

1 (Lunch recess)

2 (Jury seated)

3 THE COURT: Call your next, please.

4 MR. DRIVER: State calls Officer Monica
5 Carmichael.

6 THE COURT: Ladies and gentlemen, this
7 witness has been previously sworn.

8 *Proceed, please.*

9 MR. DRIVER: *Thank you, Judge.*

10 **MONICA CARMICHAEL,**
11 having been previously duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 Q (BY MR. DRIVER) Please introduce yourself to
14 the ladies and gentlemen of the jury.

15 A Monica Carmichael.

16 Q And where are you presently employed?

17 A I'm employed with the City of Houston as a
18 police officer.

19 Q Can you pull the microphone closer to you and
20 speak into the microphone?

21 A (Complies.)

22 Q How long have you been employed by the Houston
23 Police Department?

24 A Approximately eight years.

25 Q Are you a peace officer in the State of Texas?

1 A Yes, I am.

2 Q How did you become a peace officer in the
3 State of Texas?

4 A I first went through the University of Houston
5 downtown academy. I became a peace officer with the
6 City of Humble and then I transferred over to the
7 Houston Police Department after working there for a
8 couple of years.

9 Q So the Humble Police Department to the Houston
10 Police Department?

11 A Yes, sir.

12 Q When you go through the academy, how long of a
13 process is that?

14 A It's approximately six months. Well, maybe a
15 little bit longer at University of Houston, and then I
16 went through a second academy here at HPD, and that was
17 approximately six months.

18 Q So all total, you had about a year of in
19 classroom-type training?

20 A Correct.

21 Q And then you had on-the-job training in
22 addition to that?

23 A Correct.

24 Q And you said that at some point you were at
25 the University of Houston Police Department?

1 A University of Houston police academy.

2 Q So you went to the academy there?

3 A Correct.

4 Q And have you -- do you have to maintain
5 continuing education hours?

6 A We do. Every year we have to go through
7 in-service training.

8 Q And do you have to maintain a certain number
9 of hours of training?

10 A Yes. At least 40 a year, TCLEOSE hours.

11 Q Have you been trained as a regular
12 investigator?

13 A I have.

14 Q Have you been trained in the area of witness
15 interviews?

16 A I have.

17 Q And in the area of evidence collection?

18 A Yes, sir.

19 Q In the area of report writing and all the
20 other things that come with being a police officer?

21 A Yes, sir.

22 Q Now, currently where are you assigned?

23 A Currently I am assigned to the Special Victims
24 Division, Internet Crimes Against Children.

25 Q And prior to that where were you assigned?

1 A Our Juvenile Sex Crimes Division.

2 Q So now you handle like high-tech kind of
3 crimes?

4 A Correct.

5 Q But back then you were handling actual
6 hands-on offenses against children?

7 A Correct.

8 Q So in 2012 had you had specialized training
9 with regard to the investigation of child sexual abuse?

10 A Yes, I have.

11 Q What kinds of specific training have you had
12 in that area?

13 A I've been to different conferences, crimes
14 against children. Is that what you're asking me?

15 Q Yes. Like places such as where?

16 A In Dallas, Texas, and Atlanta, Georgia.

17 Q These are large training conferences
18 specifically geared towards crimes against children?

19 A Correct.

20 Q And what kinds of topics have they covered?

21 A A variety of topics. Interviewing and
22 interrogation of suspects, the psychology of children,
23 basic interview and interrogation techniques,
24 investigative tools on how to start and finish an
25 investigation. A variety of topics.

1 Q And you maintain those continuing education
2 hours all throughout the course of your employment?

3 A Yes, sir.

4 Q And you've had, I take it, specialized
5 training even beyond what you just mentioned to get to
6 the Internet Crimes Against Children area that you're in
7 now?

8 A Correct.

9 Q Now, I want to talk to you about a specific
10 investigation back in 2012. Did you investigate a case
11 involving the defendant Leonard Storemski?

12 A Yes, I did.

13 Q And how did you come to be involved in that
14 case?

15 A I was assigned this case as the follow-up
16 investigator by my sergeant at the time, Sergeant White.

17 Q So I guess particularly how this works is a
18 patrol officer may make an initial report?

19 A Correct.

20 Q That gets forwarded to whatever special
21 division is handling that kind of case and then a
22 sergeant or supervisor takes a look at it initially and
23 passes it on to you?

24 A Exactly.

25 Q And in this case who was the sergeant that you

1 had spoken with or who had assigned the case to you?

2 A Sergeant Shondra White.

3 Q And she was your sergeant at the time in the
4 Juvenile Sex Crimes Division?

5 A Correct.

6 Q So when the sergeant takes a look at the case,
7 do they actually start investigating it or do they just
8 look at the initial report and find an investigator and
9 assign follow up?

10 A As far as I'm aware, they just kind of briefly
11 read it and then assign it.

12 Q But they don't work hand in hand with you in
13 the investigation?

14 A They work with us if we need a supervisor
15 there, but generally, no, they stay out of it.

16 Q So once it's assigned to you, it's your job to
17 investigate that case?

18 A Correct.

19 Q So in this case did you review the initial
20 police report that was made?

21 A Yes, I did.

22 Q Do you know the name of the officer who had
23 made that initial report?

24 A If I can refer to my offense report.

25 Q Sure, you may.

1 A (Complies.)

2 Officer Olson.

3 Q And was he a patrol officer?

4 A Yes. He worked northwest patrol.

5 Q So the patrol officer, what does a patrol
6 officer do?

7 A A patrol officer responds to a variety of
8 different crimes. When citizens call in, they're the
9 responding officer.

