

1 anywhere.

2 *THE COURT:* Yeah, just on call.

3 *MR. HOCHGLAUBE:* Okay.

4 *THE COURT:* Thank you. You're free to step  
5 outside. Okay?

6 Call your next witness, please.

7 *MS. JOHNSON:* State calls Dr. Danielle Madera,  
8 please.

9 *THE COURT:* Right up here, please, Doctor.

10 (*Witness sworn.*)

11 *THE COURT:* If you would, have your seat,  
12 please. And would you please state and spell your name for  
13 my court reporter.

14 *THE WITNESS:* Sure. It's Dr. Danielle,  
15 D-A-N-I-E-L-L-E, Madera, M-A-D-E-R-A.

16 *THE COURT:* And you may proceed.

17 *MS. JOHNSON:* Thank you, Your Honor.

18 **DANIELLE MADERA,**

19 having been first duly sworn, testified as follows:

20 **DIRECT EXAMINATION**

21 *Q. (BY MS. JOHNSON)* Good afternoon, Dr. Madera.

22 Would you please introduce yourself to the ladies and  
23 gentlemen of the jury?

24 *A.* Sure. I'm Dr. Madera. I'm a staff psychologist at  
25 the Children's Assessment Center here in Harris County.

1 Q. And tell us a little bit about your background,  
2 your education. How do you become a staff psychologist at  
3 the Children's Assessment Center?

4 A. Sure. I'm from Florida. I did all my education at  
5 the University of Florida in Gainesville. I received my  
6 bachelor's degree of science in psychology in 2000. I took  
7 a year off and was a CPS worker, Children's Protective  
8 Services worker in Florida. I went back to graduate school  
9 to get my PhD in school psychology, graduated with my  
10 master's in 2005 and my doctorate in 2007. My  
11 specialization was child maltreatment. I was also a  
12 forensic interviewer during those years. Then there's a  
13 national matching process where you figure out where in the  
14 country is a good site for your internship hours, so I  
15 matched here at the Children's Assessment Center in Harris  
16 County and I've been here ever since.

17 Q. And Dr. Madera, what is your specialty or what is  
18 your area of practice at the Children's Assessment Center?

19 A. We see children that have been sexually abused as  
20 well as nonoffending caregivers, and since being there, I  
21 have a specialization in human trafficking victims, domestic  
22 human trafficking victims.

23 Q. And how long have you had those two specializations  
24 and how many kids would you say that you've seen related to  
25 either of these issues?

1           A.    Child sexual abuse, since probably 2001 when I was  
2   still in Florida; here I've seen, I estimate, thousands of  
3   kids by now with just child sexual abuse issues. We saw a  
4   differentiation because I work with mainly teen clients  
5   here, that we're seeing more teen clients that were coming  
6   in that not only were sexually abused earlier in their  
7   childhood but have since been prostituted and there's just  
8   an extra level of trauma with those kids so we started a  
9   separate service for kids that have gone through that  
10   additionally to the child sexual abuse.

11          Q.    And in addition to that program that you have at  
12   the Children's Assessment Center where you're actually  
13   coming in contact with children that have been put out on  
14   the street or domestic sex trafficking minors, you also do  
15   training in that area. And do you do, one, study and  
16   educate other people about the issue?

17          A.    Yes. We're still learning how to best treat  
18   children that have been victims of domestic human  
19   trafficking, so it's a new community initiative. We've had  
20   the groups at the CAC for about a year and a half now, so  
21   I'm on a human trafficking subcommittee here in Houston  
22   where I not only learn each month from other service  
23   providers about human trafficking but I also present pretty  
24   regularly on the topic.

25          Q.    Okay. Have you done that here locally and in other

1 places as well?

2 A. Yes.

3 Q. And have you ever been called to testify before as  
4 an expert in these areas?

5 A. Yes.

6 Q. Okay. In this particular case, you were sitting in  
7 the back during the testimony of the child; is that right?

8 A. Yes, for most of it.

9 Q. And what's the purpose of you being here to do  
10 that?

11 A. Just get an understanding of what the child's been  
12 through because I've never met the child before, nor have I  
13 ever treated this child.

14 Q. So we're not talking about a child that you have an  
15 extensive background with?

16 A. Correct.

17 Q. Or that you've done any personal therapy with?

18 A. Correct.

19 Q. You don't have a dog in this fight; is that fair to  
20 say?

21 A. No, yes.

22 Q. This is not somebody you know?

23 A. This is not.

24 Q. Okay. But you're being called on, in your  
25 expertise in these areas, to help maybe explain some things

1 to us?

