

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. [REDACTED]

9 Q. How old are you?

10 A. Twenty.

11 Q. Where do you live?

12 A. [REDACTED]

13 Q. Your date of birth?

14 A. XXXXXXXX XX, XXXX.

15 Q. What's your educational background?

16 A. I went to Midwest Academy, and I
17 graduated high school there. Then I went
18 to [REDACTED] while
19 there.

20 Q. Are you working right now?

21 A. Not currently.

22 Q. I'd like to talk to you about
23 Midwest Academy. You were a student
24 there?

25 A. Yes.

1 Q. When did you attend?

2 A. I went from [REDACTED], 2014, to [REDACTED]
3 [REDACTED], 2015.

4 Q. Where were you before that?

5 A. I was living in [REDACTED],
6 [REDACTED]

7 Q. Was that with your parents?

8 A. Yes.

9 Q. Did you grow up there?

10 A. No. I grew up in [REDACTED]
11 [REDACTED]

12 Q. Were you having some issues at home
13 that brought you to Midwest Academy?

14 A. Yes, I was.

15 Q. Whose choice was it for you to go
16 there?

17 A. My parents' choice.

18 Q. What were you expecting when you
19 went?

20 A. I was handed a brochure before I
21 went with a football team and people
22 talking, and I was told it was going to
23 be--I was going to be able to go to the--
24 like they had this really nice gym and a
25 nice library, you know. And there was

1 going to be a lot of therapy and, you
2 know, it was going to help me heal from
3 past experiences.

4 Q. How old were you when you went to
5 Midwest Academy?

6 A. I was 17.

7 Q. Your first day, do you remember
8 that?

9 A. Yes, I do.

10 Q. When you arrived-- I'm sorry.
11 You're nervous, aren't you?

12 A. Yes, just a little. Sorry.

13 Q. It's okay. Take a deep breath. On
14 your first day when you arrived, what were
15 some of the first things that you did?

16 A. Well, it was late. We got there
17 later than expected. Mr. Ben, he was in
18 the front of the building waiting for us.
19 And when I got in, we walked down this
20 corridor with all the pictures of
21 graduates.

22 I was brought to the OSS room. All
23 my items were searched through. I was--
24 then the rover staffing OSS at that time
25 brought me into the bathroom. I was

1 deloused, basically. I had to wash my
2 hair with lice shampoo and take a bath and
3 a shower, and I had to strip down all my
4 clothes to my bra and underwear before
5 getting in the shower and then take them
6 off in there to shower.

7 Then I was--I got out and I had to
8 get dressed and then we marked all my
9 items with my initials. And then it was
10 really late so they basically just sent me
11 to bed, and I had no clue of the rules or
12 anything. And it was--

13 Q. When you went to bed, did you go up
14 to where the other girls were, or did you
15 sleep somewhere else?

16 A. No. I was with the other girls.
17 And I went--I was on the top bunk. Yeah,
18 I just went to bed. I couldn't sleep that
19 night whatsoever, yeah.

20 Q. Did you spend the next couple of
21 days learning the rules and trying to
22 figure out how everything went there?

23 A. Yeah. I had a really hard
24 transition. I had a hope buddy, which was
25 a buddy that was assigned to you, normally

1 an upper level, before you were--that you
2 were on for three days where you couldn't
3 get consequences, and you were allowed to
4 talk to the hope buddy, and my hope
5 buddy's name was Axxxxx. And she would
6 just basically just tell me all the rules.
7 If I had questions, I could ask her.

8 I believe it was my second or third
9 night, I was too scared to get up from bed
10 and ended up wetting myself in the bed,
11 yeah.

12 Q. What do you mean you were too
13 scared to get up and out of bed?

14 A. You weren't allowed to get out of
15 bed at night or it was a shutdown
16 consequence. And I was brand new, so I
17 was really intimidated. You had to wake
18 up your bunk buddy underneath you to go to
19 the bathroom. So you had to wake somebody
20 up, and I was just really nervous to do
21 that. And I was just worried, like, what
22 would happen, like, was I going to get a
23 consequence for going? And I was
24 literally just petrified and I ended up
25 just wetting myself.

1 Q. Did you get in trouble for wetting
2 the bed?

3 A. Yes. It was pretty embarrassing.
4 They basically, you know, told everyone
5 that I wet the bed, you know. And I got
6 to, you know, strip my sheets in front of
7 everyone and, you know, yeah.

