

No. \_\_\_\_\_

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**In The  
Supreme Court of the United States**

—◆—  
DOUGLAS D. McCALL,

*Petitioner,*

v.

STATE OF FLORIDA,

*Respondent.*

—◆—  
**On Petition For Writ Of Certiorari  
To The Florida Fifth District Court Of Appeal**

—◆—  
**APPENDIX TO  
PETITION FOR WRIT OF CERTIORARI**

—◆—  
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*Counsel for The Petitioner*

## APPENDIX TABLE OF CONTENTS

Document	Page
1. January 9, 2023, order of the Florida Fifth District Court of Appeal .....	App. 1
2. December 13, 2022, opinion of the Florida Fifth District Court of Appeal .....	App. 2
3. October 15, 2021, Judgment of the Florida Fifth Judicial Circuit Court .....	App. 3
4. Excerpt of Transcript of October 12, 2021, Trial, Pages 186-188 .....	App. 6
5. Excerpt of Transcript of October 12, 2021, Trial, Pages 203-209 .....	App. 8
6. Excerpt of Transcript of October 12, 2021, Trial, Page 305 .....	App. 15
7. Excerpt of Transcript of October 12, 2021, Trial – Testimony of D.K. ....	App. 16
8. Transcript of January 25, 2018, Video-recorded Statement of D.K. ....	App. 86
9. Transcript of December 17, 2018, Video-recorded Deposition of D.K. ....	App. 161

App. 1

IN THE DISTRICT COURT OF APPEAL  
OF THE STATE OF FLORIDA  
FIFTH DISTRICT

DOUGLAS D. MCCALL,  
Appellant,

CASE NO.  
5D22-0476  
LT CASE NO.  
2018-CF-000233

v.

STATE OF FLORIDA,  
Appellee.

/

DATE: January 09, 2023

**BY ORDER OF THE COURT:**

ORDERED that Appellant's "Motion for Rehearing and Motion for issuance of a Written Opinion," filed December 21, 2022, is denied.

Panel: Judges Edwards Eisnagle and Harris

cc:

Michael H. Hatfield  
Roberts J. Bradford, Jr.

Office of the Attorney  
General

Rebecca Rock  
McGuigan

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App. 2

IN THE DISTRICT COURT OF APPEAL  
OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

DOUGLAS D. MCCALL,

Appellant,

Case No. 5D22-476

LT Case No.

2018-CF-000233

v.

STATE OF FLORIDA,

Appellee.

/

Decision filed December 13, 2022

Appeal from the Circuit Court  
for Lake County,  
G. Richard Singeltary, Judge.

Michael H. Hatfield, of Hatfield &  
Stack, LLC, Tavares, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Roberts J.  
Bradford, Jr., Assistant Attorney  
General, Daytona Beach, for Appellee.

PER CURIAM.

AFFIRMED.

EDWARDS, EISNAUGLE and HARRIS, JJ., con-  
cur.

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## App. 3

IN THE CIRCUIT COURT OF THE  
FIFTH JUDICIAL CIRCUIT  
IN AND FOR LAKE COUNTY, FLORIDA  
FELONY DIVISION

## JUDGMENT

<input type="checkbox"/> PRORATION VIOLATOR	CASE # 35-2018-CF-
<input type="checkbox"/> PRETRIAL	000233-AXXX-XX
<input type="checkbox"/> COMMUNITY CONTROL VIOLATOR	THE STATE OF FLORIDA
<input type="checkbox"/> RESENTENCE	VS DOUGLAS D MCCALL
	DEFENDANT

**\*VICTIM IS A MINOR\***

THE DEFENDANT, DOUGLAS D MCCALL BEING  
PERSONALLY BEFORE THIS COURT REPRESENTED BY NICHOLAS E STACK, ATTORNEY OF  
RECORD, AND THE STATE BEING REPRESENTED  
BY KAITLYN MACOMBER ASA, AND HAVING

- ☒ Been tried and found guilty
- ☐ Entered a plea of nolo contendere
- ☐ Entered a plea of guilty
- ☐ Admitted Violation
- ☐ Entered a plea of not guilty

as to the following crime(s):

CHARGE COUNT	OBTS NUMBER	OFFENSE LEVEL	STATUTE NUMBERAND DESCRIPTION
1	3501187057	FL	800.04(5B) LEWD- ILASC

App. 4

			MOLESTATION OF CHILDDDEF 18 & VIC LESS THAN 12
2	3501187057	FT	847.0133 SHOW OBSCENE MATE- RIAL TO MINOR
3	3501187057	FT	847.0133 SHOW OBSCENE MATE- RIAL TO MINOR

- ☒ and no cause being shown why the defendant should not be adjudicated guilty, **IT IS ORDERED THAT** the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s);
- ☐ and with good cause being shown, **IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD;**
- ☒ and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, pursuant to section 943.325, Florida Statutes, effective July 1, 2005, any person who is convicted or was previously convicted in this state of any felony offense shall be required to submit two biological specimens to a Florida Department of Law Enforcement designated testing facility for inclusion in the DNA database, the defendant shall submit to the collection of two biological specimens (oral swabs) for DNA testing,

App. 5

**DONE AND ORDERED** in open court in Lake  
County, Florida, on October 15, 2021.

/s/ Singeltary G. Richard  
JUDGE: SINGELTARY G. RICHARD

[Certificate Of Service Omitted]

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App. 6

[Excerpt of Transcript of October 12, 2021,  
Trial, Pages 186-188]

\* \* \*

[186] The court finds that the CAC interview of the child is admissible, and also – and made clear from the State that the victim will also be called to testify and [REDACTED] testimony also would be admissible.

The court wants to emphasize that previously we had an extensive hearing regarding the statements of the child, victim, under Florida Statute 90.803(3) – 803(23), and I have a copy of that, I believe, right here. Okay. And I believe that was filed May 19, 2020, and it's a 12-page order where we went – the court went through in great depth, in detail, regarding the substance of [187] the statements, finding that the child's statements were reliable and credible, and the court finds that the admission of the CAC interview, in addition to – and the admission of the testimony of the child would not be unduly prejudicial.

We're talking about the testimony of a child who was [REDACTED] made the statements, [REDACTED] when some of the events happened. The child is now [REDACTED] That child will be testifying at [REDACTED] hearing – or at [REDACTED] trial and will be subject to cross-examination.

The issue of inconsistency of the statements has been an issue throughout the trial, it's been brought up by the defense through examination of several witnesses. The testimony that's been brought up on cross-examination in the case that the child had recanted some of [REDACTED] statements or accusations in [REDACTED] first



App. 7

deposition. [REDACTED] will be testifying and be subject to cross-examination, and all of those things considered, the court feels that the admission for [REDACTED] testimony and the CAC interview and [REDACTED] testimony at trial, which would be subject to cross-examination, will not be unduly prejudicial.

So regarding the issue about whether or not [188] the entire first – first deposition of the victim would be admissible, I think what we need to do is follow the rules and you will have – you have a transcript and you can – you’ll, I’m sure, cross-examine the child about any inconsistent statements that [REDACTED] made, and you can use that transcript for that purpose. If the child denies making the inconsistent statements, you have a – a video deposition and you can play portions of that video deposition of her making those inconsistent statements if [REDACTED] denies that [REDACTED] made them. If [REDACTED] admits that [REDACTED] made inconsistent statements, then your impeachment basically is complete.

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[Excerpt of Transcript of October 12, 2021,  
Trial, Pages 203-209]

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[203] CONTINUED DIRECT EXAMINATION

BY MS. MACOMBER:

Q. Ms. Sharlow.

A. Yes.

Q. Do you recall conducting an interview with a child by the name of [REDACTED]

A. Yes.

Q. Was that on January 25th of 2018?

[204] A. Yes.

Q. How old was [REDACTED] during the interview?

A. [REDACTED] I believe, had turned [REDACTED] on the [REDACTED] so a few days prior. [REDACTED] at the time that I spoke with [REDACTED]

Q. What type – where was the interview conducted?

A. At the Lake-Sumter Children's Advocacy Center in Leesburg.

Q. What type of – what setting is the interview conducted in?

A. We have two interview rooms. [REDACTED] went into what we refer to as the fish room. It is decorated with a fish, a crab, and I believe a turtle on the walls.

App. 9

Those are the pictures. It is non-fantasy introducing, a fairly small room, two chairs, one for the child, one for myself; two cameras, one facing the child, and one at the top rear of the room that shows the entire room.

Q. Who was present in the interview room?

A. Just myself and [REDACTED]

Q. Can the interview be observed from another room?

A. Yes.

Q. And how is that possible?

A. There is remote access to the video and audio, [205] and from our conference room a screen is pulled down and the other members of the people that are present can view it from that room.

Q. Did you discuss a truth and a lie with [REDACTED]

A. Yes.

Q. Did [REDACTED] know [REDACTED] was being recorded?

A. Yes.

Q. Were you able to build rapport with [REDACTED]

A. Yes.

Q. At any point did you leave the interview room?

A. I did.

Q. And what was the purpose of that?

A. We refer to that as a break in the interview. It is a time when I can step out of the room, review my notes, be sure that I've asked all the things I feel that I need to ask, confer with colleagues, and also speak to the medical provider.

Q. Did you ever leave the interview – or while you left the room, was [REDACTED] being observed while [REDACTED] was alone?

A. [REDACTED] was. [REDACTED] was video and audio recorded the entire time I was out of the room.

Q. Did you observe anything during that break that caused you concern?

A. No.

[206] Q. After the interview was done, what happened next?

A. After the interview was done, I typically would bring the child to the medical room. The next step in the process is to receive a medical exam.

Q. Did you ever talk to [REDACTED] again after that initial interview?

A. If I did, it was in passing, hello, good-bye, that type of thing. We would not have discussed the case any further at all.

Q. In your experience, would you expect there to be physical evidence in this type of case?

App. 11

A. I'm not a medical provider, but my understanding is there is a low probability of having physical evidence when – with sexual abuse cases due to the length, time frame, and the act that was performed on the child. Allegedly.

Q. In your experience, is it common for children to delay reporting sexual abuse?

A. Yes.

Q. Now, you mentioned your role on the child protection team at the Children's Advocacy Center. Are other services offered at the Children's Advocacy Center?

A. Yes.

[207] Q. And what are those services?

A. We, as I said earlier, we have four programs that run out of that center. The other three are therapy based. Our team, the child protection team, is more medically based.

Q. Do you know if █████ sought counseling at the Children's Advocacy Center at some point after █████ forensic interview?

A. █████ did. As part of our services every child receives an interview, a medical exam, and then a crisis counseling session. I believe it is the intent of our agency to attempt to schedule ongoing therapy services once the crisis session was conducted.

App. 12

Q. Do you know if [REDACTED] was assigned one particular counselor in the beginning?

A. I believe [REDACTED] was.

Q. And who was that?

A. The first name is Mincia.

Q. Did – at some point did that counselor leave the CAC?

A. Yes.

Q. Do you know when that was?

A. I do not.

Q. Why not?

A. I – I do not have access to the personnel [208] records that would detail the comings and goings of the employees outside of my particular team. Mincia would have worked for the therapy program, and we, although we're housed in the same office, do not interact a great deal with each other.

Q. So the child protection team services and the therapy services are entirely separate?

A. Correct.

Q. Are you aware of whether [REDACTED] eventually received a new counselor?

A. Yes.

Q. Your interactions with [REDACTED] were they recorded?

A. Yes.

MS. MACOMBER: Your Honor, may I approach the clerk?

THE COURT: Yes, ma'am.

MS. MACOMBER: May I approach the witness, Your Honor?

THE COURT: Yes, ma'am.

MS. MACOMBER: For the record, I'm showing opposing counsel what's been previously marked for identification as State's Exhibit C. Or State's Exhibit K for identification. I'm sorry.

BY MS. MACOMBER:

Q. Ms. Sharlow, do you recognize this item?

[209] A. I do.

Q. Okay. It's been marked for identification as State's Exhibit K. How do you recognize that item?

A. My initial, signature, and the date, today's date, are on the disc. And I put them there.

Q. Okay. And what is – what are the contents of that disc?

A. This is a true and accurate record of [REDACTED] forensic interview conducted in January of 2018.

App. 14

MS. MACOMBER: Your Honor, the State would move into evidence what's been previously marked for identification as State's K as State's 13.

THE COURT: Okay.

MR. NICHOLAS STACK: I mean, no additional objection.

THE COURT: Subject to the previously raised objections, the objection will be overruled and this will be received into evidence. And this will be number?

THE CLERK: Thirteen.

THE COURT: Thirteen.

(State's Exhibit K for identification was marked and received into evidence as State's Exhibit 13.)

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App. 15

[Excerpt of Transcript of October 12, 2021,  
Trial, Page 305]

\* \* \*

[305] MS. MACOMBER: Your Honor, the State would ask permission to publish State's Exhibit 13.

THE COURT: Permission granted.

MR. NICHOLAS STACK: And, Your Honor, may I change my location?

THE COURT: Please. Yes, sir.

MR. NICHOLAS STACK: Thank you.

(Whereupon, State's Exhibit 13 was played for the jury and was not requested to be transcribed at this time.)

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\* \* \*

THE WITNESS: I swear.

■■■■■■■■■■

## DIRECT EXAMINATION

Q. Good afternoon. Could you please state your name for the record, and spell your last name.

████████████████████

114

Q. What is your date of birth?

\_\_\_\_\_

A. [REDACTED]

App. 17

Q. And what grade are you in?

A. [REDACTED]

[219] Q. Where do you attend school?

A. [REDACTED]

Q. [REDACTED]

A. Very much.

Q. What do you like to do for fun?

A. Work with my animals.

Q. What kind of animals are those?

A. Rabbits, chickens, and goats.

Q. All right. Do you do that as part of some sort of organization or something?

A. Yes, ma'am, [REDACTED]

Q. Are you pretty involved with them?

A. Yes, ma'am.

Q. This may seem like a silly question for a [REDACTED] but do you know the difference between a truth and a lie?

A. Yes, ma'am.

Q. How would you describe a truth?

A. Something that actually happened.

Q. Okay. And how would you describe a lie?

App. 18

A. Making something up that didn't happen.

Q. Okay. So if I said that you were [REDACTED] today, is that a truth or is that a lie?

A. That would be a truth.

Q. And if I said that you attend [REDACTED] [220] School, is that a truth or is that a lie?

A. That would be a lie.

Q. Do you understand the importance of telling the truth here today?

A. Yes, ma'am.

Q. Do you promise to tell us things that are only true?

A. Yes, ma'am.

Q. Back in January of 2018, how old were you?

A. [REDACTED]

Q. Okay. I know, I'm asking you to do a lot of math on the stand. I became a lawyer just so I wouldn't have to.

All right. And where were you living back then?

A. [REDACTED]

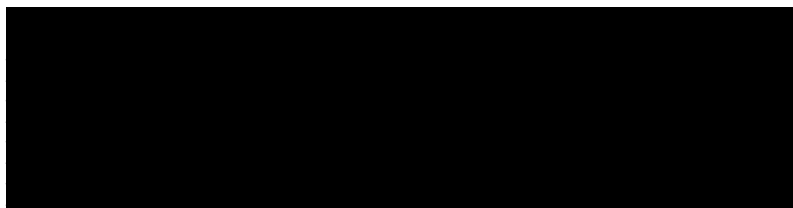
Q. Is that in Lake County?

A. Yes, ma'am.

Q. And at that time what school did you go to?

A. At that point I was homeschooled.

Q. Who lived at home with you?



[221] A. Douglas McCall.

Q. Do you see him in the courtroom?

A. Yes, ma'am.

Q. Can you please point and identify him by an item of clothing.

A. The beige shirt.

MS. MACOMBER: Your Honor, let the record reflect the witness has identified the defendant.

THE COURT: The record will so reflect.

BY MS. MACOMBER:

Q. When did you stop living with [REDACTED]

A. I want to say two years ago. Somewhere in there, close.

Q. During the time period that [REDACTED] home with you, do you remember anything inappropriate happening?

A. Yes, ma'am.

Q. What was that?

A. He would show me inappropriate videos, and he would – and he would touch me inappropriately.

Q. Did inappropriate things with [REDACTED] happen on more than one occasion?

A. Yes, ma'am.

Q. Do you remember exactly how many times something inappropriate happened with [REDACTED]

[222] A. No, ma'am.

Q. Why not?

A. It happened quite a few times and I've kind of lost track.

Q. Do you remember how frequently these inappropriate things would happen?

A. Not exactly. It wasn't a set schedule or anything.

Q. Do you recall who was home when these types of things would happen?

A. Normally just [REDACTED] My mom and dad would normally not be home.

Q. Do you recall a precise period when these things happened?

A. No, ma'am.

Q. Why not?

App. 21

A. It was close to three years ago.

Q. Are you still able to recall that these things did happen?

A. Yes.

Q. Now, in January of 2018, that's the month you turned [REDACTED] right?

A. Yes, ma'am.

Q. A couple of days after your birthday, did your mom check your laptop search history?

[223] A. Yes, ma'am.

Q. And did you find – did she find an inappropriate search term?

A. Yes, ma'am.

Q. Why was that search term in your history?

A. I remember it as [REDACTED] used my computer to search stuff.

Q. Did you talk to your mom about that?

A. Yes, ma'am.

Q. When she initially asked you whether there had been videos involving live people, do you recall what you said?

A. I do not really remember.

Q. Are there a few things that happened with [REDACTED] that stand out bright in your memory?

App. 22

A. Yes, ma'am.

Q. Can you tell me about one of them?

A. One of them would be one of the videos that I watched.

Q. Do you recall him ever using a flash drive?

A. Yes, ma'am.

Q. Can you tell me a little bit about a time you recall him using a flash drive?

A. There are a couple of times when he used the flash drives. I know that there were two, one was green [224] and one was pink. I know that they were kept in a pill bottle in the top drawer of his nightstand.

Q. And is that a nightstand that's different than [REDACTED] nightstand?

A. Yes, ma'am.

Q. When you say inappropriate videos, what do you mean by that?

A. Videos of kids either right around my age, or I know some of them looked younger than me, being touched inappropriately.

Q. Do you recall [REDACTED] showing you inappropriate videos on more than one occasion?

A. Yes, ma'am.

Q. Can you recall each and every specific time he did this?



App. 23

A. No, ma'am.

Q. Why is that difficult?

A. Because there were so many and it was a while ago.

Q. Are there certain videos that seem to be, like, burned in your memory?

A. Yes.

Q. Could you tell me about one of those?

A. One of them would be one of a girl in a Dora robe with nothing underneath that was being touched [225] inappropriately by a buzzer.

Q. When you say buzzer, what kind of item are you describing?

A. I'm not entirely sure.

Q. I will give you a better question, how about that.

Do you remember what the buzzer looked like?

A. Not specifically the one from the video.

Q. Okay. And do you remember what it did?

A. (Inaudible, someone coughing.)

Q. I'm sorry, what was that? I couldn't hear you.

A. Just vibrated.

App. 24

Q. And you said the girl was touched with the buzzer?

A. Yes, ma'am.

Q. Where was she touched?

A. Around her vaginal area.

Q. Vaginal area, that's a pretty big word. How do you know that one?

A. Goat anatomy, and learning to breed my goats and rabbits and 4-H stuff.

Q. So you know about all the parts? Is that a yes?

A. Yes, ma'am.

[226] Q. And this girl in the Dora robe, do you recall anything about how old she looked to you?

