

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:**

CYNTHIA S. EVERS  
Assistant State Attorney  
On behalf of the State

MARK LIPINSKI  
On behalf of the Defendant



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THE COURT: All right. Do we have everybody here?

MS. EVERS: Yes, Your Honor.

MR. LIPINSKI: Yes.

THE COURT: All right. There is a witness that's appearing via the screen here. What time do you have that scheduled for?

MS. EVERS: Two o'clock.

THE COURT: Okay. So I'll take the testimony of that witness first. Is that a State witness?

MS. EVERS: Yes, Your Honor.

THE COURT: Okay. Any objection to that, Mr. Lipinski?

MR. LIPINSKI: No, Judge. That's actually fine. I didn't anticipate it was going to be that way, but so long as my client verifies that's who it is, I'm sure he will, that's as good, as far as I'm concerned, as testifying in court.

THE COURT: Okay. So what we'll do then is we'll take the testimony of this witness. After the testimony of this witness, then I'll ask that each side give me an opening statement as to what they are seeking, and then we'll continue.

1 MR. LIPINSKI: And Judge, only because I  
2 anticipate this to come up, is the Court, because Mr.  
3 Bicha was a juvenile, ordered a PDR. I mean an  
4 assessment by juvenile to do that. I waited for a while  
5 and then have heard that juvenile may have indicated  
6 that because of his age they were not going to do it  
7 because, in their view, there's nothing that the  
8 juvenile system could do for him or because of his age  
9 there's nothing he could do.

10 MS. EVERS: There's no jurisdiction.

11 MR. LIPINSKI: My statement is we're  
12 operating under the law at the time they allegedly were  
13 committed, and by law they were compelled to do a PDR.  
14 I'm just saying that for the record and I'm just simply  
15 saying to the Court that it may be that at his age there  
16 is nothing that they can do in the juvenile system for  
17 him, but I don't believe that relieves them of the  
18 responsibility of doing a PDR.

19 THE COURT: Do we have anybody here from  
20 that department?

21 MS. EVERS: No, Your Honor.

22 THE COURT: All right. State, your  
23 response.

24 MS. EVERS: I was notified of this by  
25 defense counsel and, I agree, they have no jurisdiction

1 over sanctions for the defendant once he reaches his  
2 19th birthday. So that was the purpose of the  
3 predisposition report.

4 THE COURT: Mr. Lipinski, you're not arguing  
5 that there's any way that the Court could treat your  
6 client or give him juvenile sanctions, are you?

7 MR. LIPINSKI: Well, the answer is not quite  
8 yes or no. I don't believe that under their age  
9 requirements that they have any authority over him.  
10 However, I think a PDR would do more than just simply  
11 indicate about whether or not he should be treated as a  
12 child or as an adult. I believe it would also go into  
13 the underlying facts and their own assessment as to  
14 whether or not he is a pedophile. So I believe the  
15 juvenile is, number 1, they are mandated to do something  
16 that they refuse to do. And number 2, I believe the  
17 Court ordered it and they have not done what the Court  
18 ordered.

19 MS. EVERS: The appropriate evaluation for  
20 purposes of this sentence, Your Honor, would have been a  
21 PSI, but Defense counsel did not request that PSI. In  
22 fact --

23 THE COURT: What information -- is there any  
24 information that you wish would have accompanied this  
25 report or been included in this report that you do

1 not -- is there any information that you were expecting  
2 to be in that report that you're not capable of  
3 presenting today in this report?

4 MR. LIPINSKI: That's almost impossible to  
5 argue because I don't know exactly what the PDR would  
6 have said. I would have thought what they would do is  
7 do a juvenile assessment as to whether or not he's a  
8 pedophile and things of that particular nature, and in  
9 fact, in most cases that I've had in juvenile, that's  
10 exactly what they would do.

11 MS. EVERS: That's not --

12 THE COURT: Has there been any evaluation  
13 done in that regard to your client?

14 MR. LIPINSKI: Yes, but by Dr. Regnier.

15 THE COURT: And are you presenting Dr.  
16 Regnier to testify today?

17 MR. LIPINSKI: By telephone, yes.

18 THE COURT: All right. I'm going to  
19 continue with the sentencing hearing. So what we'll do  
20 is we'll begin with this witness and then, as I said,  
21 I'll go through an opening statement and then we'll go  
22 through the other testimony. Okay?

23 MR. LIPINSKI: Very good.

24 MS. EVERS: Judge, just so you know, this  
25 witness is a victim in this case and we were hoping that

1 she could be present via skype for the entire hearing  
2 just so she can hear what happens. She's from out of  
3 state.

4 THE COURT: Any objection to that, Mr.  
5 Lipinski?

6 MR. LIPINSKI: Well, I didn't have --  
7 anticipate that. I don't know if we're going to have  
8 any problems in communication. I mean, I'm assuming  
9 that she is going to be on the screen there, I don't  
10 know that for a fact.

11 MS. EVERS: Yes.

12 MR. LIPINSKI: And so to have her look like  
13 a wizard of oz being about eight feet tall on that  
14 particular screen, looking for -- might be somewhat  
15 intimidating to other people. If there was a means that  
16 she could hear it, I think that would be appropriate.

17 MS. EVERS: She can hear it.

18 MR. LIPINSKI: So you're saying that you  
19 want to have audio rather than visual.

20 MS. EVERS: Both.

21 THE COURT: Can that be accomplished?

22 MR. SCHUNK: We can take a video testimony  
23 and then I can turn off the projector and then that  
24 would silence the video portion, but she can still  
25 listen in on the mics.

1 THE COURT: All right. That's what we'll  
2 do.

3 MR. SCHUNK: She could still see the podium.

4 THE COURT: Okay. All right. Let's get it  
5 going.

6 MS. EVERS: So your Honor, did you want  
7 opening statements or the testimony.

8 THE COURT: No, let's address this witness.  
9 Well, I guess we'll have the witness here the whole  
10 time, but let's just do the witness first so that we can  
11 turn the screen off.

12 BY MS. EVERS:

13 Q. [REDACTED]

14 A. Yes.

15 Q. Hi. We're in the courtroom in Manatee County,  
16 Florida, with Judge Krug. Can you see us?

17 A. Yes.

18 Q. Okay. We are here in the sentencing of Jeremy  
19 Bicha, and Judge Krug was wanting to hear from you  
20 regarding your position as to the impact of this crime  
21 upon you and your sentencing recommendation.

22 A. Okay.

23 THE COURT: All right. Before we go any  
24 further, ma'am, can you please raise your right hand.  
25

1 [REDACTED]  
2 was called as a witness by the State; and, having  
3 been duly sworn via teleconference, testified as  
4 follows:

5 DIRECT EXAMINATION

6 BY THE COURT:

7 Q. You can put your hand down. What is your name?

8 A. [REDACTED]

9 Q. Please, spell your last name.

10 A. [REDACTED]

11 Q. And what is your date of birth?

12 A. [REDACTED]

13 THE COURT: All right. You may proceed,  
14 State.

15 BY MS. EVERS:

16 Q. Yes, Your Honor.

17 [REDACTED] what is your relationship to  
18 Jeremy Bicha?

19 A. He is my brother.

20 Q. And you are a listed victim in this case?

21 A. Correct.

22 Q. Okay. And as the charging document states, there  
23 was some sexual abuse that occurred to you by Jeremy  
24 Bicha?

25 A. Yes.

1 Q. And from what age -- ages did that abuse occur?

2 A. From the ages of 7 to about 12.

3 Q. All right. And as far as the sexual abuse, if  
4 you could just tell the judge what type of sexual abuse  
5 occurred to you between those ages.

