

1 Q And how many other family therapists to your
2 knowledge were there?

3 A Three, besides myself.

4 Q Okay. Thank you.

5 A One for each child.

6 MR. DRASKOVICH: I'll pass the witness. Thank
7 you.

8 THE COURT: Ms. Calvert?

9 CROSS EXAMINATION

10 BY MS. CALVERT:

11 Q Hi, I'm Lauren.

12 A Good morning. I know.

13 Q We know each other. Was -- I'm just going to --
14 was part of your diagnosis that she had been physically
15 abused? Is that considered a diagnosis?

16 A It is, uh-huh.

17 Q Okay. Do children react in different ways to
18 physical abuse in your experience?

19 A Yes.

20 Q Are some children severely traumatized?

21 A Yes.

22 Q Do some just take it kind of in stride almost?

23 A I don't know if I would characterize it in
24 stride.

1 Q Do some children act out?
2 A Yes.
3 Q And do others become withdrawn?
4 A Yes.
5 Q And some children tell right away about the abuse
6 that occurred; is that correct?
7 A Some do.
8 Q And some -- some never tell; is that correct?
9 A It depends on the child and their situations.
10 Q Some have very accurate memories of abuse; is
11 that correct?
12 A Some would, yes.
13 Q Do some children have false memories of being
14 abused?
15 MS. HANRAHAN: Objection, Your Honor. Relevance.
16 I mean, I think -- I mean, just these general questions
17 about what some kids might do and some kids might not do, I
18 think are --
19 THE COURT: Okay. So it's a fair question.
20 MS. HANRAHAN: -- completely irrelevant. We can
21 --
22 THE COURT: She can ask her that --
23 MS. HANRAHAN: -- do this --
24 THE COURT: -- because --

1 MS. HANRAHAN: -- all day.

2 THE COURT: Right. She can ask her. That's a
3 fair question. We're obviously talking about the
4 particular child, Samantha in this case, but you can go
5 ahead and answer that. If he -- if you can. Let her --

6 MS. CALVERT: Sure.

7 BY MS. CALVERT:

8 Q Do some children have false memories of being
9 abused?

10 A They may.

11 Q Okay. And was the behavior that you observed in
12 Samantha part of the basis for your -- for your diagnosis?

13 A Behavior meaning? What do you mean by behavior?

14 Q The behavior that you observed when she was in
15 therapy sessions with you.

16 A Are we talking about her affect, how she
17 responded when she talked about things? I'm not sure what
18 you mean by behavior.

19 Q I'll -- I'll flip the question.

20 A Okay.

21 Q What -- what were all the kinds of actions that
22 you took into consideration --

23 A Sure.

24 Q -- when making your diagnosis. We'll try that, a

1 better way.

2 A Her anxiety, her level of anxiousness when she
3 would talk about what happened to her. Her
4 distractability. Her desire to talk about anything except
5 that. She would talk about -- deflect. You know, when she
6 would be in the middle of something she would veer off into
7 another topic.

8 Q And anxiety, distractability can be caused by
9 many different sources; is that correct?

10 A I can be, but in Samantha's case, it was from
11 trauma.

12 Q Did you review Sam's medical records prior to
13 making your diagnoses?

14 A No.

15 Q Did you review school records at any point in
16 time?

17 A I don't recall if we received school records.

18 Q Did you speak to either of Sam's parents before
19 making your diagnoses?

20 A No, I did not.

21 Q Did you speak to any other individuals that
22 normally see Sam on a -- on a regular basis before making
23 your diagnoses?

24 A Yes.

1 Q And who would those be?

2 A It would have been her sister-in-law, and I want
3 to try to remember her as Alicia (ph).

4 Q Yeah.

5 A It's been a little while.

6 Q Anyone besides Alicia?

7 A No.

8 Q And what did Alicia relate to you?

9 A That Sam was a problem causer in the family.
10 That she would pick on her younger siblings.

11 Q And did you have any reason to not believe what
12 Alicia related to you?

13 A At that -- no, I did not. At that time I was
14 gathering information. It wasn't --

15 Q Did you gather information from any other
16 sources?

17 A From Ms. Tallent, who's the case manager.

18 Q And how long had Ms. Tallent known Samantha at
19 that point, or do you know?

20 A I have no idea.

21 Q Did you exclude other causes -- or did you have
22 to go through a -- a process of excluding other causes for
23 Samantha's issues or diagnoses?

24 A Initially I would have looked at adjustment

1 disorders, and if she did not fit those criteria, I would
2 look at other criteria she did meet and Post Traumatic
3 Stress was the most accurate.

4 Q Is there kind of a set protocol that you have to
5 go through in making the diagnoses --

6 A So --

7 Q -- or is it --

8 A -- I have a protocol as a therapist where I look
9 at the most -- least intrusive or evasive type of diagnosis
10 first before moving onto something else.

11 Q Have you ever found your -- any of your diagnoses
12 in the past to be incorrect?

13 MS. HANRAHAN: Objection, Your Honor. That's
14 completely irrelevant. I mean, that's --

15 MR. GOWDEY: It goes to credibility --

16 MS. CALVERT: It's --

17 MR. GOWDEY: -- of the witness.

18 MS. CALVERT: Yeah, credibility, Your Honor.

19 MS. HANRAHAN: Well, I mean, what is the expected
20 answer here? Yes, pretty much everyone but this one? I
21 mean, if she ever made a wrong diagnosis?

22 MR. GOWDEY: And she -- she's perfectly capable
23 of answering.

24 MS. HANRAHAN: Sure, she is, but --

1 THE COURT: Well, I think there needs to be
2 foundation --

3 MS. HANRAHAN: -- I think the --

4 THE COURT: -- as to how many --

5 MS. HANRAHAN: -- question is a little out of
6 line.

7 MS. CALVERT: Oh, yeah, I'm sorry, I --

8 MS. HANRAHAN: Have you ever made a mistake?

9 MS. CALVERT: I'll withdraw. I'll -- I didn't do
10 the foundation on that.

11 BY MS. CALVERT:

12 Q How long have you been a therapist?

13 A From July of 2009.

14 Q And always at Healthy Minds?

15 A No.

16 Q Okay. Where else?

17 A I worked for an agency called Living Waters, and
18 I worked for an agency called Heads Up. And I also had a
19 private practice.

20 Q And in those other jobs, were you doing the same
21 kind of work you were doing at Healthy Minds or was it
22 different?

23 A It's different. Similar but -- still seeing
24 people that are in need of help, but different types of

1 clients.

2 Q And how long have you been at Healthy Minds?

3 A Since October of 2012, so three and a half years.

4 Q Do you know how many clients you've had during

5 that time?

6 A A lot. I don't have a specific number.

7 Q More than a hundred?

8 A Absolutely.

9 Q More than 500?

10 A I have no idea of knowing. I don't know.

11 Q Okay.

12 A Uh-huh (affirmative).

13 MS. CALVERT: I think that's all I have for right

14 now.

15 MR. GOWDEY: If I might follow up.

16 THE COURT: Uh-huh.

17 MS. HANRAHAN: It's not your turn.

18 THE COURT: Hold on. Ms. Honodel.

19 MS. HANRAHAN: It's not --

20 THE COURT: Thank you.

21 MS. HONODEL: I don't have any questions.

22 MS. HANRAHAN: And I do have some followup.

23 THE COURT: Okay. And then you can -- from

24 there. Go ahead.

REDIRECT EXAMINATION

BY MS. HANRAHAN:

Q Just a couple questions, Ms. Nordine. Now Mr. Gowdey asked you if you were aware that the plan, DFS's plan was reunification initially. And were you aware that at some point that changed to termination of parental rights?

A I was aware of that, yes.

Q And when Sam talked to you about -- that she didn't feel like she had to go home, did you -- did she say any time soon, or is that something you left off when you answered me, or did you have an understanding that she just -- well, let us -- tell us what -- what Sam said to you.

A That -- any time soon, was what she said.

Q Specifically she felt like she didn't have to go home any time soon --

A Correct.

Q -- is what she said. And you said that you thought therapy with the parents would have been beneficial for Samantha. How -- in what sense do you think it would have benefitted Sam?

A Samantha had a desire to meet with her mother in family therapy. She never expressed a desire to meet with Mr. Brown. She had a desire to ask her questions

1 specifically to what happened in the home.

2 Q And -- and you feel like that would have been
3 beneficial how?

4 A It could have been beneficial depending on her
5 mother's response to those questions.

6 A Okay.

7 Q It also could have been detrimental, depending on
8 the response to those questions.

9 A Okay. And then is it typical for a child or I
10 guess any patient in therapy to open up more and more as
11 the therapy progresses?

12 Q As the therapeutic relationship builds and trust
13 is there, yes, it's very typical for them to open up as
14 therapy progresses.

15 MS. HANRAHAN: I have nothing further.

16 MR. GOWDEY: A few questions.

17 THE COURT: Uh-huh.

18 RECROSS EXAMINATION

19 BY MR. GOWDEY:

20 Q First off, with respect to what you -- what you
21 just said, if Samantha came in and denied to you that she
22 had been abused, would you prompt her to recollect that she
23 had been abused?

24 A I would not.

1 Q If she denied that she had been abused in the
2 next session -- well, first of all, how would -- how would
3 you bring that up?

4 A My initial question with most of my clients is
5 how did you become in the foster care system. And Samantha
6 shared that there had been a mark on her body and she had
7 been removed from her home.

8 Q And how would it be that she would come to change
9 that story?

10 A I can't speak to why she would have.

11 Q Would you prompt her to talk about whether she
12 had been abused again?

13 A I'm hung up on the word prompt. It's part of our
14 -- the narrative therapy when we're working on her life
15 history.

16 Q So if a patient denies multiple times that they
17 had been abused, you would continue to ask the same
18 questions again, correct?

19 A Again, multiple times is -- I don't know if she
20 denied multiple times. Her initial denial was with her
21 sister-in-law in the room in our initial session.

22 Q Well, you said that -- you said that -- that for
23 some time she was resistant to acknowledging that she had
24 been abused; is that correct? Or she had denied that she

1 had --

2 A She would --

3 Q -- abused?

4 A -- speak about being clumsy and things -- she
5 would walk into things and fall, yes.

6 Q So that is denying being abused as far as you're
7 concerned, correct?

8 A She -- she said she was clumsy. I don't know if
9 that's denying abuse or not.

10 Q Yet you would continued -- yet you -- you did in
11 -- in subsequent sessions return to the issue, asking her
12 if she had been abused --

13 MS. HANRAHAN: Your Honor, I'm going --

14 Q -- is that right?

15 MS. HANRAHAN: -- object as to misstates the
16 testimony. What she said was, what she testified was that
17 Sam -- not that she denied abuse, not that she sat there
18 and said I -- I was never abused, but that she didn't talk
19 about it for a long time, until she felt safe, and then she
20 started talking about it. So I'm not sure what we're
21 talking about here as far as denying the abuse. And then
22 -- and -- and I think he's misstating her testimony, which
23 was she just didn't talk about it, and then suddenly she
24 did start talking about it.

1 THE COURT: Well, the witness --
2 MS. HANRAHAN: And she did --
3 THE COURT: -- stated --
4 MS. HANRAHAN: -- answer that question.
5 THE COURT: -- that she originally said she was
6 clumsy and she'd bump into things.
7 THE WITNESS: I'm sorry, can --
8 THE COURT: You originally at some point said
9 that Sam said that she was clumsy and bumped into things.
10 THE WITNESS: Uh-huh (affirmative).
11 MR. GOWDEY: You -- may I respond?
12 THE COURT: Sure.
13 MR. GOWDEY: She did say that she denied being
14 abused when she came into therapy.
15 THE WITNESS: She did.
16 MR. GOWDEY: That was part of her testimony.
17 Correct?
18 THE WITNESS: Uh-huh (affirmative).
19 THE COURT: Okay.
20 MS. HANRAHAN: So --
21 BY MR. GOWDEY:
22 Q I'm asking how many times does somebody have to
23 deny being abused before a therapist would accept that?
24 MS. HANRAHAN: I -- and that's not what he asked.

1 That's not what I objected to.

2 MR. GOWDEY: But I'm asking now.

3 THE COURT: If you can answer that, please do.

4 THE WITNESS: I -- there's no hard and fast rule.

5 There's -- I don't have --

6 BY MR. GOWDEY:

7 Q You would just keep asking the question?

8 A No, I did not ask the question like that.

9 Q Sam never disclosed that any of her siblings had
10 been abused, did she?

11 A No, she did not disclose that they had been
12 abused.

13 MR. GOWDEY: I have no further questions.

14 THE COURT: Anybody else?

15 RE CROSS EXAMINATION

16 BY MR. DRASKOVICH:

17 Q Did you notate when she finally came forward and
18 said that it was her father that was abusing her as opposed
19 to her being clumsy?

20 A I'm sure that at some point it's notated. I
21 don't have an exact date and time that that would have ha
22 -- occurred, no.

23 Q Okay. But this occurred months into her sessions
24 of seeing -- with you, correct?

1 A Whenever the date was that the letter came
2 forward, and I don't have that date, so.

3 Q If I told you it was July of 2014 --

4 MS. HANRAHAN: Objection. In fact it was May of
5 2014 when she wrote the letter. It was May 29th, 2014, the
6 day before the preliminary hearing was set to be held, so.

7 THE COURT: I don't know the dates, so if you can
8 stipulate to that's the date, then that's a fair question.

9 BY MS. HANRAHAN:

10 Q Summer of 2014.

11 MS. HANRAHAN: Objection. May isn't summer.

12 MR. DRASKOVICH: Well, and we -- and --

13 MS. DORMAN: The letter's in evidence.

14 BY MR. DRASKOVICH:

15 Q Did you see her write the letter?

16 MS. DORMAN: It speaks for itself.

17 A I did not see her write the letter.

18 Q You don't know when she wrote the letter, do you?

19 A I know she wrote it for the preliminary hearing.

20 Q Okay. And if that preliminary hearing occurred
21 in the --

22 A Or whatever the hearing was in -- in court,
23 criminal court.

24 MS. HANRAHAN: Before the hearing.

1 THE WITNESS: Before the hearing.

2 BY MR. DRASKOVICH:

3 Q You just testified that she wrote it for the
4 preliminary hearing, correct?

5 A Around the time of the preliminary hearing.

6 Q Okay. She began therapy with you and multiple
7 other people in March of 2014, correct?

8 A She only had begun with me at that point. We had
9 not begun family therapy with her siblings.

10 Q When did you begin family therapy with her
11 siblings?

12 A I don't recall.

13 MR. DRASKOVICH: I'll pass the witness.

14 THE COURT: Anybody?

15 MS. CALVERT: I just have one or two.

16 RECROSS EXAMINATION

17 BY MS. CALVERT:

18 Q Was one of the goals in working with Samantha
19 being honest in court when the TPR begins?

20 A Yes.

21 Q And why was that a goal?

22 A She had a fear of testifying in front of her
23 parents and had a concern that she would have a difficult
24 time doing that.

1 Q And I guess what I'm wondering is why being
2 honest in court, more the -- the use of -- of those kinds
3 of words would be --

4 A Uh-huh (affirmative).

5 Q -- at issue.

6 A Because she had a fear of getting up on the stand
7 and saying something that was different than what the truth
8 was.

9 Q She thought that she would fabricate on the
10 stand?

11 A She thought that she would deny what had happened
12 to her on the stand.

13 Q Okay. And was part of her plan with you or one
14 of her goals to recognize or decrease manipulative
15 behaviors?

16 A Yes. And that's in -- in regards to in the home,
17 getting things that she wanted.

18 Q And so it only began af -- or -- and I guess just
19 the last one, was one of the goals to reduce angry
20 outbursts at siblings?

21 A Yes.

22 Q And did that -- was that present from the
23 beginning of the therapy or did that develop later on?

24 A It developed later on. Uh-huh.

1 MS. CALVERT: That's all I have.
2 THE COURT: Anyone else?
3 MS. HANRAHAN: Just one.
4 FURTHER REDIRECT EXAMINATION
5 BY MS. HANRAHAN:
6 Q To your knowledge, was Sam traumatized or nervous
7 or anxious about testifying at that preliminary hearing?
8 A She was.
9 Q And could that have had anything to do with her
10 suddenly deciding to write that letter?
11 MR. GOWDEY: Objection. Calls for speculation.
12 BY MS. HANRAHAN:
13 Q Do you know if that had anything to do with her
14 --
15 A I don't know.
16 Q -- writing that -- did you ever process it --
17 okay.
18 MS. HANRAHAN: Thank you. I have nothing
19 further.
20 THE COURT: Anybody else?
21 MR. GOWDEY: No, no further --
22 THE COURT: All right.
23 MR. GOWDEY: -- Your Honor.
24 MS. CALVERT: No.

1 THE COURT: You're done. Thank you.
2 MS. CALVERT: Thank you.
3 THE COURT: Okay. Great. So at this point you
4 have another witness coming at 1:30? Okay. That's the
5 last witness for the day?
6 MS. HANRAHAN: I have two.
7 THE COURT: Two witnesses.
8 MS. HANRAHAN: But they --
9 THE COURT: Okay.
10 MS. HANRAHAN: -- they're probably not too long.
11 THE COURT: And with that, we know the time frame
12 with the football and whatnot. And so we will start at
13 1:30 prompt, so that way, like I said, it doesn't start at
14 2:00 but 1:30.
15 MR. GOWDEY: Thank you, Your Honor.
16 THE COURT: All right. We'll see you then.
17 Thank you.
18 (COURT RECESSED AT 12:13 AND RESUMED AT 01:37)
19 THE COURT: We'll go back on the record. And I
20 will ask Ms. Hanrahan as far as her next witness, if you'd
21 like us to call that person in.
22 MS. HANRAHAN: Yes, Your Honor. The State's next
23 witness is Laura Brown.
24 THE COURT: Okay. Laura Brown.

1 THE COURT: Hello.

2 THE CLERK: Please raise your right hand. You do
3 solemnly swear the testimony you're about to give in this
4 action shall be the truth, the whole truth, and nothing but
5 the truth, so help you God?

6 THE WITNESS: I do.

7 THE COURT: All right. Thank you.

8 LAURA BROWN

9 having been called as a witness by the State and being
10 first duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. HANRAHAN:

13 Q Good afternoon, Ms. Brown.

14 A Hi.

15 Q Can you tell the Court how you are currently
16 employed?

17 A Yes. I am employed with Healthy Minds.

18 Q And what is the nature of your employment there?

19 A I am a therapist there.

20 Q How long have you been employed with Healthy
21 Minds?

22 A Since January 2015.

23 Q And are you licensed to practice in the state of
24 Nevada?

1 A Yes.

2 Q What license do you currently hold?

3 A Licensed clinical social worker.

4 Q And as a licensed clinical social worker, are you

5 qualified to make diagnoses of any sort?

6 A Yes. Diagnoses in the DSM.

7 Q And are there some diagnoses that you can't make?

8 A I guess diagnoses out -- outside of -- outside of

9 that manual.

10 Q And then what is the nature of your practice? Is

11 it mostly children, adults, mixed?

12 A Children and their families.

13 Q Okay. And are some of those children referred to

14 you by the Department of Family Services?

15 A Yes.

16 Q At some point in your practice, did you begin

17 treating a patient by the name of Nikki Brown?

18 A Yes.

19 Q And do you know how Nikki initially came to be a

20 client at Healthy Minds?

21 A She was referred by her case manager --

22 Q Her --

23 A -- at DFS.

24 Q -- DFS case manager.

1 A Uh-huh (affirmative).

2 Q Okay. And approximately when did you begin
3 seeing Nikki as a --

4 A I -- I began seeing her in January 2015.

5 Q So had Heidi -- or, I'm sorry, Nikki previously
6 been with Healthy Minds or was that her initial --

7 A Yes. No, she began receiving services with
8 Healthy Minds in March of 2014. Her previous therapist
9 left and she was transferred to me.

10 Q Okay. So when you take over for another
11 therapist, is there a process for you to familiarize --
12 familiarize yourself with what's been done in a case prior
13 --

14 A Yes.

15 Q -- to you taking over?

16 A So I -- I actually did meet with the previous
17 therapist, Dr. Norensberg. And I also had access to his
18 treatment plan and assessment and things like that and I
19 reviewed those.

20 Q And what type of therapy have you been providing
21 for Nikki?

22 A We've been doing individual therapy and family
23 therapy with her siblings.

24 Q And so the family therapy is primarily Nikki and

1 her siblings?

2 A Yes, although recently we also added her current
3 caregiver as well.

4 Q Okay. Ms. Wolf?

5 A Yes.

6 Q Did you -- you said that you recently switched
7 from individual to family therapy?

8 A Yes. Yes. We are doing primarily -- primarily
9 family therapy with Nikki at this time.

10 Q Why is that?

11 A Several reasons. She does better in family
12 therapy. She's more -- she's able to process things
13 better. Also, a lot of family work needs to be done with
14 her siblings and those relationships. And we had kind of
15 hit a plateau in her individual therapy. She -- I still
16 see her for individual therapy as needed, but primarily
17 it's family right now.

18 Q And what did you focus on in the individual
19 therapy?

20 A I focused on her trauma and her -- her past
21 experiences.

22 Q So at some point during your treatment of Nikki
23 did you obtain some background information as to why she
24 was not with her family and why she might need therapy?

1 A Yes, I did.

2 Q And what background information did you receive?

3 A I received information in the previous therapist
4 assessment, and that included the reasons for the case
5 being open and -- and possible concerns for Nikki.

6 Q And what were the reasons for case --

7 A There were allegations of physical abuse against
8 the -- her oldest sibling.

9 Q And were you provided with information as to who
10 the alleged perpetrator of that abuse was?

11 A The father.

12 Q So that information that you were provided with
13 as background information, did you have that prior to your
14 initial session with Nikki?

15 A I did.

16 Q So do you start right away talking about whatever
17 you has as background, or do you start -- pick up where the
18 last therapist left off, or how does that go?

19 A No, I -- I need to build a rapport with Nikki. I
20 was a stranger to her, so initially that's what our -- our
21 sessions focused on, was just building rapport and allowing
22 her to -- to get comfortable and -- and share what -- what
23 she wanted to. And then as our relationship built, we were
24 able to progress into the -- the identified concerns.

1 Q Okay. So in the beginning, was there some kind
2 of formal assessment that you did with Nikki?

3 A Yes. I -- I also did -- it's called our Healthy
4 Minds Assessment.

5 Q And what does that consist of? Is that a written
6 report or assessment that you --

7 A Yes, it's a written assessment and it goes over
8 all aspects of -- of her -- of the client's life.

9 Q Is -- when -- and you said that you did one of
10 these assessments.

11 A Yes.

12 Q Was that the first time such an assessment had
13 been done at Healthy Minds for Nikki?

14 A No. The previous therapist did one when he was
15 seeing her as well.

16 Q Okay. So that's something that's updated or --

17 A Yes.

18 Q -- with any therapist or --

19 A Yes.

20 Q -- is it updated any other times?

21 A It's updated on a yearly basis.

22 Q Did Nikki already -- well, that assessment, did
23 you -- do you use that yourself to kind of figure out what
24 kind of therapy you want to offer and form a diagnosis?

1 A So I use the assessment as well as just
2 observations for my sessions with a client to form -- to
3 form a diagnosis and also a treatment plan.

4 Q Okay. And did Nikki already have a diagnosis
5 when you first met with her?

6 A She did, yes.

7 Q What was that?

8 A It was adjustment disorder, unspecified.

9 Q And can you just tell us what that is? What that
10 means?

11 A Yeah. Adjustment disorder basically means that
12 there was a significant change or adjustment in the
13 client's life and as a result of that they're displaying
14 certain symptoms.

15 Q So did you maintain that as her diagnosis after
16 you did your assessment?

17 A No, I changed it.

18 Q And what did you change it to?

19 A I changed it to Post Traumatic Stress Disorder.

20 Q And can you tell the Court why you made that
21 change?

22 A Yes. Adjustment disorder is typically at most a
23 six month diagnosis, and by the time I had seen her, the
24 major changes in her life, such as the abuse or the alleged

1 abuse that occurred in the home, her removal from the home,
2 her placement to where she was currently living, all those
3 had occurred over six months ago and she was still
4 displaying symptoms. So I felt that the symptoms she was
5 displaying was better -- better described by the diagnosis
6 of PTSD.

7 Q Okay. So what symptoms or criteria did she meet
8 to be diagnosed with PTSD?

9 A So to be diagnosed with PTSD they have to meet a
10 number of symptoms. These include things like having a
11 significant event or being -- there being a significant
12 threat. Symptoms such as flashbacks or avoidance.
13 Altercations in their cognitions or mood. Those are the
14 criteria for PTSD and she met all of those at the time of
15 that diagnosis.

16 Q Was there anyone else at your agency who saw
17 Nikki on a regular basis?

18 A She was receiving medications, psychiatric
19 services with Dr. Harding.

20 Q Okay. And what does Dr. Harding do?

21 A She is a psychiatrist.

22 Q Okay. So -- and -- and Nikki met with her on a
23 regular basis or just once or --

24 A She was on a maintenance schedule, so every three

1 months or so.

2 Q Okay. And you mentioned medication. Was Nikki
3 on any type of medication?

4 A No.

5 Q So Dr. Harding would meet with her to assess
6 whether she needed that, is that --

7 A It's part of the services that we provide at
8 Healthy Minds, the psychiatric services. So if a child
9 needs medication services, they'll be seen more often. If
10 they don't need those services, it's just kind of a -- a
11 continued maintenance schedule while they're receiving --

12 Q Does Dr. Harding make an assessment or diagnosis
13 herself?

14 A Yes, Dr. Harding does do an assessment as well,
15 and a diagnosis, but her diagnosis and I -- we communicate
16 and --

17 Q So that's kind of formed collaboratively between
18 the two of you?

19 A I mean -- hmm. I guess yes and no. I -- I
20 diagnosed her when I did that assessment and then Dr.
21 Harding has done hers as well and came to the same
22 conclusion, so.

23 Q So you just -- you concurred.

24 A Yes.

1 Q Okay. To your knowledge, has -- other than the
2 adjustment disorder at first, was Nikki ever diagnosed with
3 anything other than PTSD?

4 A Not to my knowledge prior to me seeing her.

5 Q Can you describe a normal session with Nikki?
6 Was she participatory, forthcoming, or not so much?

7 A Initially she -- she -- she was always -- she
8 always came, you know, I didn't have to force her. But she
9 was always very guarded and, you know, hesitant to discuss.
10 She avoided discussing certain things or even just sharing
11 her feelings about just kind of every day stuff. But as --
12 as we progressed in her therapy, she became more open. She
13 started to discuss things more openly and -- and process a
14 little bit more.

15 Q Is that typical with any client or children in
16 particular, that they, as time goes by, they're more
17 forthcoming about things that --

18 A Yeah.

19 Q -- are bothering them or --

20 A Yes. Yes.

21 Q So you said the background information that you
22 received indicated that there had been physical abuse of an
23 older sister; or allegations of physical abuse of an older
24 sister. Did you talk with Nikki about that in your

1 sessions?

2 A Yes, she did discuss it.

3 Q And what did she say?

4 A She -- she said that there was physical abuse to
5 her older sister.

6 Q What kind of physical abuse?

7 A She described it as beatings.

8 Q Of her older sister?

9 A Yes.

10 Q And did she say who did that?

11 A Her father.

12 Q And did Nikki ever tell you whether she was
13 present when that happened?

14 A I don't recall us discussing that specifically.
15 I don't recall.

16 Q Did she describe any particular events that she
17 recalled, a certain time when she knew that her sister had
18 been beaten?

19 A She always kept it very -- fairly general with
20 me. She was still pretty guarded around those things, but
21 she did -- she did state that those things happened, that
22 Sam was abused. And -- and she als -- yeah, those are --
23 that's what she discussed. So she didn't go into specific
24 details with me, but did say that those things occurred.

1 Q And then what was her demeanor when she did talk
2 to you about those things?

3 A In general, when Nikki talks about those things,
4 she -- she gets very -- kind of call it like shutting down.
5 She doesn't make eye contact, she lowers her head, she kind
6 of shrinks into herself. So she was displaying those kinds
7 of things.

8 Q And did she -- what -- did she communicate to you
9 whether the -- the beatings that she talked about or that
10 she mentioned were things that happened once or on an
11 ongoing basis?

12 A I don't recall her -- being a specific amount.

13 Q Okay. Was it --

14 A Yeah.

15 Q She talked about it as being something that
16 happened in her home?

17 A Yes.

18 Q Did you feel that it was something that was
19 traumatic to her?

20 A Yes.

21 Q And can you just tell the Court why that
22 situation would be traumatic for a child even though it
23 didn't happen specifically to her?

24 A Because the threat of violence is there, and so

1 when there's a threat of violence, you know, it's -- it's
2 common for you to question your own safety and have the
3 same feelings of fear and insecurity and things like that.
4 So although the abuse may not have occurred to her, it was
5 going on in her home and -- and that affected her.

6 Q And Nikki was not comfortable discussing the
7 details of that with you. Did you get any understanding
8 whether she was -- could freely speak about it with anyone?

9 A I'm not sure. I don't -- yeah, I'm not sure.

10 Q And so one of the reasons that you wanted her to
11 be in family therapy you said is that she opens up a little
12 more. Does she --

13 A Yeah.

14 Q -- do that with regard to the abuse that happened
15 in the home as well --

16 A Yes.

17 Q -- or --

18 A Yes, she -- yeah. She's still guarded. Nikki
19 has always been generally pretty guarded, especially around
20 her emotions and her history, but she -- she's more open
21 when -- when she's with her siblings and stuff.

22 Q Has she ever talked to you about why she doesn't
23 want to talk about it?

24 A Yes, she said that she's scared that if she talks

1 about it, it will make her feel really sad.

