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MR. WEEDE: Second.

1 THE COURT: All right. Then
2 everyone, we'll have our lunch break, we'll come
3 back, complete this witness and at least all
4 counsel will know they can stand down.

5 MR. EDELIN: One last thing I know
6 the Court is still considering the polygraph
7 issue.

8 THE COURT: Right.

9 MR. EDELIN: I know co-counsel has
10 filed something, I believe the Government is
11 going to file a formal response, I am going to
12 file a similar motion to the Government. Just
13 so we actually have filings on the record.
14

15 THE COURT: When I saw my e-mail
16 que this morning and I saw Mr. Ibrahim was on
17 the score board, I assumed that there would be
18 further documents which is why I have not
19 returned to that issue.

20 MR. IBRAHIM: Mine is under seal,
21 Your Honor.

22 THE COURT: Right. And I'm going
23 to make sure that we get that into the hands of
24 the clerk of court. I think as well for the

This is in regards to the 2nd set of polygraphs mom + I took during trial. since the govt questioned the veracity of the 1st set mom + I took.

1 reasons I discussed yesterday morning it's best
2 that we do have those filed under seal, okay?

3 MR. EDELIN: Yes, Your Honor.

4 THE COURT: The cooperation of
5 counsel is greatly appreciated.

6 MR. WEEDE: Your Honor, I'll
7 respond by tonight so the Court will have
8 everything.

9 MR. EDELIN: There are more from
10 him than me, so I will give mine to you as
11 quickly as possible.

12 THE COURT: There's no pressure on
13 that score, counsel. You've known me to respond
14 to e-mails late at night, so whenever we get to
15 it, you know, we'll make sure it's resolved and
16 I want to give everyone's submissions
17 appropriate consideration, so I appreciate that.
18 Anything else?

19 MR. IBRAHIM: Judge, just on that,
20 can we see you at sidebar, because I've got to
21 get more specificity on that.

22 (Sidebar discussion.)

23 MR. IBRAHIM: Your Honor, based
24 upon the Court's discussions and many

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discussions we've had, although Your Honor had not made a formal ruling, it was clear it was the Court's intention to make clear what the ruling was going to be. Mr. Weede had filed some additional material, so I thought it was prudent that at least there be something on the record.

THE COURT: I agree.

MR. IBRAHIM: I expressed to Mr. Weede it was not to create more work for him, that I was not only filing a motion in limine, I was viewing his e-mail as a response. The only reason I bring it up is the posture that it is now, I am presuming based upon the Court's reasoning thus far, I know the Court has reviewed everything, that the motion in limine was in effect denied. And the reason I say that is because I'm going to tell my witnesses to stand down.

THE COURT: Yes.

MR. IBRAHIM: Okay.

THE COURT: I'll say this to counsel. After announcing what my reasoning was, I looked at the -- am continuing to look at

1 the issue and particular to look at the issue it
2 includes revisiting the cases that I think are
3 pertinent to the issue. Thinking through the
4 posture of the trial at this point, when I saw
5 Mr. Weede's submission that Cite 20 Weinstein,
6 you've tracks down Weinstein, and so I'm
7 continuing to just analyze the issue. But in
8 continuing that process of analysis, I have not
9 come across anything that would change my
10 inclination and so you are correct that you
11 have, for practical purposes, the motion to
12 present the testimony has been denied.

13 MR. IBRAHIM: Right.

14 THE COURT: And you should call
15 your witnesses off. And needless to say, if I
16 should have a moment of inspiration and suddenly
17 reverse course. I will tell counsel
18 immediately.

19 MR. IBRAHIM: Fair enough.

20 THE COURT: But I recognize that
21 it's a serious issue and I certainly recognize
22 the importance of you preserving your position
23 with the appropriate physician. And I realize
24 that that might mean more work for everybody,

1 but so be it, we're getting the job done. All
2 right.

3 MR. IBRAHIM: Thank you, sir.

4 MR. IBRAHIM: Thank you, Your

5 Honor.

6 THE COURT: Anything else,

7 counsel?

8 MR. BOSTIC: No, Your Honor.

9 (Luncheon recess at 11:45 p.m.)

10 THE COURT: Mr. Bostic.

11 MR. BOSTIC: Thank you, Your

12 Honor. On behalf of David Matusiewicz, we will
13 call Gillian Blair to the stand.

14 THE COURT: All right.

15 GILLIAN BLAIR,

16 the deponent herein, having first
17 been duly sworn on oath, was
18 examined and testified as follows:

19 BY MR. BOSTIC:

20 Q. Good afternoon, Doctor Blair.

21 Would you state your name and identify yourself
22 for the record, please?

23 A. My name is Gillian Blair. I'm a
24 clinical and forensic psychologist.

Dr Gillian Blair's testimony regarding child protective services not following their own policies & procedures

1 Q. Now, and how long have you been
2 practicing in the field as a clinical and
3 forensic psychologist?

4 A. In Tennessee, which is where I
5 lived originally, though, obviously that's not
6 where I'm from. I was first licensed in 1988 or
7 '89. '89, I believe. I moved to Pennsylvania
8 in 1997, so I have been practicing since -- in
9 Tennessee, Delaware and Pennsylvania since 1989.

10 MR. BOSTIC: Your Honor, if I may
11 approach?

12 THE COURT: You may.

13 BY MR. BOSTIC:

14 Q. Doctor Blair I'm going to hand you
15 a packet with several documents. Oh, you do
16 have one already?

17 A. I have it.

18 Q. Okay. One of those documents that
19 you have in front of you is marked as Defense
20 Exhibit number 850, which is your resume; is
21 that correct?

22 A. Yes.

23 Q. Okay. I want to get a little more
24 detail about your professional background in

1 terms of the type of jobs that you've held
2 relative to your experience in the field. And
3 before I do that, let's talk about your
4 education. Would you tell the ladies and
5 gentlemen of the jury where you were educated
6 and the degrees that you hold?

7 A. I have a Bachelor of Sciences
8 degree from University of London, London School
9 of Economics and Political Science, degrees in
10 psychology. I have a masters degree in clinical
11 psychology and developmental psychology from
12 Vanderbilt University from Tennessee. I have a
13 Ph.D. in development and clinical psychology,
14 from Vanderbilt University in Tennessee and I
15 have a master of law degree from the University
16 of Pennsylvania Law School.

17 Q. Are you a lawyer?

18 A. Excuse me. I am not.

19 Q. Okay. You have this masters in
20 law. Now, can you explain the nature of that
21 degree and the type of courses that you took at
22 the University of Pennsylvania?

