

1 (Whereupon, the following excerpt of the
2 proceedings occurred on April 17, 2012.)

3 MS. WILLIS: Your Honor, the State calls Amanda
4 Planchard.

5 DEPUTY EDWARDS: Remain standing. Raise your right
6 hand.

7 AMANDA PLANCHARD,
8 a witness herein, having been first duly sworn, was examined
9 and testified as follows:

10 DEPUTY EDWARDS: Please have a seat. Please state
11 and spell your name for the Court.

12 THE WITNESS: It's Amanda Planchard. A-m-a-n-d-a;
13 Planchard, P-l-a-n-c-h-a-r-d.

14 DIRECT EXAMINATION

15 BY MS. WILLIS:

16 Q. Good afternoon, Ms. Planchard. Would you please tell
17 the ladies and gentlemen of the jury where you are employed?

18 A. I'm employed with the Fulton County Solicitor
19 General's Office in the victim assistance program.

20 Q. And just briefly, what is the solicitor general's
21 office?

22 A. The solicitor general's office is a prosecutor's
23 office, and we prosecute misdemeanor crimes in Fulton County.

24 Q. Will you tell us a little bit about your educational
25 background?

1 A. Yes. I received my bachelor's degree from Emory
2 University in 1995. I received my bachelor's degree -- I'm
3 sorry, my master's degree in social work from the University of
4 Georgia in 1998.

5 Q. Once receiving your master's in 1998, where did you
6 begin to work?

7 A. My first job out of school was at Grady in the Rape
8 Crisis Center.

9 Q. And how long did you work there?

10 A. About a year.

11 Q. What were your responsibilities?

12 A. I was a patient counselor, so essentially I went to
13 the emergency room when people came in for medical exams after
14 a sexual assault, also answered the hotline, did some follow
15 up, and I ran the volunteer program.

16 Q. Where did your career take you next?

17 A. Then I started working in the Fulton County District
18 Attorney's office providing victim services to crime victims in
19 Fulton County.

20 Q. And what years did you work with the Fulton County
21 District Attorney's office?

22 A. From 1999 until 2005.

23 Q. During your tenure there from 1999 to 2005, did you
24 ever meet Mr. Lee?

25 A. No.

1 Q. Do you and I know each other?

2 A. Yes.

3 Q. Is it from that time period that you worked at the
4 DA's office?

5 A. Yes.

6 Q. After leaving the DA's office in 2005, where did your
7 career take you then?

8 A. Then I went to the solicitor's office and became the
9 director of victim assistance there.

10 Q. What exactly were your responsibilities when you were
11 with the Fulton County District Attorney's office?

12 A. Primarily it was the crises intervention, safety
13 planning and accompaniment to court with crime victims. I also
14 ran some support groups and did some individual therapy.

15 Q. Have you taken any course work in the area of
16 domestic violence specifically?

17 A. Yes.

18 Q. Will you tell the jury a little bit about that work?

19 A. Some of it was in grad school, but most of it were
20 trainings that I attend on a yearly basis, either nationally or
21 more recently with economic times just in the local area, and
22 so I attend conferences related to domestic violence and
23 stalking.

24 Q. Do you work with the victims of domestic violence?

25 A. Yes.

1 Q. And what percentage of your job responsibilities now
2 are working with the victims of domestic violence?

3 A. About a quarter of my job now is direct services and
4 then the rest would be supervision of a staff who provide the
5 same services.

6 Q. And what are the services that you provide?

7 A. Accompanying people to court, notification about the
8 court process. I also do individual counseling, support
9 groups, referrals to community agencies, helping people get
10 services from other places like shelter or applying for
11 different kinds of assistance that are out there.

12 Q. Do you ever present or conduct workshops relating to
13 domestic violence?

14 A. Yes, at this point in my career most of the training
15 that I attend I'm actually teaching. So I teach on a state
16 level and also locally for social workers, attorneys, police
17 officers, and other community groups.