10 Q So someone calls 911, a dispatcher gets on, a
11 patrol officer is who responds?

12 A Correct.

13 Q Do they also do like regular traffic
14 enforcement?

15 A Yes.

16 Q Arresting people where they see a crime take
17 place, that sort of thing?

18 A Yes, they do.

19 Q But in this case Officer Olson was dispatched
20 out, met with some people. Did you know who he met
21 with?

22 A He met with --

23 MR. SCOTT: If it please the Court, we
24 would object. It would be based on hearsay.

25 THE COURT: Sustained.

1 Q (BY MR. DRIVER) I guess the real question is,
2 did you know who you needed to talk to after he had made
3 his report?

4 A Yes, I did.

5 Q Who did you need to talk to?

6 A I needed to talk to Ashly Storemski, Timothy
7 Storemski and Deborah Crawford.

8 Q And was there a suspect?

9 A Yes.

10 Q And who was the suspect?

11 A Leonard Storemski.

12 Q So you got this report, and what steps did you
13 take just kind of right off the bat to start to further
14 your investigation?

15 A Just like in any other case that I would get,
16 I run -- I do a person's check on everybody involved in
17 the case, I do a location's check.

18 Q I mean, I guess you run everything through
19 databases and check everything?

20 A Correct.

21 Q Once you have run them through the databases,
22 do you make initial contact with those witnesses?

23 A In this case I contacted CPS initially.

24 Q Is that because there had been a referral
25 through CPS?

1 MR. SCOTT: If it please the Court, I
2 would object to leading and suggestive, trying to --

3 THE COURT: Don't lead the witness.

4 Q (BY MR. DRIVER) Why did you contact CPS?

5 A I contacted CPS because while doing the
6 background checks, I realized that --

7 MR. SCOTT: If it please the Court, I
8 would object. It would be based on hearsay.

9 THE COURT: Sustained.

10 Q (BY MR. DRIVER) Did the report come through
11 CPS?

12 A Yes.

13 Q So you contacted them. Did you find out
14 whether or not there was already an interview scheduled
15 at the Children's Assessment Center?

16 A Yes, there was, for June 29th.

17 Q So was that the first time you really got
18 to -- I guess, did you do anything with regard to
19 contacting the witnesses, knowing that there was already
20 an interview scheduled?

21 A No, I did not.

22 Q Did you make arrangements so that you could be
23 present at that interview?

24 A Yes, I did.

25 Q Where was the interview supposed to take

1 place?

2 A At the Harris County Children's Assessment
3 Center.

4 Q And where is that located?

5 A 2500 Bolsover.

6 Q And when you go there, what is your role as an
7 investigator? First of all, what kind of interviews
8 were they going to conduct?

9 A A forensic interview.

10 Q Do you know what a forensic interview is?

11 A Yes, I do.

12 Q What is it?

13 A A forensic interview is where a person, the
14 forensic interviewer, is trained to not ask leading
15 questions. Their job is to sit with children who are
16 physically and sexually abused and be a non or be a
17 neutral party for them to talk to.

18 Q And they do that at the Children's Assessment
19 Center?

20 A Yes.

21 Q In this case who was the forensic interviewer?

22 A Lisa Holcomb.

23 Q And where were you during the time that the
24 interview was being conducted?

25 A I was sitting in a separate room from Lisa and

1 the children.

2 Q Were you able to see what was going on and
3 hear what was going on in that room?

4 A Yes, I was, through closed-circuit TV.

5 Q So they have closed-circuit cameras showing
6 what's happening in the room?

7 A Yes, sir.

8 Q But you weren't in the room yourself?

9 A Correct.

10 Q Just the forensic interviewer and the child?

11 A Correct.

12 Q Did you observe the forensic interview of
13 Ashly Storemski?

14 A Yes, I did.

15 Q And did you observe the interview of Timothy
16 Storemski?

17 A Yes, I did.

18 Q Did you find that there was a further reason
19 after watching this interview for you to continue your
20 investigation?

21 A Yes, I did.

22 Q Did you find that what was detailed in the
23 forensic investigation, without getting into what
24 anybody said, was consistent with what you had seen in
25 the original report?

1 A Yes, they were consistent.

2 Q So what steps did you take with regard to this
3 investigation once you observed the forensic interview?

4 A I obtained a search warrant for the
5 defendant's residence.

6 Q Now, you went out there. Did you take
7 photographs?

8 A Yes, I did.

9 Q And in addition, did you speak to Deborah
10 Storemski, Deborah Crawford?

11 A Yes, I did.

12 Q And was it your understanding that she was the
13 first adult that the children had told?

14 A That is correct.

15 MR. DRIVER: May I approach the witness,
16 Judge?

17 THE COURT: You may.

18 Q (BY MR. DRIVER) I want to show you what have
19 been previously marked as State's Exhibits 5 through 27.
20 Go ahead and look through those and tell me if you
21 recognize them.

22 A (Complies.)

23 Yes, I do.

24 Q Do they all fairly and accurately depict the
25 defendant's apartment as you saw it the day you went out

1 there?

