

IN THE COURT OF COMMON PLEAS, GREENE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA,)
)
vs.) No. 145 C.R. 2022
)
IAN JARED NAKONECHNI,)
Defendant.)

- - -

HEARING DATE:
October 25, 2023

BEFORE THE HONORABLE:
Louis Dayich, President Judge

TRANSCRIPT FILED BY:
Jennifer R. Withrow, Court Recorder

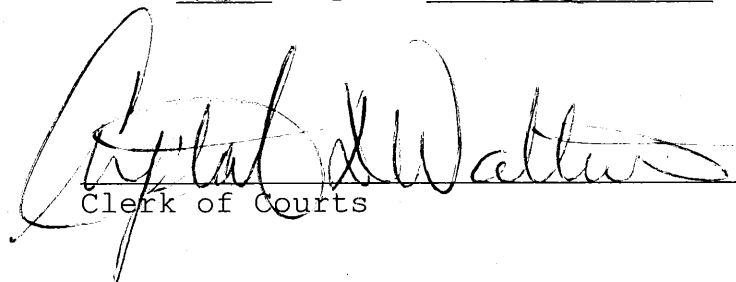
COUNSEL OF RECORD:

On behalf of the Commonwealth/Attorney General's Office:
Alicia Werner, Esquire

On behalf of the Defendant:
James Jeffries, Esquire

Filed in the Office of the Clerk of Courts.

This 13 day of June, 2024.


Clerk of Courts

Filed Greene County Clerk of Court
2024 JUN 13 PM2:58

I-N-D-E-X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Veronique Valliere	26	37		
James Teagarden	48	70		
Felicia Baucum	107	117	120	122
Dr. Michael Crabtree	144	161		
Timothy Ross, Esq.	171	176		
Brenda McClellan	179	213		

<u>EXHIBITS</u>	<u>MARKED</u>	<u>ADMITTED</u>
Commonwealth's Exhibit 25	15	
Commonwealth's Exhibit 26	16	
Commonwealth's Exhibit 27	115	116
Defendant's Exhibit B	147	

Certificate Pg. - 254

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

2 THE COURT: We're not bringing the jury in right
3 now. We have one juror who is running a bit late, and I
4 think it's the same juror that ran late before. So, we're
5 not bringing Mr. Nakonechni up because we're waiting for
6 that last juror to come in the courtroom. But juror number
7 -- Sheila, tell me who it is?

8 DISTRICT COURT ADMINISTRATOR: Number eleven
9 Tonya Wood.

10 THE COURT: Okay. Juror number eleven. Okay.
11 You're trying to figure out who it is?

12 THE COMMONWEALTH: *(Indiscernible)*

13 DISTRICT COURT ADMINISTRATOR: *(Indiscernible)* at
14 the left corner of the picture.

15 THE COURT: That's right.

16 THE COMMONWEALTH: Okay. Got it.

17 THE COURT: Juror number eleven -- so she'd be --
18 because the two alternates -- like if you go this way, I'd
19 say fourteen, thirteen, twelve, eleven in the back row.

20 Juror number eleven said -- told Court
21 Administration that she knows, from the Moose, Bob
22 Teagarden, who is the uncle. And if anybody knows, I'm
23 starting to put it together. Bob Teagarden's a retired
24 state police officer. So, she said she knows Uncle Bobby
25 well and she probably knows Jimmy, but not well. What else

1 did she tell you?

2 DISTRICT COURT ADMINISTRATOR: She lives near
3 Jamie's dad and grandmother.

4 THE COURT: Okay. That means everybody's here?

5 DISTRICT COURT ADMINISTRATOR: All the jurors are
6 in the jury room.

7 THE COURT: So, --

8 THE COMMONWEALTH: My suggestion -- was she asked
9 if those -- that -- those relationships or knowing those
10 people, does it affect her ability to be fair and
11 impartial?

12 THE COURT: Yeah, I think we should ask her to
13 come in or excuse her. And you said -- you were saying,
14 no, she doesn't think --

15 DISTRICT COURT ADMINISTRATOR: I didn't ask her
16 any more questions than that.

17 THE COURT: Okay.

18 DISTRICT COURT ADMINISTRATOR: That's all she
19 told me, and I didn't ask her any more questions.

20 THE COURT: Okay.

21 DISTRICT COURT ADMINISTRATOR: Do you want her
22 seated in the witness chair or in the first chair of the
23 jury box?

24 THE COMMONWEALTH: Let's not make her that
25 uncomfortable.

1 THE COURT: Yeah, let's put her somewhere --
2 yeah.

3 DISTRICT COURT ADMINISTRATOR: In the jury box?

4 THE COURT: Yeah.

5 DISTRICT COURT ADMINISTRATOR: Jennifer, you want
6 to put the wireless mic over there to pick up her --

7 THE COURT: So, what I'm going to do -- we'll ask
8 her that and then you'll have your next witness lined up.
9 I'll still take -- I'll still get everybody lined up,
10 we'll make a decision, and we'll get Mr. Nakonechni up
11 here.

12 THE COMMONWEALTH: Just so we're clear, I'm going
13 to -- because -- because we can't connect to the internet
14 and get the jail calls that I was looking for yesterday, I
15 just plan on calling Corporal Barnhart just to play two
16 additional jail calls. They're very short. Less than five
17 minutes. And then I'll --

18 THE COURT: Why Barnhart?

19 THE COMMONWEALTH: Well, because I figure you
20 want some -- well, because one of the calls is not with
21 Jamie. It's with Kayla Rush and the defendant. And then
22 the second one is with Jamie, but I figured we wanted like
23 a body up on the chair other than me just playing it
24 without, like, somebody at the witness chair.

25 THE COURT: We don't necessarily need him, do we?

1 THE COMMONWEALTH: I mean, we don't need to. I
2 just -- whatever the Court felt most comfortable with
3 whether I --

4 THE COURT: Well, I don't now -- okay. Oh, hi.
5 Come on in. How you doing?

6 LAW CLERK: We can't use the wireless. So, if we
7 could just have her stand right there, probably it's
8 better.

9 THE COURT: That's okay. We can hear her.

10 DISTRICT COURT ADMINISTRATOR: If -- if she'll
11 speak loudly.

12 THE COURT: Yeah. Yeah, yeah. Same.

13 DISTRICT COURT ADMINISTRATOR: If we turn up the
14 --

15 THE COURT: Yep.

16 DISTRICT COURT ADMINISTRATOR: -- speaker phone
17 possibly --

18 THE COURT: Yep.

19 DISTRICT COURT ADMINISTRATOR: -- a little bit.

20 THE COURT: So, Ms. Wood, I know you, but I
21 haven't seen you for a while.

22 JUROR 11 TONYA WOOD: Yeah.

23 THE COURT: Good seeing you. So, keep your voice
24 down a little bit. You did exactly what you're supposed to
25 do. Actually, the truth is, through the trial, I was like,

1 oh, okay. Now, I know who Uncle Bobby is, and that's what
2 happened to you, isn't it?

3 JUROR 11 TONYA WOOD: Right. Yes.

4 THE COURT: Okay. So, for the folks that aren't
5 here all the time, you know -- tell me who you know?

6 JUROR 11 TONYA WOOD: Bob Teagarden.

7 THE COURT: And how do you know him?

8 JUROR 11 TONYA WOOD: Through the Moose.

9 THE COURT: Yeah. And you -- you're -- you're not
10 an officer at the Moose, right?

11 JUROR 11 TONYA WOOD: No.

12 THE COURT: But you -- you're -- you frequent
13 that place?

14 JUROR 11 TONYA WOOD: Oh, yes.

15 THE COURT: Okay. And so, he's not going to
16 testify at all. And then do you -- what do you know about
17 Jimmy? What do you know about Jamie?

18 JUROR 11 TONYA WOOD: I don't know anything about
19 Jamie.

20 THE COURT: Okay.

21 JUROR 11 TONYA WOOD: Jimmy and his mom are -- we
22 live on Race Street; they live on the corner of Bridge and
23 Race. I don't -- I mean --

24 THE COURT: You mean the -- you mean --

25 JUROR 11 TONYA WOOD: We know where they live.

1 THE COURT: (*Indiscernible sound*)

2 JUROR 11 TONYA WOOD: So, Porter Street -- go up
3 Porter Street --

4 THE COURT: Yeah.

5 JUROR 11 TONYA WOOD: -- where it crosses Race --

6 THE COURT: Yeah.

7 JUROR 11 TONYA WOOD: -- that little yellow --
8 that little yellow house --

9 THE COURT: Yeah.

10 JUROR 11 TONYA WOOD: That's where they live.

11 THE COURT: Who lives there? Jim?

12 JUROR 11 TONYA WOOD: Jimmy and his mom.

13 THE COURT: Jim and his mom. So, her grandmother?

14 JUROR 11 TONYA WOOD: Yeah, he lives with her
15 grandmother.

16 THE COURT: Okay. So, it sounds like we're
17 reminiscing by going down small-town lane, --

18 JUROR 11 TONYA WOOD: Right.

19 THE COURT: -- but it's true. We probably know
20 everybody, right? And so, the question is, now that you
21 know more information -- now that you're making the family
22 connection, does it affect your ability to hear the case?
23 Are you sure? So --

24 DISTRICT COURT ADMINISTRATOR: That should be
25 spoken.

1 THE COURT: Okay. Her answer is what?

2 JUROR 11 TONYA WOOD: Yeah. No, it does not. Yes,
3 I'm sure.

4 THE COURT: Okay. So, here's the circumstance. If
5 you -- and so, we're going to sort of start this way, and
6 I'm going to give the attorneys a chance to ask questions.
7 In other words, the real question is, at the end of this -
8 - and if you walk into the Moose and you see Bob, are you
9 going to feel like you owe him an explanation one way or
10 another?

11 JUROR 11 TONYA WOOD: No.

12 THE COURT: And you don't feel like you're
13 weighted one way or the other or formed any opinion?

14 JUROR 11 TONYA WOOD: No.

15 THE COURT: Okay. Do either of you want to ask
16 any questions?

17 THE COMMONWEALTH: I'm okay, Judge.

18 MR. JEFFRIES: The only thing, ma'am, is -- Bob
19 Teagarden, I assume you know him from Moose?

20 JUROR 11 TONYA WOOD: Yeah.

21 MR. JEFFRIES: And that's that club down the road
22 here?

23 JUROR 11 TONYA WOOD: Yes.

24 MR. JEFFRIES: Has he approached you, or has he
25 mentioned anything about this trial?

1 JUROR 11 TONYA WOOD: No, I haven't seen him
2 recently.

3 MR. JEFFRIES: I'm fine. That's fine.

4 THE COURT: You are?

5 MR. JEFFRIES: Yeah.

6 THE COURT: Okay. Good enough. We'll reseal her.
7 Everybody's here? Okay, good. We're going to have you go
8 around. I guess don't tell anybody why we asked you --

9 JUROR 11 TONYA WOOD: Okay.

10 THE COURT: -- but, you know, it's -- everybody
11 knows everything's sort of done for reasons.

12 JUROR 11 TONYA WOOD: Okay.

13 THE COURT: So, you're back, and we appreciate
14 you being here.

15 JUROR 11 TONYA WOOD: Okay. Thank you.

16 THE COURT: Thank you very -- oh, and I guess at
17 the same time, if you were deliberating or anything, don't
18 say that you know Bob. You can't use anything to say,
19 okay, I would -- if Bob did -- I don't even know what he
20 did. Took a picture?

21 JUROR 11 TONYA WOOD: Yeah.

22 THE COURT: Or something? I mean that's --
23 that's, I think, if all is involved and it may or may have
24 been -- so, you won't -- you -- you would promise then
25 under your oath to not use any of that information that

1 you didn't get from trial, correct?

2 JUROR 11 TONYA WOOD: Yes.

3 THE COURT: Okay, good. Alright, thank you,
4 ma'am. Alright. So, we're going to -- we're going to keep
5 her and we know what we did.

6 So, we're going to have Mr. Nakonechni come up,
7 and then -- tell me again why do you think you need -- I
8 don't think you need -- what would Tanner Barnhart do --

9 THE COMMONWEALTH: Well, if -- if -- if -- if
10 Attorney Jeffries doesn't have an objection, sometimes you
11 just --

12 THE COURT: Okay.

13 THE COMMONWEALTH: -- it's uncomfortable to put
14 in -- evidence in or place something without a witness --

15 THE COURT: No, we can just -- but it can't --

16 THE COMMONWEALTH: -- but if -- if he's fine with
17 not having anybody in the chair and me just playing the
18 additional jail calls --

19 THE COURT: Is he the arresting officer?

20 THE COMMONWEALTH: -- and then going -- yeah,
21 he's just the officer.

22 THE COURT: Oh, the arrest -- oh, okay.

23 THE COMMONWEALTH: Correct. He's the arresting
24 officer.

25 THE COURT: Yeah, I don't think -- you know, I

1 mean, by your stipulation, I think everybody knows that
2 there was a --

3 THE COMMONWEALTH: I mean, it's already admitted
4 into evidence --

5 THE COURT: Yeah.

6 THE COMMONWEALTH: -- so I can legally play it at
7 any time. I just -- I've -- just want somebody in the
8 chair --

9 THE COURT: No, no. I know. But you want to mark
10 two additional exhibits?

11 THE COMMONWEALTH: That's right.

12 THE COURT: This is the one you were trying to
13 find when we took the break, --

14 THE COMMONWEALTH: Correct.

15 THE COURT: -- right?

16 THE COMMONWEALTH: Yes.

17 THE COURT: I think it's okay to just play it,
18 right?

19 MR. JEFFRIES: I don't have any problem.

20 THE COURT: Okay. And then there's another piece,
21 or no? Just one?

22 THE COMMONWEALTH: There's two calls.

23 THE COURT: And what -- what -- what are they? So
24 Mr. Jeffries would know?

25 THE COMMONWEALTH: Sure. There's one dated March

1 6th of 2022 and that's a phone call with Kayla Rush where
2 the defendant is trying to locate Jamie, and he admits to
3 headbutting Jamie. And then there's a -- the second call,
4 which we were trying to find yesterday, that is the
5 defendant and Jamie, audio only, talking about calling his
6 attorney.

