

1 IN THE COURT OF COMMON PLEAS OF ARMSTRONG COUNTY,

2 PENNSYLVANIA

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4 COMMONWEALTH OF	) NO. CP-03-CR-0000751-2022
PENNSYLVANIA	) CP-03-CR-0000760-2022
	) CP-03-CR-0000761-2022
5 Vs.	) CP-03-CR-0000762-2022
	) CP-03-CR-0000786-2022
6 ZACHARY WILLIAM BAUM	)

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8

9 PARTIAL TRANSCRIPT OF PROCEEDINGS  
(No opening statements)

10 (Jury Trial)

11

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13 BEFORE: HONORABLE CHASE G. McCLISTER

14 - - - - -

15 September 25, 2023  
16 Day 1 of 7

17 - - - - -

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19 Courtroom No. 2  
20 Armstrong County Courthouse  
Kittanning, PA

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2 COUNSEL PRESENT:

3  
4 For the Commonwealth:

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10 For the Defendant:

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WITNESS: VERONIQUE VALLIERE

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EXHIBIT INDEX

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P R O C E E D I N G S  
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(At this juncture, opening instructions were given by Judge McClister and opening statements were given by attorney Daniel Gleixner and attorney Joseph Hudak.)

THE COURT: Is the Commonwealth ready to call its first witness?

MS. RICE: Yes, Your Honor. The Commonwealth call Dr. Veronique Valliere.

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VERONIQUE VALLIERE  
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a witness herein, having been first duly sworn, was examined and testified as follows:

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DIRECT EXAMINATION  
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BY MS. RICE:

Q. Doctor, could you please tell the Jury your first and last name and spelling your name for the record.

A. Yes. Dr. Veronique Valliere, V-E-R-O-N-I-Q-U-E, V-A-L-L-I-E-R-E.

Q. What do you do for a living?

A. I am a clinical and forensic psychologist. The

1 clinical part is I do diagnoses, assessment and treatment  
2 in the field of psychology. The forensic part is coming to  
3 court and doing things like that. I am on Megan's Boards,  
4 so try to explain to the Court how psychological concepts  
5 fit in with legal concepts, like sexually violent predator  
6 isn't a diagnosis but I have to explain what diagnoses make  
7 people a sexually violent predator. Forensic psychologist  
8 kind of marries psychology and the law hopefully.

9 Q. Can you tell us a little about your educational  
10 background.

11 A. Sure. I have a Bachelor's in Psychology that I  
12 received in May 1987 and a Doctorate in Clinical Psychology  
13 that I received from Rutgers University in January 1993.  
14 Then I did the supervision and training hours to become  
15 licensed as a psychologist in Pennsylvania in 1995 and I  
16 have been licensed since that time.

17 Q. Could you tell us about some of your training and  
18 experience in this field after you received all of your  
19 education?

20 A. Well, to stay licensed you are required to do 30  
21 hours of continuing education credits every two years. I  
22 received supervision after licensure. As part of the Sex  
23 Offender Board, I am required to be continually trained in  
24 sexual assault, sex offending, victimization; so, I have  
25 received hundreds and hundreds of continuing education

1 hours by now. I also do a lot of self-study because I  
2 provide a lot of training. I am an approved trainer for  
3 the American Psychological Association and things like  
4 that, so I have to stay on top of the field in the areas I  
5 train in.

6 Q. In addition to your education and training what  
7 type of day-to-day experience do you have in the area  
8 dealing with victims or predators of sexual offenses?

9 A. I have two outpatient clinics in Allentown. At  
10 one we treat victims as young as three and four years old  
11 up to adulthood. Then in one we treat violent offenders,  
12 including sexual offenders, domestic violence offenders,  
13 people who commit child abuse. So, I both see my own  
14 clients and perform evaluations and assessments and  
15 supervise the work of all of the clinicians under me. I  
16 believe I have five now.

17 In doing my work, including the work on the  
18 Pennsylvania Sexual Offenders Assessment Board, where I  
19 have been a member since 1979 and have been appointed since  
20 then, I worked with literally thousands of offenders and  
21 hundreds and hundreds -- probably in the thousands of  
22 victims of now, either performing the care, doing  
23 evaluations or supervising the care of victims and  
24 offenders.

25 Q. With respect to treating victims or counseling

1 victims in a clinical setting, do you hear their stories of  
2 how, when, where they were victimized?

3 A. Absolutely. I not only hear that from victims  
4 that I have worked with, but I hear it from the offenders  
5 as well, so I learn a whole lot about how victims act and  
6 respond, not just from people saying they were victims but  
7 also offenders who have been convicted and are  
8 acknowledging that they victimized others and describe the  
9 course of that victimization.

10 Q. Have you -- as you are here today, have you  
11 testified previously on this issue of victim behavior and  
12 response to -- I guess, before during and after sexual  
13 assault?

14 A. Oh, yes.

15 Q. Could you talk a little about your -- where you  
16 testified and how many times?

17 A. I have testified dozens of times in Pennsylvania  
18 but I have also testified across the country in numerous  
19 other states as well as numerous times for the US military,  
20 all of the branches in Courts-Martial.

21 Q. In your continuing education, your training and  
22 your experience do you communicate with and learn from  
23 other experts in your field that do similar work?

24 A. Oh sure, yes.

25 Q. Have you taken your education, training and



1 experience and have you published any books, articles,  
2 anything of that nature?

3 A. Yes. I published a book chapter on -- my very  
4 first thing was Alcohol With Dissertations on Alcohol and  
5 Sexual Assault. Then I published an article on the  
6 non-stranger rapist. I have recently published three books  
7 regarding victims, perpetrators and the criminal justice  
8 system. I have written some other book chapters on victim  
9 response and a recent article on a subgroup of individuals  
10 called incels for educations.

11 MS. RICE: Your Honor, at this time I would  
12 offer this witness for cross-examination for the purposes  
13 of voir dire on her expertise as a forensic psychiatrist.

14 THE COURT: Mr. Hudak.

15 -----

16 CROSS-EXAMINATION

17 -----

18 BY MR. HUDAK:

19 Q. Hello. It is nice to meet you, ma'am. Would you  
20 explain what voir dire is? It is sort of like your  
21 qualifications?

22 A. Sure.

23 Q. What I would like to discuss -- the next part --  
24 the next part is about your conclusions of your research.  
25 For the voir dire, I would like to discuss with you the

1 methods that you used for your research. Would that be  
2 right?

3 A. Sure.

4 Q. Now, in your report, ma'am -- I will give you a  
5 copy. I will give everyone a copy -- you explain on the  
6 first page your background and qualifications, correct?

7 A. Correct.

8 Q. I think the Commonwealth has that. I highlighted  
9 a little section of your background and qualifications.

10 MR. HUDAK: What I would like to do, Your  
11 Honor, if Ms. Valliere would identify that, I would move  
12 the admission of the first page only as to her background  
13 and qualifications. In other words, I don't want to put  
14 the whole report in just yet. I want to talk about her  
15 qualifications.

16 THE COURT: Is that your report?

17 THE WITNESS: It appears to be a complete  
18 signed copy, yes.

19 THE COURT: Any objection from the  
20 Commonwealth?

21 MS. RICE: No, Your Honor.

22 THE COURT: We will put that into evidence as  
23 Defendant's Exhibit A.

24 (Defendant's Exhibit A was marked for  
25 identification.)

1 BY MR. HUDAK:

2 Q. All right, ma'am. The part that I highlighted,  
3 would you read that please. Just the first sentence, "I  
4 gained my knowledge" --

5 A. "I gained my knowledge through my own studies as  
6 well as my clinical work treating hundreds of victims of  
7 assault."

8 Q. So, that is what I wanted to discuss with you,  
9 just as the first part of the voir dire. I am happy to  
10 meet you. I appreciate you coming so we could talk about  
11 this. Now, the first thing that you tell us about your  
12 research is "I gained my knowledge through my own studies."  
13 That is the first thing, right?

14 A. Right. All of the studying I have done to learn  
15 about victims, all of the research I did to write my books,  
16 all of the books that I have read.

17 Q. Ma'am, I will show you this. This is your book,  
18 correct?

19 A. Right.

20 Q. That is titled *Understanding Victims of*  
21 *Interpersonal Violence: A Guide For Investigators and*  
22 *Prosecutors*, correct?

23 A. Yes.

24 Q. That is a 145-page book, correct?

25 A. I don't know how many pages it is. I trust you.

1           Q.    That would be for people like the people sitting  
2           at the prosecution table, police and prosecuting attorneys,  
3           correct?

4           A.    It is not only for them.  There are some  
5           suggestions for them, yes.

6           Q.    In fact, you have dedicated the book to the  
7           prosecutors, correct?

8           A.    In my dedication I did not dedicate it to those  
9           prosecutors.

10          Q.    I understand not to those but to other  
11          prosecutors.  If I understood you, to all prosecutors you  
12          dedicated your book, correct?

13          A.    I am sorry.  I wrote a book to assist people to  
14          interview victims, understand interpersonal violence.  I am  
15          not sure what my dedication specifically says.  I dedicate  
16          it to particular prosecutors.

17          Q.    Additionally, it is dedicated to the prosecutors  
18          I have worked with who have taught me so much and persist  
19          in the admission of justice?

20          A.    Absolutely.

21          Q.    You dedicated the book to prosecutors who persist  
22          in the admission of justice, correct?

23          A.    Absolutely.

24          Q.    Now, you said that you also authored this book.  
25          I could only download it.  I couldn't get it from a

1 bookstore. Are you familiar with that?

2 A. Sure.

3 Q. That is a book -- and you wrote that book along  
4 with a lawyer from Philadelphia; is that right?

5 A. No. She is a lawyer from Chicago.

6 Q. A lawyer from Chicago. She now is the head of a  
7 strong advocacy organization; is that correct?

8 A. No.

9 Q. She trains all of the military -- let me ask  
10 you --

11 MS. RICE: I am going to object to the  
12 relevance of what a coauthor's job is for voir dire of this  
13 expert witness' qualifications to testify today.

14 MR. HUDAK: Well, Your Honor, I am trying to  
15 find out if she is a neutral expert.

16 THE COURT: I will overrule the objection.

17 BY MR. HUDAK:

18 Q. You coauthored a book titled *Successful*  
19 *Prosecution of Intimate Violence*, correct?

20 A. Correct.

21 Q. We were saying the first thing that you put on  
22 your report that you gained your knowledge from was your  
23 own studies. If I understood that, you mean dozens of  
24 publications, books, published papers; is that right?

25 A. Sure. Um-hmm.

1           Q.    So, now we are going to get into these topics in  
2           the next phase. This is the voir dire, so I am not going  
3           to get into the topics. One of the books that you refer to  
4           quite often in your book is this book, *Predictively*  
5           *Irrational*; is that right?

6           A.    I refer to that, yes. It is a great book.

7           Q.    It is a great book. Okay. So you agree with it?

8           A.    I don't know if I agree with the whole book, but  
9           it certainly has some important information in it.

