

1 you also get a letter.

2 MR. GREEN: Your Honor, may
3 I approach?

4 THE COURT: Come on up.

5 (Whereupon, the further following proceedings
6 were then held at sidebar out of the hearing of the
7 Jurors.)

8 THE COURT: Sir.

9 MR. GREEN: What I want to
10 get into is what was given to us in the Job and
11 Family Services file. There are things I would like
12 to go into because she has there a specific referral
13 that she made to the Montville Police and, also, to
14 the prosecutor's office that I'd like to go into,
15 which would be inconsistent with what she just
16 testified to, more than just sending it.

17 MS. EISENHOWER: No. This
18 wasn't sent to us. It's the police letter she
19 referred to. That's what we got (indicating).

20 MR. GREEN: Well --

21 MS. EISENHOWER: That's what we
22 get (indicating). It's not inconsistent with what
23 she said.

24 THE COURT: I haven't seen
25 the letters. Let me take a look at this.

1 MS. EISENHOWER: (Providing.)

2 THE COURT: Is this the one
3 that indicated sexual abuse?

4 MS. EISENHOWER: No. That's
5 just a referral.

6 MR. GREEN: Hold on here.
7 She said she sent a report to the prosecutor --

8 MS. EISENHOWER: Hm-hm.

9 MR. GREEN: -- up here.
10 "No evidence."

11 THE COURT: So you talked
12 to her about this letter. Do you have any objection
13 to him talking to her about this letter?

14 MR. GREEN: Excuse me, your
15 Honor. I was told the record was sent to the
16 prosecutor.

17 MS. EISENHOWER: Your Honor?

18 THE COURT: Go ahead.

19 MS. EISENHOWER: That isn't that
20 (indicating). This is the letter she sent
21 (indicating).

22 MR. GREEN: This states it
23 was sent to you.

24 MS. EISENHOWER: To the
25 perpetrator.

1 THE COURT: Okay. She just
2 got done indicating --

3 MS. EISENHOWER: No.

4 THE COURT: Stop.

5 MS. EISENHOWER: Your Honor --

6 THE COURT: She just got
7 done indicating that there is an alleged sexual abuse
8 and this is the letter that's sent to the
9 prosecutor's office.

10 MS. EISENHOWER: Hm-hm.

11 THE COURT: Is that right?

12 MS. EISENHOWER: Hm-hm.

13 THE COURT: Well --

14 MS. EISENHOWER: But when she
15 says "they" got a letter indicating abuse, that's to
16 the Sadowskys. This is this (indicating).

17 THE COURT: Okay. I'm
18 going --

19 MS. EISENHOWER: It's two
20 different things.

21 THE COURT: I understand --

22 MS. EISENHOWER: Yeah.

23 THE COURT: I understand
24 she sent one to the prosecutor, and that's this one
25 (indicating), and she --

1 MS. EISENHOWER: Hm-hm.

2 THE COURT: -- sent one
3 over --

4 MS. EISENHOWER: Right.

5 THE COURT: -- to the --

6 MR. GREEN: Sadowskys.

7 THE COURT: -- family
8 member. That's this one (indicating).

9 MS. EISENHOWER: Hm-hm.

10 THE COURT: I don't have
11 any problem letting you talk to her about this, these
12 two letters, sure.

13 MR. GREEN: Okay. Just
14 these two? Because she -- I'm trying to get into the
15 whole thing.

16 THE COURT: That's fine.

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

20 BY MR. GREEN:

21 Q Miss Carchedi, if you know, is this the letter you
22 sent?

23 A We send -- like I said before, this is what we send
24 to --

25 THE COURT: A little

1 louder, please.

2 THE WITNESS: Okay.

3 A The enforcement -- there a -- there's a law
4 enforcement letter that goes on the top of this -- this
5 page, actually Page 2. But what happens is, this is --
6 this gets sent over to -- um, when we have an indicated or
7 substantiated abuse allegation, we do send over to the
8 prosecutor and they get, um, a copy of it. Also, Montville
9 Police would also get a copy.

10 THE COURT: The letter that
11 you talked about just before?

12 THE WITNESS: Yes.

13 THE COURT: Okay.

14 MS. EISENHOWER: That's what's
15 sent to Montville and --

16 A Montville Township Police would have gotten a copy
17 of this letter, along with -- as it says down there, along
18 with the county prosecutor.

19 Q And you indicated that you did so on that.

20 A Correct.

21 Q I think it's about February 25th. Would that be
22 right?

23 A Correct.

24 Q Okay. And in there, did you not refer to -- in the
25 second sentence in the paragraph of the summary --

1 A Hm-hm.

2 Q -- is that your writing or is that someone else's?

3 A No, that would have been mine.

4 Q What did you say?

5 A Um, what I say is, there was not any evidence to
6 support the allegations of sexual abuse. But I did
7 indicate it in -- I -- when I stated the reason I didn't
8 indicate -- I do believe what SECRETARY told me, um,
9 wholeheartedly; I think that she was honest and truthful
10 about what happened and -- but there wasn't -- um, it
11 wasn't like I had Mr. Wood saying he did it. I didn't have
12 anything other than the child telling me what happened.

13 Q Who did the report? You did a whole report, right,
14 on your intake report, your --

15 A Okay.

16 Q -- assessment and everything?

17 A Right.

18 Q Who's it distributed to?

19 A Um, that's -- it stays in the Medina County Job and
20 Family Services records. Um, I -- I don't know who would
21 come in and do -- I mean, I suppose there's people that
22 come in and do discovery on -- through our legal
23 department. I don't distribute that report to any -- my
24 reports to anybody other than what I just showed you.

25 Q Did you interview Mr. Wood?

1 A No, I did not.

2 Q Never did.

3 A I watched a -- his videotape that was done by, um,
4 Montville Police.

5 Q And you used that in your report?

6 A Yes.

7 Q Okay. In that videotape, or that information you
8 received, Mr. Wood indicated problems between SECRETARY and
9 her mother, correct?

10 A Um, I believe he might have mentioned something about
11 that during his interview.

12 Q And did you substantiate that?

13 A No. I -- I -- I never saw Mrs. Sadowsky. She knew
14 nothing about what was occurring towards her daughter.

15 Q Okay.

16 A She seemed compliant. She did everything I asked her
17 to do immediately.

18 Um, I -- I did not see Mrs. Sadowsky not
19 comfortable. She was great with her daughter the, um,
20 entire time.

21 Q Okay. Now, you sent this letter to the Sadowskys,
22 correct?

23 A Yes.

24 Q And in there you say, I guess, nothing
25 indicated --

1 A Hm-hm.

2 Q -- right?

3 "Indicated" means something's been reported to
4 you, right?

5 A No. It -- it means -- we have three different things
6 how we can do this. We can, you know, substantiate, we can
7 indicate --

8 THE COURT: Really, really
9 slow. You talk so fast.

10 THE WITNESS: I'm sorry. I'm
11 Italian.

12 THE COURT: I'm Italian,
13 too. It's my heritage as well. You still need to
14 slow down.

15 A We have, um, unsubstantiated, we have indicated, and
16 we have substantiated.

17 "Indicated" is used when we truly believe
18 something happened. We, um, may not have a -- a
19 perpetrator admit that he did anything wrong. This is,
20 generally speaking, in physical neglect and sexual abuse
21 but, um, we still believe that this happened.

22 And "unsubstantiated" is when we believe that it
23 did not occur at all; there is nothing indicated, um,
24 definitely where our agency does feel that the allegation
25 this child is making is truthful.

1 Q You worked with Officer McCourt --

2 A Correct.

3 Q -- in this case.

4 And there was a complaint. It wasn't for rape,

5 was it?

6 A I -- I -- I don't know.

7 Q Do you recall what it was? Was the complaint gross

8 sexual imposition?

9 A Well, not really. We don't -- don't make, like, a

10 police -- it's very different. What we get is -- um, it's

11 not really saying what the complaint is. It's not a

12 complaint. What comes into us is the concern -- the

13 concerns. I can't --

14 Obviously, I don't have ~~SPREDACTED~~ in front of me,

15 but the concerns with the sexual abuse issues, usually a

16 child is disclosing information, and we come out and we

17 assess the situation and interview children, and things

18 like that. We don't actually have -- like, what we say is,

19 "Oh, this is -- "

20 I don't make a determination if it's rape, or

21 what it is. I -- all I will do is determine if the child

22 needs to be interviewed and what services the child needs

23 to be -- to remain in a safe environment.

24 MR. GREEN: Judge, I'd like

25 to have these documents marked as Defendant's

1 exhibits.

2 THE COURT: Sure.

3 (Whereupon, a letter to Scott Sadowsky from

4 Andrea Chrysler, Supervisor, Medina County Job and

5 Family Services, dated February 25, 2005, was then

6 marked as Defendant's Exhibit A for purposes of

7 identification.

8 Whereupon, a Medina County Job and Family

9 Services document from Tricia Carchedi, dated

10 2/28/05, was then marked as Defendant's Exhibit B for

11 purposes of identification.)

12 BY MR. GREEN:

13 Q When you put that summary together, you had

14 information from -- I think I heard you say, from Akron

15 Children's Hospital --

16 A Yes.

17 Q -- right?

18 You had information from the Bureau of Criminal

19 Investigation?

20 A Um, no. I didn't actually have a report from them.

21 I only had what Officer McCourt was reporting to me.

22 Q He reported that to you?

23 A Yes. Not in detail, but he gave me a brief synopsis

24 that he had submitted, stuff -- stuff like that. But he

25 didn't --

1 THE COURT: Louder.

2 A He didn't give me any details.

3 Q Do you recall what he reported to you?

4 A Um, I recall him saying that he submitted some

5 sheets. Um, I'm not real sure about clothing. He might

6 have said something about her clothing. And I know they

7 waited a very long time to find out, and I believe that it

8 didn't come back and that they were -- there was an -- I'm

9 not sure. I never followed up on it.

10 But my last conversation with Officer McCourt was

11 that there was no --

12 MS. EISENHOWER: Objection, your

13 Honor. It's hearsay on top of hearsay at this point.

14 She's repeating information from Officer McCourt that

15 he received from someone else.

16 THE COURT: You indicated

17 there was nothing there, right? Is that right?

18 THE WITNESS: Yeah, that's --

19 THE COURT: Okay.

20 THE WITNESS: That's what he

21 said to me.

22 THE COURT: Your next

23 question.

24 BY MR. GREEN:

25 Q Did you get any other reports? I'm trying to gather

1 up all that you had.

2 A No, I don't believe so.

3 Q Just your interviews?

4 A Correct.

5 Q Your observation of a statement by Mr. Wood?

6 A Correct.

7 Q Akron Children's Hospital?

8 A Correct.

9 Q And you had a report from Patrol Officer McCourt?

10 A Well, I don't have a report from him, but I've spoken

11 to him.

12 Q Well, he reported to you. That's what I mean.

13 A Correct.

14 Q Correct?

15 A Correct.

16 Q Is that fair?

17 A Um-hm.

18 Q There's nothing else you can think of?

19 A Um, not that I can think of.

20 Q You didn't talk to a therapist?

21 A No. I don't believe I ever asked to actually talk to

22 Dr. LeSurre. I, um -- no, I don't believe I spoke to Dr.

23 LeSurre.

24 THE COURT: You're almost

25 whispering.

1 THE WITNESS: I'm sorry.
 2 A I don't believe so.
 3 THE COURT: You're
 4 whispering.
 5 THE WITNESS: Okay. I'll
 6 yell. No.
 7 THE COURT: You're killing
 8 me up here.
 9 A I don't believe that I talked to Dr. LeSure.
 10 Q How did you know about Dr. LeSure?
 11 A Because I had talked to Mrs. Sadowsky and, um, made
 12 the recommendation that ~~REDACTED~~ see Dr. LeSure and that he
 13 -- she informed me that she had made an appointment for
 14 Doctor -- for ~~REDACTED~~ to go and see Dr. LeSure.
 15 Q Okay.
 16 MR. GREEN: That's all the
 17 question I have, Judge.
 18 THE COURT: Miss
 19 Eisenhower?
 20 MS. EISENHOWER: I have nothing
 21 further, your Honor.
 22 THE COURT: Hey, you're
 23 done.
 24 THE WITNESS: I'm sorry.
 25 THE COURT: Is this your

1 first time ever testifying?
 2 THE WITNESS: Not -- only
 3 Common Pleas. But I get yelled at in Juvenile Court
 4 for not talking up, too. I mean, I --
 5 THE COURT: Now you're
 6 getting yelled at by a big judge.
 7 THE WITNESS: Yeah, I know.
 8 THE COURT: Look, look,
 9 look.
 10 THE WITNESS: I will talk
 11 louder.
 12 THE COURT: You need to
 13 speak more forcefully. You're doing okay; you're
 14 doing okay. Your heart's in the right place, I know
 15 that.
 16 Go ahead, you can go home now. We're done.
 17 Thank you.
 18 Any further witnesses for today, Miss
 19 Eisenhower?
 20 MS. EISENHOWER: No, your
 21 Honor.
 22 THE COURT: Okay.
 23 Folks, let's see each other tomorrow morning at
 24 9 o'clock. Between now and then, do not discuss
 25 this case among yourselves or with anyone else.

1 Do not begin to form or express an opinion about the
 2 matter until you get all of the evidence, you get
 3 your instructions of law; and you begin your
 4 deliberations.

5 Rosemary, lead them out, please. I'll see you
 6 all tomorrow.

7 (Hearing adjourned.)
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1 (CONTINUATION OF THE PROCEEDINGS OF THE
 2 ABOVE-CAPTIONED CASE ON THURSDAY, THE 27TH DAY OF
 3 APRIL, 2006, COMMENCING AT APPROXIMATELY 9:00 A.M.)
 4 - - -

5 THE COURT: Good morning.
 6 You can all come in and be seated, folks.

7 We are back on the record in Case Number 06 CR
 8 365.

9 There are six stages in every jury trial. The
 10 third stage is the presentation of evidence. We've
 11 been engaged in the presentation phase really from
 12 the second day of trial. We have heard from
 13 witnesses from the State of Ohio, and we've had
 14 cross-examination from counsel for the Defendant
 15 on every one of those witnesses. We're going
 16 to continue with the process today as I ask
 17 Miss Eisenhower who the next witness is going to
 18 be.

19 Ma'am?

20 MS. EISENHOWER: We would call
 21 Robyn Spencer.

22 THE COURT: Come on up this
 23 way, ma'am. My bailiff is going to swear you in.

24 THE BAILIFF: Raise your
 25 right hand.

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

THE COURT: Come on up and have a seat, ma'am.

MS. SPEELMAN: (Complying.)

THE COURT: State your name; and spell your last name for my court reporter, please.

MS. SPEELMAN: Robyn Speelman, S-p-e-e-l-m-a-n.

THE COURT: I'm sorry, I called you by the wrong name.

MS. SPEELMAN: That's my maiden name.

THE COURT: What's going to happen is, Miss Eisenhower is going to have some questions for you, and then Mr. Green will have some questions for you.

MS. SPEELMAN: All right.

THE COURT: The most important thing is that the woman drinking out of the cup in the back can hear you, so you've got to keep

your voice up.

Miss Eisenhower, you may proceed.

DIRECT-EXAMINATION

BY MS. EISENHOWER:

Q You just got married recently, didn't you?

A Yes.

Q A couple of weeks ago, in fact.

A A little over a month ago.

Q A month ago. So your new name is Robyn Speelman?

A Yes.

Q And up until that point you were Robyn Spencer?

A Yes.

Q Okay. Tell me, do you have children?

A Yes, I do.

Q And how many children do you have?

A I have three.

Q And their names?

A K[REDACTED], J[REDACTED], and K[REDACTED].

Q Okay.

A K[REDACTED] is the oldest child.

Q How old is she?

A K[REDACTED]'s ten.

Q When's her birthday?

A REDACTED is when she was born.

Q So she just had a birthday?

A Yes.

Q All right. Do you know Frank Wood?

A Yes, I do.

Q All right. And how do you know Frank Wood?

A He is my ex-husband.

Q All right. So you were married to Frank Wood. When were you married to Frank Wood?

A We were married May 12th of 2000.

Q And how long were you married to Frank Wood?

A We were married until we were divorced January -- the end of January of 2002.

Q All right. And tell me, where did you live when you lived with Frank Wood?

A We lived -- first we lived on North Jefferson in Medina, and later we moved out to Chippewa Lake.

Q And the time period that you lived in Chippewa Lake, when was that?

A It was sometime prior to October of 2000.

Q All right. Now, who lived with you when you lived in Chippewa Lake?

A It was Frank, myself, and K[REDACTED], J[REDACTED], and H[REDACTED].

Q How old was K[REDACTED] at the time?

A At that time, she was four.

Q All right. Now, you got divorced from Frank Wood. Was there any kind of a settlement?

A No. We pretty much went our separate ways; my stuff was mine, his was his, and paternity of K[REDACTED] had been done.

Q Okay. Now, was there a question as to paternity of K[REDACTED]?

A No, there wasn't.

Q All right.

A We had a paternity test, and Frank Wood is not her father.

Q Well, why don't you tell me a little bit about how you met Mr. Wood.

A He built my parents' deck for their house.

Q And how is it -- did you live with your parents?

A No, I didn't.

Q Okay. Where were you living at the time?

A At the time while he built the deck, I was living in Canton.

Q With who?

A With my ex-husband.

Q Okay. And did you come into Medina to see your parents?

A I came to visit for Thanksgiving.

Q All right. And how did you meet Frank Wood in that way?

A I met him through my mother.

1 Q He was working on their deck?

2 A He had already been done working on their deck. My
3 brother Ryan actually worked with Frank.

4 Q And when you met him, you were still married at the
5 time?

6 A Yes, I was.

7 Q And you began a relationship with Frank Wood?

8 A Yes, I did.

9 Q All right. And at the time you left your husband,
10 were you pregnant with --

11 A I don't think I was.

12 Q All right. And apparently it was established that
13 Frank Wood was not the father of that child?

14 A Yes.

15 Q All right. Now, were there any financial settlements
16 as a result of the divorce?

17 A No, there was not.

18 Q Okay. At some time during -- or after your divorce,
19 was Frank Wood helping you pay your bills?

20 A He helped me pay my car insurance.

21 Q How much was that a month?

22 A It was around -- between ninety-four and ninety-six
23 dollars.

24 Q Whose idea was that?

25 A He had offered it. He knew that I needed some

1 assistance at that time, and he had offered to do it.

2 Q All right. How long did he do it?

3 A Not more than six months.

4 Q Okay. So he paid your car insurance for a period of
5 time?

6 A Hm-hm, yes.

7 Q All right. Now, did there come a time after you had
8 separated and divorced Frank Wood and you were -- where
9 were you living?

10 A In Brunswick. I had my own apartment.

11 Q All right. Did there come a time where your daughter
12 ^{Ms. Green} made a disclosure to you concerning Frank Wood?

13 A Yes.

14 Q What was that?

15 A This was -- this was at the end of the summer of
16 2004.

17 Q The end of the summer of 2004?

18 A Hm-hm.

19 Q Tell me what she told you.

20 A She told me --

21 MR. GREEN: Objection.

22 THE COURT: Basis?

23 MR. GREEN: Hearsay.

24 THE COURT: Come on up.

25 (Whereupon, the further following proceedings

1 were then held at sidebar out of the hearing of the
2 Jurors.)

3 THE COURT: Go ahead.

4 MS. EISENHOWER: Your Honor, I
5 believe that this is going to fit the excited
6 utterance exception.

7 THE COURT: We haven't
8 gotten that yet.

9 MS. EISENHOWER: This was the
10 first initial disclosure that she ever made about
11 this incident to anybody.

12 THE COURT: Okay. As it
13 stands right now, I don't know how I'm going to rule.
14 Why don't you --

15 MS. EISENHOWER: I can just
16 strike that question.

17 THE COURT: Okay.

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

21 BY MS. EISENHOWER:

22 Q I'm going to strike that question and rephrase it for
23 you.

24 Did there come a time where ^{Ms. Green} came to you and
25 had a conversation with you about Frank Wood?

1 A Yes.

2 Q And can you describe for me her state at the time she
3 was having that conversation?

4 A She was upset.

5 Q Was she crying?

6 A She did start to cry as she was talking to me.

7 Q Was she shaking?

8 A Yes, she was.

9 Q And in your mind, was she visibly upset about what
10 she was telling you?

11 A Yes, she was.

12 Q And what did she tell you?

13 A She stated to me that he had touched her.

14 MR. GREEN: Objection, your
15 Honor.

16 THE COURT: I'm going to
17 sustain the objection. Your next question, please.

18 Q As a result of what she told you about Mr. Wood, what
19 did you do?

20 A I did not do anything at the time.

21 Q Why not?

22 A Because we were all still grieving over my dad dying,
23 we were both very close to him, it was -- we were still
24 trying to heal from that.

