

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MAR 15 2004

ROBERT M. WELBY CLERK

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UNITED STATES OF AMERICA,	*	CRIMINAL ACTION
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PLAINTIFF,	*	CR-C-02-216(1)
	*	
VS.	*	
	*	CORPUS CHRISTI, TEXAS
ALFRED BOURGEOIS,	*	MARCH 4-5, 2004
	*	8:19 A.M.
DEFENDANT.	*	
	*	
* * * * *		

TRANSCRIPT OF TESTIMONY OF AB1994
BEFORE THE HONORABLE JANIS GRAHAM JACK
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:	MS. PATTI HUBERT BOOTH
	MS. ELSA SALINAS-PATTERSON
	MR. TONY ROBERTS
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COURT RECORDER:	MS. VELMA GANO
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PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING
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1 (The proceedings began at 8:19 a.m.)

2 (Call to Order of the Court.)

3 * * * * *

4 (Excerpt beginning at 4:34:00 p.m.)

5 AB1994, GOVERNMENT'S WITNESS, SWORN

6 DIRECT EXAMINATION

7 BY MS. BOOTH:

8 Q. Good afternoon. Can you state your full name?

9 A. AB1994.

10 Q. And how old are you, AB1994?

11 A. Nine.

12 Q. And you don't have to tell me where, but do you go to
13 school?

14 A. Yes.

15 Q. And what grade are you in?

16 A. Third.

17 Q. Third grade. Do you live with your mother?

18 A. Yes.

19 Q. Do you have a sister that lives with you?

20 A. Yes.

21 Q. And I want to ask you, AB1994, do you know what it means
22 to tell the truth?

23 A. Yes.

24 Q. Okay. Do you know what it means to tell a lie?

25 A. Yes.

1 Q. Okay. Can you tell the jury what's a lie?

2 A. Something that you make up.

3 Q. Right. Now, I want to ask you some questions about a long
4 time ago when -- where did you live when you were little?

5 A. With my mom and my dad.

6 Q. Okay. And where? Do you know what place you lived in?

7 A. Not really.

8 Q. Okay.

9 A. I forgot.

10 Q. Do you remember what state you lived in?

11 A. Yes.

12 Q. And what was that?

13 A. Louisiana.

14 Q. Okay. Do you -- did you have a grandmother?

15 A. Yes.

16 Q. And what was her name?

17 A. Actually, there were two of them.

18 Q. There were two of them. Can you give me both of their
19 names?

20 A. Veronica Batiste, and Mama Eunice.

21 Q. And pardon?

22 A. Mama Eunice.

23 Q. Mama Eunice. Now, Veronica Batiste, who is that?

24 A. My mom's mom.

25 Q. Okay. And who is Mama Eunice?

1 A. My dad's mom.

2 Q. Do you have any cousins?

3 A. Yes.

4 Q. Okay. Do you have a few cousins, or do you have a whole
5 bunch of cousins?

6 A. A lot of cousins.

7 Q. Okay. And do you remember living in Louisiana?

8 A. Yes.

9 Q. Now, when you were -- what does your dad do for a living?

10 A. Truck driving.

11 Q. Okay. And do you know what your dad's full name is?

12 A. I don't know the middle name.

13 Q. Okay. Do you know what his first name is?

14 A. Yes.

15 Q. What is that?

16 A. Alfred.

17 Q. And did you ever go on the truck with your dad?

18 A. Yes.

19 Q. Okay. Do you remember how old you were when you started
20 going on the truck?

21 A. No.

22 Q. Okay. And did you like to go on the truck?

23 A. Yes.

24 Q. Why?

25 A. It's like different, different places I can go.

1 Q. Okay. AB1994, did you know how to start a truck?

2 A. Yes.

3 Q. Who taught you how to start a truck?

4 A. My dad.

5 Q. And how many times do you think in your life you've
6 started a big truck? Now, when you're talking about a truck,
7 we're not talking about a little pickup truck, are we?

8 A. 18-wheeler.

9 Q. 18-wheeler, okay. And how many times do you think you've
10 started an 18-wheeler?

11 A. I think almost ever since I was five.

12 Q. Okay. Could you do other things with the truck? What
13 other things did you know how to do with the big truck?

14 A. Talk on the little speaker.

15 Q. Okay.

16 A. And sometimes play on the little computer in there.

17 Q. Okay. And what do you do on the computer?

18 A. Just type.

19 Q. Do you know what companies your dad worked for?

20 A. U.S., and I don't know all the other ones.

21 Q. Okay. And did your dad drive different trucks, or did he
22 always have the same truck?

23 A. Different.

24 Q. Now, when you would go with your dad on the truck, did you
25 ever help your dad -- when you would go on the truck, did he

1 stop places?

2 A. Yes.

3 Q. And when he would stop, what would that be for?

4 A. Sometimes for gas, sometimes just to have fun, and
5 sometimes just like to take a nap or get something to eat.

6 Q. Okay. Did you ever stop to load or unload things?

7 A. Yes.

8 Q. Okay. And when you would stop to load and unload things,
9 did you ever help your dad with that?

10 A. Sometimes.

11 Q. What is it that you would do, AB1994?

12 A. I would just get in the back of the trailer and open the
13 gates, and I would just stand there and watch all the people
14 unload.

15 Q. Okay. Now, you said you had a sister by the name -- do
16 you live with a sister right now?

17 A. Yes.

18 Q. And what is her name?

19 A. AB2001.

20 Q. Okay. And what do you call her?

21 A. AB2001.

22 Q. AB2001. And do you have or have you had other sisters?

23 A. Yes.

24 Q. Do you have big sisters?

25 A. Yes.

1 Q. And what are their names?

2 A. Beth, and I don't remember my other sister's name.

3 Q. Okay. And were those sisters your mother's children?

4 A. No.

5 Q. Okay.

6 A. Only one of them.

7 Q. Okay. And which one was that?

8 A. AB2001.

9 Q. AB2001. Okay. Now, did you ever go on the truck with
10 your dad and your mom?

11 A. Yes.

12 Q. Okay. One time or many times? How many times?

13 A. A lot of times.

14 Q. And when you would go, did AB2001 go with you?

15 A. Sometimes.

16 Q. Okay. Do you have a -- did you have a sister by the name
17 of JG1999?

18 A. Yes, ma'am.

19 Q. And --

20 MS. BOOTH: Your Honor, may I get some exhibits?

21 THE COURT: Yes.

22 BY MS. BOOTH:

23 Q. I want to show you what's been marked Government's 299.

24 MS. BOOTH: Your Honor, may I approach the witness?

25 THE COURT: Yes.

1 BY MS. BOOTH:

2 Q. Do you recognize who's in this picture?

3 A. Yes.

4 Q. Who is that?

5 A. Me, my sister JG1999, and my little baby sister.

6 Q. And who? Let's see, baby sister's name is what?

7 A. AB2001.

8 Q. AB2001. And do you remember when this picture was taken?

9 A. I think so.

10 MS. BOOTH: Your Honor, may I have this proffered to
11 the jury?

12 THE COURT: Ms. Scotch. But you can continue your
13 questioning.

14 MS. BOOTH: Yes, Your Honor.

15 BY MS. BOOTH:

16 Q. JG1999, do you remember when --

17 THE COURT: Her name is AB1994.

18 MS. BOOTH: Pardon?

19 THE COURT: You called her JG1999.

20 MS. BOOTH: Oh, I was asking her about JG1999.

21 THE COURT: I'm sorry.

22 BY MS. BOOTH:

23 Q. JG1999, do you remember when she came to live with you?

24 A. Yes.

25 Q. Do you remember the day she came to live with you?

1 A. No.

2 Q. Okay. Did you ever go to Texas and -- oh, what kind of
3 car did your parents own when JG1999 came to live with you?

