

1 Defendant and T.R.

2 20. After reading this statement, my impression as an investigator of the incident as
3 described by L.D. was well within the normal behavior between a stepfather and an eight-year-
4 old girl. The actions as described by L.D. are more indicative of a playful eight-year-old
5 wrestling with her stepfather before bedtime.

6 A.T.

7 21. A.T. is a nine-year-old girl and a friend of T.R.'s who was at the indicated sleep over.
8 On August 16, 2001, Ashley was interviewed by CART interviewer C.C. Anthony. On page
9 **5 of 20 (See Exhibit G)** Anthony asks:

10 Anthony: "So, tell my why you are here today?"

11 Ashley: "Uh, this guy, T.R.'s dad, he was being a bad man."

12 22. The response to this question shows prior predication to believe The Defendant as a bad
13 man. An astute interviewer or investigator would recognize this as a "coached and biased"
14 witness. This witness describes a completely different series of than did witness L.D.
15 According to this witness, each of the girls got naked in T.R.'s bedroom. She states that T.R.
16 was the first to get naked and the remaining girls followed. Notwithstanding L.D.'s statement
17 that A.T. and her sister (the twins) were in the kitchen getting water and none of the other four
18 girls were naked. This witness A.T. details that each of the girls, including L.D., were naked
19 and sitting on the Defendant's lap. She describes that all five girls were sitting on the
20 Defendant's lap at the same time. A.T. also claimed all of the girls took their clothes off
21 because T.R. told them to. She described that while on the couch The Defendant touched her
22 on the leg, but never on any private parts, nor the private parts of the other girls. Obviously
23 this statement contradicts L.D.'s statement entirely. However, even if this statement was
24 credible, it contains nothing to meet the elements of the Penal Code Violations which the
25 Defendant is charged. My impression after reading this statement is that T.R. wanted to
26 horseplay naked and directed her friends to do the same. This behavior is not inconsistent
27 with what a group of seven and eight-year-old girls might do at a sleep-over. The witnesses'
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1 recollection regarding sitting on the Defendant's lap, lacks credibility and is inconsistent with
2 L.D.'s statement. I was surprised to find the interviewer was not more probative related to the
3 sequence of events as described by L.D.. The interviewer (Anthony) did not inquire about
4 getting a drink of water, going to the kitchen or any of the other sequence of events described
5 by L.D. L.D.'s interview was conducted at 3:30 p.m. and A.T.'s interview was conducted at
6 4:00 p.m. on the same date.

7 H.T.

8 23. H.T. is the twin sister of A.T.. She was interviewed by CART interviewer C.C. Anthony
9 at 4:36 p.m. on August 16, 2001. This witness recounts a third and entirely different version
10 of events of the night in question. According to this witness, T.R. directed all the girls to take
11 off their clothes in her bedroom. According to H.T. she and the other girls were told to take
12 their clothes off by L.D. and T.R.. Each of the girls took their clothes off with the exception of
13 H.T. According to H.T.'s statement the Defendant was grabbing the girls in the kitchen area
14 by their stomachs. This witness cannot recall many of the specific details of that night most
15 notably, whether she had her clothes on or off. The inconsistencies with this statement with
16 the other two statements by L.D. and A.T. are incredible. However, an astute investigator or
17 interviewer would recognize the inconsistencies and be more probative. Even if one were to
18 believe this third version of events, the elements of the charged offenses are not contained
19 in this statement. **(See Exhibit H)**

20 C.Z.

21 24. C.Z. is a five-year-old girl and is the half-sister of T.R.. She was interviewed by District
22 Attorney Investigator Juanita Johnson on January 30, 2002 at 3:16 p.m. On **page 3 line 26**
23 **(See Exhibit I)**, C.Z. begins recounting her recollection of the night in question. According to
24 C.Z., T.R., L.D. and A.T. took their clothes off, but kept their shirt and panties on. She reports
25 the reason everybody took their clothes was because T.R. told everybody to. After disrobing
26 the girls starting running around the kitchen playing "tag." C.Z. reports that T.R. and L.D. sat
27 in the Defendant's lap, but they were wearing underwear and shirts. C.Z. reports that the
28

1 Defendant did not touch either of the girls at any time as his arms and hands were spread out
2 over the back of the couch. C.Z. reports that the Defendant asked the girls, T.R. and L.D., to
3 sit with him on his lap. Shortly thereafter, he told the girls to get off his lap, clean up their
4 room, and go to bed. C.Z. describes L.D. and T.R. as "wrestling" with the Defendant in an
5 attempt to keep him from pushing them off of his lap. C.Z. describes some sort of interaction
6 between the Defendant, T.R. and L.D. wherein L.D. and T.R. became angry with the
7 Defendant. C.Z. recalled this argument starting because the Defendant told them to clean up
8 the mess in their room.

