

DISTRICT COURT  
CITY AND COUNTY OF DENVER  
STATE OF COLORADO  
1437 BANNOCK STREET  
DENVER, COLORADO 80202

PEOPLE OF THE STATE OF COLORADO,

Plaintiff,

v.

DAVID TODD,  
Defendant.

^COURT USE ONLY^

CASE NO. 04 CR 3248  
COURTROOM 23

FOR THE PLAINTIFF:  
David A. Lamb, Reg. No. 28463  
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FOR THE DEFENDANT:  
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REPORTER'S TRANSCRIPT

This matter came on for Trial to a Jury on  
Friday, July 2, 2005, before the HONORABLE MICHAEL A.  
MARTINEZ, Judge of the District Court.

This is a partial transcript of the proceedings  
had this date, consisting of testimony of Suvi Miller.

I N D E X

WITNESSES:

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SUVI MILLER

Direct Examination by Mr. Lamb

Cross-Examination by Ms. Fisch

Redirect Examination by Mr. Lamb

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REPORTER'S CERTIFICATE

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1 MORNING SESSION, FRIDAY, JULY 2, 2005

2 PROCEEDINGS

3 (The following took place in the presence and  
4 hearing of the jury, with all parties present and  
5 Defendant represented by counsel.)

6 SUVI MILLER,

7 was called as a witness on behalf of the People, and  
8 having been first duly sworn, testified as follows:

9 THE COURT: Please be seated. Ms. Miller, it's  
10 very difficult to hear in this courtroom. I'm going to  
11 ask you do your best to speak up, please. Feel free to  
12 use the microphone. You may adjust it to your comfort.  
13 You won't break it. Additionally, if you will be kind  
14 enough to permit you questioner to complete the question  
15 that they are asking you before you start to answer it.  
16 That way we don't have people talking over each other.  
17 The court reporter's transcribing the questions you ask  
18 and the answers you give. She can only take down one  
19 person at a time.

20 You may proceed.

21 DIRECT EXAMINATION

22 BY MR. LAMB:

23 Q Good morning. Please introduce yourself to the  
24 jury and spell your first and last name.

25 A My name is Suvi Miller. It's spelled S-u-v-i,

1 last name is Miller. I'm a licensed clinical social  
2 worker.

3 Q And how long have you been a licensed clinical  
4 social worker?

5 A Since 1992.

6 Q What does it mean to be a licensed clinical  
7 social worker?

8 A It means you've completed a master's degree  
9 program in social work and then taken an exam after a  
10 certain level of experience in order to get your  
11 licensure.

12 Q Okay. I'll go into your experience and your  
13 education in a moment. But can you describe for the jury  
14 basically what it is you do in your occupation?

15 A I am at the Denver Children's Advocacy Center,  
16 which is where I am employed. I'm also employed by  
17 Denver University. I'm a therapist and supervisor and I  
18 work with children there who come into the agency for  
19 therapy services and their families. And they are  
20 victims of trauma. Mostly sexual abuse and domestic  
21 violence.

22 Q Okay. Thank you. Have you ever met an  
23 individual or a child named Camalot Todd?

24 A I have not.

25 Q Have you ever had any contact or have you



1 reviewed any reports or documentation regarding the case  
2 of the People versus David Todd?

3 A I have not.

4 Q Okay. I want to ask you some questions about  
5 your qualifications as an expert, okay?

6 A Okay.

7 Q Tell us a little bit about your education.

8 A I have an undergraduate degree from Syracuse  
9 University, and a graduate degree in social work from New  
10 York University.

11 Q And in addition to being a licensed clinical  
12 social worker, do you hold any professional licenses or  
13 certifications?

14 A No other licenses, no.

15 Q In what states are you licensed as a social  
16 worker?

17 A I was licensed in New York state and now I'm  
18 licensed in Colorado state.

19 Q Tell us about your professional experience as a  
20 clinical social worker, starting with your first job  
21 after you completed your education till now.

22 A I graduated from New York University in '92,  
23 and my first job there was with a hospital setting, New  
24 York Hospital. And I moved on to another job in  
25 residential treatment where I worked with adolescent

1 girls who were placed there for various reasons, most  
2 behavioral issues with family. And then I came to Denver  
3 and began to work with the advocacy center, first in a  
4 capacity working with developing a court school for  
5 children so that they could get more comfortable with the  
6 court process if they were expected to testify; and then  
7 as the agency grew I also did services with the children  
8 and the adolescents and the families similar to what I  
9 was talking about now. I missed something. I also  
10 worked for the public school system for a bit when I  
11 first came back here.

12 Q And what did you for the school system?

13 A I was a social worker there as well.

14 Q In your career as a licensed social worker, do  
15 you have any particular area that you specialize in?

16 A I specialize in sexual abuse treatment of  
17 children, adolescents, and their families.

18 Q All right. In that specialty, or within your  
19 profession, do you teach that subject? Do you teach any  
20 subject?

21 A I do teach at Denver University. Although it  
22 is not around this particular issue. I teach in the  
23 graduate school and I teach a seminar class for students  
24 there.

25 Q And what is that?

1           A     Seminar class for the first year graduate  
2 students is mostly to help them and support them around  
3 their internship experience as social workers. In  
4 graduate school we all have to go into the field and work  
5 at a job as an intern for a period of two years.

6           Q     I want to talk about what it is exactly that  
7 you do. Can you talk about what your relationship is  
8 like with the children that you treat?

9           A     Children come to the agency from a number of  
10 different places. Sometimes through social services.  
11 Sometimes they've been identified by the -- through the  
12 police department. Sometimes they've been identified by  
13 families or the legal system in other ways. And what we  
14 do is we see a child that's presented to us a number of  
15 issues that were concerns that the family has and we  
16 start by meeting with the child and getting kind of a  
17 picture of the child and the family and how this child is  
18 doing, what behavioral symptoms they might have, what  
19 concerns the family has, and then we go from there. We  
20 do some work with groups with children. We do a lot of  
21 individual work with children, and we usually meet with  
22 them on a weekly basis individually and we do a lot of  
23 play and we do art and we do games and we do different  
24 things like that because children are much more  
25 comfortable in those settings than adults if they go to

1 therapy. Adults will talk and children will often not  
2 want to talk and will play out a lot of things that they  
3 are concerned about or have issues with.

4 Q Okay. And do you talk about specifically with  
5 these children what has happened to them?

6 A We do. What we do is if we have knowledge that  
7 there have been incidents of, say, sexual abuse or  
8 domestic violence, there's been a witness, as example,  
9 not just suspicion, then we let the child know what we  
10 know. But we also tell the child that they don't have to  
11 talk about this if they don't want to. We are not  
12 forensic interviewers on the clinical team at the  
13 advocacy center. When the child comes in the purpose of  
14 meeting with them is not to ask them a lot of questions  
15 about what's happened to you. Sometimes we will have  
16 children who will come in, either they've been identified  
17 as having a history of sexual abuse or there is some  
18 concern and at some point they tell us something and that  
19 makes us concerned about particulars of behavior, and  
20 then sometimes we will ask some general questions about  
21 what has happened. At that point we make a report, just  
22 like any other individual would, back to social services  
23 for it to be investigated by a forensic interviewer.

24 Q In dealing with these children, can you  
25 describe what the age groups are or ages of the children

1 that you deal with?

2 A The agency serves children all the way down to  
3 ages 2 up to 17.

4 Q And can you describe for the jury approximately  
5 the number of victims who have been traumatized -- child  
6 victims who have been traumatized by sexual abuse that  
7 you have dealt with in your professional career?

