

1 IN THE DISTRICT COURT IN AND FOR STEPHENS COUNTY
2 STATE OF OKLAHOMA

3 THE STATE OF OKLAHOMA,)
4 Plaintiff,)
5 vs.) Case No. CF-2010-17
6 CHARLES ALLAN DYER,)
7 Defendant.)

8 * * * * *
9 TRANSCRIPT OF JURY TRIAL

10 (DAY 2 - VOLUME 1)

11 Proceedings Taken on
12 APRIL 17, 2012

13 HONORABLE JOSEPH H. ENOS
14 District Judge

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I N D E X

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20
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23
24
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FOR THE STATE:

VALERIE RENEE DYER

Direct Examination by Mr. Walters	19
Cross-Examination by Mr. Hoch	93
Redirect Examination by Mr. Walters	154

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT INDEX

DFT'S EXHIBIT	MARKED	OFFERED	ADMITTED
No. 1 Photo	135	137	138
No. 2 Photo	135	137	138
No. 3 Photo	135	137	138
No. 4 Photo	136	137	138
No. 5 Photo	136	137	138
No. 6 Photo	136	137	138
No. 7 Photo	137	137	138

1 (On April 17, 2012, with all counsel present as indicated
2 on the appearances, the following transpired in open court:)

3 THE COURT: All right. Take your seats, ladies and
4 gentlemen.

5 Good morning.

6 THE JURORS: Good morning.

7 THE COURT: All right. State may proceed with
8 opening statement but before you do let me see counsel
9 briefly.

10 (The following bench conference occurred outside the
11 hearing of the jury and the Defendant:)

12 THE COURT: I don't want to have to interrupt you.
13 Limit yourself to opening statement as to outlining the
14 case.

15 MS. HIXON: (Nodding.)

16 (The bench conference concluded and the following
17 occurred in open court:)

18 MS. HIXON: In the District Court of the Fifth
19 Judicial District of the State of Oklahoma sitting in and
20 for Stephens County. The State of Oklahoma, Plaintiff, vs.
21 Charles Allan Dyer, Defendant, Case No. CF-2010-17.

22 Trial Information. For Count 1, Child Sexual Abuse.
23 Title 21 of Oklahoma statutes, Section 843.5e, a felony.
24 State of Oklahoma, County of Stephens.

25 I, Brett T. Burns, the undersigned district attorney of

1 said county, in the name and by the authority and on behalf
2 of the State of Oklahoma, give information that in said
3 County of Stephens and in the State of Oklahoma, Charles
4 Allan Dyer, did then and there willfully, maliciously,
5 knowingly and feloniously commit the crime of Count 1, Child
6 Sexual Abuse. The Defendant raped and committed other lewd
7 and indecent sexual acts upon his seven-year-old daughter,
8 H. D., while she was in his care and custody between July of
9 2009 and January 4th, 2010. Signed Brett T. Burns, District
10 Attorney.

11 To this charge the Defendant has entered his plea of not
12 guilty which places the burden on the State of Oklahoma to
13 prove his guilt beyond a reasonable doubt.

14 Hayley Dyer is a nine-year-old little girl, pretty,
15 thin, blonde hair, blue eyes, and on the outside she looks
16 like every other little girl that you may see playing on a
17 playground or walking down the street, but on the inside
18 she's held a secret. Her secret is that she's a victim of
19 child sexual abuse.

20 During the course of the trial you'll hear evidence
21 about the sexual abuse that she's endured from the
22 Defendant, her father, a man she loved and trusted. You
23 will hear and see a forensic interview conducted with Hayley
24 when she was only seven years old -- it's been over two
25 years ago -- and you'll be able to watch this video, and

1 you're going to be able to hear from the mouth of a child
2 words only used by a child, and you will hear her describe
3 to you how the Defendant took her to his bedroom, and he
4 kissed her bo-bo.

5 She'll tell you "bo-bo" is the word that she uses for
6 her vagina. She'll tell you how he would put his wiener
7 inside her bo-bo and push really hard as he moved his body
8 up and down against her.

9 She'll tell you about the time that the Defendant made
10 her put her mouth on his wiener, and she'll describe how she
11 would swirl her tongue around it. She'll tell you how the
12 Defendant would tell her how he was almost done and then how
13 he was done as he would ejaculate inside of her month.

14 You will see her when she's explaining to the
15 interviewer about the Defendant ejaculating into her mouth
16 and she makes this gagging reflex as she's describing that,
17 to the interviewer and how bad it tasted and how she would
18 spit that yellow yucky stuff out into the toilet, or she'll
19 tell the interviewer how the Defendant's wiener would be
20 soft until he would spit in his hand and rub it.

21 The evidence will show that these types of things
22 happened to Hayley many different times before she told her
23 secret.

24 Hayley's mom, Valerie, had been married to the Defendant
25 since she was 16 years old. She got pregnant --

1 THE COURT: Excuse me. I'm sorry to interrupt. A
2 matter has come up which I think I need to have you address.

3 (The following bench conference occurred outside the
4 hearing of the jury:)

5 THE COURT: Are there individuals present in the
6 courtroom who are going to testify?

7 MR. HOCH: -- those are, Judge.

8 MS. HIXON: Sir, who are you talking about? The
9 women on the first row?

10 THE COURT: Do you know who -- is that his mother?

11 MS. HIXON: No, they're my cousins.

12 THE COURT: Oh, I'm sorry.

13 MS. HIXON: Please, you've interrupted me already.

14 THE COURT: Huh?

15 MS. HIXON: Yes, they're -- no, they're not related
16 to the case.

17 THE COURT: It was pointed out to me that his
18 mother was sitting over there.

19 MS. HIXON: No.

20 THE COURT: Okay.

21 (The bench conference concluded and the following
22 proceedings occurred in open court:)

23 MS. HIXON: May I continue?

24 THE COURT: Approach, please.

25 (The following bench conference occurred outside the

1 hearing of the jury and the Defendant:)

2 THE COURT: I apologize, Counsel. I have a job to
3 do. If you want to get an attitude about it I can take care
4 of that real good, Missie.

5 MS. HIXON: Your Honor, I wasn't being rude.

6 THE COURT: You said, You've already interrupted me
7 once. I take it -- I'll interrupt whenever I see it's
8 necessary. This is -- I want to make sure this gets done.
9 I suggest that you change your attitude towards this Court.

10 Do you want to apologize?

11 MS. HIXON: Your Honor, I -- I apologize. I was
12 not trying to be rude.

13 THE COURT: Thank you.

14 (The bench conference concluded and the following
15 proceedings occurred in open court:)

16 MS. HIXON: May I proceed?

17 THE COURT: You may proceed.

18 MS. HIXON: Ladies and gentlemen, Hayley's mom,
19 Valerie, she married the Defendant when she was only 16
20 years old, and she got pregnant with Hayley when she was 18.
21 And despite the Defendant's opinion that Hayley was nothing
22 more than a cancer growing inside her stomach that the
23 Defendant wanted aborted, Valerie kept the baby and gave
24 birth to this beautiful baby girl in November of 2002.

25 Hayley had lived in California with her mother and the

1 Defendant from 2005 until September 2008. That was when the
2 Defendant sent Hayley and her mom to Oklahoma to live.

3 Valerie was told by the Defendant that they were being
4 sent to Oklahoma in order to save money and Valerie was
5 obedient to her husband because if she wasn't he would
6 punish her, like when he would ground her from her cell
7 phone.

8 They had been married for eight years but not long after
9 arriving in Oklahoma Valerie learned the Defendant wanted to
10 end their marriage and then the Defendant began dating
11 Valerie's best friend, Amanda.

12 The Defendant moved to Oklahoma sometime around July of
13 2009, and he began taking Hayley over to his house for
14 visitations, for certain weekends, certain holidays. A
15 divorce was pending between the Defendant and Valerie and
16 they'd each begun moving on with their own lives. The
17 Defendant was dating, Valerie was dating; and, ladies and
18 gentlemen, I anticipate today you're going to hear a lot of
19 evidence about the relationship and about their marriage and
20 about this pending divorce and it's going to be long and
21 it's going to be monotonous and slow, but, ladies and
22 gentlemen, this information, this background information is
23 important because I believe the evidence is going to show
24 that the Defendant and Valerie already had an agreement
25 about their divorce. They already had an agreement about

1 custody of Hayley. Neither of them had any property or
2 anything of value to fight over. In fact, the evidence is
3 going to show that the Defendant himself was preparing all
4 the divorce paperwork, and he would just give it to Valerie
5 and she would sign it. They didn't even have attorneys
6 involved in this divorce.

7 Valerie, of course, wasn't happy that the Defendant had
8 moved her best friend to Oklahoma to live with and was
9 dating her best friend, but she knew Amanda and as long as
10 Amanda was being good to her daughter she was dealing with
11 it. Then one day in January 2010, Hayley told her mom what
12 the Defendant was doing to her and the secret Hayley was
13 hiding was out.

14 Hayley broke out in tears one night in the bathroom of
15 her apartment after she had just returned from spending
16 Christmas break with the Defendant. Valerie was getting
17 Hayley ready for her bath and Hayley decided to tell her mom
18 why her bo-bo was hurting that night.

19 Her mom looked at her as she was getting into the
20 bathtub, and she could see that her vagina was red and it
21 was swollen and it looked kind of open is how she described
22 it. All Valerie could do was hold Hayley in her arms, cry
23 with her, and tell her everything's going to be okay.

24 Hayley was taken to the Mary Abbott House where a
25 forensic interview was conducted by a trained forensic

1 interviewer by the name of Jessica Taylor. The interview
2 lasted for about an hour. It was recorded, and I anticipate
3 showing you that interview during the course of this trial.

4 You'll be able to see Hayley and how uncomfortable she
5 is talking about the things that she's experienced. You'll
6 see her use anatomical dolls to try to better explain how
7 her body was positioned and how the Defendant's body was
8 positioned as these things were occurring to her.

9 You will see her facial expressions, see those gagging
10 expressions that she makes as she's describing what the
11 Defendant has done.

12 Hayley was also taken to Dr. Preston Waters' office here
13 in Duncan for a physical examination. This male doctor that
14 she didn't know prior to this where she had to get undressed
15 and go through a sexual abuse examination.

16 Dr. Waters will testify about that examination. He will
17 tell you that his examination of Hayley indicates that she
18 was sexually abused, and he will tell you that a child's
19 hymen, a little girl's hymen, does not look the way Hayley's
20 does, absent some kind of forceful penetration of her
21 vagina.

22 He will tell you that Hayley's injuries would not have
23 occurred from a childhood accident, such as a fall on a
24 bicycle or anything of that nature, and he will tell you
25 that the way Valerie described Hayley's vagina looking that

1 day after she got back from the Defendant's house is
2 consistent with the way a child's vagina would look after
3 recently being sexually abused.

4 At the close of all this evidence, after you hear about
5 Hayley's disclosure, after you hear testimony from
6 Dr. Waters about all the medical evidence, I'll stand here
7 before you again and ask you to find the Defendant guilty of
8 child sexual abuse.

9 Thank you.

10 THE COURT: Thank you, Ms. Hixon.

11 Does the Defendant wish to make an opening statement at
12 this time or reserve it?

13 MR. HOCH: At this time, Your Honor.

14 THE COURT: Very well.

15 MR. HOCH: Ladies and gentlemen, the reason there's
16 a trial is there's two different stories here. The story
17 you're going to hear through Cross-Examination and other
18 witnesses is that Charles and Valerie had problems. Charles
19 wanted a divorce and wanted out of this and Valerie has said
20 she will do anything in order to get what she wants out of
21 this.

22 Charles and -- Charles went in the Marine Corps, did
23 eight years there. He did four years, got out for a while,
24 they were trying to work and get things going. He wanted to
25 go to school.

1 They moved to Tennessee. He was in school there,
2 because he wanted to go back to the Marine Corps as a pilot,
3 and you had to do it one of two ways: either get a college
4 education and get to officer candidate school and go through
5 that or if you're enlisted, if you learn to fly on your own,
6 then you can go in as a warrant officer, you can get
7 promoted from a sergeant, or whatever, to being a warrant
8 officer and that's the way enlisted people can fly in the
9 Marine Corps.

10 Well, his first chance they went to Tennessee. He's in
11 school there. He dropped out of school there and moved back
12 to Oklahoma because Valerie decided to work some at a
13 Wal-Mart and had an affair with a manager there.

14 Well, they're back here and you'll hear between
15 Valerie's drug use, her alcohol use and her numerous
16 affairs, he's finally done with it, but he's -- has them
17 back here so he can save up money while he's out there again
18 in the Marine Corps in California, saving up money to take
19 flight lessons on his own because the school deal is out
20 because of what she did.

21 And while he's out there Valerie is back here partying
22 all the time. Valerie even tells him that -- one of these
23 times she's drunk and doing drugs, having sex on the couch
24 while Hayley is in the next room. She even tells him who
25 the guy is after a while, but he's not the only guy, and

1 you'll hear she's pregnant again by another guy who she's
2 going to control the situation with him.

3 You'll hear you don't cross Valerie. And things were
4 going along. They're going to get a divorce but then
5 Valerie changes and wants a more favorable deal for her than
6 they had agreed on. She's going to get a lawyer to take it
7 to him.

8 Well, he was back in California and during this time he
9 tells her he's met somebody new. He doesn't tell her who.
10 He comes back in December, and she meets who the new girl is
11 and it's her old friend, Amanda.

12 Well, she's hacked off about that but then you're also
13 going to hear what sets her off even more is they all show
14 up at a play, a Christmas pageant thing, and he's going
15 to -- and Charles is with Hayley, Amanda, her kid. Valerie
16 is with her new boyfriend, and you'll hear -- Charles is no
17 candidate for sainthood either because he's going to get his
18 jabs in, too.

19 Well, he goes up to the new boyfriend and says, Hey,
20 glad you're with her now; let me tell you about her. Let me
21 tell you about the drugs, the weed, the alcohol and the
22 guys, and that guy heads for the hills right before
23 Christmas.

24 And then when Hayley is with Charles and his family at
25 Christmastime and right after that, Valerie is on the

1 computer looking up things such as sexual abuse on children
2 and evidence about it and court things about it. Valerie's
3 planning.

4 Then Hayley comes home. Valerie says she tells her and
5 being the concerned mother she is, she does nothing, sends
6 her child to school five straight days. Doesn't do a thing.
7 Then she's contacting people, saying, Oh, I ought to do
8 something about this.

9 You'll hear about Valerie's partying and about the guys,
10 about where Hayley's left and what goes on and it's not from
11 Charles. Then you'll hear that not only does Valerie wait
12 the week and then all of a sudden decide it's imperative to
13 go do this, she also goes over to Charles trying to get
14 money out of him, the same day she's doing all this.

15 They've had plenty of arguments about his concern for
16 Hayley, what she's doing, what she's -- what Valerie is
17 doing around the child, where she's leaving the child and
18 just Valerie's way of being in general. And you'll hear
19 that Charles was doing what he could trying to make a better
20 life.

21 He wanted to finally get to be a warrant officer in the
22 United States Marine Corps and Valerie in her efforts to
23 stop stuff makes false allegations about him to the Marine
24 Corps, and they investigate it and find out it was bogus as
25 can be. Valerie doesn't have a problem with what she --

1 with getting what she wants. Valerie's already said she
2 will do whatever it takes to make sure that she has Hayley.

3 Valerie gets on FaceBook or MySpace, one of those
4 computer things, and even says, "I hope his penis falls
5 off." She gets on there and contacts Amanda and Amanda used
6 to be, like, best friends with Valerie.

7 She gets on there and says, You better enjoy it now
8 because I'm -- basically I'm getting rid of him for you.
9 I'm taking care of this. Valerie gets on the computer and
10 tells what she's up to.

11 Valerie uses the computer to look up what she's going to
12 do and in the end you're going to see that Valerie has also
13 refused to even let Hayley talk to her grandmother, to
14 Charles' sister who used to care for Hayley because Hayley
15 used to spend weeks and months with her back in Tennessee
16 where they had to leave from because of her affair. Valerie
17 won't let anybody have contact with Hayley, not unless
18 you're on Valerie's side.

19 And you'll see also the interview from Ms. Taylor, but
20 what you'll see in there is what this child is really
21 concerned about, a gun, and what the child was in trouble
22 for because she starts talking to the interviewer about,
23 "You know, why you're here?"

24 "The gun."

25 This child's upset because she got in some big trouble.

1 Part way because Charles did something he shouldn't have
2 done; he left a gun laying out. Hayley picked it up and
3 Charles catches her, and she's in trouble for picking up a
4 gun.

5 She's in more trouble because she lied about it to him,
6 gets spanked, gets stuck in the corner, he's yelling and
7 screaming at her about, You shouldn't be touching guns.
8 Well, he shouldn't -- granted, he shouldn't be leaving one
9 sitting around loaded or unloaded, but that's her concern
10 when she's talking to the interviewer, a gun that she's in
11 trouble for touching.

12 She talks about that and as soon as she does you'll
13 watch the interviewer, No, no, no. You know, she's getting
14 her away from that. Watch how the interviewer enforces and
15 reinforces where she's going. Watch the interviewer lead
16 her through it, and you'll see whether or not a little child
17 is being manipulated by a mom who's so concerned she sends
18 her to school for a week; by an interviewer, and then you'll
19 also hear how it's hard to disprove something or prove a
20 negative that Charles didn't do it.

21 You'll hear what the problems were, what he was
22 concerned about with Valerie and in the end you'll see that
23 Valerie is out to get what she wants in any way she can, the
24 same way she's had to admit before that that's exactly what
25 she said. She'll want to tell you that he kept her from her

1 family, but there's pictures of her family with Hayley.

2 She will want to tell you how bad he was and, granted,
3 he probably wasn't the perfect husband. I'll grant you they
4 probably ought to be divorced, but this is not the way to
5 get a divorce; and, in the end, ladies and gentlemen, we'll
6 be asking you to not let Valerie get away with doing
7 whatever she wants in order to get what she wants from a
8 divorce, and we'll ask you when the State fails to show what
9 they have to in this case to do as the instructions tell you
10 where they say you must find him not guilty, we'll be asking
11 you to do exactly that.

12 Thank you, ladies and gentlemen.

13 THE COURT: Thank you, Mr. Hoch.

14 All right. The State may call its first witness.

15 MR. WALTERS: Thank you, Your Honor. The State
16 calls Valerie Dyer.

17 THE COURT: Would you raise your right hand,
18 please.

19 MS. VALERIE DYER: (Complies.)

20 THE COURT: Do you solemnly swear that the
21 testimony you're about to give in this matter will be the
22 truth, the whole truth and nothing but the truth, so help
23 you God?