7 THE COURT: About what?

8 THE COMMONWEALTH: Her to talk to his attorney.
9 To go visit.

10 THE COURT: Oh. So, then we had stopped yesterday
11 at Exhibit 24. So, your next exhibit would be 25, and
12 you'd mark -- you would mark one --

13 THE COMMONWEALTH: That is correct, Judge.

14 THE COURT: Yeah.

15 THE COMMONWEALTH: The next exhibit would be
16 twenty-five and then twenty-six.

17 THE COURT: Right. Okay. So, we'll mark one of
18 those as twenty-five, one of those as twenty-six. Mr.
19 Jeffries, from our pre-trial conference, and from the
20 issue of relevance, you don't need any additional
21 foundation? You -- you know and you've received those in
22 discovery?

23 MR. JEFFRIES: That's correct.

24 THE COURT: Okay, good. So, we'll be in
25 adjournment until -- I'm sorry, yeah -- we'll be in recess

1 for just a moment. Let's make sure that Mr. Nakonechni
2 comes up. I think from what Bob gave us -- the head nod --
3 I think everybody is here, and we'll start as soon as we
4 can, okay? Alright. Alright. Good. Thank you. As soon as
5 we can. The next time I come in, we'll bring the jurors
6 in.

7 THE COMMONWEALTH: Thank you, Your Honor.

8 THE COURT: What did you say?

9 THE COMMONWEALTH: I said, thank you, Your Honor.

10 THE COURT: What did you say?

11 DISTRICT COURT ADMINISTRATOR: He's coming up
12 now.

13 THE COURT: Oh, he's coming up? Okay. Oh, you're
14 welcome.

15 *(The Court takes a recess at 9:07:55 and*
16 *reconvenes at 9:15:01)*

17 THE COURT: Okay. We'll just come to order,
18 everybody. Welcome back, ladies and gentlemen. This is
19 Wednesday, October 25th, is that right? Okay. Second day
20 of the trial. We're going to pick up where we left off. We
21 stored your notebooks and are now returning those to you.
22 Alright. Last jurors in. Please be seated. I'll remind you
23 all, again, to avoid outside influence, and, again, that
24 the defendant is presumed to be innocent and has no
25 obligation to testify or offer any evidence. The

1 Commonwealth has an unending burden of proof beyond a
2 reasonable doubt, and you know that they intend to call
3 another witness today -- or witnesses today. So, call your
4 next witness, please?

5 THE COMMONWEALTH: Thank you, Your Honor. The
6 Commonwealth would ask permission to publish two
7 additional jail calls.

8 THE COURT: Okay.

9 THE COMMONWEALTH: This call I will mark as
10 Commonwealth's Exhibit 25.

11 *(THEREUPON, Commonwealth's Exhibit 25 was marked*
12 *for identification.)*

13 THE COURT: Okay.

14 THE COMMONWEALTH: It is a call dated on March
15 6th of 2022. It is a video call between the defendant and
16 an individual by the name of Kayla Rush.

17 THE COURT: Okay. And then, ladies and gentlemen,
18 you're not seeing a witness here because the Commonwealth
19 and defense agree -- not what it means -- but agree that
20 this call was recorded and that will be played. And we're
21 going to mark March 6, 2022, as what we refer to as a
22 video call as Commonwealth Exhibit 26.

23 THE COMMONWEALTH: Number twenty-five, Your
24 Honor.

25 THE COURT: Sorry. Correct. Twenty-five. Okay. Go

1 ahead, ma'am. And you want to turn the lights off?

2 (Commonwealth Exhibit 25 begins at 9:16:46 and
3 concludes at 9:17:33)

4 THE COURT: Okay. And then the Commonwealth by --
5 what we had discussed earlier, intends to mark another
6 exhibit and we're going to mark that as -- you will have
7 that marked as Commonwealth's number twenty-six. Ms.
8 Werner, what's that for?

9 (THEREUPON, Commonwealth Exhibit 26 was marked
10 for identification.)

11 THE COMMONWEALTH: Yes, Your Honor, this is an
12 audio call between the defendant and Jamie Teagarden, and
13 it is dated June 22, 2022, at 8:30 A.M.

14 THE COURT: Okay. And go ahead and play that.

15 (Commonwealth Exhibit 26 begins at 9:18:07 and
16 concludes at 9:19:36)

17 THE COURT: Okay.

18 THE COMMONWEALTH: Thank you, Your Honor.

19 THE COURT: And those have been marked -- would
20 you mind turning the lights on back there somebody? Thank
21 you, sir. And you're calling another witness?

22 THE COMMONWEALTH: I am, Your Honor.

23 THE COURT: Go ahead.

24 THE COMMONWEALTH: The Commonwealth would call
25 Dr. Veronique Valliere.

1 THE COURT: Okay. Ladies and gentlemen, before I
2 swear in this witness, we're going to -- I'm going to give
3 you a bit of an instruction.

4 Where are you?

5 Where'd she go?

6 THE COMMONWEALTH: She's not --

7 THE COURT: Oh, oh, okay. Yeah.

8 I'm going to give you a bit of instruction.
9 You've heard --

10 Ma'am, we're going to get you sworn in in just a
11 minute.

12 You've heard, I think, potentially, both
13 attorneys talk about expert witnesses. So, there's a
14 special instruction about an expert witness. And sort of
15 the first thing that I would want to say to you is when
16 somebody is considered to be an expert, it doesn't mean
17 that they're right and it doesn't mean anything special.
18 It's just a term of art and it -- what it means is,
19 though, that an expert is qualified based on a certain
20 area of expertise. And when an expert testifies, they're
21 allowed to testify in a way that is not permitted with lay
22 testimony. In other words, people who are fact witnesses
23 or eye witnesses or something like that. I'm going to read
24 to you something very specific.

25 In every case that an expert is testifying --

1 and particularly this next expert that the Commonwealth is
2 expecting to call -- we want to stress to you that you, as
3 the finder of facts, are the sole judge of credibility.
4 That means you decide the accuracy of a person's
5 testimony. You decide the truthfulness of a person's
6 testimony.

7 Now, this particular person is referred to as a
8 doctor. She will be qualified as an expert because the
9 parties have agreed to that. There will be some --
10 probably some background that we'll receive about that.
11 But when it comes down to it, an expert is to aid you in
12 your determination of credibility, but the expert is never
13 judging credibility and never saying whether someone is
14 truthful or not. That comes to you. That is your job as a
15 sole judge of the facts, and not until you've heard all
16 the evidence, final arguments by the attorneys, and also
17 the closing instructions from the Court.

18 I would remind you also that any instructions
19 that we give you -- if I give them to you in the middle or
20 the beginning or the end -- they're all the same. So, I
21 certainly am not going to forget that I gave you this
22 instruction about expertise. We also believe later on --
23 and, again, the Commonwealth -- defense has no obligation,
24 but we believe we may hear from another quote, unquote
25 expert witness. And so, when I say I won't forget this, I

1 may touch on it again, but this is our -- this will serve
2 as our instruction generally as how you regard and use
3 expert testimony.

4 You'll recall -- well, this -- particular person
5 is about to testify as an expert. An expert witness is a
6 person who has special knowledge or skill in some science,
7 art, profession, occupation, or subject that the witness
8 has acquired by training, education, or experience.
9 Because an expert has special -- that means out of the
10 ordinary knowledge or skill -- that person may be able to
11 supply jurors with specialized information, explanation,
12 and opinions that will help you decide a case. Expert
13 witnesses may also be asked to answer hypothetical
14 questions. An expert may be told by counsel or the Court
15 to assume certain facts are true -- called stipulations --
16 and they may be asked to express an opinion based on that
17 assumption.

18 Remember, though, that you jurors are the sole
19 judges of the credibility and weight of all testimony. The
20 fact that the lawyers and I have referred to a certain
21 witness as an expert and that the witness may have special
22 knowledge or skill does not mean that their opinion and
23 testimony is correct. And when you determine credibility
24 and truthfulness and accuracy, all of that, you're going
25 to judge an expert witness in the same way you judge all

1 other witnesses -- in the same way that you would judge
2 all witnesses, and you'll use that as you may. Alright?

3 So, with that said, ma'am, come on up, please?
4 You're being called as a witness. How are you?

5 DR. VERONIQUE VALLIERE: Good, thank you.

6 THE COURT: Good. Nice to see you. As you
7 approach, I'm going to get you sworn in at some point. So,
8 let me get you to raise your right hand.

9 *(The witness is sworn.)*

10 THE COURT: Okay. Come on up here. You're going
11 to have a seat here. The Commonwealth is calling you.
12 Obviously, they'll ask you questions. Mr. Jeffries may
13 have questions. Please keep your voice up. If you don't
14 understand the question, let us know. Certainly, if
15 there's an objection, also, let the Court sort it out
16 before you answer, okay?

17 DR. VERONIQUE VALLIERE: *(Indiscernible)*.

18 THE COURT: Alright. Thank you. Ma'am?

19 THE COMMONWEALTH: Thank you, Your Honor.

20 DR. VERONIQUE VALLIERE

21 Having been duly sworn, as hereafter certified was
22 examined and said as follows:

23 VOIR DIRE

24 BY: MS. WERNER

25 Q Ma'am, can you please introduce yourself to the

1 members of the jury?

2 A Sure. My name is Dr. Veronique Valliere. Would
3 you like me to spell it?

4 Q Please.

5 THE COURT: Yeah.

6 DR. VERONIQUE VALLIERE: V-E-R-O-N-I-Q-U-E V-A-
7 L-L-I-E-R-E.

8 THE COURT: One more time for the whole thing. V-
9 E-R --

10 DR. VERONIQUE VALLIERE: O-N- --

11 THE COURT: Yeah.

12 DR. VERONIQUE VALLIERE: -- I-Q-U-E V-A-L-L-I-E-
13 R-E.

14 THE COURT: Okay. Thank you, ma'am. Go ahead.

15 BY: MS. WERNER

16 A And I'm a clinical and forensic psychologist.

17 Q Thank you. How long have you been a clinical and
18 forensic psychologist?

19 A I've been licensed in Pennsylvania as a
20 psychologist since 1995. I got my doctorate in clinical
21 psychology in January 1993.

22 Q And can you tell us what it means to be a
23 clinical and forensic psychologist?

24 A Sure. A clinical psychologist is a psychologist
25 trained in diagnosis, treatment, and evaluation of

1 individuals for mental health issues. And a forensic
2 psychologist has extra training in -- I guess educating
3 the Court on psychological issues.

4 So it's where I'm trying to marry -- help the
5 Court marry psychological issues with legal issues. For
6 instance, I'm on Pennsylvania's Megan's Law board for the
7 sexually violent predators. And sexually violent predator
8 is -- it's not a clinical term. It's not a diagnosis. It's
9 a legal term. So, I have to help the Court figure out,
10 like, what diagnoses help people match a sexually violent
11 predator.

12 Q As a clinical psychologist and forensic
13 psychologist, what other job or employment do you hold
14 other than what you've just mentioned?

15 A I have two outpatient clinics in Allentown,
16 Pennsylvania -- way out east. In one clinic, we serve
17 violent offenders, which would include sex offenders,
18 domestic violence offenders, people who commit child abuse
19 and other types of violence. And then another clinic where
20 we work with victims and other people with mental health
21 issues. And I've been doing that since 2003, full-time.
22 So, I provide services, I have clinicians that I supervise
23 and train, and perform assessments and evaluations.

24 Prior to that, from '93 to 2003, I was director
25 of an outpatient clinic where we treated substance abuse,

1 domestic violence, victims of assault, and sexual
2 offenders.

3 Q In the course of all of that experience since
4 1993, approximately how many victims have you come across
5 in the field offering them services, treatments, therapy,
6 any other field that you've come across victims of sexual
7 or domestic violence?

8 A It's been hundreds and hundreds. I have no idea
9 how many.

10 Q And do they arrange (sic) from children and
11 adults?

12 A Yes. We treat children as young as three all the
13 way up to people well into their advanced years.

14 Q And what would you consider your specialty to
15 be?

16 A My specialty's in interpersonal violence. All
17 the types of violence we talked about, sexual assault,
18 domestic violence, child abuse.

19 Q Do you belong to any -- strike that. Have you
20 been published in the area of domestic violence or abuse?

21 A Yes. I have three books published. One on
22 victims of violence, one on sexual offenders, one on
23 prosecuting intimate violence. I have a book chapter on
24 alcohol and sexual assault. Book chapter on victim
25 behavior. An article about non-stranger rapists. An

1 article about incels.

2 Q What are incels?

3 A They're a subgroup of individuals who basically
4 are characterized by, kind of, violence, women hating,
5 feeling persecuted by the world.