9 T.R.

10 25. T.R. is a nine-year-old girl and the daughter of Ricky Richardson and Melanie Black.
11 She was presented to the Tulare Police Department by her stepmother, April Richardson. This
12 victim was presented to the Tulare Police Department at the end of summer vacation which
13 she had spent the entire summer with her biological father and stepmother. On **page 5 of 36**
14 **(See Exhibit J)**, T.R. begins talking about the relevant facts pertaining to this case. On **page**
15 **5, line 1 (See Exhibit J)**, T.R. states:

16 T.R.: "Uh, uh, for the last summer, I have been staying with my dad."

17 Anthony: "Okay. So in the summertime you stayed with your dad. Okay.
18 When do you go see your mom?"

19 T.R.: "Uh, in the school year, but I might go back 50-50."

20 Anthony: "Okay. So when do you do 50-50, what does that mean?"

21 T.R.: "That means that, uh, half the time I'm at my mom's and half the
22 time I'm at my dad's."
23

24 26. T.R. goes on from this point outlining some of the things that disturb her while at her
25 mom's house. T.R. begins relating a series of events describing in fairly graphic detail being
26 molested by the Defendant. On **page 8 of 36 (see Exhibit J)** Anthony asks:

27 Anthony: "How old were you when that happened?"

28 T.R.: "With the Defendant or Gilbert?"

1 27. Beginning on **page 9 and proceeding to page 12 (see exhibit J)** Anthony is asking
2 questions trying to determine when the last time an incident occurred with the Defendant. T.R.
3 is unable to successfully articulate a specific event and makes numerous inconsistent
4 statements regarding the location the event occurred within the house. The transcript
5 indicates Anthony recognizes these inconsistencies and becomes correctly probative. T.R.
6 seems to become confused and emotional and on **page 13 (see Exhibit J)** Anthony finally
7 states:

8 Anthony: "Well where did, let's start over with this because I'm confused
9 since I don't know where it happened. You said something
10 happened with The Defendant. The Defendant did something.
11 Okay let's start off with what did The Defendant do?"

12 T.R.: "He put his private in me and he —"

13 28. Beginning on **Page 14 (See Exhibit J)** T.R. begins describing that the Defendant's
14 private "spits up." However when questioned further regarding this she is unable to describe
15 in any detail what the "spit up" looks like. Throughout the remainder of the statement the
16 witness seems confused and lacks knowledge about specific details which normal molestation
17 victims are able to recount. Although she is vivid about specific about hold her hands, mouth,
18 etc., she cannot describe the Defendant's penis, what it looks like, what the spit up looks like,
19 feels like or smells like. Notwithstanding she alleges she had observed this on numerous
20 occasions. Upon first reading this statement, it seems alarming that a nine-year-old girl could
21 recount such a incredible story.

22 29. However, when each piece of evidence is cumulatively looked at, a more clear picture
23 begins to surface. The vividness which this victim is able to describe certain events is likely
24 attributable to events which may have actually occurred and she actually remembers. Her lack
25 of ability to recount details regarding Semen and a physical description of the male genitalia
26 is consistent of a nine-year-old victim who has repeatedly and recently been molested. Her
27 recollection that the Defendant has never touched her with his hand nor has ever requested
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1 her to touch him with any other part of her body is not consistent with the actions of a child
2 molester. It is inconceivable that any experienced investigator would not consider the
3 sequence of events and exculpatory evidence in this case. In fact, the People's file contains
4 little or no inculpatory evidence to base a probable cause arrest of the Defendant.

5 30. A seasoned and experienced would consider the following factors before making an
6 arrest and seeking a Criminal Filing.

