

1 There's one other child who said that the event did not happen,
2 that the alleged event did not happen at tae kwon do. This
3 child says it didn't.

4 He asks -- well, he talks about Mr. Gunther coming into
5 his bedroom and placing his hand on his -- his word was for it
6 laid on the bed, put his hand under the covers over the boxers
7 and touches his private, and he said he just placed it there.

8 Then the interviewer does ask suggestive questions, did he
9 get strange or anything, unless I misheard the tape, that's
10 what it appeared to say. And then says, your mom says that it
11 happened at his house in June, which provided the child with
12 information about what his mom says, so I think that was
13 inappropriate.

14 Q Why would that be inappropriate?

15 A Well, because I think a child who would want to
16 please their parent would be more likely to want to agree with
17 what mom said. You don't want to get mom in trouble for saying
18 the wrong thing to the police.

19 Q And is there anything else in that particular
20 interview?

21 A No.

22 Q And I think the next one that I'd like to talk about
23 is David Earle, and do you recall the date of David Earle's
24 interview as indicated on the video?

25 A December 11th of 2000.

1 Q And you had the opportunity to review that entire
2 video?

3 A Yes, I did.

4 Q And did you make any observations concerning
5 interviewing techniques on that video?

6 A Yes.

7 Q And what were those?

8 A In terms of investigative bias based on the
9 statements the child made on this tape, I don't think the
10 detectives went to enough lengths to help to discern whether
11 the touch that this child says he got could have been -- could
12 have happened just in the course of Mr. Fiek assisting the
13 child with equipment, with the -- with the athletic cup, with
14 the belt or those kinds of things. I think that there needed
15 to be more questions asked along those lines in this -- in this
16 interview.

17 He also attends Eastside Christian School, so he would
18 have been exposed to the letter.

19 Again, we have inappropriate use of anatomically correct
20 drawings. They were introduced before a child made an
21 allegation. There's evidence of significant prior knowledge.

22 He knows about the involvement of other kids.

23 He knows that Mr. Fiek is in jail.

24 There are issues with stereotype induction. He says that
25 Mr. Fiek kissed him on his cheek. He defines that as a touch

1 he did not like. I wonder if he viewed it that way when he got
2 the kiss the first time or if he came to -- if now he doesn't
3 like it because of what he believes about Mr. Fiek being a bad
4 person or that he, you know, does these bad things. I wonder
5 when he decided this was a bad touch, but the detective didn't
6 explore that so we don't know, and that's the issue, again, if
7 the detectives had explored these avenues, we wouldn't have to
8 guess about what the answers were here.

9 It's a very unclear disclosure in my opinion and the
10 detective does really fail to challenge or explore what the
11 child's saying.

12 There's evidence of peer pressure and taint from previous
13 knowledge. This child says he actually never touched me on the
14 inside of my pants, but I heard he did it to other children.
15 So this child had that information.

16 There's an inconsistency that I think the detectives
17 should have explored, quote, he did it to everyone, but they
18 didn't see it.

19 There's possible incidental or innocent touch, touching on
20 the outside because he's helping with protection, but as I
21 said, the detective doesn't explore, and then at the end the
22 detective says so you're saying that Mr. Gunther touched your
23 private parts, which is leading, suggestive. You could have
24 simply asked the child to restate, tell me one more time what
25 happened if he wanted to clarify it instead of providing the

1 child with so you're saying Mr. Gunther touched your private
2 parts. That was not appropriate.

3 Q I noticed as we went through these interviews, you
4 picked out a lot of these statements that deal with he did it
5 to everyone, but, you know, nobody saw. I mean, what
6 significance do those type of statements have to you in making
7 an evaluation of a mass hysteria type case?

8 A Well, if an adult alleged that an event occurred and
9 that everyone was there and no one saw, I think we would ask a
10 lot of questions about that, and I don't think the questions
11 are any different when it's a child making that statement. I
12 think it's important to find out who else was there, and even
13 if the -- even if the allegation or even if the explanation is
14 that their eyes were closed, I think that it is very common for
15 children who are directed to close their eyes to peep. I think
16 we've all been in church and have peeped during the prayers.

17 Q And I believe the next child I'd like to talk about
18 is [REDACTED], and you reviewed [REDACTED]'s interview?

19 A Yes, I did.

20 Q And [REDACTED]'s interview was taken on what date?

21 A 4/8. (Sic.) He is four years old or was at the time.

22 Q Now, [REDACTED], being so young, would there be any
23 difference in the way you would interview a child of this age
24 compared to some of the older children?

25 A Yes. There are a number of differences.

1 Q What would those be?

2 A Well, you want to make sure that the language you're
3 using, the words you're using, et cetera, are developmentally
4 appropriate for a child that age.

5 You also want to be aware of the fact that younger
6 children tend to be more susceptible to suggestion than older
7 children or adults, and so you want to be especially careful
8 with children in this age range.

9 One of the things that you want to make sure that you do
10 as well is you want to make sure that you monitor the source of
11 the information the child's giving you.

12 Q Okay. And you reviewed [REDACTED]'s video tape?

13 A I did.

14 Q I think in this case you also reviewed a transcript
15 of that video tape?

16 A I did.

17 Q And did you make any observation -- observations
18 concerning the interview techniques in this particular
19 interview?

20 A Yes, I did.

21 Q And can you tell the Court what some of those were?

22 A Yes.

23 This child also is -- anatomically correct dolls -- excuse
24 me. Anatomically correct drawings are used prior to his
25 disclosure. In the course of this child's interview, when he's

1 initially asked -- I'm going to go to my transcript of this to
2 talk about it.

3 Q Whatever makes it helpful to your testimony.

4 A Okay. In the course of this child's interview, he --
5 when he's initially asked fairly directly about what may or may
6 not have happened, he says -- let me get to that place -- he
7 says that a one and a half year old child named [REDACTED] has
8 touched his penis. And he also denies that anyone has touched
9 him there or that anyone else has touched him there. The -- on
10 my transcript the question is okay, good, so, all right, you
11 said [REDACTED] touched you there, has anybody else touched you
12 on your penis? The child says no. Okay. Has anybody ever
13 touched you --

14 MS. KORNAHRENS: Your Honor, I'm going to object to
15 this witness reading from a transcript. I certainly don't
16 have the transcript, and the video's available. We would
17 object to that.

18 THE COURT: Response?

19 MS. YEAGER: I believe we provided those transcripts
20 to you.

21 MS. KORNAHRENS: Well, regardless, if they did, it
22 was during that video time, but I don't think she can read
23 from a transcript.

24 MS. YEAGER: I think she can go over a specific
25 question and evaluate whether or not it was appropriate,

1 and whether or not it was indicative of suggestion, if it
2 was leading or whatever it was based on her expertise.

3 THE COURT: She can do that, but she can't read
4 continuously from the transcript.

5 THE WITNESS: Okay. Sorry. Yes, sir.

6 BY MS. YEAGER:

7 Q Was there any problems with the questioning in this
8 interview?

9 A He -- this child alleges that this
10 one-and-a-half-year-old touched his penis, and then he says
11 three different times, maybe four different times that no one
12 else has touched his bottom or his penis until the interviewer
13 says, asks him, says that he was talking to his mother, and
14 they were telling me you had said something about somebody
15 licking you somewhere, and then the child says, oh, and then he
16 tells him that Mr. Gunther has licked him on his penis.

