

1 witness.

2 MS. TIMMINS: The State calls
3 Cheyenne Jerred.

4 CHEYENNE JERRED,
5 called as a witness by the State, being
6 first duly sworn by the Court, was
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. TIMMINS:

10 Q. Would you please state and spell
11 your name.

12 A. Cheyenne Jerred, C-h-e-y-e-n-n-e,
13 J-e-r-r-e-d.

14 Q. Ms. Jerred, where do you live?

15 A. [REDACTED]

16 Q. How long have you lived there?

17 A. All my life.

18 Q. Where do you work?

19 A. [REDACTED] in
20 [REDACTED] a.

21 Q. How long have you worked there?

22 A. About six months.

23 Q. What do you do there?

24 A. I'm a cook.

25 Q. What is your educational

1 background?

2 A. I graduated from [REDACTED]
3 [REDACTED].

4 Q. Where else have you worked besides
5 the golf course?

6 A. I have worked at Casey's in Nauvoo,
7 the Apron in Nauvoo, Midwest Academy,
8 Montebello Nursing Home.

9 Q. Let's talk about when you worked at
10 Midwest Academy. When did you work there?

11 A. 2015.

12 Q. Do you know about when you started?

13 A. Early in the year.

14 Q. How long did you work there?

15 A. Almost a full year.

16 Q. What were you hired to do there?

17 A. I was a night shift watch.

18 Q. What does that mean?

19 A. I watched the students at night and
20 made sure they didn't harm themselves or
21 run away.

22 Q. We've heard a lot of testimony
23 already about what Midwest Academy is and
24 the students that are there. Tell us a
25 little bit more about your job. You say

1 that you worked the night shift and you
2 watched the kids basically while they're
3 sleeping?

4 A. Yes.

5 Q. Did you work on the boys' side or
6 the girls' side or both?

7 A. I worked on the girls' wing most of
8 the time.

9 Q. And the boys and girls were always
10 separated; correct?

11 A. Yes.

12 Q. How many night staff were usually
13 on the floor?

14 A. There was usually two on the boys'
15 side and two on the girls' side and then
16 shift leader.

17 Q. What do you mean by shift leader?

18 A. We have a supervisor that would
19 watch over everything that happened and
20 that we would call in case of anything.

21 Q. So someone who would float around
22 basically?

23 A. Yes.

24 Q. And we've heard testimony that the
25 shift leader is the person who tends to

1 make the ultimate decision on what's going
2 to happen with a kid--

3 A. Yes.

4 Q. --if there's problems?

5 A. Yes.

6 Q. What was your shift?

7 A. I worked 9:00 p.m. to 7:00 a.m.

8 Q. So tell us what a normal night
9 would look like on the night shift?

10 A. Night shift would come in. Half
11 the girls were already in bed. The upper
12 levels would still be up and doing their
13 thing, getting ready for bed. You would
14 walk around, do head counts, make sure the
15 girls were where they needed to be, keep
16 track of what they were doing if they were
17 out, watch the OSS rooms, copy anything
18 that was happening in there.

19 Q. Now, you said watch the OSS rooms.
20 The OSS rooms, for example on the girls'
21 side, were right there where the girls
22 slept; is that right?

23 A. Yes.

24 Q. So as part of your night shift
25 duties, not only did you watch the kids

1 sleeping, but you are saying that if there
2 are kids in OSS that you would watch that
3 as well?

4 A. Yes.

5 Q. Did you have a particular spot that
6 you sat in, or would night shift sit in
7 different areas?

8 A. There was about three different
9 spots that we would sit.

10 Q. Where was that?

11 A. One was at each end of the hallway,
12 and one was in the OSS room.

13 Q. Now, if you're sitting in the
14 hallway, who's watching the camera in the
15 OSS room?

16 A. There's always someone in the OSS
17 rooms watching.

18 Q. So how does that happen then if
19 there's only two of you on the floor with
20 the shift leader? Do you just take turns?

21 A. You move back and forth. When I
22 first started, there was three people on
23 night shift, and then halfway through the
24 year we had moved to two.

25 Q. Is this a--you say you sat at one

1 end or the other of the hallway. Is this
2 a long hallway?

3 A. It's a long hallway. It has
4 several rooms off of it. Several of them
5 were big dorm rooms with multiple beds for
6 students. There was a bathroom off of it,
7 and then there was the OSS room off of it.

8 Q. What types of interactions would
9 you have with the kids normally?

10 A. I didn't have much interaction with
11 them. A lot of them would be asleep by
12 the time I came in. I would make sure
13 they all got to sleep and actually went to
14 bed. I'd wake them up in the morning.

15 Q. As part of your job, were you
16 instructed that you were not supposed to
17 have much interaction with the kids?

18 A. Yes.

19 Q. What were you told about that?

20 A. You were told that a lot of the
21 students weren't allowed to talk at all
22 and that us, as not being counselors or
23 day staff members, we weren't supposed to
24 have any relationship with them.

25 Q. Is it fair to say that you were

1 there for directions, such as finish
2 brushing your teeth, get in bed, do this,
3 do that?

