

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL
CIRCUIT IN AND FOR MANATEE COUNTY

STATE OF FLORIDA,)	
)	
Plaintiff)	
)	Case No. 2010-CF-1867
vs)	
)	
JEREMY C. BICHA,)	
)	
Defendant)	
-----)	

Transcript of proceedings and testimony reported in
the above-entitled cause held before the Honorable
THOMAS W. KRUG, Circuit Judge, at the Manatee County
Judicial Center, on **September 25, 2013.**

APPEARANCES:

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On behalf of the State

MARK LIPINSKI
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On behalf of the Defendant

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P R O C E E D I N G S

1
2 THE COURT: Mr. Lipinski, are you ready to
3 proceed?

4 MR. LIPINSKI: Judge, I will call Theresa
5 Clement.

6 **THERESA CLEMENT**

7 was called as a witness by the Defense; and,
8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. LIPINSKI:

11 Q. Ma'am, state your name, please.

12 A. Theresa Clement.

13 Q. Ma'am, how old are you?

14 A. Fifty-three.

15 Q. Tell us your relationship to Jeremy and other
16 members of the family.

17 A. I'm the aunt to Jeremy, [REDACTED] and [REDACTED]

18 Q. That means you are the mother of who? His
19 mother?

20 A. I'm the sister of his mother.

21 Q. And where do you live, ma'am?

22 A. Columbia, South Carolina.

23 Q. Okay. And what contact did you have with the
24 Bicha family as they were being raised?

25 A. Quite a bit. There was a period of time when I

1 lived in the same town with them, three, maybe four
2 years. And then of course, visits at other times.

3 Q. What town was that, ma'am?

4 A. Columbia, South Carolina.

5 Q. Okay. Now let's talk a little bit about the
6 family. The father, we've heard a great deal about, but
7 isn't here today, what was his occupation?

8 A. It's kind of hard to say because, as far as I'm
9 concerned, he didn't do well. He did teach at a
10 Christian school. He'd never seemed to be able to keep
11 a job. I'm not quite sure why, because there were so
12 many secrets in the family, I'm not sure why.

13 Q. Did he have aspirations of having his own
14 ministry?

15 A. He did eventually, yes.

16 Q. And of course, your sister, is she younger or
17 older?

18 A. My sister is older.

19 Q. Okay. And when I say your sister, I'm talking
20 about Jeremy's mom.

21 A. Yes, she's older.

22 Q. Tell us a little bit about the family.

23 A. The Bicha family?

24 Q. Yes, ma'am.

25 A. My sister and her husband met at a fundamentalist

1 college, and they started out on this fundamentalist
2 route that basically demands all obedience to the man in
3 the household, whether he's right or wrong, all
4 obedience to him. He makes the decisions and it is the
5 wife's and the children's duty to follow. They got
6 married. He never really supported the family
7 financially. My sister was always a workhorse. She
8 ultimately went to nursing school and worked two jobs
9 and tried to rear the children while the husband was
10 teaching Christian school eight months out of the year.

11 Forgive me, my mouth is a little dry, I'm a
12 little nervous.

13 And they proceeded to have child after
14 child. They had four children in five years, certainly
15 was not able to afford them, and didn't honestly seem
16 interested in the welfare of any of the individual
17 children. I personally witnessed that they didn't get
18 them medical care, that they didn't -- forgive me, I'm
19 nervous.

20 Didn't give them medical care. There was a
21 time when one of the girls, I believe it was [REDACTED]
22 was suffering with a hernia and, because of that, she
23 was having a hard time with her bowels. And I visited.
24 I was baby-sitting one time and she stopped and had a
25 horrible pain in her belly and I said, well, you know --

1 and she was very young, maybe two, maybe three,
2 somewhere in there. And I said, well, what's wrong, and
3 the other children said, you have to go to the bathroom;
4 you have to go to the bathroom. I said, why does she
5 have to go to the bathroom? They said, that's what
6 daddy tells her to do, because he wouldn't get her
7 medical care because it costs money. And so she went in
8 the bathroom and I noticed that her stool was extremely
9 black. So I called my sister because I was babysitting
10 and I said, what's going on? I mean, the kids seem to
11 know that she's supposed to go to the bathroom and
12 something is wrong. And she said, well, I don't know
13 but we've been doing this. How long? For about six
14 months. I said, you need to take her to the hospital,
15 and if you don't, I will. So they took her to the
16 hospital. Turned out she had a hernia for six months.
17 This little girl was suffering with this hernia but they
18 wouldn't take her in because it cost money and they
19 didn't want to pay some money.

20 And there was another time Jeremy was about
21 six, and for some reason I was picking them up at school
22 that day. And so I went to the school and picked up the
23 three girls and I said, now, we need to go to Jeremy's
24 classroom and get him. And Jessica said, no, he's not
25 here. I said, well, where is he? And she said, well,

1 he's at home. And since I was picking them up, I
2 couldn't figure out who was watching him? So I said,
3 well, who's with him? She said, he's alone. Now, he
4 had been home alone all day, from probably 7 in the
5 morning until 3:30. And I said, well, why is he home?
6 And she said, well, he's sick. Well, when we got there,
7 he could barely lift his head up. He had some infection
8 running through his system. I believe pneumonia was
9 involved with it, but I think that there was more. I
10 thought he was almost dead, I really did. And I called
11 my sister and said, you take him to the hospital right
12 now or I will. They took him to the hospital --

13 Q. Ma'am, here is what I'm trying to do, okay? I
14 appreciate the anecdotes, I really do. But what I would
15 like to do, because we have a lot of people and we don't
16 have a great deal of time --

17 A. Forgive me.

18 Q. So you, I'm assuming, agree that Jeremy was
19 raised in a household that was abusive on a lot of
20 different levels?

21 A. Very abusive.

22 Q. Obviously, no medical treatment?

23 A. No.

24 Q. There were beatings as, I guess, both daughters
25 have indicated?

1 A. Yes.

2 Q. And as a matter of fact, you apparently did not
3 protect her, as she said. Tell us about the beatings.

4 A. There was a time when I went over to baby-sit,
5 and I got there probably at about 5 o'clock.

6 Q. And this is in Columbia, correct?

7 A. This is in Columbia, yes. And the children all
8 had their pajamas on already, and I thought that was a
9 little funny. And I didn't think a whole lot of it, but
10 I thought it was funny. And as the children were
11 playing in the living room, I believe it was [REDACTED]
12 little nightgown came up a little bit and I saw on her
13 leg a welt. And I said, come over here, let me see
14 that, and when I pulled up the nightgown, I saw another
15 welt and another one, her back, her arms, her legs all
16 had the same shaped welt. And it appeared to me that
17 she had been hit with a hanger. That's what I thought.
18 And of course, I was livid. And when the parents got
19 home that night, I addressed it. I said, what in the
20 world is going on? What happened to her? And I said,
21 it looks like she has been hit by a hanger. And my
22 sister said it was a belt. And I said, if that ever
23 happens again, I'll turn you in to DCF; you can't do
24 this; you can't run your family that way. I addressed
25 it the best I could. I don't know that I had much power

1 than that, and I never saw it again after that.

2 Q. That doesn't mean it didn't happen, correct?

3 A. No, it does not mean that it didn't happen.

4 Q. Do you believe that the beating of the children
5 ceased?

6 A. No.

7 Q. Okay. There's been testimony that if the
8 father's commands or directives were not obeyed, they
9 were beaten?

10 A. Absolutely. Absolutely.

11 Q. And you believe that they had to give absolute
12 and unquestionable obedience to their father?

13 A. Yes.

14 Q. And were they isolated from society?

15 A. Always.

16 Q. Tell me what you mean by that.

17 A. Well, they were -- because of their religious
18 beliefs, there were Bible scriptures that said things
19 such, be yea separate, come out from among them, those
20 types of things, and they take it to the literal
21 meaning.

22 Q. By the way, were you raised fundamentalist?

23 A. I was not, but there was a period of time when I
24 was in fundamentalism.

25 Q. Okay.

1 A. And they take that to mean anyone outside of
2 their belief system is of the world, as they call it,
3 meaning that they are of Satan and you can't trust them.
4 And they trained their children to believe that way so
5 that they would not speak to people outside of the
6 household.

7 Q. In fact, I think that [REDACTED] mentioned
8 something about that when she said in her testimony that
9 if a complaint was made, outside people knew. Is that
10 what she was referring to?

11 A. I believe so. I believe so.

12 Q. Please continue.

13 A. And they were also home schooled for many years,
14 and so they didn't have access to people outside that
15 way. They moved a lot, and we never really got a
16 straight answer why they were moving, they just always
17 seemed to be moving.

18 Q. Meaning from state to state to state?

19 A. Uh-huh.

20 Q. And they ended up in Bradenton for a period of
21 time?

22 A. They did. And they were in Denver, and they were
23 in Indiana, in Illinois, and they were around.

24 Q. Okay. There was a period of time where they were
25 actually basically homeless and lived in their car?

1 A. Yes.

2 Q. Okay. Ma'am, [REDACTED] has indicated there was a
3 complete absence of sex education or even what bodily
4 functions were; is that correct?

5 A. You couldn't even say the word fart. That was
6 obscene to them.

7 Q. Okay. There apparently was no open
8 communication?

9 A. None. It was do as you're told.

10 Q. Okay. Did you consider this almost like a
11 cult-like existence?

12 A. Absolutely.

13 Q. And tell me what you mean by cult-like existence.

14 A. The absolutely control. They don't just want to
15 control your actions, they want to control your mind,
16 too, tell you what to think, tell you who you can have
17 any contact with, those types of things. But
18 absolutely, they wanted to control your actions and were
19 very concerned that the outside world would know what
20 goes on in the inside world.

21 Q. Okay. And ma'am, I know reporting somebody to
22 DCF or something like that would be a pretty hard thing
23 for a relative to do, why did you take no action?

24 A. This was the first time I had seen the beatings.
25 I have to say it caught me off guard. I addressed it,

1 and I kept an eye out after that and I didn't see them a
2 lot after that, but I kept an eye after that and I never
3 saw it again, and so I didn't.

4 Q. In addition to all the physical abuse, did you
5 see emotional abuse?

6 A. Yes.

7 Q. And what's that?

8 A. There was always a constant betrayal of their
9 children. Jeremy was consistently belittled that he
10 wasn't manly enough, that he -- he was very quiet. The
11 truth is that [REDACTED] was also belittled all the time,
12 both of them seemed to take the brunt of what was going
13 on in the household. If they had any thought that was
14 outside of what was sanctioned in their household, they
15 were belittled for it and shamed for it. The only thing
16 their parents seemed to want them to do is go by every
17 rule that they said and be as intelligent as we can make
18 you, to the point where they paid them money to read the
19 encyclopedias.

20 Q. Okay. We're talking about events that happened
21 quite a long time ago when Jeremy was anywhere between
22 10 and 14 years of age. What type of kid was he like
23 then?

24 A. He was so quiet. He didn't really start to speak
25 regularly until about the age of 4. At birth, oxygen

1 was cut off to him and he was airlifted out and we were
2 very concerned that he wasn't even going to make it, but
3 he didn't develop like other kids. He seemed to be in
4 his own world a lot of the time and didn't speak for the
5 longest time. And when he did start speaking, we could
6 tell that he was intelligent because it appeared as
7 though he could read things, like he would see a street
8 sign that says, turn left, and he would walk up to it
9 and he would turn left. So we knew that he could read
10 but he couldn't communicate very well emotionally or
11 linguistically with people. Started approximately at
12 age 4, but even as I knew him, until he went to college,
13 I took him out to buy some suits one day before he went
14 to college and literally we were with him five or six
15 hours and we could not have a conversation with him. He
16 just, he couldn't do it. He didn't have that ability.
17 Now, it was clear to me and it's clear to some of my
18 other family members that on some levels he's autistic.
19 But they never got medical care, so you're never going
20 to get a diagnosis if you don't actually see a
21 specialist. But it was very clear that he was not
22 thinking like the rest of us, he was not processing
23 information, certainly not relationships.

24 Q. And so when you're talking about relationships,
25 was the family allowed to have outside friends, did

1 [REDACTED] have outside friends, did Jeremy have outside
2 friends, did they have buddies that came over? Did they
3 go over to people's houses and stuff like that?

4 A. To the best of my knowledge, no. I mean, they
5 may have had some acquaintances. There were a few years
6 when they were not home schooled, when they were in
7 school, but it was never encouraged for them to have
8 friendships. And to the best of my knowledge, they
9 didn't have real friendships. They never stayed in a
10 place long enough to put down roots really to have a
11 long-term friend. It was sad to watch this.

12 Q. And your sister, their mother is in court right
13 now. You and she have talked about this, I assume?

14 A. A few. Things are strained. I mean, this is
15 such a terrible situation for everyone. It's terrible
16 for [REDACTED] it's terrible for [REDACTED] it's terrible
17 for Jeremy. It has been very strained. So we've had
18 some conversation, but not much.

19 Q. Now, [REDACTED] has claimed that Jeremy didn't
20 admit his wrongdoing. Is that your understanding?

21 A. No. I've actually seen many emails between them
22 where he --

23 Q. For that matter, she said she's afraid of Jeremy.

24 A. Right.

25 Q. And sort of gave the impression that she had no

1 contact with him.

2 A. Right.

3 Q. That's just not true, is it?

4 A. No. As a matter of fact, she had taken out the
5 charges before I knew any of this had happened. I
6 didn't hear any of it until she had taken out the
7 charges, which is a little bit interesting to me because
8 I'm the only one in the family who's a lawyer and I'm
9 also a former judge and I didn't get wind of any of it
10 until after it was already in process. But for at least
11 a year, maybe two years prior to her taking out the
12 charges, which is way after all these incidents
13 occurred, she had been sending him emails asking him to
14 buy her a car, a computer, a camera, scarves, souvenirs
15 from England, a trip to Haiti, slews of requests for
16 gifts from him. And of course, I mean, he didn't
17 produce them all, and the next thing you know the
18 charges are taken out. But I never had the sense that
19 there was fear between them. I just never had it.

20 Q. And ma'am, concerning Jeremy who has admitted, at
21 least previously to the NCIS investigator in Bahrain
22 that sexual abuse had happened, why do you think it did?

23 A. Why do I think the abuse happened?

24 Q. Yes. Here is the deal, Jeremy admits sexual
25 abuse when he was a kid to his sisters. Why do you

1 think that happened?

2 A. This is the most bizarre family, and we tried to
3 stop -- there were several times when my sister and I
4 stepped in, talked to them --

5 Q. You're talking about your other sister?

6 A. My other sister Nancy, yes. And we tried, but
7 you can't control another person's family, I mean, you
8 just can't. You can say what you can say, but we didn't
9 have much power really. And it was such a bizarre
10 family, and they were separate from other people,
11 isolated, controlled over everything. The clothes that
12 they wore, everything was controlled. And to the point
13 where these kids had no friends outside their brothers
14 and sisters. They had no contact with people. I mean,
15 you know, obviously they are going to see some people in
16 church, but I mean true friends that you can truly
17 confide in, it was not encouraged in that household to
18 the point where they relied on each other, absolutely
19 relied on each. They relied on each other to be
20 protected from the father because they knew the mother
21 wasn't going to step in and protect them. And I do
22 believe you put children in a pressure cooker like that
23 and just there to basically fend for themselves, things
24 are going to go wrong. Very abhorrent behavior is going
25 to happen because this is an abhorrent situation. And

1 then once it does, then we want to blame the people who,
2 you know, were responding to circumstances that were
3 absolutely out of their control. It wasn't in
4 [REDACTED] control, those things that were happening.
5 It wasn't in Jeremy's control either. I mean, this was
6 just an ugly, painful, difficult time for all of them,
7 and I feel for all of them, I really do.

8 Q. Okay. While we're at it, and I don't want to
9 make this, you know, a big deal. Obviously, she blames
10 Jeremy because there had been two grandfathers that
11 passed, correct?

12 A. Uh-huh.

13 Q. Has Jeremy -- first of all, has she been shunned
14 by you and others, because she mentioned you by name?

15 A. No. I'm very --

16 Q. Again, I don't want to make a big deal of it, but
17 just tell the Court what happened.

18 A. When my father was passing, my sister and I were
19 there to be with him for about his last two weeks, and
20 we called everyone, meaning our other siblings and said,
21 you might want to come and see dad, he's dying. Now,
22 when they came we would let them in and we left the room
23 because everybody might need some private time to handle
24 whatever business they have. And so we left the room.
25 Now, I'm not sure why that was taken as shunning, but we

1 did that for everyone. Everyone had the same
2 opportunity to have a private time with my father. And
3 I didn't feel like it was my business to get into
4 whatever it was that they would want to say when they
5 are saying goodbye.

6 Q. Did [REDACTED] and [REDACTED] have the same
7 opportunity as everybody else?

8 A. You know, I don't recall if [REDACTED] was there,
9 but [REDACTED] was there. Of course she did, yes. She
10 had an opportunity to meet with my father.

11 Q. Well, did you and other members of the family
12 shun her afterwards or something like that?

13 A. No. It's kind of an odd thing. We were friended
14 on Facebook. I don't actually have an account but my
15 girlfriend does. And we were friended on Facebook and,
16 as soon as she came and visited with my father, she
17 unfriended us, and I don't know how you friend somebody
18 and unfriend them. Anyway, we were cut off from her
19 side.

20 Q. I didn't want to make this a big deal, but was
21 there any shunning going on?

22 A. No. No, sir.

23 Q. Now, you had talks with [REDACTED] concerning the
24 sexual abuse, correct?

25 A. Yes.

1 Q. And when were these discussions?

2 A. After she had already taken out charges, she
3 visited with me in my home.

4 Q. And how long did she stay there?

5 A. Maybe three days.

6 Q. And during these three days, did she ever say
7 that she was penetrated, penile, vaginal contact?

8 A. No, no. This was after Jeremy had already been
9 arrested, and I didn't know anything about that. And
10 she had said that she had taken out charges, and I said,
11 well, what happened, I mean, what are you talking about?
12 I was amazed, and she said that, well, he molested me,
13 is how she put it. And I said, but what happened, tell
14 me what happened. Being a lawyer and I happen to be a
15 defense lawyer, you know, you want to know all the
16 details. And I said, did he penetrate you? And she
17 said, no, but that doesn't keep it from being rape. And
18 I was a little surprised with that, that she seemed to
19 know that it doesn't -- you know, everyone understands
20 when you're in law that sexual assault can include more
21 than just penetration, but she said, no, he didn't, but
22 that doesn't keep it from being rape.

23 Q. So she didn't say that there was penile, vaginal
24 penetration. In fact, she denied it?

25 A. She denied it.

1 Q. She said there were other forms?

2 A. Well, yes. She said that he touched her breasts
3 and --

4 Q. And was this just one time that she said this or
5 was this over the course of several days?

6 A. I only recall it being one conversation.

7 Q. Okay.

8 A. I was so shocked with it. I only recall it being
9 one.

10 Q. Okay. And she's indicated how this traumatized
11 her life, and I'm not saying that she's wrong about
12 that. It is a horrible thing that happened to her and
13 stuff like that, but did she express all that trauma to
14 you or did she say it a little bit differently?

15 A. The truth was it was chilling to me because she
16 was smiling when she told me. And it just felt
17 chilling. I asked her, well, what kind of time is he
18 facing? And she smiled and said life. And because I
19 work in the court system and I know, I've been in
20 prisons, I said, do you realize, do you really realize
21 what we're talking here? And she said, yes, and she was
22 smiling. So I did not get the sense that this was
23 absolutely traumatic. Still, I'm sure that it was when
24 it happened. I'm sure that it was.

25 Q. Did she tell you that these things happened from

1 the time that Jeremy was 10 to roughly 14 years of age?

2 A. Uh-huh.

3 Q. She did?

4 A. Yes.

5 Q. She told you that?

6 A. Uh-huh.

7 Q. Does that mean yes?

8 A. It means yes, I'm sorry.

9 Q. Okay. That's okay. And did you say why should
10 someone get life, no matter how bad the conduct, for
11 something they did when they were either 10 or 11 or 12
12 or 13?

13 A. Yes. I said, you all were placed in a horrible
14 home situation, and you know, I'm not surprised that odd
15 things happened, I hate that it happened, I believe you,
16 but, you know, you can't put children in that kind of a
17 thing and then expect nothing is going to happen and
18 then blame them for it when they didn't choose the
19 situation in the first place.

20 Q. What reaction did she have?

21 A. She just kind of shrugged.

22 Q. Did you have much contact with [REDACTED] about
23 this?

24 A. No. I've never really known [REDACTED] very well.

25 Q. Well, just very briefly. We talked about how

1 Jeremy was back then. You figured that he had some sort
2 of autism, I assume, perhaps Asperger's, you indicated
3 how he was and how the family was. As you know, he went
4 into the Navy and he was there for seven years. Can you
5 tell us what type of person he is today.

6 A. It is amazing to me because we, of course, spent
7 time with him before he went in and the truth was he
8 couldn't even have an extended conversation. He could
9 say yes or no, but he couldn't have an extended
10 conversation. But after The Navy, I assume as a result
11 of the consistent discipline and training and those kind
12 of things, he seemed in command of himself. He seemed
13 to, being away from the family, became a man and a
14 gentleman at that, and a compassionate man. And you
15 know, I'm amazed at how he's matured because he did it
16 on his own. He didn't have the help of his family.
17 When this situation occurred and it came to light when
18 he was in college, his parents showed up at his college
19 and unilaterally pulled him out of college and the next
20 thing you know he's in the Navy. He's basically on his
21 own basically floundering. At that time I'd say his
22 emotional level was maybe a 13-year-old. I mean, he
23 just was always behind the gun when it came to maturing.
24 But once he went in the Navy, he became a good man.

25 Once Jennifer told me about this situation

1 and she had -- she spent a few days in my home and she
2 left, I immediately called him. I found him in
3 Maryland, and I said, Jeremy, here is what I heard. And
4 he admitted it, and he said he has asked -- he has told
5 her that he's sorry, and of course I've seen the
6 messages where it happened. He's tried to acknowledge
7 -- now, he can't have any contacts with her, so he can't
8 make any other amends but, you know --

9 Q. And you're talking about emails that happened
10 before he was arrested?

11 A. Yes. Yes.

12 Q. Okay.

13 A. And you know, he's done what he can do to
14 acknowledge it. I don't know what else he could do.

15 Q. Okay. So, ma'am, what else would you like to
16 tell Judge Krug about either Jeremy, the situation, and
17 then we'll get to how you, as a former judge and lawyer
18 are -- think would be a fair and just sentence in this
19 case.