25 Q Any other reasons?

1 A We were moving on with our life. We were at a place
2 where things were just starting to move in a very right and
3 a very good direction for us.
4 Q You didn't want to go backwards?
5 A No, I did not want to go backwards.
6 Q Were you concerned about K^{REDACTED} as a result of what
7 she told you?
8 A Yes, I was.
9 Q Tell me, even though you were concerned about K^{REDACTED},
10 why you didn't report it.
11 A Because this is revisiting my past, which I have
12 worked through and had gone beyond.
13 Q So you didn't want to go back there?
14 A I did not want to go back.
15 Q All right. Now, later, did there come a time where
16 you heard that Mr. Wood was under investigation?
17 A Yes, there was.
18 Q Okay. And tell me how you heard that.
19 A A bank employee from where I used to work had
20 contacted my mother, and that's how I heard about it.
21 Q And as a result of you learning that information,
22 what did you do?
23 A I -- first of all, I spoke to my now-husband, and we
24 made the decision to go to Children's Services.
25 Q You didn't go to the police?

1 A No, I didn't.
2 Q You went to Children's Services?
3 A Yes, ma'am.
4 Q Okay. And what was the purpose of you going to
5 Children's Services?
6 A Because I wanted to get professional help for K^{REDACTED}.
7 Q All right. So you went to Children's Services with
8 K^{REDACTED}?
9 A Yes, I did.
10 Q And what happened when you went to Children's
11 Services?
12 A Both the gentlemen there at Children's Services and
13 Det. Kollar interviewed myself, K^{REDACTED}, and one of my other
14 children.
15 Q For what purpose?
16 A To pretty much hear what happened to K^{REDACTED} and to
17 see if my middle daughter K^{REDACTED} had had anything happen to
18 her.
19 Q All right. Now, when you were sitting there with
20 Det. Kollar, did you talk to Det. Kollar about what you
21 wanted or what you didn't want to see happen?
22 A Yes, I did.
23 Q Tell me what you told him.
24 A I wanted help for K^{REDACTED}. I did not want anything
25 else.

1 Q When you say "anything else" --
2 A I didn't want to go after Frank. I just wanted help
3 for K^{REDACTED}. Because the way she was feeling, I can't help
4 her.
5 Q All right.
6 A So why --
7 Q When you say you "didn't want to go after Frank,"
8 what do you mean?
9 A I didn't want anything to do with that. I wanted
10 nothing to do with him. I don't want -- I did not want him
11 to go to jail. I wanted help for K^{REDACTED}.
12 Q All right. And you told Det. Kollar that?
13 A Yes, I did.
14 Q And that was the reason you didn't report it
15 initially?
16 A Yes, it is.
17 Q Okay. Did you ever have any conversation with Frank
18 Wood about what K^{REDACTED} had told you?
19 A No, I had not.
20 Q Now, when you were living in Chippewa Lake, you
21 lived there a couple of months or half a year, or something
22 like that?
23 A It was, I think, a little less than half a year.
24 Q Okay. Did you ever see any pornography at the house?
25 A Not at the house, no.

1 Q Okay. Did you ever see any pornography in Frank's
2 possession while you were married?
3 A Only once.
4 Q Okay. And what kind of pornography was it? In what
5 form, I guess?
6 A It was just a magazine.
7 Q All right. Now, when you lived in Chippewa Lake, did
8 Frank have a workroom of sorts or --
9 A It was upstairs.
10 Q And what do you know of the room? Was that --
11 A It was a summer home, so the room was upstairs, it
12 was separated into two rooms. There were -- it was almost
13 like an attic space, but you could walk up there. There
14 were beds in one room and then beds in another.
15 Q And did Frank spend a lot of time up in that room?
16 A Usually just in the evenings, doing drawings.
17 Q Okay. Did you observe -- you had three children at
18 the time.
19 A Yes.
20 Q Did you observe any difference in the way he treated
21 one child over the other?
22 A No, I didn't.
23 Q And did he have time alone with the children?
24 A A lot of times I was home.
25 Q Okay. Did he display any kind of difference -- did

1 he have nicknames for any of them?
 2 A Not that I -- not that I can recall.
 3 Q All right.
 4 MS. EISENHOWER: I have nothing
 5 further, your Honor.
 6 THE COURT: Thank you very
 7 much.
 8 Sir.
 9 MR. GREEN: Good morning,
 10 Ms. Speelman.
 11 THE WITNESS: Good morning.
 12 MR. GREEN: I'm Harrison
 13 Green. I'm the attorney for Frank Wood. I just want
 14 to go over a few questions with you.
 15 THE WITNESS: Okay.
 16 CROSS-EXAMINATION
 17 BY MR. GREEN:
 18 Q When you got involved with Frank, you were still
 19 married to this --
 20 A Yes.
 21 Q -- gentleman in Canton?
 22 I call him a gentleman; I'm not sure.
 23 A Yes.
 24 Q All right. And there were issues at that time about
 25 custody of children?

1 A When I went through the divorce at first with my
 2 ex-husband, my first husband, there were issues at that
 3 time, but they had all been resolved.
 4 Q And Frank Wood helped you?
 5 A He was there with me while they were resolved.
 6 Q Okay. He even paid for the attorneys, didn't he?
 7 A Yes.
 8 Q And I think there were some legal actions even in
 9 Florida?
 10 A Yes.
 11 Q And in Canton?
 12 A The only thing is, we got divorced, and my other
 13 divorce was in Canton.
 14 Q Okay. Your children are all from the -- from your
 15 husband that was in Canton?
 16 A My first child - ~~K[REDACTED]~~ - her dad had separated and
 17 left before she was born. So ~~J[REDACTED]~~ and ~~H[REDACTED]~~ are both my
 18 ex-husband's children.
 19 Q So ~~K[REDACTED]~~ is another husband's child?
 20 A No.
 21 Q Or you weren't married?
 22 A No.
 23 Q I'm sorry. I didn't know that.
 24 A No.
 25 Q So he helped you get custody?

1 A Yes. He was with me when I did.
 2 Q He worked with you?
 3 A (Witness nodding head affirmatively.)
 4 Q And isn't it true that there were problems even with
 5 your family regarding the custody of ~~K[REDACTED]~~?
 6 A What happened is, my parents had guardianship from
 7 the time I was nineteen, which in the State of Florida is
 8 different. They had it for health insurance purposes --
 9 Q All right.
 10 A -- and that pretty much had expired. And we had that
 11 overturned in Florida.
 12 Q When did that take place?
 13 A Which part? When I had it overturned?
 14 Q Yes. When you -- when you received custody of ~~K[REDACTED]~~.
 15 A She was in my custody. But I had -- the Florida
 16 guardianship was overturned in -- I believe that was in
 17 2001.
 18 Q Weren't there a lot of fights with your parents over
 19 ~~K[REDACTED]~~?
 20 A Yes.
 21 Q There were a lot of actions brought, civil protection
 22 orders --
 23 A Yes.
 24 Q -- brought by you and by Mr. Wood?
 25 A Yes.

1 Q Was this all over ~~K[REDACTED]~~?
 2 A A lot of it was because my mother and I didn't get
 3 along. We didn't see eye to eye. Some of it I -- from
 4 what I recall, had to do with the children; they were
 5 concerned about them.
 6 Q And you weren't married to -- were you were married
 7 to Frank? Or you said -- it looks like about eighteen
 8 months?
 9 A Hm-hm.
 10 Q How long -- how much of that time did you live
 11 together?
 12 A We lived together from December of '99 till either
 13 March or April of 2001.
 14 Q Okay. So there was -- during the term of the
 15 marriage --
 16 A Hm-hm.
 17 Q -- there was a considerable time you were not living
 18 together?
 19 A For the end of it?
 20 Q Right.
 21 A Yes.
 22 Q You say March, then you indicate that your divorce
 23 was January.
 24 A Of 2002.
 25 Q 2002?

1 A Yes.

2 Q So almost ten months?

3 A Yes.

4 Q So you only lived together, if I'm hearing you

5 correctly, for a little over a year?

6 A Hm-hm.

7 Q During that time, you've indicated that Frank didn't

8 pay any particular attention to any one of your children?

9 A No.

10 Q Was he good to the children?

11 A He was good to them.

12 Q And, in fact, wasn't he your birth coach during the

13 birth of --

14 A Hm-hm.

15 Q -- Hm-hm?

16 A He was at all the appointments and everything for my

17 daughter Hm-hm, and he was there when she was born.

18 Q Okay. And you brought up this magazine that you

19 saw.

20 A Hm-hm.

21 Q When was that?

22 A That was while we lived in Medina on North Jefferson.

23 It was one night, just walking into his office, there he

24 was.

25 Q And do you recall what magazine you saw?

1 A I do not.

2 Q Was it Playboy?

3 A I -- I cannot say.

4 Q Okay.

5 A I don't know.

6 Q Did you look at the magazine?

7 A I'm sorry?

8 Q Did you look at the magazine?

9 A No. I looked down, saw what it was, and I left the

10 room.

11 Q So when you say "pornographic," you don't know what

12 the magazine contained?

13 A I did not look at it.

14 Q How do you know it was pornographic?

15 A Because he was fondling himself when he was looking

16 at it.

17 Q That tells you it was pornographic?

18 A That, in my mind, would be a pornographic magazine.

19 Q Do you recall when in time this took place?

20 A It was -- what I recall is when we lived in Medina

21 City on North Jefferson.

22 Q Okay.

23 A Because it was in the laundry room.

24 Q This was December of '99?

25 A No, it wasn't. It was -- it was right before I had

1 Hm-hm, and I had Hm-hm in August of 2000.

2 Q When did you move to Chippewa Lake?

3 A It was sometime in October, if I recall, of 2000

4 and -- no. It was 2000, because Hm-hm was just little.

5 Q And when did you -- and you got -- when did you get

6 physical custody of Hm-hm? I know she didn't come to you

7 right away.

8 A No, she didn't. She was with my mother.

9 Q Is that like --

10 A I don't remember exactly.

11 Q Could it have been September of 2000?

12 A It was before we moved to Chippewa. It was probably

13 at the end of the time we lived in Medina.

14 Q So it could be late September?

15 A I can't remember exact dates. I just know it was

16 before we moved.

17 Q When you -- and even when Hm-hm was finally taken by

18 you, your parents -- your mother, anyway -- maintained

19 certain visitation rights?

20 A We had a visitation -- a tentative order that finally

21 was written up and agreed upon between myself and my

22 parents.

23 Q Now, you've mentioned your brother Ryan.

24 A Hm-hm.

25 Q He's a -- he's a Spencer, right?

1 A Yes.

2 Q And Ryan worked for Frank when you first met?

3 A When I first met Frank, yes.

4 Q But he didn't continue to work with him much longer,

5 did he?

6 A No, he didn't.

7 Q Did you have trouble with Ryan?

8 A We both had trouble with Ryan.

9 Q Okay. I want to know about your trouble with Ryan.

10 A Well, pretty much --

11 MS. EISENHOWER: Objection, your

12 Honor.

13 THE COURT: I'm going to

14 sustain the objection. Your next question, please.

15 Q Okay. Did Ryan ever molest you?

16 MS. EISENHOWER: Objection, your

17 Honor.

18 A No.

19 THE COURT: Sustained.

20 You're to disregard.

21 Q You indicated that you and Frank had trouble with

22 Ryan.

23 A Yes.

24 Q You brought a civil protection order against Ryan?

25 A Yes.

1 MS. EISENHOWER: I'm going to
2 object, your Honor. I objected the first time he
3 asked about trouble with Ryan. I'm going to continue
4 to object to that line of questioning.

5 THE COURT: Yes. Unless
6 you can give me some idea why you're going this way,
7 I've got a problem, I guess, with it.

8 Come on up.

9 (Whereupon, the further following proceedings
10 were then held at sidebar out of the hearing of the
11 Jurors.)

12 THE COURT: Mr. Green, I
13 don't know where you're going. The fact that you
14 asked her whether she was molested, that's not good,
15 because that would have nothing to do with this case.
16 Why would you ask that question?

17 MR. GREEN: Why did I ask
18 that question? Because I believe she has a prior
19 prejudice.

20 THE COURT: About Ryan?

21 MR. GREEN: No. About this
22 type of conduct.

23 THE COURT: I didn't like
24 that. That wasn't right.

25 MR. GREEN: I'm sorry.

1 THE COURT: If she was
2 molested by Ryan wouldn't -- what other reason are
3 you going into the Ryan issue? That's the other
4 thing I need to know. I didn't want to limit you,
5 because I believed it had to do with the issue of
6 ~~RELEVANT~~. I thought you were going to ask if Ryan
7 had anything to do with ~~RELEVANT~~, but asking whether
8 Ryan molested this witness, no, I'm not going to
9 allow it.

10 MR. GREEN: Okay.

11 THE COURT: "Did Ryan ever
12 have sex with ~~RELEVANT~~?"

13 "Did you ever ask Ryan?"

14 I have no problem with regard to that, but I'm
15 not going to allow you to ask the witness those
16 questions.

17 MS. EISENHOWER: My issue with
18 that question is, I don't believe -- there's no basis
19 for that question. There's never been an allegation
20 that that happened.

21 THE COURT: Do you have a
22 basis for the question?

23 MR. GREEN: That was
24 information given to me by my client.

25 THE COURT: There you go.

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

4 THE COURT: Go ahead, sir.

5 BY MR. GREEN:

6 Q On the civil protection order that you sought, you
7 and Frank sought, did that involve ~~RELEVANT~~?

8 A She was included as a person protected under the
9 order, also.

10 Q Okay. And that was for -- let me understand the
11 parties you were seeking the protection from.

12 A From my parents.

13 Q From your parents only?

14 A Hm-hm.

15 Q Okay.

16 A I think I had one -- Ryan was involved only because
17 he was living at their house at the time.

18 Q And there was an issue regarding Ryan and ~~RELEVANT~~ --

19 A No, there was not.

20 Q -- at that time?

21 A No, there wasn't.

22 Q All right.

23 MR. GREEN: Just one
24 second.

25 THE COURT: Sure.

1 (Whereupon, a discussion between Attorney Green
2 and the Defendant was then held out of the hearing of
3 the court reporter.)

4 Q You indicated that Mr. Wood paid your car insurance
5 for you, helped you out.

6 A Yes.

7 Q How did he find out about having to help you out?

8 A He and I pretty much either -- we saw each other
9 around town. He had been in the Auditor's Office, there
10 was a property he was building a house on, and he filed a
11 destruction of property for structures that were destroyed
12 before. So I mean, just casual conversation in between.

13 Q And you let him know that you needed help?

14 A Yeah.

15 Q And he helped you out?

16 A He did help me out.

17 Q And you say for about six months. When did that
18 terminate?

19 A It was somewhere in the beginning of 2005, because I
20 took him off my policy.

21 Q That was why he was able to assist you with it,
22 because he was on your policy?

23 A Yeah. He was listed under my policy.

24 Q It wasn't because he stopped paying you?

25 A No. I took him off my policy because I'm the only

1 one that had authority on my policy.

2 Q Would be that be maybe in May of 2005?

3 A I believe it was before that time.

4 Q How much before?

5 A I can't tell you an exact date. It was before that

6 time.

7 Q Did he tell you why he wasn't going to make payments

8 anymore?

9 A No, no, not at all.

10 Q He didn't tell you it was because he needed to help

11 pay for Danielle Sadowsky and her children?

12 A I have no idea who that is. I have no idea.

13 Q Did you ultimately bring a complaint against

14 Frank Wood?

15 A I'm sorry?

16 Q Did you bring a complaint against Frank Wood on

17 behalf of your daughter?

18 A I went to Children Services.

19 Q That's the only place you've said anything about

20 this?

21 A Yes.

22 MR. GREEN: That's all the

23 questions I have.

24 THE COURT: Thanks very

25 much.

1 Miss Eisenhower.

2 REDIRECT-EXAMINATION

3 BY MS. EISENHOWER:

4 Q On cross-examination, Mr. Green asked you if

5 Frank Wood had helped you pay for an attorney in your

6 original divorce --

7 A Hm-hm.

8 Q -- in your divorce before Frank.

9 A Yes.

10 Q Did he help you pay for an attorney in your divorce

11 from him?

12 A No, he did not.

13 Q Did you have an attorney?

14 A I did.

15 Q And who was it?

16 A Jim Palmquist.

17 Q And who was Mr. Wood's attorney?

18 A Mr. Stanley, right there [indicating].

19 MS. EISENHOWER: I have nothing

20 further, your Honor.

21 THE COURT: Thank you.

22 Sir.

23 MR. GREEN: Nothing

24 further, your Honor.

25 THE COURT: Ma'am, you can

1 step down.

2 Call your next witness, please.

3 MS. EISENHOWER: [REDACTED]

4 THE COURT: Hi.

5 KALEE SPENCER: Hi.

6 THE COURT: My bailiff

7 Christine is going to swear you in, okay? That means

8 you need to raise your right hand.

9 ---

10 Whereupon, the State of Ohio, to further

11 maintain the issues to be maintained by them, called

12 one [REDACTED], who, after having been first duly

13 sworn, was examined and testified as follows:

14 THE COURT: Okay. Thank

15 you.

16 That is the microphone, and this is what you

17 need to kind of talk into. Do you see that lady?

18 She needs to hear you, so do you want to see if

19 you're close enough? Just say "hello."

20 [REDACTED]: Hello.

21 THE COURT: Good. My name

22 is Chris Collier. What's your name?

23 [REDACTED]: [REDACTED]

24 THE COURT: Oh, you've got

25 to be a little louder than that.

1 [REDACTED]: [REDACTED]

2 THE COURT: Spell your last

3 name for my court reporter.

4 [REDACTED]: [REDACTED]

5 THE COURT: Very nice.

6 What's going to happen is, Ms. Eisenhower is

7 going to stand up and is going to ask you some

8 questions, and when she's done asking you questions,

9 Mr. Green is going to ask you questions as well.

10 Okay?

11 [REDACTED]: (Nodding

12 affirmatively.)

13 THE COURT: Oh, it's really

14 important that you actually speak.

15 [REDACTED]: Oh, sorry.

16 THE COURT: So speak out

17 loud. My court reporter can't take down what you're

18 saying unless you say it out loud. So here we go.

19 Okay. Ma'am, you may proceed.

20 DIRECT-EXAMINATION

21 BY MS. EISENHOWER:

22 Q How old are you?

23 A Ten years old.

24 Q Okay. And what's your birthday?

25 A [REDACTED]

1 - and I think you are - you've got to rely on her to
2 give you testimony that's truthful.

3 MS. EISENHOWER: Well --

4 THE COURT: And, "No, I
5 don't remember," is, "No, I don't remember." And you
6 saw her difficulty in doing this.

7 My other problem here is, this is a hard thing
8 for her to do, and I certainly don't want to put her
9 in a bad situation while this is going on in such a
10 manner. I heard what I heard.

11 MS. EISENHOWER: Your Honor, may
12 I recall her and ask her if she remembers telling
13 someone about it? Because she's on tape telling
14 people about it. She's discussed it with her
15 therapist.

16 THE COURT: That's
17 wonderful, except we've got a trial today, and this
18 is where it matters. She can talk to the man in
19 the moon, but unless she gets on the stand and says,
20 "Yeah, I remember doing it," and, "I remember this
21 man doing it to me," we don't have anything. She can
22 talk to anybody in the world about this, but -- and
23 if she's spoken to a therapist about this, good,
24 that's good for her therapy. If she's talked to
25 friends, that's good for her if she's able to express

1 her feelings about it. But we've got a trial today,
2 and she has got to be able to present this in such a
3 way to the Jury; that is, she has to say, "Yes, this
4 thing happened." What I'm hearing her say is, "No,
5 it didn't happen."

6 If she doesn't remember anything, she doesn't
7 remember. I'm not privy to all of the things you are
8 privy to. I know what I saw, and that was a girl who
9 for - and I'll tell you - at least fifteen seconds
10 didn't answer the question at all; and then second, a
11 girl; when you asked her the question directly,
12 almost in a way to get her to -- to lock her in,
13 she says she didn't remember. I know that's what I
14 saw.