18 Q. How long has the domestic violence program been in
19 existence at the solicitor's office?

20 A. It actually started in 1987, but it was only one
21 person until 1993, and then at that time the program expanded.

22 Q. How many clients does it currently serve on about a
23 yearly basis?

24 A. We serve about 4,000 victims of family violence per
25 year, about 27 of those -- 2700 of those are intimate partner

1 violence and the other would be child abuse, older abuse, other
2 family members.

3 Q. And are you currently working with clients that are
4 in intimate partner abuse?

5 A. Yes. I think this past year I personally served
6 about 500 intimate partner violence abuse, and then the rest of
7 the program serves the remaining.

8 Q. That's interesting.

9 Are all victims of domestic violence women?

10 A. No. We serve both men and women.

11 Q. Have you ever testified in Georgia courts as an
12 expert in domestic violence or on battering and its effects?

13 A. Yes, I have.

14 Q. Do you have any idea on how many occasions?

15 A. I started counting a little late, so I'm just going
16 to have to say 19. I'm sure it's more than that, but I don't
17 recall the exact number, so I just stick with what I can count.

18 MS. WILLIS: Your Honor, at this time we would ask
19 that Ms. Planchard be qualified as an expert in the area
20 of battering and its effects and domestic violence?

21 THE COURT: Ms. Primovic.

22 MS. PRIMOVIC: Yes, your Honor.

23 THE COURT: Same as previously noted?

24 MS. PRIMOVIC: Yes, your Honor.

25 THE COURT: I will overrule that objection --

1 MS. PRIMOVIC: Thank you.

2 THE COURT: -- and let her proceed to testify as an
3 expert. Go ahead.

4 BY MS. WILLIS:

5 Q. In your training and experience, how familiar is the
6 public with the issue of domestic violence?

7 A. I think it's improving, but the public still has a
8 lot of myths about domestic violence that they currently
9 believe are true.

10 Q. What do you mean when it has myths or misconceptions
11 about domestic violence?

12 A. I mean that there is a stereotype out there about
13 what domestic violence is that members of the public who aren't
14 familiar with domestic violence often believe.

15 Q. What are some of the common misconceptions?

16 A. Some of those would be that domestic violence only
17 happens between married people when, in fact, it happens in
18 dating relationships as well. Another common myth is that
19 women who stay in relationships where there's abuse somehow
20 like abuse or want to be abused when, in fact, that's not true.

21 Another is that alcohol and drug use causes
22 domestic violence when, in fact, many relationships do not
23 include alcohol and drug abuse.

24 Q. Is the domestic violence victim typically kind of the
25 woman at home, dependent financially, barefoot and pregnant

1 waiting on a man?

2 A. That still does occur, but most of my clients are
3 working and they come from all different socioeconomic levels.

4 Q. Have you found that sometimes the women are the sole
5 financial provider for the family or the relationship?

6 A. Yes, that's happening more and more so.

7 Q. They still stay in these domestic situations?

8 A. Yes.

9 Q. Have you done any studies or statistics on how
10 widespread at this time domestic violence is?

11 A. I haven't done any studies, but I do keep up with the
12 studies that are done. And it ranges between one and four
13 women at some point in their lifetime, and some of the studies
14 with men are estimating as much as one and twelve or to one and
15 ten depending on the study.

16 Q. Okay. When you say the "studies with men," you mean
17 where they are the victim?

18 A. Yes.

19 Q. In your profession, does the term "learned
20 helplessness" mean anything?

21 A. Yes.

22 Q. Will you educate myself and the jury as to what that
23 term means to you?

24 A. Sure. Learned helplessness was a term that was first
25 used by Martin Seligman, who is a researcher who did some

1 research on the relationship between fear and learning in the
2 mid '60s. And essentially he was trying to figure out kind of
3 like the Pavlov theory that you might remember from junior high
4 where they would ring the bell before giving the dog food, and
5 then the dog would start salivating from the mouth.

6 So what the doctor did was he did research where
7 he had two groups of dogs, one that was restrained in like a
8 hammock type of device and another who was not and they
9 shocked the dog. And then they put each of the two groups
10 in a shuttle box where they had to jump over a little fence
11 in order to escape the shock.