20 A. These children do not deserve what happened to
21 them, none of them. You know, we tried to stop it but
22 it didn't happen. But the truth is [REDACTED] didn't
23 deserve it, but neither did Jeremy. And I saw in those
24 kids -- they were trained even that when they came to
25 visit us that they would not be alone with us, they

1 would not be alone with me, they would not be alone with
2 our other sister Nancy. There would always be at least
3 two of them together at any given time when they came to
4 visit. It was kind of this odd, never leave another --
5 and forgive me, but never leave another cult member
6 vulnerable to anyone else's influence. And so we never
7 had any real one-on-one time with any of them. And it
8 was ugly. These were basically good kids, smart kids,
9 all of them were highly intelligent. And Jeremy, I
10 think, was trying to hold on to whatever he could hold
11 on to find some connection in life, not a good choice,
12 but trying to connect with people somehow. He was so
13 smart but couldn't communicate. He could hardly
14 communicate, and it was painful to watch it.

15 Q. Meaning he's almost a commercial for Nerds Are
16 Us?

17 A. Absolutely. Absolutely. I mean, at the age of
18 5, he was learning the periodic table and came to ask me
19 a question about it. I don't know the periodic table,
20 you know, but he couldn't connect emotionally. I think
21 he was looking for that. I really think he was trying
22 to make some connection. They had no friends, they had
23 no one else to back them up other than a tyrant of a
24 father and a mother who was just going to let it all
25 happen.

1 Q. We're going to learn a little bit about this
2 before this is over. I want to guide you about his life
3 and what you know about him. Jeremy is married,
4 correct?

5 A. Excuse me?

6 Q. Jeremy is married, correct?

7 A. Yes.

8 Q. His wife's name is Rachel, correct?

9 A. Yes.

10 Q. She's here today, correct?

11 A. Yes.

12 Q. They just had a baby, correct?

13 A. Yes.

14 Q. Do they live in Columbia?

15 A. They do. They live in a home that I own.

16 Q. Okay. And so what does Jeremy do?

17 A. He has struggled to get a job. He was working
18 part time at a very low wage with a computer company.
19 They loved his work, but he was honest with them when he
20 got the job, what his situation was and what he would be
21 facing and, you know. I mean it's just -- he wouldn't
22 take a position without telling his employer what he's
23 looking at.

24 Q. Okay. Has he done good works? I mean, has he
25 done things for charity and things like that?

1 A. He is the kindest fellow I've ever seen. You
2 know, we live in downtown Columbia and there's a lot of
3 homeless there. He looks out for them. He sees
4 everyone as a whole human being who deserves respect and
5 is to be treated well. I'm sure that comes from he
6 never got it. And so yes, absolutely.

7 Q. Before I ask what you think in your opinion a
8 fair sentence would be for something he did between the
9 ages of 10 and 14, would you -- is there anything else
10 you would like to tell the judge? Because I see that
11 you have what looks to be a multipage letter in front of
12 you. And rather than read it, would you like to check
13 your notes in case you overlooked something?

14 A. No, none, other than sentencing.

15 Q. Okay. And what do you think in your opinion,
16 what are you requesting Judge Krug to do?

17 A. Your Honor, this is so difficult because I know
18 these girls and what they went through deserves to be
19 acknowledged. I think that they do. This has been
20 painful for all of them, and they will live with scars
21 for the rest of their life. They will. And they are
22 family. Jeremy is also living with the scars of this,
23 not all of it brought on by himself. And I would like
24 to at least explain how he has already paid the price.

25 Obviously, just being charged is extremely

1 difficult. He has basically had no contact with his
2 sisters, there are three, or with his father. Very,
3 very limited contact with his mother. We, as his aunts
4 and uncles have tried to step in and provide the family
5 that he doesn't have, but we are certainly not adequate
6 to do that, I don't think. But the things that have
7 happened to him since this, losing his family. When he
8 was in Bahrain, he did not see this coming and he was
9 coming back to the states for a vacation and he got
10 arrested when he got off the plane. He had just put
11 \$100,000 down on a house in Bahrain and he could never
12 go back to finish the closings, so they just kept it.
13 He and his wife had scrimped and saved in the Navy to
14 come up with enough money to buy a home, and they were
15 in the process and he's been here. He got picked up.
16 He spent a significant time in jail before he could post
17 bond. Of course he paid money to post bond, paid money
18 to his attorney for his defense cost. And those kind of
19 things, you can't get a job. He'll have difficulty
20 getting housing, of course. Fortunately, I own a house,
21 I and my girlfriend own a house and he could live there,
22 but he won't be able to live there if he's on a sex
23 offender registry because it's near a university. So
24 he'll have to find another place.

25 He got discharged from the Navy. He spent

1 seven years there. That was his career, and he got
2 discharged from the Navy. He lost all military
3 benefits. He lost his security clearance, all for
4 things that he did when he was 11 years old or 12 years
5 old. And he admitted to NCIS what he had done, and all
6 the benefits are gone.

7 He lost his opportunity to finish college.
8 He was going to finish college when he had gotten out on
9 a GI bill, but they won't allow him to even access that.
10 He's done everything that he's been asked by the Court
11 to do. I don't know how many times he's been here, but
12 he has flown, he has ridden the bus, he's ridden the
13 train, he has driven, he has come every time at great
14 expense. They don't have much money. I think he was
15 working for a few dollars an hour, not much. And he's
16 basically broke, he doesn't have an education, and I
17 honestly believe that he has paid the price that he
18 needs to pay. I don't think that he needs to pay
19 anymore. Nobody is going to be made whole, whether he
20 does time or doesn't do time, no one will be made whole
21 in this. This will not be okay for these girls even if
22 he got life, and it won't be okay for these girls if he
23 doesn't. We've all got to kind of pull together and try
24 to salve these wounds, but sending him to prison will do
25 no good.

1 MR. LIPINSKI: Thank you very much, ma'am.

2 THE COURT: State.

3 **CROSS-EXAMINATION**

4 BY MS. EVERS:

5 Q. How is it, ma'am, that you were privy to the
6 emails between [REDACTED] and Jeremy?

7 A. They were printed out.

8 Q. By whom?

9 A. Jeremy.

10 Q. And then how did you get them?

11 A. He handed them to me.

12 Q. For what purpose?

13 A. Being an attorney, Jeremy asked me to look over
14 what I could. I've seen the discovery, I've seen the
15 emails.

16 Q. So you were assisting him with his defense in
17 this case?

18 A. As his aunt, not giving him legal advice as his
19 attorney.

20 Q. Okay. And in that regard, did you also listen to
21 his statement that he gave to the naval officers?

22 A. I haven't actually listened to it. I think I saw
23 a transcript.

24 Q. Okay. Because it sounds like you spent a lot of
25 time during direct examination discrediting [REDACTED] and

1 her statements regarding penetration. Did you happen to
2 notice that Jeremy admitted to penetrating her? And I'm
3 sure he admitted it to you, too, when you said he
4 admitted to what he did?

5 A. He admitted to touching her breasts, fondling
6 her. No, he hasn't -- I don't recall him saying to me
7 that there was any penetration of [REDACTED]

8 Q. And you don't recall reading that or listening to
9 that in his statement to the naval officer regarding the
10 penetration?

11 A. What I recall, and I don't have a copy of it in
12 front of me, but what I recall is they were trying to
13 get to that point when they were questioning him, and he
14 initially said no, and they followed up with something
15 like, isn't it possible, and I believe he said it's
16 possible. But forgive me, I don't have the transcript
17 in front of me. That's how I recall it.

18 Q. So in addition to assisting him in his defense,
19 you've also been present for several of his court
20 appearances here in court in Manatee County, correct?

21 A. This is the second one.

22 Q. Okay. So you travelled from Columbia for the --
23 for these court appearances with him?

24 A. Yes.

25 Q. You mentioned that you witnessed some of what

1 sounded like severe bruises to [REDACTED] as a child, and
2 you said you were aware of other physical abuse to the
3 children. How was that that you were aware of it?

4 A. Once this started coming to light as adults, I
5 spoke with one of my other sisters who told me she also
6 knew. So I don't know it firsthand, but I do know it
7 through my other sister. That's how I know.

8 Q. So your sister told you that she also witnessed
9 the results of some physical abuse to the children?

10 A. Yes.

11 Q. And neither of you ever reported that to law
12 enforcement or to the child abuse hotline?

13 A. That's correct.

14 Q. Now, as far as the admissions made by the
15 defendant in his statement to the naval officers and to
16 you, were you aware that he was still abusing his
17 sisters when he came home from college at age 17?

18 MR. LIPINSKI: Judge, A, he's not charged
19 with anything. B, there is certainly no indication
20 about that. And C, there's no evidentiary facts or
21 evidence --

22 THE COURT: I'm going to sustain the
23 objection. Let's limit the discussion of any criminal
24 activity to those contained in this case or any
25 convictions, if any applies. But I believe there are no

1 prior convictions; is that correct?

2 MR. LIPINSKI: There are not.

3 MS. EVERS: There are not.

4 BY MS. EVERS:

5 Q. You testified that [REDACTED] and Jeremy did not
6 deserve the abuse that they received. I'm assuming you
7 meant from their father?

8 A. That's correct.

9 Q. To your knowledge, Jeremy was never abused by
10 [REDACTED] correct?

11 A. Forgive me. I'm trying to remember the
12 conversation. The only information I would have had
13 would have been from [REDACTED] on that. I can't think of
14 anything.

15 Q. Okay. So would it be fair then to say that, not
16 only was [REDACTED] abused by her father, she was also
17 abused by Jeremy?

18 A. Yes.

19 MS. EVERS: Okay. I don't have anything
20 further.

21 THE COURT: Any redirect?

22 **REDIRECT EXAMINATION**

23 BY MR. LIPINSKI:

24 Q. Her father was a grown adult and Jeremy a child
25 between 10 and 14; is that correct?

1 A. Absolutely.

2 MR. LIPINSKI: No further questions.

3 THE COURT: All right. You may step down.

4 Please call your next witness, Mr. Lipinski.

5 MR. LIPINSKI: Judge, I have Linda Bicha,
6 the mother. That might be more than a couple minutes.

7 Perhaps this would be a good time to reach Dr. Regnier.

8 THE COURT: Okay. And the agreement is that
9 he's appearing by phone; is that correct?

10 MS. EVERS: Yes, your Honor.

11 THE COURT: Okay. Why don't you approach
12 the bench and, Mr. Lipinski, dial the number and let's
13 get him on the line.

14 OVER THE TELEPHONE SPEAKER: Assessment and
15 Psychotherapy Services, Holley speaking. How may I help
16 you.

17 THE COURT: Hi, Holley. This is Judge Krug
18 in Bradenton, Florida, calling for Dr. Regnier.

19 OVER THE TELEPHONE SPEAKER: Sure. Hold on
20 just a moment.

21 THE COURT: Thank you.

22 OVER THE TELEPHONE SPEAKER: You're welcome.

23 MR. LIPINSKI: May we have this marked?

24 THE COURT: Yes. Dr. Regnier's report, any
25 objection to it being marked and admitted?

1 MS. EVERS: Well, I would like for the Court
2 to know that I was never provided Dr. Regnier as a
3 witness, nor a copy of his report, in violation of the
4 discovery rules, until today. But I do wish to proceed
5 with the hearing anyway.

6 THE COURT: All right. So that item will be
7 admitted as Defense Exhibit Number 1.

8 MR. LIPINSKI: I assume that we're
9 stipulating to Dr. Regnier's qualifications.

10 MS. EVERS: Yes.

11 OVER THE TELEPHONE SPEAKER: Hello.

12 BY MR. LIPINSKI:

13 Q. Dr. Regnier, Mark Lipinski here. We have you on
14 speaker phone in court with Judge Krug. I know that you
15 have been in court with Judge Krug before. It's fine by
16 me if you don't testify under oath, but if the Court
17 feels comfortable recognizing that this is in fact Dr.
18 Regnier, perhaps the Court might want to place him under
19 oath.

20 THE COURT: Yes.

21 Dr. Regnier, if you can please raise your
22 right hand.

23 THE WITNESS: My right hand is raised.

24

25

DR. EDDY REGNIER

1
2 was called as a witness by the Defense; and,
3 having been duly sworn, testified via telephone as
4 follows:

5 THE WITNESS: I will.

6 THE COURT: Okay. You may put your hand
7 down.

8 Go ahead, Mr. Lipinski.

DIRECT EXAMINATION

9
10 BY MR. LIPINSKI:

11 Q. Dr. Regnier, we have a report that you did on
12 Jeremy Bicha. I believe it was several years ago; is
13 that correct?

14 A. Yes, in 2011, in September.

15 Q. I believe your dates of evaluation were February
16 2011, March of 2011, June of 2011 and July of 2011; is
17 that correct?

18 A. Correct, yes.

19 Q. Your written report is, I think, was printed out
20 in September of 2011?

21 A. That's correct.

22 Q. Since that time, have you had any sorts of
23 conversations with him either in person or by phone?

24 A. On Sunday I talked to Mr. Bicha by phone to get
25 an update of what has been happening in his life since

1 the evaluation.

2 Q. Okay. And Dr. Regnier, you took a history from
3 Mr. Bicha. Also I'm assuming that you looked at the
4 police reports and had conversations with him; is that
5 correct?

6 A. That's correct.

7 Q. Okay. And what was the purpose of your
8 evaluation?

9 A. Well, there are two purposes, one, to determine
10 if he had any mental disorder and how he was adjusting,
11 and also to see if he was a sexual risk to others.

12 Q. Okay. That would be called a risk assessment,
13 correct?

14 A. That's correct, yes.

15 Q. Okay. And I'm going to ask you some preliminary
16 questions, and then we're sort of going to cut to the
17 chase.

18 Did you take some sort of history from him
19 concerning his educational or social background?

20 A. I did.

21 Q. Okay. And in a nutshell, could you tell us what
22 you found.

23 A. Well, as you know, the crime occurred when Mr.
24 Bicha was quite young, beginning when he was apparently
25 when he was 14, and I believe as early as when he was 11

1 and his sisters were much younger. So we're talking
2 about two different periods in his life, a period when
3 he was a kid, a teenager, and a second period as an
4 adult. And I discovered that he was working for the
5 military in the Navy and he was stationed in Bahrain and
6 apparently confessed to the military about the crime,
7 and this is -- that's how it became known, is that he
8 confessed to the occurrence of the crime.

9 Q. Okay. And the social history that you received
10 from him concerned what as his environment as a child?

11 A. Well, he grew up in a fundamental religious
12 background. From what he described, it sounds more like
13 a cult than a real religious involvement, in that, he
14 described growing up isolated and only associating with
15 other members of his religious order. His father was a
16 minister in that church. It didn't end up happening
17 because his father wanted to become missionary and
18 didn't get selected as missionary, he ended up leaving
19 his post after a lot of travelling to accomplish the
20 missionary work but just failed. But under those
21 conditions, he really went to Christian school of the
22 fundamentalist group school without much involvement
23 with the outside world.

24 Q. Okay, sir.

25 A. And let me also say that I didn't notice any

1 memory disorders, no paranoia, no schizophrenia, no mood
2 disorders that displayed. However, in talking to his
3 wife at the time --

4 Q. Her name is Rachel, I believe.

5 A. Yes, Rachel is her name, that she observed
6 behaviors that looked like really Asperger or what we
7 call now spectrum disorders, there are some oddities in
8 his personality that suggested some Asperger or spectrum
9 disorder problems.

10 Q. Now, Asperger or spectrum disorder, that's
11 covered in DSM, I think it's V now, correct?

12 A. DSM-V, yes.

13 Q. Okay. And is that diagnosed as a psychological
14 disorder?

15 A. Yes. And DSM-IV, you know, we've gone away from
16 using Asperger and child disintegration syndrome. We
17 now talk about primary autistic disorder. We talk about
18 the severity of autism. So in this case it would be
19 mild autism in DSM-V. In DSM-IV, it would be Asperger's
20 syndrome.

21 Q. Okay. Sometimes you hear about Asperger's in
22 popular literature, but in a nutshell, what are the
23 characteristics of somebody with Asperger's?

24 A. Well, this is somebody who is socially immature
25 and socially inappropriate. And I mean, I see that in

1 Jeremy, when you talk to him, he doesn't readily make
2 eye contact, sort of rigid, frozen. He responds almost
3 robotic in fashion. Jeremy himself said that at some
4 point in his life somebody thought he might have turret
5 syndrome. I didn't really see that. And also that he
6 might have suffered from depression. I didn't see
7 depression. In the condition that I saw him, he looked
8 like he was under a lot of stress, and also he suggested
9 the Asperger's syndrome. The Asperger's syndrome, I saw
10 some signs there.

11 Q. And what signs did you see?

12 A. Well, as I said, the social oddness, odd social
13 response, he didn't have very many friends, this is a
14 man who spent a lot of time in a computer or with a
15 computer. And even the confession suggests that he
16 didn't understand things socially, that he voluntarily
17 gave the military this history when no one asked him
18 about it.

19 Q. Okay. Realizing that you're talking to Jeremy
20 when he was at the age of two years ago when he would
21 have been 27, can you give any sort of opinion about
22 what type of problems he may have had, given your
23 diagnosis, when he was from 10 to 14.

24 A. Well, you know, I couldn't diagnose him when he
25 was 10 or 14 because that's a whole different being than

1 when I see him as an adult, and I'm trying to look at
2 when he was a child. But as an adult, I did give him a
3 bunch of tests to look at him and to see if he was
4 currently a risk to other people, did he have sexual
5 problems, did he have adjustment issues. He seemed to
6 have been in the perfect place. The military really
7 needed him as a linguist. In the military, his job was
8 to spend a lot of time with computers --

9 Q. I think we've gotten a little bit ahead of the
10 Court. The information you received, when he was in the
11 Navy for several years, he was stationed in Bahrain,
12 correct?

13 A. Correct.

14 Q. He was trained to speak Arabic?

15 A. Yes.

16 Q. He was a translator?

17 A. Yes.

18 Q. He had a security clearance, correct?

19 A. That's correct.

20 Q. And in addition to being a translator, he was
21 assigned computer duties, whatever that may entail.

22 A. That's correct. He spent a lot of time on the
23 computer. This kind of involvement is typical with
24 people who have this sort of spectrum disorders, they
25 tend to do better with machines than with human beings.

1 Q. Okay. And I'm sorry, I interrupted you. You
2 were in your discourse concerning the fact that he has
3 Asperger's, and you were segueing into something, I'm
4 not exactly sure what.

5 A. Well, I was talking about giving him some tests
6 to see in fact if he suffered from any general disorder
7 aside from a clinical interview. And the tests
8 suggested some obsessive compulsive disorder, which
9 typically goes with Asperger's, and generalized anxiety
10 disorder, again, which goes with Asperger's. I saw them
11 in sort of a range. I noticed a lot of anxiety
12 disorders that predate when he was a child, and OCD
13 problems. You see this with Asperger's people with this
14 idea that they have a lot of repetitive motion problems.
15 And that can be turned into a positive. They're good
16 with computers, they can sit in front of them for hours
17 and not have human contact. So he seemed to use his
18 career in the military well and he did well in the
19 military, because of his disabilities, his mental
20 disorders, they were positives in the military and I
21 think they got him promoted and he did well in his job.
22 But there were no other major mental disorders that
23 would suggest that he's a risk to anybody or to society.

24 Q. Did you learn that he received awards in the Navy
25 and that he had very high recommendations?

1 A. Yes, that's what I was referring to.

2 Q. And in the Navy, of course, he was in an
3 extremely structured environment?

4 A. Yes.

5 Q. Something that would be good for somebody with
6 Asperger's Syndrome?

7 A. Yes. They tend to function best in these highly
8 structured environment working with machines, computers,
9 the repetitive kind of thing.

10 Q. Okay. Your history for Mr. Bicha reveals a young
11 man at the age of 10 to 14 when he was living in
12 Bradenton as to what?

13 A. Well, the history suggested that this is a kid
14 who had a normal development, normal birth, normal
15 developmental history, who is living in this cult-like
16 environment with fundamental Christians, socializing
17 only with other fundamental Christians with a
18 dictatorial dad who lived according to scripture. He
19 wasn't permitted to socialize with anybody other than
20 family members and other members of the church, which
21 were few in number. And so he found himself stuck at
22 home with his sisters and very few normal social outlet.
23 And I think, under those conditions, he sort of came of
24 age of sex and became interested in sexual matters, and
25 his sisters were home, and one was interested in

1 medicine and studying anatomy, so she sort of
2 participated more readily with him and the other did
3 not. So then he became a source of female knowledge.
4 It was under those conditions that the crime occurred.

5 Q. Okay. Do you believe at that particular point of
6 time, as your report indicates, that in addition to
7 having adult Asperger's, he was likely to have
8 Asperger's at that particular point in time?

9 A. Well, Asperger's starts around six years of age.
10 So I think, yes, he did have those symptoms then.

11 Q. You also indicated that he had generalized
12 anxiety disorder and obsessive compulsive disorder,
13 correct?

14 A. Yes. The obsessive compulsive disorder probably
15 started later in life, but I can see from his
16 description of the facts that he was anxious.

17 Q. Okay. You did a risk of sexual assessment on
18 him; is that correct?

19 A. Let me see. The purpose of the evaluation wasn't
20 initially a risk assessments, so I didn't perform the
21 risk assessment part. But it can be derived from the
22 information that I provided in this report.

23 Q. Okay. And I believe that you came to some
24 conclusions for that; is that correct?

25 A. I gave him a sexual adjustment inventory test

1 from which a risk assessment can be derived.

2 Q. Could you tell us what the results of your
3 testing revealed.

4 A. Well, the test suggests that -- first of all,
5 there's no risk that he's an exhibitionist, that he's
6 going to show himself. The risk of that is quite low.
7 I'm trying to turn to the right page. If you will give
8 me a second so I will get to the page.

9 Yes, the test reveals that he's not a
10 pedophile, and he wouldn't be because this happened when
11 he was a kid, really a kid and he's now much older, he's
12 an adult. And the test sort of confirmed that, that
13 he's not a pedophile. So sexual risk to others is quite
14 low, according to this test.

