

1 that they had to anesthetize [sic] it or put it to sleep, numb
2 it?

3 A They did not do that.

4 Q So it's your testimony, they didn't give you
5 anesthesia in that area?

6 A No. They did not.

7 Q They sewed it up?

8 A Yes.

9 Q But they didn't numb it?

10 A No. They did not.

11 Q And you're as sure of that as you are that your
12 stepfather would beat you up?

13 A Yes.

14 Q You were given several medications because the
15 injuries to that area were so bad?

16 A Yes.

17 Q Pain medication?

18 A Yes.

19 Q Opioids?

20 MS. DORMAN: I'm gonna object as to relevance.

21 MR. DRASKOVICH: I'd submit that it goes to the severity
22 of the injury -- accidental injury.

23 THE COURT: Okay. So what I take out of that is that you
24 were given pain medication for an injury that you had.

1 THE WITNESS: Yes.

2 THE COURT: Okay.

3 MS. DORMAN: My specific objection is to the type of pain
4 medication.

5 MR. DRASKOVICH: I -- I'll move on. It's not that
6 relevant.

7 THE COURT: Well, I'll overrule that because if she was
8 given that, she was given that and it was done by a doctor in
9 a hospital. I'll move on with the next question.

10 Q BY MR. DRASKOVICH: Have you suffered any other
11 injuries in foster care that we don't know about...

12 A No.

13 Q ...aside from those two?

14 A No.

15 MS. DORMAN: She -- I -- I'm sorry. I'm gonna object.
16 She testified to three injuries on direct. It misstates her
17 testimony.

18 MR. DRASKOVICH: That's -- and it's not intentional if I
19 did, so.

20 THE COURT: Okay.

21 MS. DORMAN: Well, he's just -- just so we're clear.
22 He's skipping the sprained ankle from the...

23 MR. DRASKOVICH: Oh.

24 MS. DORMAN: ...football field.

1 THE COURT: Okay.

2 Q BY MR. DRASKOVICH: That's correct. You suffered

3 another injury. And that was a sprained ankle, correct?

4 A Yes.

5 Q And when did that injury occur?

6 A During football season of last year.

7 Q 2015?

8 A Yes.

9 Q So you suffered, while in foster care, two injuries

10 that required you to -- to go to the hospital in 2014?

11 A Yes.

12 Q And another injury that required you to go to the

13 doctor in 2015?

14 A Yes.

15 Q You had a letter read to you that you had previously

16 testified that you wrote concerning your father, correct?

17 A Yes.

18 Q There was another letter that you actually wrote and

19 sent to your father in June of 2014.

20 A I don't...

21 Q Correct?

22 A ...remember.

23 MR. DRASKOVICH: You have a copy of this. Don't you?

24 MS. DORMAN: What?

1 MS. HANRAHAN: We have not been provided with any
2 discovery...
3 MR. DRASKOVICH: I may be mixing...
4 MS. HANRAHAN: ...from you guys.
5 MR. DRASKOVICH: ...the criminal stuff with the civil
6 but...
7 MS. HANRAHAN: Does anyone object? Has anyone seen it?
8 MS. HONODEL: I've never seen it.
9 MS. HANRAHAN: Object? Do you guys object?
10 MS. HONODEL: I --
11 MS. DORMAN: I -- I just, I've never seen it before.
12 MR. DRASKOVICH: I'm almost done with my questioning.
13 I'd be happy to pause for them to review it.
14 THE COURT: Okay.
15 MS. DORMAN: You -- I have -- I'm sorry. You said the
16 date of this is what, Mr. Draskovich? I just...
17 MR. DRASKOVICH: In June of 2014.
18 MS. DORMAN: Okay. June, you're getting it from the
19 postmark?
20 MR. DRASKOVICH: Yes.
21 MS. DORMAN: Okay.
22 MR. DRASKOVICH: I -- if I may approach the witness. Or
23 actually, do I approach -- is your procedure in this court
24 that I approach the clerk first? I'd like to have this marked

1 as Defense Exhibit (unintelligible).

2 THE COURT: Okay. Are you going to ask to admit it?

3 MR. DRASKOVICH: Yes.

4 THE COURT: Okay.

5 MR. DRASKOVICH: Yes.

6 MR. GOWDEY: Here's another one for you, as well.

7 MR. DRASKOVICH: Thanks.

8 THE CLERK: Keep that one.

9 MR. DRASKOVICH: I'm gonna present it to her.

10 THE CLERK: Okay.

11 MR. DRASKOVICH: All right. If I may approach.

12 THE COURT: All right. Did you have a chance to read --
13 read that letter? So he's gonna -- I -- I'm assuming he's
14 gonna ask her questions about it?

15 MS. DORMAN: Yeah. I would assume so.

16 THE COURT: Okay.

17 All right. Go ahead.

18 MR. DRASKOVICH: If I may approach the witness.

19 Q BY MR. DRASKOVICH: I want you to review that. And
20 there's two pages to it. One is a -- actually, let me ask you
21 this. What -- what does it appear that I have presented to
22 you?

23 A A letter that I wrote to dad.

24 Q It's in your handwriting?

1 A Yes.

2 Q And it's your signature?

3 A Yes.

4 Q And if you'd look at the second page, would you
5 agree with me that that's a copy of an envelope?

6 A Yes.

7 Q It's your handwriting on that envelope?

8 A I believe so.

9 Q I mean, you know your own handwriting; correct?

10 A Yes.

11 Q And that's your handwriting?

12 A I believe so. I'm not quite sure. It doesn't look
13 like mine.

14 Q So it's your testimony that's not your handwriting
15 on the envelope? Is it -- Sam, is your testimony that it's...

16 MS. DORMAN: This is -- this is our caseworker's
17 handwriting.

18 Q BY MR. DRASKOVICH: It's your testimony that's not
19 in your handwriting?

20 A That is not my handwriting.

21 Q Okay. Because you heard her say that, correct?

22 A No. That's not my handwriting. I know my
23 handwriting.

24 Q In reference to this letter, you mailed it to your

1 father; correct?

2 A I did not mail it.

3 Q I see. But you wrote it?

4 A Yes.

5 Q And it starts out...

6 MR. DRASKOVICH: Oh I'd move for admission of...

7 THE COURT: Okay.

8 MR. DRASKOVICH: ...Defense Exhibits...

9 Is it A?

10 MS. DORMAN: She hasn't identified the letter yet. I
11 mean, we're here...

12 MR. DRASKOVICH: She -- she identified the letter's...

13 MS. HANRAHAN: She did.

14 MR. DRASKOVICH: ...her handwriting and her signature.

15 THE COURT: She -- she did identify the letter was her
16 handwriting. But she identified that the envelope was not
17 hers -- her handwriting.

18 MS. DORMAN: So did we ask -- I mean, is this a fair
19 representation of the letter she (unintelligible) because it's
20 obviously a copy, so.

21 THE COURT: Go ahead.

22 MR. DRASKOVICH: I'll approach her with...

23 MR. GOWDEY: I have the original.

24 MR. DRASKOVICH: ...the original of that photocopy.

1 Q BY MR. DRASKOVICH: Do you recognize this envelope?
2 A No. I do not.
3 MR. DRASKOVICH: I will move only for the part -- for the
4 first page of the letter. I mean, she's represented it as a
5 letter that she wrote to her father. I won't move for the
6 admission of the second part.
7 THE COURT: Okay. Any objection?
8 MS. DORMAN: No. Not if the letter is identified.
9 THE COURT: So why don't you ask her then...
10 MR. DRASKOVICH: Okay.
11 THE COURT: ...about the letter...
12 Q BY MR. DRASKOVICH: Do you rec- that's...
13 THE COURT: ...the first page?
14 MR. DRASKOVICH: I'm sorry.
15 Q BY MR. DRASKOVICH: So that first page, you wrote
16 that letter; correct?
17 A Yes.
18 Q And you wrote that letter to your dad?
19 A Yes.
20 MR. DRASKOVICH: Okay. I'd move for it's admission.
21 THE COURT: Okay. Any objection?
22 MS. DORMAN: No.
23 THE COURT: Okay. Then it'll be admitted.
24 (Whereupon Defendant's Exhibit A was admitted.)

1 THE MARSHAL: She's counsel. She wanted to explain...

2 (Whereupon the matter was trailed at

3 12:46:14 and recalled at 12:46:17.)

4 THE MARSHAL: ...to explain why she's not here. Some

5 type of medical emergency.

6 THE COURT: Okay.

7 THE MARSHAL: So she wanted to just explain to the Court.

8 THE COURT: Okay. All right. So let's -- we're in the

9 middle of the trial, though...

10 THE MARSHAL: Yeah.

11 THE COURT: ...so.

12 All right. Hold on one second. So...

13 (Whereupon the matter was trailed at

14 12:46:31 and recalled at 12:48:33.)

15 THE COURT: All right. Thank you, Samantha. We're gonna

16 continue with the admission of that letter.

17 MR. DRASKOVICH: Thank you.

18 THE COURT: And I'll let you follow through with a

19 question.

20 Q BY MR. DRASKOVICH: And do you have the letter in
21 front of you?

22 A Yes.

23 Q You -- you wrote that letter around June of 2014,
24 correct?

1 A Yes.

2 Q And after writing this letter, what did you do with

3 it?

4 A I had given it to Alicia.

5 Q Alicia?

6 A Brown.

7 Q Okay. Was she given the instructions to mail that

8 to your fa- stepfather?

9 A I did not give her any instructions on what to do

10 with it.

11 Q So you just wrote this letter randomly and gave it

12 to her?

13 A I had received a letter from dad first. And then I

14 had responded back.

15 Q So you were in fact intending to have this sent to

16 your father?

17 A I didn't know where it was going or what was gonna

18 happen to it. I just wrote back.

19 Q Okay. And just figured that it would find its way

20 to him?

21 A I just gave it to Alicia. And I figured she'd know

22 what to do with it.

23 Q And you have this copy of this letter in front of

24 you, correct?

1 A Yes.

2 Q And if you would please read us the letter.

3 A I don't want to.

4 MR. DRASKOVICH: May I read the letter on the record?

5 THE COURT: So same thing with -- with miss -- I would
6 say that -- that's -- if that's -- we need to (unintelligible)
7 -- we're gonna h- have the letter read.

8 And you don't have to read it, Samantha.

9 So is anyone opposed to Mr. Draskovich
10 (unintelligible) Ms. Dorman? Okay.

11 Go ahead.

12 Q BY MR. DRASKOVICH: I will now read the letter.

13 Dear Dad, hey. Everyone is doing great here. How
14 are you doing? Not too well, I suppose. Well, I'm doing
15 really well in school. Last quarter I got five As and three
16 Bs.

17 This sucks. I wish that you could be here when I
18 get home from school. I don't like only having less than ten
19 minutes to talk to you. I know that you are in there for a
20 stupid reason. And you shouldn't be there. I know that. You
21 are the world to everyone and everything, including the dogs.

22 I'm trying my best to help out with Alicia. I
23 promise you that I will help out grandma. I love you very
24 much. I wish that I could talk to you about everything. But

1 I can't. I can't wait until you can come home. I love you
2 very much. And as long as we are together, we can get through
3 this as a family. Love you very much, Samantha, Sam.

4 MR. DRASKOVICH: I'll pass this witness.

5 THE COURT: Okay. Thank you.

6 Mr. Gowdey.

7 MR. GOWDEY: Thank you, Your Honor.

8 **CROSS-EXAMINATION**

9 **BY MR. GOWDEY:**

10 Q Samantha, my name is Michael Gowdey. I represent
11 your mother, Melissa Lawrence. I'm gonna ask you a few
12 questions based on your testimony and based on your prior
13 testimony at your preliminary examination and various
14 statements that you may have given. Is that okay with you?

15 A Yes.

16 Q Very good. First off, you have testified that the
17 only people living in your home at the time from 2007, when
18 these allegations first began to surface, until the time you
19 were taken out of the home, were your brother and your two
20 sisters, your mother and your fa- and your stepfather. Is
21 that correct?

22 MS. DORMAN: I'm gonna object. That misstates her
23 testimony.

24 MS. HONODEL: Join.

1 MR. GOWDEY: Well, as I recall, they asked who lived in
2 the house. And she said, my sisters and my brother.
3 MS. DORMAN: I asked if she lived with her mom and dad...
4 MR. GOWDEY: Okay.
5 MS. DORMAN: ...and if her siblings also lived with her.
6 MR. GOWDEY: I -- I'll rephrase.
7 MS. DORMAN: She testified on direct that a -- an aunt
8 lived with her.
9 MR. GOWDEY: I will...
10 MS. DORMAN: So...
11 MR. GOWDEY: I will rephrase.
12 THE COURT: Oh yeah. Jennifer.
13 MS. DORMAN: She...
14 THE COURT: Okay.
15 Q BY MR. GOWDEY: Let me ask you...
16 MS. DORMAN: ...never testified...
17 THE COURT: All right.
18 MS. DORMAN: ...those were the only people that...
19 Q BY MR. GOWDEY: Can you please...
20 MS. DORMAN: ...lived with her.
21 Q BY MR. GOWDEY: ...list for me...
22 THE COURT: Go ahead. Thank you.
23 Q BY MR. GOWDEY: ...all of the persons who lived in
24 your house from 2007 until 2013?

1 A Mom, dad, Heidi, Nikki, Wyatt and David.
2 Q Okay. So did David's girlfriend ever live with you?
3 A Not -- not that I recall.
4 Q Did any friends of your parents ever stay in the
5 house?
6 A Not that I can recall.
7 Q You can't recall...
8 MR. GOWDEY: Court's indulgence.
9 Q BY MR. GOWDEY: ...Alicia? Did Alicia ever live
10 with you?
11 A Not that I recall.
12 Q Did a gentleman named Jeff ever live with you?
13 A He came and visited.
14 Q And how long -- and how long would he -- would he
15 stay when he came and visited?
16 A Maybe two to three days.
17 Q How many times was that?
18 A I don't recall.
19 Q How 'bout -- how 'bout a gentleman named Joe?
20 A He came and visited.
21 Q Same thing, he would only stay two or three days.
22 A He's stay (unintelligible)...
23 MS. DORMAN: I'm gonna object as to foundation. When did
24 -- when was this?

1 MR. GOWDEY: From 2007 until 2013.

2 MS. DORMAN: No. That's Mr. Gowdey's testimony. I'd

3 like to know...

4 MR. GOWDEY: That is -- that was my question.

5 MS. DORMAN: ...from the witness when Jeff visited, what

6 time frame...

7 THE COURT: Okay.

8 MS. DORMAN: ...when Joe visited...

9 THE COURT: Okay.

10 MS. DORMAN: ...what time frame.

11 THE COURT: That's fair.

12 All right. So let's try and narrow it down so she

13 can try to remember that specific time frame so she can

14 testify.

15 Q BY MR. GOWDEY: In 2007, did anybody come and stay

16 with you?

17 A Not that I can remember.

18 Q Do you know if Alicia lived with you in 2007?

19 A I don't think so.

20 Q Do you know if David was there in 2007?

21 A Yes.

22 Q Was Joe there?

23 A I don't remember.

24 Q Was Jeff there?

1 A I don't recall.

2 Q How about 2008, who lived with you in 2008?

3 A David, Heidi, Nikki, Wyatt, me, mom and dad.

4 Q Jeff ever stay in 2008?

5 A I don't remember any time that any of them had come
6 and stayed.

7 Q You don't remember...

8 A No.

9 Q ...any time?

10 A No. I do not.

11 Q Okay. All right. I wanna talk to you for a moment
12 about Courtney Howard. Who is Courtney Howard?

13 A She was a friend that I went to school with back at
14 Silverado High School.

15 Q And in fact Courtney Howard is the young woman who
16 you claimed to that your father punched you in the face. Is
17 that true?

18 A Yes.

19 Q So you lied to Courtney Howard. Is that correct?

20 A No. I did not.

21 Q Well, you have not testified that your father
22 punched you in the face causing the black eyes. Did you?

23 A No. I did not.

24 Q Okay. But you told Courtney Howard that. Didn't

1 you?

2 A Yes. I did.

3 Q Did you lie to Courtney Howard?

4 A No. I did not.

5 Q You do understand the difference between the truth
6 and a lie?

7 A Yes. I do.

8 Q Okay. So did your father punch you in the face...

9 A Yes. He did.

10 Q ...in December of 2013 causing the black eye for
11 which you were later pulled out of the home?

12 A One of them, yes.

13 Q So he didn't hit you in the face with a belt buckle
14 as you testified here?

15 A He did hit me with a belt buckle. And he also
16 punched me in the face with -- for the other one.

17 Q So it's your testimony now that he caused both of
18 them?

19 A Yes.

20 Q Okay. So when you testified at preliminary
21 examination, you lied?

22 A Yes. I did.

23 Q When you testified that you stood into the cabinet,
24 you lied?

1 A Yes.

2 Q And it's -- and -- and it's your testimony that

3 you're telling the truth now?

4 A Yes.

5 Q When you were interviewed by police on January 8th,

6 you lied?

7 A Yes.

8 Q When you were interviewed by CPS, you lied?

9 A Yes.

10 Q But you're telling the truth now?

11 A Yes.

12 Q How long did your relationship with Courtney Howard

13 last?

14 A From...

15 Q Are you still friends?

16 A I don't talk to her anymore.

17 Q In fact, didn't Courtney Howard and her mother file

18 for a restraining order against you?

19 A When was this?

20 Q Well, let's see. The card that I've got says April

21 29th, 2014, when the restraining order was delivered. Is that

22 true? Are you denying...

23 A No.

24 Q ...that they...

1 MS. DORMAN: I'm gonna...

2 THE WITNESS: I never received a restraining order.

3 Q BY MR. GOWDEY: Did you ever become aware that they
4 had filed a restraining order against you?

5 A No. I did not.

6 Q Okay. I wanna go through some of your injuries,
7 March 2008, bruises to the face, both eyes blackened. Do you
8 recall how that occurred?

9 A No. I do not.

10 Q Did you ever recall crashing a bike with your
11 stepbrother, David?

12 A No. I don't.

13 Q So if you told CPS or police that that was the cause
14 of the injury, would that be true or false?

15 A That'd be false.

16 Q You don't remember how the injury occurred, correct?

17 A No. I do not.

18 Q Then how do you know it's false?

19 A Because I do not recall ever getting into a bike
20 accident, other than the one that I've gotten into in the
21 past, I think, year or two.

22 Q Okay. Now, you said when you were 7 or 8 that you
23 chipped a tooth; correct?

24 A Yes.

1 Q And you said that was caused by dad picking you up
2 and throwing you onto a hardwood floor?

3 A Yes.

4 Q And exactly -- can you recall the menach- mechanism
5 of how you actually chipped a tooth doing that?

6 A My...

7 Q Did your tooth hit the hardwood floor?

8 MS. DORMAN: I'm gonna object. She's gonna have to be
9 able to answer the question before he asks another one.

10 THE COURT: So she -- he asked if you remember. So it's
11 a yes or...

12 MS. DORMAN: He asked...

13 THE COURT: ...no question.

14 MS. DORMAN: ...specifically, do you remember the
15 mechanism of how you chipped your tooth.

16 THE COURT: It's the mechanism.

17 So that's a yes or no question. If you remember,
18 say, yes. If you don't, say, no.

19 THE WITNESS: Yes.

20 Q BY MR. GOWDEY: And how was that?

21 A My teeth had hit -- my tooth had hit the hardwood
22 floor.

23 Q Did you suffer any other injury?

24 A No.

1 Q Bloody -- bloody lip?

2 A No.

3 Q Just your tooth broke on the hardwood floor?

4 A Yes.

5 Q November 2008, do you remember bouncing on the bed

6 with the -- your -- your three brothers and sisters?

7 A No.

8 Q So if you told CPS that you bounced on the bed and

9 that's how you got a black eye, that would not be true?

10 A No. It wouldn't.

11 Q How -- do you recall how you got those injuries?

12 A I don't remember ever having those injuries.

13 Q Okay. Let me ask you this. Every time CPS would

14 come out to see you, CPS would -- would give you a -- a -- a

15 physical, visual examination. Is that correct?

16 A Yes.

17 Q So they would look on the -- the area -- the various

18 areas of your body to determine whether there was signs of

19 abuse. Is that right?

20 A Yes.

21 Q You have stated - where's that letter - that you

22 beat me -- and I'm quoting from the letter here that you wrote

23 before the preliminary examination. You beat me every goddamn

24 fucking day. Correct?

1 A Mm-hm. Yes.

2 Q And it's been -- it's your testimony that those
3 beatings caused bruising, correct?

4 A Yes.

5 Q Yet, when CPS came and examined you, they didn't
6 find bruising consistent with that. Did they?

7 MS. DORMAN: Objection, which time? We're going to have
8 the witness testify to 13 different CPS reports and many of
9 them had injuries.

10 THE COURT: Sustained.

11 MS. DORMAN: So which time...

12 MR. GOWDEY: Okay.

13 MS. DORMAN: ..did they not find injuries?

14 Q BY MR. GOWDEY: We'll get through.

15 THE COURT: Sustained.

16 Q BY MR. GOWDEY: When's the first -- what's the first
17 day you can recall being beaten? If you wanna go through 'em
18 time by time.