2 Q Now is it your opinion that those things that
3 happened in the home that she's afraid to talk about, is it
4 your opinion that those things contributed to her diagnosis
5 of PTSD?

6 A Yes.

7 Q Is there anything else that may have contributed
8 as well?

9 A Well, when I made the diagnosis, the primary
10 reason that I made that diagnosis were the things that
11 occurred in the home. There are additional traumas that
12 have happened in her life, but my primary reason for making
13 that diagnosis was -- was the events in the home.

14 Q So at some point did you develop a treatment plan
15 for Nikki?

16 A Yes.

17 Q And set some goals?

18 A Uh-huh (affirmative).

19 Q Did -- did she already have a treatment plan
20 actually when you took over?

21 A She -- she did. I don't recall --

22 Q Is that something that stays the same, or does
23 that --

24 A No.

1 Q -- change over time?

2 A It updates and changes over time as well.

3 Q What were some of the goals identified for Nikki
4 on her treatment plan?

5 A Her current treatment plan, the goals are overall
6 processing her trauma, developing some coping skills around
7 managing her symptoms and emotions that go along with that
8 so that she can, you know, have normal functioning and be
9 social. And other goals were to develop her family
10 relationships further with her siblings.

11 Q Now how often did you meet with Nikki?

12 A Weekly.

13 Q Okay. And do you still meet weekly with her?

14 A Right now I see her biweekly, every other week.

15 Q And during the course of your treatment since --
16 I think you said January 2015 --

17 A Yes.

18 Q -- did you -- did you also speak with collateral
19 people in her life, people involved in Nikki's life in some
20 way?

21 A Yes. We would -- well, we have treatment team
22 meetings, so the rest of her team was there and we would
23 get updates from them. In addition we would speak to her
24 current caregivers for any updates or concerns that had.

1 Q Okay. And who -- who would be on Nikki's team
2 that would be in the treatment team meeting?

3 A Her -- her caseworker, her CAP attorney, her
4 CASA, the other sibling therapists, and then their current
5 care providers.

6 Q Okay. Did you keep some records of the treatment
7 team meetings?

8 A Yes, there are treatment -- we call them
9 treatment team forms, and those are completed after every
10 treatment team.

11 Q And are those provided to the Department of
12 Family Services?

13 A Not by me personally, but by Healthy Minds, yes.

14 Q And does Nikki have the same diagnosis today of
15 PTSD?

16 A No.

17 Q What is your diagnosis?

18 A Her current diagnosis is unspecified trauma and
19 stressor related disorder.

20 Q And can you explain --

21 A Yeah.

22 Q -- what that is and why you changed it?

23 A I changed it because she no longer meets the full
24 criteria for PTSD. She does still display some of the

1 symptoms in the PTSD diagnosis, but not the full criteria.
2 So that's why I changed it.

3 Q And can you tell us what criteria she no longer
4 meets?

5 A Yes. Under one of the criteria for PTSD, under
6 the arousal and reactivity criteria, she has to meet two or
7 more of the specified symptoms that they identify, and she
8 only met one. And then in -- in addition, the symptoms
9 that she does display no longer cause significant distress
10 in her daily functioning, so she's able to function well.

11 Q And can you just talk a little bit about arousal
12 and reactivity, what that means and --

13 A Yeah.

14 Q -- what the symptoms are?

15 A So that means kind of like her responses to
16 possible triggers or things in the environment that may be
17 related to the trauma. The things that she does still
18 display at times is, you know, if there's raised voices or
19 if she's in a new environment she kind of checks out --
20 checks out her environment and things like that. And if
21 there's conflicts, she can still kind of shrink down into
22 herself sometimes, so yeah.

23 MS. HANRAHAN: I have no further questions.

24 //

1 CROSS EXAMINATION

2 BY MR. DRASKOVICH:

3 Q Ms. Brown, you stated that you began seeing Nikki
4 in January 2015; is that correct?

5 A Yes.

6 Q And you had testified to that point in time she
7 was initially diagnosed with adjustment disorder.

8 A Yes.

9 Q At what point in time was she diagnosed with
10 adjustment disorder?

11 A I don't know. I know that that was her diagnosis
12 when she saw the previous therapist.

13 Q Okay. And were you -- did you have the knowledge
14 that she had been seeing a therapist for approximately one
15 year before you began seeing her?

16 A Yes.

17 Q You were aware that she was removed from the home
18 when she was nine years old?

19 A Yes.

20 Q And you'd agree with me that this diagnosis of
21 adjustment disorder would tend to be in line with a child
22 being removed from their home?

23 A Yes.

24 Q And you're aware that it was the state of Nevada

1 that removed this child from her home?

2 A Yes.

3 Q So you'd agree with me that the primary cause of
4 this diagnosis of adjustment disorder was her being removed
5 from Mom and Dad?

6 A For the adjustment disorder, yes.

7 Q Okay. Now you've -- you testified that you're a
8 licensed clinical social worker.

9 A Yes.

10 Q You've attended college classes in order to
11 obtain that.

12 A Yes.

13 Q You've taken psychology classes.

14 A Yes.

15 Q You'd agree with me that psychology is the study
16 of human behavior?

17 A Yes.

18 Q You're -- are you aware or are you familiar with
19 the term confirmation bias?

20 A I'm not sure. No.

21 Q You haven't heard -- in any of your classes you
22 haven't studied confirmation bias?

23 A I don't recall hearing that.

24 Q Have you heard of a syndrome whereby a person

1 reaches a conclusion and then discounts any evidence that
2 may not coincide with the conclusion they've already
3 reached?

4 A Can you repeat that?

5 Q Sure. Confirmation bias is where a person
6 reaches a conclusion --

7 A Uh-huh (affirmative).

8 Q -- and then disregards any evidence that may
9 contradict that conclusion that they've --

10 A Okay.

11 Q -- already reached.

12 MS. HANRAHAN: Is this --

13 A Okay.

14 MS. HANRAHAN: -- testimony now or is there a
15 question?

16 MR. DRASKOVICH: I'm asking if she's familiar
17 with that syndrome.

18 BY MR. DRASKOVICH:

19 Q Have you studied anything in reference to that
20 phenomenon?

21 A No.

22 Q Okay. So initially when you began seeing Nikki,
23 she was diagnosed with adjustment disorder --

24 A Uh-huh (affirmative).

1 Q -- and that was presumably made -- that diagnosis
2 was presumably made sometime the prior year.

3 A Yes.

4 Q When you made this diagnosis, were you aware that
5 she was under a no contact order, or her parents were, in
6 that they could have no contact with her?

7 A I am -- I'm aware that there's a no contact
8 order, yeah.

9 Q And you're aware that that no contact order has
10 been in place pretty much the entire time since the
11 children have been removed, correct?

12 A (NODS IN THE AFFIRMATIVE)

13 Q Is that --

14 A Yes.

15 Q Is that --

16 A Yeah.

17 Q -- a yes?

18 A Uh-huh (affirmative).

19 Q Okay. And you'd agree with me that a no contact
20 order with Mom and Dad could cause this adjustment
21 disorder?

22 A Yes.

23 Q No phone calls, just nothing --

24 A Right.

1 Q -- correct? And that would be stressful for a
2 nine year old.
3 A Yeah.
4 Q Be stressful for a 10 year old.
5 A Yeah.
6 Q Eleven year old.
7 A Uh-huh (affirmative).
8 Q And ongoing, correct?
9 A Right.
10 Q And to your knowledge, is she still or are the
11 parents still under this no contact order today?
12 A Yes.
13 Q Are you still seeing Nikki?
14 A Yes.
15 Q She wants to see her mom and dad; doesn't she?
16 A She does.
17 Q She wants to have a relationship with her mom and
18 dad?
19 A She does.
20 Q She talks about how she loves her mom and dad?
21 A She does.
22 Q But nonetheless she's, to your knowledge, not
23 been able to have any contact with Mom and Dad, correct?
24 A To my knowledge.

1 Q It's your -- when was it that you made this
2 changed diagnosis or changed the diagnosis concerning
3 Nikki?
4 A Do you mean from PTSD to her current diagnosis?
5 Q No, from the adjustment disorder to PTSD?
6 A When I did my assessment with her.
7 Q And when was that assessment done?
8 A In -- I believe it was in August 2015.
9 Q Okay. Approximately eight months after you had
10 been seeing her.
11 A Uh-huh (affirmative).
12 Q Is that a yes?
13 A Yes.
14 Q Okay. I'm sorry. I just want to have --
15 A That's okay.
16 Q -- a clean record.
17 A Sorry.
18 Q So -- and you'd agree with me that you testified
19 to the primary reason you changed it from adjustment
20 disorder to PTSD is due to the length of time she'd been
21 suffering the symptoms?
22 A That was part of it, yes.
23 Q And the other part was?
24 A I mean, so the length of time definitely played a

1 role, but in addition, she displayed all the full criteria
2 of PTSD.

3 Q Okay. And when you made this diagnosis, it had
4 been a full 18 months now since she had seen Mom and Dad?

5 A Yes.

6 Q So the time had gone from whenever the previous
7 diagnosis was to a much longer time, correct?

8 A Yes.

9 Q And there was still a strict non-contact order
10 with Mom and Dad, correct?

11 A Yes.

12 Q No communication whatsoever.

13 A As far as I know.

14 Q And how she's 10 years old, correct?

15 A Eleven. Uh-huh.

16 Q Eleven.

17 A Uh-huh (affirmative).

18 Q So at 11 this is coming up now in a year and half
19 having been removed from Mom and Dad and having no contact
20 with Mom and Dad, correct?

21 A Uh-huh (affirmative).

22 Q But wanting to nonetheless.

23 A Yeah. Uh-huh.

24 Q You had testified concerning her disclosing some

1 beating, correct?

2 A Yes.

3 Q If I were to represent to you that in this
4 proceeding she testified that she may have seen her sister
5 hit two times with a belt, would you have any reason to
6 disagree with that representation?

7 A No.

8 Q So it's not daily beatings, it's not these
9 horrific -- but it was spanked with a belt two times.

10 A She didn't specify exactly what she saw or the
11 frequency.

12 Q You have since now changed her diagnosis to
13 unspecified trauma disorder, meaning you can't really put a
14 finger on what it is that's causing her to have this
15 anxiety or -- or this trauma, but nonetheless she's
16 suffering, correct?

17 A Well, more I made that diagnosis because she no
18 longer meets the full criteria of PTSD. She's been in
19 therapy for awhile now, so I would expect a reduction in
20 those symptoms.

21 Q She has made progress through her therapy.

22 A (NODS IN THE AFFIRMATIVE)

23 Q She's been in therapy for what, two and a half
24 years now?

1 A Well, yeah.

2 Q Nonetheless she's not able to see Mom and Dad,
3 correct?

4 A Correct.

5 MR. DRASKOVICH: Thank you. I'll pass the
6 witness.

7 CROSS EXAMINATION

8 BY MR. GOWDEY:

9 Q Ms. Brown, it was your recommendation that she
10 participate in family therapy with her parents; is that
11 correct?

12 A Yes.

13 Q In fact, is your opinion that not having family
14 therapy was deleterious to Nikki; is that correct?

15 A Yes. I wanted her -- I felt that it would be in
16 her best interest to have family therapy.

17 Q And in fact you would consider her lack of
18 contact with her biological parents to be a risk factor --

19 A Yeah.

20 Q -- which could contribute to the unspecified
21 trauma disorder that you've cited now, correct?

22 A I don't know if that -- I don't -- the diagnosis
23 wasn't made based on her lack of contact with her family.

24 Q Lack of contact has prevented her from moving

1 forward in therapy; is that correct?

2 A Well, she's moved forward on her individual
3 things and she has made -- she has displayed a reduction in
4 her PTSD symptoms. Her no contact with her family though
5 is identified as a risk factor because, like I pointed out
6 earlier, she does love her family.

7 Q You did -- you did generate a report on May 20th,
8 2016; is that correct?

9 A Yes.

10 Q And in that report you did write the lack of
11 contact -- meaning the lack of contact with her parents --
12 has created hurt for Nikki and prevented her from moving
13 forward; is that correct?

14 A Yes, if that's what's written there.

15 Q So my characterization that it's prevent --
16 prevented her from moving forward would be -- would be
17 accurate?

18 A Yes.

19 Q And in fact Nikki has told you that she wants to
20 live with her parents; isn't that right?

21 A Yes.

22 Q Nikki has never disclosed to you that she was
23 ever abused in any way, shape or form, has she?

24 A That she was personally abused?

1 Q Yes.

2 A She has not disclosed that to me.

3 Q In fact, she never disclosed to that -- that --

4 strike that. She's never disclosed to you that she was

5 afraid of her parents?

6 A Afraid, no, but she has identified that she was

7 worried about some of the things that was going on there.

8 Q How long was it -- you began treating her in --

9 in January of 2015?

10 A Yes.

11 Q How long was it before she told you that -- that

12 -- that Samantha had been abused? Was that immediate?

13 A No, it wasn't immediate, and I don't -- I don't

14 recall specifically when.

15 Q Do you recall having reviewed the notes of the

16 prior therapist?

17 A Yes.

18 Q Do you recall whether Nikki had disclosed such

19 things to the prior therapist?

20 A I don't recall -- I don't recall that being in

21 his notes or not.

22 Q If she had disclosed to him, would you have

23 expected that she would have disclosed to you quickly?

24 A Not necessarily. I'm a new person and it takes

1 time to build rapport and trust.

2 Q Who was the prior therapist?

3 A His name was Dr. Norensberg.

4 Q You began working -- was Nikki your first patient

5 with Healthy Minds?

6 A No.

7 Q You began working for Healthy Minds in January of

8 2015?

9 A Yeah.

10 Q And she became your patient in January of 2015,

11 correct?

12 A Yes. I was given a caseload.

13 Q When did you receive your license?

14 A I received my license in December of 2014.

15 Q So you had been practicing approximately one

16 month when you began seeing Nikki?

17 A I was fully licensed, however I was doing

18 clinical work for two years prior to that.

19 Q Was that as an intern?

20 A Yeah.

21 Q Would you have considered it to be healthy and

22 helpful to have had Nikki have contact with her parents

23 through family therapy?

24 A Through family therapy, yeah. Yes.

1 MR. GOWDEY: I have -- I have no further
2 questions.

3 THE COURT: Okay. Ms. Calvert, then Ms. Honodel.

4 CROSS EXAMINATION

5 BY MS. CALVERT:

6 Q What is your caseload at Healthy Minds?

7 A I can't remember the specific number. I think I
8 probably have anywhere -- around 25 clients on my caseload.

9 Q And did you ever review Nikki's school records?

10 A No.

11 Q Did you ever review her prior medical records in
12 making your diagnosis?

13 A Medical records? No, just the clinical records
14 from the previous therapist.

15 Q And did you ever speak with her prior therapist?

16 A Yes.

17 Q And was there a -- was -- did Nikki have a
18 therapist before that therapist?

19 A Not -- no.

20 MS. CALVERT: I think they got all my questions,
21 hold on let me just double-check real quick. I don't have
22 any questions, Your Honor. Oh, sorry, there's just one --
23 one more. I'm sorry, Amy.

24 BY MS. CALVERT:

1 Q Is there an overlap between PTSD and ASD, which
2 is acute stress disorder?

3 A The symptoms are similar but the crit -- the
4 criteria is different as far as the -- as far the duration
5 of the symptoms lasting and the duration between the trauma
6 and the symptoms displayed.

7 Q Is there an overlap of diagnostic criteria
8 between the two that's significant?

9 A There is, but Nikki wouldn't have met the
10 criteria for AST because of the duration that she's
11 displayed symptoms. She meets the criteria for PTSD.

12 MS. CALVERT: Okay. That was it. Thank you.

13 MS. HANRAHAN: No questions?

14 MS. HONODEL: No questions, Your Honor.

15 MS. HANRAHAN: And so just a few followup
16 questions.

17 REDIRECT EXAMINATION

18 BY MS. HANRAHAN:

19 Q As an intern, are you licensed to practice as a
20 therapist?

21 A Yes, you have a -- you still have a clinical
22 intern license, so you're supervised during that time.

23 Q Okay. And you said you did that for two years.

24 A Yes.

1 Q And do you have to complete a certain number of
2 hours as a therapist prior to getting your license?

3 A Yes.

4 Q How many hours?

5 A Three thousand.

6 Q And then as far as the diagnosis, your testimony
7 previously was that the primary cause was the events in the
8 home; is that correct?

9 A Yes.

10 Q But that it -- it could have -- contributory
11 factors could have been the removal from the home.

12 A Yeah.

13 Q And placement in the foster home.

14 A Yeah.

15 Q Could it also be a risk factor -- I think Mr.
16 Gowdey asked you about the lack of contact being a risk
17 factor. Could it also be a risk factor that Nikki has had
18 to testify in court hearings and that the court hearings go
19 on and on and on and never end?

20 A Absolutely.

21 Q Is that something that she has expressed anxiety
22 about?

23 A Yes.

24 Q When you said that the lack of contact with her

1 parents prevented her from moving forward, did you mean in
2 a particular sense, because you did testify that she
3 accomplished some of her goals and improved, correct?

4 A Yes. Yes, I mean that in the -- in the sense of
5 kind of having closure around specifically her relationship
6 with her parents.

7 Q And so is that how you feel that lack of contact
8 is damaging, that she doesn't have that closure?

9 A Yeah. Yes.

10 Q Some sort of closure, whether --

11 A Yes.

12 Q -- it's reunification or --

13 A Exactly.

14 Q -- end of the relationship.

15 A Yeah, yeah.

16 Q And then you testified that she has never told
17 you that she was abused in the home, physically abused,
18 correct -- right --

19 A Correct.

20 Q -- that's what you --

21 A She has not --

22 Q -- Mr. --

23 A -- disclosed that her herself was.

24 Q -- Gowdey? Is it your testimony that she was

1 copies of the letter.

2 Q Do you recall approximately when that was or --

3 A It was very early on. I'm not going to lie,
4 horrible with dates all the time, but --

5 Q Was there anything going on in the court cases
6 around that time that --

7 A Yeah, it was close to that time when we -- when we
8 went to that first court. It wasn't here though, it was --

9 Q The one downtown?

10 A Yeah, a different one. Yeah.

11 Q Okay. For like the preliminary hearing?

12 A Correct, it was close to that time frame.

13 Q All right. So when Sam had these panic attacks,
14 did she talk to you about when she couldn't breathe, what
15 that felt like either physically or emotionally?

16 A Yeah, she did. She told me what it felt like.

17 Q What did she say?

18 MR. DRASKOVICH: And just for the -- I have to
19 object as to hearsay.

20 MS. HANRAHAN: Then Your Honor, one of the -- one
21 of the defenses here is that they've already challenged
22 Sam's credibility. And so I'm offering prior consistent
23 statements as to the things that Sam testified to when she
24 was here a month ago.

1 MR. DRASKOVICH: And we didn't address her panic
2 attacks or anything concerning that.

3 MS. HANRAHAN: No.

4 MR. DRASKOVICH: So --

5 MS. HANRAHAN: But this doesn't have to do
6 necessarily with the panic attacks.

7 MR. DRASKOVICH: My objection is still --

8 MS. HANRAHAN: It's a prior --

9 MR. DRASKOVICH: -- it's hearsay.

10 MS. HANRAHAN: -- consistent statement that they
11 challenged when Sam was here before. They challenged her
12 credibility. And she is -- well, we've had the argument. I
13 don't know if we've resolved it, but that the kids are
14 parties as well and therefore her statement would come in as
15 to that. But I believe if Sam -- whatever Sam said that is
16 consistent with what she testified to that's being
17 challenged is something that comes in as well under the
18 hearsay rules.

19 MR. GOWDEY: Actually, I believe Sam's prior
20 testimony speaks for itself and it's not an exception to the
21 hearsay rule --

22 MS. HANRAHAN: It -- it's --

23 MR. GOWDEY: -- in the manner that Ms. Hanrahan is
24 arguing it to be.

1 MS. HANRAHAN: The testimony is they are the ones
2 who are challenging her -- well let's just look. Hearsay.
3 The Declarant testifies that the trial or hearing is subject
4 to cross examination concerning the statement and the
5 statement is consistent with the Declarant's testimony and
6 offer to rebut an express or implied charge against the
7 Declarant of recent fabrication or improper influence or
8 motive. It's -- I mean, her prior consistent statement is
9 not hearsay. It's offered to -- because there's been a
10 charge of recent fabrication.

11 THE COURT: So we've had this --

12 MS. HANRAHAN: I mean, she hasn't even --

13 MR. DRASKOVICH: And I --

14 THE COURT: Go ahead.

15 MS. HANRAHAN: -- made the statement yet though.

16 THE COURT: Go ahead.

17 MR. GOWDEY: Well, at -- at a preliminary hearing,
18 I would note that it was the State that was trying to
19 discredit Sam because she refused to acknowledge the abuse.

20 MS. HANRAHAN: At the preliminary hearing -- and
21 that's not what we're talking about right here.

22 THE COURT: You're talking about the day that Sam
23 testified at the first day of trial here, correct?

24 MS. HANRAHAN: Yes.

1 THE COURT: Okay.

2 MS. HANRAHAN: Sam's first day of trial here.

3 THE COURT: So there's debate also as to whether
4 or not the children are parties to this action. And based
5 on the fact that they are the subject of this case, they are
6 parties to this action, because -- but for the children,
7 there won't be a case in a abuse and neglect court.

8 So they are parties as far as the meaning of
9 parties in respect to a party opponent. So you can talk
10 about what the kids say in this arena. If it's other
11 children that are not the sub -- four subject minors, then
12 you can't, because anything outside of the -- the four
13 children is hearsay. As far as her being -- the statement
14 that you're talking about happened on the first day of
15 trial. We're not talking about the preliminary statements.
16 I know nothing about that. I have no clue what happened at
17 that -- who was there, what happened, what was said, but
18 I'll allow you to answer that, Ms. Jackie. You can -- it's
19 a fair question that you can answer. Do you need Ms. Ha --
20 Hanrahan to repeat it?

21 THE WITNESS: Could you please --

22 THE COURT: Because I don't even remember --

23 THE WITNESS: -- just to make sure --

24 MS. HANRAHAN: Yeah, sure.

1 THE COURT: -- what it -- yeah.

2 MS. HANRAHAN: Yeah.

3 THE WITNESS: -- I'm answering it correctly?

4 THE COURT: Just so it's -- so you can answer
5 specifically to that question.

6 THE WITNESS: Okay.

7 BY MS. HANRAHAN:

8 Q I -- I had asked -- you know -- when she talked
9 you about the panic attacks, did she describe physically or
10 emotionally how it made her feel?

11 A She explained to me it made her feel -- her feel
12 about a time that when she was in trouble at home. And she
13 was in -- I don't know where -- she was in the bathroom, she
14 said. And -- and her mom had went to work and she started
15 crying. I asked her what's wrong.

16 She's -- she's like it -- and she started to get
17 very heavy breathing. She said that her dad had stood on
18 her chest and that she couldn't breathe. She -- she stopped
19 breathing. She said she thinks she stopped breathing, but
20 she just remembers waking up to David like doing this
21 (indicating) kind of thing to her, waking her up. And
22 that's what it felt like to her.

23 And she said something about she had a footprint
24 or shoe print -- shoe print on her chest and she's marked

1 right here that he stood here. And she thought she'd -- she
2 said I thought I died, but it was -- like my -- she goes
3 obviously, I didn't, she said, but I know I don't remember
4 after that. I remember waking up to David tapping her to
5 get her up is what she said. And that's what the attacks
6 felt like to her and that's what she said.

7 Q Felt like her dad standing on her chest?

8 A On her chest.

9 Q And when she talked to you about her dad, she was
10 talking about Mr. Brown or someone else?

11 A She only refers Mr. Brown as her dad.

12 Q Did she talk to you other times about her -- just
13 her general relationship with her parents?

14 A Sam -- no, Sam doesn't talk a lot about that.
15 That's Heidi who talks about that. Heidi -- Nikki --

16 Q Heidi talks about her relationship with her
17 parents or --

18 A Unh-unh (negative).

19 Q -- or Sam's relationship?

20 A About Sam's relationship with her parents. And
21 Sam does -- she talks, but not -- not like Heidi. So she
22 does -- yeah, Sam doesn't do a lot of talking. She just
23 says that she just doesn't understand. She doesn't
24 understand why it happened.

1 Q And do Heidi and Sam talk back and forth about --
2 at all about the things that happen in the home or --

3 A Whenever Sam does say anything, Heidi will correct
4 her a lot of times. Sam -- what Sam says is far less
5 intense than what Sam -- well, Heidi will say. Heidi will
6 correct -- Heidi just remembers a lot, a lot. I don't know
7 if you want me to talk about it, but I'm just saying that
8 Sam doesn't do a lot of talking. She kind of minimizes
9 situations and Heidi will say that's not true.

10 Q Do you have an example?

11 A Yeah -- my God. So when they were talking about
12 her teeth, I didn't -- I didn't even know Sam had two false
13 teeth in the front. And Sam said when Dad -- she referred
14 to it when Dad knocked out her teeth that one time and Heidi
15 goes which -- what do you mean one time, it happened twice.
16 And then it embarrasses Sam and she just -- she'll just shut
17 up. She'll -- she won't keep talking.

18 Sam will correct that situation. I mean, Heidi
19 will correct Sam. Sam doesn't minimize it. There was
20 another time when she's -- when Sam was talking about a
21 butter knife or something -- I have -- it's just so much
22 going on -- or had gone on at that time. And I just -- I
23 was kind of shocked and -- because Heidi --

24 Q What did she say about the butter knife?

1 A Dad threw a knife at her -- a butter knife,
2 something to that effect. And she said -- I asked her, I
3 said did you talk to Mom. I mean, I -- I don't know what to
4 say with the kids with this. And Sam says Mom didn't know
5 and Heidi will go yes, she did, yes, she did. Sam will --
6 Heidi will -- that's the kind of stuff they do.

7 There was the time with the teeth. That -- that
8 was apparently a very significant moment, because I didn't
9 know it happened twice. So that's -- at least that's what
10 Heidi said. And Heidi goes -- Heidi corrected Sam and goes
11 you -- you know what happened. She said -- because I said
12 well, where was Mom, didn't you have -- you should have told
13 Mom. And Sam will not say Mom was there, ever. And Heidi
14 goes yes, she was, because she left, she was pissed off at
15 Dad. And that's Heidi. That's exactly what she said, she
16 was pissed off at Dad and she left with you and she left us
17 there and she came back. That's what Heidi said.

18 Q Does -- how does Sam react when they're talking in
19 this way? Is she angry? Is she upset? Is she --

20 A She --

21 Q Does she have a physical reaction?

22 A Yeah, she regresses, almost childlike. She just
23 -- she -- her demeanor changes, shoulders slump. She -- it
24 -- it makes her cry, because she doesn't like to talk about

1 it. She gets -- gets very red and just will cry and that's
2 -- just gets quiet. It's almost like she goes from 18 to
3 five, very childlike demeanor.

4 Q And did -- did Sam talk to you ever about her
5 relationship with her mother other than the conversation
6 that you talked about where she said her mother didn't know?
7 Did she ever --

8 A She loves her mommy. Her -- that's what she calls
9 her, her mommy. That's like -- her school passwords was I
10 miss my mommy. The -- she loves her mom. She loves her
11 mom. She said they had a good relationship up until she
12 says like around five things started changing.

13 Q Around age five?

14 A She doesn't say. Yeah, she said it doesn't -- it
15 didn't -- she doesn't say what changed. She says it started
16 changing around and then when the girls were born, it was
17 very different, it was a very -- there was a disconnect.
18 But she doesn't say anything negative about her mom.

19 Q And did she ever talk about her mom's behavior as
20 being anything other than just normal in the household?

21 A She doesn't talk about Mom. It's -- she -- Heidi
22 will tell you about it. Sam doesn't -- like I said, it's
23 really difficult because she doesn't do a lot of talking,
24 but she just -- she says all the time Mom didn't know or Mom

1 wasn't there and then Heidi will correct her. And then
2 she'll say -- well, she just --
3 Q Does she --
4 A -- doesn't --
5 Q -- still say that or --
6 A No, she doesn't say that now. She just -- no.
7 She's different now. Sam has a new demeanor about herself.
8 Q You know -- having lived with Sam for two years,
9 would you characterize her as a violent person?
10 A A violent? No.
11 Q Violent.
12 A No, Sam's not a violent person at all.
13 Q So she's not violent toward her siblings or any of
14 the other kids --
15 A No.
16 Q -- in your house?
17 A She's extremely protective of the kids. Perfect
18 example -- do -- is that okay to --
19 Q Sure.
20 A There was a girl bullying Heidi, who -- she's the
21 tallest fifth grader I ever seen. She was as tall as Sam.
22 And it was fall festival.
23 Q The bully was the tallest fifth grader --
24 A Yeah.

1 Q -- that --
2 A She was --
3 Q Okay. Just to clarify.
4 A -- extremely -- she was tall like Sam. And Sam
5 was mad that this girl was bullying on Hei -- bullying Heidi
6 but she had a soccer game on this festival day. So from her
7 soccer game -- in Boulder City, everything is -- all the
8 schools are connected, one, two, three, four. So we were
9 here, Sam was here. So Sam ran from her soccer game at the
10 end to the festival. And then I was watching her and she
11 was whispering something to -- to Heidi and Nikki and then
12 they were pointing to the girl.

13 And so Sam made it very obvious to the girl and
14 everyone around that's my little sister, kind of leave --
15 leave me -- leave her alone. I -- I videotaped it. It was
16 cute. It was really cute and she hung out with the sisters.
17 And on our way out the door, Sam -- I mean not out the door,
18 out the school, Sam goes I don't think she's going to bully
19 you anymore. And Heidi's like I don't think so, because
20 she's seen the big sister. Do you know what I mean? And so
21 no.