15 Q. Okay, sir. Let me ask you a question, sir,
16 you're familiar with the criteria for mitigating
17 circumstances from deviations from the guidelines,
18 correct?

19 A. I am.

20 Q. Okay. And some of them at least have some sort
21 of connection to psychology and people's mental
22 disorders, correct?

23 A. Yes.

24 Q. Okay. Do you believe that the capacity of Mr.
25 Bicha under the ages from 10 to 14 to appreciate the

1 criminal nature of the conduct, given his isolation and
2 cult-like existence, was substantially impaired?

3 A. Well, clearly, I believe that it is. At 14, this
4 is -- had these charges emerged when he was 14 years
5 old, he wouldn't be facing such serious consequences.
6 He only faces them because the charges came out much,
7 much later. It does look like when he was 14, when he
8 was 11 when these things were going on, as a child, the
9 family knew about it, the family decided to keep it a
10 secret and it only came out because Jeremy, Mr. Bicha
11 told about it himself. And so clearly, the person who
12 is here today is not the person who committed the crimes
13 when he was 14 and 11 years old, then he was a child,
14 immature, isolated, suffered from some mental disorders
15 that he still has today. Today he's much older, he's
16 wiser, he's had more experience, he's a married man, so
17 times are very, very different. So it's difficult to
18 compare this Mr. Bicha of 28 or 30 with a child of 14
19 and 11.

20 Q. Okay. Another criteria is the defendant requires
21 specialized treatment for a mental disorder that's
22 unrelated to substance abuse or addiction to -- or
23 physical disability, and the defendant is amenable to
24 treatment.

25 A. Yes. He suffers from two diagnosable mental

1 disorders. Generalized anxiety disorder, Asperger's
2 disorder, that are clearly documented by test results,
3 his psychological history, clinical history, all those
4 things that suggest that those things are accurate
5 diagnoses.

6 Q. Another factor is the defendant acted under
7 extreme duress or under the domination of another
8 person. I don't think anybody questions that the father
9 had domination of the entire family. But assuming that
10 being correct, do you think that he was under extreme
11 duress by his dad?

12 A. Well, I think that the dad was a dictatory
13 person, but I think his behavior as a child is different
14 from the domination of the father, although I think the
15 father kept him from having a normal social outlet. Had
16 Jeremy have normal social outlet, that probably would
17 not have happened.

18 Q. Okay. Also the offense was committed in an
19 unsophisticated manner and was an isolated incident for
20 which the defendant has shown remorse?

21 A. Well, he clearly shows remorse. In fact, he
22 shows so much remorse, he confessed about it and has
23 remorse to this day. When I talked to him on Sunday, he
24 still hoped to have a normal relationship with his
25 family that's pretty estranged. It seems like many of

1 the family members are estranged. The mother is
2 divorced from the father. The sisters are not in the
3 best communication terms, according to Jeremy, and he
4 himself is -- doesn't communicate to various members of
5 the family. So this is a pretty dysfunctional group of
6 individuals that Jeremy still hopes to be able to have a
7 relationship with them, somewhat of a relationship, and
8 that's commendable.

9 Q. Okay. And the last criteria I would like to go
10 over with you is at the time of the offense, many years
11 ago, but still during a period of from the time I recon
12 he was from 10 to 14, the defendant was too young to
13 appreciate the consequences of the offense?

14 A. Absolutely. That's when he was a teenager, a
15 very young teenager.

16 Q. Or even perhaps younger than that when it
17 started?

18 A. It started when he was 11 according to Jeremy in
19 his confession to the military. It started when he was
20 11. So he was clearly very, very young, and the
21 different kind -- a different person exists today than
22 at that time.

23 Q. Okay. And Dr. Regnier, is there anything you
24 would like to add to your testimony or your report?

25 A. Yeah. Judge, you know, I've seen a lot of these

1 sort of guys with these kind of problems as adults, and
2 if it pleases to the Court to know that my assessment
3 indicates that this person is really very, very, very
4 low risk, and these events happened at a time that he
5 was living in unusual conditions as a child, as a young
6 adolescent, and I'm fairly certain that the risk to the
7 public is little and next to none.

8 MR. LIPINSKI: Thank you very much, doctor.
9 I have no further questions.

10 THE COURT: All right. State.

11 **CROSS-EXAMINATION**

12 BY MS. EVERS:

13 Q. Dr. Regnier.

14 A. Yes.

15 Q. It's Cynthia Evers. I have a few questions for
16 you. Your report states that the test results, pursuant
17 to some tests you performed, were positive, for denial
18 of problems and attempt to fake good?

19 MR. LIPINSKI: Which page are you referring
20 to?

21 MS. EVERS: Tell us about that, please.

22 MR. LIPINSKI: Actually, at the top on the
23 left. Right up there.

24 MS. EVERS: I'm looking at his results.

25 MR. LIPINSKI: That would be 13.

1 THE WITNESS: Yes. The test -- most people
2 in forensic circumstance are trying to put their best
3 foot forward. They try to present themselves as not
4 having any mental disorder. And fortunately, this test
5 corrects for that. And so it's a bad profile, other
6 than the test notes that the person tended to avoid
7 describing their mental disorder in the worst way. So
8 while that it's true, the test corrected for it. The
9 test is valid because it was able to still get -- gather
10 enough information to come up with a valid profile, but
11 it notes that we should be aware that there was a
12 tendency to make oneself look better. So it's not like
13 he was malingering. He's trying to put his best foot
14 forward, and the test corrected for it.

15 The other side of it is that what the test
16 found out and.

17 The clinical history matched. When those
18 two match, we're more certain that what the test is
19 saying is accurate.

20 Q. Okay. So you also noted in your report on the
21 same page that you gave some significance to the fact --
22 in determining that he was at low risk for re-offending,
23 that you gave some consideration to the fact that the
24 victims were restricted to family members?

25 A. Yes.

1 Q. Okay. So you said that you saw a statement of
2 the defendant's. Which one was that? Was that the one
3 that he typed out and then initialed?

4 A. Let me look.

5 Yes, that's the one he typed out and
6 initialed, yes.

7 Q. Were you provided a transcript of his statement
8 to the naval officers, or the recording of that?

9 A. I believe it was the recording of that. Let me
10 look back.

11 Q. I didn't see in your report that you reviewed
12 that.

13 A. That's why I'm looking. Let me see. Give me a
14 second. I haven't looked at this file in a long time.

15 You're actually right. I didn't see that,
16 and I based my analysis on his signed testimony.

17 Q. Okay. And that did not discuss the fact that he
18 sexually abused non-family members?

19 MR. LIPINSKI: Judge, objection. That's
20 assuming facts not in evidence.

21 MS. EVERS: Well, I'm asking him about his
22 opinion.

23 THE COURT: Overruled.

24 THE WITNESS: Well, I know nothing about
25 non-family members. This is the first I'm hearing about

1 it.

2 BY MS. EVERS:

3 Q. Okay. So since you concluded in your report that
4 the restrictions to the family -- the abuse of the
5 family members, would it change your opinion in any way
6 if you were aware of the fact that he admitted in his
7 recording to sexually abusing at least two non-family
8 member children?

9 A. Change my opinion in regards to?

10 Q. Him being a low risk of re-offending?

11 A. Yeah, because he has -- if you told me that in
12 his adult life, that there has been some suggestion of
13 that, I would be shocked and I would certainly change my
14 opinion about that.

15 Q. No. I'm talking about while he was a teenager.

16 A. If he's talking about when he was 14 and when he
17 was 11 and when he was 12 --

18 Q. Well, let's talk about that, too. Were you also
19 aware of the fact that the abuse of his sisters
20 continued until he was age 17 when he came home from
21 college one summer?

22 MR. LIPINSKI: Judge, that's assuming facts
23 not in evidence.

24 MS. EVERS: It's in his admission. I am
25 asking the expert if that would change his opinion.

1 MR. LIPINSKI: Objection.

2 THE COURT: What's your objection?

3 MR. LIPINSKI: There's no evidence to that
4 effect.

5 THE COURT: All right. Certainly, if it
6 can't be tied up with some statements where the
7 defendant made these comments, it would be something
8 that would have to be disregarded, but at this time I'll
9 allow this hypothetical to be posed to the doctor.

10 You may answer the question, Dr. Regnier.

11 THE WITNESS: Let me say that when I gave
12 him the psychological test, he comes out pretty clean as
13 an adult. I didn't see him as a kid, so we're looking
14 at speculating when he was a child. When he was 17, I
15 know nothing about the age 17. This is the first I'm
16 hearing about it. I need to know a lot more about this
17 so I can form a proper opinion. I couldn't base it on
18 just very little to no facts at all. But I can base it
19 on the test finding as an adult and the test finding
20 suggests that he's really extremely low risk of
21 re-offending.

22 Q. So would it change your opinion though if you
23 were aware of the fact that he continued to sexually
24 abuse children up until age 17?

25 A. You know, it might. I need to know a lot more

1 about what those things were. It could. I can't rule
2 out that it would not, it could, but I would need to
3 know more.

4 Q. And additionally, that would be your opinion also
5 regarding sexual abuse of non-family members?

6 A. I need to know a lot more about it, but the -- if
7 non-family members were involved when he was 11, when he
8 was 11 to 14, that is less of a serious concern for me
9 than when he was 17, when he's older.

10 Q. Okay. You also said that it was your
11 understanding that the only way the crime got reported
12 was because the defendant self-reported the crime?

13 A. Yes, I said that, yes.

14 Q. Okay. So you were not aware that the victims
15 reported the crime first and then the defendant was
16 questioned as a result of that?

17 A. I thought he made the revelation or disclosure to
18 the military and then the family members came forward.

19 Q. No. That was your understanding of this?

20 A. Yes.

21 Q. Okay. So would that also add to a change in your
22 opinion if you were ever made aware of the true facts,
23 that the victims reported this crime and as a result the
24 military assisted in the investigation?

25 A. Well, the only place that that's pertinent is in

1 terms of remorse for his actions. I think he's plenty
2 remorseful. The sequence would -- the reason I put it
3 in the sequence was because I thought that really
4 amplifies how remorseful he is. People who are
5 remorseful sometimes tell the truth, and I thought he
6 was telling the truth when he reported it to the
7 military. So that wouldn't affect my opinion.

8 Q. Okay. So when he -- who made you aware of the
9 misbelief that the defendant self-reported this crime?

10 A. I think I read it somewhere.

11 Q. So that wasn't something the defendant told you?

12 A. The defendant told me that as well, but I think I
13 read it as well somewhere. Maybe I misunderstood it. I
14 haven't seen it in three years. I had 30 minutes to
15 review it before this phone call. So there I could be
16 wrong in the sequence the way I understood things, but I
17 think, if my memory serves me, and I have pretty good
18 memory of these things, I think that he reported -- that
19 he told the military and then his sister came forward.
20 That's the way I remember it.

21 Q. Okay. And you think that you read that
22 somewhere. That's not what the defendant told you?

23 A. I think I read it somewhere and both -- and the
24 defendant said so, that he reported it.

25 Q. Okay. Now, in considering one's risk for

1 re-offending, it's very important to look at a
2 circumstance where someone is punished for a sexual act
3 and then re-offends after punishment, correct, doctor?

4 A. Say that again. In regards to what?

5 Q. In regards to determining whether someone is at
6 risk of re-offending, you would consider a circumstance
7 where someone is punished for inappropriate sex act?

8 A. And then still repeats it a second time?

9 Q. Yes.

10 A. Yes, I would look at that.

11 Q. Okay. Were you aware that that happened in this
12 case? Were you aware that the defendant was caught
13 sexually abusing his younger sister and punished by his
14 father, and then he continued to sexually abuse his
15 sisters?

16 A. Well, his -- we're talking about two different
17 things. Children certainly can be punished and
18 re-offend again. If we're talking about when he was a
19 child -- here is the problem, if we had an 11- or
20 14-year-old, we wouldn't be talking this way, we would
21 be talking very differently. The problem is he's an
22 adult now and he's no longer a kid.

23 Q. Right.

24 A. So the standard I would use for an adult is a
25 different standard I would use for a child.

1 Q. Correct.

2 A. Children are punished all the time and they
3 re-offend. That doesn't mean that they're sinister or
4 nefarious. It's just that that's the nature of
5 childhood.

6 Q. Have you ever conducted risk assessments for the
7 Department of Children and Family Services?

8 A. I've done that in the past, yes.

9 Q. You have?

10 A. Yes.

11 Q. So you've been to the training and you know that
12 when juveniles are punished and re-offend, that's even
13 more serious than when adults are punished and re-offend
14 because juveniles are normally more likely to comply
15 once they have been punished for an act?

16 A. You know, I heard that in a training and
17 absolutely do not believe that. That is absolutely
18 false. Every kid who is punished re-offends. There is
19 no such thing as a kid who is punished and never
20 re-offends. I don't even know where that data comes
21 from.

22 Q. So you don't agree with that criteria that's used
23 in this assessment?

24 A. Absolutely not, absolutely not, particularly
25 children that age.

1 Q. Okay. Even 15, 16, or 17-year-olds?

2 A. Well, I don't know about a 15- 16- 17-year-old.
3 We're talking about somebody -- the information I have
4 is somebody who was 11 to 14. As the children get
5 older, I think it's a different ball game. If we're
6 talking about 11 to 14 years old, the data that I have,
7 I don't know any 11- to 14-year-old who's punished and
8 who never re-offends. That notion violates what
9 childhood is about.

10 Q. All right. What about a 15-year-old?

11 A. If we're talking about hypothetically, the older
12 a kid gets, the more accurate that information tends to
13 be. The older the person is, the more accurate that is,
14 yeah. The younger they are, the less accurate it is.

15 Q. So you are aware that as far as the acts that
16 occurred in Manatee County, the defendant was age 15
17 when they moved out of Manatee County?

18 MR. LIPINSKI: Objection, Judge. That's not
19 what the evidence had been so far.

20 MS. EVERS: Well, that's what the
21 information charges.

22 THE COURT: I'm going to sustain the
23 objection. I think Dr. Regnier has testified as to what
24 he believes the defendant to be at the age when he
25 compiled this report, which his testimony is between 10

1 and 14. You can ask your next question, Ms. Evers.

2 BY MS. EVERS:

3 Q. Okay. So you base that age range based on what,
4 doctor?

5 A. Based upon the age range between the age of 10
6 and 14, as the judge just articulated.

7 Q. But where did you get that age range from? Did
8 you look at the charging document to see the age of the
9 defendant at the time of the offenses?

10 A. Did I look at the charging document? I got the
11 information from him, from the signed affidavit, I
12 received that information from his wife, I received that
13 information from -- let me see what else.

14 Q. Okay. So you were not aware that the charging
15 document --

16 MR. LIPINSKI: Judge, I make any objection
17 as to the charging document being truthful and its
18 validity given the fact that the sisters already
19 testified concerning between the ages of 10 and 14 and
20 Johannah indicated between a two-year period of time
21 from her ages of 9 to 11.

22 THE COURT: We're here on a case,
23 Mr. Lipinski, where your client has pled to two counts.
24 So I'll allow the prosecutor to ask questions relating
25 to those dates and that age.

1 You may continue.

2 BY MS. EVERS:

3 Q. So you're basing all of your conclusions and all
4 of your information on your belief that the crimes
5 occurred only up until he was age 14?

6 A. Well, first of all, I'm not basing it on age.
7 I'm basing it on an entire evaluation, which is pretty
8 lengthy. So you're asking me to go from looking at
9 multiple sets of data to one set of data and center all
10 my information based on that one set of data. But give
11 me a chance, let me look at the police report. I did
12 receive them, too.

13 Well, I have a police report that says, in
14 and for the Circuit Court, Manatee County, Florida, and
15 it says here, 11 years old, and there's a lot of blank
16 out of that area, but apparently 11 years, and I see
17 another date. There are multiple ages. I used the best
18 ages that I understood at the time.

19 Q. Okay. Well, that's fine. I mean, I don't want
20 you to look it up now, but I'm just asking you the
21 question that you're giving a lot of significance to the
22 fact that you believed that these crimes only occurred
23 until he was age 14 because that was your belief?

24 A. I believe the top age he was was 14, yes, the
25 oldest he was. I know nothing about after 14.

1 Q. Okay. And that's what you're basing your opinion
2 on is those ages?

3 A. One of the things I'm basing my opinion on is the
4 age of 14. Other things are test results, my interview,
5 my knowledge of the crime, a review from talking to his
6 wife and all the things contained in that report.

7 Q. And your belief that the abuse only occurred to
8 family members?

9 A. Yes.

10 Q. And the fact that he was punished for the offense
11 by his father and then re-offended, you weren't aware of
12 that?

13 A. Well, I wasn't aware of that, but I knew that his
14 father was pretty -- a pretty domineering individual who
15 did a lot of punishing, but I was not aware that he was
16 punishing him specifically for any sexual encounter with
17 his sisters.

18 MS. EVERS: Okay. Thank you, doctor.

19 **REDIRECT EXAMINATION**

20 BY MR. LIPINSKI:

21 Q. So doctor, just in summary, do you put any
22 significance on the fact that his father may have
23 punished him somewhere between the ages of 10 and 14 and
24 perhaps he did it again?

25 A. You know, kids -- this is what childhood is

1 about. Childhood is a period of apprenticeship and
2 learning. So kids make mistakes, you punish them, they
3 do it again, and eventually they get older and they stop
4 doing those things. So clearly, they are important
5 because you need understand the etiology and origin of
6 the behavior. Often they begin in childhood. But we
7 have a period of adulthood, many years in which nothing
8 happens, and he's actually well adjusted, functions well
9 in the military, and then his terrible past catches up
10 with him.

11 Q. Okay. I'm just --

12 A. A very different scenario. So we don't have any
13 evidence that he's ever done this again. If there was
14 one evidence that as an adult he had come close even
15 that something was going on, then we would have a case
16 to make, but there's no such evidence, at least I'm not
17 aware of it.

18 Q. And of course, I think you're factoring in your
19 decision something to the effect that if one had some
20 age appropriate romance with somebody of the opposite
21 sex, that doesn't fit into the category of sexual abuse,
22 does it?

23 A. I'm not sure I understand the question.

24 Q. Sure. Suppose a guy at 17 has some sort of
25 romantic situation with a girl over 16, that's not what

1 you're talking about, is it?

2 A. No. Because that wouldn't be improper.

3 Q. Sure. Well, it might be improper, but that's not
4 what we're here about today.

5 No further questions, thank you.

6 MS. EVERS: Nothing further.

7 THE COURT: Thank you, Dr. Regnier.

8 THE WITNESS: Thank you, your Honor.

9 THE COURT: Okay. Have a nice day.

10 Mr. Lipinski, call your next witness.

11 MR. LIPINSKI: Linda Bicha, please.

12 THE COURT: Mr. Lipinski, how many
13 additional witnesses do you have?

14 MR. LIPINSKI: I'm trying to pare it down,
15 Judge. Linda Bicha obviously is somebody that's the
16 mother. I don't expect it to be protracted. I was
17 going to put on my client. There are other family
18 members; I don't think they are necessary. I believe
19 that probably my first witness covered most of their
20 territory. I toyed with the idea of putting on his
21 wife. I'm not sure if I'm going to do that or not.

22 THE COURT: Okay. I certainly don't want to
23 limit you in any way as to what you present. I would
24 like to have as much information as possible in any
25 sentencing situation. I'm just mindful of the time. I

1 know we started late. So at a minimum I would like to
2 make sure that any out-of-town witnesses that are here
3 are called in case we have to suspend the sentencing
4 hearing. Okay?

5 MR. LIPINSKI: I understand. I know that I
6 have two witnesses I think that need to be out of here
7 by 6 o'clock. Perhaps we can put Linda on and make a
8 decision. Fair enough.

9 Linda Bicha, please.

10 **LINDA BICHA**

11 was called as a witness by the Defense; and,
12 having been duly sworn, testified as follows:

13 **DIRECT EXAMINATION**

14 THE COURT: Mr. Lipinski, can I please have
15 Dr. Regnier's report that's now in evidence.

16 MR. LIPINSKI: I'm sorry. It's not marked.
17 Perhaps we can mark it as Defense Exhibit 1.

18 BY MR. LIPINSKI:

19 Q. Good afternoon, ma'am. Could you state your
20 name.

21 A. Linda Bicha.

22 Q. Okay. Ms. Bicha, you are the mother of Jeremy,
23 [REDACTED] and [REDACTED] correct?

24 A. I am.

25 Q. I know this might be a difficult situation for

1 you. Let's sort of get right to the point, shall we?

2 A. Yes, sir.

3 Q. There's been a good bit of testimony. I guess
4 pretty much the only thing we all agree on is that you
5 and your husband lived in a very strict fundamentalist
6 type of a family?

7 A. That would be correct.

8 Q. Okay. In fact, there are several people that I
9 believe have used the word cultage, meaning your
10 interaction with others were discouraged, you sort of
11 were self-contained and the father lived up to Biblical
12 standards?

13 A. Yes, sir.

14 Q. And you would agree with all of those things,
15 correct?

16 A. I don't agree with it being called a cult, but I
17 can understand where that would be seen. I agree with
18 the rest of it.

19 Q. Okay. And as a wife, you believed that it was
20 your duty at that particular point in time to accede to
21 the wishes of your husband, correct?

22 A. Yes, sir.

23 Q. Let's face it, ma'am, the testimony about your
24 husband by all sides has been pretty damning?

25 A. Yes, sir.

1 Q. Is it true?

2 A. Yes, sir.

3 Q. Tell me what you mean by your husband's -- the
4 accusations being true.

5 A. My husband set a very high standard. Because our
6 children all showed signs of being very smart, he
7 expected them to be smart in all areas. We were happy
8 when they brought home straight As. We felt that they
9 needed to work to their best of their abilities, and we
10 felt As were always expected.

11 Q. The testimony has been that all of the children,
12 maybe particularly [REDACTED] and Jeremy were beaten a
13 lot?

14 A. Yes, sir.

15 Q. Okay. And who were they beaten by?

16 A. Their father.

17 Q. Did you ever beat them?

18 A. Yes, sir.

19 Q. You heard your sister indicate that she saw
20 bruises on [REDACTED] that were so severe that she
21 threatened to report you and your husband to DCF or the
22 division of child abuse in South Carolina.

23 A. I had honestly forgotten about that until she
24 brought it up, but, yes, sir.

25 Q. And so they were beaten often as they were

1 children, correct?