19 MS. DORMAN: I want to know which CPS incident you're
20 speaking of specifically.

21 MR. GOWDEY: I'm speaking specifically of all of them.

22 MS. DORMAN: That's the problem.

23 MR. GOWDEY: Okay.

24 MS. DORMAN: I wasn't allowed to do that.

1 THE COURT: Right. Okay.
2 MS. DORMAN: I was...
3 THE COURT: Right.
4 MS. DORMAN: ...objected to...
5 THE COURT: Right. Okay.
6 MS. DORMAN: ...on foundation.
7 THE COURT: So we need to...
8 MS. DORMAN: But Mr. Gowdey's...
9 THE COURT: ...for the witness...
10 MS. DORMAN: ...allowed to do that now?
11 THE COURT: No, no, no. For the witness -- she -- we
12 have to be able to clarify so she can testify truthfully as to
13 what time frame and what specific incident 'cause it may be
14 different and her testimony will be different for different
15 days.
16 Q BY MR. GOWDEY: Is it your testimony that he beat
17 you every other day?
18 A Yes.
19 Q And is it your testimony that you were consistently
20 bruised as a result of that?
21 A Yes.
22 Q Is it your testimony, your prior testimony, that
23 your bruises would last between one and two weeks?
24 A Yes.

1 Q And these bruises would be to your torso or back?
2 A Yes.
3 Q To the best of your knowledge, did CPS document
4 those bruises?
5 A Yes.
6 MS. DORMAN: Objection, which time?
7 MR. GOWDEY: Anytime.
8 THE COURT: Sustained.
9 MS. DORMAN: Thank you.
10 MR. GOWDEY: Okay. I'll move on.
11 Q BY MR. GOWDEY: Now you have testified here -- I
12 wan- I wanna talk about the times that you allegedly ran away.
13 The first time was in the 6th grade, correct?
14 A Yes.
15 Q Prior to talking about the -- the individual times,
16 you said that your mother and your father never tried to stop
17 you. Is that right?
18 A Yes.
19 Q You testified that in the 6th grade, your teacher
20 called home and said you didn't turn in money for -- what was
21 it that you didn't turn money in for?
22 A A fundraiser.
23 Q And that as -- what'd you do with the money?
24 A I never turned it in. I couldn't find it.

1 Q You couldn't find the money?

2 A No. I couldn't.

3 Q Okay. You testified that once you found out the
4 teacher called, you didn't go home.

5 A No. I did not.

6 Q So how could your mother prevent you from running
7 away if you didn't go home?

8 A I never said she did prevent me from running away.

9 Q Well, she said she never -- she never tried to stop
10 you; correct?

11 A Yes.

12 Q How could she have tried to stop you if you didn't
13 go home?

14 A I didn't go home because I was scared.

15 Q Well, that's...

16 A I couldn't have gone home for her to stop me. If I
17 would've...

18 Q You couldn't have gone home for her to stop you.
19 Why not?

20 A I was scared.

21 Q Well, but you still could've gone home. Couldn't
22 you?

23 A Yes. I could've. But I...

24 Q You've testified...

1 A ...wasn't gonna go home and put myself in that
2 position anymore.

3 Q Okay. So you've testified that she never tried to
4 stop you.

5 MS. DORMAN: Ob-...

6 Q BY MR. GOWDEY: Yet the first instance that you --
7 that -- that you documented, you never gave her an opportunity
8 to try to stop you. Did you?

9 A She wasn't even home when I was coming home from
10 school.

11 Q Okay. Good enough. The second time, you're a
12 freshman in high school. Your mother told you to leave the
13 house?

14 A Yes.

15 Q Where'd you go?

16 A I went to a friend's house.

17 Q Did they come looking for you?

18 A No. They didn't.

19 Q And how long were you gone?

20 A Maybe an hour.

21 Q And you characterize being gone an hour as running
22 away?

23 A Well, my friend's parents had called the cops
24 because I told them I refused to go home.

1 Q And the last time -- the third time when you were a
2 freshman in high school, you went into the backyard. And your
3 parents came looking for you. Is that right?

4 A Yes.

5 Q Okay. Now, you have testified that your mother was
6 aware of the incidents of abuse. Is that right?

7 A Yes.

8 Q Yet in preliminary examination, you testified that
9 your mother was never aware of any of the incidents. Is that
10 right?

11 A Yes.

12 MS. DORMAN: I'm sorry. Are we talking about the
13 preliminary hearing, is that right, or direct, my direct?

14 MR. GOWDEY: On -- in preliminary examination.

15 THE COURT: Okay.

16 Do you understand that question, Samantha?

17 THE WITNESS: Yes.

18 THE COURT: Okay.

19 Q BY MR. GOWDEY: So you testified under oath that
20 your mother was not aware of the incidents of abuse, correct?

21 A Yes.

22 Q What is your mother's work schedule? Did you --
23 strike that. Are you aware of, in 2013, what your mother's
24 work schedule was?

1 A No. I don't remember.

2 Q Are you aware that your mother would go to work at
3 2:00 in the afternoon and be gone and not come home until late
4 in the evening?

5 A Yes.

6 Q And what time is the incident where Mr. Brown was
7 alleged to have hit you with a belt buckle and punched you in
8 the eye in two-thousand -- December of 2013? What time did
9 that incident allegedly occur?

10 A I don't know.

11 Q Was it in the morning?

12 A I don't know.

13 Q You don't recall what time it occurred?

14 A No.

15 MS. DORMAN: Objection.

16 THE WITNESS: I don't.

17 MS. DORMAN: Asked and answered.

18 THE COURT: Sustained.

19 Q BY MR. GOWDEY: Did you go to school that day?

20 A I don't remember.

21 Q Was the sun up?

22 A I don't remember.

23 Q Was it dark?

24 MS. DORMAN: I -- I -- I'm sorry. I think I objected.

1 And I think it was actually sustained. But Mr. Gowdey might
2 have missed that because he kept asking questions.

3 THE COURT: Sustained. She doesn't (unintelligible)
4 remembers the time.

5 Q BY MR. GOWDEY: Was your mother home at the time?

6 A I don't remember.

7 Q Did you tell your mother Mr. Brown had hit you with
8 a belt in the eye and punched you in the face?

9 A No. I didn't.

10 Q You alleged she knew about that incident?

11 A Yes.

12 Q How?

13 A I don't know. I figured she did.

14 Q You figured she did?

15 A Yes.

16 Q I wanna talk to you about the cut on your wrist.

17 MR. GOWDEY: May I -- may I see those photographs?

18 The clerk's got 'em.

19 Q BY MR. GOWDEY: You testified at preliminary
20 examination (unintelligible) that you were jumping over a wall
21 and you had scraped your wrist on a grate. Is that correct?

22 A Yes.

23 Q In fact, that's what you told the police?

24 A Yes.

1 Q That's what you told CPS?

2 A Yes.

3 Q That's what you told the Court, under oath. Is that
4 correct?

5 A Yes.

6 Q This -- how long was this injury?

7 A What do you mean?

8 Q I mean, on your arm. Here -- here, you can look at
9 one of the pictures if you'd like to. How long was the actual
10 injury? One inch, two inches...

11 MS. DORMAN: I -- I'm gonna object...

12 Q BY MR. GOWDEY: ...three inches?

13 MS. DORMAN: ...at this time. We have pictures of it.
14 She's identified the pictures. She's said that they're fair
15 and accurate representation of how the -- we can all look for
16 ourselves.

17 THE COURT: I think it's what's...

18 MR. GOWDEY: I don't think it's un- un- it's unreasonable
19 to ask her how long was the actual physical cut on her wrist.

20 MS. DORMAN: What's the relevance then?

21 MR. GOWDEY: I think the relevance here -- I'm laying a
22 foundation. The relevance will become clear in a couple
23 questions.

24 THE COURT: Well, I -- I think...

1 MR. GOWDEY: As an offer of...

2 THE COURT: ...those pictures -- the picture...

3 MS. DORMAN: I can object.

4 MR. GOWDEY: ...proof, my argument is going to be, how
5 could a butter knife cause this injury?

6 MS. DORMAN: That's argumentative. It's not something...

7 Q BY MR. GOWDEY: Isn't that injury much more...

8 MS. DORMAN: ...to ask the child.

9 Q BY MR. GOWDEY: ...consistent with being cut from a
10 grate?

11 MS. DORMAN: That's argument, Your Honor.

12 THE COURT: Well, okay. So...

13 MR. GOWDEY: It's not argument if I get -- if I'm asking
14 her a question.

15 THE COURT: Hold on. Hold on. So -- so I don't know
16 that sh- that the size -- what she says the size of the -- the
17 mark is...

18 MR. GOWDEY: Okay.

19 THE COURT: ...because this picture speaks for itself.
20 So that's more identifiable than whatever she -- she could say
21 it's a foot, an inch, a centimeter. That tells exactly what
22 it was.

23 Q BY MR. GOWDEY: Where was Mr. Brown -- it -- it was
24 your testimony that you were unloading the -- or that you were

1 washing the dishes when this occurred. Is that right?

2 A Yes.

3 Q And that Mr. Brown picked up a butter knife and

4 threw it at you?

5 A He already had it in his hand.

6 Q And he threw it at you?

7 A Yes.

8 Q A butter knife?

9 A Yes.

10 Q That's a butter -- that's a knife that does not have

11 a sharpened edge, that has a rounded point to it; correct?

12 A Depends on the type of butter knife.

13 Q The butter knife that -- that you allege caused this

14 incident, that would describe that. Would it not?

15 A The one that we had -- the one that was thrown at

16 me, had like -- it was sort of like a serrated edge on it.

17 Q And where was Mr. Brown when he allegedly threw this

18 knife at you?

19 A Standing next to me.

20 Q How far away was he?

21 A Maybe a foot or two.

22 Q And so he physically threw the knife at you and it

23 struck you in the wrist. Is that right?

24 A Yes.

1 Q I see. How deep was the cut?
2 A I don't know.
3 Q Did it require stitches?
4 A No. He put a butterfly band-aid over it.
5 Q Did Nikki, Heidi and Wyatt observe the incident?
6 A I don't know.
7 Q I'm not talk- I'm not done with my question yet.
8 The incident whereby you injured your eyes in December, did
9 they observe that? Were they there?
10 A I don't know.
11 Q You don't know wh-...
12 MS. DORMAN: I assume he's talking about 2013.
13 THE COURT: December 2013 we're talking about still,
14 right?
15 MR. GOWDEY: December of 2013.
16 THE COURT: Okay.
17 MR. GOWDEY: Correct.
18 Q BY MR. GOWDEY: You don't know if they were there?
19 A No. I do not.
20 Q You don't know if they saw it?
21 A No. I do not.
22 Q You've never spoken to them about it?
23 A I have spoken to them about it since we've been in
24 foster care. But I never...

1 Q And did you ask them if they witnessed it?
2 A No. I haven't.
3 Q It's been your testimony that Mr. Brown, as
4 punishment, would stand on your chest. Is that correct?
5 A Yes.
6 Q When was the first time that that occurred?
7 A I don't recall the day, time or year.
8 Q Do you recall how old you were?
9 A No. I do not.
10 Q Do you recall what grade you were in?
11 A No. I do not.
12 Q Can I have your best estimate as to when that
13 occurred?
14 A I don't know.
15 Q Were you 8?
16 A I don't know.
17 Q Were you 9?
18 A I don't know.
19 Q How much did you weigh when that occurred?
20 A I don't know.
21 Q Mr. Brown weighs 300 pounds.
22 MS. DORMAN: Objection, is there a question?
23 Q BY MR. GOWDEY: How much did you weigh when that
24 occurred?

1 MS. DORMAN: She's answered that one.

2 THE WITNESS: I don't know.

3 MR. GOWDEY: Well, she's testified on direct examination

4 about these incidents. But on cross-examination, she

5 conveniently doesn't know anything about the incidents upon

6 which...

7 MS. DORMAN: This is...

8 MR. GOWDEY: ...she's testified on direct.

9 MS. DORMAN: ...argument, Your Honor. My first objection

10 was that when Mr. Gowdey testified that the man weighed 300

11 pounds that there was no question. He then changed it to how

12 much did you weigh. And she's already answered that. I don't

13 know what the argument's about. My objection is to the form

14 of his questions.

15 MR. GOWDEY: The argument is -- is about you received

16 cooperation on direct examination and testified to events that

17 now...

18 THE COURT: If she says...

19 MR. GOWDEY: ...on cross-examination...

20 THE COURT: ...she doesn't know...

21 MR. GOWDEY: ...she remembers nothing about.

22 THE COURT: ...there's nothing -- you can't...

23 MS. DORMAN: That's -- that doesn't...

24 MR. GOWDEY: How many...

1 MS. DORMAN: ...respond to my objection whatsoever. My
2 first objection, again, was that when Mr. Gowdey testified the
3 man weighed 300 pounds, there was no question. Instead of
4 changing it into a question, he then asked her how much did
5 you weigh...

6 THE COURT: Then she says...

7 MS. DORMAN: ...which she's answered twice.

8 THE COURT: ...I don't know.

9 Q BY MR. GOWDEY: What injuries...

10 MR. GOWDEY: May I move on?

11 THE COURT: You may move on.

12 Q BY MR. GOWDEY: What injuries are you alleging you
13 suffered as a result of Mr. Brown standing with both feet in
14 his work boots on your chest?

15 A I had abrasions on my chest that looked more like a
16 rug burn.

17 Q Were those abrasions ever photographed?

18 A No. They were not.

19 Q Were these abr- did these incident -- this incident
20 occur anywhere near any of the incidents that CPS had
21 responded to an alle- in response to allegations that you were
22 physically harmed by Mr. Brown?

23 A I don't understand. Can you please rephrase that?

24 Q Yes. Did CPS ever have an opportunity to view any

1 of these -- these alleged abrasions on your chest as a result
2 of Mr. Brown allegedly standing on you?

3 A No. They did not.

4 Q How many times did Mr. Brown hit you with a frying
5 pan?

6 A Several.

7 Q When was the first time?

8 A I don't recall.

9 Q When was the second time?

10 A I don't recall.

11 Q When was the third time?

12 A I don't know.

13 Q Were you in elementary school?

14 A I don't know.

15 Q Were you in junior high school?

16 A I don't know.

17 Q Were you in high school?

18 A I don't know.

19 MS. DORMAN: I'm gonna object at this time.

20 THE COURT: Okay.

21 MS. DORMAN: This is badgering the witness at this point.

22 This is a...

23 MR. GOWDEY: This...

24 MS. DORMAN: If I could finish, Mr. Gowdey.

1 THE COURT: Hold on.

2 MS. DORMAN: You're doing it to me. And I'm a 38-year-
3 old woman. So the 17-year-old girl -- he's doing it to both
4 of us. You saw him trying to argue with me when I'm making my
5 objections. He's now trying to argue with a 17-year-old
6 witness, who has now been on the stand for -- I don't even
7 know how long.

8 THE WITNESS: I have a question.

9 MR. GOWDEY: Two hours.

10 MS. DORMAN: And she's answered the questions Mr.
11 Draskovich posed in the exact same fashion. And now she's
12 answering them for Mr. Gowdey. And I would appreciate that if
13 he'd shows some decorum, not just to me, but to the 17-year-
14 old witness.

15 MR. GOWDEY: Your Honor...

16 THE COURT: You have a right to make a record and ask her
17 the questions. But if she says she doesn't know, you can
18 follow up with more question and give her a time frame. And
19 if she -- I mean, if she doesn't know, she doesn't know. I
20 get what you're asking. You're asking her -- in other words,
21 I think Ms. Dorman asked tell the -- the grade, the year or
22 the season or something.

23 MS. DORMAN: The grade...

24 THE COURT: The grade, year...

1 MS. DORMAN: ...the year or her age.
2 THE COURT: ...her age. Thank you.
3 MR. GOWDEY: Okay.
4 THE COURT: So I get what you're tryin' to do is trying
5 to have her focus to -- to a time. But if she doesn't know,
6 you -- you can't badger her.
7 MR. GOWDEY: Okay.
8 THE WITNESS: Can I use the restroom real quick?
9 THE COURT: Sure.
10 THE WITNESS: Thank you.
11 THE COURT: Yeah.
12 Okay. So we'll take a break. She has to use the
13 restroom. So go to the restroom. We'll take a -- how's this,
14 a ten-minute break?
15 (Whereupon the matter was trailed at
16 01:14:10 and recalled at 01:31:33.)
17 MR. GOWDEY: ...while he's gone.
18 THE COURT: Okay. All right. So then we'll go back on
19 the record.
20 You're still under oath, Samantha. Okay?
21 THE WITNESS: Okay.
22 THE COURT: All right.
23 MR. GOWDEY: Thank you, Your Honor.
24 THE COURT: Sure.

1 Q BY MR. GOWDEY: Samantha, you wrote in your letter
2 that Mr. Brown beat you with a spatula; correct?

3 A Yes.

4 Q How many times did he do that?

5 A I don't know.

6 Q More than once?

7 A Yes.

8 Q More than five times?

9 A Possibly.

10 Q When was the first time?

11 A I don't know.

12 Q When was the last time?

13 A I don't know.

14 Q How old were you?

15 A I don't know.

16 Q Where did it occur?

17 A I don't know.

18 Q Okay. You wrote in the letter that he beat you with
19 a remote. Is that correct?

20 A Yes.

21 Q How many times?

22 A Several.

23 Q Was that more than one?

24 A Yes.

1 Q More than five?
2 A Yes.
3 Q More than ten?
4 A I don't know.
5 Q When was the first time?
6 A I don't know.
7 Q How old were you?
8 A I don't know.
9 Q When was the last time?
10 A I'm not sure.
11 Q Did it occur in 2013?
12 A I don't know.
13 Q Where were you when it occurred the first time?
14 A I don't remember.
15 Q Do you remember any instances when he beat you with
16 a remote?
17 A We were in the living room.
18 Q When was this?
19 A I don't recall what day, what time, what year,
20 whether it was light or dark outside.
21 THE COURT: Let me ask you this.
22 Mike, can you just check and see if that microphone
23 will move towards a little bit that way because she's leaning
24 towards...

1 THE MARSHAL: Yeah...

2 THE COURT: Oh it doesn't move?

3 THE MARSHAL: ...you gotta talk into the mic.

4 THE WITNESS: Sorry.

5 THE COURT: You know what? You can...

6 MS. HANRAHAN: She's (unintelligible).

7 THE COURT: You can -- talk in the mic but you -- I know

8 it's hard but -- you can look that way, just talk in the mic,

9 okay, just so we can pick up your voice.

10 THE WITNESS: Okay.

11 THE COURT: Okay?

12 THE WITNESS: Mm-hm.

13 THE COURT: Thanks.

14 Q BY MR. GOWDEY: You were in the living room?

15 A Yes.

16 Q And what happened?

17 A I don't recall what happened. But I do remember

18 getting hit with the remote.

19 Q Was it thrown?

20 A No. It was beat on my hands.

21 Q It was beat on your hands. By Mr. Brown?

22 A Yes.

23 Q And you don't remember how old you were?

24 A No. I do not.

1 Q Do you remember another instance where that
2 occurred?
3 A Every time it was done, it was hit on my hands.
4 Q Every time, how many times is every time?
5 MS. GORDON: Objection, this has been asked and answered.
6 THE COURT: She said -- well, she didn't ans- she didn't
7 -- was -- was asked that question. She said more than five,
8 yes; more than ten, she does not know.
9 MR. GOWDEY: Correct.
10 Q BY MR. GOWDEY: Every time between five and ten it
11 was beat on your hands?
12 A Yes.
13 Q I see. You wrote that you were hit with a pot,
14 correct?
15 A Yes.
16 Q How many times?
17 A Several.
18 Q More than five?
19 A Possibly.
20 Q More than ten?
21 A Possibly.
22 Q More than 20?
23 A I don't know.
24 Q So somewhere, you think, between 5 and 20 times?

1 A Possibly.

2 Q What'd the pot look like?

3 A It was a silver pot with a black handle.

4 Q Big pot, little pot?

5 A Medium-sized.

6 Q How old were you the first time you were hit with a
7 pot?

8 A I don't know.

9 Q Where were you hit?

10 A On my head.

11 Q Were you bleeding?

12 A No.

13 Q What about the second time?

14 A I don't know.

15 Q Do you know how old you were?

16 A No. I don't.

17 Q Do you know where that occurred?

18 A In the kitchen.

19 Q You testified that -- or you wrote in the letter
20 that you were hit with a flashlight. How many times did that
21 occur?

22 A Several.

23 Q More than five?

24 A Possibly.

1 Q More than ten?

2 A I don't know.

3 Q What did the flashlight look like?

4 A Long and black.

5 Q Where was the flashlight kept?

6 A I don't know.

7 Q Where were you struck with the flashlight?

8 A It'd be anywhere from my head to my hands to my
9 back.

10 Q So you testified that you were struck in the head
11 with a flashlight?

12 A Yes.

13 Q And when did that occur?

14 A I don't recall what day, what time and...

15 Q How -- sorry. Go ahead. Finish.

16 A I don't recall what day or what time.

17 Q How old were you?

18 A I don't know.

19 Q Were you in 1st grade?

20 A No.

21 Q 3rd grade?

22 MS. DORMAN: Objection. Argumentative at this point.

23 MR. GOWDEY: I have the right to try and refresh the

24 witness's recollection as to -- she's making allegation with

1 -- with no time frame associated with them.