12 He thought that the dog would learn to jump over
13 the fence. What he accidentally learned with this research
14 was that those dogs who had been restrained learned to be
15 helpless. And even when they were shown how to jump over
16 the fence, they still would just lay there, so that's where
17 the term learned helplessness comes from.

18 Q. How does it relate to what we're talking about in
19 domestic violence?

20 A. Well, Lenore Walker, who did most of the early
21 research on domestic violence in the '70s, utilized that same
22 theory when she was working with survivors and felt like it fit
23 into what she was seeing and observing with domestic violence
24 victims.

25 Q. Is there something in your area that's called the

1 cycle of violence?

2 A. Yes.

3 Q. Will you talk to the jury briefly kind of about what
4 the cycle of violence is?

5 A. Sure. The cycle of violence was another term that
6 was developed by Lenore Walker, a researcher in the 70s, who
7 interviewed thousands of domestic violence victims. And what
8 she found was that they weren't describing any kind of random
9 kind of violence, that it actually went in a cycle. And so the
10 term refers to a repeating cyclical pattern of violent
11 incidents that typically occurs in domestic violence
12 relationships.

13 Q. Now, let me ask you this: How long does it take for
14 the cycle of violence to start? Does it take years?

15 A. It can, although for many victims of violence it can
16 start very early in the relationship.

17 Q. Have you found in your dealings with your clients
18 that sometimes the cycle of violence starts within the first
19 year of a relationship?

20 A. Yes, it can.

21 Q. Can it start within the first month?

22 A. Yes.

23 (Whereupon, State's Exhibit No. 18 was marked for
24 demonstrative purposes.)

25 BY MS. WILLIS:

1 Q. I'm going to show you what I've marked for
2 demonstrative purposes only, and it will not go back with the
3 jury, State's Exhibit No. 18.

4 Does State's Exhibit No. 18 allow you to describe
5 the cycle of violence in a way you can illustrate it for the
6 jury?

7 A. It does.

8 MS. WILLIS: Your Honor, at this time I'm going to
9 ask that State's Exhibit 18 be admitted for demonstrative
10 purposes only and that we be allowed to publish?

11 THE COURT: Ms. Primovic, anything as to the specific
12 exhibit? What was the number on that?

13 MS. WILLIS: 18.

14 THE COURT: I'll let it be used for demonstrative
15 purposes.

16 MS. WILLIS: May I ask the witness to step down?

17 THE COURT: Yes. Ms. Planchard, please keep your
18 voice up --

19 THE WITNESS: Yes, your Honor.

20 THE COURT: -- since you won't have the microphone.

21 MS. WILLIS: If you would speak loudly.

22 THE WITNESS: I have a pretty loud voice, so
23 hopefully everyone can hear me.

24 So the cycle of violence has three distinct phases
25 in it, and I would just generally say that this would

1 be Stage 1, Stage 2, and Stage 3. So if you were to
2 think out Stage 1, I often call it the calm phase, and
3 that's where the behavior is typically calm, things are
4 going well.

5 At some point or another, however, tension starts
6 to rise and you move into the tension building phase.
7 And at this part of the phase minor acts of violence
8 can occur, but mostly it's going to be verbal and
9 property damage. Sometimes victims of violence will
10 describe this phase as walking on eggshells. It's like
11 where their partner is moody, edgy, easily agitated, so
12 victims will learn a variety of tools during this phase
13 to try and keep violence from occurring. They might
14 try to be very loving and contrite or they may even try
15 to avoid their partner at that time trying to keep
16 violence from occurring.

17 However, inevitably, this part of the cycle will
18 end and the tension will build to such a level that
19 none of those tools are helpful or they don't work
20 anymore, and so that's when a violent episode will
21 occur. That's when the most physically violent
22 episodes tend to happen. It could be physical or
23 sexual violence. And at this stage, which lasts for
24 between two and 24 hours typically, that's when you get
25 the most fear kind of thing. This is when law

1 enforcement tends to get involved, if they do.

2 And then after that they will move right back into
3 the honeymoon phase. It's kind of like, if you think
4 about it this way, the tension builds. It builds to a
5 point where there is some sort of eruption or explosion
6 and then things kind of calm down. Just like if you
7 had a pot of boiling water with a lid on it, the water
8 sort of boils over and then it takes a while for it to
9 build back up again and start to boil over. Same
10 things goes.