2 A. When they disobeyed, so yes, sir, because
3 children who disobey and they did, and that's how we
4 treated it.

5 Q. And what were they beaten with, ma'am?

6 A. Usually with -- we had a board that they got
7 swats with.

8 Q. And was it just on their buttocks or other parts
9 of their bodies, like their arms or legs or torso?

10 A. It was intended to only be on their buttocks, but
11 if they twisted or moved, then it would be somewhere
12 else.

13 Q. Okay. It is true that you were basically the
14 breadwinner of the family?

15 A. I made more money, yes, sir.

16 Q. Okay. Your husband was trying to get his own
17 ministry?

18 A. He taught in a Christian school for a number of
19 years, then we were going to go to Canada to start a
20 church. During that time that we raised support, he did
21 not work a job outside of that.

22 Q. Okay, ma'am.

23 A. And I still continued to work.

24 Q. Okay. So times were tough and you all were poor?

25 A. Not during that period of time, no, sir.

1 Q. What period of time are we talking about?

2 A. Before I went to nursing school.

3 Q. And I don't know what years you're talking about.

4 A. I went to nursing school roughly from 1990 to
5 1993.

6 Q. Okay. Ma'am, well, let's talk about this. Tell
7 us what Jeremy was like as a child.

8 A. Jeremy was extremely brilliant, very much focused
9 on doing things exactly one way. If you went to a
10 different route for direction, he would say no, you
11 cannot go that way, because he knew exactly how the map
12 would show. He had an incredible memory. He talked to
13 everyone and everything, including plants and animals
14 and whatever. He liked people, but he was very socially
15 inept, in that, he would talk to them but he didn't know
16 how to carry on a conversation besides talking at
17 someone.

18 Q. Okay. So his ability to retain knowledge was
19 very good?

20 A. Correct.

21 Q. His ability to speak and relate to people was
22 very bad?

23 A. Correct.

24 Q. So there are some family members and, in fact,
25 Dr. Regnier himself indicated that he had a form of

1 autism?

2 A. I believe that would be correct.

3 Q. Okay. No offense intended, but you and your
4 husband never had him treated for anything like that,
5 correct?

6 A. We did not, but I can say that back in the '80s
7 and '90s that Asperger's disease really was not hardly
8 discussed at all, wasn't so much in the forefront as it
9 is today. And no, we did not have him tested.

10 Q. Okay.

11 A. Being socially inept is not always something that
12 you take someone in for to be tested, and we did not.

13 Q. Okay. But you realized at that point he probably
14 had some form of autism?

15 A. Certainly in retrospect, sure. I could see signs
16 when he was young. I did not realize that that's what
17 it was. But certainly in retrospect, yes.

18 Q. And your daughters [REDACTED] and [REDACTED] what
19 were they like?

20 A. They were great kids. [REDACTED] had an amazing,
21 incredible memory. She still does. She loved people,
22 she loved medicine, she loved her babies. All her
23 babies had names and stories and histories and they
24 never varied --

25 Q. You mean baby dolls?

1 A. Her baby dolls, correct. [REDACTED] was very
2 musically gifted and spent a great portion of her time
3 doing music. All of the children took music lessons
4 because we wanted -- we wanted to keep them busy because
5 it was our goal to keep them out of trouble and,
6 obviously, that did not work.

7 Q. Okay. Ma'am, [REDACTED] testified that you lived
8 in Bradenton during the times that she was -- I'm sorry,
9 roughly from 9 years old to the time she was 14?

10 A. That would probably be close. I think we moved
11 there in 1994 to 1999.

12 Q. Okay. And after '99, you left and went some
13 place else?

14 A. What we did is at that point we left to raise
15 support so that we could go to Canada to start a church.
16 And let me go on record to say we were never homeless.
17 We always had a home.

18 Q. Very good.

19 A. Okay?

20 Q. Okay, ma'am. Let me ask you this question,
21 ma'am. You came here to testify on Jeremy's behalf,
22 correct?

23 A. Yes, sir.

24 Q. Now, you realize -- you've heard your daughter
25 [REDACTED] reproach you for doing this?

1 A. Yes, sir. I understand that.

2 Q. Pretty hard language?

3 A. Yes, sir.

4 Q. Okay. Are you still here to testify on Jeremy's
5 behalf?

6 A. Yes, sir.

7 Q. What would you like to tell the judge?

8 A. Jeremy has admitted to the abuse of his sisters.
9 Jeremy has paid a huge price. I take full
10 responsibility --

11 Q. Well, let's --

12 A. -- for my action.

13 Q. Let's just spend a little time with that. What
14 actions is it that you did that you wish you hadn't
15 done?

16 A. I kept silent when I should not have.

17 Q. What do you mean by that?

18 A. I have never found it easy to speak about
19 personal things, ever. Even though the thoughts would
20 be there in my head, I have been unable to make my mouth
21 say them. And I should have done more to have protected
22 the children.

23 Q. Okay. Now, when you say protected the children,
24 are you saying protecting Jeremy?

25 A. I'm referring to all of the children when they

1 were punished.

2 Q. I just want to be very clear about what you're
3 saying about accepting responsibility, okay?

4 A. Yes, sir.

5 Q. So let's just itemize it. You should have
6 protected the children about being beaten, correct?

7 A. Yes, sir.

8 Q. You should have protected the children when the
9 father was emotionally abusing them, correct?

10 A. Yes, sir.

11 MR. LIPINSKI: I'm sorry, Judge. The
12 bailiff handed what looks to be a note to the witness.

13 THE WITNESS: No, sir, it's Kleenex.

14 BY MR. LIPINSKI:

15 Q. My apologies. There was a great deal of
16 emotional abuse in the household by your husband,
17 correct?

18 A. Yes, sir. He would be quick to tell them that
19 they did not measure up to his standard that he felt
20 they should.

21 Q. Okay. And according to [REDACTED] it appears that
22 both [REDACTED] and Jeremy were sort of like the main
23 brunts of his criticism?

24 A. And that would partially be because the other two
25 were more quiet in nature and did not talk back.

1 Q. Okay. Now, you should have protected them in
2 what other ways that you take responsibility for? For
3 instance, let's get to the heart of the matter, ma'am.
4 There's one time that you and your husband knew there
5 was sexual abuse between Jeremy and [REDACTED] right?

6 A. Yes, sir.

7 Q. You knew about it, right?

8 A. I knew that my husband found Jeremy touching
9 [REDACTED]

10 Q. Okay. Now, they were both young at that
11 particular point in time, correct?

12 A. Correct.

13 Q. Jeremy was approximately 12 or 13 at the time?

14 A. I do not know exactly, but that sounds about
15 right, yes, sir.

16 Q. Let's look at the options that you and your
17 husband had. One of the things that could have happened
18 is you could have reported it to the police, correct?

19 A. Yes, sir.

20 Q. But you chose not do so, correct?

21 A. That would be correct.

22 Q. And had you done so, it's very possible that
23 Jeremy might have ended up in juvenile court and
24 received some sanctions but also treatment?

25 A. That is correct.

1 Q. That didn't happen, correct?

2 A. It did not.

3 Q. And you also could have tried to receive some
4 sort of psychological help from a psychologist or social
5 worker, correct?

6 A. Yes, sir.

7 Q. But you didn't do that, did you?

8 A. I did not.

9 Q. And you didn't do it why?

10 A. At the time I did not feel that psychological
11 treatment was necessary. I did not understand the full
12 ramifications of all of this and I did not notify the
13 police or the DSS partially, I'm sure because of pride,
14 because I didn't want this spoken about our family.

15 Q. Let's go into that. You realize that under the
16 law you had a duty to report sexual abuse?

17 A. Yes.

18 Q. It's called mandatory reporters. You've heard of
19 that probably?

20 A. I have.

21 Q. And you know that you and your husband not only
22 had a duty as parents to do this but you had a duty
23 under the law to do that, correct?

24 A. Correct, but at the time I did not realize that
25 mandatory reporting also would refer in a case of within

1 family. Ignorance on my part, not an excuse. I did not
2 realize that the mandatory reporting would have --
3 should have been done at that point. I know it now.

4 Q. But had you done that, you would be protecting
5 both [REDACTED] and Jeremy, correct?

6 A. You are correct, and I did not do that.

7 Q. And you look at that as a failing?

8 A. Absolutely.

9 Q. And I'm sorry, I'm not trying to make you feel
10 bad, I'm just trying to find out what it is that you're
11 admitting that was your fault and what you should have
12 done differently.

13 Okay. Ma'am, so I interrupted you when you
14 said that you failed to protect your children.

15 A. Yes, sir.

16 Q. What else were you about to say before I
17 interrupted you?

18 A. I don't know now, my thoughts are scattered.

19 Q. Okay. We were talking a little bit about Jeremy
20 as he was growing up and you were talking about some
21 things wrong that you and your husband did. We got to
22 failing to protect your children and then we got
23 sidetracked. Was there anything else?

24 A. We also did not foster an environment that
25 allowed the children to question. We expected them to

1 do what they were told and we really did not give them
2 an opportunity to not do that.

3 Q. Now [REDACTED] said there was no sex education in
4 your house whatsoever; is that true?

5 A. I do remember sitting the girls down and telling
6 them that if someone ever touched them that they were to
7 let us know, but other than that, no, there was no
8 sexual education in the home.

9 Q. Okay. [REDACTED] indicated that your household was
10 an environment of fear. I think those are her exact
11 words; do you guys agree with that?

12 A. No, sir.

13 Q. And in your own mind, what would cause your
14 household to be an environment of fear?

15 A. Because when you are expected to meet a standard
16 and you don't meet it, then you're afraid of
17 consequences if you don't meet the standard.

18 Q. And that was fear for all of your children,
19 including [REDACTED] [REDACTED] and Jeremy?

20 A. I would think so, yes.

21 Q. And so I think [REDACTED] was indicating that she
22 felt betrayed by you and your husband. I believe that
23 she went to a minister at that particular point in time;
24 is that true?

25 A. Yes.

1 Q. And what happened then?

2 A. We at that point took Jeremy out of Bible college
3 and encouraged him to join the military.

4 Q. Now, again, this is when she was 15 and Jeremy is
5 out of the house and he was 18?

6 A. That is correct.

7 Q. But did you report it at that particular point in
8 time?

9 A. No, sir.

10 Q. And your minister did not either; is that
11 correct?

12 A. As far as I know, he did not.

13 Q. [REDACTED] has indicated that he -- she is living
14 in fear of Jeremy, or words to that effect. How would
15 you account for all the emails she sent him?

16 A. I cannot account for that, sir. I can't read her
17 mind, nor can I -- nor can I guess. I think that she
18 was probably using the situation to benefit, but I
19 cannot answer that. You would have to ask her about
20 those emails.

21 Q. Now --

22 A. I was not aware she was emailing him during that
23 time.

24 Q. Now, ma'am, can you explain why she was asking
25 Jeremy for things like phones and scarves and maybe --

1 MS. EVERS: Objection, calls for
2 speculation.

3 THE WITNESS: No, sir, I cannot answer that
4 because I --

5 MS. EVERS: Objection.

6 THE COURT: Hold on. Overruled.

7 THE WITNESS: I don't know why she was
8 asking for that except I'm sure it was things that she
9 felt that she needed and he had a good job and maybe he
10 would want to provide that for her. That is all that I
11 can guess.

12 Q. Meaning a good job in the Navy?

13 A. Correct.

14 Q. And ma'am, I believe that you came down here with
15 [REDACTED] and [REDACTED] down to Manatee County to file a
16 complaint, did you not?

17 A. I was down here already when they came down.

18 Q. Okay. Did you go to the sheriff's department
19 with them?

20 A. I dropped them off.

21 Q. So you discussed it with them and they told you
22 what they were going to do?

23 A. Vaguely, yes, it was a vague discussion, there
24 were no specifics.

25 Q. I understand, ma'am. You don't live around here

1 now; is that correct?

2 A. That is correct.

3 Q. Where do you live now?

4 A. Anchorage, Alaska.

5 Q. You indicated you were here concerning Jeremy and
6 in support of him. Tell me, ma'am, how you have
7 observed -- how he may be a different person now at age
8 29 than when he was a child between the ages of 10 and
9 14?

10 A. I have not heard him express one word of anger
11 toward his sisters through all of this. He wants it
12 done, like we all do, but he has never ripped them.
13 Now, honestly, I have not a lot of conversations with
14 him, but he has never accused them of being at fault
15 through all of this, and I would have if this was done
16 to me. He's the only one who has expressed any concern
17 for his father, and yes, we know that there are a lot of
18 reasons why people would not, but he genuinely cares
19 about people.

20 Q. I assume you and the father are not together
21 then?

22 A. We are now, we spent a time apart but we are.

23 Q. I'm sorry. Please continue.

24 A. He has shown -- I know that he has tried and
25 tried to express his sorrow to his sisters and it has

1 not been received.

2 Q. [REDACTED] has expressed here in court about how
3 she feels, and it's my words, betrayed, by the rest of
4 her family. I think she used the word shunned and she
5 feels people are doing wrong or perpetrating the wrong
6 that was done to her by speaking on Jeremy's behalf. In
7 fact, even being here, according to [REDACTED] is an
8 assault to her. Is that what your intention is?

9 A. It is not my intent to insult my daughters.

10 Q. Okay.

11 A. It is my intent to help bring some healing.

12 Q. And do you believe, ma'am, sincerely that Jeremy
13 has great remorse for what he did?

14 A. Absolutely.

15 Q. Tell me why you believe that.

16 A. I know that he had the intention of when he came
17 back from Bahrain that he was going to help provide
18 counseling for his sister, and I know this because he
19 has spoken to me about that.

20 Q. Let's just say this, let's fast forward so the
21 Judge understands. He gave a statement to NCIS
22 investigators, correct?

23 A. Yes, sir.

24 Q. Okay. He was kicked out of the Navy, although he
25 had been of good conduct, correct?

1 A. I do not know any of the details.

2 Q. He came back to Maryland, correct?

3 A. I believe so.

4 Q. Came back to the United States, correct?

5 A. Yes, sir.

6 Q. And when he came back to the United States he was
7 in contact with you, correct?

8 A. No.

9 Q. Okay. Well, let's talk about the counseling.
10 How are you aware of that, that he wanted to give
11 counseling?

12 A. Well, I've been in contact with him over the last
13 few months.

14 Q. Okay. And what has Jeremy indicated about that?

15 A. That he and Rachel had planned to --

16 Q. Rachel is his wife?

17 A. Rachel is his wife. That they had planed to
18 provide -- he wanted to -- this is what he told me. He
19 said that I wanted to get the girls together so we can
20 discuss this and I was going to help pay for counseling
21 for [REDACTED] so that she could deal with this issue and
22 get some help.

23 Q. Okay. And what else -- what other talks have we
24 had with Jeremy that indicates that he had no anger or
25 malice?

1 A. He has told me that in those exact words, that he
2 has no anger, that he has no hatred, he's concerned
3 about what they are doing and where they are, but he has
4 told me he has no anger.

5 Q. Do you believe --

6 A. I don't understand that, but he says that he has
7 no anger. He has expressed no anger in his voice.

8 Q. Okay. And tell me a little bit about his
9 religious beliefs as we speak today.

10 A. I do not know what they are currently. I have
11 not asked him.

12 Q. What else would you like the Judge to know about
13 Jeremy, other than what you've already said?

14 A. I think that these actions as a child, that he
15 has been punished, and that it would not serve the State
16 of Florida, it would not be a benefit to them to put him
17 into prison for the rest of his life. He's lost his
18 family, his friends, his finances. All that's left is
19 his freedom. And he will never be free from this. None
20 of us will be, but he will never be free from this. But
21 he has a wife who loves him, he has people who will
22 stand with him, he has tried to put things back
23 together, and I think he deserves the opportunity to do
24 that.

25 Q. Now, the family members that are showing support

1 today, yourself, your sister, perhaps your brother and
2 other family members as well, are you doing this out of
3 any ill will towards [REDACTED]?

4 A. Absolutely not. It breaks my heart to be here
5 because I know that the girls will not understand why
6 I'm doing this. He is my son. He is of a very small
7 stature. I know what happens in prison to child
8 abusers. I honestly believe it will be a death sentence
9 if he is sent to prison, and I do not think that his
10 sisters really want that on their conscience also.

11 Q. So do you believe that at least Jeremy should be
12 placed on probation and receive whatever counseling is
13 necessary?

14 A. Yes, sir. I believe he should have mandatory
15 counseling --

16 Q. Even though it's for something that happened 15
17 to 20 years ago?

18 A. That perhaps there is something that he can learn
19 from this, that he could teach others to help keep them
20 out of the same problem.

21 Q. I see. Is there anything else you would like to
22 tell Judge Krug other than what you already said
23 already, ma'am?

24 A. I'm here today to ask for mercy. Both my sister
25 and my daughter have given the quote to me in the last

1 few days that Edmund Burke said that "all that is
2 necessary for the triumph of evil is that good men do
3 nothing", and I don't want to go on record as having
4 done nothing. I ask for mercy and I ask for justice and
5 I ask that you do what's right.

6 Q. Thank you very much.

7 THE COURT: All right. State, any
8 questions?

9 **CROSS-EXAMINATION**

10 BY MS. EVERS:

11 Q. It's interesting that you state that you would
12 expect Jeremy to have anger toward [REDACTED] and
13 [REDACTED]. Is that because you are angry for reporting
14 this?

15 A. I am not angry at them. If I were angry at them,
16 I would not have taken them to do something about this
17 when I brought them to the police station.

18 Q. But you expect him to be angry towards them?

19 A. Would you not be angry if someone was trying to
20 take away your freedom?

21 Q. Ma'am, I am asking you the question. Do you
22 expect --

23 A. I would expect him to be angry, yes.

24 Q. You would expect him to be angry at the victims
25 of continued sexual abuse for many years for reporting

1 it?

2 A. I would -- yes.

3 Q. Okay. Now, you are aware that your failure to
4 protect these children constitute a felony offense?

5 A. Yes, ma'am, I am aware of that now.

6 Q. Okay. And you are aware that your failure to
7 report these crimes is another felony offense?

8 A. Well, I would assume that if the first was, the
9 second would also be that way.

10 Q. Okay. And you stated -- well, I guess you talked
11 about the abusive nature of your husband, right?

12 A. Yes.

13 Q. And you've heard the other people talk about it?

14 A. Yes.

15 Q. And when is it that you decided to reunite with
16 him? I might have missed that on the direct
17 examination.

18 A. Why is that important to this discussion?

19 Q. I'm asking you a question.

20 A. What does that have to do with this?

21 THE COURT: Ma'am, you need to answer the
22 question. Okay?

23 THE WITNESS: About two years ago.

24 BY MS. EVERS:

25 Q. So you were divorced from your husband?

1 A. No, ma'am. We were separated.

2 Q. Separated for how long?

3 A. A year and a half.

4 Q. And then you got back together with him two years
5 ago?

6 A. Yes, ma'am.

7 Q. And you're still together?

8 A. Yes.

9 Q. Does he continue to be abusive?

10 A. No.

11 Q. Did you say that you have more contact with
12 Jeremy than you have with [REDACTED] and [REDACTED]?

13 A. I did not say that, no. I have more contact with
14 the girls.

15 Q. You have more contact with your daughters?

16 A. Yes, ma'am.

17 Q. Both daughters?

18 A. Yes, ma'am.

19 Q. Okay. And do you have any concern for your
20 daughters' wellbeing, both of their wellbeing, their
21 mental recovery in this matter as you --

22 A. Of course I do.

23 Q. But you're here today to testify --

24 A. I am a mother to all three of these. Are you
25 asking me to divide myself?

1 Q. No.

2 A. All right. I have concern for all of them. This
3 is very difficult.

4 Q. I understand. Okay. Thank you, ma'am.

5 THE COURT: Any redirect?

6 MR. LIPINSKI: No.

7 THE COURT: You may step down.

8 MR. LIPINSKI: Rachel Bicha, please.

9 Judge, he does have other family members
10 here, as everybody has acknowledged. He has his other
11 aunts and uncles. They are the ones if I have time
12 constraints, I have to confess they will basically say
13 the same as Theresa testified to, my first witness.
14 Would the Court accept, in the interest of time and for
15 their schedule, to accept their testimony if they affirm
16 that basically what Theresa said is what they would
17 testify to?

18 THE COURT: Yes. I think it's fair that the
19 State have an opportunity to ask any additional
20 questions, if they wish.

21 MS. EVERS: I won't have any questions of
22 them.

23 THE COURT: Okay.

24 MR. LIPINSKI: Okay. And so if they could
25 just come up and state their names for the record and

1 affirm what they would say.

2 THE COURT: Yes. Let's have them use the
3 podium.

4 Deputy, can we move the podium over.

5 BY MR. LIPINSKI:

6 Q. Ma'am would, you state your name, please.

7 THE COURT: Let's go one by one.

8 **NANCY SMITH**

9 was called as a witness by the Defense; and,
10 having been duly sworn, testified as follows:

11 **DIRECT EXAMINATION**

12 BY MR. LIPINSKI:

13 Q. Would you state your name, please.

14 A. Nancy Smith.

15 Q. And what relation are you to Jeremy and to

16 [REDACTED] and to [REDACTED]

17 A. I am their auntie. I am -- Linda is my sister.

18 Q. As is Theresa, I assume?

19 A. Yes.

20 Q. Okay, ma'am. I realize that Theresa has spoken
21 has spoke at length, but would your testimony, if I put
22 you on the stand, be substantially the same as
23 Theresa's?

24 A. Yes.

25 Q. Is there anything that you would like to tell

1 Judge Krug about this other than what Theresa has
2 already testified about?

3 A. [REDACTED] and Jeremy are all victims.

4 Q. Okay. Anything else you would like to say,
5 ma'am?

6 A. My heart is broken.

7 Q. I understand. And what do you think would be a
8 fair sentence by Judge Krug would be what, if you could
9 make that in 30 seconds.