4 A. A, if I'm not mistaken, I think it was a Expedition.

5 Q. Okay. And did you ever go to Texas in the Expedition?

6 A. Yes.

7 Q. And did you -- why did you go to Texas in the Expedition?

8 A. To go to court to get JG1999.

9 Q. And did you get JG1999 on that day?

10 A. Yes.

11 Q. Okay. Do you remember, did JG1999 cry when y'all took
12 her?

13 A. Yes.

14 Q. Did she stop crying?

15 A. When we went to McDonald's, she stopped crying.

16 Q. Okay. Now, when you got JG1999, was she potty trained?

17 A. No.

18 Q. And did she still suck on a bottle?

19 A. I think so.

20 Q. Okay. If you -- and if you don't remember, you can just
21 say, you know. Did JG1999, did she have diapers or, when you
22 picked her up?

23 A. Diapers.

24 Q. Did JG1999 ever get potty trained?

25 A. Well, she wouldn't get potty trained, but she tried.

1 Q. Okay. Now, did you like JG1999?

2 A. Yes.

3 Q. Okay. Did JG1999 act like she liked you?

4 A. She didn't act. I know she liked me, because everywhere I
5 would go, she'd follow me.

6 Q. Okay. And what did she call you?

7 A. AB1994.

8 Q. AB1994. And did you like her following you?

9 A. Yes.

10 Q. Okay. Now, when she came to live with you, did she come
11 to live with you in Louisiana?

12 A. Yes, ma'am.

13 Q. Do you remember?

14 A. Yes, ma'am.

15 Q. And do you remember in Louisiana what room your daddy
16 would sleep in?

17 A. The biggest room in there, his room.

18 Q. Okay. And where did JG1999 stay at night?

19 A. Sometimes when we would be on the truck, on the potty.
20 And sometimes when we were in the house, she would be in the
21 room with my dad.

22 Q. Okay. And when you were at the house, did -- I want to
23 show you what's been marked as Government's Exhibit Number 326.
24 Have you ever seen this before?

25 A. Yes.

1 Q. What is this?

2 A. A potty.

3 Q. Okay. And does this potty -- who used to use this potty?

4 A. My sister, JG1999.

5 Q. Okay. And did she use this potty in Louisiana? Do you
6 remember?

7 A. Yes.

8 Q. And did this potty go on the truck?

9 A. Yes.

10 Q. Now, did JG1999 ever get in trouble?

11 A. Yes.

12 Q. And when she would get in trouble, who would she get in
13 trouble with?

14 A. My dad.

15 Q. Okay. What were the things that she would do to get in
16 trouble?

17 A. Using the potty, like when she used it in the bed.

18 Q. Okay. Did she ever wet her pants?

19 A. Yes.

20 Q. Okay. And so would she get in a lot of trouble?

21 A. Yes.

22 Q. I want to show you Government's Exhibit Number 323.

23 MS. BOOTH: Your Honor, may I approach the witness?

24 THE COURT: Yes.

25 BY MS. BOOTH:

- 1 Q. And I want to ask you if you recognize this.
- 2 A. Yes.
- 3 Q. How is it that you recognize this? Whose is that?
- 4 A. My dad's.
- 5 Q. It was your dad's? Does it have his name on it?
- 6 A. Um, I can't see it.
- 7 Q. Okay. And what does the buckle have on it?
- 8 A. An 18-wheeler.
- 9 Q. Okay. Now, did you ever see your dad use that belt on
10 JG1999?
- 11 A. Yes, ma'am.
- 12 Q. And was that at the house in Louisiana?
- 13 A. Yes, ma'am.
- 14 Q. And what did he do with the belt?
- 15 A. Spank her.
- 16 Q. Okay. Did she cry?
- 17 A. Yes.
- 18 Q. Did he spank her a little bit, or what did he spank her?
- 19 A. Sometimes a little bit and sometimes real hard.
- 20 Q. Now, did your dad ever hit you like that?
- 21 A. No, ma'am.
- 22 Q. And let me ask you, was the potty, and I'm referring to
23 Government's Exhibit Number 326, did this potty ever go in your
24 dad's bedroom?
- 25 A. Yes.

1 Q. Okay. And where would it be? Do you remember where it
2 would be sitting?

3 A. Sometimes right next to the bed, and sometimes in the
4 restroom.

5 Q. Where, hon?

6 THE COURT: Sometimes where?

7 THE WITNESS: On the -- right next to the bed, and
8 sometimes in the restroom.

9 BY MS. BOOTH:

10 Q. Now, did JG1999, when she first came, when y'all went to
11 get her, did she like to talk?

12 A. Yes.

13 Q. And did she talk to you?

14 A. Yes.

15 Q. And what kind of things would she say?

16 A. She would just call my name, and that's mostly it.

17 Q. Okay. Did y'all have, did y'all talk and -- did you ever
18 try to teach her anything?

19 A. Her ABC's and her numbers.

20 Q. Okay. Now; what did JG1999 call herself?

21 A. JG1999.

22 Q. She called herself JG1999. And how did your dad feel
23 about -- what did your dad call her?

24 A. JG1999.

25 Q. Okay. Did she ever get in trouble for saying her name was

1 JG1999?

2 A. Yes.

3 Q. On one time or how many times?

4 A. How many times she'd say it, she'd get in trouble.

5 Q. And when she would get in trouble, what would happen?

6 A. She'd get punished.

7 Q. Okay. And how would she get punished?

8 A. By spanking.

9 Q. Okay. Did you ever -- when JG1999 came, did she have
10 pretty hands?

11 A. Yes.

12 Q. Did she have pretty feet?

13 A. Yes.

14 Q. Did you ever notice her feet looking ugly?

15 A. Yes.

16 Q. Do you know how her feet got ugly?

17 A. Yes.

18 Q. How did her feet get ugly?

19 A. From my dad biting her.

20 Q. Did you see him bite her?

21 A. Yes, ma'am.

22 Q. Did you see him bite her one time or many times?

23 A. Many times.

24 Q. Did she cry?

25 A. Yes.

- 1 Q. Now, JG1999's hands, when she came, were they pretty?
- 2 A. Yes.
- 3 Q. Did her hands ever get ugly?
- 4 A. Yes.
- 5 Q. How did her hands get ugly?
- 6 A. By my dad.
- 7 Q. What happened?
- 8 A. He would bite her and spank her.
- 9 Q. I want to show you a picture, Miss AB1994. Who is that?
- 10 A. JG1999.
- 11 Q. Is that how she looked when she came to live with you?
- 12 A. Yes.
- 13 Q. And how did it make you feel when you saw your daddy bite
- 14 JG1999?
- 15 A. Real bad.
- 16 Q. Did he ever bite you?
- 17 A. No.
- 18 Q. Did he ever bite AB2001?
- 19 A. No.
- 20 Q. Now, did your sister have -- did your sister JG1999 ever
- 21 have whip marks on her legs?
- 22 A. Yes.
- 23 Q. Do you know how the whip marks got on her legs?
- 24 A. I think from my dad spanking her on the butt.
- 25 Q. Okay. Let's talk about that. Did you -- what did you

1 say, a bat?

