coach

Page 51

Q And they didn't just ask you You actually became a boys' tennis coach, didn't you?
A No
Q That's not what that says?
A It says that this is a form -- this is a form that -- this is a form that says that he would like me to be the tennis coach
Q Is it your testimony that somebody filled out that form without your knowledge?
MR QUISENBERRY Object to the form of the question
MS JACKSON Object to the form
Q You're not saying that, are you?
MS JACKSON Same objection
MR QUISENBERRY Same objection, for the record
A No
Q So somebody asked you to be a tennis coach?
A That's a possibility
Q And they made a notation of it in your file with this form identified as Exhibit Number 2, didn't they?
A Pardon me? Say that again
Q That was a bad question It says you're replacement or substitute for J Ronnie DuPre Do

Page 52

you remember him?
A Yes
Q And do you remember -- was he a teacher?
A He was a teacher, yes
Q And he was the tennis coach?
A He -- yes, I do remember him being a tennis coach
Q Okay And this says that you are replacing him Is that not what it says?
A I was replacing him? I never replaced Ronnie DuPre as a tennis coach
Q Well, can you explain to me why it is then on your employee permanent record, Bates labeled YCR 00145, it says you were a boys' tennis coach, and then terminated as boys' tennis coach And on YCR 001314, it says you were going to be a boys' tennis coach to replace J Ronnie DuPre But you say that you were never asked and you were never a tennis coach?
MS JACKSON Objection to the form
Q Can you explain that?
MR QUISENBERRY Same objection
MS JACKSON Same objection
A I'll explain it in this way After 35 years of coaching, you could be asked to do many

Page 53

different sports, not necessarily that you were going to coach them Or you might have said, I'll think about it But I never coached it where I relieved Ronnie DuPre

Q Okay Is tennis a spring sport or fall sport?

A It would have been spring

Q Can you explain to me why it says that you were terminated as boys' tennis coach?

MS JACKSON Objection

MR QUISENBERRY Same objection

A Unless I said that it was too much activities, just guessing They might have asked, and I said yes And then I said, no, it's just too much for me to handle That's a guess I've done that many times

Q What about this time?

A I don't know Like I said, I don't remember ever being a tennis coach

Q Well, I believe that you weren't a tennis coach

MS JACKSON Is there a question?

Q It says you were terminated on January 30th, 1995 Does that ring a bell?

MS JACKSON Objection to the form

Page 54

MR QUISENBERRY Same objection

A No

Q Can you explain why it is then the '95-'96 school year and the '96-'97 school year and the '97-'98 school year and the '98-'99 school year -- I'm sorry -- not '98-'99 For the next three years, you didn't coach any sports?

A There was probably a time in there that I didn't coach anything

Q '95-'96, '96-'97, and '97-'98, which was the three years immediately following your termination as boys' tennis coach

MS JACKSON Objection to the form

Q Can you explain that gap?

A '96 -- let me think With those dates, I can't tell you why I wasn't coaching during that time with the exception that there might have been a change in the coaching staff, and I might not have been asked to coach

Q That's your explanation?

A Yes

Q Had you ever been disciplined by the school?

MS JACKSON Objection to form

MR QUISENBERRY Same objection

A In what form are you saying that?

Page 55

Q Any form Any form

A Well, you've got to be more specific in what you're wanting me to answer

Q Have you ever disciplined your child, your daughter?

A Yes

Q Okay Have you yourself ever been disciplined by the school in any way for anything that you've done or not done?

MR QUISENBERRY Object to the form of the question

MS JACKSON Same objection

A I'm still unsure of what you mean by disciplined

Q You've been a teacher for how long?

A 35 years

Q And you don't understand what I mean by discipline?

A Exactly

Q That's a bit surprising

A That's different forms of discipline

Q I understand that I'm asking about any form of discipline

MR QUISENBERRY Object to the form of the question

Page 56

MS JACKSON Same objection

A I would say, yes, if you're asking for any form

Q How many times?

A Once

Q For what?

A The handling of two students

Q Tell me about that

A I left school and went out the back doors of the gymnasium, and two students were embraced in the corner I asked both of them to follow me to the office because, number one, they're off limits They were not supposed to be in that area And number two, they were embraced too much

And I started to escort them back to the office for them to walk in front of me to the office When we went in the doors -- there's like four doors going into the main building -- they went in the doors I was following behind them When they got inside the school, they went opposite directions and took off running

And when I tried to go think about which direction I wanted to go first to catch who and hollered for them to stop, they were gone Where they went, I have no idea

Page 57

So I went to the office, and I told them that I had two students Could we get the police officer and somebody else to try to check around the school to see if these two students were in this area of the school building because I caught them back behind the school, and I was bringing them down here, but they ran from me And then I was what you would term disciplined that I didn't handle it correctly

Q And who was it that disciplined you?

A The principal

Q Who was that?

A Dr Gregory

Q What was the discipline?

A Just explanation of what they thought I should have done in that situation

Q And what exactly did he say you should have done?

A She

Q I'm sorry Did she say? What was her first name?

A Nancy

Q What did she say?

A She said I should have got both of them by holding onto them

Page 58

Q By physically restraining them?

A By -- I guess that's what she meant, which I don't -- I wouldn't have done it

Q Okay

A Or called somebody I didn't have any way of calling anybody

Q So how were you disciplined? Were you reprimanded in some way?

A Just talked to

Q Students come back the next day?

A Pardon me?

Q Did the students come back to school?

A What students?

Q These two students

A Oh, I don't know I don't know who they were

Q You don't know who they were?

A No

Q You didn't get their names?

A No I was in more of a hurry to get them to the office

Q Why were you in such a hurry?

A Because I wanted to get them there because I knew that the principals were still down in their area, their offices, and I wanted to get down there

Page 59

before any of them left

Q So you don't have any idea who they were?

A No They wouldn't have told me anyway the correct answer They wouldn't have told me their names because they knew I didn't know them

Q What exactly were they doing?

A They were hugging, and he had his arms around the girl, and he had her pressed up against the building

Q What were you going to report to the principal?

A They were -- they were in an area that was off limits

Q So you wanted them punished?

A Yes

Q Did Dr Gregory agree with your -- obviously, she disagreed with the way you handled the situation

A That's what she said

Q She wanted you -- if I understand you correctly, she wanted you to call somebody or physically take them from where they were to the principal's office, is that right?

A That's my -- that's my indication of what she was trying to say to me

Page 60

Q When did this happen?

A This would have had to have been while I was teaching physical education, so it had to be in the 2000s, year 2000s sometime Maybe late 1990s

Q Okay And you considered -- after that happened, was there any other thing that Dr Gregory said to you?

A No

Q Just that -- what you said earlier?

A Yes

Q And you have no idea who the students were?

A No idea

Q Was this during school hours?

A No It was after school

Q After school Okay Any other discipline?

A No

Q Now, if you weren't asked to be a coach, can you yourself volunteer?

A You could

Q Did you do that?

A No

Q Never?

A Well, go back I'll go back Yes, I did

Q What did you ask to coach?

A Wrestling

Page 61

Q Anything else?
A That's it
Q When did you do that?
A That would have been the year after we combined high schools The wrestling coach left I think it was two years later I was co-coaching with him When he left, I asked to be the head wrestling coach
Q You didn't ask to coach anything from 1995 through '98?
A Referring to any sport? No
Q Why not?
A I don't have any reason for that
Q There must be some reason
MR QUISENBERRY Object to the form of the question
MS JACKSON Is there a question?
Q The question is, why is there no reason?
MR QUISENBERRY Object to the form of the question
MS JACKSON Object to the form of the question
A When you do a bunch of sports at one time, you kind of get tired, and you just want to take a break

Page 62

Q For three years?
A Like I said, I also could revert back to the change in the coaching staff You might not get asked
Q Was there a change in the coaching staff at that time?
A I'm just giving you a --
Q Well, you keep saying that
A Well, that's what usually takes place
Q Did that happen?
A I don't -- I don't know In that time span, I don't know
Q Then why are you saying that?
A Because there has been a couple times that new coaches were brought in, and I didn't coach during that time
Q Why not?
A Could be that they had their own coaches, they wanted to bring in their own people as coaches for that program
Q And who were these coaches? What are their names?
A What names? No I was just giving you an example of why
Q I don't want a theoretical example I want

Page 63

what happened in your own life
A There was not any specific --
Q Then why do you keep mentioning it?
MR QUISENBERRY Object to the form of the question
A Because that is -- that's the --
Q Do you understand my confusion?
A No, I don't
Q Okay I'm wanting to know and I'm wanting you to explain for me because I don't understand how you coach for all of these years, and then, according to your permanent record, you were hired, says you were getting paid for it, as tennis coach You were terminated, and then you go for three entire years without coaching any sports
And your explanation so far has been, sometimes coaches come in, and they don't ask you There might be a coaching change Right?
A Right
Q And so I'm asking if that actually happened Was there a coaching change in any sport where a new person came in and didn't want you to be a coach?
MS JACKSON Objection to the form
MR QUISENBERRY Object to the form of

Page 64

the question
A I wouldn't say they didn't want me They had their own personnel that they would like to have in that position
Q And who is that person that you're talking about?
A Whoever might have been coaching during that year You're telling me different things about, who is this, who is that? But I'm just trying to tell you in generalization, this is what takes place
Q I want to be specific
A I don't know
Q But how do you -- you know that a coach came in and had his own or her own staff of coaches and you were a coach before, new coach comes in, brings their own staff You're out You remember that
A Right
Q But you don't remember the sport or the coach?
A Oh, it happened in football when we combined They wanted to bring all of the coaches from both the schools
Q When did the schools combine?
A '83

TB

Page 65

Q 1995, who came in?
A '95? I'm going to have to think and go back because there was a lot of coaches Okay
Q This is a pretty significant break in your coaching career here, and you don't seem to remember very much about it I find that a bit odd
MR QUISENBERRY Object to the form of the question
Q Can you tell me who came in 1995 or 1994?
MS JACKSON Objection
A Well, that's a -- trying to figure I don't know right offhand, but I'm going to say it -- no, I can't say because I don't know I don't -- I don't have -- I don't remember who was the coach at that time
Q Of what sport?
A Football
Q What about any other sport? Do you remember who the tennis coach was?
A What time?
Q 1994 to 1995
A No, I don't
Q Do you know who the athletic director was in 1994 and 1995?

Page 66

A No, I don't
Q What was going on in your life at that time? Did you have any health problems?
A No
Q Your wife leave you?
A No
Q Death in the family? Major illness? Car accident? Anything going on in your life in 1994 and '95?
A '94, '95
Q I'm talking about significant things in your life
A Right
Q It would not be too difficult to remember
A I remember the things that took place, but I'm trying to get -- make sure when I tell you that I'm right in the area of dates because there has been a lot of significant things that have taken place in my life from that time
Q Anything that could explain this gap of three years where you did not coach a single sport? Did you get a second job?
A No
Q Was it punishment by the school?
A No

Page 67

Q Were you asked not to coach?
A No Date-wise, I'm trying to remember I don't know if it was my mother's death
Q When did your mom die?
A Or my -- no It wasn't my mother's death It might have been my aunt's death and my cousin's death at the same time
Q And when was that?
A That's why I'm trying to say, dates wise, I couldn't tell you right offhand, but --
Q What were their names?
A My aunt and my cousin?
Q Yes
A Louise and Keith
Q Last name?
A Louise Johnson and Keith Ayers
Q They lived in Charleston?
A No
Q Where did they live?
A Illinois
Q Where in Illinois?
A My hometown of Rantoul
Q Ran --
A -- toul
Q Can you spell that?

Page 68

A R-A-N-T-O-U-L
Q Okay And what happened to them?
A My aunt had a massive heart attack, and my cousin was killed in an automobile accident
Q And you were so depressed that you had to take some time off?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A No Because I will say, again, I don't know if that was the time that this took place or not I just remember these happened back in that area time
Q Can you tell me then -- can you just explain to me why you took three years off?
A No
Q You can't explain that?
A No
Q Did you ever have any altercations with any students?
A Explain what you are asking What do you mean by that?
Q Any altercations, physical or verbal
A Yes
Q Physical?
A No physical

Page 69

Q Okay What are you -- describe for me the altercations
A Students being disciplined and them, you know, saying something back to you that is disrespectful
Q That's not what I'm asking
A Oh
Q I would guess that kind of comes with the territory Wouldn't you agree?
A Right
Q What I'm asking about is something that's more than that
MR QUISENBERRY Object to the form of the question
A No
Q Never?
MR QUISENBERRY Same objection
A Not that I recall
Q What about the student that you failed?
A Never really saw him again after that year
Q During that school year, did you-all ever get into an argument?
A No
Q You ever see him outside of school?
A No

Page 70

Q Have you remembered his name yet?
A No
Q Did you ever talk to Fischer about why it was -- why he changed the grade?
A No He -- that was during the time that all the things was happening about him
Q Did you ever talk to him about it?
A No
Q How is it that he got into your student's file and changed your grade?
A The files were kind of teacher-friendly You could go in, and they were in the guidance office
Q So you could just go and look at anybody's file?
MR QUISENBERRY Object to the form of the question
Q Is that what you're saying?
MS JACKSON Same objection
A If you had the guidance counselor by telling them you would like to -- we had grades that you -- everything was different Things changed as years went along We sent grades in on a grade exchange sheet
If the student failed but hadn't

Page 71

completed work, when the work was completed and you made the changes in the grade, you could go back into their file with the guidance counselor and say, the student completed their work that was not done previous to the end of class Now they have finished it, and their grade will be this instead of that
Q Are you saying that Eddie Fischer went to the guidance counselor and did -- said what you just described and changed a grade that you gave a student? Is that what you're saying?
A No, I'm not --
MR QUISENBERRY Object to the form of the question
MS JACKSON Objection
A No, I'm not saying that
Q How did that happen then?
A I don't know
Q Well, he must have because that's the way you can get into a file and change a grade, right?
MR QUISENBERRY Object to the form of the question
MS JACKSON Objection
Q The guidance counselor must have assisted him in changing your grade

Page 72

MR QUISENBERRY Object to the form of the question
MS JACKSON Objection
A No You get the file, take the grade in to the guidance counselor
Q And that's your file?
A No That's the student's file
Q That's the student's file?
A Grade file
Q So your testimony is at that -- when was this student -- what was the year that he was your student? It was the '80s, wasn't it?
A I don't know
Q It wasn't in the '90s or after 2000?
A No
Q It was in the '80s?
A I think so
Q In the mid-'80s, right?
MS JACKSON Objection Asked and answered
Q It was not the 1988-'89 school year, was it?
A I don't think so
Q Okay So at that time, the way to get into a file was fairly easy, as you've described it
You just go and talk to the guidance counselor,

Page 73

right?
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
A You would talk to them and tell them you had a grade change, and then you could get their file and bring it to the guidance counselor and make a grade change, yes
Q In the presence of the guidance counselor?
MR QUISENBERRY Object to the form of the question
A You could
Q Would the guidance counselor just hand over a student's file to you?
MR QUISENBERRY Object to the form of the question
A I don't -- you're asking a question about something that -- what guidance counselors -- what their rules and regulations are for them handling students' -- it was a grade sheet It wasn't actually the whole file of the student It was just -- it was a grade exchange sheet
Q Have you ever done this, went and changed a grade?
A Oh, yes

Page 74

Q Okay So you know how the process works?
A Yes
Q How did it work for you?
A I went in, told the guidance counselor that I had a grade exchange -- I had a grade exchange sheet that I needed to change grades for students that had completed the work And they said, go ahead and get the exchange sheet
I went and got it, brought it to them, said this person now receives this, now receives that And they would exchange it, and then you would initial it to show that you were the one that made the change
Q So how is it that Fischer was able to change your grade?
MR QUISENBERRY Object to the form of the question
MS JACKSON Object to the form
A I don't know
Q Did you ever take a file and leave?
A No
Q Would they permit that?
A No
Q Who was the guidance counselor?
MS JACKSON Object to the form Can

Page 75

you clarify when?
Q In the '80s
MR QUISENBERRY Same objection Object to the form
A There's been a turnover of guidance counselors
Q Who was it at this time?
MR QUISENBERRY Object to the form of the question
Q You must have been asked this question in your prior deposition, right?
A No
Q No?
A No
Q Didn't think about it at all? You didn't think, how did this happen?
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
A Yes I was trying to figure out how it happened
Q Yeah So how do you think it happened?
A I don't know Same thing I told the lawyers during the deposition, I do not know how this happened

Page 76

Q How do you think it happened?
MR QUISENBERRY Object to the form of the question
MS JACKSON Objection
A Probably the approximate same way that I would change a grade He just went in there, got the file, changed the grade That's what I'm guessing I mean, I don't know
Q So who was the guidance counselor?
A Pardon me?
Q Who was the guidance counselor?
A There were different guidance counselors for different grade levels I could not tell you right now with the amount of guidance counselors that have gone through this school which one was there at that time
Q This -- was there more than one at one time?
A Oh, yes
Q Okay How many?
A Anywhere from three to nine
Q Nine guidance counselors?
A (Witness nodded)
Q Who do nothing but are guidance counselors?
MR QUISENBERRY Object to the form of the question

Page 77

MS JACKSON Objection
A Different guidance counselors for different -- testing guidance counselors, career guidance counselor, could be different guidance counselors for different things in the school
Q And there were up to nine of them?
A That's just a number I mean, I'm not saying there was nine But like you said, I'd have to sit here and count each -- I do not know I'm just, you know, putting a number
Q The year that that student was in your class, who were the -- who was the guidance counselor or counselors?
MR QUISENBERRY Object to the form of the question
MS JACKSON Object to the form Asked and answered
A I don't know who would be there
Q So when you were thinking to yourself how this happened, it never crossed your mind?
A No
Q Did you change the grade?
A No
Q And you don't care to learn how it happened?
MS JACKSON Objection

Page 78

MR QUISENBERRY Object to the form
A They never gave me an explanation of how it happened
Q That was not a response to the question that I asked And my question to you is whether or not you cared to learn how it happened
A Yes
MS JACKSON Objection to the form
MR QUISENBERRY Same objection
Q Of course you did But as I understand what you're telling me, you never tried to figure it out?
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
A I asked
Q Who did you ask?
A The lawyers
Q How would the lawyer know?
MS JACKSON Objection
MR QUISENBERRY Same objection
A I don't know
Q Do you like being associated with Eddie Fischer?
MR QUISENBERRY Object to the form of

Page 79

the question
MS JACKSON Object to the form of the question
A Say that again
Q Do you like being associated with Eddie Fischer?
MS JACKSON Same objection
MR QUISENBERRY Same objection
A No
Q If it were me, I would want to find out how that happened and who all was responsible, if somebody came into my file -- my student's file and changed a grade that I gave a student
MS JACKSON Objection
Q And the person who allegedly did it is a known child rapist, I would not want my name anywhere close to that, and I would be banging down doors, burning up the telephone, doing whatever I need to do to find out how it happened You're telling me you didn't do anything
MS JACKSON Objection
Q You asked a lawyer
A No No, I didn't say that
MS JACKSON Objection That was not the answer that was given

Page 80

MR QUISENBERRY Object to the form
Can I ask the witness to stop answering and let me get my objections in here? I know I'm way over here, but give me a second to object
THE WITNESS Okay
Q What did you do to try to find out how it happened if you did not change it? You asked the lawyer you told me What else did you do?
A I asked the lawyer, how did this happen because I know nothing of it
Q Other than that, did you do anything else to try to find out what happened?
A I showed the lawyer -- when they showed me the grade, I said that is not my initials beside that grade being changed My initials are CRS The initials are there for EF And I said, I do not know how it was changed I have no idea how it was changed But I said, it should not have been changed
Q Because he deserved to fail?
MR QUISENBERRY Object to the form of the question
MS JACKSON Object to form
Q Right?
MR QUISENBERRY Same objection

Page 81

A He failed his class work
Q Was it a lot? Was it a big F? A big whopping F? Got 18 percent?
MS JACKSON Objection
MR QUISENBERRY Object to the form of the question
Q Or it was close enough where it could be brought up to a D?
MR QUISENBERRY Same objection
MS JACKSON Same objection
A I don't remember what the grade was
Q Well, it was an F?
A F, yeah Well, it went by number, numerical grade
Q And you don't remember if it was close to a D?
A No, I don't
Q Did you write EF?
A No
Q You don't remember the student's name?
A No
Q Now, these other -- and you never had an altercation with that student?
A No
Q You never had an argument?

Page 82

A No
Q Never had any issues with him at all?
A No
Q Did you like him? Was he a nice kid?
MR QUISENBERRY Object to the form of the question
MS JACKSON Objection
A He was a good student in my class
Q Well, why did you fail him?
A He didn't complete the work that was assigned to him
Q These other -- was he an athlete?
A I don't know
Q Did you ever give him a ride home?
A No
Q These other student athletes, football players and wrestlers and softball players, you gave them rides home?
MR QUISENBERRY Object to the form of the question
A If they needed one
Q From practice?
A Yes
Q From school?
A Yes

Page 83

Q Other teachers do this?
A Yes
Q Other coaches?
A Yes
Q Did the administration know about it?
A Yes
Q And it was an accepted practice?
A Yes
Q Was there a policy on it?
A The only policy was we were not to leave the athletes alone or by themselves after practice We are to make sure that all have left the field before we do So most coaches waited for a ride If the student didn't have a ride, the athlete didn't have a ride, then we took them home
Q How often did that happen?
A Not all the time
Q And they asked you for a ride, or you volunteered to give them a ride, or both?
A Both
Q As a coach, did you ever say to your team, football team -- you were coaching varsity football, right? Part of being a good team is being a team You ever say to your captains or your upperclassmen, hey, this guy needs a ride He

Page 84

doesn't have a ride home Why don't you-all take him home? Did you ever suggest that to your players?
MR QUISENBERRY Object to the form of question
MS JACKSON Objection
A Yes
Q Did they say -- what did they say to that?
MS JACKSON Objection
MR QUISENBERRY Same objection
A Some would say, I have other activities I've got to do I cannot -- I can't do it
Q And that was an acceptable response to you?
A Yes
Q Your teams successful?
A Yes
Q Win championships?
A Yes
Q What sports?
A Softball, wrestling, football, golf
Q Every team that you coached won championships?
A Yes
Q While you were a coach?
A Yes

Page 85

Q What types of championships?
A Softball, we were region champions, went into the state playoffs Golf, we went into state playoffs, won the region championship Softball -- football, we won the conference championship, region championship, went into the state playoffs Wrestling, we won conference championship, and I brought in eight to ten wrestlers in the state championships
Q How many of your student athletes got scholarships to college in the sport that you coached?
A Ballpark figure?
Q Sure
A 12, 15
Q In your -- and you've been coaching and teaching for over 30 years?
A Yes
Q I've got to tell you, 12 to 15 college scholarship level athletes and 30-plus years of coaching and winning all these championships, and you were okay with students -- with your team leaders allowing the rest of their teammates to not have a way home from practice?
MR QUISENBERRY Object to the form of

Page 86

the question
MS JACKSON Object to the form
A You can't force your captains to carry somebody home
Q You can make them not a captain anymore, can't you?
A You don't handle the program that way
Q Were you ever a head football coach?
A Head junior varsity football coach
Q Okay Were you ever a head softball coach?
A Yes
Q What years? Were you the head softball coach in 1988 and '89?
A Yes
Q Was there a tryout process, or was it whoever signed up was on the team?
A There were a few years that --
Q In the '88-'89 season -- the 1989 season, I guess it would be
A There's always a tryout
Q So you had a tryout in 1989?
A Yes
Q Did you cut anybody?
A No
Q So whoever came to try out and wanted to be

Page 87

on the team was on the team?
A Unless they quit themselves
Q Did anybody quit?
A During that time, I couldn't tell you I don't know
Q You don't know if anybody quit in 1989?
A No
Q Have you thought about the 1989 softball team since this lawsuit began?
A No
Q Have you thought about the 1988 and '89 school year since this lawsuit began to try to refresh your memory?
A No
Q What was the school policy on -- let's take a step back Did the school have an employee manual of some kind that they gave you?
A Yes
Q And they gave that to you every year?
A Yes
Q So every year, you got a new manual?
A Updated
Q Updated, all right And these were written, in written form?
A Yes

Page 88

Q At that time, in the '80s, in the manual, did it include policies and procedures that they had on certain things?
A Yes
Q All right Did it have a policy on sexual misconduct?
A I don't remember for sure
Q Did you ever have any training on sexual misconduct?
A We didn't -- sexual misconduct, be more specific
Q Having sex with your students
A No, we didn't have any
Q Nobody said, this is not a good idea, you shouldn't do that?
MS JACKSON Objection to form
MR QUISENBERRY Same objection
A Oh, yeah That was said, yes
Q Okay But in the manual, it didn't have anything about that?
A I don't remember, no
Q Okay These other student athletes that you gave rides to, do you remember their names?
A Yes
Q What were their names?

Page 89

A Mackie Moore
Q Who's that?
A He was one of my wrestlers Terry Moore
Q Wrestler?
A Wrestler
Q They brothers?
A Yes Martin Williams, wrestler Kip Smalls, wrestler Some of the football players are way back, so I can't -- names, I couldn't tell you You want it for all my sports that I coached, names?
Q Where was the wrestling practice?
A At the high school
Q And I think I asked you earlier, but I don't remember your answer Where was the football practice field?
A Well, like I said, depending on what year you would be asking At the old high school, it was at the high school in the back corner of the football field At the new high school, it was on a practice field that they developed from building the new stadium
Q So did the players -- and the football team, they could walk to practice from school?
A Yes

Page 90

Q So they got changed in the locker room, went to practice, came -- walked back or ran back, whatever they did, to the locker room, changed, and went home?
A Most of them didn't change
Q They went home in their pads?
A Yes
Q You-all didn't keep the pads there at school?
A They could have
Q But you allowed them to take the pads with them home?
A Yes
Q Okay What about golf?
A The golf course was at Municipal Golf Course
Q Did you give your golf players rides from school to the course?
A No
Q Never?
A I gave a couple of them rides home
Q Okay Was there any other -- who was the other golf coaches, or were you the only one?
A At the same time?
Q Yeah

Page 91

A Just me
Q Okay Now, wrestling we talked about Soccer, where were soccer practice fields?
A It was at Stiles Point Elementary School
Q How far is that from the high school?
A Three or four blocks, maybe
Q Walking distance?
A Yes
Q Did you walk to practice, the players walk to practice?
A Most of them drove
Q You drove three or four blocks?
A Yeah Because they would leave the school -- and my soccer practice was like -- I had to wait for the elementary school to get out because we couldn't come back there So we had to wait till -- it was like an hour after our school let out that the elementary let out, and then we had soccer practice That way we wouldn't interfere with elementary students being there or buses coming in or out
Q Did you give soccer players rides to practice?
A No
Q Did you give them rides home?

Page 92

A Not knowing for sure, but if they needed a ride, yes
Q And the softball field, where is the softball field?
A Softball field is in the right corner of the high school, behind it
Q On school grounds?
A Yes
Q Give students rides to practice?
A No
Q Give them rides home?
A Yes
Q Who?
A You want the names of each one of the softball players that I gave rides home to?
Q Yes Is it so many that you can't remember?
A Well, it's -- over the years --
Q Let's talk about 1988 and '89
A 1988-'89?
Q Yes
A I gave a ride home to the young man that was my -- like a manager I gave a ride to [redacted] [redacted]home Let's see Who else would have been going that direction If I remember right, Lilly Hanna

Page 93

Q When you gave these girls rides and the manager -- what was the manager's name?
A Bubba Brandt
Q Were they in groups, or were they alone?
A Groups
Q Always?
A Majority of the time
Q Majority of the time Sometimes they were alone?
A Not necessarily Might have been two Might have been three at a time Not really one at one -- by themselves, no
Q Well, you gave [redacted] a ride alone --
A Yes
Q -- haven't you?
A Pardon me?
Q You gave her rides alone, didn't you?
A No
Q You never gave her a ride alone?
A Not from softball practice
Q From school?
A From school?
Q Yes
A Yes

Page 94

Q And to the -- any other -- at some point, even the groups would have to be separated, one person go to their house, the other person go to their house At some point, you're alone with a student, right?
A Right
Q Okay So in that regard, every trip was a one-on-one alone trip at some point Is that fair?
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
A With different athletes, yes
Q Okay Now, did you ever spend any time with any of your students outside of school and coaching?
A Yes
Q Okay In what context?
A Girls going to softball clinics, going to softball camps Wrestlers going to wrestling clinics Wrestlers going to wrestling camps Usually in that form
Q You're describing rides in your car or --
A Yes, uh-huh
Q Okay These camps and these clinics, where were they?

Page 95

A We've had them as far as University of South Carolina We've had them as far as Pembroke, North Carolina Just depends on what specialty I wanted them to be involved in and where the camp was located at
Q And these trips were overnight trips?
A They stayed overnight I didn't
Q You drove to Pembroke, North Carolina, and drove back?
A Yes, I did
Q And then drove back up to get them?
A Yes, I did
Q Why?
A They were an athlete of mine, a wrestler that I wanted to give them the chance to make themselves better for the team
Q Where were their parents?
A Where were their parents? I don't know I mean, I imagine at home
Q How far is Pembroke, North Carolina?
A Wow I'm going to say it's close to a three-hour drive, maybe four-hour drive
Q One way?
A One way
Q Did the school reimburse you for your gas?

Page 96

A No
Q Were these during the summertime?
A Summertime usually, yes
Q Let me see if I understand You would drive three or four hours one way, drop off whoever it was you were dropping off, and then not spend the night, drive three or four hours back How long were these camps?
A Depending on what the expertise of the people that were doing the camps, they could last anywhere from three days to a week
Q So three days to a week later, you would drive three or four hours back to get them?
A Yes
Q Pick them up, drive three or four hours back to Charleston?
A Yes
Q And their parents were okay with this?
A Sure
Q Student -- these were wrestlers?
A Wrestlers, softball players
Q They old enough to drive themselves?
A Yes But we didn't really want them to be out on the road by themselves driving
Q Why?

Page 97

A I didn't want anything to happen to any of my athletes going to the camp or coming back
Q And you -- by driving them yourself -- did you drive yourself?
A Yes
Q The students never drove?
A No
Q No? Did you-all ever go out to eat, have a meal together?
A Oh, yes
Q And they stayed where? At a school?
A At the college, usually at the college
Q In the dorm?
A Yes
Q And you were there to drop -- to register them, I suppose?
A Yes
Q Did you participate in those camps in any way?
A No
Q Never an instructor or anything like that?
A No
Q Okay Who paid for the camps?
A They paid for their own camps
Q And their meals and everything, did you buy

Page 98

them the meals?
A That was all included in the camp price
Q Well, I mean, on your way up there, you never stopped at McDonald's, had a Big Mac?
A Yeah
Q You paid for that, didn't you?
A No
Q Never?
A They paid for their own
Q Okay And you never spent a night?
A No
Q All right Any of these that you've just described where there was only one student?
A One student going to a camp?
Q Yes
A No
Q Always groups?
A At least two or more
Q Okay Is that something that you required, to be two or more?
A No It just depended on the activity
Q Did they ask you to drive them?
A No
Q Okay Did some students go to camps on their own without you as their coach driving them

Page 99

there and picking them up?
A Right offhand, no, I don't think there was ever any that I set up to go to a camp that they drove themselves
Q Okay Did you ever have any social interactions with your students outside of school?
A No
Q Okay You ever drink alcohol with them?
A No
Q Provide them alcohol?
A No
Q Cigarettes?
A No
Q Anything --
A No
Q -- like that?
A No
Q You ever disciplined any students or student athletes for possession of alcohol?
A Yes
Q Okay Can you tell me about that?
A I had a -- well, actually, it wasn't alcohol It was tobacco I had a couple of soccer players that I saw walking down the road smoking a cigarette And when I got to practice the next

Page 100

day, I told them they were suspended for two days for breaking a policy of having tobacco as an athlete
Q That's your policy or the school policy?
A My policy
Q Why didn't you report them to the school?
A It was outside of school
Q So?
A They were walking the street outside of school That has nothing to do with the school
Q Well, you wanted to report the two students that you saw embracing
A Yes That was on school grounds
Q Okay You ever touched any of your students?
A No
Q Never gave them a high five?
MS JACKSON Objection
A If you're saying it that way, yes
Q Pat them on the butt?
A No
Q Never?
A No
Q You ever shower with your students or your athletes?

Page 101

A No
Q Football players didn't shower?
A No
Q Did they have showers?
A Yes
Q And none of them showered?
A None of them ever showered
Q You must have had a stinky football team
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
Q Yeah?
A (Witness nodded)
Q They smelled bad?
A Well, after a hard workout, yes, they had an odor about them
Q You didn't tell them to shower?
A You can tell them, but you can't make them
Q And none of them showered?
MS JACKSON Objection Asked and answered
Q I just want to be clear
A Yeah Probably over 30 years, nobody ever showered
Q Did the coaches?

Page 102

A Did we -- we had our own office
Q Did it have showers?
A Yeah
Q And did the coaches shower?
A Yeah
Q After practice?
A Not all the time
Q They were individual showers or a community shower?
A Where is that?
Q The coaches
A Coaches was one shower
Q Just one shower?
A Yeah
Q So one person in the showers?
A Right, right
Q And that's that
A Right
Q Now, the student showers, same way?
A No
Q They have a bunch of shower heads around the thing, right?
A Right
Q So after a game, a home game, they just left without showering?

Page 103

A That's right
Q Did you-all ever have dances or anything like that?
A Yes
Q After football games?
A Yes
Q And they still didn't shower?
A That's right
Q Any of your football players have girlfriends?
A Well, I imagine so
Q Not for very long if they weren't showering
A Well, I imagine they went home and showered
Q Well, the dances were at school, right?
A Right
Q So the players would have -- play a football game They would change clothes or not change clothes?
A Most of them changed clothes
Q All right So some would change, some wouldn't change They would get in their cars and drive home, or did you ever give them rides home after the games?
A A couple here and there
Q All right And drop them off at their

Page 104

house, or they would go to their house, shower, get back in their car, drive back to the school for a dance?
A That's probably what I'm thinking they did
Q Now, these manuals, employee manual that you got updated every year, how was it presented to you? Did everybody get together as all the teachers and administration get together before the school year and go over it? Or did they send it to you in the mail, or how did that work?
A We got together in a teachers' meeting before school started, and they went over the manual
Q Okay And everybody was provided a copy?
A Yes
Q And do you have any of those manuals?
A No They collected them at the end of the school year
Q Okay So you would leave it there at the school?
A Yes
Q And the school would take it from you every year and update it and give you a new one the next school year?
A Right

Page 105

Q Now, as far -- on these -- on these trips, camps, rides, anything, would you ever buy anything for any of your athletes or students?
A Yes
Q Okay Gifts of some kind?
A No
Q What would you buy?
A Food
Q Food Would you-all actually go to a restaurant and sit down and eat?
A Usually fast food
Q Okay You never bought them any equipment or apparel, uniform, clothing, anything like that?
A Only at the beginning of the season when we purchased what all athletes are -- you know, that the team was going to wear
Q Well, the school purchased that, didn't they?
A Right, right
Q But did the school give you a checkbook and you went and bought equipment?
A No We would go to the sports store and order it
Q And the bill would come to the school?
A Right

Page 106

Q I'm talking about outside of that
A Oh, no
Q Come out of your own pocket?
A No
Q Never bought any shoes or anything like that?
A Well, yeah Now that I think about it, yes, I bought my -- one of my wrestlers some wrestling shoes because he didn't have the money to get a pair
Q Okay Who was that?
A Mackie
Q Mackie So you bought him a pair of wrestling shoes?
A Yes
Q The school doesn't provide wrestling shoes?
A No
Q How much do those cost?
A About $30
Q What about warm-up suits? Ever buy any of those?
A No
Q What about when you're traveling, did you have a dress code?
A Not really, no

Page 107

Q So they didn't have to look a certain way?
A No
Q They could just show up in a tank top?
A Well, I mean, within reason
Q Did you ever buy anybody a polo shirt?
A No
Q Pair of pants?
A No
Q When you did travel for away games, did the school provide transportation?
A In a way We drove the buses most of the time
Q When would you not take a bus provided by the school?
A When we went to camps or to clinics like that
Q Okay And is that something that you did on a yearly basis? Almost every year, you'd have camps in the summertime?
A Tried to get the athletes to the camps, yeah
Q Mostly wrestling?
A No There was girls' softball, wrestling, and then they started developing different activities for the football players

Page 108

Q And so you would take them to those camps as well?
A The football players were usually -- transportation was provided by the school because it was the head coach I was the assistant It was set up by the head coach to go to these camps, and transportation was provided through them, through the school
Q Okay Now, as far as the school policies and procedures go, did that employee handbook that -- or manual -- did it have a name?
A Charleston County School Employee Handbook
Q Yeah It doesn't matter I just didn't know if there was something that you-all called it When you got that, did that cover the coaching aspect as well?
A Not really, no
Q Okay Did they give you a separate policy, handbook, manual, whatever you want to call it, for coaching?
A No
Q The athletic director give you anything?
A No
Q Nothing about, here's the set of rules and regulations as far as Charleston County School

Page 109

District and James Island High School is concerned for the coaches and athletes?
MR QUISENBERRY Object to the form of the question
A Only the information that dealt with your practice, eligibility of athletes, grades, that
Q Sure But that was in the employee handbook and things like that, wasn't it?
A No
Q It wasn't?
A No
Q It was just a school set of rules that you have to be passing all your classes to be eligible to participate in sports?
MR QUISENBERRY Object to the form of the question
Q Or something like that?
MR QUISENBERRY Same objection
A There was different rules that were set up
Q Doesn't -- aren't those set by the -- I don't know what you-all call it here -- the athletic governing body Does the State or the County have something like that?
MR QUISENBERRY Object to the form of the question

Page 110

Q For example, I don't know the lingo here I'm from Pennsylvania All right? And so it's the PIAA, the Pennsylvania Interscholastic Athletic Association And that is -- they hold championships You get a trophy from them You won that championship, and all that stuff That's a sports governing body, right?
A Right
Q You understand what I'm saying?
A Right
Q Was James Island High School a part of something like that?
A Yes
Q What? What's it called?
A It was South Carolina High School League
Q Okay And I'm specifically talking about back in the '80s, '88, '89 It was called the same thing then?
A Yes
Q Did they give you -- is that where you got the grade requirements and things like that?
A They had a grade requirement, and Charleston County Schools had a grade requirement
Q Where was that grade requirement found? Is that in your employee handbook that they gave you every year?
A That was in the South Carolina High School League handbook
Q Okay But do I understand you to say that the school itself had a separate policy or benchmark for grade performance to be eligible for athletics?
A The school district did
Q Was it the same as the sports, James Island -- what's it called? The South Carolina --
A South Carolina High School League
Q Was it different? The grade requirement, was it different, or was it the same?
MR QUISENBERRY Object to the form of the question
A Different years, it changed
Q Yeah And what I'm asking is, there may be a minimum grade point level to be eligible as far as South Carolina High School League is concerned Are you saying that the school district had a higher or a lower -- they can't have a lower because it wouldn't make any sense Did they have a higher grade point average for their students to participate?
A Yes

Page 111

Page 112

Q Okay So it was above the requirement -- the minimum requirement of the South Carolina High School League?
A Right
Q Okay Where was that found? That requirement, where would you find that? I'm a student athlete and I'm getting an F in your class, I need -- to stay eligible, I need my grade point average to be the following thing Where do I find that requirement?
A In the handbook for South Carolina High School League
Q Okay And that's a written --
A Yes
Q Okay And that was provided to you as a coach by whom?
A Usually, it was sent to the athletic director, and he had the main copy for it
Q So if you had a question, you would go to the AD?
A Yes
MR EDWARDS Let's take a break, and then we can order you-all some lunch
(A recess was taken)
Q You ready?

Page 113

A Yes
Q Feeling all right?
A Pardon me?
Q Feeling all right?
A Sure
Q Do you remember where we stopped? What we were talking about?
A About the grading policy
Q Right Now -- I don't have any more questions about that, just so you know
The '88-'89 school year, let's talk a little bit about that What subjects did you teach that year?
A World geography
Q Was that it?
A Yes
Q Did you coach anything?
A Girls' softball
Q Any other sports?
A I don't remember No
Q No, you didn't, or you don't remember?
A I don't remember
Q Okay Football? You can look at Exhibit Number 1, if it will help you remember
A Yeah Girls' softball

Page 114

Q Okay Now, how did it work? Did you have a classroom that you were assigned and your -- you had your homeroom there, and then also you had your geography classes in the same classroom?
A Yes
Q Do you remember what classroom it was that year?
A It is now the guidance counselors' offices
Q Okay But you do remember where it was?
A Yes
Q And do you remember the classroom itself? How it looked, how it was set up, where the chairs were, where your desk was, things like that?
A Yes
Q Okay How many classes did you teach in a day?
A We have changed the curriculum Then, four
Q I'm sorry? Four?
A Four
Q I'm sorry I don't mean to jump around, but I didn't ask you a couple of questions about something we talked about earlier
(Exhibit No 3 was marked for identification)
Q Plaintiff's Exhibit Number 3 is Bates

Page 115

labeled YCR 01173 Take a look at that and tell me what that is
A I have no idea
Q You've never seen that before?
A No
Q Doesn't it say -- it's a termination form, isn't it, dated June 13th, 1994?
MS JACKSON Objection to the form
MR QUISENBERRY Same objection
A That's what it says
Q Do you know what that could be in reference to?
A No
(Exhibit No 4 was marked for identification)
Q Plaintiff's Exhibit Number 4 is actually page 2 of 2 continuing from Exhibit Number 3, and it's a change form that changes your employee type from type 5 to type 3 for the '94-'95 school year Do you know what that is?
A No
Q Do you know what it means?
A No
Q Okay Did you have a change in pay?
A If I finished more courses during that year,

Page 116

there could have been a change in pay depending on the amount of courses that I completed
Q Okay Did that happen?
A There were different times throughout my 35 years that I took classes
Q But you don't remember specifically anything that happened in 1994-'95?
A No
Q Okay And you don't remember being terminated from any position?
A No
(Exhibit No 5 was marked for identification)
Q Exhibit Number 5 is another termination form dated February the 16th, 1995 And it says the last day worked was January the 30th, 1995, which is the same day on Exhibit Number 1 it says you were terminated as the tennis coach
MS JACKSON Objection
Q Can you tell me what that form is or what it's referring to?
MR QUISENBERRY Object to the form of the question
MS JACKSON Objection
A No

Page 117

Q But you agree with me, don't you, that it appears to be a termination form?
MR QUISENBERRY Object to the form of the question
MS JACKSON Objection
A Only because it's underlined
Q It says termination at the top, and termination is underlined?
A Yes
Q And that appears to you, does it not, to be a form that indicates you were terminated from something?
MR QUISENBERRY Object to the form of the question
MS JACKSON Object to the form
A For what is shown there, yes
Q Okay
(Exhibit No 6 was marked for identification)
Q Exhibit Number 6 is a termination form It says it's stamped received June 9th, 1994 Says last day worked was June 10th, 1994 And under comments, it says terminate at coding, and then it gives a series of numbers
MS JACKSON And then it says only

Page 118

with two exclamation points
Q Do you know what that is?
A No
(Exhibit No 7 was marked for identification)
Q Exhibit Number 7, termination form dated February -- stamped received February 8th, 1995, stating the last day worked, January 30th, 1995, boys' tennis coach Do you know what that is or what that could be referring to?
A No, I don't
Q Have you reviewed your employee file --
A No
Q -- that was produced? No?
A No
Q What do you think happened in '94 and '95 that would result in all of these termination forms?
MS JACKSON Objection
MR QUISENBERRY Same objection
Q Do you have any idea?
A The only thing I can see here by this form that you showed me that I know nothing about was they have an X to accept other work, voluntary resignation That they might have put me in the

Page 119

possible boys' tennis coaching position, which I was coaching softball at the time, which means that you can't coach two sports in the same season
MS JACKSON And would you just identify which exhibit you're referring to
THE WITNESS Exhibit 7
Q If you didn't do -- if you didn't coach tennis, why would it say that?
MS JACKSON Objection to the form
A No They could have put my name down, thinking that that's what position I would be doing
Q Why would they think that?
A Many times they looked at the coaches, and if you weren't coaching a specific sport at that time, they needed you to coach it, and lots of times they just put you in that position
Q So did they put you in a position of boys' tennis coach?
A No
Q Does that form -- did you resign from coaching softball?
A Did I resign from coaching softball?
Q Yeah I thought you said earlier that if -- you can't do two things at once, can't be in two

Page 120

places at one time, right? If you're coaching tennis, which is a spring sport, can't also be coaching softball, another spring sport?
A Right
Q Right?
A Right
Q So did you coach softball that year?
A I would have to look at this because I do not know This is the '95 -- '94-'95 season By your forms here, it is showing that I was coaching softball at that time And they could have made a mistake, put boys' tennis down, found out that I wasn't a boys' tennis coach, and terminated me and gave -- because I was softball
Q Are you speculating about that?
A I'm just looking at what your forms say here, and kind of following what the forms say
Q To be clear, these are not my forms Okay? This is your employee file Is any of this refreshing your memory as to whatever was going on in 1994 and 1995?
A No
Q Nothing? Okay Let's talk a little bit about [redacted] Was she in your homeroom class?

Page 121

A No
Q Did she have -- but she did have classes with you, didn't she?
A Yes
Q Geography, correct?
A Yes
Q And do you remember her as a student? Was she a good student, average student, poor student, as far as academics are concerned?
A I don't really know her academic ability that long ago
Q Okay But you -- do you remember her being in your class?
A Yes
Q And do you remember her going out for the softball team?
A Yes
Q And she did -- was she on the team?
A No
Q What was she?
A She was in the process of getting eligible in South Carolina
Q What does that require?
A You have to have a birth certificate, send it to the High School League, has to be approved by

Page 122

the High School League and sent back to you, along with passing the appropriate classes for eligibility
Q And she was in the process of doing that?
MR QUISENBERRY Object to the form of the question When are we talking about just so I --
Q I don't know I thought you said she was in the process of doing it
A You said the '89-'90 -- or '88-'89 school year
Q Yeah I asked you if she was on the team, and you said no And I asked you what she was, and your answer was she was in the process of doing those Correct?
A All students -- all athletes go through that same process
Q Every year?
A Every year
Q Okay So did she complete that process?
A I don't remember
Q All right Well, in the -- during the season then, what position did she play?
A She was working as a pitcher
Q All right How many games did she pitch?

Page 123

A I don't know
Q Was she a starter or a relief pitcher?
A No She wasn't a starter
Q No, not a starter?
A She wasn't in relief
Q Not in relief If she's not starting and not in relief, when was she pitching?
A She was working on her pitching ability
Q Okay Did she pitch at all?
A She pitched in practice
Q I'm sorry?
A She pitched in practice
Q Not in the games?
A 35 years ago, I don't even remember if she played in any games whatsoever
Q That was 22 years ago
A 25 years ago
Q 22
A 22, okay 22 years ago
Q 23, actually
A 23
Q You haven't thought about this at all?
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection

Page 124

A Thought about what?
Q These type of things, the softball team and the season and [redacted] and what she did and didn't do
A Only when all of this came into existence about this that I'm highly upset about it, that's when I started having ideas and thoughts about it
Q Okay So do you remember if she pitched in any games?
A I don't remember
Q And do you remember -- did she play any other positions?
A No
Q Just pitcher Was that her request? She wanted to pitch?
A Yes
Q Okay And were you in need of pitchers? Did you have other pitchers?
A Had others, but was in need
Q Okay Did you have many excess players, many people who were on the bench?
A No
Q Do you remember how many players were on the team that year?
A No, I don't

Page 125

Q Did you have any assistant coaches?
A Yes
Q Who?
A There was another teacher that was assistant coach with me
Q Who was that?
A I don't remember her name
Q It was a female?
A Female
Q Was that the only year that she was an assistant coach?
A Yes Because I had other assistants
Q Was that your only assistant coach?
A Yes
Q And your manager, Bubba, that you mentioned earlier, was he there?
A Yes
Q During this school year?
A Yes
Q Okay Do you remember whether you had a good team or a bad team that year?
A Good athletes, tough competition
Q How was -- did [redacted] make it all the way through the season, stick with the team?
A I don't remember that

Page 126

Q Did she quit?
A No
Q Did she show up to every practice and every game?
A Every practice
Q Okay But not every game?
A No
Q And were you okay with that as the head coach?
A I'm not okay with that if the student is one of the eligible players on the team
Q Was she ineligible?
A I don't remember that
Q Okay Do you remember when the season started?
A Beginning of February End of January, beginning of February
Q Practice started sometime before then, I assume?
A Before then?
Q Before --
A No That was when it usually started
Q That's when practice started?
A Practice started
Q And then the games started in February or

Page 127

not until March?
A The end of February
Q End of February Now, did she miss any practices when she tried to kill herself? I take it she didn't make it to practice that day?
A She wasn't on the team then
Q She wasn't on the team then?
A No
Q That was February the 13th, 1989 Do you know that?
A No
Q Do you remember that day at all?
A Just what transpired, but, no, I don't remember the date or anything
Q But you remember her suicide attempt?
A Yes
Q Okay And she wasn't on the team at that point?
A No
Q Why not?
A I don't know
Q Did you kick her off?
A I don't know I don't know what happened
Q You don't know if she quit, you don't know if you kicked her off, and you don't know what

Page 128

happened But you know she wasn't on the team --
A Right
Q -- on February the 13th, 1989 Was she on the team after that?
A No
Q Not after that?
A No
Q So she was on the team for a period of how long? Couldn't have been more than two weeks
A Well, she wouldn't have been on the team at all Because, like I said, eligibilities have to go out You're not classified a member of the team until eligibilities have been sent into the High School League, High School League approves it, and then it comes back to you to show eligibility, that you are eligible to play
So she wouldn't have been on -- actually, none of the girls would have been what you classify an eligible softball player
Q Okay I'm not asking if she was eligible Day number one, practice number one, whoever is there is your team, correct?
A No
Q Not correct?
A No

Page 129

Q What is wrong with that?
A Because I just said they have to be eligible
Q If they're not eligible, they're not part of the team?
A That's right
Q So you didn't have a team at that point because nobody was eligible?
A Yes, that's true
Q You had a group of girls who were interested in softball who got together and went to the softball field and you orchestrated workouts?
A Yes
MR QUISENBERRY Object to the form of the question Sorry
Q Okay But no team?
A No team
Q When did your team become eligible and therefore become a team?
A Different girls, depending on when their eligibility was sent in became eligible at different times Some girls might not have got the eligibility to me at the time I needed their birth certificate Some of them might have been late getting it to me So they might be put on a

Page 130

different eligibility So they -- their eligibility would come at different times
Q Okay So what would you have classified [redacted] as during the two weeks or so between February 1st and February 13th?
MR QUISENBERRY Object to the form of the question
A A young lady trying out for the team
Q Okay Now, when she tried to commit suicide, where were -- do you remember -- you remember this, I think you just said
A Yes
Q And tell me what it is you remember about that
A In what -- I mean, what are you asking me about?
Q How many students have tried to kill themselves in your career?
A In my career?
Q In your classroom
A Oh, in my classroom? None
Q Not even [redacted]
A Oh, yes, her
Q Except for her Okay So I want you to tell me what it is you remember about that one time

Page 131

when a student of yours tried to kill herself in your classroom
A She -- it was at the end of school She came through my doorway, and I was standing back by my desk She kind of stumbled into my room, and I asked her if she was okay because I didn't know if she had fallen, she had been -- you know, was sick or something was wrong with her
She mumbled some words that I didn't understand, but I did pick out, I've taken an overdose of pills I instantly hollered into the hallway to get the nurse, call 911, and I began walking her back and forth in my classroom because she had -- she kind of almost fell to pass out So I start walking her back and forth in my classroom till the nurse came down
Q Okay
A That was it And the nurse just helped me walk her around, and the EMS came and took her, and that was it
Q That was it?
A (Witness nodded)
Q Okay Was your classroom empty at the time?
A Yes
Q And the EMS people came in and brought a

Page 132

gurney or a wheelchair or something to transport her out of the school?
A I don't remember exactly -- I don't remember exactly what took place at that time
Q Did she lose consciousness in your classroom?
A No
Q No?
A She looked like she was
Q She was nonresponsive, right?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A With me questioning her about, are you okay, she didn't really -- she wasn't really saying anything to me It was all garbled
Q Were her eyes open?
A Halfway
Q Okay Was she standing -- you were physically trying to hold her up, weren't you?
A Yes
Q But she couldn't have done it on her own?
A I don't know
MS JACKSON Object to the form
Q If you had not been holding her, do you think she would have fallen?

Page 133

MS JACKSON Object to the form
MR QUISENBERRY Same objection
A I don't know
Q Well, you're a -- why else would you be holding her?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A Because she made the movement like she was going to fall forward, and I did not want her to hit the floor
Q Okay I'm not trying to trick you I'm just trying to figure out what happened And if someone comes stumbling in and you're holding her up, it seems to me that she probably would have fallen over if you hadn't held her That's all I'm trying to say
Now, what -- how long was it between the time she came stumbling in and the nurse came? A couple minutes?
A No It wasn't that long
Q A few seconds?
A Probably a few seconds
Q A few seconds You hollered out into the hallway, right?
A Yes

Page 134

Q Were there students in the hallway?
A Yes
Q And they heard you?
A Yes
Q And they went to get help, to get the nurse?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A I don't know
Q But you didn't go get the nurse?
A No
Q You just hollered, and then a nurse showed up?
A Yes
Q And somebody called 911?
A Yes
Q But you didn't call 911?
A No
Q All right And then at that point, did the nurse attempt CPR or any type of first aid?
A I don't remember
Q Did you perform CPR or any type of first aid?
A No
Q Are you trained in that way?
A At that time, outside of my classes that I have taken, I was not trained what you would call where I had a card for CPR, no

Page 135

Q But you knew a little bit about it?
A Yes
Q Okay And when EMS -- when the nurse came -- do you remember who the nurse was?
A No
Q Okay Male nurse or female nurse?
A Female
Q Okay Did you-all have a nurse on staff there at the school every day?
A Not every day
Q She was there that day though?
A Yes
Q Okay Did she ask you any questions?
A No
Q Did you -- what did you say to her?
A I just said, this girl came into my class and said she had taken an overdose That was it
Q All right And then EMS personnel came and took her away to the hospital At that point, did you have to -- I mean, nobody asked you any questions? Did you have to tell -- go talk to the principal or the administration or to anybody --
A No The nurse --

Page 136

Q -- of your higher-ups?
A No
Q Nobody asked you any questions?
A The nurse -- the nurse just filed a report herself
Q With who?
A For the school, I --
Q Are you guessing about that?
A No The nurse has to file a report of anything -- any injury or anything like that
Q Have you seen a report?
A No
Q Did you help her write it?
A No
Q Okay So you just went about your business that day, taught the rest of your classes?
A No This was at the end of school School was over
Q School was over All right Was the principal still there?
A I don't know
Q Well, the principal is there the next day, right?
A Yes
Q And did you talk to anybody about that,

Page 137

about what happened?
A Just the nurse
Q Let me get this right A student of yours overdoses on pills, comes stumbling into your classroom belligerent, falling over, barely can keep her eyes open, you're holding her up You holler out to call 911, ask for a nurse The nurse comes, the EMS personnel come to the school in the school, take the student physically from your classroom through the hallways out the door to the hospital, and not one person in the administration asked you any questions about that?
MR QUISENBERRY Object to the form of the question
A No Because it was handled through the nurse
Q And you didn't tell anybody about that?
MS JACKSON Object to the form
MR QUISENBERRY Object to the form
A I don't remember
Q Why wouldn't you tell anybody?
MR QUISENBERRY Object to the form
A It wasn't something that you just go out and start having a conversation about
Q I would

Page 138

MS JACKSON Object to the form
MR QUISENBERRY Object to the form
Q How do you not?
MR QUISENBERRY Object to the form
A That's a -- that's a private thing of an individual You just don't go out and have conversations with just anybody about, you know, something happening like that
Q Did other teachers know about this?
A No
Q Were there no other teachers in next-door classrooms?
A No
Q You were the only one there?
A My classroom is the last classroom on the end next to the doors
Q What about the students? You see any students that were in the hallway when you hollered out, call 911, the next day or the day after or in the following days after this happened?
A At the time that that took place, I was more involved and interested in her safety and what it -- keeping her -- because I did not know what had actually happened except for her garbled conversation

Page 139

I was more looking for her safety than looking around the school and seeing what students were there or when EMS came or anything like that That was my main concern was I knew one of the things was to walk them if they had taken any kind of overdose of any kind of medication
Q Okay Did you call her parents?
A No
Q Who called her parents?
MR QUISENBERRY Object to the form
A I don't know
Q Did you go check on her in the hospital?
A No
Q Did you go check on her at her house?
A Yes
Q Okay When?
A That same evening
Q Tell me about that
A I went to the house I met the mother I said, I hope everything is okay Is she doing okay? She says, yes I said, thank you I was just concerned
Q That's it?
A That's it
Q What was her reaction to that?

Page 140

A She says, thank you for being concerned
Q She didn't ask you any questions?
A No
Q How long was she out of school?
A I don't know
Q Well, was it a long time?
MS JACKSON Objection Asked and answered
A I don't know
Q When she came back, did you talk to her about what happened?
A No
Q Never came up?
A Never came up
Q Did you talk to her mother any more?
A No
Q What about her father?
A No
Q Did she say anything else when she came into the classroom?
A No
Q Did she ever try to talk to you about it after the fact?
A No
Q At the -- you say it was at the end of the

Page 141

day Had the school just let out?
A No
Q How -- I mean, what time frame are we talking about here?
A I don't know
Q Okay If school hadn't just let out, you'd be at softball practice, wouldn't you?
A No Because our softball practice was set at a certain time because we as teachers had to stay at the school for a certain length of time getting any reports done, any other work So our practice might have been an hour later
Q 4 00? What time did school get out?
A Time was changed with that too 2 10
Q 2 10 So your softball practice would have started around 3, 3 15, 3 30, something like that?
A If that's the time that I scheduled it, yes
Q And you would have -- did you not have a consistent practice schedule?
A Depending on games
Q But you didn't have games at this point This was still practice
A Scrimmages
Q Okay Against -- okay But sometime between the end of school and the time you would

Page 142

have had to leave to go to softball practice is when this happened, right?
A Yes
Q Did you go to softball practice that day?
A I don't remember
Q All right What did you tell the softball team about it?
A I didn't
Q How did you explain [redacted] absence?
A Nobody questioned it
Q Not one person asked, hey, where's [redacted]
A No
Q And you just -- she just vanished from the team, and that was it?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Yes
Q How do you think she felt about that?
MS JACKSON Objection
MR QUISENBERRY Same objection
A I don't know
Q Do you care?
MS JACKSON Objection
MR QUISENBERRY Object to the form
A I was concerned for her to be able to play

Page 143

softball because that was one of her things that she wanted to do
Q And how did you do that?
A How did I do what?
Q Well, you were concerned about her playing softball, and she had just tried to kill herself She ain't playing softball if that was successful Fortunately, she was unsuccessful You were concerned about her playing softball How did you help her do that?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q Did you welcome her back on the team?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A There wasn't a time that she would have been not a player for the team It would be just she came back from being sick I had many athletes that got sick during practice times and didn't come to practice
Q She wasn't sick, was she?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A I don't know
Q Well, she didn't have the flu, did she?

Page 144

MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A Don't know
MR QUISENBERRY Aaron, do you want to eat the food at some point?
MR EDWARDS Yeah, I need a break
(A recess was taken)
Q All right Mr Smith, you don't have a Ph D , do you?
A No, sir
Q Can you -- can you briefly give me your professional background? We'll get to that I don't want to -- I don't want to mess with the record
When we left, we were talking about [redacted] suicide attempt, and, specifically, we were talking about the softball team and the softball season and [redacted] either coming back or not coming back and what you told anybody or didn't tell anybody about that Do you remember all of that --
A Yes
Q -- before we broke for lunch? Okay Now, how well did you know [redacted] at that point?
A Not real well

Page 145

Q Did you know that she had recently moved to the area?
A Yes
Q Did you know that it was a large move? And what I mean by large is a large distance She had moved from Pennsylvania
A No
Q You didn't know that?
A No
Q How did you know that she had moved?
A She had made a comment to me when she wanted to play softball that she had played at her last school, and that she had just moved into our area
Q Okay So you at least knew she wasn't -- it wasn't like she moved from Mount Pleasant to James Island or anything like that?
A Right, yes
Q Now, how did that conversation come up?
A Any time that new athletes transfer into the school, we kind of talk to them and question them about where they played at, what they -- you know, if they were on the varsity level or the junior varsity level, how much ability they had And that's kind of the same conversations that I use with any athlete that transfers in

Page 146

Q Okay So how did it start? Did she -- did you as the coach mention you were coaching, and she came up and asked you about it or talked to you about it? Or did she approach you on her own to talk about joining the softball team?
A An announcement would have been made for any girls interested in playing softball, report to my room And that would be the rules and regulations told them and a sheet handed out for me to get their names and what grade they were in
Q I'm not sure that answers my question Did she come and talk to you?
A After the initial meeting, she did, yes
Q The initial meeting So you had a meeting, anybody who's interested in playing softball, come here at this place and time?
A Yes
Q And some people showed up, and [redacted] was one of those people?
A Yes
Q Okay Did [redacted] have any friends on the softball team?
A I don't know
Q Were the softball players themselves, were they friends? Do you know?

Page 147

A They were all friends, but they had -- each individual girl was closer to being a friend with one than another
Q Okay Teenage girls can be a wild animal I understand that Now, was there any infighting within the softball team, or did they all generally get along pretty well?
A Generally got along
Q And you're a coach Kind of your job to reign that in, don't you think?
A Yes
Q Keep them cohesive and things like that?
A Yes
Q So when [redacted] tried to kill herself, nobody sent her flowers? Nobody sent her a card? Nobody came to visit her? Nobody came to ask her how she was doing?
A I don't know
Q Well, how would they know? You didn't tell them, did you?
A No, I didn't
Q Why would you separate her from the group like that?
MR QUISENBERRY Object to the form
MS JACKSON Same objection

Page 148

A It's not that I separated her from the group I just didn't give them information about her personal situation that she had gone through
Q But you said earlier you were concerned about her and that she wanted to play softball
A I was concerned about her
Q Right Did she not want to come back and play?
A No She wanted to come back and play
Q So why didn't she?
A I don't know
Q Did you invite her back on to the team?
A She was never -- never off the team that I would have come up and said to her, you know, you're off the team, unless she would have been ineligible And if she was ineligible to play, then I would have confronted her just like I do with any of the athletes that are not eligible to play You didn't pass enough subjects You're -- the High School League and the Charleston County School rules say that you're ineligible to play for this season
Q Was she ineligible?
A I'm going to say that at the time, I didn't get the eligibility in for her because I didn't

Page 149

have her birth certificate But I -- I would say, yes, she was ineligible to play
Q Okay Did you know her family situation at all? Did you ever talk to her about that?
A No
Q So when you were giving her rides to and from school and practice to her home, that never came up?
MR QUISENBERRY Object to the form
A No
Q But you did, in fact, give her rides to and from school and practice, didn't you?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A Practice
Q And from school, right?
A Practice is held at the school
Q From school grounds?
A Yes
Q Okay So what did you talk about?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A I really don't know I don't have an answer of what the conversations were
Q Well, we've excluded family talk We've

Page 150

excluded the fact that she moved from Pennsylvania Okay Did you talk to her at all, or did you-all just sit in the car and ride in silence?
MS JACKSON Objection
MR QUISENBERRY Same objection
A Usually, it was two or three people in the car, and conversations were going on I really never paid attention to a majority of the conversations because I was driving, and that was my main thing was making sure I got the kids home safely
Q What kind of car did you drive?
A I had a Ford Bronco
Q What color?
A It was a yellow color
Q Manual transmission or automatic?
A It was manual
Q Now -- so you don't remember the types of conversations you had? Did you talk on a personal level?
MS JACKSON Objection Asked and answered
MR QUISENBERRY Same objection
A No
Q You never asked her what types of things she

Page 151

liked, didn't like? Anything like that?
MR QUISENBERRY Object to the form
MS JACKSON Object Asked and answered
MR EDWARDS I definitely haven't asked him that
MS JACKSON You've already asked him if he had any personal conversations, and he said no
Q Let me clarify What I mean by personal conversations, specifically, did you ever ask her what types of things that she enjoyed doing?
A No
Q Okay Do you happen to know or did you know at that time things that she enjoyed doing or that she was interested in?
A One time, I think she spoke of -- yeah, I know she spoke of being a police officer She wanted to be a police officer
Q She said she wanted to be a police officer?
A Yes
Q Did she say why that was?
A Didn't have a reason She just -- just in conversation
Q Anything else?

Page 152

A That was about it
Q Did she like horses?
A Did she like horses? I don't know
Q Did you ever take her to the horse stables?
A No, I did not
Q Did you ever see her at the horse stables?
A Saw her one time
Q Okay Tell me about that
A I pulled into the horse lot and walked out into the pasture, and as I was about halfway into the pasture, I heard some conversation behind me, and I stopped, turned, and looked at where the gate area was, and saw [redacted] standing with Mrs Quinn
And she was saying something to her I could not hear I mean, all I did was hear the voices I did not know what they were talking about And I went ahead on up, fed my horse
And came back later on And I asked Ms Quinn, I says, what was that all about? And she says, this young lady followed you into -- up at the gate here I stopped her and told her that nobody was allowed in that pasture and that she would have to leave And I said, thank you
Q Thank you?

Page 153

A (Witness nodded)
Q Were you happy that she had been turned away?
A Yes
Q Why?
A I was the only one in that pasture at the time, and I did not want anybody else at that time coming back into that pasture while I was by myself
Q What were you doing back there?
A Feeding the horse
Q Require privacy for that?
A Horses can get spooked many times Somebody walks in the pasture, doesn't know all the different things about the way a horse will act, could get kicked, could get run over And so unless they know about horses, have been around horses, then there's a possibility of them getting hurt
Q Did she know anything about horses?
MR QUISENBERRY Object --
A I don't know
MR QUISENBERRY I want to put an objection Go ahead
Q And did you talk with her about that

Page 154

incident after the fact?
A No
Q Why do you think it is that she was there?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A I really don't know
Q Anybody else ever come to the horse stables to see you?
A No
Q Did you think it was unusual?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Yes
Q Were you curious to find out what she wanted?
A No
Q Not at all?
A Not at all
Q Okay Do you think she had a crush on you?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A I can't answer that because I don't know what her idea of what she would have, as you say, a crush I don't know if that was -- I can't say yes No

Page 155

Q All right From your perspective, how would you describe in your own words how you think [redacted] felt about you?
A I think she wanted a friend, somebody to talk to
Q And that friend was you?
A Because, I guess, me being her coach, a lot of athletes will --
Q And teacher?
A -- confide -- right A lot of athletes will confide in their coach, talk to them
Q But you turned her away at the gate and never asked her about it, never talked to her about it?
A That's right
MS JACKSON Objection to form
A No, I didn't turn her away
Q She was turned away at the gate?
A Right
Q And you were happy about that, right?
A Yes
Q And you never asked her or talked to her about it after that, right?
A Right
Q That's not very friendly, is it?

Page 156

MS JACKSON Objection
A No But I --
Q And she was looking for a friend
MS JACKSON I'm sorry You need to let him finish his answer
A No
Q I'm sorry No, it wasn't very friendly, or, no, she was not looking for a friend?
A No She was not allowed in the pasture What she was looking for, I don't know
Q Okay We're missing each other here In your own words, based on your own interactions with [redacted] why was it, do you think, she was looking for a friend?
A New to the school
Q Anything else?
A A coach usually has a lot of students that they know She could have been a friend of one of my students, that I knew
Q Do you think she looked up to you?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A No
Q You don't think that?
A No

Page 157

Q Why not?
A She never made any comments to the fact that she looked up to me for any reason except being a coach, her coach
Q And so because she never made a comment to you to the effect that, I look up to you, you don't think that she did?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q Aren't you the leader of the team as the coach?
A Yes
Q All right Don't the players -- don't you want the players to look to you for leadership as far as the team is concerned?
A Yes
Q Don't you want the same thing from your students as a teacher?
A By all means, yes
Q Okay And of course you want them to respect you, correct?
A Definitely
Q All right And holding that position, teacher and coach, in both areas, it requires -- do you agree that it requires somebody who embodies

Page 158

and exhibits what it is that that team is to represent as well as the school in a classroom that you're teaching?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
Q Do you understand that question?
A No You're getting a little bit --
Q It was a little wordy You say that you don't think she looked up to you Do you think she admired you?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A No
Q Don't think that? Okay Did she respect you?
MR QUISENBERRY Object to the form
A Yes
Q Now, I'm trying to figure it -- I'm trying to figure this thing out, right? And so maybe you can help me with that [redacted] in your words, was looking for a friend, moved from out of town, maybe didn't have a lot of friends Do you know if she had a lot of friends?
A No, I don't
Q Don't know Did you encourage the other

Page 159

softball players to include [redacted] in whatever it was they were doing so she could feel part of the group?
A I was not what you would call involved in the sociability of my athletes with one another I wanted them to be team players and to respect each other on the field What they did off the field, I can't control
Q Okay Why then did you not talk with her about the -- about when she came to the horse stables?
A Because it was getting to the point that she was around different places that I was at Like in a stalking way
Q You think she --
A And I didn't appreciate that
Q Did you tell her that?
A Yes
Q How did she react to that?
A Unconcerned
Q Not concerned Okay Was that before or after she tried to kill herself?
A I don't -- I don't know Don't remember the time
Q Don't remember When she went to the horse

Page 160

stables, was that before or after she tried to kill herself?
A Don't remember that
Q You don't remember whether it was before or after?
A Don't remember whether it was before or after
Q Okay Can you explain -- well, as a coach, are you concerned about the well-being of your players?
MR QUISENBERRY Object to the form of the question
MS JACKSON Object to the form
A For the most part
Q As a teacher, are you concerned about the well-being of your students?
MR QUISENBERRY Same objection
MS JACKSON Same objection
A In some instances
Q Okay Do you think that the school is concerned about the well-being of their students?
MR QUISENBERRY Object to the form of the question
A Definitely Yes, yes, I do
Q And of course, they put, among other people,

Page 161

the teachers in positions in which the school can actually make that happen?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
Q The school is an entity itself It's an idea, really Okay So the school wants its students to generally be okay, right? They want them to be safe, right?
MR QUISENBERRY Object to the form
A Right
Q Based on your experience as a teacher at James Island High School, that's what you understand to be true, right?
A Yes
Q Okay And so -- but the only way that the students can be cared for is through its teachers and coaches and things like that, right?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A Not just teachers and coaches The administration, guidance counselors
Q Sure
A Everybody at the school
Q All right Well, we know the administration and guidance counselors couldn't have helped

Page 162

[redacted] after she attempted suicide because you didn't tell them about it So the only people who knew about it was you and the nurse
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
Q So what did you do after she attempted suicide to try to make her feel better, to ask her what was going on, or to otherwise figure out what it was that led her to swallowing a bunch of pills and coming into your classroom?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q Did you do anything?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Outside of asking her how she was, no, I didn't
Q Do you think you should have?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Not really Because I thought if there was a problem that a guidance counselor would have been the best person to go to to talk about the situation and not come to me because I don't have the counseling skills under psychology, psych,

Page 163

whatever I don't have those skills to talk with a student about that The guidance counselor would have been the best person to go to
Q Did you tell her to go to the guidance counselor?
A No
Q Do you think you should have since the guidance counselor is the one with the skills required to help her with that?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A I guess Well, I really figured after her mother knowing that she did this that it would have been her responsibility to go to the guidance counselor
Q You think it was the mother's responsibility to go to the guidance counselor at the school?
A Yes, I do
Q Okay And that you shouldn't have told her the same thing? That's what your testimony is?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A I didn't know what her reason for doing that was
Q Did you ask her?

Page 164

A No Because there's some things that students outside of activities that they perform with the teacher in the way of classroom is not a teacher's responsibility to become involved in something like that
Q But she wasn't some random student that you didn't know, right?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q She was in your class, and she was on the softball team, isn't that right?
MS JACKSON Objection
MR QUISENBERRY Same objection
A Yeah But you've got to look at what if everyone student felt that way
Q Obviously, every student is not going to feel that way because you don't know every student The two students that you saw embracing you said you didn't know But [redacted] was in your geography class that year and on the softball team, which you were the head coach, correct?
A Right
Q And there's only a few people on a softball team Couldn't have been more than, what, 12, 13 people?