10 A. Possibly probation. They have all suffered.
11 They've all suffered through this. Maybe counseling.

12 MR. LIPINSKI: I see. Okay. Thank you.

13 THE COURT: State, do you have any
14 questions?

15 MS. EVERS: No questions.

16 MR. LIPINSKI: Thank you very much, ma'am.

17 And sir, would you please come up here.

18 **HENRY TURNER**

19 was called as a witness by the Defense; and,
20 having been duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MR. LIPINSKI:

23 Q. Sir, state your name, please.

24 A. I'm Henry Turner.

25 Q. And what relationship are you to Jeremy,

1 [REDACTED] and [REDACTED]

2 A. I'm their uncle.

3 Q. And you're related to Theresa?

4 A. And Nancy and Linda.

5 Q. Are all your sisters?

6 A. Correct.

7 Q. You've heard Theresa testify at some length,
8 correct?

9 A. Yes.

10 Q. Okay. Would your testimony be the same as hers?

11 A. Yes. Mine is a shorter version, but yes.

12 Q. And would you reaffirm by proxy all the things
13 that she said?

14 A. That's correct.

15 Q. And sir, concerning your recommendation to Judge
16 Krug about a sentence, what is your request?

17 A. I have no wisdom to offer there. This is not a
18 perfect world. I have seen what is done to the
19 families, and there are no winners here and I do not
20 feel that I would be in any way able to recommend what
21 the Court should do.

22 Q. I understand. Now sir, you've discussed all this
23 with Jeremy and, has he shown great remorse?

24 A. You know, that's the thing, as I've gotten to see
25 Jeremy in the last two and a half years when he moved to

1 Columbia, I don't see in him what has been described of
2 him as young man. And that's -- I have not in -- I
3 would not feel that he would perpetrate something like
4 this as an adult, I guess is the best way I will say it.

5 Q. Is he remorseful for what he did way back when?

6 A. Yes. From the first time it came to light, he
7 never denied it. He expressed that what he did was
8 wrong. And so, yeah, I definitely think there's remorse
9 there.

10 MR. LIPINSKI: Okay. No further questions,
11 sir.

12 MS. EVERS: No questions.

13 THE COURT: Okay. Thank you, sir.

14 MR. LIPINSKI: Please come forward.

15 **VIRGINIA BINGENHEIMER**

16 was called as a witness by the Defense; and,
17 having been duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 BY MR. LIPINSKI:

20 Q. State your name ma'am.

21 A. Virginia Bingenheimer.

22 Q. And Virginia, what relationship, if any, are you
23 to Jeremy?

24 A. I am no relation; I am a friend.

25 Q. Okay. And you are a friend of which family

1 member?

2 A. I am a friend of Theresa Clement.

3 Q. And you have known Jeremy for roughly how many
4 years?

5 A. 16. I've known of him 16 years now.

6 Q. And you've known him personally for how long?

7 A. I've really gotten to know him in the last two
8 and a half years.

9 Q. He lives in Columbia where you and Theresa live,
10 correct?

11 A. Yes.

12 Q. You see him often?

13 A. Uh-huh.

14 Q. Would you re-affirm all of the things you heard
15 Theresa say in her testimony?

16 A. About him, yes.

17 Q. And concerning his character and things of that
18 particular nature?

19 A. Uh-huh.

20 Q. And ma'am, your request to Judge Krug for a
21 sentence?

22 A. I would hope you would find mercy for him. I
23 find him to be a fine individual.

24 MR. LIPINSKI: No further questions.

25 MS. EVERS: No questions.

1 THE COURT: Thank you, ma'am.

2 MR. LIPINSKI: Judge, there is one thing I
3 forgot to ask Theresa. If I can recall her very
4 briefly.

5 THE COURT: You may.

6 BY MR. LIPINSKI:

7 Q. Theresa, you're still under oath; you realize
8 that? One thing I probably didn't ask or at least I
9 didn't pay enough attention to is, obviously you've had
10 a lot of talk with Jeremy, correct?

11 A. Yes.

12 Q. Has he shown great remorse over this situation?

13 A. I've seen him weep over the situation, and not
14 just weeping over what he's facing, I've seen him weep
15 over his sisters and saying that he knows that they are
16 affected for the rest of their life, and he knows it and
17 he accepts it and he can't change it. Obviously, he's
18 concerned about the rest of his life too, but I have
19 seen him so concerned over them in a way that I honestly
20 didn't expect.

21 Q. Okay. Ma'am, is there anything else that you
22 would want to say to Judge Krug other than what you've
23 already said, of course.

24 A. There's no perfect answer here. And we ask that
25 the true situation be considered and not merely the acts

1 between these children because they were all children,
2 all of them, put into a situation that was impossible
3 and now we want to blame them for how they responded to
4 it, and it's unfair to every one of them, the girls and
5 Jeremy.

6 MR. LIPINSKI: Thank you, ma'am. No further
7 questions.

8 MS. EVERS: No questions.

9 THE COURT: Okay.

10 MR. LIPINSKI: Judge, I was going to call
11 his wife Rachel Bicha.

12 THE COURT: And --

13 MR. LIPINSKI: And I was going to put my
14 client on and that would be the end of my testimony.

15 THE COURT: Okay.

16 MR. LIPINSKI: And I'll try to be rapid with
17 Rachel.

18 THE COURT: Take your time. My thoughts
19 are, I see that you have provided several cases that you
20 wish for me to look at.

21 MR. LIPINSKI: More than a couple.

22 THE COURT: Okay. It's going to take me
23 some time to go through these, including reviewing Dr.
24 Regnier's report. So my intent is perhaps to finish at
25 least this witness and then suspend the sentencing, or

1 at least complete all the testimony and then suspend it
2 for argument by the attorneys for another date in the
3 near future.

4 MR. LIPINSKI: Whichever the Court wishes.

5 MS. EVERS: Well, your Honor, may I be heard
6 on that? Just because the victim has come here from out
7 of the country to be present.

8 THE COURT: And when is the victim returning
9 out of the country?

10 MS. EVERS: Sunday.

11 THE COURT: Okay. Perhaps we can do this
12 tomorrow or --

13 MS. EVERS: Okay.

14 THE COURT: Or we'll try to do it --

15 MR. LIPINSKI: I'll try to rearrange my
16 schedule as best as I can.

17 THE COURT: Okay. Let's continue.

18 **RACHEL BICHA**

19 was called as a witness by the Defense; and,
20 having been duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MR. LIPINSKI:

23 Q. How are you, ma'am?

24 A. Um --

25 Q. You're scared, aren't you?

1 A. Yes.

2 Q. Okay. I realize when you're scared, sometimes
3 people don't project into the microphone. But could you
4 do me a big favor, could you get to the microphone,
5 bring it towards you and tell us your name as loudly as
6 you can.

7 A. My name is Rachel Bicha.

8 Q. That's great. Rachel, have you been placed under
9 oath?

10 A. Yes, sir.

11 Q. Okay. When -- how long have you known Jeremy
12 Bicha, ma'am?

13 A. For 10 years.

14 Q. You two are married, correct?

15 A. Yes, sir.

16 Q. When did you get married?

17 A. January 14, 2006.

18 Q. Okay. Ma'am, and when you first met Jeremy,
19 where was he?

20 A. He was at the Defense Language Institute in
21 Monterey, California.

22 Q. He was in the Navy?

23 A. Yes, sir.

24 Q. I assume you were as well?

25 A. Yes, sir.

1 Q. What did you do in the Navy?

2 A. Well, I was in the Defense Language Institute to
3 study Arabic, same language as I did, only I did not do
4 so well. So I was reassigned as an operation
5 specialist, which are people who are out on the ships
6 and do radar and keep track of all the ships, you know,
7 around the other ship. And I've been doing that in the
8 Navy ever since.

9 Q. Okay. Ma'am, are you still in the Navy?

10 A. I am not in active duty anymore, but I am a naval
11 reservist.

12 Q. So you've known Jeremy now for 10 years,
13 approximately?

14 A. Yes, sir.

15 Q. And how old was Jeremy when you first knew him?

16 A. He was 19.

17 Q. Okay. And you're a little bit older than him,
18 correct?

19 A. Yes, sir.

20 Q. Okay, ma'am. So why don't you tell Judge Krug,
21 since you know him probably better than anybody, what
22 type of guy Jeremy Bicha is.

23 A. Jeremy is the most gentle man I've ever known.
24 He is very patient, he is very willing to be
25 interrupted. If I have a question, especially about

1 computers or something, he'll get up from whatever he's
2 doing and come over and help me out with my questions.
3 He's kind, he's gentle. I have a cat, he doesn't like
4 cats, but he has always shown the most kindness to my
5 animals that I have. You know, I have my cat that's
6 handicapped and he'll help care for her, even though he
7 doesn't really care for cats. He's generous. When we
8 were in Bahrain, he donated a piano to the church we
9 attended and played for their services.

10 Q. You and Jeremy were stationed together in
11 Bahrain?

12 A. That's correct.

13 Q. Okay.

14 A. He gives rides to hitchhikers, he gives money to
15 homeless people. He's always looking out to help
16 people. He's told me over and over again that his
17 greatest desire is to help people, and that's exactly
18 what he's always done. He's donated countless hours.
19 I'm guessing maybe up to 20,000 hours working with,
20 making -- working with -- donating hours to the Ubuntu
21 Project, which is a computer project that develops
22 operating systems and computer software that is offered
23 free to people so low-income people can afford computers
24 and use computers. And he fixes bugs. He helped
25 develop a new operating system, and people all over the

1 world literally email him and tell him how appreciative
2 they are of the work he does for this free software
3 movement that he works in.

4 Q. Let's put things in perspective. After his
5 interview with NCIS, he was returning to the United
6 States, correct?

7 A. Yes, sir.

8 Q. And of course, then he came to Manatee County and
9 he was arrested, correct?

10 A. Yes, sir.

11 Q. And he came to Manatee County on his own
12 volition, correct, meaning he came here himself?

13 A. Well, they wouldn't let him come here. They
14 arrested him in Northfolk and then extradited him.

15 Q. Okay. So let me ask you a question, ma'am. The
16 good works that he's done, the public service he's done,
17 has that been since he was arrested?

18 A. Both before and since.

19 Q. Okay. Well, let's talk about what he's done in
20 the last two years. Tell me about his good works.

21 A. He's helped update GPS maps for Google in
22 Nucumbia, South Carolina area, and also the Indiana,
23 Illinois area. He has, like I said, created this free
24 operating system with two other guys. He has worked for
25 nonprofit and taught classes to adult learners about

1 computers and how to use different computers and
2 operating systems and stuff like that. He's been the
3 go-to guy for that nonprofit in terms of -- it's an IT
4 nonprofit, but yet he's been the go-to guy for any IT
5 problems they have because he's so knowledgeable about
6 computers. He has, like I said, he will come home from
7 work and he will work all night on this Ubuntu stuff,
8 all weekend.

9 Q. I'm sorry, you mentioned an acronym. I'm not
10 sure what that is.

11 A. Ubuntu is the name for this community, this kind
12 of free software.

13 Q. Okay. For people in third world countries or
14 disadvantaged people?

15 A. Anyone can really use it. He manages my
16 computer, my mother's computer, my grandma's computer.
17 He's really helped my grandmother's mental health and
18 even lengthened her life as it were because he got her
19 set up on this computer and found her all these free
20 games and she loves it, she has something to do,
21 something to look forward to, something to live for now.
22 So he's really helped her. He's, you know, volunteered
23 with -- it was while I was in Bahrain that he
24 volunteered to church, but most of what he does is the
25 computer stuff. But, like I said, people email him --

1 I've seen the emails in the blog posts that they say,
2 you know, how much he's contributed to the community.

3 Q. Does he have a job now?

4 A. Not at the current time.

5 Q. Okay. And for -- since he's been released on
6 bond, how has he been employed?

7 A. He worked for this company called ITL. It's a
8 nonprofit. It's a computer company. They try to raise
9 awareness in the community about IT careers and fields
10 and also teach people more about computers and how to
11 use them.

12 Q. And how long was he employed there?

13 A. About two years, I think.

14 Q. Okay. And I imagine, having this arrest pending
15 is what makes it difficult for him to get jobs?

16 A. Yes, sir.

17 Q. And have you been relying basically on your
18 income to live?

19 A. Right now we are.

20 Q. Let's go back to what kind of a guy is Jeremy.
21 You know, the accusations in this case that happened
22 some 15 years or better are pretty awful. There's just
23 no doubt about it at all. Tell me, what is it that
24 makes you think he's not that type of person now, even
25 though you've known him for 10 years.

1 A. Well, he told me right up front when we first met
2 all about the situation. So I've always known about it,
3 and I made sure that he was a good man --

4 Q. You mean the situation with [REDACTED] and
5 [REDACTED]?

6 A. Yes. I made sure that he was a good man before I
7 married him, and I've watched him with people. He's
8 always trying to help people. He will get up from what
9 he's doing and help people. He's also -- he's never
10 shown the slightest bit of interest in children at all.
11 I've seen him with kids, and if they come up to him and
12 ask him a question or something, he'll, you know, answer
13 their question politely, respectfully. He's always
14 treated them with respect. He never condescends or
15 talks to them, but he never seeks their company. He's
16 always much more comfortable with adults, with
17 socializing with adults. He doesn't seek out kids. He
18 ignores them. He's happy to totally ignore kids and
19 teenagers because that's just not who he is, he's not
20 just a kid person, and he doesn't care about -- you
21 know, not that he doesn't care, but he's not interested
22 in them. But he's always polite and respectful to
23 everyone, you know.

24 And as far as other women, he's, you know,
25 he's always -- he's interested in adult women as far as

1 sexually, those are his peers, but --

2 Q. Let's define what we mean by that, sexually. You
3 mean that if he sees a good looking woman or something
4 like that, he might be inclined to look at her, or do
5 you mean something else?

6 A. No, I mean that, because he's never, like, tried
7 to go after another woman or anything. He's always been
8 very faithful to me both before we were married and
9 after we were married. And the thing is he hasn't
10 had -- as far as, if you want to talk about physical
11 intimacy, he doesn't have an easy time with me because I
12 too suffer from vaginismus and, [REDACTED] is right, it's
13 very painful to have sex, and he could have gotten
14 dissatisfied or, you know, frustrated and gone looking
15 somewhere else, and he never has.

16 Q. Tell me, did that come from being sexually
17 abused?

18 A. I don't know. I had a doctor who thought I had
19 been, and I don't know enough about the definitions to
20 know if that's true or not. I had some sexual, you
21 know, sexual issues as a kid, but I don't know if it's
22 serious enough to be abuse.

23 Q. Okay. What else would you like the judge to know
24 about Jeremy?

25 It's okay, ma'am, look at your notes and

1 take your time. As you know, some people have read
2 statements, which is perfectly fine. If you'd like to
3 read your notes, that's perfectly fine, too.

4 A. Well, Jeremy has, from the time I've known him,
5 he's always been very sorry for what he did. When I
6 was -- when we were in Delhi, the Navy, especially the
7 new people like us, we were just new at our careers,
8 they really make sure you understand all the rules, and
9 that includes rules about sexual assaults. So we had a
10 sex education. He never had it before then, and we
11 would talk about what we were learning, and he was so
12 sexually ignorant, and I was surprised at just how
13 ignorant he was, because he didn't even know what I
14 would think a normal adult would know, and he learned
15 from the Navy what was right and what was wrong. He had
16 never known that before. And I remember one time he
17 came up to me crying, and I asked him what was wrong,
18 and he said that he had been on the Internet reading
19 about sexual abuse and he realized then for the first
20 time just how much he had hurt his sisters. And he
21 said, I never knew I hurt them before this; I never
22 realized it. So he's been -- I've seen him cry many
23 times about that and he's always wanted to make things
24 right somehow, some way if he can. And he's never
25 really had an opportunity because his father was so

1 harsh that he was too scared to try to talk to his
2 sisters until they were out of the house, which, you
3 know, by that time it was pretty much too late. There
4 was never the opportunity.

5 Q. Ma'am, you just touched on something [REDACTED]
6 indicated. [REDACTED] seemed to indicate that she was
7 afraid of Jeremy and yet Theresa revealed that she's
8 been emailing him quite a bit; is that true?

9 A. That's true.

10 Q. Tell us about that. A, are you aware of that?

11 A. Yes, I am.

12 Q. And she spoke to you, correct?

13 A. She has chatted with me and called me on the
14 phone, yes, sir.

15 Q. Okay. Tell us about what contact that [REDACTED]
16 and for that matter [REDACTED] had with Jeremy before he
17 was arrested?

18 A. [REDACTED] as far as I know, had very little
19 contact with him. We never really talked to her.
20 [REDACTED] would initiate these emails or these chats.
21 And I remember he would say, oh, [REDACTED] is emailing me
22 again. And you know, it would always be in the evening
23 because of the time difference, you know, it was always
24 late at night for us was when it would happen but it was
25 because of the time difference. And she was, you know,

1 you never knew when you would get one from her.
2 Sometimes she would be really friendly and other times
3 she would, like, push us away like she didn't want
4 anything to do with us, but other times she would be,
5 like, super friendly. And there was one time when we
6 were visiting the family, you know, she was saying
7 some -- she was saying things to him that, you know,
8 weren't nice, kind of hostile things and I said, you
9 know, I don't like this, I didn't say it to her, I said
10 it to Jeremy. I said, I really don't like what she's
11 doing, I want to say something. He said, no, no, no,
12 don't say anything. He never would let me -- he
13 wouldn't -- you know, he would never do anything against
14 her when we would visit because, you know, not even to
15 defend himself if somebody said something negative to
16 him. And when I -- after I said that to her, I think
17 she overheard me because she was really nice to me and
18 wanted to have me sit next to her at the restaurant and
19 in the car and wanted to hold my hand. So I never knew
20 what to expect. She would be friendly sometimes and
21 other times not. So I mean, I don't know, but she -- I
22 don't think she was afraid of him because she never
23 really acted like it, not when we were around anyway.

24 Q. When she would phone and on these emails, would
25 she ask for things?

1 A. Yes, sir.

2 Q. What type of things?

3 A. She wanted us to buy her a car, or give her our
4 car when we went to Bahrain. She wanted him to buy her
5 a computer. She wanted scarves and other souvenirs from
6 Bahrain and England. She wanted him to pay for her
7 tuition, just different things like that.

8 Q. Okay. Concerning your husband and any sort of
9 attraction to underaged females, you indicated he was
10 attracted to mature women. Do you have any fears that
11 he's going to have some sort of attraction to children?

12 A. No, sir. Like I said, he's never shown any
13 interest of any kind in children at all.

14 Q. Okay. How often are you two together? I mean,
15 of a usual typical 24-hour day, how often are you there?

16 A. Well, now that he's not working, I would say
17 all -- pretty much all the 24 hours.

18 Q. And I understand that you all happily have had a
19 child; is that correct?

20 A. Yes, sir.

21 Q. And how recent was that?

22 A. He was born August 23, so it's been about a
23 month.

24 Q. Okay. About a month old? Do you have any sort
25 of belief whatsoever that he has any attraction to

1 children?

2 MS. EVERS: Objection, asked and answered
3 many times.

4 THE COURT: Sustained.

5 BY MR. LIPINSKI:

6 Q. Ma'am, what else would you like the Judge to know
7 about Jeremy that you haven't already said?

8 A. Jeremy has been an absolutely wonderful father to
9 his son already. He's been so gentle and so tender, and
10 he helps -- you know, he changes his diapers, he brings
11 the baby to me to be fed, he takes turn holding the
12 baby. He loves -- I love watching him interact with the
13 baby. He talks to him, he's like, today we're going to
14 learn the word goo. You know, he's so, so kind to the
15 baby and he has this way of when the baby is crying and
16 it seems like I can't get him to stop, he'll take him in
17 his arms and he'll walk up and down the hall and the
18 baby just quiets right down and goes to sleep. He's
19 just -- he's going to be an excellent father.

20 And sir, I just would like Jeremy to have
21 the opportunity to be a father to his child and for his
22 child to have the opportunity to have a father because
23 this child has never done anything wrong and I wouldn't
24 like to see his child to suffer the loss of his father.

25 Q. What sort of sentence are you hoping that Judge

1 Krug will give him?

2 A. I understand that the -- his sisters have
3 suffered a lot. So I understand that the Court has to
4 do something, that he can't just let Jeremy walk free,
5 but I would hope that it would be something like
6 probation because there's -- I don't see any purpose in
7 prison. He's -- he doesn't -- I mean, he's been
8 punished so many times with all the stuff that's
9 happened with his family, taking him out of college and
10 losing his career and all the stuff. And if he's in the
11 sex offender registry, he's going to be punished the
12 rest of his life with trying to find a place to live.

13 Q. Let's speak of that briefly. As Theresa has
14 indicated, you live in a house that she owns, correct?

15 A. Yes, sir.

16 Q. And if in fact he was labelled as a sex offender,
17 could you live in that house?

18 A. No, sir.

19 Q. Where would you two have to go?

20 A. We would have to go somewhere else, and right now
21 we would probably have -- move to Illinois because, you
22 know, I have family there.

23 Q. And you live where in Illinois?

24 A. In Denver, Illinois.

25 Q. And where is that in Illinois? I just don't

1 know.

2 A. That's east central, about three and a half hours
3 south of Chicago.

4 Q. I'm sorry, ma'am, was there anything else that
5 you wanted to say to Judge Krug?

6 A. I think prison would just basically waste the
7 taxpayers' money because he's a good man. I'm afraid he
8 will get victimized in prison because he is so
9 unsophisticated and naive and trusting. He is very,
10 very trusting. He gives everyone the benefit of the
11 doubt, especially his family, he always has. And I
12 think maybe like maybe probation, because I can
13 understand that the State will want to keep an eye on
14 him for a while to make sure that he wouldn't re-offend,
15 even though I believe without the shadow of a doubt that
16 he will never, ever re-offend. So maybe something like
17 that would be appropriate.

18 MR. LIPINSKI: No further questions. Thank
19 you.

20 MS. EVERS: No questions.

21 THE COURT: State, any questions?

22 MS. EVERS: No questions.

23 THE COURT: You may step down, ma'am.

24 Mr. Lipinski, any other witnesses?

25 MR. LIPINSKI: Other than my client, no.

1 THE COURT: You're ready to call your
2 client?

3 MR. LIPINSKI: I'll be happy to, Judge.

4 **JEREMY BICHA**

5 was called as a witness on his own behalf; and,
6 having been duly sworn, testified as follows:

7 **DIRECT EXAMINATION**

8 THE COURT: Why don't we have the defendant
9 take the stand.

10 BY MR. LIPINSKI:

11 Q. Sir, state your name, please.

12 A. I'm Jeremy Bicha.

13 Q. How old are you, sir?

14 A. 29.

15 Q. Where do you live?

16 A. I live in Columbia, South Carolina.

17 Q. Okay, sir. I think we know a little bit about
18 where you were born, things of that particular nature.
19 Let's talk about what you did since you joined the Navy.

