

Brief provided to the
North Carolina
Innocence Inquiry
Commission before
the hearing

North Carolina Innocence Inquiry Commission Brief for State v. Henry Reeves

Attempts to structure this brief in the fashion used by the Court of Appeals were impossible given the need to include large pieces of transcripts and other documents. This brief is meant to be read from start to finish with the attachments placed within the brief instead of at the end. It became obvious that numerous attachments at the end would only make this brief more difficult to navigate.

As you read through this brief, please make note of any questions that you have or additional documentation that you would like. Send your questions and requests by e-mail to the entire Commission so that they may be addressed to the group. As a reminder, you may not discuss this case with anyone outside of the Commission or conduct any independent investigation.

This document is intended as a supplement to the hearing that will take place on December 14th, 2007. Many of the witnesses listed in this brief will provide further testimony at the hearing. In an attempt to limit the hearing to one day, the evidence contained in this brief describing the original trial will not be reviewed at the hearing.

The following people have been subpoenaed to the December 14th hearing:

- Marquita Reeves (Victim)
- Barbara Denise Hardy (Victim's Mother)
- Henry Reeves (Convicted Person/Victim's Father)
- Donald Reeves (Victim's Brother)
- Curtis Hardy (Victim's Brother)
- Lamar Hardy (Victim's Brother)
- Barbara Glatthorn, MSW
- Dr. Douglas Slavin, Ph.D.
- Officer Art Manning

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North Carolina Innocence Inquiry Commission Brief for State v. Henry Reeves

Introduction to the Case

Henry Reeves was a police officer living in Greenville, North Carolina (Pitt County) when he was charged with indecent liberties and convicted in 2001. The victim was his six year-old daughter, Marquita Reeves.

The evidence at trial tended to show that on June 7, 2001, Marquita Reeves and her brothers were at the home of Bobby Lemaine (the children's maternal grandmother) when Marquita disclosed to the other children that her father had been molesting her. The children took Marquita to Bobby Lemaine who called the Department of Social Services (DSS) and took Marquita to the emergency room at Pitt County Memorial Hospital.

The doctor at the emergency room determined that there were no acute injuries to Marquita and referred her to a clinic specializing in child abuse. Marquita was examined and interviewed by the doctor at the clinic with a determination that sexual abuse was "highly probable." The Department of Social Services became involved and ultimately, Marquita was removed from her family and custody was granted to Bobby Lemaine.

Evidence that was not previously presented at trial tends to show that the three brothers who were with Marquita when she made the disclosure have consistently stated that she did not disclose abuse and that Bobby Lemaine misconstrued the statements and coached Marquita before calling DSS. Marquita has now recanted her statements and claims that she was not abused. A police officer, who was not investigating the case, had contact with Marquita before the trial and Marquita said that her, "Daddy didn't do anything," and she was being made to say that he did.

The new evidence is presented as a totality of the evidence. The evidence comes solely from statements and not from forensic testing. There is not one piece of evidence that stands alone as dispositive of guilt or innocence, but all pieces are intertwined and must be viewed together.

There were two criminal trials held in this case. The first trial was held on January 16th and 17th, 2001, and resulted in a hung jury.¹ The fact that there had been a previous trial was not known to the second jury and only the evidence presented to the second jury may be considered by the Commission as the evidence presented at trial pursuant to N.C. G.S. § 15A-1460. Evidence from the first trial may be a useful tool for the Commission as it evaluates consistency of witness statements. Later sections of this brief will contain portions of evidence from the first trial for comparison along with new evidence and other witness statements.

The conviction was not appealed and no post-conviction motions were filed.

¹ The jury was split eleven to one. It is unknown which way the jury split. The Defense Attorney and the Prosecutor cannot recall and do not have documentation in their files. Mr. Reeves has indicated a belief that it was eleven for not guilty, but he is unsure (Reeves Affidavit). The prosecutor, Ms. Robb, indicated that it was likely eleven for guilty or she probably would not have retried the case (conversation with Ms. Robb 11/8/07).

Event Chronology and Procedural History
State v. Henry Reeves

Date	Event/Description
6/7/99	<p>Marquita tells "secret" and Bobby Lemaine calls DSS and takes Marquita to the emergency room.</p> <p>Marquita sees Dr. Meggs at the Emergency rooms and is referred to the Tedi Bear Clinic for a specialized exam.</p> <p>Detective Craft and Cindy Asbell (from DSS) interview Marquita.</p> <p>Detective Craft obtains written statement from Bobby Lemaine.</p>
6/8/99	<p>Child Medical Exam performed at Tedi Bear Clinic.</p> <ul style="list-style-type: none">- Findings from interviews of Marquita, Barbara Hardy, Bobby Lemaine, and physical exam of Marquita indicated that sexual abuse is "highly probable" (Tedi Bear CME 6/8/99)
unknown	<p>DSS worker conducts interview of Marquita's brother, Donald at home of Bobby Lemaine and he makes some statements consistent with abuse (DSS case history).</p>
6/18/99	<p>Henry Reeves is interviewed by Detective Craft and requests a polygraph (Sheriff report).</p>
6/23/99	<p>Det. Craft interviews Marquita's brother, Donald, at Bobby Lemaine's home and he makes new statements (Sheriff report).</p>
6/28/99	<p>Marquita has a normal exam at Greenville Pediatrics (Greenville Pediatrics record 6/28/99).</p>
7/8/99	<p>Polygraph is scheduled for 7/16/99 (Sheriff's Supplementary Report dated 7/8/99).</p>
7/11/99	<p>Henry Reeves involved on duty car accident and hospitalized for extended period of time. Polygraph is cancelled (Sheriff supplementary report, Affidavit of Henry Reeves. Newspaper article dated 7/12/99).</p>

Date	Event/Description
7/28/99	Ms. Lemaine calls DSS and asked if she could receive financial assistance for Marquita's care (SW noted dated 7/28/99).
8/24/99	Dr. Robertson completes Child Mental Health Evaluation and concludes that Marquita has been sexually abused by her father (Dr. Robertson report; testimony).
9/14/99	Warrant taken out for Henry Reeves for indecent liberties. Henry Reeves is arrested and fired from his police officer job (warrant; newspaper article dated 9/15/99).
unknown	Officer Art Manning is at Pitt County jail and sees Marquita Reeves who discloses that abuse did not occur and she is being told that she has to say it did. Art Manning calls taskforce meeting and assumes he will testify (Exact date unknown, but shortly after arrest) (Affidavit of Art Manning).
9/24/99	DSS ends investigation and substantiates abuse (letters from DSS dated 9/24/99).
10/25/99	Henry Reeves is indicted for indecent liberties (indictment).
11/15/99	Greenville Pediatrics sees Marquita and genital exam is normal (Greenville Pediatrics notes dated 11/15/99).
7/20/2000	<p>Barbara Glatthorn provides therapy to Marquita's brothers: Donald, Curtis, and Lamar. The boys disclose that Bobby Lemaine misunderstood what Marquita was telling her. They indicate that Marquita is Bobby Lemaine and being coached (Barbara Glatthorn notes 7/20/00).</p> <p>Barbara Glatthorn writes to DSS and they do not respond to her letter or calls (Barbara Glatthorn notes and DSS log).</p>
8/28-30/2000 & 9/18-19-2000	<p>DSS custody hearing.</p> <ul style="list-style-type: none"> - Marquita's brothers testify that Bobby Lemaine coached Marquita (Amanda Smith conversation; Steven Fisher file note dated 5/3/01).

Date	Event/Description
12/6/2001	Juvenile Court Judge finds that medical records have been withheld from Marquita's mother and orders them to be disclosed (juvenile order dated 12/18/01).
1/16/2001 to 1/17/2001	Criminal Trial resulting in a hung jury.
1/29/2001 to 1/31/2001	Criminal Trail resulting in a conviction for indecent liberties. Appeal waived at close of trial and no appeal ever entered.
3/29/2001	Mr. Reeves becomes aware that Art Manning had information that he could have presented in the trial (letter to Steven Fisher dated 3/29/01).
5/3/2001	Bobby Lemaine granted custody of Marquita (Juvenile Court Order 5/3/01).
9/8/2002	Henry Reeves released from prison (DOC record).
4/14/2003	Warrant for failure to register as a sex offender sworn out in Pitt County against Henry Reeves (warrant dated 4/14/07)
3/11/2004	Mr. Reeves relocates to Georgia and registers as a sex offender (Georgia sex offender registry).
10/19/2005	Pitt County charge for failure to register as a sex offender is dismissed with leave to reinstate (ACIS).
3/15/2007	Mr. Reeves applies to the North Carolina Innocence Inquiry Commission (Reeves letter received 3/15/07).

Date	Event/Description
10/1/2007	Mr. Reeves' case is accepted for investigation by the North Carolina Innocence Inquiry Commission. "Waiver of Counsel" and "Waiver of Procedural Safeguards and Privileges" are signed.
12/14/2007	North Carolina Innocence Inquiry Commission hearing to be held.



Evidence Presented at Trial

Summary

The second criminal trial was held January 29-31, 2001. The state presented evidence in the form of testimony from: Marquita Reeves (victim), Bobby Lemaine (victim's grandmother), Cindy Asbell (DSS), Dr. William Meggs (emergency room physician), Detective Johnny Craft (from the Pitt County Sheriff's Department), Tracy Hoebach (DSS), Dr. Rebecca Coker (pediatrician), and Dr. Betty Robertson (psychologist). The state introduced two exhibits at trial: The written statement made by Bobby Lemaine on June 7, 1999 and the drawing made by Cindy Asbell during her interview with Marquita Reeves on June 7, 1999 (the exhibits are incorporated into this brief). The Defense presented evidence from two witnesses: Harriet Barnhill (victim's teacher) and Portia Morning (victim's school bus driver).

The following is a detailed summary of the evidence presented at trial. The trial transcript is cited, testimony of key witnesses is included in entirety, and exhibits are included.

Prosecution Evidence

Marquita Reeves

Marquita Reeves is the victim who was six years-old at the date of offense and seven years-old at the time of the trial. Marquita's entire testimony follows this abbreviated summary.

The Assistant District Attorney, Judge, and Defense Attorney questioned Marquita about her ability to testify truthfully and she was deemed to be a competent witness (Trial Tr. vol. I, 11-19 & 24-26, January 29, 2001). This examination was conducted outside of the presence of the jury and should not be considered as evidence that the jury considered.

Marquita testified that her daddy put his "thing he pee with" in "where I pee" and it stung (Id. at 26-27). She testified that this happened while her mother was at work and they were both wearing clothes (Id. at 27). Marquita further testified that her father told her to, "suck his thing" (Id. at 27-28). She testified this happened one time while her brothers were at school (Id. at 29). Please read Marquita's entire testimony beginning on the following page.

1 may be excused until 2:00. Thank you.

2 (Jury out 12:12.)

3 THE COURT: All Right. Little lady -- you
4 want her to be sworn before you ask her questions?

5 MS. MOORE: I just want to ask her some
6 questions.

7 THE COURT: Little lady, I want you to
8 answer this lady's questions over here.

9 MS. MOORE: Ms. Jenkins can go first.

10 MS. JENKINS: I'll be glad to. You can talk
11 to me first. All right, Marquita?

12 THE WITNESS: Okay.

13 VOIR DIRE EXAMINATION of MARQUITA REEVES by MS. JENKINS:

14 Q. Now, when we ask you to stand up and put your
15 left hand on the Bible and put your right hand in the
16 air and ask you whether or not -- whether you will tell
17 the truth, do you know what that means?

18 A. Yes.

19 Q. What does it mean? Do you know the difference
20 between the truth and a lie?

21 A. Yes.

22 Q. What happens to you if you tell a lie?

23 A. That means you're telling something that is not
24 true.

25 THE COURT: I'm sorry. I didn't hear her.

1 MS. JENKINS: That means you're telling
2 something that's not true.

3 THE COURT: Okay.

4 Q. If you're telling something that's not the truth,
5 what happens to you?

6 A. You get punished.

7 Q. So when you promise to tell the truth here in
8 court today, is that what you're going to do?

9 A. Yes.

10 Q. Now, if I ask you -- if I told you that you had
11 on a black sweatshirt, would that be the truth or would
12 that be a lie?

13 A. A lie.

14 Q. And if I told you that I had on a purple jacket,
15 would that be the truth or would that be a lie?

16 A. A lie.

17 MS. JENKINS: And I'll let the record
18 reflect that I have on a black and white checked jacket,
19 and she has on a pink sweatshirt.

20 Q. Do you understand what it means to put your hand
21 on that Bible and tell the truth?

22 A. Yes.

23 Q. Do you promise to tell the truth here?

24 A. Yes.

25 Q. If you put your hand on the Bible and don't tell

1 the truth, who do you think might be upset with you?

2 A. God.

3 Q. So will you tell us the truth here today?

4 A. Yes.

5 MS. JENKINS: That's all the questions I
6 have.

7 THE COURT: Ms. Moore.

8 VOIR DIRE EXAMINATION by MS. MOORE:

9 Q. Marquita, do you know where you are?

10 A. Yes.

11 Q. Where are you?

12 A. In court.

13 Q. And do you know why you're here?

14 A. No.

15 Q. Did you come here -- nobody explained to you why
16 you're here?

17 A. No.

18 Q. Do you know the importance of putting your hand
19 on that Bible and what it means?

20 MS. JENKINS: Object to that point of
21 questioning, Judge.

22 THE COURT: Overruled.

23 A. No.

24 Q. You don't know what it means?

25 A. No.

1 Q. When you put your hand on that Bible and raise
2 your right hand, do you know what you're going to do?

3 A. No.

4 Q. Do you know why you do it, why you put your hand
5 on the Bible?

6 A. So I can tell the truth.

7 Q. You put your hand on the Bible so you can tell
8 the truth?

9 A. Yes.

10 Q. And what happens if you don't tell the truth in
11 this courtroom?

12 A. God would not be happy.

13 Q. And who else won't be happy?

14 A. My grandma.

15 Q. Your grandma won't be happy?

16 A. No.

17 Q. Who else won't be happy?

18 A. She.

19 Q. Ms. Kim won't be happy?

20 A. No.

21 Q. Who else won't be happy?

22 A. God.

23 Q. Marquita, you understand that these are court
24 proceedings and that it's very important for you to tell
25 the truth about anything that happened with you and your

1 dad? You understand that?

2 A. Yes.

3 Q. And if you lie, you know something bad is going
4 to happen to your dad?

5 MS. JENKINS: Objection to that question,
6 Judge.

7 THE COURT: I didn't hear you.

8 MS. MOORE: Something's bad is going to
9 happen to her dad.

10 MS. JENKINS: Objection, Judge. Ms. Moore
11 knows not to put that kind of pressure on a child at
12 this stage of the proceedings.

13 THE COURT: I don't believe that's proper,
14 ma'am.

15 Q. Do you understand the difference between the
16 truth and a lie?

17 A. Yes.

18 Q. What's the difference between the truth and a
19 lie?

20 A. Like if you tell something right, you're telling
21 the truth.

22 Q. Is that what you plan to do here today?

23 A. Yes.

24 Q. Tell the truth?

25 A. Yes.

1 Q. All right.

2 MS. MOORE: I don't have any other
3 questions.

4 VOIR DIRE EXAMINATION by THE COURT:

5 Q. How old are you?

6 A. Seven.

7 Q. Do you go to school?

8 A. Yes.

9 Q. What grade are you in?

10 A. First.

11 Q. What kind of grades do you make?

12 A. Good.

13 Q. Do you like school?

14 A. Yes.

15 Q. What's your favorite subject?

16 A. What's my favorite thing to do at school?

17 Q. What's your favorite thing in school?

18 A. Do math.

19 Q. Math. Okay.

20 A. And play on computers.

21 Q. Who do you live with?

22 A. My grandma.

23 Q. Okay. Have you ever been in the courtroom
24 before?

25 A. Yes.

1 Q. You ever been on the stand like that before?

2 A. Yes.

3 Q. Did you tell what happened?

4 A. Yes.

5 Q. Did you tell the truth?

6 A. Yes.

7 Q. Do you plan to tell the truth today?

8 A. Yes.

9 Q. Do you understand it's very, very important?

10 A. Yes.

11 Q. And if you don't tell the truth, people could be
12 hurt by it, do you understand?

13 A. Yes.

14 Q. But if you tell the truth, that's the best thing
15 to do. Do you understand that?

16 A. Yes.

17 Q. All right.

18 THE COURT: Anything further in light of
19 what I've asked?

20 MS. MOORE: No.

21 MS. JENKINS: No, sir?

22 THE COURT: All right, young lady. We're
23 going to let you tell the truth in just a little while,
24 but first we're going to go eat lunch. Does that suit
25 you?

1 THE WITNESS: No.

2 THE COURT: Are you hungry?

3 THE WITNESS: Yes.

4 THE COURT: Okay. I'm going to let you go
5 with your grandmother and eat lunch. You can go with
6 your grandmother.

7 All right. Anything further before we take
8 our lunch break?

9 MS. MOORE: No, sir, Your Honor.

10 THE COURT: Madam DA?

11 MS. JENKINS: No, sir.

12 THE COURT: All right, Sheriff. Take a
13 recess until 2:00.

14 (Lunch recess 12:40.)

15 THE COURT: Ms. Jenkins and Ms. Moore, would
16 y'all approach the bench, please.

17 (Side-bar conference.)

18 THE COURT: Mr. Bailiff, take the jury to
19 the jury room, please.

20 (Jury out.)

21 THE COURT: All right. Let the record show
22 that the defendant is present with his attorney, the
23 District Attorney is present. The jury was present
24 after the lunch break and I have excused them to the
25 jury room. Let the record further show that upon

There is a break in Marquita's testimony because they Judge addressed with a jury matter after returning from lunch and before Marquita returned to the witness stand. The matter was dealt with outside of the presence of the jury.

1 THE COURT: Thank you, ma'am. You may go
2 back to your room. I appreciate you coming in. In
3 fact, bring the whole jury back. You can stay. No need
4 to go back and forth.

5 (Jury in.)

6 THE COURT: All right. Let the record show
7 the jury is back in the courtroom. Call your first
8 witness.

9 MS. JENKINS: State would call Marquita
10 Reeves.

11 *****

12 MARQUITA REEVES, being first duly sworn, was examined
13 and testified as follows during DIRECT EXAMINATION by
14 MS. JENKINS:

15 THE COURT: You may have a seat.

16 Q. Is your name Marquita Reeves?

17 A. Yes.

18 Q. Marquita, how old are you?

19 A. Seven.

20 Q. Do you know when your birthday is?

21 A. Yes.

22 Q. When's your birthday?

23 A. March 31.

24 Q. So you're going to be eight on your next
25 birthday; is that right?

- 1 A. Yes.
- 2 Q. Where do you go to school?
- 3 A. Winterville Primary.
- 4 Q. And what grade are you in?
- 5 A. First.
- 6 Q. Do you know who your teachers are?
- 7 A. Yes.
- 8 Q. Who are your teachers?
- 9 A. Mr. Gregory and Miss Hill.
- 10 Q. Marquita, you and I have talked before, haven't
- 11 we?
- 12 A. Yes.
- 13 Q. We talked about the difference between the truth
- 14 and a lie; is that right?
- 15 A. Yes.
- 16 Q. Do you know what it means to tell the truth?
- 17 A. Yes.
- 18 Q. Okay. Do you know what it means to tell a lie?
- 19 A. Yes.
- 20 Q. All right. If I said that you had on a black
- 21 sweatshirt, would that be the truth or a lie?
- 22 A. A lie.
- 23 Q. And if I said that Ms. Tina over there had on a
- 24 green suit, would that be the truth or a lie?
- 25 A. A lie.

1 Q. Now, what happens to you if you tell a lie?

2 A. God would not be happy.

3 Q. Who else would not be happy?

4 A. My grandmother.

5 Q. Who else?

6 A. Jesus.

7 Q. And are you going to tell the truth here today?

8 A. Yes.

9 Q. Now, Marquita, I'm just going to talk to you
10 about why you're here. Do you know why you're here?

11 A. Yes.

12 Q. Okay. Tell me why you're here?

13 A. So I can tell y'all what my daddy did.

14 Q. Do you remember when your daddy did something to
15 you that made you uncomfortable?

16 A. Yes.

17 Q. Okay. Do you know about how many times you think
18 it happened?

19 A. Yes.

20 Q. Can you describe for us what your daddy did that
21 made you feel uncomfortable? Can you tell us about it?

22 A. He put his thing in mine.

23 Q. Okay. When you say his thing, what are you
24 talking about?

25 A. The thing he pee with.

1 Q. And when you say he put it in yours, what are you
2 talking about?

3 A. Mine where I pee in.

4 Q. Okay. Now, when he did that, Marquita, what did
5 it feel like?

6 A. It was stinging.

7 Q. Stinging?

8 A. Yes.

9 Q. Where were you when he did that?

10 A. In the room.

11 Q. And whose room was it?

12 A. My mama's.

13 Q. And was your mama there?

14 A. No.

15 Q. Where was your mama?

16 A. At work.

17 Q. Okay. And when your daddy did that, were you
18 wearing any clothes?

19 A. Yes.

20 Q. Was he wearing any clothes?

21 A. Yes.

22 Q. Did he ever ask you to do anything else?

23 A. Told me to suck his thing.

24 Q. Told you to suck his thing?

25 A. Yes.

- 1 Q. What thing was he talking about?
- 2 A. The thing he pee with.
- 3 Q. How do you know that's what he was talking about?
- 4 A. He told me.
- 5 Q. What word did he use to describe it?
- 6 A. No word.
- 7 Q. What did he say to you exactly? Do you remember?
- 8 A. No.
- 9 Q. Okay. But you know he asked you to suck his
10 thing; is that right?
- 11 A. Yes.
- 12 Q. Now, do you remember talking to -- telling
13 somebody about what your daddy was doing to you?
- 14 A. Yes.
- 15 Q. Who did you tell?
- 16 A. Some other people.
- 17 Q. What other people did you tell? Did you tell
18 your grandmother?
- 19 A. Yes. She took me to a place.
- 20 Q. Do you remember going to the hospital?
- 21 A. Over by the hospital, it's a place where you tell
22 what your daddy did.
- 23 Q. Okay. You remember if they looked at your body?
- 24 A. No.
- 25 Q. Did you see a doctor?

1 A. No.

2 Q. You don't remember seeing a doctor, but you do
3 remember telling some other people about what happened;
4 is that right?

5 A. Yes.

6 Q. Now, has anybody ever told you what to say?

7 A. No.

8 Q. Has anybody ever promised you anything if you
9 said certain things?

10 A. No.

11 Q. Is what you're saying here the truth?

12 MS. MOORE: Objection.

13 A. Yes.

14 THE COURT: Overruled.

15 Q. Now, Marquita, do you know about how many times
16 this happened to you, that your daddy would touch you in
17 a way that made you feel uncomfortable?

18 A. Yes.

19 Q. About how many times would you say it happened
20 that you remember?

21 A. One.

22 Q. Okay. And where were your brothers when this
23 happened?

24 A. At school.

25 Q. All right. Now, I need you to answer Ms. Moore's

1 questions, okay?

2 CROSS-EXAMINATION by MS. Moore.

3 Q. Marquita, do you remember talking to this
4 policeman who's sitting over there?

5 A. Yeah.

6 Q. Did you tell the policeman that your daddy hit
7 you in your stomach?

8 A. No.

9 Q. You never told him your daddy hit you in your
10 stomach?

11 A. No.

12 Q. Has your daddy ever hit you in the stomach with
13 his fist?

14 A. No.

15 Q. Now, the day that -- back in June of '99, did you
16 go to school that day? Do you remember whether or not
17 you went to school that day?

18 A. No.

19 Q. You don't remember?

20 A. No.

21 Q. Do you remember playing any kind of games with
22 any of your friends that evening at your grandmother's?

23 A. I may be playing at my grandma's house.

24 Q. Playing a game. What kind of game were you
25 playing?

1 A. Trouble.

2 Q. Trouble?

3 A. Yes.

4 Q. And who's playing this game with you?

5 A. LaShaunda and Sierra.

6 Q. And were your brothers present at the time you
7 were playing the game?

8 A. No.

9 Q. Do you know what a secret is?

10 A. No.

11 Q. You don't know what -- you ever played a game of
12 secret with your brother and LaShauna and your other
13 girlfriend?

14 A. We play Hide-n-Seek together.

15 Q. But you never played the secret?

16 A. No.

17 Q. Now, the day that you say -- are you telling this
18 Court that your daddy hurt you?

19 A. Yes.

20 Q. When did your daddy hurt you?

21 A. At the house that my -- at my momma's house when
22 I was over there.

23 Q. And tell us -- was that a school day for
24 everybody?

25 A. Yes.

1 Q. Did this happen before school or after school?

2 A. Before school.

3 Q. Before school?

4 A. Yes.

5 Q. Before your brothers went off to school?

6 A. Yes.

7 Q. So they were at home?

8 A. They were at school.

9 Q. They were at school. And how was your daddy
10 dressed? What did your daddy have on?

11 A. Clothes.

12 Q. He had on clothes. And did your daddy say
13 anything to you?

14 A. No.

15 Q. He didn't say anything to you?

16 A. No.

17 Q. Does your daddy give you a bath?

18 A. No.

19 Q. He doesn't bathe you?

20 A. No.

21 Q. The day that you say your daddy hurt you, what
22 did you have on?

23 A. Clothes.

24 Q. What kind of clothes did you have on?

25 A. Sleeping clothes.

- 1 Q. And what did your daddy do to you?
- 2 A. Took his clothes off and after started to do
3 that.
- 4 Q. Took his clothes off and started to do that?
- 5 A. Yes.
- 6 Q. What did he do?
- 7 A. Told me to suck his thing and then put his thing
8 in mine.
- 9 Q. The front and back or just the front?
- 10 A. The front.
- 11 Q. Did he ever put his thing in your back?
- 12 A. No.
- 13 Q. Did you ever tell anybody that he did?
- 14 A. No.
- 15 Q. You never told the officer or your mom? Did you
16 ever tell your mom?
- 17 A. No.
- 18 Q. And you said this only happened one time?
- 19 A. Yes.
- 20 Q. Did it happen the same day you told your
21 grandmother?
- 22 A. No.
- 23 Q. When did it happen?
- 24 A. Just one day.
- 25 Q. Huh?

1 A. One day.

2 Q. The same day that you told your grandmother?

3 MS. JENKINS: Objection, asked and answered.

4 THE COURT: Overruled.

5 Q. Was it the same day?

6 A. No.

7 Q. It was a different day?

8 A. Yes.

9 Q. Did you ever tell anyone that your daddy hurt
10 your behind?

11 A. No.

12 Q. Did you ever tell anybody that your daddy beat
13 you?

14 A. No.

15 Q. What happened when you say your daddy put his
16 thing on you? What happened?

17 A. He peed in my thing I pee in.

18 Q. He peed in your thing?

19 A. No. He put his thing in where I have to pee with
20 where I have to go pee with.

21 Q. What did your daddy have on?

22 A. Clothes.

23 Q. Did he take his clothes off?

24 A. Yes.

25 Q. All of his clothes?

1 A. Yes.

2 Q. Did you take all your clothes off?

3 A. Yes.

4 Q. And then what did you do?

5 A. Told him to leave me alone.

6 Q. And what did he do?

7 A. Then he started putting his thing in mine and
8 telling me to suck it.

9 Q. Did you do that?

10 A. No (sic).

11 Q. Has he ever told you to do that before?

12 A. No.

13 Q. And it was just this one time?

14 A. Yes.

15 Q. Did you tell anybody that it had happened lots
16 and lots and lots of times?

17 A. No.

18 Q. Did you tell this to your mother?

19 A. No.

20 Q. Did you tell it to the police officer over there?

21 A. No.

22 Q. Did you tell it to anybody else, the doctors at
23 the place, the Teddy Bear Center?

24 A. At the Teddy Bear Center, when I go by the
25 hospital place where Social Services is at, and I went

1 in there and told the people.

2 Q. Do you know -- did they give you anything to play
3 with there?

4 A. No.

5 Q. Did they give you anything to draw with there?

6 A. No.

7 Q. So if they said that they gave you something to
8 play with or something to draw, you never made any
9 drawings for anybody?

10 A. No.

11 Q. Do you know what a coon-coon is?

12 A. No.

13 Q. Do you know what a boom-boom is?

14 A. Something that you pee with.

15 Q. A boom-boom and a coon-coon?

16 A. Something that you use the bathroom with.

17 Q. And who told you that?

18 A. Nobody.

19 Q. Nobody told you that? Now, you stay with your
20 grandmother; is that right?

21 A. Yes.

22 Q. And how long have you been staying with your
23 grandmother, a long time?

24 A. Yes.

25 Q. And you don't stay with your mom and dad any

1 more, do you?

2 A. No.

3 Q. And the relationship between your dad -- your dad
4 and grandma, is that a good -- do they get along?

5 MS. JENKINS: Objection, Judge.

6 A. No.

7 THE COURT: Overruled.

8 Q. Have you ever heard your grandma say bad things
9 about your daddy?

10 MS. JENKINS: Objection.

11 A. No.

12 THE COURT: Overruled. What did you answer?

13 THE WITNESS: No.

14 THE COURT: No.

15 MS. MOORE: I don't have any further
16 questions.

17 THE COURT: Anything further?

18 MS. JENKINS: No, sir, Judge.

19 THE COURT: Thank you young lady. You can
20 go back over there with your grandmother.

21 Call your next witness.

22 MS. JENKINS: State would call Bobby LeMann.

23 THE COURT: Come up, please.

24 *****

25 BOBBY LEMANN, being first duly sworn, was examined and

Bobby Lemaine

Bobby Lemaine is the maternal grandmother of Marquita Reeves. Bobby Lemaine's entire testimony follows. Please note that her name is misspelled in the transcript.

Ms. Lemaine testified that on June 7th of 1999, Marquita, Curtis, Lamar, Donald (Lamar and Donald's names are misspelled in the transcript), and two other children from her daycare were outside playing a game about secrets (Id. at 39-40). The children came in and Marquita said, "That her daddy told her to suck his dick...he put his dick in her front and her butt and that he kept hurting her, and she told him to stop and he wouldn't stop" (Id. at 40). Ms. Lemaine testified that she called Social Services and took Marquita to the emergency room (Id. at 41-42). The prosecutor introduced a statement that Ms. Lemaine wrote at the emergency room (Id. at 43).

Ms. Lemaine's entire testimony and her statement made at the emergency room follow.

1 testified as follows during DIRECT EXAMINATION by
2 MS. JENKINS:

3 Q. State your name for the jury, please.

4 A. Bobby LeMann.

5 Q. Ms. LeMann, how are you related to Marquita?

6 A. I'm her grandmother.

7 Q. Are you her maternal or paternal grandmother? Is
8 your daughter her mother?

9 A. Yes.

10 Q. And do you remember June 7 of 1999?

11 A. Yes. I remember some of the things.

12 Q. And was Marquita staying with you that afternoon?

13 A. Yes.

14 Q. What do you do for a living?

15 A. I do -- take care of the children.

16 Q. And is that a home daycare or do you go someplace
17 else and do it?

18 A. I'm at home.

19 Q. How many kids do you keep?

20 A. Five in the morning and five in the afternoon.

21 Q. And on June 7, were you -- was Marquita staying
22 with you as part of your daycare?

23 A. Yes.

24 Q. Do you remember what -- how long she stayed that
25 day?

1 A. Well, her mother was working in the afternoon and
2 she would drop them off around about 2:30, something
3 like that.

4 Q. And how long had Marquita been doing this,
5 staying with you?

6 A. For daycare?

7 Q. Uh-huh?

8 A. I think for about a couple of years. I'm not for
9 sure.

10 Q. A couple of years. Her mother would allow you to
11 keep her for a couple of years in the afternoon?

12 A. Yes. I think so. I'm not sure.

13 Q. Do you remember June 7, specifically, of 1999?

14 A. I remember some of the things. Uh-huh.

15 Q. You remember a time, a certain time of that day
16 when Marquita or actually someone came in, one of the
17 other children came in to you?

18 A. Uh-huh.

19 Q. And as a result of what that child said, did you
20 then find Marquita?

21 A. Well, what happened is the children were outside
22 playing, my three grandchildren--Curtis, Lamont and
23 Donna (sic) and Marquita and two other daycare children
24 that I was keeping. They were outside playing. They
25 were saying they were playing some kind of secret game,

1 but I really don't know --

2 MS. MOORE: Objection as to what they said.

3 THE COURT: Overruled.

4 A. I was not there. But anyway, my grandchildren
5 and the two daycare children came in and told me that --

6 MS. MOORE: Objection to what they said.

7 THE COURT: Well, sustained.

8 Q. As a result of what they said, did you then find
9 Marquita?

10 A. Well, Marquita came in with them. So I asked
11 Marquita, you know, what was she talking about. Then
12 Marquita told me that her daddy told her to suck his
13 dick and that he put his thing, his dick -- I can't
14 remember exactly what she said, but he put his dick in
15 her front and her butt and that he kept hurting her, and
16 she told him to stop and he wouldn't stop. And like
17 every day that my daughter would drop her off, she would
18 always be angry and mad and saying my daddy keep hurting
19 me and keep on --

20 MS. MOORE: Objection.

21 THE COURT: Overruled.

22 Q. So when Marquita told you this on June 7, were
23 you surprised?

24 A. Well, every day she would come and tell me that
25 her daddy keep wiping her too hard. So I spoke to my

1 daughter about it. I don't know whether she took care
2 of it or not, whatever. Every day she kept complaining
3 about that. And when she told me that, I just started
4 more or less thinking that, you know, that's the reason
5 why he was wiping her.

6 Q. Once she told you this, what, if anything, did
7 you do then?

8 A. Well, at that time I just got on the phone and I
9 called Social Services. I take care of children, and
10 they tell me if anything goes wrong with the children, I
11 am suppose to report it.

12 Q. And that is, in fact, the law, isn't it?

13 A. Yes.

14 Q. When you called Social Services what, if
15 anything, did they tell you to do?

16 A. They told me bring her over to the emergency room
17 immediately.

18 Q. Did you do that?

19 A. Yes, I did.

20 Q. And you had five other children there you had to
21 to take care of, but you managed to get her to the
22 emergency room; is that right?

23 A. Yes.

24 Q. When you arrived at the emergency room, what, if
25 anything, did they do?

1 A. We, they began to ask -- well, my daughter --
2 after that, I had called my daughter and she had come
3 over. They asked us to go out of the room so they could
4 talk to Marquita.

5 Q. You remember Sergeant Craft talking to you that
6 evening?

7 A. Yes. Uh-huh.

8 Q. Have you heard Marquita talk to other people
9 about what happened, other professionals?

10 A. Yes. When they came to the hospital, the social
11 service -- the social worker came in and talked to her,
12 I didn't actually hear them, but they would tell me to
13 step out, they wanted to talk to her.

14 (State's Exhibit Number 1 marked for
15 identification.)

16 Q. Ms. LeMann, I'll hand you what I have previously
17 marked as State's Exhibit Number 1, and ask you if you
18 can identify that?

19 A. Yes, ma'am.

20 Q. What is that, ma'am?

21 A. It's a statement that I had made at the time I
22 reported the incident.

23 Q. And did you make that statement for Detective
24 Craft?

25 A. Yes.

1 Q. And you wrote that for him?

2 A. Yes.

3 Q. And what date did you write that on?

4 A. 6/7/99.

5 Q. And that was the day that you took the child to
6 the emergency room; is that correct?

7 A. Yes.

8 Q. Would you read that statement to the jury,
9 please?

10 A. "Bobby LeMann, grandmother of Marquita Reeves,
11 told me her father, Henry Reeves, told her to suck his
12 dick, and he put his dick in her front and back and made
13 her burn. He goes in her room and pick her up and take
14 her in his bedroom, and he told her if he -- if she
15 tells mom or grandmom, he was going to pull all her
16 clothes off and beat her; and he took out and showed his
17 dick to her, and she told him she didn't want to see his
18 dick."

19 Q. Ma'am, is that a true statement when you made it
20 on June 7, 1999?

21 MS. MOORE: Objection.

22 A. Yes.

23 THE COURT: Overruled.

24 Q. Ma'am, have you ever -- well, at certain times
25 during your grandchildren lives, have you had custody of

1 them?

2 A. Well, two of them, Curtis and Lamont.

3 Q. That was -- at different times you had custody of
4 those children during their lives; is that right?

5 A. Yes. I had them mostly all of their life. They
6 would stay with me because --

7 MS. MOORE: Objection.

8 THE COURT: Sustained.

9 Q. Did you ever tell Marquita what to say?

10 A. No, I didn't.

11 Q. You never told her what to say to the emergency
12 room people or to the law enforcement officer or to me
13 or to the Teddy Bear Center?

14 A. Only thing I told Marquita is to tell the truth.

15 Q. Thank you, ma'am.

16 MS. JENKINS: That's all I have, Judge.

17 THE COURT: Cross examine.

18 CROSS-EXAMINATION by MS. MOORE:

19 Q. Ms. LeMann, you know Mr. Reeves?

20 A. Yes.

21 Q. And you and Mr. Reeves have never gotten along,
22 have you?

23 A. Well, I never had any problems with Mr. Reeves.
24 I tried to be friends with him because of my daughter,
25 but he never wanted to have anything to do with me. And

1 my daughter even told me that she's asked him why you
2 don't like my mother. He says he just doesn't like me,
3 but I have tried to be friends with him.

4 Q. But the two of you have never gotten along; isn't
5 it true?

6 A. Well, we never really gotten along because the
7 things that my daughter would tell me that he was doing
8 with her. And being a mother, I'm going to give my
9 opinion. So maybe she go (sic) back and tell him things
10 that I say. So maybe that's the reason why he didn't
11 never liked me.

12 Q. You don't get along with your daughter either, do
13 you?

14 A. Me and my daughter got along beautiful. We were
15 so close. We did everything together until this
16 incident happened. When this incident happened, my
17 daughter turned against me. And even today, she is not
18 speaking to me, and that really hurts. It really does.

19 Q. When this incident you say happened, why didn't
20 you get on the phone and call your daughter first?

21 A. Okay. The reason I didn't call my daughter was
22 because when Marquita was coming to me every evening
23 saying that her daddy is wiping her too hard, was
24 hurting her --

25 Q. Why --

1 THE COURT: Let her answer the question.

2 A. I told my daughter, hoping that she would take
3 care of the situation. I don't know what happened, but
4 every day Marquita would come and tell me the same
5 thing. So that is why I took it upon myself. I called
6 because I was concerned about Marquita.

7 Q. So you didn't call your daughter?

8 A. I called my daughter after I had called Social
9 Services and my daughter met me at the hospital.

10 Q. Now, you said something about Marquita complained
11 of her daddy wiping her too hard?

12 A. Yes.

13 Q. Is that when she had a stool?

14 A. I don't know what it was. She just would come in
15 when my daughter dropped her off. I said, Marquita,
16 what's wrong with you? My daddy just keep wiping me too
17 hard, you know. I mean, she loves her daddy, and I
18 don't feel that Marquita would lie on him.

19 Q. So you say that she told you that her daddy was
20 wiping her too hard?

21 A. Keep wiping her too hard.

22 Q. Wiping her --

23 A. In her butt.

24 Q. Okay. Did you ever look at her butt to see if he
25 was wiping her too hard?

- 1 A. Well, she said she had mentioned it to her mother
2 and her mother had put some --
- 3 Q. No. I'm asking you if you ever looked?
- 4 A. Because her mother was taking care --
- 5 Q. Did you look, yes or no?
- 6 A. No, I didn't look.
- 7 Q. You didn't look?
- 8 A. I didn't look.
- 9 Q. Now, the statement you gave, those are your words
10 that are written down there on that piece of paper; is
11 that correct?
- 12 A. Yes. This is what she had told me. It's not my
13 words. It's what Marquita had told me at the beginning
14 of the incident. It's been a year, been so long, so
15 you're not just going to keep remembering something, you
16 know. At that time it was fresh and this is what she
17 told me.
- 18 Q. How did Marquita get along with her dad?
- 19 A. They get along. Like I said, Marquita loves her
20 father. She loves him very much. She just hated the
21 things he was doing to her.
- 22 Q. Have you ever seen her afraid of her daddy?
- 23 A. No. I've never seen her afraid of her daddy.
- 24 Q. Have you ever seen him beat her or hit her?
- 25 A. Well, I've never been around him, you know, when

1 he's with Marquita, so I don't know.

2 Q. Now, during the times when she was talking to the
3 police officer in this case, Mr. Craft, did you hear her
4 say that her daddy hit her in the stomach or punched her
5 in the stomach with his fist?

6 A. Like I said, when we met at the hospital and Mr.
7 Craft was there, he would ask me out of the room because
8 he wanted -- they wanted to talk to Marquita, him and
9 another -- I think it was a social worker lady with him.

10 Q. On the day that you say that Marquita came to you
11 and told you this, did you check her vaginal area to see
12 if anything was wrong with it?

13 A. Well, she said she was burning.

14 Q. Did you check it to see if anything was wrong
15 with it?

16 A. I didn't check it. Like I said, she told me that
17 her mother was putting cream down there.

18 Q. When she got to the hospital that night, did she
19 tell anybody at the hospital that she was burning?

20 A. Like I said, when they talked to Marquita, I was
21 not in the room.

22 Q. Did they do anything for her at the hospital that
23 night to your knowledge?

24 A. I don't remember.

25 Q. Do you know if she was treated for any type of

1 infection or anything thereafter?

2 A. Well, I think thereafter, but I don't know
3 whether they did it that night. Like I said, it has
4 been a year ago. I don't remember exactly everything
5 that happened.