2 MS. DORMAN: Right. That goes to weight.

3 MR. GOWDEY: She...

4 MS. DORMAN: I mean, you can't just argue and needle and
5 pinpoint...

6 MR. GOWDEY: Nobody's...

7 MS. DORMAN: ...until an answer comes out.

8 MR. GOWDEY: Am I arguing, needling or pinpointing,
9 Judge? I'm allowed to try and pinpoint. I'm allowed to ask
10 her to the best of her recollection and see if I can refresh
11 her recollection as to what grade she might've been in, how
12 old she might have been in, whether something occurred at
13 daytime, or something occurred at nighttime, whether there
14 were people there. I certainly have the right to try and get
15 the best recollection out of her. She seems to have taken a
16 stance where I don't know seems to be the -- the answer of the
17 day. Make allegations, and when you're questioned about 'em,
18 I don't know.

19 MS. DORMAN: The problem is, Your Honor, he asked all of
20 those questions. And now he wants to go through every single
21 grade. So 1st -- he's skipping a couple, 1st grade, 3rd
22 grade. It's argumentative. I get that he doesn't like the
23 answer I don't know. And I get that he'll argue about that
24 when we do closing arguments and that it should go to the

1 weight you give her testimony.

2 THE COURT: Mm-hm.

3 MS. DORMAN: But it certainly -- you don't get to ask her
4 for every instance, every grade she was in. It's
5 argumentative.

6 MR. GOWDEY: If she said, yes, I was in a grade. I would
7 probably stop at that. If she says...

8 MS. DORMAN: Well, yeah.

9 MR. GOWDEY: ...I don't remember if it was 1st, 3rd, 5th,
10 7th...

11 MS. DORMAN: That means that he's going to keep going
12 until she answers when she's already said, I don't know.

13 MR. GOWDEY: Again, I have the right to try and refresh
14 the rit -- the witness's recollection and pinpoint down when
15 it was.

16 THE COURT: Okay. So I don't know about asking her about
17 every grade if that's gonna really jog her memory if she
18 doesn't know. You might wanna try something as in -- whoever
19 -- I don't know if it was Mr. Draskovich. I don't know if it
20 was Ms. Dorman. I don't know who it was that stated about
21 under the -- someone was born. It -- that triggered her. Was
22 Wyatt born? Were the twins three or four? That may be a
23 better way rather than...

24 MR. GOWDEY: Okay.

1 THE COURT: ...going through every...
2 MR. GOWDEY: I'm happy to do...
3 THE COURT: ...every question.
4 MR. GOWDEY: ...it that way.
5 THE COURT: And then asking her 1st through 12th grade
6 'cause that probably won't necessarily help. It'll make a
7 record. But I don't know that it's actually helping to elicit
8 the testimony that you -- that you want to get.
9 Q BY MR. GOWDEY: When you were first...
10 THE COURT: All right.
11 Q BY MR. GOWDEY: ...struck with the flashlight, had
12 Wyatt been born yet?
13 A No. He wasn't.
14 Q How old were you when Wyatt was born?
15 A 10 or 11.
16 Q Were there instances after Wyatt was born where you
17 were struck with a flashlight?
18 A Yes.
19 Q What's the first that you can recall?
20 A Maybe a week or two after he was born.
21 Q It's your testimony that you were struck with a
22 flashlight a week or two after Wyatt was born.
23 A Yes.
24 Q And how many times after that?

1 A I don't recall.

2 Q You wrote in the letter that you were struck with a
3 shoe by Mr. Brown. Is that correct?

4 A Yes.

5 Q How many times did that occur?

6 A I don't know.

7 Q How old were you the first time it occurred?

8 A I'm not sure.

9 Q Had Wyatt been born yet?

10 A I don't remember if he was or not.

11 Q When is the last time you were struck with a shoe?

12 A The last time I was in the house with them.

13 Q So you were struck with a shoe the last time you
14 were in the house, which was December 10th, 2013, or
15 thereabouts?

16 A Yes.

17 Q Did you tell anybody you were struck with a shoe?

18 A No.

19 MS. DORMAN: And I'm just -- I'm just gonna object. I
20 mean, once the trial starts, the J file will be entered. But
21 she wasn't removed on December 10th. That wasn't the removal
22 date, so.

23 THE COURT: Good. All right.

24 Q BY MR. GOWDEY: So it was some time after December

1 10th, the last time you were struck with a shoe?

2 A It was some time around there.

3 Q As for a hanger, you -- you wrote in the letter that

4 you had been struck with a hanger by Mr. Brown?

5 A Yes.

6 Q When was the first time you were struck with a

7 hanger?

8 A In my bedroom.

9 Q When was that?

10 A I don't know how old I was or what grade I was in.

11 I just remember I was in my bedroom and he'd hit me with a

12 hanger.

13 Q Where did he hit you with the hanger?

14 A On my back.

15 Q Did it leave a mark?

16 A I don't remember.

17 Q Was this before or after Wyatt was born?

18 A I don't remember.

19 Q How many times in total do you believe you were hit

20 with a hanger?

21 A I don't know.

22 Q More than five?

23 A Possibly.

24 Q More than ten?

1 A I don't know.

2 Q When you wrote that you were hit with wood by Mr.
3 Brown, what type of wood were you hit with?

4 A We had cut down our mesquite tree. So it was the
5 mesquite wood that we had in the backyard.

6 Q How big was it?

7 A I don't know.

8 Q Was it as big as a baseball bat?

9 A I don't remember.

10 Q When did it occur?

11 A I don't know.

12 Q How many times were you hit with a piece of wood
13 from the mesquite tree in the backyard?

14 A I don't know.

15 Q More than once?

16 A Possibly.

17 Q More than five times?

18 A Possibly.

19 Q Where were you when you were struck by that piece of
20 wood from that tree?

21 A Either in the backyard or in the living room.

22 Q And you -- you wrote that you were struck by a
23 wooden broomstick. Is that right?

24 A It wasn't a wooden broomstick. It was a metal

1 broomstick.

2 Q So in your letter where it said wood broomstick it
3 should have been metal...

4 MS. DORMAN: I'm...

5 Q BY MR. GOWDEY: ...broomstick?

6 A I...

7 MS. DORMAN: ...sorry. That misstates what -- I mean, he
8 knows that's -- it misstates what the letter said because he
9 knows it says wood comma broomstick because he asked about
10 what wood she was hit with.

11 MR. GOWDEY: All right.

12 THE COURT: Okay.

13 MR. GOWDEY: If -- if I might. I'm looking at the
14 preliminary hearing transcript. It says wood with broomstick.

15 MS. DORMAN: Okay. I thought you were still on the
16 letter. Sorry. What page please?

17 MR. GOWDEY: Page 40.

18 MS. DORMAN: I -- I'm gonna object. He's -- okay. First
19 of all, I get that he's trying to impeach her with prior
20 testimony. This is a transcript of how the prosecutor read
21 the letter into the record. So unless you've got the
22 prosecutor on the stand, you can't impeach with this.

23 MR. GOWDEY: Well, she acknowledged to writing the
24 letter...

1 MS. DORMAN: Right.

2 MR. GOWDEY: ...in the preliminary hearing transcript.

3 MS. DORMAN: But you can't impeach her with how the

4 prosecutor read the letter.

5 MR. GOWDEY: Okay. If -- if...

6 THE COURT: So you're saying there's a comma, like, a

7 metal...

8 MS. DORMAN: Yes.

9 THE COURT: ...a -- wood...

10 MS. DORMAN: I get what he's saying. But it's a...

11 THE COURT: ...comma broomstick. 'Cause wood -- she --

12 wood, we all agree with, there's a...

13 MR. GOWDEY: A broomstick.

14 THE COURT: ...allegedly a -- a mesquite tree and then

15 comma there's a broomstick.

16 MS. DORMAN: That's exactly what...

17 MR. GOWDEY: And I -- and I'm happy to amend my question.

18 THE COURT: Okay.

19 MR. GOWDEY: If she says it was a broomstick, I will ask

20 questions related to simply a broomstick...

21 THE COURT: Right. Not a metal...

22 MR. GOWDEY: ...and not a wooden broomstick.

23 THE COURT: ...and not a wood. Okay.

24 Q BY MR. GOWDEY: How many times were you hit with a

1 broomstick?

2 A Whenever I was sweeping the floor.

3 Q How many times did you sweep the floor?

4 A I swept the floor every day.

5 Q So you were hit with a broomstick every day?

6 A Yes.

7 Q By Mr. Brown?

8 A Yes.

9 Q Would he remove the broomstick from your hands and
10 hit you with it?

11 A No. He'd ask for it.

12 Q Every day?

13 A Yes.

14 Q As a matter of habit?

15 A Yes.

16 MS. DORMAN: Objection.

17 THE COURT: I don't know that she can speak to Mr.

18 Brown's habits.

19 MR. GOWDEY: If something occurs...

20 THE COURT: Sus...

21 MR. GOWDEY: ...every day, it's considered to be a matter
22 of habit.

23 MS. DORMAN: And again, Mr. Gowdey's testifying. So, I
24 mean, if he doesn't need the witness to answer those questions

1 then he can just argue it.

2 THE COURT: I'm gonna sustain the objection. It -- it's
3 -- it's...

4 MR. GOWDEY: I'll withdraw the question.

5 THE COURT: Okay.

6 Q BY MR. GOWDEY: It is your testimony that you were
7 struck every day by a broomstick by Mr. Brown?

8 A Yes.

9 Q Where were you struck?

10 A On my back.

11 Q Every time?

12 A No. Not every time.

13 MS. DORMAN: Objection, asked and answered.

14 THE COURT: You can answer that.

15 THE WITNESS: I was hit on my back and on my butt.

16 Q BY MR. GOWDEY: Would it leave a mark?

17 A No.

18 Q I wanna direct your attention to this incident at
19 school. You were kicked off of the student council. Is that
20 right?

21 MS. DORMAN: Objection, relevance.

22 THE COURT: Okay. Well, (unintelligible)...

23 MS. DORMAN: And it lacks foundation.

24 MR. GOWDEY: Well, I'll -- I will...

1 MS. DORMAN: Was that the elementary school?
2 MR. GOWDEY: I'll lay the fou- I will lay the foundation.
3 THE COURT: Okay.
4 MR. GOWDEY: I -- I can certainly...
5 THE COURT: And then what's -- and then the relevance...
6 MR. GOWDEY: ...accept that argument.
7 THE COURT: ...regarding.
8 Q BY MR. GOWDEY: The incident where you indicated
9 that you ran away...
10 MS. DORMAN: I'm sorry.
11 Q BY MR. GOWDEY: ...from school...
12 MS. DORMAN: You -- you asked him what's the relevance.
13 THE COURT: Right. 'Cause your -- your objection was
14 relevance.
15 MS. DORMAN: And lacks foundation.
16 THE COURT: And he said...
17 MR. GOWDEY: Okay. She indicated that she ran away from
18 school as a result of a telephone call that a counselor -- or
19 I'm sorry. Ran away from home as a result of a telephone call
20 that a counselor made...
21 THE COURT: The fundraising money.
22 MR. GOWDEY: ...about raising money.
23 THE COURT: Okay.
24 MR. GOWDEY: That's directly tied to this.

1 THE COURT: Okay.

2 MR. GOWDEY: The reason that she was -- she was kicked
3 from the student council.

4 THE COURT: Okay. You can...

5 I mean, you --you brought that up. He...

6 Go ahead. Ask that question.

7 MR. GOWDEY: Okay.

8 THE COURT: And we'll go from there and see if it's
9 appropriate and relevant.

10 Q BY MR. GOWDEY : You testified that you had run away
11 -- pre- preemptively run away. You never actually even came
12 home as a result of a telephone call indicating -- from your
13 school, indicating that there was problems because you had not
14 returned money for candy bar sales for student council. Is
15 that correct?

16 A Yes.

17 Q And in fact, it turned out that you were kicked off
18 student council because you didn't turn that money in. Is
19 that correct?

20 A Yes.

21 Q Is it your testimony that you actually lost the
22 money?

23 A Yes.

24 Q How much money was there?

1 A \$40.

2 MS. DORMAN: Objection, relevance.

3 THE COURT: Sus- well, sustained. Yeah. I don't know
4 how the money has to do with the termination of parental
5 rights. But...

6 Q BY MR. GOWDEY: But you -- but you were kicked off
7 student council as a...

8 MS. DORMAN: Objection, asked and...

9 Q BY MR. GOWDEY: ...result of that. Is that correct?

10 MS. DORMAN: ...answered.

11 THE COURT: Sustained.

12 MR. GOWDEY: Okay.

13 Q BY MR. GOWDEY: How many times have you stolen money
14 from your parents?

15 A Once.

16 Q That's the one time that you indicated you took
17 money from your mother's purse to pay for food. Is that
18 correct?

19 A Yes.

20 Q You've never stolen money any other time than that?

21 A No.

22 Q Okay.

23 MR. GOWDEY: Court's indulgence.

24 Q BY MR. GOWDEY: Did you ever take money that was the

1 proceeds from a garage sale?

2 A No.

3 Q Over \$140?

4 A No.

5 Q You didn't admit to Mr. Brown that you took the
6 money?

7 A No. I didn't.

8 Q Okay.

9 MR. GOWDEY: At this point, Your Honor, I have no further
10 questions.

11 THE COURT: Okay.

12 MS. DORMAN: I'm just gonna do a redirect and then I
13 think the CAP attorney will be...

14 MS. HONODEL: Yeah.

15 MS. DORMAN: ...will be allowed to ask questions.

16 MS. HONODEL: Right. Your Honor, my questions on her
17 direct would just be incorporated into her redirect. So for
18 time...

19 THE COURT: Okay.

20 MS. HONODEL: ...sake and the witness's sake, I'm gonna
21 let Ms. Dorman proceed. And then...

22 THE COURT: Is there any opposition to that?

23 MR. GOWDEY: No.

24 MR. DRASKOVICH: No.

1 THE COURT: Great. We'll do it that way then. Thank
2 you.

3 MS. DORMAN: Thank you.

4 **REDIRECT EXAMINATION**

5 **BY MS. DORMAN:**

6 Q Okay. So I'm gonna just ask you a couple questions
7 about what was asked on cross-examination. Mr. Draskovich
8 asked you several questions about seeing Lisa Durette. Do you
9 recall that?

10 A Yes.

11 Q Okay. So to be clear, you never saw somebody named
12 Lisa Durette?

13 A No.

14 Q Okay. But you did see someone named Dr. Harding?

15 A Yes.

16 Q Okay. And you recall seeing Dr. Harding?

17 A Yes.

18 Q Okay. So Mr. Draskovich asked you about seeing her
19 on May 19th of 2014. Do you recall that?

20 A Yes.

21 Q Okay. And in May -- and it's fair to say that in
22 May 19th -- on May 19th of 2014, you were denying that abuse
23 happened in your home.

24 A Yes.

1 Q Is that correct? Now, May 19th of 2014 is before
2 you wrote this letter.

3 A Yes.

4 Q Is that correct?

5 A Yes.

6 Q Okay. And it was before the preliminary hearing?

7 A Yes.

8 Q Okay. And do you recall the first preliminary
9 hearing being May 30th of 2014?

10 A I think so.

11 Q Okay.

12 A I don't know.

13 Q But it got continued. Is that right?

14 A I think so.

15 Q Because -- do you remember why?

16 A No. I don't.

17 Q Was it because of the letter?

18 A I don't know.

19 Q Okay. So you actually testified on July 18th of
20 2014. Is that right?

21 A Yes.

22 Q Okay. Now, Mr. Draskovich also asked you about two
23 other instances that you saw this particular therapist. And
24 that was in October of 2015 and May of two -- sorry. Let me

1 back up. That was in April of 2015 and October of 2015. Is
2 that correct?

3 A Yes.

4 Q Is that the only time that you saw this person?

5 A No. I see her every three months for a psychiatric
6 evaluation.

7 Q Okay. So you're -- you're only seeing her every
8 three months?

9 A Yes.

10 Q Okay. So that would've been for -- for psychiatric
11 evaluation?

12 A Yes.

13 Q Okay. So when you testified that you've told your
14 therapist things, you are not talking about Dr. Harding?

15 A No. I haven't.

16 Q Okay. So you're talking about Janet?

17 A Yes.

18 Q Okay. Which you testified for Mr. Draskovich is the
19 name of your therapist?

20 A Yes.

21 Q And how often have you -- do you see Janet?

22 A I see her every other week now.

23 Q Every other week. And were you seeing her more than
24 that before?

1 A Yes. I was seeing her every other Thursday.

2 Q Okay. Do you think that you have a good
3 relationship with her?

4 A Yes.

5 Q Would you say that your relationship with her is the
6 same that you have with this individual?

7 A No.

8 Q Now, during the course of living with Mr. Brown and
9 your mom, were you -- well, you previously testified that you
10 were told to give CPS stories. Is that correct?

11 A Yes.

12 Q Okay. Mr. Draskovich asked you several questions
13 about the truth is the truth and stories are stories and
14 stories are harder to remember. Do you remember him asking
15 you all that?

16 A Yes.

17 Q Okay. Would you say you got pretty good at
18 remembering stories?

19 A Yes.

20 Q Would you say you got pretty good at repeating
21 stories?

22 A Yes.

23 Q Did you previously testify that sometimes you retold
24 the story so many times, you believed it to be true?

1 A Yes.

2 Q Now, in this letter you did tes- well, this isn't
3 testimony. But in this letter you did say that Donald hit you
4 with objects. Is that correct?

5 A Yes.

6 Q Okay. And he did do that?

7 A Yes.

8 Q Now, mister -- Mr. Gowdey asked you several que-
9 well, it might have been Mr. Draskovich. Somebody asked you
10 questions about name-calling. Do you recall that?

11 A Yes.

12 Q Okay. And how in the letter you said, fuck and
13 bitch; right?

14 A Yes.

15 Q But at the preliminary hearing you said, stupid --
16 hold on. Let me get your words. You said, stupid or rat. Do
17 you recall that?

18 A Yes.

19 Q Do you think that being in court is formal?

20 MR. DRASKOVICH: Objection, leading.

21 MS. DORMAN: It doesn't suggest an answer. She can deny
22 it.

23 MR. DRASKOVICH: I submit that the question contains the
24 answer in it. It's suggesting.

1 THE COURT: Overruled. She -- she can ask. It's a yes
2 -- she can --

3 THE WITNESS: I don't understand...

4 THE COURT: She can...

5 THE WITNESS: ...the question.

6 MS. DORMAN: Okay.

7 THE COURT: You don't understand it?

8 THE WITNESS: No.

9 MR. DRASKOVICH: Objection, vague.

10 MS. DORMAN: Well, that's good.

11 THE COURT: Okay.

12 MS. DORMAN: Then I can...

13 THE COURT: Sustained.

14 MS. DORMAN: Then I'll have to say it again.

15 Q BY MS. DORMAN: All right. Writing a letter is
16 different than being in a court?

17 A Yes.

18 MR. DRASKOVICH: Objection, leading.

19 MS. DORMAN: Okay. Let me rephrase.

20 Q BY MS. DORMAN: Do you think that writing a letter
21 is different than being in court?

22 A Yes.

23 Q And when you wrote this letter you were by yourself.
24 Were you?

1 A Yes.

2 Q Okay. And you said you were, where, in your room?

3 A I was in my bedroom.

4 Q Okay. And nobody was around?

5 A No.

6 Q Okay. Now, fast-forward to when you're in court at

7 the preliminary hearing. Were other people around?

8 A Yes.

9 Q Was it like this room where you had to be sworn in

10 and you had to say you were gonna tell the truth?

11 A Yes..

12 Q And were there people kinda staring at you?

13 A Yes.

14 Q And were there people asking you questions?

15 A Yes.

16 Q And was there somebody recording what you said?

17 A Yes.

18 Q Okay. Do you think that that environment is more

19 formal than the environment in which you wrote the letter?

20 A Yes.

21 Q Okay. Do you think it would be appropriate to say

22 fuck or bitch in court?

23 A No.

24 Q Okay. And you also testified that there would be

1 name-calling, right?

2 A Yes.

3 Q Okay. Now, Mr. Draskovich and Mr. Gowdey both asked
4 you about this interview with the LVMPD. Do you recall that?

5 A Yes.

6 Q Okay. And do you recall that being in January of
7 2014?

8 A Yes.

9 Q And do you recall that was well before you wrote the
10 letter?

11 A Yes.

12 Q And do you ca- recall that was well before the
13 preliminary hearing?

14 A Yes.

15 Q I just wanna talk to you a little bit about how you
16 were feeling. Mr. Draskovich asked you about do you remember
17 meeting with the D.A. before the prelim. Do you recall that?

18 A Yes.

19 Q Okay. And you couldn't remember a lot about meeting
20 with the D.A.?

21 A I couldn't remember what we talked about.

22 Q Okay. You can't remember what -- what you talked
23 about. Do you remember the preliminary hearing?

24 A Sort of.

1 Q Okay. Can you tell me what -- tell me if you don't
2 understand this word. But can you tell me what your demeanor
3 was at the preliminary hearing?

4 A Like, how I was...

5 MR. DRASKOVICH: Objection...

6 THE WITNESS: ...feeling?

7 MR. DRASKOVICH: ...relevance, her -- no -- her testimony
8 as to her -- it's an inappropriate question.

9 MS. DORMAN: It's not inappropriate at all. The ba- the
10 entire basis of both Mr. Draskovich and Mr. Gowdey's cross-
11 examination is that she's not telling the truth because her
12 testimony was different at the preliminary hearing. I can
13 certainly ask her what stressors that she was experiencing
14 during the preliminary hearing, what her demeanor was during
15 the preliminary hearing. How is that not directly tied to the
16 entirety of their cross-examination?