22 Q Okay.

23 A Sam's very protective of the kids.

24 Q Did you and any of your other family members have

1 to lock yourselves in your room at night to protect
2 yourselves from Sam?

3 A No, we don't lock our -- the way our house is set
4 up, we don't lock our doors, because if the kids need us
5 (indicating) -- you know what I mean? They got to knock on
6 the door just like you would at any home and hey, whatever,
7 but we've never been ever woken up to anything like that.

8 Q Would you ever characterize Sam as a killer kid or
9 someone who is a danger to herself or others?

10 A No, absolutely not. Sam was playing soccer one
11 time and -- soccer? No, football. Football. And a girl
12 punched her. I mean, it's football. And Sam didn't do
13 anything. She's ju -- she's not aggressive at all. Sam is
14 not aggressive.

15 Q Did you ever see Sam try to harm herself?

16 A No.

17 Q No cuts? No --

18 A Well, soccer bruises or football bruises, but no.
19 No self harming. Happily, no.

20 Q Well, there -- was there ever a time that she got
21 hurt while she was living with you?

22 A Oh yeah. There was -- I mean, she played soccer
23 and football. They -- my husband likes to take the kids on
24 the trails. We live by Lake Mead and they went bike riding.

1 That was a major incident for Sam.

2 Q What happened?

3 A They were all -- it was about my husband and six
4 kids because you have to be six to one ratio.

5 MR. DRASKOVICH: I object. She has to -- she has
6 to -- she wasn't there. I mean, she -- she -- I submit that
7 she can only testify as to what she saw --

8 THE WITNESS: Okay. Well --

9 MR. DRASKOVICH: -- not what somebody else told
10 her, so --

11 THE WITNESS: No, actually --

12 MS. CALVERT: Well --

13 THE WITNESS: -- it's -- I picked up my husband
14 and six kids --

15 MR. DRASKOVICH: Ma'am, there's -- there's an
16 objection --

17 MS. HANRAHAN: So --

18 MS. CALVERT: -- pending.

19 THE COURT: Hold on. So make sure the question is
20 that she can be -- have personal knowledge of it.

21 MS. HANRAHAN: Right.

22 BY MS. HANRAHAN:

23 Q And so what was it that you -- how did you first
24 hear about what happened --

1 A I got a --
2 Q -- that day?
3 A -- phone call from my husband, who was with.
4 MR. DRASKOVICH: Objection. Hearsay.
5 THE COURT: Sustained.
6 MS. HANRAHAN: Okay. Just the fact that she got
7 -- she was informed of something by a phone call from her
8 husband is simply foundational and --
9 THE COURT: Right. You can ask that --
10 MS. HANRAHAN: -- explains how she --
11 THE COURT: -- but she said he's -- he was -- she
12 was going to say what he said. So you wouldn't know this
13 because it's what lawyers and what we do here is that
14 anything that somebody tells you, they have to be here to
15 testify to that. So if your husband told you something,
16 they would have to have him be on the stand. So only
17 testify as to what -- not -- not what someone else told you.
18 MS. HANRAHAN: And -- and Your Honor, I mean, it's
19 on -- being offered to show why she did what she did as
20 well. I mean, apparently -- or obviously, she reacted some
21 -- in some fashion since she's the person who cares for this
22 child, so --
23 THE COURT: Okay.
24 MS. HANRAHAN: It's --

1 THE WITNESS: Do you want me to --

2 MS. HANRAHAN: -- certainly wouldn't be offered
3 for not the truth of whatever he told her, but for why she
4 reacted as she did.

5 THE WITNESS: I can flash forward to being at the
6 hospital with her. Is that what you're saying, for whatever
7 --

8 MS. HANRAHAN: You can do that.

9
10 THE WITNESS: -- Sam told?

11 THE COURT: That --

12 THE WITNESS: I don't know.

13 MS. HANRAHAN: That's fine.

14 THE COURT: I can't tell -- I can't ask --

15 MS. HANRAHAN: It's not --

16 THE COURT: Ms. Hanrahan will ask you the
17 questions.

18 MS. HANRAHAN: It's not that big a deal. It --
19 that's fine.

20 BY MS. HANRAHAN:

21 Q So --

22 THE COURT: Okay.

23 Q -- somehow -- we don't know. You just went to the
24 hospital with Sam.

1 A Right.

2 Q And did you -- did Sam undergo some treatment at
3 the hospital?

4 A We started at Boulder City Hospital, Sam and I,
5 and this is after the fact, at the moment. This is just her
6 and I. We went from Boulder Hospital to -- I think it's
7 Children's. I can't remember the name.

8 Q Sunrise Children?

9 A Sunrise Children. I had transported her because
10 there was, during her injury, a female -- she was a little
11 embarrassed, but -- and hurt. There was an injury to her
12 female area.

13 And so once at Sunrise, she was treated there.
14 The doctor called me in. Pretty sure -- I know I -- I think
15 I contacted -- I think it was Mom. I think it was Mom,
16 because we had insurance information that I needed because
17 they have their own insurance. Explained to her br -- very
18 briefly what was going on because Sam was still being
19 treated.

20 It was -- I went back into the room with Sam. The
21 doctors asked me whether or not I wanted to stay because Sam
22 wanted me to stay. And because it was in her female area, I
23 didn't want to intrude. I felt a little uncomfortable
24 myself.

1 So I called my supervisor. I'm like can I be in
2 the room with her, she wants me to be there, I don't know,
3 you know -- anyway, I ended up being in the room and the
4 doctor explained to me as well as showed me the nature of
5 her injuries because there was going to be aftercare that
6 she would need help with. That's pretty much --

7 Q And do you know what the diagnosis was, the -- of
8 the -- the cause of her injuries?

9 A Yeah, she injured -- I don't know the technical
10 terms.

11 Q Well, I mean, did --

12 A In her female --

13

14 Q Let me --

15 A -- area.

16 Q Let me ask you this.

17 A Yeah.

18 Q Did the doctor talk to you about the cause of the
19 injury?

20 A Yeah.

21 Q And did you communicate to him what your
22 understanding of it was or did Sam tell him how it happened?

23 A Sam told him what happened.

24 Q And what did Sam tell the doctor had happened?

1 A That she was riding the bike. When she hit the
2 brake, she slid and went over.

3 Q Now did the doctor challenge that at all or have
4 any concerns about that story?

5 A No --

6 Q Okay.

7 A -- because initially she was scraped up and didn't
8 realize -- I think she was in shock, she bit it over the
9 bike. She started to walk and it was painful, so that's
10 when they were checking her female area.

11 Q Okay.

12 A And this is what I know and what I've seen. And I
13 believe it was the left side of that area was extremely
14 purple. Only on the left side. And there was like a two --
15 whatever -- about this lashed -- he said the number two
16 something. I don't know if he said inch or millimeter or --
17 it was about that big of a laceration on the inner area, but
18 it did not affect her in any other way. It was just a big
19 -- he called it something. It was a bru -- a huge bruise
20 and she was extremely swollen.

21 Q Okay.

22 A And --

23 Q So that -- and did she have to get stitches or --

24 A Yeah, they said they were going to do --

1 Q Okay.

2 A -- the stitches. And then they were talking about
3 doing surgery is what they said, putting her out, because of
4 the sensitive area. And so she --

5 Q Okay.

6 A -- ended up staying overnight and I stood with her
7 the whole time. And they ended up doing her stitches --
8 like they took her up to labor and delivery area. And
9 that's when -- and her attorney ended up coming that -- I
10 believe -- believe around that time or we called her. --

11 Q Okay.

12 A -- or something to that effect. No, I called her
13 and let her know what was going on. I called her. And they
14 stitched Sam up at -- over by the labor and delivery. They
15 did the numbing and took care of her injuries.

16 Q So now you said she got some other bruises from
17 playing Soccer or football?

18 A Yeah, a couple times. She got kicked. One time
19 she -- because she was a goalie. She got hit in the head.
20 And so we had to take her. The trainer said that she had --

21 Q And how -- how would you find out about those
22 injuries?

23 A How?

24 Q Yeah.

1 A If it was at her soccer game, we were at -- yeah.
2 Q Okay.
3 A Yeah, so we were there.
4 Q And so you saw -- yeah.
5 A Yeah. So yeah, we were at the soccer game and
6 then they called -- they called us because they were on the
7 field and we were in the stand and said that we should
8 probably take her because she had symptom -- symptoms that
9 were reminiscent of a concussion. And so she was taken to
10 the hospital. And the doctor said she didn't have a
11 concussion, but we would treat her with -- you know, just
12 watch her and monitor her, but she didn't have a concussion.
13
14 Q Okay.
15 A But it was from the game.
16 Q All right. Do you know -- like, had she ever
17 played sports before or --
18 A She said no. Not before coming to live with us.
19 Q Did you ever have disagreements with Sam?
20 A We have disagreements all the time with Sam.
21 She's not -- you asked earlier, so I kind of chuckled.
22 She's not physically aggresses -- aggressive, but Sam's come
23 in to her own voice. She's a voice and she wants to be
24 heard, so she's very argumentative, very. Sometimes it's

1 good, sometimes you just gotta breathe and walk away just
2 like you would any other parent. But she ha -- always has
3 this need to defend what she feels. So --

4 Q And --

5 A But you know, that's any 18-year-old kid I think
6 at this point.

7 Q Is that something different than how she was at
8 first?

9 A At first, yeah. There was. It was I accept and
10 that's it. She didn't have a voice. So it's kind of -- for
11 me, it's -- she's empowered herself which is exactly what I
12 hope for --

13 Q Okay.

14 A -- because she did -- she really was very meek at
15 -- at first.

16 Q Did you ever have to give he consequences for
17 anything she did or --

18 A I mean, yeah, but yeah. Normal. I mean, I can't
19 think of anything extreme. She's a good kid. I don't -- at
20 the class, she get's As and Bs in school, she's in some
21 honor classes. She -- she's not -- she's a good kid, she
22 really is. Well, she's not a kid anymore --

23 Q So --

24 A -- but --

1 Q Well, other than dealing with the emotional issues
2 around this case, would you characterize Sam as a normal
3 teenager?

4 A I -- I would --

5 Q Having been a foster mom for 17 years and probably
6 had some other teenagers, I'm guessing?

7 A Lots of them. Yeah, Sam at this point is -- is
8 what I would consider my normal teenager. If anything,
9 she's more -- she's very naive. Very innocent like, but not
10 -- not a bad way. She's just -- she's very innocent.
11 That's just -- there's no other way to say that for me.
12 She's very -- she's 18, not 18 acting 25 kind of thing.
13 She's just your 18-year-old kid. She wants to go to the
14 mall, shopping, and works and is working out every day
15 because she's dropped quite a bit of weight now getting
16 ready to go into the military.

17 Q So I mean her behavior was never anything that you
18 requested her removal from your home or --

19 A No, I've never requested a removal for any of the
20 kids.

21 Q And then you talked a little bit about it. How
22 did Sam do in school?

23 A She did really good grades wise. She had a
24 smaller group of friends, but not for anything other than --

1 she's not your average 18-year-old. She's still very -- I
2 guess for lack of better terms, kind of untouched. She's
3 your innocent kid.

4 Q Did she --

5 A Likes simple things.

6 Q Did she go to prom or other dances --

7 A Yeah, she did.

8 Q -- or school activities?

9 A Uh-huh (affirmative). She went to prom this year.
10 She went to homecoming last year and this year. Couple
11 dances. She's not too much into that.

12 Q Okay.

13 A Couple dances.

14 Q Sam have a job?

15 A Yep, and in fact, she's been at McDonald's for a
16 year and -- going on a year and a half. She just got a
17 raise. She's had the same job since she started it.

18 Q Okay. And did she recently graduate from high
19 school?

20 A Sure did. Uh-huh (affirmative). She just
21 graduated Boulder High. She could've graduated earlier, but
22 she wanted to play sports. So technically Sam had enough
23 credit to graduate -- well, she graduated this year but she
24 could've graduated like December last -- or the year prior.

1 Q Okay.

2 A Sam's been ahead of --

3 Q She's -- she --

4 A She's -- and took a full course. She only needed

5 like four classes, she took full six classes.

6 Q What -- what grade was she in when she came to

7 you?

8 A End of --

9 Q You said --

10 A -- the sophomore.

11 Q End of sophomore --

12 A End of 10th.

13 Q -- year. So she's --

14 A Yes.

15 Q -- finished her last two years in your home.

16 A Yeah, so like --

17 Q Last two years of high school?

18 A -- the last three weeks of school, she finished

19 out of Boulder High School and she went junior, senior. So

20 two and change.

21 Q So you talk about Ni -- Heidi and -- and how she

22 talks about Sam's relationship her parents. What about

23 Nikki? Does she talk about life with her parents at all or

24 --

1 A Very few -- very little things Nikki's ever said.
2 Nikki doesn't want to talk about things. Nikki's very
3 quiet.

4 Q And Wyatt? Does he talk about life with his
5 parents or does he even --

6 A Yeah, I mean, he brings up his mom and dad and he
7 -- you know, he -- he's -- he was four when he came with
8 us. That's his mom and dad. That's Mommy and Daddy to
9 Wyatt, but he doesn't talk about them like on a daily basis.
10 He's got his pictures and we keep that close to him. He
11 likes to keep his pictures close. So he does, you know, go
12 to his pictures when he's feeling those -- you know, feeling
13 those needs to reconnect.

14 Q Okay.

15 A But I mean, no, he doesn't always talk about Mom
16 and Dad. Little things will remind him. You know what I
17 mean? He'll -- my mom and dad this or he'll remember
18 situations that -- or maybe something he did at home.

19 Q Okay. So all the kids healthy --

20 A Yeah.

21 Q -- physically?

22 A Yeah.

23 Q And are they doing well in school?

24 A Oh, they're all doing really good in school.

1 Nikki's got -- she's funny, because she's had since her
2 whole time being with us, she's a straight A. She's a
3 straight A student. She had last year the -- not last year,
4 the year before, she had that presidential letter for
5 receiving straight As all four semesters. And then she was
6 really, really mad. She -- I mean crying mad her last
7 quarter. And I said what's wrong and she's like I got a bad
8 grade and I said what's -- what's -- what do you mean. She
9 had a B plus. She was so mad. She -- I said oh my God,
10 that's horrible, let's go to McDonald's, come on. I mean,
11 she's -- but she's very -- she's on top of her school.

12 Q Okay.

13 A She loves it. Nikki's had straight As except for
14 her B plus last quarter of last year, meaning they just
15 finished out this year -- excuse me, this year.

16 Q Okay. So now you have -- yourself had some
17 interactions with Ms. Lawrence and Mr. Brown?

18 A I did. I've picked up presents that they had given
19 to the kids. I've talked to them on the phone about medical
20 stuff and they've asked me, you know, how are the kids
21 doing, but very, very minimal.

22 Q Okay. So were there gifts provided for the kids
23 this past summer? During the summer?

24 A I think it was 4th of July was the last time. I

1 could be wrong. I don't know, but I took pictures of it.
2 It's at home. But -- well, it's not at home, it's on my
3 phone, I guess. But I think Maryte dropped off some stuff I
4 believe it was.

5 Q And --

6 A And --

7 Q -- were there gifts for Sam for her birthday?

8 A Yeah, there's always something for all of the
9 kids. Oh wait, for her birthday, it was a birthday banner.

10 Q Her 18th birthday.

11 A It was a birthday banner, yes.

12 Q Birthday banner. Okay.

13 A Uh-huh (affirmative).

14 Q Now -- and from the parents.

15 A Yes.

16 Q Okay.

17 A And that's -- yeah, that's what they told me.

18 Q Did they -- did you ever have the opportunity to
19 talk to them about their kids or did you --

20 A Talk to the --

21 Q -- have that extensive of interaction with them?

22 A Yeah, we've interacted on the phone sev -- quite a
23 few times, because there's -- there was such an issue with
24 the medical insurance stuff.

1 Q Sure.

2 A And it was just kind of difficult to go from me to
3 to them to Maryte. And so finally I said can I just call
4 them, I need to get this information, I have appointments to
5 make. And she said go ahead, so I did.

6 Q Okay. Now what about extended family? Do you --
7 have you facilitated visits with them?

8 A Uh-huh (affirmative). Grandpa lives -- grandma
9 and grandpa from Texas. I believe I facilitated all of
10 their visits. I'm pretty sure I have. Their Aunt Rita (ph)
11 came up. We met her daughter and son. I met them briefly
12 at DFS because actually Maryte did that visit, I just
13 dropped off. But Rita did. There was another visit that we
14 did and --

15 Q And do you have phone visits with their Aunt Rita
16 that --

17 A Yeah.

18 Q -- you facilitate?

19 A It's hard sometimes. Maryte and I just talked.
20 It's like hard to connect because I actually thought she was
21 two hours ahead and she's only one hour. So we've kind of
22 just mutually agreed why don't I just ask the kids to call
23 you. So their phone number's pasted right there on the
24 phone so that they can call Aunt Rita cause, I mean, I've

1 got eight kids. Some days appointments are everywhere and
2 they're going until 7:00 o'clock in the night. So I --

3 Q All right.

4 A -- told the kids --

5 Q Right, okay.

6 A -- you guys gotta help me remember, you gotta call
7 your aunt.

8 Q Now did you -- did the parents have any family
9 friends that wanted to visit or come to your house or you --

10 A If that's what you call their intent, there was
11 Paul (ph). Yeah, that was kind of a very unsettling
12 situation. It was kind of scary.

13 Q What happened? And who was that?

14 A So I can --

15 Q Paul --

16 A I don't remember the -- starts with an L.

17 Q Louise (ph)?

18 A Louise, Louise. Yep.

19 Q What happened?

20 A I can only tell you what I seen on the videotape I
21 guess just based on what you guys said earlier. I wasn't
22 there, my husband was there, but I've --

23 Q Where were you?

24 A -- seen the videotape. I -- in fact, I was in

1 court with the kids.

2 Q And what happened? Did you get a message about
3 something that happened?

4 A I got a text. I left the -- the courtroom and my
5 husband said there's this guy who just walked into our
6 house.

7 MR. DRASKOVICH: Objection. Hearsay.

8 BY MS. HANRAHAN:

9 Q Okay. So --

10 THE COURT: Sustained.

11 Q What did you do after you got the phone call -- or
12 the text?

13 A I called my supervisor and said can you please
14 either send the police there or you guys, my husband is at
15 home with the kids and someone just walked into our living
16 room unannounced.

17 Q And did you become aware by viewing a videotape
18 that -- well first of all, where was this -- where was the
19 camera that would've recorded it?

20 A If this is my house, the camera is right here
21 (indicating). So it has a direct vision of my front door.
22 My house, the gate, the camera, steps. You see him, I seen
23 it. There's no --

24 MR. DRASKOVICH: Okay.

1 A -- video camera --

2 MR. DRASKOVICH: I'd object as to her describing
3 what was on the tape. We have not been provided a copy of
4 --

5 THE WITNESS: Oh, lord.

6 MR. DRASKOVICH: -- this video.

7 THE WITNESS: Okay.

8 THE COURT: Sustained.

9 BY MS. HANRAHAN:

10 Q So were you concerned about Mr. Louise for any
11 other reason besides that incident?

12 A They ke -- his wife kept calling me crying and --
13 and he kept calling --

14 MR. DRASKOVICH: Objection. Hearsay.

15 THE WITNESS: If I picked up the phone, that's
16 hearsay?

17 MS. HANRAHAN: No.

18 THE WITNESS: Oh, cause I was on -- the one who
19 picked up the phone.

20 MR. GOWDEY: Her saying that she's cry -- you
21 saying that she's crying --

22

23 BY MS. HANRAHAN:

24 Q Did you --

1 MS. DORMAN: It's not hearsay.

2 Q Did -- did --

3 THE COURT: Okay.

4 Q Did you take any action with regard to the Louises
5 based on your concern?

6 A I did. After I had asked her several times very
7 nicely -- you gotta stop calling me, I can't -- I can't do
8 this. She didn't stop. Her husband kept calling. It just
9 was all within the same day. Kept going and I kept telling
10 him the same -- they kept explaining to me that they were
11 family --

12 MR. DRASKOVICH: Objection. Hearsay.

13 BY MS. HANRAHAN:

14 Q So did you take any --

15 THE COURT: Sustained.

16 Q -- action --

17 A I did.

18 Q -- as a result?

19 A I called my supervisor and said what do we do, I
20 can't have them doing this because kids pick up the phone in
21 the house. And so we actually went to the police station
22 and a -- a restraining order was filed.

23 Q Okay. To your knowledge, did they live near you
24 in Boulder City?

1 A Oh yeah, they -- he pointed out to me on the phone
2 that if I walk out my back door --
3 MR. GOWDEY: Objection. Hearsay.
4 A -- and look at my --
5 THE COURT: Sustained.
6 BY MS. HANRAHAN:
7 Q Did you become aware that he lived near you?
8 A Pardon?
9 Q Did you become aware that he lived near you?
10 A He made me aware. He did.
11 Q Okay. Now you talked a little bit about the kids
12 -- like you're busy till late at night. So --
13 A Oh yeah.
14 Q -- the Lawrence Brown kids have regular
15 appointments that you have to take them to --
16 A Oh yeah, they have --
17 Q -- at a schedule?
18 A Yeah.
19 Q What kinds of appointments do they have?
20 A Well, I mean --
21 Q Or activities that you have to --
22 A Well, going back to Sam, we had soccer practice
23 three, four, five times a week sometimes. Same with
24 football. Football was every day. So every day we had

1 that. We had games. We have therapy that's every week.

2 Then we have treatment --

3 Q And then that therapy's in Las Vegas --

4 A Las Vegas.

5 Q -- or Boulder City?

6 A Las Vegas.

7 Q Las Vegas Okay.

8 A Yes, I mean, we have regular routine medical
9 appointments that occur every six months. You have Sam's
10 orthos that are six to eight weeks, and that's what they
11 would say. They're off now, but the -- I mean, yeah, we
12 have --

13 Q Okay.

14 A But that's them plus my other kids. They're not
15 the only appointments that I have.

16 Q Okay. Jackie, are you an adoptive resource for
17 these children if parental rights are terminated as a result
18 of this trial?

19 A Yes.

20 Q And is that -- are these children integrated into
21 your family such that you think of them as members of your
22 family?

23 A Yeah, they're -- I mean, yes. It's been for two
24 years and a half almost. Absolutely.

1 Q Do you feel that they function as siblings to your
2 children?

3 A We're -- we're not family. We're not related by
4 blood. We're just related by love. That's what we are.
5 We're not -- and I tell them all the time we don't have
6 blood ties, but we have love ties and they know that. They
7 know that. And we each offer unique stories to bring to the
8 table. You know?

9 They -- they get along well and then they don't
10 get along well. I have a house full of teenagers, you know?
11 Well, 12 and -- and then Tatum (ph) and Wyatt, they're kind
12 of in their own little world. They're five and seven, so
13 their big arguments are Pokemon and then their biggest fun
14 stories are Pokemon. So yeah, they're -- it is a very
15 unique structure and --

16 Q And --

17 A -- it works for us.

18 Q But you're committed to adopting the kids and
19 raising them to adulthood if that's -- if parental rights
20 are terminated?

21 A We're consider -- yes, we're -- we are, yes.

22 MS. HANRAHAN: Thank you. I have nothing further.

23 THE COURT: All right. This side. Do you wanna
24 start, Mr. Draskovich?

1 MR. DRASKOVICH: Yes, thank you.

2 CROSS EXAMINATION

3 BY MR. DRASKOVICH:

4 Q Ma'am, the -- the children -- subject children
5 have been in your home for over two years now, correct?

6 A Correct.

7 Q And they've been attending counseling at Healthy
8 Minds?

9 A Uh-huh (affirmative). Yes.

10 Q Yes? And there's communication between yourself
11 and their counselors?

12 A Therapist, yes.

13 Q Okay. And you agree through the course of the two
14 years that Sam has been in your home, there's been issues
15 concerning angry outbursts that she has towards her
16 siblings?

17 A Arguments? Yes.

18 Q Angry outbursts.

19 A No, Heidi has angry outbursts.

20 Q Okay.

21 A Sam is not like that.

22 Q So it's your testimony then that Samantha has not
23 had an issue with angry outbursts towards Heidi.

24 A They've -- yeah, they've had arguments. I don't

1 know what you're saying with angry outbursts. They argue a
2 lot.

3 Q You agree with me you had a discussion with
4 Healthy Minds concerning the -- and I'm using these specific
5 words, angry outbursts, on -- on behalf on Samantha?

6 A Yes.

7 Q Okay. So then it's not a word that I'm making up?
8 Angry outbursts has been a word that --

9 A I think --

10 Q -- been --

11 A -- that's the therapeutic version of arguing --

12 Q Okay.

13 A -- a lot, yes.

14 Q There's also been some concern regarding Samantha
15 being manipulative in the home.

16 A As is Heidi. Correct, yes.

17 Q Okay. But my question, ma'am, concerns Samantha.
18 There's been concerns with Samantha's --

19 A Yes, it is correct. Samantha can tend to be a
20 little manipulative, yes.

21 Q In reference to the injury that you had discussed,
22 the one that -- where you -- she was taken to Boulder City
23 Hospital and then ultimately transferred to Sunrise.

24 A Uh-huh (affirmative).

1 Q That occurred in September 27th, 2014.

2 A Okay.

3 Q If I told you that, would you have any reason to

4 disagree with me that that's the date that this occurred?

5 A I don't remember the date because I said I have

6 eight kids. And I don't remember the date, but yes, that

7 happened. I took her, yes.

8 Q And you'll agree that she was -- a fairly severe

9 injury that Samantha had suffered?

10 A It -- it was an injury, yes. It was -- yeah, it

11 was traumatic for her.

12 Q Absolutely, she was diagnosed with having a golf

13 ball sized hematoma in her inner labia, correct?

14 A Correct.

15 Q As well as a lacer --

16 A That's the word I said I couldn't remember. Yes.

17 Q As well as a laceration to the other labia,

18 correct?

19 A Yes, on the inner version. Yes.

20 Q That required surgery?

21 A Stitches.

22 Q Okay.

23 A They didn't do surgery.

24 Q Okay. They numbed it?

1 A That's what they said. They said that she didn't
2 need surgery, that they were going to numb the area and do
3 the sutures.

4 Q She also underwent an internal ultrasound to check
5 for any other internal injuries, correct?

6 A Yeah, makes sense.

7 Q Yes.

8 A They didn't do -- actually, they didn't do
9 internal vaginal, they did here (indicating).

10 Q Okay. So it was an ultrasound --

11 A Exactly.

12 Q -- that was conducted.

13 A They didn't do the other one.

14 Q In reference to the letter that you had discussed
15 earlier in your testimony that Sam had written.

16 A Yeah, the letter. Correct.

17 Q You had directed her to write something before she
18 wrote it, correct?

19 A I directed her to journal.

20 Q Okay. So you directed her to write?

21 A Journal.

22 Q Is journal writing?

23 A Journaling is journaling.

24 Q Okay. So how do you put the words on the paper in

1 journaling if you're not writing?

2 A Okay. If you want to call it write, it's write.
3 It's journaling.

4 Q So this wasn't a spontaneous letter that she
5 wrote? She wrote this letter at your direction?

6 A We were discussing coping skills. She was having
7 a hard time with it and I said journal your thoughts.

8 Q So you directed to write something? It was at
9 your direction?

10 A Okay. Yes. If you want me to say that, yes.

11 Q And --

12 MS. HANRAHAN: Your Honor, and I'm gonna object as
13 to that characterization. She testified she made a
14 suggestion as to how Sam could deal with her -- her
15 feelings. She didn't direct her to write, she made a
16 suggestion.

17 MR. DRASKOVICH: And that's open for argument at
18 the close of this proceeding.

19 THE WITNESS: I didn't tell her to write a letter.

20 MR. DRASKOVICH: Ma'am, there's not a --

21 THE COURT: Hold on.

22 MR. DRASKOVICH: -- question pending.

23 THE COURT: The Witness stated she discussed her
24 coping skills.

1 BY MR. DRASKOVICH:

2 Q And this occurred right before the preliminary
3 hearing in the criminal case, correct?

4 A Yeah, within that time frame.

5 MR. DRASKOVICH: Thank you. I have no further
6 questions.

7 THE COURT: All right. Thank you, Mr. Draskovich
8 and Ms. Calvert. And then we'll ask Ms. Honodel --

9 MR. GOWDEY: I -- I definitely have some
10 questions.

11 THE COURT: Okay.

12 CROSS EXAMINATION

13 BY MR. GOWDEY:

14 Q Would you characterize Sam as being bossy?

15 A A little bit, yeah.

16 Q Would you characterize Sam as yelling a lot?

17 A Unh-unh (negative).

18 Q So if Nikki says that Sam -- if Nikki told her
19 therapist that Sam yelled at her a lot, you would -- you
20 would dispute that characterization?

21 A I don't consider it yelling, I consider it
22 arguing. Yelling would be --

23 Q Doesn't --

24 A -- an extremely elevated voice. Sam doesn't get

1 like that, she just gets argumentative.

2 Q And so are you aware whether Nikki considers it
3 just arguing or yelling?

4 A I don't ask Nikki what she tells her therapist nor
5 do I ask any of the kids.

6 Q Did you --

7 A So I don't know what she told her therapist or
8 what she categorized it as.

9 Q Did you have a conversation with Ms. Lawrence and
10 Mr. Brown on December 24th, the Christmas Eve this last
11 year?

12 A I believe so. We picked up presents in the
13 Albertsons parking lot.

14 Q Did you tell Ms. Lawrence and Mr. Brown that your
15 husband had no interest in adopting their children?

16 A Uh-huh (affirmative). Because they asked me.
17 That's not -- well, actually, that's not completely correct.
18 They said -- she said specifically they said you want to
19 adopt my kids. And I said -- we're not -- we have never
20 said we're going to adopt your kids. We are listed as an
21 adoptive resource and I explained to her what an adoptive
22 resource was.

