

1 severe mental illness, so I recommended that the
2 parties be able to co-parent, that each be able
3 to participate in decision making, and that
4 Christine Belford's allotted time to parent the
5 children and the children be in -- her physical
6 care be enlarged from what it had been at the
7 time of the evaluation.

8 Q. Okay. Now, again, going back to
9 your evaluation of Ms. Belford, she did have
10 some issues with depression; is that right?

11 A. Yes.

12 Q. Could you describe those for the
13 jury, please?

14 A. Christine had reported to me that
15 she had historically had symptoms of depression
16 where she would be prone to feelings of sadness,
17 and that she had gone to her primary care
18 physician and was taking antidepressant
19 medication which was effective in her case
20 because she was saying that while taking the
21 medication, she was no longer feeling depressed.

22 Q. So did you in your analysis of the
23 data and speaking with her determine that to be
24 an issue in whether or not she could have shared

Rudy - this
is testimony
of forensic
psychologist
Dr. Sam
Rosenblum
that Dan's
hired in 2006
for custody
evals. + Chris
hired for
TPR in 2010.

1 custody of the children?

2 A. It was a factor because I
3 determined that although she had a history of
4 depression, way more mild than the kind of
5 depression that David Matusiewicz was alleging
6 that she had.

7 Q. Could you explain that for a
8 second, what do you mean by that?

9 A. There are lots of different kinds
10 of depressions. In the extreme, the most severe
11 depression are what are called major depressive
12 disorders that include the things I alluded to
earlier, the postpartum depression, the bipolar
depression.

Rudy -
I'm pretty
sure
post partum
depression
was
diagnosed.

13 Q. Which again, Christine Belford did
14 not have?

15 A. She had none of it. What she did
16 have was a mild form of depression that's
17 referred to as a dysthymic disorder which means
18 that there is a low grade undercurrent of
19 feeling sad that is very treatable with
20 medication, and that was what she had and that's
21 what she was medicated for and that was
22 effective in the treatment of her depression.
23
24

Q. All right.

MR. WEEDE: Your Honor, if I may have a moment?

THE COURT: You may.

MR. WEEDE: Your Honor, I tender the witness.

THE COURT: All right. Who is going to lead off? I think Mr. Ibrahim is going to start.

MR. IBRAHIM: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. IBRAHIM:

Q. Good morning, Doctor. How are you?

A. Good morning.

Q. I just have a few questions for you and then I'll be on my way.

If you recall, back I guess April of last year, you met with the prosecution team, Agent Gordon and a couple of the assistant United States attorneys, do you recall that?

A. Yes.

Q. And looking at the report they

1 provided, it's about nine pages long, you were
2 there for a pretty decent period of time;
3 correct?

4 A. I'm not sure what you mean by
5 pretty decent.

6 Q. A long time, not that long, a
7 couple of hours?

8 A. A couple of hours.

9 Q. Okay. Just one quick question.
10 In terms of that meeting with them, it's correct
11 to say that in response to their questioning of
12 you, you indicated that Belford never spoke of
13 the sister; do you recall that?

14 A. Spoke of?

15 Q. You made the statement Belford
16 never spoke of the sister, does that ring a bell
17 to you?

18 A. It doesn't.

19 Q. Doctor, in terms of the different
20 types of hearings that you have testified to,
21 have you ever testified to a third-party
22 visitation proceedings?

23 A. Yes.

24 Q. And you're familiar with those

1 provided, it's about nine pages long, you were
2 there for a pretty decent period of time;
3 correct?

4 A. I'm not sure what you mean by
5 pretty decent.

6 Q. A long time, not that long, a
7 couple of hours?

8 A. A couple of hours.

9 Q. Okay. Just one quick question.
10 In terms of that meeting with them, it's correct
11 to say that in response to their questioning of
12 you, you indicated that Belford never spoke of
13 the sister; do you recall that?

14 A. Spoke of?

15 Q. You made the statement Belford
16 never spoke of the sister, does that ring a bell
17 to you?

18 A. It doesn't.

19 Q. Doctor, in terms of the different
20 types of hearings that you have testified to,
21 have you ever testified to a third-party
22 visitation proceedings?

23 A. Yes.

24 Q. And you're familiar with those

proceedings; correct?

A. I am.

Q. And in the course of, I guess it's got to be at least a quarter century of the type of work that you have done, and I don't mean to date you, it's just your experience, it would be correct to say that what third-party visitation proceedings discuss are persons eligible to petition for third-party visitation; correct?

A. By definition, that's what it is.

Q. And that is -- includes family members, like uncles, aunts, grandparents; correct?

A. Correct.

Q. In fact, it even includes individuals who may have an interest in helping a child that may have no blood relationship to that child; correct?

A. Correct.

Q. It's a vehicle in Delaware that allows someone who does not have any rights otherwise to the child to have an opportunity to petition the court to have visitation with that child?