2 A Yes.

3 MR. DRIVER: State offers State's 5
4 through 27. I will tender those to counsel now.

5 MR. SCOTT: We have no objection to the
6 offer, Your Honor.

7 THE COURT: State's Exhibits 5 through 27
8 are admitted.

9 MR. DRIVER: May I approach the witness
10 one more time?

11 THE COURT: You may.

12 Q (BY MR. DRIVER) While you were out there, did
13 you or somebody with you make a diagram of the
14 apartment?

15 A Yes, I did.

16 Q I'm going to show you State's Exhibit 37. Is
17 this a fair and accurate depiction of the diagram that
18 you drew of the scene?

19 A Yes, it is.

20 Q And do you think it would help the jurors to
21 be able to visualize the layout of the apartment?

22 A Yes.

23 Q And does this accurately capture the layout of
24 that apartment?

25 A Yes, it does.

1 Q You said you had watched the forensic
2 interviews of Timothy and Ashly Storemski. I want to
3 show you what have been marked as State's Exhibits 34,
4 35 and 36. Take a look at those and tell me if they
5 look familiar.

6 A Yes, they do.

7 Q Do they fairly and accurately depict the
8 children as you saw them in that room that day by a
9 closed circuit?

10 A Yes, they do.

11 MR. DRIVER: State offers State's
12 Exhibits 34, 35, 36 and 37 and tender to opposing
13 counsel.

14 THE COURT: Did you mention 37?

15 MR. DRIVER: Yes, Judge. 37 was the map,
16 the diagram.

17 MR. SCOTT: We have no objection, Your
18 Honor.

19 THE COURT: State's Exhibits 34 through
20 37 are admitted.

21 MR. DRIVER: May I publish these exhibits
22 to the jury?

23 THE COURT: You may.

24 Q (BY MR. DRIVER) First of all, let's refer to
25 State's Exhibit 4. Is this the facility or the hotel --

1 THE COURT: Wait a minute. You started
2 at 5.

3 MR. SCOTT: Let me see. Hold it up.

4 MR. DRIVER: (Complies.)

5 MR. SCOTT: I have no objection, Your
6 Honor.

7 THE COURT: That's State's 4?

8 MR. DRIVER: Yes, Judge. State offers
9 State's 4.

10 MR. SCOTT: No objection.

11 THE COURT: It's admitted.

12 Q (BY MR. DRIVER) State's Exhibit 4, is this
13 the hotel where you found the room that the defendant
14 was staying?

15 A Yes, it is.

16 Q Do you remember what room number it was?

17 A Room 130.

18 Q So is this kind of a view from the parking lot
19 of that Room 130?

20 A Yes, it is.

21 Q And the doors are kind of a bright red color.
22 Is that pretty much true throughout the rest of the
23 hotel?

24 A That's correct.

25 Q Upon entering into the apartment, did you see

1 items that indicated that children had been present
2 there?

3 A Yes.

4 Q And in particular, looking at State's Exhibit
5 7, what are we looking at in the bottom left-hand
6 corner?

7 A A dollhouse.

8 Q Let's go over to State's Exhibit 8. You see a
9 dollhouse there. Do you see a photograph of some
10 children?

11 A Yes, I do.

12 Q Do you recognize the children in those
13 photographs?

14 A I do.

15 Q Who are those children?

16 A Ashly and Timothy Storemski.

17 Q So let's go over to State's Exhibit 37. Is
18 the entryway on the bottom left-hand corner?

19 A Yes, right where your finger is.

20 Q Where would we find this playhouse that we
21 just saw?

22 A Right here (indicating.)

23 Q Can you draw with your finger on that screen a
24 little harder. You have to push hard on it.

25 A (Complies.)

1 Q Up there? So there is a restroom. How do you
2 access that restroom?

3 A By a door.

4 Q And where's that door?

5 A To the left of where the pictures were.

6 Q This door right here?

7 A Correct.

8 Q And if you turn to your right upon entering
9 the room, is this what you would see?

10 A Yes.

11 Q What kind of area is this on the back left
12 corner?

13 A A kitchen.

14 Q And is there just one bed or multiple beds?

15 A Only one bed.

16 Q Were there a lot of toys in that apartment?

17 A Yes.

18 Q And are all the toys visible in the apartment
19 there or were there more?

20 A There was some under the bed, some in the
21 closet, if I remember correctly. They were kind of
22 everywhere.

23 Q So lots of toys?

24 A Yes.

25 Q And you said there was some under the bed,

1 looking at State's Exhibit 23?

2 A Correct.

3 Q Lots and lots of children's items in the
4 apartment?

5 A Yes.

6 Q But just the one bed?

7 A Correct.

8 Q Now, Timothy, when you saw Timothy Storemski's
9 interview, looking at State's Exhibit 34, is that
10 approximately the size you remember him being?

11 A Yes, it is.

12 Q He is a relatively small boy?

13 A Yes.

14 Q Now, the room that he's sitting in, is this a
15 typical interview room that you would see at the
16 Children's Assessment Center?

17 A Yes, it is.

18 Q And the picture we're looking at, is that
19 basically what you would be seeing when you were looking
20 at the video image on closed-circuit TV?

21 A That's correct.

22 Q Now, I see in the bottom left-hand corner
23 there's a hand and it looks like somebody's legs. Is
24 that Lisa Holcomb?

25 A Yes, it is.

1 Q So the interviewer sits slightly out of
2 camera?

3 A Correct.

4 Q And the child is the focus of the camera?

5 A Correct.

6 Q And is this picture, State's Exhibit 35, a
7 fair and accurate depiction of what Ashly Storemski
8 looked like on that day?