A. At the time I know she looked younger than me.

Q. Do you recall how old you were at the time you watched that?

A. No, ma'am.

Q. Was it – were you ten or younger when you watched that?

A. Yes, ma'am.

Q. Do you recall any other specific videos?

App. 25

A. I know there was one of a girl who was tied down with, like, bandannas and blindfolded with a bandanna and a dog was licking her vaginal area.

Q. Do you remember what the girl was wearing?

A. Nothing.

Q. So the dog was licking her bare vaginal area?

A. Yes, ma'am.

Q. Do you remember about how old that girl looked?

A. At the time, like you said, I was probably – I was at least – or at most [REDACTED] and she looked about my age.

Q. Now, these videos, who showed these to you?

A. [REDACTED]

Q. Do you remember anything about how he would go [227] about showing you these videos?

A. I know that they were always on a laptop, on his laptop, most of the time with the flash drives plugged in.

Q. And you said you had – you knew that the flash drives were kept in his nightstand?

A. Yes, ma'am.

Q. How did you know they were kept there?

A. I had seen him pull them out before.

Q. Do you recall [REDACTED] showing you any inappropriate items?

A. Yes, ma'am.

Q. And what item was that?

A. A buzzer, like the one that had been shown in the video with the girl in the Dora robe.

Q. Do you remember what that looked like?

A. It was hot pink and kind of long.

Q. And did it make any particular sound?

A. Not necessarily a sound, but, again, it vibrated.

Q. How many times do you remember him showing that to you?

A. Well, only twice that I can remember.

Q. What do you recall from the first time he showed it to you?

[228] A. I think from that time he just showed it to me and turned it on.

Q. Did he say anything when he showed it to you?

A. Not really, other than to not tell anybody.

Q. What do you recall from the second time he showed it to you?

App. 27

A. I know that he placed it on my stomach with it on, and then he placed it on my [REDACTED] but unlike the video, I had jeans on or some sort of pants.

Q. Where were you when that happened?

A. In his bedroom.

Q. Were you – how were you positioned?

A. Just laying on his bed. I would normally go back there to watch TV or something.

Q. Now, you said it – the buzzer touched your [REDACTED] over your clothes?

A. Yes, ma'am.

Q. How exactly was it touching?

A. I'm not sure I understand that question.

Q. Did it touch any – at the same time it was touching [REDACTED] did it touch any other parts of your body?

A. Yeah, kind of, like, my upper thighs.

Q. And did you see where [REDACTED] got the buzzer from that day?

[229] A. Yes, the top drawer of [REDACTED] nightstand.

MS. MACOMBER: May I approach the witness,

Your Honor –

THE COURT: Yes, ma'am.

MS. MACOMBER: – with Exhibit 4?

THE COURT: Yes, ma'am.

BY MS. MACOMBER:

Q. I would like you to look at these and tell me if you recognize them.

A. Yes, ma'am. That is the top drawer of [REDACTED] nightstand.

Q. Is that the buzzer [REDACTED] showed you?

A. Yes, ma'am.

Q. Is that the buzzer that he used to touch [REDACTED] over your clothing?

A. Yes, ma'am.

Q. Do you recall any other encounters with [REDACTED]

A. Yes, ma'am.

Q. And what – what are those?

A. When we were on the four wheeler and he touched my [REDACTED]

Q. You mentioned [REDACTED] is a term you learned through 4-H?

[230] A. Yes, ma'am.

Q. Is there another word you used to use for that area?

A. I think as a kid I used to call it, like, my tutu.

Q. Okay. And you said you're [REDACTED] now; right?

A. Yes, ma'am.

Q. So you kind of use grown-up words sometimes?

A. Sometimes.

Q. What exactly happened – let me rephrase.

How were you positioned when you were on your four wheeler with [REDACTED]

A. I was up front so that I would have better control over the four wheeler since I was driving, and he was positioned right behind me.

Q. At that point in time were you allowed to ride your four wheeler by yourself?

A. Yes, ma'am, but I found it more enjoyable when I had other people around.

Q. And where exactly did he touch you?

A. Around my [REDACTED]

Q. And how did he go about doing that?

A. Just reached in front of me to place his hand on my [REDACTED]

Q. Was anyone else around when you were on your [231] four wheeler?

A. No, ma'am.

Q. Do you recall if your parents were in the area, or if they were somewhere else on the property?

A. I do not remember.

Q. Did he say anything to you while you were on the four wheeler?

A. Not that I can recall.

Q. If he was concerned about what speed you were going, was he in a position that he could access the brakes on the four wheeler?

A. Yes, ma'am. There was a pedal brake by – by the right feet that was easily accessible, or handle brakes on both handlebars.

Q. So he could have reached around your –

A. Yes, ma'am.

Q. – [REDACTED] arms –

A. Easily.

Q. – and – now, you mentioned your parents were often out when these sorts of things happened with [REDACTED]. Do you remember where [REDACTED] was?

A. A lot of times he was either in his room or out at work. He worked for a Cadillac dealership, think. I know it was a car dealership. And he was on call to go help broke down vehicles. So it could be the [232] middle of the night and he would leave to go do work.



App. 31

Q. And during these encounters with [REDACTED] do you remember him telling you anything?

A. Not really, other than to not tell anybody.

Q. Have you been raised to be an obedient child?

A. Yes, ma'am.

Q. Has it been a while since these things happened?

A. Yes, ma'am.

Q. Is it easy for you to remember every single detail?

A. No, ma'am.

Q. Do some of the big things stand out in your memory?

A. Yes, ma'am.

Q. Back when you first told your mom and law enforcement about this, did you feel bad about saying it?

A. Yes, ma'am.

Q. Why was that?

A. I respected him, [REDACTED] he was an authority figure in my life, and I was taught to respect authority figures, so, he would tell me not to tell anybody about this, and then I started telling tons of people about it and I felt like I would get in [233] trouble for not doing what was asked of me.

Q. And when you say, get in trouble for doing what was asked of you, you mean what [REDACTED] asked of you?

A. Yes, ma'am.

Q. Did you care about [REDACTED]

A. Yes. Were kind of close.

Q. Is it hard for you to talk about this today?

A. A little bit.

Q. Why is that?

A. It's not a pleasant subject and –

Q. Is it a little bit awkward?

A. Yeah.

Q. After you talked to your mom about what happened, did you speak with law enforcement?

A. Yes, ma'am.

Q. And after you spoke with law enforcement, do you remember giving a recorded statement to someone else?

A. Yes.

Q. Do you remember where that occurred?

A. Yes. At the Children's Advocacy Center in Leesburg.

Q. And at the time you gave that interview at the Children's Advocacy Center, were these events fresher in [234] your mind than they are now three years later?

A. Yes, ma'am.

MS. MACOMBER: Let the record reflect I'm showing opposing counsel what's been entered into evidence as State's Exhibit 9.

May I approach the witness, Your Honor?

THE COURT: Yes, ma'am.

BY MS. MACOMBER:

Q. I'm going to show you what's been entered into evidence as State's Exhibit 9. I want you to take a look at these things, and when you're done looking at them, tell me if you recognize them.

A. I recognize my handwriting. I don't specifically recognize the card. I was just – I can see from the back that it was a Wendy's, probably like a little happy meal toy, or something, so I felt the need to cheer somebody's day up and –

Q. Okay. Now, looking at these items, do you recall this being a card that you gave to [REDACTED]

A. Yeah.

Q. Is that something you liked to do back then when you were that age?

A. Yes. I loved drawing and trying to do different things.

MS. MACOMBER: The State has no further [235] questions at this time, Your Honor.

THE COURT: Okay. Mr. Stack?

MR. NICHOLAS STACK: Thank you.

CROSS-EXAMINATION

BY MR. NICHOLAS STACK:

Q. Good afternoon, [REDACTED]

A. Good afternoon.

Q. Do you remember me?

A. Yes, sir.

Q. I have a little bit to go over with you, so I'm going to try to stay as organized as possible.

I want to start with some of the stuff that you told the State attorney just now. When she was speaking to you you were describing a video, and in that video you indicated that there was a person wearing a robe. When you say a robe, do you mean a bathrobe?

A. Yes, sir.

Q. And, I mean, so we have the same understanding of a robe, that would be sleeves came down, opened in the front, and there's sometimes a tie?

A. Yes, sir.

Q. And then you detailed another video. You indicated that there was a person that was – appeared to be tied with a bandanna?

A. Yes, sir.

[236] Q. Was that person tied hands, hands and feet, hands and feet or something else?

A. I don't 100 percent remember, but it does – do remember it looked like hands and feet.

Q. Was the person's face visible or not visible, do you recall?

A. I don't entirely remember.

Q. And the person in the robe, do you know if that person's face was visible or not visible?

A. I'm pretty sure it was visible.

Q. Now, do you remember the house you lived in

A. Vaguely.

Q. How old were you when

A. I do not remember.

Q. Where did everybody in the house stay prior to being arrested?

A. There – We portioned out and put up walls and stuff to separate rooms and a little living room, and

then going upstairs there would be the living room and then a hallway down to – on the left was – I want to say, like, the first door on the left was [REDACTED] room, and then there was another room – I'm sorry, on the [237] right would be [REDACTED] room, and on the right would be [REDACTED] room, and then there was, on the left at the very back, a guest room that we never really used.

Q. However, after [REDACTED] was arrested there was a time where he was not allowed back at the house, did you guys remain in the basement or did you move upstairs?

A. No, sir, we moved upstairs.

Q. Now, when [REDACTED] was living there, he had his own bedroom and bathroom in the upstairs; correct?

A. Correct.

Q. Was he living there before you?

A. Yes, sir.

Q. Do you know if he was living there before you were born?

A. I do not remember. I don't know.

Q. And [REDACTED] had his own room and bedroom when he was living there?

A. Yes.

Q. It was his bathroom that you would use regularly, correct, to brush your teeth, to get ready for –

well, you didn't go to school, but to get ready for your day?

A. Yes, sir.

Q. Why was his bathroom the one that you would [238] use?

A. [REDACTED] had his bathroom, [REDACTED] had his, and then the only other bathroom that mom and dad used was outside. We have to go out the door and into the washing machine room through all there to use that bathroom, and I found it a little bit more luxurious to use the inside bathroom.

Q. And so you would go into that bathroom at least twice a day probably; correct?

A. Yes, sir.

Q. Did your mom use your bathroom or your father's bathroom – or [REDACTED] bathroom?

A. Our bathroom, the one that was outside.

Q. Now, were you ever told why you came to live with [REDACTED]

A. Not specifically, but my understanding was he wasn't really taking care of himself after [REDACTED] passed. I know that they were close and, so, we just came into try to help him after [REDACTED] passed.

Q. Do you recall if you ever previously stated that your father wasn't taking care of the property – or

that [REDACTED] was not taking care of the property?

A. I think so.

Q. And why would you say that?

[239] A. It was 60 acres that used to be an orange grove and it wasn't ever replanted or maintained, the grass was super high, and [REDACTED] only mowed a portion of it.

Q. So part of the reason was that [REDACTED] wasn't taking care of the property; is that correct?

A. I think that might have been part of it.

Q. Now, when you're [REDACTED] how do you know that? Did you know that yourself, or did somebody tell you that you moved in there personally because [REDACTED] was not taking care of the property?

A. I want to say it was kind of passed on through my mom and my dad.

Q. Now, there were times that you described [REDACTED] as getting mad; is that correct? Like while you were living with him?

A. Not entirely that I recall.

Q. Did you ever describe him as being mean or snarky?



A. Sometimes he would make a couple of sarcastic comments.

Q. Do you recall if you ever described him as being mean to your – yourself and your mom?

A. I think as being [REDACTED] or younger, I didn't [240] fully understand the full extent of the sarcasm, or the fact that he was just kind of picking on us in a playful way. So, I mean, maybe.

Q. So you believe now that he was picking on you in a playful way, however, at the time you may have believed that he was being mean or mad at you?

A. Yes, sir.

Q. Would your mom ever say that he's a butt head or acting like a butt head to you, do you recall?

A. I don't remember.

Q. Do you recall him, I guess in your words, picking on you or picking on your mom?

A. Yeah, sometimes.

Q. And you recall that he would get upset with you and your mother?

A. Not really.

Q. What about being mean about things? Do you recall him being mean about things?

A. Not really.

Q. Were there times that you and your mother would try to get away from [REDACTED] because you were both really mad at him?

A. Every once in a while probably.

Q. Now, during this time period you were home-schooled; correct?

[241] A. Correct.

Q. And this was your decision or your mother's decision?

A. Kind of both. I was ahead in school and I was stressed out by testing and all in [REDACTED] and all, so we kind of made the unanimous decision to home-school.

Q. Did [REDACTED] believe that you should have stayed in school?

MS. MACOMBER: Objection, Your Honor, calls for speculation.

MR. NICHOLAS STACK: I can rephrase.

BY MR. NICHOLAS STACK:

Q. Do you know whether or not [REDACTED] believed that you should have stayed in public school?

MS. MACOMBER: Objection, Your Honor, calls for speculation.

MR. NICHOLAS STACK: If [REDACTED] knows, Judge, [REDACTED] knows.

MS. MACOMBER: Also –

THE COURT: Well, how would [REDACTED] know?  
So if you could establish that first. Statements –

MR. NICHOLAS STACK: Sure.

BY MR. NICHOLAS STACK:

Q. Do you know [REDACTED] position –  
well, do you know what [REDACTED] position  
was [242] regarding homeschool?

A. No, sir.

Q. Now, getting to the videos. Did you ever – well,  
the first person you talked to about the videos was your  
mother; correct?

A. Correct.

Q. At the time that she discovered something in-  
appropriate on your laptop history?

A. Yes, sir.

Q. Did she ask you questions about those videos?

A. I don't entirely remember.

Q. Do you recall whether or not you admitted to  
watching inappropriate videos to your mother initially  
upon her asking?

A. I do not remember. A lot was going on right  
then, and it was slightly overwhelming.

Q. Do you recall what piece of electronics you initially told your mother that you viewed these videos on?

A. No, sir.

Q. Now, the one that you recall within your history, do you remember that video?

A. Not really.

Q. Do you recall whether or not you ever went back and looked at that video again on your own?

[243] A. I do not remember.

MS. MACOMBER: Mr. Stack, if you'd let me know –

MR. NICHOLAS STACK: Oh, I apologize. I am showing page 63 of the (inaudible). Lines 24, 25, and 64, lines 1 (inaudible).

BY MR. NICHOLAS STACK:

Q. All right. Let me show you this (inaudible).

Do you recall – did that refresh your recollection as to whether or not you ever looked at that video on your own?

A. Yes.

Q. And did you ever look at that video on your own?

A. Yes.

Q. And that was not with [REDACTED] correct?

A. Correct.

Q. Now, you – you just – you testified that you were shown other videos from a flash drive; is that correct?

A. Yes, sir.

Q. Do you specifically recall where those flash drives were kept?

A. Yes, sir. As I stated, in the top drawer. It [244] was in a little pill bottle, like you would get from a pharmacy for refills, in the top drawer of his nightstand.

Q. And you're positive about that being where they were kept?

A. Almost 99 percent sure.

Q. Had you ever stated that they were kept in a different drawer?

A. I do not remember doing so.

Q. Would anything refresh your recollection as to whether or not you previously stated that they were found in another place than the top drawer of the nightstand?

A. Maybe.

Q. I'm looking at lines 15 and 16.

MS. MACOMBER: And, Your Honor, may we approach briefly?

THE COURT: Yes, ma'am.

(Whereupon, the following bench conference was conducted out of the hearing of the jury as follows:)

MS. MACOMBER: Your Honor, I believe Mr. Stack wants to impeach the witness on whether [REDACTED] said they were in the top drawer of the defendant's nightstand or the bottom drawer of the defendant's nightstand. The State believes that proper [245] impeachment by prior inconsistent statement is limited to material issues, not every teeny tiny detail. Whether it's the top drawer, the bottom drawer, [REDACTED] been consistent it's the defendant's nightstand and a drawer in the nightstand. The State would object to this form of impeachment at this time.

MR. NICHOLAS STACK: I disagree completely, Your Honor. This goes to [REDACTED] memory of events, whether or not [REDACTED] was total (unintelligible) and making up additional things. These are very – every detail of this is very important, Your Honor. This is the witness who had – the only witness who would have any firsthand knowledge of anything happening, and the only witness who really would be misstatements.

THE COURT: Objection is overruled.

MR. NICHOLAS STACK: Thank you.

(Whereupon, the bench conference was concluded and the following further proceedings were conducted within the hearing and presence of the jury.)

BY MR. NICHOLAS STACK:

Q. So the question was: You indicated that you were – that the items were found in the top drawer of the nightstand, and that you're relatively certain of [246] that; correct? And I asked you whether anything would refresh your recollection as to previously stating that they were found somewhere else?

Now, I know it may not seem like a big deal, however, did you previously state that the items were found in a different location than the top drawer of the nightstand?

A. Yes.

Q. And where did you say that they were found?

A. Bottom drawer.

Q. And do you have any knowledge at this point whether they were found in the top drawer or the bottom drawer, or do you not know?

A. I'm pretty sure they were in the top drawer. I could be wrong.

Q. Do you know why you would have said that they were found in the bottom drawer?

A. No, sir.

App. 46

Q. And you also indicated that they were located in a pill bottle. Do you recall that pill bottle?

A. Vaguely.

Q. Can you describe that pill bottle?

A. An orange pill bottle, like what you would get at, like, a pharmacy if you had, like, medications or something like that.

[247] Q. Was there anything that you noticed about – about the pill bottle that was different than normal pill bottles that you had seen?

A. I don't really remember it.

Q. Do you know what color the label was?

A. No. I just know that it was, like, an orange pill bottle.

Q. Do you know whether it had any label on it?

A. I do not remember.

Q. And when you saw this pill bottle, where did you see it?

A. In his nightstand. Whereas he was pulling it out.

Q. Did you go look at it in his nightstand?

A. No, sir.

Q. So you would Only see it as it was – as he was pulling it out?



A. Yes, sir.

Q. Did you – it's my understanding at some point your mother came into possession of this pill bottle?

A. I do believe so. After she found my search history.

Q. Did you ever see it at that point?

A. I do believe so.

Q. But you don't recall what it looks like [248] specifically?

A. No, sir.

Q. I had a talk with the (unintelligible). You indicated to the State that there was one green – that the flash, one was green and the other one was pink; is that correct?

A. I do believe so.

Q. How many flash drives were in that pill bottle?

A. I'm not entirely sure. I only really saw the two.

Q. And you said some of these videos were from the flash drives?

A. Yes, sir.

Q. Now, do you believe that [REDACTED] got the flash drives from a police officer?

A. I have no idea where he would have gotten them from.

Q. Do you – did you ever indicate to anybody that [REDACTED] got those flash drives from a police officer?

A. I may have. I don't entirely remember.

Q. Would anything refresh your recollection as to whether or not you had previously stated that?

A. Maybe.

[249] MS. MACOMBER: Your Honor, the State would make the same objection. This is not a material issue, it's improper to impeach about prior inconsistent statements.

THE COURT: Objection is overruled.

BY MR. NICHOLAS STACK:

Q. Do you recall – do you recall making a statement that those flash drives came from a police officer?

A. Now I vaguely do.

Q. Now, do you remember or do you not?

A. Kind of.

Q. Do you have any police officers that are close to the family, or regularly come to the house?

A. Not that regularly come to the house; but, yes, we do have close family friends and family that are in law enforcement.