2 A. Yeah, to talk about the kids we see here. We've  
3 had about 30 girls that have come through the CAC now for  
4 domestic human trafficking as well --

5 MR. JOHNSON: Objection, Your Honor,  
6 relevance.

7 THE COURT: Overruled.

8 A. -- as well as the literature --

9 MR. JOHNSON: Objection, Your Honor,  
10 narrative.

11 THE COURT: Overruled.

12 A. -- as well as the literature that's in the field.

13 Q. (BY MS. JOHNSON) Okay. And in addition to that,  
14 you've also studied children that have been sexually abused  
15 in the sense that, as we just heard, that gentleman having  
16 sex with a 15-year-old child, correct?

17 A. Yes.

18 Q. And so you understand and have not only trained and  
19 studied but you've worked with those children as well?

20 A. Yes.

21 Q. Okay. I want to talk about a few things and kind  
22 of let us know because one of the big questions is how in  
23 the world would somebody get in a car and take off?

24 A. Sure. In my experience, again, in addition to the  
25 literature, and what I didn't know getting into this field,

1 is that children are not just at home, bored, looking for  
2 some fast money or something to do with their time. These  
3 kids are usually, at least 90 percent, have been sexually  
4 abused in their childhood or may have a --

5 MR. JOHNSON: Objection, Your Honor,  
6 narrative.

7 THE COURT: Please keep it in question and  
8 answer.

9 MS. JOHNSON: Okay.

10 Q. (BY MS. JOHNSON) So, to continue, and you say  
11 based on the literature and what you know, a big factor is  
12 generally a child has been sexually abused already, correct?

13 A. Yes.

14 Q. And why is that potentially important if they have?  
15 And not all of them have necessarily, correct?

16 A. Correct.

17 Q. Okay. But why is that important?

18 MR. JOHNSON: Objection, Your Honor,  
19 relevance.

20 THE COURT: Overruled.

21 A. It's important because that initial child abuse put  
22 that child in a vulnerable position to later be abused or  
23 victimized by somebody else and they oftentimes are not  
24 supported in their family. They may not have any sort of  
25 family support, so somebody comes along and offers them

1 something better, a better life, it looks more appealing to  
2 a child --

3 MR. JOHNSON: Objection, Your Honor,  
4 narrative.

5 THE COURT: Overruled.

6 Q. (BY MS. JOHNSON) Okay. You can continue.

7 A. I think that was the end.

8 Q. Okay. So, you say if somebody's come from an  
9 abusive situation -- just to be clear, when you say "abuse,"  
10 we're not necessarily just talking about sexual abuse;  
11 you're talking about other forms of child abuse, correct?

12 A. Yes, not just sexual abuse but neglect, too.  
13 Neglect often goes hand in hand with child sexual abuse,  
14 nobody paying attention to the child, the child not --

15 MR. JOHNSON: Objection, Your Honor,  
16 nonresponsive.

17 THE COURT: Overruled.

18 A. The child not getting their needs met in their  
19 home.

20 Q. (BY MS. JOHNSON) Now, it may be that somebody's  
21 doing the best that they can, right?

22 A. Correct.

23 Q. As an adult?

24 A. Correct.

25 Q. But to a child, does it matter if they're doing the

1 best that they can but the circumstances and the situation  
2 is not something that's for the well-being of the child?

3 MR. JOHNSON: Objection, Your Honor,  
4 speculation.

5 THE COURT: Overruled.

6 A. I'm sorry. Can you repeat that?

7 Q. (BY MS. JOHNSON) I'm sorry. Yeah. So, what I was  
8 saying is you may have an adult that truly is just kind of  
9 doing the best they can, you know what I mean? It's not  
10 like they have bad intent. Maybe the circumstances are not  
11 such that the child is getting the needs that would be  
12 appropriate; is that fair?

13 A. Right, we're not looking at the intent of the  
14 parent, just the child may not be getting their needs met.

15 Q. Okay. In this particular case, did you have a  
16 chance to hear or learn that this particular child was  
17 living in a motel area where you've got about seven people,  
18 from a grandmother's age to infants, all maintaining the  
19 same room and living in the same location?

20 A. Yes.

21 Q. Okay. You also -- we heard from the child that  
22 this man came along and would take her somewhere to go to  
23 dinner on her own and that she felt special.

24 A. Yes.

25 Q. Okay. I mean, just that little glimmer, just that



1 tiny bit, I mean, does that really potentially do it?

2 A. That could really be the way out for this child. I  
3 heard her mention up here that she wanted to get out. A lot  
4 of the kids, it's not necessarily that the option looks so  
5 appealing but it may look better than what they're currently  
6 enduring at home.

7 Q. Okay. We also heard that she'd previously been in  
8 a shelter and that she had observed some other forms of  
9 abuse against her mother; is that correct?

