

## Appendix-A

### Exhibits 'A' through 'L'

- Exhibit-A Transcript of Proceedings: (Tp.1-560); April 24-28 and May 1, 2006; State of Ohio, Plaintiff vs. Frank P. Wood, Defendant, Medina County Case No. 05CR0365
- Exhibit-B Facebook picture of Scott Michael Sadowsky: (1 page)
- Exhibit-C Amended Bill of Particulars; April 12, 2006: (2 pages)
- Exhibit-D Warrant on Indictment; August 4, 2005: (2 pages)
- Exhibit-E Affidavit of Verity and Confinement; September 23, 2019: (13 pages)
- Exhibit-F Akron Children's Hospital's Physical Examination Data page: (1 page)
- Exhibit-G My Pre-Trial History With Danielle Sadowsky-Smith: (7 pages)
- Exhibit-H Who or what destroyed the Sadowsky marriage?: (3 pages)
- Exhibit-I The credentials of M. Douglas Reed, Ph.D.: (2 pages)
- Exhibit-J The core of the *voir dire* testimony of the Ohio Attorney General's Leading Expert: M. Douglas Reed, Ph.D.: (4 pages)
- Exhibit-K Calendar of October 2004: (1 page)
- Exhibit-L Medina County Gazette article; May 16, 2006: (2 pages)

STATE OF OHIO, )  
COUNTY OF MEDINA, ) ss:

MEDINA COUNTY COMMON PLEAS COURT

STATE OF OHIO,

vs.

FRANK P. WOOD,

Defendant.

Case No. 05 CR 0365  
Appeal No. 06 CA 0044-M

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

Dean Holman, Medina County Prosecutor,  
by Anne Eisenhower, Assistant County Prosecutor,  
on behalf of the State of Ohio.

F. Harrison Green, Esq., and  
Ronald Stanley, Esq.,  
on behalf of the Defendant.

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BE IT REMEMBERED, that commencing on Monday, the  
24th day of April, 2006, being a day in the April  
2006 Term of said Court, before the Hon. Christopher  
J. Collier, Judge of said court, the following  
proceedings were had and placed upon the record:

Q2A

INDEX

WITNESSES:

State's:	Direct	Cross	Redirect	Recross
McCourt, T.	50	65		
Sadowsky, D.	83	105	174	176
Sadowsky, S.	179	183	210	
LEWIS, S.	222	234	251	254
Abbott, D.	259	273	279	280
Morastatter, E.	284	299	305	
(Voir Dire)	290			
Cazchedis, T.	308	338		
(Voir Dire)	313			
Stolphi, W.	320	324		
Seraya, J.	328	334		
Speelman, R.	358	369	382	
STREACTED, R.	384			
LeBure, S.	413	424	442	
(Voir Dire)	399			
Kollar, M.	445	452		

EXHIBITS:

State's:	Marked	Identified	Admitted
1 - Handwritten notes	63	63	456
2 - Petition for Divorce Scott Sadowsky and Danielle Sadowsky	127	128	457
3 - General Index Sadowsky v Sadowsky	127	128	458
4 - Akron Children's Hospital Records S. LEWIS	259	266	458

## WITNESS:

Defendant's: Voir Dire

Reed, M. 465

- - -

## EXHIBITS: Marked Identified Admitted

A - Letter - 22/25/05 350 488

B - JFS document - 2/28/05 350 488

C - Patient Care  
Communication Form 405 488

D - Calendar - October 2004 465 --

## PROCEEDINGS

Whereupon, the following proceedings were then held in the jury room prior to the commencement of voir dire.

THE COURT: We're on the

record in Case Number 05 CR 0365, State of Ohio versus Frank Wood. Mr. Wood is present with his counsel; State of Ohio is represented by Assistant County Prosecutor Anne Eisenhower.

We're here today just before trial starts, and I wanted to talk about a couple of things. The first thing is, the Court's had an opportunity to review the documentation provided to the Court by Dr. LeSura. It's in my chambers; I've spent two weekends looking at it. At this time I'm going to make the determination that there's nothing exculpatory in there, but what I will do for counsel for Defendant is, I'm going to make a copy of it and place that under seal and put it with my court reporter as an exhibit so that any reviewing court can take a look at what I've taken a look at. If they make a determination different than mine, you'll have that opportunity to be able to make that argument on appeal should it get to that point.

The second thing relates to a suppression of evidence issue, and we only got as far last time as to discuss who had the burden in this case. The Court's going to make sort of a bright line rule determination that where there's a warrant issued, and that the question is attaching the warrant, that the burden's on the Defendant to call the witness.

When there's no warrant, a warrantless search, the burden's on the State.

The Court, having made a determination that there was a warrant, meaning that at least partially that there was no authority of the municipal court judge to issue that warrant after this case had been indicted, that counsel for the Defendant had the burden of proceeding.

We've have the officer - who's here, he wasn't here last time - here today. He's sitting here in chambers -- I'm sorry, in the jury room with us. And so, counsel for the Defendant, you can ask him any questions you want to in order to support your contention.

I will also note for the record your exception to me requiring you gentlemen to proceed in the matter. Either one of you, go ahead.

MR. GREEN: Thank you, your

Honor.

THE COURT: I'll swear in the witness.

Whereupon, the Defendant, to maintain the issues to be maintained by him, called one MARK KOLLAR, who, after having been first duly sworn, was examined and testified as follows:

## DIRECT-EXAMINATION

BY MR. GREEN:

Q State your name for the record, please.

A Mark Kollar.

Q And how are you employed, Mr. Kollar?

A I'm a detective with the Medina City Police Department.

Q And how long have you been so employed?

A I've been in Medina going on nine years.

Q You're aware that we're here today based upon a couple of search warrants that you sought to have issued?

A Correct.

Q And they were in the jurisdiction of the Medina Municipal Court?

A Correct.

Q All right. And where did the Defendant live --

A He lived --

1 Q -- at the time?

2 A In Montville Township -- I'm sorry, Medina Township.

3 Q Okay. And is that within your jurisdiction?

4 A It is not.

5 Q And you sought these -- there were two search

6 warrants? Is that all you've ever sought for in this

7 case?

8 A Yes.

9 Q And they were on August the 5th of 2005?

10 A Correct.

11 Q And the purpose of the first -- which I think was for

12 Mr. Wood's residence, correct?

13 A That's correct.

14 Q And what was the purpose of that?

15 A To obtain the computers and related media as evidence

16 in this case.

17 Q Did you, in fact, get any related media or computer

18 on that date?

19 A We got some CDs; the computer was not present.

20 Q On the date of August the 5th, you were aware that

21 the Defendant had been charged, was under indictment in the

22 Court of Common Pleas Medina County, correct?

23 A Yes.

24 Q You sought not to file with the Court of Common

25 Pleas?

1 A Correct.

2 Q Do you have a reason that you --

3 MS. EISENHOWER: Objection, your

4 Honor.

5 THE COURT: Overruled. You

6 can answer if you know.

7 A No.

8 Q You went to Judge Chase of the municipal court --

9 A Correct.

10 Q -- in this case?

11 And did you understand that Judge Chase had

12 jurisdiction over this case?

13 A Yes.

14 Q And what is your basis for understanding -- for that

15 understanding?

16 MS. EISENHOWER: Objection.

17 THE COURT: Overruled. If

18 you know.

19 A He's a judge of a court of record.

20 Q A court of record?

21 A Correct.

22 Q But not of record in this case?

23 A Not in this case.

24 Q And you knew that the Medina Municipal -- or the

25 Medina County Court of Common Pleas was the court of

1 jurisdiction in this case?

2 A For the felony charge, yes; not for this search

3 warrant.

4 Q And the search warrant that you sought out on

5 August the 5th, for the Wood residence, did that relate to

6 matters out of the felony case?

7 A Yes, it did.

8 Q Okay. Did you recover anything on that date?

9 A I recovered some CDs from the Wood residence, and the

10 computer from the second search warrant which occurred in

11 Lafayette Township.

12 Q And Lafayette Township -- you're going to have to

13 help me here. Lafayette Township, is that within the

14 municipal court's jurisdiction?

15 A Yes, it is.

16 Q Is that within your jurisdiction as a police officer?

17 A No, it's not.

18 Q Did anyone accompany you to the Lafayette Township

19 address?

20 A Yes.

21 Q Who did?

22 A A Lafayette Township police officer, Steve Clark; as

23 well as an agent from the Ohio Bureau of Criminal

24 Identification and Investigation, John Saraya.

25 Q What kind of a search warrant was it that you sought

1 for that particular incidence of the search?

2 A I don't understand your question.

3 Q I need to rephrase that one myself.

4 MR. GREEN: I'll withdraw

5 that question.

6 THE COURT: It's okay.

7 Q On seeking the second search warrant for the

8 Lafayette Township residence, who were the affiants on that

9 search warrant?

10 A I was the affiant.

11 Q You were the sole affiant?

12 A Correct.

13 Q Did this case originate out of your jurisdiction,

14 against Frank Wood?

15 A Initially we thought it had.

16 Q What's "initially"?

17 MS. EISENHOWER: Objection, your

18 Honor. At this time I think we're getting beyond the

19 search warrant question.

20 THE COURT: Yes. I'm going

21 to sustain that objection. I'll note your exception.

22 Your next question with regard to the search

23 warrant and Judge Chase's issuance with regard to

24 this matter. Is there anything else you want to

25 ask? I'm going to sustain the objection to that

question.

Q Did you also obtain photographs -- did you take pictures or photographs at the Wood residence?

A Yes, I did.

Q When did you do that?

A During -- in connection with the execution of the search warrant.

Q During the execution of the search warrant?

A Correct.

Q And that was on August the 5th --

A Correct.

Q -- 2005?

Were those items requested in the search warrant?

A The pictures?

Q Yes.

A No. They were not seized.

Q You only asked for the computer and other media related to the computer, correct?

A That's correct.

Q Okay. So this was beyond the scope of your search warrant?

A I did not seize any photographs.

Q You took photographs?

A I took photographs, yes.

Q All right. I'm going to show you, as part of the

State's packet that was provided in discovery --

THE COURT: Just pass it

around.

MR. GREEN: Judge, I'm

going to show --

THE COURT: Go ahead.

Q Can you identify those? Are those the copies of the photographs that you took?

A Yes. It would appear to be photocopies.

Q Do they have your mark on them?

A No, they do not.

Q Okay.

A Well, the sticker here on the side (indicating).

Q The sticker, okay.

A The sticker on the side of the page is mine, yes.

Q When did you prepare that sticker?

A I prepared the sticker during the case.

Q And what's the date that appears on there?

A On the sticker is June 16th, 2005.

Q Okay. And what date does that relate to? What does that relate to, that date? Excuse me.

A That relates to the date that the case originated, that I was first notified of the first report.

Q There's no identification on there that these were the photographs that you took on August 5th of 2005, is

there?

A No, there's not.

Q And there's nothing indicated in the return that there were photographs taken to be used as evidence in this case, was there?

A I don't believe so, no.

Q Okay.

MR. GREEN: No further

questions.

THE COURT: Miss

Eisenhower.

CROSS-EXAMINATION

BY MS. EISENHOWER:

Q To your knowledge, both search warrants were conducted in the jurisdiction of the Medina Municipal Court, correct?

A Yes, they were.

Q And the second search warrant was not for Frank Wood's residence, correct?

A That's correct.

MS. EISENHOWER: I have nothing

further, your Honor.

THE COURT: Whose residence

was the second search warrant?

THE WITNESS: Bech Rapenchuk.

THE COURT: Okay. So you didn't go -- I misunderstood then. The second search warrant was for another person's residence?

THE WITNESS: Correct.

THE COURT: Anything else?

MS. EISENHOWER: No, your Honor.

THE COURT: Anything else

from anybody?

MR. GREEN: Just one

further question.

REDIRECT-EXAMINATION

BY MR. GREEN:

Q You indicated that this June 21st date was the date the case was originated.

MS. EISENHOWER: June 16.

Q June 16th. Originated by whom?

A I was contacted by, I believe, a social worker, Dawn Madrich, of Medina County Job and Family Services.

Q And you're familiar that the Montville Township Police had been involved in this case?

A Correct.

Q Did you consult with them?

A I did.

Q On that date?

A That date or the day after.

Q Did you understand this case was within their jurisdiction?

A A portion of it, yes.

MR. GREEN: That's all.

THE COURT: Miss

Eisenhower, anything else?

MS. EISENHOWER: No.

THE COURT: The Court is going to overrule the motion to suppress. We're going to proceed to trial with regard to these matters.

The next thing we're going to talk a little bit about are the offenses, all the offenses contained in the initial indictment as issued on August 3rd. Are there any supplemental indictments?

MS. EISENHOWER: No supplemental indictments.

THE COURT: So I'm looking at one Felony 1 rape, and one Felony 3 gross sexual imposition, right?

MS. EISENHOWER: A life rape, your Honor. It's a child under ten. There's a specification in the language that indicates a child under ten.

THE COURT: All right. I

understand.

Your allegation then is that on or about the 1st of October through the 31st of October --

MS. EISENHOWER: Right.

THE COURT: -- 2006, in

Medina County, Ohio, that the Defendant did purposely engage in sexual conduct with S.L. --

MS. EISENHOWER: Hm-hm.

THE COURT: -- And it gives a date of birth and, also, indicating that that child was less than ten years of age at the time of the commission of the offense.

MS. EISENHOWER: We subsequently filed a Bill of Particulars, your Honor, indicating -- narrowing down that time frame for them, between the 1st and the 3rd of October.

THE COURT: I'm hunting.

MS. EISENHOWER: It was just filed over a week ago.

THE COURT: Okay.

MS. EISENHOWER: There was one filed, and then we filed an amended one because of a typo, but it basically says --

THE COURT: I just want to advise the Jury -- what I usually do is advise

the Jury what the offense is, so that they know going in.

MR. GREEN: Judge, we would agree to the reading of the amended Bill of Particulars.

THE COURT: Thank you, sir.

What we're going to do is, we're going to -- I'll talk to the Jury first, basically indicating what the case is about. I'll have you introduce yourselves, who you are, where you work, where you're from, what this case -- I'm sorry, who your witnesses are. You can introduce Mr. Wood.

Mr. Wood, you can stand up and say hi if you wish. That's your business. If you don't want to, if your attorneys don't want you to, you can just remain quiet, it doesn't matter to me. But I want the Jury to have a chance to take a look at you to see if they know you --

MR. WOOD: Understood.

THE COURT: -- just to kind of find out who knows who.

I'm pretty direct with them about what the case is about. I'm going to indicate to them I expect the case to take about a week. I don't know that it

will; it may take a little longer or a little shorter, but I think that they should be prepared to understand that's what it's going to be about.

I'll tell them basically what the case is about. I'll read them the Indictment -- or the amended Bill of Particulars so they know what they are looking at.

I'll talk to them about the kind of things that when I was a prosecutor I felt was important and what was important to me when I was a defense attorney, but I could be just shortchanging you.

I'm going to give you both an opportunity, when I get done, to supplement my questions to the folks who are in the box. If you address your questions only to those folks, the rest of them can hear you. If we need to, you can individually talk to the folks in the back later. Just kind of see what I do and follow me and you'll be just fine.

We go through the selection process with me first asking each of you if you have any challenges for cause. We do it right there. If you do and you want to come to sidebar, that's fine.

After we get done with the challenges for cause, we go through four preemptory challenges. I do it by round, so I'll ask the State first. "State, your

first preemptory challenge." Then I'll ask counsel for the Defendant, "Sir, your first preemptory challenge." Then we'll go to your second and third and so on. Obviously, if you both pass, if we get two passes in a row, we've got what we need.

I intend on picking two alternates. This is going to be a week, we could lose them, so I'm going to have two alternates on this thing and go that way.

One other question, and I am so hesitant to ask this, and I only do it because if I don't I'll kick myself later. I don't know anything about the case except for what I see, and you all have been very kind to me in giving me information, and I know these are tough cases. Have you all talked at all about negotiations in this case?

MS. EISENHOWER: Your Honor, I initially made an offer and I have --

THE COURT: Are you all okay with that? Do you feel you need to talk more? Are you where you need to be? I'm just curious as to whether you're where you need to be.

MR. GREEN: There was an offer by the prosecutor.

THE COURT: I just want to

make sure. I would hate being in a position where we're three or four days into this and, "Oh, my gosh, you know, we should have talked about this." And not that I'm foreseeing that, but if I can get to that now, I can get to that now. I've got four other cases I'm supposed to try in addition to this one, that I'm going to be sending them home right now -- and that's okay, you're the center of my universe here -- but I want to make sure that you all have had the full opportunity to talk about this and you feel comfortable about the position you're in. Again, I'm not trying to talk you into doing anything, I just want to make sure that I said this so that I'm clear that you've at least had some discussion with regard to plea negotiations.

MR. GREEN: Judge, one question.

THE COURT: Sir.

MR. GREEN: The voir dire, when you talked about rounds, I assume if one is exercised --

THE COURT: A new person comes down, they sit, I talk to them a little while, you ask them questions, and then to I'll turn to you now and ask for your first preemptory.

MR. GREEN: I just wanted to make sure.

THE COURT: Certainly.

MR. GREEN: I have seen some Courts just go boom, boom, boom, boom.

THE COURT: I've been in your spot where I've shown up in foreign courts -- and that's what I am to you -- and have been flabbergasted and kind of taken aback. If you're in a spot where you're not exactly sure about the procedure, about what I'm doing, do not hesitate to go, "Hey, help me out," because I want to help you guys out. This is your case now. All right? This isn't my case anymore. It's been my case up till now; now it's yours.

