

1 THE WITNESS: Yes, sir.

2 THE COURT: Thank you.

3 Next witness, please.

4 MS. OSWALD: The State calls Elizabeth  
5 Hamburg Castro to the stand.

6 THE BAILIFF: Your Honor, this witness has  
7 not been sworn.

8 THE COURT: Please raise your right hand,  
9 please.

10 *(Witness sworn.)*

11 THE COURT: All right. Proceed, please.

12 **ELIZABETH CASTRO,**

13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 BY MS. OSWALD:

16 Q. Can you please introduce yourself to the jury?

17 A. Hi, I'm Elizabeth Castro.

18 Q. And what was your maiden name, Ms. Castro?

19 A. Hamburg.

20 Q. And where are you currently employed?

21 A. At the Children's Assessment Center.

22 Q. And how long have you been working for the  
23 Children's Assessment Center?

24 A. Almost three years now.

25 Q. And if you could just tell the jury what the

1 Children's Assessment Center is?

2 A. The building itself is a three-story building.  
3 It's in the Rice Village area, but we have over 50  
4 partner agencies; so we work with CPS, law enforcement,  
5 and our center deals with child sexual abuse.

6 Q. And what do you do for the Children's  
7 Assessment Center?

8 A. Currently questions employed as a family  
9 advocate.

10 Q. And what does a family advocate do?

11 A. When our families come to our center they're  
12 usually in crisis mode, so kind of provide crisis  
13 counseling and link our families to services.

14 Q. Back in December of 2012 what was your role in  
15 the Children's Assessment Center?

16 A. I was previously a forensic interviewer.

17 Q. And what is a forensic interviewer?

18 A. I would conduct interviews with kids usually  
19 just 2 to 17 years old where there have been allegations  
20 of sexual abuse. The interviews are non-leading,  
21 they're fact-finding, just for the purpose of kids to be  
22 able to tell what happened to them.

23 Q. Before we kind of go into more depth about a  
24 forensic interviewer, what kind of education and  
25 training did you have to become a forensic interviewer?

1           A.    I received my bachelors in social work from  
2 Baylor University, my master's in social work from  
3 Florida State University.  And I'm licensed through the  
4 Texas State Board of Social Work Examiners.

5           Q.    And in going through your masters and all the  
6 classes and that, is there anything extra that you did  
7 particular to forensic interviewing classes or training?

8           A.    Uh-huh.  I completed all these trainings  
9 through the CAC of Texas, went to Austin and got over 40  
10 hours of training.

11          Q.    Now, back in -- this interview was conducted in  
12 November of 2012; is that correct?

13          A.    Yes.

14          Q.    When had you begun your work with the CAC as a  
15 forensic interviewer to that point in time?

16          A.    June 2012.

17          Q.    So between June and November how many  
18 interviews did you think you had conducted before the  
19 interview with Alyssa Velez?

20          A.    Probably 200 to 250 interviews.

21          Q.    So that's a lot, but safe to say you were  
22 pretty new at it still?

23          A.    Yes.

24          Q.    Let's talk about a forensic interview.  You  
25 said it was non-leading.  Let's talk about, kind of, the

1 environment you conduct these interviews in.

2 A. The room is fairly small, it's just myself and  
3 the child in the room. And there is a visible camera in  
4 the room that's recording all these interviews. The  
5 room itself is very bright and colorful and child  
6 friendly.

7 Q. And so it's just you and the child in there.  
8 Are they aware that there's a camera?

9 A. Yes, I make sure all the children know they are  
10 being recorded.

11 Q. What kind of questions do you start off in any  
12 given interview?

13 A. We start with the most open-ended question. So  
14 after, you know, building some rapport with the kids and  
15 stuff we ask the child, Tell me why you're here.

16 Q. And after you kind of get a basis of why  
17 they're there, what is the next step in the interview?

18 A. We try to get kids to narrate exactly what  
19 happened. Depending on the age, some of our questions  
20 may be a little more direct to get the details from the  
21 child.

22 Q. Why do you ask non-leading questions?

23 A. We don't want to provide the answer for the kid  
24 or what we think the answer is going to be, so we don't  
25 ask any leading questions.