20 A. I apologize. I have one more set of notes back
21 there.

22 Q. I'm sorry. Would you like to come down and get
23 your notes?

24 A. May I?

25 THE COURT: You may.

1 Counselors, while the defendant is getting
2 his notes, this is going to be the last witness. We
3 will take a break for the evening. I will set this for
4 -- I would like to do this on Friday, perhaps we can do
5 this at 11:30 on Friday. Why don't you check your
6 calendars. And at that time I will listen to final
7 arguments and I will render a sentence at that time.

8 MS. EVERS: I know I'm available, your
9 Honor.

10 THE COURT: Okay.

11 MR. LIPINSKI: Judge, I'll make myself
12 available.

13 THE COURT: Okay.

14 MR. LIPINSKI: Let me just code it in right
15 now, if I could.

16 BY MR. LIPINSKI:

17 Q. I'm sorry, sir, you indicated that you wanted to
18 have your notes; is that correct?

19 A. Yes. And I have them.

20 Q. You're perfectly free to use your notes. So
21 please use them whenever you want.

22 We were talking about the Navy. I think the
23 testimony has been that you were in the Navy for seven
24 years; is that correct?

25 A. Yes, sir.

1 Q. Tell us about your career in the Navy.

2 A. I joined the Navy at the age of 18 in 2003. I
3 was sent to the Navy immediately after [REDACTED] reported
4 this to the adults, and I -- after boot camp, I reported
5 to the language school where I learned Arabic, did quite
6 well at that. It is clearly one of the military's most
7 challenging training environments. Meanwhile, the
8 government initiated their most intensive background
9 check on me and issued me a top secret security
10 clearance, which is the highest level in the department
11 of defense. I also met Rachel in the Navy, and we got
12 married. There was a lot of resistance from my parents
13 thinking that she was not perfect enough, but we had to
14 live apart for two years because of our Navy
15 obligations. We both volunteered for service in the
16 middle east in the country of Bahrain, and we were there
17 for three years. And I knew a lot of people that would
18 come in out there because the normal tour of duty was
19 one year and we volunteered for that year and we signed
20 up and did another year and we re-signed up for a third
21 year.

22 Q. Now, sir, I'm going to show you Defense Exhibit
23 Number 2, which apparently is your discharge papers from
24 the Navy. Can you identify them, please?

25 A. Yes. Okay. This first page is my --

1 Q. First of all, are they true and accurate
2 discharge?

3 A. Yes.

4 MR. LIPINSKI: We'd move them into evidence
5 at this time, Judge.

6 THE COURT: Any objection?

7 MS. EVERS: No, your Honor.

8 THE COURT: Okay.

9 BY MR. LIPINSKI:

10 Q. I think you were about to explain the papers --

11 THE COURT: Defense Exhibit 2 will be
12 admitted.

13 THE DEFENDANT: The first page is my DD214,
14 my discharge paperwork. It talks about the awards that
15 I got. The other pages are my annual evaluations that
16 were performed on me. When they compared me to -- this
17 is for you or -- I'm sorry.

18 When they evaluated me among my peers and,
19 because there's -- it's very competitive in the
20 military, so they have little points and they will give
21 everybody a 3.0 and you'd have to work very hard to get
22 any point above that. And then there is an explanatory
23 paragraph at the end that describes my character perhaps
24 better than anyone else since they worked with me on a
25 daily basis for those seven years.

1 Q. And what does it say?

2 A. It says that I was a top performer. You don't
3 get to the rank of E6 from E1 in seven years unless you
4 work hard. You don't stay in the military if you can't
5 obey rules, if you can't obey the law. If you do
6 anything untrustworthy, they have no problem with
7 kicking you out.

8 Q. Okay. And your goal was to stay in the Navy for
9 retirement?

10 A. Yes. The Navy retirement is generous and I was
11 willing to do that. I did want to do more with
12 computers, and it was unclear whether the Navy would let
13 me do that or not because they wanted me to use my
14 Arabic skills. But in Maryland I was going to have a
15 chance to do Arabic and computer skills to serve our
16 country in our nation's capital. A lot of obligation.
17 I had a very rare job to be able to have that kind of
18 fusion, and I never got the chance to do it. And I
19 think that I was -- I was unique in that I had -- I was
20 good at computer and good at Arabic. It's like two
21 different sides of employment, and it's unusual to have
22 both because it takes so many years to learn both. The
23 computers, I learned that on my free time. And I don't
24 like to think too highly of myself, but I think that our
25 nation's security has suffered because of that.

1 Q. Okay. Let's talk a little bit, if we possibly
2 could, concerning your family life. I realize that your
3 mom has talked about it, [REDACTED] has talked about it,
4 and I think [REDACTED] talked about it a little bit. Tell
5 us about what happened. You were the first born, and
6 what happened from there?

7 A. Well, [REDACTED] gave the most accurate couple
8 words description of what our home was. When she said
9 that we lived in fear, that's exactly how I would
10 describe it. Our house was a house of fear, and we
11 lived in fear for years and years.

12 Q. Actually, technically, I think it was an
13 environment of fear, but I think it's the same thing.

14 A. Yes, she said an environment of fear. We lived
15 in fear because we were abused physically and
16 emotionally and psychologically. The physical abuse
17 involved us getting beaten. You heard the story about
18 [REDACTED] being found. She was only three years old then
19 when she had those welts all the way up and down and on
20 the sides. The reason she got that is because [REDACTED]
21 didn't fit in as well in the family. The fundamental,
22 independent Baptists believe that -- believe that women
23 must submit to men, and they believe -- just Jessica and
24 [REDACTED] were able to be the quiet, submissive role that
25 my mom was. [REDACTED] I don't think she was a bad kid,

1 but she was always seen as a bad kid, she was always
2 called rebellious. She was just more outgoing, more
3 independent thinker, and they could not withstand that.
4 So [REDACTED] when she was getting whipped with the
5 buckle end of the belt at age three, the reason she had
6 welts all the way up and down her was because she
7 wiggled. I mean, wouldn't you wiggle if you were being
8 beaten by a belt? And my dad didn't have enough
9 compassion to pause a second for her to stop moving but
10 kept doing it, kept doing it. You know why? Because
11 she cried. And I received this, too. I wasn't as -- I
12 wasn't branded as rebellious as [REDACTED] was, but I
13 was -- I was able to think for myself, to some extent,
14 although in a very limited way. And I recognized at
15 some point that how I was being beaten was even worse
16 than the only people that I knew in the Christian
17 school. They were also independent Baptist homes, that
18 it was to a whole different level, and I knew it was
19 wrong. And I would try to protest to my dad saying,
20 this is wrong. And it wasn't just that we -- it wasn't
21 that we were going around, you know, stealing candy
22 bars. When I talk about being wrong, I remember when we
23 were sitting at the dinner table in Columbia, South
24 Carolina, so we were very young, we moved there when
25 [REDACTED] was just born, and I'm only five years older

1 than her, well, not even five, less than five, and so
2 all of us would get beaten if we dared to spill our cup
3 of Kool-Aid, and we didn't have sippy cups then. And
4 being punished, I mean we were beaten and we would be
5 sent to bed without any supper. It doesn't matter if we
6 just sat down and had only eaten one bite, we got sent
7 to bed without supper, and this happened many times.
8 There were always bruises. I mean, I believe that the
9 United States has not condemned spanking kids, and the
10 state of Florida has not either, it's not illegal, but I
11 believe the United States is at least willing to condemn
12 when children regularly have bruises. To get a kid's
13 attention, you don't need to cause him that level of
14 pain and that level of fear. I -- we couldn't talk.

15 Q. Now, [REDACTED] said that you and her got the main
16 brunt of the beatings. Is that true?

17 A. That's absolutely true.

18 Q. And I'm sure it varied from, I guess, month to
19 month, but when you say beatings, would they be as
20 frequent as once a week or more?

21 A. Absolutely, it would be that frequent. Some
22 weeks it would be -- it would be more often than weekly,
23 yes.

24 Q. Okay. And your mother said it was for some of
25 disobedience or not obeying rules. What type of rules

1 would you be beaten for?

2 A. You know, we would get beaten if we misbehaved at
3 school. And to give you an idea about what misbehaving
4 in school meant, it meant that if you would be sitting
5 in the classroom and you would talk to your neighbor
6 sitting in the desk next to you, then that would be a
7 point against you. And if you got two or three points
8 against you, then that was unsatisfactory conduct. And
9 unsatisfactory conduct to my dad meant that, well, we
10 get spanked for it. If we ever got below an A in
11 school, we got beaten for that. There were rewards, but
12 the rewards were only for absolutely perfect behavior.
13 You know, I did good on my report card, my dad was like,
14 hey, as a reward I'm going to take you out to dinner,
15 and he did. And I think this is something that all
16 fathers should do, is if they have the resources to take
17 their sons out to dinner once in a while --

18 Q. Okay. Well, let's talk --

19 A. The next day I was beaten.

20 Q. Okay. So in addition to physical abuse, I assume
21 there was a good deal of emotional abuse as well?

22 A. Yes.

23 Q. And let's sort of get to the point of the
24 emotional abuse. It consisted of what type of things?

25 A. Well, I like to give two specific stories.

1 Q. Sure.

2 A. One story is [REDACTED] Her middle name is Grace.
3 I'm a little surprised that she didn't mention this
4 story because it's such an important story to her,
5 because [REDACTED] middle name was used against her as a
6 curse her entire life. I hope that it stopped by now,
7 but when my mother would introduce her daughters to the
8 strangers that would always be visiting the church, they
9 would say, here is [REDACTED] and it took a whole
10 lot of grace to raise her. What that means is, here is
11 [REDACTED] she's always a problem child. It's only
12 through God's help that I managed to survive being able
13 to raise her. That's how [REDACTED] feels about it, if
14 you were to ask her.

15 The other story is [REDACTED] strongly wanted
16 to be interested in medical. She wanted to be a doctor.
17 And for some reason she said that I had a part in
18 preventing that from any case, but I had no part in
19 stopping her from being a doctor. My father on the
20 other hand did. My father told her for years that she
21 wasn't smart enough to be a doctor. My father was -- we
22 mentioned that he was a teacher. He taught high school
23 math and science. I remember that he would tutor other
24 students in math and science, then for [REDACTED] entire
25 high school years, she was home schooled. And home

1 schooled didn't mean that my dad taught them. It was
2 all self-guided, and [REDACTED] couldn't do very well at
3 understanding high school Algebra without any
4 instructor. I mean who among us would be able to
5 understand high school Algebra without an instructor?
6 And yet he condemned her for it because she couldn't
7 figure it out by herself and said that, if you can't do
8 well at high school math, there's no way you can go be a
9 doctor. [REDACTED] dream her entire life was to be a
10 doctor. My dad, not only did not support it, he
11 actively worked to destroy it. [REDACTED] today is not a
12 doctor. And the only reason she's not a doctor is not
13 because she wasn't motivated enough, but because my dad
14 wouldn't let her. Instead she's a registered nurse in
15 Canada. She is actually doing quite successful at that
16 because she's working at the Stollery Children's
17 Hospital, which is the most prominent children's
18 hospital in western Canada. She's far from being ruined
19 by what happened, but she's a success and I applaud
20 every success. I wish that I could have been there for
21 her graduation. But obviously, the graduation happened
22 after these proceedings were already started and I could
23 not show my support for her. I encouraged her to go
24 study at medical school. I was living in Augusta,
25 Georgia in the Navy and I said, there is a medical

1 school in this town here and I can talk to people and
2 help get you into this medical school. You don't have
3 to do what your dad says. Rachel and I recommended
4 several times that she doesn't have to listen to him but
5 she could pursue her dreams.

6 Q. Now, tell me, was there any sort of sex education
7 in your house or any talk of sex at all?

8 A. There was absolutely no talk of sex education.
9 Even after I was -- even after I was caught, there was
10 nothing, there was no guidance, there was no -- sex was
11 taboo. It was never discussed. Many things were never
12 discussed. We couldn't discuss thing.

13 Q. I mean, did you even talk about basic anatomy?

14 A. No, never. The only thing that I knew about sex
15 until I joined the Navy and had a little bit of sex
16 education there, was what I learned from reading books
17 and what I was able to figure out myself.

18 Q. Okay. So when you were in this very repressed
19 household with very strict rules and very bad discipline
20 and emotional abuse, that was the environment of fear
21 that Jennifer was talking about?

22 A. Yes.

23 Q. Seems like you and [REDACTED] are in agreement with
24 that?

25 A. Yes.

1 Q. Okay. Let's get down to it. Apparently, you
2 were sexually abusing [REDACTED] and [REDACTED]

3 A. Uh-huh.

4 Q. Tell us what happened.

5 A. Well, I never had the desire to hurt them or harm
6 them in any way. But what happened is I was 11 years
7 old and sex had been mentioned and -- but it was never
8 explained what it meant. There's enough things in the
9 Bible that it would get preached every so often, don't
10 do sex, don't have sex, and I didn't know what it was.
11 It would be mentioned on television. If you remember
12 the late '90s was when the Clinton scandal happened.
13 Sex was talked about all the time, but I had no idea
14 what it was. Nobody would explain it to me. My dad,
15 like it had already been mentioned, paid me to read the
16 encyclopedia at an earlier age. And I thought, well, I
17 can't ask my dad about this because -- I didn't get into
18 it because we were so short on time, but I couldn't tell
19 my dad good things without fear of getting beaten. So
20 we had no outlet at school or at church. The only
21 social outlet I had was the church, and the church sex
22 was absolutely taboo. You couldn't talk about it.
23 Nobody ever talked about it, not social peers, not to
24 people in my grade, ever. So I went to the encyclopedia
25 one night and I thought, hey, I could learn what sex is.

1 I'll just go to the S section and go there. I read the
2 article, but the article amazed me because I had no idea
3 about any of this. But the problem is that the article,
4 there were so many things that it didn't say. There
5 wasn't enough in the article for me to really
6 understand, well, how does sex actually work. And with
7 Asperger's disorder, we're extremely curious, and I was
8 encouraged, strongly encouraged by my parents to be as
9 curious as you can be and learn things. So I wanted to
10 learn more.

11 Q. So first of all, you concur with Dr. Regnier's
12 diagnosis and the feelings of your family that you have
13 some form of autism, particularly Asperger's syndrome;
14 is that correct?

15 A. Yes.

16 Q. And what's your understanding of Asperger's?
17 What does it do and how does it relate to your conduct
18 back then?

19 A. Well, so, Asperger's disorder, especially in
20 DSM-V is now part of the autism spectrum, and as it
21 relates to that, although in some areas it's a little
22 bit of the idiot/savant thing, where in some area it's
23 advanced and it seems like they are amazingly brilliant.
24 But it doesn't apply everywhere. There's always a cost.
25 So you get a benefit, and maybe you're smarter, maybe

1 you're a little bit better at math, maybe you're
2 learning the periodic table at a young age --

3 Q. Like your aunt said, at age 5 you knew the
4 periodic table but you couldn't interact with people.

5 A. But I had no idea about --

6 Q. Is that true?

7 A. That's true. I didn't have social skills at all,
8 and it caused me enormous trouble with getting bullied
9 at school because I was different.

10 Q. We were talking about the sexual abuse of your
11 sisters.

12 A. Yes. I was delayed in my understanding of any
13 social interaction. And sexual was even worse. I may
14 have been 11, okay, according to my birth certificate,
15 but as far as my understanding of sex, I was a few years
16 delayed. Books say that they're five years delayed,
17 I'll say maybe I had the understanding of an eight or
18 nine-year-old.

19 Q. When you say books, you're talking about books
20 about autism?

21 A. Yes.

22 Q. I'm sorry, books about Asperger's?

23 A. Books about Asperger's specifically. I mean,
24 autism is very broad.

25 Q. I understand. But let's go back and focus on

1 your sisters.

2 A. Yes. And so I thought that, well, I would like
3 to see what -- I would like to see what a woman looks
4 like. I would like to see what the female body looks
5 like, and I had to touch it to see what does this feel
6 like. And this is so horrible. I mean -- and so I did.
7 But after touching them, my questions still weren't
8 answered, the encyclopedia, I said that it didn't tell
9 everything. The encyclopedia did not tell the emotional
10 problems. I had no idea until I went to the Navy that
11 sex is not just physical but it's emotional, and that
12 there was any possibility of causing any emotional and
13 psychological harm to my sisters. Because to me, all it
14 was was physical. And my sisters, we had been trained
15 from babies not to show pain, and I was just -- I was
16 just so stupid. I didn't -- I didn't understand the
17 harm that I was causing.

18 Q. Did you realize how wrong that was in the eyes of
19 the law at that young age from 11, 14?

20 A. I had absolutely no idea that there was a law
21 about this, because what I was able to learn about sex
22 from TV and the newspapers and things were that
23 teenagers have sex. I had no idea that teenagers could
24 break the law by doing that.

25 Q. But why your sisters as opposed to perhaps some

1 girls that you met at school, even though that would be
2 horribly inappropriate as well.

3 A. I understand that. There was no other girl. I
4 never -- I never was able to have any kind of dating or
5 going over to someone's house barely -- I never was able
6 to have a relationship with a girl that would have been
7 anywhere close to making that possible.

8 Q. So going back to it, why your sisters?

9 A. Well, I mean, just as kids, when we were a little
10 bit younger, we had gone to the bathroom together, and
11 it just -- I --

12 Q. You lived in a small house and there was only one
13 bathroom?

14 A. Yes. By the time we got to Florida, there was a
15 separate bathroom from my parents, but the rest of us
16 shared the bathroom.

17 Q. So the kids shared the bathroom?

18 A. Yes.

19 Q. Go on with your story. I'm sorry.

20 A. I didn't know what sex was. Contrary to what
21 [REDACTED] says, there was no penis and vagina. What I
22 was wanting to do was I wanted to learn as much about
23 sex as I could without violating what the church said
24 about you can't have sex. But nobody told me where the
25 line was. And I was pushing the line. I admit that I

1 was -- that I was wrong then, but nobody -- I mean, I'm
2 being -- I'm being judged, I can go to prison for 15
3 years, and I did not know where the line was.

4 Q. Meaning?

5 A. I read books, I read science fiction books, I
6 read research books. It's very different in 2013 than
7 it was in 1996. In 1996 the Internet basically did not
8 exist nearly in the form that it is today. Today I
9 think you could hold, you know, a 15- or 16-year-old
10 responsible if they had access to the Internet to be
11 able to look up questions. The encyclopedia articles
12 talk about all of these issues about teen sexuality.

13 Q. Let's talk about you back from '94 to '99. So
14 during that particular point in time, I understand there
15 was no Internet for you to get answers to. I'm with you
16 on that. You had a curiosity about sex; I understand
17 that. I understand there are references in the Bible to
18 sexual masturbation and Lot being implicated with two
19 daughters, having sex with them and all kinds of stories
20 in the Bible. I understand all that. But why did your
21 situation express itself in having some sort of sexual
22 contact with your sisters?

23 A. It was based out of curiosity. The other big
24 problem is that you have to be -- I mean, kids need sex
25 education because, otherwise, there's a higher risk of

1 them being abused if they don't know what's happening
2 and be able to describe it to an adult that something is
3 wrong. It's even a little more so with kids with
4 Asperger's because they can't understand, and they're
5 more curious. Also the problem is that at that age
6 puberty was starting and I had a sex drive, and I did
7 not understand what was going on. I didn't understand
8 what was compelling me to be so curious. I mean, you've
9 got heightened curiosity and you have a sex drive. So
10 it's a recipe for disaster.

11 Q. And so when [REDACTED] is talking about these
12 things happening about thousands of times, perhaps to
13 her it seemed like thousands of time, but is that the
14 way it was?

15 A. It's impossible for me to know how often. I
16 mean, it's extremely difficult for me to say anything
17 negative about my sisters because I know they've
18 suffered so much. If -- that's on the very high end of
19 what was possible.

20 Q. Tell me this. Obviously, there was an instance
21 when your father caught you and Jennifer.

22 A. Yes.

23 Q. And he was very angry. [REDACTED] indicated that
24 both of you were punished, but she felt she was punished
25 more than you and was called names like being a harlot

1 and things like that. Tell me what happened. Tell me
2 what sort of punishment you had and then we'll talk
3 about other things.

4 A. Okay. I don't -- I don't remember her being
5 called a whore.

6 Q. Let's talk about -- let's talk about a couple
7 things. Okay?

8 A. Yes.

9 Q. Let's talk about what happened.

10 A. Yes.

11 Q. Your father caught you, correct?

12 A. Yes.

13 Q. How did your father catch you?

14 A. He caught me because I was touching [REDACTED]
15 vaginal area.

16 Q. So when your father found out, what sort of
17 punishment did [REDACTED] get?

18 A. Well, so my dad marched her, without the chance
19 to finish dressing herself, marched her to my mom who
20 was asleep because she worked night shift and, you know,
21 suddenly woke my mom up. It's extremely embarrassing,
22 but from what I saw, that was all of the punishment that
23 she received.

24 Q. What kind of punishment did you get?

25 A. Well, I was beaten severely. I honestly can't

1 say that it was necessarily the harshest beating because
2 I had been beaten several times, but my dad beat me as
3 hard as he could at that particular time in life. He
4 told me that, don't you know you could go to jail for
5 that. And that was the first I had any idea of that.
6 And my dad didn't do anything else to handle that,
7 except that I was sent to Bible college the same week I
8 turned 17, which is very young. And I wonder if it was
9 a punishment or not, but that's speculation.

10 Q. So the accusation is, and what [REDACTED] says,
11 this abuse happened for her between the ages, I think
12 between 11 or 14 or 10 to 14, somewhere in the time
13 period that you were in Bradenton, correct?

14 A. Yes.

15 Q. Okay. When did you actually realize that what
16 you had done was not only just kind of bad manners or
17 improper behavior, but something not only horribly
18 morally wrong but legally wrong, in a big way?

19 A. Legally, I guess when I was in California but I
20 didn't fully understand --

21 Q. I'm sorry, we don't have any context when you
22 were in California.

23 A. After I was pulled out of Bible college. So when
24 I was 19 or 20 I was starting to learn about how bad sex
25 abuse was. I would have had no idea that so many years

1 later that I could have been prosecuted because at one
2 point my mom suggested that [REDACTED] was angry enough to
3 press charges against me, and I looked on the Internet
4 and it said that the statute of limitations had run out.
5 I was totally unaware that Florida does not just have
6 first, second, and third degree felony but there's
7 something worse than that. I think I've answered your
8 question or --

9 Q. Okay. Well, let's just spend just a small amount
10 of time with this. [REDACTED] has indicated that she's in
11 great fear of you. There's been testimony that she sent
12 you a lot of emails. Is that true?

