MR. JUDKINS: It's just -- it's that. It's just the 1 2 digital copy. 3 MS. FRAZIER: Oh, okay. 4 CROSS-EXAMINATION 5 BY MR. JUDKINS: while he's, while he's -- you and I can proceed 6 0 7 while he's setting up the machine. 8 Α Okay. 9 Who was the person in the photographs that you sent Q 10 to Mr. Harvey? 11 That was another law enforcement officer at my Α 12 agency, Amanda Torello. 13 How old is she? Q She's now in her thirties. 14 Α In her thirties? 15 Q 16 Yes. Α 17 So she was in her late twenties then, or she wasn't Q 18 30 yet? 19 I don't believe she was 30 yet. I'm not exactly Α sure how old she was when those photos were taken. 20 21 So she certainly wasn't 18 or 17 or 19? Q 22 She was not a minor when those photos were NO. Α 23 taken. 24 Okay. Was -- did she give you those photos in Q 25 Tallahassee, or did you have them and permission to use them VERONICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER

1 before you came?

2	A I had those photographs prior to coming to		
3	Tallahassee. And she signed a consent form in order to be		
4	able to use those in these types of investigations.		
5	Q So she's she looks kind of petite. Is she?		
6	A She is.		
7	Q And but she's a mature woman, right?		
8	A She is.		
9	Q Is she married?		
10	A No. She's divorced.		
11	Q Okay. She has been married.		
12	A Yes.		
13	Q Okay. Why didn't you send a picture of a		
14	14-year-old?		
15	A Because I didn't have a photograph of a 14-year-old.		
16	And I'm not going to use a photograph of a child and		
17	potentially make them a victim of a sex crime.		
18	Q It could be a fictitious child, though. You could		
19	send a picture of a 14-year-old that would not give something		
20	somebody the comfort of seeing a mature woman in the		
21	photograph, right?		
22	MS. FRAZIER: Object		
23	THE WITNESS: NO.		
24	MS. FRAZIER: this is argumentative and compound.		
25	THE COURT: Overruled. You can answer the question.		
	VERONICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER		

1 THE WITNESS: No, sir. I can't use a photograph of a fictitious person. Any photograph that is used, I have 2 to be able to identify who that person is and also have 3 their consent to do so. 4 BY MR. JUDKINS: 5 So there's no 14-year-old in the United States that 6 0 7 the State of Florida. Department of Law Enforcement could use 8 in this, even maybe a dead person? 9 Α I can't get consent from a dead person. 10 well -- so you couldn't give a picture of a 0 11 14-year-old so the guy that you're talking to could know for 12 sure that this is a child. 13 MS. FRAZIER: This is a compound question, and it 14 calls for speculation, Judge. 15 THE COURT: Overruled. If you can answer the 16 question. 17 THE WITNESS: I --18 THE COURT: If you understand it. 19 THE WITNESS: -- could use a photograph of a person who is now a adult and use a photograph of when they were 20 21 14, with consent. But to use an actual child's 22 photograph in this type of investigation would -- I would 23 be just as guilty as the person trying to solicit sex 24 from the minor. 25 BY MR. JUDKINS:

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Why do you say that? What -- where, where is the 1 0 2 rule that you can't send a photograph of a person that you -there's no rule that says that, is there? 3 4 Α I don't understand your question. 5 Is there a, a document, a rule that you had to Q follow that says you cannot send a picture of somebody that's 6 7 14 years old? 8 I cannot send a photograph of a minor, an actual Α 9 minor during these investigations. why do you say that? Where is that rule is what I'm 10 0 11 asking you. 12 Because I could -- it's part of the ICAC standards. Α 13 That -- what is part? That's what I'm asking you. Q 14 Yes. It's part --Α 15 Pick it up and read it to me, if you don't mind. Q 16 I don't have it. Α 17 Okay. But it says you can't send a photograph of a Q child? 18 19 It -- we are not allowed to do that. That was Α 20 covered in our training. No, we cannot. 21 You just said it's part of this standard. Q 22 Yes. Α 23 Is it part of the standard or not? Q It is part of our standards. 24 Α 25 Q So the standard says that, in writing. Is that what VERONICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER

1 your testimony is?