23 Q Did you tell --

24 A And at this point -- well you asked me and I'm

1 gonna finish my sentence. And I explained to her what
2 adoptive resour --

3 Q Well you can finish it as long it's responsive to
4 my question.

5 A It's part of the question.

6 Q Are you finished?

7 A Do you want the answer?

8 Q Are you finished?

9 A If you want me to finish, I'll stop.

10 MS. HANRAHAN: Your Honor, he doesn't have to
11 argue with --

12 MS. DORMAN: She clearly isn't done answering the
13 question and --

14 MS. HANRAHAN: -- with the witness.

15 MS. DORMAN: -- he's arguing with her.

16 MR. GOWDEY: My question really required a yes or
17 no answer. I mean --

18 MS. DORMAN: Then make an objection, don't argue
19 with the witness.

20 THE COURT: Okay. So finish -- finish your
21 question, but be specific as to what he asked you. And then
22 your attorneys can follow up if they want something else to
23 be --

24 THE WITNESS: All right. What exactly do you want

1 me to answer?

2 BY MR. GOWDEY:

3 Q Did you tell Mr. Brown and Ms. Lawrence that your
4 husband had no interest in adopting their children?

5 A No.

6 Q Okay. But you previously answered yes.

7 A No, you interrupted me and I was explaining to you
8 how I answered.

9 Q Okay.

10 A Do you want me to explain or no?

11 Q No.

12 A Okay.

13 Q Thank you. How many times have Samantha, Nikki,
14 and Heidi and Wyatt been to the doctor since they been in
15 your care?

16 A You want me to tell you how many times?

17 Q If you can.

18 A I have no idea. I know that they go every six
19 months for certain checkups. Theirs lasts a little longer
20 because of the insurance issues that we kind of had, that
21 both Mom and Dad have helped me to get the information and
22 get going. So theirs isn't gonna be quite every six months.
23 But besides that, they've gone to the doctor's a few times.
24 Wyatt just went the other day. I mean, I don't know the

1 exact number; however, it's all documented.

2 Q How many times does Hei -- has Samantha been to
3 the doctor as a result of -- of injuries suffered since
4 she's been placed with you? And -- and I'm talking about
5 accidental injuries. Any -- any type of injuries.

6 A I don't know the number because I don't have my
7 book.

8 Q More than once?

9 A Of course, yeah. Well, I mean --

10 Q More than five times?

11 A Yeah, she plays sports. Yeah.

12 Q More than 10 times?

13 A Yeah.

14 MS. HANRAHAN: Could we get a clarification as to
15 what an injury is? I mean, is it --

16 MR. GOWDEY: Anything that would require a
17 specific trip to the doctor as a result of --

18 MS. HANRAHAN: A trip to the doctor. Okay. I
19 didn't hear that.

20 A Besides her regular routine appointments?

21 Q Yes, outside of her regular routine appointments.

22 A She had several injuries in soccer, several in
23 football, the bike incident that we just spoke about, the
24 panic attacks. I don't know the specific number exact.

1 Q Would you characterize her as clumsy?
2 A Not really, no.
3 Q Have you had what you would characterize to be
4 discipline issues with Samantha?
5 A Sam doesn't like the word no along with the seven
6 other kids I live with.
7 Q So have you had discipline issues with her as a
8 result of that?
9 A Yes, but not aggressive.
10 Q Okay. Has she ever lied to you?
11 A Uh-huh (affirmative).
12 Q I'm sorry, is that a yes?
13 A Yes, she has lied.
14 Q How many times has she lied?
15 A Couple times, maybe.
16 Q A couple times that -- that you caught her in?
17 A Yeah, probably that I caught her in, yeah..
18 Q And what happened -- what was one of those times?
19 A One of them was when she went to -- the heck was
20 that? DECA -- her DECA event. She forgot to give me the
21 permission slip and waited last minute. And I explained to
22 her we can't do things last minute, there's too many kids, I
23 need you to be more actively responsible with giving me this
24 stuff.

1 So she apologized and what she lied to me about
2 was needing money. So she was gonna go to this DECA event
3 and because she didn't tell me on time, she didn't want to
4 tell me she needed lunch money. What she didn't know is I
5 had already called and they -- she was supposed to take \$40,
6 so I gave her 40. So she lied to me about needing money.
7 She was just gonna go without any.

8 Q And how about another time?

9 A Prom night. They went to the Denny's in Vegas
10 instead of the Denny's in Henderson.

11 Q Why would she feel the need to lie to you about
12 that? If you know. If you know.

13 A Because she's 18. I don't know what other
14 explanation it would be. She's 18. When I -- do you want
15 me to know what she said, why they went in Vegas?

16 Q I'm sorry?

17 A Would you like me to tell you why she told me she
18 lied?

19 Q Sure.

20 A Okay. Cause she wanted to see the Stratosphere,
21 because that's what her mom did.

22 Q Okay. Did she ever lied to you other than that?

23 A No, not really. Not --

24 Q You referred to restrictions that the kids had

1 when they first came to live with you, that they were placed
2 -- I guess placed on you by DFS?

3 A Restrictions? I don't --

4 Q Yes.

5 A -- understand what you mean.

6 Q You -- you said when they first came to live with
7 you that there were -- there were restrictions.

8 MS. HANRAHAN: And Your Honor --

9 A I'm not sure I --

10 MS. HANRAHAN: Her testimony was that because it's
11 St. Jude's that there's other restrictions.

12 A I guess I want to clarify --

13 THE COURT: Oh, okay.

14 A -- so I answer you correctly. What do you mean by
15 restrictions?

16 Q Well, as Ms. Hanrahan just said, when you began
17 your testimony, you said that -- that the children had
18 restrictions trying to find out --

19 MS. HANRAHAN: And again, misstates the testimony.
20 She didn't say the children. She said because it's a St.
21 Jude's home, there are restrictions that there aren't in
22 some other foster homes.

23 THE COURT: Okay.

24 MS. HANRAHAN: That was her testimony.

1 BY MR. GOWDEY:

2 Q What restrictions would there be in St. Jude's
3 that aren't in other foster homes that you would've referred
4 to?

5 A A community based foster care home has less
6 restrictions. The group home, I guess if you want to call
7 it that, St. Jude's Ranch for Children, there are actually
8 -- there are more rules set in place to maintain the safety
9 of all the kids.

10 Q You indicated that you've had fairly substantial
11 contact with Mr. Brown and Ms. Lawrence, correct?

12 A I have spoken to them, yes.

13 Q Would you characterize them as -- as being very
14 interested in what is going on with their kids at this
15 point?

16 A Very much. We're very friendly. I've never had
17 any negative conversations with them. The -- they're two
18 parents.

19 Q Would it appear to you that they have tried --
20 they're -- they're trying to do everything they can to get
21 their children back?

22 A They've communicated --

23 MS. HANRAHAN: Objection.

24 THE WITNESS: Sorry.

1 MS. HANRAHAN: Calls for speculations, not
2 something she would know.

3 THE WITNESS: Yeah, the --

4 BY MR. GOWDEY:

5 Q Have they communicated --

6 THE COURT: Sustained.

7 Q -- to you that they're trying to do everything
8 they can to get their children back?

9 A They have communicated that they love their kids
10 and they're doing everything they can, yes.

11 Q And that they want them back very, very much?

12 A That's what they've said, correct.

13 Q And do you have any reason to doubt that?

14 A Huh? No, I don't.

15 MS. HANRAHAN: Objection. Again, gosh, she --

16 THE WITNESS: I don't know.

17 MS. HANRAHAN: -- she can't speculate --

18 THE COURT: Sustained --

19 MS. HANRAHAN: -- about --

20 THE COURT: -- because --

21 MS. HANRAHAN: -- what they really want.

22 MR. GOWDEY: I'm asking if she has any reason to
23 doubt it.

24 MS. HANRAHAN: Your Honor --

1 MR. GOWDEY: I'm not --
2 MS. HANRAHAN: -- again --
3 MR. GOWDEY: -- asking her if she know what's in
4 somebody else's mind, if she has any reason to doubt that
5 they --
6 MS. HANRAHAN: Well --
7 MR. GOWDEY: -- expressed --
8 MS. HANRAHAN: -- again --
9 MR. GOWDEY: -- they want their children back.
10 MS. HANRAHAN: -- how is she going to know unless
11 she knows what's in their mind?
12 THE COURT: Right, I -- I think that she made it
13 clear that they have -- they seem concerned about their kids
14 and they have a co -- communicated a desire --
15 THE WITNESS: Uh-huh (affirmative).
16 THE COURT: -- to get their kids back in their
17 care, but anything after that, I don't know how they would
18 -- she would know anything about any case plan, anything
19 having to do with anything besides what they've told her or
20 what she already testified to that they want their kids back
21 and they're doing --
22 THE WITNESS: Uh-huh (affirmative).
23 THE COURT: -- they're telling her that they're
24 doing what they need to to get the children back in their

1 care.

2 THE WITNESS: Uh-huh (affirmative).

3 MR. GOWDEY: Court's indulgence for a moment.

4 (COUNSEL CONFER BRIEFLY)

5 MR. GOWDEY: I have no further questions.

6 THE COURT: Okay. Ms. Calvert?

7 CROSS EXAMINATION

8 BY MS. CALVERT:

9 Q All right. Just a couple real quick ones. Just
10 because I -- I believe this name may arise later, who is
11 Xavier (ph)?

12 A Xavier -- Wyatt's seven, he's eight now. He was
13 one of my former foster kids. So they were roommates.

14 Q He was a roommate of Wyatt's?

15 A Uh-huh (affirmative). They were roommates.

16 Q And how did they get along?

17 A Sometimes okay, sometimes not.

18 Q Did they have any altercations that --

19 MS. HANRAHAN: I'm gonna object as to relevance.

20 MS. CALVERT: They -- I don't know that I can
21 reference what's not been admitted yet. It would be relying
22 on counseling records. I just wanted to make clear -- I
23 think she's the only person who would have knowledge of who
24 it is. It -- there's probably enough on the record right

1 now.

2 MS. HANRAHAN: I don't --

3 MS. CALVERT: I'll withdraw.

4 MS. HANRAHAN: I just don't get the --

5 THE COURT: Okay.

6 MS. CALVERT: I'll withdraw.

7 THE COURT: Okay.

8 MS. HANRAHAN: -- relevance of what --

9 BY MS. CALVERT:

10

11 Q Have the children expressed to you a desire to go

12 home?

13 A Yep.

14 Q All of --

15 A Yes.

16 Q -- them?

17 A No, not Sam.

18 Q Okay. Have they expressed to you what their

19 desire is if the TPR is granted?

20 A I'm sorry, say that one more time?

21 Q I'm sorry.

22 A I apologize.

23 Q Have -- it's okay. Have they expressed to you

24 what their desire is if the termination of parental rights

1 is granted?

2 A Uh-huh (affirmative). They want -- yes, excuse
3 me. They want to stay with us and they do not want to be
4 adopted. But Wyatt, they don't talk to him about that. The
5 two girls do not want to be adopted.

6 Q Have they told you why they don't wanna be
7 adopted?

8 A Uh-huh (affirmative). Yes.

9 Q And what have they -- what have they said?

10 A They just -- they don't want to be adopted.
11 That's it. They don't want to be adopted and I told them
12 that's fine. They don't have to be. Wyatt doesn't say
13 anything though. He doesn't understand.

14 MS. CALVERT: I think that's actually all I have.

15 MR. DRASKOVICH: Okay. I don't have any follow
16 up. Thank you.

17 THE COURT: Ms. Honodel?

18 MS. HONODEL: No questions, Your Honor.

19 (COUNSEL CONFER BRIEFLY)

20 REDIRECT EXAMINATION

21 BY MS. HANRAHAN:

22 Q So I just have a couple more questions and then
23 you'll be done.

24 A Uh-huh (affirmative).

1 Q Now you talked about in answer to Mr. Draskovich's
2 question that sometimes Sam is manipulative.
3 A Correct.
4 Q And you said Heidi is too. Are any of the other
5 kids in your home ever manipulative?
6 A Yes, they're all kids.
7 Q And do any of the other kids in your home ever
8 have angry outbursts?
9 A Uh-huh (affirmative). Yes, excuse me. Yes.
10 Q Now the bike accident. Was there ever any --
11 anybody who alleged that that was abusive in nature in any
12 way?
13 A No.
14 Q Or anything other than an accident?
15 A No.
16 Q Okay. And the -- the conversation -- you talk --
17 Mr. Gowdey asked you about a conversation you had with Ms.
18 Lawrence and Mr. Brown last Christmas.
19 A Okay.
20 Q And so just to follow up with that, is your
21 husband -- is it Bryan (ph)?
22 A Uh-huh (affirmative). Bryan.
23 Q Is he 100 percent on board with adopting the
24 children if the termination of parental rights is granted?

1 MS. CALVERT: Objection. I don't think she can
2 answer as to Bryan's --

3 MS. HANRAHAN: Well, I think she knows what her
4 husband wants. And they were asking about what she said
5 about what he wanted before, so --

6 THE COURT: They brought it up.

7 MS. HANRAHAN: -- I think they opened the door
8 wide open.

9 MS. CALVERT: Fair enough.

10 MR. GOWDEY: I don't think you can open the door
11 to speculation. I asked what --

12

13 MS. HANRAHAN: Well, but he was asking --

14 MR. GOWDEY: -- I asked what she told --

15 MS. HANRAHAN: -- her to speculate about --

16 MR. GOWDEY: I asked what she told Mr. Brown and
17 Ms. Lawrence.

18 MS. HANRAHAN: And she said no.

19 THE COURT: She can tell us what the -- what her
20 -- what her husband's -- not what he says, but you can talk
21 about --

22 THE WITNESS: What we've discussed?

23 THE COURT: -- his belief if he wants to adopt.
24 This is -- this is -- the crux of the case is for best

1 interest as well. I mean, obviously they're going to ask --
2 well, they ask like -- usually ask the caseworkers as well
3 since they're the ones that have communications, but if she
4 -- he's your husband, it would be -- you -- you both either
5 have to adopt or you don't. And if you're an adoptive
6 resource and he's not, we need to know that. And if he
7 isn't -- is, we need to know that as well.

8 BY MS. HANRAHAN:

9 Q So as far as you know, is your husband 100 percent
10 on board with adopting the children if that's what it comes
11 to?

12 A We both are, yes.

13 Q Now -- and then you said the couple times Sam has
14 told lies. Do -- have any of your other kids ever told
15 lies?

16 MR. DRASKOVICH: Objection. Relevance.

17 MS. HANRAHAN: Well, it's relevant cause they're
18 trying to establish that Sam is somehow a different kind of
19 a kid.

20 MS. CALVERT: Yeah, it's --

21 MR. GOWDEY: No, that's not --

22 MS. CALVERT: -- specific instances.

23 MR. GOWDEY: That's not at all what we're trying
24 to establish.

1 MS. HANRAHAN: She's a liar because she, you know
2 --
3 MR. GOWDEY: Because she told --
4 MS. HANRAHAN: -- so --
5 MR. GOWDEY: -- prior inconsistent statements in
6 Court. Has nothing to do with any other children.
7 THE COURT: Okay.
8 BY MS. HANRAHAN:
9 Q Do you find that being a parent of eight children
10 now and having been a foster parent for 17 years, do you --
11 do you find it unusual that kids lie sometimes?
12 MS. CALVERT: Objection. Expert testimony is
13 required.
14 MS. HANRAHAN: Your Honor, she's been a foster
15 parent for 17 years, she's got eight kids. She kinda knows
16 what's normal with kids, I would think. She can testify to
17 that. It would be within the realm of her knowledge and
18 experience. Is it unusual for kids to lie? I think any
19 parent could answer that question honestly, but she's
20 particularly --
21 THE COURT: She has to be able -- she has to be
22 able to -- to have a basis of her knowledge. So it have to
23 be not kids in general. Who would know --
24 MS. HANRAHAN: Well --

1 THE COURT: -- about kids in general? But --

2 BY MS. HANRAHAN:

3 Q If one of your kids tells you a lie, is it
4 shocking to you? Is it something that you don't see very
5 often or --

6 A No, it's not shocking. We all lied as kids. I
7 mean, they're kids.

8 Q Now when Sam told you the lie that you talked
9 about, how did you react? Did you hit her?

10 A No.

11 Q Did you yell at her?

12 A No.

13 Q Did you make her go sit in the backyard?

14 A No.

15 Q Stand on her chest?

16 A No.

17 Q What did you do?

18 A We talked about it. That's what we do. We talk a
19 lot.

20 Q And you testified that she apologized?

21 A Yes.

22 Q Now -- then in answer to Ms. Calvert's question
23 about the children wanting to go home, have they also
24 expressed to you that if they did go home, they would want

1 things to be different than they used to be?

2 A Yes.

3 Q And have you ever adopted kids before? Do you
4 have --

5 A My daughters --

6 Q -- some adopted children?

7 A -- just turned 13.

8 Q In your personal experience, have you ever seen it
9 happen that kids who don't wish to be adopted change their
10 minds when termination of parental rights has occurred?

11 A Yes, we have three other kids that we took
12 guardianship because they did not want to be adopted.
13 That's 30, 29, 28 that I was explaining to you. And I
14 raised them for six years before they became adults. And
15 they didn't want to be adopted, but we still -- my husband
16 just gave her away at her wedding and we bought wedding
17 dresses and my last granddaughter just got born and we just
18 came back from seeing her. So we have family that is not
19 related by blood, but always -- definitely we're all
20 connected. We love each other.

21 MS. HANRAHAN: All right. Thank you. Nothing
22 further.

23 THE WITNESS: Uh-huh (affirmative).

24 MR. GOWDEY: Very briefly.

1 (WITNESS EXCUSED)

2 THE COURT: All right.

3 MS. HANRAHAN: Thank you, Ms. Wolf.

4 THE WITNESS: Thank you.

5 MS. HANRAHAN: I have no other witnesses for this

6 morning, Your Honor. And then -- so whether we come back

7 this afternoon, I guess we need to talk about.

8 THE COURT: Okay. So you still need to discuss --

9 is that what I'm hearing, that you just need time to discuss

10 what more -- what other witnesses you were gonna call before

11 you rest?

12 MR. DRASKOVICH: Yes.

13 THE COURT: So do you plan on doing that soon?

14 MR. DRASKOVICH: We can do that during a lunch

15 break.

16 MS. HANRAHAN: Right.

17 MR. DRASKOVICH: I think now would be a great time

18 to take that.

19 THE COURT: Okay. So do you want -- okay. So let

20 -- you wanna come back at -- I didn't think we were gonna

21 have a lunch break, but we are.

22 MR. GOWDEY: Your Honor, we -- we got a half hour.

23 We could perhaps meet and -- and discuss that now and then

24 --

1 THE COURT: That's fine.

2 MR. GOWDEY: -- either terminate the proceeding
3 for today or --

4 THE COURT: Okay. So why don't you do this?

5 MR. GOWDEY: -- pick it up after lunch.

6 THE COURT: Why don't you -- I'm just going
7 upstairs, so why don't -- instead of making them all wait
8 here, have just someone go to the third floor and then we
9 can re-gather them so they can go on their lunch break as
10 well just in case we start. So when you're ready to
11 reconvene, just someone pop up in the third floor and call
12 my assistant and then we'll come down.

13 MR. DRASKOVICH: We're -- we're foreseeing, if we
14 do that, about at 1:00 -- 1:00 o'clock if that's all right
15 with your Honor.

16 THE COURT: Yeah, that's fine.

17 MR. DRASKOVICH: Just to give you --

18 THE COURT: Sure, that's fine.

19 MR. DRASKOVICH: -- an idea.

20 THE COURT: Okay. All right. So let's wait to
21 hear from you. If not, we'll see you at 1:00. How's that?

22 MR. DRASKOVICH: Okay.

23 MR. GOWDEY: Very good.

24 MS. HANRAHAN: Okay.

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MR. DRASKOVICH: Perfect.

(PROCEEDINGS CONCLUDED AT 11:37:32)

* * * * *

ATTEST: I do hereby certify that I have truly and
correctly transcribed the digital proceedings in the
above-entitled case to the best of my ability.

Adrian Medrano

Adrian N. Medrano

1 **TRANS**

FILED

FEB 21 2017

Alfonso J. Delacruz
CLERK OF COURT

2
3 **ORIGINAL**

4
5 **EIGHTH JUDICIAL DISTRICT COURT**

6 **FAMILY DIVISION**

7 **CLARK COUNTY, NEVADA**

8
9 In the Matter of the)
Parental Rights of:)
10) CASE NO. D-15-510944-R
SAMANTHA LAWRENCE, DOB 07/06/98;)
11 HEIDI BROWN, DOB 01/04/04;) DEPT. E/K
NIKKI BROWN, DOB 01/04/04;)
12 WYATT BROWN, DOB 07/15/09;)
Minors.)
13)
14)

15
16 BEFORE THE HONORABLE CYNTHIA N. GIULIANI
DISTRICT COURT JUDGE

17
18 TRANSCRIPT RE: TERMINATION OF PARENTAL RIGHTS

19
20 THURSDAY, AUGUST 25, 2016

1 APPEARANCES:

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17 Also present: MARYTE TALLENT, DFS
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I N D E X O F W I T N E S S E S

| <u>STATE'S</u> <u>WITNESSES:</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
|-------------------------------------|---------------|--------------|-----------------|----------------|
| JANET NORDINE | 06 | 29/33/37 | 45/54 | 46/50/52 |
| LAURA BROWN | 56 | 73/81/85 | 86 | 89/93 |
| LINETTA COOLEY | 95 | 121/132/138 | 144 | -- |

* * * * *

1 LAS VEGAS, NEVADA

THURSDAY, AUGUST 25, 2016

2 P R O C E E D I N G S

3 (PROCEEDINGS BEGAN AT 11:19:25)

4
5 MS. CALVERT: -- Nikki and Wyatt Brown.

6 THE COURT: Okay. Thank you.

7 MR. DRASKOVICH: Robert Draskovich on behalf of
8 Donald Brown.

9 THE COURT: Thank you.

10 MR. GOWDEY: Michael Gowdey on behalf of Melissa
11 Lawrence, who will be present for the Court in a moment.

12 THE COURT: Perfect. Thank you.

13 MS. HONODEL: Amy Honodel, bar number 7755. I'm
14 the CAP attorney for Samantha Lawrence.

15 THE COURT: Terrific.

16 MS. DORMAN: Amity Dorman, Chief Deputy District
17 Attorney, bar number 9316.

18 MS. HANRAHAN: Janne Hanrahan for the District
19 Attorney's Office and Maryte Tallent is here from the
20 Department of Family Services.

21 THE COURT: All right. Great. And this is case
22 D-510944. I believe this is day five. Melissa Lawrence
23 and Donald Brown, who are present. All right. Thanks. So
24 with that being said, we talked about the first witness --

1 or the first witness for today that you'll call. And if
2 you want to let us know who it is, we can have my marshal
3 go out and ask for her to --

4 MS. HANRAHAN: Janet -- Janet Nordine.

5 THE COURT: Janet Nordine. Okay. All right.

6 THE WITNESS: Over here?

7 MS. HANRAHAN: Uh-huh. Yeah. And just remain
8 standing.

9 THE COURT: I want to make sure that that's not
10 another -- the therapist that's testifying.

11 MS. HANRAHAN: That is not. She's from Healthy
12 Minds --

13 THE COURT: Okay.

14 MS. HANRAHAN: -- but she's not going to be
15 testifying. She's --

16 THE COURT: Gotcha.

17 MS. HANRAHAN: -- I believe Ms. Nordine's
18 supervisor.

19 THE COURT: Okay.

20 THE CLERK: Please raise your right hand. You do
21 solemnly swear the testimony you're about to give in this
22 action shall be the truth, the whole truth, and nothing but
23 the truth, so help you God?

24 THE WITNESS: Janet Nordine.

1 THE CLERK: You can have a seat.

2 JANET NORDINE

3 called as a witness on behalf of the State and being first
4 duly sworn, testified as follows on:

5 DIRECT EXAMINATION

6 BY MS. HANRAHAN:

7 Q Good morning, Ms. Nordine.

8 A Good morning.

9 Q Could you tell the Court how you are currently
10 employed?

11 A I am a therapist with Healthy Minds.

12 Q And how long have you been so employed?

13 A Since October of 2012.

14 Q And are you licensed to practice in the state of
15 Nevada?

16 A I am.

17 Q What licenses do you currently hold?

18 A I currently a marriage and family therapist
19 intern license.

20 Q And what is the nature of your practice at
21 Healthy Minds? Do you also see children or do you see all
22 ages?

23 A I see all ages. Primarily my practice is with
24 children but I do have some adults clients that are not

1 associated with the Department of Family Services.

2 Q And so you see a lot of child clients who are
3 referred by Department of Family Services?

4 A I do.

5 Q And at some point, in the course of your
6 practice, did you begin seeing a client by the name of
7 Samantha Lawrence?

8 A I did.

9 Q And when was that?

10 A I believe it was March of 2014.

11 Q All right. And how did Samantha come to be your
12 client at Healthy Minds?

13 A She was referred by the Department of Family
14 Services and her case manager.

15 Q Okay. And do you still see Samantha as a client
16 today?

17 A I do not. She was discharged in July of this
18 year.

19 Q And why was that?

20 A She had met her treatment goals and she also aged
21 out of the foster care system.

22 Q So what type of therapy were you providing for
23 Samantha? Was it individual, group, family?

24 A We did individual sessions and we also met with

1 her siblings as -- for family therapy.

2 Q And when a child is referred to you by CPS or by
3 DFS, are you generally provided with some background
4 information as to why they were removed from their family
5 home or why they're in the system and why they were
6 referred to you for therapy?

7 A Yes. We initially meet with the case manager for
8 an intake interview.

9 Q Okay. So were you provided with that type of
10 information when you began seeing Samantha?

11 A Yes.

12 Q And who provided that information?

13 A Maryte Tallent.

14 Q And specifically, what was the information,
15 background information that you were provided about
16 Samantha's background?

17 A At that time Samantha had been removed from her
18 natural family and we were -- I was told that she had been
19 physically abused in the home.

20 Q And would you have had that information prior to
21 your initial meeting with Sam?

22 A I did.

23 Q So when you first met with Sam, did you
24 immediately start talking about those things or how did

1 that go?

2 A Generally in the initial meeting with the child
3 as the client I would ask them how they became removed from
4 their home or what was going on in their life at that time.

5 Q All right. And with Samantha, did you talk about
6 those things right away?

7 A She did not share that she had been physically
8 abused in the home right away, no. But she said she had
9 been removed because there was a mark on her and they were
10 trying to figure out where it came from.

11 Q So is there some type of formal assessment that
12 you do with your child clients?

13 A Yes. Healthy Minds has an assessment that we
14 call the Healthy Minds Assessment that we complete.

15 Q And what kind of things are on that? Is that
16 like a written assessment?

17 A It is. Uh-huh. We will ask about medical
18 information. We will ask about school information,
19 educational things. We'll ask about their history when
20 (sic) their family, their siblings, extended family.
21 Medical information, if there's any other types of mental
22 health in their family.

23 Q And is that just something that you do at the
24 beginning of the case or --

1 A Yes.

2 Q And so that's the assessment and then you move on
3 from there.

4 A Uh-huh (affirmative).

5 Q You don't like redo that or --

6 A We redo it after a year of seeing the children or
7 the client. We will redo the assessment after a year.

8 Q Okay. So is that assessment how you determine
9 how to -- or what issues need to be addressed in therapy? .

10 A Yes.

11 Q And does that assessment also assist you with
12 determining a diagnosis?

13 A It does.

14 Q And did you do that assessment with Sam?

15 A I did. Uh-huh.

16 Q And after doing the assessment -- did you do that
17 like right away, the first visit, or do you wait a little
18 while?

19 A Generally it takes -- we do try to complete the
20 assessment within the first few visits, but it generally
21 takes, you know, two or three sessions before we have a
22 good understanding of really what's going on with the kids.

23 Q Okay. So it's a combination of the assessment
24 and talking to the --

1 A Right.

2 Q -- client --

3 A Uh-huh (affirmative).

4 Q -- in sessions. And what type of therapy, after
5 doing that, did you ultimately determine would be
6 beneficial to Sam?

7 A We -- we worked on trauma focus therapy,
8 cognitive behavioral therapy, and narrative therapy. Those
9 are different modalities that I used with her.

10 Q And I'm sorry, what was the first one?

11 A Trauma focus therapy.

12 Q And what is that meant to address?

13 A Address any type of trauma she may have
14 experienced in her life.

15 Q And then did you come to some conclusion or
16 diagnosis with regard to Sam?

17 A I did.

18 Q And what was that?

19 A Post Traumatic Stress Disorder.

20 MR. DRASKOVICH: I object as to her testimony
21 along this line. She's not qualified to make that type of
22 a medical diagnosis. Additionally she's received no
23 training based upon her testimony as far as forensic
24 interviews, and it would require a forensic interview to

1 reach such a conclusion.

2 MS. HANRAHAN: Your Honor, she is qualified to
3 make a diagnosis. That's what she does in her practice.
4 Marriage and family therapist is qualified to make a
5 diagnosis. And she's not a forensic interviewer, that's
6 something separate from a therapist. And she's not there
7 to interview the patient, she's there to offer therapy, so.

8 MR. DRASKOVICH: And for -- she can discuss the
9 therapy that was given, but to reach a diagnosis and
10 basically submit it to the Court as a medical opinion I
11 would submit is inappropriate.