17 Q What's the problem with the interviewer saying I've
18 talked to your mother and she says somebody lick you?

19 A Because at that point you are not asking the child
20 about what has happened to them; you're asking them about what
21 they have told their mother, and those can be different things.

22 The problem here is that this child also goes on in the
23 course of the interview to name multiple other children in the
24 class who he says have touched him or licked him on his penis.
25 And I see no evidence that that was explored thoroughly in

1 these investigative interviews.

2 Q Now, would that issue of this multiple allegations
3 raise any concerns to you or what would you expect the
4 follow-up to be?

5 A I would expect the follow-up to be with -- one, with
6 those other children and, yes, it would raise concerns for me.

7 Q And what kind of concerns would those be?

8 A My concern would be that the child was -- if the
9 child is naming all these people and this happened in a public
10 place, that someone else in the course of the investigation
11 would have witnessed that or would have information about that,
12 and if that didn't -- if that isn't collaborated somewhere
13 else, it would raise questions for me about those statements.

14 Q And is there anything about [REDACTED]'s interview that
15 you noticed that might not have been appropriate according to
16 the forensic interviewing techniques that you've described
17 earlier today?

18 A I think that it is appropriate when you go through
19 the ceremony of asking children about truth and lies, which the
20 investigators do often in the course of these interviews.

21 After a child makes an allegation about something like
22 licking his penis, I think it's appropriate to check the child
23 and say, now, we talked about telling the truth, are you sure
24 that you're telling me the truth, or to say to them tell me
25 more about that, tell me more about how that happened.

1 In this interview, the investigator asked the child a
2 follow-up question and says -- and says to the child -- that --
3 the child says that it happened with his clothes on while --
4 and he says, well, it happened -- if you don't -- then said
5 well, how did that happen. The child says, I don't know. And
6 the interviewer says, well, if you don't know, instead of
7 clarifying it further, he just goes on with the interview and
8 assuming the child's information is correct. And he should
9 have allowed the child to answer more questions about that.

10 Q And is there anything about -- else about [REDACTED]'s
11 interview?

12 A I think that we've covered that.

13 Q And I believe the next interview would be [REDACTED]
14 [REDACTED]. Did you have an opportunity to review an interview the
15 detective conducted with [REDACTED]?

16 A I did, yes.

17 Q And what was the date of that particular interview?

18 A 12/11.

19 Q And based on your expertise in these areas, did you
20 make any observations in reviewing the interviewing techniques
21 of Roddey's interview?

22 A Again, there were issues with the influence of adults
23 of high status. He attends Eastside Christian School. He
24 would have received the letter. He has -- well, he states that
25 he doesn't like attending Eastside Christian School and wants

1 to leave and go to public school. The interviewer should have
2 explored whether there was any secondary gain for this child to
3 make an allegation about something that might have happened at
4 a facility that was next to the school or connected to the
5 school that he might have thought would facilitate him to leave
6 and get to go to public school. He should have at least
7 explored that.

8 There's evidence of prior knowledge. He knows why he is
9 there, though he denies discussions with his friends, so I
10 would want to know if I was asking the questions how he knows
11 why he's there.

12 Again there's inappropriate use of anatomically correct
13 drawings.

14 He, quote, knows that it happened to [REDACTED] because he saw
15 his mom at Safe Path. He saw her out there. It says he
16 therefore knows it happened to [REDACTED] because he saw Mr. Gunther
17 take [REDACTED] into the equipment room. He doesn't say he saw
18 Mr. Gunther do anything to Paul. He says he saw him taking him
19 into the equipment room, and he, because of whatever's been
20 said to him, assumes that Mr. Gunther must have done --

21 MS. KORNAHRENS: Your Honor, I'm going to object. I
22 don't believe this witness can testify as to what the
23 child's thinking or what anybody assumes. That's
24 improper.

25 THE COURT: Response?

1 MS. YEAGER: If we can just redirect to the interview
2 techniques.

3 THE COURT: Sustain the objection.

4 THE WITNESS: Okay.

5 The interviewer in this -- the interviewer asks so
6 many repetitive questions that the child calls her on it
7 and says, you've already asked me that. You know, she
8 repeats her questions so many times.

9 The investigator fails to explore whether or not the
10 touch that this child received could have been a normal
11 incidental touch or could have happened as Mr. Fiek
12 assisted the children with equipment.

13 This child is very scared and very attentive.

14 MS. KORNAHRENS: Your Honor, I'm going to object to
15 the witness' comment on the demeanor of the person on the
16 video.

17 MS. YEAGER: I think she can testify as to what she
18 observed on the video.

19 THE COURT: What she observed, but that would be as
20 far as she could go.

21 THE WITNESS: He appears shy, turns away from the
22 anatomically correct drawings. He at one point covers his
23 head with his coat. There are certainly concerns about
24 how that affected him.

25 BY MS. YEAGER:

1 Q Now, you mentioned that in [REDACTED]'s interview he says
2 that he saw [REDACTED]'s mom at Safe Path. What, if anything, would
3 be the effect of another child seeing the parent or another
4 child in the waiting area or in the location going in and out
5 of the same place that they're being interviewed for? What, if
6 any, effect would that have?

7 A Well, it would, one, give the child the information
8 that -- that whoever they saw, whether it was a parent or the
9 child, was in some way involve in the investigation. As is in
10 this case for whatever reason this child inferred that
11 something had happened to [REDACTED] even though he didn't have or
12 doesn't say or the detective doesn't explore.

13 MS. KORNAHRENS: Your Honor, I'm going to object as
14 to what the child inferred again. That's improper.

15 THE COURT: Yeah. Sustain the objection.

16 BY MS. YEAGER:

17 Q Based on your observation what was said in the video?

18 A In the video the child says he knows something
19 happened to [REDACTED], but he does not say how he knows that. The
20 detective doesn't try to find out how he knows that. When he
21 explains -- when he explains how he knows that, he may have
22 asked that question. When he explains how he knows that, he
23 says that he saw [REDACTED]'s mom here.

24 Q Would it have been a more appropriate practice to
25 avoid there being any overlap in a child seeing another child

1 or a parent of another child that they might know when you
2 would be conducting these interviews?

3 A I think it would be preferable, although I understand
4 the number of interviews that had to be conducted here, but I
5 think it would have been preferable, yes, to make arrangements
6 to have people come at intervals.

7 Q Is there anything else you observed from [REDACTED]'s
8 interview that raised concerns with you as far as the interview
9 questioning?

10 A No.

11 Q And, Miss Morton, have you had the opportunity to
12 view a video of [REDACTED]?

13 A Yes.

14 Q And on what date did that interview take place?

15 A 12/15/2000.

16 Q And based on your observations of [REDACTED]'s video tape,
17 did you see anything that might have been, as far as interview
18 techniques go, inappropriate or suggestive?

19 A They -- again, the anatomically correct drawings were
20 used prior to disclosure.

21 This detective fails to explore whether the touch could
22 have been incidental with helping with clothing or equipment.

23 In my opinion, he -- this is too long to wait to interview
24 and this is an issue with several of the kids. I think that
25 really many of these children should have been interviewed

1 earlier in the investigation. This is the 15th. This is 15
2 days after the first interview. He had disclosed to his
3 parents so there have been previous interviews. There was
4 prior knowledge. He said that his mother told him why he was
5 coming but forgot what she said.

6 I think the key issue here is that the detective needed to
7 explore whether or not the touch this child got was incidental
8 or had to do with helping with equipment, et cetera or could
9 have been or not. I think that would have been important to
10 do.

