

1 And I questioned that after, like, when I
2 went back as staff and I thought maybe it
3 was a generational thing, you know, for
4 the kids, the parents, you know, that they
5 were never told no. I couldn't really put
6 a finger on it. The rules were the same,
7 but the overall environment was less
8 strict.

9 MS. TIMMINS: That's all I have.
10 Thank you.

11 THE COURT: Ms. Schaefer?

12 MS. SCHAEFER: Nothing further.

13 THE COURT: Sir, you may step down.
14 The State may call its next
15 witness.

16 MS. TIMMINS: The State calls
17 

18 (Continued on the next page.)
19
20
21
22
23
24
25

1 [REDACTED]
2 called as a witness by the State, being
3 first duly sworn by the Court, was
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. TIMMINS:

7 Q. Would you please state your name?

8 A. I'm [REDACTED].

9 Q. How do you spell your last name?

10 A. The letter [REDACTED] and [REDACTED].

11 Q. Bxxxxxxx, we're in a really big
12 room, and I'm going to have to ask that
13 you just almost yell at me, okay?

14 A. Okay.

15 Q. Bxxxxxxx, how old are you?

16 A. I turned 16 yesterday.

17 Q. Your birthday was yesterday?

18 A. Yes, ma'am.

19 Q. And what was the date yesterday?

20 A. Yesterday was [REDACTED] the [REDACTED] of
21 xxxx.

22 Q. So you turned 16. Can you drive
23 now?

24 A. No.

25 Q. What's that?

1 A. No.

2 Q. How come?

3 A. I haven't taken the driver's test
4 yet.

5 Q. Are you going to do that?

6 A. Might be.

7 Q. Bxxxxxx, where do you live?

8 A. I live in [REDACTED].

9 Q. [REDACTED]?

10 A. Yes.

11 Q. Have you always lived in [REDACTED]?

12 A. No. I was born and raised in

13 [REDACTED].

14 Q. Do you know how long you've been in

15 [REDACTED]?

16 A. For almost nine years.

17 Q. Who do you live with?

18 A. I live with mother.

19 Q. With your mother?

20 A. Yes, ma'am.

21 Q. What is your mom's name?

22 A. [REDACTED].

23 Q. What do you like to do at home?

24 A. Mainly sleep.

25 Q. What else do you like to do?

1 A. Eat every day.

2 Q. Sleep and eat. That sounds like a
3 16-year-old boy. Do you have other things
4 that you like to do?

5 A. Besides watch YouTube videos or
6 watch anime.

7 Q. Are there any sports or activities
8 that you like?

9 A. I do have some that I like, but I
10 can't find the time to do it.

11 Q. What's that?

12 A. Soccer, and parkour, and like free
13 rein.

14 Q. Are you in school?

15 A. Yes.

16 Q. What grade are you in?

17 A. I'm in tenth grade.

18 Q. Where do you go to school at?

19 A. I go to school in [REDACTED].

20 The school's name is [REDACTED]

21 [REDACTED].

22 Q. Is that a high school, or what is
23 that?

24 A. There's an elementary and there's a
25 high school.

1 Q. And what kind of classes are you
2 in?

3 A. The classes that I have is Music,
4 Family Living, Social Skills--no, Study
5 Skills, and I just forget the other one.

6 Q. What's your favorite class at
7 school?

8 A. Science.

9 Q. Science?

10 A. Yes.

11 Q. Do you have pets at home?

12 A. I do, two.

13 Q. What are they?

14 A. A cat and a dog.

15 Q. Do you like having your animals?

16 A. Yes, I do.

17 Q. What are their names?

18 A. The cat's name is [REDACTED] for the
19 color of the nose, ears, and paw.

20 Q. You call it [REDACTED]?

21 A. Yeah. The dog's name is [REDACTED].

22 And that dog just likes to eat a lot.

23 Q. Do you like music?

24 A. I do. I listen to it every day.

25 Q. What kind of music do you like?

1 A. Anything but country.

2 Q. Do you have a job?

3 A. I'm applying for one.

4 Q. Where are you applying for a job?

5 A. [REDACTED].

6 Q. Is that close to your house?

7 A. Yeah. It's walking distance.

8 Q. Bxxxxxx, I want to talk to you
9 about a couple of years ago. You attended
10 the Midwest Academy; correct?

11 A. Yes.

12 Q. Do you remember when you went
13 there?

14 A. Like around, let's say, close or
15 after the beginning of school in 2015.
16 And I didn't get out until the spring of
17 2016.

18 Q. Is it possible that maybe you went
19 there in 2014?

20 A. I don't remember.

21 Q. And that's okay. About how long
22 did you stay there?

23 A. I believe I stayed there for about
24 seven months or so.

25 Q. Bxxxxxx, what was going on at home

1 that ended up having you go to Midwest
2 Academy?