8 A My professional career?

9 Q And I'm talking about physical abuse.

10 A Physical abuse, I would say, oh, probably close  
11 to a hundred. There's a lot of crossover between the  
12 two, but you're asking me just in general about physical  
13 abuse.

14 Q Yes.

15 A Mm-hmm.

16 Q And what about the number of child victims that  
17 you have dealt with that have been traumatized by sexual  
18 abuse?

19 A Well over a hundred.

20 Q Through that experience in discussing what has  
21 happened to these children, have you gained specialized  
22 knowledge and insight into responses of children to  
23 physical abuse?

24 A Yes, I have.

25 Q And have you gained specialized knowledge and

1 insight in experience through the children to their  
2 responses to sexual abuse?

3 A Yes.

4 Q And lastly, have you gained specialized  
5 knowledge and insight into the methods employed by sexual  
6 perpetrators?

7 A Yes, I have.

8 Q Have you ever been accepted as an expert in  
9 these areas in a court of law?

10 A I have.

11 Q How many times?

12 A I believe it's five.

13 Q Okay. And --

14 MR. LAMB: Your Honor, at this time the People  
15 move that Ms. Miller be accepted by the Court as an  
16 expert in the area of child physical and sexual abuse,  
17 specifically the responses of children to physical and  
18 sexual abuse and the methods employed by perpetrators in  
19 physical and sexual abuse.

20 THE COURT: Any objection to the tender?

21 MS. FISCH: Judge, may I inquire?

22 THE COURT: Yes, you may.

23 VOIR DIRE EXAMINATION

24 BY MS. FISCH:

25 Q Good morning, Ms. Miller.

1 A Morning.

2 Q You're a social worker?

3 A I am.

4 Q You're not a medical doctor.

5 A I'm not.

6 Q You're not a psychologist.

7 A I'm not.

8 Q You're not a psychiatrist.

9 A I am not.

10 Q You have no training in forensic psychology or  
11 psychiatry.

12 A I do not.

13 Q And for the jury's benefit, forensic psychology  
14 and psychiatry deals with the interplay between law and  
15 psychology and psychiatry, correct?

16 A If that's your definition, yeah, that sounds  
17 fine to me.

18 Q And forensic interviewers, forensic  
19 psychologists are nonbiased in a court system, correct?

20 A Yes.

21 Q And that's as opposed to a therapist, correct?

22 A Well, a therapist who would work with the child  
23 would be biased. A therapist in general I don't assume  
24 would be biased.

25 Q Okay. A therapist who works with a child would

1 be biased because they would have the interest of that  
2 child No. 1?

3 A Yes.

4 Q Now, your undergraduate was in speech  
5 communication.

6 A Correct.

7 Q At the College of Visual and Performing Arts.

8 A Correct.

9 Q Your social work degree was in 1992.

10 A Yes.

11 Q And you have no further degrees since 1992.

12 A No.

13 Q You've never published in the area that  
14 Mr. Lamb wants to qualify you in.

15 A I have not.

16 Q You've never published any research or papers  
17 in that area.

18 A I have not.

19 Q So what you're testifying to today is based on  
20 your experience, correct?

21 A Correct.

22 Q And your experience is based on being a  
23 therapist.

24 A Correct.

25 Q Anyone can be a therapist in the state of



1 Colorado, can't they?

2 A They can be an unlicensed therapist, yes.

3 Q And therapists listen to people, children.

4 A I would hope so.

5 Q And they assume what those -- what their  
6 clients are saying is true.

7 A Most of us do, yes.

8 Q Most therapists don't confront their clients  
9 about whether or not they're lying, correct?

10 A No.

11 Q And in your therapy you do play therapy.

12 A Mm-hmm.

13 Q Is that a yes?

14 A Yes.

15 Q And sand therapy.

16 A Yes.

17 Q And art therapy.

18 A Yes.

19 Q Now, the experience that you have is that,  
20 No. 1, the Denver Children's Advocacy Center, correct?

21 A Yes.

22 Q You're an advocate for children.

23 A I would say yes.

24 Q You work with social services?

25 A Yeah. We have interaction with them.

1 Q You work with the police department.

2 A Correct.

3 Q You work with the district attorney's office.

4 A Correct.

5 Q You work with children who you've described are  
6 victims of sexual assault.

7 A No. Some of the children are identified as  
8 victims of sexual assault and other ones not.

9 Q Okay. How many victims -- or how many children  
10 who have lived about -- or lied about allegations of  
11 sexual or physical abuse have you worked with?

12 A I don't recall working with children who have  
13 lied about abuse.

14 Q Because you're working with children who you  
15 assume were telling the truth about sexual and physical  
16 abuse.

17 A Correct. That's the nature of the agency.

18 Q You don't work with kids in therapy who make up  
19 stories about these kinds of things.

20 A Not in my experience.

21 Q In your experience you don't try to delve into  
22 the truth of an allegation.

23 A As a therapist my role is not to do that.

24 Q And you also told Mr. Lamb that you're not a  
25 forensic interviewer.

1 A Correct.

2 Q There are people at the Family Crisis Center or  
3 the Children's Advocacy Center who have special expertise  
4 in forensic interviewing.

5 A Correct.

6 Q Before you were at the advocacy center, you  
7 were a court school coordinator.

8 A Correct.

9 Q You worked in that capacity with the Denver  
10 District Attorney's Office.

11 A Yes.

12 Q In fact, I believe you set up that program --

13 A Correct.

14 Q -- in conjunction with the Denver District  
15 Attorney's Office.

16 A Yes.

17 Q And what that program is is teaching, or  
18 helping kids who are going to have to testify in court.

19 A Get them more comfortable with the setting.  
20 There's no issues related to the case.

21 Q Okay. So in getting them more comfortable with  
22 the court setting, you're not trying to figure out  
23 whether they're telling the truth or not.

24 A No.

25 Q Ms. Miller, most of your professional

1 experience has been working in conjunction with the  
2 prosecution and the police and social services.

3 A Correct.

4 Q You testify for them.

5 A Yes.

6 Q You've testified for them in the past.

7 A Yes, I have.

8 Q And they bring you in to say what they need you  
9 to say about a certain case, correct?

10 A I don't know if I would describe it that way.  
11 They bring me in and ask me to talk about what I know  
12 about certain issues related to sexual abuse.

13 Q Okay. How many times have you spoken to  
14 Mr. Lamb about your testimony in this case?

15 A Twice.

16 Q And you know what being endorsed as a witness  
17 means, correct?

18 THE COURT: This is cross. It is not within  
19 the bounds of voir dire. This is cross-examination.

20 MS. FISCH: Judge, may I make a response to  
21 that?

22 THE COURT: Come on up.

23 (The following bench conference took place in  
24 the presence, but out of the hearing of the jury.)

25 MS. FISCH: Bias is a component to 702, and I'm

1 establishing her bias so that I can argue under 702 that  
2 this testimony is not helpful to the jury.

3 THE COURT: No. I want you to move on.

4 MS. FISCH: Well, I've got several more  
5 questions in this area. Can I get into the fact that she  
6 refused to talk to me? That all goes to bias.

7 MR. LAMB: That's subject to cross-examination.

8 MS. FISCH: It goes to the admissibility of her  
9 testimony.

10 THE COURT: It goes -- the only issue at this  
11 point is the relevance. The reliability of the science,  
12 the admissibility. The helpfulness to the jury. It  
13 doesn't go to bias. Bias is cross-examination. That's  
14 my ruling. Please move on to something else.