4 A. Yes.

5 Q. Did the girls have to sleep a
6 certain way?

7 A. When they were going to sleep, they
8 were told to face the walls so they didn't
9 get distracted, so they didn't talk to
10 each other, so they weren't distracted by
11 the other girls moving around getting
12 ready for bed. They had to sleep with
13 their heads uncovered just so we could
14 make sure that they were actually there.

15 Q. All right. So facing the wall,
16 head is uncovered?

17 A. Yes.

18 Q. And that was a rule?

19 A. Yes.

20 Q. Did you receive any special
21 training for your position?

22 A. About halfway through working
23 there, we had some restraint training, and
24 that's about it.

25 Q. Did you have any mandatory child

1 abuse training?

2 A. No.

3 Q. Did you have any background or
4 training in childhood development?

5 A. No.

6 Q. You had a high school diploma?

7 A. Yes.

8 Q. Had you ever had specific training
9 working with the children?

10 A. No.

11 Q. Can you describe the OSS rooms for
12 us?

13 A. There was a communal office with
14 several rooms off of it. Three of them
15 were dorm rooms that were--when I got
16 there, they were painted bright yellow,
17 and they had no handles on the inside, so
18 when the doors were shut, they could not
19 be opened from the inside. About halfway
20 through they repainted them white.

21 They had speakers in them. They
22 had video cameras in them recording them,
23 and they had fluorescent lights.

24 Q. Were the lights on all the time?

25 A. Most of the time, yes.

1 Q. Was there any type of windows in
2 the room?

3 A. On the doors there was a little
4 Plexiglas window.

5 Q. And how many students would go in
6 each room?

7 A. Most of the time just one, but we
8 had up to three in each room at one point
9 in time.

10 Q. Was that later on when you worked
11 there?

12 A. Yes.

13 Q. How many control rooms were on the
14 girls' side?

15 A. Control rooms?

16 Q. The OSS rooms?

17 A. Just one. There was one office,
18 and there was three OSS rooms in the
19 office.

20 Q. And I should have been more
21 specific. So you had three rooms that you
22 could put a kid in?

23 A. Yes.

24 Q. And you said once the door is shut,
25 there is no way to get out?

1 A. Yes. I know at one point in time,
2 there was a problem with DHS when they
3 came in, and they had to change some of
4 the regulations. So they repainted the
5 rooms and put two door handles on the
6 inside, I believe, and I think they left
7 one that they could still keep it locked.

8 Q. So partway through your job there,
9 they took off a couple of the locked doors
10 but left one?

11 A. Yes.

12 Q. Were there any furnishings in the
13 room?

14 A. When I was there, if they were
15 behaving and nothing was wrong they could
16 have a mattress and a pillow and a
17 blanket.

18 Q. At nighttime?

19 A. Yes.

20 Q. Was it a privilege to get a
21 mattress?

22 A. It wasn't a privilege to get a
23 mattress, but it was a discipline if you
24 were misbehaving you would get your pillow
25 and blanket and stuff taken away.

1 Q. And when you say misbehaving, do
2 you mean not sitting in structure?

3 A. I was not there most of the time
4 when they were getting in trouble, but
5 anything from not sitting in structure to
6 yelling or not following the rules.

7 Q. Is it fair to say that a lot of
8 times by the time you got there, most of
9 the kids were asleep in the OSS rooms?

10 A. They were not asleep in the OSS
11 rooms, but they were in there already.

12 Q. How long could someone stay in OSS?

13 A. I'm not sure for how long they were
14 supposed to stay in there, but I know of
15 some girls that stayed in there for three
16 weeks straight at one point in time.

17 Q. Did you have authority to put
18 anyone in OSS?

19 A. No.

20 Q. If there was a major problem that
21 occurred, is that when you called the
22 shift leader?

23 A. Yes.

24 Q. And the shift leader made that
25 decision?

1 A. Yes.

2 Q. Did you ever have concerns about
3 how the OSS rooms were used?

4 A. Yes.

5 Q. What was that?

6 A. Just the way that some of the girls
7 stayed in there for a long time. I know a
8 lot of them complained about not having
9 food, or being in there for a long time,
10 and about the tapes that they played.

11 Q. The tapes?

12 A. I was never there when they played
13 them, but they played some sort of
14 motivational, directional tapes.

15 Q. During your time at MWA, Midwest
16 Academy, did you get to know Kxxxxxx
17 [REDACTED]?

18 A. Yes.

19 Q. And if you started in the early
20 part of the year, she would have been
21 fairly new there as well; is that right?

22 A. I believe so. With the way the
23 system worked with the levels, you didn't
24 see a lot of the younger girls--or the
25 lower level girls a lot. But as they

1 worked their way up to upper level, you
2 would see a lot more of them because they
3 had more privilege.

4 Q. They'd get to stay up later?

5 A. They would get to stay up later.

6 You would wake them up. Those would be
7 the ones you would wake up in the morning
8 to get the rest of the students up.

9 Q. Would the upper level girls get to
10 sleep in later?

11 A. No. They were the first ones up.

12 Q. Okay. And that's why you were
13 waking them up?

14 A. Yes.

15 Q. And why were they woken up first?

16 A. The highest levels, they had their
17 own rooms to themselves, and they had a
18 lot of privileges, and they were the ones
19 that were in charge of kind of leading and
20 directing the rest of them.