3 A. The aggressive behavior and not
4 controlling my behavior at home.

5 Q. Whose decision was it that you were
6 to go there?

7 A. Mom and the court.

8 Q. How old were you when you went to
9 Midwest Academy?

10 A. The age of 12.

11 Q. So you were at the academy, and
12 then did you have your birthday? Did you
13 turn 13 when you were there?

14 A. That's correct.

15 Q. You talked about your behavior.
16 What types of behaviors were causing some
17 problems?

18 A. Getting in trouble a lot, not being
19 able to control my anger.

20 Q. Did you have a hard time sitting
21 still?

22 A. Yeah.

23 Q. You know, I asked you earlier and
24 you said your birthday was yesterday. I
25 asked you for the date of yesterday, but

1 what's actually your date of birth? Do
2 you remember what year you were born?

3 A. xx-xx of xxxx.

4 Q. xx-xx of xxxx?

5 A. Yes.

6 Q. All right. So how did you feel
7 about going to Midwest Academy? Just when
8 you found out, your mom said, look, we're
9 going to try this. What were you
10 thinking?

11 A. I felt like, what is this kind of
12 place? Is it going to help me change and
13 make me be a better person?

14 Q. Were you hoping that it would?

15 A. Yeah.

16 Q. How did you get to Midwest Academy?

17 A. I believe my mom drove me there.

18 Q. Was it just you and your mom?

19 A. Yeah.

20 Q. What happened when you first got
21 there? Do you remember?

22 A. I was being introduced to staff,
23 taking tours around, knowing the place.

24 Q. Did you meet Mr. Ben that day?

25 A. Yes.

1 Q. Did he talk to you a little bit?

2 A. I believe he did.

3 Q. All right. So you were given a
4 tour. When you first got there, where was
5 the first room that you were taken to? Do
6 you remember?

7 A. I'm not quite sure.

8 Q. Do you remember if they had to go
9 through your bags and things like that?

10 A. I remember that.

11 Q. You just don't remember what room
12 you were in?

13 A. No.

14 Q. Did you have a lot of rules to
15 learn?

16 A. That's correct.

17 Q. How did you learn those rules?

18 A. It's also hard to follow the rules.

19 Q. Yeah. How did you learn them?

20 There was a lot of things to know, wasn't
21 there?

22 A. There was, like, too many rules to
23 be able to keep track and being able not
24 to break those rules.

25 Q. What level did you start on?

1 A. Level 1.

2 Q. What were the rules for Level 1?

3 A. Honestly, I don't remember much of
4 the rules of the levels.

5 MS. SCHAEFER: Your Honor, could
6 you ask the-- Could you speak up?

7 THE WITNESS: Sorry.

8 MS. SCHAEFER: Your voice is soft.
9 It's very hard for me to hear.

10 THE COURT: Just try and keep your
11 voice up as much as possible, okay?

12 THE WITNESS: Okay.

13 THE COURT: Are you hearing him
14 okay, members of the jury?

15 (All jurors nodded in the
16 affirmative.)

17 THE COURT: Okay. Good so far.
18 Just do your best, okay?

19 THE WITNESS: Okay.

20 MS. SCHAEFER: Thank you.

21 Q. (By Ms. Timmins) When you were on
22 Level 1, could you eat whatever you
23 wanted?

24 A. I think that since I'm on Level 1,
25 I can't possibly have that privilege yet

1 until I get to a certain level.

2 Q. Were you allowed to have a mirror?

3 A. No.

4 Q. Did anybody get mirrors at Midwest
5 Academy that you saw?

6 A. The only ones that I saw was, like,
7 Level 5.

8 Q. What were some of the rules if you
9 were in the classroom? Do you remember
10 some of those?

11 A. Asking the staff if you needed to
12 do something like get paper and pencil to
13 write something for school, or get the
14 school book and help out with the school,
15 stuff like that.

16 Q. Were you allowed to just get up and
17 walk around whenever you wanted?

18 A. No.

19 Q. Did you have to have permission?

20 A. Yes.

21 Q. Was there a certain way that you
22 had to walk in the hallways?

23 A. Yes.

24 Q. What was that?

25 A. Not being able to look around. We

1 had to be facing--we better be facing
2 forward.