2	A I am saying that we are not allowed to put any minor		
3	child in jeopardy during one of our investigations. And that		
4	is part of the ICAC standards, that we will not jeopardize a		
5	child during our investigation.		
6	Q Well, did you try to find a picture of an		
7	18-year-old in one day that looked like a 14-year-old? I bet		
8	there are some out there.		
9	A There's also some 20-something		
10	Q No. We're not talking about		
11	A year-olds who		
12	Q But you sent a picture of a 30ish-year-old,		
13	well-developed woman, saying that that's a picture of a		
14	14-year-old, right?		
15	A I don't understand what the difference between an 18		
16	and 28-year-old. They're still an adult. They're not		
17	actually 14.		
18	Q I'm saying what you sent.		
19	A Yes, I did. I sent a 20-something-year-old picture.		
20	Q Okay. And a well-developed 20-something-year-old,		
21	right, with strikingly suggestive poses. You disagree with		
22	that?		
23	A I don't know that she's well-developed, anymore than		
24	a 14-year-old would be.		
25	Q You don't?		
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1 A No.

Q Okay. Well, he -- Mr. Harvey was obsessed with your age, wasn't he? How many times did he talk -- ask you how old you really are?

5 THE COURT: Hold on a second.

6 MR. JUDKINS: I'll strike it.

7 THE COURT: Ask a question.

8 MR. JUDKINS: I'll rephrase it.

9 BY MR. JUDKINS:

10 Q How many times did he ask you how old you are?

A There were several times where he wanted me to say that I was not 14 and that I was actually 18 so that he -- so that it would not be illegal for him, even though he knew that I was 14.

Q Okay. So that what? Say that -- repeat the last part of your answer.

A I said so that he -- so it would not be illegal for him to meet me. If I was to say I was 18 and come off of what I had told him, that I was 14, it wouldn't be illegal for him to meet me.

21

Q Well, let's go to that part of the text.

22 Mr. Hayes, can you pull that up?

23 MS. FRAZIER: Judge, this is them creating their own 24 evidence. We've entered the chats into evidence. I have 25 not had -- been provided a copy of it.

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1	THE COURT: This is the same transcript, correct?
2	MR. JUDKINS: Yeah.
3	MR. HAYES: It's the same.
4	THE COURT: You can use it as a demonstrative
5	exhibit. You did the same thing.
6	MR. HUTCHINS: But, respectfully, Judge, that's in
7	evidence. That's not. They can't
8	THE COURT: It's a demonstrative exhibit, though.
9	It can be used as a demonstrative exhibit. It's not in
10	evidence. The substance might be in evidence.
11	MR. HUTCHINS: Yes, sir.
12	THE COURT: But, yes, this is in evidence. This is
13	a demonstrative exhibit. It's already acknowledged.
14	It's the same thing. It's the same substance.
15	MR. HUTCHINS: Yes, sir.
16	THE COURT: He can use it.
17	MR. HUTCHINS: Yes, sir.
18	MR. JUDKINS: Judge, it's approaching I think, I
19	think that clock is right.
20	THE COURT: We're going. Let's go, Mr. Judkins.
21	MR. JUDKINS: Keep going?
22	THE COURT: Yeah.
23	MR. JUDKINS: Okay.
24	THE COURT: We're finishing with this witness before
25	we break.

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MR. JUDKINS: Okay. Did you find it, Mr. . . . 1 2 MR. HAYES: This is one part. 3 MR. JUDKINS: Huh? MR. HAYES: This is one part. 4 5 MR. JUDKINS: That says you're 18. (Off-the-record discussion.) 6 7 BY MR. JUDKINS: Actually, Detective, how old are you? 8 Q 9 Α I'm 36. 10 Q Okay. 11 MR. JUDKINS: Are you there? 12 MR. HAYES: Yeah. 13 BY MR. JUDKINS: 14 All right. This is at 5:47:52 p.m. Y'all have been Q talking about how old you really are. And he says, "I don't 15 re -- I don't really know your age, so you must say 18." And 16 17 you say, "Correct." No. Actually, he says, "Correct." 18 А 19 He says, correct. So what did you say? Q I said, "Yes. I want to be your sugar baby." 20 Α 21 "So you're telling me you're 18?" Q 22 "You know that I will tell you what you want to Α hear." 23 24 Q Okay. 25 Α "I want to be your sugar baby and you to be my sugar VERONICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER

1 daddy."

