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IN THE SUPERIOR COURT OF HARRISON COUNTY

STATE OF INDIANA

STATE OF INDIANA

vs

CAUSE NO. 31D01-0805-FA-389

LAWRENCE NUNLEY

ORIGINAL

The deposition of ANNIE YOUNG, taken on the 30th day of September, 2008 at 1445 Gardner Lane, Corydon, Indiana; said deposition taken upon oral examination, to be read and used at the hearing of the above-styled action; the reading and signing of the deposition being reserved; commencing at 9:39 a.m.; before Sheila M. Young, Court Reporter.

Legalese Court Reporting, Inc.
1925 Cedar Pointe Drive
Corydon, IN 47112
812-952-3978

1 APPEARANCES

2 ON BEHALF OF THE PLAINTIFF:

3 LAUREN WHEATLEY
4 HARRISON COUNTY PROSECUTOR'S OFFICE
5 1445 Gardner Lane
6 Corydon, IN 47112

7 ON BEHALF OF THE DEFENDANT:

8 SUSAN SCHULTZ
9 ATTORNEY AT LAW
10 127 East Chestnut Street
11 Corydon, IN 47112

12 ON BEHALF OF THE WITNESS:

13 Pro se
14
15
16
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20
21

22 TRANSCRIPT LEGEND

23 - (Interjection of thought for clarification)
24 -- (Interruption of thought)
... (Trailing off or did not complete thought)
25 (ph) (Phonetically)
(sic) (In its original form)

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INDEX

Pages

Direct Examination:

By Ms. Schultz 4-40

Cross-Examination:

By Ms. Wheatley 40-48

Redirect Examination:

By Ms. Schultz 48

EXHIBITS

(No exhibits presented for identification.)

196

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

2 9:39 a.m.

3 (Witness sworn.)

4 Whereupon,

5 ANNIE YOUNG,

6 called by the Defendant and having been first duly sworn,
7 was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. SCHULTZ:

10 Q. Okay, would you tell us your name, please?

11 A. Annie Young.

12 Q. Annie Young. Okay, and do you know what it
13 means to tell the truth?

14 A. It's better telling the truth than telling a
15 lie.

16 Q. Okay. And today what we need to have to do is
17 to tell the absolute truth. And if you said something that
18 was different before, you're not gonna get in trouble for
19 it. You're not gonna get in trouble for anything you say in
20 this room. Okay?

21 A. (Nods head affirmatively.)

22 Q. You understand that?

23 A. (Nods head affirmatively.)

24 Q. You have to -- you have to answer out loud.

25 A. Yeah.

1 Q. Okay. The recorder doesn't pick up head nods
2 very good.

3 A. I forgot.

4 Q. Okay, so if I were to tell you that you're in
5 school right now, is that the truth?

6 A. What?

7 Q. If I were to tell you that you were in -- you're
8 in school right now, this minute, is that the truth?

9 A. No.

10 Q. Okay. If -- if you were to tell me that you do
11 go to school, is that the truth?

12 A. Yeah.

13 Q. If I told I was wearing a green jacket, is that
14 true?

15 A. No, you're wearing a pink jacket.

16 Q. And if I told you you were sitting in this chair
17 one week ago today, is that the truth?

18 A. No.

19 Q. Okay, so you know what the difference is between
20 the truth and a lie?

21 A. Uh-huh (affirmative).

22 Q. If it really happened, it's true; if it didn't
23 really happen, it's a lie, right?

24 THE WITNESS: Who wrote this (indicating)?

25 MS. WHEATLEY: Some bad person. We'll just

1 forget about that, okay? All righty?

2 THE WITNESS: Okay.

3 MS. SCHULTZ: Okay.

4 BY MS. SCHULTZ: (Resuming)

5 Q. So where do you live, Annie?

6 A. I live in a trailer park, and I live with my dad
7 and my cousin Devon (ph). And he plays football and
8 baseball.

9 Q. What's your dad's name?

10 A. Richard Caves.

11 Q. Okay, and -- and you live with your dad and your
12 cousin Devon (ph), you said?

13 A. And my Uncle Mike.

14 Q. Does anybody else live there?

15 A. Yeah, but she's right now living with my ma-maw,
16 'cause my ma-maw's dying of cancer.

17 Q. Okay, does your mom live with you?

18 A. No, but her name's Tonya Caves.

19 Q. Okay. So you live with your dad - Richard
20 Caves?

21 A. Yeah.

22 Q. And your cousin?

23 A. Yeah.

24 Q. Okay. And what town do you live in?

25 A. What -- what town --

1 Q. What --
2 A. -- I live --
3 Q. -- town do you live in?
4 A. Salem.
5 Q. Salem, okay. Do you go to school?
6 A. Yeah.
7 Q. What school do you go to?
8 A. Salem.
9 Q. And what grade are you in this year?
10 A. Second.
11 Q. Second grade. How do you do in school; you like
12 school?
13 A. Yeah, my teacher's Ms. Prichard, just like
14 Richard.
15 Q. Only it's Prichard, huh?
16 A. Uh-huh (affirmative), add a P, and it's
17 Prichard.
18 Q. Where'd you go to school last year, same school?
19 A. No, I went to North Harrison last year.
20 Q. So you didn't live in Salem last year during the
21 school year, right?
22 A. No.
23 Q. And last year, you were in first grade?
24 A. Last year, I was in first grade. And my teacher
25 was Ms. Hampton in first grade. And then it came -- I

1 stayed for second grade at North Harrison, and my teacher's
2 Ms. Daoud then; it's kind of hard to remember, and I still
3 remember it. And then I came here, and my teacher now is
4 Ms. Prichard.

5 Q. Okay. And where did you go to kindergarten?

6 A. I really can't remember. But I can remember I
7 went preschool - Ms. Engleman.

8 Q. Okay, did you go to the same school for
9 kindergarten that you did for first grade?

10 A. No.

11 Q. Did you live in Marengo or Milltown then?

12 A. I think I lived in Marengo when I went to presch
13 -- No, I lived in Marengo when I was in kindergarten.

14 Q. Did you live with your mom then?

15 A. Yeah. And that's when I lived with my dad and
16 my mom and my brother. He doesn't live with me either. He
17 lives in Milltown. And he's 12; he's gonna be 13 in October
18 6th. And -- and his name is Alan (ph), and he -- he doesn't
19 live in Milltown anymore. He lives a little bit close to
20 Corydon. He lives with my nanna now. But he used to lived
21 with his dad - Rick Young.

22 Q. Where does your mom live?

23 A. In Ramsey.

24 Q. Okay. Do you remember somebody that was named
25 Eddie Foreman; do you remember him?

1 A. Yeah, Eddie Foreman.

2 Q. Okay, was he your mom's friend?

3 A. Yeah.

4 Q. Did he live with you?

5 A. We lived with him really, 'cause that's when we
6 didn't have a house. And now I moved with my dad.

7 Q. Okay, did something happen between Eddie and
8 your mom?

9 A. Yeah, Eddie beat up my mom.

10 Q. Did you see it happen?

11 A. Yeah.

12 Q. Was it pretty scary?

13 A. Yeah, at first, I went and hid under the porch,
14 'cause there's like that place under the porch. And then I
15 -- I told -- Once I got a chance to get up, I told her,
16 "I'm going to somewheres to call 911."

17 Q. Is that what you did?

18 A. Yeah, I was gonna go get Damon (ph), but Eddie
19 chased me down. So I had to turn around and go out again,
20 and then he went straight to Mom, and I'm lucky I called the
21 cops before he did the bad thing to her. 'Cause he gonna
22 tell her he was gonna take her kneecaps out. So that's why,
23 if you've been seeing her wear a brace, that's what
24 happened.

25 Q. So did she get hurt pretty bad when Eddie beat

1 up on her?

2 A. Yeah, but he's better than he was last time. He
3 cooks himself. He cleans himself. And he doesn't drink
4 wine anymore. The wine was really -- it was making him beat
5 up people.

6 Q. Okay.

7 A. He doesn't drink beer and wine anymore. He said
8 he stopped his -- I spent the night with him that one
9 night. I slept on the couch, and he slept in the back
10 bedroom. And I looked in the refrigerator, and I didn't see
11 one beer in there.

12 Q. Okay.

13 A. So, he's better, though.

14 Q. So did you tell -- tell the police that Eddie
15 hurt you?

16 A. Yeah.

17 Q. Was that true?

18 A. No.

19 Q. You sorry you told them that --

20 A. Yeah, --

21 Q. -- wasn't the truth?

22 A. -- I just wanted him to go to jail really,
23 'cause he deserved it.

24 THE WITNESS: "Please don't move table."

25 How can you move this table? It's so huge.

1 BY MS. SCHULTZ: (Resuming)

2 Q. So you read pretty good, don't you?

3 A. Uh-huh (affirmative).

4 Q. Could you read in kindergarten?

5 A. Yeah.

6 Q. Could you write in kindergarten?

7 A. Yeah.

8 Q. Okay. So your mom has had a lot of different
9 friends since you can remember, right?

10 A. Yeah.

11 Q. Do you remember a friend of hers named Ed
12 Nunley?

13 A. (Nods head affirmatively.)

14 Q. And did you see Ed Nunley very often?

15 A. Yeah, when he was her friend.

16 Q. When he was her friend?

17 THE WITNESS: Why is that on your mouth?

18 THE COURT REPORTER: I'm recording what you
19 say.

20 THE WITNESS: Oh.

21 BY MS. SCHULTZ: (Resuming)

22 Q. So do you remember, were you in kindergarten
23 when you first met Ed Nunley?

24 A. Yeah.

25 Q. Did your mom take you to see him?

1 A. Yeah.

2 Q. And where was that?

3 A. At Ed Nunley's house, and I can't remember, but
4 Kiki was supposed to be watching me.

5 Q. How many times did you go to his house?

6 A. A lot.

7 Q. A lot?

8 A. When Mommy was there, but that was the only
9 night I ever spent the night with him when Mommy --

10 Q. Okay.

11 A. -- wasn't there.

12 Q. Did anybody live with Ed Nunley?

13 A. Well, his son lived with him.

14 Q. Is his name Kyle?

15 A. How do you know?

16 Q. Oh, I've talked to Ed Nunley, so he's told me
17 some of the things that happened. And I want to find out
18 from you what -- what happened to you. Okay?

19 A. Okay.

20 Q. He told me Kyle lived with him, and he told me
21 that Kirsten (ph) lived with him. I think you called her
22 Kiki.

23 A. (Nods head affirmatively.)

24 Q. Do you remember Kiki?

25 A. Yeah, that girl.

1 Q. Were they friends of yours?
2 A. (Nods head affirmatively.)
3 Q. That's a yes?
4 A. Yeah.
5 Q. Okay, and how often did you see Kyle and
6 Kirsten?
7 A. A lot when I went there. Pretty much a lot.
8 Q. Okay, when you say you went there a lot, can you
9 give me some idea of how often that was; did you go there
10 every week?
11 A. Not every single week. But every once in a
12 while, sometimes I went on a Mondays, Tuesdays, Wednesdays,
13 sometimes Fridays.
14 Q. Did you -- did you spend the night there with
15 your mom ever?
16 A. (Shakes head negatively.)
17 Q. No, okay.
18 And there was only one time that you spent the
19 night there?
20 A. Yeah.
21 Q. And was that the last time that you were there?
22 A. Yes.
23 Q. Okay. Do you remember that night that you spent
24 the whole night there; do you remember --
25 A. Yeah.

1 Q. -- when it -- when you got there; was it late at
2 night when you got there?

3 A. No, it was day.

4 Q. It was in the daytime?

5 A. (Nods head affirmatively.)

6 Q. Still light -- still light outside?

7 A. Yeah, and I played the PlayStation a little bit,
8 went outside and played, came in and it was dark.

9 Q. Okay, was anybody else there when you got there?

10 A. Yeah, just Ed Nunley.

11 Q. Just Ed?

12 A. Yeah, because Kiki was supposed to be watching
13 me, but she wasn't.

14 Q. What was your mom doing that you were there at
15 Ed Nunley's?

16 A. I don't really know. She wasn't there unless I
17 was spending the night with him.

18 Q. When you went over there, did you know you were
19 going to stay there all night?

20 A. Yeah.

21 Q. Did you take any extra clothes along?

22 A. What?

23 Q. Did you take any extra clothes along to wear the
24 next day?

25 A. Yeah.

1 Q. So you had a bag when you went over there?
2 A. Yeah.
3 Q. Did you take a toothbrush?
4 A. Yeah.
5 Q. Okay. So you think it was still daylight when
6 you got there?
7 A. Yeah.
8 Q. And nobody else was there when you got there,
9 just Ed Nunley?
10 A. Well, there was -- Kiki and Kyle was there.
11 And then when it got dark, they was gone.
12 Q. Okay, do you know a lady named Michelle (ph)
13 Compton?
14 A. Michelle?
15 Q. Uh-huh (affirmative).
16 A. No.
17 Q. You ever met Michelle?
18 A. No, Michelle had a baby?
19 Q. I don't know if Michelle had a baby or not.
20 Michelle has a little boy.
21 A. No.
22 Q. You don't --
23 A. A little boy whose a baby?
24 Q. I think he's probably about three years old now.
25 A. No, I don't know.

1 Q. His name is Brandon.

2 A. Three years old ... Are you -- or three months
3 old?

4 Q. Years.

5 A. No, that's not it. I don't know -- know her.

6 Q. So that night, that last night you were at Ed
7 Nunley's house, you didn't see anybody else there all night?

8 A. No.

9 Q. So you got there when it was still dark, --

10 A. (Nods head affirmatively.)

11 Q. -- and your mom left you there? Did you ask to
12 go there and spend the night, or did your mom want you to?

13 A. I asked to spend the night.

14 Q. And why did you want to go there to spend the
15 night?

16 A. Well, I didn't know that was gonna happen. I
17 just wanted to spend the night 'cause he had a whole bunch
18 of games, and Kiki and them was there to play with.

19 Q. So when you got there and Kiki wasn't there, did
20 you still want to spend the night?

21 A. Well, when it was night, I couldn't call my mom
22 to go back.

23 Q. Did your mom have a telephone then?

24 A. No.

25 Q. If she did, you didn't know how to call her,

1 right?

2 A. I -- I didn't even know her phone number.

3 Q. Okay. So you said you got there when it was
4 still light, and you -- did you -- What did you do first
5 after you got there, do you remember?

6 A. I played the PlayStation, played outside, and
7 then it got late.

8 Q. Okay, played the PlayStation, then you went
9 outside and played. And then it got dark?

10 A. Yeah.

11 Q. What -- do you remember what you did outside?

12 A. I just pretty much played. That was pretty much
13 all - ran and stuff.

14 Q. And there was nobody else there to play with
15 that day; is that right?

16 A. No.

17 Q. Okay. So, did you have dinner before you went
18 to Ed's house?

19 A. Yeah.

20 Q. Did you Ed give you anything to eat that night
21 when you were there?

22 A. I wasn't really hungry when I was there, so....

23 Q. So he didn't give you anything to eat?

24 A. No, 'cause I wasn't hungry there, and I didn't
25 want to ask him, 'cause I wasn't hungry when I was there,

1 so....

2 Q. Do you remember, was that a day when you went to

3 school?

4 A. No, it wasn't a day when I went to school.

5 Q. So it wasn't a school day.

6 A. No.

7 Q. So do you remember what day of the week it was?

8 A. Unh-unh (negative).

9 Q. You think it was on a weekend?-

10 A. Yeah, Saturday probably.

11 Q. Probably Saturday, okay.

12 So when you came in the house and it was dark,

13 what did you do after you came back inside?

14 A. First, I got on the couch and laid down, and

15 then he told me to come in the back bedroom.

16 Q. Okay, he asked you to come in the back bedroom?

17 A. Yeah.

18 MS. SCHULTZ: You take your hands away from

19 your mouth.

20 MS. WHEATLEY: She can't hear you when

21 you're --

22 THE COURT REPORTER: Thank you.

23 MS. WHEATLEY: You're doing a great job.

24 Just keep speaking up. Okay?

25 THE WITNESS: Okay.

1 MS. WHEATLEY: Okay, thank you.

2 BY MS. SCHULTZ: (Resuming)

3 Q. So he asked you to go in the back bedroom. What
4 was doing when you came back?

5 A. I can't really remember.

6 Q. Was he in bed or out of bed?

7 A. Out of bed.

8 Q. Did he have his clothes on?

9 A. Yeah.

10 Q. Do you remember what he was wearing?

11 A. No.

12 Q. Okay, so some bad things happened when you were
13 there, right?

14 A. Yeah.

15 Q. Okay, we'll skip over that for a minute. You
16 can tell me what happened after you left.

17 Do you remember when your mom came and picked
18 you up?

19 A. Yeah, I told her that that happened, and she
20 went over to his house and beat his windows out and beat up
21 his Harley and stuff like that.

22 Q. Did you see her do that?

23 A. No, but I heard her yelling and stuff.

24 Q. Where were you when she was doing that?

25 A. In the car waiting with my dad.

1 Q. And your dad was Richard Caves, right?
2 A. Yeah.
3 Q. Okay, so your mom was really mad?
4 A. Yeah.
5 Q. Well, after she picked you up, did you tell her
6 right away what happened?
7 A. Yeah.
8 Q. Did you write anything out for her on an
9 envelope?
10 A. Yeah.
11 Q. Do you know what happened to the envelope?
12 A. Yeah -- No, I gave it to that one cop at that
13 one House place, and I guess he still has it.
14 Q. Okay, so do you remember what you wrote on the
15 envelope?
16 A. No.
17 Q. Did anybody help you write it?
18 A. No.
19 Q. You were in kindergarten when this happened,
20 right?
21 A. Yeah, but I don't have very fast memories.
22 Q. You don't have very fast memories, okay.
23 Sometimes we sort of forget things that happened.
24 So after you told your mom what happened, then
25 she took you to see a policeman?

1 A. Yeah.

2 Q. And was that in Salem at the police station in
3 Salem?

4 A. No, it was here in Corydon somewhere.

5 Q. Oh, you came down here?

6 A. Yeah, but wasn't here (indicating). But it was
7 like in this Comfort House place or something that --

8 Q. Okay.

9 A. -- had cops in it.

10 Q. But that was a -- You went to Comfort House a
11 long time after this happened, didn't it?

12 A. Yeah.

13 Q. Okay. But the day that it happened, did your
14 mom take you to talk to a policeman?

15 A. Yeah, and at Comfort House.

16 Q. Okay, and do you remember what the policeman's
17 name was?

18 A. No, but it was a guy.

19 Q. Did he ask you a bunch of questions?

20 A. Yeah.

21 Q. Was your mom there with you when you talked to
22 him?

23 A. Yeah.

24 Q. Did she tell you what to tell the policeman?

25 A. No.

1 Q. Okay.

2 A. She just told me what to remember and stuff.

3 Q. What did she tell you?

4 A. Pretty much all what to remember, pretty much
5 all she told to say.

6 Q. Okay, when she said what to remember, did she
7 say exactly what she wanted you to remember?

8 A. Yeah, yeah. Yeah, she wanted me -- Yeah.

9 Q. Can you tell me how she told you?

10 A. Well, she said it in a nice way, a really nice
11 way, pretty much a nice way.

12 Q. Okay, can you give me an example of what she
13 told you?

14 A. What I told her?

15 Q. No, what -- what your mom told you?

16 A. She told me just to remember what the bad things
17 that Ed Nunley did and stuff like that.

18 Q. Okay. And did she tell you what the bad things
19 were that you were supposed to tell the policeman?

20 A. No, she really didn't much knew of -- She
21 didn't have to tell me.

22 THE WITNESS: Why ain't there no
23 microphones on that?

24 MS. SCHULTZ: There is.

25 THE WITNESS: They're tiny.

1 MS. SCHULTZ: It just has a different thing
2 on it.

3 THE WITNESS: And that one's huge.

4 MS. WHEATLEY: Uh-huh (affirmative). Don't
5 touch it.

6 MS. SCHULTZ: It makes noise when you touch
7 it, in her ear.

8 BY MS. SCHULTZ: (Resuming)

9 Q. Okay, so when you went and talked to policeman,
10 did you tell them the truth, everything that you told him?

11 A. Yeah.

12 Q. And then you went to Comfort House later. And
13 when you were at Comfort House, did you talk to Donna Black;
14 do you remember Donna Black - a lady that you talked to at
15 Comfort House?