13 A. We had an awkward relationship. I'll accept that
14 she says she's afraid of me. But she definitely sent me
15 a lot of correspondence.

16 Q. According to your wife, some were friendly, some
17 weren't friendly, some were hostile, some were asking
18 things. There was a whole spectrum of email
19 correspondence, correct?

20 A. Yes. To be more specific, in the six months
21 before she reported this to the authorities, she emailed
22 -- we had many, many conversations. Some of them she
23 initiated and some of them I initiated. She initiated
24 24 of them. After going to the authorities, she also
25 initiated four more conversations with me, when I don't

1 believe that after reporting this to the police that
2 you're supposed to have contact with, as she likes to
3 call me, her perpetrator.

4 Q. What were the correspondences after you were
5 arrested, what were they about, what was she referring
6 to?

7 A. Oh, well, that's the fascinating part. When I
8 was in prison -- when I was in jail, in Manatee County,
9 I asked -- I requested that my wife log into my email to
10 find out if I had any orders waiting to -- going to
11 Bahrain, or other responsibilities. When she did that,
12 [REDACTED] saw that I was -- that I was online and started
13 a conversation with me. This was after she had already
14 told me that I could have absolutely no conversation
15 with her. She told that to me. She got the Navy to
16 order me not to have any contact with her. All she
17 would have had to do was ask. When she told me that she
18 didn't want anything to do with me, I respected her
19 wishes. And she had an extended conversation with
20 Rachel, and it's in my email account, so I have been
21 able to read it then. She said that she was doing this
22 because she believes that there could possibly be
23 another victim, although there is no evidence. She said
24 that -- Rachel said you're hurting me by taking my
25 husband away, and [REDACTED] said, no, I'm being good to

1 you. This is -- I'm looking out for you.

2 [REDACTED] has reduced empathy. I really -- I
3 really hate to say anything bad about anyone in my
4 family, specially not [REDACTED] and I don't know if that
5 comes across as bad, because I don't like to see anyone
6 suffer. I feel bad that my mom had to take the stand.
7 I feel bad that I had to take the stand and say bad
8 things.

9 When I was a child, I was angry. I was
10 angry at how I was being treated, but I had no outlet
11 for my anger. I had to keep it all inside me. But as
12 an adult, I have no anger. I mean, I'm angry at what I
13 did. So I mean, it's not that I have no emotion at all,
14 but it's that I'm not an angry person but I was an angry
15 kid because of how bad things were. I knew what my dad
16 did was wrong. I didn't fully understand that what I
17 did was wrong, but I accept it now. I take full
18 responsibility for what I did. I had a horrible home.
19 I have a whole list of risk factors that I found by
20 studying juvenile sexual abuse, and our home was full of
21 them. But nobody made me touch my sisters. Nobody made
22 me hurt them. And I never wanted to hurt them, and I've
23 never hurt anyone as an adult.

24 Q. Okay. You composed a letter. I think it's
25 approximately 13 pages, maybe a little bit more. It has

1 a lot of what you've already testified. It has some of
2 your conclusions and things like that. I've already
3 shown it to Ms. Evers.

4 MS. EVERS: I didn't have time to read that.
5 You just showed it to me a second ago.

6 MR. LIPINSKI: That's correct, I did. Shall
7 we go over it line by line, although it might be easier
8 for the Judge and also the prosecutor if we go through
9 it section by section. Fair enough?

10 THE DEFENDANT: We can do an overview.
11 There will also be time, because I believe we're
12 continuing finalizing this maybe Thursday, there will be
13 time to have read it by then if there were any
14 objections to what it says. But yeah, I can show you
15 the outline of what I'm talking about.

16 Q. Well, let's do things in order. You have a
17 letter, correct?

18 A. Yes.

19 Q. It has lots of sections to it, correct?

20 A. Yes.

21 Q. It has lots of sections about your past, some of
22 which you've already talked about, correct?

23 A. Yes.

24 Q. It has some of the stories about [REDACTED] and you
25 being beaten, and you've taken a lot of time to compose

1 that, correct?

2 A. Yes.

3 Q. It talks about independent Baptist. It talks
4 about your feelings about Asperger's and sex, and some
5 of which you've already covered, correct?

6 A. Yes.

7 Q. It's more complete than your testimony that
8 you've given here today?

9 A. Yes, just for the sake of time.

10 Q. Okay. We've sort of given the trunk-down
11 version, sort of the Reader's Digest version of what you
12 said; is that correct?

13 A. Yes, sir.

14 MR. LIPINSKI: Okay. Judge, I would be
15 happy to do it whichever way that you want to. I would
16 be happy to either do, A, go through every section of it
17 and have him basically read it just like the other
18 witnesses have read theirs. That may take some time. I
19 would be more happy if the Court -- give you a copy and
20 Ms. Evers a copy and then come back on Friday and sort
21 of go over it in a truncated fashion.

22 THE COURT: I will leave that up to you, Mr.
23 Lipinski. I would like to finish the testimony today so
24 that the only thing remaining on Friday at 11:30 would
25 be recommendations by both parties and then sentencing.

1 MR. LIPINSKI: Okay. Judge, if it may
2 please the Court then.

3 BY MR. LIPINSKI:

4 Q. Jeremy, do you have another copy of this?

5 A. Which one?

6 Q. It's your letter dated September 25.

7 A. Yes.

8 Q. Okay. Do you have that?

9 A. Yes.

10 Q. Is that the one you've been using, sir?

11 A. Yes.

12 Q. Okay. Fair enough.

13 A. Sorry, I printed three copies, but I figure I
14 lost one of them.

15 Q. I think you may be right.

16 Okay. Well, let's go through this a little
17 bit. You've identified a whole bunch of factors in your
18 statement that you think were sort of cultism that led
19 you to sort of improper and bad behavior, correct?

20 A. Yes.

21 Q. You already talked about physical abuse. You
22 talked about verbal and emotional abuse and arbitrary
23 rules, unquestionable obedience to authority figures
24 like your dad, fear of authority, isolation from
25 society, extreme distrust of government. We haven't

1 covered that. Repressed sexuality, complete absence of
2 sex education, no open communication, lack of boundaries
3 or privacy, inadequate supervision, older siblings given
4 too much authority, which we haven't spent any time on.

5 Those characteristics in your view are
6 things that make one cultish or is an environment in
7 which bad things happen for kids.

8 A. I did not at all try to show the independent
9 Baptist as a cult. This is purely risk factors for
10 juvenile sex abuse developing in a home.

11 Q. Okay. You indicate, also concerning physical
12 abuse, I think that everybody understands that you had a
13 very strict, very isolated home; is that correct?

14 A. Yes, sir.

15 Q. Okay. And we've already talked about living in
16 fear or in an environment of fear, correct?

17 A. Yes, sir.

18 Q. You mentioned being beaten with a belt. I think
19 ██████ said a board. The truth is you were struck by
20 a number of things, correct?

21 A. Yes.

22 Q. If it was something as incidental as knocking
23 over Kool-Aids, or as you mentioned, you didn't have
24 sippy cups back then or at that age, you would be
25 beaten, correct?

1 A. Yes.

2 Q. That was something you weren't supposed to talk
3 about outside of your family, correct?

4 A. Absolutely. We weren't supposed to talk about
5 our discipline or anything negative to anyone else.

6 Q. Okay.

7 A. To continue what was said before, the only reason
8 Theresa never saw physical abuse after that is because
9 my parents would beat us at home. We were afraid of the
10 outside. We weren't going to get spanked in public
11 because if somebody saw it, they would be horrified or
12 report it.

13 Q. Okay. In addition to the physical abuse, did you
14 realize that all this physical abuse was not only wrong
15 but against the law?

16 A. I absolutely did not realize it was against the
17 law. All I knew was that it was wrong. Here is the
18 thing. As an adult, if an adult is in a bad
19 environment, if they are hanging around bad people, the
20 State can say, hey, you need to take it upon yourself to
21 move and get yourself out of that home. If I had been
22 given the option at age 14 to go to a different home, I
23 would have jumped all over that. I knew my home
24 wasn't -- any other home would have been better.

25 Q. Okay. For instance, you started telling me about

1 emotional abuse. For instance, one day after school
2 care Christian school, apparently there was an Easter
3 egg hunt.

4 A. Yes.

5 Q. Tell me what happened and why that was
6 significant to you.

7 A. Well, there was an Easter egg hunt at daycare. I
8 mean, it's such a little thing, but to my dad, I guess
9 this is sort of a little bit of the cultish thing, he
10 believed that Easter eggs were evil, that this is
11 Satanic influence into what Easter is supposed to be
12 about. It's a corruption of what Jesus did and all of
13 that. Because of that, unfortunately this time I was
14 not beaten, but as I explained, we believed that the
15 emotional, the verbal abuse was actually worse than the
16 spanking, if that can be believed. My dad had such a
17 strong personality towards us that he would talk and we
18 would be scared. And so I guess he may have been more
19 angry at the school for doing it, but what he said is
20 that if they ever do something like that again, that he
21 would take me out of it. And that was the only little
22 bit of social interaction that I had, was the hours of
23 daycare in the day. I was afraid, I'm like, I can't
24 tell my dad any good things, because this was a good
25 thing, and I was in great pain because of it.

1 Q. Okay. We're not here to run down the independent
2 Baptist Church.

3 A. No.

4 Q. It's a First Amendment thing, what they believe
5 in. But were you taught, you know, through the
6 religious stuff that CPS, Child Protective Services were
7 trying to break up good Christian families?

8 A. Yes. I say that in the letter. They believe
9 that the department of, you know, CPS, that type of
10 outfit was a way for them to infiltrate Christian homes
11 and steal children. If you were to look on -- you can
12 Google on the Internet, you can see lots of things about
13 CPS being believed to steal children. They wanted --
14 they believe that CPS was doing it to brainwash kids so
15 that they would be atheists, basically, that they would
16 depart from the faith if they were taken out of it.

17 Q. We talked about the Asperger's. Of course you
18 didn't know as a kid that you suffered from Asperger's,
19 correct?

20 A. No.

21 Q. How --

22 A. Well, not only was Asperger's not as recognized
23 then, but the independent Baptists reject almost all
24 psychology methods.

25 Q. Okay. People with Asperger's are different.

1 They have poor social skills; they have poor coping
2 skills; they are very good at technical stuff like
3 computers?

4 A. Yes. Silicon Valley exists -- I believe the
5 Judge used to live out in that area. Much of Silicon
6 Valley is built by people with Asperger's. They have
7 limited social skills, but they've got great technical
8 skills.

9 Q. And you mentioned insofar as you didn't have any
10 sex education until you went in the Navy, the church and
11 your parents preached that sex was evil but they never
12 really told you what it was, did they?

13 A. No, I didn't know what sex was. So how could I
14 avoid it if I didn't know what it was.

15 Q. So the sexual touches started when you were 11
16 years old and you were just curious what sex was,
17 correct?

18 A. Yes.

19 Q. You heard about it but it was never explained to
20 you, correct?

21 A. Yes.

22 Q. So after your dad found out about it and stuff
23 like that, did you and [REDACTED] continue in some form to
24 do it?

25 A. Yes, but it was -- it was quite rare. And I --

1 yes, but --

2 Q. Here is the question, and please answer this as
3 best you can. Sex was wrong; you knew that. That was
4 the teaching from your church, correct?

5 A. Yes.

6 Q. You did sexual touching, one kind or another,
7 twisting breasts, digital penetration, things of that
8 particular nature, correct?

9 A. Yes.

10 Q. You said that you weren't exactly sure what sex
11 was but you wanted to get as close as you could have sex
12 without actually crossing the line in doing did,
13 correct?

14 A. Yes.

15 Q. Now, here is my question to you. Did you really
16 think what sex was was actually penile, vaginal union.
17 That means a penis and a vagina?

18 A. Yes. That's exactly what I thought, and I never
19 did that. So I -- I mean, nowadays, I would classify
20 all of that as sex, but then the dictionary definition
21 of sex is, I believe, more specific. I was confused
22 then.

23 Q. Okay. Now [REDACTED] tells a story that she ran
24 away from home and you found her.

25 A. Yes, sir.

1 Q. What happened?

2 A. She tells the story dramatically different than I
3 do. I remember the event but --

4 Q. Tell us about that.

5 A. Okay. So what happened is [REDACTED] was very
6 young and, contrary to her having no idea about that I
7 was following her, she told me that she planed to run
8 away from home. And I accepted that to a limited
9 extent. I also had thought about running away from
10 home, even more so, I considered suicide. This was how
11 bad it was. I had a suicide plan. It just wasn't quite
12 bad enough for me to have executed that.

13 Q. Let's talk about [REDACTED] running away.

14 A. But about [REDACTED] I wanted to stop [REDACTED]
15 She did not give any indication that it was related to
16 sexual at all.

17 Q. How old do you think she was at the time,
18 approximately?

19 A. I estimate she was 10 years old.

20 Q. Okay.

21 A. So I was --

22 Q. Did she talk about running away from home and you
23 knew that she was, or did she just run away from home?

24 A. No, she told me what she was doing, and I
25 believed that it was because of how horrible our home

1 was in every abuse except for what I was doing.

2 Q. Then let's actually talk about what happened. So
3 she runs away from home, she gets a couple miles down
4 the road maybe. Tell us what happened.

5 A. No, sir. She managed to make it a few feet out
6 the door to the backyard. And the backyard in our
7 subdivision is the absolutely wrong direction for going
8 anywhere. I was concerned for Jennifer. I knew we
9 lived in a bad home.

10 Q. So what did you do?

11 A. I believed that my obligation was to stop her
12 because she had no plan for how to run away.

13 Q. But what did you do? What did you actually
14 physically do?

15 A. I believe I -- I believe I knocked her down to
16 keep her from running. I tried --

17 Q. So how old would you have been at this time?

18 A. I was 13. I mean, I was small then too, but I
19 attempted to talk her out of it, to tell her, you don't
20 have a plan. You know, I would have thought that if she
21 would have ran away from home, she would have tried
22 again. This was the only attempt. She was so
23 single-minded on it, even though she didn't have a plan,
24 I couldn't talk her out of it.

25 Q. Let's talk about what happened. What did you do?

1 A. I foolishly had a pocketknife in my pocket. My
2 dad thought it would be more manly if I would carry a
3 pocketknife with me. And having no other way to
4 convince her to go back in the home where -- I mean, as
5 bad as it was, it was better for her. I pulled out the
6 pocketknife, I pointed it at her. I guess it touched
7 against her skin. But to hear ██████████ tell this, she
8 sounds like that I was always frightening her, and that
9 was the worst that it ever was.

10 Q. Let's focus on what happened when you pulled out
11 the knife with ██████████ What did you say to her and
12 what did you do to her?

13 A. I said, you need to go back home because there's
14 no plan. That's just a paraphrase, but. And it was
15 only the knife that she was scared enough to go back
16 home. As an adult, pulling out a knife is horrible.

17 Q. I don't disagree, but tell me where she's wrong
18 in her story. You pulled out a knife and what did you
19 do?

20 A. She says that I sliced her.

21 Q. Yes.

22 A. The kind of injury that she's talking about
23 sounds like it would need medical care.

24 Q. Perhaps so, but did you cut her in any fashion?

25 A. Honestly, the first I heard that she may have had

1 a scar from it was many years later during those
2 conversations on chat. No, I do not -- have zero memory
3 of actually cutting her.

4 Q. And the reason why you pulled out the knife again
5 was what?

6 A. Was to have her go back in the home until she
7 could have a plan about how to actually do that.

8 Q. Okay. Okay.

9 A. And I would have supported her. I wouldn't have
10 told on her if she had had a plan.

11 Q. So had you not had the bad home environment that
12 clearly you had, do you think -- and had you been able
13 to talk to somebody, which clearly you weren't able to
14 talk to anybody because you had nobody to talk to,
15 correct?

16 A. Uh-huh.

17 Q. Do you believe this sexual abuse would ever have
18 happened?

19 A. No. And two specific reasons why it wouldn't
20 have. In a normal home, a child can ask questions of
21 their parents. And I would have been able to ask my
22 questions and get answers. But the second big reason is
23 that -- is that [REDACTED] and [REDACTED] make a big deal
24 about how much this was. And that's fair. It happened
25 much more than it should have. I am not in their minds,

1 but I believe the reason that it went on for so long is
2 because they were so afraid that they could be held
3 responsible. This was not my doing. I did not threaten
4 them. In a normal home, they could have said, hey, I'm,
5 you know, Jeremy has been touching me or, you know, they
6 would have been asking questions, a parent might have
7 seen some signs that something was wrong. It's almost
8 unbelievable that this could have gone on and parents
9 saw nothing, no warning signs, no unusual behavior.

10 Q. I understand. Okay.

11 A. No, it wouldn't have happened in any other home.

12 Q. And did you have anybody that you could talk to
13 at school, which I think was a Christian school run by
14 the church, although we're talking about the same thing,
15 or any third party, any friends?

16 A. No, there was no one.

17 Q. Of course, you weren't allowed to talk to anybody
18 outside the family or church?

19 A. We could talk with a limit, but this was such a
20 taboo subject that, no, I could not ask my questions.

21 Q. Okay.

22 A. The big questions, I never got an answer until
23 years later.

24 Q. I know that you have talked to [REDACTED] at least
25 by emails and stuff like that. What is it that you want

1 to talk with her? What do you want to say to her?

2 A. Okay. Well --

3 Q. And [REDACTED] too, I'm sorry. She's listening.
4 Since she's not here, we forgot about her, I think.

5 A. Well to [REDACTED] I want to repeat what I've said
6 many times before, that I'm deeply sorry for what I've
7 done. I take full responsibility. This hearing today
8 and my testimony is not about me not taking
9 responsibility but it's identifying that there was a
10 little more there. You say that I -- well, you kind of
11 accused me almost of blaming you for this, and -- but as
12 part of evidence in this case you have the letter that I
13 sent you. And this letter is from 10 years ago. It's
14 already admitted in evidence at the very beginning of
15 this case, so I believe everyone already has it. And in
16 this one, I took full apology. I used the flowery
17 language that [REDACTED] used. We were educated that way.

18 Q. Sure. Now the date of the letter is what again?

19 A. The date of the letter is April 19, 2003.

20 Q. Okay. And what did you say?

21 A. There's so much here about how I apologized, I
22 wanted to say one part here. It says, I willingly offer
23 to not enter your house again until you want me to. I
24 will even stay out of town if you request. Skip a few
25 sentences. At the very end, if you need me or want me,

1 I will always be willing to listen and help in any way I
2 can. If you do not want to see me, I will do my best to
3 comply. And I forgot the exact words because I hadn't
4 kept a copy of this over the years. I wish that I had,
5 but [REDACTED] obviously did keep a copy of it, and she
6 could have held me to my word and say, hey, I don't want
7 to have anything to do with you, but she never said that
8 until it was already May -- no, sorry, June of 2010. I
9 had already given my testimony to NCIS, which meant that
10 she had already gone to the police. She told me then,
11 you're not allowed to talk about the case with me
12 because I -- I'm like, what's going on here, and naive
13 about how the legal system works. And she said, in
14 fact, you can't have any contact with me at all. And
15 I've respected that; I've had no contact.

16 I'm sorry, I'm getting off topic. This is
17 my chance to apologize to [REDACTED]

18 Q. Yes.

19 A. [REDACTED] I don't think there's words that I can
20 say about how sorry I am for what happened to you. I
21 believe that it was made worse because of how the adult
22 s in the situation handled it. I believe they magnified
23 your pain. If I had known that you were prevented from
24 talking about this, if I had known that you were being
25 judged for this -- nobody ever told me this. My parents

1 didn't tell me this, you didn't tell me. I did not know
2 until it was too late. If I had known that, I believe I
3 would have stepped in and said this is wrong; we can't
4 blame [REDACTED] or [REDACTED] for any of this. There's no
5 blame for you. You have no reason to feel guilty.

6 And I've tried to apologize -- to [REDACTED]
7 in particular, I wish that I had had a chance to
8 apologize to you, and I'll tell you the only reason that
9 you did not also get an apology letter, you didn't also
10 get me talking to you was because, I assume out of fear,
11 but you denied that this had happened. I was surprised
12 when [REDACTED] told me that you had denied it, and so I
13 asked you point blank to your face, [REDACTED] do you
14 remember me touching you and you said with a blank look
15 on your face, no, and I couldn't force myself to -- it
16 would have been wrong of me to revictimize her and to
17 tell her, this is all I did to you. It was only by
18 [REDACTED] initiative that she finally was able to get
19 [REDACTED] to talk. But by then, we were out of
20 communication and I never had the chance to apologize to
21 you directly.

22 My other intention was, my dad had such a
23 controlling home, I wanted to talk to you, as you guys
24 said you didn't feel you were safe in my dad's home. I
25 also did not feel that I could talk about this when that

1 happened. I was waiting until you were old enough so
2 that it wouldn't be as traumatic. I was waiting for you
3 to go to college. Unfortunately, you guys started
4 college in August of 2007 and I went -- I was deployed
5 to the middle east in June of 2007. The chance never
6 happened. I communicated to both of you since your
7 emails. Before the charges were filed and in late July,
8 I communicated with [REDACTED] first, but I also sent
9 emails to [REDACTED] requesting a meeting. Specifically
10 to [REDACTED] I said, we should meet so we can talk about
11 the questions that you've been asking me for these past
12 six months. [REDACTED] I did not explain what my reasons
13 was, and I apologize for not having done that. But I
14 intended -- and it wasn't me wanting to get one-on-one
15 with you. I was -- Rachel and I talked about this at
16 length. Rachel and I -- my wife, we wanted there to be
17 a third party mediator there as protection for all of us
18 so that -- and we wanted to pay for your counseling.
19 You requested that I paid for your counseling
20 retroactive and moving forward, you know, and the way
21 you describe it, I'm not a judge, but the way you
22 describe it, you sound like you're going to need
23 psychological help to work through this, to be able to
24 -- to be able to get your life back for many years to
25 come. And I was willing to pay for that without a court

1 order. And if the Court orders me to do that, I'm
2 absolutely willing to do that. I'll work -- I'll work a
3 second job. I'll do what it takes. I absolutely want
4 the best for you.