2 A. No. By my dad spanking her on the butt. The belt must
3 have touched her legs when he was spanking her on the butt.

4 Q. Okay. I'm going to back up just a little bit, and I want
5 to ask you about a bat, Government's Exhibit Number 314. Did
6 you ever find a plastic bat?

7 A. Yes.

8 Q. And where was that?

9 A. At a playground.

10 Q. A playground? And was this when you were in Louisiana, or
11 was this when you were on the truck?

12 A. On the truck.

13 Q. And when you found it, what did you do with it?

14 A. I asked my dad and my mom if I could play with it and have
15 it. I found it under the car.

16 Q. Okay. Did you keep it?

17 A. I asked the lady if I could have it.

18 Q. Okay.

19 A. And she said yes.

20 Q. Okay. So did you take it with you on the truck?

21 A. Yes.

22 Q. And did anything bad happen with that bat?

23 A. Excuse me?

24 Q. Did anything bad happen with the bat?

25 A. Yes.

1 Q. What happened with the bat?

2 A. My dad would hit her.

3 Q. Hit who?

4 A. My sister.

5 Q. Okay. And where would he hit her?

6 A. Sometimes on her head.

7 Q. Okay. And did you see him hit her on the head?

8 A. Yes.

9 Q. And where was she when he hit her on the head?

10 A. In the truck.

11 Q. Okay. Was she sitting in the driver's seat or the
12 passenger's seat or the back? Where was she?

13 A. In the back.

14 Q. Okay. Was she sitting on the bed or the -- where was she
15 sitting?

16 A. She was standing up.

17 Q. Okay. And where was her potty chair?

18 A. Right -- her potty chair was right next to the cabinets.

19 Q. Okay. Now, are the cabinets in the front of the truck or
20 in the back of the truck?

21 A. In the back.

22 Q. In the back of the truck.

23 MS. BOOTH: Judge, can I just have this whole thing
24 over next to me?

25 THE COURT: Yes, ma'am.

1 BY MS. BOOTH:

2 Q. I'm going to show you Government's Exhibit Number 359, and
3 I want to ask you, do you recognize this picture?

4 A. Yes.

5 Q. What is that?

6 A. My dad's truck.

7 Q. Okay. And I want to show you what we marked as
8 Government's 109, and ask you if you recognize what this is.

9 A. The inside of my truck, of my dad's truck.

10 Q. Okay. Now, I want to ask you about something. What is
11 that red thing right here?

12 A. An extension wire.

13 Q. Okay. And does that -- do you know what that's plugged
14 into?

15 A. The cooler.

16 Q. Okay. So it goes all the way back, and it goes to the
17 cooler?

18 A. Yes.

19 Q. Okay. Did you ever see your dad take that cord out, off
20 the cooler?

21 A. Yes.

22 Q. And what did he do with it?

23 A. He hit my sister.

24 Q. Did he hit --

25 THE COURT: He what?

1 THE WITNESS: He hit my sister.

2 BY MS. BOOTH:

3 Q. Did he hit --

4 THE COURT: Are you talking about JG1999?

5 THE WITNESS: Yes.

6 BY MS. BOOTH:

7 Q. Did he ever hit you with it?

8 A. No.

9 Q. Did he ever hit AB2001 with it?

10 A. No.

11 Q. Now, did he hit your sister one time, or did he hit your
12 sister how many times?

13 A. I don't know, but it wasn't one time.

14 Q. Okay. And where was she when he hit her?

15 A. In the back, in the back of the truck.

16 Q. Okay. Was she on the bed? Was she standing? Was she --
17 what was she doing?

18 A. Laying down.

19 Q. She was laying down. And can you tell me, how was she
20 laying down?

21 A. Straight.

22 Q. Okay. Now, can you show me -- let's pretend you're
23 holding her by her shoulders, okay, and if you laid her down,
24 what do you mean laid straight?

25 A. Like her body would be kind of, not straight, but curved a

1 little.

2 Q. Okay. Let me show you Government's Exhibit Number 115.
3 Do you recognize what this is?

4 A. Yes.

5 Q. What is that?

6 A. The back of the truck.

7 Q. The back of the truck. And is that where the bed was?

8 A. Yes.

9 Q. And when your dad was hitting your sister with the cord,
10 where was she?

11 A. Like right in the --

12 THE COURT: You know, there's a pen right there by
13 you.

14 THE WITNESS: Uh-huh.

15 THE COURT: And you can mark on there.

16 THE WITNESS: Oh. How do you erase this?

17 THE COURT: I'll show you how to erase it. All you
18 do is take your pen and just put a mark where JG1999 was.

19 THE WITNESS: Like she would be right there.

20 BY MS. BOOTH:

21 Q. Okay. And when he was hitting her with the cord, was she
22 crying?

23 A. Yes.

24 Q. And what were her legs doing?

25 A. They were like just kicking.

1 Q. And where were you?

2 A. In the back.

3 Q. Did you tell him to stop?

4 A. No.

5 Q. When he hit her with the bat, did you tell him to stop?

6 A. No.

7 Q. Did he ever tell you anything about whose fault it was
8 that he was hitting the baby with the bat?

9 A. No.

10 Q. I'm going to show you what is Government's Exhibit
11 Number 113. What is that?

12 A. The mess in the truck.

13 Q. The mess in the truck. What is this right here?

14 A. A Hawaiian bottle.

15 Q. Okay. Did it have Hawaiian Punch in it?

16 A. No.

17 Q. What did it have in it, Miss AB1994?

18 A. Pee.

19 Q. Okay. And how would pee get in the juice bottles?

20 A. My dad.

21 Q. Okay. And how do you know your dad put that in there?

22 A. Because there were no bathrooms in there, and he told mom
23 he had to use the restroom, so he got my mom to drive the
24 truck.

25 Q. Did you ever see him use the pee bottle?

1 A. One time.

2 Q. Now, let me ask you, did there ever come a time where
3 JG1999 reached for that bottle?

4 A. Yes.

5 Q. What happened?

6 A. She drunk some of it, and I left her -- and I told her not
7 to, but she was still drinking it. So I went in the truck stop
8 and I told my mom, and my mom told my dad.

9 Q. And what did your dad do? Did he get mad?

10 A. Yes. He came in the truck -- well, actually my mom came
11 in the truck first, and she kept -- she took it from her. And
12 then my dad came and let her drink it all.