12 MS. HANRAHAN: Your Honor, she -- I mean, we can
13 ask her what -- I mean, I'm not sure Mr. Draskovich is the
14 person who determines who can make a diagnosis and who
15 can't, it's what she does in her therapy. She has to
16 determine what the client -- what issues the client has
17 before she can proceed with offering any kind of therapy.

18 THE COURT: Are you qualified to make a diagnosis
19 in your position?

20 THE WITNESS: Yes, I am. The state of Nevada
21 allows marriage and family therapists to utilize the DSM V,
22 and within the DSM V is the Post Traumatic Stress Disorder
23 diagnosis.

24 THE COURT: Okay.

1 BY MS. HANRAHAN:

2 Q So there would be some mental health disorders
3 that you couldn't diagnose; is that correct, as a marriage
4 --

5 A Correct.

6 Q -- and family therapist?

7 A As a marriage and family therapist in the state
8 of Nevada, I cannot diagnose schizophrenia or any kind of
9 psychosis.

10 Q Okay.

11 THE COURT: So with that being said, you can
12 continue with that question.

13 MS. HANRAHAN: All right.

14 BY MS. HANRAHAN:

15 Q So, again, what was the diagnosis that you
16 reached with regard to Samantha?

17 A Post Traumatic Stress Disorder.

18 Q So, and just in general, can you describe what
19 kinds of things might cause PTSD?

20 A Sure. In general, many different things can
21 cause PTSD, from sexual abuse, physical abuse. People that
22 serve in the military have historically been diagnosed with
23 PTSD. Someone could be in a car accident and have
24 reoccurring problems and that can be diagnosed as PTSD.

1 Q Okay. So it's basically some kind of reaction to

2 --

3 A A traumatic event.

4 Q Okay.

5 A Uh-huh (affirmative).

6 Q With regard to Samantha -- well, you know what,
7 before we go there, since Mr. Draskovich brought it up, is
8 there anybody else at Healthy Minds that would have seen
9 Sam and made any type of assessment?

10 A Yes, she was seen by our psychiatrist, Dr.
11 Harding.

12 Q Okay. And when approximately would she have been
13 seen by Dr. Harding?

14 A In our Healthy Minds program, all children that
15 come to us from Department of Family Services referrals see
16 the psychiatrist, so she would have seen her probably
17 within 30 to 60 days after my initial meeting.

18 Q All right. And then do you regularly consult
19 with the psychiatrist with regard to treatment and
20 diagnosis?

21 A Uh-huh. Almost daily. Uh-huh.

22 Q And with regard to Samantha, did Dr. Harding do
23 an assessment with regard to Samantha and come up with a
24 diagnosis herself?

1 A She did. She agreed with the initial diagnosis.
2 Q And as a psychiatrist, Dr. Harding could have
3 prescribed medication for Samantha.
4 A If she deemed it necessary, yes.
5 Q Did she ever prescribe medication for Sam --
6 A Samantha was --
7 Q -- as far as you know?
8 A -- never on any medication, no.
9 Q And then if -- if Dr. Harding had disagreed with
10 your diagnosis or come up herself with her assessment with
11 a significantly different diagnosis, what would happen
12 then?
13 A She would have asked to have a meeting with me
14 and we would have had an extensive conversation about what
15 my findings were, what her thoughts were. We would have
16 consulted the DSM and come to a determination.
17 Q Okay. So in working with the psychiatrist and
18 yourself, did anyone at Healthy Minds ever diagnose
19 Samantha Lawrence as having schizophrenia?
20 A No.
21 Q Bipolar disorder?
22 A No.
23 Q Borderline personality disorder?
24 A No.

1 Q Anything other than PTSD and child abuse?

2 A That was the only diagnosis.

3 Q All right. So what symptoms or what criteria did
4 Sam meet in order to be diagnosed with PTSD?

5 A She met the criteria of having real or threatened
6 harm to her. She met the criteria for detachment from her
7 emotions. She met the criteria for ongoing mood --
8 difficulties of maintaining positive mood. She met the
9 criteria for detachment from caregivers and from others in
10 her family and extended family.

11 Q And what was Samantha's -- Samantha's thoughts
12 about herself at the time that you first began --

13 A She --

14 Q -- seeing her?

15 A Yes. She -- this is also a criteria in the -- in
16 the diagnosis, is that she had a low self esteem. She felt
17 that what was happening in the family, she and her siblings
18 being removed, was all her fault. She had a lot of guilt
19 and shame because of the removal.

20 Q So does the diagnosis of PTSD result just from
21 one event, one traumatic event, or does it require events
22 over time, or how does that work?

23 A It can be from one event, but in Sam's case, it
24 was extended -- an extensive time period of events,

1 traumatic events.

2 Q Did you or Dr. Harding ever characterize Sam as a
3 person who is a danger to herself or others?

4 A No.

5 Q Not even when she first came to you?

6 A No, she made no threats towards herself or to
7 others.

8 Q So could you describe generally her participation
9 in therapy?

10 A Uh-huh (affirmative).

11 Q Did she participate willingly and was she --

12 A In --

13 Q -- forthcoming or --

14 A In the beginning she was very resistant to
15 therapy. She had a hard time talking about things that had
16 happened in the home, especially in the beginning. She was
17 resistant to sharing any of the family history. She was
18 very protective of her parents in the beginning. And then
19 --

20 Q Did that change over time?

21 A It did change over time. As she was in a stable
22 placement and was a -- feeling safe, she was able to begin
23 to disclose things that happened to her.

24 Q Did you become aware of a letter or a journal

1 entry that Sam wrote in about May of 2014 --

2 A Yes.

3 Q -- in which she described some things that had
4 happened to her?

5 A Yes.

6 Q Did you read that letter?

7 A It was shared with me by Samantha and her CAP
8 attorney in a session we held, yes.

9 Q And was it after that that she began to describe
10 more things to you --

11 A It was.

12 Q -- or open up to you --

13 A Yes.

14 Q -- a little more?

15 A Uh-huh (affirmative).

16 Q Were you able to get a sense of why she suddenly
17 wrote that letter and started talking to you about things
18 that she had initially denied or --

19 MR. DRASKOVICH: Objection. Calls for
20 speculation.

21 MS. HANRAHAN: Your Honor, she's the therapist.
22 I mean, she would be the person who would know, in talking
23 to Sam. Sam could have told her why. She would be able to
24 -- she would be able to make conclusions based on her

1 conversations, intimate conversations with Samantha as to
2 why she did things.

3 MR. DRASKOVICH: And if she gives testimony
4 concerning what Samantha told her then I would withdraw my
5 objection. My concern is just could you tell us why she
6 may have, and that's, I'd submit, is inappropriate.

7 (COUNSEL CONFER BRIEFLY)

8 THE COURT: So --

9 MR. DRASKOVICH: So if she gives testimony based
10 upon what she was told, I have no problem with that.

11 MS. HANRAHAN: I asked if she was able to get a
12 sense of why Samantha --

13 BY MS. HANRAHAN:

14 Q So do you know why --

15 THE COURT: So it's --

16 Q -- Samantha may --

17 THE COURT: It's a yes -- it's -- first of all,
18 are you able to get a sense, and so it's a yes or no
19 question. And depending on how you answer, yes or no -- if
20 you say no, it's over. And if you say, then you can go on
21 from there. So -- and again, don't speculate to anything.
22 That -- if you don't know the answer, I'd rather you say
23 don't know than guess or -- or speculate. And that's what
24 Mr. Draskovich was -- was referring to. So I believe that

1 question starts with a yes or no answer, and so you can --
2 if you need her to repeat it, she can for you.

3 BY MS. HANRAHAN:

4 Q If I can just ask, do you know why she suddenly
5 began talking about things that she had previously denied?

6 A Yes.

7 Q And how do you know that?

8 A Samantha shared that with me in that session.

9 Q And what did she talk to you about?

10 A She had a new understanding that she wouldn't
11 have to return to the home from which she was removed and
12 felt safe to talk about those things.

13 Q And what traumatic events did Sam talk about with
14 you that you believed contributed to her diagnosis of PTSD?

15 A She shared that she, starting from a young age,
16 four or five, was physically abused by Mr. Brown in the
17 home.

18 Q And how so?

19 A Just a few incidents that I do recall, she talked
20 about when Wyatt was born and her mom was away in the
21 hospital that Mr. Brown shot her in the hand with a BB gun.
22 She shared that. She had been hit with a belt or a whip of
23 some sorts. She share that. At a time he pushed her in to
24 a wall and she lost a front tooth -- or two front teeth. I

1 don't recall if it was one or two. She talked about having
2 to go into another room in the home and pick up a pipe or
3 some sort of an object that he could hit her with. Those
4 are some of the things that she shared.

5 Q Did she talk about how often those things would
6 occur?

7 A She did talk that it was on a quite regular
8 basis. I can't recall if it's a specific time, but it was
9 on a regular basis.

10 Q And you said her recollection was that it started
11 around age four or five?

12 A Yes. When she was quite young.

13 Q What was Samantha's demeanor when she would talk
14 to you about those events?

15 A She would be very anxious. She would shake, like
16 kick her leg up and down. She often would deflect and try
17 to talk about other things that she enjoyed talking about,
18 like sports or school or things that were going on in her
19 life. It was sometimes very difficult for her to stay on
20 track when she was talking about some of the abuse that she
21 endured.

22 Q And in -- in working with Samantha over the past
23 two plus years, and speaking to her, were you able to get
24 an understanding why she originally would tell everyone

1 that she had not been abused?

2 A Yes.

3 Q And what was that?

4 A She had been told not to tell by Mr. Brown. And
5 she also had a sense that if she did that it would break up
6 the family.

7 Q And did she talk to you about what might happen
8 if she -- if she did talk about it?

9 A Sometimes it would become worse for her if she
10 did talk about it.

11 Q And what about her relationship with her mother?
12 Did you talk about that with her?

13 A Yes.

14 Q How did she characterize her relationship with
15 her mother?

16 A She often would say that her mother was always at
17 work. Didn't really participate in the child rearing at
18 home with her.

19 Q And so did she indicate to you that her mother
20 did nor did not know of the abuse?

21 A In the beginning she denied that her mother knew,
22 but after time she did say that she was aware.

23 Q And did she ever talk to you about whether her
24 mother participated in the abuse?

1 A She did share that her mother was -- did become
2 angry. One incident -- excuse me -- that I do recall, her
3 mother became angry and broke several dishes in the home
4 and threw things at her. She did not share that her mother
5 ever laid her hands on her, but mostly throwing things at
6 her was what she talked about.

7 Q And again, do you know why Sam initially -- well,
8 let me ask you this first. When she began talking about
9 the things that Mr. Brown had done to her, at that point
10 was she -- is that when she talked about her mother knowing
11 about it, or did she -- this is a bad question. She did
12 talk about her mother more openly right away as she did
13 with Mr. Brown, or did that take longer?

14 A It took longer. She seemed more protective of
15 her mother. It took longer for her to open up about her.

16 Q Okay. And do you know what -- if something
17 happened that prompted her to start talking about her
18 mother's involvement as well or --

19 A I don't recall if there was a specific reason.

20 Q Okay. And then with Sam's diagnosis of PTSD,
21 could -- do you ever see that diagnosis with foster kids
22 just from the -- the -- just the fact of being in foster
23 care?

24 A It can contribute to the diagnosis, yes. The

1 trauma of being removed from your home is -- is something
2 that can contribute, yes.

3 Q Do you think it may have contributed to Sam's
4 diagnosis as well as the events in the home?

5 A It's part of it as well, yes.

6 Q But you said that Sam specifically said she felt
7 safe once she was in foster care.

8 A Yes. Uh-huh.

9 Q Now, initially in the case, were you aware that
10 she was placed with a family member or if she remained in
11 the home with a family member?

12 A Yes, I --

13 Q Was it at that point that she began feeling safe
14 or --

15 A No.

16 Q And when did that happen?

17 A After she was removed and went to Child Haven.
18 She eventually was placed in a permanent foster home, and
19 that's when she became more comfortable and able to talk
20 about things.

21 Q Did you develop a treatment plan for Sam?

22 A Yes.

23 Q And set some goals for her --

24 A Yes.

1 Q -- in treatment?

2 A Yes.

3 Q What kind of goals?

4 A In the beginning it was trauma focused goals,
5 things to help her resolve some of the trauma. And towards
6 the end it was kind of launching goals, now that she's
7 going to be 18 and facing adulthood. So we talked a lot
8 about what she wanted to do, her goals in life and how she
9 could manage that.

10 Q So the treatment plan is something that changes
11 over time?

12 A Every 90 days we update the treatment plan.

13 Q Okay. Did you also speak with other collateral
14 contacts in Samantha's life during the course of your
15 treatment?

16 A Yes.

17 THE COURT: Do you know who that is?

18 MS. DORMAN: These are closed hearings.

19 MS. HANRAHAN: Do you know who it is?

20 MR. DRASKOVICH: He works for me. He's my IT
21 guy, a member of my office. He has some paperwork that I
22 -- he has in his hand. I'm assuming he's bringing me
23 something.

24 THE COURT: Okay. Okay. Fine. Just so we know

1 --

2 MS. HANRAHAN: All right.

3 THE COURT: -- who it is. That's fine.

4 BY MS. HANRAHAN:

5 Q So did you also speak with collateral contacts in
6 Samantha's life during the course of treatment. Is that
7 part of your -- what you do or --

8 A Yes. We have a monthly treatment team. We're,
9 as you call, collateral contacts will come to the -- that
10 meeting.

11 Q And who are -- who comes to those meetings?

12 A Samantha's CAP attorney, her case manager, foster
13 parents.

14 Q Okay. And does Dr. Harding, the psychiatrist,
15 attend those?

16 A Yes.

17 Q Are those meetings confidential?

18 A There is an understanding that it's confidential,
19 that we don't speak of it outside of the room, but there's
20 not a confidentially -- confidential agreement that we sign
21 at the beginning.

22 Q Okay. And then normally is there kind of a
23 report that's done about that that's provided to the
24 Department of Family --

1 A Yes.

2 Q -- Services?

3 A Yes.

4 Q And that's just a summary, kind of, of what was
5 talked about and --

6 A Right.

7 Q Okay. And so a treatment team meeting would be
8 client specific, correct? It would just be for that child,
9 for Samantha, not for all the kids.

10 A Right. We do one child at a time.

11 Q Okay. Have you seen any changes in -- so you
12 talk about this a little, but can you talk about any
13 changes you may have seen in Samantha since she first
14 started with you and as opposed to now?

15 A Yes. In the beginning she was very guarded and
16 very nervous about talking to me, but over time she seemed
17 to gain confidence in herself and her own story of telling
18 what happened to her. She also was able to articulate
19 better her thoughts and feelings, where in the beginning
20 she would shrug her shoulders and say I don't know or it
21 doesn't matter.

22 At the end of our treatment together, she had
23 gained quite a bit of confidence by participating in sports
24 at school and being able to graduate from high school and

1 kind of prove to herself that she could do things that were
2 hard, so.

3 Q Would you ex -- expect Samantha to experience any
4 lasting emotional scars from what happened to her?

5 A Possibly. Samantha and I did talk about that
6 extensively. I talked about as she goes out in the world
7 on her own and she doesn't have the type of support she's
8 had for quite some time that she could be aware and be
9 careful about relationships she chooses and people that she
10 engages with. Just so she has an understanding that
11 because of her past trauma history, she could make choices
12 that may not be healthy for her in relationships and to be
13 aware of those types of things.

14 Q And you said that she was released from
15 treatment. Did she still have that diagnosis of PTSD at
16 the time of her release?

17 A At the end of treatment, she and I reviewed the
18 diagnostic criteria for PTSD and I determined that she no
19 longer fit -- fit all the criteria and she was discharged
20 with a diagnosis of adjustment disorder, unspecified.

21 MS. HANRAHAN: I have nothing further. Thank
22 you.

23 THE COURT: Okay. Mr. Gowdey.

24 MR. GOWDEY: Right.

CROSS EXAMINATION

1
2 BY MR. GOWDEY:

3 Q Good morning, Ms. Nordine.

4 A Good morning.

5 Q Was it your understanding that reunification was
6 the ultimate goal of the therapy, of the -- of the case
7 plan?

8 A The Department of Family --

9 MS. HANRAHAN: Objection, Your Honor. She's not
10 qualified to talk about the case plan. That isn't
11 something that she put together or that she has any
12 influence on necessarily.

13 THE COURT: Well, it's -- again, it's a yes --

14 MR. GOWDEY: I'm asking for her understanding,
15 Your Honor.

16 THE COURT: It's a yes or not question. If she
17 doesn't understand, then she'll tell us. And if she does,
18 she -- someone may have told her that that's what it is.
19 And I think it's a fair question. She can answer it if she
20 -- if she's able to.

21 BY MR. GOWDEY:

22 Q Was it your understanding that uni --
23 reunification was a -- was the goal here?

24 A Yes.

1 Q Yet you indicated that prior -- that when
2 Samantha wrote the letter, she had been told, or she told
3 you that she was no lon -- she thought she was no longer
4 going to go back to her family; is that right?

5 A The understanding she had that she would not be
6 going to -- back to her family, yes.

7 Q So -- and when was that?

8 A I don't recall the date.

9 Q Did she tell you who relayed that to her?

10 A It was her understanding from her attorney and
11 from the Department of Family Services that returning to
12 her family was not going to be happening anytime soon.

13 Q So reunification at that point had -- had been
14 determined to be off the table? That was her understanding
15 that she related to you, correct?

16 A I don't know exactly what her understanding of
17 that was.

18 Q Is that the understanding -- was that your
19 understanding of what --

20 MS. HANRAHAN: Objection.

21 Q -- she was telling?

22 THE COURT: Well, let her -- sustained as to what
23 Sam's understanding was because that's Sam, but you can ask
24 what -- what this witness' understanding was.

1 BY MR. GOWDEY:

2 Q Was it your understanding that she was relating
3 that reunification was no longer possible?

4 MS. HANRAHAN: And I'm going to object, Your
5 Honor, because I don't know how she's going to testify as
6 to what Samantha's understanding of something somebody told
7 her was.

8 MR. GOWDEY: Samantha -- she testified that
9 Samantha felt comfortable, felt more comfortable because it
10 was her understanding she wouldn't be returning to her
11 family. That's what I've asked her about.

12 THE COURT: Uh-huh.

13 BY MR. GOWDEY:

14 Q So was it your understanding that she thought
15 that reunification was no longer the goal?

16 A Reunification no longer the goal, she did not
17 explain it that way. Her explanation was any time soon.

18 Q Is -- that's not the answer that you gave to Ms.
19 -- to Ms. Hanrahan, is it? You did -- you did say that --
20 that she told you that she felt more comfortable because
21 she wouldn't be going -- have to go back to her family.

22 MS. HANRAHAN: And I'm going to object because
23 she did say any time soon.

24 MR. DRASKOVICH: That was on cross, so I object

1 to that characterization. She didn't testify to that on
2 direct.

3 MS. HANRAHAN: She did.

4 THE COURT: She said to -- when asked by Ms.
5 Hanrahan, Samantha didn't believe she was -- she stated
6 that -- well, she said after removal of the child -- of
7 Child Haven and she was in the foster home, she finally
8 felt safe. And then she stated at --

9 MR. GOWDEY: Where she wouldn't be returning to
10 the natural parents' home.

11 THE COURT: So you can ask that question to this
12 witness on cross.

13 BY MR. GOWDEY:

14 Q So isn't it true that -- that she told you that
15 -- that she felt safe because she wouldn't be returning to
16 her parents' home?

17 A Yes.

18 Q As a therapist, you are aware that she engaged in
19 -- in family therapy; is that right?

20 A Yes, with her siblings.

21 Q With her siblings. As a therapist, would you
22 have considered it appropriate for the parents, or at least
23 one of the parents, to have participated in family therapy?

24 A Yes.

1 Q Are you aware -- did you -- did you request that?

2 A Our agency did request and make that
3 recommendation, yes.

4 Q So what happened as a result of that?

5 A We were told that we couldn't begin that because
6 there was a no contact order from criminal court.

7 Q So despite a recommendation from the therapist
8 that there be family therapy, family therapy including the
9 parents, it was never effectuated.

10 A Correct.

11 Q Would you have felt it to be beneficial in this
12 case?

13 A For Samantha, yes.

14 MR. GOWDEY: I don't have anything further.

15 CROSS EXAMINATION

16 BY MR. DRASKOVICH:

17 Q I'm Robert Draskovich. Good morning, Ms.
18 Nordine.

19 A Good morning.

20 Q In reference to Samantha's discharge of July of
21 2016 --

22 A Uh-huh (affirmative).

23 Q -- had she turned 18 when she was discharged?

24 A I believe she had already turned 18, yes. In our

1 last session she was 18.

2 Q Are you aware or did she make you aware that in
3 July of 2016 that no contact order was still in place from
4 the criminal judge?

5 A Can you say that one more time?

6 Q Were you aware that on January -- in -- of -- in
7 July of 2016 that no contact order that was put into place
8 back in 2014 was still in place, and is still in place?

9 A Yes, but I don't believe it came from Samantha,
10 no.

11 Q Okay. So this family never had -- had an
12 opportunity to actually go through reunification -- or
13 family therapy in an attempt to reunify them, correct?

14 A We did not hold any family therapy sessions with
15 her parents or her mom.

16 Q You began seeing Samantha in March of 2014.

17 A Uh-huh (affirmative).

18 Q And how reg --

19 A Yes.

20 Q Yes?

21 A Uh-huh (affirmative).

22 Q And how regularly would you see her?

23 A In the beginning it was weekly. Towards the end
24 it was every other week.

1 Q Okay. And did it remain as such through July of
2 2016?

3 A Yes.

4 Q You had testified initially she denied any
5 physical abuse on the part of her stepfather, for lack of a
6 better word.

7 A Yes.

8 Q And when was it that she first made this
9 quote/unquote disclosure of physical abuse?

10 A I don't recall the exact date, but it was
11 sometime after that.

12 Q Okay. Months?

13 A I don't recall exactly the time frame.

14 Q And did her quote/unquote disclosures of other
15 abusive acts grow in time with later sessions?

16 A More things were disclosed in later sessions,
17 yes.

18 Q Do you recall when roughly -- and I won't pin you
19 down to a specific date --

20 A Uh-huh (affirmative).

21 Q -- but when these additional disclosures were
22 made?

23 A I don't know the exact dates, but over time she
24 would share other things that had happened to her, yes.

1 Q And is this over several months?

2 A Yes. Uh-huh. It took several months for her to
3 share as much as she did.

4 Q In addition to meeting with you for therapy
5 sessions, who else was she meeting with?

6 A She would also meet with Dr. Harding, the
7 psychiatrist.

8 Q How often would she meet with Dr. Harding?

9 A I don't know the exact time frame or schedule.
10 Typically in the beginning it's monthly, but towards the
11 end I believe typically -- and I don't know if it's this
12 way in Samantha's case, but every three to six months.

13 Q And this is through the entire course of the two
14 year and four months that she was --

15 A Yes.

16 Q -- receiving --

17 A Uh-huh (affirmative).

18 Q -- therapy; is that correct?

19 A Yes.

20 Q In addition to that doctor, who else was she
21 meeting with?

22 A When we would have family sessions, the other
23 siblings' therapist would be also present in those
24 sessions.

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 71873/71889

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**IN THE MATTER OF THE PARENTAL
RIGHTS AS TO S.L.; N.R.B.; H.R.B. AND W.C.B**

**DONALD BROWN,
Appellant,
vs.**

**STATE OF NEVADA DEPARTMENT OF FAMILY
SERVICES; S.L.; N.R.B.; H.R.B.; AND W.C.B., MINORS
Respondents.**

**IN THE MATTER OF THE PARENTAL
RIGHTS AS TO S.L.; N.R.B.; H.R.B. AND W.C.B**

**MELISSA LAWRENCE,
Appellant,
vs.**

**STATE OF NEVADA DEPARTMENT OF FAMILY
SERVICES; S.L.; N.R.B.; H.R.B.; AND W.C.B., MINORS
Respondents.**

**APPENDIX TO APPELLANTS' OPENING BRIEF
VOLUME III**

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1 inference.

2 MR. GOWDEY: Same objection.

3 MS. CALVERT: Join.

4 THE COURT: Okay.

5 BY MS. HANRAHAN:

6 Q And you also chose to believe Donald Brown,
7 despite multiple calls to Child Protective Services from
8 mandated reporters about injuries to your daughter?

9 A I assert the Fifth.

10 Q And you continue to choose to believe Donald
11 Brown over your own children?

12 A I assert the Fifth.

13 MS. HANRAHAN: And I'll ask for the negative
14 inference on this one and the one before, which I believe
15 I didn't.

16 MR. GOWDEY: Same objection as to both.

17 THE COURT: Okay.

18 MS. CALVERT: Both, join.

19 BY MS. HANRAHAN:

20 Q Now you heard Ms. Parlade, the custodian of
21 records for the Department of Family Services testify
22 earlier about how often CPS received calls, correct?

23 A Yes.

24 Q And she -- she cited -- said that there were 13

1 reports or 14 reports to the hotline, but not all of them
2 resulted in an investigation, correct?

3 MR. GOWDEY: Objection. Her testimony speaks
4 for itself.

5 MS. HANRAHAN: I'm -- I'm just --

6 MR. GOWDEY: I don't know why --

7 MS. HANRAHAN: -- clarifying that she --

8 MR. GOWDEY: -- she needs to ask that --

9 MS. HANRAHAN: -- understood.

10 MR. GOWDEY: -- when -- when we all heard what
11 the testimony was.

12 MS. HANRAHAN: Well, I guess her --

13 MR. GOWDEY: It's -- the testimony speaks for
14 itself.

15 MS. HANRAHAN: -- attorney is answering the
16 question for her. Then what difference --

17 THE COURT: You --

18 MS. HANRAHAN: -- does it make --

19 THE COURT: I mean, you can answer that.

20 MS. HANRAHAN: -- if she says yes, I heard it.

21 THE COURT: We heard it, but she's asking if --
22 if Ms. Lawrence heard it --

23 MS. HANRAHAN: I don't --

24 THE COURT: -- so.

1 MS. HANRAHAN: I don't know that she was
2 listening then. I'm asking if she heard it.

3 THE COURT: You can answer that.

4 THE WITNESS: Yes.

5 BY MS. HANRAHAN:

6 Q So not all of them resulted in investigation but
7 would you agree that it was about seven or eight times
8 before this last time that there was an investigation and
9 CPS came out to your house? Between those -- let me
10 rephrase. Between the years of 2008 and 2013, would you
11 agree that it was about seven or eight times that you had
12 to deal with CPS?

13 A I assert the Fifth.

14 MS. HANRAHAN: And I'll ask for the negative
15 inference.

16 MR. GOWDEY: Same objection.

17 MS. CALVERT: Join.

18 THE COURT: Okay.

19 BY MS. HANRAHAN:

20 Q Fair to say that each time CPS did come to your
21 home that it was in response to a call about a physical
22 injury to Samantha?

23 A I assert the Fifth.

24 MS. HANRAHAN: And I'll ask for the negative

1 inference.

2 MR. GOWDEY: Same objection.

3 MS. CALVERT: Join.

4 THE COURT: Uh-huh.

5 BY MS. HANRAHAN:

6 Q Do you recall that first call to CPS that Ms.
7 Parlade talked about was March of 2008, do you recall CPS
8 Investigator Vera Sampson (ph) coming to your home to talk
9 to you about Samantha having two black eyes?

10 A I assert the Fifth.

11 MS. HANRAHAN: And I'll ask for the negative
12 inference.

13 MR. GOWDEY: Same objection.

14 MS. CALVERT: Join.

15 BY MS. HANRAHAN:

16 Q How old was Sam in March 2008?

17 A She was nine.

18 Q And when CPS Investigator Vera Sampson came to
19 your home, do you recall her asking if there had been
20 prior times that Sam went to school with black eyes?

21 A I assert the Fifth.

22 Q And then --

23 MR. GOWDEY: Objection. That's hearsay under
24 any circumstance.

1 MS. HANRAHAN: I'm just asking if she remembers
2 being asked about it.

3 MR. GOWDEY: The -- the component which she's
4 being asked about is hearsay. I would object to that.

5 MS. HANRAHAN: It's not hearsay. I'm asking if
6 she remembers being asked.

7 MR. GOWDEY: She's asking if she remembers being
8 asked hearsay, an out of court statement by a person not
9 and a party here, offered to prove the matter asserted.

10 MS. HANRAHAN: Well, I'll ask if she spoke with
11 her about it. Her statements aren't hearsay. I'm
12 assuming she'll give the same answer.

13 THE WITNESS: I assert the Fifth.

14 MS. HANRAHAN: And I'll ask for the negative
15 inference.

16 MR. GOWDEY: Objection.

17 MS. CALVERT: Same.

18 MR. GOWDEY: Same objection.

19 BY MS. HANRAHAN:

20 Q Did you ever apply makeup to Sam's face to cover
21 the black eyes?

22 A I assert the Fifth.

23 MS. HANRAHAN: And I'll ask for the negative
24 inference.

1 MR. GOWDEY: Same objection.

2 MS. CALVERT: Join.

3 BY MS. HANRAHAN:

4 Q Did you do it in that case, that March 2008
5 case?

6 A I assert --

7 Q Did you apply --

8 A -- the Fifth.

9 Q -- makeup to her face?

10 MS. HANRAHAN: And I'll ask for the negative
11 inference, Your Honor.

12 MR. GOWDEY: Same objection.

13 THE COURT: Okay.

14 MS. CALVERT: Join.

15 BY MS. HANRAHAN:

16 Q And then Ms. Parlade also testified to several
17 other reports of black eyes and bruises reported to CPS in
18 2008, correct? Do you recall that testimony?