11 Q Now, what -- the failure of the detective to go into
12 the information as to what mom or what other outside
13 information he said or gained before this interview since it
14 was on the 15th, I mean at this point, would that have any
15 greater effect than, say, an interview that occurred on the
16 7th?

17 A Yes. If -- because there had been more opportunity
18 for conversation, there had been more opportunity for
19 discussion with peers, there had been more opportunity for
20 discussions with or by at school or at church or meetings that
21 may have occurred in the community or at the church that the
22 child may been aware of or exposed to and so, yes, as the time
23 table progresses here, it becomes more and more important to
24 explore the impact of other influences.

25 Q And the next interview I'd like to talk about is [REDACTED]

1 [REDACTED]. Did you have an opportunity to review [REDACTED]
2 interview?

3 A I did.

4 Q What was the date of that interview?

5 A 12/17.

6 MS. KORNAHRENS: Your Honor, I'm going to object. I
7 think that was on 12/7.

8 THE WITNESS: I may have miss -- I may have -- I
9 think that's right.

10 BY MS. KORNAHRENS:

11 Q 12/7 was [REDACTED]'s interview?

12 A I think I had a typo.

13 Q And did you observe [REDACTED]'s interview?

14 A I did.

15 Q And what, if anything, did you learn from your
16 observation of [REDACTED]'s interview about the interview techniques,
17 the follow through by the detectives?

18 A In this instance, one of the problems that I noted
19 was a problem for at least most of the interview with the
20 setting and documentation problem in that you really can't see
21 because of the way this child is sitting, his face on the tape.
22 I think it's important to be able to observe the child's
23 demeanor, and you can't do that very well on this tape.

24 I think the questions in this interview were very, very
25 leading and suggestive questions. The investigator says to the

1 child, you are talking about Mr. Gunther on the way in, do you
2 want to talk about that. That's pretty direct and I think
3 unnecessarily so.

4 Q What would you do if the child walks in the door and
5 says -- and starts talking about the person that you are in
6 fact going to interview about? How would you change that and
7 direct it into a more proper interview?

8 A I would -- I would go -- start being with the child
9 and I would ask more general questions about his family life,
10 his school life, et cetera, and would ignore the statements the
11 child had made to me on the way into the room until we got to
12 that place in the interview.

13 If he then brought it back up or if at any point he was in
14 the room, he said I'd like to talk about Mr. Gunther, then you
15 follow the child's lead, but you don't take him there. Because
16 we don't -- you cannot -- I cannot observe from the tape what
17 he might have been saying about Mr. Gunther on the way into the
18 room. I don't know what he was saying about Mr. Gunther on the
19 way into the room, so --

20 Q And would that have an impact on the quality of this
21 interview?

22 A It would, and in this interview twice this child
23 denies that anyone has touched him inappropriately. Before he
24 agrees that Mr. Gunther has touched him, first he says over and
25 under, and then he says only over his clothes. So his

1 disclosure is inconsistent.

2 The interviewer uses peer pressure in this interview,
3 which is -- you should not do, saying to the child other
4 friends have come in here and they have told me some things.

5 Q Why would that be inappropriate? How does that
6 influence a child in an interview?

7 A Because it helps them to want to be part of a group.
8 It says to them, well, other people have said this and so, you
9 know, the child may be influenced to try to be like his peers.

10 Q Now, that seems kind of odd because this isn't like
11 being a peer as far as, you know, joining a -- you know,
12 joining a football team or a basketball team?

13 A No.

14 Q Why would a child be subject to peer pressure for
15 something say negative as this?

16 A Because of a couple of things. One, because in this
17 instance, there were so many children involved and there was so
18 much information, and children tend to want to be supportive of
19 and accepted by their peers, so I think that is the key -- the
20 key issue.

21 Q And is there anything else you observed on [REDACTED]'s
22 video tape?

23 A There is some evidence of repetitive interviewing in
24 that the child says in response to the interviewer's question
25 about touching, I've already told you, remember, and I don't

1 know what that refers to, and so I don't know whether there
2 have been other conversation. I don't know what that refers
3 to. But if there was another conversation, it was not in my
4 documentation. There was not documentation of anything I
5 reviewed.

6 THE COURT: When we finish with [REDACTED], why don't
7 we recess for the evening. Finish all your questions
8 about that one.

9 MS. YEAGER: Yes, sir.

10 BY MS. YEAGER:

11 Q And would it have been important to follow up and
12 find out what that other conversation was?

13 A Yes.

14 Q So we know what we're talking about?

15 A Yes. And I didn't note that that happened during
16 this interview.

17 Q And is there anything else you observed from [REDACTED]'s
18 interview that was problematic as far as interview techniques
19 and questioning go?

20 A Yes. That although he twice denies any inappropriate
21 touch on his private, that it was only on his back, the
22 interviewer continues to press with more specific questions
23 until he says that something happened and once he says
24 something happened, does not question that response, because
25 that -- and so that positively reinforced the response that

1 something did happen to him and the negative would reinforce
2 the response that nothing happened to him or that no one
3 touched him.

4 Q So you're saying that you should -- you should really
5 systematically ask more questions about a no answer as well as
6 a yes answer so it's an equal based interview?

7 A Yes.

8 Q And is there anything else?

9 A No.

10 MS. YEAGER: I believe that's all the questions I
11 have on [REDACTED]'s interview, your Honor.

12 THE COURT: Ladies and gentlemen, we're going to
13 recess until it will be 9:30 in the morning. Please be
14 back in the jury room at that time. Please do not discuss
15 the case with anyone. We'll be in recess until 9:30.

16 MS. KORNAHRENS: Your Honor, may we get one thing on
17 the record?

18 THE COURT: Sure.

19 MS. KORNAHRENS: I would just ask that the copy of
20 this summary, really report from Miss Morton, if Miss
21 Yeager would also file that in with the clerk. It really
22 should have been made available to us as part of discovery
23 and needs to be part of the record, I believe.

24 MS. YEAGER: Your Honor, our position is that it's
25 not discoverable. If the Court directs us to do that, we

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will certainly do what the Court directs.

THE COURT: Since it's been turned over, I think it should be part of the record, so if you don't mind, file a copy. Okay.

(Whereupon, Court recessed at 5:30 p.m., for the day.)

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C-E-R-T-I-F-I-C-A-T-E

STATE OF GEORGIA:

COUNTY OF COBB:

I, Judith A. Pullium, Certified Court Reporter for the State of Georgia, do hereby certify that the above and foregoing proceedings were taken in machine shorthand by me on the date aforesaid and were thereafter reduced to typewritten form under my direction; that the foregoing is a true, correct, and complete transcript of said proceedings.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein, nor otherwise interested in the outcome of this litigation.

This certification is expressly withdrawn and denied upon the disassembling or photocopying of the foregoing transcript or any part thereof, including exhibits, unless said disassembling or photocopying is done by the undersigned court reporter and original signature and seal attached thereto.

IN WITNESS WHEREOF, I have affixed my signature and seal this 18th day of February, 2002.



JUDITH A. PULLIUM, RMR, CRR
Certified Court Reporter B-1055

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IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
vs.) CRIMINAL ACTION,
) FILE NO. 01-9-1025-18
GUNTHER FIEK,)
)
Defendant.)

VOLUME TWELVE OF THIRTEEN

Jury Trial proceedings held before the Honorable
GEORGE H. KREEGER, Cobb Superior Court, Marietta,
Georgia, commencing on September 5, 2001.