13 Q. Did he let her, or did he make her?

14 A. Make her.

15 Q. Okay. Did she cry?

16 A. No.

17 Q. Well, let me ask you, was she thirsty? Do you know if she
18 was thirsty, why she was grabbing at the bottle?

19 A. Yes, because my mom went in there -- I think they went in
20 there to get us something to drink.

21 Q. Now, AB1994, I'm going to show you a picture of your
22 sister. Government's Exhibit Number 300.

23 MS. BOOTH: May I approach the bench, Your Honor?

24 THE COURT: Yes.

25 BY MS. BOOTH:

1 Q. I want to ask you, do you -- is this your little sister?

2 A. Yes.

3 Q. Okay. Do you know who took this picture?

4 A. I think it was my mom.

5 Q. And I want you to look at her little head, the top of her
6 little head. What happened to her little head up here?

7 A. My dad would bite her.

8 THE COURT: He what?

9 THE WITNESS: He would bite her and sometimes hit her
10 in the back right there.

11 BY MS. BOOTH:

12 Q. Okay. When he would bite her in the head, can you show me
13 what he would do with his face?

14 A. He just opened his mouth wide, and he just started biting
15 her right there.

16 Q. And did she cry?

17 A. Yes.

18 Q. Did he ever bite you on the head?

19 A. No.

20 Q. Now, do you remember when JG1999 went to the hospital? Do
21 you remember that day?

22 A. I don't remember the day, but I remember what happened
23 that day.

24 Q. Okay. And let me ask you this question. Did your dad
25 ever put JG1999 on the steering wheel?

1 A. Yes.

2 Q. And when he would put her on the steering wheel, was he
3 driving?

4 A. Yes.

5 Q. What would he do with her on the steering wheel?

6 A. He just put her there, and he would drive like that. Or
7 sometimes he'd just drive while she's just sitting there.

8 Q. Did he ever tell her that she made him want to kill her?

9 A. Yes.

10 Q. Did your dad ever call JG1999 bad names?

11 A. I don't remember.

12 Q. Okay. Did your dad use -- do you know if your dad ever
13 talked to JG1999's mother?

14 A. Yes.

15 Q. And did JG1999 get to talk on the phone with her mother?

16 A. I think one time.

17 Q. Okay. Now, when you were on the truck, did y'all ever get
18 postcards?

19 A. Excuse me?

20 Q. Did y'all ever send postcards?

21 A. Yes.

22 Q. Okay. I want to show you some postcards. Did you ever
23 write any postcards?

24 A. No.

25 Q. I want to show you this one. Whose writing is that? Do

1 you recognize it?

2 A. Yes.

3 Q. Whose writing is that?

4 A. My dad.

5 Q. Okay. Do you remember sending any postcards?

6 A. Yes.

7 Q. Okay. And if a postcard said that JG1999 was having a
8 real good time on the trip, was that the truth or a lie?

9 A. A lie.

10 Q. When JG1999 was with y'all, did y'all go canoeing?

11 A. No.

12 Q. When JG1999 was with y'all, did y'all go to Disneyland?

13 A. No.

14 Q. When JG1999 was with y'all, did y'all go to the Elvis
15 Pressley Museum?

16 A. With the dinosaurs?

17 Q. Did you go to a dinosaur museum?

18 A. Yes.

19 Q. Did you play on the dinosaurs?

20 A. Did I play on them?

21 Q. Uh-huh.

22 A. Yes.

23 Q. Did JG1999 play on them?

24 A. No.

25 Q. Where was JG1999?

- 1 A. In the truck.
- 2 Q. Did JG1999 have to stay in the truck a lot?
- 3 A. Yes..
- 4 Q. Now, I want to ask you, do you like to swim?
- 5 A. Love it.
- 6 Q. Okay. And did JG1999 like to swim?
- 7 A. No.
- 8 Q. Did you ever, while y'all were on the truck, go swimming
9 at a swimming pool?
- 10 A. Me?
- 11 Q. Uh-huh.
- 12 A. Yes.
- 13 Q. Okay. Did JG1999 ever go?
- 14 A. One time.
- 15 Q. Okay. And when JG1999 went, do you remember how she
16 looked?
- 17 A. Bad.
- 18 Q. And why did she look bad?
- 19 A. Because of my dad.
- 20 Q. What did your dad do to her?
- 21 A. Beat her.
- 22 Q. When you say she looked bad, how did she look bad?
- 23 A. Like she would have black round circles around her.
- 24 Q. Okay. Now, did you have a camera when you were seven?
- 25 A. Yes.

1 Q. What kind of camera did you have?

2 A. The one that you take a picture, and the pictures just
3 come right out.

4 Q. Okay. And did you have another camera?

5 A. A Barbie camera.

6 Q. Okay. And did you take pictures with your Barbie camera?

7 A. Yes.

8 Q. I want to --

9 MS. BOOTH: Your Honor, may I approach the witness?

10 THE COURT: Yes.

11 BY MS. BOOTH:

12 Q. I want to show you Government's Exhibit Number 291, and I
13 want to ask you if you recognize this picture.

14 A. Yes, ma'am.

15 Q. Okay. And what is this a picture of?

16 A. JG1999 and the lady we met at the pool.

17 Q. And did you talk to the lady?

18 A. No.

19 Q. Did the lady talk to your dad?

20 A. Yes.

21 Q. Okay. And she's holding the baby. She's holding JG1999.
22 Right?

23 A. Yes.

24 Q. And what did she say to your dad?

25 A. She asked him what happened.

1 Q. Okay. And what did your dad say? Do you remember?

2 A. Yes.

3 Q. What?

4 A. My dad said that his step wife, I think, or his wife, got
5 in a fight with her husband, and they threw bottles, and one of
6 the bottles broke and hit JG1999 real bad.

7 Q. Okay. Did your daddy ever -- did anybody else ask about
8 her head or the way she looked?

9 A. If I'm not mistaken, yes.

10 Q. Okay. And did you ever go anywhere where there were
11 teepees?

12 A. What's that?

13 Q. A teepee, an Indian hut?

14 A. Yes.

15 Q. Okay. And at this place, did JG1999 get out?

16 A. Yes.

17 Q. Did anybody notice her there? Do you remember?

18 A. No, because people were barely there.

19 Q. Okay. Do you remember any other time where people would
20 ask what was wrong with her?

21 A. I don't remember.

22 Q. Okay. Now, did you hear your dad say these things about
23 JG1999, about what happened to her?

24 A. Yes.

25 Q. Did you ever hear him say that she was in a terrible car

1 accident?

2 A. I think so.

3 Q. Okay. Did you -- when he said that about the bottle, what
4 did you -- did you tell the lady, no, that's not what happened?