24 MS. VALERIE DYER: I do.

25 THE COURT: Have a seat, please.

1 MS. VALERIE DYER: (Complies.)

2 THE COURT: You may inquire.

3 MR. WALTERS: Thank you, Your Honor.

4 VALERIE RENEE DYER,

5 after having been first duly sworn to testify to the truth,
6 the whole truth, and nothing but the truth, testified under
7 oath as follows:

8 DIRECT EXAMINATION

9 BY MR. WALTERS:

10 Q Will you state your name for the record, please.

11 A Valerie Dyer.

12 Q And will you spell both your first and last name?

13 A V-a-l-e-r-i-e, D-y-e-r.

14 Q Okay. Is it okay if I refer to you as "Valerie" during
15 the course of this trial?

16 A Yes.

17 Q Valerie, do you know Charles Dyer?

18 A Yes.

19 Q How do you know him?

20 A He's my husband.

21 Q When were you married?

22 A June 3rd, 2000.

23 Q How old were you, Valerie, when you married Charles
24 Dyer?

25 A I was 16.

1 Q How old was he?

2 A 19.

3 Q At the time that you got married in June of 2000, how
4 long had you been in a relationship with Charles Dyer?

5 A Um, I -- I don't know. I've just been with him since I
6 was 13.

7 Q And when you were first acquainted with Charles
8 where -- where did that happen? Where were you residing or
9 going to school, growing up?

10 A I was living with my parents off of Clear Creek Road
11 and I was going to Bray.

12 Q Is that here in Stephens County, in this area?

13 A Stephens County, yes.

14 Q At the time that you married Charles Dyer in June of
15 2000, describe for the Court and the jury what your
16 relationship was like.

17 A I'm sorry?

18 Q At the time that you married Charles in June of 2000 --

19 A Yes.

20 Q -- what was your relationship like?

21 A It was good. When we got married, yeah, it was great,
22 good marriage.

23 Q Where did you live upon getting married?

24 A We lived with his parents, um, down the road. It was
25 Route 2, Box 216. It was in Stephens County.

1 Q How long did you live with them after getting married?

2 A Roughly a month and then we moved.

3 Q Where did you move to?

4 A To California.

5 Q Why did you move to California?

6 A He was, um -- he was already enlisted into the Marine
7 Corps, and he came down, we got married and then moved back
8 to California where he was stationed.

9 Q So Charles Dyer was already in the Marines when you got
10 married?

11 A Yes.

12 Q How long had he been in the Marine Corps at the time of
13 your marriage?

14 A He enlisted when he was 17 because I think he had his
15 18th birthday in boot camp.

16 Q So a month after marriage you moved to California?

17 A Yes.

18 Q And that was because that's where Charles was
19 stationed?

20 A Yes. Twenty-nine Palms, California.

21 Q And did you live on -- in the Marine barracks on camp
22 or in private housing?

23 A We lived off base.

24 Q What was your relationship like as a married couple
25 when you first went out to California?

1 **A** It was good.

2 **Q** And that would have been roughly July of 2000; is that
3 correct?

4 **A** Yes.

5 **Q** What types of things did you guys do together at that
6 time of your relationship?

7 **A** We went skiing up to Big Bear and we went, um, to
8 different, like, museums or -- we went to -- we went to a
9 lot of places.

10 **Q** Pretty normal relationship at that time?

11 **A** Yeah.

12 **Q** Now, at the time that you were married, Valerie, what
13 was your relationship with your family?

14 **A** I didn't talk to them much. I didn't call home or
15 anything like that.

16 **Q** And what was your relationship with Charles Dyer's
17 family at that time?

18 **A** We communicated a lot. They called and he called and
19 so --

20 **Q** And since you lived with his family for a month right
21 after marriage, had to have been a pretty good relationship;
22 is that true?

23 **A** It was pretty good.

24 **Q** And how long were you in California -- shortly after
25 your marriage you moved to California. How long were you

1 there?

2 **A** Um, I want to say we were there for two to three years.
3 Yeah, it's been a long time. I was 16.

4 **Q** Why -- or what point in time did you leave California?

5 **A** I was at -- I want to say probably about 18. I was
6 about 18 when I left.

7 **Q** And what were the circumstances that you left? Why did
8 you leave California at that time?

9 **A** His four years were up and so we were going to go back
10 to Oklahoma.

11 **Q** He was getting ready to discharge from the Marines?

12 **A** Yes.

13 **Q** At the time that you left California, was there
14 anything else going on in your life?

15 **A** Yes. I was pregnant.

16 **Q** And approximately how far along were you in your
17 pregnancy when you left California and moved back to
18 Oklahoma?

19 **A** I want to say about six months pregnant, roughly.

20 **Q** Did you give birth to that child that you were pregnant
21 with at that time?

22 **A** Yes.

23 **Q** And who is that child?

24 **A** Hayley Dyer.

25 **Q** Did you have any other children with Charles Dyer?

1 **A** No.

2 **Q** And what is Hayley's date of birth?

3 **A** November 25th, 2002.

4 **Q** At the time that you found out that you were
5 pregnant -- strike that. When did you find out you were
6 pregnant?

7 **A** Um, I found out I was pregnant probably close to about
8 a month after I turned 18.

9 **Q** And, again, this is while you were living in
10 California?

11 **A** Yeah.

12 **Q** Prior to learning of your pregnancy had you and your
13 husband, Charles Dyer, at that time, have any discussions
14 about having a family, having children?

15 **A** He never wanted kids. He never wanted kids at all.

16 **Q** And you had had those discussions prior to finding out
17 you were pregnant?

18 **A** Yeah. He never wanted kids and I did.

19 **Q** What types of conversations did you have with Charles
20 Dyer from the time you were married until you found out that
21 you were pregnant about having children?

22 **A** He told me that he never wanted kids, and he wanted me
23 to promise or -- or if I ever did get pregnant to get an
24 abortion.

25 **Q** So how would you describe your knowledge when you found

1 out you were pregnant?

2 **A** I was excited that I was pregnant but then nervous
3 because I knew Charles didn't want a kid.

4 **Q** Now, given that you had had conversations with Charles
5 about having children, did your pregnancy at that time come
6 as a surprise to you?

7 **A** Very. It was not planned at all.

8 **Q** And what was Charles Dyer's reaction to your pregnancy?

9 **A** Angry.

10 **Q** What was it about what he did or said that made you
11 believe he was angry?

12 **A** Um, he would yell at me and tell me to go and sign up
13 for an abortion clinic; I did three times and I never went,
14 and I finally told him that I wasn't going to, I was going
15 to keep the baby, and then he would just make comments,
16 "Well, it's cancer in your stomach," um, he would -- as he
17 would say, fake punch (indicating) me in the stomach and
18 call me names.

19 **Q** When you say "fake" and you used your hands as if you
20 were putting quotes around that when you stated that, when
21 you say "fake punching," what do you mean?

22 **A** Like he would play punch but then it would hurt. He
23 was like, "Oh, I'm only playing. You're okay."

24 **Q** From the time that you find out that you're pregnant
25 and I believe your testimony was you left California about

1 six months along; is that correct?

2 **A** Yes.

3 **Q** From the time that you found out until that time period
4 when you leave California, what is your relationship with
5 Charles Dyer like?

6 **A** Not good.

7 **Q** What changed from prior to finding out you were
8 pregnant until, you know, from that point forward?

9 **A** He was just disgusted. He was aggravated and mad
10 because I was pregnant and I was going to bring a child in
11 this world.

12 **Q** When you left California to come back, I believe your
13 testimony was because he was discharging?

14 **A** Yes.

15 **Q** Did you and Charles have conversations about where you
16 would reside or what you would do after he discharged the
17 Marine Corps?

18 **A** Um, he wanted to get in law enforcement but when he
19 came back we lived with his parents for a little bit.

20 **Q** So when you first returned to Oklahoma from California
21 at that time you lived with his parents again?

22 **A** Yes.

23 **Q** Did you and Charles come back to Oklahoma together at
24 that time?

25 **A** Yes.

1 Q What was your relationship like with him once you
2 returned to Oklahoma?

3 A It was the same. He just -- he just wasn't the same
4 Charles. He just didn't -- he didn't like being around me
5 because I was pregnant, and he just didn't want a baby.

6 Q How did he react around others during your pregnancy?

7 A Um, around my family he would make comments and just
8 call me fat or, you know, and then around his family he
9 would be kind of -- you know, kind of hands-on, but it
10 was -- it was just kind of fake to me because I just knew
11 how he really was and when we were alone he was just -- he
12 didn't want anything to do with me.

13 Q Did you get the impression from his family at times
14 that you guys were together around them that they believed
15 his actions towards your pregnancy?

16 A Charles' family?

17 Q Yes.

18 A Oh, yeah, they believed his actions, like he was an
19 excited father, he can't wait until the baby's here, but I
20 knew right away.

21 Q So your statement that it appeared fake would have been
22 something from your perception based on your time with him?

23 A Right.

24 Q And Hayley was born November 25th, 2002; is that
25 correct?

1 **A** Yes.

2 **Q** From the time that you first learned you were pregnant
3 up to that date, to November 25th, 2002, what was Charles
4 Dyer's attitude toward that pregnancy?

5 **A** He still didn't want the baby. I mean, I could
6 probably -- the whole time I was pregnant he probably rubbed
7 my belly like once, twice, or even talked to the baby, and
8 he just wasn't interested.

9 **Q** So right up to her birth that's how it was?

10 **A** Yes.

11 **Q** Where did you give birth to Hayley?

12 **A** Duncan Regional Hospital.

13 **Q** And who was present at the time of birth?

14 **A** Charles and his mother. He wouldn't let -- allow
15 anyone else.

16 **Q** Now, I said, "Who was present" and your response, was
17 that actually in the birthing room or at the hospital?

18 **A** The birthing room was just Charles. He didn't -- he
19 didn't want anybody else.

20 **Q** And so who all was at the hospital during that time?

21 **A** Just him and his mother.

22 **Q** And why is it that your family wasn't there at that
23 time?

24 **A** He just didn't want any of my family around to see the
25 baby. They -- they got to see the baby probably right -- a

1 couple weeks after I had her. They never could come to the
2 hospital; he told me no.

3 **Q** At the time of the birth of Hayley, were you still
4 living with his parents --

5 **A** Yes.

6 **Q** -- Charles' parents?

7 After you had Hayley in November of 2002, where did you
8 live?

9 **A** Um, we stayed about a month at his parents' house and
10 then he wanted to move to Tennessee with his sister.

11 **Q** During that month's time after Hayley's birth while
12 you're still living with Charles Dyer's parents, did you
13 have contact or see your family?

14 **A** Um, maybe twice. I have some photos and stuff of them
15 getting to hold Hayley for the first time after she was
16 three or four weeks and then that's it. And then he said,
17 "Well, we're leaving," and I said, "Okay," and that was the
18 last time my family got to see Hayley for months.

19 **Q** And so after a month of Hayley's birth, when she was
20 about a month old, where did you move?

21 **A** To Jonesboro, Tennessee, with his sister.

22 **Q** And did you have discussions with Charles Dyer at that
23 time about moving to Tennessee?

24 **A** Not really. He just came up to me and said, "Well, do
25 you want to move to Tennessee?" And I said, "I mean, not

1 really, but I'll go wherever you want to go." He said,
2 "Okay. Well, we'll be leaving in two or three days."

3 **Q** Did he give you any indication or did you have any
4 discussions about why Tennessee or why the move at that
5 time?

6 **A** He didn't want my family to be around Hayley. That was
7 his main concern, and he just wanted, I guess, that control.

8 **Q** And did he express that to you at that time?

9 **A** Oh, yeah. He -- he just -- as soon as that baby was --
10 Hayley was born he just wanted that control of who got to
11 see her and he said, "Well, I think it's best that we go to
12 Tennessee."

13 **Q** And so at that time that's your understanding of why
14 you're moving to Tennessee?

15 **A** Yes.

16 **Q** And I believe you mentioned something about his sister
17 when you got to Tennessee?

18 **A** Yes.

19 **Q** Is that where you lived?

20 **A** Yes.

21 **Q** How long -- how long did you stay in Tennessee after
22 you moved and this would have been roughly December of 2002?

23 **A** Um, for about two years, two, two-and-a-half years.

24 **Q** And over the course of that two, two-and-a-half years
25 in Tennessee, where did you live?

1 **A** We lived with his sister probably -- I want to say
2 maybe six months and then we got our own place. He was
3 going to college and I was working.

4 **Q** Once Hayley is born, and let's go from the time period
5 of November 25th, 2002, when she was born, for that first
6 month prior to you leaving Oklahoma moving to Tennessee,
7 during that time frame what was Charles Dyer's attitude
8 towards you and the baby?

9 **A** Basically -- I basically felt like I was a single
10 parent. He -- he wouldn't get up with her in the middle of
11 the night. He wouldn't let her sleep in the same room with
12 me in a bassinet. He would make her sleep in another room
13 where I could barely hear her cry and then he would nudge me
14 and go, "Go get your 'F-ing' kid," and he would never get up
15 with her.

16 **Q** And this, again, is while you're living with his
17 parents?

18 **A** Yes.

19 **Q** With his attitude -- or how was his attitude toward
20 Hayley at that time in front of others?

21 **A** He would hold her sometimes in front of his family and
22 just acting like it was show, it was fake, because once it
23 was just me and him and Hayley, he just -- he didn't hug her
24 or hold her. He would take pictures with her, but he
25 wouldn't just sit there and talk to her like a daddy would

1 do or -- or anything like that. I was doing it all.

2 **Q** Valerie, what about your individual personal
3 relationship with Charles Dyer at that time? Did it change
4 any?

5 **A** Yeah. It -- it changed because he didn't like the fact
6 that -- sorry. He didn't like the fact that all my
7 attention was on Hayley, an infant, and none of it was on
8 him, so he was getting jealous and frustrated and mad, but,
9 you know, I told him, I said, "She's an infant," you know,
10 "she needs her mom," and he just -- "I don't care. I want
11 you for -- I want all of you," and he would get angry and
12 mad and we would fight constantly.

13 **Q** Once you and your family moved to Tennessee, when you
14 first arrived out in Tennessee, does anything change in that
15 regard with how Charles Dyer treated you and you and that
16 baby?

17 **A** Not really. He would work night shift and I would be
18 there with the baby and his family and so he would work
19 night shift, come in and go to sleep and then wake up and
20 then the little time that he could be playing with her or
21 talking to her, he wouldn't. He would either be on the
22 computer or -- or doing something else.

23 **Q** And during this time period you're living with his
24 sister; is that correct?

25 **A** Right, yes.

1 Q What -- what was her name?

2 A Amy Dark.

3 Q Was she married, or who else was in the house with you
4 at that time?

5 A At the time it was Amy Dark, which is Charles's sister;
6 Larry Dark, which is Amy's husband; and at the time I want
7 to say their son was living there, Steven Dark, and then
8 their daughter was moved out, if I'm not mistaken, because
9 we had her room.

10 Q Amy's daughter?

11 A Yes.

12 Q Moved out? Out of high school? An adult child had
13 moved out?

14 A Yes. She was -- she was -- she's close to my age.

15 Q And Steven -- Amy and Larry's son, Steven, how old was
16 he at that time?

17 A He was probably, um, maybe 17 or 18, but he was still
18 living with his parents and stuff and working.

19 Q At some point in time did he move out while you still
20 lived there?

21 A That I don't recall. I mean, he was roughly there. He
22 was in and out. He was working a lot so I don't -- he
23 stayed at friends and then he stayed there some.

24 Q What type of a residence -- I referred to it as a house
25 but what type of residence was it that you were all living

1 in together at that time?

2 **A** It was like a three-story house, a one level in the
3 middle and then the basement where Larry worked. Um, he had
4 a job working with alligator skin and stuff.

5 **Q** And he had a home office?

6 **A** Right. He -- he had -- he worked out of his basement
7 making belts and stuff like that.

8 **Q** Did Amy Dark, Charles Dyer's sister, at that time work
9 outside of the house?

10 **A** Yeah, she worked in the medical field. I want to say
11 she was kind of like a receptionist at John Deere Health, I
12 want to say. I know that it's some kind of health area like
13 that but not for sure.

14 **Q** And I believe you stated previously that Charles was
15 going to school and working at that time?

16 **A** Well, he wasn't work -- well, when we were living with
17 Amy he had a night job as a security guard and then he
18 decided to quit that and then start college in Tennessee
19 because he wanted me to get a job.

20 **Q** So initially when you first moved out to his sister's
21 house, he's -- he's working a night job. What are you doing
22 at that time?

23 **A** I'm a stay-at-home mom. I was with Hayley.

24 **Q** Did anything about Charles Dyer's attitude towards you
25 and the baby change at that time?

1 **A** Still the same.

2 **Q** And what was his attitude and behavior around you guys
3 like when his sister and brother-in-law and family were
4 around?

5 **A** He acted like the perfect dad at Hayley's first
6 birthday. Um, he was laughing with her, and she was putting
7 cake in his mouth, you know, but -- but whenever it wasn't
8 in front of his family you could see how he treated her.

9 **Q** What was Amy Dark and her family's relationship with
10 Hayley at that time while you were living with them?

11 **A** Amy, Larry and Steven, they -- they all loved Hayley.
12 Hayley loves her Meme which is Amy. Um, they -- they would
13 do anything for her and they still would, I believe. Hayley
14 loves her Meme.

15 **Q** At some point in time did you move into your own place
16 in Tennessee?

17 **A** Yes.

18 **Q** And do you recall about when that was?

19 **A** I want to say when Hayley was about a year-and-a-half
20 because we had her year birthday. We stayed there for quite
21 some time. The approximate date and everything, I can't
22 tell you.

23 **Q** But you recall that you celebrated Hayley's first
24 birthday while living with Charles' sister in Tennessee?

25 **A** Right. So it had to be after that.

1 Q Sometime thereafter did you guys get your own place?
2 You leave Oklahoma, stay in Tennessee, where were you at
3 that time?

4 A We stayed in Tennessee and we just found, like, a
5 two-story house but somebody rented something on the bottom
6 and we were on the top, small house.

7 Q How far away from Amy Dark and her family were you at
8 that time?

9 A Um, I want to say 20 to 30 minutes away.

10 Q Once you moved out on to your own, who -- who all
11 resided with you in that home?

12 A Um, Hayley, Charles and I.

13 Q And at that point in time does anything change with
14 regard to Charles Dyer's attitude towards you and the baby?

15 A Same.

16 Q What were you doing? Were you still just staying at
17 home at that time?

18 A At that time I got -- I had a job at Wal-Mart and he
19 was going to college during the day.

20 Q Do you know what type of courses or anything that he
21 was taking?

22 A I want to say he took -- he was taking -- um, I know
23 psychology and, um, I want to say -- I want to say
24 criminology.