21 Q. Once Kxxxxxx rose up in her levels,
22 did you start seeing her more?

23 A. Yes. She was one of the room
24 leaders, so she would sit at the doorway
25 as the girls would get ready for bed and

1 watch the rooms.

2 Q. Would you say that there was any
3 type of relationship there between the
4 two--between you and her?

5 A. My relationship with a lot of the
6 students was to ask them how their day had
7 went; if they were doing good; tell them
8 to have a good morning--well, good day
9 when I left in the morning. It was just a
10 pleasant relationship.

11 Q. But nothing much more than that?

12 A. No.

13 Q. Was there a point in time that
14 Kxxxxxx [REDACTED] approached you about some
15 concerns she had regarding the Defendant?

16 A. Yes.

17 Q. When was that?

18 A. It was late November.

19 Q. Can you describe what happened,
20 please?

21 A. I came into work and Kxx was on
22 suicide watch, so life buddy, because she
23 had threatened to hurt herself in some
24 way. So I just simply asked her if she
25 was okay, and she said no. And she said

1 that things had happened, and she was
2 really nervous about things. She was
3 really worried and scared, and she said
4 that Mr. Ben had done things.

5 Q. Let's back up a little bit. You
6 said that she was on suicide watch, or
7 life buddy as they called it?

8 A. Yes.

9 Q. Did that put her in a different
10 place than what she normally was?

11 A. Yes. If they were on life buddy,
12 you would bring their mattress out into
13 the hallway so staff members could watch
14 them.

15 Q. So she was out in the same hallway
16 that you were in?

17 A. Yes.

18 Q. Was there anyone else out in the
19 hallway?

20 A. I cannot remember if there were any
21 other students out in the hallway then.

22 Q. Is this the first time that you had
23 seen Kxxxxxx be on life buddy--

24 A. Yes.

25 Q. --and be out--

1 THE COURT REPORTER: Excuse me.
2 Can you wait until she is completely done
3 with the question before you answer?

4 THE WITNESS: Sorry.

5 MS. TIMMINS: I'll ask it again.

6 Q. (By Ms. Timmins) Is this the first
7 time that you had seen Kxxxxxx out in the
8 hallway because of being on life buddy?

9 A. Yes.

10 Q. She had not really had those issues
11 before?

12 A. Not that I was aware of.

13 Q. Where was she at in the hallway?

14 A. I believe she was towards the end
15 of one of the hallways.

16 Q. So describe to us how you started
17 talking. Were you sitting in a chair?
18 Were you walking down the hall? How did
19 that happen?

20 A. I believe I was walking down the
21 hallway.

22 Q. And is that when you asked her how
23 she was doing?

24 A. Yes.

25 Q. Now you asking her how she was

1 doing, is that the type of interaction
2 that you were not supposed to do?

3 A. Not exactly. It was not supposed
4 to be sitting there talking about their
5 day or anything. But I was just generally
6 asking if she was okay.

7 Q. All right. So tell us--walk us
8 through the conversation. You asked how
9 she was doing?

10 A. Yes.

11 Q. Did she say-- How did she bring up
12 the Defendant, Ben Trane?

13 A. I asked her if she was okay, and
14 she said no. And she was very, very
15 upset, pretty much in tears, just visibly
16 emotional.

17 Q. What did you do?

18 A. I kind of just asked if she was
19 okay again, and that's when she said that
20 she was upset and she was scared and she
21 didn't know what to do, and she said that
22 things had happened.

23 Q. Things had happened?

24 A. She kept on saying that things had
25 happened with Mr. Ben had stuff. She was

1 very nervous and didn't know how to talk
2 about it.

3 Q. Did you understand what she was
4 talking about at this point?

5 A. No, but it concerned me.

6 Q. So what did you do?

7 A. I told her that it was okay, and if
8 she needed to talk about. And I asked her
9 if she talked to her counselors about it,
10 and she said no. She said she didn't
11 trust them.

12 Q. Did you continue to engage in
13 conversation with her?

14 A. I was still doing my rounds, so I
15 went back to the OSS room and I mentioned
16 something about her saying that to me to
17 my shift leader.

18 Q. Did anything more happen that
19 evening?

20 A. The shift leader tried to go down
21 and talk to her, but she did not want to
22 talk to her about it. She did not trust
23 her.

24 Q. Did you talk to her again that
25 night?

1 A. I believe I did talk to her again
2 later that night, trying to see if there
3 was actually something of concern.

4 Q. Did she say anything?

5 A. She kept on saying that he, Mr.
6 Ben, had done stuff.

7 Q. But wouldn't tell you anything
8 more?

9 A. Not really. She said that he had
10 taken her places and done stuff to her and
11 was just very repetitive, but she couldn't
12 vocalize what was happening.

13 Q. Did you speak to her again after
14 that evening?

15 A. Yes. I can't remember if it was
16 two or three nights that I was working
17 that week and talked to her. But she did
18 talk to me again about it and a little
19 more about it.