15 MS. FISCH: It's a biased expert. It's not  
16 relevant. And the bias goes into whether or not it's  
17 specialized knowledge. Current knowledge is -- her  
18 knowledge is in kids who make truthful allegations about  
19 sexual assault, not when they're making false  
20 allegations.

21 THE COURT: But that is a question of fact for  
22 the jury to determine. That is the state of the  
23 evidence. Certainly that issue has been raised before  
24 the jury. But that is not proper for voir dire on the  
25 witness. So I want you to move on, please.

1 (The following took place in the presence and  
2 hearing of the jury.)

3 Q (By Ms. Fisch) Ms. Miller, what research have  
4 you done in false allegations of sexual or physical  
5 abuse?

6 A In terms of personal research or public  
7 research?

8 Q Personal research.

9 A I have done some reading and I've also done  
10 some training and suggestibility in children, but I  
11 haven't published any research on that.

12 Q You've done some training also in validation of  
13 child sexual or physical abuse, correct?

14 A Yes. Early on I was doing some forensic  
15 interviewing training, yes.

16 Q And you've done training for the Denver Police  
17 Academy?

18 A I have.

19 Q And you've done training for victim's  
20 assistance groups?

21 A I have.

22 MS. FISCH: Judge, I have no further questions,  
23 and I object under 702.

24 THE COURT: All right. In applying 702, the  
25 witness is appropriately qualified to relay opinions in

1 the areas that the Prosecution has endorsed her for. I  
2 will note that the objection more probably goes to the  
3 weight, if any, this jury should give this witness's  
4 testimony and her qualifications.

5 MR. LAMB: Your Honor, may I approach with  
6 Exhibit 27?

7 THE COURT: Yes.

8 FURTHER DIRECT EXAMINATION

9 BY MR. LAMB:

10 Q What is Exhibit 27?

11 A It is my CV.

12 Q Okay.

13 MR. LAMB: Your Honor, People move admission of  
14 People's Exhibit 27.

15 THE COURT: Objection to 27?

16 MS. FISCH: Yes, Judge. I object to her  
17 qualifications as an expert. I object to the jury having  
18 her resume.

19 THE COURT: All right. The objection's  
20 overruled. Again, it goes to the weight.

21 Q (By Mr. Lamb) All right. Ms. Miller,  
22 generally in your experience do children who are victims  
23 of abuse in the household, whether it be physical or  
24 sexual, do they immediately tell someone what is  
25 happening to them?

1           A     In my experience it is less common than not for  
2     them to immediately tell someone. It is much more common  
3     for them to delay in telling about what's happening to  
4     them.

5           Q     Okay. Why don't children tell what's happening  
6     to them?

7           A     Well, a number of factors play into that.  
8     Starting with age of a child. Also with the duration of  
9     the abuse. How long it's been going on. And also their  
10    relationship to the perpetrator, to the person who is  
11    doing these things against them. In general, children --  
12    it comes down to fear and a number of things that they  
13    can be afraid of. They could be afraid of being harmed  
14    by the perpetrator if they tell, or they've said that  
15    outright. Or they've said that someone else might get  
16    hurt in their family that they care about. Sometimes in  
17    relationships this would be much more towards sexual  
18    abuse where there is a positive aspect to the  
19    relationship, the child is afraid of losing the affection  
20    of the perpetrator. If they have sort of a special  
21    relationship or this is most of the attention that they  
22    get, they're afraid if they tell about this then that  
23    person won't like them anymore. There's a fear of  
24    consequences for what will happen. Will I go to jail?  
25    Will my mom go to jail? Will the perpetrator go to jail?



1 You know, will other people get in trouble? Children  
2 worry about this a lot and have a lot of misconception  
3 about what will happen if they told.

4 There's also a fear of having negative  
5 reactions of people around them. My mom's going to be  
6 mad at me. My brother's going to be mad at me. My dad's  
7 going to be mad at me. People are going to be very  
8 negative toward me and no one's going to like me anymore.

9 And then there's a very big fear of not being  
10 believed. Children are often not believed. A lot of the  
11 questions that were asked about whether or not you  
12 question children when they're talking to you about  
13 whether or not they're telling the truth. And a lot of  
14 times adults don't believe children when they talk about  
15 things that they feel it would be out of the realm of  
16 possibility or that it couldn't have happened and/or I  
17 know that person and that's not something that he would  
18 have done.

19 So children are very fearful that they won't be  
20 believed. And sometimes offenders will tell you no one's  
21 going to believe you. And there's a tremendous amount of  
22 guilt and shame around either kinds of these abuses, but  
23 particularly around sexual abuse.

24 Q Why? Tell us how a child views that.

25 A Well, oftentimes children feel that they have

1 been part of this relationship; that perpetrators will  
2 work hard to make sure they engage the child in  
3 justifying why this has happened. You wanted this to  
4 happen. You like that. This is what people do. This is  
5 part of our relationship. And so they feel very guilty.  
6 And even if they haven't been told that, they feel very  
7 guilty. I should have done something. I should have  
8 stopped this. We work a lot with children around that,  
9 because despite the fact that this person is an adult and  
10 in charge of your life, they feel that somehow they  
11 should have done something different.

12 Additionally, the shame piece for children. I  
13 think adults have a hard enough time believing that  
14 others are capable of doing bad things to kids. And  
15 particularly sexual things. Most people can't talk about  
16 it. They don't want to know about it. They sort of know  
17 what happens. It happens, but they don't feel like it's  
18 anything they believe could happen in their world. And  
19 so children, they're aware of this, and this is something  
20 that parents have a very hard time talking to their kids  
21 about in general, trying to help them avoid these things.  
22 So there's a tremendous amount of shame around that kind  
23 of abuse.

24 Q All right. I want to ask you how a couple of  
25 different things place into whether or not a child will

1 tell someone about what's happening to them. First of  
2 all, what if the person who is in charge of their  
3 supervision, otherwise taking care of them, is the person  
4 that's abusing them? How does that interplay with  
5 whether or not a child's going to tell someone?

6 A Well, back to that issue around -- excuse me --  
7 the relationship to the perpetrator. If this person is a  
8 caregiver and this child is relying upon the person to  
9 take care of them on a daily basis, they would be much  
10 more reluctant to say bad things about them to others in  
11 general. And they would feel much more reliant upon them  
12 and, therefore, they'd be afraid of what might happen if  
13 they did tell. Who's going to take care of me?  
14 Sometimes we have perpetrators who are the financial  
15 resources for the family, and the kids know that. People  
16 talk about that. Daddy loses his job, we won't have this  
17 house anymore. We won't be able to buy food. And kids  
18 figure these things out very early on. So if there's a  
19 person taking care of them on a regular basis so that mom  
20 or dad can work, well, I don't want to make Mommy sad  
21 because we don't have a baby-sitter for me anymore, and  
22 what if she loses her job? Children are very aware of  
23 the person who they are relying on. What if I tell and  
24 nobody believes me and this person still takes care of me  
25 after that? What will happen to me next?

1           Q     All right. What about -- how does the child's  
2     environment, the household -- and I want you to describe  
3     how, for example, a chaotic or unstable environment will  
4     affect whether or not a child will tell someone about  
5     what's happening to them.