1 A. Correct.

2 Q. Now, lastly, the last area I want
3 to ask about has to do with some information
4 that you received from Ms. Belford in your
5 contact with her. Is that okay?

6 A. Sure.

7 Q. Is it correct to say that one of
8 the times you spoke to her, that Ms. Belford
9 spoke of an incident occurring in the office of
10 her 2 3/4 year old daughter, Leigh's
11 ~~pediatrician~~ that led to a risk that she would
12 be charged with child abuse, to reduce such a
13 risk she gave custody of the children to David.
14 Is that something that she self reported to you
15 during one of your interviews?

16 A. No, it's something that she
17 reported to an associate of mine, Dr. Irwin
18 ~~Farbman~~ who had administered the psychological
19 test about which we spoke earlier.

20 Q. That psychological test is
21 coauthored by you and Dr. Farbman?

22 A. There is a report that is
23 coauthored that summarizes the test data, and in
24 that case the interview that was conducted by

Dr. Farbman, not myself.

Q. Understood. Is it correct to say that in terms of what Ms. Belford also reported is that she had been medicated with Xanax on and off since childhood for panic attacks?

A. Yes.

Q. Was that said to you or to Dr. Farbman?

A. Both.

MR. IBRIHAM: Thank you very much, sir.

THE WITNESS: You're welcome.

BY MR. BOSTIC:

Q. Let me start with the self report incident that Mr. Ibriham Gonzalez asked you about. Is it your testimony that that was not personally reported to you?

A. Yes.

Q. Okay. Isn't it true that Dr. Farbman only did the psychological testing, administered the testing that you talked about earlier this morning?

A. Part of his process is also to interview the person that's being tested.

1 Q. So there will be a separate
2 interview by Dr. Farbman documenting the self
3 reported child abuse?

4 A. Well, let me --

5 Q. No, answer my question, please,
6 then you can explain.

7 A. Well, I have a concern about the
8 way you're -- the language that you're using in
9 your question, if I may, Your Honor.

10 THE COURT: Was there an interview
11 separate and apart from the test?

12 THE WITNESS: Yes.

13 THE COURT: Was that conducted by
14 Dr. Farbman?

15 THE WITNESS: Yes.

16 THE COURT: All right. Proceed.

17 MR. BOSTIC: Thank you.

18 BY MR. BOSTIC:

19 Q. Now, in your report, that's noted
20 in your report; is that correct, your report
21 concerning Christine Belford?

22 A. It's noted in the report that's
23 coauthored by myself and Dr. Farbman that
24 Christine Belford expressed concern that based

on an incident that took place in a
pediatrician's office that she had concerns
about a report of child abuse. She was not
admitting to child abuse.

Q. Okay.

MR. BOSTIC: If I may approach,
Your Honor. Defense Exhibit 188. Counsel, I
think you guys have a copy of this. If I may
approach.

THE COURT: You may, Mr. Bostic.

BY MR. BOSTIC:

Q. Sir, I have handed you what's
marked as Defense Exhibit 188. Can you identify
that for the record, please?

A. Yes. This is a narrative report
summarizing the interview and test data that was
performed by Dr. Farbman.

Q. Now, in that report, would you
read into the record the sentence starting with
"she" and end with "abuse"?

MR. WEEDE: Your Honor, objection.

THE COURT: Basis?

MR. WEEDE: Hearsay. That's not
his statement.

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MR. BOSTIC: Your Honor, Dr. Romirowsky indicated this is his and Dr. Farbman's report.

Q. And let me do it this way. Would you turn to the last page of that document, sir. Do you see it?

A. Yes.

MR. BOSTIC: Your Honor, I would move for Exhibit 188 to be admitted to the record for limited purposes.

MR. WEEDE: Your Honor, I'm going to object to that. There is all kinds of other statements in it. If he's using it -- may I have a side-bar, please?

THE COURT: You may. Let me inquire the witness. Doctor, in terms of doing evaluations like this, I take it you interview different people; correct?

THE WITNESS: Yes.

THE COURT: You consult different sources of information; correct?

THE WITNESS: Yes.

THE COURT: And you use those sources of information as the basis of the

report that you write; is that correct?

THE WITNESS: Well, in this particular case the report that you're referring to or that Mr. Bostic is referring to only refers to an interview between Christine Belford and Dr. Irwin Farbman, no other collateral sources of information, so it's an interview with Farbman and test results.

THE COURT: And it's all from Ms. Belford? In other words, when you say -- is the only source of information here Ms. Belford and the test results?

THE WITNESS: Yes.

THE COURT: I'm going to overrule the objection, Mr. Weede.

You may proceed, Mr. Bostic.