20 Q. Is it fair to say that each
21 different time you talked to her, there
22 was some progression--

23 A. Yes.

24 Q. --in what she was telling you?

25 A. Yes.

1 Q. What types of things did she end up
2 telling you?

3 A. She told me at one point in time
4 she had been talking to Mr. Ben about
5 things in her past life she wasn't
6 comfortable with, sexual experiences. And
7 he told her that she could have good
8 sexual experiences again. And she felt
9 uncomfortable in how he was doing it. She
10 felt like he was making advances.

11 She said at one point in time he
12 had asked to see birthmarks or scars on
13 her because there was an investigation for
14 some previous case for her that was
15 looking for those marks.

16 Q. Did she say that happened? Did she
17 tell you?

18 A. Yes.

19 Q. I'm sorry?

20 A. Yes.

21 Q. Did she say anything about that she
22 had been to his house?

23 A. I believe at one point she said
24 that she did go to his house.

25 Q. Did she ever provide explicit

1 detail, such as he touched me here, he had
2 sex with me, anything like that?

3 A. No.

4 Q. Did she make comments to you that,
5 in your mind, alluded to the fact that
6 there was more that had gone on?

7 A. Yes.

8 Q. Such as what?

9 A. In the way that she would keep on
10 saying that he did stuff, he did stuff.

11 Q. Over how many nights did this go
12 on?

13 A. Either two or three.

14 Q. Was there some point that you asked
15 Kxxxxxxx to write some of these things
16 down?

17 A. I could see that she was having
18 problems actually talking about it. She
19 would sit there and shake and stuff trying
20 to talk about it. And so I told her, if
21 you can't talk to your counselors or
22 something about it, maybe you can write it
23 down and give that to them so you don't
24 have to actually vocalize it and it be so
25 hard.

1 Q. Are you aware if she did that?

2 A. Yes, she did. The next night I
3 came in and she had wrote a note, and she
4 tried to give it to me.

5 Q. And what did you do with the note?

6 A. I was still doing--making sure the
7 girls were going to bed and everything.
8 So I left it on my desk as I was sitting
9 there and left it there for a few minutes
10 so she felt like I had read it. I did not
11 want to read it. I didn't want to see
12 that. And then I went back later on and I
13 set it by her bed.

14 Q. So she gave it to you, you left it
15 on a desk, and then you gave it back to
16 her?

17 A. Yes.

18 Q. Why didn't you want to read it?

19 A. I didn't want to know. And staff
20 members were not supposed to see their
21 personal journals.

22 Q. The students' personal journals?

23 A. Yes.

24 Q. Were you afraid you'd get in
25 trouble if you read that note?

1 A. Afraid I'd get in trouble, and I
2 didn't really want to know the contents of
3 it.

4 Q. You said that first night you
5 notified the shift leader. Did you tell
6 them what she was saying or just that she
7 was upset?

8 A. I told them that she was upset and
9 that she was saying something about Mr.
10 Ben.

11 Q. Was there a point in time-- Well,
12 let me ask you this. After you made that
13 first report to a shift leader, did you
14 make another report to a shift leader or
15 some upper management?

16 A. No.

17 Q. Was there a point in time that you
18 became aware that upper management was
19 knowledgeable of all of this?

20 A. Not until everything had already
21 happened.

22 Q. And what do you mean by "everything
23 had already happened"?

24 A. Getting fired.

25 Q. So you said you worked a 2-3 day

1 shift during these times you had these
2 multiple conversations with Kxxxxxxx;
3 correct?

4 A. Yes.

5 Q. Following that 2-3 day shift, did
6 you have a few days off?

7 A. Yes.

8 Q. During that time, did you receive a
9 phone call from work?

10 A. Yes. In the middle of one of my
11 days off, I was asked to come in for a
12 meeting. So I knew that she had finally
13 went to a counselor and said something.

14 Q. Now, how did you-- Did you know
15 that or assume that?

16 A. I assumed that.

17 Q. All right. And you are called in
18 to work on a day off?

19 A. Yes.

20 Q. What are you thinking at this
21 point?

22 A. I think that she had notified them;
23 that I'm going get reprimanded for talking
24 to students. So I called DHS before I go
25 to my meeting, and I let them know

1 everything I could think of just so they
2 would know.

3 Q. Were you concerned that it wasn't
4 going to get past the school?

5 A. Yes. That's why I didn't report
6 through the school, and I reported
7 directly to the authorities.

8 Q. And that was the standard policy of
9 the school, wasn't it? If there was
10 something going on that you were concerned
11 about, you were to go to staff--

12 A. Yes.

13 Q. --not to outside people?

14 A. Yes.

15 Q. All right. So you called the DHS
16 hotline prior to going into that meeting;
17 correct?

18 A. Yes.

19 Q. Do you know what the timing of that
20 was? Was it right before you went into
21 your meeting?

22 A. Yes. It was right before I went
23 into my meeting, maybe a half hour to an
24 hour before.

25 Q. Who was at the meeting?

1 A. Mr. Devon, Mr. Mike, and Ms. Jane.

2 Q. What happened at the meeting?

3 A. They explained to me that Kxx had
4 come to them and told them that she had
5 talked to me about things, and that I was
6 not supposed to be doing that, and that I
7 could not do that again.