9 A Yes, it is.

10 Q Again, State's Exhibit 36?

11 A Yes, it is.

12 Q Okay. What date was it that this interview
13 took place?

14 A June 29th, 2012.

15 Q And what date did you make it out to the
16 defendant's apartment?

17 A July 6th.

18 Q So pretty quickly thereafter?

19 A Yes, sir.

20 Q When you went to the apartment, did you enter
21 into the restroom area over here?

22 A At anytime or --

23 Q Did you just see what was in there?

24 A Yes.

25 Q And is this the same state that that room was

1 in?

2 A Yes.

3 Q So the hygiene products that are there was all
4 that was there?

5 A Correct.

6 Q Did you see any other items in the residence
7 that indicated, just for certainty's sake, whose
8 residence you were in, whose room that was?

9 A Yes, I did.

10 Q Let's look at State's Exhibit 25. I see that
11 there are some pill bottles on the left-hand side.

12 A Yes, there was.

13 Q And was there a name on those pill bottles?

14 A Yes, there was.

15 Q And whose name was on the bottles?

16 A Leonard Storemski.

17 Q And if we zoomed in even more, Leonard M.
18 Storemski. Was there mail or other items that had his
19 name on them?

20 A Yes, there were.

21 Q So underneath this computer over here, is that
22 what you see there?

23 A That's correct.

24 Q Did you at some point find a way to get in
25 contact with the defendant?

1 A Yes, I did.

2 Q Did you interview him? Just yes or no, did
3 you interview him?

4 A Yes, I did.

5 Q And after you interviewed the defendant, did
6 that change your opinion about whether or not charges
7 should be filed in this case?

8 A No, it did not.

9 MR. DRIVER: I'll pass the witness,
10 Judge.

11 THE COURT: Proceed.

12 MR. SCOTT: Thank you, Judge.

13 **CROSS-EXAMINATION**

14 Q (BY MR. SCOTT) Officer Carmichael, in
15 relation to your duties, I think you said that you
16 started out at Humble, correct?

17 A Correct.

18 Q Was that patrol or were you in a particular
19 division?

20 A I was on patrol and a crime scene officer.

21 Q And then after that, you would have left that
22 department and gone to HPD, done some follow-up and got
23 certified as a Houston police officer, correct?

24 A Correct.

25 Q Had assignments during that period of time.

1 But back in -- when was it? You said December of 2012
2 when that was that you were in the Sex Crime Division,
3 Juvenile Sex Crime; is that correct, basically?

4 A In June 2012?

5 Q June. Was it June?

6 A Yes, sir.

7 Q I'm sorry, I've got too many 12s on my mind.

8 Yeah, June of 2012.

9 A Yes.

10 Q You talked about going to this location, which
11 is the Extended Stay type facility where the defendant
12 was staying, and I think you had information that he had
13 been staying there for a pretty good while, correct?

14 A Yes, sir.

15 Q And in that room there are pictures of his
16 children on the wall that you testified to; is that
17 correct?

18 A Yes, sir.

19 Q Is there anything unusual to you about that?

20 A No.

21 Q So you see some pictures of a man's children
22 on the wall in his room basically. Nothing unusual
23 about that, is there?

24 A No, sir.

25 Q You look around the room, you see pictures of

1 the room. There are toys in there that are appropriate
2 to the sex and age of the children, correct?

3 A Yes, sir.

4 Q So there's nothing unusual about that
5 necessarily unless you maybe think he's overindulging or
6 something like that might come to mind, right?

7 A True.

8 Q All right. You talked about being assigned
9 this particular case or follow up, I think would be, I
10 guess, the right phrase on that, from Sergeant White,
11 correct?

12 A Correct.

13 Q And I think you described Sergeant White as
14 your supervisor or someone in the chain of command,
15 correct, above you?

16 A Correct.

17 Q In relation to Sergeant White, when you got
18 the file, was there an indication of Sergeant White's
19 opinion on the file?

20 MR. DRIVER: Object to that. Calls for
21 speculation and hearsay.

22 THE COURT: Sustained.

23 Q (BY MR. SCOTT) Not what it was, not what that
24 sergeant thought about the case, but was there an
25 indication to you when you picked up the file what

1 Sergeant White might have thought about the case?

2 MR. DRIVER: Objection. That calls for
3 speculation and hearsay.

4 THE COURT: Sustained.

5 Q (BY MR. SCOTT) Well, at the end of the day,
6 at the end of the day wouldn't you agree with me that
7 Sergeant White's evaluation of this case ended up being
8 different than yours?

9 A I don't know if Sergeant White had a -- no.

10 Q No?

11 A No.

12 Q Okay. Did you pursue then any theory or
13 investigation as to child custody issues or anything
14 like that in relation to this case?

15 A Can you repeat the question? I'm sorry, sir.

16 Q I said, during your investigation of the case,
17 did you pursue any question as to a custody question
18 between the ex-wife and the defendant?

19 A There were -- there were things documented
20 with CPS, yes, that I did take into account.

21 Q So they existed, to the best of your
22 knowledge, during your investigation as to issues,
23 correct, according to CPS?

