

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, PENNSYLVANIA

	:	
	:	
	:	
COMMONWEALTH OF PENNSYLVANIA	:	
	:	
versus	:	CP-10-CR-0000914-2023
	:	
SHAUN SHEFFER	:	
	:	
	:	

Proceedings Held Before
JUDGE JOSEPH E. KUBIT

January 14th, 2025

For the Commonwealth:
Alicia Werner, Esquire

For the Defendant:
Benjamin Steinberg, Esquire
Christina Burik, Esquire

* * *

Madyson Montana
Official Court Reporter

* * *

I N D E X

1		
2	WITNESSES	PAGE
3	Brandon Sheffer	
	Direct Examination by Ms. Werner	4
4	Cross-Examination by Mr. Steinberg	60
	Redirect Examination by Ms. Werner	96
5	Recross-Examination by Mr. Steinberg	101
6		
	Dr. Veronique Valliere	
7	Voir Dire Direct Examination by Ms. Werner	104
	Voir Dire Cross-Examination by Ms. Burik	110
8	Direct Examination by Ms. Werner	111
	Cross-Examination by Ms. Burik	127
9		
10	Special Agent Stephen Adametz	
	Direct Examination by Ms. Werner	160
11	Cross-Examination by Mr. Steinberg	180
	Redirect Examination by Ms. Werner	226
12	Recross-Examination by Mr. Steinberg	230
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	E X H I B I T S		
2	COMMONWEALTH	MARKED	ADMITTED
3	2 - Photograph	17	18
4	3 - Photograph	17	18
5	DEFENSE	MARKED	ADMITTED
6	A - Photograph	82	83
7	B - Photograph	82	83
8	C - Photograph	94	95
9	D1 - Video	186	N/A
10	D2 - Video	186	N/A
11	D3 - Video	186	N/A
12	D4 - Video	186	N/A
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 P R O C E E D I N G S

2 January 14, 2025
3 Courtroom No. 2
Butler County, Pennsylvania

4 THE COURT: Members of the jury, good morning;
5 nice to see you. Will the Commonwealth kindly call its
6 next witness?

7 MS. WERNER: Yes, Your Honor, thank you. The
8 Commonwealth would call Brandon Sheffer.

9 THE COURT: Good morning, sir.

10 MR. SHEFFER: Good morning.

11 THE COURT: Before you have a seat, would you
12 please raise your right hand? Please have a seat,
13 please pull your chair up to the microphone, and feel
14 free to adjust that microphone as necessary.

15 MS. WERNER: May I, Your Honor?

16 THE COURT: Please.

17 * * *

18 BRANDON SHEFFER,
19 Being first duly sworn according to
20 law by the Court, testified as
21 follows:

22 DIRECT EXAMINATION

23 BY MS. WERNER:

24 Q. Good morning; can you please introduce yourself
25 to the members of the jury?

1 A. I'm Brandon Sheffer.

2 Q. Okay. And how do you spell your first name?

3 A. B-R-A-N-D-O-N.

4 Q. And, Brandon, how old are you today?

5 A. I'm 41; turning 42 soon.

6 Q. Okay, hopefully not too soon. Do you know a
7 Shaun Sheffer?

8 A. Yes.

9 Q. And how do you know Shaun?

10 A. Shaun is my older brother.

11 Q. And how much older is Shaun than you?

12 A. Shaun is -- he was February 12th, '78; five years
13 older.

14 Q. Five years older, okay. And do you see Shaun in
15 the courtroom today?

16 A. Yes.

17 Q. Could you please point him out by an article of
18 clothing that he's wearing?

19 A. He's over there in the suit.

20 Q. And what color suit, sir?

21 A. It's a dark blue, probably.

22 MS. WERNER: Your Honor, may the record reflect
23 the identification of the Defendant by this witness.

24 THE COURT: It will.

25 MS. WERNER: Thank you.

1 BY MS. WERNER:

2 Q. Brandon, when is the last time you've seen your
3 brother, Shaun?

4 A. The last time I saw him was at my -- after the
5 funeral for -- my Grandma Pat passed away, which was in
6 2021; summer of 2021.

7 Q. Okay, summer of 2021, so about three years ago?

8 A. Three and a half, yeah.

9 Q. Now, do you know a Kaitlin Sheffer?

10 A. Yes.

11 Q. Who is Kaitlin?

12 A. Kaitlin is our younger sister.

13 Q. And how much older are you than Kaitlin?

14 A. Kate is May 4th of '88, so five years older than
15 Kate; five years, three months.

16 Q. Okay. So you're five years older than Kaitlin,
17 and Shaun is approximately five years older than you?

18 A. Yes.

19 Q. Okay. Now, please tell us the rest of your
20 family members. You have other brothers; who are they?

21 A. Yes. So for immediate family, the oldest is
22 Shaun, second to oldest is Joshua Sheffer; he's
23 July 14th, 1980, so he's two and half years older than
24 me; he's halfway between me and Shaun. My younger
25 brother Stephen; he's May 22nd of '86, so he's a little

1 more than three years younger than me, and Kate is May
2 4th, '88, so she's two years younger than Stephen.

3 Q. And what are your parents' names?

4 A. Timothy and Candace Sheffer.

5 Q. Now, growing up, did your dad work?

6 A. Yes, quite a bit.

7 Q. Okay. And where -- what did he do?

8 A. He was -- he had his own HVAC company, like, a
9 small company; sole proprietorship. He had help
10 sometimes, but he was often just his own person.

11 Q. And you said that he worked a lot; when you say a
12 lot, tell us a little bit more about that.

13 A. Often seven days a week often from, you know,
14 sunup to sundown. It was pretty rare that he was home
15 other than, like, dinner and to go to sleep, but there
16 were times he was home, like, football games or
17 something, you know.

18 Q. And what about your mom; was she employed when
19 you were a young child?

20 A. Not often. She did have a part-time job once;
21 she was a waitress for a short period of time at Perkins
22 in Cranberry, but that was, like, a couple months maybe.
23 For the majority of the time, she was not employed. She
24 was either helping my dad with the business side of the
25 HVAC company, or, you know, she would stay at home.

1 Q. Okay. And when she would help your dad with the
2 company, would she work from home, or would she work
3 away from the home?

4 A. She would work from home. Eventually, my dad
5 built an office off of his shop, but that didn't happen
6 until significantly later, so when we were really young,
7 she would work from home, but my mom was frequently out
8 -- just, I would use the term -- she would use running
9 errands; going to the bank, going to -- I honestly don't
10 know. There were times she was absent as well.

11 Q. Okay. And when she would leave the home, would
12 Kate remain in the home or would she take Kate with her?

13 A. She would -- both situations happened. There
14 were times that she would take Kate with her. There
15 were oftentimes where Kate was left home.

16 Q. Okay. Now, I want to talk a little bit about
17 school. We heard a little bit about your schooling;
18 what experience did you have in the public school
19 system?

20 A. So it was -- it's a bit complex, so I went to
21 public school kindergarten through third grade. Going
22 into fourth grade, my mom pulled us all out to
23 homeschool, and what I recall is that some of the
24 driving factors for that was Kate's learning disability,
25 like, they were introducing her into school, and she was

1 not being very well received, and they weren't trying to
2 accommodate what her needs were, and my mom was just
3 like, you know, "We're just going to homeschool the
4 kids."

5 Then I went back to school for fifth grade,
6 partially through sixth grade, and then I got pulled out
7 again for 7th grade, went back for 8th grade, and then I
8 never went to high school.

9 Q. When Kate was pulled from public school, did she
10 ever go back to the public school system?

11 A. I don't think so. I don't recall Kate ever going
12 back later. I don't believe so.

13 Q. Okay. And who would be in charge of your
14 homeschooling, including your sister Kate's?

15 A. So this is a hard one to answer too because -- so
16 the first time we all got pulled out when I was in
17 fourth grade, my mom put forth a pretty solid attempt
18 to, like, legitimately homeschool us.

19 She went on to have a lot of health issues,
20 mental health issues and things, and the later years of
21 homeschooling, to be quite frank with you, we didn't
22 really -- there was not really any instruction. It was
23 like I didn't go to school.

24 Q. About how old were you when your mom started
25 having those medical or mental health issues that slowed

1 your homeschooling down, if you recall?

2 A. Probably around -- they got -- I mean, she had
3 some issues, but, like, it got really bad when I was
4 probably around 12 or so.

5 Q. So if you were 12, that would make Kate around 7;
6 is that accurate?

7 A. Yeah, that's accurate.

8 Q. So if your mom was unable to homeschool you, was
9 she also unable to homeschool Kate around that time?

10 A. I would say, yeah, that's pretty fair to say. My
11 mom struggled with, like, mental health and depression
12 and those types of things too. Yeah, there was just --
13 I mean, my mom would be in bed a lot.

14 Q. Okay. And leading up to my next question, so if
15 your mom was home but struggling with these issues, was
16 she present for you guys as a caretaker during that time
17 during the day?

18 A. Not consistently.

19 Q. Okay. And when you say that she would spend a
20 lot of time in bed, like, on a regular basis, how often
21 would she be in her room in her bed during the day?

22 A. It's hard to say because I feel like when she was
23 really, like, so depressed that she couldn't get out of
24 bed all day, I feel like that was a little later, like,
25 late '90s that that really, really started to be heavy.

1 She's always struggled with those things even prior to
2 that.

3 Q. So if late '90s is when it really got bad --

4 A. Mid to late '90s is when, like, she had chronic
5 pancreatitis. She was in the hospital three weeks out
6 of every month, like, it was insane.

7 Q. And so how old were you in the late '90s?

8 A. Early teens.

9 Q. Okay. So like 13, 14?

10 A. I would say 13, 14, 15. A lot of when she was
11 having her health problems, I was kind of her chauffeur.
12 Like, I was literally driving her around before I had a
13 driver's license.

14 Q. At 14, 15 years old?

15 A. At, like, 15 to 16 at the tail end, and, like,
16 right as soon as I got my driver's permit, which was
17 right after I turned 16 -- yeah.

18 Q. So your memories of driving your mom to the
19 medical appointments is helping you remember how old you
20 were?

21 A. Yeah.

22 Q. And so at that time, if you were 15, Kate would
23 be around 10 years old?

24 A. Correct, yeah.

25 Q. Okay. At the height of your mom being in the

1 hospital and away from the home; is that right?

2 A. Yeah, I would say that's about right, yeah.

3 Q. Now, you mentioned a little bit about Kate's --
4 you said a learning disability; can you tell us what
5 Kate was like as a young child?

6 A. Yeah. She was purely nonverbal until probably
7 age four or five. She would do baby babbling through
8 toddler years. She was able to speak, you know, by the
9 time kindergarten came around, so I would say nonverbal
10 until four. It's hard to remember exactly specifically.

11 I do recall when my mom pulled us all out of
12 school, one of the things she was most offended by was
13 the school saying that Kate would never learn to read
14 and write, and they basically just wanted to put her in
15 classes with severely disabled kids that had --
16 wheelchair-bound, et cetera, and my mom was not okay
17 with that.

18 Q. Sure. Now, Kate's learning disabilities, was
19 that known by everybody in the family? And when I say
20 family, I just mean your immediate family; you and the
21 rest of your brothers.

22 MR. STEINBERG: Objection; calls for speculation,
23 Your Honor.

24 MS. WERNER: I'm asking if he knows, Judge. It's
25 within his family; personal observations and experience.

1 MR. STEINBERG: She's asking if everybody in his
2 family knew, so she's asking what other people knew.

3 THE COURT: Sustained.

4 BY MS. WERNER:

5 Q. The observations that you made about Kate, how
6 obvious were they?

7 A. Very obvious. Kate was slow, and it's
8 embarrassing to say, but the R word, retard, was tossed
9 around all the time; retarded.

10 MR. STEINBERG: Objection; hearsay.

11 MS. WERNER: His personal experience, Judge,
12 within the family home about Kate's condition.

13 THE COURT: I'm going to sustain the objection.
14 Counsel, if you want to ask if it was this witness who
15 used that word, that's another story.

16 MS. WERNER: Who would toss that word around when it
17 came to Kate?

18 MR. STEINBERG: Your Honor, that statement has
19 already been ruled hearsay.

20 THE COURT: It has. Rephrase, please.

21 BY MS. WERNER:

22 Q. Is that something that you would use to describe
23 Kate growing up? I mean, you testified to that word
24 being used; why are you choosing that word?

25 A. Ashamed to say but, yes. It was used frequently

1 among all of her brothers. I mean --

2 MR. STEINBERG: Objection. She specifically
3 asked if it was what the witness said, and now he's
4 going into what other people said.

5 THE COURT: Okay, all right. Sustained.

6 BY MS. WERNER:

7 Q. What other things about Kate can you describe to
8 the jury about her communication skills when it came to
9 her even as a six or seven-year-old?

10 A. She could speak, but she didn't have an
11 understanding. She didn't speak very clearly, and she
12 just -- I mean, she basically, for lack of a better way
13 to describe it, came off as someone much younger in age
14 just in her, you know, few-year-older body if that makes
15 sense.

16 Q. And if mom wasn't necessarily homeschooling her,
17 what was -- if you know, what was Kate's main form of
18 education in the household?

19 A. Ashamed to say, there really wasn't -- I mean, my
20 mom did initially try to work with her. I don't want to
21 take that away from her, but especially pretty much
22 after that first year, there was practically nothing.

23 Q. And due to Kate's learning disabilities or other
24 issues, did you know of your mom ever taking her to the
25 doctor?

1 A. Yeah. There was a Dr. McKelvey that we all went
2 to, but we were -- for the most part of our childhood,
3 we didn't have health insurance and stuff, and prior to
4 Kate getting diagnosed with type 1 diabetes, we did go
5 to the doctor, but it was pretty infrequent.

6 Q. Okay. Are you aware of any diagnoses that she
7 was able to receive from a doctor before the age of
8 nine?

9 MR. STEINBERG: Objection; calls for hearsay.

10 MS. WERNER: Not calling for hearsay, just
11 whether he knows if his sister had a diagnosis.

12 THE COURT: Overruled.

13 MR. SHEFFER: So am I --

14 BY MS. WERNER:

15 Q. Yes.

16 A. She was diagnosed with type 1 diabetes I want to
17 say --

18 MR. STEINBERG: Objection; not responsive to the
19 question. The question was whether there was any mental
20 disability or mental health diagnosis.

21 THE COURT: Sustained.

22 BY MS. WERNER:

23 Q. Before she was diagnosed with diabetes --

24 A. Yeah.

25 Q. -- did she ever receive any other type of mental

1 health diagnosis?

2 A. I don't believe so, but there really wasn't
3 any --

4 MR. STEINBERG: Objection to the form of the
5 question. Diabetes is not a form of a mental health
6 diagnosis.

7 MS. WERNER: Judge, my question was before her
8 diabetes diagnosis, did she receive any other mental
9 health diagnosis.

10 THE COURT: Overruled.

11 MR. SHAFFER: I don't believe so. I don't think
12 there was ever any investigation in depth into that. We
13 were not well to do at all. We didn't have access to
14 resources for things like that.

15 BY MS. WERNER:

16 Q. Now, was your sister an emotional type of child?

17 A. I would say, yes. I'm not sure in what way you
18 might mean.

19 Q. Well, just explain what you mean, like, what type
20 of child she was.

21 A. I mean, she always had a sense of humor even
22 through everything.

23 Q. Did she have a big personality? Was she loud or
24 was she the opposite?

25 A. She was at times loud, but she was at times very,

1 very, very quiet too, so it's -- I'm not sure if that's
2 helpful or not. I don't --

3 Q. Now, in preparation of today, did you provide me
4 with some photos of your sister when she was around the
5 ages of 7 and 12; between 7 and 12?

6 A. I think I provided you two photos; one I'm nearly
7 certain was taken at an Ocean City trip in 1994, which
8 would have made Kate six years old. The other one was
9 in 1997, and there's actually a date stamp on the
10 photograph, which that's -- Kate would have been nine.

11 MS. WERNER: Your Honor, may I approach?

12 THE COURT: Yes.

13 (Exhibits 2 and 3 were marked for
14 identification.)

15 BY MS. WERNER:

16 Q. Brandon, I'm going to show you what I have marked
17 for identification purposes as Commonwealth's Exhibits 2
18 and 3; are those the pictures that you sent to me?

19 A. Yes.

20 Q. Okay. Do they accurately depict your sister at
21 the ages that you just described to this jury?

22 A. Yes.

23 MS. WERNER: Your Honor, I would move for the
24 admission of Commonwealth's Exhibits 2 and 3.

25 THE COURT: Counsel?

1 MR. STEINBERG: No objection.

2 THE COURT: Exhibits 2 and 3 are admitted.

3 (Exhibits 2 and 3 were admitted.)

4 BY MS. WERNER:

5 Q. Can you pick up picture number two, please? Can
6 you describe again what Commonwealth's Exhibit 2 is
7 actually depicting?

8 A. Two, sorry; this one says three. Sorry, ask
9 again, please.

10 Q. Describe again what we're seeing in
11 Commonwealth's Exhibit 2; that picture.

12 A. So summer of 1994, we went on a trip to Ocean
13 City, Maryland. Our immediate family actually stayed
14 with my Aunt Cathy, Uncle Randy, and their two
15 daughters, Casetta and Angie, our cousins. This is Kate
16 sitting next to my cousin Angie on the couch in the
17 rental unit.

18 Q. And, approximately, how old would Kate have been
19 in that picture?

20 A. Kate would have been six years old.

21 Q. Okay. And what is Kate doing in that picture?

22 A. She's sucking her fingers. She did that commonly
23 until probably -- I mean, she was doing that until
24 probably early teens.

25 Q. Okay.

1 MS. WERNER: May I publish Commonwealth's
2 Exhibit 2 to the jury, Judge?

3 MR. STEINBERG: No objection.

4 THE COURT: Yes.

5 BY MS. WERNER:

6 Q. And, Brandon, I'm going to have you describe what
7 we're seeing also now in Commonwealth's Exhibit 3.

8 A. Okay. This picture was taken outside of the
9 convention center. We used to go to a Jehovah's Witness
10 convention in Cleveland, and this is a photo of Stephen,
11 my mom, me, and Kaitlin.

12 Q. And you indicated that there is a date stamp on
13 that photo.

14 A. Yeah, the date stamp is August 2nd of 1997, and I
15 would believe that date to be roughly accurate. I'll be
16 honest with you, the date stamp from that camera was
17 sometimes not accurate, but this looks exactly like that
18 time period.

19 Q. And you recall being present at that convention
20 at that time?

21 A. Yes.

22 Q. And, approximately, how old do you think Kate
23 would have been in that picture?

24 A. She would have been nine.

25 Q. Okay. And that would have made you about

1 14 years old?

2 A. Correct.

3 Q. And you are the oldest in that picture?

4 A. I am the oldest in this photo, correct.

5 MS. WERNER: Your Honor, permission to publish
6 Commonwealth's Exhibit 3 to the jury?

7 THE COURT: Counsel?

8 MR. STEINBERG: No objection.

9 THE COURT: Please do so.

10 MS. WERNER: Thank you.

11 BY MS. WERNER:

12 Q. Can you tell us a little bit about the makeup of
13 your home, I guess, in how the bedrooms were situated in
14 your house?

15 A. Yes. They did change over time. We initially
16 moved into the house that my parents still live in in
17 Callery, and the basement was not initially finished.
18 There were three bedrooms upstairs, so enter through the
19 house, make a right down the hallway, there's a bathroom
20 on the left that was, like, the only bathroom, and then
21 the next door to the left was my parents' bedroom.
22 Straight back was initially Shaun's bedroom, and then to
23 the right when we were very young was a bedroom that
24 Stephen, Josh, and I actually shared.

25 Q. Okay. And do you recall how old you were when

1 that bedroom formation changed?

2 A. Roughly, yes.

3 Q. About what age?

4 A. I would say I was around 12 to 13.

5 Q. And so at 12 years old, you had a bedroom
6 upstairs; not in the basement?

7 A. I think when I was 12 is when we moved the
8 bedrooms around. Do you want me to describe the
9 downstairs bedrooms, or am I getting ahead?

10 Q. You're just getting ahead, but that's okay. So
11 about 12 though, all three of your brothers had bedrooms
12 upstairs or until about 12?

13 A. Until the basement was finished I think -- yeah,
14 around then, yeah.

15 Q. So then around seven for Kate if your brothers
16 had the bedrooms, where did your sister sleep?

17 A. Can I rewind for a second about the upstairs?
18 The basement was finished prior to that, and Stephen and
19 I were sharing a bedroom upstairs, but Shaun and Josh
20 had bedrooms downstairs because by the time I moved
21 downstairs, Shaun and Josh had already been downstairs a
22 couple years. So when I was 12, Josh and Shaun had
23 rooms in the basement, but the basement was probably
24 finished in the early 1990s, like, '92 or something; '93
25 or '92.

1 Q. Okay. And then once that was finished, Shaun and
2 Josh moved in the basement first?

3 A. Correct.

4 Q. Okay. Going back to my first question though,
5 where did Kate sleep before -- did she have her own
6 bedroom, or did she sleep somewhere before that?

7 A. So Kate stayed in my mom and dad's room for a
8 while. There was also this little closet-sized room off
9 of their bedroom; it was originally intended to be a
10 master bathroom, but it was never turned into that. It
11 was pretty small; I would say it was, like, maybe
12 six feet by four feet or something. We literally called
13 it the tiny room, and that was kind of Kate's bedroom
14 for a while.

15 Q. Do you -- when she moved out of that tiny room in
16 your parents' bedroom, what bedroom did she move into?

17 A. She moved into the bedroom that was originally
18 Shaun's bedroom; the one straight back at the end of the
19 hallway.

20 Q. Okay. Did she move into that bedroom when Shaun
21 moved into the basement?

22 A. She moved in -- yeah, they started to remodel
23 that bedroom and, yeah, she moved into there when Shaun
24 moved into the basement.

25 Q. Okay. Now, did something occur that brings us

1 here today that you remember when you were about
2 12 years old?

3 A. Yeah. Kate -- I can't remember exactly how she
4 approached me, but I do recall her approaching me for
5 help. She said Shaun --

6 MR. STEINBERG: Objection. He is going into
7 hearsay.

8 THE COURT: Sustained.

9 MS. WERNER: Effect on the listener and prior
10 consistent statement, Judge.

11 MR. STEINBERG: I'm sorry, what was that?

12 MS. WERNER: Effect on the listener and prior
13 consistent statement.

14 MR. STEINBERG: I don't know any effect on the
15 listener exception to hearsay.

16 MS. WERNER: May we approach, Judge?

17 THE COURT: Yes.

18 (Whereupon, an on-the-record sidebar discussion
19 was held.)

20 MS. WERNER: So the exceptions to the hearsay
21 rule are number one, effect on the listener because when
22 Kate tells him things, this is what -- after he hears
23 from what she said, what does he do next? It's
24 affecting him, the listener, so what does he do with
25 that once he tells her that?

1 Also, prior consistent statement; she's already
2 been impeached on what she did or did not tell her
3 brothers or who she reported it to first, and so now
4 it's a prior consistent statement with her already
5 having testified.

6 MR. STEINBERG: What rule is effect on the
7 listener?

8 MS. WERNER: I'd have to look it up.

9 MR. STEINBERG: I just looked at all the
10 exceptions last night because we've been talking about
11 Declarant testimony, out of Court, and --

12 MS. WERNER: It is an exception to the hearsay
13 rule; effect on the listener.

14 MR. STEINBERG: I would object based on that. As
15 far as prior inconsistent statement, Your Honor, she was
16 not impeached or attacked on what she told her brother
17 at all during cross-examination; I didn't go into that.
18 I didn't question her about, "Oh, did you say it was a
19 kiss or did you say it was sex?" She wasn't attacked on
20 that, so she has no basis to bring in what she said as a
21 prior consistent statement. I have to attack it first.

22 MS. WERNER: Anytime a victim is cross-examined
23 on her credibility in general about who she disclosed to
24 and what she disclosed is appropriate for a prior
25 consistent statement after she's already testified.

1 MR. STEINBERG: I didn't cross her about what she
2 told Brandon. I didn't put into question what she told
3 Brandon when I crossed her, so I didn't attack her
4 credibility as far as what she told Brandon, so he can't
5 come and try to say that she made a consistent statement
6 in that regard. You need to first have that statement
7 attacked; it's not just because she's a victim.

8 MS. WERNER: I recall him cross-examining her
9 specific questions on Brandon telling her what Shaun did
10 to her and not Kate telling Brandon what happened to
11 her. These questions go directly towards her
12 credibility and prior consistent statements; that direct
13 issue of what she first told Brandon.

14 MR. STEINBERG: Well, that's a separate issue as
15 to whether Brandon told her at all. I'm not saying that
16 -- I didn't say that she didn't tell Brandon. I'm
17 saying it's possible, and I brought it out, that Brandon
18 told her.

19 MS. WERNER: I've made my arguments, Judge.

20 THE COURT: Okay. Counsel, I'm not going to tell
21 you -- you know how you want to get your case in. You
22 know what you need to do to get your case in. You're
23 going to make the decision whether you wish to pursue
24 this line of questioning further.

25 MS. WERNER: Okay.

1 THE COURT: You know -- you've been at this a
2 while; do you wish for me to rule on this objection so
3 that you can continue this line?

4 MS. WERNER: Yes.

5 THE COURT: Anything before I do that? Anything
6 else you want to add?

7 MR. STEINBERG: No, other than she hasn't stated
8 the rule as far as effect on a witness, and the
9 statement that Kate made whether she made that and what
10 she said, that's the issue. What she said was not
11 attacked, so she can't bring in a prior consistent
12 statement and try to boost the credibility from another
13 witness.

14 THE COURT: The objection is overruled.

15 (Whereupon, an on-the-record sidebar discussion
16 concluded.)

17 MS. WERNER: May I, Your Honor?

18 THE COURT: Yes.

19 BY MS. WERNER:

20 Q. Brandon, I'm going to ask you again, okay? When
21 Kaitlin came to you first, what did she say to you?

22 A. She said -- she was trying to explain that
23 sometimes when Shaun comes in her room, he wants to kiss
24 and stuff. It started out -- I remember that exact
25 phrase, "kissing and stuff." You know, I tried to ask

1 her to elaborate on that, and she -- I don't remember
2 the exact words.

3 I do remember her saying specifically his wiener
4 and, like, rubbing his wiener and, like, her -- I was a
5 pretty sheltered, ignorant young kid too so, like, I
6 didn't fully understand what she was explaining, and she
7 did not have the vocabulary to really describe, but I
8 did walk away with the impression that she was
9 describing rape.

10 Q. Okay. And so based off what Kate told you, what
11 did you do?

12 A. I was in a total -- I didn't know what to do. We
13 were -- by that point in time, we almost largely lived
14 independent from our parents as kids.

15 Q. What do you mean by that? Explain that, please.

16 A. It's just, you know, it's Lord of the Flies at
17 home. You know, there's just not -- there was not a lot
18 of supervision. My dad was gone all the time, my mom
19 had her health issues and things, and I can specifically
20 remember being terrified that if my dad found out about
21 this, he would murder Shaun. Like, I was convinced he
22 would. I mean, I was 12 or 13, so, I mean, I was just
23 like, he's going to -- I didn't know what to do. I
24 actually -- I know I told my brother Josh first.

25 Q. Okay.

1 A. I can remember the moment telling my brother
2 Josh. I can remember standing --

3 MR. STEINBERG: I'm just going to object.
4 Anything he said out of Court is hearsay, Your Honor.

5 THE COURT: Counsel?

6 MS. WERNER: He is not offering what Josh said.
7 He's only testifying as to what he has said. He's the
8 Declarant.

9 MR. STEINBERG: May we approach?

10 THE COURT: Sure.

11 (Whereupon, an on-the-record sidebar discussion
12 was held.)

13 MR. STEINBERG: I've made this objection multiple
14 times during this trial. Just because someone is the
15 Declarant of an out-of-Court statement, there is no
16 exception because that person that's testifying happens
17 to be the Declarant. I've printed out the definition of
18 hearsay if opposing Counsel wants to see it, and it
19 defines Declarant as the person who made the statement.
20 It defines hearsay as a statement that the Declarant
21 does not make while testifying at the current trial and
22 that a party offers it to prove the truth of the matter
23 asserted in that statement.

24 It doesn't say that it's only when the person
25 testifying is testifying about a third-party statement;

1 it says the Declarant. So whether it's the witness
2 testifying about what the witness said or the witness
3 testifying about what someone else said, the Declarant
4 is not making that statement. The prior statement
5 that's being brought in is made by a Declarant outside
6 of Court.

7 THE COURT: Tell me, Counsel, from your
8 perspective, why does the rule against hearsay exist,
9 and why are there exceptions to it? Why does it exist?

10 MR. STEINBERG: Well, I'll tell you that there
11 are exceptions to -- for instance, the prompt complaint
12 exception that we brought up in motions; if a victim of
13 sexual abuse promptly complains about that abuse acutely
14 thereafter, that is an exception to hearsay. The victim
15 can get up on the stand and talk about that particular
16 allegation that she made or complaint that he or she
17 made.

18 What would be the point of that exception if it
19 wasn't hearsay in the first place, Your Honor? There
20 are other exceptions within 803 that talk about what a
21 Declarant themselves can say about what they've
22 previously said, so there are multiple exceptions. Yes,
23 the purpose of it is so that you can have the ability to
24 cross-examine the person who said it, but the fact is is
25 that we're bringing in and basically making -- accepting

1 as fact that the person said it prior, and there's no
2 way to test that credibility. That's why it's hearsay.