1 Q. Do you have any other tools that you use in  
2 this interview room to kind of help build rapport or  
3 help the child articulate what happened?

4 A. We do use anatomical dolls sometimes if the  
5 child is having trouble kind of identifying those parts  
6 of the body no one should touch.

7 Q. Do you remember an interview with Alyssa Velez?

8 A. Yes.

9 Q. And when did that interview occur?

10 A. November 12, 2012.

11 Q. Prior to our time today have you had a chance  
12 to re-watch that interview?

13 A. Yes.

14 Q. Now, prior to coming into the room did you have  
15 any interaction with Alyssa?

16 A. I met her in the waiting room, I guess, with  
17 her parent. And I just introduced myself to her and  
18 then took her back to the room. So it was very brief.

19 Q. And when you guys went to back to the room did  
20 she bring her mom with her or her sister?

21 A. No, it was her, just Alyssa and I.

22 Q. And when you got back to the room, what did you  
23 do to try to build rapport with her?

24 A. Halloween just passed so I was trying to see if  
25 she went trick or treating or did anything fun.

1 Q. And if you can remember, how old did Alyssa say  
2 she was at the time of the interview?

3 A. She was six years old.

4 Q. And after you felt the rapport had been built,  
5 did you ask her why she was there?

6 A. Yes.

7 Q. And did she know why she was with you guys at  
8 the Children's Assessment Center?

9 A. No, I don't think so.

10 Q. What was her demeanor like as you began to talk  
11 about, get into why she was there and the sexual abuse?

12 A. She appeared very uncomfortable and very kind  
13 of shut down at times.

14 Q. Was she very forthcoming with her answers as to  
15 what occurred with regards to the sexual abuse?

16 A. No.

17 Q. Did you have to ask a number of questions,  
18 still open ended, but to be able to have her answer?

19 A. Right; open-ended, but a little bit more direct  
20 for her.

21 Q. Did you use the dolls to help her articulate?

22 A. I did have to use those.

23 Q. And we are going to step back. Before you  
24 start the interview, after you build a rapport, did you  
25 ask her if she knows the difference between truth and a

1 lie?

2 A. Yes. In the State of the Texas we have to ask  
3 the child if they know the difference between truth and  
4 a lie, and they have to take an oath so that they say --  
5 they promise they will tell the truth.

6 Q. And did she promise you that she would tell the  
7 truth?

8 A. Yes.

9 Q. And you probably just don't ask do you know the  
10 difference between the truth and a lie. Do you go into  
11 depth as to having her distinguish between what is the  
12 truth and a lie?

13 A. Yes, usually for little kids you have to ask,  
14 you know, concrete examples. If someone says they're a  
15 boy, is that a truth or a lie so then they can  
16 understand the difference by examples.

17 Q. And what were the set of questions you went  
18 through with her to know that she could distinguish  
19 between a truth and a lie in speaking with you about  
20 this incident?

21 A. I can't recall exactly, but I do remember using  
22 examples with her.

23 Q. Okay. So she did -- you did feel before you  
24 went forward with regards to the incident, why she was  
25 there, that she knew the difference between the truth

1 and a lie?

2 A. Yes.

3 Q. So you established rapport, she now knows the  
4 difference between a truth and a lie and you know that  
5 she's hopefully telling you the truth when she goes  
6 forward?

7 A. Uh-huh.

8 Q. What is the next step in your interview?

9 A. So, after I told -- or asked her, you know,  
10 Tell me why you're here, she didn't really understand.  
11 So I had to get more direct and asked her, What are the  
12 parts of your body that no one should touch. You know,  
13 What are your names for those parts?

14 Q. And was she able to give you names for the  
15 parts of her body that no one should touch?

16 A. She was not at first.

17 Q. Is that when you got out the anatomically  
18 correct dolls?

19 A. Yes.

20 Q. And when you get out the anatomically correct  
21 dolls, what do you do with them in general and in this  
22 interview?

23 A. There's a boy and a girl doll, so I got out  
24 both. I asked her, Which is the boy? Which is the  
25 girl? Which is more like you? So she knew she was more



1 like the girl doll, so I started with asking her parts  
2 of the body of the girl doll.