- 7 1. Investigation by Tulare Police Department did not explore Baldemar Sanchez
8 and his conduct for the past twenty years.
- 9 2. Had Detective Watson pursued this, he should have uncovered the same
10 evidence as I did. Their opinion regarding the victim's statement and their line
11 of questioning would be likely be different.
- 12 3. The victim brought these allegations forward at the conclusion of spending an
13 entire summer with a stepmother who clearly has an agenda to seek custody
14 and visitation.
- 15 4. The victim herself expressed the possibility of going to a 50-50 custody
16 arrangement. 50-50 in this context is a common Family Law term and could
17 only be taught to an eight-year-old by an adult.
- 18 5. Detective Watson should have considered this possibility especially considering
19 the overzealous conduct of the stepmother, April Richardson, in locating and
20 producing three additional victims/witnesses when probable cause did not exist
21 to gain a filing based upon T.R.'s statement alone.
- 22 6. Detective Watson failed to address the inconsistencies in the statements
23 provided by these witnesses. Instead additional charges were leveled and a
24 filing was sought based upon these inconsistent and exculpatory statements.
- 25 7. Detective Watson failed to address the similar allegations against Gilbert Zayas,
26 the victim's first stepfather. Notwithstanding, the victim's own statement and
27 confusion about who molested her in September 2001.
28

1 31. An astute investigator cannot ignore the facts as presented here and above. Initially,
2 I dismissed these investigative inadequacies as a lack of experience. However, after receiving
3 and reviewing the transcript of the Preliminary Hearing held on January 9, 2002, I have
4 concluded the veracity of Detective Watson's testimony and investigation are questionable.
5 The transcript of the Preliminary Hearing shows a pattern of deceptive and untruthful
6 characterizations in Detective Watson's testimony. The following is a listing of twenty
7 questions which were answered by Detective Watson. Each one of his answers
8 misrepresented the evidence as it exists and would clearly mislead the Court. I urge the Court
9 to review the transcript with the attached statements to make its own determination of my
10 conclusion in this regard. A true copy of this transcript is attached here to as **Exhibit L** and
11 is hereby referenced by that reference. The following is an outline of Detective Watson's
deceptive testimony:

12 FIRST MISSTATEMENT OF EVIDENCE

13 Alleged Victim: T.R.

14 **Page 6 - (See Exhibit L), (Lines 17 - 25)**

15 Ms. Kaelble: "Could you tell me specifically what she said happened on one of the
16 incidents?"

17 Det. Watson:: "One she described that she was carried unclothed to the master
18 bedroom or to her parents' – mother's and stepfather's bed and Kevin
19 Black had laid on top of her unclothed and had made penetration to her
20 and that – she then stated that she began bleeding. She also advised
21 that he had had some white stuff come out of him, and very explicit in her
22 description."

23 **FACTS:** This is a misstatement of the evidence. T.R. was unable to sufficiently articulate
24 a specific event and began crying when the interviewer expressed confusion
25 about the facts surrounding this event. T.R. did not state that she was carried
26 unclothed to the bedroom, but rather woke up in the bedroom unclothed. Det.
27 Watson represents the Defendant was unclothed and this was never stated by
28

1 the victim as it relates to a specific incident. T.R. was unable to provide any
2 specific description that would substantiate her seeing Semen. She specifically
3 could not describe either the color, feel or smell of the substance that came
4 from the private, rather the interviewer, Anthony, added the adjective of "white"
5 with T.R. never describing it as such. In conclusion, Detective Watson misleads
6 the Court to infer the victim was clear about her recollection of a specific event.
7 Rather, this inference is cumulative information drawn from various statements
8 regarding various allegations. Det. Watson's brief and concise answer misstates
9 the evidence. One except that demonstrates the misstatement follows. This
10 statement is related to the description or lack thereof of Semen. **(See Exhibit**
11 **G in its entirety)**