6 A. First of all, there was having to see him, force  
7 me to see him without any clothes on to look at his  
8 body, and then he would touch my breasts without -- with  
9 me not having any clothes on, he would fondle my  
10 breasts. And then with him having clothes on, there  
11 were times when he would force me to grab his penis with  
12 my hand. There was one time when he locked me in the  
13 laundry room, will not let me free and he pulled out my  
14 shirt and down my skirt and he unzipped his pants to  
15 reveal his penis without his underwear and then rub his  
16 erect penis on my abdomen until he ejaculated and then  
17 let me go. And then there were many times when he would  
18 force his fingers into my vagina where it hurt. That  
19 was great pain, and that's most of the things that he  
20 did.

21 Q. Okay. Now you said that he was your brother.  
22 Did these sexual abuse acts occur while you were living  
23 in the family home with him?

24 A. Yes, they did.

25 Q. And who else lived in the home with you?

1           A. My mother and father and then I have three older  
2 sisters -- sorry, two older sisters.

3           Q. Okay. And I want to talk a little bit about the  
4 adults who failed to protect you in your life. How many  
5 times did this get reported, to your knowledge?

6           A. None. My parents never reported it.

7           Q. Well, I don't mean to law enforcement. I mean to  
8 adults. You were a child, as you were a child, how many  
9 adults did you report it to or did it get reported to in  
10 some way?

11          A. I know there's a schoolteacher who knew, a  
12 pastor, and then my father. So three.

13          Q. And what about your mother, did she know once  
14 your father knew?

15          A. Yes.

16          Q. Okay. And did your mother or father question you  
17 regarding the abuse and what was happening to you?

18          A. My father had asked me whether or not my brother  
19 had touched me inappropriately, and I told him yes, and  
20 he did not pursue it any further.

21          Q. Okay. So then at what age did you decide that  
22 you should report it to law enforcement?

23          A. Not until I was out of the home and felt safe  
24 enough that I could. So I was 21, I believe.

25          Q. Okay. And did you ever tell your parents that

1 they should report it to law enforcement?

2 A. No. I was scared to.

3 Q. Okay. Were you ever told by your parents that  
4 you were not to talk about it?

5 A. Yes.

6 Q. Tell us about that, if you could, please.

7 A. I know there was more than one time when my dad  
8 would say we weren't supposed to speak of it, that it  
9 would embarrass him, that he would lose his position,  
10 and just basically what people would say about him. We  
11 were never to speak of it or we would be in a great deal  
12 of trouble.

13 Q. So is that why you said you waited until you were  
14 21 years old and out of the house and felt safe to  
15 report it?

16 A. Correct.

17 Q. Okay. Now, did you want to read a statement that  
18 you prepared for the judge, or did you want to just  
19 speak about what -- how this crime has impacted you and  
20 what you are requesting as far as an appropriate  
21 sentence?

22 A. I have a prepared statement.

23 Q. Okay. Do you wish to read that for the Court?

24 A. Yes.

25 Q. Okay.

1 A. It's addressed to the perpetrator himself.

2 Q. Okay.

3 A. Do you want me to read it now?

4 Q. Yes, please.

5 A. Okay. Jeremy, your actions have hurt me  
6 tremendously. To this date, I am still affected by what  
7 you have done. First of all, you took away my  
8 innocence. How I wish I could say that my husband was  
9 the first to have touched me in a sensual manner. You  
10 stole that. I am very ashamed of what I know, saw, and  
11 have been involved in. I have spent much of my life  
12 feeling soiled and impure, defiled, used, worthless. I  
13 felt that my life had no value. I felt that no one  
14 could love me because of what you had done. I was  
15 trying to be a good girl outwardly but felt that if  
16 anybody knew, they would hate me, and many have. It has  
17 always been my most hidden secret. The shame threatens  
18 to overwhelm me. I often blame myself for it, yet you  
19 are the one at fault, not I.

20 Why did I not tell my parents? At first I  
21 was naive and did not know that what you were doing was  
22 wrong until you and my sister were found out. As I saw  
23 her get in trouble and my dad so angry, I was petrified  
24 at the thought of saying anything myself. He told us to  
25 never speak of things that happened in the home and

1 often blamed my sister, calling her a whore, who was but  
2 a survivor of your evil actions. The judgment and  
3 condemnation against my sister if she tried to speak out  
4 hindered me. I was scared of my father punishing me  
5 instead.

6 Why did I not tell anyone else? I was  
7 afraid what they would think of me. Surely, I would be  
8 blamed as my sister was. Everyone would turn against  
9 me. And as we have reported, many have turned against  
10 us, even close friends and family.

11 Because of your actions, I have had to deal  
12 with horrendous fears. I am really petrified of the  
13 dark. I never go outside or even remain in a room alone  
14 when it is dark outside. I constantly look around me in  
15 my house, my car to make sure no one is there. Why?  
16 Because I am afraid that another man will hurt me as you  
17 have done. I have often sincerely believed that all men  
18 were out to use and abuse women and cast them aside when  
19 we are no longer pleasurable. I rarely trust men and  
20 live under much fear. I am afraid of being alone, yet,  
21 I am more afraid of being amongst strangers, not knowing  
22 what they might do and if they will hurt me. Whenever I  
23 see a man's hands, I recoil in fear. They symbolize to  
24 me a power and strength that has but one purpose, to  
25 hurt women. To me, they are the sign of my

1 vulnerability. I cannot defend myself against them.  
2 They threaten me by their very presence. At any time  
3 they can move and touch and defile me again. I run, but  
4 the hands are always there.

5 You hurt me as you forced your penis into  
6 me. I had great pain. I did not want it. Yet, you did  
7 you did not care about me. It was all about your  
8 desires and getting what you wanted no matter who you  
9 hurt in the process.

10 Many years ago I finally was able to be in a  
11 relationship with the man who is now my husband. Surely  
12 my childhood problems will not hinder such a  
13 relationship, but this is quite the contrary. He is  
14 everything you were not to me, but my heart is still  
15 afraid, what if he should turn against me too and hurt  
16 me? Will he toss me aside as you did? Or how can a man  
17 be so gentle and kind and pure care for me? I am  
18 defiled, I am dirty. Surely he will hate me when he  
19 finds out. Yet, he has proven to me over and over again  
20 that he loves me and he only loves me more because of  
21 what you have done. He wants to protect me. I try to  
22 trust him, I do, but it's so hard. Because of the abuse  
23 you inflicted upon me, my physical relationship with my  
24 husband has also been greatly hampered. I developed a  
25 medical disorder called vaginismus, which is common

1 among abused women. This produces unbearable pain and  
2 for a while an inability to be physically intimate. How  
3 it hurt my husband and I to realize that this might have  
4 prevented us from ever having a family, and all because  
5 you cared more about your physical pleasure than the  
6 life of a sister you were supposed to have protected.  
7 Even now at times I have flashbacks of you and am unable  
8 to so much let my husband touch me. I have had many  
9 paralyzing nightmares of you hurting me again with no  
10 way of escape. I will live with this the rest of my  
11 life.

12           You hurt me in other ways, too. After  
13 having driven through the night in a horrible snowstorm,  
14 I was asked to not attend my grandfather's burial and  
15 the family meal to follow. Why? Because you were  
16 there. Should it not have been you who had to leave? I  
17 felt disgraced and shamed as I had to leave and go back  
18 to the hotel room. I have been judged by my closest  
19 friends and family because I dare to tell the truth  
20 about you. I am not seeking to hurt you out of some  
21 buried anger. I simply desire that the truth be  
22 revealed and that by my speaking other girls will be  
23 protected. Even after you're behind bars, I will still  
24 suffer because of what you have done. How can you say  
25 it was just youthful curiosity? If so why didn't you

1 stop at your first victim? Apparently, one was not  
2 enough. Were you satisfied after the second or the  
3 third or the fourth? No. You have attacked at least  
4 four known victims. Only God knows how many other women  
5 you have hurt.