3 Q. And when you pointed do you point directly to  
4 the private area or do you go through other parts of the  
5 body of the doll?

6 A. You know, I start with the front of the doll,  
7 you know, head, eyes, hands and then get to those  
8 private parts of the body.

9 Q. Was she able to name her eyes and the arms of  
10 the doll?

11 A. Yes.

12 Q. Was she also able to articulate the kind of  
13 clothing the doll was wearing?

14 A. Yes.

15 Q. And when you pointed to the doll's private  
16 parts, specifically the vagina area, was she able to  
17 name that area?

18 A. No.

19 Q. Do you remember her demeanor when you pointed  
20 to that area of the doll?

21 A. She -- I believe she, like, looked down. At a  
22 point she covered her eyes with her hands, just kind of  
23 like turned her head.

24 Q. And did you also point to the bottom area of  
25 the doll?

1 A. Yes.

2 Q. What was her demeanor of that, as well?

3 A. Same thing. Just looked so uncomfortable with  
4 me pointing to that part of the body.

5 MS. OSWALD: Your Honor, may I approach?

6 THE COURT: You may.

7 Q. (BY MS. OSWALD) Questions handing you what's  
8 been marked as State's Exhibit 6 and 7. Do you  
9 recognize the people in this photo?

10 A. Yes.

11 Q. And is this images from the interview?

12 A. Yes.

13 Q. Do you recognize what you're doing at this time  
14 in State's Exhibit 6 during the interview?

15 A. Yes.

16 Q. As well as State's Exhibit 7?

17 A. Yes.

18 Q. And are these fair and accurate representation  
19 of the way the complainant looked or Alyssa looked  
20 during the interview?

21 A. Yes.

22 MS. OSWALD: Tender State's Exhibit 6 and  
23 7 to defense counsel at this time.

24 MS. BROWN: No objection, Your Honor.

25 THE COURT: Thank you. And it was 6 and

1 7?

2 MS. OSWALD: Yes, Your Honor.

3 THE COURT: It's admitted.

4 MS. OSWALD: Request to publish at this  
5 time.

6 THE COURT: You may.

7 Q. (BY MS. OSWALD) Showing State's Exhibit 6 to  
8 the jury. So, what are we seeing here in this photo  
9 with regards to the room? Is this one of many interview  
10 rooms in the Children's Assessment Center?

11 A. Yes.

12 Q. And is the room much bigger than kind of what  
13 we are seeing in this photo?

14 A. No, it's fairly small like that.

15 Q. And clearly the picture is taken from the  
16 camera. Is she aware that the camera is there?

17 A. Yes.

18 Q. And is it pretty obvious that there's a camera  
19 there?

20 A. It sticks out, you can't miss it.

21 Q. Now, the person in the blue cardigan, is that  
22 yourself?

23 A. Yes.

24 Q. Okay. And is the little girl sitting here  
25 Alyssa Velez?

1 A. Yes.

2 Q. What are you doing in State's Exhibit 6?

3 A. At that point in the interview questions  
4 pointing to the doll's vagina and asking her what do you  
5 call that part of your body.

6 Q. And what was her reaction to that question?

7 A. You can see how uncomfortable she looks with  
8 her, you know, hand over her face and not even looking  
9 at the doll.

10 Q. Was she able to actually tell you what she  
11 called that part of her body?

12 A. No, not at that point.

13 Q. Publishing State's Exhibit 7 to the jury. What  
14 are you doing in State's Exhibit 7?

15 A. Now pointing to the doll's bottom and asking  
16 her what she calls that part of her body.

17 Q. And did she have a similar reaction or what was  
18 her demeanor?

19 A. Yes, she appeared upset.

20 Q. Was she able to give you a name that she calls  
21 that part of her body?

22 A. No.

23 Q. Now, in the interview at that time she wasn't  
24 able to articulate what she calls her private parts.  
25 Were you able to move forward with questioning about the

1 incident?

2 A. Yes.

3 Q. And how did you move forward in getting her to  
4 open up and talk about it?

5 A. It's okay if children can't identify those  
6 parts of the body. I picked up the doll and pointed to  
7 the vagina and asked her, Has someone ever touched you  
8 there on your body?