23 A. When my husband and I were moving
24 from Tennessee to Pennsylvania, because I was

1 working as a forensic psychologist, it seemed a
2 good opportunity to get some formal legal
3 training, so I applied to University of
4 Pennsylvania Law School. I met with a couple of
5 professors there and given that I did not want
6 to work as an attorney, I just wanted the legal
7 training to help me in terms of being a forensic
8 psychologist, they suggested to me that I not do
9 a JD degree, that I do an LLN, which is a
10 somewhat different degree, I applied for that
11 and I did it. What that means is you can pick
12 the classes that you do, so all of the classes
13 that I took were relevant to forensic
14 psychology. So, for example, I did not do
15 taxation law, I did not do securities law, I did
16 not do contract. I did things like criminal
17 law, philosophy of law, mental health law. I
18 did actually do tort law, because that's
19 relevant to litigation in terms of say
20 malpractice or people suing for damages.

21 Q. Now, with respect to any
22 fellowship appointments, were there any that
23 you've had over the course of your education and
24 professional experience?

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A. Any --

Q. Any fellowship appointments, post graduate training and fellowship?

A. Oh, well, I did not do a fellowship. The sort of post graduate training, I worked in a residential treatment facility in Tennessee for juveniles. Those were children who were in the care of the Child Protective Services for a number of different reasons. All of those children had severe mental health issues, some of those children also had some involvement with juvenile justice. I trained in law and family therapy. I did an APA 12-month internship at Middle Tennessee Mental Health Institute, which is a state psychiatric hospital that also has a freestanding forensic unit.

Q. And during the course of your career, have you had any faculty appointments? Have you had any faculty appointments?

A. Yes, I have.

Q. And where were those and what were they?

A. The first was at Vanderbilt University. Upon graduating with my Ph.D. and

1 becoming licensed, I was an instructor in
2 psychiatry. I worked in a multi-disciplinary
3 team at the Tennessee Neuropsychiatric
4 Institute, which was a secure unit in the state
5 psychiatric hospital for patients who tended to
6 have proved themselves to be resistant to
7 typical treatment, and they were in various
8 medication trials and different types of
9 treatment to try and find something that would
10 help them. While I was there, I also spent half
11 of my time in the forensic unit doing
12 evaluations of people who were committed there
13 by the courts for 30 days for an assessment of
14 their competence to stand trial or whether they
15 met criteria under Tennessee law for an insanity
16 defense or diminished capacity.

17 Q. Now, as it presently stands, do
18 you have any involvement -- I know you have
19 involvement in the Children Advocacy Center for
20 Montgomery County.

21 A. Do you want me to finish answering
22 your first question?

23 Q. And I apologize:

24 A. When I moved to Pennsylvania, when

1 I graduated from Penn Law School, I was hired by
2 the University of Pennsylvania, Department of
3 Psychiatry as an instructor and in that position
4 I was a co-director of the juvenile forensic
5 unit, where primarily we provided evaluations
6 and treatment of juveniles who were held in the
7 secure detention center in Philadelphia. The
8 other half of my time I spent in the outpatient
9 unit working with young children, adolescents
10 and their families.

11 Q. And you've lectured in the field
12 of forensic clinical psychology, am I right?

13 A. I what?

14 Q. You have lectured in the field of
15 forensic and clinical psychology?

16 A. Yes.

17 Q. And as early back as 2004 up to,
18 what was the most recent lecture that you gave?
19 Let me direct you to June 13, 2013, with respect
20 to lectures that I believe you presented
21 regarding ethical considerations in child
22 forensic interviews and evaluation.

23 A. Yeah. I've conducted lectures
24 when I've been asked to do, but primarily while

1 I'm on the faculty at the University of
2 Pennsylvania, I also trained medical students
3 and residents in the assessment and treatment of
4 juveniles. I am currently I provide supervision
5 to psychiatrists who are undertaking the
6 fellowship in forensic psychiatry at the
7 University of Pennsylvania, particularly in
8 their interactions with children and adolescents
9 and families as opposed to adults.

10 Q. And I'd asked you this earlier,
11 with respect to the CAC in Montgomery County,
12 Mission Kids, can you explain what you do there?

13 A. When I left the University of
14 Pennsylvania, I went into private practice.
15 I've been in private practice in Wilmington,
16 Delaware, Wayne, Pennsylvania and currently in
17 Narberth, Pennsylvania. When Montgomery County,
18 which is one of the counties just outside
19 Philadelphia, raised sufficient money to open
20 its own child advocacy center, I was asked to be
21 part of their management team and was part of
22 the team that developed that program. Since
23 then I have been mental health consultant to the
24 management team. And in Montgomery county, I

1 have supervised, provided clinical supervision
2 to all of the forensic interviewers at the CAC
3 in Montgomery County.

4 Q. Okay. Now, when you say CAC,
5 would you explain for the ladies and gentlemen
6 of the jury what that abbreviation stands for?

7 A. The CAC is a child advocacy
8 center. And these were developed in primarily
9 in response to a number of child abuse cases
10 that collapsed primarily because the children
11 had been interviewed multiple times and it was
12 felt that the children's testimony was tainted
13 by leading questions, suggestible questions and
14 purely the fact that they had been interviewed
15 so many times. So a protocol was developed by a
16 number of different people. One of the primary
17 ones was Michael Lamb and there are a number of
18 different protocols, but they are very, very
19 similar in which children, whether there are
20 allegations of abuse and neglect and also
21 sometimes although less commonly where children
22 have witnessed a crime where children are
23 interviewed by one person only who is highly
24 trained as a forensic interviewer, you know,

1 they are very neutral interviews, they are very
2 child focused, they are driven by the needs of
3 the child, so that the child is interviewed one
4 time and one time only so that there is no -- or
5 to reduce the possibility of there being any
6 taint to what the child may say. Those
7 interviews begin in a very general way in which
8 the interviewer attempts to build rapport with
9 the child and then gradually they -- it's called
10 funneling where they like channel the questions
11 much more related to whatever the allegations
12 are. The person doing the interview has
13 information stating why the interview is being
14 conducted, so they know that it's an allegation
15 of abuse, whether it's an allegation of neglect,
16 whether the child has witnessed a crime,
17 whatever it may be, so they know -- they don't
18 know the details, but they do know generally
19 what is being alleged regarding the child.
20 Those interviews are always videotaped. The
21 videotape, once the interview is over at our
22 CAC, and I think this is standard for all, the
23 DVD is handed over to the DA's office and law
24 enforcement. That would be the detectives who

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1 are investigating the case. While the
2 interviewer is being conducted, no one is in the
3 room except for the child and the interviewer.
4 No parent or any family member ever is allowed
5 to observe that, nor is a parent ever given any
6 information about what the child may or may not
7 disclose during that interview. And the
8 interview, while it is taking place, is watched
9 by typically a member from the DA's office,
10 members of law enforcement, which in our
11 particular county, usually involves the
12 investigating officer and a county detective,
13 someone from child protective services, if a
14 child advocate is involved or has been assigned
15 to the child, the child advocate observes that.
16 Sometimes there will be a physician there and
17 the child is always told that it's being -- that
18 they are being videotaped. They are also told
19 who is watching the interview and they are
20 always given the opportunity to meet the people
21 who are observing the interview and the child is
22 also told that no parent or any family observes
23 the interview. And you know, the whole reason
24 for that was to ensure that children were

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1 protected and were interviewed in a safe place
2 and were not subjected to re-traumatization by
3 being interviewed over and over again. There
4 are currently I believe 800 CAC's across the
5 U.S. In Delaware you actually have three,
6 which, for a small state is a fairly large
7 number. And I also believe that in Delaware
8 they are all state funded, which also is rare.