10          Q.    You also refer to this book, *Why Does He Do That:*  
11          *Inside the Minds of the Angry and Controlling Men*. That is  
12          a book that you cite in your own book?

13          A.    Sure, that is one of the books.

14          Q.    That is part of what you say you gained your  
15          knowledge from. Now, in addition, you cite a large number  
16          of research articles published from research journals; is  
17          that correct?

18          A.    Right.

19          Q.    And you believe those to be reliable; is that  
20          correct?

21          A.    I assume so, yes.

22          Q.    We would hope so. If you are going to cite them  
23          in your book, you are not going to cite articles that you  
24          think aren't valid or aren't reliable, right?

25          A.    No. There is nothing in there from the *National*

1     *Inquirer* or anything like that.

2           Q.     Now, the next thing -- the next thing that you  
3     put on your paper about your background is that you reached  
4     the conclusions "through clinical work, treating hundreds  
5     of victims of assault." I think this morning you said that  
6     you can't even keep count of how many hundreds. It might  
7     be thousands. Is that what you said this morning?

8           A.     At least into the thousands, yes.

9           Q.     Hundreds or thousands of victims of assault,  
10    right?

11          A.     Correct.

12          Q.     But this is all people at your counseling center,  
13    correct?

14          A.     No. I have worked with people across different  
15    states, people during trial situations, assessments for the  
16    courts all around.

17          Q.     Your assessments for the court are for an agency  
18    that does registration for predators, correct?

19          A.     No. I never -- no. I evaluate for the court for  
20    Megan's Law, which would be the perpetrator evaluations. I  
21    never evaluate victims for that.

22          Q.     I should have said criminal defendants. I  
23    shouldn't have said victims. You evaluate criminal  
24    defendant's, criminally accused people for Megan's Law,  
25    correct?

1           A.    They are criminally convicted, yes.

2           Q.    You never -- or have you -- I can't find it.  You  
3   have never published any systematic review, like a  
4   published article, with documentation, you know, I  
5   interviewed 500 sexual assault complainants or sexual  
6   assault victims and I can say the following characteristics  
7   about each of them?  You have never published something  
8   like that, right?

9           A.    No.  I am a clinician, not a researcher.

10          Q.    You are a clinician, not a researcher.  All  
11   right.  So, what I would ask is if you would please -- I am  
12   sure you are familiar without even looking at your book,  
13   but on page 12 and then all throughout your book you cite  
14   an article published by Dr. Kimberly Lonsway.  You are  
15   familiar with that, right?

16          A.    Correct.

17          Q.    In fact, you are very familiar with it; is that  
18   correct?  That is something that you rely on.

19          A.    I wouldn't say I relied on it.  I think I  
20   discussed false allegations and some of the characteristics  
21   based in this study.

22                   MR. HUDAK:  I would, Your Honor, move the  
23   admission of this so I can talk about this with this  
24   witness.

25                   THE COURT:  Any objection?



1 MS. RICE: May we have one moment, Your Honor.  
2 I don't know that it has to be admitted for him to talk  
3 about it. He is free to ask her questions.

4 MR. HUDAK: Well, I choose to admit it so I  
5 can talk about it.

6 THE COURT: Any objection to the admission of  
7 it? It won't go to the Jury.

8 MS. RICE: No.

9 THE COURT: I will admit -- we will mark it as  
10 Exhibit B.

11 (Defendant's Exhibit B was marked for  
12 identification.)

13 BY MR. HUDAK:

14 Q. So, Dr. Lonsway is talking about a research  
15 professor at Purdue. She is talking about the Kanin Study,  
16 correct?

17 A. I would have to look at what you are referring to  
18 in the context of the whole report, not just one sentence.

19 Q. The Kanin study. Now, she is saying that this  
20 study, 41 percent of sexual assault reports are proven to  
21 be false, correct?

22 A. Yes. That is what the Kanin study says.

23 Q. And you and the author of this report, Dr.  
24 Lonsway, say that is no good. We think it is more like two  
25 to eight percent, correct?

1           A.     Correct.

2           Q.     Now, would you read what Dr. Lonsway says in  
3 rejection of the Kanin report, talking about methodology  
4 here.

5           A.     This is -- the highlighted quote?

6           Q.     The highlighted quote.

7           A.     That is not just a rejection of the Kanin study.  
8 That is her summation of all of the false report literature  
9 that has not gone through systematic study.

10          Q.     I want to make sure we all get what you are  
11 saying. She is rejecting the Kanin report and you tell me  
12 that she rejects all study that has not gone through  
13 systematic study, correct?

14          A.     That is not what I said at all and that is not  
15 what she says at all.

16          Q.     Let's read it exactly. Do you want to read it or  
17 do you want me to read it?

18          A.     You can read it but it doesn't make sense out of  
19 the context of the whole paragraph.

20          Q.     Well then you can explain that. That is okay.

21          A.     Sure.

22          Q.     You want me to read the whole paragraph. "One of  
23 the most common questions we address in training  
24 presentations and professionals" -- she is sort of an  
25 advocate like you -- "as well as personal conversation with

1 lay people is how many sexual assault reports are false."  
2 That is not what I am talking about. I don't want to talk  
3 to you yet about the substance of this stuff. I want to  
4 talk to you at her methodology when she says about  
5 methodology. This is voir dire. She says, "In research  
6 literature, estimates for the percentage of sexual assault  
7 report that are false have varied widely, virtually across  
8 the entire possible spectrum. For example, a very  
9 comprehensive review article documented estimates in the  
10 literature" -- when she says "literature," she means  
11 published reports, right?

12 A. That is my understanding.

13 Q. -- "the documentation in the literature of false  
14 reports ranged from 1.5 percent all the way in some reports  
15 up the 90 percent, correct?

16 A. That is what it says, right.

17 Q. Then as an advocate -- and you are on her side?  
18 You agree with her, right?

19 A. First of all, I am not an advocate. I am an  
20 expert and educator. Second, there is no sides here. It  
21 is this is the science that we are talking about. It is  
22 not taking sides with rigorous research.

23 Q. In fact, in regard to rigorous research you said  
24 that she rejected the Kanin study, a 41 percent study,  
25 because it wasn't a systematic documentation of the people,

1 of the alleged victims, right?

2 A. I believe you said that.

3 Q. Here is what she says -- and this is highlighted.

4 MR. HUDAK: Your Honor, if I did move the  
5 admission, I do have a copies. May I show the Jury?

6 THE COURT: Any objection?

7 MS. RICE: I am going to object to the -- I  
8 would ask for a proffer of the relevance of this line of  
9 questioning as nothing he has asked goes to this expert's  
10 qualifications and whether or not she is permitted to  
11 testify here today.

12 THE COURT: I am not going to permit you to  
13 pass Dr. Lonsway's article out to the Jury. I think you  
14 can ask the witness about it. I don't want to get too far  
15 away from her own studies.

16 MR. HUDAK: I will get there quick.

17 BY MR. HUDAK:

18 Q. This is going to talk about your methodology.  
19 So, if Dr. Lonsway said very few of these estimates are  
20 based on research that could be considered creditable, what  
21 does that mean? Believable?

22 A. Or documented in the scientific methodology.

23 Q. She says, "Most are reported without the kind of  
24 information that would be needed to evaluate their  
25 reliability. A few are a little more than published

1       opinions based on either personal experience or a  
2       nonsystematic review," correct?

3           A.     Correct.

4           Q.     Now, you told us -- am I correct that you have  
5       never done a systematic review, correct? You talked with  
6       you say hundreds of people? You don't remember how many.  
7       It could be so many hundreds you can't even remember, but  
8       you have talked to them but you have never kept any study,  
9       correct? Any documentation? Any systematic review?

10          A.     I think you are mischaracterizing -- systematic  
11       review is basically -- it could be a systematic review of  
12       the literature, a systematic review of qualifications.  
13       What this author is talking about is that people are coming  
14       to percentage conclusions about the prevalence of something  
15       without any specific studies on what is corroborated or not  
16       corroborated.

17          Q.     Well, did you know of Dr. Kanin's report?

18          A.     Long ago, yes.

19          Q.     Would you agree with me that Purdue University is  
20       a world-renowned public research university that advances  
21       discoveries in science, technology, engineering and math?  
22       Would you agree with that?

23          A.     That is its reputation.

24          Q.     The boilermakers got off to a bad start this  
25       year, the big ten. Dr. Kanin though, he was elevated to

1 the highest position in the university, correct?

2 A. I have no idea.

3 Q. Well, in his study he said 41 percent of sexual  
4 assault claims were false and you and Dr. Lonsway reject  
5 that because his study was nonsystematic. Now, you are  
6 saying that your study was nonsystematic, but we should  
7 accept your study. How does that make sense to you?

8 A. I didn't have any kind of study. I know all of  
9 this from review of other people's studies, hundreds of  
10 them as well as my work with hundreds of people.

11 Q. And there is hundreds, like Dr. Lonsway said,  
12 that range much higher than Dr. Kanin that it ranged all  
13 the way up to 90 percent of false or exaggerated reports,  
14 correct?

15 A. I guess I am getting them confused. I think you  
16 are mixing terms and using them loosely and asking me to  
17 answer questions in a very simplistic way that doesn't make  
18 any sense to me.

19 Q. You said we could not stack up Dr. Kanin at  
20 Purdue at 41 percent -- we could not stack him up against  
21 Dr. Lonsway. Did you tell me she is an advocate? She is  
22 the head of an advocacy organization, correct?

23 A. I think you are mixing up what you are saying and  
24 what I am saying. I didn't say anything about anybody  
25 stacking up or whether she was an advocate or anything like

1       that.

2           Q.    I am just really trying to get an understanding  
3       of the methodology.  If so, if we could understand your  
4       methodology, then I suppose the Court may let you talk  
5       about your conclusions.  Another study that you cite all  
6       through your book is a medical study, the Adams study,  
7       correct?

8           A.    I don't cite any Adams study all through my book.

9           Q.    Ma'am, it is all over your book.

10          A.    What is it a study about:

11          Q.    It is the very first study that you list in your  
12       reference for your very first chapter.

13          A.    It is not all over my book, but it is in my book  
14       about *Normal to Be Normal*.

15          Q.    *Normal to be Normal*?

16          A.    Right.

17          Q.    That is a famous article, right?

18          A.    It is a foundational article that basically  
19       educated us that sexual assault doesn't necessarily produce  
20       sexual injuries, even in very young children.

21          Q.    Right.  And Dr. Joyce Adams is the head of an  
22       advocacy center, right?

23          A.    I don't know.  I don't know her personally.

24                MS. RICE:  Your Honor, I am going to objection  
25       again to this line of questioning about -- every single

1        thing that this doctor ever wrote or read is not what is on  
2        trial here. She wrote a very specific report relevant for  
3        this case and he is to be cross-examining her about her  
4        qualifications to testify on that.