6 MR. LIPINSKI: Judge, I must object at this  
7 point. First of all --

8 THE COURT: All right. I'll sustain the  
9 objection as to the last comment made by the victim.

10 Ms. Evers, I'll ask that you address the  
11 witness so that she talks about her incident and how  
12 this has affected her and not to discuss other incidents  
13 not on today's docket.

14 BY MS. EVERS:

15 Q. [REDACTED] could you please limit your discussion  
16 to your abuse and your sister's abuse which are on the  
17 docket today.

18 A. Okay. I will.

19 Q. Okay. Thank you.

20 THE WITNESS: The first step to solving a  
21 problem is to admit you have a problem. And to this  
22 day, you have yet to admit that you have done anything  
23 wrong. One cannot simply state that your crimes are due  
24 to your home life. Your three siblings grew up in the  
25 same home and none of them have done what you have done.

1 You have done much damage to my life. I am full of hurt  
2 and pain, and yet I have chosen to forgive you and I  
3 long for you to accept God's forgiveness, too. However,  
4 as you have chosen these actions, so you must bear the  
5 consequences. It is the duty of the law to strongly  
6 punish those to break its rules.

7 To the Court. If you choose to let this man  
8 go free, what is to keep him from continuing to hurt  
9 other innocent girls, perhaps even your daughter. And  
10 if his sentence is light, how is that detur him or  
11 others from doing the same again knowing that they could  
12 get off easily. For the love of justice, and in order  
13 to protect young innocent girls, may the Court place  
14 upon him the maximum penalty worthy of his crimes.

15 And may you, Jeremy, never again be allowed  
16 to hurt other girls as you have hurt me.

17 MS. EVERS: Okay. Thank you, [REDACTED] Was  
18 there anything else you wanted to say to the Court?

19 THE WITNESS: No, ma'am.

20 MS. EVERS: Okay. Thank you. We will leave  
21 you on the viewing screen so you will be able to see the  
22 podium and hear what occurs at the remainder of the  
23 sentencing.

24 THE WITNESS: Thank you.

25 THE COURT: Mr. Lipinski, do you have any

1 questions of this witness?

2 MR. LIPINSKI: No, I don't.

3 THE COURT: Okay. Ma'am, we're going to --  
4 as you just heard, you'll remain a part of the process  
5 and we expect that you'll be able to hear what is  
6 happening. And I'll ask that you remain quiet through  
7 the rest of the proceedings unless you are called upon.  
8 Do you understand?

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay. Let me state on the  
11 record that this is the sentencing in case number  
12 2010-CF-1867, State of Florida vs. Jeremy Bicha. I  
13 previously accepted the plea and set sentencing for this  
14 afternoon. We have everybody present. What I would  
15 like to do now is listen to each side give a very brief  
16 opening statement as to what they are recommending.

17 We'll begin with the State.

18 MS. EVERS: Yes, your Honor.

19 As you've heard a little bit about this case  
20 and have heard over the years that it's been pending,  
21 the case involves the defendant sexually abusing his two  
22 younger sisters for many years in the family home. The  
23 1994 guidelines that apply to this case score to 98 -- a  
24 range between 98.9 months Department of Corrections and  
25 164.8 months Department of Corrections, which comes out

1 to be between 8.2 years DOC and 7 -- 13.7 years DOC.  
2 And the State would be recommending the 13.7 years  
3 Department of Corrections.

4 THE COURT: All right. Mr. Lipinski.

5 MR. LIPINSKI: Judge, you're going to hear a  
6 lot of testimony about the home life, and I'll just  
7 summarize what I think you're going to hear.

8 This is not an indictment on religion, but  
9 the truth of the matter is, and you're going to hear  
10 from the mother of the children yourself, is that this  
11 was an extraordinary dysfunctional household. And when  
12 I say dysfunctional, that's putting it very mildly. It  
13 was cultage. What the parties' father wished to do was  
14 to have a ministry. It was Biblical in nature in which  
15 people shunned the outside world. There was physical  
16 abuse in the maximum. I believe that probably the young  
17 lady just sort of touched upon the physical abuse that  
18 she had by her father.

19 The mother who is here and will testify is  
20 going to say that she believes Biblically that she's  
21 supposed to cling to her husband and really did not  
22 interfere with the really bad things that he did. There  
23 was verbal and emotional abuse. There were rules that  
24 were just incredible to all of the kids. There was  
25 absolute and unquestionable obedience to authority

1 figures, there was fear of authority, isolation from  
2 society. There was no talk about sex or sex education.  
3 They were left to actually find amongst themselves about  
4 what sex was. It wasn't just a, gee, we'll talk about  
5 the birds and the bees at a different point in time. It  
6 was completely repressed. There was no open  
7 communication.

8           At times the family would leave, trying to  
9 get a ministry in a car. They eventually moved to  
10 Bradenton and they were in a very small household. What  
11 you're going to hear, Judge, is that -- from the family  
12 members themselves, how punitive the father was, who is  
13 not here today. You're going to hear about how that  
14 impacted on everybody. It's a little bit unknown  
15 exactly when the sexual abuse happened. In my belief I  
16 think the Court is going to hear that it happened  
17 anywhere from the time that Jeremy was 13 to sometime  
18 around 16. Could possibly be even before that. One  
19 thing is for sure, Judge, is we're going to throw you a  
20 number of scenarios in which juvenile people who have  
21 been charged with this particular crime have been  
22 treated as a juvenile and received juvenile sanctions.  
23 Of course, the Court really cannot do that at this  
24 particular point in time. And you've heard about it was  
25 never reported, which in true it wasn't. Now you can

1 say that's a violation of law then -- now as it was then  
2 about mandatory reporters. Yes, I agree the father  
3 should have reported, the mother should have reported, I  
4 believe there was a pastor involved and he should have  
5 reported it as well, and it never was. And you know  
6 something, Judge, if that had happened, we wouldn't be  
7 here today. But it was just allowed to fester. Now,  
8 that's not Jeremy Bicha's fault. That's the fault of  
9 the parents.

10 So what we're trying to do here today,  
11 Judge, is to punish somebody for a juvenile situation  
12 that happened approximately anywhere from 16 years ago  
13 to 13 years ago. Mr. Bicha is 29 years old. He went  
14 into -- he was taken out of school by his father and put  
15 in the Navy. He was in the Navy for seven years. He  
16 was taught by a Navy Arabic. He became extremely adept  
17 in computers. He was placed into Bahrain. In Bahrain,  
18 because of these particular charges, what occurred was  
19 that NCIS, who we've already had a motion to suppress  
20 upon, questioned him and he admitted to everything. He  
21 admitted to all of this. This was not an offense  
22 committed in the Navy, and so he could not be sanctioned  
23 for it. All he could be is given an honorable  
24 discharge, which in fact is what he did.

25 You're not going to hear, Judge, that he's

1 committed any other crime. This is the thing that he  
2 stands solely confused -- concerned about.

3           You asked, or are going to ask what sort of  
4 sanction are we going to be given. Well, sadly, I have  
5 to agree there's no sanction the Court can give him as a  
6 juvenile, not because that he can't be given as a  
7 juvenile, but because he doesn't meet the age  
8 requirement, which isn't his fault. For that matter,  
9 the Court can't give him youthful offender, because at  
10 the time he was arrested he was outside the age the  
11 Court could impose youthful offender sanctions. But I'm  
12 going to show you a case, Judge, that happened here  
13 recently in which somebody did things as bad as Mr.  
14 Bicha, if not worse, concerning children even younger.  
15 In fact, he was given youthful offender, given 11, 29  
16 and given sex offender probation for five years.