BY MR. BOSTIC:

Q. Now, would you pull up Defense Exhibit 188. And would you highlight for me, please, the line she spoke of an incident to abuse. It's in the first paragraph, second sentence. I'm sorry, the third paragraph under general behavior. I guess the line she spoke of an incident, the second line there to abuse.

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1 Would you read that out loud for the jury, sir?

2 A. "She spoke of an incident
3 occurring in the office of her 2 3/4 year old
4 daughter's Lee's pediatrician that led to a risk
5 that she would be charged with child abuse."

6 Q. Let me stop you there. You talk
7 about your methodical way of conducting these
8 forensic evaluations earlier; is that correct?

9 A. Yes.

10 Q. Now, you can pull that down.

11 Now, wouldn't it be fair to say
12 that prior to signing this report, you read the
13 contents of the report?

14 A. Sure.

15 Q. And it would be fair to say that
16 you were well aware of that statement?

17 A. Yes.

18 Q. Now, with respect to your
19 methodology, during your interviews and
20 conversations with Christine Belford, you never
21 further explored that statement within the
22 context of the report, Defense Exhibit 188?

23 A. Correct.

24 Q. And neither did you attempt to

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~~X~~ talk to Dr. Blalock, did you?

A. No.

Q. Now, with respect to your interviews with the government, you had two separate interviews with the government in connection with this case, in connection -- I'm sorry, my apologies.

With respect to the interviews that you had with the government related to this case, I believe there were two separate ones?

A. To two separate interviews with the government.

Q. Yes.

Mr. Ibriham Gonzalez started to ask you about this. With respect to the first interview, how long were you talking to the government and the case agent in this case, how long was that interview?

A. I don't recall specifically. I could ballpark it at around a couple of hours.

Q. Okay. A couple of hours. Two to four hours, would that be fair to say?

A. I think that's an exaggeration. I think it would be a couple of hours.

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1 Q. Two hours, then. Two. Okay.

2 Let's go with two.

3 A. Approximately.

4 Q. During the course of that
5 interview, you made a misstatement to the
6 government regarding when you told them that
7 Christine Belford give David initially legal and
8 sole custody of the children. You made a
9 misstatement in connection with telling them
10 that during your first interview?

11 A. I don't think I understand what
12 the misstatement is that you're referring to.

13 Q. Let me rephrase it. You met with
14 the government on June 4th, 2015; is that
15 correct?

16 A. I don't recall the date.

17 Q. But prior to that meeting, you met
18 with them in April of 2014, also, or sometime in
19 2014?

20 A. I don't recall specifically.

21 Q. Do you remember meeting with them
22 in 2014?

23 A. Not specifically.

24 Q. Okay. Do you remember in the

second meeting with the government, whenever that took place, informing the government that you noted at the time of the custody hearing you said that Christine said that David, the children to go live with David Matusiewicz, by that you added this that Christine did not say, but you added that she said until she could find appropriate housing. Do you remember saying that to the government on 20 -- I'm sorry, on -- sometime this year?

A. You're asking me if she reported to me or I reported to the government?

Q. You reported to the government something that Christine Belford did not tell you, the piece being that she said the children should live with David, but only until she could find appropriate housing, until she could find appropriate housing, that was something that you told the government that Christine never said to you?

A. No, that's an accurate statement.

Q. That's an accurate statement?

Okay.

Let me -- that's an accurate

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statement. I'll leave it.

Now, before I walk away, let me ask you from that inquiry, I'm going to ask you whether if you recall, if you recall when you met with the government in the two meetings that we talked about, whether Special Agent Joseph Gordon from the FBI was present, this gentleman right there?

A. Was he ever present in a meeting?

Q. Was he present in the meetings that you had with the government, the two meetings we talked about?

A. I believe he was present. He was definitely present at the first, and I don't recall about the second.

Q. Okay. Now, during your testimony earlier, you talk about multi-personality disorder, and I think you referred to it also as dissociative -- help me out here?

A. Dissociative identity disorder.

Q. Dissociative identity disorder. Is that generally lumped under the context of personality disorder?

A. I'm not really sure how the DSM-V,

which is the new compendium of all mental disorders classifies it, under which category.

It's not a specific personality disorder.

Q. It's not a specific personality disorder? But it would be classified in the medical, the DMS --

A. DSM.

Q. DSM-V; correct?

A. Correct.

Q. And during your interviews and meetings with Christine back regarding the evaluation that took place sometime in 2006, you noted in your report that you had concerns about whether or not -- let me find it in your report -- whether Chris had indications of infantile alcohol syndrome, I think it's page two of your report, the second to last paragraph?

MR. WEEDE: Your Honor, I don't have page two of the report. I have what appears to be a search warrant affidavit on the second page.

MR. BOSTIC: My apologies. I'll get you a copy.

MR. WEEDE: Your Honor, I would

1 just ask to make sure the witness has a copy of
2 page two, as well.