5                    MR. HUDAK: I am going to make an objection to  
6        her qualifications based on her methods. What I am leading  
7        to is that her methods are exactly parallel to Dr. Adams.

8                    THE COURT: I will overrule the objection.

9        BY MR. HUDAK:

10            Q. Now, tell me if I am correct. The Adams report,  
11        is says that there can be full penetration of a woman's  
12        vagina, even a young woman's vagina, with a fully erect  
13        penis without breaking the hymen. Is that a full summary  
14        there?

15            A. No, because this is a pediatric journal. It is  
16        talking about child sexual abuse. Once a hymen gets  
17        estrogenized, which is usually when somebody hits puberty,  
18        it is very different than a child's hymen.

19            Q. The title of that article, *Normal to Be Normal*,  
20        that means that -- by the way, what is peer review?

21            A. That is when other professionals review your  
22        studies.

23            Q. You do now remember that you cited Dr. Adams?  
24        You try to say in your book that you don't -- tell me if  
25        this is fair -- you don't have to have common sense



1 behavior and you don't have to have a broken hymen in a sex  
2 offense case, correct?

3 A. You certainly don't have to have a broken hymen  
4 in a sex offense case.

5 Q. Pardon me?

6 A. You certainly don't have to have a broken hymen.  
7 Hymens don't break. They are not -- people don't  
8 understand that. They don't break. I would never say  
9 that.

10 Q. But I suppose the medical term would be intact?

11 A. If it hasn't been in somehow estrogenized,  
12 stretched, perforated, ripped, torn in any other way.

13 Q. In just a second I am going to compare your  
14 methodology. On peer review and other doctor's read Dr.  
15 Adams' report, it was not good; am I correct?

16 A. I don't understand what you are asking me.

17 Q. On peer review other doctors, for lack of a  
18 better form, bashed what Dr. Adams was saying; isn't that  
19 true?

20 A. Oh, no.

21 Q. Oh, no?

22 A. There may have been some doctors that bashed it,  
23 but it is an accepted study. It is one of the studies that  
24 triggered the development of sexual assault examiners and  
25 educating people about misunderstanding about the female

1 body and how it works and how sexual injury happens or does  
2 not happen.

3 Q. I get it. What I want to do -- what I have been  
4 leading up to. I want to compare your methodology with Dr.  
5 Adams' methodology because I think that is sort of what you  
6 do. Now, tell me if I am correct. In order for Dr. Adams  
7 to be able to say that there could be full penetration --  
8 and you are telling me prepuberty -- full penetration of a  
9 prepuberty girl's vagina and the hymen would still be  
10 intact, she had to know -- she had to give a premise at the  
11 outset that there, in fact, was penetration; am I correct?

12 MS. RICE: Objection. Calls for speculation.

13 MR. HUDAK: That is logic. That is not  
14 speculation.

15 THE COURT: I am going to sustain the  
16 objection. If Dr. Adams were on the stand, I would not  
17 sustain the objection.

18 Q. Tell me if I am correct. I think this is what  
19 you yourself do. Dr. Adams -- tell me if I am wrong. Dr.  
20 Adams had no way of knowing if in truth there was full  
21 penetration of an erect penis into a young woman's hymen?  
22 She didn't have any way of knowing that. What does she  
23 title her article? She says in legally confirmed cases,  
24 correct?

25 A. Correct. So that would imply that she did have

1 conformation from the criminal justice system that the  
2 events that she described happened. That is the way you  
3 confirm things.

4 Q. Right. That is the way that we confirm things in  
5 court. We don't confirm medical things. Let me ask you --  
6 I think you kind of do the same thing. First of all, I  
7 understand that you deal with perpetrators, convicted  
8 perpetrators that you evaluate them for Megan's Law; is  
9 that correct?

10 A. That is part of what I do, yes.

11 Q. We are going to deal with them separate from the  
12 way that you deal with alleged victims. Now, the victims  
13 are the subject of your counseling; is that right?

14 A. Sometimes.

15 Q. That is where you get the information that you  
16 are bringing to us that you are saying they act predictably  
17 irrational, right?

18 A. I would never say that people act -- that is the  
19 title of a book.

20 Q. That you cite it in your own book?

21 A. Sure.

22 Q. You don't disagree with it in your own book. You  
23 cite it as an authority that you are relying on, do you  
24 not?

25 A. I cite it as a way -- this book is really great

1 at explaining different things like cognitive biases and  
2 decisionmaking -- he is a scientist too -- and on how we  
3 think about things and make decisions and the biases that  
4 rule us.

5 Q. I want to make sure I am real nice to you.

6 A. You don't have to be.

7 Q. No, I will. You say she is a scientist too?

8 A. He.

9 Q. He is a scientist too?

10 A. Right.

11 Q. Like in addition to whom? You?

12 A. I am a scientist practitioner in that I look at  
13 studies, I read research, I base my -- what we call  
14 imperially-guided opinions that are based on the body of  
15 research, much like all of your family physicians who know  
16 the science and use it to guide their treatment of you.

17 Q. Ma'am, I don't mean to question you. I am sure  
18 you are correct. If that were the case -- and what you are  
19 trying to do is educate rather than advocate?

20 A. Sure.

21 Q. If that were true, why do you call it a *Guide For*  
22 *Investigators and Prosecutors*? Even worse on the other  
23 one -- what do you call it, How to get -- where is the  
24 other one. You are writing manuals for prosecutors; isn't  
25 that true? Isn't that what you call it?

1           A.    I wouldn't call it that, but it has a lot of  
2           information about what we don't understand about sexual  
3           assault, what we don't understand about perpetrators and  
4           how sexual assault is highly under reported. It is not  
5           very easily convicted because offenders tend to exploit our  
6           ignorance and our biases. All of the way from the bottom  
7           on up people can make very serious mistakes based on that  
8           ignorance in terms of assisting a victim or prosecuting a  
9           case. It is to provide information to those individuals.

10          Q.    Let's go back to what we were saying a minute  
11          ago, that these are legally-confirmed, valid assaults. In  
12          Dr. Adams they are legally-confirmed erect penis  
13          penetrations of small hymens. In your book, the people who  
14          don't act the way people expect them to act -- is that what  
15          you are saying?

16          A.    I am not --

17          Q.    You are not following?

18          A.    No. I am not following you. Sorry.

19          Q.    So, let's talk about Dr. Adams. I will compare  
20          that directly to you. So, let's suppose that Dr. Adams is  
21          wrong -- okay, so, Dr. Adams has confirmed that 63 percent  
22          of hymens remain intact even after full penile penetration.  
23          She legally confirmed that because those people were in one  
24          way or another -- and this came out on peer review -- in  
25          one way or another they were convicted. That is how they

1 are a legally confirmed, correct?

2 A. The perpetrators were convicted.

3 Q. Right.

4 A. Not children.

5 Q. Did I say victim again? The perpetrators were  
6 convicted. Now, you have been around the legal process  
7 your whole life plus in the military. Would I be correct  
8 or incorrect that 90 percent of the cases end up in plea  
9 bargains; isn't that correct?

10 MS. RICE: I object to that. Relevance.

11 THE COURT: Sustained.

12 Q. Do you believe that it is possible -- or don't  
13 you believe. Tell me one way or another -- that a person  
14 can become a convicted rapist and, therefore, legally  
15 confirmed for Dr. Adams' study and therefore prove that an  
16 erect penis will not damage, create scar tissue or do  
17 anything to a hymen? Do you believe that just because --  
18 do you believe that people sometimes take a plea bargain  
19 and say, I will admit to it just to get out of it, just to  
20 take a plea? I don't want to risk going to trial?

21 MS. RICE: Objection to the relevance of plea  
22 bargains again.

23 THE COURT: Sustained.

24 Q. I will ask one other thing about Dr. Adams and  
25 then I will move on to your methodology. If Dr. Adams and

1        countless advocacy center doctors keep coming to court and  
2        telling juries that a person could be raped with full penis  
3        penetration, hymen intact -- no medical evidence -- normal  
4        is normal -- no medical evidence, that is normal. You keep  
5        doing that then you get convictions. Now, if the Dr. Adams  
6        study is based on legally-confirmed penetrations but some  
7        of those people really didn't do the penetration, aren't  
8        you then -- you get more people convicted and they get more  
9        and more convicted and they get even more people convicted  
10       based on Dr. Adams coming and saying what many other  
11       doctors totally disagree with; is that true?

12                   MS. RICE: Objection. Calls for speculation  
13       and compound question.

14                   THE COURT: I will overrule the objection. Do  
15       you understand the question, Doctor?

16                   THE WITNESS: I do.

17                   A.     However, there are a lot of assertions that you  
18       make like many other doctors disagree. Convictions are  
19       never made on whether the hymen is intact or not, so I  
20       can't agree with your statement that somebody can just come  
21       up here and say one piece of evidence, like a doctor saying  
22       what happened because their hymen was intact and get a  
23       conviction. That makes no sense to me.

24                   Q.     Now, in the book, *Successful Prosecution of*  
25       *Intimate Violence*, you say -- you yourself recognize --

1       that a person who is accused has a right to question his  
2       accuser, right?

3           A.     Absolutely.  If they have not -- I am not a  
4       lawyer but there are certain conditions when they lose that  
5       right as well.

6           Q.     Those conditions, whatever they are, wouldn't  
7       apply to this kind of criminal trial.  You are allowed to  
8       ask your accuser, right?

9           A.     For the most part, yes.

10          Q.     Now --

11                  MR. HUDAK:  By the way, nobody heard a word I  
12       said.  One time I did a trial and I didn't have the  
13       microphone on and I wondered if everybody heard all of the  
14       questions I asked.

15          Q.     If you are getting this information for your  
16       conclusion about these -- I really want you to tell the  
17       Court this.  If you are getting your information about what  
18       these hundreds of people told you, you haven't done any  
19       systematic study of them, you may or not agree with  
20       predictively irrational but I don't get to question even a  
21       single one of those people, right?

22          A.     I would hope not.

23          Q.     You would hope not.  Then without me questioning  
24       them how do they get our side of the story to put into  
25       perspective, put into context what they are saying?  Let me



1 give an example. Suppose that a woman that you and your  
2 methodology used to reach your or conclusions told you,  
3 yes, my husband, he raped me and he beat me. Okay. We are  
4 going through a horrible divorce. Is that a factor that  
5 you take into account in your methodology if they are going  
6 through a horrible divorce?

7 A. I am not sure what you mean by the term  
8 methodology. I didn't conduct a particular study. I am  
9 not presenting any new research. I read hundreds of  
10 articles. I have talked to hundreds of people. I have  
11 talked to hundreds of offenders who have done these things.  
12 It is not my job to -- if someone comes into counseling for  
13 me for say posttraumatic stress disorder and says, "I  
14 developed this after my husband beat me and raped me, and I  
15 divorced him because of it," my job isn't to investigate a  
16 client to see if they have been beaten and raped before I  
17 treat their PTSD. I am really getting confused by your use  
18 of the term methodology. I come to my professional  
19 knowledge based partly on what people tell me, what my  
20 experience shows and what the research shows. That is, I  
21 guess, what is my methodology.