12 Listed below is an example of a misrepresentation of the evidence by Detective Watson:**(See**
13 **Exhibit J)**

14 Anthony: "What color stuff?"

15 T.R.: "I don't know." (Pg. 14)

16 Anthony: "Have you ever felt the stuff?"

17 T.R.: "No." (Pg. 14)

18 Anthony: "So you've seen it, but you don't know what color it is?"

19 T.R.: "Um -hum." (Pg. 14)

20 Anthony: "So tell me about the time that you saw white stuff coming out or spit up?"

21 T.R.: "He'd do it on the blanket and then my mom would come home and - and he'd
22 just flip it over." (Pg. 23)

23 SECOND MISSTATEMENT OF EVIDENCE

24 Alleged Victim: T.R.

25 **Page 7 (See Exhibit L), (Lines 25-26)**

26 **Page 8, (Lines 1-3)**

27 Ms. Kaelble: "Okay. Did she also describe another incident to you which happened in
28

1 her room?"

2 Det. Watson: "She described a number of incidents and specifically about a birthday
3 party sleep-over that had occurred."

4 **FACTS:** The victim did not describe a specific number of incidents, rather she agreed
5 with the interviewer about the number of incidents as the interviewer escalated
6 the number. Further, the victim did not discuss in any part of her statement the
7 birthday party sleep-over. This information was never revealed until April
8 Richardson contacted the parents of the sleep-over girls.

9 THIRD MISSTATEMENT OF EVIDENCE

10 Alleged Victim: T.R.

11 **Page 8 (See Exhibit L), (Lines 4 - 9)**

12 Ms. Kaelble: "What was it that she said about that?"

13 Det. Watson: "She stated that that had occurred in the living room area; that she was
14 unclothed and he had been rubbing her private again with his hands and
15 that there was a number of other children there at the same time for this
16 birthday party." (Emphasis added)

17 **FACTS:** This is a completely false statement. No where in the victim's statement does
18 she describe the birthday party or make mention of a birthday party. Again, this
19 information surfaced after April Richardson contacted the parents of the
20 additional victim/witnesses. Further, the victim specifically states that the
21 Defendant never touched her with his hands nor did he have her touch him with
22 her hands.

23 Listed below are excerpts from the alleged victim's recorded statement. **(See Exhibit J)**

24 Anthony: "Has he ever touched your private part with anything other than his private part?"

25 T.R.: "No." (Pg. 26)

26 Anthony: "So never his hand or anything else?"

27 T.R.: "No." (Pg. 26)

1 Anthony: "Has he ever made you touch his private part with any part of your body other
2 than your private part?"

3 T.R.: "No." (Pg. 26)

4 Anthony: "Have you ever seen him touch his own private part?"

5 T.R.: "No." (Pg. 26)

6 **FOURTH MISSTATEMENT OF EVIDENCE**

7 **Alleged Victim: T.R.**

8 **Page 8 (See Exhibit L), (Lines 23 - 26)**

9 **Page 9, (Lines 1 - 3)**

10 Ms. Kaelble: "Did she tell you whether anybody else was ever at home when this
11 occurred?"

12 Det. Watson: "Almost every occasion she stated that her mother was at work, but there
13 were other siblings in the household, or at the occasion when she
14 described her birthday party, there was a number of young girls at the
15 residence." (Emphasis added)

16 **FACTS:** Again, Detective Watson misstates the evidence because the victim never
17 mentions the birthday party in her recorded statement.

18 **FIFTH MISSTATEMENT OF EVIDENCE**

19 **Alleged Victim: T.R.**

20 **Page 9 (See Exhibit L), (Lines 14 - 20)**

21
22 Ms. Kaelble: "Did she say what happened after she told her mother?"

23 Det. Watson: "She stated that the mother and the Defendant had talked about the
24 incident and that she had overheard the Defendant tell her not to tell and
25 that he had stated that he would go to prison for a long time." (Emphasis
26 added)

27 **FACTS:** The victim never stated in her recorded statement anything regarding the
28 Defendant stating he would go to prison for a long time. Again, this is a

1 misrepresentation the evidence. Detective Watson is adding and embellishing
2 statements that are not in that is not contained in the evidence.

3 **SIXTH MISSTATEMENT OF EVIDENCE**

4 **Alleged Victim: T.R.**

5 **Page 10 (See Exhibit L), (Lines 25 - 26)**

6 **Page 11, (Lines 1 - 9)**

7 Ms. Kaelble: "What did she (Ms. Georgian Green - SART Nurse), discover when she
8 examined the victim in this case?"

9 Det. Watson: "She discovered that the victim had extensive injuries to the vagina area
10 and older. – described as older injuries to that area."