17 MR. DRASKOVICH: I would -- I would submit -- and I'm not
18 trying to make an argument, you know an arguing objection.
19 But you can ask her how you felt. But to ask her questions
20 concerning her demeanor, it's a vouching question and
21 (unintelligible) for my objection.

22 MS. DORMAN: Okay.

23 THE COURT: Okay. So he just...

24 MS. DORMAN: She doesn't understand the word demeanor

1 anyway. I can rephrase it.

2 THE COURT: Okay. Yeah. (Unintelligible)...

3 Q BY MS. DORMAN: How did you feel at the preliminary
4 hearing?

5 A I was scared and I was really upset.

6 Q Okay. Did you cry?

7 A Yes.

8 Q Do you remember crying?

9 A Yes.

10 Q Okay. You said you were scared.

11 A Yes.

12 Q Is that right? And you were really upset?

13 A Yes.

14 Q What does upset mean?

15 A I was shaking. I was crying. Like, I really
16 couldn't talk.

17 Q Okay. And was it that way throughout the whole
18 preliminary hearing?

19 A Yes.

20 Q Okay. What about when you met with the D.A.?

21 A I couldn't speak with her because I was too scared
22 and I couldn't -- I was upset. Like, I literally typed
23 everything up on my attorney's iPad.

24 Q Okay. All right. Now, Mr. Draskovich asked you a

1 lot of questions about the three injuries that you received
2 outside, like when you were in foster care. So I'm gonna ask
3 you a couple of questions about that. First of all, on any
4 three of the injuries, did you talk to your caseworker about
5 them?

6 A For -- yeah. I think I did.

7 Q Okay. So your caseworker was Maryte. Is that right?

8 A Yes.

9 Q Okay. Did you -- she would visit you?

10 A Yes..

11 Q Is that right? Okay. Did you tell her, hey I got
12 hurt at soccer or hey I got...

13 A Mm-hm.

14 Q ...fell off a bike or...

15 A Yes.

16 Q ...and went to the hospital?

17 A I don't...

18 Q Did you...

19 A ...rec- I don't remember if I told her I went to the
20 hospital. But I did tell her that I had fallen off my bike
21 and I got hurt in soccer and in football.

22 Q Okay. And I want to talk to you specifically about
23 the bike incident. Sam, how many people were present and saw
24 you fall off your bike?

1 A I think four or five.
2 Q Okay. And who would they have been?
3 A Mr. Bryan, Heidi, Nikki, Mr. Bryan's daughter and
4 another girl that lived on ranch.
5 Q Okay. So Heidi and Nikki are your siblings...
6 A Yes.
7 Q ...obviously. Mr. Bryan is -- I'm sorry. I don't
8 know who that is.
9 A One of my house parents.
10 Q A house parent. Okay. And his daughter?
11 A Yes.
12 Q And somebody else that lived on the ranch?
13 A Yes.
14 Q Okay. So Mr. Bryan, I believe, and five people?
15 A Yes.
16 Q Okay. Saw you fall off your bike?
17 A Mm-hm.
18 Q Now the other two injuries, that was a bike riding
19 injury not related to, like, your sports teams at school. Is
20 that right?
21 A Yes.
22 Q Your other two injuries were related to your sports
23 teams at school. You said, soccer and flag football?
24 A Yes.

1 Q Okay. When you lived with mom and dad, did you play
2 any sports?

3 A No.

4 Q Now, Mr. Gowdey asked you some questions about a
5 letter that you wrote here. Can you tell me -- did -- you did
6 write this letter, right?

7 A Yes.

8 Q Okay. And you wrote it to Donald?

9 A Yes.

10 Q Okay. Why? Like, did you just think, I wanna write
11 him a letter?

12 MR. DRASKOVICH: Objection, leading.

13 Q BY MS. DORMAN: Or why'd you write a letter?

14 THE COURT: Overruled. I mean, she asked if -- why --
15 why she wrote a letter.

16 Q BY MS. DORMAN: Why. Yeah. Why'd you write it?

17 A I was responding to a letter that he had written to
18 me.

19 Q Okay. So you received a letter from Donald Brown?

20 A Yes.

21 Q Was he in the Clark County Detention Center at the
22 time?

23 A Yes.

24 Q Do you recall what the letter said?

1 A He was asking me questions on how everybody was
2 doing, how I'm doing in school and just pretty much how
3 everything's going.

4 Q Okay. And so you wrote this in response to that
5 letter?

6 A Yes.

7 Q Okay. Now, so this is -- this is postmarked -- I
8 know you -- you said you didn't write this part; right?

9 A No. I did not.

10 Q Okay. This letter is postmarked on June 19th of
11 2014. Do you remember if that's when you wrote the letter?

12 A I don't remember when I did.

13 Q Okay. During this time frame that you were writing
14 the letter, you were permitted to send letters and receive
15 letters to Donald; right?

16 A Yes.

17 Q Okay. And that was by -- the Court was allowing
18 that?

19 A I believe so.

20 Q Okay. And you had said that you told Courtney
21 Howard that your dad punched you in the face. Is that right?

22 A Yes.

23 Q And Courtney Howard is a girl at school -- or was a
24 girl at school.

1 A Yes.

2 Q Okay. When you say that you told -- you told her

3 that you dad punched you in the face, can you tell me which --

4 which one are you talking about?

5 A Like, which incident?

6 Q Yeah.

7 A When I had the two black eyes.

8 Q Okay. Do you remember the time that was?

9 A Not really.

10 Q Okay. Are we talking about the incident before you

11 went into foster care, something different?

12 A I'm not quite sure. I just remember that he had

13 done that.

14 Q Okay. So you told Courtney that you were punched in

15 the eye by your dad.

16 A Yes.

17 Q But you can't remember when -- when that was.

18 A Yes.

19 Q Okay. Now, I believe it was Mr. Draskovich asked

20 you a couple questions about the December 2013 incident and

21 whether your mom knew about it. Do you recall that?

22 A Which incident?

23 Q That was -- that would be the last one...

24 A Yes.

1 Q ...before you came into foster care.
2 A Yes.
3 Q Okay. So let's talk about that a little bit. Did
4 you -- did -- do you believe that your mom knew what happened?
5 A Yes.
6 Q Why?
7 A Because her and dad talk about everything.
8 Q Okay. So do you recall at the preliminary hearing,
9 testifying about - I'm referencing page 35. Do you recall at
10 the preliminary hearing testifying about an action that your
11 mom took immediately after that incident happened?
12 A No. I do not.
13 Q Okay. Would looking at your testimony help to
14 refresh your recollection?
15 A Possibly.
16 Q Okay. I'm gonna just show you this page. And you
17 just read it to yourself. Okay? And just let me know when --
18 when your done. And I'm gonna take it back. Okay. You're
19 done?
20 A Mm-hm.
21 Q All right. I'm gonna take it back. Okay. Does
22 that help to refresh your memory a little bit?
23 A Yes.
24 Q Okay. What action did mom take right after that

1 happened?

2 A I believe she did take me out of the house.

3 Q Okay. What does that mean?

4 A Like, we got in the car and, like, drove. She drove
5 for a little bit.

6 Q Okay. Do you remember why?

7 A I believe -- I think it was because she had gotten
8 mad at dad because he kept doing it.

9 Q Kept doing what?

10 MR. GOWDEY: Objection, speculation as to why she had
11 gotten mad at dad.

12 THE COURT: Sustained. 'Cause I don't -- I don't -- if
13 you're not -- if you can be certain that that's what happened,
14 then you should testify to that question. If you're not
15 certain, don't guess.

16 THE WITNESS: Okay.

17 THE COURT: Okay?

18 So do you want to ask that one more time?

19 MS. DORMAN: Yeah. Yeah. We'll back up a little bit.

20 Q BY MS. DORMAN: Okay. So you remember being taken
21 out of the house by your mom?

22 A Yes.

23 Q Okay. Do you know why you were taken out of the
24 house?

1 A No.

2 Q Okay. Did you and mom talk about anything?

3 A I don't remember.

4 Q Okay. Is -- did you return to the house later?

5 A Yes.

6 Q Okay. Did anything happen when you returned?

7 A I don't -- I don't know.

8 Q Okay. Do you ever recall a time when either before

9 you left -- before mom took you out of the house or when she

10 brought you back, do you recall mom and dad talking about it?

11 A No. I don't.

12 Q Okay. Do you ever recall them talking about it?

13 A No.

14 Q Okay. Now, I wanna talk to you a little bit about

15 when Donald would stand on your chest. Do you recall

16 testifying on direct that it started when you were in the 4th

17 grade?

18 A Yes.

19 Q Okay. And do you recall what injuries you said you

20 had from that?

21 A Like, an abrasion on my chest that looked sort of

22 like a rug burn.

23 Q Okay. Did you say that anything else had happened?

24 A No.

1 Q You don't? Do you recall testifying that you
2 blacked out once?

3 MR. DRASKOVICH: Objection, leading.

4 THE COURT: Sustained.

5 Q BY MS. DORMAN: Was there ever a time that you -- we
6 talked a little bit about you stole \$40. And that was for
7 lunch money. Is that right?

8 A Yes.

9 Q Okay. Was there -- and you said there was no other
10 time that you took money.

11 A Mm-hm.

12 Q Is that right?

13 A Mm-hm.

14 Q Is that a yes?

15 A Yes.

16 Q Okay. Was there ever a time that you were given
17 money for one purpose and used it for a different purpose?

18 A Yes.

19 Q Can you tell me about that?

20 A I was given a check to put for my lunch money. But
21 I used it to buy books instead.

22 Q Okay. Let me just stop you. How old were you, what
23 grade were you in or what year was it?

24 A I can't recall.

1 Q Okay. Was it elementary school, junior high or high
2 school?
3 A I think it was elementary.
4 Q Okay. And you were given a check for what now?
5 A Lunch money. But I used it for books instead.
6 Q Okay. So you were supposed to use the check for
7 your lunch. But you used it to buy books. Is that right?
8 A Yes.
9 Q Okay. When you -- Mr. Gowdey asked you several
10 questions about whether or not CPS had seen injuries on you.
11 Do you re- do you recall that?
12 A Yes.
13 Q Okay. And he asked you several questions about did
14 CPS check your body. Do you recall that?
15 A Yes.
16 Q Okay. Tell me what they would do when they checked
17 your body.
18 A They would check, like, my back; my stomach; my
19 arms; my legs.
20 Q Okay. How did they do that?
21 A They would ask me, like, to raise my shirt up...
22 Q Okay.
23 A ...so that they could look. And then if I had pants
24 on, then they'd have me lift my pant legs up so they can see

1 my legs.

2 Q Okay. Did you ever have to take your pants off?

3 A No.

4 Q Okay. So nobody asked you to take your pants off?

5 A No.

6 Q Did anyone ever ask you to take your shirt off?

7 A No.

8 Q Okay. So you didn't have to take it off?

9 A No.

10 Q Okay. Was there ever a time when -- they never

11 asked you to remove your clothes?

12 A No.

13 Q Okay. So it was always lifting but not taking off?

14 A Yes.

15 Q Okay. And you testified earlier that sometimes

16 there was injuries that nobody saw -- like, nobody, like CPS

17 or school?

18 A Yes.

19 Q Okay.

20 MS. DORMAN: Okay. I think Lauren's got -- sorry.

21 Sorry. I'm new to this case. Amy has questions.

22 THE COURT: Okay.

23 MS. HONODEL: So are you done?

24 MS. DORMAN: Yeah.

1 MS. HONODEL: Okay. I just have one question, Your
2 Honor.

3 THE COURT: Sure.

4 CROSS-EXAMINATION

5 BY MS. HONODEL:

6 Q Sam, do you believe it's in your best interest for
7 your parent's rights to be terminated in this proceeding? Is
8 that what you want?

9 A Yes.

10 MS. HONODEL: That's the only question I have.

11 MR. DRASKOVICH: Very briefly.

12 RECROSS EXAMINATION

13 BY MR. DRASKOVICH:

14 Q If I could...

15 THE COURT: You're -- you're almost done, Samantha. Just
16 a couple more questions.

17 Q BY MR. DRASKOVICH: If I could turn your attention
18 to the testimony that you've given and you characterized it as
19 a runaway the second time when you were in the 9th grade.

20 MS. DORMAN: I'm gonna object outside of the scope.

21 MR. DRASKOVICH: It was addressed by (unintelligible)
22 co-counsel. And I just have a couple of questions to clarify.

23 THE COURT: Okay. Go ahead. That's fine.

24 Q BY MR. DRASKOVICH: You said that you spent an hour

1 at your friend's house?

2 A Yes.

3 Q And then the parent threatened to call the police?

4 A They did call the police. They didn't threaten to.

5 Q What was the friend's first and last name?

6 A Megan Phillippi.

7 Q And does she still live where she lived at that
8 point in time to your knowledge?

9 A I don't know. I haven't seen her since my freshman
10 year at Silverado High School.

11 Q Do you know her address?

12 A No. I do not.

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

14 THE COURT: Okay.

15 MR. GOWDEY: Just a couple of questions very briefly.

16 **RECROSS EXAMINATION**

17 **BY MR. GOWDEY:**

18 Q You said on redirect that you believe that your
19 mother took you out of the house after the December 2013
20 incident. Is that correct?

21 A Yes.

22 Q So to the best of your recollection, your mother
23 tried to safeguard you by taking you out of the house?

24 A I think so.

1 MR. GOWDEY: I have no further questions.

2 MS. DORMAN: Briefly.

3 THE COURT: Okay.

4 **FURTHER REDIRECT EXAMINATION**

5 **BY MS. DORMAN:**

6 Q Did you come right back?

7 A Yes.

8 MS. DORMAN: Nothing further.

9 MR. DRASKOVICH: No further questions.

10 THE COURT: All right then. Anyone else before we let
11 Ms. Samantha leave?

12 MS. HONODEL: No, Your Honor.

13 THE COURT: All right. Thank you.

14 All right. Samantha, you're done.

15 THE WITNESS: Thank you.

16 THE COURT: All right. Good luck to you, honey. Okay?

17 THE WITNESS: Thank you.

18 THE COURT: All right. Okay. So that's all we have for
19 today. I guess Ms. Calvert's gonna get the transcripts. She
20 had a medical emergency. I don't know what it is. So someone
21 got -- maybe, you know, send an e-mail to her and let her know
22 that day one Samantha testified and that everything continues
23 as the dates we gave on Friday. Okay?

24 And, Mr. Dras- Draskovich, you have all those dates

1 'cause...
2 MR. DRASKOVICH: I...
3 THE COURT: Okay.
4 MR. DRASKOVICH: I'm sure Mr. Gowdey gave them...
5 THE COURT: Okay.
6 MR. DRASKOVICH: ...to my secretary.
7 THE COURT: Okay.
8 MR. GOWDEY: I have -- I have all...
9 THE COURT: All right. Any...
10 MR. GOWDEY: ...all the dates.
11 THE COURT: ...questions, call the department and we'll
12 make sure you have 'em. Okay. It's not...
13 MR. GOWDEY: We're...
14 THE COURT: ...I believe till August. Right?
15 MR. GOWDEY: We're set to start August 15th...
16 THE COURT: Okay.
17 MR. GOWDEY: ...I believe was correct.
18 MR. DRASKOVICH: (Unintelligible).
19 THE COURT: All right. Thank you.
20 (THE PROCEEDING ENDED AT 02:09:11.)
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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.

Sherry Justice
SHERRY JUSTICE,
Transcriber II

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 71873/71889

Electronically Filed
May 30 2017 04:46 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**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 VII**

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1 A Yes.

2 Q Was that the only time you were taken out of school?

3 A Yes.

4 Q Now, we talked a little bit about this. But was
5 there a reason you would tell CPS and teachers lies about what
6 happened?

7 A Yes.

8 Q What was the reason?

9 A I was scared if I did tell the truth and my parents
10 had found out, what was going to happen.

11 Q Okay. Let's break that -- you were scared that if
12 you told the truth and your parents found out you told the
13 truth, you were afraid of what would happen.

14 A Yes.

15 Q Do I have that right?

16 A Yes.

17 Q Okay. Would there be anyone who would tell you not
18 to tell teachers and CPS?

19 A Yes.

20 Q Who was that?

21 A Mom and Dad.

22 Q Okay. And would there ever be anyone that would
23 give you stories, different stories about how you had the
24 injuries?

1 A Yes.

2 Q Who was that?

3 A Dad.

4 Q Okay. So dad would give you stories about how the

5 injuries occurred?

6 A Yes.

7 Q Okay. And that's what you would tell Child

8 Protective Services?

9 A Yes.

10 Q And teachers?

11 A Yes.

12 Q Okay. Tell me about what would happen when he would

13 give you the stories to tell.

14 A We'd have to repeat it over and over until we got it

15 right...

16 Q Oh.

17 A ...and we didn't hesitate.

18 Q Okay. Say that one more time.

19 A We had to repeat the stories -- repeat -- we'd have

20 to repeat the stories over and over again until we'd -- had

21 gotten it right without hesitation.

22 Q Okay. Now, you're saying we. Was it somebody

23 besides you that was told the stories to?

24 A Yes.

1 Q Who else?

2 A Heidi, Nikki and Wyatt.

3 Q Okay: So you all were given the same story?

4 A Yes.

5 Q Okay: And you said you repeated 'em until nobody

6 hesitated?

7 A Yes.

8 Q Okay. So you talked about Heidi, Wyatt and Nikki.

9 Would mom also be given the stories?

10 A Yes.

11 Q Okay. Was she there every time...

12 A No.

13 Q ...the stories were given?

14 A No. She was not.

15 Q Okay. How many times would you say?

16 A I'm not quite sure.

17 Q Okay. Like, most, not very many?

18 A I think it might have been most of the time she was

19 there.

20 Q Okay. Now, have you ever had an experience where

21 you were telling these stories and you really believed that

22 they were true?

23 A Yes.

24 Q Okay. Now I'm gonna ask you a couple about this --

1 couple specifics that we talked about previously. The time
2 that CPS visited you that caused this case to start, was that
3 a time that you were given a story?

4 A Yes.

5 Q Can you tell me about that?

6 A When the marks had originally first happened, I had
7 created a story saying that I had fallen off of a trampoline.

8 Q Okay. Which marks are we talkin' about? The
9 back...

10 A On my back.

11 Q ...or the eye? The back. Okay. So we're just
12 gonna talk about the back for right now. You created a story.
13 Is that right?

14 A Yes.

15 Q And what was the story?

16 A That I had fallen off the trampoline.

17 Q Okay. And that's what you told to CPS?

18 A Yes.

19 Q And so you thought of that one on your own.

20 A Yes.

21 Q Why -- why did you not tell the truth to CPS?

22 A Because she was taking me home. So I knew that if I
23 had told the truth, I'd get in a lot of trouble.

24 Q Okay. And did you tell everyone at your house that

1 you had told the story about the trampoline?

2 A No.

3 Q Okay. Nobody knew that you told a story?

4 A Just one person.

5 Q Who was that?

6 A Dad.

7 Q Okay. And what did dad say when you...

8 A When I had told him, he said that that story
9 wouldn't have been believable.

10 Q Okay. And did he say anything else?

11 A Not at that moment. No.

12 Q Okay. Was there ever a time when he said something
13 else about that story?

14 A When he was in jail, we were on the phone. And I
15 was talking to him. And he told me to tell David and Alicia
16 that I had hit myself with an extension cord because I didn't
17 get a cell phone for Christmas.

18 Q Okay. So when -- you're sayin' -- let me break it
19 down. You're sayin' when Donald was in jail...

20 A Yes.

21 Q ...you spoke to him on the phone. Is that right?

22 A Yes.

23 Q And he told you a different story to tell.

24 A Yes.

1 Q And what was that story?

2 A That I had hit myself on the back because I did not
3 get a cell phone for Christmas.

4 Q Okay. And did you tell that story to anyone?

5 A Yes.

6 Q Who did you tell that to?

7 A David and Alicia.

8 Q Okay. And would you say you talked about this just
9 one time when he was in jail or more than one time?

10 A I do believe it may have been just once.

11 Q Okay. Now after this last incident that brought you
12 into foster care, were you having any problems related to --
13 to these incidents?

14 A Yes.

15 Q What was that?

16 A I was having anxiety attacks.

17 Q Okay. Anything else?

18 A Not that I can recall.

19 Q Okay. Do you remember saying at the prelim, you
20 were having some nightmares?

21 A Yes.

22 Q And were you experiencing, like, trouble breathing?

23 A Yes. Those would come with the anxiety attacks.

24 Q Okay. Would you say that those things have gotten

1 better now or worse?

2 A They've gotten better.

3 Q Now, since we're on the subject of the prelim, the
4 night before the prelim, you wrote a letter to your dad. Is
5 that correct?

6 A Yes.

7 Q Okay. I'm gonna show you what's been previously
8 marked as DFS -- or sorry, State's Exhibit 11.

9 MR. DRASKOVICH: I -- I would object to the admission of
10 this document. I don't know if there's an evidentiary basis
11 for it. It's obviously an out-of-court statement.

12 MS. DORMAN: Well, sh- it's her statement, so. And she's
13 here to identify it. So I'm not sure (unintelligible).

14 MR. DRASKOVICH: And -- and it's a self-serving
15 statement. I mean, she could write 200 letters and would we
16 present all 200 letters if she's writes to try and
17 substantiate a story that she's now claiming occurred?