Page 165

A About that, yes
Q So that's a dozen, baker's dozen Not very many people Those people you know, right?
MR QUISENBERRY Object to the form
Q Right?
MR QUISENBERRY Same objection
A Yes
Q Okay So when one of those people tries to kill themselves and comes into your classroom -- why do you think she did that?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A I really don't know
Q You never asked her?
A No
Q Did you not wonder why?
A In my own mind
Q What do you think?
A I don't know because I don't know why she did it in the first place Don't know the reasoning
Q Could it have been because she was looking for a friend, and the person she was looking to be a friend turned her away?
MR QUISENBERRY Object to the form

Page 166

MS JACKSON Objection
A Well, first off, that was a wrong way of putting it I didn't turn her away I did everything I could do at that time that she came into my classroom to provide her with as much first aid as I could to keep her alive because all I knew was she took an overdose
And I did what any teacher, coach, whatever in that school would come across is providing help for a student that needed help because of the situation she put me in
Q That she put you in?
A Yes
Q And what situation was that?
A Walking into my classroom
Q And that put you in a bind?
MS JACKSON Objection
MR QUISENBERRY Same objection
A Not a bind
Q Why did it put you in a situation?
A Any teacher, coach, or whatever gets put into a situation that is life-threatening possibly or something that is harm to athlete, student, whatever, is putting that person into a situation that they have to do certain things in order to

Page 167

make everything okay
Q Did you think it made you look like you had done something wrong?
MR QUISENBERRY Object to the form
MS JACKSON Objection
A No
Q You didn't think that?
A No
Q You didn't feel that way?
A No
Q Why didn't you tell anybody then?
MR QUISENBERRY Object to the form
MS JACKSON Same objection Asked and answered
A Back to the same comment, what happens to students with their personal life is not to be talked about to other people
Q So you think and it's your testimony that you did everything that you could do for her?
A Yes
Q Okay And do you think that the school did everything that they could do for her?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
Q You didn't tell anybody else at the school,

Page 168

so they didn't do anything, right?
MS JACKSON Objection
MR QUISENBERRY Object to the form
A I don't know what the school did
Q Do you know if they did anything?
A I don't know that, no
Q How would the school even know what happened other than the fact that the ambulance showed up and paramedics came in and wheeled her out?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q How would the administration or the principal or anybody in charge of running the school have known what had happened?
A The nurse would have said something that dealt with that situation
Q You think so?
A I know that any time a student is injured that the nurse takes over the job of handling the situation We are not -- we are not doctors We cannot -- we can't diagnose an injury or diagnose what is happening We have to do what we can do that we know of to try to protect the person Outside of that, when it goes to the nurse, it's out of our hands at that time They take over, and

Page 169

we back out of the way
Q But you didn't do anything to protect her person, did you?
MR QUISENBERRY Object to the form
A Yes
MS JACKSON Object to the form
A I walked her around up and down in my classroom thinking that that was the only way to keep her --
Q You kept her physical body from dying is what you're saying, right?
MR QUISENBERRY Object to the form
A In my estimation of what possibly she had done, yes
Q What about in here, in her head, and in here, in her heart? What did you do to help her with that?
MS JACKSON Objection
MR QUISENBERRY Object to the form
Q Did you do anything?
MR QUISENBERRY Object to the form
MS JACKSON Objection
A I would say showing my concern by asking her mother how she was and hope she feels okay
Q This is a girl who's got such bad thoughts

Page 170

in her head that she is prepared and, in fact, attempted to end her life, and you think that that -- asking her mom if she was okay is helping her with that?
MR QUISENBERRY Object to the form
MS JACKSON Objection
Q And that's enough? That's all you could have done?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q Couldn't you have asked her about it? Talked to her about it?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
Q I mean, I know you didn't You say you didn't But you could have, couldn't you?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A No Because I believe that if she needed some form of help, that her mother would take her to somebody that could help her out with her problem Because, like I said, I do not have the education of a psychiatrist or a guidance counselor to talk with her about her situation or her problem

Page 171

I am a coach and a teacher of hers Problems with softball, yes Problems in the classroom about doing an activity or doing -- performing in her school work, yes Outside of that, when it comes to medically, no
Q What about fondling her in the classroom?
A That didn't happen
Q Never happened?
A Never happened
Q Okay What about forcing her to perform oral sex?
A That didn't happen
Q Never happened?
A Never happened
Q Weren't you part of the problem?
MR QUISENBERRY Object to the form
MS JACKSON Objection
Q You're saying that she didn't -- wasn't your problem, that your problem is homework assignments and softball drills She took a bunch of pills and walked into your classroom Weren't your part of the problem?
MS JACKSON Objection
MR QUISENBERRY Object to the form
A No

Page 172

Q You think it was just a coincidence that she came to your classroom? You don't think that, do you?
MS JACKSON Objection
MR QUISENBERRY Object to the form
A I don't know
Q Why wouldn't you talk to the police whenever they came and asked you questions?
MS JACKSON Object to the form Can you set a timeline?
MR QUISENBERRY Objection
A I don't understand your question What are you talking about?
Q Did the police ever come asking you questions about you and [redacted]
A They never came They requested me to come to the substation
Q Yeah Why didn't you talk to them?
A My personal lawyer was there and said that -- told them that he would talk with them about any of the situation
Q Why would you need a lawyer?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Any time you're going to go talk about a

802

Page 173

situation that involves police, everybody wants to have a lawyer there
Q If you didn't do any of those things, why wouldn't you talk to them?
MS JACKSON Objection
MR QUISENBERRY Object to the form
A Because when I asked my lawyer --
MS JACKSON I want you to stop right there Don't say anything that was said between you and your lawyer
THE WITNESS Okay
MS JACKSON Okay
Q You still have to answer
MS JACKSON If the answer is on the advice of an attorney, then you can give that much, but don't say what specific --
A Advice of my attorney
Q Did you want to talk, tell your story?
A No
Q You didn't want to talk?
A No
Q And other than the advice of your attorney, why didn't you want to talk?
A I didn't know of any of the allegations
Q Then how do you know whether or not you want

Page 174

to talk?
A Advice of my attorney
Q Okay What happened to your employment whenever the police got involved?
A Everything went on normally
Q Everything was just peaches and roses?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
Q You didn't get terminated?
A No
Q You did not get terminated?
A Not terminated
Q You sure about that?
A Yes
Q What happened?
A I was given a few days of vacation to get myself back to being able to handle my duties as a teacher and a coach because of the allegations that were put forth that I was totally upset about and disgusted about And I wanted to get away and be able to calm myself down
Q How long was your vacation?
A Two, three days
Q Did you go somewhere?
A Stayed at home

Page 175

Q And stewed?
MS JACKSON Objection
Q Or what did you do at home? Watch TV? Talk with your wife?
A Talk with my wife
Q Yeah She upset?
A Highly upset
Q What did you tell her?
A What the allegations were
Q And did she ask you if they were true?
A She knew they're not true
Q Then what did you do for the rest of the two or three days?
A Calmed myself down
Q Have you ever cheated on your wife?
A No
Q Never had any extramarital affairs?
A No
Q Ever?
A Ever
Q With anybody?
A Ever
Q Never?
A Never
Q Okay Did you talk to anybody else about

Page 176

it?
A About -- can you --
Q I don't know You said --
A -- give me more --
Q You said that when the police came calling, you didn't get terminated, but you went on a little mini vacation
MR QUISENBERRY Object to the form
Q And you talked to your wife Okay? Did you talk to anybody else?
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
A My daughter, my sister
Q You contacted them and told them what was going on?
A Yes
Q What did you do that for?
A Family We're a close family
Q Anybody else?
A Close friends
Q Such as? You talked to your friend, Steve Shaddrix, didn't you?
A Yes, I did
Q And you-all talked about what was being said

Page 177

about you, right?
A Talked about the allegations about me
Q Okay Did you talk with his wife?
A Yes
Q And what did she have to say?
A You want her comments?
Q She works at the school too, right?
A Yes
Q What is her job?
A She is the head of the secretaries in the office
Q In the front office?
A Yes
Q Okay Where is the -- where was the front office in relation to your classroom at that time?
A On the same side as my room into the next building The next building over, it's on that same side, the first room on that side
Q I'm not sure I'm following you with that
A My room is here You walk outside the school, go into the next building, office is the same thing
Q Can you draw it?
MR QUISENBERRY Can we go off the record while he's drawing it?

Page 178

(Off-the-record discussion)
(Exhibit No 8 was marked for identification)
Q All right Exhibit Number 8 is your drawing of your classroom and the front office of the school What is this thing between?
A That's the -- that's the end of this part of the building and the beginning of the next part of the building
MR QUISENBERRY Can I see the exhibit? Do you mind?
Q Is there a corridor or a hallway?
A It's a breezeway right there
Q Connecting them?
A It's not connecting them It's a breezeway that's like a courtyard, entrance to the courtyard out of this side of the building to that side of the building
Q Can you draw the whole rest of the building? And the reason why I ask you that is, where -- where was the nurse's office?
A Right across from the main office
Q Okay So did you leave the classroom and shout out to someone -- walk me through that again
A No I was in my room and hollered -- my

Page 179

door was open I hollered out through my door
Q Towards the offices there?
A No Towards the hallway There's a hallway that runs right here Kids were in that hallway
Q Is there a lot of kids there?
A I don't know
Q In my experience, at the end of the school day, the kids are gone
A Some A lot of them have after-school meetings with their teachers or after-school work or just anything that they might need to accomplish at the end of the school day
Q How many do you think were in the hallway? Was it a --
A I couldn't give you a number
Q Was it a crowded hallway like in between classes?
A No
Q No? And you just shouted?
A Yes
Q Did you recognize any students?
A I didn't look
Q How did you know that there were students there?
A I saw bodies passing my door I just

Page 180

glanced up while I was with [redacted] and glanced up just to see bodies and just hollered to them
Q Okay Can you see from your classroom over to the -- through the courtyard area to the offices, administrative offices and the nurse's office?
A There's little skinny windows, so you -- from my room, you mean?
Q Yes
A No
Q You can't?
A No
Q Okay Can you see, if you peer out your door, look down the hallway, and those are the offices down there? Can you see that?
A You can't see the offices You can see the hallway
Q I've got you And so, fortunately for you, the nurse was in that day?
A Yes
Q And how often was the nurse there?
A I don't know They had their own schedule I don't know what it was
Q Well, what happens if somebody got injured when a nurse wasn't there?

Page 181

MR QUISENBERRY Object to the form
A Usually, secretary handled it
Q Steve Shaddrix's wife?
A Her and any of the other ladies that would be in the office
Q Did she help you out here when [redacted] tried to kill herself?
A No
Q Was she there?
A I don't know
Q You didn't talk to her about it?
A I don't remember
Q Did you talk to Steve Shaddrix about it?
A No
Q Did you talk to anybody about the fact that a student of yours tried to kill herself?
A My wife
Q Okay What did you tell her?
A Same thing that I told you, that she came in my classroom, she had taken an overdose, and they transported her to the hospital
Q Did you speak with the paramedics?
A No
Q Why not? Did they not ask you what happened?

Page 182

A Nurse took over that Like I said, once we get the nurse involved, she handles it all
Q And who was the nurse again? What was her name?
A I don't know
Q And was there more than one nurse or just the one lady?
A One
Q Just one lady? Okay And she had an office, a nurse's office?
A She had a -- like a little clinic where kids could come to if they were sick, got hurt, injured in any way She had a little small one
Q Okay And at the end of the day, did she stay?
A I don't know what her schedule was
Q You don't know if she stayed after the end of the school day?
A No
Q Now, did you happen to know any of the police officers that were involved in this investigation?
A You mean the ones that wanted to question me?
Q Did you know any of the officers that wanted

Page 183

to question you?
A No
Q Okay Do you know any of the officers that were involved in any way with this investigation?
A No
Q Are you sure?
A Not any of them that were involved in talking to me about the situation, no
Q Who did you know?
A The one police officer, Doug Wright
Q You know him?
A Yes
Q How do you know him?
A He was a student of mine
Q Talk to him?
A After the situation, yes
Q But your lawyer told you not to talk
A To the two officers that were investigating it
Q And you said earlier that you didn't want to talk
A To the officers that were investigating it
Q Why did you want to talk to Doug Wright about it?
A He was in school during that time

Page 184

Q So what?
A He was in my class during that time
Q And --
A Just out of the blue He was a wrestler of mine
Q Have you stayed in contact with him all these years?
A No
Q Well, how did you contact him?
A His mother works at the school
Q What's her job?
A She is a teacher's aide
Q What is a teacher's aide?
A One that works in with English teachers or the special education
Q She ever work with you?
A Handicapped Pardon me?
Q Ever work with you?
A No
Q So did she -- did you tell her about what happened?
A No
Q Did she give you Doug Wright's contact information?
A I asked her for his phone number

Page 185

Q And why did you ask her for that phone number?
A He was a student that was in school during that year
Q And what did you hope to accomplish by contacting Doug Wright?
A Just to find out information that he might know about the time that I had [redacted] in my class Do you remember her? That was the question Do you remember her?
Q How many students were in your class at that time?
A Approximately 30 to 32
Q And of those 30 to 32, do you know the whereabouts or anything about what those people are doing now or what they were doing at the time the police came calling?
A Not very many of them
Q A few of them though, right?
A A few of them
Q And of those few, can you name them?
A Names?
Q Yes
A I can't tell you, no
Q Well, I can save the rest of your classmates

Page 186

from being subpoenaed and tracked down and their time wasted if you can just tell me who those people are
A I don't know all their names I don't remember that
Q How do you know where they are and what they're doing then if you don't know what their names are?
A I might see a friend of theirs that says, so-and-so --
Q But if you don't know what their names are, how do you know the identity of the person that you're referring to right here, right now?
A No I'm saying I don't know of the names of the students -- all the students that were in the class during that time
Q I'm not asking you about that I'm asking you about the students that were in your class at that time that when the police came calling, you knew where they were and what they were doing?
A Oh, no, no
Q None? Just a minute ago, you said there was a few
A You asked me if there was a few that I knew where they might have been You didn't say during

Page 187

this time right here
Q Yes, I did And you said there was a few
A Okay If you said it was the time during this, then, no, I do not
Q Well, when then did you learn of these few people?
A When I started figuring out that I needed to find students that would have knowledge of knowing [redacted]
Q And why would you want to do that?
A Well, I'm being charged with -- allegedly charged with something that is ridiculous, and I am upset about it, and I'm getting -- and I get fired up about it every time it comes up And I wanted to make sure I knew of people that were going to be there that would know about this and be able to tell the truth
Q Okay Did you contact them?
A No, I didn't
Q The only person you contacted was Doug Wright, who happens to be a police officer with the Charleston Police Department, isn't that right?
MS JACKSON Objection to the form
MR QUISENBERRY Same objection
A I don't know who he's -- you know --

Page 188

Q You know he's a cop, right?
A Yes
Q And you called him?
A Yes
Q In fact, you sought out his information to call him from his mother?
A Yes
Q And she gave that to you, right?
A Yes
Q And did you tell her why you wanted to call her son who was a cop?
A Her family, her other son, Doug, were athletes of mine She is a friend of mine I have asked about Doug over the last amount of years that he was in school because he was good friends with my godsons that were also on the wrestling team And I kind of kept up -- he played football for me, and I kept up with his -- what he had done
Q Through his mother?
A Yes
Q You didn't -- never called him before that, right?
A No
Q Okay So every other time you kept up to date on Doug and what he was doing, how he was

Page 189

doing, it was through conversations with his mom, correct?
A Yes
Q So when you asked for his phone number, she surely must have asked, yeah, sure, what's going on, right?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
Q Did she ask you anything about why you wanted a phone number?
A She didn't ask, but I gave her a comment to the fact that Doug had gained a lot of weight, and I said I was concerned about his weight gain and hopefully that he was losing this And I wanted to get a phone -- I wanted to get his phone to call him just to see how he was doing
Q So you lied to her?
A No He was He had gained a lot of weight and was having physical problems with it
Q And that's why you asked her for the phone number?
A And I didn't lie to her I was curious about his condition
Q That wasn't the real reason though, was it?
MS JACKSON Object to the form

Page 190

MR QUISENBERRY Same objection
A In my mind, it was part of it, yes
Q A reason to call him?
A Yes
Q But not the real reason, right?
MS JACKSON Object to the form
MR QUISENBERRY Object to the form
Q You could have asked his mom about that and asked her to convey a message, or you could have done that at any time as he was gaining the weight or any time before the police came calling, but that didn't happen
A I didn't know he had gained all that weight till later on
Q Okay But the fact of the matter is you called him to talk about this investigation, didn't you?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A No
Q No? You-all didn't talk about that at all?
A The conversation was -- I said to him, I have alleged allegations against me about a --
Q So you did talk about it?
A I said to him, and he said that he has not

Page 191

got any conversation about it He doesn't know anything about it
Q Okay And then what?
A And then I just kind of explained to him what was happening
Q And what was your explanation to him?
A I said that I am being -- I have alleged allegations of a student in the class that I was having sexual relations with
Q Okay
A And he says, I don't believe it
Q Okay
A Pardon me?
Q All right Go on
A And I said, well, if I need you as a character witness, would you be willing to be a witness for me? He said sure
Q He did?
A Uh-huh
Q Told you that?
A (Witness nodded)
Q Okay What else?
A That's it
Q That's it?
A That's it

Page 192

Q How many times did you then talk with him after that?
A None Just that one time
Q Never again after that?
A Never again
Q You didn't ask him for an update, what was going on? Anything like that?
A No
Q Did your lawyer?
A After my lawyer --
MS JACKSON Object Don't answer anything about any conversations you had with your lawyer or anything your lawyer told you
A I never had any conversations with him
Q Do you know if your lawyer contacted him?
A I don't know that
MS JACKSON And even if he does, it would be a matter of attorney-client privileged communications
MR EDWARDS That is not true Okay
Q Do you know if your lawyer actually made contact or attempted to make contact with Doug Wright?
A My lawyer never told me he contacted Doug Wright

Page 193

Q I don't want to know what your lawyer told you, really I want to know whether you know if he did contact Doug Wright or if he tried to contact Doug Wright
A No I don't know that
Q You don't know that?
A No
Q Doug never told you that?
A No
Q Nobody else ever told you that?
A No
Q And you never asked him to do it, did you?
A Asked?
Q Anybody Did you ever ask anybody to contact any police officer including Doug Wright?
A No
Q Okay Did you know what [redacted] was doing for a living at that time?
A No, I did not
Q You didn't know that? Doug didn't mention it to you?
A No
Q I'm a bit confused, and maybe I'm just slow But can you explain to me why you felt comfortable enough to talk with Doug Wright about what was

Page 194

being said about you but not the investigating officers?
A Advice of my lawyer
Q Does your lawyer know that you contacted Doug Wright?
MR QUISENBERRY Object to the form
A No
Q You think that was appropriate?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A What do you mean, what is appropriate?
Q [redacted] files a criminal complaint They perform an investigation or begin performing an investigation You refuse to talk to the investigating officer, but you contact Doug Wright whose mother you know and have kept up with over the years, knowing that he is a police officer to tell him what's been alleged against you -- this is what you've testified to To tell him what's being alleged against you and to ask him to be a character witness Do you think that that was an appropriate thing to do?
MR QUISENBERRY Objection to the form
MS JACKSON Objection

Page 195

A Yes
Q Okay But you wouldn't tell the investigating officers that you didn't do it or that it wasn't true, right?
A No You're turning that around
Q Didn't you tell the --
A My lawyer
Q Okay But didn't you tell Doug Wright that?
A No
Q You didn't tell him it wasn't true?
A Well, yeah Yeah, I told him it wasn't true He knows it wasn't true
Q Yeah Sure, you did So why wouldn't you just tell the investigating officers that?
A Advice of my lawyer
Q Okay Have you seen the police reports?
A Yes
Q You've read them?
A Yes
Q So you've read the allegations?
A Yes
Q According to what's in this report --
A Yes
Q -- what was said And, of course, then you read the allegation about you pulling your yellow

Page 196

Bronco to the side of 1014 Fort Johnson Road
A I read it, yes
Q Do you know where that is?
A No
Q You don't know where 1014 Fort Johnson is?
A No
Q Do you know where Fort Johnson Road is?
A Yes
Q And it's nearby the school, correct?
A I don't know
Q You don't know?
A I don't know where that address is at
Q But the road itself is nearby the school, correct?
A Yes It's right in front of the school
Q And there was a store there Do you remember that?
A Pardon me?
Q Do you remember a store being on Fort Johnson Road near the school?
A Yes
Q So you know the store that's being referred to in this allegation?
A I know the store I don't know the address
Q Got you And then you saw the allegation

Page 197

that [redacted] got on the center console, right?
A That's what it said
Q All right And that she performed fellatio on you You saw that?
A I saw, but it did not happen
Q Didn't happen You saw the allegation that you put your hand on her head and ejaculated in her mouth That didn't happen?
A That did not happen
Q Why is she saying it did?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A You tell me
Q That's not an answer
A I do not know
Q So you think just out of the blue for no reason she just made everything up about you?
MS JACKSON Object to the form
MR QUISENBERRY Object to the form
A Yes
Q That's what you really believe?
A Yes
Q Why would she do that?
MS JACKSON Object to the form
MR QUISENBERRY Objection

Page 198

A Do not know
Q You don't know Do you have any idea?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A No
Q Why would you then call people and Doug to be a character witness to be able to describe [redacted] what they remembered and all of those things that you -- that we just talked about?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A Because my name is being dragged over something that is bad for anybody And I don't want my name out there with that kind of thought about me
Q And that was what your concern was, right?
A That's right
Q And that was your concern whenever she came into your classroom on February the 13th, 1989, right?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A No
Q Well, you didn't want your name out there with a student dying in your classroom, did you?

Page 199

MS JACKSON Objection
MR QUISENBERRY Object to the form
A I didn't say that
Q Well, you didn't, did you?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A I helped the girl I walked her up and down my room to help give her some kind of first aid for something that was happening to her
Q Uh-huh
A She, as far as I know, could have died right there I didn't know I did what I thought I needed to do to make her comfortable and to help her out because she was somebody that had done something that she injured herself in a way I was doing what any other teacher, coach, or whatever would have done to help a student out that was in that situation
Q And then you didn't tell anybody about it, right?
MR QUISENBERRY Object to the form
Told the nurse
MS JACKSON Object to the form
A That's not a conversation you carry on with just anybody

Page 200

Q According to your story, you should be receiving a medal for your actions for doing -- saving her life But you didn't tell a soul, not one person And you didn't tell [redacted] a guidance counselor is someone you should see You didn't tell the softball team anything that happened She was just gone
MS JACKSON That's a compound question Objection
MR QUISENBERRY Object to the form
Q Why?
A That's not for everybody's conversation to have about somebody that put themselves in that situation
Q Did they -- those girls on the softball team didn't hear about what happened?
A I don't know
Q It never came up the rest of the season?
A I don't --
Q Nobody asked one time where -- what happened to [redacted]
A I don't remember
Q Don't remember?
A No
Q How soon after the police contacted you did

Page 201

you get in touch with Doug Wright?
A A week
Q And then you didn't talk again after that?
A No, I didn't
Q Do you know who Troi Myers is?
A The name rings a bell, but I don't know I don't place the name The name is, you know -- just rings a bell, but that's it
Q I asked you earlier about your coaching responsibilities, and I asked you about swimming You said you didn't coach swimming
A Right
Q But did you ever teach a swimming course?
A Yes
Q Okay At the school?
A At the Recreational Center
Q Not at the school?
A No
Q Okay And when was that?
A About my last four years of my teaching career
Q Did you ever have anybody -- any issues? Anybody make a complaint about you?
A Yes
Q Who?

Page 202

A The name was not given to me
Q Who told you about the complaint?
A One of the assistant principals
Q And that person's name is what?
A The name is out of my mind I can't think I don't remember their name
Q Within the past four years --
A Yeah
Q -- how many assistant principals have there been?
A Seven, eight
Q Okay And you don't remember the one who said, hey, somebody's made a complaint against you?
A Don't remember their name right offhand
Q Was it last year? Two years ago? Three years ago? Or four years ago?
A No It's been a lot longer than that 10 to 12
Q 10 to 12 years ago?
A Yes
Q What was the complaint?
A A student's top came off in the water, and they said I was standing up on the deck looking down
Q Were you?

Page 203

A In a way to see what happened because the student was screaming, didn't know if she was drowning, if she had -- or whatever And all the students were in the water at that time, and I'm constantly watching all the students to make sure -- because we had some nonswimmers in there -- to make sure that there was not anybody that was going to drown
Q So who was in the water instructing the students?
A Nobody was in the water We were standing on the top around the deck
Q This girl was in the water, I thought you said
A Yes
Q And her top came off?
A That's what she yelled out
Q All right Was she alone?
A No All the students were all around her
Q All of the students?
A Yeah
Q Some who couldn't swim?
A They were in the shallow end, going back and forth on the shallow end
Q And you were instructing the course from a

Page 204

platform of some kind?
A No, no I had two instructors that were Red Cross certified that did the instruction I just was keeping the discipline and making sure the students were participating
Q And this was through the Recreation Department?
A No This was through the school It was a swimming class through the school But it was held at the Recreation Department, the swimming pool
Q How did you get that job?
A The teacher that had it before me left and went to another job, and the head of the department asked if I would do the swimming class because I had a CDL license to drive the bus over to the swimming pool No other coach had a CDL but me at that time
Q How many students are we talking about?
A Different years, different amounts 18, 20
Q At this time when this girl lost her top
A 20 to 25
Q And you-all would hop on a bus and drive over to the swimming pool?
A I had a bus that I picked the students up in at the school and drove them over to the swimming

Page 205

pool, they went in, got in the pool, and the two instructors that were from the Recreation Department instructed them in swimming I took them after it was over with back to the school and dropped them off, and we walked back into the gymnasium
Q This was during school hours?
A During school hours
Q So a course that was a physical education course?
A Yes
Q And it was called what?
A Swimming
Q Called swimming?
A (Witness nodded)
Q You didn't tell me about that when I asked you what courses you taught
A Well, that was part of the physical education department
Q Okay Anything else that you taught under the umbrella of physical education?
A You want all of those?
Q Yes We'll come back to that I do want to know all of those
A Okay

Page 206

Q Who was the teacher that had it before?
A Jane Barrier
Q Jane Barrier?
A Yes
Q So a female?
A Yes
Q And what happened to her?
A She went on to another job
Q Okay And the head of the department that asked you was who?
A Millie Kennedy
Q And the reason why you were asked was because you had a commercial driver's license?
A Yes
Q And did -- what was her name that had -- the teacher that did it before you?
A Jane Barrier
Q Did she have a commercial driver's license?
A Yes
Q And you provided your own bus?
A No The school provided the bus
Q The school provided the bus Why did you have a commercial driver's license?
A We were requested to get commercial driver's licenses to be able to drive our different sports

Page 207

to the different competitions because it was saving money through the school system, and that the school wouldn't have to spend that much money on hiring transportation to drive to our different competitions
Q And how far away is this school -- I mean, the pool from the school?
A Three-fourths of a mile
Q And it's off school grounds?
A Pardon me?
Q It's off of school grounds?
A Yes
Q So you-all loaded up into a bus to drive three-fourths of a mile down to the pool, and then the students all had already changed into their bathing suits?
A No
Q So they get out, and they change into their bathing suits, and they get into the pool and have their instruction, and then get out, put their clothes back on, and you drive them back to the school?
A Yes
Q How long did all this take?
A A regular class session, one hour

Page 208

Q So what happened with that complaint?
A Nothing
Q What do you mean nothing?
A I explained the situation, and they said it was -- they said okay
Q Who said okay?
A The assistant principal
Q It was a man?
A Yes
Q And you don't recall that man's name?
A No, I don't
Q Why would -- and who made the complaint?
A I don't know that
Q But you know what the complaint was?
A I knew what the complaint was about
Q So do you think that maybe the girl who lost her top made the complaint?
A I don't know
Q Maybe her parents?
A I don't know
Q Do you think she made that up?
MS JACKSON Objection to form
MR QUISENBERRY Same objection
A I don't understand the question
Q Well, explain to me why it is that she would

Page 209

be upset about that?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
Speculation
A I don't know who made the complaint I just know there was one, and they questioned me about it, and I told them what exactly happened
Q Who was the girl?
A I don't know that at all I mean, I wouldn't remember her name
Q Do you remember what she looked like?
A Not really, no
Q No?
A No
Q But you know that a girl was in the pool, lost her top, and somebody complained, said you were watching her?
A Yes
Q Don't remember her name?
A No
Q Or what she looked like?
A No
Q Was she a pretty girl?
A I don't remember
Q White girl or black girl?

Page 210

A White
Q Blonde hair? Brunette? Redhead?
A Don't know that
Q You don't know?
A No
Q Long hair or short hair?
A Medium length
Q Medium length hair Was she busty, or was she small chested?
A I don't know that
Q You don't know?
A No
Q Are you sure?
A I never looked to see that
Q Then why would she complain?
MS JACKSON Objection
MR QUISENBERRY Object to the form
A Her top came off She was in the pool There was boys in the pool She screamed like any girl would probably do if her top comes off
Q Okay She must have felt -- somebody felt that you were doing something inappropriate or else a complaint wouldn't have been made Can you explain that?
MR QUISENBERRY Object to the form

Page 211

MS JACKSON Same objection
A What I did, I didn't look at it as being inappropriate I didn't -- I did what I usually do on the deck of the swimming pool I keep track of all the students to see what each person is doing, if they're performing the activities
And when somebody screams out, the only thing I can think of is somebody dove out and hit them, and they've been injured, or they're -- something happened to them They might have got a cramp, and they couldn't swim, and we might have needed to --
Q But she said my -- that her top had come off
A After she screamed, and we all said, what is wrong?
Q Okay And what happened?
A I told everybody to get over to the side of the pool, and the gentleman that was with me walked over to where everybody was standing, and she put the top back on
Q In the pool?
A Yes
Q Who was the gentleman that was with you?
A He is one of the instructors

Page 212

Q Schoolteacher?
A No No He was head of the swimming department at the Recreational Center
Q What's his name?
A If you wouldn't have asked me this right now, I could probably come up with his name and tell you But right offhand, names are not my forte I just don't remember names that often
Q What I was asking earlier, what happened with the girl that caused her to lose her top?
A I don't know
Q You didn't ask?
A No, I didn't I let that take its course
Q Okay So how did a principal get involved? Somebody call the principal, or did they -- that person tell you what happened?
A I don't know I was just told that there was an incident at the pool, and they wanted my explanation That was it
Q Did they call you in for a meeting?
A No
Q Call you on the phone?
A No They just stopped me in the hall, said stop by We need to talk to you And I said okay I went in

Page 213

Q We Was there more than one person?
A No Well, the assistant principal himself was in there
Q Shealy?
A Shealy, no
Q Not Shealy?
A No, no
Q Not Shealy?
A No
Q Shealy said he was in charge of discipline
A Shealy was not there anymore
Q So he called you into the office to talk to him, asked you what happened Couldn't tell him what happened because you don't know what happened, right?
A Exactly
Q And so that's that You said I wasn't staring at her?
A That's right
Q And they just accepted that, and life goes on?
A That's right
Q Okay Any other incidents like that?
A No
Q No other complaints?

Page 214

A No
MR EDWARDS All right Robin, it's 4 00 now You asked about that earlier
MS JACKSON Can we just take a break so I can make a phone call?
MR EDWARDS Sure
(Off-the-record discussion)
Q The tennis coach in 1995, do you recall who that was?
A No
Q Was it Eddie Fischer?
A I don't know
Q Did he coach any sports?
A Golf
Q Did you-all coach together?
A No
Q Did you precede him as a golf coach, or did you follow him?
A He coached way after me
Q Way after you Did you get paid extra to coach?
A Yes
Q And the school paid that, correct?
A Came from the district
Q And your pay came from the district as well,

Page 215

I suppose?
A State
Q From the State?
A (Witness nodded)
MR EDWARDS Okay I'm going to -- for right now, I'm going to pass you off to Brian He's going to have some questions for you, and then I may have some more depending on what he has to ask
THE WITNESS Okay
EXAMINATION
BY MR QUISENBERRY
Q All right Mr Smith, I'm Brian Quisenberry I'm the attorney for the school district and the high school Earlier you were talking about an incident in the swimming pool when you were coaching -- or you were teaching a swimming course, correct?
A Correct
Q You used the word complaint when you were describing how you found out about the principal wanting to ask you questions about it This is just -- I want -- my question is, you don't know whether there was a complaint or not? You just know that the school wanted to ask you questions

Page 216

about it, correct?
A Correct
Q So they never told you there was a complaint by anybody? They just told -- they just asked you about the incident?
A Right
Q So you don't know how they found out about it?
A No, I don't
Q You don't know if the girl or the mother or anyone else complained about it?
A No, I don't
Q Earlier you were asked some questions about some forms in your personnel file Do you remember that?
A Yes
Q Would you defer to the district's witnesses for an accurate explanation of what those forms meant?
A Yes
Q And you were asked some questions about handbooks and policies Do you remember that?
A Yes
Q Would you defer to the school district's witnesses for an explanation of the interpretation

Page 217

of the policies and the handbook?
A Yes
Q Earlier you were talking about -- you testified about speaking with Doug Wright
A Yes
Q As I understand your testimony -- tell me if this is correct Is it true that you spoke with Doug Wright as a former student, is that correct?
A Yes
Q You didn't speak to him in his capacity as a police officer?
A No
MR QUISENBERRY All right That's all I've got for now
EXAMINATION
BY MS JACKSON
Q I just have a couple Mr Smith, did you prepare Exhibit 1?
A I'm sorry?
Q Did you prepare that document?
A No, I didn't
Q Did you have any involvement in its preparation?
A No, I didn't
Q Do you know who prepared it?

Page 218

A No, I don't
Q Exhibit 2, did you prepare that document?
A No, I didn't
Q Did you have any involvement in its preparation?
A No, I didn't
Q Did you sign that document anywhere?
A No, I didn't
Q Exhibit 3, did you prepare that document or have any involvement -- you know what -- yeah Exhibit 3, did you prepare it or have any involvement in its preparation?
A No, I didn't
Q And it looks like Document 5 is the same type of form Did you have any involvement in the preparation of Document Number 5?
A No, I didn't
Q Okay Did you have any involvement in the preparation of document Exhibit Number 4?
A No, I didn't
Q Okay Document 6, did you have any involvement in the preparation of that document?
A No, I didn't
Q Okay At the bottom, is there a place for an employee signature?

Page 219

A Yes, there is
Q At the top under name of employee, whose name is there?
A Charles R Smith
Q And is that you?
A Yes
Q Did you sign this document at the bottom?
A No, I didn't
Q Did you date the document?
A No, I didn't
Q Do you ever recall being asked to sign it?
A No, I don't
Q And Exhibit Number 7, whose name is at the top under name of employee?
A Charles R Smith
Q And is there a place at the bottom for your signature?
A Yes
Q And did you sign that document?
A No, I didn't
Q Okay On these two documents, Exhibit 6 and Exhibit 7 -- on Exhibit 6, what does it list your position as?
A Assistant football coach and softball coach
Q And under the middle area, where an area can

Page 220

be check-marked under either voluntary resignation or discharge, what is checked?
A To seek other work
Q Okay And what is that under?
A Voluntary resignation
Q Okay And at the bottom under comments, what does that say?
A Terminate at coding 0350-00-01-1900-142 only
Q Okay Do you know what that means?
A No, I don't
Q Okay And on Exhibit 7, what does it list as your position?
A Boys' tennis coach
Q Okay And what is the date for last day worked?
A January 30th, 1995
Q And under the subsection for reason, what is checked?
A To accept other work
Q And what is that under?
A Voluntary resignation
Q And at the bottom under comments, what is written?
A Terminate at coding --

Q You don't need to read the numbers
A Oh
Q There's a series of numbers, and then what?
A Only
Q And then what's in parentheses?
A Softball
Q Before today, have you seen any of these documents?
A No, I haven't
Q Okay Have you ever been terminated or forced to resign from any coaching position?
A No
Q Have you ever been terminated or forced to resign from any teaching position?
A No
MS JACKSON I don't believe I have any further questions
EXAMINATION
BY MR EDWARDS
Q I have some follow-ups for you You said, when Brian asked you if you would defer to the school district in their interpretation -- I don't want to mince words, but what they say it means, you would defer to the school district, correct?
A Sure, yes

Q Okay These forms say terminate, don't they? All of them, termination
A Yeah
Q Okay And here on your employee permanent record, YCR 001147, that says terminated, right?
A Right
Q Do you have some other meaning that you attribute to the word terminated other than not a voluntary --
A TERI program That's voluntary That's voluntary We have to terminate our employment at that time because I retired
Q Why did you retire?
A I had 35 years in, and it was time for me to get out
Q That's an odd coincidence, isn't it?
A No I wanted to travel, wanted to see my daughter, visit places that I couldn't do when I was doing all the coaching
Q And you just decided to do this whenever the police came knocking at your door?
A No TERI was --
MS JACKSON Objection
MR QUISENBERRY Objection
A Sorry TERI was five years before that I

TERI'd five years way before that
Q I don't know what that means
A TERI means that I went in and told them that I will be retiring in five years It's a program that the State sets up After five years of teaching, that you would retire after that point
Q So five years before -- five years before August 15th, 2007 --
A Yes
Q -- you requested --
A -- the TERI program
Q Well, when did you stop getting -- those were payments, right?
A That is your retirement
Q Payments? You get payments every month, right?
A Yes
Q And you get a check in the mail or --
A It was part of your pay
Q So when was the last time you got that pay?
A The first day of my TERI It went into a TERI program
Q And when was that?
A That first day that I retired That first day that I started the TERI program, my retirement

went into a specific account for TERI teachers
Q When did you start getting those checks?
A I didn't get any checks That was -- I put that into a savings account You don't get any money till after you're into your TERI, and they give you one check
Q All right When did you get that?
A I don't know the specific date, but it was after the TERI was over with
Q In relation to -- it was after the TERI was over How about just explain to me again what the TERI process or system is
A TERI program is Teacher Incentive Retirement --
Q Income?
A -- Income, I think is how it was worded You have a point that you can retire and they will let you teach five years beyond that You will officially retire, and then you have five years beyond that that you can teach Once you reach the end of that five years, then you are forcibly retired
Q But you initiate the process?
A Yes
Q And start the five-year countdown?

Page 225

A Yes
Q All right And until five years is up, you get no money?
A It goes in -- right It goes into an account
Q And when the five years is up, you get the money?
A You are issued a check to do with what you want
Q Okay And what's the date that it says next to TERI?
A 4/2/08
Q Is that when you got the check or thereabouts?
A Oh, I don't -- I don't know
Q Well, how much was it?
A You want to know the amount of money that I received from my TERI program?
Q Yes
A 140,000
Q You don't remember when you got it?
A It went automatically into my bank account I did not see it I just had it automatically put in because it was protected -- it was a protected amount as long as you don't use it

Page 226

Q And what did you do with that money?
A Invested it
Q In what?
A I let my financial adviser do it
Q Turned it over to a financial adviser?
A Yes
Q Did you have other retirement income or funds?
A Pardon me? Say that again
Q You have additional retirement funds that you invested?
A No
Q Just that? That's everything?
A Just that, right
Q How has that financial adviser performed for you? Has he made you money?
A You want the truth?
Q Please
A No I lost money
Q How much?
A About 65,000
Q Almost half of it?
A Just about
Q You still have the same financial adviser?
A No Different one Same company the money

Page 227

was invested in, but a different financial adviser
Q What's the company?
A Prudential
Q And what -- do you know what it's invested it?
A The book is that thick I have no idea
Q No idea?
A I could not interpret -- I just told them to invest and left it up to them to what I -- what they thought would be the best investments for me
Q And since 2008, you've lost half of it?
A Yes
Q And you have no idea where it's invested?
A I've read some of the investment portfolio, but I don't know -- Prudential has thousands of investment opportunities, and they just invested into which ones they thought would be the best for me
Q So how are you getting by day-to-day?
A I have social security and retirement
Q And that's your retirement income?
A That's it
Q How much does that provide you on a monthly basis?
A My retirement is about 2,400, and my social

Page 228

security is about 16 or 1,800
Q Little more than $4,000 a month retirement income?
A Right
Q Okay And how long do you get that?
A The retirement and social security?
Q Yeah Till you die?
A Till I die, I guess
Q You don't know?
A Never really thought about it Just did what the government said I had to do
Q That's a scary thing What's the date there next to terminated?
A 6/6 -- I can't read that last -- what year they're talking about It's got to be '08
Q When you -- and that's when you said you retired?
A That's what they got down
Q Okay When this -- when you went on your mini vacation we talked about earlier, was that a paid vacation?
A Yes
Q And was that on your own terms? You could come back whenever you wanted?
A It was mutual

Page 229

Q What does that mean?
A Suggestion of two to three days if that would relieve my stress and anxiety
Q Were you coaching any sports at the time?
A No
Q Nothing?
A No
Q You weren't coaching football?
A Football was over with
Q Well, when did this happen, the two or three days you're talking about?
A What's that?
Q That you took two or three days off
A Oh, I don't remember what dates they were
Q I'm sorry I'm looking for one thing What was the other work that you were seeking?
A I don't know I don't know what that's all about
Q Well, is that accurate, these Exhibits, 2, 3, 4, 5, 6?
A All I can say is I don't know I've never seen them
Q I understand that I'm asking you whether or not what they say is accurate
A They checked it I don't know -- I can't

Page 230

tell you if it's accurate or not because I don't know
Q Sure you do Were you seeking other work?
MR QUISENBERRY Object to the form
A No
Q You weren't seeking other work?
A No I'm still staying as a teacher
Q So that's not an accurate form then, right?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
Q It's okay You can say it
A Coaches -- no, I'm just trying to figure -- coaches can be -- you can quit coaching any time you want You can be --
Q But that's not what it says It says you were seeking other work
A That might have been I was going to a different sport I don't know
Q Well, were you?
A I don't know
Q What do you mean you don't know?
MS JACKSON Objection Asked and answered
Q You're saying you weren't terminated, right, but you weren't seeking other work So what

Page 231

happened?
A I do not know
Q Well, was it a voluntary resignation?
A You are asking me questions about paperwork --
Q Exhibit Number 7
A -- that I have not seen
Q I'm not asking you about paperwork
A I don't know what it means
Q I'm showing you what the paperwork says, and it says that the reason for your voluntary resignation is to accept other work I'm asking you whether or not that is true
A I'm telling you I don't know
Q Okay So were you, in fact, the boys' tennis coach?
A No, I was not
Q You were not even the boys' tennis coach?
A No
Q So this whole thing is just wrong Is that what your testimony is?
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
A I can't say if it's wrong or it's right

Page 232

because I don't know what forms they use when you give up one sport to go to another I didn't even know they had forms that when you went from one sport to the other
Q So you did give up coaching softball in order to take on tennis?
A No
MS JACKSON Objection
Q You didn't?
A (Witness shook head)
Q Did you give up softball?
A I don't know what year that is or --
Q 1995 Spring season of the school year 1994-1995 Remember we talked earlier about you can't do two things --
A If it's on this form, yes
MR QUISENBERRY And he's referring to Exhibit 1 when he said that
A What is that Exhibit 1? If it's on there and said I went to softball, yes
Q No It says you went to tennis
A No I didn't go to tennis I never gave up softball to go to tennis, no
Q Do you think that the school district employees who filled this out are going to say

Page 233

that?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A I don't know what they'll say
Q Well, what happened in 1994 and 1995?
MS JACKSON Objection Asked and answered
A Nothing outside of my regular duties as a teacher going from year to year
Q Is this the same time that the swimming incident happened?
A No
Q 10 to 12 years ago is close ballpark You sure about that?
MR QUISENBERRY It's not close
MS JACKSON Objection It's nowhere close
Q You said 10 to 12 years That doesn't mean that's entirely accurate It's in the ballpark Is this around the same time?
MS JACKSON Objection
MR QUISENBERRY Objection
A Figure it out I've been out of teaching, what --
Q I don't want to use your math I want to --

Page 234

A Okay All right Well, I can't tell you exact years on something like that because I don't know when that took place I didn't --
Q In your conversation about the swimming incident, was there any other repercussion, any reprimand of any kind?
A No
Q Any discipline at all?
A No
Q When did the incident with the two students happen?
A I don't know that
Q Was it before or after the swimming incident?
A I don't know that
Q Don't know that?
A No
Q Is it recently, or was it a long time ago?
A Which one are you --
Q The two students --
A A long time ago
Q A long time ago Okay So do you think it was before the swimming incident?
A Yes
Q Okay Do you think it was before you ever

Page 235

met [redacted]
A No
Q After that?
A After that, yeah
Q Before the swimming incident?
A Yes
Q Which would put you right in the mid-'90s
A If that's your math on it, yes I don't -- like I said, I don't -- I don't have knowledge of these times when these things took place I didn't --
Q How soon before the swimming incident did the two students embracing incident happen?
A I don't know
Q Were they really -- were they in the same school year?
A I don't know that
Q You don't know Were they -- you don't know if they were in the same school year or in a different school year?
A No, I don't
Q Okay You never had a second job, right?
A No, I didn't
Q Did you ever paint with Steve Shaddrix?
A Yes

Page 236

Q Did you get paid for that?
A Yes
Q Did you consider that a second job?
A No
Q What would you call it?
A Part-time, summer
Q Only during the summer?
A Yes Because I was teaching and coaching
Q Did the school know about the camps and other things that you were --
A Oh, yes
Q You ran it by them first?
A Yes
Q How did you do that?
A You would go to them and tell them that you had students that were going to be involved in the different types of camps And usually, they would say okay It was not something -- an activity by athletes that all sports did Everybody went to camps
Q Okay So you were still operating under the school at that time as a coach and teacher and all that stuff?
A That was part of the program, yes Now, whether the school considered it part of them being

Page 237

held accountable for, no I don't know But they -- it was part of the school

I mean, it was school connected because it was my wrestlers, but they made the decision individually if they wanted to go to these camps It was not a forced thing or everybody had to go It was up to the individual person I provided an opportunity for them to get themselves better in that sporting event

Q Did you pay for the camps?

A No

Q Who paid for the camps?

A They did

Q Out of their own pockets?

A Out of their own pockets

Q Okay And you told the school what was going on?

A Yes

Q Okay And did you tell the school that you were going to drive them across state lines and all that?

A I don't remember

Q You don't remember that Did you tell them where the camps were?

A Most of the time, yes

Page 238

Q Not every time?

A Lots of times, it was at the -- it was in the summertime, so there was -- you really -- it was common practice of coaches to get their athletes enrolled in different camps and clinics So many times we didn't inform the school district that we were doing it We'd just set it up, kids knew the time, and we transported them there

Q And that was common practice for the coaches?

A Oh, yeah Yeah

Q Do you know -- okay Now, when did you start painting on the side?

A I've probably been painting on the side since 1970s, '75, '76

Q With Steve?

A No, no

Q When did you start with him?

A It was off and on I don't know a date He needed help on a weekend, I would help him out on a weekend, a Saturday or Sunday

Q And how often did that happen? Once a month? Twice a month?

A I don't know

Q During the summertime, how often would you

Page 239

paint?

A Depending on his job, I could go a week painting with him and maybe not paint for four or five days Just depended on the size of the job and how many people he needed

Q Okay Were there ever any students that painted as well?

A No

Q None of your student athletes ever did that for money on the side?

A No

Q Did you ever -- did [redacted] ever become involved in that in any way?

A No

Q Did you ever see her around any of your paint sites, paint jobs?

A Yeah She came to a painting job

Q Tell me about that

A I was painting a house, and while I was painting, her car pulled up She got out of the car I was on the roof And she was starting to talk to me, and I made the comment, I've got this job to finish I've got to get it done I don't have time to talk You need to leave

Q What did she want to talk about?

Page 240

A I don't know

Q Why didn't you want to talk to her?

A Why didn't I want to talk to her?

Q Yeah

A I was busy I had a job to do I was working

Q Okay Do you think you were nice to her?

A Yes

Q You would describe that as nice?

MS JACKSON Object to the form

MR QUISENBERRY Objection

A After it got to the point where she was creating a -- I call it stalking situation, no, I was not happy with her

Q When did that begin?

A Oh, gosh I don't have a date

Q I don't want a date

A Huh?

Q I don't want a date

A It might have been '89, '90

Q After she attempted suicide?

A Yes It was after

Q After that Okay And describe this stalking What would she do? What would she say?

A Just wanting to carry on a conversation

Page 241

Q Well, that's not stalking, is it?
A If you are at a place that you would never think of that person coming to, then why would that person be there and want to carry a conversation on with you when you are with three other coaches sitting there
Q Was she confronting you in some way?
A In a roundabout way, hollering my name, showed up at a place that I was at Example, the stables
Q That was before, wasn't it, she tried to kill herself?
A I don't remember the time
Q Don't remember that And so your response to that was to ignore her, brush her off?
A At that point, yes
Q Okay And you think that was being nice to her?
A I don't know whether you would say that was nice or that was protecting myself
Q Protecting you from what?
A There is a young lady that is at places that you are at, and a lot of things can be looked at as that not being appropriate And I did not want her around to create that type of situation

Page 242

Q Did you ever kiss her?
A No
Q Did she ever kiss you?
A No
Q Touch you?
A No
Q You ever touch her?
A No
Q Never?
A No
Q When you were alone with her in your car and you-all -- you couldn't recall any conversations you had What were you doing if you weren't talking?
MS JACKSON Objection to form
MR QUISENBERRY Same objection
A Driving the car home to her house
Q That's it? Sitting in silence?
A Most of the time
Q Do you know of any other teachers who have had sexual relationships of any kind with a student?
MR QUISENBERRY Object to the form of the question
MS JACKSON Objection to the form

Page 243

A No
Q Never heard that?
A No
Q Okay Is your responsibilities or -- were you ever limited in any way from any type of extracurricular activity during your career?
A What do you mean limited?
Q I mean, did the school ever put a limit on you as far as the number of sports you were coaching or the sport itself that you were coaching? Was there ever anything like that that happened?
MR QUISENBERRY Object to the form of the question
MS JACKSON Objection
A No
Q Let me ask it to you this way Did you ever ask to coach something and that request was denied?
A No
Q Every time you asked for something, you got it?
A I only asked for one
Q Which one was that?
A Wrestling
Q And you got that?

Page 244

A Yes
Q Every other time, somebody asked you?
A Yes
Q Is there a reason why you didn't stick with one?
A Like example? What do you mean didn't stick with one?
Q You coached a bunch of sports
A Right
Q Is there a reason why you didn't stick with one?
A Some of the sports that I coached was to accommodate the school They needed a coach The kids needed to have a coach in order for the program to keep going, and I volunteered and said I would do it
Q But the -- when you do that, you then leave a vacancy for another team that you were coaching, right?
A No Because I had coached these different ones throughout the year
Q I don't understand what you're saying
A Football, wrestling, girls' softball, each different times of the year
Q Fall sport, winter sport, spring sport?

Page 245

A Spring sport
Q Okay What were those courses that you taught in physical ed?
A Basketball, volleyball -- you want all these? Because this is a list of activities that is taught in physical education that I did about every one of them at one time or another
Q How many of them required you to leave school grounds like the swimming course?
A One
Q Just the swimming course?
A Just the swimming
Q Did you teach [redacted] volleyball?
A No
Q And how long did you teach phys ed?
A It was two different times
Q Okay When was that?
A 1983, when the -- wait a minute Go back At Stiles Point Elementary, I was teaching physical education So it would be when I first started teaching Then they combined the high schools in 1983, and I started teaching physical education there
That's when they found out I had the amount of history that I could teach -- a minor in

Page 246

world geography, and they put me in geography And then I came back to physical education after they combined the history programs of geography and world history to be called global studies, which I was not certified to teach in And then they put me back into physical education, driver's ed, and health ed
Q Okay Talk to me about how the pay structure worked for coaching How did they come up with that figure?
A Amount of years They had a base salary, and then there was an amount of years
Q So the more experience you had, the more you got paid?
A The more you got paid, right
Q Did it matter if you were coaching one sport versus another, some got paid more than others?
A Yes
Q Did it matter if you were coaching varsity or junior varsity?
A Yes
Q You got paid more for varsity --
A Yes
Q -- than junior varsity?
A Yes

Page 247

Q All right Now, was that assigned to you, varsity, junior varsity, or was that something that you asked for?
A That was assigned to you
Q Okay So if you went from varsity to junior varsity, that would almost be a demotion, right, as far as pay is concerned?
MS JACKSON Objection
MR QUISENBERRY Same objection
A It only happened one time
Q Well, when did that happen?
A When they combined the high school
Q And when did that happen again?
A 1983
Q And that happened one time What do you mean when you say that?
A They combined the high school and needed to get all of the coaches that were involved in both high schools into each one of the programs They felt that the wrestling coach that was at Fort Johnson High School and me, the wrestling coach at James Island High School, would be co-coaches for the program in '83 And they put us -- put me from the varsity, which I was at the old high school --
Q To the junior varsity?

Page 248

A -- down to junior varsity
Q Did you get paid the same? Paid a little bit less?
A No You got paid the same because the -- it was the amount of years Well, I say -- it wasn't the same -- it was amount of years I had a lot -- I had -- what, '75, I started So I had eight, nine years of coaching
Q So what you're saying is you got paid more than somebody with no years of experience?
A Right
Q But your experience coaching varsity would be more money than your experience coaching junior varsity, correct? Is that the way it was designed to work?
A Yeah They -- I think I would -- yes, I would have dropped some amount of money, not much
Q Okay So we were talking earlier about you leave one, and somebody asks you to fill a spot, and that leaves an empty spot open And your response was, well, you had the different seasons You remember that?
A Right
Q All right But that's not what happened in 1994 and 1995, right?

Page 249

A I don't know I don't know what took place in '94 and '95 that you are questioning me about
Q Well, you stopped coaching softball, right?
A I don't know the date
Q Who took over softball?
A There was a lot of different softball coaches that came into that program after me Right off the top of my head, it would have been the softball coach from Wando I cannot give you a direct coaching -- who it was because there was many of them that coached after me
Q Okay And explain to me how you were asked to move from varsity to junior varsity? Who would do that?
A Football?
Q Any sport Did that ever happen?
A Yeah That was the one with the wrestling when we combined schools
Q Any other time?
A No
Q Nobody ever asked you to -- okay Were there years when you coached both junior varsity and varsity of a sport?
A There was one year of softball that I did
Q And would you get paid double for that, the

Page 250

varsity rate plus a junior varsity rate?
A No They had a person that was out there that was actually working with that, and that was the person that got the money But my name was on it because they were not a certified employee of the school
Q And who was that?
A Jimmy Davis
Q Did the school know about that?
A Yes
Q So why wouldn't they just pay him?
A Because you've got to be a certified employee of the school district in order to get a paycheck through them You have to be part of the school district, employed at the school district
Q And how do you get that? How do you get certified through the school district? What are the requirements?
A You would be a substitute teacher You could be --
Q Why wasn't Jimmy Davis a certified employee?
A He had another job
Q Aren't there some coaches that are just coaches, not teachers as well?
A Eventually, that worked out sometimes that

Page 251

way
Q But -- and they got -- don't they get paid directly by the school? They don't pay some straw man, and then -- who gives the money to that person That's not the way it works, is it?
MR QUISENBERRY Object to the form
MS JACKSON Objection
A The booster club usually worked out a money situation to where they would pay what they called volunteers, and they would pay volunteers through the booster club
Q Is it your testimony that some of your pay that you received from the school district, you passed along to Jimmy Davis?
A Yes I gave him some money
Q But not all of it?
A No
Q And the school district knew this?
A Yes
Q And they were okay with it?
A Yes Because there was not another coach In order to keep the sport, had to have somebody coaching
Q Who would you clear things like that with?
A Usually, athletic director

Page 252

Q Anybody else?
A That was -- it was the athletic director's job After that, I don't know how they processed that, what they did I just know what I was doing
Q Okay Who asked you in 1988 and '89 to be the softball coach?
A Athletic director
Q And did they say why?
A The woman that was there was transferring to another school, and they needed a coach that had some knowledge of softball
Q Were you pretty close with the athletic director?
A I would say so We were football coaches together
Q Okay Was he the head coach?
A Yes
Q What -- do you remember his name?
A Pascal Crosby
Q Oh, okay So you-all spent time socially together outside of work?
A Not necessarily Sometimes
Q Sometimes Did you ask -- the only time that you asked was for the wrestling?
A Wrestling, right

Page 253

MR EDWARDS I'd like to take a quick break, and I might be done
(A recess was taken)
Q Did you talk with any other police officers other than Doug Wright?
MS JACKSON I'm sorry I didn't hear the question
MR EDWARDS I asked him if he talked to any other police officers other than Doug Wright
A No
Q Okay Do you know Detective Rita Avila?
A Only when I went to the substation to meet with them
Q So you actually went there?
A Yes
Q But -- was your lawyer with you?
A Yes
Q Okay So did your lawyer and the detective talk?
A Yes
Q Was that -- how long did that take?
A I don't know I didn't time it I don't know
Q But you were there?

Page 254

A Yes
Q And you didn't say anything?
A No
Q So what did they talk about?
A I don't know
Q You were physically present though, correct?
A No
Q Where were you?
A I was outside in the office area
Q So your lawyer went in and talked to the detective, and then you sat outside and waited?
A Yes
Q And then your lawyer came out, and you-all talked about what he talked about?
A He didn't talk to me about any
Q Okay Who was your lawyer?
A Gordon Garrett
Q Is that the same lawyer that you -- have you had another lawyer involved in this case other than Ms Jackson?
A Just part of their lawyer firm
Q Right Other than that law firm, do you have another lawyer?
A Just Gordon
Q Gordon?

Page 255

A (Witness nodded)
Q Okay And how do you know him?
A He is a friend of a friend that I knew when I first moved here to Charleston
Q Do you know Paul Tittle?
A Uh-huh
Q Who is that?
A He was one of my golfers
Q Good golfer?
A Yeah
Q Okay You still stay in contact with him?
A I think I've seen him one time maybe
Q Recently?
A Not recently, no
Q Since this lawsuit began?
A I don't know if that was the time span or not
Q It was after the police report, right?
A I don't know
Q Don't know that? What does he do for a living?
A Paul?
Q Uh-huh
A Now, I don't know I mean --
Q What did he do?

Page 256

A He was a police officer as far as I know
Q And was he a police officer when you talked to him?
A Yes
Q Who is Sadie Brown?
A Sadie Brown was an English teacher
Q And you-all worked together for a good long while?
A A few years
Q Okay Did you ever talk to her about
[redacted]
A No
Q Did she ever raise any concerns that she may have had to you?
A No
Q Have you ever coached any sports with Eddie Fischer?
A No
Q Have you ever had the opportunity to do that?
A No
Q Okay Do you know -- now, did -- what kind of -- do you remember certain teams over the years, some better than others?
A Yes

Page 257

Q Okay Do you remember whether the softball team has had a record of success?
A Yes
Q Okay And in the late '80s and early '90s, what -- you were the coach, right, of the softball team?
A Different times
Q Sure And when you coached, did they have good records?
A The year, I couldn't give you the correct year right off the top of my head, but we had a couple years there straight that we went to the playoffs, won the regional championship, and played in the state playoffs
Q The one year you remember that?
A That's what I said, I -- right off the top of my head, no, I don't remember the year
Q Okay Do you remember how the 1994 softball team did?
A No, I don't
Q Don't remember? Do you remember any of the 1994 softball players?
A I know players, but I don't -- I couldn't tell you what year each one of them played in
Q Okay Did you ever have any run-ins with

Page 258

any softball players in '94?
A Run-ins with softball players in '94? I don't remember -- like I said, that year is not a year that I remember anything happening in that year, no
Q Okay What about the '95 softball team? How did they do?
A Like I said, you can ask me these years, and I cannot tell you what --
Q Well, you coached the softball team in '94 Did you know that?
A Yes
Q You didn't coach the softball team in '95
A Okay
Q Do you know that?
A That time -- date-wise, no, I don't
Q You've seen these exhibits, right?
A Yes
Q That says -- basically, that's what it's saying
A Right
Q That you didn't coach that year
A If that's what it says, yes
Q Did they have a softball team in '95?
A They've had a softball team every year

Page 259

Q Including 1995?
A Yes
Q Okay You remember we talked earlier about a girl named Elena?
A Uh-huh
Q What does she do now for a living? Do you know?
A What does she do now?
Q Uh-huh
A I think she is living in Washington, I think The last time I talked with Mike, that might have been where she was at
Q Washington, DC, or Washington state?
A State of Washington
Q State of Washington Do you know what she's doing out there?
A No, I don't
Q Do you know if she's doing okay?
A As far as I know
Q Never had any problems, drugs and alcohol, run-ins with the law, anything like that?
A Her?
Q Uh-huh
A No
MR EDWARDS Okay I think that I'm

Page 260

done with you
MR QUISENBERRY I have a few questions
MR EDWARDS I wanted to say you could go, but I guess not
MR QUISENBERRY Sorry
EXAMINATION
BY MR QUISENBERRY
Q Mr Smith, I've got a few more questions for you Earlier -- we've been back and forth about Exhibits 2, 3, 4, 5, 6, and 7, these forms Do you recall that?
A Yes
Q What I think I understand your testimony to be is that you don't understand what those forms mean, is that correct?
A That's correct
Q And you stated earlier you would defer to the school district's interpretation on those forms, is that correct?
A That's correct
Q You spoke earlier about an incident where the principal counseled you regarding two students in an unauthorized area Do you recall that?
A Yes

Page 261

MR QUISENBERRY I'm going to mark this document, YCR 001544
(Exhibit No 9 was marked for identification)
Q All right Take a look at this Mr Smith, do you recognize that document that's been marked as Exhibit 9?
A Yes
Q And is that a letter from the principal of James Island High School to you?
A Yes, it is
Q And does it mention her counseling you on September 22nd, 2004?
A Yes
Q Does that help refresh your recollection of when that incident took place?
A It would have probably been a couple days before that, I imagine
MR EDWARDS What's the Bates label number?
MR QUISENBERRY YCR 1544
A I would say it would have been a couple days after the incident
Q Okay So it would have been the 2004 school year?

Page 262

A Yes, yes
Q All right I want to ask you about -- you were -- excuse me Strike that
Earlier you testified about when the plaintiff initially made her allegations against you, you went on leave, and you used the term vacation
A Yes
Q Take a look at what I'm going to mark as YCR 001545, or that's the Bates number, and I'm going to have it marked as 10
(Exhibit No 10 was marked for identification)
A Yes
Q Do you recognize this as a letter from the principal of James Island High School to you?
A Yes, it is
Q And it's dated October 19th, 2007, is that correct?
A Correct
Q And do you see where it says, beginning Monday, October 22nd, you will be placed on leave with pay?
A Yes
Q Is it correct that the school district

Page 263

placed you on leave with pay?
A Yes
Q So it wasn't a vacation that you chose to take?
A No
Q Okay One more question about -- you testified earlier about the TERI program I understand that you made the decision to enter the TERI program before any of these allegations came out, correct?
A Yes, yes
MR QUISENBERRY All right That's all I have
EXAMINATION
BY MS JACKSON
Q The only question I have is -- questions You've been asked today about events from 1988 and 1989 as well as some events from the 1990s and even in the 2000s Do you remember every event during these time periods perfectly?
A No, I don't
MS JACKSON That's all I have All right We're done We don't get to keep going around This isn't a 400 rounds This is two rounds, and we're done I'm calling it quits

Page 264

We're going off the record We're done
EXAMINATION
BY MR EDWARDS
Q I just have one question Did you sign [redacted] yearbook?
A Yes
Q Is that something you normally do?
MS JACKSON I'm going to ask you to show it to him
MR EDWARDS Why?
MS JACKSON Because you're asking him about something that you're looking at, and I want him to be able to see it
Q I will show it to you Is that something that you normally do?
A If a student asks you to sign their yearbook, yes
Q Does that happen to you often? Did it happen to you often, a student would ask you to sign their yearbook?
A Oh, yeah, a lot of students
Q A lot of them?
A Yeah
Q Can you read your handwriting?
A Can I read my handwriting?

Q Yeah
A Yes, I can
Q Can you read that into the record, please
A Okay You have made this year a very interesting one Maybe next year you will make it easier on yourself by letting someone else work out your problems You need to set priorities and stay with those and not let other things interfere with what you want out of life You better practice or get on a team or to be better if you plan on coming out for softball next year

Well, I hope your plans become reality and everything that you want You are a sweet person that thinks of people and can make them happy, even though you argue too much with certain people Take care and work hard for next year Coach Smith

Q Who was it that she argued with?
A Different people
Q You?
A Yeah, she argued with me
Q And somebody else helping to fix her problems or solve her problems that you wrote there, is that someone other than you?
A Yeah Guidance counselor

Q Someone other than you?
A Right

MR EDWARDS Okay Thank you, sir

MS JACKSON All right

(The deposition was concluded at 5 42 p m)

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

I, Teri L Horihan, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth and nothing but the truth in the within-entitled cause, that said deposition was taken at the time and location therein stated, that the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed by computer-aided transcription, that the foregoing is a full, complete and true record of the testimony of the witness and of all objections made at the time of the examination, and that the witness was given an opportunity to read and correct said deposition and to subscribe the same

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed himself of the opportunity to sign or the signature has been waived

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof

Witness my hand, I have hereunto affixed my official seal on March 6th, 2012, at Charleston, Charleston County, South Carolina

Teri L Horihan
NCRA REGISTERED PROFESSIONAL REPORTER
My Commission expires
January 17, 2017

826

EMPLOYEE PERMANENT RECORD

NJ OF HOURS [illegible]
EMPLOYEE STATUS ?

LAST NAME	FIRST	MI	(MAIDEN)	SEX	RACE	M/S
Smith,	Charles	Roy		Male	Caucasian	married

DATE OF BIRTH	DATE OF EMPLOYMENT	SOCIAL SECURITY NUMBER	S C RETIREMENT NUMBER
12-30-46	10-8-75	[redacted]	

CERTIFICATE NUMBER	FIELDS OF CERTIFICATION
[redacted]	65-24

YCR 00[illegible]

FURLONGR—2 74

YEAR	SCHOOL OR DEPT.	POSITION	GP	CI	GR	EXP.	COMMENTS	SALARY
75-76	Stiles Point	teacher		3-	P	0		8031 00
76-77	Baxter Patrick	teacher		3-	P	1	60% - Stiles Point 40%	8775 00
							10-1-76	8975 00
							transfer full time Stiles Point 2-10-77	8975.00
77-78	Stiles Point	teacher/coach		3-	P	2	9208 + Asst FB ball $950 + Golf $225 =	10,383 00
							9607 + $950 + $225 = new schedule	10,782 00
78-79	Stiles Point	teacher/coach		2-	P	3	10,207 + Golf $225 - Wrestling $600	11,032.00
							6% inc. 1-1-79 10,809	
79-80	Stiles Point	teacher/coach		2-	P	4	11,550 + wrestling 642 + golf 241 + asst FB 1017 = 13,450 00	13,450.00
				1-	P	4	new cert $12,650 + Supp $1900 = cert exp. 1980	14,550 00
							cert exp 1985	
1980-81	Stiles Point	teacher/Coach		1-	P	5	14,051 + 1,100 Asst FB + $800 wrestling + $300 Golf	16,251.00
1981-82	Stiles Point	teacher/coach		1-	P	6	11,00 Asst FB + $800 wrestling + $300 golf - $ 14,376	16,576 00
				1-	P	6	15,351 + 1177 + 856 + 321 (Asst FB, Wrestling, Golf)	17,705 00
1982-83	Stiles Point	Teacher/Coach acting Principal		1-	P	7	16,004 + 1177 + 856 + 321 (Asst FB, Wrestling, Golf)	18,358
							eff. 2-7-83 (23,698 + Supplements) Temp.	23,698
1983-84	Stiles Point	Teacher/Coach		1-	P	8	16,925 + 1177 Asst Football + 321 Golf	18,423
							16,925 + 1212 Asst. Fbl + 331 Golf	18,468
1983-84	James Island High	Teacher/Coach		1-	P	8	16,925 + 1212 " " + 331 "	18,468
							+ wrestling 883.00 - Pd	
							2nd - Wrestling playoffs	
							Golf $50 (Pd)	
84-85	James Isl. High	Teacher/Coach		1-		9	20,055 + Asst FB	21,196.00
							18,271 + 1776 + 13	19,684
							wrestling coach 932.00	

EXHIBIT
1-Smith
2/28/12 TLH
PENGAD 800-631-6989

ROA0827

828

Charles Smith [redacted] 10-8-1975

YEAR	SCHOOL OR DEPT.	POSITION	GP	CI	GR	EXP	COMMENTS	SALARY
84-85	James Isl High	Teacher/Coach		1	-	9	20,053 + 2,563 (Supplement for Asst football + Golf) Pd. 134.00 on 5-17-85 Playoff	22,616
85-86	James Island High	Teacher/Coach		1	1	10	19,805 + 350 + 932 wrestling + 1,470 + 490 Golf + 21,998. Pd. 54 on 6-14-85 Playoff	23,280
							Supplement Increase	23,958.
				1		11	New cert. rec'd. 2-26-86 Valid 7-1-85 thru 6-30-86	
							1st payoff for wrestling supplement 285.71	
86-87	James Island High	Teacher		1		11	21,389 + 2,493	23,882.
							wrestling 9 yrs 1,470) + (Golf 10 yrs 500.) = 1970	15,852
				1	P	11	Cert rec'd 9/23/86 valid 7-1-86 thru 6-30-1990	
87-88	James Island High	Teacher		1	P	12		25,418
88-89	James Island High	Teacher		1	P	13	Opted Softball opt. 1200 eff. 8/22/1988 for the 88/89 sch. year 1200 + 26,558	26,558.
								27,758
89-90	James Island High	Teacher		1	P	14	1yr Softball 1550 + 28,417 Added Asst Fb 12,00 6yrs 3,650 + 28,417	29,967
								32,067
1990-91	James Island High	Teacher/Coach		1	P	14	Held @ 4yrs. Exp. 29,318 + 7yrs. football 2150)	31,468
				1	P	15	New cert rec'd 8/24/90 29,880 + 2150 Exp. 1995	32,030
							Additional Softball (2yrs) 1600 + 2150 7yrs. football + 29,880	33,630
							1/4/91 Pd 14 wks football play-off (153.57)	
91-92	James Island High	Teacher/coach		1		..	Eff 7/29/91 30,745 + 1650 3yr Softball + 2200 8yrs Asst Football	34,595
							Pd. 1-3-92 314.30 football play-off	
92-93	James Island High	Teacher/Coach		1	P	17	Eff 8-3-92 32,368 + 2250 9yrs Asst. football + 1700 (4yrs. Softball)	36,318
							Pd. 160.71 on 12/18/92 football Play-off Pd. 6/18/93	
							283.34 Softball Play-off	
93-94	James Island High			1		18	1995 Eff 8-2-93 32,629 + 2300 (10yrs Asst Fball) + 1750 (5yrs softball) Pd. 291.66 on 6/17/94	
							Softball Play-off Term. ALL Sports Acct.	6/10/94
94-95	s Island High	Teacher		1	P		Eff 8-15-94 1750 - (0 yrs Boys Tennis)	4,125
							Term. Boy Tennis 1/30/95	

YCR 001145

ROA0828

CHARLESTON COUNTY SCHOOL DISTRICT

EMPLOYEE PERMANENT RECORD

DAYS PER YR
HRS. PER DAY 7
EMPLOYEE STATUS
FUNDING SOURCE GOF

YCR 001146

Smith (LAST NAME) Charles (FIRST) (MI) (MAIDEN) M (SEX) W (RACE) M (M/S)

12-30-46 (DATE OF BIRTH) 10-8-75 (DATE OF EMPLOYMENT) [redacted] # 357200 ~~SCDOT POSITION CODE~~

108615 (CERTIFICATE NUMBER) 65, 24, 63 (FIELDS OF CERTIFICATION)

YEAR	SCHOOL OR DEPT	POSITION	GP	CI	GR	EXP	DATE EXPIRED	COMMENTS	SALARY
95-96	James Island High	Teacher		7	1	20	2000	cert rec'd 10/2/95 Retro 8/14/95	38,387
96-97	James Island High	Teacher		7	1	21		8-19-96	39,631
97-98	James Island High	Teacher		7	1	22		8-18-97	40,569
98-99	James Island High	Teacher		7	P	23		8/17/98	42,334
							JV	Softball Coach 6 yrs. $1,800 2/1/99	
99-2000	James Island High	Teacher		7	P	24		8/16/99 JV Softball 7 yr. $1,100	44,244
								Varsity Softball 7 yr. $1,850	
2000-01	James Island High	Teacher		7	P	25		8/7/00	$47,181
				7	P	25	2001	Renewed certificate rec'd 9/00	
								Varsity Softball 8 yrs $1,900	
								JV Softball 8 yrs. $1,150	
01-02	James Island High	Teacher		7	P	26	2005	8/6/01	51,158
								Varsity Softball 9 yrs $1,950	
02-03	James Island High	P.E. Teacher		7	P	27		8/7/02	52,343
								Winter Sport - Wrestling 10 yr. $2,000	
								TERI Plan 4/1/2003	
								Pd. $499.98 on 4/11/03 Play offs	
03-04	James Isl. Charter High	P.E. Teacher		7	P	28		8/6/03	52,646
								Winter Sport - Wrestling 11 yr. $2,050	
04-05	James Island Charter	P.E. Tchr		7	P	29		8/3/04	53,612
								Asst Ft./JV Wrestling - JV Wrestling - $250	
								Paid $600.00 on 3/2005 Wint. Sports (Wrestling)	

ROA0829

#DAILY PAY
#HRS PER DAY
EMPLOYEE STATUS
FUNDING SOURCE
EEOC POSITION CODE

NAME: Smith, Charles SS# 357200

YCR 0011147

YEAR	SCHOOL OR DEPT	POSITION	GP	CI	GR	EXP.	DATE EXPIRED	COMMENTS	SALARY
05-06	JI Charter	PE		7	P	30		8-15-05	55,206
								JV Wrestling $3,250	
06/07	JICHS	PE		7	P	31		8-17-06	56,750
								Assistant Softball $1,000	
07-08	JICHS	PE		7	P	32		8/15/07	59,723
								Teri 4-2-08	
								Terminated - 6-6-08 - retire	

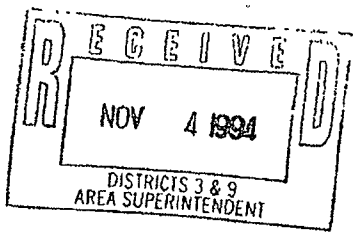
ROA0830

010-0093
Rev. 8/7/86

CHARLESTON COUNTY SCHOOL DISTRICT

DIVISION OF PERSONNEL

PERSONNEL ACTION FORM



NAME OF EMPLOYEE CHARLES SMITH

SOCIAL SECURITY NUMBER [redacted]

POSITION Boys Tennis Coach

SCHOOL/DEPARTMENT JAMES ISLAND HIGH SCHOOL/0350

EFFECTIVE DATE NOVEMBER 2, 1994

( ) NEW POSITION ( ) TRANSFER ( ) PROMOTION (X) REPLACEMENT

(X) FULL TIME ( ) PART TIME ( ) TEMPORARY ( ) SUBSTITUTE

( ) ASSIGNMENT CHANGE ON CONTRACT OR IN POSITION FROM _____

_____ TO _____

Employee's Signature _____

REPLACEMENT/SUBSTITUTE FOR J. Ronnie DuPre

PLEASE COMPLETE ALL CODING INFORMATION (Please designate FTE for each account.)