3 Q. Did you have to turn corners a
4 certain way?

5 A. That I don't remember.

6 Q. What did you do for fun things at
7 Midwest Academy?

8 A. I don't remember much of any fun
9 things.

10 Q. Did you get go to outside?

11 A. I do remember we were in, like,
12 outside the building but, like, in between
13 inside of the building.

14 Q. Is there a small area that's within
15 the buildings that has walls all around
16 it?

17 A. Yes.

18 Q. Would sometimes you get to go into
19 that?

20 A. Sometimes.

21 Q. Not very often?

22 A. No.

23 Q. Bxxxxxxx, did you ever get to a
24 Level 2?

25 A. Only a couple times.

1 Q. A couple of times?

2 A. Yes.

3 Q. How long did you stay on Level 2?

4 A. Like a couple of days.

5 Q. A couple of days?

6 A. Yes.

7 Q. What would happen that would make
8 you go back down to Level 1?

9 A. Breaking the rules.

10 Q. Breaking the rules?

11 A. Yes.

12 Q. What kind of rules would you break,
13 Bxxxxxxx?

14 A. Like, not listening, not following
15 directions.

16 Q. Did you have a family rep?

17 A. Yes.

18 Q. Do you know who that was?

19 A. Mr. Don.

20 Q. Mr. Don?

21 A. Yes.

22 Q. Did you like Mr. Don?

23 A. Of course.

24 Q. Did you have a counselor?

25 A. I believe I don't remember about

1 that.

2 Q. I'm sorry?

3 A. I believe I don't remember anything
4 about a counselor.

5 Q. Did you ever meet with a counselor
6 very often?

7 A. I don't know if I have.

8 Q. Did you ever get to talk to your
9 mom on the phone when you were there?

10 A. No.

11 Q. Was that a privilege to get to do
12 that?

13 A. Yes.

14 Q. You never earned that, did you?

15 A. No.

16 Q. Did you ever get to see your mom
17 while you were there?

18 A. I don't know if I remember if I did
19 or not.

20 Q. Do you think maybe she came one or
21 two times to visit you?

22 A. I believe so.

23 Q. Did you ever get to take a special
24 trip when you were at the academy?

25 A. Only on my birthday.

1 Q. On your birthday?

2 A. Yes.

3 Q. When you turned 13?

4 A. Yes.

5 Q. And was that a normal thing, that
6 when it was a student's birthday, they got
7 to go on a trip?

8 A. Yes.

9 Q. Who took you on your trip?

10 A. Mr. Ben.

11 Q. Mr. Ben did?

12 A. Yes.

13 Q. Where did you go?

14 A. I got to go to, like, a place to
15 eat, and to bring one person along.

16 Q. So another student came with you?

17 A. Yes.

18 Q. Did you get to pick the place to
19 eat?

20 A. Yes, I would.

21 Q. What did you pick?

22 A. I chose a Chinese buffet.

23 Q. Why did you pick a Chinese buffet?

24 A. Well, I like to eat.

25 Q. Did you like that, that you could

1 go eat and take as much food as you wanted
2 any time?

3 A. That's right.

4 Q. Bxxxxxx, what is the Out-of-School
5 Suspension room, OSS?

6 A. The OSS room is, like, a room,
7 small room, concrete room, that has a dim
8 light inside of it, and you got to go
9 through certain ways to be able to get out
10 of the OSS room.

11 Q. Were you in the OSS room a lot?

12 A. That's right.

13 Q. I'm sorry. What did you say?

14 A. That's right.

15 Q. That's right?

16 A. Yes.

17 Q. Did you have a hard time getting
18 out of the OSS?

19 A. I did have a hard time.

20 Q. Do you remember how many times you
21 went into OSS?

22 A. No.

23 Q. What types of things would get you
24 ending up being put in OSS?

25 A. Aggressive behavior and not

1 following directions.

2 Q. Aggressive behavior and not
3 following directions?

4 A. Yes.

5 Q. How long would you have to stay in
6 OSS?

7 A. For a person it's twenty-four
8 hours. But if they do something to start
9 the time over, then it may be a little
10 longer than twenty-four hours.

11 Q. So if you follow the rules, it's
12 twenty-four hours?

13 A. Yes.

14 Q. But if you don't follow the rules,
15 then your time starts over?

16 A. Yes.

17 Q. When you went into OSS, did you
18 ever get out in twenty-four hours?

19 A. No.

20 Q. Normally, how long would you end up
21 staying in there?

22 A. Like, two or three days.

23 Q. Do you know the longest time that
24 you were in there?

25 A. No.

1 Q. What were the rules in OSS?

2 A. That I have to be sitting with the
3 back against the wall, feet on the ground,
4 and sit there. When I sit there for about
5 two hours without doing anything to start
6 the time over, then basically the door is
7 open. Nineteen hours would then result
8 that you have a chair to be able to sit in
9 the room. Either twenty-one or twenty-
10 three hours is where you get a 1,000-word
11 essay. Each time you're in OSS, 1,000
12 words is added each time, and it starts
13 all over after 10,000 words.

14 Q. So if you have a week where you
15 were put into OSS two times, does that
16 mean you would have--on that second time
17 you would have to write a 2,000-word
18 essay?