3 THE COURT: I think Mr. Bostic was
4 just searching for an affidavit stuck in the
5 report. We actually do have a complete report
6 just with an additional superfluous page.

7 MR. BOSTIC: Your Honor, we move
8 to withdraw that.

9 THE COURT: We'll sort that out
10 later, Mr. Bostic. Go ahead.

11 BY MR. BOSTIC:

12 Q. Do you see where I'm talking
13 about?

14 A. I do, yes. I think you're
15 referencing to a description of Christine
16 Belford's mother.

17 Q. Cristine Belford's mother, so you
18 were talking about the mother, not Christine
19 herself, is that what you're saying?

20 A. What I'm saying is -- well, why
21 don't ask you the question --

22 Q. Let's -- can you pull up the real
23 page two. Would the real page two please stand
24 up. The real page two of Dr. Romirowsky's

report. Exhibit 188. And as we're getting that done, you referred to Christine Belford as Chris in the context of your report, 188; is that correct?

A. Yes.

Q. So let's turn to the second to the last paragraph, if you can pull it up. And can you read aloud that entire paragraph. And I'm sorry, the entire first two sentences of that paragraph, beginning with Chris' mother and ending with alcohol syndrome?

A. "Chris' mother is 59 years old. She had been drinking during the entire pregnancy with Chris and Chris was born with low birth weight. But there were other indications of an infantile alcohol syndrome."

Q. You just told me that you thought you were talking about Christine's mother when you wrote that paragraph, but that was incorrect, you were talking about Christine Belford?

A. I was talking about -- I thought you were asking the question about who was the alleged person drinking, that was the mother.

1 My answer is that and I'm acknowledging that
2 Christine reported that because her mother had
3 been drinking during the pregnancy that led to
4 Christine's own birth, that I wrote what I
5 wrote. That there were indications that
6 Christine was reporting that she had been born
7 with low birth weight, and other indications of
8 an infantile alcohol syndrome.

9 Q. Are you saying to the ladies and
10 gentlemen of the jury that you thought when I
11 asked you about whether there was indication
12 that Christine may have been suffering from
13 infantile alcohol syndrome, that you believe I
14 was talking about whether or not the mother
15 suffered from that diagnosis?

16 A. No, I think we have clarified
17 that, and I apologize if I created any confusion
18 that Christine reported about herself, and
19 that's what the report reflects.

20 Q. And in your report, the infantile
21 alcohol syndrome reference is to Christine
22 Belford, not her mother?

23 A. Yes.

24 Q. Okay. Now, you would agree with

me, would you not, that children -- let me strike that and go back.

Did you get any records or investigate further with Christine Belford or her mother or anyone else about what could, in fact, be a severe medical or diagnoses that could impact upon other actions or behaviors of Christine Belford? *

A. I don't believe I had obtained any medical records. *

Q. Okay. And you would agree with me that a person who is exposed to a lot of alcohol in the womb and who may suffer from infantile alcohol syndrome, also is likely to develop additional problems such as other mental health diseases?

A. That's a possibility.

Q. And one of the possibilities is personality disorder, am I not correct?

A. Personality disorders are --

Q. Answer my question first. Is one of the possibilities that the person who suffers from infantile alcohol syndrome may also suffer from a related mental health disease in the

1 category of personality disorder?

2 A. I think that's a possibility.

3 Q. Okay.

4 A. It's typically --

5 Q. You answered my question?

6 A. I didn't complete my answer.

7 Q. You want to complete it?

8 A. I do.

9 Q. Go ahead.

10 A. It's typically understood that
11 personality disorders are what are called
12 characterological disorders, that they are not
13 biochemically determined, but are rather based
14 on childhood experiences.

15 Q. Would personality disorders
16 include anxiety?

17 A. No.

18 Q. Let me ask you this. Would it be
19 fair to say also that a child who or a person
20 who suffers from infantile alcoholic syndrome
21 could also develop bipolar later on in life?

22 A. There are two separate categories,
23 there is not a correlation between -- first of
24 all, there is no formal proof that she's ever

been diagnosed as having had -- this is a self report, not a medical diagnosis, number one.

Secondly, there is no specific correlation that I'm aware of between anyone who has, in fact, been diagnosed with infantile alcohol syndrome that they go on to later develop bipolar disorder.

Q. As part of your continuing education, you stay abreast of developments in the field; am I correct?

A. You are correct.

Q. And --

MR. BOSTIC: If I may have a moment, Your Honor?

THE COURT: You may.

Members of the jury, we're talking about stray exhibits, one Saturday I was working getting ready for a trial without a paralegal and I happened to staple my child's art project in the middle of the exhibit, so it found its way into evidence. It just goes to show you the dangers of a lawyer operating a copy machine without professional assistance.

MR. BOSTIC: May I approach, Your

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1 Honor.