8 Q. And your response?

9 A. I told them that I couldn't in good
10 conscience not listen to a student that
11 was trying to tell me something like that.
12 And I told them if anything like that
13 happened again, I would listen to the
14 student. And I told them that there was
15 really nothing they could do because I had
16 already called DHS.

17 Q. So it was during that meeting you
18 informed them that you had called DHS?

19 A. Yes. And they told me that they
20 already knew, because when they called to
21 make a case they were told that there was
22 already a case for it.

23 Q. So their phone call came after
24 yours?

25 A. Yes.

1 Q. What happened after the meeting?

2 A. I went home.

3 Q. Did you go back to work at some
4 point?

5 A. Yes. I went to work one more day.

6 Q. Then what happened?

7 A. I was called in during my sleep
8 time the next day, and I was fired.

9 Q. Who fired you?

10 A. The same three people were in the
11 room.

12 Q. Did they tell you why they fired
13 you?

14 A. For trying to counsel students.

15 Q. After you were fired--when they
16 fired you, did you just have to leave the
17 building?

18 A. Yes.

19 Q. So following that did you have any
20 interactions with Kxxxxxx?

21 A. No.

22 Q. Have you seen her since?

23 A. No.

24 Q. Now, did you ever personally
25 observe the Defendant with Kxxxxxx?

1 A. He was her family rep, so he would
2 come in and talk to her.

3 Q. And when you say "come in and talk
4 to her," is that on the girls' wing at the
5 sleep rooms?

6 A. He would come at night sometimes,
7 and he could talk to students. He could
8 come in and remove some students from the
9 room and talk to them if they needed extra
10 counseling or--I'm not sure what really
11 happened during then, if they did phone
12 calls or whatnot.

13 Q. But it wasn't abnormal for Mr. Ben
14 to be on the girls' floor and talking--

15 A. No.

16 Q. --to students?

17 A. No.

18 Q. Even when you are there on the
19 afterhours?

20 A. It would be normally when day staff
21 was still there and they were getting
22 ready for bed and stuff. But it was 9
23 o'clock at night, so by 11 o'clock most
24 people were gone.

25 Q. So the times you would see him on

1 the floor would usually be between 9:00
2 and 11:00?

3 A. Yes.

4 Q. And would things like that get
5 documented if a staff came on the floor?

6 A. Not if a staff came on the floor.
7 If you were sitting in OSS, you write that
8 they were talking to certain staff
9 members. But we didn't keep track of who
10 came on the floor as far as staff members.

11 Q. You were aware the Defendant was
12 the owner and director of the academy?

13 A. Yes.

14 Q. Was it fair to say that he could go
15 where he wanted without being questioned
16 by staff?

17 A. Yes.

18 Q. I want to go back to the OSS rooms.
19 You said that you were normally on the
20 girls' side. Did you sometimes work the
21 boys' side OSS rooms?

22 A. Yes. Sometimes there would be so
23 many female students in OSS at one point
24 in time that we'd have to use some of the
25 boys' rooms.

1 MS. TIMMINS: May I approach, Your
2 Honor?

3 THE COURT: You may.

4 Q. (By Ms. Timmins) I'm handing you
5 what has been marked as State's Exhibit
6 43. Can you identify what Exhibit 43 is?

7 A. It is our OSS room logs. We would
8 track every fifteen, twenty minutes what a
9 student was doing. If they were sleeping,
10 we would write down how they were laying,
11 if they were laying on their back.

12 Q. So what we're looking at in Exhibit
13 43 is typical of what you would call an
14 OSS log?

15 A. Yes.

16 Q. And any student that was in OSS
17 would have something similar to that?

18 A. Yes. Every student in OSS would
19 have a log during the time they're in
20 there.

21 Q. Okay. And on this particular page
22 of the OSS log, are your initials on
23 there?

24 A. Yes.

25 Q. And are there some items that you

1 yourself wrote?

2 A. Yes.

3 MS. TIMMINS: At this time I would
4 ask to enter State's Exhibit 43.

5 (State's Exhibit No.
6 43 was offered in
7 evidence.)

8 THE COURT: Ms. Schaefer, do you
9 have any objection to State's 43?

10 MS. SCHAEFER: No objection.

11 THE COURT: State's 43 is admitted
12 without objection.

13 (State's Exhibit No.
14 43 was received in
15 evidence.)

16 Q. (By Ms. Timmins) What's the date on
17 here?

18 A. May 22nd.

19 Q. Of 2015?

20 A. 2015, yes.

21 Q. Okay. And who is that OSS log for?

22 A. Kxxxxxxx.

23 Q. Kxxxxxxx?

24 A. Yes.

25 Q. Kxxxxxxx [REDACTED]?

1 A. Yes.

2 Q. You said that you had initialed
3 some items on here. What time did you
4 start initialing?

5 A. I started initialing at 9:05.

6 Q. Does that mean that around that
7 time is when you came into the OSS rooms
8 and started watching the monitors?

9 A. Yes.

10 Q. And at 9:05 what did you write down
11 was going on with Kxxxxxx?

12 A. I wrote that she was prepping. At
13 9:08 Mr. Ben said they can sleep with the
14 door open. 9:10, sitting on the bed, back
15 against the wall. 9:17, Mr. Ben is
16 talking to her, talking with rover.