3 THE COURT: Isn't that what you are doing on
4 cross-examination is testing the credibility of the
5 remarks he made?

6 MR. STEINBERG: Your Honor, of course the
7 witness, who is the Declarant himself, is going to say
8 that they said it regardless, but I can't go back in
9 time and determine the fact of whether it was said.

10 THE COURT: Doesn't so much evaluation of
11 testimony by a Court and a jury weigh on credibility and
12 perceptions of the witnesses' demeanor, et cetera? I
13 think so much of this comes down to credibility.

14 MR. STEINBERG: Your Honor, I'm basing it on the
15 definition of hearsay, and it doesn't make a difference
16 whether the Declarant is testifying about what the
17 Declarant said or the witness is testifying about what
18 another Declarant said. It's an out-of-Court statement
19 by the Declarant, so it's hearsay.

20 THE COURT: And I agree with you that it is an
21 out-of-Court statement and so that makes it hearsay, but
22 the question going to ultimately whether the credibility
23 of that statement can be plumed and evaluated is
24 something that falls within the exceptions to that
25 testimony being able to be elicited so, Counsel, I'm

1 counting on you to -- I'm assuming you will be
2 articulating the basis for that to happen at each one of
3 these intervals where the hearsay nature of a testimony
4 reported prepared to be given is going to be elicited,
5 and I'm making that assumption, and I'm depending upon
6 you to be able to articulate that.

7 MS. WERNER: Yes. I will say that Defense
8 Counsel is reading the hearsay rule wrong. Hearsay
9 applies to when someone else is testifying about what
10 someone else said. Declarants are allowed to testify as
11 to what they said out of Court because it's their own
12 statement.

13 MR. STEINBERG: What exception is that?

14 MS. WERNER: There is no exception. Hearsay
15 doesn't apply when the Declarant is available and
16 they're testifying to their own statements. For
17 example, if you had your case in chief, and your client
18 does not want to testify, the hearsay rule would
19 preclude you from playing his interview. You can't do
20 that because you're offering an out-of-Court statement
21 by your own witness; however, if he were to get up on
22 the stand and then testify about being interviewed and
23 what he said in that interview, that's not hearsay
24 because he is the Declarant. He's available, and he's
25 now testifying; you understand the difference?

1 So I can't put Stephen, my agent, up on the stand
2 to testify as to what Brandon said in the interview. I
3 have to have Brandon get up on the stand and have him
4 testify as to what he said and what happened in those
5 situations because it's his own statements; he's the
6 Declarant.

7 So, yes, if I want to elicit hearsay statements
8 that are general hearsay, I have to use one of the
9 exceptions in order to get those statements in, which I
10 am trying to lay the foundation for and the proper
11 exceptions, but I don't need an exception to the hearsay
12 rule for Brandon to testify as to what he said to his
13 brother, he said to Kaitlin, or he said to his parents.

14 MR. STEINBERG: In a contract case when there is
15 no written contract --

16 MS. WERNER: This isn't a contract case; this is
17 criminal.

18 MR. STEINBERG: Yeah, but it's still all the
19 rules of evidence, right? You're not saying anything
20 specific about criminal rules of procedure; you're
21 saying something about the Pennsylvania Rules of
22 Evidence, and it's the same as in a contract case. If
23 there is no written contract, you can't have someone
24 come in there and say, "Well, I told him that there was
25 a contract."

1 MS. WERNER: I don't agree with your analyzation
2 because putting contracts that are signed and sealed,
3 that's completely different law than we're talking about
4 testimony. There is no contract here, and there is no
5 civil law here; it's just witness testimony in and out
6 of Court.

7 MR. STEINBERG: It's the same thing and the same
8 rules of evidence apply, Your Honor. I just voice my
9 objection for the record.

10 THE COURT: Okay, all right. It's overruled.

11 MS. WERNER: Thank you.

12 (Whereupon, an on-the-record sidebar discussion
13 concluded.)

14 MS. WERNER: May I, Judge?

15 THE COURT: Yes.

16 BY MS. WERNER:

17 Q. Brandon, so before we took a short break, you
18 were testifying how you remember telling your brother
19 Josh.

20 A. Correct.

21 Q. Okay. And you said he was the first person that
22 you told.

23 A. Correct.

24 Q. Okay. And do you remember how much time was in
25 between Kate telling you and then you telling your

1 brother Josh?

2 A. It was not long. I think it may have been within
3 a day.

4 Q. Okay. And what did you tell your brother Josh?

5 A. Exactly what had been told to me.

6 Q. Okay.

7 A. And my fears of what was going to happen, and I
8 don't know how to tell mom or dad.

9 Q. And don't tell us what Josh told you, okay? Just
10 after you spoke with Josh, what then did you -- what
11 then did you do next, if anything?

12 A. I don't know what specifically that I did, like,
13 immediately following. I mean, I was just terrified of
14 what possibly was going to happen. I don't --

15 Q. Let me ask you this: At some point, did you make
16 the decision to tell someone else in your family?

17 A. So I just -- I don't know whether -- based on,
18 like, if I'm allowed to say Josh is who helped tell my
19 mom, and my mom later came to talk to me.

20 Q. Okay, okay. So thank you for explaining that; so
21 your mom came to you?

22 A. After that, yeah.

23 Q. Okay. And when your mom came to you, don't tell
24 us what your mom told you, just what did you then tell
25 your mom?

1 A. Exactly what Kate had told me.

2 Q. Who else was present for that conversation?

3 A. I don't believe anyone was.

4 Q. Okay. Following the conversation with your mom,
5 did anything in the household change with your behavior,
6 specifically regarding Kate?

7 A. Yeah. I know there was a -- Shaun and Kate were
8 not permitted to be alone together. That was
9 communicated to both me and Josh.

10 MR. STEINBERG: Object; hearsay, Your Honor.

11 MS. WERNER: Effect on the listener, Judge.

12 MR. STEINBERG: Can you state the rule?

13 MS. WERNER: It's effect on the listener.

14 Because of what he was told, he then had to watch and
15 keep Shaun and Kate separated. It describes what he did
16 next because of what he was told. That is effect on the
17 listener; a hearsay exception.

18 THE COURT: Counsel, can I see you at sidebar?

19 (Whereupon, an on-the-record sidebar discussion
20 was held.)

21 THE COURT: Attorney Werner, this is the second
22 time we've heard the effect on the listener being raised
23 as an exception to the rule against hearsay; do you have
24 -- is that something that you would have at your ready
25 disposal in terms of --

1 MS. WERNER: Yes, I can get that for you. I'll
2 just need to send a text message, Judge, and then the
3 case would be e-mailed to myself.

4 THE COURT: Is that something we can accomplish
5 if I give the jury a 15-minute break?

6 MS. WERNER: Yes.

7 THE COURT: Okay, that's what we're going to do.

8 (Whereupon, an on-the-record sidebar discussion
9 concluded.)

10 THE COURT: Members of the jury, I know it's
11 early in the day, but I am going to release you to take
12 a 15-minute break while Counsel and I address some
13 points of law that need to be resolved, so I'm going to
14 -- it's 10:03, and I'm going to resume these proceedings
15 at 10:18 or as close to that as we can, okay?

16 So, again, as you've heard me say multiple times,
17 and I regret that I'm going to have to tell you
18 considerably more times, you need to keep all of the --
19 what you've heard to yourselves and no discussion
20 amongst yourselves or communication with anyone outside
21 of the courthouse or within it about the substance of
22 what you've heard thus far; no research is to be
23 conducted, et cetera. I think I have made that clear
24 and so, again, I'll see you in 15 minutes, okay? Thank
25 you.

1 Mr. Sheffer, you may step down from the witness
2 stand.

3 MR. SHEFFER: Thank you.

4 THE COURT: The Court is in recess until 10:20.

5 (Whereupon, a brief recess was taken.)

6 (Whereupon, an in-chambers discussion was held.)

7 THE COURT: Okay. We're here in chambers to
8 review the issue of hearsay that has come up several
9 times in the trial of this case and most recently during
10 the testimony of Brandon Sheffer. Counsel for the
11 Defendant has raised an objection to hearsay to one of
12 the questions that was posed by Counsel to which the
13 response was that the basis that the testimony is
14 admissible is based on a --

15 MS. WERNER: So the basis is effect on the
16 listener, and I apologize if I wasn't as eloquent as I
17 could have been now, but the reason that it's not
18 hearsay is because it's not being offered for the truth.
19 So essentially, the statement is being offered to
20 explain Brandon's conduct following --

21 THE COURT: Course of conduct?

22 MS. WERNER: Yes, following that statement. So
23 we're not offering it to say, "Well, this actually
24 happened or it's in fact true." It's just because of
25 the statement by mom that Brandon then has to keep

1 special watch over Kate and Shaun and ensure that they
2 -- he ensures that they are separated and not meant to
3 be alone together following that. So when I said
4 exception to the hearsay rule, it's just not hearsay at
5 all because it's not being offered for the truth.

6 MR. STEINBERG: Okay. So it's not an exception
7 to hearsay; I didn't think it was. Whether it's hearsay
8 or not obviously comes down to what it is being offered
9 for. While the Commonwealth states that it's not being
10 offered to prove that there's a family rule, it
11 certainly -- that has been the tapestry of this witness
12 and Stephen Sheffer that the parents said that there was
13 a family rule.

14 What that family rule is I don't know that it has
15 actually come out yet, but it's -- even though it's
16 requesting his conduct thereafter, it's still bringing
17 in whether or not there was a family rule, which would
18 have been communicated by the parents, and that's a
19 fact. That's an out-of-Court statement, and while they
20 want to argue it's not being offered for the truth of
21 the matter asserted, my position is is that it certainly
22 is.

23 MS. WERNER: I cannot have someone testify to it
24 being a family rule. Mom and dad aren't -- haven't
25 testified, but what I can elicit is that statement made

1 by his mom to explain why Brandon will then go ahead and
2 testify as to him having to watch his sister and keep
3 her separated from Shaun, which was something he didn't
4 do on his own; he did because of the instruction. So,
5 again, I don't care what the instruction was. It just
6 explains his conduct, which is why it's not hearsay.

7 MR. STEINBERG: I think the best way to do it and
8 the proper way to ask the question would be, "After your
9 conversation with your mother, what was your behavior?"
10 Not, you know, something that would bring out that there
11 was an actual family rule, so he can talk about how he
12 responded to the conversation but not that the
13 conversation was that he was supposed to watch over her
14 or that he -- that Kate wasn't allowed around Shaun or
15 whatever the case may be.

16 MS. WERNER: I understand that's how you want me
17 to, but the rule allows me to elicit the statement for
18 the exact reason why I'm eliciting it.

19 MR. STEINBERG: Even the case you cited doesn't
20 indicate that the other detective said anything; it was
21 that he acted -- and I just had an opportunity to read
22 the headnotes that you referenced and asked us to focus
23 on, and it says that the police sergeant's testimony
24 that he collected the boot because a detective believed
25 the boot may have been used in the assault, so he's

1 talking about the belief.

2 MS. WERNER: Which was the statement, yes. The
3 belief was the statement that was said to him, which
4 would have been the hearsay statement, yes.

5 MR. STEINBERG: All right. Well, I haven't had
6 an opportunity --

7 MS. WERNER: Even in the comments of the hearsay
8 rule of 801, which I also e-mailed -- and I think the
9 case law gives a good explanation of the hearsay rule
10 and then describes what the hearsay rule is. Again, it
11 indicates that it's talked about in the comments of 801
12 about it not being hearsay because it's not being
13 offered. So thus, any out-of-Court statement offered
14 not for its truth but to explain the witness's course of
15 conduct is not hearsay.

16 MR. STEINBERG: My position, again, is that even
17 it says at trial Police Sergeant Michael, whatever his
18 last name is, testified that a detective believed that
19 the boot may have been used in the assault. He didn't
20 say that the other detective said that the boot was used
21 in the assault. That's what you're trying to do that
22 mom said that there was a family rule, and that's
23 hearsay.

24 This can be distinguished because he's testifying
25 as to what he thought the detective believed, which is

1 speculation. That should have been the objection, but
2 this case is not a point for that, Your Honor. This
3 whole effect on witness, if that is, in fact, not
4 hearsay, then anybody can talk about anything that
5 someone said to them because of the way that it affected
6 them; that's not an exception to hearsay. The closest
7 thing to that would be 8033; then existing mental,
8 emotional, or physical conditions, but that's like
9 saying he said he was sad or he said his knee hurt.
10 That's not what we're dealing with here, Your Honor.

11 THE COURT: Okay, all right. Anything more?

12 MS. WERNER: No. Thank you, Judge.

13 THE COURT: Okay, all right. I am not going to
14 permit this witness to say what his mother told him as a
15 part of that interchange. I will, however, as Attorney
16 Steinberg was open to allowing to take place, allow this
17 witness to speak to his conduct and the conduct of
18 others, if you want to go down that path, following this
19 conversation with mom.

20 MS. WERNER: Okay. So just so I'm clear about
21 what I'm permitted to do because I don't want to have
22 another objection as soon as we get into the Court, so
23 what I will do is I will redirect him about his actions
24 after the conversation he had with his mother,
25 specifically when it came to Kate and Shaun, and then am

1 I permitted to then also say, "Did Josh and/or Stephen
2 follow the same suit?" Meaning, did they also keep
3 watch over Shaun and Kate?

4 MR. STEINBERG: I wouldn't object to that.
5 That's just calling for observation.

6 MS. WERNER: Okay.

7 THE COURT: Are we clear then?

8 MR. STEINBERG: Yes, Your Honor. Thank you for
9 your time.

10 MS. WERNER: Thank you.

11 THE COURT: For sure.

12 (Whereupon, an in-chambers discussion concluded.)

13 THE COURT: Members of the jury, thank you for
14 your patience. We are going to get back underway.
15 Mr. Sheffer, you're still under oath.

16 MR. SHEFFER: Yes.

17 MS. WERNER: May I, Your Honor?

18 THE COURT: Yes.

19 BY MS. WERNER:

20 Q. Brandon, so after you had this discussion with
21 your mom, did you take any action when it came to your
22 brother Shaun and your sister Kate?

23 A. I knew they weren't allowed to be alone together.

24 MR. STEINBERG: Objection.

25 MS. WERNER: I'll rephrase or redirect the

1 witness.

2 BY MS. WERNER:

3 Q. Okay. I understand that you knew what you knew,
4 okay? I just want to ask specifically about your
5 actions; did you take any action when it came to your
6 sister and your brother Shaun? Like, what did you start
7 doing after that?

8 A. Just being aware and trying to -- I have to be
9 honest, I don't remember taking specific actions where,
10 like, I forcibly kept them apart or anything to that
11 nature. I was a kid.

12 Q. So when you say you were aware, what would you do
13 if Kate and Shaun were alone together?

14 A. I would have tried to --

15 MR. STEINBERG: Objection. The question is what
16 you did, not what you would have done; nonresponsive.

17 THE COURT: Sustained.

18 MS. WERNER: After your conversation with your
19 mom, did you become more aware of when Shaun and Kate
20 would or would not be alone together?

21 MR. STEINBERG: Objection; leading.

22 THE COURT: Overruled.

23 MR. SHEFFER: Yes.

24 BY MS. WERNER:

25 Q. Okay. Before your conversation with your mom,

1 did you care or pay attention to where Shaun or where
2 Kate would be?

3 A. No.

4 Q. After your conversation with your mom, did Josh
5 also become more aware of whether or not Shaun and Kate
6 would be alone together?

7 A. Yes.

8 MR. STEINBERG: Objection; calls for speculation.

9 MS. WERNER: Permitted to ask that question,
10 Judge, based on his own observations.

11 MR. STEINBERG: You're asking for his thought
12 process and not his conduct.

13 THE COURT: The objection is sustained. This
14 witness can't speak to what his brother might have
15 become more aware of so if you want to rephrase,
16 Counsel?

17 MS. WERNER: Thank you, Judge.

18 BY MS. WERNER:

19 Q. After your conversation with your mom, did you
20 see Josh also take action -- or take action when it came
21 to being aware of whether or not Kate or Josh would be
22 alone together -- or Kate or Shaun would be alone
23 together?

24 A. Yes.

25 Q. Okay. Now, when you had this conversation and

1 Kate told you, you told us you were about 12 years old;
2 is that accurate?

3 A. I believe so, yes.

4 Q. Okay. Looking back now before you were 12, can
5 you tell this jury of any incidents that were in your
6 mind when it came to finding Shaun and Kate alone
7 together?

8 A. Yes.

9 Q. Okay. Can you please tell us about that?

10 MR. STEINBERG: I would object to the form of the
11 question. She's asking what was in his mind. He can
12 testify about something that he observed. I don't
13 understand the question as far as what was in his mind,
14 so if he observed something, he can testify to it.

15 MS. WERNER: I believe that was my question,
16 Judge; if something happened and tell us about that.

17 MR. STEINBERG: That's not what the question was,
18 but can you rephrase?

19 THE COURT: Sustained for the sake of clarity.

20 MS. WERNER: Brandon, was there an incident that
21 occurred before you were 12 that had to do with Shaun
22 and Kate being alone together?

23 MR. STEINBERG: That you observed; is that the
24 question, that he observed?

25 BY MS. WERNER:

1 Q. Did you observe that, Brandon?

2 A. Yes.

3 Q. Can you please tell us about it?

4 A. There are a couple of instances in particular. I
5 mean, at the time, I had no -- I was completely
6 oblivious that anything like that could be taking place,
7 but I know at least one instance of -- Kate was
8 irritated. I don't know how much I'm allowed to say
9 here. Everything keeps --

10 Q. Just describe the incident without telling us
11 what either Kate -- or what Kate said, okay? Just
12 describe the incident. Kate was irritated --

13 A. I'm going to -- so, you know, all of us were
14 home. Chaos was ensuing in the living room; there was
15 always fighting, roughhousing, that type of stuff going
16 on.

17 Q. Among who?

18 A. Among all the siblings. We were, you know -- and
19 Kate was irritated, went back and, you know, slammed the
20 door to the back room and locked herself in there. I
21 have a very clear memory of Shaun going in there under
22 the impression that, like, mom and dad are going to be
23 home soon, and they're going to be all mad because Kate
24 is upset and pissed off. So, like, to go in there to,
25 like, console or to get her to come back out of the room

1 and not them come home and be like, "What happened?"
2 But I remember going back to the room and the door being
3 locked.

4 Q. And what door again -- or what room was this?

5 A. This was the room all the way at the back hall;
6 the one that was -- at that time, it would have been
7 Kate's room. When we initially moved into the house,
8 that was Shaun's room.

9 Q. Okay. And so you said the door was locked; what
10 did you do?

11 A. I knocked on the door repeatedly. I don't
12 remember hearing anything so, like, these -- the doors
13 that were in our house had, like, the little hole and
14 you could take either, like, the end of a q-tip if you
15 pulled all the fluff off, and you could poke it, and it
16 was, like, spring-loaded, and if you pushed on that, it
17 would picklock the door.

18 Q. So let me ask you this: When you're knocking,
19 how long do you think you're knocking on this door for?

20 A. A couple minutes. I think I even walked away for
21 a period of time and the door was still locked, and
22 that's when I went back, and you can hear the noise,
23 like, in the door lock, you know, being opened.

24 Q. When you were knocking, did you hear anything
25 coming from inside the room?

1 MR. STEINBERG: Objection. That was already
2 answered.

3 MR. SHEFFER: I don't really recall hearing
4 anything.

5 THE COURT: Overruled.

6 BY MS. WERNER:

7 Q. Did you hear Shaun say anything when you were
8 knocking on the door?

9 A. I don't believe so. I don't recall hearing
10 anything. I do recall, like, as the door was opening
11 being immediately interrupted by -- or intercepted by
12 Shaun; he was very angry. I don't remember specifically
13 what happened. I mean, like, he shoved me to the ground
14 type of thing. He was very angry, but my mom and dad
15 were home shortly after.

16 I mean, I had no suspicion anything like that was
17 going on on the other side of the door even at that
18 point; even once I got in. That didn't even enter my
19 mind.

20 Q. Okay. So once you were able to pick the lock,
21 did you open the door or you said you were immediately
22 intercepted?

23 A. Like, intercepted, like, as the door was opening
24 and, like, it felt like, you know, when I look back on
25 it now in hindsight, I was interrupting -- he was very

1 mad at me; very angry.

2 Q. So you mentioned about how you and your brothers
3 would fight; would that be something normal that would
4 occur in your household?

5 A. That was almost constant.

6 Q. Okay. And when Kate came and told you about what
7 Shaun was doing to her, did you ever go and talk to your
8 brother Shaun?

9 A. Absolutely not, no.

10 Q. And why not?

11 A. I was -- frankly, I mean, Shaun -- I was
12 terrified of him. I mean, he was a big time bully to
13 me.

14 Q. Okay.

15 A. It was, like, an implanted fear of him.

16 Q. And after you had that -- after you told your mom
17 what Kate had told you, did you feel comfortable about
18 talking about that subject of Kate and Shaun with your
19 mom and dad after that moment?

20 A. No. I mean, I was not allowed to -- I was told
21 never to speak of it again.

22 MR. STEINBERG: Objection. The answer is --

23 MS. WERNER: I will redirect the witness.

24 BY MS. WERNER:

25 Q. Without telling us what you were told, just --

1 I'm asking you, did you feel comfortable talking about
2 that subject of Kate and Shaun to your parents after
3 that conversation?

4 A. No.

5 Q. Was that topic discussed in your household after
6 that day?

7 MR. STEINBERG: Objection; calls for hearsay.

8 MS. WERNER: Not what was said; just whether or
9 not discussions occurred.

10 MR. STEINBERG: Same objection, Your Honor.

11 THE COURT: Sustained.

12 BY MS. WERNER:

13 Q. Did you ever talk about that subject, about Kate,
14 anymore after that day?

15 A. Yes, but there's a lot of context.

16 Q. That's okay. I'll just --

17 A. In general, no; not allowed to speak about it.

18 MR. STEINBERG: Objection; hearsay. I would ask
19 that the jury be instructed to disregard that answer.

20 THE COURT: The objection is sustained. Members
21 of the jury, you are to disregard the answer to the last
22 question that was posed.

23 MS. WERNER: Okay.

24 BY MS. WERNER:

25 Q. You said yes but no. I understand your answer

1 no, and we can't talk about what you were told, right?

2 Did you feel comfortable talking about the Kate issue in
3 your house with your parents from that day on?

4 A. No.

5 Q. Okay. Did you have conversations though with
6 your other brothers in relation to Kate after that day?

7 A. Very infrequently but, yes.

8 Q. Okay. Now, let me ask you about Stephen. So we
9 talked a little bit about Josh talking to your mom but
10 Stephen; how old would Stephen have been around this
11 time?

12 A. Nine, probably.

13 Q. Okay. Was he very involved in the whole Kate and
14 Shaun thing at that time?

15 A. No, he was too young. When I was --

16 Q. Now, Brandon, do you recall a big fight that
17 happened at -- that started at your dad's HVAC company
18 business?

19 A. Yes.

20 Q. Okay. When can you remember this fight
21 occurring?

22 A. This was -- I can't remember exactly what time of
23 year. I know I was 17.

24 Q. Okay. So you were 17 years old?

25 A. Yes.

1 Q. And that would have made Shaun how old?

2 A. Twenty-two.

3 Q. Okay. And then how old would Kate have been
4 then?

5 A. Twelve.

6 Q. Twelve.

7 A. Yeah, I remember a big fight, yes.

8 Q. Okay. And only if my math is right, how many
9 years then are in between from when you tell your mom
10 initially about what Kate told you to this fight?

11 A. Probably four-ish years.

12 Q. Okay. And during that four years, did Shaun
13 remain living at home?

14 A. Yes.

15 Q. Okay. What happened the day of this big fight?
16 Tell us about what you -- were you there?

17 A. Yes.

18 Q. Okay. And where were you when it started?

19 A. So my brother Josh, my cousin Drew, who was
20 actually living with us at the time --

21 Q. And what's Drew's last name?

22 A. Jenkins.

23 Q. Okay. Who else was present for this fight?

24 A. Me, Drew, and, Josh.

25 Q. And who else?

1 A. Shaun.

2 Q. Okay. And where were you?

3 A. So Josh, Drew, and I were all up at my dad's
4 office using the computer at the office's -- like, it
5 was attached to the sheet metal shop. It's a separate
6 little office space.

7 Q. Okay. And I'm going to stop you because I just
8 want to ensure when you're describing what happens, I
9 only want you to tell us what you say and what Shaun
10 says. Don't tell us what Josh or Drew says, okay?

11 A. Okay.

12 Q. Just try to remember that. Okay, so continue.

13 A. I'll be honest, I was just a bystander in this.
14 I didn't say anything.

15 Q. Okay.

16 A. The fight was between Shaun and Josh. It was
17 over, you know, this situation being made known.

18 Q. So let me ask you this: What did Shaun say --
19 what was Shaun saying that made you know what the fight
20 was about?

21 A. He kept repeatedly calling Josh slanderer, liar.
22 I'm not allowed to say what Josh was saying, correct?

23 Q. No, that's correct.

24 A. Those are the specific words I can remember from
25 Shaun.

1 Q. And was the fight specifically about someone?

2 A. Yes.

3 Q. Who was that someone?

4 A. Well, I mean, it was about multiple, but it had
5 to do with Megan, who is now Shaun's wife.

6 Q. Okay. Aside from Megan -- so Megan was who
7 because you said her name; Megan was who?

8 A. She's now Shaun's wife, but she was just a friend
9 back then.

10 Q. So Megan is the Defendant's current wife?

11 A. Correct.

12 Q. Okay. And were Megan and Shaun dating around
13 this time?

14 A. Shaun was just interested in her at this point.

15 Q. Okay. So Shaun was interested in his current
16 wife at this time?

17 A. Yes.

18 Q. Okay. Aside from Megan being a topic, the
19 slanderer comment, who did that have to do with? Don't
20 tell us what was said, but who did that have to do with?

21 A. That was -- he was saying that about Josh as he
22 was throwing over bookcases and shoving him into the
23 wall, like, it was very, very, very violent.

24 Q. Okay. And the slanderer comments were about who?

25 A. They were about Josh.

1 Q. I understand that but what was the --

2 A. But about Josh having said --

3 MR. STEINBERG: Objection.

4 BY MS. WERNER:

5 Q. Don't tell us about what Josh said.

6 A. They were about Kate.

7 Q. Thank you, they were about Kate. So you're
8 saying that this fight was heated, like, how heated are
9 we talking? You're saying bookshelves are being thrown?

10 A. It was very heated. It was like -- I mean, I was
11 worried it would erupt into, like, an emergency
12 room-type thing. I mean, it was violent, violent.

13 Q. Okay. So were there fists being thrown, shoving?

14 A. Yes, all of that, yes.

15 Q. Okay. And did it move out of that HVAC building?

16 A. It did. Eventually, my dad came to kind of break
17 it up.

18 Q. When you say your dad came to break it up, was he
19 there when the fight started?

20 A. No, he was not.

21 Q. Okay. Where was everybody when your dad came?

22 A. Kind of standing out in front of the office. I
23 remember it being nighttime. I can remember my dad's
24 truck with the -- or van with the headlights on.

25 Q. Okay.

1 A. Like, kind of, like, parked in front of the
2 office, and I do believe it ensued down at the house.
3 Initially, my cousin Drew and I kind of stayed back as
4 they both went down to the house with my dad and came
5 down after and there was still some, like, yelling back
6 and forth-type stuff. I don't know that there was the
7 physical still going on, but we were, like -- Drew and I
8 hung back and were, like, reeling and kind of catching
9 our breath and, like, oh, my god-type -- like, yeah.

10 Q. What happens -- what is the result of that fight?
11 What happens after that?

12 A. The result of that fight was Shaun was moved out
13 immediately. I mean --

14 Q. And so how old was Shaun when then he was moved
15 out of the family home?

16 A. I believe 22.

17 Q. Okay. And what year would that have been?

18 A. It would have been 2000.

19 Q. And what makes you specifically recall that it
20 was the year 2000 or Shaun was about 22 years old?

21 A. I can remember Josh was dating a girl named
22 Keiran (phonetic.) Keiran and I were roughly the same
23 age, a few months apart. Keiran was 17 when she was
24 dating Josh, and their relationship was not allowed to
25 be public because she was 17, and they were constantly

1 talking about, "Well, she's going to be 18 in a few
2 months."

3 Q. So you remember --

4 A. And this is during that time, so I'm pretty
5 confident of the exact age I was.

6 Q. Okay. When did you leave the family home?

7 A. So I left once -- when I was 20 years old, I left
8 for it was only, like, six or seven months I moved out
9 with my friend Zach and my cousin Drew. We lived at a
10 place in Economy right outside of Cranberry.

11 Q. And --

12 A. And I came back after because Zach got married,
13 and he needed us to move out of the house, and I moved
14 back home.

15 Q. And were there family vacations taken by
16 everybody after Shaun moved out to include Shaun?

17 A. Yes, there were.

18 Q. And would Kate be present for those family
19 vacations?

20 A. Yes.

21 Q. Did you observe any change in Kate's demeanor
22 when she would be around Shaun?

23 A. For sure. I mean, they weren't getting along.
24 It was just like a complete -- yeah, they weren't really
25 around. From the point of him moving out and -- I mean,

1 they wouldn't have been around each other while we were
2 on vacation, to my knowledge.