18 MS. DORMAN: Well, we could say that about testimony,
19 too. We could say that his client's testimony is gonna be all
20 self-serving. But she's here, under oath. She can be cross-
21 examined. There's no -- there's no valid objection to the
22 admission. The weight you give it, is the weight you give it.

23 THE COURT: Okay.

24 Do you wanna add anything, Mr. Gowdey?

1 MR. GOWDEY: Well, I -- I think she can certainly testify
2 as to what she wrote. But I don't think the letter should be
3 admitted into evidence.

4 THE COURT: Okay.

5 MS. DORMAN: That -- that's -- I'm still looking for an
6 evidentiary objection I can respond to.

7 THE COURT: I'll ask Ms. Honodel if she has any
8 objections.

9 MS. HONODEL: I have no objection, Your Honor.

10 THE COURT: I just want to give everyone an opportunity
11 to make their objection if they have one.

12 Because it is her own and she can identify it's her
13 writing, it's not somebody else's, I think that's where the
14 hearsay becomes a problem if it's somebody else's, but if it's
15 hers and she can identify that, and I don't know that she has
16 yet, that's her writing and that's her letter, I think it's
17 admissible. If -- I think that if it's -- as far as
18 relevancy, if you -- if there are 200 letters that you wanna
19 put in, that becomes how much is that -- of that is relevant
20 to this case.

21 MS. DORMAN: Well, I...

22 THE COURT: I don't think there is.

23 MS. DORMAN: ...I don't think I'm gonna introduce 200...

24 THE COURT: No. And -- and...

1 MS. DORMAN: ...just the one.

2 THE COURT: Exactly. And so I think it -- at that point,
3 this letter -- if she can identify it as her letter that she
4 wrote, I don't see an exception -- or I don't see a objection
5 to the -- there's no legitimate objection to that specific
6 letter.

7 MS. DORMAN: Thank you.

8 Q BY MS. DORMAN: All right. So, Sam, I'm gonna show
9 you what's been previously marked as 11. Do you recognize
10 that?

11 A Yes.

12 Q Okay. What do you recognize that to be?

13 A My handwriting.

14 Q Okay. I'm gonna flip the page. Do you recognize
15 both pages?

16 A Yes.

17 Q Okay. Now, you said this is your handwriting. What
18 is this specifically?

19 A It's a letter that I wrote in my journal about dad.

20 Q Okay. And do you recall when you wrote it?

21 A No. I do not.

22 Q Okay. Was it around the time of the preliminary
23 hearing?

24 A Yes.

1 Q Okay. And did they talk about it at the preliminary
2 hearing?

3 A Yes.

4 Q Okay. And did they read it at the preliminary
5 hearing?

6 A Yes.

7 Q Okay. And is this a fair co- because this is a
8 copy, but is it a fair copy of the letter you wrote in your
9 journal?

10 A Yes.

11 Q Okay.

12 MS. DORMAN: I move to admit 11.

13 THE COURT: Okay. Admitted.

14 MR. DRASKOVICH: Outside of what was previously objected
15 to, I have no additional objection.

16 THE COURT: Okay. Then it will be admitted.

17 (Whereupon State's Exhibit 11 was admitted.)

18 MS. DORMAN: Okay.

19 Q BY MS. DORMAN: Sam, do you think that you can read
20 this?

21 A No. I cannot.

22 Q Okay.

23 MS. DORMAN: I'd ask to read it into the record, Your
24 Honor.

1 THE COURT: All right. Go ahead.

2 MS. DORMAN: Thank you.

3 Dear dad, you are the worst fucking excuse as a
4 father and stepfather there is. You treated me like a lowlife
5 creep and called me every fucking name in the book. You beat
6 me every goddamn fucking day. I was always so scared to come
7 home because I didn't know what was going to happen when I
8 walked through that damn fucking door. You never called me by
9 my name. You either called me a bitch or something else like
10 a fuck. You would have me do an exercise for an hour and a
11 half without a single fucking drink or break.

12 If you want to know how it started or when all of
13 this started, let's go all the way back to when I was 3. You
14 called me a spoiled rotten bitch who didn't have any manners
15 at all. You locked me in a car while I was asleep. You would
16 have me clean everything. You would punish me for things that
17 the dog did. You shot my hand and broke my hand with a BB
18 gun.

19 You would beat me every day when I came home from
20 school. You would throw me at the dog and make him bite me.
21 You would beat me with everything and anything you could get
22 your hands on, belt, frying pan, spatula, remote, pot,
23 flashlight, shoe, hanger, wood, broomstick and more.

24 Whenever CPS got involved you always treated me like

1 a normal child for about a week or so. This last time before
2 we got taken away and put where we are now, you beat me on my
3 back. Then when I tried to move, you would either pull my
4 hair or hit me on the face.

5 You used to starve me to the point where I would
6 have to steal food until lunch the next day at school. You
7 made all of us promise not to tell anyone what was going on,
8 otherwise, we wouldn't be able to go back home with you. At
9 the last visit that we had, you told me to go to court and
10 testify saying that I hit myself on the back because I didn't
11 get a cell phone for Christmas.

12 Q BY MS. DORMAN: Sam, at the -- right up until the
13 point of the prelim, you were still denying that these things
14 happened. Is that right?

15 A Yes.

16 Q Why did you -- why did you decide to write this
17 letter?

18 A Because my anxiety attacks had gotten really bad.
19 And I just wanted to get stuff off of my chest.

20 Q Okay. Do you stand by everything you wrote in this
21 letter?

22 A Yes.

23 Q Okay. So there's a couple of things that we're
24 gonna talk about individually in this letter. But I just

1 wanna talk to you about a couple of incidents that happened at
2 school. Okay? I'm gonna bring your attention to June of
3 2010. There was a report at school that you had some
4 scratches on your eye and that you were reporting it happened
5 by a tree branch. Do you recall that?

6 A No. I do not.

7 Q Okay. Do you remember if that was true or not?

8 A No. I do not.

9 Q Okay. In September of 2010, the school reported
10 that you had a scratch on your head. And you said it happened
11 from falling out of bed. Do you remember that?

12 A Yes.

13 Q Was that what really happened?

14 A No.

15 Q What really happened?

16 A I was taking the alarm clock upstairs and when dad
17 had unplugged it, he threw the plug at me and it had cut my
18 head open.

19 Q It cut your head?

20 A Open. Yes.

21 Q Okay. And you said that was dad that did that?

22 A Yes.

23 Q Okay. But...

24 MR. GOWDEY: Wait. When was that? I -- I apologize.

1 MS. DORMAN: No. That's okay. September 2010.

2 MR. GOWDEY: September 2010.

3 Q BY MS. DORMAN: So you had told the school that you
4 had fallen out of bed?

5 A Yes.

6 Q But that wasn't true?

7 A No.

8 Q Is it true that Donald threw the cord at you?

9 A Yes.

10 Q Okay. Now you talked in here in your letter -- you
11 talked in here in your letter about -- you say, whenever CPS
12 got involved, you always treated me like a normal child for
13 about a week or so. Do you remember saying that?

14 A Yes.

15 Q Okay. Can you tell me about that?

16 A Whenever CPS had come, we acted like we were a
17 normal family so that they didn't suspect anything.

18 Q Okay. So how did they treat -- how did Donald treat
19 you?

20 A Like I was his biological daughter.

21 Q How -- tell me -- like, describe to me how that is.

22 A He would talk to me. He would use my name. He
23 would take me out wi- like, take me places with the other
24 kids. He'd treat me like I was absolutely part of the family.

1 Q Okay. And how long would that go on?

2 A About a week or so.

3 Q Okay. And then when CPS stopped being involved,
4 what would happen?

5 A Then he'd go back to treating me like I wasn't a
6 part of the family.

7 Q Okay. Like you've testified to today?

8 A Yes.

9 Q Okay.

10 THE COURT: I just want her to be able to -- are you
11 (unintelligible) at the last -- the last sentence, treat her
12 like -- it kinda just got jumbled. I couldn't hear anything.

13 MS. DORMAN: Mine or hers?

14 THE COURT: Hers.

15 MS. DORMAN: Okay.

16 THE COURT: Samantha's.

17 Q BY MS. DORMAN: What -- okay. I asked you, he
18 treated you like you testified earlier today and you said,
19 yes. What was the sentence that you said right before that.

20 A That he treated me like I wasn't a part of the
21 family.

22 THE COURT: Thank you.

23 Q BY MS. DORMAN: That you was -- that you weren't or
24 that you were, like, when...

1 A Were not.

2 Q ...CPS left?

3 A Were not.

4 Q Okay. Were not part of the family. Okay. I'm
5 gonna ask you about a couple of specific things that were
6 referenced in this case earlier. Was there ever a time when
7 anyone would step on you?

8 A Yes.

9 Q Can you tell me about that?

10 A There was one day where I had -- one of my friends
11 had come to the door. And she was waiting for me to come out
12 to go to school. And I told her to (unintelligible)...

13 MR. DRASKOVICH: And if I could just im- impose an
14 objection. Could we get a time frame, foundation?

15 THE COURT: Sure. That's fine.

16 MS. DORMAN: Oh.

17 Q BY MS. DORMAN: Okay. So we're talking about
18 stepping on you, right?

19 A Yes.

20 Q Okay. And you're telling me about one time that it
21 happened?

22 A Yes.

23 Q Okay. Can you remember how old you were or what
24 grade you were in this time you're telling me about?

1 A I believe it was in the 4th grade.

2 Q Fourth grade. Do you remember how old you were in
3 the 4th grade?

4 A No. I do not.

5 Q Okay. And do you remember what year it was in the
6 4th grade?

7 A No.

8 Q Okay. But 4th grade.

9 A Yes.

10 Q Okay. So go ahead and tell me what happened.

11 A And I told her I'd be out in a little bit. And dad
12 had come home from work early. And he had come in and he
13 thought that I was sneaking her into the house because I had
14 once before. And he had got mad at me. And he had stepped on
15 my chest.

16 Q Okay. Tell me about where you were, how you were,
17 how it happened.

18 A I was in the kitchen. And I was on -- laying on the
19 ground.

20 Q Okay. And what happened?

21 A He had stepped on top of me with both feet and that
22 was it.

23 Q Okay. How long would he be stepping on you?

24 A Maybe five to ten minutes.

1 Q Okay. Where on your body?

2 A My chest.

3 Q Okay. Did anything like that ever happen besides
4 that time?

5 A Yes.

6 Q Can you tell me about that?

7 A I had come home. And I was wearing...

8 MR. DRASKOVICH: Same objection, time, before, after.

9 THE COURT: Yeah. That's a good objection. Just so we
10 have a time.

11 Just -- Samantha, just so we have a time frame, if
12 you were in 4th grade still, if you were 10th grade -- just so
13 we have a time frame.

14 THE WITNESS: I'm not really sure. It was before Wyatt
15 was born.

16 Q BY MS. DORMAN: Okay.

17 A So I do believe, maybe, 2008, 2007.

18 Q 2008, 2007. And was it after the one you just told
19 me about or before?

20 A That was before, I do believe.

21 Q What was before?

22 A This incident.

23 Q This incident was before.

24 A I do believe so.

1 Q Okay. So tell me about that.

2 A I had come home 'cause I -- I had come home from
3 school. And I was wearing a pair of boots that I wasn't
4 supposed to be. And he had stepped on my chest. And I had
5 blacked out that time.

6 Q Okay. What do you mean by blacked out?

7 A I had passed out.

8 Q Okay. How did you wake up?

9 A I woke up to dad calling my name and David putting a
10 hot cloth on -- or hot or cold cloth on my face.

11 Q And who's David, Samantha?

12 A Well, to me, he's my older brother.

13 Q Okay. Donald's son?

14 A Yes.

15 Q Okay. So you said that happened because you were
16 wearing some boots you weren't supposed to wear?

17 A Yes.

18 Q Okay. Do you remember any other time specifically
19 that that happened?

20 A No. I do not.

21 Q Okay. Would you s- how many times would you say
22 that happened?

23 A I'm not quite sure how many times it had happened.
24 I remember those two, though.

1 Q Okay. Wo- do -- would you say it happened more than
2 those two?

3 A Yes.

4 Q Okay. Okay. So more than that?

5 A Yes.

6 Q All right. Was there another time that you would
7 black out -- that you blacked out?

8 A No. I would pretend to, to where he would get off
9 of my chest faster.

10 Q Okay. And when he would step on your chest, did he
11 have on shoes or bare feet?

12 A Shoes.

13 Q What kind of shoes?

14 A His work boots.

15 Q Okay. Was it always his work boots?

16 A Majority of the time, yes.

17 Q Okay. Did this -- did this ever leave a mark?

18 A Yes.

19 Q What kind of mark?

20 A I believe, you know, like, boot prints or sorta like
21 a rug burn on my chest.

22 Q On your chest?

23 A Yes.

24 Q Like the skin of your chest?

1 A Yes.

2 Q When he would do -- when Donald would do this, did
3 he just stand there on your chest?

4 A Sometimes he would bounce.

5 Q Okay. And what did that feel like?

6 A It felt like my chest was gonna cave in.

7 Q Now there's some -- is there ever a time when you
8 ran away?

9 A Yes.

10 Q Okay. So there was some times that you ran away.
11 Is that correct?

12 A Yes.

13 Q Was there ever -- would either Donald or your mom
14 ever do something to prevent you from run-...

15 MR. DRASKOVICH: Same -- same objection as to time, year,
16 foundation (unintelligible) objection.

17 THE COURT: Yeah. We need -- I need to know when. She
18 asked if -- was there any times that you ran away. She said,
19 yes.

20 MS. DORMAN: Right.

21 THE COURT: You can ask that question. But then narrow
22 it down to a time.

23 MS. DORMAN: Sure. If we're -- if -- I'm asking another
24 general question first though.

1 Q BY MS. DORMAN: Was there ever a time when mom or
2 Donald would do anything to prevent you from running away?
3 A No.
4 Q Nothing?
5 A No.
6 Q Okay. So let's talk about running away. All right?
7 How many times would you say you ran away?
8 A Three or four.
9 Q Three or four?
10 A Yes.
11 Q Do you remember the first time you ran away?
12 A Yes.
13 Q Okay. Do you remember how old you were or what
14 grade you were in?
15 A I was in the 6th grade.
16 Q You were in the 6th grade. Do you remember how old
17 you are in the 6th grade?
18 A No.
19 Q Do you remember what year it was?
20 A Maybe 2010, 2011.
21 Q Okay. Can you tell me what happened?
22 A I had -- I didn't turn in my chocolate money for my
23 student council. And the teacher had called home. So I was
24 scared to go home. So I went to my friend's house. And then

1 when I left her house, I went and I slept behind a power box.

2 Q Okay. Now you said you -- you didn't turn your
3 what?

4 A My chocolate money in.

5 Q What does that mean?

6 A We did a fundraiser. And I didn't turn the money in
7 on time.

8 Q Okay. And you said you were afraid to go home?

9 A Yes.

10 Q Why were you afraid?

11 A Because the teacher had called home.

12 Q Okay. So why would that make you afraid?

13 A Because if I'd ever did anything wrong or if --
14 pretty much, if I ever did anything, I'd always get in trouble
15 for it.

16 Q So you were afraid of getting in trouble?

17 A Yes.

18 Q With who?

19 A Dad.

20 Q Is there another time that you remember running
21 away?

22 A Yes.

23 Q Tell me about that. Well, t- first tell me what
24 grade you were in, how old you were or what year it was.

1 A I believe it was my freshman year.

2 Q Of what?

3 A High school.

4 Q Okay. And what happened?

5 A Mom had told me to leave the house. So I did. And

6 I went over to a friend's house. And then when I -- they had

7 called the cops. And then when I came back, mom said that she

8 had told me to go up to my room. But I had just walked out

9 the door or jumped out my window.

10 Q Okay. But it's your testimony that mom told you to

11 leave?

12 A Yes.

13 Q And you did.

14 A Yes.

15 Q Okay. Do you remember another time you ran away?

16 A Yes.

17 Q Can you tell me -- well, first tell me what grade

18 you were in or what year it was or how old you are.

19 A I believe it was still my freshman year in high

20 school.

21 Q High school?

22 A Yes.

23 Q Okay. What happened.

24 A I had told to go up -- I was told to leave. But

1 instead of leaving, I had gone into the backyard. And they
2 had gone looking for me. But I didn't say anything. And when
3 they went to go into the backyard, my dog was protective of
4 me. And they wouldn't let 'em out there. So they had -- they
5 knew where I was.

6 Q Okay. I wanna back up. So -- so you first said
7 they had told you to leave. Who told you to leave?

8 A Mom and dad.

9 Q Okay. And you left?

10 A Yes.

11 Q But - and you went where?

12 A Into my backyard.

13 Q Okay. And you didn't tell anyone you were in the
14 backyard?

15 A No.

16 Q Okay. You said they were looking for you?

17 A Yes.

18 Q Who's they?

19 A Mom and dad.

20 Q Okay. And what happened?

21 A I -- they went and they were driving around looking
22 for me. But I was sitting in the backyard. And I didn't say
23 anything.

24 Q Okay. And your dog alerted you -- like, gave you

1 away?

2 A Yeah.

3 Q Okay. Now, I'm gonna talk to you a little bit about
4 your mom. Okay? Do you recall at the prelim, mom -- you --
5 you testified, mom didn't know any abuse was going on.

6 A Yes.

7 Q Do you remember that?

8 A Yes.

9 Q Okay. Is that true?

10 A No.

11 Q Okay. You had previously testified that mom put
12 makeup on your face. Is that right?

13 A Yes.

14 Q And you previously testified that mom would
15 sometimes be there when the stories were given out.

16 A Yes.

17 Q Okay. So it's not true that she didn't know what
18 was -- Donald was doing to you.

19 A No. It's not.

20 Q Why did you say it was true at the prelim?

21 A Because I was scared.

22 Q What were you scared of?

23 A That mom would hate me if I had told -- if I had
24 said what she had done.

1 Q That your mom would -- you were scared your mom
2 would hate you?

3 A Yes.

4 Q But that's not true. It's not true that she didn't
5 know what was going on.

6 A No.

7 Q Did you ever see your mom and Donald fighting?

8 A Yes.

9 Q Can you tell me -- well, is there a specific time
10 you remember that they were fighting?

11 A I don't remember what they were fighting about. But
12 we were -- I was eating dinner and then...

13 Q Okay. So let me stop you just a second. You do
14 remember a specific time?

15 A Yes. I just...

16 Q Okay.

17 A ...don't remember what it was about.

18 Q You don't remember -- that's fine. Do you remember
19 either how old you were, what year it was or what grade you
20 were in?

21 A No. I do not.

22 Q Do not?

23 A No.

24 Q Okay. Do you remember if your siblings were born?

1 A Heidi and Nikki were.

2 Q Okay. Do you remember how old they were?

3 A Maybe 3 or 4.

4 Q 3 or 4. Okay. So this would've been the year that
5 Heidi and Nikki were 3 or 4?

6 A Yes.

7 Q Okay. What do you remember happening?

8 A They had gotten in an argument about something and
9 then...

10 MR. DRASKOVICH: Objection, relevance.

11 THE COURT: Okay.

12 MS. DORMAN: Well, it -- I believe it establishes, you
13 know, in the home the culture of violence.

14 MR. DRASKOVICH: And -- and there's been no mention of
15 violence in reference to this argument. Then I would -- we
16 would stipulate there's been arguments in the some 15 years
17 they've been together, so.

18 THE COURT: All right.

19 MS. DORMAN: DV was in their case plan, Judge. I mean,
20 this trial's ultimately again about, did they comply with
21 their case plan or not?

22 MR. GOWDEY: (Unintelligible).

23 MR. DRASKOVICH: And I object to as to relevance to their
24 arguing. If there's something in addition to that, then

1 (unintelligible).

2 MR. GOWDEY: And there's never been an allegation of DV
3 between the two of them.

4 THE COURT: But DV's in the case plan?

5 MS. HANRAHAN: In his. Mm-hm.

6 THE COURT: Okay.

7 MR. DRASKOVICH: And it's -- we -- we don't agree that
8 it's part of the case plan. I know he had to attend
9 counseling.

10 MS. HANRAHAN: Well...

11 MR. DRASKOVICH: But there's no...

12 MS. HANRAHAN: I can produce the...

13 MR. DRASKOVICH: ...allegations of...

14 MS. HANRAHAN: ...case plan...

15 MR. DRASKOVICH: ...(unintelligible) DV.

16 MS. HANRAHAN: ...right now.

17 THE COURT: So what's part -- okay. So it is part of the
18 case plan, correct? But you're saying that you're not sure
19 why it even became part of it?

20 MR. GOWDEY: Well, we're of -- I'm of the impression it
21 became part of it because this is the family dynamic right
22 here...

23 MS. HANRAHAN: Oh (unintelligible) sorry.

24 MR. GOWDEY: ...not between the parents.

1 MS. HANRAHAN: Sorry. I -- I -- in...

2 MS. TALLENT: I don't...

3 MS. HANRAHAN: And Maryte is saying that it was a
4 recommendation from CPS.

5 MS. TALLENT: From the one --

6 MS. HANRAHAN: But it...

7 MS. TALLENT: From his assessment.

8 THE COURT: Okay.

9 MS. HANRAHAN: It was addressed.

10 THE COURT: Okay.

11 MR. DRASKOVICH: But it -- but it's not part of the case
12 plan.

13 THE COURT: I mean, like, you know, I don't -- the case
14 isn't about the parents necessarily arguing. So I don't wanna
15 spend tons of time on it. I think if you ask a question -- I
16 -- I don't know what the answer's gonna be. I just -- I mean,
17 it's not irrelevant. I just don't wanna spend too much time
18 on the parents themselves and the arguments if there are any
19 because that's truly not why the children -- not -- that's not
20 why we're at TP- a -- a TPR trial because the arguments that
21 the parents had, if they had any.