2 THE COURT: You may.

3 BY MR. BOSTIC:

4 Q. Dr. Romirowsky, I have handed you
5 what's marked for identification purposes,
6 Defense Exhibit Number 347. You can take this
7 down.

8 Can you look at that document
9 briefly and I'm going to ask you some questions
10 as to the nature of the publication and the
11 agency involved before I go any further with it.
12 Maybe I can move this forward because I see
13 you're trying to read the entire document.
14 Right now if you go to the bottom of the first
15 page, Defense Exhibit 347, would it be fair to
16 say that this is a publication from the US
17 Department of Health and Human Services?

18 A. Yes.

19 Q. Substance Abuse Mental Health
20 Services Administration?

21 A. Yes.

22 Q. And would it be fair to say that
23 in the -- I believe the -- I'm sorry, under the
24 section that talks about which disorders occur

with FASD, and do you understand what FASD is right?

A. I do.

Q. Tell the jury what it is?

A. Fetal alcohol spectrum disorder.

Q. Okay. And if you go down this document, would you agree with me that one of the disorders that may concur with fetal alcohol syndrome disorder is bipolar disorder? *

A. Yes.

Q. Okay. Now --

A. Just to be clear, it is saying can occur, not caused by. It's an important distinction.

Q. Did I at any time in that series of questions to you say that FASD causes bipolar?

A. I'm just clarifying.

Q. Would you answer my question, please, and answer my questions directly? Thank you.

Now, during the -- you testified earlier that you were hired by David Matusiewicz; is that right?

1 A. Yes.

2 Q. In connection with the custody
3 hearing?

4 A. Yes.

5 Q. And in fact -- strike this.

6 You know the attorney Berkowitz
7 that was handling the case at that time for
8 David Matusiewicz when you were hired?

9 A. I do know Mr. Berkowitz.

10 Q. And you and Mr. Berkowitz are
11 pretty good friends?

12 A. We have a professional
13 relationship in the sense that he and I are both
14 involved in custody actions from time to time.

15 Q. And Mr. Berkowitz had hired you on
16 several other occasions in the past before he
17 requested that you get involved in the custody
18 hearing matter?

19 A. I suppose. I don't recall
20 specifically how many or when.

21 Q. And at some point before you
22 completed preparation of this report, David and
23 Mr. Berkowitz separated, Mr. Berkowitz was
24 replaced as counsel?

A. Yes.

Q. Now, after you completed the custody matter and you testified or whatever, and after the custody was over, without --

MR. BOSTIC: Your Honor, may I see the court at side-bar very briefly.

THE COURT: You may.

(Side-bar discussion:)

MR. BOSTIC: Your Honor, I have a couple of questions for this witness about how long did he maintain a relationship with Christine Belford after he completed the work in the child custody matter, and most of it occurred during the time that the kids were missing.

THE COURT: Right.

MR. BOSTIC: I do not intend to open the door, I'm not going to ask him about that, but I wanted to let the Court know that so if any counsel have any concerns right now we can work it out.

THE COURT: The proffer is I'm going to ask him is it true that you maintained contact with Christine Belford even after your

1 professional commitments were met?

2 MR. BOSTIC: Right.

3 THE COURT: Anything other than
4 that?

5 MR. BOSTIC: And I think that's
6 probably where -- that's all I will do with
7 that.

8 MR. McCALL: Can I talk to
9 Mr. Weede for a minute?

10 MR. WEEDE: Just to the extent
11 that I could have what I would proffer is that,
12 I mean, I get to ask on redirect, what was the
13 context of those conversations and what was
14 said.

15 MR. McCALL: So there is not a
16 false impression that there was some sort of
17 social contact, there is a context to the
18 contact.

19 MR. BOSTIC: The context, the
20 contact from my perspective, Your Honor, is that
21 Christine reached out to Samuel Romirowsky to
22 talk about the kidnapping and perhaps some of
23 her experience while the kids were missing. And
24 the reason I'm asking to get that in is that we

3 expect to present Dr. Otto who will talk about
4 the fact that Dr. Romirowsky maintained an
5 inappropriate relationship with Christine
6 Belford in terms of -- not in terms of client
7 or -- a relationship which likely
8 contraindicates the testimony as before as well
9 as Dr. Otto is going to say he's compromised and
10 I'm going to ask the court to allow me to argue
11 that during the closing that his testimony,
12 Dr. Romirowsky's testimony should be taken in
13 the context of a professional who is
14 compromised.

13 THE COURT: Without reaching the
14 issue about that and how that all needs to be
15 played out, we're talking about an extrinsic
16 attack on the witness. Given the fact that the
17 witness is a professional, I need to parse that
18 out. I'm not expressing any views on that at
19 the moment, but I will say this to Mr. Bostic,
20 that is I think if you inquire of the witness
21 did he maintain contact, it's at least fair for
22 the government to ask what the contact consist
23 of. I don't think you can go there and then
24 handcuff the government from clarifying on

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1 redirect.