6 Q And I just want to be clear, the -- clinics that
7 you hold, do you have employees underneath you?

8 A I do.

9 Q Okay. But do you personally work with these
10 victims of abuse on a regular basis?

11 A Yes.

12 Q Okay. And you've been doing that since 1993?

13 A And even prior, yes.

14 Q Prior to that as well. Have you testified in
15 court before today?

16 A I have.

17 Q In what types of cases?

18 A Well, I testify doing this. Providing education
19 to juries in many counties in Pennsylvania. I worked with
20 the U.S. military -- all branches of the military
21 testifying in court martials or consulting or -- I've
22 testified hundreds of times for sexually violent predator
23 hearings for the court.

24 Q Are you -- do you offer your services for just
25 the prosecution, or do you offer your services for all

1 members of the -- the legal board?

2 A I would offer my services anywhere they're
3 relevant. Usually in cases like this, only the prosecution
4 uses it. The defense has no need of that. And when I
5 testify for the sexually violent predators, it's always
6 for the prosecution as well because if I don't find
7 somebody a predator, we don't have a hearing. So, it's
8 always when I have that kind of finding.

9 Q Did you tell us how many times you've testified
10 in court before?

11 A No. It's been hundreds.

12 Q And how many times have you been qualified in
13 the specific area and specialty of clinical and forensic
14 psychology in the area of domestic violence?

15 A Dozens and dozens of times.

16 THE COMMONWEALTH: Your Honor, at this time, I
17 would offer this witness for *voir dire* based upon her
18 current qualifications.

19 THE COURT: Okay. So, this is a little different.
20 You'll see what happens is the person offering the
21 expertise establishes those credentials and it gives -- we
22 give the other side a chance to ask questions. The parties
23 have already agreed that she will testify, but we now give
24 that opportunity to Mr. Jeffries. He may or may not ask
25 some questions. Then it will go back to the Commonwealth.

1 So, Mr. Jeffries, any questions?

2 MR. JEFFRIES: No, Judge. I have no questions.

3 THE COURT: Okay. And ma'am?

4 THE COMMONWEALTH: At this time I would motion
5 the Court to accept and qualify Dr. Valliere as an expert
6 in the field of clinical and forensic psychology,
7 specifically in the area of sexual abuse, domestic
8 violence, and victim dynamics.

9 THE COURT: Okay. And I think that's the basis of
10 her expertise, so we will accept that request -- grant
11 that request and permit her to testify as an expert.

12 THE COMMONWEALTH: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY: MS. WERNER

15 Q Dr. Valliere, can you explain what a blind
16 expert means?

17 A Sure. As a blind expert, I don't really know
18 anything about the case at hand. My job is just to educate
19 or provide, you know, answer any questions that the
20 attorneys may have about things like domestic violence or
21 behavior of victims or perpetrators, and just to provide
22 general education so that we don't rely on some of the
23 myths or misinformation about victims or perpetrators or
24 domestic violence or sexual assault when you have your
25 tough job of having to figure out these kinds of cases.

1 So, I don't know -- I have never interviewed anybody, I
2 haven't reviewed anything. I'm just here to talk generally
3 about the issues the attorneys may have.

4 Q And why do you say it's important in your role
5 to be blind and not know the facts of any particular case?

6 A Because my job is to educate, not present a
7 certain side or, you know, try to get you to believe one
8 side or the other, just to give you information to help
9 guide your decision-making.

10 Q So, Dr. Valliere, we've thrown a couple of terms
11 out there, but in your experience and in your field, could
12 you educate the jury on how you would describe domestic
13 violence?

14 A On how I would describe domestic violence? I
15 guess domestic violence is basically intimate or intimate
16 partner violence that goes on over time. It's not a single
17 act, but it's a pattern of behavior that controls,
18 oppresses, demeans an individual over time. Wears down
19 their sense of self so that the perpetrator can have more
20 control or influence over the victim.

21 And it's not just physical violence. Most
22 domestic violence occurs psychologically and emotionally
23 with physical violence that may be in there. They're also
24 components of not only the psychological and emotional
25 abuse, but financial control, social control. For instance

1 the victim may be isolated socially or from a family, or
2 the perpetrator may degrade the victim to other people.
3 Like go to work and say, for instance, oh, my wife's
4 really crazy. She's off her meds. Don't believe anything
5 she says. Or things like that.

6 So, domestic violence isn't just, you know,
7 getting punched in the face or getting strangled, it's a -
8 - it's a pattern that encompasses the person's whole life
9 physically, emotionally, socially, and psychologically.

10 Q And so, with the dynamics of domestic violence
11 and intimate partner, is it common for a victim to love
12 their perpetrator?

13 A Certainly. Domestic violence won't go on for as
14 long and successfully as it does if there wasn't a
15 foundation of not just love and attachment for the
16 perpetrator -- between the perpetrators and victims, but
17 plans for the future, hopes and dreams, promises, things
18 like that. Typically, this -- these relationships don't
19 start off as terrible. It happens slowly over the course
20 of time when interdependence has been built, sometimes
21 children, practical things like owning a house together,
22 building a life together. So, the attachment is -- can be
23 very strong. And attached through fear is also something
24 that gets stronger and stronger over time. When you're
25 afraid of something, you pay more attention to it, you get

1 more preoccupied with it, you revolve your life around it.
2 So, something that seems like it should break that
3 attachment, it really strengthens it. It's not healthy
4 when it does. Like, you'll see -- a good example is, like,
5 in dog fighting. The dog's in pain, but the loyalty to the
6 owner is so great that you can't split them up, and the
7 dog will do anything for somebody that hurts them. And
8 that's the kind of thing that fear and terror continue
9 upon. It's not healthy at all, but it -- it really can
10 crystalize an attachment and make it very firm. Like kids
11 who are abused by their parents getting very attached to
12 those parents. So, it's a very complicated thing that
13 mixes up love and dependence and fear.

14 Q And touching on that love, dependence, and fear,
15 what if you added an extra level of drug addiction in that
16 mix? How does a possible drug addition by a victim impact
17 that love? That dependency on the perpetrator?

18 A If the victim's addicted to drugs?

19 Q Yes.

20 A Well, when a victim in a violent situation uses
21 substances, what happens is generally their sense of shame
22 grows, their sense of self-loathe grows, and because their
23 actions may be dictated by the dependency, they may be
24 convinced by the perpetrator they're more to blame.

25 Additionally, when somebody has a drug

1 addiction, their vulnerability grows because their
2 credibility is diminished. People don't believe people who
3 are using. And so, the perpetrator can weaponize that and
4 use that to further isolate the victim. If the victim has
5 addiction and the perpetrator supplies the money or the
6 resources to keep that person stable on their addiction,
7 that even makes them much more vulnerable.

8 So, there's social judgment, there's shame, and
9 then there's practical issues like finances and who's
10 giving the drugs? Who's doing up the drugs? Who's
11 withholding the drugs? It gives somebody much more power
12 over somebody in an addiction who may be not able to
13 function very well. And if the person who is in addiction
14 is also being abused, that, of course, exacerbates the
15 addiction because when you're depressed, when you're
16 traumatized, you're hurt, you may rely on substances more
17 to cope with that. So, it's a very intense and vicious
18 cycle.

19 Q Can you touch on or help us understand a victim
20 dynamic such as if a victim is in a relationship with her
21 perpetrator and their perpetrator assaults them -- whether
22 it be physically or sexually -- and then maybe like hours
23 later they have consensual sex after they've been
24 physically beaten or choose not to run away or go tell
25 someone right away what has happened to them? Can you

1 explain how the dynamics of domestic violence affect that?

2 A Sure. So, that's a complicated question with
3 multiple layers. First, you know, it's important to
4 remember that the most powerful influence over how our
5 victim acts is how the perpetrator acts. So, maybe after a
6 terrible fight -- and we all know this if we've been with
7 our partners -- you know, somebody may apologize and say
8 you didn't deserve to be treated like that. I'm super
9 sorry. And we're prone to forgive somebody we love. So,
10 that dynamic may be going on. But in a chronically violent
11 relationship, it's important to recognize that yes is not
12 -- if -- if no -- saying no to your partner is not really
13 an option because you're afraid to be beaten or hurt more,
14 then consent is really not an issue either, right? Yes
15 doesn't mean anything if you can't say no. So, consenting
16 may -- what looks like consensual interaction may be self-
17 soothing behavior, it may be relief, it may be placating
18 the perpetrator who just hurt you earlier. Why would you
19 want to agitate somebody who hurt you, again? And then
20 once the normalcy is restored, the person -- the victim
21 and the perpetrator may feel a sense of relief or just --
22 now the crisis is over, now we're back to normal. And I
23 think most couples want to go back to normal. I know I do
24 when I fight with my husband, so there's a big relief
25 whenever everything's fun again. So, it's a complex thing

1 and if we're just getting back to normal as well as not
2 willing to agitate the situation, not willing to be
3 provocative, not wanting to stir things up again, and
4 maybe the victim being afraid to say no. So, it can be
5 very complicated.

6 Q When I say the word counterintuitive behavior,
7 what does that mean?

8 A Counterintuitive behavior is a term we use to
9 kind of describe people's behavior that seems to go
10 against commonsense. And so, we expect people to act a
11 certain way if certain things happen. But, like, for
12 instance, if somebody hits you, you're supposed to hate
13 them or want to go to the police. People don't, and we
14 think that's counterintuitive. Or a child who may be
15 afraid of a parent but clings on to that parent. We think
16 that's counterintuitive. Law enforcement is
17 counterintuitive. Firefighters run into a fire, right?
18 They're trained to run into a fire. That goes against
19 common sense. So, we have these expectations about how
20 quote, unquote real victims should act if they were really
21 sexually assaulted, like, fighting, screaming, running
22 away. And example that she -- just of having consensual
23 sex after you've been assaulted, that seems
24 counterintuitive, but we all act in ways that, you know,
25 are individual to ourselves and our circumstance and what

1 influences us around us. And we could all say, well, if
2 that happened to me, I would do X. But then we find
3 ourself in that situation and we don't, right? So, people
4 have lots of things that they bring with them, and that
5 the environment provides and influences how they act that
6 don't meet stereotypes of how we think people should act
7 based on all kinds of factors including, like I said, the
8 law enforcement training, how you've been trained might
9 influence how you act.

10 Q And speaking of law enforcement and reporting a
11 sexual or a physical assault through domestic violence to
12 law enforcement, through your experience with many
13 victims, is it more common or less common that victims
14 will immediately disclose to law enforcement an assault by
15 their perpetrator?

16 A Mostly, domestic violence goes on for a time
17 before it's reported and that's for a lot of reasons. The
18 person may not understand that -- what has happened is an
19 actual crime. They just think it's a fight or a family
20 problem. They may not think that it's bad enough for their
21 loved one to go to jail. They may not want to ruin the
22 family or disclose the secrets. They may be ashamed or
23 afraid. Like, not think they can make it on their own.
24 They may not want to split up the family if there are
25 children involved. It's a very -- it's very hard to --

1 it's easy for us on the outside to think about justice,
2 but when you're in a relationship, we tolerate a lot. And
3 going to the police is not first on the list for most
4 victims of violence or abuse to report. Adult or child.

5 Q What does the term recantation mean to you?

6 A Recantation's a term that means taking back
7 something that you've already reported. And usually, in
8 this situation, it means, sort of taking back what's true.
9 So, sometimes victims tell accidentally, or they tell on
10 purpose, or they tell during a medical emergency, or they
11 tell somebody, and they don't know if it's going to go
12 far. And then when they're faced with unintended
13 consequences or they tell and then the perpetrator
14 apologizes, they may take it back or minimize it, or even
15 just not take it back but say, I don't want to -- I don't
16 want him in trouble any more. I don't want to participate
17 with prosecution. We're going to try to go to therapy and
18 work this out. So, it's a taking back of a true allegation
19 in order to -- usually the victims do it because they want
20 to -- they don't want to get somebody in trouble, they're
21 afraid of the allegation, or they want to try to save a
22 relationship, especially in domestic violence.

23 Q And how common is that in your experience for a
24 victim to recant an original truth?

25 A It's extremely common and in relationships with

1 domestic violence. And it can happen repeatedly until
2 either the violence gets so bad, something changes,
3 something gets more dangerous, or the situation just gets
4 unbearable, sometimes the victims tolerate a whole lot
5 until they're afraid they're going to die and then they
6 realize, like, this is never going to change. And then
7 they'll not recant anymore.

8 Q After an arrest or after a disclosure of
9 violence, how does continued communication or continued
10 contact with the victim and the perpetrator affect the
11 victim throughout the process?

12 A Oh, it's -- like I said, one of the most
13 profound things and powerful things that influences how a
14 victim acts is how the perpetrator acts. And the
15 perpetrator usually -- we -- you know the -- the people
16 most powerful in our life are the people closest to us.
17 They know our weaknesses, our hopes, our dreams, and what,
18 you know, we've seen and by personal experience working
19 with perpetrators and victims is they know what to say and
20 do to get forgiveness. And so, there's lots of --continued
21 contact allows the perpetrator to make promises, to say
22 they're going to change, and over time, you know, if the
23 violence has subsided, the fear goes down, and so people
24 can be easily talked back into hope again. So, typically,
25 continued contact allows the perpetrator a lot of

1 influence over the victim's decision-making, perception of
2 things, and also allows them to inject a lot more self-
3 blame. Like, you know, I'm really sorry I lost my temper
4 on you, but you know how to push my buttons, and you know
5 how stressed out I was at work, and, you know, I was
6 drinking a lot that night, so I'll go to AA and then we
7 won't have these kind of fights, and maybe, you know,
8 we'll go to marriage counseling and you'll learn how not
9 to be nagging me or making me lose my mind. So, they start
10 -- over time, the responsibility for the violence can get
11 shared and the victim can get blamed and all these things
12 can happen with ongoing contact and that's generally a
13 process that has been documented and researched, but also
14 can be pretty easily described by the -- the perpetrators
15 have -- I've worked with when I ask them, what do you do
16 to get your loved one back in your life?