3 Q. Have you ever coached your sister into saying
4 that Shaun did these things to her?

5 A. No.

6 Q. Do you have any reason to coach your sister in
7 order to get back at your brother for anything?

8 A. No.

9 Q. You indicated that Shaun was a bully to you
10 growing up.

11 A. Very much so, yes.

12 Q. Would that be reason enough for you to support
13 Kate in these things today?

14 A. No. I mean, even when she told me, I mean, I was
15 worried he was going to be murdered, you know, and I
16 didn't want that to happen. I didn't have a -- no, I
17 would never. I mean, he was a bully to me a lot, but
18 that's not something that I would ever do to get -- no.

19 Q. Now, how did you hear, if at all, about an
20 investigation that the Attorney General's Office was
21 doing into the Jehovah's Witness community?

22 A. How did I hear about it?

23 Q. Yes.

24 A. On the news.

25 Q. And so what, if anything, did you do after you

1 heard or saw that on the news?

2 A. I mean, it made me think back to all of this
3 situation.

4 Q. Did you make a phone call or did you at least
5 reach out to the Attorney General's Office?

6 MR. STEINBERG: Objection; leading.

7 MS. WERNER: I'm just trying to get to the --

8 THE COURT: Overruled.

9 BY MS. WERNER:

10 Q. Did you eventually make a call or at least speak
11 with someone from the Attorney General's Office?

12 A. I did eventually speak with someone. I
13 personally didn't call the hotline, but a call to the
14 hotline resulted in me being contacted.

15 Q. Do you know who called the hotline?

16 A. I do.

17 Q. Who was it?

18 A. It was my wife.

19 Q. And your wife's name is what?

20 A. Jessica.

21 Q. Did you know she was calling the hotline?

22 A. I knew she might.

23 Q. Okay.

24 MS. WERNER: One moment, Judge.

25 BY MS. WERNER:

1 Q. Brandon, where is your brother Josh? Like, where
2 does he live?

3 A. He lives just outside of Naples, Florida.

4 Q. And do you know what his position is in the
5 Jehovah's Witness community?

6 A. He's an elder at his congregation. I'm pretty
7 sure -- I mean, last I had spoken to him, he's what they
8 call the coordinator of the body of elders; the COBE.
9 It's, like, the elder in charge, basically.

10 Q. And when was the last time you talked to him?

11 A. Last time I spoke to Josh was -- when my mother
12 had an accident at the hospital I spoke to Josh.

13 Q. Just how long ago was that?

14 A. That was in September I think of 2022.

15 MS. WERNER: Thank you, Your Honor. I would
16 offer this witness for cross-examination.

17 CROSS-EXAMINATION

18 BY MR. STEINBERG:

19 Q. Good morning, Mr. Sheffer.

20 A. Hi.

21 Q. Let's just piggyback off of the tipline. We
22 don't have the tipline report, so I'm going to ask you,
23 you indicated that it was your wife who called the
24 tipline, correct?

25 A. As far as I know I believe she did, yes.

1 Q. Okay. And we have a report in this case
2 indicating that it was both of you, so are you saying
3 that that's not correct?

4 A. It's not correct. I know when they called back
5 to speak with Jessica, I was with Jessica, and I
6 eventually joined that call.

7 Q. Okay. How did Jessica know about the
8 allegations? Did she witness anything?

9 A. She didn't witness anything.

10 Q. So it was because you told her?

11 A. Yes, it was because I told her.

12 Q. You didn't witness anything either, right? You
13 didn't witness Shaun sexually abuse Kate, correct?

14 A. I did not physically witness the act occurring,
15 no.

16 Q. Okay. How many conversations have you had with
17 the AG's Office about this case since the initial
18 tipline was called?

19 A. A couple; I don't know exactly how many. I know
20 I've been -- I was contacted a couple times.

21 Q. Did you send text messages to the investigating
22 agent?

23 A. Most of it was over the phone. There may have
24 been a couple text messages, but there were some text
25 messages exchanged with Steve Adametz.

1 Q. Okay. And did you speak with the AG's Office,
2 whether it be Mr. Adametz or Ms. Werner, about the
3 testimony you would be giving here today?

4 A. Did I speak with them about -- I mean, generally,
5 yes, but not so much specifically but, yes.

6 Q. Okay. And when did that conversation take place
7 and with whom?

8 A. I had a phone call with Alicia just this past,
9 what was that, Friday, and it was more or less just kind
10 of explaining where to go, where to be. It wasn't a
11 very long conversation.

12 Q. Okay. After you spoke on the tipline or after
13 this tipline call was made by you're saying your wife
14 Jessica, did you speak with Special Agent Adametz on the
15 phone?

16 A. Yes.

17 Q. Okay. And did you speak with anybody else about
18 your testimony today other than the AG's Office?

19 A. I mean, as far as knowing, like -- saying that I
20 was going to be testifying about this, like, some close
21 friends. I'm not sure I understand exactly what, but
22 not anything about my specific testimony but that it was
23 about this situation, yeah.

24 Q. And you sat in the District Attorney's Office
25 with other Commonwealth witnesses all day yesterday; is

1 that right?

2 A. With --

3 Q. Jessica Laneave?

4 A. Yes.

5 Q. Kaitlin Sheffer?

6 A. Yes.

7 Q. Okay. And did you discuss the topics of your
8 testimony that you testified here today to with them?

9 A. No. I mean, we were kind of told to not, so we
10 really tried not to speak about anything in specifics.

11 Q. You tried, but did you? Did you accomplish that?
12 Did you talk about Shaun? Did you talk about family
13 around '95 to 2000?

14 A. I mean, yeah, I think there were a few times
15 certain things just -- yeah, that came out.

16 Q. Okay. Did you speak with Attorney Werner
17 yesterday about the testimony that you would be giving
18 today?

19 A. Not in a way of like -- like, I had no idea what
20 questions she was going to ask specifically, but, yes,
21 in general. I mean, I don't know what you mean as far
22 as about my testimony. If that's specific to what I
23 planned to say, no, but just about the situation, yes,
24 absolutely.

25 Q. Okay. So when you say about the situation, about

1 the allegations in this case you spoke with Ms. Werner
2 about as late as yesterday?

3 A. Yeah.

4 Q. Okay. And did she tell you what questions I
5 might ask you?

6 A. No. She -- I mean, not specifically, no.

7 Q. Did the AG's Office explain to you what they
8 think the Defense's theory of the case might be?

9 MS. WERNER: Objection. I don't understand the
10 relevance of these questions. I would ask that he
11 cross-examine him on his current testimony. I don't
12 know where this is leading, and there is nothing to
13 submit that we've been improper or colluding witnesses,
14 kept sequestration. He's already testified that we
15 instructed. I just don't know where Defense is going
16 with this.

17 THE COURT: Counsel?

18 MR. STEINBERG: Just for credibility issues, Your
19 Honor. I'm just making sure that the testimony that
20 he's giving wasn't coached.

21 THE COURT: Well, Counsel, how much farther do
22 you intend to go with that?

23 MR. STEINBERG: That's the last question I have.

24 THE COURT: Okay, all right.

25 MR. SHEFFER: Can you repeat the question,

1 please?

2 BY MR. STEINBERG:

3 Q. Sure. Did anybody from the AG's Office tell you
4 what they think the Defense's theory of the case might
5 be?

6 A. Not -- they didn't seem very sure, but, yeah, a
7 little bit. They're just not sure what the Defense's
8 theory is. I mean, there were ideas thrown around.

9 Q. How many times have you spoken with Kaitlin about
10 the allegations in this case since the tipline call was
11 made back in February of 2023?

12 A. I've spoken with her a couple of times. I'm not
13 sure what specifically you mean. I mean, I've spoken --

14 Q. Did you call her and tell her how to report the
15 allegations to the AG's Office?

16 A. No, but I know when the investigators had the
17 conversation with, you know -- the calling back and I
18 participated in a call with my wife, Jessica, and me, I
19 did call Kate and told her that the investigators would
20 likely be contacting her if that's what you mean. Yeah,
21 I did have a conversation with her about that, and I
22 asked her, you know -- I wanted to make sure that she
23 was okay with that. I was worried about her, that's
24 all.

25 Q. Okay. Did you assist in arranging the interview

1 that took place with Special Agent Adametz, yourself,
2 Kaitlin, and her significant other Jackie? Did you help
3 coordinate that meeting in any way?

4 A. I wasn't there for it. I may have helped provide
5 a phone number. Beyond that coordinating, I don't -- I
6 mean, if you want to call that helping coordinate, yeah,
7 I guess, yeah, yes, I did, yeah.

8 Q. Okay. And let's just talk a little bit about --
9 let's backtrack. Where do you live now?

10 A. I live in Issaquah, Washington.

11 Q. Okay. And how did you get here?

12 A. I flew here.

13 Q. Okay. And who purchased your ticket?

14 A. The state of Pennsylvania purchased my ticket.

15 Q. Okay. And did your wife come here with you?

16 A. Yes.

17 Q. And who purchased that ticket?

18 A. I did.

19 Q. Okay. Has the AG's Office ever paid for anything
20 else for you in relation to this case? Any other
21 flights, transportation, rental cars, lodging?

22 A. When I traveled out for the Grand Jury testimony,
23 I was -- they paid for my flight and hotel.

24 Q. Okay. Let's talk a little bit about your
25 background; what do you do now for a career?

1 A. I've worked for Costco for 24 years. I'm what
2 they call an IT Product Owner for the point of sale
3 division.

4 Q. Okay. And did you get a high school diploma?

5 A. I did not; I got a GED.

6 Q. Okay. And did you go to college?

7 A. I attended some college; I never finished
8 college. I took about a year's worth of classes at a
9 technical school and then had some college credits and
10 then one semester at a community college, but that's the
11 only college that I've had.

12 Q. Okay. And when you were being homeschooled, were
13 you enrolled in a program called the American School set
14 up through --

15 A. Initially, no. High school years my mom enrolled
16 me for at least a year; it might have been two years. I
17 didn't do hardly any of the work. I just -- it wasn't
18 really followed up on, and I never graduated from there.
19 I did a couple of the test books and things, but largely
20 didn't do anything with it.

21 Q. Did you have to submit your grades in order to
22 get into the college that you attended?

23 A. So to get into the college that I attended,
24 initially I had to -- I told them that, you know, like,
25 I didn't really go to high school, I didn't -- and

1 they're like, "Go get a GED and provide us with your
2 scores."

3 I was a pretty bright kid even without much
4 education. I took the GED, like, a couple weeks later
5 and I scored pretty well, and they also had an entrance
6 just to see where you were, like, an assessment thing.
7 I mean, it was a technical school, and there were a lot
8 of people in similar situations; GED-type people that
9 attended that school.

10 Q. Okay. Now, Shaun went to public school at Seneca
11 Valley High School; did he not? At least some of the
12 years?

13 A. Some of the years, but I don't think high school
14 years. I don't believe so, no.

15 Q. So he never attended Seneca Valley High School?

16 A. Shaun would have been -- sorry, I need a moment
17 as far as when we were all pulled out of school. I
18 don't believe Shaun ever attended the high school. I
19 think he -- from 9th grade on I don't believe Shaun ever
20 went back. I might be wrong on that, but that's what I
21 recall.

22 Q. Okay. When Shaun wasn't going to high school,
23 did he work?

24 A. Yes, he did.

25 Q. Where did he work?

1 A. His first job was -- he was employed by a local
2 Jehovah's Witness family that owned a business where
3 they made the carpet fresh stuff, like, you sprinkle and
4 vacuum. He worked there for -- wasn't very long, but he
5 did that part-time, and then he eventually started
6 working at Gibsonia Cycle, which was a motorcycle shop.
7 I don't recall the exact timeframe, but I would guess 17
8 or so that he started working at Gibsonia Cycle, and I
9 think he may have been 16 at the powder fresh or carpet
10 fresh place.

11 Q. Okay. So it was a potpourri shop?

12 A. Yeah.

13 Q. Okay. And did he work at the bike shop
14 full-time?

15 A. Initially, he was there, like -- very initially
16 when he was still under 18, I don't believe that he was
17 full-time, full-time, but he was there long hours, you
18 know, after -- yeah, he worked at Gibsonia Cycle
19 full-time for the majority of the time he was there I'm
20 pretty sure.

21 Q. And he started at 17 years old, and he's
22 ten years older than Kate, right?

23 A. Yeah.

24 Q. So that would have made Kate seven years old when
25 he started at the bike shop full-time?

1 A. Correct. He didn't live at the bike shop.

2 Q. I didn't ask you where he lived.

3 A. Okay.

4 Q. Your mom in the hospital, your testimony is that
5 it was three weeks every month; is that an accurate
6 statement about how many times she was in the hospital?

7 A. It would be an accurate statement for periods of
8 time, absolutely. I wouldn't say it was like that
9 permanently, but there was a period of time where we
10 spent a lot of time at the hospital. I mean, speaking
11 generally, that was a guess to say -- I don't know that
12 I was speaking precisely saying that or with any type of
13 thought pattern of, like, being exact, but it's not a
14 gross exaggeration.

15 Q. And you said that was early on, so was it early
16 on, was it --

17 A. So what do you mean by early on?

18 Q. I'm asking you what you meant by early on; you
19 said it was early on.

20 A. So my mom started having severe health problems
21 in the middle '90s. Those problems progressed and then
22 seemed to get a little better, and then my mom had some
23 major, major issues with prescription drug addiction in
24 the later part of the '90s, probably like '96, '97,
25 through all the way up to when I left the house.

1 Q. All right. So that was '96, '97, and that would
2 have made Brandon -- or that would have made Shaun 18,
3 19 years old?

4 A. Eighteen, 19-ish, yeah.

5 Q. You were how old around that time?

6 A. Three years younger than him, so 13, 14.

7 Q. Fifteen, 16-ish?

8 A. What?

9 Q. Did you say you were three years younger than
10 him?

11 A. No, I'm five years younger than him.

12 Q. Okay. So that's the time that he was working at
13 the bike shop?

14 A. Yeah, he would have been working at the bike shop
15 -- I can't recall exactly when he started working at the
16 bike shop, but I know it was -- he was still fairly
17 young.

18 Q. You said he was 17 earlier, and you confirmed it.

19 A. That's a guess, but if it's confirmed then, yeah,
20 I would say that's accurate.

21 Q. So this time period where your mom was in the
22 hospital, she wasn't present, and Shaun was working at
23 the bike shop, who would be home watching this chaotic
24 household?

25 A. So Shaun was not always at the bike shop. Shaun

1 was home certain times, especially through what would
2 have been, you know, his early high school years, you
3 know.

4 Q. Well, I'm not asking about that. I'm talking
5 about the later '90s when your mom was in the hospital
6 and he was 18, 19 years old.

7 A. Yes.

8 Q. Who was watching you guys?

9 A. Often, I mean, Josh would have been at home, but
10 then Josh started working at the bike shop, and then it
11 was me, Stephen, and Kate at home outside of that.

12 Q. Okay. Was Drew ever put in charge?

13 A. Drew was never put in charge, but Drew was around
14 our family a lot.

15 Q. Is he older than you or younger than you?

16 A. Drew is two years older than I am. He was born
17 in January of '81.

18 Q. Other than Drew, at that time you were the oldest
19 sibling?

20 A. Correct, yes.

21 Q. Let's talk a little bit about what you were
22 saying with regard to your mom pulling Kate out of
23 school; you said that was initially because they were
24 telling your mom that she would never be able to read
25 and write, and your mom disagreed with that, right?

1 A. That is what I recall the story being, yes.

2 Q. Okay. So that was out of concern for Kate,
3 correct?

4 A. Initially, yes.

5 Q. Okay. And you mentioned that your family didn't
6 have financial means to see things like doctors for
7 mental health issues, but then you testified also that
8 you guys saw Dr. McKelvey, and she was your family
9 doctor, right?

10 A. Yeah, but Dr. McKelvey accepted trays of lasagna
11 as payment. She was known for seeing people that, you
12 know -- she was known throughout the community as
13 somebody that saw kids that were not well to do.

14 Q. Okay. So that option was there?

15 A. The option -- Dr. McKelvey was an option on a
16 limited basis, yeah, because we still did have to pay
17 her. When we were really desperate, I literally
18 remember my mom paying her with a tray of lasagna once.

19 Q. Okay, one time. Let's talk a little bit about
20 this fight that exploded; you said that it occurred --
21 you were sure of your age which was what again?

22 A. I was 17; I'm pretty confident in that age.

23 Q. Okay. So you were born in 1983, so that would
24 have been in 2000?

25 A. Correct.

1 Q. And you said as a result of that fight, Brandon
2 moved out?

3 A. Shaun moved out.

4 Q. Or sorry, Shaun moved out; do you know whether he
5 was forced to move out or whether he did so on his own
6 decision?

7 A. I was not directly in the communication loop with
8 my dad, but the understanding was that he was -- yes,
9 like, he was being forcibly moved out of the house. I
10 don't know if it was -- I mean --

11 Q. Did your dad pick him up and drag him by his
12 collar out of the house?

13 A. No, it was more or less, like, my dad making an
14 arrangement with Grandma Sheffer who had a house that
15 was converted into a small apartment building, and he
16 knew she had the one apartment vacant, and it was, like,
17 an instantaneous, "We're going to get you over there."
18 I don't recall Shaun fighting it.

19 Q. Okay. So it was an arrangement, as far as you
20 know, not being forced; you don't have any information
21 that he was being forced out?

22 A. It was -- not directly. Like, I was never
23 standing there and told directly that Shaun is forcibly
24 being moved. It was Shaun -- "We have to move Shaun
25 out. We have to separate."

1 Q. And that could have -- is there a possibility
2 that it could have been so that you guys were -- so Josh
3 and Shaun were not at each other's throats?

4 A. I believe that was a part of it, absolutely.

5 Q. Okay. Now, you had indicated that you moved out
6 of the house when you were 20 years old, which would
7 have been 2003, right?

8 A. Yes, and that was only for a few months, and then
9 I came back for a period of time and left again.

10 Q. Okay. And you lived with Drew Jenkins and you
11 said a Zach.

12 A. Zach Tokos is his name; we were roommates.

13 Q. Okay. So were you there when Josh and -- your
14 brother Josh and his ex-wife, wife at the time, Jessica
15 moved in?

16 A. I was there, yes.

17 Q. Okay. And that was right after they married in
18 2002?

19 A. Not immediately after. There was -- but, yeah, I
20 mean, yeah, after they got married.

21 Q. Okay. And --

22 A. Because they briefly lived in Zelienople in a
23 place, but it was not long before they moved in with my
24 parents. They didn't have the financial capability.

25 Q. Okay. And Jessica Laneave testified that when

1 she was moving in with Josh in 2002, Shaun was moving
2 out; do you remember Shaun living there after this
3 fight?

4 A. So I don't, no. So when her and Josh started
5 dating, Shaun was moving out. I don't know how that got
6 crossed, but that's not accurate. Shaun was not moving
7 out when Jessica was moving in. Jessica did not move in
8 until after Josh got married to her, but Shaun was
9 moving out as Josh and Jess started dating, and that was
10 also 2000.

11 Q. Okay. So Josh was not only dating Jessica who he
12 ends up marrying two years later, but he was also dating
13 somebody else during that time?

14 A. He was at the tail end of his relationship with
15 Keiran, and there was a slight bit of overlap honestly.
16 He was having difficulty breaking it off with Keiran.

17 Q. So you're saying Shaun never moved back into the
18 house after the fight?

19 A. I don't recall -- I don't recall him doing that.
20 I know -- no, he did not.

21 Q. Okay. So your testimony is that after Kate told
22 you that Shaun wanted to kiss her and stuff -- and
23 that's all she told you, right?

24 A. No.

25 Q. Okay, let's go back. You testified at the Grand

1 Jury proceeding in this matter.

2 A. Yes, I did.

3 Q. And did you testify at the Grand Jury proceeding
4 anything about Kate mentioning the word wiener to you?

5 A. I believe I did.

6 MR. STEINBERG: May I approach, Your Honor?

7 THE COURT: Yes.

8 BY MR. STEINBERG:

9 Q. I'm going to ask you to read Page 23, lines 5
10 through 24.

11 A. And do I read that aloud or read that to myself?

12 Q. To yourself.

13 A. Okay.

14 Q. Okay. And then I want you to look in the index
15 of that transcript under W and see if there is the word
16 wiener.

17 A. I don't see it. No, I must not have said it.

18 Q. The only thing you said at the Grand Jury hearing
19 was that she would say, "Sometimes when I go in the
20 room, he comes in, and he wants to, like, kiss and
21 stuff"; that was your response to what Kate told you.

22 A. Yeah, and, I mean, those are the exact, exact
23 initial words that I can recall. I mean, I did -- I
24 think I do believe to go on to further contextualize,
25 but I don't know that I'm permitted to do that here.

1 Q. You never said wiener, did you?

2 A. I never said the word wiener, you are correct.

3 Q. And the only thing you told Special Agent Adametz
4 during that interview with Kate where you were
5 participating in over the phone was the same thing,
6 right? That Kate told you that Shaun likes to come in
7 and kiss and stuff.

8 A. Yes, there was additional context provided, but
9 as far as -- I definitely said that, yeah.

10 Q. Okay. And you didn't mention anything to Special
11 Agent Adametz that Kate told you anything about Shaun's
12 wiener when she initially disclosed this to you?

13 A. So, no, possibly not, and I can just say, I mean,
14 this is something from 30 years ago.

15 Q. Well, this conversation took place a year and a
16 half ago.

17 A. Yeah, I understand that; however, I mean --

18 Q. I'm just saying, today is the first time you
19 mentioned wiener to either a Grand Jury or to --

20 A. I think anyone who is recalling an event from
21 30 years ago starts to recall more the more that --

22 Q. I'm not asking what you think, I'm just asking is
23 today the first time that you mentioned to anybody --

24 A. I guess so, yes.

25 Q. Okay, thank you. Did you keep in touch with

1 Kaitlin after you moved out of the house for good?

2 A. Yes.

3 Q. Okay. Did you send her birthday gifts?

4 A. I have sent her birthday gifts and only since
5 2022 because that's when I stopped believing in the
6 religion.

7 Q. Did you ever visit her?

8 A. I visited her last year on her birthday and took
9 her and Jackie to the zoo and out to dinner.

10 Q. So last year being 2024 after the allegations
11 came out, did you visit her on a regular basis after you
12 moved out?

13 A. No.

14 Q. Okay. Did you ever send her money?

15 A. I send her money routinely. My wife and I are at
16 an income level where we would donate to charity, and my
17 wife and I had a discussion, and we regularly provide
18 Kate a supplemental -- we send her a couple hundred
19 dollars every month, and we send her money if she has,
20 you know -- like, when her dog went to the vet and she
21 didn't have money, I paid for that. I have helped her
22 financially since after leaving the religion, yes.

23 Q. Okay. So recently in the last two years or so?

24 A. Recently, yes.

25 Q. So you would say you're pretty -- out of all your

1 siblings, you're one of the closest to Kate?

2 A. I've always tried to do my best to be a good
3 older brother to her, yeah. When we were young, after
4 she got diagnosed with diabetes, I was the one who went
5 to the diabetes educator classes and learned to help
6 with that in the absence of my mom. Like, I've always
7 tried to take care of Kate. I wouldn't say that I was
8 close to Kate for many years simply because --

9 Q. I think you're going beyond the scope of my
10 question, sir. I just asked a "yes" or "no" question,
11 and you're saying out of all of your siblings, you're
12 the closest to her?

13 A. I would say, yes, that's accurate, yeah.

14 Q. I'm going to hand you what's marked as --

15 MS. WERNER: Your Honor, may we approach?

16 THE COURT: Yes.

17 (Whereupon, an on-the-record sidebar discussion
18 was held.)

19 MS. WERNER: So I was handed what seems to be,
20 I'm assuming, Facebook screenshots. I've never seen
21 these before, and I'm assuming they look like to be
22 Kaitlin Sheffer's Facebook page. There's a couple
23 people who commented, including Brandon Sheffer, and his
24 comment says, "You look so much better without the
25 piercings, Kate. I'm proud of you."

1 I see that Defense Counsel has more Facebook
2 photos of the victim in this case. Again, it looks like
3 selfies on Exhibit B; again, comments from Candace
4 Sheffer and Brandon Sheffer talking about her look. I
5 would object to these, and I don't understand the
6 relevancy. Placing the victim in this type of -- number
7 one, she can't identify them, and I don't know what the
8 relevance is for them at all, Judge.

9 MR. STEINBERG: He can identify his comments on
10 that page and that he understands it to be Kaitlin's
11 page. He's already commented on pictures that he knows
12 that were Kate. He commented on these pictures of Kate,
13 and he can comment whether he commented on those
14 pictures, Your Honor.

15 MS. WERNER: I don't know what the relevance is
16 of him commenting on Facebook photos of her when she's
17 an adult; why is that relevant?

18 MR. STEINBERG: The theory of the case, Your
19 Honor, is that Brandon is potentially the culprit, and
20 he's making comments about the images of his sister, and
21 I think that that's relevant for purposes of showing
22 that he has an interest in her looks. It goes right to
23 the theory of our case.

24 MS. WERNER: Okay, go ahead.

25 THE COURT: Okay.

1 (Whereupon, an on-the-record sidebar discussion
2 concluded.)

3 (Exhibit A was marked for identification.)

4 BY MR. STEINBERG:

5 Q. I'm going to hand you what is marked as Exhibit
6 A; have you ever seen that picture before?

7 A. Yeah.

8 Q. Okay. And do you recognize that as what you know
9 to be Kaitlin Sheffer's Facebook page?

10 A. Yes.

11 Q. And do you recognize the comment made where it
12 says Brandon Sheffer?

13 A. Yes, I do.

14 Q. Okay. And can you just read your comment to the
15 jury?

16 A. I said, "You look so much better without the
17 piercings, Kate. I'm proud of you."

18 Q. And did you make that comment on her Facebook
19 page?

20 A. Yes, it looks like in 2013, so 11 years ago.

21 (Exhibit B was marked for identification.)

22 Q. I'll also hand you what's marked as Defendant's
23 Exhibit B; do you recognize that picture? Have you seen
24 it before?

25 A. Yes.

1 Q. Do you recognize that as a picture of your
2 sister, Kaitlin?

3 A. Yes, I do.

4 Q. Okay. And do you recognize that as a picture
5 that, based on your knowledge, she was posting on her
6 Facebook page?

7 A. I mean, I didn't recall it until you handed it to
8 me but, yeah, it looks like a picture from her Facebook
9 page.

10 Q. And can you just read your comment; the comment
11 that is under Brandon Sheffer?

12 A. So, yeah, there's a comment from my mom, and then
13 there's a comment below from me that says, "I like this
14 look better than the Lil Wayne hoodie and Fox hat."

15 MR. STEINBERG: I would just move to admit
16 Defendant's A and Defendant's B.

17 MS. WERNER: No objection, Judge.

18 THE COURT: They're admitted.

19 (Exhibits A and B were admitted.)

20 MR. STEINBERG: I just ask that those be
21 published to the jury, Your Honor.

22 MS. WERNER: No objection.

23 THE COURT: Please proceed.

24 BY MR. STEINBERG:

25 Q. Now, you're the closest to Kate; is that why

1 you're the only brother who posted these comments on her
2 Facebook page to those pictures?

3 MS. WERNER: Objection; speculation.

4 MR. SHEFFER: I'm happy to -- can I
5 contextualize?

6 THE COURT: Okay. I'm sorry, Counsel, are you
7 withdrawing your objection?

8 MS. WERNER: I am withdrawing my objection.

9 MR. SHEFFER: Yeah, and I'll tell you this: None
10 of my other brothers would even speak to Kate during
11 this period of time for the most part because of her
12 quote unquote, "lifestyle," and I was part of the
13 religion too, but I always had a soft spot for Kate.

14 I was trying to encourage her with what I thought
15 was right at the time. Tattoos and piercings were bad
16 as a witness, and commenting "You look better without
17 it," I was trying to be a nice brother.

18 BY MR. STEINBERG:

19 Q. So were you happy that she was portraying herself
20 as more feminine?

21 A. I was happy that she looked closer to what I
22 expected a Jehovah's Witness person to look like, yes.

23 Q. Now, you described -- you said that there is no
24 reason to coach Kate to say these things even because
25 Shaun was a bully, right?

1 A. Yes.

2 Q. Okay. In addition to describing Shaun as a
3 bully, did you or did you not describe him to Special
4 Agent Adametz during the May 2023 interview as
5 narcicisstic?

6 A. Absolutely.

7 Q. Manipulative?

8 A. Yes.

9 Q. Controlling?

10 A. Yes.

11 Q. During your Grand Jury testimony, do you recall
12 calling him a genuinely bad person?

13 A. Yes.

14 Q. Do you recall saying that he's someone who enjoys
15 inflicting discomfort and pain on other people?

16 A. That has been my experience, yes.

17 Q. Do you recall during your Grand Jury testimony
18 saying that he doesn't have a conscience?

19 A. That has been my experience, yes.

20 Q. You called him a cheater?

21 A. Yes, that's been my experience.

22 Q. And you referred to him in your Grand Jury
23 testimony as an agitator, right?

24 A. Yes.

25 Q. Manipulator, yes?

1 A. If you let me contextualize, it would be much
2 more obvious but, yes, I absolutely said all those
3 things.

4 Q. So you said that he has a complete lack of
5 empathy, right?

6 A. Yes.

7 Q. You called him a bully?

8 A. Yes.

9 Q. Called him bossy?

10 A. If you're saying that's there -- I mean, it's not
11 a term I usually use, but if I said that, I said that.

12 Q. You said that he treated you and your brothers
13 terrible?

14 A. That would be correct.

15 Q. Like garbage?

16 A. Yes.

17 Q. Did he tease you a lot?

18 A. All the time.

19 Q. About being chubby?

20 A. All the time.

21 Q. And you described his teasing as torture to you,
22 right?

23 A. It was unrelenting and torturous, and it affects
24 me to this day.

25 Q. To this day?

1 A. To this day.

2 Q. Have you done anything about that?

3 A. I've been in years of therapy.

4 Q. So would it be fair to say that your disdain for
5 Shaun has continued into your adult life?

6 A. That would be -- there's context there.

7 Q. I know there's reasons that you may say these
8 things about somebody, but all these things are still
9 affecting you today?