24 A There was history. I wouldn't call them
25 issues, but there was history.

1 Q Okay. In relation to the diagram, did you say
2 you drew that or someone else drew that?

3 A I drew that.

4 Q You drew that yourself?

5 A Yes.

6 Q I can't remember. Does it have measurements
7 on it and everything?

8 A No measurements. It's not to scale.

9 Q How big an area is that room? It doesn't look
10 very big to me.

11 A Not very big.

12 Q Normal-size bed, I guess, so we can get a
13 perspective at least as to size, if it's a normal-size
14 bed, as to how big the room is possibly, correct?

15 A Correct.

16 Q Men's work clothing, men's clothing in that
17 room that is consistent with the pictures and stuff that
18 you showed us, right?

19 A Yes.

20 Q Work boots and that kind of stuff?

21 A Yes, sir.

22 MR. SCOTT: I'll pass the witness, Your
23 Honor.

24 MR. DRIVER: No more questions of this
25 witness, Judge.

1 THE COURT: Any objection to this witness
2 being excused?

3 MR. DRIVER: Yes. I need her on call.

4 THE COURT: Okay. You will remain on
5 call.

6 MR. DRIVER: Judge, the State calls
7 Timothy Storemski.

8 THE COURT: Ladies and gentlemen, it is
9 my understanding there will be someone with court
10 services, Ms. Cazarez, who will be up here while the
11 child testifies.

12 Is that correct?

13 MR. DRIVER: Yes, sir.

14 THE COURT: Has he been admonished at
15 all?

16 MR. DRIVER: Yes.

17 THE COURT: If you will raise your right
18 hand.

19 (Witness sworn)

20 THE COURT: Do you swear to obey?

21 THE WITNESS: (Nods heads.)

22 THE COURT: Do you know the difference
23 between a truth and a lie?

24 THE WITNESS: (Nods head.)

25 THE COURT: All right. You can put your

1 *hand down.*

2 You may proceed.

3 MR. DRIVER: Thank you, Judge.

4 **TIMOTHY STOREMSKI CRAWFORD,**

5 having been first duly sworn, testified as follows:

6 **DIRECT EXAMINATION**

7 Q (BY MR. DRIVER) Can you please tell everybody
8 what your name is?

9 A My name is Timothy Crawford.

10 Q All right. What was your name before?

11 A Storemski.

12 Q And why is your name Crawford now?

13 A Because Storemski is my father's one.

14 Q And do you not like your father's name?

15 A I don't like it.

16 Q Timmy, I want to ask you a whole bunch of
17 questions. Okay?

18 A Okay.

19 Q First of all, how old are you?

20 A Eight. I mean, nine.

21 Q Okay. When's your birthday?

22 A October the 25th.

23 Q What year?

24 A 2014.

25 Q Well, that's this year, but what year were you

1 born in?

2 A 2000 and -- aah. 2005.

3 Q 2005. So you're nine now, right?

4 A (Nods head.)

5 Q And where do you go to school? It's okay.

6 What's the name of your school that you go to, do you
7 remember?

8 A (Shakes head.)

9 Q Do you remember your teacher's name?

10 A (Nods head.) I've got three.

11 Q Okay. Who are they?

12 A Miss Bradshaw, Miss Collier, Miss Nelson.

13 Q Okay. Do you like them?

14 A (Nods head.)

15 Q Are they nice?

16 A Miss Bradshaw is the nicest one.

17 Q Oh, she is? Okay. Out of all three of them,
18 that's the one you like the best? What does she teach
19 you?

20 A Miss Bradshaw?

21 Q Yeah.

22 A She teach me writing.

23 Q Is that your favorite subject?

24 A (Nods head.)

25 Q What subject do you not like?

1 A Math.

2 Q Oh, math. Math is hard. So what grade are
3 you in this year?

4 A Second.

5 Q Second grade? Do you have a lot of friends in
6 second grade with you?

7 A (Nods head.)

8 Q Are they friends in your class?

9 A Yes.

10 Q Do you have a lot of kids in your class?

11 A I got 18.

12 Q 18 in the class? Okay. So do you remember
13 when -- oh, you know what, I see that you brought some
14 stuff with you. What's there in front of you?

15 A My stuffed animal.

16 Q Your stuffed animal? Do you have a whole
17 bunch of stuffed animals?

18 A Yeah. I've got four.

19 Q Really? From where?

20 A From she (pointing to Ms. Cazarez). And some
21 clothing, one, two, three.

22 Q Is that to put on your stuffed animal?

23 A (Nods head.)

24 Q And is that Miss Martha (sic) that you pointed
25 to? Is she your courtroom buddy?

1 A (Nods head.)

2 Q You and I have spoken a couple of times, do
3 you remember? How many times did we talk?

4 A Like two.

5 Q Maybe two or three? Do you remember that we
6 talked about being in court and I told you -- do you
7 remember me telling you that it was important that you
8 tell the truth?

9 A (Nods head.)

10 Q You'll have to say yes or no.

11 A Yes.

12 Q And do you remember we talked about the
13 difference between a truth and a lie? Do you remember
14 that?

15 A (Nods head.)

16 Q Okay. Can you tell me what is the truth?

17 A The truth is when you do something, it's real.

18 Q When it's real. What about a lie, what's a
19 lie?

20 A Something you made up.

21 Q Okay. Now, you have to promise the Judge and
22 the jury -- remember we talked about what a jury is --
23 that you're only going to tell the truth today. Do you
24 promise that?

25 A Yes, ma'am -- I mean, yes, sir.

1 Q That's all right. So I want to talk to you
2 about some things that happened with your dad. Do you
3 call him your dad usually?