17           So what is Mr. Bicha to do in a situation  
18 like this in which possibilities the Court would have to  
19 give consideration to cannot, either because he's too  
20 old or because this was reported well afterwards.

21           Well, Judge, he needs to be punished, and we  
22 don't disagree. There's a number of criteria that the  
23 Court can look at in giving a departure, and we're going  
24 to ask the Court to give a departure. We're going to  
25 ask the Court to give Mr. Bicha the punishment that

1 other people have been given for similar things to look  
2 at, and what we're going to ask is 11 months, 29 days in  
3 Manatee County to be followed by five years' sex  
4 offender probation.

5 THE COURT: Okay. All right. State, do you  
6 have any additional witnesses to call or evidence to  
7 present?

8 MS. EVERS: Yes, Your Honor. The State will  
9 call [REDACTED]

10

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

13

**DIRECT EXAMINATION**

14 BY MS. EVERS:

15 Q. Good afternoon.

16 A. Hi.

17 Q. Please state your name.

18 A. [REDACTED]

19 Q. And what is your date of birth?

20 A. [REDACTED]

21 Q. And what is your relation to Jeremy Bicha?

22 A. He's my brother.

23 Q. And you are one of the named victims in the  
24 charging document in this case. If you could please  
25 tell the Court how long the sexual abuse occurred to

1 you, from what age to what age.

2 A. From about age 9 to age 11.

3 Q. Okay. And were you living in the family home --

4 MR. LIPINSKI: Judge, may we just interrupt  
5 for a second.

6 From Mr. Bicha's point of view, it's  
7 difficult for him to hear her, but even worse, he can't  
8 see her.

9 MS. EVERS: Can we just put the microphone  
10 down a little.

11 MR. LIPINSKI: Can we either ask the witness  
12 to move over slightly?

13 THE COURT: What is blocking the view, Mr.  
14 Lipinski?

15 THE DEFENDANT: The court reporter and the  
16 podium. If she would move to the left, that would be --  
17 there you go.

18 THE COURT: Does that solve it?

19 THE DEFENDANT: Yes. Thank you.

20 BY MS. EVERS:

21 Q. So from what age until what age were you sexually  
22 abused by the defendant?

23 A. Age 9 through age 11.

24 Q. And this was while you were living in your family  
25 home?

1 A. Yes, ma'am.

2 Q. And how much younger are you than Jeremy?

3 A. He is three years older.

4 Q. Okay. And what about how much older is he than  
5 your sister [REDACTED] who we heard from earlier?

6 A. About five years older.

7 Q. Okay. I am going to --

8 May I approach the clerk and the witness,  
9 your Honor?

10 THE COURT: You may. You can approach  
11 Mr. Lipinski as well.

12 MS. EVERS: Yes, I already showed it to him.

13 MR. LIPINSKI: Judge, she did. I didn't  
14 show my client. If we can see it for a second. I'm  
15 sure he has no objection.

16 THE COURT: Sure.

17 BY MS. EVERS:

18 Q. I'm showing you what's been marked as State's  
19 Exhibit 1. Do you recognize that?

20 A. Yes, ma'am.

21 Q. What is it?

22 A. It's a picture of me at about the age of 10.

23 Q. Okay. And is this about a year after the sexual  
24 abuse began to you?

25 A. Yes, ma'am.

1 MS. EVERS: Okay. I would move to admit  
2 State's Exhibit 1 into evidence, your Honor.

3 THE COURT: Any objection, Mr. Lipinski?

4 MR. LIPINSKI: None.

5 THE COURT: All right. State's Exhibit 1  
6 will be admitted.

7 BY MS. EVERS:

8 Q. I want to start off by asking you first to give  
9 the judge a little bit of an explanation of the type of  
10 abuse that occurred to you, the different types of  
11 sexual abuse that occurred to you between those ages  
12 that you previously testified to, before you start to  
13 read your statement.

14 A. Among the things he did to me were incredibly  
15 painful. For example, when he will touch my breasts, he  
16 did what's known as a kids' game known as Indian  
17 sunburn. So basically, you take usually someone's arm  
18 and you twist it in two different directions at the same  
19 time and you do it until the person calls mercy, you  
20 know, and it tears the skin. It's incredibly painful.  
21 And so he would take my breasts and he would twist them  
22 in two separate directions at the same time, and if I  
23 tried to say no and if I tried to fight, he would twist  
24 harder. And that pain would last even into the night  
25 after he was done touching me. That happened throughout

1 the whole three-year period of time.

2 He also digitally raped me with both his  
3 fingers and with objects, so, you know, both anally and  
4 vaginally. He was very, very rough. He would -- his  
5 nails would cut me, sometimes there was bleeding. It  
6 was just absolutely agonizingly painful.

7 Q. As far as that pain, if I can just stop, I'm  
8 sorry, would that continue even after the time that he  
9 was penetrating you?

10 A. Yes. I often would, like, crawl under my bed at  
11 night because the pain was so much that I would just try  
12 to breathe through it. Also, even just being able to  
13 urinate, to pee was almost impossible because it burned  
14 and it hurt so bad. So the only way -- and this was  
15 obviously not when he was -- like after he was done  
16 touching me that particular day. So I would take like  
17 an ice cold washcloth or something to kind of stem the  
18 pain enough so that I could pee. It was basically just  
19 like raw meat down there. And he did it so frequently,  
20 so it stayed to be red and raw, and there were sometimes  
21 so many, tiny cuts that even just the slightest brushing  
22 of the skin down there would make me want to scream  
23 because it was like I was on fire.

24 Q. So in addition to the pain to your breasts and  
25 the penetration of your vagina with objects and his

1 fingers, was there ever any other type of sexual abuse?

2 A. Like he used objects. I didn't always know what  
3 they were because I just tried to block out what he was  
4 doing, so I didn't necessarily look. But I could tell  
5 that they were different because some were very sharp  
6 and some were like a square shape, but you could feel  
7 that they were different and that would also cause  
8 damage and injuries down there.

9 Q. What about sexual intercourse?

10 A. Yes. That was wholly confusing to me because  
11 most of what he had been doing, he was completely  
12 clothed. So this was confusing, one, because I had zero  
13 knowledge of sex education. And so when he was  
14 completely naked, that was new. I had no ability to  
15 comprehend what this was. I just know that we were both  
16 naked and he was on top of me, and I didn't know what  
17 thrusting was, so like when he was going back and forth,  
18 I was just very, very confused. The only way that, as a  
19 child, I could describe what this was was the fact that  
20 I thought he was peeing inside me. There was definitely  
21 fluid and he had definitely ejaculated.

22 Q. And would some of these events occur in the  
23 middle of the night when you were sleeping?

24 A. It could happen whenever. I mean, the most  
25 common places, like the bathroom for example, he would

1 hide in the shower. So any time during that day that I  
2 would go in to use the bathroom, he would jump out and  
3 do stuff. So it could easily happen multiple times in  
4 the same day. And it definitely happened at night that  
5 I would wake up with him inside me.

6 Q. And about how often did it occur?

7 A. Definitely -- if not daily, a definite regular  
8 basis. And oftentimes, it could be anywhere from one to  
9 three times during the day. So in the three-year period  
10 of time, it could easily be between 300 and 1,000 times  
11 that he raped me.

12 Q. Was there ever a time that you tried to run away  
13 to get away from this sexual abuse?

14 A. Yes, ma'am.

15 Q. Tell us about that.

16 A. So when I was 10, I -- in the middle of the night  
17 I tried to run away. I didn't know -- I didn't know  
18 where I was going to go. I just had to get away. So at  
19 this point the abuse had been ongoing for a little over  
20 a year. And unbeknownst to me, my brother followed me  
21 and he brought me back home, and he threatened me to  
22 never tell anyone about the abuse. And his way of  
23 ensuring that I followed through with that threat, or  
24 that I knew that he would follow through is he took a  
25 pocketknife and he sliced me on my chest. And I have

1 about a three to four-inch long scar. It starts in the  
2 middle of my chest and it kind of continues at a  
3 diagonal underneath my right breast.