25 Q Did you know what type of degree program or certificate

1 program or anything that he was attempting to obtain at that
2 time?

3 **A** He didn't talk much about his college or his work or
4 what he did in college to me.

5 **Q** And your individual marital relationship with Charles
6 Dyer at that time, had it improved any or was it still the
7 way it was when you found out you were pregnant?

8 **A** It was still the same because I was working and he was
9 going to school and Hayley was in the way, he said, to do
10 what he wanted to do.

11 **Q** Did you do shift work at Wal-Mart during that time?

12 **A** Yes. I worked from 2:00 in the afternoon to 11:00 at
13 night. Sometimes I didn't get out to 12:30, 1:00.

14 **Q** And is that about the same shift that you worked for
15 the remainder of your time while you were out there?

16 **A** Oh, yes.

17 **Q** And when would Charles be going to school?

18 **A** That I cannot tell you. He never told me what time he
19 went to school. He never discussed school with me. I want
20 to say in the mornings, but I'm not sure.

21 **Q** And who is caring for Hayley during that time period?

22 **A** At that time period Charles found a sitter, um, and I
23 guess sometimes I would drop her off and sometimes he would
24 or he would pick her up while I was working.

25 **Q** Where would Hayley be when you got off work? You

1 worked what hours again?

2 **A** 2:00 to 11:00, but I wouldn't get in until a little
3 past midnight.

4 **Q** So where would Hayley be when you got in off your
5 shift?

6 **A** With Charles.

7 **Q** Did anything about Charles' relationship with Hayley at
8 that time while he's caring for her as you worked, did
9 anything change or seem to affect his relationship with her?

10 **A** I don't know what went on when I wasn't there. There's
11 times where I came home and he had dinner ready and the baby
12 would be clean and then there's times where I came home and
13 Hayley was -- was plain nasty and a huge diaper and -- and
14 he's sitting on the computer playing video games.

15 **Q** How long did that situation with you working at
16 Wal-Mart and Charles attending college or doing whatever he
17 was doing while you're living in Tennessee, how long did
18 that situation last?

19 **A** I worked at Wal-Mart for a year and a half until I quit
20 and then he quit college and then he wanted to go back to
21 the Marine Corps.

22 **Q** The year and a half that you worked at Wal-Mart, did
23 that start once you moved out into your own house or did
24 that start while you were still living with his sister?

25 **A** When I moved -- when we moved out into our own house.

1 Q And after that year and a half or so, where did you go?
2 Did you leave Tennessee?

3 A Yeah, we -- we left Tennessee in, um, I want to say we
4 went back to Oklahoma for a little bit until he started to
5 get things situated to go back into the Marine Corps.

6 Q And that would have put Hayley somewhere around two and
7 a half, three years old, somewhere in that area?

8 A Yeah, and that would have been the first time my family
9 had seen her since she was like a month old.

10 Q So during the entire time that you lived in Tennessee,
11 your family didn't see Hayley?

12 A Nope.

13 Q Did you guys travel back to Oklahoma while you lived
14 out there?

15 A No.

16 Q You said that Charles reenlisted in the Marine Corps at
17 that time; is that correct?

18 A Yeah, he was in the -- he was in the process -- well,
19 yeah. He tried to get into -- to be a police officer and
20 that didn't work and then we came back to Oklahoma and that
21 didn't work so then he started to reenlist into the Marine
22 Corps.

23 Q And was he accepted back into the Corps? Did he
24 actually rejoin?

25 A Uh-huh.

1 Q Where was he stationed at that time?

2 A He was stationed in Camp Pendleton, California.

3 Q So how long between Tennessee and Camp Pendleton were
4 you in Oklahoma?

5 A I would say probably a year, year and a half.

6 Q Where did you live during that time between Tennessee
7 and Camp Pendleton?

8 A We lived with his mom for a little bit and then we got
9 our own place, those brick apartments by the DHS office on
10 Plato.

11 Q And during this time period that you're living in
12 Oklahoma before moving back to California, describe for the
13 Court Charles's relationship with Hayley.

14 A It was pretty much the same. I mean, he just was never
15 interested. I mean, ever now and then he would but the
16 majority of the time he was not interested in his child.

17 Q And how was your marital relationship at that time when
18 you came back to Oklahoma between Tennessee and Camp
19 Pendleton? Anything improve or change in your marital
20 relationship?

21 A It was horrible. We fought.

22 Q What type of appearance did Charles give in front of
23 others at that time between you and Hayley?

24 A At that time he didn't really -- didn't really go and
25 see anybody. I mean, we would, but he would still act the

1 same way and making comments in front of my family or his
2 family. He didn't really say much.

3 **Q** So the same -- basically the same relationship as you
4 described before?

5 **A** The same, yeah.

6 **Q** When you moved to Camp Pendleton, about how old is
7 Hayley at that time?

8 **A** I want to say that she was about three, almost three.

9 **Q** And where did you live when you guys first went to
10 Camp Pendleton?

11 **A** We decided to get a base -- a house on base.

12 **Q** So you stayed in base housing at that time?

13 **A** Yes.

14 **Q** And, again, who resided with you at that point in time?

15 **A** Charles, me and Hayley.

16 **Q** How long were you at Camp Pendleton, California?

17 **A** He signed up for four years so we were pretty much
18 there for four years.

19 **Q** Did anything change in your relationship with your
20 husband at that time when you moved to California now for
21 the second time?

22 **A** He was always on the computer playing video games or
23 things like that so I got to see a lot of the back of his
24 head. That was pretty much it.

25 **Q** At some point in time while you're at -- while you guys

1 are living at Camp Pendleton, did your marital relationship
2 have improvements?

3 **A** Um, some. It did start improving a little because he
4 started showing a little more interest in Hayley when she
5 was about four, and he wanted to be around her more, and he
6 wanted to fly planes with her and I thought that was -- I
7 thought that was great.

8 **Q** Did that change in his attitude toward Hayley at that
9 time, did it have a positive affect on your marriage?

10 **A** Very much so.

11 **Q** How so?

12 **A** I mean, when he finally acknowledged his daughter and
13 was just doing what a father should do I was just ecstatic
14 and like, you know, we started getting along more because
15 most of the time that we were arguing was because I would
16 say, Show more attention to your daughter or, um, he was
17 like I don't have enough time and then he finally showed
18 time and it was the best.

19 **Q** You described for us earlier your relationship with
20 your husband when you first got married while you were
21 dating. How were you at this point in time at Camp
22 Pendleton compared to how you were when you first got
23 married?

24 **A** Nothing can really compare to when we first got
25 married, you know, we had those butterflies and stuff like

1 that all the time, but it was good. I mean, I thought it
2 was great because I loved the fact that he was interacting
3 with his child and that made me fall in love with him even
4 more.

5 **Q** Did you have friends, mutual friends at that time?

6 **A** I was friends with his Marine buddies. They would come
7 over and his Marine wives, and we would have cookouts or we
8 would go to their house and they had kids so --

9 **Q** So a much more normal type relationship at that point?

10 **A** Much more relaxed.

11 **Q** At some point in time did you leave Camp Pendleton?

12 **A** Yes.

13 **Q** And do you recall about when that was?

14 **A** He bought a plane ticket for Hayley and I September
15 26th of 2008.

16 **Q** And you -- you just testified that he -- when you say
17 "he," you're referring to Charles Dyer?

18 **A** Charles, yes.

19 **Q** So Charles bought you and Hayley a plane ticket
20 September of '08?

21 **A** Yes.

22 **Q** How long had you been there at that -- at that point in
23 time?

24 **A** About three years.

25 **Q** And why just a ticket for you and Hayley at that time?

1 **A** He had a year left in the Marine Corps and he told me
2 the reason why he was sending Hayley and I back is because
3 he wants to save up money for that full year and I agreed.
4 I mean, I would go -- I went wherever my husband told me to
5 go, um, so we just packed up what we could. We sold a lot
6 of our stuff for the house and and he sent us on our way.

7 **Q** And where were you heading at that time?

8 **A** Um, back home to Oklahoma.

9 **Q** What was your understanding or feeling, Valerie, of
10 your relationship, you and Hayley's relationship with
11 Charles at that time, September of 2008?

12 **A** It was going good. Like I say, he was paying more
13 attention to her and I think that's what a daddy should do
14 and I was excited.

15 **Q** I want to back up just a little bit. During that time
16 period that you lived in Camp Pendleton, what was your
17 relationship with your family?

18 **A** I talked to them every now and then and I would send
19 them pictures, but, um, that was just about it. I mean,
20 it -- I mean, I got along with my family great. It was just
21 that I never got to see them.

22 **Q** What was Charles Dyer's attitude towards your family at
23 that time?

24 **A** Oh, he couldn't stand my family. Again, that's that
25 control. He didn't want me to be around my family and he

1 didn't want Hayley to be around them, but it was okay
2 for -- Hayley could go around his family and it was just --
3 he just didn't like my family.

4 **Q** Were there issues at that time when you're in Camp
5 Pendleton even with communicating with your family?

6 **A** Um, yeah, there was -- there was issues. He would get
7 mad -- well, he got mad when I was in Twenty-nine Palms when
8 we first got married. I was 17 and I had ran up the phone
9 bill to my family about a hundred dollars and he absolutely
10 got irate and he grounded me for two weeks.

11 **Q** How did -- how did he ground you? What do you mean by
12 that?

13 **A** He -- he said, you know, "That's ridiculous," you know,
14 "You ran up the phone bill. You're not going to talk on the
15 phone for two weeks."

16 **Q** And if I understand you correctly that was during your
17 first stay -- his first tour through the Marine Corps --

18 **A** First tour.

19 **Q** -- when you were in California?

20 **A** Yes. I could have easily got on the phone and called
21 while he was at work, but I did what he told me to do.

22 **Q** Why?

23 **A** That's definitely a good question, but when he told me
24 to do something I did it, no questions asked.

25 **Q** And so when you're leaving Camp Pendleton in September

1 of 2008, your relationship with your husband at that time as
2 far as you were concerned, as far as you knew, was pretty
3 good?

4 **A** Yeah. I mean, it was suspicious why he was sending us
5 home. I mean --

6 MR. HOCH: Judge, could we ask her to be responsive
7 to the questions?

8 THE COURT: Overruled. That's not your objection.
9 That's the objection of the party asking the question. If
10 you have a specific objection, state it.

11 MR. HOCH: Judge, can we approach?

12 THE COURT: (Nodding.)

13 (The following bench conference occurred outside the
14 hearing of the jury and the Defendant:)

15 THE COURT: My ruling is my ruling. That's what
16 the law is, Mr. Hoch.

17 MR. HOCH: I understand, Judge.

18 THE COURT: You defense attorneys don't understand
19 that.

20 MR. HOCH: I understand, Judge, but --

21 THE COURT: I need a specific objection.

22 MR. HOCH: Also, Judge, she's getting into
23 speculation as to why -- what his motivation is for
24 moving -- for her moving back.

25 THE COURT: I think she just said that was

1 suspicious. That's all she said.

2 MR. HOCH: I believe that's speculation, Judge.

3 MR. WALTERS: Judge, I don't think she's
4 speculated --

5 THE REPORTER: I can't hear you.

6 MR. WALTERS: At this point in time all she has
7 said was that it was suspicious. She hasn't even indicated
8 what those suspicions were or what they were based on at
9 this point in time.

10 (The bench conference concluded and the following
11 proceedings occurred in open court:)

12 THE COURT: Objection is overruled.

13 Q (BY MR. WALTERS) September of 2008 Charles buys you
14 and Hayley plane tickets; is that correct?

15 A Yes.

16 Q And so what do you guys do? You and Hayley?

17 A Um, I didn't really know what was going to happen so I
18 said, well -- before we got on the plane, I said, "Charles,
19 I don't have any money," and he goes, "Well, here, take what
20 I have in my pocket," which was \$126 and so he -- so kiss on
21 the forehead and he just practically ran out, and we got on
22 the plane and got there, and we lived with his mom and dad
23 for a couple of months.

24 Q So in September of '08 you and Hayley returned to
25 Oklahoma and at least initially you reside once again with

1 Charles Dyer's parents?

2 **A** Yes.

3 **Q** And I believe you testified that the discussions that
4 you and Charles had at that time was a money-saving issue.
5 That's why he was sending the two of you back?

6 **A** Right.

7 **Q** Once you moved back to Oklahoma and in with his
8 parents, initially what kind of contact did you have with
9 your husband?

10 **A** Maybe once a week phone call maybe. I mean, he -- he
11 wouldn't call very much and then after about a month or two
12 I started -- it didn't seem right why I was in Oklahoma.

13 **Q** During that month or two where you would have a weekly
14 conversation with Charles, what contact did he have with
15 Hayley?

16 **A** He never got on the phone and said, Hey, let me talk to
17 Hayley or How's Hayley doing? I would be the one to
18 initiate the phone call, say, Hey, you know, you want to
19 talk to Hayley? Hayley is asking for you.

20 Yeah, yeah, yeah, I'll talk to her -- five minutes.

21 **Q** So he had some conversations but albeit brief?

22 **A** Brief.

23 **Q** And that was at your suggestion?

24 **A** Yes.

25 **Q** And at this point in time, if I -- if I track the times

1 right, Hayley is roughly six at this time, not quite six,
2 September of 2008?

3 **A** Yeah, about -- yeah.

4 **Q** And you've referenced that you were back residing with
5 Charles' parents and you referenced a couple of months. Did
6 something happen after a couple of months being back? How
7 long did you stay with his parents?

8 **A** I want to say about two months, two or three months
9 because it took me a little bit to find a job.

10 **Q** Did you have conversations with Charles about what you
11 would do once you returned to Oklahoma, where you would
12 live, how you would live?

13 **A** He wanted me to live with his parents, but I couldn't
14 live with his parents anymore. I had to get my own place
15 and he didn't like that.

16 **Q** What do you recall time frame -- what was the first
17 conversation you had with Charles regarding needing to get
18 out of his parents' home and wanting to find your own place,
19 you know, for yourselves?

20 **A** About two -- two months into it and at the time I was
21 already looking for a job and I said, you know, I need a
22 place and, you know, me and Hayley, we need our own place.
23 We just can't live here.

24 **Q** So did you, in fact, find your own -- get a job, find a
25 place and move out after a couple of months?

1 **A** Right. After about three months I found a house and
2 then I found a job.

3 **Q** So toward the end of 2008, early 2009?

4 **A** Uh-huh.

5 **Q** And where did you and Hayley move at that time?

6 **A** Um, we lived -- we found a house over in alphabet land
7 at corner of B, C, somewhere around in there.

8 **Q** In Duncan?

9 **A** In Duncan, yes.

10 **Q** How did you relay the information that you were moving
11 out from his parents' house to Charles? How did you guys --
12 how did you break that news to him?

13 **A** Phone. On the phone.

14 **Q** How did he take it?

15 **A** Oh, he was upset because he wanted me to stay with his
16 parents but then again he was -- he said, "Okay. Just get
17 your own place then," but he -- he never sent any money to
18 help.

19 **Q** Did you live with anyone else at that time?

20 **A** No.

21 **Q** And what is the relationship between you and Charles at
22 that time when you move out?

23 **A** It was -- it wasn't good. We were separated. We were
24 apart, and I didn't think that the reason why he sent me to
25 Oklahoma was true so I started asking him questions why and

1 he finally told me.

2 **Q** What did he tell you?

3 **A** That he didn't want -- this is his exact words. He did
4 not want us anymore and that Hayley was in the way.

5 **Q** And do you recall approximately when that conversation
6 took place?

7 **A** About five to six months -- well, four to six months,
8 somewhere around there, after we've been living there.

9 **Q** After you moved out into your own place?

10 **A** Right.

11 **Q** From the time you first move out December of '08 to
12 January '09, roughly, to the four to six months that you had
13 this conversation, how was your relationship with Charles
14 Dyer at that time?

15 **A** It wasn't -- it wasn't good. I -- I was mad because he
16 told me he didn't want me anymore because he said Hayley was
17 in the way. It didn't come as a shock.

18 **Q** Well, leading up to that -- prior to that -- getting
19 that information, leading up to that -- for a few months did
20 you live -- you and Hayley live out there on your own prior
21 to that statement, what was your relationship with him?

22 **A** As far as I know, it was good. I mean, all I knew he
23 was staying over there to save more money so we could have a
24 good house when he came back.

25 **Q** And, again, during this time period when you're having

1 weekly conversations with him, how often are you
2 communicating?

3 **A** We communicate still once a week. He wouldn't
4 communicate very much. I mean, we would see each other --
5 he sent me a computer and we would see each other on web
6 chat but that's about it.

7 **Q** And, again, the communication with Hayley at that time,
8 what was that like?

9 **A** Again, I had to initiate it. He never really called up
10 to just talk to her.

11 **Q** At the time that he tells you he doesn't want you guys
12 anymore, what is your understanding of your relationship,
13 with your marital relationship at the time you got that
14 news?

15 **A** I didn't know what was going on. I thought everything
16 was good, and he just said he didn't want me anymore. I
17 didn't understand why.

18 **Q** At some point in time does Charles leave the Marine
19 Corps?

20 **A** Yes.

21 **Q** And do you recall when that was?

22 **A** I want to say around July, August.

23 **Q** Of what year?

24 **A** I can't remember. It's been so long.

25 **Q** Now, you testified that you came back in September of

1 2008 and we've got you in your own place the first part of
2 2009. Would it have been within that calendar year or the
3 next year?

4 **A** It was about 2000 -- it was in the middle of 2009 so
5 July, August, 2009.

6 **Q** July or August of 2009 he just discharged his service
7 from the Marine Corps at that time?

8 **A** Yes.

9 **Q** So at the time that he tells you this information that
10 he doesn't want you guys around anymore, is he still in the
11 Marines?

12 **A** When he told me he didn't want us anymore, yes, he was
13 still in the Marines. He was finishing, almost done.

14 **Q** And still at Camp Pendleton at that time?

15 **A** Yes.

16 **Q** At that point in time or sometime thereafter but prior
17 to him -- to Charles discharging from the Marine Corps, how
18 was your relationship? How did it evolve from getting
19 information that he didn't want you guys anymore?

20 **A** Filing for divorce.

21 **Q** When did that happen?

22 **A** November of '09, I believe.

23 **Q** Did you file or did he file?