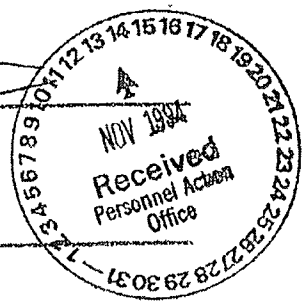
0350-00-01-1900-142-3

Cost Center	Project No.	Fund	Function	Object	FTE

COMMENTS: 0 years coaching experience.

REQUESTED BY: _____ 11/4/94

Department Head/Principal Date

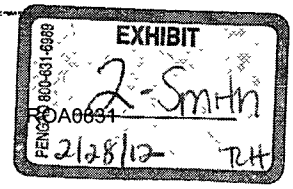


APPROVED BY: _____ 11/10/94

Area/Deputy Superintendent Date

PERSONNEL APPROVAL: _____

Date



YCR 001314

9/10-0104 (Rev 12/87)

EXHIBIT 3 - Smith 2/28/12 TAH

PENGAD 800-631-6989

102

TERMINATION/TRANSFER

(Make in duplicate; keep copy)

FROM (Personnel): Ruby TO (Payroll): Sharon DATE: 6/13/94

EMPLOYEE NAME (full): Charles R. Smith

SOCIAL SECURITY NUMBER: [redacted]

CODING (COST CENTER & ACCOUNT NUMBER*): 0350-00.01.1900.142 ONLY

I. Last Day Worked: 6/10/94

A. ( ) Deductions affecting final pay check, give dates **AND** number of working days:

B. ( ) Vacation to be paid, give number of days.

II. ( ) This employee is being terminated at the above coding and is being **TRANSFERRED** with no break in services (See transfer information below.)

DATE OF EMPLOYMENT:

REASON FOR TERMINATION

*Project-Fund-Function-Object-Designator

Social Security (3–11)

T/C (1–2) | DISTRICT (12–16) | SCHOOL | PROJECT | FUND | FUNCTION | OBJECT | DESIGN (3) | EMPLOY TYPE (28–29) | POSITION CODE (30–31) | GRADE (32) | STEP | PAY PERIOD (37)

3-11 DUP
08 – SAL
09 – HRLY

FISCAL SALARY (38–44) | JOB DAYS (45–47) | REMAIN DAYS (48) | DAYS IN FIRST PAY (51) | REMAINING PAY PERIODS (53) | PAY PERIODS FROM | TO | DAILY RATE (55–60) | PAY PERIOD RATE (61–66)

HOURLY RATE (38–41) | SCHEDULED HOURS (42) | PAY PERIODS FROM | TO (45**) | START MO | DAY | YEAR (67–72) | ACTIVITY FLAG (73) | JOB STATUS* (74) | FTE (75–78)

CODE AS 1 IF THIS IS PRIMARY JOB

**ENTER 1 IN 46 TO PAY SCHEDULED HRS

T/C (1–2) | DISTRICT (12–16) | SCHOOL | PROJECT | FUND | FUNCTION | OBJECT | DESIGN (3) | EMPLOY TYPE (28–29) | POSITION CODE (30–31) | GRADE (32) | STEP | PAY PERIOD (37)

3-11 DUP
08 – SAL
09 – HRLY

FISCAL SALARY (38–44) | JOB DAYS (45–47) | REMAIN DAYS (48) | DAYS IN FIRST PAY (51) | REMAINING PAY PERIODS (53) | PAY PERIODS FROM | TO | DAILY RATE (55–60) | PAY PERIOD RATE (61–66)

HOURLY RATE (38–41) | SCHEDULED HOURS (42) | PAY PERIODS FROM | TO (45**) | START MO | DAY | YEAR (67–72) | ACTIVITY FLAG (73) | JOB STATUS* (74) | FTE (75–78)

*CODE AS 1 IF THIS IS PRIMARY JOB

** ENTER 1 IN 46 TO PAY SCHEDULED HRS

YCR 001173

282

010-0102 (Rev. 7/84)

CHANGE FORM

(Make in duplicate, keep copy)

FROM (Personnel): Ruby TO: (Payroll): Sharon DATE: 6/13/94

NAME (full): Charles R. Smith

SOCIAL SECURITY NUMBER: [redacted]

COOING (Cost Center, Project Number, Fund, Account Number): (a) 0850.00.01.1140.112

(b) _____ c _____ (d) _____

I. ( ) SALARY CHANGE:

Effective Date: _____ (a) _____

(b) _____ (c) _____ (d) _____

New f/y Salary: _____

II. (✓) EMPLOYEE TYPE CHANGE: (Give starting/ending date) From Type 5

TO: Type 3 (8/15/94 Thru 6/3/95)

8/15/94

III. ( ) ADJUSTMENTS:

( ) Deduct _____

( ) Refund _____

( ) Pay _____

IV. ( ) LEAVE OF ABSENCE:

A. From: _____

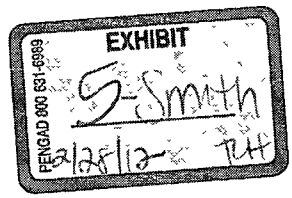
B. Has returned effective: _____ (DATE)

V. ( ) REACTIVATE (at above coding):

Effective Date: _____

PENGAD 800-631-6989 EXHIBIT 4-Smith 5/28/12 TH

YCR 001174



010-0104 (Rev. 12/87)

TERMINATION/TRANSFER

(Make in duplicate, keep copy)

FROM (Personnel): Ruby TO (Payroll): Sharon DATE: 2/16/95

EMPLOYEE NAME (full): Charles R. Smith

SOCIAL SECURITY NUMBER: [redacted]

CODING (COST CENTER & ACCOUNT NUMBER*) 0350.00.01.1900.142 ON/4

I. Last Day Worked: 1/30/95

A. ( ) Deductions affecting final pay check, give dates **AND** number of working days: _____

B. ( ) Vacation to be paid, give number of days: _____

II. ( ) This employee is being terminated at the above coding and is being **TRANSFERRED** with no break in services. (See transfer information below.)

DATE OF EMPLOYMENT: _____

REASON FOR TERMINATION: _____

*Project-Fund-Function-Object-Designator

Social Security
3 11

T/C (1 2): 3-11 DUP; 08 — SAL; 09 — HRLY
DISTRICT (12 16) | SCHOOL | PROJECT | FUND | FUNCTION | OBJECT | DESIGN (3) | EMPLOY TYPE (28 29) | POSITION CODE (30 31) | GRADE (32) | STEP | PAY PERIOD (37)
FISCAL SALARY (38 44) | JOB DAYS (45 47) | REMAIN DAYS (48) | DAYS IN FIRST PAY (51) | REMAINING PAY PERIODS (53) | PAY PERIODS FROM TO | DAILY RATE (55 60) | PAY PERIOD RATE (61 66)
HOURLY RATE (38 41) | SCHEDULED HOURS (42) | PAY PERIODS FROM TO (46**) | START MO (67) | DAY | YEAR (72) | ACTIVITY FLAG (73) | JOB STATUS* (74) | FTE (75 78)

*CODE AS '1' IF THIS IS PRIMARY JOB **ENTER 1 IN 46 TO PAY SCHEDULED HRS

T/C (1 2): 3-11 DUP; 08 — SAL; 09 — HRLY
DISTRICT (12 16) | SCHOOL | PROJECT | FUND | FUNCTION | OBJECT | DESIGN (3) | EMPLOY TYPE (28 29) | POSITION CODE (30 31) | GRADE (32) | STEP | PAY PERIOD (37)
FISCAL SALARY (38 44) | JOB DAYS (45 47) | REMAIN DAYS (48) | DAYS IN FIRST PAY (51) | REMAINING PAY PERIODS (53) | PAY PERIODS FROM TO | DAILY RATE (55 60) | PAY PERIOD RATE (61 66)
HOURLY RATE (38 41) | SCHEDULED HOURS (42) | PAY PERIODS FROM TO (46*) | START MO (67) | DAY | YEAR (72) | ACTIVITY FLAG (73) | JOB STATUS* (74) | FTE (75 78)
*CODE AS '1' IF THIS IS PRIMARY JOB *ENTER 1 IN 46 TO PAY SCHEDULED HRS

YCR 001176

010-0334
Rev. 8/7/86

CHARLESTON COUNTY SCHOOL DISTRICT
DIVISION OF PERSONNEL

TERMINATION/TRANSFER

RECEIVED
JUN 9 1994
DISTRICT 3 & 9 OFFICE

INSTRUCTIONS:

Whenever a principal or department head learns that one of his/her employees will terminate employment he/she must:

(a) Notify Personnel Clerk by phone IMMEDIATELY.
(b) Complete and sign this form.
(c) Secure the employee's signature or explain on the form why the signature could not be secured.
(d) Forward this form without delay to Personnel.
(e) Complete and forward terminal evaluation form as soon as possible.

Name of Employee Charles R. Smith

Social Security Number [redacted]

Position Assistant Football Coach & Softball Coach

School/Department James Island High School/0350

Last Day Worked June 10, 1994

VOLUNTARY RESIGNATION

(x) To seek other work
( ) To accept other work
( ) To accept work in another SC School District
( ) Dissatisfied with job
( ) Moving
( ) To attend school
( ) Military service
( ) Marriage
( ) Voluntary retirement
( ) Illness (including pregnancy)
( ) No transportation
( ) Failed to appear or call
( ) Personal reasons (Explain)
( ) No reason given
( ) Other (Explain)

DISCHARGE

( ) Refused to obey orders or instructions.
( ) Willful violation of rules
( ) Misconduct
( ) Incompetence
( ) Excessive absence
( ) Excessive tardiness
( ) Willfully making false statement or report
( ) Using alcohol or other drugs on the job

OTHER

( ) Laid off (Lack of work)
( ) Disability
( ) Mandatory retirement
( ) Unsatisfactory work performance (Explain)
( ) Other (Explain)

TRANSFER

( ) Transfer within CCSD
To

Received Personnel Action Office JUN 1994

COMMENTS: Terminate at coding 0350-00-01-1900-1423 ONLY!!

Employee's Signature

Immediate Superior's Signature

Date

6/7/94
Date

EXHIBIT
Le-Smith
ROA0835
2/28/17 TLH
PENGAD 800-631-6989

YCR 001175

835

010-0334
Rev. 8/7/86

CHARLESTON COUNTY SCHOOL DISTRICT
DIVISION OF PERSONNEL

TERMINATION/TRANSFER

RECEIVED
FEB 8 1995
DISTRICTS 3 & 9
AREA SUPERINTENDENT

INSTRUCTIONS:

Whenever a principal or department head learns that one of his/her employees will terminate employment he/she must:

(a) Notify Personnel Clerk by phone IMMEDIATELY.
(b) Complete and sign this form.
(c) Secure the employee's signature or explain on the form why the signature could not be secured.
(d) Forward this form without delay to Personnel.
(e) Complete and forward terminal evaluation form as soon as possible.

Name of Employee Charles R. Smith

Social Security Number [redacted]

Position Boys Tennis Coach

School/Department James Island High School/0350

Last Day Worked January 30, 1995

FEB 1995
Received
Personnel Action
Office

VOLUNTARY RESIGNATION

( ) To seek other work
(X) To accept other work
( ) To accept work in another SC School District
( ) Dissatisfied with job
( ) Moving
( ) To attend school
( ) Military service
( ) Marriage
( ) Voluntary retirement
( ) Illness (including pregnancy)
( ) No transportation
( ) Failed to appear or call
( ) Personal reasons (Explain)
( ) No reason given
( ) Other (Explain)

TRANSFER

( ) Transfer within CCSD
To _____

DISCHARGE

( ) Refused to obey orders or instructions.
( ) Willful violation of rules
( ) Misconduct
( ) Incompetence
( ) Excessive absence
( ) Excessive tardiness
( ) Willfully making false statement or report
( ) Using alcohol or other drugs on the job

OTHER

( ) Laid off (Lack of work)
( ) Disability
( ) Mandatory retirement
( ) Unsatisfactory work performance (Explain)
( ) Other (Explain)

COMMENTS:
Terminate at coding 0350-00-01-1900-142-3 ONLY! (SOFTBALL)

Employee's Signature

Date

Immediate Superior's Signature

1/30/95
Date

EXHIBIT
PENGAD 800-631-6989
Z. Smith
ROA0836
2/28/12 mlf

YCR 001177

836

ROOM



James Island Charter High School
1000 Fort Johnson Road
Charleston, SC 29412

Nancy B Gregory, Ed.D., Principal

Telephone: (843) 762-2754
FAX: (843) 762-5228

Charles Smith
1082 Quail Dr.
Charleston, SC 29412

Dear Charlie Smith,

As you are aware from our discussion on September 22, 2004, I was upset by the way you handled the situation when you came upon two students in a compromising position.

As professionals and teachers, we are responsible for all children on school property at all times. As adults, we have to make the correct actions. This letter is to reiterate to you that the manner in which you chose to handle that situation was improper, and not what is expected from a professional school employee.

I hope that you take our discussion seriously, and it is my expectation that if you were to come upon an event of this nature at any point on school property (i.e. before school, during school, after school) that you would handle it in the manner that I described to you in detail.

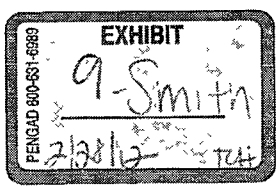
While I realize you think you had reasons for handling it the way you did, it is important that you understand that it was not the proper way to handle it.

If you are still not sure, even after our discussion, on how a situation like this should be handled, please feel free to meet with me and Officer Heyward and we will go over additional details.

Sincerely,

Nancy Gregory

Nancy B. Gregory, Ed.D.
Principal



James Island Charter High School
1000 Fort Johnson Road
Charleston, SC 29412

Robert E. Bohnstengel, Principal

Telephone: (843) 762-2754
FAX: (843) 762-5228

October 19, 2007

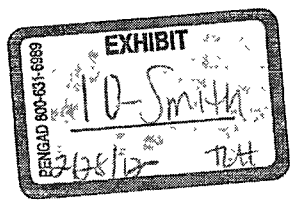
Charles Smith
1082 Quail Drive
Charleston, SC 29412

Dear Charlie,

Beginning Monday, October 22, 2007, you will be placed on leave with pay. This leave carries with it no personnel, performance, sanctions or monetary penalties. You should not return to this campus until contacted by me.

Sincerely,

Robert E. Bohnstengel
Principal



IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

DEPOSITION OF R LAYTON MCCURDY, M D

JANE DOE,

Plaintiff,

vs CASE NO 2010-CP-10-7699

CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, and CHARLES SMITH,

Defendants

DEPONENT LAYTON MCCURDY, M D
DATE April 16, 2012
TIME 9 40 AM
LOCATION THE RICHTER FIRM, LLC
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina

REPORTED BY TRISHA RARICK
CLARK & ASSOCIATES, INC
P O Box 73129
Charleston, SC 29415
843-762-6294
WWW CLARK-ASSOCIATES COM

APPEARANCES

ON BEHALF OF THE PLAINTIFF

THE RICHTER FIRM, LLC
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622 Johnnie Dodds Boulevard
Mount Pleasant, SC 29464
843 849 6000
aaron@richterfirm com
[redacted]richterfirm com

ON BEHALF OF DEFENDANT SMITH

SENN, MCDONALD & LEINBACH, LLC
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robin@sennlegal com

ON BEHALF OF CHARLESTON COUNTY SCHOOL DISTRICT

YOUNG, CLEMENT, RIVERS, LLP
BY BRIAN L QUISENBERRY
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Charleston, SC 29401
843,577 4000
bquisenberry@yrclaw com

ALSO PRESENT

[redacted]

INDEX

EXAMINATION	Page
By MR EDWARDS	4, 132
By MS JACKSON	101
By MR QUISENBERRY	125

Certificate of Reporter 171

EXHIBITS

		Page
PLAINTIFF'S EXHIBITS		
1	EXPERT WITNESS LIST	5
2	CURRICULUM VITAE	14

R LAYTON MCCURDY, M D ,
having been first duly sworn, was examined and testified as follows

EXAMINATION

BY MR EDWARDS

Q Good morning, Dr McCurdy Could you state your full name for the record, please?

A Robert Layton McCurdy

Q And your current address?

A 3 Chisholm Street, Unit 301 The ZIP is 29401

Q Okay And you are here as an expert witness for whom? Do you know?

A I didn't understand your question

Q Who are you -- you're here as an expert witness today, correct?

A I am

Q Are you here as an expert witness on behalf of Charles Smith?

A Yes And the school district too I believe

Q Okay Now, how often have you served as an expert witness in the past?

A You have got the list there, and I didn't

Page 5

count them These are, let's see, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 since 2002
Q Prior to 2002?
A Prior to 2002, I did one case as an expert witness during my time in Philadelphia, and it had to do with -- and it's not listed here, because I didn't retain any of that information That was probably in '83 or '4 It had to do with a psychiatric hospital in Connecticut Institute of Living It had a suicide, and that was about that
MR EDWARDS Okay Let's mark that as an exhibit
(McCurdy Deposition Exhibit No 1 was marked for identification)
BY MR EDWARDS
Q The document you were just reviewing has been marked as Plaintiff's Exhibit Number 1 That's a listing of your expert --
A Right
Q -- testimony since 2002?
A Yes
Q Okay Now, do you have copies of your testimony in all of these cases?
A I don't
Q Are you able to get those transcripts?

Page 6

A I don't know how much record the lawyer -- law firms keep That would be, I presume, my only pathway
Q Okay
A I could -- we could inquire
Q If you don't mind They should keep the ones more recently in 2009, 2008 and maybe even 2006 ones If you could obtain copies of those, I would appreciate that
A I will see what I can do
Q Now, of those that are listed here on Exhibit Number 1, do you recall which ones were for the plaintiffs' side and which were on the defense side?
A Yes They were all defense, with the exception of Blasberg versus Ridgeview Institute That's down in 2009
Q January the 9th, 2009?
A Yeah
Q Okay You served as an expert witness for the plaintiff in that case?
A Yes
Q All right Out of -- and the rest are for the defense?
A Yes

Page 7

Q Okay Now, of those cases, do you recall what the issue was that you were qualified and serving as an expert witness?
A I can recall some of them but not all of them
Q Okay Maybe I can ask you this way How many of these dealt with dissociative disorders?
A Let's see I don't think any of them did
Q Okay Did any of these --
A I don't think any of them did I'm not totally positive about that
Q All right Did any of these deal with childhood psychiatric issues or child victim of some kind?
A No
Q Did any of these deals with an incident of trauma?
A Well, yes They did
Q Okay Do you recall what type of trauma?
A Yeah In the last one, Thomas versus Coca-Cola, it was an instance in which a young man, about 11 or 12 years old, a child, was riding a bicycle with his parents, and a tragedy occurred He was run over by a Coca-Cola truck
Q Okay

Page 8

A And killed him And my task was to participate in terms of the impact that would occur with his parents, the magnitude of the impact that would occur with his parents
Q Okay So that dealt with psychiatric issues relating to the parents?
A Yes
Q All right If you can recall what it was that you -- the capacity you served as an expert for each of these cases, could you run me through those?
A Yeah I'll try I won't remember all of them, but I'll try
Q Sure As best you can
A In the first one, it was an instance in which there was a lady who, Ulrich, believed that she had been inappropriately committed, hospitalized without her permission at the Greenville Hospital System And she brought suit against them, and that's what that was about That actually went to trial
Q Okay
A The second one was a man who was an immigrant His name was Ho I think he was from Vietnam He was an Asian immigrant, and he had -- during a time when he was not in the state

Page 9

hospital -- he was in and out of the state hospital and on continuous treatment -- he actually killed someone And the question that I participated in, had the state hospital met its clinical responsibilities in dealing with this man Was he dealt with properly

Q Okay

A Ooi versus Food Lion was an interesting case in which a lady who was buying food at a Food Lion got into a bit of an argument with a cashier she was checking out, and something fell on her head or she was thrown out of something And she claimed to have PTSD as a result of that

Q Okay

A And my job was to -- did she have PTSD

Q Okay

A Cannon versus Andrews Yeah This is an interesting case up in the Myrtle Beach, Murrells Inlet community where a lady -- it was complex, and I may not give you all the details But this was a lady who was accusing her boyfriend of mistreating her, and she had a fairly stormy life And the question was had she been emotionally damaged by this boyfriend who took away her car or something I can't remember It was more complicated than that

Page 10

but --

Q Okay

A Passariello, Mental Health Passariello was a man who committed suicide This, if my memory is correct, occurred in the Conway -- no A Myrtle Beach hospital He was admitted to the hospital, and was tagged to be suicidal And the hospital -- he went out and killed himself, and they sued the Department of Mental Health, who was providing psychiatric evaluation services at that Myrtle Beach Hospital

Q Okay So that had to do with the standard of care?

A Yes

Q Okay

A Yes That case was ultimately dropped I remember that Donaldson and Greenville Hospital System, you know, I can't remember that I can't remember what that was

Q Okay

A When was that? In 2008 Sorry Craddock was a -- is a psychiatrist in upstate Greenville, and he was being sued by a -- the family of a patient who ultimately had committed suicide -- actually, I say deposition there I actually

Page 11

testified at that I don't know how that's mislabeled But it was a trial

It was a very visible case up in Greenville, and the jury found for the psychiatrist, but the family was making some excessive -- I thought was some significant claims about malpractice

Q So that had to do with the standard of care?

A Yeah Thompkins and Self Memorial, I don't remember

Q Okay

A I'm sorry

Q That's fine

A That was one of the ones that seemed like it went on for five years, and --

Q That happens sometimes

A Blasberg Blasberg was a doctor who was admitted to Ridgeview and was suicidal when he was admitted Told them he was going to lacerate his -- the artery in his knee -- excuse me, in his ankle And Ridgeview was predominantly a place to treat substance abuse in those days --

Q Okay

A -- and still is a little bit At any rate, he did kill himself, and the question was the

Page 12

standard of care

Q All right And you served as an expert for the plaintiff?

A I did

Q All right

A Crawford and the -- I don't remember that one either I'm sorry

Q Okay

A McDonald and Craddock This is down here twice

Q The same one as before?

A Yeah

Q Okay

A I say testimony this time I'm sorry I did a deposition initially, and then the testimony came later And the lady who keeps my records put it down twice

Q So when was that? Did that go to trial?

A Yes That did go to trial

Q So there was deposition testimony as well as trial testimony?

A In Greenville, yeah That was a standard of care issue, and then Thomas & Coca-Cola, I told you about that

Q Right That had to do with the parents?

Page 13

A The parents were suing --
Q Okay
A -- Coca-Cola, and the question was was the psychiatric -- I mean, as I understand it, and please note this is not a legal term
Q Sure
A But the question was what was the value -- dollar value of this poor child's tragic death How damaged were those parents?
Q Okay All right In any of these cases, would you consider your work to have been forensic in nature?
A You know, it's rightly interesting I watch with great curiosity over my 50 years in psychiatry at forensic I'm never completely sure what forensic is, if it's not to determine someone's criminal eligibility and responsibility
Q Right
A So I don't think it was forensic in any of them
Q Okay
A I would not label it that Let me put it that way
Q That's fine Now, could you walk me through -- and I have your CV Let me mark that as

Page 14

well
(McCurdy Deposition Exhibit No 2 was marked for identification)
BY MR EDWARDS
Q Plaintiff's Exhibit Number 2 --
A Right
Q -- is what you provided here today as your CV, and that is -- do you know if that's the same one that you provided to counsel?
A I presume so I didn't bring this today
Q Okay
A I think this is what counsel provided
Q I understand Okay So it should be the same Is that -- if you'll take a look at it and tell me whether or not that appears to be an updated CV
A Yeah
Q What --
A Pretty much up to date
Q Okay
A I have been doing some special work for the Veterans Administration for the last two years, but I don't think that really fits onto a CV It's just clinical work that I have been doing
Q Okay Other than that, everything on

Page 15

there is accurate and as up to date as --
A Yes
Q -- possible with the exception of the work at the -- where did you say, at the VA?
A Yeah
Q What are you doing there?
A Well, it's an interesting job The VA is overwhelmed with the need for psychiatrists and psychologists to do evaluations of veterans who -- with this flow of veterans back from these wars, veterans who are potentially eligible for some sort of PTSD compensation
Q Right
A And they can't get them all done and also treat the veterans So they have gone out and hired some psychiatrists like me who have some flexibility in their schedule So I became a member of the Veterans Hospital in Phoenix, Arizona, and spent time in Phoenix being trained in the VA's way of doing things, and also seeing patients there
And since then, I have seen patients in Washington, D C I have seen patients in Ashville, North Carolina, this past summer I have seen patients a lot in the Charleston VA Hospital Phoenix, Ashville, Charleston, Washington Yeah

Page 16

Those four
And my wife and I are trying to figure out where I'm going to be seeing VA patients this coming summer
Q So you are actually treating these patients?
A I don't treat them I do an evaluation
Q Okay
A And submit a report to the Veterans Administration Benefit Authority Agency The VA is divided into three groups You probably know this There's the healthcare system, there's a benefits system and then there's a cemetery entity
And so the healthcare system does the evaluations on veterans who are claiming that they may be eligible for some compensation And those evaluations are done by a healthcare person, and then passed onto the benefits people, who make a judgment
Q You are the one that evaluates them and --
A Yes
Q -- makes a recommendation one way or the other?
A Well, you don't make a recommendation exactly You ascertain what are their symptoms, and

Page 17

did they grow out of that You describe the circumstances, but you don't necessarily recommend or not recommend
Q Do you diagnose --
A Oh, yeah
Q Okay
A Absolutely
Q -- most often with PTSD?
A PTSD and depression are the two predominant diagnoses
Q Okay
A Yeah
Q So you'll evaluate them and diagnose --
(Ms [redacted] entered the room)
(There was a pause in the proceedings)
BY MR EDWARDS
Q So you do not treat your patients, and I use that loosely, at the VA?
A No The VA work that I do is evaluations
Q Okay
A I do have some people I treat at the Medical University
Q All right And you have been doing that at the VA for approximately two years?
A Uh-huh

Page 18

Q Okay Now, other than that, do you have a -- do you maintain a private practice at all?
A Just at the Medical University
Q Okay
A Yeah
Q How --
A We operate -- they're through an organization called -- used to be called University Medical Associates, and then recently, the name's been changed to the MUSC Physicians
Q Okay So you actually have clients that you see on a regular basis?
A Yes
Q How many?
A Those that I see regularly are probably -- amount to something like maybe five times a week Now, everybody is not seen weekly
Q Five times a week?
A I spend maybe five hours a week seeing regular, and then I'm spending another maybe seven doing second opinions And that might involve seeing a patient twice and helping get some -- figure out if the treatment's in the right direction and things like that
Q And those second opinions are patients who

Page 19

are referred to you by some other doctor?
A Yes
Q Okay That's about seven hours a week?
A Yeah
Q What is your --
A Maybe five
Q Maybe five What would you say your primary -- what takes up most of your time workwise?
A Well, gosh, I do -- I do a fair amount of -- I do a little bit of advising to residents in psychiatry who are -- about career choices and things I do a little bit of mentoring of faculty both outside of the Department of Psychiatry across the school
A lot of people get to be 35 years, more women than men, but both, and they're not sure what they want to do when they grow up And so I try to help them make that decision, and I also try to raise a little money for the school
Q Okay
A And through philanthropy, people that I encounter
Q Okay How long -- have you ever had a period of your career where your primary work consisted of treating patients?

Page 20

A My principal work of treating patients, no
Q Okay
A I have always had an admin- -- I say always in my -- beginning when I was 32 years old, I actually had administration positions, and in those administrative positions, you are always -- I always had two days a week that you saw patients So, two reasons One is to help pay my salary, and the second one was to do my psychiatric work
Q Okay You mean pay your salary that the Medical University pays to you?
A Well, the way -- the way things work in medical schools, and I was at this medical school twice, and then I was at the University of Pennsylvania for eight years
Q All right
A They all -- you're contingent to raise part of your salary, and you do that with patient work or research and grants --
Q Okay
A -- et cetera
Q Okay And when you were at the University of Pennsylvania, that was, according to your CV, from 1982 until 1990?

Page 21

A Yes
Q Okay Then you served as a professor of psychiatry at the University of Pennsylvania at the same time?
A Right
Q Okay That's what you described there you do two days a week or so?
A Well, no I was -- the clinical work I did was at the hospital I was in charge of a large psychiatric hospital I had -- we had 240 inpatient beds, and we had probably 120 psychiatrists on the staff on the premises They rented offices there To take care of the inpatient beds, we had a staff of about 22 psychiatrists that were partially salaried
Q And you oversaw those --
A I did
Q -- psychiatrists from an administrative standpoint?
A Well, administrative, and, also, you had to be responsible for the clinical outcomes and things
Q Okay
A Yeah My job was to be sure that the hospital was doing what it was supposed to do, and

Page 22

the people were
Q And that was at the University of Pennsylvania?
A That was at the Institute of the Pennsylvania Hospital, which is a part of the University of Pennsylvania
Q I see And then you moved back onto MUSC --
A Right
Q -- in 1990, where you were the vice president of medical affairs and dean --
A Yes
Q -- until 2001 and also a professor of psychiatry?
A Right Prior to going to Philadelphia, I was the head of the Department of Psychiatry at MUSC I started that job in '68
Q I see
A I was -- the title was chairman
Q Okay '68 to '82?
A Pardon?
Q '68 to '82?
A That's right
Q Okay And then as a professor, you actually taught classes and things like that?

Page 23

A I do
Q How many classes did you teach during a semester? Was it one, two, couple of classes?
A I would participate in the classroom teaching of freshman medical students and some sophomores, but largely psychiatric teaching for those in training to be psychiatrists, the residents involved, the supervision So you meet with one or two at a time, and they bring their patient information They work there with a patient, and you talk about that, and that's the nature It's called resident supervision
Q I see
A Not as much classroom teaching as in most school settings
Q Okay But you did do some of that as well?
A Yes
Q All right Now, do you have any types of specializations? I see that you're certified -- board certified by the American Board of Psychiatry and Neurology
A Right
Q Any other certifications?
A No I'm a general -- certified as a

Page 24

general psychiatrist for adults
Q Okay
A With no extra bells or whistles
Q All right So you have no certification then for childhood psychiatry?
A Correct
Q And none specifically dealing with dissociative disorders?
A Correct
Q Okay
A I'm not sure there is one dealing with dissociative disorders but --
Q All right And then, I see that you serve -- do you currently serve on the editorial board for disassociation progress in the disassociate disorders?
A I have been on that board, but it's been latent for about 8 years, 10 years
Q Okay
A And I'm ashamed to tell you I'm not sure the journal is still in operation I should have checked that out, but I haven't They have not written me a letter, thanks for my service And so it's either disappeared or something
That started when I was in Philadelphia We

Page 25

had a very strong program there, disassociation program, and we actually -- this was in the early '80s We actually created a unit It's an interesting story We had a man named Kluft, Richard Kluft, was one of the pioneers in multiple personal disorders, disassociation related things

And through a variety of processes, after a lot of study, we designated one of our hospital units The hospital is a very old hospital In fact, it's the nation's first hospital So we had several small units, and we dedicated one to multiple personality disorder, dissociative reactions

This was in the early '80s, and we had another -- two other people there who are -- who evolved into memory, man named Martin Orne, O-R-N-E He's no longer alive

There's another man named David Dingus He is alive still, and they were both at our hospital doing research in dissociative disorders and memory And so we had wonderful intellectual discussions, because we had two people representing very, very different points of view in the matter of memory

And it was during that time that the whole memory wars that I called them began to emerge It began to start then And do you know what I mean?

Page 26

Q Describe that, what you mean

A Okay There were -- there was a flood beginning in the early '80s of doctors and patients who were -- it was coming to light the patient was remembering that their parents or their uncle or their grandfather or somebody in the family had sexually abused them when they were small children, and that would be brought out sometimes with hypnosis, sometimes just in psychotherapy

And there was a flurry of lawsuits against -- actions against these adults who were abusing this child The child now is an adult that brings the actions And then there was some families that rose up and said, these are injustices This really didn't happen And they began to bring lawsuits against the psychiatrists, who were involved in and, in their mind, eliciting these stories And it was a very visible -- amongst psychiatry, it was an extremely visible time

Q What do you mean when you say eliciting memories? Do you remember what the allegations were of these psychiatrists?

A The allegations were that the psychiatrists would not maliciously, but would perhaps not -- they would claim, not scientifically,

Page 27

help the person remember these things, some -- many with hypnosis Hypnosis was one of the vehicles

Q Okay

A Many with hypnosis, and this thing would evolve, and as it evolved in the '80s, and it went into the '90s, there was -- it was a significant -- I say war That may not be a good scientific term, but there was significant ongoing conflict groups about the real existence of forgotten memories, and then so-called false memory syndrome emerged And there's a foundation that emerged That was probably in the '80s -- excuse me, in the '90s that that came forward

But there were these significant debates, and we had the forces from each side of this in our hospital, within our hospital So we would -- we would conduct seminars, workshops, grand rounds, things like that, and draw people from all over who invested in this

Q Did you ever personally present --

A I did not, no

Q Okay

A Because I didn't find myself expert in either one of those sides of the thing There was a book that came along about the name Sybil I don't

Page 28

know if you know that book, Sybil, S-Y-B-I-L It's a book about a person It was written by a doctor, and I'm ashamed I can't remember her name She was in Kentucky, a lady doctor, and she had a patient, Sybil And that -- this all began to emerge

A lot of -- a lot of recurring memories, a lot of then multiple personalities began to be a part of that, and it would be multiple personalities, and the question arose, were these created in hynotherapy or therapy Were these -- were these really there or whatever

Q Multiple personalities?

A Yes Which is a -- which is in the disassociation family And then we began -- in the '90s, we began to have people who had been -- who began to remember participating in satanic ritual abuse, and there was a big flurry of that for a while I haven't seen that in a while

And then there was another group that had been visited by aliens from another planet, and they had forgotten that, and they had been visited earlier in their life by these aliens and either abused or not abused And those -- that was another force that was going on, and it became -- it began to get a

Page 29

little -- by my judgment, a little ridiculous after a while, and we had some -- when we started working on the DSM-IV -- that was about '86, we started working on the DSM-IV

I was -- had the overall responsibility for the DSM-IV I was chairman of the American Psychiatric Associations Committee on diagnosis and assessment And that was one of the issues There were several -- lots of issues, but that was one of the hot-button issues that had grown out

The memory wars had just gotten going good, and by the time we finished the DSM-IV, it was published in 1994 And the oppositional nature of it had grown even stronger and stronger, and books were being written, papers and science supporting both sides of this saying that there is not -- there is no such thing as dissociative amnesia, these memories

You know, there were arguments going both ways, and there's a science to support both points of view

Q Okay And the DSM-IV was published in 1994?

A Yeah

Q And that did have in it dissociative

Page 30

amnesia as a diagnosis?

A It did

Q So it's recognized as a disorder?

A We left it in as a disorder

Q Okay And that was in 1994 Do you know when the DSM-V is scheduled to be published?

A If I knew that, I wouldn't -- I'd be a wealthy man

Q Okay

A I think it will be soon I'm told that it will be within the next 18 months

Q Okay But as of right now, the DSM-IV is the governing?

A Yes I was very involved with the DSM-IV I had been not involved with the DSM-V at all, so --

Q All right

A I talked to the -- I talked to the people, because I'm curious and --

Q And your role in the DSM-IV was the head of --

A My job -- yeah I was chairman of the American Psychiatric Association American Psychiatric Association owns the DSM

Q Okay

A That's another story which is a source of

Page 31

contention amongst some people in the world, but they own the DSM It's been extraordinarily profitable to the American Psychiatric Association They sold it I've discovered copies of the DSM in Greek psychiatrists' offices

I mean it's all over the world, and every lawyer's got one that I know of and -- but I was chairman of the committee on diagnosis and assessment of the American Psychiatric Association, and our job was to oversee the work of the DSM

Now, they had a steering committee, and they had subcommittees that dealt with each category of things, and our job was not to be the nosologist The nosologist is the technical term for those who work on diagnosis words, but our job was to deal with the public, to deal with political issues that came up, to be sure it was moving forward

And we would have public hearings at every year at our annual meeting, and listen to a lot of non-professional citizens, non-psychiatry citizens who would come, many of whom wanted to be included, many of whom didn't want to be included

More organizations in this country than I ever would imagine, cross-dressing Native Americans They did not want to be included Late luteal phase

Page 32

dysphoric disorder, otherwise known as premenstrual tension, they did want to be included So there was -- this was part of the goal of our committee, was to help manage this public part

Q So who ultimately had -- was in charge of the decision of what was contained in the manual as a diagnosable illness or not?

A The manual came forward in its supposed final form, wasn't quite the final form, but it came forward in its proposed final form Our committee approved it and approved the process that had been done with it The board of trustees of the American Psychiatric Association had the final approval

Q As to what was contained in the final version?

A Well, they didn't -- that's right Is this what we want They didn't go tinker with it, if you know what I mean It had been tinkered with before

Q But some things were left out?

A Yes

Q Okay And there was a process where it was reviewed and --

A Absolutely

Q -- studied and determined, yes, this will

Page 33

be in, or no, this will be out?
A Yeah Premenstrual tension, or as it was called, late luteal phase dysphoric disorder, was put in the appendix, because there was too much conflict about it Every time we'd have an open hearing, we would have women -- mostly women who would be there and to say, do not pathologize being a woman and having menstrual periods
We would have other women there who said, two days a month, I can't work I'm dysfunctional, and why should I take vacation time when I'm sick My body won't let me work, and it was an interesting argument, as you can see There were two sides to it
Q And the decision was ultimately made to leave that out?
A And the decision was made, as we do in medicine and science sometimes, it needs more study So we put it in the appendix In other words, we skipped it
Q Okay
A We ducked out -- chickened out
Q Okay So the DSM-IV is the fourth version of the DSM?
A Correct

Page 34

Q So there was a DSM-III, a DSM-II, and then an original DSM?
A Correct
Q Do you know whether or not the original version, DSM-II and DSM-III, whether or not they contained dissociative disorders as a diagnosable mental illness?
A You know, I own copies of I, II, and III I was in existence when I had my own training, and I can't answer that question I don't know I should have looked it up I just don't know
Q Okay
A I'm going to go look after this
Q All right Now, you mentioned something about false memory, either syndrome or society of some kind?
A Yes Both
Q You are not a member of that society?
A No
Q Okay And that was talking about the eliciting memories through hypnosis, things like that?
A Right
Q Okay Now, we'll go on and get into [redacted] specifically --

Page 35

A Yeah
Q -- in just a couple of minutes
A It became a fairly hot issue in the psychiatric field and in the legal field a little bit, because there were families that believed that they had been unjustly accused, and thereby, the family had been broken apart and so forth
Q And hypnosis is not a common practice or an accepted practice in the psychiatric field, is it?
A Very peripheral
Q Okay
A Yeah It's probably done by a few people, but it's not looked on with great favor by the bulk of the profession
Q Not generally accepted practice?
A Correct
Q Now, you mentioned also multiple personalities as being within the multi -- the disassociation kind of umbrella?
A Right
Q But that is not the same as dissociative amnesia, is that correct?
A That's correct There's some -- there are some belief that those two things are first cousins,

Page 36

and one of the things that I think we need to consider, invariably, is there are -- there are dissociative symptoms which are -- can be very frequent symptoms
When we talk about a disorder, it's a different matter There are a lot of dissociative symptoms that are involved in cultures in this country that are not standard cultures
Native American cultures and other cultures where trances -- people will do -- go into a trance or people will -- people will conjure up a circumstance, and that's a dissociative symptom
So we're dealing with symptoms, and then there are the dissociative disorders, which you know what those are So it's always been a conflict, still is a conflict about the symptom versus the disorder
Q Well, that what you described, the trance-like state, would be an induced dissociative symptom, is that fair?
A Self-induced, but sometimes out of the awareness of the person who is inducing it They -- at least that's their claim There are also times when -- I'd like to give you a small example There are probably times when all of us had been driving a car, and our mind goes somewhere else And there's

Page 37

a period -- maybe you had a wreck, and so there's something about our mind will permit it to disassociate in that sense So it's a whole range of symptomology

It's not pathological I don't mean to imply that, but it's one of the -- it's one of the mechanisms that our brain uses

Q Okay How many -- have you ever personally treated a patient who you diagnosed with dissociative disorder?

A Yes When I was in Philadelphia

Q Okay How many?

A Those that -- I did some second opinions probably on a dozen, and I did some treatment on probably four or five

Q Can you tell me what the contexts were for those patients?

A Half of them were multiple personality Invariably, there would have been childhood abuse in a very early age, invariably And by an early age, I mean two, three, four, five, six

In the many times, that would -- that would be brought forward in psychotherapy, and then the dissociative -- either the multiple personality would emerge, or there would be a revelation in

Page 38

saying, yes I remember that now, and then amnestic for that, I haven't remembered that

Q Okay So you personally have observed that amnesia?

A A little bit, yeah And interestingly enough, one of the things that we have very strong scientific evidence for is what is the age when infants begin to remember? What is the age before there is no memory? And it -- obviously, it varies from person to person There's some belief that age four is the kind of median spot for that, but three, four, five is an age prior to that

And they've surveyed children looking for memories, and to do that -- that's been -- that's pretty well settled I think, researchwise

Q What's that, the median age of four?

A Yeah The median age of that range of when this childhood infancy amnesia ends

Q Meaning some remembered before? Some don't remember until later?

A Right

Q Okay

A Some -- and I don't mean abuse now I'm not talking about that, just memory

Q Right

Page 39

A Some people have memories of their life beginning around four, and some memory of their -- occasionally, you find somebody who can remember something -- accurately remember something that happened at three accurately based on the parents' corroboration of that

Many instances, it's five, but people can't remember much before five And I see four and five years old in school and not wonder -- I'd like to see that research done again in a couple of years and --

Q Could that -- let's assume that the median age is four or five, around there

A Yeah

Q Would a traumatic experience at that age, could that delay the onset of general memory recall?

A I think it could

Q Okay And that traumatic event could also then delay the recall of that traumatic incident as well?

A I'm not sure I understand

Q Well, first question I'll ask you about, just the general memory of recall

A Right

Q But as to that specific traumatic event,

Page 40

that also the recall of that incident also then could be delayed?

A It could

Q All right And the period of delay is -- can be variable depending on a number of different factors, is that true?

A Correct

Q Okay And so one of the factors would be the extent, the duration of the trauma or the nature of the trauma?

A I don't know that there's any evidence that talks about the nature of the trauma or the duration of the trauma Most of the trauma that you hear about with small children has been sexual abuse --

Q Okay

A -- of small children You get a little bit of physical abuse That -- in my experience from a distance and not as a scientist, but just from a distance is that real bad physical abuse is not -- they don't succeed putting that out of their memory It hangs right in their face that small children -- we see these occasionally in the newspaper when somebody is -- when a parent is arrested for abusing a child physically, or starving

Page 41

them or --
Q Right
A -- neglecting them, things like that
Q Okay Now, I want to finish your CV, and then we can move on In your CV, you also have a listing of publications and writings and things like that
A Yeah
Q Do any of them deal with dissociative disorders?
A I don't think so
Q None of them deal with childhood psychiatric disorders?
A No
Q Okay And none of them deal with sexual trauma?
A No
Q All right And you've never published anything either in favor of dissociative amnesia or against dissociative amnesia?
A Correct
Q And these memory wars you have been talking about that began in the '80s or so, you have never opined one way or the other on it, is that correct?

Page 42

A That's correct
Q All right
A One thing I did do -- that's not really opine on it, but I served a term -- I was on the American Board of Psychiatry and Neurology for eight years That's the certifying body that says I'm board certified That's what that means I was the head of that board for one year, and we talked about on occasion -- we would have discussions about, should we question candidates This was during the memory wars that were going Should we ask candidates where they stand on this
And we concluded it was still too controversial So we let that go
Q Okay Do you have an opinion today on dissociative amnesia one way or the other?
A I have -- I do have an opinion My opinion is that -- does it ever happen? I think so Has it been significantly overused? Yes Does it occur -- and what ages can it occur, and what ages when it occurs, how long does it last? There's some other -- let me just insert one thing, if I may
There are also individuals that -- and this is where you hear about it, who have a sudden, abrupt event, an accident or the loss of a marriage or

Page 43

something, and they become totally amnesiac They don't know who they are Sometimes we make movies about that
I was trying to remember this morning the name of one of those movies where the guy didn't know who he was, and I can't remember the name of the movie But it's a TV series maybe
Q Okay
A But that happens occasionally And is that real? It is real It doesn't last a long time It doesn't last long enough to become the movie theme, but it does happen And it's called psychological amnesia, and that's one of the terms for it And it's a version of our brain shutting off, memory, facts and so forth
It recovers fairy frequently, at least that's what the evidence that exists says But having seen a lot of Vietnam veterans who were exposed to major, huge traumatic events, some of them left without arms or feet and so forth and whatnot, in addition to the other And this -- many of them are inflicted with PTSD, post-traumatic stress disorder, and some inflicted with that as well as so-called TBI, traumatic brain injury, all of those things
And you query about memory loss with them I

Page 44

mean that's part of the evaluation
Q Right
A And you find them that -- you find -- I found that in my work with those veterans, I never found one who had a -- what I call a dissociative amnesia for those events Sometimes they didn't remember every little detail clearly, and one of the questions we would have to ask is, did you have a -- did you lose consciousness Because that's one way that you lose your memory momentarily
It comes back, but those memories -- those amnestic things that just -- they were very thin and very easily -- there weren't many of them They weren't there That's all
Q Could that be -- in the case of a soldier who lost a limb, arm, leg, hand, foot, something like that, could that affect, that they don't suffer from any amnesic or very little amnesic symptoms be because they don't have a foot or hand or an arm, and they just -- they look down and it's not there, and then they question what happened to my arm?
A I don't know
Q Okay
A There is the phantom-limb phenomenon
Q Right

Page 45

A I have seen that with veterans who have a lost --
Q Where they feel the arm that's lost?
A Where they have a leg lost below the knee, but they know it's down there And they feel it, and they'll tell you the story, they'll say, you know, I occasionally wake up, and I know my leg is still there And it takes me two minutes to find out that my leg is not there, and to come to the reality of that
Q Okay All right How then -- let's say a patient comes into your office or a psychiatrist's office, and they say, I don't remember large portions of my life What's the protocol at that point?
A Well, the first step when you see a patient is to find out what is the present illness What's going on now
Q Well, let's say a patient comes in and says, I have had -- started having flashbacks of these memories that I can't explain They're causing me troubles I'm having trouble sleeping and having nightmares
A Right
Q They're very intimidating, scary types of

Page 46

memories I never had them before, and I don't know where they're coming from But I'm starting to remember these incidents with -- associated with a person or this memory, and I'm starting to remember certain things that I didn't remember before
A Uh-huh How old is this patient?
Q Well, any age They come in as an adult and say --
A Okay
Q -- that they are recalling these memories of a childhood acquaintance of some kind
A I have seen some of that, not much of that I have seen maybe one or two people who interestingly enough had memories of being involved in a satanic -- abuse of a -- in a satanic ritual, and their family decides that -- and these people are not psychotic Okay? But they have this memory, the satanic ritual, vividly, and can describe it
And you determine that it's -- at the moment, it's complicating their life, maybe with their family, because they've shared it with people And my job would be to first figure out is this a delusion What exactly is this because --
Q How do you do that?

Page 47

A Talking to the patient
Q Okay
A Looking and cross-checking things, getting history, finding out, gaining the patient's trust That's the first thing, gaining the patient's trust and proceeding that way I have not seen one, but I've had my residents whom I supervise have twice now brought me someone who, in fact, has been visited by aliens from another planet And these people don't have a diagnosis of schizophrenia They are not delusional That's one of the first questions --
Q Okay
A -- when somebody comes with something that makes no sense like that All right
Q So how do you treat that --
A Ostensively
Q -- in that circumstance, person who says I have been abducted by aliens, this person is not psychotic or delusional in any way?
A Right
Q What then?
A You begin to talk with them about what are the other things in their life that are going on and that might help explain this and also talking about

Page 48

the -- what I call the false belief Let me put it that way, talking about that
And, of course, you then have to answer the patient's thing, how do you know this is a false belief How do you know that?
Q What is the diagnosis at that point?
A I don't have a diagnosis at that point There's some -- occasionally, you get into something where you have a fixed false belief Most of those, the ones that I know about, and I'm not in a big survey I don't know the rules, but you hear about it, because it's so unusual You hear about it from your colleagues here and there
Most of them with time and with relationship, working with the therapist and relationship, the treater, it will subside It will go away, and the person will decide maybe it wasn't really there, and maybe that really didn't happen maybe, maybe We use cognitive behavior therapy some with folks when they get to that stage That's one of the strategies, but I'm not --
Q Are you aware of cases of childhood sexual abuse and dissociative amnesia where that person has forgotten, for lack of a better word, the sexual abuse for a period of time into their adulthood and

Page 49

then recalled those acts of abuse?
A I have read about those I have not treated anyone with that situation, but I have read about those And, you know, I was -- for a time, I was among the original members of the board of Darkness to Light) Do you know that organization?
Q Uh-huh
A Yeah And Lee, who started that, asked me to come on her board, and I did, and helped her move it forward I think it's a very important and successful entity, and unfortunately, she's no longer with it I find that I'm -- I don't like that, but at any rate, that was the case
But there, we found -- what she had was -- she had a program to help train people, parents, coaches, teachers, all sorts of people that have interaction with children, Boy Scout leaders, Girl Scout leaders, to help recognize when there is sexual abuse going on and to help those adults -- what do we do about that when we suspect it, you know, take those actions
In all of that, there was very little talked about with dissociative amnesia and child sexual abuse Now, we were working with children who are just getting to be school aged You know, that's

Page 50

largely the early ages of those children, but they're Boy Scouts, Girl Scouts, and it goes all the way into high school in some of them
Q Okay But you are aware of some cases of sexual trauma in childhood being repressed, which I know is not the medically correct term?
A I think -- it's my opinion that there are some childhood sexual abuses that are repressed for a time until that child grows and matures a bit more
Q Okay And that period of time is not a fixed period of time It can be short for one, longer for another person?
A That's right And it's also, in many instances, in most instances, again, in what I read, the child is quiet about it They -- it's not that they don't remember It's that they are quiet, because they don't want to either -- they're either afraid, or they don't want to disappoint, or they have been conned into believing that this is okay
Q Right
A There was a whole series of those things I'm sure you know that
Q But at some point, though, they actually don't remember?

Page 51

A That is their -- that's the -- that's the surface rationalization that they have And do they actually remember? Perhaps not Perhaps not
Q Okay And for those cases, cases of childhood trauma, is a factor in the likelihood of repression of those memories is a factor of prior victimization, prior trauma?
A I have no knowledge if that's the case I don't know if that's the case
Q Okay Do you have an opinion one way or another whether or not prior victimization and repression would lead to a person being more likely to also be victimized and more likely to repress that memory?
A I don't see any connection between those things, and let me just comment on something you said You said repression
Q Right
A And that's probably -- that's a term that I can't find --
Q It's not the medically correct term I agree with that
A Yeah But the question is, have they disassociated --
Q Right

Page 52

A -- in an amnestic way, and does that -- does that make them more vulnerable to the things you said
Q Well, does being a victim of sexual trauma make one more susceptible to subsequent sexual trauma?
A I don't know why that would be the case
Q Okay
A I have no reason to believe that would be the case One might argue just from the common sense perspective It might make one less vulnerable, because they would be more avoidant, you know, and avoid at all opportunities for that
Q Perhaps
A But yeah That's common sense That's not -- I don't have any science for that
Q Okay But if they disassociated and suffer from dissociative amnesia, that victimization, they wouldn't be avoidant of that type of conduct, because they wouldn't be aware of it consciously?
A Yeah
Q You agree with that?
A How long did that -- did that dissociative amnesia last?

Page 53

Q Well, let's assume that a child is victimized in a sexual way, and they disassociate and they suffer from dissociative amnesia from that day During that period of amnesia, they don't recall the event So they wouldn't be able to be avoidant or to be consciously aware to be a avoidant of those types of actions and situations Do you agree with that, during that period of amnesia?
A Yes If the amnesia exists, yes I would agree with that
Q Okay And then would you also agree then that that person during that period of amnesia could also be more susceptible to the same or similar types of sexual trauma as before?
A I don't see any connection with that
Q Okay
A I can't see -- again, that's just calling on my clinical knowledge, clinical experience, but I don't have any fundamental research knowledge about that
Q Okay Now, you provided a lot of documentation here today Can you tell me what it is you relied on primarily, and I assume you have certain opinions with respect to this case?
A Yes

Page 54

Q Okay What documents have you relied on primarily out of these that you provided which I understand to be [redacted] medical records, deposition testimony of various witnesses in this case and some other documents that have been produced in this litigation?
A Right
Q Anything else?
A Her work record was one of the ones -- I don't know if that's what you included in that
Q Yes Her work records that have been produced
A Yeah
Q Okay
A They're in one of those books
Q Okay
A Her work at the Crime Victims Center
Q Uh-huh
A Her work with Dr Faulkner The notes that were kept from her work with Dr Faulkner Those -- for those, I had notes
Q Okay
A I read the psychiatrist notes
Q Dr Brewerton?
A Dr Brewerton's notes I read his

Page 55

deposition
Q Okay
A His notes were hard to read a little bit
Q Did you review Ms Bolton's deposition?
A I did, both
Q Okay
A And as well as her notes I read Dr Zenzal's (phonetic) notes, and that, I was -- I also looked at some notes I think from the Fetter Family Center There wasn't a lot of that, but a little bit
Q Okay
A What else?
Q You have not personally evaluated Ms [redacted] is that correct?
A Correct
Q You have not -- other than reviewing her records, you have not done an independent examination?
A Correct
Q Okay Now, if I understand your earlier testimony, you are of the opinion that dissociative amnesia exists, that it is a diagnosable illness in certain circumstances?
A I'm almost certain of that, but I have

Page 56

still an open question about whether it exists But yes, I believe there are some instances of it
Q Okay And at any rate, it's contained in the DSM-IV as a diagnosis --
A Yes It is
Q -- mental illness? Okay
A Interestingly enough, it will be in a different format in the V, DSM-V, I believe That's what I'm told
Q All right
A Because -- if I may add, because of all these memory wars that were going on and the fact that many people who are crisp clinicians and people concerned with the language of our profession, our finding, you know The memory wars I think are going to lead to a modification of it in the DSM-V
One of the difficulties in psychiatry is to making a diagnosis Sometimes I envy people who can take a little tissue and look at it and see the wrong cell and make a diagnosis We can't do that We have a history and evaluation of the exam, but I'm sidetracking I'm sorry
Q Okay Now, have you prepared a record of any kind?
A No

Page 57

Q All right Do you have -- can you tell me what your opinions are in this case?
A Yeah
Q How many is -- can you just tell me what they are, and we'll go from there?
A Sure I have -- as you pointed out, I have read all of these things and read the depositions of Dr Brewerton, and I have read all the depositions It's very difficult for me to believe or understand how the dissociative amnesia of an event that happened at age 15 would last 18 years Age 15 is -- that's an adolescent, but it is on the verge of adulthood
In the literature, I could find no examples of traumatic and dissociative amnesia stimulated by a trauma that had any -- any of the duration of that magnitude I just find that hard to believe, and I question that, the existence of that
Q For a period of 18 years?
A Yeah It's a long time that there's no memory there
Q What would have been your research and in your opinion, what would be the typical time frame for dissociative amnesia to exist?
A Usually, when that happens, and there's

Page 58

been a big traumatic event, it might be -- it might be 30 days It might be -- a long time would be 30, 40 days, and then it would begin to come back rather rapidly, and it would be existing inside a person and driving So it would be -- I would say two months -- six months Let me say six months
Q What do you base that on?
A My reading of the literature and my clinical judgment of the way our brain works and seeing -- and seeing soldiers who have had big traumatic experiences
Q All right Do you have any specific literature that you are referring to?
A In terms of just specific papers, I read a lot about this I can create a list for you if you'd like that
Q If you could do that and provide that to your counsel, I would appreciate that
A I'll give you one right now There's a book by a man named Paul McHugh, M-C-H-U-G-H It's about memory and these very things we're talking about Now, I have a lot of other sources too, but Paul McHugh covers it pretty thoroughly That book is published in the last three or four years He was for many years the head of psychiatry at John

Page 59

Hopkins University and got deeply interested in this
I have talked with him about it, but also, I read his book And I have it on my iPad, or I would have brought it along but --
Q Okay
A -- it's a good book
MR QUISENBERRY We'll get you that list, Aaron He'll give it to me, and we'll give it to you
BY MR EDWARDS
Q Now, do you have an opinion then when [redacted] recalled --
A No
Q Okay So you can't say one way or the other a period of a date or a year --
A No
Q -- when she would have recalled these memories?
A No And I didn't see her I just know that what my clinical judgment tells me is possible -- likely and possible
Q Well, is it impossible for a person to suffer from dissociative amnesia for a period of 18 years?

Page 60

A I think it is if it started when you were an adult -- if the trauma was happening when you were an adult I believe that's impossible
Q And you're considering 15 to be an adult?
A 15 is a young adult -- late adolescent, young adult It's not a six-year-old child That's my -- that's my point
Q Okay And you don't -- and your opinion is that a person -- you're aware of [redacted] history then with prior abuse -- sexual abuse?
A Yes With the baby-sitter
Q Yes That's right
A Yes
Q And abuse, physical and otherwise, with father, stepfather --
A Yes
Q -- things like that?
A Yes She had a stormy abusive childhood it sounds like
Q Okay And it's your opinion that that would not contribute to a longer period of dissociative amnesia?
A I cannot make a clinical link between those two things

Page 61

Q What does that mean?
A What it means is that I can't see that that would predispose her to a longer episode of amnesia The previous abusive relationships I could argue clinically when -- without the research being done I could argue that it might make amnesia very much more difficult to get dissociative amnesia, if you have had these things happen to you before
Q Okay
A And coped with them and had to cope with them
Q All right But if you're -- if you're amnesic with respect to prior trauma, you could not have been coping with it at that point, is that right?
A You would have been unconsciously coping with it
Q Okay
A You would have been unconsciously coping with it to keep it in the amnestic phase
Q Okay
A I don't think amnesia is a low-maintenance thing It requires mental activity --
Q Okay
A -- when it's there

Page 62

Q But it doesn't mean that the person is consciously aware of the fact that that's going on?
A No That's right
Q And the fact -- are you aware of the period that you referred to 18 years, are you aware that the amnesic period for the childhood baby-sitter abuse was also 18 years?
A I think that happened in '96 if my memory is correct The memory came back in '96
Q Which was a period of 18 years from the date of the prior abuse
A Oh, that's interesting I had not noticed that
Q Okay And then the subsequent abuse from Smith also lasted for a period of 18 years?
A Uh-huh
Q Are you aware -- you didn't know that before
A I didn't know -- I didn't put those two things together
Q Okay Is it possible that a person's mental psyche could be -- obviously, some people can have a shorter period of amnesia Others can have a longer period of amnesia Is it possible that a person who is predisposed to dissociative amnesia could also then be predisposed to a period of amnesia?
A I know of no scientific or clinical evidence that would support that, and it doesn't fit my understanding of how our brain copes with memories and copes with trauma I don't know that that could bear any relevance
Q All right Well, how does it --
A I think it's a coincidence
Q Okay Do you agree that disassociation is more common in childhood trauma victims than adult trauma victims?
A Yes
Q And is that because their mental process is not as fully developed as an adult?
A I think that's it But again, I'm not completely sure
Q And the ability to cope with traumatic events at a younger age is not -- a person is not as fully equipped to deal with a traumatic event at age 4 as age 40?
A I would agree with that
Q All right And then similarly, a person at the age of 15 is not as mentally equipped to deal with traumatic events as a person at age 40?

Page 63

Page 64

A I would say that in most instances, that's true I have known some very mature -- in my work with Darkness to Light, I've known some very mature 15 year olds --
Q Sure
A You know that
Q Obviously, it depends on the person?
A Sure
Q Some are more mature than others?
A Right
Q Okay So then that -- would you agree that it's more likely for a child victim of trauma to disassociate those memories than it would be as an adult victim of trauma?
A Yes
Q And the younger -- do you agree that the younger a person -- a child has suffered from traumatic events, do you think -- or do you have an opinion on the length of amnesia at that point? Is there any longer period for a younger victim versus an older victim?
A I know of no scientific evidence or clinical evidence that supports that
Q Okay Are you aware of any evidence, scientific literature, clinical or otherwise to

Page 65

support the notion that a child victim of sexual trauma is more likely to suffer from later instances of sexual trauma?
A Does a child victim, sexual trauma, predispose the person to subsequent later in life sexual trauma? I'm not aware of that either In fact, my clinical common sense tells me that that would make that person more cautious, more skeptical and so forth to getting into a situation where there was trauma, or if they got into a situation, fleeing that situation
Q Okay Are you aware -- do you have -- so your opinion is that the period of amnesia is a long time based on your understanding of the disorder and your research?
A Yes
Q Okay Any other opinions?
A No I think the delay of the PTSD associated with the same amnestic delay period adds my -- to my skepticism about keeping those symptoms out of sight or undercover or, you know, subdued
Q How so?
A Well, I'm not -- I have seen a fair amount of PTSD, and some of it -- I know we have a delayed PTSD diagnosis, but the core symptomology is rarely

Page 66

out of sight for more than -- we put six months on it, because that's the outer limit, to be honest with you But it's just not -- it just doesn't happen that much
Q The delayed onset of PTSD outside of six months?
A Yeah
Q Is there a diagnosis for delayed onset PTSD?
A Yes
Q What is the criteria for that?
A More than six months
Q Okay So that does happen?
A It's there, that's right How often does that happen? I did a little -- I did a little homework on that question, because I got it through some of my VA connections And it's rarely seen if it's longer than that
Now, what is seen, the major symptoms of PTSD are there, but the dysfunction of the person or persons evolving into alcohol abuse and to losing jobs, into leaving -- ending marriages Those things tend to come along in the aftermath longer But the accused symptoms, the flashback, the numbing, those -- and the anxiety and agitation and

Page 67

those -- those three clusters of symptoms, they just -- and the veterans that I have -- veterans' literature that I have surveyed in some of the -- they just don't see that
The disease lingers a long time, and sometimes the dysfunction doesn't start for a year or two, but it's a problem
Q You're basing that primarily on your involvement with combat veterans?
MR QUISENBERRY Object to the form of the question
A Yeah
BY MR EDWARDS
Q Okay All right Now, can you -- any other opinions?
A Huh-uh
Q That's a no for --
A I don't think so, no Yeah I don't think so
Q Can you say to any degree of certainty that [redacted] did not suffer from dissociative amnesia?
A I cannot I did not examine her, and invariably, that's the -- that's the final test I'm simply saying that given my knowledge of the

Page 68

condition and the circumstances, I find it very, very difficult to believe that that would have lasted 18 years
Q Okay
A And with an onset of a person who starts out at 15 years old
Q Okay But you can't say that it didn't happen in this case?
A No
Q Okay Are you aware of factors at all that would contribute to the length of the amnesia period?
A For [redacted]
Q For any person in general and then specifically for [redacted]
A I'm not I know of no factors that would make this extend for years as it has, and that would apply to [redacted] as well In reading about her life, her life has been stormy, you know, and in terms of work life and her personal life and things like that It's been stormy, and how much I'm wondering did that -- could that have delayed the amnestic phase And I don't think so I really feel fairly strongly about that That just doesn't make sense

Page 69

Q Why doesn't it?
A Why doesn't it? Because it wasn't like she was put away in a place and everything was going fine, and so there was reason to believe what's wrong with my life, and she must have faced that many times in the course of those 18 years
Q Well, with all of the conflict in her life afterwards in her work life and otherwise, wouldn't her attention be focused on that rather than the core root problem?
A I think -- I believe that when people get something and has that much going on, they say what's wrong with my life, what's happened to me and what's wrong with me And I just -- I don't see -- I'm not sure that we can make a scientific conclusion to that It just doesn't make sense to me clinically
Q Even if that person asked themselves that question, they wouldn't necessarily have an answer for that, correct?
A Possibly so
Q And if they didn't have an answer for that and didn't go -- didn't otherwise remember incidents of abuse, isn't the continuing conflict and effect really of the root cause, which was the abuse at a

Page 70

childhood age?
A I'm not sure I understand your question
Q Well, there's different conflicts that you described in Ms [redacted] work life and other areas Are you saying that those are separate incidents? They're unrelated to the abuse that she suffered as a child Or are they kind of an effect from the cause of the abuse -- you see the cause and effect being the interpersonality conflicts, social issues, things like that?
A Well --
MS JACKSON Object to the form Go ahead
A I think that if one were looking seriously in the way of treatment and trying to understand -- to help her understand where what goes wrong in her life as far as the jobs and all of that, one of the questions that you would wonder about is the abuse and the fact that she lost trust in a person that she did trust, and the baby-sitter abuse might also be a part of that
I can't see any rational way that that would change her personality style to the one that involved being confronted, the very same things that seemed to, from reading the materials, without

Page 71

having talked with her, which seemed to trigger these -- the uncertainty with her work history and everything
BY MR EDWARDS
Q So she may have been a confrontational person to begin with?
A I think so
Q But the specific conflict dealing with authoritative figures can be linked possibly to the abuse suffered by authoritative figures as a child?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A Possibly That's a stretch For me, that's a stretch
BY MR EDWARDS
Q It's a stretch to say that a child who's had her -- had the trust violated by those with authority and control over her, it's a stretch for you to say that that child going into her adolescence and adult years would have conflict with people in similar positions of authority and trust?
MS JACKSON Object to the form
MR QUISENBERRY Same objection
A I can see that, and I can also see, as I read her life history, also see that she had -- she

Page 72

witnessed a physical abuse by two stepfathers
BY MR EDWARDS
Q Right
A She witnessed her mother being raped by one of these people
Q Right
A She was abused by a child -- a baby-sitter as a younger child Hers was not a smooth life, and those events happened to her well before she was age 15
Q And is it your -- it's your opinion that those events did not contribute to her susceptibility to abuse?
A It's my belief that those events contributed to her difficulties with adjustment to life Did they contribute to her -- to her incidents of abuse is the question Did that make her more vulnerable to someone she trusted like Charles Smith? I think that could be argued that -- that having a trusting adult might make you more vulnerable to that person
Q All right And then --
A Especially when you have had this background of adults that didn't seem very trustworthy, at least in reading the record

Page 73

Q Sure And then to have that -- to get to that point and to have that person who's in a trust and authoritative position, to violate that trust in a sexual way, would then also contribute to the subsequent issues in her life?
A I would say
MS JACKSON Objection
MR QUISENBERRY Same objection
BY MR EDWARDS
Q Now -- okay You are not aware -- or are you aware, or do you have any opinion on whether or not an individual has a propensity to disassociate -- to suffer from dissociative amnesia?
A I am aware that there are individuals who have a propensity to disassociate, many of them around religious ceremonies
Q What do you mean?
A Pardon me?
Q What do you mean when you say that?
A Well, there are groups of people in different cultures generally than the one that we live in, different cultures who actively dissociate That's part of some religious ritual
Q Okay
A Or social ritual even and --

Page 74

Q But that's not an issue in this case?
A I don't think so, but I thought was a part of your question
Q Well -- okay So those people maybe have a propensity to dissociate, because they actively do that?
A They can actively do that There are -- it is my opinion that a person can be trained to actively disassociate Any person can be trained to actively disassociate
Q Sure
A And that disassociation sometimes, for people I have known it to be the case of to -- to find somebody sitting on the floor in an airport making zoom-zoom noises who claims to not have any sense of where they are or who they are
Q All right But there's no --
A That's a whole other thing
Q No evidence that [redacted] has actively dissociated or taken part in any type of --
A No evidence of that
Q Okay My question is then, outside of those groups --
A Right
Q -- are you aware or do you have an opinion

Page 75

on whether or not a person is predisposed to disassociate traumatic memories?
A I can imagine that that might be the case, but I have also -- if I couple that with my opinion about the unusual -- unusual circumstances of dissociative amnesia, that I think happens very rarely for any length of time, I can see how that person -- one person might be more vulnerable than another, yeah
Q And if a person is susceptible or predisposed to disassociation of traumatic events, could it then also be possible that that same person is susceptible or has a propensity -- well, is susceptible to subsequent disassociation of traumatic events? What I mean is if the person is predisposed to disassociate --
A Right
Q -- assuming that that's the case, and the person is predisposed to disassociate --
A Yeah
Q -- then they also would be more likely to disassociate on more than one occasion?
A Uh-huh
MR QUISENBERRY Object to the form of the question

Page 76

A Yes
BY MR EDWARDS
Q All right If that's the case, is it not also possible that that person is predisposed to disassociate for perhaps a longer period of time than someone who is not predisposed to disassociate?
A I cannot --
MR QUISENBERRY Object to the form
A I cannot agree with that The other thing that I think is worth noting is that Ms [redacted] in her aftermath of this age 15, at age 18 and onward, had some significant traumas in her life
BY MR EDWARDS
Q Uh-huh
A Dismissal from work, the -- some of the brutal things that happened at the prison where she worked
Q Uh-huh
A And those might have -- and in the argument that she is vulnerable to disassociation, one could wonder did she have disassociation episodes to deal with those -- that trauma
Q Well, none of those events dealt with sexual trauma upon her?
A It wasn't sexual trauma, but she did --

Page 77

she had affairs, and she was betrayed by the person She trusted the person, had a sexual affair and then was betrayed by that person

Q Right But not raped or forceably sexually engaged in any way?

A I believe it was a --

Q Consensual?

A Consensual, yeah

Q So isn't that then really an effect of the sexual trauma at a younger age, confusion and sexual --

A I don't believe

Q You don't have an opinion on whether or not a child who's sexually abused has sexual dysfunction later in life?

A I don't believe that in her case, based on what I read, and the sexual trauma that she experienced with the man, Charles Smith, I do not believe that would predispose her to bad sexual choices in her future

Q Okay Is that not a typical thing that you see or have seen or are aware of in child sexual trauma victims, acting out sexually as an adult?

A No I'm not aware of that

Q Okay What typically --

Page 78

A In fact -- I'm sorry Go ahead

Q What typically would be something that you would expect to see from a victim of child sexual trauma as an adult? Would they have a higher incidence of other disorders?