APPEARANCES:

Eleanor Kornahrens, Assistant District Attorney,
Henry Thompson, Assistant District Attorney,
on behalf of the State.

Jimmy Berry, Attorney at Law,
Cindi Yeager, Attorney at Law,
on behalf of the Defendant.

COPY

JUDITH A. PULLIUM, RMR, CRR
Official Court Reporter
30 Waddell St.
Marietta, Ga 30090-9642

1 P-R-O-C-E-E-D-I-N-G-S

2 -----

3 THE COURT: Ready for the jury?

4 MS. KORNAHRENS: Yes, your Honor.

5 THE COURT: Mr. Berry, Miss Yeager, are you all
6 ready?

7 MS. YEAGER: Yes, your Honor.

8 THE COURT: Is your witness somewhere close?

9 MR. BERRY: She should be.

10 THE COURT: Okay.

11 (Whereupon, the jury entered the courtroom.)

12 THE COURT: You may continue.

13 MS. YEAGER: Thank you, your Honor.

14 CONTINUED DIRECT EXAMINATION

15 BY MS. YEAGER:

16 Q Good morning, Miss Morton.

17 A Good morning.

18 Q I think where we left off yesterday, we had just
19 talked about Will Hays' interview.

20 And the next interview I'd like to talk to you about is
21 [REDACTED]. Did you review a video tape of a detective and
22 [REDACTED] in preparing for this case?

23 A Yes, I did.

24 Q What was the date of that interview?

25 A 12/6.

1 Q And that's 2000?

2 A 2000. I'm sorry.

3 Q And did you have the opportunity to review [REDACTED]'s
4 entire interview with Detective Merrifield?

5 A Yes, I did.

6 Q And did you make any observations about the
7 particular techniques and questionings the detective
8 facilitated as she conducted that interview?

9 A Yes, I did.

10 Q And what were those?

11 A Again, this is a child who knows why he's there and
12 appears to have, based on his statements, a good bit of
13 information about what has happened. For example, during the
14 course of his talking with the detective, he repeatedly refers
15 to we, we know, we found out, and the detective never follows
16 up and asks who we is.

17 Q Is that significant and how would that be
18 significant?

19 A I think it's important if you consider the potential
20 for the possibility that this child had been exposed to
21 conversations with other people or the potential that this
22 child had talked with other children about what may have
23 happened and the potential that the child may have been
24 influenced by those conversations.

25 So I think that because the detective didn't ask

1 questions, we don't know the answers.

2 Q And was there anything else that you observed from
3 watching that video tape?

4 A He says that no one was present when this happened to
5 him, but that he, quote, knows it happened to a lot of other
6 kids.

7 Again, the detective fails to explore this; how does he
8 know that, where does that information come from and how may
9 that have influenced this child's statements about what
10 happened to him.

11 Q And was there anything else in particular that you
12 obtained from that video?

13 A This child testified that one of the things that
14 happened was -- excuse me -- this child said during his
15 interview that one of the things that happened was that he
16 would have them jump up and down until their penis was erect.
17 That appears inconsistent to me. I think it should have been
18 explored.

19 Also in this interview he also introduced
20 anatomically-correct drawings earlier than I think was
21 appropriate.

22 Q Now, when we talk -- you mentioned a number of times
23 about this introduction of the anatomically-correct drawing,
24 and are you familiar at all with the Corner House techniques in
25 forensic interviewing?

1 A I have reviewed their manual and I have read their
2 material, yes.

3 Q And is that just one type of a forensic interview
4 that you could be trained to do?

5 A Yes.

6 Q And are there other types?

7 A Yes.

8 Q What are the other types?

9 A There are many other types. For example, there's the
10 Step Wise Approach. There's what's called a cognitive
11 interview. There are multiple other types. The issue is
12 whether or not those types of protocols and the application of
13 those protocols incorporates good method and good
14 non-suggestive questioning of children.

15 Q And based on your knowledge of the different
16 techniques that are used in forensic interviewing, what is your
17 opinion on the Corner House technique?

18 A Actually the technique itself offers a lot of -- a
19 lot of good guidance for forensic interviewers, but what is
20 important is that it be used by someone who is unbiased, and
21 that that -- that the -- the issues that we know contribute or
22 can contribute to suggestibility in children, such as use of
23 peer pressure and repetitive questioning and those types of
24 things, are not incorporated into that method.

25 Q And yesterday you told us about that, you know, in

1 the last five to seven years, I think you testified to, that
2 there's been a lot of research in this area and the use of
3 anatomical dolls and anatomical drawings. Would these
4 techniques need to be updated as the research became updated
5 and we've progressed into developing new methods in order to
6 ensure that we get the truth in these type of interviews?

7 A I think that this is very important, that methods be
8 updated and people who are doing these types of interviews are
9 current on the literature in the area, especially since there's
10 been so much new information that has become available that's
11 based on scientific research that we didn't have before.

12 Q So would you expect, then, based on being a trainer
13 in forensic interviewing, that if you were to train someone in
14 the Corner House techniques, that as of today you would
15 probably recommend if you're going to use the anatomical
16 drawing, you do it later in the interview as opposed to
17 earlier?

18 A Yes. Yes, that would be my recommendation. I think
19 that the drawings can be suggestive. Children are not
20 accustomed to seeing drawings that include genitals, and if a
21 child is -- many of these children, for example, came in ready
22 to talk, and I thought that the introduction of the drawings
23 was unnecessary, and so it was unduly suggestive and
24 unnecessarily suggestive and they could have waited for a
25 disclosure and then asked for a clarification using those

1 drawings.

2 Q Now, let's talk about the next -- another interview,
3 and that would be of [REDACTED]. Did you have the
4 opportunity to observe [REDACTED]'s video tape?

5 A Yes, I did.

6 Q Did you also have a transcript of the detective's
7 interview with [REDACTED]?

8 A Yes, I do.

9 Q And what date was that interview conducted?

10 A I don't have that in my notes in front of me.
11 Actually I do have it over here. I just need to check a
12 different place.

13 That interview occurred on the 8th, I believe.

14 Q And based on your reviewing the video tape and
15 reviewing the transcript with the video tape, did you make any
16 observations in particular concerning the interview technique
17 used with [REDACTED]?

18 A Yes, I did. For example, early on in the interview
19 with [REDACTED], in the detective's questioning of him, he -- the
20 detective asked him an appropriate question, which was, okay,
21 let's see, did your mom tell you, [REDACTED], why she brought you
22 here today. That was appropriate information for the detective
23 to seek to obtain.

24 And the child's response is yes or yeah, and then this is
25 not an appropriate question: The detective says and what was

1 that for? Did she tell you? That's an appropriate question
2 but the answer was that she -- I take the answer to mean
3 because like someone was touching me, and I don't know based on
4 that whether or not that was [REDACTED]'s statement or whether
5 that's what his mother told him.

6 And instead of saying -- instead of asking him that, the
7 detective follows up and says somebody was touching you, so he
8 accepts it as [REDACTED]'s statement. Maybe it was. Maybe it
9 wasn't. He didn't ask. He didn't ask the question and he
10 should have.

11 Q And is there anything else that you noticed in
12 particular as you reviewed this information?

13 A I think the most significant thing that I can say
14 about this interview is that the disclosure through the course
15 of the interview is very inconsistent, and I do not think the
16 detective did a good job of following up on those
17 inconsistencies.