22 MS. DORMAN: I underst- I -- well, I think ultimately
23 what the case is gonna be about is -- is what was in the case
24 plan and case plan compliance. If there's gonna be an

1 assessor here, that testifies that they recommended DV
2 treatment, either it was complied with or it wasn't. And
3 that's going to be an issue at trial.

4 THE COURT: Okay. And that would be something that you
5 would ask, probably -- that -- whoever the provider was. But
6 as far as Samantha's testimony, I mean, you can a- I -- I --
7 it's not irrelevant that you ask her if there was fighting in
8 the home. How far you go past that, they can object as -- as,
9 I guess, as needed.

10 MS. HANRAHAN: Okay.

11 THE COURT: So I guess it depends on what she says.

12 MS. DORMAN: Okay.

13 Q BY MS. DORMAN: So you were telling me about one
14 time you remembered, right?

15 A Yes.

16 Q And you said it was the year that Nikki and Heidi
17 were 4 or 5?

18 A Yes.

19 THE COURT: 3 or 4.

20 MS. DORMAN: Sorry. 3 or 4.

21 THE COURT: It's okay.

22 Q BY MS. DORMAN: And what happened?

23 A I don't remember what they were arguin' about. But
24 I had seen dad, like, sorta jump back. And there was blood on

1 the floor. And then I had ran upstairs. And I had seen mom
2 with a knife in her hand.

3 Q Okay. And this is something that you actually
4 witnessed?

5 A Yes.

6 Q How did you feel?

7 A I was scared.

8 Q Okay. And you said that you had witnessed that
9 yourself?

10 A Yes.

11 Q Okay. Do you know if the little kids witnessed it?

12 A I don't know.

13 Q Okay. Were there times when you and the little kids
14 witnessed fighting?

15 A Yes.

16 MR. DRASKOVICH: Objection, assumes facts not in evidence
17 that there were other times.

18 THE COURT: Sustained.

19 MS. DORMAN: Okay.

20 Q BY MS. DORMAN: Were there other times that there
21 was fighting?

22 A Yes.

23 Q Were there times that you and the little kids saw
24 it?

1 A Yes.
2 Q And how did -- how did you feel when you would see
3 that?
4 A I was scared (unintelligible).
5 MR. GOWDEY: Well, obje- objection, we're talking -- can
6 we get specific times? I mean, just...
7 THE COURT: Sure.
8 MR. GOWDEY: ...a general statement...
9 THE COURT: Yeah. That's...
10 MR. GOWDEY: ...that how would you feel when you...
11 THE COURT: Yeah.
12 MR. GOWDEY: ...saw that.
13 THE COURT: She has to try to narrow it down because at
14 this point, we need to have, like, a time frame. Again, just
15 like the other one, there was a time frame.
16 Q BY MS. DORMAN: How many times would you say you saw
17 your parents fighting, Sam?
18 A I'm not quite sure.
19 Q Okay. Was it a lot or a little bit?
20 A They would argue a lot.
21 Q Okay. Do you remember any other specific times?
22 A No. I do not.
23 Q Okay. And the times that you did see your parents
24 fighting, how would you feel?

1 A I was scared.

2 Q Okay.

3 MR. GOWDEY: I'm gonna object again. I mean, there's a
4 lack of foundation. She says she doesn't remember any of the
5 times but she remembers that she's scared. I'm sorry. That
6 doesn't -- there's a lack of foundation there.

7 MS. DORMAN: There actually isn't a lack of foundation.
8 She's a kid. She remembers them fighting. She remembers how
9 she felt. The weight -- again, the weight you give her
10 testimony is the weight you give her testimony. But that's...

11 THE COURT: Right. But it's -- it's -- it's -- she
12 doesn't remember times, except for that one time where the
13 twins were little. After that, she basically stated that
14 there are times there, she saw her parents fighting and that
15 she was scared.

16 MR. GOWDEY: And she doesn't remember any of those times.

17 MS. HANRAHAN: She (unintelligible).

18 MS. DORMAN: Yeah. That goes to weight not
19 admissibility.

20 THE COURT: It -- it -- I mean, it's -- it's a
21 credibility issue and -- and be a weight -- how much weight I
22 give the whole DV that happened that she can't remember the
23 dates.

24 Q BY MS. DORMAN: Now you had talked a little bit

1 about your mom also hitting you with a belt. Do you remember
2 that?

3 A Yes.

4 Q Okay. Did she ever leave a mark?

5 A Yes.

6 Q Okay. Can you tell me on -- about that?

7 A It was mainly on my back.

8 MR. GOWDEY: I'm sorry. Sp- lack of foundation again.
9 When are we talking about?

10 THE COURT: Okay.

11 MS. DORMAN: Okay. Well, we've already established that
12 her mom hit her four or five times. We've already established
13 that it was in elementary...

14 MR. DRASKOVICH: I would (unintelligible) it hasn't been
15 established.

16 MS. DORMAN: ...school.

17 MR. DRASKOVICH: They're claiming (unintelligible).

18 MR. GOWDEY: And -- and...

19 MS. DORMAN: Testimony is establishing it. Okay? I'm
20 going over the testimony that I've already elicited. What
21 I've already elicited is that her mom hit or four or five
22 times.

23 MR. GOWDEY: Can we get...

24 MS. DORMAN: There's no argument about that. I've

1 already elicited that her mom hit her when she was in
2 elementary school or junior high and not in high school. That
3 was the best I could do with regard to the objection to
4 foundation. That's not -- we all know that that's what was
5 testified to earlier. So now I'm asking her about these
6 incidents.

7 MR. GOWDEY: (Unintelligible) asking...

8 MR. DRASKOVICH: And I was objecting because it's been
9 asked and answered and it's cumulative. And we should have
10 addressed that when it was addressed earlier because now we're
11 going...

12 MS. DORMAN: I'm sorry.

13 MR. DRASKOVICH: ...in a circle.

14 MS. DORMAN: Mr. Draskovich can't tell me how I want to
15 do my direct examination, just like I'm not gonna tell him how
16 to do his cross, other than to object. If I want to go back
17 to this issue, as long as I'm not asking the same questions, I
18 certainly can.

19 THE COURT: Okay.

20 MR. GOWDEY: I would...

21 THE COURT: Mr. Gowdey.

22 MR. GOWDEY: I would again say there's a lack of
23 foundation. Which incidents are we talking about? Are we
24 talking about the incidents when she was in elementary school?

1 Are we talking about the incidents when she's in junior high
2 school? Ms. Dorman has not specified that. And that is a
3 lack of foundation.

4 MS. DORMAN: Because I haven't been allowed to.

5 THE COURT: So you need -- yeah. You need to ask -- when
6 you ask about mom hitting Samantha with a belt four or five
7 times, whatever you're gonna ask, make sure that you pinpoint
8 the time that she previously testified to as when she was in
9 school...

10 MS. DORMAN: I...

11 THE COURT: ...so we know what incidents she was talking
12 about.

13 MS. DORMAN: I understand how to lay a foundation. Yeah.

14 THE COURT: Thank you.

15 MS. DORMAN: Thanks.

16 Q BY MS. DORMAN: All right, Sam. So we've talked
17 about your mom hitting you with a belt, correct?

18 A Yes.

19 Q Okay. And I asked you, did it ever leave a mark.

20 A Yes.

21 Q And you said?

22 A Yes.

23 Q Okay. Of the four or five times, how many times
24 would you say it left a mark?

1 A Maybe two of -- maybe two of them.

2 Q Maybe two of them. Is that right?

3 A Yes.

4 Q Okay. Do you recall which times those were?

5 A I do believe there was once when I was in junior
6 high school. And they were left on my back.

7 Q Okay. Do you remember another specific time?

8 A I'm not quite sure whether it was junior high or
9 elementary.

10 Q Okay. But you remember one other time that she left
11 marks?

12 A Yes.

13 Q And where was that?

14 A That was on my back as well.

15 Q Okay. Now you talked a little bit about an incident
16 where your mom -- sorry. Let me back up. Besides seeing your
17 parents fight and besides your mom hitting you, were there
18 other things that your mom did in the home that were scary?

19 A Whenever she got mad, she would break things.

20 Q Okay. Can you tell me a little bit about that?
21 Like, do you mem- remember a specific time when she broke
22 something?

23 A Aunt Jennifer hadn't paid her rent one -- one
24 time. And she had broken the window in the dining room.

1 Q Okay. Let -- let me stop you. Do you remember when
2 this was?
3 A No. I do not.
4 Q Okay. Do you remember how old you were, what year
5 it was, what grade you were in?
6 A I don't remember that about me. But I believe Wyatt
7 was around 1.
8 Q Okay. So Wyatt was a baby?
9 A Yes.
10 Q And he's how old now?
11 A He's 7.
12 Q Okay. And is there a reason you remember Wyatt
13 being that little?
14 A I believe his birthday had just passed at that time.
15 Q Okay. His first birthday?
16 A Yes.
17 Q Okay. Now you said Aunt...
18 A Jennifer.
19 Q ...Jennifer did what?
20 A She hadn't paid her rent.
21 Q Okay. And who is she? Just...
22 A That's mom's sister.
23 Q Okay. And she lived with you?
24 A Yes.

1 Q Okay. And she didn't pay her rent?
2 A Yes.
3 Q Okay. And what happened?
4 A Mom had broken the window in the dining room.
5 Q Okay. How did she break it?
6 A With a broomstick.
7 Q Okay. How with the broomstick?
8 A She had taken the broomstick and just shoved it
9 through the window and then broke all the glass off.
10 Q Was she mad?
11 A Yes.
12 Q Now did something like that happen when David
13 announced he was getting married?
14 A Yes.
15 Q What happened?
16 A She had broken the...
17 Q Well, let me ask you this. Do you remember what --
18 how old you were, what year it was or what grade you were in?
19 A No. I do not.
20 Q Okay. Did something happen to you that time?
21 A No.
22 Q So mom didn't do anything to you that time?
23 A Not that I can recall.
24 Q Okay. So you don't remem- do you remember if you

1 were in elementary school or junior high or high school?

2 A No. I do not.

3 Q Okay. Tell me -- just tell me generally what
4 happened.

5 A Mom had -- she had gotten mad when she had found out
6 and she broke the cabinets and the chairs and the table.

7 Q And how did you feel when that happened?

8 A I was scared.

9 Q Were the other kids around?

10 A I don't remember.

11 Q Now, do you have any scars on your body still?

12 A Yes. I do.

13 Q How many? Well, I -- let me -- let me narrow it
14 down. Do you have any scars from being hit by Donald or your
15 mom?

16 A From stuff being thrown at me. Yes.

17 Q From stuff being thrown at you?

18 A Yes.

19 Q By who?

20 A Dad.

21 Q Okay. How many scars?

22 A About three or four.

23 Q Okay. And where are they?

24 A My wrist.

1 Q Okay. Now after you stopped living with your mom
2 and Donald and you were living in -- I think you lived with
3 David and Alicia. Is that right?

4 A Yes.

5 Q And you lived in foster care?

6 A Yes.

7 Q Was there some point that you were having visits
8 with your mom and Donald?

9 A Yes.

10 Q Okay. And how -- how were the visits?

11 A Well, in the beginning, they were okay until they
12 started telling us that if we would just stick with what we
13 were told when we were at home, we'd get back together faster.

14 Q Okay. Who told you that?

15 A Dad.

16 Q Okay. And what did he say?

17 A That if we just kept telling them the stories that
18 they had already known, we would get back together faster.

19 Q And that happened at visitation?

20 A Yes.

21 Q And how did that make you feel?

22 MR. GOWDEY: I'm sorry. Again, objection, lack of
23 foundation. At visitation when? How many visitations? How
24 many times did he say it? Just the -- this vague reference of

1 that it happened at visitation is not...

2 THE COURT: So it's after they st-...

3 MR. GOWDEY: ...laying a proper foundation.

4 THE COURT: They were in foster care. After they stopped

5 living with the parents, they were with whoever the -- Alicia

6 and some- David. No. Alicia and...

7 MS. HANRAHAN: Mm-hm.

8 MS. TALLENT: (Unintelligible).

9 THE COURT: ...David.

10 MS. HANRAHAN: Yep.

11 THE COURT: So we know it's within the last -- since the

12 removal.

13 So can you see if you can narrow it down as to when

14 these visitations were?

15 MS. DORMAN: Sure.

16 THE COURT: They were obviously sup- I guess, not

17 supervised? I don't know.

18 Q BY MS. DORMAN: Do you remember when you started

19 visiting with your mom and Donald?

20 A When we had originally been put in foster care.

21 Q Okay. Do you remember when that was?

22 A About two years ago.

23 Q Okay. And do you remember how long you had visits

24 with them?

1 A Maybe a month.

2 Q Okay. So it happened during this month?

3 A Yes.

4 Q That you were having visits?

5 A Yes.

6 Q And then visits stopped. Is that right?

7 A Yes.

8 Q Okay. So it was for about a month after you came
9 into foster care.

10 A Yes.

11 Q Okay. And where were you having the visits?

12 A At the Child Haven visitation center.

13 Q Okay. And do you remember if they were supervised
14 or not supervised?

15 A There were CPS workers walking around.

16 Q Okay. So there were CPS workers roc- walking
17 around. Was anyone specifically sitting in on your visits?

18 A No.

19 Q Okay. And how many -- you said a statement that
20 Donald said to you, right?

21 A Yes.

22 Q Okay. Did he say that one time to you at visitation
23 or more than one time?

24 A He had said that to me before Heidi, Nikki and Wyatt

1 had gotten there.

2 Q Okay. So this was at one visit that you remember it
3 happening?

4 A Yes.

5 Q Okay. In that month.

6 A Yes.

7 Q Okay. Now, do you remember coming into this
8 courtroom and telling this Judge right here that these things
9 were not happening?

10 A Yes.

11 Q Okay. Do you remember when that was?

12 A No. I do not.

13 Q Okay. Was it during the time of this case?

14 A Yes.

15 Q Was it before the preliminary hearing?

16 A I believe so.

17 Q Oh.

18 A I'm not quite sure, though.

19 Q Because you chan- you said a different story at the
20 preliminary hearing, right?

21 A Yes.

22 Q Okay. Now when you came into this courtroom and you
23 told this Judge that these things weren't happening, was that
24 true?

1 A Yes.

2 Q It was true that these things weren't happening?

3 A Oh no. They were happening.

4 Q Okay. Why...

5 A I was confused. I'm sorry.

6 Q No. That's okay. Thank you for telling me. Why

7 did you tell this Judge, Judge Giuliani, that these things

8 weren't happening?

9 A Because I was scared.

10 Q What were you scared of?

11 A Mom and dad.

12 Q What specifically?

13 A I was scared that if we went home, what would

14 happen.

15 Q Okay. Now, I'm just gonna ask you a couple of

16 questions about, like, friends before -- before you were --

17 you testified earlier that you were taken out of junior high

18 in December of 2011. Is that right?

19 A Yes.

20 Q Okay. Before you were re- taken out of school, tell

21 me about, like, your social life, your social activities.

22 A I had, like -- I had some friends. But I mainly

23 just tried to fit in.

24 Q Okay. Like, when you say you had friends, did you

1 have friends that you talked to on the phone, that came over
2 to your house?

3 A No.

4 Q What kind of friends?

5 A I did not. We just...

6 Q You did not have that?

7 A We just hung out at school.

8 Q Okay. How come you didn't have friends that came to
9 your house?

10 A I wasn't allowed to.

11 Q I'm sorry?

12 A I was not allowed to.

13 Q Okay. Who didn't allow you to?

14 A Mom and dad.

15 Q Okay. Do you know why?

16 A No. I do not.

17 Q Okay. Do you -- how long were you out of school?

18 Like, did you eventually go back?

19 A Yes. I did.

20 Q Okay. How long were you out?

21 A Just the second semester of 8th grade.

22 Q Okay. So half of a -- half of 8th grade...

23 A Yes.

24 Q ...basically. Half of a 8th grade school year.

1 A Yes.

2 Q Okay. Now, while you were at home, how was your
3 social life, like, when you didn't go to school?

4 A I didn't have anybody come over. I didn't talk to
5 anybody.

6 Q Okay. How about when you went back to school? How
7 was your social life?

8 A I started talking to the people that I had gone to
9 middle school with. I started talking to them again.

10 Q Okay. So was it the same, like, friends at school
11 trying to fit in? Or did you have friends that came over and
12 that you called them?

13 A I was still just tryin' to fit in.

14 Q Okay. Now, during that period in which you were not
15 going to school, do you recall hav- that was half of 8th grade
16 year. Is that right?

17 A Yes.

18 Q Do you recall having injuries?

19 A Yes.

20 Q What kind of injuries?

21 A I had bruises on my face and on my back.

22 Q And what were they from?

23 A Being hit.

24 Q By who?

1 A Dad.

2 Q Okay. And did anyone investigate those, like, CPS

3 or the school (unintelligible)?

4 A No. Nobody knew about them.

5 Q Now, did you -- before you lived in foster care, did

6 you play any sports?

7 A No. I did not.

8 Q Did you have any clubs?

9 A No. I did not.

10 Q Okay. Now, since you've been at foster care, do you

11 play any sports?

12 A Yes.

13 Q What do you play?

14 A Soccer and flag football.

15 Q Do you have any clubs?

16 A No. I do not. Well, I had DECA but...

17 Q What's that?

18 A It's an association of marketing students.

19 Q Okay. So you did, like, a marketing club?

20 A Yes.

21 Q Okay. You said you played soccer and what?

22 A Flag football.

23 Q Flag football. Okay. Did you ever get hurt doing

24 that?

1 A Yes.

2 Q Can you tell me about that?

3 A In soccer I was a goalie. So I had gotten a minor

4 concussion from one of the players kicking me in the head.

5 And then in football, I got a sprained ankle.

6 Q Okay. So in soccer you got a concussion.

7 A Mm-hm.

8 Q And in football, you got a sprained ank- sprained

9 ankle.

10 A Yes.

11 Q Okay. Have you had any other injuries since you've

12 been in foster care?

13 A I got into a really bad bike accident.

14 Q A what?

15 A A really bad bike accident.

16 Q Bike accident. Okay. Tell me what happened.

17 A I went bike riding with my fam- with my house. And

18 it had rained the night before. So there was a lot of dirt

19 and gravel on the pavement. And I wasn't paying attention.

20 And when I went to go slow down, the bike chain got caught.

21 And I -- it spun out of control. And I flipped. And I hit

22 the handlebars. And I flipped and fell into a pile -- a pit

23 of boulders.

24 Q Did anyone see that happen?

1 A Yes.

2 Q Who did?

3 A My house parent, Heidi, Nikki and another girl that
4 used to live on ranch.

5 Q Okay. Now when this happened, did you see a doctor?
6 Did you go to the hospital?

7 A Yes.

8 Q Did an ambulance -- what happened?

9 A I had to go to the hospital.

10 Q By who?

11 A Mr. Bryan took me at first. But then I had to
12 go to a different hospital for a different reason. And Ms.
13 Jackie took me at that point.

14 Q Okay. So your injury was appropriately cared for.

15 A Yes.

16 Q And how about with the concussion?

17 A I went to the doctor. And the trainer had said that
18 I had had a concussion because I had been dizzy. But then the
19 doctor said that I didn't have one. But I still wasn't able
20 to play for about two weeks.

21 Q It was appropriately addressed?

22 A Yes.

23 Q And how about -- there's something with the
24 football, sprained ankle?

1 A My sprained ankle.

2 Q Was that -- did you go to a doctor?

3 A No. I just got it taped before I had practice or

4 before I played in the game.

5 Q Okay. So you appropriately attended to that injury?

6 A Yes.

7 Q Okay. Anything else since you've been in foster

8 care?

9 A Not that I can recall.

10 Q Okay. Just a lot of rough sports?

11 A Yes.

12 Q All right. So there was one other thing in your

13 letter that I just wanna talk about really briefly. Let me

14 look at your letter a second. You say here, you shot my hand

15 and broke my hand with a BB gun. Do you recall writing that?

16 A Yes.

17 Q What are you talking about?

18 A I had come home one day. And I had asked if I could

19 eat -- I believe it was a candy cane. And dad...

20 Q Let me -- let me stop you just a second. If you

21 remember, what grade you were in, how old you were or what

22 year it was?

23 A I was in 5th grade.

24 Q 5th grade?

1 A Yes.

2 Q Okay. Tell me what happened.

3 A I had come home from school one day. And I had

4 asked, I believe it was if I could eat my candy cane. And he

5 had thought I had stolen it. So he had taken the BB gun and

6 put it to my hand. And he kept questioning me and asking me

7 where I'd gotten it from. And I said I had gotten it from my

8 bus driver because they were handing out candy canes. And

9 then he didn't believe me. And he shot my hand.

10 Q Okay. And just to be clear, who's he?

11 A Dad.

12 Q And what did he shoot your hand with?

13 A A BB gun.

14 Q Did you go to the hospital?

15 A Maybe three to four days later.

16 Q Okay. And what happened when you went to the

17 hospital?