6           A     The environment a child is living in or that  
7     the offense is happening is very relevant to whether or  
8     not they would tell or to whom they would tell. I  
9     imagine that children who are living in a chaotic  
10    household -- people coming and going as an example, or  
11    baby-sitters changing a lot, or just different people --  
12    relatives coming to stay and that sort of thing, no  
13    predictable schedules, no predictable places that you're  
14    going to be, or you're going to be staying, that affects  
15    children tremendously with or without abuse. They start  
16    to feel like life is less predictable and their less --  
17    stress levels increase and they become -- oftentimes they  
18    have some behavioral issues around that. But if you are  
19    in a chaotic household and also being abused, your sense  
20    of whether or not the world is a safe place and someone's  
21    going to help you with this is going to be much more  
22    skewed. You're going to think, Well, you know, they keep  
23    leaving me with Daddy and everybody keeps coming and  
24    going and I don't even know that Mom's going to be here  
25    today. Maybe Mom won't be here for two days, because

1 maybe she doesn't come all the time. So who can I trust  
2 with this information? Who can I tell this to? Because  
3 there isn't anybody that I see all the time, except maybe  
4 the perpetrator. Or I don't know if they can really help  
5 me.

6 Q Okay. How would you say that -- and this is  
7 related to that question. How would you say the  
8 existence or nonexistence of close, personal support for  
9 that child plays into whether or not a child is going to  
10 tell what's happening to them?

11 A It plays a tremendous role for whether or not  
12 children tell. What we see with children when they  
13 disclose -- and again, often even with trusted  
14 individuals they wait. But if they don't feel that there  
15 is a support system for them, then we will see them  
16 become much more resilient. I'll just live through this.  
17 I'll be okay. You know, I'll try to just make it day by  
18 day. I'll try to be good. I'll try not to get in  
19 trouble. Because there isn't anybody that I can really  
20 talk to about this or that's going to help me. So it  
21 affects them tremendously if they feel like there isn't a  
22 particular person that they can count on.

23 Q All right. Once -- let me give you a  
24 hypothetical. If a child is the victim of both physical  
25 and sexual abuse in the hands of someone in the household

1 and the child decides to tell what is happening to them,  
2 would you find it abnormal for the child to disclose the  
3 physical abuse but not the sexual abuse?

4 A I wouldn't think that that would be at all  
5 abnormal. In fact, it makes a lot of sense back to the  
6 issues around how sexual abuse is viewed, or the child's  
7 perception of it is different than physical abuse. I  
8 think that kids know from an early-on age that people get  
9 hit. You know, that kids get spanked, and other kids, as  
10 soon as they have a working knowledge of the rest of the  
11 world. And in their house -- own house people can get  
12 spanked and hit. And I'm not talking about severe abuse.  
13 But they know there can be these kinds of interactions  
14 between adults and kids, and kids and kids. So if you  
15 have marks and the teacher inspects your bruises, you  
16 might be protective and say, No, I fell, I fell. But if  
17 someone talks to them and says, Okay, we want to help,  
18 don't be afraid, you can tell us and we can be helpful to  
19 you, then the child thinks, Okay; they might reveal that.  
20 There isn't as much of a stigma around that for children  
21 in general and the community in general. I know it  
22 happens. Although some of us can't imagine how severe  
23 hitting can happen. But we understand how it feels to  
24 get frustrated and to feel like with another adult and  
25 child that you just want to explode. So I think it's

1 something that everyone starts to get a sense of it  
2 happening.

3 Sexual abuse is very different because very  
4 young children may not experience this as different from  
5 the rest of the world because they don't have a lot of  
6 experience with the world yet. But children, as they get  
7 older, if they are not completely isolated and kept away  
8 from the rest of the world, start to get a sense that sex  
9 is dirty. Sex is bad. You don't talk about nasty stuff  
10 at school. Teachers won't tolerate language. Kids use  
11 it to provoke other kids. So the idea that someone is  
12 touching you in a way that you're not comfortable with or  
13 in a sexual way is very shameful, is very scary to talk  
14 about.

15 And again, back to the issue of whether or not  
16 you might be believed. So a child coming forward and  
17 saying, Yes, in fact, Daddy does hit me, and then later  
18 as they become more comfortable either in therapy or  
19 they're talking to a parent or they're moved into a place  
20 where they feel supported, might say, You know, I never  
21 told anybody this part, but the other things that used to  
22 happen to me were this. Because the trauma of that can  
23 be very different than the trauma of physical abuse.

24 Q All right. Somewhat related to that is the  
25 following. Once a child has come to a place or a

1 position where the child wants to tell about physical or  
2 sexual abuse, do they typically tell everything all at  
3 once?

4 A In my experience children do not typically tell  
5 all at once, although it does depend upon, again, their  
6 age and how long this has been going on and their  
7 relationship to the perpetrator. So if a child does  
8 tell, say there was one incident of molestation and they  
9 were fondled one time or two times, they may or may not  
10 be able to talk about those at the same time but they're  
11 two incidents that they can remember and they can talk  
12 about. If a child has been abused over a period of time  
13 they will be less -- they are less willing necessarily to  
14 tell everything at once. And sometimes they tell one  
15 thing, and the response of who they're telling or the  
16 response to mom or somebody else is so great and they're  
17 so upset by it that they decide I'm going to tell that  
18 one thing. I've told a thing but I'm not going to talk  
19 about these other things.

20 Q What if the opposite is true? What if they  
21 begin to tell and the reaction of the person they're  
22 telling is supportive?

23 A It depends on the person they're telling this  
24 to.

25 Q Let me just stop you right there and move on to



1 the next area. And that is once a child becomes -- or  
2 comes to a position where they may want to tell, who does  
3 a child typically select, in your experience, to tell?

4 A You know, it again depends upon the child. If  
5 a child has somebody they do identify is supportive in  
6 their immediate family they will tend to go to the family  
7 first. Although if you're talking about older kids,  
8 sometimes they'll go to a friend first. If they're not  
9 as well supported in a relationship with someone or for  
10 whatever reason they believe that that's going to be too  
11 much to tell this person, they might tell a teacher.  
12 This may be in some educational piece or something that  
13 goes on at school, or the teacher says, You seem very  
14 upset today, and they might tell a professional like a  
15 teacher.

16 Q Okay. Go ahead.

17 A They might tell a peer. They might tell a  
18 friend, I don't want to go home today because I'm afraid  
19 of what's going to happen to me. And they have a friend  
20 who tends to be a little bit of an advocate and says, You  
21 need to tell somebody. My mom always said you've got to  
22 tell somebody. Or they might tell somebody out of the  
23 family who's just available to them in a recreational  
24 environment.

25 Q Out of all of those people, what is it about an

1 adult that a child would see that would make them tell  
2 that? What are characteristics of the person that a  
3 child would see as someone they could tell?

4 A Well, I think in general children look for  
5 someone who they believe is going to be good to them as  
6 an advocate; is going to help them. Sometimes they'll  
7 tell friends, not because necessarily they think the  
8 friend is going to help them, but they just feel the need  
9 to tell somebody about what's happening because it's  
10 becoming too much. But I think when children tell adults  
11 it's generally because they're hoping someone's going to  
12 help this stop.

13 Q Okay. I want to talk about an area called  
14 grooming. And I will begin this with just asking you to  
15 define, what is grooming? What does that mean in your  
16 profession?

17 A Grooming is -- we're talking about related to  
18 sexual abuse, would be pattern of behaviors that an  
19 offender uses to create or prepare a child for abuse.  
20 Offenders have one thing in common. They're different,  
21 but they do have one thing in common. They don't want to  
22 be caught. So they will go through a series of steps,  
23 usually progressively, so that if something happens they  
24 can excuse the behavior. But ultimately they can trust  
25 that they're not going to be told on. So typically an

1 offender will identify a child. They'll pick somebody.