8 Q. It took you a long time to get off
9 of Level 1; is that right?

10 A. Yeah. I didn't want to get off
11 Level 1, because I didn't want the
12 responsibilities of being a bunk leader or
13 a Level 3 because I didn't want to give
14 any of the other girls their consequences.
15 I just didn't have it in me to, you know,
16 take away other girls' points that were
17 going to get them home.

18 And I just sat on Level 1 because I
19 just didn't want to be part of the program
20 or do any of the, you know, extra things
21 that when you leveled up you had to do.

22 Q. Do you have a lot of anxiety?

23 A. Yeah.

24 Q. Was that stressful for you being
25 there with all those rules and

1 expectations?

2 A. I had very bad anxiety before
3 going, and I also had PTSD. I went right
4 after a very traumatic incident. So the
5 rules were really hard for me because, you
6 know, I don't like people behind me and I
7 get very anxious. And the rules were set
8 up where if I looked behind me in line
9 structure, I would get a consequence. Or,
10 you know, if somebody dropped something
11 next to me and I looked in line structure,
12 I'd get a consequence.

13 And I would have panic attacks, and
14 the staff made up a few consequences of
15 breathing too heavily because I would
16 start hyperventilating in class and get
17 nervous.

18 Q. We've learned a lot about the rules
19 and all of those things, so we're not
20 going to go into those.

21 A. Sorry.

22 Q. No, you're fine. I wanted to hear
23 that. We're not going to go into a lot of
24 the other detail about that. But was
25 there a particular rule that you yourself

1 just hated the most?

2 A. I hated talking without permission,
3 because at Midwest you weren't allowed to
4 talk unless you raised your hand and asked
5 to speak. You had to raise your hand and
6 ask the staff to speak to a level--and
7 they had to be appropriate levels.

8 So if you were struggling with
9 something like a letter from home or, you
10 know, anything, you couldn't talk to
11 somebody. And I would constantly, like,
12 blurt out and get those consequences, and
13 I would end up trending on them, which is
14 when you get three in a week, which takes
15 away an extra amount of points. So I
16 would have a lot of hard times with that
17 rule.

18 Q. Did you ever spend time in OSS?

19 A. Multiple times.

20 Q. What types of things would get you
21 in OSS?

22 A. Really bad panic attacks where I
23 wasn't following the rules. And I would
24 have, like, flashbacks and stuff and I
25 would have to be removed from the

1 classroom. And I would refuse to go
2 anywhere, so I would just sit in a corner
3 and cry. Then I would be brought to OSS
4 for not cooperating and disrupting the
5 family.

6 Q. Did you know Kxxxxxxx?

7 A. Yes.

8 Q. Were you friends with Kxxxxxxx?

9 A. Yes, I was.

10 Q. You know, it's interesting that a
11 lot of times people like you say I was
12 friends with this person, but what does
13 that--how did you form friendships at the
14 academy when you weren't allowed to talk
15 to each other very much?

16 A. You were allowed thirty minutes of
17 talk time with appropriate levels. So I
18 had reached Level 3, and I was a tutor
19 because I had graduated high school and
20 was in college, and I was still expected
21 to do high school with tutoring with
22 college.

23 But Kxxxxxxx was one of my favorite
24 people to tutor because she was always
25 very interested in school. So I would

1 always go tutor her, and that's when we
2 would talk off task, when it wasn't 100
3 percent about tutoring. So I was able as
4 a tutor to kind of form bonds with people,
5 and I kind of got really close to her
6 tutoring her because we both enjoyed,
7 like, the same subjects and stuff.

8 Q. All right. So clearly you were
9 able to move up then after a while?

10 A. After a while, yeah, I got Level 3
11 because I was put on a Level 3 challenge
12 by my family rep right before my 18th
13 birthday. And on my 18th birthday,
14 because I was choosing to stay, I was
15 given 3,000 points, which basically
16 brought me right up to Level 3 because I
17 had already done the seminars, and I was
18 able to vote up to Level 3 at that point.

19 Q. So before I go on, tell me about
20 that. You were 18 and you chose to stay?

21 A. Yes. It wasn't really a choice.
22 My family--I tried to take my exit plan
23 probably about three times before I
24 actually finally took my exit plan. But
25 every time I did, I was put in OSS to take

1 my exit plan and I had to sit there. And
2 then they'd call my family and get my
3 brother on the phone, and he would ask,
4 like, why are you leaving, why are you
5 destroying our family? And I would
6 basically have to talk to all three of my
7 family members and be told me that I'm
8 ruining their lives and my life.