17 Q. So on that particular day, Mr. Ben
18 was in the OSS room talking with Kxxxxxx?

19 A. Yes.

20 MS. TIMMINS: May I approach again,
21 Your Honor.

22 THE COURT: You may.

23 Q. (By Ms. Timmins) I'm going to hand
24 you what has been marked as State's
25 Exhibits 32 through 42. Do you recognize

1 those photographs?

2 A. Yes. This is pictures of the OSS
3 rooms.

4 Q. Can you flip through and make sure
5 that's what all of them are?

6 (The witness complied.)

7 A. This one is of the boys' hallway.

8 Q. What number is that?

9 A. No. 38.

10 Q. Okay.

11 A. And 39 is over in the boys' hallway
12 as well.

13 MS. TIMMINS: The State would offer
14 State's Exhibits 32 through 42.

15 (State's Exhibit Nos.
16 32, 33, 34, 35, 36,
17 37, 38, 39, 40, 41,
18 and 42 were offered
19 in evidence.)

20 THE COURT: Ms. Schaefer, any
21 objection to State's 32 through 42?

22 MS. SCHAEFER: No objection, Your
23 Honor.

24 THE COURT: State's 32 through 42
25 are admitted without objection.

1 (State's Exhibit Nos.
2 32, 33, 34, 35, 36,
3 37, 38, 39, 40, 41,
4 and 42 were received
5 in evidence.)

6 MS. TIMMINS: Permission to
7 publish, Your Honor?

8 THE COURT: Go ahead.

9 (The exhibits were published to the
10 jury by video projection.)

11 Q. (By Ms. Timmins) I have on the
12 screen State's Exhibit 32. It looks like
13 that photo was taken standing in a
14 doorway; is that correct?

15 A. Yes.

16 Q. What doorway are we standing in or
17 looking in?

18 A. That is the doorway that--to your
19 back would be the hallway that the girls'
20 dorms are in. That room is the OSS room
21 office.

22 Q. You say the OSS room office?

23 A. Yes.

24 Q. So when I step through that
25 doorway, what is right there in that area?

1 A. To your right behind the door is
2 where the desk is with the monitor
3 watching the cameras. Behind the white
4 board there is one of the rooms, and to
5 your left there's two doorways that are
6 also OSS rooms.

7 Q. I've been calling those rooms the
8 OSS rooms. What did you call them?

9 A. They were called OSS and BI for
10 Behavioral Intervention rooms.

11 Q. At some point during your
12 employment when you talked about they took
13 some locks off and made some changes, the
14 name then changed to Behavioral
15 Intervention?

16 A. Yes.

17 Q. And this Exhibit 32 is the girls'
18 side; correct?

19 A. Yes.

20 Q. Exhibit 33, where would you be
21 standing at here?

22 A. That would be in the back of the
23 OSS room. That is the third OSS closed
24 door, and then to your right would be the
25 other two rooms.

1 Q. So the door farthest away in this
2 photograph--

3 A. That is the hallway.

4 Q. That's the door you were standing
5 in--

6 A. Yes.

7 Q. --looking the other way from the
8 last picture; correct?

9 A. Yes.

10 Q. I see that there's writing on some
11 of the walls. We heard testimony that you
12 couldn't have anything in the OSS rooms.
13 How does writing on the walls happen?

14 A. I was never there when they were
15 doing that sort of thing. But I know at
16 some points in time, they had to write
17 essays so they were given pen and paper.
18 And some of them, like, just scratched off
19 with their nails, just pick the paint off.

20 Q. Scratched the paint off?

21 A. Yes.

22 Q. Exhibit 34, what is this a
23 photograph of?

24 A. That is the monitor for the girls'
25 side, the desk. That's where you would

1 sit and watch the OSS rooms and keep your
2 log.