Q. Now, you described to the State a buzzer, and you indicated that this was in [REDACTED] drawer, and you told the State that [REDACTED] had shown it to you or touched you with it; is that correct?

A. Yes, sir.

Q. Did you ever look in – look at the buzzer in [REDACTED] drawer by yourself?

A. I don't think so.

[250] Q. Would anything refresh your recollection as to whether or not you had previously looked at the buzzer in [REDACTED] drawer?

A. Maybe.

Q. It would be lines 23, 24, and 25. Did you ever go into [REDACTED] drawer and look at the buzzer on your own?

A. Now I remember that I did, yes.

Q. Do you remember that you did, or do you remember that you said you did?

A. I remember that I did.

Q. Now, you indicated that there was also an allegation in which [REDACTED] inappropriately touched you while on a four wheeler; is that correct?

A. Correct.

Q. You stated that he would put his hand between your legs when you were on the four wheeler?

A. Yes, sir.

Q. Do you recall that at the time you would be going fast?

A. Most likely. I like being speedy.

Q. And would he tell you to slow down prior to putting his hand there?

A. I do not remember.

Q. Were you wearing a chest protector while you [251] were riding on this four wheeler?

A. Yes, sir.

Q. What other protective equipment did you wear?

A. I would wear the chest plate, I would wear gloves, and a helmet with goggles.

Q. And when he rode behind you, would he have his hands on the handlebars, like, around your hands, or would he be holding on to you?

A. I do not specifically remember, but I do think it was with his arms around me.

Q. But you don't have specific recollection at this point as to which way?

A. Correct.

Q. Now, this used to be an orange grove, I believe you previously indicated; correct?

A. Yes, sir.

Q. Would you say that the terrain was rough?

A. Yes.

Q. So it was bouncy if you were going fast on the –

A. Yes, sir.

Q. – four wheeler you would bounce around; correct?

A. Yes, sir.

Q. And [REDACTED] had joints that hurt, [252] would you agree with that?

MS. MACOMBER: Objection, Your Honor, lacks personal knowledge, calls for speculation. I'm not sure what she knows of [REDACTED] health.

BY MR. NICHOLAS STACK:

Q. Do you know that [REDACTED] – well, have you ever previously stated that [REDACTED] has joints that hurt?

A. I'm not entirely sure if I did say that, but I think he did.

Q. Now, so when you were going too fast you indicated that he would put his hands between your legs; correct?

A. Yes, sir.

MS. MACOMBER: Objection, Your Honor, that's a mischaracterization of [REDACTED] answer. He asked did [REDACTED] – was [REDACTED] going fast, not too fast.

BY MR. NICHOLAS STACK:

Q. Would he put his hand in between your legs when you were going too fast?

A. Yes.

Q. Would he remove his hand when you slowed down?

A. It would take him a minute, but yes.

Q. Do you believe that this was inappropriate contact on his part?

[253] A. Yes.

Q. Now, do you recall me asking if this touching was on purpose previously?

A. I do not recall.

Q. Do you believe – do you currently believe that this touching was on purpose?

A. I do think so.

Q. Do you recall ever stating that you were not sure whether or not it was on purpose?

A. I do not remember, but I –

Q. Would anything refresh your recollection as to whether or not you –

MS. MACOMBER: Your Honor, may we approach?

THE COURT: Yes.

(Whereupon, the following bench conference was conducted out of the hearing of the jury as follows:).

THE COURT: Yes, ma'am.

MS. MACOMBER: So I believe Mr. Stack intends to try and impeach the witness on a prior statement where [REDACTED] was talking about something – [REDACTED] wasn't quite sure if he was doing it on purpose or not. I mean, that's an opinion [REDACTED] – it's not a fact, yes-or-no question, [REDACTED] was actually previously trying to be a little more conservative and say I don't know exactly what he was doing or why he was [254] doing it, was [REDACTED] trying not to speculate. I don't see why that's an appropriate thing to now be trying to impeach [REDACTED] on having tried to not answer a speculative question before. Again, it's not a –

THE COURT: Did [REDACTED] say that [REDACTED] now believes it –

MR. NICHOLAS STACK: It was on purpose.

MS. MACOMBER: Because he asked [REDACTED] that question now, and so now –

MR. NICHOLAS STACK: And [REDACTED] believes it was on purpose, and so.

THE COURT: Contradiction possibly, we'll see. The objection is overruled.

MR. NICHOLAS STACK: Thank you.

(Whereupon, the bench conference was concluded and the following further proceedings were conducted within the hearing and presence of the jury.)

BY MR. NICHOLAS STACK:

Q. So, [REDACTED] you indicated that you now believe that that touching on the four wheeler was on purpose; correct?

A. Yes, sir.

Q. Do you recall whether or not you previously stated that you were not sure that that was on purpose?

[255] A. I do not remember.

Q. Would anything refresh your recollection as to that?

A. Maybe.

Q. I'm looking at line 18 (inaudible). Did you ever previously state that you were not sure whether or not his contact was on purpose?

A. Yes, sir.

Q. Do you know now – well, as of right now, based upon that previous statement –

MS. MACOMBER: Objection, Your Honor. He asked her what [REDACTED] belief is now. What [REDACTED] was stating before was whether [REDACTED] knew for certain or



not. It's two different things. They're not actually (inaudible).

THE COURT: I will overrule the objection. Go ahead.

BY MR. NICHOLAS STACK:

Q. Based upon – based upon seeing your previous answer, are you still certain that what happened on the four wheeler was on purpose?

A. Yes, sir. I believe that when I answered that question previously I was – I don't think I fully comprehended what had happened.

Q. Do you recall a short lying phase when you [256] were approximately [REDACTED]

A. Not specifically.

Q. Do you recall ever stating to anybody that you had a lying phase at [REDACTED]

A. Maybe.

Q. Now, you've gone through some legal questioning; correct?

A. Yes, sir.

Q. By me. Have I ever been mean to you?

A. I don't really think so.

Q. I mean, have I ever raised my voice or acted scary towards you or anything like that?

A. No.

Q. Do you remember Mr. Camerota?

A. Yes, sir.

Q. Who is Mr. Camerota.

MS. MACOMBER: Objection, Your Honor.  
May we approach?

THE COURT: Sure.

(Whereupon, the following bench conference was  
conducted out of the hearing of the jury as follows:)

MS. MACOMBER: I think it would be appropriate at this point in time to ask Mr. Stack to proffer what he anticipates this line of questioning is, because I am not quite sure how it's relevant.

[257] THE COURT: Where are you going with that?

MR. NICHOLAS STACK: I'm going to just establish that during the deposition – or during these times where [REDACTED] had previously given legal argument – or given legal answers that there was a representative from the state attorney present during these prior statements she was making.

MS. MACOMBER: I'm not –

THE COURT: At the depositions?

MR. NICHOLAS STACK: Yes, sir.

MS. MACOMBER: I'm just not exactly sure why that's relevant. I mean, I think it's already established that attorneys are present for depositions.

MR. NICHOLAS STACK: I don't think that everybody knows that attorneys are there.

THE COURT: Well, how about a stipulation that during the depositions counsel – the parties are entitled to attorneys and –

MS. MACOMBER: Okay. Are you going to say anything other than there was a State representative at the deposition?

MR. NICHOLAS STACK: I wasn't planning on it, no.

MS. MACOMBER: Okay.

[258] THE COURT: Hmm?

MS. MACOMBER: I said okay. If that's how Your Honor feels, and he's just going to ask that there was a previous assistant state attorney at the deposition as well.

THE COURT: Okay. Was that all you were going to ask?

MR. NICHOLAS STACK: I was just going to ask, Mr. Camerota is – what he does and was he present at these times where you've given statements.

MS. MACOMBER: She doesn't necessarily need to define what he does, he can just ask if – does –

did he work with Ms. Macomber, did he work with Ms. Macomber, or did he handle the case for the State before Ms. Macomber.

MR. NICHOLAS STACK: If she – you know, I'm not digging a hundred questions on one, Judge.

THE COURT: Okay. I think you can ask the question.

(Whereupon, the bench conference was concluded and the following further proceedings were conducted within the hearing and presence of the jury.)

BY MR. NICHOLAS STACK:

Q. All right. [REDACTED] do you remember Mr. Camerota?

A. Yes, sir.

[259] Q. And who is Mr. Camerota?

A. He was our – he would be an attorney.

Q. Was he the prosecuting attorney who handled this case prior to Ms. Macomber?

A. Yes, sir.

Q. And was he there at those legal questionings when I was there talking to you?

A. Yes, sir.

Q. And was there another representative from the State Attorney's Office, a counselor, there?

MS. MACOMBER: Objection, Your Honor. I don't see how this is relevant.

THE COURT: Talking about at the deposition?

MR. NICHOLAS STACK: Yes, sir.

MS. MACOMBER: He's talking about a victim advocate who is there for moral support.

THE COURT: Okay. All right. The objection is overruled. You can ask the question.

BY MR. NICHOLAS STACK:

Q. Was there another member of the State Attorney's Office there with you when I was asking you those questions?

A. Yes, sir.

Q. Now, do you remember the first time I asked you a series of questions?

[260] A. Yes, sir.

Q. And did you promise to tell the truth the same way that you promised to tell the truth here today?

A. Yes, sir.

Q. And do you remember on that day when I was there with Mr. Camerota and I asked you if [REDACTED] had ever shown you videos of actual people?

A. Not specifically.

Q. Would anything refresh your recollection as to that?

A. Maybe.

Q. 2018, page 10. Do you recall on that day whether or not I asked you if [REDACTED] had ever shown you videos of actual people?

A. Yes, sir.

Q. And on that day did you give an answer?

A. Yes, sir.

Q. What was your answer?

A. No.

Q. No, he had not?

A. Yes. But –

Q. Yes, that is correct?

A. Yes, that is correct.

Q. Do you recall me asking you specifically if [REDACTED] had ever touched [REDACTED] on [261] that day?

A. I do not remember.

Q. Would anything refresh your recollection?

A. Maybe.

Q. It would actually be the very end of page 13. Now, do you recall me asking you the question as to whether or not he ever physically touched [REDACTED]

A. Yes.

Q. And did you answer that question?

A. Yes, sir.

Q. What was your – what was the answer to the question of whether or not he ever touched

A. I said that, no, he had not.

Q. And do you recall whether or not I asked you whether or not he had touched your –

MS. MACOMBER: Your Honor, may we approach?

THE COURT: Yes, ma'am.

(Whereupon, the following bench conference was conducted out of the hearing of the jury as follows:).

THE COURT: Yes, ma'am.

MS. MACOMBER: Your Honor, it appears to the State that Mr. Stack wants to impeach the witness through prior inconsistent statements, but he's failing to give [REDACTED] an opportunity to explain or reconcile the two answers. He's just going over [262] the things that [REDACTED] previously said without an opportunity to allow [REDACTED] to explain why that was different, or why [REDACTED] would have said that before; and I think that that's an inappropriate way to go about it.

THE COURT: Well, you can follow it up with questions, if you wish.

MS. MACOMBER: I can, but I think that if he's trying to impeach [REDACTED] he has to do it properly; and the State believes that a step of that is giving [REDACTED] an opportunity to explain the difference.

MR. NICHOLAS STACK: Your Honor, I believe I can impeach [REDACTED] with prior inconsistent statements. [REDACTED] statements have been out there multiple times the way the State wants it to be heard. I believe I have the ability to ask [REDACTED] about previous statements that are inconsistent or different than what [REDACTED] is saying to the State, what [REDACTED] saying to the jury. I mean, I believe that that's very important and that's the purpose of cross-examination.

THE COURT: Is [REDACTED] – are you required to give her an opportunity to explain why – why did you give an inconsistent statement?

[263] MR. NICHOLAS STACK: I believe the State can get back and –

THE COURT: I'm inclined to think so, too. I'm sure the State will follow up and ask those questions.

MS. MACOMBER: Yes, Your Honor.

(Whereupon, the bench conference was concluded and the following further proceedings were conducted within the hearing and presence of the jury.)



BY MR. NICHOLAS STACK:

Q. [REDACTED] do you recall whether or not I asked you whether or not [REDACTED] had ever touched [REDACTED] or I believe I referred to them as [REDACTED] because (inaudible) referring to them?

A. Yes, you did ask me.

Q. And did you answer that question?

A. Yes. I answered that, no, he had not.

Q. And did I ask you whether or not he had ever touched your butt?

A. Yes, you did ask.

Q. And do you recall his answer – your answer to that?

A. I said, no, he didn't.

Q. Do you recall me asking whether or not [REDACTED] [REDACTED] had ever touched you with a buzzer?

[264] A. Yes.

Q. And do you recall your answer to that?

A. No, sir.

Q. Would anything refresh your recollection as to the question of whether or not [REDACTED] had ever touched you with a buzzer?

A. Maybe.

MR. NICHOLAS STACK: May I approach?

THE COURT: Yes.

BY MR. NICHOLAS STACK:

Q. Do you recall now whether or not I had ever asked you whether he had touched you with a buzzer?

A. Yes.

Q. And do you recall your answer to that?

A. I answered that, no, he had not.

Q. Now, you did say that you remembered some cartoons that were inappropriate when I was asking you questions in 2018; correct?

A. Yes.

Q. And at that time do you recall me asking you whether or not those inappropriate films were all cartoons or animated films?

A. I do not recall.

Q. Would anything refresh your recollection?

A. Maybe.

[265] Q. Looking at page 23, at the top of the page. Now, do you – does that help you recall whether or not I asked you the question as to whether the cartoons that you believed to be inappropriate were all cartoons?

A. Yes, sir.

Q. And did you answer that question?

A. Yes, sir.

Q. And what was your answer to that question?

A. They were all cartoons.

Q. Now, were you – do you recall whether or not you were specifically asked whether or not you had ever seen any movie with a naked person in it?

A. I do not remember.

Q. Is there something that would refresh your recollection?

A. Maybe.

MR. NICHOLAS STACK: May I approach?

THE COURT: Yes.

BY MR. NICHOLAS STACK:

Q. Do you now recall whether or not you were asked if you had ever seen any movie with a naked adult in it?

A. Yes, sir.

Q. And did you answer that question?

A. Yes, sir.

[266] Q. And what was your answer to that question?

A. No, sir.

Q. No, you had not seen a person?

A. Yeah.

Q. Now, after you answered all of my questions that day, do you recall Mr. Camerota asking you questions?

A. Yes, sir.

Q. Did he appear upset?

MS. MACOMBER: Objection, Your Honor.

THE COURT: Sustained.

MR. NICHOLAS STACK: May I approach before I ask my next question?

THE COURT: Yes, sir.

MR. NICHOLAS STACK: It may be objected to.

(Whereupon, the following bench conference was conducted out of the hearing of the jury as follows:)

MR. NICHOLAS STACK: The next question would be: Do you recall him asking you a lot of questions starting with, do you remember saying. As in, do you remember saying this to Holly Sharlow? Do you remember saying this to your mom?

THE COURT: And Mr. Camerota was asking those questions?

MR. NICHOLAS STACK: Correct, sir.

[267] THE COURT: And you're going to be asking [REDACTED] if [REDACTED] remembers that?

MR. NICHOLAS STACK: Yeah, just if [REDACTED] remembers him beginning a lot of questions with "do you remember saying." Which is kind of awkward because I'm saying, do you remember saying –

MS. MACOMBER: I just don't understand why that would be relevant.

MR. NICHOLAS STACK: Because in 2018 she basically completely recanted [REDACTED] prior statement, and then at that point, and in watching the video, Mr. Camerota gets quite upset with [REDACTED] raises his voice to [REDACTED] and starts getting – I objected probably five or six times right in a row. Following that [REDACTED] gets switched into another counseling, does more counseling, and the next thing you know [REDACTED] changed her story. And I believe that that's important.

THE COURT: What does he say in his line of questions?

MR. NICHOLAS STACK: [REDACTED] denies – I mean, [REDACTED] stays with this line of – [REDACTED] stays with the line of questions – or the answers that [REDACTED] did not – that he did not do these things, he did not touch [REDACTED] et cetera, et cetera; but it's a – it's much [268] more angry tone.

THE COURT: Well, the record says what it says. I think you can ask [REDACTED] if [REDACTED] was asked those questions by Mr. Camerota.

MR. NICHOLAS STACK: I won't – I won't go attack –

MS. MACOMBER: Okay. And –

THE COURT: As far as the –

MR. NICHOLAS STACK: I won't pull the record out if [REDACTED] doesn't remember it.

MS. MACOMBER: Okay.

(Whereupon, the bench conference was concluded and the following further proceedings were conducted within the hearing and presence of the jury.)

MR. NICHOLAS STACK: Oh, can we go back up to the – I just looked at my next couple of questions after.

THE COURT: Okay.

(Whereupon, the following bench conference was conducted out of the hearing of the jury as follows:)

MR. NICHOLAS STACK: Do you specifically recall him asking a question about a video with a dog in it. And basically [REDACTED] answered that [REDACTED] did not recall the video with the dog in it at that time. If I was going to get objected to, I just [269] wanted to bring it up now.

MS. MACOMBER: I mean, I would just argue that that's kind of along the – he asked whether [REDACTED] saw any videos with live people, [REDACTED] already asked and answered that.

MR. NICHOLAS STACK: But, I mean, the dog is a specific allegation, and I can bring that specific allegation. You know, I can challenge a specific allegation. So even though a big general, this didn't happen, I can also bring up the specific allegation that she made to say that he previously said that this specific allegation did not happen.

THE COURT: I think you can ask the question.

MR. NICHOLAS STACK: Thank you.

(Whereupon, the bench conference was concluded and the following further proceedings were conducted within the hearing and presence of the jury.)

BY MR. NICHOLAS STACK:

Q. All right, [REDACTED] I apologize for the stopping and starting.

Do you remember Mr. Camerota asking you questions after I finished my questions on that day?

A. Yes, sir.

Q. Do you remember whether he asked you a lot of questions that started with "do you remember saying"?

[270] A. I do not remember.

Q. Do you recall whether or not he specifically asked you about a video with a dog – a dog in it and children or people?

A. I do not remember.

Q. Is there anything that would refresh your recollection here?

A. Maybe.

Q. Page 30. Did he ask you about a movie that had a dog in it?

A. Yes.

Q. Did he ask you specifically whether or not the movie – the movie with the dog in it had adults or children in it?

A. Yes.

Q. Did you answer that question?

A. Yes. I said that, no, it did not.

Q. No, the video did not have adults or children in it?

A. That – yes.

Q. Sorry, I confused myself there too. But at the time when he asked you the question about a video with a dog, you indicated that the video did not have adults or children in it; correct?

A. Correct.

[271] Q. Do you recall if anybody was upset with you or mad at you after our deposition?

A. I do not recall.



Q. Now, following our deposition, did you get a new counselor?

A. Yes, sir.

Q. Who was your counselor before?

A. Ms. Mincia.

Q. And was she your original counselor at the Children's Advocacy Center?

A. Yes, sir.

Q. And we talked about the Children's Advocacy Center, that's where you first did your first interview; correct?

A. Correct.

Q. And is this the same facility that does your counseling?

A. Yes, sir.

Q. How long was Ms. Mincia your counselor?

A. I do not entirely remember.

Q. Do you recall how long after the deposition we've just been talking about she stopped being your counselor?

A. I do not remember.

Q. You don't recall whether it was a long time or [272] a short time?

A. No, sir.

Q. Did you like Ms. Mincia?

A. Yes, sir.

Q. Now, who is your counselor now?

A. Mrs. Kathy Carter.

Q. And after our first deposition, did you end up going to counseling more once you started with Ms. Kathy Carter?

A. Yes, sir.

Q. But still at the same facility, the Children's Advocacy Center?

A. Yes, sir.

Q. Now, approximately a month after you gave that deposition do you recall going back to the place where we took your deposition so you could read it and go over things?