6 Q. Do you know, yes or no?

7 A. I don't know.

8 Q. Marquita in the past has suffered from
9 stomachaches; isn't that correct?

10 A. Yes.

11 Q. She suffers from constipation?

12 A. I think so.

13 Q. She has been taken to the doctor on a regular
14 basis, has she not?

15 A. I don't know because she was living with her
16 mother. I don't know.

17 Q. You ever have the occasion to take her to the
18 doctor yourself prior to this?

19 A. Not that I can remember.

20 Q. Do you know whether or not Marquita has seizures?

21 A. I think she had one when she was a baby.

22 Q. Have you had the occasion to take her to the
23 doctor for any stomach problems or burning or itching of
24 the vaginal area?

25 A. Not since I've had her.

1 Q. She continued to have her stomachaches after
2 this?

3 A. Sometimes she may have stomachaches.

4 Q. And to the best of your knowledge has she ever
5 been treated for any type of venereal disease?

6 A. I don't know.

7 Q. Is Marquita a happy child?

8 A. Well, she's happy now. When she used to come to
9 daycare, she was always angry, her face all balled up
10 because she kept saying, "My daddy keep hurting me".
11 She was like very angry about it, you know.

12 Q. She would express this to you every day?

13 A. Every day.

14 Q. Did you ever talk to any of her teachers at
15 school to see if she had expressed that to any of the
16 teachers?

17 A. No. Because I did not have custody of Marquita.

18 Q. But you have Marquita now; isn't that correct?

19 A. Yes, I do.

20 Q. In fact, you receive a check every month, don't
21 you?

22 A. Well, I don't get the support check for her.

23 Q. And you stated that you had other grandchildren
24 with you?

25 A. Yes.

1 Q. That belong to other -- your other children?

2 A. What, with me now?

3 Q. Yes.

4 A. No. Huh-uh.

5 MS. MOORE: I don't have any other
6 questions.

7 REDIRECT EXAMINATION by MS. JENKINS:

8 Q. Ms. LeMann, approximately when was it that
9 Marquita was placed with you by the Department of Social
10 Services?

11 A. It's been like ever since the incident happened.
12 No, not since the incident happened. She was in a
13 foster home.

14 MS. MOORE: Objection.

15 THE COURT: She said when she came to you,
16 if you know.

17 A. I can't remember. I think she had been with me
18 for about six months or something like that.

19 Q. And do you know why she was placed with you?

20 A. She was placed with me because of what her, you
21 know, what the daddy had did and --

22 MS. MOORE: Objection to what her daddy did.

23 THE COURT: Overruled.

24 A. -- not supposed to be in the home. They said --

25 MS. MOORE: Objection to what they said.

1 THE COURT: Now, don't tell what they said.

2 Q. But you didn't have Marquita directly after she
3 disclosed this, did you?

4 A. Pardon me?

5 Q. You didn't have Marquita directly after she
6 disclosed this to you, did you?

7 A. No.

8 Q. It was months later that she came to live with
9 you; isn't that correct?

10 A. Uh-huh.

11 MS. JENKINS: That's all I have.

12 THE COURT: Thank you. You may step down.

13 MS. JENKINS: State would call Cindy Asbell.

14 THE COURT: Come up, please.

15 *****

16 CINDY ASBELL, being first duly sworn, was examined and
17 testified as follows during DIRECT EXAMINATION by

18 MS. JENKINS:

19 Q. Would you state your name?

20 A. My name is Cindy Asbell.

21 Q. And Ms. Asbell, how are you employed?

22 A. I'm employed as a social worker for the Pitt
23 County Department of Social Services.

24 Q. And how long have you been employed in that
25 capacity?

Bobby Lemaine Statement made at hospital

Bobby Lemaine Grandmother
Marquita Reeves told me her Father
Hank Reeves told her to suck his Dick,
and he put his Dick in he Front and Back
and make her burn. He goes in her room
and pick her up and take her in his bedroom
and he told her if she tell him man or
Grandman He was going to pull all her
cloth of and beat her. and he take it
out and show his Dick to her. and she
tell him she dont want to see ~~other's~~ Dick

Bobby Lemaine
105 Greenbriar Dr.
Greenville N.C. 27834

6/7/99

Cindy Asbell

The third witness for the state was Cindy Asbell, a social worker for the Pitt County Department of Social Services (DSS). Ms. Asbell was the on-call social worker the evening of June 7, 1999 and responded to the emergency room when Marquita was brought in by Bobby Lemaine (Id. at 53-57). Ms. Asbell and Detective Craft interviewed Marquita together at the emergency room (Id. at 58-59). Ms. Asbell made a drawing of a human figure to see if Marquita could correctly identify body parts and help her describe what had happened to her (Id. at 59-61). The drawing was introduced as State's Exhibit 2 and follows this summary.

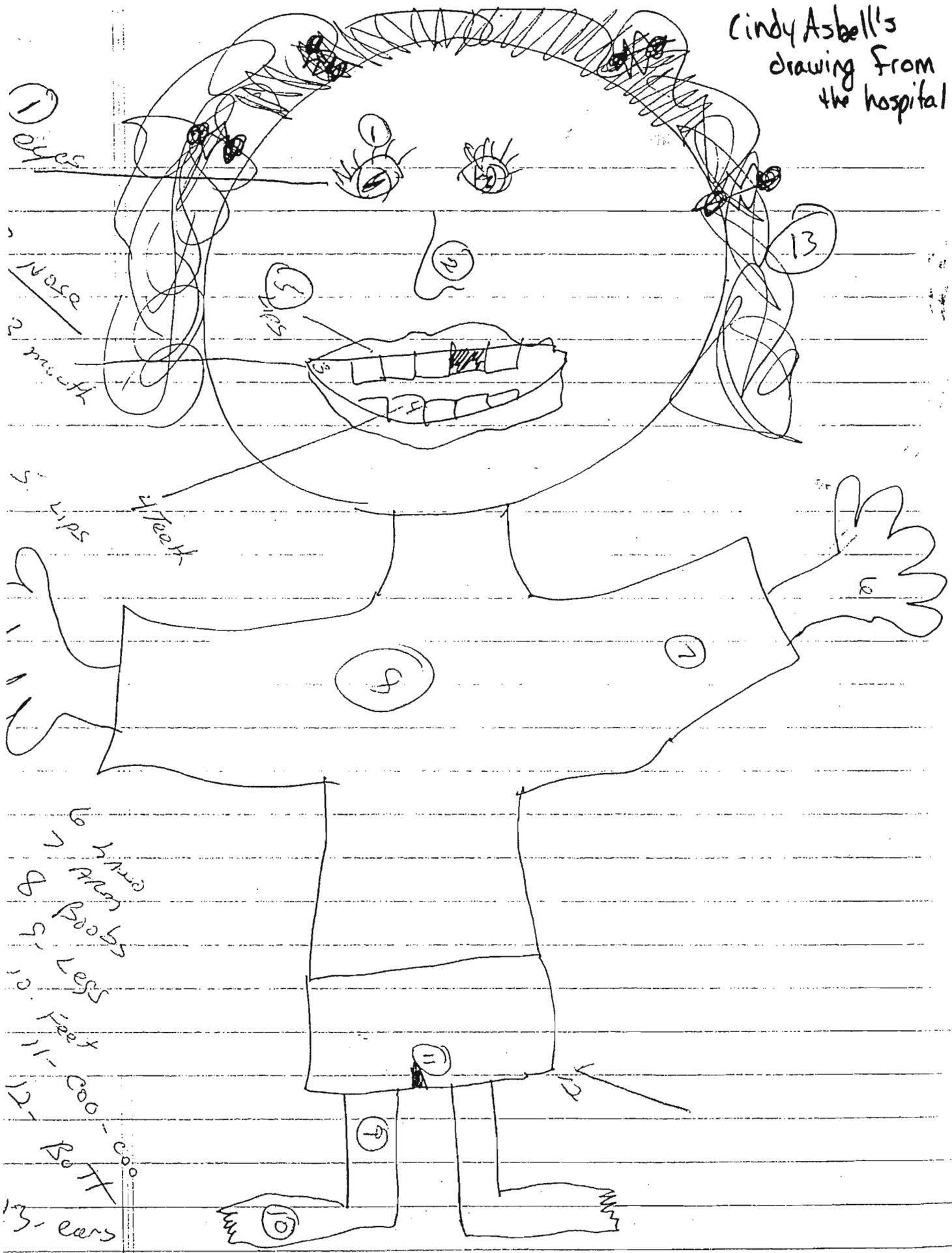
Ms. Asbell testified that Marquita referred to girl's genitals as "coon-coon" and boy's genitals as "boom-boom" (Id. at 60-61). Ms. Asbell further testified that Marquita told her, "My daddy he hurted (sic) me (Id. at 61)." When Ms. Asbell and Detective Craft asked Marquita how, Marquita demonstrated by bending her toes and her hands and said, "He hurting me here too," and pointed to her crotch area (Id. at 61). Ms. Asbell stated that Marquita disclosed that her father tells her to "pull off all her clothes" (Id. at 62).

Ms. Asbell testified that while Marquita spoke, she was rubbing her crotch on the side of the chair (Id. at 62). Ms. Asbell also stated that when she asked Marquita about baths, Marquita said, "He makes it burn when he washes" (Id. at 62). Ms. Asbell further testified that Marquita told her that, "her daddy hurt her coon-coon and made it itch and burn" and "showed her his boom-boom when he pees" (Id. at 63). Ms. Asbell testified that, "At different points throughout the conversation with her, she would blurt out that her dad would make her take her clothes off and beat her" (Id. at 63).

Ms. Asbell then set up an appointment the next day at the Tedi Bear Clinic for further evaluation and made sure that Marquita had a safe place to stay that night (Id. at 63-64).² Ms. Asbell then interviewed Bobby Lemaine and crafted a protection plan (Id. at 63 & 67-70).

² Ms. Asbell made a protection plan for Marquita to stay with her Aunt and Uncle that night, but instead Marquita stayed at Bobby Lemaine's home.

Cindy Asbell's
drawing from
the hospital



1 eyes

2 nose

3 mouth

4 lips

5 teeth

6 arms

7 hands

8 body

9 legs

10 feet

11 coo

12 coo

13 ears

Dr. William Meggs, M.D.

The state's fourth witness was Dr. William Meggs, the emergency room physician who saw Marquita the night of June 7, 1999. Dr. Meggs testified that Marquita had no acute injury needing immediate attention and he referred her to the Tedi Bear Clinic for a evaluation that would be more specialized and less intimidating (Id. at 71-80). Dr. Meggs stated that Marquita was not complaining of any vaginal itching, burning, or bruising (Id. at 77 -79). Dr. Meggs did an exam of Marquita's body and a visual inspection of Marquita's genitals and testified that he found no bleeding, bruising, or cuts (Id. at 78). On cross examination, Dr. Megg's noted that Marquita was slightly inconsistent about when the abuse happened. At different times Marquita stated that the abuse happened the day before, and other times she said that it was two or three days before (Id. at 79-80).

Detective Johnny Craft

Detective Craft was the lead investigator on the Reeves case and works for the major crimes unit of the Pitt County Sheriff's Office (Id. at 82). Detective Craft was on call the night that Bobby Lemaine brought Marquita into the emergency room and he responded to the hospital (Id. at 83-84).

Detective Craft testified that he and the DSS worker, Cindy Asbell, interviewed Marquita in the examination room (Id. at 84). Detective Craft testified that Marquita said, "Daddy he hurted me. He keep cracking my foot" (Id. at 85). Detective Craft said that Marquita demonstrated by bending her toes downward with her hand (Id. at 85). Detective Craft testified that Marquita also said, "He hurting me," while she pointed to her crotch area and said that her father, "Tells me if whining, he whip me, tells me to take all my clothes off, dad hurts hand, feet and legs, force head to ground" (Id. at 85-86). Detective Craft further testified that Marquita said:

Balls fist and hits me because I won't mess with him. Tells me to quit moving back and forth. He tells me in the bathroom, hits me on the stomach. Daddy hurts my coo-coo. He makes it burn. When he washes me, it burns. Tells me to take my clothes off. Shows me his boom-boom when he pees (TT. pg. 86).

Detective Craft also interviewed Bobby Lemaine who told him that Marquita was complaining of itching and burning and provided the written statement that was previously introduced (Id. at 87-89). Detective Craft further testified that Barbara Hardy, “appeared upset with her mother for reporting this to the authorities”³ (Id. at 88).

During cross examination, Detective Craft testified that Marquita only used the words boom-boom and coon-coon to describe genitals, but that Ms. Lemaine told him that Marquita had said, “suck my dick and he showed me his dick” (Id. at 90). Detective Craft testified that he never heard Marquita complain of itching or burning and that he noticed no obvious injuries and that Marquita was not crying or acting afraid (Id. at 91 & 94).

After Detective Craft’s testimony, the court recessed for the night.

Tracey Hoeback

The next morning, Tracey Hoeback testified. At the time of the trial, Ms. Hoeback was no longer employed with the Pitt County DSS, but had been a DSS investigator in 1999 (Trial Tr. vol. I, 99, January 30, 2001). Ms. Hoeback testified that she went to the Tedi Bear Clinic on June 8th, 1999 and met Marquita, Barbara Hardy, and Bobby Lemaine (Id. at 101). A protection plan was put in place and signed by Barbara Hardy (Id. at 104).

Ms. Hoeback also interviewed Bobby Lemaine and testified that Ms. Lemaine told her that Marquita said her father was putting his boom-boom in her coon-coon and that Ms. Lemaine wanted Marquita to stay at her house until the investigation was complete (Id. at 106). As part of the DSS investigation, Marquita submitted to a Child Medical Exam and a Mental Health Exam and then Ms. Hoeback made the decision to substantiate the abuse (Id. at 114).

Dr. Rebecca Coker, M.D.

The state’s next witness was Dr. Rebecca Coker of Greenville Pediatrics. Dr. Coker was formerly employed with the Tedi Bear Clinic and conducted the Child Medical Exam of Marquita on June 8, 1999. Dr. Coker was qualified to testify as an expert in the pediatrics with a subspecialty in child abuse (Id. at 124). Dr. Coker’s entire testimony is lengthy and central to the evidence at trial. The entire testimony follows this abbreviated summary.

³ The defense attorney did not object to this line of questioning and it was admitted before the jury.

Dr. Coker testified that she spoke with Marquita, Barbara Hardy, and Bobby Lemaine to gather a medical history that included over a year of intermittent complaints of abdominal pain and vaginal itching and burning (Id. at 129). Marquita had been taken to the doctor for this itching and pain before with no specific findings (Id. at 129). Dr. Coker testified that Bobby Lemaine said Marquita had become more aggressive at school (Id. at 130). Dr. Coker testified that Ms. Lemaine reported that Marquita had said:

Dad was messing with her, that she had secrets with her daddy, that daddy kept sticking his dick in her front and back, that daddy told her to suck his dick and would take it out and show it to her. She denied to grandmother that she had actually sucked his dick (Id. at 130-31).

Dr. Coker then conducted an interview of Marquita. Dr. Coker testified that during the interview, Marquita disclosed that her daddy was hurting her coon-coon, cracking her foot, and hurting her arms and butt (Id. at 133-34). Dr. Coker further testified that Marquita disclosed that her father put soap in her coon-coon and peed in it (Id. at 134-35). Dr. Coker also testified that Marquita said her father tried to get her to suck his “dick” (Id. at 135).

After the interview, Dr. Coker performed a physical examination of Marquita and found that parts of Marquita’s hymen were thin, even though the hymen was complete (Id. at 142). Dr. Coker testified that she found a notch and scar tissue on Marquita’s hymen that would have been most likely caused by trauma or a significant inflammation (Id. at 143-44). Dr. Coker concluded that it was “highly probable” that Marquita had been sexually abused based on the disclosure during the interview and the physical exam (Id. at 144-45). Dr. Coker stated that Marquita was tested for sexually transmitted diseases and infections and all tests were negative (Id. 184-86).

On cross examination, Dr. Coker acknowledged that she was aware that another pediatrician had examined Marquita’s genitals and the results of that exam were normal (Id. at 192). Dr. Coker dismissed the findings because the other doctor was a pediatrician, but not a specialist in sexual abuse and had not had access to a colposcopy (tool used to magnify and light the genitals during an exam) (Id. at 192-94).

Please read the following testimony of Dr. Rebecca Coker.

Testimony of Dr. Rebera Coker - 2nd Trial

1 Q. Were you told what parts of your file to review
2 and what parts of your file not to review?

3 A. No, ma'am.

4 Q. Do you recall the name of the school that
5 Marquita was attending at the time?

6 A. I'm not exactly sure.

7 MS. MOORE: I don't have any further
8 questions.

9 THE COURT: Anything further?

10 MS. JENKINS: No, sir.

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

13 Call your next witness.

14 MS. JENKINS: The State would call Dr. Coker
15 to the stand.

16 THE COURT: Come up, please.

17 *****

18 REBECCA COKER, being first duly sworn, was examined and
19 testified as follows during DIRECT EXAMINATION by

20 MS. JENKINS:

21 Q. Would you state your name for the Court, please?

22 A. Rebecca Sue Coker.

23 Q. Ma'am, how are you employed?

24 A. I'm currently employed as a pediatrician at
25 Greenville Pediatrics Services.

1 Q. Would you tell the jury about your educational
2 background?

3 A. I did my undergrad -- completed my undergraduate
4 training at the University of Illinois,
5 Champaign-Urbana. I went to medical school at Rush
6 Medical College in Chicago and completed my pediatric
7 residency, a chief residency and a fellowship in child
8 neurology, at Loyola University Medical Center in
9 Maywood, which is a suburb of Chicago. I then served as
10 attending assistant professor of pediatrics for
11 approximately six years at Loyola University Medical
12 Center where I became involved in child abuse, obtained
13 special training and became involved in child abuse
14 consultation and evaluation of the physically and
15 sexually abused child. I then came to Greenville, North
16 Carolina in 1996 to be the medical director of the Teddy
17 Bear Children's Advocacy Center and as associate
18 professor of pediatrics at then East Carolina School of
19 Medicine.

20 Q. And what appointments do you currently hold?

21 A. Currently, I have a clinical appointment with the
22 university as clinical associate professor of
23 pediatrics, which means I still participate in teaching
24 residents, although I'm actually full time employed at
25 Greenville Pediatrics since August of this year.

1 Q. And do you have any board certifications?

2 A. I'm board certified in pediatrics.

3 Q. And what does one have to do to become board
4 certified?

5 A. You have to complete a certain amount of
6 training, which is required, maintain a license and
7 complete an examination process, which involves both a
8 national written exam as well as oral examination at the
9 time I took the -- completed the certification.

10 Q. And again, could you tell us what special
11 training you have in child abuse?

12 A. I personally have over two hundred -- probably
13 approximately 250 hours now of continuing medical
14 education in the area of child abuse and neglect. I
15 have provided continued medical education for examiners
16 in the child medical evaluation programs, which is a
17 special program that requires training and certification
18 of pediatricians, and North Carolina State is considered
19 a model program around the country, actually among
20 physicians, which provides special education for
21 pediatricians who are interested in helping in the
22 diagnosis of child abuse and -- both physical and sexual
23 abuse of children.

24 There is no specific subspecialty board at
25 this time in the area of child abuse and neglect. So

1 that pediatricians being a board certified pediatric is
2 sort of the highest credential in that regard that I can
3 obtain. I've also published a number of articles
4 dealing with issues in child neglect, which would
5 include cocaine-exposed infants as well as intentional
6 poisoning of a child.

7 Q. Have you testified in the superior courts in the
8 State of North Carolina in the past --

9 A. Yes.

10 Q. -- as an expert? And approximately how many
11 times have you done this?

12 A. In superior court, I'm not sure. I have been
13 stipulated as an expert in pediatrics with special
14 expertise in child abuse and neglect in district courts,
15 superior courts, military court and federal court in
16 multiple states, and I've testified approximately 50 to
17 60 times.

18 MS. JENKINS: Your Honor, at this time the
19 State would tender Dr. Coker as an expert in pediatrics
20 with a subspecialty in child abuse.

21 THE WITNESS: The diagnosis of and treatment
22 of child abuse and neglect.

23 THE COURT: Let her be so accepted.

24 Q. Now, if you would, can you tell this jury about
25 the Teddy Bear Center?

1 A. The Teddy Bear Children's Avocate Center is a
2 center which provides a child-friendly environment,
3 meaning not intimidating, not overly medical for
4 children who there's a suspicion of child abuse and
5 neglect. These children come from 29 counties in
6 eastern North Carolina. The staff there is
7 multi-discipline. It involves child-like specialties:
8 psychologists, social workers who are trained in the
9 evaluation of children whom there's a suspicion of child
10 abuse and neglect, as well as pediatricians or nurse
11 practitioners who also have special expertise in that
12 area. The center provides a state of the art medical
13 evaluation as well as interviewing and treatment options
14 for children as well, and families even, in whom there
15 have been problems with interpersonal violence. So it
16 is a referral center for both treatment and evaluation
17 or diagnosis of child abuse and neglect.

18 Q. And in June of 1999, what was your position with
19 the Teddy Bear Center?

20 A. At that time I was the medical director and fully
21 employed by E.C.U. School of Medicine.

22 Q. Now, on June 7, in the evening, were you on-call
23 for the Teddy Bear Center?

24 A. Yes, I was.

25 Q. Do you remember whether or not you received a

1 call on June 7 in the evening from the ER?

2 A. I don't have an independent recollection of that,
3 but the medical record reflects that I was called by the
4 emergency room attending who was asked to evaluate
5 Marquita Reeves, who had recently disclosed that she had
6 been sexually abused by her father to her grandmother,
7 and grandmother had brought her to the emergency room
8 for evaluation.

9 Q. Did you consult with them on June 7 about what
10 you felt needed to be done for Marquita at that time?

11 A. Yes. As one of the goals of the Teddy Bear
12 Center, and of all pediatricians involved in this area,
13 is to reduce the stress to children who are victims of
14 abuse and neglect of the evaluation process itself.
15 It's a very stressful and intimidating thing to have to
16 talk about things so close to children, so personal, so
17 intimidating involving people they love, and so it's
18 very difficult to do that in our openingly, medicalized
19 environments, and that's part of the reason for the
20 center.

21 So whenever it's possible, we try to
22 evaluate the children, not in that artificial medical
23 institutional-type setting, but in a more child-friendly
24 evaluation where -- center where we have the equipment
25 to do the full medical as well. And at that time, there

1 were no specific overt medical problems that had to be
2 dealt with at that moment, that means acute vaginal
3 bleeding. That does not mean that a disclosure of
4 sexual abuse does not involve a medical evaluation.
5 That just means it wasn't an emergency.

6 Just like when a child gets a cold and comes
7 to the emergency room and they're told they have to be
8 evaluated at a later date in the doctor's office,
9 because that wasn't in need of an emergency evaluation
10 at that moment and would be better handled in another
11 environment. So the child was and the grandmother was
12 asked to return to the Teddy Bear Center the following
13 morning so we could do a complete evaluation in a
14 setting that would be more advantageous for the child's
15 well-being psychologically.

16 Q. And you met then the next date with Marquita, her
17 grandmother and her mother; is that correct?

18 A. That's correct.

19 Q. And for what purpose did you meet with them?

20 A. To determine whether she had been sexually
21 abused, whether she had physical findings indicating
22 that, if she had developed any disease process, either
23 mentally, psychological and/or physically, related to
24 her chief complaint, which was that she had been
25 sexually abused.

1 Q. Now, tell the jury what you did first with this
2 family?

3 A. Well, the first thing that's always done is --
4 the center itself provides a complete evaluation, which
5 means a complete history and physical exam performed
6 with state of the art equipment geared towards the
7 evaluation of children who have been sexually abused.
8 So the first part of the evaluation involves obtaining a
9 complete a medical history as is available at that time.

10 Medical history in pediatric cases, in cases
11 of children, is obtained from anyone who can provide us
12 information about what's happened to the child. The
13 child is not always relied upon as the primary historian
14 in those evaluations, such as -- nor is it actually at
15 any age. Because if you were to have a seizure, for
16 instance, you wouldn't be able to describe fully what
17 happened. You might be able to describe the few moments
18 right before what happened, but it would take observers,
19 people who had watched and witnessed what happened, to
20 skew in the medical professional as to what had happened
21 to you.

22 And in the case of pediatrics, because of
23 developmental issues, because of communication issues,
24 depending upon the age of the child, we are compelled to
25 rely on parents and other caregivers to provide medical

1 history for us. And so we relied upon mother and
2 grandmother that morning to provide medical history of
3 what had happened to Marquita in her life and what had
4 happened to lead up to this evaluation process.

5 Q. And do you remember what significant medical
6 history was given to you?

7 A. Well, actually, there was a host of medical
8 history. We relied on the caregivers. We also relied
9 upon Marquita, because I was able to speak to Marquita
10 as well. The caregivers provided us the history that
11 Marquita had had at least a year, which is often
12 documented in records by the pediatric office, of
13 intermittent complaints of abdominal pain, of vaginal
14 itching and burning, which had been evaluated from
15 several different angles by pediatrics and no specific
16 cause had been found.

17 There were times when it was suspected that
18 there had been yeast infections, but nothing specific
19 was ever found. And there was an ongoing complaint of
20 abdominal pain that had even been referred to an outside
21 institution in Chapel Hill for evaluation, which nothing
22 specific was gained at that time or specific diagnosis
23 that could be treated. That is very common with
24 abdominal pain in children. Because just like headache,
25 abdominal pain is frequently assigned to stress and is

1 certainly one of the most common physical complaints in
2 children or even presented complaints in children who
3 suffered sexual abuse. We find that present maybe 30
4 percent of the time in children who have had an ongoing
5 experience of sexual abuse. So this had been a previous
6 part of her past medical history that could have had
7 another explanation, granted, but at that time had
8 received none.

9 The other thing that was important,
10 historically, were behavioral symptoms that Marquita had
11 manifested in the last year. She had become aggressive,
12 demonstrated somewhat combative behavior at school with
13 her peers, which was somewhat new to her. She had not
14 been that kind of a child. There had not been those
15 complaints in the past in the medical records and it had
16 been concerning to grandmother at that time.

17 Other history that was provided by the
18 caregivers was grandmother's report of the child's
19 disclosure to her. She reported to me at that time that
20 children had been playing a game of secret and that
21 Marquita had begun to disclose secrets that she had with
22 her father, and specifically that -- and I'd like to
23 read from the record, "dad was messing with her, that
24 she had secrets with her daddy, that daddy kept sticking
25 his dick in her front and back, that daddy told her to

1 suck his dick and would take it out and show it to her.
2 She denied to grandmother that she had actually sucked
3 his dick."

4 Q. That was the history from the grandmother; is
5 that correct?

6 A. That's the history from the grandmother. She
7 also stated to her grandmother that -- and kept
8 repeating to her grandmother "that daddy kept hurting me
9 and hurting me." There were other things that were
10 offered to grandmother. She had stated to grandmother
11 that he had hurt her with his boom-boom or actually that
12 he had showed her his boom-boom when he peed. That was
13 what grandmother had reported to me. At that time
14 mother, who was present for the evaluation also, had
15 admitted to the patient's complaint --

16 MS. MOORE: Objection.

17 THE COURT: Mother had done what to?

18 THE WITNESS: Had reported the patient's
19 complaint.

20 THE COURT: Overruled.

21 A. -- of ongoing burning and itching, which had been
22 going on for at least two days by her report at that
23 time.

24 Q. And what other complaints did the mother confirm
25 during the history?

1 A. She also confirmed the behavioral changes at
2 school as well. I'm not recalling specifically anything
3 else at this time. Oh, headaches as well that the child
4 had reported in the past that mother offered history of.

5 Q. You also obtained a history about prior
6 hospitalizations on the child?

7 A. She had been hospitalized for seizure issues when
8 she was younger. That was the only hospitalization that
9 I'm aware of. I didn't report it because I didn't find
10 it necessarily relevant to what we're discussing today,
11 but she had been hospitalized for seizures on one
12 occasion in the past.

13 Q. Neither grandmother nor mother, who were
14 participating in giving you a history, reported any
15 prior vaginal injury; is that correct?

16 A. That's correct. Or any prior vaginal procedure,
17 medical procedure that was done.

18 Q. Mother didn't report that to you that there had
19 been any prior procedure?

20 A. No.

21 Q. So after you obtained the history what, if
22 anything, did you do?

23 A. Well, I also obtained a history from the patient,
24 from Marquita herself, by talking to her about why she
25 was being evaluated. She disclosed to me, during that

1 talk, that she thought she was needing to see a doctor
2 because of what her daddy had done to her, and
3 specifically demonstrated with a pelvic thrust, forward
4 and backward while she was standing at the table next to
5 me what daddy had done, saying that "he hurted on me.
6 He hurted harder and harder" and went like this
7 (indicating), and then demonstrated with her hips. When
8 I asked her specifically what was hurting at the time,
9 she said everything was hurting. She went on to tell me
10 later that he kept messing with her.

11 As she identified -- when we do the
12 interviewing and talk to children about this, because
13 it's difficult to be sure exactly what they mean when
14 they use some of their terminology for genitalia for
15 parts of the body, we typically go through a
16 standardized drawing that allows the child to name
17 different parts of the body with the name that they're
18 used to using and describe the function of that.

19 When in doing that part of the standard part
20 of the interview, the child -- when we came to the
21 nipples, the child referred to them as boobies; and then
22 when asked what their function was, she said, "they're
23 for pinching" which is a very unusual response from any
24 child that we've evaluated there, and I've seen over
25 1200 cases. I believe I had that on another one or two

1 occasions, but I remember the population that we're
2 evaluating. And then she referred to her own genitals
3 as "coon-coon". She labeled the male penis as
4 "boom-boom" just so you'll understand the language's
5 that I'm about to use when I describe what she said to
6 me.

7 She stated again that her coon-coon was for
8 peeing and that daddy had hurt her coon-coon. And when
9 asked to label herself, spontaneously on the drawing
10 where she was hurt, she took the marker and circled her
11 genital, in the front view of her genitals, her
12 coon-coon, circled her arms and circled her buttocks.
13 When she was circling her coon-coon, she said, "He hurt
14 me right on, on here."

15 When asked what he was doing to her foot,
16 she also circled her foot. She said he was cracking my
17 foot. He was trying to -- and when I asked what
18 happened to her arms and when she circled them, she
19 stated he was trying to break them. And she also added
20 that "He be doing my butt too," and circled the butt.
21 She specifically stated, when asked about how he hurt
22 her coon-coon, she said that "he put a lot of soap on it
23 or something and then peed in it and made it hurt".
24 When I asked her about putting a lot of soap on it, she
25 could not elaborate any more at that time. When I asked

1 what he peed on it with, she said with his boom-boom.
2 Later in an interview, after saying he always hurt me,
3 she stated that he hurt me with his boom-boom again and
4 stated again that he tried to crack her foot off.

5 When asked what she had told her grandmother
6 about what had happened to her dad -- with her father,
7 she stated that she had told her grandmother about how
8 he kept -- keeps on doing it. And I asked her can you
9 tell me what he keeps doing? She said, "He keeps coming
10 in there, he keeps telling me to get up there" and she
11 patted her stomach at that time. Says he keeps telling
12 you what about his stomach? And she said, "He keeps
13 doing this," and she patted her stomach. I said hitting
14 his stomach, and she said yeah. And the child said,
15 "and tell me to get up on there." I asked her if his
16 clothes were on or off. And she stated that he had a
17 wrap on.

18 She later in the interview stated, "that he
19 always tells me to try" -- "he always tries to tell me
20 to suck his dick." And at another point in the
21 interview she stated that "He keep doing the same thing
22 over and over and over until it's time to go to bed."

23 Q. Now, you interviewed this child prior to the
24 physical examination; is that correct?

25 A. That's correct.

1 Q. And subsequent to the interview, did you perform
2 a physical examination on this child?

3 A. Yes, I did. I performed a head-to-toe physical
4 with special procedure in terms of colposcopy of the
5 genitals, which is simply a magnified view with the
6 light source of the genitals. The colposcope itself is
7 a medical instrument that's used to evaluate female
8 genitalia. Specifically first designed to look at the
9 cervix, which is an internal organ. It's an internal
10 structure that covers the opening to the uterus.

11 If you'll remember, the cervix is at the end
12 of the vagina. The vagina is really just the passage,
13 the passage track for babies out of the body and out of
14 the uterus is all the vagina is. The vagina -- at the
15 end of the vagina, before entering the uterus, is the
16 cervix. And adults use the colposcope. The adult
17 gyneo-doctors use that to look at the cervix to magnify
18 for evidence of cancer and inflammation and infection.

19 Approximately 15 to 20 years ago, the
20 colposcope was introduced and became used in the
21 evaluation of children for sex abuse as a purely
22 external evaluation because of the capability of
23 providing excellent magnification and excellent light
24 source. And so it's now used to look for trauma in the
25 external or the outside genitals or anal region of

1 children in whom there is suspected abuse and neglect.

2 Q. When you say you did a complete head-to-toe
3 physical, can you tell the jury about any abnormalities
4 aside from the genitalia that you discovered, if any?

5 A. I guess she was missing a couple of her front
6 teeth. She was right at that age, six years old at that
7 time, growing her permanent. I don't recall finding
8 anything else that was abnormal. There was one linear
9 hyperpigmented agregent line. That's just a dark line
10 that poses some kind of injury or whatever, but it could
11 have been accidental or intentional on the arm. It's a
12 sign of previous trauma. I don't believe I found
13 anything else that was concerning to me on physical
14 exam.

15 Q. And can you describe for the jury how you proceed
16 with the pelvic exam of the child? Can you tell us how
17 it is that you go about doing that?

18 A. The examination, as I stated before, is performed
19 with the use of this instrument called a colposcope and
20 it's an external exam. There is no speculum placed
21 inside the child. There's no need for that. Obviously,
22 most of the speculums -- although there are some that's
23 small, made for young children, would be too large for a
24 young child anyway. So a speculum exam is not typically
25 performed.

1 The external exam itself involves placing
2 the child in two positions: One on his/her back and
3 then one on his/her tummy in the knee-chest position.
4 While on their back, lying on their back, the position
5 is assumed, when they're cooperative, and indeed
6 Marquita was, but some children are so sexualized that
7 it's very difficult for them to relax for this part of
8 the exam, which is the purpose of having a center rather
9 than the emergency room evaluation. That can't be
10 predicted before you begin the process.

11 But while they're lying on their back, the
12 position assumed is -- we call the frog-leg position,
13 which would be simply with the knees extended out and in
14 sort of this position (indicating), lying on the child's
15 back, so that you're actually observing the genitals in
16 the most broad view, I guess. And then there's an
17 external view of the genitals with the colposcope that
18 allows for this magnified view. There is gentle
19 retraction of the labia majora, which are the large skin
20 folds that are the external most part of the genitalia.

21 As you know, the labia majora covers the
22 entrance. What I say to the children, you know, to
23 their pee hole or whatever, when I'm in the pediatric
24 clinic so they know what I'm talking about, the tube of
25 urethra into the vagina. Those structures, those

1 openings are actually internal to the external
2 genitalia, which are the labia majora and a lot of skin
3 fold. So, in fact, to reach the opening of the vagina
4 at all, penetration has already occurred, penetration of
5 the labia majora. Right underneath the labia majora,
6 those fat skin folds are -- thinner skin folds called
7 the labia minora. And in order to reach the opening to
8 the vagina, the labia minora has to be penetrated as
9 well.

10 The labia minora is due -- both of those
11 structures form sort of almost a triangular view when
12 they're retracted or pulled back and then we can see the
13 opening to the vagina, which is covered by a thin
14 membrane in this age child, the hymen the hymen is not a
15 wall. The hymen is an opening. It's a membrane
16 surrounding it. And in a child at age six, the hymen
17 would look something like this, surrounding the orifice
18 or the opening to the vagina. It's a thinner membrane,
19 and it can be stretched and distorted. If it is
20 traumatized in some way, it can be torn. It can be
21 simply worn away.

22 If we were to pull and pull and pull on this
23 elastic tissue, we would find that eventually we would
24 distort its shape. Depending on the tensile strength of
25 this tissue, we would distort its shape. We might tear

1 it if we pulled hard enough or at an acute, quick enough
2 angle. It all depends upon the exact force that's used.

3 But the hymen itself sits at the opening of
4 the vagina, covering that opening, but not completely
5 covering it. There's always, except in very rare, you
6 know, one or two per million cases, when at birth that
7 hymen is totally intact with a total wall there, still
8 thin, but a total wall. There's an opening there
9 anyway.

10 This is kind of a misconception among people
11 who may not have medical background, because I think
12 everyone -- there's the slang about, you know, bursting
13 the cherry or whatever. Well, there's nothing to burst
14 there. It's already opened at birth, the hymen itself.
15 But, certainly, when there is sexual abuse, when there's
16 penetration into the vagina, if that penetration is
17 forceful enough, there can be distortion of the hymen
18 itself. And when that occurs, it occurs at the lowest
19 part of the hymen, the bottom part, and we call that the
20 posterior rim of the hymen. That's where we look for
21 penetrating trauma. There are congenital abnormalities
22 at the top part. The way the hymen attaches at the top,
23 sometimes it doesn't go completely around that whole
24 opening, but the bottom part of the hymen is a symmetric
25 and complete kind of membrane that has a normal

1 thickness at different ages, and that's why examiners
2 are looking at as well as the area right below the
3 bottom part of the hymenal membrane in what's called the
4 fossa navicularis region and the posterior commissure.

5 So those are the areas we look for scarring,
6 for signs of trauma or into the vagina itself for signs
7 of infection, which are manifested by vaginal discharge
8 or redness, inflammation, signs of inflammation. So
9 those are the things that examiners are looking for when
10 we evaluate little girls for evidence of sexual abuse.

11 Q. Now, if you were to examine a child who had not
12 been sexually abused and had no prior penetration or
13 trauma to her hymen, what would that exam look like?

14 A. Well, there are a variety of looks, because there
15 are a variety of normal configurations to the hymen, the
16 way it attaches to the top. Some hymens go completely
17 around like this (indicating), some are crescent or just
18 -- they attach between ten and -- if you're imagining a
19 clock face for the entrance to the vagina and the hymen
20 itself as the tissue around that, at the top would be 12
21 o'clock, at the bottom 6 o'clock. Where we're looking
22 for trauma to the hymen is below three and 9 o'clock
23 plane, if you're thinking of it as a clock.

24 Some hymens don't go completely around.
25 Some don't go completely to the very top. There is an

1 opening there and those are called crescentic. There
2 are a couple of other rare kinds. Usually, they're
3 either angular or crescentic. So they can look
4 different, but we study that as a profession now. We
5 know what the differences are normally in little girls'
6 hymens because examiners have looked and documented
7 those exams from a large number of girls selected for
8 not having been sexually abused.

9 Q. Now, when you took the colposcope and examined
10 Marquita's genitalia, tell the jury what, if anything,
11 you found?

12 A. Well, I found some very concerning things. First
13 of all, her hymen was not very symmetric, in uniform
14 around. It had areas where it was very thin. Areas
15 along the side, if you're facing between 8 o'clock on
16 the -- above 8 o'clock where it was very thin even
17 though it was a complete hymen.

18 The piece that was most concerning was a
19 deep notch at 6 o'clock, which is very concerning for
20 prior penetration. And a scar that extended from the
21 hymen at 8 o'clock to the tissue of the fossa
22 navicularis below the hymen at 6 o'clock and in that
23 region. And that is usually very smooth, totally -- I
24 guess I'm not thinking of the right word to describe it
25 to you, but very smooth, no mounds, no irregularities in

1 that fossa, in that little cavity below the hymen. And
2 there was a piece of scar tissue that was significant
3 that came between 8 and 6 o'clock in that region.

4 Q. What can cause that kind of scar tissue?

5 A. The first thought is always trauma, trauma to
6 that area. That's how it would heal. In fact, we know
7 that hymens can heal up in following girls who have
8 complete tears to their hymen or appearance or partial
9 tears, perhaps two-thirds the way through the membrane
10 itself over time.

11 If you could imagine, if I could tear this
12 at this point -- obviously, the hymen isn't quite this
13 strong in terms of tensile strength. But if I could
14 tear this part of the way through, then over time, where
15 I tore it, it would look very rigid in the beginning and
16 very linear and very obvious. But over time, it smooths
17 out and all you have is a thin area or a notch in the
18 membrane itself over time, and it's not a complete tear.
19 So, first of all, the deep notch at 6 o'clock was very
20 concerning as a prior healed transection or tear in the
21 hymen, but the scar tissue itself was very concerning
22 from previous trauma.

23 Other things that could lead to scarring in
24 that area would be significant inflammation over time
25 with -- that's not been well documented, but

1 theoretically possible in the minds of medical experts.
2 I think that most of the -- most all the girls I've seen
3 with vulvoginitis do not have scarring in that area at
4 all, and I've seen quite a number in my twelve years as
5 a pediatrician.

6 Q. When you say trauma, what do you mean by trauma?

7 A. Trauma could be frictional trauma, any kind of --
8 it could be instrumental. Trauma is an acute blow or
9 disruption of tissue due to some external force. The
10 application of force in a given region so that tissue
11 responds to that application with bruising or with
12 tearing or with loss of tissue volume over time.

13 Q. And could insertion of a male penis cause that?

14 A. Absolutely.

15 Q. Dr. Coker, did you make any findings or
16 conclusions as a result of both your interview, your
17 history and your physical examination of Marquita?

18 A. I concluded that with reasonable medical
19 certainty and with high probability that she had
20 definitely been, from a medical point of view, she had
21 been --

22 MS MOORE: Objection.

23 A. -- sexually abused.

24 THE COURT: Overruled.

25 Q. When you say highly probable, can you tell the

1 jury what findings you would have to have in order for
2 you to say definite sexual abuse?