4 A No.

5 Q What do you usually call him now?

6 A Daddy.

7 Q Okay. What does Ashly call him?

8 A Dad.

9 Q Does she call him D word sometimes?

10 A (Nods head.)

11 Q Do you call him D word sometimes?

12 A (Nods head.)

13 Q You have to say yes or no. You can't just
14 nod.

15 A Yes.

16 Q I know it's hard. We're used to nodding and
17 shaking our heads.

18 Do you remember a couple of years ago
19 when you used to go and visit your daddy? Do you
20 remember that?

21 A (Nods head.) Yes.

22 Q Do you remember that he lived in a hotel room?

23 A Yes.

24 Q And have you looked around the courtroom? Do
25 you see him here today?

1 A No.

2 Q You don't recognize him?

3 A There he is (pointing finger).

4 Q What is he wearing?

5 A He's wearing a blue shirt.

6 MR. DRIVER: May the record reflect he's
7 identified the defendant?

8 THE COURT: It will.

9 Q (BY MR. DRIVER) Okay. Now, Timmy, look back
10 over here at me for a minute. I want to talk to you a
11 little bit -- is this the first time you've seen him in
12 a long time?

13 A (Nods head.)

14 Q Is it kind of strange to see him?

15 A Yes.

16 Q Let's talk a little bit about what happened
17 back in that hotel room. Do you remember talking about
18 that with me before?

19 A Yes.

20 Q What happened there? Did something happen to
21 you there that you didn't like?

22 A Yes.

23 Q What was it?

24 A He was licking my tail.

25 Q He was licking your tail?

1 A Right here (indicating).

2 Q And you're pointing to down in your lap,
3 right?

4 A (Nods head.)

5 Q And what happens -- what part of your body is
6 your tail?

7 A (Indicating.)

8 Q What do you do with that part of your body?

9 A Pee.

10 Q So you go potty with that part of your body.
11 So your daddy licked your tail?

12 A (Nods head.)

13 Q So did he do that just one time?

14 A A lot.

15 Q A lot? Did he do it when you were staying at
16 that hotel room with him?

17 A (Nods head.)

18 Q You have to say yes or no.

19 A Yes.

20 Q Can I show you some pictures?

21 A Yes.

22 Q Do you see that screen? Remember that screen
23 we talked about one time?

24 A Yes.

25 Q I'm going to put the pictures up on that

1 screen. Do you remember what color the door was to his
2 room?

3 A It was red.

4 Q Kind of like that picture?

5 A Yes.

6 Q Just like that. Do you remember what it
7 looked like inside?

8 A Yes.

9 Q Is this what it looked like?

10 A Yes.

11 Q Whose playhouse is that?

12 A Ashly's.

13 Q Well, how do you know it's Ashly's?

14 A Because I've been there before.

15 Q You don't like pink?

16 A That's Ashly's.

17 Q Oh, okay, I'm sorry. What about over here in
18 this picture? I see a pillow with some guy on it.

19 Who's that guy?

20 A Sponge Bob. That's my pillow.

21 Q Oh, that's your pillow. Okay. Do you
22 remember being on that bed before?

23 A Uh-huh.

24 Q When you said your dad licked your tail, where
25 were you when that happened?

1 A It was right there on the bed.

2 Q Right there on the bed? How were you laying?
3 Were you standing up or laying down?

4 A Laying down.

5 Q Hey, do you remember playing with some dolls
6 with me one time? I want to show you those dolls real
7 quick.

8 MR. DRIVER: May I approach the witness,
9 Judge?

10 THE COURT: You may.

11 Q (BY MR. DRIVER) Do you remember us looking at
12 dolls kind of like this?

13 A Yes.

14 Q All right. I want you to pretend like this
15 doll is you.

16 A But it kind of looks like a girl.

17 Q It kind of looks like a girl, but, you know
18 what, I think he's a boy. Do you want to look? Why
19 don't you check. Does he have a tail?

20 A Yes.

21 Q So is that a boy or a girl?

22 A Boy.

23 Q So it's a boy. And I want you to pretend this
24 is you and this is your daddy. Show me how things
25 happened. Where were you and where was he?

1 A He was in the bed.

2 Q Was he laying down or standing up?

3 A Laying down.

4 Q Where were you? Put yourself where you were.

5 A I was right there (indicating).

6 Q Pretend that this is the bed and he's laying
7 down like this (indicating).

8 A And he was -- and he looked like that
9 (indicating).

10 Q Okay. So he was licking your tail, and that's
11 this part of your body?

12 A Uh-huh.

13 Q Do you remember going and talking to somebody
14 at the Children's Assessment Center one time?

15 A Yes.

16 Q And do you remember telling them about what
17 happened with your daddy?

18 A Yes.

19 Q All right. I want to show you a picture of
20 it. Does that picture look like you when you were
21 littler?

22 A Yes.

23 Q And you're bigger now, right?

24 A Uh-huh.

25 Q So do you see those dolls that you have in

1 your hand?

2 A Yes.

3 Q And there's one laying down and there's
4 another one on top. It looks kind of like this. Why
5 did you do that? Why did you have the dolls like that,
6 do you remember?

7 A No.

8 Q That's all right. But when your dad licked
9 your tail, do you remember how it felt?

10 A It felt like tickle.

11 Q It felt like tickle? And do you remember, did
12 he do it one time or lots of times?

13 A Lots of times. You already asked me that
14 question.

15 Q You're right, I did. I forgot. When he did
16 it, every single time was it in that room that we looked
17 at with the pink house, the castle?