A. I do not really remember.

Q. Do you recall filling out a – well, let me show you something very quickly. If I may approach to see the errata sheet?

MS. MACOMBER: I will approach as well, Your Honor.

THE COURT: Yes, ma'am. Do we need to talk, or you just want to see it?

[273] MS. MACOMBER: I was just going to approach while he shows it to her.

MR. NICHOLAS STACK: Oh, I'm sorry, I thought we were approaching this way.

BY MR. NICHOLAS STACK:

Q. All right. I'm showing you a document. Do you recognize that document?

A. (Inaudible.)

Q. Do you recognize the handwriting on the document?

A. It looks like my handwriting.

Q. Do you recognize the signature at the bottom of the document?

A. Yes. That is my signature, my handwriting.

Q. And do you recognize the date?

A. (Inaudible.)

Q. Do you recall going back to the place where you had your deposition and reading over the things that you said during that deposition?

A. I do not really remember.

Q. Did you recognize this piece of paper as something that you had previously – as something that you wrote?

A. I do recognize that it is something that I wrote because it's in my handwriting. I do not [274] recognize the paper.

MS. MACOMBER: Your Honor, may we approach?

THE COURT: Yes.

(Whereupon, the following bench conference was conducted out of the hearing of the jury as follows:)

MS. MACOMBER: So the deposition is not evidence, it's not substantive evidence. He may impeach [REDACTED] on [REDACTED] prior statements, but now he's trying to impeach – impeach [REDACTED] about the errata sheet, and I guess [REDACTED] lack of – it's just a page attached to the back of the deposition, but it's pretty typical that at depositions they're told they can't substantively change their testimony, it's things for, I didn't say alternate I said [REDACTED] or I – you put [REDACTED] and I said his. I don't think it's an appropriate line of questioning to confront [REDACTED] about that. He's already confronted [REDACTED] about the statements and that they're different than what [REDACTED] saying today. This seems overkill.

MR. NICHOLAS STACK: Honestly, Your Honor, [REDACTED] can't remember, and there's not much I can do with it anyway, so.

MS. MACOMBER: I would just ask that he move on.

[275] THE COURT: So we're not going any further with this?

MR. NICHOLAS STACK: I'm going to ask [REDACTED] one more time if [REDACTED] remembers why [REDACTED] would

write alternate, [REDACTED] and if [REDACTED] doesn't remember, doesn't remember.

MS. MACOMBER: The State would argue that that's asked and answered. [REDACTED] already said [REDACTED] has no recollection of filling this out, but, yes, [REDACTED] recognizes that's [REDACTED] signature and that's the date, but [REDACTED] doesn't recall filling that out. We've already discussed that.

THE COURT: Yeah, I don't really think that's really significant at this stage, but – because [REDACTED] already said [REDACTED] doesn't – that's [REDACTED] signature, but [REDACTED] didn't realize or remember it.

MR. NICHOLAS STACK: Okay.

(Whereupon, the bench conference was concluded and the following further proceedings were conducted within the hearing and presence of the jury.)

BY MR. NICHOLAS STACK:

Q. But you do not have a recollection of going back to that facility?

A. No, sir.

MR. NICHOLAS STACK: Just one moment, please.

[276] THE COURT: Yes, sir.

MR. NICHOLAS STACK: I have no more questions. Thank you, [REDACTED]

THE COURT: Just a second. Does anybody need a break? Are we doing okay? All right. Just wanted to check. Young lady, do you need a break?

THE WITNESS: I'm good, thank you.

THE COURT: Okay.

MS. MACOMBER: May I inquire, Your Honor?

THE COURT: Ms. Macomber, please.

#### REDIRECT EXAMINATION

BY MS. MACOMBER:

Q. [REDACTED] Mr. Stack has talked a lot about things that you previously said that were different than today. Have you ever told anybody that nothing happened with [REDACTED]

A. No, ma'am.

Q. The document that Mr. Stack was referencing with the previous legal questions he had asked you, is that from about a year after this incident had occurred?

A. I do believe so.

Q. Did the things that happened with [REDACTED] [REDACTED] did they have an effect on you?

A. Yes, ma'am.

Q. What sort of effect?

[277] A. Made me question some things and –

Q. What kind of things did it make you question?

A. Kind of who I can actually trust.

Q. Have they been difficult to deal with?

MR. NICHOLAS STACK: Objection, Your Honor. If we may approach?

THE COURT: Yes, sir.

(Whereupon, the following bench conference was conducted out of the hearing of the jury as follows:)

MR. NICHOLAS STACK: Your Honor, this is just meant to inflame the jury. There is no substantive evidence coming in to this line of questioning, it's how – how are you feeling. I mean, it's things that are made to make the jury angry at my client without bringing in any evidence.

MS. MACOMBER: Your Honor, testimony is evidence, sworn testimony is evidence. Mr. Stack spent quite a bit of time going over all the previous statements █████ said that were different than what █████ said at the CAC and what █████ said today, however, something he failed to bring up to the jury was █████ explanation. Because subsequent to those statements, █████ gave another deposition that was consistent with her CAC and █████ initial reports, and █████ explained to Mr. Stack that it was [278] difficult for █████ to cope at the time that █████ had first deposition, and that that's why █████ was sort of pushing the memories

away, and that was the reason why [REDACTED] answered the way [REDACTED] did.

I think Mr. Stack has made this incredibly relevant. I'm not trying to inflame anybody, I'm trying to educate them and let [REDACTED] explain why [REDACTED] said what [REDACTED] said. He also asked [REDACTED] about counseling, and so I think that that's made this relevant.

THE COURT: Well, I think you certainly can ask [REDACTED] why [REDACTED] explanation for why –

MS. MACOMBER: Sure.

THE COURT: – the different statements.

MS. MACOMBER: Okay.

MR. NICHOLAS STACK: Thank you, Your Honor.

(Whereupon, the bench conference was concluded and the following further proceedings were conducted within the hearing and presence of the jury.)

BY MS. MACOMBER:

Q. [REDACTED] are you okay?

A. Yep.

Q. Okay. Mr. Stack mentioned that you said some things differently back when he first asked you about this incident. Why did you say things differently then [279] than you have now?



A. As he mentioned, I had switched counselors after that deposition. It – I hadn't found a good way to really talk about what had happened or cope with it with Ms. Mincia. With Ms. Kathy I have been able to open up more, and that is helping me today in being able to talk about it.

It's just that in that deposition I didn't really – I wasn't fully – I don't know what word to use, but I wasn't fully comfortable with the subject.

Q. At that time were you trying to push the memories away?

MR. NICHOLAS STACK: Leading.

THE COURT: Say again?

MR. NICHOLAS STACK: Objection, leading, Your Honor.

MS. MACOMBER: I'm not telling [REDACTED] how to answer, Your Honor.

THE COURT: The objection is overruled.

BY MS. MACOMBER:

Q. You can answer the question.

A. I'm sorry, what was the question?

Q. At the time of your first deposition with Mr. Stack, were you trying to push the memories of what happened with [REDACTED] away?

[280] A. Yes. I didn't really want to talk about it. I wanted to get it put behind me.

Q. And at some point after that first deposition did you explain that to Mr. Stack?

A. I believe so.

Q. And through counseling with Ms. Kathy, were you able to learn how to better express yourself and deal with what happened?

A. Yes, ma'am.

Q. Mr. Stack mentioned the incident that happened on the four wheeler?

A. Yes, ma'am.

Q. Were you given particular rules on how you can go about riding a four wheeler?

A. There was really only one set of rules, which was don't go above second gear.

Q. And when you were given the rule about which gear to stay under, did you follow those rules?

A. Yes, ma'am.

Q. Every time you were riding?

A. Yes, ma'am.

Q. And Mr. Stack mentioned something about at one point in time you said that maybe a cop had given the videos to [REDACTED]

A. Yes, ma'am.

[281] Q. Where did you get that information from?

A. I do believe, I might be wrong, but [REDACTED] told it to me.

Q. Okay. So [REDACTED] is the one that told you that's where he got them from?

A. I do believe.

Q. Mr. Stack also brought up where the drives were located. Are you confident that those drives were located in [REDACTED] nightstand?

A. Yes. In the nightstand.

Q. And is that what you've always said is that they were in the nightstand?

A. Yes, ma'am.

Q. Can you tell me a little bit about how [REDACTED] would go about showing you these videos?

A. I know that he would pull it up on his most – most of the time it would be on his laptop. Just pull it up and find me wherever I was and show it to me.

Q. Would he sit down next to you, or something else?

A. I believe he would either stand right by me or sit down next to me.

Q. Do you ever recall a time where you were sitting on his lap when he showed it to you?

A. Vaguely.

[282] Q. Do you ever recall a time where he made you watch more of the video –

MR. NICHOLAS STACK: Your Honor, I believe these to be leading questions. Though they're yes or no, they're very, very leading.

MS. MACOMBER: I would argue that they're not leading. They're not suggesting an answer [REDACTED] an answer how [REDACTED] likes.

THE COURT: Overruled.

BY MS. MACOMBER:

Q. Do you recall any times when [REDACTED] wouldn't let you get up when watching the videos?

A. Vaguely.

Q. Is it hard to remember some of these things because they happened so long ago?

A. Yes, ma'am.

Q. Have you done a lot of work to try to move past these things?

A. Yes, ma'am.

Q. Mr. Stack spent a little bit of time talking about your relationship with [REDACTED] Do you

recall [REDACTED] sometimes critiquing the way you and your mom cleaned the house?

A. Kind of.

Q. Do you remember what you guys would do in [283] response to that?

A. Not really.

Q. Do you recall ever arguing with [REDACTED] about it?

A. A couple of times.

Q. Were they, like, big arguments or little arguments?

A. I'm pretty sure they were all just little – about little things.

Q. Mr. Stack asked if you believed part of the reason you guys moved to that property was to help take care of the property?

A. Yes, ma'am.

Q. Is it your understanding that after your [REDACTED] died, [REDACTED] wasn't really taking care of himself?

A. Yes, ma'am.

Q. And by extension he wasn't taking care of the property?

A. Yes, ma'am.

Q. Is testifying in court today fun for you?

A. No.

Q. Do you enjoy being here right now?

A. No.

Q. Has anyone at any point in time ever pressured [284] you into making these statements against

A. No, ma'am.

Q. Are these statements from you and from your experience?

A. Yes, ma'am.

MS. MACOMBER: No further questions, Your Honor.

THE COURT: Okay. Mr. Stack?

MR. NICHOLAS STACK: No follow up on those issues. Thank you, sir.

THE COURT: Okay.

MS. MACOMBER: May this witness be excused, Your Honor?

THE COURT: Yes, ma'am. Thank you. And you're excused.

MS. MACOMBER: May we approach?

THE COURT: Yes.

(Whereupon, the following bench conference was conducted out of the hearing of the jury as follows:)

THE COURT: What do y'all think about tomorrow?

MS. MACOMBER: At this stage I think we should call it for today.

THE COURT: Sure.

MS. MACOMBER: We've done a lot of work.

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IN RE: DOUGLAS MCCALL

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STENOGRAPHICALLY TRANSCRIBED VIA  
AUDIO RECORDING VIDEO-RECORDED  
STATEMENT OF D.K., A MINOR

DATE RECORDED: JANUARY 25, 2018  
DATE TRANSCRIBED: SEPTEMBER 6, 2018  
TRANSCRIBED BY: ALISON HAWK, RPR  
NOTARY PUBLIC  
STATE OF FLORIDA  
COMMISSION NO.:  
GG 207456  
EXPIRES: APRIL 22, 2022  
FILED: LAKE COUNTY, GARY J. COONEY, CLERK  
03/04/2020 04:14:10 PM

[2] PROCEEDINGS

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BY QUESTIONER:

Q Have a seat on that big chair there for me, all right. Oh, your hair is so long. Oh, my goodness, it's so pretty. Do you like having long hair?

A Kind of.

Q Kind of, tell me why kind of?

A Well, I have to go to ballet in Longwood Tuesday and Thursday. And I have to wear it up in a bun. So mommy is like, You are soon going to learn how to bun your hair.



App. 87

And I am like, Right now, I am only learning how to braid.

Q Okay. Okay. Yeah, bunning, that sounds like that's a big job when you have that much hair, right?

A Yeah. Because I think she like splits it into two and rolls one around.

Q Oh, wow.

A One time I tried to take a video with my tablet like up here. And she just pushes it down.

Q Wow, okay. So your name is [REDACTED], right?

A (Nods head.)

Q Can you spell that for me?

A [REDACTED]

[3] Q And your last name?

A [REDACTED] [REDACTED]

Q Awesome. And when is your birthday?

A January 22nd, 2008.

Q Awesome, so how old are you now?

A Ten.

Q All right. So you just – no, you are having a birth – you just had a birthday, literally a few days ago, right?

A Yep.

Q Oh, my goodness. Tell me about your birthday.

A Oh, it was so much.

Q Yeah, tell me about it.

A On the Saturday before my actual birthday, I had my birthday party.

Q Uh-huh.

A I know a lot of people. But they couldn't make is because the weather was going to be horrible. But it wasn't.

Q Awesome.

A So a lot of people came. And this was the first year that I invited a lot of people from church. And it's mostly because it was mostly, like, little kids. Because those are who I do best with.

Q Uh-huh.

[4] A And so my friends are all, Oh, they are adorable, they are so cute. So they were all carrying them around.

Q Oh, that sounds like a fun time. Did you guys play games or something like that?

A No, not really. We went to a – we were having it at a park in Altoona.

Q Okay.

A And so that's where everybody just played.

Q That sounds like fun.

A My cousin, every year, he forgets about one of my friends. And it's the same person every year. And his name is – well, my cousin's name is Parker. And the friend that he always forgets about is Sebastian. So every year, they are like new friends.

Q Oh, okay. That's interesting.

A Yeah.

Q Uh-huh.

A It's like, Hey, Parker, do you remember Sebastian?

Who?

Okay. Here he is.

Q Uh-huh.

A Hi.

Q Okay. They get to meet each other all over [5] again, that's kind of neat, all right.

Well, I told you earlier that my name is Holly. And my job is just to talk to people about lots of different things every day, okay. So I want to tell you a couple things about that, all right. So when we walked in the room, I flipped the switch on the wall. Did you see me do that?

A Yes.

Q And that's because we are being recorded, all right. So there is a camera right here in the wall, and there is another one up in the corner there, okay. Part of the reason for that is to help me remember everything you have to tell me. Because everything you have to say is really important. And you can see that I am going to write some of the things you tell me. But sometimes, people speak really quickly, and I don't catch everything. So it's a way for me to go back and watch it to make sure I don't miss anything important.

Only people with special permission can see the video, okay. So the information that you share with me today is protected, okay. For example, those are your parents that brought you here today, right, your mom and your dad?

A (Nods head.)

Q So what you say in here, I am not going to [6] speak to them about directly, okay. Now, people like law enforcement can see what you are saying. Other people would need a court order or something special from a judge to give them permission for that, okay?

A (Nods head.)

Q So do you have any questions about that?

A No.

Q Okay. I want to let you know, this is a safe room. You can use any kind of words with me that you want to use. You can have any kind of emotions, you

App. 91

are not going to get in any trouble with me for any reason, okay?

I am here to understand, to ask you questions about things, and to understand what got you in to see me, okay?

A (Nods head.)

Q And there is no wrong answer, okay. There is no right or wrong answer, okay, I am just trying to understand, okay; does that make sense?

A (Nods head.)

Q All right. So tell me what you like to do for fun.

A Ride my four wheeler that I got for Christmas. And so many things.

Q Uh-huh.

[7] A I love taking care of my rabbits, and all of the animals on my farm.

Q Uh-huh.

A One of my favorite things to do when I am feeling, like, stressed or anything, I go downstairs to my desk that's in my bedroom, and I have a designer kit.

Q Oh.

A And I draw, like, fashion.

Q Awesome, okay. That sounds fun.

A And that is my passion.

App. 92

Q Okay. Designer kit you said, right?

A Yes.

Q Awesome, okay. So you must like clothes?

A (Nods head.)

Q Okay. All right. That sounds like a lot of fun. So it sounds like you like to do some things outside and some things inside; so you have a lot of different things you like to do, that's good.

A Uh-huh.

Q Tell me about school.

A This is my first year being home schooled. And I use an online site.

Q Uh-huh.

A And it lists my whole day out. And I really like it.

[8] Q Okay. Is there a certain schedule that you follow with that or is it just whenever you can or something else?

A It's just like if I have ballet rehearsal for spring showcase for a whole day, then it – then I can do part of my day while – before I go on stage.

Q Okay.

A And then pick up where I left off the next day.

Q Okay. So it's pretty flexible?

App. 93

A Yes.

Q Okay. That's good. That sounds fun. So what grade would you say you are in?

A Fourth.

Q You are in fourth, that's awesome. And you said you like it. Is there anything about your schooling that you don't like?

A Not really.

Q Okay. And what's your favorite part about it?

A Probably that I get bible every day.

Q Okay. Awesome. All right. And then who do you live with?

A My mom and my dad.

Q Uh-huh.

A We moved in with my grandfather.

Q Uh-huh.

[9] A Because he would not eat, and he couldn't take care of the property. So we moved in, and now the property is doing well and he is back to eating normally. And we also live with one of my grandfather's friends. He asked if he could stay for a little while. And then that turned into quite a while because he is still living with us.

Q Okay.

A And it was, like, before I was born that he moved in. So it's at least ten years already he has been there.

Q Okay. So I am going to go back a little bit, okay. Because that's part of what I do. When you tell me stuff, I go back and I get details about things, okay.

A (Nods head.)

Q What is your mom's name?

A Katie [REDACTED].

Q Katie. And how old is Katie?

A I think 38.

Q Okay. And what's your dad's name?

A John.

Q John. How old is he?

A 40.

Q Forty, okay. And grandpa's name?

A Doug.

[10] Q Doug. And how old is he?

A I don't know.

Q Okay. Question mark.

And his friend, what is his name?

A Jim.



App. 95

Q Jim. And how old is he?

A About grandpa's age.

Q Okay. Question mark, okay. All right. Anyone else live there that I missed?

A No.

Q Okay. And you said you have many animals on the farm, right?

A Yes.

Q Okay. You mentioned that your grandfather was not eating. Tell me about that.

A He – he was married to my original grammy, and they had my mom.

Q Uh-huh.

A And then they got divorced.

Q Uh-huh.

A And they both remarried. And when grandpa's second wife died, he was really devastated. And he just sat around in his chair a lot and didn't really do anything.

Q Okay. When did – what was her name, the gal [11] that passed away?

A Vickie.

Q Vickie, okay. And that was your step grandmother, right?

A Yes.

Q All right. And when did she pass?

A From what I have gathered from mom and dad, right around the time close to when I was born.

Q Okay. So how long have you all lived with your grandfather?

A Let's see. I moved in in kindergarten, I think.

Q Kindergarten. And you are in fourth grade, so about four years; is that right?

A Yes.

Q Okay. So if she passed away around the time that you were born and you are ten and you – so he was just not eating and that kind of thing about four years ago; would you say that's correct?

A Yeah.

Q Okay. All right. Okay. That gives me a good idea of who you live with and school and things you like to do for fun. And that's really excellent because that helps me understand you.