You're good lawyers, you're real good lawyers. This is a hard case; it's a difficult thing. I like lawyers, I like what you do, and I like you personally. The courtroom's your courtroom. If there's a way that I can be helpful to you with regard to any of the procedural aspects, with regard to what's going on here, don't hesitate to ask. Christine, my assistant, or Barb, my bailiff, they're as good as it gets for being helpful. We'll work our way through this, I promise.

And thank you for your attention.

Are you all ready?

MS. EISENHOWER: I just have one more question. The Defendant has indicated that he's -- he may or may not call Dr. Reed as an expert. I filed a motion to exclude his testimony on relevance, and sometime before opening, I would appreciate whether I -- we can talk about that in opening or not.

THE COURT: Let's get through voir dire and see what we want to do.

(Whereupon, voir dire commenced in the courtroom.)

1 CONTINUATION OF THE PROCEEDINGS OF THE  
2 ABOVE-CAPTIONED CASE ON TUESDAY, THE 25TH DAY OF  
3 APRIL 2006, COMMENCING AT APPROXIMATELY 2:00 P.M.)

4  
5 THE COURT: Come on in and  
6 be seated, folks. They're all standing for you out  
7 of respect.

8 Momentarily you will be sworn in as jurors in  
9 the case, and when that occurs, as a matter of  
10 respect, the attorneys and the parties, the folks who  
11 are in the courtroom, will stand up for you. The  
12 best way of handling that - it's a little  
13 uncomfortable, I imagine - is to get in here and just  
14 sit down. That kind of signals to me I can tell  
15 everybody to sit down and it works out fine. That's  
16 why they do that; it is tradition.

17 My bailiff is now going to swear you in. You're  
18 going to take a separate oath. The first oath you  
19 took was to answer the questions of the voir dire  
20 honestly and truthfully, and now you're going to take  
21 an oath as jurors.

22 (Whereupon, the twelve members of the Jury and  
23 two alternates were then and there sworn in by the  
24 bailiff.)

25 THE COURT: Have a seat,

1 folks. I've got to give you a couple of remarks and  
2 then we're going to move on. These are instructions

3 It's important that you be fair and attentive  
4 throughout the course of the trial.

5 Do not discuss this case among yourselves or  
6 with anyone else.

7 Do not form or express an opinion about this  
8 case until all the evidence is in, you get my  
9 instructions of law, and you begin your deliberations  
10 in the jury room.

11 It might be curious for you to understand, to  
12 wonder why it is you can't talk about this case, even  
13 among yourselves while the case is going on. Here's  
14 the reason.

15 In a matter of two or three minutes you're going  
16 to get the opening statement of the State of Ohio;  
17 then the opening statement from Mr. Green,  
18 representing the Defendant; then the witnesses, the  
19 State will call their witnesses first and Mr. Green  
20 may call his witnesses afterwards - that's going to  
21 take probably the rest of this week; then you're  
22 going to get the closing arguments of both the State  
23 and the Defendant; then you're going to get my jury  
24 instructions, telling you what the law is in this  
25 case that you're going to be applying to the facts as

1 you find them; and then you're going to begin to  
2 deliberate. It would be unfair for you to begin to  
3 deliberate before you have everything you need to do  
4 so. You'd be going off without really being  
5 prepared.

6 So I suggest to you, that when you're in the  
7 jury room, coming and going, you're going to spend a  
8 lot of time together over the next week, talk about  
9 your family, talk about the weather, talk about the  
10 really good Cleveland Cavaliers, anything else you  
11 want to talk about. In fact, purposely divert  
12 yourselves from talking about the case or the  
13 parties, what's going on. Okay? Good.

14 You have to explain this important rule to your  
15 family and friends when you get home tonight. You  
16 can't talk about this with your family or your  
17 friends or anyone else while you're a juror in a case  
18 like this. You can, when you go home tonight,  
19 explain to your family and friends that you are a  
20 juror in a criminal case in Judge Collier's  
21 courtroom; otherwise, you cannot discuss it. That's  
22 going to make you seem incredibly important to your  
23 family and friends, at least until after the case is  
24 over, right? Right.

25 Once this case is completed and the verdict is

1 read in open court. I will absolve you from this  
2 admonition, and at that point you can talk to the  
3 parties, the attorneys, the witnesses, the press.  
4 You can talk to perfect strangers on the street if  
5 you want to and tell them about your jury duty. It's  
6 okay, all right?

7 Also, because you're American citizens, if you  
8 decide that you don't want to talk to anybody about  
9 what went on here, what your thoughts are, you can  
10 tell people to buzz off. That's your right and it's  
11 none of their business unless you make it that way.  
12 You're American citizens. You have the right to be  
13 able to say so. You choose that on your own, but  
14 you'll only be free to make that choice after the  
15 case is over.

16 We have at least two members of the press here  
17 today, and they're going to be covering the trial.  
18 It's not unusual that they come in and cover cases,  
19 but it causes a particular problem I've got to talk  
20 to you about. You're going to not read the newspaper  
21 for the next couple of days. It is not unusual for  
22 the newspapers to write about what's going on in the  
23 case and reference back to other facts and  
24 information that aren't necessarily in this case,  
25 right? I'm not going to say that they're wrong, but



they might be giving you information that might otherwise not come to your attention in the trial; so consequently, you can't read it. If you've got family or friends who are at home and you've told them that you are a juror in a criminal case in Judge Collier's courtroom, they can read it and then cut it out and you can look at the newspaper with holes in it. You can read it later obviously, if that's what you want to do, but I want you to direct your attention away from that.

I'll ask you in the morning, "Hey, did you read anything about this case?" I want you to volunteer if you did. It doesn't necessarily mean we're going to have a problem, but it is something we're going to have to discuss, so avoid it if you can. You can do it, I know you can. Jurors do it all the time.

You're not permitted to investigate the circumstances surrounding the case on your own. It's kind of interesting, you might hear about places and times and people and agencies, and things like that, and you might yourself become very interested in this and think, "Boy, I wish I could find out where this happened," or drive by this location or knock on the door and talk to someone about it. You know, it happens, jurors do this. I want you not to do that,

and I'm instructing you not to try to get information about this case from any other source.

That includes your own investigation on the computer. I'm doing jury instructions on my computer as we're sitting here. You all probably have access to a computer at home. I don't want anybody typing in "www.what does rape of a child under the age of ten mean to me.com," all right? I don't want you looking at any of that kind of stuff. I'm going to tell you why you have to try to remain ignorant.

If you think about it, the only way to have a fair trial, to make sure all the people who are going to be deciding the important issues in the case - you - you all drink from the same fountain, you all get the information from the same place, right here. And you need to confine yourselves: if we're going to have a fair trial, you have to confine yourselves to the courtroom right here, what is here in front of you and in view of our community. You can't get information from any other source; that's just plain unfair and it's not right.

If anyone tries to discuss this case with you or talks to you about this case while the case is going on, it's trying to influence a juror. And you know that's wrong, right? You've got to report that

immediately to Chris or to myself or to maybe one of our staff. It's a crime. No one is permitted to do so. You're jurors in the case, and you're not to allow anybody to do so. No one's permitted to do so on your behalf. Okay? That's all you need to do.

Now, yesterday, it was almost twenty-four hours ago, more than twenty-four hours actually, that I told you there are six stages in every jury trial. The first stage is jury selection; we went through almost fifty jurors to get to where we are right now; there were only four left in the back. So we're where we need to be.

The second stage of the trial is opening statements. Miss Eisenhower and then Mr. Green are going to stand up in front of you, and usually it's fifteen or twenty minutes, sometimes a little longer, and they're going to give you a thumbnail sketch about what they believe their case is about. Remember, it's like the preview of coming attractions.

Opening statements are not evidence. You're not to consider them as evidence in this case. Instead, if you will, use opening statements as a road map to give you a little better idea about what each side

intends on being able to show or not show in the case.

Once we complete opening statements, we'll begin with the third stage, which is going to be the presentation of the State's witnesses.

With that in mind, let's turn to Ms. Eisenhower and ask if she is ready to present her opening statement.

Thank you.

#### OPENING STATEMENTS

MS. EISENHOWER: Thank you, your Honor.

All right. First of all, Mr. Holman and I would like to thank you very much for your service here. It is quite a sacrifice to come in and spend at least a week coming into the courtroom and participating in this system.

And in this case, it is more of a sacrifice than other times. This is a rape of a child. This is sexual contact with another child. There are two victims in this case; they were both under the age of ten.

Now, how do we know? How did this case ever get here to you?

The Defendant is Frank Wood. He is a

thirty-eight-year-old man. He was married to Robyn Spencer back in the year 2000.

They were married. They lived in a couple of places in Medina County. Robyn had a five-year-old daughter named REDACTED during their marriage.

While they were married, things didn't work out quite so well and they got a divorce. They went their separate ways, and they had very little, if any, contact for the next several years.

In the meantime, Mr. Wood began to work, in 2004, on a house belonging to Scott Sadowsky and Daniel Sadowsky. They also have children.

Mr. Wood did some work on their house and began a relationship with Danielle Sadowsky and, as a result of the cultivation of that relationship, Danielle left her husband and moved into Frank Wood's home.

At the time that Frank Wood worked on their house and began that relationship with Danielle, there was an eight- and nine- -- there were several young children, but there was a daughter in that house, and her name was REDACTED.

REDACTED was soon to be adopted. She is a biological relative of Scott Sadowsky. She is not biologically related to Danielle, but they were about

to adopt her and take her in as their daughter. And so as a result of that relationship, when Danielle moved into the house with Frank Wood, REDACTED came there and visited half the week.

Now, you're still saying, "How did that involve us?" So far that's two relationships.

On October 20th of 2004, Danielle Sadowsky got up out of bed and Frank Wood was not with her. She called his name and walked out into the hallway, and at that point she saw Frank Wood coming out of REDACTED's bedroom. She looked at him, she screamed at him, "What are you doing in there? What are you doing in that child's bedroom?"

She's going to testify for you that he hung his head and said, "I don't want to talk about it now. Let's talk about it later."

She packed up her things and she moved out that day. She moved out.

She asked REDACTED, "Did anything happen while he was in your room?"

"No, no, no, no."

Danielle is visibly upset. And REDACTED, she heard it, she heard the whole argument, and she's not going to say anything. And she didn't say anything right away.

In January of 2005, because Danielle was so upset - Danielle was now pregnant with Frank Wood's child and she's having a rough time - she's going to go to a counselor. She's going to tell you that she said, "Look, REDACTED, this is a rough time. Did anything happen with you and Frank? We should take you to counseling, too."

At that point, January 11th, REDACTED says, "Well, yes, Mommy. I need to tell you, something did happen."

And they go straight to the police station and an investigation starts. Officer Travis McCourt began to refer REDACTED out to Job and Family Services, took a statement, took a statement of the allegations.

REDACTED's going to tell you this went on for a couple of months. REDACTED is going to tell you she was raped by Frank Wood, and there's no mistaking what she means. She knows things ten-year-old children don't know, and you're going to hear her tell you.

Well, how do we get to REDACTED? An investigation began. Frank Wood was talked to by the Montville Police Department. He admitted to being in REDACTED's room - "just to comfort her," he says.

During the investigation, REDACTED indicated that she was shown pornography on a laptop computer. Frank Wood was asked if he had a laptop computer. He said it got destroyed by some rain. He doesn't have it. They looked for it; he didn't have it anymore.

He also said, "Sure, you can come over and look for any other porn." There wasn't any.

There was an investigation as far as bedsheets. They tried. They pulled bedsheets, they pulled clothing, mattress pads. They sent them out to the Bureau of Criminal Investigation but, as you might imagine with months having gone by, no evidence was found. None.

However, a witness came to light that indicated that Frank Wood's laptop had not necessarily met the demise that Frank Wood indicated it had. A coworker of Mr. Woods indicated he was told to walk away from Mr. Wood, take a walk, and when he turned around, Frank Wood was taking a hammer to his laptop computer.

Now, that's important, and that's important because he did that in direct response to a call from the Montville Police Department, saying, "Come on in. We'd like to talk to you." He knew he was about to

be investigated. And that laptop got destroyed and thrown in three different dumpsters in Cleveland.

Now, again, how do we get to K<sup>ROBINSON</sup>? Well, in small towns like we live in, the usual source of information came forward. Robyn Spencer's mom is at the bank and she's talking to a bank teller, and the bank teller says, "Didn't your daughter used to be married to Frank Wood?"

And Robyn Spencer's mom says, "Mm-hm."

"Do you know he's being investigated?"

Robyn Spencer's mom goes like this [demonstrating], and a day later Robyn Spencer comes into the Medina City Police Department with her daughter and she tells the following situation.

"A year ago - this is three years after I left Frank and we were divorced - K<sup>ROBINSON</sup> came to me as a result of one of those speeches you get at school, one of those classes about good touch/bad touch. A year ago," she tells Det. Kollar, "K<sup>ROBINSON</sup> came to me and said, 'Mom, somebody did a bad touch on me and I have to tell you.'"

And K<sup>ROBINSON</sup> told her that Frank Wood sexually assaulted her, touched her, licked her, and rubbed his penis all over her. And Robyn didn't do anything. And when you ask her why, Robyn's going to

tell you, "I didn't want to have any contact with Frank Wood. I didn't want to be anywhere near Frank Wood. K<sup>ROBINSON</sup> seemed like she was doing okay. I didn't want to bring it up."

Now, right or wrong, that's her mother's instinct. That was her instinct to say, "I don't want to dredge this up for her. This is years ago." Until she found out that it happened to another girl. So she came in and she told Mark Kollar. That's how we got here.

The interesting part about this case is that K<sup>ROBINSON</sup> also said she was shown pornography; not on a computer, in a magazine. And, again, K<sup>ROBINSON</sup> tells things no -- she was five at the time, that no five-year-old, no ten-year-old would ever know unless these things had happened to her.

These children have never met. These children don't know each other. Their mothers don't know each other.

I have two small children telling me the same thing, that Frank Wood showed them pornography and that Frank Wood molested them. We are convinced that when you hear their testimony, you will find him guilty.

Thank you.

THE COURT: Thank you,

Miss Eisenhower.

Now you're going to hear the opening statement from counsel for the Defendant.

Mr. Green, sir.

MR. GREEN: Thank you, your Honor.

THE COURT: You bet, sir.

MR. GREEN: Ms. Eisenhower, Ladies and Gentlemen of the Jury.

You just heard an interesting story, one that doesn't sound very good, one that would cause us all to have concern for what happened here. Unfortunately, the way I view this, after having examined the several pieces of evidence that's been presented to us, it isn't quite the way Ms. Eisenhower points it out.

Let's start with Robyn Spencer, Mr. Wood's ex-wife. I think she's going to come in here and testify - I think we're to find out - about how they got together. She had a very difficult marriage situation that she was trying to get out of, that Mr. Wood assisted her with. It had nothing to do with that she had a small child and he's trying to fall prey on the child. Nothing like that

happens.

And you are going to begin to think, "Isn't it a little bit incredible that we have this pornography now in printed form -- " today's the first time I've heard about this printed form, " -- that Robyn Spencer doesn't know anything about?" She doesn't know about it? It's in her house. She lives with the man for about a year, maybe longer, and she doesn't know anything about that? Wouldn't that have come up somewhere?

All of you lived in family situations. You kind of know what your spouses do, what your other family members do, wouldn't you know? Wouldn't you know?

Admittedly, you're going to hear evidence that sometimes kids will repress things that happened to them, and sometimes they can be led to believe things that happened to them.

Ms. Eisenhower says she didn't -- Robyn Spencer didn't continue in a relationship with Mr. Wood, that she didn't want to have anything to do with him. She didn't want anything to do with him? Hardly. She wanted him to help pay her bills. And Mr. Wood continued to pay bills on behalf of Miss Spencer through May 2005.

How about when he decided not to pay her

insurance anymore for her vehicle? That was the day she shows up at the police -- or the next day. What's going on here? Is there some manipulation going on? Yes. She's aware that Frank's got problems with Danielle Sadowsky, who is the woman that he met. Not in 2004. 2003 is when he started to do work on the Sadowsky home and when Miss Sadowsky seeks out Mr. Wood to be a lover and breaks away from her marriage.

[REDACTED] Sadowsky, who is the juvenile in this, the alleged victim, you're going to hear she did not come from a pleasant background. It's unfortunate. None of it is her fault. Her mother, a drug addict, a prostitute, died in prison from brain cancer. Her father, the last thing we know about him, at least that I know about him, is he didn't have much to do with her; again, into drugs, imprisoned.

Now, I'm a little confused as to how [REDACTED] winds up with Scott Sadowsky, who I understand is a cousin to her. She, I believe, came into Mr. Sadowsky's home in approximately 1999, and she was between four and five years old. He had just -- as I understand it, he was becoming a father and bringing another child in, which you will find out that Danielle Sadowsky did not approve of this situation.

She did not want this other child, this nonbiological child, who caused a rift between them. And it continued as long as [REDACTED] was there. [REDACTED] becomes the problem in their marriage, because Scott wants her -- conjecture can be -- was it money? The family talks about money.

Danielle has a child, a boy by the name of [REDACTED]. That's Danielle's pride and joy, that's her biological child, and she's very protective of [REDACTED].

As this marriage is breaking up, she's scared to death that she's going to lose [REDACTED]. You're going to hear about that.

She's very protective of [REDACTED]. She doesn't want [REDACTED]. [REDACTED] can stay out of her life; [REDACTED] can be used by either one of them.