16 A. It wasn't a lady. It was a guy.

17 Q. You don't remember talking to a lady at Comfort
18 House?

19 A. No.

20 Q. Do you remember going to Comfort House and
21 talking to somebody and putting your hand prints on the
22 wall --

23 A. No.

24 Q. -- after you got done talking to her?

25 A. Oh, yeah, I put my hand prints on the wall and

1 that tree thing.

2 Q. That was a lady you talked to then, right?

3 A. Yeah.

4 Q. But that was a long time after it happened?

5 A. Yeah.

6 Q. Did you tell her the truth when you talked to
7 her?

8 A. Yeah.

9 Q. So have you told everybody the truth about what
10 happened?

11 A. Yeah.

12 THE WITNESS: I got you, didn't I?

13 THE COURT REPORTER: You sure did.

14 BY MS. SCHULTZ: (Resuming)

15 Q. Okay, so I want you tell me what Ed did to you
16 that night at the house. He asked you to come back to the
17 bedroom, and then what went on?

18 A. He threw my panties on the thing.

19 Q. Did he take them off your body?

20 A. (Nods head affirmatively.)

21 Q. Okay, what were you wearing; did you have your
22 clothes on, or did you have your pajamas on?

23 A. I had my pajamas on.

24 Q. When you wear pajamas, what kind of pajamas do
25 you wear?

1 A. Oh, I can't remember.

2 Q. Do you wear pajamas that have a top and bottom -
3 separate top and separate bottom?

4 A. I can't remember.

5 Q. You don't remember at all?

6 A. I don't remember at all.

7 Q. Okay, so that day though, he took your panties
8 off?

9 A. Yeah.

10 Q. Did you have to take your pajamas off to get
11 your panties off?

12 A. What?

13 Q. Did he have to take your pajamas off to get your
14 panties off?

15 A. Yeah.

16 THE WITNESS: It's getting hurting your
17 ears, ain't it?

18 THE COURT REPORTER: Not too bad.

19 THE WITNESS: Well, if I do in that one, it
20 will.

21 THE COURT REPORTER: Let's listen.

22 BY MS. SCHULTZ: (Resuming)

23 Q. So what did he do after you took your pajamas
24 off or your panties off?

25 A. I can't remember.

1 Q. You don't remember what he did?
2 A. No, I only remember one thing that he did.
3 Q. What -- what's that that you remember?
4 A. He licked my pee-pee. Yuck.
5 Q. Did he only do it one time?
6 A. Yeah, and then he made me watch a nasty show. I
7 can't even remember what it's called, so don't ask that.
8 Q. Okay. When you say it was "nasty," why do you
9 think it was nasty?
10 A. It showed naked people in it.
11 Q. Okay, were they naked men or naked women?
12 A. Both.
13 Q. Were they doing things to each other?
14 A. Yeah.
15 Q. Things that adults don't do around in public so
16 other people can see them?
17 A. No.
18 Q. Was it sex stuff they were doing in the movie?
19 A. Yeah.
20 Q. Was it men doing things to women, and women
21 doing things to men?
22 A. Yeah.
23 Q. Were there any things where men were doing
24 things to men?
25 A. No.

1 Q. Okay. Is that the first time you ever saw a
2 nasty movie?

3 A. Yeah.

4 Q. Had you ever seen pictures in magazines of
5 people doing stuff like that?

6 A. No.

7 THE WITNESS: I'm trying to get it to her
8 ears.

9 THE COURT REPORTER: You're so silly.

10 BY MS. SCHULTZ: (Resuming)

11 Q. That's the only time you ever saw anything like
12 that happen -- any kind of --

13 A. Yeah.

14 Q. Okay.

15 THE WITNESS: Hurry up.

16 BY MS. SCHULTZ: (Resuming)

17 Q. So you remember -- so you remember that he liked
18 your pee-pee?

19 A. Yes.

20 Q. Do you remember anything else that he did to
21 you?

22 A. No.

23 MS. WHEATLEY: You have to stay still,
24 okay. You're doing a good job, though, okay.

25 BY MS. SCHULTZ: (Resuming)

1 Q. I know it's not fun to tell about this stuff.
2 And you've talked about it to a bunch of people already,
3 haven't you?

4 A. Yeah.

5 Q. So how many people have you talked to about it?

6 A. A lot. I can't remember.

7 Q. You talked to a couple different policemen?

8 A. Yeah, I talked to a lot of people, and I can't
9 remember how many.

10 Q. Okay. But you don't remember anything he did
11 other than lick your pee-pee?

12 A. That's all I remember.

13 Q. You don't want to remember, do you? Sometimes
14 it's better if you can't remember?

15 A. Yeah.

16 Q. You kind of forget about the bad stuff, makes it
17 easier sometimes?

18 A. Yeah.

19 Q. Do you go to see a counselor now?

20 A. Yeah.

21 Q. What does she talk to you about -- or is it a
22 man; is it man or a woman?

23 A. Both.

24 Q. Oh, you see both?

25 A. (Nods head affirmatively.)

1 Q. Do you go there with your mom, or do you go out
2 there by yourself?

3 A. Mom.

4 Q. Do they talk to you alone or with your mom?

5 A. Sometimes they talk to me when I'm playing, and
6 sometimes they just talk to my mom.

7 Q. Okay, what do they talk to you about?

8 A. What do they talk to me about?

9 Q. Uh-huh (affirmative).

10 A. Just about Ed Nunley and Eddie Foreman and stuff
11 like that.

12 Q. Okay. Do they ask you what Eddie Nunley did to
13 you?

14 A. Yeah, and Eddie Foreman, you know, he didn't do
15 anything to me.

16 Q. Eddie didn't do anything -- Eddie Foreman did do
17 anything bad to you at all, right?

18 A. Only mom.

19 Q. Only your mom. And you saw what he did to your
20 mom?

21 A. Yeah.

22 THE WITNESS: Whoever wrote this is a bad,
23 bad person to be in jail. They should be in
24 prison. Did they go to prison for it?

25 MS. WHEATLEY: Probably.

1 THE WITNESS: Did you see them writing it?
2 MS. WHEATLEY: No.
3 THE WITNESS: How did they get it in there?
4 MS. WHEATLEY: I don't know.
5 THE WITNESS: Did they have a knife or
6 something and scratch it?
7 MS. WHEATLEY: I don't know.
8 THE WITNESS: How did they get a pen on it,
9 too?
10 MS. WHEATLEY: I don't know. They're bad
11 people though. We just won't look at that, okay.
12 We're gonna keep answering Susan's questions.
13 Okay?
14 THE WITNESS: Am I almost done answering
15 questions?
16 MS. WHEATLEY: You're almost done.
17 MS. SCHULTZ: You're almost done.
18 BY MS. SCHULTZ: (Resuming)
19 Q. So after Ed Nunley licked your pee-pee, what did
20 you do?
21 A. Scream.
22 Q. You scream really loud?
23 A. A little bit.
24 Q. Were you saying words?
25 A. No, I was just telling him to stop it.

1 Q. Did he?
2 A. No.
3 Q. So at some -- sometime you --
4 A. It's better not remember.
5 Q. Well, you have to remember for today, though.
6 Okay, can you do that?
7 A. And then the case is finally cut open.
8 Q. Okay.
9 A. Am I free from it finally?
10 Q. So sometime he finally stopped, didn't he?
11 A. Yeah.
12 Q. Okay. And after he stopped, what did you do;
13 did you go to sleep?
14 A. I can't remember. I can't remember.
15 Q. Okay. Do you remember when your mom came to get
16 you the next day?
17 A. Yeah.
18 Q. Had you been up for a while before your mom came
19 and got you?
20 A. Yes.
21 Q. What'd you do after you got up the next morning?
22 A. Watched Scooby-Doo, The Movie.
23 Q. Okay, did you have a chance to watch the whole
24 movie before your mom got there?
25 A. No.

1 Q. Do you know if it was late or you got up early?

2 A. It was early.

3 Q. Early?

4 A. Yeah.

5 Q. Okay.

6 THE WITNESS: Can you hear the wind when
7 you do that?

8 THE COURT REPORTER: No.

9 BY MS. SCHULTZ: (Resuming)

10 Q. So you got up early. Did you have breakfast the
11 next morning?

12 A. I didn't want to eat anything.

13 Q. Okay. And you seem to be a pretty happy kid
14 today. Were you a happy kid the next day after --

15 A. No.

16 Q. -- you -- When your mom came, what'd you do?

17 A. What'd you do? Told her.

18 Q. Hmm?

19 A. I told her.

20 Q. No, you didn't tell her when she came in the
21 house, though, did she --

22 A. No.

23 Q. -- did you?

24 Did your mom come into the house to get you?

25 A. Yeah, and we went in the car, and I told her

1 soon as -- as soon as we started moving the car. Like
2 here's (indicating) his house, and the car moved here
3 (indicating), and then I told her, and then moved back and
4 beat it.

5 Q. So as soon as you got in your mom's car, you
6 told her what happened?

7 A. Yeah.

8 Q. And then she ...?

9 A. Pulled right here (indicating) when we was
10 leaving. We had to come back. And she beat his Harley here
11 (indicating), beat his truck here (indicating), beat his
12 windows out, and then he came out the door. And then Mom
13 tried to beat him up, but she couldn't.

14 Q. And then he called the police, didn't he; he
15 told your mom he was gonna call the police?

16 A. No, he threatened to call the police.

17 Q. Okay.

18 THE WITNESS: What's that?

19 THE COURT REPORTER: It's another little
20 recorder.

21 THE WITNESS: So you can hear me out loud?

22 THE COURT REPORTER: Oh, yes.

23 THE WITNESS: Even if I whisper?

24 THE COURT REPORTER: Uh-huh (affirmative).

25 Listen to Ms. Susan.

1 THE WITNESS: Okay.

2 BY MS. SCHULTZ: (Resuming)

3 Q. So did -- You didn't see your mom doing this,

4 though?

5 A. No.

6 Q. She told you about it?

7 A. What?

8 Q. Did she tell you that she did it - that she beat

9 up his car?

10 A. No, I heard the screaming, and I knew, and he

11 said to stop it, and he lied 'cause I heard him saying he

12 didn't do that, or he didn't this, that, this, this, that.

13 Q. But you couldn't see what was going on?

14 A. No.

15 Q. So who -- who was in the car with you when you

16 heard your mom doing this?

17 A. My dad, --

18 Q. Okay.

19 A. -- Richard Caves.

20 Q. Was anybody else in the car?

21 A. No.

22 Q. Did Richard stay in the car, or did he get out

23 of the car?

24 A. He stayed in the car.

25 Q. Okay, so you and Richard are sitting in the car,

1 and your mom's doing this. Did it last very long?

2 A. No, but he got -- but she got him good, 'cause I
3 heard a bang, bang, bang, bang.

4 Q. Do you know what she hit his car with?

5 A. A baseball bat, 'cause she had a baseball bat in
6 her car for safety.

7 Q. Okay, so she obviously had the baseball bat in
8 her car?

9 A. Yeah.

10 Q. Okay. Did you remember your mom living with a
11 man named Pappy?

12 A. Pappy? (Shakes head negatively.)

13 Q. No, you don't remember him?

14 A. Pappy, who's that?

15 Q. That was a friend of your mom's. You don't
16 remember him?

17 A. I do not remember.

18 Q. Do you remember her living with somebody named
19 Hank?

20 A. Yes.

21 Q. Was Hank a good person or a bad person?

22 A. Good.

23 Q. Okay.

24 A. He lives near Salem.

25 Q. So I want to make sure that I remember what you

1 told me correctly. You said that when you went there, Kyle
2 and Kiki were not there, and you didn't see them all night
3 that night?

4 A. Yeah.

5 Q. And you don't remember seeing anybody else there
6 that night?

7 A. No.

8 Q. Was it possible there was somebody else there
9 after you went to sleep?

10 A. I don't really know.

11 Q. And when you got up the next morning, you didn't
12 see anybody else there?

13 A. No.

14 Q. Okay. It was just you and Ed Nunley?

15 A. Yeah.

16 Q. And --

17 THE WITNESS: Almost done?

18 MS. SCHULTZ: Almost done, almost done.

19 BY MS. SCHULTZ: (Resuming)

20 Q. And you think it was still daylight when you got
21 there, right?

22 A. Yeah.

23 THE WITNESS: Can you hear the wind?

24 THE COURT REPORTER: No.

25 THE WITNESS: Why can't you?

1 THE COURT REPORTER: I don't know.

2 BY MS. SCHULTZ: (Resuming)

3 Q. Do you remember when you talked Donna at Comfort
4 House - the woman that you talked at the Comfort House?

5 A. Yeah.

6 Q. Do you remember telling her --

7 A. Yeah.

8 Q. -- that you saw Kiki and --

9 A. Yes.

10 Q. -- Kyle that night?

11 A. No, but I saw them the day and not the night.

12 Q. When you say "the day," you mean the day before
13 this happened?

14 A. No, the day when it did happen.

15 Q. Okay. So if you went there on Saturday and you
16 got there in the -- some time before it got dark, did you
17 see them then?

18 A. What?

19 Q. When you got there that day on Saturday -- I
20 think you said you thought it was Saturday when you got
21 there -- did you see -- and it was still daylight, did you
22 see them then?

23 A. Yeah, yeah, yeah.

24 Q. So they were there when you got there?

25 A. Yes.

1 Q. And how long were they there after you got
2 there?
3 A. Until it was dark, dark.
4 Q. Do you know where they went when they left?
5 A. No, not really.
6 Q. Do you think they were coming back?
7 A. No, not really. I can't really remember what I
8 think and what I don't think.
9 Q. Okay. Has anybody told you what to think or
10 what to remember about that day?
11 A. No.
12 Q. Does your mom ever talk to you about it?
13 A. I never really see her, 'cause I live with my
14 dad.
15 Q. Okay. When you went and talked to these other
16 people before about what happened there, did your mom ever
17 tell you what to remember about what happened?
18 A. No, I didn't really need to remember that.
19 Q. Okay. And now the only thing that you remember
20 was that he licked your pee-pee?
21 A. Yeah.
22 Q. Do you -- do you remember if you saw his private
23 parts?
24 A. No.
25 Q. You don't remember anything else? You want to

1 block it out of your mind, huh?

2 A. Yeah, I don't want to know any of it anymore
3 after this.

4 Q. Okay.

5 A. Only if it would've never happened, I wouldn't
6 have to be talking right now. I could be at school right
7 now.

8 Q. Do you like school?

9 A. Yeah.

10 Q. What kind of grades do you get?

11 A. I get all As.

12 Q. Excellent, excellent.

13 THE WITNESS: This thing is stuck to this
14 thing. So how can you move the table?

15 MS. WHEATLEY: I can't. I'm not strong
16 enough.

17 MS. SCHULTZ: Okay, I think that's all the
18 questions I'm going to ask you.

19 THE WITNESS: Finally.

20 MS. SCHULTZ: But Lauren gets a chance
21 to --

22 MS. WHEATLEY: I have --

23 MS. SCHULTZ: -- ask you questions.

24 MS. WHEATLEY: -- just a couple, okay. All
25 right?

1 THE WITNESS: Okay.

2 MS. WHEATLEY: You're doing a good job,
3 though. Okay?

4 THE WITNESS: Okay. Five or two?

5 MS. WHEATLEY: Oh, maybe ten. I don't
6 know. We'll see. Okay?

7 THE WITNESS: Ten?

8 MS. WHEATLEY: We'll see.

9 CROSS-EXAMINATION

10 BY MS. WHEATLEY:

11 Q. So, when you went to Ed Nunley's house, Kyle and
12 Kiki were there?

13 A. Yeah.

14 Q. And then they left when it got dark?

15 A. Yeah.

16 Q. Did anyone else come to the house?

17 A. No.

18 Q. Did you watch a movie at his house?

19 A. Yeah.

20 Q. What -- what movie did you watch first?

21 A. First, I watched Scooby-Doo, and that's the only
22 movie I watched.

23 Q. That's the only movie you watched. Did you
24 watch any others?

25 A. No.

1 Q. The Lion King?
2 A. No.
3 Q. Dark Crystal?
4 A. I watched the Lion King, Dark Crystal and then
5 Scooby-Doo.
6 Q. Okay, so you did watch some other movies?
7 A. Yeah.
8 Q. Did you ever go back into Ed's bedroom?
9 A. Yeah, when he told me to.
10 Q. Okay, were you watching movies in there?
11 A. Yeah, a couple times, but it was only the bad
12 movie.
13 Q. Okay, so what's the bad movie? I know you like
14 Hannah Montana, right?
15 A. I cannot remember what the bad movie is.
16 Q. But do you like Hanna Montana?
17 A. (Nods head affirmatively.)
18 Q. Yeah?
19 A. Uh-huh (affirmative).
20 THE WITNESS: I want to go get the picture
21 from back there.
22 MS. WHEATLEY: Okay, we'll get them. We'll
23 definitely get them. Okay, just a couple more
24 questions.
25 BY MS. WHEATLEY: (Resuming)

1 Q. So is Hannah Montana a bad show?
2 A. No.
3 Q. No. So why do you call the movie that Ed made
4 you watch a "bad" movie?
5 A. Well, you -- It's bad.
6 Q. Okay.
7 A. You could ask her (indicating).
8 Q. Okay. I will ask her. She's smart. But I know
9 you're smart, too.
10 So you called it bad. Were there naked people
11 in there?
12 A. Yeah.
13 MS. WHEATLEY: It's okay. You're just
14 telling us. It's just girl talk. Okay?
15 THE WITNESS: Uh-huh (affirmative).
16 MS. WHEATLEY: We won't look at that.
17 BY MS. WHEATLEY: (Resuming)
18 Q. So whenever you were watching the bad movie,
19 where was Ed Nunley?
20 A. In the bedroom.
21 Q. With you?
22 A. Yeah.
23 Q. Was he sitting on the bed?
24 A. Yeah.
25 Q. Before, when did he --

1 THE WITNESS: That's almost 50 questions.

2 MS. WHEATLEY: I know. You're doing so
3 good, though.

4 BY MS. WHEATLEY: (Resuming)

5 Q. So whenever he -- When did he take your panties
6 off?

7 A. I can't remember.

8 MS. WHEATLEY: Okay, you gotta concentrate.
9 We're almost done.

10 BY MS. WHEATLEY: (Resuming)

11 Q. Do you remember, were you watching the movie -
12 the "bad" movie?

13 A. No.

14 Q. No. Was it before the bad movie?

15 A. Yeah, I think.

16 Q. Oh, you think so. And he took your panties off?

17 A. Yeah.

18 Q. Yeah. Okay, I know this is hard.

19 What else -- did he do anything else once he
20 took your panties off?

21 A. No, and licked my pee-pee, yeah.

22 MS. WHEATLEY: It's okay. It's just girl
23 talk right here. It's just us girls.

24 BY MS. WHEATLEY: (Resuming)

25 Q. So whenever he licked your --

1 THE WITNESS: Here, I'll cover it.

2 MS. WHEATLEY: Okay.

3 BY MS. WHEATLEY: (Resuming)

4 Q. Whenever he licked your pee-pee, and did -- you
5 screamed?

6 A. (Nods head affirmatively.)

7 Q. Is that a yes?

8 A. Yes.

9 Q. Do you know how long he licked your pee-pee?

10 A. No.

11 Q. Okay. Now, a girl -- you call a girl part a
12 pee-pee, right?

13 A. Uh-huh (affirmative).

14 Q. What do you call a boy part? Do boys have
15 different parts than girls?

16 A. Yeah.

17 Q. Do you call it anything?

18 A. I don't want to call it.

19 Q. Okay, well, let's just -- let's just -- If you
20 were gonna name a boy part, what would call it?

21 A. I don't know.

22 Q. Did you call it anything to your mommy?

23 A. Yeah.

24 Q. What did you call it to your mommy?

25 A. I don't want to say it.

1 MS. WHEATLEY: It's okay, it's all right.
2 Tell you what, how about you just look at me?
3 Okay, you just look at me. Hannah Montana fans.
4 You just talk to me right now.
5 BY MS. WHEATLEY: (Resuming)
6 Q. What did you call it to your mommy? You don't
7 remember, or you don't want to say?
8 A. I don't want to say.
9 Q. Will you please say for me?
10 A. (No response.)
11 Q. It's okay.
12 Will you please say it for me?
13 A. I can't say it really.
14 Q. Okay, I know that you promised to tell the
15 truth, and you're doing a very good job.
16 Did you see that boy part that night?
17 A. I can't remember.
18 Q. You can't remember. Did you ever touch Ed's boy
19 part?
20 A. I can't remember.
21 Q. You can't remember. Did you tell your mommy
22 that you did?
23 A. I can't remember.
24 Q. Can you remember, or are you trying not to
25 remember?