So there is a couple other things I want to let [12] you know, okay. Because we are going to talk about a lot of different things here, all right. And I talk to all of the kids that come see me about similar things, okay?

A (Nods head.)

App. 97

Q So there are a couple of things about it. If I ask you a question you don't know the answer to, it's okay to say, I don't know. I don't want you to guess, okay.

So if I said, Hey, [REDACTED], what's my last name; what would you say?

A I don't know.

Q Perfect. Because I only told you my name is Holly, right, we didn't talk about that. So that's awesome. Or I may say something back to you, and I may say it wrong, like I may say the wrong information. If that happens, please let me know so I can fix it, okay.

It's very important that I get everything right here today. And what you have to tell me, again, is very important. So I want to make sure I don't misrepresent what you are telling me and I get it right, okay?

A (Nods head.)

Q So if I said you were nine, what would you tell me?

A No, I am ten.

Q Perfect, all right. And if I ask you the same [13] question more than one time, that doesn't mean you are giving me, like, a wrong answer or anything like that. I am basically just trying to make sure that I heard you correctly and clarify stuff. And I am going to go back a lot. You are going to tell me something, and I am going to go back, and I am going to say, Okay, you said, blah, blah, blah.

App. 98

A (Nods head.)

Q So that, I am just clarifying and everything. And if I ask you something that you don't know the answer to or you don't understand what I mean, just let me know that and I will try to ask you the question in another way, okay.

So do you have any questions about that?

A (Shakes head.)

Q Okay. So what does it mean to you to tell the truth?

A To be honest. And for a little while when I was nine, I went through a short phase where I lied a lot.

Q Okay.

A And I learned the consequences, and I realized that it was the wrong thing to do.

Q Okay.

A So now I try not to lie.

[14] Q Okay. What does it mean to lie, what does that mean?

A It means like if – when I was nine, I thought that it was cold in the room, and I went and – or hot. And I went to change the temperature. And mom came in and, Wow, its warmer in here. And she goes to the thermostat, and she is like, Why is it at 60, nobody turns it to 60?

And I lied. And then I realized that I had done the wrong thing.

Q Okay. So when you lied, what did you say to her that made that lie?

A That, no, I hadn't done something when I really had.

Q Awesome, okay. So just to clarify a little further, do you see this big wall here; tell me something about that wall that's true.

A It's blue.

Q Okay. Tell me something about that wall that is not true.

A It's red.

Q Awesome, perfect, all right. So while you and I are talking today, would you say that you promise and agree to only talk about true things that really happened?

[15] A (Nods head.)

Q Okay. All right. Another thing that we are going to do is I need to understand things from beginning to the middle to the end, okay. So you know when you are watching a moving, if you start in the middle, you miss the whole beginning, so you are kind of lost, right?

A (Nods head.)

Q So I am kind of like that. I need to understand stuff from the beginning so I understand how we get to the middle; do you know what I am saying?

A (Nods head.)

Q So to practice that, tell me everything you did today from the time you woke up this morning to the time that you came to see me today with all of the details.

A This morning, I woke up and I didn't know where I was. Because last night, I had to sleep in a motel.

Q Okay.

A I turned on the TV, and just sat there and – well, we got a wake up call. And that's when me and dad got dressed and mom all got dressed. And we turned on the TV for a little while. And then we went down to the hotel lobby and had breakfast.

Q Uh-huh.

A And they had coffee because they were on a diet.

[16] Q Okay.

A So they had to have specific things.

Q Uh-huh.

A And I had fruit loops, a waffle with lots and lots of syrup.

Q All right. That sounds good.

A And applesauce – or not applesauce, apple juice, then orange juice. And then dad left for work.

Q Uh-huh.

A And we turned back on the TV.

Q Uh-huh.

A And sat there and watched for a while. And then went back down, got more orange juice, more coffee for her, more eggs and sausage.

Q Uh-huh.

A And more fruit loops.

Q Oh, okay.

A And then we sat and watched TV up at the room and then ate a little more breakfast.

Q Uh-huh.

A And then we packed up our things and headed out the door. Then we drove to dad's work.

Q Uh-huh.

A And got things done there that we needed to get done.

[17] Q Uh-huh.

A And then we left and came here.

Q All right. That was excellent. And I have to compliment you on that. Because normally, people tell me, I got up, I had breakfast, I went to school, I came here, it's very short, you know. So you are going to be really good at this because you have a lot of good details, so thank you for that.

And again, we already talked about how part of my job is to go back and ask you questions about what you tell me. You said your dad went to work. Tell me where he works.

A D and J Apiary in Umatilla. I forget if it's Umatilla or Altoona.

Q What does he do there?

A Apiary is another word for bees.

Q Oh.

A So he works, he is president of retail sales.

Q Awesome.

A And –

Q So he sells bees?

A Yep.

Q That's so neat.

A And sometimes, he will go back in the bee yards.

[18] Q Okay. That's interesting, all right. Okay. That's very cool.



All right. That's excellent. So you can kind of see how we are going to talk about things like that, okay; kind of the like from the beginning to the middle to the end, okay.

So tell me what brings you here today.

A My grandpa, he has been showing me inappropriate things.

Q Okay. So remember when we talked about going back to the beginning and kind of coming forward like that? Help me understand, when did that start?

A Since I am in fourth grade right now, Christmas of third grade.

Q Okay.

A So not this Christmas, but the Christmas before that is the last point that I can remember.

Q And in the third grade, did you go to school, were you homeschooled, or something else?

A I went to school at Altoona School Elementary.

Q Okay. How do you remember that it was Christmas time?

A I don't. But that's the last point that me and my mom have been talking about it, and that's the last point that I can remember it happening.

[19] Q Okay. And I want you to think back to that first time that you can remember, okay. And tell me

exactly what happened from the beginning to the middle to the end.

A He – I was playing with my Barbie dolls. And he told me to come over and watch a video on his phone. And lately, he had been showing me like, America's Got Talent and videos of like carnivals in (inaudible).

Q Uh-huh.

A And I thought he was going to show me another one of those. But it was like a cartoon of, he said it was an adult version of Anna and Elsa.

Q Okay.

A And I sat there for about a minute. And I got up, walked away. And he said, Come back.

And I said, No, thank you. I want to play with my Barbie dolls.

Q Okay. And what did he say?

A He, Okay. A lot of times, he'll, like, pick on me. And that, I don't get as emotional about. But when like, me and mommy vacuum or clean or anything, he, No, no, you got to do it this way and that way. And he just kind of is a little bit mean about it.

Q Okay.

A And he gets snarky –

[20] Q Okay.

A about it.

Q Okay. So I want to understand a little bit more about what you are telling me, okay. I want to go back a little bit. So he said it was an adult version of Anna and Elsa; so who are Anna and Elsa?

A The characters from the movie Frozen.

Q Okay. Excellent. And you said it was like a cartoon; is that right?

A Yes.

Q What did you see in that video?

A It was like Anna touching Elsa in inappropriate places, and Elsa touching Anna in inappropriate places.

Q Okay. And were they adults or kids or something else?

A Adults.

Q They were adults, okay.

A Like the last age that you see them in the movie Frozen. They looked like they were like teenagers, but they are like adults.

Q Okay. So you – so to the best of your knowledge, do you think they were teenagers or adults or something else in the video?

A Like adults, like 20.

Q Okay. And were they wearing clothes, were they [21] not wearing clothes, or something else?

A They were not wearing clothes.

Q Were they – did you hear any sound?

A No. He had it muted.

Q Okay. Did he say something to you when he first showed that to you?

A Watch this. And then played it in front of me. And like I said, I sat there for about a minute and watched part of it. And then got up and walked away.

Q And when you say they were touching each other in inappropriate places, help me understand.

A Like here and here (indicating).

Q What is the name that you use for the body part when you point up here, what's that word?

A Boobies and tutu.

Q Okay. And what were they touching those parts of the body with?

A Just their bare hands.

Q Okay. And when they touched the boobies and tutu area, were they wearing clothes in those areas or not wearing clothes?

A No.

Q Okay. Something else, okay.

A The parts of the video that I saw, the whole part that I saw, nothing – nobody was wearing clothes.

[22] Q Okay. Did you see any other person or type of character in this video or just those two?

A Just those two that I sat there and watched. But I am not sure about the rest. He sat there watching and just like this (indicating) for about 30 minutes.

Q Okay. Was he doing something else besides watching that?

A No. He just sat there in his chair with his feet propped up.

Q Okay. Where did this happen?

A In our living room.

Q And where were your parents then?

A They were out at dinner.

Q Okay.

A He will only show me stuff like that when they

Are out at dinner. Or if Jim is home – he works at the Cadillac place, so if he gets called out and mommy and daddy are out of the house, that's the only time he will do it is when nobody else is around.

Q Okay. Okay. And that first time that you remember watching that video. You said that was on his phone?

A Yes.

Q And what did that phone look like?

A It was a phone about this wide and this long.  
[23] (Indicating.)

Q Okay.

A And it was in a blue and gray case.

Q Okay. Does he have the same phone or a different phone now?

A Yes, he has the same phone.

Q Same phone. Do you know what brand of phone it is, like Verizon, Sprint?

A I think it's Verizon.

Q Okay.

A No, maybe Metro – I think it's Metro PCS. Because I have seen the Metro PCS app and stuff on his phone.

Q Okay. Do you know what – how do I put it – what application or program he used to pull the video from, do you know?

A I think it was just the Internet.

Q Okay. All right. Do you know where he keeps his phone now?

A He works at Expert Processing. So a lot of times he will – well, not a lot of times because he likes to just sit around. He will just sit around and watch – and if it's charging, it's right there on the stand beside him or back in his bedroom.

Q Okay. All right. So that was the first time [24] you can remember that something like that happened, right; how often did that happen?

A Maybe once a month.

Q Okay. And you said it was always when other people were not at home?

A Not at home.

Q Can you remember the last time he showed you something like that?

A Maybe the day before my birthday party, so Friday, the 18th, I think, or 19th maybe.

Q Okay. And tell me from the beginning to the middle to the end what happened that time.

A He told me to come over with his computer – with my computer. And he looked up a video on YouTube.

Q Okay.

A And I think it was like, a girl just wants to be naked thing. And I just – I tried to close my laptop. And he wouldn't let me.

Q Uh-huh.

A So and then he started to type in Ariana Grande. And I saw him do it, and I knew that it wasn't going to be good. And I just walked away.

Q Okay. You said that was on your computer, right?

A Yes.

[25] Q Okay. So where is your computer at?

A Right now, it is in my car. Because yesterday, I did school work on it at D and J.

Q Okay. Is this your laptop?

A Yes.

Q So this is a computer that you can fold up and take places with you?

A Yes.

Q Okay. Do you have another kind of computer or is that the only kind of computer you have?

A That, I have another one that's gray.

Q Uh-huh.

A But it does not work anymore.

Q Okay.

A I think one time I spilled like sweet tea or something on it. And now it's – it won't turn on.

Q Okay. Did he ever have you watch videos on that computer, the gray one?

A No.



Q Okay. So tell me what your computer that you have now that's in the car looks like.

A It's a black Dell.

Q Uh-huh.

A And it used to be my dad's work computer. And then they got a touchscreen laptop and – well, awhile [26] ago, they got rid of it. And dad realized that I needed something to do my school work on, so he gave me that.

Q Okay. So were there other times that he, your grandfather, had you watch videos on your computer or was that the only time that happened?

A That was the only time.

Q Okay. Where were you that time when he had you watching that on your laptop, what room? Like, were you in your house or somewhere else?

A It was in our house.

Q Okay.

A And it was in the living room on his rocking chair. It was like this sofa, only it would do the rocking.

Q Uh-huh.

A And it was brown with leather. And he refuses to give it away because it's the only rocking chair that he has.

Q I can understand that.

A And he will move it to get leverage to get up. Because he has a hard time getting up. At our aunt's house, I don't know what she is to me, but she has like the one with the remote that goes all the way up. And I have – we are trying to get him to trade for that one because that one would be easier.

[27] Q Yeah, absolutely. So how come your computer was on his rocking chair?

A It was not. I was watching Netflix. Our living room is setup where it's his rocking chair, a stand, another stand, a love seat, another stand, a pathway, and in the middle is a little coffee table.

Q Okay.

A And on the other side of that is a three-person couch.

Q Okay.

A And then right beside that is the TV.

Q Got you.

A And I was sitting on the couch right beside the TV. And he saw that I was watching Netflix.

Q Okay. Okay. What were you watching on Netflix?

A Project MC Squared.

Q Okay. So he saw that you were watching that?

A Yeah.

Q And then what happened?

A And then he called me over. And like I said, he looked up the video on YouTube, and then started typing Ariana Grande.

Q Okay. Now, you said earlier that when he typed in Ariana Grande, that you knew it wasn't going to be [28] good?

A (Nods head.)

Q What made you think that?

A Because he had shown me the video of the little girl naked.

Q Okay.

A And I just – yeah.

Q Got you. And that was the – I am backing up now, okay. You said you looked up a video on YouTube, Girl just wants to be naked; is that right?

A Yes.

Q And is that the video you are referencing he showed you of the little girl?

A Yes.

Q Okay. Tell me what you saw in that video.

A It was like a girl begging somebody, I don't know who it was. She just begged them and begged them to like, pull her pants down. And finally, they did. And that's what he showed me. And that was it.

Q And did you see one person or more than one person in this video?

A It was the little girl and the other person. So two.

Q What did the other person look like?

A I don't remember.

[29] Q Was the other person like a child, an adult, or something else?

A It was like an adult.

Q Uh-huh.

A And like short hair, military cut like my dad's.

Q Was it a male or female?

A Male.

Q Okay. So it was an adult male. Was that person wearing clothes, not wearing clothes, or something else?

A He was in, like, boxer shorts.

Q Uh-huh.

A And that was it.

Q And what was the little girl wearing?

A Just, like, I think like leggings.

Q Uh-huh.

A Okay.

Q And a T-shirt?

A Uh-huh.

Q How old would you say she was?

A Maybe about five or six.

Q Okay. And you said she was begging, tell me what you mean by that.

A She was like, Please, please, pull my pants [30] down.

Q And did the male say something to her?

A He just kept nodding his head no. And then finally, he did.

Q And when you say he did, what – tell me exactly what he did.

A Reached over and, like, pulled her pants and underwear down.

Q And what did you see then?

A Nothing. It was blurred.

Q Okay. It was blurred out?

A Yes.

Q Okay. Was – okay. I am trying to understand, when you say it's blurred, was the screen normally blurred or was it then only blurred for that scene or something else?

A It was only blurred for that.

Q Okay. And when you say it's blurred, help me understand what that looked like.

A It was like the little circle with like tan showing up, but you couldn't make out what it was at all.

Q Did you hear anything on the video at that point?

A No. Most of the thing was captioned.

Q Like –

[31] A Like down in the bottom black –

Q – words?

A – with the white lettering of what she was saying.

Q Okay. And did he say something to you, your grandfather, while you were watching that?

A No.

Q And how did that stop happening, how did you stop watching that video?

A It liked, it stopped the video and then it asked if we wanted to play the next video. And it had the play button in the middle, and the little timer going around. And he hit the cancel button and like started, went up to the top where you search for websites and hit the backspace button and started typing in the Ariana Grande.

Q Do you know who Ariana Grande is?

A I know her off of one of my TV shows.

Q Okay.

A Actually, I think two.

Q Okay.

A And I think she is a singer.

Q Okay. Got you. Was your grandfather doing something while the video was playing or he was just watching it or something else?

[32] A He was just watching it.

Q Was there something different about him when he is watching those videos as compared to other times?

A No. Like, when he was watching the carnival, it was just (indicating) and the same thing it was for this.

Q Okay. All right. What other types of videos has he had you watch?

A Like a Chinese girl naked.

Q Uh-huh.

A And I only stayed for not long. About maybe a minute.

Q Okay. What did you see in that video?

A Just like a little Chinese girl, like I said, naked doing like yoga poses.

Q Okay. How old would you say that girl was?

A It was like a cartoon. But maybe seven, eight, maybe.

Q Okay. But it was a cartoon, you said?

A Yeah.

Q Okay.

A So it was hard to tell.

Q Okay. Have you talked to your grandfather about why he has you watch these videos, has he ever explained it to you or –

[33] A No. He just told me not to tell mom or dad or if I have my friends over, don't tell them about any of this. Don't tell Jim, don't tell anybody.

Q Did he say why?

A No.

Q Did he say something would happen if you did tell someone?

A No.

Q Did – what was his mood like when he told you not to tell someone?

A He was just like, Don't tell anybody that I showed you this. And just like normal, a little bit grumpy.



Q Okay. Has he ever said something else to you about these videos?

A No.

Q Do you guys ever talk about it, does he –

A No, no, ma'am.

Q Okay. Does he ever want you to do something else while you are watching the video?

A One time, I went back in his bedroom and watched it like he said to.

Q Uh-huh.

A And he pulled out a buzzer.

Q Uh-huh,

[34] A That was shaped like a stick.

Q Uh-huh.

A And he told me not to tell anybody about that either. And then that's why I am really uncomfortable talking about it.

Q Uh-huh. I understand. Take your time. It's just us girls in here.

A But he – a lot of times, he would turn it on and put it beside me or on my stomach. And he didn't say anything for the rest of it.

Q Uh-huh.

A And a lot of times, I would just like throw his phone on the side of the bed and knock the buzzer off.

Q Uh-huh.

A And walk out.

Q Okay. Did he say something to you about the buzzer?

A Nothing other really than – but not tell anybody.

Q Okay. What did the buzzer – let's see, I am going to back up on the buzzer thing. Where did he pull that out of?

A It's his side of the bed and Vickie's side of the bed.

Q Uh-huh.

[35] A So he has a nightstand on his side and she has a nightstand on her side. Her nightstand is for clothes, his is like pills and stuff.

Q Uh-huh.

A And he lifted up a bunch of clothes in her top drawer, overnight stand, and pulled it out.

Q What did it look like, you said it looked like a stick? Was it a certain color?

A Yes, pink.

Q Pink, okay.

A And then the top was silver with like the cap of what you would find of a pen where it will clip on to like something. And that's what it looks like. But he turned that, and it started buzzing.

Q Uh-huh.

A And he laid it beside me.

Q When he laid it beside you, what was his intention of doing that, did he –

A I don't –

Q Did he give you any statement, did he say anything to you about it?

A No.

Q He just set it down?

A He just, like, set it beside me. Like, if I were laying, it would be like right here (indicating).

[36] Q And you said he put it on your stomach before?

A Only like once twice.

Q Okay. Was that over your clothes, under your clothes or something else?

A Over.

Q Over, okay. Did he ever do anything else with the buzzer?

A One time he put it between my legs.

Q Okay. Tell me about that.

A And he pushed it up towards my tutu. And I like pushed it away and I walked off.

Q Okay.

A And that was the only time that he put it up there.

Q That time that he did that, what were you wearing that time?

A Like, these jeans.

Q Okay.

A And just a T-shirt that I wear around the house and on the farm.

Q Okay. And were your clothes on or off or something else when he did that?

A They were on.

Q On, okay. And did he say something to you that time?

[37] A No.

Q Okay.

A Of the times he got it out or showed me a video, he said nothing but, Don't tell anybody.

Q Okay. And so the time that he put it between your legs and started to push it towards your tutu, did it touch your tutu?

A A little bit.

Q Okay.

A And that's why I pushed it away.

Q Okay. And tell me what that felt like?

