

1 MR. DRIVER: State calls Lisa Holcomb.

2 LISA HOLCOMB,

3 having been previously duly sworn, testified as follows:

4 DIRECT EXAMINATION

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

7 A Hello. My name is Lisa Holcomb.

8 Q And where are you presently employed?

9 A The Children's Assessment Center in Harris
10 County.

11 Q And what is your position there?

12 A I'm a forensic interviewer.

13 Q Do you have to have a specialized background
14 or education in order to be a forensic interviewer?

15 A Well, I have a bachelor of science in
16 behavioral science/psychology from the University of
17 Houston-Clear Lake. And my experience prior to becoming
18 an interviewer, I was a Child's Protective Services
19 worker with the state and I provided forensic
20 interviewing during my course of tenure as a CPS worker
21 there, and then I became employed at the Children's
22 Assessment Center back in 1995, and I have been
23 conducting interviews ever since.

24 And during my course of my employment, I
25 continue to have regular training that's required and I

1 also have peer review at national level as well as state
2 and internal peer review. I've conducted well over
3 14,000 interviews. And I've been trained through the
4 State of Texas, through the Children's Advocacy Centers
5 of Texas, and I've received trainings from other states
6 as well.

7 Q And I noticed your voice is a little scratchy.
8 Are you getting over something?

9 A I've been sick since Sunday, yes.

10 Q So we'll excuse you for a little bit of that
11 stuff. You said that you've been doing forensic
12 interviews at the Children's Assessment Center since
13 1995?

14 A Yes.

15 Q Since 1995 has your job been to interview
16 children at the Children's Assessment Center?

17 A Yes.

18 Q Can you explain what a forensic interviewer
19 does?

20 A Well, basically whenever the State of Texas,
21 CPS, receives a report of alleged abuse or law
22 enforcement receives a report, they are referred to the
23 Children's Assessment Center for a forensic interview.
24 It's a digitally-recorded interview with myself and the
25 child in the room and it's just -- it's basically an

1 open-ended interview. It's gathering a factual
2 statement from the child in a non-leading manner,
3 without any suggestions. The child has to be able to
4 tell in their own words as to whether or not something
5 has happened or not to them.

6 Q Okay. And how do you go about this process of
7 the forensic interview? First of all, where does it
8 take place?

9 A Well, it's on the third floor of the
10 Children's Assessment Center. It's in a small room.
11 It's probably not more than 7-by-7 in size. There's a
12 video camera that's viewable on the wall, and that's
13 where it takes place.

14 Q When you go in the room with the child, how
15 many people are in there?

16 A Just myself and the child.

17 Q Why is that?

18 A It's to eliminate any kind of undue influence
19 on the child or any suggestion to the child.

20 Q And when you're asking them questions, are you
21 suggesting to them what they should say?

22 A No.

23 Q What types of questions do you ask?

24 A I can take you through like a typical
25 interview. Actually what happens is the child comes

1 into the room, I introduce myself, have the child
2 introduce themselves, and I'll ask them how old they
3 are. I will ask them, to establish rules, which is
4 basically if I ask a question and you don't know the
5 answer, to let me know you don't know, and I test them
6 on that. And then I also say, if I say something wrong,
7 please correct me and let me know if I'm wrong, and I
8 test them on that. And I have to make sure they
9 understand the concept of a truth and a lie. Make sure
10 to promise to tell the truth and what can happen if they
11 tell a lie. And then I ask them simply -- I let them
12 know my job is to talk to boys and girls. If something
13 has happened in your life that was wrong or upsets you,
14 we're allowed to talk about that. You don't have to be
15 afraid to tell me anything. I ask them if something
16 happened to you, and if so, tell me all about it from
17 the beginning, and I have the child narrate as much as
18 possible, and then I go back and follow up with more
19 direct questions.

20 And then at the end I will conclude with
21 that child, to let them know if they ever need to talk
22 about this again, it's okay, they haven't done anything
23 wrong. Basically it's questioning the child, tell me
24 about that, who, what, when, where type questions and
25 have the child elicit the information.

1 Q And so the questions that you mentioned are
2 like open-ended questions?

3 A Yes.

4 Q What's the purpose of asking an open-ended
5 question as opposed to like a leading question?

6 A Well, a leading question would be something
7 like, did your daddy touch your penis or suggesting to
8 the child a certain act, whereas I'll ask, has someone
9 ever touched you. Tell me where they touched you, how
10 they touched you, what happened. It's more the child
11 has to be able to narrate as to what's happened to them.

12 Q Were you assigned an interview involving Ashly
13 Storemski and Timothy Storemski back in 2012?

14 A Yes.

15 Q And have you had an opportunity to review some
16 of those videos?

17 A I was able to review Ashly's video.

18 Q And where was that interview conducted?

19 A At the Children's Assessment Center.

20 Q How would you describe her demeanor? First of
21 all, how old was she at the time?

22 A At that time she was eight.

23 Q And was she tall or short or small? What's
24 her stature at that time?

25 A She was small. She was a typical

1 eight-year-old.