11 Ms. Kaelble: "Did she find evidence of sexual assault?"

12 Det. Watson: "Yes, she did."

13 **FACTS:** Although the original SART exam done by a nurse may have indicated this, the
14 actual examination was finally completed by Nurse Practitioner, Sandra Knudsen. She
15 concluded that there was no trauma in the photographs, found the hymen was in normal limits,
16 found the anal scarring was possibly congenital, and that anal dilation was probably from stool
17 presence. A true copy of this Discovery Response is attached hereto as **Exhibit K** and is
18 hereby incorporated by that reference.

19 **SEVENTH MISSTATEMENT OF EVIDENCE**

20 **Alleged Victim: T.R.**

21 **Page 22 (See Exhibit L), (Lines 25 - 26)**

22 **Page 23, (Lines 2 - 3)**

23 Ms. Kaelble: "Did she specify whether all these incidents involved sexual intercourse
24 or whether there was any other contact?"

25 Det. Watson "Indication of at least physical touching at least and sexual intercourse on
26 numerous occasions." (Emphasis added)

27 **FACT:** The victim specifically stated the Defendant did not touch her with any part of his
28 hands.

1 Listed below are excerpts from the alleged victim's recorded statement. (See Exhibit J)

2 Anthony: "So what's his private feel like?"

3 T.R.: "I haven't touched it." (Pg. 22)

4 Anthony: "Has he ever touched your private part with anything other than his private part?"

5 T.R.: "No." (Pg. 26)

6 Anthony: "So never his hand or anything else?"

7 T.R.: "No." (Pg. 26)

8 Anthony "Has he ever made you touch his private part with any part of your body other
9 than your private part?"

10 T.R.: "No." (Pg. 26)

11 Anthony: "Have you ever seen him touch his own private part?"

12 T.R.: "No." (Pg. 26)

13 **EIGHTH MISSTATEMENT OF EVIDENCE**

14 **Alleged Victim: T.R.**

15 **Page 25 (See Exhibit L), (Lines 17 - 24)**

16 Ms. Kaelble: "As to the times that she had described certain events happening, how
17 many of those times did she relate specific facts to you regarding those
18 incidents?"

19 Det. Watson: "She had described specific facts on the birthday party time, because of
20 the fact that she could determine when that was and who was there.
21 That one was pretty specific. And other than, it was fairly vague in her
22 description on the time." (Emphasis added)

23 **FACTS:** The victim was never asked in her recorded statement nor did she discuss the
24 aforementioned birthday party or who was there and when that was. She was
25 not specific as reported by Det. Watson. This entire response by Detective
26 Watson misrepresents the evidence.

27 **NINTH MISSTATEMENT OF EVIDENCE**

1 Alleged Victim: T.R.

2 Page 25 (See Exhibit L), (Lines 25 - 26)

3 Page 26, (Lines 1 - 7)

4 Ms. Kaelble: "And that vagueness was not only to who was there, who was around, the
5 time of year, those sorts of things, but also vague as to the incidents, the
6 acts that had actually occurred, correct?"

7 Det. Watson: "No. She pretty – described it the actions, fairly distinctive."

8 Ms. Kaelble: "On how many occasions?"

9 Det. Watson: "On from five to ten times and basically explained that."

10 **FACTS:** The District Attorney's question was, although leading, was more representative
11 of the facts in evidence. Detective response embellished the facts. The victim
12 was not specific regarding any particular event, but was vague in describing a
13 series of nonspecific events.

14 *(Cross Examination)*

15 TENTH MISSTATEMENT OF EVIDENCE

16 Alleged Victim: T.R.

17 Page 25 (See Exhibit L), (Lines 14 - 26)

18 Page 26, (Lines 1 - 6)

19 Mr. Knudsen: "At some point you indicated that she had described what I assume we
20 can assume she described as ejaculation; is that correct?"