MS JACKSON Object to the form

A Mistrust

MR QUISENBERRY Same objection

A Mistrust of people One of the things that's kind of interesting, researchwise, and it's not -- doesn't bear directly on this, but it's sort of There have been some very good national studies, multi-site studies that looked at the effectiveness of treatments for depression

And some smart people at Emory, actually, went back They gathered data from thousands of women and men about their life history, and about -- these are people who appear for depression And one of the questions they ask was, were you abused as a child And that -- maybe they also checked was it sexual or physical, but was abused as a child

They went back a couple of years later, after the study was finished The study discovered what they needed to know, and that was that antidepressant drugs worked, and cognitive

Page 79

behavioral therapy worked, they both work If you use both of them, it's better I mean it was standard fair

Someone went back and left out all of the subjects who had reported trauma as a child -- abuse as a child Excuse me And treated them and looked at those who are getting cognitive behavioral therapy, and they did better The point of the story is the ones who were traumatized did better in their depression when they received cognitive behavioral therapy rather than the drugs

They did a lot of interviews with them, and there was -- there was no one who didn't remember the details of the sexual trauma or physical trauma It just was remembered by these -- these are people in their 20s, and it's an interesting study

BY MR EDWARDS

Q Okay

A And it addresses -- it doesn't specifically address this point, but it addresses the point of terms of how -- what is the memory of sexual abuse like when one is an adult

Q And that would deal with victims who did not suffer from dissociative amnesia?

A Well, theoretically, it would deal with

Page 80

victims who were not inflicted dissociative at the time they did -- in their 20s, yeah

Q Okay

A Yeah Did they have it earlier in their life, you know, I don't know

Q Possibly?

A Perhaps

Q Okay And in reviewing the records, did you find any evidence of hypnosis or suggested memory, false memories that have been implanted in any kind of way?

A I did not

Q Okay Can you say to any degree of certainty whether or not [redacted] -- I understand you said that you thought 18 years was a long time, but can you say --

A With an onset as an adolescent

Q I understand

A Yeah

Q Understanding that, can you say to any degree of certainty that [redacted] did not first recall the memories of the abuse from Smith in 2007?

MS JACKSON Object to the form

MR QUISENBERRY Same objection

Page 81

A If I understand your question --
BY MR EDWARDS
Q Other than your general -- your opinion as to the length of being longer than your understanding --
A Right
Q -- can you say -- or did you review anything that led you to believe that she, in fact, remembered the abuse by Smith before 2007?
MR QUISENBERRY Object to the form of the question
MS JACKSON Object to the form
A I would -- I believe and would state that those memories came earlier in her life, and that the am- -- the dissociative amnesia wasn't -- didn't exist to that -- during that duration that long
BY MR EDWARDS
Q What do you base -- do you base that on any record that you reviewed?
A No
Q Any testimony that you reviewed?
A No I'm basing it on my understanding of dissociative amnesia and the adapt -- the way one adapts to sexual abuse as a late adolescent, young adult I think also look at her work career and the

Page 82

exposure to other abuse, things in her career that were going on, and those were potential triggers in this And I just -- I find it -- I can't believe it
Q Are you aware that -- you mentioned the trigger Are you aware of what the trigger was in this case with Smith?
A I am
Q Do you recall what that was?
A Yeah She -- she saw someone who was beheaded I believe, if my memory is correct I'm not sure of that It was something that happened in 2007 associated with her prison work
Q It had to do with a rape victim of some kind
A Okay Yeah
Q Okay
A Yeah
Q And those other traumatic incidents, you know, stabbings, things like that, the trigger did not trigger, according to Ms [redacted] The trigger was something very specifically related to the memories associated with Smith, which was a rape
A Uh-huh
Q Do you have an opinion one way or the

Page 83

other as to what triggers the recall of memories in a person who's suffering from dissociative amnesia?
A I don't
Q Okay Do you think it's more likely that a trigger would involve something closely or similarly related to the traumatic event versus a general trauma of some other nature?
MR QUISENBERRY Object to the form of the question
A You know, I really don't
BY MR EDWARDS
Q Okay You don't have an opinion one way or the other?
A No
Q Okay And this is just for clarification on what we have been talking about Is there anything in her, Ms [redacted] records, or any of the testimony that you can point to that says she recalled these memories prior to 2007?
A No
MR EDWARDS Okay Let's take a quick break
(There was a pause in the proceedings)
BY MR EDWARDS
Q I just have a few more, and then I'll pass

Page 84

you on, if they have any questions for you You reviewed Charles Smith's deposition, correct?
A Yes
Q Have you ever reviewed anything else with respect to Mr Smith, any medical records, treatment records, anything like that?
A No I don't think so
Q Okay And you mentioned -- was there anything significant in Charles Smith's deposition testimony that influenced your opinions that you've given here today one way or the other?
A No
Q Okay Have you ever examined Mr Smith?
A No
Q Okay Now, are you aware of any research or authority on whether or not childhood sexual abuse is more conducive to dissociative amnesia versus other types of trauma?
MS JACKSON Objection
MR QUISENBERRY Object to the form of the question
A Let me be sure I understand I think I understand The childhood -- does sexual abuse in childhood more often lead to traumatic amnesia rather than other kinds of abuse?

Page 85

BY MR EDWARDS
Q Right
A I'm not aware of any of that
Q Do you have -- I may have asked you this before, but do you have an opinion one way or the other on whether or not childhood sexual abuse is more conducive to dissociative amnesia over other types of childhood traumas?
A I don't
Q Okay Can you describe to me your understanding of what happens to the memory in a person who suffers from dissociative amnesia?
A No There's a lot actually written about memory It continues to be scientific stuff There's -- does the memory go into the body There's sort of a poetic explanation that goes on a little bit
But the memory -- our brain is an incredible complex organ, and so presumption is that that memory resides somewhere Those memories reside somewhere in our brain Is that -- am I getting at what you're talking about?
Q Yes I don't know that that answers --
A No
Q -- specifically the question

Page 86

A Carry on with it more
Q It's there in the mind somewhere?
A Yes, yes
Q But the person is not consciously aware?
A Yes
Q But it is there It's just kind of underneath the layers of the onion somehow?
A Yes
Q Okay Can it manifest -- can the effects of the event that's been disassociated, can those effects still be experienced by the person without them being aware of the actual traumatic event?
MS JACKSON Objection to the form
MR QUISENBERRY Same objection
BY MR EDWARDS
Q What I mean by that is, can they have physical manifestations as a result?
MR QUISENBERRY Same objection
MS JACKSON Same objection
A I don't know I'm not sure I'm not sure I understand where you're going with that
BY MR EDWARDS
Q Well, a person may disassociate and not be consciously aware of memory of a traumatic event, including sexual abuse in a child

Page 87

A Okay And one interruption, the disassociation would be around a specific event
Q Okay
A Is that what you're saying?
Q Yes
A Yeah
Q Can that person still suffer the effects of that traumatic event without being consciously aware of the memory of that specific traumatic event?
MS JACKSON Same objection
A I think I've read anecdotes where one's behavior was influenced by an unconscious event
BY MR EDWARDS
Q Okay
A But it's an anecdote, and I think it's very unusual, very rare
Q Okay And --
A I'm trying to think of an example right now I just can't pull one up
Q Are you aware of any literature or research as to the length of repression in childhood sexual abuse victims being oftentimes years versus a few days or a few months?
MR QUISENBERRY Object to the form

Page 88

MS JACKSON Same objection
A Repressed -- repression is a word we don't like to use much, but events that are amnestic with childhood can last a short number of years, two or three years, four years Yes I would say that
BY MR EDWARDS
Q Okay And then that disassociated memory, what -- what is your understanding of how that disassociated memory, the one the person suffers amnesia from, how is it that that memory comes to the conscious awareness?
A Now, from what I know, again, and this is from a clinical perspective and from just general clinical knowledge, those memories will evolve when there's a need for them, if they have been buried I'm trying to think of an example right now
Sometimes, you know, it has to do with -- it's interesting I had one experience with a friend, not a patient, that their child who was -- started out at age 4 visiting her grandfather When the grandfather came to visit when she was about seven, she didn't want to have anything to do with him And it came to light that she'd been abused
Was she amnestic for it, the parents weren't sure Or was she -- her grandfather told that he

Page 89

hoped -- it would ruin his life if she told anybody Was she just covering it up knowingly? So there are all those kinds of things

Q Okay My question is, assuming the person has disassociated and suffers from dissociative amnesia with respect to a traumatic event, how does that event, that memory come back from their subconscious into their conscious awareness? Is there a triggering event, or does it just wear off after time?

A Yeah

Q Or is it both? What is your understanding?

MS JACKSON Object to the form

MR QUISENBERRY Object to the form

BY MR EDWARDS

Q And do you have an opinion one way or the other how that memory is -- comes back to conscious awareness?

MR QUISENBERRY Same objection

MS JACKSON Same objection

A I think it would come back in a number of ways I think a triggering event is certainly one of them It was one of the things in my mind that made me wonder about Ms [redacted] when she recalled

Page 90

in 1996 the childhood event And yet the one that had occurred shortly before then -- three years before then, that did not come back to her at that point

BY MR EDWARDS

Q Uh-huh

A I did not react to that with any scientific knowledge It just seemed unlikely to me I was -- I would have imagined that both of those things would have flooded back

Q Well, they could have, but couldn't they also have different triggers?

A I don't know I mean just -- it was abuse It was sexual abuse in both instances, and I just found myself wondering if sexual abuse came back And I can't remember what the trigger was in 1996, if there was one I don't recall But if it came back, and it was sexual abuse as a younger child and there had been sort of total amnesia in her earlier life, she reported to me

Her earlier life was a black hole, and then all of a sudden, there was this memory, and, obviously, it would be filling in some of that black hole How could yet another amnestic episode remain? Did she know that -- did she did know in 1996 when the

Page 91

earlier abuse came to light and that black hole began to fill? Does it strain just sort of common clinical sense that -- that that other black hole was still alive there? That doesn't make sense to me

Q There's nothing that you've reviewed that suggests that she did, in fact, remember the abuse from Smith at the time she recalled the baby-sitter incident?

A I have not seen anything that would indicate that

MR QUISENBERRY Object to the form of the question

BY MR EDWARDS

Q All right And if [redacted] was susceptible to disassociation and she did have these giant black holes in her memory, would it not also make sense that her memory and her mental capacity to process these traumatic events would not be capable of recalling -- of processing not one incident of sexual abuse in which she suffered dissociative amnesia, but also two memories of sexual abuse which she suffered dissociative amnesia?

Wouldn't those multiple events be too -- wouldn't it make sense to you from a clinical

Page 92

standpoint that those two events both resulted in dissociative amnesia would be too overwhelming for her to remember at one time?

MR QUISENBERRY Object to the form

MS JACKSON Object to the form

A That doesn't make any sense to me

BY MR EDWARDS

Q Okay So the fact that she disassociated both acts in both instances, you think that it would be -- that she should have remembered both of them at the same time?

A When you say the same time, I mean within the same time frame, six months, four months, three months, as one came back, it would seem to me that the other one would come back as well if that's -- I'm not sure I answered your question

Q Okay That's just what you would expect to happen?

A Yes

Q But you don't have any support in the records that you have reviewed that suggest that that actually happened?

MR QUISENBERRY Object to the form

A No There's a very -- interestingly enough, there's a very, very skimpy, if at all, that

Page 93

the clinical information -- clinical case studies of circumstances that match Ms [redacted] circumstances don't really exist in the literature
The onset of amnesia at age 15 and in the aftermath of sexual abuse, the onset at age 15, the duration with which it lasted, 18 years, the fact that the post-traumatic stress disorder symptoms -- manifest symptoms also emerged in that same time, but they had laid dormant and nesting, dormant Those things, I just can't find anything in the clinical literature that comes close to matching that
PTSD symptoms, many of them involve the autonomic nervous system, and autonomic nervous system does not like to lie dormant when it's getting kicked around and stimulated, I should say
So there are those kinds of things that just don't make sense to me, and I could find no clinical examples in the literature that I searched for And I had a couple of my friends join me in -- I got two people to help so -- because I couldn't cover it all
BY MR EDWARDS
Q Is it your opinion that it is not possible for a person to recover a memory that has been

Page 94

disassociated and not recover another memory that has also been disassociated?
MS JACKSON Object to the form
MR QUISENBERRY Object to the form
A In the instance of -- speaking of Ms [redacted]
BY MR EDWARDS
Q Uh-huh
A That she recovered the one memory and not recovered the other? Is that -- that's what you're -- is it possible? That's what you're asking me I don't know, and it doesn't make sense to me But again, I can't say with absolute certainty
Q Can you say to a reasonable degree of medical certainty whether or not a person can recover one memory that they disassociated while continuing to disassociate a separate memory?
A I don't believe that can happen, and I'll say that to a reasonable degree of medical certainty
Q Okay And you base that on your general knowledge of --
A Yeah
Q -- dissociative amnesia?
A Yes

Page 95

Q Okay Not specifically dealing with this case?
A Correct
Q [redacted]
A Correct
Q Is it your opinion that [redacted] recalled the baby-sitter abuse and also recalled the abuse from Smith?
MS JACKSON Objection to the form
MR QUISENBERRY Object to the form
A I don't think I can say that
BY MR EDWARDS
Q Okay
A Yeah I can't -- I can't explain that
Q Okay
A Yeah
Q So you think that that would be likely to have happened, that both would come back, but you're not saying, and you can't say that the baby-sitter abuse memory came back, but Smith's memory from Smith did not come back? You're not saying that that didn't happen?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A I'm saying that I -- it defies my clinical

Page 96

knowledge and judgment that that could happen
BY MR EDWARDS
Q Okay
A Yeah
Q Now, can you tell me what it is -- why it is, if you know -- why it is a person would bury a memory, would disassociate -- suffer from dissociative amnesia, what is it about the process that -- what is it about the memory, or what is it about the process itself that makes that happen? Is it because the memory is so traumatic that the person cannot function in a normal manner while having that in their conscious awareness?
MS JACKSON Objection to the form
MR QUISENBERRY Same objection
A I don't believe that there is any evidence that would explain that There's -- there's a common belief, and that is the memory -- all of the memories that are so bad to her, so horrible that our brain has one -- that's one of the mechanisms our brain has to soften that blow That that could be -- that's a logical explanation I don't think there's any science that supports that
BY MR EDWARDS
Q So enable the person to be able to

Page 97

function in a more normal --
A To enable them to tolerate the dysfunction, the abuse that just happened
Q Okay Now, are you aware that Ms [redacted] attempted suicide?
A Yes
Q Okay Now, knowing that, does that affect your opinion one way or the other as to the degree of trauma that was -- that affected her at that time?
A I believe that the event that she described and any associated things that maybe -- that she doesn't remember, could have -- did lead to the suicidal attempt
I noticed that she took the overdose in Charles Smith's office is what I read Actually, there were two different things that I read, but that was one of them that I read And what was the purpose of doing that in his office? I don't know That would be -- that's a question that is -- there's no answer to that I don't think But anyway, she did attempt suicide
Q Okay But my question is, does that affect your opinion as to the degree or the severity of trauma experienced --

Page 98

MS JACKSON Objection
A I think it was a traumatic experience for her, very traumatic experience for her
BY MR EDWARDS
Q Okay Okay Do you have an opinion whether or not strong emotions, either positive or negative, have -- whether they produce strong memories, more accurate memories, versus non-emotional events?
A I don't know anything, no I don't have an opinion about that I know -- I don't know of any evidence for that
Q Okay Now, assuming that --
A Let me back up on that I'm not sure I understood your question What you're saying is that do -- does a very strong event, emotional event, provoke more memories?
Q No
A I'm sorry
Q Does a very strong emotional event produce more clear memories less subject to distortion and --
A I think --
MS JACKSON Objection
A Yes I think it would And now I'm

Page 99

likening this to --
BY MR EDWARDS
Q It would produce a more accurate memory recall?
MS JACKSON Objection
MR QUISENBERRY Same objection
A A more vivid memory, yeah I think it would
BY MR EDWARDS
Q Okay
A I'm remembering stories that I heard from people who stepped on roadside bombs in Iraq and so forth, and the clarity of the memory -- the power of that memory, let me put it that way
Q Right Okay Assuming -- we have had a discussion back and forth with -- based on the assumption that [redacted] did not remember the abuse from Smith Okay? I want you to assume for this question that she did Okay?
A Say that again
Q That she did remember it --
A Yeah
Q -- during the time of repression that's at issue here Is there anything in the records, the testimony, anything that you've reviewed that

Page 100

suggests to you that she connected the abuse from Smith to her psychological issues and other problems in her life?
MR QUISENBERRY Object to the form
A Let me be sure I understand that question Is there anything that I read or came across in this information about her that led me to believe that she connected subsequent troubles in her life to the abuse by Charles Smith?
BY MR EDWARDS
Q That she was able to make a causal connection between her issues in her life and the abuse that she suffered?
A I'm not aware of that
Q Okay
A But again, one would have to know what was going on in her thought processes about that
Q Sure And obviously, that's not something that you can do
A No
Q But I'm asking based on what you've reviewed Nothing that you have seen suggests to you that she made a causal connection between Smith and any issues --
A Correct

Page 101

Q -- prior to 2007?
A Yeah
MR EDWARDS Okay That's all that I have for you right now I may have a follow-up or two
THE WITNESS Okay
EXAMINATION
BY MS JACKSON
Q Dr McCurdy, I'm Robin Jackson We met before I represent Charles Smith, and I have some questions for you as well Earlier, you made a distinction between child and adolescent, and I wanted to make sure that I understood that A number of questions you were asked, and they dealt with childhood sexual abuse as a phrase What is the age range that you consider for a child versus an adolescent or a young adult?
A Again, this is something arbitrary, but I think of childhood beginning with infancy, and ending around 7 or 8 years old, and adolescence sort of starting then I do know that -- and we all read the same stuff that puberty is coming earlier and earlier in women, and so of those things going to change, as puberty defined adolescence or whatever But I just see child abuse as less than that

Page 102

And frankly, one of the things I have heard, not every time, but often a child who has been sexually abused and not badly but just touched and so forth and whatnot, when they get to be about eight or nine, they tell the person stop this Often, it's a family member that they tell that to
We saw some that -- in Darkness to Light in some of the case examples of that
Q Okay If we've got adolescence starting at 7 or 8 --
A Maybe 9 or 10 Let me put it that way
Q Okay Then when do we go from adolescence then to young adulthood?
A I think -- again, that's a variable thing, and I think women get there sooner than men
Q Okay Well, let's go on women since we're dealing with a female in this case
A Okay And I think 15, 16 years old is when that happens
Q Okay
A And again, we're talking about different people You know that? 15, 16, 17 years old
Q Right Okay Now, when you were answering questions earlier, and Mr Edwards was repeatedly using the phrase childhood sexual abuse,

Page 103

were you considering this age range of zero to 7 or 8, possible 9, 10, as a child, or were you looking at [redacted] in the fact in this case, she was claiming abuse at age 15, which would put her at a young adulthood range?
A I was thinking of her as a late adolescent, young adult
Q Okay
A Although she was also abused as a child, and that age changed a little bit in some of the things I read Initially, it was 3 to 6, and then it was 5 to 10 I'm not sure about what age the baby-sitter actually abused her I'm not sure of that
Q Okay I believe the deposition testimony was somewhere between 3 and 5
A I see
Q Ages 3 to 5
A That was one thing I saw
Q Okay
A And you know, yourself, that memory doesn't begin until we're 4 or 5 years old
Q Okay And [redacted] says that she completely blocked out not only this sexual abuse by the baby-sitter but a number of years of her life

Page 104

where she had absolutely no memory Is that a different phenomenon to block out complete years of memory than it is to be dissociatively amnesiac for the event of the abuse?
A Yes
Q Okay And is blocking out years worth of time, is that much more rare?
A Yes
Q And is that -- is that a different disorder?
A Well, it is a different disorder And if it's -- it's been called various things It's been called most recently I think psychological amnesia, and that's a blank spot in -- total blank spot of memory
Q Okay
A But that's a different disorder, and it may not be even what we're describing here, what you're asking about It may not even have a tag on it, if you know what I mean
Q Okay And then she testified that she then has memory from about 11 or 12 until some time during the age 15, and then all of a sudden has another block or time period of years when she has no memory until at least about age 18

Page 105

So for the time period of birth to 18 of her everyday life, she seems to only remember ages 12 -- 11, 12 to earlier age 15

Is there -- first of all, let's go back to the first set of claims of amnesia from zero to about age 11, and then all of a sudden, she thinks she has memory from 11 to 15, but no -- still no memory of the abuse and no memory of this period back to birth Isn't there something there that should trigger to that person, even an 11 year old, that she has no memory of her entire life?

MR EDWARDS Object to the form

BY MS JACKSON

Q Go ahead

A One would think so One would think that she would ask what happened to me, where have I been, what's going on She would be beset with curiosity about that and distressed

Q All right Would it be natural to be distressed about the fact that you have no memory of your entire life?

A Yes

Q Okay And is that something that would have been apparent to those around her if she was distressed about something like that?

Page 106

A One would assume she would have voiced that distress and asked questions about it

Q Okay Would that have affected her ability to learn, say, in school, if she doesn't have any memory of what happened to her in the years past?

A I don't know the answer to that You would think that what she learned would be lost in that memory blank, but I don't know the answer to that

Q Okay

A Can you learn things in a memory black hole, and do those things -- do you retain those through your life?

Q And then have you seen anything in her testimony or in the records about whether or not there was a triggering event that caused her to suddenly be able to remember ages 11 or 15?

A I can't I didn't -- if it's there, I missed it

Q All right Would it be -- what would you expect? Would you expect it to just have come back to her, or would you expect there to be a triggering event?

A I honestly don't know, because that kind

Page 107

of blank memory doesn't make any sense to me, any clinical sense so --

Q Why not?

A Well, I just never heard of it before

Q Okay

A And just how you can be without any memory and not be curious and have -- invoke family assistance or something

Q Okay And then we go to age 15, and she moved to South Carolina, she starts school at James Island High School, and has testified that she really has no memory from ages 15 to 18, except for now she's remembered these approximately five alleged abusive events

Is it -- at which age point for abuse is a person more likely to suffer from dissociative amnesia, abuse at age 4 or abuse at age 15?

A Earlier in life

Q Why is that?

A Well, our mental capacities to sort and maintain information grow as we -- as we get a little older, maturing

Q Okay

A At age -- when we're at age 4, there's a lot there that doesn't get remembered, because our

Page 108

memory is not that necessarily competent then But it just makes more sense to me clinically

Q Have you reviewed many cases of sexual abuse occurring at age 15 that result in dissociative amnesia?

A I could not find one

Q Okay Is a 15 year old more equipped to avoid an abuser who's outside the home than a 4 year old?

MR EDWARDS Object to the form

A That's hard to answer, because it depends on the circumstances, the nature of the relationship, the trust, a whole variety of things You know, what the motive of the child was -- adolescent was, that's hard to answer

BY MS JACKSON

Q Okay Now, talking about the period of claimed amnesia starting at age 15 to 18 [redacted] claims that she has absolutely no memory of that Is it your opinion that the suicide attempt is related to the abuse, or do you have an opinion on that?

A I don't really have an opinion on that Did it happen sequentially? Was she -- was the suicide attempted attempting to communicate

8606

Page 109

something to Charles Smith? Was that the purpose of the overdose of pills? I just don't know

Q Okay Now, are you aware that [redacted] has never given any dates for the abusive acts?

A I didn't know that

Q Okay So if she has never given any dates for the abusive acts, and we do know the date of the suicide attempt, it is unknown whether the suicide attempt came after the abusive acts, in the middle of the abusive acts or before the abusive acts, because she hasn't been able to tell us that?

MR EDWARDS Object to the form

BY MS JACKSON

Q Is that correct?

A Uh-huh

Q And just for the record, when I'm discussing abusive acts, they're alleged abusive acts Mr Smith denies that any of this abuse occurred

Earlier, you were asked by plaintiff's counsel about a person being susceptible to dissociative amnesia, and the fact -- and you mentioned, well, why didn't she disassociate to these terrible traumas that occurred at her work

If a person is susceptible to something like

Page 110

this -- well, first of all, do you have an opinion about whether people are susceptible to dissociative amnesia?

A I am not sure It is believable to me that some people are more susceptible than others I know some of them as a matter of fact Is that the same mechanism as being more subject to dissociative amnesia than others, I could imagine that, but I don't have clear evidence for that I'm not sure

Q Okay But if a person is susceptible to dissociative amnesia, are they going to be susceptible to it for all types of trauma, or, in your experience, is it going to be limited to specific types of trauma?

A Well, you say my experience I don't have experience in that regard, but I would think that they would be more susceptible to something done to them than something they witnessed That would be my expectation

Q Okay But after they have -- if a person has already disassociated for one or even two events, would they be more susceptible to disassociate four other types of events, including traumas that they are witnessing?

Page 111

A Probably so

Q And do you have any evidence, or have you been provided with any information that [redacted] has ever disassociated other than the two times that she's claiming the abuse at 4 and abuse at age 15?

A I have seen no evidence that she had

Q Okay Are you aware that the abuse at age 4 is alleged by [redacted] to have been oral sex abuse, that she was forced to perform oral sex on the baby-sitter?

A I read that in one of the documents

Q Okay So that -- and the abuse that she's alleging, or the primary event that she's alleging with Mr Smith is also that she was forced to perform oral sex?

A Yes

Q Okay When she began to recall the events of age 4, is it more likely than not that the events of age 15, because they were so similar in type, should have or would have been recalled at that time?

MR EDWARDS Object to the form

A That's very difficult to answer It was abuse of her in the sexual part of her body When

Page 112

she was age 4, did she know what the sexual part of the body was? I don't know What does a 4 year old know? I don't know the answer to that I don't know

BY MS JACKSON

Q Well, if she didn't know at age 4 what was going on, then there would have been no reason to disassociate from that event, correct?

A That's an interesting point Perhaps, yeah

Q Okay So in order for a person to disassociate from an event, doesn't that require a trauma of some kind?

A Not necessarily a trauma but something -- I would say a trauma That captures it I would say that

Q Okay

A Now, the trauma might be verbal trauma You understand that? It might be somebody saying, if you ever tell anybody about this, I'll kill you or something of that sort

Q But [redacted] never said that about the baby-sitter, correct?

A Yes

Q The baby-sitter actually told her mother

Page 113

about it, correct?
A That was my memory, but I don't know when the baby-sitter told the mother
Q She told the mother when [redacted] was 5, isn't that correct?
A That's my memory of it There is no explanation of why the baby-sitter told the mother
Q Right
A That's curious to me
Q And even though the baby-sitter made it known to the mother that this had occurred, [redacted] still says that she has no recollection of it until 18 years later, correct?
A Yeah
Q Okay And the mother never got her any counseling for that abuse?
A Correct
Q And the mother never got her any counseling for the suicide attempt at age 15?
A Correct
Q Correct?
A She may have refused that I'm just surmising something Sometimes when a 15 year old makes their own kind of decision for themselves, but I'm not aware of the mother trying to get her any

Page 114

counseling
Q Did you review the records from the hospital after the suicide attempt?
A I did
Q Do you recall seeing in there that the mother declined counseling?
A I did
Q Okay All right Also, I want to talk about this amnesiac period from the maybe -- is that the right way to say, amnesiac?
A That works
Q Period of amnesia from age 15 to 18, because I think that seems to be more of a period in life where when your memory does come back at age 18, there should have been some question there for her Why don't I remember learning how to drive? Why don't I remember the fact that I don't have a high school diploma? Why did I drop out of school? You know, ages 15 to 18 is kind of a very -- let me rephrase that Age 15 to 18 is a very busy period in a person's life
And so what, in your experience or in your reading or in your knowledge, would prevent her from questioning why she has an absolute block of three years time memory once she starts having memories

Page 115

again?
A I find it very difficult to understand that one would regain memory at age 18, having had a black hole for three years, and not need to know a lot more about it and ask questions or explore whatever needs to be done That runs contrary to my sort of sense of people and especially 18 year olds who ought to know everything
Q And does that cause you to question the claim that she had dissociative amnesia, which caused a complete block of memory loss for a period of approximately three years?
A It did cause me to question that
Q Okay Now, during that period of amnesia, does that mean that she woke up every morning not realizing -- not remembering what she did the day before?
A I don't know
Q Okay Well, how else could it occur if she's going to have a complete block of memory loss that resolves at age 18 with new memories but not have recovered these previous memories? How does a person get through that three-year period?
MR EDWARDS Object to the form
A My understanding is, and I'm not exactly

Page 116

sure of this My understanding is that during that time, she did some work too outside of the home
BY MS JACKSON
Q She did
A And of course, she would have to fill out information and papers and tell people where she lived and stuff like that And would that -- how challenging would that have been to her black hole that she was in? That's just intuitively, not from a medical perspective, but intuitively, I'm not sure I can make sense of that
Q Okay She had also moved to Georgia and got her GED --
A Yeah
Q -- through a program down there living out of state, away from her family
A Yeah
Q Does that fly in the face of having a complete amnesia for a time period?
A It does for me
Q Okay
A As she was getting her GED, could she remember things that she learned while she was totally amnestic? Do you follow me?
Q Well, she got the GED at age -- about age

Page 117

17, before she had the memory occur This is during the period of claimed amnesia
A That's what I'm saying What was the -- what was her memory apparatus like? How was it functioning when she was getting the GED and still having the black hole? How do those two things fit together?
Q Right And is that inconsistent?
A It defies -- it defies common clinical sense to me I can't explain it
Q All right You were asked earlier if a trauma would produce a more accurate memory, and your answer was a trauma would produce a more vivid memory But would it necessarily produce a more accurate memory?
A I'm not sure I know how to answer that
Q Is that different for each person?
A I think so I think it's hard to make global statements about something like that, you know When is a trauma a trauma and not just a memory, I don't know the answer to that
Q Okay Have you ever heard of a situation where a police officer fired his weapon at a suspect and later can't tell you how many times he fired?
A Yes

Page 118

Q Okay So --
A I read about that in the newspaper
Q So in that instance, we have a trauma creating a less accurate memory?
A Yes We do
Q Okay Though it may be a very vivid memory of --
A Yes
Q -- firing and the person falling or whatever?
A Right
Q Okay All right There was also discussion earlier about suffering the effects of the event that you've repressed or becoming amnesiac about, but having it also affect you Is that inconsistent?
MR EDWARDS Object to the form
A To be influenced by -- in your activities by an unconscious event that has been --
BY MS JACKSON
Q That has become totally amnesiac
A That's been disassociated and has become amnesiac, can those events influence other aspects in your life? And I think that's probably -- assuming that total amnesia is real, I think it's

Page 119

possible to be affected by that some I do That -- you might find yourself finding something objectionable or opposing something that you don't want to see or smell or feel, and you wonder where does that come from I would think that often, that might lead to a recollection, you know, that you regain the memory of the event that time, I would think
Q Okay And would a person who is being affected by that -- is there any way to tell whether during the time from age 18 to 1996, whether her actions would have been being affected by the repression of the abuse at age 4 or the repression of the abuse at age 15? Is there any way to differentiate?
A No
Q And once she had recalled both instances, or even during the period -- let me stop Let me start over so I've got a clear question
Would she be more likely to be affected by the memories of the abuse at age 4 after she recalled those in 1996 than she would be these still repressed memories of the abuse at age 15?
MR EDWARDS Object to the form
A I don't know the answer to that

Page 120

BY MS JACKSON
Q Is there any way to tell, that you're aware of?
A No
Q Okay When you have multi instances of abuse that are similar in nature --
A Yes
Q -- sexual abuse, and in this case, both instances are oral sex --
A Yes
Q -- and touching, is there any way to differentiate the effects on that person of being a survivor of abuse?
A No
Q Okay And in this case, we also have the fact that [redacted] witnessed her mother being abused sexually and physically Would that also have an effect on her?
A I think so
Q Would that have a greater effect on her in light of the fact that she also had been sexually abused prior?
MR EDWARDS Object to the form
A Again, I'm -- this is speculative, but I would say that that would be an accumulation of

Page 121

sexual abuse to her, the watching of her mother being raped That's what I -- that's what you're making reference to, aren't you?
BY MS JACKSON
Q Yes
A Yeah
Q The watching of her mother being raped coming after the sexual abuse at age 4
A Yeah That could -- that would -- all of that is hard to prioritize those in some sequence Do you know what I mean?
Q Okay And in the physical abuse from the father and stepfather, that's also a traumatic event for a child and for an adolescent, young adult?
A It is, and it makes -- would make one not trust males I think, adult males We see that a lot
Q Okay All right When you were asked about PTSD and the delayed PTSD, when you spoke delayed PTSD earlier, I heard you say that one of the criteria for it being delayed is that the dysfunction doesn't manifest for a year, even though the symptoms may manifest, is that correct?
A Ask that again
Q Okay Well, why don't I just let you tell

Page 122

me again What's the difference between PTSD and delayed PTSD?
A Delayed -- the definition is -- in the DSM is delayed PTSD doesn't start for six months
Q Okay Six months?
A Yeah
Q All right
A That's the definition Is there nothing there for six months? Probably that's not the case Probably there's some symptoms of some sort, and then the person returns home The full manifestation, the nightmares, the flashbacks, the numbness, the excessive anxiety, those things can be delayed and emerge more slowly
Six months has just been -- was chosen, and I remember this discussion quite well It was chosen by the people writing that section, because they didn't want the Veterans Administration to stop -- to stop being accessible to somebody They didn't want to have to -- they didn't want the vet to have to immediately identify himself as having this problem
So they put six months on it with the notion that it would invariably manifest itself by six months Does the full measure come out in six

Page 123

months? No Not necessarily, not with anybody, in fact, but it begins to manifest itself
Q Okay And with a period of 18 years, would you agree that, especially in [redacted] case, there were a number of other significant trauma events that occurred in her life during that time?
A Yes I don't see how anyone could suppress a full-grown PTSD or a partial PTSD for 18 years, suppress
Q Why is that?
A Well, I just don't believe it I mean that's -- my clinical judgment says that
Q Okay And you talked about it being an autonomic --
A Yes It's a part of your nervous system that goes on, and that nervous system is there And it's lying -- it's going to crank up and manifest symptoms
Q And that's not something that a person has any control over?
A Correct
Q Okay And so within the 18 years between her alleged abuse at age 15, we have her recalling the abuse at age 4, we have her witnessing a murder,

Page 124

we have her witnessing several other violent acts both in prison setting and in the jail setting I believe she also witnessed someone die in a motor vehicle accident
She had two affairs that both resulted in her termination from her employment, and all of this occurred prior to her claiming PTSD solely from the abuse with Charles Smith Is that what you understand?
A I believe that's the case
Q Okay And how likely is it that PTSD that she's claiming started in 2007 would be solely related to any one incident?
A That makes no sense to me That's very -- that's very unlikely I would say not possible
Q Does the human mind allow the body and the autonomic system to differentiate for one event when there's been a culmination of events?
A It's not really the human mind It's the human brain
Q Okay
A And that just doesn't make sense That makes sense that the brain could differentiate and lay quietly aside the stress associated with an event when she was at 15, leave it dormant until she

Page 125

was 32 and have these other traumas that happened too That just doesn't make sense

MS JACKSON Okay Dr McCurdy, I don't believe I have any further questions at this time I know Brian has some questions

MR QUISENBERRY Yeah I have a few, and then I might take a break

EXAMINATION

BY MR QUISENBERRY

Q As you know, I'm Brian Quisenberry I'm an attorney for the school district and the high school in this case, correct?

A Correct

Q I understand your testimony from earlier that you would distinguish in your testimony childhood versus adolescence, correct?

A Yes

Q And I understand your testimony earlier that repressed memory or dissociative amnesia in adolescents and adults, the period of amnesia is typically a period of days and at most six months, is that correct?

A I think those are the time limits, yeah

Q Is that what you were trying to say? Is that accurate?

Page 126

A That's accurate

Q Assuming in this case that [redacted] suffered dissociative amnesia from the event, can you say to a reasonable degree of medical certainty that the memory of events should have been recovered by at the latest one year after the event?

A I would say -- allowing extra, I would say within a couple of years, within two years

Q So you can say to a reasonable degree of medical certainty that the memory of the events would have been recovered by at the most two years after the event?

A Yes

Q Also, can you say in this case to a reasonable degree of medical certainty that [redacted] did not suffer from dissociative amnesia, as she alleges, with the particulars that she alleges in this case?

MR EDWARDS Objection to the form

A Can I say that she did not have dissociative amnesia?

BY MR QUISENBERRY

Q No Considering the fact -- I think you testified earlier about that the significance of her description of the blocks of periods, and that she

Page 127

alleges were repressed Is that significant? Did you testify that it was significant that there were certain blocks that were black holes?

A Yeah

Q And you testified that was significant?

A I'm not sure

Q Well, you testified, I thought, that you -- that the age in which she alleges she was at the time that she suffered repression was a factor that was significant

A Yes

Q And that the period of years of repression, you said that was something that you thought was significant to her allegations

A I find that -- I find that -- I cannot believe that that amnesia lasted that long

Q Okay Well, given that that's her testimony of what happened, can you say to a reasonable degree of medical certainty that she didn't suffer the dissociative amnesia under that -- under her conditions that she alleges in this case, from that type?

A I cannot say that she didn't have any dissociative amnesia She may have had amnesia for a year or two

Page 128

Q But not as she alleges in this case --

A Correct

Q -- you could say to a reasonable degree of medical certainty?

A I can

Q You testified earlier about the alleged suicide attempt in this case, correct?

A Yes

Q And you were asked questions about whether or not it was a result of the alleged abuse in this case, correct?

A I was asked that

Q Yeah If assuming that it was -- resulted as an effect of the alleged abuse, would that show whether she was suffering repression at the time she committed suicide? Could she have committed suicide as a result of the event if she was repressing the events?

MR EDWARDS Object to the form

BY MR QUISENBERRY

Q Because the suicide allegedly occurred after the abuse, correct?

A And the attempted suicide occurred in Charles Smith's office

Q Uh-huh

Page 129

A And so I, intuitively, connect those two things
Q Yes And if it will happen as a result of the abuse, would that tend to show that she wasn't suffering from repressed memory or a dissociative amnesia at the time?
A At that time, it's strong evidence that she was not -- that she remembered the event, yes
Q Okay So that's inconsistent with her suffering dissociative amnesia after the event if she committed -- attempted suicide in that way?
A Yeah How long after the event did the amnesia begin I think is more the question How long does she claim that the amnesia started? We don't know when the event occurred I don't think That's what I was told
Q Uh-huh Earlier, you were testifying about the -- you were asked a question if anything in the testimony or the record would show certain things, do you remember being asked that question about your -- you were asked about questions about what was in the record Do you remember being asked about that?
A Yeah
Q And I understand that your response -- you

Page 130

were testifying just about what -- what your recollection of the record was, correct?
A Yes I did not commit the record to memory
Q Yeah You testified earlier about the black hole period as alleged in this case Do you remember that?
A Yes
Q Was the description of the black hole period in this case inconsistent with your understanding of dissociative amnesia in adolescents or adults?
A Those two terms?
Q Well, just how, the description of the black hole period as being three to five years in length Is that inconsistent with your understanding of dissociative amnesia in adolescence and adults?
A It's inconsistent with my understanding of dissociative amnesia
Q Okay
A And that black hole -- to be clear, that black hole describes total memory loss, no recollection on that period of time, and I think the black hole was kind of a euphemism of that total

Page 131

amnesia versus the dissociative amnesia for the sexual abuse
MR QUISENBERRY Uh-huh All right Let me take a break
(There was a pause in the proceedings)
BY MR QUISENBERRY
Q Okay Dr McCurdy, I have a couple more questions Earlier, you testified about that you haven't had the opportunity to treat or have a discussion with Ms [redacted] is that correct?
A Correct
Q You have read -- have you read the record in this case?
A I have
Q And you've read her testimony?
A I have
Q And you read her treatment records?
A Yes
Q And you read her records from the evaluation by Bolton and Brewerton?
A Yes
Q Based on that --
A And her employment record
Q Yes And her employment records and all the other documents that were provided here on the

Page 132

table --
A Yes
Q -- which have been marked Which haven't actually been marked as an exhibit but have been provided to the plaintiff's counsel Based on that, would an in-person evaluation affect your opinion at all?
A I don't think so
MR QUISENBERRY Okay That's all I have

RE-EXAMINATION

BY MR EDWARDS
Q I have a few follow-ups If a person suffers from a traumatic event and it's so traumatic that they disassociate and suffer from dissociative amnesia as a result of that traumatic event, and this is a recognized diagnosis, and a common -- maybe not a common diagnosis, but generally accepted enough to be listed in the DSM-IV, does it not also -- is it your opinion that the degree of abuse has no bearing on the length of disassociation period of memory lapse?
A Let me see if I can rephrase that Does the severity of the abuse --
Q That's right

Page 133

A -- dictate the duration of the dissociative amnesia?
Q Fair enough
A Is that --
Q That's a fair rephrase of my question
A Okay I don't believe it does
Q Okay
A May I insert one thing?
Q Please
A One of the things that's been interesting to me, and we have at MUSC -- you probably know this We have a very strong crime victim center, which, in fact, started out being a rape center
Q Uh-huh
A And they have done a significant amount of research on rape victims over the years In fact, it probably is one of the best known or maybe even the best regarded one in the country today And I have been curious with them since I was doing this work with veterans, what happens with women who are raped by a stranger? Pretty big trauma, that is And my interest in it has had to do with -- are there some women who are more genetically vulnerable to post-traumatic stress disorder, or are there some women who aren't? And the frequency of people who

Page 134

get post-traumatic stress disorder is pretty consistent It's about 20 percent
Can they -- they're looking for genes to predict who so they can maybe take some hasty action
Q 20 percent of women or people in general?
A 20 percent of women who are raped by a stranger --
Q Okay
A -- that will come out with post-traumatic stress disorder It's a fairly consistent number How many of those have a repression, have a dissociative amnesia? And they don't find that They don't find that Now, these are adults that get raped, but there's just -- there aren't instances of dissociative amnesia in these women who have been raped
Q Those are the only people who don't suffer from dissociative amnesia, correct?
A I presume so
Q So if a person --
A But the percentages of them is the one that I was making that point It would seem to me, and I've been curious about that, not since this case came along, but just in general What are

Page 135

those things that protect some people against something and don't protect other people I believe it's genes That's what we're going to come to, but that might be in your lifetime, but it won't be in mine, but we're going to get there
Q Which would protect a person from suffering from PTSD, in part would be their genetic predisposition?
A That's my opinion That's a strong opinion
Q Then also, in addition to that, you have got the -- that's the nature part You've got the nurture aspect as well, the environment --
A Exactly
Q -- and family --
A Yep
Q -- work, social --
A All of that, correct
Q Okay So all of those things combined as a possible predictor in a person suffering from PTSD?
A Yes
Q And would you say in your opinion that a person with a strong support system, a good family dynamic, adequate therapy immediately following the

Page 136

traumatic event, all of those would contribute to a better handling of processing that traumatic event and maybe even not result in PTSD?
MS JACKSON Objection to the form
MR QUISENBERRY Same objection
A I would say it -- all of those things I would say yes to I would say if the PTSD were to occur, it would be -- it would go away faster
BY MR EDWARDS
Q In that circumstance?
A Yeah
Q And then, on the other hand, the lack of those things may contribute to a more severe suffering of PTSD?
MS JACKSON Objection
MR QUISENBERRY Object to the form
A Correct I would agree
BY MR EDWARDS
Q Okay Now --
A But my point was that in all of those cases, I couldn't find a case of the dissociative amnesia for that rape
Q Okay That's what I wanted to ask you about Knowing that it happens, okay? Some people can't -- they just can't function, and they -- in

Page 137

order to cope, the brain on an automatic subconscious level, just kind of pushes it down somewhere in the memory bank to such a degree that it's not in their conscious awareness Okay? You agree that that happens, and it can happen?
A I will agree that it can happen
Q Okay Now, assuming that that can happen, how do we know that there are not incidents of people who go their entire lives without recovering that memory?
A There just has been no case history of that
Q But there wouldn't be one, would there?
A If they went their entire life, perhaps they would -- it would never -- they would die with that secret
Q And nobody would --
A There are people who die with secrets That's a fact
Q Sure
A And those secrets could be abuse secrets Are they gone from -- are they amnestic for those abuse secrets? We don't know the answer to that
Q Possibly, possibly not
A Possibly so

Page 138

Q But my point is that it -- a person could go their entire life without other people knowing what happened, correct?
A Yeah
MR QUISENBERRY Object to form
BY MR EDWARDS
Q And, in fact, assuming that the dissociative amnesia is real and happens so that it's not in that individual's conscious awareness, that person could actually go their entire life without knowing?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A Okay Yes I would agree
BY MR EDWARDS
Q So --
A I would agree contingent, but let's go ahead
Q Contingent upon what?
A Contingent on the rest of the -- what you're coming for
Q Well, where I'm going with that is, how is it that you can say to a reasonable degree of medical certainty that [redacted] would have recovered her memories in two years?

Page 139

A Yeah The reason that I can say that is the case -- the cases that are there, the cases that are there and my knowledge and my reading and my conversations with a couple of people are such that adults who get traumatized, and I'll extend that down to 15 year old I know she's not an adult at 15, but that level of cognition, that kind of repression just -- excuse me That kind of dissociative amnesia, just -- there's no record of it I can't find it
And the last 17 years to which began at 15, I can't find any evidence of that, and it's contrary to my clinical judgment
Q Isn't it also possible that people can suppress them for 17, 18, 20, 30, 40 years and never go see a therapist?
A Suppress --
MR QUISENBERRY Object to the form of the question
BY MR EDWARDS
Q A traumatic event
MR QUISENBERRY Object to the form of the question
A Well, if they suppress it, they're not -- it's not amnestic for them

Page 140

BY MR EDWARDS
Q Let me say it then in proper terms The person can suffer from dissociative amnesia for 17, 18 or more years, and then it become -- come back into their conscious awareness, and they never go see a therapist?
MR QUISENBERRY Object to the form of the question
A I don't think that it can come back after that many years They don't -- the therapist doesn't have anything to do with it I just don't think it could come back
BY MR EDWARDS
Q Okay Well, if it happens, and it is out of their conscious awareness, is there anything that you -- do you know of specific research, literature, that can say and that shows that the processes of the brain are such that the memory itself will or will not come back within two years?
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
A Yeah I honestly can't answer that I'm -- I'm not quite sure what you're asking me
BY MR EDWARDS

Page 141

Q Well, you're saying that you don't believe that it happened, that it can come back after 18 years That's your own personal opinion?
A I just don't believe that a dissociative amnesia for an event when a person is 15 years old can lie dormant for 18 years and then be found and have a concomitant PTSD condition begin at the same time
Q Okay You're basing that on your knowledge generally of 15 year olds?
MR QUISENBERRY Object to the form of the question
A Yes Mostly on my knowledge of -- on my knowledge of 15 year olds, but also on my knowledge of PTSD in adult people too
BY MR EDWARDS
Q What is it about [redacted] specifically that leads you to believe that at the age of 15, she wouldn't or couldn't disassociate, and that that disassociation would last for a period of 18 years?
MR QUISENBERRY Object to the form
BY MR EDWARDS
Q Is there anything that you can point me to that says [redacted] was functioning at a level

Page 142

where this wouldn't have happened?
MR QUISENBERRY Object to the form
A No I think I will see [redacted] at age 15 like most 15 year olds
BY MR EDWARDS
Q Okay
A One could say to what extent was she mature and had her mensi started and a whole bunch of things But [redacted] would likely be like other people, but the stumper for me -- the difficult thing for me, let me phrase it that way, is the fact that the amnesia came with that event, and that amnesia lasted 18 years
Q Uh-huh
A And when it came out, the amnesia was gone, disappeared Then the PTSD started Those are things -- those do not make clinical sense to me based on --
Q Why does that not make clinical sense to you?
A Based on what I know about 15 year olds and what I know about -- what I know about dissociative amnesia, and it's -- and the way it functions and the way that it's been seen in many clinical environments

Page 143

Q Are you saying that the fact that the PTSD did not manifest itself until the recollection of 2007, that's what doesn't make sense to you?
MR QUISENBERRY Object to the form
A That's one of the things that doesn't make sense to me
BY MR EDWARDS
Q Could she have suffered from post-traumatic stress disorder symptoms for the prior 18 years and not realized it?
A I don't know that she wouldn't have realized it, and nowhere in this medical stuff have they said that she had flashbacks during those years
Q Do you have to have flashbacks to suffer from PTSD?
MR QUISENBERRY Object to the form
A It's a critical aspect of PTSD
BY MR EDWARDS
Q Okay
A The reliving -- reliving the event
Q Well, if she didn't have the memory in her conscious memory, she couldn't relive it, correct?
A Well, that's right And those two things conflict with each other That's exactly right

Page 144

Q Okay So I'm missing you then when you're saying how they conflict with each other when she recalls them in 2007, the onset of PTSD concurrent with that recollection Because then she can re-experience that, and that's consistent with what I've heard you say about PTSD?
A Yeah
Q So the fact that she didn't have those recurrences, those flashbacks, nightmares, things like that for the previous 18 years seems consistent to me with the amnesia period
MR QUISENBERRY Object to the form of the question
BY MR EDWARDS
Q Can you tell me what's wrong about that?
MR QUISENBERRY Same objection
BY MR EDWARDS
Q Or what in your opinion is --
A Yeah Let me --
MR QUISENBERRY Same objection
A Let me not say what's wrong with it Let me tell you what I think about this situation
BY MR EDWARDS
Q Okay
A PTSD is a brain condition that is

Page 145

initiated by excessive stress We could talk about those hormones, but we don't need to do that Excessive stress in the brain, and the brain responds with a set of symptoms And those symptoms, they become relatively consistent

Everybody doesn't have the same PTSD symptoms, but across the board, they're pretty consistent

Q Okay

A And that stress triggers that, and sometimes that stress is a chronic stress in some people And that you can best see that in combat soldiers who get up every day and not sure they're going to be -- step on a roadside bomb, or their stress can be instant, one thing And that's the nature of PTSD, the stress

Now, in my opinion, and my opinion is -- I have thought about dissociative amnesia and read about it more since this came along Dissociative amnesia is designed to manage stress

Q Okay

A That's the logical thing to think There's no scientific evidence of that, but that's what makes sense, that we don't remember things abruptly, because they are so -- they make stress in us So they manage the stress that way It's

Page 146

not -- in my judgment, it is not an effective stress manager for a long period of time, especially as people are cognitively old enough to be more analytic and not -- I'm not talking now about 5 year olds or 6 year olds

Q Right

A I think we're dealing with two different sets of cognitive capacity So what makes no sense to me in view of those things is that [redacted] could have this event, could create a amnestic cover for it and live a few years and then -- and remember another stressful sexual event and contain this cover and then go 18 years That just is not clinically doable, in my opinion, and I'll say within -- in my opinion, to a degree of medical certainty, whatever the lingo is

Q Okay

A It just does not make sense to me

Q And I understand that

A Yeah

Q Now, you were asked about how do you go about your life without remembering certain things, you know, your driver's license, things like -- normal things that you would do during that time frame?

Page 147

A Yeah

Q And isn't there a difference between a specific memory of an event such as getting your driver's license versus knowledge of a fact that you have a driver's license?

MR QUISENBERRY Object to the form of the question

BY MR EDWARDS

Q And what I mean by that is, during that period of time where she says she doesn't remember anything, she's saying that in 2007, 2008, 2009, at that point in time, is it not possible to not remember specifically those events, going to get your driver's license, going to have your -- what happened at your ceremony when you get your GED? Is it not possible to not remember those things but still have knowledge of the fact that they happened and that you got your driver's license, and you got your GED, things like that?

MR QUISENBERRY Object to the form of the question

BY MS JACKSON

Q Do you understand what I'm asking?

A I think I do

MR EDWARDS Same objection

Page 148

A What you're asking is is it possible that in a certain point of time, 2007, that she could remember that she had a driver's license, but she might not remember how she got that driver's license?

BY MR EDWARDS

Q Correct

A Is that what you mean?

Q Yes

MR QUISENBERRY Object to the form

A Yeah

BY MR EDWARDS

Q Does that comport with your understanding of memories and recollection of events?

MS JACKSON Objection

MR QUISENBERRY Same objection

A That's not my understanding of memory There are times that -- I don't believe that to be the case

BY MR EDWARDS

Q Okay So is it your opinion then that a person who attended a grade school ceremony, graduating from elementary school, 30 years later, it would be your expectation that they would remember that ceremony, how it happened, where it

Page 149

was, things like that, versus just general knowledge that they did it and they had the ceremony?
A I see what you're asking
MS JACKSON Objection
MR QUISENBERRY Objection
A Some would remember, and some wouldn't remember it But it could happen with some and not others We see this all the time You remember when Old Freddy caught the football and did this in high? No I don't remember it, but it happened, you know, and I know it happened That memory loss is not amnesia That memory loss is just memory loss and, you know --
BY MR EDWARDS
Q Okay But you're saying it is -- that's part of memory recall, is you may not remember specific details, but you might have general knowledge of the facts somehow?
A Correct I agree with that
Q All right Now, as for the time when the dissociative amnesia period begins, is it your opinion that -- and you were asked about when she attempted suicide, whether or not she would have -- you know, she went there Maybe was trying to send a message to Smith and all these different things

Page 150

A Uh-huh
Q That happened at age 15 You understand that?
A I do
Q Is it your opinion that between the age of 15 and 18, the memories of abuse could not have been disassociated and become amnesiac?
MS JACKSON Objection to the form
MR QUISENBERRY Same objection
A I'm sorry Say that -- ask me that one more time
BY MR EDWARDS
Q Couldn't she remember the acts of abuse after 15, be so devastated by them and attempt to kill herself, be unsuccessful in that Then not obtain any counseling to process and deal with those emotions and things like that, remove herself from the school, go out of state, out of the town that she's living in, out of all of the things that she is -- knows of and would remind her of those abusive events, be gone for a period of time, obtain her GED, come back, and at that point, during that period, have disassociated the abusive acts and then suffered from dissociative amnesia?
MR QUISENBERRY Object to the form

Page 151

A That the dissociative amnesia started when she returned?
BY MR EDWARDS
Q Could it have happened during that time frame, by the time she returned and by the time that she was 18 years old, she -- isn't it possible that she could have just -- disassociated is the term I use And what I mean by that is to -- the brain pushes them down so as she's not consciously aware of that
What I'm asking you is, isn't it possible for her during that time, after the abusive acts, after the attempted suicide, after she removes herself from the state, goes to a different school to get her GED, comes back, by the time -- and there's three years --
A Yeah
Q -- between 15 and 18 Isn't it possible that she could have disassociated those memories by that time?
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
A You're saying could her dissociative amnesia for that event begin when she was 18 years

Page 152

old?
BY MR EDWARDS
Q Could it begin at any point between 15 and 18?
MR QUISENBERRY Object to the form of the question
A I don't think so
BY MR EDWARDS
Q Well, when would it begin?
A Well, dissociative amnesia occurs in immediate conjunction with the abusive act itself, because that's -- that's when our brain finds it so alien and objectionable
Q So is it --
A If it happens, it happens with the immediate act
Q So it's your opinion that the following day, it would be out of her memory?
A Within the following -- within three or four days
Q Okay
A Yeah As it's forming and as that protective shield forms
Q Okay Is it your opinion then that having removed herself from all reminders and being gone

Page 153

for a period of time, is it your opinion that the memories of the abuse could not be disassociated during that period of time?
MR QUISENBERRY Object to the form
A That the memories of abuse could not be disassociated at that time?
BY MR EDWARDS
Q Is that what -- is that your opinion? So what I'm saying, you're saying within three or four days is what your opinion is as far as disassociating those memories And let's assume that she's abused on a Monday She goes and sees him in class on Tuesday, Wednesday, Thursday and Friday That would be a constant reminder of what happened?
A Yeah
Q She attempts suicide --
A Yeah
Q -- in the school in the classroom She then goes back to school for the remainder of the school year She's in that classroom --
A Yeah
Q -- in the very place where she -- those things happened
A Yes

Page 154

Q Constant reminders What I'm asking you is, once those constant reminders are removed --
A Yeah
Q -- and she is not anywhere near them, not near the house, not near the street, not near the school, not near the classroom, not near the people, a complete removal, during that period of time, is it your opinion that those memories cannot and would not be disassociated, the traumatic abuse memories?
A I'm saying --
MR QUISENBERRY Object to the form
A I'm saying the traumatic abuse memories would have formed more proximal to the abuse act itself
BY MR EDWARDS
Q Okay
A I'm saying that I cannot imagine from a psychological, psychiatric perspective that she would be there, be reminded, be aware of that abuse, see him --
Q Right
A -- et cetera, and then when she left town have the traumatic amnesia come upon her That makes no sense for me clinically
Q So is it your opinion that that can't

Page 155

happen?
A Right
Q Okay
A That is That's my opinion
Q All right
A May I go one step further? I believe that if it happened, if it happened, it would have happened relatively within the relative week or two after the activity and after the suicide attempt I suspect -- my hunch is -- well, I don't know this But I wonder how -- what is the proximity of the suicide attempt and the act itself? I don't know that I didn't see that anywhere
But those things, the amnesia, if it occurred, would have occurred more proximal to the event that was trying to be forgotten or --
Q Okay
A -- suppressed
Q And that is your opinion, but there is nothing, to your knowledge, in the medical records or the testimony or any other record that you can point me to that would show that she, in fact, remembered these events after the age of 18?
MR QUISENBERRY Object to the form of the question

Page 156

A That's correct
BY MR EDWARDS
Q Okay
A I think -- if I understand it, does she -- did she lose memory of -- did she -- was the memory still gone of the bad event when she became age 18? That's what you're asking me Is it?
Q I'm asking you if there's anything that you've reviewed by way of medical records, work record, deposition testimony, anything else that you can point me to that shows that she did, in fact, remember after the age of 18?
A I can't
MR QUISENBERRY Object to the form
A I can't
BY MR EDWARDS
Q And your opinion is based on what you've reviewed?
A On the records I've reviewed and my knowledge of the conditions
Q Okay And you reviewed Dr Brewerton's testimony?
A I did
Q All right Is there anything specific in his testimony that you disagree with?

Page 157

A Well, I was struck by his diagnosis after he did his things with her
Q Uh-huh
A His major diagnoses were major depression, dysthymia, PTSD, social phobia, binge eating disorder and then the personality traits that he got from his -- another one of his measures was paranoid -- these are traits, paranoid, schizoid, obsessive compulsive, depressive and avoidant And it's a fairly lengthy array of symptoms and conditions -- related conditions
Dr Brewerton and I see dissociative amnesia, dissociative disorders, we see it differently
Q How so?
A Well, he is -- he is more of a prophet -- or he believes more strongly that those things exist than I do or many of the people in my field in the general area Dr Brewerton is a very smart clinician He knows a lot about dissociative disorders He knows a lot about eat- -- and he's well-known for his eating disorder work, pretty nationally and internationally known
You may not know this, but he had a TV series Do you know about that?
Q I did not know that

Page 158

A He had a TV series called Ruby
Q Oh, yeah Right
A He mentions it in the deposition briefly
Q Yeah
A And it was one of these reality things, and he helped the production of it, and I think he was in it a few times And it dealt with some people who are both overweight and had dissociative episodes
He just sees it a lot more than I do out there, and I think -- I think I'm probably in the majority of people these days Tim Brewerton has been working on this for a long time, the dissociative eating disorder stuff
Q Okay So you-all just see the disorder differently Is that --
A We see the frequency of it differently, yes
Q Okay And you were struck by the diagnoses, and what about them -- is there any that you would say are incorrect?
A I wouldn't say any of them are incorrect There is just a lot of them -- I mean I think that -- and I haven't seen the patient So I -- I can't diagnose an imaginary patient if I haven't

Page 159

seen her, but I was struck with a number of them
Q Okay How were you struck? In what way? Is that more than you would normally expect?
A Yeah Several diagnoses, lots of diagnoses We tend -- I mean this is -- this is one, two, three, four, five major diagnoses, Axis-I diagnoses You know about Axis-I?
Q Sure
A Those are five Axis-I diagnoses and five Axis-II traits I'm not sure that's Axis-II Five Axis-I diagnoses
Q Okay And what does that -- can a person not suffer from all of those things?
A I guess they can
Q Okay
A But it would usually be somebody who is not functional, you know It would be housebound and so forth
Q All right Now, you were also asked about the PTSD being solely related to the abuse from Smith Do you remember that?
A Yeah
Q And you said that didn't make sense that it would be solely attributable to that -- to one active abuse

Page 160

A And lie quietly for 18 years
Q Okay But --
A Did I say it didn't make sense? Was that my --
Q I thought that's what you said
A No What I said was it's likely it could be related to several things, but it's -- the fact that it laid quietly for 18 years defies my understanding of PTSD
Q Okay But the psychological effects of abuse, regardless of the age, there's certainly a psychological effect on a person --
A Absolutely
Q -- no matter if they're 4, 12, 15 --
MR QUISENBERRY Object to the form of the question
MS JACKSON Same objection
A Absolutely
BY MR EDWARDS
Q Okay Now, divying it up is arguable --
A Yeah
Q -- in any number of ways? You agree with that?
MR QUISENBERRY Object to the form
A Yes

Page 161

BY MR EDWARDS
Q But certainly, the suffering of the traumatic event is something that has to be dealt with?
A Yes
Q Okay Now, do you agree that dissociative amnesia is a defense mechanism for a person --
MR QUISENBERRY Object to the form
A I do
BY MR EDWARDS
Q -- to cope with the traumatic event?
A I do
Q All right If the person is not mentally capable of coping with that event, and that results in them disassociating, isn't it also another defense mechanism that that person will keep their mind occupied, for a lack of a better word, with other issues, other issues in their life -- other eating disorders, conflict with superiors, things like that, so as to deal with those things without having to deal with the underlying traumatic event?
MS JACKSON Objection
MR QUISENBERRY Object to the form
A I can't see -- from a clinical perspective, I can't see an explanation, a

Page 162

psychological, psychiatric explanation of Ms [redacted] having this episode with Charles Smith and then having it lie fallow while she was doing the rest of her life and so forth I just -- I mean that doesn't make sense to me I see what you're saying
BY MR EDWARDS
Q If she goes on with life and continues to have conflict and is only dealing with those surface conflicts, she would never then be dealing with the disassociated memory?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
A I fear that's too simplistic an explanation of why that amnesia may have remained all those years That just doesn't make sense to me It doesn't make sense to me that she would have that automatic unknowing control over the suppression of that knowledge
BY MR EDWARDS
Q Well, she wouldn't have control over it It would be a subconscious --
A Well, she'd have to keep it suppressed
Q Right Which happens without the control of the individual, correct?
A Short term, less longer than 18 years

Page 163

Q Okay But it's not -- the way it works, as I understand it, is the dissociative memory is not in your conscious awareness And my question to you is if their conscious awareness, their conscious memory bank is occupied with continuous other conflict and other issues, doesn't that make it more likely for the disassociated memory that's not in the conscious awareness, how does that come into the conscious awareness whenever it's occupied with all these different things?
A Yeah I don't think that's the way it happens
Q What do you base that on?
A Again, my clinical judgment and what knowledge I have about the suppression of a conflict and the suppression of associated PTSD symptoms
Q Okay I may be finished If you could just give me one second
You were asked also earlier about the emotional -- I asked you about emotional responses and emotional events and memory recall, and then you were asked again about that And you were given the example of the police officer not remembering how many times they fired Do you remember that?
A I didn't hear that last phrase you said

Page 164

Q You were given an example about a police officer firing their weapon and not remembering the number of times that they --
A Yes
Q That they had fired that
A I do remember that
Q Is it -- and I guess my question deals less with the details, the specific kind of collateral details, such as I fired my weapon three times, or I fired my weapon five times, or I was abused on January the 8th, I was abused on December 4th, things like that
A Yes
Q My question is, does -- while the details, those types of details may be a bit fuzzy, the act itself that produces and is associated with the emotional response, that memory, isn't that more likely to be recalled and be more likely to be accurately recalled unless it's to such a degree and so traumatic that it cannot be properly processed in the mind so the person can function on a normal level, in which case, it's then disassociated and out of conscious awareness?
MR QUISENBERRY Objection to the form
MS JACKSON Objection

Page 165

BY MR EDWARDS
Q It's a long, wordy question
A Yeah
Q I'll break it up Isn't the emotional response or the memory associated with the emotional response, aren't those more likely to be recalled and to be recalled accurately?
MR QUISENBERRY Object to the form
A More accurately than --
BY MR EDWARDS
Q Than a non-emotional response -- traumatic, non-emotional --
A Yes And, well, go ahead
Q So the fact that the officer fires his weapon and maybe killed somebody is something that they're typically going to remember versus I ate eggs and bacon for breakfast --
A Yes
Q -- last Tuesday?
A Yes
Q Okay And that's -- that's the way it works, except up to a point And then there's a point where that event that's got the emotional association and the emotional response associated with that event, up until the point where it's so

Page 166

traumatic that the person cannot deal with it and cope on a normal function level, that -- and then at that point, it's disassociated, and the person no longer recalls it?
MR QUISENBERRY Object to the form
MS JACKSON Objection
BY MR EDWARDS
Q Is that -- that's my understanding of how the dissociative amnesia works and how the general memory process works Is that a fair statement?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A That's a fair statement
BY MR EDWARDS
Q Okay And of course a child being young, not as many experiences to have to lean on so as to process emotional events, are more or are not more likely to disassociate traumatic events?
MR QUISENBERRY Object to the form
MS JACKSON Same objection
MR QUISENBERRY He's already said how the child and adolescents are distinguished He's already said that
BY MR EDWARDS
Q Okay Well, let's start with child

Page 167

A Ask me that question --
Q Child more or less likely to disassociate a traumatic event than an adult?
A I think I would say the child is more likely to disassociate an event
Q Okay
A Traumatic event
Q Okay Now, that child who disassociates a traumatic event does not ever properly learn or is taught or is otherwise knowledgeable about how it is that they're -- that you are to process strong emotional events then becomes an adolescent What is it about the fact that a person becomes an adolescent makes them more likely or less likely to disassociate? Isn't it very individual specific?
A Yes
Q Okay
MR QUISENBERRY Object to the form
BY MR EDWARDS
Q So generally speaking, an adolescent with perhaps a normal childhood, under your definition 7, 8, 9 years old, would be less likely to disassociate a traumatic event at age 15?
A Yes
Q Is it your opinion, on the other hand,

Page 168

however, that a child who did not have a normal childhood up to 7, 8, 9 years old, did not learn how to properly handle emotional events and traumatic experience, wouldn't that person be more likely to disassociate as an adolescent as well?
MR QUISENBERRY Object to the form
MS JACKSON Object to the form
A I would say that that person would be more vulnerable to the possibility of a dissociative amnesia in the face of trauma
BY MR EDWARDS
Q Okay
A More vulnerable
Q More vulnerable?
A Yeah
MR EDWARDS Okay That's all I have
MR QUISENBERRY All right Let's take a break real quick
(There was a pause in the proceedings)
MR QUISENBERRY I think we're done
MR EDWARDS Let's put on the record what it is, just because -- for my own recollection, the things that we talked about earlier, you getting and providing to --
THE WITNESS The things I'm going to

Page 169

provide I'm going to get a list of publications
MR EDWARDS Right
THE WITNESS That will address this topic in a broad sense and that pertain to this particular subject, dissociative amnesia, et cetera I'll get those to you It may take me two or three days
MR QUISENBERRY That's fine
MS JACKSON Actually, send them to Brian, and Brian will turn -- that way, Brian can make copies for everybody
THE WITNESS Yeah What my plan is to not necessarily get a copy of the paper but just the title of it
MS JACKSON That's fine You can get it to Brian, and he can get all that information to all three of us
MR EDWARDS And also, if you could obtain any transcripts of your testimony, prior testimony
THE WITNESS Prior testimony?
MR EDWARDS Yeah
THE WITNESS I really -- in many instances, I don't always read the deposition, but I read depositions, and then I put it in a shredder, you know, once the case is over

Page 170

MR EDWARDS Well, I'll tell you who doesn't do that, and that's the lawyer that you were retained by A quick phone call will take care of that
THE WITNESS Yeah Any available
MR QUISENBERRY He'd like to read and sign
(Deposition was concluded at 1 47 p m)

Page 171

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, Trisha G Rarick, a Court Reporter and Notary Public of the State of South Carolina at Large, do hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth and nothing but the truth in the within-entitled cause, that said deposition was taken at the time and location therein stated, that the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed by computer-aided transcription, that the foregoing is a full, complete and true record of the testimony of the witness and of all objections made at the time of the examination, and that the witness was given an opportunity to read and correct said deposition and to subscribe the same

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed himself of the opportunity to sign or the signature has been waived

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof

Witness my hand, I have hereunto affixed my official seal on _____, 2012, at Charleston, Charleston County, South Carolina

Trisha G Rarick
Court Reporter

My commission expires
April 9, 2019

Page 172

CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript

R LAYTON MCCURDY, M D

EXPERT MEDICAL ACTIVITY

LAYTON, McCURDY, M.D.

Ulrich v. Greenville Hospital System	*Haynsworth, Sinkler and Boyd (Purnell)*	Testimony	2002
Ho vs. SC Dept. of Mental Health	*McDonald, Patrick, et a Baggett*	Deposition.	2004
Ooi vs. Food Lion	*McNair*	Deposition	2004
Cannon v. Andrews	*Thomas Balenchia, Hudson*	Deposition	2006
Passariello v. SC Dept. of Mental Health	*McNair, Doar*	Deposition	2006
Donaldson v. GHS	*Haynsworth, Sinkler and Boyd (Oxner)*	Deposition	2008
McDonald v. Craddock	*H W Paschal, Jr*	Deposition	10/9/2008
Tompkins v. Self Memorial	*McDonald Patrick (Baggett)*	Deposition	10/10/2008
Blasberg v. Ridgeview Institute	*Joseph Watkins et al Atlanta*	Deposition	1/9/2009
Crawford v. CCBH	*Haynsworth, Sinkler and Boyd (Ben Alexander)*	Deposition	1/16/2009
McDonald v. Craddock et al	*Pat Paschal*	Testimony	9/11/2009
Thomas v. Coca-cola	Nelson, Mullins et al (Mark Philips	Deposition	12/8/2009

PLAINTIFF'S EXHIBIT 1 McCurdy 4-11-12 tr

PENGAD 800-631-6989

CURRICULUM VITAE
Layton McCurdy, M.D.

DATE AND PLACE OF BIRTH: August 20, 1935, Florence, South Carolina

SOCIAL SECURITY NUMBER: 097-32-6535

LICENSURE. South Carolina (#4465) (current)

MILITARY SERVICE: Surgeon (Lt Commander) - PHS #22144
U.S. Public Health Service, 1964-1966

FAMILY INFORMATION: Spouse: Gwendolyn A. McCurdy (married 1958)
Children: Robert L., Jr , 6/9/59
David Barclay, 2/3/62

EDUCATIONAL BACKGROUND:
Florence, South Carolina Public Schools, 1941-1953
University of North Carolina, 1953-1956
Medical University of South Carolina (MUSC), 1956-1960, M.D.
Rotating Internship, 1960-1961 MUSC
North Carolina Memorial Hospital, Chapel Hill, NC; Psychiatric Residency, 1961- 64
Columbia University Psychoanalytic Clinic (Atlanta Branch), Psychoanalytic Trainee, 1967-1968

BOARD CERTIFICATION:
American Board of Psychiatry and Neurology, #9269, (Psychiatry, 1967)

POSITIONS:
National Institute of Mental Health, Psychiatry Training Branch, Bethesda, Maryland, July 1, 1964 - June 30, 1966
Assistant Professor, Department of Psychiatry, Emory University School of Medicine, July 1, 1966 - March 15, 1968
Professor and Chairman, Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina, March 15, 1968 - June 30, 1982
(Adjunct) Professor of Behavioral Sciences, College of Dental Medicine, Medical University of South Carolina, July 1, 1973 - June 30, 1982
Visiting Professor, Institute of Psychiatry, University of London, July 1, 1974 - June 30, 1975
Director, Department of Psychiatry, Pennsylvania Hospital, July 1, 1982 - June 29, 1990
Psychiatrist-in-Chief, The Institute of Pennsylvania Hospital, July 1, 1982 - June 29, 1990
Clinical Professor of Psychiatry, University of Pennsylvania School of Medicine, July 1, 1982 - June 29, 1990
Vice President for Medical Affairs and Dean, MUSC, July 1, 1990 - 2001
Professor of Psychiatry, MUSC, 1990 to 2004
Distinguished University Professor, MUSC, 2004-present
Dean Emeritus, MUSC, College of Medicine, July 1, 2001 to present

PLAINTIFF'S EXHIBIT 2
McCurdy
4-16-12 FR
PENGAD 800-631-6989

MEMBERSHIPS

American Board of Psychiatry and Neurology (President 1990-1991)
(Director), 1983-1991

American College of Psychiatrists (President 1993-1994)
Chairman, Stanley Dean Award Committee, 1984-1987
Board of Regents, 1987-1990
Vice President, 1990-1993
Chairman, Committee on Nominations, 1992-
Chairman, Committee on Long-Range Planning & Policy, 1998-2001
By-Laws Committee - March 2001 - February 2004
Committee on Ethics - March 2004-March 2007
Chairman, Committee on Ethics - March 2004 - February 2005

American Psychiatric Association (Distinguished Life Fellow)
Chairman, Task Force on Self-study Materials, 1978-1981
Liaison, SREB Manpower Distribution Project, 1978-1984
Chairman, Joint Commission on Public Affairs 1981-1984
Chairman, Committee on Diagnosis and Assessment, 1988-1994

American Association of Chairmen of Departments of Psychiatry, 1968-82 (President 1979-1980) Executive Committee, 1969-1971, 1979-1982

Association for Academic Psychiatry (President 1970-1972)
Delegate to Council of Academic Societies, 1977-1981

Benjamin Rush Society, 2003

Charleston County Medical Society
Executive Committee, 1991-1999

Royal College of Psychiatrists, elected Fellow 1989

South Carolina Medical Association

Southern Psychiatric Association (Fellow)
Program Committee, 1971 and 1976
Committee for selection of resident award, 1977-1981
Board of Regents, 1977-1980
Chairman, Board of Regents, 1979-1980

Waring Library Society
Executive Council, 1977-1982
Secretary-Treasurer, 1977-1978
President, 1979-1980, 2004-2005
Life Member, 1998

EDITORIAL BOARDS

Member

Psychiatry Digest (Europe)
Clinical Advances in the Treatment of Depression
Dissociation Progress in the Dissociative Disorders
American Journal of Drug and Alcohol Abuse
Academic Psychiatry

Invited reviewer.