24 **A** He filed.

25 **Q** Prior to the filing of the divorce, what was your

1 relationship like with Charles Dyer?

2 **A** It -- I mean, it was -- before he came to Oklahoma or
3 our conversations on the phone?

4 **Q** Prior to him discharging from the Marine Corps.

5 **A** We didn't talk very much. He never really called and
6 when we did it was -- we were arguing. I mean --

7 **Q** Once he advised you that he didn't want you guys around
8 anymore, what did you take that to mean?

9 **A** That he didn't want me anymore. He was -- he was done.
10 He was getting a divorce. I mean, when he says he's done,
11 he's done.

12 **Q** And during that time period before he discharged the
13 Marine Corps but after you find out what you just testified
14 to, is that when you took that to mean he wanted a divorce,
15 right?

16 **A** Right.

17 **Q** Between the time he discharges and the time that you
18 think he wants a divorce, you guys had some pretty heated
19 moments, didn't you?

20 **A** Oh, very.

21 **Q** And specifically there's some accusations that he makes
22 of you during that time frame; is that right?

23 **A** Yes.

24 **Q** And what is it that he accuses you of at that time?

25 **A** Um, adultery.

1 Q And how -- how did that conversation come about? How
2 did he make that accusation?

3 A Um, he told me he was done with me so I -- obviously, I
4 started dating or whatever, and I told him that I was with
5 someone.

6 Q You told him before or after he accused you of
7 adultery, as you've testified?

8 A Um, after because, I mean, I told him and he just got
9 so mad.

10 Q Do you recall how it was that he brought up the issue
11 of adultery, as you've described it?

12 A Well, he never knew that -- I mean, that I told him
13 that I was with someone and then he said, "Well, that's
14 adultery."

15 Q So you volunteered that information to him?

16 A Yeah.

17 Q There were other accusations that he made about you at
18 that time; is that correct?

19 A Yes.

20 Q What else did he accuse you of?

21 A Doing drugs, smoking marijuana.

22 Q And do you recall about when that conversation took
23 place?

24 A I don't recall.

25 Q Was he still in the Marine Corps and still at

1 Camp Pendleton at that time?

2 **A** Yes. He was still in the Marine Corps.

3 **Q** So that conversation happened over the phone?

4 **A** Yes.

5 **Q** What did you tell him in regard to his accusation about
6 smoking marijuana?

7 **A** I did. I mean, I'm not going to sit up here and say I
8 didn't. I told him I did.

9 **Q** Initially were you a little reluctant to give him that
10 information?

11 **A** Yeah, I was. I mean, nobody is proud of what they do.
12 I mean, it wasn't a proudful thing and I didn't want
13 everybody to know.

14 **Q** But you don't -- you don't deny that that happened?

15 **A** No.

16 **Q** And do you recall where Hayley was at that time?

17 **A** She was with her Pa-Pa and her Ma-Ma.

18 **Q** I guess let me be more specific about my question
19 there. During the time period that he's making these
20 accusations, generally that time period, not specifically
21 when you were smoking marijuana but during that time period,
22 where is Hayley?

23 **A** She's living with me.

24 **Q** And so on an occasion when you admittedly smoked
25 marijuana was Hayley around?

1 **A** No, she was not.

2 **Q** Did you ever do anything like that while she was in
3 your care?

4 **A** Never.

5 **Q** And who was she with when she wasn't in your care?

6 **A** My mother, my father or my brother, my sister-in-law.

7 **Q** And would that have been true for times that you were
8 working as well as any time, personal time?

9 **A** When I was working she was going to day care and then
10 the personal time she would be with my family.

11 **Q** What was Charles Dyer's reaction to the information
12 that you gave him regarding the marijuana and the other guy?

13 **A** He was furious. I mean, he was mad about the
14 marijuana, but he was furious about the guy. He just didn't
15 understand why. He told me he didn't want me anymore.

16 **Q** At some point in time Charles leaves -- discharges from
17 the Marine Corps and leaves Camp Pendleton; is that right?

18 **A** Yes.

19 **Q** And where does he go from there?

20 **A** He lives with his parents.

21 **Q** So immediately upon discharging Camp Pendleton he comes
22 back to Oklahoma and resides with his parents?

23 **A** Yes.

24 **Q** And do you recall roughly -- I think you said July or
25 August of 2009, is that --

1 **A** Roughly around there.

2 **Q** When he first returns to Oklahoma in the summer of
3 2009, what was your relationship with Charles Dyer?

4 **A** It was pretty good. We talked. He seemed like he was
5 hurt about the situation, about me being with someone but
6 other than that, you know, he filed -- we were filing for
7 divorce and we were civil, we were talking. He was seeing
8 Hayley.

9 **Q** When you say that you were filing for divorce, did you
10 or either of you have attorneys?

11 **A** No attorneys. Charles -- you know, I knew he was going
12 to do a divorce and just one day he came up with a stack of
13 papers and said, "Here is the divorce papers. I need you to
14 sign this," and "we need to go get it notarized."

15 **Q** What did you do when he approached you with those
16 documents?

17 **A** I read through it and then I got an opinion from a
18 lawyer about what all it meant and apparently -- you know,
19 apparently he put on there he didn't want to pay child
20 support and, of course, I didn't like that, but I signed it
21 anyway.

22 **Q** So prior to Charles approaching you with this
23 documentation for divorce, had the two of you had
24 discussions about how you would handle the divorce or even
25 if you were going to proceed with the divorce?

1 **A** Oh, yeah. He would get her every other weekend.

2 **Q** When you say "her," to whom are you referring?

3 **A** I'm sorry, Hayley, our daughter. He would get her
4 every other weekend, and I agreed to not -- no child
5 support. And summer vacation -- just a regular when you get
6 divorced who gets who and we -- we agreed to it. You know,
7 I was fine with it.

8 **Q** You say you were fine with it. Did the two of you
9 actually sit down and talk through everything?

10 **A** No. He -- he put it on paper and said, "This is what I
11 want," and I just -- I agreed to it.

12 **Q** Were you okay with it at that time?

13 **A** Not really, no, but -- I didn't agree with what he
14 said.

15 **Q** I'm sorry?

16 **A** I didn't agree to it, but I -- I signed it anyway.

17 **Q** Why would you go ahead and sign it if you didn't agree
18 at that time?

19 **A** Because he -- because he would threaten to take Hayley
20 from me if I didn't and so I signed it so Hayley could live
21 with me and see her father.

22 **Q** Did he give you a basis that he would use to take
23 Hayley from you at that time?

24 **A** Oh, yeah. He would bring up the adultery and the drug
25 use and -- and I -- I didn't want to lose my baby so I just

1 signed the paper.

2 **Q** Outside of the "no child support" issue were there
3 other things in that agreement, as you understood that
4 agreement, that caused you any concern?

5 **A** Not really. I can't think of anything that really
6 concerned me at the time because -- I mean, he was really
7 involved with Hayley.

8 **Q** And this agreement, did it outline -- as you stated,
9 the visitation, all of that was taken care of within that
10 paperwork?

11 **A** In all the paperwork.

12 **Q** And was there joint custody agreements and things of
13 that nature --

14 **A** Correct.

15 **Q** -- included in that paperwork?

16 **A** Yes.

17 **Q** And you looked at all that and you had an attorney look
18 through that?

19 **A** I had -- because I didn't really understand how the
20 wording and everything like that so I wanted -- my family
21 said, "Well, you need to go and have an attorney look at it
22 just in case," so I had the attorney look at it.

23 **Q** But did you ever actually retain an attorney to
24 represent you in that matter?

25 **A** No. Charles said he had it all under control.

1 Q So after you had an attorney review it, you were
2 comfortable enough with it to go ahead and sign it?

3 A Right.

4 Q And the relationship between you and Charles and Hayley
5 and Charles at that time, what was that like?

6 A It was good. We had an understanding. He got her
7 certain times and Hayley got to see her dad.

8 Q And at the time that this agreement that you've looked
9 at it and you've signed it, he's still living -- Charles was
10 living with his parents?

11 A Yes.

12 Q And is he spending time with Hayley at that point in
13 time?

14 A He would pick her up from day care. He would, you
15 know, give money to help pay for day care even though there
16 was no paperwork saying he had to pay anything. He would
17 pick her up from day care, from school, from my home. She
18 would go for weekends with him.

19 Q To the best of your knowledge, Valerie, that paperwork
20 that you reviewed and had an attorney look at and signed off
21 on -- you signed off on -- was that filed?

22 A As far as my understanding, Charles had told me that
23 everything was taken care of and it was filed and it was a
24 done deal, and I didn't have to worry about it anymore.

25 Q And timeframe wise are we still roughly the summer

1 months of 2009?

2 **A** Yes.

3 MR. WALTERS: May we approach, Your Honor?

4 THE COURT: Yes, sir.

5 (The following bench conference occurred outside the
6 hearing of the jury and the Defendant:)

7 MR. WALTERS: Judge, just now noticing your
8 reporter seems to need a break and timewise, as far as my
9 line of questioning, might be a good time before I shift
10 gears and really get into a -- kind of a different area. If
11 Your Honor is inclined to --

12 THE COURT: Do you need a break right now, Susan?

13 THE REPORTER: I'm fine.

14 MR. WALTERS: I just thought it was a good stopping
15 point before I really shift gears.

16 THE COURT: We're right at an hour --

17 MR. WALTERS: Okay.

18 THE COURT: -- that's about an hour and 20 minutes.
19 If we take a break now that will be an early lunch break.

20 MR. WALTERS: Timewise, in my line of questioning,
21 it's a good spot for it, Judge.

22 THE COURT: Okay. We'll be back at 1:00.

23 MR. HOCH: At 1:00?

24 THE COURT: At 1:00.

25 (The bench conference concluded and the following

1 proceedings occurred in open court:)

2 THE COURT: Ladies and gentlemen, we got a late
3 start this morning with you in the courtroom. You've been
4 up here all morning. We've been in the courtroom since a
5 little before 10:00, I believe. Generally, we take a
6 mid-morning break. We've missed that opportunity.

7 I think this is an appropriate time -- I think there --
8 there may be a shift in movement of where we're going with
9 respect to the line of questioning. It's a little --
10 typically a little early to start -- to take a noon break,
11 but I think we'll go ahead and do that at this time.

12 I've asked my bailiff to see what they can do with the
13 county commissioners and maintenance people to get it a
14 little warmer in here short of building a campfire or
15 passing out woolen mittens, and so forth, but -- and we'll
16 work on that, but we're going to go ahead and take the noon
17 recess at this time. We'll stand in recess until 1:00.

18 I will remind you of your admonitions: Do not form nor
19 express an opinion about the case. Do not discuss it among
20 yourselves, nor permit anyone to discuss it with you.

21 When you come back to the courthouse, I'm going to ask
22 you to come directly up to the jury room and use the
23 facilities there, and so forth.

24 All right. Have a good lunch. We'll stand in recess
25 until 1:00.

1 (The following proceedings occurred outside the presence
2 of the jury in open court:)

3 THE COURT: Any matters we need to take up?

4 MS. HIXON: Your Honor, I have one housekeeping
5 matter.

6 THE COURT: Sure.

7 MS. HIXON: Hayley is in State testing right now at
8 school and they're doing that this morning and tomorrow
9 morning from 8:30 to 11:30 --

10 THE COURT: In what?

11 MS. HIXON: State testing, which allows her to get
12 into fifth grade or whatever.

13 THE COURT: Today and in the morning?

14 MS. HIXON: Today and tomorrow. The way it's going
15 I would anticipate not putting Ms. Taylor on until tomorrow
16 morning at this rate is what I'm thinking. Um, she will be
17 here as soon as State testing is over, if that's acceptable
18 to the Court. She may not be actually physically in this
19 building during a portion of Ms. Taylor's testimony if that
20 is acceptable.

21 MR. HOCH: Basically, you're wanting to put on the
22 forensic in the case before the kid?

23 MS. HIXON: Yes. And normally I would have Hayley
24 available in -- physically in the courtroom during that
25 testimony but since she has the State testing --

1 THE COURT: Well, not physically in the courtroom
2 in the courthouse, right?

3 MS. HIXON: Well, right, in the courthouse but
4 since she has that State testing in the morning until 11:30
5 I was hoping to try to make accommodations for that.

6 MR. HOCH: I don't mind putting them on out of
7 order, Judge. I'm not going to make a child miss obtaining
8 an advance in school.

9 THE COURT: Well, I think all the rule requires is
10 the child be available. I don't think --

11 MS. HIXON: Right.

12 THE COURT: -- it requires they have to physically
13 be --

14 MS. HIXON: Right.

15 THE COURT: -- in the courthouse.

16 MS. HIXON: Okay. Thank you.

17 THE COURT: Okay. Very good.

18 All right. Anything else?

19 MS. HIXON: No, Your Honor.

20 MR. HOCH: I don't think so.

21 (Court recessed for lunch after which the following
22 proceedings occurred in the presence of the jury and the
23 Defendant:)

24 THE COURT: Take your seats, ladies and gentlemen.

25 The witness will return to the stand.

1 THE WITNESS: (Complies.)

2 THE COURT: All right. You may continue.

3 MR. WALTERS: Thank you.

4 Q (BY MR. WALTERS) Valerie, at the time that Charles had
5 moved back -- discharged and moved back from California to
6 Oklahoma that summer of 2009, was there ever a point in time
7 where he left Oklahoma again?

8 A Yes.

9 Q Do you know about when that was?

10 A He stayed in Oklahoma for probably about three months,
11 then went back to California.

12 Q Do you know where in California he returned to?

13 A Um, no. He didn't really tell me. He just said he had
14 to go to California and get someone.

15 Q I'm sorry. Get what?

16 A Get somebody, get someone.

17 Q Did he explain that -- what that meant at that time?

18 A At that time he just told me that he had to go get
19 someone because they needed him and then that person was
20 going to move to Oklahoma with him.

21 Q So at this point in time he had been back in Oklahoma
22 for maybe three months or so?

23 A Yes.

24 Q And over the course of that three months, you've
25 already testified that you've agreed to a divorce, custody,

1 support, things of that nature?

2 **A** Correct.

3 **Q** That's already signed and as far as you know is over
4 with?

5 **A** As far as I know it is.

6 **Q** At the point in time when Charles leaves Oklahoma to go
7 back to California to get this person, how would you
8 describe your relationship -- your individual relationship
9 with Charles Dyer?

10 **A** It -- I mean, it was civil. It was good.

11 **Q** And how about his relationship with Hayley at that
12 time?

13 **A** He saw her on a regular basis.

14 **Q** Visitation, everything going as you guys had worked out
15 and agreed to?

16 **A** Yes.

17 **Q** Any major issues, blowups, arguments at that point in
18 time?

19 **A** You know, every now and then but not a huge blowout,
20 but we would have our arguments sometimes.

21 **Q** So at the time he went back to California things were
22 civil -- were okay?

23 **A** Yes, sir.

24 **Q** And how long -- once he leaves Oklahoma and returns to
25 California, how long is he gone before returning back to

1 Oklahoma?

2 **A** Month, month or two. I don't know. It didn't seem
3 that long so I want to say probably about a month.

4 **Q** When he returned did he return alone?

5 **A** No.

6 **Q** Who was with him?

7 **A** It was Amanda Monsalve.

8 **Q** And did you know that individual prior to her coming
9 with Charles Dyer to Oklahoma in 2009?

10 **A** She, um -- she was my best friend when I was living in
11 California. Her husband was in the same platoon or the same
12 area as Charles.

13 **Q** And what was your understanding at the time that
14 Ms. Monsalve returned with Charles Dyer? What's your
15 understanding of what's going on between the two of them?

16 **A** That they had a relationship.

17 **Q** And is that something that you just deduced from what
18 you saw or were there conversations that you had with
19 Charles regarding that?

20 **A** He never -- he said he was going to go get someone, and
21 I didn't really know who, but he never really told me that
22 he had a relationship with her. It was just, I'm bringing
23 somebody back, and then when he brought her back, Oh, yeah,
24 by the way, it's Amanda.

25 **Q** And did something occur or something you observed after

1 he returned from California with Amanda that led you to
2 believe that there was a -- a relationship?

3 **A** They rented a house right next -- well, on the same
4 road as the parents in Stephens County, and they were living
5 together.

6 **Q** Prior to Amanda coming back with Charles, in fact,
7 before Charles left Oklahoma to go back to California, where
8 would visitation take place between Charles and Hayley?

9 **A** It would -- I would either drop her off -- most of the
10 time I would drop her off over at his parent's house.

11 **Q** So until Amanda moved back is that where his primary or
12 so residency was?

13 **A** Yes.

14 **Q** Describe the visitation at that time before Amanda
15 comes back, the visitation between Charles Dyer and his
16 daughter, Hayley.

17 **A** It was every other weekend and if he wasn't doing
18 anything during the week he would pick her up from the day
19 care, take her to ride on the motorcycle or just take her
20 places.

21 **Q** And how frequently would he see her?

22 **A** Quite a bit.

23 **Q** When he returns from California with Amanda does
24 anything change in that regard visitationwise between
25 Charles and Hayley?

1 **A** No, same.

2 **Q** What was your reaction, Valerie, when he shows up in
3 Oklahoma with your friend from California?

4 **A** It was shocking and hurtful, but we weren't together,
5 and she was my best friend. I shared everything with her so
6 it was kind of a -- almost like a betrayal on her part, but
7 they were together and I had no say in who he could see and
8 not see.

9 **Q** Initially did you have any kind of argument or
10 confrontation with Charles about that?

11 **A** He did. I mean, I was hurt because, obviously, they
12 were in a relationship for a very long time while we were
13 together and married and I didn't know and, um, he just kind
14 of, Oh, yeah, by the way, I'm with Amanda now. Basically
15 get over it. We're together. So --

16 **Q** And so did you get over it?

17 **A** Oh, yeah. I mean, eventually I did. Um, he was seeing
18 someone and I was seeing someone so I just told him as long
19 as she's good to Hayley, and I knew she would be because
20 I've known her for quite some time.

21 **Q** Roughly, what time of the year was it when Charles
22 moved Amanda to Oklahoma?

23 **A** I know it was during the -- I want to say during the
24 summer because -- it was during the summer. I -- I really
25 don't remember.

1 Q Now, if I recall, you stated that Charles discharged
2 and moved back to Oklahoma in July or August of 2009?

3 A And then he stayed there for two months, then left,
4 came back, so September, October, I want to say.

5 Q September, October range when Amanda moved to Oklahoma
6 with him?

7 A Yes.

8 Q After your initial shock and anger or whatever of her
9 coming back, describe for us your relationship with Amanda
10 at that time.