9 Q. Now, with respect to the CAC, is
10 there some type of national or umbrella
11 organization that pulled all of the CAC's
12 together and set general standards and
13 direction?

14 A. Well, there are actual several,
15 but the primary one is the National Children's
16 Advocacy Center which operates out of
17 Huntsville, Alabama. And all forensic
18 interviewers, and in fact the three CAC's in
19 Delaware are accredited by the NCAC, so they
20 follow their protocols. That means that their
21 forensic interviewers are all highly trained,
22 they are trained in Alabama, the interviewers go
23 down there for like three- or four-day training,
24 and then they have a huge number of interviews

1 that they have to do that are not like formal
2 interviews where they are supervised. I mean,
3 closely supervised by someone. So the forensic
4 interviewers are highly trained interviewers in
5 interviewing children.

6 MR. BOSTIC: Your Honor, if I may,
7 I would tender the Doctor Blair as an expert in
8 the field of forensic and clinical psychology.

9 THE COURT: All right. Any
10 questions on qualifications, Government.

11 MR. McCALL: No, Your Honor.

12 THE COURT: Any questions from
13 co-counsel?

14 MR. IBRAHIM: No, sir.

15 MR. EDELIN: No, Your Honor.

16 Thank you.

17 THE COURT: We've gone through
18 this before with expert witnesses and I do
19 indeed find Doctor Blair qualified in the fields
20 of clinical and forensic psychology and
21 therefore she may render opinions to you. Mr.
22 Bostic, proceed.

23 MR. BOSTIC: Thank you.

24 BY MR. BOSTIC:

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Q. Doctor Blair, you were retained by my office to render an opinion regarding the handling of allegations with respect to child sexual abuse in this matter, am I correct?

A. Yes.

Q. Okay. And I want to show you what's just marked for identification purposes.

MR. BOSTIC: And Your Honor, I'm not going to pass it up to the Court. The Government has a copy.

BY MR. BOSTIC:

Q. I want to show you what's marked as Defense Exhibit 975 and ask you to leaf through that binder very briefly and tell me whether or not that binder contains the documents and different information that you reviewed in connection with determining whether you could render an opinion in this case?

A. Yes.

Q. Now ma'am, I'm sorry, Doctor Blair, just for the record, would it be fair to say that you had and reviewed reports from the Department of Human Services concerning Laura Matusiewicz?

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1 A. I did.

2 Q. Right. And would it be fair to
3 say that you also reviewed certain testimony,
4 for example, of doctor -- rather of Laura Miles,
5 the former Executive Director of DHS?

6 A. I did.

7 Q. And would it be fair to say that
8 you also, correct me if I'm wrong, reviewed
9 testimony of Detective Shriner, Police Officer
10 Shriner?

11 A. Yes.

12 Q. And would you agree with me also
13 that you reviewed the Division of Family
14 Services policy manual?

15 A. I did.

16 Q. And you would agree with me that
17 you reviewed also I think it's Title 16, and the
18 relevant subsections relative to Delaware law
19 concerning child abuse and neglect?

20 A. Yes, Chapter 9, right.

21 Q. Chapter 9 of Title 16?

22 A. Yes.

23 Q. Now, Doctor Blair, as a result of
24 reviewing these documents, did you form -- let

1 me backtrack and say this. Would it be fair to
2 say that you are aware that with respect to
3 Laura Matusiewicz there were two interviews done
4 at the CAC offices in Delaware, one of them --

5 A. Yes.

6 Q. One in I believe in 2009, about
7 March of 2009, if I'm correct?

8 A. March the 17th, I believe.

9 Q. Right. And one in, in 2013?

10 A. Yes. I think October.

11 Q. Now, were you able to, after
12 reviewing all these source materials, render an
13 opinion as to whether or not the DHS in
14 Delaware, pursuant to their protocols, properly
15 investigated allegations of child sexual abuse
16 as to Laura Matusiewicz?

17 MR. McCALL: Objection. I'm not,
18 sure I -- seems like a broad question. Maybe we
19 can see the court at sidebar, because we're
20 encompassing I think two topics.

21 MR. BOSTIC: I'll rephrase the
22 question this way and see if the Government
23 still has an objection with it.

24 BY MR. BOSTIC:

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Q. Doctor Blair, after reviewing all of those things, did you reach an opinion in this case?

A. An opinion as to?

Q. That was the purpose of my question initially. You were retained by my office for what purpose, Doctor Blair? Would you state the purpose that you were retained?

A. Right. The focus was to determine whether Department of Human Services or Division of Family Services, I'm not sure what the correct title is, seeing as it seems to change with the documents, but whether they, based on Title 16 Chapter 9 and also their own protocols, whether they followed their own protocols in determining whether to investigate the allegations that were made regarding abuse of this child.

Q. Were you able to form an opinion?

A. I did form an opinion.

Q. And would you state for the jury what your opinion is?

A. My opinion is that with several of the allegations or the reports of which I

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believe there were 9 over quite a period of time, that there were six particular reports that were made, I believe from the beginning of December 2009 through early 2010 and several of those reports were screened out, which means there was no investigation based on the fact that the forensic that was reported was second or thirdhand or that the forensic that was reported was too vague for there to be sufficient data for the person taking the report to request that a supervisor initiate an investigation. But with two of those reports, it appeared to me that not having a full investigation of the report seemed to be in violation of DHS's own protocols and procedures for how they should, how they should follow through with the report. Two of those reports were clearly firsthand reports and two of those reports involved alleged statements made by the child and observations made by the reporter. One of the things that is clear in the protocols is that regardless of possible questions about the motives of the reporter or the veracity of the report that is being made, if the report is

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1 firsthand and the reporter is stating that they
2 observed or the child made a disclosure to them,
3 then their protocol suggests that there should *
4 have been an investigation and there was not.

5 Q. Doctor Blair, if I could turn your
6 attention to Defense Exhibit 351 and Mr.
7 Merrick, could you pull that up for us, please?
8 Now, Doctor Blair, could you pull up the top
9 part of that document, the title of it. Would
10 you agree with me that the Defense Exhibit 351
11 is the policy manual from the Division of Family
12 Services here in Delaware?