2 MR. BOSTIC: Your Honor, if I ask
3 the question then did you have relations with
4 Christine Belford during the time the children
5 were kidnapped, would that then open the door to
6 further discussions?

7 THE COURT: I think the
8 government's concern is there is an impression
9 there was something improper with the contact,
10 the nature of the contact and I think it's fair
11 on the their end to want to clarify that.

12 MR. BOSTIC: That's fine, Your
13 Honor.

14 THE COURT: You'll have to make
15 your tactical judgment about where you want to
16 go.

17 MR. BOSTIC: So I don't have to
18 come back to side-bar, I want to also get into
19 an issue with how he evaluates other -- he talks
20 about being a forensic psychologist and
21 * evaluating individuals. I want to give him a
22 hypothetical about a situation in which he made
23 the decision that I believe was also -- you know
24 what -- I believe that this doctor once

recommended to Family Court that a child
pedophile would be allowed to reengage after his
rights were terminated, after his parental
rights were terminated because he sexually
abused one of his daughters, and this individual
was hired by the father for that purpose, and he
testified for the father, rights should be --

THE COURT: Do I hear an
objection?

MR. WEEDE: Yes, there is a strong
objection.

THE COURT: I don't think without
relitigating the fact and merits of that case
there would be any way to give any probative
weight to the assessment that Dr. Romirowsky
did, so I will preclude that.

MR. BOSTIC: Very well. Thank
you.

(End of side-bar.)

THE COURT: I notice as soon as
the noise goes off, the conversation comes down.
The good news is we can't hear you, either.

MR. BOSTIC: Your Honor, I'm just
about finished.

1 THE COURT: And again, members of
2 the jury, we're just clarifying evidentiary
3 points and wise counsel before wading in will do
4 that, that's the reason that we huddle.

5 BY MR. BOSTIC:

6 Q. You said that you were appointed
7 by the court on a petition in connection with
8 the TPR hearing matter, and that you were
9 actually hired by Ms. Belford to conduct the
10 evaluation of David Matusiewicz?

11 A. Yes, I believe I was selected -- I
12 believe that the court order permitted Christine
13 Belford to choose an evaluator, and she chose me.

14 Q. So were you working on behalf of
15 the court at that point to conduct your
16 evaluation of David Matusiewicz, or were you
17 working on Christine's Belford's behalf?

18 A. I'm always working on behalf of
19 the court, on behalf of the children, really.

20 Q. As you testified earlier, when
21 you're working on behalf of the court, you share
22 information back and forth with the parties in
23 the particular litigation?

24 A. Yes.

9 Q. Now, the communications -- strike
10 that.

11 You had some communications with
12 Christine Belford in connection with your
13 intended testimony at the termination of
14 parental rights hearing?

15 A. Yes.

16 Q. And it would be fair to say you
17 never shared those communications with David *
18 Matusiewicz?

19 A. Yes.

20 Q. Nor his lawyer?

21 A. Yes.

22 Q. And, in fact, in one of those few
23 -- strike that.

24 And would it be fair to say that
after your testimony at the termination of
rights hearing, you sent Christine Belford an *
E-mail asking her how did I do?

A. That's true.

Q. Did you share that with the court,
that E-mail exchange?

A. After the proceeding was
concluded? That was --

*Contradicted
what he
said on
page 1899*

1 Q. Did you share it with the court?

2 A. No, the proceeding was concluded

3 Q. And you didn't share it earlier
4 with the court either while the proceeding was
5 still going forward?

6 A. That would be improper.

7 Q. Is it proper for you to have side
8 conversations with a party to the litigation --
9 strike that. I withdraw that.

10 Now, if you can pull back up for
11 me Dr. Romirowsky's report because I want to
12 make certain that we get this fully in. 188.
13 And highlight that paragraph in the general
14 behavior. Just that paragraph.

15 And with respect to the
16 allegations that Christine told you about that
17 were noticed by Dr. Blalock, do you know whether
18 or not Dr. Blalock referred any charges or filed
19 any complaints against Christine in connection
20 with what he saw and what Christine reported to
21 you?

22 A. So if I'm to understand your
23 question, you're asking whether -- you're
24 referring to allegations, and I'm not aware that

1 there were allegations.

2 Q. Okay.

3 A. And I'm also -- I'm trying to
4 answer your question. I'm not aware of any
5 report that Dr. Blalock, who is a mandated
6 reporter, made to any agency regarding child
7 abuse.

8 Q. So you're saying that Christine
9 falsely self reported about the incident?

10 A. She was a very candid open book if
11 you will, so she talked about the fact that she
12 may have had as an infant this fetal alcohol
13 spectrum disorder. She didn't present any
14 evidence that she was actually ever diagnosed
15 with it. And the response -- we're sort of
16 straddling two issues here.