A It just vibrated a lot.

Q Uh-huh.

A And I only sat there for about two seconds with it. And then I pushed it away.

Q And that was over your clothes?

A Yes.

Q Okay. And he didn't say anything to you?

A No.

Q Where were you when that happened?

A I was – when you walked into his bedroom, if you are standing in the doorway, it's Vickie's dresser.

Q Uh-huh.

A There is another door with a mirror there, and that's like his closet. And then his dresser with the TV [38] on top of it.

Q Uh-huh.

A And if you go straight in, there is a rocking chair, and then turn, and there is the bathroom.

Q Uh-huh.

A And when you walk out of the bathroom, it's his nightstand, the bed, the nightstand, and her closet.

Q Uh-huh.

A Beside her dresser.

Q Uh-huh.

A And I was laying on her side of the bed.

Q Okay.

A And that's when.

Q How did you come to be there?

A He told me to go back there.

Q And how did you end up lying on the bed?

A That's just, like, my normal habit.

Q Okay.

A Because a lot of the times, that's just where I go if mom and dad are watching TV out in the living room, and I want to watch a different show like when one of my shows. That's usually where I go.

Q Okay. Sorry my stomach is making noises. Okay. So he told you to come in the room, but you just laid down on her side of the bed because that's [39] normal for you?

A Yeah.

Q Okay.

A I do remember one time I had gotten done in the bathroom, and I went and turned on the TV.

Q Uh-huh.

A And he came back there because he had heard it.

Q Uh-huh.

A And turned it off, turned the TV off. And then pulled it out.

Q Pulled what out?

A The buzzer.

Q The buzzer, okay. And what did he do with it that time?

A That was when he put it between my legs.

Q Okay. So he turned the TV off?

A Yes.

Q So were you guys watching a video of any type that time?

A No.

Q No, okay. And when he put the buzzer between your legs, did that happen one time, more than one time, or something else?

A Just one time.

Q Just one time. Did he ever put the buzzer [40] somewhere else on your body?

A No. The only places he put it was beside me on my stomach, and the one time between my legs.

Q Okay. Got it, okay. Was there ever a time that someone has touched another part, like, any part of your body with a part of their body before?

A No.

Q Was there ever a time that your grandfather touched you with something other than the buzzer?

A No.

Q Okay. He has never touched you with any part of his body?

A Well, one time – well, a few times on my four wheeler.

Q Uh-huh.

A I have let him ride on it with me. And he has told me to slow down, and put two fingers under my tutu.

Q Okay. Now, when you are riding your four wheeler with your grandfather, are you in the front of him or is he in the front of you or how does that work?

A It's me in front of him.

Q Uh-huh.

A And then him behind me. Because he doesn't know how to shift it into, like, first or second.



Q Okay. And you said he tells you to slow down [41] and he used two fingers; how do you know it's two fingers?

A Because he just – I can feel it. It's like these two fingers (indicating), and he puts them under my tutu.

Q Do you ever see his fingers or just feel it or something else?

A Both. I feel it and see it.

Q And what are you wearing normally when you ride the four wheeler with your grandfather?

A I am usually wearing jeans. It can vary between boots and sneakers.

Q Okay.

A And usually a coat.

Q Is it long jeans, shorts that are jeans, or something else?

A Just like these.

Q Usually pants, okay. Got you. And –

A And I have my chest protector, my helmet, my goggles and gloves.

Q Okay. Okay. That's awesome, awesome. So when you say he puts it, help me understand, you said under your tutu?

A Yes.

Q Okay. How does he do that? If you guys are [42] both sitting on the four wheeler, help me understand.

A Like usually, he will be sitting with his arms, like, around me. He will like do that (indicating).

Q Like that, okay. Does his fingers ever go inside your clothing?

A No.

Q Okay. So it's on the outside of your clothing?

A Yes.

Q Did that happen one time or more than one time?

A More than one time.

Q Okay. Do you ever notice anything different about his body when that happens?

A No.

Q Okay. Do you ever feel something different other than what he is doing with his finger, like between your bodies?

A It feels like he tenses up a little bit.

Q Uh-huh.

A And that's all I have really noticed.

Q Does he say something to you when he does that?

A Slow down. And that's about it.

Q Slow down. And how does he stop touching you with his fingers?

A He just pulls them out, and like . . .

Q When you say pulls them out, help me [43] understand.

A Like if his fingers were like this, he goes back to like this or (indicating).

Q Got you. Okay. And what are his fingers doing when they are there on your tutu?

A They are just staying in place.

Q They are staying in place. Are they moving or are they still or are they something else?

A They are just still.

Q Still, okay. So he just – he just stops doing it and removes his hand, that's how it stops?

A Yes.

Q Is there something that makes him do that?

A Like, if I am going too fast for him because his joints hurt a lot.

Q Uh-huh.

A If I go too fast and I make it hurt a little bit, he'll do that and say slow down. And when I slow down a little bit, he'll remove them.

Q Okay. Besides what we have talked about with the buzzer and this fingers and the videos and stuff, has your grandfather ever had you touch him anywhere before?

A No.

Q Okay. Has anyone ever had you touch them somewhere –

[44] A No.

Q – on their body, okay. And has anyone besides your grandfather ever touched you in these ways before?

A No.

Q Has anyone besides your grandfather had you watch a video like this before?

A No.

Q Has your grandfather done anything else to your body that we haven't talked about, anywhere else to your body or in some other kind of way?

A No.

Q Was there anything else that happened that we should talk about?

A He does have a flash drive or two flash drives in the bottom drawer of his nightstand. And they are of actual people. And he has only shown me like two videos. One of a little girl about five or six, and she was

only in a robe. And her dad had one of the buzzer things, and just kept putting it up at her tutu.

Q Over her robe or under her robe or something else?

A Under. Because he was on the bed laid out. And her robe was open.

Q Okay. I am going to back up. What did the [45] flash drives look like?

A They are not just ones that you automatically plug in. They are the ones that you actually have to take the little thing.

Q Help me understand. I am not good with computer stuff.

A I am trying to – there is like a little cover on it. And you take the cover off, but it stays attached.

Q Got you.

A And that's when you plug it in. One of them is green and one of them is pink.

Q Do they both look the same and you open them in the same way?

A Yes.

Q They are just different colors; is that right?

A Yes.

Q And where does he put these when he shows you the video?

A In his computer that's in his room.

Q What does his computer look like?

A It's a gray computer.

Q Is it a laptop or a desk unit, or something else?

A It's a laptop like mine.

[46] Q And you said it's gray?

A Yes.

Q Do you know what brand it is?

A No.

Q Okay. So now I am going to go forward a little bit. You said he keeps those in the bottom drawer of his nightstand. That's on his side of the bed?

A Yes.

Q On the bottom drawer, got it.

A And he has a bunch of other flash drives that I don't know what they are. And he has never shown them to me before. And he has never shown me where he takes the flash drives out.

But I told mom about the flash drives, and she looked for them. Like, I told her that I know it's in his nightstand. And she looked for them in his bottom drawer in an orange pill container with the white screw-on lid.

Q Uh-huh. Let me go back a little bit to this last video that you were talking about. It's a girl, around five or six years old, she is in a robe. What color was the robe, do you remember?

A It was like – I know it was pink.

Q Okay.

A I think it had like a design on it, like maybe [47] Hello Kitty.

Q Okay. And she was laying, and the robe was open so you could kind of see?

A Yes.

Q Did she have any clothes on under that?

A No.

Q Okay. And he was using –

A A buzzer.

Q You said it was her dad?

A Yes.

Q How do you know it's her dad?

A Because she kept saying, No, no, no, dad, don't. And she kept saying, No, dad, or, Dad, don't.

Q Okay. So you heard that?

A Yes.

Q And what did he say?

A He just – he said nothing. He just kept on putting the buzzer up to her tutu and taking it off and putting it on and taking it off.

Q Did he put it inside something?

A No.

Q Okay. Just on the outside of it?

A Yes.

Q And you said there was another flash drive and he showed you, did I get that right? There was a green [48] one and a pink one?

A Yes.

Q Did he show you other videos from that?

A I forget which one it was that the little girl was on. And then there was one that was a little girl and she was about nine. And they had her arms above her head tied with bandannas, and they had her eyes like covered with bandannas, and her feet tied up with bandannas, and she did not have any clothes on. And a dog was licking her all over.

Q Did – okay. So she wasn't wearing clothes, and her hands and her feet were tied, you said?

A Yes.

Q Okay.



A And she couldn't see what was going on because, like, there was a bandanna over her eyes and tied around the back.

Q Okay. And the dog was licking her all over?

A Yes.

Q Was there something on her body?

A I am not sure.

Q Okay. And did the dog lick her in any particular part of her body?

A Yes.

Q Okay.

[49] A On her tutu, and her, like, all over her legs.

Q Uh-huh.

A And her stomach and boobies.

Q Okay. And could you hear something on that video?

A No.

Q Okay. Was there any words on that one, like the caption like you talked about?

A No.

Q Okay. Did you see any other people in that video?

A No.

Q Okay. Earlier, you said something about them being – I want to say you said real people or something; is that what you said?

A Yes.

Q What did you mean by that?

A On the flash drive, it was like actual camera recordings.

Q So not like –

A Not like cartoons.

Q Not like – okay. Did you ever talk to him about where he got this from or do you know where –

A No.

Q – they came from or anything?

[50] A No.

Q Okay. Did he say something to you when he showed you those two videos?

A I think I might have an answer for your last question.

Q Oh, okay, yes, please.

A I think he said that a police officer had given them to him, and then the police officer got arrested or something.

Q Okay.

A But I think he said something about somebody giving them to him.

Q Do you happen to know where that police officer was from, did he mention that?

A No, he did not.

Q Are you aware of him being acquainted with any police officer or does he have a friend that's a police officer that you know of?

A Not that I know of. My mom's cousin – yeah, he is a cousin – is a police officer. But he is really, really nice. And just –

Q Okay.

A – I do not believe that he would have had anything like that.

Q Okay. Were there any other types of things [51] that he showed you that we haven't talked about?

A Not that I can remember, no.

Q Does he keep these videos anywhere else? Like, you mentioned the devices?

A The flash drives.

Q The flash drives, thank you. I am terrible with these computer terms. Does he have them on any other sort of device somewhere?

A Not that I know of.

Q Okay. And you said you have seen things on his phone?

A Yes.

Q On the flash drives that he put into his computer, and he has had you watch things on your computer?

A Yes.

Q Have you watched these things anywhere else that I am missing?

A No.

Q Okay. Okay. And has anyone else ever done anything like this with you?

A (Shakes head.)

Q Either touching you somewhere or having you watch stuff like this?

A No.

[52] Q Okay. And has he done – he being your grandfather – done something else to you that we haven't talked about?

A No. Not that I remember, ma'am.

Q Has he ever touched you somewhere – not – let's see.

Has he ever touched you somewhere on your body under your clothes?

A No, ma'am.

Q Okay. All right. Would you say that you are afraid of someone?

A A little bit.

Q Okay. Who are you afraid of?

A Him. Because he gets super, super mad.

Q Uh-huh.

A When I, like, do something that he tells me not to do.

Q How do you know he is super mad?

A He, like, Whatever, and just complains about it for like the next week or so.

Q Uh-huh.

A And that was little stuff. So I am worried A bout this.

Q You are worried about this?

A Yes.

[53] Q Tell me what you are worried about.

A That my mom and dad always, through this whole process of what's been going on, they have been telling me, Don't worry, there is nothing you have done wrong or anything else. But I feel like he is going to think otherwise.

Q Your grandfather?

A Yes.

Q Uh-huh.

A And I feel like he is going to feel otherwise.

Q Uh-huh.

A And since he has gotten so mad over the little things, this being big, I feel like it would upset him a lot.

Q Uh-huh.

A And I don't really want to see him like that.

Q You mentioned a few times today that you have talked to your mom about this stuff. When was the first time you talked to her about that?

A Maybe Tuesday.

Q Okay. And how come you hadn't talked to her about it before then?

A Like I said, I was worried about what would happen.

Q Got you.

[54] A And the way that she found out was she had searched my history, and so she saw that in there.

Q What did she see in there?

A The girl just wants to be naked.

Q Uh-huh.

A And didn't know what it was about.

Q Uh-huh.

A And that's how everything started.

Q Okay. All right. Would you say that anyone told you what to tell me today?

A No.

Q Would you say anyone told you not to say something today?

A No.

Q Okay.

A Mr. Dave, our friend, and my mom and dad, they have all just told me, Be honest, completely and totally honest. That's all they have told me.

Q Okay. And would you say that whatever we have talked about so far has been truth?

A Yes.

Q Okay. Few other things I need to ask you about. And again, like I say, I ask kids about all sorts of things, we talk about lots of different subjects here, okay. What happens in your house when your mom and dad [55] are not getting along?

A That's rarely. And that hasn't happened for a while.

Q Okay.

A Not that I can remember.

Q Okay. If they are upset with each other though, what happens normally?

A Normally, it's just a little argument.

Q Okay.

A Before bed. And then they will go to bed, and in the morning, everything will be right again.

Q Okay. And do they ever get upset with your grandfather or with Jim in the house?

A Never really with Jim.

Q Uh-huh.

A Because he is such a nice guy.

Q Okay.

A But grandpa, they say that a lot of times he is a butt head towards me and mommy.

Q Uh-huh.

A But when dad is around, he will never be snarky around us or anything.

Q Uh-huh. Is – let me go back. Your grandfather is Doug, right?

A Yes.

[56] Q And that's who we have been talking about, right?



A Yes.

Q Doug, is he your mom's dad or your dad's dad?

A Mom's.

Q Okay.

A Dad's dad –

Q And she says he is a butt head?

A Yes.

Q And you said when you guys had been vacuuming before, sometimes he is kind of mean and kind of snarky?

A Yes.

Q Is that towards just you or both you and your mom?

A Both of us.

Q Okay. And how does she handle that?

A We just put – even if we have only done like one, like if we were dusting the fan blades, if we had only done one and he had complained about it already, we would just stop there and go put up the duster and go downstairs and work on school work or watch a movie or something.

Q Okay.

A Just to try to get away from him. Because it would make us both really, really mad.

[57] Q Okay. So do adults in your house ever fight with their hands?

A No.

Q Okay. Have you ever seen someone in your house smoke something or drink something that makes them act differently?

A No.

Q Do you kind of know what drugs and alcohol are?

A Yes.

Q Have you ever seen someone use anything like that?

A Like, my mom and dad are on a diet.

Q Uh-huh.

A And mom likes to drink wine.

Q Uh-huh.

A She has a wine group that she goes to. Not really, because a lot of times we are busy.

Q Okay.

A But they do have like a Captain Morgan little jug. And sometimes they will just like a little shot glass, and they will only fill it up to about here (indicating).

Q Got you.

A And that's the most.

Q Uh-huh. Does she ever act differently when she [58] is having that?

A No.

Q Okay. Do you see anyone else drink alcohol?

A No.

Q How about any type of drugs, smoking something?

A No.

Q Taking something?

A No. She doesn't live in the house with us, but my grandmother, my mom's mom, she does smoke. And she has had, I forget if it's two or three heart attacks from it.

Q Oh, okay. What does she smoke?

A That, I do not know.

Q Okay. Okay.

A I think she just smokes cigarettes. I don't know if that helps or not.

Q It does. And what happens in your house when you get in trouble?

A Usually, it's just like no TV or no four wheeler or something like that.

Q Does something else ever happen when you are in trouble for discipline?

A No.

Q Okay. Does somebody ever spank you or hit you or anything like that?

[59] A No.

Q Okay. Does your grandfather discipline you?

A Yes.

Q Was what does he do?

A He just like scolds me, and gets snarky, like I said.

Q Does he ever do something else?

A No.

Q So with him, it's his words?

A Yes.

Q Okay. Okay. Anything else that you think we should talk about that I missed? Because we talked about a lot of stuff.

A Yeah.

Q Okay. Do you have any questions for me right now?

A No.

Q Okay. So here is what I am going to do, okay. Because we did talk about a lot of stuff, so I kind of need a minute to, like, organize my thoughts, you know. And sometimes when I step away from a situation, I can process it a little better, okay.

And I want to invite you to do the same thing. Because again, with a little quiet, sometimes you think about things you need to say or questions you might have. [60] So I am going to step outside of the room for a minute, organize my thoughts, check on my recording, make sure everything is in order.

While I am gone, it shouldn't be too long, I have a coloring book, some puzzles, and some paper here. Would you like to draw or color something?

A Sure.

Q Okay. I am going to give you this for your lap, it's got like a soft side for your lap, and this is a hard surface you can write on. So just help yourself to the paper or any of this, okay.

You want the paper, don't you? I just covered it up.

Okay. All right, fine. And I will be right back, okay?

A Okay.

Q All right.

A Hello.

Q Oh, that's pretty, you are coloring. Oh, you found a nice horse to color. Do you have a horse on your farm?

A Yes.

Q You do?

A I use to have two, mine and one that was daddy's. But mine passed away.

[61] Q Oh, I'm sorry to hear that. So you have one special horse now, right?

A Yes.

Q What's her name?

A Mist.

Q Mist, oh, that's pretty. What color is she?

A Brown.

Q That's a neat name for her, a pretty name.

A And then my other horse was a lighter brown, and his name was Toby.

Q Toby, oh, that's nice.

Did you think of anything else that we needed to talk about?

A Not really.

Q Okay. I thought of a few other things, if that's all right; and I usually do when I take a minute to think about things. One of the questions I had for you

is – and you may have told me this, and I apologize if it's something we have already talked about, I just want to make sure we get all of the information right. When is the last time your grandfather showed you any of the videos on the flash drives that he took out of his drawer that were in the pill bottle?

A Like I said, it was only once or twice. And it wasn't recently, so maybe summer.

[62] Q This summer?

A Uh-huh.

Q Of 2017?

A Yes.

Q Okay. And when was the last time you saw the actual flash drive, any of those that he has in this drawer, the physical drive?

A Well, like I said, I told my mom that he had the flash drive. So she went up and looked for them.

Q Okay.

A And he – so I saw them about Tuesday, because that's when she saw it in the history. And that's when this whole thing started, and that's when she looked for them.

Q Got you.

A So I guess that that would be the 23rd. Because it was the day after my birthday.

Q   Awesome, okay. So we got that. And then when was the last time he showed you any video of any kind from any place, the very last time you saw a video?

A   Maybe October, November of 2017.

Q   Okay. So you haven't seen any of these videos since?

A   No.

Q   November, okay. Earlier – and this is where I [63] am trying to make sure I got everything right – we talked about something happening on the 18th or 19th of January, right before your birthday?

A   Yes.

Q   Okay.

A   That's when he called me over with my computer, and looked at the videos.

Q   Okay. So you guys looked at a video that time, right?

A   Yes.

Q   Okay. When I asked you the last time you saw any video, I just want to make sure, so the last time you saw any video was right before your birthday on –

A   Yes.

Q   – on the 18th or 19th?



A Eighteenth or 19th. Because it was like right before my birthday party, I think my birthday party was on the 20th, so probably the 18th or 19th.

Q And did you happen to pull up any of these videos like on your computer or anywhere else on your own or what?

A Yes.

Q Okay. Tell me about that.

A I just like scrolled through my history to see if I could find what I had done on a day of work. And I [64] saw that, and I looked it up on my own.

Q Okay. The same video that he had you watch?

A Yes.

Q Or you did that on your own, like for your own – how do I say it – was there ever a time you looked at a video like this and your grandfather was not there with you?