13 A. Yes.

14 Q. And this is the document that you
15 reviewed amongst many other documents to form
16 your opinion?

17 A. Yes.

18 Q. And you just referenced that the
19 policy and procedure required an investigation
20 regardless of if the intake person -- without
21 regard to the motives or veracity of the
22 reporter, even if questionable. I want to turn
23 you to, I believe, Mr. Merrick, it's based on
24 419 -- page 4. And if you can blow up, I think

1 it's A8. And Doctor Blair, if you would read
2 that into the record and then explain the
3 significance of that paragraph.

4 A. Yes.

5 Q. Please do, read it in.

6 A. Even when the motives or veracity
7 of the reporter are questionable, the caseworker
8 must consider the content of the report. The
9 Division of Family Services will give special
10 consideration to information provided by
11 individuals outside the family network,
12 especially from other professionals and from
13 persons in regular contact with the child.

14 Q. And it's your testimony, as I
15 understand it, that in this matter, with at
16 least two reports, the Division of Children
17 Services failed to follow their own protocol?

18 A. So it would appear.

19 Q. Okay. Now, I mentioned two
20 interviews that was conducted at the facility of
21 the CAC here in Delaware. The March 2009
22 interview, are you familiar with that interview?

23 A. I am.

24 Q. Okay. Now, it's my understanding

1 that, and I think you said this earlier, to have
2 an interview by the CAC, there needs to be a
3 specific referral?

4 A. Right.

5 Q. And in that referral, they were
6 referring, law enforcement or DHS worker would
7 indicate to the CAC the nature of the referral?

8 A. Yes.

9 Q. Okay. With respect to that March
10 2009 interview of Laura Matusiewicz, do you have
11 an understanding as to the nature of that
12 referral?

13 A. Well, as I understand it, the
14 referral was based on the child being returned
15 to her mother and returned to the United States
16 after having been kidnapped by her father and
17 members of her father's family.

18 Q. So we understand each other, in
19 essence, that referral related solely to the
20 kidnapping event, the child kidnapping event?

21 A. Yes.

22 Q. Okay. The subsequent interview
23 that took place in 2013, am I correct that that
24 did not relate to any allegations of child

1 sexual abuse as to Laura Matusiewicz?

2 A. Well, based on the information I
3 reviewed, it was not related to allegations of
4 child sexual abuse and I also understand that
5 the interview was conducted by the FBI and not
6 by a forensic interviewer at the CAC, although
7 it did take place at the CAC.

8 Q. Now, with respect to the two
9 incidents that you said or the two reports that
10 should have been investigated pursuant to the
11 protocols in the policy manual and the statute,
12 what type of specific information leads you to
13 that conclusion that was contained in those
14 reports? Do you understand my question?

15 A. Well, I think I've already stated
16 that what was contained in those reports that
17 was not in the other reports that were made was
18 that they were apparently or they were reported
19 to be firsthand accounts that the person who
20 made the report claimed that she had directly
21 observed certain behaviors in the child, that
22 she had had a conversation with the child in
23 which the child had made some statements that
24 were very concerning.

1 Q. Statements of child sexual abuse,
2 of sexual abuse?

3 A. Well, not necessarily, but
4 suggested the possibility of sexual abuse.

5 Q. Now, you have in front of you
6 Defense Exhibit 349; is that correct; it's a
7 letter dated December 24th, 2009, from Laura
8 Miles to David Matusiewicz?

9 A. I do.

10 Q. Okay. And first I want to turn
11 your attention to the second paragraph in that
12 letter, the Division of Family Services. Would
13 you pull that up for me, Mr. Merrick. Can you
14 see it? Is that statement there consistent with
15 your understanding of the obligations of DHS or
16 Childrens Services in Delaware?

17 A. Yes.

18 Q. Right. Now, would you pull up the
19 third paragraph, but the first sentence in your
20 particular case, just the first sentence, if you
21 can. Highlight the first sentence, whichever is
22 easier. Do you have an opinion with respect to
23 the statement in Laura Miles' letter to Mr.
24 Matusiewicz set forth in the highlighted

1 sentence?

2 A. Well, what she appears to be
3 saying is that the allegations of sexual abuse
4 had occurred in 2007 or whenever had been
5 addressed by the appropriate authorities. The
6 word addressed can be read in a number of ways.
7 * It implies that they were investigated and were
8 unfounded although it doesn't say that. But it
9 does imply that some type of action was taken,
10 whereas in fact, no action was taken.

11 Q. Okay. And now Mr. Merrick, would
12 you highlight the second sentence additionally
13 to the end of the paragraph and could you remove
14 the highlight from the first, please. And would
15 you read that sentence into the record for me,
16 please?

17 A. Additionally because there are no
18 current allegations of sexual abuse, the
19 Division of Family Services has no role to play
20 in your current family situation.

21 Q. Now, with respect to the
22 allegations that were made, the two that are
23 identified that were made in 2009, do you have
24 an opinion as to that statement that you just

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read?

A. Well, the reports, the two reports that were made in -- or the two relevant reports that were made in December 2009 were not investigated.

Q. And the statement reads that because there are no current allegations?

A. Well, you know, current allegations, I mean the allegations as I understand it from the records that I reviewed covered a period from 2004 to possibly -- I mean, 2004 is mentioned, 2006 is mentioned and 2007 is mentioned. And the reports were made in 2009, so that means that even the earliest report was only five years prior. And none of the allegations, based on the records that I reviewed, were investigated. They were all screened out. That means there was no investigations. They were assumed to be false reports.

Q. Now, it's my understanding that the Department of Children's Services is obligated to investigate reports of a child under the age 18; is that right, Children's

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1 Services?

2 A. Well, if they meet their
3 procedures and protocols.

4 Q. And I understand that you said
5 that two met those procedures and protocols?
6 Okay?

7 A. I believe two of them did.

8 Q. Okay.

9 MR. BOSTIC: Your Honor, I have
10 nothing else at this time. I'll tender the
11 witness.

12 THE COURT: Mr. McCall, you may
13 cross.

14 MR. McCALL: Thank you, Your
15 Honor.

16 BY MR. McCALL:

17 Q. Doctor Blair, good afternoon.

18 A. Good afternoon.

19 Q. How are you?

20 A. I'm good. Thank you.

21 Q. Good. I want to start with some
22 of the items that you've reviewed and some of
23 the items that you may not have reviewed, okay?

24 A. All right.

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1 Q. First, you reviewed two forensic
2 interviews conducted by Laura Matusiewicz?

3 A. Interviews of her, yes, I did.

4 Q. Correct.

5 A. Yes.

6 Q. Okay. One was the interview
7 conducted by the staff at the Children's
8 Advocacy Center here in Delaware in 2009,
9 correct?