5 A. No.

6 Q. Why didn't you tell her?

7 A. Just minding my own business.

8 Q. Okay. And did you ever hear your daddy say lies about
9 other things?

10 A. Yes.

11 Q. Okay. And did you ever tell him, dad, that's not right?

12 A. No.

13 Q. Why didn't you tell him?

14 A. Because he would just do it anyway.

15 Q. Okay. Did you ever see him be mean to your mom?

16 A. Lots of times.

17 Q. Okay. And what would he do?

18 A. He'd slap her around, boss her around, point guns to her
19 face.

20 Q. Do you remember that?

21 A. Yes, a little.

22 Q. Did he do it to you?

23 A. No.

24 Q. Were you afraid of your dad?

25 A. Not really.

1 Q. How did your dad treat you?

2 A. Like an angel.

3 Q. Okay. Did he buy you things?

4 A. Yes.

5 Q. What kind of things?

6 A. Barbies, um --

7 Q. Did you have a 3-wheeler?

8 A. A 4-wheeler?

9 Q. I'm sorry. A 4-wheeler?

10 A. Yes. I had two of them.

11 Q. Okay. Did you have a swimming pool?

12 A. Yes.

13 Q. Did you have a Jacuzzi?

14 A. Yes.

15 Q. Did you know why he was buying those things for you?

16 A. Well, I really don't know, but I think he was just doing
17 it to make him look good.

18 Q. Well, let me ask you this --

19 THE COURT: Was what?

20 THE WITNESS: To make him look good.

21 BY MS. BOOTH:

22 Q. Were you ever with your dad -- did you ever feel bad about
23 taking all these presents from him?

24 A. No.

25 Q. Okay. And did you ever keep secrets for him?

- 1 A. Yes.
- 2 Q. What kind of secrets did you keep for him?
- 3 A. When he'd go with other women.
- 4 Q. Were you there?
- 5 A. Yes. Not all the time.
- 6 Q. Okay. And when would this be?
- 7 A. When my mom isn't around.
- 8 Q. Now, did you ever see him being mean to your grandma?
- 9 A. Nana?
- 10 Q. Yeah.
- 11 A. Yes.
- 12 Q. What did you see?
- 13 A. Him hitting her.
- 14 Q. What did he hit her with?
- 15 A. His fists.
- 16 Q. Okay. Was there any, a lamp around anywhere?
- 17 A. Yes.
- 18 Q. What did he do with the lamp?
- 19 A. He swung it.
- 20 Q. Okay. Did it hurt your Nana?
- 21 A. I think. Yes, I think.
- 22 Q. Okay. Did the police get involved?
- 23 A. Yes.
- 24 Q. Now, what did you tell the police?
- 25 A. My dad told me to say --

1 Q. What did he tell you to say? Do you remember?

2 A. No.

3 Q. Okay. Do you remember where you were when he bit JG1999
4 on the feet?

5 A. In the truck and at the hotel.

6 Q. Okay. At what hotel?

7 A. I think it was a hotel we went to for my, so my dad could
8 get a new pump he needed for his truck.

9 Q. Okay. Now, I want to show you another picture. Miss
10 AB1994, what is this?

11 A. Tape.

12 Q. What kind of tape?

13 A. I think it's -- I don't know what it was called.

14 Q. Okay. And what did your daddy do with that?

15 A. He taped my sister's mouth.

16 Q. Which sister?

17 A. JG1999.

18 Q. Why?

19 A. I don't know.

20 Q. Okay. Did you see him do that?

21 A. Yes.

22 Q. And how would the tape come off?

23 A. By peeling it, or sometimes she'd lick her lips, and her
24 lips would get wet, and the tape would fall off.

25 Q. Okay. Now, I want to bring you back and I want to talk

1 about the day that your sister went to the hospital. Okay?

2 A. Okay.

3 Q. Do you remember that day?

4 A. Yes.

5 Q. Do you remember being in the truck?

6 A. Yes.

7 Q. Okay. Now, before, do you remember driving in the morning
8 with your dad?

9 A. Yes.

10 Q. Okay. Where was JG1999?

11 A. On the potty.

12 Q. Okay. And where was the potty?

13 A. Right next to the door.

14 Q. Okay. And where were you sitting?

15 A. Right next to her.

16 Q. Okay. Were you sitting in the --

17 A. Chair.

18 Q. In the chair? In the seat?

19 A. Yes.

20 Q. Is that the passenger's seat or the --

21 A. Driver's? The passenger.

22 Q. The passenger, okay. And I want to show you, do you
23 recognize this picture, Government's Exhibit Number 12?

24 A. Yes.

25 Q. The day that your sister went to the hospital, how was the

1 truck? Was it neat and clean?

2 A. No.

3 Q. Was it a -- what did it look like?

4 A. A mess.

5 Q. A mess, okay. And this one's going to be Government's
6 Exhibit Number 109, okay. Now, can you show me which, where
7 you were sitting when your dad was driving, with your plastic
8 pen?