11 So during the honeymoon phase things have calmed
12 down in the pot. You get apologies, promises not to do
13 the behavior again, and this is when hope kind of comes
14 back and victims of violence feel very hopeful that the
15 relationship can be salvaged and that the violence will
16 not happen again. Unfortunately, over time the cycle
17 tends to happen more quickly so people go through the
18 stages more quickly over time and the violence tends to
19 be more severe.

20 BY MS. WILLIS:

21 Q. You can have a seat, please.

22 In a relationship that experienced domestic
23 violence, how often is it?

24 A. It just depends on the relationship. I have cases
25 where people cycle through in days, and violence can happen

1 more than one time in a week, for example, and then for other
2 couples it may be years in between the violent episodes. But,
3 again, over time it tends to happen more quickly and be more
4 violent.

5 Q. You mentioned police intervention, do you find in
6 your studies that -- your studies or with dealing with your
7 clients that most domestic violence involves law enforcement?

8 A. No. Most victims of domestic violence don't tell
9 anyone, much less call the police. But when there is law
10 enforcement involvement, it tends to be at that part of the
11 cycle.

12 Q. Why do they stay?

13 A. They stay for a variety of reasons. No particular
14 victim is like another victim. They are all different;
15 however, there are some basic reasons that tend to come up a
16 lot. One is love and hope. Many of these victims truly love
17 their partner and have an emotional bond with their partner,
18 and they are very helpful that if it weren't for the violence,
19 then the other parts of the relationship are very rewarding
20 emotionally. Their partner can be very attentive during that
21 honeymoon phase.

22 Fear is another common reason. Often times
23 victims are afraid of their partners, either afraid of
24 future physical violence or they are afraid they are not
25 going to be able to make it on their own without that other

1 person. And then a third reason would just be like low
2 self-esteem, childhood trauma, all those sort of factors.

3 Q. In your practice as a domestic violence expert, do
4 you ever see recanting?

5 A. Almost 75 percent of the time. My victims are either
6 minimizing or recanting.

7 Q. What do you mean by minimizing?

8 A. Well, in my experience victims use three main coping
9 skills as a way to try and cope with violence that occurs.
10 They deny that it's happening, they minimize how serious it is,
11 or they rationalize it and make it their own fault or the fault
12 of drinking or stress or some other external factor.

13 Q. Have you ever heard the term "Power and Control
14 Wheel"?

15 A. Yes.

16 Q. Briefly, will you tell me what that means.

17 A. The Power and Control Wheel is a term in a -- it's an
18 actual thing that has been developed in Duluth, Minnesota in
19 the '90s, again, by people who were working with domestic
20 violence victims. And what they found is that it wasn't just
21 physical violence going on, that there are other behaviors and
22 patterns that go on in the relationship that serve to reinforce
23 power and control dynamics. So domestic violence is not just
24 about losing your temper or about anger. It's about a need to
25 dominate your partner, and physical violence is just one of

1 those tools that's used in a relationship. The Power and
2 Control Wheel shows the other common behaviors that reinforce
3 that.

4 Q. Well, let's talk about that briefly. On that Power
5 and Control Wheel, do you ever see coercion or threats?

6 A. Yes, that is one of the -- Power and Control Wheel is
7 a wheel that has different sort of categories of behaviors.
8 One of those categories is intimidation, behaviors, threats,
9 all of that kind of stuff.

10 (Whereupon, State's Exhibit No. 19 was marked for
11 demonstrative purposes.)

12 BY MS. WILLIS:

13 Q. I'm going to show you what's been marked as State's
14 Exhibit 19 for demonstrative purposes only.

15 MS. WILLIS: Your Honor, permission to approach?

16 THE COURT: Go ahead.

17 BY MS. WILLIS:

18 Q. I'm going to show you what I'm marking as State's
19 Exhibit 19. Do you recognize that?

20 A. I do.

21 Q. And what do you recognize it to be?

22 A. This is a tool that I use frequently in my practice
23 to help describe and explain power and control dynamics of
24 domestic violence relationships.