The situation winds up -- think about it, gentlemen, you're in Scott Sadowsky's shoes -- she meets a man who he brought onto the job to do repairs on their home. His wife falls in love with him, and not only falls in love with him -- I mean, they both fall in love and she gets pregnant. What does that do to your psyche?

Well, these two people -- Scott and Danielle -- practically have a war. Scott -- you'll find out, and you'll see him up here, is a bit of a control freak.

He doesn't like that this happened to him. Doesn't like it one bit. Who's his vengeance towards? Frank Wood. The man who stole his wife, his trophy wife. The man who's messing up everything he's got going on. The man who got his wife pregnant. Now, they're into a divorce and they're fighting back and forth over what's going on here. Scott Sadowsky is the one who heard something happened at the Wood residence when Danielle gets shook up about what she saw -- Mr. Wood coming out of [REDACTED]'s room.

Mr. Wood -- and I think Danielle would have to acknowledge this -- gets up every single morning and usually does work, he starts to put his day together at 5:00 a.m. This was not unusual for him to be up. But he'd actually gotten up earlier and went into the room because the child was having a nightmare.

Why do you think she was maybe having a nightmare? Maybe it's because she's going to lose out of being adopted. Her parents are getting divorced -- or really what, the cousin and his spouse are getting divorced. Maybe there's no adoption. She's losing a family. All right?

I believe you'll find out that it gets reported to Scott Sadowsky that Danielle saw this. Scott

wants to make something about it because this is his way to control Danielle and get back at Frank.

Now, the best I can figure out from what's been presented to us, the records, is that it was reported sometime in November of 2004, that there had been this alleged sexual abuse; not January of 2005, November 2004. No tests are done. As a matter of fact, the diagnosis is made that this child is suffering from an adjustment disorder.

Doesn't sound like sexual abuse to me. I'm not a psychologist, but certainly it doesn't sound like sexual abuse.

Two months pass. Something stirs up here. But what you don't know is that Danielle Sadowsky is still seeing Frank Wood, is still intimate with Frank Wood. They're not living together, but they're still intimate. Okay?

Now, you moms. Somebody's been accused of molesting your daughter. You're going to be intimate with him? I don't think so.

Something else happened. Something else happens to mess up this equation that the State wants you to believe. Frank is not with Danielle all the time. Frank has other friends. He figured this relationship was over when Danielle moved out. She

gets upset with him.

Now the plot thickens. Scott has had time to develop what's going to happen here, what's going to happen with ~~REDACTED~~. She gets used.

They bring ~~REDACTED~~ forward and she starts to tell her story. And you know what? I've been talking to you about this in voir dire, talking about things kind of fitting. And what's that? We talk about how things are perceived, how things are developed, how things may be fantasy, how things may be worked on by suggestibility. We go from seeing Frank walking out of a room and a mother supposedly having a problem with it - whatever that may be - to this young girl is raped fifty times. That's the story - fifty times.

When this investigation starts in January, she's taken to Akron Children's Hospital. And I assume they're going to bring witnesses in here from Akron Children's Hospital. You're going to hear no physical evidence of any sexual abuse. No physical evidence.

This was at the time a nine-year-old girl, turning ten, has fifty episodes of vaginal intercourse. Fifty times and there's no signs? Put on your thinking caps. This is a little girl. The

testimony will say "hymen's intact."

The State's going to say, "Well, you know, it just has to be the slightest of penetration."

Fifty - five-zero -- times. You're going to tell me there's no scarring? There's no tearing? There's no observations by mom? That something's going on in a bedroom right across the hall, a few feet away, and she doesn't know about it?

Another problem with this case, we haven't talked about time factors here. ~~REDACTED~~ and her mom and ~~REDACTED~~ don't move into the house for three-and-a-half days a week till July - July of 2004. Now, if you do the math, I calculate they were there about eleven weeks, thirty-eight-and-a-half days, if you say dad has split time with her. Fifty times. Just think about it, people.

How does that story perpetuate? How does that man have that kind of activity with this little girl? How does he get into this pornography on-line and mom not know about it? When did that take place? You're going to hear mom was there the whole time. These were her days off. When did this happen?

The State's going to tell you that she was raped between October 1st and October 3rd. You heard that from the Judge; he read it yesterday to you. I want

you to pay attention to the evidence, whether that's even possible.

Somebody asked the question today, "How come two cases?"

"Two separate girls."

"How come?"

Maybe from the defense perspective we don't think it's piling on. Robyn shows up with ~~REDACTED~~, who at the time would have been about four, four and a half, when these alleged events took place. I don't remember much when I was four years old, and I dearly -- I desperately would say I don't remember much when I was six years old about what happened when I was four years old.

But listen to the story, at least what I understand it to be, because it grew. ~~REDACTED~~ says, "He touched my chest." Then all of a sudden, as time goes on, he touched more and more and more and more. Where did that come from?

We get into these other stories. It gets added on to. Again, I pose to you suggestibility.

Something's going on here. Frank Wood was no longer going to be the sugar daddy for Robyn. Say, well, what changed that?

He's going to be a new dad. He was paying money

to Danielle for child support. He started early giving her money. He gave her more money when the child was born. They picked out furniture, baby furniture; they went to Babies R Us, these type things.

After October 20th, this all continued. I know it all sounds kind of confusing, but when you get into the history of these people, and their dysfunctions, you'll begin to realize why this is concocted this way. And unfortunately, this man is facing it, a horrible charge of rape of a child under ten and gross sexual imposition of another child.

I believe that when you hear all the evidence you're not going to be able to find that a rape took place. October 1st through 3rd, you're not going to be able to find that there was gross sexual imposition, sexual contact with this young girl. You're going to find some people are terribly dysfunctional but not criminal.

Thank you.

THE COURT:

Thank you, sir.

That ends the second stage of the trial. The third stage of the trial is the presentation of evidence, and we're going to move right into that right now.

Miss Eisenhower, your first witness, please.

MS. EISENHOWER: The State would call Travis McCourt.

THE COURT: Sure. Sir, come on up this way. My bailiff is going to swear you in.

THE BAILIFF: Hello.

MR. McCOURT: Hi.

THE BAILIFF: Please raise your right hand.

Whereupon, the State of Ohio, to further maintain the issues to be maintained by them, called one TRAVIS McCOURT, who, after having been first duly sworn, was examined and testified as follows:

THE COURT: Have a seat up here, please.

MR. McCOURT: Thank you.

THE COURT: Sure. Tell me when you're in there.

MR. McCOURT: Okay. I'm in.

THE COURT: Good. Move that microphone a little closer to you.

MR. McCOURT: Okay.

THE COURT: Would you state

your name; and spell your last name for my court reporter, please.

MR. McCOURT: My name is Travis McCourt, M-C-C-o-u-r-t.

THE COURT: Sir, what's going to happen is, Miss Eisenhower is going to have some questions for you, and when she's done, Mr. Green may have some for you as well.

You have to keep your voice up. See the woman in the back there in the box?

Raise your hand.

JUROR: (Complying.)

THE COURT: She has to hear you.

Go ahead, please.

MS. EISENHOWER: Thank you, your Honor.

#### DIRECT-EXAMINATION

#### BY MS. EISENHOWER:

Q Officer McCourt, tell me who you work for.

A I work for the Montville Police Department.

Q And how long have you been with the Montville Police Department?

A Three years.

Q And what is your capacity with the Montville Police

Department?

A I'm a patrolman, and I also handle any complaints that come into the office.

Q Okay. I'm going to take you back to January of 2005. Do you remember if a Danielle Sadowsky and her daughter ~~SPERACTED~~ came on station?

A I do.

Q Do you remember what day that was?

A I believe it was the 11th of January.

Q 2005?

A 2005, yes, ma'am.

Q And did you talk about that on station at the Montville Police Department?

A I did.

Q All right. And what was the nature of the call that you received?

A Mrs. Sadowsky wanted to report a rape of her child ~~SPERACTED~~.

Q All right. Now, what did you do as a result of that statement by Mrs. Sadowsky?

A I asked Mrs. Sadowsky if I can come to her home to interview ~~SPERACTED~~.

Q All right. Did you do that?

A I did.

Q And when did you do that? The same day or another

day?

A The same day.

Q All right. Did anybody else go with you?

A Yes, ma'am. I contacted Children's Services, Family and Children Services, and spoke to a Tricia.

Q Carchedi?

A Yes, ma'am.

Q All right.

A Yeah. She's a social worker there. I asked her to accompany me up to do the interview.

Q All right. And did she do so?

A Yes, she did.

Q All right. Now, did you go to the apartment and conduct an interview with ~~SPERACTED~~ ~~SPERACTED~~?

A Yes, I did.

Q That's the daughter's name, correct?

A Yes, ma'am.

Q All right. And could you tell me who was present during that interview?

A ~~SPERACTED~~, her mother Danielle, and the social worker Tricia, and myself.

Q Okay. Was Scott Sadowsky there?

A He was. He was upstairs with another smaller -- their smaller child.

Q So he was not present during the interview?

1 A Correct.

2 Q Okay. Now, can you describe for me S[REDACTED]'s  
3 demeanor?

4 A She seemed to me like she was very upset, kind of  
5 concerned, wasn't really sure of -- you know, this was all  
6 new to her. She seemed like she was very -- you know, to  
7 meet me and to sit down and speak with me, it kind of put  
8 her a little bit -- you know, I wouldn't say careful, a  
9 little on edge, maybe.

10 Q And did she tell you who had molested her?

11 A She did.

12 Q Okay.

13 MR. GREEN: Objection,  
14 leading.

15 THE COURT: No, not that  
16 one.

17 A Yes, she did.

18 THE COURT: Your next  
19 question, please.

20 MS. EISENHOWER: Okay.

21 Q And did she tell you who that was?

22 A Yes, she did.

23 Q Who was it?

24 A Frank Wood.

25 Q Okay. Did you begin an investigation of Mr. Wood?

1 A I did so, yes.

2 Q And that was based on what S[REDACTED] had told you?

3 A Yes, it was.

4 Q All right. Now, where was -- where did that  
5 interview take place?

6 A It took place on Sturbridge -- Danielle's apartment.

7 Q Okay. And as a result of your investigation, did you  
8 learn where S[REDACTED] was when she was raped by Frank Wood?

9 A Yes, I did.

10 Q And where was that?

11 A Poe Road, in Montville Township, in Medina County.

12 Q Okay. Now, whose house was it at?

13 A That was Frank Wood's home.

14 Q All right. Now, were you able to learn a time frame  
15 for that allegation?

16 A Yes. August of '04 through October of '04.

17 Q All right. Now, you began an investigation, correct?

18 A Yes.

19 Q And these were based on things that S[REDACTED] had told  
20 you?

21 A Yes, ma'am.

22 Q And was S[REDACTED] specific about the sexual conduct  
23 that had occurred?

24 A Yes, she was.

25 Q And what did she tell you?

1 A She'd stated that Frank Wood would enter her room at  
2 night and get on top of her and rub certain body parts into  
3 her private areas. And she also described feeling like a  
4 wet -- like a wet spot on her leg.

5 Q Now, as a result of the allegations that she gave  
6 you, did you attempt to collect evidence from Danielle's  
7 apartment?

8 A I did.

9 Q And tell me what you took custody of.

10 A I took custody of numerous pairs of clothing that  
11 S[REDACTED] normally wears to bed at night, and I also  
12 obtained a bedsheet.

13 Q All right. And the bedsheet you obtained was from  
14 what?

15 A S[REDACTED]'s bed, the mattress that she had slept on at  
16 the time of the incident.

17 Q Now, did you take mattress pads, sheets, bedding?

18 A Yes, ma'am.

19 Q Okay. And what did you do with that bedding?

20 A I had turned it over to the Bureau of Criminal  
21 Investigation for testing.

22 Q Okay. And tell me why you did that.

23 A I was -- I submitted the evidence to see if there was  
24 any trace of semen on her clothes or on the mattress.

25 Q Well, correct me if I'm wrong, did the allegations

1 that S[REDACTED] told you about take place at another  
2 location, not the apartment?

3 A Correct.

4 Q They took place on Poe Road?

5 A Yes, ma'am.

6 Q And they took place several months before the  
7 allegation was told to you, correct?

8 A Correct.

9 Q So did you expect to find any trace evidence?

10 A I didn't. I submitted it for chance. I mean,  
11 because of the time frame from when the incident happened  
12 until the time that it was reported was several months, so  
13 I submitted it. I wasn't expecting to see anything.

14 Q All right. As a result of the allegations that  
15 S[REDACTED] made to you, did you also have contact with --  
16 contact with Frank Wood?

17 A Yes, I did.

18 Q All right. How did that come about?

19 A I placed a phone call to Mr. Wood, I want to say, on  
20 the 11th of February, and I'd asked that he come into my  
21 office, the Montville Police Department, and have him sit  
22 down and have an interview with me.

23 Q And did he come in that day?

24 A Yes, he did.

25 Q That day or a couple days later?

1 A Well, he told me that he could not make it that day,  
2 he was leaving town for a construction job, he was going to  
3 be gone for a couple of days, and we set up an appointment  
4 for the 16th of January -- February.

5 Q February?

6 A Of '05, yes, ma'am.

7 Q Okay. And did he voluntarily come into the police  
8 station?

9 A Yes, he did.

10 Q And did you interview him?

11 A I did.

12 Q All right. Did Frank Wood acknowledge that he knew  
13 Danielle Sadowsky?

14 A Yes, he did.

15 Q And did he tell you what their relationship was?

16 A Yes, he did.

17 Q Okay. Did he tell you how he felt about Danielle?

18 A Yes, he did. He stated several times that he was in  
19 love with her.

20 Q All right. Did he admit to you -- well, did he talk  
21 to you -- or did you talk to him about what happened on  
22 October 20th between him and Danielle?

23 A Yes, I did.

24 Q And what did he tell you had happened?

25 A He told me that Danielle had -- well, he told me

1 prior -- well, he had told me that he had gotten up in the  
2 middle of the night to use the restroom and he heard  
3 ~~REDACTED~~ in there crying in her room, so he went into her  
4 room and was consoling her by the bedside when he heard  
5 Danielle calling for him. He left the room, and they got  
6 into an argument as to why he was in that room. And I  
7 guess at that point they had stopped the conversation, and  
8 then she had moved out later that day.

9 Q So he told you he had been in ~~REDACTED~~'s bedroom?

10 A Yes, ma'am.

11 Q All right. Now, did he also tell you that he  
12 continued to see Danielle?

13 A Yes, he did.

14 Q And that he continued to see Danielle up until  
15 January when the allegations came to light?

16 A Yes, that's correct.

17 Q All right. Now, did you ask him if, while Danielle  
18 and he were living together, they had sex in his house?

19 A Yes, they did.

20 Q Okay. And did you ask him where?

21 A I did.

22 Q Okay.

23 A And he told me in his bedroom ninety-nine percent of  
24 the time and a couple times on the couch.

25 Q All right. Did you ask him if he had ever had sex

1 with Danielle on the children's beds?

2 A Yes, I did.

3 Q And what was his immediate response to that?

4 A "No."

5 Q Okay. So he told you initially he had never had sex  
6 on the children's beds?

7 A Correct.

8 Q All right. Did there come a time where he changed  
9 that story?

10 A Yes, there was.

11 Q And what was that in response to?

12 A We had asked him if there would be a reasoning why  
13 there would be any semen or DNA -- his DNA or semen on the  
14 children's -- on ~~REDACTED~~'s clothing or the beds. He  
15 didn't answer for a couple of seconds and then he stated  
16 "yes," because him and Danielle had had sex twice on the  
17 little boy's bed and once on her bed.

18 Q "Once on her bed," being ~~REDACTED~~'s?

19 A Yes, yes, ma'am.

20 Q That was not his initial response to your question.  
21 was it?

22 A No, it was not.

23 Q And that happened only after you indicated you may  
24 have evidence?

25 A Yes, ma'am.

1 Q Now, did you ask him about any laptop computers that  
2 he owned?

3 A I did. ~~REDACTED~~ had indicated that there was some  
4 pornographic pictures shown to her by Mr. Wood on a  
5 computer, laptop computer. I asked Mr. Wood about that  
6 computer, if he had it on his person or at his home or in  
7 his case.

8 And he said that while on a job site, some rain  
9 rained on the computer, ruining the computer.

10 Q So did he still have that computer?

11 A No, he did not.

12 Q All right. Did you go look -- go to his house and  
13 see?

14 A I did.

15 Q And there was no computer?

16 A There was no computer.

17 Q All right. Now, was there any -- I want to go back  
18 to Mr. Wood's response, the Defendant's response, to your  
19 questioning of whether or not he ever had sex in the kids'  
20 rooms.

21 A Mm-hm.

22 Q Did he tell you why not?

23 A He indicated that he did not feel comfortable  
24 initially having sex with Danielle at all in the house  
25 while the kids were there.



Q Okay.

A He could not allow himself to be intimate.

Q And so he indicated that wouldn't happen while the children were present in the home?

A Correct.

Q That's why he wouldn't -- they had never had sex in the children's beds?

MR. GREEN: Objection.

THE COURT: Sustained,

that's leading. Your next question, please.

Q Did he give you an explanation as to -- other than why he didn't have a computer, why it wasn't working? He told you freezing rain; is that right?

A Yes, ma'am. He said he had gotten caught up in a torrential downpour with freezing rain and the computer was exposed to minus one temperatures, is what he told me.

Q Did he ever indicate -- ever once during your interview, did he ask you what it was that ~~SHANNON~~ had alleged he had done?

A To my knowledge, no, ma'am.

MR. GREEN: Objection.