3 A. Well, as with every other medical condition that
4 we diagnose, history is critical in making an accurate
5 diagnosis. In fact, in medical school, they teach you
6 that 90 to 95 percent of your diagnosis is based on
7 history, and that is absolutely true. Over and over
8 again, I found that I have made an incorrect initial
9 diagnosis because the history provided was not accurate.
10 The history is very critical.

11 Definitive findings in terms of sexual abuse
12 are findings in which sexual contact is definite despite
13 what the patient says. In other words, the patient
14 denies, denies, denies sexual contact, but she is
15 pregnant and paternity testing shows that the father was
16 a given individual. In that case, that's definitive
17 evidence. No matter what that patient says, that's
18 definitive evidence. There are a couple of sexually
19 transmitted diseases that fall in that category. There
20 is pregnancy and there is complete -- well, the presence
21 of sperm in the vagina or semen in the vagina.

22 Now, I can make an argument -- I consider it
23 definitive. It doesn't matter what she said. She has
24 had sexual contact, okay, even if she denied it. I can
25 make an argument even against semen in the vagina

1 because, obviously, in a case of artificial
2 insemination, that patient may not have had sexual
3 contact with the individual and the semen was placed
4 there by a medical professional for the reasons of
5 conception. That's a very theoretic thing. Obviously,
6 it doesn't really enter into our discussion today.

7 History is everything. We make all of our
8 diagnoses in medicine based largely on history. And so
9 definitive findings are very, very few actually, and I
10 mentioned those to you. A couple of sexual transmitted
11 diseases that cannot be obtained any other way, and
12 there are only a couple of those, gonorrhea, even
13 syphilis can even be transmitted at birth. HIV without
14 known blood transfusion, etc. is considered to be
15 evidence of sexual abuse, definitive evidence.

16 And so there are very few things that could
17 ever lead me in a court of law to use that term
18 "definitive." But for all intents and purposes with
19 reasonable medical certainty or more than that, this
20 child had all the features of sexual abuse. She had
21 physical findings. She had historical, consistent
22 evidence and she had behavioral and physical complaints
23 that are all consistent with that diagnosis.

24 Q. Thank you.

25 MS. JENKINS: I don't have any other

1 questions of this witness at this time, Judge.

2 THE COURT: I believe it's time for our
3 morning break.

4 Ladies and gentlemen, we're going to take
5 our morning recess now in just a moment. Please
6 remember what I said to you. Don't talk among
7 yourselves. Don't form your opinion until you begin
8 your deliberations. Don't allow anyone to talk with you
9 about the case. I have 11:00. Be back in your seats at
10 11:15.

11 (Recess 11:00.)

12 THE COURT: All right. Let the record show
13 the defendant and his counsel are here, the District
14 Attorney is here, and the jury is in the box. You may
15 proceed with the examination of Dr. Coker.

16 MS. MOORE: Thank you, Your Honor.

17 CROSS-EXAMINATION by MS. MOORE:

18 Q. Dr. Coker, you have been using some notes to
19 testify from today; is that correct?

20 A. Yes.

21 Q. And you have those notes with you?

22 A. Yes.

23 MS. MOORE: Your Honor, may I approach the
24 witness to review the notes?

25 THE COURT: All right.

1 Q. Dr. Coker, the first encounter you had with
2 Marquita Reeves was on the 8th of June of '99; is that
3 correct?

4 A. The first full encounter was on the 8th. I
5 believe I saw her very briefly. I did not talk to her
6 in the emergency the night before, 6/7/99.

7 Q. Are you sure as to whether or not you were at the
8 emergency room on the 7th of June?

9 A. I did not do any kind of evaluation. I spoke to
10 the emergency room doctor and --

11 Q. Excuse me.

12 A. Uh-huh.

13 Q. Would that have been by telephone?

14 A. I don't have that documented. I don't recall.
15 But according to my note from the Teddy Bear Center, it
16 appears that it was not, that I went in to talk to
17 people briefly about whether it was going to be better
18 to complete her evaluation in the emergency room as
19 opposed to Teddy Bear the following morning. But there
20 was no significant content to that interaction.

21 Q. Did you speak with the doctor at the emergency
22 room on the 7th?

23 A. I have no independent recollection of that right
24 now. But my note, I would have had to speak to him to
25 have arranged the evaluation the next day.

1 Q. Okay. Do you know from your notes whether or not
2 Marquita was treated or examined at Pitt Memorial
3 Hospital on the 7th?

4 A. I believe that she had a cursory physical exam to
5 be sure there were no acute symptoms again that would
6 require an emergency evaluation.

7 Q. Do you know whether or not you gave any
8 instructions, personally, to the doctors at Pitt
9 Memorial Emergency Room that night?

10 A. Other than to have her evaluated and to -- that
11 she should remain in a protected environment overnight,
12 meaning no contact with the individual she had disclosed
13 had abused her.

14 Q. Do you know whether or not you gave any specific
15 instructions as to whether or not the child was to take
16 a bath or change clothes or anything of that nature?

17 A. I didn't give those instructions at that time. I
18 did not. This was not an acute assault presentation.
19 So that is irrelevant, and so I did not give
20 instructions for that.

21 Q. Now, in the hospital emergency room notes, there
22 was some --

23 MS. JENKINS: Objection.

24 THE COURT: Overruled. Go ahead.

25 Q. That night were you able to establish a time

1 frame when the abuse was to have occurred from any
2 medical personnel at Pitt Memorial Hospital?

3 A. There was no specific time frame for the abuse
4 that was disclosed that I recall, and it was determined
5 that it did not happen in the last 24 hours.

6 Q. Had you had -- have you since had the opportunity
7 to review the emergency room notes --

8 A. No, I have not.

9 Q. -- of Pitt Memorial?

10 A. No, I have not.

11 Q. And to the best of your knowledge, no one gave
12 you a time frame that night?

13 A. If a time frame had been established that the
14 child had been abused in the last 24 hours, there would
15 have been a different course of management.

16 Q. So you're saying that if the abuse had occurred
17 the day before, there would have been a different time
18 frame management?

19 A. If it were clear that it had occurred, then, yes.
20 The time frame was not clear at all.

21 Q. If it had been two or three days ago, would that
22 have made a difference in the management that night?

23 A. No.

24 Q. Did you speak with anyone from the Department of
25 Social Services that night on the 7th?

1 A. I don't recall.

2 Q. Now, what time did you meet with Marquita on the
3 8th of June of '99?

4 A. I don't know that I have the time recorded here
5 and I don't have independent recollection of that. I
6 suppose that information is available if we were to go
7 back and look at the Teddy Bear record at the time of
8 her appointment that day.

9 Q. Do you have access to those records?

10 A. Not anymore, no.

11 Q. Do you recall who was present at the time that
12 you talked to Marquita?

13 A. Yes. Her mother, the maternal grandmother, the
14 investigating DSS worker, who was Tracy Hoebach, and our
15 master social worker at that time, Paula Prudence.

16 Q. Now, I believe that you stated the first thing
17 that you did was to attempt to obtain a medical history
18 on the child; is that correct?

19 A. Correct.

20 Q. And that was word of mouth between you, the
21 grandmother and the mother?

22 A. As is always the case in a medical office, it's
23 provided by the caregivers or the patient.

24 Q. And were you informed that the child had been
25 hospitalized at Pitt Memorial Hospital at some time

1 during her lifetime for seizures?

2 A. Yes.

3 Q. And were you informed as to who her family doctor
4 was during this particular time period?

5 A. Yes, I was.

6 Q. And who was that?

7 A. Greenville Pediatrics Services.

8 Q. Did you obtain the medical records from
9 Greenville Pediatrics and did you obtain the medical
10 records from Pitt Memorial Hospital prior to your
11 findings?

12 A. No, I did not.

13 Q. And I believe that you stated earlier that a
14 complete medical history is a very important aspect of
15 your being able to do your job properly; is that
16 correct?

17 A. That's correct.

18 Q. And you did not obtain the records from the
19 pediatrics or the hospital?

20 A. No, I did not.

21 Q. And you were aware of those factors?

22 A. Yes.

23 Q. And on this particular date, did you actually do
24 the interviewing of the child?

25 A. Yes.

1 Q. And was there a taped interview?

2 A. Yes.

3 Q. Was it also videotaped?

4 A. No. Audiotaped only as was standard practice --
5 as is standard practice at the Teddy Bear Center.

6 Q. And do you recall whether Tracy Hoebach was
7 present during your examination?

8 A. She was not present in the exam room for the
9 examination.

10 Q. Where was she?

11 A. She was in the center in the conference room.
12 There was -- now, I'm talking about the actual physical
13 exam. She would have observed the interview through a
14 two-way mirror -- two-way window. Excuse me.

15 Q. How long did you interview with the child?

16 A. I don't have the minutes recorded. It resulted
17 in a verbatim transcript of single-spaced, full seven
18 pages.

19 Q. Okay. So you have not, in your testimony here
20 today, read us the whole interview, have you not?

21 A. No, I have not.

22 Q. You have read us only partial?

23 A. Yes. The parts that I felt were relevant to
24 forming my opinion.

25 Q. And at this time I'm going to ask that you please

1 read your whole interview to the jury, please.

2 A. "You want to say your name. What's your name?"

3 "Marquita."

4 "Marquita who?"

5 "Marquita Reeves."

6 "Marquita Reeves. And what day is this? Do
7 you know what day this is, Marquita?"

8 "It is--"

9 "It's hard to know, isn't it? So we won't
10 talk about it. It happens to be Tuesday. It happens to
11 be June 8, 1999." I repeated that for purposes of
12 labeling the tape. "But one of the things that I like
13 to do when I'm talking to kids is to draw. Sometimes
14 that really helps. You're asking something about that,
15 about the child?".

16 "About what?"

17 INTERVIEWER: "The painting--" There's a
18 painting on the wall in the interview room.

19 CHILD: Who drew it?

20 INTERVIEWER: "On the wall--" As this was
21 being said, she interrupted me also. "What were you
22 asking me about the painting?"

23 CHILD: Umm.

24 INTERVIEWER: I thought you were asking me
25 something about the painting. Do you know how to spell

1 your name?

2 CHILD: I learned my last name and my first
3 name.

4 INTERVIEWER: Your last name and your first
5 name. You're just in kindergarten, aren't you?

6 CHILD: Yeah, I know, but my first name
7 though --

8 INTERVIEWER: Okay. Write your first name.
9 That's what I like. I'm going to write my first name,
10 too.

11 CHILD: M-A-R-Q -- umm.

12 INTERVIEWER: Very good.

13 CHILD: Now, I can write my last name,
14 R-E-E-V-E-S.

15 INTERVIEWER: Very good. That's excellent.
16 Marquita, did (sic) you know why you came to see me
17 today? Do you know why you had your check-up today?

18 "No."

19 "Did anyone tell you why?"

20 "No." She's shaking her head no.

21 "Did your grandma tell you why or anyone?"

22 "No."

23 "Nobody told you? Okay. Well, why might
24 you need to see a doctor right now? Is there any reason
25 you can think of?"

1 CHILD: Because of what my dad did.

2 INTERVIEWER: Because of what your daddy
3 did?

4 CHILD: No.

5 INTERVIEWER: No. Well, actually, that
6 might be a good reason. If you tell me what your daddy
7 did, that might be exactly why you're seeing the doctor.
8 What did your daddy do?

9 CHILD: "Because he hurted on me. He hurted
10 harded and went like this" -- this is when she was doing
11 the pelvic thrust -- "kept hurting me, hurting me,
12 hurting me and --"

13 INTERVIEWER: What is he hurting? Now, I
14 saw you were standing there and you were moving your
15 bottom back and forth in the air and you pointed to your
16 front and to your back part of your body," when I asked
17 her what he was hurting.

18 CHILD: Everything was hurting.

19 INTERVIEWER: Everything was hurting? Was
20 there any certain part that was hurting more than
21 another part?

22 CHILD: Yes.

23 INTERVIEWER: What part was hurting?

24 CHILD: My arm and everything was hurting.

25 INTERVIEWER: Everything was hurting?

1 CHILD: Uh-Huh.

2 INTERVIEWER: What?

3 CHILD: I want to write some words.

4 INTERVIEWER: I still don't understand what
5 you just said, Marquita.

6 CHILD: I said write some words.

7 INTERVIEWER: You're writing some words.

8 Yes, you are.

9 CHILD: This is is.

10 INTERVIEWER: Yes.

11 CHILD: And this is we.

12 INTERVIEWER: Very good. I like it when we
13 talk very clearly like that, that helps me understand.
14 I need to ask you a couple of questions because I'm a
15 little confused about how your father was hurting you.
16 I really need to understand how that happened. Do you
17 remember when it happened?

18 CHILD: Maybe yesterday.

19 INTERVIEWER: Yesterday?

20 CHILD: Yeah.

21 INTERVIEWER: That's a hard question
22 sometimes because it's hard to know what day things
23 happened.

24 CHILD: "I was in --" trails off.

25 INTERVIEWER: What were you guys doing when

1 it happened? Do you know what was going on?

2 CHILD: Don was outside riding bike.

3 INTERVIEWER: Don was outside riding his
4 bike?

5 CHILD: Uh-huh.

6 INTERVIEWER: And what happened?

7 CHILD: He was hurting me and hurting me.
8 He kept messing with me.

9 INTERVIEWER: He kept messing with you?

10 CHILD: Yes.

11 "What do you mean by messing with you? Can
12 you explain what that is?"

13 CHILD: No.

14 INTERVIEWER: No. All right. Before you
15 tell me any more about this, because I think I have
16 something that will help you explain to it to me, but
17 before you tell me anything more about it, I want to ask
18 you to identify a couple of things here. Do you see
19 this?" We have a marker, a little -- couple of markers
20 on the table. "Do you know your colors yet?"

21 CHILD: I know all -- I know some colors.

22 INTERVIEWER: Do you? What colors do you
23 know? Can you show me the purple marker?

24 CHILD: The purple marker.

25 INTERVIEWER: Very good. How about the

1 green marker?

2 CHILD: Green one.

3 INTERVIEWER: How about the red marker?

4 CHILD: The red marker.

5 INTERVIEWER: Very good. Now, can you take
6 the purple marker and put it under the table. Very
7 good. Now, can you take the green marker --" and she
8 did it correctly -- "and put it on your chair, on top of
9 your chair? Can you put the green marker under the
10 chair?" And she's doing all these things.

11 "Uh-huh."

12 "Can you put the green marker in the cup?"

13 CHILD: In the cup.

14 "Very good. Can you put the yellow cup --
15 the yellow marker outside of the cup --" I misspoke.

16 CHILD: Outside the cup?

17 INTERVIEWER: The yellow marker outside of
18 the cup. Very good. Okay. I think that's good. I
19 think you understand what that means.

20 Can you tell me the difference between
21 what's real and pretend?

22 CHILD: Well, real is like --" trails off.

23 INTERVIEWER: Do you know what -- can you
24 explain if something is pretend? What does that mean?
25 Do you do you know what that means?

1 "No."

2 "How about if something is real? What does
3 it mean if something is real?"

4 CHILD: Something is real?

5 INTERVIEWER: Uh-huh.

6 CHILD: At dinner or something like that?

7 INTERVIEWER: At dinner or something like
8 that.

9 CHILD: Yeah. And sometimes --" we repeat
10 things in case it's not coming clear across on the tape.

11 CHILD: Yeah.

12 "Or cloudy," and she's drawing clouds at
13 that time on her drawing.

14 INTERVIEWER: That's a cloud? That's right.
15 It's a very good cloud. I'm going to give you a couple
16 of things and I want you to tell me if you think they're
17 real or pretend. I'm going to say this and I want you
18 to tell me if it's real or pretend: I'm a boy. Is that
19 real or pretend?

20 CHILD: Pretend.

21 INTERVIEWER: Okay. You are a girl. Is
22 that real or pretend?

23 CHILD: Right.

24 INTERVIEWER: "That's right. Okay. This is
25 a dog," pointing to a teddy bear. "Is that real or

1 pretend?"

2 CHILD: Pretend.

3 INTERVIEWER: Right. What kind of animal is
4 that?

5 CHILD: It's a teddy bear.

6 INTERVIEWER: That's right. This is a frog.
7 Is that real or pretend?

8 CHILD: Real.

9 INTERVIEWER: Okay. So you know the
10 difference in something that's real and something that's
11 pretend? It's just hard to explain it, isn't it?
12 Today, we're going to talk about things that really
13 happened. Okay. I only want you to tell me things that
14 really happened. And I have a picture here that I think
15 might help. Do you know what this is a picture of?
16 Look at that for a minute. Can you just -- I know
17 you're making a beautiful drawing there, but I'd like
18 for you to take a look at my picture for just a second.
19 Can you tell me what is this a picture of? Who is this?

20 CHILD: A woman.

21 INTERVIEWER: A woman. Okay. Is it a young
22 woman or an old woman?

23 CHILD: An old woman.

24 INTERVIEWER: Look at the picture. Does
25 this look like an old woman?

1 "Uh-huh, young one."

2 INTERVIEWER: "Okay. What is that?" She
3 was not looking at the picture. "It must be one of your
4 brothers or sisters," and she was pointing to her
5 drawing at that time. "It must be one of your brothers
6 or sisters."

7 CHILD: No.

8 "The baby."

9 CHILD: Oh, the baby.

10 "I want you to look at" -- I'm trying to
11 divert her attention back to my drawing. "I want you to
12 look at this woman now and tell me what is that part of
13 the body."

14 CHILD: Her body?

15 INTERVIEWER: Uh-huh. What is that right
16 there?

17 CHILD: That's hair.

18 INTERVIEWER: What do you with hair?

19 CHILD: You can braid it.

20 INTERVIEWER: Okay. That's very good. What
21 about this part of your body? What is that?

22 CHILD: That is your stomach.

23 INTERVIEWER: This part right here?

24 CHILD: Eyes.

25 INTERVIEWER: Eyes. What do you do with

1 your eyes?

2 CHILD: Look at something.

3 INTERVIEWER: Okay.

4 CHILD: You could look at movies or your
5 parents or something like that or anything.

6 INTERVIEWER: That's good. What about this?
7 What is this part of the body right here?

8 CHILD: Mouth.

9 INTERVIEWER: "Mouth. What do you do with
10 the mouth?" I'm just repeating what she said initially.

11 CHILD: Talk.

12 INTERVIEWER: That's true. You're very good
13 at this. What about this part of the body? What is
14 this?

15 CHILD: That is your boob.

16 INTERVIEWER: Your boob. And what do you do
17 with boob?

18 "You do like this." And she takes her
19 fingers and pinches her boob, her nipple.

20 INTERVIEWER: "You pinch them?" She nods
21 yes.

22 "Okay. What is this part of your body,"
23 pointing to the naval.

24 CHILD: Your thing.

25 INTERVIEWER: Do you have a name for that?

1 CHILD: It has a name. I forget.

2 INTERVIEWER: "Okay. But what do you do
3 with that? Do you know?" She denies knowing. "Okay.
4 I'm just going to say you don't know. What about this?
5 What is this part of the body?"

6 CHILD: Your --" trails off.

7 INTERVIEWER: That's your what?

8 CHILD: I say it's your coon-coon.

9 INTERVIEWER: Your coon-coon? Did you say
10 coo-coo or coon-coon?

11 CHILD: Coon-coon.

12 INTERVIEWER: Coon-coon. Okay. What do you
13 do with your coon-coon?

14 CHILD: You do pee.

15 INTERVIEWER: Okay. And what is this?

16 CHILD: Your hand.

17 INTERVIEWER: What do you do with your hand?

18 CHILD: You could write.

19 INTERVIEWER: Good. And what about --

20 CHILD: I have to write.

21 INTERVIEWER: What is this?

22 CHILD: Your leg.

23 INTERVIEWER: Good. What do you do with
24 your leg?

25 CHILD: You could walk.

1 part of the body is this?

2 CHILD: Arm.

3 INTERVIEWER: Right here. Look at this
4 drawing. Do you know? What is that? Okay. I want to
5 know -- you said that your daddy hurt you and he hurt
6 you all over and that -- what I would like for you to do
7 is show me with this marker where your daddy hurt you.

8 CHILD: He hurt me right on, on here.

9 INTERVIEWER: Okay. Can you put a circle --
10 can you put a little -- color that. Can you circle it
11 with the marker? Do you know how to circle something?

12 CHILD: Circle it?

13 INTERVIEWER: "Uh-huh. Okay." And at that
14 point she circles what she calls the coon-coon. "And
15 did he hurt you anywhere else, any other part of your
16 body?"

17 CHILD: My arms, my arms.

18 INTERVIEWER: Okay. Can you circle that?
19 Okay. Okay. Anything else? Okay.

20 CHILD: He was cracking my foot.

21 INTERVIEWER: He was cracking your foot?

22 CHILD: Yeah.

23 INTERVIEWER: Uh-huh. What happened to your
24 arms?

25 CHILD: He was trying to break them.

1 INTERVIEWER: Trying to break them. What
2 about this part of your body, your coon-coon that you
3 circled?

4 CHILD: And he be doing my butt, too.

5 INTERVIEWER: "Your butt too? Where is your
6 butt? You see your butt? You can find it anywhere?
7 Your butt too. Where is" -- oh, no.

8 CHILD: Right here.

9 INTERVIEWER: Yeah. That looks like it to
10 me. Now, when he hurt your coon-coon, do you remember
11 how he did that?

12 CHILD: He put a lot of soap on it or
13 something and then he peeded (sic) in it and made it
14 hurt.

15 INTERVIEWER: Put a lot of soap in it?

16 CHILD: Yeah.

17 INTERVIEWER: And then peed on it?

18 CHILD: And then made it hurt.

19 INTERVIEWER: And then made it hurt. How
20 did he pee in it?

21 CHILD: "With his boom-boom." Child is not
22 correct, it's interviewer.

23 INTERVIEWER: With his boom-boom?

24 CHILD: Yeah.

25 INTERVIEWER: Let me give you another --

1 CHILD: He always hurt me.

2 INTERVIEWER: "Drawing here" -- this is the
3 rest of the initial question. "Let me give you another
4 drawing here. See if you know what any of these parts
5 are. What's that?"

6 "That is --"

7 INTERVIEWER: What is this drawing? Who is
8 that?

9 "A woman."

10 INTERVIEWER: You think this is a woman?
11 Look at the drawing." Having trouble getting her to
12 actually pay attention and look at what we were doing.

13 "Okay. It's a boy." And the child stated
14 that, but it didn't come across on the tape or I would
15 not have repeated it because I don't give the words. I
16 don't repeat it unless she says it.

17 CHILD: Ask me my brother's name?

18 INTERVIEWER: What is your brother's name?

19 CHILD: Donald.

20 INTERVIEWER: Donald?

21 CHILD: But I have --

22 INTERVIEWER: Okay. What is this part of
23 the body?

24 CHILD: Your leg here.

25 INTERVIEWER: This part right there?

1 CHILD: Your mouth.

2 INTERVIEWER: It's your mouth. Okay. And
3 what is this part of the body?

4 CHILD: Your hand.

5 INTERVIEWER: What is this part of the body?

6 CHILD: It's the boom-boom.

7 INTERVIEWER: Boom-boom. And what do you do
8 with the boom-boom?" You have to understand I'm
9 pointing to different places on the drawing, obviously.

10 CHILD: When Donald --

11 INTERVIEWER: And who is Donald?

12 CHILD: He don't live there. I got two
13 brothers.

14 INTERVIEWER: Okay. And what about this
15 part of the body?

16 "That is your foot."

17 INTERVIEWER: Okay. And now, can you tell
18 me what part -- can you tell me -- can you take a marker
19 and show me what part of the body --

20 CHILD: What part of the body he hurt me
21 with?

22 INTERVIEWER: Yeah. What part of his body
23 he used to hurt you? Can you circle it?

24 CHILD: He hurt me with his boom-boom.

25 INTERVIEWER: Okay. He hurt you with his

1 boom-boom. Anything else he hurt you with?

2 CHILD: With his foot.

3 INTERVIEWER: When he hurt you with his
4 foot, what did he do?

5 CHILD: "He tried to do like this and went
6 like that to my coon-coon." Extend the foot at the
7 ankle and knee. "Hurt me, hurt me and hurt me. That to
8 me."

9 INTERVIEWER: Okay. He hurt you with his
10 hands, too. You're circling his hands?

11 CHILD: Yes.

12 INTERVIEWER: Where did he hurt you with his
13 hands?

14 CHILD: He tried to crack my foot off with
15 it.

16 INTERVIEWER: He tried to crack your foot
17 off with it?

18 CHILD: Yes.

19 INTERVIEWER: Did he do anything else with
20 his hands?

21 CHILD: Nothing else.

22 INTERVIEWER: Nothing else. Did he touch
23 you anywhere with his hands?

24 CHILD: With his hands?

25 INTEVIEWER: Uh-huh. Did he touch you

1 anywhere with his boom-boom?

2 CHILD: On -- in my butt.

3 INTERVIEWER: "In your butt?" Nods yes.

4 "Okay. Did he touch you anywhere else with
5 his boom-boom?"

6 "No."

7 "What about with his foot? Did he touch you
8 anywhere with his foot? Where did he touch you with his
9 foot?"

10 CHILD: The right on both of them.

11 INTERVIEWER: In your -- you're pointing to
12 your coon-coon?

13 CHILD: Uh-huh.

14 "You're pointing to your butt, and that's
15 where he touched you with his foot? Okay. Did he touch
16 you with any other part of his body?"

17 CHILD: Uh-huh.

18 INTERVIEWER: "Just his hands, his boom-boom
19 and his butt?" She nods yes.

20 INTERVIEWER: Okay. Did he say anything to
21 you when he touched you?

22 CHILD: And when I, and when I, on me when
23 he told me to stop.

24 INTERVIEWER: You be -- what were you doing
25 when he told you to stop?

1 CHILD: When I was rewinding my movie and I
2 messed it, and he told me to stop rewinding that movie.

3 INTERVIEWER: Oh, you were rewinding a
4 movie?

5 CHILD: Yes. And it didn't go off.

6 INTERVIEWER: What movie were you rewinding?

7 "It was my favorite movie."

8 INTERVIEWER: What is your favorite movie?

9 CHILD: Aladdin.

10 INTERVIEWER: Aladdin. You were rewinding
11 your favorite movie?

12 CHILD: Yeah, to the song.

13 INTERVIEWER: And he told you to stop. Did
14 you stop?

15 CHILD: I was trying to tell him to leave me
16 alone.

17 INTERVIEWER: What was he doing at that
18 time?

19 CHILD: I was trying to tell him to leave me
20 alone.

21 INTERVIEWER: I can't understand you.

22 CHILD: And he was making me get a headache.

23 INTERVIEWER: He was making you get a
24 headache? Why was he making you get a headache?

25 CHILD: When I be asleep, he be telling me

1 -- he tell me to wake up.

2 INTERVIEWER: Wake up. Did you wake up?

3 CHILD: Yes. I was keeping asleep.

4 INTERVIEWER: What, you kept sleeping?

5 CHILD: Yeah.

6 INTERVIEWER: Did you ever wake up?

7 CHILD: I woke up when my mommy woke me up.

8 INTERVIEWER: What would happen when you
9 woke up?

10 CHILD: Every time when I be, you be up, our
11 first -- then would be our second.

12 INTERVIEWER: Umm. I didn't understand
13 that. Can you try me again, Marquita?

14 CHILD: Say that again?

15 INTERVIEWER: Yes. Say that again. I
16 didn't understand it.

17 CHILD: I said when he be up, when Mommy
18 wakes us up, then he be up when we get up.

19 INTERVIEWER: He would be up when you get
20 up?

21 CHILD: When me and Donnie got up.

22 INTERVIEWER: When you and Donnie got up?

23 CHILD: And the first time, when every time
24 when we come home, we keep telling him to wake up. He
25 be asking do I want something to drink.

1 INTERVIEWER: Did anything else happen when
2 he would wake you up?

3 CHILD: No.

4 INTERVIEWER: No. Okay.

5 CHILD: That's the only thing he do.

6 INTERVIEWER: Uh-huh.

7 CHILD: Can I see this?

8 INTERVIEWER: Uh-huh. Do you remember when
9 you were at your grandma's house yesterday?

10 CHILD: He always pick us up.

11 INTERVIEWER: Uh-huh. Before he picked you
12 up, what was happening at your grandma's house?

13 CHILD: Before we got out of grandma's
14 house, we be looking out for him.

15 INTERVIEWER: Yesterday?

16 CHILD: But was a long time.

17 INTERVIEWER: A long time ago, I know.
18 Yesterday you were at your grandma's house. Do you
19 remember that? Do you remember what you were doing at
20 her house yesterday?

21 CHILD: I was at her house yesterday.

22 INTEVIEWER: Today -- I know you were there
23 today, what about yesterday? Did you ever play games
24 with your brothers and sisters and your cousin?

25 CHILD: I don't got no sister.

1 INTERVIEWER: Oh, sorry. You're right. You
2 don't.

3 CHILD: I got to use the restroom. I got to
4 go.

5 INTERVIEWER: Do you remember playing games
6 with your cousins or anything?

7 CHILD: I remember playing with my brother,
8 Donald.

9 INTERVIEWER: With your brother Donald.

10 CHILD: Yeah, use the restroom.

11 INTERVIEWER: Yeah. Are you going to come
12 right back?

13 "All right."

14 INTERVIEWER: You're back from the bathroom
15 now. What I've been really interested in, you explained
16 to me yesterday you told your grandma something.

17 CHILD: About what he did to me?

18 INTERVIEWER: About what?

19 CHILD: My daddy.

20 INTERVIEWER: Your daddy. What did you tell
21 her about your daddy?

22 CHILD: He said I told her what he keeps
23 doing.

24 INTERVIEWER: Can you tell me what he keeps
25 doing?

1 CHILD: Every time he coming in there, he
2 keeps telling me and he tells me to get up there.

3 INTERVIEWER: "He keeps telling you what
4 about his stomach?" Because she was pointing and
5 patting at her stomach.

6 CHILD: "He keeps doing like this." Child
7 pats her stomach with the hand and she was doing that
8 during that time.

9 INTERVIEWER: Hitting his stomach?

10 CHILD: Yeah.

11 INTERVIEWER: Oh.

12 CHILD: And telling me to get up.

13 INTERVIEWER: And telling you to get up
14 there. And are his clothes on or are his clothes off
15 when he's hitting his stomach?

16 CHILD: On.

17 INTERVIEWER: His clothes are on?

18 CHILD: His thing on.

19 INTERVIEWER: His what is on?

20 "His wrap thing."

21 INTERVIEWER: His wrap thing?

22 CHILD: When you get cold, you have to go to
23 have -- when you get cold, you have to have on this
24 brown thing.

25 INTERVIEWER: His brown thing?

1 CHILD: Yeah. Like this.

2 INTERVIEWER: "I see". She did a little
3 wrap thing around her abdomen. "And he tells you to get
4 up there on his tummy, what happens after that?"

5 CHILD: I get up there. Always tell me to
6 do something and I say I've got to go to the restroom,
7 and he said, why you -- and I go into the bathroom and I
8 had to go to the bathroom bad.

9 INTERVIEWER: Okay. When you get up on him,
10 are your clothes on or are they off?

11 CHILD: Well, just only my underwear. You
12 suppose to take your clothes off, your clothes off in
13 the bed. Suppose to take them off.

14 INTERVIEWER: You suppose to take your
15 clothes off in the bed?

16 CHILD: Uh-huh. My mommy and me.

17 INTERVIEWER: Your Mom. Anybody else say
18 that?

19 CHILD: Your daddy.

20 INTERVIEWER: Your daddy. Do you take all
21 your clothes off?

22 CHILD: Just -- I don't take my underwear
23 off, only just my dresses or anything.

24 INTERVIEWER: Okay. I want you to think
25 real hard about what you told your grandma and tell me a

1 little bit more about that. You said he hits his tummy
2 and you have to get up there.

3 CHILD: He always be doing. He always try
4 to tell me to suck his dick, always do that and I don't.

5 INTERVIEWER: He tells you to suck his dick?

6 CHILD: Yes. And I don't.

7 INTERVIEWER: And you don't?

8 CHILD: When he keep messing with me, every
9 time when I be doing something, he keep telling me to
10 stop doing everything I keep doing.

11 INTERVIEWER: When he's messing with you,
12 what do you mean by that? What is he doing?

13 CHILD: I would tell him to leave me alone.

14 INTERVIEWER: When you say he's messing with
15 you --

16 CHILD: And I've got a headache.

17 INTERVIEWER. Uh-huh. When you say he's
18 messing with you, what is he doing?

19 CHILD: He keep doing the same thing over,
20 over, over, over." There was tension in the child's
21 voice during this particular sentence.

22 INTERVIEWER: And what is that thing?

23 "Until it's time to go to bed."

24 INTERVIEWER: The same thing over and over.
25 What is that thing? What is he doing?

1 CHILD: He always do the same thing that I
2 told you.

3 INTERVIEWER: Marquita, what did you tell
4 me?

5 CHILD: I told you what he's doing. He
6 keeps hurting me and cracking my foot and doing lots of
7 things and he's telling me to suck his dick and I don't,
8 and he -- stuff like that.

9 INTERVIEWER: Okay. Do you have anything
10 else you want to tell me that's been worrying you,
11 Marquita?

12 CHILD: No.

13 INTERVIEWER: Was there anything else that
14 scares you?

15 CHILD: No.

16 INTERVIEWER: Has your mom told you anything
17 about this?

18 CHILD: Huh-uh.

19 INTERVIEWER: Did anyone tell you what to
20 say today?

21 CHILD: Huh-uh.

22 "I heard somebody say Kita."

23 "Right now?"

24 "Yeah. I think that they might be calling
25 for you out there. I think we're about done. I was

1 going to ask you to draw with your favorite color and
2 draw me a house. Do you think you can do that, draw
3 something like that?" Something like that, and I was
4 pointing to the painting on the wall. "Like that.
5 That's a very hard house to draw." Actually, I think
6 she was asking me to draw that.

7 "I'd be careful drawing that house."

8 "I appreciate that you would talk to me
9 about this, Marquita. I know it's kind of hard."

10 CHILD: A triangle.

11 INTERVIEWER: Yeah, at the very top there is
12 a triangle. You know your shapes too, don't you?
13 That's good. Do you know the rest of them?

14 CHILD: Know the rest of them.

15 INTERVIEWER: Are you going to be in the
16 first grade next year?

17 "Yes. Coming up, coming down. That's the
18 -- and I have to draw the bed.

19 INTERVIEWER: It looks like the picture on
20 the wall except you're using pink. And what color is
21 this?

22 CHILD: This is yellow.

23 "That's right. It's yellow".

24 CHILD: Now, I got to color the thing, but
25 that part is yellow.

1 INTERVIEWER: okay.

2 CHILD: This triangle suppose to be yellow.

3 INTERVIEWER: Do you mind if I keep that
4 drawing when you're done?

5 CHILD: Huh-uh.

6 INTERVIEWER: Oh, could I have it?

7 CHILD: I want to have the house.

8 INTERVIEWER: You want to take the house?

9 All right. You can have the house. I can have this
10 drawing, right?

11 CHILD: Uh-huh.

12 INTERVIEWER: All right. Thank you. The
13 house is really good.

14 CHILD: You like this house?

15 INTERVIEWER: I do like the house.

16 CHILD: Bet you don't have a house like
17 this. Now, I have to make the doors, the doors. Now
18 about to make another triangle.

19 INTERVIEWER: It looks done.

20 CHILD: Another triangle and write my name
21 and last name. Okay?

22 INTERVIEWER: Uh-huh. Did you draw another
23 drawing over here?

24 No. That's just the marker on that page.

25 "I think we're about done now. Let's go see

1 if that is your mom calling you, okay?

2 CHILD: I want to finish my house.

3 INTERVIEWER: Okay. You're not done? That
4 looks great. Whose name did you write on there?

5 CHILD: My name.

6 INTERVIEWER: Marquita, you're not going to
7 let me have this drawing? I really need to have the
8 drawing, please.

9 CHILD: I want to show my mommy.

10 INTERVIEWER: And then you'll let me have
11 them?

12 CHILD: I want to show them.

13 INTERVIEWER: Okay. That's sound good.

14 The summary was, "Patient was spontaneous
15 and open during interview, but at times difficult to
16 understand. She wrote her name, identified her colors
17 correctly, body parts and their functions correctly, and
18 accurately identified real and pretend samples. Though
19 she could not abstractly define the difference, she
20 disclosed that daddy was hurting her, demonstrated
21 forward and backward thrusting movements with her hips
22 and pointed to her front genital region and buttocks
23 region when asked where he hurt her."

24 "When asked to indicate where she was
25 hurting, prepubertal female drawing she had labeled, she

1 circled the coon-coon first, the arms, the foot and the
2 butt. She stated he tried to break her arms, crack her
3 foot and put a lot of soap on her coon-coon and made it
4 hurt. She said he peed in it with his boom-boom,
5 identified as male penis on male drawing."

6 "She stated she was trying to tell him leave
7 me alone and he always tried to tell me to suck his
8 dick. Her affect during this disclosure was tense and
9 angry and she repeated her statement, "He keep doing the
10 same thing over and over and over until it's time to go
11 to bed."

12 Q. Thank you, Doctor. In that interview, she
13 described something being done to her by her father with
14 his feet?

15 A. Yes.

16 Q. And what was that? If you could describe what
17 she did with her feet?

18 A. I don't recall.

19 Q. But she said in that paper that he hurt me --

20 A. It wasn't clear to me at the time.

21 Q. -- with his feet, that he be cracking her --

22 A. She extended -- she flexed her ankle and knee,
23 extended her knee.

24 Q. As if she was --

25 A. In a kicking motion.

1 Q. As if she was kicked in the front and kicked in
2 the back?

3 A. She didn't indicate at that time where she was.
4 She was just extending her foot out as in a kicking
5 motion.

6 . In the course of your examination, did you find
7 any bruising about her body?

8 A. No.

9 Q. In the course of your investigation, did you find
10 any broken bones in the feet or in the arms or legs?

11 A. No.

12 Q. Any bruising to the stomach?

13 A. No.

14 Q. She told you that her daddy hit her with his fist
15 in the stomach?

16 A. No. He was hitting his own stomach. He was
17 patting his stomach.

18 Q. And in the course of your examination, did you
19 look for any type of problems or infections of the
20 vaginal area, any venereal diseases or anything that
21 would account for any bruising, itching or burning?

22 A. Yes. We did look for that.

23 Q. You looked for that?

24 A. Yes.

25 Q. And what were the results of that?

1 A. The results there were problems in the area. The
2 problem being the scar tissue. There were no sexually
3 transmitted diseases, which is most likely the case.
4 Only two to four percent of kids presenting for
5 documented sexual abuse or profess sexual abuse would
6 have any kind of evidence of sexually transmitted
7 disease.

8 Q. What specific tests did you run for diseases?

9 A. We did syphilis disease --

10 Q. Did she have that?

11 A. She did not.

12 Q. What else did you do?

13 A. Let me refer to my notes. We did HIV testing as
14 well and testing for gonorrhea, chlamydia.

15 Q. Did you note any bruising or abrasions about her
16 vaginal area?

17 A. No bruises.

18 Q. Did you discover any type of urinary tract
19 infections or anything of that nature?

20 A. No.

21 Q. When she came in, was she complaining of burning
22 and itching in the vaginal area?

23 A. Yes.

24 Q. And you found nothing to substantiate that?

25 A. Nothing on physical exam.

1 INTERVIEWER: And what about this?

2 CHILD: "Wanted to see can I write. Here,
3 watch this." She's attempting to write again.

4 "This is your hand. Have to trace your
5 thumb."

6 INTERVIEWER: Oh, you are excellent. Did
7 you learn that at school?

8 CHILD: I did.

9 INTERVIEWER: Yeah. Good job. Tracing your
10 hand on that paper, that was cool. What do you call
11 this? Marquita, what's this?

12 CHILD: Your arm thing.

13 INTERVIEWER: What is this? No, right here.
14 This part of your body. Look. You're not looking.
15 Look right here. What part of the body is that?

16 CHILD: That is your -- that is your --

17 INTERVIEWER: You don't have a name for
18 that?

19 CHILD: No. Look what I got on my hand.

20 INTERVIEWER: A lot of marker on that hand.
21 What about this part of the body? Do you have a name
22 for that?

23 CHILD: "And you didn't know that I could
24 make a hand." This is a focusing issue here.

25 INTERVIEWER: Are you looking here? What

1 Q. Okay. Now, in -- I believe you testified earlier
2 that she did have a hymen?

3 A. Yes.

4 Q. And I believe you testified earlier that when
5 we're born -- is it possible to be born without one?

6 A. No. It is impossible. Could you rephrase your
7 question?

8 Q. Do all women have hymens?

9 A. Yes.

10 Q. How do you lose your hymen?

11 A. You lose your hymen through trauma, through
12 trauma specifically to the hymen that can come from any
13 source.

14 Q. Any source other than sexual, such as?

15 A. Such as a medical procedure.

16 Q. What type of medical procedure?

17 A. A speculum exam.

18 Q. Anything else?

19 A. There are other instruments that are sometimes
20 placed inside of the vagina for other reasons, so they
21 must transverse or go through the hymen, hysteroscope.
22 That's all I can think of.

23 Q. Okay. Is it possible to lose it if you have
24 maybe an accident on the bicycle or something, if it's
25 inserted inside of you.

1 A. In you were impelled upon a bedpost, again that's
2 penetrating trauma. Yes, you can lose hymen tissue.

3 But falling on a bicycle is not penetrating trauma
4 because the pressure at that time is taken by the pubic
5 symphysis, the bone. The pelvic actually protects
6 trauma to that region very well. The labia majora
7 themselves protect trauma to that region very well. So
8 that falling on a bicycle does not cause penetrating
9 injuries to that hymen. It's too far internally
10 underneath those softly skin folds called labia majora.