2 Q How does an offender decide what child? Or how  
3 does an offender select their victim?

4 A They usually look for someone who is  
5 vulnerable, for any number of reasons. A child who  
6 doesn't have a lot of supervision, so that this is a kid  
7 that you can easily enlist in a relationship that  
8 nobody's going to question that relationship. A child  
9 who may come from a home that's, as you were talking  
10 about earlier, very chaotic. There's just a lot of  
11 comings and goings. A child that doesn't have a lot of  
12 support. Even if there is supervision, it's clear when  
13 the offender is either part of the family or comes in  
14 from the outside that people don't really listen to this  
15 kid; that this kid is kind of shuttled from place to  
16 place; that this kid is targeted for whatever reason in  
17 the family as being the bad kid. And sometimes it's just  
18 a general -- a kid who really responds to attention. And  
19 we see offenders sometimes with a kid who clearly is  
20 looking for more attention from a particular -- an adult  
21 male or something like that. So they look for kids that  
22 are vulnerable because those children, at least  
23 initially, are less likely to tell anybody. It's clear  
24 there aren't a whole lot of people that are taking care  
25 of them. Or it's clear that this child can be convinced

1 that it's better to keep this a secret.

2 Q All right. You were mentioning about how  
3 perpetrators just don't want to get caught. And I want  
4 you to describe for the jury if you can what  
5 relationship, if any, there is between that and the  
6 levels of abuse that a perpetrator will use.

7 A Well, after a perpetrator identifies a  
8 potential victim, they might engage the child in a  
9 relationship. Sometimes they use a peer-like  
10 relationship. You know, you're my special friend. They  
11 treat this child as an older child. And that matters to  
12 all kids. They love to be treated like somebody special,  
13 somebody bigger. And sometimes they will, if they've got  
14 this opening, start to use threatening behavior to keep  
15 this child to see if this child is going to respond to  
16 them. So they take the first step to see if I start  
17 developing a closer relationship with this child or a  
18 more one-on-one relationship with this child either by  
19 being nice and supportive and/or through being abusive,  
20 physically threatening, Are they going to tell anybody?

21 So that's the first level. Because if they  
22 tell at that level, Well, I was just trying to be nice to  
23 Johnny and, you know, I know he gets lonely. I just  
24 wanted to hang out with him, but there was nothing going  
25 on. Or, you know, I did spank him, but it was just that

1 one time and, you know, I'm sorry I got frustrated. But  
2 now we've seen that this child has reported. And so this  
3 isn't a safe target again necessarily for a perpetrator.

4 If that goes okay, that next step, then often  
5 what perpetrators will do is desensitize children to  
6 touch and imagery and things like that to see if children  
7 will tell at that level.

8 Q Describe the touch portion of that.

9 A What we often see is perpetrators will develop  
10 a physical relationship with this child; playfulness,  
11 tickling, things like that. We hear a lot of Oh, we were  
12 just wrestling, and I'm sorry, I didn't mean to grope  
13 her. It was by accident. But again, this child tells,  
14 or they're seen, and they can kind of write it off. It  
15 was just an accident. We were just playing around. And  
16 that will suffice for a lot of parents. Oh. Well, next  
17 time don't wrestle so much. Or next time just knock off  
18 that behavior. And if the child doesn't seem to respond  
19 to that in a negative way, then this touch can become  
20 more escalated. So it can become more sexualized. And  
21 again, each of these steps you can take a step back and  
22 see if this child's going to report. Or if your  
23 knowledge is that nobody's coming to this kid's rescue,  
24 then you might escalate it further faster.

25 Q All right. In the grooming techniques or

1 methods, in your experience do you see perpetrators using  
2 pornography? And describe whether that's used and how.

3 A We do see perpetrators using pornography. And  
4 it can be used in a number of different ways. But a lot  
5 of the time -- back to this desensitization. They will  
6 have kids come in and watch it, and see what you think  
7 about it. And the child will come in and watch it and  
8 not really know what to make of it. But it's full of all  
9 this sexual content. And it's very confusing. And they  
10 know it's something that they're not necessarily supposed  
11 to be seeing, and what are these people doing? So it can  
12 be used that way again to see if this child's going to  
13 reveal.

14 The other way it can be used is a modeling  
15 thing for kids. Do you see? People do this. This is  
16 normal. And unfortunately there's tons of child  
17 pornographies that are accessible to people. You will  
18 notice in adults you will also get pornography with  
19 children. And children again are vulnerable to this kind  
20 of thing, and you can say, Well, you see, children do  
21 these things and children do these things with adults and  
22 it's not weird and, you know, this is the kind of  
23 relationship that we're going to have. So it can be used  
24 as a tool for modeling as well.

25 Q Specifically, what is the perpetrator's purpose

1 in using the pornography?

2 A In my opinion, it's do desensitize the child to  
3 those kinds of images and to sexual contact, so they see  
4 it enough they may become stimulated by it mostly because  
5 we're all just wired that way. Not because they  
6 understand what it is. But for kids sometimes they go,  
7 oh; because everybody has a body and everybody responds  
8 to things in a certain way. But they don't get it. It's  
9 overwhelming for them. They do see that this is an  
10 activity that people participate in. So maybe this is  
11 something that people do.

12 So that would be my opinion, used to  
13 desensitize children so that the next step could be that  
14 we're going try this out and see what this child's  
15 response to that is.

16 MR. LAMB: Your Honor, I don't have any further  
17 questions.

18 THE COURT: Cross-examination.

19 MS. FISCH: Thank you.

20 CROSS-EXAMINATION

21 BY MS. FISCH:

22 Q Ms. Miller, you had the time to talk to  
23 Mr. Lamb about your testimony today, correct?

24 A I did.

25 Q And you had the time to talk to him twice about

1 your testimony.

2 A I did.

3 Q And you had the time to discuss with him what  
4 you would be saying today on the witness stand.

5 A Correct.

6 Q And you had the time to talk with Mr. Lamb  
7 about the questions he was going to be asking you.

8 A Some of them, yes.

9 Q And about the subject areas that he was going  
10 to be talking to you about.

11 A Yes.

12 Q And you had the time to cooperate and help him  
13 with your testimony today.

14 A I did.

15 Q And you've had the time to be a witness for the  
16 Prosecution five times, I think you said.

17 A Correct.

18 Q So this is the sixth time.

19 A I believe so, yes.

20 Q And the five other times that you testified you  
21 have you had the time to talk to the prosecution about  
22 your testimony --

23 A I did.

24 Q -- correct? But you didn't have the time to  
25 talk to me, right?



1 A I would say that's incorrect.

2 Q Well, let me ask you, back in April my  
3 investigator called you, correct?

4 A Correct.

5 Q To set up an interview where we could come down  
6 and talk to you.

7 A Yes.

8 Q And I believe that you were just too busy to  
9 sit down with us to discuss your testimony.

10 A What I said to her was I would be happy to talk  
11 to you by phone, but that my schedule did not allow for  
12 me to have a face-to-face meeting. That's correct.

13 Q You were too busy to sit down with me  
14 face-to-face, but not with Mr. Lamb, correct?

15 A Yes.

16 Q And you wrote, quote, A formal interview would  
17 be just too much of a hassle.

18 A I don't know that I used that word, but if  
19 that's what she says, perhaps I did.

20 Q Okay. You know that Mr. Todd is facing a  
21 potential life sentence.

22 MR. LAMB: Your Honor, I'll object to that and  
23 I'll move that that be stricken.

24 MS. FISCH: Your Honor, it goes to bias.

25 THE COURT: Overruled.

1 Q (By Ms. Fisch) You know that Mr. Todd is  
2 facing a potential life sentence in this case, correct?

3 A Correct.

4 Q And it was too much of a hassle for you to sit  
5 down and answer my questions when this man is facing a  
6 potential life sentence.