1 A. I can't remember.
2 Q. Okay, all right.
3 A. You really didn't give me that choice.
4 Q. Hmm?
5 A. You really didn't give me that choice - I can't
6 remember.
7 Q. Okay, and what you told your mommy, how did you
8 tell your mommy what Ed did to you?
9 A. Wrote it down on a piece of paper.
10 Q. Okay. Do you remember what you wrote down on a
11 piece of paper?
12 A. No, she done asked me that same thing.
13 Q. All right, okay.
14 THE WITNESS: Why is there tape stuck
15 there?
16 MS. WHEATLEY: I don't know. Somebody
17 broke the table.
18 THE WITNESS: Maybe it was another bad
19 person --
20 MS. WHEATLEY: Probably so.
21 THE WITNESS: -- who wrote this
22 (indicating).
23 BY MS. WHEATLEY: (Resuming)
24 Q. So -- so a boy part, you can't tell me what it's
25 called?

1 A. I don't know, 'cause I just don't want to say.
2 Q. Okay, what if -- Can you write it?
3 A. No.
4 Q. It's okay.
5 A. I don't even know what it's spelled like.
6 Q. All right. Do you want to spell it out for us?
7 A. No.
8 Q. Okay. All right, so, Annie, have you told us
9 the truth today?
10 A. Yes.
11 Q. Yeah?
12 A. Yes.
13 Q. Do you like Ed Nunley?
14 A. No.
15 Q. Did he hurt you?
16 A. No.
17 Q. Did --
18 A. No.
19 Q. Did you like what he did to you?
20 A. No.
21 Q. Do you ever want to see him again?
22 A. No, I hope he stays in prison forever.
23 Q. Okay.
24 THE WITNESS: So, will you make him stay in
25 there forever?

1 MS. WHEATLEY: I'm gonna try. How's that
2 sound?

3 Okay, all right, I don't have anymore
4 questions for you.

5 THE WITNESS: Okay.

6 MS. SCHULTZ: Oh, can I ask you one more?

7 REDIRECT EXAMINATION

8 BY MS. SCHULTZ:

9 Q. When -- the day that your mom took you over to
10 see Ed Nunley, did you like him that day?

11 A. Yeah.

12 THE WITNESS: Okay, you done, you done?

13 MS. SCHULTZ: Yep, I'm done. You --

14 THE WITNESS: You done?

15 MS. SCHULTZ: -- be glad I'm done?

16 MS. WHEATLEY: I'm done, too.

17 THE WITNESS: You done?

18 MS. WHEATLEY: I'm done.

19 (Whereupon, the above-entitled matter was
20 concluded at 10:18 a.m.)

21 o0o

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STATE OF INDIANA)
)
)
COUNTY OF HARRISON)

I hereby certify that the foregoing deposition was taken down by me, as stated in the caption; and the questions and answers were reduced to print by me; that the foregoing pages 4 through 48 represent a true, correct, and complete transcript of the evidence given on September 30, 2008, by the witness, ANNIE YOUNG, who was first duly sworn by me; that I am not a relative, employee, attorney or counsel of any of the parties; am not a relative or employee of attorney or counsel for any of said parties; nor am I financially interested in the action.

This, the 10th day of October, 2008.



Sheila M. Young
Court Reporter

Notary Public, State at Large
My commission expires: 03/27/2010.

DAUGHTER

IN THE SUPERIOR COURT OF HARRISON COUNTY
STATE OF INDIANA

STATE OF INDIANA

VS

CAUSE NO. 31D01-0805-PA-389

LAWRENCE NUNLEY

The deposition of ANNIE YOUNG, taken on the 30th day of September, 2008 at 1445 Gardner Lane, Corydon, Indiana; said deposition taken upon oral examination, to be read and used at the hearing of the above styled action; the reading and signing of the deposition being reserved; commencing at 9:39 a.m.; Before Sheila M. Young, Court Reporter.

Legalese Court Reporting, Inc.
1925 Cedar Pointe Drive
Corydon, IN 47112
812-952-3978

INDEX

Pages

Direct Examinations:

By Ms. Schultz 44-48

Cross-Examination:

By Ms. Wheatley. 40-48

Redirect Examination:

By Ms. Schultz 48

CONDENSED
COPY

EXHIBITS

(No exhibits presented for identification.)

APPEARANCES

ON BEHALF OF THE PLAINTIFF:

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ON BEHALF OF THE DEFENDANT:

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ON BEHALF OF THE WITNESS:

Depositor

Back up for
Julie Pessel

Daughter

Deputy
Prosecutor

Lawyer

Annie
Young

TRANSCRIPT LEGEND

Q (Interjection of thought for clarification)
R (Interruption of thought)
C (Trailing off or did not complete thought)
P (Paraphrasing)
O (In the original form)

PROCEEDINGS

9:39 a.m.

1
2
3 (Witness sworn.)
4 Whereupon,
5 ANNIE YOUNG,
6 called by the Defendant and having been first duly sworn,
7 was examined and testified as follows:
8 DIRECT EXAMINATION
9 BY MS. SCHULTZ:
10 Q. Okay, would you tell us your name, please?
11 A. Annie Young.
12 Q. Annie Young. Okay, and do you know what it
13 means to tell the truth?
14 A. It's better telling the truth than telling a
15 lie.
16 Q. Okay. And today what we need to have to do is
17 to tell the absolute truth. And if you said something that
18 was different before, you're not gonna get in trouble for
19 it. You're not gonna get in trouble for anything you say in
20 this room. Okay?
21 A. (Nods head affirmatively.)
22 Q. You understand that?
23 A. (Nods head affirmatively.)
24 Q. You have to -- you have to answer out loud.
25 A. Yeah.

SHEET 2 PAGE 5

1 Q. Okay. The recorder doesn't pick up head nods
2 very good.
3 A. I forgot.
4 Q. Okay, so if I were to tell you that you're in
5 school right now, is that the truth?
6 A. What?
7 Q. If I were to tell you that you were in -- you're
8 in school right now, this minute, is that the truth?
9 A. No.
10 Q. Okay. If -- if you were to tell me that you do
11 go to school, is that the truth?
12 A. Yeah.
13 Q. If I told I was wearing a green jacket, is that
14 true?
15 A. No, you're wearing a pink jacket.
16 Q. And if I told you you were sitting in this chair
17 one week ago today, is that the truth?
18 A. No.
19 Q. Okay, so you know what the difference is between
20 the truth and a lie?
21 A. Uh-huh (affirmative).
22 Q. If it really happened, it's true; if it didn't
23 really happen, it's a lie, right?
24 THE WITNESS: Who wrote this (indicating)?
25 MS. WHEATLEY: Some bad person. We'll just

PAGE 7

1 Q. What --
2 A. -- I live --
3 Q. -- town do you live in?
4 A. Salem.
5 Q. Salem, okay. Do you go to school?
6 A. Yeah.
7 Q. What school do you go to?
8 A. Salem.
9 Q. And what grade are you in this year?
10 A. Second.
11 Q. Second grade. How do you do in school; you like
12 school?
13 A. Yeah, my teacher's Ms. Prichard, just like
14 Richard.
15 Q. Only it's Prichard, huh?
16 A. Uh-huh (affirmative), add a P, and it's
17 Prichard.
18 Q. Where'd you go to school last year, same school?
19 A. No, I went to North Harrison last year.
20 Q. So you didn't live in Salem last year during the
21 school year, right?
22 A. No.
23 Q. And last year, you were in first grade?
24 A. Last year, I was in first grade. And my teacher
25 was Ms. Hampton in first grade. And then it came -- I

PAGE 6

1 forget about that, okay? All right?
2 THE WITNESS: Okay.
3 MS. SCHULTZ: Okay.
4 BY MS. SCHULTZ: (Resuming)
5 Q. So where do you live, Annie?
6 A. I live in a trailer park, and I live with my dad
7 and my cousin Devon (ph). And he plays football and
8 baseball.
9 Q. What's your dad's name?
10 A. Richard Caves.
11 Q. Okay, and -- and you live with your dad and your
12 cousin Devon (ph), you said?
13 A. And my Uncle Mike.
14 Q. Does anybody else live there?
15 A. Yeah, but she's right now living with my ma-maw,
16 'cause my ma-maw's dying of cancer.
17 Q. Okay, does your mom live with you?
18 A. No, but her name's Tonya Caves.
19 Q. Okay. So you live with your dad - Richard
20 Caves?
21 A. Yeah.
22 Q. And your cousin?
23 A. Yeah.
24 Q. Okay. And what town do you live in?
25 A. What -- what town --

PAGE 8

1 stayed for second grade at North Harrison, and my teacher's
2 Ms. Daoud then; it's kind of hard to remember, and I still
3 remember it. And then I came here, and my teacher now is
4 Ms. Prichard.
5 Q. Okay. And where did you go to kindergarten?
6 A. I really can't remember. But I can remember I
7 went preschool - Ms. Engleman.
8 Q. Okay, did you go to the same school for
9 kindergarten that you did for first grade?
10 A. No.
11 Q. Did you live in Marengo or Milltown then?
12 A. I think I lived in Marengo when I went to presch
13 -- No, I lived in Marengo when I was in kindergarten.
14 Q. Did you live with your mom then?
15 A. Yeah. And that's when I lived with my dad and
16 my mom and my brother. He doesn't live with me either. He
17 lives in Milltown. And he's 12; he's gonna be 13 in October
18 6th. And -- and his name is Alan (ph), and he -- he doesn't
19 live in Milltown anymore. He lives a little bit close to
20 Corydon. He lives with my nanna now. But he used to lived
21 with his dad - Rick Young.
22 Q. Where does your mom live?
23 A. In Ramsey.
24 Q. Okay. Do you remember somebody that was named
25 Eddie Foreman; do you remember him?

SHEET 8 PAGE 9

1 A. Yeah, Eddie Foreman.
 2 Q. Okay, was he your mom's friend?
 3 A. Yeah.
 4 Q. Did he live with you?
 5 A. We lived with him really, 'cause that's when we
 6 didn't have a house. And now I moved with my dad.
 7 Q. Okay, did something happen between Eddie and
 8 your mom?
 9 A. Yeah, Eddie beat up my mom.
 10 Q. Did you see it happen?
 11 A. Yeah.
 12 Q. Was it pretty scary?
 13 A. Yeah, at first, I went and hid under the porch,
 14 'cause there's like that place under the porch. And then I
 15 -- I told -- Once I got a chance to get up, I told her,
 16 "I'm going to somewheres to call 911."
 17 Q. Is that what you did?
 18 A. Yeah, I was gonna go get Damon (ph), but Eddie
 19 chased me down. So I had to turn around and go out again,
 20 and then he went straight to Mom, and I'm lucky I called the
 21 cops before he did the bad thing to her. 'Cause he gonna
 22 tell her he was gonna take her kneecaps out. So that's why,
 23 if you've been seeing her wear a brace, that's what
 24 happened.
 25 Q. So did she get hurt pretty bad when Eddie beat

PAGE 10

1 up on her?
 2 A. Yeah, but he's better than he was last time. He
 3 cooks himself. He cleans himself. And he doesn't drink
 4 wine anymore. The wine was really -- it was making him beat
 5 up people.
 6 Q. Okay.
 7 A. He doesn't drink beer and wine anymore. He said
 8 he stopped his -- I spent the night with him that one
 9 night. I slept on the couch, and he slept in the back
 10 bedroom. And I looked in the refrigerator, and I didn't see
 11 one beer in there.
 12 Q. Okay.
 13 A. So, he's better, though.
 14 Q. So did you tell -- tell the police that Eddie
 15 hurt you?
 16 A. Yeah.
 17 Q. Was that true?
 18 A. No.
 19 Q. You sorry you told them that --
 20 A. Yeah, --
 21 Q. -- wasn't the truth?
 22 A. -- I just wanted him to go to jail really,
 23 'cause he deserved it.
 24 THE WITNESS: "Please don't move table."
 25 How can you move this table? It's so huge.

PAGE 11

1 BY MS. SCHULTZ: (Resuming)
 2 Q. So you read pretty good, don't you?
 3 A. Uh-huh (affirmative).
 4 Q. Could you read in kindergarten?
 5 A. Yeah.
 6 Q. Could you write in kindergarten?
 7 A. Yeah.
 8 Q. Okay. So your mom has had a lot of different
 9 friends since you can remember, right?
 10 A. Yeah.
 11 Q. Do you remember a friend of hers named Ed
 12 Nunley?
 13 A. (Nods head affirmatively.)
 14 Q. And did you see Ed Nunley very often?
 15 A. Yeah, when he was her friend.
 16 Q. When he was her friend?
 17 THE WITNESS: Why is that on your mouth?
 18 THE COURT REPORTER: I'm recording what you
 19 say.
 20 THE WITNESS: Oh.
 21 BY MS. SCHULTZ: (Resuming)
 22 Q. So do you remember, were you in kindergarten
 23 when you first met Ed Nunley?
 24 A. Yeah.
 25 Q. Did your mom take you to see him?

PAGE 12

1 A. Yeah.
 2 Q. And where was that?
 3 A. At Ed Nunley's house, and I can't remember, but
 4 Kiki was supposed to be watching me.
 5 Q. How many times did you go to his house?
 6 A. A lot.
 7 Q. A lot?
 8 A. When Mommy was there, but that was the only
 9 time I ever spent the night with him when Mommy --
 10 Q. Okay.
 11 A. -- wasn't there.
 12 Q. Did anybody live with Ed Nunley?
 13 A. Well, his son lived with him.
 14 Q. Is his name Kyle?
 15 A. How do you know?
 16 Q. Oh, I've talked to Ed Nunley, so he's told me
 17 some of the things that happened. And I want to find out
 18 from you what -- what happened to you. Okay?
 19 A. Okay.
 20 Q. He told me Kyle lived with him, and he told me
 21 that Kirsten (ph) lived with him. I think you called her
 22 Kiki.
 23 A. (Nods head affirmatively.)
 24 Q. Do you remember Kiki?
 25 A. Yeah, that girl.

SHEET 4 PAGE 13

1 Q. Were they friends of yours?
 2 A. (Nods head affirmatively.)
 3 Q. That's a yes?
 4 A. Yeah.
 5 Q. Okay, and how often did you see Kyle and
 6 Kirsten?
 7 A. A lot when I went there. Pretty much a lot.
 8 Q. Okay, when you say you went there a lot, can you
 9 give me some idea of how often that was; did you go there
 10 every week?
 11 A. Not every single week. But every once in a
 12 while, sometimes I went on a Mondays, Tuesdays, Wednesdays,
 13 sometimes Fridays.
 14 Q. Did you -- did you spend the night there with
 15 your mom ever?
 16 A. (Shakes head negatively.)
 17 Q. No, okay.
 18 And there was only one time that you spent the
 19 night there?
 20 A. Yeah.
 21 Q. And was that the last time that you were there?
 22 A. Yes.
 23 Q. Okay. Do you remember that night that you spent
 24 the whole night there; do you remember --
 25 A. Yeah.

PAGE 14

1 Q. -- when it -- when you got there; was it late at
 2 night when you got there?
 3 A. No, it was day.
 4 Q. It was in the daytime?
 5 A. (Nods head affirmatively.)
 6 Q. Still light -- still light outside?
 7 A. Yeah, and I played the Playstation a little bit,
 8 went outside and played, came in and it was dark.
 9 Q. Okay, was anybody else there when you got there?
 10 A. Yeah, just Ed Nunley.
 11 Q. Just Ed?
 12 A. Yeah, because Kiki was supposed to be watching
 13 me, but she wasn't.
 14 Q. What was your mom doing that you were there at
 15 Ed Nunley's?
 16 A. I don't really know. She wasn't there unless I
 17 was spending the night with him.
 18 Q. When you went over there, did you know you were
 19 going to stay there all night?
 20 A. Yeah.
 21 Q. Did you take any extra clothes along?
 22 A. What?
 23 Q. Did you take any extra clothes along to wear the
 24 next day?
 25 A. Yeah.

PAGE 15

1 Q. So you had a bag when you went over there?
 2 A. Yeah.
 3 Q. Did you take a toothbrush?
 4 A. Yeah.
 5 Q. Okay. So you think it was still daylight when
 6 you got there?
 7 A. Yeah.
 8 Q. And nobody else was there when you got there,
 9 just Ed Nunley?
 10 A. Well, there was -- Kiki and Kyle was there.
 11 And then when it got dark, they was gone.
 12 Q. Okay, do you know a lady named Michelle (ph)
 13 Compton?
 14 A. Michelle?
 15 Q. Uh-huh (affirmative).
 16 A. No.
 17 Q. You ever met Michelle?
 18 A. No, Michelle had a baby?
 19 Q. I don't know if Michelle had a baby or not.
 20 Michelle has a little boy.
 21 A. No.
 22 Q. You don't --
 23 A. A little boy whose a baby?
 24 Q. I think he's probably about three years old now.
 25 A. No, I don't know.