17 Q Thank you, Dr. Valliere. The opinions and the
18 education that you've shared with this jury today, do you
19 hold all of those opinions and that education to a
20 reasonable degree of professional certainty in your field?

21 A Absolutely.

22 THE COMMONWEALTH: Thank you, Your Honor. I would
23 offer this witness for cross-examination.

24 THE COURT: Okay. Counsel for the defense any
25 questions?

1 MR. JEFFRIES: Yes.

2 THE COURT: Okay.

3 CROSS-EXAMINATION

4 BY: MR. JEFFRIES

5 Q Hi, doctor.

6 A Hi.

7 Q Valliere, correct?

8 A Yes. Thank you.

9 Q I -- I always get nervous with names especially
10 when we have doctors around. You know, white coat
11 syndrome. That sort of thing.

12 Okay. My name's James Jeffries and I represent
13 Ian Nakonechni who is the accused perpetrator in this
14 case.

15 A Okay.

16 Q Now, just from the beginning, I note in your
17 report that you have not spoken with the victim?

18 A Correct.

19 Q You've not spoken with Ian?

20 A Correct.

21 Q I'm going to use Ian because Nakonechni is one
22 of those types of names that's -- get you tongue-tied.
23 Have you reviewed any documents whatsoever with regards to
24 this case?

25 A No.

1 Q Okay. So, you're coming in truly blind?

2 A Yes.

3 Q Okay. How often have you testified for any
4 defense in your career?

5 A In my whole career? A few times. It depends on
6 what situation. I work in family court, too, so I've
7 testified for custody court, I've testified for -- you
8 know, I've worked without people doing evaluations of
9 their risk or if they're a risk for kids. In this
10 particular context? Never.

11 Q Have you ever testified in the context of
12 juvenile dependency court? Like CYS court?

13 A Oh, sure.

14 Q Okay. So, you would know that even to a certain
15 extent in family law, and definitely very common in
16 dependency court, CYS court, there is usually
17 relationships that have both partners being in active drug
18 addiction?

19 A Correct.

20 Q Yes. Now, everything in your report, you seem to
21 describe a scenario in which a victim is not in -- active
22 drug addiction?

23 A Is -- I'm sorry?

24 Q Is not in active drug addiction? What would be
25 the scenario if the alleged victim is in active drug

1 addiction and so is her partner?

2 A It makes the situation more volatile. There's a
3 lot more dysregulation, stressors, lack of control. But
4 drugs themselves don't create violence. They do exacerbate
5 the risk of violence with a violent person.

6 Q Right. So, you would agree that the use of drugs
7 probably takes away one's ability to act normally?

8 A It depends. What kind of drug? What they --
9 level of intoxication from it is?

10 Q What about the scenario in which you have one
11 partner that's in active addiction, another partner that's
12 in active addiction, but that also that other partner also
13 suffered from bipolar and manic episodes?

14 A That's a really complicated -- you're not
15 supposed to diagnose anyone with bipolar or a mental
16 illness while they're in an active addiction because you
17 can't sort out what's the addiction and what's -- so,
18 that's too complicated of a question.

19 Q What about if this individual was diagnosed when
20 he was a child?

21 THE COMMONWEALTH: Objection. May we approach,
22 Your Honor.

23 THE COURT: Sure. Take a little break folks. Make
24 a little bit of noise. Yeah, you could step down if you
25 want to.

1 (Sidebar 1 begins)

2 THE COURT: Yes, ma'am?

3 THE COMMONWEALTH: I'm objecting to the questions
4 regarding a diagnosis. I mean, he's trying to offer
5 evidence specifically now regarding the defendant at a
6 certain age being diagnosed with bipolar and it's just not
7 in evidence. There's no medical doctor to have testified
8 to it. So, putting that before this expert to -- to try
9 infer that's it's the truth without offering testimony
10 himself with a foundation is improper.

11 MR. JEFFRIES: I'm merely giving a hypothesis,
12 Your Honor.

13 THE COURT: Well, you can do it that way, but not
14 --

15 THE COMMONWEALTH: I think you can say mental
16 illness.

17 THE COURT: -- you can't say he, right?

18 THE COMMONWEALTH: Right.

19 THE COURT: You can't say he because --

20 THE COMMONWEALTH: About his mental illness.

21 THE COURT: -- in other words, what you could do
22 is you could say, --

23 MR. JEFFRIES: Oh, yeah. I gotcha there, yeah.

24 THE COURT: -- if a person is, then she could
25 answer that.

1 MR. JEFFRIES: Okay. Alright.

2 THE COURT: And then -- and then if there's no --
3 if there's some evidence somewhere along the line that
4 suggests that, then the fact finders can tie the two of
5 those together, but -- but -- so, we'll sustain the
6 objection as to the form. But you can ask those questions,
7 okay?

8 MR. JEFFRIES: Would it be -- would you be okay
9 if I would just state that I'm going to restate my
10 question?

11 THE COMMONWEALTH: Just how would -- if one of
12 those (*indiscernible*) also (*indiscernible*) --

13 THE COURT: No, I'll just --

14 THE COMMONWEALTH: -- mental illness on top of
15 the addiction.

16 THE COURT: I'll rule, and I'll give it to you.

17 MR. JEFFRIES: Oh, okay.

18 THE COURT: I would say --

19 MR. JEFFRIES: Okay.

20 THE COURT: I'll say -- is that fine?

21 (*Sidebar 1 concludes*)

22 THE COURT: Come on back up. Thank you, folks.
23 Please be seated again and we're going to return. So,
24 let's see, there was a question that was made, and a
25 question was asked, and it said, there was a -- objection

1 and so I sustained the last objection and Mr. Jeffries
2 understands that he can ask a similar question, but he
3 needs to rephrase, so that's where we are. So, disregard
4 the last question and I'm not sure there was an answer.
5 Let's disregard the question and answer, start again.
6 Okay?

7 BY: MR. JEFFRIES

8 Q My apologies, doctor. Again, white coat
9 syndrome. Nervous.

10 A scenario in which you have a victim who is in
11 active addiction, their partner that's in active
12 addiction, plus has been diagnosed when they were a child
13 with bipolar and/or manic episodes.

14 A Okay.

15 Q How would that change your scenario as far as
16 the dynamic between the victim and their alleged
17 perpetrator?

18 THE COURT: And this is a hypothetical question
19 posed --

20 MR. JEFFRIES: Hypothetical. Hypothetical, yes.

21 THE COURT: -- to the doctor, okay? Can you
22 answer?

23 BY: MR. JEFFRIES

24 A The dynamics of domestic violence are completely
25 above and beyond the domestic -- the dynamics of dealing

1 with someone with a mental illness. Mental illness,
2 especially bipolar, is not associated with violence. But
3 violent people with bipolar disorder can be more violent,
4 more impulsive, more dysregulated. So, the more
5 complicated things you have together, the more it can
6 increase the risk of somebody getting hurt and it
7 complicates the prognosis and treatment so -- because
8 they're -- especially if the person who knows they should
9 be on medication is not or is using drugs to medicate or
10 whatever. But bipolar disorder does not make someone
11 violent. But like I said, a person -- a violent person --
12 a person prone to violence with bipolar disorder when they
13 get in a state may be more at risk of being violent.

14 Q Hypothetical again. Same scenario, active
15 addiction. But we're going to remove the layer of bipolar,
16 we're going to add on both partners fight with each other.

17 A Okay.

18 Q What say you with regards on your opinion of
19 that?

20 A Well, conflict is normal in every relationship.
21 When people are using or intoxicated, it can get more
22 intense. It can get more destructive than you would
23 otherwise like. But again, conflict does not equal
24 violence. When a violent person is in a conflict and --
25 for instance what might happen in this scenario if there's

1 a perpetrator and a victim, and the victim is intoxicated
2 and decided to be emboldened and speak up, or say I don't
3 like this, or not feel afraid and stand up for themselves,
4 the person prone to violence may escalate the violence to
5 control the person who is now out of control. So, what --
6 what may embolden -- whereas intoxication may embolden a
7 victim, it can also increase the risk that more severe
8 violence happens in violent -- if they're with a violent
9 perpetrator. That makes sense.

10 Q Would you agree, doctor, that the use of drugs
11 like heroin or any other type of drug -- hard drug, being
12 in active addiction would complicate the scenario between
13 a victim being, as you indicated, engaged in encounter
14 intuitive behavior (sic)? Would their drug addiction
15 affect how they behave?

16 A Well, sure. Drug addiction affects how you
17 behave.

18 Q Would it also affect them -- cause I -- well,
19 let me ask you it this way. I note in your report on page
20 two, bottom, you have bullet points, and you say, "Studies
21 show that society, including law enforcement, have strong
22 expectations of how a victim should act and if he or she
23 is a real victim. Some of these expectations include
24 immediate reporting," -- and you touched on that --
25 "righteous anger, or other emotional displays," -- you

1 certainly testified about that -- "identification of the
2 assault as an assault without confusion," -- again, you
3 testified to that -- "avoidance of the perpetrator and/or
4 demonstrated fear of perpetrator after the offense, and
5 cooperation with law enforcement/prosecution."

6 Now, I note one thing that's missing from this
7 list. What about the victim -- alleged victim lying?

8 A That we expect victims to lie?

9 Q Well, how does that -- how does that change
10 because it seems like you're basing a lot -- it's under a
11 scope of opinion. You're basing your opinion on these
12 expectations that we as society have that victims should
13 act.

14 A Right.

15 Q Well, what about when a victim is lying and is
16 shown to be lying on multiple occasions?

17 A Victims lie a lot. In fact, the secrecy of
18 domestic violence makes victims lie. They have to hide it.
19 They have to deny it. They have to lie about where their
20 injuries come from. So, people lie a lot, and if somebody
21 as well has an addiction, they may lie to law enforcement
22 because they're afraid of -- they may have bad experiences
23 with law enforcement, they may fear that they'll be in
24 trouble for having an addiction themselves. So, -- but,
25 you know, so victims lie -- just the nature of keeping a

1 secret requires the victim to be a liar. So, I'm not -- in
2 terms of -- they usually lie to protect the offender, not
3 lie to create false allegations if that -- I'm not sure
4 I'm quite --

5 Q I'm just asking if it's -- if you know that a
6 victim is lying?

7 A If I know a victim is lying?

8 Q Uh-huh.

9 A That's -- I guess if I knew the person, I mean -
10 -

11 Q Okay. Now, would you agree that trauma --
12 because you mentioned trauma a couple times in your report
13 -- does affect others differently, correct?

14 A Sure.

15 Q And so, without meeting with this particular
16 victim or even speaking with Ian, you'd agree that this is
17 just a generalized report, not meant to make an opinion on
18 this -- these particular folks involved in this case?

19 A Sure. As the judge already said, your job is to
20 determine who's telling the truth, not mine.

21 Q Okay. I'm going to consult my notes doctor, just
22 one second.

23 A Sure.

24 Q Doctor, that is all I have and thank you for
25 coming today.

1 A Thank you.

2 THE COURT: Okay. And no -- no other follow-up,
3 right?

4 THE COMMONWEALTH: No thank you, Your Honor.

5 THE COURT: Okay. Is this witness dismissed?

6 THE COMMONWEALTH: Yes.

7 THE COURT: Okay. Thank you, ma'am. You're --
8 you're --

9 DR. VERONIQUE VALLIERE: Thank you.

10 THE COURT: -- thank you for coming. You're free
11 to go or stay if you'd like.

12 DR. VERONIQUE VALLIERE: Thank you, Your Honor.

13 THE COMMONWEALTH: The Commonwealth would call
14 Jim Teagarden.

15 THE COURT: Okay. Mr. Teagarden, good morning.
16 Come on all the way up. You can put your coat down
17 wherever you might. I'm going to have you sworn in, so
18 come up this way and I'll tell you to stop, if you would,
19 there. Raise your right hand.

20 *(The witness is sworn.)*

21 THE COURT: Okay. Have a seat right here, please.
22 The Commonwealth is calling you as a witness, so keep your
23 voice up. She'll have questions for you, I'm certain. And
24 if there's any objection, just stop. Let me get it sorted
25 out and then we'll let you know which way it's supposed to

1 go. And ma'am, your witness has been sworn. Go ahead.

2 THE COMMONWEALTH: Thank you, Your Honor.

3 JAMES TEAGARDEN

4 Having been duly sworn, as hereafter certified, was
5 examined and said as follows:

6 DIRECT EXAMINATION

7 BY: MS. WERNER

8 Q Sir, can you please introduce yourself to the
9 members of the jury?

10 A James Allen Teagarden. I'm the father of Jamie.

11 Q And we have heard from Jamie, and she has told
12 us about her drug addiction. Can you tell us about how
13 long you've known Jamie has had the drug addiction and how
14 it's affected your relationship?

15 A She -- senior in high school. And teachers
16 started to say that there was -- she had changed. And then
17 we found out that a boyfriend of hers introduced her to
18 heroin and that was the beginning. It was, you know, --

19 Q So, since high school she's been battling drug
20 addiction?

21 A Absolutely. Yes. Yes.

22 Q And has that affected her relationship with you
23 and your family?

24 A The rest of the family gave up on her. Numerous
25 times we tried to get her into rehab, and it just never

1 worked. It was too strong. She had me.

2 Q And I want to take you back to 2022 around, you
3 know, around the beginning of the year -- February
4 specifically -- and I want to ask you, first and foremost,
5 before the Sheetz incident, did you know who Ian
6 Nakonechni was?