15 And that's not her fault. I'm not blaming
16 anyone. It's not your fault. It's just that's what
17 you have sometimes, and that's what I was looking
18 at.

19 So if you want to take a break, if you want to
20 talk to her and calm her down, that's fine. I'll see
21 you in a little bit.

22 [Recess taken.]

23 THE COURT: Miss
24 Eisenhower, have you thought about what you're going
25 to do?

1 MS. EISENHOWER: I would
2 obviously like to recall her.

3 If you're not going to permit that, I would
4 like to recall Robyn Spencer to identify Frank Wood,
5 and then my next witness would be Dr. LeSure, who was
6 treating both of these victims, who is going to
7 outline her diagnosis and --

8 MR. GREEN: Judge, I can't
9 hear her with all the background noise.

10 THE COURT: All right.

11 MS. EISENHOWER: Dr. LeSure is
12 going to outline her treatment of them, the histories
13 they both presented, and the diagnoses and the
14 treatment that they have been given.

15 I would request that we play the interview that
16 was done with ~~REDACTED~~ SPADACHO, that was done at Job and
17 Family Services by a Job and Family Services social
18 worker.

19 THE COURT: Who was present
20 during that interview?

21 MS. EISENHOWER: David Madrich
22 and Det. Kollar.

23 Were you in the room?

24 THE COURT: You can't do it
25 for the same reason. The Crawford case seems to

1 indicate to me, unless a social worker is doing this
2 for the purpose of diagnosis and treatment, is part
3 of the treatment team; it doesn't come under the
4 diagnosis and treatment portion. But I'll listen to
5 those witnesses if you want to put them on the stand
6 and tell me the circumstances that surrounded that.

7 I'll see if we can get you your file. You're
8 going to need a good five, ten minutes to look at
9 that?

10 MS. EISENHOWER: Yes, your
11 Honor, I am going to need a few minutes. I would --
12 I can give it to her now.

13 THE COURT: Why don't you
14 do that, and why don't we come back in ten minutes
15 and find out where you're at.

16 MS. EISENHOWER: So again, I
17 guess I would request that I be able to recall ~~REDACTED~~.

18 THE COURT: Okay. Here's
19 my question for you. If you recall her and you ask
20 her, "Do you remember this," and she says "No," we're
21 done, okay? We're done. We're done. I'm not going
22 to let you go through with her, "Yes, you do
23 remember. Do you remember this? Do you remember
24 this?"

25 How old is she?

1 Q You just had a birthday?

2 A What?

3 Q You just had a birthday, right?

4 A Yeah.

5 Q Did you have a party?

6 A Sort of.

7 Q Sort of, okay.

8 What do you have with you?

9 A By Teddy Bear - Ted.

10 Q All right. Who lives in your house with you?

11 A My mom's new husband Eric, my mom, my two sisters

12 J^{EWETT} and H^{OWARD}, and my pets.

13 Q Oh, your pets?

14 A (Witness nodding affirmatively.)

15 Q What kind of pets?

16 A Three cats, one fish.

17 Q One fish. Do they get along with the cats, the fish?

18 A Sort of.

19 Q Sort of, huh? All right.

20 Was there a time where your mom was married to

21 Frank Wood?

22 A Yes.

23 Q All right. Do you remember when that was?

24 A Yeah.

25 Q Do you remember how long ago? A while ago?

1 A (Witness nodding affirmatively.)

2 Q Okay. Do you remember -- you have to speak up nice

3 and loud.

4 A Yeah.

5 Q There you go. All right.

6 Do you remember where you lived when you lived

7 with Frank Wood?

8 A Yeah.

9 Q Where?

10 A Once in Chippewa.

11 Q Well, all right, let's talk about Chippewa. Did you

12 live close to the lake in Chippewa?

13 A Yeah.

14 Q Did you like that?

15 A It was all right.

16 Q Okay. And Mr. Wood lived there with you, right?

17 A Hm-hm, yes.

18 Q Okay. When Frank Wood lived there with you, do you

19 remember a time where you would talk to him in the upstairs

20 room?

21 A No, I don't think so.

22 MR. GREEN: Judge.

23 THE COURT: Yes, sir.

24 MR. GREEN: Can Miss

25 Eisenhower move just a little bit?

1 THE COURT: You can't block

2 his view.

3 MS. EISENHOWER: Oh, okay. I'll

4 stand over here.

5 MR. GREEN: And I'm a

6 little concerned about the approach here, your Honor.

7 THE COURT: I don't care.

8 BY MS. EISENHOWER:

9 Q Do you remember a time where you and Frank were

10 together upstairs in the house in Chippewa?

11 A No.

12 Q Okay.

13 THE COURT: Thank you. You

14 can step down. Thanks very much.

15 THE WITNESS: Okay.

16 THE COURT: We're going to

17 take a break. Don't discuss the case among

18 yourselves or begin to form or express an opinion

19 about the matter until you get all the evidence, you

20 get your instructions of law, and you begin your

21 deliberations.

22 We'll see you in about ten minutes. Thanks very

23 much.

24 (Whereupon, the Jury exited the courtroom and

25 the further following proceedings were then held in

1 the presence of the Court, Counsel, and the

2 Defendant.)

3 THE COURT: You can't get

4 that from her. She's not going to be able to do it.

5 She can't do it.

6 MS. EISENHOWER: She has

7 typically exhibited some reluctance initially, but

8 then has actually been able to speak about what

9 happened.

10 THE COURT: She doesn't

11 remember being in the room with Frank Wood that's the

12 site of this crime. If she doesn't remember it, she

13 doesn't remember it. I'm not going to have you -- I

14 mean, I'm not going to have you push the girl into

15 something like this. I mean, it's just not right.

16 You got what you got.

17 MS. EISENHOWER: I have

18 Dr. LeSure, who indicates that every time -- I mean,

19 that's her initial response every time when it's

20 discussed.

21 THE COURT: And so then

22 which one does the Jury believe, when she says "no"

23 or when she says "yes"? That's my problem. My

24 problem is that's where we are at. I mean, if you're

25 relying on her to give you testimony that's truthful

1 MS. EISENHOWER: She just turned
2 ten.

3 THE COURT: Just turned
4 ten. She's got to be able to -- you've got to take
5 her testimony. I mean, some people can't do this.
6 Maybe she can't do this. And that's okay.

7 But my point is -- here, let's do this. I'll
8 give you the file, take ten minutes, talk to
9 Dr. LeSure, see how you're going to do this. I'll
10 listen to your request to put her back on the stand
11 again for the purpose of asking her that question and
12 we'll see where we're at and we'll go from there.
13 All right?

14 MS. EISENHOWER: All right.

15 [Recess taken.]

16 THE COURT: Miss
17 Eisenhower.

18 MS. EISENHOWER: I want to
19 recall ^{FRANK} ~~FRANK~~. I have spoken to her, she is willing
20 to come back on the stand and talk. But, to be very
21 frank with you, Judge, she indicates to me that she
22 is too frightened to talk, but she is willing to
23 say that is Frank Wood and that she has talked to
24 Dr. LeSure about what happened, but when I begin to
25 ask her the next question, she says, "I am too afraid

1 to talk."

2 THE COURT: I understand.

3 MS. EISENHOWER: So I would like
4 to put her up there.

5 THE COURT: You have what
6 you have. You know, I'll permit you to recall her.
7 I guess what I don't want you to do is, I don't want
8 you to testify for her. I'm fearful of that.

9 On the other hand, you know, I'm trying to get
10 -- I'm more inclusive than exclusive. I don't want
11 to -- I called a halt to it mostly -- well, not
12 "mostly." I called a halt to the testimony for her.
13 It seemed kind of difficult for her.

14 MS. EISENHOWER: Judge --

15 THE COURT: I don't want to
16 put her in an uncomfortable position.

17 MS. EISENHOWER: I'm telling you
18 that I've made a pact with her to ask her those two
19 questions, and then she has said to me, "I'm too
20 afraid to say anything else." That's all she's going
21 to say, and for her mental well-being, that's all I'm
22 going to ask her.

23 THE COURT: And I
24 appreciate that.

25 MS. EISENHOWER: Yes, your

1 Honor.

2 THE COURT: I know how
3 difficult these case are. We'll see what we can
4 do.

5 MS. EISENHOWER: All right.

6 THE COURT: Good. Well,
7 let's get started and see how much we can get
8 through.

9 MR. GREEN: Just for the
10 record, we'll object to the recalling.

11 THE COURT: I understand.
12 She's a ten-year-old girl. I'm going to let her
13 talk, but obviously the leash is short.

14 There's a couple of things. I'm concerned for
15 your client, your side. I'm not going to let
16 Miss Eisenhower testify for her. That's important.

17 And I don't mean that you would, but I know what
18 it takes to try one of these cases. And they are
19 hard.

20 And so the second thing is, I think Miss
21 Eisenhower has called it just right. I mean, let's
22 see what this girl will say, and I'll give you an
23 opportunity to cross-examine her and we'll go from
24 there.

25 So I will note your objection to my ruling.

1 MR. GREEN: Thank you.

2 THE COURT: Bring the Jury
3 in.

4 [Whereupon, the further following proceedings
5 were then held in the presence of the Court, the
6 Jurors, Counsel, and the Defendant.]

7 THE COURT: There we go.
8 We are back on the record in Case Number 05 CR 0365,
9 State of Ohio versus Frank Wood.

10 Miss Eisenhower.

11 MS. EISENHOWER: The State of
12 Ohio would like to recall ^{FRANK} ~~FRANK~~ to the stand.

13 THE COURT: Okay. Just
14 come on back in the same seat here.

15 You remember the microphone, right?

16 THE WITNESS: Yeah.

17 THE COURT: Just make your
18 voice nice and loud. You don't like the microphone?
19 You don't like it?

20 THE WITNESS: It's okay.

21 THE COURT: Yeah. Because
22 see that lady back there? She loves to hear your
23 voice, and you need to talk so she can hear you,
24 okay?

25 THE WITNESS: Okay.

THE COURT: Go ahead,

Miss Eisenhower.

BY MS. EISENHOWER:

Q REDACTED, when you were previously talking about Frank Wood being married to your mother, is he in the courtroom today?

A Yes.

Q Could you point to him and describe what he's wearing? Please point to him.

A (Witness complying with request of counsel.)

Q And what is he wearing?

A He's wearing kind of a brownish jacket and a tie.

THE COURT: Let the record reflect she's identified the Defendant in the -- is it an orange shirt?

THE WITNESS: Hm-hm.

THE COURT: And the black hair?

THE WITNESS: Yes.

THE COURT: So noted for the record.

BY MS. EISENHOWER:

Q Do you know Dr. Suzanne LeSure?

A Yes.

Q And have you talked to her about Frank Wood and what

he did to you?

A Yes.

Q Did you tell her the truth about what that was?

A Hm-hm, yes.

Q Okay.

MS. EISENHOWER: I have nothing further, your Honor.

THE COURT: Thank you.

Mr. Green, sir.

MR. GREEN: No questions, your Honor.

THE COURT: Ma'am, you can step down.

I know this is weird, but I've got to move you out again because I've got questions I have to ask Dr. LeSure before we commence further.

Don't discuss the case among yourselves. Do not begin to form or express an opinion about the matter until you get all the evidence, you get your instructions of law, and you begin your deliberations.

Thanks very much.

(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: Bring her on in and I'll talk to her.

Come on up.

THE BAILIFF: Raise your right hand, please.

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

VOIR DIRE

THE COURT: Very good. Thank you.

Come on up and have a seat.

Hey, Dr. LeSure, I'm going to be asking you some questions before we bring the Jury in relating to your work, what it is you do. Apparently you're going to be giving testimony about two of your patients.

And I guess what I first have to ask you is, tell me a little bit about what your practice is and what your job is and how you're licensed.

THE WITNESS: I am a licensed psychologist. I have a Ph.D. in psychology from

Syracuse University.

I have practiced for about twenty-five years; most of my professional life I've practiced in this community.

I work primarily with children, some adults but primarily children, and have special training and experience in the area of child sexual abuse.

THE COURT: Okay. In this particular case, I'm looking at a child named REDACTED and a child named --

MS. EISENHOWER: REDACTED.

THE COURT: -- REDACTED.

And I guess what I need to know is, are they patients of yours?

THE WITNESS: Yes, sir.

THE COURT: You call them

"patients," not "clients"?

THE WITNESS: Either.

THE COURT: Okay. I want to do what you do.

So my understanding is, at some point counsel for the State is going to be asking -- in addition to other things that you will testify about, she is going to be asking you about statements that these children made to you and, as a result of a series of

1 cases that have come out relatively recently from the
2 Ohio Supreme Court and the Supreme Court of the
3 United States under a case called Crawford, for the
4 purpose of my record, I have to -- I should engage in
5 a discussion with you previous to this and find out
6 why it was that you received these statements from
7 your patients, what was the purpose of these
8 statements, what was your use, how did you become
9 employed in taking these statements from them, and
10 those kind of things.

11 Can you tell me a little bit about that?

12 THE WITNESS: Both children
13 were referred to me for treatment.

14 THE COURT: So they were
15 referred to you for treatment?

16 THE WITNESS: Hm-hm.

17 THE COURT: Who referred
18 them to you?

19 THE WITNESS: I'm going to
20 refer to my file so that I can keep them separate and
21 be accurate.

22 THE COURT: Sure.

23 THE WITNESS: ~~It~~ was
24 referred by Job and Family Services.

25 THE COURT: Okay.

1 THE WITNESS: You'll have to
2 advise me about whether I can say this or not, but
3 ~~PREVIOUSLY~~ had actually been treated at Cornerstone
4 previously. Let's see what the intake says on
5 this.

6 She was referred by her school counselor.

7 THE COURT: So in neither
8 of these cases did law enforcement refer these two
9 children to you?

10 THE WITNESS: Job and Family
11 Services and the school counselor.

12 THE COURT: The next
13 series of questions that I need to know is, why would
14 you obtain a statement from these children about what
15 occurred, and who was involved in that? What was the
16 purpose for that statement?

17 THE WITNESS: Well, I
18 wouldn't obtain a statement in the way I would if I
19 were doing a forensic evaluation, but I would be
20 wanting the child's perception of the stress they had
21 encountered so that I can plan my course of action in
22 undoing any mistaken beliefs or feelings of blame or
23 other damage that had been the result of this stress,
24 or really any stressors.

25 THE COURT: So you would

1 take a statement so that you could aid who? Who are
2 you trying to help here?

3 THE WITNESS: The child.

4 THE COURT: Is there any --
5 do you advise these children, when you're asking them
6 about what happened to them, that these statements
7 may be used in court, or that law enforcement may
8 obtain these statements? Are they aware of that? Do
9 you ever advise them about that?

10 THE WITNESS: I actually tell
11 all the children who visit me on their first visit
12 that what they say to me is private.

13 THE COURT: Okay.

14 THE WITNESS: Except if they
15 are talking about themselves getting hurt or
16 themselves hurting another person.

17 THE COURT: In this
18 particular case, was it your intention, in obtaining
19 these statements, to be able to use these statements
20 of these children for the purpose of trial later?
21 Was that your purpose?

22 THE WITNESS: No.

23 THE COURT: Okay. Once you
24 received these -- the statements that you received
25 from these children, how is it that it aids you in

1 treatment? How does that help?

2 THE WITNESS: Well, the
3 result of sexual abuse on a child, it basically
4 causes three changes. It causes potentially a change
5 in their arousal level, their affective arousal.

6 It causes a potential change in their belief
7 system, what they believe about themselves, what they
8 believe about sexuality, what they believe about
9 boundaries.

10 And it changes their coping mechanism, because
11 a severe stressor stresses a child to the point
12 where the coping mechanisms that they use are
13 overwhelmed, and they start to use maladaptive coping
14 mechanisms.

15 So in order to form my treatment of them, I need
16 to assess damage in those three areas; and in order
17 to assess that damage, I need to know their
18 perception of what happened.

19 THE COURT: I got it.
20 Good.

21 Anything else?

22 MS. EISENHOWER: No, your Honor.

23 THE COURT: Mr. Green.

24 MR. GREEN: Yes, your
25 Honor.

1 THE COURT: Go ahead.

2 MR. GREEN: Judge, I'll be
3 using the document you gave us from Dr. Jedacek.

4 THE COURT: Okay.

5 MR. GREEN: That's the --
6 it's a Patient Care Communication Form.

7 Could I have this marked, please.

8 [Whereupon, a Patient Care Communication Form,
9 Authorization to Disclose Information, to Dr. Jedacek
10 for Patient ~~SHIRLEY~~ ~~GREEN~~, was then marked as
11 Defendant's Exhibit C for purposes of
12 identification.]

13 MR. GREEN: Doctor, I'm
14 presenting you what's marked as Defendant's Exhibit
15 C. Are you familiar with that document?

16 THE WITNESS: Mm-hm.

17 MR. GREEN: Can you tell us
18 what it is?

19 THE WITNESS: Yes. It's a
20 Patient Care Communication Form to Dr. Jedacek.

21 MR. GREEN: Okay. And it's
22 signed off by you; is that not correct?

23 THE WITNESS: That's correct.

24 MR. GREEN: And it has in
25 there some purpose, I guess, for seeing --

1 THE WITNESS: Right.

2 MR. GREEN: -- the patient?

3 THE WITNESS: Correct.

4 MR. GREEN: Can you tell
5 the Court what you wrote.

6 THE WITNESS: "I will provide
7 psychotherapy, parent guidance for parents, and
8 support for legal process."

9 MR. GREEN: Okay. What did
10 you mean by "support for legal process"?

11 THE WITNESS: The process of
12 going through this for a young child is very, very
13 traumatic. Sometimes the process of testimony can be
14 as traumatic as the event itself, and most children
15 need support during that process.

16 MR. GREEN: But you're
17 supporting the legal process, aren't you, by doing
18 that?

19 THE WITNESS: No. I'm
20 supporting the child's management of the legal
21 process.

22 MR. GREEN: You're helping
23 to prepare the child for the legal process?

24 THE WITNESS: Develop their
25 coping strategies, maybe would be a better word.

1 MR. GREEN: And when did
2 you sign off on that?

3 THE WITNESS: When?

4 MR. GREEN: Yes.

5 THE WITNESS: 2/5/05, it
6 says.

7 MR. GREEN: The permission
8 by Scott Sadowsky is dated when?

9 THE WITNESS: 11/22/04.

10 MR. GREEN: Okay. Is that
11 when you first received the referral?

12 THE WITNESS: I don't know.
13 Let me see.

14 The case was signed in on 9/24/04. They had
15 called on 9/23/04. The first intake appointment was
16 scheduled for 11/22/04.

17 MR. GREEN: Okay. When you
18 put down "support legal process," you anticipated
19 that there would be testimony in this case?

20 THE WITNESS: I always
21 anticipate that there might be testimony in a case
22 like this.

23 MR. GREEN: So when you
24 interviewed her for the purpose of taking her
25 statement as to what happened, you understood that it

1 may well be used in court?

2 THE WITNESS: Oh, yes.

3 MR. GREEN: It wasn't
4 strictly for treatment purposes?

5 THE WITNESS: No, it was for
6 treatment purposes. But I am accustomed to being
7 summoned for court, and so when there's a chance I
8 might be, I also proceed in my head as though I might
9 be, because I want to be careful.

10 MR. GREEN: That's all the
11 questions I have.

12 THE COURT: Anything else,
13 Miss Eisenhower?

14 MS. EISENHOWER: No, your Honor.

15 THE COURT: Okay. I
16 appreciated that, Mr. Green.

17 MR. GREEN: Thank you.

18 THE COURT: What the
19 Court's going to note at this point is, that under
20 Evidence Rule 803(4), which is an evidence rule which
21 would determine statements made by physicians as to
22 the treatment of a person to be nontestimonial, the
23 Court's making a determination that it is not
24 nontestimonial.

25 The child was referred by a private agency, not

1 by a police agency; that the primary purpose for this
2 is diagnosis and treatment; that this psychologist
3 has indicated that that was her purpose in this; that
4 she understands that in many cases there is testimony
5 that is given, but that the purpose of obtaining the
6 statement from the child wasn't for the purpose of
7 trial, but that - the Court's understanding is - the
8 psychologist understood that at some point there
9 might have to be the need for helping the child cope
10 with the rigors of a trial, but that the statement
11 wasn't taken for the purpose of helping that person
12 cope with the rigors of a trial. In other words,
13 that it was an additional treatment that was an
14 additional function that the psychologist engaged in
15 when performing this.