9 A. (Witness complied.)

10 Q. Okay. And JG1999 was -- which way was the potty facing?

11 A. This way.

12 Q. Which way is "this way"?

13 THE COURT: The top.

14 BY MS. BOOTH:

15 Q. Toward --

16 A. Toward this way.

17 Q. Toward the driver? And she was sitting on the potty. Was
18 she talking?

19 A. No.

20 Q. Okay. And do you remember your daddy getting lost?

21 A. Yes.

22 Q. And do you remember your daddy's truck stalling?

23 A. Stopping?

24 Q. Uh-huh.

25 A. Yes.

1 Q. Did it start back up, or did y'all have a problem?

2 A. I think it started back up.

3 Q. Okay. How did it get started back up?

4 A. I think it shut off, and it got -- and he turned it back
5 on.

6 Q. Okay. Do you know how to -- do you remember starting your
7 dad's truck that day?

8 A. No.

9 Q. Okay. Now, do you remember going to a loading dock?

10 A. Yes.

11 Q. Okay. And where was JG1999?

12 A. In the truck.

13 Q. Where was she sitting?

14 A. Right, right, right next to me.

15 Q. Okay. And did she stand up?

16 A. When we were at, when we were at the shop thing? I mean,
17 what do you mean?

18 Q. Uh-huh.

19 A. What do you mean? I don't get what you're saying.

20 THE COURT: Tell her where you're talking about.

21 THE WITNESS: Where at?

22 BY MS. BOOTH:

23 Q. Where at? Well, did she ever stand up on her potty?

24 A. No.

25 Q. Okay. Did you ever -- did your dad ever stop the truck?

1 A. Yes.

2 Q. Did you ever -- did your dad get out of the truck? Did
3 you ever get out of the truck?

4 A. No. He told me to wait in, because he went to go ask for
5 directions.

6 Q. Okay. Did he get directions?

7 A. Yes.

8 Q. Okay. And did the truck start back up?

9 A. Yes.

10 Q. Do you remember anybody helping you start the truck?

11 A. No.

12 Q. Okay. Now, after the truck started back up, where was
13 JG1999?

14 A. On the potty.

15 Q. And tell me what happened next.

16 A. She was wiggling around.

17 Q. She was wiggling around? Like how?

18 A. Like that.

19 Q. Okay. And then what happened?

20 A. The little -- this little thing, it tipped, it tipped
21 over.

22 Q. Okay. And what happened?

23 A. My dad saw, while she was trying to flip it back.

24 Q. Okay. And what did he do?

25 A. He got mad.

1 Q. Okay. And did he -- what was he doing while the potty
2 tipped over? Was the truck moving?

3 A. He stopped it.

4 Q. Okay. And when he stopped it, did that stop her wiggling
5 the potty?

6 A. Yes.

7 Q. And then what happened?

8 A. He told me to give -- he started yelling, and he told me
9 to pick her up and give her to him.

10 Q. Okay. What was he yelling?

11 A. Like he -- I can't explain it, but he was just, like mad.
12 Real mad.

13 Q. Okay. Well, when you mean you can't explain it, is it
14 that you don't remember, or you don't want to say?

15 A. I don't remember. But I remember him yelling. I don't
16 remember what he said.

17 Q. Okay. And so he was yelling?

18 A. Yes.

19 Q. And what happened then?

20 THE COURT: Did you say you remembered what he said?

21 THE WITNESS: I don't remember.

22 THE COURT: Okay.

23 THE WITNESS: I didn't hear you. Can you say it
24 again?

25 BY MS. BOOTH:

1 Q. Okay. So he was yelling. And what did he -- what
2 happened next? Did he tell you to do anything?

3 A. He told me to give her to him.

4 Q. Okay. So what did you do?

5 A. I gave her to him.

6 Q. And was the truck stopped, or was the truck going?

7 A. Stopped.

8 Q. Okay. Where was your mom?

9 A. Sleeping.

10 Q. Where was the baby, AB2001?

11 A. Sleeping.

12 Q. Okay. Sleeping where?

13 A. In the back, on the bed.

14 Q. Okay. And so what happened then? You handed your sister
15 to your dad, and what did he do?

16 A. My dad grabbed her by the shoulders, and he started -- he
17 took her pants off, and he started spanking her.

18 Q. Now, is that the first time you ever saw him spank her?

19 A. No.

20 Q. Well, did he spank her other times?

21 A. Yes.

22 Q. Okay. With his hand, or what did he use?

23 A. Belt, hand, extension wire, bat.

24 Q. And so what happened then?

25 A. He took her by her shoulders, and he started hitting her

1 head on the window.

2 Q. And when you said he started hitting her head, how was it
3 that he hit her head? Did he hit the front of her head, did he
4 hit the --

5 A. Back.

6 Q. Okay. So how were his hands? Where was he holding her?

7 A. I think like right on the shoulders, and like his thumb
8 was right there to make sure her head doesn't go like that.

9 Q. Okay. And so what did he do? He had her like that, and
10 what did he do?

11 A. He started hitting her against the window.

12 Q. And could you see her face, AB1994?

13 A. Yes.

14 Q. What was her face doing?

15 A. Like making a like real, real sad face.

16 Q. Okay. And when she was making this real sad face, did you
17 tell him, "Stop, Daddy, stop"?

18 A. No.

19 Q. Okay. And what did he do then?

20 A. He told me to take her, and he put her pants back on, and
21 then he told me to catch her and put her right next to my seat.

22 Q. Now, let me ask you, you said she was making a sad face.
23 Was she awake, or was she asleep?

24 A. I don't know. I don't know. I don't remember if her eyes
25 were open or closed, but if I'm not mistaken, I think they were

1 closed.

2 Q. Okay. And so he told you to do what?

3 A. Put her right next to me.

4 Q. Okay. Now, were her clothes back on?

5 A. Yes.

6 Q. Okay. Who put them on her?

7 A. My dad.

8 Q. And "put her right next to you," what does that mean?

9 A. Like this is my chair, and then I had to let her get on my
10 chair with me.

11 Q. And when she was on the chair with you, was she awake or
12 was she asleep?

13 A. She was awake, and then she just, like, fell asleep.

14 Q. Okay. And so you're sitting next to your sister. What
15 does your dad do?

16 A. He gets out of the truck and makes sure it's the right
17 place, and then I get out of the truck, and I direct him to
18 stop or to keep going. And then he gets out of the truck and
19 he tells me that something is wrong with JG1999. And I say
20 nothing's wrong. And he said go in there and see.

21 Q. Okay. Now, let me ask you, when her head was against the
22 window, do you know how many times he hit her against the
23 window?

24 A. If I'm not mistaken, I think it was four times.

25 Q. Okay. And when he hit her against the window, did

1 anything come out of her mouth?

2 A. When he was -- well, I think like little white -- well,
3 no. But when I got back in there, Mom, Mom was crying. And
4 when she was putting mouth to mouth to make -- CPR, I think
5 it's called -- just white stuff was just blowing out, like
6 coming out of her mouth.

7 Q. Now, when you got back in there, you said your mom was
8 doing CPR.

9 A. Yes.

10 Q. What was -- was your mom upset?

11 A. She was sad, because she thought that they can go to jail
12 for that, even though she didn't do it.

13 Q. Well, let me ask you, what was your dad doing?

14 A. He came back, and he said, "No, we're not." And he --

15 Q. No, we're not what?

16 A. Going to go to jail.

17 Q. Okay. And then what happened?

18 A. He made up a story.

19 Q. What was your mama doing all this time?

20 A. She was just trying and trying and trying, and it wouldn't
21 work.

22 Q. Okay. Now, after he said, "No, we're not," then what
23 happened? Do you remember?

24 A. He made up a story, and they, they agreed. We agreed.

25 Because Mama didn't want to go to jail for something she didn't

1 do.

2 Q. So y'all agreed to tell the story. Right?

3 A. Yes.

4 Q. And what was the story?

5 A. That my dad and me went in the back of the loading place,
6 and my dad said that AB2001 can't go, I mean, that JG1999 can't
7 go because she might get hit by the lift, the lift little
8 things that take out the stuff in your truck.

9 Q. Uh-huh.

10 A. And when we got out, and mom unbuckled her, and my mom
11 reached up into the cooler to get AB2001 some milk, and when
12 she turned back around, the door was open and JG1999 was lying
13 right there on the floor, on the ground.

14 Q. Okay. And when you -- did you see her laying on the
15 ground?

16 A. Yes.

17 Q. Okay. And how did she look?

18 A. How did she get there?

19 Q. How did she look on the ground, awake or asleep?

20 A. Dead. She looked sleeping.

21 Q. Okay. Now, how did she get on the ground?

22 A. My dad carried her and went around the truck and put her
23 on the ground.

24 Q. Did you see him do that, AB1994?

25 A. I think I was in the back with my mom.

1 Q. Okay. So how do you know she got on the ground by your
2 dad?

3 A. Because I saw -- me and my mom saw him, saw him pick her
4 up.

5 Q. Okay. So you don't know if you actually saw him put her
6 on the ground?

7 A. I know -- I saw some of it. I just saw him go around the
8 truck and go like this. I didn't actually, actually see him
9 put her down, but I saw him bend down to put her down.

10 Q. Now, did you think that you were going to get in trouble
11 for this?

12 A. For lying?

13 Q. Uh-huh.

14 A. No.

15 Q. Okay. And after she was on the ground, did your mom ever
16 get out of the truck?

17 A. She got dressed, and then she got out of the truck. Me
18 and her got out of the truck.

19 Q. And what happened?

20 A. My -- actually, before that, my dad told her to get
21 dressed, and she was getting dressed. And my dad went in the
22 back loading in, and my mom played the part that she was
23 supposed to play.

24 Q. Uh-huh, and what was that?

25 A. To be crying. And a lady -- this lady came by, and she

1 asked what happened, and my mom told her. And after that, she
2 asked if we wanted an ambulance. My mom said yes.