9 And also the fact that my birthday
10 was in January didn't help, because when
11 you take your exit plan you are homeless.
12 There was no point--I was not going home.
13 If I took my exit plan, there was no me
14 going right home. So I was going to be
15 dropped off and basically be homeless, and
16 I couldn't do that in Iowa in January.

17 Q. You didn't have anywhere to go?

18 A. No, I didn't. I didn't actually
19 know my parents' address because they had
20 moved from [REDACTED] to
21 [REDACTED], while I was at the
22 school.

23 Q. Let's go back to you and Kxxxxxx.

24 A. Yes.

25 Q. Did you ever see the Defendant and

1 Kxxxxxxx spending time together?

2 A. Yeah. He would pull her out of gym
3 and classes, and he would just do that
4 kind of stuff. And when he came into the
5 gym, he would pull her aside and that kind
6 of stuff. And while I was tutoring her
7 one day, she actually mentioned that she
8 had just gone to his house before.

9 Q. So when you were tutoring, she had
10 said, I--

11 A. That I went to Mr. Ben's house.
12 She didn't tell me anything else.

13 Q. Did you ever see things that the
14 Defendant purchased for Kxxxxxxx?

15 A. Lotions, shampoos, that kind of
16 stuff. He would just--I didn't see
17 anything more than just like--more items
18 that we weren't getting. Like the rest of
19 the girls got Dollar Tree products, and
20 they were given them once a month, and Mr.
21 Ben was buying her lotions and shampoos
22 not on that day of the month where we got
23 our supplies.

24 Q. So normal hygiene things, but maybe
25 better than what some of the other girls

1 were getting?

2 A. Nicer products. We got VO5, which
3 is this lovely brand from Dollar Tree, you
4 know, and other kinds of very cheap
5 products.

6 Q. What were your interactions with
7 the Defendant? Did you talk to him much
8 or see him much?

9 A. I didn't really see him. It was a
10 consequence to approach Mr. Ben unless he
11 approached you. I did one occasion run up
12 to him after a particularly bad incident
13 in OSS and was given a blatant rule
14 violation for doing so, which was a
15 consequence that you would get for running
16 up to Mr. Ben. And I told him about a
17 specifically bad incident that happened in
18 OSS.

19 Q. What is a blatant rule violation?

20 A. A blatant rule violation could
21 basically be categorized under anything
22 depending on the staff. There were
23 different codes. So certain consequences
24 fell under certain things.

25 But blatant rule violations were

1 running up to Mr. Ben; talking to, like, a
2 Level 1 under any circumstances without
3 someone listening, unless you were a Level
4 4, because you weren't allowed to talk to
5 Level 1s if you were, like, a 2 through 3
6 without a staff member listening very
7 close to you.

8 Q. And a blatant rule violation, is
9 that a major thing?

10 A. It's a 50-point consequence. It's
11 the highest level of consequences. It's a
12 Cat 3. There's Cat 1s that take away 5;
13 Cat 2s that take away 25 points; and,
14 there's Cat 3s, which take away 50 points.
15 And those are the consequences staff can
16 give you.

17 There are levels of consequences
18 that only, like, Miss Cindy Crew and like
19 the main school representatives could give
20 after an investigation.

21 Q. And all these rules were within
22 categories and had numbers, and those were
23 things that you were all expected to know?

24 A. Yes. The staff had this printed
25 out piece of paper on a binder they

1 carried that had all the consequences on
2 them.

3 Q. We've heard testimony that the kids
4 wanted to talk to Mr. Ben, that everybody
5 liked it when Mr. Ben came?

6 A. Everyone wanted to talk to Mr. Ben
7 because he could get you things. He
8 could, you know, help you if you were
9 having an issue in the program with a
10 staff. You could talk to him about it
11 and, you know, hopefully get that
12 resolved.

13 Q. But there was rules about--you
14 know, everybody couldn't just run up
15 whenever they felt like?

16 A. Mr. Ben-- Yeah, he had to come up
17 to you, or you had to raise your hand, and
18 if he picked on you and gave you
19 permission to speak then you wouldn't get
20 a consequence. But if a staff member
21 thought you were at all trying to--like,
22 if you went like this (indicating) to Mr.
23 Ben, you got a consequence anyway. You
24 had to raise your hand and not flop it
25 around.