25 Q. Would it help you to articulate your testimony to

1 this jury?

2 A. It would.

3 MS. WILLIS: Your Honor, may we have State's Exhibit
4 19 admitted for demonstrative purposes only? We would not
5 expect it to go back with the jury.

6 THE COURT: Yes, ma'am, go ahead.

7 BY MS. WILLIS:

8 Q. Would you look behind you. I just would like to talk
9 about a couple of these areas. I think you've already
10 mentioned the use of coercion and threats. Is it something
11 that you commonly find on this Power and Control Wheel?

12 A. Yes. And that would be threats of violence or other
13 kinds of threats. Sometimes they are more of a I'm going to
14 get you, I'm going to call DFCS on you, or I'm going to get you
15 fired from your job, those sorts of threats.

16 Q. How about I'm going to shoot you in the face?

17 A. That would certainly count as a threat of violence.

18 Q. Emotional abuse, is that something that you see?

19 A. Yes. Emotional abuse is what happens almost during
20 the entire cycle, and many victims of domestic violence
21 describe that that even occurs during that honeymoon phase, so
22 it's almost 100 percent of the time. It would be like
23 consistent name calling and degradation, is what I would call
24 it, sometimes only occurring in the privacy of the home and not
25 in front of other people.

1 Q. Intimidation, is it something commonly on the Power
2 and Control Wheel?

3 A. Yes. Intimidation is when you use your physical size
4 or your facial expressions and looks to demonstrate what could
5 happen if the other partner doesn't do what you want them to
6 do. So when you had followed through that sort of line before
7 with violence, then the next time you might not need to throw a
8 punch, maybe just hold your hand up as if you're going to or
9 give a look that let's the other partner know what's going to
10 happen. And because they've learned from the prior incidents
11 of violence, often times just the threat of it or the use of a
12 look is enough.

13 Q. The minimizing, denying, and blaming, what are we
14 talking about in that area?

15 A. Those are the same coping skills that I was talking
16 about that victims use that abusers will also use, so they will
17 deny that they have committed any acts of violence, minimize
18 how serious it was, or give some excuse or reason for it.

19 Q. I want to go back to cycle of violence. In your
20 practice and in looking at your studies, I will like to focus
21 on the tension building stage. You mentioned sometimes the
22 women become kind of docile or the victim becomes kind of
23 docile, do you always find that?

24 A. No. Some victims will learn to pick a fight during
25 that part of the cycle of violence in order to control how

1 serious it is. So if you think about it this way sometimes
2 waiting for violence to happen can be more terrorizing than the
3 actual violence, so it's a way of getting it over with, or
4 sometimes it's a way of controlling when it occurs so that it
5 doesn't occur every morning that you have to go to work. You
6 might get it over with the night before.

7 Q. They would do things to agitate their partner?

8 A. They could, yes.

9 Q. Have you ever met Tash Wilson?

10 A. No.

11 Q. Do you know the defendant in this case Stefan Fields?

12 A. No.

13 THE COURT: Ms. Willis, are you done with the chart?

14 MS. WILLIS: I am, your Honor. Thank you.

15 BY MS. WILLIS:

16 Q. Briefly, what is battered women syndrome?

17 A. Battered women syndrome was a term developed by
18 Dr. Lenore Walker, and it generally refers to the
19 physiological, psychological and behavioral symptoms that are
20 commonly seen in victims of domestic violence. They have to
21 have gone through that cycle of violence at least twice in
22 order for them to be categorized as having battered women
23 syndrome.

24 Q. I want to slow you down.

25 A. Yes, ma'am.

1 Q. When you say that they had to go through that cycle
2 twice, can that twice happen within a week?

3 A. Yes.

4 Q. Okay. Can that twice happen within a couple of days?

5 A. It can happen in a single day.

6 Q. Can twice happen over years in some relationships?

7 A. Yes.

8 Q. Please continue.

9 A. So Dr. Walker used learned helplessness and the cycle
10 of violence to help her to understand battered women syndrome
11 essentially. And what she found was that there were four
12 common dynamics with that. There was that victims tended to
13 blame themselves for abuse that's going on. They had an
14 inability to place any of the responsibility or blame on their
15 partner. They have some sort of fear for their own safety or
16 for the safety of their child. And then fourth would be that
17 they believe that their partner is sort of all powerful and
18 knows where they are and what they're doing at all times. It's
19 an irrational belief that their partner can get to them
20 anywhere anytime essentially.