3 Q. And that monitor shows you each and
4 every OSS room?

5 A. Yes.

6 Q. Exhibit 35, what is that a picture
7 of?

8 A. The cameras that we kept up in the
9 corners of the OSS rooms.

10 Q. And Exhibit 36, what is that a
11 picture of?

12 A. That's also a camera.

13 Q. You said they also had speakers in
14 there?

15 A. Yes.

16 Q. What are we looking at in Exhibit
17 37?

18 A. One of the OSS rooms without a door
19 handle on the inside.

20 Q. So as you said before, when the
21 door shuts there's no handle and there's
22 no way to get back out?

23 A. Yes.

24 Q. In Exhibit 37 we're looking at the
25 inside of the door; correct?

1 A. Yes.

2 Q. On the outside of the door, what
3 would we see?

4 A. There's just a regular pull door
5 handle.

6 Q. Exhibit 38, what is this a picture
7 of?

8 A. This is standing at the end of the
9 boys' hallway.

10 Q. So now we're on the boys' side?

11 A. Yes.

12 Q. Exhibit 39, what is this?

13 A. That is the boys' side monitor
14 area.

15 Q. So same thing that you had before,
16 the desk and the monitor and you sat there
17 and watched and documented?

18 A. Yes.

19 Q. Were there more OSS rooms on the
20 boys' side than the girls' side? Do you
21 remember?

22 A. I believe there were one or two
23 extra ones.

24 Q. Was the boys' side usually more
25 full than the girls' side?

1 A. I have no idea really.

2 Q. Exhibit 40, what is this?

3 A. This is one of the boys' side OSS
4 rooms.

5 Q. These rooms weren't very big, were
6 they?

7 A. No.

8 Q. Exhibit 41, what is that?

9 A. It is another boys' side OSS room.

10 Q. And Exhibit 42?

11 A. A camera on the boys' side.

12 Q. Are those the fluorescent lights
13 that we're seeing in the picture?

14 A. I'm not sure what that part is.

15 Q. Okay. That's fine. You said that
16 in Exhibit 42 this was a camera?

17 A. Yes.

18 Q. I'm going to go back to Exhibit 36.
19 It's the same thing on that one; right?

20 A. Yes.

21 MS. TIMMINS: That's all I have.
22 Thank you.

23 THE COURT: Ms. Schafer?

24 MS. SCHAEFER: Thank you, Your
25 Honor.

1 CROSS-EXAMINATION

2 BY MS. SCHAEFER:

3 Q. Good morning, Ms. Jerred.

4 A. Good morning.

5 Q. I first want to talk about your
6 conversations with Ms. [REDACTED]. Exactly
7 how many conversations did you have with
8 her?

9 A. Two or three.

10 Q. And it all would have been in a
11 one- to two-day period?

12 A. Yes.

13 Q. And for both of these, was she in
14 this life buddy situation?

15 A. I believe so.

16 Q. And you approached her in that
17 initial conversation?

18 A. Yes.

19 Q. And she didn't say anything
20 specific other than things had happened?

21 A. Yes.

22 Q. Were all the other girls asleep at
23 this point?

24 A. I don't believe so, no.

25 Q. So there was still people up

1 running around--

2 A. Yes.

3 Q. --and getting ready for bed?

4 A. Yes.

5 Q. You've got to let me finish my
6 question.

7 A. Sorry.

8 Q. And you said she was visibly upset?

9 A. Yes.

10 Q. And crying?

11 A. Not quite but pretty much.

12 Q. Either she was or she wasn't?

13 A. No.

14 Q. Then what was it about her that was
15 indicating she was visibly upset?

16 A. She was shaking. She had tears in
17 her eyes.

18 Q. And it's that first conversation
19 you told her she needed to talk to the
20 counselor?

21 A. Yes.

22 Q. And did you talk to her again later
23 that night?

24 A. I believe so.

25 Q. Again, she's not telling you

1 anything specific?

2 A. No.

3 Q. And you had advised your shift
4 leader; correct?

5 A. Yes.

6 Q. Who was your shift leader?

7 A. Tracy.

8 Q. And being the shift leader, is she
9 also your supervisor?

10 A. Yes.

11 Q. And that would have been protocol?

12 A. Yes.

13 Q. And then you didn't talk to Kxxxxxx
14 again until two or three nights later when
15 you worked again?

16 A. I believe it was all in the same
17 few nights of working.

18 Q. And she's still outside in the
19 hallway?

20 A. Yes.

21 Q. And is this where she started to
22 get more specific?

23 A. Yes.

24 Q. I believe you testified that she
25 talked about some pictures or that he

1 looked at her-- I must have missed that
2 part. You testified that he had looked at
3 her back or something?

4 A. I know at one point in time she was
5 in some sort of case that they were asking
6 about birthmarks and scars, and she didn't
7 want to talk to the agents. So later he
8 was with her and asked to see if they
9 could find any.

10 Q. Did she tell you anything more
11 specific about that incident?

12 A. No.

13 Q. Do you remember having your
14 deposition taken a couple weeks ago?

15 A. Yes.

16 Q. And do you remember telling me that
17 Kxxxxxxx said that she told you Ben told
18 her to take off all her clothes?

19 A. I don't know if she had said that--
20 to take off all of her clothes, but I know
21 that he had helped her look. I don't know
22 if she had taken her clothes off.

23 Q. I guess my question is, do you
24 recall telling me that in your deposition?

25 A. Yes.

1 Q. I believe you said, "She said that
2 he had her take off her clothes, and he
3 was looking at her body, looking for marks
4 and stuff." Do you recall that?

5 A. Yes.

6 Q. And did she ever say anything--that
7 anything had occurred at his house?

8 A. She said at one point in time she
9 went to his house, and she didn't say what
10 happened.

11 MS. TIMMINS: Excuse me. Can you
12 tell me what line you were on?

13 MS. SCHAEFER: 22 through 24 on
14 page 26.

15 Q. (By Ms. Schaefer) And again, other
16 than telling you about this examination
17 for markings or scars, she never told you
18 anything specific?

19 A. No. She was never comfortable
20 enough to say what happened.

21 Q. Did you advise her that you were
22 going to be contacting DHS?

23 A. Yes.

24 Q. And did she specifically ask you
25 not to do that?

1 A. No. She wanted me to go do
2 something, but she didn't want to leave.
3 She didn't want to leave the school. She
4 just wanted to be out of the situation,
5 but she didn't want to be pulled out of
6 the school.