1 Q. So the Defendant, Mr. Ben, chose
2 who to speak with?

3 A. Yes.

4 Q. Would he come see you when you were
5 in OSS?

6 A. He didn't really come see me in OSS
7 at all. I was--when I got in OSS, I
8 immediately tried to get out, because
9 being in that room made my mental issues
10 really, really hard for me. And I would
11 have really bad struggles while in there
12 that made things really bad for me. So I
13 immediately tried to get out and rejoin
14 the family, because I was alone with my
15 thoughts.

16 Q. Did you do a body image class?

17 A. Yes.

18 Q. Tell us about that?

19 A. Mr. Ben came down to the gym one
20 day, and he basically said he was doing a
21 body image seminar. And he mentioned that
22 we were going to be able to see ourselves.
23 I had been there for a year and a bit at
24 that point, and I hadn't seen myself once
25 since entering the academy because there

1 were no mirrors at all. And I was very
2 interested, because I went from a size 17
3 to a size 11, so I wanted to know what I
4 looked like.

5 And so I went with him and probably
6 like 8 or 9 other girls. I'm not 100
7 percent sure. We were brought up the
8 stairs to the second level where the
9 uniform room was. And he said he had a
10 mirror in there, and that we could go in,
11 get naked if we wanted to, and just look
12 at ourselves and just see what we thought
13 our body shape was. Do you want me to--

14 Q. You're fine. Did you do that?

15 A. I didn't get naked. I felt--there
16 were cameras in every room of the facility
17 that we knew of besides the dorms and the
18 bathrooms, so I thought the uniform room
19 was a very sketchy place, and I didn't
20 want to take my clothes off in there.

21 Q. You were uncomfortable?

22 A. I was very uncomfortable.

23 Q. Did you go in and look in the
24 mirror at all?

25 A. Yeah. I spent a good ten minutes

1 just looking at myself.

2 Q. When you came out, did the
3 Defendant speak with you about your body
4 type?

5 A. He had all these--there was a
6 little table outside, and he had probably
7 like four--I don't know how many body
8 types there are--but he had every type of
9 body type laid out on a table with a
10 little stack of each. And he basically
11 was, like, what do you think your body
12 type is? And there was like a pear shape
13 and a few others, and I picked up one and
14 he told me it wasn't the right one, and I
15 went with another one.

16 And they had different diets that
17 you could do and exercises for your
18 specific body type.

19 Q. Who told you that you didn't pick
20 the right body type?

21 A. Mr. Ben.

22 Q. What did he tell you you were?

23 A. I don't remember. I think I picked
24 up a different--I think I'm pear shaped,
25 apparently. I think that's the one he

1 handed me. I don't remember what one I
2 picked up, but it was the one that I
3 thought resembled my body.


4 Q. Is this somewhat what happened with
5 the other girls there when you all were
6 there?

7 A. Yes.

8 Q. Did you ever go to Victoria's
9 Secret with Mr. Ben?

10 A. No, I did not.

11 Q. Did you see any other girls come
12 back from trips with Mr. Ben with
13 Victoria's Secret things?

14 A. When they came back, they all had--
15 the upper levels that he took had
16 Victoria's Secret bags, and they were all
17 excited. And he--you know, I know one,
18  for sure was part of that,
19 and I know she had some really nice
20 Victoria's Secret stuff, and if anyone has
21 been there, you know what they sell, nice-
22 looking bras and lingerie. And only upper
23 levels were allowed to have those colored
24 bras. Level 1s and 2s only had white and
25 beige options.

1 MS. TIMMINS: That's all the
2 questions I have.

3 THE WITNESS: Okay.

4 THE COURT: Ms. Schaefer.

5 CROSS-EXAMINATION

6 BY MS. SCHAEFER:

7 Q. Hi, Miss Hxxxx.

8 A. Hi.

9 Q. How long did you stay after you
10 turned 18?

11 A. I turned 18 January 29th of 2015,
12 and I left August 4th of the same year.

13 Q. Did you graduate the program?

14 A. No.

15 Q. Why did you finally leave?

16 A. I left because it was warm enough.
17 It was August. I left after E-2 seminar.

18 Q. And that's the one that gets you up
19 to Level 3?

20 A. That's the one that gets you up to
21 Level 4.

22 Q. Okay.

23 A. E-1 is the one that gets you up to
24 Level 3, Elements 1.

25 Q. And you don't have to do a seminar

1 between 1 and 2; right?