7 A No. What I said to you was that I would be  
8 happy to talk to you by phone and answer any questions  
9 that you might have that couldn't be answered by my CV or  
10 anything I gave to the D.A.'s office.

11 Q You didn't give anything to the D.A.'s office.

12 A A copy of the cases that I might have testified  
13 on, or something like that.

14 Q You didn't get them any substantive information  
15 about what you were going to testify to in writing.

16 A No, I did not.

17 Q Your CV doesn't talk about what you're  
18 testifying to today in Court.

19 A No, it does not.

20 Q I wrote you a letter in April of 2005, correct?

21 A You did.

22 Q And I said, Okay. If you don't have time to  
23 talk to me face-to-face, please answer the questions that  
24 I put in my letter, right?

25 A You did. And there were in excess of 62

1 questions.

2 Q Right. Because I have a lot of information  
3 that I wanted to ask you, correct?

4 A Correct. But they were also open-ended  
5 questions, and it probably would have taken me well over  
6 a week to write out the answers to those questions.  
7 Additionally, I felt like some of them I couldn't answer,  
8 and some of them were from a tone that were sarcastic,  
9 and I wasn't quite sure why they were in there.

10 Q So you wouldn't answer my letter, right?

11 A I responded to you and told you why I wouldn't  
12 respond to that.

13 Q We'll talk about that in a minute. A  
14 face-to-face interview, I guess, would have taken less  
15 time for you to answer my questions on paper.

16 A I'm not sure.

17 Q You refused to do both of them, right?

18 A And I made myself accessible by telephone, but  
19 nobody contacted me.

20 Q You had the time to count up the number of  
21 questions I had on this paper.

22 A I did, because it blew my mind, yes.

23 Q Well, you know that preparing to cross-examine  
24 in front of a jury an expert witness takes a lot of time,  
25 right?

1 A I do.

2 Q And if you were facing a potential life  
3 sentence would you want your lawyer to prepare to  
4 cross-examine a witness?

5 A Absolutely.

6 THE COURT: I'm going to interject at this  
7 point. I'm going to instruct the jury to disregard the  
8 question and the response. If you decide that the  
9 Prosecution has proved beyond a reasonable doubt that the  
10 defendant has committed the crimes as charged, it will be  
11 my job to decide what the punishment might be. It should  
12 not enter into your consideration at any time.

13 You may proceed.

14 Q (By Ms. Fisch) Now, my letter was dated  
15 April 18, 2005.

16 A Correct.

17 Q You responded to me on July 5, 2005.

18 A July 1, I believe, but yes.

19 Q Well, if the postmark on this letter is July 5  
20 would that be correct?

21 A I guess so.

22 Q So you responded to my letter about two weeks  
23 before this trial was going to start.

24 A Correct.

25 Q Now, you don't know anything about the facts of

1 this case, correct?

2 A I do not.

3 Q You've never met Camalot Todd.

4 A I have not.

5 Q You don't know anything about her.

6 A I do not.

7 Q You don't know anything about her upbringing.

8 A I do not.

9 Q You don't know anything about her physical  
10 living situation.

11 A I do not.

12 Q You don't know anything about her psychological  
13 makeup.

14 A I do not.

15 Q You don't know whether she's lied in the past.

16 A I do not.

17 Q You don't know whether she's lied in this case.

18 A I do not.

19 Q You don't know whether she's lied to the police  
20 in this case.

21 A I do not.

22 Q You don't know whether her story in this case  
23 is even plausible.

24 A I guess I don't. I don't know the details of  
25 it.

1 Q You don't know what her motivations for  
2 disclosure were -- or are.

3 A I do not.

4 Q You would agree that children lie about  
5 physical and sexual abuse, wouldn't you?

6 A Extremely rarely.

7 Q Extremely rarely. And that's because you're an  
8 advocate for children.

9 A That's because what I've read, and the  
10 documentation speaks for that.

11 Q Well, you deal with kids at the Children  
12 Advocacy Center who you believe are telling the truth  
13 about their allegations, correct?

14 A Correct.

15 Q Do you know why the Prosecution has not told  
16 you any of the facts in this case?

17 A Because, as an expert, if I had the facts then  
18 it would bias my testimony.

19 Q Let's talk about some of the facts, okay? You  
20 talked about that children delay in outcry many times,  
21 correct?

22 A Most times.

23 Q You have no idea what happened in this case,  
24 right?

25 A No.

1 Q Were you aware that the alleged victim in this  
2 case regarded -- reported physical abuse three days after  
3 it supposedly occurred?

4 A I was not.

5 Q Were you aware that there was no cooperation  
6 for the allegations that she made?

7 MR. LAMB: Your Honor, I'll object. That  
8 misstates the evidence.

9 THE COURT: Overruled.

10 Q (By Ms. Fisch) Were you aware that at the  
11 time this child made the supposed allegation that she had  
12 a support system?

13 A No, I was not.

14 Q That she had a father in the home who  
15 supposedly was not the contributor of the abuse. Did you  
16 know that?

17 A No, I did not.

18 Q Did you know that she had an aunt and uncle in  
19 that same home?

20 A I did not.

21 Q Did you know she had other family members  
22 outside of the home, including her Aunt Betty and Uncle  
23 Bob?

24 A I did not.

25 Q Were you aware that she had been at her Uncle

1 Bob and Aunt Betty's house almost every day preceding  
2 this?

3 A I did not.

4 Q Did you know she had a social worker?

5 A I did not.

6 Q Did you know she talked to three different  
7 police officers?

8 A I did not.

9 Q Did you know she was going to school on a  
10 regular basis?

11 A I did not.

12 Q It would be important for you as an expert to  
13 know what was the catalyst for the disclosure, correct?

14 A For my testimony to know?

15 Q For -- in general.

16 A To provide therapy for a child, yes. For my  
17 testimony, no.

18 Q Okay. Well, you would want to know for your  
19 testimony if a child was being punished and immediately  
20 made an outcry after that, wouldn't you?

21 A I -- my understanding of what my testimony  
22 provides is my knowledge around what children do with  
23 abuse issues and when they disclose and why they might  
24 not tell right away. To me, whether or not they  
25 disclosed immediately after the incident or later is not



1 relevant to my testimony because I'm testifying about  
2 what I see a lot of children do. So it's not relevant to  
3 that.

4 Q Well, what is relevant is if there's something  
5 immediately prior to the disclosures that -- a motive for  
6 the disclosure, like being punished. That would be  
7 important, wouldn't it?

8 A It would be important if I were their  
9 therapist. Not in my testimony.

10 Q Well, it would be important to try and figure  
11 out whether or not they're telling the truth, correct?

12 A Not for my testimony.

13 Q Okay. You wouldn't care about that, right?

14 A It wouldn't decide for me as an expert whether  
15 or not a child would or wouldn't have been abused.

16 Q Well, that's because you assume that they're  
17 telling the truth.

18 A I assume that most children are telling the  
19 truth.

20 Q Okay.

21 A But in the rest of the -- you're talking about  
22 kids that I see coming in, I do assume. But I don't know  
23 this child, so I can only go on what I know about the  
24 work that I do.

25 Q Now, making up a story would account for a

1 disclosure, wouldn't it? If you need time to make up a  
2 story.

3 A I do not see children that delay in disclosure  
4 making up stories. I see them feeling that for whatever  
5 reason they cannot share this information, as I had  
6 listed before all of those reasons, and that is why they  
7 delay.