18 A That --

19 Q Not this one, the other one. I shouldn't have
20 taken it down. This one.

21 A Yes.

22 Q Same room?

23 A Uh-huh.

24 Q Did you see your dad ever do anything to
25 Ashly?

1 A Yes.

2 Q What did you see him do to Ashly?

3 A He did the same thing.

4 Q What do you mean he did the same thing?

5 A He licked Ashly's private area, too.

6 Q Her private area. What did she call her
7 private part back then?

8 A Tutu.

9 Q Her tutu. Did you call yours your tutu?

10 A Huh-uh.

11 Q Always your tail?

12 A Yes.

13 Q So you saw your daddy lick Ashly's tutu?

14 A Yes.

15 Q When you said her private part, is that the
16 part between her legs, too? Do you remember?

17 A Yes.

18 Q I'm going to put our dolls away. Was it on
19 the same bed?

20 A Yes.

21 Q Was he doing it to both of you at the same
22 time or one at a time?

23 A One at a time.

24 Q Where were you when he was doing that to
25 Ashly?

1 A On the bed.

2 Q On the bed. And where was Ashly when he was
3 doing that to you?

4 A Right there (indicating).

5 Q I'm going to show you the bed. So there's the
6 big bed. Where were you when he was doing this to
7 Ashly?

8 A Right there (indicating).

9 Q And where was Ashly? Was she on the bed?

10 A Yes.

11 Q Where on the bed? Right close to you?

12 A Right there (indicating).

13 Q Over where the Sponge Bob pillow is?

14 A Yes. And he was using us for a pillow and a
15 blanket.

16 Q Really?

17 A Uh-huh.

18 Q What does that mean?

19 A I was a pillow and he was a blanket and Ashly
20 was a blanket.

21 Q Was she on top of him?

22 A Yes.

23 Q Do you remember, did he ever make you touch
24 any part of his body?

25 A No.

1 Q Did he ever make Ashly touch any part of his
2 body?

3 A No.

4 Q Did you ever see his tail?

5 A No.

6 Q Do you remember, did your daddy ever take
7 pictures of you when that happened?

8 A There's a camera in there, so he did.

9 Q Did your daddy ever show you pictures of naked
10 people?

11 A Yes.

12 Q When did he do that?

13 A On this computer right there (indicating).

14 Q So there were pictures of naked people?

15 A Uh-huh.

16 Q And he showed those to you?

17 A Yes.

18 Q Did he show them to Ashly, too?

19 A Uh-huh.

20 Q Is that a yes or a no?

21 A Yes.

22 Q So he showed pictures of naked people to you.
23 Do you remember if they were grownups or who? Little
24 kids?

25 A Little kids.

1 MR. SCOTT: If it please the Court, we
2 would object. May we approach?

3 THE COURT: You may.

4 (Bench Discussion:)

5 THE COURT: I guess he wants an
6 indication of how far you intend to go with it.

7 MR. SCOTT: Uh-huh. I kind of would like
8 to.

9 MR. DRIVER: I'm almost done with this.
10 I'm talking about the line of questioning, did he show
11 the naked pictures, and naked pictures are kids and --

12 THE COURT: And we're not talking
13 computers?

14 MR. DRIVER: Well, no, other than that's
15 where they were displayed to the children, but I'm not
16 going any further down that road yet.

17 THE COURT: I'm afraid if you asked
18 whether they were on TV or still photos. The computer,
19 we're into something else. Can you leave it the way it
20 is at the moment, if that's okay?

21 MR. DRIVER: Sure.

22 (In the hearing of the jury)

23 Q (BY MR. DRIVER) Okay, Timmy, you're doing a
24 great job. You are answering every one of my questions.

25 How many times did you see him do that to

1 Ashly? Just one time or many times?

2 A Many times.

3 Q And did you tell your mommy what happened?

4 A Yes.

5 Q Do you remember when you told your mommy what
6 happened?

7 A Yes.

8 Q Do you remember a policeman coming out that
9 day?

10 A Yes.

11 Q And you told him what happened, too?

12 A Yes.

13 Q Do you remember telling the lady at the
14 Children's Assessment Center in that picture that we
15 showed?

16 A Yes.

17 Q You promise to tell the truth, right?

18 A Yes.

19 MR. DRIVER: I'll pass the witness.

20 THE COURT: You may proceed.

21 MR. SCOTT: Thank you, Judge.

22 **CROSS-EXAMINATION**

23 Q (BY MR. SCOTT) Timothy, how many times do you
24 think you were in that room, do you remember?

25 A Like 15 times.

1 Q About 15? Over what period of time? Do you
2 have any idea how long you used to go there? A week,
3 two weeks, or how long?

4 A Two years.

5 Q You went there for two years, right?

6 A (Nods head.)

7 Q All right. How often did you go? If you go
8 for two years somewhere, did you go every weekend or
9 every other weekend, or do you remember?

10 A Every Saturday.

11 Q So you went to that room every Saturday for
12 two years, right?

13 A Uh-huh.

14 Q And who went with you? Did you go by
15 yourself?

16 A With Ashly.

17 Q You and Ashly went to visit your daddy, right?

18 A Yes.

19 Q Did you ever spend the night over there at the
20 motel or at the room?

21 A No.

22 Q Your daddy always took you home every Saturday
23 night then, I guess, right?

24 A (Nods head.)

25 Q Is that right?

1 A Yes.

2 Q Did you ever go on Sundays or just Saturdays?

3 A Just Saturdays.

4 Q Okay. Now, do you remember what time you used
5 to get over there? What time of day it was when you
6 would go to that room every Saturday?