2 A. I believe there's Accountability.
3 And before I was a Level 3, I did PW-1
4 with my parents.

5 Q. So your parents did come see you?

6 A. Twice, but they weren't allowed to
7 go through the whole school. We went to
8 the seminar room, and we were all in the
9 seminar room together.

10 Q. And those visits accompany a
11 seminar that is just for parents; correct?

12 A. Parents with their children. So
13 basically, you're working on issues that
14 you guys have in the home. So it's the
15 child with the parents.

16 Q. And so are those seminars different
17 than E-1 and E-2?

18 A. Yes, because your parents are
19 involved, and because your parents are
20 involved, if they don't think you're doing
21 a good enough job, you can choose out.

22 Q. Do you remember when your parents
23 came to see you?

24 A. I know I was still either a Level 1
25 or a Level 2 because--actually, I was a

1 Level 2 bunk leader for sure one time,
2 because I have a picture of me wearing the
3 gray tie for one of the visits. Because I
4 did PW-1, I believe, twice because they
5 didn't think--my parents didn't think we
6 did a good enough job the first time.

7 Q. Your parents didn't think so?

8 A. The parents, yeah.

9 Q. So you did the seminars more than
10 once with your parents?

11 A. Yes. Mainly because we were
12 arguing about I didn't want my mother to
13 drink as heavily as she does anymore, and
14 I didn't want to return to the home if my
15 mother was still drinking and my father
16 was still drinking as heavily as they did.

17 Q. Were those seminars and visits
18 before or after they moved from [REDACTED] to
19 [REDACTED]?

20 A. I'm not quite sure. I wasn't very
21 keyed in on the move. All I knew is they
22 were moving to [REDACTED]. That's
23 all I knew about the move. I wasn't given
24 any details over their home or anything.

25 Q. But for your exit plan, you talked

1 to them; correct?

2 A. For my exit--I tried to take my
3 exit plan multiple times. So on each time
4 they would have my parents call me, and on
5 the last time I just didn't listen because
6 I had been through something very
7 traumatic for me right before I took my
8 exit plan, and I just couldn't handle
9 being at the school anymore, and I would
10 have rather been homeless than stay at the
11 school one more day.

12 Q. Other than seeing Mr. Trane maybe
13 pull Kxxxxxx aside from class or maybe
14 taking her outside of the classroom, did
15 you ever see them alone together?

16 A. By definition I couldn't have seen
17 them alone together.

18 Q. I mean alone as in not in a group?

19 A. He would take her from the
20 classroom alone, and if any other staff
21 was taking a child without a second child
22 going, they had to have another adult
23 accompany.

24 Q. But my question was, did you ever
25 see them, just the two of them, without

1 other people around?

2 A. I was getting to that. He would--
3 instead of having a second come, like an
4 adult second come with him, or taking a
5 student, he would just take her alone from
6 the classroom.

7 Q. But you don't know where they went?

8 A. No. I know at one point that she
9 did tell me that--while I was tutoring her
10 that she did go to his house alone.

11 Q. Isn't there a round table close to
12 the classroom that people go to talk to
13 either a counselor or a rep or a mentor
14 buddy?

15 A. I saw--the classroom door is right
16 here (indicating), my desk was right here
17 because I was in college and those were
18 the only computers you could access
19 college. The round table room is
20 directly--the round table was directly
21 outside of there. You would hear people
22 talking. They did not go and sit at that
23 round table that day.

24 Q. And it's your testimony that
25 Kxxxxxxx told you that she went with Mr.

1 Ben to his house, the two of them?

2 A. I don't know if his kids were there
3 or whatever, but she said that he went--
4 she went to Mr. Ben's house. We didn't
5 talk much on it. She didn't really--we
6 were tutoring, and I didn't want to get an
7 off-task consequence.

8 Q. Right. But I thought you said they
9 went alone.

10 A. She told me that she went to his
11 house without another student. I don't
12 know if his kids were there or someone
13 else was there, but she told me she went
14 without other students. All she said was
15 she went to his house so--you know, I
16 don't--she didn't talk to me much on it.
17 We were tutoring. I only had fifteen
18 minutes with each person I tutored.