2 Q So appropriate for an eight-year-old?

3 A Yes.

4 Q And when you spoke to her, did she -- was she
5 able to communicate?

6 A She was. I did notice that she seemed --

7 MR. SCOTT: If it please the Court, I
8 would object to any further explanation in response.

9 THE COURT: Don't volunteer any more
10 information. He'll ask the question.

11 THE WITNESS: Okay.

12 Q (BY MR. DRIVER) And what did you notice about
13 her demeanor?

14 MR. SCOTT: If it please the Court, we
15 would object to going into the forensic interview
16 process in more detail in relation to a particular
17 subject, and we would object to that as outside the
18 Code, Your Honor.

19 THE COURT: Overruled.

20 A She's very soft-spoken and very -- very, more
21 or less, passive in her demeanor. She just kind of sat
22 there real still and was holding -- she just seemed very
23 passive.

24 Q (BY MR. DRIVER) Did she answer your
25 questions?

1 A Yes.

2 Q Did she seem eager to answer all your
3 questions or reluctant?

4 MR. SCOTT: If it please the Court, I
5 would object. It would call for a conclusion on the
6 part of the witness.

7 THE COURT: Sustained.

8 Q (BY MR. DRIVER) Did she display any
9 reluctance to answer your questions?

10 MR. SCOTT: If it please the Court, it
11 would call for a conclusion on the part of this witness.

12 THE COURT: Rephrase it a little, please.

13 Q (BY MR. DRIVER) When you asked the question,
14 did she answer each question immediately?

15 A No.

16 Q Did she require some prompting or some asking
17 questions in different ways?

18 A Yes.

19 Q What's the value of being able to ask those
20 questions in different ways to a child?

21 A Well, a lot of the times a child doesn't
22 always understand everything you ask them. You have to
23 ask them in very simple terms depending on their
24 development, and in her sense I felt that she appeared
25 somewhat delayed during her interview compared to the

1 other children I talk to her age.

2 Q Did her demeanor change or stay about the same
3 throughout?

4 A She stayed the same.

5 Q Did she use appropriate language?

6 A Yes, I felt she did. Yes, she used very
7 simple terms for her age.

8 Q Did you notice, did she have any difficulty
9 speaking?

10 A I wouldn't say she had difficulty talking. It
11 was just more delayed to me, it seemed like.

12 Q And ultimately did she make a disclosure to
13 you?

14 A Yes.

15 Q Were her responses consistent with a child who
16 has been sexually abused, in your experience?

17 MR. SCOTT: If it please the Court, I
18 would object. It calls for a conclusion on the part of
19 this witness.

20 THE COURT: Overruled.

21 A She made a disclosure to me that was a clear
22 disclosure of abuse.

23 Q (BY MR. DRIVER) Now, with regard to Timothy
24 Storemski, did you also interview him?

25 A Yes.

1 Q And would you describe his demeanor as similar
2 to or different from his sister?

3 A He seemed more forthcoming with his narrative,
4 his ability to narrate information in his interview.

5 Q And did Timothy also make a disclosure to you?

6 A Yes.

7 Q Did you go through the same process with
8 Timothy that you went through with Ashly?

9 A Yes.

10 Q And is that the process that you had outlined
11 to us earlier?

12 A Yes. It's pretty much basic. Usually I have
13 a child narrate, do a narrative practice with the child,
14 like go over their birthday or something to get them to
15 narrate, to see how they narrate. That's typically what
16 I do.

17 Q Now, is there a way for an officer or other
18 personnel, maybe CPS personnel, to watch as the
19 interview is being conducted?

20 A Yes.

21 Q How do they do that?

22 A Well, there's a room that's right next door to
23 ours where they have a computer monitor that they are
24 able to view from.

25 Q Now, are they directing your questioning in

1 any way during that time?

2 A No. The only time that I go out will be
3 towards the end of the interview and I will ask if they
4 have any types of additional information that they need
5 me to ask. But other than that, no.

6 Q And in this case do you recall if there was
7 any additional information that you were asked to follow
8 up on?

9 A I don't recall, no.

10 Q So you don't use information from police in
11 the main part of your interview?

12 A Correct.

13 Q And that's when disclosures in these cases
14 occur?

15 A They can be or they may be after the fact.

16 MR. DRIVER: I'll pass the witness,
17 Judge.

18 THE COURT: Proceed, please.

19 MR. SCOTT: Yes, Your Honor.

20 **CROSS-EXAMINATION**

21 Q (BY MR. SCOTT) You've been doing this for a
22 number of years, correct?

23 A Yes.

24 Q I mean, I'm sorry, the interview process,
25 correct?

1 A Yes.

2 Q When you go and deal with a child, do you have
3 a certain amount of information that you're privy to
4 about that child before you start the interview?