10 A. Yes, that's accurate.

11 Q. And they were affecting you when you saw the news
12 about the Jehovah's Witnesses being investigated by the
13 AG's Office; you were still dealing with those issues
14 with Shaun, yes or no?

15 A. Yeah, I mean, yes.

16 Q. Okay. Now, let's talk about this disclosure that
17 Kate made to you when you were 12 or 13 years old; as
18 you said, it wasn't Kate who went to your parents, but
19 it was you that told your mom, right?

20 A. No, I said I actually don't remember having the
21 initial conversation with my mom but my mom coming to
22 me. I believe Josh was the one who broke the news to my
23 mom.

24 Q. Were you there for that conversation?

25 A. Not that I recall, or I blocked it out; I don't

1 remember.

2 Q. And we've already talked about this is the first
3 time that you mentioned that she said anything other
4 than Shaun wants to, like, kiss and stuff; she didn't
5 tell you at that time "Shaun raped me," correct?

6 A. At what time?

7 Q. When you were 12 or 13 when she disclosed those
8 things to you.

9 A. There was much more context to the conversation
10 than kissing and stuff. Those were just the exact
11 initial words that I remember, but I walked away from
12 the conversation with Kate with the impression of rape.

13 Q. That's your impression?

14 A. Yes.

15 Q. And were those words that you used to her to
16 describe what she said?

17 A. No.

18 Q. Now, you claim that after Kate provided this
19 vague description of what Shaun supposedly wanted, did
20 you tell -- you're saying you only talked about it with
21 your mom; did you tell Special Agent Adametz that you
22 talked about it with both your parents?

23 A. So there was a conversation later with my dad,
24 but this is after it supposedly had been settled and
25 closed.

1 Q. As an adult?

2 A. No, not as an adult. Actually, I did talk about
3 it with my dad as an adult too as recently as 2022 for
4 probably even more recent.

5 Q. Why were you scared that your dad would murder
6 Shaun if you didn't tell your dad back then?

7 A. My dad was violent.

8 Q. How would he know if you didn't tell him? Were
9 you just assuming that your mom would tell him?

10 A. Yes.

11 Q. Okay. Did you tell Stephen what Kate told you?

12 A. When are you asking; initially?

13 Q. Ever.

14 A. Ever, yes.

15 Q. Okay. When did you first tell Stephen?

16 A. That first conversation where I was telling Josh
17 even, Stephen was a little kid and nagging and, "What
18 are you guys talking about, what are you guys talking
19 about?" I can remember telling him at that time, not
20 specifically, because, I mean, I was really young and he
21 was even younger, but that something really bad was
22 happening to Kate and Shaun was doing to Kate, and if
23 dad found out, he was probably going to kill Shaun.

24 Q. Okay. So at this point you had told Josh, right?

25 A. I had told Josh.

1 Q. Now Stephen is finding out through you, right?

2 A. Sure.

3 Q. Okay. And this whole fight that started back in
4 2000, your testimony is that was precipitated by what
5 you told Josh, right?

6 A. That was precipitated by Josh talking with his
7 girlfriend about what had happened.

8 Q. But what Josh learned through you?

9 A. It wasn't just through me. This was confirmed by
10 my mother. It was not, like -- I feel like you're
11 leading me to say that I made this up, and it's really
12 aggravating me, to be frank with you.

13 Q. I'm not leading you on anything. I'm just
14 saying, you're the one that told Josh, right?

15 A. When I was a child, yes, yes. Continue with your
16 questions, please. Thanks.

17 Q. I will, and that's my job, sir. So you told
18 Josh, you told Stephen, you told your mom, you obviously
19 told your wife about it, and you told the special agent
20 about it, right?

21 A. Yes.

22 Q. Okay. Now, you were contacted by the Washington
23 State Jehovah's Witnesses about the allegations,
24 correct?

25 A. Correct.

1 Q. Okay. And you told them about this, right?

2 A. They asked me directly; I did not bring it up to
3 them.

4 Q. They called you, and you were on vacation?

5 A. They called me, yes.

6 Q. Okay. And you couldn't have told them you
7 witnessed any abuse by Shaun toward Kate because you
8 didn't see anything, right?

9 A. I told them I was never a direct eyewitness to it
10 physically taking place, but I had explained that I've
11 been on the other side of locked doors, et cetera, but
12 that in JW land is not considered evidence.

13 Q. Well, I'm not asking about JW land, I'm just
14 asking about what you told them.

15 A. That's what I told them.

16 Q. Okay. And that was in 2016, give or take?

17 A. Yep, September 2016 was -- we were on vacation;
18 it was close to Labor Day.

19 Q. And, again, when you're telling all these people
20 these things, you have no firsthand knowledge or
21 eyewitness knowledge of anything; is that right?

22 A. I never laid eyes on it physically happening, as
23 has been stated, but there's much more context to it
24 than that --

25 Q. I'm sure there is.

1 A. -- that I've not been permitted to say.

2 Q. And it was you who provided much of the timeline
3 that these things supposedly happened during your
4 interview with Special Agent Adametz; is that correct?

5 A. I mean, he asked me about a timeline, and I gave
6 him one, yes.

7 Q. And that was the same time Kate was being
8 interviewed, correct? When you were participating by
9 phone?

10 A. Kate and I were interviewed separately. We
11 weren't being interviewed simultaneously. I wasn't -- I
12 mean, I was asked about a timeline.

13 Q. So on May 16th, 2023 --

14 A. Okay.

15 Q. -- you met with -- there was a meeting between
16 Agent Adametz, Kaitlin Sheffer, Jackie Stevens, and you
17 participating by phone; is that not accurate?

18 A. You said Stephen, Kate, Jackie --

19 Q. No. Kaitlin Sheffer, Jackie Stevens, you, Agent
20 Stephen Adametz.

21 A. Yeah, I think that's accurate, yeah.

22 Q. Okay. So that wasn't separately; that was all at
23 the same time. You guys weren't talking at the same
24 time, but you participated in that --

25 A. There were separate phone calls too. That was

1 one phone call, yes.

2 Q. Okay. With all of you participating in it?

3 A. Sure.

4 Q. Okay. What other phone calls have you had with
5 Special Agent Adametz?

6 A. I can't recall every single one of them; there
7 were a couple. If you've got a list there, I can
8 probably confirm, but I don't know what you're getting
9 at.

10 Q. I'm wondering how many times you spoke with him,
11 if you can estimate.

12 A. I would say, I mean, a few at least.

13 Q. Okay. And at some point, you followed up with
14 texts to Special Agent Adametz; is that correct?

15 MS. WERNER: Objection; asked and answered.

16 THE COURT: Sustained.

17 BY MR. STEINBERG:

18 Q. Do you remember what that text said?

19 A. No. I imagine you know so you can tell me.

20 Q. So you've been speaking with the church, the
21 Attorney General's Office, your other siblings, your
22 parents, and your wife all about conduct that you never
23 eyewitnessed; is that an accurate statement?

24 A. The way you're phrasing it is so far from reality
25 but, yes, I will answer. Yes, I never laid -- we've

1 said --

2 Q. Sir, I'm not asking for --

3 MS. WERNER: Please don't talk over each other.

4 The court reporter can't take both. I'm going to ask
5 that the witness be allowed to finish his answer.

6 MR. SHEFFER: You keep interrupting me.

7 BY MR. STEINBERG:

8 Q. I'm not asking for your opinion about how I
9 phrase my questions; I'm just asking for answers, sir.

10 A. I never laid eyes on it. I don't know how many
11 times I need to say that but, yes, I did talk to all of
12 them about it, and there was more than enough context to
13 believe it to be true.

14 (Exhibit C was marked for identification.)

15 Q. I'm going to hand you what has been marked as
16 Defendant's Exhibit C.

17 A. Sure.

18 Q. Do you recognize that picture?

19 A. Yes, I do.

20 Q. Is this a picture of you with your father, Tim
21 Sheffer?

22 A. Correct.

23 Q. Okay. And was that an Aruba trip in March of
24 2023?

25 A. Yes.

1 Q. And did you go on that vacation with both of your
2 parents?

3 A. Yes, I did.

4 Q. Okay. And was your wife there as well?

5 A. Yes, she was.

6 Q. And was Shaun there?

7 A. Shaun was not there.

8 MR. STEINBERG: I would just ask for admission of
9 Defendant's Exhibit Number C.

10 MS. WERNER: No objection, Your Honor.

11 THE COURT: C is admitted.

12 (Exhibit C was admitted.)

13 MR. STEINBERG: I would just ask to publish it to
14 the jury.

15 MS. WERNER: No objection.

16 BY MR. STEINBERG:

17 Q. And you told the Grand Jury that you didn't
18 suspect anything from '95 to 2000, and that you were
19 shocked and completely ignorant during the time of these
20 events that are alleged to have occurred; did you not?

21 A. Yeah. I fully admit after, you know, it came to
22 the open where I knew my parents were aware, from that
23 point forward, I was under the impression that it had no
24 longer continued until several years later.

25 Q. During your Grand Jury testimony, you said that

1 you were shocked and completely ignorant during the time
2 of these events that they had occurred; how can you be
3 completely shocked and ignorant if Kate told you these
4 things were happening?

5 A. Kate told me they were happening, and I thought
6 they had stopped. I was shocked that they had
7 continued.

8 Q. Okay. Let me check my notes and see if I have
9 anything else for you, sir.

10 MR. STEINBERG: That's all the questions I have
11 for now.

12 THE COURT: Can I see Counsel at sidebar briefly?

13 MS. WERNER: Yes.

14 (Whereupon, an on-the-record sidebar discussion
15 was held.)

16 THE COURT: Attorney Werner, do you anticipate --
17 it's 12:05; do you anticipate your redirect to be
18 lengthy?

19 MS. WERNER: No.

20 THE COURT: Okay, all right.

21 (Whereupon, an on-the-record sidebar discussion
22 concluded.)

23 THE COURT: Attorney Werner, redirect?

24 MS. WERNER: Yes. Thank you, Your Honor.

25 REDIRECT EXAMINATION

1 BY MS. WERNER:

2 Q. Brandon, you testified in front of the Grand
3 Jury; is that correct?

4 A. Yes, I did.

5 Q. Was Kaitlin in the room when you were testifying?

6 A. She was not.

7 Q. Were you in the room when Kaitlin was testifying
8 before the Grand Jury?

9 A. I was not.

10 Q. Were you present when Kaitlin testified at the
11 preliminary hearing for this case?

12 A. I was not.

13 Q. Were you in-person present when Kaitlin was
14 talking to Special Agent Stephen Adametz?

15 A. I was not.

16 Q. Did you and Kaitlin collude with each other to
17 make this story up against your brother Shaun?

18 A. Absolutely not.

19 Q. Are you sexually attracted to your sister?

20 A. Absolutely not.

21 Q. So those comments on your sister's Facebook page;
22 what was the reason for them?

23 A. To be a nice older brother and try to be
24 encouraging to -- they're completely innocent. I
25 don't --

1 Q. Now, you were asked about your Grand Jury
2 testimony and specifically about what your sister told
3 you. I'm going to direct you to Page 22 of your Grand
4 Jury testimony, and -- I'm going to actually direct you
5 on Page 23 of the Grand Jury transcript and direct you
6 for your answer starting at line 18; could you kindly
7 read your entire answer?

8 A. Yeah. Do I read it to myself or aloud?

9 Q. Out loud, please.

10 A. So starting at the answer at line 18, right?

11 Q. Yes.

12 A. "So we were raised very sheltered from worldly
13 influence in terms of, like, I didn't know anything
14 about sex at the age of 12, you know? But I remember
15 the first time she had come and talked to me. She was
16 telling me that Shaun sometimes when I go in the room,
17 he comes in, and he wants to, like, kiss and stuff." Do
18 you want me to keep going?

19 Q. Yes.

20 A. "I was like, what do you mean kiss and stuff?
21 She was like, you know, he wants, like, sex stuff.

22 She was -- she didn't have the vocabulary to
23 describe what was happening to her, but I asked her
24 like, when, how, and she would -- her story has always
25 been consistent as far as she is, like, well, you know,

1 when I go back into my room and I'm, you know -- when he
2 had the door locked or the downstairs bathroom I guess
3 was another favorite spot of his. I don't know."

4 Q. Okay. So you also indicated she was like, you
5 know, he wants, like, sex stuff; and was that in the
6 same conversation that she said he wants to kiss and
7 stuff?

8 A. Yes.

9 Q. And to clarify, you live in Washington; the state
10 of Washington?

11 A. That's correct.

12 Q. And so when you would have to speak with Special
13 Agent Stephen Adametz, how would you speak with him?

14 A. By phone. I guess there were a couple text
15 messages, but I don't feel like that was often.

16 Q. So did you ever meet Special Agent Stephen
17 Adametz in person prior to yesterday?

18 A. No, I met him in person at the Grand Jury.

19 Q. At the Grand Jury?

20 A. Yeah.

21 Q. Okay. But all the other communication was done
22 by phone?

23 A. Correct, yeah.

24 Q. And then you testified that in 2016 when you were
25 living in Washington, what Jehovah's Witness community

1 reached out to you?

2 A. It was my local congregation, the Sammamish
3 congregation; Luke Collins and Ray Mayring (phonetic)
4 were the two elders that called me.

5 Q. Okay. So two elders called you; and what did
6 they want from you?

7 A. They said there's an investigation --

8 MR. STEINBERG: Objection; hearsay.

9 MS. WERNER: Defense opened the door on his
10 cross-examination, Your Honor.

11 THE COURT: Overruled.

12 BY MS. WERNER:

13 Q. And what did the elders ask of you?

14 A. They asked me what I recall about the situation.
15 They said that some allegations have come to the
16 attention of the Zelianople elder body, and they have
17 asked to be as discreet as possible. Like, I didn't
18 know who at the Zeli thing, they just asked me what my
19 recollection of that was.

20 They said specifically the reason they were
21 calling me is Kate has a rough recollection of me
22 opening the door on them, and I explained similarly to
23 just exactly how I did now about being on the other side
24 of a locked door once. I was on the other side of a
25 locked door at least twice that I can remember; that one

1 that was described in detail and another with the
2 basement bathroom and the curtain rod jammed under the
3 door.

4 Q. So prior to that phone call, had you reached out
5 to any of the elders or Zelienople for them to call you?

6 A. Never, no.

7 Q. So nothing that you did prompted that phone call
8 to you?

9 A. Nothing at all, no; I was blindsided by it. We
10 were on vacation and it -- yeah, it had an impact on my
11 mental state, yeah.

12 Q. Okay.

13 MS. WERNER: One moment. Thank you, Your Honor,
14 no further questions.

15 THE COURT: Further cross, Mr. Steinberg?

16 MR. STEINBERG: Thank you, Your Honor.

17 RECROSS-EXAMINATION

18 BY MR. STEINBERG:

19 Q. So you went back and forth as far as what you
20 specifically remember and what you don't specifically
21 remember regarding the conversation that you had with
22 Kate when you were around 12 years old.

23 A. Correct.

24 Q. So you're adding the word wiener today, you used
25 the word sex in the Grand Jury testimony, and you used

1 neither when you were talking to Stephen Adametz is what
2 we established today, correct? That's what you
3 testified to today?

4 A. This feels phrased -- I mean, the gist of the
5 conversation was testified to --

6 Q. I'm not asking what was testified to.

7 A. You're asking about specific words, yes, they
8 differed among the different times that I recalled. I
9 think anyone recalling a 30-year-old memory might have
10 that, yes.

11 Q. Would it be fair to say that every time you tell
12 the story you add a little something?

13 A. No, that would not be fair to say.

14 Q. Now, you've communicated with Mr. Adametz by
15 phone but, again, you also participated by phone in the
16 meeting with Kate, correct?

17 MS. WERNER: Objection; asked and answered,
18 Judge.

19 THE COURT: Sustained.

20 MR. STEINBERG: It was brought up on redirect,
21 Your Honor.

22 MS. WERNER: Objection; asked and answered,
23 Judge.

24 THE COURT: Sustained.

25 BY MR. STEINBERG:

1 Q. And you talked about telling the Washington
2 Jehovah's Witnesses branch about you opening the door at
3 a time that you didn't see or hear a single thing
4 indicative of sex, right?

5 A. Yes, and as has been stated, I did not physically
6 lay eyes on the act occurring; I've said that multiple
7 times.

8 Q. And the only thing that you said about that
9 particular occasion is that Shaun was mad; is it
10 possible that Shaun was mad because he was trying to
11 calm his little sister down and you were barging in?

12 A. It feels unlikely, but, yes, I guess that's
13 possible.

14 MR. STEINBERG: That's all the questions I have,
15 thank you.

16 MS. WERNER: No further questions. Thank you,
17 Your Honor.

18 THE COURT: Sir, you may step down, thank you.
19 Members of the jury, the time is now 12:15. I'm going
20 to release you for lunch, and we will resume at 1:30.
21 I'm going to ask that you do as I've directed you on
22 several occasions now to refrain from any communication
23 amongst yourselves in any way, shape, or form related to
24 this trial and the things that you've heard and seen.

25 I'm going to direct that you likewise refrain

1 from doing so with anyone else outside of the Courtroom,
2 and once again, refrain from doing any research in any
3 manner regarding any aspects of this case, okay? So I
4 will see you all at 1:30. Thank you.

5 The Court is adjourned until 1:30.

6 MS. WERNER: Thank you, Your Honor.

7 MR. STEINBERG: Thank you, Your Honor.

8 THE COURT: Thank you.

9 (Whereupon, a recess was taken.)

10 THE COURT: Counsel, if the Commonwealth will
11 kindly call your next witness.

12 MS. WERNER: Thank you, Your Honor. The
13 Commonwealth would call Dr. Veronique Valliere.

14 THE COURT: Ma'am, will you kindly raise your
15 right hand? Please pull up to the microphone and adjust
16 it as necessary.

17 MS. WERNER: May I, Your Honor?

18 THE COURT: Yes, ma'am.

19 * * *

20 DR. VERONIQUE VALLIERE

21 Being first duly sworn according to
22 law by the Court, testified as
23 follows:

24 VOIR DIRE DIRECT EXAMINATION

25 BY MS. WERNER:

1 Q. Good afternoon, Doctor; can you please introduce
2 yourself to the members of the jury?

3 A. Sure. I'm Dr. Veronique Valliere; would you like
4 me to spell it?

5 Q. Yes.

6 A. V-E-R-O-N-I-Q-U-E V-A-L-L-I-E-R-E.

7 Q. How are you currently employed?

8 A. I'm self-employed. I have two clinics in
9 Allentown; one where I treat violent offenders and one
10 where I treat victims of interpersonal violence and
11 general mental health disorders.

12 Q. So you said self-employed; do you have a degree
13 or a certain license?

14 A. Sure. I have a Doctorate in clinical psychology,
15 and I'm licensed as a psychologist in Pennsylvania and
16 New York.

17 Q. And you hold two practices; what types of
18 practices are those?

19 A. They're both outpatient practices. Like I said,
20 we have a violent offenders program where I have
21 clinicians who work under me. We treat people who
22 commit sex offenses, domestic violence, child abuse,
23 murder, and then another program where we treat victims
24 of interpersonal violence from age three and four on up
25 where we do evaluations for the Court, training,

1 evaluations for Children and Youth, and expert witness
2 services.

3 Q. How long have you been having your own practice
4 for?

5 A. Only my private practice since 2003, but I had it
6 since '96.

7 Q. And so how many years of experience do you have
8 in treating victims of sexual abuse whether they be
9 children or adults?

10 A. Over 30 years.

11 Q. Okay. And what type of education level or
12 degrees did you get in order to get the title in the
13 practice that you have today?

14 A. I have a Bachelors in psychology that I received
15 in May, 1987 and my Doctorate from January 1993, and
16 then I was licensed in Pennsylvania in '95.

17 Q. And what other types of training have you had in
18 order to reach your specialty?

19 A. Well, I've done ongoing training for my last
20 30 years on the relevant topics. I'm also on
21 Pennsylvania's Sexual Offender Assessment Board; the
22 Megan's Law Board, so through there we do a lot of
23 training on evaluating trauma disorders/offenders.

24 I've done -- I've provided a lot of training;
25 I've trained the FBI, the Department of Defense, the

1 Department of Justice, I've trained nationally and
2 internationally on victims and offenders, and wrote
3 three books on those topics.

4 Q. Okay. And when you say on those topics, what
5 specific topics have you written books -- or authored
6 books about?

7 A. One on understanding victims of interpersonal
8 violence, one on understanding sexual offenders, and one
9 on prosecuting intimate violence.

10 Q. If you were to guess, how many victims of sexual
11 abuse, again, whether they be children or adults, have
12 you treated in your career?

13 A. It's hundreds and hundreds. Plus, I've
14 supervised the care of many, many more through the
15 clinicians that I've trained or employed.

16 Q. And in your other area of treating sex offenders,
17 are they voluntarily being treated or is it through some
18 type of Court intervention?

19 A. Occasionally, we get somebody involuntarily, but
20 mostly they are probation or parole mandated or mandated
21 through family Court as a condition of, you know, their
22 release or part of the Court ordered treatment, and then
23 I've evaluated thousands of them through the Sex
24 Offender Board.

25 Q. Now, have you trained -- excuse me, have you

1 presented on these specific areas of topics relating to
2 victim behavior?

3 A. Yes. Like I said, I've trained the FBI,
4 Department of Justice, the Army, all branches of the
5 military, and prosecutors and law enforcement in some
6 other countries as well as in the United States.

7 Q. Have you testified in Court prior to today as an
8 expert in the field of victim behavior?

9 A. Yes, I have.

10 Q. And how many times do you think you've testified
11 on that area?

12 A. Probably over 100 by now.

13 Q. Okay. And in what counties have you been
14 qualified as an expert in that area within Pennsylvania?

15 A. Lehigh, North Hampton, Philadelphia, Dauphin,
16 Centre, Cumberland, Franklin, Fulton, Allegheny, Butler,
17 Centre, I don't know if I said that, Lancaster, and
18 maybe some more. I can't recall all of them.

19 Q. Currently --

20 A. And Mercer.

21 Q. Okay. Do you currently still actively treat on a
22 daily basis victims of sexual abuse?

23 A. Not on a daily basis but on a weekly basis.

24 Q. And you indicated that you have employees
25 underneath you?

1 A. Right.

2 Q. What type of employees?

3 A. I have psychologists and some social workers and
4 some licensed professional counselors and some Doctoral
5 and Masters level interns.

6 Q. And do you do anything to stay up on the current
7 legal status of these issues within the criminal Court
8 system or the education that is required for this area
9 of expertise?

10 A. Certainly. I do continuing ed credits; not
11 legal. I'm not a lawyer, so I don't do legal credits,
12 but I stay up on the literature and the studies and the
13 research.

14 Q. Now, does this type of expertise bring you only
15 in the criminal Courts or have you testified before in
16 civil litigation?

17 A. I've testified in civil litigation, family Court
18 for treatment needs or child abuse situations or custody
19 issues, and also in civil litigation for injury or
20 liability types of issues.

21 MS. WERNER: Your Honor, at this time, I would
22 offer Dr. Valliere for cross on voir dire for her
23 qualifications.

24 THE COURT: Mr. Steinberg?

25 MR. STEINBERG: Ms. Burik will be handling this.

1 VOIR DIRE CROSS-EXAMINATION

2 BY MS. BURIK:

3 Q. You told us a little bit about some continued
4 education including research and things like that; how
5 recently?

6 A. Have I taken continuing education?

7 Q. Yes.

8 A. Probably a month ago I took some mandated
9 reporter training and a training on trauma, I believe.

10 Q. Okay. And do you have experience dealing with
11 individuals with autism spectrum disorder?

12 A. Yes.

13 Q. And have you reviewed any materials regarding
14 this case?

15 A. No.

16 Q. Okay.

17 MS. BURIK: I have nothing further.

18 MS. WERNER: Thank you, Your Honor. At this
19 time, I would offer Dr. Valliere as an expert in the
20 field of clinical and forensic psychology; specifically
21 victim behavior.

22 MS. BURIK: No objection.

23 THE COURT: Okay. The Court will so recognize
24 this witness.

25 MS. WERNER: Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY MS. WERNER:

3 Q. When you have treated children or victims of
4 sexual behavior, what's the youngest age of a child that
5 you've treated?

6 A. Probably four or five if they're capable of it;
7 if they have a little bit of verbal ability or the
8 ability to process information through play or other
9 types of intervention.

10 Q. Okay. Now, you have heard the term of a blind
11 expert before; is that correct?

12 A. Right.

13 Q. And you are technically a blind expert under the
14 statute that permits you to testify; can you explain to
15 the jury what a blind witness or blind expert means?

16 A. Sure. Blind witness means I'm not here to talk
17 about the facts of this case. I'm here to provide
18 education and information regarding sexual assault,
19 victim behavior, offender dynamics, what influences how
20 a victim responds, and just to provide education that I
21 would give, whether it's to you or in a classroom, so
22 that any misinformation or misunderstandings of victim
23 behavior can be addressed, and then it would be up to
24 you to apply whatever is relevant to the case at hand.

25 Q. And has this type of testimony always been

1 allowed in Pennsylvania?

2 A. No.

3 Q. And when was it first allowed; do you recall what
4 year?

5 A. I believe it was around 2012.

6 Q. And what order was Pennsylvania to follow suit?

7 A. We were the last in the United States to adopt
8 this.

9 Q. Okay. And so in preparation of today, have I
10 given you any police report in this case?

11 A. No.

12 Q. Okay. And so by blind, have you met the victim?

13 A. I haven't met anybody or reviewed anything.

14 Q. Have I told you any facts of the case?

15 A. I believe in the beginning you may have said it's
16 a sexual abuse case.

17 Q. Okay. And when I tell you it's a sex abuse case,
18 do you testify in other contexts of cases?

19 A. I'm not sure what you mean.

20 Q. So is there more -- domestic violence; would that
21 be another type of case that you would typically testify
22 in?

23 A. Yes.

24 Q. Okay. And so the only information I gave you was
25 child sex assault?

1 A. That's what I recall.

2 Q. Okay. And did my office retain you as an expert
3 in this case?

4 A. Yes.

5 Q. Okay. And are you being paid by the Commonwealth
6 of Pennsylvania to be here today?

7 A. I am.

8 Q. Do you testify or have you testified for the
9 Defense?

10 A. In this particular role?

11 Q. Yes.

12 A. No. Defense would never call me to talk about
13 victim behavior if they're dealing with a perpetrator or
14 alleged perpetrator.

15 Q. Are you available to the Defense to be called as
16 an expert?

17 A. If it's a relevant topic and I can opine on it,
18 sure.

19 Q. Now, you had talked about counterintuitive
20 behavior when it comes to victims; what does
21 counterintuitive behavior mean?

22 A. Counterintuitive behavior is not a diagnosis or
23 anything. It's a term we use to kind of capture our
24 misinformation of what we think victims should act like.
25 So counterintuitive victim behavior is a term used to

1 describe, like, what we mistakenly perceive a real
2 victim would act like, like, if you see a stranger and
3 they grab you, you're supposed to scream and yell, and
4 victims who freeze would be considered counterintuitive,
5 or we expect victims to hate their perpetrator, but
6 really victims don't. So a victim who doesn't hate
7 their perpetrator might be considered counterintuitive.

8 So when a victim doesn't act like our stereotypes
9 tell us they should act or TV tells us they should act,
10 we tend to call that counterintuitive, but in reality,
11 victims react a whole array of ways depending on a
12 variety of factors that affect their responses.

13 Q. And can you name a couple of those variety of
14 factors that would affect victim behavior, specifically
15 when it comes to disclosure; immediate or delayed?

16 A. Oh, sure. Well, first off, immediate disclosure,
17 like, telling about a sexual assault, is not very common
18 even when it's a stranger attack. What influences the
19 length of delay most powerfully is relationship with the
20 perpetrator, so the closer a victim is to the
21 perpetrator, the longer the delay tends to be,
22 especially if that victim loves their perpetrator or the
23 perpetrator is a member of the family or they're
24 protecting them, or they're afraid of the consequences
25 of reporting, like, being put in foster care or ruining

1 the family, or getting somebody they like in trouble, or
2 say it's a stepparent and they don't want their little
3 brother to lose their dad, or their mom's really
4 attached to the perpetrator and they don't want to upset
5 their mom, so the more influence a perpetrator has in
6 that victim's life, the more likely they are to delay
7 disclosure for quite a long time.

8 Other influences are the age of the victim, how
9 much they understand about their offense, how much the
10 perpetrator has manipulated them into feeling to blame
11 for the offense or to protect them like saying, you
12 know, if you tell, daddy will go to jail; you don't want
13 to ruin everything, or saying, we'll both get in trouble
14 if you tell, so kids can be manipulated to take on the
15 burden of the offense.

16 The child may not, depending on how little or
17 experienced they are, know what to tell or how to tell,
18 or if the child is very isolated with the perpetrator,
19 they may have nobody to tell, so the delay goes until
20 they get a best friend and tell that best friend who
21 tells or get in school and gets to tell a teacher who
22 may understand differently.