Southern Medical Journal
American Journal of Psychiatry
Archives of General Psychiatry
Journal of Neuropsychopharmacology
Academic Medicine
Academic Psychiatry

NATIONAL APPOINTMENTS

National Advisory Mental Health Council, (NIMH) 1980-1983,
Secretary 1981-1983
NIMH, Mental Health Services Research Review Committee, 1970-1974,
Chairman, 1974
NIMH, Drug Abuse Training Grants Review Committee, 1972
Veterans Administration Merit Review Board for Behavioral Sciences (research review committee) Washington, DC. 1974-1975
NIMH, Psychiatry Education Branch, Rockville, Maryland
Consultant and Site Visitor, 1975-1978
Review Committee Member, 1978-1980
NIAAA, Training Branch, Rockville, Maryland
Consultant and Site Visitor, 1976-1981
National Board of Medical Examiners Part III Committee, 1978-1982
Project Future - Academy of Child Psychiatry Planning Task Force,
1980-1981
VISTA, Washington, DC, Consultant, 1967-1968
Chairman, NIH Consensus Panel on Panic Disorder (September 1991)
AAMC Advisory Panel on the Mission and Organization of Medical Schools (APMOMS), (1994-98)
Chairman, Working Group on Fulfilling the Social Contract
Department of Veterans Affairs, CARES Commission, 2003-04
Department of Defense, Task Force on Mental Health, 2006-07

HONORS AND AWARDS.

Alpha Omega Alpha
Distinguished Alumnus Award, MUSC, 1988
George C. Ham Society Distinguished Alumni Award 1990 (University of North Carolina)
Bowis Award for Service to the American College of Psychiatrists, 1997
Earl Higgins Achievement in Diversity Award, MUSC, 1999
SELAM Inernational Award in recognition of support and dedication to the advancement of women in academic medicine, 2000
Recipient of The Humanatati Award, for life long work to aid and better the human condition, La Societe Francaise, 2002
Frank H Luton Lecturer, Vanderbilt University, Nashville, TN, 1983
Waring Memorial Lecturer, MUSC, 1985
Eaton Memorial Lecturer, Harrisburg State Hospital, Harrisburg, PA, 1985
Biele Memorial Lecturer, Jefferson Medical College, Philadelphia, PA, 1986
Research Fellowship, NIMH, 1974-1975
Annual James H. Carter, Si Lecture, Department of Psychiatry,
Duke University Medical Center February 2003
Best Doctors in America, 2003-present
Who's Who in America, 2001-present

VISITING PROFESSORSHIPS:
Department of Psychiatry, University of North Dakota, October 1971
Department of Psychiatry, University of Wisconsin, June 1973
Department of Psychiatry, University of North Carolina. December 1972
Department of Psychiatry, University of West Virginia, March 1973
Department of Psychiatry, University of South Alabama, March 1974
Department of Psychiatry, University of Manchester (England), May 1975
Department of Psychiatry, University of Vermont, January 1978
Department of Psychiatry, Louisiana State University, October 1982
Department of Psychiatry, Vanderbilt University, April 1983
The Institute of Living, Hartford, Connecticut, November 1984
Department of Psychiatry, Harvard University, February 1985
Department of Psychiatry and Human Behavior, Jefferson Medical College, March 1986
Timberlawn Psychiatric Hospital, Dallas, April 1987
Department of Psychiatry, Emory University, Atlanta, May 1988
Department of Psychiatry, University of Texas Health Sciences Center,
San Antonio, March 1992
Department of Psychiatry, University of Kentucky, Louisville, June 1999
Department of Psychiatry, Duke University Medical Center, Durham, North Carolina, 2003
John Umstead Hospital, Raleigh, North Carolina, February 2003

CIVIC, SOCIAL AND OTHER ACTIVITIES

Board of Commissioners of the Charleston Orphan House, 1978-1982
Commission on the Ministry, Episcopal Diocese of South Carolina, 1972-1981
Board of Director, St John's Mission Center, Charleston, SC, 1976-1979
Chairman, 1978-1979
Administrative Board, Charleston Area Mental Health Center, 1969-1971
Ex-officio, 1972-1982
Chairman, Professional Advisory Committee, South Carolina Mental Health Association, 1969-1972
Administrative Board and Community Advisory Council, Fetter Family Health Center, Charleston, SC, 1975-1976
Pennsylvania Advisory Committee for Mental Health and Mental Retardation (Governor's Appointee) 1984-1987
Mental Health Committee of the Mayor's Commission on Health in the 80's - City of Philadelphia, 1982-1983
Mayor's Advisory Committee for Health Emergencies, Philadelphia, 1985 - 1987
Advisory Board, Dorothy Rider Pool Health Care Trust, Allentown, PA, 1987-1990
Charleston Board of Directors, C & S National Bank, 1990-1992
Bank of American (NationsBank) Advisory Board, 1993-2002
Board of Directors, Trident United Way, 1994
Board of Directors, Charleston Trident Chamber of Commerce, 1994
Board of Advisors, Curesource, Inc , 2004-2008
Board of Directors, South Carolina Aquarium, 1992-2007
Education Committee, 1996-present
Chairman, Education Committee, 2003-04
Chairman, Governance Committee, 2004-2007
Vice Chairman, 2004-2007
Board of Directors, Carolina Art Association/Gibbes Museum of Art, 1998-present
President, 2004-2006
Chair, Collections Committee, 2001-2003
Board of Directors, Darkness to Light, 2002 – 04
Chair, National Advisory Committee, 2004-present
Chair, Task Force on Research Investment for the South Carolina Council on Competitiveness, 2004-05
Chair, SC Commission on Higher Education, 2005-2008
Member, Board of Directors, Bishop Gadsden Retirement Community, 2006-Present

Cosmos Club (Washington, DC), 1978-present
Union League (Philadelphia), 1984-1990
Philadelphia Club (Philadelphia), 1988-1990
Carolina Yacht Club (Charleston) 1993-present
The St Andrews Society (Charleston) 2002-present

PUBLICATIONS:

McCurdy, L , and Kane, F.J. Orthostatic hypotension association with high dosage of Librium American Journal of Psychiatry, 120:601-602, 1963

Kane, F J., and McCurdy, L. An unusual reaction to combined Librium - barbiturate therapy American Journal of Psychiatry, 120 816, 1964

McCurdy, R L , Prange, A J., Lipton, M.A. and Cochrane, C M Effects of Aldomet, reserpine, and DOPA on pressor responses to norepinephrine and tyramine in humans. Proceedings of the Society for Experimental Biology and Medicine,116 1159-1163,1964

Thurnblad, R.J , and McCurdy, L Human behavior for the student physician Journal of Medical Education, 42 158-162, 1967

Prange, A.J , McCurdy, R.L , and Cochrane, C.M the systolic blood pressure response of depressed patients to infused norepinephrine. Journal of Psychiatric Research, 5 1-13, ////

McCurdy, L. The family physician in the community mental health center. Journal of the Mississippi Medical Association, 8·604-607, 1967

Prange, A.J , French, F S., McCurdy, R L., Van Wyk, J J , and Lipton, M A. Drug responses in hyperthyroid children suggesting an endogenous false transmitter. Clinical Pharmacology and Therapeutics, 9 195-203, 1968

McCurdy, L., Blanton, E , and Caston, C Suicide in South Carolina: 1955-66. Journal of the South Carolina Medical Association, 65.76-80, 1969

Miller, W.C , and McCurdy, L Lithium carbonate: A new drug in the treatment of manic-depressive psychosis. Journal of the South Carolina Medical Association, 66·315-317, 1970

McCurdy, L. Some observations about community mental health center programs and psychiatry departments. Psychiatric Forum, 1 38-43, 1970

Shurley, J T., McCurdy, L , Miller, W C., and Pishkin, V. The air-fluidized ceramic bead bed A psychophysiological sleep augmenter. (Abstract) Psychophysiology, 7.355, 1971

Miller, W.C , Marcotte, D B , and McCurdy, L. A controlled study of single-dose administration of imipramine pamoate in endogenous depression Current Therapeutic Research, 15:700-706, 1973

Randels, P M , McCurdy, L., Powell, W.S , Kilpatrick, D G , and Keeler, M.H (Eds) The Psychiatry Learning System· A Multimedia Self-Instructional Course in Basic Psychiatry, Charleston, SC Medical University of South Carolina Press, 1974

Hoyme, J B , Miller, W C., and McCurdy, L. Psychophysiological Disorders. Randels, et al (Eds), The Psychiatry Learning System, Charleston, SC: Medical University of South Carolina Press, 1974

Randels, P.M , and McCurdy, L. Neuroses Randels, et al (Eds) The Psychiatry Learning System, Charleston, SC: Medical University of South Carolina Press, 1974

McCurdy. L , and Randels, P M. Anxiety and Defense Mechanisms of the Ego. Randels et al (Eds), The Psychiatry Learning System, Charleston, SC· Medical University of South Carolina Press, 1974

McCurdy, L The Right to Treatment· Is there no balm in Gilead? Journal of the South Carolina Medical Association, 70 253-256, 1974

Randels, P M , Keeler, M H., Kilpatrick, D.G., McCurdy, L., and Powell, W.S. Effects of changing educational requirements on teaching psychiatry Southern Medical Journal, 67.973-976, 1974

Keeler, M H., and McCurdy, L Medical practice without anti-anxiety drugs. American Journal of Psychiatry, 132.654-655, 1975

Randels, P.M , Kilpatrick, D G., McCurdy, L., and Saunders, P. Comparative analysis of the Psychiatry Learning System and traditional teaching of psychiatry. Journal of Medical Education, 51 751-757, 1976

Gentil, V , McCurdy, L., Alevizos, B., and Lader, M.H. Effects of adrenaline injections on human platelet monoamine oxidase and related measures Psychopharmacology, 1976

McCurdy, L. Commentary-Self instruction: other applications. Southern Medical Journal, 70:523-524, 1977

McCurdy, L Current Conflict in British Medicine: Warning or Blueprint? Journal of the South Carolina Medical Association, 73, 1977

McCurdy, L., and Villeponteaux, L Personality and ego defenses. L. Villeponteaux and D. Kilpatrick (Eds) The Correctional Learning System, Charleston, SC: Deligamus, 1978

McCurdy, L , Schatzberg, A.F Studies with oral lorazepam in anxiety neurosis associated with depressive symptomatology Journal of Clinical Psychiatry, Section 2, 39:30-34, 1978

McCurdy, L. Lorazepam, a new benzodiazepine derivative, in the treatment of anxiety. A double blind clinical evaluation. American Journal of Psychiatry, 136 187-190, 1979

Santos, A., and McCurdy, L. Delirium after abrupt withdrawal from Doxepin: Case Report American Journal of Psychiatry, 137·239-240, 1980

McCurdy, L. The short term use of benzodiazepines Arzneimittel-Forschung· Drug Research, 30 895-897, 1980

Randels, P., Villeponteaux, L., Marco, L., McCurdy, L , and Shaw, D (Eds) The Psychiatry Learning System (Revised Edition), Chapel Hill, NC: Health Sciences Consortium, 1982

Randels, P , and McCurdy. L Psychiatric Evaluation P M. Randels et al (Eds.) The Psychiatry Learning System (Revised Edition), Chapel Hill, NC: Health Sciences Consortium, 1982

DeAntonio, M , McLaulin, B , and McCurdy, L Psychodynamic considerations and defense mechanisms. P M Randels et al (Eds.) The Psychiatry Learning System (Revised System), Chapel Hill, NC· Health Sciences Consortium, 1982

McCurdy, L Repeated Single Dose Regimen An Approach to the Treatment of Anxiety Benzodiazepines in the Eighties. Eve of Change, New York, New York Biomedical Information, 1982

Kilpatrick, D., McAlhany, D , McCurdy, L , Shaw, D and Roitzsch, J. Brief Report Aging, Alcoholism, Anxiety and Sensation Seeking An Exploratory Investigation. Addictive Behaviors, 7:97-100, 1982

Resick, P A., Shaw, D.L., Kilpatrick, D G , McCurdy, L , and Randels, P.M. The Relative Effectiveness of Personality and Academic Measures in the Prediction of Psychiatry or Non-psychiatry Medical Specialty Preferences Journal of Psychiatric Education, 6:246-256, 1982

McCurdy, L. Benzodiazepines in the treatment of acute anxiety Current Medical Research and Opinion, Vol. 8, Suppl. 4, pp. 115-119, 1984

Miller, Jr , W.C , and McCurdy, L. A Double-Blind Comparison of the Efficacy and Safety of Lorazepam and Diazepam in the Treatment of the Acute Alcohol Withdrawal Syndrome Clinical Therapeutics, Vol. 6, No. 3, pp. 364-371, 1984

Wohlreich, M.M. and McCurdy, L. Affective Disorders In Conn R B , Current Diagnosis W.B Saunders Company, 1985

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McCurdy, L. Introduction to Special Section on Violence of Bulletin of the American Academy of Psychiatry and the Law, 16.2, 1988

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McDermott, J.F., Tanguay, P.E , Scheiber, S C , Juul, D , Shore, J H , Tucker, G J , McCurdy, L. and Terr, L C. Reliability of the Part II Board Certification Examination in Psychiatry· Interexaminer Consistency, American Journal of Psychiatry, 148 1672-1674, 1991

McDermott, J F , Tanguay, P E , Scheiber, S C , Juul, D., Shore, J.H., Tucker, G J., McCurdy, L and Terr. L C Reliability of the Part II Board Certification Examination in Psychiatry. Examination Stability, American Journal of Psychiatry, 150 (7) 1077-1080, 1993

Lackland, D.T., McCurdy, L., Bailey, W.P., Corley, E.H., Hudson, M.B., Zoller, J S Excess Stroke Mortality in Rural Populations. A Need for Access to Primary Care and Alternate Medical Care Services. American Journal of Hypertension, 8.34-A, 1995

Arana, G W., and McCurdy, L. Realigning the Values of Academic Health Centers· The Role of Innovative Faculty Management. Academic Medicine, 70 (12)·1073-1078, 1995

McCurdy, L.· Assessing Today's Applicants Academic Medicine, 72:1023-1024. 1997

McCurdy, L , Goode, L D , Inui, T.S., Daugherty, R M , Wilson, D.E , Wallace, A G., Weinstein, B.M . and Copeland, E.M. Fulfilling the Social Contract between Medical Schools and the Public Academic Medicine, 72 1063-1070, 1997

Faulkner, L R and McCurdy, L. The Medical Workforce in South Carolina: Its Current Status and a Look to the Future The Journal of the South Carolina Medical Association. 94 (5):223-229, 1998

Faulkner, L R. and McCurdy, L. The Supervision of Medical Education in South Carolina: Past, Present and Future. The Journal of the South Carolina Medical Association. 94 (8):354-361, 1998

Faulkner, L.R. and McCurdy, L. Teaching Medical Students Social Responsibility: Perspectives and Questions Academic Medicine. 75 (4)·346-350, 2000

Blue, A V , Garr, D., Del Bene, V , and McCurdy, L. Curricular Renewal for the New Millennium at The Medical University of South Carolina College of Medicine. The Journal of the South Carolina Medical Association. 96:22-7, 2000.

Faulkner, L R. and McCurdy, R.L Teaching Medical Students Social Responsibility: The Right Thing To Do. South Carolina Medicine. 13 (1). 10-11, 2001

Medio, F.J , Arana, G.W and McCurdy, R L Implementation of a College-wide GME Core Curriculum Academic Medicine. 76 (4): 331-336, 2001

Page 1

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY

DEPOSITION OF ROBERT BOHNSTENGEL
30(b)(6) JAMES ISLAND HIGH SCHOOL

JANE DOE,

Plaintiff,

Case No 2010-CP-10-7699

vs

CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH,

Defendants

DEPONENT ROBERT BOHNSTENGEL
DATE July 16, 2012
TIME 9 00 AM
LOCATION Young Clement Rivers
25 Calhoun Street
Charleston, South Carolina

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Page 2

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Page 3

INDEX

	Page
EXAMINATION	
By Mr Edwards	4, 102
By Mr Quisenberry	98, 114
By Ms Jackson	116
Certificate of Reporter	118

EXHIBITS

	Page
EXHIBIT NO 1	4
EXHIBIT NO 2	57
EXHIBIT NO 3	63
EXHIBIT NO 4	71
EXHIBIT NO 5	72
EXHIBIT NO 6	72
EXHIBIT NO 7	74
EXHIBIT NO 8	75
EXHIBIT NO 9	78
EXHIBIT NO 10	83
EXHIBIT NO 11	117
Requested Information	78
Requested Information	92

Page 4

ROBERT BOHNSTENGEL,
having been first duly sworn, was examined and testified as follows

EXAMINATION

BY MR EDWARDS

(Exhibit No 1 was marked for identification)

Q State your name for the record, please?
A Robert E Bohnstengel
Q And what is your position at James Island High School?
A I'm principal at James Island Charter High School
Q Can you spell your last name?
A B-o-h-n-s-t-e-n-g-e-l
Q How long have you been a principal?
A Since 2005
Q What did you do before 2005?
A I was assistant principal at James Island Charter High School beginning in 1998
Q How long have you been at James Island High School?
A Since 1998
Q Any other positions you have held other than assistant principal and principal?

Page 5

A In Charleston County?
Q At James Island High School
A No, that's it
Q Have you held other positions in Charleston County?
A Yes I was principal at Charlestowne Academy from '97 to '98
Q And where were you in the '87 and '88 and '89 school year?
A Jasper County High School
Q In Jasper County, South Carolina?
A Yes
Q I am going to hand you what has been marked as Plaintiff's Exhibit Number 1 And it's a cover letter with the Second Amended Notice of the 30(b)(6) deposition of James Island High School
Have you ever seen this?
A No, I have not
Q In preparation for today's deposition, have you met or spoke with anybody other than your attorney?
A Concerning this deposition?
Q That's right
A No
Q And you brought with you a stack -- what did

Page 6

you bring with you? Can you tell me what it is?
A That's a copy of the James Island Charter High School Manual
Q And these are policies specific to the school?
A Yes
Q How do they differ in any way from Charleston County policies?
A They differ -- some of the policies differ slightly, but they were patterned after the Charleston County School District policies
Q Can you give me an example of one that's different?
A There are -- in personnel areas, there are policies that apply to teachers who were hired after we converted to a charter school
Q I see
A As opposed to teachers who were there before we were a charter high school
Q Okay Now, anything -- any glaring differences in the way those teachers are handled?
A No
Q They're not given any additional leeway on any student-related policies, are they?
A No

Page 7

Q Now when were these policies set out?
A Beginning 2003, they were drafted
Q Okay Who drafted them?
A The charter high school board of directors at that time in cooperation with the principal at that time
Q And were you the principal at that time?
A No, I was not
Q Who was the principal at that time?
A Dr Nancy Gregory
Q And she was then a superintendent, was she not?
A No She was principal
Q What does she do now?
A She's retired
Q Do you know whether or not there are any teachers at James Island High School now who were teachers in the late 1980s at James Island High School?
A There are -- to the best of my recollection, there are a few teachers that were at James Island High School in the late '80s
Q Can you tell me their names, please?
A I can think of two Alma Davis
Q What does she teach?

Page 8

A She teaches science And Dorothy Meek possibly
Q Meek?
A M-e-e-k Yes
Q Any other staff, administrators, anybody else you can think of that have been there since the '80s?
A Staff would have been Lynn Shaddrix
Q Anybody else?
A Those are the only ones that I can think of
Q Is Lynn Shaddrix your secretary?
A She's the administrative assistant, yes
Q To the principal?
A Yes
Q Did you discuss this with her at all?
A Discuss it? I told her I was going to the deposition, and she knows what the deposition is about because my understanding is that she was deposed also
Q Did you-all talk about that?
A No, we did not
Q Do you know why it was that she was deposed? Did she say anything about that, what her involvement was?
A Other than we're both familiar with what --

894

Page 9

well, of course, who it is that is the defendant in this case and looking for teachers or staff members who were at the school at that time who might have some knowledge of Charlie Smith and his role as a teacher at the school

Q And you-all -- could you come up with anybody, other teachers that may know Smith, what he did at the school, things like that?

A We didn't come up with anybody We weren't discussing something specific to the case other than they were -- there might be people that were at the school and that might be questioned and --

Q And that's what I'm asking Who those people might be

A And Alma Davis and Dorothy Meek are the people I can think of I was not there, you have to understand, at James Island High School at the time I would have known that Dorothy and Alma were there at the time because I have been at James Island High and Charter High since '98 and have got to know them They are both on the leadership team, so I got to know them

Q Are you familiar with the policies and procedures of the school in the late 1980s?

A No, I'm not

Page 10

Q Do you know anything about what the allegations are in this case?

A Yes

Q Okay Tell me what your understanding of the allegations are

A That Charlie Smith had inappropriate contact of a sexual nature with a student

Q Do you know when that is alleged to have occurred?

A Sometime in the late '80s

Q And you became aware of that at some point as principal, didn't you?

A Yes, I did

Q What year was that approximately?

A 2007

Q How did you become aware of that?

A I received a phone call -- if I remember correctly, from Dr Beverly Varnado

Q Who is that?

A I knew Beverly Varnado prior to 2007 as an associate superintendent at Calhoun Street, Charleston County School District

Q Can you spell Varnado?

A V-a-r-n-a-d-o-e (sic)

Q Just for her benefit and for our own, she's going to be transcribing it and names and spellings and things like that will save some time at the end

Along those lines, have you ever been deposed before?

A Yes

Q So you are generally familiar that we need verbal responses, try not to talk over each other and things like that And if you need a break or anything like that, just let me know If you don't understand a question, ask me for clarification and not your attorney or anybody else Do you understand all of those instructions?

A Yes, I do

Q Now, Beverly Varnado you got a phone call from her I think you were saying?

A Yes

Q Tell me about that

A Dr Varnado called me and told me she needed to talk to me about some information that the district had received concerning Charlie Smith That a member of the board at that time, of the Charleston County School Board, had received information that there was going to be a complaint filed about his behavior with a student from

Page 12

sometime in the late 1980s And that the former student was engaging legal counsel at that time and that we may be getting some kind of summons, a complaint of some sort, and that I would be receiving a letter soon affirming all of this that was happening

Q A letter from?

A Sue Holiday, director of human resources

Q Did you get a letter to that effect?

A Yes, I did

Q Why would Beverly Varnado not send you a letter? Does it go from her to Sue Holiday?

A Dr Varnado was -- she was retired, but she was doing some part-time human resources work contracted with the school district at that time, so it wasn't unusual for her to be involved in some human resources issues

Q Okay And what were your marching orders at this point? Did you have any?

A She called to let me know that there would be a letter and to keep me informed of -- or get me informed of something that was affecting one of the staff members at the school

Q All right And so you had that phone call and then at some point -- do you know about how

Page 13

long it took for you to receive the letter?
A I think it was the next day, if I remember correctly
Q So shortly after that you get a letter from Susan Holiday?
A It may have been that next day or the day after, but it was quickly
Q What did the letter say?
A That one of the staff members at James Island Charter High School had been accused of sexual misconduct with a student sometime in the 1980s and that a member of the Charleston County School Board had been informed If I remember, it was Gregg Meyers in the letter and that this may affect one of our staff members
Q Do you know whether or not Ms [redacted] was represented by counsel out that point?
A I had no knowledge of anybody's -- of the complainant's name I do know that it was -- I think the letter did say that counsel had been obtained by the complainant
Q So you got the letter It said there's going to be a complaint?
A Uh-huh
Q Then what? Were you given any instructions

Page 14

on how to proceed then?
A No
Q What's the protocol?
A Well, in terms of protocol with Charleston County School District and James Island Charter High School as it affects the principal, there wasn't any protocol As a charter school, we are, you know, an autonomous school, and we have our own elected Board of Directors We are authorized by the Charleston County School District So for the most part, the superintendent, the associate superintendent, the certified personnel at Charleston County School District don't have any supervisory capacities or responsibilities with me as principal
Q Okay Did the school district perform an investigation?
A Did the school district?
Q The school district
A I have no idea
Q Did the school -- did James Island High School perform an investigation?
A What I did was I -- after I received that letter, I called Charlie Smith into the office and questioned him about his knowledge of what was

Page 15

contained in that letter He was aware that there was someone who was making a complaint If I remember correctly, he told me he didn't know who it was He didn't have an attorney at that time
Q Did he tell you how he knew?
A There was some letters that were turning up throughout the community, and I don't remember if he mentioned it was one of those letters or someone had told him
Q All right So you called him in and you questioned him He already knew at least something about it What did he say about it and how did you-all --
A That it was false Everything was false
Q How did you resolve it? Is that it?
A I told him -- this was sometime in the -- early in the morning of that school day I told him I would be back in touch with him by the end of the school day and asked him -- instructed him not to leave the campus until he and I had another conversation
Q Okay
A I then --
Q Let me ask the question What did you do after that first conversation leading up to the

Page 16

second?
A I conferred with our counsel
Q Which was?
A Hagood and Kerr
Q And they were counsel for the James Island High School?
A James Island Charter High School, yes
Q And then what did you do after that?
A I then talked to the department leader for the PE department Mr Smith was a member of the PE department
Q Who did -- who was the department leader?
A At that time it was Millie Kennedy
Q Tell me about that conversation
A Well, I told Ms Kennedy -- she is -- she was aware that there was something afoot, so to speak, because the letters that I mentioned had circulated and quite a few people knew about it So I discussed with her what was being alleged
Q And what did she have to say about it?
A She was at the school during the late '80s She said she had no knowledge of anything like that, any misbehavior on Mr Smith's part
Q What was her name?
A Millie Kennedy I also asked her if she had

Page 17

any suspicions or reason to believe that Charlie Smith was acting in any way, shape, form, or fashion in an unprofessional manner with any of his students even though it was what 20 -- almost 20 years after this alleged incident She had no reason to believe that he was not discharging his duties in an appropriate manner

I told her at that time that I would let her know by the end of the day if there was going to be any personnel action that I would have to take with Mr Smith

Q Okay Anybody else that you spoke to?

A Spoke to assistant principals at that time

Q Who were they and what would they have known? What did they know?

A All right Maureen Jessup

Q Assistant principal?

A Yes

Q How long had she been there?

A Maureen had only been there a couple of -- 2 or 3 years She was hired while I was still an assistant principal

Q So you told her about the allegations

A No, I did not

Q You did not tell her?

Page 18

A I did not tell her about the allegations

Q Tell me about your conversation with her

A The same kind of conversation, part of, that I had with Millie Kennedy I wanted to know if she had heard any -- if anybody had discussed with her or reported to her any improper conduct of any sort from Mr Smith, whether it be students or staff members

Q What did she say?

A No, she had not

Q Who else?

A Terri Siders, Dr Terri Siders now She was assistant principal

Q How do you spell Siders?

A S-i-d-e-r-s

Q She was another assistant principal?

A Correct

Q How long had she been there?

A One year

Q Okay Tell me about the conversation

A It was essentially the same Had she received any complaints, any information that Mr Smith had acted in an unprofessional manner with a student

Q What was her response?

Page 19

A No, she had not received any

Q Did you ask them if they had any suspicions?

A Yes

Q What did they say?

A No

Q Anybody else?

A John Thomas

Q And he's another assistant principal?

A Right

Q How long had he been there?

A John had been there two years

Q Same conversation?

A Yes

Q All right Who else?

A That was it

Q What did you do then?

A I talked with Charlie Smith at the end of the day Informed him that I would be placing him on administrative leave with pay and that he was not to return to campus until I notified him

Q Okay What exactly is administrative leave with pay?

A Stay home, you will receive your pay Don't come to campus

Q How long did that last?

Page 20

A It was 3 to 5 days I don't remember exactly No more than 5

Q All right What happened in those 3 to 5 days?

A I conferred with our counsel again and informed -- I conferred with our counsel again I was waiting to see if there was going to be any other information that would be coming from the school district or any other entity about this case

Q What type of information were you looking for? Were you waiting to hear?

A Something that would substantiate the allegations Something that would lend credence to it

Q So was the district then also interviewing people?

A I have no idea I don't know

Q Do you know if any of your people were questioned by anybody at the district?

A Nobody reported that to me

Q Were you questioned by anybody at the district?

A No

Q Had a criminal complaint been filed at that

Page 21

point?
A I don't know I asked Mr Smith that also, now that you mention it, if he had been even questioned by the sheriff's office or CPD And he had not And I don't know of any complaints that had been filed in criminal courts or with the sheriff's office
Q Okay You don't know if it had happened at that point Did you learn at some later point that criminal charges had been filed?
A No
Q Do you know now sitting here --
A No
Q You didn't know that?
A No
Q After the three- to five-day period, did you speak with anybody else or did anybody else speak with you about the allegations against Smith?
A Not the allegations other than the letter that was being circulated
Q Do you remember what the letter said?
A I think it was -- it might have been even a two page letter Something about some misconduct -- sexual misconduct by Mr Smith back in the late '80s

Page 22

Q Who did you -- who had received the letter, who did you discuss it with?
A If I remember correctly, when I had the conversation -- sometime right after I had a conversation with the assistant principals, one of the assistant principals -- I think it was Terri Siders, had received one of the letters
Q Is that a man or a woman?
A Woman
Q Had she received the letter?
A Yes She brought it to me, showed it to me
Q You hadn't received one?
A No, I had not
Q Do you know who sent it?
A No, it was anonymous Had somebody bring one in A member -- just a random person from the community who had no connection to the high school, an adult, found one on the road
Q Just lying on the road?
A Just lying on the side of the road in an envelope that was all stained and dirty Said you-all might want to see this
Q After 5 days, 3 to 5 days, however long it was, what happened then?
A I called Charlie Smith, told him he could

Page 23

come back to school
Q Did you notify the district that you were doing that?
A I think I called Beverly Varnado to tell her I was doing that
Q Did you need their permission?
A No
Q What did she have to say about it?
A Thank you for the information, if I can remember correctly She couldn't give me any other updates as to information -- other information that they might have received that everything was as she had discussed the week before with me
Q Did you call Susan Holiday?
A I don't remember calling her
Q Did you ever speak with Gregg Meyers?
A Never did
Q Do you know how he learned of it?
A I think the letter says he was approached by either complainant or another member of the legal community
Q Okay Do you have a copy of that letter?
A It would probably be in Mr Smith's school file that we have
Q Okay Do you have any reason why it

Page 24

wouldn't be in the file?
A No
Q Who maintains the personnel files?
A For James Island Charter High School? The personnel files, I have some and then Lynn Shaddrix, she maintains the files Anything that I have also I would give it to her So she essentially keeps those files
Q Okay Do you have a records retention policy or -- start with a records retention policy Do you have one of those at the school, how long certain documents are to be kept?
A I know when it pertains to student records and personnel records, there's a practice that we have I don't know right offhand what the number of years is that we keep those at the site I know that after a certain period, I think it's three- to five-years after a student graduates or someone leaves, that they're archived
Q What do you mean when you say archived?
A They are sent to CCSD archives
Q To be kept for a longer period of time?
A I have no idea then
Q But as for personnel, teacher files, no retention policy on those files or is there?

Page 25

A At James Island Charter High School for the purposes of when we became an entity, 2003, we keep them on site
Q But for how long?
A Right now I guess it would be an infinite time
Q Since 2003?
A Yes
Q Do you keep them all in paper form or electronic?
A Yes
Q Where do you store them?
A In file cabinets in Lynn Shaddrix's office
Q And she's in charge of keeping them in order?
A Yes
Q How long has she been in charge of the records?
A Since we started in 2003
Q All right Is it fair to say -- I'm just trying to figure out how -- strike that This records retention policy, is there any type of policy that you have at school as far as document creation? As far as that I mean these people that you called up, did you speak to them in your office

Page 26

or was it over the phone?
A Face to face
Q Did you retain any records or notes of those conversations, anything like that?
A I may have I may have I make a habit of having a spiral bound notebook on my desk and taking notes and holding onto those
Q Do you know if you did that here?
A I haven't looked for them I don't know for certain
Q Would that be kept -- where would that be kept, those types of notes is what I'm asking you?
A I know
Q And in an investigation of an allegation of sexual misconduct, those documents that are created, whether they be notes, statements, letters like you described earlier, is there a policy at the high school on keeping those files somewhere safe and easily retrievable?
A The practice is when you are talking about personnel files, any information that is reduced to written form like this, the notification to Charlie Smith that he was on administrative leave with pay, those are kept in each individual teacher's personnel file that would be in Lynn Shaddrix's

Page 27

office
Q Is there a separate file for investigations of misconduct, something like that?
A I don't categorize them according to investigations or types It would just be in someone's file if there's action taken
Q How many -- then what happens? Is there a separate file for disciplinary actions or is that all individualized with each --
A Not for teachers, no There's not a separate file for disciplinary actions
Q That would be maintained in each individual teacher's personnel file?
A Correct
Q Okay Is there a separate category for student disciplinary actions?
A At James Island Charter High School there's a folder created for students for their disciplinary actions, yes There's an electronic -- and there's an electronic folder for each student
Q A separate -- there's an individual student file correct, and then there's a separate disciplinary action file is that what I understand you to say?

Page 28

A There's two There's two types The guidance office would have the student's permanent record, which contains all of the pertinent information revolving around academic performance or nonacademic performance, biographical-type data, things of that nature, grade records The other file that's kept in the assistant principal's office, what we call room 120, would be the student's disciplinary record
Q And that's by student?
A By student
Q And so if a student never had a disciplinary record, their name wouldn't even be in that file?
A No, it would not Correct
Q So if you as a principal came in and wanted to know who the trouble-making students were, you would go to the disciplinary file for students and you would see these -- one has one, you know, four Redwelds thick, one has one maybe two pages thick, maybe that's it, correct?
MR QUISENBERRY Objection to the form
A I would --
Q It would be that easy for you to do that Is that --

Page 29

MR QUISENBERRY Objection to the form
Q -- a fair statement?
A First, I wouldn't ask for their trouble-making students Maybe behaviorally challenged
Q I understand Those are my words
A I can access a student's disciplinary record electronically instantaneously But, of course, there are times when things are reduced to writing that don't appear electronically, and I can go to Famous Jimmy Jones and ask to see his file And it would also -- in the disciplinary file, it might contain some attendance information in there
Q What is the purpose of having that disciplinary file separate from the student file?
A When you say student file --
Q Well, the other file
A The other file that would be maintained in the guidance department?
Q Right
A Because the student's disciplinary file does not follow that student to places outside of the school, that information does not follow them For example, if a student's applying to college

Page 30

Q Sure Their file in the guidance counselor's office would be the file that would go along with that?
A Correct
Q Okay
MR QUISENBERRY I forgot to tell you this at the start, Aaron, and I want to let you know He has an appointment at 1 00 I should have told you that So he's trying -- off the record
(Off-the-record discussion)
Q Why do you not have a similar folder for personnel?
MR QUISENBERRY Objection to the form
A What do you mean by similar folder?
Q Well, the students have a file maintained by the guidance counselor that -- for transcript requests or if somebody needs their file for the college application, they can get that That's got all of their academic information, things like that But in addition to that, you have a separate folder of disciplinary actions, maybe pour attendance, things like that, cutting class, whatever they may be doing And you keep that

Page 31

separately
As I understand what you're saying then as for the teachers, they have their individual personnel files and then that's it No separate disciplinary folder for the teachers Why?
MR QUISENBERRY Objection to the form
A Because we have one file for the teachers That's just common practice
Q Okay How is it then when you leave and a new principal comes in -- and your job as principal is kind of the captain of the ship?
A Yes
Q All of the teachers are underneath you, and you are the leader charged with their supervision ultimately, is that true?
A That would be true
Q When you leave, how does the new principal who comes in -- they can easily go to the disciplinary folder for the students and know what he has got on his hands, he or she
How is he supposed to know what he has on his hands by way of personnel?
MR QUISENBERRY Objection to the form

Page 32

A He goes to the teacher's folder and that teacher's folder contains records of performance reviews I wouldn't have attendance information That can be accessed by way of other files, attendance files, but that personnel folder would contain all of the pertinent information on that individual teacher
Q That's true But a teacher, someone like Smith, somebody similar to him, who has been there for 30 years, he's going to have a lot of performance reviews, he's going to have a lot of stuff in his file that's not going to be of all of that much interest, I wouldn't think, to a new principal, like employment contracts from 20 years ago, and things like that
There may be -- there may not be, but there may be two or three or four or five complaints made by students of that teacher, but in order for the teacher to go find that, they would have to sift through 500 pages of a 30-year personnel record of one teacher
How many teachers do you have at James Island High School?
MR QUISENBERRY Object to the form
A Certified teachers approximately 100

902

Page 33

Q And noncertified, how many?
A Noncertified staff, probably another 30
Q 130 What about administrators, other employees, personnel?
A The certified teachers approximately 100, noncertified classified personnel I think approximately 30
Q And that would include everybody else?
A And then three assistant -- certified assistant principals
Q And that includes coaches and things like that as well?
A Uh-huh
Q So 130 or so files The new principal would have to go look through page by page by page to find out if anybody had ever been accused of any misconduct Don't you think it's a little bit more efficient to have that centralized disciplinary file like you have for students?
MR QUISENBERRY Objection to the form
A We haven't found it to be cumbersome at the school
Q Well, when you came in in '05, did you do that, go through each personnel file page by page?

Page 34

A No
Q How did you find out -- well, strike that Do you-all have a nurse at the school?
A Two nurses
Q Are they there every day?
A Yes
Q Okay Have you had two nurses the whole time you have been there?
A No We have had one, sometimes 1 2
Q What does that mean?
A One nurse that's there every day and one that's there one day a week
Q Okay Do you know what -- I don't know that it would be a policy, but do you know if James Island High School has had a nurse on staff since the '80s?
A I have no idea
Q Since you have been there in '98, has there been a nurse on staff every day?
A Since we have been a charter school there has been Prior to that point in '98, that might be where the 2 came in I'm not even certain we had a full-time nurse there every day
Q Okay Did you know that [redacted] attempted to commit suicide at James Island High

Page 35

School in 1989?
A I did not know that until just this past weekend
Q And there's no record of that in either her student file or Charlie Smith's personnel file Can you explain that?
MR QUISENBERRY Objection to the form
A I don't know anything of [redacted] I don't know anything about her file, her student file If I had known that she was a student at the school in '88, I wouldn't even have access to the file, if I had any reason to look at it And I know there's nothing in Charlie Smith's file pertaining to that
Q Why would you not have access to her file?
A It would be archived
Q Is there a process for retrieving archived information, archived material from the district?
A I have never attempted to I have no reason to My understanding is you ask the folks at the archive office
Q If there's a medical emergency at the school and the nurse is required to perform some life saving CPR or emergency medical care, would a note

Page 36

of that be put in the student file of the student who required the medical attention?
MR QUISENBERRY Objection to the form
A Right now at our school? The note -- if there's any life saving procedure that needed to be performed on a student at James Island Charter High School, the nurse would keep a record of that in an individual file
Q In the nurse's office?
A In the nurse's office, yes
Q But by student name?
A By student name
Q And is that different now that it's been a charter school? Was that not the procedure before?
MR QUISENBERRY Object to the form
A I can only speak as to what was -- that was the procedure when I started as an assistant principal there in 1998 What happened before that, I have no idea
Q Do you know of any other complaints made about Smith by any students or anybody else?
A I don't know of any formal complaints that have been made by students
Q They don't have to be formal, as in filed or

903

Page 37

anything like that But anything that would qualify as a complaint, issue raised, notification to the powers that be, that somebody had took issue with something Smith did?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
Q Do you understand what I'm asking?
A I understand I'm thinking As an assistant principal -- as an assistant principal, I remember hearing about some incident in one of Mr Smith's classes in a period he taught swimming class
Q Tell me about that
A The only thing I know about, something about some girl's top came off in the pool I don't know what it was Something And he was there
Q What was his involvement?
A He was the teacher, and it was a female student and that's all I know
Q Was she upset?
A I have no idea
Q Well, what did you --
A I would imagine she was, but I have no idea
Q And what -- how did you come to learn of

Page 38

that incident?
A Either a teacher or another assistant principal had asked me if I had heard about it, if anybody had reported it to me as an assistant principal Sometimes those student who might not even be under your area of authority might come and tell you things or something that might have happened to one of their friends But somebody had said something -- asked me if I heard about it, and I said, no
Q Do you remember who it was?
A No No idea
Q Do you remember -- do you know anything about the incident?
A No
Q Do you know whether or not as principal today, would that -- would you expect that type of report to ultimately be received by you?
A Sure
Q Do you know whether or not that would have been the procedure at the time of this incident?
A At the time that would have been procedure The principal at that time was Nancy Gregory, and she would have -- she would have expected to receive that report

Page 39

Q And then in response to that, she would have done something similar to what you did when you received the allegations in this case, correct?
A Right
MR QUISENBERRY Objection to the form
Q And that would include calling or speaking face-to-face with various people?
A Probably so
Q Okay And if notes and records of those interviews -- I use loosely in quotations, those discussions, conversations, were created, would they have been maintained?
A Yes
Q Where would they be maintained?
A In Charlie Smith's file
Q If no notes were created, what is maintained in the personnel file so that whoever may need to look at it to find out what's going on with this guy, say a later principal, how are you supposed to know about it?
MR QUISENBERRY Objection to the form
A If there were -- if there were no notes or records kept about such an incident, to me then it

Page 40

would be a non-incident
Q Well, it wouldn't exist in the personnel file that's for sure
A And it probably didn't exist -- hypothetically probably didn't exist at all
Q Well, how many nonincidents do you need before there's an incident?
MR QUISENBERRY Objection to the form
Q Let's say there's ten nonincidents because whoever has looked into it determined on their own it was a non-incident, but it's happened ten times Never a note put in the file
Do you think the fact that there are ten prior incidents is something that someone charged with the responsibility of the safety of the student should know?
MR QUISENBERRY Objection to the form
A My experience at James Island High School and James Island Charter High School is that there wouldn't be ten nonincidents If there was a complaint made, first off, and it's investigated and there's found to be substance to it, there would be a record kept of it

Page 41

Q And there's an important qualifier there I think maybe we just don't see eye to eye on that That's whether or not there's found to be substance there
Why do you not maintain a record of the fact that there was a complaint made to whether there's found to be substance to it or not?
MR QUISENBERRY Objection to the form
Q And it could be kept -- that's my first question Why do you not, number one Number two, why do you not keep it in a separate file that you can keep on your own similar to the one that you keep for students so that you have that for at least internal governed purposes?
MR QUISENBERRY Objection to the form
A If I have concerns that there -- a teacher has not handled a situation appropriately, I will reduce it to writing and it goes in their file
Q Was that the policy in the '80s?
A I have no idea No idea what the policy was in the '80s I can only speak to when I was at the school
Q Do you know whether or not during your time

Page 42

as principal, do you know of any complaints of sexual misconduct with teachers and students? Have there been any that come to your attention other than the one that we're talking about today?
A Sexual misconduct?
Q Uh-huh
A In my time as principal, not sexual misconduct But misconduct -- and I don't -- for lack of a better phrase, just inappropriate
Q That's fine I don't want to --
A There was one incident that I can remember
Q What was the incident?
A The incident was a teacher who had made comments to a student that he viewed as complementary, and she viewed them as making her feel uncomfortable
Q Okay
A And according to the student, it happened more than once And she came to see an assistant principal and she said that she felt that he was speaking to her in an inappropriate manner or suggestive manner
Q And that's the only one?
A That's the only one that I can remember, yes

Page 43

Q Who was this teacher?
A His name?
Q Yes
A Chuck Jones
Q Are you familiar with the process of grooming?
A I have heard this term
Q What does it mean to you?
MR QUISENBERRY Objection to the form
A I have read it as being described as someone in a position of authority who ingratiates themselves to a younger individual or someone who is under their area of responsibility or a subordinate to make them feel more comfortable and then later on taking advantage of them
Q Pretty good definition What do you understand how it is they do that? What do they do to ingratiate themselves?
MR QUISENBERRY Objection to the form
A Pay special attention to them
Q Okay Anything more specific than that?
A Do favors for them maybe
Q Buy them gifts, do you think that's one?

Page 44

MR QUISENBERRY Objection to the form
A Could be
Q Give them complements, could that be one?
MR QUISENBERRY Objection to the form
A I wouldn't agree with that I wouldn't agree with that because in our business as teachers, I think it's important to complement students for what they do
Q What do you mean do favors? Give them a ride?
MR QUISENBERRY Objection to the form
A It could be
Q Teachers are not supposed to give students rides, are they?
MR QUISENBERRY Objection to the form
MS JACKSON Objection to the form
A I can tell you that as a principal I tell teachers, staff members, you don't give rides to students
Q And interacting with them socially outside of school, could that be another form of grooming?

Page 45

MR QUISENBERRY Objection to the form
A I don't know if that's a form of grooming, but I can tell you it's inappropriate
Q Something that you disapprove of as principal is for your teachers to engage in social interactions with your students outside of school?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
A It's really a matter of policy, not just of me disapproving of it
Q But school policy?
A School policy, yes
Q And district policy, too, correct?
MR QUISENBERRY Objection to the form
A I can tell you -- I will speak about James Island Charter High School and school policy, that is not just inappropriate, it is a violation of the policy
Q Yeah Why do you think that policy exists?
MR QUISENBERRY Objection to the form
A You have to draw -- establish a standard, a

Page 46

line, of student-teacher relationship
Q And if a teacher is crossing that line, be it giving rides, spending time socially outside of school, unusual complements, buying gifts, and those things are all potentially grooming steps, don't you think it's important that file on that person reflect that?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
A Any time there's a violation of a teacher or another personnel violating board policies, it should be brought to their attention and brought to their attention in writing and put in the file
Q And it should also be brought to the attention of the people who are charged with the responsibility of overseeing that person, don't you agree?
MR QUISENBERRY Objection to the form
Q Whether or not there's anything -- there may not be anything improper with the person, it was raining they didn't have a ride, they did it one time, gave them a ride home But the fact of the matter is it's against policy for teachers to give

Page 47

students rides If it happens one time it's reflected, it's happened one time But if it continually happens and happens and happens and happens, isn't it important for the protection of the students that the ones in charge of that teacher are aware of the fact that this conduct continues to happen and that this is a violation of policy and this could or could not be grooming for sexual molestation?
MR QUISENBERRY Objection to the form
(The pending question was read back by the reporter)
Q Do you understand that question?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
A Yes As principal of the school, I would expect to be informed of any improper conduct by teachers and As I said, if that -- if I am informed then it would have to be reduced to writing and put in their file
Q And your ultimate responsibility is towards the students, isn't it?
MR QUISENBERRY Objection to the

Page 48

form
A That's why we're at school, to serve the students
Q Do you want your teachers to conduct themselves in a way that is exemplary for the students?
MR QUISENBERRY Objection to the form
MS JACKSON Objection to the form
A Yes
Q And you certainly expect your students to respect the teachers, do you not?
A Yes
Q And respect their authority?
A Yes
Q Did you know that Smith took students in his own car off school grounds to various different places?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
A Was this during the period of the late '80s?
Q He certainly did it in the late 80s, yes
MR QUISENBERRY Objection to the form

Page 49

A I was aware of it after this Complaint and suit started, yes
Q Did you ask him about that or did you talk about that at all with him?
A No I didn't have any of that information prior to his retirement
Q All right Did you know that he took student athletes to various summer camps?
A I had no idea
MR QUISENBERRY Objection to the form
Q Did you know he took them out of state to summer camps, overnight summer camps?
MR QUISENBERRY Objection to the form
A I had no idea
MS JACKSON Same objection
Q Is that permissible?
MR QUISENBERRY Objection to the form
A At James Island Charter High School now?
Q Sure
A In order for a teacher, a coach, any staff member to take students off school grounds, there has to be permission granted Permission

Page 50

granted -- in state trips that are not overnight have to be granted by the administration Any overnight trips in state or any trip out of state has to be approved by the Board of Directors before that can be done
Q And where would records of those permissions and consents be found?
A For James Island Charter High School it would be, number one, the board minutes If it was an out of state trip, minutes from the Board of Director's meetings In state trip that weren't over night, we have those kept in a file for the athletic department Well, actually the clerk keeps the travel permission forms They would be kept
Q Do you have any of those for Smith taking his student athletes out -- to summer camps and out of state?
A No, I don't remember I don't remember any that were authorized by the administration, by me, and certainly not by the Board of Directors I don't remember of any
Q All right Did the Board of Directors discuss this incident and the allegations made against Smith?

Page 51

A Did the Board of Directors discuss this?
Q Yes
A I reported it to the Board of Directors sometime this past spring in an executive session
Q Okay Does that mean you didn't keep any minutes of that discussion?
A Correct
Q Did you have a lawyer present?
A No
Q This past spring, who maintains the minutes of the meetings?
A Ms Cheryl Kennedy this past year
Q Now, I want to make sure I understand your testimony You-all brought this up -- are these board meetings public?
A Yes
Q You brought this up at a public board meeting Was there anybody in attendance?
A This was in an executive session
Q I understand I'm talking about the board meeting This didn't occur during a board meeting?
A Yes, it did During a board meeting in executive session
Q Prior to going into executive session, were there any members of the public present?

Page 52

A I don't remember There probably was
Q All right
A We do have some people that come to --
Q And you-all discussed various matters of business and then went into executive session Did you kick all of the members of the public out?
A We go to a separate room They are allowed to wait for us to come out of executive session
Q So you went and did that, discussed this case, came out, did you put anything on the record then?
A If we discussed anything in executive session that needed action, there would be a record of the action taken
Q Did you take any action, do you remember?
A I don't remember if we took any action in the executive session at that time
Q Who is on the Board of Directors?
A Rusty Thomas, Keith Bolus
Q How do you spell Bolus?
A B-o-u-l-u-s (sic) Raymond Wright, Cynthia Dillard, Dr Jennifer Wright, Dr Lerah, that's L-e-r-a-h, Lee-Smith
Q Spell her first name?
A L-e-r-a-h And Dr John Franklin

Page 53

Q Prior to James Island High School becoming a charter school, how was the relationship between the school district and the high school different?
A We were one of eight or nine high schools at that time in the Charleston County School District, and as such --
MR QUISENBERRY Off the record
(Off-the-record discussion)
A We are one of eight or nine high schools, and they had supervisory authority over the high school We were and still are in Constituent District 3 And at that time the government structure, management structure was closer, if I could say that, than it is now The constituent district structure allowed for a constituent district superintendent to keep in closer touch with the high school And all of the schools in their constituent district for the high school
Also there was a constituent Board of Directors, Board of Education, also acted as the hearing for disciplinary matters And being only one high school in Constituent District 3 on James Island, that meant that we got to know, as assistant principals, we spent a fair amount and we got to know the constituent board members much

Page 54

closer than Charleston County School Board members because there were -- there was at least one time during the school year that you would have a hearing for disciplinary matters with the constituent board
Q The constituent board is something that's new to the charter board?
A No No That's the structure of the Charleston County School District consolidation after 1968 So that was one of their responsibilities to act as a hearing board for disciplinary matters, for expulsion recommendations, and there are only five members on that constituent board, and we got to know them very well
Q And that was headed up by the district, that board?
A No It's a separate elected board It's one of the most unique government structures -- school government structures in the United States That's not a hyperbole or anything You have a county board and then you have seven constituent boards, seven separate constituent boards And it was always -- it was interesting to see how their responsibilities crossed over

Page 55

So our relationship was with that constituent board and then -- but ultimately the Charleston County School Board, the superintendent, the associate superintendents, we had to -- they had responsibility and authority over us
Q And fair to say now they have less --
A Limited Limited We have to by state statute keep them informed of our financial status, our academic performance status, compliance with national and regional state statutes
Q You are still -- even though you're a charter school, you're still under the umbrella of the authority of the Charleston County School District, aren't you?
MR QUISENBERRY Objection to the form
A In some areas, yes It's a unique relationship, but it is one that is authorized statutorily by the 1996 Charter School Act They are our authorizer, but we are autonomous We have our own financial standing We don't receive any money from them or through them as a pipeline
Q They don't pay the salaries of the teachers or anything like that?
A We receive a per pupil allocation from the

Page 56

State Department of Allocation and that comes directly to James Island Charter High School as a separate entity We're a nonprofit We're a 501
Q And that's used to pay --
A Salaries, the bills, light bills, everything
Q And that's enough to cover everything or do you get any assistance from the school district?
A No We don't get any -- no money from the school district We will get regular government grants for special education overflow through grants to operate
Q Now, how long have you been in education?
A I'm working on year 38
Q And you -- all in administration or have you taught as well?
A Eight years in a classroom, one unique year at district office level, and the rest has been in administration -- site based administration
Q Do you mean a district outside of Charleston County?
A Yeah Jasper County
Q Lot of things unique about Jasper County
A Still have many good friends there
Q Have you worked -- what is the set up down

Page 57

there in Jasper as far as -- here you have the district and then you have various suborganizations within the district and then there are charter schools and noncharter schools and then there's some people that are looking over the noncharter, maybe, or maybe over the charter I'm not really sure who is looking over what

Can you tell me what the -- how it's different here in Charleston County versus any place else you have worked?

MR QUISENBERRY Objection to the form

Q Not better or worse, just different

A Well, I think every school district certainly is different in their structure, their organization, and how they conduct business Some commonalities are they have an elected school board, a superintendent, other folks who are hired to manage the day-to-day operations of the school So in that -- in those ways it's not any different

Q Yeah

(Exhibit No 2 was marked for identification)

Q Was there ever any confusion prior to you-all chartering between the school and district

Page 58

over who was in charge of what?

A Who was in charge of what?

Q Yeah Who was responsible for, you know, athletics, who was responsible for overseeing the principal or the teachers or the administration, who you reported to, who they reported to, things like that?

A I don't think there was any confusion

Q Was it clear to you?

A It was clear to me

Q All right

A If there was any haziness or confusion on my part as an assistant principal, it would have been because of the size of the organization It's the second largest school district in the state

Q Who did you report to as an assistant principal?

A The principal

Q Who did the principal report to?

A The next direct line for her would have been the constituent district superintendent

Q And then do you know who that person reported to?

A To the superintendent

Q All right And the --

Page 59

A County superintendent

Q And the superintendent is -- who was it at that time when you were the assistant principal?

A I was hired by Chip Zullinger, Dr Chip Zullinger And after him -- he left and it was Ron McWhirt, Dr McWhirt

Q Who does the superintendent then report to?

A The board, the Board of Education

Q The district board?

A Yes

Q Not the State Board of Education?

A No

Q Exhibit Number 2 is an organizational chart for the school district, Charleston County School District

Have you ever seen this before?

A Yes, I have

Q Can you tell me where the schools -- I assume it would fall under the school division, is that true?

MR QUISENBERRY Objection to the form

Q Within the umbrella of the district, the actual schools themselves, where would they be?

A Well, it's the different learning

Page 60

communities

Q Are you talking about in the middle column?

A Yes In the middle of the page

Q Secondary learning community Says 21 middle and high schools, innovation zone learning community, so on and so forth?

A Right

Q Now, where in there are the charter schools?

MR QUISENBERRY Objection to the form

Q Or are they not in there?

A I know I'm not supposed to say this, but I'm going to anyway We're sort of like a platypus, you know The platypus was -- when it was first discovered, they thought it was made up or somebody just switched a bill on it or something We would come under the secondary learning community, James Island Charter High School would It doesn't say charter schools there, but we still come under the secondary learning community

Q And so does that mean Louis Martin is the associate superintendent?

A Uh-huh

Q Okay So you would report -- did you speak with him about this?

Page 61

A No I never said anything
Q Did you speak with -- did you say you spoke with Dr McGinley?
A No, I have not
Q You spoke with Beverly Varnado?
A Correct
Q Who actually called you?
A Yes
Q And then you spoke with Susan Holiday?
A Correct Well, I can't remember if I ever spoke to Sue Holiday about this, to be honest with you I don't recollect a conversation with Susan Holiday about this case I got a letter from her
Q And both of those persons are in the employee relations category
A Yes
Q What is the employee relations department?
A Human resources
Q Did you speak with anybody at the -- at the general counsel's office?
A I don't think I have had a conversation with John Emerson about this
Q And nobody under his command?
A Not that I can -- no
Q When you spoke with Hagood and Kerr, did you

Page 62

provide them any materials on Charlie Smith or [redacted]
MR QUISENBERRY Objection to the form Don't tell him about any conversations with any attorneys that represent the high school
Q Did you provide them with any files, personnel files, notes, records, things that we have been discussing here?
A That would be communications, so --
Q Well --
MR QUISENBERRY Just don't ask him about the attorney stuff
Q Did you send anything to your attorneys that you did not maintain at the school?
MR QUISENBERRY Objection to the form Don't answer
Q I'm not trying to invade on that privilege okay I'm really not But what I'm trying to find out is whether or not what has been provided by the school is all that there is And I think you said earlier you weren't sure if you kept notes or anything like that And there are none in Smith's personnel file
And so my question then is do you know whether or not you provided those notes to your

Page 63

attorney, but didn't put them in the file? I don't want to know what the substance of those notes were, just whether or not it may have happened or didn't happen?
MR QUISENBERRY He's asking you did you provide everything relevant the school has to the attorneys
Q That's what I was getting ready to ask
A I did I provided everything relevant -- everything that was in the file
Q Okay
(Exhibit No 3 was marked for identification)
Q Exhibit Number 3 You have seen this before, correct?
A Right
Q This is the letter we were talking about earlier?
A Yes
Q Now, when -- this leave with pay, which began on Monday, October 22, 2007, when it ended, did you do that in writing? Did you send him a letter to that effect?
A No, I didn't I called him on the phone
Q Okay How shortly after that did he retire?

Page 64

A It was at the end of that school year, so it would have been in June of 2000
Q Did he mention that at all during this time when you placed him on administrative leave, is that something that he had wanted to do before all of this came up?
A I don't understand the question Say that again
Q What's the process for retiring? How does the teacher go about doing that? What do they really need to do?
A At James Island Charter High School, a teacher or any employee would notify the principal that they intend to retire
Q Had he done that prior to October 22, 2007?
A My recollection of that was that Mr Smith had stated at the beginning of the school year in August that this would be his last school year It had become pretty much general knowledge that would be his last year
Q And that can just be said verbally?
A No Certain -- there has to be paperwork that's a formal declaration of that
Q And that would be found in his personnel file as well, correct, or should be?

Page 65

A It should be That would be something that Lynn Shaddrix would -- at our school Lynn Shaddrix would generate that paperwork And even at the charter school, we still are a public school in the Charleston County School District We're still members of the state retirement system and have all of those benefits We still come under the umbrella of 59-25-410, Employment Dismissal Act So as far as retirement is concerned, that information is sent to the Charleston County School District anytime someone on the staff retires

Q So the district should have something also about that?

A We have to send that to payroll so that they can take care of that and then send straight to the state retirement system

Q You mentioned the Teacher Employment Dismissal Act Do you know whether or not that applies to suspensions of teachers?

MR QUISENBERRY Objection to the form

A Whether it applies?

Q To a teacher suspension

MR QUISENBERRY Objection to the form

Page 66

A Whether or not they have appeal rights things of that nature?

MR QUISENBERRY Objection to the form

Q Did you-all have a hearing on this?

A No

Q Why not?

MR QUISENBERRY Objection to the form

A Because there was not a teacher suspension

Q Okay Tell me what the requirements are then to suspend a teacher Does it include a required hearing?

A According to the policy, a principal can suspend a teacher with or without pay And there doesn't have to be a hearing

Q There does not have to be a hearing?

A There does not have to be a hearing

Q Okay If the teacher requires or requests one, they are entitled to that, is that fair?

A Yes

Q And at that hearing -- have you ever conducted one of those hearings before?

A Have I ever conducted one of those hearings?

Q Taken part of it in any way

Page 67

A For a teacher suspension, no

Q For any other teacher disciplinary action?

A Not for a disciplinary action, no

Q In what way have you taken part in a hearing of that nature?

A At James Island Charter High School, it was a staff member who objected to the performance evaluation that a supervisor had completed, an annual performance evaluation

Q Do you know what the issue was with the performance evaluation?

A He thought he was being rated too low in some areas

Q Did that staff member have any complaints made against him?

A Did the staff member have any complaints made against him? No

Q What was the name of the staff member, if you remember?

A Perry Metz

Q How to you spell Metz?

A M-e-t-z

Q What did he do at the school?

A He was a guidance counselor

Q Who reviewed his performance?

Page 68

A The Director of Guidance, Deborah Ferrall

Q What was the result of the hearing?

A The result of the hearing was that his performance evaluation remained as stated He was offered a contract

Q Now, the guidance counselor, how many guidance counselors do you have at the school now?

A Including the director of guidance, six

Q Anyone of those six who is charged with the responsibility of student mental health issues?

MR QUISENBERRY Objection to the form

A Designated to perform that task, no They're all charged with that

Q Is there a procedure or policy at the school about providing mental health counseling to students in any situation?

A No Because I can't -- I would say that none of our folks are licensed mental health counselors, so we don't want to get into that area

Q Okay Have you ever employed a licensed psychologist or licensed therapist of any kind?

A Well, we have a school psychologist on staff, yes

Q Who is that?

911

Page 69

A A testing psychologist
Q Who is that?
A Alice Garner She's director of special services, and she's a licensed psychologist
Q Do you-all have to refer students to her for any mental health treatment?
A No All of our referrals for any mental health issues would be to the Department of Mental Health
Q Have you ever done that for a student?
A In a crisis situation we would, yeah
Q Is there -- is that a school policy to do that?
A There's a protocol for that, yes
Q What is that? Can you tell me just the best you recall from that policy?
A If there's a student that is in an emotional mental crisis of some sort, we would contact the Department of Social Services or the Department of Mental Health and tell them what the situation is, and they would respond appropriately
Q Okay And do you know whether or not that policy existed in the late 1980s?
A I have no knowledge
Q Do you know whether or not those -- has it

Page 70

been in place since you have been at James Island High School?
A Yes
Q Where would a record of that be maintained?
A Record of?
Q A referral
A It would be in an individual student's file
Q Okay Is it in your discretion as the principal to place a teacher on leave with pay?
A Yes
Q Is it in your discretion to place a teacher on leave without pay?
A By policy, yes
Q And if you do that, place a teacher on leave with or without pay, are you required to provide them with a hearing?
MR QUISENBERRY Objection to the form Which one, with or without?
Q Start with with
A No
Q Without?
A Provide a hearing? If they request one
Q But only if you don't pay them?
A Only if we don't pay them
Q So Smith if in this case requested a

Page 71

hearing, he would not have been entitled to one Is that your understanding?
A Yes
(Exhibit No 4 was marked for identification)
Q I will hand you Exhibit Number 4 and ask you if that is the James Island Charter High School --
A Yes, it is
Q Can you turn to page 12 for me, please? Do you see a bracketed portion there, selection -- I'm sorry Section 6 is
A Right
Q Employee Policy Manual Does that say that the high school was going to set out policies and procedures that are in compliance with the school district's policies?
A Yes
Q Do you know whether or not that has been done and complied with?
A We have an employee policy manual, yes
Q And does it differ in any way -- I think I asked you this earlier You said it didn't differ from the school district's policies?
A Well, each school would have some various peculiarities and differences in their operations

Page 72

As far as operational times, for example, but as it pertains to personnel policies, it would be consistent
Q Okay
A So ours has been consistent with CCSD I would think
Q Okay
(Exhibit No 5 was marked for identification)
Q Exhibit 5, have you ever seen this before?
A I may have looked at it before, and I don't remember exactly
Q Do you know whether James Island High School has any records retention policy that conflicts with this in any way?
A I'm not aware of any conflicts that we would have in terms of records retention
Q Okay
(Exhibit No 6 was marked for identification)
Q Exhibit Number 6, have you ever seen that before?
A I remember looking at this at one time, yes
Q Okay Does the school's records retention policy comply with this general records retention

Page 73

schedule for school district records set out by the South Carolina Department of Archives and Record Management?
MR QUISENBERRY What part of it?
MR EDWARDS All of it
MR QUISENBERRY Objection to the form of the question If you don't know what's in there, you can't know if you're complying
A I see in here they mention the Basic Education Data System That's the famous BEDS record that I'm familiar with All of the payroll information, teacher certification Our practices don't conflict with these that I'm aware of at the school
Q Now, do you know whether or not James Island High School had written policies in place on various different -- anything really, written policies in place in the late 1980s?
A I don't have any knowledge No knowledge of that
Q Do you know whether or not if they did, where they would be maintained?
A My understanding is that records back to that point would be in the archives
Q Okay

Page 74

A Not on the school site
Q Would you agree that records -- well, would you agree that an allegation or a complaint made by a student of inappropriate conduct by a teacher is a significant event?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
Q To you as a principal?
MR QUISENBERRY Objection to the form
A It's significant
Q Okay
(Exhibit No 7 was marked for identification)
Q Exhibit Number 7, have you ever seen that before?
A You know, I have never looked at this I have seen a policy on student transportation, but not this particular one
Q All right Do you agree with the statement down at the bottom just above adults on school buses heading Students who travel to and from the school on school buses or any trips in connection with school sponsored activities are under school

Page 75

supervision?
A Yes, I agree
Q That would include then teachers giving students rides, would it not?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
A As it pertains -- the way I read this, as it pertains to student transportation, this is only speaking about students on -- schools and school buses
Q Okay You are in charge of the teachers, are you not?
A Right
(Exhibit No 8 was marked for identification)
Q Exhibit Number 8, have you ever seen this policy before?
A Yes, I have in a different form I haven't seen this one separate like this I have seen it attached to transportation policies
Q Okay
A As it pertains to transporting students in private vehicles
Q And it's your understanding that it is not

Page 76

encouraged, the use of private vehicles unless essential?
A Yes
Q What is the process -- well, strike that Do you know whether the superintendent authorized the use of Charlie Smith's vehicle for the transportation of school children to and from school sponsored activities?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
A No I have no knowledge of that None whatsoever
Q If there was, it would be reflected in his personnel file, wouldn't it?
MR QUISENBERRY Objection to the form
A I don't know that either I have no idea if it would be in the personnel file
Q Somebody would have it somewhere, wouldn't they?
MR QUISENBERRY Object to the form
A I really don't know I really don't know I'm not familiar with any instance of a superintendent in this district authorizing the use

Page 77

of private vehicles for the transportation of school children for school sponsored activities
Q Okay And if the use of private vehicles was used by a teacher, coach, other staff member, that would be a violation without proper consent of the superintendent or the principal, that would be a violation of the policy, wouldn't it?
MR QUISENBERRY Objection to the form of the question
MS JACKSON Objection
A It would be a violation of this policy right here, yes
Q If you had -- you as a school, if you-all have a records retention schedule, would that be found in your material that you provided here today?
A I don't remember providing a records retention policy
Q Do you know if one exists?
A Yes I discussed it with our guidance director in the past
Q And what --
A I think she's got a copy of it down in her office
Q All right If you could -- if it's not --

Page 78

is that in here, the materials you brought today?
A The materials I brought today?
Q Yeah
A It could be I'm not certain
Q If it's not, would you mind getting a copy, please?
A Yes
(This page contains Requested Information)
(Exhibit No 9 was marked for identification)
Q Exhibit 9, have you ever seen this before?
A Yes, I have
Q Do you employee a licensed practical nurse?
A Registered nurses
Q And there's one there every day?
A Two there every day Unless one of them is sick
Q Do you have -- do you have a policy or procedure for the proper handling of emergencies that you --
A Yes
Q And you administer them -- you distribute them to the staff?
A It's in our employee handbook, yes
Q And is it substantially the same as this

Page 79

policy?
A Yes
Q Can you think of any difference?
A No
Q Do you know whether or not this policy existed in the late 1980s?
A I have no idea
Q If there's not a nurse present, are the teachers or staff authorized to perform emergency care?
MR QUISENBERRY Objection to the form
A No
Q What type of training do you-all provide to the teachers with respect to sexual misconduct?
A There's a training every year the teachers have to complete, undergo, and verify that they have -- they take a test on a variety of procedures, and one of them is sexual harassment and harassment in the workplace
Q Who administers that test?
A It's through a service by way of Charleston County School District We take it online
Q So there's not an actual attendance requirement?

Page 80

A Yes
Q Well, you go online and you attend?
A Yeah And you have to print out your -- take a test, print out the results of the test, and then submit it to the principal's office That gets submitted to human resources personnel at the school, and we keep a record of that
Q Okay So you maintain the records at the school of compliance with --
A For James Island Charter High School, yes
Q How long has that training been in place?
A Since 2003
Q Prior to that how did it work, was there any such training?
A Yes There was annual training
Q On sexual harassment?
A And harassment in the workplace, yes
Q Okay And was it the same?
A No, it wasn't It was a film we had to watch, and we did have to take a test, and I don't know where the records were kept after at that point
Q You took the test and gave it to whoever had administered the test and then they took it wherever they took it?

Page 81

A Yeah It might have been to the Charleston County School District It might have been sent to the personnel file there
Q But prior to 2003, the training was actually provided through the district?
A It was provided that the film -- I remember it seemed like one year we had someone from the district or it might have been more than one We had someone from the district It was on a rotation basis Other than that, we had to conduct it ourselves It was the approved film and the approved script and the approved test that we had to take
Q And is attendance mandatory?
A Yes
Q What happens if somebody misses training?
A There was a make-up date
Q What if they miss the make-up date?
A They had to get it done by September 30th, I think It was always that magical day
Q What happened if they didn't?
A We never had that situation Never had that situation Had to stay after school, come to school early, had to do something to complete the training

Page 82

Q Do you know whether or not there was any similar training in the late 1980s?
A I have no idea
Q And that applies for every teacher as well as staff members or just teachers?
MR QUISENBERRY Objection to the form
A All staff members
Q Okay Not just teachers?
A Not just teachers
Q Now, when you went -- when you started asking people at the school about Charlie Smith, who was it that you started with, first person?
A Department leader Millie Kennedy
Q Physical education?
A Right
Q Why did you start there?
A He was -- at this time he was a member of that department, and she had the most day-to-day contact with him She had known him for a number of years also
Q Do you know what Smith's involvement was in extracurricular actives? What I mean by that is do you know what sports he coached and general idea of when?

Page 83

A I can -- I will start with the first question Softball He coached softball for a few years while I was assistant principal and principal there, not every year, but some years He also coached JV football and wrestling
Q All right Do you know whether or not he ever coached the swim team?
A I don't know if he did or not
Q Okay
A I don't know
Q Do you know whether or not he ever coached tennis?
A I don't know if he coached tennis
Q When a teacher wants to sign up to be a coach, are you as principal involved in that process?
A Eventually, yes Primarily it is first the athletic director that would make that recommendation
Q To you?
A Yes
Q And you have the ability to approve or disapprove?
A Yes
(Exhibit No 10 was marked for

Page 84

identification)
Q Has that changed in any way since you have become principal or is that how it worked before?
A I think that's how it worked before
Q Okay Exhibit 10, tell me what that is
A Yes This says the employee permanent record
Q Do you see down at the bottom of page two, second page of that at least Does that indicate that he was to be or was in fact the boys tennis coach?
A Yes
Q Now, what would be grounds for termination of the coach?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
A Termination of a coach in that sport? Those are separate supplements, separate duties from a teaching contract A coach serves at the discretion of the principal So ultimately the principal assigns the coach, and the principal can dismiss the coach from that sport So there can be any number
Q For any reason at all?