19 A. That's right.

20 Q. Was that hard for you to write
21 those essays?

22 A. Yes.

23 Q. Did that take a while?

24 A. Yes.

25 Q. When could you go to the bathroom

1 when you were in OSS?

2 A. When I raised my hand and asked
3 from the staff that is in the OSS room
4 monitoring the cameras.

5 Q. If you were sitting as you had said
6 with your back against the wall and your
7 legs out and you wanted to move your legs,
8 what did you have to do?

9 A. I have to wait to be called on to
10 be able to ask to switch positions.

11 Q. What happens if you didn't wait or
12 you didn't get called on and you moved
13 your leg?

14 A. I don't know if I remember what
15 happens.

16 Q. You had stated earlier that if you
17 didn't follow the rules, then your time
18 would start over. What types of things
19 would make the time start over?

20 A. Such as acting out, not following
21 the rules of OSS, and not listening to
22 people that are in OSS watching the OSS
23 room.

24 Q. Not listening to the people who are
25 watching you?

1 A. Yes.

2 Q. What kind of food would you get in
3 OSS?

4 A. Morning would be peanut butter and
5 jelly sandwich with fruit, and sometimes
6 there would be like a cup of milk.

7 Q. Did you say a cup of milk?

8 A. Yes. Lunch would be a meat
9 sandwich, some pickles on the side, a box
10 of raisins. Dinner would be a peanut
11 butter and jelly sandwich with a box of
12 raisins and pickles on the side.

13 Q. It sounds like you got a lot of
14 pickles?

15 A. (The witness nodded in the
16 affirmative.)

17 Q. Did you like pickles?

18 A. No. I don't like pickles at all.

19 Q. Did you feel hungry when you were
20 in OSS?

21 A. Of course.

22 Q. Did you get a mattress at
23 nighttime?

24 A. That's right.

25 Q. I'm sorry?

1 A. That's right.

2 Q. That's right?

3 A. Yes.

4 Q. Did you always get a mattress?

5 A. Yes.

6 Q. Was there ever times that you would
7 not get a meal in OSS, that you wouldn't
8 get your lunch or dinner?

9 A. If I refused the meal.

10 Q. What's that mean?

11 A. If I didn't want to accept or have
12 the food.

13 Q. Did you do that sometimes?

14 A. Sometimes.

15 Q. How come?

16 A. I just don't remember why.

17 Q. When you were in OSS, you didn't
18 have homework or books or anything like
19 that; right?

20 A. That--there's ISS.

21 Q. ISS?

22 A. Yes.

23 Q. Oh, In-School Suspension?

24 A. Yes.

25 Q. That's different than the OSS;

1 correct?

2 A. Yes. Sometimes for ISS, sometimes
3 I will go to the OSS room and do school
4 work on paper.

5 Q. Because that's when you were in
6 ISS?

7 A. I don't know if that's when I'm in
8 OSS, but it happened for me when I was in
9 ISS.

10 Q. And what is ISS?

11 A. It's an In-School Suspension where
12 you have to do your school work somewhere
13 else rather than in the classroom.

14 Q. So sometimes you were taken out of
15 the classroom to do your school work
16 elsewhere; is that right?

17 A. Yes.

18 Q. And you're saying that sometimes if
19 you received ISS that you would have to go
20 do your school work in the OSS room?

21 A. Yes.

22 Q. But the other times when you were
23 placed strictly in OSS, during those times
24 you didn't have your homework; correct?

25 A. I believe I didn't.

1 Q. Were the lights on all the time in
2 OSS?

3 A. They were.

4 Q. Did the rooms have speakers?

5 A. They did.

6 Q. Do you remember sometimes they
7 would play tapes in the rooms?

8 A. I remember some of it.

9 Q. Was it music or was it talking?

10 A. It was like a person talking about
11 something.

12 Q. Bxxxxxx, did you sometimes hurt
13 yourself when you were in OSS?

14 A. Yes.

15 Q. What types of things happened?

16 A. Banging my head against the door.

17 Q. Banging your had against the door?

18 A. Yes.

19 Q. Do you know why you were doing
20 that?

21 A. I don't remember why.

22 Q. Would Mr. Ben ever come see you in
23 OSS?

24 A. Rarely happened.

25 Q. But sometimes?

1 A. Sometimes.

2 Q. Is Mr. Ben here today?

3 A. I don't know.

4 Q. Do you not want to look?

5 A. Now I see him.

6 Q. Is he sitting here with a gray coat
7 and a blue shirt on?

8 A. Yes.

9 MS. TIMMINS: If the record could
10 reflect that the witness has identified
11 the Defendant.

12 THE COURT: It may.

13 Q. (By Ms. Timmins) Bxxxxxxx, do you
14 remember a day that you were taken off of
15 the campus with a deputy and some people
16 and went to another building to talk?