8 Q Ms. Miller, are you testifying today that a  
9 delayed disclosure could not be accounted for by the  
10 child needing time to make up a story?

11 A Is it totally outside of the realm of  
12 possibility? No. But I would think it to be extremely  
13 unusual.

14 Q It's totally out of the realm of your thinking,  
15 isn't it?

16 A No. I think it's totally out of the realm of  
17 how children deal with abuse.

18 Q If it's true. Right?

19 A I'm sorry. I'm not understanding that  
20 question.

21 Q Okay. I'll move on. Your testimony today on  
22 the outcry issue is based on your experience, correct?

23 A My experience, and also other research that  
24 I've read, yes.

25 Q And we've already talked about your experience.

1 If the child is not afraid of the alleged perpetrator,  
2 would there be a delay in the outcry?

3 A I imagine -- I could imagine circumstances  
4 where that absolutely could happen, yes.

5 Q Did you know that the alleged victim in this  
6 case testified two days ago that she was not scared of  
7 Mr. Todd?

8 A I did not know that.

9 Q You talked about delay in disclosure being  
10 related to being scared to losing affection of the  
11 perpetrator, correct?

12 A As one possibility, yes.

13 Q Okay. Did you know that there was no affection  
14 between Mr. Todd and Camalot Todd?

15 A I did not. And that's why I listed all the  
16 other reasons that there might be a delay.

17 Q All right. Let's go to some of the other  
18 reasons. One of the other reasons was consequence. Will  
19 I go to jail, will my mom go to jail, will someone else  
20 go to jail, correct?

21 A That could be one list of consequences, yes.

22 Q Did you know that that was never an issue in  
23 this case?

24 A That consequences weren't an issue?

25 Q No. No. The jail issue.

1           A     Jail was an example. Consequences could mean  
2 anything, like you don't get to go to the party tomorrow  
3 if you tell.

4           Q     Oh. Consequences would be you'll be taken out  
5 of the home.

6           A     Correct.

7           Q     Well, did you know that Camalot Todd wanted to  
8 be out of this home?

9           A     I did not.

10          Q     You said that a delay -- another reason for  
11 delay would be basically that the sexual aspect -- or the  
12 physical aspect is part of the relationship and that the  
13 child might like part of that.

14          A     No. What I was saying was that that may be  
15 part of the relationship and the child may not want to  
16 lose the affection of the offender, not the sexual piece.

17          Q     Okay. And we've already talked about you  
18 didn't know that that was an issue in this case.

19          A     Correct.

20          Q     You said one of the -- another reason for delay  
21 in the outcry would be the fact that no one wanted to  
22 talk about that the child would have no one to go to to  
23 talk about it because the adults wouldn't want to talk  
24 about it, correct?

25          A     I believe that's the reason that children do

1 delay in outcry, yes.

2 Q Okay. Were you aware in this case that Camalot  
3 Todd was with her Aunt Betty, who was willing -- very  
4 willing to talk to her about this when she made  
5 disclosure?

6 A I was not.

7 Q And that she didn't express shame when she made  
8 the disclosure to Aunt Betty. Did you know that?

9 A That would be according to Aunt Betty.

10 Q Okay. So you would rely on Aunt Betty's  
11 testimony.

12 A I would probably rely more on what I saw with  
13 the child, yes. But if Aunt Betty said she didn't see  
14 it. But I would take this with a grain of salt. I think  
15 adults miss a lot of things with kids.

16 Q You said you talked about the perpetrator being  
17 in charge is an important component, or having caregiving  
18 responsibilities.

19 A It can be, yes.

20 Q And I assume you're talking about basic needs,  
21 like food, shelter. Financial support is one thing you  
22 talked about, right? Or watching the child while Mom  
23 goes to the grocery store. The person who might be in  
24 the household taking care of the kid to make sure that  
25 bad guys don't come.

1           Okay. Were you aware that in this home where  
2 Camalot Todd lived there were three other adults beside  
3 Mr. Todd?

4           A     I was not.

5           Q     Were you aware that her father was -- her  
6 father is -- who is not Mr. Todd -- was providing  
7 financial support for her?

8           A     I was not.

9           Q     Were you aware that she was going to school  
10 regularly?

11          A     I was not, but I didn't assume otherwise.

12          Q     You talked about one of the reasons that  
13 physical abuse might be disclosed before sexual abuse is  
14 because it's perceived as more -- I don't want to say  
15 normal, but more acceptable. Spanking children is more  
16 acceptable, obviously, than sexually assaulting them,  
17 correct?

18          A     Correct. And if there are marks, it's  
19 obviously one of those things that people can see.

20          Q     Okay. If you get severely beaten someone's  
21 going to see something on you at school or at the grocery  
22 store, a rec center, right?

23          A     Possibly.

24          Q     Okay. And you said we're not talking about  
25 severe abuse; severe physical abuse.

1 A I'm sorry. I don't understand the question.

2 Q When you said that it would be more common to  
3 disclose physical abuse first, you said we're not talking  
4 about severe physical abuse.

5 A I don't recall what context that was in, but  
6 I'm -- I think that there's lots of kids who have  
7 disclosed physical abuse and have had marks that have  
8 been hidden, so I'm not sure what your question is.

9 Q You were talking about the difference between  
10 disclosure of physical and sexual abuse. And you said it  
11 was not abnormal for a child to disclose physical abuse  
12 before they disclosed sexual abuse.

13 A Correct.

14 Q And you said in that context I'm talking about  
15 spankings, things like that. I'm not talking about,  
16 quote, severe abuse.

17 A No. I said that children would assume that  
18 contact between adults and kids and others in terms of  
19 normal behavior would be around spanking. Severe  
20 physical abuse, no, I don't think children are aware of  
21 that in children in the world.

22 Q Okay. Would you consider hogtying a child to a  
23 metal pipe, both their feet and sometimes their hands,  
24 whipping them with a belt over 20 times, to be severe  
25 physical abuse?

1 A I would.

2 Q If someone was whipped with a belt 15 -- 10,  
3 15, 20 times would you expect to find marks?

4 A Depending on how long before it was. If it was  
5 immediate, yes; but it could be over a period of time  
6 that you wouldn't see it.

7 Q Okay. You talked about gradual disclosures,  
8 correct?

9 A Correct.

10 Q And again, your testimony is based on your  
11 experience --

12 A Correct.

13 Q -- right? Demeanor is a good reflection, or an  
14 important part of a disclosure, correct? The demeanor of  
15 the child.

16 A I think demeanor of children can be  
17 misconstrued often when they're disclosing. People  
18 will -- they -- they don't look too stressed. They seem  
19 happy. They don't seem fearful. So I think that can be  
20 misconstrued because people present a particular face on  
21 something that is not exactly how they're feeling  
22 internally.

23 Q Would you agree that the most accurate  
24 portrayal of demeanor would be a videotape of the  
25 disclosure?



1 A The demeanor during that forensic interview?

2 Q Right.

3 A Sure. But if that dictated whether or not they  
4 were telling the truth, no.

5 Q Would you agree a videotape would be better  
6 than a description of somebody?

7 A Yes.

8 Q Are you aware that Camalot Todd lied to the  
9 police on November 30 of '03?

10 A That she lied to the police?

11 Q To the police.

12 A I was not.

13 Q Would you take into account a prior history of  
14 a child for untruthfulness in determining whether or not  
15 they were telling the truth about a disclosure?

16 A I would take it into account. But dependent  
17 upon what the disclosure was there are a lot of things  
18 that children could possibly make up or not, particularly  
19 with issues around sexual abuse.