7 A No, I did not.

8 Q Okay. Had you ever met him before?

9 A Never did.

10 Q Okay. Did you know that Jamie was dating him?

11 A No. The way I -- was introduced to Ian was Jamie
12 was scheduled to go to rehab at seven in the morning at
13 her mother's house and I called the next day to see if she
14 made it to rehab and her mother told me, no, a gentleman
15 named Ian Nakonechni came down the driveway and she got in
16 the car and was gone. I never saw her again.

17 Q And she didn't go to rehab?

18 A No, she did not.

19 Q Now, around February 27th, the day that you
20 arrived at Sheetz, when was the last time you saw Jamie
21 before that day?

22 A I -- I told Jamie that if she ever needed me,
23 just call and I will come and get you. She was in
24 Pittsburgh at that time staying, so --

25 Q Where was she staying?

1 A Somewhere on the North Side with a -- with a
2 roommate named Katie. I didn't -- I didn't know -- know
3 her that well, but --

4 Q But you generally knew where Jamie was staying?

5 A Yes. So, I started to try to get a relationship
6 to get her out of Pittsburgh. I would meet her every
7 Friday to take her out to dinner. And we'd go to dinner
8 and if she wanted to have fun, we'd go to the casino. Go
9 to the casino, I'd give her a little bit of money to go to
10 the casino and then I'd drop her off. That continued for,
11 you know, a couple months and then --

12 Q Were you supposed to have that date on Friday
13 the 25th?

14 A I don't recall. I don't recall, no.

15 Q Okay. Well, let me ask you this, the Sunday --
16 the Friday before you went to Sheetz, did you see Jamie
17 that Friday for a dinner or going to the casino?

18 A I don't recall, but -- but it was -- it was just
19 a continuing thing. We -- we -- we were getting a
20 relationship back and I knew where she was and I knew who
21 she was staying with and -- it just -- was what I had to
22 do.

23 Q Okay. So, talk to me about the weekend of the
24 incident that we're here for today? Tell me, like, what
25 was going on that weekend that first came to your

1 attention?

2 A Her roommate Katie called me and said --

3 MR. JEFFRIES: Objection. Hearsay.

4 THE COMMONWEALTH: I'll redirect the question,
5 Judge.

6 THE COURT: Okay. So then --

7 BY: MS. WERNER

8 Q Without --

9 THE COURT: So, you don't have to answer. I don't
10 have to rule. Go ahead.

11 BY: MS. WERNER

12 Q Without telling us what Katie told you, you had
13 a phone call with Katie?

14 A Correct.

15 Q Okay. And after that phone call with Katie, what
16 did you do?

17 A Tried to get in contact with my daughter Jamie.

18 Q Okay. And how did you try to get in contact with
19 Jamie?

20 A Calling Ian -- phone number that -- that was
21 given to me by Katie.

22 Q Okay. So, when -- did you try to call Jamie
23 first?

24 A Absolutely.

25 Q And did she answer any of your calls?

1 A No.

2 Q Did you try to text her?

3 A More than likely, yes. I'm not sure.

4 Q Did you ever hear directly from Jamie through
5 phone that weekend?

6 A No.

7 Q Okay. Now, you said you also called Ian?

8 A Yes.

9 Q Did you get to speak with the defendant?

10 A Yes, I did.

11 Q How?

12 A I think through text messages.

13 Q Okay. And what did those text messages generally
14 say?

15 A Where is Jamie? I want to talk to her. I heard
16 that she didn't look good.

17 Q Okay. And what did he say?

18 A She's not with me. I dropped her off in
19 Carnegie. I was asking her if she needed to quit doing the
20 dope and the drugs, and if she wasn't going to quit, we
21 were going to go our separate ways, and I dropped her off
22 in Carnegie.

23 Q That's what the defendant told you?

24 A Yes.

25 Q Okay. And did you talk to him about wanting to

1 hear from her?

2 A Yes, I did.

3 Q And what did he say?

4 A He didn't know where she was at. He dropped her
5 off in Carnegie.

6 Q Was he going to try to locate her for you?

7 A I text him back and stated -- well, a day or two
8 went by and I said, look, she's not in Carnegie. I'm going
9 to file a missing person's report on her. He responded
10 with, I don't know what that would do. That's not going to
11 do any good. I'll try to find her.

12 Q Okay. So, did you eventually hear somehow from
13 your daughter that weekend?

14 A Well, no. No.

15 Q When did you hear from Jamie next?

16 A Ian had texted me and said that he was going to
17 go find her in Carnegie, and I don't even know where she
18 was at, but he said he located her, and he would let me
19 talk to her at a later date.

20 Q Okay. And did he in fact let you talk to her?

21 A I had got a -- received a phone call the night
22 of the incident at Sheetz.

23 Q And from whose phone did you receive a call?

24 A I had no idea whose phone it was, but -- I don't
25 know.

1 Q Let me ask you this directly. Did the defendant
2 use his phone to have Jamie talk to you?

3 A Yes.

4 Q Okay. What happened during that phone -- initial
5 phone conversation with Jamie?

6 A Ian said, here's Jamie. You want to talk to her?
7 Yes, I do. Handed the phone to my daughter Jamie and I
8 could tell in her voice, her nose and whatnot, her
9 breathing, that she didn't sound good. And knowing that
10 she didn't look good, and --

11 Q What was the --

12 A -- I said, Jamie, are you alright? And suddenly
13 the phone fell to the ground, and I heard running and Ian
14 on the phone chasing my daughter. They were going through
15 the weeds. Sounded like the weeds. Jamie, I'm going to get
16 you. Jamie, come back. Jamie, don't run from me. Jamie,
17 Jamie, Jamie. And I got on the phone and called 9-1-1.

18 Q Okay. And what did you tell 9-1-1?

19 A My daughter's being chased by somebody. I don't
20 know where they're at. Please help me. You know, he's
21 going to kill her.

22 Q What are you feeling like when this is
23 happening?

24 A In shock. Just totally helpless.

25 Q And where are you physically when these phone

1 calls are happening?

2 A In my kitchen at home.

3 Q Okay. And when you call 9-1-1, do you stay at
4 home, or do you do something else?

5 A No, I called 9-1-1 and then it -- it went to the
6 state police barracks and -- and it was such a panic, he's
7 still chasing her on the phone. I put the phone up to the
8 other phone so the troopers could hear him yelling at --
9 Jamie, come back. Jamie, this, that. And I got back on the
10 phone and nobody was -- the troopers weren't on there. I
11 got disconnected or whatnot.

12 Q So, then what do you do?

13 A In a panic, I run down into -- to my van and get
14 my van. I was going to drive to the state police barracks
15 and talk to them.

16 Q What kind of car do you drive, Mr. Teagarden?

17 A It's a white Mercedes van.

18 Q Is a big van? Little van?

19 A Big van.

20 Q Does it look like a passenger van?

21 A It's a cargo van.

22 Q And so, you get in your van and you're about --
23 you're wanting to drive to the barracks?

24 A Right.

25 Q Okay. Does anything happen at all while you're

1 on your way to the state police barracks?

2 A The phone rings.

3 Q Your cell phone?

4 A My cell phone.

5 Q Okay.

6 A Strange number, I don't know who -- where it
7 came from, but I answer.

8 Q And who is it?

9 A Jamie.

10 Q And what does Jamie say?

11 A Dad, come and get me.

12 Q Okay. And then what do you do?

13 A She said, Dad, I'm at Sheetz. Come and get me. I
14 don't know what Sheetz, but then -- I think she repeated,
15 the one by Walmart.

16 Q Okay.

17 A So, I head to Sheetz.

18 Q Okay. Were you close?

19 A Twomiles, three miles away.

20 Q So, how long do you think it took for you to get
21 there?

22 A Not very long.

23 Q And when you arrive at the Sheetz, what do you
24 do?

25 A I pull in the parking lot and look around to see

1 what's going on outside. Nothing was going on outside. So,
2 I go and go through the front entrance, and was --

3 Q You see Jamie?

4 A Yes.

5 Q And what -- how did Jamie appear to you when you
6 saw her?

7 A It was disgusting. She was pummeled. She didn't
8 look human. She looked like -- a pumpkin on her head. No
9 eyes, no nose, no mouth. Just swollen. Just inhuman.

10 Q And as her father, how did you feel?

11 A I grabbed her and I -- Jamie, Jamie. Who did
12 this? What did this? And there was a bunch of kids sitting
13 there and I -- I just turned -- turned her to them, you
14 know -- who did this to her? Who did this to her? And
15 Jamie repeated, Ian.

16 Q And so, you were trying to talk to the kids that
17 were there?

18 A Right.

19 Q Okay. And at -- how long do you stay at Sheetz
20 for?

21 A She wanted to leave.

22 Q She wanted to leave? Where did she want to go?

23 A Any -- just leave.

24 Q Okay.

25 A Cause she just wanted to leave, but I said, no,

1 we're going to wait for the police.

2 Q And what is she doing or what does she do --
3 how's she acting when you tell her, we're going to wait
4 for the police?

5 A Just cry -- you know, I couldn't tell. She was
6 unrecognizable. I was just holding her and -- and -- and
7 my goodness gracious, you know.

8 Q Did she want to talk to the police?

9 A Well, there were some things that happened
10 before that.

11 Q Okay.

12 A All of a sudden there was banging on the window,
13 and I looked and -- and it was Ian. He was yelling
14 something at Jamie. Jamie. And I looked at the kids, I
15 said, is this -- help me. Let's get this guy. And I
16 proceeded to run outside, and he was running to a vehicle
17 from me, and he got in the vehicle, and I wanted to grab
18 him to hold him until the police came, but I -- I stopped
19 because I thought, if he has a gun, I stick my head in the
20 window, my life's over with.

21 THE COMMONWEALTH: Your Honor, I would ask for
22 permission to pull up clip number fourteen dash zero-zero-
23 two which has already been admitted into evidence as
24 Exhibit 24.

25 THE COURT: Exhibit 24 is -- is clip number

1 fourteen as I see it, so let's go ahead and play that one.
2 You want to take care of the lights?

3 BY: MS. WERNER

4 Q Mr. Teagarden, I want you to watch this clip,
5 please?

6 A Okay.

7 *(Commonwealth Exhibit 24 begins at 10:17:09.)*

8 THE COURT: This -- seems like it's about two
9 minutes.

10 BY: MS. WERNER

11 Q Can you -- do -- do you know that van?

12 A That is my -- that is my van.

13 Q Have you seen this video before, Mr. Teagarden?

14 A No, I have not.

15 Q Did we see you go inside the Sheetz?

16 A I just did. Yes, I did.

17 Q Okay. And during this time when you walk into
18 Sheetz, who are you talking with? Are you talking to
19 Jamie?

20 A Walking into Sheetz? Nobody. I was talking to
21 nobody.

22 Q And then you come into contact with Jamie?

23 A As soon as I went through the front door.

24 THE COMMONWEALTH: Can you pause it?

25 *(The video is paused at 10:18:29)*

1 BY: MS. WERNER

2 Q And that right there?

3 A Yes.

4 Q Is that --

5 A That's when he was yelling at me or Jamie or who
6 knows.

7 Q So, could you see him through the window?

8 A No, I couldn't. I just -- no.

9 Q You said you heard pounding?

10 A I -- yes.

11 Q Okay. And then what did you do from that point?

12 A Looked at all the teenage boys there and said,
13 help me. Let's get him. Look what he did to my daughter.

14 Q Okay.

15 THE COMMONWEALTH: You can play.

16 *(The video resumes at 10:19:01)*

17 THE COMMONWEALTH: Can you pause, please?

18 *(The video is paused at 10:19:30)*

19 BY: MS. WERNER

20 Q Mr. Teagarden, we saw you come out of the
21 Sheetz, is that correct?

22 A Correct.

23 Q Did you have to hop the barrier?

24 A Yes, I did.

25 Q And when did you approach that vehicle?

1 A I just did right -- instantly.

2 Q And who did you see inside that vehicle?

3 A I grabbed ahold of the door to open the door and
4 it was locked. But it was Ian's mother staring right at
5 me.

6 Q Did you see Ian in that vehicle, too?

7 A Yes.

8 Q And did you say anything?

9 A Just yelling, stop, stop.

10 Q And did she stop?

11 A No, she didn't. She drove away and practically
12 knocked me over.

13 Q Okay.

14 THE COMMONWEALTH: You can play.

15 *(The video resumes at 10:20:13 and concludes at*
16 *10:20:23.)*

17 THE COMMONWEALTH: Thank you.

18 BY: MS. WERNER

19 Q Mr. Teagarden, did your -- did Jamie, to your
20 knowledge, report anything that evening at Sheetz to the
21 police?

22 A I don't believe so. I went with a couple
23 troopers -- there's a couple troopers went over to talk to
24 Jamie and -- it was Trooper Barnhart -- informed me that
25 she didn't want to press charges.