23 So there are a lot of things, including fear and
24 shame and self-blame, that can keep the victim from
25 telling as well as a support system to tell who they

1 think will help them. If the victim has been convinced
2 no one will believe them, either because the
3 perpetrator's really loved in the community or has a lot
4 of status, like some of the high profile cases we see --
5 you know, no one wanted to tell on Bill Cosby because
6 they didn't think they'd be believed; that may be
7 another factor. So there are both internal things that
8 the victim carries and external things as well as the
9 influence of the perpetrator that determines when and
10 how a victim tells.

11 Q. You mentioned something about an internal factor
12 on disclosure would be about how much a victim
13 understands the offense; can you explain that one a
14 little bit more?

15 A. Sure. Kids, especially little kids, may not have
16 language or experience to even know what's happening.
17 Perpetrators can be very adept at camouflaging some of
18 offense behavior like saying it's just play or wrestling
19 or this is the way we show love in our family, or they
20 may trick the child, like, abuse them when they're
21 sleeping or tell them to close their eyes when they're
22 doing things or mislead them into thinking different
23 things are happening.

24 So the child may not even know what's going on
25 until they have other experiences to normalize it, like

1 be educated, like, family members don't kiss with their
2 tongue; I didn't know that before. A child cognitively
3 may not be able to wrap their mind around what's
4 happening, or if a child is taught, like, sexual abuse
5 hurts, and it's a bad touch, but what's happening to
6 them doesn't feel bad or is just kind of weird or feels
7 good, a child may not identify that as abuse until later
8 on when they have the experiences at a later age to
9 understand, like, something's funny here.

10 So that may happen or a child may choose not to
11 tell because they've been groomed into thinking it's a
12 secret, and they're protecting things, and they may
13 choose to tell when they're trying to protect somebody
14 else, like another sibling, or they accidentally tell
15 and are forced to tell, like a child who tells their
16 best friend, and then the best friend goes to school and
17 says that you need to help my friend, and there's
18 mandated reporting that goes on.

19 So there's a lot of things that keep a child from
20 telling, both psychologically and developmentally,
21 including not knowing what to tell or what's weird or
22 what's strange until they get other life experiences.

23 Q. In your experience, how does a mental disability
24 in a child affect their ability to communicate or at
25 least understand the offense that's happening to them?

1 A. Well, depending on what the disability is.
2 Clearly, if the child is cognitively disabled in some
3 way or intellectually disabled, they may not form the
4 ability to understand in a more abstract way what's
5 happening, like, that people have bad intentions to them
6 or define norms as well. They may be more easily led or
7 convinced of things that are not appropriate. They may
8 not have the communication skills or interpersonal
9 skills to tell or even know that this is something to
10 tell.

11 For example, if a child -- I think autism was
12 already mentioned, so if a child was autistic and
13 doesn't relate to people or connect to people and just
14 tolerates what their environment brings them, they may
15 not have the social ability to tell or the connectedness
16 with others to tell. They may just not do it. Kids who
17 are very psychologically locked in their own world, like
18 sometimes autistic kids are, will suffer pain without
19 even telling because they don't identify that as part of
20 the interpersonal world that they function in a very
21 restricted way in that way.

22 So not only may they not have the language or
23 intellectual understanding, but they may have a disorder
24 that really keeps them from being able to interact with
25 other people in a way that would facilitate telling.

1 Q. Along the lines of disclosure, have you heard of
2 piecemeal disclosures, and if so, can you explain that
3 to the jury?

4 A. Sure. Piecemeal disclosure just means that when
5 people are describing traumatic things, they don't tell
6 everything all at once like a videotape. They don't go
7 through that, so especially what kids tend to do but
8 also any victim who has experienced something very
9 traumatic or painful or humiliating or embarrassing,
10 they'll give details of what they went through in
11 pieces, and that may be for a number of reasons: One,
12 the shame or the trauma may keep them from being able to
13 fully disclose. They'll get partway through it, and I'm
14 sure we've all experienced something very terrible where
15 you tell a little bit and then you just can't talk about
16 it anymore.

17 Sometimes it's the interviewer who is not asking
18 the right questions, sometimes a kid will start to tell
19 and see somebody's face, like, somebody touched me, and
20 then they'll stop because they don't want to upset
21 somebody or not get in trouble, sometimes it's a
22 traumatic reaction where they have to work through some
23 of that distress of telling, sometimes it's learning --
24 like, when I'm in therapy with a kid who they may talk
25 about the most overt thing but then as they learn more

1 about what they went through, they'll tell me more and
2 more things. They didn't know that tickling naked was
3 part of the abuse, or they didn't know that, you know,
4 getting candy after was an important part of the abuse.
5 So these details come up as they learn and are able to
6 process things, but piecemeal disclosure is not uncommon
7 for anybody going through a really bad, upsetting thing.

8 Q. Is it more common in children than it is adults?

9 A. I don't know. I think it's more expected in
10 children than it is adults because adults can recoup and
11 step up to the expectation of the interview. If you're
12 talking to your sister about a terrible fight she had
13 with her husband, you don't necessarily expect
14 everything all that minute, but if you're getting
15 interviewed by a police officer or social worker, we
16 tend to expect everything all that minute, so there are
17 other factors that influence disclosure like that.

18 Q. Now, you talked about other myths of victim
19 behavior; what about the myth or the expectation that a
20 victim -- any victim has to physically fight back or
21 physically resist assaults?

22 A. Well, I think we think that that's what we would
23 do, but that is extremely uncommon in children.
24 Children are not socialized to physically resist adults
25 in any way. Typically, unless -- you know, especially

1 if that adult or that perpetrator is an authority figure
2 over the child or has status, resisting is just not
3 common.

4 What particularly influences that is most sexual
5 abuse of children is not aggressive either. Offenders
6 tend to use play or what we call grooming or subtle
7 crossing of boundaries or things that ensure that a
8 child is not scared, is not likely to resist, or not put
9 in such a state of a distress that they would resist,
10 and so they -- already there's a foundation of
11 compliance with children, but offenders also manipulate
12 children into submitting and complying, and force is not
13 a good way to do that with kids.

14 Q. When you were discussing disclosure and you were
15 talking about sometimes children or adults don't
16 disclose because they have a fear of not being believed,
17 how would it impact, say specifically a child, if they
18 did tell someone about the abuse but then it continued
19 to occur after that? How would that affect their
20 ability to continue to disclose or disclose further?

21 A. That is a pretty profoundly impactful event when
22 a child does tell and they're either not believed or not
23 protected. We call that disastrous disclosures, and
24 sometimes the disclosure of not being believed and not
25 being protected is more traumatic than the actual abuse

1 because the child has to navigate then their own
2 attempts to get help and then the failures of the adults
3 around them or whoever they told, and that goes for
4 resistance too is children do try to resist, but if it
5 doesn't work, they learn that it's futile. They learn
6 that they're just potentially risking antagonizing the
7 abuser or alerting them that something is wrong or even
8 prolonging the abuse with resistance.

9 So a child that attempts to get help for
10 themselves and has failed is less likely to re-disclose,
11 especially if there were any negative potential
12 consequences to that initial disclosure.

13 Q. Do you have experience with educating the jury
14 about how someone's culture or religion would impact
15 their ability to disclose?

16 A. Yes.

17 Q. And can you tell us a little bit about that
18 experience?

19 A. Well, there can be pretty influential factors
20 when a child is raised in a particular culture,
21 subculture, or religion that dictates that child's
22 behavior. For example, some religious communities are
23 very closed, like, I'm from Allentown, and we're closer
24 to the Amish population, so that's a fairly closed
25 culture in terms of reaching out to people outside the

1 culture for help. There's an ingrained system on
2 help-seeking, and sometimes it's not conducive to
3 getting help for victims if the elder in that community
4 is the abuser, right? So there's religion that can
5 protect and close victims from going outside.

6 Additionally, there may be other consequences in
7 religions; for instance, very strong gender expectations
8 in sexuality. So if say a woman gets raped and the
9 woman is blamed for being raped, that might inhibit
10 disclosure. If the culture has been isolated from other
11 cultures or teaches that people outside that culture are
12 not to be trusted or relied upon, that can inhibit. If
13 there are language barriers in some cultures, there may
14 not be the ability to seek help or services regularly.

15 For instance, I worked in a case with a very
16 badly abused woman from Mexico who lived in rural
17 Pennsylvania, so when she called for help, there was no
18 Spanish translation in the 911, so she could never get
19 help.

20 So there are all these kinds of things including
21 extended family influences. If the religion dictates
22 that family should stay together no matter what, if
23 there is homeschooling, some cultures create
24 homeschooling which don't allow opportunities for
25 victims to have people outside of their influences to

1 tell, so there's a lot of different ways that cultures
2 affect help-seeking.

3 Q. Doctor, during your treatment of victims, is it
4 common for victims who have different personalities, say
5 if we expect victims to be emotional when they disclose
6 their abuse, is that another myth or is that common or
7 more uncommon for victims to be emotional or
8 unemotional?

9 A. That totally depends on the circumstances.
10 First, it depends on their preexisting personality. Some
11 of us don't cry, some of us cry at tissue commercials,
12 you know what I mean? So there are things about that,
13 but it's not only personality driven, but it's
14 contextually driven. In a public situation, showing
15 emotions is much more difficult.

16 In victims of trauma, they may have to steal
17 themselves, so to speak, to talk about these terrible
18 things in front of strangers, and they may have to be
19 numb; trauma can emotionally numb you. You may have
20 been through a lot of therapy so you can deal with it.
21 On the other hand, I've seen victims think they were
22 okay and literally have a seizure on the stand from the
23 stress of having to talk about it. So all of these
24 factors affect it.

25 The courtroom situation is such an artificial

1 situation, and there's a perpetrator that you're talking
2 about sitting -- potentially sitting in the room with
3 you, so victims have to navigate all of this emotionally
4 to protect themselves, deal with the distress, deal with
5 any traumatic reactions they have, and they may not be
6 people who are emotional to begin with.

7 Q. And, lastly, when it comes to trauma or trauma
8 that has been suffered as a child and now having to
9 disclose or discuss what happened to them, how does
10 trauma affect the now adult's ability to give detail as
11 to the offenses that occurred when they were younger?

12 A. Well, that's hard to predict. Trauma is very
13 disorganizing to our brain, and when we're talking about
14 abuse, especially if there's been a long period of time
15 since the abuse, we're asking people to dig up and
16 recall things that they might have not been trying to
17 remember to begin with. So often, victims will try to
18 check out during the offense, or they'll play games in
19 their mind so they don't have to feel it or experience
20 it, so that recall may be very difficult for them.

21 The other thing is there may be details of the
22 offending that we're asking them about that weren't as
23 important as other details. For instance, a victim may
24 have been so focused on the smell of their abuser's
25 breath that they don't know what came first, you know,

1 the pants off or the shirt off; some of the details we
2 ask about.

3 Trauma can also disorganize sequence, chronology,
4 or even -- because if the trauma happened a while ago,
5 we may be putting an adult lens back on a kid's memory,
6 so a kid doesn't remember on January 6th, you know,
7 2015; a kid will say near my 7th birthday or around
8 Christmastime or school was out, you know? The kids
9 think about time differently, so as an adult trying to
10 go back and apply that adult memory lens on may get a
11 little confusing or conflicted. Some of the details
12 that don't matter might get lost, but then again,
13 depending on the victim and how they've encoded that
14 memory, it may be different.

15 Q. What can you tell us about the myth or people's
16 expectations of a victim still having to -- still
17 enjoying or spending time with their perpetrator after
18 being abused and acting like everything is fine?

19 A. Well, that's the tricky thing, especially if it's
20 a family member or close member. Abusers tend to be
21 fairly good at fostering attachment, and because we're
22 here today focused on the terrible things that happened
23 in that relationship, it's hard to forget about all the
24 good stuff that happened. The same dad, so to speak,
25 that abuses you from when you were seven to eight is the

1 same dad who taught you to ride a bike and the same dad
2 who helped you learn to drive your car, so it gets very
3 conflicted for the victim.

4 Additionally, victims tend to learn when the
5 abuse is going to happen and when it's not. So if it's
6 not on a weekend when mom is working nightshift, it's
7 safe because they're not going to be abused then, so
8 acting normal is normal; we all do that. So, you know,
9 kids, especially kids, hang on to the good parts of
10 relationships and love their parents even when their
11 parents have terrible faults, including being abusive,
12 so it's not uncommon whatsoever.

13 MS. WERNER: One moment, Judge.

14 Thank you, Your Honor. I would offer this
15 witness for cross-examination.

16 CROSS-EXAMINATION

17 BY MS. BURIK:

18 Q. So you had explained that you have been called as
19 an expert many, many times in the past, correct?

20 A. Right.

21 Q. And that has always been in support of the
22 prosecution, correct?

23 A. Not always in my career. In talking about victim
24 behavior, yes.

25 Q. Okay. And the Commonwealth has reviewed that

1 you've been paid for your testimony today, correct?

2 A. Right.

3 Q. And you had indicated that the Defense would
4 never call you as an expert witness, correct?

5 A. No, I said to describe to a jury -- educating
6 about victim behavior the Defense has never called me.

7 Q. Okay. You're trained in the field of forensic
8 psychology, correct?

9 A. Right, and clinical psychology.

10 Q. Okay. And is there a right or wrong way to
11 interview an alleged victim of sexual abuse when you're
12 trying to determine what they've experienced?

13 A. There are definite guidelines that training asks
14 that we follow.

15 Q. Okay. And, in general, you'd agree that the
16 interviewer should not ask leading questions, correct?

17 A. If by leading you mean give the answer in the
18 question like, you did this, right? That's a leading
19 question. Sometimes people mistake directive questions
20 for leading questions like when you say -- a directive
21 question is like what the attorney did with me is you
22 mentioned X, can you tell me more about that where you
23 direct somebody in the area you want them to ask.
24 That's not a leading question.

25 Q. So with that, you would agree that an interviewer

1 shouldn't really suggest an answer, right?

2 A. That's too vague of a question for me.

3 Q. Okay. Is it recommended to have a Complainant of
4 abuse be interviewed by themselves or with others?

5 A. An alleged victim be interviewed by themselves or
6 with others; is that what you're asking?

7 Q. Yes.

8 A. It would really depend on the situation.
9 Sometimes, especially with children, if they're highly
10 anxious and scared and they have a support person there
11 with them who doesn't interfere, that's perfectly
12 acceptable. Sometimes if they have communication
13 difficulties or there are language barriers, there needs
14 to be other people there to help. As long as the other
15 party isn't answering for the victim or telling the
16 victim what to say, it's not necessarily an issue.

17 Q. And when reporting as an adult, does that impact
18 that circumstance?

19 A. No, it's the same situation. If the person's
20 limited or highly anxious or needs some support, having
21 somebody present does not necessarily influence the
22 responses of the individual.

23 Q. And if somebody else -- if that other person is
24 answering for them, how does that impact that interview?

25 A. I guess I'd have to know more about the specific

1 situations. Interpreters answer for people all the
2 time, so if the person's making an accurate
3 representation of what the person is saying without
4 necessarily influencing -- I've had to have a parent or
5 sibling involved if the child has a severe speech
6 impediment to help me understand what's happening, so as
7 long as it's accurate, it's not a problem.

8 Q. What if that individual did not experience or
9 witness anything about the alleged abuse?

10 A. And they're just assisting in supporting the
11 person? That probably would be even better.

12 Q. No, in terms of answering questions for them.

13 A. I'm not -- can you give me -- I don't know what
14 that would mean.

15 Q. If an attendee of an interview who has not
16 witnessed the alleged abuse is answering questions for
17 the person being interviewed.

18 A. Well, like I said, I would assume that somebody
19 supporting the individual would not be an eyewitness;
20 they would be being interviewed separately, right?

21 Q. Why would that be the case in your experience?

22 A. Well, if there was an eyewitness to abuse, I
23 would imagine they would be interviewed specifically for
24 what they saw. I guess I'm really not following your
25 question.

1 Q. So it would be kind of unorthodox to interview
2 that individual with another person that has not
3 experienced it and is answering for them?

4 MS. WERNER: Your Honor, I think we're running
5 afoul of the direct testimony when it comes to victim
6 behavior, and now we're going into interview techniques
7 and what is acceptable or not acceptable.

8 THE COURT: Counsel?

9 MS. BURIK: Your Honor, in terms of -- many of
10 the details in victim behavior that was discussed on
11 direct involved interviewing an individual and how they
12 respond to these things. Quite literally, the entire
13 qualification for this expert is victim responses, and
14 we're just eliciting questioning in regards to victim
15 responses.

16 MS. WERNER: Then I'd just ask that she direct
17 her questions more towards the victim response and not
18 about attendees in an interview and what's acceptable
19 interviewing.

20 THE COURT: Counsel?

21 MR. STEINBERG: I can direct my questions a
22 little more pointedly.

23 BY MS. BURIK:

24 Q. So you would agree having another person present
25 for a victim's -- or alleged victim's initial interview

1 can't impact that person's ability to disclose
2 information if they're answering for them?

3 A. Like I said, it depends. It can influence it, or
4 it can better it. For instance, I'm thinking of -- I'm
5 trying to put myself into what you're saying, and I
6 evaluated a nonverbal adult male who was very autistic
7 and had been sexually assaulted, and his mom was present
8 to keep him calm because he became very disregulated and
9 helped me interpret some of the sign language he was
10 using. So in that case, she was definitely beneficial
11 to have there, so it can -- there can be an influence
12 for sure.

13 Q. Do you feel if she was answering questions about
14 filling in gaps like dates and timelines though, would
15 that change that opinion of that beneficialness?

16 A. It depends. Very often, we rely on caretakers to
17 give us information, so if we're -- if I'm interviewing
18 a kid who says I was in sixth grade, and the mom says,
19 oh, that would have been when we lived in Belfont in
20 2012, that doesn't do anything to change the disclosure.
21 It just adds more precise information that me as an
22 adult may need.

23 Q. But if the person is not a child and not in that
24 situation and they're an adult, that information
25 shouldn't be coming from another, right?

1 A. Not necessarily. And it depends what you qualify
2 as an adult; is an adult 18, 22? Does the adult know
3 where they lived at what time? Do they have those
4 details of their life? Are they able to communicate it?
5 This is far too broad of a question, and specific
6 factors that are involved in this kind of interview need
7 to be specified for me to give a clear opinion.

8 Q. You'd agree, of course, that a possible offender
9 should not participate in the interview of a victim,
10 correct?

11 A. A possible offender? Typically, that's who would
12 influence and shut down a disclosure is if the actual
13 perpetrator was present with the victim during the
14 disclosure.

15 Q. And are you familiar with misinformation effect?

16 A. Yes.

17 Q. And what is that?

18 A. It depends on how you're using it, but it's just
19 if people are guided to -- it's usually something that's
20 perpetuated that is misinformation, which we see in the
21 media all the time when somebody says they said, they
22 said, they said and promote a false statement or belief.
23 People can adopt that, but it's usually not about
24 personal experiences.

25 Q. And one of your best sources for your opinions

1 about victim behavior actually comes from guilty
2 offenders you have offered therapy services to, correct?

3 A. They are very educative on how victims act and
4 how they get victims to act the way they want.

5 Q. And so these are individuals whom in your opinion
6 committed the offenses, correct?

7 A. Not in my opinion; they've been convicted of
8 those offenses and admitted them themselves.

9 Q. Okay. So you don't know if Complainant behavior
10 is similar or the same when the accused is innocent,
11 correct?

12 A. So if the child has not been sexually abused or
13 -- I don't understand what you're saying.

14 Q. Most of your opinions are coming from
15 circumstances where you know an offender has committed
16 these acts, right?

17 A. Or a victim has reported.

18 Q. So you're not able to confirm or differentiate
19 when that's not the case, correct?

20 A. How people act when they haven't been sexually
21 abused?

22 Q. How an accused may act similarly if the
23 information is not accurate.

24 A. So that people who commit sex offenses act like
25 people who don't commit sex offenses?

1 Q. How in terms of behaviors of offenders you're not
2 able to differentiate behaviors that identify that the
3 information is wrong, correct?

4 A. I literally have no idea what you're asking me.
5 I'm sorry.

6 Q. I'm sorry, I'm trying to rephrase that a little
7 bit less confusingly. So in your experience, you are
8 basing a lot of those opinions off of confirming
9 circumstances of offenders; not circumstances where a
10 person is wrongfully accused, correct?

11 A. I don't investigate accusations, right.

12 Q. Okay. So you wouldn't necessarily be able to
13 identify similarities between the two, correct?

14 A. Well, I could absolutely identify similarities
15 because most sexual offenders act exactly like the rest
16 of us most of the time, unless they are offending, which
17 is why it's so hard to detect.

18 You couldn't look in this room and see from this
19 behavior right here who is a sex offender and who is
20 not. So if that's what you mean, yes, offenders are
21 very, very, very good at hiding their private life and
22 having a very normal public persona.

23 Q. So you discussed a little bit about the
24 relationship between a victim to an offender and how
25 that relationship can cause manipulation, right?

1 A. Well, the relationship doesn't cause the
2 manipulation, the offender -- it manipulates the victim
3 and may manipulate them through sympathy, fear, threats,
4 bribery, isolation, creating love, dependance, and
5 telling them they have a special relationship that's
6 just between them.

7 The perpetrator may give the victim special
8 favors, special attention, gifts, things they don't get
9 from other people, they may socially isolate them, they
10 may lie to them, they may misrepresent things like the
11 offender who is doing something stimulating; stimulating
12 the victim's genitals and asked do you like this
13 tickling? That's a lie, right? It's not tickling; it's
14 sexually assaulting, so there are many, many, many ways
15 offenders manipulate victims.

16 Q. And you'd agree the mental capacity of a victim
17 can make that victim susceptible to being influenced.

18 A. Yes. Disabled individuals are far more likely to
19 be sexually exploited.

20 Q. And also potentially to be able to influence the
21 victim to lie on their behalf, right?

22 A. Well, all victims have to lie to cover up sexual
23 abuse. They have to keep it a secret.

24 Q. And the financial situation of the victim can
25 also impact that, correct?

1 A. You'd have to be a little more detailed.

2 Q. In a circumstance where the victim has become
3 financially dependent on the perpetrator, does that
4 impact disclosure?

5 A. Sure. Financial dependance on a perpetrator
6 makes the victim far less likely to disclose because
7 they can't jeopardize their wellbeing to be protected.

8 Q. Can that be used to influence what they disclose
9 as well?

10 A. Most likely, offenders use and exploit a victim's
11 financial state. They don't pay them to say certain
12 things or not in my experience. I don't know if that's
13 what you're asking.

14 Q. You had also said the status within the family
15 can impact that relationship as well; if an offender's
16 family member is, you know, beloved in the family, is
17 that something that may prohibit the victim from
18 disclosing abuse by that offender?

19 A. If the offender's family member is well loved?

20 Q. No, if the -- discussing family members being
21 involved, if the offender is a family member, yes, and
22 is beloved within the family, is that something that may
23 prohibit a victim from disclosing?

24 A. Yes, it can.

25 Q. In the presence or absence of any of the

1 responses or the behaviors mentioned, it doesn't prove
2 or suggest that a witness is truthful or more likely to
3 be accurate, does it?

4 A. Right. We can't tell just by one behavior
5 whether somebody is a victim or not or even a checklist
6 of behaviors. You have to take the whole circumstance
7 into account.

8 Q. And none of your opinions today were reached by
9 interviewing any of the witnesses in this case,
10 including the alleged victim, correct?

11 A. Right.

12 Q. Do Complainants get perpetrator's identities
13 wrong?

14 A. I guess if it's a stranger or someone very
15 unfamiliar to them.

16 Q. Okay. And you had explained a little bit about
17 piecemeal disclosures, and some children that disclose
18 will disclose completely and fully the circumstances,
19 right?

20 A. That's possible, yep.

21 Q. Can environmental factors lead to false or
22 inaccurate reporting of abuse?

23 A. When you say false, do you mean fabricated abuse?

24 Q. Possibly.

25 A. Fabricating allegations of sexual abuse is very

1 uncommon, and so I don't -- inaccurate things, sure.
2 Kids can be inaccurate in days or times or -- I mean,
3 we're all inaccurate in our memories. We don't have
4 videotapes for memories, so it gets tricky.

5 Q. And you regularly treat both abusers and victims,
6 right?

7 A. Right.

8 Q. What about admittedly false complaints?

9 A. I've evaluated individuals who have both done
10 that and evaluated complaints, yes.

11 Q. Individuals with certain personality disorders
12 can also be known for links with a tendency to lie,
13 right?

14 A. The only personality disorder that's really
15 correlated with deception on, like, a regular basis is
16 antisocial personality disorder.

17 Q. And what are some of the traits of that?

18 A. Failure to respect the rights of others, failure
19 to adhere to the rules of society and laws, early
20 childhood maladjustment, cruelty, callousness, lack of
21 empathy, early criminal behavior, reckless irresponsible
22 behavior; those kinds of things. When somebody is very
23 antisocial, they take what they want when they want it
24 and have very little regard for the impact of their
25 behavior on others.

1 Q. What do you mean by antisocial?

2 A. That's the name of the personality disorder;
3 antisocial.

4 Q. But do you mean by antisocial not having a lot of
5 friends or --

6 A. No, no, no. Antisocial clinically means
7 anti-society, so against the rules of society; criminal,
8 callous, not connected well with other people,
9 exploitive. Antisocial personality is one of the
10 personality disorders that is correlated with committing
11 sexual offenses.

12 Q. And can prescription medication affect reporting
13 behaviors?

14 A. I suppose if somebody took too many prescriptions
15 and were constantly sedated they would be less likely to
16 report, and medications can be used to manipulate and
17 psychologically control victims.

18 Q. What about a history of concussions?

19 A. I don't know of any correlation between them.

20 Q. Can a history of having impact on memory affect
21 those responses?

22 A. I don't understand what that means. A history of
23 having impact on memory?

24 Q. A history of having difficulties or
25 circumstances, environmental or otherwise, that impact a

1 person's memory that have an impact on responses?

2 A. Well, if you have memory problems, you may be a
3 hindrance to yourself in this kind of proceeding because
4 we require so many details that aren't necessarily
5 meaningful for the sexual assault victim.

6 Q. Okay. If memory issues impact the details that a
7 victim is recalling, it wouldn't be appropriate for
8 another person to fill in those details, right?

9 A. It depends on the circumstance.

10 Q. Can you explain what circumstance that could be
11 potential to expose misinformation?

12 A. Could I -- can you ask that question again?

13 Q. Well, you said it depends; can you explain the
14 circumstances where another filling in the gaps for an
15 individual with memory issues can lead to inaccurate
16 information being reported?

17 A. Well, I guess that's always a potential. We do
18 that all the time though. I'll look to my husband and
19 say, "Do you remember when we were at blah, blah, blah,"
20 and he'll say something, and I'll be like, "No, that's
21 not it," so that's a normal human thing, but I think
22 what you're -- I think what you're trying to ask me is
23 can a person answering for another person give wrong
24 information.

25 Q. Yeah.

1 A. Sure. Does that wrong information have to do
2 with whether I was raped or sexually abused or not?
3 Probably not so much.

4 Q. And in a circumstance where that person has not
5 actually been there, like the example you gave was your
6 spouse, and they're able to confirm that information
7 actually not coming from the third person's memory.

8 A. It would all depend. If I told somebody a very
9 detailed story of what had happened to me, and then I
10 was being asked by another person about that story and
11 was having trouble for whatever reason remembering the
12 details because I was upset or afraid or whatever and
13 the third party said, "You told me X," and they were
14 accurately repeating what I had already told them, then
15 that wouldn't be the same as somebody saying, "Well, I
16 wasn't there, but it must have been X, Y, and Z."

17 Q. Would you have cause for concern if that person
18 can't confirm whether the third party giving information
19 is right or wrong?

20 A. This is getting so convoluted for me. I have
21 trouble -- I would need a specific example to be able to
22 say because I -- this just gets too confounded for me
23 because there's just so many things I can think about
24 that you may be implying or hinting at. I can't just
25 give an opinion.

1 Q. The person that might have memory issues or an
2 intellectual problem understanding the circumstance in a
3 third party is explaining the circumstance for them; is
4 that specific enough?

5 A. It is, but you're illustrating exactly why
6 disabled people are so highly vulnerable to being
7 sexually assaulted; nonverbal people, people with
8 intellectual disabilities. It's exactly because of
9 these barriers they face in disclosure and in describing
10 and remembering that allow perpetrators free rein to
11 prey on them. Their rates of abuse are exponentially
12 higher than normal kids.

13 Q. Makes them susceptible to manipulation, right?

14 A. It makes them susceptible to being sexually
15 abused.

16 Q. Also just manipulation in general, correct?

17 A. That depends, you know? That just depends.
18 Manipulation is a pretty broad word. If you're asking
19 me specifically does it make disabled people more
20 vulnerable to fabricating allegations of sexual assault?
21 I would say, no, because people with poor memories and
22 poor verbal abilities don't lie very well, so if that's
23 what you're implying, then we have to go the other way.
24 What they have the most trouble with is reporting true
25 things that happened in a way that's easily acceptable

1 to our justice system.

2 Q. Can they be manipulated by the perpetrator to
3 report details?

4 A. The perpetrator who sexually abused them
5 manipulates them into telling details about their sexual
6 abuse?

7 Q. Reporting inaccurate details.

8 A. Possibly. Like, saying, you know, milk came out
9 of daddy's penis instead of really knowing what it was
10 because they're mislead about what has happened, but
11 it's not really a lie; it's just a mischaracterization.