THE COURT: Basis, please?

MR. GREEN: I believe it's

an inappropriate question. She asked him what the

Defendant asked, and then she asked what the

Defendant may have asked. That's leading.

THE COURT: Overruled. You can answer.

A Can you repeat the question for me?

Q Ever at all during the interview that you had with Frank Wood, did he ask you, "What is ~~SHANNON~~ saying I did?"

A No, ma'am, he did not.

Q Did you ever give him the exact details of what ~~SHANNON~~ alleged he did?

A No, ma'am, I did not.

Q Did you ask him what he thought should happen to someone who did something to a small child?

A I did.

Q Can you tell me what the -- how you phrased that?

A I asked him if somebody who was sitting in the chair that he was sitting in had done something such as this to a child, what did he think should happen to somebody like that. At that point we were talking about Christianity and beliefs.

And he told me that if the person would confess that to the church three times, then he thinks that they need to get serious counseling.

Q Okay. And were you clear that he knew what you were referring to, as far as doing something to a child?

A Yes.

MR. GREEN: Objection.

THE COURT: I'm going to

sustain the objection as to what he was thinking.

MR. GREEN: Move to strike,

your Honor, what he was thinking.

THE COURT: Right. Let me

do this one.

You're to disregard -- he can't know what he was thinking, all right? So you're to disregard that.

Your next question, please.

Q At some point, did you receive some evidence, some written notes reflective of text messaging from Danielle Sadowsky?

A Yes, I did.

(Whereupon, a notebook paper was then marked as

State's Exhibit 1 for purposes of identification.)

Q Showing you what's been marked State's Exhibit 1, can you identify that for me?

A Yes, ma'am.

Q Okay. And is that the notebook paper that you received from Danielle Sadowsky?

A Yes, it is.

Q Okay. And did you also -- can you tell me what she

told you that was?

A Yes.

Q Okay.

A She stated that she had received some text messages from Mr. Wood and had went back and forth

MR. GREEN: Objection,

hearsay. It's an out-of-court statement of what Danielle Sadowsky said.

THE COURT: Yes. I'm going

to sustain that. Your next question, please.

MS. EISENHOWER: Okay.

Q Can you tell me if you received this directly from Danielle Sadowsky?

A Yes, I did.

Q As a result of looking at that, did you look at Danielle Sadowsky's phone?

A Yes, I did.

Q And on it, on Danielle Sadowsky's phone, did you see the messages that are written on that paper?

A Verbatim, yes, I did.

Q Okay. And has that been in your custody since Danielle Sadowsky gave that to you?

A Yes, it has.

Q Until today when you brought it here?

A Yes, ma'am.

Q As a result of your interview with Danielle Sadowsky and ~~REDACTED~~, are you aware that ~~REDACTED~~ was referred to other agencies for services?

A Yes, ma'am, I am.

Q And do you know what other agencies she was referred to?

A I believe it was Job and Family Services and the Akron Children's Hospital.

MS. EISENHOWER: I have nothing further.

THE COURT: Thank you.  
Sir, you may cross-examine.

MR. GREEN: Thank you, your Honor.

THE COURT: You bet, sir.

# CROSS-EXAMINATION

BY MR. GREEN:

Q Officer, this meeting with Danielle, ~~REDACTED~~, and the social worker, that took place on January 12th?

A I believe so, 11th or 12th, yes, sir.

Q Okay. And was it in the morning?

A The meeting took place with the social worker in the afternoon.

Q In the afternoon. Now, you met with her earlier?

A Yes, sir.

Q And what was the purpose of you meeting with the family earlier?

A She wanted to file a Complaint about a rape of her daughter.

Q And where did that meeting take place?

A That was at the Montville Police Department.

Q And did you file charges based on that?

A No, sir, I didn't.

Q Okay. Now, you had a meeting then that afternoon at the Sturbridge location?

A Yes, sir.

Q Where is that located? I don't know which township that's in.

A That's in Medina City.

Q Medina City?

A Hm-hm.

Q Okay. And Montville is where your jurisdiction is, not Medina City, right?

A Correct.

Q Okay. And during the interview -- that's the first time you interviewed ~~REDACTED~~, correct?

A Which time? Which interview?

Q When you met her at the home --

A Yes, sir.

Q -- you hadn't seen her before?

A No. I'd seen her that morning.

Q You'd seen her that morning?

A Danielle and ~~REDACTED~~ came in.

Q Did she make a statement at that time?

A She did not. I felt it would be easier for me to interview her in a more comfortable place than the police department.

Q So the charges that you were taking down from the mother -- she wanted to make a charge, right?

A A complaint.

Q That morning was strictly what the mother told you on that morning?

A Yes, that's correct.

Q The complaint basically came from Danielle Sadowsky?

A That morning.

Q Scott Sadowsky wasn't there?

A No, sir.

Q And when you went to the house later on for the interview, Scott Sadowsky was there but he didn't participate?

A Correct.

Q Did he listen in?

A I saw him come down the steps a few times, but he had a five-year-old son upstairs he was attending to.

Q What day of the week was this?

A Tuesday or Wednesday, I think.

Q This was a school day --

A I don't remember.

Q -- right?

A I believe so, yes.

Q And this boy didn't go to school?

A I don't believe he started school yet, sir.

Q What about ~~REDACTED~~, was she in school?

A Well, I met her at her house. At that point, I don't know if she took her to the school after the first meeting. I didn't discuss that.

THE COURT: I'm going to ask you to stop for just one second.

Folks, are you going to be witnesses in the case?

WOMAN: No.

THE COURT: Okay, great.

Thank you.

You may continue, please.

BY MR. GREEN:

Q This house on Sturbridge, was this Mr. Sadowsky's house?

A No, sir.

Q Whose was it -- Danielle Sadowsky's?

A Yes, sir.

1 Q Was it a house or an apartment?  
 2 A An apartment.  
 3 Q Okay. Now, during the course of the interview with  
 4 ~~SA~~ ~~SA~~, isn't it true that she said that she slept  
 5 through the incidents? Isn't that what she told you?  
 6 A No. I believe she said that she did not want to open  
 7 her eyes so she pretended to be asleep, if I remember  
 8 right.  
 9 Q You don't recall that she originally said that she  
 10 did not wake up during these alleged incidents?  
 11 A No, sir, I don't remember that.  
 12 Q You don't recall that?  
 13 A No, sir.  
 14 Q Did you tape-record this --  
 15 A I did not.  
 16 Q -- interview?  
 17 A No, sir.  
 18 Q Did you take notes?  
 19 A I took a few.  
 20 Q Do you have your notes here with you today?  
 21 A I do not. The social worker -- I basically met with  
 22 Samantha to conduct the interview. At that point, I asked  
 23 the social worker to start the interview, start the  
 24 questioning. Due to her background, I thought it might be  
 25 more beneficial for ~~SA~~.

1 Q You didn't ask the questions?  
 2 A Correct.  
 3 Q The social worker did?  
 4 A Right. I asked -- I vaguely remember asking one or  
 5 two questions.  
 6 Q And you said "I took some notes."  
 7 A I don't know. On those one or two questions, yes,  
 8 sir.  
 9 Q Did you review your notes for today's testimony?  
 10 A I did not.  
 11 Q Did you review the social worker's notes for today's  
 12 testimony?  
 13 A No, sir.  
 14 Q You haven't looked at anything since when?  
 15 A I reviewed my report earlier this morning, yes, sir.  
 16 Q What report was that?  
 17 A The Montville Police Department report.  
 18 Q Do you have that with you?  
 19 A Over -- it's at the table.  
 20 Q This is what you looked at this morning?  
 21 A Ha-ha.  
 22 Q Could you get it for me, please?  
 23 MS. EISENHOWER: Objection, your  
 24 Honor. May I approach?  
 25 THE COURT: Sure.

1 (Whereupon, the further following proceedings  
 2 were then held at sidebar, out of the hearing of the  
 3 Jury.)  
 4 THE COURT: Go ahead,  
 5 Ms. A.  
 6 MS. EISENHOWER: First of all,  
 7 your Honor, I believe he's using the officer's report  
 8 to try and impeach him. He didn't generate that  
 9 report, so I'm not sure he can -- he can use that  
 10 report to do that since he didn't.  
 11 Second of you all, the Montville Police  
 12 Department report, I only think he's entitled to once  
 13 the witness is done testifying.  
 14 THE COURT: To determine  
 15 whether or not --  
 16 MS. EISENHOWER: Inconsistencies.  
 17 THE COURT: -- there's any  
 18 inconsistencies.  
 19 MS. EISENHOWER: Yes.  
 20 THE COURT: Well, he gets it  
 21 either now or when we're done. That's fine.  
 22 Complete your examination of the witness. I  
 23 will then take a look at the report and we will -- all  
 24 three of us together -- will see if there's any  
 25 inconsistencies. I'll then give you an opportunity to

1 examine the witness again based on any inconsistencies  
 2 you find in the report. It's kind of a round robin  
 3 way to get to it, but we'll get to it that way.  
 4 (Whereupon, the further following proceedings  
 5 were then held within the presence and hearing of the  
 6 Jury, the Counsel, and the Defendant.)  
 7 BY MR. GREEN:  
 8 Q Officer, while we're at it, are there any other  
 9 reports that you looked at in preparation for your  
 10 testimony today?  
 11 A No, sir.  
 12 Q You made statements about Mr. Wood in your interview.  
 13 Did you review any of that in preparation of your  
 14 testimony?  
 15 A I looked at the interview tape.  
 16 Q You did that this morning?  
 17 A Yes, sir.  
 18 Q How long have you been a police officer?  
 19 A Three years, sir.  
 20 Q Three years. So at the time this took place, you're  
 21 about a year-and-a-half in?  
 22 A For police officer, yeah. Law enforcement  
 23 experience, I was a park ranger for five years before that.  
 24 Q Where were you a park ranger?  
 25 A Medina County.

1 Q Okay. And what was your job as a park ranger?

2 A Pretty much public safety. While I was there I made

3 sure everybody was acting accordingly to the rules and

4 regulations of the Park District.

5 Q Did you do any investigations at that time of any

6 sexual abuse incidents while you were a ranger?

7 A Right now I'm going to say no.

8 Q Okay.

9 A Again, that's five years.

10 Q Have you had any training in crisis, or crisis

11 intervention training?

12 A No, sir.

13 Q How long did this interview take place with REDACTED

14 that afternoon?

15 A About an hour.

16 Q Was that time devoted strictly to REDACTED or was

17 that Danielle, too?

18 A I wasn't there to question Danielle so -- I mean,

19 just the brief conversation, you know, before we started

20 the interview.

21 Q Now, I understand most of it was conducted by the

22 social worker.

23 A Correct.

24 Q You just asked a couple of questions. Do you

25 remember what those questions were?

1 A No, I do not.

2 Q Okay. But you said you looked at your notes earlier

3 today?

4 A I read the report, the Montville Police Department

5 report earlier today.

6 Q You said you made notes, though, on those questions?

7 A I had -- yeah. I wrote down some of -- some notes at

8 the time of the interview with REDACTED. But I was there

9 -- again, I was -- I was not asking most of the questions.

10 Q You concluded this investigation, didn't you?

11 A Yes, sir.

12 Q And how did it conclude?

13 A At the time that I -- I concluded it, I forwarded it

14 over to a sergeant and then they signed off on it and, you

15 know, whatever the sergeants do, it's none of my concern.

16 Q This investigation was terminated, wasn't it?

17 A I -- I -- I would probably guess so, yes.

18 Q You weren't informed it was terminated?

19 A No, I was not informed it was terminated.

20 Q You were not?

21 A No.

22 Q No charges were brought?

23 A Correct.

24 MS. EISENHOWER: Objection, your

25 Honor. We're here.

1 THE COURT: You mean at

2 that time?

3 MR. GREEN: At the time.

4 That's what I'm talking about, his investigation.

5 Q Were charges brought as a result of your

6 investigation?

7 MS. EISENHOWER: Objection, your

8 Honor. We are here.

9 THE COURT: Yes. Well.

10 let's --

11 MR. GREEN: Judge, I'm

12 confining it to him.

13 THE COURT: I'll let you

14 answer.

15 A I did not charge Mr. Wood, no.

16 Q Okay. Would it be true that the investigation on

17 your part was concluded by somebody on February 25, 2005,

18 approximately a month later?

19 A I don't remember -- I don't remember the dates when

20 things were concluded.

21 Q Okay.

22 A I don't recall.

23 Q Okay. But it was your investigation, correct?

24 A Yes, sir.

25 Q Anybody else working for Montville Township Police?

1 A No, sir.

2 Q Did the Children's Services report back to you their

3 findings in the case?

4 MS. EISENHOWER: Objection, your

5 Honor.

6 A Yes.

7 MS. EISENHOWER: Hearsay.

8 THE COURT: We can answer

9 yes or no.

10 "Yes," they did it, "yes" --

11 THE WITNESS: Yes, yes, your

12 Honor.

13 THE COURT: Your next

14 question, please.

15 Q So you had -- you had their report back in order to

16 include in your investigation?

17 A I don't recall receiving a copy of the Job and Family

18 Services report. I was forwarded the Children's -- Akron

19 Children's report.

20 Q And you received that? You received that report --

21 A Yes.

22 Q -- is that what you're telling us?

23 THE COURT: Which report?

24 A Yes.

25 MR. GREEN: Akron

Children's Hospital, the one he just referred to.

A Yes, sir.

Q In the report it says there was no physical evidence, correct?

A You know, I don't recall.

Q You don't recall what was in the report?

A I don't -- well, I got the report, added it to my investigation. I believe at the time I was in the process of getting ahold of Mr. Wood, so I filed it. I looked it over. You know, I couldn't tell you what -- exactly what it said.

Q When was your next involvement in this case?

A Starting from -- starting from where, sir? What do you mean "next," I guess?

Q Well, you've indicated to me that you understood it to be -- that the investigation was terminated. Have you had any more involvement in this case?

A No, sir.

MR. GREEN: Thank you, your Honor.

THE COURT: Thanks. Let's take a look at the report.

Folks, I'm going to send you out. Don't discuss the case among yourselves or with anyone else or allow the matter to be discussed in your presence

until you get all the evidence, you get your instructions of law, and you begin your deliberations.

See you in ten minutes. Until then we're at recess.

Thank you.

(Whereupon, the Jury exited the courtroom and the further following proceedings were then held in the presence of the Court, Counsel, and the Defendant.)

THE COURT: Officer, is this the report you referred to as the report that you had reviewed prior to coming in here today? Can you take a look and tell me if that's what you looked at.

THE WITNESS: (Perusing document.)

Not that, not that.

MS. EISENHOWER: Your Honor, it would be pretty much just the investigator's notes.

THE COURT: Tell me what you looked at before you came in here. That's the only thing I need from you, sir.

THE WITNESS: Okay.

(Providing document to Court.)

THE COURT: Thanks, Officer.

All right. Here, you guys can --

MR. GREEN: "Investigator" means you're the investigator? I'm just wondering if that's what he means.

THE COURT: He's just referring to documents. He's saying this is what he looked at before he came in. He's just doing it now, he's just looking at this thing. I'm giving you the opportunity to review it to see if you believe there are any inconsistencies and we can talk about what he testified to and what he reviewed before he came in.

MR. GREEN: Judge, this indicates certain things that he has testified to, but he testified in some specificity about some things that aren't mentioned in here whatsoever, and I don't know where he's drawing that from.

THE COURT: It doesn't matter where he's drawing it from. The purpose of having an opportunity to review a statement at the end of a witness' testimony, as I understand it --

MR. GREEN: find inconsistencies.

THE COURT: -- is to find any material inconsistencies with the testimony. It sort of relies on you to say, "Hey, Judge, right here he says that the dog was black and the report says it was white," or, "The report says it happened on this day, and he testified it happened on this day." I don't necessarily think that an absence of a date is something that you'll be able to say, "Hey, look, you didn't write that down," but you can ask him for his recollection. If Miss Eisenhower on her redirect chooses to ask him as to whether or not those dates were -- where he got the dates from and how he determined what those dates are, I think that's probably fair.

Anything else in regard to the report, sir, where you can point out to me where you believe there are any material inconsistencies?

MR. GREEN: No, that's it.

THE COURT: Great. I want you to place a copy of that -- let's staple it together and let's make a copy of that. I want the court reporter to keep that so that any reviewing court can take a look at what happened, and if they want, they can say, "Hey, Judge, you weren't right." That way we're okay.

Chris is going to make a copy of that. As soon as she does that, we'll bring the Jury back and see what we're going to do.

Thank you for your patience with me.

(Whereupon, the further following proceedings were then held in the presence of the Court, the Jurors, Counsel, and the Defendant.)

THE COURT: Thanks, folks, you all can be seated.

We're back on the record in Case Number 05 CR 0365, State versus Frank Wood. We're going to continue and see whether the State has any further questions of this witness.

Miss Eisenhower.

MS. EISENHOWER: No, your Honor.

THE COURT: Sir, you can step down. Thanks very much.

THE WITNESS: Thank you.

THE COURT: We are where we need to be on our first witness. I'm going to turn to Miss Eisenhower and see if she's got another witness today.

Miss Eisenhower.

MS. EISENHOWER: Your Honor, the State of Ohio would call Danielle Sadowsky to the

stand.

THE COURT: Ma'am, can you come up this way, please. My bailiff is going to swear you in.

THE BAILIFF: Raise your right hand.

Whereupon, the State of Ohio, to further maintain the issues to be maintained by them, called one DANIELLE SADOWSKY, who, after having been first duly sworn, was examined and testified as follows:

THE COURT: Come on up and be seated, ma'am.