11 Q. Have you had the opportunity to look at the
12 medical history from Pitt Memorial Hospital or the
13 pediatrics?

14 A. Which pediatrics?

15 Q. Greenville Pediatrics Services?

16 A. I have looked at the -- at least some portion of
17 the medical records from Greenville Pediatrics Services.

18 Q. But not Pitt Memorial?

19 A. From the emergency room?

20 Q. Emergency room or any of her records?

21 A. For the hospitalization for her seizures when she
22 was much younger, no.

23 Q. You have not. Did you know that this child was
24 in ICU for a period of time?

25 A. I have no independent recollection of that. I

1 may have known that then, yes. But I don't have an
2 independent recollection.

3 Q. Now, in your medical history, you stated that you
4 got information that the child had some stomach
5 problems, stomachaches?

6 A. Yes. Chronic complaint of abdominal pain since
7 age two or so.

8 Q. And stomachaches in young children are fairly
9 common, are they not?

10 A. Yes.

11 Q. And some of the things that could cause a
12 stomachache would be improper diet?

13 A. Yes.

14 Q. Are there some other things that could cause
15 stomachaches in children other than improper diet?

16 A. Yes.

17 Q. Such as maybe lactose intolerance?

18 A. That would be improper diet for that patient.

19 Q. Constipation?

20 A. Yes.

21 Q. Eating too much junk food?

22 A. Doubtful, no. Obviously, it doesn't cause enough
23 abdominal pain.

24 Q. In small children, itching and burning in the
25 vaginal area can come from soap, can't it?

1 A. Yes.

2 Q. Too much of it?

3 A. Yes.

4 Q. Improper wiping by children, if they don't wipe
5 the proper way, they can get infections that would cause
6 their tummy to hurt or to be itching in the vaginal
7 area?

8 A. I don't think that it causes -- improper wiping
9 doesn't cause abdominal pain, but it may cause burning
10 and itching in the vaginal area.

11 Q. And if a child doesn't wipe herself after
12 urination, you can also pick up some sort of infection
13 from that, can't you? You can pick up itching and
14 burning; isn't that correct?

15 A. From a single episode, no.

16 Q. No, but --

17 A. Common hygiene. What you're trying to say in
18 summary is that perineal hygiene or vulva vaginal
19 hygiene issues sometimes contribute to symptoms in that
20 region of the body for little girls. That's absolutely
21 true.

22 Q. And you talked about the hymen and you said that
23 if a -- could the irregularities that you saw or the
24 irregularity that you said that you saw at 6 o'clock or
25 8 o'clock, whatever it was, could that have come from

1 anything other than sexual contact?

2 A. I think in theory, yes.

3 Q. And you had mentioned something I think about --
4 could it come from any infections? Could it come from
5 that?

6 A. This has not been well studied. It is, in
7 theory, possible for that to happen. My experience is
8 that it does not happen. I do not see that kind of
9 scarring in the little girls who come in with perineal
10 hygiene issues in their vulva region. I do not see
11 scarring. But in theory, a profoundly inflamed tissue
12 might result in friability that would result in some
13 kind of a scar. It's more of a theoretic concern.

14 Q. Per your examination, did you find the presence
15 of any sperm or anything in the child's vaginal area?

16 A. No.

17 Q. You also mentioned something about scarring. How
18 long does it take for scarring to heal? You mentioned
19 something about that earlier.

20 A. Yeah. This scar didn't heal. This is scar
21 tissue. This is tissue that's been deposited in a
22 reparative manner after some sort of injury in the past.
23 So that -- the timing on that is not clear. It takes a
24 period of weeks, usually days to weeks.

25 Now, I will tell you though that the hymenal

1 tissue will heal or appear less angulated when it's torn
2 in a matter of days. It's amazing how quickly the well
3 vascularized -- there's lots of blood flow to that part
4 of the body. And because of that, healing is very
5 quick, and also to the anal area. So the healing is
6 very quick in the anal area as well. We can see
7 profound changes of trauma, and two or three weeks later
8 not be able to recognize those as traumatic lesions at
9 all any more. Things that are seen in the acute stage
10 would be overwhelming acute evidence of assault. So
11 that to give you specific days, I won't and can't do
12 that, but that would have to have been there for a week
13 or two.

14 Q. Weeks?

15 A. A week or two minimum. And the oldest date would
16 not be something that I could put a number to.

17 Q. You also did an examination of the vulva area.
18 Was that normal?

19 A. The labia majora is -- yes. That would be the
20 external most part, if that's what you're referring to.

21 Q. Do you know a Dr. Mary Chambers?

22 A. I know who she is, yes.

23 Q. And is she with Greenville Pediatrics Services?

24 A. No, she's not.

25 Q. Has she ever been with Greenville Pediatrics

1 Services?

2 A. Yes.

3 Q. Are you aware as to whether or not -- and I
4 believe you stated that you have reviewed the medical
5 records of Greenville Pediatrics with reference to
6 Marquita?

7 A. Yes.

8 Q. That she had a genital exam by Dr. Chambers?

9 A. Yes.

10 Q. And do you know the date of that exam?

11 A. No, I don't. I can try to find it if it's
12 important.

13 Q. And do you know her findings?

14 A. I believe that she cursory without the use of a
15 colposcope stating that --

16 Q. I'm asking you --

17 A. She stated that she had a normal exam, which is
18 not an unusual thing for pediatricians to state who have
19 no training in the area of evaluation of sexually abused
20 children.

21 Q. She's a medical doctor, you say?

22 A. Yes, she is.

23 Q. And she had to go to school for that, did she
24 not?

25 A. To become a medical doctor?

1 Q. Uh-huh.

2 A. Oh, yes.

3 Q. And she had to pass certain state boards, did she
4 not?

5 A. Yes.

6 Q. And Greenville Pediatrics Services is a reputable
7 service, is it not?

8 A. Yes.

9 Q. Do you know where Dr. Chambers is now?

10 A. Actually, no. But she's in the Midwest
11 somewhere.

12 Q. You are employed now with Greenville Pediatrics?

13 A. Yes, I am.

14 Q. And you're no longer with Teddy Bear; is that
15 correct?

16 A. That's correct.

17 Q. The Pitt Memorial Hospital emergency room or just
18 the whole hospital, it is equipped to do examinations,
19 pelvic examinations of children, is it not?

20 A. It is not equipped to do colposcopy. Maybe now,
21 but it wasn't at that time to do colposcopy.

22 Q. There was a doctor that testified yesterday that
23 said that it was.

24 THE COURT: Well, don't argue with the
25 witness now. Just ask her questions.

1 Q. Are you sure, ma'am?

2 A. I am sure that we're not equipped to do
3 colposcopy of young children at that time in the
4 emergency room.

5 Q. So if someone else made that statement, that
6 would be incorrect?

7 THE COURT: That's argumentative, ma'am.

8 A. Someone else may not have the same opinion of
9 what it means to be equipped to do colposcopy of
10 children that I have.

11 Q. Are you equipped at Greenville Pediatrics
12 Services with the instrument?

13 A. Absolutely not.

14 Q. You're not?

15 A. Absolutely not.

16 MS. MOORE: I don't have any other
17 questions, Your Honor.

18 THE COURT: Will there be any redirect?

19 MS. JENKINS: Yes, sir. I'm afraid so.

20 THE COURT: Ladies and gentlemen, we're
21 running a little over. I thought perhaps we might
22 finish with this witness, but we're not going to be able
23 to do. We're going to take our lunch recess in just a
24 moment.

25 Please remember what I've told you about not

1 discuss to the case among yourselves or with anybody
2 else. Do not make up your mind until you've heard all
3 the evidence and the charge of the Court. If anyone
4 attempts to speak with you about the case or say
5 anything in your presence, please inform me immediately.

6 Sheriff, take a recess until 2:15.

7 (Lunch recess 12:45.)

8 THE COURT: Let the record show that the
9 defendant and his counsel are present, the District
10 Attorney is present and the jury's in the box.

11 Call your next witness.

12 MS. JENKINS: Judge, I believe I'm on
13 redirect of Dr. Coker.

14 THE COURT: All right.

15 MS. JENKINS: If I might proceed.

16 REDIRECT EXAMINATION by MS. JENKINS:

17 Q. Dr. Coker, if you could look on the Teddy Bear
18 records themselves -- I believe you have a copy of those
19 in front of you. You've previously testified that the
20 mother gave a history as well did the grandmother.
21 There's a section on your form, is there not, or is
22 there a place where you would have asked the mother
23 about any prior genital exams?

24 A. Yes.

25 Q. And if you would, tell the jury what the mother

1 told you about prior examinations?

2 A. She had had a previous evaluation of the genitalia
3 for issues of sexually abused or anus penetration.
4 They always ask for previous evaluation procedures in
5 the genital region.

6 Q. And that was the mother's history?

7 A. That was the mother's history.

8 Q. Now, over the lunch hour, ma'am, you have had the
9 opportunity to review records, which were previously
10 supplied to the defendant, Your Honor, that are all of
11 the child's records from Pitt County Memorial Hospital
12 as well as records from Greenville Pediatrics Services
13 as well as from Our Children's Clinic. Having reviewed
14 all those records, was there anything contained in those
15 records that make you want to change your opinion about
16 the sexual abuse of this child?

17 MS. MOORE: Objection.

18 THE COURT: You want to be heard?

19 MS. MOORE: No, Your Honor.

20 THE COURT: Overruled. You may answer.

21 A. Absolutely not. The question, as I understand it,
22 was there anything that would change my opinion or alter
23 my opinion, absolutely not.

24 Q. Ms. Moore asked you about a Dr. Chambers who worked
25 for Greenville Pediatrics Services; is that correct?

1 A. Correct.

2 Q. Did you find in the Greenville Pediatrics Service
3 records where Dr. Chambers examined the child?

4 A. Yes.

5 Q. Are you aware of whether or not Dr. Chambers has
6 specialized training in sexual abuse?

7 A. She was not.

8 Q. And would it be your opinion that either (a)
9 without the training to know what to look for in sexual
10 abuse or without proper equipment, that it would be
11 possible that a physician could miss the physical signs
12 of sexual abuse?

13 A. It is absolutely possible, it is probable, and it
14 happens all the time.

15 Q. Can you explain that to the jury?

16 A. The areas that are in question that we're looking
17 at, it's difficult to visualize in a child; and also,
18 most little girls are somewhat protected of that, even
19 in the best of all situations, in terms of that exam.
20 Exams are usually brief in that area. Just like looking
21 at a five-year-old's throat, it can be a very brief
22 experience. There are -- without the magnified view
23 provided by the colposcope, it's very easy to miss bands
24 of tissue scarring, any distortion that can be secondary
25 to trauma without that. So I would -- it is even

1 possible that I would miss finding in a normal pediatric
2 office where a school physical allegation even with
3 training.

4 Q. I think I've got one more question. There was
5 some questioning by Ms. Moore on her cross-examination
6 about the child having dated the last episode of abuse
7 in two different ways. Would that surprise you?

8 MS. MOORE: Objection.

9 THE COURT: Overruled.

10 Q. You may answer.

11 A. The age of the child makes it very difficult to
12 use the term "yesterday" -- today is usually well
13 understood. But yesterday or -- obviously, she didn't
14 understand that at all.

15 MS. MOORE: Objection.

16 A. She didn't understand the day of the week, didn't
17 understand --

18 THE COURT: Overruled.

19 A. In general speaking, it's difficult, probably the
20 most difficult thing that we try to pin down when we're
21 talking to children that age, and one of the less
22 reliable things is the when things have occurred unless
23 they can relate it to a holiday, something special going
24 on in the household. And if it's a multiple episode or
25 a repeated episode, obviously it becomes even more

1 difficult for the child to specifically date what has
2 happened when. So that the timing or the confusion
3 about yesterday verses when the child was actually at
4 grandma's house playing the game is very commonly
5 encountered in the four to six, four to seven-year-old
6 age group.

7 Q. Thank you.

8 MS. JENKINS: That's all the questions I
9 have.

10 THE COURT: Any recross, Ms. Moore?

11 MS. MOORE: Yes, Your Honor.

12 RE-CROSS-EXAMINATION by MS. MOORE:

13 Q. Speaking of Dr. Mary Chambers and her examination
14 in November of '99, could you tell me where Dr. Chambers
15 received her undergraduate degree and medical degree?

16 A. I know she's from Indiana. I believe it may have
17 been Indiana University.

18 Q. Do you know?

19 A. I haven't seen her CV. That's what I understand
20 by word of mouth. I haven't seen it in writing. I
21 haven't seen her diploma.

22 Q. And do you have a copy of any seminars that she
23 has attended or may have attended?

24 A. No, I do not.

25 Q. Do you know how long she's been a practicing

1 physician?

2 A. Approximately two years after postgraduate. She
3 came, I believe, as a new grad to Greenville
4 approximately two years ago.

5 Q. From what school did she graduate?

6 A. Well, she would have graduated -- she would have
7 been coming from a residency program. And the residency
8 program -- as I understand it, she grew up and raised
9 and had her training in Indiana. I believe it's Indiana
10 University. I think that's the only training program
11 there, but I'm not a hundred percent sure.

12 Q. Why is that?

13 A. Because I didn't review her credentials in
14 cooperation for this testimony.

15 Q. You did not review her credentials. Well, how
16 can you get up here and say what she's qualified to do
17 and what she isn't qualified to do if you haven't
18 reviewed her credentials?

19 A. Because I know that she has no expertise in the
20 area of sexual abuse and never purported to have any.

21 Q. Without looking at her credentials, you can tell
22 us that?

23 A. By her admission without looking at the
24 credentials.

25 Q. Without looking at the credentials, you can tell

1 us that. Now, you said that you had had -- in your
2 findings with Teddy Bear, you stated that there was a
3 high probability that sexual abuse had occurred and
4 there was the possibility of physical abuse based on
5 Marquita's statement, though there was no corroborating
6 physical evidence at the time of the examination. Is
7 that what you said?

8 A. Regarding the physical abuse, yes.

9 Q. And the irregularities of the hymen is consistent
10 with vaginal penetration, but not definitive for it?

11 A. Yes.

12 Q. So you made a finding that there had been
13 physical abuse even though you didn't see any?

14 A. I said possible physical abuse. I said highly
15 probable sexual abuse.

16 Q. Okay. But you also said that there was a
17 possibility of physical abuse?

18 A. Possibility, yes. Based on the child's statement
19 of how her foot was cracked and she was hurt, her arms
20 were hurt.

21 Q. And you didn't see anything in the medical
22 records that you have reviewed at Pitt Memorial Hospital
23 or Greenville Pediatrics with reference to any broken
24 bones of the foot?

25 A. No. When a child reports that they've been hurt

1 by another individual, the possibility of physical abuse
2 is absolutely real.

3 Q. I'm asking you did you see anything in these
4 medical records?

5 A. I said no.

6 Q. Okay.

7 THE COURT: Ms. Moore, recross is limited to
8 what was brought out in redirect.

9 MS. MOORE: She said she hadn't changed her
10 opinion after --

11 THE COURT: Recross is for the purpose of
12 testimony brought out on redirect. Please confine
13 yourself to that.

14 MS. MOORE: Yes, sir. I have finished.

15 THE COURT: Ma'am?

16 MS. MOORE: I've finished.

17 THE COURT: You finished?

18 MS. MOORE: Yes, sir.

19 THE COURT: Thank you.

20 MS. JENKINS: No further questions.

21 State would call Dr. Betty Robertson to the
22 stand. May I release Dr. Coker, Your Honor?

23 THE COURT: Yes. Do you have any objection
24 to Dr. Coker being released? .

25 MS. MOORE: No, sir, I don't.

Dr. Betty Robertson, Ph.D.

The state's final witness was Dr. Betty Robertson. Dr. Robertson is a child psychologist who was contracted by DSS to perform a mental health evaluation of Marquita. Over a series of four sessions with Marquita (sometimes Barbara Hardy or Bobby Lemaine attended the sessions), Dr. Robertson concluded that Marquita had been "raped, sodomized, and forced to have oral sex by her father" (Id. at 206-218). In addition, Dr. Robertson testified that Marquita had emotional problems because her "mother was very strict and her father was too lenient with her" (Id. at 207-08). Dr. Robertson testified that Marquita seemed to think that sexual activity was a normal way to display affection (Id. at 208-09).

Dr. Roberts specifically testified that Marquita disclosed that her daddy let her lay on the bed on his stomach (Id. at 211). Dr. Roberts testified that Marquita had told her, "He be the best daddy I ever seen. He buy toys. He be cracking my foot and I suck his dick. He always tell me to stop watching my movies back and forth" (Id. at 211-12). Marquita explained that "back and forth" meant that she moved her head back and forth to see the movie (Id. at 212). Dr. Robertson stated that Marquita disclosed that, "He always put his boom-boom in my coon-coon and butt. It be hurting" (Id.) Dr. Robertson asked her if this happened more than one time and Marquita said it happened "a lot" (Id.). Dr. Robertson asked Marquita about "sucking his dick" and Marquita said, "he always tell me to, but I didn't" (Id.). Marquita disclosed the Dr. Robertson that her father told her not to tell her mother or grandmother (Id. at 213). Dr. Robertson said that Marquita demonstrated the activity with two anatomically correct dolls (Id. at 214).

Dr. Robertson testified that when she asked Marquita if anyone else had ever touched her, Marquita said that two boys at her school had also touched her coon-coon (Id. at 213). Marquita told Dr. Robertson that her father had never abused her physically or beat her and that he had cracked her foot (Id. at 224-225).⁴ Dr. Robertson repeatedly expressed that Marquita loved her father very much and missed him (Id. at 206-225).

⁴ Dr. Coker's concluded that it was probable that Mr. Reeves was also physically abusing Marquita, but Dr. Robertson concluded that there was no physical abuse other than the sexual abuse.

Defense Evidence

The defense attorney did not make a motion to dismiss at the close of the state's evidence. While the jury was out, the defense attorney told the court that she had planned to call Barbara Hardy as her first witness, but Ms. Hardy had been arrested that morning for failure to appear in district court because she had been watching the trial in superior court. Ms. Moore felt that Ms. Hardy was now too distraught to testify. This was heard outside of the presence of the jury and will be addressed later in the brief.

Harriet Barnhill

The first defense witness was Ms. Barnhill, Marquita's kindergarten teacher at Pactolis Elementary school during the 1998-1999 school year (the time that the abuse allegedly occurred). Ms. Barnhill testified that Marquita was a very talkative student and confided regularly in her (Id. at 230). Ms. Barnhill states that Marquita frequently talked about her parents and the things that the family did on weekends (Id. at 230). Ms. Barnhill further testified that Marquita seemed to have a good relationship with her parents and she never mentioned any kind of abuse (Id. at 230-31). Ms. Barnhill stated that Marquita's parents seemed to be interested in her education and that her mom picked her up most days and would come in and talk about how Marquita was doing (Id. at 231). Ms. Barnhill indicated that she never saw any changes in the way Marquita acted or her attitude and felt that she was a generally happy child; "She was bubbling, always sharing things with me" (Id. at 232-33). In cross examination, Ms. Barnhill said that Marquita had no behavioral problems at school and Ms. Barnhill could not recall a social worker ever contacting her about Marquita (Id. at 234).⁵

Ms. Barnhill testified that Marquita was having stomach problems at school that seemed to be related to drinking milk (Id. at 235). Ms. Barnhill said that whenever Marquita drank milk, she had an upset stomach and had to go to the bathroom (Id.). Ms. Barnhill testified that Barbara Hardy was aware of this and took Marquita to the doctor and Ms. Hardy started bringing in Kool-Aid for Marquita so that she would not drink milk (Id.).

⁵ The DSS notes obtained through the District Attorney's Office do indicate that someone from DSS spoke with Marquita's teacher and bus driver and were told by both that Marquita was a happy child who exhibited no behavioral changes and that her father always behaved appropriately with her.

Portia Morning

Ms. Morning was Marquita's bus driver during the school year that the abuse allegedly occurred. Ms. Morning testified that Marquita was, "very talkative, very persistent. If something was going on on the bus that I had no knowledge of, Marquita was the one to find out for me. She would very much let you know what was going on" (Id. at 238). Ms. Morning said that she noticed no behavior changes in Marquita during the school year (Id.). She said that Marquita spoke about her family frequently and never mentioned any "sexual abuse or anything of that nature" (Id.).

The defense rested and the court recessed for the evening.

Verdict

The next day, the jury deliberated for 38 minutes and returned a verdict of guilty to indecent liberties with a child (Trial Tr. vol. II, 225, January 31, 2001). Mr. Reeves had no prior record of misdemeanor or felony convictions (Id. at 256). The state submitted an aggravating factor that the defendant violated a position of trust (Id.). The defense submitted no mitigating factors, but the Judge found on his own that the defendant had been gainfully employed (Id. at 261). Bobby Lemaine testified that Mr. Reeves may have been married to two different women at the same time and the state requested an active sentence at the top of the aggravated range (Id. at 258-61). The Judge sentenced Mr. Reeves to a period of not less than 20 months and no more than 24 months active, a sentence at the top of the aggravated range (Id. at 261).

The defense attorney waived Mr. Reeves' right to appeal and no appeal was ever entered (Id. at 262). Mr. Reeves served his time in the North Carolina Department of Corrections and was released on September 8, 2002.

Commission Investigation

Investigations that did not lead to New Factual Evidence

The North Carolina Innocence Inquiry Commission staff interviewed and obtained documents from a number of sources. We also made contact with the original witnesses and attorneys. Many people had no new information to add or were unable to recall the case. The following section contains summaries of investigations that contained important information, but no new factual evidence.

A number of witnesses refer to the DSS custody hearing held in juvenile court during August and September of 2000. A transcript of that hearing is not available because it was held in juvenile court. A tape was made of the hearing, but has since been recorded over. The Pitt county juvenile court clerk graciously checked the courthouse basement and confirmed that the tape had not survived.

The following people are not subpoenaed to testify at the December 14th Commission hearing.

Regina Moore

Regina Moore was the defense attorney for both criminal trials. The Commission staff had an extremely difficult time locating Ms. Moore. Letters sent to Ms. Moore's mailing address were returned and messages left on her office phone number were not returned. Fortunately, Kimberly Robb (the trial prosecutor) provided us with a last known number for Ms. Moore that rang to Ms. Moore's son's cellular telephone. Ms. Moore's son was able to put us in contact with Ms. Moore.

In 2005, Ms. Moore pleaded guilty in federal court to Willful Failure to File a Federal Income Tax Return and was sentenced to an active sentence of three months in federal prison (see NC State Bar disciplinary records). As a result of that conviction, Ms. Moore was disciplined by the North Carolina State Bar Association and her license was suspended (Id.). When the Commission staff contacted the State Bar in an attempt to locate Ms. Moore, we were told that they were also attempting to locate her for new violations of her probationary license.

Kendra Montgomery-Blinn, from the Commission staff, spoke to Ms. Moore by telephone on November 8th, 9th, 19th, and 29th. Ms. Moore was cooperative with our investigation and spoke freely with us about the case.

Ms. Moore indicated that she does recall the case, but does not remember the specifics well. She remembers that there was “big drama” around the case and that all the drama made things “just a mess.” She could not recall the specific evidence against Mr. Reeves, but said that he was a “bag of nerves” and wouldn’t really listen to her and expressed his frustration in anger.

When asked why Mr. Reeves did not testify, Ms. Moore said that she chose not to have him testify because there were allegations that he was married to two women at the same time and she thought the assistant district attorney would use that to discredit him. She also was concerned because Mr. Reeves’ bond had been revoked for speaking to Marquita at a basketball game and she did not want the jury to hear about that. She further did not want the jury to know that Mr. Reeves was a police officer because they might judge him more harshly, and because he was so upset by the trial she was afraid he could come off as having a ‘bad attitude.’”

Ms. Moore was clear that Mr. Reeves has always maintained his innocence with her. She described his insistence on his innocence as “never failing, even in private conversations.” Ms. Moore expressed that she was surprised when Mr. Reeves was convicted.

Ms. Moore said that she vaguely recalled speaking with Marquita’s brothers, but cannot recall what they said or if she considered having them testify. She cannot recall what conversations, if any, she had with Officer Art Manning (Officer who heard Marquita recant), but felt that she may have known something about his credibility that caused him not to testify.⁶ She does recall speaking with Barbara Glatthorn (therapist), but cannot recall their conversations.

Ms. Moore cannot recall which way the jury was hung after the first trial. She said that she felt Mr. Reeves was retried again too quickly and that she wanted more time to “mull it over and get in a better position.”⁷

Ms. Moore recalled that Mr. Reeves was offered a plea to straight probation and would not accept it. This was placed on record at the start of the first criminal trial (Trial Tr. vol. 1, 26-27, January 16, 2001).

⁶ A letter located in Steven Fisher’s file from Mr. Reeves dated March 29, 2001 indicates that Mr. Reeves was unaware of the evidence that Art Manning had until March 29, 2001 – after the criminal conviction.

⁷ There were a total of 11 days between the two trials.

Ms. Moore said that Kimberly Robb (then Jenkins) was a good prosecutor who “goes for the jugular.” Ms. Moore stated, “The DA just hated Mr. Reeves. She was really on his case. It was a personal thing because he was so arrogant and defiant. She really hated him.”

The Commission staff obtained a court order for Ms. Moore to turn over her entire file, but she has no longer retained her file. Ms. Moore confirmed by rechecking the barn that her files are stored in and she no longer has the file for Mr. Reeves. She believes that she may have sent it to his sister years ago.

Steven Fisher

Mr. Fisher represented Mr. Reeves for the DSS custody hearing. Mr. Fisher had nothing to add to the evidence in this case, but did turn over his entire file after the Commission staff obtained a court order.

Mr. Fisher’s file contains documentation that Marquita’s brothers had disclosed to therapist Barbara Glatthorn that they did not believe the sexual abuse happened and that there was a misunderstanding in what Marquita had told Ms. Lemaine (Notes from Barbara Glatthorn 7/20/00).⁸

Mr. Fisher’s file indicates that he called Marquita’s brothers to testify at the custody hearing. Mr. Fisher’s file contained handwritten notes that state that Curtis testified that Ms. Lemaine, “Asked Marquita questions for about an hour – told her when she got down there, she better not lie or she’d get a whooping – get a stick and whoop you with it.” Mr. Fisher’s file also contains a number of handwritten statements from Marquita’s brothers that will be addressed below.

Mr. Fisher’s file contains a letter that Mr. Fisher wrote to Mr. Reeves on March 22, 2001 where Mr. Fisher wrote:

I was shocked to learn that there was a conviction in your criminal case, given the nature of the testimony in the civil case. It was a very close call, but I thought you would win under the civil burden, though in fact we did not. However, we did not feel that in any event the jury could find beyond a reasonable doubt under the quality of evidence that I heard in the civil case that you could be guilty of the crime. There must have been some differing

⁸ This evidence will be addressed in more detail below.

testimony that occurred in the second criminal trial as opposed to the civil trial for which I was not privy (letter from Steven Fisher to Henry Reeves dated 3/22/01).

Amanda Smith Stroud

Ms. Smith represented Barbara Hardy during the DSS custody hearing and was cooperative with the Commission staff's investigation. Kendra Montgomery-Blinn spoke with Ms. Smith on numerous occasions in person and over the telephone. On October 26, 2007, Ms. Smith discussed what she could recall about the details of the DSS hearing.

Ms. Smith stated that, "DSS did not deal well with this mother. They were very secretive." She also noted that Barbara Hardy had an attitude that, "made things harder for herself." There were some problems with DSS and Bobby Lemaine withholding medical records to which Barbara Hardy was entitled. Ms. Smith said, "The judge gave her (Barbara Hardy) the right to get information and medical records from the grandmother."⁹ The order granting Barbara Hardy access to Marquita's medical records remains in effect today and after the conviction, Ms. Smith had to go back to court because the Bobby Lemaine was withholding the records. In addition, on May 3, 2001, the Juvenile Court Judge made a specific finding of fact that, "That there is some basis for distrust of the Department of Social Services, given the circumstances surrounding their lack of candor and disclosure of the basis of their conclusion of the father as the perpetrator" (Permanency Planning Order dated 5/3/01 and signed 8/29/01).

Ms. Smith was unable to state an opinion about whether the abuse took place. She said, "This was one case that I just never knew about. The evaluations were real strong. Tedi Bear says every child that goes in there is sexually abused." Ms. Smith went through her notes from the trial and said that Curtis, Lamar, and Donald did testify that, "the grandmother was taking Marquita's innocent statements and making them into more." Ms. Moore was unable to recall their testimony beyond that.

⁹ The DA's file indicates in notes from DSS and the Tedi Bear clinic that results of the Tedi Bear exam were to be withheld from Barbara Hardy for investigation purposes and she was only allowed to access Marquita's medical records after the juvenile court judge ordered DSS to stop withholding information.

Kimberly Robb (formerly Kimberly Jenkins)

Ms. Robb was the prosecutor for both criminal trials. Ms. Robb and Clark Everett, the elected DA for Pitt County, spoke with Kendra Montgomery-Blinn over the telephone extensively on November 11, 2007. The DA's Office also provided discovery (including the Sheriff and DSS files).¹⁰ The District Attorney's Office was cooperative and forthcoming with the Commission's investigation.

Ms. Robb indicated that she had some independent recollection of the case after reading through the file. She remembers that Mr. Reeves was accused of having two different wives in two different states and that she felt this showed his dishonesty. Ms. Robb stated that Barbara Hardy was not cooperative with the state and that Ms. Hardy said Bobby Lemaine was the one fueling the allegations.

Ms. Robb indicated that Detective Craft had interviewed Marquita's brother Donald, but she was not aware that Bobby Lemaine had been present during the interview.¹¹ Ms. Robb indicated that no one from the state interviewed the two older children because they felt it was not necessary. Ms. Robb does not specifically recall interviewing Marquita, but says that it is her practice to interview the child alone, without a guardian, and that she would have done that in this case.

Ms. Robb stated that it is unusual for her to remember a defendant after so long, but she does recall Mr. Reeves because he was "very hostile." She felt frightened of him because he was so "hateful." Ms. Robb could not recall anything specific that Mr. Reeves said or did to make her feel this way, but felt that he "stared at her in court." Ms. Robb believes that Mr. Reeves is manipulative and would not be surprised if he has now manipulated the children.

Ms. Robb cannot recall whether the jury in the first trial was 11 for guilty or not guilty, but indicated that she would not have retried the case unless it had been 11 for guilty. Ms. Robb said that she feels very comfortable with the conviction because "the child was overwhelming in her consistency and lack of recantation."

When asked about Officer Art Manning, Ms. Robb indicated that she was unaware of this information and did not know about it at the time of trial. Ms. Robb and Mr. Everett indicated that Officer Manning was "kind of a rogue police officer." Mr. Everett provided the

¹⁰ The Commission staff obtained a separate court order for the Tedi Bear records because additional counseling had been provided to Marquita after the trial.

¹¹ This will be addressed in more detail below.

Commission staff with the name of an officer who could give more details about Officer Manning's reputation.¹²

Detective Johnny Craft

Detective Craft was the lead investigator assigned the Reeves case and is still with the Pitt County Sheriff's Office. Detective Craft was extremely professional with the Commission staff and forthcoming. Kendra Montgomery-Blinn spoke at length with Detective Craft over the telephone on November 5, 2007. Detective Craft reviewed his file (the entire file was provided to the Commission staff in the DA's discovery) and discussed the investigation.

Detective Craft indicated that he could not really remember the case, but pieces of the file jogged some memories. He recalled that Mr. Reeves had requested a polygraph, but he could not recall why it was not done.¹³ Detective Craft felt that he had some trouble getting in touch with Mr. Reeves for the polygraph.

Detective Craft recalled that he and Sergeant (now Lieutenant) Kilpatrick interviewed Donald Reeves at Bobby Lemaine's house. Detective Craft indicated that Bobby Lemaine was present for the interview.¹⁴ He never interviewed the older brothers, Lamar and Curtis, but could not recall why.

Detective Craft indicated that the case had been closed since the conviction and there had been no activity on the case since then. When Ms. Montgomery-Blinn summarized the new evidence for Detective Craft, he indicated that he had not been aware of any of it during the investigation and said:

I just wish these people had come forward at the time. I try to stay neutral on everything I do. I had no idea of any of this evidence at the time. I won't do anything until I go over it with the DA's (referring to charging crimes). I don't want anyone to be in jail if they didn't do it. I just wish if this other stuff was there, someone had told us.

¹² Kendra Montgomery-Blinn followed up on these contacts and that information is included below in the "Art Manning" section of this brief.

¹³ Detective Craft's file reveals that a few days before the polygraph was scheduled, Henry Reeves was in an on duty automobile accident and hospitalized for an extended period of time.

¹⁴ This interview is included below in the section title "Donald Reeves."

Dr. Rebecca Coker, M.D.

Dr. Rebecca Coker is the pediatrician who performed the child medical evaluation on Marquita and also testified at the criminal trial. Dr. Coker is now employed with Greenville Pediatrics. After an initial phone call, Dr. Coker was unable to recall this case. Kendra Montgomery-Blinn sent Dr. Coker a copy of her report to review and a telephone interview was conducted on November 27, 2007 at 1:30 p.m.

After reviewing her notes, Dr. Coker indicated that she still had no independent recollection of this case.¹⁵ Dr. Coker reviewed her reports and indicated that there was nothing she could add to them. She explained that based on her notes it appears that Marquita had some type of vaginal injury. Dr. Coker said that she cannot say that penetration is the only thing that could have caused the injury, but there was no other history of injury. Dr. Coker indicated that Marquita's injuries were not something she would commonly see, especially now that she works in general pediatrics with a normal population of children. Dr. Coker confirmed her testimony that the exam is not definitive of abuse and that definitive is almost impossible to come by unless there is sperm or the perpetrator is caught in the act.

Dr. Coker was very professional and cooperative with our investigation. She indicated that doing this kind of work was very hard and that she "lives in fear of being the evidence against an innocent person." Dr. Coker was extremely conscientious and had no agenda during our interview.

Dr. Betty Robertson, Ph.D.

Doctor Robertson is the psychologist who evaluated Marquita for DSS. Ms Montgomery-Blinn spoke with Dr. Robertson on November 20th, 2007. Dr. Robertson reviewed her notes during the conversation.¹⁶ Dr. Robertson explained that she did not provide therapy, but provided a child mental health evaluation, which is "something specific for when social services doesn't really know what happened." Dr. Robertson has not seen Marquita since those four sessions in 1999, and cannot independently recall much about the case. Dr. Robertson said, "All I can remember is a little black girl with braids. She was a very outspoken little girl. I

¹⁵Considering the number of child medical evaluations Dr. Coker had completed while working for the Tedi Bear Clinic, it was expected that she would be unable to recall this one specifically.

¹⁶Dr. Robertson's notes were provided to the Commission in the discovery from the District Attorney's Office.

remember her talking about her Dad's girlfriend and her being able to hit her Dad without any punishment."

Dr. Robertson indicated that she still performs child mental health exams for DSS, but that her current practice is to gather information from the child first before interviewing others. That is now the common procedure, but was not at the time of this case.

Dr. Robertson said, "I absolutely felt there was abuse in this case. I had no reason to suspect the child was lying. Her account was concrete and consistent." Dr. Robertson felt that Marquita was mixing the abuse up with affection.

Dr. Robertson reviewed her notes indicating that she had also done a clinical interview with Bobby Lemaine, Barbara Hardy, and Henry Reeves. As she reviewed her notes, she recalled that when interviewing Mr. Reeves she felt that he was "somewhat arrogant and blamed others for his misfortunes." Mr. Reeves denied abusing the children in any way during his interview and said that his "mother-in-law likes to stir up trouble for him."

Dr. Robertson was very cooperative and personable during our phone interview. She was quite adamant that the abuse had happened even before she had reviewed her notes and was indicating that she could not remember the case. Dr. Robertson felt that a 14 year-old who was abused as a six-year old would be able to remember the abuse, but feelings about it may now be blunted and she may not be connected to it emotionally.

Barbara Hardy stated that when Marquita came out of her sessions with Dr. Robertson Marquita would have gum or little presents and Marquita would state, "Look what she gave me for getting the questions right" (Affidavit of Barbara Hardy). Ms. Hardy said that she tried to tell Dr. Robertson that Marquita was a people pleaser and may say things just to be rewarded, but Dr. Robertson said, "I believe it happened, and its going to court" (interview with Barbara Hardy 10/9/2007).

It is important to note that Dr. Betty Robertson was the main therapist for what has become known as the "Little Rascals Daycare Case." Dr. Robertson provided therapy and evaluations to 23 of the children in that case. If you are not familiar with the Little Rascals Case, PBS has a case summary available at: www.pbs.org/wgbh/pages/frontline/shows/innocence/. The defendant's conviction was overturned in the Little Rascals case in State v. Kelly, 456 S.E.2d 861. A summary of Dr. Robertson's work in that case is also available at: <http://www.holysmoke.org/sdhok/sat28.htm>. The jury was not aware of this association.

Bobby Lemaine

Bobby Lemaine is the mother of Barbara Hardy and the grandmother of Marquita. Marquita's older half-brothers (Curtis and Lamar) were living with Ms. Lemaine in June of 1999 and Marquita and Donald stayed at her home after school. Ms. Lemaine was the person who called DSS on June 7, 1999 and took Marquita to the emergency room. She was granted custody of Marquita after DSS removed her from her parents. Ms. Lemaine kept Marquita until about three or four years ago when she returned Marquita to her mother. Ms. Lemaine testified at both criminal trials and the DSS hearing.

It was difficult to locate Ms Lemaine. Eventually, the Commission staff was able to obtain a cellular telephone number from a family member. Ms. Montgomery-Blinn spoke to Ms. Lemaine on the telephone on November 9, 2007 and Ms. Lemaine immediately stated that she was unable to remember anything about the case. Ms. Montgomery explained that she needed Ms. Lemaine to "sleep on it" and that we would like to meet with her and bring a copy of her statement and testimony to refresh her memory. Ms. Montgomery-Blinn explained that if Ms. Lemaine met with the Commission staff, it was possible that her presence would not be needed at the hearing. Ms. Lemaine reluctantly agreed to meet the following week at Wal-Mart. That night, Ms. Lemaine called back and left a message on Ms. Montgomery-Blinn's voicemail stating:

Hello yes, this is Bobby, Barbara Lemaine, um I knew I spoke to you the other day about meeting you on Tuesday. I just want to let you know that I won't be able to meet you on Tuesday. Um. I don't wanna' have nothing else to do with this case or whatever. I already I told you I didn't know what happened. I forgot. So, I'm asking you please, Miss whoever you is, like you don't know who I am, I really don't know who you are, Please don't call me back anymore cause I am not havin' nothin' to do with this. Bye.

After receiving the voicemail, Mike Epperly (Commission staff) was able to obtain Ms. Lemaine's address by sending a subpoena to the phone company and the Commission staff issued a subpoena for Ms. Lemaine. On November 29, 2007, Mr. Epperly and Grace Wallace of the Commission staff served the subpoena on Ms. Lemaine in person. Shortly after she was served, Ms. Lemaine called Kendra Montgomery-Blinn and indicated that she would be willing to speak with the Commission staff. Mike Epperly and Grace Wallace returned to Ms.

Lemaine's home that afternoon and she cooperated with the investigation. Ms. Lemaine indicated that she was unable to remember any of what was said and that she "stands by her testimony."

The interview of Ms. Lemaine was incorporated into an affidavit that she signed. Please read the affidavit that follows. Ms. Lemaine was released from her subpoena and will not appear at the December 14th hearing.

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99CRS065056

STATE OF NORTH CAROLINA)
)
v.) AFFIDAVIT
)
)
HENRY ARCHIE REEVES, III,)
Defendant/Convicted Person)

AFFIDAVIT OF BOBBY LEMAINÉ

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, on this day personally appeared Bobby Jean Hardy Lemaine, known to me to be the person whose name is hereunder subscribed, who being first duly sworn on this oath deposed and said as follows: *BL*

My name is Bobby Lemaine and I am 57 years old. I am qualified in all respects to make this affidavit. All of the facts stated herein are within my personal knowledge and are true and correct. *BL*

On June 7th, 1999, I was living at 105 Greenbriar Drive in Greenville, North Carolina. I lived with my husband at the time, Yves Lemaine, Kevin Swinson, Lamar Hardy, and Curtis Hardy. I ran a daycare out of my home. Marquita's Mom would drop her off at the daycare from time to time, and Marquita would come over in the afternoons sometimes. *BL*

During the afternoon of June 7th, 1999, Marquita was at my house. Marquita came into the den where I was, her and the other daycare children, and they began to tell me what Marquita said her Dad was doing to her. That's when I asked her what she was talking about and she began to tell me. I don't remember specifically what she said. As I can remember, Curtis and Lamar were there when she was telling me, and my other daycare children. I don't remember the names of the daycare children. *BL*

After I spoke to Marquita, I got on the phone to call Social Services. I reported it. I don't remember in words what I said to them. I repeated what she had said to me. I don't *B*

remember who I talked to at Social Services. They told me to take her to the hospital. Right after that, I took her to the hospital. I didn't talk to anyone else on the phone. I took her to the hospital in Greenville, Pitt Memorial. Marquita's mother met me at the hospital. At the hospital, they examined her. I don't remember who examined her. I can't remember if I talked to anyone at the hospital. B1

I have read the transcript of my testimony at the criminal trial. I don't specifically remember what Marquita said to me that day; the events were fresher in my mind at the time of my testimony. I stand by my testimony. B1

Marquita lived with me after the criminal trial. Curtis and Lamar lived with me too, but I didn't get any money for them. B1

The last time I spoke to my daughter was about two years ago. The reason we're not talking is because I called D.S.S. My daughter didn't believe that this happened. B1

I tried to be friends with Hank, and treat him like a son-in-law, but he didn't like me. My daughter told me that he didn't like something about me. I don't know he just didn't like me. I tried to get my daughter to get him to come to church but he just didn't want anything to do with that. I never called D.S.S. or the police on him before this incident. B1

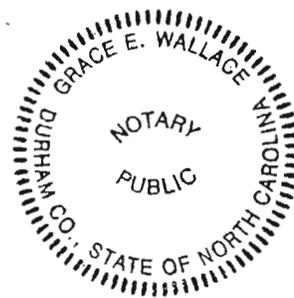
Denise brought Curtis to me because Hank and him couldn't get along. Lamar was staying with me too. Hank didn't want them living at their house. Curtis and Lamar been in and out of my home, living with me, up until this incident happened. From about seven years-old until about thirteen or fourteen-years old, they lived with me. I don't know exactly how old they were when they came and left. I never heard them say anything about Hank sexually abusing them. It was more or less that they couldn't get along. B1

Everything in this affidavit is the truth.