22 MR. HUDAK: I would like to talk to her, but;  
23 if it is based on hearsay, I would make an objection, a  
24 Sixth Amendment objection, an Article 1 Section 8 objection  
25 that she can't come to court and tell us what other people

1 have told her. I would ask to strike her testimony, Your  
2 Honor.

3 THE COURT: You are offering her as an expert?

4 MS. RICE: Yes, Your Honor. It is codified in  
5 the law that she can rely on hearsay in forming her  
6 opinion.

7 THE COURT: Any objection to her being  
8 admitted as an expert?

9 MR. HUDAK: I do object, but I have some more  
10 information -- that was my constitutional objection that  
11 whoever told her these things -- I also have an objection  
12 that there is no methodology. Can we do a sidebar on that?

13 THE COURT: You can come up to sidebar.

14 (Begin sidebar discussion.)

15 MR. HUDAK: I am sorry to interrupt, Judge. I  
16 am sorry even to make this objection, but the case law is  
17 very abundant that if it is not an accepted methodology,  
18 then you can't -- not to mention the Sixth Amendment  
19 violation. She says she has no methodology and that one of  
20 the doctors that she cites in her own book rejects studies  
21 on the basis of not having a systematic methodology.

22 THE COURT: I will let you respond if you  
23 wish.

24 MS. RICE: First and foremost, this has  
25 already been decided in a pretrial ruling that her

1 testimony was proper and that she wouldn't be precluded  
2 from testifying. Defense has never actually asked her what  
3 her methodology is. He keeps saying he is going to and  
4 then talks about other people. If he wants to ask her what  
5 the methodology is and then sit down, then the Court can  
6 decide whether or not she can testify as an expert and he  
7 can address whatever he wants in his closing.

8 MR. HUDAK: Your Honor, can I put on the  
9 record an example. First of all, counsel said that -- she  
10 said in front of the jury that there is case law that  
11 allows hearsay from this expert. Now, that I have never  
12 seen. In the same manner, there is a lot of cases that I  
13 cited in the motion to disqualify her that say if there is  
14 no methodology -- if there is no -- I am trying to define  
15 what the methodology would be, a systematic review. You  
16 can't just say -- how would it be different if I had  
17 somebody that came in and said, I hang out in this bar down  
18 the street and there is a lot of hot girls and even these  
19 victims go to this bar and all of these people -- all of  
20 these guys told me that the girls exaggerate, the girls  
21 make false statements -- he is no more qualified to do that  
22 than she is. If she was a -- she called herself a  
23 scientist. If she were a scientist who conducted a study  
24 and had some statistics or had some basis -- it is just  
25 like letting a person come in and then they are just going

1 to express their opinions. "I have talked to a lot of  
2 people. Here is what they told me." She should be  
3 disqualified.

4 THE COURT: Well, the standard for testifying  
5 as an expert is that she has special training or experience  
6 beyond that that a lay person would have. I think she has  
7 established that. I am satisfied that the Commonwealth has  
8 qualified her as an expert and I will permit her to testify  
9 as an expert in clinical and forensic psychology. To the  
10 extent that you want to cross-examine her further at that  
11 point about her books and articles that she has authored,  
12 you are welcome to do that, but I am going to permit her to  
13 testify as an expert.

14 MR. HUDAK: All right. I just have a little  
15 bit more on the voir dire and then we can get into the  
16 substance.

17 THE COURT: I don't know that you need to voir  
18 dire her any further. I am going to permit her to testify  
19 as an expert. You will certainly have an opportunity to --

20 MR. HUDAK: To the extent that her bias is  
21 relevant. I want to bring that up.

22 THE COURT: You can cross-examine her after  
23 the Commonwealth conducts its direct examination.

24 MR. HUDAK: Okay.

25 MS. RICE: Thank you, Your Honor.

1 (End sidebar discussion.)

2 BY MR. HUDAK:

3 Q. For now I am not going to ask you anymore  
4 questions. You will give us your conclusions and I want to  
5 talk to you about them in detail.

6 A. Sure.

7 THE COURT: Ladies and Gentlemen, the  
8 Commonwealth offered Dr. Valliere as an expert witness. I  
9 will give you an instruction at the end of the trial about  
10 how you are to incorporate expert testimony into your  
11 deliberations as opposed to a lay witness, a nonexpert  
12 witness, but I will permit her to testify as an expert in  
13 clinical and forensic psychology. All right, Ms. Rice.

14 MS. RICE: Thank you, Your Honor.

15 -----

16 DIRECT EXAMINATION CONTINUED

17 -----

18 BY MS. RICE:

19 Q. Doctor, could you please tell us what a blind  
20 expert is?

21 A. It is I don't know a thing about the case, so  
22 what I am going to talk about is just the body of research,  
23 the factors that I am asked about. I haven't interviewed  
24 anyone. I don't know what this case is about. I don't  
25 know the perpetrator or the alleged perpetrator or victim.

1 I am just here to give you information and education to  
2 help you make your decision on this case so you don't rely  
3 on misinformation or problematic science or assumptions  
4 that we tend to have in these cases.

5 Q. Would it be fair to say that you are here to  
6 share that information based upon your training, experience  
7 and knowledge primarily about victim behaviors before,  
8 during and after a sexual assault?

9 A. Yes.

10 Q. Based upon your knowledge, training and  
11 experience are you familiar with what we would consider  
12 common myths or misconceptions versus what the actual facts  
13 are in terms of how a victim behaves before, during and  
14 after a sexual assault?

15 A. I am.

16 Q. Could you talk a little more about that, what  
17 some of the common myths are verses factually in terms of  
18 whether the perpetrator would be known to the victim prior  
19 to the assault?

20 A. Basically what we call rape myths or sexual  
21 assault myths are based on this narrative that the media  
22 presents and we all have, that a real rapist is some  
23 stranger who jumps out of the bushes and uses force and is  
24 scary and easily identifiable. The reality is that most  
25 people are sexually assaulted by someone they know, someone

1       they have a relationship with, someone they may have an  
2       attachment to, especially child victims.

3           Q.     With respect to -- what do you see in your actual  
4       practice, your clinical practice as well as things you have  
5       studied and your training and experience in terms of --  
6       what is the main difference between what we sometimes refer  
7       to as stranger danger versus a person of trust? How does  
8       that play out in terms of a perpetrator and a victim  
9       relationship?

10          A.     Well, most perpetrators seek to establish  
11       relationships with their victim, whether it is something as  
12       simple, in the adult or college world, as a dating  
13       relationship where they commit the offense or as a  
14       perpetrator of children it may be a family member or  
15       someone loved or someone who is trusted and cared for by  
16       the family of the child or the child themselves. It is  
17       sort of difficult to have access to children if you don't  
18       have a relationship with someone around that child,  
19       especially if the abuse is ongoing.

20                The best way to commit sex offenses is to form a  
21       relationship with the victim that you can then use against  
22       the victim with threats or love or bribery or things like  
23       that. The relationship is a powerful influencer. It keeps  
24       the offender from doing things that increase the likelihood  
25       that somebody will tell like snatching and releasing a

1 child. A child is way more likely to tell in some  
2 situation like that or report to the police if there are  
3 suddenly car jacked or snatched from the bushes because  
4 there is nothing between the victim and the perpetrator  
5 that the perpetrator can use to influence the victim. That  
6 is why most perpetrators form relationships with their  
7 victims.

8 Q. Based upon your training and experience,  
9 additionally with that perpetrator forming that  
10 relationship with the victim, does that in your experience  
11 allow -- or does it occur where the victim maybe lets their  
12 guard down in a situation they normally wouldn't because  
13 they developed some level of trust with the perpetrator?

14 A. Absolutely. When we are in relationships there  
15 is not only more access to somebody, there is more  
16 persuasion, there is more attachment. You do things with  
17 people you know that you wouldn't do with a perfect  
18 stranger, from something as simple and easy as decreasing  
19 your personal space so your boundaries get smaller and more  
20 slowly violated to engaging in things that you wouldn't  
21 engage with a stranger, like going for car rides or staying  
22 overnight or going for ice cream. You wouldn't just --  
23 especially a child wouldn't jump in a car with a stranger  
24 to do that.

25 As the relationship forms and the victim experiences



1 the perpetrator as nice or caring or loving or giving, more  
2 and more bond gets formed so their guard goes down, not  
3 only the guard of the victim themselves, but the guard of  
4 the people around them. The parents who trust the  
5 babysitter or the big brother or the next-door neighbor who  
6 is really good with kids, so the offender not only has to  
7 build the trust of the victim themselves, but the trust of  
8 the community so suspicion won't be raised. We have lots  
9 of examples of that in Pennsylvania like with Sandusky, who  
10 became well-known and got the trust of the whole community  
11 so that he could have access to victims do terrible things  
12 with no suspicion under the umbrella of trust.

13 Q. Are you also familiar with a -- do you see it as  
14 a common myth that a victim should take precaution to avoid  
15 being sexually assaulted versus something referred to as  
16 hindsight bias?

17 A. I am not quite sure I understand your question.

18 Q. Is there a common myth in people that aren't  
19 familiar with the routine in which offenders play on  
20 victims or the way that victims are sexually assaulted? Is  
21 there a common myth that a young girl should take  
22 precautions to make sure she is not sexually assaulted?

23 A. I think the myth is that somehow if we do XYZ, we  
24 can prevent sexual assault. Certainly there are ways that  
25 we can make ourselves safer from strangers, but it is very

1 hard to make yourself safer from someone that you trust and  
2 love or if you dating them because you would never see it  
3 coming. Sometimes what we do is we look backwards on our  
4 choices and analyze them after we know the result, right.  
5 If you drive on a rainy day and get in a car crash, you  
6 think back to yourself, Oh, I shouldn't have left. I  
7 shouldn't have drove my car in the rain. But reality is  
8 you drove your car in the rain 100 times before and it  
9 never crashed. We tend to look back on things. Victims  
10 look back on their choices and say, "If I had only done A,  
11 B and C, this wouldn't have happened," but you didn't know  
12 it was going to happen when you made that decision.

13 We have to be very careful with our own selves when  
14 we make bad decisions or we think were bad decisions to  
15 remember most victims never see it coming. It is not like  
16 people who are going to sexually assault you tell you, you  
17 know, let's go on a date. I am going to rape you at the  
18 end of the night. Do you still want to go out? We don't  
19 do that, but after it happens you are like, I should have  
20 never gone out with that guy. He was a creep. That is not  
21 how real life works. Especially when there is a  
22 relationship that seems like a trustworthy relationship.  
23 People don't see bad things coming, victims of sexual  
24 assault specially.