17 A. I remember it was somewhere in
18 early spring.

19 Q. In early spring?

20 A. Yes.

21 Q. Do you remember what happened that
22 day?

23 A. I was taken by a couple people, and
24 when they introduced themselves they say
25 that they were from DHS.

1 Q. They took you to a different
2 building?

3 A. Yes.

4 Q. Did you talk to them?

5 A. Yes.

6 Q. Did they feed you?

7 A. Yes.

8 Q. Did you like that?

9 A. Yes.

10 Q. The day you went to talk to those
11 people, were you in the OSS room?

12 A. Yes, I was.

13 Q. After you were done talking to
14 those people, did they take you back to
15 the academy?

16 A. Yes.

17 Q. Did you get put back in the OSS
18 room?

19 A. Yes.

20 Q. Bxxxxxxx, would you sometimes write
21 letters home to your mom?

22 A. That's correct.

23 MS. TIMMINS: May I approach, Your
24 Honor.

25 THE COURT: You may.

1 Q. (By Ms. Timmins) I've asked you to
2 look at this before. I'm showing you
3 State's Exhibit 9. Do you want to take a
4 look at that?

5 A. Okay.

6 Q. Bxxxxxxx, is that a letter that you
7 wrote home to your mom?

8 A. Yes.

9 Q. And were you at Midwest Academy at
10 the time that you wrote that letter?

11 A. Yes, I was.

12 MS. TIMMINS: Your Honor, at this
13 time I'd ask to enter State's Exhibit 9.

14 (State's Exhibit No.
15 9 was offered in
16 evidence.)

17 THE COURT: Ms. Schaefer, do you
18 have any objection to State's Exhibit 9?

19 MS. SCHAEFER: No, Your Honor.

20 THE COURT: State's 9 is admitted.

21 (State's Exhibit No.
22 9 was received in
23 evidence.)

24 Q. (By Ms. Timmins) Were you asking
25 your mom to bring you home?

1 A. Yes.

2 Q. Now, your mom did come and pick you
3 up one day, didn't she?

4 A. She did.

5 Q. How did you feel?

6 A. I felt quite relieved and happy.

7 Q. What happened when you-- Well, did
8 your mom take you home to [REDACTED]?

9 A. Yes. Then a few days later when
10 Mom decided to take me to go eat out in
11 Columbus, during the car ride I didn't
12 feel too well. It felt like I had a lack
13 of energy to do anything. So then I told
14 my mom, like, can she take me to the
15 hospital? And she took me to the
16 hospital.

17 The doctor and nurse said that I
18 had a lack of nutrients and proteins
19 inside of my body.

20 Q. A lack of nutrients and proteins?

21 A. Yes.

22 Q. Did you have to have some IV's in
23 your arm?

24 A. About two and a half pouches.

25 Q. Were they putting liquids inside of

1 you?

2 A. Yes.

3 Q. How long did you have to stay in
4 the hospital?

5 A. I believe I was in the hospital for
6 like a day or two.

7 Q. Bxxxxxx, when you were in the OSS
8 room and the door was shut, you couldn't
9 get out; right?

10 A. That's right.

11 Q. How did you feel when you were in
12 there?

13 A. I feel like I was in a box.

14 Q. In a box?

15 A. Yes.

16 Q. What did your mind feel like?

17 A. Closed and trapped.

18 MS. TIMMINS: May I approach, Your
19 Honor.

20 THE COURT: You may.

21 Q. (By Ms. Timmins) Bxxxxxx, I'm
22 showing you what has been marked as
23 State's Exhibit 10. Is that the OSS room,
24 or one of them?

25 A. That's one of them.

1 MS. TIMMINS: Your Honor, at this
2 time I'd ask to enter State's Exhibit 10.

3 (State's Exhibit No.
4 10 was offered in
5 evidence.)

6 THE COURT: Ms. Schaefer, any
7 objection to State's Exhibit 10?

8 MS. SCHAEFER: No objection.

9 THE COURT: State's 10 is admitted.
10 (State's Exhibit No.
11 10 was received in
12 evidence.)

13 MS. TIMMINS: Permission to
14 publish, Your Honor. I don't have this on
15 the screen. Can I pass it to the jury?

16 THE COURT: Yes. Go ahead. We're
17 going to take a break in just a minute
18 because the reporter has been going for
19 quite a while, plus we probably need one.

20 MS. TIMMINS: And actually at this
21 point, I can say that I don't have any
22 further questions of Bxxxxxx.

23 THE COURT: Okay. You have no
24 further questions?

25 MS. TIMMINS: No.

1 THE COURT: Then why don't you pass
2 that, and then we'll take a break.

3 (State's Exhibit No. 10 was
4 published to the jury.)

5 MS. TIMMINS: Can I go ahead and
6 let Bxxxxxxx go out?

7 THE COURT: Yes, that's fine. You
8 can step down, sir. You'll have to come
9 back though, okay?

10 THE WITNESS: Okay.

11 (The witness stepped down from the
12 witness stand.)