FURTHER THE AFFIANT SAYETH NOT

This is the 29th day of November, 2007

Bobby Lemaine
Bobby Lemaine (age 57)



Sworn and Subscribed before me this 29th day of November, 2007

Grace E. Wallace
Grace E. Wallace
Notary Public for the State of North Carolina

My Commission Expires: August, 2012

Investigations that led to New Factual Evidence

Marquita Reeves

Marquita Reeves (the victim) was six years-old at the time of the alleged abuse. After the conviction, Marquita lived with her grandmother, Bobby Lemaine for about five years. A few years ago, Bobby Lemaine returned Marquita to Barbara Hardy (interview of Bobby Lemaine and affidavit of Barbara Hardy). Marquita is now 14 year-old and lives in Georgia with her family.

Inconsistent Descriptions of the Abuse

Marquita was seven years-old during the two criminal trials and testified at both. There are some marked differences between the two testimonies and the defense attorney did not use the prior testimony during cross examination at the second criminal trial. In the first trial, the court had an extremely difficult time qualifying Marquita to testify and in the second trial, Marquita was clear in her understanding of the difference between the truth and a lie. In the first trial, Marquita stated that the abuse happened twice and that their clothes were on. In the second trial, Marquita stated that the abuse happened once and their clothes were off. The testimony from the second trial was previously incorporated into this brief and the testimony from the first trial follows this section.

Other Vaginal Irritation

Marquita has a significant medical history for a young person. When she was 11 months old, she was hospitalized for six days (including IV and catheterization) for seizures and has continued to have seizures (Pitt County Medical records 2/25/94). When Marquita was two years-old, she began having regular stomach aches and was treated at Chapel Hill for undiagnosed gastrointestinal pain (Chapel Hill hospital records).

According to Barbara Hardy, Marquita was complaining of constipation and vaginal itching before the abuse allegations. Ms. Hardy gave Marquita her laxatives and was using a cream to treat her for vaginal irritation attributing it to the bubble bath she was using (10/9/07 interview with Barbara Hardy). Bobby Lemaine's testimony in the second criminal trial alludes to the fact that Marquita had mentioned prior pain to her mother and that her mother had put something on her (Trial Tr. vol. I, 47, January 29, 2001).

Detective Craft's notes from June 7, 1999 state, "Mother stated that child has had earlier vaginal problems from bubble bath" (notes of Det. Craft 9/7/99). Department of Social Services notes from September 24, 1999 state:

Mother explained that child's stomach would be hurting and that father would lay her on his stomach and bounce her up and down. Social Worker asked mother how this would explain why child's vagina was hurting or how that would aid in helping her with stomach problems. Mother told social worker that child had vagina irritation due to her giving child a bath in bubbles. She told social worker she took the child to the doctor and that is what he told her (DSS case log dated 9/24/99).

Other people noted that Marquita rubbed her own genitals frequently. Whether this can be attributed to itching or hypersexual behavior as a result of abuse is unclear. At the hospital on June 7, 1999, Cindy Asbell noted that Marquita was rubbing her genitals on the side of the chair (Trial Tr. vol. I, 62, January 29, 2001). During therapy on April 11, 2000, the therapist noted that "Marquita has shown elevated sexual behaviors (frequently touching vaginal area through clothes with legs spread)" (Tedi Bear patient record dated 4/11/2000).

On June 28, 1999 (21 days after abuse the allegations were made), Marquita was seen by her pediatrician for continued vaginal and rectal pain. On November 15, 1999, Marquita was seen by her regular pediatrician and documented to have, "a genital exam which is normal for age" (note from Greenville Pediatrics dated 11/15/99).¹⁷

During her session with Dr. Betty Robertson, Dr. Robertson asked Marquita if anyone else had ever touched her coon-coon or butt and Marquita stated, "Only Jaquez (spelling?) and Mark, a boy in my room at school who did too. He put his hand on my coon-coon" (Dr. Robertson's Child Mental Health Evaluation). Dr. Robertson did not further explore the extent of that touching or whether it could have caused any injury.

Recantation

When this case was accepted for investigation, Ms. Montgomery-Blinn and Ms. Wallace traveled to Georgia and interviewed Marquita and her family. They took Marquita to a Wendy's restaurant with no other family members present and spent a great deal of time speaking with

¹⁷ Dr. Coker addressed one of these exams (unclear which one) in her testimony and stated that the other pediatrician was not an expert in sexual abuse and had less sophisticated examination equipment (Trial Tr. vol. II, 30, January 30, 2001).

Marquita about the importance of telling us the truth and what she remembers. Marquita is a bit difficult to understand and rambles, but she did talk to us about the abuse and disclosed that, “My Dad never touched me in a bad way.” She stated that Bobby Lemaine (she calls her Miss Bobby) made her say those things and “told lies.” The affidavit is attached.

Various letters from Marquita are also attached. They tend to corroborate what she is now saying about being pressured to tell about nonexistent abuse. It is important to note that while Marquita now recognizes these letters as her handwriting, she could not tell us when she wrote them or whether someone pressured her to write them.

Easily Influenced/Psychological Findings

There is some independent evidence that Marquita is a people pleaser and easily influenced. We subpoenaed Marquita’s school records and medical records. Marquita is in special education classes because she is considered “mildly impaired” (11/9/05 Georgia IEP). An Individualized Education Program from February 12, 2004 states that Marquita, “likes to please and get praise” (2/12/04 IEP).

Marquita received a thorough Neuropsychological Evaluation on January 31, 2006 through Children’s Healthcare of Atlanta. Marquita was found to perform in the “low average range of intelligence” and to be “mildly impaired” (1/31/06 Neuro Eval). Marquita was further diagnosed with “Dysthymic Disorder suggestive of chronic feelings of dysphoria, which are characterized by feelings of sadness, difficulty sleeping, poor concentration and difficulty making decisions, poor appetite and feelings of hopelessness” (1/31/06 Neuro Eval). Marquita was noted to have language difficulties, which were consistent with her diagnosis of seizure disorder (1/31/06 Neuro Eval). Finally, Marquita was noted to have some memory problems. Her “immediate verbal memory was average” and her delayed memory was in the borderline range” (1/31/06 Neuro Eval). The evaluation had no focus on whether memory or cognitive delays would in any way impair her current ability to remember or describe traumatic events from when she was six years-old.

It is important to note that if Marquita is easily influenced, it will be almost impossible to know if she was influenced when she was six years-old to testify about non-existent abuse or if she has been influenced now at 14 years-old to recant very real abuse.

An expert has been subpoenaed to testify before the Commission and shed some light on Marquita’s psychological evaluations. Dr. Douglas R. Slavin, Ph.D. is a clinical psychologist



who was referred by Marquita's school in Georgia to work with her because of "problems dealing with other kids in school" (Dr. Slavin report 5/3/05). Dr. Slavin saw Marquita for a number of sessions two years ago. Dr. Slavin has been sent all of Marquita's school records and evaluations to review. Dr. Slavin has specifically not been asked to meet with Marquita again because Dr. Slavin can give an unbiased evaluation as someone who was located through the schools and saw Marquita for purposes other than the alleged abuse.

When Dr. Slavin met with Marquita, he was aware of the sexual abuse allegations, but that was not the focus of their therapy. The only mention his notes reflect on that topic is a discussion with Marquita on May 30, 2005 where his notes read, "We talked briefly about her father and she said that she was scared of her grandmother and that she did not know why she couldn't have seen her father and she missed him. She did not have any concept of the molestation charges" (Dr. Slavin report 5/30/05). Dr. Slavin's *curriculum vitae* is attached as Appendix A.

Marquita Testimony- Trial 1 (Hung Jury)

State v. Henry Archie Reeves III

33

1 witness.

2 MS. JENKINS: The State would call Marquita
3 Reeves.

4 MARQUITA REEVES, being first duly sworn, testified as
5 follows on

6 DIRECT EXAMINATION BY MS. JENKINS:

7 Q. Can you tell the judge your name?

8 A. Marquita.

9 Q. Marquita, you need to keep your hands down
10 in your lap, all right?

11 A. Okay.

12 Q. What's your whole name?

13 A. Marquita Reeves.

14 THE COURT: Speak up, now, Marquita, so
15 those folks out there can hear. You've got to let the ones
16 on the back row hear what you're saying.

17 Q. You have to speak really loudly, okay? How
18 old are you?

19 A. Seven.

20 Q. Do you go to school?

21 A. Yes.

22 Q. Where do you go to school?

23 A. Wintergreen Primary.

24 Q. And who is your teacher?

25 A. Ms. MacGregor and Ms. Hughes.

1 Q. What grade are you in?

2 A. First.

3 Q. Do you know what it means to tell the truth?

4 A. No.

5 Q. Can you tell me the difference between the
6 truth and a lie?

7 A. No.

8 Q. If I said I had on a purple dress, is that
9 the truth or is that a lie?

10 A. A lie.

11 Q. If I said that you had on a red dress, is
12 that the truth or is that a lie?

13 A. A lie.

14 Q. So if you swear to tell the truth on a
15 Bible, who do you think is angry with you if you don't tell
16 the truth?

17 A. God.

18 Q. So do you understand what it means to tell
19 the truth?

20 A. Yes.

21 Q. What happens if you don't tell the truth?

22 A. I don't know.

23 Q. Well, if you were in school and you didn't
24 tell the truth, what would happen?

25 MS. MOORE: Object to the leading, Your

1 Honor.

2 THE COURT: Overruled.

3 A. The teacher would take our treat we get that
4 afternoon.

5 Q. Would you be in trouble?

6 A. Yes.

7 Q. Do you understand that if you don't tell the
8 truth here that you could be in trouble?

9 A. No.

10 Q. Well, can you tell us the truth here today?

11 A. Yes.

12 Q. Can you promise us that you won't tell any
13 lies today?

14 A. Yes.

15 THE COURT: Go ahead.

16 MS. MOORE: Objection, Your Honor.

17 THE COURT: What?

18 MS. MOORE: I'd like to approach the bench.

19 THE COURT: I'll let the jury go out. I
20 know what you've got on your mind.

21 All right, ladies and gentlemen of the jury,
22 there is a matter we're going to have to take up out of
23 your presence. You need to go to the jury room now. Don't
24 talk about the case while you are in the jury room.

25 (The jury is not present in the courtroom)

1 THE COURT: Let the record reflect the
2 jurors have left the courtroom and are no longer present.

3 All right, Ms. Moore, I'll hear you.

4 MS. MOORE: Your Honor, it doesn't appear
5 to me that it's been established that this child knows the
6 difference between the truth and a lie.

7 THE COURT: Do you want to question her?

8 MS. MOORE: And she's made the statement
9 that she didn't know the difference between the truth and a
10 lie.

11 THE COURT: I'm going to ask her some
12 questions, but do you want to question her?

13 MS. MOORE: After Your Honor does.

14 THE COURT: All right.

15 MS. JENKINS: You need to answer his
16 questions.

17 **EXAMINATION BY THE COURT:**

18 Q. Marquita, can you hear me all right?

19 A. Yes.

20 Q. You need to take your hand down, don't put
21 your hand in your mouth when you are talking because we
22 can't hear you when you've got your hand in your mouth.

23 Do you know what it means to tell the truth?

24 A. Yes.

25 Q. What does it mean?

1 A. That if you say the right thing.

2 Q. If you say what?

3 A. Like if you say I have on a dress and it has
4 white and black, that would be the truth.

5 Q. And your dress is white and black, isn't it?

6 A. Yes.

7 Q. That would be the truth, wouldn't it?

8 A. Yes.

9 Q. All right. Do you know where you go if you
10 tell a lie?

11 A. No.

12 Q. Do you know what happens to you?

13 A. No.

14 Q. What is a lie?

15 A. Like you say something and it's not the
16 truth.

17 Q. Well, okay. It's not so; is that what you
18 mean?

19 A. No.

20 Q. What do you mean?

21 A. I don't know.

22 Q. What does it mean when you tell a falsehood?

23 A. I don't know.

24 Q. Huh?

25 A. I don't know.

1 Q. You don't know?

2 A. No.

3 MS. JENKINS: Falsehood may not be in her
4 vocabulary.

5 Q. If you tell a fib, do you know what it means
6 to tell a fib?

7 A. No.

8 Q. You've never heard the expression telling a
9 fib?

10 A. No.

11 Q. You haven't?

12 A. No.

13 Q. You've heard the expression that's a lie,
14 haven't you?

15 A. No.

16 Q. No? Well, if I told you that the ceiling up
17 here was right down there on the top of your head, would I
18 be telling the truth or would I be telling a lie?

19 A. A lie.

20 Q. All right. If I told you that the lights up
21 there in the ceiling up there were square, would that be
22 true or a lie?

23 A. A lie.

24 Q. What are the lights up there?

25 A. So you can see.

1 Q. I know, but how do they look? Are they
2 square or round?

3 A. Round.

4 Q. Round, yes. All right. If I told you
5 Ms. Jenkins was wearing a green coat, would that be telling
6 the truth or a lie?

7 A. A lie.

8 Q. If I told you this book was red, would that
9 be the truth or a lie?

10 A. A lie.

11 Q. What color is this book?

12 A. Green.

13 Q. That's right.

14 THE COURT: Do you want to question her?

15 **EXAMINATION BY MS. MOORE:**

16 Q. Do you know the difference between the truth
17 and a lie?

18 A. Yes.

19 Q. What's the difference?

20 A. I don't know.

21 Q. You don't know?

22 A. No.

23 Q. You don't know what happens to you when you
24 tell a lie?

25 A. No.

1 Q. You don't know what happens to you when you
2 tell the truth?

3 A. No.

4 MS. MOORE: I don't have any other
5 questions.

6 MS. JENKINS: I have some questions.

7 THE COURT: All right.

8 **EXAMINATION BY MS. JENKINS:**

9 Q. Marquita, if you tell a lie, what happens to you?

10 MS. MOORE: Objection. We've been over
11 this.

12 THE COURT: I'll allow the question. This
13 is an important matter.

14 Q. If you are in school and you tell a lie,
15 what happens?

16 A. They don't do nothing.

17 THE COURT: What did she say?

18 MS. JENKINS: I'm not sure.

19 A. The teacher wouldn't do nothing.

20 Q. Are you supposed to tell lies?

21 A. No.

22 Q. Are you supposed to tell the truth?

23 A. Yes.

24 Q. Are you going to tell the truth here?

25 A. Yes.

1 Q. Do you know when you put your hand on the
2 Bible, who are you swearing to that you are going to tell
3 the truth?

4 A. God.

5 Q. And who is going to get upset with you if
6 you don't tell the truth?

7 A. God.

8 Q. Do you promise the judge and these twelve
9 people here today that you are going to tell the truth?

10 A. Yes.

11 Q. You are not going to tell lies?

12 A. No.

13 Q. And you swore on the Bible to tell the
14 truth, didn't you?

15 A. Yes.

16 MS. JENKINS: That's all I have, Judge.

17 THE COURT: Ms. Moore, I will hear you on
18 it.

19 **FURTHER EXAMINATION BY MS. MOORE:**

20 Q. If you don't tell the truth today, what
21 happens?

22 A. God would not be happy.

23 Q. He won't be happy? Is that all?

24 A. Yes.

25 Q. Do you know the difference between the truth

1 and a lie?

2 A. No.

3 Q. Do you know the consequences of telling the
4 truth?

5 A. No.

6 Q. The consequences of telling a lie?

7 THE COURT: She might not know what the
8 word consequences means.

9 A. No.

10 Q. What happens to you when you tell the truth?

11 A. I don't know.

12 Q. What happens to you when you tell a lie?

13 A. I don't know.

14 Q. You don't know?

15 A. No.

16 MS. MOORE: Thanks.

17 THE COURT: Well, what do you want to say,
18 Ms. Jenkins?

19 MS. JENKINS: Judge, I think clearly she
20 knows where she is, she knows that she's swearing on the
21 Bible, that she said in fact probably better than anybody
22 else, who's going to be upset if you don't tell the truth;
23 God.

24 **EXAMINATION BY THE COURT:**

25 Q. Where are you today? Where are you right

1 now, Marquita? Where are you sitting right now.

2 A. In here.

3 Q. What is this place?

4 A. I don't know.

5 Q. What is this room we're in?

6 A. I don't know.

7 Q. You don't know?

8 A. No.

9 Q. Do you know who I am?

10 A. The judge.

11 Q. Yeah. How do you know I'm the judge?

12 A. Because you have some -- you look like a
13 judge.

14 Q. I look like one, okay. What color robe is
15 this I have on?

16 A. Black.

17 Q. All right. And you are in the first grade?

18 A. Yes.

19 Q. What do you all study in the first grade?

20 A. We do some math.

21 Q. Math?

22 A. And handwriting.

23 Q. Handwriting. What else?

24 A. We do the calendar.

25 Q. Calendar? Do you do any reading? What do

1 you read about in the first grade now?

2 A. Some books.

3 Q. What are the stories about?

4 A. Like Clifford.

5 Q. Who?

6 A. Clifford.

7 MS. JENKINS: Clifford, the big red dog.

8 Q. Clifford? Oh. They don't do Dick and Jane
9 anymore, do they?

10 A. No. We do the crayon box that talks.

11 Q. The crayon box that talks. You don't do
12 Dick and Jane and Spot, that type thing?

13 A. No.

14 Q. See Spot run. Run, Spot, run.

15 A. No.

16 Q. That's the way I learned to read.

17 THE COURT: The Court is pretty much
18 satisfied she understands what it is to tell the truth,
19 understands what it is to tell the lie. When you use the
20 word what is the difference between the truth and a lie,
21 you sort of get off the theme on that. You get to talking
22 in abstract terms then, what does it mean to tell a lie.

23 (BY THE COURT: (continued)

24 Q. Do you all tell stories in school? Have a
25 story time?

1 A. No.

2 Q. You don't?

3 A. We have reading groups.

4 Q. Reading groups. You sit in a circle when
5 you read?

6 A. No.

7 Q. You don't even do that anymore?

8 A. No.

9 Q. How do you sit when you read?

10 A. You sit down in the chair and read to the
11 teacher.

12 Q. Read to the teacher one on one? Just one of
13 you at the time?

14 A. Yes.

15 Q. What school did you say you go to?

16 A. Wintergreen Primary.

17 Q. Wintergreen, okay. Who is your teacher?

18 A. Ms. MacGregor and Ms. Hughes.

19 Q. And when did you start school?

20 A. I don't know.

21 Q. What month, do you remember? Was it last
22 year or this year?

23 A. I don't know.

24 Q. Was it before Christmas or after Christmas?

25 When was the first day you were in first grade? Was it

1 before Christmas or after Christmas?

2 A. I stayed in it.

3 Q. You stayed in it?

4 A. That is my grade.

5 Q. You started out in the first grade. Did you
6 start out in kindergarten?

7 A. Yes.

8 Q. Where did you go to kindergarten? What was
9 the name of that school?

10 A. Pactolus.

11 Q. Pactolus. How many years did you go to
12 kindergarten?

13 A. Lots.

14 Q. Lots?

15 A. Yes.

16 Q. Who was your kindergarten teacher?

17 A. I don't know.

18 Q. You don't know her? You don't remember?

19 A. No.

20 Q. All right. Marquita, let me ask you this.

21 When you went outside at lunchtime was the sun shining or
22 was it dark?

23 A. The sun was shining.

24 Q. Have you ever made up a story on somebody
25 that wasn't true to get them in trouble?

1 A. No.

2 Q. Would you do that?

3 A. No.

4 Q. Would you always be honest and tell the
5 truth?

6 A. Yes.

7 Q. Even if it hurt somebody else?

8 A. Yes.

9 Q. Huh?

10 A. Yes.

11 Q. Even if it got somebody else in trouble
12 would you always tell the truth?

13 A. Yes.

14 Q. Has anybody coached you in what to say up
15 here today?

16 A. No.

17 Q. Has anybody told you what you need to say to
18 the Court?

19 A. No.

20 THE COURT: Let the record reflect that the
21 Court has heard testimony from the witness, Marquita
22 Reeves, relative to her ability to tell what is the truth
23 and what is a lie, and the Court, from its own examination,
24 has determined that the defendant knows what it is to tell
25 the truth, knows what it is to tell a lie.

1 MS. JENKINS: The victim, Judge?

2 THE COURT: Huh?

3 MS. JENKINS: You said defendant. I'm
4 sorry.

5 THE COURT: Excuse me. The victim,
6 Marquita Reeves knows what it is -- knows what it means by
7 a lie and knows what it means what is the truth; that from
8 questioning by the Court as to the structure of the
9 courtroom, the shape of the light fixtures, and the color
10 of books and clothing worn by the parties in court, the
11 Court is satisfied in its own mind that the defendant gave
12 correct answers, and gave correct answers when the Court
13 asked her incorrect questions that indicated that she knew
14 that the questions made by the Court were not correct; and
15 that she is in the first grade at Wintergreen Elementary
16 School; she is taking courses in reading, arithmetic, and
17 writing. That she previously attended Pactolus
18 kindergarten; that she knows who her first grade teacher
19 is. She understands where she is today, and she understood
20 that I'm the judge. She understands that it's necessary
21 that she tell the truth and that even if her testimony was
22 harmful to an individual she would continue to tell the
23 truth.

24 The Court is going to find that the witness
25 is capable of testifying, is competent to testify in this

1 case as to the facts and circumstances surrounding the
2 alleged event. Anything further?

3 MS. JENKINS: Not from the State, Your
4 Honor.

5 THE COURT: All right.

6 MS. MOORE: Your Honor, I'd like to note
7 exception.

8 THE COURT: You get it. Bring the jury
9 back in. You also have the right to cross-examine her.

10 MS. MOORE: Yes, sir.

11 (The jury is present in the courtroom)

12 THE COURT: All right, the jurors are back
13 in the courtroom.

14 All right, Ms. Jenkins, you can continue.

15 MS. JENKINS: Thank you, Judge.

16 **BY MS. JENKINS (continued):**

17 Q. Marquita, I'm going to start back over since
18 we got interrupted, okay?

19 A. Okay.

20 Q. Can you state what your name is?

21 A. Marquita.

22 Q. Don't forget to speak up real loudly, okay?

23 A. Yes.

24 Q. What's your whole name?

25 A. Marquita Danielle Charlina Reeves.

1 Q. How old are you?

2 A. Seven.

3 Q. Do you know when you will turn eight?

4 A. When it's my birthday.

5 Q. When is your birthday?

6 A. March the 31st.

7 Q. And then you will be eight years old; is
8 that right?

9 A. Yes.

10 Q. Where do you go to school?

11 A. Wintergreen Primary.

12 Q. And what grade are you in?

13 A. First.

14 Q. And who are your teachers?

15 A. Ms. MacGregor and Ms. Hughes.

16 Q. And do you know what it means to tell the
17 truth?

18 A. No.

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

20 A. No.

21 Q. Well, if I said when you put your hand on
22 that Bible right there and said you were going to tell the
23 truth, does that mean that you were not going to tell lies
24 or that you are going to tell the truth?

25 A. Tell the truth.

1 Q. And if I said I had on a red shirt, would
2 that be the truth or would that be a lie?

3 A. A lie.

4 Q. If I said you had on a green dress, would
5 that be the truth or would that be a lie?

6 A. A lie.

7 Q. If I said that I had -- I don't know. If I
8 said this book right here was green, would that be the
9 truth or would that be a lie?

10 A. A lie.

11 THE COURT: Will you get her to tell you what
12 color it is?

13 Q. What color is this book, Marquita?

14 A. Red.

15 Q. If I said it is a red book, that would be
16 the truth, wouldn't it?

17 A. Yes.

18 Q. So, do you promise to tell the truth here?

19 A. Yes.

20 Q. Tell me who you live with now?

21 A. Miss Bobbie.

22 Q. Who's Miss Bobbie?

23 A. My grandma.

24 Q. Do you know how long you've lived with her,
25 about?

1 A. No.

2 Q. Have you lived with her this whole school

3 year?

4 A. Yes.

5 Q. How many other people are in your family?

6 Do you have some brothers?

7 A. Where?

8 Q. Do you have any brothers at all?

9 A. Yes.

10 Q. How many brothers do you have?

11 A. How many?

12 Q. Yes.

13 A. Four.

14 Q. What are their names?

15 A. Curtis, Lamar, Donald, Rasheen.

16 Q. Donald is the closest in age to you, isn't

17 he? How old is Donald? Is he about nine?

18 A. Eight.

19 Q. He's eight?

20 A. Yes.

21 Q. Where does he go to school?

22 A. Where does Donald to school?

23 Q. Uh-huh. Is that Wintergreen?

24 A. No, that's the next school by our school.

25 Q. Okay. Is it Wintergreen Primary and

1 Wintergreen Intermediate?

2 A. Yes.

3 Q. When you live in your grandmother's house,
4 who else lives there with you?

5 A. Kevin (phonetic) and me and Mr. E.

6 Q. And do you have any pets that live there
7 with you?

8 A. No.

9 Q. Do you remember a time about a year and a
10 half ago when you talked to your brothers about something
11 that was happening to you?

12 A. No.

13 Q. Do you remember when you were playing a game
14 of secrets at your grandmother's house?

15 A. No.

16 Q. Do you remember telling your brother
17 something that was happening to you with your dad?

18 A. No.

19 Q. Do you remember talking to your grandmother
20 about something your dad was doing to you?

21 A. Yes.

22 Q. And do you remember what you told your
23 grandmother?

24 A. No.

25 Q. You don't? Well, let me ask you this. Do

1 you remember what your dad did to you?

2 A. Just two.

3 Q. He did two? What did he do two of?

4 A. I just remember two.

5 Q. Why don't we start with the first one, okay?

6 A. Yes.

7 Q. Take your hands away from your mouth, okay.

8 A. Yes.

9 Q. Can you tell me what it is that you remember
10 for the first time?

11 A. He put his in mine.

12 Q. Okay. When you said he put his in yours,
13 what part --

14 A. His thing what he pees with.

15 Q. He put his thing that he pees with, where
16 did he put that?

17 A. In mine.

18 Q. In your what?

19 A. In my what I pee with.

20 Q. Okay. He put it in where you pee with; is
21 that what you said?

22 A. Yes.

23 Q. Now when he did that, where were you?

24 A. In the room.

25 Q. In the room? What room were you in?

1 A. His room.

2 Q. Was that the bedroom that he shared with
3 your mother?

4 A. Yes.

5 Q. Where were you in that room? Were you in a
6 bed? Were you in a chair? Where were you?

7 A. In his bed.

8 Q. You were in his bed. Okay. What time was
9 it? Was it during the day or was it at night?

10 A. The day.

11 Q. Now when he did that -- what do you call
12 that place where he goes to pee-pee? Do you know the name
13 for it?

14 A. No.

15 Q. When he did that, what did it feel like?

16 A. Nothing.

17 Q. Did it burn?

18 A. Yes.

19 Q. What did he do when he tried to put it in
20 there?

21 A. It was hurting me.

22 THE COURT: What did she say?

23 MS. JENKINS: She said it was hurting her.

24 THE COURT: You've got to speak up now,
25 Marquita, so we can hear you.

1 Q. Did he say anything to you when he did that,
2 Marquita?

3 A. No.

4 Q. Did he ever tell you not to tell anybody?

5 A. No.

6 Q. You said you remembered another time that he
7 did things that made you uncomfortable; is that right? You
8 said there were two times; is that right?

9 A. Yes.

10 Q. The other time, what happened that time?

11 A. He told me to suck his thing.

12 Q. He told you to do what?

13 A. Suck his thing.

14 Q. Now when you say his thing, what are you
15 talking about?

16 A. The one what he peed with.

17 THE COURT: What did she say?

18 MS. JENKINS: The one he peed with.

19 Q. He told you to suck the things that he peed
20 with; is that right?

21 A. Yes.

22 Q. You don't have a name for that part of his
23 body?

24 A. No.

25 Q. What do you call that part of the body, do

1 you know?

2 A. No.

3 Q. Do you have a special name for it?

4 A. No.

5 Q. Do you have a special name for your private
6 part?

7 A. No.

8 Q. When he asked you to suck on the place where
9 he goes to pee-pee, what did you tell him?

10 A. No.

11 Q. Did he ask you again?

12 A. No.

13 Q. And when he asked you to do that, was it the
14 same time that he put his place that he pees inside the
15 place that you pee in. Was it the same time?

16 A. Yes.

17 Q. Can you tell me how many times this happened
18 to you?

19 A. One.

20 Q. And when he tried to put his place that he
21 pee-pees in inside the place where you pee-pee in, what
22 happened after he did that?

23 A. He stopped.

24 Q. And after he stopped what happened?

25 A. Then I went in my room and played.

1 Q. Do you know if it happened any other times?

2 A. No.

3 Q. And do you know that -- are you telling us
4 the truth here today?

5 A. Yes.

6 Q. And have you talked to some other people
7 about what happened to you that your daddy did?

8 A. No.

9 Q. Did you talk to a doctor about it?

10 A. No. Other people who been bad to me too.

11 Q. Get your hands away from your mouth. The
12 only people that you told were who?

13 A. People over there by the hospital.

14 Q. Did you talk to a doctor about it, at the
15 hospital?

16 A. Yes.

17 Q. And was that so you could get to feel
18 better?

19 A. Yes.

20 Q. Do you remember when your dad put the
21 private part of his inside of yours, what was he wearing
22 when he did that?

23 A. Some clothes.

24 Q. What kind of clothes?

25 A. A shirt and some pants.

1 MS. JENKINS: Just one minute, okay?

2 A. Yes.

3 MS. JENKINS: That's all I have for right
4 now.

5 THE COURT: Cross-examination, Ms. Moore?

6 MS. JENKINS: You need to answer her
7 questions, okay?

8 A. Yes.

9 **CROSS-EXAMINATION BY MS. MOORE:**

10 Q. What grade are you in?

11 A. First.

12 Q. First grade. And do you know why you are
13 here in court today?

14 A. No.

15 Q. You don't know why you are here?

16 A. No.

17 Q. Do you know what kind of book that is that
18 you put your hand on a few minutes ago?

19 A. A Bible.

20 Q. And what did that mean when you put your
21 hand on that Bible?

22 A. I don't know.

23 Q. You don't know what it meant?

24 A. No.

25 Q. Do you know the difference between the truth

1 and a lie?

2 A. Yes.

3 Q. What's the difference between the truth and
4 a lie?

5 A. Like if you said you have on a blue shirt,
6 that would be a lie.

7 Q. Who told you that if you had on a blue shirt
8 and you said you had on a green one, that that would be a
9 lie? Did somebody tell you that?

10 A. No.

11 Q. Nobody told you that?

12 A. No.

13 Q. How do you know the difference between the
14 truth and a lie?

15 A. I know.

16 Q. What happens when you tell a lie?

17 A. I don't know.

18 Q. What happens when you tell the truth?

19 A. I don't know.

20 Q. You don't know?

21 A. No.

22 Q. Who told you to say these things about your
23 daddy?

24 A. Nobody.

25 Q. Nobody told you to? Who did you talk to you

1 about these things that you say your dad did to you?

2 A. I don't remember.

3 Q. Did you talk to your grandmother?

4 A. I told her and then she took me to that
5 place.

6 Q. Did you tell anybody else?

7 A. No.

8 Q. You didn't tell anybody else. You haven't
9 talked to anybody else about this?

10 A. No.

11 Q. Did you ever tell your mama?

12 A. No.

13 Q. Did you ever tell your brothers?

14 A. No.

15 Q. Did you ever tell Ms. Kim?

16 A. No.

17 Q. Did you ever tell any of those people
18 sitting back there in the courtroom what your daddy did to
19 you?

20 A. No.

21 Q. You've never told them?

22 A. No.

23 Q. So if they got up there they'd be telling a
24 story, and said that you did, right?

25 A. Yes.

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99CRS065056

STATE OF NORTH CAROLINA)
)
v.)
)
)
HENRY ARCHIE REEVES, III,)
Defendant/Convicted Person)

AFFIDAVIT

AFFIDAVIT OF MARQUITA REEVES

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, on this day personally appeared Marquita Reeves, known to me to be the person whose name is hereunder subscribed, who being first duly sworn on this oath deposed and said as follows:

My name is Marquita Daniele Charlena Reeves. The things on this paper are what I said and are true. I remember what happened and I want to tell the truth about it. *MR*

Today I am 14 years old and I am in the 8th grade at Creekland Middle School in Suwanee, Georgia. I have three brothers named Curtis, Lamar, and Donald. I was born in 1993 in New Jersey, but I don't remember it because I was a baby. When I was little my family moved to North Carolina and I remember living there. Now we live in Georgia. *MR*

When we lived in North Carolina I lived with my Mom, Dad, and brothers. I can't remember the name of the town we lived in. We lived in a trailer with a big trampoline and a swingset. *MR*

I used to visit Miss Bobby (my Grandma) and I only liked her a little bit. The way she used to act made me mad sometimes. She always wanted to make up lies. Miss Bobby would ask me what happened in school and then start whooping me for nothing. This happened a couple of times or so. *MR*

One day, I told my brothers and Miss Bobby that Daddy cracked my feet and would say, "Mama, time for school." Miss Bobby said, "You mean he said, kiss this and put it in you." *MR*

Then Miss Bobby went to the courthouse and told lies. I know because I went with her. I was about 5 or 6 years old. MR

Miss Bobby told people that I said my Daddy said, "Kiss this and put it in you." Miss Bobby made me say it too. Miss Bobby said, "You better tell 'em that he did it." I didn't know better back then. I said it out loud in the courthouse and there were a lot of people there. MR

After that I had to stay with Miss Bobby and Social Services took me to visit Mama. I told Vivian Cheek and Nelly Kinsey (the Social Services workers) that it didn't happen, and they didn't care. MR

I didn't like living with Miss Bobby because she caused so many problems. Every time I said I missed my Mama, Miss Bobbie would whoop me. One day when I was real sick at school, Miss Bobby wouldn't come and get me. Once, Miss Bobby threw me out overnight because she was mad over something I said at school and I had to stay outside all night. I always told Miss Bobby that I missed my Mama but she didn't care. Sometimes, I would see Donald at school and I would give him a note to give to Mama. Miss Bobby didn't like me talking to Donald at school so she moved me to a different school. I went to a lot of different schools, but I can't remember how many. MR

One day, I got sick and Miss Bobby gave me back to Mama. I was happy. I can't remember how old I was, maybe 10 or 12. MR

I always thought my Mama hated me. Miss Bobby made me think that. Miss Bobby said my Dad was bad. I missed my Dad when he was away. MR

I can't remember everybody that I had to talk to about this. I remember someone saying before court, "Your Grandma said this and that and so you have to say it on the stand." I was afraid during all of this; I didn't know when I would see my Mama again. MR

My Dad never touched me in a bad way. My Dad never hurt me. When I said my Dad cracked my feet I meant he would pull on my toes and pop them, it was just play. When he said "Mama, time for school," it was his name for me. MR

Miss Grace and Miss Kendra showed me letters I wrote. I don't remember how old I was when I wrote them, but it's my MR

handwriting. I remember one of them is the time Dad got locked up and I wrote to him. MR

That is all that I can remember. I told all these things to Miss Grace and Miss Kendra and they typed it up and I read it with them and it's all true. MR

This is the 10th day of October, 2007

Marquita Reeves
Marquita Reeves (age 14)



FURTHER THE AFFIANT SAYETH NOT

Sworn and Subscribed before me this 10th day of October, 2007

Grace E. Wallace
Grace E. Wallace
Notary Public for the State of North Carolina

My Commission Expires: August, 2012

to my dad

I'm sorry for what
I said about you
and I love you please
forgive me and I would
like to see you one day
and don't worry the lord
is with you and one day
I will see you. And
someone in a blue uniform
~~to~~ told me to say those
words. and I am sorry
for letting you go to jail
Please forgive me

to Dad

I'm so sorry what

I said about you

please forgive me. I ~~did~~

didn't mean to let

you be in jail. I hope

you will get soon. And

I love you with all my heart

And I hope you be

safe when you get

out. I can't wait to see

you. Do you have any

treats for me? I still

remember you. ~~And~~

to Dad

And I remember

M-A-R-Q-U-I-T-~~E~~-A

R-E-E-V-E-S. ~~ha~~ ha ha

I still remember the good
days And the good times.
I love you daddy.

Love Marquita Reeves

Barbara Denise Hardy

Ms. Hardy is the mother of Marquita and the wife of Henry Reeves.¹⁸ Ms. Hardy now lives in Georgia and supports her family by working at Wal-Mart. Kendra Montgomery-Blinn and Grace Wallace traveled to Georgia and conducted a lengthy interview with Ms. Hardy on October 9, 2007 at a neutral location with no other family members present. The interview was incorporated into an affidavit that Ms. Hardy carefully reviewed and signed on October 10, 2007. The affidavit is attached. Ms. Hardy disclosed that her sons told her that Ms. Lemaine was telling Marquita what to say about the abuse (Affidavit of Barbara Hardy).

Ms. Hardy was expected to testify at the second criminal trial, but was unable because she was arrested for failing to appear in district court on a misdemeanor charge. The misdemeanor court date had been scheduled for the same day as Mr. Reeves' trial and Ms. Hardy attended superior court to watch the trial. At the trial, Ms. Moore (the defense attorney) told the Judge:

My next witness – unfortunately, she had court, district court this morning. She missed it because she was here. She is emotionally all torn up. I'll try to help her out of her situation and hopefully I'm going to use her as a witness, but she's in no shape. I noticed that she was missing this morning, but I thought maybe she had to go out and make a call or something; and then I'm told, after I got back from lunch, that they had carried her down and arrested her. I do want to use her, but she is so emotionally distraught (Trial Tr. vol. II, 30, January 30, 2001).

Ms. Moore did not ask the court to recess or continue the case and Ms. Hardy was unable to testify. The jury never heard from Barbara Hardy.

Ms. Hardy has consistently been advocating for Mr. Reeves' innocence and her belief that her mother (Bobby Lemaine) influenced Marquita. Numerous pieces of documentation in the Sheriff's file, the DA's file, and letters provided by Ms. Hardy indicate consistency in her belief. Ms. Hardy's civil attorney indicated that this belief was a large part of the reason that Ms. Hardy and DSS could not work together and DSS ultimately felt that Ms. Hardy would not keep Marquita safe from Mr. Reeves (interview with Amanda Smith Stroud 10/26/07).

¹⁸ It is unclear whether Ms. Hardy and Mr. Reeves were ever legally married or whether they still consider themselves husband and wife.

Attached is a letter that Ms. Hardy wrote in 2001 to prisoner legal services. The letter corroborates some of the things in Ms. Hardy's affidavit. Numerous other documents are available that show Ms. Hardy's unwavering consistency, if the Commission would like to review them.

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99CRS065056

STATE OF NORTH CAROLINA)
)
v.) AFFIDAVIT
)
)
HENRY ARCHIE REEVES, III,)
Defendant/Convicted Person)

AFFIDAVIT OF BARBARA DENISE HARDY

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, on this day personally appeared Barbara Denise Hardy, known to me to be the person whose name is hereunder subscribed, who being first duly sworn on this oath deposed and said as follows:

B.A

My name is Barbara Denise Hardy, but I go by Denise. I am 38 years old. I am qualified in all respects to make this affidavit. All of the facts stated herein are within my personal knowledge and are true and correct.

B.A

I was born in Elizabeth, New Jersey, on April 3rd, 196⁸ and I lived there until I was 25. My Mom is Bobby Jean Hardy, but she also goes by Bobby Jean Lemaine, Barbara Swinson, and Barbara Graham. I'm not sure who my real Dad is. When I was six years-old, I was molested by my stepfather. I told my mother, and she said, "If he do it again, claw his eyes out. If I see his eyes hanging out of his head, I will know he did it again." My stepfather continued to live with us until he died. I would run away a lot and my Mom would beat me for running away.

B.A

I had Curtis and Lamar when I was a minor, so my Mom got welfare checks for them. I went to live with the boys' father and my Mom called DSS and said I wasn't feeding Curtis. DSS disregarded the complaint because Curtis was a fat baby and he was clearly getting fed.

B.A

My Mom was running a daycare and I worked there and I met Hank in 1988, when I was 19. I had never met a guy like him.

B.A

He was respectful and he liked doing things for me, he was very romantic. Hank used to take the boys out to do things and they loved it. B.A.

My Mom was always trying to find something wrong with Hank. My Mom got mad when I got pregnant with Donald. My Mom wanted Hank to pay for Donald to be in her daycare even though she wasn't paying me to work there. Money is so important to my Mom that it is to an extreme. My mother just never liked Hank. I used to wonder if she was jealous because Hank took such good care of me and the kids. Hank just tried to totally avoid her. B.A.