5 [REDACTED] I hear that you're -- I notice
6 that you were married. I hope that you're happily
7 married. I only wish the best for you. When I asked my
8 mom, I asked my mom about, well, all of you, I asked
9 about -- and I've only been communicating with her by
10 phone for a few months because of how horrible this all
11 blew up, and there's more details, but we can't get into
12 all the reasons why that blew up so bad. But I always
13 asked about [REDACTED] and about [REDACTED] and about
14 Jessica and about my father, and I did not ask so that I
15 could stalk you or spy on you or -- I only did it with
16 the best of intentions because I want all of the best
17 for you going forward. That's all I want.

18 I don't -- one last thing. I don't believe
19 that by you sending me to prison that you will get any
20 healing by revenge -- I believe -- this is part of my
21 religious belief. I believe that revenge -- that
22 encouraging revenge, that if the State gives the
23 sentence you want out of a sense of revenge, that it's
24 actually encouraging bad traits in you, that forgiveness
25 is much greater than that. And I can't ask you to

1 forgive me. I can't ask that at all.

2 Judge, you're going to have to punish me
3 somehow. I'm not a -- I'm not a danger to society.
4 I've never hurt anyone as an adult in any way.
5 Punishing me won't be any more of a -- it won't be any
6 more of a stick to make me a better person than I
7 already am. I don't say I'm perfect but I'm not a
8 criminal. I'll never break the law. I'll never hurt
9 anybody. I won't steal. I have no thoughts of violence
10 or anger or anything to anybody.

11 Q. Jeremy, you're rambling a little bit, but given
12 the circumstances, I understand. But let's end with
13 this. Everybody has been allowed to say what sort of
14 sentence might be appropriate under the circumstances.
15 Your sisters have had the opportunity, and so have all
16 the witnesses. What sentence do you think would be fair
17 and do justice in this case in your eyes.

18 A. I believe that I should not be -- I should not
19 get a harsher sentence because I'm 29 than I would have
20 gotten at the age of 14. I explained in my letter, I
21 tried to be concise, even though it's very long --

22 Q. Now, Jeremy, at sentencing I have a number of
23 cases to present to the Judge about people that were
24 similarly situated as you, that means were accused of
25 something that they did when they were teenagers. So

1 you'll leave that to me on Friday. So my question to
2 you is this, is I understand you're saying you shouldn't
3 be punished any more at age 29 than you were, say,
4 anywhere from 10 to 14. What sort of punishment,
5 realizing you can't be punished as a juvenile, that this
6 is an impossibility --

7 A. Absolutely.

8 Q. What sort of punishment do you think would do
9 justice in this case?

10 A. Obviously, I don't like asking for punishment.
11 But what I think could be fair in this is if I'm given
12 11 months and 29 days in the Manatee County Jail. I
13 mean that's going to be real difficult for our family,
14 and that the State also give me probation. Because
15 [REDACTED] and [REDACTED] have made a lot of claims, and
16 unfortunately, we can't fully get to the bottom of what
17 kind of person I am, I think it would be due diligence
18 for the State to give probation to, you know, because
19 that assigns a police officer to verify my claims that I
20 don't do any criminal activity.

21 Q. Just so I understand you right, what you think
22 would be a fair sentence would be 11 months and 29 days
23 in the Manatee County to be followed by sex offender
24 probation. Did I understand you correctly?

25 A. Yes. And that's the maximum that I would like,

1 you know, I mean --

2 Q. You don't get to choose your sentence, but you
3 think that would be a fair sentence?

4 A. Yes, that would be a fair sentence.

5 Q. Okay. Let's just talk about in conclusion about
6 a sexual offender designee. Your wife touched on it.
7 You're living in a house owned by Theresa. You would
8 have to move from there. You're being punished for
9 something that you did as a juvenile. Tell me what it
10 is that, if the Judge has discretion, why he shouldn't
11 designate you as being a sexual offender?

12 A. Okay.

13 MS. EVERS: The Judge doesn't have control.

14 MR. LIPINSKI: In a sentence, he does. I
15 don't disagree that DOC doesn't, and that would be
16 another battle. Please answer the question.

17 THE DEFENDANT: The sex offender registry is
18 a lifelong punishment. If I were put on the sex
19 offender registry, I cannot appeal to get off of it
20 ever. No judge has jurisdiction to hear that. And it's
21 not just being on a public registry, but there's many
22 consequences because of that. One consequence is
23 there's residency restrictions, and they're getting
24 worse and worse. And Rachel didn't say this about the
25 Denver, Illinois where she's going to have to live, but

1 Denver, Illinois, there's 500 and 30-something census
2 areas in the country, and Denver is the bottom. It is
3 the poorest city in the entire country, and she would
4 have to live there if I wasn't available to take care of
5 her because she would have to take care of a baby on
6 limited income, on limited resources. We're going to be
7 punished the rest of our lives regardless. My security
8 clearance, I'll never get that back. My military
9 career, they will never let me back in. I believe that
10 punishment should have an end, and the sex offender
11 registry has no end. And every year, they get -- this
12 is not my chance to talk about what I see as wrong in
13 the system, except to say that the sex offender registry
14 laws are being applied retroactively and they are
15 getting worse. In Illinois, in fact in Denver, Illinois
16 the law is they don't have it retroactive. They make it
17 worse --

18 THE COURT: I don't need any discussion on
19 the law and what have you.

20 Mr. Lipinski, why don't you ask another
21 question.

22 BY MR. LIPINSKI:

23 Q. Let's focus just a little bit. Okay? Let's talk
24 about your plans for the future. Your wife has
25 indicated that you're unemployed. You were working for

1 a nonprofit Internet company. At age 29, what are your
2 plans for the future no matter what the Judge does?
3 What would you like to do?

4 A. My plan for the future is to leave the United
5 States. I don't feel that this is the best environment
6 for my child anymore.

7 Q. Where would you go?

8 A. I would probably go to Europe. However -- I
9 would like to get away, and you know, I think [REDACTED]
10 and [REDACTED] would want me to be on the other side of
11 the world. But the more sanctions that you give me,
12 it's going to be much more difficult for a country that
13 will let me in.

14 Q. How do you plan to be employed in the future?

15 A. I plan to use my IT skills. I believe that I'm
16 definitely employable. IT skills are in demand
17 everywhere.

18 Q. Very good. Now, Mr. Bicha, I don't want you to
19 ramble about what the law is or how it would be applied
20 to you. Please don't do that anymore. We've gone on
21 for sometime. Is there anything you would like to tell
22 the Judge that you haven't told him, trying not to talk
23 about anything we've already talked about?

24 A. No, sir. The rest of my thing is in the letter.
25 I'm finished.

1 Q. That's just it. We may give the Judge the letter
2 or we may not, but is there anything you, Jeremy Bicha,
3 want to tell him that we haven't covered. I've tried to
4 cover the highlights of the letter, but is there
5 anything else? And would you like to look at your
6 letter just to see, without the analysis under the
7 statute, which we'll do on Friday, is there anything
8 else you would like to testify about your case, what
9 [REDACTED] and [REDACTED] have said or anything else, other
10 than what you've already said?

11 A. Uh-huh.

12 Q. If you would like to take a moment to go over
13 your letter, I'm sure that will be fine.

14 A. Just, this is one little excerpt. In conclusion,
15 I'm very, very sorry for what I've done, and I felt
16 great remorse years before I was charged. This isn't a,
17 oh, I feel bad because I have to look good in front of
18 the Judge; this is from my heart. And I just ask the
19 Judge for mercy in this case. I believe the
20 responsibility is to look out for all -- the wellbeing
21 of all children. And I will leave it with that.

22 MR. LIPINSKI: Thank you very much.

23 THE COURT: Ms. Evers.

24 MS. EVERS: Yes.

25

CROSS-EXAMINATION

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BY MS. EVERS:

Q. Mr. Bicha, how is it that you know so much about
██████████ You haven't talked to her in a couple of
years now, right?

MR. LIPINSKI: Objection, ambiguous --

THE DEFENDANT: Yes, I don't understand the
question.

BY MS. EVERS:

Q. I mean, you know exactly where --

MR. LIPINSKI: Mr. Bicha, the way it works
is if I object, you be quiet, the Judge rules and then
you can talk. Okay?

THE COURT: I'll sustain the objection. If
you can be more specific, Ms. Evers.

BY MS. EVERS:

Q. How is it that you know exactly where ██████████
lives, where she works, what her specific job is. How
do you know all of those specific things about her
current situation?

MR. LIPINSKI: I don't necessarily believe
that he's testified to that, Judge.

MS. EVERS: Yeah, he did.

THE COURT: Overruled.

THE DEFENDANT: I know because -- well,

1 because she's posted on Facebook and she's -- well, she
2 was Facebook friends with family members that I talk to,
3 and I've also talked to my mom, too, to confirm.

4 MS. EVERS:

5 Q. Okay. So you're friends with [REDACTED] on
6 Facebook?

7 A. No, ma'am.

8 Q. But you're able to see all of the information
9 about her?

10 A. No, ma'am. I said that family members that were
11 still friends with her before [REDACTED] -- I'm sorry,
12 before. They are no longer friends but --

13 Q. So you learned this information not from Facebook
14 but from family members?

15 A. Yes.

16 Q. Okay. And you also seem to know a lot about the
17 Judge and his background. How do you know that, where
18 he lived?

19 MR. LIPINSKI: Judge, actually --

20 THE COURT: I'll sustain the objection as
21 irrelevant.

22 BY MS. EVERS: Could we approach, Your
23 Honor? It's regarding my next set of questions.

24 THE COURT: All right. You may.

25 (THE FOLLOWING PROCEEDINGS ENSUED AT THE BENCH.)

1 MS. EVERS: I know that the Court can't
2 consider uncharged offenses for sentencing, but for
3 purposes of the trustworthiness of Dr. Regnier's report,
4 I would like to inquire of the defendant regarding some
5 things that I questioned Dr. Regnier about just so that
6 they are on the record to prove that his opinion as to
7 the low risk is not -- is faulty.

8 MR. LIPINSKI: I'm glad that we approached
9 the bench. I think they can hear Ms. Evers at the end
10 of the courtroom.

11 MS. EVERS: So I'm just asking the Court for
12 a preliminary ruling on whether I will be able to get
13 into that for that limited purpose.

14 MR. LIPINSKI: Is this in reference to this
15 case? I don't see its relevance to the issues in this
16 particular case, Judge. You're going to make some sort
17 -- give him some sort of sentencing. The way that I see
18 the risk assessment concerns is as far as what type of
19 probation that he might have. He's charged with certain
20 things that we've argued about for a long period of time
21 over a large period of time the State chose to give over
22 a period of time. They have chosen a particular time
23 and [REDACTED] has indicated it happened from 10 to 14.

24 THE COURT: Right. I will allow you to ask
25 any questions related to any statements that the

1 defendant gave, but do you have a copy of the
2 statements?

3 MS. EVERS: Yes.

4 THE COURT: He can see it and review it to
5 see if he has any questions.

6 MR. LIPINSKI: It's only limited for a
7 single purpose?

8 THE COURT: That's correct.

9 MS. EVERS: Right. He cannot consider it.

10 THE COURT: Let me make this clear. I will
11 not consider any uncharged crime whatsoever in my
12 sentencing when it comes to that point, but I think it's
13 relevant as to the accuracy of Dr. Regnier's findings
14 and reports. There were hypotheticals that were posed
15 to Dr. Regnier. So I will allow this question for that
16 limited and very limited purpose.

17 (THE FOLLOWING PROCEEDINGS ENSUED IN OPEN
18 COURT.)

19 BY MS. EVERS:

20 Q. You do recall, Mr. Bicha, giving your statement
21 to the NCIS officer, correct?

22 A. Yes, ma'am.

23 Q. All right. And I want to talk specifically about
24 the abuse of Naomi. Naomi, she was a child who was not
25 related to you, right?

1 A. Yes, ma'am.

2 Q. And you were approximately 15 and she was
3 approximately 10 years old, according to your statement
4 to NCIS officers?

5 MR. LIPINSKI: Judge, rather than Ms. Evers
6 testifying, I think the Court has instructed her to show
7 him where the transcript says this.

8 BY MS. EVERS:

9 Q. Do you remember telling --

10 THE COURT: I will overrule the objection.
11 You can ask the question, if he recalls making that
12 statement, and then we'll go from there.

13 BY MS. EVERS:

14 Q. Okay. Do you remember telling the NCIS officers
15 about your sexual abuse of Naomi?

16 A. Yes, ma'am.

17 Q. And do you remember telling them that you were
18 approximately age 15 and she was approximately age 10?

19 A. I'll say approximately, but I'm not going to
20 certify that, if that makes any sense. Yes,
21 approximately.

22 Q. Okay. And do you remember telling them that she
23 was not a family member, right?

24 A. She is not a family member.

25 Q. She's not a family member. And you were engaging

1 in some sexual abuse of her and [REDACTED] walked in on
2 it. You told the NCIS officers that?

3 A. I touched Naomi's breasts, that's correct.

4 Q. Okay. And do you remember telling the NCIS
5 officers about an incident where you inappropriate
6 touched another female child in church or some other
7 type of religious environment when the lights went out?

8 THE COURT: Ms. Evers, is this related to a
9 different age? That's the -- again, the limited purpose
10 I'm allowing this testimony is specifically as it
11 relates to Dr. Regnier's findings in his report.

12 MS. EVERS: Correct.

13 THE COURT: So if you can clarify in your
14 questions certain age to make sure it's relevant based
15 on my ruling.

16 MS. EVERS: Well, there was no age, and Dr.
17 Regnier's opinion was that he -- part of the basis for
18 his opinion was the fact that the abuse only was to
19 family members. So this is relating to --

20 THE COURT: If you can clarify then in your
21 question that this was a non-family member, that would
22 be also relevant.

23 BY MS. EVERS:

24 Q. All right. Do you recall giving that information
25 to the NCIS officers regarding -- I think you said it

1 was a church situation where there was a child sitting
2 next to you and the lights went out?

3 A. The only -- this happened -- I'm sorry, my NCIS
4 statement --

5 Q. Yes.

6 A. -- happened three and a half years ago.

7 Q. Yes. Do you need to see it?

8 A. The only evidence that I have is my written
9 statement, and that was not in my written statement.

10 Q. Okay. So I will show you the transcript of that
11 then. You don't recall telling them about the little
12 girl in church who was next to you and when the lights
13 were out, you touched her?

14 A. I can't -- I don't know what I talked about. It
15 was several hours of questioning.

16 Q. Well, do you remember that incident?

17 MR. LIPINSKI: Judge, the Court gave strict
18 ground rules. If she wants to show him a transcript,
19 then --

20 THE COURT: I'll sustain the objection. The
21 witness stated that he doesn't remember. If you have
22 something that can refresh his recollection, go ahead,
23 if you do not, you need to move on, Ms. Evers.

24 MS. EVERS: Yes, if I can find it.

25 Could I approach, your Honor.

1 THE COURT: You may.

2 BY MS. EVERS:

3 Q. If you could please read that.

4 A. This says -- the highlighted part?

5 Q. Yes.

6 A. It says --

7 THE COURT: Read it to yourself.

8 BY MS. EVERS:

9 Q. Yes, read it to yourself.

10 A. Okay, I read the highlighted portion.

11 Q. So that was all the statements you gave to the
12 NCIS officers regarding Naomi?

13 A. Yes.

14 Q. Do you recall that?

15 A. Yes.

16 Q. Okay. Now I want you to read on page 73.

17 Actually, if you need to see anything before that to see
18 the context of it regarding the other little girl.

19 A. Okay. I mean if you're going to ask me to read
20 this, it's going to take a bit.

21 Q. Just read it to yourself. Just go directly to
22 page 73.

23 A. Okay.

24 Q. I've highlighted that portion, too, for you.

25 A. Okay.

1 Q. So does that refresh your recollection regarding
2 the touching the little girl in the dark in the church?

3 A. Yes.

4 Q. A little girl who was next to you?

5 A. Yes, ma'am.

6 Q. And she was not related to you?

7 A. That's correct.

8 Q. Okay. And do you have a recollection of that
9 incident?

10 A. Yes, ma'am.

11 Q. Okay. You also talked about the fact that the
12 last time you recalled abusing your sisters was on a
13 visit home from college when you inappropriately touched
14 [REDACTED] correct?

15 A. I -- I don't know about that.

16 Q. You don't know about it?

17 A. Yes, ma'am.

18 Q. Okay.

19 A. I mean to say that I said things in my NCIS
20 statement that didn't happen. I apologize for it if I
21 said that, but I didn't bring NCIS statements into this.

22 Q. That's fine. Did you tell Dr. Regnier that you
23 self-reported this crime, or did you tell him that your
24 sisters reported it and then you gave your statement to
25 NCIS?

1 A. No, ma'am. I never told Dr. Regnier that this
2 was because I reported it.

3 Q. Okay. So he was mistaken? You heard his
4 testimony that he got that information from you?

5 A. Yes, he was mistaken.

6 Q. Okay. Also, you continued to sexually abuse your
7 sisters after you were punished by your father when you
8 got -- were caught that one time sexually abusing
9 [REDACTED] correct?

10 A. Yes, ma'am.

11 Q. Okay. And you continued to abuse both of your
12 sisters after that?

13 A. Yes, ma'am.

14 Q. Okay. And it was also after that that you abused
15 Naomi, correct, because you said you were 15 and that
16 incident with the spanking with your dad occurred when
17 you were 14 or 13 when you were caught with [REDACTED]?

18 A. I believe so.

19 Q. Okay.

20 MS. EVERS: All right. I have nothing
21 further.

22 THE COURT: Mr. Lipinski?

23 **REDIRECT EXAMINATION**

24 BY MR. LIPINSKI:

25 Q. Just so I understand this correctly, when you

1 were caught with [REDACTED] you were 13; is that correct?

2 A. Yes, sir.

3 Q. After you were caught by your dad, the abuse
4 still continued, as [REDACTED] says, until she was 14,
5 correct?

6 A. I can't put a maximum age on it.

7 Q. Naomi is whom?

8 A. Naomi is a girl in a church.

9 Q. Okay. You and your parents were travelling,
10 correct?

11 A. Yes.

12 Q. You were travelling throughout the United States,
13 correct?

14 A. Yes.

15 Q. You stopped at a place, correct?

16 A. Yes.

17 Q. And apparently you and Naomi had some sort of an
18 encounter, correct?

19 A. Yes.

20 Q. And how old were you then, sir?

21 A. I'm not sure.

22 MR. LIPINSKI: Okay. No further questions,
23 thank you.

24 THE COURT: You may return to your table.

25 All right. Counselors, we're going to

1 suspend the sentencing until Friday at 11:30. I would
2 like to have all paperwork, all evidence you would like
3 for me to consume.

4 MS. EVERS: Judge, while we have [REDACTED] on
5 skype, may I just ask her one question regarding that
6 last act that the defendant does not recall?

7 THE COURT: Yes, you may recall the witness.
8 Are you there?

9 MS. EVERS: [REDACTED] are you still there?

10 THE BAILIFF: It was turned off.

11 THE COURT: All right. I have a copy of the
12 scoresheet. I have a copy that was admitted into
13 evidence, which is the Defendant's Exhibit Number 2,
14 which is the certificate of release or discharge from
15 active duty. It's a several-page document. I have a
16 folder that was received by the Court that included Dr.
17 Regnier's report. So I have Dr. Regnier's report, which
18 is admitted into evidence as Defense's Exhibit 1. I
19 have a photograph that was admitted into evidence as
20 State's Exhibit's Number 1.

21 Mr. Lipinski, contained in this folder, I've
22 looked, I have not read them yet, I will do that before
23 Friday, are several cases from several different
24 district courts, including the Supreme Court, United
25 States which I will read.

1 Let me just say it's the State of Florida
2 vs. Robert Willis Brooks. The State of Florida vs.
3 Clifford Eugene Johns. State of Florida vs. Jay Raymond
4 Flaco, phonetic. State of Florida vs. Charles Hoffman.
5 Brian Michael Gall vs. United States. State of Florida
6 vs. John Strawser. State of Florida vs. Dreama Adea
7 Bell. State of Florida vs. Alfredo Morales. John Clark
8 Daniels vs. State of Florida. State of Florida vs.
9 Howard Mark Sachs. State of Florida vs. Daniel Matthew
10 Myers. And Santosky Et Al. v. Kramer, Commissioner,
11 Ulster County Department of Social Services Et Al.

12 Are these all of the cases that you wish for
13 the Court to review, Mr. Lipinski?

14 MR. LIPINSKI: Yes, sir.

15 THE COURT: All right. Is there anything
16 else by either side that you wish the Court to review
17 prior to Friday's conclusion to the sentencing hearing?

18 MS. EVERS: The only thing would be if we
19 could just get that one question answered by
20 It doesn't have to be by Skype. We can do it on a phone
21 call possibly on Friday, just regarding the age of the
22 defendant at the last abuse. And that's relevant to Dr.
23 Regnier's --

24 THE COURT: Do you have a phone number? The
25 conclusion of the evidence is going to take place

1 tonight. So if that's going to happen, it needs to
2 happen right now.

3 MS. EVERS: Okay.

4 OVER THE TELEPHONE: *Your call has been*
5 *forwarded to an automated voice messaging system.*

6 MS. EVERS: She's not available at that
7 number.

8 THE COURT: Do you have any other phone
9 number to try to reach the witness?

10 MS. EVERS: No, your Honor.

11 THE COURT: Okay. That concludes the
12 testimony portion and evidence portion. I'll review all
13 these items. Each side will have an opportunity to
14 present an argument as to what the sentence should be
15 on Friday at 11:30. Okay? We'll see everybody then.

16 **(THE PROCEEDINGS WERE ADJOURNED.)**

17

18 **End of Volume 2**

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C E R T I F I C A T I O N

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I, **EVELYNE FRANCOIS, RMR**, Official Court Reporter in and for the Twelfth Judicial Circuit of the state of Florida, do hereby certify that I reported, by shorthand machine, the proceedings had and testimony taken in the above-entitled cause, and that on February 14, 2014, the foregoing Pages 1 through 233 were truly and accurately transcribed from my shorthand notes taken at the time and place herein set forth.


EVELYNE FRANCOIS, RMR
Official Court Reporter