1 Q And how did that make you feel?

2 A I was terrified, and it was just unbelievable
3 that someone would do that to you and --

4 Q Were you --

5 A -- I have -- I have no idea of the control he
6 had over her that she didn't want to press charges.

7 Q Did the fact that Jamie didn't want to press
8 charges -- did it frustrate you?

9 A Absolutely.

10 Q And so, what happened that night between you and
11 your daughter? Did she go home with you?

12 A Took her home and put her in the basement and I
13 had my brother Bob, who is a retired state trooper -- he
14 came down to -- to look at her, and he took a picture of
15 her and told her, you're going to testify or --

16 MR. JEFFRIES: Objection. Objection. This is
17 hearsay.

18 THE COURT: Okay.

19 BY: MS. WERNER

20 Q Without telling us what --

21 THE COURT: Sustain the objection.

22 THE COMMONWEALTH: Thank you, Your Honor.

23 BY: MS. WERNER

24 Q Without telling us what Uncle Bob told Jamie, I
25 want to know what you said to Jamie?

1 A You need to testify. This is sickening. This is
2 -- this is not right. You know, he's --

3 Q And --

4 MR. JEFFRIES: Your Honor? Your Honor, may we
5 approach?

6 THE COURT: Sure. Let's have you step down for a
7 second, Mr. Teagarden.

8 MR. TEAGARDEN: Step down?

9 THE COURT: Just so you can't hear us very well.
10 And then, ladies and gentlemen, make a little bit of noise
11 and --

12 *(Sidebar 2 begins)*

13 THE COURT: -- go ahead.

14 MR. JEFFRIES: When he mentioned that Bob
15 Teagarden was a State Trooper, I feel that was prejudicial
16 to my client. Tends to show that --

17 THE COURT: I don't think it is particularly. But
18 actually I was surprised you objected --

19 MR. JEFFRIES: Say again, Judge?

20 THE COURT: -- I thought -- I thought it sort of
21 fit into your defense to say that Bob had said you're
22 going to testify, that's why I was somewhat surprised that
23 you objected, although the ruling was appropriate. I can
24 tell them to disregard that --

25 THE COMMONWEALTH: You can give them a cautionary

1 instruction. I don't think it's harmful.

2 THE COURT: Just that he has no more -- no more
3 durative weight than any other citizen and he's not
4 instructed(*indiscernible*).

5 THE COMMONWEALTH: Do you want me to tell him
6 that real quick, too, before I -- or we --

7 THE COURT: No, just --

8 THE COMMONWEALTH: Okay.

9 THE COURT: Do you want anything like that? I
10 don't think it's a critical thing but may be something you
11 want to ask on cross. You tell me. I mean, I don't think
12 it's particularly objectionable, but you're steering the
13 ship for the defense. So, if you want me to give them an
14 instruction, I certainly will.

15 MR. JEFFRIES: No. That's okay.

16 THE COURT: Yeah, I think -- I see that. I mean,
17 I see -- either way.

18 MR. JEFFRIES: Yeah.

19 THE COURT: I think either one of those are
20 reasonable decisions. Okay. Sounds good.

21 (*Sidebar 2 concludes*)

22 THE COURT: Okay, mister -- where'd you go --
23 Teagarden, come on back up. Have a seat here again. Ladies
24 and gentlemen, thanks for your efforts at noise and it
25 does help me a lot. And the last question, there was an

1 objection, or I think counsel asked to approach. So, no
2 ruling by the Court. We're going to move on.

3 THE COMMONWEALTH: Thank you, Your Honor.

4 BY: MS. WERNER

5 Q Mr. Teagarden, I want to know -- you indicated
6 that you were telling Jamie that she needs to testify, and
7 she needs to press charges?

8 A Absolutely.

9 Q Did you -- when you were having this
10 conversation --

11 THE COURT: Mr. Teagarden? Pull that microphone
12 up. It's just picking up your breath and we'll be able to
13 -- I know we'll be able to hear you, so talk loud.

14 MR. TEAGARDEN: I'll talk loud.

15 THE COURT: Yep. Go ahead.

16 BY: MS. WERNER

17 Q Was this an emotional conversation?

18 A *(Indiscernible)*, very much.

19 Q Express to us the circumstances of -- of your
20 emotions? Her emotions?

21 *(The Court adjusts the witness microphone*
22 *placement.)*

23 THE COURT: Don't get nervous.

24 MR. TEAGARDEN: Okay.

25 THE COURT: That's good.

1 BY: MS. WERNER

2 A You know, as a father and a parent, and -- and
3 you see something happen to your daughter like this, and -
4 - there's only one route to go. You've got to testify and
5 get this behind you to heal and help the family. It
6 affected me as much as it -- the physical damage to her.
7 It was just a terrible, terrible thing.

8 Q Let me ask you this directly, did you tell Jamie
9 in any way, or infer to her, taking your life over this if
10 she didn't move forward?

11 A Yes.

12 Q And tell us about, you know, your state of mind
13 during that comment?

14 A I was helpless, frustrated. Standing there as
15 she was in the hospital bed -- and I just had enough. And
16 it was -- I don't know if it was a threat that I was going
17 to take my life, or I really was. I'd had enough and --
18 and -- and I just said, I've had enough. I'm going to go
19 home and blow my head off, and that was it.

20 Q Did you help convince Jamie to go to the
21 hospital at least?

22 A Yeah, (indiscernible).

23 Q Okay. And she --

24 A Well -- well, yes. Yes, I did.

25 Q Well, cause we know she went to the hospital?

1 A That was her girlfriend Katie --

2 Q Okay.

3 A -- convinced her.

4 Q Okay. So, did you take her to the hospital?

5 A No. No, her girlfriend Katie took her to the
6 hospital.

7 Q Okay. And then, how did -- so then how did you
8 find out that Jamie was in the hospital?

9 A Her girlfriend. I called -- called her
10 girlfriend Katie and she told me that she had her at AGH.

11 Q And when you arrived, do you know whether it was
12 before or after Jamie was admitted?

13 A When I arrived at the hospital?

14 Q Yes.

15 A I knew she was admitted, yeah. I mean, I --

16 Q And when you arrived, had she already told
17 hospital staff what had happened to her or were you
18 present?

19 A I was not present for that, no.

20 Q Okay. And what's your recollection as to how the
21 police were called for Jamie to speak with them at the
22 hospital?

23 A There -- there was a -- a group of ladies there
24 for domestic violence, and whatnot, that was talking to
25 her, and I thought they were going to help out and they

1 were going to help her do the right thing, I would have
2 somebody on my side, and nothing ever materialized. It was
3 -- I think Jamie told them she wasn't going to do anything
4 about it.

5 Q Okay.

6 A And so, they (*indiscernible*).

7 Q So, how -- how were the police finally called
8 for Jamie to speak with them? Do you know?

9 A I'm not sure if I made contact with the state
10 police or they might have called me.

11 Q You don't know --

12 A I don't know. It just happened.

13 Q Okay.

14 A I think they were looking, you know, to -- to --
15 to -- for the investigation of it and they made contact
16 with me, hey, what's going on.

17 Q Mr. Teagarden, did you threaten to cut Jamie off
18 financially? Did you threaten to kick her out of a house
19 for her to live in? Did you threaten to cut off all
20 communication with her if she did not talk to law
21 enforcement about what happened to her?

22 A Yeah. Yes, I did.

23 Q And tell us why you did that?

24 A Because I love my daughter and it was the right
25 thing to do, and nobody's going to abuse my family and

1 beat them to a pulp like that without -- you know,
2 repercussions, and something needed to be done.

3 Q Okay.

4 A And she was -- not supposed to be in contact
5 with Ian and I found out through test messages that he was
6 contacting her and trying to get her to change her story
7 of what happened.

8 Q While that frustration was happening, at any
9 point, did you threaten these things in order for her to
10 make up a lie about Ian doing this to her?

11 A Absolutely not. I knew what happened. I knew he
12 -- he was involved. This is what happened. Just testify.
13 And no, I did not tell her to lie, to make up anything
14 about this. No.

15 Q You stated that you didn't know Ian before this
16 incident?

17 A Absolutely not.

18 Q At any point during this process, did you ever
19 have any conversations with Jamie or force her to make up
20 any lies or force her to testify about the truth?

21 A No. No. I never forced her to make a lie. I
22 would never do that. It's just not -- there was nothing to
23 lie about.

24 THE COMMONWEALTH: May I have a moment, Judge.

25 THE COURT: Sure.

1 THE COMMONWEALTH: Thank you, Your Honor. I would
2 offer this witness for cross-examination. .

3 THE COURT: Mr. Jeffries, any questions?

4 MR. JEFFRIES: Yes.

5 THE COURT: Okay.

6 CROSS-EXAMINATION

7 BY: MR. JEFFRIES

8 Q Good morning, Mr. Teagarden. My name is James
9 Jeffries and I represent Ian Nakonechni.

10 A Good morning, James.

11 Q Thank you for being here.

12 A Yes.

13 Q Now, I -- I have a few questions that kind of
14 clear -- up a -- need things to be cleared up. You
15 indicated that you did not know Ian until the incident at
16 Sheetz on the 27th?

17 A No, no. The incident where he came and picked
18 her up in the driveway.

19 Q So, you did know Ian?

20 A Yes, I knew that he --

21 Q How?

22 A -- I didn't know him, but --

23 Q You knew of him?

24 A -- that was the name that was given to me who
25 Jamie went with.

1 Q How -- how did you know that?

2 A I wanted to know where she went and who she went
3 with, and so, I just started calling around.

4 Q And when -- when did you start calling around?

5 A I don't know, within a week.

6 Q Of the incident?

7 A Of when he picked her up and -- and -- and --

8 Q Okay. So, --

9 A To -- to -- to know who -- who Ian, I -- I got -
10 - I looked up the phone number and found his mother's
11 phone number, and I called her just to talk -- to see what
12 was up with --

13 Q Well, when did you do that?

14 A Oh, within the week that she didn't go to rehab
15 and he was the one that drove down the driveway and she
16 went with him.

17 Q When did that happen?

18 A I have no idea. I don't know the dates. It was
19 in the summertime.

20 Q Well, I thought you testified it was in February
21 of 2022?

22 THE COMMONWEALTH: Objection. That's
23 mischaracterizing his testimony, Your Honor.

24 MR. JEFFRIES: Did --

25 THE COURT: Overrule. I mean -- we'll get it

1 sorted out.

2 BY: MR. JEFFRIES

3 Q Did you not testify after a question from Deputy
4 Werner, she said let's talk about the events in February
5 of 2022, and you indicated you never met Ian?

6 A Okay.

7 Q And that you first heard about him when she was
8 supposed to go to rehab at seven A.M. --

9 A Correct.

10 Q -- with her -- that Ian came down the driveway
11 and she was gone? So, what date was that?

12 A I have no idea.

13 Q Was it in February?

14 A I don't recall.

15 Q Was it cold out?

16 A I don't recall.

17 Q Okay. Now, you indicated that Jamie resided in
18 the North Side?

19 A Of Pittsburgh?

20 Q Yeah?

21 A She's resided in a lot of places.

22 Q So, where -- where -- where did Jamie reside?

23 A It was Springhill section of Pittsburgh on the
24 North Side is where this apartment was.

25 Q Okay. Were you ever at that apartment?

1 A When I went to pick her up to take her to
2 dinner, yes. Yes.

3 Q On those Fridays?

4 A Yes.

5 Q When did this plan for Fridays come up?

6 A I don't know the date. It -- it -- it just -- it
7 was -- we just wanted to get together. I wanted to take
8 her to dinner and -- and -- and make sure she was alright.

9 Q Okay. Well, isn't it true you testified that
10 this was a way to try to get you -- her back in your life
11 and try to get her off the addiction?

12 A Correct.

13 Q Okay. So is that the answer to my last question
14 then?

15 A Yes.

16 Q Oh, okay. But you don't know when that started?

17 A No, it's -- it's been two years. I don't keep
18 track of the dates or times. It -- it -- a period in our
19 life.

20 Q Okay. So, let's -- let's -- despite what you
21 just said notwithstanding, let's go back in time.

22 A Okay.

23 Q You indicated that unfortunately Jamie got into
24 heroin from a boyfriend, introduced it to her when she was
25 a senior in high school. Do you recall what year that was?

1 A Nineteen -- 2005? '07? No. I -- I -- I don't --
2 no, I don't recall when she was a senior in high school,
3 no.

4 Q Okay. Well, would you agree that it's been a
5 long time?

6 A Oh, absolutely.

7 Q Gotcha. And as part of her addiction, what are
8 some of the things that she did that would cause, as you
9 said, family members to abandon her?

10 A Just being an addict and -- not following
11 through with rehab. She was --

12 Q Would she steal from you?

13 A Never from me.

14 Q Would she steal from other family members?

15 A No.

16 Q Did she steal from anybody?

17 A That I do not know.

18 Q Would she not show up where she said she'd show
19 up at times and just be generally unreliable?

20 A She would kind of just disappear.

21 Q I understand.

22 A She disappeared.

23 Q And when she would disappear, would that be for
24 long periods of time?

25 A Yes.

1 Q And when she would reappear after these
2 disappearances, would she ever be beaten up or injured?

3 A No.

4 Q Were you aware that she was engaged in
5 prostitution?

6 A No. No.

7 Q Okay.

8 A Where did you get this information?

9 Q Well, she testified to it yesterday.

10 A Oh, okay.

11 Q So, you weren't aware of that?

12 A No.

13 Q And were you aware of the recantation that she
14 gave to Mr. Ross --

15 A Yes, I was.

16 Q -- in June?

17 A Yes, I was.

18 Q Have you ever seen that statement?

19 A No.

20 MR. JEFFRIES: Your Honor, may I approach the
21 witness?

22 THE COURT: Yes, you may.

23 THE COMMONWEALTH: May we approach, Judge?

24 THE COURT: Sure. Let's -- it's about -- let's
25 take a quick break right now. Something like ten minutes

1 or something, okay? So, we'll do our best and -- it was
2 close to our mid-morning break anyway. Alright, don't
3 discuss the case with anybody to include each other. Leave
4 your notebooks and pens, please. Mr. Teagarden, you can
5 step down. Let me talk to them just a minute. Yeah. Go --
6 hey --

7 LAW CLERK: *(Indiscernible)*.

8 THE COURT: -- what?

9 LAW CLERK: It's already 10:30.

10 THE COURT: Where's -- oh, Bob, give them -- if
11 somebody wants to go out and smoke, give them enough time
12 for that. We'll make it fifteen minutes, okay? That will
13 give you all a break, too.