18 A They had put it in a splint because of how swollen

19 it was.

20 Q And what else?

21 A When they had taken the X-rays, they could see that

22 the bones in my hand were broken and that the BB was still

23 lodged in my hand.

24 Q Did they take it out?

1 A Not for a while because I had to have surgery to get
2 it out.
3 Q Okay. Can you describe the BB gun for me?
4 A It was a rifle (unintelligible).
5 Q Okay. And was it something that was around your
6 house? Or had you seen it before?
7 A Yes.
8 Q Okay. So it's something you knew..
9 A Yes.
10 Q ...to be in your home?
11 A Yes.
12 Q And who did it belong to?
13 A David.
14 Q Oh that's your brother?
15 A Yes.
16 Q David? Okay. Wh- how -- what did you say when you
17 went to the hospital about how it happened?
18 A I was told to say that I had shot myself with a BB
19 gun.
20 Q Who told you to say that?
21 A Dad.
22 Q And that's what you said?
23 A Yes.
24 Q But that's not true?

1 A No.

2 MS. DORMAN: I'll pass the witness, Your Honor.

3 THE COURT: Okay. Let me ask this, real quickly.

4 Samantha, do you need a break? You've been on the
5 stand for a while.

6 THE WITNESS: No. I'm fine.

7 THE COURT: Are you sure?

8 THE WITNESS: Yes.

9 MR. DRASKOVICH: I -- I actually could use -- I don't
10 think this is gonna go as long as we thought.

11 THE COURT: Not till 9:30 at night. Don't worry. You --
12 we all won't be here till that late.

13 Yeah. I mean, I -- I think if we're gonna take a
14 break, this is a -- probably a good time to take a break. How
15 long do you need 'cause we have the two -- I don't know where
16 Ms. Calvert is. I -- I -- I don't know.

17 MS. DORMAN: I don't...

18 MS. HANRAHAN: That's weird.

19 MS. DORMAN: I don't think you can worry about that
20 anymore.

21 THE COURT: No. I'm not. I -- I mean...

22 MS. DORMAN: I mean..

23 THE COURT: Yeah.

24 MS. DORMAN: ...your -- your admonishment was clear.

1 THE COURT: Yeah. I mean, I -- we were starting at 9:30.
2 MS. DORMAN: Draskovich heard it.
3 THE COURT: I moved my other cases, so.
4 MS. DORMAN: And he wasn't even here.
5 MR. DRASKOVICH: (Unintelligible) here today.
6 THE COURT: It's the two of you. And then...
7 MR. DRASKOVICH: It's the two of us.
8 THE COURT: Yeah. So how long do you want to take? This
9 -- if we're gonna take a break, it's -- this is the time to
10 take it.
11 MR. GOWDEY: Are we takin' a lunch break or...
12 THE COURT: Well, that's what I'm asking.
13 MS. HANRAHAN: Oh.
14 MR. DRASKOVICH: I -- I'd submit we did. And then just
15 pick it up..
16 MS. HANRAHAN: I'd rather take a short break. Short...
17 THE COURT: Short break and then just...
18 MS. DORMAN: Go short. Yeah.
19 THE COURT: ...finish up...
20 MS. DORMAN: Yeah.
21 THE COURT: ...if we can?
22 MS. DORMAN: Yeah. Yeah.
23 MS. HANRAHAN: Or...
24 THE COURT: Does that work?

1 MR. GOWDEY: Well, the cross is probably going to take at
2 least as long as the direct, maybe longer.

3 MS. HANRAHAN: Okay.

4 MS. DORMAN: I'd prefer we just take a short break. That
5 way we can get done. And then we can all get other things
6 done today.

7 MR. DRASKOVICH: (Unintelligible) short break. Court's
8 (unintelligible) discretion.

9 THE COURT: How long?

10 MS. HANRAHAN: Fifteen minutes?

11 THE COURT: Fifteen to 20 minutes that way you can walk
12 around, get a drink. Wanna do that (unintelligible)?

13 MR. GOWDEY: Why don't we say -- why don't we say 30
14 minutes? Mr. Draskovich and I wanna confer for a few minutes
15 on this (unintelligible).

16 THE COURT: Okay.

17 MR. DRASKOVICH: Grab a quick bite.

18 THE COURT: Let's do 30 minutes. And then we'll go
19 straight forward. So if you wanna eat something, this 30
20 minutes is enough time to at least -- I don't know if we have
21 a caf- I don't think -- there's nothing...

22 MS. HONODEL: It's closed.

23 THE COURT: ...out there. But we'll come back at, say,
24 10 to 12. How's that? Good?

1 MS. DORMAN: Okay?

2 THE COURT: All right. Thank...

3 UNIDENTIFIED SPEAKER: All right. Thank you, Your Honor.

4 (Whereupon the matter was trailed at

5 11:22:48 and recalled at 12:02:09.)

6 THE COURT: We're good? Welcome back. All right.

7 Everyone took a break. Okay. We'll go back on the record.

8 Samantha, you're still under oath. Okay?

9 THE WITNESS: Okay.

10 THE COURT: So we'll have --

11 You wanna begin?

12 MR. DRASKOVICH: I'll begin.

13 THE COURT: All right. Mr. Draskovich, we will begin.

14 MR. DRASKOVICH: Thank you.

15 **CROSS-EXAMINATION**

16 **BY MR. DRASKOVICH:**

17 Q Ms. Lawrence, my name is Robert Draskovich. And I

18 represent your stepfather, Mr. Brown. May I refer to you as

19 Samantha?

20 A Yes.

21 Q Now, Samantha, you had testified earlier on in your

22 testimony today that you had appeared and testified during a

23 preliminary hearing; correct?

24 A Yes.

1 Q And that preliminary hearing took place on July
2 18th, 2014; correct?

3 A I don't know.

4 Q If I told you that it occurred on July 18th, 2014,
5 would you have any reason to disagree with me?

6 A No.

7 Q It was before a judge, just like today; correct?

8 A Yes.

9 Q You raised your hand and you swore to tell the
10 truth, the whole truth and nothing but the truth, so help you
11 God; correct?

12 A I don't remember hav- them having me swear under
13 oath.

14 Q If I were to tell that you were sworn and put under
15 oath, would you have any reason to disagree with me?

16 A No.

17 Q And during that preliminary hearing, there were two
18 prosecutors present; correct?

19 A Yes.

20 Q Ms. Jacqueline Bluth and Mr. Sweetin.

21 A I do believe so.

22 Q And they asked you a series of questions as to what
23 had supposedly occurred to you by your stepfather, correct?

24 A Yes.

1 Q Now, prior to this preliminary hearing, you had gone
2 into their office and had spoken to them; correct?

3 A Yes.

4 Q You had gone over what your testimony was going to
5 be, correct?

6 A I don't remember.

7 Q Okay. But you remember going into their office?

8 A Yes.

9 Q You'd imagine that -- you'd agree with me going into
10 a prosecutor's office is a pretty big deal.

11 A Yes.

12 Q I mean, you go into the Regional Justice Center or a
13 big building. You go up the st- elevator. And you were
14 nervous before meeting them, correct?

15 A Yes.

16 Q Because you knew it was important.

17 A Yes.

18 Q But your testimony today is, you don't remember what
19 you talked to them about when you're in their office?

20 A Yes.

21 Q You just don't remember?

22 MS. DORMAN: Objection, asked and answered.

23 THE COURT: Overruled.

24 Q BY MR. DRASKOVICH: Do you recall how close in time

1 to the preliminary hearing did this meeting take place?

2 A No. I do not.

3 Q It was before the hearing, correct?

4 A I believe so.

5 Q But you don't remember how many days before?

6 A No. I do not.

7 Q And at that preliminary hearing, you were asked
8 questions concerning injuries that you were found to have had
9 on December 10th, 2013; correct?

10 A Yes.

11 Q You testified under oath that the injury to your
12 left eye was caused by your brother with a plastic sword.

13 A I don't remember that.

14 Q Okay.

15 For the record, I'm referring to page 19,
16 preliminary hearing transcript, line 20. I'll begin on line
17 15. Okay. And then you said the other one was caused by your
18 brother and the channel changer.

19 Answer, he poked me in the eye.

20 With what?

21 Your answer, a plastic sword, but inside was like
22 hard plastic or metal.

23 That was your testimony at the preliminary hearing.
24 You testified that the bruise to the left...

1 MS. DORMAN: I'm gonna -- I'm gonna object. Mr.
2 Draskovich at this time is now testifying. I mean...

3 MR. DRASKOVICH: I'm reading prior testimony onto the
4 record. It's...

5 MS. DORMAN: Right. And then you asked a question. And
6 you're not giving her the opportunity to answer.

7 Q BY MR. DRASKOVICH: I'll ask you this. Was that
8 your testimony at the preliminary hearing?

9 A Yes.

10 Q And in reference to the left eye you testified, so
11 the bruise on the left eye, you said that it was caused by a
12 cabinet. Can you explain to me how that happened?

13 I was unloading the dishwasher and I had left the
14 cup cabinet open and then I went to stand up and I hit my eye
15 on it.

16 That was your testimony.

17 A Yes.

18 Q And if we're to take you at your word today, that
19 testimony at the preliminary hearing was a lie.

20 A Yes.

21 Q So you're willing to lie under oath.

22 A I was scared.

23 Q We'll talk about that in a minute. But you're
24 willing to lie under oath, correct?

1 A Yes.

2 Q You're willing to lie if it furthers what you want.

3 MS. HANRAHAN: Objection, argumentative.

4 MR. DRASKOVICH: I'd submit it's not.

5 MS. HANRAHAN: It's what you want talking to a minor.

6 It's argumentative.

7 MR. DRASKOVICH: A 17-year-old high school graduate.

8 THE COURT: I -- I'll let that -- I'll -- I'll let her --

9 let her answer that question. But I don't want -- I -- that's

10 the only question I'll let her answer as far as that specific

11 issue.

12 THE WITNESS: Can you repeat the question, please?

13 Q BY MR. DRASKOVICH: You're willing to lie to obtain

14 what you want.

15 A No. I'm not.

16 Q You had testified just a moment ago that you were

17 scared, correct?

18 A Yes.

19 Q In your testimony today concerning this December

20 10th, 2013, incident, you only had testified today that you

21 had one black eye; correct?

22 A Yes.

23 Q However, at the preliminary hearing, you testified

24 that you had two.

1 A I did not recall today that I had two black eyes at
2 the time.

3 Q So this preliminary hearing when you tes- where you
4 were testifying today that you were scared, you were adding
5 injuries to what you have testified today; correct?

6 A No. I was not.

7 MS. DORMAN: I'm gonna object. That misstates her
8 testimony.

9 THE COURT: Sustained.

10 Q BY MR. DRASKOVICH: You testified today that this
11 injury to your eye -- and we're just gonna stay on the
12 December 10th, 2013, injuries for a little while. You
13 testified today that your stepfather hit you with a belt.

14 A Yes.

15 Q This is the first time you've testified to that,
16 correct?

17 A Yes.

18 Q This is the first time that you've (unintelligible)
19 in a statement to anybody, correct? You've never disclosed to
20 CPS or anybody else that he hit you in the face with a belt.

21 A Yes, I have.

22 Q And when was that?

23 A I had actually told my house parent. And I had told
24 my caseworker.

1 Q And when was that?

2 A It was actually a couple months ago.

3 Q Okay. But you didn't testify that -- concerning

4 that at the preliminary hearing. Did you?

5 A No. I did not.

6 Q You did testify at the preliminary hearing that he

7 hit you in the back with a belt.

8 A Yes.

9 Q So you weren't afraid to testify about him hitting

10 you with a belt, correct?

11 A No. I was not.

12 Q But nonetheless, you had lied about your black eyes

13 because you were afraid.

14 A Yes.

15 Q You testified at the preliminary hearing that he

16 beat you every other day.

17 A Yes.

18 Q So you weren't afraid to disclose these bi-weekly or

19 tri-weekly beatings, correct?

20 A I was scared but I -- after a while, I wasn't.

21 Q When you testified at the preliminary hearing, you

22 were not living with your family; correct?

23 A No. I was not.

24 Q You were living with your foster parents.

1 A Yes.

2 Q You'd been removed from your stepfather and your
3 mother's home in January of 2014.

4 A Yes.

5 Q And as a result of the actions of CPS and the State
6 of Nevada, you began going to therapy.

7 A Yes.

8 Q Your therapist was Lisa Durette.

9 A No.

10 Q Did you -- who -- what was your therapist's name
11 that you recall?

12 A My therapist is Janet Nordine, has been and is
13 currently.

14 Q So is it your testimony that you were never referred
15 and spoke with a Dr. Durette?

16 A No. I have not.

17 Q Is it your testimony that you did not meet with Dr.
18 Durette on May 19th, 2014?

19 A No. I have not.

20 Q Is it your testimony that you did not tell Ms.
21 Durette that one of my friends told the counselor that she
22 said that dad punched me in the face but nobody believes me?

23 A No. I did not tell her that. I don't even know who
24 that person is.

1 Q You didn't tell her that nobody wants to believe you
2 that he doesn't do anything to you because you keep getting
3 injured?

4 A No. I did not tell her that.

5 Q Did you tell her there -- there's been many reports
6 due to your bruises. But they don't believe it when you tell
7 'em -- when I tell them that I'm just clumsy?

8 A No. I do not know who this person is.

9 Q Is it your testimony that you dot -- that you did
10 not tell this thersp- this therapist that there's been a point
11 where you've gotten hit every once in a while but it was just
12 a slap on the back of a head and not a big deal?

13 A No. I did not talk to this person.

14 Q You didn't tell this person that your dad has a
15 criminal record and you think that that's maybe one of the
16 reasons why they moved you from the house?

17 A No. I did not.

18 MS. DORMAN: And, Your Honor, it -- it appears that Mr.
19 Draskovich is reading from a document. If we could just --
20 like, if I could follow along.

21 THE COURT: Sure. Is it a ca- isn't it a case note or
22 something?

23 MS. DORMAN: I don't know.

24 MS. HANRAHAN: Okay.

1 MS. DORMAN: Okay. So the document that Mr. Draskovich
2 is reading from, it is Lisa Durette's office. But the doctor
3 is Dr. Harding. So maybe if he asked if it was Dr. Harding.

4 Q BY MR. DRASKOVICH: Same questions concerning Dr.
5 Harding.

6 THE COURT: Okay.

7 THE WITNESS: Yes.

8 MS. DORMAN: You remember seeing Dr. Harding?

9 THE WITNESS: Yes.

10 MS. DORMAN: There you go.

11 MR. DRASKOVICH: Okay.

12 THE COURT: All right.

13 Q BY MR. DRASKOVICH: And then just so we have a clear
14 record, I'm gonna ask you the same questions. So it's your
15 testimony that you ne- you did not tell Dr. Harding that you
16 keep telling them that your dad's not beating you or hurting
17 you but nobody will believe you.

18 A Can you rephrase that? I don't understand.

19 MS. DORMAN: I -- I'm sorry. I'm gonna object as to the
20 form of the question. She denied seeing Dr. Durette.

21 THE COURT: Mm-hm.

22 MS. DORMAN: Because as we know, she probably never saw
23 Dr. Durette. But she hasn't denied seeing Dr. Harding.

24 MR. DRASKOVICH: I will start over. And like I said --

1 it says Durette at the top but...

2 THE COURT: That's fine. Okay. So Dr. Harding.

3 Q BY MR. DRASKOVICH: Following the removal from your
4 home in January of 2014, you did see a Dr. Harding.

5 A Yes.

6 Q And you saw Dr. Harding on a somewhat infrequent
7 basis.

8 A Yes.

9 Q You would talk to Dr. Harding about things that were
10 going on at your previous home and what was going on with this
11 case, correct?

12 A Yes.

13 Q And you saw Dr. Harding on May 19th, 2014.

14 A Yes.

15 Q You told Dr. Harding that one of your friends told a
16 counselor that you had told her that you had been hit in the
17 face by your father.

18 A Yes.

19 Q But then he really didn't. But nobody would believe
20 you that he didn't.

21 A I don't understand.

22 Q You told the counselor, Dr. Harding, that nobody
23 would believe it when you said that your dad didn't hit you.

24 A I don't remember telling her that.

1 Q Okay. And if I told you that you did, would you
2 have any reason to disagree with me?

3 A Yes. I would.

4 Q All right. You told her that nobody wants to
5 believe you because you continually get injuries and you have
6 since you were in the 3rd grade.

7 A I don't remember telling her that either.

8 Q You told her, there are a lot of reports due to
9 bruises -- bruises. And they don't believe I am clumsy.

10 A I told her that I -- that they believed I was
11 clumsy.

12 Q Okay. And I'm asking you that you said -- told her
13 at least at that point in time, that no one would believe you,
14 that you were just clumsy and your bruises were accidents.

15 A I don't remember telling her that.

16 Q If I told you that you did, would you have any
17 reason to disagree with me?

18 A Yes.

19 Q Okay. You told her that there has been a point when
20 you've gotten hit by your dad. Every once in a while, he
21 would slap you at the back of the head. But at no point did
22 it ever hurt or was it abusive.

23 A Yes. I told her that.

24 Q And you told her that this is the most that your

1 step dad has hit you.

2 A At the time, yes. I did.

3 Q And you haven't been with your dad -- step dad since
4 this period of time, correct?

5 A Yes.

6 Q You have been with your step dad since May 18th?

7 A No. I have not.

8 Q Okay. You told the doctor that your dad has a
9 criminal record and you think that's why you were removed from
10 the home.

11 A No. I did not.

12 Q Are you saying you did not say that?

13 A I did not tell her that.

14 Q You told her that when you were taken from the home,
15 you were upset.

16 A Yes.

17 Q You told her that you were pulled out of sch- school
18 in the middle of a test and interviewed.

19 A I never told her that I was pulled out of the middle
20 of a test.

21 Q And you didn't tell her that they threatened to put
22 you in handcuffs because you said that you didn't want to
23 leave?

24 A I did.

1 Q And who was it that threatened to put you in
2 handcuffs?

3 A I don't remember the police officer's name.

4 Q That you were then taken to Child Haven for three or
5 four hours. And then you went to foster...

6 A Yes.

7 Q ...care. You told this counselor that you did not
8 feel scared living with your father.

9 A No. I did not.

10 Q Yet today you've talked about him standing, when
11 you're in the 4th grade, on your chest with boots, jumpin' up
12 and down?

13 A Yes.

14 Q At least in May of 2014 you weren't scared of him.

15 A I was scared.

16 Q But you told the counselor that you weren't.

17 A No. I did not.

18 Q You told the counselor that you can -- you only talk
19 to mom and dad on Wednesdays and Thursdays only ten minutes
20 between the four of them, counting, apparently, your siblings.

21 A I don't remember telling her that.

22 Q Did you tell the counselor you don't know why you
23 can't see your mom and dad?

24 A No. I did not.

1 Q You met with this counselor again on October 22nd,
2 2015.

3 A Yes.

4 Q At that point in time you were telling the counselor
5 that you just want all these things to be done.

6 A Yes.

7 Q You want the matters to be closed.

8 A Yes.

9 Q You were upset because the criminal trial had been
10 moved back to January.

11 A Yes.

12 Q And that you want to go to the Air Force after your
13 graduation.

14 A It's the Army now.

15 Q So if she wrote Air Force, it would be a mistake.

16 A Yes.

17 Q You met with her one other time on April 9th, 2015.

18 A Yes.

19 Q And through the course of your interview with her
20 that you -- you told her that you'd try and get the younger
21 kids to lie for you.

22 A No. I did not.

23 Q You had testified today that your mother allegedly
24 would beat you sometimes.

1 A Yes.

2 Q However, at the preliminary hearing, you testified
3 that she never would.

4 A Yes.

5 Q You testified today that when she was beating you,
6 your step dad would step in to stop it.

7 A Yes.

8 Q Correct? And this is the same step dad that was
9 allegedly beating you frequently.

10 A Yes.

11 Q You testified today that in 2010, you had a black
12 eye and stitches in the eyebrow; correct?

13 A Yes.

14 Q And that you had ran into the doorframe. That
15 that's what caused these injuries.

16 A No. That's what caused my chipped tooth.

17 Q And the black eyes -- and the black eye and the
18 stitches, what's your testimony now on cross that that -- how
19 -- how was that -- o- occurred?

20 A Heidi had thrown a remote at me because I had
21 changed the channel.

22 Q Okay. Today you testified that there was another
23 time that you had a chipped tooth, correct?

24 A Yes.

1 Q And you testified just a little while ago that was
2 between 7 or 8 years old.

3 A Yes.

4 Q And you testified today that that's when your step
5 dad grabbed you by the hair and threw you to the floor.

6 A Yes.

7 Q That's the first time you've ever told that...

8 A No. It's not.

9 Q ...story. When is another time that you have?

10 A I have told my house parent. And I have also told
11 my therapist.

12 Q And when did that occur?

13 A I had told my therapist about a year ago and my
14 house parent around the same time.

15 Q Is the reason that you didn't tell them previously
16 is because you didn't remember?

17 A No. I remembered it clearly. I just never told
18 because I was scared.

19 Q I see. But you weren't scared to talk about your
20 dad slapping you in the back with a belt, correct?

21 MS. DORMAN: I'm gonna object at this time, Your Honor.
22 She did -- she testified earlier that she was scared to tell
23 about it. But she still told it.