16 Based on this, the Court's making a
17 determination - and note the Defendant's objection
18 for the record, please - that she is going to be able
19 to testify as to what was said to her.

20 With that in mind, would you bring the Jury
21 in.

22 MR. GREEN: Judge, if I
23 can ask for clarification? Because there's two --
24 there's two parties here that she's testifying
25 about.

1 THE COURT: Right.

2 MR. GREEN: One was
3 referred by Job and Family Services.

4 THE COURT: Not the police
5 agency, not the police agency. One was a private
6 person, the other was -- was Job and Family Services.
7 The Court notes Job and Family Services referred
8 them. And I remember her testifying that -- the Job
9 and Family Services woman testifying that she
10 referred her for the purposes of treatment. And I
11 understand that, so you're right, Job and Family
12 Services sent one, a private individual sent another.

13 The police were not -- by the way, were the
14 police involved in any of the statements that were
15 given? Were they present when the statements were
16 taken?

17 THE WITNESS: No.

18 THE COURT: Okay, good.

19 THE WITNESS: They were not.

20 THE COURT: Okay, good.

21 Chris, bring them in.

22 [Whereupon, the further following proceedings
23 were then held in the presence of the Court, the
24 Jurors, Counsel, and the Defendant.]

25 THE COURT: Okay. You can

1 all be seated. Thanks very much.

2 We're back on the record in Case Number 05 CR
3 0536; that is State of Ohio versus Frank Wood.

4 Ma'am, you were sworn previously before the Jury
5 came back in.

6 State your name for the record; and spell your
7 name for my court reporter, please.

8 THE WITNESS: Suzanne LeSure,
9 L-e-S-u-r-e.

10 THE COURT: Okay. What's
11 going to happen in the next few minutes is, Miss
12 Eisenhower is going to have some questions for you,
13 and then when she is done, Mr. Green will as well.

14 Miss Eisenhower, you may proceed.

15 MS. EISENHOWER: Thank you, your
16 Honor.

17 DIRECT-EXAMINATION

18 BY MS. EISENHOWER:

19 Q You are a psychologist, correct?

20 A Correct.

21 Q And you are a licensed psychologist in the State of
22 Ohio?

23 A Correct.

24 Q Can you tell me a little bit about your education,
25 please?

1 A I have a bachelor's degree from Ohio Wesleyan, I have
2 a master's degree in child development from Syracuse
3 University, and a Ph.D. in psychology from Syracuse
4 University.

5 I have an internship at the Medical College of
6 Wisconsin through Children's Hospital there.

7 Q And your training --

8 A That concludes pretty much my training.

9 Q Okay. And you have a -- is there a license required
10 in the State of Ohio for psychology?

11 A Correct.

12 Q Are you currently licensed?

13 A Yes, I am.

14 Q Do you have to do any further training and education
15 to keep that license?

16 A You have to do an additional year of supervised work,
17 and you have to sit for a written exam, and you have to
18 pass a verbal exam to be licensed in Ohio.

19 Q Okay. Are you a member of any professional
20 associations?

21 A Yes, I am.

22 I'm a member of the Ohio Psychological
23 Association and the American Psychological Association.

24 Q And have you been past-president of each one of
25 them?

1 A I'm a past-president of Ohio Psychological
2 Association, and Ohio's representative to the APA Council.
3 Q Okay. And that's also as a member?
4 A Correct.
5 Q And you also were a professor of psychology at one
6 point?
7 A My professorship at NEOUCOM is an adjunct
8 professorship.
9 Q All right. Do you have an area of specialization?
10 A Yes. I work primarily with children. And within
11 that category, I specialize in children who have had trauma
12 or who have medical problems.
13 Q Okay. And what kind of trauma are we talking about?
14 A We're talking about trauma from sexual abuse, but
15 other kinds of trauma as well.
16 Q Okay. And you are affiliated with Cornerstone
17 Psychological Services, correct?
18 A I am.
19 Q Now, I need to ask you if you are currently treating
20 ~~REDACTED~~ ~~LEWIS~~?
21 A I am.
22 Q And when you were treating ~~REDACTED~~ ~~LEWIS~~, were you
23 able to come up with a diagnosis?
24 A Yes.
25 Q And that diagnosis was based on the -- well, first of

1 all, why don't you tell me the diagnosis. I guess that's
2 the easy part.
3 A Well, I collect information through history from the
4 parents. I use standardized instruments to assess the
5 child's functioning from parents, when possible from
6 school.
7 I also do direct observation, and occasionally
8 direct assessment of the child in a formal way in my
9 office.
10 Q All right. And did you do all of that with ~~REDACTED~~
11 ~~LEWIS~~?
12 A I did.
13 Q And were you able to form a diagnosis on ~~REDACTED~~?
14 A My initial diagnosis was adjustment disorder.
15 Q Okay. Now, can you tell me what kind of history
16 ~~REDACTED~~ presented with?
17 A ~~REDACTED~~ had experienced a series of recent stresses,
18 including her parents separating, a move on the part of her
19 maternal grandmother, and allegations of sexual abuse.
20 Q All right. And were you able to determine who the
21 allegations of sexual abuse concerned? In other words, who
22 was the person alleged to have committed these --
23 MR. GREEN: Objection.
24 THE COURT: Overruled. You
25 can answer.

1 A Both the mother and the child reported that
2 Frank Wood was the person who was involved with the sexual
3 abuse.
4 Q All right. And did ~~REDACTED~~ give you details
5 concerning that sexual abuse?
6 A She did.
7 Q All right. And what details did she give you about
8 that sexual abuse?
9 A She referred to the gentleman in question as
10 "Frankie." She said, "He started by showing me pictures on
11 the computer."
12 I asked, "Of what?"
13 She said, "Of naked people."
14 I asked, "Then what?"
15 She said, "Then he came in bed with me at night
16 and he was lying on top of me, and I think he was naked. I
17 felt my shirt up here --" she points, "-- and my privates
18 down here," she points to her ankles.
19 "He was kissing me down here," she pointed to her
20 thigh.
21 "I felt some wetness between my legs."
22 And then I asked her, "What happened then?"
23 And she said, "It was, like, goopy. I think he
24 put his private on mine."
25 I asked, "Why would he do that?"

1 She said, "Once I opened my eyes in the middle of
2 the night and he was on top of me, and his arms were around
3 me."
4 I said, "What did he say?"
5 She said, "He said, 'I love you as much as your
6 mom. This is how you're going to have a baby when you're
7 an adult. Don't tell your mom.'"
8 She said, "It all started when I got my bed by
9 myself."
10 And I said, "What did you think about that?"
11 And she said, "I was feeling quite gross, like I
12 wanted to take sixty showers."
13 And I said, "Did you tell anybody?"
14 And she said, "I just wanted it over with."
15 I asked her when the last time was.
16 And she said, "Sometime after my birthday and
17 before Halloween."
18 She said, "He lied to my mom. He would tell her
19 he was tucking me in or giving me medicine or reading me a
20 story. I told my mom every morning that he was a liar. I
21 figured out that whatever he did was bad or he wouldn't
22 have lied. He'd tell my mom that he was doing work, but he
23 was just staring at pictures. It was strange."
24 "I opened my eyes once and I saw his private. It
25 was all hairy."

1 "He did our windows.

2 "He was always saying my boots were really nice."

3 Q All right. Now, how many patients do you think over
4 the years you've seen for victims of sexual abuse?

5 A Oh, probably over two hundred, I would guess.

6 Q All right. And let's narrow that down now to
7 children who are younger, say ten and under. Do they
8 often -- or is it your experience that often children that
9 age delay reporting initially about the offenses that have
10 occurred?

11 A Yes.

12 MR. GREEN: Objection,
13 leading.

14 THE COURT: I'm sorry?

15 MR. GREEN: Leading.

16 THE COURT: Overruled. You
17 can answer.

18 A Yes.

19 Q All right. And why is that?

20 A Well, there are many reasons. Sometimes the initial
21 offenses are very small and children don't quite know
22 what to make of them, don't understand even if they're
23 sexual.

24 Sometimes they don't think they will be believed,
25 and they try to say -- like in the history she reports, "I

1 said he was a liar." And what that to me is, she thinks
2 she's talking about it. So sometimes they try to say it,
3 but they don't get their point across.

4 Sometimes they're afraid. Sometimes they want to
5 protect the person.

6 There are a lot of different reasons.

7 Q All right. Now, in your case, are there coping
8 mechanisms that REDACTED developed to deal with that
9 allegation?

10 A I think -- I think she has -- she has done a couple
11 of different things. In her account to me, it's clear that
12 one of the ways she coped was pretty common, which is to be
13 still and do or say nothing.

14 Sometimes children will pretend that they're
15 asleep or almost freeze or send their mind somewhere else
16 as a way of coping.

17 In addition, REDACTED had a lot of anxiety over
18 the situation, and she had begun some pretty maladaptive
19 ways of releasing that inside, like picking at her skin and
20 other kinds of anxious habits.

21 Q All right. I would like to move now to REDACTED
22 REDACTED. Were you also treating REDACTED?

23 A Yes.

24 Q And did you reach a diagnosis for her as well?

25 A Her initial diagnosis was adjustment disorder as

1 well.

2 Q Did you take a history from REDACTED --

3 A I did.

4 Q -- in order to determine your diagnosis?

5 A I did.

6 Q And what was the history?

7 A REDACTED had also had a number of stressors. She had
8 multiple male figures in her life. And at the time that
9 she came to see me, her mother had a fiance and was
10 engaged, so that was a new person she was adjusting to.
11 And she also describes sexual abuse.

12 Q Can you tell me specifically the history she gave
13 you?

14 A REDACTED did not say much. REDACTED responded to any
15 direct conversation about this with extreme anxiety. But I
16 did ask her to tell me about it, and she said, "He was
17 hurting me."

18 And I asked, "Where?"

19 And actually, I thought she would tell me, like,
20 on her body, and she answered, "In a room upstairs. We
21 were renting a summer home, but it was in the wintertime."

22 And she told me a story about her mom throwing a
23 snowball that year.

24 "What did he say to you."

25 Answer: "He didn't -- he said 'Don't tell

1 anyone."

2 I said, "How often did this happen?"

3 She said, "Like every night."

4 And I said, "What happened?"

5 And she had great difficulty giving me much
6 information, but what she told me was that he would put his
7 mouth on her private, his hand on her private, and his
8 private on her private.

9 Q And did you go over with her what she meant by
10 "private"?

11 A Yes.

12 Q And what did she call the private?

13 A She was talking about his and her genital area.

14 Q Okay. And tell me, when you say she -- she displayed
15 anxiety, how did that manifest itself?

16 A Well, the child behavior checklist that I gave --
17 that I referred to earlier as using in my diagnosis and
18 treatment, showed elevations on the scale that measured
19 anxiety.

20 Q Okay.

21 A I also administered what's called a Structured
22 Pediatric Psychosocial Assessment. And that's a
23 computer-generated test that looks at her status and
24 basically it tells me about her, that she has a strong
25 tendency to try to deny worrisome concerns, minimize the

1 impact of negative experiences but, at the same time, may
2 harbor deep emotions, which she then suppresses.

3 Q Okay. I bet you get this every time you testify, but
4 in laymen's -- in layperson's terms, what does that mean
5 she does, if somebody harbors their deep emotions?

6 A It means that she's the kind of child who wants to
7 push it down, not look at it, and move on to what she can
8 focus on positive in her life.

9 Q Okay. Now, is that also a coping mechanism for
10 Kalee?

11 A Oh, yes.

12 Q Okay. And is that one of her strongest coping
13 mechanisms?

14 A Well, it's a good news/bad news coping mechanism.
15 What that means is that she's the kind of child who can do
16 well in school and continue to function and to look all
17 right on the outside, even though she might be in a
18 difficult situation.

19 The bad news side of that coping mechanism is
20 that you can't always tell when a child hurts or is in
21 distress, and I compare it to like a splinter in a sole
22 that she carries around and you don't discover it until
23 later.

24 Q You are aware -- are you aware of when K^{REDACTED} first
25 told someone about Frank Wood's sexual activity with her,

1 any disclosed sexual abuse?

2 A Between July and September of '04.

3 Q And so it was sometime after that that she came to
4 see you?

5 A Much later.

6 Q What does that period of time tell you? What does
7 that do to a child with K^{REDACTED}'s profile that you just
8 described as far as her coping mechanism?

9 A Well, I think she puts that experience deep inside
10 her and proceeds with her life, trying to adjust to the
11 immediate stress source of, "I'm moving, I might have a new
12 school," the here and now.

13 Q And does that delay, from the time from when she
14 first disclosed until the time she began to see you, does
15 that -- does that help that coping mechanism be more firmly
16 entrenched, or did it do the opposite?

17 A I don't think it does either one.

18 Q Okay.

19 A I think that it's a style of coping that she uses
20 habitually. Her mother, in giving her history, reported a
21 similar coping mechanism of her own. I don't think it
22 affects it either way.

23 Q Now, when children of sex abuse -- when younger
24 children of sex abuse come to you, is it -- tell me the
25 words they usually use to describe -- or how they describe

1 the frequency of the events; in other words, how often
2 those sexual activity events occur.

3 A Poorly. You know, I -- I wish that people who
4 interviewed children understood that they don't have a
5 good grasp of dates or time or frequency. And it's easy to
6 get wrong answers, confused answers from them for that
7 reason.

8 Q Okay. And is that -- is that something that happens
9 more often than not with smaller children?

10 A Yes.

11 Q Referring to the diagnoses that you have on these
12 children, are they consistent -- well, first of all, why
13 don't you explain to me what the diagnosis for K^{REDACTED} is.

14 A Adjustment disorder --

15 Q Hm-hm.

16 A -- means that she's experiencing symptoms that are in
17 response to a stressor.

18 Q Okay. And is that diagnosis consistent with sexual
19 abuse?

20 A It is.

21 Q And SPEDACHEP's diagnosis?

22 A Hers was initially adjustment disorder as well, but
23 in reviewing my notes, I realize that I had upgraded it to
24 posttraumatic stress disorder, because she was having
25 intrusive memories.

1 Q All right. And posttraumatic stress disorder, could
2 you explain what that is?

3 A Yes. It is a response to an atypical traumatic
4 stressor which involves changes in arousal level, either
5 repetition or sometimes avoidance of trauma or related
6 elements to the trauma, and a tendency to experience
7 intrusive memories like extreme violence or being sexually
8 abused.

9 Q And is posttraumatic stress syndrome also indicative
10 of sexual abuse?

11 A It's consistent with that experience, yes.

12 MS. EISENHOWER: I have nothing
13 further of this witness, your Honor.

14 THE COURT: Mr. Green, you
15 may proceed.

16 MR. GREEN: Thank you, your
17 Honor.

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. GREEN:

21 Q Dr. LeSure, given this history that SPEDACHEP gave
22 you --

23 A Yes.

24 Q -- when did she give you that history? Over what
25 period, perhaps?

1 A I can give you the exact date.
 2 January 17th, 2005.
 3 Q And that's -- the history that you've testified to
 4 here today was all on that particular date?
 5 A That's what I referred to just now. She certainly
 6 spoke about the events on other dates, but that was the
 7 date on which she gave me the most detail.
 8 Q Okay. And through your therapy with her --
 9 A Yes.
 10 Q -- you've gone into those events again and again with
 11 her?
 12 A No. This is the date on which I went into the events
 13 in detail. On other dates we talked about the events, but
 14 more about her fears or managing her nightmares about the
 15 events. So I wouldn't have gone over the details of what
 16 happened on multiple occasions.
 17 Q How often have you visited with her?
 18 A It looks like I've seen her seventeen times.
 19 Q When was the last time you saw her?
 20 A 2/2/06.
 21 Q Is she no longer a client of yours?
 22 A I've been seeing her less frequently because she was
 23 doing better.
 24 Q Do you anticipate you'll be seeing her any further?
 25 A Possibly. It depends on whether the stress of going

1 through the legal events has exacerbated some of the
 2 skin-picking and other signs of anxiety.
 3 Q Okay. Your assessment, was that shared with Ohio Job
 4 and Family Services back in early 2005?
 5 A They had actually evaluated her before she came to
 6 me. So my records show that there was a communication with
 7 Dr. Jedacek, who she saw on 2/7/05, and communication with
 8 Anne Eisenhower on 8/5/05.
 9 Q Did you get a copy of the Ohio Job and Family
 10 Services assessment?
 11 A (Witness nodding negatively.)
 12 Q You didn't receive that?
 13 A No.
 14 Q You just know they did it?
 15 A Yes. That's important, because if it hadn't been
 16 done, I would have had to report it. I'm a mandated child
 17 abuse reporter, so I would have to report it. When it's
 18 not been done, I have to report it.
 19 Q So I assume that you were the reporter?
 20 A No. I asked the -- I ask -- in a case of child
 21 sexual abuse, I ask whether it has been reported to JFS or
 22 law enforcement, because if it has not, I would have to
 23 report it.
 24 Q Did you understand that it had been referred to law
 25 enforcement also?

1 A Yea, I did.
 2 Q Okay. On K¹²⁻⁷⁸, her referral came to you under
 3 different circumstances; is that correct?
 4 A Yes. K¹²⁻⁷⁸'s family called on June 17th and said
 5 they had been referred by JFS.
 6 Q That's '05, right?
 7 A Pardon?
 8 Q That's of '05?
 9 A Yes.
 10 Q And K¹²⁻⁷⁸, at the time you first saw her, was what,
 11 nine years old going on ten?
 12 A Yes.
 13 Q And the events that she described to you, when did
 14 they happen?
 15 A You know, I'm not sure I have the dates. I have that
 16 she disclosed between July and September of '04, so it was
 17 prior to that.
 18 Q So you don't know?
 19 A I don't have the dates.
 20 Q If it had been three, four years earlier, would that
 21 make a difference as to the quality of the history that you
 22 received from a child of that tender and age, or of tender
 23 years?
 24 A Yes, it -- it -- it makes a difference. People
 25 always ask whether children are going to remember things,

1 and it's dependent on their language ability. So if a
 2 child -- if something happened to a two-year-old, they
 3 probably would not remember it at -- or be able to recall
 4 it in words.
 5 A three-, four-, five-year-old would be able to
 6 remember, might not have a specific memory.
 7 Q Okay. Did you, in the case of K¹²⁻⁷⁸, take a history
 8 also from the parents or --
 9 A Yes.
 10 Q -- at least her mother?
 11 A Yes.
 12 Q Can you tell us -- let me strike that.
 13 Did they relate to you that K¹²⁻⁷⁸ was having
 14 problems after this disclosure in July -- or September
 15 of 2004? Was she having problems she needed assistance
 16 with?
 17 A They described her as usually happy, occasionally
 18 getting into, what mom describes as, her diva mode; that
 19 she was distressed with the current disclosures and JFS
 20 interview, and the disclosure of that coming out was
 21 causing her distress. She was having some anxiety about
 22 other children, like a new school, and the upcoming
 23 marriage, and that type of thing. But she didn't have a
 24 lot of symptoms.
 25 Q Now, you've indicated that K¹²⁻⁷⁸ had these other

1 stressors going on in her life.

2 A Yes.

3 Q Do you know if those stressors were going on in her
4 life when the events of what are claimed to be sexual abuse
5 took place?

6 A Well, the stresses -- one of the stresses was a
7 change in different male people in her life. That would
8 have occurred during the time Frank Wood was in her life.

9 The stressor -- and even though this is a happy
10 thing, I referred to it as a stressor -- of mom's marriage
11 and the subsequent potential move and new school. Those
12 are not bad things, but they're stressful for a child.
13 Those would have been subsequent to the events she
14 disclosed.

15 Q Were you also aware of the stressor, I guess it would
16 be, of the change in custody of her from her grandparents
17 to her mother?

18 A From her grandparents to her mother, no.

19 Q Do you know anything about that history?

20 A The legal things I know about were that her -- her
21 mother's fiance said he wanted to adopt her; she didn't say
22 anything about the change in custody.

23 Q Now, you didn't know anything about the civil
24 protection order that the parties went through with
25 Mrs. Spencer and with her family?