14 He's a classic.

15 Okay, so we're still on the record. Let me ask
16 you a couple things. First of all, I almost had you
17 approach just to say, look, you were asking certain
18 questions that I was afraid that this witness was going to
19 say that your client was in jail or something like that.

20 THE COMMONWEALTH: No, I told him -- I -- I
21 directly --

22 THE COURT: Okay.

23 THE COMMONWEALTH: -- told him not to say
24 something.

25 MR. JEFFRIES: Your Honor, --

1 THE COURT: So -- so my -- so my -- I know --

2 MR. JEFFRIES: -- video calls --

3 THE COURT: -- no, I understand that. But my poor
4 -- you know, so there were other issues that were such
5 open-ended questions that I was kind of like going to --
6 say, look, ask whatever you want, but don't ask questions
7 and then ask for a mistrial.

8 MR. JEFFRIES: My client has --

9 THE COURT: So, the question is --

10 MR. JEFFRIES: -- instructed me to say that it's
11 fine because he has nothing to hide.

12 THE COURT: Okay. So, then question then is you
13 wanted to, I guess, maybe, have some --

14 THE COMMONWEALTH: Well, just -- the relevance of
15 why we're showing the victim's recantation statement to
16 the dad when he knows that she did it, but he didn't write
17 it. He wasn't present. He wasn't there.

18 THE COURT: Yeah.

19 THE COMMONWEALTH: I don't know what the use of
20 showing him --

21 THE COURT: Well, it's relevant to ask if she's
22 been truthful. It's relevant for this and that. So,
23 there's certainly --

24 THE COMMONWEALTH: Well, to her --

25 THE COURT: -- you know, for cross --

1 THE COMMONWEALTH: -- but not to her dad.

2 THE COURT: -- well, no, he can -- no, not as to
3 the particular statement. Let's just say he can ask him --
4 he could ask -- he, the attorney, can ask -- I will say
5 that I could -- I would rule that he could ask whether she
6 is truthful in other matters, let's say. That seems
7 reasonable. If -- she says yes or no -- he says yes or no
8 -- that's sort of one issue.

9 How is the use of her statement to him relevant?
10 I don't know that it is.

11 MR. JEFFRIES: He indicated that he was not aware
12 that she was engaged in prostitution. And in the
13 statement, she indicates specifically the events that she
14 engaged in sex for money with two men --

15 THE COURT: Right.

16 MR. JEFFRIES: -- and was beaten up.

17 THE COMMONWEALTH: But why are we telling dad
18 that?

19 THE COURT: So, why -- why is it relevant to ask
20 him that though? I'm not sure that it is or --

21 THE COMMONWEALTH: I mean, that's only --

22 THE COURT: -- or not relevant or he may not be
23 competent to answer.

24 THE COMMONWEALTH: And plus, why are we
25 embarrassing dad to -- clearly give him details of

1 something that he's not fully aware of or even knew about.

2 THE COURT: Yeah.

3 THE COMMONWEALTH: I mean, there's things in this
4 recantation about my dad forced me to do this that are
5 fair game, but showing him the statement of her details
6 when he's -- he didn't make them, he's not present, he's
7 not aware, he didn't even know she was engaged in it --

8 THE COURT: Right.

9 THE COMMONWEALTH: -- is, I think --

10 THE COURT: So, the question is, is it
11 impeachment of Jamie? I'm not so sure. Is it impeachment?
12 Probably no.

13 MR. JEFFRIES: Based upon the information my
14 investigator just gave me, I'll withdraw the question and
15 I will --

16 THE COURT: Okay. So, then there is, though, this
17 area where there are pieces of that, so I don't want to
18 make a blanket ruling because it's up to you, but there
19 are pieces of that -- that -- that the Commonwealth would
20 acknowledge says, my dad was forcing me this or that. You
21 can ask those questions if you want, but -- you know,
22 that's up to you. So, at this point, we'll say there's --
23 that's not -- and Mr. Teagarden is not in the room. At
24 this point, we'll say that there's no question pending,
25 and we'll start with your next question.

1 Now, here's the -- here's where we are though.
2 We're going to give you guys ten minutes from now and
3 we'll try to get the jurors back here at ten minutes till
4 -- meaning not you guys -- in the colloquial I mean, two
5 attorneys here and others. When we come back, when this
6 cross is done, you expect to introduce -- start the
7 beginning of a 404(b)?

8 THE COMMONWEALTH: Yes, Judge.

9 THE COURT: So, let's take care of a couple
10 things and I'll make sure I still give you all ten
11 minutes. What I would intend to do is read what I believe
12 to be the only jury instruction that is -- that comes on
13 the 404(b) and that is, you've heard evidence
14 (indiscernible) -- you will hear evidence -- and I'm going
15 to do this before and probably after -- you will hear
16 evidence tending to prove the defendant, Mr. Nakonechni,
17 was involved in either an offense -- so, I guess I need to
18 know that -- or improper conduct for which they are not on
19 trial today.

20 And speaking of testimony that's known as 404(b)
21 evidence, I'll say, this evidence that would be presented
22 to you is for a limited purpose. That is for the purpose
23 of tending to show, and my intention would be to say this
24 evidence is permitted only to show a motive, opportunity,
25 intent, preparation, plan, knowledge, identity, or absence

1 of mistake or accident, and I would say that it cannot be
2 considered for you -- for any other purpose. It must not -
3 - you must not regard this evidence as showing the
4 defendant is -- person of bad character or criminal
5 tendencies from which you might be inclined to infer
6 guilt. That's the standard instruction. That's what
7 they'll get. Mr. Jeffries, that seem --

8 MR. JEFFRIES: Yeah. That's fine, Your Honor. But
9 I would also just make sure that my objection is -- my
10 continuing objection is lodged --

11 THE COURT: Okay.

12 MR. JEFFRIES: -- for purposes of appeal because
13 404(b)(2) goes on to say, in a criminal case, this
14 evidence is admissible only if the probative value of the
15 evidence outweighs its potential for unfair prejudice.
16 It's my understanding that Ms. Black in particular, based
17 upon a statement that I received from the Commonwealth, is
18 talking about events that happened in 2008. That's fifteen
19 years ago. I think that that is one, not relevant. It's
20 too far back in time. And two, if we're going to allow
21 evidence from fifteen years ago, I think that severely
22 prejudices my client. If the jury hears that, they could
23 construe that that -- and they could think that could be
24 like recent.

25 THE COURT: Okay. I don't think it's unfair to

1 say prejudicial and probative and relevance have something
2 to do with how old things are. What's the Commonwealth's
3 response there?

4 THE COMMONWEALTH: Your Honor, aside from it
5 being in 2008, the similarities to the cases involving
6 motive, lack of mistake, and common scheme are too similar
7 to rule them out. It's more probative than it is
8 prejudicial. There is a common scheme involved in each
9 victims' case and they pre-date in order from one victim,
10 to the next victim, to the next victim, to our current
11 victim.

12 So, there is case law that indicates it is
13 admissible. It is relevant -- very relevant especially in
14 cases such as this in domestic violence of sexual assaults
15 where the corroborating evidence is limited because these
16 crimes occur in private. So, when the victim is usually
17 the only eyewitness to a crime, the court finds this type
18 of evidence most probative to the Commonwealth in the
19 presentation of our case, which is why it is usually, by
20 statute, admissible at trial.

21 MR. JEFFRIES: Your Honor, I -- I -- I agree with
22 everything Ms. Werner says. She -- she's correct on the
23 law. However, it -- it just -- in this case, though, this
24 is -- this is not like the case law she's stating. This is
25 from fifteen years ago.

1 THE COURT: Okay.

2 MR. JEFFRIES: That's a long time.

3 THE COURT: Well, let me say this. I don't think
4 anybody in the room should pretend that this evidence is
5 not prejudicial. But it's the nature of all evidence
6 presented by the Commonwealth, right? Meaning --

7 THE COMMONWEALTH: I -- sorry, Judge.

8 THE COURT: That's okay. I don't think anybody in
9 the room should pretend that the evidence is not
10 prejudicial. But when you call an eyewitness and an
11 eyewitness says somebody did something to me, obviously
12 that's prejudicial.

13 THE COMMONWEALTH: It is innately prejudicial.

14 THE COURT: Yeah.

15 THE COMMONWEALTH: I mean, they clearly --

16 THE COURT: And then the question becomes, more
17 prejudicial and probative, and everybody knows, there's no
18 questions about it, that -- that the -- we do not permit
19 the Commonwealth to prove bad character to show that if
20 somebody did something on one occasion, they did that on
21 another occasion.

22 That having been said, though, and -- and given
23 -- there is certainly reluctance on behalf of all the
24 trial judges to admit that evidence unless it really fits
25 the -- the exception. And in this particular case, the --

1 I don't know if I have ever permitted 404(b) evidence
2 before. And so, in this particular case, the facts as we
3 expect them to be presented by the 404(b) evidence as we
4 had reviewed from the Commonwealth's notice of intention
5 to use 404(b) evidence are so remarkably similar to what
6 is alleged to have occurred by this alleged victim, that
7 it does come in. So, we looked at those things first.

8 The next thing, though, is in sort of the --
9 without context, I think your -- your notion of saying
10 2008 is -- what, removed in time by fifteen -- fourteen
11 years. But given the fact that there are three separate
12 women witnesses and it almost fills a timeframe of a
13 starting time and then continuing for the notion of a
14 common scheme, essentially supported by the notion that
15 jealousy is the factor that has caused this, the Court's
16 convinced by the argument of the Commonwealth that the
17 2008 circumstances relevant and permissible is
18 particularly in light of the fact that it almost then
19 becomes from 2008 up to 2022 without a whole lot of gap
20 there. So, I understand your argument. We're going to --
21 we're going to reject your request and still permit that.

22 Now -- now, a couple things happen, though. And
23 this is as good a time as any to talk about them.
24 Commonwealth, as to the -- sexual assault charges --

25 THE COMMONWEALTH: Uh-huh.

1 THE COURT: -- that are alleged today --

2 THE COMMONWEALTH: Yes.

3 THE COURT: -- you understand you're going to
4 withdraw some of those I would guess, correct? Because if
5 you look at -- and I would assume that you had thought
6 about that. But here's my -- here's my -- here's my
7 question. In the 404(b) situation -- how much -- do -- are
8 most of those 404(b) people saying they were beaten in the
9 context of a relationship? Are they also saying they were
10 sexually assaulted?

11 THE COMMONWEALTH: Yes.

12 THE COURT: Okay. Now, when I say, you know that
13 the only testimony that was considered to be non -- or at
14 least I would ask this -- non-consensual as to -- the
15 testimony has not -- does not support involuntary deviate.
16 Do you know that?

17 THE COMMONWEALTH: It does.

18 THE COURT: How?

19 THE COMMONWEALTH: The penetration of one part of
20 his body on the anus of her body.

21 THE COURT: With a finger?

22 THE COMMONWEALTH: Correct.

23 THE COURT: No, it doesn't. I don't think. Take a
24 look. Everybody's going like this, and they're shocked.
25 That's not -- I don't think it's true. Take a look. I

1 think it does not.

2 THE COMMONWEALTH: Okay. I'll take -- I mean,
3 once I go out and take a break, I'll take a look --

4 THE COURT: Yeah. So, at some point, let's do it
5 this way. You're at the close of the Commonwealth's case
6 and we're going to look, okay?

7 THE COMMONWEALTH: I -- I'm sorry, Judge, but I
8 would also -- if -- I mean, we can make --

9 THE COURT: Yeah.

10 THE COMMONWEALTH: -- that argument later, but I
11 would also argue that during her testimony, she says non-
12 consensual is the sodomy. However, there are portions in
13 her testimony where she indicated that during sex -- and I
14 remember specifically on cross-examination, Attorney
15 Jeffries asked her, so when did consensual or okay sex
16 turn into not okay? And she said, well, when he started
17 beating me. And she also testified that she was afraid
18 that if she would say no that it would only anger him
19 more.

20 THE COURT: Okay.

21 THE COMMONWEALTH: So, that is sufficient
22 testimony to -- for the jury to consider a lack of consent
23 on her part during this weekend of mixing sexual acts with
24 physical violence.

25 THE COURT: Okay. Let me give it some more

1 thought then. That may be true.

2 MR. JEFFRIES: Plus (*indiscernible*), Your Honor,
3 I would like to add on a layer that when I asked her if
4 she asked him to stop with the fingers, he stopped. She
5 acknowledged that.

6 THE COURT: Well, that goes to consent or not.

7 THE COMMONWEALTH: That's --

8 THE COURT: but -- but I --

9 THE COMMONWEALTH: -- blatant.

10 THE COURT: -- you know, if for -- when I'm
11 trying to be politically correct, we try to be -- apply
12 legal circumstance, in particular elements, what you would
13 tend to find is that elements of finger penetration would
14 be aggravated indecent which is not charged.