We were hit by kids driving a stolen car in New Jersey while I was pregnant with Quita. After that, we moved to North Carolina to get away from New Jersey. Hank came down a few months later and we all lived in a mobile home. My Mom moved down to North Carolina too, and ran a daycare. I was working at the ASMO factory. Hank went to school to become a cop. I was proud of him; he was doing good and taking care of all of us. B.A.

Lamar and Curtis started acting up, and my Mom said she could control them better, so I should let them stay with her. Quita and Donald were in school, and they would stay at my Mom's house after they got out. Every time I would drop them off at my Mom's house, Quita would cry and ask me not to leave her. B.A.

That day at around 7:10pm, I was at work and my Mom called and said, "Quita told me Hank's been messing with her. He's been trying to have sex with her. Hang on." My Mom clicked over and when she came back she said, "I'm taking her to the hospital." B.A.

I went to the ER and went straight to Quita, "What is this Daddy's supposed to have done to you." Quita said, "You mean, what I told Ms. Bobbie?" I said, "Yes." Quita said, "He be doing like this to me (demonstrated dancing move), he be crakin' my foot, and he be hurtin' me." Investigator Johnny Craft was there and my Mom said to him, "You need to arrest him, you need to lock him up." Quita was sitting there with her teddy bear and she didn't look like a traumatized child, and I would know because it happened to me at that age. At that time, I didn't know what to think. B.A.

That night, we all stayed at my Mom's house and the next day I took Quita to the Tedi Bear clinic. My Mom went back to the exam room with Quita while I filled out paperwork and talked to a therapist. B.A.

Later on, after I calmed down, I went home and I talked to Hank. Hank was crying and he said, "If you think I did that then kill me right now." I said, "I don't know, I need some time." He said, "I can't believe you'd think I could do that."

B.A.

I took Quita to see psychiatrist Betty Robinson. She only ever talked to me, Quita, and my Mom. I told Betty Robinson I didn't like it when she rewarded Quita for saying what she wanted her to say. Quita would come out and say, "Look what she gave me for getting the questions right." Quita is a people pleaser and will say what she thinks you want her to say.

B.A.

There was a time, I can't remember when, that Lamar said to me, "Why is Miss Bobby talking to Quita like that?" I said, "What are you talking about?" He said, "Why is Miss Bobby telling Quita to say Hank put it in her front and her back?" Lamar said, "Quita didn't tell Miss Bobby that, Miss Bobby said it." I went to Curtis and Donald separately, and they said the same thing. I brought them to Miss Bobby's house and they were too scared to say it to Miss Bobby. Lamar was the only one who said it to Miss Bobby. My Mom said, "Quit lying on me, you're going to go to hell." Lamar said, "I'm not lying, I'm standing here telling the truth. She's lying."

B.A.

DSS got involved and I felt that the social workers were really unfair to us. We had problems with visitations and they never told Quita's foster mother that she had any stomach problems or seizures.

B.A.

I can't remember all the details of the trials. I remember when Quita testified in the first criminal trial, she was very confused and didn't know what in the world they was talking about.

B.A.

When I found out what my Mother was doing, it hurt me that she would do me like that, and do my daughter like that. I know Hank didn't do it. Quita don't have no signs.

B.A.

A few years ago, my Mom got tired of Quita and gave her back to me. I called Social Services and let them know, but they didn't care. When I got her back, she was like a whole 'nother child. I had a lot of work. She was suicidal. She had been told I hated her, her brothers hated her, and Hank hated her. I took her to see therapists and it took a lot of talking for her to know it wasn't her fault and we love her. Now she's on seizure medicine and doing better. Quita said, "Can I just

B.A.

tell someone in North Carolina about it." That's when I started searching and found you.

If anybody raped Quita, it was the system and my mother. I really feel like they mentally raped her. When she came back she was a different child.

B.A.

Everything in this affidavit is true to the best of my knowledge.

This is the 10th day of October, 2007

Barbara Denise Hardy
Barbara Denise Hardy (age 38)



FURTHER THE AFFIANT SAYETH NOT

Sworn and Subscribed before me this 10th day of October, 2007

Grace E. Wallace
Grace E. Wallace
Notary Public for the State of North Carolina

My Commission Expires: August, 2012

7-2-01

103 B Horse shoe d.

Greenville,

N.C. 27834

252-321-1305

Dear Mrs. Parks

My name is Barbara Hardy Reeves the wife of Henry Reeves I'm writing you this letter to give you an idea about my family. First of all my husband and my mother never got along, she never got along with any of the men I liked. I never knew why until this situation happened. People use to tell me that my mother was jealous of me, because I don't make people like me and that she may have wanted Henry for herself, I thought it was far fetched. I don't think so. Until she started telling me she dreams about him sexually.

It has also been about money with my mother, anyone in the family can vouch for that. My mother has always done things for money. Things I rather not say at this time. Inclosed

is a letter I received from my older two boys father accusing me of putting him down as my baby brother father. I had no idea about that, as you can see my name is not on the letter it is my mother. He is taking care of the situation. He has not gotten back to me on it. But my point is my mother do what ever it takes to get money. She doesn't care who falls behind it. On the letter you will see Barbara Swinson, that's her first married name Kevin Swinson is my baby brother and Richard Harris is my older two boys father. My mother knows how to use the system for her benefits as you can see and she is doing it again with my husband Henry Reeves, by taking child support out on him. When he first got arrested she had the nerve to tell me I need to put him up for child support, my response was how

am I suppose to do that if he is locked up. Its all about money. My mother manipulated me for years because I didn't know better but I do now. She has ruined our lives. My family and I know she made my daughter say the things she said about her father. My husband is innocent and a lot of people know it. In a way I'm sorry my husband met me because I didn't know what kind of mother I have but I know now. She may be my mother but she is wrong. I don't know how this will help with his appeal but it gives you a little idea about the situation. I don't know if my husband has told you but some new information has come out that was not told during the trial an important witness. We just want justice.

Thank you

11. Llandil Roemer

(202)

Henry “Hank” Reeves

Henry “Hank” Reeves was convicted on January 31st, 2001 of indecent liberties and served two years in prison. After being released from prison, Mr. Reeves lived in numerous places and is currently living in Georgia. Mr. Reeves has consistently maintained his innocence through the Sheriff’s investigation, the DSS custody hearing, the first criminal trial, the second criminal trial, and since his release. Mr. Reeves has contacted numerous people and agencies to assist him in his case. He has contacted media outlets, attorneys, prisoner legal services, the Center for Actual Innocence, and finally, the North Carolina Innocence Inquiry Commission. Documentation of these numerous contacts are available if the Commission wishes to review it.

Kendra Montgomery-Blinn spoke with Mr. Reeves over the telephone numerous times in September and October of 2007 and made the decision to accept Mr. Reeves’ case for investigation. Mr. Reeves waived his right to an attorney for this phase of the proceedings and signed his “Waiver of Procedural Safeguards and Privileges.”

On October 9, 2007, Ms. Montgomery-Blinn and Ms. Wallace met with Mr. Reeves in a neutral location for a detailed interview. The interview was incorporated into an affidavit that Mr. Reeves signed on October 10, 2007. On November 19, 2007, updates were made to the affidavit and Mr. Reeves signed the new affidavit. The affidavit is attached and speaks for itself.

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99CRS065056

STATE OF NORTH CAROLINA)
)
v.) AFFIDAVIT
)
)
HENRY ARCHIE REEVES, III,)
Defendant/Convicted Person)

AFFIDAVIT OF HENRY "HANK" REEVES

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, on this day personally appeared Henry "Hank" Reeves, known to me to be the person whose name is hereunder subscribed, who being first duly sworn on this oath deposed and said as follows:

My name is Henry Archie Reeves III, but I go by Hank. I am 41 years old. I am qualified in all respects to make this affidavit. All of the facts stated herein are within my personal knowledge and are true and correct. HR

I was born in Newark, New Jersey, on February 13th, 1966. I have three older siblings and grew up with my mother and father. Both my parents and my older brother are deceased. I went to school and a few years of college in New Jersey. I worked as a bus driver and met Barbara Denise Hardy in 1988 in New Jersey. Denise had two children; Curtis and Lamar. I enjoyed spending time with them and Denise's kid brother, Kevin. Denise and I had a son named Donald in 1991 and a daughter named Marquita in 1993. HR

Denise's Mom also lived in New Jersey and ran a daycare center and that's where I met Denise. I just had a feeling something wasn't right with Denise's mother, Miss Bobby Lemaine. She always wanted money from me. She wanted me to pay for Donald to stay at her daycare, even though Denise was working there for free. She never liked any of the men Denise dated. I always stayed away from her and I didn't want to have nothing to do with her. HR

In the summer of 1994, Denise and the kids moved down to North Carolina and I came down a few months later. At first we had a Washington address, but we lived in Pitt County. We were very happy. I went to school and became a cop with the Belhaven and Plymouth Police Departments. I did a lot of undercover drug work with a special taskforce. I was passionate about getting the drugs off the street and would have laid down my life for that cause. We lived in a mobile home in Rivercreek. At first, all four kids were living with us. It was good times. J.R.

After a while, Curtis and Lamar went to live with their Grandma, Miss Lemaine. She taught them to hate me and their own mother. No one has a right to instill fear in children. I only know what they have said and how the mind games have affected them. J.R.

In May of 1999, Miss Lemaine tried to get me to pay child support for Curtis and Lamar. I later found out their father was already paying child support to Miss Lemaine. In June of 1999, Donald was eight and Quita was six, and they were living with me and Denise but stayed at their Grandma's after school. J.R.

All hell broke loose on June 7th, 1999. On June 7th, I was working as a cop in Plymouth and I got a call from Denise. She said she was at the Pitt County Hospital and that Marquita had made some type of accusation about me. I didn't understand what was going on but I told her to get Marquita checked out by the doctor. Then I said something like, "I don't know what you and your Mother are up to, but you better leave me alone." I knew I hadn't done anything, and I was tired from my shift, so I hung up. J.R.

After that, my daughter was taken away from me and I was under investigation. I did everything I was supposed to do. I talked to Investigator Johnny Craft, I wanted to take a polygraph, I spoke to the psychiatrist, and I stayed with friends because I was ordered to stay away. In July, I was on duty and got hurt in a car crash and had to be hospitalized. I was still cooperating with the investigation and wanted to take a polygraph. In the meantime, Denise was working with DSS and taking care of all the kids by herself. Denise kept telling me that Marquita was saying that she missed her Daddy and wanted him home. J.R.

In early September, I went back home because I wasn't getting any information about the investigation and I thought things were fine. Denise's brother, Kevin, stayed with us for

two weekends. On September 12th, Miss Lemaine came over to try and talk to me but I refused to talk to her. On September 14th, I was arrested at the house. I stayed in jail for 38 days until my bond was reduced. Then I stayed with friends in Plymouth. I cooperated with everything anyone asked. J.R.

In January of 2000, DSS took Marquita from Denise and put her in foster care. A little while later, Marquita was placed with her Grandma. J.R.

In September of 2001, we had the civil DSS hearing. Our first judge had to take a leave of absence and a second judge picked up the case and ignored the first judge's orders. At the hearing, Curtis and Lamar testified and Denise and I watched them on closed-circuit TV. Donald refused to testify unless I was in the courtroom, so we saw him testify. All of the boys said that it didn't happen. The Judge ruled that Marquita couldn't be with me or Denise. J.R.

After the civil DSS hearing, I went to see Denise's brother, Kevin, play in a basketball game. I didn't know Denise and Marquita would be there. When I saw Marquita I told her I loved her. Miss Lemaine was there, and I was picked up later and my bond was revoked. I was in custody from then on. J.R.

My first criminal trial was January 16th-18th, 2001. The jury hung 11-1. I heard it was 11 for not guilty, but I don't know for sure. Then my second trial was January 29th-31st, 2001, and I was convicted. J.R.

At the first trial, the jury knew that I was a cop, but they didn't know it at the second trial. Miss Lemaine testified differently at all three of my trials. When Marquita testified at the first criminal trial, she was very confused and didn't know what was going on. She was only seven years-old and they made her put her head down in her arms during court proceedings. At the second trial, Marquita testified and knew the answers to everything. When the jury came back guilty, I felt in a daze and zombified and I couldn't believe it. My attorney said, "they got to Marquita" and I had no grounds for appeal. I wrote to my attorney from prison three times asking her to appeal, but she never responded. J.R.

Even when I was in prison, I suffered most because I knew my daughter was with Ms. Lemaine. Denise got Marquita back three to three and a half years ago. I was released on December

8th, 2002. I have bounced around from different places since then. I know live in Georgia.

NR

I have never ever touched my daughter or any child in a sexual way. I never would hurt any child. I did not do this.

NR

When Quita said that I cracked her feet, I think she was talking about that I would pop her toes. You know, make the knuckles crack. It was a funny game with the kids. When Quita did the dancing motion, that is because there was a commercial that used to come on and me and Donald would dance to it and bump Quita as we danced. It was just being silly with my kids. Quita used to get bad stomach aches when she was little and I would rub her back and belly to help make her feel better. Quita said that I used to say, "Momma, it's time for school," to wake her up. I call Quita "Momma" as a pet name.

NR

It really beats me down that Donald and Quita have missed a lot of school because of this. Marquita has trouble with seizures and I don't know what damage has been done over the years. Her IQ is below average and she is in special classes at school. She has been through so much. In my eyes, I failed to protect my daughter from the person I hate most in this world. I live with that on the inside.

NR

Everything in this affidavit is the truth. I want to tell people what really happened. I have never hurt my kids.

NR

This is the 19 day of November, 2007

Henry A. Reeves III
Henry "Hank" Reeves (age 41)

FURTHER THE AFFIANT SAYETH NOT

Sworn and Subscribed before me this 19 day of November, 2007

Autumn A. Cole
Notary Public for the State of Georgia

My Commission Expires: Jan. 29 2011

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Donald Reeves

Donald Reeves is Marquita's 16 year-old full brother. He was eight years-old when the abuse allegations were made. By all accounts (including Bobby Lemaine's testimony), Donald was present when the initial allegation was made. Donald did not testify at either criminal trial.

Donald was interviewed by DSS and the sheriff's department prior to trial and made statements that tended to corroborate the allegations of abuse.

Tracey Hoebach from the Department of Social Services interviewed Donald shortly after the allegations were made. The exact date of the interview is unknown, but appears to have been within a week of the allegations. Donald was interviewed privately at his grandmother's home.¹⁹ In the interview, Donald stated that he saw his sister on top of his father in bed without clothes on (DSS interview of Donald). Please review the attached interview for the detailed account.

On June 22, 1999, Sergeant Kilpatrick and Detective Craft interviewed Donald at Bobby Lemaine's home. Detective Craft now recalls that Bobby Lemaine was present for the interview (interview with Det. Craft 11/5/07). Donald denied seeing sexual activity between his sister and his father, but said that Marquita said "Dad told her to suck his dick and look at it. She told me he tried to stick it in her." Please review the attached notes from the Sheriff's interview.

Donald did testify at the DSS custody hearing, but it is impossible to obtain a transcript of that hearing. Amanda Smith Stroud, Barbara Hardy's attorney for the DSS hearing, did recall that Donald testified and that all the boys stated that the grandmother misconstrued Marquita's innocent statements, but Ms. Smith could not recall the testimony beyond that (Interview with Amanda Smith 10/26/07).

Donald is now 16 years-old and lives in Georgia with his family. Grace Wallace and Kendra Montgomery-Blinn traveled to Georgia and interviewed Donald on October 9, 2007. The interview took place at a neutral location with no other family members present. Donald's interview was incorporated into an affidavit that Donald edited and signed on October 10, 2007. The affidavit is attached and speaks for itself. Donald indicated that Marquita's disclosure was not about abuse at all and that Bobby Lemaine coached Marquita.

Various letters from when Donald was younger are attached that tend to corroborate Donald's current affidavit. The first letter is something that Donald wrote to his father while he was in prison. It is unknown if someone asked him to write it, but he was living with his mother

¹⁹ In Donald's current affidavit, he states that at that time he wanted to please Ms. Lemaine.

at the time. The second letter is more useful because Donald wrote it at school as part of an assignment for Grandparent's Day and he was not asked to write it by his mother.²⁰ The third letter is part of a statement that Donald wrote at the request of his mother.

²⁰ The letter is dated September 6, 2000 and Grandparent's Day did indeed fall a few days later on September 10, 2000 (www.hallmark.com).

Donald Reeves Social worker interviewed child privately in back room at grandmother's house. Social worker observed child to be dressed appropriate and was a little dirty from playing outside. Child reported he and his siblings and mother and grandmother and two uncles are going to Disney World the week of July 4th. Social worker asked where he was living

and child reported he and his mother were staying with their grandmother and that his parents were breaking up. Social worker asked child why and he told social worker, "because he molested my sister." Social worker asked child ~~what~~ ^{where} is molestation. Child told social worker it meant his father messed with his sister's private parts. Social worker asked child if he ever saw anything happen between his father and sister and he told social worker he did. Child said, "I saw my sister laying on top of my daddy." Social worker asked child if their clothes were on or off and he told social worker they were off. Child added that his sister was going up and down. Child told social worker he saw this happen several times and that his father and sister were always in the bed together. He added that father would make him go outside and leave Marquita inside. Child explained sleeping arrangements and told social worker they had three bedrooms in their trailer. He told social worker his sister did not like sleeping in her room and that she would get in bed with him sometimes and that when he woke up she would be in bed with their father. Child explained ^{and} sometimes his mother and father would argue and his mother would sleep with him and his sister would sleep with their father. Social worker asked child if anyone has ever touched his private areas and child reported no. Social worker asked why and child explained his mother told him their father did not mess with him, because he would have told. Skwer asked why and child responded, "because I tell everything." Child told social worker his parents fought a lot and child described hitting, pushing and slapping. Child told social worker one time his father hit his mother's head against the wood frame of the bed and that mother could not see clearly. Child told social worker father did not beat him. Social worker asked child what happened when he was bad and child reported his parents would pinch him or give him a warning. Social worker asked what happened when they were good and he ^{re}ported his father would give them money. Social worker asked if they got the same amount and child reported sometimes his father would give his sister more money and tell her not to tell him, but she did anyway. Social worker asked child about bruises or marks and child reported he has had some in the past from his father, but none recently. Child further explained that his mother is looking for an apartment and that they will be moving soon. Social worker asked child if his parents drank anything and he told social worker his father drank a couple of beers sometimes and that his mother did not drink or smoke "because she is a Christian." HE added that his mother is not talking to his father, because she is mad at him. Social worker asked child what he would like to see happen and he told social worker "for my daddy to quit messing with my sister." Done

Sheriff Department Interview of Donald Reeves

FOLLOW-UP

[Narrative ID = 9905464

INC000002]

Added 06/23/99 - 15:13:56 By KILPATRICK K L

VICTIM: MARQUITA REEVES
CHILD ABUSE SEXUAL

ON 6-8-99 INVESTIGATOR CRAFT REVIEWED HIS CASE WITH ME. HE REQUESTED ME TO ASSIST HIM WITH THIS CASE. I TOLD HIM I WOULD. I SPOKE WITH TRACY HOBACK, DSS, AND LEARNED THAT SHE HAD BEEN ASSIGNED THIS CASE. I ADVISED HER THAT JOHNNY CRAFT WOULD BE ASSIGNED THIS CASE BUT I WOULD BE ASSISTING HIM.

ON 6-22-99 I LEARNED FROM HOBACK THAT THERE WAS WAS BROTHER LIVING IN THE HOME ALSO. THE BROTHER'S NAME WAS DONALD AND SHE HAD INTERVIEWED HIM. HOBACK STATED DONALD HAD TOLD HER THAT HE WITNESSED HIS SISTER BOUNCING UP AND DOWN ON HIS FATHER'S STOMACH SEVERAL TIMES WHILE SHE WAS IN THE BED WITH HER FATHER. HOBACK STATED DONALD STATED THIS HAPPENED IN THE FATHER'S ROOM WHEN HIS MOTHER WAS AT WORK.

INVESTIGATOR CRAFT SPOKE WITH DONALD'S GRANDMOTHER AND AN INTERVIEW WAS SCHEDULED FOR 6-22-99 AT 10:00AM AT HER HOME. AN INTERVIEW WAS DONE WITH DONALD REEVES AT THAT TIME. (SEE ATTACHED) DURING THE INTERVIEW DONALD STATED TO ME THAT WHAT HE SAW IN HIS FATHER'S ROOM WAS HIS SISTER ASLEEP ON HIS FATHER'S STOMACH. WHEN ASKED WHAT WAS HIS FATHER DOING, DONALD STATED HE WAS ASLEEP TOO. DONALD STATED THE BOUNCING UP AND DOWN HAPPENED ONE TIME IN THE LIVINGROOM AND ALL OF THEM WERE WATCHING A MOVIE.

AT THIS WE ARE ATTEMPTING TO SCHEDULE HENRY REEVES FOR A POLYGRAPH AT THE S.B.I. OFFICE.

K Kilpatrick

6-23-99

PITT COUNTY SHERIFF'S OFFICE
Interview Report

OCA Number : 9905464
Officer : 559 KILPATRICK K L
Distribution : D/A'S OFFICE

Interviewed : REEVES, DONALD MICHAEL
Relationship : INOTHER 001
Address : 5644 MOSS LANE, WASHINGTON, NC
Race : B Sex : M DOB : // POB :
SSN : Home Phone : 252-948-0303
Employer :
Address :
Work Phone :

Interview Date : 06/23/99 Time Begun : 0950 Time Ended : 1020
Location : 105 GREENBRIAR DRIVE
Others Present : DET. J. CRAFT, BOBBY LAMAINÉ
Miranda Rights : N/A

INTERVIEW [Narrative ID = 9905464 001IVNO01001]
Added 06/23/99 - 13:14:44 By KILPATRICK K L

(Q) HELLO, MY NAME IS KAREN KILPATRICK AND I WORK AT THE SHERIFF'S OFFICE. IN MY JOB I TALK TO A LOT OF PEOPLE. SOME OF THE PEOPLE ARE YOUR AGE. SOME ARE OLDER AND SOME ARE YOUNGER THAN YOU. I TALK TO THEM ABOUT ANY PROBLEMS THEY MAYBE HAVING AND THINGS LIKE THAT. IS IT ALRIGHT IF WE TALK TODAY? DONALD STATED YES.

(Q) DO YOU KNOW WHY I CAME TO TALK TO YOU TODAY? DONALD STATED YES. (Q) WHY DID I COME TO TALK TO YOU? DONALD STATED TO TALK TO ME ABOUT MY DAD. (Q) O.K. WHO IS YOUR DAD? WHAT IS HIS NAME? DONALD STATED HANK REEVES. (Q) WHO TOLD YOU I WAS COMING TO SEE YOU? DONALD STATED MY GRANDMA. (Q) CAN YOU TELL ME WHAT YOUR MOM'S NAME IS? DONALD STATED BARBARA HARDY.

(Q) DO YOU LIVE WITH YOUR MOM AND DAD? DONALD STATED NO, NO MORE. (Q) BEFORE YOU CAME TO STAY WITH YOUR GRANDMA, DID YOU LIVE WITH YOUR MOM AND DAD? DONALD STATED YES AND MY SISTER. (Q) WHAT IS YOUR SISTER'S NAME? DONALD STATED MARQUITA. (Q) WHERE DOES YOUR MOM LIVE? DONALD STATED I DON'T KNOW. (Q) WHERE DOES YOUR DAD LIVE? DONALD STATED DON'T KNOW, MAYBE RIVERCREEK.

(Q) DO YOU KNOW THE ADDRESS AT RIVERCREEK? DONALD STATED 5644 MOSS LANE. (Q) WHAT SCHOOL WILL YOU BE GOING TO THIS YEAR? DONALD STATED I DON'T KNOW. (Q) WHAT SCHOOL DID YOU GO TO LAST YEAR? DONALD STATED PACTOLUS. (Q) WHAT GRADE ARE YOU GOING TO BE IN? DONALD STATED THE 3RD. (Q) WHAT IS THE BEST THING YOU LIKE TO DO IN SCHOOL? DONALD STATED PLAY WITH MY FRIENDS.

(Q) CAN YOU TELL ME YOUR FULL NAME? DONALD STATED DONALD MICHAEL REEVES. (Q) WHAT DO YOU LIKE TO BE CALLED? DONALD STATED D-MIKE. (Q) CAN I CALL YOU D-MIKE? WILL THAT BE O.K.? DONALD STATED YES. (Q) O.K. D-MIKE HOW OLD IS YOUR SISTER, MARQUITA? DONALD STATED SHE IS 6 YEARS OLD. (Q) IS SHE STAYING HERE WITH YOU? DONALD STATED YES. (Q) YOUR TWO OLDER BROTHERS ARE STAYING HERE ALSO? DONALD STATED YES. (Q) WHAT ARE THEIR

NAMES? DONALD STATED LAMAR AND CURTIS. (Q) D-MIKE, YOUR BROTHERS HAVE BEEN STAYING WITH YOUR GRANDMA FOR A COUPLE OF YEARS, HAVEN'T THEY? DONALD STATED YES.

(Q) HAVE YOU ALWAYS BEEN LIVING AT RIVERCREEK? DONALD STATED NO. WE LIVED IN NEW JERSEY TOO. (Q) HOW LONG DID YOU LIVE IN NEW JERSEY? DONALD STATED I DON'T KNOW. (Q) WERE YOU BORN IN NEW JERSEY? DONALD STATED YES. (Q) HOW OLD WERE YOU WHEN YOU MOVED AWAY FROM NEW JERSEY? DONALD STATED ABOUT 3 OR 4 YEARS OLD.

(Q) YOU SAID YOU WERE TOLD I WAS COMING TO TALK ABOUT YOUR DAD. (Q) CAN YOU TELL ME WHAT ABOUT YOUR DAD? DONALD STATED HAD MY DAD DONE ANY THING TO MY SISTER. (Q) HAS YOUR DAD DONE ANY THING TO YOUR SISTER? DONALD STATED YES. (Q) WHAT DO YOU KNOW ABOUT THAT AND CAN YOU TELL ME? DONALD STATED EVERY NIGHT WHEN WE GO TO BED. MY SISTER WILL BE ON HIS STOMACH.

(Q) WHERE DID EVERYONE SLEEP AT THE HOUSE IN RIVERCREEK? DONALD STATED MY MOM AND DAD HAVE A ROOM. MY MOM DON'T GET HOME UNTIL 11 OR 12 AT NIGHT. (Q) IS THAT THE SHIFT SHE ALWAYS WORKS? DONALD STATED YES. (Q) DOES SHE WORK MONDAY-FRIDAY? DONALD STATED YES AND SOMETIMES SATURDAY. (Q) D-MIKE HOW DOES YOUR DAD WORK? DONALD STATED DIFFERENT TIMES, DAYS AND SOMETIMES AT NIGHT. WE STAY HERE WHEN MOM AND DAD ARE WORKING AT THE SAME TIME. (Q) WHEN YOU STAYED HERE BECAUSE MOM AND DAD WERE WORKING. DID YOU STAY THE WHOLE NIGHT? DONALD STATED NO. MOM WOULD GET US WHEN SHE GOT OFF WORK.

(Q) WHEN YOU SAID YOU SAW YOUR SISTER ON YOUR DAD'S STOMACH. CAN YOU TELL ME WHO WAS HOME WHEN THIS HAPPENED? DONALD STATED ME, MY SISTER AND MY DAD. (Q) WHERE WAS YOUR MOM? DONALD STATED AT WORK. (Q) WHAT ROOM DID THIS HAPPEN IN? DONALD STATED MY MOM AND DAD'S ROOM. (Q) WAS IT DAY OR NIGHT? DONALD STATED NIGHT. IT IS NIGHT ALL THE TIME AND SOMETIMES IN THE DAY.

(Q) WAS YOUR MOM EVER HOME WHEN YOU SAW THIS? DONALD STATED NO. (Q) WAS IT BEFORE YOU WENT TO BED OR AFTER YOU WENT TO BED? DONALD STATED BEFORE I WENT TO BED BUT AFTER MY SISTER WENT TO BED. (Q) WHAT TIME DOES YOUR SISTER GO TO BED? DONALD STATED EARLY, 6,7, OR 8. (Q) WHAT TIME DO YOU GO TO BED? DONALD STATED 9.

(Q) DO YOU SLEEP IN YOUR ROOM? DONALD STATED YES. (Q) WHERE DOES YOUR SISTER SLEEP? DONALD STATED IN MY MOM AND DAD'S ROOM. SHE HAS ALWAYS DONE THAT. (Q) DOESN'T SHE HAVE A ROOM? DONALD STATED YES BUT IT HAS TEDDY BEARS AND STUFF IN IT. (Q) HAS SHE SLEPT IN YOUR MOM AND DAD'S ROOM SINCE SHE WAS BORN? DONALD STATED I CAN'T REMEMBER.

(Q) YOU SAID YOU SAW YOUR SISTER ON YOUR DAD'S STOMACH. HOW DID YOU SEE THIS? DONALD STATED I WENT IN THERE. I ALWAYS GO IN THERE. (Q) WAS THE DOOR TO YOUR DAD'S BEDROOM OPENED OR CLOSED? DONALD STATED CLOSED. (Q) WHERE THE LIGHTS IN THE HALL ON OR OFF? DONALD STATED OFF. (Q) WHEN YOU WENT INTO YOUR DAD'S BEDROOM, WHERE THE LIGHTS ON OR OFF? DONALD STATED

OFF. (Q) WHY DID YOU GO INTO YOUR DAD'S BEDROOM? DONALD STATED TO GET A MOVIE TO WATCH. I GOT THE MOVIE AND LEFT. (Q) YOU SAID YOU GO IN THERE ALL THE TIME. ARE YOU GOING IN THERE TO GET A MOVIE EVERY TIME? DONALD STATED NO. SOMETIMES I GO TO THE BATHROOM.

(Q) YOU SAID YOU SAW YOUR SISTER ON YOUR DAD'S STOMACH? DONALD STATED YES. (Q) WHAT WAS YOUR SISTER DOING WHEN YOU SAW HER? DONALD STATED SHE WAS SLEEPING. (Q) AND WHAT WAS YOUR DAD DOING THAT NIGHT? DONALD STATED HE WAS SLEEPING TOO. (Q) DID YOU TELL ME THAT YOU SAW THIS MORE THAN ONCE? DONALD STATED YES. (Q) THE OTHER TIMES YOU SAW THIS, WHAT WAS YOUR SISTER DOING? DONALD STATED SHE WAS ASLEEP THEN, TOO. (Q) AND YOUR DAD WHAT WAS HE DOING THOSE TIMES? DONALD STATED HE WAS SLEEPING. (Q) CAN YOU SHOW ME WHERE YOUR SISTER'S HEAD WAS THE TIMES YOU SAW HER IN YOUR DAD'S ROOM? DONALD STATED SHE WAS LAYING ON HER STOMACH AND HER HEAD WAS ON THE SIDE. HER HEAD WAS RIGHT ABOUT HERE. (SHOWING ME ON HIS BODY THAT THE TOP OF HER HEAD WOULD HAVE BEEN JUST BELOW THE CHIN.)

(Q) DID YOU EVER SEE ANY THING ELSE GOING ON WHEN YOU WALKED IN? DONALD STATED NO. (Q) DO YOU REMEMBER TALKING TO A LADY? THE LADY WAS FROM SOCIAL SERVICES AND HER NAME IS TRACY? DONALD STATED YES. (Q) SHE TOLD ME THAT YOU SAID THAT ONE TIME YOU SAW YOUR SISTER BOUNCING UP AND DOWN ON YOUR DAD'S STOMACH. DID YOU TELL MS. TRACY THIS? DONALD STATED YES. (Q) CAN YOU TELL ME ABOUT THIS? DONALD STATED YES. WE WERE IN THE LIVING ROOM WATCHING A MOVIE. (Q) WHO IS WE? DONALD STATED ME, DAD AND MARQUITA. MY DAD WAS LAYING ON THE LONG COUCH AND MARQUITA GOT UP ON HIS STOMACH AND BOUNCED ON HIM. (Q) TELL ME AGAIN WHAT PART OF HIS BODY DID SHE BOUNCE ON? DONALD STATED HIS STOMACH.

(Q) WHAT WAS YOUR DAD WEARING WHEN THIS HAPPENED? DONALD STATED I DON'T REMEMBER. (Q) DID HE HAVE HIS CLOTHES ON OR OFF? DONALD STATED HE HAD CLOTHES ON BUT I DON'T REMEMBER WHAT. (Q) O.K. D-MIKE DO YOU REMEMBER WHAT YOUR SISTER HAD ON? DONALD STATED YES. A SHIRT AND SOME DRAWERS. (Q) DRAWERS DO YOU MEAN UNDERWEAR OR PANTS? DONALD STATED UNDERWEAR.

(Q) HAS YOUR SISTER EVER TALKED TO ABOUT SOMETHING HAPPENING TO HER? DONALD STATED NO, NOT AT THE TRAILER. (Q) O.K. WHEN YOU CAME TO STAY WITH YOUR GRANDMA, DID YOUR SISTER TELL YOU ANY THING? DONALD STATED YES, WHEN WE CAME HERE. (Q) CAN YOU TELL ME WHAT MARQUITA SAID TO YOU DONALD STATED YES. SHE SAID MY DAD TOLD HER TO SUCK HIS DICK AND LOOK AT IT. SHE TOLD ME HE TRIED TO STICK IT IN HER.

(Q) HAVE YOU EVER HEARD YOUR DAD USE THE WORD DICK BEFORE? DONALD STATED NO. (Q) HAVE YOU SEEN YOUR DAD UPSET OR MAD? DONALD STATED YES. (Q) WHEN HE GETS UPSET OR MAD DOES HE USE BAD WORDS OR CUSS? DONALD STATED NO. (Q) WHEN YOU DO SOMETHING WRONG AND GET PUNISHED, WHAT KIND OF PUNISHMENT DO YOU GET? DONALD STATED SOMETIME A WHOOPING. (Q) DOES YOUR DAD WHOOP YOU? DONALD STATED NO. HE HASN'T WHOOPED US IN A LONG TIME.

(Q) WHAT DOES YOUR DAD WEAR TO BED TO SLEEP IN? DONALD STATED I DON'T SEE WHAT HE WEARS BECAUSE HE IS UNDER THE COVERS. (Q) O.K. D-MIKE, WHEN HE

*Donald
Harold*

214

AGENCY ID
NC 0740000

PITT COUNTY SHERIFF'S OFFICE
INTERVIEW
Narrative Continuation Page : 3

CASE NUMBER
9905464 001

IS WALKING AROUND LATE AT NIGHT BEFORE YOU GO TO BED, WHAT DOES YOUR DAD WEAR? DONALD STATED A STRAP. (Q) I DON'T UNDERSTAND WHAT THAT MEANS. IT THAT A PAIR OF PANTS? DONALD STATED NO. IT IS LIKE WHAT YOU PUT ON AFTER YOU GET OUT OF THE BATH TUB. (Q) A ROBE? DONALD STATED YES. A STRIPED ROBE.

(Q) IS THERE ANY THING YOU WANT TO TELL ME I DID NOT ASK YOU? DONALD STATED NO. (Q) DO YOU HAVE ANY QUESTIONS? DONALD STATED NO.

INTERVIEW CONCLUDED.

NAMES? DONALD STATED LAMAR AND CURTIS. (Q) D-MIKE, YOUR BROTHERS HAVE BEEN STAYING WITH YOUR GRANDMA FOR A COUPLE OF YEARS, HAVEN'T THEY? DONALD STATED YES.

(Q) HAVE YOU ALWAYS BEEN LIVING AT RIVERCREEK? DONALD STATED NO. WE LIVED IN NEW JERSEY TOO. (Q) HOW LONG DID YOU LIVE IN NEW JERSEY? DONALD STATED I DON'T KNOW. (Q) WERE YOU BORN IN NEW JERSEY? DONALD STATED YES. (Q) HOW OLD WERE YOU WHEN YOU MOVED AWAY FROM NEW JERSEY? DONALD STATED ABOUT 3 OR 4 YEARS OLD.

(Q) YOU SAID YOU WERE TOLD I WAS COMING TO TALK ABOUT YOUR DAD. (Q) CAN YOU TELL ME WHAT ABOUT YOUR DAD? DONALD STATED HAD MY DAD DONE ANY THING TO MY SISTER. (Q) HAS YOUR DAD DONE ANY THING TO YOUR SISTER? DONALD STATED YES. (Q) WHAT DO YOU KNOW ABOUT THAT AND CAN YOU TELL ME? DONALD STATED EVERY NIGHT WHEN WE GO TO BED. MY SISTER WILL BE ON HIS STOMACH.

(Q) WHERE DID EVERYONE SLEEP AT THE HOUSE IN RIVERCREEK? DONALD STATED MY MOM AND DAD HAVE A ROOM. MY MOM DON'T GET HOME UNTIL 11 OR 12 AT NIGHT. (Q) IS THAT THE SHIFT SHE ALWAYS WORKS? DONALD STATED YES. (Q) DOES SHE WORK MONDAY-FRIDAY? DONALD STATED YES AND SOMETIMES SATURDAY. (Q) D-MIKE HOW DOES YOUR DAD WORK? DONALD STATED DIFFERENT TIMES, DAYS AND SOMETIMES AT NIGHT. WE STAY HERE WHEN MOM AND DAD ARE WORKING AT THE SAME TIME. (Q) WHEN YOU STAYED HERE BECAUSE MOM AND DAD WERE WORKING. DID YOU STAY THE WHOLE NIGHT? DONALD STATED NO. MOM WOULD GET US WHEN SHE GOT OFF WORK.

(Q) WHEN YOU SAID YOU SAW YOUR SISTER ON YOUR DAD'S STOMACH. CAN YOU TELL ME WHO WAS HOME WHEN THIS HAPPENED? DONALD STATED ME, MY SISTER AND MY DAD. (Q) WHERE WAS YOUR MOM? DONALD STATED AT WORK. (Q) WHAT ROOM DID THIS HAPPEN IN? DONALD STATED MY MOM AND DAD'S ROOM. (Q) WAS IT DAY OR NIGHT? DONALD STATED NIGHT. IT IS NIGHT ALL THE TIME AND SOMETIMES IN THE DAY.

(Q) WAS YOUR MOM EVER HOME WHEN YOU SAW THIS? DONALD STATED NO. (Q) WAS IT BEFORE YOU WENT TO BED OR AFTER YOU WENT TO BED? DONALD STATED BEFORE I WENT TO BED BUT AFTER MY SISTER WENT TO BED. (Q) WHAT TIME DOES YOUR SISTER GO TO BED? DONALD STATED EARLY, 6,7, OR 8. (Q) WHAT TIME DO YOU GO TO BED? DONALD STATED 9.

(Q) DO YOU SLEEP IN YOUR ROOM? DONALD STATED YES. (Q) WHERE DOES YOUR SISTER SLEEP? DONALD STATED IN MY MOM AND DAD'S ROOM. SHE HAS ALWAYS DONE THAT. (Q) DOESN'T SHE HAVE A ROOM? DONALD STATED YES BUT IT HAS TEDDY BEARS AND STUFF IN IT. (Q) HAS SHE SLEPT IN YOUR MOM AND DAD'S ROOM SINCE SHE WAS BORN? DONALD STATED I CAN'T REMEMBER.

(Q) YOU SAID YOU SAW YOUR SISTER ON YOUR DAD'S STOMACH. HOW DID YOU SEE THIS? DONALD STATED I WENT IN THERE. I ALWAYS GO IN THERE. (Q) WAS THE DOOR TO YOUR DAD'S BEDROOM OPENED OR CLOSED? DONALD STATED CLOSED. (Q) WHERE THE LIGHTS IN THE HALL ON OR OFF? DONALD STATED OFF. (Q) WHEN YOU WENT INTO YOUR DAD'S BEDROOM, WHERE THE LIGHTS ON OR OFF? DONALD STATED

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OFF. (Q) WHY DID YOU GO INTO YOUR DAD'S BEDROOM? DONALD STATED TO GET A MOVIE TO WATCH. I GOT THE MOVIE AND LEFT. (Q) YOU SAID YOU GO IN THERE ALL THE TIME. ARE YOU GOING IN THERE TO GET A MOVIE EVERY TIME? DONALD STATED NO. SOMETIMES I GO TO THE BATHROOM.

(Q) YOU SAID YOU SAW YOUR SISTER ON YOUR DAD'S STOMACH? DONALD STATED YES. (Q) WHAT WAS YOUR SISTER DOING WHEN YOU SAW HER? DONALD STATED SHE WAS SLEEPING. (Q) AND WHAT WAS YOUR DAD DOING THAT NIGHT? DONALD STATED HE WAS SLEEPING TOO. (Q) DID YOU TELL ME THAT YOU SAW THIS MORE THAN ONCE? DONALD STATED YES. (Q) THE OTHER TIMES YOU SAW THIS, WHAT WAS YOUR SISTER DOING? DONALD STATED SHE WAS ASLEEP THEN, TOO. (Q) AND YOUR DAD WHAT WAS HE DOING THOSE TIMES? DONALD STATED HE WAS SLEEPING. (Q) CAN YOU SHOW ME WHERE YOUR SISTER'S HEAD WAS THE TIMES YOU SAW HER IN YOUR DAD'S ROOM? DONALD STATED SHE WAS LAYING ON HER STOMACH AND HER HEAD WAS ON THE SIDE. HER HEAD WAS RIGHT ABOUT HERE. (SHOWING ME ON HIS BODY THAT THE TOP OF HER HEAD WOULD HAVE BEEN JUST BELOW THE CHIN.)