13 THE COURT: All right. It looks
14 like it has been passed around.

15 Ladies and gentlemen, we'll take
16 about a ten- to fifteen-minute break.
17 Please remember the admonitions I
18 previously gave you.

19 (A recess was taken at 10:45 a.m.)

20 (In open court, in the presence of
21 the jury, the Court, the Defendant, and
22 counsel at 11:05 a.m.)

23 THE COURT: Everyone please be
24 seated. Thank you.

25 Ms. Schaefer, you may cross-examine

1 the witness.

2 MS. SCHAEFER: Thank you.

3 CROSS-EXAMINATION

4 BY MS. SCHAEFER:

5 Q. Good morning. Is it okay if I call
6 you Bxxxxxx?

7 A. Yeah.

8 Q. You indicated when you were talking
9 to Ms. Timmins that it was your mom and
10 the court that decided you needed to go to
11 MWA; is that correct?

12 A. Yes.

13 Q. And is that because you were having
14 some issues legally?

15 A. Yes.

16 Q. What kind of behaviors--I believed
17 you described aggressive behavior. What
18 did that include before you went to
19 Midwest Academy?

20 A. Being violent to others as in
21 attacking them, like hitting, kicking;
22 some destroying property; getting into
23 fights at school.

24 Q. In fact, didn't you--one of the
25 things you did was throw a water bottle at

1 a bus driver?

2 A. I don't know if I remember that.

3 Q. And when you said getting violent
4 with others, did that include both
5 students and staff at school?

6 A. I believe so.

7 Q. Did you ever get violent with your
8 mom?

9 A. Yes. But until this year it's all
10 different. Like my family, people around
11 me, like my therapist, counselor, see a
12 big change in the way that I act and
13 behave.

14 Q. But I'm talking about before you
15 went to Midwest Academy.

16 A. Before then it was when, like, I
17 get in trouble every day.

18 Q. And that's in addition to not
19 following rules and arguing with teachers
20 and some of those other things; correct?

21 A. Yes.

22 Q. Did you have a lot of rules at home
23 before you went to Midwest Academy?

24 A. Yeah.

25 Q. Did you have a particular bedtime?

1 A. I don't know if it was particular,
2 but Mother always asked me to go to sleep
3 around 10:00, 10:30.

4 Q. And did you have chores to do at
5 home?

6 A. Yes. Sweeping the house, doing my
7 laundry, doing dishes, taking out the
8 garbage.

9 Q. And did you do all of those things
10 without argument?

11 A. Before going to the academy, I did
12 have trouble doing it for Mom.

13 Q. And again, I'm talking about before
14 you went to Midwest. Did you get into
15 fights with your mom a lot about some of
16 the rules and the chores that she wanted
17 you to do?

18 A. Yes.

19 Q. And I believe you described your
20 anger control issues. Isn't it true that
21 that anger would become an issue whenever
22 you didn't get your way?

23 A. Yes.

24 Q. And you would get angry, or at
25 least used to get angry, when people would

1 try to tell you what to do?

2 A. Yes.

3 Q. And when you got angry, what were
4 the things that you would do?

5 A. Very aggressive behavior.

6 Q. What does aggressive mean?

7 A. As in being physical with others,
8 sometimes leading to damaging property.

9 Q. Did you ever hurt anybody?

10 A. Not that I know of.

11 Q. And did you sometimes threaten to
12 hurt yourself?

13 A. Yes. That was towards that I
14 didn't want anyone to be bothering me.

15 Q. Did you ever have any intentions of
16 hurting yourself?

17 A. Nope.

18 Q. Why would you make those threats?

19 A. I made those threats so that I
20 don't want to have to keep being angry at
21 that moment.

22 Q. Isn't it true you made those
23 threats especially with your mom so that
24 you could get your way?

25 A. Well, I believe I didn't do it with

1 Mom.

2 Q. Now, when you went to OSS--or
3 excuse me--when you went to Midwest
4 Academy, it was in I think--did you say
5 right after school had started?

6 A. It was, like, after school started
7 for anywhere.

8 Q. So would September sound about
9 right?

10 A. Sounds about right.

11 Q. And you said you left the following
12 spring?

13 A. Yes.

14 Q. How early in the spring did you
15 leave?

16 A. Like a little after half of the
17 spring season.

18 Q. April or so? March?

19 A. April or May.

20 Q. So most of the time you were at
21 Midwest Academy it was wintertime?

22 A. That's correct.

23 Q. And you clearly had difficulties
24 following all of the rules that Midwest
25 Academy had, didn't you?

1 A. Yes.

2 Q. Were you told by staff when you got
3 there that you were going to be expected
4 to follow all those rules?

5 A. Yes.

6 Q. How long did you meet with Mr. Ben?

7 A. Do you mean how many times or--

8 Q. No. That first day how long was he
9 there with you?

10 A. That I do not know.

11 Q. Or did he spend most of his time
12 talking to your mother?

13 A. I think he spent more time talking
14 to my mother.

15 Q. You struggled in Level 1, didn't
16 you?

17 A. Yes.

18 Q. You weren't listening to staff;
19 correct?

20 A. That's correct.

21 Q. You weren't following rules after
22 being told to?

23 A. Yep.

24 Q. And if you were given orders or
25 directives by staff, you would get

1 argumentative with them?