25 Q. Based upon your knowledge and experience from

1        what you have been told and studied, is it common for  
2        victims to call 911 or try to escape during the time they  
3        are being sexually assaulted or raped?

4                MR. HUDAK: I would object to that, Your Honor  
5        I mean really. Is it common.

6                THE COURT: I will overrule the objection.

7                A. I guess there is a number of factors that go into  
8        that, which we call clinically victim resistance or escape.  
9        One of the things is oftentimes victims are in a situation  
10       where there is no one to call. If they are getting  
11       sexually assaulted at 3:00 a.m., what is going to happen?  
12       No one is going to come. They are not going to call their  
13       mom. Also, very often it is a very confusing and  
14       disorienting and victims go through periods of disbelief.  
15       If they have known the offender and they trusted the  
16       offender and then this person is acting in such an  
17       aggressive way, they may not be able to figure out what is  
18       happening in the time that it takes to get it done. Then  
19       they may have fear of the person. They may not fight back  
20       because they may fear that that is going to provoke more  
21       injury or make the person madder. Sometimes they may think  
22       if they just give in, it will go away.

23               Then after the sexual assault there is a lot of  
24       things that go through victims' minds, whether or not a  
25       crime has been committed, whether or not they want to get

1 the person in trouble, whether or not they will be  
2 believed. There is a lot of things that influence help  
3 seeking in victims and practical reasons like who would I  
4 call or do I call 911. From the very practical, does the  
5 victim even have access to that; to the more complicated  
6 things like, is this bad enough to send somebody to jail.  
7 I might still love this person or whatever goes on. Both  
8 in the immediacy of physical resistance and escape, it is  
9 very difficult to make those decisions. Then afterwards  
10 victims may have to consider a wide variety of things that  
11 they take into account about how to move forward, who to  
12 tell and what help to get.

13 Q. Based upon your training and experience what do  
14 you find in terms of after a sexual assault, does a victim  
15 typically immediately report to the next person they talk  
16 to?

17 A. There is a lot -- not necessarily. A victim may  
18 tell somebody but we are not talking about necessarily  
19 telling an authority who can help or running to the police  
20 or telling say a teacher who has to report it. They may  
21 tell their friend like, "Wow, that was really uncomfortable  
22 last night" or something like that, or they may never tell.  
23 They may want to get over it. They may be driven by fear  
24 or embarrassment or shame. They may -- for instance, if it  
25 is a family member, the victim may not tell because they

1 don't want to ruin the family or they don't want to get in  
2 trouble.

3           If it is a child victim, the perpetrator may have  
4 told them a lot of things that control their disclosure  
5 like, we will both go to jail or you will go to foster care  
6 or you mom is going to be really mad at you if you tell.  
7 There are a lot of ways that internal forces affect a  
8 victim's decisionmaking about telling as well as external  
9 forces; what support system do they have. What does it  
10 mean for their life. What does it mean for the  
11 perpetrator.

12           Finally, the perpetrator may have a lot of influence  
13 like, you know, I couldn't help it. I would never do it  
14 again. I am really sorry. This is your fault anyway. You  
15 shouldn't have been dressed like that. If you didn't like  
16 it, you wouldn't have come back and visited me. There is a  
17 lot of ways that perpetrators kind of shift the blame and  
18 decisionmaking onto the victims whether it is from one  
19 extreme, to threats and fear to the other extreme which is  
20 getting the victim to protect them. Say you love me. You  
21 don't want daddy to go to jail. We will keep this our  
22 secret. There is a lot of things that influence a victim's  
23 decisionmaking that have to be taken into account. For  
24 that victim to be here today is multiple, multiple,  
25 multiple decisions and very difficult things for people to

1 go through.

2 MR. HUDAK: Excuse me, Your Honor. I am going  
3 to object. All I ask is that the witness confine these  
4 opinions to at least to teenage or young people because we  
5 are getting a lot of examples like a perpetrator says,  
6 "Well, don't tell. Daddy will go to jail" or something  
7 like that. I would like this witness to talk at least in  
8 the realm that we are dealing with in this case.

9 THE COURT: I will overrule the objection. I  
10 will ask Ms. Rice to try to direct her questions, if  
11 possible, to the factual scenarios of this case.

12 MS. RICE: Sure. I think due to her being a  
13 blind expert, she literally knows nothing about the facts  
14 of the case.

15 BY MS. RICE:

16 Q. If an example of a teenage girl -- if they were  
17 to tell say a best friend for a parent that they were  
18 sexual assaulted or raped and the response is kind of  
19 either "I don't believe you" or "what did you think was  
20 going to happen," what kind of an impact would that have on  
21 that --

22 MR. HUDAK: Excuse me, Your Honor. I don't  
23 want to break this up but the objection is I believe it is  
24 clearly hearsay. I believe what this witness is going to  
25 say is, well, I have heard from X number of people in this

1 situation. They told me something. I don't know what that  
2 is based on. I don't have any opportunity to ask those  
3 people or what those people's motivation or background of  
4 their situation is. She is just telling us what somebody  
5 else told her.

6 THE COURT: I will overrule the objection.  
7 The rules the evidence clearly permit an expert to testify  
8 regarding matters that would otherwise be hearsay if that  
9 was part of what assisted them in forming their opinion.  
10 That is part of the jury instruction as well. I will  
11 overrule the objection.

12 BY MS. RICE:

13 Q. Do you want me to repeat the question?

14 A. No. I think what you are referring to is social  
15 support. Social support is so critical for victims,  
16 especially adolescent victims. Now that I know we are  
17 centering on adolescence. Adolescence is a very difficult  
18 time, for those of us who were adolescents or have had  
19 children who were adolescents, you know that you make a lot  
20 of short-sided decisions. You put yourself in a lot of  
21 difficult situations. It is your job to explore a lot of  
22 things, including your sexuality. The manipulation of  
23 adolescence can be pretty significant, especially if the  
24 perpetrator is older and has more experience. They can  
25 say, "You were out drinking with me. You are going to get

1 in trouble too. You led me on."

2 When adolescents -- offenders have a significant  
3 ability to choose victims who have preexisting  
4 vulnerabilities or problems. A victim who is already  
5 vulnerable like maybe doesn't have any friends or is  
6 already in trouble or is already a behavioral issue; if  
7 they also get sexually assaulted, they fear for their  
8 credibility. If they have encountered a really negative  
9 judgemental or blaming social support system or have tried  
10 to tell and have gotten blamed, they may not tell again  
11 until their social supports change or they get old enough  
12 so psychologically, emotionally and exponentially they  
13 understand the ramifications of what they have been through  
14 in a different way.

15 Q. With respect to an adolescent, a teenage victim;  
16 if the perpetrator were several years older -- four or five  
17 years older than them, what type of an impact have you seen  
18 that have on the victims?

19 A. In that situation an older perpetrator may have  
20 done things with the victim that the victim can get in  
21 trouble for like provided them alcohol or marijuana. The  
22 age difference -- it doesn't sound like a lot but when you  
23 are 14 versus 19, the experience sexually, emotionally,  
24 socially is so much different, the perpetrator may have  
25 access to things like isolating the victim by driving them



1       someplace that they can't get out of or giving them  
2       privileges so -- and in that kind of scenario, a young  
3       adolescent may be easily manipulated and convinced that  
4       this is true love and they are really being abused or  
5       assaulted by someone that is engaging in illegal sexually  
6       behavior with them but think they are protecting their  
7       boyfriend or someone who really loves them. There is a  
8       wide array of things that influence how a young adolescence  
9       would perceive that kind of thing, which is why older  
10      teachers get away with abusing high school kids and middle  
11      school kids to a great degree.

12           Q.    What type of impact, in your experience, would it  
13      have if the perpetrator were physically larger and much  
14      more muscular than maybe a smaller, petite victim in terms  
15      of how they react during and after a sexual assault?

16           A.    There is an obvious size difference and when  
17      people are being sexually assaulted by somebody bigger and  
18      stronger than them, not only is the sexual assault pretty  
19      disorienting and frightening, but often victims fear  
20      provoking more aggression from the perpetrator. They may  
21      submit. They may placate the perpetrator and they may just  
22      give in because there is no use of resisting anyway.

23           Q.    Could that size difference instill any kind of  
24      fear in the victim about reporting, that something worse  
25      could happen to them if they were to tell somebody what

1       happened?

2           A.     It wouldn't be just the size difference.  If the  
3       perpetrator has more influence or power or access to them,  
4       fear of retaliation is often something that really  
5       motivates silence in people.  They don't want to be harmed,  
6       especially if there has been a threat.  They don't want to  
7       be socially persecuted if the offender has more influence  
8       than them.  There is a lot of things.  It is not just size.

9           Q.     What type of impact would it have on a victim if  
10      their perpetrator knew where they lived?  Maybe they picked  
11      them up or dropped them off or knew where they worked or  
12      knew where their family lived.  How would that impact a  
13      victim after sexual assault?

14                MR. HUDAK:  Excuse me, Your Honor.  I would  
15      like to object.  I think that she would have to lay a  
16      foundation and say -- so let's assume that the expert has  
17      talked to a person, we don't even know that.  Is she asking  
18      theoretical questions; would a person be scared about this  
19      and just asking for an opinion that she can speculate or is  
20      she -- does she have a foundation that yes, I have talked  
21      to X number of people and they expressed that fear to me.

22                THE COURT:  Well, of course, hypothetical  
23      questions are permitted, but limit it.  I think your  
24      question had several components to it.  Why don't you  
25      rephrase the question.

1 MS. RICE: Sure.

2 BY MS. RICE:

3 Q. Have you discussed either with your own clients  
4 or have you learned through your training an experience how  
5 a victim -- what would cause maybe a victim to have a  
6 delayed report or how they would react following a sexual  
7 assault; have they ever explained it to you that the fact  
8 that he knows where I live or knows where my family lives  
9 or knows where I work, that that played into their decision  
10 to not go to the police?

11 A. Certainly. I think I mentioned fear of  
12 retaliation. Obviously, the more someone knows about you  
13 and has access to you, the more your fear of retaliation  
14 may grow.

15 MR. HUDAK: Excuse me, Your Honor. I would  
16 really like to apologize. She just didn't answer the  
17 question. The question was, "Have you talked to anybody  
18 who told you that." She is speculating an opinion, yeah, a  
19 person would have that reaction.

20 THE COURT: I will overrule the objection. I  
21 will let you cross-examine regarding that.

22 BY MS. RICE:

23 Q. Have you seen that in your own clinical work with  
24 victims and perpetrators?

25 A. Absolutely. I have also spoken to many, many,

1 many perpetrators who have used that the knowledge to  
2 threaten retaliation.

3 Q. On that point, the things that we are talking  
4 about -- that the information that you are sharing with the  
5 Jury today is not -- let me ask it this way. Is it your  
6 testimony that some of that information is coming from your  
7 own interaction with victims in the clinical setting?

8 A. Yes.

9 Q. And that some of that information is coming from  
10 your even greater interactions with perpetrators in a  
11 clinical setting?