Could you state your name, and spell your last name for my court reporter, please.

MS. SADOWSKY: Danielle Sadowsky, S-a-d-o-w-s-k-y.

THE COURT: Scoot your chair forward. Can you do it?

MS. SADOWSKY: It doesn't scoot.

Oh, okay.

THE COURT: There you go.

Do you see the woman in the back row there?

Raise your hand.

JUROR: (Complying.)

THE COURT: You've got to make sure she can hear you. If she can't, I'll let you know.

MS. SADOWSKY: Okay.

THE COURT: What's going to happen is, Miss Eisenhower is going to have some questions for you. When Ms. Eisenhower's done, Mr. Green is going to have some questions for you.

With that in mind, Miss Eisenhower, you may proceed.

MS. EISENHOWER: Thank you, your Honor.

#### DIRECT-EXAMINATION

BY MS. EISENHOWER:

Q Your name is Danielle Sadowsky?

A That's correct.

Q All right. Where do you live right now?

A 984 Sturbridge Drive, Medina.

Q And who lives there with you?

A Myself, my son GRIMM, my son A, and my daughter SADOWSKY.

Q All right. Now, let's talk a little bit about that.

Your son A is Scott Sadowsky's son?

A Yes, that's true.

Q All right. And SADOWSKY, tell me a little bit about your relationship with her.

A I'm her legal custodian. I've had custody of her for six years now.

Q And is she a biological relative of yours?

A No. She's a biological relative of Scott Sadowsky, my ex-husband.

Q And GRIMM is your biological child?

A That's true.

Q And who's his father?

A His father is Frank Wood.

Q All right. Tell me about Frank Wood. When was the first time you met Frank Wood?

A I met Frank in October of 2003, when he came to do some window repairs on my house.

Q All right. And where did you live at that time?

A At 5855 Jonathon Court in Medina.

Q And did Mr. Wood do any other work on your house?

A He repaired some siding that had been damaged from a grill being too close to the house, and that was it.

Q All right. And were you married to Scott Sadowsky at the time?

A Yes, I was.

Q Okay. Did you have a relationship with Mr. Wood after he came to your house?

1 A Yes, I did.

2 Q Tell me how that began.

3 A That relationship began November of 2003, and it

4 continued until February 2004, before it ended for a

5 stretch.

6 Q All right. Tell me how the beginning of this

7 relationship went. In other words, whose idea was it for

8 you to start having a relationship with Frank Wood?

9 A It was mutual.

10 Q All right. And did you go places together in

11 November and December of '03?

12 A Yes, we did.

13 Q And you were still married to Scott Sadowsky at the

14 time?

15 A That's true.

16 Q All right. And in 2004, were you still seeing

17 Mr. Wood?

18 A Yes.

19 Q And what happened when it stopped for a spell?

20 A My ex-husband and I were determined to make our

21 marriage work.

22 Q So you and Scott Sadowsky worked on your marriage for

23 a time --

24 A That's true.

25 Q -- is that correct?

1 A (Witness nodding affirmatively.)

2 Q And then what happened after that?

3 A He decided he didn't want to work on the marriage any

4 longer, and Frank got back in contact with me June of '04,

5 and we picked up pretty much where we had left off.

6 Q All right. Now, were you intimate with Frank Wood in

7 June of '04?

8 A Yes, I was.

9 Q And were you intimate with Frank Wood before you

10 started to work on your marriage with Scott?

11 A Yes, I was.

12 Q In other words, before that separation period?

13 A Yes, I was.

14 Q All right. Did there come a time where you found out

15 you were pregnant with Frank Wood's child?

16 A I didn't become pregnant until September of '04.

17 Q Now, in June of '04, did you and Frank Wood discuss

18 living together?

19 A Yes, we did.

20 Q And did you end up moving in with Frank Wood?

21 A I ended up moving in with Frank Wood at the end of

22 July.

23 Q And where were you living at the time?

24 A Poe Road; I don't remember the address.

25 Q Okay. Is that in Medina County?

1 A Yes, it is.

2 Q State of Ohio?

3 A Yes, it is.

4 Q Okay. And could you tell me, were you living

5 together for what time frame?

6 A We lived together from the middle of July until

7 October 20th.

8 Q Okay. And who was living at that Poe Road address

9 with you?

10 A Frank, myself, my daughter ~~REDACTED~~, and my daughter

11 ~~REDACTED~~ part-time.

12 Q Your "daughter ~~REDACTED~~"?

13 A My son ~~REDACTED~~. Excuse me.

14 Q It's okay.

15 All right. Now, when you say "part-time," tell

16 me what the schedule was like for those two.

17 A The schedule was that my ex-husband had them on the

18 weekends.

19 Q Okay.

20 A And I had them -- during the week I had them usually,

21 typically, Tuesdays, Wednesdays, and Thursdays, and he

22 would have them Friday through Monday.

23 Q All right. Now --

24 A That was to accommodate my work schedule.

25 Q And where were you working at the time?

1 A I was working at Mallards Crossing.

2 Q Okay.

3 A In Medina.

4 Q Up until October 20th, were you and Frank getting

5 along?

6 A Yeah.

7 Q Okay. What happened on October 20th?

8 A The morning of October 20th, approximately 5:15 a.m.,

9 I witnessed him coming out of my daughter's bedroom without

10 any reason to be in there. The rest of the household was

11 -- we were all sleeping. It wasn't typical that he would

12 be up before that time.

13 Q All right. Well, let's talk about that. Were there

14 other times where you would be awake and Frank wasn't in

15 the room with you?

16 A That's true.

17 Q Where there times in the middle of the night?

18 A That's true.

19 Q How often would that happen?

20 A Periodically. I would -- I would wake up and he

21 wouldn't be next to me. He had a habit of sleeping on the

22 sofa because he complained of having a bad back.

23 Q Well, is that what you saw, or is that what he told

24 you?

25 A That's what he would tell me.

Q All right. So you would wake up, he wouldn't be there, and he would tell you it was because he was on the sofa?

A That's true.

Q All right. Now, on October 20th, you got up, you saw he wasn't there.

A Correct.

Q Describe for me -- take a deep breath and describe for me exactly how it went.

A I woke up; he wasn't next to me. I thought maybe he had gotten up early to do some work. His office was set up in the basement of the house.

So I woke up and I went down looking for him, and he wasn't down there. I thought maybe he had fallen asleep on the couch, and I looked for him there and he wasn't there, either.

Then I went back towards my bedroom. My daughter SERENA's room was right across the hall from where mine was, and that's when I called his name, "Frank," and he came out of her bedroom.

Q What was he wearing?

A He was wearing -- he glowed like the moon because he was wearing a white T-shirt, white underwear, and white socks and nothing else.

Q Okay. And what happened when you saw him come out of

the bedroom?

A I had some choice words for him, and I asked him what he was doing in her room.

Q Okay. And what was his response?

A He looked -- he said, "Let's talk about this in the morning," and he looked down.

Q Okay. Did you ask him again?

A Yeah. I confronted him. I said, "What were you doing in her room?"

And he said, "I want to talk in the morning.

Let's just talk about it in the morning.

Q Okay. Tell me -- you've known him since '03, correct?

A That's true.

Q Tell me, what was his expression?

A He looked guilty.

Q Okay. And as a result of that, did you question him more?

A He didn't have any answers for me. Yeah. I questioned him. I said, "What were you doing in her room?" He didn't have any answers for me.

Q Okay.

A He said -- actually, he said he had fallen asleep in there because he had gotten up and he had heard her tossing and turning and thought she was having a bad dream and he

wanted to comfort her.

Q So he did have some explanation of why he was there?

A That's what he said, yes.

Q Okay. Had he done that before?

A There was -- she was sick once back in August, and he said he had gotten up to give her, her medicine in the middle of the night.

Q But you didn't see him that time?

A No.

Q All right. Danielle, what was your concern?

A My concern was, why was he in her room? He had no reason to be in there. My question is with what he was wearing.

Q All right. So what did you do?

A I moved out that morning.

Q Okay. And when you moved out, did you take the children with you?

A Absolutely.

Q And where did you go?

A I went to Scott's house.

Q All right. Did you tell Scott what had happened?

A I called him first thing that morning.

Q And he allowed you to come and live with him?

A The -- absolutely.

Q Did you stay there?

A I stayed there for three weeks until I got my own place. That was the condition.

Q Okay. And so you got your own place after that?

A That's true.

Q Now, did you ask SERENA what happened while he was in her room?

A Absolutely. She said nothing.

Q Okay. When you say, "She said nothing," tell me exactly what her response to you was.

A She said, "No, Mommy, he didn't."

I said, "SERENA, did he touch you? What happened? Do you want to talk to Mommy about this?"

And she said, "Oh, no, Mommy he didn't, he didn't touch me."

Q Okay. Did there come a time where SERENA told you something different --

A Yes.

Q -- about what happened in her room?

A Yes, very different.

Q All right. And do you remember when that was?

A January 11th of '05.

Q Did she ever make an allegation of Frank touching her before that, anytime before January 11th?

A No.

Q So she never told anybody before that?



1 A True.

2 Q Okay. And on January 11th, when she told you --

3 well, describe her demeanor.

4 A She cried. She -- it was after dinner. We had

5 gotten back from the rec center, and she told me what had

6 happened while we lived there with him.

7 Q Okay. Was that in response to a question from you?

8 A Yes. I had asked her --

9 Q What had you asked her?

10 A I had asked her, "Is there anything, SHIRLEY, that

11 you want to tell Moamy about what happened when we lived

12 with Frankie?"

13 Q What prompted you to ask her on that day?

14 A I was going to start counseling for myself the next

15 day, and I had always had a suspicion that he had, and it

16 was never confirmed from her and I wanted to get the truth.

17 Q Okay. Now, tell me why -- when you said you had

18 "always had this suspicion," tell me what those are based

19 on.

20 A Him coming out of her bedroom.

21 Q Anything else?

22 A He paid her a lot of attention.

23 Q All right. Well, let's stick with when you asked

24 her. Now, did you ask her every day?

25 A No.

1 Q Okay. How often do you think between October 20th

2 and January 11th that you asked her about Frank?

3 A Maybe half a dozen times.

4 Q And her response each time was the same?

5 A That's correct.

6 Q And it was "no"?

7 A That's correct.

8 Q That was up until January 11th?

9 A That's correct.

10 Q All right. At that time, were you settled into your

11 new apartment?

12 A Yes. I'd been there since November 13th.

13 Q All right. Now let me ask you this, Danielle. From

14 October 20th until January 11th, were you still having

15 contact with Frank Wood?

16 A Yes.

17 Q All right. Why?

18 A We would get -- I was pregnant; I was pregnant with

19 his child. I didn't want to believe that this had happened

20 and I still had contact with him, yes.

21 Q Okay. So you didn't want to believe that anything

22 had occurred?

23 A No.

24 Q And when was the baby born?

25 A The baby was born May 1991.

1 Q Okay.

2 A Last year.

3 Q All right. So what happened when January 11th rolled

4 around and SHIRLEY finally disclosed? Did you have

5 contact with Frank Wood after that?

6 A No. I told him I wanted nothing more to do with him.

7 Q Well, how did you tell him that?

8 A In a text message.

9 Q Okay. Did you begin to text message him after the

10 disclosure?

11 A Yes, I did.

12 Q I'm going to show you what's been marked State's

13 Exhibit 1. Can you tell me what that is?

14 A These are my text messages to Frank the night that

15 SHIRLEY disclosed what happened.

16 Q And are there text messages back to you from him?

17 A Yes.

18 Q Okay. And did you write that?

19 A Yes, I did.

20 Q Okay. And is that based on actual text messages that

21 came into your phone?

22 A Yes, it is.

23 Q And does your phone show the number that you were

24 getting a text message from?

25 A Yes, it does.

1 Q And the number that's written there, is that Frank's

2 phone?

3 A Yes, it is.

4 Q All right. So those messages began -- began on 1/11

5 at 9:25?

6 A That's correct.

7 Q All right. Can you tell me -- the first one says --

8 it looks like that came from you.

9 A That's correct.

10 Q Can you read it, please?

11 A Yes, I will.

12 "I had a talk with SCOTT tonight you sick fuck!

13 don't call me - ever! she has testimony against you! you

14 get help now! goodbye."

15 Q So you wanted him to get help?

16 A That's true.

17 Q Okay. So then he left you a voice mail, but that's

18 not a text message.

19 A That's true.

20 Q Okay. And that's not on here, correct?

21 A That's true.

22 Q All right. Then you sent a second one at 10:33,

23 correct?

24 A That's correct.

25 Q And what does it say?

1 A "Go to hell! or jail!"

2 Q All right. And then at 11:50, there is a text

3 message.

4 A 10:50.

5 Q There's a text message back from Frank --

6 A Hm-hm.

7 Q -- Wood?

8 A Hm-hm.

9 Q And it came from his phone number?

10 A That's correct.

11 Q And what does it say?

12 A "before u beat on me, please allow me 6-8 weeks at

13 the most 2 finish their house please! I love u. this will

14 be ok. u will see. good nite."

15 Q Now, at that point -- at this point in time where he

16 says "this will be ok" --

17 A Yes.

18 Q -- had you told him what SPEDAKTED had said?

19 A No.

20 Q Had you ever said to him the allegations that were

21 being made?

22 A No.

23 Q Okay. Now, there's more messages on there, correct?

24 A Yes.

25 Q And at anytime does he ask you, in these messages,

1 what SPEDAKTED says?

2 A No.

3 Q He never asked, "What is it she's saying I'm doing?"

4 A No, he doesn't.

5 Q Now, when you -- have you had -- did you have any

6 contact with him after those messages?

7 A I had contact with him July 2nd.

8 Q Now, what happened on July 2nd?

9 A He gave me money.

10 Q All right. Did you ask him for money?

11 A Yes, I did.

12 Q All right. Why?

13 A For the baby.

14 Q All right. Now, on July 2nd, the baby was what, two

15 months old?

16 A Approximately.

17 Q Had he offered, at any point prior to that, to give

18 you money for the baby?

19 A Yes, he had.

20 Q All right. And had you taken him up on that before?

21 A Yes, I had. He had given me money in November of

22 '04, in December of '04.

23 Q Okay. That was before the allegation?

24 A Yes.

25 Q All right. And did he continue to offer money?

1 A He had sent me a check in February, but I had sent it

2 back.

3 Q So you sent that check back.

4 A Hm-hm.

5 Q Why did you do that?

6 A I didn't want to acknowledge him.

7 Q But then you did take money later.

8 A Yes, I did.

9 Q Why?

10 A I'm a single mom and I needed it.

11 Q All right. At any time during those text messages

12 that you wrote down, that you received from him, did he

13 deny any allegations that were made? In other words, did

14 he deny he had done anything to SPEDAKTED?

15 MR. GREEN: Objection.

16 THE COURT: Overruled. You

17 can answer, if you know.

18 A He had left me a voice mail message and he had denied

19 it. He said, "I cannot believe what's going on. I didn't

20 do anything."

21 Yeah, he pretty much claimed that he wasn't.

22 Q Nowhere on these messages?

23 A No.

24 Q All right. Now, but you still hadn't told him at any

25 time what it was?

1 A That's correct.

2 Q Okay. Did you ever plant ideas in SPEDAKTED's head

3 about Frank Wood?

4 A Absolutely not.

5 Q Tell me, while you were living with Frank Wood, what

6 was your relationship -- what was SPEDAKTED's relationship

7 with Frank Wood? What was the nature of their

8 relationship? Tell me about that.

9 A They had a good relationship.

10 Q Well, tell me why that is.

11 A He would make efforts to take the kids to the zoo, he

12 would make efforts to roast marshmallows with them. He

13 also made efforts, especially towards SPEDAKTED; he bought

14 her gifts.

15 Q Did he have a nickname for SPEDAKTED?

16 A Not that I can remember. SC.

17 Q Okay, so he had a name for her and that was SC.

18 Okay.

19 You said he bought her gifts?

20 A Yes.

21 Q Did he -- what kind of gifts did he buy?

22 A Bought her a jewelry box and a horse.

23 Q A toy horse?

24 A Yeah, a toy horse.

25 Q Okay. And did he seem to spend extra time with

1 [REDACTED] --

2 A Yes.

3 Q -- as opposed to --

4 A A --.

5 Q All right. I'm going to ask you this. Were you  
6 jealous of the extra time he spent on [REDACTED]?

7 A I questioned it.

8 Q Okay. Well, that's not the same thing. Were you  
9 jealous of it?

10 A No, I wasn't jealous of it.

11 Q Now, tell me why you questioned it.

12 A Because he was giving her more attention than he was  
13 giving to A --.

14 Q And A -- is your son?

15 A Right.

16 Q You didn't question it because he was giving her more  
17 attention than he was giving you?

18 A That's correct.

19 Q So you didn't question it because of that?

20 A That's correct.

21 Q All right. Do you love [REDACTED]?

22 A Yes, I do.

23 Q Do you think you treated [REDACTED] any differently  
24 than you treated Dan -- or A --?

25 A No.

1 Q Were there arguments in your household between you  
2 and Scott when [REDACTED] first came in the house?

3 A Yes.

4 Q Okay. And were there arguments specifically about  
5 [REDACTED]?

6 A Yes.

7 Q Why?

8 A She had -- when she first came into our household,  
9 she had a lot of -- she had been through a lot in her life  
10 and she had a lot of issues.

11 Q Mm-hm.

12 A It took a lot for my ex-husband and I to get near  
13 her. She had problems academically, physically, mentally,  
14 and it was challenging.