PAGE 16

1 Q. His name is Brandon.
 2 A. Three years old ... Are you -- or three months
 3 old?
 4 Q. Years.
 5 A. No, that's not it. I don't know -- know her.
 6 Q. So that night, that last night you were at Ed
 7 Nunley's house, you didn't see anybody else there all night?
 8 A. No.
 9 Q. So you got there when it was still dark, --
 10 A. (Nods head affirmatively.)
 11 Q. -- and your mom left you there? Did you ask to
 12 go there and spend the night, or did your mom want you to?
 13 A. I asked to spend the night.
 14 Q. And why did you want to go there to spend the
 15 night?
 16 A. Well, I didn't know that was gonna happen. I
 17 just wanted to spend the night 'cause he had a whole bunch
 18 of games, and Kiki and then was there to play with.
 19 Q. So when you got there and Kiki wasn't there, did
 20 you still want to spend the night?
 21 A. Well, when it was night, I couldn't call my mom
 22 to go back.
 23 Q. Did your mom have a telephone then?
 24 A. No.
 25 Q. If she did, you didn't know how to call her,

SHEET 5 PAGE 17

1 right?

2 A. I -- I didn't even know her phone number.

3 Q. Okay. So you said you got there when it was

4 still light, and you -- did you -- What did you do first

5 after you got there, do you remember?

6 A. I played the PlayStation, played outside, and

7 then it got late.

8 Q. Okay, played the PlayStation, then you went

9 outside and played. And then it got dark?

10 A. Yeah.

11 Q. What -- do you remember what you did outside?

12 A. I just pretty much played. That was pretty much

13 all - ran and stuff.

14 Q. And there was nobody else there to play with

15 that day, is that right?

16 A. No.

17 Q. Okay. So, did you have dinner before you went

18 to Ed's house?

19 A. Yeah.

20 Q. Did you Ed give you anything to eat that night

21 when you were there?

22 A. I wasn't really hungry when I was there, so....

23 Q. So he didn't give you anything to eat?

24 A. No, 'cause I wasn't hungry there, and I didn't

25 want to ask him, 'cause I wasn't hungry when I was there,

PAGE 19

1 MS. WHEATLEY: Okay, thank you.

2 BY MS. SCHULTZ: (Resuming)

3 Q. So he asked you to go in the back bedroom. What

4 was doing when you came back?

5 A. I can't really remember.

6 Q. Was he in bed or out of bed?

7 A. Out of bed.

8 Q. Did he have his clothes on?

9 A. Yeah.

10 Q. Do you remember what he was wearing?

11 A. No.

12 Q. Okay, so some bad things happened when you were

13 there, right?

14 A. Yeah.

15 Q. Okay, we'll skip over that for a minute. You

16 can tell me what happened after you left.

17 Do you remember when your mom came and picked

18 you up?

19 A. Yeah, I told her that that happened, and she

20 went over to his house and beat his windows out and beat up

21 his Harley and stuff like that.

22 Q. Did you see her do that?

23 A. No, but I heard her yelling and stuff.

24 Q. Where were you when she was doing that?

25 A. In the car waiting with my dad.

PAGE 18

1 so....

2 Q. Do you remember, was that a day when you went to

3 school?

4 A. No, it wasn't a day when I went to school.

5 Q. So it wasn't a school day.

6 A. No.

7 Q. So do you remember what day of the week it was?

8 A. Unh-unh (negative).

9 Q. You think it was on a weekend?

10 A. Yeah, Saturday probably.

11 Q. Probably Saturday, okay.

12 So when you came in the house and it was dark,

13 what did you do after you came back inside?

14 A. First, I got on the couch and laid down, and

15 then he told me to come in the back bedroom.

16 Q. Okay, he asked you to come in the back bedroom?

17 A. Yeah.

18 MS. SCHULTZ: You take your hands away from

19 your mouth.

20 MS. WHEATLEY: She can't hear you when

21 you're --

22 THE COURT REPORTER: Thank you.

23 MS. WHEATLEY: You're doing a great job.

24 Just keep speaking up. Okay?

25 THE WITNESS: Okay.

PAGE 20

1 Q. And your dad was Richard Caves, right?

2 A. Yeah.

3 Q. Okay, so your mom was really mad?

4 A. Yeah.

5 Q. Well, after she picked you up, did you tell her

6 right away what happened?

7 A. Yeah.

8 Q. Did you write anything out for her on an

9 envelope?

10 A. Yeah.

11 Q. Do you know what happened to the envelope?

12 A. Yeah -- No, I gave it to that one cop at that

13 one house place, and I guess he still has it.

14 Q. Okay, so do you remember what you wrote on the

15 envelope?

16 A. No.

17 Q. Did anybody help you write it?

18 A. No.

19 Q. You were in kindergarten when this happened,

20 right?

21 A. Yeah, but I don't have very fast memories.

22 Q. You don't have very fast memories, okay.

23 Sometimes we sort of forget things that happened.

24 So after you told your mom what happened, then

25 she took you to see a policeman?

SHEET 6 PAGE 21

1 A. Yeah.
 2 Q. And was that in Salem at the police station in
 3 Salem?
 4 A. No, it was here in Corydon somewhere.
 5 Q. Oh, you came down here?
 6 A. Yeah, but wasn't here (indicating). But it was
 7 like in this Comfort House place or something that --
 8 Q. Okay.
 9 A. -- had cops in it.
 10 Q. But that was a -- You went to Comfort House a
 11 long time after this happened, didn't it?
 12 A. Yeah.
 13 Q. Okay. But the day that it happened, did your
 14 mom take you to talk to a policeman?
 15 A. Yeah, and at Comfort House.
 16 Q. Okay, and do you remember what the policeman's
 17 name was?
 18 A. No, but it was a guy.
 19 Q. Did he ask you a bunch of questions?
 20 A. Yeah.
 21 Q. Was your mom there with you when you talked to
 22 him?
 23 A. Yeah.
 24 Q. Did she tell you what to tell the policeman?
 25 A. No.

PAGE 23

1 MS. SCHULTZ: It just has a different thing
 2 on it.
 3 THE WITNESS: And that one's huge.
 4 MS. WHEATLEY: Uh-huh (affirmative). Don't
 5 touch it.
 6 MS. SCHULTZ: It makes noise when you touch
 7 it, in her ear.
 8 BY MS. SCHULTZ: (Resuming)
 9 Q. Okay, so when you went and talked to policeman,
 10 did you tell them the truth, everything that you told him?
 11 A. Yeah.
 12 Q. And then you went to Comfort House later. And
 13 when you were at Comfort House, did you talk to Donna Black;
 14 do you remember Donna Black - a lady that you talked to at
 15 Comfort House?
 16 A. It wasn't a lady. It was a guy.
 17 Q. You don't remember talking to a lady at Comfort
 18 House?
 19 A. No.
 20 Q. Do you remember going to Comfort House and
 21 talking to somebody and putting your hand prints on the
 22 wall --
 23 A. No.
 24 Q. -- after you got done talking to her?
 25 A. Oh, yeah, I put my hand prints on the wall and

PAGE 22

1 Q. Okay.
 2 A. She just told me what to remember and stuff.
 3 Q. What did she tell you?
 4 A. Pretty much all what to remember, pretty much
 5 all she told to say.
 6 Q. Okay, when she said what to remember, did she
 7 say exactly what she wanted you to remember?
 8 A. Yeah, yeah. Yeah, she wanted me -- Yeah.
 9 Q. Can you tell me how she told you?
 10 A. Well, she said it in a nice way, a really nice
 11 way, pretty much a nice way.
 12 Q. Okay, can you give me an example of what she
 13 told you?
 14 A. What I told her?
 15 Q. No, what -- what your mom told you?
 16 A. She told me just to remember what the bad things
 17 that Ed Nunley did and stuff like that.
 18 Q. Okay. And did she tell you what the bad things
 19 were that you were supposed to tell the policeman?
 20 A. No, she really didn't much knew of -- She
 21 didn't have to tell me.
 22 THE WITNESS: Why ain't there no
 23 microphones on that?
 24 MS. SCHULTZ: There is.
 25 THE WITNESS: They're tiny.

PAGE 24

1 that tree thing.
 2 Q. That was a lady you talked to then, right?
 3 A. Yeah.
 4 Q. But that was a long time after it happened?
 5 A. Yeah.
 6 Q. Did you tell her the truth when you talked to
 7 her?
 8 A. Yeah.
 9 Q. So have you told everybody the truth about what
 10 happened?
 11 A. Yeah.
 12 THE WITNESS: I got you, didn't I?
 13 THE COURT REPORTER: You sure did.
 14 BY MS. SCHULTZ: (Resuming)
 15 Q. Okay, so I want you tell me what Ed did to you
 16 that night at the house. He asked you to come back to the
 17 bedroom, and then what went on?
 18 A. He threw my panties on the thing.
 19 Q. Did he take them off your body?
 20 A. (Nods head affirmatively.)
 21 Q. Okay, what were you wearing; did you have your
 22 clothes on, or did you have your pajamas on?
 23 A. I had my pajamas on.
 24 Q. When you wear pajamas, what kind of pajamas do
 25 you wear?

1 A. Oh, I can't remember.
 2 Q. Do you wear pajamas that have a top and bottom
 3 separate top and separate bottom?
 4 A. I can't remember.
 5 Q. You don't remember at all?
 6 A. I don't remember at all.
 7 Q. Okay, so that day though, he took your panties
 8 off?
 9 A. Yeah.
 10 Q. Did you have to take your pajamas off to get
 11 your panties off?
 12 A. What?
 13 Q. Did he have to take your pajamas off to get your
 14 panties off?
 15 A. Yeah.
 16 THE WITNESS: It's getting hurting your
 17 ears, ain't it?
 18 THE COURT REPORTER: Not too bad.
 19 THE WITNESS: Well, if I do in that one, it
 20 will.
 21 THE COURT REPORTER: Let's listen.
 22 BY MS. SCHULTZ: (Resuming)
 23 Q. So what did he do after you took your pajamas
 24 off or your panties off?
 25 A. I can't remember.

1 Q. Okay. Is that the first time you ever saw a
 2 nasty movie?
 3 A. Yeah.
 4 Q. Had you ever seen pictures in magazines of
 5 people doing stuff like that?
 6 A. No.
 7 THE WITNESS: I'm trying to get it to her
 8 ears.
 9 THE COURT REPORTER: You're so silly.
 10 BY MS. SCHULTZ: (Resuming)
 11 Q. That's the only time you ever saw anything like
 12 that happen -- any kind of --
 13 A. Yeah.
 14 Q. Okay.
 15 THE WITNESS: Hurry up.
 16 BY MS. SCHULTZ: (Resuming)
 17 Q. So you remember -- so you remember that he licked
 18 your pee-pee?
 19 A. Yes.
 20 Q. Do you remember anything else that he did to
 21 you?
 22 A. No.
 23 MS. WHEATLEY: You have to stay still,
 24 okay. You're doing a good job, though, okay.
 25 BY MS. SCHULTZ: (Resuming)

1 Q. You don't remember what he did?
 2 A. No, I only remember one thing that he did.
 3 Q. What -- what's that that you remember?
 4 A. He licked my pee pee. Yuck.
 5 Q. Did he only do it one time?
 6 A. Yeah, and then he made me watch a nasty show.
 7 I can't even remember what it's called, so don't ask that.
 8 Q. Okay. When you say it was "nasty," why do you
 9 think it was nasty?
 10 A. It showed naked people in it.
 11 Q. Okay, were they naked men or naked women?
 12 A. Both.
 13 Q. Were they doing things to each other?
 14 A. Yeah.
 15 Q. Things that adults don't do around in public so
 16 other people can see them?
 17 A. No.
 18 Q. Was it sex stuff they were doing in the movie?
 19 A. Yeah.
 20 Q. Was it men doing things to women, and women
 21 doing things to men?
 22 A. Yeah.
 23 Q. Were there any things where men were doing
 24 things to men?
 25 A. No.

1 Q. I know it's not fun to tell about this stuff.
 2 And you've talked about it to a bunch of people already,
 3 haven't you?
 4 A. Yeah.
 5 Q. So how many people have you talked to about it?
 6 A. A lot. I can't remember.
 7 Q. You talked to a couple different policemen?
 8 A. Yeah, I talked to a lot of people, and I can't
 9 remember how many.
 10 Q. Okay. But you don't remember anything he did
 11 other than lick your pee-pee?
 12 A. That's all I remember.
 13 Q. You don't want to remember, do you? Sometimes
 14 it's better if you can't remember?
 15 A. Yeah.
 16 Q. You kind of forget about the bad stuff, makes it
 17 easier sometimes?
 18 A. Yeah.
 19 Q. Do you go to see a counselor now?
 20 A. Yeah.
 21 Q. What does she talk to you about -- or is it a
 22 man; is it man or a woman?
 23 A. Both.
 24 Q. Oh, you see both?
 25 A. (Nods head affirmatively.)

SHEET 8 PAGE 29

1 Q. Do you go there with your mom, or do you go out
2 there by yourself?
3 A. Mom.
4 Q. Do they talk to you alone or with your mom?
5 A. Sometimes they talk to me when I'm playing, and
6 sometimes they just talk to my mom.
7 Q. Okay, what do they talk to you about?
8 A. What do they talk to me about?
9 Q. Uh-huh (affirmative).
10 A. Just about Ed Nunley and Eddie Foreman and stuff
11 like that.
12 Q. Okay. Do they ask you what Eddie Nunley did to
13 you?
14 A. Yeah, and Eddie Foreman, you know, he didn't do
15 anything to me.
16 Q. Eddie didn't do anything -- Eddie Foreman did do
17 anything bad to you at all, right?
18 A. Only mom.
19 Q. Only your mom. And you saw what he did to your
20 mom?
21 A. Yeah.
22 THE WITNESS: Whoever wrote this is a bad,
23 bad person to be in jail. They should be in
24 prison. Did they go to prison for it?
25 MS. WHEATLEY: Probably.

PAGE 31

1 Q. Did he?
2 A. No.
3 Q. So at some -- sometime you --
4 A. It's better not remember.
5 Q. Well, you have to remember for today, though.
6 Okay, can you do that?
7 A. And then the case is finally cut open.
8 Q. Okay.
9 A. Am I free from it finally?
10 Q. So sometime he finally stopped, didn't he?
11 A. Yeah.
12 Q. Okay. And after he stopped, what did you do;
13 did you go to sleep?
14 A. I can't remember. I can't remember.
15 Q. Okay. Do you remember when your mom came to get
16 you the next day?
17 A. Yeah.
18 Q. Had you been up for a while before your mom came
19 and got you?
20 A. Yes.
21 Q. What'd you do after you got up the next morning?
22 A. Watched Scooby-Do, The Movie.
23 Q. Okay, did you have a chance to watch the whole
24 movie before your mom got there?
25 A. No.

PAGE 30

1 THE WITNESS: Did you see them writing it?
2 MS. WHEATLEY: No.
3 THE WITNESS: How did they get it in there?
4 MS. WHEATLEY: I don't know.
5 THE WITNESS: Did they have a knife or
6 something and scratch it?
7 MS. WHEATLEY: I don't know.
8 THE WITNESS: How did they get a pen on it,
9 too?
10 MS. WHEATLEY: I don't know. They're bad
11 people though. We just won't look at that, okay.
12 We're gonna keep answering Susan's questions.
13 Okay?
14 THE WITNESS: Am I almost done answering
15 questions?
16 MS. WHEATLEY: You're almost done.
17 MS. SCHULTZ: You're almost done.
18 BY MS. SCHULTZ: (Resuming)
19 Q. So after Ed Nunley licked your pee-pee, what did
20 you do?
21 A. Scream.
22 Q. You scream really loud?
23 A. A little bit.
24 Q. Were you saying words?
25 A. No, I was just telling him to stop it.

PAGE 32

1 Q. Do you know if it was late or you got up early?
2 A. It was early.
3 Q. Early?
4 A. Yeah.
5 Q. Okay.
6 THE WITNESS: Can you hear the wind when
7 you do that?
8 THE COURT REPORTER: No.
9 BY MS. SCHULTZ: (Resuming)
10 Q. So you got up early. Did you have breakfast the
11 next morning?
12 A. I didn't want to eat anything.
13 Q. Okay. And you seem to be a pretty happy kid
14 today. Were you a happy kid the next day after --
15 A. No.
16 Q. -- you -- When your mom came, what'd you do?
17 A. What'd you do? Told her.
18 Q. Hmm?
19 A. I told her.
20 Q. No, you didn't tell her when she came in the
21 house, though, did she --
22 A. No.
23 Q. -- did you?
24 A. Did your mom come into the house to get you?
25 A. Yeah, and we went in the car, and I told her

1 as soon as -- as soon as we started moving the car, like
 2 here's (indicating) his house, and the car moved here
 3 (indicating), and then I told her, and then moved back and
 4 beat it.
 5 Q. So as soon as you got in your mom's car, you
 6 told her what happened?
 7 A. Yeah.
 8 Q. And then she ...?
 9 A. Pulled right here (indicating) when we was
 10 leaving. We had to come back. And she beat his Harley here
 11 (indicating), beat his truck here (indicating), beat his
 12 windows out, and then he came out the door. And then Mom
 13 tried to beat him up, but she couldn't.
 14 Q. And then he called the police, didn't he; he
 15 told your mom he was gonna call the police?
 16 A. No, he threatened to call the police.
 17 Q. Okay.
 18 THE WITNESS: What's that?
 19 THE COURT REPORTER: It's another little
 20 recorder.
 21 THE WITNESS: So you can hear me out loud?
 22 THE COURT REPORTER: Oh, yes.
 23 THE WITNESS: Even if I whisper?
 24 THE COURT REPORTER: Uh-huh (affirmative).
 25 Listen to Ms. Susan.

1 and your mom's doing this. Did it last very long?
 2 A. No, but he got -- but she got him good, 'cause I
 3 heard a bang, bang, bang.
 4 Q. Do you know what she hit his car with?
 5 A. A baseball bat, 'cause she had a baseball bat in
 6 her car for safety.
 7 Q. Okay, so she obviously had the baseball bat in
 8 her car?
 9 A. Yeah.
 10 Q. Okay. Did you remember your mom living with a
 11 man named Pappy?
 12 A. Pappy? (Shakes head negatively.)
 13 Q. No, you don't remember him?
 14 A. Pappy, who's that?
 15 Q. That was a friend of your mom's. You don't
 16 remember him?
 17 A. I do not remember.
 18 Q. Do you remember her living with somebody named
 19 Hank?
 20 A. Yes.
 21 Q. Was Hank a good person or a bad person?
 22 A. Good.
 23 Q. Okay.
 24 A. He lives near Salem.
 25 Q. So I want to make sure that I remember what you

1 THE WITNESS: Okay.
 2 BY MS. SCHULTE: (Resuming)
 3 Q. So did -- You didn't see your mom doing this,
 4 though?
 5 A. No.
 6 Q. She told you about it?
 7 A. What?
 8 Q. Did she tell you that she did it - that she beat
 9 up his car?
 10 A. No, I heard the screaming, and I knew, and he
 11 said to stop it, and he lied 'cause I heard him saying he
 12 didn't do that, or he didn't this, that, this, this, that.
 13 Q. But you couldn't see what was going on?
 14 A. No.
 15 Q. So who -- who was in the car with you when you
 16 heard your mom doing this?
 17 A. My dad, --
 18 Q. Okay.
 19 A. -- Richard Caves.
 20 Q. Was anybody else in the car?
 21 A. No.
 22 Q. Did Richard stay in the car, or did he get out
 23 of the car?
 24 A. He stayed in the car.
 25 Q. Okay, so you and Richard are sitting in the car,

1 told me correctly. You said that when you went there, Kyle,
 2 and Kiki were not there, and you didn't see them all night
 3 that night?
 4 A. Yeah.
 5 Q. And you don't remember seeing anybody else there
 6 that night?
 7 A. No.
 8 Q. Was it possible there was somebody else there
 9 after you went to sleep?
 10 A. I don't really know.
 11 Q. And when you got up the next morning, you didn't
 12 see anybody else there?
 13 A. No.
 14 Q. Okay. It was just you and Ed Nunley?
 15 A. Yeah.
 16 Q. And --
 17 THE WITNESS: Almost done?
 18 MS. SCHULTZ: Almost done, almost done.
 19 BY MS. SCHULTZ: (Resuming)
 20 Q. And you think it was still daylight when you got
 21 there, right?
 22 A. Yeah.
 23 THE WITNESS: Can you hear the wind?
 24 THE COURT REPORTER: No.
 25 THE WITNESS: Why can't you?