10 A. Yes.

11 Q. That was March 2009 right after
12 she had been returned from the kidnapping?

13 A. I think within days of the
14 returning to the US, I believe.

15 Q. And the focus was on the
16 kidnapping, that's fair, right?

17 A. Yes.

18 Q. Because at that point there had
19 been no disclosure by anybody?

20 A. Right. And no reports.

21 Q. Okay. I won't talk over you, I
22 promise, or I'll try not to. At that point
23 there had been no disclosure of sexual abuse by
24 David Matusiewicz, Lenore Matusiewicz or Amy

1 Gonzalez; is that correct?
2 A. Not as far as I'm aware.
3 Q. Right. And at the interview,
4 you've reviewed the interview, correct?
5 A. I have.
6 Q. Okay. The mother, Christine
7 Belford --
8 A. Uh-huh.
9 Q. -- her name came up; is that
10 correct?
11 A. It did.
12 Q. It did, right? And again, the
13 purpose of the interviews in the Child Advocacy
14 Center, it can be free ranging, right, so that
15 if a child wants to say something --
16 A. Absolutely.
17 Q. Absolutely, right?
18 A. Absolutely.
19 Q. Absolutely.
20 A. Absolutely.
21 Q. So there's an environment if the
22 child wants to make a disclosure, the child can
23 do that, correct?
24 A. Correct.

1 Q. The environment is supposed to be
2 free flowing, a positive environment, a good
3 relationship to the person that's conducting the
4 interview, right?

5 A. Yes.

6 Q. Okay. And you actually indicated
7 in your report to Mr. Bostic that with respect
8 to that March 2009 interview you found it to be
9 a credible -- you -- I want to get it right,
10 child to be articulate and to provide a credible
11 narrative, right?

12 A. She did. She really did.

13 Q. Okay. And there was no disclosure
14 of sexual abuse in that March 2009 interview,
15 correct?

16 A. Correct.

17 Q. Okay. Now, you also reviewed the
18 interview that occurred in October of 2013,
19 right?

20 A. I did.

21 Q. Now, that interview, that took
22 place at a Child Advocacy Center as well,
23 correct?

24 A. It did.

1 Q. That however was conducted by a
2 forensic child examiner that's employed by the
3 FBI, correct?

4 A. I thought it was an FBI agent, but
5 I do not know the credentials of the FBI agent.
6 You may know better than I.

7 Q. Fair enough. Did your lawyer or,
8 excuse me, Mr. Bostic, provide you the resume of
9 the person that conducted that interview?

10 A. No, no.

11 Q. So you haven't reviewed the
12 resume --

13 A. Right.

14 Q. -- of the interviewer of that
15 particular interview; is that correct?

16 A. That is correct.

17 Q. Okay. So would it surprise you to
18 know that the person that conducted that
19 interview on behalf of the FBI is a 14-year
20 forensic child examiner?

21 A. No, it wouldn't surprise me in the
22 least.

23 Q. Right. And actually you found
24 that interview in October 2013 also to be, you

1 found also the child to be articulate and again
2 to provide a credible narrative of the traumatic
3 events, right?

4 A. She did.

5 Q. Right. Now, in that October 2013
6 interview, she was, and that's Laura
7 Matusiewicz, specifically asked whether or not
8 Christine Belford sexually abused her, correct?

9 A. Yes.

10 Q. And she said her mother did not
11 sexually abuse her, correct?

12 A. That is correct.

13 Q. And she was asked in that October
14 2013 interview whether she had ever heard of a
15 lollipop game, correct?

16 A. That is correct.

17 Q. And she denied ever hearing about
18 a lollipop game, correct?

19 A. She did.

20 Q. And she was asked in that
21 interview if she had ever talked about a G spot,
22 right?

23 A. Yes.

24 Q. And she again denied ever talking

1 about a G spot in the October 2013 interview,
2 right?

3 A. Correct.

4 Q. The one that you found to be a
5 credible narrative of events, right?

6 A. Yes.

7 Q. Okay. And she also talked about
8 having learned for the first time what a G spot
9 was by reviewing or googling her name on the
10 internet, correct?

11 A. Absolutely.

12 Q. Right. And she told the
13 interviewer during that examination or that
14 interview that not only had she found this out
15 for the first time by googling her name, but
16 that she called her mother to report what she
17 had found on the internet, correct?

18 A. Yes.

19 Q. She also, during that interview,
20 she was asked about wearing multiple layers of
21 clothes, correct? Do you remember that?

22 A. Uh-huh.

23 Q. I'm sorry, I need you to answer
24 yes or no.

1 A. I'm sorry. Yes, I remember her
2 speaking about or being asked about multiple
3 underwear.

4 Q. Right. And she said that she
5 didn't in the context of like anything bad
6 happening to her, correct?

7 A. As I recall, yes.

8 Q. Right, like she may have --

9 A. Right.

10 Q. -- because she's a child?

11 A. Right.

12 Q. She was articulate enough to
13 express that to the interviewer, like maybe I
14 put on two pairs of clothes, because I'm a kid,
15 but I wasn't doing it because somebody was
16 hurting me, right?

17 A. Correct.

18 Q. Doctor Blair, have you reviewed
19 the sworn testimony of Laura Matusiewicz from
20 this trial?

21 A. I have.

22 Q. And she testified consistently
23 with the information she provided in that
24 October 2013 interview, correct?

1 A. She did.

2 Q. Did you have an opportunity,
3 ma'am, to review the sworn testimony from this
4 trial of Laura Miles?

5 A. I did.

6 Q. Did you have the opportunity to
7 review the sworn testimony of Kimberly Lawson,
8 the guardian ad litem for Laura Matusiewicz from
9 this trial?

10 A. I don't think so.

11 Q. Okay. You weren't provided that;
12 is that correct?

13 A. Not that I recall.

14 Q. Okay. So do you know or were you
15 aware that within a month, right, of the two
16 calls that you've been focused on from December
17 2012 to DFS about these allegations of sexual
18 abuse, that Christine Belford filed to terminate
19 the parental rights of David Matusiewicz? Did
20 you know that?

21 A. I did know that there was a
22 filing. I didn't know the date, but I did know
23 there was a filing for TPR.

24 Q. Okay. And did you know that by

1 July 2010, within seven months or so of those
2 two calls that you're talking about, those two
3 reports, that Kimberly Lawson, the guardian ad
4 litem had been appointed by the family court for
5 the State of Delaware as the attorney for these
6 children? Did you know that?

7 A. I did know that there was a
8 guardian ad litem.

9 Q. Did you know that she was
10 appointed in July 2010?

11 A. I did not know when she was
12 appointed, but I did know that. I don't know
13 the exact date, but I did know her name was Ms.
14 Lawson.