15 THE COMMONWEALTH: Well, if -- it's that --
16 that's finger penetration with the -- any body part. So,
17 yeah, that wasn't --

18 THE COURT: Yeah, but if you look --

19 THE COMMONWEALTH: -- well, okay. So my argument
20 for this Court is the idea --

21 THE COURT: -- oddly, involuntary deviate is not
22 --

23 THE COMMONWEALTH: -- covers the oral sex.

24 THE COURT: -- supported -- if it's -- correct,
25 if it's not consensual.

1 THE COMMONWEALTH: Correct.

2 THE COURT: So, that may be -- that may be --
3 that may be reached that threshold to a submit.

4 THE COMMONWEALTH: Correct.

5 THE COURT: Alright. So -- so what -- what --
6 okay. I will do this. As to your -- if it was filed as
7 motion in *limine* rejecting Dr. Crabtree's report or
8 otherwise sort of saying wholesale, I'm just going to deny
9 that request so that it's -- so that it is done and not
10 just lingering out there.

11 THE COMMONWEALTH: Okay.

12 THE COURT: But then of course when Dr. Crabtree
13 testifies, they'll get reminded of the similar
14 circumstances of what we said for that expert --

15 MR. JEFFRIES: (*Indiscernible*)

16 THE COURT: -- and if there's objections made,
17 we'll make them as we go, okay?

18 THE COMMONWEALTH: Can -- can -- without it
19 completely denying the entirety of the motion, --

20 THE COURT: Uh-huh.

21 THE COMMONWEALTH: -- is Your Honor willing to
22 make a ruling of certain points in his --

23 THE COURT: Where he says how does an addict --

24 THE COMMONWEALTH: He can -- I don't have a
25 problem with him testifying generically with addicts. What

1 my issue is is when he first and foremost directly speaks
2 to Jamie because he read her recantation statement. So,
3 when he specifically talks about her and opines on if her
4 recantation is true, or her recantation -- or her original
5 is true, that's improper.

6 THE COURT: Yeah, I think it probably is.

7 THE COMMONWEALTH: And the fact that he just
8 straight calls her a liar --

9 THE COURT: But I didn't read -- can see that --
10 can I see his report?

11 THE COMMONWEALTH: -- because she's a drug addict
12 is also improper.

13 THE COURT: Okay. So, when he says -- I think
14 somewhere in your motion you cite, how do you know if an
15 addict is lying? When their lips are moving.

16 THE COMMONWEALTH: Yes.

17 THE COURT: He's says that's in -- within the
18 twelve-step community. He's not saying that specifically.
19 I would have to look specifically, but if in fact it does
20 say, she's lying, then an expert's not allowed to do that,
21 right? That'd be -- that -- that -- that's in the province
22 -- I mean, that becomes -- in the -- in the area of
23 credibility that is left to the jurors. So, try not to
24 direct -- so everybody knows what the standard is. So, try
25 not, mister --

1 MR. JEFFRIES: Right. I understand.

2 THE COURT: -- Mr. Jeffries, on direct, to lead
3 him that way.

4 MR. JEFFRIES: Right.

5 THE COURT: And we all know that Dr. Crabtree --
6 we've -- I've heard him testify before. So, I'll make sure
7 that he knows what -- as best we can, we'll make sure that
8 he is directed to wait and if there's a question of her
9 saying something specific -- if you ask a question that is
10 -- that would seem to suggest that he's going to
11 specifically say something about the recantation, she'll
12 make an objection. I'll probably sustain the objection.
13 But it goes to the same issue. You can hypothetically say,
14 would an addict be less likely to tell the truth than not,
15 and all those things probably come in, okay?

16 So, at this point, let me give everybody what we
17 might call a comfort break. Have your next witness ready,
18 let's start at five minutes after eleven?

19 MR. JEFFRIES: Judge, I --

20 THE COURT: Yeah?

21 MR. JEFFRIES: -- I -- I'm sorry, I just have a
22 question on the 404(b) ruling?

23 THE COURT: Uh-huh.

24 MR. JEFFRIES: So, it -- they're going to be able
25 to testify about things that happened long ago?

1 THE COURT: Yes.

2 MR. JEFFRIES: And if he was charged or if he --
3 charged with a crime on that? That's going to allowed to
4 be -- come in?

5 THE COURT: It's true.

6 MR. JEFFRIES: I mean, prior bad acts?

7 THE COURT: Yeah. It's -- it is true. That is how
8 it works. So, if there is a conviction which, obviously,
9 in -- you know, if you're saying, look, this shouldn't
10 come in at all, I get that. But let's go the next step and
11 say, yeah, it is permitted for certain circumstances, then
12 a conviction does come in. And also, prior bad acts for
13 which there were never charges filed. And so -- so, I
14 don't think that the Commonwealth certifies the conviction
15 in the way that we do for *crimen falsi*, for instance.

16 MR. JEFFRIES: Right.

17 THE COURT: But I think we can say, yes, he was
18 convicted of that. Isn't that how you would proceed,
19 Commonwealth?

20 THE COMMONWEALTH: That is correct. So, I do --

21 THE COURT: So, we wouldn't -- you wouldn't
22 certify the convictions or anything the way we do --

23 THE COMMONWEALTH: No, no, no. I do have -- I'm --
24 - I'm actually required to have the certified convictions.
25 So, --

1 THE COURT: By case law?

2 THE COMMONWEALTH: Correct.

3 THE COURT: Or by -- not by the rule then?

4 THE COMMONWEALTH: It's -- it's -- well, it's the
5 proper way to do it by the rule and case law.

6 THE COURT: Right.

7 THE COMMONWEALTH: It doesn't go back with the
8 jury --

9 THE COURT: Right.

10 THE COMMONWEALTH: -- but it has to be admitted
11 and they will find out what the convictions are for.

12 THE COURT: Yeah.

13 THE COMMONWEALTH: I am allowed to talk about the
14 sentence, but I'm choosing not to discuss --

15 THE COURT: Right.

16 THE COMMONWEALTH: -- the penalty or sentence.

17 THE COURT: You're allowed to say the -- what
18 he was convicted of --

19 THE COMMONWEALTH: That's correct.

20 THE COURT: -- or entered a plea to.

21 THE COMMONWEALTH: That's correct.

22 THE COURT: And then you're allowed to ask the
23 person about specific events.

24 THE COMMONWEALTH: That's right.

25 THE COURT: And -- and -- I -- I -- and

1 truthfully, I will say this also on the record, that I
2 don't know how you've thought it through, but I do know
3 that when you know that that is coming in -- it -- it --
4 in some way can -- can support your defense -- and you
5 know how that would work. And I don't want to -- I don't
6 want to tip that, but I certainly can understand how that
7 could work.

8 THE COMMONWEALTH: Your Honor, --

9 THE COURT: Alright, so -- yeah?

10 THE COMMONWEALTH: -- just so the Court's aware -
11 -

12 THE COURT: Sorry.

13 THE COMMONWEALTH: Can we finish up Dad and then
14 take our lunch break? We just have to go pick up our
15 witness. No?

16 THE COURT: No.

17 THE COMMONWEALTH: Okay. Well, he's on his way to
18 pick her up anyway, so it's fine.

19 THE COURT: Pick up from?

20 THE COMMONWEALTH: Just -- it's just ten minutes
21 down the road.

22 THE COURT: Oh, yeah. No, we probably wouldn't.
23 We're getting pizza.

24 THE COMMONWEALTH: Okay.

25 THE COURT: And so the father's thing would go

1 fairly quickly, I think?

2 MR. JEFFRIES: (*Indiscernible*).

3 THE COURT: Not a whole lot left?

4 THE COMMONWEALTH: Okay.

5 THE COURT: And so, at some point, when you bring
6 in your first witness that's going to be who?

7 THE COMMONWEALTH: Well, we're going to pick up
8 Felicia. Felicia Baucum.

9 THE COURT: Felicia?

10 THE COMMONWEALTH: Baucum. B-A-U-C-U-M.

11 THE COURT: Okay. And her name was Black?

12 THE COMMONWEALTH: It was.

13 THE COURT: And Brianna Black and Felicia -- are
14 they related?

15 THE COMMONWEALTH: No.

16 THE COURT: Okay.

17 THE COMMONWEALTH: It's like some long-distance
18 relation --

19 THE COURT: And was there a conviction in the
20 case with Felicia Black?

21 THE COMMONWEALTH: There is a conviction in
22 Felicia's, yes.

23 THE COURT: And was that in 2008?

24 THE COMMONWEALTH: No. This one is 2016, Your
25 Honor.

1 THE COURT: Okay. And then the next one you would
2 call?

3 THE COMMONWEALTH: Carmen Aberregg and then
4 Brianna Black.

5 THE COURT: And I know that Carmen Aberregg --
6 there was no conviction.

7 THE COMMONWEALTH: That's correct. And then there
8 is a conviction in Brianna Black.

9 THE COURT: Okay. And that's the 2008?

10 THE COMMONWEALTH: Yes.

11 THE COURT: Okay. And so, we will say that --
12 that your offer of proof would remain as it is because
13 that's the basis of where -- our admission would be as
14 outlined in your notice of the Commonwealth's intention to
15 introduce which was filed in approximately November '22,
16 correct?

17 THE COMMONWEALTH: Correct.

18 THE COURT: Okay. So, let's go -- let me make
19 sure everybody can get to the restroom. Mr. Nakonechni, do
20 you have to use the restroom?

21 THE DEFENDANT: Yeah.

22 THE COURT: You do? Let's make it ten minutes
23 after at this point, okay? We'll reconvene at ten minutes
24 after. Then we'll break for lunch and then we'll --

25 THE COMMONWEALTH: Thank you, Your Honor.

1 THE COURT: -- we'll keep going. And you still
2 have Dr. Crabtree coming around three?

3 MR. JEFFRIES: You -- you told me three.

4 THE COURT: Yeah.

5 MR. JEFFRIES: I can see if he can come earlier
6 if you want?

7 THE COURT: No, no. That's fine. I don't have any
8 sense of how long these 404(b) witnesses. I could see that
9 they could go quickly or not. On your direct, do you
10 expect ten or fifteen minutes as to each or do you have
11 any do you have an idea of the questions?

12 THE COMMONWEALTH: I mean, I have an idea of the
13 questions, but I wouldn't expect like ten -- fifteen -- I
14 would expect longer -- a little bit longer than that.

15 THE COURT: Okay, yeah. That's fine. We'll see
16 everybody at -- what did I say finally? Ten after?

17 THE COMMONWEALTH: Ten --

18 THE COURT: Ten after, okay. Thank you.

19 *(The Court takes a recess at 10:59:22 and*
20 *resumes at 11:19:08)*

21 THE COURT: Welcome back, ladies and gentlemen.
22 We're still on cross on Mr. Teagarden, correct?

23 Welcome back, ladies and gentlemen. Okay. Yeah,
24 that's right. Come on back. Break was a little longer than
25 we -- than I had wanted, but we got some things resolved

1 that might eventually streamline things, and so we
2 appreciate your time and patience.

3 So, we're -- Mr. Teagarden's returned, he's
4 still under oath, your next question, please?

5 MR. JEFFRIES: Thank you, Judge. Just for -- just
6 so for edification of everyone, I'm moving on from the
7 last question that caused the break.

8 BY: MR. JEFFRIES

9 Q Now, Mr. Teagarden, you indicated in your
10 direct testimony that a phone was used to call you?

11 A Correct.

12 Q Jamie called you and you presumed that was from
13 Sheetz?

14 A No, I had no idea.

15 Q Okay.

16 A I was on my way to the state police barracks
17 just to see if I could get help, figure this situation
18 out. My daughter was being chased. I had no idea where she
19 was at. 9-1-1 couldn't -- you know, they hadn't --

20 Q Okay.

21 A -- (indiscernible) what to do and I was just in
22 my vehicle, drove out the driveway, and my cellphone rang.

23 Q So, how did you get the impression that your
24 daughter was being chased -- I think you said, running
25 through the weeds being chased?

1 A Well, you could hear on -- on my phone he was
2 yelling, Jamie, come back. And then -- then you heard --
3 you heard the weeds and the footsteps and it -- just like
4 a made for movie -- T.V. movie (*indiscernible*).

5 Q Okay. Were you aware of the video that was shown
6 yesterday showing that nobody was actually being chased?

7 A No. No, I wasn't aware of it.

8 Q Okay.

9 A No, I was not aware of that.

10 Q Were you made aware of a video -- I think it was
11 another clip that showed Ian and Jamie, with Jamie being
12 on the phone, I presume that's the phone call you're --
13 you're referencing?

14 A No. The phone call that I received that she said
15 she was at Sheetz, she went in and there was a group of --
16 she told me this, now --

17 Q I understand.

18 A -- so I don't know if it's hearsay or whatever.

19 Q I understand. It's okay.

20 A That she slid in -- there were a group of girls
21 there and a group of teenage boys there, and she slid in
22 and was sitting in the seat and had asked the girls if she
23 could use their phone. They said, no. She turned to the
24 boys and the boys said --

25 Q Right.

1 A -- here's the phone.

2 Q Right.

3 A So, that's the phone call I got --

4 Q Right. And that's --

5 A -- to come and get her.

6 Q -- where -- okay. We understand that. But I'm
7 just asking specifically about when you indicate that you
8 knew that she was running through the weeds and being
9 chased, and you heard things?

10 A Yes.

11 Q So, despite telling you about a video showing
12 the exact opposite, you're -- you're -- that's still your
13 -- I mean, is there any room for a mistake?

14 A What do you mean the exact opposite?

15 Q Well, the video shows no chasing.

16 A Which video?

17 Q The video of Sheetz. The Commonwealth produced a
18 video of Sheetz yesterday that showed Ian and Jamie --

19 A Talking on the phone?

20 Q -- on the phone in like I would say a vestibule
21 --

22 A Okay.

23 Q -- like when you go in the front door there's
24 like that -- those --

25 A Okay.