SHEET 10 PAGE 37

1 THE COURT REPORTER: I don't know.
 2 BY MS. SCHULTZ: (Resuming)
 3 Q. Do you remember when you talked Donna at Comfort
 4 House - the woman that you talked at the Comfort House?
 5 A. Yeah.
 6 Q. Do you remember telling her --
 7 A. Yeah.
 8 Q. -- that you saw Kiki and --
 9 A. Yes.
 10 Q. -- Kyle that night?
 11 A. No, but I saw them the day and not the night.
 12 Q. When you say "the day," you mean the day before
 13 this happened?
 14 A. No, the day when it did happen.
 15 Q. Okay. So if you went there on Saturday and you
 16 got there in the -- some time before it got dark, did you
 17 see them then?
 18 A. What?
 19 Q. When you got there that day on Saturday -- I
 20 think you said you thought it was Saturday when you got
 21 there -- did you see -- and it was still daylight, did you
 22 see them then?
 23 A. Yeah, yeah, yeah.
 24 Q. So they were there when you got there?
 25 A. Yes.

PAGE 38

1 Q. And now long were they there after you got
 2 there?
 3 A. Until it was dark, dark.
 4 Q. Do you know where they went when they left?
 5 A. No, not really.
 6 Q. Do you think they were coming back?
 7 A. No, not really. I can't really remember what I
 8 think and what I don't think.
 9 Q. Okay. Has anybody told you what to think or
 10 what to remember about that day?
 11 A. No.
 12 Q. Does your mom ever talk to you about it?
 13 A. I never really see her, 'cause I live with my
 14 dad.
 15 Q. Okay. When you went and talked to these other
 16 people before about what happened there, did your mom ever
 17 tell you what to remember about what happened?
 18 A. No, I didn't really need to remember that.
 19 Q. Okay. And now the only thing that you remember
 20 was that he licked your pee-pee?
 21 A. Yeah.
 22 Q. Do you -- do you remember if you saw his private
 23 parts?
 24 A. No.
 25 Q. You don't remember anything else? You want to

PAGE 39

1 block it out of your mind, huh?
 2 A. Yeah, I don't want to know any of it anymore
 3 after this.
 4 Q. Okay.
 5 A. Only if it would've never happened, I wouldn't
 6 have to be talking right now. I could be at school right
 7 now.
 8 Q. Do you like school?
 9 A. Yeah.
 10 Q. What kind of grades do you get?
 11 A. I get all As.
 12 Q. Excellent, excellent.
 13 THE WITNESS: This thing is stuck to this
 14 thing. So how can you move the table?
 15 MS. WHEATLEY: I can't. I'm not strong
 16 enough.
 17 MS. SCHULTZ: Okay, I think that's all the
 18 questions I'm going to ask you.
 19 THE WITNESS: Finally.
 20 MS. SCHULTZ: But Lauren gets a chance
 21 to --
 22 MS. WHEATLEY: I have --
 23 MS. SCHULTZ: -- ask you questions.
 24 MS. WHEATLEY: -- just a couple, okay. All
 25 right?

PAGE 40

1 THE WITNESS: Okay.
 2 MS. WHEATLEY: You're doing a good job,
 3 though. Okay?
 4 THE WITNESS: Okay. Five or two?
 5 MS. WHEATLEY: Oh, maybe ten. I don't
 6 know. We'll see. Okay?
 7 THE WITNESS: Ten?
 8 MS. WHEATLEY: We'll see.
 9 CROSS-EXAMINATION
 10 BY MS. WHEATLEY:
 11 Q. So, when you went to Ed Nunley's house, Kyle and
 12 Kiki were there?
 13 A. Yeah.
 14 Q. And then they left when it got dark?
 15 A. Yeah.
 16 Q. Did anyone else come to the house?
 17 A. No.
 18 Q. Did you watch a movie at his house?
 19 A. Yeah.
 20 Q. What -- what movie did you watch first?
 21 A. First, I watched Scooby-Doo, and that's the only
 22 movie I watched.
 23 Q. That's the only movie you watched. Did you
 24 watch any others?
 25 A. No.

SHEET 10 PAGE 41

1 Q. The Lion King?
 2 A. No.
 3 Q. Dark Crystal?
 4 A. I watched the Lion King, Dark Crystal and then
 5 Scooby-Do.
 6 Q. Okay, so you did watch some other movies?
 7 A. Yeah.
 8 Q. Did you ever go back into Ed's bedroom?
 9 A. Yeah, when he told me to.
 10 Q. Okay, were you watching movies in there?
 11 A. Yeah, a couple times, but it was only the bad
 12 movie.
 13 Q. Okay, so what's the bad movie? I know you like
 14 Hannah Montana, right?
 15 A. I cannot remember what the bad movie is.
 16 Q. But do you like Hanna Montana?
 17 A. (Nods head affirmatively.)
 18 Q. Yeah?
 19 A. Uh-huh (affirmative).
 20 THE WITNESS: I want to go get the picture
 21 from back there.
 22 MS. WHEATLEY: Okay, we'll get them. We'll
 23 definitely get them. Okay, just a couple more
 24 questions.
 25 BY MS. WHEATLEY: (Resuming)

PAGE 43

1 THE WITNESS: That's almost 50 questions.
 2 MS. WHEATLEY: I know. You're doing so
 3 good, though.
 4 BY MS. WHEATLEY: (Resuming)
 5 Q. So whenever he -- When did he take your panties
 6 off?
 7 A. I can't remember.
 8 MS. WHEATLEY: Okay, you gotta concentrate.
 9 We're almost done.
 10 BY MS. WHEATLEY: (Resuming)
 11 Q. Do you remember, were you watching the movie --
 12 the "bad" movie?
 13 A. No.
 14 Q. No. Was it before the bad movie?
 15 A. Yeah, I think.
 16 Q. Oh, you think so. And he took your panties off?
 17 A. Yeah.
 18 Q. Yeah. Okay, I know this is hard.
 19 What else -- did he do anything else once he
 20 took your panties off?
 21 A. No, and licked my pee-pee, yeah.
 22 MS. WHEATLEY: It's okay. It's just girl
 23 talk right here. It's just us girls.
 24 BY MS. WHEATLEY: (Resuming)
 25 Q. So whenever he licked your --

PAGE 42

1 Q. So is Hannah Montana a bad show?
 2 A. No.
 3 Q. No. So why do you call the movie that Ed made
 4 you watch a "bad" movie?
 5 A. Well, you -- It's bad.
 6 Q. Okay.
 7 A. You could ask her (indicating).
 8 Q. Okay. I will ask her. She's smart. But I know
 9 you're smart, too.
 10 So you called it bad. Were there naked people
 11 in there?
 12 A. Yeah.
 13 MS. WHEATLEY: It's okay. You're just
 14 telling us. It's just girl talk. Okay?
 15 THE WITNESS: Uh-huh (affirmative).
 16 MS. WHEATLEY: We won't look at that.
 17 BY MS. WHEATLEY: (Resuming)
 18 Q. So whenever you were watching the bad movie,
 19 where was Ed Nunley?
 20 A. In the bedroom.
 21 Q. With you?
 22 A. Yeah.
 23 Q. Was he sitting on the bed?
 24 A. Yeah.
 25 Q. Before, when did he --

PAGE 44

1 THE WITNESS: Here, I'll cover it.
 2 MS. WHEATLEY: Okay.
 3 BY MS. WHEATLEY: (Resuming)
 4 Q. Whenever he licked your pee-pee, and did -- you
 5 screamed?
 6 A. (Nods head affirmatively.)
 7 Q. Is that a yes?
 8 A. Yes.
 9 Q. Do you know how long he licked your pee-pee?
 10 A. No.
 11 Q. Okay. Now, a girl -- you call a girl part a
 12 pee-pee, right?
 13 A. Uh-huh (affirmative).
 14 Q. What do you call a boy part? Do boys have
 15 different parts than girls?
 16 A. Yeah.
 17 Q. Do you call it anything?
 18 A. I don't want to call it.
 19 Q. Okay, well, let's just -- let's just -- If you
 20 were gonna name a boy part, what would call it?
 21 A. I don't know.
 22 Q. Did you call it anything to your mommy?
 23 A. Yeah.
 24 Q. What did you call it to your mommy?
 25 A. I don't want to say it.

1 MS. WHEATLEY: It's okay, it's all right.
 2 Tell you what, how about you just look at me?
 3 Okay, you just look at me. Hannah Montana fans.
 4 You just talk to me right now.
 5 BY MS. WHEATLEY: (Resuming)
 6 Q. What did you call it to your mommy? You don't
 7 remember, or you don't want to say?
 8 A. I don't want to say.
 9 Q. Will you please say for me?
 10 A. (No response.)
 11 Q. It's okay.
 12 Will you please say it for me?
 13 A. I can't say it really.
 14 Q. Okay, I know that you promised to tell the
 15 truth, and you're doing a very good job.
 16 Did you see that boy part that night?
 17 A. I can't remember.
 18 Q. You can't remember. Did you ever touch Ed's boy
 19 part?
 20 A. I can't remember.
 21 Q. You can't remember. Did you tell your mommy
 22 that you did?
 23 A. I can't remember.
 24 Q. Can you remember, or are you trying not to
 25 remember?

1 A. I don't know, 'cause I just don't want to say.
 2 Q. Okay, what if -- Can you write it?
 3 A. No.
 4 Q. It's okay.
 5 I don't even know what it's spelled like.
 6 Q. All right. Do you want to spell it out for us?
 7 A. No.
 8 Q. Okay. All right, so, Annie, have you told us
 9 the truth today?
 10 A. Yes.
 11 Q. Yeah?
 12 A. Yes.
 13 Q. Do you like Ed Nunley?
 14 A. No.
 15 Q. Did he hurt you?
 16 A. No.
 17 Q. Did --
 18 A. No.
 19 Q. Did you like what he did to you?
 20 A. No.
 21 Q. Do you ever want to see him again?
 22 A. No, I hope he stays in prison forever.
 23 Q. Okay.
 24 THE WITNESS: So, will you make him stay in
 25 there forever?

1 A. I can't remember.
 2 Q. Okay, all right.
 3 A. You really didn't give me that choice.
 4 Q. Hmm?
 5 A. You really didn't give me that choice - I can't
 6 remember.
 7 Q. Okay, and what you told your mommy, how did you
 8 tell your mommy what Ed did to you?
 9 A. Wrote it down on a piece of paper.
 10 Q. Okay. Do you remember what you wrote down on a
 11 piece of paper?
 12 A. No, she done asked me that same thing.
 13 Q. All right, okay.
 14 THE WITNESS: Why is there tape stuck
 15 there?
 16 MS. WHEATLEY: I don't know. Somebody
 17 broke the table.
 18 THE WITNESS: Maybe it was another bad
 19 person --
 20 MS. WHEATLEY: Probably so.
 21 THE WITNESS: -- who wrote this
 22 (indicating).
 23 BY MS. WHEATLEY: (Resuming)
 24 Q. So -- so a boy part, you can't tell me what it's
 25 called?

1 MS. WHEATLEY: I'm gonna try. How's that
 2 sound?
 3 Okay, all right, I don't have anymore
 4 questions for you.
 5 THE WITNESS: Okay.
 6 MS. SCHULTZ: Oh, can I ask you one more?
 7 REDIRECT EXAMINATION
 8 BY MS. SCHULTZ:
 9 Q. When -- the day that your mom took you over to
 10 see Ed Nunley, did you like him that day?
 11 A. Yeah.
 12 THE WITNESS: Okay, you done, you done?
 13 MS. SCHULTZ: Yep, I'm done. You --
 14 THE WITNESS: You done?
 15 MS. SCHULTZ: -- be glad I'm done?
 16 MS. WHEATLEY: I'm done, too.
 17 THE WITNESS: You done?
 18 MS. WHEATLEY: I'm done.
 19 (Whereupon, the above-entitled matter was
 20 concluded at 10:18 a.m.)
 21 o/o

IN THE SUPERIOR COURT FOR HARRISON
STATE OF INDIANA

STATE OF INDIANA

VS

CASE NO. 31D01-0805-FA-369

LAWRENCE NUNLEY

The deposition of TONYA CAVES, taken on the 30th day of September, 2008 at 1445 Gardner Lane, Corydon, Indiana; said deposition taken upon oral examination, to be read and used at the hearing of the above styled action; the reading and signing of the deposition being waived; commencing at 10:20 a.m.; before Sheila M. Young, Court Reporter.

Legalese Court Reporting, Inc.
1925 Cedar Pointe Drive
Corydon, IN 47112
812-952-3978

INDEX

Pages

Direct Examination:

By Ms. Schultz 4-52

Cross-Examination:

By Ms. Wheatley 52-56

Redirect Examination:

By Ms. Schultz 56-63

CONDENSED
COPY

EXHIBITS

(No exhibits presented for identification.)

APPEARANCES

ON BEHALF OF THE PLAINTIFF:

LAUREN WHEATLEY
HARRISON COUNTY PROSECUTOR'S OFFICE
1445 Gardner Lane
Corydon, IN 47112

ON BEHALF OF THE DEFENDANT:

SUSAN SCHULTZ
ATTORNEY AT LAW
127 East Chestnut Street
Corydon, IN 47112

ON BEHALF OF THE WITNESS:

Page 3

mother

TRANSCRIPT LEGEND

(Interjection of thought for clarification)
(Interruption of thought)
(Trailing off or did not complete thought)
(Phonetically)
(In its original form)

*Deputy
Prosecutor*

*Lawyer -
Tonya
Caves*

PROCEEDINGS

10:20 a.m.

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(Witness sworn.)

Whereupon,

TONYA CAVES,

called by the Defendant and having been first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MS. SCHULTZ:

Q. Could you tell us your name, please?

A. Tonya Caves.

Q. Okay. My name is Susan Schultz, and I don't think I've met you before. I represent Lawrence Nunley - commonly known as Ed Nunley. And I would like to ask you some questions about your relationship with him and your daughter's relationship with him.

A. Okay.

Q. You know, it's very important that the answers we get are accurate; so if I ask you something and you don't understand my question, make sure you let me know you don't understand.

A. Okay.

Q. Or if you don't remember anything, --

A. Just say I don't --

Q. -- just say I don't remember. Okay.

SHEET 5 PAGE 5

1 A. Okay.
 2 Q. How old are you?
 3 A. Thirty-one.
 4 MS. WHEATLEY: I'm going to walk her out. You
 5 can ask some questions.
 6 MS. SCHULTZ: Okay.
 7 BY MS. SCHULTZ: (Resuming)
 8 Q. Where do you live?
 9 A. Ramsey.
 10 Q. Okay, and you do not live with Annie right
 11 now; --
 12 A. No.
 13 Q. -- is that correct?
 14 She lives with Richard Caves?
 15 A. Yes.
 16 Q. Is Richard her father?
 17 A. Not her biological father, but he has rights to
 18 her from birth pretty much.
 19 Q. Okay, so he's always --
 20 A. Since she was eight months old. Yeah, it's the
 21 father that she knows.
 22 Q. Okay, and how -- I didn't ask Annie how old she
 23 is. How old --
 24 A. She's eight.
 25 Q. Eight now.

PAGE 7

1 A. Yes.
 2 Q. Okay.
 3 A. Yes.
 4 Q. So if she lived with you and saw Richard, --
 5 A. It was --
 6 Q. -- she would probably have the same --
 7 A. -- like that.
 8 Q. -- kind of reaction?
 9 A. It was like that. Yeah, whenever, you know, he
 10 would bring her home from weekends or whatever, it was the
 11 same thing. She wants us back together. I think that's
 12 every kid's wish - for their mommy and daddy to stay
 13 together, but sometimes that's not necessarily what the best
 14 thing is, you know.
 15 Q. That's true. So who lives with you now?
 16 A. Nobody.
 17 Q. So you live by yourself in Ramsey?
 18 A. Yeah.
 19 Q. You have a house that you rent?
 20 A. No, actually -- really, I'm homeless right now,
 21 I'm living in my truck.
 22 Q. Okay, and you just keep in Ramsey most of the
 23 time?
 24 A. Pretty much, yeah, that's where I park.
 25 Q. Okay, are you working now?

PAGE 6

1 And she's in second grade?
 2 A. Uh-huh (affirmative).
 3 Q. Okay, and why is she living with Richard now
 4 instead of with you?
 5 A. Right now, I'm going through difficult financial
 6 situations. I had -- I went through an accident here a few
 7 months ago. I'm just now healing from it. I've got a torn
 8 ligament in my knee, and I'm facing a -- facing a surgery on
 9 my shoulder. I'm not -- I'm unable to work right now, and I
 10 just figured he would be better -- financially stable to
 11 support her. I'm just trying to do what's best for her
 12 right at this very moment.
 13 Q. Okay.
 14 A. But he doesn't have custody. He just has
 15 temporary guardianship. We did it ourselves, had it
 16 notarized.
 17 Q. So it appears that Annie is pretty attached to
 18 you?
 19 A. Yes, she's attached to both of us. She's very
 20 close to both her -- her father and I -- her dad and I.
 21 Q. And she would love to have you both living in
 22 the same house together?
 23 A. Oh, yeah, she wants us back together, of course.
 24 Q. Okay, and she is attached to Richard Caves as
 25 she is to you, do you think?

PAGE 8

1 A. No, not right now.
 2 Q. And where is the last residence that you had?
 3 A. 2765 German Ridge Road.
 4 Q. And what town is that?
 5 A. Actually, it was a Corydon address, but it's in
 6 Crandall.
 7 Q. Okay, and who did you live there with?
 8 A. Eddie Foreman.
 9 Q. Okay. Now Annie talked a little bit about an
 10 incident that she saw where Eddie Foreman beat you up.
 11 A. Yeah, that's what I'm talking about. I'm still
 12 healing from that. He gave me a concussion and --
 13 Q. How long --
 14 A. -- hurt me pretty bad.
 15 Q. -- ago did that happen?
 16 A. May.
 17 Q. So it's been several months?
 18 A. Yeah, May or June. It was the end of May maybe,
 19 first of June. I think it was the first of June. I can't
 20 remember the exact date.
 21 Q. So at the time that that happened, you were
 22 living with Ed Foreman at his house?
 23 A. Uh-huh (affirmative).
 24 Q. And was Annie living there, also?
 25 A. Uh-huh (affirmative).