15 Q. Did you know that as soon as she
16 was appointed as the lawyer to represent the
17 children, she went and interviewed the children?
18 Did you know that?

19 A. No, but I would have expected a
20 guardian ad litem -- I actually would have
21 expected a guardian ad litem to ask for a CAC
22 interview of the children.

23 Q. You mean a CAC interview of Laura
24 Matusiewicz?

1 A. Uh-huh.

2 Q. The girl that came in here two
3 weeks ago and testified that no sexual abuse
4 occurred, that child?

5 A. Yeah, going back to 2010, I do
6 feel if the guardian ad litem was going to
7 * interview, it might have been more prudent for
8 her to have suggested that the CAC re-interview
9 the child in 2010.

10 Q. That's if she found the
11 accusations to be credible, correct?

12 A. Well --

13 Q. Let me ask you this.

14 MR. BOSTIC: She didn't finish her
15 answer.

16 THE COURT: The doctor is entitled
17 to answer the question.

18 BY MR. McCALL:

19 Q. I'm sorry, go ahead, Doctor Blair.

20 A. Well, you know, I understand your
21 point and a guardian ad litem is working in the
22 best interest of a child, but, you know, she's
23 * not following procedures and protocols that are
24 in place say with DFS and she also is not a

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1 neutral interviewer, because she's an advocate
2 for the child, right, or she may have an opinion
3 one way or the other. I mean, I understand what
4 you're saying, I just believe that given the
5 situation in this case, it might have been, with
6 hindsight, more prudent of her to have requested
7 a CAC interview at that time based on the
8 allegations.

9 Q. Okay. Well, let's talk about the
10 situation in this case, as you've characterized
11 it. You're aware that Christine Belford and
12 David Matusiewicz were married in or were
13 separated beginning in January 2006, correct?

14 A. Yes.

15 Q. Okay. And after their separation,
16 you're aware that Christine Belford moved out of
17 the marital home, right?

18 A. I am aware of that.

19 Q. And that a year or so later in
20 February of 2007, there was a custody proceeding
21 in this case, correct?

22 A. Yes.

23 Q. Okay. And at the custody
24 proceeding, it was a hotly contested matter, are

1 you aware of that?

2 A. Yes.

3 Q. And are you aware that during the
4 custody proceeding David Matusiewicz claimed,
5 among other things, that Christine Belford had
6 mental health problems such as bipolar disorder?

7 A. I am aware of that.

8 Q. Okay. And are you also aware that
9 despite making those types of allegations, he
10 never claimed that Christine Belford sexually
11 abused Laura Matusiewicz? Are you aware of
12 that?

13 A. I am aware of that.

14 Q. Okay. And are you aware that his
15 goal at that hearing was to obtain sole custody
16 of Laura Matusiewicz as well as the other two
17 girls?

18 A. Yes.

19 Q. Okay. And did you know that at
20 that hearing there were probably six to eight
21 witnesses called by both David Matusiewicz and
22 Christine Belford?

23 A. I don't know how many witnesses
24 were called, but I would assume that there were

1 plenty on both sides.

2 Q. And did you know that David
3 Matusiewicz hired a psychologist that examined
4 both him and Christine Belford to render an
5 opinion to the family court as to which parent,
6 if either, would be proper to have custody of
7 the children?

8 A. I do know that there were
9 evaluations of both of them.

10 Q. And at the conclusion of the
11 hearing, after the family court heard all this
12 evidence, they awarded joint custody to the
13 parties?

14 A. Yes.

15 Q. Okay. And that in the time frame?

16 MR. IBRAHIM: Your Honor, I'm just
17 going to object, because this witness's
18 expertise had to do with DFS and DFS's conduct.
19 This is just a restatement of the Government
20 theory of the case.

21 MR. McCALL: She indicated to one
22 of my questions that the situation here, as it
23 related to the guardian ad litem required the
24 guardian ad litem to go to the CAC. And it's

1 fair that the guardian ad litem who has already
2 testified in this case --

3 THE COURT: I think, Mr. McCall,
4 especially in light of the leeway the Court gave
5 you earlier, that probably at this point the
6 objection is well taken, all right, so --

7 MR. McCALL: Yes, Your Honor.

8 BY MR. McCALL:

9 Q. It's fair to say, though, that if
10 the guardian ad litem, right, happens to be an
11 experienced attorney and looks at the entire
12 situation, that lawyer could make a
13 determination on their own as to the credibility
14 or lack thereof of the sexual abuse allegation,
15 correct, the lawyer could do that?

16 A. I think it's true that the
17 attorney would make a determination one way or
18 the other.

19 Q. Now, are you aware that there was
20 a termination of parental rights hearing in this
21 case, in the case of David Matusiewicz and
22 Christine Belford?

23 MR. IBRAHIM: Your Honor, I'm
24 going to object again. This is very much the

1 same.

2 THE COURT: I will also sustain
3 the objection, Mr. McCall.

4 MR. McCALL: Just I would just add
5 that it does go to the context of what the
6 witness has reviewed.

7 THE COURT: I'm comfortable in my
8 ruling.

9 MR. McCALL: Okay. Thank you,
10 Your Honor.

11 BY MR. McCALL:

12 Q. Did you have an opportunity to
13 review Government Exhibit 180, which was a
14 prison letter authored in September of 2009,
15 between David Matusiewicz and Amy Gonzalez?

16 A. I don't recall it, no.

17 Q. You weren't given that letter?

18 A. I don't think so. I mean, I don't
19 recall it. I don't have a perfect memory, but I
20 have a fairly good memory.

21 Q. Sure. Can you pull up Government
22 Exhibit 180?

23 MR. IBRAHIM: I'm going to object
24 if the witness doesn't remember it.

1 THE COURT: Come to sidebar.

2 (Sidebar discussion.)

3 THE COURT: I think the essential
4 points of the witness's testimony have been
5 covered by your cross examination and I do think
6 that at this point to a certain degree the
7 witness is being used as a prop to advance
8 argument, which as I said at some sidebars is in
9 some circumstances proper and in other
10 circumstances perhaps overdone. This morning I
11 allowed the Government to really recount again
12 all of its evidence with the witness who was
13 called by the defense about David Matusiewicz
14 and what he had said supposedly in 2006, but I'm
15 concerned now, Mr. McCall, that really we are
16 advancing argument. If I could ask you just to
17 give me a sense of what else you had hoped to
18 review with the witness?

19 MR. McCALL: So with this
20 particular letter this is the letter with the
21 writing that deals with telling Amy to call DHS
22 or make up reports or get a third party to call
23 DFS and make up anonymous reports about false
24 disclosures by Laura Matusiewicz.

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THE COURT: But did that letter --
that letter, as I understand it, does not relate
to either of the two incidents of which this
witness was reviewing, right?