19 Q. Okay. The body image class--

20 A. Yes.

21 Q. --that was voluntary, wasn't it?

22 A. Yes, it was.

23 Q. And you volunteered so you could
24 see yourself in the mirror?

25 A. Yes.

1 Q. And whether you disrobed or not
2 inside the room was entirely voluntarily
3 then, wasn't it?

4 A. Yes. But we were--Mr. Ben told the
5 group that we could get naked if we
6 wanted, and I felt extremely uncomfortable
7 with a grown 30-year-old man telling a
8 bunch of girls that they could--

9 Q. Hang on. Can you slow down? It
10 was a yes-or-no question.

11 A. Yes.

12 Q. Because I believe the words were
13 "if we wanted." So you didn't have to,
14 did you?

15 A. No, you didn't but we were given
16 the option by Mr. Ben.

17 Q. But it was your choice whether you
18 chose to?

19 A. Yes.

20 Q. And you chose not to?

21 A. I chose not to because I thought
22 there could be a camera in the room, and
23 it made me increasingly uncomfortable.

24 Q. And it was your understanding that
25 the whole purpose of this class was to

1 provide you information about diets,
2 exercise; that you're never going to look
3 like somebody else who has a different
4 body shape?

5 A. That wasn't-- On the pieces of
6 paper that he had, they had the different
7 diets. At Midwest you were given one
8 meal. There were no alternative meals.

9 Q. Miss Hxxxx, I need you to answer my
10 questions. But wasn't that your
11 understanding? You testified that he had
12 these diagrams. And they weren't photos,
13 right, they were diagrams; correct?

14 A. They were--

15 Q. Like drawings?

16 A. Yes. It was a drawing of a person.

17 Q. And there was other information
18 regarding diets, exercise for that
19 specific shape?

20 A. Yes. But as I was saying--

21 Q. Yes or no.

22 A. Yes.

23 Q. That's all I need out of you.

24 A. Okay.

25 Q. And that was all it entailed;

1 correct? I mean, you looked; you decided;
2 and, here's your information?

3 A. Am I allowed to actually say a
4 sentence?

5 Q. My questions are asking for a yes
6 or no answer.

7 A. Yes.

8 Q. Thank you.

9 A. Am I allowed to elaborate on them?

10 THE COURT: Ms. Timmins can ask you
11 further questions.

12 Q. (By Ms. Schaefer) Did some of the
13 girls have significant issues with body
14 image and maybe eating disorders?

15 A. I know before they went--I know
16 there's a bathroom rule. So thirty
17 minutes after the bathroom--you weren't
18 allowed to go to the bathroom thirty
19 minutes after a meal so, yes, some of the
20 girls did have issues with that kind of
21 stuff, not me personally.

22 Q. But there were a number of girls
23 that it was of a concern?

24 A. I think almost every teenage girl
25 has slight concerns about their body.

1 Q. Okay. And you never went to
2 Victoria's Secret?

3 A. No.

4 Q. Did you ever get to a level where
5 you could go to those off-campus trips?

6 A. No. I didn't want to.

7 Q. And when you say upper levels got
8 those, how upper level?

9 A. I mean, upper level was 4 to 6. So
10 I don't know--I don't remember what levels
11 each girl was that went. I'm sorry.

12 Q. And that's okay. I just wanted to
13 have an idea of what--

14 A. Yes.

15 Q. --upper levels were versus lower.

16 A. 4 through 6. Lower levels are 1
17 through 3.

18 Q. During the time that you would have
19 seen Ben and Kxxxxxxx talking, kind of just
20 the two of them, did you ever see him do
21 anything that you thought was
22 inappropriate?

23 A. At one point I did see him place
24 his hand on her shoulder.

25 Q. Over her clothes?

1 A. Over her clothes, yes. She was
2 wearing clothes because we were in a
3 public place.

4 MS. SCHAEFER: I don't have any
5 other questions.

6 THE COURT: Ms. Timmins.

7 REDIRECT EXAMINATION

8 BY MS. TIMMINS:

9 Q. On those body image sheets, you
10 said that there was information about what
11 types of food you should eat if this is
12 your body type?