4 Q. And at that point had you told anyone about what  
5 he was doing to you?

6 A. No.

7 Q. All right. So at some point your parents found  
8 out?

9 A. Yes, ma'am.

10 Q. Tell us about that.

11 A. When I was 11, I was in my bedroom, I was laying  
12 in my bed, I was naked from the waist down, and my  
13 brother had his hands inside me, and my dad walked in  
14 and he was very, very irate. Like the first thing he  
15 said was, like, I could tell that you guys were having  
16 sex because I could smell it. I didn't even know what  
17 sex was. I didn't know what my dad was talking about.  
18 He immediately, while I was still half naked, took me  
19 down the hall to show my mother, like, look at what your  
20 daughter has done. He called me a whore. Even though  
21 he may have -- my brother may have received some  
22 punishment, I felt very much like I was the one that  
23 received the brunt of the -- the blame at that point.

24 Q. Were you told to never speak about that to  
25 anyone?

1       A. It was -- at that particular instance, it was an  
2 understood. I don't remember him specifically saying  
3 that to me.

4       Q. At any point were you told not to speak about the  
5 abuse that you were receiving from your brother?

6       A. When I was 15, I also disclosed at that point and  
7 told a childhood teacher as well as my pastor. And my  
8 dad was very, very irate, that now this was something  
9 that the outside people knew, and I was forbidden to  
10 ever talk about it in any way, not even with my own  
11 sisters and not even with my mother. It was, don't you  
12 dare ever say this again. And my dad was quite violent  
13 and you knew not to cross him.

14       Q. So when you say your dad was violent, tell us  
15 about that, too. Was he violent with punishment towards  
16 you as a child just in general?

17       A. Yes, ma'am.

18       Q. Okay. So that fear also caused you to not --

19       A. It was our home life. It was very much an  
20 environment of fear.

21       Q. Okay. So at age 15 when you finally told your  
22 teacher and the pastor, did law enforcement get involved  
23 then?

24       A. No, ma'am.

25       Q. Okay. What about -- was there anything else that

1 your mom -- do you remember what your mom specifically  
2 said to you about not to disclose or --

3 A. I don't really remember. I mean, I know that at  
4 age 11 she was definitely aware. I also know she was  
5 very definitely aware at age 15. And even though, like  
6 my brother would continue to come home, like, on  
7 holidays and vacations, I was very traumatized by that,  
8 and my mother insisted that I needed to just deal with  
9 it basically for the sake of the family, that I needed  
10 to play nice and that I was just angry and bitter. So  
11 it was very much, this is not something we talk about,  
12 and the issue is with you and not him.

13 Q. What do you mean by that, the issue is with you  
14 and not him?

15 A. Like, that I'm the one struggling with it and  
16 that I need to be nice with him, you know, because he  
17 just seemed to act like everything was fine. You know,  
18 my mom had no problem to have him come to visit and she  
19 didn't care about how badly that impacted me.

20 Q. So when did you finally disclose this to law  
21 enforcement?

22 A. I was unable to disclose until I was in a  
23 position where I was safe, and it was not until I was 22  
24 years old that I was safe and free for the first time in  
25 my life. So I had to break free from my father and my

1 childhood home in order to do so. So as soon as that  
2 happened at 22, then I immediately went to law  
3 enforcement and reported.

4 Q. Okay. And I know you have prepared a statement  
5 also for the Court, but I wanted to address the backlash  
6 against you by your family before you read the  
7 statement. Can you tell us about that.

8 MR. LIPINSKI: Judge, I would have to object  
9 as far as a backlash, unless there's some sort of  
10 suggestion that Mr. Bicha is involved in it.

11 MS. EVERS: Judge, the purpose of this  
12 hearing is to determine the impact of this crime upon  
13 the victims, and that is what I am eliciting from this  
14 witness.

15 MR. LIPINSKI: Perhaps there may be some  
16 backlash, but Mr. Bicha should not be held accountable  
17 because other family members acted badly.

18 THE COURT: I'll overrule the objection.  
19 You may answer the question.

20 BY MS. EVERS:

21 Q. Once you reported this, did your family, your  
22 entire family treat you differently?

23 A. Other than my two sisters and occasional  
24 conversations with my mother, I have lost my entire  
25 family, aunts and uncles, et cetera. They have sent me

1 letters, very blatantly pretty much disowned me and  
2 ostracized me for doing this. They feel that I'm  
3 destroying my rapist's life. They think that I'm doing  
4 this because I'm angry and bitter, but it has been very  
5 difficult to be ostracized when you are doing what's  
6 right. And they also, in connection with their  
7 alienation of me, have completely supported my brother  
8 on the other side.

9 Q. And [REDACTED] talked a little bit about your  
10 grandfather's passing and some ramifications of this in  
11 that circumstance. Was there any similar circumstance  
12 to you?

13 A. So obviously, because of this case, my brother  
14 and I cannot be in the same location at the same time.  
15 So briefly, I couldn't go to their funerals because I  
16 knew my brother was going. And I knew that because the  
17 family were supporting him, they would allow him to  
18 attend and not me. Also, like, when my one grandfather  
19 was dying, that night when I went to see him, they very  
20 blatantly shunned me. They took that as an opportunity  
21 to --

22 MR. LIPINSKI: Judge, may I just simply  
23 request that she identify who she's talking about.

24 THE COURT: Yes.

25 MR. LIPINSKI: She's talking about they as

1 if it's a collective unit.

2 THE COURT: Ma'am, when you're talking about  
3 a person, you need to identify whom you're speaking  
4 about.

5 THE WITNESS: When I'm referring to "they"  
6 at this point in time, I would be referring to Theresa  
7 Clement, Nancy Smith, Harry Clement, Vicki Clement, as  
8 well as my cousins, and I can't remember all of their  
9 names off the top of my head. But they in several  
10 occasions confronted me about why I was reporting and  
11 made it very clear their opinions on that. But as I  
12 mentioned, when my grandfather was dying, instead of  
13 giving me the chance to grieve that, they took that as  
14 their opportunity to bring this case up and to basically  
15 try to force me to drop the charges and try to somehow  
16 knock some sense into me, shall we say.

17 Q. Was there anything else that you wanted the judge  
18 to know before reading your statement?

19 A. No.

20 Q. Okay. You can go ahead and read the statement  
21 that you prepared.

22 A. How can you put into words the damage that such  
23 an atrocious trauma inflicts upon the human soul. How  
24 can you endure unimaginable horrors and recover from  
25 them? Is it possible to live through hell and earth?

1 What about the scars riddling my body that will never  
2 fade, the scars so deep that they had shattered my very  
3 being. Can you hear the screams as I wake up night  
4 after night, reliving the vile acts done to me. How  
5 many nights do I lay there unable to sleep, listening to  
6 every sound, wondering, waiting, will I be safe tonight.  
7 What about the heavy blankets I sleep with, hoping and  
8 praying that maybe I can hide under them and nobody will  
9 see me. Can words describe the feeling of nakedness,  
10 being exposed, even though I knew I was wearing layer  
11 upon layer of clothing. Walking down the street and  
12 being convinced that every man was undressing me with  
13 their eyes and wanting to rape me. How many years did I  
14 insist on wearing hoodies even in summer time because  
15 that was the only way I felt safe.