1 A With K^{REDACTED}'s mother, I also asked about any domestic
2 violence, child abuse, sexual trauma, et cetera. And my
3 notes say that Frank was arrested for domestic violence
4 against the mother, pled to a lesser charge; that there was
5 domestic violence between maternal grandparents.

6 Q Okay. Do you know when those took place?

7 A No.

8 Q So you don't have a complete history of what was
9 going on in K^{REDACTED}'s life at the time --

10 A I don't have that.

11 Q -- from the July to September period, or whenever it
12 took place?

13 A I don't have a complete legal entry.

14 Q Okay. Are you aware of, from S^{REDACTED}'s history,
15 her biological parents?

16 A Yes.

17 Q And the transference problems?

18 A Yes.

19 Q What were you aware of?

20 A S^{REDACTED} has a very complicated history.

21 MS. EISENHOWER: Your Honor, may
22 we approach?

23 THE COURT: Sure.

24 (Whereupon, the further following proceedings
25 were then held at sidebar out of the hearing of the

1 Jurors.

2 THE COURT: Ma'am.

3 MS. EISENHOWER: Mr. Green is
4 aware that Dr. LeSure has information that was filed
5 concerning that activity between her and her brother,
6 and I want to make sure that he doesn't elicit that
7 from the witness, because I have not advised this
8 witness not to talk about that.

9 THE COURT: Okay. We're
10 not going there.

11 MR. GREEN: I'm just trying
12 to find out what she had for a history.

13 MS. EISENHOWER: Well, your
14 Honor --

15 THE COURT: Stop. Listen
16 to him.

17 MR. GREEN: Just -- I'm
18 trying -- just trying to find what she has for a
19 history.

20 THE COURT: All right.

21 MR. GREEN: That's all I've
22 asked.

23 MS. EISENHOWER: That's --

24 MR. GREEN: I'm not asking
25 about --

1 MS. EISENHOWER: That's an
2 open-ended question, what a history includes.

3 THE COURT: All right.

4 MR. GREEN: It isn't part
5 of her treatment, though.

6 THE COURT: Okay. I'm not
7 going --

8 MS. EISENHOWER: The
9 information --

10 MR. GREEN: I'm not
11 trying to get information. I'm just saying, if she
12 brought it up, she may have used it as part of the
13 treatment.

14 THE COURT: I've already
15 ruled on that issue. Her prior sexual conduct is not
16 admitted and I'm not going to let that in. You can
17 talk about generally her history, but I don't want
18 that coming in, so that's where we're at.

19 MR. GREEN: I was not
20 trying --

21 THE COURT: I hear you.

22 MS. EISENHOWER: Your Honor --

23 MR. GREEN: -- to get that
24 information in terms of my question.

25 THE COURT: I understand

1 you were just trying to get a general idea about her
2 history as she came to her, and you can continue,
3 sir.

4 MR. GREEN: Yes, your
5 Honor.

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

9 BY MR. GREEN:

10 Q Do you remember the prior question?

11 A Hm-hm.

12 Q If you would, please respond.

13 A SREDACTED has a complicated history, in which she
14 lived with her maternal grandmother prior to the planned
15 adoption by the current parents that brought her in.
16 However, in the process of that adoption, those parents
17 were divorcing, and they were making a plan for SREDACTED to live
18 with father and visit with mother on Wednesdays and
19 weekends.

20 Q Did you understand the situation regarding SREDACTED's
21 biological parents?

22 A Let's see. Her biological father is Rick, his
23 whereabouts were unknown. He saw her last when she was
24 three or four.

25 Her mother had died of a brain tumor.

1 Q Do you know anything else about the parents' history?

2 A The biological parents?

3 Q Yes.

4 A I know that she went to her biological grandmother's,
5 who was her primary caretaker from about two-and-a-half to
6 four-and-a-half, and SREDACTED really thought of her as her
7 mother.

8 And then Children's Services became involved
9 because they were concerned about Grandma Alice
10 supervising. And at nine, Danielle and Scott were planning
11 to adopt her.

12 Q So you don't have any further history as to the
13 biological mother?

14 A No. Only she was not in her life, had not been in
15 her life for sometime when I saw her.

16 Q If you had information about the biological mother,
17 that included information that she was a drug abuser, was
18 convicted of drug offenses, would that have any influence
19 on your opinion on the stressors for SREDACTED?

20 A Considering that she was already with her grandmother
21 Alice by two-and-a-half, probably not. Unless there was
22 some biological damage from drug use in utero.

23 Q You don't have that information, correct?

24 A As far as I know, no.

25 Q The term you're using, "adjustment disorder," does

1 that have any formal designation in your classification
2 books? Can you discuss that?

3 A The formal classification of adjustment disorder is
4 309 ICD Code.

5 Q 309?

6 A Yes.

7 Q That's for both of them?

8 A Well, I said that I felt SREDACTED's diagnosis should
9 be upgraded to posttraumatic stress disorder, which was --
10 is an initial DVM diagnosis.

11 Q What number is that under?

12 A Gosh, I don't know the number. But I could find
13 it.

14 Q When did you make that diagnosis --

15 A The change --

16 Q -- posttraumatic stress disorder?

17 A The change for SREDACTED?

18 Q Yes.

19 A In February she started to complain about nightmares.

20 Q You're going to have to help me. February when?

21 A I'm sorry. February of '05.

22 Q Hm-hm.

23 A That's when her picking increased.

24 Then as things began to happen legally with the
25 rest, then she was very aware of that. In October of '05

1 she began to experience nightmares regarding the offender.
2 Her mother reported increased difficulties of managing her
3 emotional arousal.

4 In November, dad reported that nightmares were
5 improving, but her concentration at school had caused some
6 decline in grades.

7 She reports her school day would be interrupted
8 by daydreams.

9 And when I last saw her, she was doing much
10 better with that, and she was not having those intrusive
11 memories.

12 Q Did she talk to you about other nightmares that she
13 had, prior to these events with Mr. Wood that she
14 described?

15 A No.

16 Q Did she talk to you about a dream that she had about
17 her mother, her biological mother?

18 A I don't remember that. I'd have to look at each
19 note, but I don't remember it.

20 We talked about worries, memory of Frank, worries
21 about the divorce, worries about being adopted, worries
22 about won't have a family, worries about school, worries
23 about being teased at school.

24 Q These reports that you received in October and
25 November of '05 regarding nightmares, and the decrease in

1 nightmares, were those coming from the parents?
 2 A No. From REDACTED.
 3 Q From REDACTED?
 4 A (Witness nodding affirmatively.)
 5 Q I thought you indicated the father reported that.
 6 A Well, yes, but REDACTED also. REDACTED herself
 7 reported nightmares. And, also, REDACTED herself reported the
 8 improvement in the nightmares.
 9 Q Were you aware that she was doing the picking before
 10 the event?
 11 A Yes.
 12 Q And what do you think manifested that picking that
 13 she does?
 14 A I think whenever she has significant anxiety,
 15 significant stressors that cause an increase in that
 16 anxiety again, she goes back to that picking behavior.
 17 When I can work with her and get a period in which there's
 18 not a significant stressor, you'll see it improve.
 19 Q This is while -- she was very fearful that she was
 20 going to be abandoned again, correct?
 21 A She was very worried about being adopted and who she
 22 was going to stay with.
 23 She has a very strong relationship with her
 24 father, so I don't think that she has a fear of being
 25 abandoned by him.

1 Q Not by the father?
 2 A Not by the father.
 3 Q What about Danielle Sadowsky?
 4 A I think her relationship with Danielle is much less
 5 secure. I believe Danielle decided not to pursue the
 6 adoption and that the father will adopt her alone.
 7 Q Would part of her fears be related to this: That
 8 Danielle Sadowsky had a relationship with Frank Wood while
 9 she was still married to REDACTED's father, what she designated
 10 her father?
 11 A REDACTED expressed anger toward her mother for
 12 putting her in a situation with a man who sexually offended
 13 against her. And REDACTED also expressed confused feelings
 14 about the fact that her half-brother was to be the child of
 15 the man that offended against her. She had very mixed
 16 emotions toward her mother about that.
 17 Q And she is well aware that Scott Sadowsky is not her
 18 biological father?
 19 A Yes, she is.
 20 Q And does she have attitudes towards her biological
 21 father?
 22 A No.
 23 Q How about her biological mother?
 24 A She is not that focused on her biological parents. I
 25 think she probably had more complicated feelings about

1 Grandma Alice, who was her original attachment person.
 2 Q Did you understand what the problems were with
 3 Grandma Alice?
 4 MS. EISENHOWER: Objection, your
 5 Honor, as to the relevancy of that.
 6 THE COURT: Yes. I'm going
 7 to sustain the objection as to the relevancy of that
 8 at this time.
 9 MR. GREEN: Your Honor, may
 10 we approach?
 11 (Whereupon, the further following proceedings
 12 were then held at sidebar out of the hearing of the
 13 Jurors.)
 14 THE COURT: Sir.
 15 MR. GREEN: Judge, she
 16 previously brought up the Grandma Alice problem. I
 17 think I'm allowed to delve into it; she brought it
 18 up.
 19 THE COURT: Where are we
 20 going with that?
 21 MR. GREEN: Frankly, I
 22 think it may relate to some of the stressors. This
 23 is actually all new to me.
 24 THE COURT: Okay. Let's --
 25 MR. GREEN: But I don't

1 think --
 2 THE COURT: Let's talk
 3 about it. Let's get it over with, all right. I'll
 4 let you ask the question.
 5 (Whereupon, the further following proceedings
 6 were then held in the presence of the Court, the
 7 Jurors, Counsel, and the Defendant.)
 8 BY MR. GREEN:
 9 Q Doctor, I was asking you about who you've
 10 characterized as "Grandma Alice," and you said that there
 11 were some problems with her, REDACTED needed to be taken
 12 from her; whatever, I'm not sure. I just want to
 13 understand what you understood happened.
 14 A Well, I should be clear that that part of REDACTED's
 15 treatment record was prior to my involvement, so I can't
 16 really speak directly, only from my review of the record of
 17 it. Because that was done by a different therapist prior
 18 to my involvement with her.
 19 But --
 20 MS. EISENHOWER: I would renew
 21 my objection to this question.
 22 THE COURT: That's all
 23 right. He got his answer.
 24 Your next question, please.
 25 Q What did you -- was -- did you understand this to be

1 as a stressor? And what was the background of that
2 stressor that you relate it to?

3 A I understood that S^{...} had an initial attachment to
4 this woman, had called her "mother." I understand that
5 Grandma Alice, which is how I know her, became somewhat
6 overwhelmed with S^{...}, may have left her alone,
7 mentioned to the daycare that she wished that she could be
8 adopted.

9 Children's Services began -- got involved.

10 There was then a disruption. When she came to
11 her current father's, there was a disruption and a lack of
12 contact of any kind with Grandma Alice. S^{...} was
13 unsure of whether she wanted to visit with Grandma Alice
14 any further, and the family consulted a therapist to sort
15 out the intergenerational relationships and what S^{...}'s
16 relationship with Grandma Alice would be.

17 Q Okay.

18 MR. GREEN: May I have just
19 a second, your Honor?

20 THE COURT: Sure you can.

21 (Whereupon, a discussion between Attorney Green
22 and the Defendant was then held out of the hearing of
23 the court reporter.)

24 MR. GREEN: That's all the
25 questions I have.

1 THE COURT: Thank you.

2 Ms. Eisenhower.

3 MS. EISENHOWER: Just briefly,
4 your Honor.

5 REDIRECT-EXAMINATION

6 BY MS. EISENHOWER:

7 Q The stressors that you talk about, the anticipation
8 of having to testify, is that a stressor for a child?

9 A It's extremely stressful.

10 Q And these two children's cases, was this stressful
11 for them as well?

12 A Yes.

13 Q Okay. And, Doctor, if I told you that when M^{...}
14 came in here she was very nervous --

15 MR. GREEN: Objection, your
16 Honor.

17 THE COURT: I'm sorry, I
18 didn't hear the question. I'm going to have to
19 listen to the whole question. Let me hear the whole
20 question, then I'll hear your objection.

21 Q If I told you that when M^{...} came in here, she was
22 reluctant to testify, would that be consistent with your
23 diagnosis of her?

24 THE COURT: Stop.

25 And you're objecting to that?

1 MR. GREEN: Yes.

2 THE COURT: Okay.

3 Overruled. You can answer.

4 A Yes, it would be consistent.

5 Q All right. Again, is that a coping mechanism for her
6 for one of those stress sources?

7 A Is what a coping mechanism?

8 Q Not addressing it.

9 A Not addressing it is a coping mechanism she uses.

10 Q Okay.

11 MS. EISENHOWER: Nothing
12 further, your Honor.

13 THE COURT: Mr. Green.

14 MR. GREEN: No further
15 questions, your Honor.

16 THE COURT: You can step
17 down. Thanks very much.

18 We're going to adjourn for lunch now. We're
19 going to come back at 1 o'clock.

20 Don't discuss the case among yourselves or begin
21 to form or express an opinion about the matter until
22 you get all the evidence, you get your instructions
23 of law, and you begin your deliberations.

24 Miss Eisenhower, do you have any further
25 witnesses?

1 MS. EISENHOWER: Possibly one
2 more, yes, your Honor.

3 THE COURT: Dr. LeSure,
4 thanks for coming in. Good to see you again.

5 (Whereupon at 12:00 noon a luncheon recess was
6 taken until 1:05 p.m., at which time the further
7 following proceedings were had and placed upon the
8 record.)

9 THE COURT: Come on in,
10 folks. Have a seat.

11 We're back on the record in Case Number 05 CR
12 D365, State of Ohio versus Frank Wood.

13 We're going to continue with the State's
14 witnesses.

15 Your next witness, please.

16 MS. EISENHOWER: The State of
17 Ohio calls Det. Mark Kollar to the stand.

18
19 Whereupon, the State of Ohio, to further
20 maintain the issues to be maintained by them, called
21 one MARK KOLLAR, who, after having been first duly
22 sworn, was examined and testified as follows:

23 THE COURT: Have a seat,
24 please.

25 Miss Eisenhower.

MS. EISENHOWER: Thank you, your

Honor.

DIRECT-EXAMINATION

BY MS. EISENHOWER:

Q Would you state your name, and spell your last name for the record.

A Mark Kollar, K-o-l-l-a-r.

Q And your occupation?

A I'm a detective for the Medina Police Department.

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

A Nine years.

Q How long have you been in law enforcement?

A It will be thirteen years in September.

Q And what are your duties as a detective with the City of Medina?

A To investigate all felony crimes.

Q And did you have occasion to investigate an allegation of sexual abuse made by K^{REDACTED} S^{REDACTED}?

A I did.

Q Do you remember when you first saw K^{REDACTED} S^{REDACTED}?

A I first saw K^{REDACTED} S^{REDACTED} in June of 2005.

Q All right. And in June of 2005, where did you first see her?

A At the Medina County Job and Family Services Building

on Northland Drive.

Q And she was there to conduct an interview along with Dave Madrich, correct?

A Correct.

Q And were you -- did you observe that interview?

A I did.

Q And was that part of your investigation?

A It was.

Q All right. Now, can you tell me, please, what behavior you observed from K^{REDACTED} during that interview?

A At first she was a little bit shy, but compliant until pertinent questions in the investigation began to be asked, at which time she became very withdrawn, very upset, began crying. At one point she essentially curled up into a ball onto her mother's lap. She had a very difficult time talking about those aspects.

Q As a result of the information that K^{REDACTED} did give during the interview, did you begin an investigation?

A Yes, I did.

Q Okay. And so from that interview there came sufficient facts to begin an investigation?

A Correct.

Q All right. At that point, who were you investigating?

A Frank Wood.

Q And were you aware that there had been a relationship between K^{REDACTED}'s mother and Frank Wood?

A Yes, I was.

Q All right. Now, did you determine, also, as part of your investigation, where the behavior between Frank Wood and K^{REDACTED} S^{REDACTED}, specifically the sexual allegations that she was alleging, took place?

A Yes, I did.

Q Where did they take place?

A At 69 Longacre in Chippewa Lake, which is in the County of Medina, State of Ohio.

Q Okay. And that was during what time frame? Did you determine that as well?

A Yes. Between August of the year 2000 and October, the end of October of the year 2000.

Q All right. Were you also able to determine, based on -- well, as part of your investigation, the next step as far as K^{REDACTED} S^{REDACTED}, where she should go next?

A Yes.

Q Was she referred somewhere else?

A Yes, she was.

Q Okay. Not by you?

A Correct.

Q But you're aware that she went somewhere?

A Yes.

Q Where?

A To Cornerstone Psychological Services.

Q All right. And you continued your investigation, correct?

A Correct.

Q And as part of your investigation, did you also conduct a search warrant on Frank Wood's home?

A Yes, I did.

Q And where was that located?

A 4885 Gateway Drive, Medina Township, Ohio.

Q Okay. And that search warrant led you to enter his home on what day?

A That would have been on August 5th, 2005.

Q And --

MR. GREEN: May I approach, your Honor?

THE COURT: Sure you can.

(Whereupon, the further following proceedings were then held at sidebar out of the hearing of the Jurors.)

THE COURT: Sir.

MR. GREEN: Your Honor, the other day we handled a motion to suppress on the search warrant, which was based upon the -- the search warrant, the body of it, said it was looking

1 for a computer. There's been no mention of a
2 computer in the ~~REDACTED~~ case. I believe they
3 were looking for the computer in the ~~REDACTED~~
4 ~~REDACTED~~ case.

5 THE COURT: Okay.

6 MS. EISENHOWER: I wasn't
7 planning to ask him about the computer, because we
8 didn't find it in ~~REDACTED~~'s home. It was found in Beth
9 Rapenchuk's home, and that's all.

10 THE COURT: Why are we
11 talking about this now? What's the point?

12 MS. EISENHOWER: There was a
13 briefcase inside the house that contained pictures of
14 little girls, lots of little girls.

15 THE COURT: This is a
16 locked briefcase?

17 MS. EISENHOWER: Hm-hm.

18 THE COURT: You're seeking
19 to introduce the information of that?

20 MS. EISENHOWER: That's it.

21 THE COURT: Sir.

22 MR. GREEN: Well, I believe
23 that the search warrant was for the computer only,
24 which was not in the ~~REDACTED~~ case.

25 You also have the problem, Judge, that it wasn't

1 even within the officer's jurisdiction.

2 THE COURT: Yes. I think I
3 understand the problem. I'm going to overrule the
4 objection. We're going to continue the examination.

5 MS. EISENHOWER: Thank you.

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

9 BY MS. EISENHOWER:

10 Q When you conducted the search warrant, can you tell
11 me, did you find a briefcase?

12 A Yes, I did.

13 Q Can you tell me what you found when you found that
14 briefcase?

15 A The briefcase was locked. Inside the briefcase
16 contained numerous files and documents as well as
17 photographs of young children.

18 Q And the majority of those photographs, what were they
19 of?

20 A Young females.

21 Q All right. And when you say "young," can you please
22 tell me the ages?

23 A From the age range of four or five up to probably
24 eleven, twelve.

25 Q Okay. And were you able to identify those young

1 girls?