MR. McCALL: Well, one of the
letters is -- the first one that she has
indicated should have been investigated was a
letter written by Lenore. The second one was a
call by Amy. And it goes to the state of mind
of the Defendants and the fact that she
hasn't --

THE COURT: I'm not going to allow
that.

MR. McCALL: Okay. All right.

THE COURT: What else?

MR. McCALL: I'm going to go right
into the actual reports that are at issue.

THE COURT: Okay. So this would
be the two instances in which she says there
should have been more thorough investigation?

MR. McCALL: Yes.

THE COURT: All right. And then
beyond that, do you have anything?

MR. IBRAHIM: Done.

1 MR. McCALL: I think I'm done. I
2 don't have my notes in front of me, but I think
3 that's it.

4 THE COURT: You wanted to chime
5 in?

6 MR. McANDREW: I just wanted to
7 say with regard to the witness's statement that
8 there should have been another CAC by the
9 guardian ad litem, I think the guardian ad
10 litem's testimony that she did not ask about the
11 sexual abuse allegations, she allowed the
12 doctors who were treating Laura at the time,
13 including Doctor Bocanegra, and I think
14 Doctor --

15 THE COURT: We've pointed out to
16 the jury that there was a guardian ad litem. We
17 pointed out to the jury, both have jousted a
18 little bit. Mr. McCall made his point. Again,
19 I think that --

20 MR. McANDREW: It's been plowed.

21 MR. McCALL: I would like to just,
22 you know, that's actually a point that I just
23 want to -- the fact that she was seeing a
24 psychologist during this time frame, I don't

1 know if she knows it that she was in ongoing
2 treatment.

3 THE COURT: That's a different
4 issue and I will allow you to ask a question.

5 MR. McCALL: I'm not going to ask
6 a lot.

7 THE COURT: Would it be relevant
8 if, in fact, during this same time frame the
9 child was actually seeing a psychologist. I
10 think that's fair game.

11 MR. McCALL: Okay. Your Honor.

12 THE COURT: Anything else? Okay.

13 MR. McCALL: Judge, may I proceed?

14 THE COURT: You may.

15 MR. McCALL: Thank you, very much.

16 BY MR. McCALL:

17 Q. Okay. Doctor Blair, I want to
18 turn back to one issue about the time frame
19 between let's say March 2009, that CAC interview
20 that you and I have talked about --

21 A. Yes.

22 Q. -- and when the guardian ad litem
23 was appointed in July of 2010, okay?

24 A. Uh-huh.

1 Q. That little more than a year.
2 Would it be relevant to know that during that
3 same time frame Laura Matusiewicz was seeing a
4 child psychologist pretty regularly?

5 A. I knew that, yes.

6 Q. Okay. And that would be
7 important, right?

8 A. Yes.

9 Q. That's someone that could
10 potentially, the child would have the ability to
11 make a disclosure to, correct?

12 A. Yes.

13 Q. And that's a mandatory reporter,
14 then, if there is --

15 A. She's a mandated reporter.

16 Q. Right, if there was like actually
17 any abuse occurring, that would be the person
18 that would have to report it, right?

19 A. Yes.

20 Q. So, turning now to your opinion as
21 it relates to these two DFS reports, right?

22 A. Yes.

23 Q. There should have been an
24 investigation?

1 A. The two in 2009?

2 Q. Yes.

3 A. December 2009?

4 Q. Yes.

5 A. Yes.

6 Q. So, you're aware that DFS, as
7 these calls come into the intake operators, they
8 keep the information in a database, correct?

9 A. Oh, yes, I know what happens when
10 the calls come in.

11 Q. Right. And the database allows
12 the intake operator to go back and look at the
13 history of either the person that's being
14 complained about or potentially the child or
15 what have you, correct?

16 A. Yes, they have all of the
17 historical data.

18 Q. Right. And the historical data is
19 relevant in making determinations, correct?

20 A. Well, it depends. It depends. It
21 is looked at, and it is an important piece of
22 information and it is certainly true that there
23 were, there were, you know, as I already
24 testified, I think, in that period, December

1 2009 through early 2010, I believe there were
2 nine reports, right, from different people. And
3 that in my opinion, correctly, most of those
4 were screened out, that there was no
5 investigation because the information was
6 insufficient.

7 Q. Right. So just going back to my
8 question.

9 A. Sorry.

10 Q. I think you may have answered it
11 in there.

12 A. I'm sorry.

13 Q. It's all right. It is important,
14 right, to look at the historical -- it could be,
15 maybe it's not, but it generally could be?

16 A. Certainly. Information is
17 everything.

18 Q. There you go.

19 A. And certainly it is important for
20 the person taking the call on the hotline or
21 reading the letter or meeting with an individual
22 who comes into the office, it is important to
23 know if they have been -- there have been prior
24 allegations regarding the same victim and the

alleged perpetrator.

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Q. And it's important because, you know, maybe the intake operator, right, they are getting the phone calls are coming in and they have the ability to look back and say, wow, I'm seeing a consistent pattern here, right, that could be important to them?

A. It is important to see if there's a pattern, yes.

Q. And conversely, right, the intake operator could be getting information looking back going well, there's inconsistencies here too, and that may raise a red flag?

A. Well, certainly that could be relevant.

Q. Right. Now, it's relevant, isn't it, because the Division of Family Services intake operators are receiving upwards of 9,000 calls in a given year, right?

A. They get a lot of calls.

Q. They get a lot of calls?

A. They do get a lot of calls.

Q. And I think in your report you flagged a number of calls for 2009 as something

1 like 9,527. Do you remember that?

2 A. I don't remember the exact number,
3 but I'm sure you do and I'm sure that's correct.

4 Q. Sounds about right. Yeah. And
5 there's only like about a handful of them
6 fielding all these calls, right?

7 A. Well, I think they have a number
8 of staff. They take calls 24, 7. And they have
9 rotating staff.

10 Q. Right.

11 A. But yes, they do get a lot of
12 calls.

13 Q. You would agree with me it's a
14 very heavy volume for these folks?

15 A. It is heavy volume.

16 Q. Okay. And that's why they have a
17 database system, correct, because they are not
18 going to remember all the phone calls coming in,
19 all the information that's being provided by the
20 person that's making these reports, right?

21 A. Correct.

22 Q. And that's why it's helpful to go
23 back and see hey, this is a pattern, this is a
24 consistent pattern or maybe this is an

1 inconsistent pattern, right?

2 A. Yes.

3 Q. They don't view the calls in
4 isolation, correct?

5 A. Yes and no. I mean, you're
6 absolutely correct in that they look at the
7 historical database. I think in Delaware it's
8 called Facts. I think that's what it's called.