5 A Generally I only have whatever the CPS report
6 is or whatever law enforcement has given me in a report.

7 Q So to be fair, you just don't walk in and have
8 a child sitting there without any knowledge whatsoever
9 either about the child or the circumstances or what
10 brings the child there or who brought the child. You
11 don't do it that way. You start with a preconditioned
12 knowledge on your part whether either CPS'
13 investigation, law enforcement's investigation, maybe
14 parents' statements. This kind of background
15 information, correct?

16 A I do have background information, yes.

17 Q All right. And you know -- you know -- that
18 the forensic interview is to examine the child based
19 upon the background information that you've been given,
20 correct? That's the purpose of the interview, correct?

21 A Well, mainly the purpose of the interview is
22 to be objective, because I know from reading reports,
23 they're not always accurate. They may be false reports.
24 So it's not always truthful. So I go in there as a
25 neutral party without any kind of bias as to whether or

1 not something has happened or not.

2 Q You're going in there with a predetermination
3 that at least in someone's opinion, even though you're
4 fair and impartial and neutral, that at least someone is
5 of the opinion that you need to be able to talk or that
6 you need to talk to the child, correct?

7 A Yes.

8 Q All right. And it's your job to go in then
9 and to evaluate the information you have been given in
10 relation to responses from the child, correct?

11 A As far as evaluating them, I don't necessarily
12 evaluate them. I don't make any kind of determination
13 in the case. I basically will say in my documentation
14 whether the child disclosed or not, what they disclosed
15 to.

16 Q "Evaluate" was, after you started talking, I
17 realized, was probably the wrong word, but that you
18 pursue the information you have been given. Not that
19 you would evaluate its validity to the responses, but
20 you're seeking responses based on information you've
21 been given, correct, without forming an opinion
22 yourself?

23 A Right. I will basically want to find out
24 whether or not something has happened or not based on
25 the information that has been given.

1 Q So when you talk about finding out information
2 about what is supposed to have happened, you have no
3 knowledge or no expertise or no information that shows
4 the person that you're talking to, that is, the child,
5 is telling the truth about anything, because there's no
6 cross-reference, correct?

7 A That's correct.

8 Q All right. So that if a child has been told
9 something and the child repeats what they've been told,
10 all you would be capable of doing from what you're
11 telling us is saying, "Yes, through my open-ended
12 question I got a response," correct?

13 A Yes.

14 Q And, further, that if that instruction given
15 to the child would qualify as abuse and they regurgitate
16 the information given to them, then you would respond,
17 yes, they stated something that could qualify as abuse,
18 correct?

19 A Yes.

20 Q So there's no double-check about any
21 information that you have that you know of that would
22 allow you to cross-reference what the child says other
23 than what the child says, correct?

24 A Correct.

25 Q But you also, I think, told us that you do the

1 interviews, you ask them the questions. Depending on
2 what they might be, you might be validating the previous
3 information that you were given or you might not,
4 correct?

5 A Correct.

6 Q But regardless of that, whether you validated
7 it or whether it was invalid basically on what the child
8 told you, you would go out then and either talk to CPS,
9 talk to law enforcement, talk to somebody, you've
10 indicated, that might be there as to additional things
11 they wanted to know to verify what they assume to be
12 true, correct?

13 A Yes.

14 Q So then you go back in and you start whatever
15 the process is again with the intent then to explore
16 that additional information, correct?

17 A Yes.

18 Q All right. So I guess the bottom line is that
19 you're doing a retesting of a child's capability to
20 restate what they have previously stated basically that
21 brought them to you in the first place, correct?

22 A Sometimes. Not always. Sometimes I'm the
23 outcry.

24 Q Sometimes you're the outcry?

25 A Correct.

1 Q Okay. But in this case do you recollect that
2 you were not the outcry, correct?

3 A From my knowledge, I was not the outcry.

4 Q And you base that upon what you know about the
5 case, correct?

6 A Excuse me? I'm sorry, I didn't hear you.

7 Q I say you base that on what you knew about the
8 case when you did the forensic interview, right?

9 A No. Actually it was after the fact.

10 MR. SCOTT: Pass the witness, Your Honor.

11 MR. DRIVER: I have no more questions of
12 this witness.

13 THE COURT: You may stand down.

14 Any objections to this witness being
15 excused?

16 MR. DRIVER: No.

17 MR. SCOTT: None, Your Honor.

18 MR. DRIVER: State calls Sinem Akay.

19 THE COURT: Proceed, please.

20 MR. DRIVER: *Thank you, Your Honor.*

21 **SINEM AKAY, PH.D.,**

22 having been previously duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

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