Okay. It's real clear there that he's saying you're 2 0 That's what he says. 3 18. He's asking if I'm 18. And I don't confirm or 4 Α NO. 5 deny --Nor deny. Okay. If you, if you really wanted 6 Q NO. to make it clear at that point, you could say, I told you, I'm 7 I'm 14. If you want to continue this conversation, 8 14. 9 continue it. 10 I've made it --Α 11 You're --Q 12 -- clear multiple times prior to that, that I was Α 13 14. It was --14 well, what --Q -- mentioned several times in the conversation. And 15 Α 16 he --Well --17 Q 18 -- the --Α 19 Go ahead. Q -- page before, "He says, so are you really 14 or 20 Α 21 18?" So he knew right then and there that he was -- that I 22 was -- that he was communicating with a 14-year-old. 23 He what? Q 24 He knew, during that conversation, that he was Α 25 speaking with a 14-year-old. However, because he knew --VERONICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER

1	Q V	vell
2	A -	it was illegal to meet with a 14-year-old, he was
3	trying to g	get me to admit that I was 18. So
4	Q V	well, you're arguing your point now. But he wasn't
5	speaking wi	ith a 14-year-old. He was speaking with you.
6	A A	Absolutely. Who is playing the role of a
7	14-year-old	k
8	Q V	vell
9	A -	and who had told him that he was speaking with a
10	14-year-old	d.
11	Q V	well, he was he speaking to a 14-year-old or a
12	30-somethir	ng-year-old?
13	A J	t think I've already answered that. He was speaking
14	with me, wh	no is
15	Q V	vell
16	A -	playing the role of a 14-year-old.
17	Q V	vell, we all know that. You have to you don't
18	have to kee	ep repeating that. We know that's
19	r	THE COURT: Well, you keep asking the same question,
20	Mr. Jı	udkins.
21	Ν	MR. JUDKINS: Well, I
22	Г	THE COURT: And you just answer the question that's
23	asked.	Okay?
24	BY MR. JUDK	KINS:
25	QS	So what does this
	VERON	ICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER

1 THE WITNESS: Yes, sir.

2 BY MR. JUDKINS:

3 Q What does this mean? You know that I will tell you
4 what you want to hear. What does that mean?

5 A It means that I'm not answering his question, 6 because it has already been answered previously with the fact 7 that I was 14.

8 Q That's what he wanted to hear, that you're 14?

9 A No. He wanted me to tell him that I was 18. And I 10 was not going to do that.

Q Well, you said you would. You know I will tell you what you want to hear. And if that's what he wanted to hear, that's what you're saying you will tell him. Why didn't you just cross the threshold and say, I'm 18, I'm 21, I'm 34. You could have said any of those things. But you didn't, right?

16 A No, I didn't.

Q Okay. It was very clear that he wanted to know how old you were, and you were not going to tell him you were the -- an adult playing the role of a child, correct?

20 A No.

21 Q Okay. Not correct?

A NO. I would not tell him that I was an adult, because I told him that I was a 14-year-old.

Q Okay. What is -- in your line of work, what is the golden rule?