21 Det. Watson: "Yes, sir."

22 Mr. Knudsen: "And you had indicated that she described this as being white correct?"

23 Det. Watson: "That's correct."

24 Mr. Knudsen: "Do you remember a portion of her CART interview when she specifically
25 denies knowing anything about the color of that ejaculation?"

26 Det. Watson: "I don't recall."

27 Mr. Knudsen: "Would that be something that you would consider important?"

1 Det. Watson: I don't know what you mean by that."

2 Mr. Knudsen: "Well, if somebody tells you that she's – that they see something, but
3 can't give you any description of what it is they saw, would that raise
4 some concerns with you?"

5 Det. Watson: "Possibly."

6 Mr. Knudsen: "You had indicated that she described this as being white, correct?"

7 Det. Watson: "Yes."

8 **FACTS:** Again, a misstatement of the evidence, because the victim could not describe
9 the semen and interviewer Anthony injected this adjective. **(See First**
10 **Misstatement)**

11 ELEVENTH MISSTATEMENT OF EVIDENCE

12 Alleged Victim: L.D.

13 **Page 14 of Exhibit L), (Lines 6 - 26)**

14 **Page 15, (Line 1)**

15 Ms. Kaelble: "What did she say occurred at that birthday party in February 2001?"

16 Det. Watson: "She stated that there was a number of other girls present at a sleep-over
17 that night and she stated that the victim's mother was working that night
18 and that the Defendant, being the stepfather of the girl having the
19 birthday party, was the person in charge of the household at that time
20 and that and that at a point during the evening he had told the girls that
21 it was okay to take off their clothes and that they could talk dirty during
22 this time. Most of these incidents occurred in the living room area of the
23 residence. And the witness observed the victim sitting on his lap without
24 any clothes on." (Emphasis added)

25 **FACTS:** This misstates the evidence. L.D.'s statement specifically states that she did
26 not know why T.R. took her clothes off. There is no indication in her recorded
27 statement regarding a conversation with the Defendant. Specifically, no where
28

1 in her statement does she infer nor state that the Defendant permitted "them" to
2 take off their clothes and "talk dirty." The witness describes one action by the
3 Defendant which did not involve sexual touching.

4 **TWELFTH MISSTATEMENT OF EVIDENCE**

5 **Alleged Victim/Witness: L.D.**

6 **Page 14 (Exhibit L), (Lines 21 - 26)**

7 **Page 15, (Line 1)**

8 Ms. Kaelble: "And what was he doing when she (T.R.) was sitting on his lap with no
9 clothes on?"

10 Det. Watson: "She (L.D.) stated that he was rubbing her legs and inside of her leg
11 areas when she saw him?"

12 Ms. Kaelble: "Was this the upper portion of the leg or lower portion of the legs?"

13 Det. Watson: "The upper portion of the legs."

14 **FACTS:** Misstatement of the evidence. L.D. described the Defendant touching the
15 victim, but did not specify the area or portion of leg that he touched. In her
16 statement does not indicate the victim was seated on the Defendant's lap but
17 rather next to him.

18 ***(Cross Examination)***

19 **THIRTEENTH MISSTATEMENT OF EVIDENCE**

20 **Alleged Victim/Witness: L.D.**

21 **Page 35 (See Exhibit L)**

22 **(Lines 11 - 16)**

23 Mr. Knudsen: "There was some testimony about – I believe it's "L.D.," that she had
24 been touched; is that correct?"

25 Det. Watson: Yes.

26 Mr. Knudsen: "And that was – she had indicated that was the reason she was being
27 interviewed, is that touching?"

28 Det. Watson: "Yes."

1 **FACTS:** Misstatement of the evidence. L.D. specifically stated the Defendant never
2 touched her nor did he ever touch any of the other girls.