20 Q Sure. And what you're talking about is, for  
21 example, a 5-year-old would not know about sexual  
22 intercourse, or shouldn't know about sexual intercourse.

23 A I would say that an 8-year-old wouldn't know  
24 specifics of sexual intercourse.

25 Q So that's what you're talking about, right?

1           A     In terms of what their basic knowledge is, I  
2 would take that into account as well, yes.

3           Q     You would take into account whether what the  
4 child said was corroborated by other witnesses to  
5 determine whether or not they were telling the truth.

6           A     If there were people present at the time, yes.

7           Q     Okay. And I think you said this earlier in  
8 your testimony, that a lot of -- or some of the kids that  
9 you had at the advocacy center have sexual abuse that was  
10 actually witnessed by somebody.

11          A     Correct.

12          Q     Or there's physical evidence of it, correct?

13          A     Correct.

14          Q     In the gradual disclosure you said that who  
15 they select to disclose to is important, correct?

16          A     Yes.

17          Q     And would the circumstances of that disclosure  
18 be important to you?

19          A     Meaning?

20          Q     Meaning if a child was being punished by  
21 somebody right before the disclosure, and they were in  
22 trouble and they were being confronted and they were  
23 being yelled at, would that be important to you?

24          A     It would be relevant. It also might mean that  
25 this child was in a situation where they just didn't want

1 anything else to happen to them.

2 Q Okay. How about if they were in a very safe  
3 situation at the time and they knew nothing would happen  
4 to them?

5 A I think the fact that they were in a very safe  
6 situation might say something about why they might  
7 disclose at that time.

8 Q Would you look at inconsistencies in this  
9 disclosure as being important?

10 A They're important. But what we also see with  
11 children, dependent upon if they have been abused  
12 multiple times, is the details shift around. If you're a  
13 kid who's being abused numerous times to keep track of  
14 what day that was or where you were or what room you were  
15 in or exactly what happened, that time is very difficult,  
16 even for adults. And so from children what we often see  
17 is as they've talked more about some of the events that  
18 have happened to them they become more clear with some of  
19 their details because they are less strained, less likely  
20 to merge everything together.

21 Q I'm talking about big details, when you're  
22 hogtied and whether it's your hands and your feet.

23 A They'd be relevant. But if I were a kid and I  
24 was hogtied, I don't know what I would remember about  
25 that.

1 Q You're just talking about yourself, right?

2 A Yes.

3 Q The police are trained to give permission to  
4 children to disclose these kinds of things, aren't they?

5 A Correct.

6 Q In fact, you've helped train the Denver Police  
7 Department to do that.

8 A Not on forensic interviewing, but on issues  
9 around behaviors and things with children, yes.

10 Q And the police are trained to make the  
11 advisement comfortable so the child can disclose,  
12 correct?

13 A Correct.

14 Q Social workers are trained to give permission  
15 to the child to disclose, correct?

16 A Correct.

17 Q And to make the environment safe.

18 A They try to, yes.

19 Q Relatives who are close and not related to the  
20 alleged perpetrator are good people to disclose to,  
21 correct?

22 A It depends on the relative.

23 Q Teachers are good people to disclose to.

24 A It depends on the teacher.

25 Q I think you talked about a lot of times kids do

1 disclose to teachers.

2 A They do.

3 Q D.A.s and their investigators are good people  
4 to disclose to, correct?

5 A It depends. And I think for children,  
6 depending upon what they think is going to happen as an  
7 end result is who they're going to share with.

8 Q You've met Mr. Lamb. He's a pretty nice guy?

9 A Mm-hmm.

10 Q Is that a yes?

11 A Yes.

12 Q Now, usually -- you've talked about the  
13 children who are targeted for sexual abuse and physical  
14 abuse. They're usually victims; that they're not  
15 confident; that they're not empowered kids, right?

16 A I would say that in general those children  
17 would not be selected first, no.

18 Q And they wouldn't be selected first because  
19 they'd be more likely to tell.

20 A Correct.

21 Q And they'd be more likely to not go along with  
22 the abuse.

23 A Correct.

24 Q If a kid is empowered, they're going to stop  
25 it.

1 A Well, I think it depends upon what they're  
2 empowered to do.

3 Q Okay. Let me give you some examples. Say a  
4 child is on a hiking trip with a perpetrator and the  
5 perpetrator tells them to pull their pants down and they  
6 say no, and then they say, Is it time for lunch? And  
7 then they go with the perpetrator to lunch and have  
8 cheese ravioli. That's pretty empowered. Isn't it?

9 A I think that it depends on what the child's  
10 perception is of what's going to happen next would be.  
11 If someone does that and I refuse, sometimes I can say no  
12 and it won't happen, but we'll go eat lunch. I might say  
13 no this time.

14 Q Okay. But it's pretty empowered on a hiking  
15 trip on a trail in the middle of nowhere to say, No, is  
16 it lunch time? Let's go to lunch. Just tell me, do you  
17 think that's empowered or not?

18 A I think that a child who would say no and then  
19 want to go to lunch would say to me that this child's  
20 been exposed to that before.

21 Q Okay. Is it empowered or not?

22 A I wouldn't use that term to describe it.

23 Q So it's not empowered?

24 A I wouldn't use the word empowered.

25 Q Is the answer to my question no?

1 A No.

2 Q Is it empowered for a child who is in a  
3 basement and a perpetrator says, Touch my penis, and they  
4 go, Lick this, and then yucky and ran up the stairs away  
5 from the person, is that empowered?

6 A I would not use that term, no.

7 Q You would not use that term. Now, when  
8 perpetrators use pornography, I assume that you're saying  
9 as part of the grooming process that's something that  
10 they think about and decide that they're going to use,  
11 right?

12 A Pornography, yes.

13 Q Okay. Do perpetrators use pornography -- let  
14 me ask you this. Do perpetrators hope that when they go  
15 on a hiking trip in the mountains on a trail that they're  
16 just going to happen to find pornography laying on the  
17 trail?

18 A I would guess not.

19 MS. FISCH: Can I have a moment, Judge?

20 THE COURT: Yes, you may.

21 (A pause in the proceedings was taken.)

22 MS. FISCH: I have nothing further.

23 THE COURT: Mr. Lamb, do you need any redirect?  
24 Limited to cross-examination, please.

25 MR. LAMB: Yes.

REDIRECT EXAMINATION

BY MR. LAMB:

Q Ms. Miller, are you testifying about specific incidents related to Camalot Todd?

A I am not.

Q All right. Are you testifying about patterns, things you've seen in prior children, or are you testifying about specifics of this case?

A I'm testifying about patterns and abuse-related issues with children that I am aware of in the community and historically in my practice.

Q All right.

MR. LAMB: I don't have any further questions.

THE COURT: Any recross, limited to redirect?

MS. FISCH: No, thank you, Your Honor.

THE COURT: That will conclude the testimony of Ms. Miller. If there's no objection, she's excused.

\* \* \*



## REPORTER'S CERTIFICATE

STATE OF COLORADO )  
CITY AND ) ss.  
COUNTY OF DENVER )

I, JULIE KING, Official Reporter of  
Courtroom 23, District Court, County of Denver, State of  
Colorado, do hereby certify that I reported the foregoing  
proceedings in stenographic shorthand at the time and  
place aforementioned; that, thereafter, I reduced said  
shorthand notes to transcription form, and that the  
foregoing transcript is an accurate transcription of said  
shorthand notes and the proceedings had, to the best of  
my knowledge and belief.

Dated at Denver, Colorado, this 18th day of  
February, 2006.

JULIE KING, RPR