SHEET 3 PAGE 9

1 Q. So after that happened and he beat the crap out
2 of you, --
3 A. He went to jail. Yeah, he did beat the crap out
4 of me.
5 Q. You didn't have a place to live at that point?
6 A. Yeah, I was able to just stay there until he got
7 out of jail, which was just a few weeks ago.
8 Q. Oh, okay, so once he got out, you didn't have a
9 place to live?
10 A. Right, and I was unable -- I mean, I had doctor
11 visit after doctor visit. I was on crutches and in a brace
12 and in a shoulder sling. I was unable to get employment
13 because of my injuries.
14 Q. Okay. When's the last time you had a job?
15 A. Cash job, probably about a year ago.
16 Q. All right.
17 A. Or, I mean, on the books, about a year ago.
18 Q. Where were you working then?
19 A. Daramic, over here. Used to be Evanite.
20 Q. Oh, is that the battery place?
21 A. Yeah.
22 Q. Okay, okay. Have you had other types --
23 A. No, I'm sorry, I'm wrong. It was in October of
24 last year at Roman Industries - Roman Marblene.
25 Q. Okay, since October of last year, you've been

PAGE 10

1 unemployed?
2 A. Yeah, I mean, I've cleaned houses, things like
3 that, but I've not had a job that actually paid me a
4 paycheck every week.
5 Q. Okay. How did you meet Ed Nunley?
6 A. Seems like -- I don't really remember exactly
7 how I met him, but I met him through friends, it seems like,
8 you know, just introduced to him. I know he hung around a
9 couple of people that I knew pretty well, and he come off as
10 a pretty normal person. I mean, he had custody of his kids,
11 and, you know, he just seemed normal. But I can't pinpoint
12 the exact place or time --
13 Q. Okay, do you remember --
14 A. -- that I met him.
15 Q. Do you remember approximately when it was that
16 you met him?
17 A. Maybe in October. Maybe six months prior to the
18 incident.
19 Q. Okay.
20 A. Around October. It seems like it was before
21 Christmas. I know that.
22 Q. And so this happened in April of 2007, --
23 A. Right, --
24 Q. -- so --
25 A. -- so it would have been around October or

PAGE 11

1 November of '06.
2 Q. Okay, and where were you living at that point?
3 A. I lived on Tee Road.
4 Q. Did Annie lived there with you?
5 A. Yes.
6 Q. Okay, and did she live with you all the time
7 that you lived on the Tee Road address?
8 A. Yes.
9 Q. Was that a house that you --
10 A. That I rented.
11 Q. -- owned or rented?
12 A. Yeah, I rented.
13 Q. Was there anybody else living there with you
14 other than Annie?
15 A. Me and Annie lived there. On -- on occasion,
16 her dad would be there because I worked a lot of hours. I
17 worked at Icon then, and sometimes I would work twelve to
18 sixteen hours a day, seven days a week. Richard and I --
19 I'm not even going to go out and say we were separated. We
20 were still together, but things were getting pretty rocky,
21 you know. But he spent a lot of time there with us to take
22 care of Annie, you know, to babysit her because of the hours
23 that I was working. I was working some extreme hours.
24 Q. Did he have another residence of his own at the
25 time?

PAGE 12

1 A. He would go stay with his mom --
2 Q. Okay.
3 A. -- when he wasn't there, but an actual residence
4 that he rented, no.
5 Q. Was there anytime that Annie lived with anyone
6 else?
7 A. For a period of maybe 10 days, she stayed with
8 my -- her biological father's aunt for about 10 days, and
9 that was due to my job loss. My electricity had been shut
10 off, so she stayed there for a few days. It wasn't even 10
11 days. I don't even think it was a week, to be honest. And
12 then once I got my electric back on, she was right back.
13 Q. And who was that person that she stayed with?
14 A. Amy Young. Amy and Michael Young.
15 Q. Where do they live?
16 A. They lived in English.
17 Q. And who is her biological father?
18 A. Her biological father is Rick Young.
19 Q. And is he in this area?
20 A. Yeah, Milltown.
21 Q. Does he see her --
22 A. He's in jail now, no.
23 Q. Oh, he's in jail?
24 A. No, he doesn't. He never claimed her.
25 Q. She doesn't have a relationship with him at all?

SHEET 4 PAGE 13

1 A. No, she knows that it's her biological father,
2 and I know you think, "Boy, that's a lot." Annie's really
3 smart, and I think if you hide lies like that, it comes back
4 on you, --
5 Q. Mmh-hmm.
6 A. -- you know. And not only that, her brother,
7 that's his biological father too, so it's hard to keep a
8 secret like that when you got a big brother that knows the
9 truth. You know what I'm saying? It's --
10 Q. Sure. How old is her brother?
11 A. He'll be 13 next week.
12 Q. And where does he live, now?
13 A. With my mom, and that's due -- because Rick is
14 in jail. That just happened this week.
15 Q. So does he have a relationship with his father?
16 A. Yeah, he lived with him.
17 Q. Okay.
18 A. I mean, he wanted to and -- After Rick and I
19 split up, he straightened up pretty much, and he got with a
20 lady that I grew up around that used to babysit me, and, you
21 know, I loved her to death. And he said, "Mom, I'd like to
22 live with my dad," and I let him. You know, my mom kept me
23 away from my dad.
24 Q. So were you and Mr. Young ever married?
25 A. No.

PAGE 14

1 Q. So these were -- was there ever paternity
2 established for Annie?
3 A. No.
4 Q. Okay, so even though he is her biological
5 dad, --
6 A. There's no --
7 Q. -- there was never any --
8 A. -- rights, --
9 Q. -- legal stuff?
10 A. -- right.
11 Q. Okay, all right. So, after you met Ed in the
12 late fall of 2006 or around that time -- after you first met
13 him -- and I'm not -- I'm not asking you to pin down any
14 dates --
15 A. Right.
16 Q. -- or anything like that -- did you see him on a
17 regular basis?
18 A. Yeah, pretty much. I mean, not like every day,
19 but, yeah, probably three or four times a week. He dated a
20 really good friend of mine at the time. Her name was
21 Michelle (ph) Cayton (ph), and I grew up with her, and --
22 Yeah, I probably seen him at least three times a week, four
23 times a week, if not at his house then at other places, you
24 know, out and about or --
25 Q. Run into him at a friend's house --

PAGE 15

1 A. Yeah.
2 Q. -- or bump into him --
3 A. Or there was a couple times him and Michelle
4 come to my house, you know. I mean, we got to be friends.
5 You know, it was --
6 Q. At the house on Tee Road?
7 A. Yeah, on Tee Road.
8 Q. Okay. Well, was it Michelle who'd introduced
9 you to him?
10 A. No, I don't think so. I'm thinking it was
11 Charles Thomas is I'm thinking -- who actually I met him
12 through.
13 Q. Okay.
14 A. But I can't -- I mean, I'm not positive on that.
15 I can't pinpoint the day and time, you know, that I met him.
16 Q. So during this time that you knew Ed before this
17 incident with Annie happened, did you live on -- at the Tee
18 Road address --
19 A. Uh-huh (affirmative).
20 Q. -- all of that time?
21 A. Uh-huh (affirmative).
22 Q. Okay, and you said that you think he and
23 Michelle came to your house on Tee Road a couple of times?
24 A. Yeah.
25 Q. Okay, and Annie was living with you there?

PAGE 16

1 A. Uh-huh (affirmative).
2 Q. But was her brother living there, also?
3 A. No, he was living with his dad at that --
4 Q. Okay, so it was just you and Annie at the house?
5 A. Uh-huh (affirmative).
6 Q. Okay, and when he came to your house, do you
7 know whether there was any type of pornography present in
8 your house?
9 A. I know for a fact that there was not.
10 Q. Did you ever have any pornography in your house?
11 A. No.
12 Q. Magazines?
13 A. No.
14 Q. No magazines, no movies?
15 A. No.
16 Q. Nothing like that, okay.
17 And this house that you lived at on Tee Road, is
18 that a mobile home or a --
19 A. A mobile home.
20 Q. Okay. How many bedrooms?
21 A. Two.
22 Q. And what was the arrangement at that house; did
23 you have a bedroom, Annie have a bedroom?
24 A. Uh-huh (affirmative).
25 Q. Okay.

SHEET 8 PAGE 17

1 A. Usually, I would sleep on the couch.
 2 Q. So, April the 13th when this incident that's
 3 alleged in the Complaint against Ed happened, you were still
 4 living on Tee Road?
 5 A. No, I was living in Pekin then.
 6 Q. Oh, you had moved. When did you --
 7 A. Yeah.
 8 Q. -- move to Pekin?
 9 A. Maybe about a month prior to the incident.
 10 Q. Okay, and when you moved to Pekin, did you move
 11 there by yourself or with the kids, or what was --
 12 A. With Annie.
 13 Q. And were you living with anyone else there?
 14 A. Yeah, I was staying with a friend of mine there.
 15 Q. And what that friend's name?
 16 A. His name was Hank Nicholson, and actually
 17 Richard stayed with us, too.
 18 Q. So was Hank Nicholson a romantic friend or just
 19 a friend-friend?
 20 A. Just a friend-friend.
 21 Q. Okay, and how did you -- how would you
 22 characterize your relationship with Ed Nunley; was he just a
 23 friend, or was he a romantic friend?
 24 A. Just a friend.
 25 Q. Okay.

PAGE 19

1 A. Well, I think he has a lot of dreams in his
 2 head, apparently.
 3 Q. Okay. On April the 13th -- Well, actually, the
 4 allegations of this incident happened on April the 13th, and
 5 I'm not sure what day of the week that is, 'cause we're
 6 talking about -- You took her to his house one day, and
 7 then the next day you picked her up; is --
 8 A. Right.
 9 Q. -- that right?
 10 A. Right, she was supposed -- Kiki was supposed to
 11 be there.
 12 Q. And who -- is Kiki also a person known as
 13 Kirsten?
 14 A. Yes.
 15 Q. Okay, and how were the arrangements made for her
 16 to spend the night at his house?
 17 A. She had been wanting to spend the night over
 18 there for a while, okay. As far as Kirsten and Kyle went,
 19 Kyle being Ed's son, she loved to go over there. Whenever
 20 we went there, she had Nintendo over there. Kirsten was
 21 really good with her. She just seemed to love it there, and
 22 they'd been telling me, "You can bring her over, spend the
 23 night. You know, if you need a break, need a night off,
 24 whatever, bring her over."
 25 Q. Who told you that?

PAGE 18

1 A. Actually, I would refer to him as a close
 2 friend. I mean, we all got, you know, close. I thought he
 3 was something more than what he was. You know, he was a
 4 confidante. You know, we would talk about things, you know,
 5 how you would a friend, a best friend -- you know, you go
 6 dump on them when you're having a bad day or cry on their
 7 shoulder, you know. He was that kind of friend to me.
 8 Q. Okay. Was there ever any sexual relationship
 9 between you and Ed Nunley?
 10 A. No.
 11 Q. Never?
 12 A. No.
 13 Q. Did you ever tell him you loved him?
 14 A. No.
 15 Q. Did you ever ask him to be your boyfriend --
 16 A. No.
 17 Q. -- or talk to him about having a romantic
 18 relationship with him?
 19 A. No.
 20 Q. Okay. Did you ever ask him if he wanted to be
 21 your "fuck buddy"?
 22 A. No.
 23 Q. Never said that to him?
 24 A. No.
 25 Q. Okay. If he believes that, he's dreaming?

PAGE 20

1 A. All of them -- Kyle, Kirsten -- Kirsten and Ed.
 2 "You know, it'll be fine. She'll be fine." And I really
 3 felt comfortable with that. I truly did, you know, and a
 4 couple of times, I was going to take her over there to spend
 5 the night, and I didn't. And then finally that night, I
 6 did. And Kirsten was supposed to be the one there watching
 7 her. Kirsten and Kyle were both supposed -- supposed to be
 8 there, and then I guess it turned out -- from what Annie
 9 tells me, it turned out it wasn't like that at all. But it
 10 was a mutual arrangement with all of us, --
 11 Q. Okay, so --
 12 A. -- you know, that she wanted to go over and
 13 stay. And -- and she liked going over there so well that,
 14 you know, you don't think anything -- somebody --
 15 Q. So how did -- how did you make the arrangement
 16 for her to spend the night; did you call them or ...?
 17 A. He had -- like I said, they had been wanting her
 18 to come over. She'd been wanting to go over there. And,
 19 yeah, I think I did probably call, or they called me. Maybe
 20 Kiki called me. I can't remember exactly. But I do know I
 21 talked on the phone to somebody. I can't remember if it was
 22 Kiki or Kyle, and she'd been wanting to go, so I took her
 23 over there.
 24 Q. So you think you talked to either Kiki or Kyle?
 25 A. Yes, and then when I got there, Kiki wasn't

PAGE 21

1 there, and Ed said, "It'll be okay." She would be here in
2 about 15/20 minutes. She was supposed to be on her way from
3 Greenville. And I said, "Well, I guess me and Richard can
4 sit here and wait," and Annie's like, "No, Mommy, it's
5 okay." And I trusted Ed, you know, 15/20 minute time period
6 there, and I left her.

7 Q. What time do you think it was that you talked to
8 them on the phone?

9 A. Oh, gosh, --

10 Q. I mean -- I don't mean an exact time, but was it
11 like around noon, --

12 A. I think --

13 Q. -- middle of the afternoon?

14 A. -- I talked to him earlier that day, yeah.
15 Earlier that day. But I wasn't going to bring her over till
16 later that evening.

17 Q. Do you recall approximately what time it was you
18 brought her over?

19 A. Oh, goodness. Maybe 6:30 or 7:00, maybe. It
20 wasn't like real early in the day or anything. I remember
21 it being evening.

22 Q. Okay.

23 A. Maybe sometime after 5:00. That'd probably be
24 more accurate.

25 Q. Okay. I believe that the reports that I have

PAGE 23

1 A. Well, there, they had -- they don't go all day.
2 They have morning class and evening class. And I put her in
3 the evening class for a reason, because she is a late
4 sleeper, so usually she would sleep till 10:00/11:00
5 o'clock.

6 Q. So when you say evening, what time did she start
7 kindergarten class?

8 A. Seems like I had to have her there like at 1:00
9 o'clock maybe, quarter till 1:00.

10 Q. So it was afternoon class?

11 A. Yeah, yeah, it was the --

12 Q. And then --

13 A. -- evening class.

14 Q. -- and then did she get out the same time the
15 other kids --

16 A. Yeah.

17 Q. -- in school got out?

18 A. Yeah.

19 Q. So she'd be home from school 3:30/4:00 o'clock,
20 something --

21 A. 4:00 o'clock, yeah, around 4:00.

22 Q. Okay, and so everyday she liked to sleep in
23 until about 10:00/11:00 o'clock?

24 A. Yeah.

25 Q. All right, so on --

PAGE 22

1 received from the officers, from the time that you talked to
2 them initially, indicated that it was late at night, like
3 10:30 or so?

4 A. I don't think it was that late, but --

5 Q. Let's see ... (reviews documents) ... Well, I
6 don't know where I got the 10:30. I don't see it in the
7 report. But it was in the evening, anyway?

8 A. Yeah.

9 Q. Was it daylight or dark when you got there?

10 A. Maybe dusk, you know. Seems like it was
11 starting to get dark but not quite dark.

12 Q. Okay, and do you recall what day of the week it
13 was?

14 A. Seems like it was a Saturday --

15 Q. Okay.

16 A. -- if I remember correctly.

17 Q. Do you recall it being a school day or not a
18 school day?

19 A. Not a school day.

20 Q. Okay, so on a day that wasn't a school day, what
21 time did Annie normally get up in the morning?

22 A. She -- well, she went to evening kindergarten,
23 so --

24 Q. Oh, I hadn't heard of that. What's evening
25 kindergarten?

PAGE 24

1 A. And I've always worked third shift usually, so
2 that -- You know, it kind of fit me too where I could sleep
3 in. And when you work third shift, just -- I don't know,
4 especially when your kid's a baby when you're working third
5 shift, they tend to be on the schedule that the parents are
6 on, you know.

7 Q. Yeah, got their days and nights mixed up.

8 A. Right.

9 Q. Same as third-shift workers then?

10 A. Right.

11 Q. Okay, so on that day, you took her sometime
12 later on in the afternoon/evening, and she planned to spend
13 the night?

14 A. Uh-huh (affirmative).

15 Q. So did she take along a bag with any pajamas or
16 change of clothes, --

17 A. Uh-huh (affirmative).

18 Q. -- toothbrush, anything like that?

19 A. Yes.

20 Q. Okay, and nobody else was there when you got
21 there?

22 A. No, just Ed.

23 Q. What time did you pick her up the next day?

24 A. It was early, maybe around noon - noon/1:00
25 o'clock - seems like. It wasn't late.

PAGE 25

1 Q. When you got there, who was there?
 2 A. Ed.
 3 Q. Ed and Annie?
 4 A. And Annie.
 5 Q. And when you saw her -- Did you come into the
 6 house when you picked her up?
 7 A. Yes.
 8 Q. Did you go into the house when you dropped her
 9 off?
 10 A. Yes.
 11 Q. Okay, so when you went there to pick her up,
 12 what was Annie's reaction when she saw you?
 13 A. Just like always - "Mommy" -- You know, and
 14 then it was, "Oh, I don't want to go," you know, "I want to
 15 play this game. I want to do this and do that." I mean,
 16 nothing out of the ordinary.
 17 Q. So when you went in, she didn't appear to be
 18 upset or anything?
 19 A. No.
 20 Q. All right. So how long were you there before
 21 you left, do you recall?
 22 A. Maybe just five/ten minutes, long enough to get
 23 her, and then he told me that Kiki never came home.
 24 No, first, I got Kiki did come home, and then
 25 later in the night left. And then later, from Annie I got,

PAGE 26

1 Kiki never came home, if I remember correctly. It may have
 2 been the opposite of what I got, but it seems like I got two
 3 different stories on that.
 4 Q. Okay.
 5 A. But she was fine, everything was fine. It was
 6 all good. She's had a good time. And like I said, she
 7 wasn't acting out of the ordinary either.
 8 Q. So was Richard with you when you dropped her
 9 off?
 10 A. Yes.
 11 Q. And was he with you when you came back?
 12 A. Yes.
 13 Q. Okay, so you were there about five minutes and
 14 then took her and left?
 15 A. Yeah.
 16 Q. Okay, and what hap -- what did you do or what
 17 happened after you left?
 18 A. After we left, we got -- I'm going to say
 19 towards Voyles Road in Greenville to go back to Pekin where
 20 I was living, and that's when she said, "Mommy, I have a
 21 secret." And I said, "You have a secret?" She said, "Yes,
 22 me and Ed have a secret."
 23 Well, automatically that piqued my interest,
 24 but, at the same time, I was saying, "Oh, no, it couldn't be
 25 anything," you know, you have denial or whatever. And I

PAGE 27

1 said, "Well, why don't you tell me your secret?" "No, I
 2 can't tell you." So I said, "Oh, that's okay. I know your
 3 secret anyway. I don't want to know. You don't have to
 4 tell me. I already know." I'm trying to play the reverse
 5 psychology on her.
 6 Q. Mmh-hmm.
 7 A. And she gets quiet and waits a few minutes, and
 8 I'm kind of watching her reaction in the rearview mirror.
 9 And she said, "I'll tell you the secret," and I said, "Oh,
 10 no, don't tell me. I already know." I said, "Mommies know
 11 everything." And of course, it's killing her at that point
 12 to say something. And she's like, "Well, I want to tell
 13 you, but I can't," and then that's when she started coming
 14 off with "I can't" and "I don't know how." That's when I
 15 really started thinking bad things. But at the same time, I
 16 was thinking, "There's no way this could happen." And she
 17 said, "Mommy, I'll write it down on a piece of paper," and I
 18 said, "Okay, that'll work." And I had Richard get a pen and
 19 piece of paper and hand to her, and that's when she wrote
 20 down just a couple things and handed me the piece of paper.
 21 Q. Who was driving the car?
 22 A. I was driving.
 23 Q. Okay, so Richard was the passenger, --
 24 A. Yes.
 25 Q. -- and he handed her the paper and pen?