11 A I -- I -- I was a little angry but, you know, me and
12 her talked, and I knew she was a good mother; she has a
13 little girl of her own, and I knew that she would do good
14 for Hayley and be good to her and so, yeah, I was a little
15 hurt and angry, but I got over it.

16 Q Did that at that time affect the visitation between
17 Charles and Hayley at all?

18 A No.

19 Q So you continued to work through it as you had agreed?

20 A I did.

21 Q He saw and spent time with Hayley?

22 A I did.

23 Q And to the best of your knowledge did Amanda
24 participate in the visitation? Was she there when Hayley
25 was there?

1 **A** Um, as far as I know she was there every time I dropped
2 her off or picked her up, and she would always have Hayley's
3 clothes ready. I mean, she was really good. I didn't have
4 any complaints about how she treated Hayley.

5 **Q** From this point in time leading into Christmas break of
6 2009, what was your relationship with Charles and Amanda?

7 **A** It was good.

8 **Q** And Charles' relationship and attitude towards Hayley
9 between that time leading up to Christmas break 2009?

10 **A** He saw her constantly, which I thought was great. If
11 he wanted to take her for a ride on the motorcycle, he would
12 pick her up on the motorcycle or he would -- Hayley would
13 say, We went here, Mom. We went there, and we stayed at
14 Dad's house. We played video games. We went hiking -- we
15 went out and camped out in the backyard.

16 **Q** Now, Valerie, up to that point, as far as at that point
17 does something change?

18 **A** Yes.

19 **Q** What is that?

20 **A** Um, I got her -- I got her one time from visitation
21 from her dad and it wasn't good.

22 **Q** When you say, "It wasn't good," Valerie, what are
23 you -- what wasn't good about it?

24 **A** Um, I picked her up and she acted kind of -- a little
25 off, a little -- you know, crying more and not acting like

1 herself and, um, so, you know, I asked her what was wrong
2 and she said, "I don't want to talk about it."

3 Q Now, is this when you first picked her up from
4 visitation?

5 A (Nodding.)

6 Q And was she acting in any way differently from any of
7 the other times that you picked her up from visitation?

8 A Yes.

9 Q And do you recall about when this is?

10 A It was the end of December of '09.

11 Q When you picked her up on that occasion, where did you
12 take her?

13 A I took her to my house and at the time I was living at
14 Duncan Village.

15 Q From where were you picking her up at that time?

16 A Charles' house, where he lived with Amanda.

17 Q Is that still in the Duncan area in Stephens County?

18 A Stephens County, yes.

19 Q What, if anything, happened when you got back to your
20 house at that time?

21 A Um -- I, um -- sorry. I took her and she was, um,
22 acting kind of weird and so I was, like, Well, what's the
23 matter? She goes, um -- she goes, Um, nothing. I don't
24 want to talk about it. I don't want to talk about it.

25 I go, Okay. So I was, like, Okay. You know, we'll go

1 draw you a bath and so we -- so we -- I draw her a bath and
2 at the time she was about seven, and I usually go in there
3 and I usually help her get her undressed, and I had the
4 water filling up, and she just kept crying. I said,
5 "Hayley, what's the matter?" She goes, "I don't want to
6 tell you."

7 I said, "You know, you've got to tell Mommy what's
8 going on," and she said, "I'm afraid of what Dad might do."

9 MR. WALTERS: Judge, may I approach to hand her
10 some tissue?

11 THE COURT: Certainly.

12 **A** And so I, um -- so I was, like -- I didn't really
13 pressure her, you know, thinking maybe she got grounded or
14 got a spanking. I didn't know.

15 I took her clothes off, and she kept, um, complaining
16 of her bo-bo. Her -- her bo-bo, and she was referring to
17 her private area.

18 **Q** (BY MR. WALTERS) Valerie, I realize this is very
19 difficult for you to repeat, but when you say "bo-bo," and
20 she's referring to her private area, what specifically --

21 **A** Her vagina.

22 **Q** And what is it -- at that point in time, what is she
23 telling you about that area?

24 **A** "It hurts, Mama." She just kept saying, "It hurts,"
25 and, um, I was thinking, Okay. Maybe she's drinking too

1 much soda, or -- or she has a UTI or something, and so --
2 and she just kept saying, "I don't want him to find out.
3 Mommy, I don't want him to find out."

4 Well, the bathtub was getting filled up and it was,
5 like, not filled up very much and she got in and she sat
6 down and I noticed that it was -- it was not normal.

7 **Q** When you say, "'it' was not normal," Valerie, what are
8 you referring to?

9 **A** Her -- her vagina.

10 **Q** And while she's telling you this initially before she
11 gets into the tub and you're concerned about -- you
12 referenced UTI, urinary tract infection, is that what you're
13 referring to?

14 **A** Yes.

15 **Q** Okay. At that point in time has she gotten undressed
16 yet --

17 **A** Yes.

18 **Q** -- when she first started talking to you about it?

19 **A** She -- she was already naked, and she was telling me
20 that it hurt. She kept grabbing and I said, Well, maybe,
21 you know, getting in the bathtub will help it and then
22 I'll -- I'll get you something for it not burning, and she
23 gets in the bathtub and, you know, she's a little girl and
24 she sat there and she had her leg s open and I noticed that
25 it was -- um, it was really red and swollen and open and,

1 again, I didn't think -- I didn't think that Charles could
2 do something like that.

3 **Q** And, Valerie, what you're seeing at that time when
4 Hayley gets into the tub, you've described the red, open,
5 swollen vaginal area, is that consistent with anything you
6 had seen in her previously?

7 **A** (Shaking head.)

8 **Q** I need for you to answer out loud, please.

9 **A** No.

10 **Q** When she initially steps into the tub, was there any
11 hesitation with her with regard to the water?

12 **A** Um, she said something, you know, it might hurt her
13 bo-bo, but, um, she just kept begging me over and over
14 again, "Don't tell Daddy. Don't tell Daddy," and I -- I
15 said, "Hayley, I won't tell your dad," and she goes -- she
16 goes -- she goes --

17 THE COURT: Let me ask counsel to approach just
18 briefly.

19 (The following bench conference occurred outside the
20 hearing of the jury and the Defendant:)

21 THE COURT: I'm going to anticipate you're going to
22 get into hearsay statements of the child related to this
23 particular witness --

24 MR. WALTERS: Yes, Your Honor.

25 THE COURT: -- consistent with the State's notice

1 that you had given under Title 12, Section 2804.(A)(1) where
2 they intend to offer this as evidence. I think we've had a
3 stipulation all along that based upon the Court's previous
4 rulings in these matters that the Court can find, pursuant
5 to that motion on April 8th, 2011, conducted an evidentiary
6 hearing mandated by Title 12, Section 2804.1(A)1 and made a
7 determination, a resolution that indicia relied on hearsay
8 statements and that Jessica Taylor -- so I understand that's
9 where you're heading. I want to make sure that the record
10 reflects that the Court has --

11 MR. HOCH: Yes, sir.

12 THE COURT: -- objections to the ruling made, the
13 Court -- objection to the ruling made but there's been no
14 other objection. If we need to conduct further evidentiary
15 hearings and this is the exception as to the ruling by
16 counsel for Defendant subsequent to trial last April --

17 MR. HOCH: Right. And, Judge, it's still -- my
18 belief still is that it -- under *Crawford v. Washington* it's
19 still inadmissible hearsay, and I'd -- I'd request instead
20 of having to come up here with every question just a
21 continuing objection based on that.

22 THE COURT: Certainly.

23 MR. WALTERS: Yes, sir.

24 THE COURT: I anticipate we'll be listening to
25 statements of this child consistent with your notice --

1 statements and other witnesses will not be necessary for the
2 Court to make this ruling, find that it having done so back
3 on April the 8th --

4 MR. WALTERS: Yes, sir.

5 THE COURT: -- 2011.

6 MR. HOCH: Yes, sir.

7 THE COURT: Very good.

8 MR. HOCH: And, Judge, if I can just announce it at
9 the very start so it's clear for the record. I'll approach
10 to do it.

11 THE COURT: You may.

12 MR. HOCH: Okay. I don't want Court of Criminal
13 Appeals saying I didn't, obviously.

14 THE COURT: Well, I think you said you made an
15 objection under *Crawford*?

16 MR. HOCH: Right.

17 THE COURT: Okay. I think the record is clear.
18 Counsel has made an objection to the State's use of hearsay
19 evidence or having previously made a finding as to -- as to
20 its reliability and the circumstances thereof.

21 MR. WALTERS: Yes, sir.

22 MR. HOCH: Thank you.

23 (The bench conference concluded and the following
24 proceedings occurred in open court:)

25 THE COURT: You may continue.

1 Q (BY MR. WALTERS) Valerie, at this point you've got
2 Hayley in -- in the tub, and you have noticed swollen, red,
3 openness of her vaginal area, do you continue to have
4 conversation with her at that point?

5 A Yes.

6 Q And what is the discussion that you're having with
7 Hayley at that particular time?

8 A I'm asking her, "What's wrong?" And, um, she's just --
9 she just kept saying, "I don't want him to find out. I
10 don't want -- I don't want Daddy to find out," and -- and
11 then she just told me -- she pinky promised me -- "Mommy,
12 you pinky promise that you won't tell Daddy," and I said, "I
13 pinky promise," and then she sat there and it took her a
14 minute. She was crying and then she goes, "Mommy, he
15 touches my bo-bo."

16 Q Once she said that to you, Valerie, what was your
17 immediate reaction to that?

18 A Everything was going through my head.

19 Q Did you continue any conversation with her at that
20 point?

21 A No. I just told her -- I just told her that I wouldn't
22 tell.

23 Q Did she say anything further to you at that time about
24 what was hurting or why it was hurting?

25 A She just grabbed her bo-bo -- her vagina -- and said,

1 "Daddy touches it."

2 **Q** What did you do at that time?

3 **A** I let her finish the bath because I -- I didn't want to
4 cry in front of her. I just told her I wouldn't tell her
5 daddy, and I reassured her that everything was going to be
6 okay, finished her bath. I went outside and I just cried.

7 **Q** Did she finish her bath at that time in your presence
8 or did you leave prior to that, let her finish?

9 **A** I -- I left and let her finish, you know, washing her
10 body off and then I came back and she was -- she was getting
11 out of the tub and I was helping dry her off and she just
12 kept saying, "Mommy, you pinky promised me. You pinky --" I
13 said, "I know. I'm not going to say anything," and I dried
14 her off, put her clothes on, and she -- we just didn't talk
15 about it.

16 **Q** When you left for that period to allow Hayley to finish
17 her bath, I believe you testified you went outside?

18 **A** (Nodding.)

19 **Q** Why did you do that?

20 **A** I -- I didn't want to cry in front of her. I was just
21 so overwhelmed with what she had told me that I just didn't
22 know what to do, and she was already crying and distraught
23 and so I just didn't want her to see me in the same
24 position.

25 **Q** What was her demeanor or condition when you left the

1 bathroom at that time to allow her to finish up her bath?

2 **A** She felt relieved that she told me but scared at the
3 same time, but she knew I was -- she knew that I believed
4 her and she --

5 MR. HOCH: Judge, can we approach?

6 THE COURT: Yes, sir.

7 (The following bench conference was held outside the
8 hearing of the jury and the Defendant:)

9 MR. HOCH: Judge, this part is bolstering the
10 child's testimony to say that she knew she believed her,
11 that she's relieved, that she's whatever, and I think all
12 this is improper bolstering of the child's testimony and
13 based on that we'd object and move for mistrial.

14 MR. WALTERS: Judge, I --

15 THE COURT: I don't think the witness has
16 answered -- well, the witness has made a statement, I think,
17 that she felt relieved. I don't think the witness has made
18 any statement at this point in time and it may very well be
19 asking for an objectable question and an objectable answer.

20 MR. HOCH: To the question and to -- and her answer
21 is unresponsive to their question so I know -- about them
22 asking about responsive but what she's doing is she's trying
23 to -- trying to throw in her own comments that are beyond
24 the scope of anything the State's asking in order -- it
25 amounts to evidentiary harpoons if she was an officer but

1 what the State's asking also is for her to express what the
2 child's emotions are in order to bolster the child's
3 testimony.

4 MR. WALTERS: Judge, my question was about her
5 appearance and her demeanor which I think she responded to.
6 I'm not going to solicit any information about what the
7 child may have felt at that point in time and, in fact, she
8 responded to my question, and I'm moving forward from that
9 point. I don't think she said anything thus far that's --

10 THE COURT: What's your recollection as to what the
11 witness has responded to the question?

12 MR. WALTERS: That she appeared relieved, that she
13 got it off her chest, basically.

14 THE COURT: Okay. I don't think -- my recollection
15 of the testimony in response to that question does not
16 indicate to me that she's offering to bolster that as the
17 district attorney has stated, and he says he's not going any
18 further than that.

19 MR. HOCH: Okay.

20 MR. WALTERS: Thank you.

21 (The bench conference concluded and the following
22 proceedings occurred in open court:)

23 THE COURT: Objection's overruled.

24 **Q** (BY MR. WALTERS) Valerie, at the time that you leave
25 the bathroom there and allow Hayley to finish her bath, is

1 anyone else at your residence at that time?

2 **A** My cousin, Lori, her husband, and their kids.

3 **Q** And when you leave -- as you testified you left so that
4 Hayley wouldn't see you upset, right?

5 **A** (Nodding.)

6 **Q** Do you speak to anyone after you leave the bathroom at
7 that time?

8 **A** Um, I left the bathroom and as soon as I closed the
9 door I started crying and my cousin followed me outside and
10 asked me what was wrong.

11 **Q** And who is your cousin?

12 **A** Lori Crosby.

13 **Q** And so this is outside your residence?

14 **A** Yes, on my front porch.

15 **Q** And do you have a discussion with Lori Crosby at that
16 time?

17 **A** I told her what Hayley had told me.

18 **Q** What did you do the rest of that day with Hayley at
19 your residence?

20 **A** After I'm outside I went back into the bathroom. Like
21 I said, she was already getting out of the tub, and I helped
22 to dry her off and she just all over and over again, "Okay.
23 Mommy, you pinky promised. You pinky promised."

24 I said, "Yeah, I'm not going to say anything." She's
25 kind of nervous. She said, "You didn't tell anybody out in

1 the living room."

2 "Nobody knows in the living room."

3 She goes, "Okay. I don't want nobody to know." I
4 said, "They are not going to know." So I got her dressed.
5 We went out and at first she didn't want to interact with
6 the other kids and then they started playing and she started
7 relaxing a little bit and then it was time to go to bed, and
8 she -- she sleeps with me in the same bed with me, and she
9 just fell asleep and I held her.

10 **Q** Valerie, at some point in time do you do something
11 additional with that information?

12 **A** Yes.

13 **Q** What did you do?

14 **A** The next day I went to DHS, and they didn't say much
15 and then I went to Women's Haven and Women's Haven told me
16 that I need to go to the police department. So I went to
17 the police department and then they said that where --
18 supposedly where it happened it was out of their
19 jurisdiction, so I went to the sheriff's department and
20 that's when they did -- they filed.

21 **Q** So when you get to the sheriff's department what do you
22 do?

23 **A** I talked to -- at the time Lieutenant Guthrie Lawson
24 (sic), and he took down my report and, um, as far as what
25 they did next, I'm not really sure. I just told them my

1 information and what my child told me.

2 **Q** So you gave them a report?

3 **A** Exactly.

4 **Q** After giving law enforcement a report, Valerie, do you
5 take any further action with regard to Hayley and this
6 situation?

7 **A** I do. Um, about the time that I was giving him the
8 report and it was done Charles had called and said that it
9 was his -- he wanted her that weekend, and I told him, "No,
10 you had her last weekend" and, you know, "I want her this
11 weekend." So I didn't tell him what I was doing.

12 **Q** And would that have been -- the weekend that he was
13 asking for, would that have been the normal weekend based on
14 your agreement and the visitation that had been going or was
15 that your weekend?

16 **A** It was -- I believe it was his weekend because when I
17 told him that I wanted her, he got upset and, um -- and he
18 said, he kept asking, "Why? Why do you want her? Why do
19 you want her?" I said, "You know, I miss her. You had her
20 a lot of times during the Christmas break," and I -- you
21 know, "I want her."

22 And he just started -- he started asking questions,
23 "Why?" And he started getting nervous on the phone,
24 sounding real anxious like there was something going on,
25 like he knew that there was something going on, but I never

1 told him that I was at the -- I was at the sheriff's
2 department at the time that he called.

3 **Q** Now, with regard specifically to Hayley, Valerie, after
4 you've given that report to law enforcement, do you do
5 anything -- not regarding visitation but anything
6 specifically with Hayley regarding information that she had
7 told you?

8 **A** Well, we made an appointment with the doctor and then
9 we made an appointment with the Abbott House.

10 **Q** And what is the Abbott House?

11 **A** The Abbott House in Norman, they take abused children,
12 sexually abused children there, and they talk to them and so
13 the sheriff's made an appointment to go up there.

14 **Q** And do you recall -- in the sequence of events, was
15 that before or after the doctor's appointment?

16 **A** I want to say it was before the doctor's appointment,
17 um, but I'm -- I'm really not -- I'm really not sure.

18 **Q** Do you recall who it was that made that -- specifically
19 made that appointment with the Abbott House?

20 **A** Yes. The sheriff's department, and I don't know who
21 individually did it, but the sheriff's department made all
22 the appointments.

23 **Q** Did someone give you instruction as far as when the
24 appointment was and what you were supposed to do regarding
25 that appointment?

1 **A** They told me the time and date that I needed to be at
2 Dr. Waters', and they told me the time and date to be at the
3 Abbott House, and I actually followed officers to the Abbott
4 House in Norman.

5 **Q** Who transported Hayley to the Abbott House for that
6 interview?

7 **A** She was in the car with me and my cousin, Lori, and we
8 followed two sheriff's deputies.

9 **Q** On your way to Abbott House, did you engage in
10 conversation with Hayley regarding those events --

11 **A** No.

12 **Q** -- and what she had told you about Charles?

13 **A** I did not, no.

14 **Q** From the time that she told you what happened to her in
15 that bath that night, at least up until the point of her
16 interview at the Abbott House, had you had further
17 discussion with her about what happened?

18 **A** No. The only thing I asked was, "Does it still hurt?
19 Are you okay now?" And she said -- she would tell me it was
20 okay. It's not hurting anymore, but that's as far as it
21 went. I never went anymore.

22 **Q** Once you arrived at the Abbott House, what happened?