Page 85

A For any reason
Q Does the coach not enjoy the same rights to a hearing, things like that?
A For that supplemental position, no, they do not
Q Do you know whether or not Charlie Smith was terminated from any coaching position?
A I have no idea if he was
Q Have you spoken with the athletic director about Smith at all?
A No Our current athletic director, no
Q Spoken with any former athletic director?
A No
Q Do you have any idea why Smith took three years off from coaching any sport whatsoever?
A I have no idea why he did
Q Do you have any idea why he would have been terminated as a boys tennis coach?
A No, I don't have any idea
Q All right And you see on -- turn to the third page Do you see the following three years list no extracurricular appointments following the one at the bottom of page two indicating he was the boys tennis coach
A I see it

Page 86

Q Do you have any idea why there's a three-year gap there?
A I don't have any knowledge of it
Q I think I asked you this earlier about when and if a teacher is charged with a crime What is the policy on handling that teacher? What do you do? Is there an investigation, is there an automatic suspension, leave, is it discretionary? What is the protocol when a teacher is charged with a serious crime like sexual molestation?
A There's not an investigation that -- protocol is that if they're charged with a crime, that's coming from the criminal courts, law enforcement So school authorities don't get into investigating whether or not those allegations -- what the allegations are Just the fact that he has been charged with a serious crime
Q Okay
A And then there's -- there are steps that the school can take
Q Such as?
A Depending upon the nature of the crime, you have to see if it impacts the safety, health, and well-being of the students If it does, then there can be suspension procedures, dismissal procedures,

Page 87

if necessary
Q All right Is the policy of the school to suspend or otherwise place a teacher on leave pending the investigation of the criminal charges?
MR QUISENBERRY Objection to the form of the question
A Depends upon what the crime is and that's -- Mr Edwards, that's one of those situations where you get the policy manual out because it's not something that occurs that often and you would think that someone would have it memorized, but they will just go to the policy manual and see
Q And I understand that And I know these things aren't perfect I'm just trying to figure out what is and is not -- how it works in reality when something like this happens And that's all I'm trying to get at
Now, I asked you earlier and I think you didn't know if Smith -- if there was a criminal investigation, is that right?
A I was not informed of any criminal investigation
Q So you never spoke with anybody with the police or detectives or investigators or anything like that?

Page 88

A I don't recall doing that I think I would have if I had You know, in a situation like that, I would think that I would be -- I would be contacted by law enforcement
Q But you weren't?
A Not that I remember
Q Do you know if any teachers under your watch were contacted by the police in their investigation?
A I wasn't informed of any
Q Do you know if these two teachers who were -- been there a long time, since the '80s, Dorothy Meek and Alma, whether or not they were contacted by the police in their investigation?
A I wasn't told I don't know
Q Are there any former students of James Island High School who are now teachers at the school?
A Yes
Q Can you tell me who those teachers are?
A Lauren Milleman
Q How do you spell that?
A L-a-u-r-e-n, M-i-l-l-e-m-a-n
Q How long has she been at the school?
A As a teacher, I think about five years

Page 89

Q Do you know when she attended James Island High School?
A She graduated either 2000, 2001 Somewhere around there
Q How many are there, former students who are now teachers?
A I think there's 6 or 7
Q Any who had been students during the late 1980s?
A Not that I know of
Q Any who had had Smith as a teacher?
A I don't know that for sure either
Q Okay If you can, tell me their names, how long they have been there, and when they graduated, best you can recall?
A Rachel -- you knew her as Rachel Buesing She was a cheerleader Now she's a cheerleading sponsor I think her last name is Tisdale, T-i-s-d-a-l-e
Q And you said Buesing is her maiden name?
A Yes B-u-e-s-i-n-g She graduated in 1999
Q How long has she been a teacher at the school?
A Rachel has been there a little bit She's been there since I think 2003 -- no, 2004

Page 90

Q And Lauren Milleman, did she play any sports or anything like that in school?
A She was a cheerleader Rachel was too
Q Who else?
A Caroline Byrd Whitley
Q Byrd is her maiden name?
A I think it is, yes
Q Whitley, W-h-i-t-l-e-y?
A Yes
Q When did she graduate?
A Caroline has been around for a while I think she graduated late '70s or early '80s
Q And how long has she been teaching at the school?
A I want to say since the year 2000 she has been there
Q And you didn't know her personally then I suppose when she was attending the school?
A No
Q Who else?
A Francie Cashman
Q Francie is her proper name?
A F-r-a-n-c-i-e
Q Is that short for Francine?
A I think that's her real name

Page 91

Q Okay When did she graduate?
A I think Francie graduated in the early '90s, mid '90s, maybe
Q How long has she been teaching at the school?
A She's been teaching about ten years
Q Around 2000?
A 2000 to 2002 Somewhere around there
Q Do you know whether or not she was involved in any sports or extracurricular activities?
A I don't know
Q Were you ever involved in the sports side of it, the athletics department, as either the principal or assistant principal in any way?
A No I didn't have any responsibilities in terms of sports
Q Do you know whether or not there was a year that there was not a softball team, the school did not field a softball team?
A I have no knowledge of that There's been a softball team every year that I was there since 1998
Q Anybody else, former students who are now teachers?
A Their names -- there might be some more, but

Page 92

I can't think of them right now
Q Is there a way for you to check and see if there are others?
A Yes
Q Could do you that?
A Yes
(This page contains Requested Information)
Q Do you mind doing it and providing that list of anybody else who we haven't already talked about to Mr Quisenberry?
A Yes, I will do that
Q Do you know about an incident with Smith involving two students who were engaged in some sort of interaction on school grounds where Smith was reprimand, for lack of a better word, for the way he handled the situation?
MS JACKSON Objection to the form
MR QUISENBERRY Objection to the form
A I have seen the letter in the file from Dr Gregory
Q Do you know anything about that?
A The only thing that I knew I had heard from another assistant principal that Mr Smith had

Page 93

caught the students in the gym or in the locker room either during the school day or after school hours, and he caught them in a compromising situation, and it was reported That's all I knew about it
Q Well, how did you learn about it?
A I saw it in his file
Q Did you talk with Gregory at all about it?
A No I don't ever remember talking about it with Gregory
Q Did you talk with anybody about what happened?
A No
Q Do you remember the letter suggesting that he had handled the situation improperly?
A I remember that, yes
Q Do you know what it is he did?
A I really have no knowledge of that
Q Okay
A Other than what's in that letter
Q Well, that letter doesn't really say, does it?
A No
Q So when did you learn about that incident?
A To the full extent of what is described in

Page 94

that letter, I didn't really learn about it until I read that letter in his file
Q When was that?
A When I became principal
Q 2005?
A 2005
Q Did you ask him about that?
A I remember discussing that with him at some point prior to this situation
Q What did he have to say about that?
A He found some students embraced kissing I don't remember exactly where -- somewhere in the gym, and he didn't report it in a timely fashion to the principal And that's what the problem was, that's what he told me
Q According to Smith?
A According to Smith, yes
Q But you didn't talk with Gregory about it?
A No
Q She was the principal at the time?
A I was principal at the time
Q When the incident occurred?
A No No She was the principal at the time I was principal --
MR QUISENBERRY When were you

Page 95

principal?
THE WITNESS July 1, 2005
Q Do you remember when this happened?
A I don't remember
Q Sometime before?
A Sometime before 2005
Q When Gregory was the principal?
A Right
MR QUISENBERRY When did Smith talk to you about it?
THE WITNESS Sometime after -- it could have been the first year I was principal there Sometime between 2005,-'6 school year
Q Okay And you read -- what made you read Smith's file when he came in in 2005?
A I had some time and was going through personnel files, looking through files
Q All right Where did you start?
A I started with the As
Q Just went on through them?
A Uh-huh
Q When you reviewed these files, did you see any other notations of anything similar with any of the other teachers?
A With any of the other teachers? No

Page 96

Q Did you take any action on Smith?
A Based upon what? What I read there? No
Q Did you not know at that time about the incident with the girl in the swimming pool?
A What I had heard, yes What little bit I hear
Q Did you ask him about that?
A No, I didn't
Q All right Do you know of any other teachers, current or former, at James Island High School who have been alleged to have sexually molested a student?
A What I heard on the news and read in the newspaper when I first came to Charleston County
Q When was that?
A In 1997
Q What was it that you heard on the news?
A That was before I was at James Island High School also
Q So you learned about that independently?
A Yes It was on -- I was principal at Charlestowne Academy And if I remember correctly, it was -- the fall of that year, it was on the news, in the newspaper, that initially allegations were made against Eddie Fisher And that he was --

Page 97

had formally been -- or his last assignment was James Island High School
Q And when you overtook role of principal in 2005, did you review his file?
A I have no knowledge of his file Never seen it Don't know where it is
Q It's not at the school?
A I haven't seen it in any drawers that I have looked in, and I haven't gone searching for Eddie Fisher's file
Q Do you know what Charlie Smith's involvement in the Eddie Fisher case is?
A I have no idea
MR QUISENBERRY Objection to the form
Q If he was involved, do you think you should know that as principal?
MR QUISENBERRY Objection to the form
A I think I should, yes I think I should be informed or should have been informed
MR QUISENBERRY Objection to the form
MR EDWARDS I don't think I have anything else for him They may have a few

Page 98

questions for you And I do think I have come in under time
(Off-the-record discussion)
EXAMINATION
BY MR QUISENBERRY
Q I'm Brian Quisenberry I'm the attorney for the high school I am going to be asking you a few questions And Ms Jackson, the attorney for Mr Smith, might have questions I know you testified earlier about policies Do you remember that?
A Yes
Q Is it your understanding that prior to the charter being formed in 2003, the School District's policies governed the high school?
A Yes
Q Do you have any knowledge of the contents of the policies governing the high school in 1988, 1989?
A I have no knowledge of that
Q I am going to show you some exhibits I am going to show you what has been marked as -- well, it hasn't been marked yet, but -- let me see the actual exhibits
This is marked as Exhibit 5 Do you remember seeing that earlier?

Page 99

A Yes
Q All right And do you see the date that this policy was issued and in its current form?
A Issued in April of 2007
Q Do you have any knowledge of what the contents of the policy was prior to April of 2007?
A I don't have any knowledge of it prior to 2007
Q This is Exhibit 8 Do you see the issue date, when is that?
A August of 2005
Q Do you have any knowledge of the contents of the policy in Exhibit 8 prior to August of 2005?
A None whatsoever
Q Do you see the date next to the word adopted?
A Yes
Q Does that indicate that this policy was adopted in August of 2005?
A August 8th, 2005, yes
Q So this policy didn't exist prior to that date?
A According to this piece of paper, this document, this was the first time it was issued
Q All right This is Exhibit 7 Do you see

Page 100

the issue date on this exhibit?
A August 2005
Q Do you have any knowledge of the contents of the policy prior to August of 2005?
A No
Q What about Exhibit 9?
A That was issued in November 2005
Q Do you have any knowledge of the contents of the policy prior to that?
A No, I don't
Q Okay I think that's all of them I want to show you Exhibit 4 What date was the James Island Charter High School created?
A It began its operation in 2003
Q After it was created, who was responsible for governing the high school?
A The James Island Charter High School Board of Directors
Q And did those board of directors report to anyone in the school district?
A No
Q So after that date, was the charter high school its own separate entry from the district?
A It was autonomous from it
Q You were -- you were asked questions about

Page 101

retirement Do you remember that?
A Yes
Q And you mentioned state retirement system Do you remember that?
A Yes
Q Isn't it true that the state retirement system manages that system?
A The South Carolina State Retirement System, yes
Q And are some of the documents regarding retirement forwarded to that state entity?
A Yes
Q So some of those documents may be kept there that aren't at the school?
A Yes
Q I am going to ask you about Exhibit 10 here You were shown this earlier Do you remember that?
A Yes
Q And you were asked about an entry on one of these pages regarding the tennis coach And you said you recall -- you weren't there at the time, right?
A Correct
Q So you have no knowledge of why that entry was made or what happened with that?

Page 102

A No No knowledge
Q And the fact that someone is assigned to be a coach initially, but then doesn't end up coaching, that doesn't mean that they conducted any misconduct, is that true?
A It has no reflection upon their performance whatsoever The principal can remove them or the coach may voluntarily say I chose not to coach anymore
Q And even if they voluntarily decide not to coach anymore, it would still be a technical termination of their duties, correct?
A Yes
MR QUISENBERRY That's all I have
MS JACKSON I have none
MR EDWARDS I have a couple of follow-ups for you

EXAMINATION
BY MR EDWARDS
Q Those policies that we reviewed here today and that were adopted at various points, those are good policies, aren't they?
MR QUISENBERRY Objection to the form

Page 103

A Specifically are you saying all of them?
Q Is there one that you think is a bad policy?
A No
MR QUISENBERRY Objection to the form
A No
Q So do you think they're good policies?
MR QUISENBERRY Objection to the form
A They're good policies, yes
Q So shouldn't they have been in place in the '80s, too?
MR QUISENBERRY Objection to the form
MS JACKSON Objection
A Should they have been? I couldn't tell you that I really couldn't comment on that
Q Should they have had good policies in place in the 80s?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
A Yes, they should have
Q And these are good policies We have already established that So do you think they

Page 104

should have had these in the '80s?
MR QUISENBERRY Objection to the form
MS JACKSON Objection
A I really wouldn't want to comment on that I have no opinion about that A policy is a policy, when it was adopted and whether or not it was a good policy --
Q Well, if you were a principal in the late 1980s, would you want these policies in place?
MR QUISENBERRY Objection to the form
MS JACKSON Objection
A I was an assistant principal at another district in the late 1980s, and we had policies like that
Q In place?
A In place, yes
MR QUISENBERRY Objection to the form
Q Now these other documents that are maintained elsewhere, archived in someplace, do you know how to retrieve them?
A No, I don't
Q Do you know who to call?

Page 105

A Usually I ask one of the directors or an assistant to do that, and they do it And usually those are -- the only ones I have ever had a need to ask for archived material have been student records, and I will direct them to our director of guidance She has direct contact with people in the archives
Q So some -- the director of guidance, for example, has the knowledge and the ability to get --
MR QUISENBERRY Let him finish his question before you answer
Q Does she have the knowledge and ability to contact the archives and get documents that she needs to get?
MR QUISENBERRY Objection to the form
A She has those phone numbers, and she knows the people It's quicker just to give her a call or just direct people to her office
Q And you have done that in the past, asked her to get archived records?
MR QUISENBERRY Objection to the form
A Yes

Page 106

Q And has she successfully retrieved them?
A Let me restate that She directs -- not directs She helps people seeking that information to get it from the archives
Q Okay
A The archive files
Q I don't understand the clarification How is that different than what we have just been talking about?
A If we ever needed information as opposed to an individual who comes in and says, I need my transcript for college, and I graduated ten years ago You know, they come and they usually think that we keep that material And then she gives them the information or facilitates it for them
Q I see That's not what I'm -- I'm not asking about that I'm asking you about you, as principal, needing records of some kind through the archives You would get her to do it and she knows how to do it is what I understand?
MR QUISENBERRY Objection to the form
A If it was student information that I wanted to look at that was archived, she would get it for me I can't think of any specific instance in

Page 107

which I needed information from the archives on a student or personnel
Q Okay You mentioned earlier that different assistant principals had different areas of responsibility Is that what I heard you say?
A There's one area of responsibility that all assistant principals when I was an assistant and current assistant principals have
Q What is that?
A All of them have student discipline case loads There may be some other tasks -- there are some other tasks that are assigned to a specific assistant principal For example, student transportation
Q What were your responsibilities as assistant principal?
A Other than discipline, student scheduling at various times Student scheduling, safety, conducting -- making certain that safety drills were conducted on schedule and in a timely manner, making certain that the staff received training on safety drills and that all of the safety information was issued to each teacher
Q Okay And the discipline for the assistant principal was with the students, is that right?

Page 108

A Yes We also -- all assistant principals have responsibilities for performance evaluations for teachers
Q Do you know who was the evaluator for Smith?
MR QUISENBERRY Objection to the form
A No, I don't
Q Do you know of any connection there is between Lynn Shaddrix and Charlie Smith?
MR QUISENBERRY Objection to the form
A I know they're friends
Q Okay
A Personal friends from when he first came into the area
Q She told you that?
A I don't know if she told me that or I just learned it when I got there over a period of time
MR EDWARDS Let's take a quick break What I am trying to remember was a single point anyway, so it won't take us down any long path and then you will be free to go Five minutes
(Off-the-record discussion)
Q Do you know of any or have you ever been involved in any type of suicide attempt by a

Page 109

student?
A Not a suicide attempt, no I don't recall any suicide attempts, and I think I would recall Those are pretty traumatic
Q What would you expect the -- what actions would be taken by the school in response to a suicide attempt?
MR QUISENBERRY Objection to the form Dates
A Well, certainly if it is happening on campus, school personnel have to first act with the safety of the student in mind, notify medical authorities on the campus, notify law enforcement also for assistance, and notify the parents And then at the same time, call for emergency help and get -- make sure the student is transported to the closest medical facility as quickly as possible
Q Okay And you would expect to be notified as well, wouldn't you?
A The principal would be notified right away
Q And who do you think would be the one that should notify them?
A Well, it could be any one of those folks that first got involved in it The nurse, school resource officer, there might be an assistant

Page 110

principal that is notified in conjunction Any one of those folks
Q Any of the people under your watch who were involved --
A Yeah
Q -- you would expect to report to you, correct?
A Right
Q And then when -- what do you think you as principal should do at that point?
MR QUISENBERRY Objection to the form
A My responsibility would be to oversee and coordinate, if necessary, any of the services that are going to be provided to the student and make certain that all parties have been notified and go from there
Q When the student -- let's assume that the suicide attempt was unsuccessful and they lived and that student comes back, what accommodations would you make for that student?
A Since I am not dealing from an experience base of having a suicide attempt while a student is on campus, I can tell you that what we would do would be similar to any student who has had a

Page 111

serious medical situation and is returning to school after either a short or an extended stay from a medical situation
Q What types of things are those?
A The student may qualify for an accommodation plan, a 504 accommodation plan
Q What do you mean when you say that?
A A 504 is part of 94-142 concerning students with disabilities You have to assemble and should assemble a team of educators on campus and support personnel, the parents also, the school psychologist to examine if there are any special accommodations that that student will need so that one of the basic life functions -- and education is one of them, are not impacted negatively
Q Okay
A So it may be some accommodations in the classroom A student may require special seating, they may require regular visits to the guidance counselor for school related items
Q Right
A Any number of things
Q Do you have a policy on drop outs?
A A policy on drop outs?
Q Yeah

Page 112

MR QUISENBERRY Objection to the form
Q What I mean by that is -- that was not a good question Let me rephrase that?
You discourage your students from dropping out of school, don't you?
MR QUISENBERRY Objection to the form
A We encourage our students to complete high school on time Not only do we encourage, we have a number of support systems in place at the school to assist them in graduating on time, meaning in four years
Q And do you -- if somebody comes to you and says I want to drop out of school, is there -- I mean, is it -- do you just permit that to happen or is there some form of steps taken by the school to try to actively discourage that and you keep that person in school?
MR QUISENBERRY Objection to the form
A We actively encourage the students to complete in four years And if not in four years, complete their high school diploma
Q And one of those ways that you could encourage that would be accommodation and things

Page 113

like that if they needed it, if they had circumstances that were unusual or otherwise warranted accommodations?
MR QUISENBERRY Objection to the form
MS JACKSON Same objection
Q If you understand that
A Tutoring, special help after school, all kinds of services to help students complete their regular high school diploma
Q And the end goal with that is to get the diploma, correct?
A Correct
MR EDWARDS I haven't really remembered what was on the tip of my tongue earlier It will hit me sometime in the middle of the night tonight I promise I won't call you But I think that I am done with you for now
Although I would like to put on the record that I have not reviewed and I haven't marked, which I will do here in a minute, the documents that you have brought with you here today And I am going to mark them as Exhibit Number 11 and leave James Island High School deposition open to the extent that there are materials in here that

Page 114

haven't been produced before and require review and further questioning
MR QUISENBERRY Just for the record, the high school objects to that, but --
MR EDWARDS Other than that you're --
MR QUISENBERRY I have got questions
EXAMINATION
BY MR QUISENBERRY
Q A few questions as follow up Earlier you remember testifying about how a suicide attempt would be handled and how you handled attempted drop outs?
A Yes
Q Were you testifying about how you would handle that now?
A Yes
Q You weren't testifying about how that was handled in the '80s?
A No
Q You don't know how they were handled in the '80s?
A I have no idea how they were handled in the '80s
Q When you spoke about notifying the authorities, were you referring to when narcotic

Page 115

drugs are involved?
MR EDWARDS Objection to the form
A No
Q What were you --
A I think my answer was notifying law enforcement or the authorities in order to provide assistance
Q But why would -- why would they be needed in --
A In terms of an attempted suicide, sometimes they have means and methods to get --
Q Sometimes, but they're not always needed, are they?
A No No Sometimes they have the ability to get emergency medical services there quicker than if it's just a straight call from the school
Q So in an instance where a student took 10 to 12 caffeine pills, there would be no need to call the police in that instance?
MR EDWARDS Objection to the form
A There's been no criminal activity, and I don't -- by my answer I don't imply that we would notify the law enforcement because there's been any suspected criminal activity Just in terms of providing assistance in an emergency situation

Page 116

Part of that, if I could, Mr Quisenberry, comes from the former school resource officer that we had, one of the finest that we have had, that was something he just insisted on Insisted that when the 911 call was made, that he be notified
Q When was that?
A From 2004 to about 2009
Q Okay
A Guy by the name of Michael Heyward
MR QUISENBERRY That's all I have
MS JACKSON I actually just have one more -- one or two follow-ups
EXAMINATION
BY MS JACKSON
Q When you were talking about creating a team to possible provide accommodations, is that something that a student or their family feel they need before an event, such as a suicide attempt, that they can come to you and ask for it?
A Certainly
Q And even if your school or the school district offers accommodations, it would be up to the student and her family to accept those and follow through, correct?
A Correct

MS JACKSON Thank you That's all I have

(Exhibit No 11 was marked for identification)

(The deposition was concluded at 12 39 p m)

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

I, DARAH L NEKOLA, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth and nothing but the truth in the within-entitled cause, that said deposition was taken at the time and location therein stated, that the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed by computer-aided transcription, that the foregoing is a full, complete and true record of the testimony of the witness and of all objections made at the time of the examination, and that the witness was given an opportunity to read and correct said deposition and to subscribe the same

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed himself/herself of the opportunity to sign or the signature has been waived

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof

Witness my hand, I have hereunto affixed my official seal on July 19, 2012 at Charleston, Charleston County, South Carolina

DARAH L NEKOLA
NCRA REGISTERED PROFESSIONAL REPORTER
My Commission expires
January 7, 2018

924

THE RICHTER FIRM, LLC

Attorneys & Counselors at Law
622 Johnnie Dodds Boulevard
Mount Pleasant, South Carolina 29464

Lawrence E. Richter, Jr
Alice Anne Richter Lehrman
Aaron E. Edwards

Telephone. (843) 849-6000
Telefax (843) 881-1400

June 27, 2012

Brian Quisenberry
Young Clement Rivers, LLP
25 Calhoun Street, Suite 400
Charleston, SC 29401

In Re: Jane Doe v. Charleston County School District, et al.
Case No. 2010-CP-10-7699

Dear Mr. Quisenberry:

Enclosed for service please find the Second Amended Notice of 30(b)(6) Deposition of James Island High School and the Amended Notice of Deposition of Charleston County School District in the above referenced matter. Please do not hesitate to contact our office with any questions or concerns

With kind regards, I am

Very truly yours,

Michelle Stith

/cms
Enclosure

cc: Robin Jackson
Jane Doe

EXHIBIT
Bohinstaget 1

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	
	)	Case No : 2010-CP-10-7699
JANE DOE	)	
	)	
Plaintiff,	)	
v	)	
	)	**CERTIFICATE OF SERVICE**
CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH	)	
	)	
Defendants.	)	
	)	

I DO HEREBY certify that on this date I have served a copy of the Second Amended Notice of 30(b)(6) Deposition of James Island High School and the Amended Notice of Deposition of Charleston County School District by mailing a true and correct copy of the same via US Mail to counsel for Defendants at the addresses as follows:

Robin Jackson
Senn Legal, LLC
Post Office Box 12279
Charleston, SC 29422

Brian Quisenberry
Young Clement Rivers, LLP
25 Calhoun Street, Suite 400
Charleston, SC 29401

s/ Michelle Stith
Michelle Stith

June 27, 2012
Mt. Pleasant, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	
	)	Case No 2010-CP-10-7699
JANE DOE	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Second Amended Notice of 30(b)(6) Deposition of James Island High School**
	)	
CHARLESTON COUNTY SCHOOL DISTRICT, JAMES ISLAND HIGH SCHOOL, AND CHARLES SMITH	)	
	)	
Defendants	)	
	)	

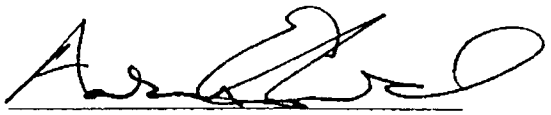
TO: BRIAN QUISENBERRY, ATTORNEY FOR DEFENDANTS CHARLESTON COUNTY SCHOOL DISTRICT AND JAMES ISLAND HIGH SCHOOL

PLEASE TAKE NOTICE that the attorneys for plaintiff will take the oral testimony by deposition of the following at the time and date listed below Said deposition will be taken before a qualified notary public in the offices of **Young Clement Rivers, LLC at 25 Calhoun Street, Charleston, SC.** This deposition is to be taken pursuant to Rule 30(b)(6) of the South Carolina Rules of Civil Procedure. The deponent is required to provide a witness with knowledge of, and will be examined regarding all matters relevant to the subject matter involved in the pending case, as more precisely outlined in Exhibit A attached hereto.

Said deposition is being taken for pre-trial discovery, for use at trial and for such other purposes as may be permitted by law The deposition will continue from day to day until completed.

30(b)(6) representative for James Island HS
July 16, 2012 at 9:00 am

THE RICHTER FIRM, LLC

By 

Aaron E. Edwards
622 Johnnie Dodds Boulevard
Mt. Pleasant, SC 29464
(843) 849-6000

ATTORNEY FOR PLAINTIFF

6/27, 2012
Mount Pleasant, South Carolina

Exhibit to James Island High School 30(b)(6) Deposition

1 Knowledge of the facts and circumstances of this case.

2 Knowledge of Defendant Smith's extracurricular activity involvement

3. Knowledge of Defendant Smith's teaching positions, duties, and responsibilities.

4 Knowledge of the training teachers and staff received from 1987-1988 through the present regarding sexual assault.

5. Knowledge of the training teachers and staff received from 1987-1988 through the present regarding appropriate teacher/student interaction and conduct.

6 Knowledge of Defendant Smith's duties and responsibilities regarding the Plaintiff.

7 Knowledge of any notifications, reports, or allegations of sexual misconduct by any James Island High School teacher or employee from 1987-1988 through the present.

8. Knowledge of policies, procedures, training and/or education regarding student arrival and pick up from 1987-1988 through the present.

9. Knowledge of policies, procedures, training and/or education regarding teachers giving students rides from 1987-1988 through the present.

10. Knowledge of policies, procedures, training and/or education regarding inappropriate and/or sexual interaction between teachers and staff with students from 1987-1988 through the present

11 Knowledge of any time that James Island High School limited Defendant Smith's or any other teacher or employee's interaction with students due to complaints or misconduct.

12. Knowledge of why Defendant Smith or any other teacher or employee was limited in his interaction with students.

13. Knowledge of how Defendant Smith or any other teacher or employee was limited in his interaction with students.

14. Knowledge of any disciplinary action any teacher or employee received due to their interaction with students

15. Knowledge of any known or alleged perpetrators of sexual abuse employed by James Island High School at any time.

16. Knowledge of any known or alleged victims of sexual abuse perpetrated by James Island High School teachers or employees.

EXHIBIT
2 - Holliday
PERIGARD 800-631-6989
7/11/12 RH

Charleston County SCHOOL DISTRICT

STRATEGIC ORGANIZATIONAL CHART FOR 2011-2012

PHASE I

BOARD OF TRUSTEES

ADMINISTRATIVE SPECIALIST BOARD OF TRUSTEES
Penny Storey

INTERNAL AUDIT
Cathleen Cox, Director of Internal Audit

AUDIT & FINANCE COMMITTEE

ADMINISTRATIVE SPECIALIST SUPERINTENDENT
Robin King

ADMINISTRATIVE ASSISTANT SCHOOL OPERATIONS
Pete Eckhart

SUPERINTENDENT DR. NANCY J. MCGINLEY

GENERAL COUNSEL
John Emerson, General Counsel

EMPLOYEE RELATIONS
Bert Holliday, Beverly Vanhaze Directors

Strategy, Planning, and Partnerships Division

STRATEGY & COMMUNICATIONS DEPT.
Elliot Smalley, Deputy for Strategy & Communications

- Office of Communications
- Office of Video Services
- Office of Grants
- Implementation of 2012 Strategic Plan

ORGANIZATIONAL ADVANCEMENT DEPT
Audrey Lane, Deputy for Organizational Advancement
- Performance Management

COMMUNITY OUTREACH DEPT
Dr. Brenda Nelson, Director for Community Outreach

- Office of Public Affairs & Volunteers
- Parent Educator Programs
- Social Worker Programs
- Parent University Programs
- Liaison for Diversity & Wellness Initiatives

Academic & Student Support Division

ACADEMIC & STUDENT SUPPORT DIVISION
Dr. Lisa Herring, Associate Superintendent for Academic & Student Support
- Alternative Programs
  - Liberty Hill Academy
  - Summit

- Exceptional Children Dept.
- Gifted & Talented Dept.
- Nursing Services Dept.
- Prevention and Intervention Dept.
- School Counseling & Home School Dept.
- Student Intervention Services (SIS) Dept.
- Curriculum & Instructional Support Dept.
  - Office of Adult Education
  - Office of Educational Technology
  - Curriculum Specialists:
    - Math
    - ELA/Reading
    - Social Studies
    - Science
    - Physical Education, Health, and ROTC
    - English for Speakers of Other Languages (ESOL)
    - Media Services (Textbooks)
    - Fine Arts (including Artistically Gifted and Talented)

EARLY LEARNING COMMUNITY
Dr. Sarah Lee, Executive Director
- Child Development Department
- Head Start Department
- Early Head Start Department

SCHOOL DIVISION

SECONDARY LEARNING COMMUNITY
Lewis Martin, Associate Superintendent
- 21 Middle & High Schools
- 2 Programs
- High School Athletics

INNOVATION ZONE LEARNING COMMUNITY
Dr. James Wimbush, Associate Superintendent
- 14 Elementary, Middle, & High Schools
- Charleston Promise Neighborhood

ELEMENTARY LEARNING COMMUNITY
Terri Nichols, Associate Superintendent
Ruth Taylor, Assistant Associate Superintendent
- 36 Elementary Schools
- 2 Programs

EARLY LEARNING COMMUNITY
Dr. Sarah Lee, Executive Director
- Child Development Department
- Head Start Department
- Early Head Start Department

Accountability Division

ACHIEVEMENT & ACCOUNTABILITY DEPT
Melissa Matarazzo, Executive Director for Achievement & Accountability
- Office of Assessment & Evaluation
- Office of Teacher & Principal Effectiveness
- Office of School Choice
- Office of Accreditation & Charters

FEDERAL PROGRAMS DEPT
Michelle English Watson, Director for Federal Programs
- Office of Title I Programs
- Office of No Child Left Behind Parent Options
- Office of Services for Displaced Families
- Office of Enrichment Programs for English Language Learners

Operations, Human Capital, & Facilities Division

CAPITAL PROGRAMS DEPT.
William Lewis, Chief of Capital Programs
- Facility & Space Planning
- Building Programs (Southern Management Group)

FINANCE, OPERATIONS & HUMAN RESOURCES DEPT
Michael Bobby, Chief of Finance, Operations, & Human Resources
- Office of Operations, Planning & Systems Improvement
- Office of Human Resources
- Office of Financial Services
- Office of Contracts & Procurement
- Office of Transportation
- Office of Food Services
- Office of Risk Management & Security
- Office of Information Technology

Dr. Nancy J. McGinley
Office of Communications, Revised September 28, 2011

EXHIBIT
Blakeney 2
PERIGARD 800-631-6989
7-16

James Island Charter High School
1000 Fort Johnson Road
Charleston, SC 29412

Robert E Bohnstengel, Principal

Telephone: (843) 762-2754
FAX: (843) 762-5228

October 19, 2007

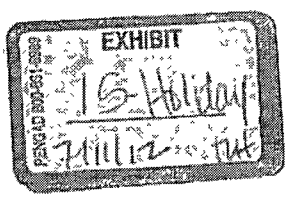
Charles Smith
1082 Quail Drive
Charleston, SC 29412

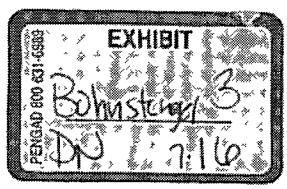
Dear Charlie,

Beginning Monday, October 22, 2007, you will be placed on leave with pay. This leave carries with it no personnel, performance, sanctions or monetary penalties. You should not return to this campus until contacted by me.

Sincerely,

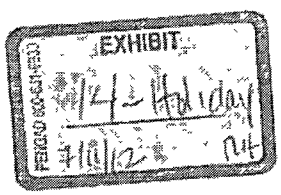
Robert E. Bohnstengel
Principal





8THIS AGREEMENT IS SUBJECT TO ARBIRATION PURSUANT TO THE UNIFORM ARBITRATION ACT SECTION 15-48-10, ET SEP., CODE OF LAWS OF SOUNTH CAROLINA 1976 AS AMENDED.

JAMES ISLAND CHARTER HIGH SCHOOL



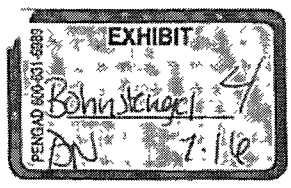


TABLE OF CONTENTS

Table of Contents		2
1.	James Island Charter High School Mission Statement	3
2.	The School and Community	3
3	Student Admissions	4
4.	Student Attendance	6
5.	School Governance and Operation	6
6	Personnel	12
7.	The Curriculum	15
8.	Academic Accountability	17
9.	Evidence of Parental Support	21
10.	Parental and Community Involvement	22
11.	Grievance and Termination	23
12	Services to Students with Disabilities	24
13	Professional Development	24
14.	Health and Safety	25
15.	Student Rights and Responsibilities	25
16	Budget and Contract Issues	25
17.	Contractual Arrangements	26
18.	Business Plan	27
19	Dispute Resolution	28
20	Statement of Understandings	29

Appendix A - The By-Laws of James Island Charter High School
Appendix B - The Curriculum
Appendix C - The Budget
Appendix D - Voting Process
Appendix E - Other Responses to Charleston County School District

JAMES ISLAND CHARTER HIGH SCHOOL

TERMS OF AGREEMENT

1. James Island Charter High School Mission Statement

The Mission of James Island Charter High School is to develop confident, responsible, life-long learners who can excel in society by creating a diverse curriculum and extracurricular experiences in a safe, nurturing environment supported by faculty, parents and community.

2. The School and Community

James Island Charter High School (JJCHS) is a converted community-concentric public school, providing education and facilities for the community, operated as a nonprofit corporation and organized under the laws of the State of South Carolina. Parents, teachers and local community leaders govern it. It is located at 1000 Fort Johnson Road, and serves Charleston County School District 3, a community comprised of the area of James Island and Folly Beach, and offers the International Baccalaureate (IB) Program and Pre-IB Program to students countywide. Current student enrollment for grades 9 through 12 consists of approximately 1500 students and represents the same racial composition of schools within the District 3 attendance zone.

Mission Statement of the District

The mission of the Charleston County School District, working in partnership with students, families and the workplace and the community is to ensure that all students are provided the opportunity to receive a high quality education that prepares them to succeed in a complex and competitive world

JICHS operates as the community public high school for all students residing in the District 3 attendance zone of the Charleston County School District (CCSD), opening on the first school day of the Charleston County School District's 2003-2004 school year The charter school adopts the calendar established by the CCSD

The residents of Folly Beach and James Island support the school system and recognize the importance of the community facility and access to high quality education for all students James Island Charter High School will operate as the public, non-sectarian, non-religious, non-home-based community school for District 3 of the CCSD.

Expected population growth in the community will increase the student

body and place additional demand for more classrooms and other facilities The JICHS school campus affords room for new buildings and expansion of facilities to offer more classrooms, a safe facility for after-school programs, adult education, and other amenities for the growing community The Board of Directors will work in conjunction with CCSD on future capital improvement and building plans to accommodate more classroom and other amenities for the community school

Pupil Distribution By Grade Level

Grade 9	**47**
Grade 10	**6**
Grade 11	**398**
Grade 12	**297**

Teachers and other staff employed at James Island High School at the time of conversion or who transfer to JICHS from other CCSD schools will remain employees of the CCSD All such employees are subject to applicable CCSD personnel policies. CCSD teachers are covered under Article 5, Chapter 25 of Title 59 of the South Carolina statute, the Teacher Employment and Dismissal Act The principal of JICHS, in concurrence with the JICHS Leadership Team, shall recommend the retention and/or dismissal of all staff members The principal's recommendation for dismissal of non-teaching CCSD staff members shall be final, subject to CCSD personnel policies Teachers who are CCSD employees, and who have been recommended for dismissal, may request a hearing before the "District Board of Trustees " JICHS shall provide and pay for its own legal counsel in the prosecution required for a teacher dismissal hearing JICHS has the right to employ, contract, and terminate its own employees

The school offers students the opportunity to participate in the International Baccalaureate (IB) Program, and the entire student population benefits by adopting the criteria for that program IB requirements for structuring curriculum, adopting interdisciplinary focus, and advancing teacher-development, elevate expectations of students, teachers, and parents This comprehensive program sets a global standard Students from outside of the attendance district may apply for acceptance to attend this academic program

The faculty and staff identify with the diversity of student interests, abilities and aptitudes From a foundation built upon respect for the value of learning, JICHS offers a meaningful educational experience for all students, regardless of cultural, ethnic, racial, gender, religious, economic, social differences, disability, or need for special education assistance

3. Student Admissions

JICHS is open to all students who are under the age of twenty-one years of age, eligible to attend grades 9 through 12, and reside within the CCSD District 3 attendance area

By adopting the rules set forth in the South Carolina Charter School Act, JICHS agrees to implement the following admission policies

All students, including special education students, who live within District 3 attendance zone, shall be given first-right of enrollment
Students who do not reside in District 3 may make application and qualify to participate in the International Baccalaureate Diploma Program at the beginning of the school year and shall be given priority enrollment after all District 3 students are given the opportunity to enroll
JICHS will give priority to siblings of students previously selected for enrollment
The South Carolina Charter School Act of 1996, as amended, shall govern the priority admission of children of employees and charter committee members
At the beginning of the school year, any other student residing outside of District 3 may apply for admission, with students previously enrolled in the school prior to its conversion given first priority to attend, and said students will be granted admission on a first-come-first served basis If the level of interest exceeds the capacity of the school, students will be accepted into the school by random lot, as prescribed by the South Carolina Charter School Act A lottery, conducted at the end of each semester, will consist of a random selection
Admission for students who live outside of the District 3 attendance zone is permitted only when space is available
Students who live within the District 3 attendance zone then under expulsion by any school will be denied admission for the remainder of the school year
Every effort will be made to insure that the racial makeup of the school reflects the District 3 population within a 20% variance

---

Children of employees who reside outside the district may enroll their children at JICHS in accord with the South Carolina Charter School Act of 1996, as amended

JICHS does not anticipate the admission of any student residing outside of Charleston County

Proof of Legal Residence

All students must be eligible to attend school in the Charleston County School District Students must reside with legal guardians, and parents/guardians will be required to submit two proofs of residence upon enrollment
Acceptable proof of residence includes lease agreement, power bill, or other acceptable proof of residence

Students denied admission to JICHS may appeal that decision to the Board of Directors of James Island Charter High School A decision of the JICHS Board of Directors may be appealed to the Charleston County District 3 Constituent Board of Trustees with that Board's decision on the issue being final and without further review

4. Student Attendance

James Island Charter High School will provide student instruction for a minimum of 180 days, and it will follow the calendar adopted by the Sponsor

Hours of Operation

JICHS will meet state standards of 360 minutes per day of instruction The regular student school day begins at 7 10 a m and ends at 2 10 p m The school schedule will continue as is The teacher day begins at 6 55 a m and ends at 2 25 p m

The school operates on a modified-block schedule

Students attending James Island Charter High School will meet state and district guidelines for attendance JICHS will use the SDE's software program, SASI Student Management System to report its student data to the CCSD, which will in turn report the data to the State Department of Education

JICHS adopts the attendance requirements and truancy policies of the CCSD.

5. School Governance and Operation

Section 5.1 Board of Directors. The charter governing body and board of directors of the corporation is the Board of Directors of James Island Charter High School (hereafter sometimes referred to as "the Board"), and it shall manage the business and affairs of the corporation As required by law, the directors shall act only as a Board The CCSD and the district superintendent shall retain jurisdiction of the James Island Charter High School

Section 5 2 Responsibilities. The Board shall

sign the Charter School Contract,
ensure compliance with all of the requirements for a charter school as provided by the South Carolina Charter School Law;
maintain a positive working relationship with the CCSD,
comply with all Federal and South Carolina laws,
develop strategic plans for the school,
adopt and approve the annual budget,
oversight of curriculum,
assist in fund raising activities for the school,
- evaluate the school year vis-a-vis the academic accountability plan,
  employ and contract with non-CCSD teachers, administrators, and principal from recommended candidates presented by the Leadership Team,
  employ and contract with non-CCSD non-teaching employees,
  contract for other services,
  develop pay scales, performance criteria, and discharge policies
  approve operating procedures,
  hear appeals for teacher dismissals and student expulsions; and
  build a parent, educator, and community partnership

The job and methodology of teaching is left to the control and decision-making of professional educators

Section 5 3 Board Number. Grouping, Election, and Selections Committee.
The school will recruit as board member and selection committee candidates those persons who qualify under the South Carolina Charter School Act and demonstrate commitment to the school's mission Nominations are open to all parents, teachers, and community members

Nomination and election of the members of the Board of Directors of the charter school and standing committees will be made and conducted pursuant to the South Carolina Charter School Act of 1996, as amended Unless otherwise prevented by law, the Board shall consist of nine (9) directors, representing the following identified groups and meeting the following selection criteria

A Three (3) of the directors, parents of currently-enrolled students, one from each of the identified attendance areas now served by a James Island elementary school, shall be elected for a one-year term

B Two (2) of the directors, parents of currently-enrolled students, shall be elected at-large for a one-year term

C Two (2) of the directors shall be currently-contracted teachers to serve for a one-year term

D Two (2) community members from the attendance zones served by the James Island community schools to serve for a one-year term

Directors shall be elected by a plurality of the cast votes of those attending the annual meeting All JICHS employees and parents/guardians of currently enrolled JICHS students are eligible to vote in the election Parents/guardians shall have a collective one vote for each student then enrolled in the charter school Absentee ballots will be available upon request

The principal of James Island Charter High School shall serve on the Board as an advisor and ex officio member without a vote

Any director may be removed at any time for cause at any meeting of the Board by a vote of the Board of the Corporation called for that purpose Cause will be considered failure to organize or neglect of duty according to the South Carolina Charter School Act of 1996, as amended Directors shall be expected to attend at least sixty-six percent (66%) of all board meetings and of all meetings of the committee or committees on which he or she has agreed to serve A director shall be removed for conviction of a felony crime or crime of moral turpitude Any representative may resign at any time At the discretion of the Chairperson, Board action may be approved telephonically and ratified at the next subsequent meeting
The Charter School Committee shall serve as an interim board until the first election is held at the first Annual Meeting of the members held on November 20, 2002, or three weeks following acceptance and ratification of the charter by the appropriate government

authorities as provided by the South Carolina Charter School Act of 1996, as amended, whichever date is last met

Nothing herein shall preclude any member, teacher, employee, or community representative from seeking a maximum of two consecutive full terms on the Board of Directors

Section 5.4 Officers. The officers of the Corporation shall be a President, one Vice President, a Secretary, and a Treasurer The officers shall perform such duties as usually pertain to the offices that they hold or as may be assigned to them by the Board

The officers, elected members of the Board of Directors, shall be elected annually at the designated annual meeting of the Board by a majority of the votes cast Officers may succeed themselves in office

Charter School Committee

The following members serve as a charter school committee in the development of the charter school application Until a Board of Directors is elected on or about November 20,2002, or three weeks following acceptance and ratification of the charter by the appropriate government authorities as provided by the South Carolina Charter School Act of 1996, as amended, whichever date is last met Members of charter school committee will serve as an interim Board of Directors The members are

Nancy Gregory, Ed D -	'Principal/Administrator/Teacher
Robert Bell -	Teacher
Robert Bohnstengel-	Administrator/Teacher
James Glees, Ph D -	Community Member/Professor of Education
Alma Davis -	Teacher
Gary Gist -	Administrator/Teacher
Harvey Hagan -	•Business Person
Rev Lisa Hawkins -	Clergy/Parent
Robert New -	"Community Member/Business Person/Parent
Barbara Nielsen, Ph D -	Past Superintendent SC Department of Education
Wayne Palkovitz, Esq -	'Business Person
Russ Ricker -	Teacher
June Roper -	Administrator/Teacher
Paul Schwartz, Esq -	Business Person
Robin Thomas -	Parent
William Thomas -	Business Person/Parent
Sharon Ward -	Teacher/Parent
David Whitaker -	Community Member

Section 5.5 Committees. As soon as practicable after the annual meeting of the members, the President shall, subject to the Board's approval and stated provisions herein to the contrary, appoint the chairperson of committees, other than those standing committees with elected chairs and identified hereafter, from among the Board Chairpersons shall hold office at the discretion of the Board,

Section 5 5 1 Selection Committee. The Selection Committee shall consist of five members Three (3) of the committee shall be qualified parent members and two (2)

of the committee shall be teachers elected at the annual meeting to serve for the ensuing year The parent or teacher receiving the most votes shall serve as chairperson The Selections Committee shall meet in bank and, upon a three-fourths vote of all of the committee members, nominate to fill Board, Disciplinary Committee, or Selections Committee vacancy as required in event of removal for cause and, when may be required, for the unexpired portion of any term Nothing herein shall preclude any member from seeking consecutive terms to serve on the Selection Committee

Section 5.5.3 Disciplinary Review Committee. The Disciplinary Review Committee shall consist of five (5) members The committee shall be qualified parent members elected at the annual meeting to serve for the ensuing year

The Disciplinary Review Committee, meeting in bank, shall be empowered to examine all facts, hear appeals, and render a decision pertaining to suspension and expulsion brought on an appeal of an Administration decision A finding and recommendation of the Disciplinary Review Committee pertaining to any suspension and expulsion must be approved by three-fourths of the members of the Committee The student or the JICHS Administration may appeal any suspension or expulsion finding and/or recommendation to the Board of Directors with the Board's decision on the issues being final and without further review

Section 5.5.4 Other Committees. The President shall have the power to constitute, with approval of the Board of Directors, special committees to report to the Board for such purposes as may be deemed advisable

Section 5.6 Meetings. The Charter School Board of Directors shall meet on the first Thursday of October of each year The Board shall also meet regularly, at least eleven (11) times each year. With the exception for the Annual Meeting, any meeting may be cancelled or re-scheduled by a majority vote of the Board Meetings of the Board shall be general meetings and open to all members and the public for the transaction of any business within the powers of the Board without special notice of such business, except in any case where special notice is required by law or by the By-laws

Section 5.6.1 Special Meetings Upon the written request of either the President or three directors from the Board, special meetings may be called at any time Special Meetings of the Board shall be open to all members and the public

Section 5.6.2 Annual and Regular Meetings. The first Annual Meeting of the members shall be held on November 20, 2002, or three weeks following acceptance and ratification of the charter by the appropriate government authorities as provided by the South Carolina Charter School Act of 1996, as amended, whichever date is last met, thereafter, the Annual Meeting shall be held on the first Wednesday of October of each year Elections of candidates for the Board of Directors, Selection Committee and Disciplinary Review Board shall take place during the annual meeting

Section 5.6.2.1 Annual Report. The Annual Report include the self-evaluation report and improvement plan as approved by the Board and required in the guidelines established by the South Carolina Department of Education A copy of the report will be presented to the Board of Directors at the annual meeting and made available for inspection by parents/guardians of students, teachers, and the general public The report will be filed with the CCSD

Section 5.6.2 Place and Time of Meetings. All meetings of the Board shall be held at the school, located at 1000 Ft Johnson Road, Charleston, South Carolina, and at such times as shall be specified in the respective notices of such meetings or waivers hereof

Section 5.6.3 Notice of Meetings. Every meeting of the Board shall be served personally or by mail on each director not less than 3 and not more than 15 days before the meeting Such notice shall state the time, when, and the place where the meeting is to be held, and for special meetings, in addition, the purpose or purposes for which the meeting is called. If mailed, such notice shall be sent, via first class mail, postage prepaid, to each director entitled to notice at his/her address as it appears on the books or records of the Corporation

No notice of the time, place, or purpose of any meeting need be given to any director who attends such meetings or to any director who in writing executed and filed with the records of the Corporation, either before or after the holding of such meetings, waives such notice

Notices of meetings of the Board shall also be posted in the school and given to the public in accordance with the requirements of the Freedom of Information Act Public notice shall, however, not be required in the case of emergency meetings or a conference as defined in the Freedom of Information Act

Section 5.6.4 Open Meetings All official actions and all deliberations by Committees and a quorum of the Board and shall take place at a meeting open to the public, as provided in the Freedom of Information Act, except in cases where executive sessions are authorized pursuant to the Freedom of Information Act Generally speaking, and subject to the provisions of the Freedom of Information Act, the Board and Committees may conduct in executive session meetings or portions of meetings devoted solely to matters involving (a) discussions of employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or discipline of any specific prospective, current, or former employee, (b) discussions of employment labor relations or arbitration, (c) discussions of the purchase or lease of real property, (d) consultation with the Corporation's attorney or other professional advisors regarding litigation or potential litigation, (e) discussions of confidential information regarding current, prospective or former students, and (f) discussion of the Corporation's business which, if conducted, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law

Section 5 6 5 Quorum At all meetings of the Board, the presence of a majority of the directors shall be necessary and sufficient to constitute a quorum and, except as otherwise provided by law or by the Bylaws, the act of a majority of the directors present shall be the act of the Board. In the absence of a quorum, no business shall be transacted except to take measures to obtain a quorum, fix a time to adjourn, or to take a recess

Section 5.7 Leadership Team The Leadership Team shall be comprised of the following teaching and administrative staff members the Department Chairs of Science, Math, English, Social Studies, Foreign Languages, Guidance, Family and Consumer Science, Physical Education, Business and Technology, Fine Arts, ROTC, Special Education, and Media, and the Athletic Director, IB Coordinator, Assistant Principals, and the Principal

The Principal shall appoint Department Chairs

Section 5 7 1 Leadership Team Duties The Leadership Team is entrusted with the duty to provide decision-making on matters pertaining to the education of students enrolled in the charter school In carrying out that duty, the Leadership Team shall perform the following functions within the James Island Charter School:

1 Address issues of curriculum performance,
2 Advise the Board on budgetary issues,
3 Plan school direction for implementation of learning programs,
4. Conduct initial evaluations of all teacher, administrator, and principal candidates and refer acceptable candidates for Board approval,
5. Create and maintain extra-curricular student programs,
6. Establish school schedules, and
7 Respond to matters delegated to it by the Board

Section 5,7 2 Meetings of the Leadership Team The Leadership Team shall meet at least one time per week throughout the school year Each member of the Leadership Team shall have one vote At all meetings of the Leadership Team, the presence of a majority of three-fourths of the members shall be necessary and sufficient to constitute a quorum, and the act of a three-fourths majority of the members present shall be the act of the Leadership Team In the absence of a quorum, no business shall be transacted except to take measures to obtain a quorum, fix a time to adjourn, or to take a recess

Section 5 8 Employee and Student **Records.** Employee and student records are privileged documents to be maintained under locked conditions James Island Charter High School will strive to respect the privacy of both employees and students in all matters

Parents may request and examine their children's records at any time A written request with a signature of a parent/guardian is required to release of any student's records to a third party

Employee records are available for review only to the employee

Section 5.9 Term of the Charter. This application is for a term of five school years with renewal under the procedures as specified in the law

Section 5.10 Revocation of the Charter. If the charter school commits a material violation of the terms of this Agreement, fails to maintain student achievement, fails to meet requirements for fiscal management, and/or violates a provision of the law from which the charter was not specifically exempted, the CCSD may revoke this charter In the event that the charter is revoked, the charter school shall refund remaining allocated monies to the district

6. Personnel

Federal and state laws will govern the hiring of teachers and staff James Island Charter High School is an equal opportunity employer and does not discriminate on the basis of disability, race, creed, color, gender, national origin, religion, or ancestry

Section 6.1 Employee's Policy Manual. By June 2003, James Island Charter High School will develop an employee's policy manual consistent with the policies adopted by the CCSD CCSD personnel policies will apply to CCSD employees at JICHS

Section 6.2 Hiring Policies. Consistent with policies of the CCSD, persons interested in employment at JICHS will follow all district procedures in completing and submitting an application through the Personnel Office Positions available at JICHS will be posted, and current employees may transfer to JICHS, if appropriately qualified for the available position(s) Any related Human Resource Service charges shall be negotiated

Employment hiring policy requires the following steps be taken

- Advertise all available positions in the Tri-County or wider geographic area.
- Offer positions for a minimum of ten (10) days before the selection process is closed
- Designate a Leadership Team of teachers to interview qualified teacher-applicants and administration candidates to interview applicants
- Conduct second interviews through direct supervisor, principal, and/or designated school administrator
- Evaluate teaching effectiveness in classroom or worksite settings, when possible
- Require criminal background check of all employees
- Adopt the policies, as prescribed by the South Carolina Department of Education, to monitor employees through a probationary period, at the end of which, a supervisor or school administrator must file a written review for acceptance by the board

James Island Charter High School will pay the costs to obtain background checks for all staff

Section 6.3 Minimum Employment Credentials. All employees, whether certified or non-certified, must undergo the background checks and investigations required by law for all school employees before they may work in a public school

Minimum certification requirements required for employment are specified for each classification as follows

- Per South Carolina Charter School Act of 1996, as amended, teachers in all core subject classes must hold a minimum of a Bachelors Degree and a valid South Carolina teacher certification (or qualify for a provisional certification) in the field(s) for which they are hired to teach

- Teachers must hold a minimum of a Bachelors Degree and a valid South Carolina teacher certification (or qualify for a provisional certification) in the field(s) for which they are hired to teach, except for compelling circumstances

  When the Board identifies compelling circumstances, the Board may permit the hiring of non-certified teachers in a ratio of no greater than ten percent (10%) of the school's entire teacher staff Non-certified teachers must demonstrate appropriate qualifications and meet standards of the Charters School Act to perform the services for which they are retained Part-time non-certified teachers shall be considered pro-rata in calculating this percentage based on the number of hours that the non-certified teachers are expected to teach.

- One or more administrators must hold a minimum of a Masters Degree and a valid South Carolina teacher certification (or qualify for a provisional certification) and secondary school administrator certification.

Section 6.4 Hiring. For certified teachers and staff, James Island Charter High School adheres to the personnel guidelines established by the CCSD, including the CCSD salary schedule for all certified teacher and staff, nevertheless permitting the principal and Board the flexibility to recognize and make appropriate accommodation for merit and outstanding teacher and staff achievement Non-certified teachers and non-certified staff are subject to the said personnel guidelines

The hiring process requires an applicant to provide a written application, submission of credentials, and references Where possible, designated members of the Leadership Team will observe the applicant teaching in the classroom environment The Principal shall interview all candidates, with the Principal reporting the evaluation and Leadership Team recommendation to the Board

Certified teachers and administrators employed at James Island High School prior to the conversion and continuing at JICHS shall retain their same employment standing with

CCSD Certified teachers and administrators transferring from any other CCSD school to JICHS shall retain the same employment standing with CCSD Any teacher or administrator transferring from a school outside of CCSD will not receive preferential standing with CCSD

Section 6 5 Teacher Contracts As the current CCSD teachers who choose to teach at JICHS are CCSD employees, CCSD will issue contracts to those teachers The JICHS Board of Directors will direct the administrative staff to develop contracts for all non-CCSD teachers For newly-hired JICHS teachers, the contracts will provide employment for one year, subject to a probation period JICHS will encourage teachers to make a five-year commitment to the school

The Principal and Board shall have flexibility to recognize and make appropriate accommodations for the following

- Teachers who achieve perfect attendance during a school term,
- Teachers who "cover" classes for other teachers,
- Teachers who actively engage in development of curriculum, textbook selection, teaching strategy workshops, and
- Teachers who participate and provide teaching services in after-school and remedial programs

In the event that the charter school agreement is not renewed, CCSD will make every effort to reassign the certified faculty and staff of James Island Charter School to a reverted traditional James Island High School of the CCSD Any non-certified staff member would be expected to acquire the appropriate certification in order to continue employment with the district in a comparable position

Section 6 6 Employee Review Teacher and staff evaluations will take place annually and will include observation of classroom and teaching methods Prior to the preparation of any written evaluation of a teacher or administrator, the designated administrator shall conduct an evaluation interview The leadership team members may participate in the evaluation process The Principal shall develop evaluation forms and guidelines, and adopt the South Carolina Department of Education and CCSD STEP 1, 2, 3 evaluation policies, nevertheless permitting the principal and Board the flexibility to recognize and make appropriate accommodation for merit and outstanding teacher and staff achievement The written evaluation shall become a part of the teacher's permanent record

The progress and achievement of the students are factors in the measurement of the performance of teachers and administrators At least annually, direct classroom observations are required of each teacher

The following criteria shall measure principal and teacher performance

- Adherence to professional expectations and standards

- Progress toward the goals of James Island Charter High School

Section 6.7 Substitute Procedures. In a teacher's absence, the Principal may, at his or her sole discretion, choose from among the following options

- Hire a qualified substitute teacher, such substitute teacher must meet all state standards for substitute teacher certification, or
- Reschedule student activities to cover gaps with other present James Island Charter High School teaching staff

Section 6.8 Payroll Procedures. James Island Charter High School will contract with the CCSD or a private contractor to provide payroll services

Pay periods will be two weeks (14 calendar days) in length, and run from Monday through Friday All employees will be subject to a lag payroll equal to one pay period

Each employee shall submit a signed time sheet at the end of each pay period to the Principal or designee The required time sheet will verify the hours worked during the pay period

Section 6.9 Personal Leave, Sick Pay, and Bereavement Policies. JICHS adopts the personal leave, sick day, and Bereavement policies of the CCSD (Policies 4151 1-4151 3)

7. The Curriculum.

The James Island Charter High School curriculum reflects the South Carolina Curriculum Standards and meets all state graduation and State Department of Education, SACS (Southern Association for Colleges and Schools), and International Baccalaureate Standard requirements

James Island High School will continue the current offered curriculum, will offer the same grades, or non-graded education appropriate for the same ages and education levels of pupils, as offered by the school immediately prior to the conversion, and will require the same graduation requirements through the school year ending June 2003 Thereafter, JICHS expects to add other innovative programs and courses to the curriculum as recommended by a Continuous Improvement for Teaching our Youth ("CITY") Committee, subject to having first obtained the approval for the programs and courses from the South Carolina Department of Education

The CITY Committee, whose members will be appointed by the Leadership Team, will consist of parents, teachers, and students The CITY Committee will examine the success of curricular and extracurricular programs in relation to the needs of JICHS students to adapt to the community workplaces and pursuit of their continued education The CITY committee will propose recommendations for changes and present these

recommendations to the Leadership Team for referral to the JICHS Board of Directors for adoption

Among the programs that will first be considered are

- School-to-work apprentice programs
- Flexible school curriculum customized to meet specific needs of selected at-risk students
- Special Saturday School to emphasize study habits and social skills development
- Flexible school library hours, staffed by parent volunteers, to permit evening access

A copy of the current curriculum is attached as Appendix B

JICHS shall select textbooks from the approved list and adopt approved curriculum and programs from the guidelines established by the South Carolina Department of Education

The curriculum developed meets specific needs, as determined by the education plan chosen by each student The plan is based on helping each student reach his/her educational goal that may include, but are not limited to, the following

- preparation to attend a 4-year college or university
- preparation to attend a 2-year college
- preparation to attend a technical college
- preparation to enter the military
- preparation to enter the workforce

Each year the goals and curriculum plans will be reevaluated and adjusted if necessary by the student and parents with the assistance of school guidance counselors and staff

8 Academic Accountability

Parents are encouraged to participate in school functions and regularly meet with teachers and administration through the school year Teachers, parents, and community have the responsibility to monitor the school's success

Parents also have the duty to be involved in the success of their own children To foster good communication between parent and teacher, JICHS offers scheduled evening open-house meetings each semester, encourages telephone conferences between parents and teacher, and face-to-face meetings at times mutually agreed to by both parents and teachers

The James Island Charter High School will continue to meet or exceed all state and local standards of performance

JICHS measures academic performance through the use of the Palmetto Achievement Challenge Test (PACT), PSAT and SAT scores, IB and AP examination results All data is reported to compute the South Carolina report card and the district report card

The accountability plan incorporates the following provisions

1) Develop and pursue a clear, concrete, and measurable school performance objectives,

2) Measure and document progress toward these objectives

3) Use credible student assessment tools for annually tracking student performance, and

4) Report the objectives, the progress to achieve them, and student assessment results, along with other required information in the annual report

Section 8 1 Student Performance Objectives

1) To ensure that all students achieve proficiency in comprehension and application in the major subject areas - Language Arts, Mathematics, Social Studies, and Science

2) To ensure that all students achieve proficiency in skills and orientations problem solving, self-directed and empowered learners, responsible and effective communicators, successful members of multiple communities, and producers of quality work

Section 8 1 1 Student Performance in Proficiency, Comprehension, and Application To ensure that all students achieve proficiency in comprehension and application in major subject areas, JICHS expects all of its students to become proficient in the following studies

- English/Language Arts Reading, Writing, Conventions, Grammar, and Usage, Literary Genre, and Speaking, Listening, and Viewing
- Mathematics Numbers and Operations, Mathematical Skills and Tools, and Mathematical Communication
- Science. Physical Science Concepts, Life Science Concepts, Earth and Space Concepts, and Scientific Connections and Applications

Social Studies Time, Continuity, and Change, People and Environments, Power and Participation, Production and Distribution, Cultures and Identities, and Interdependence

Annual Student Performance Goals

Students will demonstrate proficiency in language arts, math, science and social studies
Students will demonstrate an understanding and appreciation of the visual arts, performing arts, foreign language, physical fitness and personal wellness
Students will demonstrate an understanding of career options and capabilities
Students will use technology effectively to access, manage, and present information
Students will utilize problem-solving strategies to work independently and collaboratively
Students will demonstrate responsibility for their own learning, including setting goals and evaluating progress
Students will display the self-discipline that will enable them to become successful learners, workers, family members, and citizens
Students will demonstrate respect for their uniqueness and understand the differences and similarities of culture, race, gender, and abilities of others
Students will understand and practice democratic ideas and ideals

To achieve the goals for student performance, JICHS uses a wide range of instructional strategies, that include

- An inquiry process to engage students in exploring topics, issues, problems, and choices;
- Problem-based learning that uses authentic learning tasks to facilitate student learning as well as allow students to test and demonstrate their proficiency,
- Opportunities for ongoing self, peer, and teacher assessment,
- Learning activities that integrate the curriculum across subject areas, and
- A strong focus on developing systems thinking/system dynamics in all teaching and learning

Section 8 1 2 **Progress** Indicators Teachers at JICHS use a variety of assessment methods to determine students' interim and final grades and report progress to parents through the district rubric progress reports and individual student report cards Those used at JICHS include mid-term and semester assessments, test results, projects, classroom evaluation, South Carolina Assessment System (PACT), PSAT, SAT, AP, and IB test scores JICHS uses the district's SASI student management system to report information regarding student progress

Areas of weakness indicated by the South Carolina Assessment System scores will be addressed in school improvement plans, and at least a 10% increase in those areas will be achieved the following year

All students will achieve success in post secondary program or work

Section 8 1 3 Academic Intervention When a student does not meet the standard on district curriculum and/or PACT testing, a student academic plan is developed, and a specific intervention plan is outlined for that student This plan may include, but it is not limited to, after-school tutoring, computer lab assistance, homework assistance, specific individual instruction, and summer school intervention

Section 8 2 School Performance Objectives The performance objectives of the charter school adopt the goals that ensure all students the opportunities to achieve proficiency in key skills and orientations The charter school reaches these objectives

- To actively pursue the JICHS Mission Statement
- To continue to develop and implement a standards-based curriculum
- To foster a school climate and culture that supports the achievement of the school's mission statement
- To continue to refine and expand the evaluation and accountability system
- To fulfill the expectations that all students will become proficient problem solvers, self-directed and empowered learners, responsible and effective communicators, successful members of multiple communities, and producers of quality work

Learning activities are designed to develop these skills and orientations, both through focus and integration within the teaching and learning process in all areas Staff will refine teaching and curriculum to implement assessment data and integrate technology to enhance student proficiency in solving problems, learning, communicating, working with others, and producing quality work

The Leadership Team, with recommendations from the CITY Committee and surveys conducted of student, parent, and teachers, will evaluate the curriculum and methodology annually

Staff will concentrate in establishing and maintaining communication with and involvement of parents as educational partners

Section 8 2 1 Progress Indicators The JICHS mission has been actively communicated to parents, staff, and board members, who work collaborative to provide leadership in achieving it The Charter is a working document, and it will be referred to in making day-to-day decisions The mission statement as a primary guide for developing and evaluating learning activities Parent and student survey responses will provide evidence that each of these criteria is being met

The climate and culture of a school are important factors in achieving its mission JICHS' mission requires a climate and culture that allows all students to focus on achieving their full potential, meeting high standards, and acquiring skills and orientations that will prepare them for achieving success in all adult roles JICHS expects all students to contribute positively to a climate and culture of respect, safety, cooperation, and personal and shared responsibility

The two major rules of conduct at JICHS are Safety and Respect for Others

In addition, a number of rules to guide student behavior and communicate values related to the JICHS community, staff consistently intervenes when student behaviors violate safety and respect Conflict resolution strategies are used with students to solve problems and build skills Mentors and/or Career Advisors handle and solve problems in the school community, and students are encouraged to be leaders among their peers, through all-school meetings and other activities

The number of discipline incidents and in-school suspension measures the success They will decrease throughout the year and across years for older students

Section 8 3 Evaluation and Accountability JICHS will have an evaluation and accountability system that meets the following criteria

- It fulfills all requirements of the CCSD
- It focuses on student performance and achievement related to the South Carolina standards and proficiencies
- It generates valid and meaningful information that can be used to prepare the Annual Report
- It provides the Board of Directors of JICHS with the information needed to perform their governance role
- It provides staff and the Principal with periodic data for continuously improving the program and operation of the school, including desegregated data that highlights trends and factors that correlate with various levels of performance
- It reflects a sound evaluation approach that is appropriate for a public charter school.

JICHS expects to achieve the following targets

- Within the five year term of charter, teacher, parent, and student climate survey conducted by the South Carolina Department of Education will show a majority are satisfied that JICHS is achieving all of the expected education goals
- Within the five-year term of charter, JICHS will attempt to maintain its annual state report card rating as "excellent"
- Three percent annual increases of the number of 10th graders first time passing all of the sub-tests for the exit exam
- Two percent annual increases of graduating seniors eligible for the Life Scholarship
- Two percent annual increases of the number of students taking Advance Placement courses
- One percent annual increases of the number of students earning a grade of 3 or higher on AP exams
- Increase retention rate of all grades by one-half percent per year

Section 8.4 Standardized Testing and Reporting. The charter school will adopt the requirements of the South Carolina Department of Education and district policies related to administering required standardized testing of students

TICKS uses the district's SASI student management system to report information regarding student progress Interim report cards are distributed at mid-semester, and report cards are distributed at the close of each semester

9. Evidence of Support.

Section 59-40-100 of the South Carolina Charter School Act of 1996, as amended, permits an existing public school to convert to a charter school with the consent of two-thirds of the faculty and instructional staff employed at the school and two-thirds vote of voting parents/legal guardians of the students currently enrolled

Public meetings were held for teachers, parents/guardians and community A work-in-progress copy of the charter was published on the Internet, and a copy mailed to the parents/guardians of each student currently enrolled

Ballot for teachers and ballot for parent/guardians were prepared The League of Women's Voters reviewed wording of the ballots and voting procedure In compliance with the statutory provisions of the South Carolina Charter School Act of 1996, as amended, elections were conducted

On August 28, 2002, by a margin in excess of two-thirds of the vote, the faculty and instructional staff employed at James Island High School voted to support the charter application The teacher vote represented one hundred percent (100%) participation of those eligible to cast ballot The League certified the voting process and tabulated the results

On October 14, 2002, ballots were mailed, postage prepaid, to the parent/guardian of each enrolled student per current registration records Ballots, in sealed envelope, were returned to the school in care of the League of Women's Voters The League certified the voting process and tabulated those results By a margin in excess of the required two-thirds of those voting, the parents and/or legal guardians of students enrolled in the school voted to support the conversion of James Island High School to become a charter school

The voting procedures are more specifically detailed in Appendix D

Tabulated Voting Results

Faculty Vote - Supporting _86_% (Vote#_99_)
Opposing _14_ % (Vote #_16__)

Total Number of Faculty Voting - 115
Number of Faculty Eligible To Vote - 115

Parent/Guardian Vote - Supporting _76_% (Vote #_806_)
Opposing _23_ % (Vote #_244_)
Undecided 1 % (Vote # __7 J

Total Number of Parent/Guardians Voting - 1057
Number of Parent/Guardians Eligible To Vote - 1544

10, Parental and Community Involvement.

The mission statement and core beliefs of the James Island Charter High School promote the involvement of parents and community

The James Island community has a history of supporting its schools, including the autonomous James Island Middle School that requires parental involvement in its governance and management Whereas the high school is recognized as an established institution, the parents and community are expected to continue their support and uphold those school traditions that strive for excellence.

Parent support and understanding of the school's function in their child's development and education are actively requested Many of the committee members of the movement to convert James Island High School to a charter school are both parents of students and active community volunteers These and other supporters will continue to provide energy and strategic insight in the planning and management for the school

Parents/guardians, teachers, staff, and community are invited to

- Attend board meetings, seek nomination and election to the Board and Selection Committee, and serve on other charter school committees
- Participate in all district Open House activities and other efforts that encourage involvement in the school
- Establish business partners and parent-led groups to assist the leadership team in fund-raising and school projects

Encourage parents and teachers to commit to a minimum of one hour per month of parental involvement in the school and/or extra-curricular activities over the course of the school year

Contribute time and/or money toward school and student needs

Forge new partnerships with businesses, colleges, and university to enrich and enhance the learning experience for the students of James Island Charter High School

11. Grievance and Termination.

The James Island Charter High School will follow and comply with the Code of Laws of South Carolina, Title 59, Article 5 (Employment and Dismissal Act), in all issues relating to CCSD teachers working at JICHS CCSD teachers at JICHS will have the right of appeal to any termination decisions in accordance with CCSD personnel policies James Island Charter High School will adopt the personnel grievance and termination policies of CCSD The Principal of JICHS will appoint a Review Panel, when necessary, to handle these grievances and termination recommendations in accordance with Personnel Policies This Review Panel will examine all facts, hear all appeals, and render a decision pertaining to grievances and termination of non-CCSD staff in accordance with Board and School policies Decisions of the Review Panel may be appealed to the Board of Directors of the school.