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1	A I there's many golden rules.
2	Q You have testified that the golden rule is that you
3	can't mention sex first.
4	A I never mentioned anything about a golden rule, but,
5	no, we cannot mention sex first.
6	Q Let me show
7	(Off-the-record discussion.)
8	MS. FRAZIER: Can we approach, Judge?
9	THE COURT: You can.
10	(Sidebar discussion held as follows):
11	THE COURT: what is this, first of all?
12	MS. FRAZIER: This
13	MR. JUDKINS: This is a there's the defendant's
14	name.
15	MS. FRAZIER: It's
16	MR. JUDKINS: It was a trial in Pensacola, I think,
17	in federal court.
18	MS. FRAZIER: This is a transcript from a completely
19	different case. Not been provided. And I assume he's
20	trying to impeach her with her prior testimony. But it's
21	not in this case. I'm going to object to this. I've
22	never seen this before. I don't know the context of it.
23	MR. HUTCHINS: This wasn't a part of this
24	deposition. We don't have this. So it's
25	MR. JUDKINS: I think it's trial testimony.
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1 MR. HUTCHINS: In a federal case that --THE COURT: Yeah. But I don't know where this trial 2 is from. I don't know if this is authenticated or what. 3 I mean, you can use it to refresh her recollection if she 4 agrees to it. But that's all that you can use it. 5 MR. JUDKINS: I'm going to ask her did she answer 6 those questions that way in that case. 7 8 MS. FRAZIER: Judge, this is, this is also a 9 discovery violation. 10 MR. JUDKINS: That would be contrary to what she 11 iust testified. 12 THE COURT: What's the difference whether she calls 13 it the golden rule? She -- it's not contrary to what she 14 testified. She testified that, yes, she agrees with this. What's the, what's the difference if she calls it 15 16 the golden rule or not? 17 MR. JUDKINS: She says she didn't -- she never 18 called it the golden rule. 19 MS. FRAZIER: In the testimony of this case, we --20 MR. JUDKINS: Please --MS. FRAZIER: -- never said that. 21 22 THE COURT: Sh. 23 MR. JUDKINS: She testified, I've never called it the golden rule. And --24 25 THE COURT: So you can show this to her to refresh

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her recollection if she's -- if this is her testimony. 1 2 But I don't even know if it's her testimony. All right. All she can do is read it and whether or not it refreshes 3 her recollection that she called it the golden rule. And 4 that's it. That's all you can do with this. You can't 5 ask her about specific trial. You can't get into 6 evidence. You can't do any of that. 7 8 MR. JUDKINS: I would like to proffer this, please. 9 THE COURT: No. No. That's my ruling. 10 MR. JUDKINS: Okay. 11 (Sidebar discussion concludes.) 12 MR. JUDKINS: Readv? 13 THE COURT: Madam Court Reporter is ready. THE COURT REPORTER: Yes, sir. 14 15 THE COURT: All right. 16 BY MR. JUDKINS: 17 I'm going to show you a portion of a transcript that Q 18 I've written the name of the person. How do you pronounce the 19 name? 20 THE WITNESS: Chmielewski. 21 MS. FRAZIER: Objection, Judge. 22 THE COURT: That -- that's sustained. 23 MR. JUDKINS: Oh, I'm sorry. 24 THE COURT: You can only refresh her recollection, 25 Mr. Judkins. I just had that specific conversation with VERONICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER

1 you at sidebar.

2 MR. JUDKINS: Okay. 3 THE COURT: So you can have her look at it, if it refreshes her recollection. And that is it. Or else 4 5 we're going to put a stop to it. 6 MR. JUDKINS: I thought I was in the process of 7 refreshing her recollection. 8 THE COURT: No. You went right to the name. 9 BY MR. JUDKINS: 10 Do you, do you re -- do you know what this is? Q 11 I do. Α 12 Okav. What is it? Q 13 MS. FRAZIER: Judge, objection. You said it could refresh her recollection. If we're not testifying about 14 something that's not in evidence --15 16 THE COURT: That is sustained. 17 MR. JUDKINS: Okay. 18 BY MR. JUDKINS: 19 Does that refresh your recollection about the golden Q 20 rule? 21 THE COURT: You can read it to yourself, ma'am. And -- if it refreshes your recollection, and then just 22 23 answer yes or no. 24 THE WITNESS: Yes. 25 BY MR. JUDKINS:

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And it does refresh your recollection? 1 Q 2 Α Yes. Okay. How does it refresh your recollection? 3 Q MS. FRAZIER: Judge, objection. 4 5 THE COURT: It needs to be a more specific question. BY MR. JUDKINS: 6 Does it remind you that you have testified about the 7 0 golden rule before? 8 9 Α I have in a previous case, but I did not mention 10 anything about a golden rule today. 11 I understand that. I, I mentioned it first. Q 12 Α Yes. 13 Okay. And what is the golden rule. Q 14 Α According to that, which is --No. What -- he's not asking that 15 THE COURT: 16 question. He's asking what you think is the golden rule. 17 Just answer the question. He's not saying according to 18 that. He's asking if you know what the golden rule is, period. 19 20 THE WITNESS: There is nothing that really states 21 there is a golden rule to ICAC. 22 THE COURT: Ask your next question. 23 BY MR. JUDKINS: Did -- I'm going to ask her: Did she not testify 24 Q 25 this way? VERONICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER

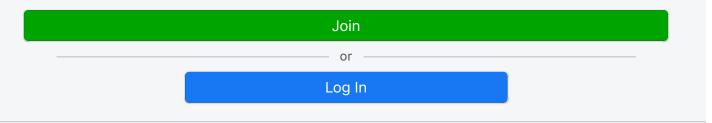
1	THE COURT: You can ask that now.			
2	MR. JUDKINS: Okay.			
3	BY MR. JUDKINS:			
4	Q Did you not testify in this case, the Chmielewski			
5	case, "what's the golden rule?" Your answer: "To let the			
6	person we are speaking to bring up sex first and to not push			
7	somebody to do something that they wouldn't normally do.			
8	"Why is that a golden rule? Because that would be			
9	entrapment."			
10	MR. HUTCHINS: Objection, Your Honor. He can't read			
11	from that.			
12	THE COURT: Overruled.			
13	BY MR. JUDKINS:			
14	Q Did you give that testimony in the Chmielewski			
15	trial?			
16	A After it was			
17	Q Did you give that testimony in the Chmielewski			
18	trial, yes or no?			
19	THE COURT: It's a yes or no question.			
20	THE WITNESS: Yes.			
21	(Pause.)			
22	BY MR. JUDKINS:			
23	Q It's part of your rules that you cannot bring up any			
24	sexual references first, right?			
25	A Yes, sir.			
	VERONICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER			

1 Okay. And is -- the reason for that is because it Q 2 would be entrapment if you did. 3 That's correct. Α Okay. If you introduced this sexual conversation, 4 0 5 then you're the person introducing the act and you're putting it out there, and you're guilty of entrapping someone else if 6 7 vou do. 8 Α Yes. 9 Okay. But if somebody else mentions a sexual act, Q 10 you can talk about it. 11 Α Yes. 12 Q Okay. 13 (Pause.) 14 BY MR. JUDKINS: when you filled out your profile -- well, let me --15 0 before I get -- ask the next, I'm not through. 16 17 After he says, so you must be 18, that's at, what, 18 5:47 p.m.? Can you see it? 19 THE COURT: What's your question? 20 BY MR. JUDKINS: 21 Was it 5:47 p.m., the text where he says, I don't Q 22 really know your age, so you must be 18? 23 (Pause.) 24 THE WITNESS: Yes. That's where he -- it was 5:47. (Off-the-record discussion.) 25 VERONICA G. MCCLELLAN, RPR, OFFICIAL COURT REPORTER

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Cocoa Police Department June 20, 2017 at 7:50 PM · €

GIRL POWER!

Today we would like to congratulate Detective Debra Titkanich for being CPD's Officer of the First Quarter and Secretary Charlene Jenkins-Catechis for being our Employee of the First Quarter. Thank you for all your hard work and dedication to the CPD and the citizens of Cocoa.

DETECTIVE TITKANICH:

The job of a sex crimes detective is difficult by nature and definition. The types of crimes investigated in many aspects are unthinkable, unspeakable acts. Detective Debra Titkanich has made it her mission and purpose not only to seek justice for the victims of these crimes but to go above and beyond to prevent future victimization.

During the first quarter of 2017, Detective Titkanich participated in significant investigations and undercover operations that have yielded the arrests of more than a dozen suspects who have either meant to do harm to children or have committed unthinkable acts on children and are now in custody facing lengthy prison sentences. In two cases, the suspects were illegal aliens and because of Detective Titkanich's thorough investigations, they will soon be deported.