16           Terror, dread, panic, so many words, yet  
17 none can scratch the surface of fear that suffocates my  
18 life. I was known as a cocky, confident little kid, but  
19 as a nine-year-old little girl, that was shattered. Now  
20 I'm terrified of being alone. New situations paralyze  
21 me. I have experienced evil so terrible that I will  
22 never again, no never be safe. The tension of this fear  
23 makes me feel like I'm running a constant marathon, but  
24 there is no finish line. This fear is my life.

25           Trust. I cannot trust. I am wary and

1 skeptical of every new person I meet. If someone smiles  
2 at me, do they like me for me or for what they can get  
3 from me. My inability to trust people has wreaked havoc  
4 on my future. I don't trust teachers, employers, or  
5 even friends. This has prevented me from having any  
6 close friendships. Whenever someone starts to get close  
7 to me, I panic. I'm also extremely guarded. Few people  
8 are willing to take the time to get to know me because  
9 of my tough exterior.

10 Touch. I am 26 years old. I should be at  
11 the prime of my life and experiencing the excitement of  
12 dating and choosing my life mate, but you stole that  
13 from me. I am terrified of men. I start shaking  
14 uncontrollably if a man tries to touch me. If someone,  
15 even a close friend brushes my skin, I will jump and  
16 scream. I flinch when someone next to me moves because  
17 I am convinced they are about to hit me. I am  
18 constantly vigilant, watching, listening, eyes darting  
19 back and forth across the room. You destroyed my  
20 innocence. I am incapable of having a sexual  
21 relationship with someone I love because I associate sex  
22 with pain. Sex is repulsive to me. The thought of  
23 having a healthy sexual relationship with a man makes me  
24 want to vomit.

25 Triggers. I am terrified of knives. I

1   freak out if someone has one in their hand. When I feel  
2   threatened, my hand inadvertently goes up to my chest  
3   almost to protect it. It is there that I carry the one  
4   visible scar of your attacks. I am afraid that you will  
5   retaliate against me for speaking up about your crimes.  
6   I also have a massive fear of hands. Your hands caused  
7   me extreme pain. I can still see their exact shape. I  
8   can feel them ramming into me as your nails cut me. You  
9   had no regard for my value as a human being. I was  
10  simply an object to you.

11           I'm also terrified of your cough. It is so  
12  distinct. Every time I hear someone cough, I pause and  
13  wonder if you are there.

14           Do you know what it is like to spend holiday  
15  after holiday alone while the rest of the world  
16  celebrates? Have you ever felt utterly betrayed by  
17  those who should have been there for you? I have. My  
18  entire extended family has to ostracize me because of my  
19  decision to press charges. They would rather show  
20  support to a known rapist than to provide compassion to  
21  someone who has lost everything by coming forward.

22           While this case has been ongoing, both of my  
23  grandfathers have passed away. I was unable to attend  
24  either of their funerals because my family chose to  
25  support my brother and allow him to attend. And even

1 when I did manage to spend a few precious minutes with  
2 one of my grandfathers prior to his death, the relatives  
3 that were there chose to blatantly shun me. Instead of  
4 giving me a chance to grieve, they chose to take that  
5 opportunity to express their anger at me for destroying  
6 my rapist's life. Knowing that my family members have  
7 also chosen to support my rapist by pleading for a  
8 lighter sentence has completely devastated me.

9           Losing my family has left a gaping wound  
10 that time will never heal. I hope that one day my  
11 family will understand the incredible courage it took  
12 for me to disclose my abuse and fight for justice. I  
13 would love for them to see the healing that I have  
14 experienced in the midst of this very painful journey,  
15 and I wish that they could know that I hold no anger for  
16 their treatment of me, just deep sadness.

17           For three and a half years, 1,0258 days, I  
18 have been forced to continually relive my trauma while  
19 you have been allowed to remain free. Six times I  
20 prepared myself emotionally for the rigors of trial and  
21 six times I faced disappointment as the case was  
22 continued once again. You could have stopped my  
23 suffering long ago, but you chose to torture me until  
24 the very last possible second, and even then you copped  
25 out. You chose to plead no contest. You didn't even

1 have the dignity to publically acknowledge that you are  
2 guilty and that what you did was so very, very wrong.  
3 The plea offer that you ultimately accepted had been on  
4 the table for two years. You could have accepted  
5 responsibility for your actions at that point and ended  
6 this nightmare for us, but instead, you chose to only  
7 think of yourself. Your refusal to take responsibility  
8 for your actions is further evidenced by your fight for  
9 downward departure to the sentence. As the court case  
10 has dragged on, my dignity has been stripped away piece  
11 by piece. I have been forced to describe in great  
12 detail the memories that I have spent a lifetime trying  
13 to forget. I also have to live with the shame of  
14 knowing that each excruciating detail is now public  
15 record. I feel like I have been raped all over again.

16           The trauma of being brutally violated has  
17 also shattered my faith in God. As I laid there on the  
18 blue flowers linoleum, I prayed for God to please make  
19 this stop. If there was a God, why couldn't he do  
20 something.

21           The pain as he penetrated me was so intense  
22 that I literally begged God to just let me die. But the  
23 rapes continued. During the timeframe that these daily  
24 rapes were occurring, my brother claimed that he had  
25 become a Christian. And if he was a Christian, did that

1 mean that God himself condoned these horrible acts?  
2 What had I done to deserve this?

3 My brother somehow blamed -- my brother  
4 blamed me for these crimes. He said that I was somehow  
5 responsible for these violent atrocities. When my  
6 father walked in on the abuse at the tender age of 11,  
7 he also blamed me and called me a whore. Where was God  
8 during all of this? When I was 15 I disclosed the abuse  
9 to a teacher at my Christian school as well as my  
10 pastor. These mandatory reporters chose to not report.  
11 I still bear the pain of their actions. I was not  
12 believed. Nobody protected me. Nobody listened when I  
13 cried for help. They chose to believe my rapist instead  
14 of me. Over and over again my abuse was minimized.

15 Not only do I bear the lifelong stigma of  
16 being raped, but I was also blamed for this crime. I  
17 was accused of wanting it. I was told to ask God for  
18 forgiveness for my sin. I was told that if I  
19 ever experienced --

20 MR. LIPINSKI: Judge, if I could identify  
21 who was advising this. I doubt that it's Jeremy Bicha.

22 THE COURT: The same thing would apply.  
23 When you speak of people, if you can identify who they  
24 are. Okay?

25 THE WITNESS: This would be the religious

1 community as a whole. It would be more than one person  
2 who have said these things. But the religious community  
3 in which I grew up.

4 MR. LIPINSKI: And again, I say, is Jeremy  
5 Bicha supposed to be responsible for what religious  
6 leaders told her.

7 THE COURT: I understand that distinction,  
8 Mr. Lipinski. You'll have an opportunity to ask any  
9 questions as well.

10 Please continue.

11 THE WITNESS: I was shunned because I was no  
12 longer a virgin. I was told that the nightmares that  
13 riddled my dreams were my own fault because I was  
14 choosing to replay pornographic thoughts in my mind  
15 mind.

16 MR. LIPINSKI: And I assume this is the  
17 religious people that are saying this.

18 THE WITNESS: Yes, sir.

19 MR. LIPINSKI: And if we could have names.

20 THE WITNESS: He needs names or --

21 THE COURT: Please continue. Overruled.

22 THE WITNESS: The shame is suffocating.  
23 Instead of receiving compassion for surviving the  
24 horrible crime, I'm judged and blamed for it. When your  
25 perp, your dad, and your childhood pastor all tell you

1 that what happened was your fault, then how the hell was  
2 I expected to believe any differently.