2 A Some of them we were able to identify; others I was
3 not able to identify.

4 Q Were you able to identify some of those pictures --
5 well, you tell me who you identified.

6 A I was able to identify ~~REDACTED~~ as being one of
7 the individuals, as well as her younger sister.

8 Also, a ~~REDACTED~~ was another photograph that
9 I was able to identify out of that briefcase.

10 Q Were you able to make a connection between ~~REDACTED~~
11 ~~REDACTED~~ and Frank Wood?

12 A Yes. ~~REDACTED~~ was the daughter of another one of Frank
13 Wood's prior girlfriends.

14 MR. GREEN: Objection. No
15 foundation, your Honor.

16 THE COURT: Overruled.
17 Your next question, please.

18 MS. EISENHOWER: All right.

19 BY MS. EISENHOWER:

20 Q There were other pictures of girls locked in that
21 briefcase you weren't able to identify?

22 A That is correct.

23 MS. EISENHOWER: I have nothing
24 further, your Honor.

25 THE COURT: Thank you.

1 Sir, you may cross-examine.

2 CROSS-EXAMINATION

3 BY MR. GREEN:

4 Q You said that you searched the Frank Wood residence?

5 A That is correct.

6 Q What date was that?

7 A August 5th, 2005.

8 Q Was he there?

9 A He was not.

10 Q Did he consent to the search?

11 A No, he did not.

12 Q This was via search warrant?

13 A That is correct.

14 Q Where was this search warrant obtained from?

15 A The search warrant was obtained from Judge Dale Chase
16 of the Medina Municipal Court.

17 Q Okay. And the purpose of the search warrant was?

18 A To look for a computer and related media that we
19 believed were inside his residence.

20 Q Did you have a basis for looking for the computer
21 that you announced to the court?

22 A Yes, I did.

23 Q And what was that basis?

24 A I had been in his residence the day before and seen a
25 a computer, a laptop computer, inside the residence.

1 Q In ~~REDACTED~~ ~~REDACTED~~'s complaint, was there a complaint
2 regarding the use of a computer?
3 A No, not in that complaint.
4 Q Okay. These pictures, have you asked anyone else who
5 these people are in the pictures that you obtained?
6 A Yes, I have.
7 Q You just kind of figured out who they are?
8 A Correct.
9 MR. GREEN: No further
10 questions.
11 THE COURT: Thank you.
12 Anything else, Ms. Eisenhower?
13 MS. EISENHOWER: No, your Honor.
14 THE COURT: Thank you. You
15 can step down.
16 Miss Eisenhower, any further witnesses?
17 MS. EISENHOWER: No, your Honor.
18 THE COURT: Thanks. You
19 can step down.
20 Do you have any other witnesses?
21 MS. EISENHOWER: No, your Honor.
22 Subject to the admission of the State's evidence, we
23 would rest.
24 THE COURT: All right.
25 Folks, we're done with testimony today. The

1 State apparently has called all the witnesses they're
2 going to call in the case, and as I've indicated to
3 you, Mr. Green at this point can choose to call
4 witnesses or not. And we're going to do that
5 tomorrow morning, so I'm going to send you home this
6 evening.
7 Don't discuss the case among yourselves. Don't
8 let anyone discuss it in your presence. Do not begin
9 to form or express an opinion about the matter until
10 you get all the evidence, you get your instructions
11 of law, and you begin your deliberations.
12 We'll see you at 9 o'clock tomorrow morning.
13 Enjoy the rest of your day. It's just beautiful
14 outside.
15 (Hearing adjourned.)
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25

1 STATE OF OHIO,)
2 COUNTY OF MEDINA,) SS:

3 MEDINA COUNTY COMMON PLEAS COURT

5 STATE OF OHIO,)

6 vs.)

8 FRANK P. WOOD,)

9 Defendant.)

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

COMMON PLEAS COURT
06 AUG -3 PM 2:46
FILED
KATHY FORENEY
MEDINA COUNTY
CLERK OF COURTS

11 TRANSCRIPT OF PROCEEDINGS
12 VOLUME III

14 APPEARANCES:

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

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

23 MEDINA COURT REPORTERS, INC.
24 REGISTERED PROFESSIONAL REPORTERS
25 209 North Broadway Street
Medina, Ohio 44256
(330) 723-2482

COURT REPORTERS
06 AUG -3 PM 2:52
FILED
KATHY FORENEY
MEDINA COUNTY
CLERK OF COURTS

1 (CONTINUATION OF THE PROCEEDINGS OF THE
2 ABOVE-CAPTIONED CASE ON FRIDAY, THE 28TH DAY OF
3 APRIL, 2005, COMMENCING AT APPROXIMATELY 9:00 A.M.)

4
5 (Whereupon, the further following proceedings
6 were then held in the presence of the Court, Counsel,
7 and the Defendant.)

8 THE COURT: We are on the
9 record in Case Number 05 CR 0365, that is State of
10 Ohio versus Frank Wood.

11 What we're going to do this morning is, the
12 State's going to rest, I think, and then I'm going to
13 turn to counsel for the Defendant to determine
14 whether or not they're going to call any witnesses,
15 and if so, who are they and what are they going to be
16 testifying about. So let's start.

17 State.

18 MS. EISENHOWER: Your Honor, the
19 State of Ohio would rest subject to the admission of
20 Exhibits 1, 2, 3, and 4.

21 Exhibit 1 are notes taken by Danielle Sadowsky.

22 THE COURT: Have you any
23 objection to Exhibit 1?

24 MR. GREEN: No, your Honor.

25 THE COURT: One is in.

1 MS. EISENHOWER: Exhibit 2 is
2 the Petition for Dissolution of Marriage for
3 Danielle Sadowsky and Scott Sadowsky, signed by Ron
4 Stanley.

5 THE COURT: Any objection
6 to 2?

7 MR. GREEN: No objection.

8 THE COURT: Two is in.

9 MS. EISENHOWER: Exhibit 3 is
10 the docket of the divorce between Scott Sadowsky and
11 Danielle Sadowsky.

12 THE COURT: Any objection
13 to 3?

14 MR. GREEN: Was that
15 introduced?

16 MS. EISENHOWER: I believe both
17 of these came in during the mistrial argument.

18 MR. GREEN: Is that for the
19 Jury to see, your Honor?

20 THE COURT: Are you moving
21 to introduce this?

22 MS. EISENHOWER: Yes.

23 THE COURT: I think this
24 goes to establish the representation of the purported
25 family member/victim and the Defendant as well. So

1 I'll note your objection; Exhibit 3 is coming in.

2 What's your next exhibit?

3 MS. EISENHOWER: Exhibit 4 are
4 the medical reports testified to by Donna Abbott for
5 ~~SPREDACTED~~ ~~SPREDACTED~~.

6 THE COURT: Any objection
7 to 4?

8 MR. GREEN: Four, I believe
9 there's parts, your Honor, that should be, I think --

10 THE COURT: Tell me.

11 MR. GREEN: I think it's a
12 group report. Doctor -- not "Doctor." The nurse
13 practitioner, Donna Abbott -- she practically is a
14 doctor, I think, the way she's testified. She's got
15 dictated notes in there that were based upon the
16 notes of the social worker, and I don't think they
17 can come in.

18 THE COURT: So you think
19 the social worker's portion should be excised? Is
20 that your argument?

21 MR. GREEN: Yes, your
22 Honor.

23 MS. EISENHOWER: The social
24 worker testified to her portion.

25 MR. GREEN: Her portion.

1 MS. EISENHOWER: And that she
2 gave a verbal statement to Donna Abbott as part of
3 how to conduct the exam. So the social worker notes
4 are in there, but also what she told her for the
5 purpose of medical treatment is what he's referring
6 to and, I think, relevant.

7 THE COURT: I'm going to --
8 can I take a look at the report?

9 MS. EISENHOWER: Sure.
10 (Providing.)

11 THE COURT: (Perusing
12 exhibit.)

13 MR. GREEN: Plus we want to
14 argue that, you know -- I'm sorry, your Honor.

15 THE COURT: Go ahead, sir.

16 MR. GREEN: I was just
17 going to say, we still are objecting to the nurse
18 practitioner's notes, because it was from someone
19 else, it wasn't from the victim.

20 THE COURT: Right. What
21 you're saying is that portion with regard to the
22 issue of the statement made by the child to the
23 licensed social worker, that -- there's a page of it
24 in here.

25 MR. GREEN: Yes.

1 THE COURT: And I'm looking
2 at this, it's Page 7. Let's see what else we've got,
3 hold on.

4 Okay. The Court is going to excise Page 7 that
5 you're talking about, which is the narrative portion
6 of it. Is that right?

7 MR. GREEN: Since what I
8 have is -- I don't have a copy of the exhibit. I
9 only have what was --

10 THE COURT: Show me what
11 you have.

12 MR. GREEN: I only have
13 what was produced in discovery.

14 THE COURT: That's this
15 (indicating).

16 MR. GREEN: That looks like
17 it.

18 THE COURT: The Court is
19 going to have this page excised. I think you're
20 probably right under those circumstances. The rest
21 of the report's coming in. I'll note your objection
22 to the rest of it.

23 Anything else from the State?

24 MS. EISENHOWER: No, your Honor.

25 THE COURT: All right. The

1 State has rested at this time. Counsel for the
2 Defendant, do you have any witnesses you wish to
3 present at this time?

4 MR. GREEN: Your Honor, at
5 this time we would move for a Rule 29 dismissal of
6 the charge.

7 THE COURT: Go ahead, sir,
8 please.

9 MR. GREEN: It's our belief
10 that, one, in the ~~known~~ unsubstantiated portion of the case,
11 her failure to testify as to the conduct that took
12 place here, the balance of it, actually doesn't even
13 match up with what the allegations are in the
14 Complaint. You know, she -- it's unfortunate, but
15 the little girl, when asked did she go upstairs with
16 Frank, she said, "No." That is in evidence. And I
17 think that's -- whatever she may have said
18 afterwards, we've heard directly from the victim,
19 and she said, "No." As much as they want to explain
20 it away, this man's, you know, in jeopardy over
21 there, and I think that portion needs to be dismissed
22 now.

23 THE COURT: All right.

24 Anything from the State?

25 MS. EISENHOWER: Yes, your

1 Honor. That's an incorrect characterization. She
2 was asked if she remembered it. She was not --
3 she was not asked did she -- "Do you remember."
4 I believe that Dr. LeSurre's testimony gave
5 sufficient evidence, along with the remainder of
6 salient testimony to support the charge in that
7 matter.

8 THE COURT: Anything else,
9 sir?

10 MR. GREEN: Your Honor, on
11 the rape charge, we believe that the State has failed
12 to meet its burden. I don't believe there was any
13 evidence from the victim herself that indicated that
14 there was penetration. There was no statement as to
15 penetration of the vaginal tract.

16 Or, if you go by what Dr. Abbott said, you could
17 go inside, you know, she talked about the hymen, but
18 she talked about the vagina being beyond the hymen.
19 So she gave the impression that there was no physical
20 evidence whatsoever to support this, she only said
21 there can be sexual abuse. She did not say rape.

22 The little girl, I don't think, gave any
23 indication that there was a rape here. She did not
24 testify as to cunnilingus.

25 And the dates don't even match up with what's in

1 the Bill of Particulars here.

2 THE COURT: Thank you,
3 sir.

4 Anything else from the State?

5 MS. EISENHOWER: Your Honor,
6 the victim testified that it was several days before
7 her birthday, which is REDACTED. The amended
8 Bill of Particulars says the 1st through the 3rd.

9 In addition to that, she said, and I'm quoting
10 her now, "His private went in my private."
11 Penetration, however slight, we feel has been
12 met.

13 THE COURT: Okay. When a
14 Court makes a determination on a Rule 29 motion, the
15 Court has to view the facts of the case most strongly
16 against the party making the motion - that is to say,
17 view the facts most strongly against the Defendant in
18 the case - and make a determination as to whether or
19 not there is any evidence which, if believed by a
20 reasonable jury, the jury could come to the
21 conclusion that the Defendant committed this offense.
22 I don't weigh the evidence, it's not a matter of
23 weighing the evidence at this point, it's determining
24 whether there is sufficient evidence for a reasonable
25 jury to come to the conclusion that the offense

1 occurred.

2 Looking at the issue of gross sexual imposition
3 in ~~REDACTED~~, the Court recalls the victim in the
4 case saying that she did not remember going up to a
5 room in Chippewa with this Defendant. There was
6 other supporting evidence, supporting the
7 prosecution, that such an event occurred. The Court
8 believes that evidence, if believed, a jury
9 could conclude that an offense occurred against
10 ~~REDACTED~~.

11 Again, I'm not arguing or making a determination
12 as to the weight of the evidence or whether the Jury
13 should believe it, I'm weighing whether they could
14 believe it, and I think a reasonable jury could
15 believe that offense occurred.

16 With regard to the rape offense, the Court has
17 that same burden. I'm making that same
18 determination. Based on the testimony of the victim
19 in the case, the Court believes that there is
20 sufficient evidence for a reasonable jury to conclude
21 that this offense may have occurred.

22 I'll note the Defendant's exception to my
23 overruling the Rule 29 motion. The Court is going to
24 permit this case to go to jury on both counts.

25 Now I need to know, are you going forward with

1 anybody? Do you have anyone you want to testify
2 today?

3 MR. GREEN: We have one
4 witness, your Honor.

5 THE COURT: That would be
6 Dr. Reed?

7 MR. GREEN: That would be
8 Dr. Reed.

9 THE COURT: Let's find out
10 what Dr. Reed is going to testify about.

11 Doctor, come on up. My bailiff is going to
12 swear you in.

13 - - -
14 DEFENDANT'S CASE
15 - - -

16 Whereupon, the Defendant, to maintain the
17 issues to be maintained by him, called one
18 M. DOUGLAS REED, Ph.D., who, after having been first
19 duly sworn, was examined and testified as follows:

20 VOIR DIRE

21 THE COURT: Have a seat in
22 this chair here for a few minutes.

23 Sir, the reason why I brought you in without the
24 Jury is, there's an issue with regard to testimony.
25 With all of the experts who have testified in the

1 case so far, the Court has engaged in a voir dire
2 examination just to find out a little bit about what
3 they were going to testify about. I'm going to do
4 that with you.

5 Again, I'm the only one at a disadvantage here.
6 Both counsel for the State and counsel for the
7 Defendant have read your report. I don't get that,
8 so I need to ask you a few questions.

9 First, apparently - and I'm guessing - you did
10 some kind of an examination of the Defendant in this
11 case and came up with some conclusions. I need to
12 know a little bit about what you did, what kind of
13 information you got, how you got the information,
14 just those kind of things, and what were your
15 conclusions.

16 So tell me a little bit about that.

17 THE WITNESS: Yes. I spent
18 seven hours with Mr. Wood in the Medina County Jail,
19 and I went through a lot of the standard
20 history-taking. I took three separate histories.
21 One, a psychosocial history; one, a sexual behavior
22 inventory; and another sexual history questionnaire
23 to see if there was consistency across the board in
24 the giving of the histories. I was evaluating his
25 responses against the twenty-five indicators of

1 someone who would be -- someone who would abuse
2 children, what the research shows that you would
3 find.

4 THE COURT: Okay.

5 THE WITNESS: I administered
6 the MMPI-2, Minnesota Multiphasic Physiological
7 Inventory, and the Criminal Supplement; the Rorschach
8 Inkblot Method; and the TAT, Thematic Apperception.
9 These are four highly-standardized, validated tests
10 to measure psychopathy, defensiveness, mental illness
11 that kind of thing.

12 I also did a Sex Offender Recidivism Assessment
13 Guide and a --

14 THE COURT: What is that,
15 sir?

16 THE WITNESS: A Sex Offender
17 Recidivism Assessment Guide, which is a -- it's a
18 history taken from file data or in person as to
19 whether a person is highly likely to recidivate or
20 reoffend.

21 The other one is a Violence Risk Assessment
22 Guide. I did that one as well. And that measures
23 the likelihood of recidivism for a violent offender.

24 We have to consider any sexual crime a violent
25 crime, so I did both; the SORAG and the VRAG.

1 So I did all those tests in one day. The
2 histories were done ahead of time, and I went
3 over each and every question in the histories with
4 Mr. Wood, and that led me to a couple of pages of
5 conclusions.

6 THE COURT: What did you
7 conclude?

8 THE WITNESS: I concluded
9 that he -- there's so many -- there's like eighteen
10 different conclusions. I don't know if you want a
11 summary of all of them, or do you want me to take
12 each one?

13 THE COURT: Tell me what
14 your conclusions are. I don't know anything about
15 your report or what you've done.

16 THE COURT: Okay. The
17 psychosocial history has numerous positive elements,
18 but it had a few elements that would lead to negative
19 triggers, such as apparently being divorced early in
20 his life, him having had one alcohol arrest. Those
21 are things that are key triggers in a history for
22 someone who is -- if you're measuring violence or
23 sexual recidivism.

24 In his Sexual History Questionnaire, I found
25 that there is no sexual history of sexual desire or

1 contact with minors, even when he was a minor. His
2 first sexual contact was when he was eighteen, so he
3 has no -- he has none of the typical drives that a
4 pedophile would have or the typical abuser would have
5 toward minor children.

6 His Sexual Behavior Inventory shows that he has
7 normal, healthy sexual thoughts, and if you could --
8 if you consider healthy would be masturbating to an
9 adult person, rather than a fantasy of an adult
10 rather than that of a minor.

11 His preferences are heterosexual. He has sexual
12 attraction only to adult woman.

13 He's not sexually compulsive or addicted, in my
14 professional opinion.

15 His sexual behavior is under his control. He is
16 not out of control, compulsive.

17 His mental status exam indicated he has no
18 organic brain damage, he is able to think straight,
19 he's above average in intelligence.

20 The Brief Psychiatric Rating Scale that I did,
21 his score was thirty-eight out of a hundred and
22 eight, indicating that he's only mild to moderate
23 severity of symptomatology. Mostly it's a
24 suspiciousness that is troubling him a lot in the
25 sense of being falsely accused. He complained a lot

1 of that.

2 The Hare Psychopathy Checklist, which is the
3 most validated test of whether somebody is
4 psychopathic, a psychopath. His score on his own
5 self-rating was about an eleven -- was an eleven out
6 of thirty-four. Actually, if he had done all on
7 target, he would have had a score of forty. His
8 score was eleven. My rating of him would have been
9 even smaller, or lower, than that.

10 Four other people also rated him on the Hare
11 Psychopathy checklist, and his score was four or
12 five.

13 THE COURT: When you say
14 "four or five," what do you mean?

15 THE WITNESS: I asked four
16 people in the community who know him to rate him by
17 looking at the twenty --

18 THE COURT: Okay.

19 THE WITNESS: -- items.

20 THE COURT: Who are these
21 people?

22 THE WITNESS: Their name are
23 anonymous, confidential.

24 THE COURT: How did you get
25 them?

1 THE WITNESS: I gave them a
2 form to distribute to people that were -- who knew
3 him.

4 THE COURT: "Them" who?

5 THE WITNESS: Through
6 counsel, through his counsel. His counsel identified
7 four people.

8 THE COURT: I've got you,
9 okay.

10 THE WITNESS: All right.

11 THE COURT: You don't know
12 who they are?

13 THE WITNESS: No. I know
14 their names, but I don't know them. I have not
15 interviewed them.

16 THE COURT: Who are they?

17 THE WITNESS: These were
18 given confidentially. May I show you this and let
19 you read the names? Do you want me to read the
20 names?

21 THE COURT: I don't care.
22 What else did you do?

23 THE WITNESS: These are the
24 four people. William J. Lister.

25 THE COURT: You don't have

1 to -- look, you tell me what you need to tell me. If
2 you feel uncomfortable, tell me what you need to tell
3 me. That's okay.

4 What other conclusions did you reach?

5 THE WITNESS: Okay. I
6 mentioned earlier that I did the Violence Risk
7 Appraisal Guide.

8 I did the Sex Offender Risk Appraisal Guide.

9 I did a Pedophilia Assessment, which is
10 including the screening scale for pedophilic
11 interests.

12 I did an MMPI, Minnesota Multiphasic Personality
13 Inventory, Thematic Apperception Test, Rorschach
14 Inkblot Test, and that led me to -- that led me to
15 fourteen separate conclusions which formed the basis
16 of my opinion --

17 THE COURT: Go ahead, sir.

18 THE WITNESS: -- which was
19 attached to the report.

20 THE COURT: I don't have
21 the report. Please tell me what those are.

22 THE WITNESS: Okay. Would
23 you like the conclusions? I gave you some of them.
24 Would you like to have the opinion?

25 THE COURT: Sir, I don't

1 care. I guess my point is, I'm trying to figure out
2 what you're going to testify to, so tell me what your
3 conclusions were and then what your opinion was.

4 THE WITNESS: Okay. The
5 conclusions from the Minnesota Multiphasic
6 Personality Inventory was that he had no
7 psychopathology; none of the ten clinical scales were
8 elevated.

9 The conclusion from the Thematic Apperception
10 Test is that he is an emotional man, he
11 oversimplifies the task, he's not very creative or
12 imaginative.

13 He expressed many themes, mottos, sayings, and
14 cliches.

15 He had twenty-four stories that he created from
16 the pictures that I gave him, and he tended to create
17 positive outcomes. He is hoping for, obviously, a
18 positive outcome.

19 There's no sign of a thought disorder or
20 significant disturbance of mood in his responses.

21 The Rorschach Inkblot Method. He has a lot of
22 situational distress at this time because of the
23 charges he's facing. He had chronic stress prior to
24 that; situational distress was added to that.