(Q) DID YOU EVER SEE ANY THING ELSE GOING ON WHEN YOU WALKED IN? DONALD STATED NO. (Q) DO YOU REMEMBER TALKING TO A LADY? THE LADY WAS FROM SOCIAL SERVICES AND HER NAME IS TRACY? DONALD STATED YES. (Q) SHE TOLD ME THAT YOU SAID THAT ONE TIME YOU SAW YOUR SISTER BOUNCING UP AND DOWN ON YOUR DAD'S STOMACH. DID YOU TELL MS. TRACY THIS? DONALD STATED YES. (Q) CAN YOU TELL ME ABOUT THIS? DONALD STATED YES. WE WERE IN THE LIVING ROOM WATCHING A MOVIE. (Q) WHO IS WE? DONALD STATED ME, DAD AND MARQUITA. MY DAD WAS LAYING ON THE LONG COUCH AND MARQUITA GOT UP ON HIS STOMACH AND BOUNCED ON HIM. (Q) TELL ME AGAIN WHAT PART OF HIS BODY DID SHE BOUNCE ON? DONALD STATED HIS STOMACH:

(Q) WHAT WAS YOUR DAD WEARING WHEN THIS HAPPENED? DONALD STATED I DON'T REMEMBER. (Q) DID HE HAVE HIS CLOTHES ON OR OFF? DONALD STATED HE HAD CLOTHES ON BUT I DON'T REMEMBER WHAT. (Q) O.K. D-MIKE DO YOU REMEMBER WHAT YOUR SISTER HAD ON? DONALD STATED YES. A SHIRT AND SOME DRAWERS. (Q) DRAWERS DO YOU MEAN UNDERWEAR OR PANTS? DONALD STATED UNDERWEAR.

(Q) HAS YOUR SISTER EVER TALKED TO ABOUT SOMETHING HAPPENING TO HER? DONALD STATED NO, NOT AT THE TRAILER. (Q) O.K. WHEN YOU CAME TO STAY WITH YOUR GRANDMA, DID YOUR SISTER TELL YOU ANY THING? DONALD STATED YES, WHEN WE CAME HERE. (Q) CAN YOU TELL ME WHAT MARQUITA SAID TO YOU DONALD STATED YES. SHE SAID MY DAD TOLD HER TO SUCK HIS DICK AND LOOK AT IT. SHE TOLD ME HE TRIED TO STICK IT IN HER.

Marquita told this

(Q) HAVE YOU EVER HEARD YOUR DAD USE THE WORD DICK BEFORE? DONALD STATED NO. (Q) HAVE YOU SEEN YOUR DAD UPSET OR MAD? DONALD STATED YES. (Q) WHEN HE GETS UPSET OR MAD DOES HE USE BAD WORDS OR CUSS? DONALD STATED NO. (Q) WHEN YOU DO SOMETHING WRONG AND GET PUNISHED, WHAT KIND OF PUNISHMENT DO YOU GET? DONALD STATED SOMETIME A WHOOPING. (Q) DOES YOUR DAD WHOOP YOU? DONALD STATED NO. HE HASN'T WHOOPED US IN A LONG TIME.

(Q) WHAT DOES YOUR DAD WEAR TO BED TO SLEEP IN? DONALD STATED I DON'T SEE WHAT HE WEARS BECAUSE HE IS UNDER THE COVERS. (Q) O.K. D-MIKE, WHEN HE

Robe

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99CRS065056

STATE OF NORTH CAROLINA)
)
v.) AFFIDAVIT
)
)
HENRY ARCHIE REEVES, III,)
Defendant/Convicted Person)

AFFIDAVIT OF DONALD REEVES

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, on this day *DMR*
personally appeared Donald Reeves, known to me to be the person
whose name is hereunder subscribed, who being first duly sworn
on this oath deposed and said as follows:

My name is Donald Michael Reeves and I am 16 years old. I
am qualified in all respects to make this affidavit. All of the *DMR*
facts stated herein are within my personal knowledge and are
true and correct.

My Mom's name is Denise Hardy and my Dad is Henry "Hank"
Reeves. My older brothers are Curtis and Lamar, and we have the *DMR*
same Mom. My younger sister is Marquita. I was born in Newark,
New Jersey. We moved from New Jersey when I was two, so I don't
remember living there. We moved to Greenville, North Carolina.
Now we live in Georgia.

I remember living in North Carolina. We had a three
bedroom trailer. I had my own room, but I slept in my parents'
room. We had a trampoline in the back and I was the best
flipper. I remember waking up to the smell of French toast. My *DMR*
Mom worked at ASMO factory. My Dad became a cop and he came to
my kindergarten in his uniform and I was really proud.

After school, we stayed at Miss Bobby's (my Grandmother's)
house and Dad would pick us up. When Lamar was in 5th grade, he *DMR*
got kicked out and he went to live with Miss Bobby.

I remember staying with Miss Bobby and I didn't like it. I don't remember how old I was. She treated us like we weren't her grandchildren. We called her Miss Bobby instead of Grandmother. She was a very difficult person. She made us kids work. She made us massage her feet, sweep the floor, and clean up after the other kids. She ran a daycare out of the house. My Dad used to take us out for French toast, and I saw from my brothers' faces that they wanted to go but Miss Bobby said they were in boot camp.

DMR

Miss Bobby used to do crazy things, like dig up her stuff. I mean she would touch herself and then make us smell it to tease us. Miss Bobby would whip us and would call our uncle if she was too tired to do it. This happened to my brothers all the time, and to my Uncle Kevin who was more like a brother because he was only a year older than Curtis. I don't remember her ever hitting Marquita. One time, my Uncle beat me with a belt and the belt line and emblem left marks on my arm that were raised up. I had to wear long sleeves for a long time so my Dad didn't see.

DMR

I love my family and it's not right that Miss Bobby tried to turn us against our parents. Miss Bobby would say she wished my Dad would die and that she wished my Mom would leave him. This made me dislike Miss Bobby more. My Dad never tried to turn me away from Miss Bobby. The only way I knew that he didn't like Miss Bobby was because I heard my Mom and Dad arguing about her once.

DMR

That day, at Miss Bobby's house, I was in the back part of the house in the daycare area. Curtis, Kevin, Lamar, Quita, and maybe some daycare kids were there. Miss Bobby was in the living room asleep. I said I had a secret. I had heard my Dad talking to a woman on the phone and they were talking in sexual ways. This had happened about a week before. I brought it up because it upset me. The other kids said I should tell Miss Bobbie. My sister interrupted and said she had a secret too. She said "My daddy be cracking my feet." I know she said more but that's all I can remember for sure. I guess, the reason I said this was because Miss Bobby used to talk about my Dad and I wanted to make her happy. My sister likes to follow me and do things I do.

DMR

We went to the living room to tell Miss Bobby. I first told Miss Bobby my story and she just brushed it off. My sister told Miss Bobby about Dad cracking her feet and Miss Bobby

DMR

started asking her crazy things like where did he touch her and did he push himself on her. The look on my sister's face was in defense. She wanted to please Miss Bobby. She didn't know what she was talking about. DMR

It all seemed like a dream from that day on. I saw my Mom cry real hard. It didn't seem real. I didn't understand it all because I was so young. I didn't understand Dad could go to prison. I was just excited that my brothers were coming back to stay with us. DMR

Some time after, I don't remember when it was, me and Lamar walked in and Miss Bobby was quizzing Quita right before the Sheriff came over. She was quizzing her about what Dad's penis looked like; "How big was it? What color was it? What did it look like?" Quita said it was grey and Miss Bobby said "No, it had to be brown or something." Quita said "Yeah." DMR

I remember Social Services got involved. They came to the trailer and talked to Mom. I remember going to court and I did testify. I remember showing the marks on my arm from when my uncle beat me because Miss Bobby told him to. They asked me to point out the woman who said that I said I had seen Quita on Dad's lap naked, but I didn't know what they were talking about. A Social Services worker had asked me questions about school but that was it. When I was on the stand, they didn't even ask me what actually happened that day. I would have talked about that if they had asked. DMR

I never saw Dad do anything inappropriate to Quita. He would never do that. He was a loving person. He never touched me inappropriately. There is no chance my Dad did anything to Quita. DMR

Life after that was real different. Everything happened when I was eight, now I'm 16, so this is half my life. My Dad is a good Dad. My Mom is a great Mom. My Mom gives me my motivation. I want to go to college and play basketball. I just try to look ahead, but it still comes back to me sometimes. DMR

Miss Grace and Miss Kendra showed me letters that I wrote. The first letter I remember writing parts of. I don't remember when I wrote it but it's all true. I remember writing the second letter in 4th Grade in Aiden, North Carolina. It was a school assignment; we were supposed to write to our grandparents. I don't know how they got it because I turned it DMR

in. The third letter is the same handwriting I have now. I don't remember when I wrote it, but my Mom asked me to write it to give to a lawyer. D m R

That is all that I can remember. No one asked me to testify at the criminal trials. This is the truth and I want to tell the truth. D m R

This is the 10th day of October, 2007

Donald M. Reeves
Donald Reeves (age 16)



FURTHER THE AFFIANT SAYETH NOT

Sworn and Subscribed before me this 10th day of October, 2007

Grace E. Wallace
Grace E. Wallace
Notary Public for the State of North Carolina

My Commission Expires: August, 2012

6/26

Dear Dad,
Hey Dad! Are you OK. You
know I love you very much.
I miss you very much. I wish
~~you~~ where here right now.
But don't worry because that
will happen soon, very soon.
Yes tomorrow is my birthday.
You might think you didn't
get me nothing but you did.
You gave me the best gift.
You gave me love. And that's
the greatest thing you could
ever give me. Speaking of birthday
your birthday is next week. Don't
worry, I'll get you something.
I've got to go so bye
bye. I love you very very
much. One more thing, I saw
M-a-r-g-u-i-t-e-e-e-a she misses
you very much.

your son,
Donald

PS. I miss you.

Donald

9-6-00

- Miss BoBy I do not like you. you took my sister away from me. But we are going to get her back. You lied on my daddy, but when this is all over we are going to get you. And I hope you go to prison, not Jail but prison. So forget you. I do not care about you and you don't care about me, and if you did you wouldn't of did this to me, and you never did nothing for me. you don't even appreciated me. Now of us, you put words in my sisters mouth when you know she did not say them things, and you don't like my daddy, and you are just trying to get back on him, and you don't like your own daughter, you call her a Hoe if you were a good mom you wouldn't be calling her names, my mom don't call us

names, no body don't like
you. Oh yeah and I am
glade my brothers fussed
you out, you better be
glade some thin was wrong
with my bike, and all
you is a many hungry chicken,
you love many over god, and
you suppose to be a pricher,
you proftoot, I got much
more thigs to say about you
but my hand hurt, so forget
you on Grandparent's Day.
And that's all I got to
say write now about you,

My name is Donald Reeves and I would love to tell my life story from June 6, 1999 to May 2, 2005. Today. Well to start me and my brothers, Uncle (Kevin Swinson) and my little sister were playing in the backyard. My brothers went into the house so my uncle, sister, and myself followed along. So, as we began to play, I interrupted and said that I had a secret to tell. Well the past evening I had heard my father on the phone with another woman talking sexual. I dropped the phone because I was afraid. I was afraid that our family would break up and I would have to stay with my grandmother like my brothers, Curtis and Lamar. Well after I finished saying what I had to say my sister said she had a secret. She said that my father, Hank Reeves, was cracking her feet and it hurt her. So, after we all, me and my sister, said what we had to say, my brothers nudged ^{off} what my ~~and~~ sister said because my brothers knew what cracking her feet was really for. You see, in our family, it's twisted. Usually when someone says something stupid a person smacks them on the neck. Well in our family, you get your foot cracked. Well anyway my brothers, not liking my father, ran in to the living room with Miss Bobby, my grandmother, and told her what I →

Curtis Hardy

Curtis Hardy is the 22 year-old half brother of Marquita. Curtis was around 14 years-old when the allegations of abuse arose. At the time, Curtis and his brother Lamar were living with Bobby Lemaine and Donald and Marquita stayed at her home after school as well. By all accounts (including Bobby Lemaine's), Curtis was present when Marquita made the initial disclosure.

Curtis Hardy now lives in Georgia with his family. Ms. Montgomery-Blinn and Ms. Wallace interviewed him at a neutral location with no other family members present on October 9, 2007. The details of his interview were incorporated into an affidavit that Curtis edited and signed on October 10, 2007. The affidavit is attached. Curtis stated that he hated living with Ms. Lemaine and that she tried to turn the children against Mr. Reeves. Curtis stated that he was present when Marquita made the disclosure and that she was not talking about abuse at all. He stated that he witnessed Ms. Lemaine coaching and intimidating Marquita.

Curtis did not testify at either of the criminal trials. He did testify at the DSS custody hearing, but that transcript is not available. Steven Fisher's (Mr. Reeves civil attorney) had notes that state Curtis testified that Ms. Lemaine "Asked Marquita questions for about an hour – told her when she got down there, she better not lie or she'd get a whooping – get a stick and whoop you with it" (notes of Steven Fisher). Amanda Smith Stroud, the mother's attorney for the DSS hearing, did recall that all the brothers testified that the grandmother misconstrued Marquita's innocent statements, but Ms. Smith could not recall the testimony beyond that (Interview with Amanda Smith 10/26/07).

Attached are two letters that Curtis wrote when he was younger. Curtis reviewed the letters and stated that everything in them was true. The letters are useful for corroborative purposes. Please review the affidavit and the letters.

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99CRS065056.

STATE OF NORTH CAROLINA)
)
v.) AFFIDAVIT
)
)
HENRY ARCHIE REEVES, III,)
Defendant/Convicted Person)

AFFIDAVIT OF CURTIS HARDY

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, on this day personally appeared Curtis Ishmael Hardy, known to me to be the person whose name is hereunder subscribed, who being first duly sworn on this oath deposed and said as follows: C.H.

My name is Curtis Ishmael Hardy and I am 22 years old. I am qualified in all respects to make this affidavit. All of the facts stated herein are within my personal knowledge and are true and correct. C.H.

My Mom is Denise Hardy and my Dad is Richard Harris. My brothers are Lamar and Donald. My sister is Marquita. Henry "Hank" Reeves is my stepfather. I was born in Newark, New Jersey and we lived there until I was about nine. Then we moved to Washington, North Carolina for a better life. Now, we live in Georgia. C.H.

When I was little, Hank used to take me and my brother to fun places. He was more of a friend figure/older brother than a father. He was good to my Mom. C.H.

We moved to North Carolina and my Mom worked in a factory. Hank was working in a group home and later became a cop. Miss Bobby (my Grandma) lived nearby in Greenville, North Carolina. She ran a daycare center out of the house. We went to her house after school. C.H.

I didn't like the way Miss Bobby treated her grandkids. She made us call her "Miss Bobby," like the other daycare kids

would put on a song and would dance and knock her over and she'd get mad. C. H.

We brought Quita in to tell Miss Bobby, and Quita said, "He be crackin' my feet and he be hurtin' me." Miss Bobby said, "He's messing with your stuff? Don't lie to me or you get a whooping." She narrowed her eyes at Quita and Quita said, "Yes." Then Miss Bobby said, "He put his dick on you?" Quita didn't know what she meant. No one had ever said the word dick to her. C. H.

This was around 4pm. Miss Bobby didn't call DSS until 7pm. She spent the whole time telling Quita words to say. She was teaching her "dick," "pussy," and other stuff. The only words Quita knew were "coon-coon" and "boom-boom." I was there the whole time and I remember it all. Every chance she had, Miss Bobby would prep Quita. Quita first said that Hank's dick was three feet long (showed with her hands) and gray. Miss Bobby would correct her. C. H.

I remember DSS got involved and I thought that the DSS workers acted liked they had Quita in the palm of their hand. I remember testifying at the DSS hearing. I was about 13. Mom and Hank were not in the courtroom, they watched through the TV. I don't remember if Miss Bobby was there. At the time of the DSS hearing, I was starting to not be turned from Hank, but I was still afraid of Miss Bobby. I told the truth, but I was scared. I never went to court for the criminal trial, but I would have testified if they asked me to. C. H.

I know nothing bad happened between Hank and any kid. That's not even in Hank's stature. It's not something Hank would do. I know he didn't touch Quita. C. H.

After all this, I just gave up on life. Miss Bobby wouldn't let me play football and I was really good. Miss Bobby never let me run with the other kids. My Mom was crying all the time and there were bags under her eyes - She was just a mess, a workaholic. Hank acts different now, it's like he's still stuck in that year and he hasn't moved forward. He says over and over, "Why does God put people through this? Why did this happen? I love my kids. I didn't do it." C. H.

Grace and Kendra showed me a letter. It's missing the front page but it's exactly what I said before and it's all true.

Hi my name is Curtis Hardy
and I am 16 yrs of age. And
from what I ^{Remember} recall that happened
on that day was My ~~Brother~~ ^{Brother} said
that ~~he~~ had something to say that
he had a little secret to tell every
one about his dad cause he was told
that his daddy was a devil and my
grandma was trying to make all of us
not to hate him and make him out to
be a bad guy and then Donald said
I heard my dad talking to a woman over
the phone real nasty and that when
my sister Marguerite came out ^{said} ~~and~~ that my
daddy be cracking my feet and doing
shake, shake and my fake grandma took it as
an opening to getting him into trouble
so she did, she got my stepdad locked
up and when he got locked up she
thought that it was very hilarious
to her and she said you better
get some money to get your daddy out

at last and she kept adding
on to the ~~story~~ story and
kept putting words in my
mouth and making Margarita
lie cause she would say that
if you lie Margarita you are going
to hell and even cause everytime, I
would ask Margarita in private she
would say my daddy didn't
do that but when she asked
my grandma she would say he
did do that cause she was scared
of her cause she thought she would
get a whooper by her or spanking.
And that what happened.

because we didn't like him around
my grandmother's house because he
was considered the devil in her
house, so we just happened to
be talking about their dad and
Donald my brother said he had a
secret and that secret was his
dad was cheating on my mother perhaps
having an affair because he said
he heard his dad on the phone
with another woman and talking
Nasty to the female on the other
end about what he wanted
to do to her, and that's when my
sister said she had a secret
she ~~wanted~~ wanted to tell and it
was that ~~her~~ her dad
be hurting her, cracking her
feet and hurting her so we
told my grandma that and
she called somebody and told
my sister in another room and

backyard and then left with my sister
and end that's when my life
took a sudden change cause police
was harassing us at school saying
don't go around your grandma. But what
I am trying to say is my grand
mother like she got mad at me and
hit me in the neck with a
bottle and told me to drink
some aniseeds oil. and when
my step dad got hurt in
an car accident she begged
and when he got locked up,
and she taught my sister to
dig ^{in her private part} and make someone smell it
and run and throw your dirty
underwear on them and you tell
me who's the real child molester

* Catherine

Lamar Hardy

Lamar Hardy is the 21 year-old half brother of Marquita. He lives in Georgia with the family and works as a loading manager at Office Depot. In 1999, Lamar and Curtis were living with Ms. Lemaine as part of an informal arrangement between the families. By all accounts (including Bobby Lemaine's), Lamar was present when Marquita made the initial disclosure and Ms. Lemaine called DSS.

Lamar spoke to Kendra Montgomery-Blinn on October 10, 2007, during an investigative trip to Georgia. We spoke at a neutral location with no other members of the family present. Lamar gave a statement that was incorporated into the attached affidavit. Lamar disclosed that he did not like staying with Ms. Lemaine because she did not treat them well. He also disclosed that Ms. Lemaine did not like Mr. Reeves and had been trying to get him in trouble. Lamar stated that Ms. Lemaine misconstrued what Marquita had said and prepped her to "get her story right" (Affidavit of Lamar Hardy 10/10/07).

Attached is a letter Lamar wrote when he was 18 years-old. On October 10, 2007, Lamar reviewed the letter and stated that the things in it are true. It is unclear if he was asked to write the statement, but it tends to corroborate his affidavit.

Lamar did not testify at the criminal trials, but did at the DSS custody hearing. A transcript of that hearing is not available. Amanda Smith Stroud, the mother's attorney for the DSS hearing, did recall that all the brothers testified that the grandmother misconstrued Marquita's innocent statements, but she could not recall the testimony beyond that (Interview with Amanda Smith 10/26/07).

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99CRS065056

STATE OF NORTH CAROLINA)
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v.) AFFIDAVIT
)
)
HENRY ARCHIE REEVES, III,)
Defendant/Convicted Person)

AFFIDAVIT OF LAMAR HARDY

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, on this day personally appeared Lamar Hardy, known to me to be the person whose name is hereunder subscribed, who being first duly sworn on this oath deposed and said as follows: L.H.

My name is Lamar Hardy and I am 21 years old. I am qualified in all respects to make this affidavit. All of the facts stated herein are within my personal knowledge and are true and correct. L.H.

My Mom is Denise Hardy and my Dad is Richard Harris. My brothers are Curtis and Donald. My sister is Marquita. Henry "Hank" Reeves is my stepfather. I was born in Newark, New Jersey. We moved to Greenville, North Carolina when I was around seven. Now, I live in Suwanee, Georgia and work as a Loading Manager at Office Depot. L.H.

In New Jersey, Miss. Bobby (my Grandmother) ran a daycare. We spent most of our time at the daycare because my Mom worked there. Hank used to drive buses and used to take us to Coney Island and to the movies and stuff like that. We thought Hank was cool and he treated my Mom good. L.H.

Right before we moved to North Carolina, we got in a car accident and my Mom used the settlement money to buy a house for Miss. Bobby. At first, we stayed in a trailer park with my Mom. I started getting in trouble at school and Miss. Bobby said it would be best for me to stay with her. I don't know why. Curtis started staying with Miss Bobby too. L.H.

I hated staying with Miss. Bobby. One thing about Miss. Bobby was when we were staying with her she used to call it "boot camp." All we did all day was take care of the daycare kids and clean up while Miss. Bobby stayed in the living room. I really hated it, we were like slaves. We didn't get to go out and play with other kids. We always got whopings. Miss. Bobby would whop us early in the day for something and then my Uncle James would come and whop us later in the day for the same thing. L.H.

One thing about Miss. Bobby - when it comes to money, she will do anything for money. I always wanted to go to school, but I could never graduate, because she was always getting me into special programs or on medications to get money. Miss. Bobby told me to answer every question wrong at the school and they put me on Ritalin and she got money from the school. L.H

My Uncle, Kevin Swinson, stayed there too and hated it too. I hated it so bad that I stole Miss. Bobby's van to try and get away. I always used to run away. She didn't whop me as bad as she did Curtis and Kevin though. L.H

Donald and Quita stayed with Miss. Bobby after school and then my Mom or Hank would come and pick them up. They were little, but Miss. Bobby would whop them too. L.H

Miss. Bobby never did like Hank. A day or two before this all started, she tried to get him locked up by saying he was married to two women at the same time. She called the police and asked what she had to do to get him locked up. They told her to get some pictures or something, but I guess that didn't work. I know this because I was right there when she called and she told me everything. At the time, I didn't like Hank because Miss. Bobby told me he used to beat on my Mama. L.H

The next day or so, Quita and Donald came to the house and we were all in the daycare area and talking. Me, Curtis, Kevin, Donald, Quita, and two or three daycare kids were all talking. Donald said that he had picked up the phone one day and heard his Dad on the phone with another lady. Quita said, "Daddy be hurting me, he be cracking my knuckles." We brushed that off because Hank used to always crack your toes or crack his knuckles on top of your head. He was playing, it was funny. He used to do that to me and Curtis when we were younger. L.H

Miss Bobby was trying to get stuff on Hank, so I went in there and told her what Donald said. When we told her, Quita also told the same thing about cracking knuckles and Miss. Bobby said, "are you saying he be hurting you touching your private?" Quita didn't know what she was talking about, so she agreed. Quita was only five or so. L.H

Afterwards, Miss. Bobby called the cop she had talked to before and he told her to call Social Services. I was standing there as she called. When she called Social Services, she started saying, "My granddaughter said her Dad be molesting her and playing with her private." Quita hadn't said none of that though. L.H

That same day, Quita went to the doctor. When she came back home, my Mom was upset and spent the night at Miss. Bobby's house. When my Mom went to work the next day, Miss. Bobby took Quita and me into the living room and said, "Quita had to have her story right." Miss. Bobby was asking Quita what happened and Quita kept saying the cracking knuckles thing and Bobby would correct her and say, "Was he showing you his dick? Was it big or small? What color was it?" Quita didn't know and got it wrong. Miss. Bobby kept using the word "dick" because Quita didn't know that word and she was trying to teach it to her. The whole time Quita was there at the house, Miss. Bobby kept trying to tell her which words to use and teach her because Quita kept getting it wrong. Quita wasn't saying what Miss. Bobby had portrayed over the phone to the Social Services people. L.H

When my Mom got home from work, I tried to tell her what happened. I told her that Miss. Bobby was telling Quita what to say. My Mom made me say it to Miss. Bobby's face, and I did it. Miss. Bobby denied it. My other brothers were too scared of Miss. Bobby to say anything because we got three or four beatings a day. Then my Mom took us all back to the trailer. L.H

I remember going to court, but when I testified no one was in the courtroom. When I testified, I told the truth and said the same exact thing I am saying now. L.H

This whole thing really affected me all through my life. Even to this day. I never graduated from school because we had to keep going to court. I got locked up because the Social Worker pushed me and I pushed her back and she said she would "beat my ass." L.H

Miss. Bobby always wanted to get back at Hank any way she could. She never liked nobody that goes with my Mama. She did my Dad the same way. She was getting child support from my Dad the whole time we were staying with her and never told us. I know Hank didn't do it. He wasn't that kind of person, he was always good to the family. I knew Hank didn't do it from day one, but Miss. Bobby wanted to get him anyway. I was there the whole time Miss. Bobby was telling Quita what to say. L.H

Kendra showed me two letters that I wrote. The first one is something I wrote when I was younger. It is my handwriting and my signature. I think I was younger than 18 when I wrote it. It is all true and the same thing I just said. The second letter is about the Social Workers and how they treated us. I was 14 when I wrote that. It is all true and reminds me of how mad they made me. L.H

That is everything that happened. I told it at the civil trial and I am telling the same thing today. It is still hard for me to think about it today. L.H

This is the 10th day of October, 2007

Lamar Hardy
Lamar Hardy (age 21)



FURTHER THE AFFIANT SAYETH NOT

Sworn and Subscribed before me this 10th day of October, 2007

Grace E. Wallace
Grace E. Wallace
Notary Public for the State of North Carolina

My Commission Expires: August, 2012

Nle, my brothers, uncle and two daycare kids. We was in my grandmother house talking about my little sister and brother dad. So while my little brother was talking he said he came home one day and picked up the phone and heard his dad talking to another women in a nasty way. Then my sister said her daddy be Cracking her feet and hurting her. Then he said to her mama Tim or school. So I ran in the livingroom and told my grandma what my little brother said. "The reason I told my Grandma was because my grandma was mad at my step dad. One day I heard her talking in the phone with some government official about getting my step dad in p for being married to two women." So that why I told my grand bout what my little brother said. So when we ran in the livingroom I told brother to tell my grandma what he had told us. After he told her my sister told her what she told us. That when my Grandma said do you mean he be pl with your boom boom, putting it in your front and your back and in your mouth, my sister thought about it and then she said yes, and be cracking my feet. Than she call me social worker then she called my mom. So they went to the hospital and I remember the rest of my family coming over. Then the next day my little brother and little sister was still there. We was in the livingroom and my grandma asked my sister again a question about her daddy but this time she said dick in the question she asked. color is it, what did it look like and how big is it. My sister said she did not know. Then later on that night we was in the kitchen me, my grandma and little sister. My grandma said who was hurting you and my little sister said Jago's and mark. Than my grandma said you said it was your daddy. Then the next day my mom came over and I told her, than she said Im going to take all of us with her mane. Than my mom said that she was going to take us back to my grandma house ~~so~~ that when can I tell her the same thing that we told her and I did. ^{so} age 18

Barbara Glatthorn, M.S.W.

Barbara Glatthorn is a licensed clinical social worker and the founder of Pamlico counseling in Washington, North Carolina. Ms. Glatthorn received her Masters of Social Work in 1987 and has been providing counseling in North Carolina for the past 20 years. Before Ms. Glatthorn became a social worker, she taught for 20 years.

In 1999, Barbara Glatthorn's priest at Mother of Mercy Catholic Church asked her if she would provide counseling to one of his parishioners named Henry Reeves. Ms. Glatthorn provided therapy to Mr. Reeves to help him find a way of emotionally coping with the child abuse investigation. As part of the Commission's investigation, Mr. Reeves waived his medical privilege and the notes from Ms. Glatthorn's session with Mr. Reeves are attached.

In 2000, Ms. Glatthorn agreed to provide some counseling for Donald, Curtis, and Lamar as well because they were having trouble coping with the investigation. Ms. Glatthorn met with the boys while Barbara Hardy waited outside (Conversation with Barbara Glatthorn 10/30/07).

Kendra Montgomery-Blinn has had numerous phone conversations with Ms. Glatthorn. On October 30, 2007, in a detailed conversation, Ms. Glatthorn stated that when she met with the boys she was "surprised by some of the things they said." Ms. Glatthorn said:

What began to emerge was that in those cases, they told me that they didn't believe their father did it. Barbara waited outside. The two older boys gave me the picture that they didn't primarily get along with Hank because he made rules, but they really believed he was innocent. They told about their grandmother and the things that happened in their grandmother's house. Lamar was far more outspoken.

They were playing a game about having a secret. It was concocted by another child who was not a family member. They had been playing this outside and when they came inside, Marquita was saying she had a secret. The boys teased her. She said she had a secret and said, "I do this with daddy and did a little dance." My understanding is that there was a potato chip commercial on TV and Hank and Marquita used to act it out. Somehow the grandmother walked in and took this to a separate extent. She took Marquita aside and then she was taken to the emergency room and assessed that she had been sexually abused. All three boys were in agreement with this (Conversation with Barbara Glatthorn 10/30/07).

The boys and their mother have signed medical releases and Ms. Glatthorn has provided her notes from their sessions. Those notes are attached.

Ms. Glatthorn is subpoenaed to testify before the Commission. Her testimony will be submitted primarily as corroborative testimony that the boys had been making the same statements over the years to different neutral parties. The Commission may further question Ms. Glatthorn about her counseling with Mr. Reeves and his disclosures to her.

Ms. Glatthorn did not testify at either criminal trial. She has indicated that she was present at the first trial and expected to testify, but the defense attorney chose not to present any evidence at that trial. Ms. Glatthorn was unaware that the second trial happened so quickly and did not hear about it until after it was concluded and Mr. Reeves was convicted.

Henry Reeves

03/09/2000 -

Henry Reeves is a 34 yr. old, Black male presently living alone in Washington, NC. He comes in today feeling very angry about alleged sexual abuse which has involved him in court hearings which are yet unresolved. Charges have been brought by his mother-in-law against him for sexually abusing his 7 year old daughter. He has been ordered out of the home by the court and has not seen his children in 275 days. His next court date is this coming Wednesday.

Mr. Reeves was born and raised in NJ, the youngest of six children. His oldest brother died in 1986 as a result of a freak accident (he was hit by a car driven by a 14yr. old who had stolen the car). All the children in the family are five years apart. The other siblings are girls. He has strong feelings of resentment toward his father who died in 1989 for his treatment of his mother (emotionally and verbally abusive - very controlling). His father died of lung cancer and had been employed by UPS. His mother died in 1994 from complications of Alzheimers. She had been a cafeteria worker and Mr. Reeves indicates strong attachment to and affection for his mother. No history of sexual abuse - verbal and emotional abuse by father (and by father against mother); he describes father as "controlling".

Mr. Reeves has been involved with his present partner (it is unclear whether or not he is married) for the past twelve years. They have a son aged 9 and a daughter aged 7. His partner has two sons by a previous relationship who live in the family home, they are aged 14 and 13 and Mr. Reeves reports a good relationship with them.

Mr. Reeves has been employed in the past at BC Developmental Center and has been a police officer in both Belhaven and Plymouth. Prior to moving to NC, he drove a bus in NJ for many years. Currently, he is unemployed, having been fired just days after allegations of sexual abuse were made. He spent 38 days in jail and was released on \$100,000.00 bond which was posted by his partner and her brother. He brings in with him today the evaluations of his daughter by PCMH and the Teddy Bear Clinic. They do not confirm sexual abuse but he tells me the report concluded that there was a high probability of abuse. He is convinced that his daughter was coached in what to say by her partner's mother with whom he has never had a good relationship. He feels in "limbo" because all these charges remain pending, he has not had his name cleared, and his life feels completely disrupted. He is most angry that he cannot see his children and feels angry that they have been deprived of their father for all this time. He reports a strong relationship with his daughter prior to charges being made. He feels that he is at the end of his rope in this regard.

Also significant is the fact that he had a serious auto accident while serving in the Plymouth Police Dept. in the course of duty which left him with a punctured lung, broken shoulder, and other injuries. He does not physically feel back to par and wonders if he ever will be. He loved his work as a police officer and fears he will never be able to return to that line of duty. His losses are myriad and real.

He agrees to participate in some limited therapy. He is not a believer in therapy, but comes on at the suggestion of his parish priest. Goal will be to work on anger control and support him in attempts to regain a focus for his life and explore his options for work, family, etc.

Diagnostic impression: Major depression as evidenced by inability to work, fatigue and lack of energy, sadness (tearfulness), sense of hopelessness, anger with desire to hurt but no intent (religious grounds, significance of children in his life). Mr. Reeves is oriented in all spheres, no indication of any disorder of thought or memory, no evidence of psychosis (delusions or hallucinations). He appears to be a man of above average intelligence who is well spoken and capable of insight.

03/16/2000 -

Mr. Reeves in for scheduled psychotherapy. He continues to be depressed, feeling very discouraged and helpless in the face of court delays. He is counting the days that he is separated from his family. He feels special concern for his daughter who is in the care of her grandmother (the one that brought the charges of sexual abuse) despite efforts on the mother's part to regain custody. Apparently, custody was lost when allegations were made that Mr. Reeves was visiting the family home (something he strongly denies.)

Given the situation, he is coping relatively well, managing to control the anger he feels and the frustration. He feels that his life is on hold. I began with him today an effort to think about his future and to identify the various strands of his future. The one strand he is adamant about without equivocation is regaining access to his children and being able to provide for them once again. He is uncertain about his relationship with the children's mother - primarily because of her involvement with her own mother. He is uncertain about his professional career. I suggested he begin to send out feelers about what options are open to him in law enforcement, etc. Just thinking beyond this episode is difficult for him. Acceptance that he is in "limbo" during the deliberations until the court resolves the matter was also encouraged - recognizing that things cannot be different.

06/19/2000 -

Mr. Reeves in for scheduled psychotherapy. There has been no movement since I last saw him - no court date set, no visitation with his daughter, no visitation with his other children. He is feeling the strain of all this - defining it as being in limbo with no end in sight. He has viewed a TV program on a man who was imprisoned for 15 yrs. of similar charges that were untrue and he feels he has to do something but cannot identify what to do that will be productive. He has some concerns that he may "snap", but then assures me and talks rationally about the reasons why he has to maintain control - primarily because the results would be certain loss of his daughter. He has asked me to view the tape of the TV show and once again review the records from Pitt County and to communicate with his lawyers to see if there is anything that can be done to expedite the situation and bring this nightmare to a close. He describes his feelings as being in a nightmare from which he cannot wake up. The helplessness to help his daughter is very strong for him.

06/22/2000 -

spoke with Ms. Regina Moore, Mr. Reeves attorney in the sexual abuse charges, (Mr. Fisher represents him in the child custody matter after charges were brought by DSS that he moved back into the home with the wife and children). Mrs. Moore is concerned that Mr. Reeves may not be in a proper frame of mind to go into court. She tells me she is concerned about his volatility which she has witnessed. She reported to me that he threatened to kill the grandmother who brought the charges and had to be intercepted. She feels he has the potential to be explosive. She agrees that a psychiatric evaluation and medication is recommendable. I agreed I would try and bring Mr. Reeves to accepting this process in our next session together. She does feel too that he has some suicidal ideation. She took my name and phone number for future reference. She tells me there is a backlog of cases in Pitt County and that this delay is normal, if regrettable because of how hard it is on the defendant and all concerned. I told Ms. Moore I would recommend more frequent treatment to Mr. Reeves - perhaps once a week for six weeks or so.

06/22/2000 -

Telephoned the office of Mr. Steven Fisher and left a message that I would like to speak with him about Mr. Henry Reeves.

07/13/2000 -

Mr. Reeves in for scheduled psychotherapy. He remains "stuck" in the same position as evidenced previously: angry at the injustice of his current situation, ruminating again and again over the "facts" of what has happened, stressing over the damage to his daughter. His concern for his daughter is paramount and that is the cause of great anger to him. I talked with him today about the need to deescalate his anger by trying to not ruminate as much as he does explaining that what he thinks fuels his emotions. There is no doubt of the injustice, but he has to accept what he cannot change and try to move forward with his life - so that he is in a position of strength to help heal the family once the immediate matter is resolved. This is very hard for him to even imagine. He agrees, however, to come in for therapy for the next four weeks. He refuses to even consider medication.

07/20/2000 -

Mr. Reeves in for scheduled psychotherapy. He remains upset about his current circumstances, very concerned about his daughter and the impact of all this on her - worried in particular about the adverse effect of remaining in her grandmother's custody because of the mind games he feels are being played with his daughter. He shared a letter with me that he had written to her which expressed his love and concern and his disappointment that he has not been able to protect her from harm as he feels he should.

Cognitive approach used to try and de-escalate Mr. Reeves' anger by separating out the strands of concern/injustice that he sees vs. emotionally combining them into the form of "conspiracy" as he has done. He has serious and seemingly well-founded questions about how this case has proceeded or failed to proceed in a timely manner - and they may speak to the incompetence of certain individual involved and to the inefficiency of the system as a whole - but they do not necessarily lead up to conspiracy against him in particular - and this is part of the anger that he can let go of and needs to let go of if he is to be effective in his own defense and assume leadership in helping his family to heal once this ordeal is over.

Mr. Reeves assures me that he is not a danger to anyone - if he were, he would have acted long ago. But letting go of his anger - or any part of it - is very difficult. Certainly, his anger to a certain point is justified - my concern is with what is intensified by the way he thinks about the situation. I did feel there was openness to my intervention on his part.

07/27/2000 -

Mr. Reeves in for scheduled psychotherapy. Very difficult session today. He remains stuck in a very hurt and depressed place - no movement that he perceives on the legal front. The waiting is very difficult for him. We explored some of his early relationship history with Denise and her mother (mostly for my clarification of the big picture). It appears the relationship between Mr. Reeves and Denise's mother was not good from very early on in his relationship with Denise. He opted to stay away from Denise's mother. We talked about the dyadic nature of relationships and the way that I see boundaries being breached and triangulation involved in what has happened here

regarding sexual abuse allegations. Intervention was to nudge client toward looking toward the future and what he needs to do to get his life on track (he talks about wanting his life back but not knowing how to get it back). I asked him simply to think about the idea that he has to begin now to get his life back together - he can't wait until a court date and disposition of the case.

At one point in the session, I mentioned that his son Donald had told me about a scar/welt on his arm inflicted by his grandmother, and Mr. Reeves interrupted me and asked me not to tell him anything that the children had shared. He was afraid that he would "snap" and hurt the person causing all this pain (Denise's mother). I told him I did not believe in "snapping" and that it was his job to be in control. I rehearsed the additional trauma that would befall his daughter if she lost her father to jail because of assault or manslaughter charges and highlighted the helplessness he would continue to feel if he could not be an active part of his children's lives. He heard this well and indicated his agreement and understanding.

I told him that I was going to speak further with his attorney (if that was okay with him) because I was feeling some concern about his daughter's safety in the situation in which she now lives - and that I may have to get some legal counsel about my obligation to intervene with DSS. In this context, Mr. Reeves broke into tears that lasted for an extended period. He sobbed about his worry about his daughter and her well-being. His frustration at being so helpless to protect her. He sobbed that he missed her and the children. Eventually, I intervened that I wanted to comfort him, but I also needed to urge him forward. We ended with some diaphragmatic breathing to help regain control. I'm sure he was exhausted by the end of the session and the emotionality of it.

07/27/2000 - Telephone: Mrs. Moore

I telephoned Mrs. Regina Moore (attorney in the criminal proceedings against Mr. Reeves) to express my concerns about the safety of Mr. Reeves' daughter in her present environment. She reminded me she was handling the criminal charges and that it would be appropriate to speak with Mr. Fisher who is handling the custody case. I indicated I might need some advice about my obligation to inform someone at DSS of my concerns and she indicated that it would be appropriate to do so.

I telephoned Mr. Fisher's office for the second time, indicating to the secretary that I had called before and Mr. Fisher never returned my call. I told her it was urgent that I speak with him and asked if he would leave me a time when he might be available tomorrow so that I could call him between clients.

08/03/2000 -

Mr. Reeves in for scheduled psychotherapy. He is a bit calmer today, more open to psychodynamic interaction and exploration of facets of traumatic situation at hand. Still tearful - he cried again today but of shorter duration than last session. He reports he has been trying to think about the future and how to get his life back together, but feels he doesn't know how to do that until he is sure his daughter is safe (this was the breakthrough for tearfulness today). We talked today about how his response to the "other person" (as he calls Quita grandmother) is similar to his response to his father who was very controlling - particularly financially. He feels a failure at this point because he has "nothing to show" for his years of work and effort: no job, no home, no home for his children. He talked about some of his anger toward the children's mother since she for so long allowed herself to be manipulated by her mother - and allowed her mother to interfere with the children and with his relationship with her. We talked about the need to begin exploring the area of work, citing the Freudian understanding that man stands on two legs: love and work. At this time he cannot control fully the

former (love of his family) but can begin to make inroads - even if only temporary because he so loves the law enforcement work that he was fired from - into the workplace. He is making slow steady gains in openness to change, but is still manifestly depressed.