7 Q. Didn't she specifically tell you
8 not to call DHS?

9 A. Yes.

10 Q. And then it was a couple of days
11 later that you were on days off where you
12 got called in?

13 A. Yes.

14 Q. And you advised them at the end of
15 the meeting that you had made the report
16 to DHS?

17 A. Yes.

18 Q. And they already knew; correct?

19 A. Yes.

20 Q. Because they had called themselves?

21 A. Yes.

22 Q. Now, Mr. Trane wasn't present for
23 that meeting, was he?

24 A. No.

25 Q. And you testified that you made it

1 clear to them that you were going to act
2 outside of their directives and continue
3 to talk to students if they sought you
4 out?

5 A. No. I told them that if anything
6 like that came up again, if a student came
7 to me and told me that someone was doing
8 something like that to them that I was
9 going to report it.

10 Q. Isn't it true you knew when you
11 went in you were going to be reprimanded
12 for going outside of your job description?

13 A. Yes.

14 Q. And it was a couple days later that
15 they terminated you?

16 A. Yes.

17 Q. And again, Mr. Trane was not
18 present for that meeting, was he?

19 A. No.

20 Q. And in fact, you weren't terminated
21 for making your call to DHS, but for
22 insubordination for not following--or
23 telling staff that you would not follow
24 their directives; correct?

25 A. Yes.

1 Q. How often did you actually see Mr.
2 Trane while you were working the night
3 shift?

4 A. I'd randomly see him walking in and
5 out of work. Once in a while he'd come
6 over and see one of his students, or he'd
7 come over and see some of the staff
8 members.

9 Q. Did you ever have any interactions
10 with him?

11 A. Not much.

12 Q. And you indicated that any of these
13 interactions he would have had with the
14 students would have been between 9:00 and
15 11:00?

16 A. Most of the time, no. Most of the
17 time if he was already talking to them, it
18 would be when I came in, or he would come
19 in as they were getting ready for bed at,
20 like, 9 o'clock.

21 Q. And you indicated day staff would
22 still be there?

23 A. Yes.

24 Q. My understanding is they kind of
25 overlapped a little bit?

1 A. Yes.

2 Q. Did you ever see Mr. Trane and Ms.
3 [REDACTED] specifically together?

4 A. Yes.

5 Q. Would that have been in the OSS
6 room?

7 A. Yes.

8 Q. Is that the only time?

9 A. No. He was her student rep, so he
10 would come talk to her sometimes or pull
11 her out if they needed to make a phone
12 call.

13 Q. Would that be just out into the
14 hallway or--

15 A. I don't know.

16 Q. And that would be specifically with
17 Ms. [REDACTED] or just in general that he
18 would do that?

19 A. In general. I believe he was a
20 counselor with more than just her.

21 Q. When you say counselor do you mean
22 family rep?

23 A. Family rep, yes. Sorry.

24 Q. But specifically, did you ever see
25 him pull Ms. [REDACTED] out of her room to

1 talk to her?

2 A. I can't remember.

3 Q. Do you ever remember a specific
4 time where he went into the room to talk
5 to her, other than the OSS in May?

6 A. Not her specifically, no.

7 Q. Isn't it true that it was a fairly
8 uncommon thing to see Mr. Trane on the
9 girls' wing?

10 A. Yes. Most of the time I think he
11 was gone by the time I was there.

12 MS. SCHAEFER: I have no further
13 questions.

14 THE COURT: Ms. Timmins?

15 REDIRECT EXAMINATION

16 BY MS. TIMMINS:

17 Q. You were asked a question if you
18 remembered a time when you saw the
19 Defendant go into the rooms to talk to
20 Kxxxxxxx, and you said not specifically,
21 no.

22 A. Yes.

23 Q. Were there times that you would see
24 the Defendant go into the rooms?

25 A. I can't remember if him in

1 particular, but I know at some points in
2 time they would go into one of the rooms
3 to just briefly talk with the student
4 before they went to bed.

5 Q. So you can't specifically say it
6 was the Defendant, but from working--

7 A. People have gone in there, day
8 staff members or counselors or family
9 reps, whoever they were, to go briefly
10 talk a student.

11 Q. And that's into the sleeping rooms?

12 A. Yes.

13 MS. TIMMINS: May I approach, Your
14 Honor.

15 THE COURT: You may.

16 Q. (By Ms. Timmins) And just so we're
17 specific about what you said in your
18 deposition. This is page 26, line 22.
19 You were asked the question about some of
20 the things that Kxxxxxxx told you?

21 A. Yes.

22 Q. And here is where the defense was
23 asking about. Can you just read
24 specifically what you stated in that
25 sentence?

1 A. "She said that he had her take off
2 her clothes, and he was looking at her
3 body, looking for marks and stuff."

4 Q. And that was your language that you
5 used?

6 A. Yes.

7 Q. And you didn't say he had her take
8 off all of her clothes?

9 A. No.

10 MS. TIMMINS: That's all I have.

11 THE COURT: Ms. Schaefer?

12 MS. SCHAEFER: I have nothing
13 further.

14 THE COURT: You may step down.
15 Thank you.

16 You may call your next witness.

17 MS. TIMMINS: The State calls Beth
18 Webster.

19 (Continued on the next page.)
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