12 Q. But also in telling them not to report
13 information or not to tell, right?

14 A. Right. Keeping secrets is something that can
15 happen for sure; it happens.

16 Q. And autism spectrum disorder is a formal
17 diagnosis, correct?

18 A. Right.

19 Q. And that's part of the DSM-5; is that right?

20 A. That's right.

21 Q. Can you explain what that is?

22 A. Autism spectrum disorder is a diagnosis that --

23 Q. I apologize, I will get to that next, but I mean
24 the DSM-5.

25 A. Oh, oh, oh, the DSM-5 is our psychological bible.

1 It's America's bible of mental disorders and how we
2 classify them.

3 Q. And you were going to explain what autism
4 spectrum disorder is; I'm sorry for interrupting, but
5 what is autism spectrum disorder?

6 A. Autism spectrum disorder is a diagnostic term
7 that captures disabilities with individuals on a
8 spectrum, right? So these disabilities may generally
9 include delays in development, typically speech
10 development, some sensory issues, it may or may not
11 include intellectual disability, but it almost always
12 includes social or interpersonal difficulties, and the
13 person may be high functioning to very low functioning,
14 which is why this captures what's called a spectrum.

15 Q. And there's no cure for autism, is there?

16 A. Not that we have found.

17 Q. And just because somebody told you they think
18 they have autism, that wouldn't be enough for you to
19 diagnose them, right?

20 A. No.

21 Q. Without the proper assessments, you wouldn't feel
22 comfortable diagnosing somebody with a syndrome just
23 because they believe they were previously diagnosed or
24 say that they think they have it, right?

25 A. Right.

1 Q. You would want to see records or possibly assess
2 that person, correct?

3 A. Well, you'd have to do an interview and use
4 assessment tools if relevant. Some people can be
5 diagnosed on an interview alone, but you need some
6 developmental history and some background information.

7 Q. And, in particular, as you indicated, it may just
8 take an interview or assessment; is that pertaining to
9 autism spectrum disorder or generally with all mental
10 health disorders?

11 A. A very good clinical structured interview can
12 diagnose many, many disorders if the person is being
13 accurate with you.

14 Q. And, again, you'd agree autism spectrum disorder
15 isn't something that you grow out of, right?

16 A. You don't grow out of it, but you may work on it
17 to get your skills developed and get coping strategies
18 which help increase your functioning to a significant
19 amount.

20 Q. And delayed speech doesn't qualify as a mental
21 disability in the DSM, right?

22 A. There may be a diagnosis for delayed speech
23 depending what causes the delay. There are a variety of
24 speech disorders.

25 Q. But delayed speech in and of itself is not a

1 diagnosis, correct?

2 A. That's what I'm saying, it could be. It depends
3 on what delays the speech.

4 Q. Okay. Just because a person has delayed speech
5 as a toddler wouldn't necessarily mean that person has a
6 disorder, correct?

7 A. In and of itself without -- delayed speech is a
8 significant issue that is a marker for a number of
9 disorders. By itself with everything else, and I mean
10 everything else going well, it may not be as big of an
11 issue.

12 Q. Delayed speech can also be the result of
13 environmental factors, correct?

14 A. Potentially, yes.

15 Q. Such as poor access to education, right?

16 A. It could.

17 Q. And whether --

18 A. Can I back up? Poor speech may be more
19 environmental. Kids generally develop on a trajectory
20 where they start making sounds, try to make basic
21 noises, make basic efforts for speech development at
22 markers or milestones. So if it's delayed
23 significantly, like three years, that's generally not
24 environmental. You may not have good pronunciation or
25 good vocabulary because of environmental, but you will

1 still attempt to develop language if you're normal.

2 Q. And whether you're young or old, delayed speech
3 is not a mental disability on its own, correct?

4 A. It can be. That's what I'm saying, it depends.
5 Some kids they have what's called elective mutism where
6 they choose not to speak; that's a disorder that has to
7 be treated. Some children may have auditory issues that
8 preclude them from developing speech the same way, so it
9 really depends. When speech is significantly delayed,
10 something is not developing properly.

11 Q. Okay. And there are many other factors that go
12 to the differences between those diagnoses you had
13 mentioned, correct?

14 A. There are different factors for different
15 disorders, yes.

16 Q. Okay. And without a medical or mental health
17 diagnosis or assessment or an obvious present condition,
18 you couldn't determine whether somebody has the capacity
19 for consent, could you?

20 A. Well, first of all, children can never consent to
21 an adult for sexual contact, so that's irrelevant
22 whether they have speech or not. That's the adult's
23 problem.

24 Q. I apologize, my question maybe -- I didn't
25 reference children out of context. Without having any

1 individual's medical or mental health diagnosis and not
2 having them present in front of you to try to observe
3 their capacities, you can't determine their ability to
4 consent, correct?

5 A. I wouldn't necessarily go that far.

6 Q. Okay. Are you familiar with interpersonal
7 influence?

8 A. Sure.

9 Q. What is that?

10 A. It's the influence we have on each other
11 socially.

12 Q. And are you also familiar with suggestibility in
13 interviews?

14 A. Yes.

15 Q. Is a person who is subjected to interpersonal
16 influence -- what does that look like?

17 A. We all are subjected to interpersonal influence.

18 Q. What are some of the signs of that?

19 A. It's interpersonally influential that those of us
20 in charge in Court dress up because that's the
21 expectation. If somebody is a friend of yours and
22 trying to talk you into something, you will be more
23 likely to get talked into something with somebody you
24 like to go out tonight instead of do your homework. It
25 sounds fancy, but all it is is how we affect each other.

1 Q. If you thought somebody is easily influenced and
2 subjected to interpersonal influence, how would you
3 recommend they talk to law enforcement?

4 A. I really -- that's too vague of a question for
5 me, so just to give advice on if somebody's compliant
6 how they would talk to law enforcement? I guess I would
7 just say tell the truth.

8 Q. So what if an influencer is a significant figure
9 in a person's life?

10 A. What if what? If somebody is a significant
11 person in another's life --

12 Q. If you have, for example, a patient who is
13 disclosing to you how a significant figure in their life
14 has influenced them and they are reporting to police,
15 would you recommend that person bring the influencing
16 individual with them?

17 A. I would say that a victim disclosing sexual
18 abuse's most influential person in their life that would
19 affect their disclosure would be their abuser, and I
20 would not recommend interviewing a victim in with their
21 abuser. They're less likely to disclose.

22 Q. A victim that's under the influence of others has
23 tendencies as well, correct?

24 A. I'm really -- I'm not trying to be difficult at
25 all, but these questions are so vague. They apply so

1 broadly to all human behavior, I think they're not --
2 they become not meaningful to me, so I'm not sure. An
3 influence -- people are influenced. I'm not really sure
4 what you are asking me. I'm sorry.

5 Q. If a perpetrator is involved in a victim's
6 interaction, interview, or reporting, they are likely to
7 be influenced by that individual's perspective, right?

8 A. I seriously cannot think of a situation where a
9 perpetrator of sexual abuse would be in a room with a
10 victim and that victim would be accurately disclosing
11 being sexually assaulted and then the perpetrator would
12 say something, and the victim would change their detail;
13 is that sort of the scenario?

14 Because that happens in domestic violence all the
15 time. The husband will beat the wife, the wife will be
16 in the hospital, the doctor will ask what happened, and
17 the perpetrator will say, "You fell down the stairs;
18 didn't you, honey?" And she'll be like, "Yes, I fell
19 down the stairs."

20 Q. So when a perpetrator is in fear of getting
21 caught, they have a tendency to create the narrative; is
22 that right?

23 A. If the perpetrator is in fear of getting caught
24 they will create the narrative? The perpetrator usually
25 always creates the narrative.

1 Q. And when it comes to in-Court testimony, you
2 wouldn't advise a person to testify that doesn't
3 understand the nature of questions being asked, right?

4 A. I think we just got in a jam here because I don't
5 understand the nature of these questions, so I'm not --
6 maybe I shouldn't be testifying.

7 MS. WERNER: Your Honor, I would object to beyond
8 the scope of her expertise in the field in which she's
9 testifying. We're not in-Court testimony.

10 THE COURT: Sustained.

11 BY MS. BURIK:

12 Q. Can an interviewer have impact on a victim's
13 reporting?

14 A. Yes.

15 Q. If the interviewer repeats a question or seems to
16 have an agenda, can that impact a victim's disclosure?

17 A. Depending on the question and the attitude of the
18 interviewer, potentially.

19 Q. If the Complainant is being fed misinformation
20 during the interview, can that impact their reporting?

21 A. Potentially, sure.

22 Q. And, again, you didn't interview the witness --
23 or the witnesses or a victim in this case, right?

24 A. Right.

25 Q. Or review any documents?

1 A. Correct.

2 Q. And it's fair to say without having an interview
3 recorded, we can't really tell how much interpersonal
4 influence could have occurred, right?

5 A. I suppose, but most interviewers have a level of
6 professionalism and ethics that preclude them from that
7 kind of influence.

8 Q. And other factors that can also impact
9 disclosures and victim responses include how passive,
10 frightened, ashamed, or how socialized to understand
11 their circumstance, their culture, and their gender,
12 right?

13 A. Sure.

14 Q. And who the perpetrator is also can impact that,
15 right?

16 A. Absolutely.

17 Q. And if it's a loved one that they are especially
18 dependent on, especially if that person is one of the
19 strongest influences in their life, can have an impact
20 on how a victim responds based on that relationship,
21 right?

22 A. Sure.

23 Q. What the perpetrator does also can impact those
24 responses, right?

25 A. Obviously, yes.

1 Q. And if the perpetrator threatens them or bribes
2 them, that can also impact their responses, right?

3 A. Right.

4 Q. And are individuals that have cognitive
5 disabilities more likely to have impaired difficulties
6 communicating issues that are more vulnerable?

7 A. They're more vulnerable to having difficulty
8 communicating, yes.

9 Q. And the closer the relationship with the victim
10 and the perpetrator, the more likely it is that the
11 victim will not disclose; is that right?

12 A. Right.

13 Q. And so that would also, you'd agree, work in the
14 opposite that the less likely that's going to impact
15 disclosure if they are not very close.

16 A. No. Disclosure can be delayed or most people
17 never tell about being sexually abused, especially if
18 it's going to end up in Court. It's just that the
19 closer the abuser is, the more likely the victim is to
20 keep the secret.

21 Q. And you'd mentioned a little bit earlier about
22 how we presume, essentially, victims hate their
23 perpetrators, right?

24 A. They may, but many victims are attached to their
25 perpetrators, especially if they're close to them or had

1 a preexisting relationship with them.

2 Q. So often, perpetrators might otherwise provide
3 care, love, affection, attention, special favors, money?

4 A. Right.

5 Q. And they can essentially superficially impact
6 their victim's lives; superficially be kind?

7 A. Well, they may not be being superficially kind.
8 They may be -- outside of the context of the abuse, they
9 may be kind to their victims.

10 Q. And you'd agree that's much more effective than
11 threatening or making your victim fear you, right?

12 A. It depends. It's just most perpetrators of
13 children prefer to be that way than to be threatening,
14 but if the perpetrator is threatening in other ways,
15 like there is domestic violence in the home or the child
16 has seen them kick the dog or beat their mom, they do
17 not need to be very threatening to get compliance. So
18 it just depends on what the perpetrator is comfortable
19 with.

20 Most perpetrators like to see themselves as nice
21 guys who wouldn't hurt anybody so that's what they try
22 to present to the outside world, and that's how they try
23 to groom the victim.

24 Q. And they often convince their victims to make
25 choices, take money, or go places with them in your

1 experience, correct?

2 A. They have their victims do that, yeah. Sometimes
3 they don't need to convince them; the victim wants to
4 go.

5 Q. You'd say the most -- the highest impact of
6 delayed disclosure is especially when they have a
7 relationship with the perpetrator, right?

8 A. Right. The whole point of delayed disclosure is
9 to keep something bad a secret. Delayed disclosure is
10 not to fabricate a lie years later for no reason.

11 Q. If the perpetrator is in control of who you talk
12 to, that impacts that as well, correct?

13 A. It can, yep.

14 Q. And disclosures normally come when a perpetrator
15 is removed from that person's life, right?

16 A. It depends.

17 Q. Or when they have access to different resources?

18 A. That helps.

19 Q. Not typically when a support person decides for
20 them that they should disclose, right?

21 A. No. Very often, people's disclosures are
22 triggered by their support systems, like a teenager who
23 is being sexually abused. Say she gets her first
24 boyfriend and tells him, and he says you don't deserve
25 that, we need -- your stepdad's a creep; let's go tell

1 somebody, or they get in therapy and they're encouraged
2 to disclose, or they finally disclose to somebody who
3 cares for them that helps them, or they have a medical
4 issue that forces a disclosure.

5 Q. In all those circumstances you just gave us
6 examples of, that person that's disclosing on another
7 person's behalf is learning that for the first time,
8 right?

9 A. Who knows; maybe, maybe not. Maybe -- yeah, who
10 knows.

11 Q. Would you say it's much more typical in
12 third-party decision-making to disclose?

13 A. That's a complicated question. For example, I'm
14 working with a family now who all the brothers were
15 sexually abused. They decided to keep it a secret
16 together, and one brother finally is having problems in
17 his marriage and decided to tell the whole family. So
18 it wasn't the first time everybody knew, so it's too
19 broad of question to give a good answer to.

20 Q. But that is the first time that the whole family
21 is learning this then?

22 A. That's the whole time that other people are
23 learning about it, but they had confronted the
24 perpetrator, confronted the perpetrator's wife, so it
25 was the first time their own personal mother heard about

1 it. It's a complicated thing.

2 Q. And typically, if this is really a support
3 person, an individual at least gets that alleged
4 victim's consent or perspective on reporting.

5 A. Not necessarily.

6 Q. Okay. Do victims normally recant when they're
7 older?

8 A. Do they normally recant? So they disclose and
9 then they take it back when they're older?

10 Q. Are they more likely to recant when they're
11 older?

12 A. It depends on the circumstance. About a third of
13 children recant, lots of victims of domestic violence
14 recant, but mostly what makes people recant is when the
15 disclosure brings unintended consequences like, I told
16 and now I have to go to Court, now I have to talk to
17 cops, and now I have to worry about my family, my
18 parents getting a divorce, and now I have to worry about
19 getting hauled into my job and being asked if I'm okay,
20 or going in front -- so it just depends.

21 Recanting usually happens either if the victim is
22 very dependant on the perpetrator, the perpetrator has a
23 lot of influence in their life, or there are unintended
24 consequences and the victim feels that things are out of
25 control now.

1 Q. A perpetrator being closely involved in a
2 victim's life gives them access to when they might be
3 found out or caught too, correct?

4 A. I'm not sure what you mean.

5 Q. Well, if a perpetrator is still closely involved
6 in a victim's life, they're more likely to be able to
7 find out if that person -- if a victim is going forward
8 and telling authorities or friends.

9 A. Depends. It depends how involved, depends how
10 good at doing things outside of that perpetrator's
11 purview somebody is, depends how quick the process
12 moves, depends how confident that perpetrator is about
13 the victim's silence, so it just depends.

14 Q. Somebody that is in a community, social, or
15 family syndicate, meaning not somebody the victim
16 doesn't know being the perpetrator, is going to have
17 more access to when that victim reports by keeping them
18 close, correct?

19 A. I think you just asked me the same question. It
20 depends.

21 MS. BURIK: I have nothing further. Thank you.

22 MS. WERNER: No redirect. Thank you, Judge.

23 THE COURT: Thank you. Doctor, you may step
24 down.

25 DR. VALLIERE: Thank you.

1 MS. WERNER: Short afternoon recess, Judge?

2 THE COURT: Members of the jury, we're going to
3 take a 15-minute break. We'll see you about 3:15 or a
4 few minutes after that, okay?

5 Court is in recess until 3:15.

6 MR. STEINBERG: Thank you, Your Honor.

7 (Whereupon, a brief recess was taken.)

8 THE COURT: Will the Commonwealth kindly call
9 it's next witness?

10 MS. WERNER: Yes. Thank you, Your Honor. The
11 Commonwealth would call Special Agent Stephen Adametz.

12 THE COURT: Please have a seat and adjust the
13 microphone as necessary.

14 * * *

15 SPECIAL AGENT STEPHEN ADAMETZ,
16 Being first duly sworn according to
17 law by the Court, testified as
18 follows:

19 DIRECT EXAMINATION

20 BY MS. WERNER:

21 Q. Special Agent, could you please introduce
22 yourself to the members of the jury?

23 A. My name is Special Agent Stephen J. Adametz from
24 the Pennsylvania Attorney General's Office, BCI WRO
25 Western Regional Office; that's the western region here

1 in Pittsburgh.

2 Q. What does BCI stand for?

3 A. Bureau of Criminal Investigation.

4 Q. And can you please spell your last name for the
5 court reporter?

6 A. Sure, A-D-A-M-E-T-Z.

7 Q. And you are currently employed with the Office of
8 Attorney General; how long have you been with our
9 office?

10 A. I began my employment here in 2012.

11 Q. And what other types of law enforcement
12 experience do you have?

13 A. Prior to that, I was employed by the Allegheny
14 County Port Authority as an officer there, and prior to
15 that, I worked with the Allegheny County Sheriff's
16 Office, and to start my career, I worked in my local
17 municipality of Etna, PA as a patrolman.

18 Q. So how many years of total police experience do
19 you currently have?

20 A. Twenty-seven and counting.

21 Q. Now, as a special agent with the Attorney
22 General's Office, do you have a specialty in the last
23 couple of years of the types of cases you have
24 investigated?

25 A. Sure. In the last I would say starting in about

1 2013, I was asked to assist in a number of interviews on
2 a fairly large case here. It was the Jerry Sandusky
3 scandal of Pennsylvania. In that case, I did some
4 interviews in the western region, which is the
5 Pittsburgh area, of some victims.

6 Q. And what other types of victims' cases have you
7 led an investigation into?

8 A. After that, I did another large case for the
9 Pennsylvania Attorney General's Office into the Diocese
10 of Pennsylvania investigating the priests and the
11 conduct of such.

12 Q. And now are you leading the investigation into
13 the Jehovah's Witness community?

14 A. I am.

15 Q. Okay. And throughout your experience, how many
16 victims do you think you've interviewed? And let me
17 take that -- let me be more direct; victims of sexual
18 abuse, either adult or children.

19 A. I understand. It would -- I've never counted,
20 but it's been quite a bit -- quite a lot, should I say.
21 For context, the Diocese that I was specifically tasked
22 with originally, there were 98 investigations; 41 of
23 which made the final report that was of issue in 2017,
24 and there was quite a few hundred or more. I don't
25 count.

1 Q. Now, tell us about the investigation into the
2 Jehovah's Witnesses; in general, how did that get
3 started?

4 A. Okay. So the Attorney General's Office is
5 regulated by what's called the Commonwealth Attorney's
6 Act, and that keeps us from stepping on the toes, if you
7 will, of other small municipalities or jurisdictions, so
8 we are limited in what we are allowed to jump into and
9 investigate. Many of our cases come through what is
10 called a referral.

11 Here as we sit in Butler County, the District
12 Attorney here would get a case. If for some reason
13 there was a conflict of interest in that case where a
14 material person of that investigation; a Complainant, a
15 victim, a good friend of an employee in the District
16 Attorney's Office, or something like that, they would
17 refer it to our office. It would go to Harrisburg, and
18 Harrisburg would look at it and accept this as a
19 referral because they have recused themselves from
20 investigating that crime.

21 Q. And did you, in fact, receive a referral in
22 regards to a victim of a Jehovah's Witness?

23 A. We did. That referral for the Jehovah's
24 Witnesses investigation came from York County District
25 Attorney's Office.

1 Q. Now, we've heard a little bit about a tipline;
2 what did the office do in regards to a tipline for the
3 Jehovah's Witness cases?

4 A. Sure. Like in the Diocese investigation, when we
5 do make arrests or anything, even in larger cases where
6 we investigate like a doctor who may have seen hundreds
7 of patients, we are only aware of who comes to us. We
8 don't know to go see Joe on the corner, so we have a
9 standard operating procedure of many of our
10 investigations is a tipline.

11 Those tiplines are generally a 1-800 number that
12 will go to a call center in Pittsburgh -- sorry,
13 Harrisburg, and they will determine if that tip is
14 pertinent to central regional, western regional, or
15 eastern. If it's something in the western region, it
16 would come to a western agent. If it was a tip
17 referring to an allegation or a lead to go talk to
18 somebody in the Philadelphia area, an eastern agent
19 would handle it.

20 Q. In addition to the tipline, was there documents
21 that we received, our office received, from the
22 Jehovah's Witness community themselves?

23 A. Yes. Much like the Sandusky case --

24 MR. STEINBERG: Your Honor, I'm going to object.
25 Can we go to sidebar, please?

1 THE COURT: Okay.

2 (Whereupon, an on-the-record sidebar discussion
3 was held.)

4 MR. STEINBERG: I'm going to base an objection on
5 relevance. The documents that she's referring to have
6 not been admitted into evidence. The custodians of
7 those documents would be either the main church of the
8 Jehovah's Witnesses or the Zelienople branch. We've
9 already established the documents that Commonwealth
10 tried to admit were hearsay, so now we're going into the
11 investigator explaining hearsay documents.

12 The relevancy as far as whether it goes to a fact
13 -- makes any fact more likely than not, as far as the
14 elements of the case, it doesn't, and we are going into
15 an avenue of religion, which the Court has already
16 instructed the jury that they should not judge anybody
17 based on their sex, gender, religion, et cetera, and now
18 we're going in an area of religion that is completely
19 not relevant.

20 We can start at the arrest, and he is certainly
21 welcome to indicate starting at the tipline and explain
22 what the tipline is, which I let go and has already been
23 discussed, but to go into getting documents from
24 entities that aren't here to testify about them, I would
25 object to.

1 MS. WERNER: I intend this agent to testify about
2 the process of the investigation and how he found
3 Kaitlin Sheffer and began the investigation into the
4 Sheffer allegations. I'm not introducing documents,
5 he's not going to say what the document said, he's going
6 to testify to receiving documents from the Jehovah's
7 Witness congregation by subpoena and that he did receive
8 ones that obviously had the Sheffer name on it that the
9 elder from yesterday testified to about it, but it
10 didn't involve -- it didn't say Kaitlin's name.

11 There was no victim identified so he actually
12 didn't know a victim identification until the call came
13 in from the tipline from Brandon Sheffer to then
14 identify Kaitlin, and then he'll go into now contacting
15 Brandon, contacting Kaitlin, and beginning the
16 investigation.

17 MR. STEINBERG: Your Honor, that could all be
18 started at getting a call from a tipline. Going into
19 the documents that are not admitted into evidence that
20 have already -- some of which have already been ruled
21 hearsay, is irrelevant, and I'm going to be raising
22 hearsay objections when he talks about the Defendant's
23 name being in those documents.

24 MS. BURIK: We don't have any evidence for the
25 jury to explain that this is the same document. That's

1 not even something that's been authenticated.

2 MS. WERNER: It is relevant to how the
3 investigation began. It's the process of how the
4 investigating agent came into contact with these
5 individuals. It's explaining to the jury how the whole
6 investigation took place.

7 THE COURT: Anything else?

8 MR. STEINBERG: No, Your Honor.

9 THE COURT: Okay. I'm going to allow you to
10 speak generally about how the investigation is done but
11 not go into any details beyond what is necessary to
12 explain generally. I'm being equivocal. I want -- you
13 can explain generally how the investigation process
14 takes place, and you can speak to whether that's
15 standard in investigations of this sort.

16 MS. WERNER: Am I permitted to then lead a little
17 bit so that the agent, since he doesn't know -- or I
18 don't want to direct him what he can and cannot say, but
19 am I permitted to lead to get to that without --

20 MR. STEINBERG: I'll object if I have an issue
21 with it, but I'm not going to object to leading
22 questions trying to keep him in what we've discussed on
23 the record here.

24 MS. WERNER: Okay.

25 (Whereupon, an on-the-record sidebar discussion

1 concluded.)

2 BY MS. WERNER:

3 Q. Special Agent Adametz, so I asked you a question,
4 and I'm going to be a little more direct with it: As a
5 part of the entire investigation, did our office
6 subpoena the Jehovah's Witness congregation for
7 documents?

8 A. Our office uses the power of the Grand Jury to
9 subpoena the documents.

10 Q. And was that done?

11 A. Yes.

12 Q. And was that done in a number of counties in our
13 western region?

14 A. So we subpoena through the power of the Grand
15 Jury, which is asking them for their documents.
16 Institutions will hoard documents that we would like to
17 see, so we have to ask for them and that's the subpoena.
18 They gave us those document in what's called
19 productions. Those productions come piecemeal; they're
20 still continuing to come. I believe the Butler County
21 productions was production nine, and I believe we
22 received those. Let me go back --

23 Q. Well, let me ask you a direct question; how about
24 that? So once you receive a production that's within
25 your county, does that go to you to review those

1 production of documents?

2 A. Initially it goes to Harrisburg.

3 Q. Does it eventually come to you specifically?

4 A. Yes.

5 Q. Okay. And did you then review the Butler
6 production that was subpoenaed?

7 A. Yes.

8 Q. Okay. And within those documents, did you find
9 documents relative to Shaun Sheffer?

10 A. Yes.

11 Q. Okay. In those documents, did they name a victim
12 at all?

13 A. No, they did not.

14 Q. Okay. Now, I want to go back to the tipline.
15 The production of documents; did that come before or
16 after a tipline call in this case?

17 A. The production came before the tip.

18 Q. Okay. When the tip came in, did you receive it
19 because it came into the Butler County region?

20 A. It comes into Harrisburg.

21 Q. And then Harrisburg kind of fishes it out to the
22 necessary agents?

23 A. Correct.

24 Q. Okay. So did you then receive a tipline or a
25 name of a caller to call back?

1 A. Yes.

2 Q. And who was that caller?

3 A. The tipline sheet, if I recall, had the name of
4 Brandon and Jessica Sheffer.

5 Q. Okay. And then who did you make -- if it all,
6 who did you make a return phone call to?

7 A. I called the number that was on there, and on the
8 other line was Brandon Sheffer.

9 Q. And then did you then speak to Brandon Sheffer?

10 A. I did.

11 Q. Okay. And from your call with Brandon, did you
12 get led to Kaitlin?

13 A. I did, yes.

14 Q. Okay. And without Brandon, did you know
15 Kaitlin's name at all?

16 A. No, I had never heard her name prior.

17 Q. Or seen it in any documents?

18 A. No, it was in none of the documents.

19 Q. Okay. Now, how did you -- the whole question of
20 who facilitated what; how did you come into contact with
21 Kaitlin?

22 A. So the tipline came in with a phone number and
23 two names on it that I testified to. When I called it,
24 Brandon answered, and those tiplines have a small
25 narrative, two sentences maybe, basically saying that he

1 knows of abuse that happened to his sister and that he
2 has information of that case. I asked him what his
3 sister's name was, and he told me the name of his
4 sister, Kaitlin Sheffer.

5 At that point, I got some demographics from him,
6 found out that he was in Seattle, Washington, so an
7 in-person, face-to-face interview was going to be
8 difficult with him. I then asked him some details about
9 his sister, and he had told me that --

10 MR. STEINBERG: Objection. We're going into
11 hearsay, Your Honor.

12 BY MS. WERNER:

13 Q. Details; what types of details? Demographics,
14 phone numbers, address?

15 A. Yes.

16 Q. Okay. And when you received those, did that help
17 you reach out to Kaitlin?

18 A. It did.

19 Q. Okay. And when you spoke with Kaitlin, did you
20 set up a time to meet her in person?

21 A. I did.

22 Q. Okay. And tell us about that.

23 A. So I asked her -- as a victim of a violent crime,
24 you want to make them comfortable, and I asked her if
25 she would be more comfortable with me coming to her home

1 or meeting her in a restaurant or wherever she'd be most
2 comfortable in speaking with me. She offered that she
3 would be happy to come into the Butler office, which is
4 here in Butler County.

5 Q. Okay. And did you meet with her in person on a
6 date certain?

7 A. I did.

8 Q. Okay. And the whole scenario with Brandon being
9 on the call or on the phone; can you just explain to the
10 jury how that came about and what was happening?

11 A. Sure. When I spoke with Brandon, he had told me
12 about an allegation of abuse with his sister, and he
13 described her as a special needs person and that she was
14 autistic and that her communicative skills were limited.
15 I asked him could you find out before I even reach out
16 to her, because it's very difficult to go knock on
17 someone's door and say hello, I'd like to speak to you
18 about the worst time in your life. I asked Brandon if
19 he could ask her if she would accept my phone call.

20 He did reach out to her, and she said she would
21 be willing to speak with me, and that's what
22 precipitated me calling her and setting up a time to
23 meet with her.

24 Q. And then when you did meet with her, did an
25 interview take place?

1 A. Yes.

2 Q. Who was present, physically present, for that
3 interview?

4 A. Physically present was myself, Kaitlin, and her
5 wife, Jackie.

6 Q. Okay. And then during that interview at some
7 point, did Brandon get on the phone?

8 A. Yes.

9 Q. Okay. Tell us about the circumstances of that.

10 A. Sure. Because I was -- had never met her and I
11 didn't know her level of competency, her level of
12 communicative skills, I asked Brandon how this -- how
13 her skill set was, and she communicated to meet with me
14 that she would feel very comfortable if she could have
15 Brandon on speakerphone.