17 In the report that you're asking
18 me to take a look at, she was the one that said
19 that she had concerns that there were possible
20 allegations that could be made against her, and
21 she goes on to explain that Dr. Blalock had
22 supposedly withdrawn his criticism over
23 treatment of her daughter and that it was a
24 nonissue.

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Q. I just want to make certain that we're clear, then I'm going to sit down. My last question to you had nothing to do with infantile alcoholic syndrome.

MR. WEEDE: Your Honor, is there a question here? I'm asking if there is a question.

MR. BOSTIC: I'm asking a question.

BY MR. BOSTIC:

Q. My last question to you, Dr. Romirowsky, had nothing to do --

MR. WEEDE: Your Honor, same objection.

THE COURT: You're going to end with the question?

MR. BOSTIC: Yes, I will end with "isn't that true", Your Honor. Thank you.

BY MR. BOSTIC:

Q. My last question to you regarding the paragraph that is on the screen had nothing to do with infantile alcoholic syndrome, isn't that correct?

A. Yes.

Rudy - Not sure if I
need to include from
this page on 1891-1899
but I start the testimony
to the end. If you think
it is ok include it, if
not then dont.

The PFA was from 2000
they are referring to
(pre indictment 2009-2013).
PFA was dismissed - David &
Christines.

I dont want to give bits &
pieces like the govt, but
10,000 pages are a lot.

- Also her testig pg 1895 showed
she was "normal" + not a risk to

Someone that wanted a
"secure family life" (which
she had, my husband said
he would have married my
brother LA) would not
get caught in David's
optometric practice trying
to have an affair with one
of his employees around
12/01/05 2-3 days prior to
her filing for a PFA. If that
was what she really
wanted was a "secure
family life."

I have proof that
David Scott Osborne testified
at the 2000 custody/divorce
hearing + was also called to →

the kids, I hate to
say I don't agree.

testify at trial, but
they never called him
for trial. Instead they
asked Christine's lawyer if
Chris spoke with him
regarding an "incident" with
David Scott Osborne. Also
there was just a stipulation
why Christine no longer
worked at the office. That's
all you heard about that
because our lawyers were
told not to bash Christine.

MR. BOSTIC: Thank you.

THE COURT: Mr. Edelin, we covered you already; correct?

MR. EDELIN: Yes, Your Honor.

THE COURT: Mr. Weede, you may have the floor for redirect.

MR. WEEDE: If I may, I have one issue I would like to discuss with the court at side-bar before I proceed.

THE COURT: But we were just there.

MR. WEEDE: I think the Court will indulge me.

(Side-bar discussion:)

MR. WEEDE: Your Honor, this is the defense exhibit which they admitted over my objection. I would point to page four of that exhibit in which Christine relays all of the allegations related to the PFA and her fear of David. As far as I'm concerned, this is now in evidence and I can go over it with Dr. Romirowsky.

MR. BOSTIC: Your Honor, may I respond?

1 THE COURT: You may.

2 MR. BOSTIC: I asked the Court to
3 allow me to admit it in a limited fashion.

4 Obviously --

5 THE COURT: Let Mr. Bostic finish.

6 MR. BOSTIC: Right. In a limited
7 purpose to deal with a singular issue that does
8 not relate to --

9 THE COURT: Here is how I'm going
10 to resolve this. While I don't know that
11 Mr. Bostic was that specific in his limited
12 proffer, it was cross-examination of the
13 government witness who I will add is a very
14 experienced courtroom witness, not a novice by
15 any means. For this purposes, I don't think the
16 government should wade into this.

17 MR. WEEDE: I will if I may, Your
18 Honor, I just -- the one last point is the
19 ultimate conclusions of the testing were
20 certainly brought at issue.

21 MR. BOSTIC: Yes.

22 THE COURT: Okay. Make sure we're

23 --

24 MR. BOSTIC: I read it quickly.

MR. WEEDE: Good: Thank you.

(End of side-bar.)

MR. WEEDE: If I may, Your Honor.

THE COURT: You may

REDIRECT EXAMINATION

BY MR. WEEDE:

Q. Dr. Romirowsky, Mr. Bostic referred to you a section in that report in which Christine self reported this issue with the pediatrician's office; correct?

A. Correct.

Q. You mentioned a mandatory reporter, what does that mean?

A. A mandatory reporter by law applies to a variety of professionals that come into contact with children who are required by law to make a report to Child Protective Services, Department of Family Services in Delaware, if they hear from a child something that is suspicious of child abuse, they have to report it. They don't have to reach a conclusion about it, but they have to report it to the appropriate agency to investigate whether

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1 this child has been abused.