9 Q. And what was her demeanor like when you were  
10 asking her that question?

11 A. Pretty much the same, but she was able to  
12 answer the question.

13 Q. Okay. Did she seem embarrassed when you asked  
14 her that?

15 A. Yes.

16 Q. And was she able to articulate that somebody  
17 had touched her there?

18 A. Yes.

19 Q. And did she actually say that name of who it  
20 was?

21 A. She did.

22 Q. Did you have to lead her in any way to get to  
23 that name?

24 A. No, not at all.

25 Q. Was she able to identify the relationship of

1 that person to her?

2 A. Yes.

3 Q. And who did she say that person was?

4 A. Pappa Mac.

5 Q. And who did she say -- how was she related to  
6 him?

7 A. Jake's grandpa.

8 Q. Did you actually ask her who Jake was?

9 A. At the beginning of the interview she  
10 identified him as a brother.

11 Q. Now, how did she identify the defendant and the  
12 person who touched her? What did she call him?

13 A. Pappa Mac.

14 Q. Pappa Mac. When you asked her if somebody  
15 touched her, did she -- was she really forthcoming about  
16 what happened?

17 A. No.

18 Q. Did she -- what was her demeanor like when you  
19 started to ask her what occurred or what happened when  
20 somebody touched her there?

21 A. She -- she tried her best, again, to narrate  
22 what happened; but I had to ask more direct, specific  
23 questions about the touching.

24 Q. And throughout this time when you're asking her  
25 follow-up questions and things, does her demeanor stay

1 the same, very embarrassed and kind of introverted?

2 A. Yes.

3 MS. OSWALD: Your Honor, may I approach?

4 THE COURT: You may.

5 Q. (BY MS. OSWALD) Questions handing you what's  
6 been marked as State's Exhibit 8, State's Exhibit 9,  
7 State's Exhibit 10 and 11. And these are in different  
8 stages in the interview. Are these fair and accurate  
9 representations of the way in which the complainant  
10 looked throughout the interview when telling about the  
11 sexual assault?

12 A. Yes.

13 MS. OSWALD: Tendering State's Exhibit 8,  
14 State's Exhibit --

15 MS. BROWN: Your Honor, I would object to  
16 the characterization. We have been talking about the  
17 sexual assault. I haven't heard testimony yet that says  
18 that the child said that she was assaulted. She might  
19 have said that she was touched with the clothes on, the  
20 doll they were using had clothes on. She said nothing  
21 to indicate the sexual assault.

22 THE COURT: Does that have something to do  
23 with these exhibits?

24 MS. BROWN: She's saying that those are  
25 photos that show how the child looked when she talked

1 about the sexual assault and I've heard no testimony  
2 that she talked about a sexual assault.

3 THE COURT: Go over that again for a  
4 second, please.

5 Q. (BY MS. OSWALD) During the duration of this,  
6 how long was the interview?

7 A. About 37 minutes.

8 Q. Thirty-seven minutes. How long, if you can  
9 remember, from the beginning when you were building  
10 rapport to the time which you talked about the specific  
11 incidents of sexual abuse or who touched her was it in  
12 the interview? Like, how long did the interview last  
13 before you got to that point?

14 A. Like, how much time had passed before we really  
15 started?

16 Q. Yes.

17 A. Maybe 10 minutes.

18 Q. So when you started talking about it and you  
19 asked her who had touched her and she rushed through the  
20 story and you were asking her, how long did that go on  
21 in the interview?

22 A. Maybe 20, 25 minutes.

23 Q. Okay. And so looking at State's Exhibit 8,  
24 which occurred at 11:52 in the interview --

25 A. Uh-huh.



1 Q. -- and State's Exhibit 9, when did that screen  
2 shot occur?

3 A. 12:21.

4 Q. What about State's Exhibit 10?

5 A. 16:17.

6 Q. And State's Exhibit 11?

7 A. 17:49.

8 Q. This is throughout different parts of the  
9 interview. Was that around the time that she was  
10 actually talking about the sexual abuse?