2 A. Yep.

3 Q. And you would get, in your words,
4 aggressive with them, wouldn't you?

5 A. That's right.

6 Q. And by aggressive, you would
7 assault staff, wouldn't you?

8 A. That sounds quite right--no, that
9 sounds right.

10 Q. You would hit them?

11 A. Yes.

12 Q. Or try to?

13 A. Yes.

14 Q. And sometimes try to kick them?

15 A. Yes.

16 Q. And did you sometimes get violent
17 with other students?

18 A. Yes.

19 Q. And when I say that, you would hit
20 them or at least try to?

21 A. I don't know how it would happen,
22 but I do know that it sometimes started
23 off with, like, me hitting them or them
24 hitting me.

25 Q. So you would get angry, either at a

1 staff member or a student, and then you
2 would react physically?

3 A. Yes.

4 Q. And were those the times that you
5 were immediately sent to OSS?

6 A. Yes.

7 Q. When you would get to OSS, would
8 you just calm down?

9 A. No.

10 Q. Or would you continue your
11 aggressive behavior?

12 A. It just depends on the way that I
13 cool down or be able to make myself to be
14 in that state to listen and do the OSS
15 time.

16 Q. But when you went to OSS, did it
17 start with a lot of screaming and yelling
18 and cussing at people?

19 A. Usually.

20 Q. And then after a period of time,
21 you would settle down to get into
22 structure and follow those rules?

23 A. Yes.

24 Q. And sometimes that period might be
25 longer than others?

1 A. Yes.


2 Q. When you first got to the school,
3 you described that there were a lot of
4 rules, probably too many to remember?

5 A. Yes.

6 Q. Were you given a mentor or a buddy
7 who was an upper level to kind of help
8 guide you through that?

9 A. That's right.

10 Q. Do you remember who that was?

11 A. Yes. His name is Cxxx 
12 (phonetic). When it started is when I
13 asked Mr. Don about having a mentor or a
14 buddy, as you said.

15 Q. And was that somebody that when you
16 felt like things were getting heated that
17 you could go talk to?

18 A. Yes, or if I want to be able to
19 talk with him about anything.

20 Q. When you were ready to settle down
21 and sit in structure and follow the rules,
22 were you capable of doing that?

23 A. Sometimes.

24 Q. When you weren't was that a
25 decision that you made?

1 A. Yes.

2 Q. So when you said that sometimes you
3 would spend two or three days in OSS, was
4 it because of your choice to not follow
5 the rules?

6 A. That's part of the reason. The
7 other reason is that it is hard to
8 maintain and, like, follow the directions
9 in OSS.

10 Q. But you did when you wanted to,
11 didn't you?

12 A. Yes.

13 Q. And you indicated-- Strike that.
14 You also testified that you were given
15 three meals a day?

16 A. That's correct.

17 Q. While in OSS?

18 A. Yes.

19 Q. And--

20 A. But I believe I remember something
21 about, like, around 3 o'clock snack time.

22 Q. So you also--in addition to the
23 three meals, you got a 3 o'clock snack?

24 A. Yes.

25 Q. Even when you were in OSS?

1 A. Yes.

2 Q. What was your 3 o'clock snack?

3 A. Ten saltine crackers.

4 Q. Crackers?

5 A. Yep.

6 Q. And were you also given, like,
7 water or something to drink with your
8 meals?

9 A. Yes, if the person doesn't have a
10 water bottle.

11 Q. Pardon?

12 A. If the person doesn't have a water
13 bottle.

14 Q. And you testified that if you
15 didn't get a meal it's because you refused
16 it?

17 A. That's right.

18 Q. And did you frequently refuse to
19 eat?

20 A. No.

21 Q. What would cause you to refuse to
22 eat?

23 A. I'm not sure.

24 Q. Was it when you were having
25 difficulty settling down?

1 A. I'm not really sure why I refused.

2 Q. And you indicated sometimes you
3 felt hungry?

4 A. Yes.

5 Q. Would that be enough for you to
6 start following rules?

7 A. I don't know.

8 Q. Because you knew that if you got
9 out of OSS, the food was a little more
10 better, for lack of a better phrase?

11 A. Correct.

12 Q. Because when you were on Level 1,
13 even though there were restrictions, it
14 was a lot different that peanut butter and
15 jelly sandwiches; right?