By June 2003, a final draft of the adopted personnel grievance and termination policies of James Island Charter High School, containing the above-described modifications made, will be presented to the Board of Directors for review and acceptance

12. Services to Students with Disabilities.

Special Education Programs at JICHS remain the same as prior to the conversion EFA funds generated by special education students enrolled at JICHS will be allocated to JICHS With these allocated funds, JICHS will be responsible for providing appropriate staffing and ensuring IEP implementation for resource and vocational special needs students and the following self-contained programs EMD, ED, LD, and PMD JICHS will be billed by CCSD for services provided to special education students including but not limited to itinerant instruction and related services JICHS has the option of contracting with other special education service providers that comply with all state and federal guidelines

CCSD will pay the transportation costs for self-contained special education students enrolled at JICHS but residing outside of District 3 CCSD will also pay the transportation costs for District 3 self-contained special education students who are placed in special education programs outside of District 3 JICHS will pay the transportation costs of special education students residing in District 3 who are enrolled at JICHS

The special education teachers and assistants employed at JIHS at the time of conversion are employees of CCSD, however, when new vacancies occur, the Board of Directors of the Charter School will select and hire applicants for these positions Employees who transfer to JICHS from other CCSD schools will remain employees of CCSD JICHS will supervise the special education staff

James Island Charter High School will work cooperatively with the CCSD Department of Student Support Services A special education consultant/school psychologist will be made available up to two days a week by CCSD to provide technical assistance in identifying students with disabilities, developing an appropriate IEP, and determining the most appropriate placement for special education students enrolled or eligible for enrollment at JICHS JICHS will comply with all Federal, South Carolina, and district procedures related to the identification and provision of special education, support services, and disciplinary matters

Pursuant to the policies of the South Carolina Department of Education and the CCSD, JICHS will adopt homebound procedures and provide homebound services to students who qualify In addition, JICHS will conduct Child Find Services as provided prior to the charter school conversion

13. Professional Development.

JICHS recognizes that its teachers represent an essential component in the success of the school A goal of the charter school is to support their skill development through creation of a model site that assists them to become innovative teachers who achieve measured student success and gives recognition for their achievements This will be achieved through implementation of the following

- JICHS faculty and staff are employed 190 days, with 180 days of teaching 5 days devoted to worthwhile in-service and/or professional development, and 5 teacher workdays
- Establish and maintain a formal affiliation with local colleges and universities for staff development, provide student internship opportunities and teaching programs, and exchange ideas relating to teaching methodologies.
- Work cooperatively with district administration in planning and offering professional development activities for members of JICHS and other staff members in the district
- Apply for Eisenhower and other grants to assist teachers and staff to pursue customized individual plans to develop innovative teaching techniques, methods, and practices

14. Health and Safety.

JICHS is located at 1000 Fort Johnson Road The existing school building meets all city, county, and state codes for the operation of a school JICHS will continue to adhere to all guidelines for maintenance of a safe environment, including regular inspections by the fire marshal and participation in the district's safe schools assessment.

CCSD requirements shall be followed in regard to providing student clinic health services; employing school nurse according to staffing requirements, and maintaining equipment and supplies and staff health services

District policies and/or procedures for immunization of students, fire and safety precautions, food inspections, hazardous chemicals, blood borne pathogens, and criminal background checks for all employees will continue to be vigorously enforced.

15. Student Rights and Responsibilities.

JICHS will follow the district's policies regarding students' rights and responsibilities as outlined in the district's Student Code of Conduct, Attendance Regulations and Facts About Truancy, subject to modifications. The modifications substitute, in all cases, the Disciplinary Review Committee of the James Island Charter High School as the first appellate review and the JICHS Board of Directors as a final appellate panel.

The Disciplinary Committee, meeting in bank, shall be empowered to examine all facts, hear appeals, and render a decision pertaining to student suspension and expulsion brought on an appeal of an Administration decision. A finding and recommendation of the Disciplinary Review Committee pertaining to any suspension and expulsion must be approved by three-fourths of the members of the Committee. The student or the JICHS Administration may appeal any suspension or expulsion finding and/or recommendation to the JICHS Board of Directors

A parent may seek re-enrollment at another district school, but the district is under no obligation to enroll the student in another setting.

16. Budget and Contract Issues.

JICHS will follow district budgetary guidelines and will adhere to the same financial audits, audit procedures, and audit requirements as are required pursuant to the South Carolina Charter School Act of 1996, as amended. The school will annually submit an independent audit report to the CCSD The school will not submit a budget that exceeds the allocation for which it is eligible. James Island Charter High School will ensure that all financial matters are addressed in a consistent manner with district policy and procedure

CCSD, at its expense and without prior notice, may conduct audits of the school financial records

The budget for JICHS will be based on the annual 135-day weighted student count, projected on July 1 of each school year based on student attendance, and adjusted quarterly for changing enrollment The amount available to the school will include any state, Federal or local grants obtained to support the program

JICHS will establish both revenue and expenditure accounts for its operation, and it will maintain the budget records for the school

The proposed budget is attached as Appendix C

17. Contractual Arrangements.

Section 17.1 Use and Maintenance of Facility and Equipment. The CCSD shall lease James Island Charter High School occupancy of the school facilities at 1000 Fort Johnson Road for the term of the charter for an annual payment of one dollar All issues related to the facility shall be defined by the lease agreement between the JICHS and the CCSD Facilities include the land, buildings, and all improvements, modular trailers, now situated thereon, and all equipment, CCSD owned books, and school property contained therein The use of the library and its contents, computer labs and their contents, furniture, sports apparatus, art equipment, and all other equipment housed within the school facilities are included in the annual rent

The South Carolina Charter School Act of 1996, as amended, provides that the sponsor shall distribute proportionally to the charter school for capital outlay and maintenance

As student population and community needs increase, CCSD will address and fund, as defined by the lease agreement, the cost to add, construct, modify, and/or expand the buildings and other improvements on the JICHS campus to accommodate the increased demands All additions, construction, modification, and other capital improvements made to or on the JICHS campus shall become part of the lease and without additional rent charges

JICHS shall contract for maintenance services, and JICHS reserves the right to supplement all equipment, library, furniture, and materials through its budget and/or fund/raising projects

Any modifications to buildings and/or grounds proposed by JICHS must be requested in advance utilizing the "modifications to buildings and grounds" form atached to the lease agreement, CCSD shall approve or disapprove all modification requests within 14 days of receipt of request

Section 17.2 Transportation. Past experience indicates that a majority of the high school students attending James Island High School provide their own transportation rather than rely on school busing. For the several years prior to the conversion, thirteen or fewer school buses were more than sufficient to address student-busing needs, JICHS will accept bids and contract for transportation services to provide transportation for enrolled students who reside in District 3 Students residing outside District 3 must provide their own transportation The contract services will provide for field trips and extracurricular activities transportation

Section 17.3 Insurance. JICHS will negotiate terms and amounts for the policies with coverage in amounts determined by the Board and the concurrence of the district The following insurance coverage will be in place at the time of transfer,

- General liability - $2,000,000 per occurrence/$4,000,000 annual aggregate
- School property and contents - $2,000,000
- Employee workers compensation - $250,000
- Board of Directors errors and omissions (including performance surety) - $1,000,000
- Educators professional liability - $1,000,000
- Student insurance - $25,000
  High School League - $25,000 - $5,000,000
  The High School League is a $25,000 deductible and covers sports It is a mandated coverage
- Vehicle liability and property - $25,000/$50,000/$250,000/

Section 17 4 Food Services and Warehouse Materials. JICHS expects, during its first year of the charter, to contract with CCSD for food services and warehouse materials Thereafter, JICHS will examine relevant laws and regulations and, if legal counsel deems it permitted, consider letting bids and contracting for food services and materials

JICHS will adhere to Federal and state laws relating to free and reduced-rate school lunch programs

Section 17 5 Gifts, Donations, and Grants. JICHS will obtain tax-exempt status from the Internal Revenue Service and recognition from the State of South Carolina as a charitable corporation to accept gifts, donations, and grants consistent with district policy No gift, donation, or financial commitment is a requirement of acceptance into the charter school All gifts, donations, or grants will be reported in the annual audit report

18. Business Plan.

Charter conversion changes the legal structure of the school to become an independent legal entity with new responsibilities of administration and charter independence The mission of the school, its students, staff, and facilities remain in place as an existing school

The Board of Directors of James Island Charter High School, supported by an administrative management team, will self-manage the financial status and responsibilities of the charter school in accordance with the provisions of this Agreement and the South Carolina Charter School Act of 1996, as amended Some services, previously provided by the sponsor school district, will continue, both as a matter of law and as a matter of best management practice Among those services that may remain within the province of the sponsor and contracted for by the charter school are staff payroll and the assignment to provide for education services for children with disabilities on the charter school campus

For those services that will become self-managed, the Board of Directors will retain or hire professional and skilled help as a management team to fulfill administrative services The management team will consist of a human resources/business/facilities manager, retained to carryout the directives of the board and, at the Board's direction, address the day-to-day needs of the school, an independent auditor retained to audit, report, and file required documents, and legal counsel retained to advise the Board and provide representation to the charter school, if required.

Qualifications for the individuals or firms retained to perform audit and legal services will require appropriate certifications and licensure and familiarity with the nature and scope of a charter school's operation and responsibilities

The human resources/business/facilities manager will demonstrate appropriate skills, fiscal responsibility, and experience to present a comprehensive financial management plan to the Board for its review and approval, to advise and assist the Board on personnel issues; to prepare financial reporting services for the Board, and to evaluate and advise the Board on the maintenance needs of the facilities

The financial reporting presented to the Board, its members, and reviewing entities must apply generally accepted accounting principles and conform to the required reporting procedures Annual financial statements reporting income, assets, liabilities, reserves, and cash flow shall be prepared and published for the members at the annual meeting At each monthly meeting of the Board of Directors, the Board shall receive up-to-date financial statements reporting income, assets, liabilities, and reserves, projections of income and expenses, and current cash flow The same financial documents shall be made available to the public at such meetings for review.

The Board shall establish policy authorizing, subject to the review by the Board of Directors, the President and Treasurer with authority over the school's fiscal affairs, internal controls, accounting practices, purchasing, and personnel practices

19. Dispute Resolution

The CCSD and the Charter Committee of James Island Charter High School, its successors and assigns, agree to submit contested issues to mediation and arbitration pursuant to the following

Except for the right of either party to apply to a court of competent jurisdiction for a temporary restraining order, a preliminary injunction, or other equitable relief to preserve the status quo or prevent irreparable harm, any and all claims, disputes or controversies, which the parties shall be unable to resolve within ten (10) days shall be referred to an ad hoc group consisting of two members of the JICHS Board of Directors and two members of the CCSD Board of Trustees who, within five (5) days of the notice, will meet, in good faith, to resolve the claims, disputes or controversies If the ad hoc group is unable to come to agreement, within five (5) days, the claims, disputes or controversies shall be mediated in good faith The party raising such dispute shall promptly advise the other party of a request to mediate the dispute By not later than five (5) business days after the recipient has received such notice of dispute and request for mediation, each party shall select for itself a representative who shall have the authority to bind such party, and shall additionally have advised the other party in writing of the name and title of such representative By not later than ten (10) days after the date of such notice of dispute, the party against whom the dispute shall be raised shall select a mediator and the representatives shall schedule a date with such mediator for a hearing The parties shall enter into good faith mediation and shall share the costs equally If the representatives of the parties have not been able to resolve the dispute within ten (10) business days after such mediation hearing, then any and all claims, disputes or controversies, shall be resolved by final and binding compulsory arbitration, and shall be determined in accordance with the South Carolina Uniform Arbitration Act (Section 15-48-10, et seq). Any decision rendered in such arbitration may be enforced by either party in the courts of the State of South Carolina All costs and expenses, including reasonable attorneys' fees, of the prevailing party in connection with arbitration of such controversy or claim shall be borne by the other party

20. Statement of Understandings.

- James Island Charter High School will comply with the South Carolina Charter School Act of 1996, as amended, and all other Federal and South Carolina laws and regulations
- In addition, the school will specifically comply with all Federal and South Carolina health, safety, civil rights and disability requirements that apply to any other school in the district

With respect to activities related to the James Island Charter High School, the CCSD and its employees, acting within the scope of their official capacities, are immune and held harmless from civil or criminal liability arising wherefrom JICHS shall be considered as a school district for purposes of tort liability under South Carolina law, except that the tort immunity shall not include acts of intentional or willful racial discrimination by the governing body or employees of the charter school Employees of the charter school shall be relieved of personal liability for any tort or contract related to the school to the same extent that employees in traditional public schools in their school district are relieved
The charter school shall assume liability for the activities of the charter school, and the charter school shall indemnify and hold harmless the school district, its servants, agents, and employees, from any and all liability, damages, expense, causes of actions, suits, claims, or judgments arising from injury to persons or property or otherwise which arises out of the act, failure to act, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the charter school
Sponsor releases JICHS from local school district policies not otherwise explicitly accepted and adopted herein
The charter school will annually submit an independent audit report to the CCSD JICHS shall be deemed to have fulfilled all reporting requirements to the sponsor by its providing those reports and documents required by the South Carolina Board of Education to complete the annual "School Report Card" and copy of the school's independent audit report.
The district shall have no obligation to provide extracurricular activities or access to facilities of the school district for students enrolled in the charter school Nevertheless, the Sponsor shall permit the students of JICHS to participate in all South Carolina public schools athletic, extra-curricular, and interscholastic programs and leagues JICHS shall comply with all related rules and regulations, including Federal Title 9
This Agreement between the charter school and the district reflects all agreements regarding release of the charter school from local school district policies

Witness that on this date,_____ _, this application is accepted for the period of time commencing July 1, 2003 and ending June 30, 2008

For the Charter Committee to Convert
James Island High School to Become a Charter School

By
Wayne Palkovitz

By
Robert New

By
Nancy Gregory, Ed D
Principal, James Island High School

By
Harvey Hagan

For the Board of Trustees of the
Charleston County School District

By
Gregg Meyers, Chairman

Ronald A McWhirt, Ph D
Superintendent
Charleston County School District

Witness that on this date, _____ _, this application is accepted for the period of time commencing July 1, 2003 and ending June 30, 2008

Board of Trustees
Charleston County School District

By

For the Charter Committee to Convert
James Island High
Charter School

By
Wayne Palkovitz

By
Robert New

Ronald A McWhirt, Ph.D
Superintendent
Charleston County School District

Nancy Gregory Ed D
Principal of James Island High School

Division of Student
Learning Services

Ronald A. McWhirt, Ph D.
Superintendent of Schools

Marian Mentavlot, Ed D
Associate Superintendent

CHARLESTON COUNTY
SCHOOL DISTRICT

76 Calhoun Street
Charleston, SC 29401
Office, [843) 837-C41 3
Fax, (843)837-6410

April 22,2003

Mr. Robert New
PO Box 1488
Folly Beach, SC 29439

Hear Mr New

On January 27, 2003, the Charleston County School District 13oard of Trustees voted to approve the James Island High School charter school application pending successful completion of the review and revision process. On April 22, 2003, Dr. Marian Mentavlot received notification from Ms. Janet Paduhovich, legal counsel for Rosen, Rosen, and Hagood, that your charter school application now satisfies the statutory requirements of the Charter Schools Act. This letter serves as official notification of your final approval from the Charleston County School District Board of Trustees for the James Island Charter High School. The attached application shall serve as the contract between CCSD and the Governing Board for James Island Charter High School,

Sincerely,

Ronald A. McWhirt, Superintendent
Charleston County School District

Charleston County School District Board of Trustees

Attachment

C **Nancy Gregory, Principal, James Island High School**
Marian Mentavlot, Associate Superintendent
Charleston County School District
Catherine Samulski
SC State Department of Education

Appendix A

The By-Laws

of

James Island Charter High School

JAMES ISLAND CHARTER HIGH SCHOOL

BYLAWS

Adopted

ARTICLE I - NAME, ADDRESS

Section 1 1 Name of Corporation The name of the Corporation is James Island Charter High School (hereinafter referred to as the ("Corporation"). The Corporation shall have a seal bearing the word "seal" in the center and having the words "James Island Charter High School" encircling the edge

Section 1 2 Address of Corporation The location and address of the registered office of the Corporation shall be 1000 Ft. Johnson Road, Charleston, SC 29412

ARTICLE II - DECLARATION AND PURPOSE

Section 2 1 Non-Profit The Corporation does not contemplate pecuniary gain or profit, incidental or otherwise, to its members

Section 2 2 Purposes The purposes for which the Corporation is to be formed are as set forth in the Articles of Incorporation

Section 2 3 Non-Discrimination The Corporation shall be non-religious and shall accept students and hire staff without discrimination as to race, color, religion, national origin, sex, marital status, sexual orientation, educational affiliation, handicap status, or age, and shall comply with all applicable laws and regulations relating thereto

Section 2 4 Enrollment Subject to total enrollment limitations, enrollment in the school shall be open to any child in accordance with the South Carolina Charter School Law of 1996, as amended

ARTICLE III - MEMBERS

Section 3 1 No Members The Corporation shall have no members Any action that would otherwise, by law, require approval by a majority of all members or approval by the members shall require only approval of the Board All rights that would otherwise, by law, vest in the members shall vest in the Board Members elected or appointed to the Board shall be known as "Directors " Nothing in this Article III shall be construed to limit the Corporation's right to refer to persons associated with it as

"members," even though such persons are not members The Board may also, but without establishing membership, create an advisory council or honorary board or such other auxiliary groups as it deems appropriate to advise and support the Corporation

Section 3 2 Annual Meetings The annual meeting of the members shall be held on the first Wednesday of October of each year

Section 3 3 Place and Time of Meetings All meetings of the members and Board shall be held at the school at 1000 Ft Johnson Road, Charleston, South Carolina, and at such times as shall be specified in the respective notices of such meetings or waivers thereof

Section 3 4 Resignation and Removal of Directors Any director may be removed at any time by the Board for cause Any director may resign at any time

ARTICLE IV - BOARD OF DIRECTORS AND GOVERNING

Section 4.1 Management The Charter Board of Directors means the governing body of the Charter School and also the Board of Directors of the Corporation The Board of Directors (hereinafter sometimes referred to as the "Board") shall manage the business and affairs of the Corporation The members and directors shall act only as a Board

Section 4 2 Responsibilities The Board shall sign a Charter School Contract, ensure compliance with all of the requirements for a charter school provided by the South Carolina Charter School Law, maintain a positive working relationship with the Charleston County School Board, develop strategic plans for the school, adopt and approve the annual budget, oversight of curriculum, assist in fund raising activities for the school, evaluate the school year vis-a-vis the strategic plan, approve operating procedures, build a parent, educator, and community partnership, comply with all Federal and South Carolina laws, employ and contract with teachers, administrators, and principal from the recommendations presented by the Leadership Team, employ and contract with non-teaching employees, contract for other services; develop pay scales, performance criteria, and discharge policies for the Charter School employees

The job of teaching is left to the control and decision-making of professional educators

Section 4.3 Number, Grouping, and Election. The Board shall consist of nine (9) directors, selected from three identified groups, and in accord with the following provisions

A Three (3) of the directors, parents of currently-enrolled students, one from each of the identified attendance areas now served by a James Island Elementary School, shall be elected for a one-year term

B Two (2) of the directors, parents of currently-enrolled students, shall be elected at-large for a one-year term

C Two (2) of the directors shall be currently-contracted teachers elected for a one-year term

D Two (2) community members from the attendance zones served by the James Island community schools

Directors shall be elected by a plurality of the cast votes of those attending the annual meeting

The principal of James Island Charter High School shall serve on the Board as an advisor and ex officio member without a vote The principal of James Island Charter High School shall have authority to issue payment up to a limit of Three Thousand Dollars ($3,000) without first obtaining authority from the Board of Directors

Any director may be removed at any time for cause at any meeting of the Board by a vote of the Board of the Corporation called for that purpose Cause will be considered failure to organize or neglect of duty according to the South Carolina Charter School Act of 1996, as amended Directors shall be expected to attend at least sixty-six percent (66%) of all board meetings and of all meetings of the committee or committees on which he or she has agreed to serve A director shall be removed for conviction of a felony crime or crime of moral turpitude Any representative may resign at any time At the discretion of the Chairperson, Board action may be approved telephonically and ratified at the next subsequent meeting

The Charter School Committee shall serve as an interim board until the first election is held at the first Annual Meeting of the members held on November 20, 2002, or three weeks following acceptance and ratification of the charter by the appropriate government authorities as provided by the South Carolina Charter School Act of 1996, as amended, whichever date is last met

Nothing herein shall preclude any member, teacher, employee, or community representative from seeking a maximum of two consecutive full terms on the Board of Directors

Section 4 4 Board Vacancies The Board shall fill Board vacancies with qualified candidate chosen by the Selection Committee within thirty (30) days by appointing a new director of the group whose departure created the vacancy to serve until the next annual meeting, at which time, the members of the represented group whose departure created the vacancy shall elect a director to serve for the remainder of the unexpired term of the director whose departure created the vacancy

Section 4 5 Officers The officers of the Corporation shall be a President, one Vice President, a Secretary, and a Treasurer The officers shall perform such duties as usually pertain to the offices that they hold or as may be assigned to them by the Board

The officers, elected members of the Board of Directors, shall be elected annually at the designated annual meeting of the Board by a majority of the votes cast Officers may succeed themselves in office

Section 4 6 Committees As soon as practicable after the annual meeting of the members, the President shall, subject to the Board's approval and stated provisions to the contrary herein, appoint the chairperson of the standing committees identified hereafter from among the Board Chairpersons shall hold office at the discretion of the Board

Section 4,7 1 Selection Committee The Selection Committee shall consist of five members Three (3) of the committee shall be qualified parent members and two (2) of the committee shall be teachers elected at the annual meeting to serve for the ensuing year The parent or teacher receiving the most votes shall serve as chairperson The Selections Committee shall meet in bank and, upon a three-fourths vote of all of the committee members, nominate to fill Board, Disciplinary Committee, or Selections Committee vacancy as required in event of removal for cause and, when may be required, for the unexpired portion of any term Nothing herein shall preclude any member from seeking consecutive terms to serve on the Selection Committee

Section 4 7 2 Disciplinary Review Committee The Disciplinary Review Committee shall consist of five (5) members The committee shall be qualified parent members elected at the annual meeting to serve for the ensuing year

The Disciplinary Review Committee, meeting in bank, shall be empowered to examine all facts, hear appeals, and render a decision pertaining to suspension and expulsion brought on an appeal of an Administration decision A finding and recommendation of the Disciplinary Review Committee pertaining to any suspension and expulsion must be approved by three-fourths of the members of the Committee The student or the JICHS Administration may appeal any suspension or expulsion finding and/or recommendation to the Board of Directors with the Board's decision on the issues being final and without further re view

Section 4,7 3 Leadership Team. The Leadership Team shall be comprised of the following teaching and administrative staff members the Department Chairs of Science, Math, English, Social Studies, Foreign Languages, Guidance, Family and Consumer Science, Physical Education, Business and Technology, Fine Arts, ROTC, Special Education, and Media, and the Athletic Director, IB Coordinator, Assistant Principals, and the Principal

The Principal shall appoint Department Chairs

Section 4 7 4 1 Leadership Team Duties The Leadership Team is entrusted with the duty to provide decision-making on matters pertaining to the education of students enrolled in the charter school In carrying out that duty, the Leadership Team shall perform the following functions within the James Island Charter School

1 Address all curriculum issues,
2 Advise the Board on budgetary issues,
3 Plan school direction for implementation of learning programs,
4 Conduct initial evaluations of all teacher, administrators, and principal candidates and refer acceptable candidates for Board approval,
5 Create and maintain extra-curricular student programs,
6 Establish school schedules, and
7 Respond to matters delegated to it by the Board

Section 4 7 4 2 Meetings of the Leadership Team The Leadership Team shall meet at least one time per week throughout the school year Each member of the Leadership Team shall have one vote At all meetings of the Leadership Team, the presence of a majority of three-fourths of the members shall be necessary and sufficient to constitute a quorum, and the act of a three-fourths majority of the members present shall be the act of the Leadership Team In the absence of a quorum, no business shall be transacted except to take measures to obtain a quorum, fix a time to adjourn, or to take a recess

Section 4 7.5 Other Committees The President shall have the power to constitute, with approval of the Board, special committees to report to the Board for such purposes as may be deemed advisable

Section 4 8 Annual and Regular Meetings of the Board The annual meeting of the Board shall be held on the first Wednesday of October of each year The Board shall also meet regularly at least (11) times each year Meetings of the Board shall be general meetings and open for the transaction of any business within the powers of the Board without special notice of such business except in any case where special notice is required by law or by the Bylaws

Section 4.9 Special Meetings Upon the written request of either the President or three directors from the Board, special meetings may be called at any time

Section 4 10 Place and Time of Meetings All meetings of the Board shall be held at such places at the school at 1000 Ft Johnson Road, Charleston, South Carolina and at such times as shall be specified in the respective notices of such meetings or waivers hereof

Section 4 11 Notice of Meetings Every meeting of the Board shall be served personally or by mail on each director not less than 3 and not more than 15 days before the meeting Such notice shall state the time, when, and the place where the meeting is to be held, and for special meetings, in addition, the purpose or purposes for which the

meeting is called If mailed, such notice shall be directed to each director entitled to notice at his/her address as it appears on the books or records of the Corporation

No notice of the time, place, or purpose of any meeting need be given to any director who attends such meetings or to any director who in writing executed and filed with the records of the Corporation, either before or after the holding of such meetings, waives such notice

Notices of meetings of the Board shall also be posted in the school and given to the public in accordance with the requirements of the Freedom of Information Act Public notice shall, however, not be required in the case of emergency meetings or a conference as defined in the Freedom of Information Act

Section 4 12 Open Meetings All official actions and all deliberations by a quorum of the Board and Committees shall take place at a meeting open to the public, as provided in the Freedom of Information Act, except in cases where executive sessions are authorized pursuant to the Freedom of Information Act Generally speaking, and subject to the provisions of the Freedom of Information Act, the Board and Committees may conduct in executive session meetings or portions of meetings devoted solely to matters involving (a) discussions of employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or discipline of any specific prospective or current or former employee, (b) discussions of employment labor relations or arbitration, (c) discussions of the purchase or lease of real property, (d) consultation with the Corporation's attorney or other professional advisors regarding litigation or potential litigation, (e) discussions of confidential information regarding current, prospective or former students, and (f) discussion of the Corporation's business which, if conducted, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law

Section 4 13 Quorum At all meetings of the Board, the presence of a majority of the directors shall be necessary and sufficient to constitute a quorum and, except as otherwise provided by law or by the Bylaws, the act of a majority of the directors present shall be the act of the Board In the absence of a quorum, no business shall be transacted except to take measures to obtain a quorum, fix a time to adjourn, or to take a recess

Section 4 14 Resignation and Removal of Directors Any director may be removed at any time for cause at any meeting of the Board by a vote of the Board of the Corporation called for that purpose Cause will be considered failure to organize or neglect of duty according to the South Carolina Charter School Act of 1996, as amended Directors shall be expected to attend at least sixty-six percent (66%) of all board meetings and of all meetings of the committee or committees on which he or she has agreed to serve A director shall be removed for conviction of a felony crime or crime of moral turpitude Any representative may resign at any time At the discretion of the Chairperson, Board action may be approved telephonically and ratified at the next subsequent meeting

Section 4.15 Compensation and Expenses Directors shall serve without compensation but may be reimbursed for expenses incurred when acting at the request of and on behalf of the Board

Section 4 16 Qualifications of Representatives Directors shall qualify under all requirements of the South Carolina Charter School Act of 1996, as amended

Section 4 17 Annual Meeting The first Annual Meeting of the members shall be held at the school on November 20, 2002, or three weeks following acceptance and ratification of the charter by the appropriate government authorities as provided by the South Carolina Charter School Act of 1996, as amended, whichever date is last met, thereafter, the Annual Meeting shall be held at the school on the first Wednesday of October of each year Elections of candidates for the Board of Directors, Selection Committee and Disciplinary Review Board shall take place during the annual meeting

Section 4 18 Annual Report The Annual Report will include the budget, self-evaluation report, and improvement plan as approved by the Board and required in the guidelines established by the South Carolina Department of Education A copy of the report will be available for inspection by parents/guardians of students and the general public, and the report will be filed pursuant to the requirements specified by the sponsor.

Section 4 19 Employee and Student Records Employee and student records are privileged documents to be maintained under locked conditions James Island Charter High School will strive to respect the privacy of both employees and students in all matters

Parents may request and examine their children's records at any time A written request with a signature of a parent/guardian is required to release of any student's records to a third party

Employee records are available for review only to the employee

Section 4 20 Term of the Charter This application is for a term of five school years with renewal under the procedures as specified in the law

Section 4 21 Revocation of the Charter If the charter school commits a material violation of the terms of this Agreement, fails to maintain student achievement, fails to meet requirements for fiscal management, and/or violates a provision of the law from which the charter was not specifically exempted, the Board of Trustees of the Charleston County School District may revoke this charter In the event that the charter is revoked, the charter school shall refund remaining allocated monies to the district

ARTICLE V - OFFICERS

Section 5 1 Number of Officers The officers of the Corporation shall be a President, a Secretary, and a Treasurer. The aforementioned officers must be members of the Board of Directors The officers shall perform such duties as usually pertain to the offices which they hold or as may be assigned to them by the Board

Section 5 2 Election of Officers The officers, elected members of the Board of Directors, shall be elected annually at the designated annual meeting of the Board by a plurality of the votes cast and may succeed themselves in office Each person elected an officer shall continue in office until the next annual meeting after his/her election or until his/her successor shall have been duly elected and qualified, or until his/her earlier death, resignation, or removal in accordance with the Bylaws Vacancies of officers caused by death, resignation removal, or increase in the number of officers may be filled by a majority vote of the Board at a special meeting called for that purpose or at any regular meeting

ARTICLE VI - MISCELLANEOUS PROVISIONS

Section 6 1 Fiscal Year and Audit The fiscal year of the Corporation shall end on June 30 each year. The Treasurer of the Corporation shall be required periodically and no less than once a year to employ a certified public accountant to audit the accounts of the Corporation

Section 6 2 Execution of Contracts The Board may authorize any officer, employee or agent, in the name of and on behalf of the Corporation, to enter into any contract or execute and deliver any instrument, and such authority may be general or confined to specific instances Unless so authorized by these Bylaws or by the Board, no officer, employee, or agent shall have any power to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable pecuniarily for any purpose or in any amount

Section 6 3 Commercial Paper All checks and other orders for the payment of money out of the funds of the Corporation, and all notes or evidences of indebtedness of the Corporation, shall be executed on behalf of the Corporation by such officer or officers or employee or employees, as the Board may, by resolution, from time to time determine

Section 6 4 Deposits All funds of the Corporation not otherwise employed shall be deposited, from time to time, to the credit of the Corporation in such banks, trust companies, or other depositories as the Board may, from time to time, select or as may be selected by any officer or employee of the Corporation to whom such power may, from time to time, be delegated by the Board, and for the purpose of such deposit, any officer, or any employee to whom such power may be delegated by the Board, may endorse, assign and deliver checks, drafts, and other orders for the payment of money which are payable to the order of the Corporation

Section 6 5 Notices Except as may otherwise be required by law, any notice required to be given under these Bylaws shall be in writing and signed by the President or the Secretary, and any notice so required shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed first-class postage pre-paid envelope, addressed to the person entitled thereto at his last post office address appearing on the records of the Corporation, and such notice shall be deemed to have been given on the day of such mailing Any notices required to be given under these Bylaws may be waived, by the person entitled thereto in writing (including telegraph, cable, radio or wireless), whether before or after the meeting or other matter in respect of which such notice is to be given, and in such event such notice need not be given to such person

Section 6 6 Funds Funds of James Island Charter School shall be deposited in such bank or trust company, or other investment institutions, where such deposits are insured by government agency, as may be recommended by the Treasurer and approved by the Board Securities and other valuable documents belonging to James Island Charter High School shall be held is a safety deposit box or equivalent alternate custody as may be approved by the Board

ARTICLE VII - INDEMNIFICATION

Section 7 1 General The Corporation shall indemnify each officer, member, employee and representative ("Indemnitee") from the expenses and risks as set forth in Sections 2 and 3 below if such Indemnitee has acted in good faith or in a manner which he or she reasonably believed to be in or not opposed to the best interests of the Corporation and with respect to criminal action proceeding had no reasonable cause to believe his or her conduct was unlawful A member shall not be considered to be acting in good faith if he/she has knowledge concerning the matter in question that would cause his/her reliance to be unwarranted or, absent breach of fiduciary duty, lack of good faith or self-damaging actions taken as a member or any failure to take any action shall be presumed to be in the best interests of the Corporation

Section 7 2 Expenses. Indemnities shall be indemnified against all expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the Indemnitee in connection with any threatened, pending or completed action, suit or proceeding whether civil, criminal, administrative or investigative (other than an action by or in the right of the Corporation by reason of the fact that the Indemnitee is or was a director or officer of the Corporation, or is or was serving at the request of the Corporation as a representative of another corporation, partnership, joint venture, trust or other enterprise

Section 7 3 Advances The Corporation may advance to all Indemnities all expenses incurred in defending a civil or criminal action, suit or proceeding in advance of final disposition of such action provided the Board determines that it is more likely than not that the Indemnitee will be entitled to indemnification pursuant to Section 1 of this Article VII, and such Indemnitee agrees to repay such amount if it is ultimately

determined by the Board that the Indemnitee is not permitted to receive indemnification under Subchapter D or the Non-Profit Corporation Law of 1988

ARTICLE VIII - LIMITATION OF PERSONAL LIABILITY

Section 8 1 Personal Liability A member of the Corporation shall not be personally liable for monetary damages for any action taken or any failure to take any action, unless (a) such member has breached or failed to perform his/her duties as a member, including his/her duties as a member of any committee of the Board upon which he/she may serve, pursuant to the standard of care set forth in Section 2 of this Article IX, and (b) such breach or failure to perform constitutes self-dealing, willful misconduct, or recklessness

Section 8 2 Standard of Care. (a) Each member of the Corporation shall stand in a fiduciary relation to the Corporation and shall perform his/her duties as a member, including his or her duties as a member of any committee of the Board upon which he or she may serve, in good faith, including reasonable inquiry, skill and diligence, as a person of ordinary prudence would use under similar circumstances In performing his or her duties, a member shall be entitled to rely in good faith on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by any of the following

- One or more officers or employees of the Corporation whom the members reasonably believe to be reliable and competent in the matters presented.
- Counsel, public accountants, or other persons as to matters that the member reasonably believes to be within the professional or expert competence of such person
- A committee of the Board upon which he/she does not serve, duly designated in accordance with the law, as to matters within its designated authority, which committee the member reasonably believes to merit confidence

Appendix B

The Curriculum

The school provides remediation for the exit examination Once all other graduation requirements are met, the student may continue to participate in remediation and retake sections of the test until reaching the age of 21 Students who have met all other graduation requirements but have not passed the exit examination must choose from the following alternatives

1 in lieu of a S C High School Diploma, accept a certificate indicating the number of credits earned and the grades completed,

2 attend remediation in tuition summer school (I e , payment is required), pass the exit examination and receive a diploma from the home high school,

3 enroll at the home high school as a full-time student (minimum course load of 5 units), including remediation, and retake the exit examination and receive a diploma from the home high school, or

4 accept a certificate officially withdraw from the home high school, enroll in an adult education center for remediation services pass the exit examination and receive a S C High School Diploma from the high school where the adult education center is based

To be admitted to retake any section of the exit examination, the student must have attended a minimum of 12 hours of remediation for each section, either through the high school, summer school or the adult education program

GUIDANCE SERVICES

The guidance department at James Island Charter High School has students as its' first priority Counselors work with students individually, as well as in groups Counselors are available to students and parents for academic, social, or personal counseling Students and parents are encouraged to maintain close contact with their counselor

Students may obtain passes from their teachers to see a counselor Parents may call (843) 762-2758 during school hours to make an appointment with the counselor

GRADE CLASSIFICATION

GRADE 9

In order to be classified as a ninth grade student, the individual must have met the requirements of the Grade 8 Promotion Standard

GRADE 10

In order to be classified as a tenth grade student, the individual must have completed six (6) units to include

one unit in English 1
one unit in mathematics

GRADE 11

In order to be classified as an eleventh grade student, the individual must have completed twelve (12) units to include

one unit in English 1
one unit in English 2
two units in mathematics
one unit in science

In addition, students who do not pass one or more subtests of the S C Exit Exam administered in the tenth grade will be put on academic probation until all subtests are passed

GRADE 12

In order to be classified as a twelfth grade student, beginning with the school year 2000-2001, the individual must have completed eighteen (18) units to include*

one unit in English 1
one unit in English 2
one unit in English 3
three units in mathematics
two units in science

In addition, the student must be enrolled in all other units (required and elective) needed to complete graduation requirements

*When, based on the student's schedule it is anticipated that a student will complete graduation requirements by the end of the school year, the student may be placed in a senior homeroom at (he beginning of the first semester even if all of the units listed above are not completed

COURSE LOAD

All students enrolled as regular students in Grades 9-12 in the Charleston County School District must be enrolled in a minimum number of courses or unit equivalents as follows

Grades 9-11 7 units
Grade 12 5 units

In cases of extreme hardship, a senior may request in writing to the Associate Superintendent, Division of Student Learning Services, permission for a waiver of the five unit requirement These requests must flow through the principal for a recommendation It is not the intent of the school district to grant wholesale approval only those cases considered a bona fide hardship should be approved

"School-To-Career Workbased Learning (internship, co-op or apprenticeship) may count as the fifth unit in Grade 12.

KEYBOARDING AND COMPUTER SCIENCE GRADUATION REQUIREMENTS

All students must demonstrate proficiency in keyboarding by either passing the keyboarding proficiency test or successfully completing a keyboarding course Students will demonstrate computer literacy by successfully completing one unit of computer science. For all Business and Marketing computer courses, keyboarding for a half credit or the equivalent keyboarding skill based on the keyboarding course competencies are a prerequisite

All students must earn one unit of credit in computer science If the student takes a keyboarding course, that course may count as Vi of the required unit of computer science The following courses meet the computer science requirement:

Business Computer Applications 1 and 2
Introduction to Computers
Introduction to Computers in Business Education
AP Computer Science A and B
Keyboarding
Computer Technology 1 and 2
Computer Programming 1 and 2
Desktop Publishing
Multimedia/Web Publishing
Business Computer Mathematics

The following courses may meet the computer science requirement if 90-100% of the course provides hands-on instruction in the operation and manipulation of the computer the course emphasizes programming and/or integrated software applications and the course addresses various input/output/storage media and basic computer functions and theory-
Graphic Communications
Drafting (with CAD component)
Computer Repair (electronics)
Networking

The unit of credit applied toward the computer science requirement may not also be used to meet the math requirements or the Tech Prep Completer requirements for graduation.

ATTENDANCE/DENIAL OF CREDIT

Attendance is a requirement for promotion and/or credit Students must attend at least 85 days of a 90 day course or 170 days of an 180 day course Credit for any course MAY be denied if a student does not meet these attendance requirements

Guidelines for Denial of Credit

1 The Principal will conduct an investigation to determine if credit should be denied on the basis of attendance After receiving the principal's recommendation, the Associate Superintendent will determine if credit will be denied The Associate Superintendent will promptly approve or disapprove any absences in excess of the limits set above. Approval will be based on, but not limited to

- lawful vs unlawful
- circumstances affecting absences
- responsibility demonstrated by parent or guardian and student
- the educational record of the student
- court recommendation, if applicable

1 The decision of the Associate Superintendent may be appealed to the Constituent Board within five (5) working days by written notice The Constituent Board will make a review within a reasonable time

2 The student may appeal the decision of the Constituent Board to the Charleston County School District Board of Trustees by requesting an appeal in writing within ten (10) days of receipt of the decision of the Constituent Board

By state law, if a student has attended less than 60 hours of a ½ unit course or less than 120 hours of a 1 unit course, credit MUST be denied If absences are excused the student may be allowed to make up the hours missed in order to satisfy the 120 hour requirement

SCHOOL TO CAREERS

The purpose of the School-to-Work Transition Act of 1994 is to establish a School To Careers system to equip all students with relevant academic skills marketable occupational skills, and appropriate workplace behaviors. The school-to-career options are Youth or Registered Apprenticeship Shadowing Cooperative Education (Co-Op), Internship, Mentoring, Service Learning and Structured Summer Experience

Learning activities outside of class that are connected with a business are referred to as work-based learning activities.

Students who participate in Youth Apprenticeship, Co-op and Structured Summer Experience may earn an elective unit of credit if requirements are met

EXTRACURRICULAR ELIGIBILITY

1 A contestant must furnish the athletic director with a certified copy of his/her birth certificate
2 A contestant must be under nineteen years of age (See your principal for exception to this rule)
3 A contestant must not participate under an assumed name
4 A contestant must be a bona fide student carrying a full course load for which no previous credit has been received
5 A contestant must not have received a high school diploma or its equivalent
6. A contestant must meet all academic requirements as explained below
7 A contestant must satisfy eligibility requirements in the semester preceding participation
8 A contestant will be ineligible at the end of the fourth school year from the time he/she first entered the ninth grade
9 A contestant must have attended school at least sixty days in the semester immediately proceeding the present semester
10 A contestant must not practice with, nor participate on, any athletic team other than a team representing his/her school during the school season.
11 A contestant must live with his/her parents or legally appointed guardian and attend the high school of his/her attendance area

FOUR YEAR COLLEGE BOUND
College Admission Factors

Students planning to attend a four-year college should begin considering these factors as early as eighth grade and plan their high school program accordingly

1. Include in your four-year plan as many college preparatory courses as possible
2 Realize that your courses should be at the instructional level that helps you reach your potential and prepare for college/career goals
3 Determine the required courses for your intended college major.
4 Remember that grade point average, class rank and SAT or ACT scores are all used to determine college acceptance Entrance requirements vary among colleges. Therefore, you should read college catalogs and talk with college admission counselors concerning specifics for the college(s) in which you are interested
5 Be aware that extracurricular and leadership activities and/or work experience may also influence your admission.

Choosing the Right College

Your guidance counselor is available to assist you in selecting the right college for you This process will begin in the ninth grade During your high school career the following steps should be taken

1 Evaluate your strengths and abilities Examine your choice of lifestyle Utilize sources of information about colleges/careers in guidance and library
2 Take the PSAT in both your sophomore and junior years The test will place you on a mailing list for college information The PSAT in the junior year also serves as the National Merit Scholarship qualifying test
3. Make a list of schools to investigate, based on your personal goals Internet and SCOIS are good resources for exploration
4 Determine requirements for admission and costs for each school on your list
5 Arrange for college visits When visiting talk with admissions counselors and financial aid officers
6 Fine-tune your list
7 Attend senior conferences with your counselor

8. Ask for teacher/counselor recommendations
9 Apply for financial aid or scholarships Do not rule out smaller private colleges due to costs.

Guidelines for Submitting College Applications

Please follow the procedure outlined below when making college applications

1 Decide where you will apply
2 Register for and take SAT (or ACT) in your junior year
3 Obtain applications for admission (Guidance -ED-OP Day, College Admissions Office)
4 Obtain transcript release form from Guidance.
5 Fill out application completely, staple appropriate fee (check made payable to the college) to the application.
6 BRING APPLICATION AND RELEASE FORM TO GUIDANCE OFFICE SECRETARY ($2 00 will be charged for each transcript after the first three).
7 Allow at least five working days for application to be processed
8 Watch deadlines It is recommended that all applications be submitted to the guidance office before the Thanksgiving holidays
9 Students will mail their own applications.

PLANNING FOR COLLEGE

Colleges differ in their admission requirements. It is important, therefore, to decide as early as possible your choices of colleges and arrange your high school program according to their admission requirements. You should write the colleges you are considering for catalogs and study their admission requirements The Guidance Department has catalogs for most colleges in this area, and will be glad to help you choose your courses Some colleges specify the high school units you must have Some do not, but almost all will expect you to have most of your units in the academic curriculum.

COLLEGE PREPARATORY COURSE PREREQUISITE REQUIREMENTS For Public Colleges

FOUR UNITS OF ENGLISH· At least two units must have strong grammar and composition, at least one must be in English Literature, and at least one must be in American Literature Completion of College Preparatory English I, II, III, and IV will meet this **criterion**

THREE UNITS OF MATHEMATICS. These include Algebra I (for which **Applied Mathematics may count together as a substitute if a student successfully completes Algebra II), Algebra II, and Geometry A forth higher-level mathematics course is strongly recommended The fourth course should be** selected **from amount Algebra 111/ Trigonometry, Pre-calculus, Calculus, Statistics, or Discrete Mathematics**

THREE UNITS OF LABORATORY SCIENCE Two units must be taken in two different fields and selected from among biology, chemistry, or physics. The third unit **may be from the same field** as one **of the first two units (biology, chemistry, or physics) or from any laboratory science for which biology** and/or **chemistry is a prerequisite. Courses in earth science, general physical science, or introductory or general** environmental **science for which biology and/or** chemistry is not a prerequisite will not meet 'this **requirement**

TWO UNITS OF THE SAME FOREIGN LANGUAGE

THREE UNITS OF SOCIAL SCIENCE· One unit of **U S History** is required, a half **unit of Economics and a** half unit in **Government** are strongly recommended

FOUR UNITS OF ELECT1VES. Four college **preparatory** units must be taken from at least three **different fields selected** from among **Computer Science, English, Fine Arts, Foreign Languages, Humanities, Laboratory Science (excluding earth science,** general physical science, **general** environmental science or **other** introductory science courses for which biology and/or chemistry is not a prerequisite) **Mathematics above the level of Algebra II, and Social Sciences. It is** suggested **that** one unit be in **Computer Science,** which includes programming (i e not just keyboarding) and one unit **in Fine Arts** (appreciation of, history or performance)

ONE UNIT **OF PHYSICAL EDUCATION OR ROTC**

NOTE Each institution may make exceptions in admitting 1) students who do not meet all of the prerequisites, limited to those individual cases in which the failure to meet one or more prerequisites is due to circumstances beyond the reasonable control of the student or 2) students who have **taken the** Tech Prep (Applied Academics) courses rather than the required college preparatory curriculum described above and who meet all other institutional admissions criteria

PUBLIC COLLEGES Clemson University, College of Charleston Francis Marion University, Lander University, South Carolina State University The Citadel University of South Carolina (all-campuses) Winthrop University

*Clemson requires three units of the same foreign language

Colleges compute GPAs differently JIHS reports the CPA based on the CCSD weighted scale for students graduating In 2003 The SC Uniform Grading scale will be used for students graduating In 2004 and there after

NATIONAL TESTING PROGRAMS

SAT-I AND SAT-II

The SAT-I {Scholastic Assessment Test) is a multiple-choice test, with verbal and math sections Each section of the test has a score range of 200 to 800, thus, the score range for the entire test is 400 to 1600, The verbal portion tests the student's vocabulary, verbal reasoning, and verbal comprehension The item types tested are analogies sentence completion, and reading comprehension Reading comprehension questions comprise approximately half of the questions on the verbal section The math portion tests the student's ability to solve problems involving arithmetic reasoning, algebra, and geometry One section of the SAT-I math portion requires students to produce and "grid in" their own answers rather than just select an answer from a set of multiple-choice alternatives Students are allowed, but not required to use a calculator Although a student's high school record is the single best predictor of his potential for success in college, a combination of his high school record and his SAT score is more reliable indictor

The SAT-II is the new name for the tests formerly referred to as Achievement Tests Some colleges request that students take one or more of these tests The SAT-II is given in October, November, December, January, May, and June on the same date and at the same time as the SAT-I All SAT-II tests are one hour in length, therefore, students may take from one to three of the tests anyone administration of the SAT-I and SAT-II

Preparing for the SAT-I

All students planning to attend college should enroll in a strong academic program for all four years of high school This is the best preparation for the SAT

A student should be aware that, unless he has taken AP, Honors, CP level English and Algebra I and Geometry, he is not prepared to take the SAT Attempting these tests without this background could be compared to taking a foreign language exam without first studying the language

Taking the SAT-I

James Island Charter High School suggests taking the SAT-I at least once in the student's Junior year, If the student waits until his senior year, it is strongly recommended that he take the test when it is first given in October A student may of course, take the SAT-I anytime he wishes Information concerning registering for the SAT-I or the SAT-II is found in the SAT guide published by the College Board A student may obtain one of these guides from the grade level counselor

ACT

American College Tests (ACT) Some colleges require this examination for admission, however, most colleges accept the SAT or the ACT The ACT consists of four tests English, Mathematics, Social Studies and Natural Science The tests are designed to measure the student's ability to perform the kinds of intellectual tasks required for college students A fee is charged

PSAT

The PSAT (Preliminary Scholastic Aptitude/National Merit Scholarship Qualifying Test) has two primary purposes It introduces a student to the organization and question types found on the SAT Students gain test-taking skills and can use their PSAT scores to predict their scores on SAT The junior year scores are also used in selecting semi-finalists for the National Merit Scholarship awards and the National Achievement Scholarships Several colleges use PSAT for determining early admissions, and program such as the Governor's School uses them in the selection process

James Island Charter High School will administer the PSAT in October The fee will be announced in August

SELECTION OF HONOR GRADUATES

To be named first or second honor graduate a student must, at a minimum

- have been enrolled in the school for the entire senior year, and
- have the highest weighted grade average (2002 and 2003)/highest GPR (2004 and after) in the senior class at the end of the third nine weeks grading period

In the event two or more students tie, the students would share the honor

AWARDS

Students in the Charleston County School District may receive the following awards

1 CCSP *Board Scholar Certificate* - This certificate is awarded to graduating seniors based on GPA calculated at the end of seven semesters For the graduating classes of 20D2 and 2003, a student must achieve a four-year cumulative, weighted GPA of 95 or better with no rounding up or down Beginning with the graduating class of 2004 a student must achieve a four-year GPA of 4 25 or better on the South Carolina Uniform Grading Scale with no rounding UP or down

2 *Ufe Scholarship Requirements* -Students who meet the following requirements will be eligible to receive a scholarship from the college they attend

- Must be a South Carolina resident and a United States citizen or permanent resident
- Must be admitted, enrolled, and classified as a full-lime, degree seeking undergraduate student in an accredited South Carolina college or university within 2 years and 3 months of high school graduation
- Must NOT be convicted of any felonies or have any alcohol/drug related convictions
- Beginning with the 2002-2003 college freshman class, students also must meet two of the following three criteria

1 graduate high school with a minimum cumulative GPA of 3 0 (B) on 4 0 scale calculated after the eighth semester

2 have an SAT of 1100 or higher or an ACT of 24 or higher

3 be in the top 30% of their graduating class

Currently students who qualify receive a scholarship equal to the average tuition at S C public colleges and universities each year as long as they continue to meet program requirements while in college Palmetto Fellows Scholars may not receive Life Scholarships

PLEASE READ THE FOLI OWING IMPORTANT NOTES

It is permissible to select a SAT verbal score and math score from different test administrations
SAT/ACT scores will be accepted through the June test date of the high school graduation year
The GPA can be calculated on an unweighted 4 0 scale or the uniform grading scale and must be calculated after official completion of courses required for graduation
The grade point average used to determine LIFE eligibility for students graduating from high school 2002 and 2003 may be based upon the approved policies of the high school The Uniform Grading Policy must be used exclusively for students graduating 2004 and after

DISCLAIMER The information provided above is from the Commission on Higher Education and is based upon the Commission's interpretation of the LIFE Scholarship Program based on the Lottery Education Act signed by the Governor, which will be proposed to the General Assembly Changes may occur at anytime during the legislative process The Commission staff will update this information on their website, *www che400 state sc us*

3 *Palmetto Fellows Scholarship Requirements*- Each Palmetto Fellow may receive a scholarship up to $5,000 annually To be eligible, the student must meet ALL of the following minimum requirements

- Score at least 1200 on the SAT or 27 on the ACT
- Earn a 3 5 GPA on a 4 0 scale at the end of the junior year
- Rank in the top five percent of the class at the end of either the sophomore or junior year
- Be enrolled in a public or private high school or an approved home school program of study
- Be a U S citizen or permanent resident who meets the definition of an eligible non-citizen under State residency statutes
- Plan to attend college in South Carolina

ACCELERATED GRADUATION

Accelerated grade placement is an option for the students in Charleston County who are significantly advanced academically and developmental^ compared to other children their age and who would benefit by accelerated movement through the Charleston County curriculum Students will be successful at advanced grade levels under the following conditions

1 The students have exhibited superior performance in the academic content of earlier grade,

2. The students are functioning on sufficiently high cognitive levels to meet the intellectual challenges of accelerated movement through school and

3 The students have the social and emotional maturity to behave according to advanced grade-level expectations and to interact constructively with older peers

To meet the criteria for accelerated grade placement, a student must demonstrate superior abilities in each of the following areas academic achievement, cognitive development, and social-emotional development Objective assessments should be collected in each area and should become part of the student's file The acceleration decision will be based upon the collected data and upon the needs of the individual student

When a parent seeks an accelerated grade placement for a student he/she submits a written request, with justification, to the principal The principal will acknowledge the request and complete the following "steps" within thirty days

1 Collect all standardized data in the student's permanent record.

2 Collect written statements of teachers' and parents' observations of the social and emotional development, and peer interactions,
3 Conduct an interview with the student and parents, and
4 Use a professional review team, consisting of principal current teacher, and other appropriate staff, to analyze the information and recommend one of four courses of action—

a The student's needs are met with current instructional strategies
b The student's needs will be met with the implementation of supplemental school-based programs
c The students needs will be met with an accelerated grade placement, or
d Additional information is needed for a final decision

Once the principal has approved the recommended course of action, he/she will meet with the parent(s) to share the decision The principal's decision is final

When such approval is granted, the student may take two units of mathematics simultaneously in the second or third year and two units of English simultaneously during the third year in high school The suggested sequence for acceleration is as follows

Ninth Grade - Honors English 1 Algebra 1
Tenth Grade - Honors English 2, Honors Geometry
To accelerate in math the student may also take Algebra 2 OR Probability & Statistics
Eleventh Grade - Honors English 3 and 4
To accelerate in math the student must have earned a total of 4 math units by the end of grade 11 and may take one or two more math courses to graduate early

A student will not be permitted to circumvent this rule by attending summer school without prior permission from his/her own principal No credit for any summer school course will be awarded without prior permission Summer school courses are designed primarily for remediation As a general rule summer school should be for those students who wish to repeat a level of English or mathematics Under no circumstances are summer school courses in the core academic areas for those students who have demonstrated superior academic achievement and are pursuing an accelerated program to complete diploma requirements in three years

Following the accelerated placement, the student will receive the necessary support from the school's guidance counselors and instructional staff

SUMMER SCHOOL

It shall be the policy of Charleston County School District that summer school is provided as an opportunity for remediation and enrichment In specific cases described below, summer school courses may also be taken for acceleration Principals will make the final decision regarding the approval or denial of a request to take a required subject in summer school Approvals should only be made in accordance with the regulations of Policy 6174, namely

With the permission of the home school principal, a student shall be allowed to take a required course in summer school provided that the student

1 has previously failed the course, or
2 received NC (no credit) due to attendance problems, or
3 has an approved accelerated education plan, or
4 has an approved education plan, into which the required subject cannot be scheduled during the regular school year; or
5 is able to complete all graduation requirements in the summer session

A student shall be allowed to take English or mathematics as a new subject in summer school only if (a) he/she has an approved plan to achieve on-time graduation and (b) enrollment is sufficient lor the course to be offered

A student who has completed eight semesters ol high school shall be allowed to take one subject as a new course in order to complete graduation requirements provided enrollment is sufficient for the course to be offered

Students shall be allowed to take a course as a new subject for enrichment or as a required course when it cannot be scheduled routinely into his/her four-year education plan and enrollment is sufficient for the course to be offered (i e , Physical Education, Driver's Education, keyboarding, or Introduction to Computers)

FOREIGN EXCHANGE PROGRAM

Study Abroad

Charleston County School District students who spend a year studying in a foreign country in an approved exchange program are to be afforded an opportunity to earn credits

1 The student must obtain prior approval in writing of the home school principal before going abroad

2 A course of study should be planned that would enable a student to earn credits similar to those earned at the home school Math, science, some history, foreign languages, and computer courses should be closely associated with our own

offerings A student may be required to earn his/her English credit on his/her return to CCSD or to turn in work from a pre-approved independent study program equivalent to one unit of credit United States history, American government, and economics would have to be taken here

3 A certified transcript from the exchange school would need to be received prior to awarding credit

4 Attendance periods in foreign countries would have to reasonably approximate our own

Foreign Exchange Students In CCSD Schools

In as much as the high schools of Charleston County School District receive requests to enroll "foreign exchange" students, the District encourages schools to participate in order for foreign students to be given an opportunity to learn about the United States and its people It is recognized that in some cases schools may need to limit the enrollment of exchange students because of overcrowding or lack of availability of certain courses

The following are South Carolina Department of Education and district regulations and guidelines for foreign exchange students

In order for a student to earn course credits all requirements must be met

Principals must clearly indicate to the student(s) that the CCSD is not obligated to award a South Carolina High School Diploma and will only do so if all state requirements are met, including passing the Exit Exam

It is the responsibility of the student to obtain all information needed in order for a school to determine if credits earned from foreign school(s) meet state standards

If a student has already completed the equivalent of a diploma in their country, they are not eligible for a South Carolina High School Diploma and may be prohibited from enrolling in a CCSD high school at the discretion of the principal

If a student is a senior at his/her home school, he/she may be recognized as an honorary member of the CCSD graduating class and can participate in commencement exercises as a non-diploma student

CCSD schools must furnish a certified transcript showing credits earned to the student's home school upon request

Foreign students who are not sponsored by a student exchange program and are not living with their parent or legal guardian must provide specified documents and pay tuition to the District in order to obtain an 1-20 form An 1-20 form is required in order for the student to acquire an F-1 Student Visa Student visas are acquired prior to the student entering the United States Only the District's "designated school district official" approved by the Immigration and Naturalization Service can issue 1-20 forms At the current time, 1-20 applicants should be directed to contact Marlene Seabom at 937-6406

Additionally, certain limitations and requirements are in affect for students on a F-1 visa

The F-1 visa is only issued to high school students

Students may only attend school in the United States of one year (12 months) The number of months can not legally be extended beyond one year

No alien may be issued a F-1 visa in order to attend a publicly-funded adult education program

Similar to accepting foreign exchange students, in some cases schools may need to limit the number of foreign students due to overcrowding or a lack of availability of courses School personnel must make every effort to communicate this possibility when contact is made by interested students/parents

GRADING POLICY, GRADE RATIO AND CLASS RANK

Grade Changes

Grades can only be changed on a grade card, transcript, or permanent record if the Post-Marking Period Grade Chance form is used, the form contains all required signatures, and the form is filed in the student's permanent record

For students graduating 2004 and after

As required by state law, the new South Carolina Grading Scale is in effect for students graduating in 2004 (typically freshmen and sophomores) and all subsequent graduating classes

Letter	South Carolina Uniform Grading Scale
A	93-100
B	85-92
C	77-84
D	70-76
F	69 or below

All grades will be interpreted for all purposes using the new Uniform Grading Scale Numerical grades will appear on the report card

A student enrolled in more than the minimum number of courses may withdraw if circumstances warrant provided the course is an elective If a student withdraws from a course with a passing grade after the 10th day of a 180-day course, the 5th day of a 90-day course, or the 3rd day of a 45-day course, a grade of 62 will be posted and included in the student's grade point ratio (GPR) The grade penalty for late withdrawal does not apply in cases in which the school administration

cancels a course or initiates other schedule changes. If a student withdraws with a failing grade below 62, the earned grade will be posted

If a student retakes a course in which a D or F has been earned within the same academic year or no later than the next academic year, all grades for the course will be included in the student's GPR with one exception students may retake a middle school Carnegie unit in 9th grade and no matter what grade was earned in middle school, the freshman grade will appear on the transcript whether it is higher or lower

Honors credit may be earned only for courses, which have published syllabi, which establish higher standards Honors credit may be awarded at all levels of English, math, science, and social studies but only for the 3rd and 4th Carnegie unit in a course sequence in other content areas

S C Uniform Grading Policy Weights for Class Rank, Life Scholarship Qualification and all other purposes (See table)

Honors/Dual Credit/pre-IB' - add 5 quality points
Advanced Placement (API/International Baccalaureate (IB)' - add 1 0 quality point
GPR - calculated as an average of quality points
The formula will yield the student's GPR which can then be ranked from highest to lowest rank in class The GPR wBI be calculated to four decimal places All diploma candidates will be included in the ranking Students who tie for a rank will share that rank

'An IB program is currently offered at James Island Charter High School

Grade Point Conversion Table
South Carolina Uniform Grading Policy

Average	Grade	College Prep Tech Prep	Honors	Advanced Placement/ International Baccalaureate
100	A	4 87	5 37	5 87
99	A	4 75	5 25	5 75
98	A	4 62	5 12	5 62
97	A	4 50	5 00	5 50
96	A	4 37	4 87	5 37
95	A	4 25	4 75	5 25
94	A	4 12	4 62	5 12
93	A	4 0	4 50	5 00
92	B	3 87	4 37	4 87
91	B	3 75	4 25	4 75
90	B	3 62	4 12	4 62
89	B	3 50	4 00	4 50
86	B	3 37	3 87	4 37
87	B	3 25	3 75	4 25
86	B	3 12	3 62	4 12
85	B	3 00	3 50	4 00
84	C	2 87	3 37	3 87
63	C	2 75	3 25	3 75
82	C	2 62	3 12	3 62
81	C	2 50	3 00	3 50
80	C	2 37	2 87	3 37
79	C	2 25	2 75	3 25
78	C	2 12	2 62	3 12
77	C	2 00	2 50	3 00
76	D	1 86	2 36	2 86
75	D	1 72	2 22	2 72
74	D	1 57	2 07	2 57
73	D	1 43	1 93	2 43
72	D	1 29	1 79	2 29
71	D	1 14	1 64	2 14
70	D	1 00	1 50	2 00
69	F	87	1 37	1 87
68	F	75	1-25	1 75
67	F	62	1-12	1 62
66	F	50	1 00	1 50
65	F	37	87	1 37
64	F	25	75	1 25
63	F	12	62	1,12

0-62	F	0 00	0 00	0 00

Grade Point Ratio will be calculated using the following formula with no rounding

GPR = sum (quality points x units attempted)

sum of units attempted

EXAMPLE

STUDENT A	Grade	Quality Points	Unit
English 1 CP	91	3 75	1 0
Algebra 1 CP	87	3 25	1 0
Physical Science CP	94	4 12	1 0
World Geography Honors	83	3 25	1 0
Physical Education CP	92	3 87	0 5
French 1 CP	84	2 87	1 0
		Sum	**5,5**

COMPUTATION *3 75 x* 1 = 3 75
3 25 x 1 = 3 25
4 12x1 =4 12
3 25 x 1 = 3 25
3 87 x 5 = 1 935
2 87 x 1 = 2 87
St/M= 19 175/5.5=3 4863636

NOTE If a student transfers from one section to another of the same course where different weights are assigned (e g , from Honors Algebra 2 to CP Algebra 2), the weight assigned to the grade shall be the weight for which the course is completed, partial weights can not be assigned

FOR STUDENTS GRADUATING IN 2002 AND 2003

The new South Carolina Grading Scale will not go into effect for student graduating in 2002 or 2003 (typically seniors) These students will continue to receive grades using the previous CCSD grading system

Letter	CCSD Grading System
A	90-100
B	80-89
C	70-79
D	
F	69 or below

All determinations of GPR, class rank, and Life Scholarship eligibility will be based on the CCSD grading system Numerical grades will appear on the report card

A student enrolled in more than the minimum number of courses may withdraw if circumstances warrant provided the course is an elective If a student withdraws from a course with a passing grade a grade of WP will be posted If the student receives no credit due to absences, an NC will be posted In either case, the course will not be included in the student's GPR

A student may retake a course at the same difficulty level in which an F has been earned earlier Only the passing grade will be included in the GPR

Honors credit may be earned for any course designated as honors during the 1999-2000 school year

CCSD Grading System Weights for Class Rank,
Honors courses - multiply numerical grade by 1 2
AP courses - multiply numerical grade by 1 3

The formula will yield the student's average weighted grade, which can then be ranked from highest to lowest rank in class Computations will NOT be rounded All diploma candidates will be included in the ranking Students who tie for a rank will share that rank

EXAMPLE

STUDENT A	Numeric Grade	Weighted Grade
English I CP	91	91
Algebra I CP	87	87
Physical Science CP	94	94

SPECIAL FUNDING EXPENSES			
	Special Revenues Fund (Grants)		
	Individuals with Disabilities Education Act	$100,298	16 2%
	Reduction of Class Size	$301,519	46 8%
	Vocational Education	$30,456	4 9%
	ROTC	$68,391	11 1%
	Special Career Guidance	$21,696	3 5%
	Special Education	$14,936	2 4%
	Speech Handicapped	$0	0 0%
	Visually Handicapped	$5,702	0 9%
	Resource Officers	$34,732	5 6%
	Nursing Services	$39,980	6 5%
	Total Special Revenues Funds	$617,910	100 0%
	Education Improvement Act (EIA)		
	School Innovation Funds	$118,491	47 1%
	Advanced Placement	$16 151	6 4%
	Networking Program	$23,184	9 2%
	PMH Services	$1,258	0 5%
	National Board Certification	$0	0 0%
	Professional Development on Standards	$2,04$	0 8%
	Academic Assistance Act 4-12	$78,485	31 2%
	EIA Teacher Supplies	$11,900	4 7%
	EIA Principal Salary/Fringe	$0	0 0%
	Total EIA	$251,514	100 0%
	Other Special Funds		
660	Pupil Activity Funds	$528,356	50 8%
	Food Service Funds	$510,917	49 2%
	Internal Service Funds	$0	0 0%
		$1 908,697	
		$10,934,641	
	Total Other Special Funds	$1,039,273	100 0%

*Total **Special Funding Expenses***

Grand Total Expenses

Note 1 Review of the original budget submitted by the James Island Charter Committee by CCSD personnel resulted in recommended increases in certain elements of the budget The James Island Charter High School Committee does not agree with some of these increases because they are based on different interpretations of the State Charter Law, and/or normally acceptable standards We have included these additional expenses only to indicate that the budget remains balanced even if appeals and arbitrations should be unfavorable to JICHS Inclusion of the additional monies in no way waives our intention to negotiate, arbitrate, and/or appeal

JAMES ISLAND CHARTER HIGHS SCHOOL STAFFING

A/O 01/20/03

Position	Function		Object	Budgeted Number	$
High School Teachers	11-40	High School Programs	112	64 1	$2,488,131
ROTC Instructor	1140	High School Programs	112	1 5	$68 391
HS Drive Ed Simulator Teacher	1140	High School Programs	112	0 3	$14,227
Strings Teacher	1140	High School Programs	112	0 3	$11 641
Study Hal Proctor	1140	High School Programs	115	1	$16,998
Teacher Ass t	1140	High School Programs	115	1	$11,851
CTE Teacher Asst	1150	Vocational Programs	112	11	$471,930
Voc Special Needs Teacher Asst	1151	Vocational Programs	112	2 45	$101 932
Special Ed Asst	1205	Exceptional Programs	115	2	$23,381
EMOSC Teacher	1210	Educable Mentally HC	112	2	$92,594
TMD/PMD Teacher	1220	Trainable Mentally HC	112	1	$50,827
TMD/PMD Asst Teacher	1220	Trainable Mentally HC	115	2	$30 731
01 Teacher	1230	OrthopedicaltyHC	112	0 1	$4,206
VI Teacher	1240	Visually HC	112	0 3	$13 389
H1 Teacher	1250	Hearing HC	112	0 5	$24 454
Speech Teacher	1260	Speech HC	112	0 1	$4,177
LDSC Teacher	1270	Learning Dis	112	2	$82,566
LD Resource Teacher	1270	Learning Dis	112	4	$165 132
Career Guidance	2120	Guidance Services	112	0 6	$25,707
Guidance Director	2122	Guidance Services	110	1	$59,395
Guidance Counselor (9)	2122	Guidance Services	112	3	$115,619
Student Concern Spec	2122	Guidance Services	114	1	$26,662
Health Service Specialist	2134	Health Services	114	0	$0
Media Spec (10)	yyy^	LtoraryA Media Serv	112	1	$53,541
Media Spec (9)	2222	Library & Media Serv	112	1	$52,343
Media Clerk	ttt?	Library 4 Media Serv	115	1	$14,295
Principal	2331	School Administration	111	1	$82 193
AssL Prin	2331	School Administration	111	3	$186,384
Administration Manager	2331	School Administration	110	1	$40,000
Other Professional Classified	2331	School Administration	113	1	$34,415
School Secretary (12/39)	2331	School Administration	115	1	$29 819
Bookkeeper (12/37)	2331	School Administration	115	1	$20,316
Stud Data Clerk (12/35)	2331	School Administration	115	1	$31,253
Clenc Typist (10734)	2331	School Administration	115	1	$14 711
General Clerk (10V31)	2331	School Administration	115	1	$20,060
Service Work Salary	2543	Operations & maint	119	1	$15 122
Service Work Salary	2547	Operations & maint	119	1	$14,889
Total General Funds Staffing				117 3	$4,513 084
Special Revenue Staffing					
ROTC Instructor	1140		112	1 50	$68,391
High School Teacher	1140		112	6 08	$236,004
CTE Specialist	1150		112	0 20	$8 582
Voc Special Needs Teacher	1151		112	0 50	$20 803
Special Ed Asst	1205		115	0 00	$0
Special Ed AssL	1205		115	1 00	$11 691
01 Assistant	1230		115	1 00	$17,785
Orientation & Mobility Instructor	1240		113	0 10	$4 453
Speech Teacher	1260		112	0 00	$0
ED Teacher	1280		112	1 00	$38,816
ED Assistant	1280		115	1 00	$17,785
Career Guidance	2120		112	0 40	$17 138
Nurse	2134		114	1,00	$26,572
				13 78	$468 029
Total Special Revenue Funds				131 1	
Student Enrollment				1 538	

JAMES ISLAND CHARTER HIGH SCHOOL

GOF DISTRIBUTION CALCULATIONS FORMULA AND ESTIMATES FOR CHARTER PERIOD (5 YRS)

FISCAL YEAR ENDING PROJECTIONS	Est04	EstOS	Estoe	Est07	EstOS
FISCAL YEAR ENDING BASE	02	03	04	05	06
ESTIMATED GOF EXPENDITURES	$229,994,477	$241,751,979	$246,587,019	$251,518,759	$256,549,134
INTERGOVERNMENTAL TRANSFERS	$0	$0	$0	$0	$0
NET GOF EXPENDITURES	$229,994,477	$241,751,979	$246,587 019	$251,518,759	$256 549,134
RAW PUPIL COUNT	43,783	43,783	43 783	43,783	43,783
WEIGHTED PUPILS	52,704 47	52 704 47	52,704 47	52,704 47	52,704 47
FACTOR	20 4%	20 4%	20 4%	20 4%	20 4%
PER PUPIL AMOUNT	$4,363 85	$4,586 94	$4,678 67	$4,772 25	$4,867 69
INFLATION FACTOR (YR1)	3 04%	2.00%	2 00%	2 00%	2 00%
INFLATION FACTOR (YR 2)	2 00%	2 00%	2 00%	2 00%	2 00%
ESTIMATED PER PUPIL	$4,602 47	$4,772 25	$4,867 69	$4,965 05	$5,064 35
RAW PUPIL COUNT (JIHS)	1,538	1,538	1,538	1,538	1,538
WEIGHTED PUPIL COUNT (JIHS)	1,961 11	1,961 11	1,961 11	1,961 11	1,961 11
FACTOR	27 5%	27 5%	27 5%	27 5%	27 5%
PROJECTED PAYMENTS TO CHARTER SCHOOL	$9,025,944	$9,358,902	$9,546 080	$9,737 001	$9 931 741

JAMES ISLAND CHARTER HIGH SCHOOL
PROJECTED OPERATING BUDGET YEARS TWO THROUGH FIVE

Rev #4 1/21/03

Object	Description	Year 2	Year 3	Year 4	YearS
100	Personnel Salaries	$4,775,656	$4 871,169	$4,968,593	$5,067,964
200	Personnel Fringe Benefits	$1,303,132	$1,329,195	$1,355,779	$1,382,894
310	Purchased Services	$85,360	$87,067	$88,809	$90,585
320	Property Services	$466,782	$476,117	$485,640	$495,352
330	Transportation Services	$112,826	$115,083	$117,384	$119,732
340	Misc. Purchased Services	$20,228	$20,633	$21,045	$21,466
360	Printing and Binding	$3,101	$3,163	$3,226	$3,291
390	Other Purchased Services	$105,694	$107,808	$109,964	$112,164
400	Supplies and Materials	$460,024	$469,224	$478,609	$488,181
500	Capital Outlay	$40,106	$40,908	$41,726	$42,561
640	Organization Memberships/Dues	$9,364	$9,551	$9,742	$9,937
650	Insurance	$112,015	$114,255	$116,540	$118,871
690	Other	$1,374	$1,401	$1 430	$1,458
	Sub Total Operating Expenses	$7,495,662	$7,645,575	$7,798,487	$7,954,457
	Contingencies & Educ Imprvmt Programs	$1,863,240	$1,900,505	$1,938,514	$1,977,284
	Total Operating Expenses	$9,358,902	$9,546,080	$9,737,001	$9,931 741

Appendix D

Voting Process

The Voting Process

Prior to the parent and teacher votes, the Charter Committee conducted a number of public meetings for teachers, parents/guardians and community Those meetings were scheduled, with notice given by a variety of means, as follows

July 2002	Notice of a meeting to discuss a proposed charter was telephoned to parents of previous year's Ninth, Tenth, and Eleventh Grade students An abbreviated notice of the same was posted on the school marquee along Ft Johnson Road Invitation was extended to the Associate Superintendent for District 3 of the Charleston County School District and District staff
	A public meeting with representatives of other charter schools and associations was conducted in the James Island High School Media Center, attended by community representatives, state legislator, parents, teachers, students, and the media, allowed the Charter Committee to introduce the proposed charter document Copies of the proposed charter were posted on the Committee's web site, and printed copies for public access were delivered to the two public libraries located on James Island
	The Committee's web site encouraged submittal of questions about charter schools and the proposed draft The Committee, through return email, answered individual questions
	The Office of the Superintendent of the Charleston County School District conducted a public meeting to discuss charter schools at the Gaillard Municipal Auditorium Notice of the public meeting was repeatedly published in the *Post & Courier* Newspaper and subject of flyers mailed and posted to parents and members of the community The meeting featured presentations from employees of the South Carolina Department of Education and others
August 2002	An evening public meeting was conducted at the school Notice of the meeting was given by telephone to parents, teachers, and interested others who attended the previous meeting An abbreviated notice of the same was posted on the school marquee along Ft Johnson Road Invitation was extended to the Associate Superintendent for District 3 of

the Charleston County School District and District staff The proposed charter was discussed Consensus to changes to the proposal was obtained from the attendees Changes to the proposed draft were made, and the revised draft of the charter document was published on the web site, with bound copies delivered to the libraries

The web site facilitated instant email notice of any changes made to the web site

Others, with views that opposed the conversion of James Island Charter High School, conducted two publicly advertised evening meetings within the community to discuss the proposed charter conversion Parents, teachers, community members, and the media attended the meetings Committee members attended the meetings to respond to all questions presented One meeting was held at the James Island Middle School Auditorium, and the second in the social hall at a neighborhood church on James Island

Notice of a charter forum discussion was sent with the invitation to James Island High School Teachers for the annual afternoon teacher luncheon at James Island High School Principals of each school within the District 3 attendance zone and the Associate Superintendent of District 3 were invited to attend The Charter Committee discussed the charter and addressed all charter conversion related questions posed

Telephone calls, placed to parents, invited them to attend an afternoon public meeting at the media center at James Island High School Teachers, parents, and community members attended this meeting, and the Committee reviewed and discussed the terms of the proposed charter

A faculty meeting was held after school to discuss the proposed charter and the election process A straw poll was conducted, the results of which showed an overwhelming support in favor of the conversion

On August 28, the faculty and staff of James Island High School voted by secret paper-ballot The ballot wording and format are shown as Figure 1 The League of Women Voters certified eligible voters in accord with the provisions of the South Carolina Charter School Act of 1996, as amended The League of Women Voters, with

media in attendance to witness the procedures, certified the vote process, the count of the ballots, and the results Invitation was extended to the Associate Superintendent for District 3 of the Charleston County School District and District staff By a margin in excess of two-thirds of the vote, the faculty and instructional staff employed at James Island High School voted to support the conversion and charter application The teacher vote represented one hundred percent (100%) participation of those eligible to cast ballot

September 2002

Two evening public meetings were conducted at the school to examine charter Notices of each meeting were given by placing telephone calls and reminder telephone calls to the home of each parent of a currently enrolled James Island High School student Notice of the same was posted on the school marquee along Ft Johnson Road Teachers and members of the Committee conducted the meetings, and the meetings were attended by parents and interested others

A copy of the proposed charter was mailed, postage prepaid, to the each currently-enrolled James Island High School student's parent/guardian of record

October 2002

One evening public meeting was conducted at the school to examine charter Notice of the meeting was given by placing telephone calls and reminder telephone calls to the home of each parent of a currently enrolled James Island High School student Notice of the same was posted on the school marquee along Ft Johnson Road. Teachers and members of the Committee conducted the meeting, and the meeting was attended by parents and interested others

One unmarked ballot and one pre-addressed envelope to the League of Women Voters was attached to the Federal Card for every James Island High student enrolled through October 15, 2002 The League of Women Voters assigned each pre-addressed ballot envelope an identifying number, known only to them, and recorded the Official envelope The ballot wording and format are shown as Figure 2 The ballot, pre-addressed envelope, and Federal Card were mailed, postage prepaid, to the student's parent/guardian of record Parents were provided the options to mail or hand deliver the ballot by October 22, 2002, in the sealed Official envelope to the League of Women Voters For any

parent/guardian who claimed that they had not received a Federal Card and ballot, the parent was required to sign for a replacement ballot and numbered Official Envelope from a numbered series provided by the League, and the replacement ballot was matched against the returned ballots to verify duplicates No absentee ballots were requested

On October 22, The League of Women Voters certified the Official Envelopes containing the ballots of parents/guardian of currently-enrolled students of James Island High School The League of Women Voters, with media in attendance to witness the procedures, certified the count of the ballots and the results Invitation to witness the ballot mailing and counting was extended to the Associate Superintendent for District 3 of the Charleston County School District and District staff By a margin in excess of two-thirds of the vote, the parents/guardians of the currently-enrolled students of James Island High School voted to support the conversion and charter application.