Detective Titkanich represents the Cocoa Police Department in the Florida Internet Crimes Against Children Task Force (ICAC). During the months of February and March Detective Titkanich made significant contributions in two undercover operations dubbed Operation Cupid's Arrow and Operation Resilient. She was able to make cases against 12 suspects for felony charges involving traveling to meet a minor for sex, using a computer to lure a child and obscene communication use of a computer to seduce and solicit children. These efforts most likely prevented the sexual abuse of countless victims.

Outside the task force, Detective Titkanich made significant local cases in which adult males attempted to lure minors using a computer to engage in explicit conversation and arranged to travel to meet them for sex. In one of these cases Detective Titkanich is pursuing federal charges which could send the offender to prison for a minimum of ten years.

Also in the first quarter of 2017, Detective Titkanich worked diligently with her colleagues in CID to effect the arrests of two illegal aliens who are now being held on ICE warrants for deportation. These two cases involved a capital sexual battery of a young girl who was abused since the age of 12 by her mother's boyfriend, a Guatemalan national residing in the U.S. illegally for the last ten years. The second case involved a young girl who escaped an attempt by another illegal alien who tried to lure

her into a home so he could sexually abuse her. Detective Titkanich worked with the victim and another witness to develop a computerized composite sketch of the suspect who was arrested the following day after the incident was first reported. All of these cases generated media attention and, while uncomfortable speaking with the media, Detective Titkanich worked with the PIO to effectively communicate these stories to the media with professionalism and great credibility. This goes a long way to improving the overall credibility of the agency and its personnel.

Detective Titkanich exhibits great passion when it comes to getting justice for victims and would-be victims. Her passion translates into successful arrests in pursuit of successful prosecutions. For these reasons I recommend awarding the Officer of the First Quarter 2017 to Detective Debra Titkanich.

SECRETARY CHARLENE JENKINS-CATECHIS:

Charlene is a true professional and keeps the department running on all cylinders. Her knowledge of department policies and procedures is unmatched. If she doesn't know the answer to a question, she knows where to find it and does so quickly and efficiently. This is greatly beneficial for new employees of which there have been several in the last few months. Charlene is the kind of person who goes above and beyond every day she comes to work. She is always available to help with special projects such as proofreading and editing the CPD Annual Report. In the last quarter of 2016, Charlene went above and beyond to help pack gifts for the department's annual Toy Drive. She stepped out of her administrative role to offer help with the Shop with a Cop event, the annual charity golf tournament and the recent Breakfast with the Chief held in early April, 2017. There is nothing she is not willing to do for this department and its employees. Charlene is a dedicated and diligent employee who is deserving of being named employee of the quarter.



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Debra Titkanich

Detective at City of Cocoa Eastern Florida State College · City of Cocoa

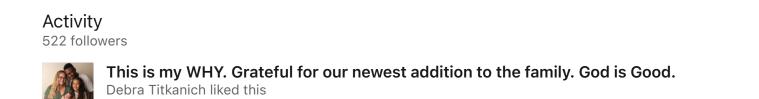
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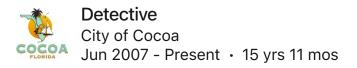
About

I began my Law Enforcement career in June 2007 at the Cocoa Police Department. In 2009 I earned the rank of FTO. I have successfully trained numerous new officers througeSee more



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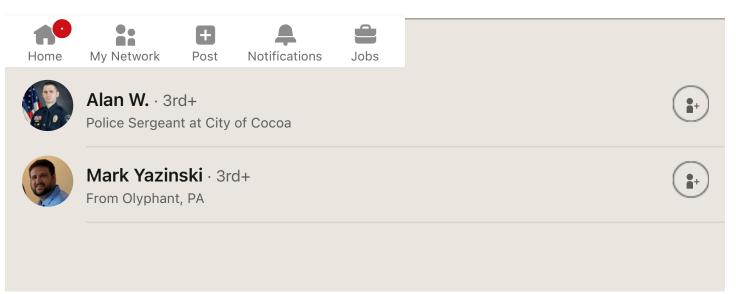
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