12 A. Absolutely.

13 Q. The things that these victims are telling you,  
14 this is why I did this or why I didn't do that, is that --  
15 in your practice and what you have seen, have you seen  
16 perpetrators corroborate the exact same things that the  
17 victims are telling you?

18 A. Absolutely and utilize their knowledge of how  
19 victims will think and respond.

20 Q. It is not just whether or not we believe the  
21 victims, it is the ones who are carrying out the rape and  
22 the sexual assault that are saying, yeah, absolutely. That  
23 is exactly why I did it this way?

24 A. Correct.

25 MS. RICE: May I have one moment, Your Honor?

1 THE COURT: Yes.

2 Q. In your training and experience have you seen --  
3 have you treated or studied victims who were assaulted by  
4 an intimate partner, whether it be a husband a boyfriend,  
5 girlfriend, wife, things of that nature?

6 A. Oh, yes.

7 Q. In your experience have you encountered  
8 situations where the victim remained in some sort of  
9 identifiable relationship with the perpetrator after their  
10 sexual assault?

11 A. Yes. Once a good intimate relationship or even  
12 not-so-good intimate relationship is maintained, it is very  
13 hard to extricate yourself. There is all kinds of history  
14 and love and attachment as well as influence of the  
15 offender of who maybe made promises or apologized or  
16 threats. Depending, especially how involved and how  
17 tightly woven those lives are together, the ongoing contact  
18 is very, very common.

19 It is like domestic violence relationships often  
20 have sexual assault and victims sometimes take years and  
21 years to extricate themselves from those relationships. We  
22 have to remember that most of these relationships are not  
23 only the sexual assault. There may be lots of good things  
24 that go with them. The sexual assault was a really  
25 difficult thing but there may be times of kindness and

1 attachment and fun and hopes and plans together. A sexual  
2 assault doesn't necessarily obliterate that right off the  
3 bat.

4 Q. In terms of in relationships or even otherwise,  
5 what role does staying in a routine play for a victim  
6 following a sexual assault based on your training and  
7 experience?

8 A. I think maybe what you are referring to is the  
9 need to experience normalcy.

10 Q. Right. Is there an expectation that after a  
11 sexual assault someone might act differently or change  
12 their routine versus in a relationship that they just keep  
13 things going what might appear to be normally?

14 A. I think that is normal in relationships. I think  
15 we all stick to routines. Some are very practical, you  
16 have get up and go to school. You have to go to work.  
17 There is also something just generally that we all like to  
18 do. It is pretend normal or get back to normal as soon as  
19 possible. Most of us in intimate relationships after a big  
20 fight are just dying for that moment when you laugh  
21 together again or things are normal again and the tension  
22 decreases. Part of that is just normal and being with a  
23 relationship. I know I have had some pretty big fights  
24 with my husband and just happy to get to where we are doing  
25 coffee normal again. That is human nature. Then --

1 especially if the relationship is dangerous or violent or  
2 something violent has happened, then pretending normal can  
3 be very important for the victim to escape further harm or  
4 alert the perpetrator that something is wrong. You know,  
5 the victim may not want to agitate the perpetrator again or  
6 signal like they are trying to leave or they are thinking  
7 about telling or they are thinking about breaking up.  
8 These pretend normal things may give you time and space to  
9 plan and recoup and get yourself together to just maintain  
10 some semblance of normalcy or safety.

11 Q. What have you seen in your training and  
12 experience in terms of a victim's ability to remember  
13 specific details of sexual assault?

14 A. It depends on a lot of things. First of all,  
15 just because it is sexual assault doesn't make it any  
16 different than the rest of our memory. We have all had  
17 very bad things happen to us and we may not remember them  
18 in order. Trauma is kind of like very disorganizing  
19 mentally. It is kind of like, you know, breaking up your  
20 Lego's and trying to put them back in exactly the same  
21 order. It doesn't happen. The victim's memory may be  
22 affected by the fact that they are not paying attention to  
23 certain things or that other things take up their  
24 attention. Like, say the perpetrator has a super bad  
25 smell. That may be all they are able to remember because

1       they are just so disgusted by that or they may be trying  
2       not to pay attention at all, like the are being raped and  
3       they are just counting the stars because they just want it  
4       to be over with. There are some defensive things that we  
5       do to not remember, but then there are some things that  
6       just aren't important.

7               When we are put under the microscope of having to  
8       relive something traumatic, there are details that may be  
9       important to other people that weren't important to us that  
10      now we have to remember; like did he turn the lights out  
11      before or after he took off my pants. That doesn't matter  
12      to people getting sexually assaulted, but it might matter  
13      in storytelling later when that looks like you don't  
14      remember it and people think you should. Normal memory  
15      deteriorates over time. We remember what is most important  
16      to us but then traumatic memory has that plus the  
17      disorganized effect and the defensive effects of that  
18      memory.

19             Q.    In your experience some victims are actively  
20      trying to block out their sexual assault even while it is  
21      happening?

22             A.    Absolutely.

23             Q.    That would make it difficult to remember certain  
24      minute details later?

25             A.    Right. Those details may not be as important to



1 the victim as the fact of, you know, his tongue is in my  
2 mouth or his penis is in my vagina and that is all I can  
3 think about.

4 MS. RICE: May I have one moment, Your Honor?

5 THE COURT: Yes.

6 Q. Doctor, the opinions that you have expressed  
7 today based upon your training and experience, knowledge,  
8 do you hold them to a reasonable degree of certainty in  
9 your field of clinical and forensic psychology?

10 A. I do.

11 MS. RICE: Offer for cross.

12 THE COURT: Before you cross, Mr. Hudak, let's  
13 go ahead and take a break. It is 3:00. As we did this  
14 morning, we will take 10 or 15 minutes, whatever you need  
15 so you can find of get your breath and get refreshed and we  
16 will resume.

17 MS. RICE: Your Honor, may we approach off the  
18 record?

19 THE COURT: Yes.

20 (Discussion held off record.)

21 (Short recess was taken from 2:59 p.m. to 3:22  
22 p.m.)

23 THE COURT: Mr. Hudak.

24 -----

25

CROSS-EXAMINATION

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BY MR. HUDAK:

Q. I do thank you for coming. Do you have a flight out tonight?

A. No, I drove. I don't --

Q. Do you feel that an expert who comes to court and gives her opinions to the jury should be neutral or working for one side?

A. That is a little more complicated than it sounds. I think an expert is hired to present an objective opinion. They are employed by a side for their appearance but they are to present their own opinion and expertise. If that is what you mean by neutral. I don't invent an opinion just for one side or the other. I would present what I would present for either side depending on which side puts me on the stand.

Q. What were you just talking about, you said it is very hard to get somebody to come in and say the opposite. That is not -- okay. You are here just to give -- you are saying that you are giving a neutral opinion; is that correct?

A. I am giving information that is based on the research and my experience.

Q. Now, I don't want to belabor your book, but the

1 book's title *Successful Prosecution of Intimate Violence*.

2 Now, there is another person that wrote it along with you,  
3 right?

4 A. An attorney.

5 Q. Did you read the sections that the attorney  
6 wrote?

7 A. I reviewed those.

8 Q. I mean, you put your name on it, right?

9 A. On the book, yes.

10 Q. Along with the attorney. I mean, you are  
11 taking -- what would you call it -- literary responsibility  
12 for this book, right?

13 A. I guess that is what you would could it.

14 Q. You and Ms. Ryan in this book present -- what  
15 would you call it, like, from the beginning of the police  
16 investigation all the way through to the end of the trial,  
17 chapter after chapter tell them how to do it? Am I  
18 correct?

19 A. It is not quite that comprehensive but it is how  
20 to incorporate the information that I have to help do a  
21 proper investigation, not miss things based on  
22 misinformation or stereotypes, how to interview victims  
23 without causing more trauma and things like that. How to  
24 organize an investigation and think about where information  
25 is that people may not be familiar with.

1 Q. How many pages about trial strategies?

2 A. I have no idea.

3 Q. It is your book?

4 A. True. I don't memorize the pages on each topic.

5 Q. More than 30 pages? More than 40 pages?

6 A. I don't know.

7 Q. How many do I have here. 49 to 94, so about 47  
8 pages? 57 pages of trial strategy? But you said that you  
9 did read the sections of the book, right?

10 A. Sure.

11 Q. Now, you have an entire section telling the  
12 prosecutors the very first -- from the beginning of the  
13 case you tell them they must establish a theme, correct?

14 A. I didn't write the law part, so the theme is a  
15 legal thing.

16 Q. Right, but it is in your book and you reviewed it  
17 and you stand by it, right?

18 A. I am not an attorney so --

19 Q. I got it. But you stand by your book?

20 A. I stand by my sections. I can't comment --  
21 because I am not an attorney, I cannot comment on the  
22 attorney's --

23 Q. Now, these themes -- tell me if you recognize  
24 them. He made my bedroom his crime scene. The one she  
25 least suspected became the one she had to fear most. He

1 was a stranger that night. You say you are not an  
2 advocate. You support those themes, correct?

3 A. If they fit the facts of the case, they are great  
4 themes.

5 Q. Here is the point. You read my mind. Why would  
6 you need the themes -- you say if they support the facts.  
7 Why would you need the themes -- why would you need to  
8 establish these themes rather than just let the evidence in  
9 the case speak for itself?

10 A. You are the attorney. That is law practice.  
11 Teaching themes and theories is a legal strategy of trial.  
12 I am the psychologist.

13 Q. On your own website you talk about that. You  
14 offer -- by the way, you are paid by the attorney general's  
15 office, correct?

16 A. Sure. I am paid to come here.

17 Q. You are paid by prosecutors -- you said all of  
18 these places you got. You are always paid by the  
19 prosecutors, correct?

20 A. Yes. When I talk about that there is no specific  
21 way victims respond --

22 Q. Ma'am. Ma'am.

23 A. Typically I am always hired by the prosecution.

24 Q. I didn't ask you a question. I said you are paid  
25 by all of these prosecutors, right?

1           A.     Correct.

2           Q.     One of the services that you offer -- I don't  
3           mean to interrupt you. I just want you to answer the  
4           question that I ask you and not go into a speech. On your  
5           website one of the services that you offer the prosecutors  
6           is that you help them in jury selection? You pick juries;  
7           is that right? It is on your website.

8           A.     I don't recall that being on my website.  
9           Sometimes I am used as a consultant for a whole course of  
10          the trial in the military from the beginning, developing  
11          voir dire and things like that to the end, but I don't  
12          specialize in jury selection.

13          Q.     I understand you are not that guy on TV, Bull.  
14          You don't watch that show? I have just seen it.

15          A.     I hear bull. I don't watch it.

16          Q.     There is a TV show about a jury consultant. You  
17          hear bull. Are you able to distinguish when -- you say  
18          bull and I say false or exaggerated. Are you able to  
19          distinguish when you hear it from the people that you base  
20          your conclusions on?