3 Q. Okay.

4 A. And then the lady called my dad.

5 Q. Okay. And did JG1999 leave in an ambulance?

6 A. Yes.

7 Q. And were you crying when she left?

8 A. Yes.

9 Q. Why were you crying? Were you supposed to cry?

10 A. I didn't have to, but I did.

11 Q. And why did you cry?

12 A. Because I was really sad.

13 Q. Okay. And after she left in the ambulance, what did you
14 do?

15 A. My dad and me and my sister, we got some clothes, we got
16 some food, and we got a bottle, and we caught a ride. We
17 caught a ride with one of the FBI's.

18 Q. Okay. With an FBI, or somebody that was --

19 A. A police actually.

20 Q. Okay. And did they take you to the hospital?

21 A. Yes.

22 Q. And when you got to the hospital, what happened?

23 A. We went in there, and I think we sat down. Or actually, I
24 think we stood up and went in the back. And my mom came out,
25 and the doctor asked if they wanted to see her, and they said

1 yes. And I couldn't go.

2 Q. Okay. So did they go see JG1999?

3 A. Yes.

4 Q. Okay. When was the last time you saw JG1999?

5 A. When they put her in the ambulance.

6 Q. Okay. Have you ever seen -- did you -- you never saw her
7 after that?

8 A. No.

9 Q. Okay. When you got to the hospital, did anybody ask you
10 what happened?

11 A. Yes.

12 Q. And did you tell them what really happened, or did you
13 tell them --

14 A. I told them the story.

15 Q. Okay. And --

16 THE COURT: What was the story?

17 THE WITNESS: What my dad told me to say.

18 THE COURT: And what was that?

19 THE WITNESS: That she had fell out of the truck when
20 me and him went to the back of the truck.

21 BY MS. BOOTH:

22 Q. Did you have any more to the story? Were you playing with
23 JG1999 when this happened?

24 A. I don't understand the question.

25 Q. Did you ever -- let's talk about the ABC's. Was part of

1 the story, did it have anything to do with the ABC's?

2 A. No. But I told the lie because of my dad, and the FBI, I
3 think it was Dora, or the FBI asked me if there were some happy
4 moments, and I said yes. Then I told him some of the happy
5 moments.

6 Q. Then did they ask you about sad moments?

7 A. No, because they didn't know about them.

8 Q. Okay. Now, before you got to the place where JG1999 got
9 hurt, did y'all go any place else that morning, earlier that
10 morning?

11 A. No. I don't think so.

12 Q. Do you remember another loading dock where --

13 A. My dad stopped there to ask for directions.

14 Q. Okay. Did you ever meet any, go to a dock and meet some
15 ladies who talked to you about your green eyes?

16 A. We went to this one dock, I remember. We were delivering
17 at a little, like, rest stop store, right next to the beach.

18 Q. Okay. And do you remember anybody that day talking to you
19 about your green eyes?

20 A. They were saying how cute they were.

21 Q. Okay.

22 THE COURT: Tell me when you reach a stopping place
23 for the evening.

24 MS. BOOTH: Pardon?

25 THE COURT: Tell me when you reach a stopping place

1 for the evening.

2 MS. BOOTH: Yes, Your Honor.

3 BY MS. BOOTH:

4 Q. In the truck, were their car seats in that big tractor-
5 trailer?

6 A. In the 18-wheeler?

7 Q. Uh-huh.

8 A. No.

9 Q. Okay. And in the 18-wheeler, where did JG1999 sleep?

10 A. A lot of times she slept on a blanket while she wasn't
11 supposed to on the floor, and all the other times while we were
12 in the truck, on the potty.

13 Q. Did that seem like a long time on the potty?

14 A. Real long time. Most the, ~~through~~ all the ~~trips~~ and all
15 the places we'd go, she would be on the potty.

16 Q. Okay. And did she ever ask to get off the potty?

17 A. I think so.

18 Q. Did she ever get to get off the potty?

19 A. No.

20 MS. BOOTH: I think we're at a stopping point, Judge.

21 THE COURT: All right.

22 (Excerpt concluded at 5:36:23 p.m.)

23 * * * * *

24 (Excerpt beginning at 8:38:23 a.m. on the following day.)

25 THE COURT: When we left, Ms. Booth was still on

1 direct with AB1994. So you may proceed.

2 MS. BOOTH: Your Honor, may I approach the witness?

3 THE COURT: Yes, ma'am.

4 AB1994, GOVERNMENT'S WITNESS, SWORN

5 DIRECT EXAMINATION (Continued)

6 BY MS. BOOTH:

7 Q. I want to show you what's been marked as Government's
8 Exhibit Number 298. And I want to ask you if you recognize
9 who's in this picture.

10 A. Me, my sister AB2001, and JG1999.

11 Q. Okay. What does JG1999 have on her legs?

12 A. Socks.

13 Q. And why does she have on socks?

14 A. Because she was bitten all up, and her feet looked real
15 bad.

16 Q. I want to ask you if you recognize Government's Exhibit
17 Number 296. Who's in that picture?

18 A. This is AB2001, me, JG1999, my mom, and I don't remember
19 the other people.

20 Q. Do you remember making any stops on the truck and visiting
21 friends?

22 A. Yes.

23 Q. Do you remember their names?

24 A. No.

25 Q. Okay. Do you remember what you did there?

1 A. No.

2 Q. Did you take a bath?

3 A. I think.

4 Q. Do you remember ever, the people there ever talking about
5 what happened to JG1999?

6 A. No.

7 Q. Okay. I want to ask you, Miss AB1994, if you ever heard
8 your dad talk about what he would do when JG1999 died.

9 A. Yes.

10 Q. What did he say?

11 A. He said he would bring her in the swamp and leave her
12 there.

13 Q. Did your dad ever say that he wanted to kill your mama?

14 A. I don't remember.

15 Q. Okay. When he said that, did you believe him?

16 THE COURT: Wait a minute. When he said what?

17 MS. BOOTH: Okay.

18 BY MS. BOOTH:

19 Q. When he said that he was going to throw her in the swamp
20 and leave her there, did you believe him?

21 A. Yes.

22 Q. Do you know why JG1999 had black eyes?

23 A. Yes.

24 Q. Why was that?

25 A. From my dad hitting her.

1 Q. Now, I want to talk about back in Louisiana, if you
2 remember.

3 A. Okay.

4 Q. Okay. And yesterday, you were talking about the potty,
5 Government's Exhibit Number 326, and where did -- did the potty
6 ever go into the bedroom, into your dad's bedroom?

7 A. Yes.

8 Q. Okay. And where would it be?

9 A. Sometimes right -- well, actually all the time, right next
10 to his bed.

11 Q. Okay. And did you see JG1999 sitting on the potty?

12 A. Lots of times.

13 Q. Okay. Did you ever see your dad hit her while she was
14 sitting on the potty? Or do you remember?

15 A. I don't remember.

16 Q. Okay. Did you ever see her bleeding after your dad hit
17 her?

18 A. When he bit her.

19 Q. Okay. And when he bit her, what do you mean? Where did
20 he bite her?

21 A. Right on her forehead.

22 Q. And how about her hands? Did you see her bleed when he
23 bit her on the hands?

24 A. A little.

25 Q. How about her feet? Did you see her bleed when he bit her

1 on the feet?