23 **A** As soon as she got at the Abbott House they talked to
24 me alone.

25 **Q** When you say "they," Valerie, who are you referring to?

1 **A** I want to say, um -- the lady was Jessica. Um, it's
2 been a long time and I think it was Jessica, that she talked
3 to me and then she brought Hayley back in the room to talk
4 to her.

5 **Q** Did both you and Hayley together talk to anybody at the
6 Abbott House?

7 **A** No.

8 **Q** Did you observe the individuals at Abbott House
9 interviewing Hayley?

10 **A** They would not even -- it was upstairs in the back and
11 they wouldn't even let me in that room or anything. I had
12 to wait out in the front.

13 **Q** Once that interview was completed at the Abbott House,
14 what did you do?

15 **A** Um, I got in the car and we went and seen family.

16 **Q** When in relation to taking Hayley to the Abbott House
17 did you see a doctor?

18 **A** Maybe a couple days before? A couple days. Like I
19 said, they scheduled it all and I wasn't really paying
20 attention to the dates. They scheduled it all and what they
21 told me to do I went and did it.

22 **Q** And who took Hayley to see the doctor?

23 **A** I did.

24 **Q** Did you have discussions with Hayley between the Abbott
25 House and getting back home that day about what had

1 happened?

2 **A** No. They talked to her and one of the sheriffs came
3 out and said he -- he watched it and told me a little bit
4 about what she said.

5 MR. HOCH: Judge, may I approach?

6 THE COURT: Yes, sir.

7 (The following bench conference occurred outside the
8 hearing of the jury and the Defendant:)

9 MR. HOCH: Judge, again, he's asking one question
10 that she's saying -- she's bringing up what -- the hearsay
11 within hearsay, what the sheriff is telling her that the
12 child said and we do object to that, based on *Crawford*.

13 THE COURT: Well, I think she said the sheriff told
14 her she needed to wait. I think that's all that was said,
15 if I'm not mistaken.

16 MR. HOCH: Well, she was -- she just started saying
17 the sheriff --

18 THE COURT: I think you made your objection.

19 MR. HOCH: Right.

20 THE COURT: She said what the sheriff had said to
21 her --

22 MR. HOCH: Correct. I just didn't want her to get
23 into --

24 THE COURT: If you anticipate a hearsay --
25 question with hearsay response -- we haven't gotten there

1 yet, but it's pretty close --

2 MR. HOCH: Okay.

3 MR. WALTERS: Yes, sir. I'll -- I'll make sure.

4 THE COURT: -- ask the question on that.

5 MR. WALTERS: Yes, sir. Thank you.

6 THE COURT: (Nodding.)

7 (The bench conference concluded and the following
8 proceedings occurred in open court:)

9 Q (BY MR. WALTERS) Valerie, if -- from the time that you
10 left Abbott House that day of Hayley's interview, did you
11 have further discussions with Hayley regarding what she had
12 disclosed to you or to the interviewer at the Abbott House?

13 A No.

14 Q You stated -- I believe you testified that when you got
15 back you went to family -- to visit family?

16 A Trying to just get away.

17 Q From that point in time, from that day until you saw or
18 took Hayley to the doctor, did you have any further
19 discussions with Hayley about what she had told you or about
20 what happened at the Abbott House?

21 A No.

22 Q Once she was seen by the doctor, did you -- did you
23 take any further action regarding the investigation or her
24 disclosure to you after that point?

25 A After the Abbott House and the doctor's?

1 Q Yes.

2 A I -- you know, no, I didn't do any -- anything. I just
3 kept her with me, and I just let them handle it because I
4 didn't know what else -- I didn't know what to do.

5 Q From that point, from the point of her -- of Hayley
6 seeing the doctor and which -- what doctor was that?

7 A It was Dr. Preston Waters.

8 Q Is that here in Duncan?

9 A Yes.

10 Q From the time that Hayley saw Dr. Waters, have you had
11 discussions with Hayley about the events about what she told
12 you?

13 A No. I -- like I said, all I did was ask her if she was
14 okay and if it still hurt.

15 Q From the time of that initial disclosure the night of
16 the bath that you've already testified to, to your testimony
17 before this Court, how frequently would -- if at all --
18 would you and Hayley discuss that day or those events?

19 A Up until now?

20 Q Yes, ma'am.

21 A I don't bring it up. It hurts. It hurts too much to
22 bring it up, but she'll bring it up. She will see something
23 on TV -- just little things and it will trigger, and she
24 will say, Oh, yeah, Mom, he did this and this and I'm like,
25 Okay. And that's as far as it goes.

1 I don't want to get into detail. I don't want to --
2 you know, it hurts too much and there's times that she does
3 and I sit and listen, but I don't like it.

4 **Q** At that time back in December of 2009, Valerie, when
5 Hayley told you what had happened to her, how old was she?

6 **A** At the time I believe she was seven.

7 **Q** Prior to -- immediately prior to Hayley making this
8 disclosure to you that night, or that day, how were things
9 between you and Charles Dyer?

10 **A** We were good. He got to see Hayley and, um, I was
11 happy he was seeing Hayley. We were civil with each other.

12 **Q** What was the status of that divorce action? What was
13 your understanding of the status of the divorce action at
14 that time?

15 **A** That it was final, over with. I mean, we were -- I
16 didn't think we were divorced yet, but I knew it was on its
17 way, and I just thought maybe it took some time. He said he
18 had it under control.

19 MR. WALTERS: May I have just a moment, Your Honor?

20 THE COURT: Yes, sir.

21 (There was a short pause after which the following
22 proceedings occurred in open court:)

23 **Q** (BY MR. WALTERS) Valerie, the individual that you
24 testified regarding today, Charles Dyer, do you see him
25 present in the courtroom?

1 **A** Yes.

2 **Q** Can you identify him, please?

3 **A** He's right there in the blue shirt. (Indicating.)

4 MR. WALTERS: Your Honor, I would ask that the
5 record reflect the witness has properly identified the
6 Defendant, Charles Dyer.

7 THE COURT: The record will so reflect.

8 MR. WALTERS: Pass the witness, Your Honor.

9 THE COURT: Cross, Mr. Hoch?

10 MR. HOCH: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. HOCH:

13 **Q** Ma'am, it's your testimony you and Charles were getting
14 along real well, right?

15 **A** Yes.

16 **Q** Even back in July?

17 **A** Yes.

18 **Q** But, ma'am, the police had to be called out, right? In
19 fact, he called the police back in July to come out,
20 correct?

21 **A** I don't think -- I don't recall.

22 **Q** You don't recall that?

23 **A** Nope.

24 **Q** Do you recall your neighbors calling the police to come
25 out because of the yelling?

1 **A** No. I don't recall any cops coming.

2 **Q** Okay. Do you recall him being upset with you and with
3 your drug use and with guys hanging around and things like
4 that?

5 **A** Yes. I admit I was doing drugs.

6 **Q** And he was upset about that, correct?

7 **A** Of course.

8 THE COURT: Counsel, approach -- please.

9 (The following bench conference occurred outside the
10 hearing of the jury and the Defendant:)

11 THE COURT: I'm surprised you don't have an
12 objection from the State but would you put a time reference
13 on this, please.

14 MR. HOCH: Okay.

15 THE COURT: You said "July."

16 MR. HOCH: I'm sorry. I'll do it from when he got
17 here.

18 (The bench conference concluded and the following
19 proceedings occurred in open court:)

20 **Q** (BY MR. HOCH) Ma'am, this is all when he got out of
21 the Marine Corps in July of '09, right?

22 **A** Yes.

23 **Q** And, ma'am, back before that you were out in California
24 and you came back to Oklahoma, correct?

25 **A** Yes.

1 Q Flew back?

2 A (Nodding.)

3 Q Yes?

4 A Yes.

5 Q When did you fly back?

6 A September 26th of 2008.

7 Q And it was you and Hayley?

8 A Yes.

9 Q Do you have a sister Jessica, right?

10 A Yes.

11 Q She flew back with you, didn't she?

12 A Yes, she flew back with me.

13 Q Because she had been living out there with y'all for
14 about a year?

15 A No, sir, six months.

16 Q For six months?

17 A Yes, sir.

18 Q Okay. So did you forget to mention that she had been
19 living out there and flew back with you?

20 A I'm sorry. I thought it was irrelevant.

21 Q Well, ma'am, you also had arguments out there in
22 California, right?

23 A Like any other husband and wife, yes.

24 Q You indicated that he told you not to use the phone,
25 right, at one point?

1 **A** When I was 17, yes.

2 **Q** And that was because of a bill that was run up?

3 **A** Yes.

4 **Q** But at the time, ma'am, didn't you have free long
5 distance on the phone?

6 **A** Not that I'm aware of.

7 **Q** Well, the bill that he was worried about, ma'am, was
8 because you ran up a \$200 phone bill calling a psychic
9 hotline, right?

10 **A** No, sir. I said a hundred dollar bill. It was a
11 hundred and it was to my family.

12 **Q** Ma'am, you also were calling psychic hotlines, right?

13 **A** That wasn't my bill. Yes, I called them before but
14 that wasn't the bill.

15 **Q** But that ran up your phone bill also, correct?

16 **A** Not to a hundred dollars, no.

17 **Q** Do you know how much they were per minute when you
18 called them?

19 **A** I was 17 at the time, you know. I -- it's -- it's been
20 forever, but I know that the hundred dollar phone bill was
21 because I called home because I wrote the checks out and I
22 paid the bills.

23 **Q** And you wrote checks out of an account of his, correct?

24 **A** Ours.

25 **Q** Yours?

1 **A** (Nodding.)

2 **Q** Okay. In fact, ma'am, you wrote checks when he was in
3 Iraq, correct?

4 **A** In Iraq?

5 **Q** In Iraq.

6 **A** In Iraq, yes.

7 **Q** And one of the checks you wrote was for \$1200 for a
8 dog, correct?

9 **A** I wrote a check for \$600 for a dog and then paid the
10 rest in cash. Yes, I paid for a dog.

11 **Q** And that dog was around \$1200?

12 **A** Yes.

13 **Q** And that dog eventually was killed by a coyote or
14 something?

15 **A** Yes. We had it for a while. It was a family pet.

16 **Q** And Charles went to try to get you another, correct?

17 **A** He didn't try to get me another one. We -- we found a
18 stray or went to the pound or something.

19 **Q** But at the time he went to try to get another he found
20 out about the cost of that dog and previously you told him
21 it was around \$300 you had spent on it?

22 **A** Yeah, and then I told him the right price. I'm the one
23 that told him.

24 **Q** After he found out and confronted you about it?

25 **A** Yeah -- no, no. I told him. He didn't find out. I

1 told him the price of the dog.

2 **Q** Originally you told him a whole lot less?

3 **A** Yes, I did.

4 MR. WALTERS: Object, Your Honor. May we approach?

5 THE COURT: Yes, sir.

6 (The following bench conference occurred outside the
7 hearing of the jury and the Defendant:)

8 MR. WALTERS: Judge, I'm going to object once again
9 to the foundation as to time line. I'm not sure when we're
10 talking about here.

11 MR. HOCH: I'll get to the time.

12 THE COURT: Objection sustained.

13 (The bench conference concluded and the following
14 proceedings occurred in open court:)

15 **Q** (BY MR. HOCH) Ma'am, when was it you had the dog? Do
16 you know?

17 **A** I don't remember. I mean, I know he was in Iraq when I
18 got the dog; it was for me and my daughter.

19 **Q** And when was he in Iraq?

20 **A** It's been years ago. I don't remember when he was in
21 Iraq.

22 **Q** That was in his second tour in the Marine Corps,
23 correct?

24 **A** Yes.

25 **Q** And when did he go back -- when was his second tour

1 starting in the Marine Corps?

2 **A** July, August, somewhere around there.

3 **Q** Of which year?

4 **A** Like I said, I -- I don't remember the years. It's
5 been a long time.

6 **Q** Okay. Ma'am, he got out in '09, right?

7 **A** Right.

8 **Q** He went in on a four-year enlistment, right?

9 **A** (Nodding.)

10 **Q** Right?

11 **A** Yes.

12 **Q** And in 2005 or 2006 was his first deployment to Iraq,
13 correct?

14 **A** He was only -- he's only been to Iraq one time.

15 **Q** Well, the first time he was supposed to go, correct?

16 **A** Right.

17 **Q** Prior to that at the start of his second tour in the
18 Marine Corps in 2005 he went for a six-month tour in
19 Okinawa, correct?

20 **A** He was sent to Okinawa when we were dating so that was
21 like when I was -- aged 13 to 17, somewhere around in there,
22 when he went to Okinawa. He never went to Okinawa when we
23 were married.

24 **Q** And you're sure about that?

25 **A** Unless he went without me knowing. I know -- I don't

1 remember him ever being in Okinawa when we were married.

2 Q Well, ma'am, back in 2006 when he's in Iraq --

3 A Uh-huh.

4 Q -- he had problems with -- there was an issue where
5 they were trying to bring him back, correct?

6 A Right.

7 Q Back to the States?

8 A Yes.

9 Q That issue was you, correct?

10 A Yes.

11 Q Because, ma'am, at that time you were having a problem
12 with pills?

13 A No. No, I wasn't. I had seizures.

14 Q Were you having a problem with cutting yourself?

15 A I cut myself twice.

16 Q And, in fact, ma'am, the battalion commander's wife
17 came over to see you, correct?

18 A No. She called me on my phone.

19 Q And that's the Major or Colonel's wife; is that
20 correct?

21 A I -- I guess so, yes.

22 Q And she was suggesting counseling for you at that time,
23 correct?

24 A The only -- the only reason why that I wanted him to
25 come home from Iraq was because I had seizures and I

1 couldn't take care of Hayley. It had nothing to do with
2 pills or my cutting.

3 **Q** Then he was supposed to be deployed back to Iraq in
4 2008?

5 **A** Yes, and he told me he didn't want to go back.

6 **Q** And, ma'am, the reason he couldn't go was because of
7 problems you were having again?

8 **A** No, sir. He did not want to go back to Iraq so he had
9 me tell them that I was having problems with seizures, that
10 I could not take care of myself.

11 **Q** Ma'am, there was also an issue about drugs and alcohol
12 at the time, correct?

13 **A** While I was married to him I never did drugs.

14 **Q** Ma'am, during that time were there representative wives
15 from the Marine Corps that came to talk to you?

16 **A** No.

17 **Q** At the 2008 time?

18 **A** No.

19 **Q** You don't remember that?

20 **A** I do not remember them ever coming to my house and
21 talking to me.

22 **Q** But you do remember your sister was out there for a
23 good part of that time?

24 **A** Yeah, she lived with us for six months.

25 **Q** And partway because she was having troubles back here

1 with your family?

2 **A** No. She never -- she would never -- she had never been
3 to California before and I offered to see if she wanted to
4 come out and get a job and come out and enjoy California.

5 **Q** California is more expensive than Oklahoma?

6 **A** Sure, but he agreed to it. He said it was fine.
7 Charles said it was fine.

8 **Q** And were you at Twenty-nine Palms at that time?

9 **A** No. We were at Camp Pendleton, California.

10 **Q** And Camp Pendleton is about halfway between San Diego
11 and Los Angeles?

12 **A** Right.

13 **Q** And one of the more expensive areas to live in
14 California is in Orange County?

15 **A** Well, if we lived off base, yes, it would be expensive
16 but we lived on base so we didn't have bills. We didn't
17 have rent like regular people. We lived on base. All of
18 our bills were paid. We had like five, \$600 to do whatever
19 we wanted. We didn't have any bills except for car and
20 maybe a phone bill.

21 **Q** So were you and your sister spending that five or 600
22 all the time?

23 **A** Um, we went out, yes, but he knew every time we went
24 out. I mean, every time I wanted to spend money I always
25 consulted him first.

1 Q All right. Ma'am, after y'all got -- after he got out
2 of the Marine Corps the first time, and he was out -- there
3 was about a two-year break in service, correct --

4 A Yes.

5 Q -- in the Marine Corps?

6 And the first time he got out was around 2003, 2004,
7 correct?

8 A Yes.

9 Q And you were -- you came back here to Oklahoma for a
10 short time?

11 A Uh-huh.

12 Q And lived with his parents?

13 A For a little bit, yes.

14 Q And then you moved to Tennessee?

15 A Yes.

16 Q The reason you moved to Tennessee was because you
17 weren't getting along with his mom, correct?

18 A Sir, who -- she was my mother-in-law and I lived with
19 my mother-in-law. You know, you're going to have arguments
20 with your mother-in-law. I mean, she's -- I mean, anybody
21 is going to have arguments, whatever, with their
22 mother-in-law.

23 Q So you discussed it and moved to Tennessee, correct?

24 A No, sir. We did not. He's the one that wanted to
25 move. He's the one that brought it up, and I agreed to it

1 and I said, "I'll go wherever you want to go."

2 Q And you went to Tennessee and lived with his sister,
3 Amy, for a while?

4 A Yes.

5 Q Close to a year and a half with her?

6 A I know we lived there for a while, but I was working at
7 Wal-Mart for a year and a half so when I started working at
8 Wal-Mart we lived in our own house.

9 Q Ma'am, when y'all first got there you were living at
10 her house and you weren't working?

11 A Exactly. I was with Hayley.

12 Q And he was -- Charles was working, doing security?

13 A Yes.

14 Q Then finally he went to school trying to get a degree
15 so he could be a pilot, correct?

16 A A pilot, criminology, I don't remember. I just know he
17 was taking psychology.

18 Q And working towards getting a bachelor's degree?

19 A Correct.

20 Q So you go to work at Wal-Mart?

21 A (Nodding.)

22 Q And you had arguments because you ended up having an
23 affair with somebody there; is that correct?

24 A No. I have never cheated on Charles ever from age 13
25 to 25 when he told me he didn't want me anymore. Never once

1 have I cheated on him. I'm very faithful.

2 Q Well, ma'am, you told him about a guy named Billy,
3 right, that you were having sex on the couch with, right?

4 A Billy? No, sir.

5 Q Was there somebody you told him you were having sex on
6 the couch with?

7 A No, sir. When he told me he didn't want me anymore
8 that's when I started dating, but the whole time I was with
9 him not once did I ever cheat on him.

10 Q Well, ma'am, back on -- in all this time you're getting
11 along with him, up until Hayley tells you something, right?

12 A Right.

13 Q Well, back on December 14th of '09, you had sent out a
14 FaceBook or Myspace, or whatever, where you said you hope
15 his penis falls off, right?

16 A Yeah, I was angry. I mean, he just told me that he was
17 with my best friend and I was upset, but like I told my
18 attorney, I got over it.