PAGE 28

1 A. Yes.
 2 Q. What did she write on the paper?
 3 A. She wrote down that he had her play with his
 4 "wheatie-bob."
 5 Q. She calls the penis a "weenie-bob?"
 6 A. Yes.
 7 Q. Okay, and anything else?
 8 A. And something to the extent of he sucked my pee-
 9 pee, and I turned that over to the state police. They do
 10 have that - the note that she wrote.
 11 Q. So approximately how long was the drive from
 12 leaving his house to the point in time where she told you
 13 what had happened?
 14 A. Maybe 15 minutes, 20 minutes.
 15 Q. Okay, and after she told you what happened, what
 16 did you do then?
 17 A. I drove for a little bit because it had to sink
 18 in, what I was being told. And I turned around, and I went
 19 back to his house.
 20 Q. Okay, and when you got there, what did you do?
 21 A. I took a baseball bat, and I beat his motorcycle
 22 up, trying to get him to come out of the house. He would
 23 not come out of the house. And I beat his motorcycle up,
 24 and he would not come out of the house, so I started beating
 25 his truck up, and he still wouldn't come out of the house,

SHEET 8 PAGE 29

1 and I know he heard it. He was in a trailer, and the
2 motorcycle was less than five feet away from his trailer
3 window, and you're going to hear that.

4 Q. Sure.

5 A. And he still wouldn't come out of the house, so
6 I walked up to the door. The whole time I'm doing this, I'm
7 screaming at him to come out of the house.

8 Q. So where was Annie while this was going on?

9 A. She was down at the end of the driveway in the
10 car with her dad.

11 Q. Okay. Was the car parked in such a way that she
12 could or could not see what you were doing?

13 A. I don't think she could have seen it, because I
14 specifically told Richard to park down at the end of the
15 driveway, but she may have seen it. And she asked me what I
16 did, and I told her.

17 Q. Okay. So you were yelling at him, and I'm
18 assuming that it was a -- in not a quiet voice?

19 A. No, it was not.

20 Q. So he had to be able to hear you from inside?

21 A. Yeah, I know for a fact he heard me.

22 Q. Did he eventually come out?

23 A. After I started beating the trailer with the
24 baseball bat.

25 Q. And what happened after he came out?

PAGE 31

1 Washington County -- Well, you went there because you lived
2 in Pekin, right?

3 A. Yeah, and not only that, when I went there, I
4 knew I would have to ask for a state cop because the
5 incident happened in Harrison, but we lived in Washington.
6 So when I got there, I told them the situation. I
7 automatically asked for the state police. I was hoping to
8 simplify, you know, without having to go through the county,
9 then the state and then ...

10 Q. And so did -- did a state trooper come in and
11 talk to you?

12 A. Yes.

13 Q. Was that a trooper named Kevin Bowling?

14 A. I can't remember his name. Honestly, I cannot.

15 Q. Okay, and this would have been the morning or
16 the afternoon of the day that you first learned about this
17 incident?

18 A. Yes.

19 Q. Okay, so did he talk to you and Annie?

20 A. Yes.

21 Q. Did he talk to you together or separately?

22 A. He talked to us together, and then for a few
23 minutes separately. But I -- I try -- I wanted her to talk
24 to him alone, because I -- I -- I don't -- I don't want any
25 misconceptions here that I'm swaying her in any way.

PAGE 30

1 A. He said, "What are you doing? You're crazy.
2 What's wrong with you?" And I told him what was wrong with
3 me. I said, "You molested my daughter. That's what's wrong
4 with me. And if it -- if -- if my daughter wouldn't have
5 told me what she told me, I would have believed him when he
6 was denying it. That is how good he is.

7 Q. So did he tell you that he was going to call the
8 police, and that you were --

9 A. Yeah.

10 Q. -- going to jail?

11 A. Yeah, he told me that.

12 Q. And it was --

13 A. So I waited at the end of the driveway for the
14 police for 20 minutes, and they never showed up. I said,
15 "That's fine, Ed. You can call the police." I said, "You
16 told me that I was one of your best friends." I said, "We
17 can do time together, because you're going to go to jail too
18 for molesting my daughter." And then when I left, I waited
19 at the end of that road, on the highway.

20 I know for a fact that response time -- Mike
21 Keys (ph) can be from Corydon to Palmyra in less than nine
22 minutes. I waited 20 minutes for the cops to come, and they
23 never showed up. And then that's when I left and went to
24 Washington County Police Department.

25 Q. Okay. When you got to the police department in

PAGE 32

1 Because I'm going to tell you right now, this is the most
2 horrible thing that she can be going --

3 I mean -- I'm sorry, I'll just put all that to
4 the side.

5 But I wanted her to be able to talk to him by
6 herself. That way, there would be no -- you know what I'm
7 saying, that I was trying to sway her or that it was -- You
8 know, 'cause I want what she's telling you to be what --

9 Q. What happened --

10 A. Yeah.

11 Q. -- and not what you told her?

12 A. I don't want her -- I don't want -- Yeah.

13 But I think, at the time, maybe she was too
14 upset and needed me or her dad there. But at the same time,
15 while I was in there with her, I didn't put any words. I
16 wanted to make sure that the trooper knew, too, that it was
17 all coming from her. You know, I didn't want it to seem
18 like I was swaying her or putting words in her mouth or --
19 You know, I wanted it to be in her words.

20 Q. Okay. So when you were talking to the police
21 officer, I -- I'm presuming that he asked you a bunch of
22 questions --

23 A. Uh-huh (affirmative).

24 Q. -- about what happened?

25 A. Right.

SHEET 9 PAGE 33

1 Q. Okay, and --
 2 A. About the same -- pretty much the same questions
 3 you've asked me.
 4 Q. Okay, and did you give him the envelope that
 5 she'd written on or --
 6 A. Yes.
 7 Q. -- the paper?
 8 A. Yes.
 9 Q. Was it an envelope or just a sheet of paper?
 10 A. I think it was maybe a piece of a torn-off
 11 envelope is what it was, 'cause we were in the car, you
 12 know.
 13 Q. Do you recall approximately how big it was; was
 14 it like the size of --
 15 A. It was -- it wasn't a full-size sheet. It was
 16 like tear off (indicating).
 17 Q. Like part of a --
 18 A. Yeah.
 19 Q. -- part of an envelope?
 20 A. Yeah.
 21 Q. Okay, so could you read what she had written on
 22 it?
 23 A. Yeah, I could read it plain as day.
 24 Q. But she's in kindergarten.
 25 A. Yeah, but my daughter is very smart. And they

PAGE 35

1 A. At the new one over here, yes.
 2 Q. Like a whole year after this incident happened?
 3 A. Right.
 4 Q. Why was there such a lengthy delay in taking her
 5 to Comfort House?
 6 A. I had had an appointment at the Comfort House in
 7 Milltown and missed it due to car problems and had contacted
 8 Ray Saylor at the time, who was I guess over Comfort House
 9 at the time. And he was supposed to get back with me on a
 10 new date, and we kept -- we were missing each other and --
 11 'Cause I called him several times too to try to get the new
 12 date. And finally it all come together then when the
 13 Comfort House was moved and --
 14 And to be honest with you, after we missed that
 15 appointment, I had apprehension about even going forward
 16 with it, because of the fact that she's having to come in
 17 here and do this over and over and over when really we just
 18 want to get on with it and put it behind us, you know.
 19 Q. So how many people has she talked to that she
 20 has told what happened to her?
 21 A. Me, the state trooper, and the group at the
 22 Comfort House, and I would say that's it.
 23 Q. Okay, so she's --
 24 A. Unless she has friends that she confides in that
 25 I don't know about, you know, maybe friends her age. Kids

PAGE 34

1 -- It was misspelled, of course. It was misspelled.
 2 Q. And she's in the second grade now?
 3 A. Yes.
 4 Q. She still has a little bit of problems with
 5 spelling?
 6 A. No, we never study a spelling word one, and she
 7 does her test every week.
 8 Q. Okay, okay. So, did the police officer ask you
 9 to take her in for a physical examination or --
 10 A. No, he did not, because there was no
 11 penetration, because I asked him that, and there was no
 12 penetration.
 13 Q. Okay, and was this matter referred to Protective
 14 Services in Harrison County?
 15 A. Yes.
 16 Q. And what action did they take?
 17 A. I think his name was Brian -- was who initially
 18 had her case. And he pretty much stepped in and kind of
 19 helped us through the steps, you know, of what to do, what
 20 to do next, just things like that.
 21 Q. Okay, and did they ask you at some point in time
 22 to go for an interview at Comfort House?
 23 A. Yes.
 24 Q. And that took place in April of 2008; is that
 25 right?

PAGE 36

1 her age are starting to -- you know, ...
 2 Q. But formally, you know, --
 3 A. Formally, that would be all.
 4 Q. -- as far as the investigation?
 5 A. Yeah.
 6 Q. She talked to the police officer the day
 7 after --
 8 A. Yeah, and as she was talking to the state
 9 trooper that day, that was my first time hearing the whole
 10 story too, because, you have to think, I found out what
 11 happened. I went to his house to try to confront him with
 12 it. And then from there we went straight to the police
 13 department. So as she was telling the state trooper what
 14 happened, I was also hearing all this for this first time.
 15 Q. Kind of a shock --
 16 A. Yeah, --
 17 Q. -- to a mom --
 18 A. -- it was a big shock. Because I swear to god,
 19 when I dropped her off that -- that day before that, she was
 20 innocent. She did not know some of the things -- she did
 21 not know it. No, I'm not a perfect parent, but I know she
 22 was innocent.
 23 MS. WHEATLEY: Can we go off the record for
 24 a second?
 25 BY MS. SCHULTZ: Sure.

SHEET 10 PAGE 37

(Whereupon, a brief recess was taken at 10:54 a.m., and the proceedings resumed at 10:57 a.m.)

BY MS. SCHULTZ: (Resuming)

Q. Okay, so when you talked to the police officer that day, do you believe that the information that you provided to him on that day was accurate to the best of your knowledge?

A. Yes.

Q. Okay, so that would have been in April of 2007 when you talked to him?

A. Right.

Q. Okay, and if you told the officer on that day that she didn't take a change of clothes or anything with her, would that have been accurate?

A. It may have been.

Q. Okay.

A. But I could have sworn I sent a sack of clothes, because I had a sack of clothes where she had changed. And for some reason -- I don't know if I didn't think about it in the interview -- but I remember I brought it up to Ray Saylor because I saved the clothes for a long time. And Ray Saylor told me that the clothes could not help them because I had them in a Jay-C sack, and he said that that would deteriorate any kind of DNA or evidence that was on the

PAGE 39

1 But, for the most part, no, she doesn't just,
2 out of the blue, bring it up. There's been a time or two,
3 you know, when she'll -- she'll say, "You remember what Ed
4 Nunley did?" or, you know, things like that. But, no, for
5 the most part, it's not a general topic of conversation.

6 Q. Does -- is Richard Caves aware of what --

7 A. Yes.

8 Q. -- is alleged to've happened to her?

9 A. Yes.

10 Q. Okay, and does he get involved in talking with
11 her about it?

12 A. Yes, if she --

13 Q. When she brings it up?

14 A. Yeah, but, there again, even now that she's
15 living with him -- she's only been living with him a couple
16 of weeks -- but I don't think it's a big topic of, you know,
17 discussion with them.

18 Q. Okay. So when she went to live with him, did
19 she have to switch schools?

20 A. Yes.

21 Q. So she's going to Salem to school now --

22 A. Yes.

23 Q. -- and was going to North Harrison before?

24 A. Yes.

25 Q. All right. So Annie is going to see a counselor

PAGE 38

1 clothing. That, in cases like this, the clothing has to be
2 put in a brown paper sack, so that -- so the --

3 Q. Okay.

4 A. -- evidence doesn't deteriorate.

5 Q. Did not know that. We learn something --

6 A. Yeah.

7 Q. -- every day, don't we? Okay.

8 So after you talked to the state trooper that
9 day and you left, did you do anything with Annie to help her
10 get over this trauma in her life?

11 A. We went back home, and it just had to sink in,
12 you know.

13 Q. Did she --

14 A. I mean, I talked to her. I've always let her
15 know that -- not to be scared to talk about it to me, that
16 it's okay to bring it up if she needs to.

17 Q. Has she talked to you about what happened or --

18 A. She has a couple times. She never goes into
19 great detail or length, but there's been a time or two. For
20 the most part, she doesn't -- she doesn't really bring it
21 up. When something like this is coming up, of course, her
22 dad or I have to talk to her to let her know, "Hey, this is
23 what's going to happen," and, you know, "It's time to be
24 big, be tough," you know, "Do what you have to do. Tell the
25 truth."

PAGE 40

1 today -- or, I mean, at this time?

2 A. I had her in counseling over at LifeSpring's.
3 Now, I think Richard is in the process of having everything
4 changed over with -- Because everything's in Salem, and,
5 you know, he's got to get her Medicaid switched over and
6 just everything's still -- 'Cause, like I said, she's only
7 been there a couple of weeks.

8 Q. Okay. Was she going to the counselor here up to
9 the point in time when she moved to Richard's house?

10 A. She -- her last counseling appointment was about
11 three months ago, and that was due to they switched her --
12 Her counselor quit.

13 This has been weird. Because the first CPS guy
14 that took on her case, he just quit, and she got a new case
15 worker for this. And then they put in coun -- we put her in
16 counseling, and she was just getting warmed up to her
17 counselor, and that counselor no longer works there. So
18 they had to assign her to a new counselor. And whenever --

19 Q. Do you remember the name of the person that quit
20 at the counselor's?

21 A. That quit?

22 Q. Uh-huh (affirmative).

23 A. It was a man. That's all I remember.

24 Q. Okay.

25 A. And it was a man that quit at the CP -- You

PAGE 41

1 know, I told the new CPS lady, I said, "Whoever they assign
2 her to her new counselor, I hope it's a woman that's been
3 there 20 years and doesn't have any plans on just up and
4 quitting or no longer being employed."

5 But, no, I don't. Whenever they told me -- She
6 -- she had a counseling appointment with her counselor, and
7 what it was, they had called my phone and left a voice mail
8 saying this counselor has quit, and that was only like her
9 second counseling session, and this counselor has -- maybe
10 third. I was just getting -- I was just starting to get
11 know him. You know, Annie -- They did it through play
12 therapy.

13 Q. Mmh-hmm.

14 A. So to her, it was just going for a play session
15 pretty much, but --

16 Q. So why did she start going to counseling?

17 A. Because of this.

18 Q. Was it a CPS recommendation that she go?

19 A. Yeah, but I had already had her put in before
20 they actually recommended it --

21 Q. So how many counseling sessions did she have?

22 A. Maybe three.

23 Q. And when did you start -- when was the first
24 one?

25 A. It's been about three months since she's been,

PAGE 43

1 A. I put her in because of the abuse.

2 Q. After this happened, what kind of behavior
3 changes did you notice in her?

4 A. Well, in the past year, I've noticed that she's
5 gotten really aggressive.

6 Q. In what way?

7 A. Smart-alecky and, "No, you won't make me do
8 that, and I won't do that." You know, just outbursts.

9 Q. Mmh-hmm. Before this happened, how was she
10 doing in school?

11 A. Not even really the past year, maybe the past
12 six months, before I put her in counseling.

13 Q. Okay.

14 A. She always -- she's always done okay in school.
15 She's never had any problems in school.

16 Q. Any behavior problems in school?

17 A. No, I mean, other than the normal check for
18 talking too much or -- but -- And she's always made good
19 grades.

20 Q. Okay. She seems to be a pretty outgoing kid.

21 A. She's pretty bright. I mean, like I said, zoom
22 through her homework like it's nothing, don't even practice
23 spelling words and make 100 percent on every test. And
24 she's really bright, and, you know, just -- Schoolwork
25 comes easy to her.

PAGE 42

1 so ... March, maybe.

2 Q. Of this year?

3 A. Yeah.

4 Q. So it was almost a year --

5 A. If I remember --

6 Q. -- after --

7 A. -- correctly, she had a counseling session
8 before she did her interview at the Comfort House, if I
9 remember right. She'd already been to counseling before her
10 interview at the Comfort, if I remember correctly.

11 Q. So do they do counseling with her individually
12 or with you there?

13 A. Individually.

14 Q. And do they also talk to you?

15 A. Yeah.

16 Q. Do they give you updates on what's going on?

17 A. They would if it -- If she would've stayed with
18 that counselor long term, there would eventually -- Any --
19 and anytime I had a problem or wanted to talk to them, they
20 let me know that it was, you know, open to come in. And how
21 -- when they did it like that, though, they would have one
22 counselor with her and another one with me.

23 Q. So do you know the subject matter that they were
24 dealing with her; I mean, what were they talking to her
25 about, do you know?

PAGE 44

1 Q. Had you ever left her overnight with other
2 people before this?

3 A. Yes, like my mom, her aunts - you know, her
4 dad's sisters.

5 Q. Had you left her with non-family members
6 overnight?

7 A. Yes, she's had -- she had a couple of friends
8 that she spent the night with on occasion every now and --
9 But, I mean, it was few and far between. For the most part,
10 she didn't spend the night with people a whole lot. I mean,
11 for the most part, she was with me or Richard, you know.

12 Q. So that night that you dropped her off at Ed's
13 house, you were with Richard?

14 A. Uh-huh (affirmative).

15 Q. What were the two of you doing?

16 A. Nothing really. She just wanted to -- she'd
17 been wanting to spend the night, and they were glad to have
18 her, and it wasn't no ...

19 Q. Where -- what did you do that night?

20 A. Went back home.

21 Q. Okay, and the next day, when you showed up at
22 his house sometime around noon, did you tell Ed what you'd
23 done the night before?

24 A. No, I don't think so. He may've asked, and I
25 probably told him, "Nothing, we went back home."

SHEET 12 PAGE 45

1 Q. Okay. So on the -- the day that you dropped him
2 off -- or dropped her off, did you tell Ed that you had
3 taken a bunch of Xanax that day?

4 A. No, because I didn't take Xanax.

5 Q. Never took it?

6 A. No, not before that happened. After that
7 happened, yeah. I would take nerve pills on occasion after
8 it happened. But before that, no, I never took a Xanax.
9 Never took any pill other than what was, you know,
10 prescribed to me by a doctor.

11 Q. And on the day that you picked her up, did you
12 tell Ed that you had gone out the night before and gotten
13 high on meth?

14 A. No, I did not.

15 Q. Did you ever mentioned to him that you used
16 meth?

17 A. No.

18 Q. Did you ever tell him that you worked sex shows?

19 A. I did work at Theatair-X.

20 Q. Was that like a stripper-type, peep-show thing?

21 A. Peep show, yes.

22 Q. Okay.

23 A. And he knew I worked there. Most of my friends
24 knew I worked there.

25 Q. Okay. Did you ever tell him you were bisexual?

PAGE 47

1 know. We grew up together. Her older sister and I were
2 pretty much inseparable there for a period of maybe four
3 years through our childhood and middle school years.