21                   MS. RICE: Objection to the form of the  
22          question.

23                   THE COURT: I am not sure I follow the  
24          question. Could you repeat the question.

25                   MR. HUDAK: I will break it down.

1           Q.    I don't mean to shift to something much  
2 different, but you said that you hear bull?

3           A.    Sure.

4           Q.    Would it be fair to characterize bull as things  
5 that are false and exaggerated or mischaracterized?  Would  
6 that be bull?

7           A.    A part of it, sure.

8           Q.    Now, are you able to distinguish your coming here  
9 and telling us how victims act in different situations --  
10 you wrote a book about it for prosecutors and police.  Are  
11 you able to tell us how you distinguish between the people  
12 who give you bull so you can put it into your conclusions  
13 and the people who don't give you bull?

14          A.    I am not a human lie detector, so I guess I do as  
15 good as anything.  I can -- if we are talking about  
16 offenders, they are much more frequently lying than  
17 victims, but I can see if a victim's symptom descriptions  
18 are consistent and things like that.

19          Q.    I don't want to get off track.  Believe it or not  
20 I do have an outline of what I want to talk to you about.  
21 Let me just talk to you -- you said this when you were  
22 talking to the prosecutors -- you say this in your book and  
23 in your expert report, right?  So, you are telling us that  
24 -- okay let me ask a series of questions.  You are telling  
25 us that the behavior of victims is often unpredictable,

1 correct?

2 A. Right. There is no one set way that victims  
3 respond to being assaulted.

4 Q. You are also telling us that victim behavior  
5 often does not make common sense or -- I think the way that  
6 she was saying it that there is myths about what somebody  
7 should do in a situation, right?

8 A. There is myths about how a real victim would act  
9 if they really were offended. There is no one way to  
10 predict. Sometimes victims act exactly the way we expect  
11 them to. Sometimes they act completely opposite. If we  
12 could tell what happened to somebody because their behavior  
13 fit a certain pattern, it would make our life a lot easier,  
14 but there is no way to predict.

15 Q. Got it. Now, step three in this five-part  
16 question -- the conduct of victims is unpredictable. Now,  
17 you are telling us that you talk to predators, right?

18 A. Correct.

19 Q. And your conclusion is that the predators can  
20 predict how victims are going to act, right?

21 A. They can. They better understand how human  
22 nature reacts in abnormal situations through their  
23 experience. They know what factors influence -- they are  
24 not 100 percent but they know what things work to keep  
25 somebody silent, what things work, what manipulations work,



1        what kind of denial works.

2            Q.    All right. I am going to give you a little  
3        example. Suppose that somebody got raped in a car,  
4        violently. Then after the rape they get out of the car,  
5        they don't call 911 -- now, you gave a lot of reasons why  
6        that might happen, right?

7            A.    Right.

8            Q.    They don't call 911. They got 200 people  
9        following them on something called Snap Map. They don't  
10       alert any of them. You could give us an explanation for  
11       that I am sure, right?

12          A.    Right. I could give you some factors that might  
13       influence their decisionmaking, sure.

14          Q.    Tell me if I am right in my own prediction or  
15       wrong. I am going to predict that you say there is nothing  
16       abnormal about a person who just got violently raped, to  
17       get out of the car, walk around and get back in the car  
18       with the rapist and drive away. You would say that is  
19       okay. That doesn't raise any concerns with you, correct?

20          A.    I would say that there could be a lot of factors  
21       that influenced that person's decision. Including whether  
22       they were in an isolated area? Do they have a way home?  
23       Did they know where they were? Did they -- were they in  
24       shock? There is a million reasons somebody would do that.

25          Q.    Now part four. You seem to be telling us that a

1 predator -- you are talking to all of these predators and  
2 you seem to be saying -- you tell me if I am correct. You  
3 seem to be saying that the predators are telling you, yep,  
4 I figured out that I could rape her and then she would get  
5 into the front seat of the car with me and drive off and  
6 then I could go to court and say that behavior is not how a  
7 rape victim would act? Are you telling us that we can't  
8 predict how victims will act but predators can predict how  
9 victims will act?

10 MS. RICE: I am going to object to the  
11 compound question. I think there were about four maybe.

12 THE COURT: Overruled.

13 A. Well, the difference between us and offenders is  
14 they have learned from experience what will and won't work.  
15 They don't rely on misinformation and assumption,  
16 especially when the predator has an ongoing relationship  
17 with the victim. They know a lot or about that victim.  
18 They know how to isolate them. They know how compliant  
19 they are. They know how attached they are. There have  
20 been lots of predators that said, "I knew they wouldn't  
21 tell. I did this and this and this. I tested them  
22 beforehand. I knew she loved me too much."

23 In ongoing relationships they gather lots of  
24 information, so it is not a generic prediction. It is a  
25 prediction about a particular person that they know. Like,

1 I can predict how my husband might respond to a certain  
2 situation because I know him. I know what can get him to  
3 go out to dinner if I don't want to cook based on my  
4 experience with him. It is a knowledgeable prediction  
5 based on a relationship.

6 Q. Let's tweak that a little bit. The violent  
7 rapist didn't know anything about the victim. He just  
8 snuck up behind her and lured her into his car and then  
9 raped her and she got out and got in the front seat with  
10 him, so he didn't know him at all. He didn't have an  
11 opportunity to build confidence with her. He didn't have  
12 an opportunity to do any of the threats or anything that  
13 you are talking about. I understand that is too  
14 complicated to answer. Did I move of track like this. I  
15 was talking about you advising him about jury selection.  
16 So you are available to do that? So, you get paid in some  
17 sex offense cases for advising the prosecutors how to pick  
18 a jury?

19 A. No.

20 Q. You don't?

21 A. Like I said, I don't specialize in that.  
22 Sometimes I assist in giving information about what  
23 influences juries as part of a full consultant. I have  
24 never been hired just to pick a jury.

25 Q. I am not going to ask a lot of stuff about the

1 trial successful prosecutions but you said that you are  
2 available from beginning to finish. Like, you would  
3 consult -- you would even train officers, right?

4 A. I have provided training to law enforcement, yes.

5 Q. You teach them -- you talk about it in your book.  
6 I assume that it was you who wrote this part. You talk  
7 about the investigator has to have empathy for the victim,  
8 correct?

9 A. Right.

10 Q. The investigator is not supposed to say anything  
11 that doubts the victim?

12 MR. HUDAK: Am I on here?

13 Q. What were you saying?

14 A. You were saying that an investigator shouldn't  
15 express any doubt. I don't believe that is true. An  
16 investigator shouldn't cause trauma by immediately  
17 dismissing a victim's claims but do a proper investigation  
18 of those claims.

19 Q. Okay. So, let's take an example of a young woman  
20 who is engaged in multiple suicide attempts. Should the  
21 investigator say during his interview with her, "He is a  
22 hypocrite, a narcissistic, a controlling douche bag, a  
23 sicko"?

24 A. I am not going to answer that. I can't make a  
25 statement of something completely out of context. I don't

1 even know what that refers to.

2 Q. So, sort of agreeing with the suicidal, alleged  
3 victim; yes, he is a narcissistic. Yes, he is a scumbag.  
4 Yes, he is a controlling douche bag. Is that something  
5 that you support investigators doing?

6 A. I can't comment on law enforcement in terms of  
7 that. I don't know enough to opine on that.

8 Q. I am getting this out of your book, Doctor.

9 A. I don't have anything like that in my book.

10 Q. All right. So, in your experience -- by the way,  
11 you deal with -- you deal with -- in fact, you have devoted  
12 your life I think the prosecution stated. You have devoted  
13 your life to educating in this area.

14 A. And treatment of perpetrators and victims.

15 Q. In the course of that you have interviewed  
16 hundreds of people. Now, is there a difference between a  
17 victim dynamics and relationship dynamics?

18 A. Well, that is -- I think that is part of the  
19 thing is we tend not to apply regular human behavior in the  
20 abnormal context offense abuse or assault. Victim dynamics  
21 are very often normal human dynamics, like relationship  
22 dynamics that people think should be different because  
23 there is victimization in there.

24 Q. What I am really asking you is, you don't do  
25 marriage counseling, right?

1           A.    I do.

2           Q.    You do?  So you understand the dynamics of  
3 romance or marriage or relationships, correct?

4           A.    Sometimes.

5           Q.    In your book -- and I do believe it is you who  
6 used this.  Do you use the wheel?

7           A.    I don't.

8           Q.    You don't?  You recommend it in your book, don't  
9 you?  Don't you tell investigators they should use the  
10 wheel?

11          A.    Sure.  That is a very good paradigm to  
12 understand especially domestic violence relationships and  
13 how perpetrators -- it is called the power and control  
14 wheel.  It gives good examples of how interrelationship a  
15 perpetrator can use different facets of that relationship  
16 to gain power and control over the victim.

17          Q.    So the wheel talks about power and control.  I  
18 think that that is a big part of your work, educating  
19 people on that, correct?

20          A.    It depends on the situation in terms of intimate  
21 partner violence that is very relevant.

22          Q.    I get it.  There is violence in some  
23 relationships and that should be condemned, but on the  
24 wheel you talk about using male privilege.  Under that you  
25 list various things.  You say acting like the master of the

1 castle.

2 MS. RICE: I am going to object.

3 Q. Is that correct?

4 MS. RICE: Can he show the witness what he is  
5 referring to and lay a foundation.

6 Q. I just assumed you memorized the wheel.

7 A. To be clear, I did not create or write this  
8 wheel. It is not from my clinical practice.

9 Q. It is recommended in your book.

10 A. Right. I didn't write it. So, when you say I  
11 put X, I did not put X.

12 Q. I don't mean that you actually wrote the wheel.

13 A. Okay.

14 Q. You put the wheel -- you recommend it, if not  
15 insisted on investigators using the wheel? What is funny?  
16 I agree. It is the wheel.

17 A. I am just reacting to your use of the word like  
18 insisting. I don't think I ever insisted.

19 Q. I think you say --

20 A. I do recommend it for a good paradigm to use to  
21 talk to victims and do investigation questions in all of  
22 these arenas where a perpetrator may be exerting power and  
23 pressure over a victim.

24 Q. Part of using that pressure -- these definitions  
25 and these clouded things. You say using intimidation and

1       then on the wheel -- and you say "making her afraid by  
2       using looks, actions and gestures." It makes it on the  
3       wheel -- if you look at your partner -- I don't know if  
4       maybe I am abusing you here. I don't mean to do that. I  
5       truly don't?

6             A.    I think --

7             Q.    If I talk to you with respect but questioning  
8       would that get on the wheel?

9             A.    It might, but everybody knows what an  
10      intimidating looks is. Anybody who ever got in trouble by  
11      their mother knows the look. That can be creating -- so  
12      when perpetrators have a relationship with someone and they  
13      have actions or a clenching fists or punching a wall, that  
14      is intimidating, not just general looking at somebody.