18 For example, when the child is initially questioned and
19 fairly directly about what may have happened to him, he says
20 that he was touched with his hand, and he also states that this
21 happened in Fulton County.

22 Later in the interview he again asks him about that and
23 asks -- asks him what part of his body he touched, and he again
24 says his hand, and when -- the child indicates at that point
25 that he was touched with no other body party other than

1 Mr. Fiek's hand. And later he contradicts that.

2 Again, he's asked the question: Would anything happen to
3 your penis when he would do this? And the child responds no.

4 The interviewer asks for clar -- or says, huh. The child
5 again responds no.

6 He contradicts that later in this interview as well.

7 Q And what's important or significant about
8 contradictions within the same interview itself?

9 A Well, if the child tells you one thing at one point
10 and tells you something else later in the interview, then you
11 have to ask why you would believe the second thing the child
12 said as opposed to believing --

13 MS. KORNAHRENS: Your Honor, I'm going to object as
14 to this witness commenting on the credibility of a victim.
15 That's improper.

16 THE COURT: Response?

17 MS. YEAGER: I don't think she's giving an opinion on
18 the credibility of the victim, but I think she's
19 evaluating what she can observe from inconsistent
20 disclosures within the very interview herself. I don't
21 think she's reached the point of commenting on it, but
22 she's just telling the significance of it. I mean, she's
23 still not taking away from the purview of the jury what
24 their conclusion is going to be based on what they have
25 observed.

1 THE COURT: Overrule the objection. But don't
2 comment on the credibility.

3 THE WITNESS: Okay. Again, later in the interview,
4 the detective asks the question -- he's asking him about
5 seeing Mr. Fiek's penis, and they go through a series of
6 questions and he's asked what happened. He asked: Then
7 what did he do with his? And then the child responds like
8 the same thing, like just like played with it.

9 And then he asks him whether he noticed anything
10 happening to his penis at that point and the child says
11 no.

12 And then the detective asked a very direct and very
13 leading question and says, do you know what the word erect
14 means.

15 So he puts -- potentially could have put this idea in
16 the child's mind at that point, and after the child has
17 already said that nothing happened to Mr. Fiek's penis.

18 And the child affirms that he does know what that
19 means, and then the child asks, responds yes or yeah to
20 the question, okay, did that ever happen to his, but not
21 until the detective had introduced that information.

22 And then asked if that ever happened to him, the
23 child, and he says yeah, even though earlier in the
24 interview he had said no.

25 And then he asks another leading question, which was

1 whether at that point something happened, and the child
2 responds that sperm came out, which is a far cry from
3 three or four questions before when the child said nothing
4 happened to his penis.

5 BY MS. YEAGER:

6 Q And when you have an interview such as this, I mean,
7 is this the type of interview which you would certainly need to
8 do further investigation and get further corroboration of, you
9 know, what really happened?

10 A Absolutely.

11 Q And is there anything else that you observed from
12 ██████████'s video?

13 A Well, I'll point out as well that even deeper into
14 the interview the child responds again no to the question of
15 whether any other part of Mr. Fiek's body has touched his --
16 has touched his penis other than his hand. He responds no to a
17 question about whether he's ever kissed him, and but then later
18 in the interview he contradicts that.

19 Also he asks did -- he asks a series of questions about
20 where things happened, whether it was at tae kwon do or at his
21 house or at his mother's house, and he initially -- to the
22 question: Just, what, it just happened at your mama's house,
23 responded, uh-huh, yes.

24 And later just down the page says that it happened at his
25 house once and then says it happened twice at Mr. Fiek's house

1 so the story changes as he's telling it here and the story's
2 growing.

3 The -- toward the end of the interview, before the
4 interviewer takes a break, he asks him: But as far as in
5 touching you and all, was everything just with his hand? And
6 the child again says yes.

7 And, okay, and if it were something different, would you
8 tell me? And the child says I would tell you.

9 And that question was fairly direct and fairly leading,
10 but the child still responds no.

11 So they take a break. A few questions down they take a
12 break, he comes out and comes back, and the detective goes into
13 this long explanation of how maybe he doesn't answer questions
14 or doesn't ask questions correctly or properly and that he
15 wants -- it says -- he says, the best you can remember this all
16 began about six years ago.

17 And then he comes down the page and he says again, he says
18 that people get confused sometimes. The detective suggests
19 that sometimes people get confused, then asks him a direct
20 question about whether Mr. Fiek ever touched him with his mouth
21 and then he says yes.

22 So this is well into the interview. This is 182 questions
23 into the interview, and there have been previous multiple
24 denials on the part of this child that that occurred. So when
25 that type of inconsistency exists in an interview it's very

1 important to clarify and to do further investigation.

2 Q What would be the significance of the police officer
3 as described, one of these authority figures, you know, coming
4 in and making the statement sometimes people get confused?

5 A The child could interpret that to mean I gave the
6 wrong answer or maybe I was confused.

7 Q And is there anything else that -- on Aaron's video
8 that you particularly noticed of significance?

9 A I think that's all.

10 Q The next interview I want to talk about is with
11 [REDACTED], and did you have the opportunity to observe
12 [REDACTED]'s interview with Detective Merrifield?

13 A I did have an opportunity to observe that, yes.

14 Q And did you also have the opportunity to review any
15 transcripts regarding Mr -- regarding [REDACTED]'s interview?

16 A Yes, I did.

17 Q And what was the date of Detective Merrifield's
18 interview with [REDACTED]?

19 A I believe it was 12/4/2000.

20 Q And once you've observed [REDACTED]'s interview, was
21 there anything of significance that you observed as far as the
22 interview techniques and questioning?

23 A The detective's interview technique and questioning
24 with [REDACTED] was so leading and so suggestive that
25 [REDACTED] in the course of the interview only uses the word touch

1 one time. And I can't -- other than labeling the parts of
2 anatomical drawing, I can't find another reference to genitals
3 either.

4 The reason that is significant is because it means that he
5 was being asked yes and no questions. Often children,
6 especially young children, feel that even if they're told
7 otherwise, that when you are asked a yes or no question by an
8 adult, they need to respond with yes or no, and so those kind
9 of questions can be particularly leading as can multiple choice
10 questions be particularly leading because the child thinks one
11 of those answers is correct often or they can think that.

12 Q And that when you talk about the yes or no questions,
13 was that the interview with Detective Merrifield or the other
14 transcript you had with the dad?

15 A Well, actually that's true for -- the issue with
16 leading questions is true, true for both of those, of those
17 interviews, and the interview with the dad was particularly
18 leading and particularly suggestive. It occurred the day
19 before the interview with the detectives according to the
20 record I reviewed.

21 Q So this is another one of those cases based on the
22 type of interview and the information that was got, and
23 certainly you would want to investigate further and, you know,
24 see if there were any other witnesses in the case or any other
25 evidence that you could collect?

1 A Absolutely.

2 Q And was there anything else particularly
3 insignificant with [REDACTED]'s interview that you noticed?

4 A Yes. One of the things that I think is important to
5 note again in [REDACTED]'s interview is that in response to
6 questions about whether he's ever gotten a bad touch, he twice,
7 three times said no and did not respond yeah until the
8 evaluator, the detective said, okay, did you -- did you tell
9 your dad that somebody had touched you in a bad way and the
10 child says yeah.

11 And then it's inappropriate to lead a child into that
12 statement that way because then he's repeating what he told his
13 dad rather than being asked to talk about what might have
14 actually happened to him.