19 MR. GOWDEY: I'm sorry, I -- I zoned for half a
20 second.

21 MS. HANRAHAN: That Ms. Parlade testified to
22 several other reports to CPS of black eyes and bruises in
23 2008. I'm asking if she recalls that testimony.

24 THE WITNESS: Yes.

1 BY MS. HANRAHAN:

2 Q Do you recall how Samantha got the bruising to
3 her cheek that was reported in May?

4 A I assert the Fifth.

5 Q Do you recall Samantha having a black eye in the
6 early part of November?

7 MS. HANRAHAN: I'm --

8 A I assert the --

9 MS. HANRAHAN: -- going to ask for the negative
10 inference, Your Honor, on that last one.

11 MR. GOWDEY: Same objection.

12 THE COURT: Okay.

13 MS. CALVERT: Join.

14 BY MS. HANRAHAN:

15 Q And do you recall how she got a black eye in the
16 early part of November 2008?

17 A I assert the Fifth.

18 MS. HANRAHAN: And I'll ask for the negative
19 inference.

20 MR. GOWDEY: Same objection.

21 THE COURT: Okay.

22 MS. CALVERT: Join.

23 BY MS. HANRAHAN:

24 Q Now with regard to the black eye that was

1 reported in late November 2008, the second one in
2 November, do you recall how that happened?

3 A I assert the Fifth.

4 Q Do you recall that there was an investigation
5 into that report?

6 A I assert the Fifth.

7 MS. HANRAHAN: And I'll ask for the negative
8 inference on both these last questions, Your Honor.

9 MR. GOWDEY: Same objection as to both.

10 THE COURT: Okay.

11 MS. CALVERT: Join.

12 BY MS. HANRAHAN:

13 Q And do you recall that the report that Ms.
14 Parlade testified to in late November 2008 indicated that
15 Samantha again had makeup covering the bruise under her
16 eye?

17 A I assert the Fifth.

18 MS. HANRAHAN: And I'll ask for the negative
19 inference.

20 MR. GOWDEY: Same objection.

21 MS. CALVERT: Join.

22 BY MS. HANRAHAN:

23 Q And do you recall that Samantha also testified
24 last month that she had makeup covering her eye at that

1 time?

2 A I assert the Fifth.

3 MS. HANRAHAN: And I'll ask for the negative

4 inference.

5 MR. GOWDEY: Same --

6 BY MS. HANRAHAN:

7 Q And who --

8 MR. GOWDEY: -- objection.

9 Q -- put the --

10 MS. CALVERT: Objection --

11 Q -- makeup on her --

12 MS. CALVERT: -- joined.

13 Q -- at that time, November 2008?

14 A I assert the Fifth.

15 MS. HANRAHAN: And I'll ask for the negative

16 inference.

17 MR. GOWDEY: Same objection.

18 MS. CALVERT: Join.

19 BY MS. HANRAHAN:

20 Q Did you ever put makeup on Samantha to cover up

21 a black eye that she had?

22 A I assert the Fifth.

23 MS. HANRAHAN: And I'll ask for the negative

24 inference.

1 MR. GOWDEY: Same objection.
2 MS. CALVERT: Join.
3 THE COURT: Okay.
4 BY MS. HANRAHAN:
5 Q Do you recall the incident that Samantha
6 testified about where some people came over to the house
7 and you put makeup on her to cover a black eye?
8 A I assert the Fifth.
9 MS. HANRAHAN: And I'll ask for the negative
10 inference.
11 MR. GOWDEY: Same objection.
12 MS. CALVERT: Join.
13 THE COURT: Okay.
14 BY MS. HANRAHAN:
15 Q Do you recall Sam having bruises shaped like
16 fingers on her arm in September of 2008?
17 A I assert the Fifth.
18 MS. HANRAHAN: And I'll ask for the negative
19 inference, Your Honor.
20 MR. GOWDEY: Same objection.
21 THE COURT: Okay.
22 MS. CALVERT: Join.
23 BY MS. HANRAHAN:
24 Q In October 2008, Sam had to go to the dentist to

1 get a broken tooth fixed, correct?

2 A I assert the Fifth.

3 MS. HANRAHAN: And I'll ask for the negative
4 inference.

5 MR. GOWDEY: Same objection.

6 MS. CALVERT: Join.

7 BY MS. HANRAHAN:

8 Q Do you recall how -- how she broke her tooth or
9 her teeth at that time?

10 A I assert the Fifth.

11 MS. HANRAHAN: And I'll ask for the negative
12 inference.

13 MR. GOWDEY: Same objection.

14 MS. CALVERT: Join.

15 BY MS. HANRAHAN:

16 Q Were you there when Sam's tooth got broken?

17 A I assert the Fifth.

18 MS. HANRAHAN: And I'll ask for the negative
19 inference.

20 MR. GOWDEY: Same objection.

21 MS. CALVERT: Join.

22 BY MS. HANRAHAN:

23 Q Samantha testified that Mr. Brown caused the
24 broken tooth by grabbing her by the hair and throwing her

1 on the floor, correct? Do you recall that testimony?

2 A I assert the Fifth.

3 MS. HANRAHAN: And I'll ask for the negative
4 inference, Your Honor.

5 MS. CALVERT: Object.

6 MR. GOWDEY: Same objection.

7 THE COURT: Okay.

8 BY MS. HANRAHAN:

9 Q Did you ever have a conversation with Mr. Brown
10 about how the broken tooth happened?

11 A I assert the Fifth.

12 MS. HANRAHAN: And I'll ask for the negative
13 inference.

14 MR. GOWDEY: Same objection.

15 MS. CALVERT: Join.

16 BY MS. HANRAHAN:

17 Q And what about Sam? Did you talk to her about
18 what happened? How she got her tooth broken?

19 A I assert the Fifth.

20 MS. HANRAHAN: And I'll ask for the negative
21 inference.

22 MR. GOWDEY: Same objection.

23 MS. CALVERT: Join.

24 BY MS. HANRAHAN:

1 Q Did you -- did you have a fight or a
2 disagreement with Mr. Brown when you found out that she --
3 her tooth was broken?

4 A I assert the Fifth.

5 MS. HANRAHAN: I'll ask for the negative
6 inference.

7 MR. GOWDEY: Same objection.

8 MS. CALVERT: Join.

9 BY MS. HANRAHAN:

10 Q Did you take Sam to the dentist for that broken
11 tooth to be fixed?

12 A I assert the Fifth.

13 MS. HANRAHAN: And I'll ask for the negative
14 inference.

15 MR. GOWDEY: Same objection.

16 MS. CALVERT: Join.

17 BY MS. HANRAHAN:

18 Q What did you tell the dentist had happened to
19 Sam?

20 A I assert the Fifth.

21 MS. HANRAHAN: And I'll ask for the negative
22 inference.

23 MR. GOWDEY: Same objection.

24 MS. CALVERT: Join.

1 BY MS. HANRAHAN:

2 Q Do you recall Samantha testifying that the story
3 to the dentist was that it happened when she was playing
4 football?

5 A I assert the Fifth.

6 MS. HANRAHAN: And I'll ask for the negative
7 inference.

8 MR. GOWDEY: Same objection.

9 THE COURT: Okay.

10 MS. CALVERT: Join.

11 BY MS. HANRAHAN:

12 Q Isn't it true that the whole family had told CPS
13 that she broke her tooth on the slide?

14 A I assert the Fifth.

15 MS. HANRAHAN: And I'll ask for the negative
16 inference.

17 MR. GOWDEY: Same objection.

18 MS. CALVERT: Join.

19 THE COURT: Okay.

20 BY MS. HANRAHAN:

21 Q What school was Samantha attending at that age?
22 I think you said she was nine.

23 MR. GOWDEY: You can answer.

24 A I think -- I don't recall the name of it.

1 Q Cox Elementary sound --

2 A Yeah, David Cox. That's right.

3 Q So, ma'am, in 2008 alone, your daughter had two
4 black eyes in March, a bruise on her upper left cheek in
5 May, bruises shaped like fingers, a broken tooth, and two
6 separate incidents of black eyes in November. Is it your
7 testimony that there's nothing strange about that for a
8 nine year old girl?

9 A I assert the Fifth.

10 MS. HANRAHAN: I'll ask for the negative
11 inference.

12 MR. GOWDEY: Same objection.

13 MS. CALVERT: Join.

14 BY MS. HANRAHAN:

15 Q Isn't it true that you would sometimes keep Sam
16 out of school for a couple of days when she had injuries?

17 A I assert the Fifth.

18 MS. HANRAHAN: And I'll ask for the negative
19 inference.

20 MR. GOWDEY: Same objection.

21 MS. CALVERT: Join.

22 THE COURT: Okay.

23 BY MS. HANRAHAN:

24 Q Now you told CPS back then that Samantha got a

1 lot of her injuries because she was a tomboy and liked to
2 roughhouse with the boys, correct?

3 A I assert the Fifth.

4 MS. HANRAHAN: And I'll ask for the negative
5 inference.

6 MR. GOWDEY: Same objection.

7 MS. CALVERT: Join.

8 BY MS. HANRAHAN:

9 Q Is that still your opinion today, that she got
10 these injuries because she was a tomboy and liked to
11 roughhouse with the boys?

12 A I assert the Fifth.

13 MS. HANRAHAN: And I'll ask for the negative
14 inference.

15 MR. GOWDEY: Same objection.

16 MS. CALVERT: Join.

17 THE COURT: Okay.

18 BY MS. HANRAHAN:

19 Q Now you did talk about -- mention Sam's older
20 half-brother David. Was David involved in sports?

21 A I assert the Fifth.

22 MR. GOWDEY: I'm sorry, vague as to time.

23 MS. CALVERT: Yeah.

24 MR. GOWDEY: When are we talking about?

1 BY MS. HANRAHAN:

2 Q When -- when David lived in your home, you said
3 that he lived in your home and you raised him as your son.
4 Was he involved in sports in say middle and high school?

5 A Yes.

6 Q Did he play football?

7 A Yes.

8 Q Was he a diver for the swim team?

9 A Yes.

10 Q Did he run hurdles?

11 A Yes.

12 Q Did David also like to roughhouse with other
13 boys?

14 MR. GOWDEY: Objection. Vague as to the term
15 roughhouse.

16 MS. HANRAHAN: Well --

17 MR. GOWDEY: Are we talking about specific
18 instances? Vague as to the time period.

19 THE COURT: Okay.

20 MR. GOWDEY: Are we talking about specific
21 instances where he -- where he was roughhousing?

22 THE COURT: Sustained. Yeah, be more --

23 BY MS. HANRAHAN:

24 Q So --

1 THE COURT: -- specific.

2 Q -- in the sense that you told CPS that
3 Samantha's injuries came from roughhousing with boys, did
4 David also like to do whatever you were referring to when
5 you said Samantha liked to roughhouse with boys?

6 MR. GOWDEY: I'm sorry, objection. Assumes
7 facts not in evidence that that's what she said to CPS.
8 That's not part of the record here. We've not had any
9 testimony from any CPS workers that that's what she said.
10 She's reading from a report which is not in evidence.

11 THE COURT: Okay.

12 MS. HANRAHAN: I'm not actually reading from the
13 report, but, Your Honor, if you were to take the negative
14 inference from the prior question, that she liked to --
15 Samantha liked to roughhouse with the boys, then it would
16 be in evidence. I mean, it's kind of -- this is exactly
17 what -- what the Court talked about, various Courts talked
18 about when they talked about someone asserting their
19 privilege in a civil. But I will move on.

20 BY MS. HANRAHAN:

21 Q Did David -- did you ever get calls to C -- or
22 learn of any calls to CPS about David having numerous
23 black eyes or bruises or other suspicious injuries?

24 A I assert the Fifth.

1 MS. HANRAHAN: And I'll ask for the negative
2 inference.

3 MR. GOWDEY: I'm going to --

4 MS. HANRAHAN: You -- she already answered.

5 MR. GOWDEY: Well, she's asserted the Fifth, but
6 I can still object to the question. It assumes facts in
7 evidence -- not in evidence.

8 MS. HANRAHAN: I asked if she was aware of him
9 -- of any reports to CPS --

10 MR. GOWDEY: Are you saying that --

11 MS. HANRAHAN: -- of multiple --

12 MR. GOWDEY: -- there were --

13 MS. HANRAHAN: -- numerous --

14 MR. GOWDEY: -- reports?

15 MS. HANRAHAN: I'm asking her if she's aware of
16 any. No, I'm not -- I'm not testifying. I don't do that.

17

18 THE COURT: It was a question. Do you know of
19 any calls to CPS regarding David having black eyes.

20 MR. GOWDEY: You -- you can answer that
21 question. No?

22 THE WITNESS: No.

23 MS. HANRAHAN: I -- it would be better if you
24 didn't tell her the answer. That's fine.

1 BY MS. HANRAHAN:

2 Q So you -- you weren't aware of any calls to CPS
3 about David, right?

4 MR. GOWDEY: Asked and answered.

5 BY MS. HANRAHAN:

6 Q Were any of your other children ever, to your
7 knowledge, reported to CPS because somebody was concerned
8 about suspicious injuries?

9 A No.

10 Q Just Samantha, correct?

11 A I assert the Fifth.

12 MS. HANRAHAN: And I'll ask for the negative
13 inference.

14 MR. GOWDEY: Same objection.

15 MS. CALVERT: Join.

16 THE COURT: Okay.

17 BY MS. HANRAHAN:

18 Q In December 2009, do you recall CPS Investigator
19 Whitney Lucasek (ph) responding to your home regarding a
20 deep cut to Samantha's wrist?

21 A I assert the Fifth.

22 MS. HANRAHAN: And I'll ask for the negative
23 inference.

24 MR. GOWDEY: Same objection.

1 THE COURT: Okay.

2 MS. CALVERT: Join.

3 MS. HANRAHAN: Court's indulgence. May I
4 approach the witness, Your Honor? I'll be showing her
5 State's previously lodged Exhibits 6 through 10.

6 (COUNSEL CONFER BRIEFLY)

7 BY MS. HANRAHAN:

8 Q Ma'am, if you would take a look at those
9 photographs and let me know when you've had a chance to
10 look at them. Are you finished?

11 A Uh-huh (affirmative).

12 Q Do you recall -- what do you see depicted in
13 those photos, ma'am?

14 A I assert the Fifth.

15 MS. HANRAHAN: Your Honor, describing what's
16 depicted in the photos --

17 MR. DRASKOVICH: And I would submit that the
18 photos speak for themselves and the Court can review the
19 photos.

20 MR. GOWDEY: Join.

21 MS. HANRAHAN: All right. I'll ask for the
22 negative inference.

23 MR. GOWDEY: Same objection.

24 MS. CALVERT: Join.

1 BY MS. HANRAHAN:

2 Q Well, those photos show pictures of an injury to
3 Samantha's wrist, correct?

4 A I assert the Fifth.

5 MS. HANRAHAN: And I'll ask for the negative
6 inference.

7 MR. GOWDEY: Same objection.

8 BY MS. HANRAHAN:

9 Q Recall how Samantha sustained that injury?

10 A I assert the Fifth.

11 MS. HANRAHAN: And I'll ask for the negative
12 inference.

13 MR. GOWDEY: Same objection.

14 MS. CALVERT: Join.

15 THE COURT: Okay.

16 BY MS. HANRAHAN:

17 Q You don't know what caused that injury?

18 A I assert the Fifth.

19 MS. HANRAHAN: And I'll ask for the negative
20 inference.

21 MR. GOWDEY: Same objection.

22 MS. CALVERT: Join.

23 BY MS. HANRAHAN:

24 Q At that point where Samantha sustained that

1 injury in December 2009, she was at a different school
2 then, correct?

3 A I assert the Fifth.

4 MS. HANRAHAN: Your Honor, she's answered --

5 MR. GOWDEY: Could we be more --

6 MS. HANRAHAN: -- other questions about -- I'm
7 just asking if she was at a different school.

8 MR. GOWDEY: Can we be more specific about --
9 about what date we're speaking of?

10 MS. HANRAHAN: I said December 2009.

11 MR. GOWDEY: Well, you said in 2009.

12 MS. HANRAHAN: I said December --

13 THE COURT: Okay.

14 MS. HANRAHAN: -- but maybe you didn't hear me.

15 THE COURT: She said December 2009. Why don't
16 you just repeat the question so Ms. Lawrence can --

17 BY MS. HANRAHAN:

18 Q In December 2009, Samantha was at a different
19 school, no longer David Cox Elementary, correct?

20 A Yes.

21 Q And what school?

22 A Jack Schofield.

23 Q Do you know any reason why Samantha would have
24 initially told someone at Schofield Middle School that Mr.

1 Brown caused the injury by throwing a butter knife at her?

2 MR. GOWDEY: Objection. Calls for speculation.

3 MS. HANRAHAN: Your Honor, Samantha testified to
4 that when she was here.

5 MR. GOWDEY: She's asking whether she knows any
6 reason why she would testify. It calls for speculation on
7 my client's part.

8 MS. HANRAHAN: And it's in regard to her
9 daughter.

10 MR. GOWDEY: That doesn't mean it's --

11 MS. HANRAHAN: I'm asking --

12 MR. GOWDEY: -- not speculative.

13 MS. HANRAHAN: -- if she --

14 MR. GOWDEY: Doesn't mean --

15 MS. HANRAHAN: I'm asking if she --

16 MR. GOWDEY: -- it calls for --

17 MS. HANRAHAN: -- knows --

18 MR. GOWDEY: Doesn't call --

19 MS. HANRAHAN: -- of any --

20 MS. HANRAHAN: -- for speculation.

21 MS. HANRAHAN: -- reason. If she doesn't, she
22 can say no.

23 THE COURT: It's speculative.

24 MS. HANRAHAN: I'm not asking her to speculate.

1 THE COURT: I mean, it --

2 MR. GOWDEY: Do you know of --

3 THE COURT: -- it -- it --

4 MR. GOWDEY: -- any reason. Is that -- is that
5 not asking somebody to speculate?

6 MS. HANRAHAN: No. It's asking if you know of
7 any reason. If she doesn't, she can say no, I know no
8 reason.

9 THE COURT: I mean, you have a -- you have --
10 they have a right to ask you a question. If you know the
11 answer, you have to obviously answer unless, like you've
12 been doing, asserting your Fifth Amendment right. So it's
13 really a yes or no question, so if you know, you should --
14 you should answer unless there's an objection to --

15 MR. GOWDEY: I'm -- I'm going to instruct my
16 client to take the Fifth Amendment.

17 THE WITNESS: I assert the Fifth.

18 MS. HANRAHAN: And I'll ask for the negative
19 inference.

20 MR. GOWDEY: Objection. Same objection.

21 BY MS. HANRAHAN:

22 Q Know of any reason why Samantha wouldn't be able
23 to remember why -- how she got such a deep cut on her
24 wrist?

1 MR. GOWDEY: Objection. Calls for speculation.
2 How does she know any reason why Samantha would or would
3 not be able to remember things?

4 MS. HANRAHAN: Then the same argument. If she
5 doesn't know of any reason she can say no, I don't know.

6 MR. GOWDEY: It's still a speculative question.
7 She shouldn't be forced to answer questions that cause her
8 to speculate about the state of mind of some other person.
9

10 THE COURT: Sustained.

11 MS. HANRAHAN: Your Honor, and I would submit,
12 though I'm not going to belabor the point, that sometimes
13 as a mother you know why your kids do stuff.

14 MR. DRASKOVICH: Objection.

15 MS. CALVERT: No.

16 MR. DRASKOVICH: Argumentative.

17 MR. GOWDEY: This is -- this is now
18 editorializing and testifying and that -- it's improper.

19 (COUNSEL CONFER BRIEFLY)

20 BY MS. HANRAHAN:

21 Q Did -- do you know if Samantha told CPS at first
22 she couldn't remember how she got that cut?

23 MR. GOWDEY: Objection. Calls for speculation.

24 MS. HANRAHAN: I asked if she knows whether

1 Samantha told CPS something.

2 MR. GOWDEY: She -- she --

3 THE COURT: It's not speculation. It's a yes or
4 no question, if she knows or she doesn't know.

5 THE WITNESS: I assert the Fifth.

6 MS. HANRAHAN: And I'll ask for the negative
7 inference.

8 MR. GOWDEY: Objection. Same objection.

9 BY MS. HANRAHAN:

10 Q Do you know if Samantha, in speaking to you and
11 Mr. Brown or anyone else, then changed her story a couple
12 times about how that injury occurred.

13 A I assert the Fifth.

14 MS. HANRAHAN: And I'll ask for the negative
15 inference.

16 MR. GOWDEY: Same objection.

17 MS. CALVERT: Join.

18 BY MS. HANRAHAN:

19 Q Would you expect a 10 or 11 year old girl to
20 immediately remember how she got such a deep cut to her
21 arm?

22 A I assert the Fifth.

23 MS. HANRAHAN: And I'll ask for the negative
24 inference.

1 MR. GOWDEY: Same objection.

2 MS. CALVERT: Join.

3 BY MS. HANRAHAN:

4 Q Now when Samantha testified last month, do you
5 recall her testimony that her original disclosure to her
6 friends was correct, the Donald Brown threw a knife at
7 her, causing that cut?

8 MR. GOWDEY: If -- if you recall, you -- you can
9 answer the question.

10 A No, I don't.

11 MR. GOWDEY: She asked about her testimony.

12 Q You don't recall that testimony?

13 A No.

14 Q So I guess there's no point in asking if you
15 believed her.

16 MR. GOWDEY: Is there a question pending? If
17 there's no point in asking it, was it asked?

18 MS. HANRAHAN: Yeah.

19 MS. DORMAN: Yeah.

20 BY MS. HANRAHAN:

21 Q Do you believe that Mr. Brown caused that cut on
22 her arm?

23 A I assert the Fifth.

24 Q Did you cause that cut to her arm?

1 A I assert the Fifth.

2 MS. HANRAHAN: For both those questions, I'll
3 ask for the negative inference, Your Honor.

4 MR. GOWDEY: And I'll -- same objection as to
5 both questions.

6 BY MS. HANRAHAN:

7 Q Did you seek medical attention for Sam for that
8 injury?

9 A I assert the Fifth.

10 MS. HANRAHAN: I'll ask for the negative
11 inference.

12 MR. GOWDEY: Same objection.

13 MS. CALVERT: Join.

14 THE COURT: Okay.

15 BY MS. HANRAHAN:

16 Q And Sam indicated she still has a scar on her
17 arm from -- from that cut, correct? Do you recall that?

18 A I don't recall.

19 MR. GOWDEY: It's already -- it -- it's already
20 been answered. Never mind.

21 Q So at that point, when Samantha did sustain this
22 injury, CPS became involved in your life for a number of
23 months, correct?

24 A I assert the Fifth.

1 MS. HANRAHAN: And I'll ask for the negative
2 inference, Your Honor.

3 MR. GOWDEY: Same objection.

4 MS. CALVERT: Join.

5 THE COURT: Okay.

6 BY MS. HANRAHAN:

7 Q And the a couple of months later, after this cut
8 to her wrist, Ms. Parlade testified there was another call
9 to CPS about Samantha having a black eye and stitches in
10 her eyebrow. You recall that testimony?

11 MR. GOWDEY: Objection. Could we get a date as
12 to that?

13 MS. HANRAHAN: Okay.

14 BY MS. HANRAHAN:

15 Q A couple months after the December 2009, there
16 was -- Ms. Parlade testified that in February 2010 there
17 was another call to CPS that Samantha had stitches in her
18 eyebrow and another black eye, correct? Do you recall
19 that testimony?

20 MR. GOWDEY: Ms. --

21 A Oh.

22 MR. GOWDEY: -- Parlade's testimony?

23 MS. HANRAHAN: Yes.

24 A Yes.

1 Q And do you recall Sam's testimony that that
2 incident really was an accident, that Heidi, her sister
3 Heidi actually did throw a remote at her?

4 MR. GOWDEY: Sam's testimony.

5 THE COURT: So -- so you're asking --

6 A Yes.

7 THE COURT: Yeah, if you --

8 A Yes.

9 THE COURT: -- remember Sam's testimony.

10 Q And do you recall Sam's testimony that sometimes
11 she would have to repeat a made-up story so many times
12 that she would start to think it was true?

13 A I assert the Fifth.

14 MS. HANRAHAN: Your Honor, I'm asking if she
15 recalled the testimony now. Just the question before it
16 was okay for her to recall the testimony and now she's
17 asserting the Fifth. I'm --

18 MR. DRASKOVICH: I object as to relevance. I
19 mean, whether she recalls what the testimony that the
20 Court's hearing is of no relevance to --

21 MS. HANRAHAN: Your Honor, because I'm leading
22 up to questions and I'm asking -- sometimes you ask
23 foundational questions. I need to know whether she
24 recalls that testimony.

1 THE COURT: Okay. So you can answer that
2 question if you remember what Samantha said. So it's not
3 what you're saying, it's what Samantha said if you were at
4 the hearing last time and you were listening, whether or
5 not you remember that testimony. That's the question.

6 MR. GOWDEY: Do you remember the testimony?

7 THE WITNESS: No.

8 BY MS. HANRAHAN:

9 Q And so do you recall, while that case was open
10 to CPS, that you were assigned an in-home worker, Danielle
11 Mandarino to work with your family?

12 A I assert the Fifth.

13 MS. HANRAHAN: And I'll ask for the negative
14 inference.

15 MR. GOWDEY: Same objection.

16 MS. CALVERT: Join.

17 BY MS. HANRAHAN:

18 Q Now you and Donald Brown repeatedly told not
19 just Ms. Mandarino but Ms. Lucasek that Sam was lying and
20 stealing and manipulating people, correct?

21 A I assert the Fifth.

22 MS. HANRAHAN: And I'll ask for the negative
23 inference, as well for the last one.

24 MR. GOWDEY: Same objection.

1 MS. CALVERT: Join.

2 BY MS. HANRAHAN:

3 Q And do you recall being repeatedly advised by
4 CPS during that case to get Samantha enrolled in
5 counseling to try to figure out what was going on?

6 MR. GOWDEY: Objection. Vagueness to the term
7 repeatedly.

8 BY MS. HANRAHAN:

9 Q Do you recall being advised by the Department of
10 Family Services to get Samantha enrolled in counseling to
11 try to figure out what was going on with her or you?

12 A I assert the Fifth.

13 MS. HANRAHAN: And I'll ask for the negative
14 inference.

15 MR. GOWDEY: Same objection.

16 BY MS. HANRAHAN:

17 Q And you never did enroll Sam in any type of
18 therapy during that case, did you?

19 A I assert the Fifth.

20 MS. HANRAHAN: And I'll ask for the negative
21 inference.

22 MR. GOWDEY: Same objection.

23 BY MS. HANRAHAN:

24 Q Did you ever take her to a psychologist?

1 A I assert the Fifth.

2 MS. HANRAHAN: I'll ask for the negative
3 inference.

4 MR. GOWDEY: Same objection.

5 MS. CALVERT: Join.

6 BY MS. HANRAHAN:

7 Q Did you ever take her to a psychiatrist.

8 A I assert the Fifth.

9 MS. HANRAHAN: I'll ask for the negative
10 inference.

11 MR. GOWDEY: Same objection.

12 BY MS. HANRAHAN:

13 Q Ever sit down with the school counselor to talk
14 about what to do with Samantha?

15 A I assert the Fifth.

16 MS. HANRAHAN: I'll ask for the negative
17 inference.

18 MR. GOWDEY: Same objection.

19 MS. CALVERT: Join.

20 THE COURT: Okay.

21 BY MS. HANRAHAN:

22 Q And isn't it true that the reason you didn't
23 want her talking to anybody would be -- was because you
24 were worried about what she might say was going on in the

1 home?

2 A I assert the Fifth.

3 MS. HANRAHAN: And I'll ask for the negative
4 inference.

5 MR. GOWDEY: Same objection.

6 MS. CALVERT: Join.

7 BY MS. HANRAHAN:

8 Q Do you recall talking to DFS at that time about
9 a statement that Samantha made about you going into a rage
10 at times and Donald having to block you from beating her?

11 A I assert the Fifth.

12 MS. HANRAHAN: And I'll ask for the negative
13 inference.

14 MR. GOWDEY: Same objection.

15 MS. CALVERT: Join.

16 THE COURT: Okay.

17 BY MS. HANRAHAN:

18 Q Did you hear Sam testify to that last month as
19 well, that you at times also tried to beat her with a
20 belt, and there were times when Donald actually stopped
21 you?

22 MS. CALVERT: Objection. Mis --

23 Q Do you recall that testimony?

24 MS. CALVERT: Misstates prior testimony.

1 MS. HANRAHAN: And I don't know where that's
2 coming from Sam specifically testified to that.

3 MR. GOWDEY: Do you have a transcript?

4 MS. HANRAHAN: I do have a transcript. I don't
5 know if I brought it with me. It's in here, if I could
6 just have a moment.

7 (PAUSE)

8 MS. HANRAHAN: You guys -- did you get a
9 transcript?

10 MS. CALVERT: I got the video.

11 MS. HANRAHAN: Oh. Because you (indiscernible).
12 Well, I can show you a page on the transcript that --
13 where she talks about that.

14 MR. GOWDEY: Does it comport with what you
15 offered by way of question?

16 (COUNSEL CONFER BRIEFLY)

17 MS. HANRAHAN: Do you want me to read it?

18 MR. GOWDEY: Please.

19 MS. HANRAHAN: All right. So Ms. Dorman asks,
20 so we've talked about -- let's see -- I'd like to go back.
21 There's a big long argument here, surprisingly.