3 I believe that you also committed the crime  
4 of murder. 16 years ago, there was a smart, vivacious,  
5 funny little girl. I loved to climb trees and dreamed  
6 of becoming a famous doctor until one day you chose to  
7 plunder and steal. You raped me, tortured me. You  
8 stole my innocence, my virginity and my smile. You  
9 inflicted pain on your own sister, pain so great that I  
10 lay awake at night in agony. Your attacks continued for  
11 years until there was nothing left of that little girl  
12 except a shell. My soul was shattered into a thousand  
13 pieces. That innocent, fragile little nine-year-old  
14 girl is dead. I am the shell of that little girl. I  
15 have been made to feel completely powerless. I fought  
16 against an assailant that I could never defeat. The  
17 utter helplessness crumbled my confidence and myself. I  
18 had huge dreams, but they were crushed before I ever saw  
19 them fulfilled.

20 Although there are no words to even come  
21 close to describing what you've done to me, I hope that  
22 I've given you a window into my pain. This is not a  
23 minor crime. You cannot just dust yourself off and keep  
24 going. These crimes will affect me for the entire rest  
25 of my life. I am a rape victim. But I am also a

1 survivor. I am able to stand here today and say I  
2 survived. Your actions couldn't defeat me. I am  
3 stronger than you. I won.

4           Your Honor, although this crime occurred  
5 many years ago, I want to tell you that there is nothing  
6 historic about the horrors inflicted upon me by my  
7 brother. The damage and pains caused by him raping me  
8 hundreds of times over several years is something that I  
9 have to live with every day. Though the years of  
10 counseling are teaching me how to process my pain  
11 without causing myself more hurt, his horrific abuse  
12 will be a life sentence of deep struggle for me. I can  
13 only hope and pray that your sentence will reflect the  
14 searing damage the sexual predator has inflicted upon my  
15 life. My brother has stolen 16 years of my life and has  
16 left lasting scars that will continue to impact me for  
17 the entire rest of my life. And I cannot allow my  
18 brother the opportunity to steal another innocent  
19 person's life. I believe that my brother should receive  
20 the maximum sentence allowable by law, up to and  
21 including life in prison. I also believe that he should  
22 be compelled to undergo mandatory sex offender  
23 counseling as well. I think that he should be required  
24 to cover the costs of my ongoing counseling needs which  
25 will span many years.

1 MS. EVERS: Thank you, [REDACTED] Was there  
2 anything else you wanted to say?

3 THE WITNESS: No, ma'am.

4 THE COURT: Mr. Lipinski, any questions?

5 MR. LIPINSKI: Yes, I do.

6 THE COURT: Okay.

7 **CROSS-EXAMINATION**

8 BY MR. LIPINSKI:

9 Q. Ma'am, the judge probably doesn't know very much  
10 about your family and probably doesn't know exactly when  
11 you were in Bradenton and other places. So let's talk a  
12 little bit about that, shall we?

13 A. Okay.

14 Q. And if you can speak into the microphone I will  
15 appreciate it.

16 A. Okay.

17 Q. Your father's name is what?

18 A. Timothy.

19 Q. And your mother's name is?

20 A. Linda.

21 Q. The children are Jeremy is the oldest, correct?

22 A. Yes, sir.

23 Q. As I think you indicated, he's three years older  
24 than you, correct?

25 A. Yes, sir.

1 Q. And who are your other sisters?

2 A. I have an older sister, Jessica, and then  
3 [REDACTED] who you've already met is younger than me.

4 Q. And you lived in Bradenton when?

5 A. We moved there in July of 1994 and were there, I  
6 believe, until about summer of 1999.

7 Q. You were here for five years?

8 A. Yes, sir.

9 Q. Okay. And so you indicated that when -- was it  
10 you were seven years old or nine years old when it  
11 happened?

12 A. It began when I was nine years old.

13 Q. Okay. So that would make Jeremy 12 years old,  
14 correct?

15 A. Yes, sir.

16 Q. Okay. I just want to be sure I have the age that  
17 Jeremy was. And so you indicated that this abuse  
18 happened, and you don't have any specific dates, you  
19 just believe that it happened hundreds of times,  
20 correct?

21 A. He would rape me repeatedly in the same day and  
22 he did this pretty much every single day for a  
23 three-year period of time.

24 Q. Let's talk what you mean by the word rape. So  
25 when he twisted your breasts, I'm not arguing with you,

1 but that is an act of rape; is that correct?

2 A. I would consider rape any form of penetration.

3 Q. If you would just say yes or no.

4 A. Yes, sir.

5 Q. So when he twisted your breasts, that would be a  
6 form of rape, correct?

7 A. No.

8 Q. Okay. I think that you indicated pursuant to  
9 Ms. Evers that you weren't sure if there was actual  
10 penile penetration, but there was one occasion that you  
11 remember that he was on top of you; is that correct?

12 A. I do believe there was penile penetration.

13 Q. But you're not sure of that, correct?

14 A. The fact that his fluid was inside of me --

15 Q. Would you please answer my question. You're not  
16 sure of that, are you?

17 A. I believe the facts state that, yes, he did.

18 Q. Okay. Do you remember, ma'am, in your deposition  
19 when you were under oath just like you are today?

20 A. And I stated at that point that I believe that,  
21 yes, it did happen.

22 Q. And you said that you also weren't sure either  
23 and you didn't know, remember?

24 A. I stated that in the same way I'm stating now,  
25 that based on all of these things, I believe that, yes,

1 it happened.

2 Q. Okay. But you don't actually recall penetration,  
3 correct?

4 MS. EVERS: Objection, argumentative.

5 THE COURT: Sustained.

6 BY MR. LIPINSKI:

7 Q. And ma'am, how old were you then?

8 A. I was ten years the first time he attempted  
9 intercourse on me.

10 Q. Okay. And so that would have been he would have  
11 been 13 at that time, correct?

12 A. Yes, sir.

13 Q. Okay. Just want to make sure I have that  
14 correct. And you indicated in your deposition that you  
15 believe that there was penetration that happened on one  
16 occasion, but there were other occasions of digital  
17 penetration, correct?

18 A. I stated that it happened more than once in my  
19 deposition.

20 Q. Okay. Well, we know that your father apparently  
21 caught you and blamed you for the incident when you were  
22 how old?

23 A. 11.

24 Q. That would have made Jeremy 14, correct?

25 A. Yes, sir.

1 Q. So when your father walked in on you, and what  
2 did he find?

3 A. I was naked and my brother had his hands -- his  
4 fingers inside me.

5 Q. So there was digital penetration?

6 A. Yes, sir.

7 Q. And Jeremy would have been 14 at that time,  
8 correct?

9 A. Yes, sir.

10 Q. Okay. Just want to be sure I understand. And so  
11 you indicated that you told your pastor this when you  
12 were 15, correct?

13 A. Yes, sir.

14 Q. Okay. Now Jeremy had gone to school at that  
15 point in time, correct?

16 A. Yes, sir.

17 Q. Okay. And so he was not living in the household,  
18 correct?

19 A. He was not at that moment.

20 Q. Now, were you in Bradenton then or some place  
21 else?

22 A. We were elsewhere but we were on a trip to  
23 Bradenton when I reported it.

24 Q. I just want to know when everything happened.  
25 Okay? So when you were 15, you were living where?

1 A. In Indiana.

2 Q. And when did you move to Indiana? Or to put it  
3 in a different way, how old were you when you went to  
4 Indiana?

5 A. 14 or 15.

6 Q. Okay. So when you went to Indiana, that was  
7 where in Indiana, ma'am?

8 A. Pendleton.

9 Q. And you were approximately 14 years at that point  
10 in time, correct?

11 A. Yes, sir.

12 Q. And so, ma'am, what you indicated is you've  
13 indicated that you lived in a very strict household; is  
14 that correct, ma'am?