9 Q. Right.

10 A. They do and that is very useful
11 and helpful information. However, each report
12 that comes in should be viewed standalone. Each
13 report is independent of previous reports,
14 although obviously what you say is correct that
15 they look at the whole history. And I mean, I
16 don't know if you want me to say this, but you
17 know, what happened in this particular case is
18 the -- when the person taking the call, who I
19 believe was Mr. Pelly, when he took the calls,
20 he looked at Facts and he saw that there had
21 been prior reports, but also the prior reports
22 were all second or thirdhand, they were
23 extremely vague. I think he also made some, in
24 his notes, which I have reviewed, he made some

1 comment about one of the reporters having
2 suffered a head injury and maybe not being
3 completely with it. And I understand that, but
4 the two reports that I'm talking about were, you
5 know, if they were true and I have no knowledge
6 as to whether they were or not, but they were
7 firsthand reports and they stated direct
8 observation and direct discussion with the
9 child.

10 Q. Right.

11 A. Which, for him, for the person
12 taking the call, was new information.

13 Q. Okay. We'll look at the calls
14 here in a second. In the time frame of the
15 calls you're looking at, right --

16 A. Uh-huh.

17 Q. -- you have a series of calls that
18 come in or letters, correct?

19 A. Right.

20 Q. Okay. And they are made by the
21 grandfather?

22 A. Uh-huh.

23 Q. The grandmother, the aunt, and the
24 father, all in the Matusiewicz family, correct?

1 A. Yes.

2 Q. Okay. Even I think at the end of
3 the month, there's an anonymous call as well,
4 correct?

5 A. Yes, but the ones I'm talking
6 about are from the family.

7 Q. Now, the first call that you
8 reviewed, do you remember the date of that, of
9 the records?

10 A. I think it was the beginning of --
11 it was either the very end of November or the
12 beginning of December. I mean they were very --
13 I mean, they were rapid fire, right, there was
14 one, then there was another one a couple of days
15 and then a few days later. They were very, very
16 close together. I don't remember the exact
17 dates.

18 Q. My notes -- and we'll put them up
19 here in a second. My notes show a call in the
20 beginning of November. I think we'll look at it
21 in a second. And then a letter December 1st,
22 2009, which is the one that you've highlighted?

23 A. Right.

24 Q. Right. And then another call on

1 December 9th and then I think the other report
2 that you've highlighted on December 11th,
3 correct? Well, we'll look at it.

4 A. I don't remember the exact dates,
5 but I'm sure you have it right.

6 Q. Understood. Let's start with
7 Government Exhibit 632. And again, you know
8 what I want to ask you is, you touched on a
9 little bit a moment ago, but when these calls,
10 when the volume of calls are coming in, right,
11 and I know that each call stands on its own to
12 some degree, right?

13 A. Right.

14 Q. We would agree with that?

15 A. Yes.

16 Q. They have to like look at the
17 information like as they are getting it,
18 correct?

19 A. Yes.

20 Q. Again, they are getting so many
21 calls in a given day, that's not the only
22 factor, you would agree with that, right?

23 A. I would agree.

24 Q. Okay. You would agree that

1 because they are getting hammered with all these
2 calls in the intake process, they are looking
3 back to see what's going on with a particular
4 case, particularly, I would think if it's been
5 screened out prior, correct?

6 A. Yes.

7 Q. Okay.

8 A. Certainly they would look at that.

9 Q. All right. So this is 642 and I'm
10 sorry, November 20th, 2009. Okay. Did you
11 review this record?

12 A. I reviewed all of them, I just
13 didn't remember the exact dates.

14 Q. Okay.

15 A. I just remembered it was December
16 and January.

17 Q. Okay.

18 A. But yes, I did review this.

19 Q. And could you just go to the
20 summary, please, of -- it's going to be on page
21 3 or 4. And this is -- I'll walk you through
22 it.

23 A. Okay.

24 Q. This is a call from the

1 grandfather, correct?

2 A. Uh-huh.

3 Q. And this is a call that comes in
4 with respect to information about Laura
5 Matusiewicz, correct?

6 A. Yes.

7 Q. And it talks about a lollipop --
8 I'm sorry, this one talks about G spots in 2006;
9 is that right?

10 A. Yes.

11 Q. It also mentions the game called
12 this lick the lollipop, right?

13 A. Yes.

14 Q. But it doesn't say any more,
15 right?

16 A. No.

17 Q. That's it, that's all the
18 information that the grandfather provides,
19 right?

20 A. Correct.

21 Q. So you mentioned vague claims that
22 come into the intake operators?

23 A. Right.

24 Q. I think during your direct

1 testimony, and a vague claim would be something
2 that the intake operator is getting and it's
3 just not meeting the definitions of abuse or
4 neglect or sexual abuse within the Delaware
5 criminal code, correct?

6 A. Right. It doesn't reach the
7 threshold that would generate a full
8 investigation. And this is one of the vague
9 ones.

10 Q. Right. And that's because there
11 might be innocent explanations for things,
12 particularly with children, correct?

13 A. Correct.

14 Q. Right?

15 A. But I mean, it's more because it's
16 vague.

17 Q. Okay. But bear with me here for a
18 second.

19 A. Sorry.

20 Q. Okay. If somebody calls up and
21 they say something about a lick the lollipop
22 game, that may have nothing to do with sexual
23 abuse, correct?

24 A. Oh, absolutely.

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Q. It might have something to do with it, but if that's the extent of it, it could just be nothing, right?

A. Correct.

Q. The same way Laura Matusiewicz told the CAC interview that maybe she wore two layers of clothes, but it certainly wasn't because her mother was sexually abusing her, correct?

A. Correct.

Q. All right. Can we turn to 632, now. This is one of the reports that you've flagged as -- DFS didn't follow their policies, they should have investigated this case, correct?

A. Well, I'm not sure, because I'm not sure who it's from.

Q. Okay. Let's go to the second page, keep scrolling through and we'll see. Written letter from paternal grandmother, 22 pages long. This is the one, right?

A. I didn't say that this one was valid.

Q. This isn't one of the --

1 A. I think I testified that the ones
2 that I thought were valid were from, were the
3 letter from the aunt and from the paternal aunt
4 and the telephone call from the paternal aunt.
5 My comment, I believe, about the grandmother,
6 isn't this the one in which Mr. Pelly makes some
7 comment about head injury?

8 Q. Can we switch to the Elmo. Maybe
9 I misunderstand what's going on.

10 A. Maybe I misunderstand.

11 Q. It says go to the --

12 THE COURT: Referring now to
13 Doctor Blair's report?

14 MR. McCALL: Yes, I'm sorry.

15 BY MR. McCALL:

16 Q. Based on review of the nine
17 records --

18 A. Right.

19 Q. -- all these were screened out,
20 the majority were too vague; however, two
21 reports alleged direct disclosure and then it
22 goes on to say the first of these was contained
23 in a 22-page letter to DFS from the paternal
24 grandmother dated 12-1-09 and says the second of