3 Listed below are excerpts from the alleged victim's recorded statement showing the ludicrous
4 of Detective Watson's response: **(See Exhibit F)**

5 Anthony: "All right. Uh okay so who brought you here today?"

6 L.D.: "My mom." (Pg. 4)

7 Anthony: "What she bring you here for?"

8 L.D.: "That my friend's step-dad." (Pg. 4)

9 Anthony: "What about your friend's step-dad?"

10 L.D.: "He was touching her." (Pg. 4)

11 Anthony: "Oh, what's your friend's name?"

12 L.D.: "T.R.." (Pg. 4)

13 Anthony: "Okay and he's never – he's never tried to do anything to you?"

14 L.D.: "No." (Pg. 17)

15 Anthony: "Or touch you or say anything to you that made you uncomfortable?"

16 L.D.: "No." (Pg. 17)

17 **FOURTEENTH MISSTATEMENT OF EVIDENCE**

18 **Alleged Victim/Witness: L.D.**

19 **Page 35 (See Exhibit L), (Lines 14 - 21)**

20 Mr. Knudsen: "That she (L.D.) had underclothes on at the time. I assume she refers to
21 panties, but that's how she had described it?"

22 Det. Watson: "Yes. Yes sir."

23 **FACT:** Misstatement of evidence. The witness stated that she was never unclothed
24 and never referred to her undergarments in any way whatsoever.

25 **FIFTEENTH MISSTATEMENT OF EVIDENCE**

26 **Alleged Victim/Witness: A.T.**

27 **Page 17 (see Exhibit L), (Lines 9 - 18)**

1 Ms. Kaeable: "What did she say happened when they were over there at the birthday
2 party?"

3 Det. Watson: "She stated that on numerous occasions the suspect had told the girls
4 that they could take off their clothes. The victim "A.T.," I believe was the
5 first one that you're talking to, had stated that the Defendant had also told
6 her that she could take her clothes off and she stated that she did disrobe
7 leaving her underwear on, and that she had observed the suspect touch
8 the victim." (Emphasis added)

9 **FACTS:** Misstatement of the evidence. A.T. never stated in her recorded statement that
10 the Defendant told her or the other girls to take their clothes off. A.T. stated that
11 it was T.R.'s idea to take their clothes off and it was T.R. told them to take their
12 clothes off. A.T. never inferred or stated that the Defendant ever addressed the
13 issue of taking clothes off. Instead she recalled the victim (T.R.) solely and
14 unilaterally taking her clothes off.

15 Listed below are excerpts from the alleged victim's recorded statement as it relates the this
16 question: **(See Exhibit G)**

17 Anthony: "Did she (T.R.) just get naked while you were watching T.V.?"

18 A.T.: "I think she got naked in her room." She also stated, "And then L.D. got naked
19 and H.T. got naked and then I actually got naked. The people - I don't know
20 what they were doing but I don't know." (Pg. 6)

21 Anthony: "Did you all get naked in the room?"

22 A.T.: "Hum-hum." (Pg. 6)

23 Anthony: "How did T.R. know to get naked?"

24 A.T.: "I don't know. She just got naked, and then her sister - her sister got naked (pg.
25 6).

26 Anthony: "So the Defendant was on the couch. Whose idea was it to get naked?"

27 A.T.: "I don't know. T.R. I think she just started getting naked. I don't know." (Pg. 8)

28 Anthony: "And it was -- you don't know whose idea it was to take off your clothes or --"

1 A.T.: "No -(inaudible)." (Pg. 17)

2 Anthony: "It was hers?"

3 A.T.: "It might have been hers or I don't know." (Pg. 17)

4 Anthony: "Did she (T.R.) tell everybody to take off their clothes, too, or did people just start
5 doing it?"

6 A.T.: "She told us to." (Pg. 17)

7 Anthony: "Okay did she say that anyone told her to?"

8 A.T.: "No. She didn't say anything." (Pg. 17)

9 **SIXTEENTH MISSTATEMENT OF EVIDENCE**

10 **Alleged Victim/Witness: A.T.**

11 **Page 18 (See Exhibit L), (Lines 18 - 23)**

12 Ms. Kaelble: "Did she tell you whether she saw anything else happening that night at
13 that party with the victim or with anybody else?"

14 Det. Watson: "I believe that she stated that they had made comments about watching
15 some movies and that they could talk dirty. I don't recall anything else
16 offhand."

17 **FACT:** Misstatement of the evidence. This is an embellishment to infer nefarious
18 conduct by the Defendant and misstates the recorded statement.