15 Q How old was she when she came to live with you?

16 A Four-and-a-half.

17 Q Four-and-a-half. How old -- what's her birthday?

18 A [REDACTED].

19 Q All right.

20 A She's eleven right now.

21 Q So you've had her from the time she was  
22 four-and-a-half years old?

23 A That's true.

24 Q And she was a challenge at first, is that safe to  
25 say?

1 A Absolutely.

2 Q And did you get that stuff worked out?

3 A We did. We got a lot of it worked out.

4 Q Is the relationship with [REDACTED], the dynamics that  
5 she brought into your household, did that contribute to  
6 your and Scott's marriage coming to an end?

7 A I'm sure it did.

8 Q Do you resent [REDACTED] for that?

9 A No, I don't. It's not her fault.

10 Q Do you still have [REDACTED] visit with you?

11 A She stays with me quite frequently.

12 Q Okay.

13 A Every week.

14 Q And you and Scott are now divorced, correct?

15 A That's true.

16 Q All right. Now, has [REDACTED] expressed -- well,  
17 okay, let's back up. I'll strike that.

18 As a result of the allegation that [REDACTED] made  
19 to you -- right? She told you -- she -- you took her  
20 several places, I think, right? The first place you took  
21 her to was the Montville Police Department?

22 A Yes.

23 Q All right. And you were present when the social  
24 worker at Montville interviewed her, correct?

25 A Yes, I was.

1 Q And when she talked to you initially, when she first  
2 told you, you said she was crying?

3 A Absolutely.

4 Q Did she seem upset?

5 A Very upset.

6 Q Okay. Can you tell me what she told you had  
7 happened?

8 A It came out in little bits at first. She didn't tell  
9 me everything at first; she told me a little bit.

10 She'd said, "Well, Mom, when he drove over to the  
11 school, his hand was on my leg." And she showed me where  
12 it was on her leg.

13 And then she said, "He would come into my room  
14 and he would do this." And then she would describe what he  
15 did to her.

16 Q Okay.

17 A But the whole thing didn't come out until --

18 Q Okay.

19 A -- the next day.

20 Q All right. "Next day" meaning when you took her to  
21 the Montville Police Department?

22 A Yes, the 12th.

23 Q And she was interviewed by a social worker?

24 A She was in -- not that -- yes, Tricia Carcheda, I  
25 believe.

1 Q Right. And then where else did you take her?  
 2 A Akron Children's Hospital.  
 3 Q Okay. And she had to go through a physical exam?  
 4 A That's true.  
 5 Q And she also talked to a social worker there,  
 6 correct?  
 7 A That's true.  
 8 Q What grade is she in now?  
 9 A Fifth.  
 10 Q Did you ever tell her to make these stories up about  
 11 Frank Wood?  
 12 A No, I did not.  
 13 Q Did you ever put any ideas in her head about what she  
 14 should say about Frank Wood?  
 15 A No, I did not.  
 16 MS. EISENHOWER: I have no  
 17 further questions.  
 18 THE COURT: Thank you.  
 19 Mr. Green, sir, you may cross-examine.  
 20 MR. GREEN: Thank you, your  
 21 Honor.  
 22 THE COURT: You bet, sir.  
 23 CROSS-EXAMINATION  
 24 BY MR. GREEN:  
 25 Q You go by Ms. Sadowsky now?

1 A That's fine.  
 2 Q When did you get married to Scott Sadowsky?  
 3 A September 11th, '93.  
 4 Q And when did you get ~~REDACTED~~?  
 5 A December of '99.  
 6 Q December of '99. So you've been -- you'd been  
 7 married about six years?  
 8 A Approximately.  
 9 Q And when was ~~REDACTED~~ born?  
 10 A ~~REDACTED~~  
 11 Q So ~~REDACTED~~ was an infant?  
 12 A That's true.  
 13 Q All right. Now, help us out here with ~~REDACTED~~. You  
 14 probably know better than most about her.  
 15 How did you wind up with her?  
 16 A She's a relative of Scott's. She's Scott's cousin's  
 17 daughter.  
 18 And Scott's cousin's daughter -- ~~REDACTED~~ was taken  
 19 away from her because of abuse and neglect. So Scott and I  
 20 at that time were living in Connecticut, and we had the  
 21 resources to provide for her, so we decided to step up to  
 22 the plate and help her out.  
 23 Q And where was she living at the time?  
 24 A She was living with her biological grandmother in  
 25 North Royalton.

1 Q Here in Ohio?  
 2 A Yes.  
 3 Q And her -- now, that was her paternal --  
 4 A Maternal.  
 5 Q Maternal, all right. And I'm just trying to get this  
 6 cleared up.  
 7 Scott's the cousin of?  
 8 A Scott's the cousin of Denise.  
 9 Q The mother?  
 10 A The mother.  
 11 Q The mother.  
 12 How does a cousin wind up with the child?  
 13 Doesn't grandma have other kids?  
 14 MS. EISENHOWER: Objection, your  
 15 Honor.  
 16 THE COURT: Overruled. You  
 17 can answer the question. Do you have any idea about  
 18 how the child came into her custody? That's fine, go  
 19 ahead.  
 20 A The grandmother has no other grandchildren, but the  
 21 grandparents wanted to retire to Arizona and they didn't  
 22 want to take -- they didn't want the responsibility of  
 23 ~~REDACTED~~.  
 24 Q Okay. Was Denise their only child?  
 25 A Yes.

1 Q ~~REDACTED~~'s got a father --  
 2 A Yes.  
 3 Q -- right?  
 4 A [Witness nodding affirmatively.]  
 5 Q Tell me, what do you know about him?  
 6 MS. EISENHOWER: Objection.  
 7 A Hardly anything.  
 8 THE COURT: Overruled. Go  
 9 ahead, your next question, please.  
 10 Q Does he have family?  
 11 A I have no idea about him at all.  
 12 Q Okay.  
 13 A He's not on the scene at all.  
 14 Q All right. Did anybody offer to pay child support  
 15 for this child?  
 16 A No.  
 17 Q You weren't actually eager about bringing this child  
 18 into your marriage at that point, were you?  
 19 A That's true.  
 20 Q You're a new mom?  
 21 A That's true.  
 22 Q Okay. And ~~REDACTED~~, I think you've described her as  
 23 having been through a lot.  
 24 A That's true.  
 25 Q And when you say she'd been through a lot, what type

1 of things are you talking about?

2 A She had been neglected. I don't know to the extent  
3 -- I don't know the extent of the abuse specifically, but I  
4 do know she had been left home alone. And the mother had  
5 asked other women at the day-care facility if they wanted  
6 to adopt her child.

7 Q Am I correct that the mother was into drug addiction?

8 A I think so. I don't know that for a fact.

9 Q And was the mother characterized as a prostitute?

10 A Not to my knowledge. I didn't -- I've never heard  
11 that.

12 Q You said that she had been abused, ~~REDACTED~~ had been  
13 abused. What did you understand that abuse to be?

14 A I had no -- I don't know.

15 Q You don't know if it was sexual or not?

16 A I -- no.

17 Q You didn't ask her about it?

18 A When she came to live with us, she had been  
19 through an exam and we were told that she had not been  
20 sexually abused. I was assuming that the abuse went hand  
21 in hand with the neglect, that it was just a term that  
22 they used.

23 Q Who performed that exam?

24 A I don't know.

25 Q Is that --

1 A This is before she came to our custody.

2 Q And when she came into your custody, did she go to  
3 counseling?

4 A No.

5 Q No counseling?

6 A No counseling.

7 Q So if I understand you, from December of '99 through  
8 maybe 2005 sometime, she hadn't been involved in any  
9 counseling?

10 A No. She -- 2005? No. She had been involved in  
11 counseling but not right away.

12 Q Well, when was she involved in counseling?

13 A She was involved in counseling at Cornerstone, and  
14 that was when she was in first grade. So I don't know, I  
15 think it was 2002.

16 Q And what --

17 A 2001 maybe.

18 Q What was that counseling for?

19 A Her academics, her inability to concentrate, her  
20 basic inability to have respect, show respect.

21 Q Was that your decision to put her in counseling?

22 A That was a mutual decision between my ex-husband and  
23 myself and the school.

24 Q When did Frank Wood first meet ~~REDACTED~~, do you  
25 remember?

1 A 2003. He came to my house. We had some window  
2 leaks, and he came to my house to do repairs on the  
3 windows. When he came to the house to do the repair to the  
4 windows, ~~REDACTED~~ was at that time home with me. That  
5 would have been the first time that he had seen her. I  
6 don't believe I ever formally introduced them at that time.

7 Q Did he have -- you started to see each other sometime  
8 thereafter?

9 A Started in November, yes.

10 Q Okay. Did he see you at your home?

11 A No.

12 Q Okay.

13 A Well, he would see me at my home when he came to do  
14 repairs to the windows, but that's not when we would be  
15 together.

16 Q Okay. He didn't see you -- the two of you weren't  
17 together in the presence of the children?

18 A That's true.

19 Q And you would meet elsewhere?

20 A That's true.

21 Q Okay. You'd often meet at some of the model homes  
22 that he worked at, correct?

23 A That's true.

24 Q And this was some of your times of getting intimate?

25 A That's true.

1 Q Okay. And it was in February of 2004 that your  
2 husband found out about this?

3 A He found out about it in January, but it was in  
4 February that he found out the extent of our relationship.

5 Q And he wasn't happy at all, was he?

6 A Of course not.

7 Q What was his reaction towards the knowledge that it  
8 was Frank Wood?

9 A I don't think there was any specific reaction because  
10 it was Frank Wood; there was just a reaction that it was  
11 somebody else.

12 Q Did he make any threats?

13 A No.

14 Q It was okay?

15 A No, no. But he didn't make any threats.

16 Q He didn't threaten you to stay away from him or he  
17 would leave?

18 A He had asked me -- no. Yes, he absolutely said, "I  
19 want you to call it off with him. I want you to call it  
20 off with him and I want to make this marriage work."

21 Q So you say you didn't see him for a period of time  
22 there?

23 A That's correct.

24 Q Okay. Then did you go to counseling?

25 A No. I didn't go to counseling at that time.

Q You and your husband didn't try counseling for the marriage?

A Well, we had some Bible study that we were attending, and so yes, if you consider that counseling, we were going to that group.

Q Bible study. And he decided he didn't want to go to Bible study?

A Scott decided he didn't want to pursue our relationship with me anymore.

Q Did he announce his reason why to you?

A He said he was tired of trying.

Q What was wrong with the relationship?

A I had been unfaithful to him.

Q Were you unfaithful to him after February 2004 till you saw him in June of 2004?

A No.

Q Had you been unfaithful with other men?

A No.

Q Now, you've indicated that you didn't like Frank walking around in his underwear, right?

A He didn't walk around in his underwear. I saw him in his underwear around the kids that one time.

Q And around your children, was it your common practice that you often didn't wear any clothing when you were ironing clothes and things like that?

A That's true. I mean, I would have some clothes on, but it was -- I would be in my underwear, often, yes.

Q Okay. Now, the scene on October 19th, 20th, whenever it took place, 2004, you say you saw him coming out of ~~SLIPPERED~~'s bedroom.

A That's true.

Q Wasn't it the normal practice that the doors in your house were not closed? Wasn't it Frank's rule to always keep -- he wanted every -- to have every door open in the house?

A He had said that, yeah.

Q So when you got up, you didn't check on your daughter?

A I didn't. And that's always been something that I don't understand why I didn't do it.

But no, I didn't. The whole thing hit me and I didn't know how to react.

Q Did you check on ~~AL~~?

A Yes, I did.

Q Okay.

A I had gone in to sleep next to ~~AL~~ until Frank had left for work that day, and then after he had left for work, I had gathered all the belongings that I could and moved in with my soon-to-be-ex-husband.

Q On a daily basis, when you -- when you got the kids

at Frank's house, that was half the time, three nights a week?

A That's true.

Q Three nights a week I believe, right?

A Hm-hm.

Q Three nights a week. In the morning, when you'd get up, did you go check the kids to get them up?

A Frank would wake up ~~SOME~~ some of the time, but I always had breakfast with them.

Q Who made their beds?

A They made the beds, or sometimes the beds didn't get made.

Q Okay.

A Or I made the beds. I mean, I don't know.

Q Who changed the sheets?

A I did.

Q Okay. Did you ever notice any stains on the sheets?

A ~~SLIPPERED~~ had a habit of picking at herself. That was another reason why she was in counseling: she would pick at her skin and dig holes into it until it would bleed.

So yeah, a lot of times there was blood on her pillow from places she'd pick on her face or elsewhere, yes.

Q So you're telling me mainly on her face?

A Yes.

Q The stains were contained to the pillow?

A Yes.

Q Did you find any blood located where she would lie on the bed, in the buttock area, or something like that?

A No.

Q All right. You didn't find any wet spots --

A No.

Q -- there? Okay.

Did you do her laundry?

A Yes.

Q Okay. Help me understand what the habits were. You know, did the kids put their laundry in a laundry basket or did you pick them up or --

A The kids would put their laundry in the laundry basket, and I would throw them in the wash.

Q How often did you use the washer?

A There was no real routine. I would do laundry periodically throughout the week.

Q Okay. So since you had this kind of divided household for the kids, did you prepare the laundry for them when they were turned over to Scott?

A You mean give Scott a bunch of dirty laundry?

Q No, no, no. Did you prepare the laundry? You cleaned it --

A Right.

1 Q -- prior to them coming --

2 A They had clothes at Scott's house, so they didn't

3 need to take clothes with them.

4 Q All right. And as I understand it, the bedding that

5 was at the Wood house on Poe, Frank purchased for them?

6 A Scott purchased the beds, the bedding, the sheets.

7 No, Frank didn't purchase any of it.

8 Q He didn't buy it at his house? I'm talking about his

9 house.

10 A No, he didn't. Scott gave -- he went out and

11 physically bought it, but Scott is the one who paid for

12 it.

13 Q Oh, okay. So when you moved out, you took the beds?

14 A I took everything, as much as I could gather.

15 Q You took the beds, the mattresses, the works?

16 A Yes.

17 Q So when the police came to check the mattresses and

18 the sheets and the clothes, and all those things, those are

19 the things you recovered from Frank's house?

20 A Yes.

21 Q All right. But in those -- from July -- from the

22 middle of July through October 20th, you never noticed

23 anything unusual in SLIMMANTO's bed?

24 A That's true.

25 Q Other than maybe some blood --

1 A That's true.

2 Q -- where she picks?

3 A [Witness nodding affirmatively.]

4 Q She didn't have acne at that age, did she?

5 A No.

6 Q Okay. Now, help us understand how far away the

7 bedroom was that you stayed in to SLIMMANTO's. I understand

8 it was across the hall.

9 A Yes, it was across the hall.

10 Q Virtually, directly across the hall?

11 A That's true.

12 Q How far from your bed to her bed, distance?

13 A I -- I'm bad with judging distances, but it was --

14 her bedroom was literally across the hall.

15 Q It's close?

16 A Yes.

17 Q Walls thick?

18 A As thick as in any house.

19 Q You could hear -- if she was crying, you could hear

20 her?

21 A Not necessarily.

22 Q The door's not closed?

23 A Not necessarily.

24 Q Is your hearing poor?

25 A No. But I'm a very heavy sleeper.

1 Q And what time in the evening would you go to sleep?

2 A Between 10:30 and 11:00 usually. -

3 Q Would you go to bed with Frank?

4 A No.

5 Q He would stay up?

6 A He would stay up, yes.

7 Q Okay. What time did he usually come to bed?

8 A I don't know. I wound up falling asleep.

9 Q We're talking over -- you two slept together for a

10 long time --

11 A Yes.

12 Q -- right?

13 A [Witness nodding affirmatively.]

14 Q Okay. And you don't know what time he'd go to bed as

15 a general rule?

16 A No, no. He'd play videogames. He was in the habit

17 of playing the videogames. And I would say, "Come to bed,"

18 and he would say he wanted to stay up. It always upset me,

19 but I just accepted that.

20 Q Now, when he gets up in the morning -- he worked

21 construction, right?

22 A That's true.

23 Q And they start early, don't they?

24 A That's true.

25 Q And it's usually pretty early in the morning?

1 A 8 o'clock.

2 Q 8 o'clock. What time did Frank get up to get ready

3 to go to work?

4 A It all depended. Sometimes he would get up at

5 6 o'clock, sometimes he would tell me he was getting up

6 early because he had work to do. I mean, I was a very

7 heavy sleeper. I mean, I just -- I don't know.

8 Q He had -- he had to get ready for his crews?

9 A Correct.

10 Q He'd do paperwork?

11 A [Witness nodding affirmatively.]

12 Q When did he do his paperwork?

13 A In the morning, in the evening, in the afternoon.

14 Q And some of his jobs were of some distance away?

15 A They were all -- most of them were within Medina

16 County. He had a couple of jobs that were within Cuyahoga

17 County.

18 Q Okay. And if I understand it, the days that the kids

19 were with you, those three nights and during the day, you

20 were off work those days?

21 A That's true.

22 Q So you were always around?

23 A That's true.

24 Q SLIMMANTO, wasn't the -- let me rephrase that.

25 When you heard this from SLIMMANTO on January

1 11th, you were not the first person she told, correct?

2 A No, I am.

3 Q You are? She didn't tell Scott?

4 A No.

5 Q You and Scott had a lot of fights over SILVIA,  
6 right?

7 A Yes.

8 Q And it got to the point that it was, I think --  
9 didn't it help destroy your marriage?

10 A I think in part, yes.

11 Q And actually, you would sometimes get in fights with  
12 Frank over SILVIA, too, wouldn't you?

13 A None that I can recall.

14 Q Okay. Well, October 19th, the night before you saw  
15 Frank coming out of her room, you were in a fight that  
16 night, weren't you, with Frank?