19 Q Okay. Your attorney being --

20 A James.

21 Q James is your attorney, right?

22 A Yes.

23 Q Okay. And is he helping take care of your divorce
24 stuff, too?

25 A No, he's not. I have another lawyer for that.

1 Q But you do have these two attorneys working for you,
2 too, right?

3 A Yes, sir.

4 Q And, ma'am, you also told Amanda that -- in some of
5 these communications that she better enjoy it because you're
6 taking care of getting rid of him or something like that?

7 A The exact words were --

8 MR. WALTERS: Objection. Approach, Your Honor?

9 THE COURT: Yes, sir.

10 (The following bench conference occurred outside the
11 hearing of the jury and the Defendant:)

12 MR. WALTERS: Judge, I don't -- I believe that
13 Counsel's improperly impeaching. He's suggesting statements
14 that she's made without ever giving a more generalized
15 question to her for her to deny anything.

16 MR. HOCH: Judge, it's cross-examination. I can
17 ask if she's made these statements.

18 THE COURT: You can't just make things up,
19 Counselor. You've got to have a factual basis in good
20 faith.

21 MR. HOCH: I do.

22 THE COURT: What is it, sir?

23 MR. HOCH: Judge, we have copies of when she's
24 doing her FaceBooking.

25 THE COURT: Well, you already asked her about

1 that -- about a certain appendage being -- falling off, did
2 you not? Did she not answer that?

3 MR. HOCH: About which one?

4 THE COURT: About the appendage --

5 MR. HOCH: Oh, yes, but there's also other FaceBook
6 things she's doing.

7 THE COURT: Well, make reference to it and be
8 specific.

9 MR. HOCH: Okay.

10 THE COURT: I'm not going to grant you just to
11 appear to be making things up without any substance to them.

12 MR. HOCH: Okay.

13 THE COURT: You need to make a record. In that
14 respect State's motion -- State's objection is sustained
15 until you lay that predicate.

16 MR. HOCH: Okay.

17 (The bench conference concluded and the following
18 proceedings occurred in open court:)

19 **Q** (BY MR. HOCH) Ma'am, you communicate a lot on
20 FaceBook, right?

21 **A** Yes.

22 **Q** And along with some of your FaceBook -- is it FaceBook
23 or Myspace you do?

24 **A** It's FaceBook.

25 **Q** Along with some of your FaceBook communications you've

1 sent things to Amanda, correct?

2 **A** Yes.

3 **Q** And Amanda is your ex-best friend, right?

4 **A** Correct.

5 **Q** And -- because of this?

6 **A** Right.

7 **Q** And subsequent to the statement about wanting his penis
8 to fall off, you also sent her something to the effect that
9 she better enjoy it now because he's not going to be around?

10 **A** No, sir. The exact words I said, "Enjoy him while you
11 can" and that was after the fact of Hayley told me what had
12 happened.

13 **Q** Ma'am, on this divorce you say you got an attorney,
14 correct?

15 **A** Yes. I have an attorney now, yes.

16 **Q** And along with that, ma'am, you've also said that you
17 would do anything, including commit perjury?

18 **A** No. I never said I would commit perjury.

19 MR. HOCH: Judge, if I can have just a second?

20 THE COURT: Certainly.

21 **Q** (BY MR. HOCH) Ma'am, I'll come back to that in just
22 one second, but -- oh, I'm sorry.

23 Ma'am, you testified previously in court, correct?

24 **A** Yes.

25 **Q** And on April 27th did you testify, and it's on

1 page 72 -- I'm sorry, April 25th and 26th -- and it's on
2 page 72 at line two and the question was asked of you, "Did
3 you tell Mr. Dyer in July 2009, you would do anything,
4 including perjury, to keep him from getting his daughter?"
5 and you responded, "Yes"?

6 **A** And there is also in there I said, "What does perjury
7 mean?" And they told me what perjury meant and I said, "No,
8 I wouldn't do that."

9 **Q** Ma'am, you said before that you would do anything to
10 get custody, right, to have your daughter?

11 **A** As a mother you would do anything to keep your kid
12 safe.

13 **Q** And that's what you've previously said, correct? Not
14 to keep your kid safe but to get -- but to keep him from
15 having custody and you to have custody?

16 **A** Because of what my daughter told me what he did to her.

17 **Q** So, ma'am, you made that statement in July of 2009,
18 correct?

19 **A** No.

20 **Q** According to this -- according to the previous
21 statement you had made in court?

22 **A** I never said that in July of 2009.

23 **Q** Well, ma'am, the question was, Did you tell Mr. Dyer in
24 July of 2009 that you would do anything, including perjury,
25 to keep him from getting his daughter and you responded,

1 "Yes"? And then you said -- then the next question, "You
2 were concerned about him getting your daughter, were you
3 not"?

4 "I was."

5 **A** Charles would threaten me with her?

6 **Q** Well, ma'am, when you go on down the page it said --

7 MR. WALTERS: Objection, Your Honor.

8 MR. HOCH: I'm sorry, Judge, I'll --

9 THE COURT: Approach.

10 (The following bench conference occurred outside the
11 hearing of the jury and the Defendant:)

12 MR. WALTERS: He was attempting to improperly
13 impeach by giving prior testimony without her having the
14 opportunity to testify today consistently or not with that.
15 I think he caught that.

16 MR. HOCH: That's what I was going to do. I was
17 going to adjust it, but I'll fix it.

18 THE COURT: All right. Withdraw that question?

19 MR. HOCH: Yes, sir.

20 (The bench conference concluded and the following
21 proceedings occurred in open court:)

22 THE COURT: I'll sustain the objection. Objection
23 sustained. You may rephrase your question.

24 **Q** (BY MR. HOCH) Ma'am, did Mr. Dyer tell you that all he
25 wanted you to do was straighten out your life and tell the

1 truth.

2 **A** Yes, but I was straightening my life and telling the
3 truth.

4 **Q** That was a concern of his back in July of '09, correct?

5 **A** I'm sure he was a little concerned.

6 **Q** And, ma'am, you were upset with Mr. Dyer when he came
7 back in December of '09, correct?

8 **A** I wasn't upset, no. We -- we were getting along. He
9 was visiting Hayley and everything, and we had our arguments
10 that -- it was just arguments between separated people.

11 **Q** Those arguments, ma'am, were they about drugs?

12 **A** No. Because I only did the drugs one time and I told
13 him.

14 **Q** Ma'am, he confronted you about drugs, correct?

15 **A** Yes -- no, I told him. I told him I did it.

16 **Q** And he also had issues with your family, correct?

17 **A** As I have issues with his, yes.

18 **Q** Well, some of the issues that he had with your family
19 that caused arguments, was part of that drugs in your
20 family?

21 **A** I'm -- there were some in my family that did drugs but
22 no family is perfect.

23 **Q** Well, ma'am, he also complained and argued with you
24 about the fact that people in your family did drugs when
25 Hayley was around?

1 **A** No, sir. They did not.

2 **Q** You're saying he didn't do that. That he didn't argue
3 with you about that?

4 **A** He might have argued with me but none of my family
5 members ever, or neither did I, ever do drugs in front of my
6 daughter.

7 **Q** And, ma'am, you're saying you never told him that you
8 had relations with anybody when your daughter was around, at
9 home on a couch?

10 **A** No.

11 **Q** You didn't do that?

12 **A** No.

13 **Q** Ma'am, was one of the arguments about your family and
14 drugs that Charles had called DHS about your family doing
15 drugs around her and around other kids?

16 **A** No.

17 **Q** Are you saying that he didn't do that or that was not
18 an argument?

19 **A** As far as I know he never called DHS because we don't
20 do drugs around the kids and my daughter has never been
21 exposed.

22 **Q** Ma'am, you do a lot on the computers, right?

23 **A** No. Just FaceBook on my phone.

24 **Q** Well, you also look up things on computers, correct?

25 **A** I may Google stuff about, you know, getting a toy for

1 Hayley or anything like that.

2 Q You also looked up termination of parental rights on
3 your computer, did you not?

4 A No, sir. I did not.

5 Q Ma'am, you said that Amy -- Hayley calls her "Meme,"
6 right?

7 A Correct.

8 Q And would do anything for this child, correct?

9 A Yes, they love each other a lot.

10 Q Hayley loves her?

11 A Yes.

12 Q In fact, Amy -- or Meme was -- and that's Charles's
13 sister, correct?

14 A Correct.

15 Q She was also one of the caretakers for Hayley when she
16 was young in Tennessee?

17 A No. I was stay-at-home mom. I watched her all the
18 time until I got into work and then she went to a day care.

19 Q And would Charles have been a caretaker for her?

20 A When I'm working and he's not in school, yes.

21 Q In fact, ma'am, he was the primary caretaker, correct,
22 for the year and a half you were working at Wal-Mart?

23 A Not the primary caretaker. I mean, he worked -- he
24 went to school, I went to work, she went to day care, we
25 both came home and we took care of our child.

1 Q Well, ma'am, you -- didn't you previously testify that
2 he was the primary caretaker?

3 A When he got off work he would pick her -- or school --
4 he would pick her up and if I got off work, I would go pick
5 her up. It just depends on who got off work first or school
6 first. Most of the time she was at the -- at a child
7 center.

8 Q But is it correct that you've previously testified that
9 he was the primary caretaker if the child wasn't at a
10 sitter?

11 A And if I wasn't there, yes.

12 Q Well, ma'am, you didn't justify about -- anything about
13 you being there, did you, when you previously testified? It
14 was just that he was, correct?

15 A Because I had to work.

16 Q Ma'am, when he was in Tennessee and going to school,
17 the officer recruiters from the Marine Corps would come to
18 the house to see him, wouldn't they? A Captain Holt?

19 A In Tennessee?

20 Q Uh-huh.

21 A I don't remember any of his Marine friends in Tennessee
22 coming and visiting him.

23 Q This wouldn't have been a friend, ma'am. It would have
24 been a recruiter that recruits officer candidates. Do you
25 remember a captain coming by?

1 **A** No.

2 **Q** You don't remember somebody named Captain Holt?

3 **A** No. While we were living in Tennessee, no, sir. I
4 don't remember.

5 **Q** Well, ma'am, when you first came back to -- are you
6 okay?

7 **A** Yes.

8 **Q** You keep reaching to your stomach. Are you all right?

9 **A** Yes.

10 **Q** Do you need a break or something?

11 **A** No.

12 **Q** When you first came back to Oklahoma, ma'am, back in --
13 when you moved back with your sister that would have been
14 '08, correct?

15 **A** Yes.

16 **Q** You lived with his mom, correct?

17 **A** Yes.

18 **Q** For a while?

19 **A** Yes.

20 **Q** Did you live with your mom for a short time?

21 **A** Maybe a week, not that long.

22 **Q** And did your mom throw you out?

23 **A** No.

24 **Q** You just left after a week?

25 **A** I can't live with my mom.

1 **Q** And he had to send you money then, correct? Charles
2 sent you Western Union money because for whatever reason you
3 went out of your mom's house, correct?

4 **A** Because I needed money for a house and I needed his
5 help and it was like pulling teeth trying to get it from
6 him.

7 **Q** Ma'am, when you made these allegations about Hayley,
8 you also called Charles at that same time -- or the same day
9 you went to the Abbott House or a day after asking for money
10 from him, correct?

11 **A** No.

12 **Q** Did you call anytime during that period?

13 **A** No.

14 **Q** Ma'am, did you ever have Hayley call Amy and ask for
15 money?

16 **A** No.

17 **Q** Did you call Amy and ask for money?

18 **A** No.

19 **Q** So if Amy would say that Hayley called asking for
20 money, would that be incorrect?

21 **A** I never had Hayley go and ask any -- for any money.
22 Why -- why would I have my daughter call someone to get
23 money for me? I work. I had money. Not a lot, but I had
24 money. I mean, there's just no reason for me to do that --
25 do that to my daughter.

1 Q And, ma'am, presently, you're pregnant, right?

2 A Yes.

3 Q And how far along?

4 A I am 31 weeks.

5 Q Have you had talks with the father of the baby?

6 A All the time.

7 MR. WALTERS: Approach, Your Honor?

8 THE COURT: Yes, sir.

9 (The following bench conference occurred outside the
10 hearing of the jury and the Defendant:)

11 MR. WALTERS: Your Honor, I'm going to object to
12 the relevance of this line of questioning, her pregnancy and
13 her relationship with the father of that child has
14 absolutely no bearing on this trial whatsoever.

15 THE COURT: Mr. Hoch?

16 MR. HOCH: Judge, it goes to how she treats people
17 about custody, and she sent out more FaceBook stuff saying
18 that "I'm so done with the baby daddy" and --

19 THE COURT: What?

20 MR. HOCH: "I'm so done with the baby daddy" and
21 "I'm going to take care of this kid on my own." And I think
22 it goes to show what she's doing with different -- different
23 men.

24 THE COURT: Well, what is the relevance with this
25 situation?

1 MR. HOCH: And it also goes to show -- one of the
2 other follow-up questions was about her having a discussion
3 about her being the primary custodian and how she was going
4 to do that.

5 THE COURT: Are we talking about who now?

6 MR. HOCH: No. It's about her with the new baby.

7 THE COURT: The Court has heard testimony and we've
8 inquired about custodial parent of Hayley -- that witness --

9 MR. HOCH: Right. This is a new line, but I think
10 it is relevant to show what she's -- what she's -- her
11 attitude in general, and I think a big part of this is her
12 attitude and what she's trying to do and I think it goes to
13 show a course of relevant conduct from her.

14 MR. WALTERS: Judge, I don't see where anything
15 that happened after this event that is not associated with
16 this child and these allegations are relevant to this trial.

17 MR. HOCH: And she just testified that she gets
18 along with this new -- the new father of this baby, but
19 she's sending out FaceBook things saying that -- he gets up
20 in her face, makes her cry, that he's stupid, and she's
21 going to raise the baby by herself.

22 MR. WALTERS: Has nothing to do with the facts of
23 this trial, Judge.

24 MR. HOCH: And, Judge, I think it goes -- like I
25 said, shows a continuing course of the way she does things.

1 THE COURT: It has nothing to do with the issues of
2 this trial. I'm going to sustain the objection.

3 MR. WALTERS: Thank you, Judge.

4 (The bench conference concluded and the following
5 proceedings occurred in open court:)

6 THE COURT: Objection is sustained.

7 **Q** (BY MR. HOCH) Ma'am, do you know a person by the name
8 of Bill Perkins?

9 **A** Yes.

10 **Q** Did you ever tell Charles that you were having a
11 relationship with him?

12 **A** After he told me he was done with me, yes, I had a
13 relationship with Bill.

14 **Q** At first did you deny that when he asked you about it?

15 **A** He didn't know it was Bill and I denied it and then
16 eventually I did tell him, but he didn't know who it was,
17 but I did tell him.

18 **Q** At first did you deny the relationship, period?

19 **A** No.

20 **Q** And, ma'am, did you subsequently tell him when you
21 finally admitted what he already knew about this person, did
22 you tell him that you were having relations with him on a
23 couch when your daughter was at home?

24 **A** No, sir.

25 **Q** Now, you indicated that he told you he was going to

1 pick up Amanda when he went back to California?

2 **A** No. He said he was going to go get someone that needed
3 his help.

4 **Q** In fact, he said he was going to take care of business,
5 right?

6 **A** What he told me was he was going to go get someone
7 because they needed his help.

8 **Q** And what you told the State earlier then wasn't totally
9 correct because he said he was going back to get Amanda?

10 MR. WALTERS: Objection.

11 THE COURT: Sustained.

12 **Q** (BY MR. HOCH) So, ma'am, when you come back -- or when
13 he comes back with Amanda, that's the third of December,
14 right, or approximately that date in 2009?

15 **A** I don't remember so I'm not going to throw dates out
16 there. I don't remember.

17 **Q** Well, that's the first you knew for sure it was Amanda;
18 is that correct?

19 **A** Yes.

20 **Q** That upset you?

21 **A** Of course.

22 **Q** And 10 or 11 days after that is when you're sending the
23 comments about body parts falling off?

24 **A** After the fact that I found -- he told me -- or Hayley
25 told me about what Charles did to her. Yes, I was upset

1 and, yes, I put down "I wish his penis would fall off."

2 Q Well, ma'am, you said Hayley told you about this after
3 the end of December, correct?

4 A It was about the end of December.

5 Q You wrote on FaceBook that comment about penises
6 falling off on December 14th, correct?

7 A Like I told you, sir, I don't know the dates
8 specifically, you know. I don't know the dates and if I
9 knew the dates specifically I would tell you.

10 Q And, ma'am, did other people -- you had a computer at
11 home, right?

12 A Yes.

13 Q That you looked up things on?

14 A Yes.

15 Q Did other people have access to your computer?

16 A All the time, friends, family, Hayley.

17 Q How many people came into your house to look at your
18 computer?

19 A Um, I had my cousin, her husband, a friend, my
20 neighbors. If they didn't have internet, they looked on my
21 computer.

22 Q And, ma'am, somebody was looking up termination of
23 parental rights on your computer, right?

24 A Somebody was but that somebody wasn't me, sir.

25 Q Anybody else have reason to look up termination of

1 parental rights on your computer?

2 **A** Sure, Lori. She was going through a divorce and
3 custody.

4 **Q** The same one who went with you to go to -- to go to the
5 Abbott House, correct?

6 **A** Yes, the same one.

7 **Q** Ma'am, did anybody else look up anything about DHS or
8 sexual abuse or anything like that?

9 **A** I don't know if she did, but I know I didn't.

10 **Q** And have you ever heard of Parent Alienation Syndrome?

11 **A** Excuse me? No.

12 **Q** So just other people can come up and look up whatever?

13 **A** On the computer?

14 **Q** Yes.

15 **A** I mean, my friends come over and they want to look at
16 the computer, I mean, I -- I let them. I don't have a
17 problem with it. They're my friends and family.

18 **Q** Anybody looking up pornography on your computer --

19 **A** If they did then I wasn't around them, sir. They
20 probably did. Who knows? I know I didn't.

21 **Q** And it's just coincidental that during this same time
22 frame somebody would be looking up termination of parental
23 rights?

24 **A** Like I said, she was going through a divorce and she
25 probably looked it up. I mean, I don't know who did it. If

1 I did, I would tell you.

2 Q Ma'am, you filled out reports before, right, in this
3 case? You've written out statements, correct?

4 A What do you mean statements? What kind?

5 Q Have you written out anything before for anybody?

6 A Concerning -- I don't understand what you're asking.

7 Q Anything about this case?

8 A (No verbal response.)

9 Q Well, ma'am, you've given statements under oath before,
10 right, in this case?

11 A I -- I don't remember. I mean, I've given a statement
12 at the very beginning of all this of what Hayley told me,
13 but I don't remember writing anything else down.