08/10/2000 -

Mr. Reeves in for scheduled psychotherapy. Situation remains the same and he remains distressed. We listened together to a tape of his father and talked using the cognitive model about how his sense of "never good enough" has historical roots in his relationship with his father and continues today - especially as he feels unable to provide financially for his family. Ventilation done and support offered.

08/17/2000 -

Mr. Reeves in for scheduled psychotherapy. He is maintaining - but finding it difficult to get on with his life until he sees his daughter and is assured of her well-being. Nothing has been resolved through the courts - there may be a court date on 8/21/00. He brought in a folder of materials that he wanted me to look through as we conversed - and the materials led to some good insight. Materials were letters of recommendation and notes of appreciation from children with whom he has worked in the past.

Discussion and interventions: he is a survivor as attested to in a poignant letter from his pastor - he needs to rely on his ability to survive this episode in his life; his linkage through memory with his father important to come to terms with so he is not influenced by those holding adversary roles in this current situation. I see a more relaxed persona and more flexible affect than I did initially - and Mr. Reeves is becoming aware of small changes in his thinking/feeling mode.

08/23/2000 - Telephone: office of Stephen Fisher

Christine from Mr. Fisher's office telephoned to see if I had a phone number for Mr. Reeves as they needed to reach him regarding upcoming court date. I told her I did not but would be seeing Mr. Reeves tomorrow and would convey the message for him to call Mr. Fisher's office - which I did on 8/24/00. Mr. Reeves phoned Mr. Fisher from my office.

Henry Reeves

08/24/2000 -

08/24/2000 -

Mr. Reeves in for psychotherapy. He remains depressed, talking more about wanting to get on with his life, wanting to rebuild his relationships with his family - but stating that he doesn't know how and knows now that he needs help to move on - he can't do it on his own: "this is the worst thing that's happened to me...I don't know how to pick up the pieces."

Because of upcoming court hearing, I asked Mr. Reeves to clarify dates for me so that I have the factual big picture.

Prior to June 7, 1999, Mr. Reeves, living with Barbara Hardy, Donald, Marquita @ 5644 Moss Lane, Washington (actually Pitt County). Owned home. Working at Plymouth Police Department (since 1/99) and prior to that at Belhaven Police Department (10/95), Manpower, Beaufort County Developmental Center - Group Home. Lamar and Curtis lived in the home as well for considerable period of time until 8/94 when problems arose regarding Lamar's anger and lack of respect for Mr. Reeves and Mr. Reeves struggle against interference from Ms. Hardy's mother regarding discipline of the two boys who are not biologically his. Sometime later, Curtis went to live with his grandmother as well after stealing something from Mr. Reeves.

June 7, 1999 - Report of alleged child abuse against Marquita filed.

June 8, 1999 - Marquita initially seen at Teddy Bear Clinic

After that time, Mr. Reeves not staying in the home as Ms. Hardy asked to keep he and Marquita apart.

At some point after that and before 7/11/99 (date of his accident) Mr. Reeves and Ms. Hardy met with Joseph Dupree (attorney) who told Mr. Reeves not to take the polygraph test as requested, and indicated that if charges were substantiated by evidence, Mr. Reeves would have been arrested by now.

July 11, 1999 - Mr. Reeves automobile accident while on duty. Resulting in disability from police department.

At some point (perhaps 2 or 3 weeks after the accident) a friend carried him to Ms. Hardy's house so that he could present himself for the children to see to let them know he was okay - and so he could visually see Marquita to know she was alright. He talked with the boys who were present from the truck (he never entered the home) but had no communication with Marquita - only saw her from a distance.

September 3, 1999 - Mr. Reeves returned home at the urging of Ms. Hardy - children were asking for him. That was his first contact with Marquita. According to his report, everything was fine - there was no communication regarding the alleged incident - he did not talk with Marquita about it and she did not say anything to him about it. He doesn't think she was apprehensive around him or withdrawn in any way.

September 12, 1999 - Visit from Ms. Lamay - Ms. Lamay questioned Ms. Hardy about Mr. Reeves presence in the home.

September 14, 1999 - Mr. Reeves arrested; spends the next 38 days in jail under \$100,000.00 bond. Mr. Reeves fired from his job (police department) because of charges.

January 14, 2000 - Marquita removed from the home - her mother's custody by DSS.

Mr. Reeves and Ms. Hardy lost their home sometime after that - he does not know where their belongings are or business details - just could not and cannot cope with all

that. He tells me he never applied for unemployment after he was fired from his job - didn't even think of it.

I asked Mr. Reeves to clarify his marital status. He reports that he and Ms. Hardy have known each other for 12 years. They were married by a judge in SC 12/97. Because of his religious beliefs, he does not consider himself married in the eyes of God. He was reluctant to marry legally because he did not feel that he could accept Ms. Hardy's entire family (her mother in particular) and felt that marrying in good faith required an attempt to unite the families. He reluctantly agreed to the marriage. He talks again about his associations with other women - partly in response to his feelings of "coercion". He tells me again that he is not saintly, has his faults, enjoys sex, but is not at all interested in children - and least of all would ever hurt his daughter.

Barbara Hardy

07/20/2000 -

Barbara Hardy seen for family therapy with her three sons: Curtis, Lamar, and Donald. My name given to Ms. Hardy by Henry Reeves who has expressed concern about the well-being of his family.

Ms. Hardy told the story of the alleged sexual abuse of her daughter by the girl's father. She is concerned about her daughter and very frustrated by her treatment by and the handling of the case by PCDSS. The case has been going on for over a year. Her daughter lives with Ms. Hardy's mother; Ms. Hardy has supervised visitation rights with her daughter. She does not believe that the alleged sexual abuse took place. It appears that Ms. Hardy has issues with her mother that she needs to resolve in terms of age-appropriate individuation. She seems aware of this in terms of past behavior which was more "controlled" by her mother - and which was a source of tension between herself and Mr. Reeves.

The boys tell me that they also do not believe the sexual abuse took place. Rather they believe (Lamar expressing this and the others expressing agreement) that there was a misunderstanding of something their sister was communicating to their grandmother about word play between Marquita and her father. They report that the grandmother does not like Mr. Reeves and that she turned things against him, shaping Marquita's comments. From their own experience, they talked about their grandmother's "influence", of being afraid of her, of being punished by her. They used the expression "whooped" and sometimes being "whooped again" by an uncle who the grandmother would instruct to "whoop" the boys. Donald spontaneously got out of his seat to come across the room to show me a mark on the inside of his left arm (it appeared to be a welt - not new) caused by being hit with a belt. Curtis told me he had been hit with the buckle of the belt which left only a temporary mark. Ms. Hardy apparently had not been aware of these incidents and asked the boys why they never told her. They responded that they were afraid to cross their grandmother. In this context, they expressed concern about their sister who is in their grandmother's custody. I asked them if Marquita was treated and punished in the same way they were; they responded positively. I asked them if they thought Marquita was afraid and they responded positively.

We concluded the session by talking about (I drew the family for the children's understanding) the dyadic nature of relationships and the need for the family in its healing and eventual reunification to work on each of the individual relationships. The boys in this context expressed their sense of having a good relationship with their sister; they did not express anger with her for "causing" family problems. They indicated they thought she was too young to know what might come of her report. Apparently, they see her with some regularity and seemed to want to offer her their support and assurance of their caring. Ms. Hardy asked if I had gone over these ideas with Mr. Reeves and I indicated I had not. She asked that I do so in the future because of his tendency to refer Marquita's discipline to him rather than handling things directly.

07/27/2000 - Telephone: Ms. Moore/Mr. Fisher/Ms. Stroud

I telephoned Ms. Moore to express my concern about Marquita's safety. She told me she was the attorney for Mr. Reeves' criminal proceedings and that I should call Mr. Fisher, his attorney for the custody matter. I told her my concern; she advised I write to DSS.

I could not reach Mr. Fisher. He was in court. I left a message with the secretary.

08/02/2000 - Telephone Ms. Hardy

Ms. Hardy telephoned to set up an appointment. I informed her of my concern for Marquita's safety and indicated that I would be writing a letter to DSS. She told me she would be seeing her attorney and would talk with her about my concern.

08/08/2000 -

This is the second time that Ms. Hardy has come in for a a conjoint session with her three sons (Curtis, Lamar, and Donald).

I shared with Ms. Hardy and the children a letter I felt compelled to write to Pitt County DSS stating my concerns for the safety and well-being of Marquita after listening to the children's personal stories the first time we met. All agreed the letter expressed what I had heard; Donald corrected me that the welt inflicted on his arm was caused by his uncle not his grandmother. Feelings vented and the various facets of the story retold.

Lamar's anger at school became a concern when he told me he was worried about going to high school next week. He's worried that he can't read as well as the other children in his class. He tells me that he has been in special classes for emotionally disturbed children. I am somewhat surprised by this information because in my presence twice now Lamar comes across as very bright - certainly very well spoken and insightful - and calm and in perfect control of himself. He tells me that he has missed a lot of school because his grandmother would make him stay home to watch the children in her daycare and then would claim to school authorities that Lamar was home because of his asthma. He tells me the same was done to Curtis (who admits this) but never to his uncle who also lives with the grandmother and for whom she pays to go to private school. I begin to wonder if some of Lamar's anger isn't situational. Some intervention done about anger management and the importance of having anger work "for you" vs. "against you" as in damaging relationships, interfering with school performance, etc. I suggested that at some point Lamar might want to come in alone to work on these issues further.

Other interventions today included: coming to some understanding about the possible trauma to Marquita as a result of being separated from her mother, her father, her brothers, her school and a teacher that she loved very much. Apparently, Quita's school performance declined after she was taken out of the home in February to such an extent that she is being made to repeat the first grade. Her mother states there were no problems with performance prior to the move and she records frequent contact with the school. Such school contact was forbidden her after DSS removed the child from the home. She attended a meeting at the end of the year in which the repetition of first grade was proscribed. Ms. Hardy feels very concerned and very helpless to intervene on her daughter's behalf. She feels angry that a happy well-performing child was taken from her and she will be receiving back a child with academic problems and academic delays.

Ms. Hardy talked in the boys presence about her insistence about not having anyone touch their bodies. She said she gave this instruction to each of the boys (because she was sexually abused as a child) and to Marquita in particular. This is why she is so surprised that Marquita would not have said anything to her regarding the alleged abuse. According to Ms. Hardy, Marquita's teacher (Miss Barnhill) was also skeptical about the sexual abuse because she had not noted any symptoms in the classroom or heard any mention of this from Marquita in spite Marquita's great love for this teacher. Some education done with the boys regarding sexual abuse and the effects it has on victims.

All three boys talked a bit in conclusion about their feelings and expectations regarding the beginning of school next week. Donald will be in the fourth grade and

Curtis and Lamar both in 9th grade.

08/18/2000 - Telephone/PCDSS

I received a phone call today from Ms. Natalie Cox, social worker from Pitt County DSS, in response to my letter of 08/08/00 (see paper file). I received her message on my answering machine and returned her call from home. We agreed to speak further on Monday since I did not have the record at home and she wanted dates on which I saw the children.

08/21/2000 - Telephone/PCDSS

Ms. Cox did not call at 11:00AM and I left the office about five minutes later. When I returned there was a message she had called at 11:05 and asked me to return her call. I did; she was not at her desk and I left a message.

Later in the afternoon I received a telephone message that a Mr. Sword, supervisor at PCDSS, wanted me to call him. I did so. He began the conversation by questioning the grounds on the basis of which I made the report to DSS. He questioned the method in which I submitted the letter (via Amanda Stroud). He asked me to get a consent for release of information to PCDSS from Ms. Hardy and gave me the names of the social workers involved in the case: Vivian Cheek for Marquita (413-1020), Nalida (Nellie) Kinsey for the boys (413-1145).

08/22/2000 - Telephone: Natalie Cox, PCDSS

I made contact with Ms. Cox today (after several unsuccessful attempts on both our part). I gave her the dates she wanted to complete her report. She had no other questions. I asked her to clarify for me the roles of the various social workers involved in the case which she did. She is the investigator in this case. She asked if she could fax a request for my record to which I responded positively, informing her that Ms. Hardy last evening had signed a consent for release of information to DSS.

08/22/2000 - Telephone: Amanda Stroud

I had a telephone conversation today with Amanda Stroud, Ms. Hardy's attorney. She informed me that she was subpoenaing me to court and that I could expect to be on stand-by on Tuesday, 8/29/00. She asked if I would be willing to be present when the boys were interviewed by a social worker from DSS regarding the investigation originated as a result of my letter to DSS. I said yes.

08/22/2000 - Telephone: Amanda Stroud

Ms. Stroud telephoned. I indicated my concern about Marquita's safety and that I would be writing a letter to DSS. She instructed me to fax the letter to her attention and she would see that it got to the appropriate source at DSS.

08/23/2000 - Telephone: Christine Freeman

Telephone conversation with Christine Freeman (830-2589), attorney for DSS, who

interviewed me briefly over the telephone so she would know what to expect from my testimony since I am being subpoenaed by the defense. I was at home when she returned my call and could not, therefore, give precise dates in answer to her questions and informed her of that.

Kevin Swinson

Kevin Swinson is the son of Bobby Lemaine and the uncle of Marquita. Mr. Swinson is now 23 years-old and was 14 or 15 years-old when the allegations of abuse were made. There are differing accounts about whether Kevin Swinson was present when Marquita made the initial disclosure to Bobby Lemaine. Ms. Lemaine testified that he was not present, but the other boys recall him being there.

The Commission spent months attempting to locate Kevin Swinson and eventually were successful. Grace Wallace and Mike Epperly were able to interview Mr. Swinson and he had some recollection of the events and provided an affidavit. The affidavit is attached and speaks for itself.

Kevin Swinson is enrolling in the military reserves and was not subpoenaed to the Commission hearing because of his military duties and because he states that he remembers only what is already included in his affidavit.

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99CRS065056

STATE OF NORTH CAROLINA)
)
v.) AFFIDAVIT
)
)
HENRY ARCHIE REEVES, III,)
Defendant/Convicted Person)

AFFIDAVIT OF KEVIN SWINSON

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, on this day personally appeared Kevin Comstan Swinson, known to me to be the person whose name is hereunder subscribed, who being first duly sworn on this oath deposed and said as follows:

My name is Kevin Comstan Swinson and I am 23 years old. I am qualified in all respects to make this affidavit. All of the facts stated herein are within my personal knowledge and are true and correct.

On June 7th, 1999, I was living at 105 Greenbriar Drive in Greenville, North Carolina. I lived with my Mom, Bobby Lemaine, my nephews, Curtis Hardy and Lamar Hardy, and my stepfather, Yves Lemaine. Late afternoon on June 7th, I was outside in the yard with Marquita, Curtis, and Lamar. We were all playing. Marquita out of nowhere started complaining about her 'poo-poo' hurting. She had used that word before and she used it to describe her vagina. We told her to go inside and say something to my Mom about it. I think we were in the kitchen or the living room. We all went inside with Marquita and she told my Mom about it. She told my Mom the same thing she told us and my Mom asked her, 'Has anyone been touching you down there?' and Marquita said that her Dad was. Then my Mom called my sister. I don't remember how long they talked, I wasn't paying attention to what was being said on the phone. We all stayed in the room when my Mom was on the phone. After she got off the phone with my sister, she called the authorities.

Marquita had never complained about anything like this before. I believed Marquita when she said it, she's my niece ^{KCS} and I thought she had no reason to lie about what was going on.

I don't remember Marquita complaining about foot cracking at any time. Hank would crack everyone's feet, he did it to me ^{KCS} all the time. It wasn't aggressive. He was just playing. I am confident that Marquita was not talking about foot cracking.

Hank and I had a very good relationship. He told me he wished I was his son a lot. He would take me places even when ^{KCS} he wouldn't take Curtis and Lamar. I can't say anything bad about him, not from the relationship that he and I had.

The last time I had contact with Hank was about seven or eight years ago. After this, I didn't speak to him again. I saw him, but I haven't had direct contact with him. I haven't ^{KCS} seen my sister (Barbara Denise Hardy) or my nephews (Curtis and Lamar) since 2003 since we lived together in Greenville, North Carolina.

I wasn't interviewed by the police. I never testified in ^{KCS} court. I tried to put it out of my mind. My Mom and I don't talk about it.

After I graduated high school, I went to college for about a semester at a private college in Nashville, Tennessee. I played basketball while I was there. I joined the Air Force in ^{KCS} 2004, after leaving college. I was stationed in Lackland Air Force Base in San Antonio, Texas, where I served as a military policeman.

Everything in this affidavit is the truth.

FURTHER THE AFFIANT SAYETH NOT

This is the 29th day of November, 2007



Kevin Swinson (age 23)



Sworn and Subscribed before me this 29th day of November, 2007



Grace E. Wallace

Notary Public for the State of North Carolina

My Commission Expires: August, 2012

Officer Art Manning

Art Manning is a police officer from Princeton, North Carolina who serves as taskforce commander of the Eastern North Carolina Multi-Jurisdictional Narcotics Taskforce. Before his arrest, Mr. Reeves was a police officer who served with Art Manning on the Taskforce. After the second criminal trial and conviction, Art Manning visited Mr. Reeves in prison and disclosed an encounter that he had with Marquita where she stated that her father did not molest her and she was being made to say that he did. A letter from Mr. Reeves to his civil attorney dated March 29, 2001 documents that Mr. Reeves found this out in March, after his conviction.

Kendra Montgomery-Blinn spoke with Art Manning on October 17th and 19th, and this conversation was incorporated into an affidavit. Officer Manning edited and rewrote the affidavit. Please review the attached affidavit.

After his encounter with Marquita, Officer Manning called a meeting of the Taskforce. He later spoke on the telephone to someone that he believed was Mr. Reeves' defense attorney and he assumed that he would testify at trial. Officer Manning was never called to either of the trials and did not know they were going on until after Mr. Reeves was convicted. The jury never heard from Officer Manning.

When Kendra Montgomery-Blinn spoke with Regina Moore (Mr. Reeves' criminal defense attorney), she was unable to recall whether or not she was aware of Mr. Manning's information.²¹ The district attorney, Kimberly Robb, and the Detective Johnny Craft, indicated that they were unaware of this evidence.

On November 10, 2007, Steven Lewis of the Princeton Police Department confirmed that Art Manning is indeed a sworn officer with that department. On November 9, 2007, Kendra Montgomery-Blinn spoke with Bill Godley of the Dare County Sheriff's Office at the suggestion of Clark Everett, the Pitt County District Attorney. Officer Godley was gracious and freely discussed his past work with Art Manning. Officer Godley stated that he has not had any contact with Art Manning in 10 years, but that he did work with him for awhile with the SBI. He felt that Art Manning had a reputation as a "loose cannon" who did not follow proper procedures and a lot of his cases had to be dismissed so the SBI stopped working with him. He indicated that

²¹ It is important to note that N.C. G.S. § 15A-1460 defines evidence that the Commission may consider as evidence that "has not previously been presented at trial or at a hearing granted through postconviction relief." It makes no distinction between evidence that may have been available at the time of trial and evidence that could not have been available at the time of trial.

Art Manning did not preserve a proper chain of custody in his undercover drug buys and that if his cases went to trial, they often had to be thrown out. Officer Godley was very cautious to remind me that this contact was over ten years ago and he is not familiar with Art Manning today. He suggested that we find other evidence to corroborate what Art Manning is saying.

On November 13, 2007, Kendra Montgomery-Blinn spoke with Kelvin Nobles who is the former Police Chief of Vanceboro, North Carolina. Chief Nobles served on the Board of Directors for the Eastern North Carolina Multi-Jurisdictional Narcotics Taskforce over Art Manning. Chief Nobles was able to corroborate Art Manning's statements because he recalled the Taskforce meeting in 1999 where Art Manning disclosed that he had encountered Marquita Reeves and what she had said. Chief Nobles stated, "Art Manning is a good fellow. He can be opinionated, but he is always well intentioned. Sometimes he does not have as much tact as he should, and that can throw people off. No one on the Taskforce would say they don't trust Art Manning. I don't doubt his credibility." Chief Nobles is sending an affidavit to detail his memory of the events.

Please note that the website listed in the "Affidavit of Art Manning has now changed to:

www.geocities.com/enmjntf/

STATE OF NORTH CAROLINA
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 99CRS065056

STATE OF NORTH CAROLINA)
)
v.) AFFIDAVIT
)
)
HENRY ARCHIE REEVES, III.)
Defendant/Convicted Person)

AFFIDAVIT OF ART MANNING

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, on this day personally appeared Art Manning, known to me to be the person whose name is hereunder subscribed, who being first duly sworn on this oath deposed and said as follows: *Am*

My name is Art Manning and I am 62 years-old. I am qualified in all respects to make this affidavit. All of the facts stated herein are within my personal knowledge and are true and correct. *Am*

I am currently a sworn, certified Princeton Police Officer and proudly serve as the task force commander of the Eastern North Carolina Multi-Jurisdictional Narcotics Task Force (the Task Force). The Task Force has been responsible for over 4,000 felony drug charges. Information about the task force can be found at <http://www.vanceborovoice.com/> *Am*

I was born April 1, 1945 in Norfolk, Virginia. I was raised in North Carolina and have lived here most of my life. I served six years in the Marine Corps from 1962-1968. After the Marine Corps, I was sworn in as a police officer in Sanford, North Carolina. I was assigned and worked undercover narcotics operations with the NC State Bureau of Investigation and then did routine patrol for about two years. In 1971 when NC Training and Standards came into existence, I was grandfathered in as a certified officer. In 1983 I was activated from the National Guard into the US Army. I was injured and honorable discharged as a disabled veteran in 1984. When I came out of the Army and Guard, I wanted to go back through BLET (Basic Law Enforcement Training) to *Am*

recertify as a police officer, but was considered disabled and refused by Craven Community College. In 1990, the federal disability act allowed me to go back through BLET and I graduated from Pitt Community College with a 4.0 grade point average. Since then, I have worked undercover operations all over eastern North Carolina, with the exception of several months I worked uniform patrol for Scotland Neck Police Department to aid with a manpower shortage due to Iraqi deployments. *Am*

In 1998, I set up the Eastern North Carolina Multi-Jurisdictional Narcotics Task Force. The Task Force is made up of small Police Departments and Sheriff's Offices from Eastern North Carolina. The Board of Directors of the Task Force is the Police Chiefs and the Sheriffs. I was a sworn Hyde County Deputy Sheriff at that time and the Board of Directors made me the Task Force Commander. The participating Police Departments and Sheriff's Offices assign undercover officers to work in the task force. *Am*

I remember Officer Henry Reeves; we called him "Hank." Hank was a Narcotics Officer with the Task Force. When I met Hank, he was with the Belhaven Police Department and later when he was charged, he was with the Grifton Police Department. I worked with Hank in Kenly, Grifton, Vanceboro, and Hyde County. *Am*

The Commander of the Task Force has to be present for all undercover operations. That means when Hank was working, I was there for every operation. I was either working with him as an undercover or as a backup officer. *Am*

Undercover narcotics work involves working with people you trust with your life. Each individual person that was on the task force totally trusted each other with their lives. Everybody in the task force trusted Hank with their lives. *Am*

Hank was a good officer; he knew how to communicate using street level communications. The one thing most of us remember about Hank was how family-oriented he was. We would be in an operation and he would let us know when he had to go because he had to take his kids somewhere. His family always came first, even on the job. *Am*

On certain occasions, I would pick Hank up at his home to take him on an undercover operation. On two different occasions Hank's kids were in the yard playing. I waved at them, but never spoke to them. I saw a boy and a girl in the yard. The girl was the same girl I saw later at the jail in Pitt County. I don't know. *Am*

how old they were, but they were little. At that time I had a long brown beard and long brown hair because I was working undercover. *Am*

One day I received a call from another officer stating that Hank got arrested for something to do with misconduct with his child. I told the officer, "I don't know anything about it. I will see what I can find out." I was concerned for Hank and the Task Force. I had no idea what was going on. *Am*

The next day or a few days later, I went to the Pitt County Jail to talk to a drug informant. I didn't know that Hank was locked up there. As I was leaving the jail, I came out of the door and saw a woman that I recognized as someone related to Hank. I can't remember if it was his wife or some other relative. She asked me if I was there to see Hank, and I said, "No, I didn't know he was here." *Am*

As I left the entrance to the visitor's area of the jail, there was a short walkway to the parking lot. As I walked out, there was a little girl to my left on the grass. It looked like she was waiting. I saw a vehicle parked nearby with a little boy and an elderly lady in it. As I walked by the little girl, she pointed her finger at me and said, "I know who you are." I stopped. At that time, I didn't know who she was. She walked over to me and said, "You're the man that picked my Daddy up at the house." At that point, I realized she was Hank's daughter and recognized her from the yard. I still had the long hair and the beard so I was recognizable to her. *Am*

I still didn't say anything to the little girl and she said, "My Daddy didn't do anything," and she started crying. At that point, I still didn't know what Hank had been accused of, just something to do with his kids. The Pitt County Sheriff's Department was handling the investigation and we had no jurisdiction with them. We didn't know specifically what he had been charged with. *Am*

I said to the little girl, "Don't worry honey, everything's gonna' be alright." At this point, the little girl was standing about three feet from me and she said, "They made me say he did." I asked, "Who made you say he did?" She said, "The man in the brown uniform." Then she said, "He told me that if I didn't say my Daddy did something that he'd make sure I never saw my Momma again." While she was saying this, the little boy got out of the car and came walking up to her. I said, "Don't worry honey, everything's gonna' be okay." She was with her brother, so I walked off to my car. *Am*

I immediately called a board meeting of the Task Force. We met at Parker's BBQ in Greenville. I know the Chief of Police of Grifton and Vanceboro were present. I am trying to get records to confirm who was there for sure. No one from the Pitt County Sheriff's would have been there because they were not in the Task Force. I related to them exactly what had transpired with the girl. They advised me that I should testify to it in court. *Am*

The next thing I know is that I got a call from a woman who said she was Hank's attorney. I advised her exactly what I am telling you. I also told her that there were a number of Law Enforcement Officers (about 10-15) who wanted to go to court to testify as character witnesses on Hank's behalf. I thought I was going to testify, but she never called me again. *Am*

Hank was tried, retried, and convicted before we even found out he was going to court! This left us standing out in the cold wondering what the hell happened. We all wondered how it happen that fast. We were all under the impression that we were going to court to testify on his behalf. I thought my information was at least worth hearing. *Am*

After this was all over and said and done, I tried to get somebody to look at what had happened. I called WNCT's "Nine on Your Side." I talked to someone in the Attorney General's Office. Everyone said, "He's already been tried and convicted," and there was nothing that could be done. *Am*

The next time I saw Hank was after they moved him to Vanceboro to an intake prison. I went out there one time to visit him. Hank's demeanor was as though he was in shock. He said, "I would never do anything like that to my children." I believe Hank, because when you work with undercover police officers, you learn what kind of people they really are. When you work that close in undercover, either of you can be killed in an instant and you rely on each other to save your life. According to statements from other task force officers to me, not one single officer believes that Hank was ever capable of any misconduct with his children. *Am*

I believe what his little girl said. There was no reason for her to lie to me. She didn't even know me. A child doesn't start crying and say stuff like that unless it is the truth. She spoke to me before I even recognized her. *Am*

My recollection of these events is clear. I wanted to testify at the trial and am happy to give testimony now. *Am*

This is the 31 day of OCTOBER, 2007

Art Manning
Art Manning

FURTHER THE AFFIANT SAYETH NOT

Sworn and Subscribed before me this 31 day of October, 2007

Paul May
Notary Public for the State of North Carolina

My Commission Expires: August 30, 2012



Conclusion

The North Carolina Innocence Inquiry Commission is charged with considering, “Credible, verifiable evidence of innocence that has not been previously presented at trial or considered at a hearing granted through postconviction relief” (N.C. G.S. § 15A-1460). The investigation of this case has uncovered a high volume of new evidence. Each piece of evidence viewed alone may not be deemed significant, but when viewed together the totality of the evidence increases in significance. Each Commissioner shall determine whether, “there is sufficient evidence of factual innocence to merit judicial review” (N.C. G.S. § 15A-1468(c)).

Appendix A
***Curriculum Vitae* of Dr. Douglas Slavin**

RESUME

Douglas R. Slavin, Ph.D. Clinical Psychology

Address: 1807 Over Lake Dr., SE.
Suite F
Conyers, GA 30013

Telephone: (770) 922-5809 (Office)
(678) 592-1411 (Cell Phone)
(404) 320-6476 (Fax)
(404) 325-7763 (Home)

E-mail douglslavin@comcast.net

EDUCATION

B.A. (1961) University of Buffalo (SUNY at Buffalo)
—— ('61-'62) Purdue University, West Lafayette, IN.
M.A. (1965) Northwestern University, Psychology
Ph.D. Northwestern University, Clinical Psychology
Evanston, IL. (1967)
9/64 - 9/65 Clinical Psychology Intern, Illinois State Psychiatric Institute
9/65 - 9/66 Clinical Research Fellow, Illinois State Psychiatric Institute
Chicago IL.

ACADEMIC POSITIONS:

9/64 - 9/66 Instructor, College of Arts and Sciences,
Department of Psychology, Northwestern University. Courses
taught: Introduction to Psychology, Psychology of Adjustment,
Abnormal Psychology.

9/66 - 9/71 Adjunct Clinical Professor, Emory Medical School,
Department of Psychiatry, Emory University. Courses &
Seminars taught: Behavioral Psychotherapy, Community
Psychology (at GA Mental Health Institute)

6/69 - 9/71 Lecturer, College of Arts and Sciences, School of
Education, Emory University: Courses taught: Educational
Research Design, Tests & Measurement

RESEARCH POSITIONS:

9/61 - 6/62 Research Assistant, Psychology Laboratory, Purdue
University; (Prof. Fred Kanfer): areas of self and vicarious
reinforcement.

9/62 - 9/63 Research Assistant, Psychology Laboratory,
Northwestern University; (Prof. Herb Quay): areas of
delinquent behavior and measurement.

9/65 - 9/66 Clinical Research Fellow, Illinois State
Psychiatric Institute, Chicago IL. (Psychotherapy analogue
research)

PROFESSIONAL POSITIONS:

GEORGIA MENTAL HEALTH INSTITUTE, Atlanta, Georgia

9/66 - 9/68 Unit Psychologist

9/68 - 6/70 Assistant Chief Psychologist & Director of
Clinical Training

6/70 - 9/71 Acting Chief Psychologist

Delivery of psychological services; Community consultation to schools and prisons; Administration of an APA approved clinical psychology training program; Directed a 17 person (staff and trainees) psychology department.

SOUTHERN REGIONAL EDUCATION BOARD (SREB), Atlanta, Georgia

9/71 - 9/73 Associate Director, Commission on Mental
Illness and Retardation

Managed federal and state grants and programs on state organizational structures for the delivery of human services; Developed linkages between state universities and state governments in human services, training and delivery systems.

BEHAVIORAL SYSTEMS INC. (Tarkenton & Co.), Atlanta, Georgia

9/73 - 4/79 Director, Seminar & Workshop Division

4/79 - 3/80 Principal Consultant, Tarkenton & Co.

3/80 - 6/81 Vice President, Tarkenton & Co.

Designed and marketed training programs for Fortune 500 companies in the areas of management and supervisory development, performance management and motivation; conducted organizational assessments and productivity improvement programs; supervised junior consultants.

SLAVIN ASSOCIATES, LTD., Atlanta, Georgia

7/81 - 11/87 President

Management consulting services in the areas of performance and productivity improvement; employee participation programs; team development, stress management

CHARTER WINDS HOSPITAL, Athens, Georgia

11/87 - 2/90 Director, Charter Winds Counseling Center,
Conyers, Georgia

PRIVATE PRACTICE: CLINICAL PSYCHOLOGY

9/68 - 2/90 Part Time

2/90 - present Full Time

Full range of clinical services for children, adolescents & adults: Family and couples counseling, psychological testing, chemical dependency treatment, relapse prevention counseling, brief psychotherapy, anxiety disorders, assessments for disability.

HONORS & RECOGNITION:

1961 Nominee, Woodrow Wilson Fellowship

1964-66 United States Public Health Research Fellowship

COMMITTEES AND TASK FORCES:

1/70 - 12/70 Committee on Treatment, Education and Special Services for Mentally Ill Children, Atlanta Mental Health Association

1/72 - 1/75 Mental Health Research Committee, National Association of Mental Health.

1/72 - 12/72 Task Force on Career Ladders, National Association of Community Mental Health Center Directors.

1/73 - 1/74 Task Force on Drug Education, National Educational Association.

1/76 - 1/79 Continuing Education Committee, American Association of Behavioral Therapy.

1/80 -1/81 Ethics Committee, Georgia Psychological Association

2/91 - 2/95 Rockdale Drug Prevention Alliance

2/92 – 2/99 Dekalb /Rockdale Disaster Response Team, Captain, Mental Health/Georgia Psychological Association

7/99 – 7/02 Newsletter Editor, Division of Independent Practice, Georgia Psychological Association

7/00-6/01 Program Chair-elect, Midwinter Conference, Georgia Psychological Association

7/01-1/02 Program Chair, Midwinter Conference. Georgia Psychological Association

7/02- 6/03 Chair Elect, Division of Independent Practice, Georgia Psychological Assoc.

7/03- 6/04 Chair, Division of Independent Practice, Georgia Psychological Assoc.

7/04- 6/05 Past Chair, Division of Psychologists in Independent Practice and

7/05- 7/07 GPA Board Div E Rep

10/07-present GPA Disaster Response Network Committee

ASSOCIATIONS

American Psychological Association (Member)

Georgia Psychological Association (**Fellow**)

LICENSE:

License Applied Psychologist, Georgia State Board of Examiners of Psychologists, 7/13/67 (#239)

PROVIDER PROFILE

Medicaid # 00367837B

Medicare 090340618A 68

Champus 090340618

EDITORSHIP:

1977 Board of Editors, Journal of Organizational Behavior
Management

1978 - 79 Associate Editor, Journal of Organizational
Behavioral Management

PUBLICATIONS/TECHNICAL REPORTS/PRESENTATIONS:

* Available on request

REFERENCES

* Available on request

Appendix B

Character Statements

As the Commission staff was investigating this case, we spoke with a number of people who did not have any new evidence of factual innocence to provide, but who were eager to assist the investigation in some way. Many asked if they could testify as character witnesses. While it is true that North Carolina evidence Code 8C-1 Rule 405 allows character evidence to be admitted at trial for some limited purposes, we have chosen to focus investigations only on factual witnesses. For this reason, I am not presenting any character witnesses. I have attached these statements and will let each Commissioner determine whether or not to read these statement and what, if any, weight to give them.

125 BROADWAY
BAYONNE, N.J. 07002
201-437-0833

.....

St. Andrew's Roman Catholic Church

November 6, 2007

Kendra Montgomery
North Carolina Innocence Inquiry Commission
Administrative Office of the Court
P.O. Box 2448
Raleigh, N.C. 27620

Dear Sir or Madam:

My name is Rev. Msgr. Paul D. Schetelick, and I am currently a pastor in the city of Bayonne, New Jersey. For most of my 31 years of priesthood I was assigned to parishes in Newark, New Jersey. I have known Henry A. Reeves III for 27 of those years and respect him deeply. I have been involved with his family for all these years as friend and pastor. I am writing to express my support for Hank and the Commission in undoing an injustice. I firmly believe in Henry's innocence in the matter before the court. I have seen Mr. Reeves interact with his children prior to any accusations and am convinced that he would have never harmed them because he loves his children so much.

In the midst of all the court dates dealing with the accusations and the final outcome of his trial, Mr. Reeves has declared and maintained his innocence. I am only sorry I did not have the opportunity to take the stand in his defense during those court proceedings. The Henry A Reeves III I know is a caring and generous person, a true family man and loving father. I can only keep praying for true justice to be done and for this nightmare of injustice to come to an end. Hank has suffered enough for something he did not do.

Sincerely,



Rev. Msgr. Paul D. Schetelick, V.F.
Catholic Dean of the City of Bayonne
Pastor of St. Andrew's Catholic Church

.....

"We have found the Messiah"
St. Andrew speaking to his brother Peter

Sara Rose, PhD, LPC
1515 Mockingbird Lane, Suite 411
Charlotte, NC 28209
(704-525-1213)

North Carolina Innocence Inquiry Commission
Att: Kendra Montgomery-Blinn
P.O. Box 2448
Raleigh, NC 27602
(919-890-1580)

November 19, 2007

Dear Ms. Blinn,

Henry "Hank" Reeves has asked me to write to you on his behalf. Mr. Reeves came to me for counseling in July and August 2004. He was clinically depressed. He stated that he had suffered several unfortunate injustices in his life and was trying to get support so he could get back with his wife and children. He felt that he went to jail unjustly because of malice on the part of his mother-in-law. He had also been in a bad car accident and suffered injuries as a result.

From the sessions that Mr. Reeves had with me, I saw an honest man who had been treated unfairly. The treatment plan that Mr. Reeves and I agreed on was to help give him hope and get him get involved in life again.

I do hope this letter will enable Mr. Reeves to move on in his life. If you would like to discuss this issue with me I have a release of information form signed by Mr. Reeves. My phone number is 704-525-1213.

Yours truly,



Sara Rose, PhD, LPC

Elizabeth J. Lewandowski
P.O. Box 254
Oxford, GA 30054

October 16, 2007
Re: Henry Reeves

Ms. Kendra Montgomery
N.C. Innocence Inquiry Commission
Admn. Office of the Court
P.O. Box 2448
Raleigh, NC 27602

Dear Ms. Montgomery:

Pursuant to our telephone conversation regarding Henry Reeves, herewith is the character reference for his petition before the North Carolina Innocence Commission.

During 2005-2006, I had occasion to work with Hank at the Repairers of the Breach, a non-profit charitable organization. Hank was a pleasure to work with. He is an intelligent, well-educated man with high morals. In the workplace he was self-starter, never needed direction and adopted a proprietary approach to his job. These traits are rare in the workplace today.

Liked by everyone, he was cheerful, polite and considerate of his fellow employees and clients alike. He was a valuable asset to the organization.

On many occasions I had the opportunity to interact with Hank and his family, and found them to be a strong, dedicated family unit. Hank cares deeply for his family, encourages excellence in them, and is proud of them. As he should be.

I found it puzzling that a man of Hank's abilities would be driving a delivery truck, when it was obvious that he possessed capabilities for a much better position.

It was only when his problems escalated that he divulged his difficulties and past history to me.

On numerous occasions, Hank and his wife have related the particulars of his nightmare to me. The details of the situations and legal morass, described by him to me have remained constant; even under my probing questioning. I have never detected the slightest prevarication. I believe Hank when he states he is innocent.

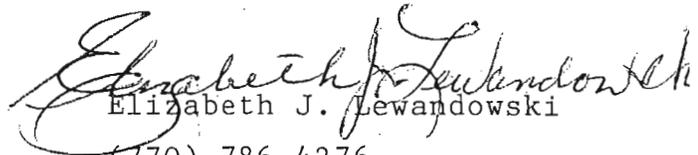
Page 2 (Continuation)

Re: Henry Reeves

Words escape me when I try to describe the misery and mental anguish this injustice has caused Hank and his family. It has been beyond brutal.

Please give every consideration to this good, innocent man. Rescue him from the ongoing torment that he and his family have had to endure.

Sincerely,


Elizabeth J. Lewandowski
(770) 786-4276
Home Telephone


11-16-07

Notary Public, Newton County, Georgia
My Commission Expires August 3, 2009

KELVIN ROBINSON

17 Rue Saint Dominique
2eme Etage
La Rochelle, 17000 FRANCE
Phone (+33) 674-455-545
Fax (000) 555-6789
Kelvinup@hotmail.com

November 26, 2007

North Carolina Innocence Inquiry Commission
c/o Administrative Office of the Courts
P.O. Box 2448
Raleigh, NC 27602

Dear Sir/Madame,

I am writing in support of Henry "Hank" Reeves. Hank is a friend of my family. We have known him more than 15 years. I have never known him to be anything but GENEROUS, SINCERE and CARING. I can not imagine him in anyway harming anyone. It is his nature to help others.

Hank is largely responsible for my success in life. He personally arranged my college scholarship! Which in turn led to me becoming a professional basketball player here in France.

I have nothing but respect and admiration for him. He has always been and will always be someone my family holds in high regard. We stand behind him 100%

Sincerely,



KELVIN DEMETRIC ROBINSON

11-28-2007

To: Kendra Montgomery
North Carolina Innocence Inquiry Commission
Administrator of the Court
P.O. Box 2448
Raleigh North Carolina 27602

From: Robert Saletta.
648 Wishing Well Road
Wyckoff New Jersey 07481
201-891-5329

Subject: Henry Reeves

I am a former Vice President of Human Resources for ITT and a lawyer.

In the fall of 2004 Father Paul Schetelick a personal friend asked that I talk with Henry Reeves about his efforts to obtain a review and reversal of his conviction of sexual abuse of his daughter Marquita.

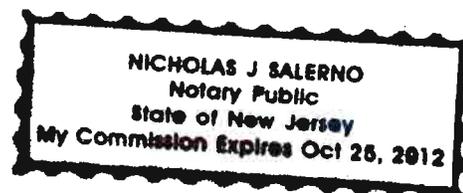
I discussed the case with Henry, Denise Hardy (Marquita's mother) and Art Manning a police officer in Pitt county.

I found Henry to be of good moral character, loving of his daughter, and it's very doubtful that he would abuse her in any way, particularly sexually.

While I have no direct evidence I believe Henry is innocent of the charges in the 2001 case.

Robert Saletta

Robert Saletta



Nicholas J Salerno