17 A I don't recall.

18 Q You don't recall.

19 And one of the reasons SILVIA would get upset  
20 is when you and Frank weren't agreeing on things, wouldn't  
21 she?

22 A I don't recall. We had a couple fights. I remember  
23 a fight where I threw a phone across the room and SILVIA  
24 was upset by that.

25 Q And isn't it true that SILVIA was upset because you

1 were getting divorced from Scott back then? Right?

2 A That's true.

3 Q And that was very disturbing to her?

4 A Yes.

5 Q And she was struggling with her status as an adoptee,  
6 a potential adoptee?

7 A Yes.

8 Q And that was difficult for her?

9 A (Witness nodding affirmatively.)

10 Q Okay. So that house is breaking apart, the Sadowsky  
11 house?

12 A (Witness nodding affirmatively.)

13 Q And the Wood household that she's in, she's seen,  
14 occasionally, you two fighting over because she's  
15 interfering with your lives, yours and Frank's at that  
16 point?

17 A Yeah.

18 Q Okay. And did SILVIA have fears that she would  
19 leave you completely? Do you believe she had fears of  
20 that?

21 A No, I never understood that she had fears of that.

22 Q Did Scott tell you that he was going to take absolute  
23 custody of your children?

24 A He said that maybe once in December of '04.

25 Q You two had been negotiating the divorce terms for a

1 long period of time?

2 A That's true.

3 Q When did that start? Did it start in June of  
4 '04?

5 A Yes, June of '04.

6 Q Were you -- did you formally have a court action in  
7 place in June of '04?

8 A No. He had seen an attorney and had some papers  
9 drawn up, and we were just going between the two of us  
10 trying to decide what the terms should be. We wanted to  
11 make it amicable.

12 Q Did you meet with the attorney?

13 A I met with -- yes. I met with Ron Stanley in  
14 June.

15 Q Was he the attorney that handled it?

16 A The attorney for me. Scott had his own attorney.

17 Q So he was your attorney in June of '04?

18 A That's true.

19 Q All right. When did the divorce action get  
20 finalized?

21 A Our divorce wasn't final until August of '05

22 MS. EISENHOWER: Your Honor, may  
23 I approach?

24 THE COURT: Sure. Come on  
25 up.

1 [Whereupon, the further following proceedings  
2 were held at sidebar and out of the hearing of the  
3 jury.]

4 THE COURT: Go ahead.

5 MS. EISENHOWER: Your Honor, I

6 think, if this is true, that he represented Danielle  
7 Sadowsky in any kind of domestic relations action,  
8 she has to make some kind of waiver of  
9 attorney/client privilege before he can participate  
10 in the case where she is a witness, otherwise it  
11 clearly violates the Code of Ethics in his  
12 representation of her.

13 THE COURT: She was your  
14 client?

15 MR. STANLEY: Yes. I'm  
16 second chair; I'm not doing the trial.

17 MS. EISENHOWER: I didn't know  
18 anything about this.

19 [Whereupon, the further following proceedings  
20 were then held in the presence of the Court, the  
21 Jurors, Counsel, and the Defendant.]

22 THE COURT: Folks, I'm  
23 going to send you home for the evening. Do not  
24 discuss the case among yourselves or let anyone talk  
25 about the case in your presence. Do not begin to



form an opinion on the matter until you get all the evidence, you get your instructions of law, and you begin your deliberations.

Go home. We'll see you at 9 o'clock tomorrow morning.

(Whereupon, the Jury exited the courtroom and the further following proceedings were then held in the presence of the Court, Counsel, and the Defendant.)

THE COURT: What I need you all to do is spend some time researching the issue of whether I've got to declare a mistrial. At this point, I might.

The issue is, in this case, that the counsel for the Defendant is also counsel for the witness in the case, who apparently is going to be cross-examined -- or has been cross-examined by counsel for the Defendant. Information he may have gotten from this witness, that he may have gotten in order to prepare the cross-examination, may have come from attorney/client information, which is at least a problem. And I don't know the answer, because I don't know that I've had this ever come up before, but I need you all to spend some time thinking about this and get me something tomorrow morning by

8:30.

MR. GREEN: Judge, if I can put it on the record right now. Mr. Stanley did advise me that he had represented her. He has not revealed anything regarding --

THE COURT: I don't even think it matters. I understand what you're saying.

MR. GREEN: But I'm just saying, he hasn't revealed anything about this.

THE COURT: Well, okay. You've got a couple of problems with regard to this. And one is, you're --

MR. GREEN: I understand.

THE COURT: I'll see you all tomorrow morning.

(Hearing adjourned.)

- - -

(CONTINUATION OF PROCEEDINGS OF THE ABOVE-CAPTIONED CASE ON WEDNESDAY, THE 26TH DAY OF APRIL, 2006, COMMENCING AT 8:35 A.M.)

THE COURT: Today is April 26th, it's 8:35 in the morning. We're here in Case Number 05 CR 0365, State versus Wood.

You don't have a client. I can't do it without your client, I'm sorry. I'll see if we can get him sent over. Thanks.

(Short recess taken.)

(Whereupon, a General Index Case Detail for Case Number 05 DR 0042, Scott Sadowsky vs. Danielle Marie Sadowsky was then marked as State's Exhibit 2 for purposes of identification.)

Whereupon, a Petition for Dissolution of Marriage, Case Number 05 DR 0042, Scott Sadowsky and Danielle Marie Sadowsky, was then marked as State's Exhibit 3 for purposes of identification.)

THE COURT: On the record in Case Number 05 CR 0365. This is State of Ohio versus Frank Wood.

The Court called a recess yesterday at 4 o'clock, when the witness on the stand - Danielle Sadowsky - testified that counsel for the Defendant

in this case was her attorney in her divorce case, the divorce case being intricately connected to this particular matter.

I want to take an opportunity to step back and try to figure out what to do in such a situation. I will listen to anything you folks want to talk about, then I've got an idea about what I intend to do.

Anything from the State?

MS. EISENHOWER: Yes, your Honor.

At this time the State of Ohio would like to introduce, for purposes of the record, a dissolution signed by Ron Stanley in the divorce action, and this document of the divorce case indicates that Ron Stanley did represent Danielle Sadowsky, who was a witness in this case.

In addition to that, your Honor, I have this document sworn to by both Danielle and Scott Sadowsky. Danielle indicates to me she didn't waive attorney/client privilege; that she, in fact, was represented by him and had several conversations outside the presence of any third party and gave him information. And, in fact, she indicates to me that at some point during the representation, this case was discussed; it was not an exact detail, but it was

actually discussed.

I also feel, that after researching the record, that we have to show a manifest necessity for a mistrial. The problem that the State keeps running up against is, I don't believe there's a way to correct this or to fix it at this point. I don't know if there's any curative instructions that can be given. I don't believe Mr. Stanley can continue to sit in that seat, and I don't -- I would ask the Court, if you intend on proceeding, that we need to strike any possible questions for not only Danielle, but Scott Sadowsky and ~~SPEDACTIX~~ Sadowsky. Those two next witnesses that we have could be subject to cross-examination based on information that Mr. Stanley gained through privileged communication.

THE COURT: Thank you, ma'am.

Gentlemen, is there anything you want to tell me before I rule?

MR. GREEN: Your Honor, as I stated yesterday, the information that I received, that did not come from Mr. Stanley regarding any divorce issues. I would present to the Court for an in camera inspection the notes that were prepared by

my client in preparation of this case. They were not involving Mr. Stanley.

THE COURT: Thank you.

MR. GREEN: I would --

THE COURT: I'm sorry, I thought you were done.

MR. GREEN: I didn't know if you wanted to see the notes.

THE COURT: No.

MR. GREEN: Your Honor, there's a case out of the Northern District of Ohio, Federal Court, Baker versus Bridgestone/Firestone. Are you familiar with that case?

THE COURT: Yes, I am.

MR. GREEN: Okay. It talks about tainted evidence and this sort of thing. And there is a -- when it is raised, we have the rebuttable presumption, and that's what we used as rebuttable presumption here.

THE COURT: Okay, thanks.

Here's what I've got, and here's what's before the Court and on the record.

Counsel for the Defendant in this case -- Mr. Stanley -- in this criminal case, was counsel for an adverse witness now on the stand when she was

involved in a divorce proceeding. The Court is concluding in this case that the matter at issue is precisely and exactly the issues surrounding the divorce, and that is both Danielle Sadowsky's behavior, statements, conduct, involved in her divorce case. The Court is going to note that counsel for the Defendant is counsel for not only Danielle Sadowsky, but Danielle Sadowsky's former lover, the person that's the Defendant in this case, the person with whom Scott Sadowsky apparently did not quarrel was the reason -- one of the reasons for the divorce in this matter. It's presumed that Danielle Sadowsky had an opportunity to -- and did, in fact -- give confidential information to Mr. Stanley. One would expect that to be done in a case where you're the attorney for a person involved in a divorce or domestic relations proceeding. This information is exactly and precisely the information that is involved in this particular matter, and that's what gives this Court such difficulty.

The information that Mr. Stanley was, in fact, the attorney for this witness, as well as the attorney for the Defendant, who is currently his client now on trial, came to light only after the

trial began and the Jury was sworn in, and jeopardy attached. And it didn't come from Mr. Stanley or Mr. Wood's defense team; in fact, it came from the witness here, who mentioned that she went to see Mr. Stanley about being involved in a divorce. Now the proceedings demonstrate that that was, in fact, the case.

That's very problematical for the Court. The Jury knows now that Mr. Stanley was the attorney for both this adverse witness and the person with whom that witness is adverse, his client.

Here's what I've concluded last night after thinking about this. Every participant in the case is really impacted badly by this situation.

First, the witness, this former client. She's given confidential information to Mr. Stanley about matters that she now must testify about with Mr. Stanley being part of the defense team, cross-examining her. I don't think I have to go much further than the description of the adverse position she's in as a result of that.

Mr. Wood is adversely affected in this way -- and I want to place on the record what that is. Ronald Stanley has information that might demonstrate that this witness is not truthful in her testimony.

information acquired by his representation of her as her attorney.

What master does Mr. Stanley serve at this point? What master does he serve? If he has information acquired from this witness that this witness has not told the truth, he is bound by attorney/client privilege not to reveal that information, and Mr. Wood may be subject to a life imprisonment. Mr. Stanley has to stand mute and say nothing.

Or, he can violate his attorney/client relationship and give that information to you, Mr. Wood, at which time he's violated his obligation and oath.

This is a choice no attorney should ever be in a position to make, and Mr. Stanley has put himself in that position.

Mr. Wood is adversely affected by this situation.

Now about the Jury? The Jury now knows that Ronald Stanley is and was the attorney for both sides of this confrontation. Let there be no mistake about it, Danielle Sadowsky and Mr. Wood's position here are absolutely adverse. They have knowledge now that Ronald Stanley has chosen to represent this Defendant

in a case that's adverse to his former client's interest. What are they to make of that? What are they to infer from that? That you've made a choice that you believe - Mr. Stanley believes - that his client's interests at this point are more correct, more true. Would a lawyer take such a position unless he truly believed that his client is telling the truth and the former client's lying?

Watch how cross-examination plays itself out in this case. Mr. Green may ask a question - I'll take a hypothetical question, "Isn't it true, Miss Sadowsky, that Mr. Wood told you nothing at all happened and you believed him, and you said that you believed him to other parties?"

He then looks at Mr. Stanley.

"No, no, it's not true," she says. Wouldn't a reasonable juror infer that Mr. Green's basis for asking that question, that was denied by this witness, was provided to Mr. Green by Mr. Stanley? Every question that Mr. Green would ask this witness would be tainted in that way. "Isn't it true that you never saw this happen? Isn't it true that you believe this?"

They know that you have that information, Mr. Stanley. They believe you have that information.

You were her counsel during this time period, during exactly this situation. Would a reasonable juror not infer that Mr. Green or you are getting this information from that client's confidential information provided to them? What are they to make of that? What are they to make of that?

Finally, gentlemen, ladies, each of you watched me as I struggled with the Jury on voir dire for over a day. And I think you saw what disturbed me the most was the cynical attitude of some of the jurors toward the legal system. Mrs. Polca comes to mind.

Now, here is what you have taught them, Mr. Stanley. If they go and seek legal counsel about the most serious of their affairs, the most serious personal relationship issues, sexual issues, criminal issues, issues that they don't even tell their husbands about, they tell no one about, and you encourage them to tell you about, you have taught the Jury that at some point, not far in the future, that same juror may be sitting on the witness stand facing a defense team adverse to their position with you, that lawyer, sitting on that team with knowledge of all those issues.

I'm asking you to tell me, can you imagine a more chilling, frightening scenario than that? I

can't. That's what you've taught them, my jurors. You've made this place that I love into something that isn't right and diminishes all of us. It does.

There are no good choices here. Jeopardy has attached in this case. I'm familiar with the case Judge Unruh was involved in. It was a murder trial less than a year ago in which this wise judge - she's a fine judge and a good woman - made the best decision she could with a verdict form that came back. The Court of Appeals flipped her, turned her over. It was a Court of Appeals in Federal Court determining that jeopardy attached at that issue, and the person who was charged with murder went free, not to ever be tried again.

Had this matter been properly before me before this, Mr. Stanley, had you raised this issue, if you had given me this information, I could have made a decision. I could have weighed and balanced between your client's right to have you as a lawyer, the State's right, and this witness' right to have these privileges weighed and balanced. I could have taken a look at it and said, "Gosh, it should go this way or that way." I don't know how I would have ruled, but I would have ruled, and if either side felt I was incorrect, the Appellate Court and the Supreme Court

would have had an opportunity to take a look at these issues without the specter of double jeopardy hanging over this case.

But you didn't do that. Instead, knowing what happened, you put me in this position, and I don't know what to do. I don't know what I would have ruled, but I would have made a ruling.

I'm going to deny the State's request for a mistrial at this point. I'm going to proceed to trial in this case. I am not going to encumber the Defendant's right to examine these witnesses. I do so extremely reluctantly. I feel as if, frankly, I've been taken advantage of here, and that what's happened here is something that should not have happened, and it should not have happened because of, Mr. Stanley, your behavior in this case.

I don't know what else to do. I think that's the right of your client in this particular case to proceed in this way, and you've chosen to continue to proceed in this way, and to this end, finally, it trumps even my feelings about what's happened here.

So with that in mind, we will reconvene in five minutes and proceed to trial.

MS. EISENHOWER: Your Honor, at

this point, I would request -- the State of Ohio requests, as I've stated before, that it doesn't simply impact Danielle Sadowsky but the next two witnesses I plan on calling. Now, I would request that the Court review the questions that are going to be asked of these three witnesses and strike any questions that may or may not have come or could have come from Danielle Sadowsky's privileged information.

THE COURT: Every question could come from privileged information.

MS. EISENHOWER: That's correct, your Honor.

THE COURT: That's the problem. That's the problem.

MS. EISENHOWER: And I need to build a record for that.

THE COURT: I appreciate what you're doing. I would be doing exactly the same thing.

I'm going to, on the record, overrule your motion and permit him an unfettered opportunity to cross-examine the witness over your strenuous objection.

I don't know what else to do. I don't want to

be in a position where I have jeopardy attaching to this client on this, where this client did not have the opportunity to have a trial where a jury made a determination as to whether he's guilty or not guilty. That's the touchstone of what I'm trying to do here.

Again, Miss Eisenhower, they put me in a position and, frankly, you in a position where there are no good choices here. I can't pick something to make this right at this point. I'm trying to pick something to make it the least unfavorable choice, and that is to know what I'm doing, why I'm doing it, what my concerns are for the record, so that any reviewing court can review it. I let everybody here know my feelings about this, because I think that's important, too. We can all learn from this. And finally, to take your objections as they come and to show my rulings on the record for it.

We'll begin in five minutes. Thanks.

MR. STANLEY: Your Honor, before you leave, could I have a word?

I am sorry to have put the Court in this position. I didn't mean to harm this case or anybody else. And I can understand the position that the witness would be in, knowing that I have been

involved in this; a lot of other people also, but the witness particularly, being Danielle. If the Court wishes, I will step out.

THE COURT: It doesn't matter now. I can only presume three or four things. You've been involved in the preparation of the case. One assumes you've given your case direction. It may not have been specifically what Danielle told you. You could have simply said -- and I did what you're doing right here for almost fifteen years. You could say, "Look at this piece of information." You could say, "Call this witness on the phone." You could say, "There's a file that exists in this particular case. Take a look at the third or fourth page in the file."

You don't have to have given specific information to taint the case. That's the problem. The problem is, it's unfixable. It's unfixable. The problem is that your involvement in the case, your involvement in the case without disclosure and waiver, by her disclosure to the Court, puts the Defendant in a situation in which they have this advantage that is not fixable to the other side. It doesn't matter at this point whether you're here or not. It isn't going to make any difference,

1 frankly.

2 And I appreciate what you're saying to me. I'm  
3 just saying I don't know that there is anything that  
4 can be done right now, other than to plow on and try  
5 to do the best you can in a pretty uncomfortable  
6 situation to get through this.

7 MR. STANLEY: And I  
8 understand that and appreciate your efforts. Thank  
9 you.

10 (Short recess taken.)