25 He has characteristics that tend to be

1 undesirable in social relationships. He displays
2 some social ineptness. He has a history of marked --
3 marked by failed relationships.

4 He has learned to be suspicious of people that
5 are close to him.

6 He does not see himself as narcissistic, which is
7 an important finding, and he does not come across --
8 does not test as being narcissistic.

9 He does use rationalization and externalization
10 as defense mechanisms.

11 He has high ego strength.

12 His relations with others are superficial,
13 tenuous, and unrewarding.

14 So essentially, no pathology. There are some
15 parallels with people who might recidivate because he
16 has some history such as alcohol use and being
17 suspended one day from school, things that show up as
18 high predictors.

19 So my opinion was, "Mr. Wood was evaluated by
20 means of tests, inventories, histories, clinical
21 interviews, checklists, and collateral information.

22 "These measurement instruments led to numerous
23 findings," which were identified in each section of
24 the report.

25 "The findings led to numerous conclusions,"

1 which I just went through.

2 "In my professional opinion, to a reasonable
3 degree of psychological certainty, Frank Wood does
4 not meet the diagnostic criteria for pedophilia. He
5 does not endorse or agree the three core beliefs or
6 rationalizations used by pedophiles to justify their
7 illegal behavior.

8 "He has no history, apart from the recent index
9 offense charges, of sexual behavior with a minor,
10 even when he was a minor.

11 "Mr. Wood is not a sociopath or psychopath based
12 upon the Hare PCL-R test scores of himself, myself,
13 and four persons who know him.

14 "He does not match the profile for a psychopath.
15 Therefore, he would be a good candidate for
16 undergoing a polygraph exam. He is not slick,
17 conning, or manipulative. He could not beat the
18 polygraph, in my professional opinion."

19 He does not have a stash of child pornography.
20 If he were to be someone who would be a serious or,
21 historically, sex abuser type, he would undoubtedly
22 have had a stash. In my thirty years of working with
23 pedophiles and sociopaths, they all have had a stash
24 somewhere. He did not have any.

25 He has no organic impairment which keeps him

1 from knowing right from wrong. Everything he
2 believes and espouses would be violated if he were to
3 touch a child sexually.

4 In my professional opinion, he is also not a
5 situational pedophile. He is a man who would
6 normally prefer adult women, but who, because
7 he would be unable to have sex with an adult, might
8 turn to a minor. He was being sexually active
9 regularly, therefore, he would not have needed to
10 turn to a pre-pubescent child.

11 He has no mental illness, no mental disorder
12 according to the MMPI-2, the MSE, Mental Status Exam.
13 None of the ten clinical scales were elevated to the
14 clinical range.

15 He was guarded and he was defensive during the
16 testing because he was not sure of what was going to
17 be done with the results.

18 His scores on the Violence Recidivism Appraisal
19 Guide and the Sex Offender Recidivism Appraisal
20 Guide, both indicate that if he had, in fact, been
21 convicted of these crimes, that his probability of
22 recidivating would be high, but they're based on the
23 conviction of the offense having been proven and not
24 charged.

25 He has some of the social immaturity that might

1 lead to what a pedophile might have, which would
2 cause him to turn to a child, but in his case he has
3 a long history of relationships with adult woman, not
4 minors.

5 He's not in a job where he is usually brought
6 into contact with minors, so there's no -- there's no
7 predatory deductive manner there.

8 Those were my conclusions and my opinions.

9 THE COURT: Thank you very
10 much.

11 Just briefly, Miss Eisenhower, do you have any
12 questions on the voir dire issue only?

13 MS. EISENHOWER: When you
14 conducted those examinations, how many parts of that
15 examination were done outside your presence?

16 THE WITNESS: Things like
17 the histories were written by him in the cell, so
18 there were -- there were several dozen questions
19 that he filled out while he was sitting in the jail
20 cell.

21 MS. EISENHOWER: With --

22 THE WITNESS: Then when I met
23 with him, I went over each of those with him

24 MS. EISENHOWER: So part -- and
25 would you normally do that in the presence of

1 someone?

2 THE WITNESS: Typically a
3 person would come to an office, such as mine, and
4 would fill out the forms while sitting in the lobby
5 or at a conference table.

6 MS. EISENHOWER: Okay. And at
7 that part of the exam, you don't know if he
8 consulted with someone else about his answers or not,
9 do you?

10 THE WITNESS: My
11 understanding was that the only people he could have
12 talked to about those answers would have been someone
13 in jail.

14 MS. EISENHOWER: Right. And you
15 don't know if he did that or not, do you?

16 THE WITNESS: No, I don't.
17 It didn't matter, because when I met with him, I went
18 over all the questions with him myself.

19 MS. EISENHOWER: All right.
20 Second of all, how much time did he have to do
21 that?

22 THE WITNESS: About a week.

23 MS. EISENHOWER: A week?

24 THE WITNESS: Hm-hm.

25 MS. EISENHOWER: All right.

1 Nothing further, your Honor.

2 THE COURT: Thank you.

3 Do you folks have any questions on the voir dire
4 issue only?

5 MR. GREEN: No, your Honor.

6 THE COURT: All right.

7 Was there anything else you were going to testify
8 to?

9 Was there anything else he was going to testify
10 to beyond what I have heard so far?

11 MR. GREEN: I would

12 certainly ask for certain psychological terms to be
13 defined.

14 THE COURT: And those would

15 be?

16 MR. GREEN: Such as, what

17 is "adjustment disorder," to just throw out a term.

18 THE COURT: It's okay.

19 MR. GREEN: The diagnosis

20 with Dr. LeSure of the adjustment disorder.

21 THE COURT: Do you know

22 those things?

23 MR. GREEN: Presumably.

24 THE COURT: What do you do

25 for a living?

1 THE WITNESS: I'm a
2 psychologist, a clinical psychologist

3 THE COURT: Okay. And so
4 consequently, if they were to talk to you about what
5 an adjustment disorder diagnosis it, you've had some
6 experience and --

7 THE WITNESS: Yes, sir.

8 THE COURT: -- knowledge
9 about that?

10 THE WITNESS: Yes.

11 THE COURT: Okay. Here's

12 what I'm going to rule - and with no disrespect to
13 anybody in the courtroom - the Defendant in this
14 particular case is charged with two offenses. One of
15 them is a rape charge, which alleges that on or about
16 October 1st through the 30th -- that's not true,
17 October 1 through October 9.

18 MR. GREEN: Three.

19 THE COURT: Give me one
20 second.

21 Okay. October 1 through October 3, 2004, in
22 Medina County, Ohio, that the Defendant purposely
23 engaged in sexual conduct with - and they give an
24 initial - S.L., and that S.L. was less than ten years
25 of age when that occurred.

1 The next count alleges a single count of gross
2 sexual imposition, which says that on or about the
3 1st of August, 2000 and through the 31st of October
4 2000, and in Medina County, Ohio, that the Defendant
5 purposely had sexual contact with K.S., not his
6 spouse, or caused K.S., who was not his spouse, to
7 have sexual contact with K.S., who was less than
8 thirteen years of age, whether or not the Defendant
9 knew the age of such a person.

10 I'm going to conclude, with all due respect,
11 that the findings and conclusions in this report
12 aren't relevant on those issues. They may be
13 relevant to sentencing, they may be relevant if the
14 issue was whether the Defendant was a psychopath or a
15 pedophile or a person who had some kind of mental
16 disease or defect, but the problem is,
17 nonpsychopaths, nonpedophiles, people with diseases
18 or defects, and those without can commit those
19 offenses as well. So it's not relevant on these
20 issues.

21 I'm determining, secondarily, in addition to
22 being not relevant, all of the information -- nearly
23 all of the information from which this learned doctor
24 has concluded these findings come directly from the
25 Defendant, and from the Defendant almost without

1 exception. One would assume in this particular case
2 that the prosecution will not have an opportunity to
3 cross-examine the statements that were made to this
4 doctor because the Defendant isn't going to be
5 testifying; consequently, there's no opportunity
6 to test the credibility of the things that he said
7 to you. And if you're unable to test the
8 credibility of the things that were said to you,
9 then the conclusions may vary. My concern then is,
10 in addition to the relevance issue, the hearsay
11 issue.

12 So for those reasons, the Court is going to
13 note what you have said, ask that what you have said,
14 your conclusions and findings, be preserved on the
15 record so a reviewing court can take a look at what
16 happened here and what I'm saying and say, "Hey,
17 Judge, you were wrong," and be able to understand
18 that.

19 I'm also going to have, if you can, please, a
20 copy of your report to be included with the record as
21 well. I'm assuming counsel for the Defendant would
22 proffer all of the things you've said. That's the
23 reason why I wanted to go into such great detail,
24 because if I'm wrong, I want somebody at the
25 appellate level to take a look and say, "Judge, you

1 made a mistake."

2 This is an important case. I want to make sure
3 the decision I make is the right one and that the
4 reasoning for my decision is transparent.

5 It is not that you haven't done a good job doing
6 what you're doing, or that you're not capable of it,
7 in fact, just the opposite, I find just the opposite
8 to be true.

9 I do find that the conclusions aren't relevant
10 and that they're based on Mr. Wood's testimony -- or
11 statements to you, which can't be tested in this
12 particular case by an examination.

13 So with that in mind, I will permit testimony
14 with regard to those issues of adjustment disorder
15 and those other kind of things that were testified to
16 by other psychologists.

17 Anything further?

18 MS. EISENHOWER: Yes, your
19 Honor. Dr. LeSure is a psychologist. I would
20 like to lodge an objection to that part, in that
21 he has not heard her testimony, reviewed the
22 files, interviewed the children, treated the
23 children.

24 THE COURT: That's great
25 fodder for cross-examination, but I guess I'm saying

1 she said these things, she said what these things
2 are, and I think it's fair that the other side has a
3 chance to elicit that information and the Jury can
4 listen to that.

5 Bring them in, Chris.

6 MR. GREEN: Well, Judge,
7 let me make a decision on that, please.

8 THE COURT: Wait a minute,
9 Chris.

10 MR. GREEN: May I take
11 maybe five minutes to speak with my client and
12 counsel?

13 THE COURT: Sure.

14 [Recess taken.]

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

18 THE COURT: We're back on
19 the record in Case Number 05 CR 0365, that is the
20 State of Ohio versus Frank Wood.

21 The State's rested, we've gone over the voir
22 dire and the testimony of the Defendant's doctor,
23 basically made some conclusions with regard to that,
24 and now we're going to see whether there's going to
25 be any witnesses for the Defendant.

1 Do you have a witness you wish to call at this
2 time, sir?

3 MR. GREEN: Judge, we don't
4 have any witnesses.

5 THE COURT: Okay. Do you
6 want to go into closing arguments? How long are you
7 going to need for closing arguments?

8 MR. GREEN: Your Honor, we
9 have some exhibits to introduce.

10 THE COURT: Folks, I'm
11 sorry, I need to send you out again.

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

16 (Whereupon, a copy of a calendar for October
17 2004 was then marked as Defendant's Exhibit D for
18 purposes of identification.)

19 THE COURT: First, how much
20 time are you going to need for closing argument?

21 MS. EISENHOWER: The whole
22 thing, your Honor, probably half-hour, forty-five
23 minutes.

24 THE COURT: Half-hour, is
25 that about right?

1 MR. GREEN: Your Honor, I
2 have exhibits.

3 THE COURT: What do you
4 have?

5 MR. GREEN: Well, just a
6 calendar. And, your Honor, we would ask the Court to
7 take judicial notice of what October 1st, 2nd, and
8 3rd of 2004 is.

9 THE COURT: Give that to
10 Miss Eisenhower, please.

11 MR. GREEN: (Complying.)

12 THE COURT: Do you have an
13 objection on the calendar?

14 MS. EISENHOWER: Yes, your
15 Honor.

16 THE COURT: What is your
17 calendar objection?

18 MS. EISENHOWER: Well, only
19 because I believe the issue he is trying to get at
20 is that she may or may not have been in the presence
21 of the Defendant during those days, and there's
22 absolutely no evidence to hold that theory up.
23 I don't think there's anything to substantiate
24 that.

25 THE COURT: Here's what I'm

1 going to do. The calendar will not come in. I'm
2 going to let him make whatever arguments he wants to
3 make with regard to the calendar.

4 MR. GREEN: Exhibit A is
5 the letter sent to Scott Sadowsky, that we presented
6 in the State's case.

7 THE COURT: A is in.
8 Show me what month you've got.

9 MR. GREEN: (Providing.)

10 THE COURT: What other
11 things do you want in?

12 MR. GREEN: I think these
13 probably have to be copied before they go to the
14 Jury, because of the highlighting, but there's the
15 letter from Tricia Carchedi, from Medina County Job
16 and Family Services.

17 THE COURT: It's here.

18 MR. GREEN: That is her
19 summary sheet that she provided to the prosecutor,
20 which is Exhibit B.

21 And then Defendant's C, which was the Patient
22 Care Communication Form that Dr. LeSurre used.

23 THE COURT: Any objection,
24 ma'am?

25 MS. EISENHOWER: I have an

1 objection to C. That is a foundational requirement,
2 that you examined her directly on, and I don't think
3 it should go to the Jury. It was -- it went to her
4 purposes for the exam, and -- that was outside the
5 presence of the Jury, and -- first of all, I don't
6 think they're going to understand what they have, but
7 second of all, I don't think it's part of what the
8 Jury should see.

9 THE COURT: I'm going to
10 let in C.

11 MR. GREEN: She testified
12 there was a referral to --

13 THE COURT: You win. You
14 don't have to talk anymore. It's in.

15 MR. GREEN: I just wanted
16 the record to reflect --

17 THE COURT: Do you want to
18 make a proffer for the record? I'll step away.

19 MR. GREEN: No. She
20 testified to the dates that are on the documents and
21 what took place.

22 THE COURT: There you go.
23 A, B, and C are admitted.

24 Anything else?

25 At this time I will note the renewal of counsel

1 for the Defendant's motion for a Rule 29; I will note
2 the same ruling from the Court.

3 Chris, bring them in.

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

7 THE COURT: Everybody be
8 seated. We are back on the record in Case Number
9 05 CR 0365; that is State of Ohio versus Frank Wood.

10 You can all be seated.

11 We've reached the end of the third stage of the
12 proceeding; that was the presentation of evidence.
13 You've heard all the evidence you're going to hear
14 from the State and from the Defendant. There's going
15 to be no other evidence that's going to be presented
16 in this case. All right?

17 So we're going to move from the third stage to
18 the fourth stage, which is closing arguments.
19 Remember opening statements? It was about a week ago
20 when the attorneys stepped in front of you and told
21 you what they would try to prove to you in the case,
22 and then you've had the trial, all the witnesses'
23 testimony.

24 We're now moving into the fourth stage, where
25 the attorneys will, once again, have a chance to

1 stand up in front of you and tell you what they think
2 they have proven to you or not, depending on the
3 perspective of the attorney. This is called closing
4 arguments. It's important to understand that closing
5 arguments are not evidence; they're not. They're
6 designed to assist you and give you an idea about
7 what they think they have proven to you.

8 Closing arguments are persuasion. That's the
9 reason for closing arguments. Why should you believe
10 one witness and not another, or this part of the
11 testimony of this witness and not another part.
12 That's the reason for closing arguments. They are
13 important.

14 Each attorney's going to spend maybe a half an
15 hour with you, maybe a little longer, probably not
16 much longer than that, and then when that's done they
17 will sit down and I'll read you the jury instructions
18 which I've prepared. I'll read these to you, that's
19 the fifth stage, and I'll hand them to you. They're
20 in writing so you can review them as well as me
21 reading them to you.

22 Then the sixth stage will be your deliberations,
23 and we'll get to that.

24 All right. With that in mind, understanding
25 that it is the State of Ohio that has the burden of

1 proof, they get a chance to talk to you twice. First
2 you'll hear their closing argument, and then Mr.
3 Green will have a chance to talk to you, and then the
4 State will have a chance to rebut. In any event,
5 you're looking at maybe forty-five minutes at the
6 outside. I don't know that they'll go that long.

7 Miss Eisenhower.

8 CLOSING ARGUMENTS

9 MS. EISENHOWER: Thank you, your
10 Honor.

11 I join the Judge and Det. Kollar in thanking
12 you, and we thank you very much. A week-long trial
13 is always difficult on everybody, including you,
14 because you have the toughest job. You have to
15 pay close attention to every single thing that
16 happened in the courtroom all week, and I know that's
17 tough.

18 Closing argument is my turn to talk to you about
19 what I think the State of Ohio has shown you about
20 this case. When we started out, I told you my road
21 map; I gave you that road map. I said, "This is what
22 I think we will be able to show you." And we did.

23 And how did we do that? Do you remember in the
24 beginning I said to you, "There's going to be
25 testimony from people who were there, about things

1 they saw?"

2 Now, when the Defendant gave you his opening, he
3 gave you all a lot of words, like "fairy tales,
4 concoctions," and "vengeance," I think he said, and
5 there was none of that. There's no evidence to
6 support any of that.

7 I gave you a little girl by the name of
8 ~~REDACTED~~ ~~REDACTED~~. She sat right there (indicating);
9 she was very brave. She sat in the courtroom with
10 Frank Wood and she told you what he did to her.
11 "His private went in my private." She said -- sat
12 there and said something so delicate to people she's
13 never seen before. I cannot begin to imagine how
14 difficult that was.

15 You heard Dr. LeSure say she's been diagnosed
16 with posttraumatic stress syndrome and she picks at
17 herself because of an atypical stressor of sexual
18 abuse.

19 Her behavior is consistent with what she tells
20 you Frank Wood did. Her behavior is consistent. And
21 her story, her story about what he did, was
22 consistent with every single person she told.

23 She had to go to the Care Center at Akron
24 Children's Hospital and have an exam for sexual abuse
25 at ten years old. I don't wonder she picks; I don't

1 wonder.

2 She has an exam where she again has to disclose
3 what happened, "He put his private in my private. It
4 was wet and sticky."

5 She demonstrated a motion for Elizabeth
6 Morstatter, where she put her hands out and did the
7 up-and-down motion. These are things ten-year-old
8 girls simply do not know. They don't know. And they
9 shouldn't know. And she sat here and told you about
10 that.

11 Now, I also told you ~~REDACTED~~ ~~REDACTED~~ was going to
12 testify. And she tried, she really did. She had a
13 Teddy Bear. She sat down and she tried, and you
14 could see the difficulty she was having; you could
15 see it. She came back in here and she could tell you
16 the person that she told about this was Dr. LeSure,
17 and she told her the truth.

18 And she also told you who. She pointed at him
19 (indicating).

20 That was a monumental thing for ~~REDACTED~~ ~~REDACTED~~ to
21 be able to do that, because, as you heard
22 Dr. LeSure testify, this is how ~~REDACTED~~ deals with it.
23 She doesn't pick, she just hides it. She just puts
24 it way far down in. And you know what? Dr. LeSure
25 told you that's what her mother does. And you know

1 what? Robyn Spencer sat here and said, "Yeah, that's
2 what I did when she told me the first time. I put it
3 way down in here because I didn't want to be back
4 under the influence of Frank Wood. I didn't want to
5 be back in that, so I just filed it away and I didn't
6 talk about it."

7 And that's exactly what her daughter did: she
8 filed it away and she didn't talk about it.

9 Donna Abbott and Elizabeth Morstatter, they're
10 as good as it gets when it comes to the work they do.
11 Donna Abbott explained to you why, in ninety percent
12 of the times, there are no physical findings, and she
13 related it to you in a way that all of you can
14 understand. "Yes, when I've got an ulcer bite on my
15 lip, in the inside of my mouth, it's gone in a day or
16 two."

17 Delayed reporting has a lot to do with it.
18 Instilling fear in children about what's happened to
19 them works for a defendant every time. And it works
20 for him so they can stand up and say, "There aren't
21 any physical findings," because the child was too
22 afraid to go and talk to somebody about what had
23 happened. And it isn't until they're safe and it
24 isn't until they're not around that person that they
25 feel like they can finally tell somebody. And that

1 all works so that someone can stand up and say,

2 "Well, there's no physical evidence."

3 Folks, you can't suppose there would be, because
4 there's no evidence, that there should be. The
5 evidence that you got from the State of Ohio says in
6 ninety percent of these kind of cases there never is.
7 That does not mean it didn't happen. In ninety
8 percent of these cases there aren't any, and she gave
9 you all the reasons why. All of them.