11 A. Yes.

12 Q. During that time did she State whether or not  
13 her clothes were on or off when the defendant touched  
14 her?

15 A. Yes.

16 Q. Were they on or were they off?

17 A. Off.

18 Q. And how did she describe the manner in which  
19 her clothes were at the time?

20 A. She stated that Pappa Mac pulled her shorts and  
21 panties down.

22 Q. And when she stated to you that he touched her  
23 vagina, what did she state? How did she say that?

24 A. She said he put his finger in there.

25 Q. And that occurred during the duration of these

1 screen shots of the interview?

2 A. Yes.

3 Q. And this is a fair and accurate representation  
4 of her demeanor during this time?

5 A. Yes.

6 MS. OSWALD: Tendering State's Exhibit

7 8 --

8 THE COURT: Let me see them for a second.

9 MS. OSWALD: Yes, Your Honor. Is this?

10 THE COURT: Objections, again, if there  
11 are any?

12 MS. BROWN: I'm going to object as to we  
13 have a right to completeness of the evidence. If she's  
14 going to show stills of every frame that they thought  
15 they got the child --

16 THE COURT: I'm sorry. That has nothing  
17 to do with -- was it 8 through what?

18 MS. OSWALD: 11, Your Honor.

19 THE COURT: Any objection to 8 through 11?

20 MS. BROWN: I haven't seen them yet, Your  
21 Honor.

22 My only objection is that we don't have  
23 completeness of the evidence. They're only seeing  
24 snapshots of her.

25 MS. OSWALD: Your Honor, the State would

1 be more than --

2 THE COURT: Well, on the basis of optional  
3 completeness, if the defense wishes to offer the  
4 admission of the tape or the interview, I certainly  
5 would allow it.

6 So with that, if that's your only  
7 objection, State's 9 through 11 are admitted -- 8  
8 through 11, excuse me.

9 MS. OSWALD: Permission to publish at this  
10 time?

11 THE COURT: Certainly.

12 Q. (BY MS. OSWALD) Now, you stated that it took  
13 Alyssa a while and numerous requests before she was able  
14 to disclose what happened?

15 A. Yes.

16 Q. Now, State's Exhibit 8, which occurred at 11  
17 minutes and 52 seconds into the interview, around this  
18 time did you ask her to talk about who had touched her?

19 A. I honestly can't recall a specific time.

20 Q. Okay. But this would accurately demonstrate,  
21 kind of, her action to talking about it?

22 A. Right.

23 Q. And you continue to discuss it at 12 minutes  
24 and 41 seconds into the interview, is that right?

25 A. Yes.

1 Q. Was she very open or was she kind of closed off  
2 throughout the interview?

3 A. That was her body language throughout, just  
4 head down. Her legs would be, you know, close together,  
5 arms in.

6 Q. At any point did she like seem like she was  
7 going to cry or she got emotional?

8 A. Several times.

9 Q. Showing State's Exhibit 10, 16 minutes and 17  
10 seconds in. Is that view of her kind of getting  
11 emotional about talking about it?

12 A. Yes.

13 Q. And then showing State's Exhibit 11 at 17  
14 minutes and 49 seconds into the video. Again, her  
15 reacting to the kind of questions you're asking at this  
16 time?

17 A. Right, and not even that comfortable talking  
18 about it.

19 Q. At some point do you offer her to be able to --  
20 the doll to be able to show what happened?

21 A. Yes.

22 Q. And what happened then?

23 A. She had finally identified a part of her body  
24 no one should touch, she brought up the word. So I  
25 asked her to show me on the doll where that part of her

1 body is just so I can be sure I know exactly what she  
2 was talking about.

3 Q. And was she able to take the doll and point to  
4 that part of her body?

5 A. Yes.

6 MS. OSWALD: Your Honor, may I approach?

7 THE COURT: You may.

8 Q. (BY MS. OSWALD) Showing you State's Exhibit 12,  
9 is this the point in the interview in which she was able  
10 to point to the doll and identify the part of her body  
11 in which the defendant had touched?