A Yes.

Q Okay. And was that accidentally, on purpose, or something else?

A Accidentally.

Q Okay. Got you, all right. And then when was the very last time that your grandfather did something with the buzzer?

A That was, I think, November, October.

Q November, October. And that includes him putting it on your stomach or beside you, that was the very last time you remember the buzzer coming anywhere near you?

A Yes.

Q And that was 2017 –

A Correct.

Q – or '16 – okay.

And tell me again, when he placed the buzzer next to you or on your stomach, did he say he wanted you [65] to do something with it?

A No.

Q No, okay.

A No, ma'am.

Q Do you remember ever telling someone that he told you to do something with the buzzer?

A Only when mommy found it.

Q Okay. Tell me about then.

A I was downstairs doing my school work.

Q Uh-huh.

A And it was decimals and all of that, so it was really hard for me.

Q Uh-huh.

A And so she didn't know that. And she was like, You have been down here an awfully long time. Because I guess I had – one time I went through a phase where I just got distracted and started watching music videos.

Q Uh-huh.

A And so she had thought that I had gone back to that phase, but I hadn't.

Q Uh-huh.

A And so she was like, Can I check your history?

And I said, Yes. And I handed her the computer. And that's when she found it, and that's how everything got started.

[66] Q Was this on Tuesday?

A Yes.

Q Okay, got you. And I think I have – did anyone ever – because I think I forgot to ask you this, has anyone ever, ever, ever in your life taken pictures of you when you are not wearing clothes?

A No.

Q Okay. And did your grandfather ever try to take pictures of you –

A No.

Q – without your clothes?

And did he ever videotape you or anything?

A No.

Q When you guys were watching these videos or the buzzer was out or anything like that?

A No.

Q Not on this phone, not on a camera, nothing like that?

A No, ma'am.

Q And has anyone else ever done something like that?

A No, ma'am.

Q Okay. All right. Anything else that I am missing that we needed to talk about?

A Not that I can think of, ma'am.

[67] Q Okay. And would you say that everything we talked about today was true?

A Yes, ma'am.

Q Okay. All right. Do you have any questions for me?

A No, ma'am.

Q Okay.

A Not that I can think of.

Q What are you going to do when you leave here today?

A Hopefully, they'll say that I can go home again.

Q Okay.

A Because last night, like I said, I had to sleep in a motel. Because my dad and his friends, Mr. Dave, and he works as a county police officer, I think, and –

Q Who is Mr. Dave, he is your dad's friend, you said?

A Yes.

Q Okay. He works for the county police?

A Mr. Cosby (ph).

Q Okay.

A And we have known him since forever.

Q Okay.

A I am friends with his little girl, his original [68] wife used to babysit me for the first two years that my mom worked at animal control.

Q Oh, cool.

A And so that's how we know each other. And yesterday, we told him because he was at the shop, just wanting to say hi to dad, and we told him about it. And we had Officer Palmer come out, and we talked to him like we did today. And then that was, like, the only person that I talked to.

Q Okay.

A And then the rest was for mommy and daddy.

Q Okay.

A So we stayed there until about 10:00 at night.

Q Okay.

A And –

Q So you were hoping to go home?

A They said, You are going on an adventure.

And I am like, Where, why?

And so they told me that we couldn't go home.

Q Uh-huh.

A And that.

Q I have one other question. Have you ever seen someone not wearing their clothes, like not in a video, but in real life?

A No, ma'am.

[69] Q Okay. Okay. Was there ever a time that your grandfather did not have his clothes on when you were with him?

A No, ma'am.

Q Okay. So if you were able to go home today, what would you want to do, what would be your most fun thing to do if you went home?

A Ride on my four wheeler, play with my dog.

Q You like the four wheeler. What color is it?

A Red. It's a –

Q Red?

A It's a Timber Wolf.

Q How many acres do you guys have? You must have a lot of property.

A Sixty.

Q Sixty, 6-0?

A Yes.

Q Wow, that's a lot of acres. I'm really glad you wear all that protective gear. That makes me feel like you are safe.

A At first, we only got the helmet, the goggles, and then the gloves. And then we went to a party for my dad's boss' son, because he got accepted in the navy and he came back.

Q Oh, cool.

[70] A And all of that. And so they came back, and we went to the party for him. And that was the first time that I told them about the bike. And they were like, Oh, yeah, you got all the protective wear?

And I am like, Yep, I got my goggles, my – and I listed it.

And all of them looked up at my dad like, You didn't get her a chest protector?

And dad's like, No, she'll be fine without it, it's fine.

Fine. I am going to the store tomorrow, we are going to the store tomorrow. We are going to go get a chest protector, fine. We got one at a thrift store, actually two so that – because I outgrow things really, really fast.

Q Yeah. You are pretty tall, yeah, you are definitely growing.

A Especially like my dad.

Q Uh-huh.

A He is huge.

Q Yeah. You got the tall gene in family, right?

A Yep.

Q All right. Well, I want to thank you for talking to me today. I know that you were in here a while, and we talked about a lot of things. That really [71] helped me understand what brought you here today. And I appreciate it, okay.

So do you mind if I keep your documents there, what do you have going on there?

A It's for my uncle.

Q Okay.

A And he lives up in Illinois.

Q Okay.



A With a bunch of other people from my dad's side of the family.

Q Okay.

A And then I tried my luck at doing stuff without my stencils. Not happening.

Q Actually, you did a really good job.

A And that's my tutu. I attempted to – I think I did good on the bodice, and the other tutu.

Q Now, when you say tutu, you mean a dress that ballerinas wear?

A Yes.

Q Okay. Different than other tutus that we were talking about earlier?

A Yeah.

Q Got you, okay. When you say that, I am thinking, wait, wait.

Got you. So I tell you what, can I keep those?

[72] A Sure.

Q And if you like, I could trade you some blank paper if you want to redo those when you leave here?

A That's fine.

Q Is that okay or are you okay with me just keeping those?

A That's fine.

App. 160

Q All right. Thank you. Those are beautiful. You really have a talent for fashion, I have to tell you, very nice job.

All right. We are going to head out this way.

Thank you. You are going to make a right-hand turn.

(Audio recording concluded.)

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[Certificate Of Reporter Omitted]

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IN THE CIRCUIT COURT OF THE  
FIFTH JUDICIAL CIRCUIT, IN AND  
FOR LAKE COUNTY, FLORIDA

CASE NO.: 2018-CF-000233

STATE OF FLORIDA,  
Plaintiff,

vs.

DOUGLAS D. McCALL,  
Defendant.

/

VIDEO RECORDED  
DEPOSITION OF: [REDACTED] [REDACTED]

DATE TAKEN: DECEMBER 17, 2018

TIME: 2:01 P.M.

PLACE: 904 NORTH SINCLAIR AVENUE  
TAVARES, FLORIDA 32778

REPORTED BY: VICKI MONTZ, RPR AND  
NOTARY PUBLIC

FILED: LAKE COUNTY, GARY J. COONEY, CLERK,  
01/13/2022 12:52:53 PM

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ANN BASS  
KAREN SANDERS  
COMPANIONS FOR COURAGE

INDEX

DECEMBER 17, 2018

DEPOSITION OF: [REDACTED] [REDACTED]	PAGE
Direct Examination by Mr. Stack	4
Cross-Examination by Mr. Camerota	28
Redirect Examination by Mr. Stack	42
CERTIFICATE OF REPORTER	44
CERTIFICATE OF OATH	45
LETTER OF TRANSMITTAL	47

- - - - -

EXHIBITS

(NONE)

- - - - -

[4] [REDACTED] [REDACTED]

having been first duly sworn to tell the truth, was examined and testified upon her oath as follows.

THE COURT REPORTER: Can you say that out loud? Can you say yes?

THE WITNESS: Yes.

THE COURT REPORTER: Thank you. Perfect.

#### DIRECT EXAMINATION

BY MR. STACK:

Q. What is your name.

A. [REDACTED]

Q. And, [REDACTED] what is your last name?

A. [REDACTED]

Q. Did you understand what she just said to you?

A. Yes, sir.

Q. All right. What does that mean to you?

A. That I should be honest and truthful.

Q. Okay. And will you be honest and truthful?

A. Yes, sir.

Q. Are you going to tell me the truth on every question that I ask?

A. Yes, sir.

Q. And if you don't know the answer, will you tell me you don't know?

A. Yes, sir.

[5] Q. Okay. Please don't make something up or guess. Okay?

A. Yes, [REDACTED]

[REDACTED] All right. How old are you, [REDACTED]

A. I am ten years old.

Q. And what is your birthday?

A. January 22nd.

Q. You're coming right up, huh? what grade are you in, [REDACTED]

A. I am in fifth grade.

Q. What school do you go to?

A. I am home schooled.

Q. And how long have you been home schooled?

A. I started in fourth grade, so, going on two years now.

Q. what school did you go to before you were home schooled?

A. Alternate Eagles.

Q. Do you know why you left that school to become home schooled?

A. The tests at the end of the year were stressing me out, and I am ahead in math and reading and my mom wanted me to work at my own pace. which sometimes I wasn't getting at regular school because some of the other kids didn't understand it as quickly [6] as I did.

Q. So it was slowing you down a little bit?

A. Yes, sir.

Q. Who teaches you at home?

A. I do it online, but my mom helps if I need help on math quizzes or anything.

Q. All right. And what is your mom's name?

A. Katie [REDACTED]

Q. And does she live with you in the house?

A. Yes, sir.

Q. Does she work outside the home?

A. She's a substitute teacher, so sometimes she gets called in, but not regularly.

Q. When she gets called into work, who stays with you?

A. I either go to my grammy's house, which is my mom's mom, or I go to work with my dad.

Q. Where does grammy live?

A. Altoona.

Q. And who all lives with grammy?

A. Just papa.

Q. And this is your mother's mother?

A. Yes.

Q. Do you know her name by chance?

A. Becky Gullion.

[7] Q. And then otherwise you go to your dad's work?

A. Yes, sir.

Q. Where does your dad work?

A. D & J Apiary.

Q. And that's up in Umatilla?

A. Yes, sir. It's either in Umatilla or Altoona, I'm not entirely sure which.

Q. And your dad lives at home with you as well?

A. Yes, sir.

Q. Does anybody else live at home with you?

A. A friend of grandpa's. He is not related to us. His name is Jim.

Q. Do you get along with Jim?



A. Yes, sir.

Q. Does anybody else live at home with you?

A. No, sir.

Q. Does anybody else stay at your house regularly?

A. No, sir.

Q. Do you live in a neighborhood with other kids?

A. No, sir, I don't live in a neighborhood, but I do have neighbors.

Q. Any kids in the neighborhood? Or, I mean, any kids neighbors?

A. Yes, sir. I have my best friend who was home [8] schooled but just went back to school. Mikah Roach.

Q. And he lives close by?

A. Yes, sir.

Q. Are there any mean kids in the area?

A. No, sir. She's the only kid in the neighborhood.

Q. I'm sorry, what was her name?

A. Mikah.

Q. Oh. Do you run into any mean adults anywhere?

A. No, sir.

Q. Now, do you know why we're here today?

A. Not entirely, sir.

Q. Okay. I represent your grandfather, and he represents the state attorney's office, and there were some allegations or some statements about what may have happened with him and you that I need to talk to you about. Okay?

A. Yes, sir.

Q. Okay. Do you remember telling your mother that you saw some sort of a video that was inappropriate?

A. Yes, sir.

Q. How did that conversation come up?

A. I was downstairs doing my schoolwork – this was when we lived down in the basement. I was [9] downstairs in my room doing my schoolwork and she asked if I had been doing my schoolwork or if I had been on other sites, and I told her that I had been doing schoolwork. And she asked if I – if she could check my history, and I said yes. And she saw that in my history.

Q. What did she see in your history?

A. I'm not entirely sure what it was called, sir, but it was one of the videos that my grandpa had showed me.

Q. If you click the link on that, what would it show? What did the video look like?

A. I do not remember, sir.

Q. How many times did you watch that video?

A. Only once.

Q. By yourself or with your grandfather?

A. With my grandpa.

Q. Were there any videos that you watched by yourself?

A. No, sir.

Q. You don't remember which – do you remember any of the videos?

A. Not entirely, sir.

Q. Can you – can you try to describe any of the videos to me?

[10] A. The only one that I really remember was of Anna and Elsa and they were both naked.

Q. Did they look like the characters of Anna and Elsa?

A. Yes, sir.

Q. Were they actual people, like, actors, or were they cartoons?

A. No, they were cartoons.

Q. Did you ever see any videos of actual people?

A. No, sir.

Q. The – going back to when your mom found that in your history, what – what did she say to you when she found it?

A. She asked me why it was in my history, and that's when everything got started.

Q. What did you tell her?

A. That it was one of the videos that I had watched with grandpa, and I told her what had happened and – and . . .

Q. How many videos did you watch with your grandfather?

A. Not too many. I'm not entirely sure the exact number, but . . .

Q. Would you say it was more than five or less than five?

[11] A. Right around five.

Q. Okay.

A. Most likely.

Q. And did it happen at – did you watch these videos one after another, or were they on different dates?

A. They were on different days, sir.

Q. Let's talk about the first one you remember. The first time you saw a video. Do you remember the first time you saw a video?

A. No, sir.

Q. When you watched these videos, where – where were you located?

A. I was either back in grandpa's bedroom and he had his laptop up and running while I was watching TV in his room, or he had his recliner out in the living room that he really liked and I was sitting out there.

Q. Okay. When you were in the bedroom, what were you watching on?

A. A regular TV, sir.

Q. Like a TV mounted to the wall?

A. No. He had a dresser that it was sitting on top of.

Q. And then when you were – when you saw it in the living room, what were you watching it on?

[12] A. A TV, and it was – none of our TVs are mounted to the wall, they're all standing on something.

Q. Okay. Was – was your grandfather always there when you were watching these videos?

A. Yes, sir.

Q. Who would turn on the video?

A. My grandpa.

Q. Before he would turn on the video, were you doing something else, like, watching TV, or what were you doing?

A. Yes, sir, I was watching TV.

Q. And would he turn the videos on the same TV that you were watching?

A. No, sir. He would pull it up on his laptop.

Q. Okay. And then what would happen?

A. He would come and bring his laptop over to me and sit it on my lap so that I would watch, and I usually had the TV remote on the little table that's beside where I was sitting, and he would, like, mute the TV or turn the TV off.

Q. Would he be sitting next to you? Would he be standing over you? Where would he be?

A. He would kind of do both. Sometimes he would sit next to me, and sometimes he would be standing either by me or looking over my shoulder at the video [13] or . . .

Q. And how long were these videos?

A. Not – like maybe a minute or two long.

Q. Did he ever ask you to touch him in any way?

A. No, sir.

Q. Did you ever see him without his clothes on?

A. No, sir.

Q. Did he ever try to touch you inappropriately?

A. Sometimes.

Q. What would he do?

A. It would be when we were back in his bedroom and he would just, like, show me the videos and then try to do it

Q. Try to do what?

A. He would try to touch me.

Q. And where would he try to touch you? What part of you would he try to touch?

A. My chest and down.

Q. Do you have a name for down there?

A. Not really.

Q. What do you call it?

A. I don't know. I never really . . .

Q. When you say "down there," do you mean vagina?

A. Yes, sir.

Q. All right. Did he ever actually physically [14] touch you on your vagina?

A. No, sir.

Q. Did he ever physically touch your breasts or boobs? You called it boobs in the video; right? Did he ever physically touch you on your boobs?

A. No, sir.

Q. Did he ever physically touch your butt?

A. No, sir.

Q. Would you stop him, or would he just not do it?

A. I would tell him to stop, and he would usually stop.

Q. How do you know that's what he was trying to do?

A. I'm actually not sure that that was what he was trying to do.

Q. And, I'm sorry, I asked you this but I was moving on to the next question in my head. How long were the videos?

A. One to two minutes long.

Q. Okay. So they were relatively short?

A. Yes, sir.

Q. Would you only watch one at a time?

A. Yes, sir,

Q. So this – when these things happened, it was [15] a short period of time and then what would you do?

A. I would go back to watching TV or doing whatever I was before that.



Q. Who was in the house when this stuff was going on?

A. No one else but us.

Q. Did it happen every time you were alone together?

A. No, sir.

Q. Did you guys have a good relationship with one another? Were you friends?

A. Yes, sir.

Q. What kind of stuff would you guys do together?

A. I would usually persuade him to come out and play basketball with me or play two square or draw with chalk or playing a board game with me.

Q. Okay. Did you guys – also, you know, I saw your other video and so, you know, I know a couple of things but I don't know everything; but it's my understanding you liked to ride the four wheeler?

A. Yes, sir.

Q. What kind of four wheeler do you got?

A. That I'm not entirely sure about.

Q. What color is it?

A. Red.

[16] Q. Is it – how fast does it go?

A. It has four gears, but my dad only allows me to go into the third gear.

Q. That's probably smart. Did he ever ride the four wheeler with you?

A. Yes, sir.

Q. Where would he ride when you were on the four wheeler together?

A. Behind me.

Q. Who would hold onto the handlebars?

A. I would hold onto the handlebars because I was driving, and he would usually, like, hold around my waist.

Q. Now, there was some allegation – do you know what allegation means?

A. No, sir.

Q. There was a statement that maybe your grandfather did something inappropriate while on the four wheeler. Do you remember him doing anything inappropriate on the four wheeler?

A. Yes, sir. If he thought that I was going too fast, he would touch me in my vagina.

Q. Would he have to move his hand – well, where was his hand to begin with?

A. It was usually around my waist, but I had a [17] chest plate on so it was normally around that.

Q. How far down did your chest plate go?

A. Down to about here.

Q. Like – which is your belt line?

A. Yes. I – if I was riding like this, I could feel it, the edge of it, touch my legs.

Q. Did you have other pads on as well?

A. No, sir.

Q. Can you describe how he would touch you to get you to slow down?

A. He would reach down and just, like, wiggle his fingers.

Q. Where?

A. On my vagina.

Q. What would you be wearing?

A. Just – when I ride my four wheeler I usually wear my jeans.

Q. And when he would reach down, would his fingers move or stay still?

A. Move.

Q. How long would that go on for?

A. Not long. Only, like, maybe five seconds.

Q. Would it stop when you slowed down?

A. Yes, sir.

Q. Is it rough terrain? Like, is it –

[18] A. Yes, sir.

Q. So when you go fast, does the four wheeler bounce around?

A. Yes, sir. It used to be groves, so it has hills and deep patches where you go down and back up and it's a little bit bumpy.

Q. Did he ever say anything weird to you on the four wheeler that you felt was weird?

A. No, sir.

Q. When you say he touched your vagina on the four wheeler, how was his hand turned? Was it the back of his hand, or the front of his hand?

A. The palm of his hand.

Q. Like, the palm? Like this part?

A. This part, sir.

Q. Okay. And how many times did that happen?

A. Not many.

Q. Do you think that he was doing it on purpose to touch you inappropriately, or by accident, or do you not know?

A. I'm not entirely sure, sir.

Q. Did he ever say anything to you about touching you like that?

A. No, sir.

Q. Now, you said when you lived in the basement.  
[19] Who lived in the basement? Just you, or you and your parents?

A. Me, my mom, and my dad.

Q. How many floors does the home you live in have?

A. Technically it only has one, and then the basement.

Q. Okay. And so you guys would live in the basement, and then he and his friend would live upstairs?

A. Yes, sir.

Q. Does his friend have his own room?

A. Yes, sir.

Q. And where was your grandfather's room in comparison to, say, the living room?

A. We have a hall. We have our living room and the hall that leads down into all the rooms and the closets, and his is right at the end of the hall.