13 A. Specific diets and exercises,
14 correct, yes.

15 Q. Could you eat whatever you wanted
16 at Midwest Academy?

17 A. At Midwest there was one meal
18 choice. If you didn't like it, that was
19 it. There was no--if you wanted--there
20 was no--you know, you could go eat fruit
21 if you wanted to that day. There was no--
22 you weren't allowed to pick and choose
23 what foods you were allowed. It was the
24 meal the kitchen cooked that day.

25 Q. And were you allowed to do whatever

1 exercises you wanted when you felt like
2 it?

3 A. No. Normally, Level 3s would run
4 gym because we didn't have a gym teacher
5 for most of the time I was there, and they
6 would pick the exercises. And normally it
7 was, you know, running and then, you know,
8 crunches and that type of stuff. You
9 weren't given any free time to go do your
10 own exercises.

11 Q. So all of that is--you pretty much
12 do as you're told?

13 A. Yes. And that information I just
14 didn't see how it was--I don't know how we
15 could have used that information until
16 after we got out, because we couldn't
17 choose specific diets or do specific
18 exercises.

19 MS. TIMMINS: May I approach?

20 THE COURT: You may.

21 Q. (By Ms. Timmins) I was trying to
22 get you off fast so we could get you on a
23 plane, but I forgot to ask you, could you
24 identify State's Exhibit 44?

25 A. Yeah, that's me.

1 Q. You said, "that's me." Is that a
2 picture from when you were at Midwest
3 Academy?

4 A. Yes.

5 MS. TIMMINS: The State would offer
6 State's Exhibit 44.

7 (State's Exhibit No.
8 44 was offered in
9 evidence.)

10 THE COURT: Any objection to 44 for
11 the State?

12 MS. SCHAEFER: No objection.

13 THE COURT: 44 is admitted.

14 (State's Exhibit No.
15 44 was received in
16 evidence.)

17 MS. TIMMINS: I don't have any
18 further questions.

19 THE COURT: Ms. Schaefer?

20 MS. SCHAEFER: I just have a couple
21 quick follow-ups.

22 (Continued on the next page.)
23
24
25

1 RECROSS-EXAMINATION

2 BY MS. SCHAEFER:

3 Q. You never got past Level 3;
4 correct?

5 A. No. I did not want to.

6 Q. So you don't have any idea what
7 additional privileges Levels 4 through 6
8 would have?9 A. Yes, I do. You knew every
10 privilege that every level had.11 Q. Isn't it true that Levels 4 through
12 6 had additional food option choices?

13 A. No.

14 Q. Like a salad bar?

15 A. Level 2 and up had the salad bar,
16 but you couldn't choose to not eat meat,
17 and the salad bar was salad and different
18 toppings for the salad.

19 Q. And you got to choose those; right?

20 A. You did get to choose those.

21 Q. And Levels 4 through 6, did they
22 have different gym options than Levels 1
23 through 3?24 A. Levels 5 and 6, especially the
25 interns, got a lot more free time, and

1 they were allowed to. But most of the
2 girls that went were Level 1s, 2s, and 3s,
3 because Levels 4s could look in a mirror,
4 so it wasn't very enticing to want to go.

5 Q. So the information wasn't entirely
6 useless--well, it might have been useless
7 to you because you didn't get past Level
8 3. For those that did get past it, it
9 could have been useful information?

10 A. You were allowed salad bar on Level
11 2, so I was allowed salad bar.

12 Q. Miss Hxxxx, that really wasn't my
13 question. My question was, even though it
14 wasn't of particular use to you, it could
15 have been of use to those who achieved the
16 upper levels?

17 A. The exercise, yes.

18 MS. SCHAEFER: Okay. Thank you. I
19 don't have anything else.

20 THE COURT: Ms. Timmins?

21 MS. TIMMINS: Nothing.

22 THE COURT: You may step down.

23 MS. TIMMINS: I have one more
24 witness that would be about the same
25 length, so could I put that one on or

1 would you like to break?

2 THE COURT: Should we keep going?

3 (Several jurors nodded their heads
4 in the affirmative.)

5 THE COURT: Does that mean go?

6 (Several jurors nodded their heads
7 in the affirmative.)

8 THE COURT: The jury indicates
9 they're comfortable with that. Again, I
10 don't want to put anybody out. Okay. Go
11 ahead and call her.

12 MS. TIMMINS: The State calls

13 .

14 (Continued on the next page.)

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