21 Q. Is it common for battered women to return to the
22 relationship?

23 A. Yes, it's the norm.

24 Q. It is what?

25 A. It's the norm. Victims will leave an average of

1 seven times in a relation before they leave for good.

2 Q. Is it common for a victim of domestic violence
3 demeanor, how would you commonly expect to find it?

4 A. I've seen them all over the map. I mean, I have
5 victims who are in crisis and crying. I have those who are
6 angry though I'm trying to help them. I mean, those are, I
7 guess, two ends of the spectrum and anywhere in between.

8 Q. Is it common to see women that demeanor will be flat
9 when they testify?

10 A. Yes. Flat effect is a term used to describe someone
11 whose -- the emotional content doesn't seem to match what they
12 are saying. That would be common with all kinds of trauma and
13 not unique to domestic violence.

14 Q. Have you personally observed victims having
15 difficulty relating to the actual facts of violence?

16 A. Yes. In my experience some have a hard time keeping
17 different incidents straight, so sometimes I will have people
18 tell me I don't remember which one you're talking about.

19 MS. WILLIS: One moment, your Honor. Nothing else.

20 Subject to redirect.

21 THE COURT: Ms. Primovic.

22 CROSS-EXAMINATION

23 BY MS. PRIMOVIC:

24 Q. Good evening.

25 A. Hi.

1 Q. Thank you for coming.

2 A. You're welcome.

3 Q. So you never talked to Tash Wilson?

4 A. No. I have not met her.

5 Q. You've never read any evaluations that some other
6 person did about her to make some sort of assessment of her?

7 A. No.

8 Q. So you have no idea if she falls within one of your
9 categories or not?

10 A. That's correct.

11 Q. And you've never met Stefan Fields until today?

12 A. I didn't meet him today.

13 Q. Oh, okay. This gentleman sitting over here?

14 A. Yes.

15 Q. And you've never ever seen them interact?

16 A. I have not.

17 Q. Okay. And you've never read any police reports
18 about -- you're making no assessment over Tash Wilson's
19 situation in her life?

20 A. I did read a police report.

21 Q. Okay.

22 A. Yes.

23 Q. But you never talked to her?

24 A. That's correct.

25 Q. Okay. So your testimony is about in general people

1 from your experiences and the studies that you have read
2 through your school and continuing education?

3 A. Correct.

4 MS. PRIMOVIC: Okay. Thank you.

5 THE COURT: You're welcome.

6 MS. WILLIS: No further questions. She may be
7 released.

8 THE COURT: May Ms. Planchard be excused?

9 MS. WILLIS: Yes, she may be released.

10 THE COURT: Okay, Ms. Planchard, you may step down.
11 Call your next witness.

12 (Whereupon, the excerpt of the proceedings were
13 concluded.)

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2 C E R T I F I C a T E
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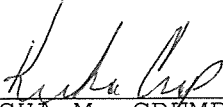
4 STATE OF GEORGIA:

5 COUNTY OF FULTON:
6

7 I hereby certify that the foregoing pages
8 represent a true, complete, and correct transcript of
9 the proceedings taken down by me in the case aforesaid
10 (AND EXHIBITS ADMITTED, IF APPLICABLE).

11 This certification is expressly withdrawn and
12 denied upon the disassembly or photocopying of the
13 foregoing transcript of any part thereof, including
14 exhibits, unless said disassembly or photocopying is
15 done by the undersigned official court reporter and
16 original signature and seal is attached thereto.

17 This, the 7th day of MAY, 2012.
18
19

20
21 
22 _____
23 KEISHA M. CRUMP, RMR, RPR, CCR-2501
24 Official Court Reporter
25 Superior Court of Fulton County
Atlanta Judicial Circuit