4 Q. Where did you guys grow up, what town?

5 A. I knew them from when I went to school at North
6 Harrison, but I -- Even after I moved and went to West
7 Washington, I still kept ties with them, you know; 'cause,
8 even though I went to West Washington, I just lived in
9 Palmyra, and they lived in Central Barren.

10 Q. Oh, so it's pretty close?

11 A. Yeah, so -- And, you know, like I said, they
12 were -- her older sister and I were inseparable, you know.
13 And I spent a lot of weekends at her house, a lot of
14 weekends growing up.

15 Q. Did you ever ask Ed if you could move into his
16 house?

17 A. No, he -- As a matter of fact, he told me, if I
18 needed a place to go to get on my feet, that -- he told me
19 that Annie and I could move in with him. He offered that to
20 me at one point, and I turned it down.

21 Q. Okay. Now I believe you told me -- you know,
22 sometimes my memory fails me a little bit -- but I believe
23 you told me that, when you dropped Annie off, Ed was the
24 only one there; and when you got back, Ed was the only one
25 there?

PAGE 46

1 A. No.

2 Q. Had you ever talked to him about the people that
3 you have a sexual relationship with?

4 A. No.

5 Q. So, he was, as you described him, your
6 confidante?

7 A. Right.

8 Q. But you did not confide in him about your --

9 A. I wasn't having a sexual relationship with
10 anybody at that time. He did know about where I worked.

11 Q. Okay, and how long did you work there?

12 A. Couple weeks. Couldn't do it.

13 Q. Now you said earlier that Michelle was a friend
14 of yours?

15 A. Yeah, I grew up --

16 Q. How long --

17 A. -- with her.

18 Q. -- have you known her?

19 A. Oh, since I was a kid, since I was about 11/12.

20 Q. And at the time this happened, you considered
21 yourself a friend of Michelle's?

22 A. Yes.

23 Q. Did she consider herself a friend of yours if
24 you know?

25 A. I thought of -- I thought, yeah, as far as I

PAGE 48

1 A. Yes.

2 Q. And did Annie ever tell you that anybody else
3 was there at the house that night?

4 A. If my memory is right, Kiki and Kyle I believe
5 showed -- did come there. They did come there. That's
6 where they lived. They were there at some point.

7 Q. I thought you told me earlier that Annie said
8 they were never there?

9 A. I said -- No, that's not what I said. I said I
10 either got it vice-versa, okay. I can't remember if Annie
11 told me they did come there or if Annie told me they didn't.
12 Ed told me one thing, and Annie told me another.

13 Q. All right. So did Annie talk to you about what
14 she had done that night at Ed's house other than the bad
15 stuff - the sex thing; did she tell you what other
16 activities --

17 A. Well, when I first picked her up, you know, I
18 was like, "Did you have a good time?" "Yeah, we played the
19 Gameboy, watching movies." They have cartoon movies, things
20 like that. So, yeah, I mean, she didn't go into a whole lot
21 of details but just typical kid. "You know, I got this far
22 on the game and" ...

23 Q. Did she talk to you about taking a bath there?

24 A. No, whenever I picked her up, that's when -- I
25 believe -- I believe, when I picked her up, Ed said, "She

SHEET 13 PAGE 49

1 had a bath and everything."

2 Q. Okay.

3 A. But I don't believe she told me that. I -- if I
4 remember right, he told me that.

5 Q. When you went back to his house and started
6 beating on his truck and his motorcycle, I think you said
7 you used a bat to do that?

8 A. Yeah, I did.

9 Q. Where did you get the bat?

10 A. It was just a bat that I had. A lot of people
11 have baseball bats.

12 Q. Did you carry it in your car?

13 A. Yeah, a metal baseball bat, yeah. Not because I
14 go around doing that, but it just happened to be in there.
15 I think it was in my trunk.

16 Q. So you stopped and got it out of the trunk,
17 and --

18 A. Yeah.

19 Q. -- you went up the house and --

20 A. Yeah.

21 Q. -- proceeded to take out your revenge?

22 A. Well, I was going to -- Yeah, it just didn't
23 work out as well as I planned.

24 Q. Did you hope to be able to hurt him?

25 A. Yeah, I did. I'm not going to lie. I did.

PAGE 51

1 Q. Okay. And where is Theatair-X?

2 A. It's in Clarksville. And you can check on that,
3 but there won't be any record because we're considered
4 subcontractors.

5 Q. So, you were never on the payroll, right?

6 A. Right, I was on my own payroll. Like, the guy
7 that owned the place got a percentage of what -- of money
8 they put in. The rest of the money went to me.

9 Q. Okay.

10 A. Subcontractor meaning self-employed somewhat, so
11 to speak.

12 Q. So was there a set price that they --

13 A. It was basically --

14 Q. -- had to pay?

15 A. I was giving Josh the money to rent his booth.
16 You see what I'm saying?

17 Q. Mmh-hmm.

18 A. I was just saying, "Can I rent your booth to
19 work here?" basically, is how it's set up there.

20 Q. So was there a set price that the customers had
21 to pay to see you?

22 A. It just -- yeah, it just depends.

23 Q. Okay, and this was strictly a hands-off, --

24 A. It was hands off, --

25 Q. -- look and see --

PAGE 50

1 Q. So when he eventually came out of the house, did
2 you try to swing at him?

3 A. Yes, I did.

4 Q. What happened?

5 A. He wouldn't ever get close enough for me to make
6 contact with him.

7 Q. Okay.

8 A. He made sure he didn't come within swinging
9 range, and I -- When I would try to go forward to go after
10 him, he ran away. He would literally run.

11 Q. You probably would too if somebody's after you
12 with a bat, right?

13 A. Yeah.

14 Q. Okay. So at that point in your life, how were
15 you supporting yourself?

16 A. Well, I worked at Theatair-X at that time. But
17 when this happened, I quit.

18 Q. So you were working at Theatair-X at the time
19 that this happened?

20 A. Uh-huh (affirmative).

21 Q. What hours did you work there?

22 A. I worked nights, like three nights a week.

23 Q. Okay, so on this particular night, you were not
24 scheduled to work?

25 A. No.

PAGE 52

1 A. -- behind a glass. They can't touch you. If I
2 felt weird, I could have security come and take them away.

3 Q. Okay.

4 MS. SCHULTZ: I think that's all the
5 questions I have.

6 MS. WHEATLEY: I have just a couple.

7 CROSS-EXAMINATION

8 BY MS. WHEATLEY:

9 Q. Richard came with you to pick Annie up the next
10 day?

11 A. Yes.

12 Q. And did he -- Then -- once Annie had wrote down
13 what happened, then did you leave the car at the end of the
14 driveway?

15 A. Well, when she -- when she handed me the piece
16 of paper, I couldn't even tell him. That's how -- You ever
17 been hit in the chest really hard, and it takes your breath?
18 That's how I felt when I seen what was on the paper. So I
19 remember I had on a T-shirt with a pocket, and I remember
20 stuffing it down in my pocket and just driving. Because
21 it's like I had to let it sink in for a second, you know.
22 And Richard kept saying, "What's wrong?" and I couldn't even
23 answer him. 'Cause it's like I had to get my own thoughts
24 together on it before I could take it that next step and let
25 him see it, you know.

SHEET 14 PAGE 53

1 Q. Did he ever see it?

2 A. Yeah, I turned -- I drove for a few minutes,
3 then I turned the car around. And he still was oblivious to
4 what the situation was and -- because I just couldn't talk
5 at that time. And finally I handed him the paper, and he
6 looked at me, and I'm sure he was just as enraged as I was.
7 I think I was just maybe even more -- Well, I am the more
8 aggressive out of the two of us. It's always been that way
9 and --

10 Q. And Ed was your friend?

11 A. Yeah, so I was -- so not only did he do the
12 worst thing in the world, it was somebody that I trusted,
13 too; so it was like a double-whammy, you know, somebody that
14 I trusted.

15 Q. So you turned the car around and then what?

16 A. And I drove for a few minutes. And then, when I
17 gave him the piece of paper, you know, he said, "Well, what
18 are you doing?" I said, "I'm going to go back, and I'm
19 going to kill him, and there's no talking me out of it."
20 And Richard knows me. Richard and I have known each other
21 since we were 13/14 years old. And something like that --
22 You know, I think he knew --

23 Q. So you get to the house --

24 A. -- that I just had to do what I had to do.

25 Q. So you get to the house and then what happened;

PAGE 55

1 enough; she knew what was about to happen without me saying,
2 I'm sure. And after it was all over with, she asked me what
3 happened, and I told her. And not only that, at the very --
4 I remember at the very tail end of it, right before --
5 because I -- I literally stayed there and tried to swing on
6 him till I was at the point of exhaustion, you know, and --
7 because I just felt like I had to. I had rage.

8 Q. How long do you think you were there?

9 A. Probably a good 10/15 minutes, and that doesn't
10 sound like a long time, but it is when -- It's -- I don't
11 know. It -- it's a lot longer than what you think it is.
12 You know, at least 10 minutes, because I was there long
13 enough to pretty much obliterate his motorcycle. You know,
14 and that didn't happen in one swing.

15 Q. You stated that Annie's smart. I think we'll
16 agree with that, in the room, --

17 A. Yeah.

18 Q. -- that she is very smart. And you said that
19 she does very well on her spelling tests?

20 A. Yes.

21 Q. The words that she put on that envelope that
22 day, would those happen to be words that she would have on a
23 spelling test?

24 A. Wheatie-bob, no. No, and, like I said, they
25 were -- I remember it was misspelled and -- But I knew what

PAGE 54

1 did you park at the end of the driveway?

2 A. Yes, at the end of the driveway, and I told
3 Richard to go ahead and get in the driver's side beside I
4 didn't know what would happen from Ed's end. I didn't know
5 if he had a gun and would try to shoot me or what. You
6 know, that -- in case that happened, I wanted to be able to
7 leave quickly. I didn't want to get killed in the process
8 of it, you know. But I had this overwhelming urge to
9 confront him --

10 Q. Okay.

11 A. -- and to do something about it. It's initial
12 reaction.

13 Q. How far do you think it is from where your car
14 was to Ed's trailer?

15 A. Oh, I'm not good with that.

16 Q. Football field?

17 A. No, not that far. Maybe a quarter of a football
18 field, but it was kind of -- Like, his driveway kind of
19 went up, you know, on a -- like a -- like a little bit of a
20 hill. And whenever I parked the car, I didn't park it right
21 in front of the driveway. I parked it back, kind of by the
22 woods line, you know. That way, there wasn't a direct view
23 right up to what was going on.

24 Q. Because you didn't want Annie to see?

25 A. Right, I didn't want her to see. Annie's smart

PAGE 56

1 she was trying to spell.

2 Q. And -- so, if she tried to spell those words
3 today, you think she'd be able to do it?

4 A. Correctly, wheatie-bob?

5 Q. Uh-huh (affirmative).

6 A. No, I would hope not, but she can -- she can
7 spell and read words that I don't think she should be able
8 to, you know. And I'm not just meaning like deviate words
9 like that. I mean, words like "confide" and -- you know,
10 long words that it amazes me sometimes, but I was the same
11 way, you know, in spelling. When I was in fourth grade, I
12 took out fourth, fifth, sixth, seventh and eighth grade in
13 the spelling bee, you know, and -- just like it was nothing.
14 Just comes natural to her.

15 MS. WHEATLEY: I don't have any questions.

16 MS. SCHULTZ: I've got a couple of follow-

17 ups.

18 REDIRECT EXAMINATION

19 BY MS. SCHULTZ:

20 Q. Do you think that Annie is normally an honest
21 kid?

22 A. For the most part. I do think sometimes, if she
23 feels cornered or feels like she's gonna be in trouble, that
24 she will lie. We've -- we've had discussion about that. I
25 want her to know that right is right and wrong is wrong.

SHEET 15 PAGE 57

1 Like with the Foreman case, she did lie about
2 that, and she told me she lied, so I brought her up here to
3 tell the truth. And before I talked to the dep -- one of
4 the other deputy prosecutors I guess -- she said, "Are you
5 sure you want to bring her forward with this, you know, with
6 the Nunley case coming up?" And I said, "Yes, I do want to
7 bring her forward 'cause I want her to know -- I want her to
8 know that you can't lie" especially about things of that
9 nature.

10 You know, I want her -- Right is right, wrong
11 is wrong. Not that everything in the world is black and
12 white, but I want her to know the difference, and I want her
13 to know the difference and I want her to know that a lie,
14 like a major lie, can have consequences for everybody
15 involved. I try to teach her.

16 You know, like I said, I'm not a perfect parent,
17 but I try to teach her right from wrong. And, yeah, I do
18 think that, cornered -- or I know -- cornered or if she
19 thinks she's going to get in trouble, she's gonna lie.

20 Q. Did you talk to her specifically about what was
21 going to happen here today before she came in?

22 A. Yes, --

23 Q. What did --

24 A. -- I did.

25 Q. -- what did you tell her?

PAGE 59

1 Q. -- you probably are helping --

2 A. This is not her -- something we just -- you
3 know --

4 Q. So what has Richard's reaction to all this stuff
5 been?

6 A. He's been really somber about the whole thing.
7 There's been a couple times he's vented to me with outrage.
8 He's -- he ran into Ed a time or two and -- between the time
9 it happened and the time of the arrest. He had a run-in or
10 two with him like in Wal-Mart parking lot or at, you know,
11 Jay-C Store.

12 And I believe there was one incident where he
13 ran into Ed and Michelle together, and he got out of the car
14 and started walking towards Ed's car, and Ed locked the
15 doors and called the cops on him. And the cops got there,
16 and Richard said, "Look, this is what he did," and the cop
17 said, "Well, then you need to do something about it,
18 legally." And Richard said, "We have, and it's been over
19 six months. You know, how much of this" -- And I guess the
20 cops asked Richard to leave, and Richard said, "Why should I
21 have to leave? You know, he molested my daughter." And I
22 guess it ended up, they made them both leave, you know.

23 Q. So you think any of the delay in the processing
24 of criminal charges against Ed was because of your conduct
25 or lack of action with --

PAGE 58

1 A. I just told her that she would be talking to a
2 lady named Susan, and that you were going to ask her
3 questions about what happened. I told her to tell the truth
4 and be a big girl. And she was asking me if I would be
5 allowed in here with her. I told her I wasn't sure but
6 probably not. I told her it would be similar to what
7 happened at the Comfort House.

8 Q. Okay, and so you told her to be honest?

9 A. Yes.

10 Q. Did you guys talk about any details of --

11 A. No.

12 Q. -- the allegations?

13 A. No.

14 Q. Okay. At any point in time in any of this
15 scenario, from the first day one until today, have you ever
16 reminded her of what she said happened previously?

17 A. No, No, I don't, and I won't. Because if she's
18 ready to forget about it and put it behind her, then that's
19 the way it should be.

20 Q. Okay.

21 A. Why salt somebody's wounds, --

22 Q. Oh, yeah, I think --

23 A. -- so to speak.

24 Q. If you can kind of put it in the background, --

25 A. Right.

PAGE 60

1 A. No, I don't, because there was -- I think the
2 delay is -- And one of the officers told me this. The
3 delay on his arrest was due to the fact -- evidence, and
4 that when they did finally did get a -- get a warrant for
5 him, that they were going to make sure it was a solid
6 warrant. They weren't going to go after him with, you know,
7 hearsay, piddly things, and that's what I believe.

8 At first, I did -- I wasn't sure what the delay
9 was at first. There's a lot of different emotions,
10 especially when you're passing them on the road, and they're
11 waving at you. It's like he was -- he -- He might as well
12 be a kid saying, "Na, na-na, na, na, I'm getting -- You
13 know, look what I did, and I'm getting away with it."
14 That's how I felt. I felt like he was rubbing it in my
15 face.

16 Q. Goading you or something?

17 A. Yeah, that's exactly how I felt. But, you know,
18 I talked to a couple of different officers, and that's what
19 they told me. In a case like this, especially where there's
20 more than one allegation, more than one child, it takes
21 time. And when they finally do get a warrant, it'll be a
22 solid warrant. That's what --

23 Q. Was there ever a --

24 A. -- I was led to believe.

25 Q. -- was there ever a CPS case opened on this

SHEET 16 PAGE 61

1 where you went to court?

2 A. His name was Brian Glover, yeah.

3 Q. But did you -- did they ever take you into court
4 on it, --

5 A. Take me into court on it? No.

6 Q. -- as a result of this incident?

7 A. No.

8 Q. Brian Glover, you said?

9 A. Yeah, that was his name.

10 Q. He was the initial investigator?

11 A. Yes, and he --

12 Q. Did -- did you know ... (reviews documents) ...

13 Jenny Semler, do you know her?

14 A. What's her name?

15 Q. Jenny Semler?

16 A. Jenny, was that the -- That's the lady that
17 took over after Brian, right?

18 Q. No, that is the mother of --

19 A. Oh, Jenny.

20 Q. -- one of the other alleged victims.

21 A. Okay, I don't know her, but my cousin is with
22 her brother, and she -- If I was told right, she just lived
23 right down the road from me on Tee Road from where I lived.

24 Q. But you don't recall ever meeting her?

25 A. No.

PAGE 61

1 deposition after it's typed up. Or if you don't
2 want to do that, you can waive the reading and
3 signing, and they just give it to us as they type
4 it up.

5 THE WITNESS: I'm sure it's fine, right?

6 MS. SCHULTZ: It's your call. If you want
7 to look at it and sign it, or you don't have to --

8 THE WITNESS: I mean, I don't feel like
9 there's going to be any altering -- or, you
10 know, I --

11 MS. SCHULTZ: Okay, so we'll do -- have her
12 waive.

13 THE COURT REPORTER: Okay, thank you.

14 (Whereupon, the above-entitled matter was
15 concluded at 11:28 a.m.)

16 ooo

PAGE 62

1 Q. Well, you had mentioned something about other
2 allegations against him. What are we talking about?

3 A. I'm talking about her kids, and I was told that
4 by Doug and Teresa.

5 Q. Doug and Teresa?

6 A. Yeah, Doug is her brother, yeah.

7 Q. Oh, okay.

8 A. Because after this happened with Annie, I was
9 talking to my cousin Teresa, and Teresa said, "Oh, my
10 goodness, you've got to be kidding me." And I said, "Why?"
11 and she said, "That's the same man that molested Doug's
12 nieces."

13 Q. So you did not know about --

14 A. No.

15 Q. -- anything with them --

16 A. No.

17 Q. -- before this incident?

18 A. No.

19 Q. Okay.

20 MS. SCHULTZ: I think that's all the
21 questions I have.

22 MS. WHEATLEY: I don't have any questions.

23 MS. SCHULTZ: Now, the -- the court
24 reporter is gonna type this up, and you have an
25 option of either reading it and signing the

PAGE 64

CERTIFICATE

STATE OF INDIANA)

COUNTY OF HARRISON)

COPY

I hereby certify that the foregoing deposition was taken down by me, as stated in the caption; and the questions and answers were reduced to print by me; that the foregoing pages 4 through 63 represent a true, correct, and complete transcript of the evidence given on September 30, 2008, by the witness, TONYA CAVES, who was first duly sworn by me; that I am not a relative, employee, attorney or counsel of any of the parties; am not a relative or employee of attorney or counsel for any of said parties; nor am I financially interested in the action.

This, the 10th day of October, 2008.

Sheila M. Young
Sheila M. Young,
Court Reporter

Notary Public, State at Large
My commission expires: 03/27/2010.