Tabulated Voting Results

Faculty Vote - Supporting _86_% (Vote #_99_)
Opposing _14_% (Vote#_16_)

Total Number of Faculty Voting - 115
Number of Faculty Eligible To Vote - 115

Parent/Guardian Vote - Supporting _76_% (Vote #_806J
Opposing _23_ % (Vote #_244J
Undecided 1 % (Vote # __ 7J

Total Number of Parent/Guardians Voting - 1057
Number of Parent/Guardians Eligible To Vote - 1544

Sample Ballots:

Official Teacher Ballot for James Island High School Conversion

Are you in favor of James Island High School becoming a charter conversion school?

Circle One

Yes No

Official Parent/Guardian Ballot for James Island High School Conversion

Are you in favor of James Island High School becoming a charter conversion school?

Circle One

Yes No

Appendix E

Other Responses to Charleston County School District

Assurances

The Administration of the Charleston County School Board demands acceptance of specific assurances as a requisite for making a positive recommendation of this charter application Applicant responds to the requirement by making part of its application those specific and following provisions of the required assurances that are not in conflict with the South Carolina Charter Schools Act of 1996, as amended.

The portions of the Assurances incorporated are

1 The charter school will be a public, nonsectarian, nonreligious, nonhome-based, nonprofit corporation that operates within the public school district, but is accountable to the local school board of trustees of that district, which grants its charter

2 The charter school is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services

3 The charter school will be considered a school district for purposes of tort liability under South Carolina law, except that the tort immunity does not include acts of intentional or willful racial discrimination by the governing body or employees of the charter school Employees of the charter school must be relieved of personal liability for any tort or contract related to their school to the same extent that employees of traditional public schools in their school district are relieved

4 The charter school shall be subject to the Freedom of Information Act, including the charter school and its governing body

5 If the charter school denies admission to a student, the student may appeal the denial to the school board of trustees The decision is binding on the student and the charter school For clarification, board of trustees refers to the Board of Directors of James Island Charter High School, and the decision of the Board of Directors of JICHS may be appealed to the District 3 Constituent Board

6 If the charter school suspends or expels a student, the school district has the authority but not the obligation to refuse admission to the student

7 An approved charter application constitutes an agreement, and the terms must be the terms of a contract between the charter school and the sponsor

8 A material revision of the terms of the contract between the charter school and the approving board may be made only with the approval of both parties

9 The charter school shall assume liability for the activities of the charter school and agree that the charter school must indemnify and hold harmless the school district, its servants, agents, and employees, from any and all liability, damage, expense, cause of action, suits, claims, or judgments arising from injury to persons or property or otherwise which arises out of the act, failure to act, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the charter school

10 Teachers and other employees of a converted school who desire to teach or work at the converted school may do so but shall remain employees of the local school district with the same compensation and benefits including any future increases The converted charter school quarterly shall reimburse the local school district for the compensation and employer contribution benefits paid to or on behalf of these teachers and employees

11 A charter may be approved or renewed for a period of five school years, however, the charter may be revoked or not renewed under the provisions of the South Carolina Charter School Act of 1996, as amended

12 Upon dissolution of a charter school, its assets may not inure to the benefit of any private person Any assets obtained through restricted agreements with a donor through awards, grants, or gifts must be returned to that entity All other assets become property of the sponsor

13 The charter school must retain all awards, grants, or gifts collected by a charter school

14 The governing body of a charter school is authorized to accept gifts, donations, or grants of any kind made to the charter school and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. No gift or donation shall be required for admission. However, no gift, donation, or grant may be accepted by the governing board if subject to any condition contrary to law or contrary to the terms of the contract between the charter school and the governing body If required by the South Carolina Charter School Act of 1996, as amended, all gifts, donations, or grants must be reported to the local school district in their annual audit report

15 A charter school shall report to its sponsor and the Department of Education any change to information provided under its application In addition, a charter school shall report at least annually to its sponsor and the department all information required by the sponsor or the department and including, at a minimum, the number of students enrolled in the charter school, the success of students in achieving the specific educational goals for which the charter school was established, and the identity and certification status of the teaching staff

16 The governing body of a charter school may sue and be sued The governing body may not levy taxes or issue bonds

17 A sponsor is not liable for any of the debts of the charter school

Agreements with the Charleston County School District

The charter school agreement appends the following terms and provisions and makes them part of the Agreement between the James Island Charter High School fJICHS") and the Charleston County School District ("CCSD") and incorporates them therein

1 The Charter School contract will extend for a five-year period with monitoring review as specified in Paragraph #2, hereafter.

2. Following approval of the charter application, a district monitoring team shall conduct a site visit and documents/records review each school year at the end of the first nine weeks of school. The purpose of the site visit is to determine if the terms of the contract are being implemented as written Any concerns on the part of CCSD will be documented in writing and provided as feedback to the charter school

   If it is determined that the terms of the contract are not being implemented, as written, a schedule of regular monitoring visits shall be implemented for the remainder of the year

   If the contract is being implemented, a second site visit and document/records review shall be conducted each school year at the end of the third nine weeks

   An exception shall be made for attendance records These records will be monitored on a quarterly basis each school year

   All visits, reviews, monitoring, requests for documents, and examination conducted by CCSD shall be conducted and acquired without cost or fees to JICHS

3 CCSD will monitor the appropriate records and documents of the charter school each school year for the following report periods for the specific purpose of allocating EFA and EIA funds 15 day, 45 day, 90 day, 135 day, and 180 day Adjustments in funding will only be made after the 45th and 135th day

4 Any Federal and/or state budget cuts and/or grant reductions that affect CCSD public schools will also be applied proportionately to charter schools, subject to the provisions of the South Carolina Charter School Act of 1996, as amended

5 The charter school may adopt or adapt any policies of the CCSD, however, the charter school shall replace all references to the CCSD with the name of the charter school

6 CCSD teachers and other employees of a converted charter school who decide to continue at the charter school remain employees of CCSD, and the charter school shall reimburse CCSD quarterly for their compensation and benefits The provisions of the S C Teacher Employment and Dismissal Act apply to the employment and dismissal of teachers at JICHS

Except where CCSD employees remain at a converted charter school or transfer to a converted charter school, all charter school personnel are employees of the charter school and, therefore, have no contractual relationship with and are not entitled to any compensation or benefits from the CCSD The charter school at its own expense is responsible for all state and federal withholding and tax reporting requirements for its employees. The charter school assumes responsibility that its staff is properly employed, trained and supervised

7 The charter school applicant shall submit the permanent cumulative record folder that will be used as well as the format that will be used to record high school courses and credits

8 Charter school students shall participate in all standardized testing programs required by the State of South Carolina, to include PACT, HS Exit Exam, and end-of-course tests, and any other required testing programs JICHS shall follow all SC State Department of Education policies and regulations related to standardized testing of students The expense for state testing programs will be paid for by the SC State Department of Education

9. The charter school shall utilize the South Carolina Department of Education system for data entry and report generation, and the system shall be compatible with and networked with the CCSD.

10 Converted charter schools shall be required to maintain the same special education classes/services that were provided in the school immediately prior to conversion, including classes/services for students enrolled in the school from other attendance zones/constituent districts Classifications of special education students enrolled in the attendance zone will be reviewed annually by the CCSD Director of Student Support Services and adjustments may be made in the services/classes provided at the school site

11 Once a charter school is approved and students enrolled, the Director of Student support Services shall meet with the Executive Director/Principal of the charter school to determine what special education services will be provided by the charter school or contracted with the Charleston County School District.

12. The charter school shall report to the CCSD Pupil Accounting Office for funding purposes any student who receives service at the Detention Center Following a designated period of time, not to exceed 10 days, a decision will be made by JICHS regarding the re-admittance of that student to the charter school. If the student will not be re-admitted for the remainder of the year, adjustments will be made in funding to the charter school

13. The charter school shall develop homebound procedures and provide homebound services to students who qualify

14 If the charter school wishes to utilize CCSD services or continue previously provided services, such as special services for students (homebound, health services, PT, OT, etc), information technology, food services, maintenance services, human resource services, etc., the charter school must negotiate a contract with the CCSD Contract Administrator

15 All assets purchased/accrued by the charter school will become the property of the CCSD if the charter is revoked or non-renewed,

16 The charter school shall be responsible for refunding allocated monies to the CCSD if the charter school is not in compliance with Federal and/or state funding guidelines Refunds must be made within 60 days or the close of the fiscal year, whichever is later

17 If the charter school enters into contracts for goods or services, the CCSD shall not be liable for fees or damages associated with those contracts.

18 If closure of the charter school occurs, the charter school shall comply with state law and all CCSD procedures associated with the closure to include but not limited to student records, employee records, financial records, assets and liabilities, outstanding debts, materials/supplies/equipment, contracts with vendors, and building lease agreements

19 The charter school agrees to comply with all Federal and state laws and regulations, including, but not limited to, those pertaining to charter schools The charter school must immediately report to CCSD any violation of Federal or state law at the charter school.

20. The charter school shall assume the liability for the activities of the charter school and agrees to indemnify and hold harmless the CCSD, its servants, agents, and employees form any and all liability, damage, expense, causes of action, suits, claims, judgments or disputes arising from injury to persons or property or otherwise that arises out of the act, failure to act, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the charter school

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
HOLTSVILLE NY 00501

DATE OF THIS NOTICE 12-30-2002
NUMBER OF THIS NOTICE CP 575 E
EMPLOYER IDENTIFICATION NUMBER 51-0*3804
FORM SS-4
0134049307 0

FOR ASSISTANCE CALL US A"
1-800-829-1040

JAMES ISLAND CHARTER HIGH SCHOOL
7 NANCY GREGORY
1000 FORT JOHNSON RD
CHARLESTON SC 29412

OR WRITE TO THE ADDRESS
SHOWN AT THE TOP LEFT

IF YOU WRITE, ATTACH THE
STUB OF THIS NOTICE

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER CEIN)

Thank you for- your Form SS-4, Application for Employer Identification Number (EIM). We assigned you EIN 51-0438043. This EIN will identify your business account, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Use your complete name and EIN shown above on all federal tax forms, payments and related correspondence. If you use any variation in your name or EIN, it may cause a delay in processing and incorrect information in your- account. It also could cause you to be assigned more than one EIN.

If you want to apply to receive a ruling or a determination letter recognizing your organization as tax exempt, and have not already done so, you should file Form 1023/1024, Application for Recognition of Exemption, with the IRS Ohio Key District Office. Publication 557, Tax Exempt Status for Your Organization, is available at most IRS offices and has details on how you can apply .

Keep this part for your records CP 575 E (Rev I-2(

Return this part with any correspondence so we may identify your account. Please correct any errors in your name or address.

CP 575 E

0134049307

Your Telephone Number Best Time to Call
C)

DATE OF THIS NOTICE 12-30-2002
EMPLOYER IDENTIFICATION NUMBER 51-0438043
FORM SS-4

INTERNAL REVENUE SERVICE
HOLTSVILLE NY 00501

JAMES ISLAND CHARTER HIGH SCHOOL
7 NANCY GREGORY
1000 FORT JOHNSON RD
CHARLESTON SC 29412

JAMES ISLAND HIGH SCHOOL

Faculty & Staff

2002-03

Bohnstengel, Robert
Farrell, Deborah
Gist, Gary
Gregory, Nancy
Hogan, Peggy
Roper, June

Quidfiii ee Counselors (5)

Bing-Zaremba
Canon
Neville
Newton
Weaver, Director

Media Specialists (2)

Chalmers
Zwicky

Teachers *(95)*

Alba
Beck - Dept Head
Bell
Berrier
Bird-Whitley
Bowman
Brown, W.
Burnsed
Chaipia, C
Charpia, Reed
Charpia, Rusty
Childs-Kindred
Craven
Curtis
Davis
DeLaMaza
Dearden
DelS ignore
Dickerson
Dudek
Dunlap
DuPre
Felder - Dept Head
Felts - Dept Head
Fenriessey
Folse - Dept Head
fountain
Gilbert
Goodlin
Grady
Greenberg
Guzman
Hammond
Hepner
Hershenson
Hilyer
Hiott
Hostetler
Ivey
Jenkins
Johnson
Jordan, A
Jordan, V
Kennedy - Dept Head
King, A - Dept Head
King, M
Kirkman

London
Lovendge
Lucas
Machowski
Mack, S
Mangum
McEvoy
McIntyre
Meek
Miley
Miller, C - Dept Head
Miller, D
Morrison
Nesmith
Nisfoff
O'Brien
Oswald
Paradis
Parsons
Raffaelle
Ricker
Robson
Rboke
Ross
Santiago
Saunders
Shifflette
Smith
Spafford
Stafford -Dept Head
Strobel- Dept Head
Sullivan
Tennyson
Tornsic
Tucker
Valentine
Vanneste
Waites
Walpole
Ward,S
Wegener - Dept Head
Wheeler
Wilkins
Wilkins-Scott
Williams
Wilson
Wright-Dept Head

Classified Personnel C9)

Allen
Chisolm
Floyd
Judson-Morris
Mack, P
Richardson
Rivers
ED Assistant Vacancy
Teacher Assistant for Chris Pilcher

Clerical Personnel (8)

Elliott
Griffin
Hagan
Hotchkiss
Loggins
Shaddrix
Switzer
Washington

Custodial *(1)*

Lafayette

Kitchen Personnel (8)

Anson
Becham
Brown, E
Demos
Graham
Jewell
Smalls
Tisdale

TOTAL 134

James Island Charter High School
1000 Fort Johnson Road
Charleston, SC 29412

Robert E. Bohnstengel, Principal

Telephone: (843) 762-2754
FAX: (843) 762-5228

October 19, 2007

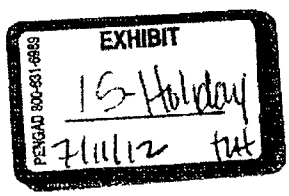
Charles Smith
1082 Quail Drive
Charleston, SC 29412

Dear Charlie,

Beginning Monday, October 22, 2007, you will be placed on leave with pay. This leave carries with it no personnel, performance, sanctions or monetary penalties. You should not return to this campus until contacted by me

Sincerely,

Robert E. Bohnstengel
Principal



Policy GCQF Discipline, Suspension and Dismissal of Professional Staff

Issued 8/09

Purpose: To establish the basic structure for dismissal of professional staff to ensure accountability for due process as well as a quality educational program.

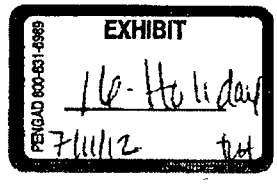
It is the responsibility of the administration of Charleston County School District to operate the public schools in a manner that will maintain a broad community confidence in and support of the schools. In the absence of such support, Charleston County School District cannot maintain a strong, effective public education program

Therefore, it is the policy of the board to remove from employment any professional staff member who fails or who may be incompetent to give instruction in accordance with the directions of the superintendent or who otherwise manifests an evident unfitness for teaching. The principal should be actively involved in this process for his/her school.

Any action of the Charleston County School District under this policy shall be taken pursuant to the provisions of the Teacher Employment and Dismissal Act, Section 59-25-410, et seq., Code of Laws of South Carolina 1976, as amended, except for persons employed under an induction contract or an annual contract as defined in state law.

Pursuant to this Act, professional staff recommended for dismissal are entitled to notice and an opportunity for a hearing before the board of trustees. The hearing is available to the teacher upon request to the superintendent within 15 calendar days of receipt of the notice. Those appealing dismissal are entitled to be represented by an attorney and to present documents and other evidence, including no more than 10 witnesses. Any such hearing shall be public unless the teacher requests in writing that it be private.

Adopted 5/10/73; Revised 2/17/75, 12/8/75, 6/11/84, 11/25/85, 5/24/93, 10/27/97, 3/24/03, 4/24/06, 8/10/09



Legal references:

S.C. Code of Laws 1976, as amended:

Section 59-18-1300 - District accountability system.

Section 59-25-150 - State board of education may revoke/suspend certificate for just cause.

Section 59-25-160 - Revocation or suspension of certificate, "just cause" defined.

Section 59-25-410, et. seq. - Teacher Employment and Dismissal Act.

Section 59-26-40 - Induction, annual and continuing contracts; termination of employment for annual contract teachers; hearing.

State Board of Education Regulations:

R-43-58 - Disciplinary action on educator certificates.

R-43-58.1 - Reporting terminations of certain district employees.

CHARLESTON COUNTY SCHOOL DISTRICT

World Geography Honors	1	S3	1	X 1 2 = 99 6	1
Physical Education CP	1	92	1	92	1
French 1 CP	1	**	1	84	1

CALCULATION

Find the sum of the weighted grades — Sum a 547 6

Divide by the number of courses — 547 6 = 91 266667 "Weighted GPA
S

The result of this calculation will be translated to a 4 0 scale equivalent using the following table

Weighted GPA	4 0 Scale Equivalent
100+	5 1
100	5.0
99	4 9
98	4 8
97	4 7
98	4 6
95	4 5
94	4 4
93	4 3
92	4 2
91	4 1
90	4 0
89	3 9
88	3 8
87	3 7
86	3 6
85	3 5
84	3 4
83	3 3
82	3 2
81	3 1
80	3 0
79	2 9
78	2 8
77	2 7
76	2 6
75	2 5
74	2 4
73	2 3
72	2 2
71	2 1
70	2 0

TRANSFER STUDENTS

High school schedules and course offerings vary from high school to high school both within Charleston County School District and from district to district Parents and students are cautioned that it may not be possible to transfer all credits for courses in progress from one school to another if the student transfers during the middle of a school year The difficulty in transferring credit increases if the move occurs during the semester Every effort will be made by the receiving high school to evaluate a student's transcript and move the student into the schedule with minimal disruption to the student's plan of study

When transcripts are received from out of state or from private schools within South Carolina that do not use the South Carolina Uniform Grading Scale, the following process will be used to transfer the grades into the student's record

1 If numerical grades are provided, they will be transferred as recorded and interpreted using the South Carolina Uniform Grading Scale

2 If letter grades are provided, they will be translated to numerical grades as follows
A=96, B=88, C=80 D=73, F=65

3 Grades lower than 70 from another school which are indicated as passing grades, wih be converted to a 73 numerical grade

4 A grade o(P (passing) from another school would be converted to a numencal grade based on information secured from the sending institution as to the approximate value of the P The receiving school will make the final determination regarding the conversion of a grade of P to the uniform grading scale

TRANSFER STUDENTS FROM OUT OF CCSD

When a student transfers into CCSD the guidance staff at the school analyzes the transcript Most courses will be comparable to courses offered in CCSD, SASI course numbers may be used when entering the data from the transcript Follow the directions below to assign transfer numbers and grade weights

HIGH SCHOOL TRANSFER CREDITS PROCEDURES

TRANSFER COURSE DESCRIPTION	ACTION
1 Course is from a S C public school (including innovative/pilot courses approved for that school)	Transfer as documented, including grade weight (e g , honors, AP, IB)
2 Course is from an accredited private or out-of-state public school, approximates a SASI course description and is eligible for honors weight within SASI system	Assign SASI number for approximate course, assign weight as documented on sending transcript
3 Course is from an accredited private or out-of-state public school and approximates a SASI course description but is NOT eligible for honors weight in the SASI system (e g , French 1, Algebra 1)	Assign SASI number for approximate course, do not award honors weight
4 Course is from an accredited private or out-of-state public school but does NOT approximate a SASI course number (e g , religion, Texas history)	Assign a number based on the SASI system as an elective course Do not award honors weight
5 Course is from a non-accredited school or home schooled without the benefit of an accredited organization	At the school's discretion, you may review the syllabus, text and student work and/or you may administer a test to determine whether or not credit will be awarded

In all transfers when a student is moving to the next level of instruction (e g , transferring in French 1 and enrolling in French 2), the school may enroll the student in the higher-level course and, if the student is unsuccessful, move the student back to repeat the transferred course as an audit The grade transferred in would remain on the student's record Such decisions should be made only after consultation with the teacher, student and parents

OVERVIEW OF COURSE OFFERINGS

The High School Program of Studies is designed to provide all students a wide variety of challenging courses in all curricular areas Schools must prepare students to succeed in the global economy of the 21st century Students must acquire academic knowledge, technical skills, problem-solving abilities and teamwork techniques This Program of Studies provides the opportunity for students to prepare for post secondary education or to apply their skills in the workplace Students select among courses appropriate for their career plans Career guidance and counseling is provided to all students in assisting them to select courses that will prepare then for future career options

S, C, End -of- Course Tests After completion of Algebra 1 or Mathematics for the Technologies 2, Biology 1 or Applied Biology 2, English 1, US History, and Physical Science a statewide common exam will be administered on the following schedule

Algebra 1 Mathematics for the Technologies 2	2002-2003
English 1	2003-2004
Physical Science	2003-2004
Biology 1/Applied Biology 2	2003-2004
U S History	2006-2007

The end-of-course test shall be weighted 20 percent in the determination of the student's final grade

School To Careers

The purpose of the School to Careers program is to establish a system to equip all students with relevant academic skills marketable occupational skills, and appropriate workplace behaviors Students who participate in learning activities outside of class that are connected with a business are referred to as work-based learning activities The work-based learning options are shadowing mentoring internship, service learning cooperative education (co-op) and youth or registered apprenticeship Students who participate in an Internship, Co-op, Youth or Registered Apprenticeship may earn an elective unit of credit if requirements are met

Students may take both the traditional college preparatory courses and college preparatory courses that utilize a tech prep instructional methodology and may move from one pathway of courses to another South Carolina state colleges and universities are required by state law to accept both college preparatory and tech prep courses for college admission however, private South Carolina colleges and colleges and universities in other states may or may not accept tech prep courses for college admission Transcripts and report cards must show the course title and level/type of course taken

Tech\ Preparatory Courses

Tech Prep courses are courses which build student competence using applied methods of instruction These courses are equivalent to traditional college preparatory courses in rigor content and standards, they differ in that they place emphasis on the application of knowledge, problem solving strategies and skills in the use of workplace technology Students considering post secondary studies in the areas of technology and/or associate degrees and students who plan to enter the workforce after high school graduation will benefit from these courses

College Preparatory Courses

College Prep courses are offered at two levels in order to meet the differing needs of students Both levels are designed to prepare students to meet the S C Curriculum Standards CP-A college preparatory courses and Tech Preparatory Courses (Tech Prep) are designed to prepare students for post secondary studies and the workplace using applied methods of instruction Problem solving strategies and applications relevant to workplace technology and communication will be emphasized Students planning to seek a four-year college degree an associate degree enter the workplace, or the military will benefit from these courses CP-B college preparatory courses are designed to prepare students for post secondary studies in traditional academic programs These courses place emphasis on theory, research, problem solving and academic writing skills Students planning to seek a four-year college degree followed by postgraduate studies and/or a career in a field that is humanities-based will benefit from these courses

Career and Technology Courses

All students are encouraged to take elective credits in career and technology courses Students also have the option to complete a career major program Career and Technology courses offer students the opportunity to learn skills in specific programs leading to a career goal (i e , accounting, computer technology, business administration, office systems technology, marketing, graphic communications, carpentry, drafting, electricity, electronics, environmental control systems masonry, plumbing machine technology welding, auto collision repair, automotive technology, small engine technology child care services, cosmetology, culinary arts, health science) Students are given the opportunity for work-based learning for credit in their final level course of their career program Students who complete at least four Carnegie units within an approved, articulated sequence of Career and Technology courses leading to a career goal and the academic courses required for graduation will receive Career and Technology Program Completer Certificates in addition to their high school diplomas Students may also earn Technical Advanced Placement (TAP) credit at Trident Technical College for courses completed in high school

ADVANCED COURSEWORK

The Program of Studies offers Honors, P re-International Baccalaureate, International Baccalaureate, Advanced Placement and Dual Credit courses Since these courses are more demanding, they receive additional numerical weight in calculating the students' Grade Point Ratios based on the South Carolina Uniform Grading Scale These courses should not encourage a student to graduate early, but should extend course opportunities at the high school level so that the student is better prepared for advanced studies Students must meet prerequisites for enrollment in these courses In some cases, students may wish to enroll in a course for which they do not meet the defined prerequisites The principal may waive the prerequisites in these exceptional cases after appropriate conferences have taken place with the student, parent(s), teacher(s) and the guidance counselor

Honors Courses-

Honors courses receive an additional 5 weight on the South Carolina Uniform Grading Scale Honors courses are intended for students exhibiting superior abilities in the course content area The honors curriculum will place emphasis on critical and analytical thinking, rational decision-making, and inductive and deductive reasoning Independent projects are an integral part of the honors curriculum An honors course must have a published syllabus and textbook or other course materials that document rigor that is sufficiently beyond college prep and tech prep requirements Honors courses are offered in the following academic areas English, mathematics, social studies and science Foreign language and fine arts honors courses may also be designated for courses in which students are earning their third or fourth Carnegie unit in the content area provided

Pre-International Baccalaureate Courses

P re-International Baccalaureate Courses are offered at schools that have been accepted in the International Baccalaureate Program These courses are designed to prepare students to pursue the International Baccalaureate Program and receive an additional weight of 5 on the South Carolina Uniform Grading Scale

The Pre-IB program will prepare students in grades nine and ten to fulfill the requirements of the prestigious IB Diploma in grades eleven and twelve It is open to highly motivated students who want to be challenged academically Pre-IB / Honors courses will be offered to ninth and tenth grade students interested in pursing the IB Diploma JIHS strongly recommends that students complete one year of Algebra and a Foreign Language prior to beginning Pre-IB

Students wishing to participate in the Pre-IB Program should contact the IB Coordinator at James Island Charter High School (Deborah Farrell 406-4080)

Dual Credit Courses

Some high schools work collaboratively with colleges to offer college courses to their students Occasionally, individual students, with the approval of the principal, may receive dual credit for courses taken from a college Only courses applicable to baccalaureate or associate degrees in arts or in science offered by accredited institutions in South Carolina

may be accepted Participating students receive high school Carnegie units toward high school graduation and also receive college credit from the cooperating college Tuition and other college course fees shall be at the expense of the student or his/her parents or legal guardians A three-hour college course shall transfer as 1/2 Carnegie unit at the high school These courses receive an additional weight of 5 on the South Carolina Uniform Grading Scale

With the approval of the principal, students may receive dual credit for correspondence or internet-based courses but the additional weight of 5 on the South Carolina Uniform Grading Scale will not be applied to these courses

The Teacher Cadet Program Is a college level dual credit course intended for students interested in pursuing a career in education Opportunities are provided for students to gain factual information about teaching as a profession as well as to observe and experience teaching activities in various school settings

Acfva/ced *Placement Courses*
Advanced Placement courses are designed for students ready for college level academic work This program is operated by a national organization, the College Board, which defines course curriculum provides teacher training, and administers a national standardized examination for each course By South Carolina regulation, students enrolled in an AP course funded by the state MUST lake the AP' test administered by the College Board Most colleges award college credit to students who earn at least a rating of "3" out of a possible "5" on the examination while others require a score of "4" Some colleges require successful completion of AP courses for admission to the college and do not award credits toward the college degree Parents and students are advised to check with colleges for details The student's grade for a high school Carnegie unit will be based on the teacher's course grades and the course grade will receive an additional weight of 1 on the South Carolina Uniform Grading Scale

International Baccalaureate Courses
International Baccalaureate Courses are offered at schools that have been authorized by the International Baccalaureate Organization These advanced courses are designed to prepare students to participate in the global economy and place emphasis on global applications of knowledge and skills in the curriculum foreign languages, and rigorous academic preparation These students receive an additional weight of 1 on the South Carolina Uniform Grading Scale

James Island Charter High School is the only school in Charleston County authorized to offer IB Courses and to present candidates for the International Baccalaureate Diploma Program The award of the IB Diploma requires a minimum of 24 points and coursework and passing scores on examinations in six IB subjects, completion of 150 hours of Creativity, Action and Service (CAS) activities a 4 000 word Extended Essay, and the Theory of Knowledge course According to the International Baccalaureate Organization "a candidate must be registered by an authorized IBO member school at the time of examinations Each candidate must be in good standing at the school at the time of examinations A candidate who does not fulfill the requirements for the award of the Diploma will receive a certificate indicating the results obtained in individual subjects Certificates are not available for the Extended Essay Theory of Knowledge or CAS " Students enrolled in an IB course funded by the Charleston County School District must complete the coursework and sit for the IB examination or refund the district for expenses incurred on their behalf

Students wishing to participate in the International Baccalaureate Diploma Program should contact the IB Coordinator at James Island Charter High School (Deborah Farrell/IB Coordinator 406-4080)

SPECIAL SERVICES PROGRAM

Programs for students who need special education are for students who have been through a psychological evaluation and qualified for special services and have a current Individual Educational Plan (IEP)

We currently offer programs for students who are classified as LD (Learning Disabled), OH (Orthopedically Handicapped), PMD (Profound Mentally Disabled), EMD (Educable Mentally Disabled), ED (Emotionally Disabled) VI (Visually Impaired) HI (Hearing-Impaired) and SP (Speech Handicapped) The classroom organization for these programs includes the self-contained classes, the resource room and itinerant services

COURSE DESCRIPTION

ENGLISH LANGUAGE ARTS

English language arts courses incorporate instruction in the four language arts reading, writing speaking and listening The study of literature includes interactive reading strategies and student discussion Writing is laught using a process approach, emphasizing progress in composing, revising, and editing, mechanics and usage skills are reinforced through composition Increasingly, students learn new applications of the traditional four language arts as they work with computers and multi-media technology

GRADES

ESSENTIALS OF ENGLISH

This course is designed to aid student performance on required standardized tests All students who have not met South Carolina standards on BSAP, PACT, or MAT 7 will be scheduled into this class It will count as elective credit It does not replace English I

Course Number 101144 Credit 1 unit elective credit (Does not
Appropriate Grade Grade 9 meet the requirement for English I)

ENGLISH FOR THE TECHNOLOGIES I

This course is a college preparatory course designed for all students whether they are planning to enter the workforce or a post-secondary program for an associate or baccalaureate degree after graduation from high school The course provides instruction in composition literature, vocabulary grammar, and reference skills Instruction includes a range of writing genres, literary genres, grammar mechanics and usage speaking listening, studying, test taking, and use of technology This course is based on the South Carolina Curriculum Standards for Reading/English/Language Arts Grade 9

Course Number 301110CW **Prerequisite** 8th Grade language
Appropriate Grade Grade 9 1 unit

Credit

COLLEGE PREPARATORY ENGLISH I

This course Is designed for students who plan to enter a post-secondary program for a baccalaureate degree in an academic field after graduation from high school The course provides extensive study of composition skills vocabulary development and literary analysis Course content includes writing creative, personal and expository pieces as well as research, studying specific literary works and types with an emphasis on structural elements and rhetorical devices applying rules of standard mechanics and usage and developing skills in speaking, listening, studying, test-taking and use of technology Students will study characteristics of various literary forms This course is based on the South Carolina Curriculum Standards for Reading/English/language Arts, Grade 9

Course Number 301120CW **Prerequisite** 8* Grade language
Appropriate Grade Grade 9 Credit 1 unit

HONORS/Pre-IB ENGLISH I

This course is designed for highly motivated college-bound students who have demonstrated academic achievement higher order thinking skills, and the ability to work independently Skills strengthened within the course content include writing (creative, expository persuasive, research) applied grammar (mechanics and usage) literary analysis, criticism, communication study skills and uses of technology Summer reading is required This course is based on the South Carolina Curriculum Standards for Reading / English / Language Arts, Grade 10 as well as guidelines established by the International Baccalaureate Program

Course Number 301 1 30PW Prerequisite 8 Grade language
Appropriate Grade Grade 9 Credit 1 unit

GRADE 10

ENGLISH FOR THE TECHNOLOGIES II

This course has the same description as English for the Technologies I This course is based on the South Carolina Curriculum Standards for Reading / English / Language Arts Grade 10

Course Number 301210CW Prerequisite English
Appropriate Grade Grade 10 1 unit
Credit

COLLEGE PREPARATORY ENGLISH II

This course has the same description as English I (CP) This course is based on the South Carolina Curriculum Standards for Reading / English / Language Arts, Grade 10

Course Number 301220CW Prerequisite English I
Appropriate Grade Grade 10 Credit 1 unit

HONORS/Pre-IB ENGLISH II

This course is a continuation of preparation for the IB diploma Honors/Pre-IB is designed for highly motivated college-bound students who have demonstrated academic achievement, higher order thinking skills and the ability to work independently Course content includes writing creative personal and expository pieces as well as research, literary

analysis and criticism, applying rules of standard mechanics and usage, and refining skills in speaking, listening, studying, test taking, and use of technology Summer reading is required This course is based on the South Carolina Curriculum Standards for Reading/English/Language Arts, Grade 10 as well as guidelines established by the International Baccalaureate Program

Course Number 301230PW Prerequisite Honors/Pre IB English 1

Appropriate Grade Grade 10 Credit 1 unit

GRADE 11

COMMUNICATION FOR THE WORKPLACE III

This course is a college preparatory course, it is taught with applied methodology The course is designed for students who are planning to enter the workforce or a post-secondary program for an associate or baccalaureate degree after graduation from high school The course provides instruction in composition, literature, vocabulary, applied grammar, and reference skills Course content includes writing creative personal, and expository pieces, studying specific literary works and types, applying rules of standard mechanics and usage and developing skills in speaking, listening, studying, test-taking, and use of technology Course study maintains a workplace perspective and may include modules developed for the Communications for the Workplace curriculum Literature instruction is a study of British writers This course is based on the South Carolina Curriculum Standards for Reading/English/language Arts, Grade 11

Course Number 302100TW Prerequisite English II
Appropriate Grade Grade 11 Credit 1 unit

COLLEGE PREPARATORY ENGLISH III

This course is designed for students who plan to enter a post-secondary program for a baccalaureate degree in an academic field after graduation from high school The course provides extensive study of composition skills, vocabulary development and literary analysis Course content includes writing creative, personal, and expository pieces as well as research, studying specific literary works and types with an emphasis on structural elements and rhetorical devices, applying rules of standard mechanics and usage and developing skills in speaking, listening, studying, test-taking, and use of technology Literature instruction is a study of British writers This course is based on the South Carolina Curriculum Standards for Reading/English/language Arts Grade 11

Course Number 301300CW Prerequisite English II
Appropriate Grade Grade 11 Credit 1 unit

HONORS ENGLISH III

This course is designed for highly motivated college-bound students who have demonstrated academic achievement, higher order thinking skills and the ability to work independently Course content includes writing creative personal, and expository pieces as well as research, literary analysis and criticism, applying rules of standard mechanics and usage, and refining skills in speaking, listening, studying, test taking and use of technology Literature instruction is a study of British writers Summer reading is required This course is based on the South Carolina Curriculum Standards for Reading/English/language Arts, Grade 11

Course Number 301300HW Prerequisite English II and teacher recommendation
Appropriate Grade Grade 11 Credit 1 unit

HONORS / IB ENGLISH III

This course is designed for IB candidates who are seeking to acquire skills in analyzing and interpreting literary selections from a variety of cultures with a diversity of themes The aim of this course is to prepare candidates for both the oral and written portions of the language A English HL examination Close reading of challenging pieces of literature will be correlated with reflective writing assignments that require students to state and defend a point of view Oral presentations projects, interpretive readings and debates will also be required Students will take the IB language A English HL examination for possible college credit following the completion of this course and IB English IV HL Summer reading is required

Course Number 309902 HW Prerequisite Honors/Pre-IB English I and II

Appropriate Grade Grade 11 Credit 1 unit

GRADE 12

COMMUNCATION FOR THE WORKPLACE IV

This course is a college preparatory course, it is taught with applied methodology The course is designed for students who are planning to enter the workforce or a post-secondary program for an associate or baccalaureate degree after graduation from high school, the course provides instruction in composition, literature, vocabulary, applied grammar and

reference skills Course content includes writing creative personal, and expository pieces, studying specific literary works and types, applying rules of standard mechanics and usage, and developing skills in speaking, listening, studying, test-taking, and use of technology Course study maintains a workplace perspective and may include modules developed for the Communications for the Workplace curriculum Literature instruction is a study of world writers This course is based on the South Carolina Curriculum Standards for Reading/English/language Arts, Grade 12

Course Number 302200TW Prerequisite English III
Appropriate Grade Grade 12 Credit 1 unit

COLLEGE PREPARATORY ENGLISH IV

Same description as College Preparatory English Hi Literature instruction is a study of world writers. This course is based on the South Carolina Curriculum Standards for Reading/English/language Arts Grade 12

Course Number 301400CW Prerequisite English 111
Appropriate Grade Grade 12 Credit 1 unit

HONORS ENGLISH IV

Same description as Honors English 11 I Literature instruction is a study of world writers Summer reading is required

Course Number 301400HW Prerequisite English III and teacher recommendation
Appropriate Grade Grade 12 Credit 1 unit

ADVANCED PLACEMENT ENGLISH LITERATURE AND COMPOSITION IV/IB ENGLISH IV HL

This course is designed for highly motivated college-bound students who have demonstrated academic achievement higher order thinking skills, and the ability to work independently It is an intensive analytical study focusing on world literature Each student must take the advanced placement examination for possible college credit Summer reading is required

This course is also a continuation of IB English III and is for IB candidates who will complete both the oral and written portions of the Language A. English HL examination IB candidates pursuing a Higher Level (HL) units in IB Language A must register with the IB Coordinator Student will take the IB Language A English HL examination for possible college credit

Course Number 307000AW Appropriate Grade Grade 12
Prerequisite Honors English

Credit 1 unit, College Credit at most universities for a 3 or above on the AP exam

SUMMER HEADING

HONORS/Pre-IB ENGLISH 1 SUMMER READING

Students participating in the 9° grade Honors/Pre-IB Program are required to read at least two books during summer break Students are required to read *Siddhartha* by Herman Hesse, but may choose the second selection Selections must be over 100 pages and may come from any area of interest In addition to the reading, students are required to complete a writing assignment for each selection Assignments should be typed and must be given to the teacher on the first day of school

Assignment #1 In an organized and well-developed essay, discuss the idea of the novel, *Siddhartha* as a hero quest Explain what *Siddhartha* learns in each stage of the quest and support your ideas with direct quotations from the novel using page numbers to document each quotation

Assignment #2 Briefly describe the selection and explain why you chose the novel Also, choose a quotation from the novel and relate it to the novel's overall theme

HONORS/PRE-IB ENGLISH II SUMMER READING

Read *Things Fall Apart* by Chinua Achebe Write an essay comparing Okonkuo and his father Unoka The essay is due to the instructor on the first day of school, regardless of(whether you have English 1" or 2nd term You may be given a reading test on this novel during the first week of class

IB ENGLISH III SUMMER READING

Students are required to read *Cry the Beloved Country* by Alan Paton and write a comparative essay (500 word minimum) on the Kumalos and the Jarvises The essays must be given to the instructor on the first day of school Students will also take a reading test on the novel during the first week of class

HONORS ENGLISH III HONORS ENGLISH IV AND AP ENGLISH

Every study ever done shows that readers excel Thus, this summer you are simply to read anything and everything, the more the better classics romance science fiction, fantasy biography and history, whatever

Minimum? Five books that you have not previously read

Maximum? None but do not turn in more than 10 responses For those of you who do read more than 10 books, turn in a sheet of paper with the title author, number of pages and (next to those titles you really enjoyed) a smiley face

For each reading type our responses (in paragraph [essay] form) to the following questions (no more than one page per book, double spaced normal font size)

1 What prompted you to read the book
2 If you liked the book, what especially appealed to you? If you didn't like the book why not? (be specific)
3 Would you recommend this book to a friend? Why? Why not? (try not to repeat your response to #2)
4 Choose one quotation line or phrase from the book that you think best illustrates or represents the book Give the page number the quotation or line comes from, and then explains in a few sentences why you chose it

The assignment is due the first day of school, even if you are in a 2nd term class

*IB English IV students will be working on their extended essay and their English World Literature essays and therefore they are not required to complete this assignment

ENGLISH DEPARTMENT ELECTIVES

Students enrollment will determine whether or not these courses will be offered

CREATIVE WRITING

This course is designed for students of average and above average verbal ability who are highly motivated to improve writing skills Course requirement includes journal writing, recollections, poetry, drama and fiction Students will be required to be self-directed on independent projects and be able to work in small groups revising and editing The school literary magazine is the final product of the class '

Course Number 303200CW
Appropriate Grade Grade 9-12
Prerequisite B or higher in preceding English class
Credit 1 unit

JOURNALISM I

This course is designed for capable career or college bound students who are interested in an opportunity to gain competence in journalism Students should be of average or above verbal ability Students need to enjoy writing and interviewing

Course Number **305000CH (1/2 unit), 305000CW (1 unit)**
Appropriate Grade Grade 10,11 or 12
Prerequisite One year of CP or higher English and permission of Newspaper Advisor
Credit 1/2 or 1 unit

JOURNALISM II

This course is designed for capable career or college-bound students who are interested in an opportunity to increase competence in journalism

Course Number 305100CW
Appropriate Grade Grade 11 or 12
Prerequisite Journalism I and permission o(Newspaper Advisor
Credit 1 unit

ADVANCED JOURNALISM

This course is designed for capable career or college bound seniors who are interested in continuing their study of journalism beyond Journalism I and II

Course Number 309500CW
Appropriate Grade Grade 11 or 12
Prerequisite Journalism II and permission of Newspaper Advisor
Credit 1 unit

NEWSPAPER PRODUCTION

This course is designed for students actively involved in the production of a school newspaper Students should be of average or above verbal ability Teacher recommendation may be required

Course Number	305300CW
Appropriate Grade	Grade 11 or 12
Prerequisite	Journalism I or permission of the Newspaper Sponsor
Credit	1 unit

YEARBOOK PRODUCTION

This course is designed for students actively involved in the production of the school yearbook

Course Number	305400CW
Appropriate Grade	Grade 10 11 or 12
Prerequisite	Application of selection process required
Credit	1 unit

PAIRED COURSES (The student will be enrolled in both courses)

PUBLIC SPEAKING

This course is designed for students who exhibit at least an average level of verbal proficiency and who wish to improve their skills in speaking and in the related areas of listening, composing, and reasoning

Course Number	**304000CH**	**Prerequisite**	None
Appropriate Grade	**Grade 9-12**	**Credit**	1/2 unit

SUPERNATURAL LITERATURE

This electiveJs^designed to offer students an introduction to the genre qf supernatural fiction, Several sub-genresiMijl be examined, the yampire, werewolf, ghost, zombie, and Frankenstein myths^Every culture has tales about these creatures· thgrefore,Ihe focus of the course will be on what each of these creatures represents to manMnd

Stories help us deal with the question of what happens to us when we die Readings will consists o(selections from classical and POP literature

Course Number	**309913CH**	Prerequisite	None
Appropriate Grade	Grade 9-12	Credit	1/2 unit

SAT PREPARATORY COURSE

This course is designed to help students with the SAT exam Test-taking techniques as well as practice in the types of questions on the exam will be covered Course will include nine weeks of math review and nine weeks of English review

Course Number	379930CH	Prerequisite	Algebra I and Geometry
Appropriate Grade	Grade 10 ' 12	Credit	1/2 unit

TEACHER CADET

Sponsored by the SC Center for Teacher Recruitment, the Teacher Cadet Program is recognized as the most effective pre collegiate teacher recruitment program in the country This course enables students to experience education through school related materials and activities discussions readings, guest speakers, field trips, products presentations role plays, practicum and community service The Teacher Cadet course is based on a three-part curriculum -The Learner The Teacher, and The School Students will be paired with master teachers and complete a practicum which they will assist and teach in classrooms on the elementary, middle, or high school level Eligibility for the course is based on the following senior overall B or better average in college-preparatory classes, recommendations from five faculty members, essay, completed application form, interview (optional in some cases)

Course Number 379986 HW
Appropriate Grade Grade 12

PAIRED COURSES (The student will be enrolled in both courses)

DRAMA I

This course is designed to expose students to the major theatrical periods and to the major dramatic literature and acting styles Theater and production principles are studied Independent and group projects are required

Course Number	452100CH	**Prerequisite**	None
Appropriate Grade	Grade 9-12	**Credit**	

DRAMA II

This course is a continuation of Drama I It is a more in-depth study of the subject Improvisation and production will be emphasized Critical analysis of dramatic literature will be included Independent and group projects are required

Course Number	452200CH	Prerequisite	Drama 1
Appropriate Grade	Grade 9-12	Credit	½ Unit

Beginning with the ninth grade class of school year 1997-98 and thereafter, four units of mathematics are required for graduation with a South Carolina State Diploma The requirements for entrance to South Carolina public colleges and universities include Algebra I or its equivalent, Algebra II and Geometry To become mathematically literate citizens, students are encouraged to enroll in as many mathematics courses as possible

MATHEMATICS FOR THE TECHNOLOGIES I

This course is designed to develop and refine job-related math skills This course uses a variety of practical applications of mathematical principles to teach problem solving, data handling, statistics algebraic formulas geometry measurement, and computational skills The application approach makes the math concepts more relevant and meaningful for students

Course Number	314100 TW	Prerequisite	Pre-Algebra or 8th grade Mathematics
Appropriate Grade	Grade 9	Credit	1 unit

MATHEMATICS FOR THE TECHNOLOGIES II

This course continues to develop and refine job related math competencies The course uses a variety of practical applications of mathematical principles to teach problem solving, data handling, statistics, algebraic formulas, geometry, measurement, and computational skills The application approach makes the math concepts more relevant and meaningful for students Upon completion of Mathematics for the Technologies I and II and successfully completing Algebra II, the student may receive a substitute credit for Algebra I

Course Number	314200 TW	**Prerequisite**	Mathematics for the Technologies I
Appropriate Grade	Grade 9 or 10	**Credit**	1 unit

MATHEMATICS FOR THE TECHNOLOGIES III

This course is designed to provide students with a background in geometric concepts and processes The course uses a variety of practical applications of mathematical principles to teach many concepts, such as shapes in space, patterns in space, and logic

Course Number	314300 TW
Appropriate Grade	Grade 10 or 11
Prerequisite	Algebra I or Mathematics for the Technologies II
Credit	1 unit

MATHEMATICS FOR THE TECHNOLOGIES IV

This course focuses on the development of the student s understanding of and ability to apply mathematics to solve real-world problems dealing with probability, statistics, and data analysis Students are expected to utilize scientific calculators, graphing calculators, and/or computer software throughout the course

Course Number	314400 TW	Prerequisite	Mathematics (or the Technologies
Appropriate Grade	Grade 11 or 12	Credit	1 unit

COLLEGE PREPARATORY ALGEBRA I

This course is designed to provide students with a strong background in algebraic concepts and processes Topics to be covered are the concept of a variable, algebraic expressions, and equations representations of situations and number patterns with tables, graphs, verbal rules, and equations, investigating inequalities and nonlinear equations, use of matrices to solve linear systems and applications of methods to solve a variety of real world and mathematical problems

Course Number 411100 CW
Appropriate Grade Grade 9 or 10
Prerequisite 8th grade mathematics Math for the Technologies I, or Pre-Algebra
Credit 1 unit

COLLEGE PREPARATORY GEOMETRY

Geometry is the study of visual patterns Topics will include shapes in space, patterns in space, measurement in the plane shapes on the coordinate plane, transformations, and logic

Course Number 412100 CW Prerequisite Algebra I
Appropriate Grade Grade 9 or 10 Credit 1 unit

HONORS/PRE-IB GEOMETRY

This course is designed to provide mathematically gifted students with a more in-depth geometry course The topics in College Preparatory Geometry will be enhanced

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Course Number 412100 PW Prerequisite Algebra I
Appropriate Grade Grade 9 or 10 Credit 1 unit

COLLEGE PREPARATORY ALGEBRA II

Algebra II extends the student's knowledge of algebraic concepts and processes Topics include patterns and properties of numbers, linear equations and inequalities, quadratic equations and relations, functions and graphs, polynomials and polynomial functions, real and complex number systems, exponential functions, and rational expressions and functions

Course Number 411200 CW Prerequisite Geometry
Appropriate Grade Grade 9-11 Credit 1 unit

HONORS / Pre-IB ALGEBRA II

This course is designed to provide mathematically gifted students with a moreJn-depth Algebra II course Several topics will be expanded to include discriminates, graphical solution of nonlinear systems, properties of exponents and logarithms, and graphical properties of v = a sin bx and v a a cos bx

Course Number 411200 PW Prerequisite Honors/Pre-IB Geometry
Appropriate Grade Grade 9-11 Credit 1 unit

ALGEBRA III

Algebra III is program of mathematical studies focusing on the development of the student's ability to understand and apply the study of functions and advanced mathematical concepts to solve problems The course will include a study of polynomial rational, exponential, logarithmic, and trigonometric functions Emphasis is on active participation through modeling, technology lab activities, group activities, and communication in mathematics Students are expected to use technology including graphing calculators, computers, and data gathering equipment throughout the course

Course Number 319903 CW Prerequisite Algebra II
Appropriate GradeGrade 10 11 or 12 Credit 1 unit

PROBABILITY AND STATISTICS

This course is designed to provide students with the study of representing data, regression analysis and scatter plots, probability and probability distributions

Course Number 414100 CW Prerequisite Algebra II
Appropriate GradeGrade 11 or 12 Credit 1 unit

PRE-CALCULUS

This course is designed for the fourth year of mathematics students who desire reinforcement and extension of concepts from Algebra II and an introduction to calculus Topics include vectors, limits,polynomial, exponential, and trigonometric functions, and analytic geometry

Course Number 413100 CW
Appropriate Grade Grade 11 or 12
Prerequisite Algebra II and Geometry
Credit 1 unit

IB MATH STUDIES SL

This course is designed for IB candidates with varied backgrounds and abilities The aim of the course is to expose students to the broad aspects of mathematics and to provide the skills needed to cope with the mathematical demands of our technological society Emphasis is placed on the study of functions, data analysis, statistics and probability, geometry and trigonometry Students enrolled in this course will complete an IB Math Studies project and will register with the IB coordinator to take the IB Math Studies (SL) examination for possible college credit

Course Number 319902 **AW**
Appropriate Grades **Grade 11**
Prerequisite Honors Algebra II and Pre-Calculus
Credit 1 unit

HONORS/Pre-IB PRE-CALCULUS

This course is designed to provide mathematically gifted students with a more in-depth course The topics from the college preparatory pre-calculus will be enhanced

International Baccalaureate (IB) candidates pursuing a Standard Level (SL) unit in IB Math Methods must register with the IB coordinator In order to complete the requirements for this SL course sequence, students must continue their studies in IB Math Methods

Course Number 413100 HW
Appropriate Grade Grade 11_or_12
Prerequisite Honors Pre-IB Algebra
Credit 1 unit

PAIRED COURSES The student will be enrolled in both courses!

AP CALCULUS SEMINAR

This honors course is designed for students who plan to take AP Calculus (ABV1B Math Methods SL. Topics include extensions of Pre-Calculus topics. Differential calculus will be covered. Students will begin explorations of integral calculus

International Baccalaureate (IB) candidates pursuing a Standard Level (SL) unit in IB Math Methods must register with the IB coordinator In order to complete the requirements for this SL course sequence, students must continue studies in AP Calculus (ABVIB Math Methods SL

Course Number 319953 HH
Appropriate Grade Grade 11 or 12
Prerequisite Pre-Calculus
Credit ½ unit

ADVANCED **PLACEMENT CALCULUS** (AB)/IB **MATH METHODS SL**

This course is designed for the mathematically gifted students who expect to enroll in calculus at the college level This course will follow and enhance the Acorn Book published by the College Board Each student must take the advanced placement examination for possible college credit

IB candidate students will also complete a Portfolio and take the IB Math Methods SL examination for possible college credit Students pursuing IB credit must register with the IB Coordinator

Course Number 417010 AW
Appropriate Grade Grade 11 or 12
Prerequisite AP Calculus Seminar
Credit 1 unit

ADVANCED PLACEMENT STATISTICS

This AP course is designed for any student who has successfully completed Pre-Calculus. The purpose of this course is to introduce students to the major concepts and tools FOR COLLECTING, analyzing, and drawing conclusions from data. The topics are divided into four major themes: exploratory analysis, planning a study, probability, and statistical inference. Important components of this course are the use of technology (both computer and graphing calculator), prelects and laboratories, cooperative group problem solving, and writing as a part of concept-onented Instruction and assessment

Course Number 417110 AW Prerequisite Pre-Calculus
Appropnate Grade Grade 12 Credit 1 unit

DISCRETE MATH

This course is designed to provide students with the study of graph theory, solid decision-making, matrices recursive techniques, and probability through the use of technology.

Course Number 414200 CW Prerequisite Algebra
Appropnate Grade Grade 11 or_12 Credit 1 unit

MATHEMATICS DEPARTMENT ELECTIVES

ESSENTIALS OF MATH

This course is designed to strengthen basic mathematics skills so that students wMl experience success In Math for the Technologies I or Algebra I Based on standardized test scores, students enrolled In Math for the Technologies I will be placed in this course This course Is recommended for any student who has not passed the BSAP

Course Number 319901 TW Prerequisite None
Appropnate Grade Grade 9 or 10 Credit 1 unit

379930 CH	SAT Preparatory Course	379930 CH	SAT Preparatory Course
370100 CH	Driver Education	340100 CH	Family and Community Health

379930 CH	SAT Preparatory Course

SAT PREPARATORY COURSE

This course Is designed to help students with the SAT I exam Test taking techniques as well as practice in the types of questions on the exam will be covered The course will Include nine weeks of math review and nine weeks if English review

PAIRED COURSES (The student will be enrolled in both courses 1

Appropnate Grade Grade 10-12 Prerequisite Algebra I and Geometry
Credit V\ unit each

NATURAL$5CIENCES

High school science, through a number of separate courses, includes instruction in the content areas of the South Carolina Science Curriculum Standards Life Science, Earth Science, and Physical Science Since the major objective of science instruction is to promote scientific thinking, the inquiry strands are integrated into all the science content areas All science courses in CCSD are laboratory based courses with at least 40 percent of the instructional time being devoted to student-centered laboratory experiences as per Strand I Inquiry in the SC Science Standards, grades 9-12 A sound grounding in science strengthens many of the skills that people need to use every day, such as solving problems creatively, thinking critically, working cooperatively in teams, using technology effectively, and valuing lifelong learning

Although only three science courses are required for graduation with a South Carolina State Diploma the Department of Education recommends four courses because students need the foundational skills of physical science to be successful in all other science courses College bound students are required to take three units of laboratory science Two units must be taken in two different fields and selected from among Biology, Chemistry, or Physics The third unit may be from the

same field as one of the first two units (Biology, Chemistry, or Physics) or from Environmental Science with Laboratory, Earth Science with Laboratory or Marine Biology with Laboratory for which Biology and/or Chemistry is a prerequisite Courses in Earth Science, General Physical Science, Integrated Science, or General Environmental Science for which Biology and/or Chemistry is not a prerequisite will not meet this requirement.

Beginning with the *2003-2004* school year, End of Course Exams will be administered to all students who enroll in Physical Science, and/or students who complete both Biology I or Applied Biology I and II

Suggested Sequence of Science Courses

Tech Prep/College Preparatory (CP-A)

Students entering the workforce upon graduation of going to a technical school, should enroll in these courses in this order Physical Science, Applied Biology I, Applied Biology II (or Chemistry for the Technologies or Physics for Technologies I. Students who complete Physical Science, Applied Biology I and II are eligible to take several science electives

Science electives. Environmental Science, Marine Science, Earth Science, Biology II, Chemistry for the Technologies, Physics for the Technologies

Students in a Tech Prep Path planning to attend a four-year college or university should check with the particular institution concerning admission requirements

College Preparatory (CP-B)

Physical Science
Biology I
Chemistry I or Honors Chemistry or Chemistry for the Technologies or Physics for the Technologies
AP Biology, Biology II, Honors Physics
AP Chemistry
Science electives Environmental Science, Marine Science, Earth Science, Integrated Science, Biology II

INTEGRATED SCIENCE

This course is designed for students who have not mastered the science concepts and inquiry skills needed for CP Physical Science The teacher will assess a student's understanding of key life, earth and physical science concepts and design classroom instruction to meet the needs of the student This course does not replace Physical Science

Course Number	321100 CW		Prerequisite	8th grade science and math Appropriate Grade
Grade 9		Credit	1 unit	

PHYSICAL SCIENCE

Physical Science is designed to serve as a foundation course for other high school sciences. This course is a study of pre-chemistry principles (matter, atomic structure and periodic table, and chemical bonds and reactions with some nuclear chemistry) and pre-physics principles (forces and motion, energy and electricity, wave characteristics and behavior including electromagnetic/sound/light waves) as given in the SC Science Standards. Meaningful laboratory investigations are an integral part of this course so that the student may grasp an understanding of the experimental nature of science. Emphasis will be placed on problem solving, the development of critical thinking skills, and application of mathematical concepts. Skills for this course are correlated with skills taught in Applied Math or Algebra I This course serves as a background for Biology I, Applied Biology I and II, Chemistry I, and Physics I and explores careers in science and technology An end-of-course exam will be given (2003-04). A science fair project may be required

Course Number for CP-A	321101 CW		Prerequisite	8th grade math
Appropriate Grade	Grade 9	Credit	1 unit	
Course Number for CP-B	321102 CW		Prerequisite	8th grade math
Appropriate Grade	Grade 9	Credit	1 unit	
Course Number for Honors	321103 HW		Prerequisite	Algebra I and/or teacher recommendation
Appropriate Grade	Grade 9	Credit	1 unit	

CP-A APPLIED BIOLOGY I

Applied Biology I is a laboratory course that emphasizes problem-solving, decision making, critical thinking, and applied learning Students explore the concepts and principles of biology and apply these concepts and principles to issues in the workplace, in society, and in personal experiences Concepts developed in Applied Biology I include the cell, matter, energy and organization and the molecular basis of heredity Investigative, hands-on lab activities that address the high school Strand I. Inquiry Standards are an integral part of this course

Applied Biology I is designed to be both academically rigorous and realistic for students pursuing technical careers and for students planning to continue their education at the technical or collegiate level Students wishing to pursue a career in health and/or industrial fields should be encouraged to complete a two-year sequence of Applied Biology Instructors are encouraged to work with occupational instructors and local business/industry to incorporate career and technology applications of life science

Course Number	322600 TW	Prerequisite	Physical Science
Appropriate Grade	Grade 10	Credit	1 unit

CP-A APPLIED BIOLOGY II

Applied Biology II is a laboratory course that emphasizes problem solving decision-making, critical thinking, and applied learning Applied Biology I and II are presented as two-year consecutive, sequential courses that meet the state's life science standards Students explore the concepts and principles of biology and apply these concepts and principles to issues in the workplace, in society, and in personal experiences Concepts developed in Applied Biology II include biological evolution, interdependence of organisms, and behavior and regulation Investigative, hands-on lab activities that address the High School Strand I Inquiry Standards are an integral part of this course Students who complete Applied Biology II will be eligible to take the SC End-of-Course Exam for Biology I.

Applied Biology II is designed to be both academically rigorous and realistic (or students pursuing technical careers and for students planning to continue their education at the technical or collegiate level Students wishing to pursue a career in health and/or industrial fields should be encouraged to complete a two-year sequence of Applied Biology Instructors are encouraged to work with occupational instructors and local business/industry to incorporate career and technology applications of life science

Course Number	**322700 TW**	**Prerequisite**	**Applied Biology 1 and Mathematics for the Technologies 1**
Appropriate Grade	**Grade 10 or 11**	**Credit**	**1 unit**

CP-B AND Pre-IB/HONORS BIOLOGY I

This introductory laboratory-based course is designed to give students a sound background in the major biological concepts. It builds on the chemical principles learned in physical science Topics include: the cell molecular basis of heredity; biological evolution; interdependence of organisms, matter, energy, and organization in living systems, and behavior and regulation There are also opportunities for independent exploration of topics such as human biology, taxonomy, botany and zoology depending on teacher and student interest. Laboratory activities provide numerous opportunities for students to develop science process skills, critical thinking, and an appreciation for the nature of science through investigative, hands-on lab activities A science fair project may be required This course prepares students (or the End-of-Course Exam in Biology

Course Number for CP-B	**322100 CW**
Course Number for Pre IB/Honors	**322100 PW**
Prerequisite	**Physical Science**
Appropriate Grade	**Grade 9 or 10**
Credit .	**1 unit**

CP-A PHYSICS FOR THE TECHNOLOGIES 1

This course is designed to teach students the physics concepts, **which** form **a basis for today's** high **technology** Students will receive instruction **and laboratory** experiences **in the** application **of technological principles. During the first year the principles** of force, work, **rate, and energy are taught as they relate to mechanical systems, fluid systems, thermal systems,** and electrical systems, as well as **the mathematical** concepts **behind them This course in** applied **physics is for students** who plan careers **as technicians** or who want **to keep pace with the advances in technology.** It **is designed to be both** academically rigorous **and practical for students planning technical** careers For NCAA certification, units **1-7 must be taught**

Course Number	324300 TW
Prerequisite	**Physical Science**, Algebra I **or Math for** Technologies I **and II** or **enrolled** in Algebra II
Appropriate Grade	**Grade 10,11 or 12**
Credit	**1 unit**

CP-B EARTH SCIENCE

This course is an in-depth study of earth-space science concepts for students with a background in Biology 1 and/or Chemistry 1 The major topics correlated with the SC Science Standards such as energy in the **Earth** system, geochemical cycles, and the origin and evolution of the Earth system and the universe **Students** will use a textbook plus current information from earth-space **explorations** Appropriate inquiry, current research, **and laboratory** experiences will be integrat9d in the course

Course Number	326500 CW	Prerequisite	Biology 1 and Chemistry I or Physical Science
Appropnate Grade	Grade 11 or 12	Credit	1 unit

CP-B ENVIRONMENTAL STUDIES

This course deals with a study of the principles of ecology and the impact of humans on the environment Students investigate environmental concerns, plan and conduct investigations, and use problem-based learning strategies and apply life, earth, and physical science concepts from the South Carolina Science Standards to studies of the environment A science fair project may be required

Course Number	326100 CW	Prerequisite	Biology I and Chemistry I or Physical Science
Appropnate Grade	Grade 10,11, or 12	Credit	1 unit

CP-B AND HONORS MARINE SCIENCE

This environmental science course is designed to meet the needs of the student who wishes to obtain an in-depth awareness of coastal and marine systems The course will include a study of the physical, chemical and geological aspects of oceanography, marine biology, the coastal environment, and the interrelationships among the disciplines. Instructional strategies include inquiry-based laboratory and field experiences speakers, and projects. A science fair project may be required

Course Number for CP-B	322500 CW
Course Number for Honors	**322500 HW**
Prerequisite for CP-B	Physical Science, Biology I or Applied Biology I and II
Prerequisite for Honors	Chemistry and Biology
Appropriate Grade	Grade 12
Credit	1 unit

CP-B AND HONORS CHEMISTRY I

This course provides an introduction to major chemistry principles and builds on concepts introduced in Physical Science Through well-designed laboratory experiences students will master concepts use problem-solving skills, and apply them to real-world situations. Topics include: chemical safety, atomic theory, the periodic system, chemical reactions and stoichiometry, gas laws, solutions and solubility, calorimetry, acid/base chemistry, and organic chemistry. Investigative hands-on lab activities that address the SC Inquiry Standards are an integral part of this course. A science fair project may be required. Honors Chemistry I prepares a student for Advanced Placement Chemistry through an in-depth study of the sequential development of major principles with emphasis on a quantitative approach to problem solving library research and extensive laboratory experiences

Course Number for CP-B	323102 CW
Course Number for Honors	323103 PW
Prerequisite for CP-B	Physical Science and Algebra 1 or Math for the Technologies 1 and 2
Prerequisite for Honors	Algebra 2 Pre-Calculus or concurrent enrollment in Pre-Calculus
Appropriate Grade	Grade 10, 11 or 12
Credit	1 unit

HONORS PHYSICS I

This course presents a conceptual approach to physics and stresses the understanding of the application of physical phenomena such as mechanics, momentum, energy, heat, motion, optics, electricity, magnetism, waves sound, and light Problem solving is encouraged by the use of relevant physics materials and inquiry-based laboratory activities The honors level for this course emphasizes a mathematical approach with extensive laboratory experiences, research, and projects. A science fair project may be required

Course Number	324100 HW
Prerequisite	Pre-Calculus or concurrent enrollment in Pre-Calculus or AP Calculus
Appropriate Grade	Grade 11 or 12
Credit	1 unit

CP-B BIOLOGY II

This course is a sequel to Biology I for students who plan to major in biology or medical sciences in college It includes an integrated study of the human body systems. Additional emphasis is placed on understanding biological topics such as biochemistry, cell structure and function, genetics growth and development behavior, and evolution, in the context of the human body Laboratory study is an integral part of this class A science fair project may be required

Course Number	322200 CW	Credit	1 unit
Prerequisite	CP Biology	Appropriate Grade	Grade 11 or 12

IB y ADVANCED PLACEMENT BIOLOGY

A college level course of biological principles for highly motivated students, Advanced Placement Biology includes an in-depth study of the cell, biochemical patterns of life biochemistry, genetics, anatomy and physiology, botany, growth and development, ecology, and evolution. The class meets for one block the entire year for lecture, laboratory, and enrichment programs. A science fair project may be required Each student must take the advanced placement / IB examination for possible college credit.

IB candidates pursuing a Higher Level (HL) unit in IB Biology must register with the IB Coordinator and take the IB examination.

Course Number	**327200 AD**
Prerequisite	Biology I and Chemistry I with teacher recommendation
Appropriate Grade	Grade 11 or 12
Credit	2 units

IB / ADVANCED PLACEMENT CHEMISTRY

This two period course is designed for students who plan to pursue a career in science Emphasis is placed on a theoretical, practical, and quantitative approach to chemistry principles with extensive laboratory experimentation Topics include atomic, kinetic and acid-base theory chemical equilibrium, electrochemistry and chemical thermodynamics. Each student must take the advanced placement examination for possible college credit A science fair project may be required

IB candidates pursuing a Standard Level (SL) unit in IB Chemistry must register with the IB Coordinator and take the IB examination for possible college credit.

Course Number	**327300 AD**
Prerequisite	Honors Chemistry I with teacher recommendation, Pre-Calculus or concurrent enrollment in Pre-Calculus or AP Calculus
Credit	**2 units**

CP-A CHEMISTRY FOR THE TECHNOLOGIES

This course is designed to prepare students for employment in the chemical and chemical-related industries in South Carolina after students have received additional training in a technical college level The chemistry concepts in this course are relevant to industrial applications The knowledge and skills a high school graduate needs for useful employment in the chemical industry include stoichiometric proportions, density, material balances, heats of reaction, rates of reaction, polymerization, analytical chemistry procedures, nature of solvents, acids and bases, principles of extraction, crystallization, filtration, distillation, and chemical safety and environmental control techniques Lab activities emphasize, problem solving, decision-making critical thinking, and applied learning Technology is an essential component of this applied course and student research should involve the use of computers, calculator-based probe interfaces, and software for data analysis as is done in industry It is designed to be academically rigorous and prepare students to pursue technical careers

Course Number	**323600 TW**
Prerequisite	Physical Science and Algebra I or Math for the Technologies I and II
Appropriate Grade	Grade 10 11 or 12
Credit	1 unit

"SOCIAL STUDIES

To receive a South Carolina High School Diploma students must earn three units in social studies including courses in U.S History, American Government, Economics, and one social studies elective. College bound students are encouraged to take as many social studies courses as possible There are no prerequisites for any course, however, it is recommended that students take Global Studies I in the ninth grade Global Studies II in the tenth grade, U S. History in the eleventh grade, and American Government and Economics in the twelfth grade.

COLLEGE PREPARATORY GLOBAL STUDIES I FOR THE TECHNOLOGIES

This course gives students a basic understanding of world geography and world history from the time of earliest civilization through the Renaissance and is designed to complement English for the Technologies I Students will study the political economic, cultural, and social events that shaped the world in their geographic context. Students will create individual and group projects throughout the course and develop their writing skills All students should strongly consider taking Global Studies II as a sequel to Global Studies I