2 Q. And to your knowledge was there
3 ever any report by Dr. Blalock of child abuse
4 against Ms. Belford?

5 A. Not to my knowledge.

6 Q. Do you even know if Dr. Blalock
7 was the girls' treating pediatrician?

8 A. I don't specifically know that.
9 It's reported in the interview that Christine
10 Belford had with Dr. Farbman, that at the time
11 that she was concerned about whatever incident
12 took place that Dr. Blalock wasn't the
13 pediatrician.

14 Q. And there was some discussion of
15 multiple personality disorder, again, and again,
16 in your diagnosis, did you see anything
17 consistent with their being multiple personality
18 disorder --

19 A. Not whatsoever.

20 Q. -- with Ms. Belford?

21 And I would note that this is a
22 Defense Exhibit 188, if I could have the Elmo,
23 please.

24 MR. WEEDE: If you could unkill

me, Judge, I would appreciate.

THE COURT: Any more side bars,

Mr. Weede?

MR. WEEDE: No, no more side bars

with this witness at this time.

BY MR. WEEDE:

Q. This is the report that Mr. Bostic showed you. I don't think he focused on this paragraph. Can we read in that first and second line, please, under summary?

A. Sure.

"There are no indications from the CAP that Chris represents a risk to the physical well-being of a child. Nor is there the suggestion in the PAI" -- that's the personality assessment inventory -- "that she is a violent or impulse dominated person. Indeed, on that instrument the interpersonal scale scores favor empathy and compassion over control and domineering proclivities. Within the protective tests the importance of a secure and benign family life is emphasized. It was the fear that this was devolving within her own marriage that increased stress and frustration for her. The

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1 absence of unity in her family of origin
2 contributed to the intolerance of this in her
3 own marriage. The cognitive capacity for
4 employing reason over impulse in addressing
5 problems is well demonstrated in the Wisconsin
6 Card Sorting test."

7 Q. Thank you, Dr. Romirowsky. And
8 again, that's consistent the evaluation that you
9 performed?

10 A. It is.

11 Q. With all the tests that were
12 administered on Ms. Belford?

13 A. Yes.

14 Q. With your interviews with her?

15 A. Yes.

16 Q. With you watching her with the
17 children?

18 A. Yes.

19 Q. One last thing I think. You
20 mentioned that Mr. Bostic asked you if you
21 shared a certain E-mail or communication with
22 the Court after the proceedings were concluded?

23 A. Yes.

24 Q. You said that would be improper?

A. I'm sorry.

Q. You said that would be improper?

A. No, I said it was improper -- he asked me if I shared it with the judge.

Q. Sorry, that's what I meant. I apologized. And that would be improper?

A. Yes.

Q. Why?

A. My understanding of the rules of court is that you should not have what's called ex parte communication, meaning I just can't go and share information with the judge, I need to bring it to the courtroom, need to bring it to the jury, need to share it with the attorneys, I can't just go off and start sharing information with the judge.

MR. WEEDE: Your Honor, if I may have a moment?

That's all I have, Your Honor, for this witness.

MR. BOSTIC: Your Honor, if I may have one question on recross so it's clear

RE CROSS-EXAMINATION

BY MR. BOSTIC:

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1 Q. There is a process by which that
2 just described, you could have shared that
3 information with the court by sending it to the
4 attorneys and having them bring it to the
5 court's attention; isn't that correct, so it
6 would not be ex parte?

7 A. If there was still something
8 pending before the court, but I think after I
9 testified, my role in that matter was concluded.

10 Q. You said it would be improper for
11 you to share it with the court, and I'm asking
12 you, because you just testified that there is a
13 mechanism by which you could have shared it with
14 the court, one is you can send it to the lawyers
15 and have Ms. Belford or David Matusiewicz's
16 attorney share it with the court and that would
17 not be ex parte; is that correct?

18 A. That's correct. And in fact I
19 did, because after the hearing at the same time
20 that I had communicated with Ms. Belford, I also
21 spoke with Mr. Roberts, who was
22 Mr. Matusiewicz's attorney in those proceedings.

23 Q. The lawyer ask the question that
24 he doesn't know the answer to sometimes gets a

surprise. But didn't you just testify to me earlier this morning that you did not share that information with David Matusiewicz or his attorney?

A. During the court proceeding.

MR. BOSTIC: Okay. Thank you.

MR. IBRAHIM: Judge.

contradicted what he said on pg 1887 "never"

BY MR. IBRAHIM:

Q. Hello again, Doctor. How are you?

A. Still fine.

Q. Excellent.

Dr. Blalock, do you know

Dr. Blalock's first name?

A. I don't.

Q. Am I correct to say that in terms of mandatory reporting, that's all confidential; true?

A. I believe that the -- yes, I believe it is true, that's confidential.

Q. So the fact of the matter is you would not have been told by Dr. Blalock or anyone else if such a report was made?

A. That's correct.

MR. IBRAHIM: Thank you, sir.