15 Those two things may be identical or they may not be
16 identical. Sometimes what children tell their parents is
17 not -- does not reflect exactly what happened to them. So it
18 is important that you're very clear with the child about what
19 you're wanting them to recount.

20 Q Now, is there any significance of if a father was
21 interviewing a child and say they were playing a game, such as
22 Nintendo or something like that, does that have any
23 significance at all?

24 A Well, I can understand why a parent might do that in
25 the role of a parent because they would be maybe --

1 MS. KORNAHRENS: Your Honor, I'm going to object as
2 to why she thinks a parent might do that. That's pure
3 speculation.

4 THE COURT: Response?

5 MS. YEAGER: I'll just rephrase the question.

6 THE COURT: Please do. Sustain the objection.

7 BY MS. YEAGER:

8 Q Can you just tell us without saying why a parent
9 might do that, just what the significance if they did that
10 would be?

11 A The child could be distracted. The child could be,
12 you know, focused on the game, the child could be answering
13 questions in a way that they think the parent -- is going to
14 appease the parent just to get on with the activity they're
15 interested in. Those are possibilities. I think it would be
16 better to not have that kind of activity going on during that
17 kind of questioning. I think it would be better for the
18 questioning not to have occurred until the forensic interview.

19 Q And is there anything else significant about
20 William's interview that you noted?

21 A Again, the anatomically-correct drawings were
22 introduced early. And he seems to be unable to give any very
23 clear or convincing detail, and this is a child who initially
24 to his father and says that he was just fixing his pants, so I
25 think that the detective should have gone further to try to

1 evaluate whether this child was talking about a sexual touch or
2 incidental touch that occurred when he was helping him with his
3 uniform or helping him with equipment, and that did not occur.

4 Q Now, the next interview I want to talk about, I
5 guess, did you review any information concerning [REDACTED]
6 [REDACTED]?

7 A There was no video tape on [REDACTED] I did
8 not have any information on him and the lack of a video tape on
9 that interview is a problem in and of itself.

10 Q Why is that a problem?

11 A Because there's no objective documentation of what
12 happened during the course of that interview and adults, even
13 if they walk out of the room and make notes immediately, tend
14 to focus on what the child has said rather than the questions
15 they have asked, and what we know from the research is that the
16 questions adults ask children are just as important as the
17 children's responses in these cases, and so objective
18 documentation is important for that reason.

19 Also because someone who's objectively pursuing a case
20 like this and is objectively pursuing the truth wants to look
21 at their own video tapes of their interviews because they want
22 to go back and look at those tapes so that they can check for
23 inconsistencies so they can see what they need to follow up on.
24 It's very important.

25 Q And the next interview I'd like to talk about is that

1 of [REDACTED]. Did you have the opportunity to review [REDACTED]
2 [REDACTED]' video tape?

3 A I did, yes.

4 Q And what was the date of that video with Detective
5 Merrifield?

6 A 12/11/2000.

7 Q And based on your observations of [REDACTED]'s videotaped
8 interview, was there anything significant that you put out --
9 that you observed as far as the interview techniques?

10 A Again, this is a child who attended school at
11 Eastside Christian School, so there was the potential that he
12 was exposed to the letter and the announcements and the other
13 things that occurred at the school that tended to vilify
14 Mr. Fiek, and there is evidence -- therefore evidence of prior
15 knowledge, and the investigator fails to explore that in this
16 interview in terms of where that knowledge might have come from
17 and how it might have impacted this child's statements or not.

18 There's also evidence, I believe evidence of repetitive
19 interviewing because when the child is asked about what might
20 have happened, his response is I think you already know, I
21 already told you about it already, I told you about it already.
22 I would like -- I think that every interview with a child
23 should be documented and I would think it would be important to
24 know when and where this child told him about this before, if
25 he did. But he doesn't pursue that in the interview.

1 The other issue in this interview is that, again, this
2 child does describe the touching occurring when others were
3 there but all their eyes were closed, and I think that is an
4 important issue to pursue. I think it's important to find out
5 who was there and to ask the other children who were in the
6 room, whether their eyes were closed and whether they saw
7 anything. I think that's a minimal investigation.

8 Q And was there anything else you observed concerning
9 [REDACTED]'s interview?

10 A No.

11 Q And what about [REDACTED]? Did you have the
12 opportunity to review an interview conducted with [REDACTED]?

13 A I did.

14 Q And what was the date of [REDACTED]'s interview with
15 Detective Merrifield?

16 A December 1st. I believe that [REDACTED] may have been
17 the first child who was interviewed.

18 Q And what, if anything, did you observe concerning
19 [REDACTED]'s interview as far as the interview techniques are
20 concerned?

21 A One of the things that I think was not pursued that
22 was important was that he described that the touch occurred
23 when he was helping him with tying his belt, and I think it
24 would have been very important to explore whether or not that
25 touch was incidental to tying the belt.

1 There's a big difference between a touch that occurs
2 accidentally or incidentally and a touch that is for sexual
3 purpose. I don't think that was appropriately explored in this
4 interview. The detective makes some efforts to get
5 clarification on that, but I don't think that she went far
6 enough.

7 Q Well, what types of questions would you expect the
8 interviewer to ask when they get a response like that?

9 A I would expect them to say did he help you with your
10 belt, how often did he help you with your belt, are you sure
11 that this was intentional, could it have been an accident, you
12 know. Those are the types of questions that I think. Although
13 it is very difficult sometimes to ask a child to distinguish
14 between those two things.

15 Q And is there anything else that you observed from the
16 interview of [REDACTED]?

17 A In my opinion, he comes across in the interview with
18 a very sort of flat affect. He reports this very matter of
19 factually and I think that's important to note. That is in
20 fact the issue with a lot -- that's an issue with a lot of
21 these children during the interviews. They provide -- many of
22 the children provide this information in a very matter of fact
23 sort of way.

24 That could be indicative of repetitive interviewing, it
25 could be indicative of rehearsal, informal rehearsal anyway.

1 Somehow they have become comfortable with this information. It
2 appears in many cases.

3 Q Can a child just become comfortable with the
4 information just by the very fact that they have heard so many
5 outside things about the events?

6 A Yes. And the reason for that is because what an
7 individual describe -- when an individual child describes in
8 this investigation might be something that is outside, that
9 would normally be embarrassing to a child or that is outside
10 their experience, but in this investigation or over the course
11 of this investigation it became a common conversation in the
12 community for many of the children. The record reflects that
13 it became something that they had discussed, so it became
14 acceptable to talk about these things and acceptable to
15 disclose these things.

16 Q Now, that's not necessarily all bad, is it?

17 A No.

18 Q And what about [REDACTED], did you have the
19 opportunity to review his video tape?

20 A I did.

21 Q And the date of his video tape with Detective
22 Streefkerk was on what time, what date?

23 A It was the 12th of December, 2000, around 11 o'clock.

24 Q And based on your observation of [REDACTED]'s video tape,
25 did you make any observations concerning the interviewing

1 techniques?

2 A I did. One issue that I have is related to the time
3 delay between [REDACTED]'s initial disclosure to his mother and the
4 date of this interview.

5 Based on the records I reviewed, he had disclosed to his
6 mother nine days before, and he had disclosed as she questioned
7 him pretty directly and ultimately fairly suggestively about
8 what might have happened to him.

9 Nine days was too long to wait to interview this child
10 because in nine days a lot of conversation can happen. It
11 would have been much better to interview this child early on
12 and eliminate the possibility of him having any conversations
13 with anyone else.