10 A. Yes.

11 Q. Okay. What kind of impact does that have in this  
12 circumstance and the cases that you deal with?

13 MR. JOHNSON: Objection, Your Honor,  
14 speculation.

15 THE COURT: If you can answer that question  
16 based on your training, your experience, then you may answer  
17 it.

18 A. Sure. A child that's exposed to domestic violence  
19 at an early age, again, puts themselves at a greater risk  
20 for being lured into a relationship with somebody that may  
21 also be violent in some way. There's a lot of  
22 ramifications. We're also looking at boundary issues in the  
23 family. You've got eight people in one room. You would  
24 assume that the child doesn't have a good sense of  
25 boundaries to begin with, which may not raise as much alarm

1 when somebody with bad intentions comes around you because  
2 you're not used to having appropriate boundaries.

3 Q. (BY MS. JOHNSON) I want to ask you a little bit  
4 about the population that you've seen and maybe even this  
5 child. What would you say or what would you consider when  
6 we talk about these types of offenses? What makes a perfect  
7 victim?

8 MR. JOHNSON: Objection, Your Honor,  
9 relevance.

10 THE COURT: Sustained.

11 Q. (BY MS. JOHNSON) Okay. So, in your experience and  
12 your training and from what you've heard today about this  
13 particular child, were there things that raised a red flag  
14 for you that thought this might be somebody who might be  
15 prone to being put in this situation?

16 A. Yes. A child that appears to have been neglected,  
17 whether or not it was a parent wanting to not raise her  
18 right, it just seemed like there were a lot of people living  
19 under one roof, not getting a lot of attention or probably  
20 affection from adults, it sounded like, so that child would  
21 be yearning for some sort of attachment to somebody and  
22 probably an adult figure.

23 Q. And what about this concept that, hey, wasn't this  
24 really kind of your fault, you went with him kind of  
25 concept?

1                   MR. JOHNSON: Objection, Your Honor. I would  
2 object to the kind of strike at the defense via the  
3 question.

4                   THE COURT: You want to rephrase?

5                   MS. JOHNSON: Sure.

6           Q.    (BY MS. JOHNSON) In your experience and what  
7 you've seen here today, is it pretty typical that somebody  
8 might try to blame the child?

9           A.    Yes.

10           MR. JOHNSON: Objection, Your Honor, again.

11           THE COURT: Sustained.

12           MR. JOHNSON: Your Honor, I'd ask the jury be  
13 instructed to disregard the question.

14           THE COURT: Jury will be instructed to  
15 disregard.

16           Q.    (BY MS. JOHNSON) Are there some things that you  
17 see about this victim that suggest, or for other cases that  
18 you've seen and this troubled past, where kids might be  
19 susceptible -- you heard today that she started out lying to  
20 all the authorities -- is that something that you have seen  
21 or that you picked up on here today?

22           A.    Yes, that's pretty common in the girls that we  
23 treat at the CAC. Most of them will not tell the truth  
24 immediately. They feel very bonded to the person that  
25 they're with, even if they've been sexually abused by him or

1 her and also been forced to prostitute themselves. Usually  
2 children, that may be the only form --

3 MR. JOHNSON: Objection, Your Honor,  
4 narrative.

5 THE COURT: Overruled.

6 A. -- that may be the only form of attachment that  
7 they have, so they don't want to lose that person, even if  
8 that person is abusing them.

9 Q. (BY MS. JOHNSON) I mean, you can see how to some  
10 other people that doesn't make sense, right?

11 A. Right.

12 Q. Why does it make sense in their heads?

13 MR. JOHNSON: Objection, Your Honor,  
14 speculation.

15 THE COURT: If you can answer that based on  
16 your training and experience, you may answer it.

17 A. Yes. We're talking, I think, when we expect  
18 children to pick up the phone and call 911 or, you know,  
19 jump out and ask the police for help, we're thinking of kids  
20 that have a secure background, attachment, nurturing growing  
21 up. These are kids usually that do not trust police  
22 officers, that have not had the best experience with adults  
23 meeting their needs, so they may not feel that they have  
24 that option that other children know that they have.

25 Q. (BY MS. JOHNSON) Based on what you heard from the

1 child or from your experience, for someone who has  
2 experienced sexual abuse, does it usually impact some of  
3 their decisions that are made in the future?

4 A. Yes.

5 Q. So, what types of things are you concerned about?

6 MR. JOHNSON: Objection, Your Honor,  
7 relevance.

8 THE COURT: Sustained.

9 Q. (BY MS. JOHNSON) Is there anything else that I  
10 forgot to ask you that I'm supposed to? I don't think I can  
11 do that at this point. But based on what you saw from the  
12 child and her testimony, was there anything else that caused  
13 you concern as a clinical psychologist having worked with  
14 human trafficking victims with regard to this particular  
15 incident?