16 MR. STEINBERG: I'm just going to object to
17 hearsay.

18 THE COURT: Sustained.

19 BY MS. WERNER:

20 Q. Well, who wanted Brandon on the phone?

21 A. Kaitlin.

22 Q. Did she request it?

23 A. Yes.

24 Q. Okay. So when Brandon was on the phone during
25 the interview, was he interjecting during the questions?

1 A. No. He was on mute most of the time unless I
2 directly asked him a question.

3 Q. Okay. And what was the purpose of him being on
4 the line?

5 A. For Kaitlin's comfort.

6 Q. Okay. Now, during your interview with Kate,
7 would Brandon help?

8 A. Yes, he would.

9 Q. In what ways?

10 A. As Brandon testified here today, he was very
11 articulate with dates and times, so he was good with
12 birthdays, such as his brothers' birthdays. He would be
13 able to help with how many years older a certain brother
14 was from Kate. He was good with that type of
15 recollection; how old he was when certain things
16 happened and establishing a timeline, because Kate was
17 not good with numbers and recollection of date of
18 births, timelines, and such.

19 Q. Did he ever offer material information to the
20 actual crimes being alleged here?

21 A. No.

22 Q. Did he coach Kate in what to say during your
23 interview with her?

24 A. No. We had -- I had the mute button on, and he
25 had a mute button on, and I only asked him to interject

1 when I asked him a direct question.

2 Q. Whose phone called Brandon?

3 A. That would be my phone.

4 Q. So were you in control of your phone during the
5 entirety of the interview?

6 A. Yes.

7 Q. Now, the arrest of the Defendant in this case;
8 was he, in fact, arrested?

9 A. He was.

10 Q. Okay. And can you explain to us the process of
11 the arrest?

12 A. From the Grand Jury proceeding or the arrest date
13 itself?

14 Q. Just on the arrest date, what did you do to
15 prepare for the arrest of the Defendant?

16 A. Okay. When we go on an arrest as law
17 enforcement, we don't know what we're getting ourselves
18 into. The cliché call in police work is every call is a
19 gun call. We're going to go to somebody's house who we
20 don't know, we don't know if they have guns or weapons
21 in there, so we generally take, you know, a fairly large
22 amount of people, maybe 14, and put people strategically
23 on all corners of the home and all doors. We have
24 people designated to go to the front door, and we do
25 generally what's called an ops plan, an operation plan,

1 which outlines every single officer's role; where
2 they'll be, and what their job on the arrest day is.

3 Q. And is that something that you do on every
4 arrest?

5 A. Yes, that's standard practice for the Attorney
6 General's Office.

7 Q. Okay. And did the Defendant -- was he arrested,
8 and I say without incident; was he arrested without
9 incident?

10 A. He was arrested without incident. He was very
11 docile; no problems.

12 Q. Okay. After he was arrested, what did you do
13 with the Defendant?

14 A. He was taken to I believe -- I don't remember the
15 name of the municipality, but it was a local police
16 department who we had made arrangements with. It might
17 have been Jackson Township where we were able to use
18 their holding cell because it was over an hour ride back
19 to Pittsburgh, so we used the local municipality's
20 facilities.

21 Q. And was the Defendant then interviewed?

22 A. He was.

23 Q. And was he given his Miranda warnings?

24 A. Yes.

25 Q. Can you just briefly tell the jury what Miranda

1 is?

2 A. Sure. Miranda warnings are given -- you may have
3 seen it in a television show when somebody is arrested;
4 you have the right to an attorney, you have a right to
5 stop speaking, you know, that type of -- it's given to
6 somebody when they're in custody and they've been
7 arrested.

8 Q. Was the Defendant given his Miranda warnings?

9 A. Yes, he was.

10 Q. And was he given them verbal or in written?

11 A. Written, and after every statement, like you have
12 the right to remain silent, there's an initial, and he
13 agrees to it, and it's initialled, and then he signs at
14 the bottom, and it's witnessed by a witness.

15 Q. And did the Defendant agree to waive his right to
16 an attorney and speak with you?

17 A. He did.

18 Q. And who else, if anyone, was present for the
19 interview with the Defendant?

20 A. That would be Special Agent Gregory Matthews.

21 Q. And is he also with the Attorney General's
22 Office?

23 A. Yes. He's the supervisor of the BCI Western
24 Regional Unit.

25 Q. He's your direct supervisor?

1 A. Yes, he is.

2 Q. Now, during this interview, did the Defendant
3 talk about his understanding of Kaitlin's mental
4 disability, or lack there of, growing up as a child?

5 A. Yes.

6 Q. And what did he say?

7 A. He referred to her as special needs.

8 Q. Okay. And did the Defendant say anything -- or
9 how did he respond when you told him what the charges
10 were or why he was being arrested?

11 A. He denied the allegation.

12 Q. When it came to hearing the allegations, how did
13 the Defendant respond?

14 A. I got the impression it was not the first time he
15 had heard that allegation.

16 Q. And what -- did he say anything specific that
17 gave you that impression?

18 A. He indicated that this is an allegation that had
19 followed him from his past.

20 Q. And what specifically did he say about that?

21 A. That she had accused him of sexual misconduct in
22 the past, and he had been questioned about it throughout
23 his life.

24 Q. Okay. So did the Defendant hear or know of the
25 allegations by Kate before you told him?

1 A. I believe so.

2 Q. Okay. And did he say anything during the
3 interview about whether or not his sister had ever made
4 any allegations against any other brother?

5 A. He said that no other brother had ever -- there
6 was never an allegation from another brother of sexual
7 misconduct with her.

8 Q. Only him?

9 A. Only him, yes.

10 Q. Did you ask him what the allegations were that
11 Kate made against him when he was younger?

12 A. I did.

13 Q. And what did he say?

14 A. He said he was never made aware of the details of
15 them, but they were sexual in nature.

16 Q. Now, after a Defendant's arrest in this case and
17 others, does the investigation just stop?

18 A. No.

19 Q. And what do you continue to do?

20 A. Well, after an arrest, we continue to
21 investigate. We speak with -- if the Defendant agrees
22 to speak with us, we will record that interview, and
23 anything that we may be able to get out of that, we will
24 follow up on.

25 Q. And did you continue to locate or speak with

1 witnesses in this case?

2 A. We did, yes.

3 MS. WERNER: No further questions. Thank you,
4 Your Honor. I'd offer this witness for
5 cross-examination.

6 MR. STEINBERG: Just give me one second, Your
7 Honor. I have to pull up the digital.

8 THE COURT: Okay. Can all the members of the
9 jury see what's depicted on the monitor?

10 (All members of the jury answered in the
11 affirmative.)

12 MR. STEINBERG: I'm all set. I'm not going to
13 play it now; I'm going to play it in a couple minutes.

14 THE COURT: When you do that, let me know, and if
15 you'd like me to do so, I'm happy to bring the lights
16 down a little bit.

17 MR. STEINBERG: Thank you, Your Honor. I
18 appreciate it.

19 CROSS-EXAMINATION

20 BY MS. STEINBERG:

21 Q. Good afternoon, Special Agent Adametz.

22 A. Good afternoon.

23 Q. You obtained an arrest warrant to take
24 Mr. Sheffer into custody, correct?

25 A. Yes.

1 Q. And this was provided to me to my office by your
2 office.

3 MR. STEINBERG: May I approach?

4 THE COURT: Yes.

5 BY MR. STEINBERG:

6 Q. Is that a true and accurate copy of the arrest
7 warrant that was issued for Mr. Sheffer?

8 A. This is part of it.

9 Q. And is there a part missing?

10 A. An arrest warrant will have a Complaint and
11 Affidavit with it as well.

12 Q. Okay. Other than the Complaint and Affidavit, is
13 that the arrest warrant?

14 A. Yeah.

15 Q. Okay. And to be clear, it's not a search
16 warrant, right?

17 A. No.

18 Q. Okay. And just so the jury is clear, can you
19 explain the difference between an arrest warrant and a
20 search warrant, if you know?

21 A. An arrest warrant is for somebody's physical
22 body; you're going to a location to take them into
23 custody. A search warrant is when you -- could be
24 somebody home, could be a residence, could be a car,
25 could be a cell phone. It's for information, it's for

1 -- could be for physical evidence or things of that
2 nature.

3 Q. Okay. So you're familiar with the law pertaining
4 to both arrest warrants and search warrants, I'm
5 assuming?

6 A. Yes.

7 Q. And you have to as part of your job, right?

8 A. Sure.

9 Q. Okay. And you'd agree that nothing in the arrest
10 warrant says anything about searching Mr. Sheffer's
11 house, correct?

12 A. I don't believe there was anything about a search
13 of his house; are you asking if we searched his house?

14 Q. No, I'm just asking if there is anything in that
15 arrest warrant authorizing you to search his house?

16 A. No, I don't recall anything in there about a
17 search of his house.

18 Q. And if you get an arrest warrant, are there
19 arrest warrants that authorize you to also search the
20 house?

21 A. Well, there are what's called extenuating
22 circumstances. If you have an arrest warrant for
23 somebody that is accused of physically sexually
24 assaulting or beating someone, we generally, and it has
25 been acceptable to do a -- not a search of the house,

1 but a walkthrough of the house to make sure there are no
2 victims in there.

3 That would be different than an arrest warrant
4 for someone that say was doing drugs where you're, you
5 know, we're not going to rescue drugs, we're not going
6 to rescue money. We want to make sure a human being and
7 life is safe inside the home, so going inside the home
8 to make sure everybody in that home on an arrest warrant
9 is safe is pretty much a standard practice on an arrest
10 warrant.

11 Q. But when you were executing this warrant, your
12 information was that the allegations about sexual
13 assault were from 25, 30 years before that, right?

14 A. That's correct.

15 Q. And when you -- before you conduct an arrest of
16 somebody in an arrest warrant, do you do a criminal
17 background check?

18 A. We do.

19 Q. Okay. And why do you do that?

20 A. To gain further intelligence of who might be in a
21 residence; children, adults, you know, things of that
22 nature.

23 Q. Okay. And did you conduct one for Mr. Sheffer?

24 A. Yes.

25 Q. Okay. And did you find anything in his

1 background with regard to who lived there?

2 A. I believe we were aware that his wife and two
3 children were there.

4 Q. Okay. And was there anything that raised any
5 concern for you other than the charges that are alleging
6 sexual offenses 25 to 30 years ago that would alert you
7 to him being dangerous? Any violent, criminal
8 convictions or anything of that nature?

9 MS. WERNER: Objection to the disclosure of any
10 violent, criminal convictions.

11 MR. STEINBERG: I think that's within my purview,
12 Your Honor.

13 THE COURT: Sustained.

14 BY MR. STEINBERG:

15 Q. There is nothing on his background that raised
16 any concern about officer safety, other than the
17 allegations about sex assault from 25 to 30 years before
18 that; is that fair to say?

19 A. That's fair.

20 Q. Okay. And would you agree that law enforcement
21 is actually forbidden from searching a house of a person
22 identified on a search warrant unless you're searching
23 for that suspect and that suspect does not answer the
24 door?

25 A. I wouldn't agree with that, no.

1 Q. Are you familiar with Comm v. Romero?

2 A. No.

3 Q. Okay. Would you agree that when executing an
4 arrest warrant at the residence of a person identified
5 on it, you must first knock and announce?

6 A. Yes.

7 Q. Okay. And it's knocking and announcing that
8 you're law enforcement, right?

9 A. Correct.

10 Q. Okay. And then if the door is not answered,
11 you'd agree that law enforcement is permitted to go
12 inside at that point into the residence to detain the
13 suspect?

14 A. Correct.

15 Q. Okay.

16 MR. STEINBERG: I'm going to go ahead and put
17 this on, Your Honor.

18 MS. WERNER: Do you want to identify it as
19 something?

20 MR. STEINBERG: Sure. I'm going to show you a
21 video of the arrest that was recorded on the Defendant's
22 Ring doorbell video.

23 MS. WERNER: I'm sorry, I just mean Defense
24 Exhibit whatever for identification purposes for the
25 record.

1 (Exhibits D1 through D4 were marked for
2 identification.)

3 MR. STEINBERG: We can call it Defense Exhibit D.

4 THE COURT: Members of the jury, as you view this
5 video, if any of you have any difficulty seeing the
6 screen and what's depicted there, please speak up, okay?
7 Thank you.

8 (Whereupon, Exhibit D1 was played at this time.)

9 BY MR. STEINBERG:

10 Q. Okay, Special Agent, I apologize for the delay
11 and the feedback.

12 A. Sure.

13 Q. So I'd just like you to take a look at the bottom
14 right timestamp where it indicates July 6th of 2023 at
15 6:47 a.m.; is that the correct date and time, to the
16 best of your recollection, that you went and executed
17 that arrest warrant?

18 A. To the best of my recollection, yes.

19 Q. Okay. And were you with that group of law
20 enforcement officers that are depicted in that video?

21 A. I was among them. I did not go to the front door
22 or take him into custody.

23 Q. Okay. And is that an accurate depiction of the
24 execution of the arrest warrant that you recall?

25 A. Yes.

1 Q. Okay.

2 MR. STEINBERG: I'd just offer that for admission
3 as Exhibit D; Defendant's Exhibit D.

4 MS. WERNER: Objection to lack of authentication,
5 Judge.

6 MR. STEINBERG: Your Honor, he can authenticate
7 it that he was there. He has already authenticated that
8 he was there and that he's part of -- and he was a
9 witness to what is going on.

10 MS. WERNER: Judge, it's not his Ring doorbell.
11 He's not actually depicted in this very video, and he
12 doesn't know how it works or if it was actually in play.

13 MR. STEINBERG: Just like a business record, Your
14 Honor, it doesn't have to be the person's if he can
15 authenticate it as being him and the officers he was
16 with on that day.

17 MS. WERNER: In order to authenticate this video,
18 the owner of the Ring doorbell needs to testify and
19 authenticate it as it being theirs and in working order
20 and condition. Special Agent Adametz is agreeing that
21 what's depicted is what's happening that day, but
22 authenticating it for purposes of admission, this
23 officer cannot do that.

24 MR. STEINBERG: Well, I will mark it now and then
25 we'll authenticate it later and move for admission later

1 if that works?

2 MS. WERNER: No objection to that.

3 THE COURT: That's how we'll proceed. This will
4 be Defense Exhibit D.

5 MS. WERNER: Clip 1.

6 MR. STEINBERG: We have four clips; do we just
7 want to call them D1, D2, D3, and D4?

8 THE COURT: That will be fine.

9 MR. STEINBERG: So I'm showing D2 now.

10 (Whereupon, Exhibit D2 was played at this time.)

11 BY MR. STEINBERG:

12 Q. And as far as that video, is that also an
13 accurate depiction of what you recall from executing the
14 arrest warrant?

15 A. Before I answer, I was nowhere near the front
16 door of that house. That's the first time I've ever
17 seen that. I was actually to the rear of the house to
18 my recollection, so I've never seen any of that or how
19 that went down.

20 Q. Okay. Were you the officer in charge of the
21 investigation?

22 A. Investigation?

23 Q. Yes.

24 A. Yes, but I was not the officer in charge of the
25 arrest though. That's a different --

1 Q. You're the Affiant on the search warrant though?

2 A. Yes. It's not a search warrant; it's an arrest
3 warrant.

4 (Whereupon, Exhibit D3 was played at this time.)

5 Q. Okay. And do you recognize yourself in any of
6 that?

7 A. No, I did not.

8 Q. And the second clip I would identify as Exhibit
9 D2, and that third clip would be Exhibit D3. I will
10 play for you what is marked as D4.

11 (Whereupon, Exhibit D4 was played at this time.)

12 BY MR. STEINBERG:

13 Q. Did you recognize yourself in any of that video?

14 A. Yeah, that looked like me. It was kind of
15 blurry, but it looked like me coming out of the house at
16 the end there.

17 Q. Okay. And do you recall going into the house?

18 A. I do.

19 Q. Okay. And that was after Mr. Sheffer was taken
20 into custody?

21 A. Yes.

22 Q. Okay. And you weren't invited in the house, were
23 you?

24 A. No.

25 Q. Okay. And what was the purpose of going into the

1 house after Mr. Sheffer was already taken into custody
2 knowing that it was just his wife and two children in
3 the house?

4 A. Well, I didn't know who was in the house at the
5 time. I simply went into the house to see if we were
6 leaving so I could take him back to the local
7 jurisdiction.

8 Q. You went into the house to see if you were
9 leaving; what does that mean?

10 A. There were other agents from my agency in there,
11 and I didn't know where they were, so I just went in to
12 make sure they were accounted for, so I just went in to
13 look.

14 I saw the doors -- I believe there were two or
15 three agents still in the house, and as I testified to,
16 I was not in charge of the execution of the arrest. The
17 person that was in charge of the execution of the arrest
18 was still there, and we left.

19 Q. Okay. Did you -- do you know why the other
20 officers were in the house after Mr. Sheffer was already
21 taken into custody and the search warrant was fully
22 executed -- or sorry, the arrest warrant being fully
23 executed?

24 A. Yes. So when we do an arrest warrant where there
25 are multiple people in the house, there's a term we use

1 called scene security, and once we have somebody in
2 custody, you don't want to let another adult, child,
3 family member just roam about the house because it's not
4 our house. We don't know what's in that house, so I
5 imagine those people were there just for scene security
6 just to make sure people weren't roaming through the
7 house looking for weapons; it's the standard procedure.

8 Q. After someone's detained in an arrest warrant,
9 it's standard procedure to go into the house and then
10 conduct an officer safety search?

11 A. That's scene security. It's the scene security
12 to make sure the scene is safe.

13 Q. Did you speak with anybody in the house?

14 A. I don't recall speaking with anybody, no.

15 Q. Did you see anybody else in the house?

16 A. I saw Mr. Sheffer's wife, and I don't recall if
17 one of the daughters were there or not. I'm not sure; I
18 don't recall.

19 Q. Okay. And that last clip will be marked, again,
20 D4. Now, when was this Jehovah's Witness tipline first
21 posted for the public to call into?

22 A. The investigation began in 2019. I do not recall
23 the date of our first arrest, but once the arrests
24 started to come from all throughout the state, eastern,
25 central part, Harrisburg incorporated a tipline. I

1 don't know when it first began.

2 Q. Okay. Now, there was a press release on
3 February 7th, 2023 regarding the charges that your
4 office filed against Jehovah's Witnesses, not being
5 Shaun Sheffer; do you recall that?

6 A. I recall press releases. Our office often does a
7 press release when they have an arrest.

8 Q. Okay. And as of February 7th, 2023, that tipline
9 -- would that have been available and on that press
10 release?

11 A. Yes. I believe the tipline was up and running
12 out of the Harrisburg Central Office at that time.

13 Q. Okay. And you indicated that -- I guess, do you
14 know when approximately Brandon and Jessica Sheffer
15 called that tipline?

16 A. I do, give me a moment. I know the answer to
17 this. I believe it was February 22.

18 Q. I'm just going to hand you what was produced to
19 my office as your investigative report dated May 16th,
20 2023; does that look like an accurate copy of your
21 report?

22 A. It appears to be.

23 Q. Okay. And when looking at that report, does it
24 refresh your recollection as to when your office
25 received the tipline call from Brandon and Jessica

1 Sheffer? I would just direct your attention to the
2 first paragraph of Page 2, which looks like you're
3 looking at.

4 A. Okay, thank you. Yes.

5 Q. Okay. So less than a week after the
6 February 7th, 2023 press release, correct?

7 A. Yes.

8 Q. Okay. And you said you didn't take that call;
9 who did?

10 A. Special Agent Hingston (phonetic.)

11 Q. And did you listen to that call at any point?

12 A. It was a voice message, yes.

13 Q. Okay. And did your office retain that voice
14 message?

15 A. I believe so.

16 Q. Okay. And did you produce that?

17 MS. WERNER: Objection. May we approach?

18 THE COURT: Yes.

19 (Whereupon, an on-the-record sidebar discussion
20 was held.)

21 MS. WERNER: Judge, we already ruled that the
22 tipline information or the information retained from the
23 tipline was not discoverable, so then disingenuously
24 asking the officer whether or not our office produced it
25 is disingenuous to our production and discovery needs,

1 and I don't want it to be looked bad upon the officer
2 because of the Court's ruling.

3 MR. STEINBERG: I'm not asking about the tipline
4 form, I'm asking about the voicemail message that was
5 not part of the motion to compel.

6 MS. BURIK: Which would have been a complete
7 record of whatever that statement is.

8 MS. WERNER: The voicemail message is the same
9 information that was used for the tipline. After the
10 call, the voicemail came in with, "Call me, my name is
11 Jessica Sheffer, my phone number is this, I have
12 information." The Special Agent who took that voicemail
13 calls her back, fills out all the information on the
14 tipline, and forwards it on to Steve. It's all the same
15 thing.

16 MR. STEINBERG: I should be able to bring that
17 out during testimony.

18 MS. WERNER: I understand, but what I'm saying is
19 the information about the process is different than the
20 Court's ruling about what was discoverable so when you
21 say, is that produced, that work product of the office
22 is all of the same thing; the product from the tipline.
23 I just don't want it to be disingenuous of the Defense's
24 argument to show that we are hiding something because of
25 lack of production when it's work product.

1 MS. BURIK: It has always been the Commonwealth's
2 position that the reason that the work product should
3 protect the tipline documents is because they're
4 incomplete. This would be a full and complete record of
5 what that witness's information is.

6 MR. STEINBERG: And I don't know how a voicemail
7 is work product. I could see how a form that your
8 office has created -- and that has always been your
9 argument that your office creates this form, and it's
10 created by the attorneys, and then the information is
11 put on by a special investigator, but a voicemail is not
12 work product. The tipline form is what you've always
13 argued is work product.

14 MS. WERNER: Yes, because the tipline forms are
15 what you requested. That is what you were trying to
16 get.

17 MR. STEINBERG: I requested everything in this
18 case.

19 MS. WERNER: And we gave you everything. That's
20 my argument, Judge.

21 THE COURT: Okay, all right. So I'm not going to
22 allow questions about what was produced and what wasn't
23 produced because I'm going to assume that all that was
24 within the control of Attorney Werner and her
25 colleagues; not necessarily the Special Agent. I'm

1 going to make an assumption, so please correct me if I'm
2 wrong.

3 MS. WERNER: No, that's correct, Judge.

4 THE COURT: Anything that is produced to the
5 Defendant comes through your hands or your office's
6 first and not the agent.

7 MS. WERNER: Yes.

8 THE COURT: Would I be correct about that?

9 MS. WERNER: That's correct, Judge.

10 THE COURT: Can I make an assumption also that
11 that's not something that the agent has the final call
12 on; what's produced and what's not?

13 MS. WERNER: No, it's myself.

14 THE COURT: Okay, all right. So I'm not going to
15 allow questioning of this officer to what was produced
16 and what wasn't produced for the reasons articulated by
17 Counsel. If you wish to take up any failures on the
18 part of the Commonwealth to produce anything that you
19 think is relevant that you think is being withheld,
20 that's not going to be something that is going to be
21 explored openly in the courtroom.

22 MS. BURIK: Would we also be permitted to ask
23 questions about what was in the control of the officer
24 given to the Commonwealth attorney? Because anything
25 that is in the possession of an officer is still viewed

1 as being in possession of the Commonwealth, and if he's
2 making the cognitive choice to not turn this over to the
3 prosecutor, that is something that only he would be able
4 to explain.

5 MS. WERNER: No. What he's saying is -- the
6 Judge is accurate that it's not about what he's handed
7 over; it has always been in my possession. What we
8 determine whether or not was discoverable or not
9 discoverable is through me and not through him. So the
10 ruling about work product is what I'm discussing now;
11 the voicemail and the tipline from which we're talking
12 about.

13 So I requested to not question about what was
14 produced and not produced by this officer; it is not
15 appropriate. If you want to make a ruling about what I
16 did or did not turn over, that's what I'm asking that
17 not be questioned about.

18 MR. STEINBERG: I think what she is saying is can
19 -- it should be appropriate to be questioning whether he
20 turned it over to you.

21 MS. WERNER: You can assume that it comes to me.
22 I mean, everything comes to me.

23 MR. STEINBERG: Okay, but we can't assume that.

24 MS. WERNER: What's the point though -- what's
25 the relevance to whether or not he turned that over to

1 me? What does that -- what is the relevancy? You're
2 still trying to get in whether or not I produced it.

3 MS. BURIK: They have already heard in the
4 opening that there are no recordings of individuals.

5 MS. WERNER: It's not -- I can easily give the
6 voicemail to the Judge. There is no description or
7 disclosure in the voicemail. It's literally, "Hi, my
8 name is Jessica Sheffer. I have information on this,
9 and my phone number is this," and she's crying. That's
10 it. It's, like, less than 20 seconds.

11 MS. BURIK: So you have heard these and the
12 voicemails have actually been maintained, and we were
13 originally told that the voicemails were not maintained.
14 They should have been produced in response to when we
15 were discussing the tipline.

16 MS. WERNER: Not for the tipline, no.

17 MR. STEINBERG: I will not go into whether he
18 produced it to the attorney or not. If I can't ask
19 whether the Commonwealth produced it, then there is no
20 point in asking the question.

21 MS. WERNER: Right.

22 MR. STEINBERG: Understood.

23 MS. WERNER: Okay.

24 THE COURT: Thank you.

25 (Whereupon, an on-the-record sidebar discussion

1 concluded.)

2 BY MR. STEINBERG:

3 Q. Now, based on the tipline voicemail, you
4 contacted the number that was left on that voicemail,
5 right?

6 A. Yes.

7 Q. Okay. And when you called that number, it was
8 Brandon Sheffer's number -- or Brandon Sheffer answered?

9 A. It was his number.

10 Q. Okay. So despite the fact that Brandon Sheffer
11 testified that both him and his wife called the tipline,
12 the number that was left was known to you as Brandon
13 Sheffer's number?

14 A. I interpreted it as his number.

15 Q. And is that the number you communicated with
16 Brandon Sheffer throughout the investigation; that same
17 number?

18 A. I don't recall if it's the same exact number.

19 Q. Okay. When did you first personally communicate
20 with Brandon Sheffer?

21 A. The date -- I don't recall the exact date that I
22 spoke with him; is it in my report?

23 Q. I don't believe so, which is why I was asking;
24 you don't remember?

25 A. Okay. I don't recall the exact date that I spoke

1 -- first spoke with him.

2 Q. All right. And to your understanding, it was
3 Brandon who contacted Kate about sitting down for an
4 interview with you, correct? You never communicated
5 with Kate about setting up the interview?

6 A. I believe that I asked Brandon if he would
7 contact Kate on my behalf and ask her if she would
8 accept a phone call from me to discuss her case.

9 Q. And that interview took place on May 12th, 2023?

10 A. Yes.

11 Q. Okay. And did you record that interview by way
12 of audio or video?

13 A. No.

14 Q. Okay. And is that common practice for you when
15 you speak with a potential witness in a case not to
16 record it via video or audio?

17 A. Common practice is individual to an investigator.
18 It is common practice to record an interview with a
19 Defendant in a case, but it is not common practice to
20 record an interview with an abuser -- scratch that.

21 MR. STEINBERG: I would like that to be
22 withdrawn.

23 THE COURT: That answer is stricken -- that
24 portion of the answer is stricken.

25 SPECIAL AGENT ADAMETZ: Thank you. It's not

1 common to record an interview with somebody that has
2 been abused or a victim. That's not common practice.

3 BY MR. STEINBERG:

4 Q. And is it common to take notes then so that you
5 can recall what information you receive from that
6 interview?

7 A. Certainly.

8 Q. Okay. And did you take notes during that
9 interview?

10 A. I did.

11 Q. Okay. And did you keep them?

12 A. No. It's not the policy or practice of the
13 Attorney General's Office to keep those notes once
14 they're transcribed into a report.

15 Q. Okay. And what do you do with those notes?

16 A. They're put into a burn box. Every agent has a
17 box that says burn on it, and as it's filled with
18 documents that are work product or drafts, if you will,
19 that is collected periodically by staff, generally a
20 secretary or administrative assistant, and taken to a
21 facility to be destroyed.

22 Q. Okay. And so you said that you take those notes
23 and you transcribe them; what do you mean by that?

24 A. Well, it's a matter of how you pronounce it. I
25 will say there's a notation that says Kaitlin Sheffer is

1 so many -- so old. I will type that in a report, and I
2 usually take -- my practice, which is different than
3 every other agent, is to scratch with a red pen to let
4 me know that I've already incorporated it into my
5 report.

6 Q. So the information that you're gleaning from
7 whoever you're talking to, not a suspect but a witness,
8 is based upon what you write when you're hearing that
9 person's --

10 A. In this case, yes.

11 Q. Okay. And do you ever take witness statements
12 where the witness will give a statement and then they'll
13 sign off on it?

14 A. Does a witness sign my notes; is that what you're
15 asking?

16 Q. No, do you ever take a witness statement? It is
17 common in law enforcement where they have the witness
18 either write down something or someone will transcribe
19 it, and then they will sign off that that is correct and
20 accurate based on what they told you.

21 A. Actually, it's not common in law enforcement. We
22 generally don't have people write out statements, at
23 least that hasn't been my experience. It has happened
24 and people do do it, but it's something that I don't do
25 and not many people in my unit do, quite frankly.

1 Q. And at the interview on May 12th, 2023, there's
2 no question Brandon was on your phone, right? Your cell
3 phone?

4 A. Yes, sir.

5 Q. Okay. And was he on speakerphone?

6 A. He was on speakerphone so he could hear us, but I
7 controlled the mute of that phone. So he could hear us,
8 but I, you know, there was -- I didn't want to have to
9 listen to his dog barking in the background or anything
10 like that, so I imagine he muted his so I couldn't hear
11 things of that nature.