14 Q And is there anything else that you notice in
15 particular concerning [REDACTED]'s tape?

16 A This child also attended Eastside Christian School,
17 so he was also exposed to the letter and what the statements
18 that school officials had made and also I had mentioned that
19 the mother had talked with him initially, her conversation with
20 him, her notes reflect --

21 MS. KORNAHRENS: I'm going to object to any notes by
22 a mother. That certainly is not in evidence at all.

23 THE COURT: Response?

24 MS. YEAGER: Can't talk about what are in the notes,
25 just maybe that you reviewed the notes, not anything

1 inside the notes.

2 THE COURT: Sustain the objection.

3 THE WITNESS: Sorry. The mother had questioned this
4 child at least twice and the questions were initially
5 general and became more and more specific.

6 He also during the course of this interview says it
7 happened both in the closet and in the classroom, which
8 again means that other children could have been around in
9 the classroom. It would have been very important to find
10 out who those were and what they saw or did not see that
11 was consistent or inconsistent with this child's
12 statements.

13 He specifically names [REDACTED] and [REDACTED]. I think that it
14 would have been important to pursue those -- those two
15 children and ask them about the statements this child
16 made.

17 He also at one point in the interview says that as an
18 explanation what Mr. Fiek was doing, says that he was just
19 fixing it, and the question is whether or not that was an
20 incidental touch or whether it was something that was
21 malicious in nature, and I don't see any effort to clarify
22 that.

23 BY MS. YEAGER:

24 Q Now, you've talked a little bit about the fact that,
25 you know, it might have been important to interview some of

1 these other children concerning the allegations.

2 What is the significance or how would the detective or any
3 interviewer handle that when some of the people named within
4 some interviews have also been interviewed themselves for
5 possible allegations?

6 MS. KORNAHRENS: Your Honor, I'm going to object to
7 her commenting on how the interviewer should do it or the
8 police officer should do their investigation. She's not
9 an expert in police investigation. She's merely been
10 qualified as a expert in forensic interview. I'd object
11 to that.

12 THE COURT: Response?

13 MS. YEAGER: I think she can testify within the
14 realms of a forensic interview, whether or not within the
15 interview itself it would have been appropriate to do that
16 or if it should have been at a different time or a
17 different subject -- or different time.

18 THE COURT: Maybe it's the form of your question
19 then. Please restate your question.

20 BY MS. YEAGER:

21 Q Miss Morton, would it be appropriate during a
22 forensic interview of a child concerning his own allegations to
23 ask questions within that interview about witnessing possible
24 other allegations?

25 A Absolutely. Because it is within the purview of a

1 forensic evaluator or forensic interviewer to check the
2 credibility of the child's statements. That is part of their
3 role, and that is part of checking the credibility of those
4 statements.

5 Q And was there anything else that you noticed in
6 significance about Alex's interview process?

7 A I think that was all. There was one other thing --
8 I'm sorry. He makes a statement during the course of the
9 interview that Mr. Fiek would touch one child with another
10 child looking on. And, again, that sort of underscores, in my
11 opinion, the need to find out if there's any way to verify
12 that, if there's any other child that can say that. Because if
13 you have more than one person experiencing the same thing at
14 the same place, you want to pursue that with the child you're
15 talking to.

16 Q Okay. And what about [REDACTED], did you have the
17 opportunity to review [REDACTED]'s video tape?

18 A Yes, I did.

19 Q And when was [REDACTED]'s interview with Detective
20 Streefkerk?

21 A The 12th of December.

22 Q And based on your observations of [REDACTED]'s interview,
23 did you make any notes in significant concerning the interview
24 techniques?

25 A Yes, I did.

1 Q And what were those?

2 A He says that, um, Mr. Gunther touched him in class
3 during this bridging activity with a finger on his wiener.
4 That was his words. Again, this occurred in class. I think it
5 would have been important to ask this child who else was
6 present in that class and to talk with those children rather
7 than just accepting this child's explanation for others not
8 seeing.

9 Q And is there anything else in significance that you
10 noted from [REDACTED]'s interview?

11 A I think that he had -- he had some prior knowledge.
12 I don't know how much. His mom did tell him why he was coming
13 to the interview. We just don't know how much prior knowledge
14 he had because the detective didn't ask the question.

15 Q And what about [REDACTED], did you have an
16 opportunity to review [REDACTED]'s interview with Detective
17 Streefkerk?

18 A I did.

19 Q And the date of that interview was what?

20 A The 12th of December.

21 Q And based on your observation of [REDACTED]'s videotaped
22 interview, did you make any observations concerning the
23 interview techniques and questioning used?

24 A Yes. This child clearly knows why he's there.
25 Patrick says he's there to talk about what's been going on with

1 Mr. Gunther. So he is aware and the detective should have
2 explored -- should have asked the question what is it you know
3 about that, tell me about what you know, and tell me where you
4 learned it.

5 Q And is there anything else?

6 A The touch that [REDACTED] describes, he describes a
7 touch that occurred when they were in class and he would sit on
8 his lap and Mr. Gunther would cross his arms around him and
9 that that's when the touch would occur.

10 The child says during the interview that sometimes he
11 believes this was accidental, and the detective responds with
12 what I think is a very leading question. It's not even a
13 question; it's a statement for the child to complete, and the
14 detective says sometimes it was -- and the child said on
15 purpose. So the child essentially completes the detective's
16 thought rather than being independently asked that, about that,
17 and I think that given the nature of what he described and the
18 potential that it was accidental, he should not have asked the
19 question in that way.

20 Q Is it ever appropriate to ask that type of question
21 in a forensic interview?

22 A No.

23 Q And what other things did you observe about [REDACTED]'s
24 interview, if anything?

25 A He names a child.

1 MS. KORNAHRENS: I'm going to object at this point.
2 I think she's going into something that was not allowed to
3 be played on the video.

4 MS. YEAGER: If I can have one moment, your Honor.

5 BY MS. YEAGER:

6 Q And is there anything else that you observed from
7 that interview?

8 A No.

9 Q And what about [REDACTED]. Did you have the
10 opportunity to observe [REDACTED]'s interview?

11 A I did.

12 Q And when was [REDACTED]'s interview with Detective
13 Merrifield?

14 A December 7th, 2000.

15 Q And you had the opportunity to observe [REDACTED]'s
16 interview with Detective Merrifield, then did you make any
17 observations or notes concerning the interview techniques that
18 were used during [REDACTED]'s interview?

19 A I did.

20 Q And what were those?

21 A Again, this is a child who appears to -- who makes
22 statements to the effect that he knows why he's there and I
23 think the interviewer should explore that with every child who
24 seems to have information about why he's there.

25 It may be nothing -- it may be nothing that would affect,

1 the quality of the interview or it might be, but we can't know
2 that unless the questions are asked.

3 Q And is there anything else that you observed?

4 A There were. The early inappropriate introduction of
5 the anatomically-correct drawings. I thought that that was
6 also an inappropriate kind of thing, and, again, this touch
7 occurred in the equipment room, and I think therefore it was
8 important to explore whether it had happened anything to do
9 with helping with equipment or that kind of thing or whether it
10 was a touch that was sexual in nature.

11 Q And what about finally [REDACTED], did you have
12 the opportunity to observe [REDACTED]' video tape?

13 A I had, yes, one.

14 Q And that interview took place when, with Detective
15 Merrifield?

16 A The video tape that I have occurred on the 22nd of
17 December of 2000.

18 Q Now, what would be the significance of a -- if any
19 significance at all, of a prior interview with [REDACTED] before
20 the 22nd of December?