Q. Okay. Now, it's my understanding that his wife had passed before you moved in there?

A. Yes, sir. She passed right before I was born –

Q. Okay. So you never met her?

A. – to my understanding. No, sir.

Q. When your grandpa, let's say, wasn't home, [20] were you allowed in his room?

A. Yes, sir. Because that is where one of the bathrooms is. The others – the other is his friend's.

Q. How many bathrooms are in the house?

A. Two, and there's one outside.

Q. Like a full bathroom outside with a shower and a toilet?

A. It's a shower, a toilet, and a sink.

Q. Who would use your grandpa's bathroom?

A. Me and my mom.

Q. Was that, like, your every day bathroom? Like, if you had to go get ready for school?

A. Yes, sir.

Q. And did you have to go through his bedroom to get to that?

A. Yes, sir.

Q. Who would use the outside bathroom?

A. Just my dad.

Q. And then Jim would use the one in his room?

A. It's not in his room. Its right across from grandpa's bedroom; and it's his room, grandpa's room, and his bathroom.

Q. Okay. Now, there was also a statement made that there was some sort of a buzzer. Do you know what I'm talking about?

[21] A. Yes, sir.

Q. Tell me about the buzzer.

A. It was pink and kind of oval shaped.

Q. Okay. And where did you find it? How did you come to see it?

A. He pulled it out one day and turned it on. It was in one of his dresser drawers kind of. It was – it's his drawer, his bed, and what used to be Grandma Vicki's drawer, and it was in the top cabinet of her drawer.

Q. How did it come about that he pulled it out?

A. He did it, like, right after one of the videos.

Q. Do you know what that was?

A. No, sir.

Q. Do you know what that is now?

A. No, sir.

Q. When he pulled it out, what did he do?

A. He just turned it on for a minute and then turned it off and put it back in the drawer.

Q. Okay. Was that the only time you saw it?

A. Yes, sir.

Q. Did you ever go back and look at it again?

A. One time, sir, just to see what it was.

Q. And that was by yourself, not with your [22] grandpa; right?

A. Yes, sir.

Q. Did he ever touch you with it?

A. No, sir.

Q. Did he ever touch himself with it?

A. No, sir.

Q. There were zip drives mentioned. Do you know anything about zip drives?

A. Yes, sir. I know he had them in his dresser drawer, and sometimes whenever he would show me the video he would plug that in to his computer and . . .

Q. How did you know that he had them in his dresser drawer?

A. Because I seen – I had saw him pull them out.

Q. How many times did you see him pull them out?

A. Only once or twice, sir.

Q. And when he pulled them out, what would he do with them?



A. He would plug them – he would only take out one and plug them into his computer, and that's when he would show me the videos.

Q. And you still don't remember the content of any of the videos? Like, what was on the videos? What the videos showed?

A. Not entirely, sir.

[23] Q. Can you tell me what you do remember?

A. They were all cartoons. He always muted it so I don't know if it had any sound. And that's all I really remember, sir.

Q. Okay. So none of the videos that you saw had, like, real people in them?

A. No, sir.

Q. Okay. It was all animated? Do you know what animated is?

A. Yes.

Q. Were all of the videos that you saw animated?

A. Yes, sir.

Q. Okay. Now, the – your grandpa is charged with doing some actions, and the charging document, the piece of paper that's used to show what he's charged with, lists some things. will you tell me if these things happened or not?

Did your grandfather ever place a vibrator against your vagina?

A. No, sir.

Q. Ever place a buzzer against it?

A. No, sir.

Q. All right. And did he ever physically touch that area with his fingers under clothing?

A. No, sir.

[24] Q. Okay. The only time – now, and you correct – me if I'm wrong. Is the only time that he touched you when you were on the four wheeler – touched you in the vagina area when you were on the four wheeler?

A. Yes, sir.

Q. Was there ever any other times?

A. No, sir.

Q. And are you or are you not sure that he meant to do it in a – that he meant to touch you physically there?

A. I'm not entirely sure, sir.

Q. Okay. Now, do you remember the first policeman that you talked to?

A. I don't remember her name, sir.

Q. Did you ever talk to your dad's friend who is a policeman?

A. Yes, sir.

Q. All right. What do you call him?

A. His name is Dave, but in the family we all call him Tiny because that's just his nickname.

Q. Is that because he's big?

A. Yes, sir.

Q. Do you know his last name?

A. I knew it at one point, sir.

Q. If I say it, would you know it?

[25] A. Causey?

Q. Yeah, that's it. All right. Did you talk to him when he first came around?

A. Yes, sir.

Q. Do you know if he was recording it? Did he have a recorder?

A. I do not know, sir.

Q. Did he –

A. I don't think so.

Q. You don't think so. Did he come dressed as a policeman, or dressed as a regular guy?

A. No, he was dressed as a regular guy. He showed up at dad's work because he had – we had

talked about it and we decided to call him and tell him about it.

Q. Did he come by himself, or did he come with other people?

A. No, at first he came by himself, and then another police officer came.

Q. And then you said you talked to a lady police officer too?

A. Yes.

Q. Was that –

A. I didn't entirely talk to her about it. I know she was involved in my case.

[26] Q. Have you talked to anybody else about it?

A. No, sir. Well, I did talk to Ms. Mencia [phonetic], she's my therapist.

Q. Do you like her?

A. Yes, sir.

Q. Okay. Are you still taking ballet?

A. I was up until this season. I decided to quit ballet because I was getting a little bit tired after seven years.

Q. That makes sense. Has anybody else ever shown you anything that was inappropriate?

A. No, sir.

Q. Have you ever gone looking for something on the Internet that was inappropriate, or that you might have thought was inappropriate?

A. No, sir.

Q. Has anybody ever tried to touch you in a way that you thought was inappropriate?

A. No, sir.

Q. Oh, in one of the videos that you described before you said it came off of YouTube. Are you familiar with YouTube?

A. Yes, sir.

Q. What is YouTube?

A. It's a place where people upload videos of [27] themselves or someone else.

Q. Okay. Were any of the videos that were shown to you on YouTube?

A. Not that I can remember, sir.

Q. And your grandpa never touched you in any way inappropriate when you were watching those videos?

A. No, sir.

Q. All right. Give me just one moment. I want to go through my notes and see if I have any other questions.

Have you ever seen a movie or something where an adult is naked?

A. No, sir.

Q. Have you ever seen a movie where a child, not just a cartoon, but an actual child was naked?

A. No, sir.

Q. Do you remember when the first time your grandpa showed you any of those videos was?

A. No, sir. Not that I can remember.

Q. Because there's a timeline that was sort of come up with, and I don't know if you were part of making the timeline of when this happened.

A. I do not think so, sir.

MR. STACK: Okay. I don't believe I have any other questions, however, the State may have some [28] questions for you. This is – have you met Mr. Camerota?

THE WITNESS: Yes, sir.

MR. STACK: Okay.

#### CROSS-EXAMINATION

BY MR. CAMEROTA:

Q. How are you?

A. Good.

Q. Not used to talking in a room in front of all these strange people, are you?

A. No, sir.

Q. So you and I have spoke before?

A. Yes, sir.

Q. Have you ever spoke to this nice lady here with the dog?

A. I might have at the Umatilla Library.

Q. And what about the court reporter sitting over here?

A. No sir.

Q. And what about Mr. Stack?

A. No, sir.

Q. What about the person with the video?

A. No, sir.

Q. What about Ms. Bass sitting right here?

A. Yes, sir.

[29] Q. You spoke with her before?

A. (Witness nods head.)

Q. Okay. when you came in and talked to me, do you remember that?

A. Not entirely.

Q. That's okay. What do you remember about your meeting with me?

A. That you were kind and polite and . . .

Q. That's a good thing. Anything else?

A. Not necessarily, sir.

Q. Okay. Do you remember after all of this stuff happened and before you met with me having to go to a place called the Children's Advocacy Center?

A. Yes, sir.

Q. Is that the same place that you go for the counseling, or is it different?

A. Yes, sir.

Q. The same place? Do you remember the first time you went to the Children's Advocacy Center and you sat down and had to give a –

A. Yes, sir.

Q. – interview?

A. Yes, sir.

Q. Do you remember sitting in amongst nicer, comfier chair than the one you're sitting in now? Do [30] you remember that?

A. Yes, sir.

Q. And do you remember the person that was asking you some questions about stuff that happened?



A. Yes, sir.

Q. Do you remember talking to her and telling her that your grandpa placed a vibrator on your stomach and might have touched you some other place with it and you were worried that you might not have liked it?

A. I'm not entirely sure.

Q. Are you not entirely sure –

MR. STACK: And I would object to the line of questioning. I mean, this is –

Q. Are you not entirely sure that you remember her asking you about that, or you're not entirely sure that you told her that?

A. I'm not entirely sure of her asking about that or me saying. I'm not sure.

Q. Okay. Do you remember talking to her about some of the movies that your grandfather showed you?

A. Yes, sir.

Q. Do you remember talking to her about a movie that had a dog in it?

A. I think so.

Q. And the movie that had a dog in it, did it [31] have adults and kids?

A. No, sir.

Q. Who was in the movie with the dog?

A. I do not entirely remember, sir.

Q. So do you not remember there was a young kid?

MR. STACK: Again, leading. Objection.

Q. Go ahead, you can answer.

A. I do not remember what was in the video, sir.

Q. Okay. Do you remember a video where it was a Dora robe or something like that?

A. Vaguely.

Q. And what do you remember about the Dora robe?

A. Not much.

Q. Who was wearing it?

A. I think the little kid.

Q. The little kid. And what happened to the little kid that was wearing the Dora robe?

A. I do not remember.

Q. Did something good or something bad happen?

A. I think something bad.

Q. And did you see any videos that there was, like, the buzzer like the one that your grandpa had? Was there a buzzer in any of the videos?

A. Maybe. I'm not . . .

Q. You're not sure?

[32] A. I don't really remember.

Q. Okay. Do you remember if the kid with the Dora robe was a boy or a girl?

A. I do not remember, sir.

Q. Was your memory better at the time you were at the Advocacy Center than it is now?

A. Maybe.

Q. Why do you think your memory would be better back then than it is now?

A. Because it was a longer time span.

Q. How long has it been since this stuff with your grandpa happened?

A. I'm not sure. I know it was a while ago.

Q. And at the time you went to the Children's Advocacy Center and at the time that you met with the police officers, how much time had gone by?

A. Not much, sir.

Q. It was much closer in time?

A. Yes, sir.

Q. So you think your memory was better then?

A. Yes, sir.

MR. STACK: I believe that was asked and answered.

Q. Why do you think your memory was better then?

A. Because it was a longer time span and at some [33] points after I went to the CAC I've tried to kind of forget about it because I don't like talking about it.

Q. It's not fun to talk about it, and I'm sorry that you have to be here today to talk about it.

A. It's okay.

Q. Would it be fair to say that you have put some things out of your mind so that you don't have to think about them?

A. Yes, sir.

Q. Does that mean that they didn't happen?

A. No, sir.

Q. So when Mr. Stack asked you some questions about being touched with the vibrator, is it that it didn't happen, or you don't remember if it happened?

A. I don't really remember, sir.

Q. So when you said, no, it didn't happen, is that it –

MR. STACK: Again, leading.

Q. – didn't happen, or is it you don't remember?

A. I don't really remember, sir.

Q. And if you told the person at the Children's [34] Advocacy Center something happened with the vibrator, were you lying then?

A. No, sir.

Q. And if you told the person at the Children's Advocacy Center that there was a movie that had a kid and a dog, were you lying then?

A. No, sir.

Q. And if you told the person at the Advocacy Center that there was a movie and somebody used a buzzer on a little kid, was that a lie?

A. No, sir. I try to be completely honest.

Q. Do you remember saying anything to the person at the Advocacy Center about the buzzer touching you?

A. No, sir.

Q. If you told them that, were you telling the truth then?

A. Yes, sir.

Q. How long have you been in counseling?

A. Maybe a year.

Q. How frequently do you go?

A. I was going every Wednesday, but then we had a mishap because I had to schedule a different day just for one week, but then that got turned, they had a mistake, and now I'm going every Tuesday.

Q. So you still go once a week?

A. Yes, sir.

Q. Okay. Do you remember talking about any videos on YouTube with Ariana Grande?

A. Maybe. I'm not entirely sure.

[35] Q. Are you absolutely sure that the movies that were – well, let me take this back.

What's a flash drive?

A. It's a plug in for a computer that can store pictures or videos.

Q. And the ones that were in your grandpa's dresser, how many different colored ones do you remember?

A. There were various different colors.

Q. Do you remember what colors they were?

A. The two that he pulled out, he never pulled out any others other than the two, and they were pink and green.

Q. Pink and green? Okay. Do you remember what movies were on the pink one that you saw?

A. No, sir.

Q. Do you remember the movies that were on the green one?

A. No, sir.

Q. Are you certain that all of the movies that were on both of them were cartoons, or do you not remember?

A. I'm not entirely sure.

Q. Were you shown movies other than the ones that were on those flash drives?

[36] A. I might have been, sir. I'm not entirely sure.

Q. It's okay. When you would watch the movies with your grandfather, did he ever type anything into a search forum?

A. No, sir.

Q. And if you were to watch something on YouTube, who would do the typing?

A. Usually my grandpa.

Q. So when you ride your four wheeler, do you wear a helmet too?

A. Yes, sir.

Q. The times that you remember – well, let me ask it this way.

How many times do you remember your vaginal area being touched with your grandpa's fingers on the four wheeler?

A. Only once or twice, then I didn't want to do my four wheeler with him anymore.

Q. So after he touched you in your vaginal area with his fingers, did you ever get on the four wheeler with him again?

A. No, sir.

Q. Why not?

A. Because I didn't want it to happen again.

[37] Q. And when he – right before he did that, what part of your body did he have his hands on?

A. He had – he had his hands around my chest plate.

Q. Can you see how my arms are right now?

A. Yes, sir.

Q. Is that kind of the way his arms were around you?

A. Yes, sir.

Q. And do you remember what hand he used to put in between your legs?

A. Usually his right hand.

Q. And how do you know it was his right hand?



A. Because I would usually feel this one come down. Like he would let go with this hand, but still hold on with this one.

Q. If you were to try talking when you were on the four wheeler, would you be able to hear each other?

A. Yes. If we talked in a loud enough voice.

Q. So do you think if he told you to slow down you would hear it?

A. Yes, sir.

Q. So how do you know that he was touching you between your legs when you were going too fast?

A. I don't.

[38] Q. So you don't know that that's the reason?

A. (Witness nods head.)

Q. How do you know it was because you were going too slow?

A. I don't know.

Q. Do you know if it was because you were going to a place you shouldn't be riding?

A. No, because dad and grandpa came up with the rules of where I should and shouldn't go.

Q. And when that happened, were you at a place where you should be going?

A. Yes, sir.

Q. And when it happened, were you driving faster than you were supposed to?

A. No, sir.

Q. So you were still in third gear?

A. Yes, sir.

Q. So if you were driving as fast as you were allowed to, you were following the rules?

A. Yes, sir.

Q. And you were driving a place you were supposed to be driving?

A. Yes, sir.

Q. And you were wearing the equipment you were supposed to be wearing?

[39] A. Yes, sir.

Q. So can you think of any reason that he would need to touch you there?

A. Na, sir.

Q. Did the two of you ever yell at each other to talk back and forth when you were riding?

A. Sometimes.

Q. And what would normally be said?

A. Sometimes he would just, like, remind me, because we have a little alleyway kind of in the trees and it you didn't know where you were going and you just

went straight you would head down into a ditch that is really deep and you couldn't get out of, and usually I would, like, duck back in that alley and go out and back onto the path. And every once in a while he would just remind me the – be careful because there is a ditch - there's a ditch down there.

Q. And you would hear him say that?

A. Yes, sir.

Q. So if you were going too fast, you would be able to hear him say slow down?

A. Yes, sir.

Q. Do you know what website or how he would look up Anna and Elsa naked?

A. No, sir.

[40] Q. So you don't know if it was on YouTube or if it was just being searched by – do you know what a search engine is?

A. Yes, sir.

Q. So do you know if he went to Google, or if he was using something else?

A. I do not know, sir. Usually when he showed it to me, it would be in full screen mode. So I didn't get to see what website it was on.

Q. Okay. How many movies do you recall him showing you from the flash drives?

A. Only one or two.

Q. On the same day or different days?

A. Different days, sir.

Q. Do you remember who the person was that interviewed you at the Children's Advocacy Center?

A. I do not know her last name, but I do know that her name was Ms. Holly.

Q. Ms. Holly? Did Ms. Holly ask you questions kind of like Mr. Nick here did about telling the truth and the difference between a truth and a lie?

A. Yes, sir.

Q. And did you have to give her some examples?

A. Yes, sir.

Q. Do you – well, let me ask it a different way.

[41] Since you went to the interview at the Children's Advocacy Center, have you ever watched the video of it?

A. No, sir.

Q. Have you ever read a transcript of it?

A. No, sir.

Q. Do you remember everything that you said?

A. No, sir.

App. 203

Q. Do you remember if you said anything that was not true?

A. No, sir. I don't remember if I said anything that wasn't true, and i know that I try to be honest.

Q. I can see that. Do you have any questions for me?

A. No, sir.

Q. I got one more question for you. I know that we were talking before we came in and you have a dog now?

A. Yes, sir.

Q. What kind of dog is it?

A. A German Shepherd.

Q. Is it a boy or girl?

A. A boy.

Q. Is it big or little?

A. Big.

[42] Q. Is it bigger than Sophia?

A. Just about the same height.

Q. About the same height. What are you going to do when you leave here today?

A. Probably go home and snuggle some on my rabbits.

Q. Try to forget about this day? That's okay. I don't know if Mr. Nick here has anymore questions for you.

MR. STACK: I have just one.

REDIRECT EXAMINATION

BY MR. STACK:

Q. Were you completely honest with us here to-day?

A. Yes, sir.

MR. STACK: Thank you for that. I'm done.

VIDEO TECHNICIAN: All right.

THE COURT REPORTER: Read or waive?

MR. STACK: I'm ordering it, so.

THE COURT REPORTER: Copy?

MR. STACK: Why don't we just ask the mom or dad if she wants it.

THE COURT REPORTER: Sure.

MR. STACK: I think that's probably appropriate.

THE COURT REPORTER: Do you want a copy?

[43] MR. CAMEROTA: Not at this point. Thank you.

App. 205

(Thereupon, the video recorded deposition was concluded at 2:51 p.m.)

[Certificate Of Reporter Omitted]

[Certificate Of Oath Omitted]

## ERRATA PAGE

# IN RE: STATE vs McCALL

VIDEO RECORDED DEPOSITION OF: [REDACTED] [REDACTED]

TAKEN: DECEMBER 17, 2018

DO NOT WRITE ON TRANSCRIPT – ENTER  
CHANGES

Please sign, date, and return this sheet to our office. If additional lines are required for corrections, attach additional sheets.

At the time of the reading and signing of the deposition, the following changes were noted:

[illegible]

App. 206

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Under penalty of perjury, I declare that I have read my deposition and that it [REDACTED] correct subject to any changes in form of s [REDACTED] t [REDACTED] here.

SIGNATURE OF DEPONENT: [REDACTED] [REDACTED] [REDACTED]

DATE: 1-30-19

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