22 MR. GOWDEY: Who's doing the arguing, just out
23 of curiosity?

24 MS. HANRAHAN: All right. So -- all right. Now

1 on Page 24, since nobody else has a copy, I don't know if
2 that matters, but on Page 24 of the transcript Ms. Dorman
3 asks what kinds of punishments would Mom give and the
4 answer from Samantha was she sometimes -- she would hit me
5 on the back with a belt. How many times would you say
6 that happened? Maybe four or five. And Ms. Dorman asked,
7 when you would get hit with a belt by your Mom
8 specifically, did anyone try to stop her from hitting you?
9 Yes. Who was that? Dad. What would he do? He would
10 step in the middle of it and tell her to stop. That's
11 what I'm referring to.

12 MR. GOWDEY: And what was the question again?

13 MS. DORMAN: Do you recall that testimony.

14 MS. HANRAHAN: God only knows. Yes. The -- it
15 was do you recall --

16 MR. GOWDEY: That was not --

17 MS. CALVERT: That wasn't --

18 MR. GOWDEY: -- the question. I'm sorry.

19 MS. DORMAN: That absolutely --

20 MS. HANRAHAN: Sam --

21 MS. DORMAN: -- was the question.

22 BY MS. HANRAHAN:

23 Q The question was Sam testified to that at times
24 -- or Sam testified to that last month as well, that --

1 about Donald occasionally having to block you from beating
2 her. Do you recall that testimony that I just read,
3 ma'am?

4 MR. GOWDEY: If --

5 A Yes.

6 MR. GOWDEY: If you recall it, answer.

7 A Yeah.

8 Q And do you recall her testimony that there were
9 a couple of times where you ran through the house breaking
10 things?

11 A No.

12 Q You don't recall that testimony?

13 A No, ma'am.

14 Q Well, did that happen?

15 A I assert the Fifth.

16 MS. HANRAHAN: And I'll ask for the negative
17 inference.

18 MR. GOWDEY: Same objection.

19 MS. CALVERT: Join.

20 BY MS. HANRAHAN:

21 Q And Samantha testified specifically about one
22 time when David said that he was going to marry Alicia
23 (ph), that you ran through the home throwing things and
24 breaking things; do you recall that testimony?

1 A Yes, I do.

2 Q Do you recall the incident that she was talking
3 about?

4 A I assert the Fifth.

5 MS. HANRAHAN: And I'll ask for the negative
6 inference.

7 MR. GOWDEY: Same objection.

8 MS. CALVERT: Join.

9 BY MS. HANRAHAN:

10 Q With regard to Samantha's testimony that you
11 occasionally would hit her with a belt sometimes; is that
12 true?

13 A I assert the Fifth.

14 MS. HANRAHAN: And I'll ask for the negative
15 inference.

16 MR. GOWDEY: Same objection.

17 BY MS. HANRAHAN:

18 Q Did you hit the other kids with a belt or just
19 Samantha?

20 A I assert the Fifth.

21 MS. HANRAHAN: And I'll ask for the negative
22 inference.

23 MR. GOWDEY: Same objection. I object to the
24 form of the question.

1 THE COURT: Can --
2 MR. GOWDEY: I'm sorry.
3 MS. HANRAHAN: Your Honor, if there's an
4 objection --
5 MR. GOWDEY: The question assumes facts not in
6 evidence, that she hit Samantha. That has not been
7 established.
8 MS. HANRAHAN: Samantha testified to it.
9 MR. GOWDEY: She did not acknowledge that, so
10 the question is did you hit the other kids or just
11 Samantha. Do you beat your wife or just your dog. I
12 mean, it's -- it assumes facts not in evidence that she
13 hit -- that she agreed that she hit Samantha.
14 MS. HANRAHAN: She could answer and say no.
15 MR. GOWDEY: Well, but it's one or the other.
16 Do you hit the other kids or just Samantha. No. Oh, so
17 you just hit Samantha. I object to the form of the
18 question. It puts her in a situation where if she answers
19 no, she's acknowledging that she just hit Samantha. If
20 she says yes, she's acknowledging the kids --
21 MS. HANRAHAN: Well, she --
22 MR. GOWDEY: -- and Samantha.
23 MS. HANRAHAN: -- already took the Fifth.
24 THE COURT: I thought you said did you hit other

1 kids with the belt.

2 MR. GOWDEY: Or just Samantha was the last part
3 of that question.

4 THE COURT: So I'll have you rephrase the .
5 question.

6 BY MS. HANRAHAN:

7 Q Did you hit all the kids with a belt?

8 A I assert the Fifth.

9 MS. HANRAHAN: And I'll again ask for a negative
10 inference.

11 MR. GOWDEY: Same objection.

12 MS. CALVERT: Join.

13 BY MS. HANRAHAN:

14 Q Now Sam testified that there were a couple of
15 times that you left marks on her back from hitting her as
16 well; do you recall that testimony?

17 A No, I don't.

18 Q Is it true that you left marks on her back a
19 couple of times when you hit her with a belt?

20 A I as --

21 Q Is it true -- that's my question.

22 A I assert the Fifth.

23 MS. HANRAHAN: And I'll ask for the negative
24 inference.

1 MR. GOWDEY: Same objection.

2 MS. CALVERT: Join.

3 BY MS. HANRAHAN:

4 Q Why do you think Sam would say those things
5 about you?

6 MR. GOWDEY: Objection. Calls for speculation.

7 MS. HANRAHAN: Well, Your Honor, she -- again,
8 she might have an explanation.

9 MR. GOWDEY: It call --

10 MS. HANRAHAN: She might know exactly why Sam
11 would say (indiscernible).

12 MR. GOWDEY: It calls for speculation. The form
13 of the question calls for speculation. Why do you think
14 Sam would do X, Y or Z. That calls for speculation as to
15 what's in Sam's mind.

16 THE COURT: Sustained.

17 MS. HANRAHAN: All right.

18 BY MS. HANRAHAN:

19 Q So in December 2010 there was a report that --
20 Ms. Parlade testified there was a report that Sam had a
21 black eye; do you recall that?

22 MR. GOWDEY: The testimony or the black eye?

23 Q Do you recall the testimony --

24 A Yes.

1 Q -- that there was a report in December 2010?

2 A Yes.

3 Q And do you recall Sam having a black eye in
4 December of 2010?

5 A I assert the Fifth.

6 MS. HANRAHAN: And I'll ask for the negative
7 inference.

8 MR. GOWDEY: Same objection.

9 THE COURT: Okay.

10 BY MS. HANRAHAN:

11 Q Do you recall how -- do you recall Sam
12 testifying that the original story she told about that
13 black eye was that she hit her eye on a ladder hanging
14 Christmas lights? Do you recall her testimony as to that?

15 A No, ma'am.

16 Q Did Sam indeed get a black eye from hanging
17 Christmas lights or anything else in December 2010?

18 A I assert the Fifth.

19 MS. HANRAHAN: And I'll ask for the negative
20 inference.

21 MR. GOWDEY: Same --

22 THE COURT: Okay.

23 MR. GOWDEY: -- objection.

24 BY MS. HANRAHAN:

1 Q And then do you recall Ms. Parlade testified in
2 January 2011 there were a couple of reports, one January
3 27th and one January 28th about -- one about a black eye
4 and one about a bruise on her ribs; do you recall that
5 testimony?

6 A Yes.

7 Q Do you recall what happened to cause Samantha's
8 bruised eyes at that time --

9 MR. GOWDEY: Objection.

10 Q -- January two thousand --

11 MR. GOWDEY: Assumes facts not in evidence.

12 BY MS. HANRAHAN:

13 Q Do you recall Sam having bruised or swollen eyes
14 in January 2011?

15 A I assert the Fifth.

16 MS. HANRAHAN: And I'll ask for the negative
17 inference.

18 MR. GOWDEY: Same objection.

19 MS. CALVERT: Join.

20 THE COURT: Okay.

21 BY MS. HANRAHAN:

22 Q And do you recall Sam having a bruise on her
23 ribs in January 2011?

24 A I assert the Fifth.

1 MS. HANRAHAN: And I'll ask for the negative
2 inference.

3 MR. GOWDEY: Same objection.

4 THE COURT: Okay.

5 BY MS. HANRAHAN:

6 Q And then do you recall that Ms. Parlade
7 testified in March 2011 there was another report that the
8 area under her eye was red, puffy and scratched --

9 A Yes.

10 Q -- do you recall that testimony? Do you recall
11 Sam having such an injury in March 2011?

12 A I assert the Fifth.

13 MS. HANRAHAN: And I'll ask for the negative
14 inference.

15 MR. GOWDEY: Same objection.

16 BY MS. HANRAHAN:

17 Q So at some point then, later in 2011, did you --
18 after that report in March 2011, sometime after that, you
19 decided to remove Sam from school to home school her,
20 correct?

21 MR. GOWDEY: Can we -- can we get a time -- time
22 period? I know sometime after. When -- when are we
23 talking about exactly?

24 BY MS. HANRAHAN:

1 Q In the fall of 2011, did you remove Sam from
2 school to home school her?

3 A Yes.

4 Q And specifically would that have been November
5 2011?

6 A Yes.

7 Q Why did you decide to do that?

8 A I assert the Fifth.

9 MS. HANRAHAN: I'll ask for the negative
10 inference.

11 MR. GOWDEY: Same objection.

12 MS. CALVERT: Join.

13 BY MS. HANRAHAN:

14 Q Is it because you were tired of people calling
15 CPS about her injuries?

16 A I assert the Fifth.

17 MS. HANRAHAN: And I'll ask for the negative
18 injuries (sic). Or --

19 THE COURT: Inference.

20 MS. HANRAHAN: Negative inference.

21 MR. GOWDEY: Same -- same objection.

22 MS. HANRAHAN: Let me --

23 MS. CALVERT: Join.

24 MS. HANRAHAN: -- ask first.

1 BY MS. HANRAHAN:

2 Q Now while Sam was being home schooled, did you
3 have her enrolled in other activities with other kids like
4 sports or clubs?

5 A I assert the Fifth.

6 MS. HANRAHAN: And, Your Honor, I don't see how
7 that's -- subjects her to criminal prosecution.

8 MR. GOWDEY: Objection. Relevance.

9 MS. HANRAHAN: It's relevant to how she treated
10 her daughter, Your Honor. That's what we're here for.

11 MR. GOWDEY: And -- and that's exactly why she's
12 asserting the Fifth, since it's relevant to how she
13 treated her daughter and she's accused of neglect and
14 abuse.

15 THE COURT: Sustain -- sustained. That could be
16 something in the totality of what's going on, so I'll
17 sustain that objection.

18 MS. HANRAHAN: Okay.

19 BY MS. HANRAHAN:

20 Q What clubs did you have Sam engaged in while she
21 was being home schooled?

22 A I assert the Fifth.

23 Q And what sports did you have Sam engaged in
24 while she was being home schooled?

1 A I assert the Fifth.

2 Q Do you recall --

3 MS. HANRAHAN: And I'll ask for the negative
4 inference on both of those, Your Honor.

5 MR. GOWDEY: Same objection as to both.

6 BY MS. HANRAHAN:

7 Q And so Sam's testimony that she was kept home
8 with no contact with anyone other than family; do you
9 recall that testimony?

10 A No.

11 Q How do you explain the fact, ma'am, that
12 Samantha sustained so many more injuries over the course
13 of her childhood than other children?

14 MR. GOWDEY: Objection. Assumes facts not in
15 evidence. What other children? Who are we -- who are we
16 measuring this against? Purely speculative.

17 THE COURT: All right. So you have to be more
18 specific as to what children you're -- you're talking
19 about.

20 BY MS. HANRAHAN:

21 Q Do you believe that Samantha sustained just a
22 normal number of childhood injuries as compared to say
23 your other children?

24 A I assert the Fifth.

1 MS. HANRAHAN: And I'll ask for the negative
2 inference.

3 MR. GOWDEY: Same objection.

4 MS. CALVERT: Join.

5 BY MS. HANRAHAN:

6 Q Is it your contention that all of Sam's
7 childhood injuries were caused by her being clumsy?

8 A I assert the Fifth.

9 Q Is it your contention that Sam is making all of
10 this up out of whole cloth?

11 A I assert the Fifth.

12 MS. HANRAHAN: And I'll ask for the negative
13 inference on both those questions, Your Honor.

14 MR. GOWDEY: Same objection as to both.

15 THE COURT: Okay.

16 BY MS. HANRAHAN:

17 Q Ever take Samantha to a neurologist or other
18 medical professional to determine why she sustained so
19 many injuries?

20 A I assert the Fifth.

21 MS. HANRAHAN: And I'll ask for the negative
22 inference.

23 MR. GOWDEY: Same objection.

24 MS. CALVERT: Join.

1 THE COURT: Okay.

2 BY MS. HANRAHAN:

3 Q Ever seek any type of counseling for Samantha or
4 the family as a whole given the multiple CPS
5 investigations that Ms. Parlade testified to?

6 A I assert the Fifth.

7 MS. HANRAHAN: I'll ask for the negative
8 inference.

9 MR. GOWDEY: Same objection.

10 MS. CALVERT: Join.

11 BY MS. HANRAHAN:

12 Q Would you agree that there was a pattern in
13 these CPS cases where Samantha would tell a classmate that
14 her stepfather caused the injuries and then change her
15 story when the authorities got involved?

16 MR. GOWDEY: Objection. Calls for speculation.

17 MS. CALVERT: Hearsay.

18 MS. HANRAHAN: I'm asking if she would agree
19 that there as a pattern, and so speculation -- I don't
20 know what the speculation would be.

21 MR. GOWDEY: If there's a pattern.

22 MS. HANRAHAN: I'm asking if she would agree --
23 she's free not to -- if a lot of these cases got started
24 when Samantha would tell a classmate that her father --

1 her stepfather caused the injuries and then change her
2 story. I'm asking if she recognized a pattern of that
3 happening.

4 MR. GOWDEY: I would --

5 MS. HANRAHAN: It doesn't call for --

6 MR. GOWDEY: -- argue that it's vague and --
7 vague and ambiguous and unintelligible as to the word
8 pattern.

9 MS. CALVERT: I think it's hearsay about what
10 she's telling her friends, that we don't -- and we don't
11 know --

12 MS. HANRAHAN: I'm not asking --

13 MS. CALVERT: -- what she's telling her friends.

14 MS. HANRAHAN: I'm not asking about this. I'm
15 asking if she thinks that there was a pattern of -- in the
16 CPS cases of Samantha first telling a classmate about the
17 injuries and then telling a different -- that -- first
18 telling a classmate that Mr. Brown caused the injuries,
19 and then changing her story once authorities got involved.

20 THE COURT: Okay. I don't think it's
21 speculative and I don't think it's hearsay because you're
22 not asking what -- what was said. It's -- it's the
23 conduct of -- of Samantha. Not what she said to the
24 classmates but the fact that she told the classmates

1 something and then didn't repeat the same thing from
2 before. That's the question. So it's not specific as to
3 what she said but her -- her conduct.

4 MS. HANRAHAN: I'm just asking -- right, if she
5 under -- if her understanding is that a lot of these cases
6 got started in that fashion, that Sam would tell the
7 classmate that her stepfather caused the injuries and then
8 change her story when authorities got involved.

9 THE WITNESS: I assert the Fifth.

10 MS. HANRAHAN: And I'll ask for the negative
11 inference.

12 MR. GOWDEY: Same objection.

13 MS. CALVERT: Join.

14 BY MS. HANRAHAN:

15 Q Would you agree that this case followed that
16 same pattern?

17 A I assert the Fifth.

18 Q And when this case first opened in December of
19 2013, Sam said that the black eye was caused by hitting
20 her eye on a cabinet, correct?

21 A I assert the Fifth.

22 MS. HANRAHAN: And I'll ask for the negative
23 inference --

24 MR. GOWDEY: Same --

1 MS. HANRAHAN: -- on this one and the previous
2 one.

3 MR. GOWDEY: Same objection.

4 MS. CALVERT: Join.

5 THE COURT: Okay.

6 BY MS. HANRAHAN:

7 Q And Sam initially stated that -- your
8 understanding that Sam initially stated those lacerations
9 on her back were caused by falling on a trampoline?

10 A I assert the Fifth.

11 MS. HANRAHAN: And I'll ask for the negative
12 inference.

13 MR. GOWDEY: Same objection.

14 THE COURT: Okay.

15 BY MS. HANRAHAN:

16 Q Isn't it true that Sam stuck with the stories
17 about the trampoline and the cabinet for a long time after
18 she was removed from your home?

19 A I assert the Fifth.

20 MS. HANRAHAN: And I'll ask for the negative
21 inference.

22 MR. GOWDEY: Same -- same objection.

23 THE COURT: Okay.

24 BY MS. HANRAHAN:

1 Q And in fact isn't it true that Sam appeared with
2 you here in this courtroom and argued to this very judge
3 that she was never abused; do you recall that?

4 MR. GOWDEY: Do you recall it?

5 A Yeah, I -- I do recall that.

6 Q And isn't it true that that's because you and
7 Mr. Brown had told her what to say?

8 A I assert the Fifth.

9 MS. HANRAHAN: And I'll ask for the negative
10 inference.

11 MR. GOWDEY: Same objection.

12 MS. CALVERT: Join.

13 BY MS. HANRAHAN:

14 Q Do you recall her testimony that she said those
15 things because she was afraid of what would happen to her
16 if she told the truth? Her testimony last month.

17 A No.

18 Q You don't recall that?

19 A No.

20 Q Do you think that Samantha was afraid of you and
21 Mr. Brown?

22 A I assert the Fifth.

23 MS. HANRAHAN: And I'll ask for the negative
24 inference.

1 MR. GOWDEY: Same objection.

2 MS. CALVERT: Join.

3 BY MS. HANRAHAN:

4 Q And you recall the letter that's been previously
5 admitted as State's Exhibit 11, I believe, where she
6 outlined all the things that she -- Mr. Brown had done to
7 her? Do you recall that letter?

8 A Yes, I do.

9 Q Any idea what prompted her to write that letter?

10 MR. GOWDEY: Objection.

11 A I assert --

12 MR. GOWDEY: Calls for speculation. I think by
13 definition anything that starts with any idea what is
14 calling for speculation.

15 MS. HANRAHAN: Well, it isn't. It's calling for
16 yeah, I -- I do know why she did that, it's blah, blah,
17 blah. Or no, I don't know, I have no idea. That's all it
18 asks for.

19 THE COURT: I mean, if she -- you can --

20 MS. HANRAHAN: I'm not asking her --

21 THE COURT: If she can --

22 MS. HANRAHAN: -- to speculate.

23 THE COURT: Yeah, if --

24 MS. HANRAHAN: If I said could you think of any

1 reason and just speculate on why she might have --

2 THE COURT: I think it's a fair question.

3 MS. HANRAHAN: -- done it even if you --

4 THE COURT: She's not --

5 MS. HANRAHAN: -- don't know.

6 THE COURT: She's not -- it's her interpretation
7 of why her daughter may or may have not done something,
8 not what the daughter --

9 MR. GOWDEY: You can answer the question.

10 THE COURT: If she can answer it, she can answer
11 it, but it depends on how she answers it. Yes -- it's a
12 yes or no question.

13 THE WITNESS: So I assert the Fifth.

14 MS. HANRAHAN: And I'll ask for the negative
15 inference.

16 MR. GOWDEY: Same objection.

17 MS. CALVERT: Join.

18 BY MS. HANRAHAN:

19 Q Do you think it's possible she wrote that letter
20 because she finally felt safe, ma'am?

21 MR. GOWDEY: Objection. Calls for speculation.
22 Anything's possible, Judge.

23 THE COURT: Her feelings are speculation, so
24 that -- that's sustained.

1 MS. HANRAHAN: Okay.

2 BY MS. HANRAHAN:

3 Q Did you read that letter at the time?

4 MR. GOWDEY: Objection. Vague as to time. At
5 what time? The time of trial?

6 Q May of 2014 when Samantha wrote the letter.

7 A I assert the Fifth.

8 MS. HANRAHAN: And I'll ask for the negative
9 inference.

10 MR. GOWDEY: Same objection.

11 MS. CALVERT: Join.

12 BY MS. HANRAHAN:

13 Q You told Donald Brown when you spoke to him in
14 jail that you didn't even read the whole thing, you tore
15 it up and threw it away; didn't you?

16 A I assert the Fifth.

17 MS. HANRAHAN: And I'll ask for the negative
18 inference for that one and the last one.

19 MR. GOWDEY: Same objection.

20 MS. CALVERT: Join.

21 BY MS. HANRAHAN:

22 Q So on seeing that letter, did it cause you to
23 question whether any of those things could possibly be
24 true that Samantha was saying?

1 A I assert the Fifth.

2 MS. HANRAHAN: And I'll ask for the negative
3 inference.

4 MR. GOWDEY: Same -- same objection.

5 THE COURT: Okay.

6 BY MS. HANRAHAN:

7 Q Isn't it true that you didn't question the truth
8 of that letter because you knew it to be true?

9 A I assert the Fifth.

10 MR. GOWDEY: Same objection.

11 Q Ma'am, you don't like your daughter Samantha
12 very much; do you?

13 A I assert the Fifth.

14 MS. HANRAHAN: And I'll ask for the negative
15 inference.

16 MR. GOWDEY: Same objection.

17 MS. CALVERT: Join.

18 BY MS. HANRAHAN:

19 Q Now again you recall early in this case when Mr.
20 Brown was incarcerated at Clark County Detention Center
21 back in early 2014.

22 A I assert the Fifth.

23 MS. HANRAHAN: I'll ask for the negative
24 inference.

1 MR. GOWDEY: Same objection.

2 MS. CALVERT: Join.

3 BY MS. HANRAHAN:

4 Q And you had regular phone conversations with him
5 during that month, correct?

6 A I assert the Fifth.

7 MS. HANRAHAN: I'll ask for the negative
8 inference.

9 MR. GOWDEY: Same objection.

10 MS. CALVERT: Join.

11 BY MS. HANRAHAN:

12 Q Were you aware that those phone conversations
13 were recorded?

14 A I assert the Fifth.

15 MS. HANRAHAN: And I will ask for the negative
16 inference.

17 MR. GOWDEY: Same objection.

18 BY MS. HANRAHAN:

19 Q Do you recall a conversation you had with Mr.
20 Brown on March 3rd, 2014 wherein you told him that
21 Samantha has been, quote, nothing but a pain in my fucking
22 side since the day she was born? Do you recall that
23 conversation?

24 A I assert the Fifth.

1 MS. HANRAHAN: And I'll ask for the negative
2 inference.

3 MR. GOWDEY: Same objection.

4 MS. CALVERT: Join.

5 BY MS. HANRAHAN:

6 Q During that same conversation do you recall
7 saying she ain't been nothing but trouble?

8 A I assert the Fifth.

9 MS. HANRAHAN: And I'll ask for the negative
10 inference.

11 MR. GOWDEY: Same objection.

12 MS. CALVERT: Same objection. Join.

13 MS. HANRAHAN: And, Your Honor, I'm going to --
14 we'll just take a listen to that conversation.

15 (COUNSEL CONFER BRIEFLY)

16 (AUDIO PLAYED FOR THE COURTROOM)

17 BY MS. HANRAHAN:

18 Q Now, ma'am, on the date that you had this
19 conversation, where you and Donald both agreed that
20 Samantha was nothing but trouble, that was March 3rd,
21 2014, correct?

22 MR. GOWDEY: Objection as to the form of the
23 question. It does not fully and accurately depict the
24 entire conversation.

1 THE COURT: So --

2 MS. HANRAHAN: I'm not sure -- he wants to
3 listen to the whole conversation?

4 MR. GOWDEY: No, I -- just from what I've heard
5 I don't think that your -- your statement depicts the
6 entire conversation. She clearly related that being re --
7 constantly being reported to CPS was the reason that she
8 was the problem.

9 MS. HANRAHAN: She did not --

10 MR. GOWDEY: Let's --

11 MS. HANRAHAN: -- but --

12 MR. GOWDEY: -- play it again and we can hear
13 it.

14 MS. HANRAHAN: That's fine with me.

15 THE COURT: Uh-huh. Uh-huh.

16 MS. DORMAN: Can you turn it up, Maryte?

17 (AUDIO PLAYED FOR THE COURTROOM)

18 MR. GOWDEY: Clearly relating to the CPS
19 inquiries.

20 MS. HANRAHAN: Your Honor, my question was, on
21 the date you had this conversation where you both agreed
22 that she was nothing but trouble -- we just heard them
23 agree, yeah, you're right -- that was still -- and I
24 hadn't even finished my question.

1 THE COURT: Yeah, I -- I --

2 MS. HANRAHAN: If I may.

3 THE COURT: Yeah.

4 BY MS. HANRAHAN:

5 Q This conversation occurred still during the
6 months before Sam wrote that letter, correct, in May of
7 2014?

8 MR. GOWDEY: Do you know when the conversation
9 occurred?

10 A I assert the Fifth.

11 MS. HANRAHAN: And I'll ask for the negative
12 inference.

13 MR. GOWDEY: Same objection.

14 MS. CALVERT: Join.

15 THE COURT: Okay.

16 BY MS. HANRAHAN:

17 Q At that point in March 2014, Sam was still
18 telling authorities the stories that you wanted her to
19 tell, correct?

20 A I --

21 MR. GOWDEY: Objection. Calls for -- vague as
22 to the stories that you wanted her to tell.

23 BY MS. HANRAHAN:

24 Q Sam was still telling authorities that no abuse

1 had happened back in March 2014, correct?

2 A I assert the Fifth.

3 MS. HANRAHAN: And I ask for the negative
4 inference. MR. GOWDEY: Same objection.

5 MS. CALVERT: Join.

6 THE COURT: Okay. All right.

7 BY MS. HANRAHAN:

8 Q And yet even when she was saying that no abuse
9 had happened, you characterized her as nothing but a pain
10 in my fucking side, correct?

11 A I assert the Fifth.

12 MS. HANRAHAN: And I'll ask for the negative
13 inference.

14 MR. GOWDEY: Same objection.

15 THE COURT: Okay.

16 BY MS. HANRAHAN:

17 Q So Sam can't really win with you, can she?

18 MR. GOWDEY: Objection. Document (sic) --

19 MS. CALVERT: Join.

20 MR. GOWDEY: -- argumentative.

21 THE COURT: Sustained.

22 BY MS. HANRAHAN:

23 Q Do you recall a conversation with Donald Brown
24 on March 4th, 2014 when you told him I want her out of my

1 house when speaking of Samantha?

2 A I assert the Fifth.

3 Q Do you recall --

4 MS. HANRAHAN: And I'll ask for the negative
5 inference.

6 Q Do you recall telling --

7 MR. GOWDEY: Same objection.

8 Q -- Mr. Brown in that same conversation that you
9 were worried that Samantha might kill one of your kids?

10 A I assert the Fifth.

11 MS. HANRAHAN: And I'll ask for the negative
12 inference.

13 MR. GOWDEY: Same objection.

14 MS. HANRAHAN: And let's take a listen to that
15 one.

16 (AUDIO PLAYED FOR THE COURTROOM)

17 BY MS. HANRAHAN:

18 Q So when you said what's she going to do, kill
19 one of my kids, you were speaking of Samantha, correct?

20 A I assert the Fifth.

21 MS. HANRAHAN: And I'll ask for the negative
22 inference.

23 MR. GOWDEY: Same objection.

24 MS. CALVERT: Join.

1 BY MS. HANRAHAN:

2 Q Isn't Samantha one of your kids, ma'am?

3 A I assert the Fifth.

4 MS. HANRAHAN: And I'll ask for the negative
5 inference.

6 THE COURT: Okay.

7 MR. GOWDEY: Same objection.

8 MS. HANRAHAN: And point out that she already
9 identified Samantha as one of her children.

10 MR. GOWDEY: Then I'll object and say it's been
11 asked and answered.

12 BY MS. HANRAHAN:

13 Q Do you recall a conversation on March 12th, 2014
14 with Mr. Brown when he told you not to talk about Sam and
15 you replied that she's the one that caused all of this?

16 A I assert the Fifth.

17 MS. HANRAHAN: And I'll ask for the negative
18 inference.

19 MR. GOWDEY: Same objection.

20 MS. CALVERT: Join.

21 MS. HANRAHAN: Well, let's take a listen to that
22 one.

23 MR. GOWDEY: You know, I'm going to object to
24 the introduction of these jail calls. There's lack of

1 foundation.

2 MS. HANRAHAN: Your Honor, these are -- were
3 provided to them in discovery.

4 MR. GOWDEY: I didn't say they weren't provided,
5 I said they lack foundation.

6 (COUNSEL CONFER BRIEFLY)

7 MS. HANRAHAN: Your Honor, there has been no
8 objection to these filed -- or made so far --

9 MR. GOWDEY: There's an objection now.

10 MS. HANRAHAN: -- first of all. And secondly,
11 these were provided in discovery. I can lay the
12 foundation if the witness will answer any questions about
13 whether this is her and whether that's Donald Brown, or I
14 mean, we can play the entire thing of all of these, which
15 will take us a very long time because the initial parts of
16 all of these calls identify the phone number and the
17 caller. And so I -- I guess we can go -- and the date --
18 so I guess we can do all that. But again, I did provide
19 copies of these calls to them in discovery, so they've had
20 the opportunity to go through them themselves.

21 (COUNSEL CONFER BRIEFLY)

22 MR. GOWDEY: I am -- I am being advised by my
23 co-counsel to -- to withdraw the objection. So I -- I
24 will withdraw the objection.

1 MS. HANRAHAN: All right. So, yeah, if we could
2 listen to a conversation on March 12th with Mr. Brown.

3 (AUDIO PLAYED FOR THE COURTROOM)

4 BY MS. HANRAHAN:

5 Q And again, ma'am, on March 12th, 2014, that was
6 still when Sam was telling everyone that there had been no
7 abuse, correct?