12 A. Yes.

13 MS. OSWALD: Tendering State's Exhibit 12  
14 to defense counsel.

15 MS. BROWN: No objections.

16 THE COURT: Thank you. State's 12 is  
17 admitted.

18 MS. OSWALD: Permission to publish at this  
19 time?

20 THE COURT: You may.

21 Q. (BY MS. OSWALD) Was this the first time that  
22 she was able to articulate the part of her body that the  
23 defendant had touched?

24 A. Yes.

25 Q. Did she have a name for that part of her body?

1 A. Yes.

2 Q. And what was that name?

3 A. Her private.

4 Q. Her private. I see that the doll has the  
5 underwear on. Was she able to articulate to you whether  
6 or not, when she was touched there by the defendant, if  
7 her underwear was on or off?

8 A. Yes, she was able to.

9 Q. And what did she say?

10 A. She said that he had pulled her panties down.

11 Q. Was she able to tell you what she was wearing  
12 at the time?

13 A. She said shorts and panties.

14 Q. Was she able to tell you what the defendant was  
15 wearing?

16 A. Yes.

17 Q. And what did she say he was wearing?

18 A. Pants and boxers.

19 Q. Was she able to tell you anybody else that was  
20 in the area with her?

21 A. She told me who was home when the incident  
22 happened.

23 Q. And who was home?

24 A. Catie and Jake, as well as herself and Pappa  
25 Mac.

1 Q. And was she able to tell you where they were  
2 when the incident happened?

3 A. Yes.

4 Q. And what did she say? Where did she say Catie  
5 and Jake were?

6 A. I believe she said they were taking baths.

7 Q. Was it easy to understand the complainant?

8 A. At times, no.

9 Q. And why was that?

10 A. I believe she had, like, a speech impediment or  
11 something.

12 Q. Was she also -- did she look up at you and make  
13 eye contact with you?

14 A. No. And at times she would have her hand over  
15 her mouth and kind of mumble as she was talking.

16 Q. Now, she pointed to the private on the doll.  
17 Was she able to tell you what the defendant did to her  
18 private?

19 A. Yes.

20 Q. And what did she say?

21 A. That's when she said he put his finger in  
22 there.

23 Q. Did she say how she -- it made her feel or how  
24 it felt?

25 A. Yes, she said that it hurt.

1 Q. And after she said that to you did you follow  
2 up and ask her if anything else happened, if he touched  
3 her anywhere else?

4 A. Yes, I -- yes.

5 Q. And did she say he touched her anywhere else?

6 A. No.

7 Q. Did you ask her if she had done anything to  
8 him, touched him in any way?

9 A. Yes.

10 Q. And what did she say?

11 A. She said no.

12 MS. OSWALD: Your Honor, at this time --  
13 may I approach, Your Honor?

14 THE COURT: You may.

15 Q. (BY MS. OSWALD) Questions handing you what's  
16 been marked as State's Exhibit 17. Do you recognize  
17 this?

18 A. Yes.

19 Q. And what is this?

20 A. That's a copy of the interview with Alyssa made  
21 by our custodian of records.

22 Q. And is this the same interview that you watched  
23 in preparation for your testimony today?

24 A. Yes.

25 MS. OSWALD: Tendering State's Exhibit 17



1 to defense counsel at this time.

2 THE COURT: How long is the interview?

3 MS. OSWALD: It is I believe 43 minutes,  
4 Your Honor.

5 MS. BROWN: I have no objections.

6 THE COURT: All right. State's 17 is  
7 admitted.

8 (State's Exhibit 17 published.)

9 Q. (BY MS. OSWALD) The duration of the video until  
10 it stops, she's playing with Play-Do?

11 A. Yes.

12 Q. And in your experience -- have you done a  
13 number of these interviews?

14 A. Yes.

15 Q. Is there any specific way that a child reacts  
16 when telling you what has occurred to them?

17 A. I don't think there's one certain way all  
18 children, you know, respond and disclose abuse; but that  
19 is one way that we do see.

20 Q. And was anything that you saw, in your training  
21 and experience as a forensic interviewer, unusual in  
22 which in what she had disclosed and had reticence about  
23 talking about things?

24 A. No.

25 Q. And is a delayed outcry unusual in your

1 training and experience?