10 When ~~REDACTED~~ talked about what happened to her to
11 Suzanne LeSure - Dr. LeSure - she displayed all of
12 the same mechanisms that you saw here, but she told
13 her, "He put his private on my private. He rubbed
14 it."

15 Now, the defense is going to say, "Well, when?"

16 Look, ~~REDACTED~~ was very clear. "Right before my
17 tenth birthday." Who doesn't remember their tenth
18 birthday? They're nine and then they're ten. "Right
19 before."

20 And when he tried to ask her about that, she
21 said, "No, but the two days before that, I hurt."

22 Now, children remember things, even a day --
23 even a year or a couple of months after. What do
24 they remember? The last time it happened, and
25 ~~REDACTED~~ told you October 20th. The first time it

1 happened is the time it hurt the most. Those are the
2 things that trigger a child's memory.

3 And that's what you got; that's what you got.

4 The Defendant indicated, in his opening to you,
5 that this was a conspiracy, a concoction, all these
6 people don't like Frank Wood.

7 Well, I'll give you Scott Sadowsky. He's got a
8 reason not to like Frank Wood. That much is true.
9 But you know what? He was very brave, too. He came
10 up here and he told you exactly what happened. "I
11 hired this guy. I let Danielle do it. I hired him
12 to come in, and the next thing I know he's got my
13 wife."

14 But he didn't say he was vengeful or angry. He
15 fell on the floor crying. He was hurt. He was hurt.
16 And the Defendant is going to make him out to be some
17 kind of vengeful monster because when he found out
18 that Frank Wood had molested his adopted daughter he
19 acted appropriately and said, "I don't want him
20 around her anymore?" Every one of you would have
21 done the same. Every single one of you would have
22 done the same if there's a chance this guy did that,
23 "I don't want him anywhere near my daughter."

24 And every one of you would have had the same
25 reaction Danielle had when you see a guy coming out

1 of your daughter's bedroom. "What are you doing?
2 What are you doing in your underwear in my daughter's
3 bedroom?"

4 "We'll talk about it later."

5 What is that, "We'll talk about it later"?

6 They acted appropriately, and I don't know how
7 you turn that into vengeance. They acted
8 appropriately to protect the children.

9 Dr. LeSure treats victims of sexual abuse.
10 She's seen a lot. She gave you testimony about what
11 they told her occurred. They told her - ~~REDACTED~~
12 specifically - "He put his private in my private. He
13 put his private on me and he rubbed it all over me.
14 It was sticky and wet. It was gross."

15 Now, if there was ever a ring of truth to
16 something an eleven-year-old said, that's it, "It's
17 gross."

18 Yeah, it's gross, yeah. And that's what she
19 said. And those are the things you have to remember
20 when judging the credibility of these children. It
21 was their words, their descriptions, and "gross" sure
22 has a ring of truth in it. Kids that age, that's the
23 word they use.

24 But sticky? Goopy? Those are things she
25 shouldn't know. Those are things she shouldn't.

1 And ~~REDACTED~~ was worried silly about, "Where am
2 I going to live?" and, "Who am I going to live with?"
3 She's been shuffled from here to there to here, and
4 he took advantage of that.

5 "Don't tell anybody."

6 "And, ~~REDACTED~~, why didn't you?"

7 "Where am I going to live? If I can't live with
8 mom, where am I going to live? I just moved from
9 Grandma Alice to here, and before that -- "

10 He knew that. He knew.

11 ~~REDACTED~~ comes, finally gets settled in, after a
12 lot of rigmarole she gets settled in. She didn't
13 want to get disrupted either. She doesn't tell
14 anybody. And she's looking for a father figure;
15 she's looking to that guy for help.

16 Both of them, "I want some help with my
17 homework. What are you doing?"

18 Now, pornography. Key, if it's not child
19 pornography, it's pornography, but these girls are
20 telling you the same thing.

21 Robyn Spencer sat there and said, "Yeah, he was
22 looking at pornography in a magazine."

23 "Well, how do you know that?"

24 "Because he was fondling himself while he was
25 doing that."

1 What did SREDACTED tell you? "I went downstairs
2 and he's looking at some really gross pictures on the
3 computer."

4 "Well, he had his hand in his pants."
5 Have a ring? Sound familiar?

6 That's the thing, folks, we don't just have one
7 story, we have two. We have two stories from two
8 girls who never, ever met each other. They don't
9 know about each other to this day. They don't know
10 about each other, their mothers don't know about
11 each other. They can't concoct a story they don't
12 know.

13 Penetration however slight. SREDACTED gave you
14 that. Donna Abbott gave you that. Suzanne LeSure
15 gave you that. Don't think you have to have more.
16 This is direct evidence by a person who was present
17 when it happened, and it doesn't get any better than
18 that. There she was, knowing things that happened to
19 her by that Defendant that she should never have to
20 go through.

21 And we believe that when you consider all the
22 evidence -- well, I forgot one piece.

23 Travis McCourt begins that investigation in '04,
24 in January, when the disclosure is made, and he talks
25 to the Defendant. And he testified to you that he

1 asked the Defendant early in the interview, "Did you
2 ever have sex in the kids' beds?"

3 "No." The Defendant said, "No."

4 And he testified to you that, in fact, the
5 Defendant told him when the kids were there, he
6 didn't even like having sex when they were present in
7 the house.

8 But subsequent to that interview the Defendant
9 said, when confronted with possible evidence to the
10 contrary - in other words, "We may have some
11 biological evidence on these beds. How would that
12 happen?"

13 "Oh, well, hm, wait. Yeah, maybe I had sex
14 on that bed twice and that bed once."

15 He lied. He lied. And then, when confronted
16 with the possible, "We may be able to say that," he
17 changed his story.

18 "All right. What about the pornography on your
19 computer?"

20 He tells Officer McCourt, "It quit working
21 because it got rained on."

22 It didn't quit working because of rain. As soon
23 as he got a phone call from Officer McCourt in
24 February, he took that computer up to Cleveland and
25 he smashed it to bits and threw it in three different

1 Dumpsters so that we'd never be able to find it.

2 Because that's the piece of evidence that
3 corroborates what these girls are saying, what
4 SREDACTED is saying. The Defendant wants you to hold
5 that against us. He wants you to say, "You've just
6 got some little girls here." That's because the
7 Defendant destroyed the computer, and that's because
8 the Defendant had so instilled fear in these girls
9 not to tell that they didn't tell right away.

10 I can't do anything about that now, but what I
11 can do is say to you that those two girls told you,
12 from their mouths - SREDACTED did, K^{NEW-TOP} tried - what
13 happened to them, and that's not changed since they
14 originally told. What happened to them has stayed
15 the same every time they had to go through the
16 process, and I am asking you not to make that in
17 vain.

18 The State of Ohio asks that you find this
19 Defendant Guilty.

20 THE COURT: Thank you,
21 ma'am.

22 Sir.

23 MR. GREEN: Thank you, your
24 Honor.

25 THE COURT: You bet, sir.

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

3 I want to thank you for your time that you
4 spent here on behalf of Mr. Wood and myself and
5 Mr. Stanley.

6 We said from the beginning this is not an easy
7 case, but I -- in my opening statement, I tried to
8 highlight a few things for you that are trying to be
9 downplayed here.

10 I talked about the lack of physical evidence. I
11 think I delivered. There is no physical evidence.

12 I talked about, and I noted it in the voir dire,
13 someone said, "Well, you'll hear versions from the
14 stand." We have had versions from the stand as to
15 how things transpired.

16 I talked to you about these two separate
17 offenses, because that was questionable. Why are we
18 here for that? I called it "piling on."

19 And then I talked to you about the history of
20 the case.

21 I'd like to go through these witnesses kind of
22 one by one, and I want you to think about what was
23 actually said, when they finished, what did you get
24 out of it.

25 Travis McCourt was the officer from the

1 Montville Township Police. He testified that there
2 was a complaint made, that he went and participated
3 with Children's Services in an interview of the
4 mother and of the child in this case - Danielle
5 Sadowsky being the mother and SREDACTED being
6 the child.

7 He was there, he said he asked only a couple of
8 questions, he let the social worker do most of the
9 interview. He knew that the case was -- that they
10 were certainly over at Akron Children's Hospital for
11 evaluation. He did interview the Defendant. He then
12 got the report back from Children's Services, and he
13 terminated the case. No rape, no gross sexual
14 imposition, no sexual imposition, no sexual assault,
15 no charge. Didn't happen. He closed the case.

16 Danielle Sadowsky. We got into the -- you know,
17 the whole background of how she met Frank, what went
18 on, the relationship that she had with Frank.
19 Sounds like they were on quite a filing there at the
20 start.

21 It moved into things, she backed off for a short
22 time, she goes back to Frank. And this time, and
23 sometime either in July or August, I'm not sure what
24 it was, but she has the children spend three nights
25 of the week there. She testified those nights of the

1 week were Monday, Tuesday, Wednesday. She testified
2 that never deviated. Monday, Tuesday, Wednesday were
3 her nights with the children at the house.

4 She also -- you know, she testifies that she
5 wakes up on this -- I think it's October 20th.
6 Somebody's a little unclear whether it's the 19th or
7 the 20th or the 21st, but whatever day it was, that
8 she wakes up and goes looking for Frank.

9 Now, I want you to think about that. She went
10 looking for Frank, she didn't find him initially, and
11 she sees him coming out of her daughter's bedroom in
12 his underwear. And she's totally appalled that he
13 would be in his underwear. Well, I'm going to skip
14 here, but do you remember Scott Sadowsky, when I
15 asked him what he wore around the house in front of
16 his children? He wears his underwear.

17 So what caused her to go off? I asked her if
18 they had a dispute the night before. She said,
19 "Well, there was something." She couldn't remember
20 what it was, but there was something, something that
21 happened that night before that caused her to go
22 off.

23 And she goes off on Frank. She goes off. She
24 doesn't run in after she sees Frank coming out of the
25 room to see what's happened to SREDACTED. Do you

1 remember that? She did not go into the room. She
2 went down to her son's room - A¹ - and went in bed
3 with him. She left SREDACTED (sic), who she thinks
4 something happened with, according to her, because
5 Frank looked guilty and he says he didn't want to
6 talk about it.

7 But, you know, she trailed off on that. If you
8 remember her testimony, she said, "Well, he said he
9 didn't want to talk about it. He said he would talk
10 about it later. He would talk about it later."

11 But now she says, "Well, he did tell me that he
12 was in there because SREDACTED was upset and that he
13 was trying to console her." She got that at that
14 time because there was no "later" that she could have
15 gotten it. She got it at that time. So we've got
16 the testimony kind of fudged a little bit at the
17 start, but then she did tell the truth of what was
18 said.

19 But her reaction, that ought to tell you a lot.
20 She went down to A¹'s room, she leaves, she packs
21 up, moves in with Scott again. He gives her thirty
22 days. I was kind of amused by how they - Danielle
23 and Scott - described each other. This wonderful,
24 loving home; and he's a great dad, she's a great mom,
25 she's this, she's that.

1 Well, what the heck happened to them? Is she a
2 great mom? She has an affair. An affair that she
3 gets pregnant in while she's still married to Scott.
4 And all he is, is hurt? I think he showed you a
5 little bit of anger here and there.

6 And he was good about not finding any anger at
7 Mr. Wood, but he started to show some towards
8 Danielle on cross-examination. I got a feeling he
9 had a lot of anger for Mr. Wood.

10 Danielle pursues SREDACTED over and over and
11 over. And if you remember, SREDACTED said, "She kept
12 asking me and begging me. I couldn't hold it in any
13 longer and I told her."

14 Well, told her what? She told her what she
15 wanted to hear. What do kids do? You get pestered
16 enough, "Yeah, sure, I did it." It happens.

17 The details of what happened. That gets really
18 interesting in this case. The State wants you to
19 believe only the statements that you got from the
20 stand when they could have given you some better
21 evidence of what was said. They are relying upon
22 the testimony of a social worker and her notes at
23 Akron Children's Hospital. Do you remember
24 Miss Morstatter? What did she rely upon? It
25 was videotaped. Where is it? Why didn't you see

1 it?

2 MS. EISENHOWER: Objection, your
3 Honor.

4 THE COURT: Overruled. You
5 can continue.

6 MR. GREEN: Miss Morstatter
7 said she looked at it before she came in here. They
8 didn't want you to see it. Didn't want you to see
9 it. They don't want you to see coaching. They don't
10 want you to see they got most of the information from
11 mom. They don't want you to see it.

12 And if you remember I asked SPREDACTED, I had
13 asked, you know, "How many times did you have to tell
14 this story?"

15 And she said, "A lot."

16 And admittedly, we know there were several times
17 she had to tell the story. The social worker, Akron
18 Children's Hospital, she said she met with Ms.
19 Eisenhower several times. She has been over this
20 thing and over it.

21 And maybe you picked up on it in the testimony.
22 This happened on redirect, on redirect of SPREDACTED
23 when she was asked about the computer. She wasn't
24 asked in the first direct-examination about the
25 computer. She said, "Frank had me look at these

1 pictures."

2 You were led to believe that Frank was
3 intentionally showing those pictures to SPREDACTED. In
4 her response to Ms. Eisenhower, you were absolutely
5 led to believe that.

6 When I asked her about did she work with Frank
7 in doing homework, and this sort of thing, she said,
8 "Yeah, Frank helped me with my homework."

9 I said, "Did he call you to the basement?"

10 She said, "No. I would go to the basement to
11 see if I could get Frank to help me with my
12 homework."

13 That's when she saw what she described as seeing
14 adults on the computer, "And Frank told me, 'I'll be
15 with you in a minute.'" He did not invite her to
16 look at those pictures. Do you remember that?
17 Because it really had me concerned when she gave a
18 canned response to computer questions on
19 direct-examination, or really redirect, and then it
20 was a different response.

21 They want you to believe that she's afraid of
22 Frank. Do you remember my last question to SPREDACTED?
23 I asked that directly, "Are you afraid of Frank
24 Wood?"

25 She said, "No." Not afraid of him.

1 Danielle, as I told you, testified that the
2 children stayed with her husband on the weekends.
3 She and her husband were consistent about that. Was
4 SPREDACTED near Frank's house prior to her birthday?
5 I'm sure she was, because she was probably there
6 Monday, Tuesday, Wednesday.

7 She has had dinner, we heard about it - I just
8 forgot the name of it - where they go up to
9 Put-In-Bay. Go up to Put-In-Bay, I guess that's the
10 grandma's or something, but that's where she'd go
11 with dad on the weekends. We heard about that.

12 Her birthday. Yes, she remembers her birthday.
13 And she wasn't there on her birthday, is what she
14 said, she was with dad, her daddy.

15 Now, this little girl's been put through an
16 awful lot. There's no question about it. Not only
17 just in this case. It was unfortunate the way her
18 life started. I hope that, you know, with all the
19 things that have happened in her background and
20 everything that she's going to be okay.

21 But I thought it was interesting, when we talked
22 to Dr. LeSurre about the adjustment disorder she
23 talked about the stressors involved, and when she got
24 to SPREDACTED - let me get this right here - she listed
25 the stressors. And this would be from her notes in

1 the order that she placed them.

2 She came up with this adjustment disorder, and
3 she says a series of recent events. Divorce was
4 number one. Number one. Do you remember that? She
5 made that number one.

6 Move of grandparent, number two.

7 And then she talked about Frank Wood, and
8 she just said Frank Wood was number three. And
9 then she started to break it down, and the first
10 thing that she said was Frank Wood and showing
11 pictures. She didn't talk about sexual abuse here at
12 this point.

13 So her order of importance was divorce, number
14 one, as being the problem. Knowing that this child
15 had been referred to her for sexual abuse, the
16 divorce was number one. Adjustment disorder. She
17 tries to seek counseling for parental guidance of the
18 parents and the child.

19 She didn't initially treat the child for sexual
20 abuse, and I don't think that I ever heard her talk
21 about it other than she found out about it through,
22 what she describes as, her history that she takes.
23 We don't have a time and a place when it took place.
24 But I thought it was interesting, in her notes, she
25 described any form of sexual abuse - and I did not

1 say "rape" - sexual abuse having taken place
2 between ~~SPEDACTED~~'s birthday and Halloween. Do you
3 remember that? Again, it's not October 1st, 2nd, or
4 3rd.

5 And she didn't say "rape." She doesn't have
6 "rape" in her notes.

7 Now we go to Donna Abbott. And yes, she's
8 seen a lot of these cases. I probably differ with
9 Ms. Eisenhower on what I heard on about ninety
10 percent of the cases. That was put in with the total
11 of all the cases that she sees, of which she said
12 forty percent that can't be verified. Forty percent.
13 She had a lot of different statistics for us.

14 And then she acknowledged, because of the
15 history, this can be sexual abuse. She didn't have a
16 time frame for you, she has statements - again, that
17 she received from a social worker, and she got
18 statements that were on a videotape that she didn't
19 even look at - and she makes that conclusion.

20 But I think most importantly, while the
21 prosecution wants you to believe this isn't
22 important, I think it is - we're in a serious charge
23 here - there's no physical evidence.

24 Along that line, you heard from the officer from
25 BCI, Mr. Saraya. They took in evidence, immediately

1 contemporaneous to the time that it was discovered
2 that anything had happened on these mattresses and
3 mattress pads and sheets and clothes, and nothing.
4 Nothing.

5 You heard Officer Kollar -- Det. Kollar, excuse
6 me. He came in with a search warrant to get his
7 computer. Did you hear any results on the computer?
8 Nothing you heard about that.

9 You heard that there were no findings by McCourt,
10 by Carchedi - I think that's the name, I'm struggling
11 with it - and the people at Akron Children's.
12 Nothing conclusive. No charge brought by Travis
13 McCourt, no further investigation. The case was
14 closed by Ohio Job and Family Services, Children's
15 Services; it was closed February 25th.

16 Nothing in this case has changed as of that
17 date. You've got people that work with this, with
18 criminal offenses, with sex abusers; nothing has
19 changed since that time. There's no new evidence
20 that has happened in the ~~SPEDACTED~~ ~~LEWATED~~ case.
21 Nothing new.

22 Then along comes Robyn Spencer. And Robyn, who
23 still had some sort of a talking relationship of some
24 sort with Frank Wood, and was getting some support
25 from him, he was helping her, she decides, "I've got

1 to come forward because I heard at the bank something
2 happened, but I don't want to file charges against
3 Frank. I don't want to hurt him."

4 I find that to be a bit in conflict.

5 And here we are; that's the only new evidence.

6 Well, you get ~~X~~ in here and everyone's
7 trying to say she's reticent, she's this, she's that,
8 she doesn't want to talk about it. But this was the
9 day she had to talk about it - or yesterday - and you
10 had to hear from her. She is the direct evidence.
11 When she was asked about being upstairs with Frank,
12 she couldn't remember, and she said, "No." She said,
13 "No."

14 She was brought back in the courtroom, and
15 all she did was say, "Do you know who Frank Wood
16 is?"

17 "Yeah, I know who Frank Wood is," and she left.

18 They tried to bolster the testimony through
19 Dr. LeSura and Det. Kollar.

20 Again, another major missing piece of evidence
21 for you. What did Det. Kollar tell you he did when
22 he interviewed ~~X~~? He recorded her. Where's the
23 recording?

24 MS. EISENHOWER: Objection, your
25 Honor.

1 THE COURT: Overruled.

2 This is closing argument, it's not evidence.

3 You can continue, sir.

4 MR. GREEN: You heard him
5 say there was one. Where is it? Why didn't you hear
6 it? Because it doesn't say what they want you to
7 hear.

8 These are awful charges to have against this
9 man. And as I told you in opening statement, you
10 want to make sure in your decision you're right. And
11 I believe to find Frank Wood guilty, in order to find
12 him guilty, you've got to feel comfortable with it,
13 that there's something more than stories given to
14 third parties or second parties or whatever. You've
15 got to know. They had the opportunity to let you
16 know, but they played with it, they moved it around,
17 they twisted it to make it fit. They have tried to
18 make this thing fit into October 1st, 2nd, or 3rd
19 that a rape took place. Not gross sexual imposition,
20 not sexual contact, a rape, and you're charged with
21 attempting to find that there's a rape here.

22 I didn't get out of ~~SPEDACTED~~ the same things
23 that Ms. Eisenhower says happened. ~~SPEDACTED~~ said
24 when these events took place, whatever they were,
25 that most of the time she had her eyes closed, and