15            Q.    I don't want them to charge me until this case is  
16      over. So, you are saying that I might be doing it. All  
17      right. So, let's move to a completely different topic.

18            A.    I am sorry. I did not say that you were  
19      intimidating me. I didn't even say you might be  
20      intimidating me. That is something that you said.

21            Q.    Good. Because I don't want to. I am going to  
22      move on. Have you treated, in these hundreds going on  
23      thousands of people, any young woman who engaged in -- I  
24      don't know what you would call it, sadomasochism. They  
25      wanted to be tied up. They wanted to have leather straps



1 around their face holding a rubber ball in their mouth --  
2 have you treated anybody like that?

3 A. Yes. As well as perpetrators who used that.

4 Q. When perpetrators use that, they don't usually  
5 pick out one out of five and only use it on that one,  
6 right? They use it on all of them if that is what they are  
7 into, right?

8 A. I don't understand your question.

9 Q. A perpetrator who has that particular sexual  
10 thing, like he likes to tie women up and put nipple  
11 pinchers on them and tie their face up with a ball. How  
12 many alleged victims have you treated who were into that,  
13 alleged victims?

14 A. I don't know the number.

15 Q. Is it a frequently occurring thing with your  
16 patients?

17 A. It is becoming more frequent.

18 Q. Huh. Now, I know you advise on this. In that  
19 situation are you saying that the perpetrator has some kind  
20 of mind control over the victim that makes her want to do  
21 that? Probably through the things that are on the wheel.  
22 Is that what you are saying that he makes her do that?

23 A. Not necessarily. It depends on the nature of the  
24 relationship. Somebody can force somebody into it but it  
25 can be consensual as well.

1           Q.    Now, have you treated people who were in  
2           relationships and they hope that that relationship was  
3           going to become something much, much more than it actually  
4           became? They are heartbroken?

5           A.    Sure.

6           Q.    Now, in that context of these people giving you  
7           information do you find that the people exaggerate or  
8           mischaracterize or even lie?

9           A.    When they are heartbroken?

10          Q.    Yeah.

11          A.    I guess it depends on -- they may exaggerate  
12          their level of depression. They may not. I don't know.  
13          It is a case-by-case situation. All of us exaggerate when  
14          we are hurting.

15          Q.    Why can you give us an opinion like a general  
16          opinion, like you come in and do that and then you tell us  
17          it is a case-by-case thing.

18          A.    That is what I told the jury all along. There  
19          are numerous factors that affect how every individual  
20          reacts.

21          Q.    Now, have you treated people who were -- who  
22          acted -- on a pretty regular basis acted in heightened  
23          states of emotion? I am talking about the person who has  
24          these being tied up. A person who likes to be tied up, a  
25          person -- a person -- can somebody be very emotional,

1 particularly younger people?

2 A. That has nothing to do with being tied up.  
3 Everybody can be emotionally heightened in a relationship.

4 Q. Do you find that younger girls, like older  
5 teenage girls, tend to be more emotional because of their  
6 inexperience?

7 A. That has nothing to do with whether they are girls  
8 or not. Younger teenagers are emotional in general.

9 Q. Boys and girls are more emotional?

10 A. Sure.

11 Q. Now, is it a common thing that teenage boys or  
12 girls could become really emotional over a relationship  
13 that they threaten suicide?

14 A. I wouldn't say it is common but it does happen.

15 Q. That is kind of a manipulation, right?

16 A. It depends on the individual. Sometimes it is.  
17 Lots of times it isn't. Sometimes it is impulsive.  
18 Sometimes it is a result of trauma. There are lots of  
19 reasons why people threaten suicide.

20 Q. By the way, predictive behavior, how you were  
21 telling us that predators could predict whereas we can't  
22 predict, are you saying that -- you said that people in the  
23 sadomasochistic relationship that could be but that is not  
24 necessarily like mind control?

25 A. It depends. That is a very complicated topic.

1 Just because someone likes to be tied up doesn't mean they  
2 are in a sadomasochistic relationship. It is completely  
3 different.

4 Q. When you were telling us about the thousands of  
5 interviews with the predators, you reached a conclusion  
6 that the predators are really manipulative, right?

7 A. Absolutely.

8 Q. Here is what I want to ask you about the validity  
9 of your studies. If the predators are so manipulative,  
10 then wouldn't the predators manipulate you and tell you  
11 what they think you want to hear?

12 A. Oh, they try to all of the time. That is the  
13 hardest work to do.

14 Q. You said that you didn't have some magic lie  
15 detector but they are manipulating you all of time. They  
16 are telling you what you want to hear all of the time,  
17 right?

18 A. Those two things don't go hand-in-hand. They try  
19 to manipulate but part of the clinical skill is that you  
20 learn how not to fall into it obviously. You learn how to  
21 ask questions and get under the deception working with  
22 offenders.

23 Q. Now, another topic -- although this topic is  
24 suicidal too. Have you ever encountered a young woman, a  
25 teenage woman who wanted to be a grown-up woman, have a man

1 and have a baby?

2 A. Are you talking about a teenager or a woman? You  
3 keep saying teenage woman. Is it is a teenager or a woman?

4 Q. A teenage girl.

5 A. A teenage girl who wants to be older and have a  
6 family. Lots of teenage girls want that.

7 Q. Do a lot of teenage girls -- and I find this in  
8 different neighborhoods, but -- it is not uncommon for  
9 girls to be pregnant at age 16? Would you agree with me?

10 A. I don't think it is common, but it is not that  
11 unusual.

12 Q. I am going to rely on your psychology background  
13 about this. I am not even talking about your studies.  
14 When you get these young women who want to -- I am sorry --  
15 teenage girls who want to be a grown woman and who want to  
16 have a baby, couple that with suicidal tendencies,  
17 psychiatric medicine, would that kind of a person be giving  
18 you reliable information for your conclusions?

19 MS. RICE: I am going to object, Your Honor.  
20 It calls for a speculation and for the witness to opine on  
21 the credibility of a potential witness.

22 THE COURT: Sustained on that last basis.

23 Q. Okay. Now, is it a common situation -- I don't  
24 want you to speculate. I get it. Have you, in the  
25 hundreds of people that you interviewed, ever dealt with a

1 16-year-old female who actively engaged in a sexual  
2 relationship with a 21-year-old guy?

3 A. Is it common?

4 Q. Yeah.

5 A. I guess in my experience it is more common for  
6 21-year-old men to be praying on 16-year-old girls. That  
7 is how I would see it.

8 Q. That is how you would see it?

9 A. Right.

10 Q. Now, would it change your opinion if that girl  
11 called a 21-year-old guy up through social media, went and  
12 met him dressed as if she was much, much older and had sex  
13 with him 30 minutes after she met him; would you blame that  
14 on him?

15 A. He is a 21-year-old man. He is an adult. It is  
16 his responsibility ultimately. That is why the law is what  
17 the law is.

18 Q. Okay. Then suppose that that woman does that  
19 same thing with him at least twice a week for at least  
20 three months and it is totally consensual -- by the way, am  
21 I understanding that -- so people have an argument then  
22 like right after the argument they make up and they go have  
23 sex, are you taking your relationship dynamics into that  
24 saying, well, he guilted her into having sex with him. She  
25 wanted to quell his jealousy so she had sex with him. Are

1       you saying that he therefore manipulated her? I don't  
2       know, controlled her mind to get her to do that?

3           A.    Is it possible? It is possible they had make-up  
4       sex. It is possible if he beat the crap out of her before  
5       that, it is possible that she didn't feel like she was  
6       going to say no. There is no one rule that I am applying  
7       to this. You have to hear the situation.

8           Q.    Now, hookups -- are you familiar with Tinder?

9           A.    Yes.

10          Q.    Explain how that works?

11          A.    I don't know very much about it. It is a dating  
12       app. There is some swiping involved. I have been married  
13       a while, so I am not too interested in that.

14          Q.    How about Plenty of Fish? That is another one,  
15       right.

16          A.    Right.

17          Q.    Hookup website apps, correct?

18          A.    Those aren't necessarily hookup apps but they are  
19       dating apps.

20          Q.    Now, if a person invites you over to their house  
21       at 2:00 in the morning, meets you in their pajamas, there  
22       is no TV, the room has been cleared, the dogs are locked  
23       away, she moved from her mother's house to her father's  
24       house so they could be alone -- okay. A person makes no  
25       report and there is no medical evidence. Then months later

1 the person thinks, you know what, I think I was raped.

2 Now, you would say that that is common, right?

3 A. That is common.

4 Q. That is.

5 A. You keep saying "that is common." Has that ever  
6 happened? Likely. I don't think it happens all of the  
7 time.

8 Q. You haven't dealt with at in all of the times --

9 A. No, you asked me if it was common.

10 Q. Common in your cases? Common to your knowledge?

11 A. No. I would not say it is a common thing that  
12 people have a hookup and then months later they just  
13 suddenly decide they were raped in a vacuum. No. That is  
14 not common at all.

15 Q. I apologize for being a little bit  
16 confrontational with you. I am very happy to meet you and  
17 I really thank you for coming here to Kittanning.

18 THE COURT: Mr. Rice, do you have any  
19 redirect?

20 MS. RICE: May I have one moment, Your Honor?

21 THE COURT: Yes.

22 MS. RICE: No further questions, Your Honor.

23 THE COURT: Thank you, Doctor. You can step  
24 down.

25 (The witness stepped down from the witness



1 stand.)

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: Ladies and Gentlemen, the  
4 courthouse closes at 4:30. Obviously if we were at a later  
5 stage in the trial or we were deliberating, we would stay  
6 into the evening, but this is just day one. It is a little  
7 after 4:00 already. I don't think I want to have the  
8 Commonwealth go ahead and start with a fresh witness. I  
9 think we all can go home for the evening and take it easy  
10 and come back here tomorrow morning fresh. We will start  
11 again at 9:00 a.m. As always, remember my instruction,  
12 don't talk to anybody about the case. Don't try to look  
13 anything up about the case. We will continue tomorrow with  
14 Commonwealth witnesses.

15 MR. HUDAK: Your Honor, may I ask, it is Carli  
16 and Rachel coming here tomorrow?

17 THE COURT: I don't know.

18 MR. GLEIXNER: I haven't decided witness order  
19 yet either.

20 THE COURT: I don't know which witnesses are  
21 being called. In any event, I am going to dismiss you for  
22 the evening. Thank you for your attention today and your  
23 service. Go home and try to clear your head of all of this  
24 material and come back in tomorrow and start again.

25 (Whereupon, the above-entitled matter was

1 adjourn at 4:05 p.m., for this date.)

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**REPORTER'S CERTIFICATE**

I hereby certify that the transcript of the proceedings and evidence contained herein are a true and accurate transcription of my stenographic notes taken by me at the time and place of the within cause; that the transcription was reduced to printing under my direction; and that this is a true and correct transcript of the same.

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Julie A. Gerano  
Court Reporter