24 THE COURT: Okay. I mean, he c-...

1 MR. DRASKOVICH: Okay. It just goes to logic.

2 THE COURT: I mean, he can ask the...

3 You can ask the questions. I mean, if it becomes
4 like anything else, repetitive, you can -- you can object.
5 But at this point, I think we're good.

6 Q BY MR. DRASKOVICH: You had testified today that the
7 cut on the wrist, the photo which you were shown, was caused
8 by your stepfather; correct?

9 A Yes.

10 Q However, at the preliminary hearing you testified
11 that was caused when you were climbing over a fence. And you
12 fell down. And you cut it on a grate, correct?

13 A Yes.

14 Q It's your testimony -- if we're gonna take your word
15 today, is it your testimony that you were lying back in July
16 18, 2014?

17 A Yes.

18 Q You testified today that in Ju- December of 2010 you
19 had a black eye.

20 A Yes.

21 Q And that you were interviewed by CPS.

22 A Yes.

23 Q And you told CPS that you hit your black eye on a
24 ladder, hanging lights.

1 A Yes.

2 Q Then it's your testimony today -- earlier today,
3 that you don't remember how you got that black eye.

4 A No. I do not.

5 Q But nonetheless, you just know that the story that
6 you told her wasn't true; correct?

7 A Yes.

8 Q You would agree with me that the truth is the truth?

9 A Yes.

10 Q And that lies change?

11 A Yes.

12 Q And you'd agree with me that it's harder to remember
13 stories than it is to remember the truth?

14 A Yes.

15 Q So when you tell a story you have to keep up with it
16 and maintain it, remember what you said before.

17 A Yes.

18 Q You had testified concerning the January 11th
19 interview with CPS.

20 A Yes.

21 Q It was concerning the bruising to your ribs.

22 A Yes.

23 Q And you told CPS that you fell out of bed.

24 A Yes.

1 Q And that was the truth.

2 A Yes.

3 Q Today you testified concerning your stepfather

4 hitting you with a belt, correct?

5 A Yes.

6 Q You'd agree with me that's the only thing you

7 testified to concerning him hitting you, correct?

8 A Yes.

9 Q You were asked during the preliminary hearing

10 whether or not you were hit with objects by your stepfather,

11 correct?

12 A Yes.

13 Q And you testified at the preliminary hearing that

14 your stepfather hit you with a broomstick.

15 A Yes.

16 Q And at that preliminary hearing on July 18th, 2014,

17 you testified concerning him hitting you with a pot.

18 A Yes.

19 Q And at that same preliminary hearing, you testified

20 concerning him hitting you with a spatula; correct?

21 A Yes.

22 Q But you didn't testify about that today. Did you?

23 A No. I did not.

24 Q But you have told us that you were scared back in

1 July of 2014, correct?

2 A Yes.

3 Q And that's why you lied.

4 A Yes.

5 Q You had testified today concerning bruises on your
6 back...

7 A Yes.

8 Q ...and about you making up a story about falling off
9 the trampoline.

10 A Yes.

11 Q And you had testified today that you made that story
12 up yourself.

13 A Yes.

14 Q Your step dad's in jail during this time. Or I'm --
15 I'm sorry. Subsequent to this, your step dad winds up in
16 jail; correct?

17 A I'm sorry. I don't understand.

18 Q Okay. In reference to this time that you fell off
19 and had bruises to your back and you made up the story that
20 you fell off a trampoline, what -- what year are we talking
21 about, what time frame?

22 A That would be December of 2010.

23 Q Okay. And you had testified that you had a
24 conversation with your step dad in reference to this injury.

1 A Yes.

2 Q And that he told you to make up the story that you
3 hit yourself in the back with an extension cord because that
4 would be more believable, correct.

5 A Yes.

6 Q And the reason you did that was because you didn't
7 get a cell phone for Christmas, correct?

8 A That's what I was told to say.

9 Q You just testified concerning the same injury at
10 your preliminary hearing in July of 2014, correct?

11 A Yes.

12 Q And you had testified at the preliminary hearing
13 about your stepfather telling you what to say in reference to
14 those injuries to your back, correct?

15 A Yes.

16 Q And according to your testimony in July of 2014, you
17 testified that your dad told you that you had fallen on your
18 back off of a trampoline; correct?

19 A I don't remember saying that.

20 Q I see. So today, you testified you made up that
21 story yourself concerning the trampoline.

22 A Yes.

23 Q However, when you testified two years ago, you
24 testified that your dad told you to make that up; correct?

1 A I don't remember that.

2 Q Because stories are hard to remember, correct?

3 A Yes.

4 Q In your letter that you had written, and it was

5 shown to you, you testified that you had written that the

6 night before the preliminary hearing?

7 A Yes.

8 MR. DRASKOVICH: Can I see a copy of that?

9 MR. GOWDEY: The prelim or the letter?

10 MR. DRASKOVICH: Yeah. The letter. Nah, the letter's

11 fine. The letter (unintelligible).

12 MR. GOWDEY: (Unintelligible).

13 MS. DORMAN: (Unintelligible) Exhibit 11.

14 MR. GOWDEY: Nope. Here it is right here.

15 MS. DORMAN: I got it.

16 MR. DRASKOVICH: Thank you.

17 Q BY MR. DRASKOVICH: You weren't afraid to tell your

18 dad that he was the worst fucking excuse as a father prior and

19 during your preliminary hearing, correct?

20 A I wasn't the one who said that.

21 MS. DORMAN: I'm gonna object.

22 THE WITNESS: I wrote it in a note.

23 MS. DORMAN: That misstates testimony. She didn't say

24 fucking during the preliminary hearing.

1 MR. DRASKOVICH: It was in the letter. And it was read
2 to you during the preliminary hearing.

3 THE COURT: What -- okay. So let's just assume
4 (unintelligible) it wasn't -- she wasn't -- it was a letter
5 that was presented, correct?

6 MS. DORMAN: What -- well, right. But if we're gonna ask
7 about the letter, let's ask about the letter. If we're gonna
8 ask about her testimony, then let's ask about her testimony.
9 But he's...

10 MR. DRASKOVICH: I'll back it up.

11 THE COURT: All right.

12 MR. DRASKOVICH: I'll back it up.

13 THE COURT: Go ahead.

14 Q BY MR. DRASKOVICH: You testified that you wrote
15 this letter to your dad just before the preliminary hearing,
16 correct?

17 A Yes.

18 Q And you wrote this letter.

19 A Yes.

20 Q And you'd agree with me that you weren't afraid to
21 write in this letter that your father was the worst fucking
22 excuse as a father.

23 A I didn't know anybody was going to see it.

24 Q What did you do with this letter after you wrote it?

1 A I had put it in my bedroom in my drawer.

2 Q And it's your testimony that nobody told you to
3 write this letter?

4 A Nobody did.

5 Q In this letter, you wrote that he called you a bitch
6 and a fuck; correct?

7 A Yes.

8 Q However, you didn't testify to that during your
9 preliminary hearing. Did you?

10 A No. I did not.

11 Q You testified at the preliminary hearing, he would
12 call you stupid and a rat; correct?

13 A Yes.

14 Q And that's different than the prior two words that I
15 had mentioned to you, correct?

16 A Yes.

17 Q And you would agree with me that the truth remains
18 the same but made up stories change?

19 MS. DORMAN: I'm gonna object. That's been asked and
20 answered multiple times.

21 MR. DRASKOVICH: Different subject.

22 MS. DORMAN: I -- I don't care. It's the same question.

23 THE COURT: Sustained.

24 Q BY MR. DRASKOVICH: You had testified today -- you'd

1 agree with me, it's the first time you testified to this, that
2 your dad would stand on your chest and jump up and down?

3 A In court, yes.

4 Q And so your testimony that you told somebody about
5 this before today's hearing?

6 A Yes.

7 Q And who was that?

8 A My therapist and my house parent.

9 Q Same time frame as the other questions?

10 A No. Those were actually, maybe, two or three months
11 ago.

12 Q Okay. So all this time, you haven't told anybody
13 about this?

14 A No. I have not.

15 Q And it's your testimony that you were in the 4th
16 grade?

17 A Yes.

18 Q So you would've been 8, 9 years old?

19 A I don't know.

20 Q Your step dad's a big man. Isn't he?

21 A Yes. He is.

22 Q Weighs over 300 pounds.

23 A I don't know.

24 Q He's heavy.

1 You were interviewed in reference to your stepfather
2 on January 8th, 2014...

3 A Yes.

4 Q ...with Detective Emery...

5 A Yes.

6 Q ...and Specialist C. Kegley; correct?

7 A Yes.

8 Q And at that point in time...

9 MR. DRASKOVICH: Page 6, counsel.

10 Q BY MR. DRASKOVICH: You said that your dad's a 300
11 pound man.

12 A I don't remember.

13 MS. DORMAN: I'm sorry. What are you referencing? Oh
14 gotcha. Gotcha. Thank you.

15 Q BY MR. DRASKOVICH: So you don't remember telling
16 the police and the specialist that your dad was a 300 pound
17 man?

18 A No. I do not.

19 Q You told 'em that your dad did not hit you. And I'm
20 stickin' on this interview, the January of 2014 interview.

21 A Yes. I did.

22 Q You told 'em that your dad does not hit you and he
23 has never hit you.

24 A Yes. I did.

1 Q You were asked about how you got those marks on your
2 back.

3 A Yes.

4 Q And you responded, nobody had hit me.

5 A Yes.

6 Q Let's talk about these runaway incidences, the
7 second two, the one you testified occurred when you were in
8 the 9th grade; correct?

9 A Yes.

10 Q And your mom told you to go away from the house.

11 A Yes.

12 Q And you did.

13 A Yes.

14 Q And according to your testimony, that's a runaway
15 incident?

16 A Yes.

17 Q The third incident you talked about, you were in the
18 9th grade. You testified that your stepmother told you to
19 leave. But you went in the backyard instead.

20 A Yes.

21 Q And according to your testimony, that's a runaway
22 incident?

23 A Yes.

24 Q Today you testified that as a result of all these

1 horrible beatings, you have scars; correct?

2 A Yes.

3 Q However, you were asked that same question on Janua-
4 or on July 18th, 2014. Do you remember that?

5 A No. I do not.

6 MR. DRASKOVICH: Counsel, I'm referring to page 28.

7 Q BY MR. DRASKOVICH: And if I told you that you
8 testified that you had no scars, would you have any reason to
9 disagree with me?

10 A Depending on the part of the body, yes.

11 Q I see. But you didn't make that distinction in
12 July. Did you? You testified that you had no scars.

13 You testified that when you were living with your
14 mother and your stepfather that you weren't allowed to have
15 friends over, correct?

16 A Yes.

17 Q And that was frustrating for you.

18 A Not really. No.

19 Q So you weren't frustrated that you couldn't have
20 friends over?

21 A No.

22 Q You wanted to have a social life at that period of
23 time, correct?

24 A I had what I could have.

1 Q I see. But you didn't want more?

2 A I didn't need more.

3 Q So you're in the 8th grade and friends aren't
4 important to you?

5 A No. My st- my studies were more important to me.

6 Q You had testified today concerning a couple of
7 injuries that you had suffered since you've been in foster
8 care.

9 A Yes.

10 Q And did you testify that those were minor injuries
11 or severe injuries?

12 A The bike accident was severe.

13 Q Okay. Let's start about the first -- let's talk
14 about the first incident, the concussion. Okay? You were
15 seen in the hospital on September 16th, 2014, for that head
16 injury; correct?

17 A Yes.

18 Q You had told the doctor that the injury had occurred
19 the day before?

20 A Yes.

21 Q You didn't tell the doctor that it was a soccer
22 accident. Did you?

23 A Yes. I did.

24 Q You told the doctor that you were dizzy and that

1 you'd been dizzy since you'd hit your head?

2 A Yes.

3 Q And you underwent a CAT scan?

4 A That was not my choice.

5 Q You underwent a CAT scan?

6 A That was not my choice.

7 Q But you did undergo a CAT scan?

8 A Yes.

9 Q It's kind of a scary to undergo, correct?

10 A Not really.

11 Q First time you'd ever had a CAT scan, correct?

12 A Yes.

13 Q And it was discovered that you had a concussion.

14 A The doctor had told me I didn't have one.

15 Q Okay. So if he wrote that you suffered from a
16 concussion, the doctor was wrong?

17 A I'm just going off of what he had told me.

18 Q At no point in time was CPS called in reference to
19 this concussion that you had suffered, correct?

20 MS. DORMAN: Objection, how would she know that? And
21 what's the relevance?

22 MR. DRASKOVICH: Well, I think it's clearly relevant.

23 Q BY MR. DRASKOVICH: Let me ask you this. At no
24 point in time were you interviewed by CPS in reference to this

1 concussion?

2 MS. DORMAN: Same objection, relevance.

3 THE COURT: It's -- overruled. He can ask the question.
4 I don't know what the answer's gonna be 'cause I'm tryin' to
5 figure this out on my -- with the testimony.

6 MS. DORMAN: Well, I -- I mean, I would submit to this
7 Court that at the time that she sustained that injury, she was
8 in DFS custody, meaning we were her legal custodian.

9 THE COURT: Okay.

10 MS. DORMAN: So...

11 MR. DRASKOVICH: And -- and when...

12 MS. DORMAN: ...what she -- I'm sorry.

13 MR. DRASKOVICH: I'm sorry. Go ahead.

14 MS. DORMAN: What she knows or doesn't know about what
15 was con- conveyed to her legal custodian, I -- I don't know
16 that she knows the answer to that.

17 THE COURT: So she's suppo-...

18 So, Samantha, only -- I mean, any witness, whether
19 it be you or somebody else in -- in the -- any of these
20 courts, only -- don't speculate. Don't guess. If you know --
21 if you know an answer, you have to answer. If you're not sure
22 or you don't know, say you don't know.

23 But sh- it is a fair question. And I get -- I get
24 that -- that she was in DFS -- or under our custody.

1 MS. DORMAN: Yeah.

2 THE COURT: But the question's okay to ask.

3 I don't know -- just, if you don't understand, ask
4 him to rephrase it. If you don't know the answer, don't
5 guess. Just say, you don't know. Okay?

6 THE WITNESS: Okay.

7 THE COURT: Sound good?

8 THE WITNESS: Mm-hm.

9 THE COURT: Thanks.

10 Q BY MR. DRASKOVICH: Now in reference to this
11 September 16th, 2014, concussion, you were never interviewed
12 by CPS in reference to your suffering that injury?

13 A No. I was not.

14 Q You'd been seeing CPS a lot for the previous years,
15 correct?

16 A Yes.

17 Q I mean, they were coming and in- interviewing you in
18 2008?

19 A Yes.

20 Q 2009?

21 A Yes.

22 Q 2010?

23 A Yes.

24 Q 2011?

1 A Yes.

2 Q '12?

3 A Yes.

4 Q '13?

5 A Yes.

6 Q '14?

7 A Yes.

8 Q And you were repeatedly asked in all these visits,
9 how you suffered your injuries; correct?

10 A Yes.

11 Q And you're repeatedly telling them that they were by
12 accident, correct?

13 A Yes.

14 Q But they wouldn't take that for an answer. Would
15 they?

16 A For a while, they did. Then they stopped believing
17 my stories that I was telling.

18 Q You are a clumsy kid. And I'm not trying to be
19 mean. But you hurt yourself sometimes.

20 A Maybe once or twice.

21 Q In your lifetime?

22 A Yes.

23 Q I see. Now, this concussion accident, that wasn't
24 the only time that you were in a hospital in the month of

1 September 2014; correct?

2 A I don't remember another time that I was.

3 Q You had testified concerning a bike accident that

4 you had?

5 A Yes.

6 Q That was on September 27th, 2014?

7 A Yes.

8 Q That was just two weeks later?

9 A Yes.

10 Q So you're out of the custody of your parents.

11 You're in foster care. And you're hospitalized two times in

12 the same month, correct?

13 A Yes.

14 Q And when you were seen at the hospital, you had

15 abrasions, scratches?

16 A Yes.

17 Q You had scratches on your abdomen?

18 A Yes.

19 Q On your arm?

20 A Yes.

21 Q Your leg?

22 A Yes.

23 MS. DORMAN: I'm sorry. Which one are we talking about?

24 MR. DRASKOVICH: The September 27th...

1 MS. DORMAN: The bike?
2 MR. DRASKOVICH: ...hospital visit, the bike...
3 MS. DORMAN: The bike?
4 MR. DRASKOVICH: ...accident.
5 MS. DORMAN: Okay.
6 Q BY MR. DRASKOVICH: And we're all adults and there's
7 a lot of things of this area that we talk -- that happen in
8 courtrooms like this. But you -- you suffered a vaginal...
9 A Yes.
10 Q ...injury, correct?
11 A Yes.
12 Q And that injury was so severe, that they transferred
13 you to Sunrise Hospital?
14 A Yes.
15 Q They transferred you to Sunrise Hospital because
16 they wanted you to see a specialist?
17 A Yes.
18 Q And that specialist ordered an internal ultrasound,
19 correct?
20 A Yes.
21 Q And that's where they insert an object up into that
22 area...
23 MS. HONODEL: Your...
24 MS. DORMAN: I'm gonna object as to relevance at this

1 point, honestly.

2 MS. HONODEL: Join.

3 MR. DRASKOVICH: If it had occurred at their home, they'd
4 be facing sexual assault charges. So what's the difference?

5 MS. DORMAN: It didn't. So that's the difference.

6 THE COURT: Well...

7 MR. GOWDEY: Oh...

8 THE COURT: Okay. But -- but -- but I don't -- but I
9 don't know that it's necessary to talk about what the -- we
10 know that if she had an ultrasound -- we don't...

11 MS. DORMAN: I -- do we really -- and I -- I think that
12 it's funny that...

13 THE COURT: I don't -- no one's dis- no one's...

14 MS. DORMAN: ...Mr. Gowdey thinks it's funny...

15 THE COURT: ...disputing that -- that...

16 MS. DORMAN: Right.

17 THE COURT: ...she went for an ultrasound.

18 MS. DORMAN: But see...

19 MR. GOWDEY: Ac- actually...

20 MS. DORMAN: The...

21 MR. GOWDEY: If -- if I may clear up the record. I don't
22 think the question was funny. I think...

23 MS. DORMAN: No. I think my res-...

24 MR. GOWDEY: ...the assertion...

1 MS. DORMAN: ...he thinks my response...

2 MR. GOWDEY: ...the assertion that since it didn't happen
3 when -- when it -- when in her -- in -- in their custody...

4 THE COURT: Okay. So get this. I'm tryin' to figure out
5 what's happening in this case 'cause you know all about this
6 case and I'm learning. For the last three hours, I've been
7 learning about what's been going on, criminally in the
8 preliminary hearing and this case. So I don't -- I -- I --
9 let this witness testify and move on.

10 MS. DORMAN: I understand what you're saying. But I need
11 to respond to what he's saying. Okay. So my objection was
12 relevant. And that was specifically to what happens during a
13 vaginal ul- ultrasound.

14 THE COURT: Right. Okay. No. That's what I want to go
15 over.

16 MS. DORMAN: Mr. Gowdey didn't laugh because he said,
17 well, if it happened in their home...

18 THE COURT: Okay.

19 MS. DORMAN: ...they would be facing -- that's...

20 THE COURT: That...

21 MS. DORMAN: That's not relevant 'cause that's not what
22 happened. So it's not funny. That's... not funny.

23 MR. GOWDEY: And...

24 MS. DORMAN: ...not funny.

1 MR. GOWDEY: And it's...

2 MS. DORMAN: That's not what happened.

3 MR. GOWDEY: The fact of the matter is, Your Honor, every
4 injury that occurred in their home was suspected abuse. But
5 every injury that occurred outside their home, none were
6 suspected abuse. I find...

7 MS. DORMAN: And why does...

8 THE COURT: Okay.

9 MR. GOWDEY: I find...

10 THE COURT: Okay.

11 MR. GOWDEY: ...that the idea that...

12 MS. HANRAHAN: That's argument. Now we're arguing.

13 MS. DORMAN: Now we're arguing.

14 THE COURT: Well, yeah.

15 MR. GOWDEY: I'll move...

16 THE COURT: Ex- exactly.

17 MS. DORMAN: But what is the relevance of the...

18 THE COURT: So I don't know that...

19 MS. DORMAN: ...internal...

20 THE COURT: ...it -- there isn't...

21 MS. DORMAN: ...vaginal...

22 THE COURT: ...that's rel-...

23 MS. DORMAN: ...ultrasound?

24 THE COURT: I don't think that's relevant. I think the

1 fact that -- okay. So it's all good that you had a -- an
2 ultrasound. And now we're gonna find out what they found in
3 the ultrasound. I think that's relevant.

4 MR. DRASKOVICH: Okay.

5 THE COURT: If that's where we're going with this.

6 MR. DRASKOVICH: And it was...

7 THE COURT: And that's what I need to know.

8 Q BY MR. DRASKOVICH: And following this internal
9 ultrasound, you were found to have injuries into your va-
10 vaginal area; correct?

11 A I don't know. They didn't tell me.

12 Q You were not told that you had a hematoma the size
13 of an egg in your...

14 A No.

15 Q ...internal labia?

16 A No. I did not.

17 Q And you had a torn internal labia? It's called
18 labia minora.

19 A I knew about the torn one. But I didn't know...

20 Q You didn't know about the egg-sized...

21 A No.

22 Q ...hematoma?

23 A No.

24 Q And the tear to that area of your body was so bad