2 A. Yes.

3 Q. Now, did your dad ever tell you that it was your fault
4 that he would beat JG1999?

5 A. No. Yes, I think so, one time.

6 Q. And did you ask your mom about that?

7 A. I think so.

8 Q. What did you say?

9 A. I asked her if it was my fault.

10 Q. Did you think it was your fault?

11 A. A little.

12 Q. Why?

13 A. Because I'm the one who brought the bat in.

14 Q. Now, when all of this happened, when you went to the
15 hospital and people asked you, did anybody ask you what
16 happened?

17 A. Yes.

18 Q. What did you -- did you tell them what you -- what were
19 you going to tell them?

20 A. I told them the story my dad said to tell.

21 MS. BOOTH: Okay. I'm going to pass the witness,
22 Your Honor.

23 THE COURT: Thank you. Mr. Gilmore?

24 CROSS-EXAMINATION

25 BY MR. GILMORE:

- 1 Q. Hi, AB1994.
- 2 A. Hi.
- 3 Q. How are you doing today?
- 4 A. Fine.
- 5 Q. Do you know this lady's name right here?
- 6 A. Miss Patti.
- 7 Q. Miss Patti. And do you know this lady right here?
- 8 A. Miss Elsa.
- 9 Q. And the lady sitting behind her?
- 10 A. Miss Megan.
- 11 Q. Okay. How long have you known them?
- 12 A. I knew Miss Megan when I got out of the hospital. I knew
- 13 Miss Patti when I went to Megan's office. And I met Elsa when
- 14 I went to Miss Patti's office.
- 15 Q. Have they been helping you?
- 16 A. Excuse me?
- 17 Q. Have they been helping you?
- 18 A. Yes.
- 19 Q. It's kind of scary coming in here and testifying, isn't
- 20 it?
- 21 A. Yes.
- 22 Q. Have they been helping you do that?
- 23 A. Yes.
- 24 Q. Helping you get ready for it?
- 25 A. Yes.

1 Q. Okay. Are you scared now?

2 A. No.

3 Q. Okay. Good. Do you -- without telling me where you live,
4 do you live with your mother now?

5 A. Yes.

6 Q. And how long have you lived with your mother?

7 A. I think a year.

8 Q. About a year?

9 A. Yes.

10 Q. Okay. And you and AB2001 both live with your mother?

11 A. Yes.

12 Q. Okay. I'm not going to ask you a whole lot of questions,
13 AB1994, but when you first came in to talk to somebody about
14 what happened, do you remember that?

15 A. Yes.

16 Q. Do you remember the man that put the -- he put like a
17 pillow on the floor, and he sat on the floor, and you were in a
18 rocking chair?

19 A. Yes.

20 Q. Do you remember the first, what you first told him
21 happened?

22 A. The story.

23 Q. Can you tell me what the story was?

24 A. That JG1999 had -- that JG1999 had fell out of the truck
25 and hurt herself real bad.

1 Q. Okay. And that your dad didn't know anything about it,
2 about her falling out of the truck, until --

3 A. He knew about it, because he's the one who put her there.

4 Q. Oh, I'm not telling you what really happened. . I'm asking
5 you, what did you tell them?

6 A. I -- my mom told them. That's my mom's part to say.

7 Q. Okay. What I was asking you -- and sometimes I get mixed
8 up, so I'm sorry if I'm confusing you. But what I was asking
9 you is what did you tell the man that was sitting on the floor
10 about what happened?

11 A. I told him the story at first, which was that JG1999 fell
12 out of the truck and damaged her head real bad.

13 Q. Okay. And that was while you and your dad were unloading
14 the truck?

15 A. Yes.

16 Q. Okay. And then later, I believe they brought your mom in?
17 Do you remember that?

18 A. Yes.

19 Q. And they had your mom sit close to you, and then you told
20 a different story. Do you remember that?

21 A. Yes.

22 Q. And can you tell us what story you told then?

23 A. The truth.

24 Q. Okay. And can you tell me what that is?

25 A. That my dad would beat on my sister.

1 Q. Okay. Do you remember saying that the only thing your dad
2 did that day was spank your sister on the butt?

3 A. Yes.

4 Q. Do you remember saying that your dad did not shake your
5 sister?

6 A. He did.

7 Q. But do you remember saying that he did not shake your
8 sister?

9 A. No.

10 Q. Okay. Do you remember saying that it was your mother who
11 came up with the story?

12 A. Yes.

13 Q. Do you remember saying that?

14 A. But it actually was my dad.

15 Q. Okay. But you told everybody at first, even with your
16 mother in the room, that your mother was the one that came up
17 with the story about JG1999 falling out of the truck, didn't
18 you?

19 A. Yes. I got confused.

20 Q. Okay. Did you tell that story to more than one person?

21 A. Yes.

22 Q. You not only told the man that was sitting on the floor
23 who was talking to you, but you also told Megan Beckett that,
24 too, didn't you?

25 A. Yes.

1 Q. That your mom made up the story about JG1999 falling out
2 of the truck. Is that right?

3 A. No.

4 Q. Are you sure?

5 A. I'm sure.

6 Q. Okay. Do you remember when you changed and told that your
7 dad made up the story?

8 A. Yes.

9 Q. It was a long time later, wasn't it?

10 A. Yes.

11 Q. Was that after you had been living with your mother?

12 A. Yes.

13 MR. GILMORE: Okay. That's all the questions I have,
14 Judge.

15 THE COURT: Thank you, sir.

16 REDIRECT EXAMINATION

17 BY MS. BOOTH:

18 Q. You know yesterday when we were talking about secrets, did
19 your dad ever talk to his girlfriends on the phone when JG1999
20 was with y'all?

21 A. I think so.

22 Q. Did you ever talk on the phone to some of his girlfriends?
23 Do you remember?

24 A. I think about four of them at least.

25 Q. Okay. Do you know a lady by the name of Sheretta Collins,

1 Miss Sheretta?

2 A. Yes, a little.

3 Q. Okay. Do you remember talking to Miss Sheretta on the
4 phone?

5 A. Yes.

6 Q. And --

7 MR. GILMORE: Your Honor, I'm going to object to
8 relevance.

9 THE COURT: Overruled.

10 BY MS. BOOTH:

11 Q. And when you were talking to Miss Sheretta, do you
12 remember being on the beach?

13 A. I think it was on the beach, but I'm not really sure.

14 Q. Oh, okay. And was that while JG1999 was living with you?

15 A. Yes.

16 MS. BOOTH: Okay. That's all I have, Your Honor.

17 MR. GILMORE: I have nothing further, Your Honor.

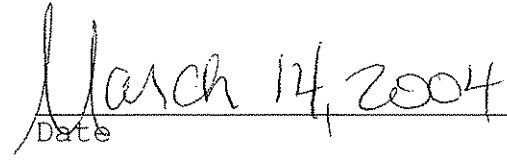
18 THE COURT: Thank you, ma'am. You may step down.

19 (Excerpt concluded at 8:49:09 a.m.)
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I, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.


Molly Carter


Date