21 A Well, repetitive interviewing is in and of itself a
22 problem because if a child is interviewed again, it can give
23 the child the idea that the answers to the questions the first
24 time were not adequate or were not right, and so we're going to
25 do this over.

1 Also I would want to see the documentation of that first
2 interview because I think it would be important to know what
3 was said then and whether or not it was consistent with or
4 contradicted what the child had later said.

5 Q And in this particular case, does the passage of time
6 affect anything between an earlier interview and a later
7 interview?

8 A If the disclosure expands, yes.

9 Q And is there anything else that you observed from
10 Cameron's interview on the 22nd?

11 A The fact that he knows that Mr. Fiek went to jail,
12 so, again, we have the issue of the vilification or the
13 stereotyping of Mr. Fiek, and I think that that is also an
14 issue, especially given what was occurring in the community in
15 terms of meetings and discussion and that sort of thing.

16 Q Miss Morton, you know, obviously we don't live in a
17 vacuum. I mean, how is it -- how do we try in conducting these
18 interviews to keep the unbiased and the neutrality in
19 questioning our children? Is there anything that we can do as
20 far as a forensic interview goes to facilitate the quality of
21 the interview?

22 A Yes. There are several things that you can do. No,
23 we don't live in a vacuum, and the reality is all these people
24 did live in the same community, but the people who are in
25 charge of the investigation, when they had an opportunity to

1 talk to parents, when they had an opportunity to be at a
2 meeting at a church, could have said, you know what, we don't
3 need to be doing this, you need to let us do this investigation
4 and you need to not involve yourself in this way. Those
5 statements could have been made to the school. They could have
6 been advised and should have been advised to not send that type
7 of letter home to the children.

8 You can encourage parents not to question children
9 repeatedly but rather to allow the investigators to do their
10 job.

11 There are many things that the investigators can do to try
12 to encourage that atmosphere, and when you know it exists, it
13 makes it even more important in the process of these interviews
14 to screen for it, to ask the questions about what prior
15 knowledge there might have been and how -- and to try to make
16 determinations about how or whether that influenced this child.

17 Q And is it true that even if there was this type of
18 questioning and interview, that we could have used something
19 with it had the detectives asked questions about the prior
20 interviews or the prior knowledge or the prior whatever had
21 occurred?

22 A Absolutely. And it was so important to get that
23 information at that time before the investigation continued or
24 was completed and before so much time passed.

25 Q And you've talked about, as you've talked about these

1 interviews, I think you've talked about different issues, such
2 as stereotype induction and leading and repetitive questions
3 and peer pressure and repetitive interview things. Do each of
4 these independently have an impact and significance on the
5 quality of the interview?

6 A They can each, yes.

7 Q Is there any greater impact on the interview if some
8 of these things are done in conjunction with one another?

9 A There is a greater impact on the potential for -- for
10 suggestion and for influencing the child's statements if one or
11 several -- if several of these inappropriate techniques are
12 used, yes.

13 Q And the things that we've talked about, things like
14 the influences of high status adults and anatomically-correct
15 drawings, these are not issues just in particular to a case
16 where you have numerous children coming and saying these
17 occurred. These are the same things that you'd evaluate or
18 would they be just one interview of one incident in one child?

19 A Yes. And I think that's -- I think that it's very
20 important that, yes, if you're just looking at one interview
21 you evaluate for all of these things, but when you have
22 multiple children and the same person who is being accused,
23 it's very, very important to treat each of those cases
24 individually and to evaluate these things with each and every
25 child and not to make assumptions based on what -- what you

1 believe after talking to two or three kids.

2 MS. YEAGER: That's all I have for Miss Morton.

3 THE COURT: Miss Kornahrens.

4 CROSS-EXAMINATION

5 BY MS. KORNAHRENS:

6 Q Miss Morton, how many times have you been a forensic
7 interviewer in multi-victim cases?

8 A At least 20 times.

9 Q So there have been 20 cases that you've handled where
10 there have been multi victims?

11 A Meaning more than one victim, yes.

12 Q What's the most number of victims that you've dealt
13 with?

14 A Six.

15 Q Okay. Six in one case?

16 A Yes.

17 Q Okay. You mentioned that you graduated with a BA in
18 religion?

19 A Religion and philosophy.

20 Q And a Master of Divinity?

21 A No.

22 Q Oh, I'm sorry.

23 A I attended Southern Seminary in the Masters Divinity
24 Program and left there during my senior year and went to Baylor
25 an did an internship and actually came to Mercer and did an

1 entire another masters in family therapy.

2 Q So you didn't complete the masters in divinity?

3 A No. I actually thought I had, but I lacked two hours
4 I found out after I had left the campus.

5 Q And what year did you get the masters in -- is it
6 family therapy?

7 A Yes.

8 Q What year was that?

9 A 1991.

10 Q You said you were the unit director of the Methodist
11 Home?

12 A Let me correct something. I'm sorry. I just
13 misstated. I was the -- it was masters in family studies. I
14 don't know if that makes any difference. I wanted to clarify
15 it.

16 Q Are you looking at your resume?

17 A Yes.

18 Q May I see a copy of that, please?

19 A I faxed you a copy.

20 Q I didn't get it. I'm sorry. May I see that?

21 A Here's what I faxed you. There's the confirmation
22 attached to it.

23 Q I wish I had gotten it.

24 All right. Masters of Family Studies in 1991.

25 Now, in the Methodist Home you mentioned you were the unit

1 director?

2 A I was -- initially that was my job. I was the unit
3 director for boys and girls between 6 and 12.

4 Q Was that in Macon?

5 A That is in Macon.

6 Q How long did you do that?

7 A Until 1993.

8 Q So it was '91 to '93?

9 A '98. I did that masters degree while I was there.

10 Q So you were there from '91 to '98?

11 A I was there from '88 to '93.

12 Q I'm sorry. You said '88 to '93, and you did the
13 STARS Program?

14 A Yes.

15 Q What's that?

16 A The STARS Program is a specialized treatment program
17 for abuse reactive children.

18 Q What was the purpose of the Methodist Home? What
19 clientele did they serve?

20 A When I was there, the Methodist Home had essentially
21 two levels of care. They offered basic foster care for
22 children and they also offered intermediate care, which was a
23 treatment program for children who are in need of therapeutic
24 services.

25 Q And that was for a variety of psychological problems?

1 A Yes.

2 Q You said that you were a GPS map trainer?

3 A Yes.

4 Q And correct me if I'm wrong. I have that that was
5 you were training foster and adoptive parents?

6 A Yes. One of my jobs when I was at the Methodist Home
7 was to supervise a program for therapeutic foster care, and
8 because of needing to train parents, I had to come take the
9 training to do that, map training through -- through the
10 Department of Human Resources.

11 Q When did you do that?

12 A Um, I think it was 1992. I'm not completely certain,
13 but I think it was 1992.

14 Q When you were the coordinator at the Rainbow House in
15 Warner Robins --

16 A Yes.

17 Q - what county is that?

18 A Houston.

19 Q Houston. And did they have a protocol?

20 A Yes, they did. They were one of the first counties
21 in the state to have a protocol.

22 Q You said you received training at the Knoxville
23 Institute and Abuse Training?

24 A The Knoxville Institute of Sexual Abuse Treatment
25 Training, which was a collaborative at that time of Knoxville