7 A No.

8 Q Do you remember how long you stayed over there
9 at that room when you went over there every Saturday?

10 A I don't know time.

11 Q You don't know time? Okay. Was it daylight,
12 though?

13 A No.

14 Q It was at night, correct?

15 A No.

16 Q Daylight or dark. What else do we have here,
17 Timothy?

18 A Daylight.

19 Q Okay, so it was daylight. All right. Did you
20 have lunch over there or what did you do about
21 lunchtime?

22 A We ate watermelon.

23 Q You ate watermelons?

24 A Uh-huh.

25 Q Every Saturday you ate watermelon, right?

1 A Uh-huh.

2 Q Good. Do you like watermelon?

3 A Yes.

4 Q I hope so. You ate it every Saturday at noon,
5 right? Ashly, does she like watermelon, too?

6 A Yes. She likes Dr Pepper, too.

7 Q Dr Pepper, too. Okay. Your daddy bought you
8 the watermelon; is that correct?

9 A Yes. And we got a shopping cart with -- at
10 Walmart.

11 Q Okay. You got to go to Walmart shopping some,
12 too?

13 A (Nods head.)

14 Q All right. Now, when you talk about this,
15 what your daddy was supposed to have done to you, and
16 you said -- what did you say, he licked your tail?

17 A Yes.

18 Q And you said he did that a lot, right?

19 A Yes.

20 Q Does that mean a lot in one day or was that a
21 lot over that two-year period?

22 A I don't know.

23 Q Well, did it happen every Saturday during that
24 two years that you went to that room?

25 A Yes.

1 Q So every Saturday when you went to that room,
2 he licked your tail, right?

3 A Yes.

4 Q Did every Saturday he also lick Ashly?

5 A Yes. We go together.

6 Q Pardon me?

7 A We go together.

8 Q So for two years every Saturday he did what
9 you're talking about him doing, right?

10 A (Nods head.)

11 Q Is that correct?

12 A Yes.

13 Q Okay. And when you got home then, you told
14 these people that -- you told your mama about it,
15 correct?

16 A Yes.

17 Q You were living with your mama and Ashly at
18 that time, right?

19 A And papa and grandma.

20 Q Right. Okay. That's where I was going. Do
21 they live in the same house with you or do they live in
22 another house?

23 A They live in the same house.

24 Q So you all were living in the same house at
25 that time, correct?

1 A Yes.

2 Q So when you get home after the Saturday
3 visits, you'd go and you'd tell your mama what had been
4 going on that day, right?

5 A Yes.

6 Q And one of the things that had been going on
7 that day was maybe you went to Walmart, maybe you got
8 watermelon, maybe you did those things, but you also
9 told her that your daddy had licked your tail, right?

10 A Yes.

11 Q Did you, likewise, tell your grandma and your
12 grandma that same thing?

13 A Uh-huh.

14 Q So when you got back to the house before --
15 was it dark then or not? Was it daylight or not, or do
16 you remember?

17 A Daylight.

18 Q I'm sorry?

19 A Daylight.

20 Q Okay. I'm sorry, I couldn't hear. I'm
21 getting older there, Timothy.

22 So when you get home every Saturday after
23 visiting with your daddy, you go and you tell your mama
24 and you tell your grandpa and you tell your grandma
25 about him licking your tail, right?

1 A Yes.

2 Q Did Ashly tell your mama and your grandma and
3 your daddy -- I mean, your grandpa what your daddy had
4 done to her?

5 A Yes.

6 Q So for about two years then, what you're
7 telling us is that your mama and your grandpa and your
8 grandma knew what was going on in the motel room, right?

9 A Yes.

10 Q Who else did you tell that to? Do you
11 remember anybody else?

12 A Ashly.

13 Q Okay, you told it to Ashly. Make sure I'm
14 right here, Timothy. Make sure I'm right. You told it
15 to your mama, you told it to your grandma, you told it
16 to your grandma and you told it to Ashly, right?

17 A Yes.

18 Q Who else did you tell it to, do you remember?

19 A That's all.

20 Q Is that all? Did you tell it to your teachers
21 at school?

22 A No.

23 Q Did you tell it to any of your friends?

24 A No.

25 Q Do you remember back when -- do you remember

1 your parents had a divorce, right? Do you know that?

2 A Yes.

3 Q Do you know what a divorce is? Do you or not?

4 A No.

5 Q Well, your daddy lived at the house for a
6 while and then your daddy moved out, correct?

7 A Yes.

8 Q So he didn't live there anymore, right?

9 A Uh-huh.

10 Q Do you remember talking to the lawyer for your
11 mama or not? Another person, another man or a woman
12 about what you're telling us today?

13 A No.

14 Q And from what you're saying then in relation
15 to this two years of having your tail licked, that's all
16 that happened, though, right?

17 A Yes.

18 MR. SCOTT: I'll pass the witness, Your
19 Honor.

20 **REDIRECT EXAMINATION**

21 Q (BY MR. DRIVER) Timmy, I'm going to ask you a
22 couple of questions about that. Do you remember the day
23 that you told your mama about what happened?

24 A Yes.

25 Q Do you remember a policeman came?