2 A. Delayed outcries are pretty common.

3 Q. And why is that?

4 A. Kids don't tell about sexual abuse for a number  
5 of reasons. They're scared they're going to get in  
6 trouble, scared the parents are not going to believe  
7 them. Kids think it's their fault that it happened.  
8 They don't want to break up families. There's a lot of  
9 reasons.

10 Q. And in your training do you also learn on kids  
11 that are coached or told what to say, false allegations?  
12 Are you trained on that kind of interview?

13 A. I mean, that's definitely something that we  
14 learn about and we try to screen for.

15 Q. And what are things that you look for when  
16 you're screening for, you know, that kind of interview?

17 A. Well, I would specifically ask if someone told  
18 you what to say and what not to say. So sometimes that  
19 gets, you know -- that gets, Yeah, Mom told me to say  
20 this; and she didn't say any of that.

21 Q. What about kids using language that's  
22 appropriate for a child of that age?

23 A. Right. So if a -- you know, a kid is using  
24 language that's well above their developmental level,  
25 that's also a red flag there.

1 Q. What about anything -- would a red flag, like,  
2 repetition, repetition of the same phrase or something  
3 like that be something that would indicate to you that  
4 maybe the child has been told what to say?

5 A. Possibly.

6 Q. Did you see any kind of the red flags to you  
7 that in this interview that she had been coached coached  
8 as to what she had to say to you?

9 A. No. And I even asked her, you know, some of  
10 questions two times and she was still able to give the  
11 exact same response so she wasn't changing her story.

12 Q. And your demeanor throughout the interview is  
13 kind of nonreactive, as well. Is that a part of the  
14 training of the interview?

15 A. Right. We try not to do a lot of, like, hand  
16 gestures or lots of nods because then, I mean, it could  
17 like look we want the kid to say something. So we try  
18 to stay pretty neutral and don't really react.  
19 Especially if the kids disclose sexual abuse, if our  
20 face shows that we are upset or we think that's awful,  
21 then the kid might not want to talk about it more.

22 MS. OSWALD: Pass the witness.

23 THE COURT: From the defense, please.

24

25

**CROSS-EXAMINATION**

1  
2 BY MS. BROWN:

3 Q. First off, was your interview done before or  
4 after the sexual assault exam was done?

5 A. I don't recall. I just know the interview was  
6 on November 1st.

7 Q. Would that affect the child if she might have  
8 been subjected to a sexual exam prior to coming to see  
9 you, her feelings about her privates and stuff after  
10 that kind of exam?

11 A. I wouldn't think so, but I don't know.

12 Q. Are you aware that this child has a scoliosis  
13 problem of her spine?

14 A. I mean, when I interviewed her, I was aware  
15 that something was a little off; but I don't think I  
16 knew at the time what exactly was wrong.

17 Q. Is it possible that some of what you were  
18 reading is the child turning away or being in awkward  
19 poses was because her spine was bent?

20 A. Personally, I don't think, you know, her  
21 covering her face would have to do with her spine being  
22 bad.

23 Q. But the way she was turning away and kind of  
24 bending to one side or the other, you don't think that  
25 had anything to do with it?

1 A. I don't know.

2 Q. You had to ask her a lot of times to get her to  
3 even say anything. And one thing that stuck in my mind  
4 is that she seemed very quick to say the word Pappa Mac,  
5 Pappa Mac; but then she didn't really know what to  
6 connect it to. When you're talking about trying to spot  
7 signs of being coached, did that jump out at you at all?

8 A. What do you mean?

9 Q. Not knowing what to connected it to, she was  
10 just throwing it out as a quick answer to whatever was  
11 asked?

12 A. I mean, I don't understand how her saying his  
13 name is a quick response.

14 Q. Had you ever interviewed a child, not just read  
15 about, but interviewed a child that was not a victim of  
16 sexual abuse and was just was a -- a control, like a  
17 control in the drug group is where they have a group  
18 that is taking the new drug and a group that's getting a  
19 placebo? Did you ever practice on children that hadn't  
20 had exposure?

21 A. I mean, we interview 4,000 kids a year at our  
22 center and not all those kids make outcries of sexual  
23 abuse, some are just at-risk. And so we are screening  
24 to see if something has happened.