8 A I assert the Fifth.

9 MS. HANRAHAN: And I'll ask for the negative
10 inference.

11 MR. GOWDEY: Same objection.

12 MS. CALVERT: Join.

13 THE COURT: Okay.

14 BY MS. HANRAHAN:

15 Q What did you mean that she caused all of this?

16 A I assert the Fifth.

17 MS. HANRAHAN: And I'll ask for the negative
18 inference.

19 MR. GOWDEY: Same objection.

20 BY MS. HANRAHAN:

21 Q Is it still your belief that Sam, quote, caused
22 all of this?

23 A I assert the Fifth.

24 MS. HANRAHAN: And I'll ask for the negative

1 inference.

2 MR. GOWDEY: Same objection.

3 MS. CALVERT: Join.

4 BY MS. HANRAHAN:

5 Q Do you see yourself and Mr. Brown as victims of
6 Samantha?

7 A I assert the Fifth.

8 MS. HANRAHAN: And I'll ask for the negative
9 inference.

10 MR. GOWDEY: Same objection.

11 MS. CALVERT: Join.

12 BY MS. HANRAHAN:

13 Q On March 29th, 2014, in a recorded conversation
14 with Mr. Brown, did you refer to the injuries to Samantha
15 as a bruise that she did to herself?

16 A I assert the Fifth.

17 (AUDIO PLAYED FOR THE COURTROOM)

18 BY MS. HANRAHAN:

19 Q Is that still how you would characterized those
20 injuries to Samantha's back, ma'am, as a bruise that
21 Samantha did to herself?

22 A I assert the Fifth.

23 MS. HANRAHAN: And I'll ask for the negative
24 inference.

1 MR. GOWDEY: I object.

2 MS. CALVERT: Join.

3 THE COURT: Okay.

4 BY MS. HANRAHAN:

5 Q And you were made aware earlier in the -- the
6 underlying J-case, ma'am, weren't you, that a doctor
7 specializing in child abuse stated that she could not have
8 done this to herself?

9 A I assert the Fifth.

10 MS. HANRAHAN: And I'll ask for the negative
11 inference.

12 MR. GOWDEY: Same objection.

13 MS. CALVERT: Join.

14 BY MS. HANRAHAN:

15 Q Do you recall a conversation on April 15th,
16 2014, in which you talked about how DFS was putting
17 Samantha on a pedestal?

18 A I assert the Fifth.

19 MS. HANRAHAN: And I'll ask for the negative
20 inference.

21 MR. GOWDEY: Same objection.

22 MS. CALVERT: Join.

23 BY MS. HANRAHAN:

24 Q And do you recall saying that they should be

1 careful because they're in grave danger around her?

2 A I assert the Fifth.

3 MS. HANRAHAN: And I'll ask for the negative
4 inference.

5 MR. GOWDEY: Same objection.

6 MS. CALVERT: Join.

7 THE COURT: Okay.

8 (AUDIO PLAYED FOR THE COURTROOM)

9 BY MS. HANRAHAN:

10 Q What was it, ma'am, that they were going to find
11 out the hard way?

12 A I assert the Fifth.

13 MS. HANRAHAN: And I'll ask for the negative
14 inference, Your Honor.

15 MR. GOWDEY: Same objection.

16 MS. CALVERT: Join.

17 BY MS. HANRAHAN:

18 Q Now in these conversations you and Mr. Brown
19 characterize Sam as a killer kid, a danger to herself and
20 society. Is that still how you see Samantha?

21 A I assert the Fifth.

22 MS. HANRAHAN: And I'll ask for the negative
23 inference.

24 MR. GOWDEY: Same objection.

1 MS. CALVERT: Join.

2 BY MS. HANRAHAN:

3 Q Are you aware, ma'am, that your daughter
4 Samantha has lived in the same home with the other three
5 children for two-plus years?

6 A I assert the Fifth.

7 MS. HANRAHAN: And I'll ask for the negative
8 inference.

9 MR. GOWDEY: Same objection.

10 MS. CALVERT: Join.

11 BY MS. HANRAHAN:

12 Q Are you aware the kids are doing just fine?

13 A I assert the Fifth.

14 Q Are you aware that Samantha just recently
15 graduated high school with a 3.5 GPA?

16 A I assert the Fifth.

17 MS. HANRAHAN: And I'll ask for the negative
18 inference on both questions.

19 MR. GOWDEY: Same objection as to both.

20 BY MS. HANRAHAN:

21 Q And you're aware, aren't you, that she was on
22 the soccer team and a championship flag football team at
23 her high school?

24 A I assert the --

1 MR. GOWDEY: Objection. Relevance.

2 MS. HANRAHAN: Your Honor, I'm -- I'm asking her
3 if she's aware of these things because she characterized
4 Samantha as a killer kid, a danger to herself and society.

5 THE COURT: Yeah.

6 MS. HANRAHAN: I'm asking if she's aware that
7 she played on the soccer team in champion flag football
8 team.

9 MR. GOWDEY: How is whether -- whether she's
10 aware she played on the -- a flag football team relevant
11 to whether you're going to terminate parental rights as to
12 the other three children?

13 THE COURT: Well --

14 MR. GOWDEY: She's already emancipated.

15 MS. HANRAHAN: It's relevant to her statements
16 that Samantha is a --

17 THE COURT: Right.

18 MS. HANRAHAN: -- killer kid and a --

19 THE COURT: It's a statement connection.

20 MS. HANRAHAN: -- danger to herself and society.

21 THE COURT: So I agree, absent the statement
22 that was recorded where Ms. Lawrence stated what she
23 stated, I don't necessarily know that it's relevant to the
24 actual finding in the TPR, however, it is relevant to show

1 that she is on a team with other children and, not that I
2 know of, that the children were in danger. So I'll allow
3 that in. But I think she said -- I think she pled the
4 Fifth anyway, right?

5 MS. HANRAHAN: Right. And I'll ask for the
6 negative inference if I didn't.

7 MR. GOWDEY: Same objection.

8 MS. CALVERT: Join.

9 BY MS. HANRAHAN:

10 Q And you knew also that she held down a job and
11 paid some of her own bills while she was doing all that?

12 A I assert the Fifth.

13 MS. HANRAHAN: And I'll ask for the negative
14 inference.

15 MR. GOWDEY: Same objection.

16 MS. CALVERT: Join.

17 THE COURT: Okay.

18 BY MS. HANRAHAN:

19 Q Does that sound like a killer kid to you, ma'am?

20 A I assert the Fifth.

21 MS. HANRAHAN: And I'll ask for a negative
22 inference.

23 MR. GOWDEY: Same objection. It's
24 argumentative.

1 MS. HANRAHAN: It --

2 MS. CALVERT: Join.

3 MS. HANRAHAN: Same objection? I didn't hear an
4 argumentative objection.

5 MR. GOWDEY: Okay. My objection is it was
6 argumentative.

7 MS. HANRAHAN: That's her opinion. Her opinion
8 she expressed already was that Samantha is a killer kid.
9 I asked her if she knew about all of this stuff, and
10 knowing that, does that sound like a killer kid. I think
11 it's a fair question.

12 THE COURT: I'm going to overrule that
13 objection. I mean, it's relevant to the -- to how she
14 characterized her on tape. So you can answer that however
15 you're going to answer it.

16 MR. GOWDEY: Melissa.

17 THE WITNESS: I assert the Fifth.

18 MS. HANRAHAN: And I'll ask for the negative
19 inference.

20 THE COURT: Okay.

21 MR. GOWDEY: Same objection.

22 BY MS. HANRAHAN:

23 Q Now in those conver -- in that conversation we
24 just listened to, you stated that DFS has no idea who

1 Samantha is. Could you just tell the Court who Samantha
2 is?

3 MR. GOWDEY: Objection. Asked and answered
4 several times now.

5 MS. HANRAHAN: Your Honor, I -- what is he -- I
6 don't know what -- I've never -- not asked this question.
7 I -- I'm basing it on something we just listened to --

8 MR. GOWDEY: She's --

9 MS. HANRAHAN: -- where she said --

10 MR. GOWDEY: -- her child. That's been
11 established.

12 MS. HANRAHAN: -- that DFS has no idea who
13 Samantha is. Let me ask it a different way.

14 BY MS. HANRAHAN:

15 Q What did you mean by that?

16 A I assert the Fifth.

17 MS. HANRAHAN: And I'll ask for the negative
18 inference.

19 MR. GOWDEY: Same objection.

20 THE COURT: Okay.

21 MR. GOWDEY: Your Honor, it's 4:33 now.

22 THE COURT: Okay. I have 4:35 up there, but
23 okay, close enough. So --

24 MS. HANRAHAN: All right. So --

1 THE COURT: I don't know --

2 MS. HANRAHAN: -- can I do --

3 THE COURT: -- that you're going to finish --

4 MS. HANRAHAN: -- a couple more questions be --
5 just a couple more questions and then we -- we'll have a
6 stopping place?

7 THE COURT: How many questions because it could
8 be 15 minutes.

9 MS. HANRAHAN: Literally a couple, two.

10 THE COURT: So do your last couple questions and
11 then we can conclude.

12 MS. HANRAHAN: I'll -- I'll ask just one. Okay.

13 BY MS. HANRAHAN:

14 Q So these calls, all of these calls that we just
15 listened to, again, those were all prior to Sam writing
16 that letter, correct?

17 A I assert the Fifth.

18 MS. HANRAHAN: And I ask for the negative
19 inference.

20 MR. GOWDEY: Same objection.

21 MS. HANRAHAN: One more.

22 BY MS. HANRAHAN:

23 Q And at this point Samantha was still saying no
24 abuse had occurred and so this was your opinion of her

1 even when she was supported what you wanted her to say,
2 correct?

3 A I assert the Fifth.

4 MS. HANRAHAN: And I'll ask for the negative
5 inference.

6 MR. GOWDEY: Same objection.

7 THE COURT: Uh-huh.

8 MS. HANRAHAN: And we can stop right there, Your
9 Honor.

10 THE COURT: All right. Thank you. With that
11 being said, we'll conclude and we'll start again tomorrow
12 at what time?

13 (COURT AND CLERK CONFER BRIEFLY)

14 THE COURT: 10:00. So ten o'clock tomorrow.

15 MR. DRASKOVICH: Ten o'clock.

16 MS. HANRAHAN: Do you have PPH's? Do we need to
17 take all this stuff?

18 THE COURT: No, could we -- is it possible to
19 lock the courtroom?

20 THE MARSHAL: Yeah.

21 THE COURT: Okay. All I'm willing to say is we
22 can lock the courtroom. If you feel safe with leaving
23 your stuff here, it will be locked and you're first case
24 tomorrow.

1 MR. GOWDEY: Can we leave -- we -- it's okay --

2 MR. DRASKOVICH: Can we leave --

3 MR. GOWDEY: -- to leave this? You don't have
4 any calendar tomorrow morning?

5 (COUNSEL CONFER BRIEFLY)

6 MR. GOWDEY: Then I'll leave it.

7 THE COURT: All right. And, Bernard, you'll
8 make sure it's locked?

9 THE MARSHAL: Yes.

10 THE COURT: Thank you.

11 (PROCEEDINGS CONCLUDED AT 04:38:15)

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17 ATTEST: I do hereby certify that I have truly
18 and correctly transcribed the digital proceedings in the
19 above-entitled case to the best of my ability.

20

21 /s/ Kimberly C. McCright
22 Kimberly C. McCright, CET
23 Certified Electronic Transcriber
24

1 **TRANS**

FILED

FEB 21 2017

Alma L. Johnson
CLERK OF COURT

2 ORIGINAL

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4
5 **EIGHTH JUDICIAL DISTRICT COURT**

6 **FAMILY DIVISION**

7 **CLARK COUNTY, NEVADA**

8
9 IN THE MATTER OF THE)
PARENTAL RIGHTS OF:)

CASE NO. D-15-510922-R

10 SAMANTHA LAWRENCE, HEIDI)
11 BROWN, NIKKI BROWN,)
12 WYATT BROWN,)

DEPT. E/K

13 Minors.)
14

15 BEFORE THE HONORABLE CYNTHIA GIULIANI
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: TRIAL

18
19 MONDAY, AUGUST 22, 2016
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24

1 APPEARANCES:

2 For the State of Nevada: JANNE HANRAHAN, ESQ.
3 AMITY DORMAN, ESQ.
4 8th Judicial District Court
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9 The Respondent Mother: MELISSA DAWN LAWRENCE
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12 For the Minors Heidi Brown,
13 Nikki Brown, and Wyatt Brown: LAUREN CALVERT, ESQ.
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15 1220 Arizona St.
16 Boulder City, Nevada 89005
17 (702) 292-3164

16 For the Minor
17 Samantha Lawrence: AMY HONODEL, ESQ.
18 CAP Attorney
19 725 E. Charleston Blvd.
20 Las Vegas, Nevada 89104
21 (702) 386-1070

19 Also Present: MARYTE TALLENT
20 Department of Family
21 Services

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9 56/61/72 74 81

(None presented)

I N D E X O F E X H I B I T S

ADMITTED

(None presented)

MONDAY, AUGUST 22, 2016

P R O C E E D I N G S

(THE PROCEEDINGS BEGAN AT 10:18:21)

MR. GOWDEY: Just for a moment.

THE COURT: Okay. Sure.

(COURT RECESSED AT 10:18 AND RESUMED AT 10:19)

MS. HANRAHAN: And we have just been discussing the witness order and I have -- I had today for this afternoon a caseworker scheduled to testify who is extremely pregnant. And I got an email from her this morning that she's not sure if she's going to make it.

So we talked about it and I think we're all willing to stipulate to just admit her testimony from the preliminary hearing and that way do away with her having to come down here.

THE COURT: Okay. Is that --

MR. GOWDEY: I -- I think that -- that that's an accurate depiction of our --

THE COURT: Okay.

MR. GOWDEY: -- agreement then.

THE COURT: So all -- all counsel is okay with that? Okay. So it's a transcript you said?

MS. HANRAHAN: Yes.

THE COURT: And you're admit -- admitting the

1 transcript?

2 MS. HANRAHAN: It'd be the transcript of the
3 preliminary hearing. And again, we would have to get a
4 clean copy.

5 THE COURT: Okay.

6 MS. HANRAHAN: I have one in here, but I think we
7 need to get copies of Heidi and Nikki's testimony at the
8 prelim as well, because we had stipulated to admit those.

9 THE COURT: Okay.

10 MS. HANRAHAN: So --

11 MR. GOWDEY: That's great.

12 MS. HANRAHAN: -- we'll just -- we'll just do
13 that. But that -- I also had Paula Hammock (ph) set to
14 testify this afternoon. I don't actually think I need her.
15 So then we were talking about whether to go forward, either
16 take this afternoon to work on rearranging witness testimony
17 and -- and trying to shorten this thing or --

18 THE COURT: Okay.

19 MS. HANRAHAN: -- we can go forward, start with
20 Mr. Brown, and then he probably wouldn't finish, but he
21 would go forward then on Thursday. But if we take the
22 afternoon without anyone, I can probably finish him on
23 Thursday and I would anticipate having a couple more
24 witnesses on Friday if we can reach some other agreements

1 and that -- that would be it, so -- for my case.

2 THE COURT: Okay. Good. So then we don't need --
3 I mean, okay. Good.

4 MR. GOWDEY: I'm disappointed we're not going to
5 be going the full 50 -- nah.

6 MS. HANRAHAN: We might. I -- I -- we might.

7 THE COURT: How many witnesses do each of you
8 have?

9 MR. GOWDEY: It -- it is really going to depend on
10 what witnesses they call.

11 THE COURT: Okay.

12 MR. GOWDEY: I anticipate that we'll probably call
13 four or five witnesses, but --

14 THE COURT: Okay.

15 MR. GOWDEY: -- again, that's a fluid concept. I
16 think we have 15 or so on our -- on our witness list.

17 THE COURT: Okay. All right. Okay. I mean,
18 that's fine. Whatever you have is what we hear. That's --
19 that's fine. So let's -- but I'm not taking those other
20 days off yet. I'm going to keep them --

21 MS. HANRAHAN: Right.

22 THE COURT: -- because --

23 MS. HANRAHAN: No, please.

24 THE COURT: Yeah, I'm -- I won't -- I won't take

1 them off. All right. So with that being said, all that, do
2 you have a witness right now --

3 MS. HANRAHAN: Yes.

4 THE COURT: -- that you're ready to call? Okay.

5 MS. HANRAHAN: Yes.

6 THE COURT: And then I guess we'll just play it by
7 ear as far as who you call next after this witness and how
8 the day goes. All right. So I'll let you -- let me just
9 call this case for the record. You can make your
10 appearances.

11 This is case D-510944 in the matter set for
12 Melissa Lawrence and Donald Brown. If we want to start with
13 Ms. Calvert, just state your appearances because it's a new
14 record, new minutes, the whole bit.

15 MS. CALVERT: Lauren Calvert, bar number 10534,
16 CAP attorney for Nikki, Heidi, and Wyatt Brown.

17 THE COURT: Thank you.

18 MR. DRASKOVICH: Robert Draskovich on behalf of
19 Donald Brown --

20 THE COURT: Okay.

21 MR. DRASKOVICH: -- who is present.

22 MR. GOWDEY: Michael Gowdey, bar number 6994, on
23 behalf of Melissa Lawrence who is present for the Court.

24 THE COURT: Okay.

1 MS. HONODEL: Good morning, Your Honor. Amy
2 Honodel, bar number 7755. I'm the CAP attorney for Samantha
3 Lawrence.

4 THE COURT: Great.

5 MS. TALLENT: Maryte Tallent, Department of Family
6 Services.

7 MS. DORMAN: Good morning, Your Honor. Amity
8 Dorman, Chief Deputy District Attorney, bar number 9316.

9 THE COURT: Okay.

10 MS. HANRAHAN: And Janne Hanrahan for the District
11 Attorney's Office and it looks like --

12 THE COURT: That's your witness?

13 MS. HANRAHAN: -- our first witness is here.

14 THE COURT: Okay.

15 MS. HANRAHAN: Jacqueline Wolf (ph).

16 (WITNESS SUMMONED)

17 THE COURT: Hi.

18 MS. HANRAHAN: Over here, Jackie.

19 THE COURT: Ms. Wolf, if you want to just come up
20 here, thank you.

21 THE CLERK: Please raise your right hand. You do
22 solemnly swear the testimony you're about to give in this
23 action shall be the truth, the whole truth, and nothing but
24 the truth, so help you God?

1 THE WITNESS: I do.

2 THE CLERK: State your name for the record.

3 THE WITNESS: Jacqueline R. Wolf.

4 THE CLERK: You may have a seat.

5 JACQUELINE WOLF

6 called as a witness on behalf of the State, have been first
7 duly sworn, did testify upon her oath as follows on:

8 DIRECT EXAMINATION

9 BY MS. HANRAHAN:

10 Q Good morning, Ms. Jackie.

11 A Good morning.

12 Q Is it okay if I call you Jackie?

13 A That's fine.

14 Q All right. Can you just first tell the Court what
15 is your relationship to this case?

16 A Officially I'm the therapy -- I'm a therapeutic
17 home supervisor which is kind of a pseudo foster parent to
18 the kids.

19 Q Okay. And are you licensed by the State of Nevada
20 as a foster parent?

21 A Yes. Yes, I am.

22 Q And did you have some education and training to
23 become a foster parent?

24 A I've been a foster parent -- this is my 17th year.

1 I have an associate -- well, almost done with my associate's
2 in human services. I'm getting ready to just start on my
3 bachelor's soon.

4 Q Okay. And just to get licensed, do you initially
5 -- probably took some foster parent training or any --

6 A There's extensive training all year long, every
7 year. And the minimal is like 24 credits per year, but we
8 were at like 40 and some odd.

9 Q Okay. So -- and you've been a foster parent you
10 said for 17 years.

11 A Yes, ma'am.

12 Q So you've had other foster children in the past?

13 A Uh-huh (affirmative). I have.

14 Q And do you have other foster children besides the
15 Lawrence Brown children right now?

16 A Yes, I do.

17 Q How many?

18 A We have six.

19 Q Six counting the Lawrence Brown children?

20 A No, I'm -- I'm sorry. Two other than -- well, let
21 me rephrase that, because Sam just turned 18, so I
22 apologize. We have three -- we have two others and the
23 Browns. And then Samantha is technically no longer my
24 foster youth but she still resides with us.

1 Q Okay. And then do you have any of your own
2 children?
3 A I have my two daughters so we're -- in the family,
4 we -- we are eight --
5 Q Okay.
6 A -- in the home.
7 Q Okay.
8 A Uh-huh (affirmative).
9 Q And do you have other children besides those?
10 A Oh, absolutely. Yeah. Well, you know --
11 Q You have some grown up children?
12 A I do, yeah. My --
13 Q Okay.
14 A My son is 31 and then down from there it's 31, 30,
15 29, 28.
16 Q And then the ones that you ha -- the eight
17 children you have in your home?
18 A That is correct, yes.
19 Q Okay. So what foster agency do you work through?
20 A St. Jude's Ranch for Children.
21 Q Okay. And when did the Lawrence Brown children
22 first come to live with you at St. Jude's?
23 A Wyatt came May 2014, I believe. 2014. It was
24 about a week before his fifth birthday.

1 Q Okay. And the other children?

2 A They came within a few days, so I want -- maybe
3 June -- June 3rd. Some -- somewhere around that. It was --

4 Q May --

5 A -- within a few days.

6 Q Does May 2014 sound about right?

7 A It does exactly. Very close. Uh-huh
8 (affirmative).

9 Q So who else besides you and the eight children
10 live in the home? Anyone?

11 A My husband.

12 Q Your Husband.

13 A My husband and I live there full time with the
14 kids.

15 Q Okay.

16 A And then we have an assistant that comes in with
17 us for 40 hours a week.

18 Q Okay. And with -- with having the assistant who
19 comes in to help, is it -- would you say your home at St.
20 Jude's is more like a group home or more of a family setting
21 or how would you describe it?

22 A It's more of a family setting, but you know, be --
23 because it is an agency based home, there are more
24 restrictions. I think those restrictions are more set up to

1 ensure safety for everyone.

2 Q Okay.

3 A So -- but it is a home.

4 Q Do you and your husband function as parents or --

5 A Oh yeah, we --

6 Q -- for the children?

7 A -- we parent the kids. We're in charge of
8 everything, their medical, their school plays, school
9 activities, homework, all of it. I mean --

10 Q Okay.

11 A We --

12 Q So you -- you try to make it like a family setting
13 more than --

14 A Absolutely.

15 Q And now when you normally -- and just in general,
16 get a foster child in your home, do you usually get some
17 background information about why they're in foster care?

18 A We're offered that information. I don't
19 personally take that information.

20 Q What do you get, like some kind of packet or does
21 somebody just tell you or --

22 A Well, you go into Child Haven, they give you a
23 very brief scenario of each of the kids. They don't tell
24 you why they're in care and I don't ask.

1 Q Okay.

2 A The information could be available to me, but I
3 don't seek it out.

4 Q Okay.

5 A So the only thing that I look for is medical, are
6 there any medical restrictions, allergies, anything to that
7 effect.

8 Q Okay. So did you -- when you specifically got the
9 -- the Lawrence Brown children in your care, were you
10 provided any information about them or their home life or
11 why they came into your -- into --

12 A No.

13 Q -- foster care?

14 A That's not on the -- that's not on the paper they
15 give you. It's very brief and like I said, it is something
16 that if I could -- I wanted to ask, I could, but we don't do
17 that. I don't want to prejudge. I don't look at what was,
18 I can only work with what is. And so that's not my focus.

19 My focus is to take care of the kids until --
20 well, number one focus goal is always reunification. That's
21 what we do. We take care of the kids until -- I -- I guess
22 whatever happens, happens. That's where I'm at.

23 Q Okay.

24 A So we did not have any background on the kids.

1 Q Okay. So this is a relatively big sibling group,
2 four kids. How did the kids get along with one another when
3 they first came into your care?

4 A There is no relationship between -- it's one
5 family, but there was a clear division.

6 Q And --

7 A It was --

8 Q -- what was that division?

9 A Well, we had Sam and then we had our Browns. And
10 it was very clear. It's still today kind of a strained
11 relationship, but it's much better. But there was a lot of
12 animosity going on. And so Sam was a lot of the time on her
13 own.

14 Q Okay. So animosity between all three kids and Sam
15 or how did that work?

16 A Not Wyatt. Wyatt was too little. Wyatt really --
17 even now it's -- it's different for him. Nikki was, and
18 continues to be, she's very quiet about a lot of stuff.
19 Heidi's very vocal and there was -- there was and continues
20 to always be a big strain between Samantha and Heidi.

21 Q And so did they verbally argue with one another or
22 just --

23 A Verbally, physically, yes.

24 Q Okay. So -- and what was it -- what kinds of

1 things was it that they generally argued about?

2 A At first it was -- Heidi was mad about being in
3 foster care. Heidi does a lot of talking. She was mad.
4 She was mad at Sam and Sam doesn't really -- does -- Sam
5 doesn't talk about any of this. She's been with us two
6 years and change. Sam does not talk to us about it. She's
7 completely forward now and forward type of thing.

8 But it was a lot of Heidi was mad at Sam. And
9 basically, she never like -- it wasn't like, you lie, you
10 lie, you lie. It was why, why, why are we taken away. And
11 blamed Sam. She blames Sam.

12 Q And how did Sam react?

13 A Sam doesn't talk about it; she never has. She
14 does not talk about anything. You know, that's it. She
15 wants to be a sister. That's all she wants to be.

16 Q All right. Well, focusing on Sam for a moment,
17 can you describe her overall demeanor when she first came to
18 live with you?

19 A Yeah, Sam had a lot of panic attacks, lot of panic
20 attacks. We didn't know they were panic attacks at first.
21 One instance she was playing soccer --

22 Q Well --

23 A -- and --

24 Q -- can you --

1 A Sorry.

2 Q -- first describe what a panic attack would look
3 like?

4 A Lot of it happened -- it started happening like
5 evening time. It was -- it was daytime she was good.
6 Evening times, that's -- she would have a hard time
7 breathing. We had to take her to the -- couple times she
8 felt -- she said her chest was heavy, she couldn't breathe,
9 and she was clearly not breathing. Red -- re -- irregular
10 breathing, so we took her to the ER.

11 And that's where the doctor, you know, kind of
12 explained he thought she might be having panic attacks. We
13 followed up with the primary care physician, you know, and
14 from then we just kind of taught breathing exercises and,
15 you know, just being in the moment, teaching her how to be
16 in the moment and not in whatever moment she was.

17 Q Okay.

18 A And so she had a really hard time. I mean, with
19 that elevated to -- like -- and -- and what I was going to
20 say, a soccer event where I had got -- I got a call from the
21 coach and they were concerned about Sam literally just --
22 she lost it in the middle of a soccer game crying and she --
23 you know, when I got there, she's like I don't -- she felt
24 she was embarrassed. She's like I don't know why this

1 happened to me. I said you know what, this is a tough day.
2 And that's to say we don't emphasize -- but we don't talk
3 about the past with Sam. She doesn't want to talk about it.
4 So a lot of emphasis on right now. You know? This is what
5 you can control. And --
6 Q Okay. So --
7 A -- she's better now.
8 Q And how long did those panic attacks go on, do you
9 recall?
10 A It was a few months. It -- it went on for -- I
11 mean, honestly, I -- I can't give you an exact date --
12 Q Sure.
13 A -- when they stopped, but it was a few months. It
14 was --
15 Q And --
16 A -- several.
17 Q -- it happened fairly regularly?
18 A A lot at bedtime.
19 Q At bedtime.
20 A A lot of the kid -- with eight kids and the, you
21 know, my daily duties as a parent our paperwork, groceries,
22 we're documenting. And when the kids came, it was nightly
23 documentation 2:00, 3:00 o'clock in the morning. So I would
24 be up at my desk and she would just get up and it -- it got

1 to the point where she just wanted to be in the presence of
2 someone really. No talking, just sitting, you know, and
3 just being in the presence of someone and knowing, you know,
4 just ensuring that, you know, you're good, you're good.

5 Q Okay. So you said there were a couple of --
6 couple things that you worked with her on doing to handle
7 that?

8 A Uh-huh (affirmative).

9 Q I think you said breathing and --

10 A Deep breathing. One night in particular, it was a
11 really bad night. She had a really tough time and she did
12 some talking and expressed that she was angry. And I -- not
13 knowing or wanting to I guess direct whatever she was
14 feeling, I -- I encouraged her to journal. It's -- it's an
15 amazing --

16 Q A journal.

17 A -- coping skill. And I said journal and she --
18 she goes I did that, it doesn't work. And I told her -- I
19 said you know what I used to do to myself is sometimes I
20 would journal to myself and put all my feelings out there
21 and just rip it up and throw it away. I said so you do what
22 you have to do and -- and get those internal feelings that
23 are causing you all this anxiety out.

24 And so she went in the room and came back out -- I

1 don't know. It was at night, whatever time, hour or so
2 later, with a letter that she wrote while she was in her
3 room. And then I said -- I said you okay. She says yeah,
4 and then she goes Ms. Jackie and she started crying. She
5 goes I can't believe I wrote these things. And I said but
6 how do you feel, you know. And as we talked about that, how
7 do you feel getting that out. And she wasn't sure. She
8 didn't know, she just cried a lot. And --

9 Q Did you see the --

10 A -- then she asked me to read it.

11 Q Did you --

12 A Yeah.

13 Q You said it was a letter?

14 A Uh-huh (affirmative).

15 Q Did you read the letter?

16 A I did and it was concerning.

17 Q Did she ask you to read it?

18 A She asked me to read it. I didn't ask her to read
19 it because I explained to her journaling is private. But
20 she's like will you read this for me. And I said well, I'll
21 read it but I'm not going to read it out. So I did read it
22 and it was very concerning. I believe I emailed Maryte
23 probably that night. I'm pretty sure Maryte was the one I
24 emailed and then sent a copy of it. We scanned it and sent