19 Listed below are excerpts from the alleged victim's recorded statement: **(See Exhibit G)**

20 Anthony: "So, uh, had The Defendant ever done anything like that before when you were
over there?"

21 A.T.: "Un-un. But he said we could say bad words at his house, but we don't say bad
22 words." (Pg. 12)

23 Anthony: "When did he tell you that?"

24 A.T.: "The, uh, the second time when we were there. (Pg. 12)

25 Anthony: "Did he ever say anything else to you guys about saying things or doing things?"

26 A.T.: "We he, uh, he said a-s-s to uh T.R., but not in a bad way." (Pg. 12)

27 Anthony: "Well what kind of way did he say that?"
28

1 A.T.: "He was like get your little a-s-s inside or something. But not, he wasn't being
2 mean. He wasn't in a bad mood or something he was just...(inaudible)" (Pg. 12)

3 **SEVENTEENTH MISSTATEMENT OF EVIDENCE**

4 **Alleged Victim/Witness: H.T.**

5 **Page 20 (See Exhibit L), (Lines 12 - 14)**

6 Ms. Kaelble: "And was the Defendant doing anything to T.R. when she was sitting in
7 his lap?"

8 Det. Watson: "Touching and rubbing her upper leg area."

9 **FACTS:** Misstatement of the evidence. This witness was unable to recall any specifics
10 relating to the touching activity alleged. Specifically she states she was never
11 touched by the Defendant and her sister may have been touched on the leg, but
12 she is unsure. The only information she knows was through what her sister told
13 her .

14 Listed below are segregable segments of her statement. **(See Exhibit H)**

15 Anthony: "Okay so and that he was doing that to the people who had their clothes on?"

16 H.T.: "And my sister. I don't think he did it to me." (Pg. 7)

17 Anthony: "So when he was touching everybody and rubbing their legs like that, did - was
18 he touching just on the outside of like your skin or on the inside?"

19 H.T.: "I - I don't know. I think A.T. said like right there." (Pg. 8)

20 Anthony: "What about you. Do you remember where he did that on you?"

21 H.T.: "Nuh-uh." (Pg. 8).

22 Anthony: "What about - did you see him do that to T.R. and L.D.?"

23 H.T.: "To T.R., I'm not sure - I don't remember what he did to L.D." (Pg. 8)

24 Anthony: "When he was talking to T.R. how was he - when he would rub her leg, was it
25 just on the outside of her leg, or did he go inside her leg?"

26 H.T.: "I think it was the inside. I'm not sure though." (Pg. 8)

27 Anthony: "When you say the inside of the leg, where do you mean?"

28 H.T.: "Like right here." (Pg. 8)

1 Anthony: So, uh, what, uh, when people were sitting on his lap could they get away from
2 him or were – were they just sitting there because they wanted to sit there
3 because he told them or asked them to?”

4 H.T.: “I think they just wanted to.” (Pg. 9)

5 Anthony: “So when two people would sit there at the same time, would he rub only one of
6 them at a time, or would he rub both of them at a time?”

7 H.T.: “I think one at a time .”(Pg. 9)

8 Anthony: “Was that the only time that’s ever happened, or has it happened more than
9 that?”

10 H.T.: “It happened to me and A.T. only once. I’m not sure how many times it
11 happened - happened to all of the – all the other three ones.” (Pg. 10)

12 EIGHTEENTH MISSTATEMENT OF EVIDENCE

13 Alleged Victim: H.T.

14 **Page 20 (See Exhibit L), (Lines 17 - 21)**

15 Ms. Kaelble: “Did she see anything happening as to the victim with the initials of
16 A.T.?”

17 Det. Watson: “Yes. She stated that they all had been together and all had been asked
18 that they could take off their clothes and talk dirty while they were there.”

19 **FACTS:** H.T. never stated that the Defendant told them they could “talk dirty.” She did
20 state that the Defendant told them they could “say bad words.” H.T. stated that
21 the Defendant said he didn’t care what they did. If they wanted to they could
22 take their clothes off. The Defendant never told them to take them off, but
23 merely they could if they wanted to. H.T. states that is was T.R. and L.D that
24 tried to force her to take her clothes off, but she didn’t want to.

25 Listed below are excerpts from the alleged victim’s recorded statement: **(See Exhibit H)**

26 Anthony: “And so what were they doing with their clothes off?”

27 H.T.: “Like I don’t know like he said like we could do anything over there. He said that
28