11 THE COURT: Bring the Jury  
12 in.

13 (Whereupon, the further following proceedings  
14 were held in the presence and hearing of the Jury,  
15 the Court, Counsel, and the Defendant.)

16 THE COURT: We're on the  
17 record in Case Number 05 CR 365, State of Ohio versus  
18 Frank Wood.

19 We were in the midst of a witness' testimony  
20 when I called a recess. We're back again today,  
21 the second -- actually, it's the third day of the  
22 trial.

23 Miss Eisenhower, will you please get your next  
24 witness for my bailiff.

25 MS. EISENHOWER: Yes, your

1 Honor.

2 THE COURT: Come on back  
3 up, ma'am. You were sworn yesterday and it doesn't  
4 wear off --

5 MS. SADOWSKY: Okay.

6 THE COURT: -- so we're not  
7 going to do that again.

8 Have a seat. We're going to continue.

9 Where we were yesterday was, we were in the  
10 cross-examination portion. Mr. Green was  
11 cross-examining this witness.

12 Mr. Green, you may continue.

13 MR. GREEN: Thank you, your  
14 Honor.

15 Good morning.

16 CONTINUATION OF THE CROSS-EXAMINATION OF DANIELLE SADOWSKY  
17 BY MR. GREEN:

18 Q Miss Sadowsky, I want to try to take you back to  
19 around October 20th, 2004. And that's when the events led  
20 to your leaving the Wood residence with your children,  
21 correct?

22 A That's right.

23 Q All right. Back at that time, do you recall that  
24 SIREN-ONE was having some dreams, some bad dreams? Do you  
25 remember that?

1 A No.

2 Q Well, let me try to refresh your memory. Do you  
3 recall that she said that she had some vision of her  
4 mother?

5 A Yes, I do recall that.

6 Q You do recall that?

7 A Yes.

8 Q And that her mother -- you may have to help me, I  
9 just tangentially know some things.

10 She saw her mother come out of the woods; is that  
11 what it was?

12 A Her mother died five years ago. She said she had a  
13 dream that she saw her mother.

14 Q And this --

15 A I don't remember the specifics.

16 Q Okay. And something about her mother coming out of  
17 the woods and telling her to kill her friends; do you  
18 remember that?

19 A No.

20 Q You don't recall that?

21 A (Witness nodding negatively.)

22 Q Did she tell you -- do you recall where she said the  
23 setting was, where her mother was located?

24 A No.

25 Q You and Mr. Wood had a discussion about this vision

1 that she had?

2 A Probably. We discussed a lot of things.

3 Q Okay. But this was around the time of October 19th,  
4 20th --

5 A It could have been.

6 Q -- 2004?

7 A Correct.

8 Q Okay.

9 A Before then.

10 Q It was around that time, though. And this is at the  
11 time that you were pregnant with Mr. Wood's child?

12 A That's true. I became pregnant in the middle -- in  
13 the beginning of September.

14 Q And you knew in October that you were pregnant?

15 A That's true.

16 Q All right. Mr. Wood knew you were pregnant?

17 A That's true.

18 Q And was this considered a high-risk pregnancy?

19 A Yes.

20 Q I understand you're a diabetic.

21 A That's true.

22 Q And there were concerns about your pregnancy over  
23 that?

24 A That's true.

25 Q Okay. And being a male, I don't know a whole lot

1 about high-risk pregnancies and diabetes. Could you help  
2 explain that to the Jury what the problem was?

3 MS. EISENHOWER: Objection.

4 Q What problem --

5 MS. EISENHOWER: Objection to  
6 the relevancy of this question.

7 THE COURT: Overruled. You  
8 can answer.

9 A I'm diabetic, so I am insulin dependant. I had to  
10 monitor my blood sugar, glucose, because if my blood sugars  
11 became too high or too low, it could adversely affect the  
12 unborn child.

13 Q Does stress play a factor in this?

14 A Yes, it can.

15 Q And at times, was stress involved with relationships  
16 between SHIRLEY, you, and Frank?

17 A Yes.

18 Q Okay. Can you tell us what some of those stressors  
19 were?

20 A Getting her ready for school in the morning. She was  
21 always late, running late for school. That was always a  
22 stress on me.

23 She's -- she's very spirited, or stubborn. She  
24 wouldn't always obey. That was stress on me.

25 Q SHIRLEY -- did she know in October that you were

1 pregnant?

2 A Yes, she did.

3 Q How did you explain that to her?

4 A I told her I was expecting a child.

5 Q But she knew that Scott Sadowsky was your husband,  
6 correct?

7 A She knew that I was -- yes. But she knew that I was  
8 no longer living with him and we were getting divorced.

9 Q Okay. And this was in October, but as recently as  
10 sometime in June, you were still living with Scott  
11 Sadowsky?

12 A June of '04, I was still living with Scott Sadowsky.

13 Q And this is just a matter of four months later?

14 A Yes.

15 Q SHIRLEY -- was she jealous of ME at all?

16 A As much as siblings are. I mean, nothing out of the  
17 ordinary.

18 Q Did she express any concerns or jealousy about  
19 another child coming into the family?

20 A No.

21 Q Was Frank concerned about SHIRLEY? Did he show you  
22 concern about SHIRLEY and the pregnancy?

23 A He paid a lot of attention to SHIRLEY. I don't  
24 remember it specifically being because I was pregnant.

25 Q Did he express to you, around October 18th, maybe

1 18th, 20th, that he was having problems with SHIRLEY and  
2 he was concerned for your safety with SHIRLEY?

3 A Actually, yes, he did. I do remember him making a  
4 comment. He said that he was worried about SHIRLEY being  
5 left alone with the baby.

6 Q All right. Do you know what the reason for that  
7 concern was?

8 A He, for some reason, didn't trust her.

9 Q Okay. Could that have been based upon this vision or  
10 nightmare that she had?

11 A Very possibly.

12 MS. EISENHOWER: Objection.

13 THE COURT: Yes, sustain

14 the objection as to what she may have known. Your  
15 next question, please.

16 Q Did SHIRLEY -- did Frank suggest at that time that  
17 maybe SHIRLEY should just stay with Scott?

18 A Not that I recall.

19 Q Scott was not your biological daughter?

20 A You mean SHIRLEY?

21 Q Excuse me -- SHIRLEY. I'm sorry.

22 A He-hm.

23 Q That wouldn't be right.

24 SHIRLEY was not your biological daughter?

25 A That's true.

1 Q And you did not have any, through the marriage,  
2 custodial rights to her, did you?

3 A Yes, I did. We got custody of her together, as a  
4 married couple.

5 Q But she's not of your lineage?

6 A That's true.

7 Q Okay. Had your husband suggested that he take -- had  
8 he told you that he wanted to take custody of SHIRLEY and  
9 ME?

10 A He did make that comment in December.

11 Q December of which year?

12 A '04.

13 Q Was there a reason that he didn't think you should  
14 have custody of those children?

15 MS. EISENHOWER: Objection, your  
16 Honor.

17 THE COURT: I'm going to  
18 sustain that objection. Your next question, please.

19 MR. GREEN: Okay.

20 Q Did he tell you why he wanted to take custody?

21 A We were --

22 MS. EISENHOWER: Objection, your  
23 Honor.

24 THE COURT: Basis?

25 MS. EISENHOWER: It's hearsay.

THE COURT:

Yes. I'm going

to sustain that objection. Your next question, please.

Q Prior to October 20th, 2004, your relationship with Mr. Wood in that week --

A I'm sorry? Prior to what?

Q The week preceding October 20th, 2004, was your relationship the same as it always had been with Mr. Wood?

A Yes.

Q There hadn't been any arguments?

A No, not that I recall.

Q Did you ever argue?

A Oh, yes.

Q What did you argue about?

A Mainly Scott.

Q And what were those issues with Scott?

A Frank was convinced that I was still in love with Scott. And when Scott and I would have a conversation over the telephone regarding the children, he would blow -- he would have been jealous.

Q Now, you were married to Scott for twelve years?

A Approximately.

Q How many years did you live with him?

A Prior to being married?

Q Well, no. The twelve years of marriage I'm asking

about.

A Ten-and-a-half.

Q Okay. And you lived with him before you got married?

A For about nine months, nine months.

Q Tell the Jury what kind of a person is Scott. Give us a general description of him.

A Scott's as honest as the day is long. He's very patient, he's loyal, he's a good father, he's understanding, but he could be very stubborn.

Q How is he as a husband?

MS. EISENHOWER: Objection, your Honor, to the relevance of this line of questioning.

THE COURT: Yes. I'm

curious.

MR. GREEN: I want to know

how she was treated by Scott.

A Scott always treated me very well.

THE COURT: There you go.

Q Did he want you to work?

MS. EISENHOWER: Objection to this line of questioning, your Honor.

THE COURT: Yes. I think

we've gone about as far as we need to go. Your next area, please.

Q Now, the morning of, I guess it's October 20th, 2004,

you woke up early?

A (Witness nodding affirmatively.)

Q Do you know why you -- do you recall why you woke up early?

A No, I don't. There was nothing that would have triggered me to wake up early. I just woke up about 5:00, ran after 5:00.

Q And Frank was not in bed?

A That's true.

Q Okay. Do you recall that Frank Wood had been sick?

A No, I do not.

Q So you get up, right?

A That's true.

Q Why did you get up?

A Because he wasn't in bed with me. I went in search of him.

Q That wasn't unusual, was it?

A For him not to be in bed with me?

Q Right.

A He would come to bed late or he'd wake up sometimes early in the morning. No, it wasn't unusual. It wasn't the first time.

Q And he goes and sleeps on the couch, too, doesn't he?

A He's done that, yes.

Q Many times?

A Several.

Q Okay. So it was not an unusual -- did you always go looking for him when you woke up in the morning?

A No.

Q Just that morning?

A There may have been other mornings.

Q So you wake up and you see him coming out of SEENACTED's room, right?

A Not at first, no.

Q What did you do first?

A I went down to the basement, because that's where he kept his office. I thought he had woken up early to get paperwork done for his day, so I went there, called his name, he wasn't in the basement. I thought he was on the couch. He wasn't on the couch. I went to walk back to the bedroom, I called his name from the hallway, and he came out of SEENACTED's bedroom.

Q What was the purpose of your looking for him?

A I wanted to know where he was.

Q For what purpose?

A To make sure he was okay.

Q What would lead you to believe he wouldn't be okay?

A (Witness nodding negatively.)

He wasn't in bed with me.

Q He's done that before and you didn't go looking for him.

A I have been looking for him before, and I found him on the couch before.

Q Did you want him to come back to bed?

A Yes.

Q for what purpose?

MS. EISENHOWER: Objection, your Honor.

THE COURT: Sustained.

Your next question, please.

Q Now, when you lived at Mr. Wood's house, you were intimate with him while the children were in the house?

A Yes.

Q You made love --

A Yes.

Q -- while the children were in the house?

A Yes.

Q He didn't object to that?

A No.

Q When the children weren't there -- which was what, three, four nights a week?

A That's true.

Q Okay. And that -- those were what? What night of the week were they not there?

A Friday, Saturday, Sunday, and Monday.

Q Okay.

A Or sometimes Thursday, Friday, Saturday, and Sunday sometimes. Thursday, Friday, Saturday, that was typically the schedule.

Q Three to four nights a week?

A That's true.

Q Okay. And it usually covered the weekend somehow?

A That's right.

Q All right. And is that also true during the time you were there?

A We may have had the children there on a weekend night maybe two times, but I don't recall specifically which times.

Q It may have been a holiday, maybe?

A Could have been.

Q So when the -- when the children weren't there, I assume you were intimate with Mr. Wood?

A That's true.

Q Was it always in the bedroom?

A No.

Q Where else did it take place?

A The living room.

Q Anyplace else?

A The deck.

Q Anyplace else?

A Maybe the dining room.

Q Okay.

A The basement.

Q Did you use any of the bedrooms, the other bedrooms?

A No, not that I can recall.

Q Okay. Now, when you were with Mr. -- prior to moving in with Mr. Wood, you've admitted earlier to intimacy with him, I guess at least as late as 2003.

A That's true.

Q Okay. Were you intimate with him at the marital residence?

A No.

Q At no time during the marriage you were intimate with him at the marital residence?

A That's true.

Q But you were intimate with him, I think you said, at your place of work?

A That's true.

Q Did you go to his house at that time?

A Yes.

Q Did you go anywhere else with him?

A Yes. We went out to lunch.

Q To be intimate?

A No.

Q Now, you told the jury yesterday that when you saw Frank come out of the room, you said his head was down, right?

A He -- his head -- he walked out of the room and then he had put his head down when he saw me.

Q And you said he looked guilty?

A (Witness nodding affirmatively.)

Q Guilty of what?

A That's a good question. Because he wouldn't say. I asked him what he was doing in her room, and he mumbled something about having a bad dream, going in there to check on her. "Can we talk about this in the morning," is what I specifically remember him saying. "Can we talk about this in the morning?"

Q What time of day was it?

A It was 5:15. But that's what he said.

Q But he did tell you why he went in there, right?

A No, he didn't. Well, he said that -- he said, "I went in there to check on her."

Q Had you any other suspicions, other than what you saw that day, as to why you moved out?

A I'm sorry, can you reask me that again?

Q You moved out that day, right?

A That morning, yes.

Q What were your suspicions?



1 A My suspicion was that he was in her room acting  
2 improperly.  
3 Q Based on what?  
4 A Based on the way he was dressed.  
5 Q You said he was in a T-shirt, right?  
6 A T-shirt, yes.  
7 Q Underwear?  
8 A Underwear only, no pants, and socks.  
9 Q Socks?  
10 A (Witness nodding affirmatively.)  
11 Q Is that the way he went to bed?  
12 A That's how he slept, yes.  
13 Q And the children had never seen him that way before?  
14 A He wasn't in the habit of walking around the house in  
15 his underwear, no, not at all.  
16 Q Did the children ever come to your bedroom when he  
17 was there?  
18 A I think A<sup>1</sup> did a couple of times, yes.  
19 Q S<sup>1</sup> never did?  
20 A Not that I can recall.  
21 Q Okay. Your bedroom door was always open, wasn't it?  
22 A Yes, at least partially.  
23 Q Now, when you say you saw Frank come out, you  
24 confronted him. What did you do next?  
25 A I didn't know what to do next. I remember going in

1 my son's bedroom - he had his own bedroom - and I laid down  
2 in there with him, waiting for Frank to leave for work.  
3 Q You didn't check on S<sup>1</sup>?  
4 A I did not check on S<sup>1</sup>, that's true.  
5 Q Frank leaves for work. What do you do next? Get up?  
6 A I got up, got the children up, got S<sup>1</sup> ready for  
7 school, asked her if anything had happened, dropped her off  
8 at school, dropped A<sup>1</sup> off at school, and then packed up  
9 as much as I could and moved out.  
10 Q Now, you said, "I asked S<sup>1</sup> if anything  
11 happened."  
12 A That's true.  
13 Q Did you say, "S<sup>1</sup>, did anything happen?"  
14 A I said, "S<sup>1</sup>, I saw Frank coming out of your  
15 room this morning."  
16 And she said, "yes, I know. I heard you talking  
17 outside of my bedroom door."  
18 I said, "S<sup>1</sup>, did he touch you? Do you have  
19 anything you want to talk to me about?"  
20 Q And she said "no"?  
21 A She said "no."  
22 Q Did she say that Frank had consoled her?  
23 A No.  
24 Q She just said nothing?  
25 A That's all she said, from what I remember.

1 Q As a matter of fact, when Frank came out of the  
2 room, you didn't just talk to him, you yelled at him,  
3 didn't you?  
4 A Yeah.  
5 Q That didn't upset S<sup>1</sup>?  
6 A I didn't go in and check on her. She wasn't crying,  
7 she didn't come out to me crying, upset, no.  
8 Q But you ran to A<sup>1</sup>?  
9 A I went in with A<sup>1</sup>, yes. A<sup>1</sup> was sleeping.  
10 Q You were concerned for A<sup>1</sup>?  
11 A No, not at that time. He was sound asleep.  
12 Q Now, back in July of 2004, did you call Children's  
13 Services?  
14 A Yes, I did.  
15 Q And what was the purpose of that call?  
16 MS. EISENHOWER: Objection, your  
17 Honor. May we approach?  
18 THE COURT: Sure you can.  
19 (Whereupon, the further following proceedings  
20 were then held at sidebar out of the hearing of the  
21 Jurors.)  
22 MS. EISENHOWER: Your Honor, I  
23 would ask that Mr. Green tell us what he plans to do  
24 here. Because first of all, if it's for what I think  
25 it is, I know it was gained through confidential

1 information; but second of all, even if it wasn't,  
2 it's protected by the Rape Shield Law if he's about  
3 to ask about an allegation about behavior by  
4 S<sup>1</sup>, if that's what it is.  
5 THE COURT: I don't know  
6 what you're talking about.  
7 MR. GREEN: Your Honor,  
8 I'm going to ask her that she may have called because  
9 of behavior by S<sup>1</sup> and fondling her little  
10 brother.  
11 THE COURT: How is that  
12 relevant in this case? Help me.  
13 MR. GREEN: The relevance  
14 is the child's awareness of sexual contact prior to.  
15 THE COURT: Your objection  
16 is what?  
17 MS. EISENHOWER: The objection  
18 is relevance, one. Number two, even if that were the  
19 case, which I don't believe it is, this is  
20 information about the character of a victim of a  
21 rape, which falls under the Rape Shield Law for prior  
22 sexual activity. Which it isn't relevant, because  
23 certainly these two children are beyond the age of  
24 sexual activity.  
25 But the fact of the matter is, I don't think it