15 A. Yes, sir.

16 Q. From the sound of it, your father was a tyrant;  
17 would you agree?

18 A. Yes, sir.

19 Q. He beat you?

20 A. Yes, sir.

21 Q. But the beating just didn't revolve around you.  
22 It revolved around everybody in the family, didn't it?

23 A. Yes, sir.

24 Q. He beat Jeremy, correct?

25 A. Yes, sir.

1 Q. He beat you, correct?

2 A. Yes, sir.

3 Q. He beat [REDACTED] correct?

4 A. Not to the extent of what I received, no.

5 Q. How often would you be beaten?

6 A. It depended. It was in a relationship to if I  
7 had disobeyed. So it was very dependent on that.

8 Q. So there would be some months that you would be  
9 beaten and Jeremy would be beaten three or four times if  
10 you transgressed in some fashion, correct?

11 A. Yes, sir.

12 Q. Spare the rods spoil the child. You've heard  
13 that before?

14 A. Yes, sir.

15 Q. Those are the words that your father would say to  
16 you, to Jeremy and to your other siblings?

17 A. I don't remember him saying that.

18 Q. And so I think that you mentioned in your  
19 household there was no sex education, correct?

20 A. Yes, sir.

21 Q. You indicated that you were very -- that you were  
22 very unknowledgeable about sex, correct?

23 A. Yes, sir.

24 Q. Because there was no talks by your mom or your  
25 dad or for that matter anybody else concerned, correct?

1 A. Correct.

2 Q. And there was no sexual discussions between your  
3 other siblings, including Jeremy, correct?

4 A. I can't answer that. I mean, I'm assuming no.

5 Q. Okay. But there was no talk about what sex is  
6 and how it operates or anything like that, correct?

7 A. Correct.

8 Q. Okay. So you had a very repressed household, did  
9 you not?

10 A. I'm not sure how to answer that, sorry.

11 Q. Repressed means that you weren't really free to  
12 have your own thoughts. Repressed means that you were  
13 beating. Repressed means that your father told you to  
14 obey every command. Repressed in the sense that it was  
15 a house of fear, and I think those are your exact words,  
16 are they not?

17 A. Yes, sir.

18 Q. Yes, sir. It was an environment of fear, I  
19 apologize. That was the household you grew up in,  
20 correct?

21 A. Yes.

22 Q. And that's the household Jeremy grew up in,  
23 correct?

24 A. Yes.

25 Q. And your other siblings as well?

1 A. Yes.

2 Q. And you indicated that you were not protected by  
3 your mom or your dad or your minister. I think there  
4 was somebody else, correct?

5 A. Yes.

6 Q. Okay. And you believed that you got blamed for  
7 all of this; is that correct, ma'am?

8 A. Definitely.

9 Q. And that affected you tremendously, correct?

10 A. Yes, sir.

11 Q. And so, ma'am, as you look back on it, when  
12 you're talking about these things happening hundreds of  
13 times, you never, ever sat down or at least gave an  
14 approximation of when things happened, did you?

15 A. Of when?

16 Q. Yes, ma'am.

17 A. I was very clear what ages I was.

18 Q. Okay. But, like, say something happened on July  
19 4, 1996, I'm just picking a date.

20 A. There are particular incidents that I remember at  
21 least the month more clearly. When he cut me with the  
22 knife, I remember that that was in approximately March  
23 of, like, '98. I was 10.

24 Q. That would be him being 13?

25 A. Yes. I know that when my dad walked in on that,

1 that was in the fall. So probably October or November.

2 Q. And you were 10 at that time?

3 A. I was 11.

4 Q. 11. That would have made Jeremy 14?

5 A. Yes.

6 Q. Okay.

7 A. So there are sometimes that I do remember  
8 specific dates, but this was so excessive and ongoing I  
9 don't remember specific things because he violated me in  
10 the same ways each time.

11 Q. Now, ma'am, obviously, this is a courtroom and  
12 some of the people that you mentioned, family members  
13 are going to probably testify today, some of the ones  
14 that you mentioned. Do you blame them for your  
15 situation as well?

16 A. If they -- they have stated, at least to me in  
17 the past that they knew that my dad was abusive. And  
18 the very fact that they did not do anything while I was  
19 a child means that they cannot stand up here and use  
20 that as an excuse for my brother's crime, because they  
21 didn't do what they could to protect my siblings and I.

22 Q. Okay. So you blame, for instance, your aunts for  
23 not doing what? For coming in the house and --

24 A. Like, when they saw me riddled in bruises and  
25 they did nothing. Then their actions were condoning my

1 father's abuse as well.

2 Q. Okay. But you seem to be unhappy because you  
3 said they shunned you, I think were your words, correct?

4 A. They have shunned me, yes, sir.

5 Q. Right. So they are responsible for your dad's  
6 actions, at least in some part, because they condoned  
7 it, right?

8 A. And in a sense, they are condoning my brother's  
9 actions as well by them choosing to support him.

10 Q. Then you blame your mother as well then, correct?

11 MS. EVERS: I'm going to object to the  
12 relevance of this, your Honor.

13 THE COURT: Overruled. I allowed it to  
14 happen on direct, so I'll allow it.

15 You may answer the question, ma'am.

16 BY MR. LIPINSKI:

17 Q. You blame your mother as well, correct?

18 A. For what exactly?

19 Q. Well, for the same thing that you blame, say,  
20 your other family members. You indicated for instance  
21 that your aunts saw the bruises on your body, correct?

22 A. Yes, sir.

23 Q. And if I recall your testimony just a second or  
24 two ago, you said something, they saw the bruises and,  
25 by not reporting, they condoned what your father did,

1 correct?

2 A. I would say that my mother has made it very clear  
3 that she's willing to stand by a perpetrator, I'm also  
4 referring to my father at this point, and that has shown  
5 up her true character.

6 Q. Okay. So you believe that your mother is  
7 shunning you as well?

8 MS. EVERS: Asked and answered.

9 THE COURT: Overruled.

10 THE WITNESS: I believe that, by her  
11 continuing to allow my brother to come back into the  
12 home after she definitely knew that he had raped me, and  
13 there was no question that she is saying, I am okay with  
14 what he did and I'm not going to protect you. So yes, I  
15 would say that she probably -- and by her sitting in the  
16 courtroom today supporting my brother, is showing what  
17 she truly believes about this.

18 Q. Okay. So anybody that has a kind thing to say  
19 about Jeremy is part of the people that are abusing you;  
20 is that correct?

21 A. I would not label it that. I would say it's not  
22 just being kind to him, it's a complete annihilation of  
23 what they've done to me. You can be kind to two people,  
24 but you can't tear one down and support the other.

25 Q. I see. And that upsets you as well, correct?

1 A. Yes, sir.

2 Q. And I'm sorry. How are old were you when you  
3 lived in Bradenton? You probably told me, I forgot.

4 A. I was seven when we moved to Bradenton, and we  
5 left the summer that I turned 12.

6 Q. Okay. So the times that Jeremy was in Bradenton  
7 would be anywhere from 10 to 15, correct?

8 A. Yes, sir.

9 MR. LIPINSKI: No further questions. Thank  
10 you.

11 THE COURT: Any redirect?

12 MS. EVERS: No redirect, your Honor.

13 THE COURT: You may step down. Any other  
14 witnesses from the State?

15 MS. EVERS: No other witnesses from the  
16 State.

17 THE COURT: Any other evidence to be  
18 presented by the State?

19 MS. EVERS: No, your Honor.

20 THE COURT: Mr. Lipinski, any witnesses?

21 MR. LIPINSKI: Judge, I do. May I have a  
22 moment, please?

23 THE COURT: You may.

24 Let's take a five-minute break and use the  
25 restroom. Everybody else may do so as well, collect

1 your thoughts and we'll begin in five minutes. Okay?

2 (THERE WAS A RECESS.)

3 **End of Volume 1**

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