12 Q. Did you turn the volume all the way down or did
13 you mute it? Because I know you can mute yourself
14 typically on a phone.

15 A. No, he could hear the entire interview, and the
16 volume was turned all the way up, so he was able to hear
17 everything.

18 Q. Okay. But as far as you taking his -- muting his
19 voice, how did you do that?

20 A. I wouldn't have been able to do that.

21 Q. Okay.

22 A. I don't recall actually putting him on mute now
23 that I think about that.

24 Q. Okay.

25 A. Sorry.

1 Q. So he could hear you and you could hear him?

2 A. Sure.

3 Q. Okay. And you had indicated that you didn't
4 receive any substantive information from Brandon other
5 than timelines during this interview; however, you did
6 on the call with him that you initially took, right?

7 A. I'm sorry --

8 Q. You obtained a description of the allegations
9 from Brandon on the call that you had with him prior to
10 that interview, right?

11 A. Yes.

12 Q. Okay. But did he say that he saw anything with
13 his own eyes as far as sexual abuse from Mr. Sheffer
14 towards Kaitlin Sheffer?

15 A. I did not ask him that question.

16 Q. Did he -- did you obtain any information that
17 Brandon never saw anything --

18 A. I don't believe we --

19 Q. -- that resembled sex abuse on Ms. Kaitlin
20 Sheffer by Shaun Sheffer?

21 A. I don't believe we discussed his eyewitness
22 testimony. It was -- he was reporting an allegation
23 that his sister needed to tell me her experience.

24 Q. And Brandon being on speakerphone the entire time
25 where he could hear you and you could hear him, you

1 didn't think that that was improper at all?

2 A. Again, when you're trying to elicit information
3 of a very sensitive nature in a case like this, you have
4 to do what's necessary to put the victim, as we like to
5 call them the survivor, at ease, and it made her
6 comfortable to have him on speakerphone knowing he was
7 on speakerphone, so that was -- sometimes you have to do
8 what you have to do to get an interview.

9 Q. And wasn't that what Jackie Stevens, her
10 significant other, was there for; support and being
11 comfortable, to your knowledge?

12 A. Yes, she was there also for support and for
13 comfort, and I don't believe Kaitlin drives so she was
14 also her transportation.

15 Q. Okay. And in your report, because I don't have
16 audio and I don't have video, but there are multiple
17 instances where you're describing what Brandon and
18 Kaitlin described, so when you testified on direct that
19 you had put Brandon on mute and then you wouldn't ask
20 him a question until -- and he wouldn't even hear you
21 until you took him off mute and ask him a question,
22 that's not accurate?

23 A. No, I spoke in error; I didn't mute him. I had
24 the ability to, but he was able to hear the entire
25 conversation.

1 Q. And he was able to interject at any time?

2 A. He was, and maybe that's where I was confused
3 with mute because I did give him certain instructions as
4 to not interrupt and only interject if I asked him a
5 direct question or for some clarification on a date or
6 something of that nature.

7 Q. And you'd agree that much of the timeline of the
8 alleged abuse was provided by Brandon and not Kate
9 during your interview?

10 A. I would say he helped construct a timeline, yes,
11 he did; he helped.

12 Q. Much of that timeline?

13 A. He's much better with dates, so are we talking
14 51 percent or more? Yes.

15 Q. I'm just -- if you want to refresh your
16 recollection as to what you transcribed, I'd ask you to
17 take a look at Page 4 of your investigative report at
18 the bottom.

19 A. Oh, okay. "Much of the timeline"; I see what
20 you're saying. Last paragraph?

21 Q. Yes.

22 A. Yes, sir. Yeah, I would say that's an accurate
23 statement.

24 Q. And you mentioned -- I guess, one question is:
25 Do you know whether Brandon and Kate spoke with each

1 other about the allegations before that interview?

2 A. I don't know if they spoke specifics prior. My
3 interaction with Brandon was to see if she'd be willing
4 to speak with me and have her on -- have him on the line
5 for comfort.

6 Q. Just to refresh your recollection, I'm going to
7 ask you to look at Page 3 of your investigative report;
8 Paragraph 2.

9 A. Okay.

10 Q. If you could just read that.

11 A. Did you say Paragraph 2?

12 Q. Yeah.

13 A. Okay. It was explained to --

14 Q. No, I don't want you to read it; just read it to
15 yourself.

16 A. Oh, okay.

17 Q. So does that refresh your recollection as to
18 whether you had knowledge of whether Brandon and Kate
19 had communication with each other before your interview?

20 A. Well, I believe they did have conversation, but I
21 didn't know how much conversation or how many specific
22 details they shared.

23 Q. Was it about the allegations?

24 A. Well, of course, yes. That's why we were there.

25 Q. But prior to you being there, you'd agree that in

1 your report it indicates that the allegations of child
2 sexual assault -- it was explained to the -- I'll just
3 read it: "It was explained to all that the Office of
4 Attorney General was investigating allegations of child
5 sex assault and that Kaitlin was identified as a
6 possible victim of such abuse when she was younger.
7 Much of this was already known by all parties since
8 Brandon and Kaitlin had been in touch with each other
9 for several days regarding her coming forward to tell
10 her story"; so where did you get that information from?

11 A. Well, that was from the tipline that Brandon was
12 going -- that Brandon was going to give us information
13 that his sister was abused.

14 Q. So on the tipline he gave you information that he
15 spoke with his sister about this?

16 A. Not that. The tipline said that there was --
17 that she had information.

18 Q. But as far as much of this already being known by
19 the parties that Brandon and Kate had been in touch with
20 each other for several days regarding coming in, what
21 did you mean by that, or how did you know that?

22 A. Well, I had asked Brandon if he could contact
23 Kate to speak with me about sexual allegations, and she
24 agreed to speak with me.

25 Q. And from the get-go in your interview right at

1 the beginning of the interview, you'd agree that you
2 explained to Kate that she was identified as a possible
3 victim of sexual abuse, correct?

4 A. Yes.

5 Q. Okay. And did you ever undergo any training on
6 how to interview alleged victims of crimes, particularly
7 when sexual abuse is alleged? Like, not ask her any
8 direct questions -- or leading questions?

9 A. Could you rephrase that, please?

10 Q. Did you ever undergo any training on how to
11 interview alleged victims of sex abuse?

12 A. I have had training on how to talk to victims of
13 crimes.

14 Q. Okay. And were you taught to disclose your
15 investigative findings to the alleged victim before they
16 even decide to disclose the allegations to you?

17 A. Well, Kate was aware of why we were there.

18 Q. But that's the first time you spoke with Kate,
19 right?

20 A. That was the first time I spoke with Kate, but as
21 I testified to, Brandon asked her if she would be
22 willing to speak with me regarding an allegation of
23 child sexual assault.

24 Q. Understood, but this was the first time that you
25 had ever spoke with Kate being an alleged victim of a

1 sex abuse crime, and you immediately started the
2 interview by telling her that you've been identified as
3 a victim of sex abuse, right?

4 A. That was the first time that I spoke with her in
5 person. I believe I had spoke with her to set up a time
6 and date and give her and Jackie the address.

7 Q. You already testified that those details were
8 given by Brandon to Kate and that that was their
9 conversation.

10 A. No, I believe that she needed to be given, like,
11 the address and a time.

12 Q. Okay. Were you trained at all to not suggest an
13 answer to an alleged victim?

14 A. Yes. You generally don't give leading questions.

15 Q. Let's talk about Brandon and Kate's description
16 of Shaun in that interview.

17 A. Okay.

18 Q. I guess, without going over every single
19 description that Brandon Sheffer described on the stand
20 -- and you were here for that, right?

21 A. Yes, sir.

22 Q. Did that pretty much correspond with how Brandon
23 agreed that he described his feelings about Shaun with
24 what he testified here today is what he was
25 communicating to you in the interview?

1 A. Yes.

2 Q. And was either Kate or Brandon more adamant than
3 the other about their strong dislike of Shaun?

4 A. No, I wouldn't say so.

5 Q. And Brandon actually indicated -- to your
6 recollection, did you gain any information of Brandon
7 that he saw anything when he allegedly got through that
8 door when Shaun was trying to calm down Kate?

9 A. I don't believe he indicated that he got through
10 the door.

11 Q. Okay. So he certainly didn't indicate that he
12 saw anything?

13 A. Correct.

14 Q. Now, it's alleged that -- and I think it came out
15 through earlier testimony that Kate disclosed to a Nikki
16 Smith -- or Phillips. She testified that she was --
17 about these allegations, and you learned that through
18 your investigation, right?

19 A. Yes.

20 Q. Okay. And is there any reason -- did you contact
21 Ms. Phillips about this?

22 A. No.

23 Q. Why not?

24 A. It was an investigative decision to go with what
25 the victim had said at that time.

1 Q. And what Brandon said as well because you got
2 information from him too, right?

3 A. I'd have to refer back to my notes, but I don't
4 recall Brandon telling us it was Nikki Phillips. I
5 think he helped her with the identification of who she
6 was.

7 Q. I'm saying that the only person that you relied
8 on in your investigation with regard to people that Kate
9 supposedly made allegations to was Brandon; you didn't
10 contact other people like Nikki Phillips?

11 A. No, we didn't talk to her.

12 Q. And I think Kate had testified that she disclosed
13 this to her brother Josh; did you contact Josh Sheffer?

14 A. No, we didn't.

15 Q. She indicated that she disclosed this to her mom;
16 did you contact her mom to discuss that?

17 A. No, we didn't.

18 Q. And didn't you want to determine whether her
19 statements were consistent and accurate when you're
20 doing an investigation?

21 A. Are you asking if I believed her?

22 Q. No. Don't you want to determine whether her
23 statements -- or whoever you're talking to is consistent
24 and accurate?

25 A. I believed them to be accurate.

1 Q. Well, one way to do that is to talk to other
2 people, right?

3 A. Yes.

4 Q. Okay. How many times did you communicate with
5 Kate from the time that she was brought into this
6 interview until today?

7 A. I don't recall.

8 Q. Okay. If you can give me an estimate; was it
9 twice or was it more than five?

10 A. How many times did I interact with her on the
11 phone or a text or in person?

12 Q. I mean, if you can split them up and tell me all
13 the numbers that would be great.

14 A. I couldn't certainly do that; I apologize for
15 that. I would have to go to her house to deliver --
16 hand-deliver a subpoena to go to the Grand Jury, I would
17 have to talk to her about travel arrangements to go to
18 Harrisburg, so we talked a number of times.

19 Q. Okay. You've used methods of communication of in
20 person, phone contact, text message; did you ever e-mail
21 her?

22 A. I believe I have. I think she needed to get her
23 travel hotel reservations and stuff through e-mail, I
24 believe.

25 Q. During your investigation, did you ever get a

1 sense that Kate thought of you as a friend?

2 A. This is a profession that I do and take very
3 seriously. I don't necessarily know that she befriended
4 me, but she would confide in me certain -- some
5 interpersonal details of her life. I would ask her how
6 she was doing and if she ever felt threatened by anybody
7 in the process.

8 Q. Did you speak with her about testifying at trial
9 today?

10 A. Of course.

11 Q. And when did you do that?

12 A. For today?

13 Q. I guess testifying at trial yesterday.

14 A. I believe we talked to her last week; I think it
15 was Wednesday. I'd have to look at a calendar to find
16 the exact date number, but I think it was Wednesday of
17 last week.

18 Q. Did you go over any documents with her?

19 A. No, we didn't have any documents in that meeting,
20 no, I don't believe.

21 Q. Did you reference your investigative report when
22 you were speaking with her at all?

23 A. Did I look at my report, sir?

24 Q. For your own purposes when speaking with her.

25 A. Probably I -- yeah, I had a copy of my report.

1 Q. Okay. And when you were talking with her about
2 her testimony today, were you gleaning information from
3 your investigative report?

4 A. I certainly used it to refresh my memory. This
5 was a year and a half ago, and they were her words; not
6 mine.

7 Q. Did you use it to refresh her memory?

8 A. No, I didn't -- if you're insinuating that I
9 coached her or gave her direct testimony, I did not.

10 Q. I'm just asking you questions.

11 A. Okay.

12 Q. Did you have any occasion to speak with or
13 communicate with her father, Tim Sheffer?

14 A. I spoke with him in person one time and I believe
15 twice on the phone.

16 Q. Okay. And have you ever threatened him with
17 prosecution for tampering with witnesses?

18 A. Perception is one thing; everybody perceives
19 something differently. It certainly wasn't a threat,
20 no, I did not threaten him at all, no.

21 Q. Did you tell him that your office always wins?

22 A. No, I don't recall that, no.

23 Q. Did you tell him that you know everything about
24 the layout of his house and everything about his family?

25 A. I told him I knew -- in response to a question, I

1 told him I knew, you know, about his family, and I knew
2 where his house was geographically in the area. I'd
3 never been in that house.

4 Q. There's no rape kit involved in this case,
5 correct?

6 A. No, sir, there's not.

7 Q. Okay. No video of the alleged abuse, correct?

8 A. No. I don't know that the jury knows what a rape
9 kit is.

10 Q. If you'd like to explain a rape kit, be my guest.

11 A. Are you asking me to?

12 Q. No.

13 A. Okay.

14 Q. You have no audio of the alleged abuse?

15 A. No, sir.

16 Q. No DNA?

17 A. No.

18 Q. Okay. And you sought medical records of Kaitlin
19 Sheffer, correct?

20 A. We did, yes.

21 Q. Okay. And did you review those?

22 A. Yes.

23 Q. Did you find anything, any formal diagnosis, that
24 Kaitlin suffered from autism or Asperger's or any other
25 mental disability from 1995 to 2000 in those records

1 during your investigation?

2 A. I do not recall, no.

3 Q. And throughout your investigation, you also spoke
4 to some other witnesses that testified in this case,
5 right?

6 A. Yes.

7 Q. One being Jessica Laneave?

8 A. Yes, sir.

9 Q. Okay. And that's the ex-wife of Josh Sheffer,
10 right?

11 A. That's correct.

12 Q. Okay. And she didn't tell you that she witnessed
13 Shaun sexually abuse Kate, correct?

14 A. That's correct.

15 Q. Did you speak with Stephen Sheffer?

16 A. Yes.

17 Q. Okay. And he didn't tell you he ever witnessed
18 Shaun sexually abuse Kate, correct?

19 A. That's correct.

20 Q. And you spoke with Shaun Sheffer; how long was
21 that interrogation?

22 A. I don't know the exact length of it. I would --
23 I think it was two hours and nine minutes.

24 Q. That's pretty close.

25 A. Is it? Well, thank you.

1 Q. So in two hours and nine minutes of interrogating
2 Mr. Sheffer, he never admitted to sexually abusing Kate,
3 correct?

4 A. He never admitted to abusing her.

5 Q. And he agreed to speak with you?

6 A. He did.

7 Q. Signed his Miranda rights?

8 A. Yes.

9 Q. Okay. And he told you more than once that
10 nothing happened, correct?

11 A. Nothing happened in reference to what?

12 Q. To him and Kate.

13 A. He told us a lot about what happened between him
14 and Kate.

15 Q. As far as sexual abuse.

16 A. As far as sexual, no, he didn't.

17 Q. And he didn't admit to anything, right? As far
18 as sexual abuse?

19 A. As far as sexual abuse, correct.

20 Q. And do you recall asking him why he would think
21 Kate would make something like this up?

22 A. I believe that was a question I asked or my
23 co-interviewer asked.

24 Q. And did you get any explanation for that?

25 A. I believe, if my recollection serves me, that one

1 of the answers that he gave was that she wanted
2 attention and she wanted sympathy, possibly.

3 Q. And you've already testified that you work in,
4 like, a special sex crimes unit, right?

5 A. No, I do not; I work in the BCI unit.

6 Q. Which is what?

7 A. Bureau of Criminal Investigation.

8 Q. And do you specialize in any type of crime over
9 the last few years?

10 A. For better or for worse, I'm assigned a lot of
11 the sexual assault cases.

12 Q. And you arrested and interrogated a lot of people
13 suspected of sexual offenses, I'm assuming?

14 A. Yeah, I guess that's fair.

15 Q. Okay. And have the majority of the persons that
16 you've arrested and interrogated for sex crimes been
17 found guilty or pled guilty?

18 MS. WERNER: Objection; relevance.

19 THE COURT: Counsel?

20 MR. STEINBERG: May we approach?

21 THE COURT: Yes.

22 (Whereupon, an on-the-record sidebar discussion
23 was held.)

24 MR. STEINBERG: I'm going to be introducing the
25 interrogation question from Mr. Adametz where he

1 indicates that he's interviewed a lot of people and that
2 Shaun is different, okay? So what I'm trying to get at
3 is that Shaun is different from the majority, and he's
4 giving different answers than almost everybody that he's
5 ever interviewed before. That's where I'm going, and
6 it's the foundation that I'm laying.

7 MS. WERNER: The question of whether who Steve is
8 -- excuse me, Special Agent Adametz has arrested,
9 whether or not they've pled or been convicted, is
10 irrelevant to his interview with your client. If you're
11 introducing the question that he asked, the question
12 speaks for itself, but that has nothing to do with the
13 question that he's even asking Mr. Sheffer.

14 That might be an argument that you can make in
15 closing, but that's not an appropriate question to be
16 asking this agent of whether or not people he's arrested
17 on other cases have been convicted or pled guilty.

18 MR. STEINBERG: I'm not going to be able to argue
19 that unless I know it, Your Honor.

20 MS. BURIK: Playing the statement will make it
21 relevant if you'd rather the question be asked
22 afterwards, but it's the same message.

23 MS. WERNER: Whatever the point is, asking an
24 agent of who he has arrested and whether the majority of
25 them have pled or been found guilty is irrelevant.

1 THE COURT: I agree, it's not relevant.

2 (Whereupon, an on-the-record sidebar discussion
3 concluded.)

4 BY MR. STEINBERG:

5 Q. I think you testified earlier on direct that the
6 majority of the time when you're interviewing suspects
7 that are being investigated for sex abuse that when
8 presented with the accusations against them, they ask
9 for details, right?

10 A. Generally.

11 Q. Okay. And, in fact, you've told him that anyone
12 who you've ever interrogated asked for details about
13 those allegations, right?

14 A. Did I say that verbatim?

15 Q. I just -- I'm going to play it so we can hear the
16 statement.

17 A. Okay.

18 (Brief Pause.)

19 Q. In lieu of playing it, I'm going to repeat your
20 question from the interrogation; do you recall saying
21 this: "The thing that I can't get past, and I've been
22 doing sex crimes for a while now, is that when somebody
23 is accused of a sex crime, they always want to know what
24 it is; always. Nobody kicks it down the road, nobody
25 says I don't want to think about it. What you described

1 to me today, that doesn't happen"; do you recall using
2 that question?

3 A. Yes.

4 Q. Okay. But Shaun didn't ask for details, right?

5 A. He did. I believe he asked for details, and I
6 told him we will get to that further down the road in
7 the interview.

8 Q. And why would you say nobody asks for details?

9 A. I think that was at the end of the interview,
10 wasn't it?

11 Q. It was, so if he had already asked for details,
12 why would you say that everybody I interview always asks
13 for details and you're not?

14 A. Because he asked for details in the beginning of
15 the interview, right?

16 Q. I wasn't there.

17 A. I think he wanted to know -- I think we're
18 confusing the details of the allegation possibly with
19 the crimes and the charges, possibly.

20 Q. All right. Why did you specifically say at the
21 end of the interview that quote that I just read?

22 A. Could you read it again?

23 Q. Absolutely. "The thing that I can't get past,
24 and I've been doing sex crimes for a while now, is that
25 when somebody is accused of a sex crime, they always

1 want to know what it is; always. Nobody kicks it down
2 the road, nobody says I don't want to think about it.
3 What you described to me today, that doesn't happen."

4 A. Okay. So I think I said that in the context of
5 throughout the interview, he had mentioned that he had
6 issues with facing problems and adversity through his
7 life, and he had continually kicked the allegation down
8 the road and was not facing the allegation -- was not
9 facing the multiple allegations that had followed him
10 through his life.

11 Q. But when you say they always want to know what it
12 is, always, you're referring -- you're not inferring
13 that Shaun didn't want to know what it was?

14 A. What I was referring to was throughout the
15 interview, he had indicated to us that every time the
16 allegation came up, he didn't know what the specific
17 allegation was. He didn't know the details of it when
18 it came up, I guess, when he was younger and then in '16
19 he didn't know the specifics of it.

20 Q. Okay. And would it be uncommon for someone not
21 to want to know specifics because they know it never
22 happened?

23 A. Well, I believe it -- rephrase that question.

24 Q. Would it be uncommon for someone to say, "I don't
25 need to know the specifics because it didn't happen"?

1 A. I don't know.

2 Q. Okay. Let me backtrack, all those people you
3 interviewed, Jessica Laneave, Stephen Sheffer, et
4 cetera, you took notes of those interviews?

5 A. I did.

6 Q. No audio or video?

7 A. No.

8 Q. All those notes, I'm assuming, you burned?

9 A. I didn't burn them.

10 Q. Well, you put them in the burn box and eventually
11 they went bye, bye?

12 A. Correct, fair.

13 Q. Okay. So you interviewed all these people who
14 were close to the family, living in the house, visiting
15 the house during 1995 to 2000, right?

16 A. Yes.

17 Q. And this abuse allegedly happened more than 50
18 times in that house, right?

19 A. I believe that's what Kate said.

20 Q. Okay. And, typically, with other people being
21 present in the house; do you recall that testimony?

22 A. Rephrase that, please.

23 Q. With other people in the house at the same time;
24 do you recall that testimony?

25 A. Yes.

1 Q. Okay. And the only person that said they saw or
2 heard anything to you was Kate, right? As far as sex
3 abuse?

4 A. As far as sexual abuse, yes.

5 Q. Okay. And this is after Brandon called the
6 tipline on February 7th, 2023?

7 A. Yes.

8 Q. And this is after Brandon arranged an interview
9 between Kate, himself, and you and Jackie?

10 A. I wouldn't say he arranged it. It was an agreed
11 upon date and time. Because of the time zone
12 difference, it's very difficult for him to call in.

13 Q. But he's the one that contacted Kate?

14 A. I asked him to contact her to see if she would
15 speak with me.

16 Q. Okay. And to your understanding, Kate's initial
17 disclosure to you was when -- or do you recall that Kate
18 initially didn't disclose anything to you until Brandon
19 was listening in and participating in the interview?

20 A. Correct.

21 Q. And other than Kate, it was Brandon who testified
22 at the Grand Jury proceeding that resulted in the
23 charges being brought against Shaun, correct? That's
24 the only two witnesses you had at the Grand Jury.

25 A. Correct.

1 Q. Okay.

2 MR. STEINBERG: No further questions.

3 THE COURT: Can I see Counsel at sidebar?

4 (Whereupon, an on-the-record sidebar discussion
5 was held.)

6 THE COURT: Counsel, it's 5:05; how much time do
7 you believe you're going to need?

8 MS. WERNER: Five minutes.

9 THE COURT: Okay, all right.

10 (Whereupon, an on-the-record sidebar discussion
11 concluded.)

12 THE COURT: Attorney Werner, any redirect?

13 MS. WERNER: Yes.

14 THE COURT: Please.

15 MS. WERNER: I just want to make sure the court
16 reporter is ready, Judge.

17 THE COURT: Yes.

18 REDIRECT EXAMINATION

19 BY MS. WERNER:

20 Q. Special Agent Adametz, what was the purpose of
21 this past Wednesday's meeting with Kaitlin?

22 A. To let her know -- prepare her for Court.

23 Q. Okay. Who ran that meeting?

24 A. It was run by you and I.

25 Q. Who asked Kaitlin the questions?

1 A. You asked most all the questions.

2 Q. Okay. Was Brandon present for that trial-prep
3 meeting with Kaitlin and myself?

4 A. No, he was not.

5 Q. Okay. Was Brandon present when Kaitlin testified
6 at the preliminary hearing?

7 A. No, he was not.

8 Q. Was Brandon present when Kaitlin testified in
9 front of the Grand Jury?

10 A. No, he was not.

11 Q. Other than that first interview with Kaitlin,
12 every other time we met with Kaitlin, has Brandon ever
13 been present?

14 A. No, never.

15 Q. Your interaction with Tim Sheffer; how would you
16 describe it? Was it a good interaction or a bad
17 interaction?

18 A. It was a bad interaction.

19 Q. And who -- what side was it bad from, yours or
20 his?

21 A. I had bad news for him.

22 Q. Okay. And how did Mr. Sheffer treat you?

23 A. He was not nice.

24 Q. Okay. Did you serve him as a Commonwealth
25 witness? Did you serve him with a subpoena for trial?

1 A. I tried to, yes.

2 Q. Okay. Did it go well?

3 A. No, it did not go well.

4 Q. Is it clear from your interaction with
5 Mr. Sheffer that he is in favor of the prosecution?

6 MR. STEINBERG: Object, Your Honor; calls for
7 speculation.

8 MS. WERNER: It is from his personal interaction
9 with Mr. Sheffer. He has been asked why -- he's already
10 been asked about his interaction with Mr. Sheffer.

11 MR. STEINBERG: Your Honor, it still calls for
12 speculation as far as what side a parent is on when this
13 involves all of his children.

14 THE COURT: Counsel, rephrase, please.

15 MS. WERNER: Thank you.

16 BY MS. WERNER:

17 Q. In your interaction with him, did he -- did you
18 make any observations of how he felt about you
19 personally in law enforcement?

20 A. I felt that he had personal disdain for me.

21 Q. And did he give you any inclination that he
22 wanted to sit down and speak with you?

23 A. No, he definitely did not want to sit down and
24 talk to me, and I got the -- it was probably the only
25 time in this investigation that my police spider-sense

1 that this is, like, very confrontational; this could be
2 a fistfight.

3 Q. And, in fact, when you were on his property, what
4 did he tell you to do?

5 A. He told me to get off of his property.

6 Q. Did he say please get off my property?

7 A. He wanted me to leave his property, yes.

8 Q. You have -- as an arresting officer in cases of
9 sex abuse and interviewing victims of sexual abuse, do
10 you also take into account victims when it comes to the
11 viability of a prosecution? Is that part of your role?

12 A. Of course.

13 Q. Okay. If you interviewed Kaitlin and felt that
14 she couldn't give you the information you needed for a
15 prosecution, would you bring this case forward?

16 A. No.

17 Q. Okay. Do you feel that Brandon Sheffer
18 influenced Kaitlin Sheffer in the prosecution of this
19 case? And when I say influence, maybe that's a poor
20 choice, but coach her into fabricating something against
21 Shaun Sheffer?

22 A. No, he didn't. There is certainly no evidence
23 from my chair that he coached her.

24 Q. And, lastly, medical records; you testified that
25 we did receive medical records of Kaitlin; were those of

1 her as an adult or as a child?

2 A. I believe those were her as an adult. I think it
3 was 2020 and on.

4 Q. Were there other witnesses in this case that you
5 talked about that we didn't call as witnesses?

6 A. Sure.

7 MS. WERNER: No further questions. Thank you,
8 Judge.

9 THE COURT: Any further cross, Counsel?

10 MR. STEINBERG: Just briefly.

11 RE CROSS-EXAMINATION

12 BY MR. STEINBERG:

13 Q. Brandon wasn't present while Kate was testifying
14 at the Grand Jury proceeding, but Brandon was present on
15 the same day that Kate was testifying, right? He was in
16 the building.

17 A. I believe he was.

18 Q. And they testified one right after the other,
19 right? Just not at the same time.

20 A. Correct, they were sequestered.

21 Q. And they sat together in the DA's Office before
22 Kate went in.

23 A. No.

24 Q. They did not?

25 A. No.

1 Q. It was already testified to that they did.

2 A. Could you rephrase, please, because you said -- I
3 took that as they sat in the DA's Office in the Grand
4 Jury.

5 Q. No. Brandon and Kate sat outside this courtroom
6 in the DA's Office together before they testified?

7 A. That's correct, yes.

8 Q. Okay.

9 MR. STEINBERG: That's all the questions I have.

10 MS. WERNER: No further redirect. Thank you,
11 Judge.

12 THE COURT: Okay, thank you. Sir, you may step
13 down.

14 MS. WERNER: At this time, Your Honor, the
15 Commonwealth would rest.

16 THE COURT: All right. Members of the jury, I
17 want to thank you for your time, your careful attention,
18 and your courtesies today. You've been very attentive
19 and patient as this matter has proceeded today, and I
20 want to thank you very sincerely for that. I'm
21 discharging you for the day.

22 I will remind you once again you're to have no
23 communication about any component of this case, any
24 parts of what you heard or will be considering in this
25 case that may come in any way, shape, or form with

1 anyone, all right? Conduct no research of your own. I
2 think at this point in time having heard that speech
3 multiple times, you have it down pat, so please follow
4 those rules and have a nice evening. I look forward to
5 seeing everyone tomorrow prepared to start at 9:00
6 o'clock in the morning. Again, thank you.

7 Court is adjourned until 9:00 a.m. tomorrow
8 morning.

9 MS. WERNER: Thank you, Your Honor.

10 MR. STEINBERG: Thank you, Your Honor.

11 THE COURT: Thank you.

12

13 (Whereupon, Court was adjourned for the day.)

14

15

16

17

18

19

20

21

22

23

24

25

1 C E R T I F I C A T I O N

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I, Madyson Montana, do hereby

certify that I took the foregoing proceedings in
stenotype at the time and place hereinbefore set
forth and thereafter reduced the same to
typewritten form, and that the foregoing is a
true, full, and correct transcript of my said
stenotype notes.

*Madyson Montana*_____

Madyson Montana,
Official Court Reporter