16 A. Yes.

17 Q. And you testified you always got
18 your mattress at night when it was time to
19 go to sleep?

20 A. Correct.

21 Q. You testified that you only saw Mr.
22 Ben a few times while you were in OSS?

23 A. That's correct.

24 Q. Did you see him outside of OSS?

25 A. More than I saw him in OSS.

1 Q. And when you saw him outside of
2 OSS, what were your interactions like?

3 A. If I see him, I just look at him
4 and then get back on track to do what I
5 was doing.

6 Q. Did Mr. Ben ever send you to OSS?

7 A. I believe he never did.

8 Q. Was that ever or never?

9 A. Never.

10 Q. So he never sent you to OSS. Did
11 he ever give you any consequences?

12 A. I don't remember.

13 Q. When he did see you in OSS, was he
14 trying to encourage you to follow the
15 rules to get yourself out of OSS?

16 A. That sounds about right.

17 Q. Who was Mr. Mike D?

18 A. What I see--that he's, like, the
19 person that's in charge of, like--if the
20 family rep is not working, or Mr. Ben is
21 not there, he would be, like, in charge
22 for those moments, in charge of the staff.

23 Q. And my understanding is there was a
24 Mike D and Mike H; right?

25 A. Yes.

1 Q. Was Mike D, in fact, your
2 counselor?

3 A. He might be, but I'm not sure.

4 Q. Did Mike D come see you in OSS?

5 A. He did.

6 Q. Did he come see you pretty
7 regularly?

8 A. He come see me often.

9 Q. Were there also times that you were
10 denied your food simply because you were
11 still being aggressive while in the OSS
12 room?

13 A. I believe so.

14 Q. You indicated that you would bang
15 your head against the wall in OSS. Did
16 you ever injure yourself?

17 A. No.

18 Q. Did anyone ever assault you while
19 you were in OSS?

20 A. No.

21 Q. Was it your understanding that
22 there were cameras in the OSS rooms to
23 watch you while you were in there?

24 A. Yes.

25 Q. And is it a fair statement that

1 that might be why the lights were always
2 left on?

3 A. Yes.

4 Q. What are your eating habits like at
5 home?

6 A. My eating habits are always the
7 same where I non-stop eat.

8 Q. So the Chinese buffet when you got
9 to go there for your birthday was a pretty
10 cool thing, huh?

11 A. Yeah. That's the only time that I
12 felt like I had any freedom outside of the
13 building.

14 Q. Because getting to go off campus
15 was a pretty huge deal, especially if you
16 were still at the low level; right?

17 A. Yes.

18 Q. Who did you take with you?

19 A. I took my--I took a friend.

20 Q. Do you remember which one?

21 A. Cxxx [REDACTED].

22 Q. Cxxx. And that was the same young
23 man that was your mentor as well?

24 A. Yes.

25 MS. SCHAEFER: I don't have any

1 further questions. Thank you, Bxxxxxxx.

2 THE COURT: Ms. Timmins?

3 REDIRECT EXAMINATION

4 BY MS. TIMMINS:

5 Q. Did you ever get restrained while
6 you were at the academy?

7 A. Yes.

8 Q. And that would happen a lot of
9 times if you were being aggressive;
10 correct?

11 A. Correct.

12 Q. Did staff restrain you?

13 A. Yes.

14 Q. Would other students restrain you?

15 A. Like some of the Level 5s that are,
16 like, having the privilege to do so.

17 Q. So the kids who had the privilege
18 to restrain could do that?

19 A. If like the staff needs help or
20 requests them to come help.

21 Q. You were asked the question about
22 Mr. Mike D, if you knew him, and you said
23 that he was in charge when Mr. Ben was not
24 there; is that right?

25 A. Yes.

1 Q. When Mr. Ben was there, was he the
2 man in charge?

3 A. Of course.

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

5 THE COURT: Ms. Schaefer?

6 MS. SCHAEFER: Just one question.

7 RE CROSS-EXAMINATION

8 BY MS. SCHAEFER:

9 Q. Bxxxxxxx, when you did have to be
10 restrained by staff, how did they do that?

11 A. Well, for me to not continue in
12 further hitting or kicking, the hands--
13 they would have to sometimes put my hands
14 behind my back or, like, when they
15 restrained me to put me on the ground and
16 my hands would be held down to the ground,
17 and the feet would be held down together.

18 Q. So they would hold your arms down
19 and your legs down, and they would keep
20 you from hitting and kicking?

21 A. Yes.

22 MS. SCHAEFER: Nothing further.

23 MS. TIMMINS: No questions.

24 THE COURT: You may step down.

25 Thank you.