25 Q. But do you see the same kind of nervousness in

1 children that may not have been abused when talking  
2 about awkward topics?

3 A. Yeah, I mean. It's not fun for any kid to talk  
4 about their private parts; but, I mean, she very  
5 uncomfortable doing it.

6 Q. Yes. And am I correct that after much coaxing,  
7 what you got out of her is --

8 MS. OSWALD: Objection, testifying.

9 THE COURT: Yes. Just ask the question,  
10 please.

11 Q. (BY MS. BROWN) She said that she had a rash?

12 A. She said that she was red.

13 Q. Yeah, had a rash because she didn't wipe well.

14 A. I never heard her say the word rash.

15 Q. I did, I just listened to it.

16 MS. OSWALD: Objection, argumentative.

17 Q. (BY MS. BROWN) Okay. You did not hear her say  
18 that she did not wipe well?

19 A. Yes, I heard that.

20 Q. Did you find that her answers to you seemed  
21 disconnected?

22 A. What do you mean?

23 Q. Not staying on topic, that she was quick to  
24 agree with you when you tried to redirect the  
25 conversation; but then she quickly contradicted herself

1 again?

2 A. How did she contradict herself?

3 Q. She would say she was in one place, then in  
4 another, then in another again, in her bedroom, in  
5 someone else's bedroom, on the couch; and until you  
6 redirected her, told her what you expected the answer to  
7 be, she couldn't tell you.

8 A. Well, I mean, I didn't have an expectation for  
9 the answer. I think, you know, part of it's my fault  
10 because she thinks she's very clear narrating, I was on  
11 the couch then he laid me on the bed. And it was a  
12 little difficult for me to understand that, but she  
13 stayed with that story throughout. So I think she was  
14 getting frustrating with me for maybe not understanding  
15 her exactly.

16 Q. I thought I heard at one point that she  
17 mentioned that she was in her own bedroom?

18 A. And I've never been to this house, I don't know  
19 where she was sleeping, I don't know the layout of the  
20 house.

21 Q. When it got to the part about talking about the  
22 bath incident where Jake's mom somehow caused her to  
23 slip in the bath, she seemed very clear and fluid and  
24 very clear in directing that conversation and not  
25 disconnected in the same way. She seemed able to

1 articulate a solid thought that went from point A to  
2 point B. Did you get that?

3 A. I think it's easier to talk about that than  
4 sexual abuse, so...

5 Q. It seemed like it was quite upsetting to her.  
6 She said that she shoved her head under the water, that  
7 sounds bad.

8 A. Right.

9 Q. Okay. At the beginning when you were first  
10 questioning her with what you considered neutral  
11 questions about Halloween --

12 A. Yes.

13 Q. -- did you not see her exhibit the same --  
14 covering herself and moving away from the camera and  
15 turning and such things?

16 A. Yes, I did see some of that.

17 Q. Is it to be possible that this is that child's  
18 nervous behavior?

19 A. Possibly, yes.

20 Q. And do you believe that this setting could be  
21 unsettling to some children, in a room with somebody  
22 they had never met before?

23 A. Right; but I mean, it's a child-friendly  
24 environment, non-traumatizing to the kids.

25 Q. I don't think traumatizing, either. I just



1 meant a stranger that she hasn't met before in a tight  
2 little room.

3 A. Right, it can be uncomfortable for kids.

4 MS. BROWN: Thank you. I'll pass the  
5 witness.

6 MS. OSWALD: Nothing from the State.

7 THE COURT: May she be excused?

8 MS. BROWN: Yes, Your Honor.

9 THE COURT: You are excused and we thank  
10 you for your testimony.

11 And your next witness, please.

12 MS. OSWALD: State calls Dr. Reena Isaac  
13 to the stand, Your Honor. Dr. Reena Isaac.

14 THE BAILIFF: Your Honor, this witness has  
15 not been sworn.

16 THE COURT: Raise your right hand, please.

17 *(Witness sworn.)*

18 THE COURT: From the State, please.

19 **REENA ISAAC, MD,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MS. OSWALD:

23 Q. Will you please introduce yourself to the jury.

24 A. My name is Dr. Reena Isaac, R-e-e-n-a  
25 I-s-a-a-c.