16 MR. JOHNSON: Objection, form of the question.

17 THE COURT: Sustained.

18 MS. JOHNSON: I pass the witness.

19 THE COURT: Mr. Johnson?

20 MR. JOHNSON: Briefly, Judge.

21 THE COURT: Sure.

22 **CROSS-EXAMINATION**

23 Q. (BY MR. JOHNSON) Doctor, how long were you in here  
24 this morning?

25 A. Ten minutes before you broke for lunch.

1 Q. Okay. And so, how long would you say that you --  
2 of Ms. Jackson's speaking, would you say you heard?

3 A. I would estimate an hour.

4 Q. An hour? Okay. And when you normally conduct your  
5 examinations, how long do they normally take?

6 A. What examinations are you --

7 Q. Well, when you -- you're a clinical psychologist,  
8 correct?

9 A. Yes.

10 Q. Okay. So, when you speak to people and they're  
11 brought to you and you're examining them, how long do those  
12 examinations normally take?

13 A. The initial meeting with the child or a family is a  
14 clinical intake and it's an hour-long appointment.

15 Q. Okay. And then from that hour-long appointment,  
16 the initial one, you then determine what to do next,  
17 correct?

18 A. I determine what service is most appropriate for  
19 that child.

20 Q. Okay. And in that hour-long, you're there speaking  
21 directly with the child going back and forth, correct?

22 A. Correct.

23 Q. Okay. Because you're getting the feedback because  
24 you need that feedback in order to make an accurate decision  
25 about what there is, correct?

1 A. Correct.

2 Q. Okay. And so, would you agree with me that if you  
3 don't get that back and forth, the opinion that you render  
4 is not going to be as solid?

5 A. You want that yes or no, or can I explain?

6 Q. I would like a yes or no, please.

7 A. Can you repeat the question?

8 Q. Would you agree with me that if you don't get that  
9 back and forth, that the opinion that you may render is not  
10 going to be as solid?

11 A. No, I would not agree with that.

12 Q. Okay. So, it is your belief that a clinical  
13 psychologist such as yourself can just listen to somebody  
14 talk for an hour and be able to render determinations about  
15 them?

16 A. I think you're talking about a determination of  
17 whether something --

18 MR. JOHNSON: Objection, Your Honor,  
19 nonresponsive.

20 THE COURT: She's trying to answer your  
21 question. Maybe you need to rephrase it.

22 Q. (BY MR. JOHNSON) Do you believe that the best way  
23 to determine what services somebody needs is for you to  
24 actually interact with that person?

25 A. Yes.

1 Q. But you've never met Ms. Jackson before, correct?

2 A. Correct.

3 Q. You've never spoken with her about her situation  
4 before, correct?

5 A. No.

6 Q. You don't have any true understanding of the depth  
7 of her situation, do you?

8 A. No, I do not.

9 Q. So, any opinion that you would render would really  
10 just be superficial, correct?

11 A. It would be based on my experience and the  
12 literature.

13 Q. Okay. Doctor, have you ever been asked to testify  
14 for the defense?

15 A. No.

16 Q. So, you only testified for the State?

17 A. Yes, but I have not been asked by the defense.

18 Q. So you've only testified for the State?

19 A. Yes.

20 Q. How many times?

21 A. I would estimate 40 about now.

22 MR. JOHNSON: Pass the witness, Judge.

23 THE COURT: Ms. Johnson?

24 MS. JOHNSON: No further questions of this  
25 witness.



1                   THE COURT: May she be excused? On call if  
2 you need her to come back?

3                   MR. JOHNSON: Court's pleasure.

4                   THE COURT: She's at the assessment center, so  
5 if we need her, we can get her back.

6                   MR. JOHNSON: Court's pleasure, Judge.

7                   THE COURT: Okay. Thank you, ma'am. You're  
8 free to go. Please do not discuss your testimony with any  
9 of the other witnesses.

10                  THE WITNESS: Thank you.

11                  THE COURT: Call your next witness, please.

12                  MS. JOHNSON: State calls Dr. Marcella  
13 Donaruma.

14                  THE COURT: Right up here, please, Doctor.  
15 Please raise your right hand to take the oath.

16                  (Witness sworn.)

17                  THE COURT: You may proceed.

18                  MR. OTTO: Thank you, Your Honor.

19                                   **MARCELLA DONARUMA,**  
20 having been first duly sworn, testified as follows:

21                                   **DIRECT EXAMINATION**

22                  Q.    (BY MR. OTTO) Good afternoon.

23                  A.    Good afternoon.

24                  Q.    Please introduce yourself to the jury.

25                  A.    Hi. My name is Marcella Donaruma.