14 Q Well, ma'am, you've been in court before to testify,
15 right?

16 A Yeah.

17 Q Yes?

18 A I've been in the courtroom before.

19 Q And you've had several opportunities to talk about this
20 either in court or with others, correct?

21 A (Nodding.)

22 Q And during that time there is nowhere you said anything
23 about pinky promise, is there?

24 A Yes, there is.

25 Q Previously?

1 **A** Yes. I distinctively remember on the first one, yes.

2 **Q** And before you hadn't said anything about her saying,
3 Don't tell Daddy --

4 **A** Yes, I have.

5 **Q** -- or something like that?

6 **A** Yes, I have.

7 **Q** Ma'am, you said when the State was asking you your
8 daughter was saying about her bo-bo or vagina hurting and
9 you told her you were going to go get something to make it
10 quit burning, correct?

11 **A** I never said that.

12 **Q** When you were talking to the State just a bit ago?

13 **A** No. I said, Sit down in the bathtub and maybe it would
14 stop hurting.

15 **Q** Okay. And you were suspecting something about urinary
16 tract infection?

17 **A** Yeah, she's seven and she drinks probably a lot of soda
18 and that's what I thought.

19 **Q** So she's had those before?

20 **A** On occasion, but I -- I get them a lot. I don't know
21 what she drinks over at Charles' house. I figured she had
22 too much soda.

23 **Q** And you've experienced urinary tract infections with
24 her before?

25 **A** No, with myself.

1 Q Ma'am, you say this -- that when she told you this was
2 on the third; is that right?

3 A I don't remember the date, sir.

4 Q Well, you took her to the Abbott House on the eighth --
5 to the Sheriff's and the Abbott House on the eighth,
6 correct?

7 A If it -- if it's in the record. I mean, I don't
8 remember the date, but they do have it in the record that I
9 did go, so, yeah.

10 Q And she came back on what day of the week?

11 A I'm not -- I don't know what time or what day. I know
12 it was evening when I got her, and I don't know what day it
13 was.

14 Q But, ma'am, there was a time period of five days where
15 the child went to school before you went to the Sheriff's or
16 Abbott House?

17 A I went to the Sheriff's Department the very next day.
18 As for the Abbott House and Dr. Waters, I'm not the one that
19 made the appointments. They made the appointments, and I
20 went. However long it took, that was totally up to them and
21 that's however long we had to wait.

22 Q So five days seems about right, though, right, from
23 what your memory is?

24 A To go to the doctor and the Abbott House, yes, sir, but
25 the very next day I went to the sheriff.

1 Q So nobody set up anything for the child to see a doctor
2 for five days?

3 A That's the sheriff's. They're the ones that set up all
4 the appointments.

5 Q Okay.

6 A They handled all of that.

7 Q Ma'am, previously you haven't said anything about
8 Women's Haven, have you?

9 A Yes, I have.

10 Q Ma'am, you say you didn't talk to Hayley anymore about
11 this and didn't bring it up?

12 A No.

13 Q You know Monica Freeman, right?

14 A Yes, I do.

15 Q And you've had talks with her, correct?

16 A Yes.

17 Q In fact, ma'am, did you record any calls with her?

18 A Yes.

19 Q And during that did you tell her that you've been
20 talking at -- to Hayley about this?

21 A No. I don't talk to Hayley about it. When she brings
22 it up that's when I answer short and I don't get into
23 details.

24 Q Did you even tell her that you told Hayley you were
25 going to call her?

1 **A** Excuse me?

2 **Q** When you were recording your call to Monica?

3 **A** I never -- I met Monica. Is that what you're referring
4 to?

5 **Q** Okay. Is that -- you did a recording of her, then you
6 went and met her?

7 **A** A recording and video, yes. And what was the question
8 again?

9 **Q** Did you tell her that you told Hayley you were going to
10 talk to her?

11 **A** No. Why would I tell my daughter that I'm going to go
12 and talk to Monica?

13 **Q** Is Monica a friend?

14 **A** She's not my friend.

15 **Q** Ma'am, did Hayley talk to you about a gun --

16 **A** Yes.

17 **Q** -- over at Charles' house?

18 **A** Yes. She shot it off. Because Charles put it over on
19 the table unsupervised.

20 **Q** It didn't actually fire, though, correct?

21 **A** Yeah, but it was a real live gun that my daughter got
22 ahold of.

23 **Q** And dry fired it?

24 **A** There could have been a bullet in it, yes. It's --
25 it's still a gun.

1 Q But, ma'am, the answer is, Yes, she dry fired it,
2 right?

3 A As far as I know, yes.

4 Q And she got in a lot of trouble for that?

5 A Oh, yes. A lot.

6 Q And that's the same day she's coming home?

7 A I don't remember her coming home that same day, no.
8 Now, she's told me and she showed me the bruises that he put
9 on her for spanking her for that.

10 Q For playing with a gun?

11 A But there isn't -- there is an adult in the house that
12 should have put the gun away.

13 Q But the answer is, It's for playing with the gun,
14 correct?

15 A Yes.

16 Q And she was upset about that, wasn't she?

17 A Well, she was upset because her -- because Charles
18 spanked her, but, like I said, there's an adult in the house
19 and there -- there is a gun sitting right there with two
20 young children. You can't just leave it out. I don't care
21 if it doesn't have a bullet or not. You have to put it away
22 because they think it's a play gun, because she has a pellet
23 gun.

24 Q She had a pellet gun?

25 A We bought her a pellet gun and it could have had a

1 round in it.

2 **Q** And, ma'am, you had other problems in December with
3 Charles, right? Partly over -- over Amanda?

4 **A** Not too bad, no. Like I said, I was pretty much over
5 them being together.

6 **Q** And in your divorce that y'all were trying to work
7 out --

8 **A** Uh-huh.

9 **Q** -- part of the reason for not having support is the
10 time was being pretty closely split, correct?

11 **A** What do you mean?

12 **Q** Over a year's time it evened out pretty much, the time
13 each of you would get?

14 **A** I don't -- I don't understand what you're asking.

15 **Q** Okay. Both of you would have somewhere close to half
16 the time?

17 **A** With Hayley?

18 **Q** Right.

19 **A** Right.

20 **Q** Over a year's period? When you factor in the whole
21 year?

22 **A** I don't think it was a whole year, but, you know, he
23 would get her every now and then, or he would be gone for a
24 month on a trip or whatever and I would have Hayley. I
25 mean, he had her on days and then sometimes I would have her

1 more. I guess you could say it evened out most of the time,
2 but I -- she lived with me, though.

3 **Q** And that's one of the reasons for the support, or the
4 lack of it, is the split in time, correct?

5 **A** No. Hayley was living with me and I -- I wanted help,
6 but he never did.

7 **Q** Well, ma'am, along with the disagreements about the
8 divorce --

9 **A** Uh-huh.

10 **Q** -- there was also an issue about a child's play or a
11 pageant or something like that, a Christmas pageant,
12 correct?

13 **A** We were at church and Hayley was Mary in the play.

14 **Q** And after that -- at the time you were dating a guy
15 named Troy, correct?

16 **A** Correct.

17 **Q** And somewhere after that y'all were out in the lot, or
18 somewhere around there, and Charles had talked to Troy,
19 correct?

20 **A** Right.

21 **Q** And Charles made statements to Troy about your drugs
22 and alcohol or whatever and about guys with you?

23 **A** He just came up to Troy, um, was trying to act bad. I
24 don't know what -- what he was trying to accomplish and Troy
25 brushed it off and then Charles and Amanda in the car with

1 both kids in the backseat followed me to a convenience store
2 with my boyfriend, Troy, and sat there and hollered and
3 screamed at me in front of my kid calling me every name in
4 the book with my daughter.

5 Q All right. Ma'am, if you'll just answer the
6 questions, okay?

7 A (Nodding.)

8 Q And along with this, shortly after that your
9 relationship with Troy ended?

10 A Yes.

11 Q After Charles talked to him?

12 A No.

13 Q Charles did talk to him about you and about your
14 personal life?

15 A Yes, but that's not why we broke up.

16 Q Ma'am, when you came back to Oklahoma in '08, Charles
17 stayed out there. He was still in the Marine Corps,
18 correct?

19 A Yes.

20 Q He was taking flight lessons at the time?

21 A Yes.

22 Q And those were things that had to be a private pay?
23 You had to pay on your own?

24 A Yes.

25 Q Because the Marine Corps or the military wasn't paying

1 for it --

2 **A** Right.

3 **Q** -- because he wasn't an officer or an officer
4 candidate, or whatever?

5 **A** Yes, right.

6 **Q** But what his desire was to complete flight lessons and
7 be a military pilot?

8 **A** I mean, all I -- I guess. I mean, he had just told me
9 he was doing pilot lessons.

10 **Q** Well, y'all had discussed for quite some time his
11 desire to be a military pilot?

12 **A** No, we never discussed that.

13 **Q** That was part of the reason he was going to school in
14 Tennessee, correct?

15 **A** All I knew he was taking psychology in college and he
16 loves to fly so I just figured he was taking it because he
17 liked to do it.

18 **Q** But he's taking psychology and other things to get a
19 bachelor's degree?

20 **A** Something, but I didn't know at the time what.

21 **Q** And, ma'am, you understood from him that to be an
22 officer in the Marine Corps or pretty much any branch in the
23 military, he had to have a college degree?

24 **A** I honestly don't think he was getting a college degree
25 just to be an officer in the military. He was getting a

1 college degree so he could be a police officer, but I could
2 be mistaken.

3 Q Do you know how much the flight schools were?

4 A It was about -- I think it was probably about 3,500.

5 Q And, ma'am, if we can go back to Amy -- or Meme -- his
6 sister?

7 A Uh-huh.

8 Q She was a big part of Hayley's life, right?

9 A Yes.

10 Q Hayley used to call and talk to her all the time?

11 A All the time.

12 Q And she would go and spend weeks at a time with her?

13 A She -- she -- she went to Tennessee for three weeks
14 once, yes.

15 Q And when Amy would come or her Meme would come, she
16 would -- she would look forward to those times, right?

17 A Most definitely.

18 Q And it was a big part of her life getting to talk to
19 her on the phone even?

20 A Yes.

21 Q When is the last time you've let her talk to Amy?

22 A It's been a couple years.

23 MR. WALTERS: Object.

24 THE COURT: Sustained.

25 MR. HOCH: Judge, can I have just a second?

1 THE COURT: Briefly.

2 MR. HOCH: Judge, could we approach?

3 THE COURT: Yes, sir.

4 (The following bench conference occurred outside the
5 hearing of the jury and the Defendant:)

6 MR. HOCH: Judge, if we could possibly take an
7 afternoon break. He's -- he's got a few more things he
8 wants me to ask.

9 THE COURT: We'll take a break at 3:00.

10 MR. HOCH: Okay. If I could have just a few more
11 minutes with him, Judge, to -- just to check with what he
12 wants me to ask.

13 (The bench conference concluded and the following
14 proceedings occurred in open court:)

15 THE COURT: Proceed.

16 **Q** (BY MR. HOCH) Ma'am, when you were -- you talked about
17 when you had Hayley at the hospital?

18 **A** Yes.

19 **Q** It was just Charles there; is that correct?

20 **A** Charles was in the room with the birth and his mom was
21 outside.

22 **Q** Nobody else around?

23 **A** No.

24 MR. HOCH: Judge, may I approach?

25 THE COURT: Yes, sir.

1 **Q** (BY MR. HOCH) Ma'am, if I can show you what I'm
2 marking as Defendant's Exhibit No. 1.

3 (Defendant's Exhibit No. 1 was marked for
4 identification purposes.)

5 **Q** (BY MR. HOCH) Can you tell me what that is?

6 **A** That's a picture of Charles holding Hayley right when
7 she was born.

8 **Q** And that's at the hospital, correct?

9 **A** Yes.

10 (Defendant's Exhibit No. 2 was marked for
11 identification purposes.)

12 **Q** (BY MR. HOCH) And, ma'am, if I can show you what we've
13 marked as Defendant's Exhibit No. 2, can you tell me what
14 that is?

15 **A** That is my Aunt Sharon and, yes, it's at the hospital.
16 When I referred to the only people being there is for the
17 birth. The next day or the day that I was leaving, yeah,
18 they got to come.

19 **Q** That is your aunt, though, at the hospital, correct?

20 **A** Yes.

21 (Defendant's Exhibit No. 3 was marked for
22 identification purposes.)

23 **Q** (BY MR. HOCH) Okay. And, ma'am, let me show you what
24 I'm marking as Defendant's Exhibit No. 3. Can you tell me
25 what that is?

1 **A** That is one of my best friend's mother holding Hayley
2 at the hospital.

3 **Q** And that's at the time of her birth, right?

4 **A** A day after she was born.

5 (Defendant's Exhibit No. 4 was marked for
6 identification purposes.)

7 **Q** (BY MR. HOCH) Let me show you what we've marked as
8 Defendant's Exhibit 4 and tell me what that is.

9 **A** That's my best friend holding Hayley.

10 **Q** What's her name?

11 **A** DeeAnn.

12 (Defendant's Exhibit No. 5 was marked for
13 identification purposes.)

14 **Q** (BY MR. HOCH) Ma'am, if I can show you what we're
15 marking as Defendant's Exhibit No. 5. Can you tell me what
16 that is?

17 **A** That's my cousin, Zachary, holding the baby.

18 **Q** And that's a picture of your cousin?

19 **A** (Nodding.)

20 **Q** And where is that at, ma'am?

21 **A** In the hospital.

22 (Defendant's Exhibit No. 6 was marked for
23 identification purposes.)

24 **Q** (BY MR. HOCH) And, ma'am, if I can show you
25 Defendant's Exhibit No. 6.

1 **A** That is my high school friend holding my baby at the
2 hospital.

3 **Q** Okay. And that's a picture of her doing that, correct?

4 **A** Yes.

5 (Defendant's Exhibit No. 7 was marked for
6 identification purposes.)

7 **Q** (BY MR. HOCH) And, ma'am, if I can show you
8 Defendant's Exhibit No. 7. Can you tell me what that is?

9 **A** That is my great grandfather holding Hayley at his own
10 house.

11 **Q** Okay. That's a picture of that, correct?

12 **A** Yes.

13 **Q** And, ma'am, these exhibits, Defendant's Exhibits
14 No. 1, No. 2, No. 3, No. 4, No. 5, No. 6 and No. 7, are
15 those true and accurate representations of the events as
16 they occurred at that time?

17 **A** Yes. But, like I said, it was the day after Hayley was
18 born.

19 MR. HOCH: Judge, we would move to introduce
20 Exhibits number -- Defendant's Exhibits No. 1 through 7.

21 (Defendant's Exhibit Nos. 1 through 7 were offered into
22 evidence.)

23 THE COURT: Any objection?

24 MR. WALTERS: No objection.

25 THE COURT: Same will be admitted.

1 (Defendant's Exhibit Nos. 1 through 7 were admitted into
2 evidence.)

3 **Q** (BY MR. HOCH) Ma'am, originally you moved with Charles
4 because you were having problems with your family, correct?

5 **A** I always -- I mean, people have trouble with their
6 family, but I don't know what you mean when I moved. I
7 moved a lot, sir.

8 **Q** And, ma'am, on more than one occasion, Charles made
9 complaints to authorities about your family with drugs
10 around children, correct?

11 MR. WALTERS: Objection, asked and answered.

12 THE COURT: Sustained.

13 **Q** (BY MR. HOCH) Ma'am, while Charles was in the Marine
14 Corps, did you and your family members make allegations
15 about him -- this is in 2009 shortly before he got out --
16 did y'all make allegations about him that had him detained
17 in a barracks or whatever, for a while?

18 **A** I never knew that Charles was ever detained in the
19 barracks.

20 **Q** Well, you made allegations about him, right? Some type
21 of allegations?

22 **A** No, I did not.

23 **Q** Ma'am, did you call the Marine Corps command there
24 later on to indicate that those allegations were false?

25 MR. WALTERS: Objection.

1 THE COURT: Sustained.

2 Q (BY MR. HOCH) Ma'am, did you make any -- do you know
3 of anybody from your family making any allegations?

4 A My brother called.

5 Q And did you call the command later on to indicate to
6 them that those allegations were false?

7 A Because Charles Dyer --

8 Q "Yes" or "no," ma'am. Did you call him?

9 A Yes.

10 Q And you told them those allegations were false,
11 correct?

12 MR. WALTERS: Objection, asked and answered.

13 THE COURT: Sustained.

14 Q (BY MR. HOCH) Ma'am, did you tell Charles that you --
15 even after Mandy was back here, or Amanda, that you still
16 wanted to be with him?

17 A I didn't want to be with him, but I was still in love
18 with him.

19 Q And you were quite upset about Amanda, correct?

20 A (Nodding.)

21 Q Because you indicated you felt betrayed by her?

22 A Well, yes.

23 Q Ma'am, are you on medication at this time?

24 A Prenatal.

25 Q Are you on anything for any other type of problems?

1 **A** No.

2 **Q** Had you been recently?

3 **A** No.

4 **Q** Or any time while all this has been going on?

5 **A** I've had to take anxiety pills, but I stopped taking
6 them for quite some time.

7 **Q** Were you taking those when you were out in Camp
8 Pendleton or in California while he was in the Marine Corps?

9 **A** I don't -- I don't remember.

10 **Q** Ma'am, you've had numerous family members watching
11 Hayley, correct --

12 **A** Yes.

13 **Q** -- you indicated before?

14 **A** Yes.

15 **Q** There was your mom?

16 **A** Uh-huh.

17 **Q** Your dad?

18 **A** Yes.

19 **Q** Brothers?

20 **A** Yes.

21 **Q** Two brothers?

22 **A** Both brothers.

23 **Q** What's their names?

24 **A** Michael and Brian.

25 **Q** And you had other family members watching her, too,

1 right?

2 **A** My stepmom and that's pretty much it.

3 **Q** Did you have your uncle also watching?

4 **A** No.

5 **Q** Where would your mom watch?

6 **A** Watch Hayley?

7 **Q** Yes.

8 **A** Her house.

9 **Q** And were other people living with her there?

10 **A** Yes.

11 **Q** Who?

12 **A** James.

13 **Q** James is your uncle, correct?

14 **A** Uh-huh.

15 **Q** Do me a favor say "yes" and "no," if you would, because
16 this lady types down everything and it's better to say yes
17 and no.

18 **A** Okay.

19 **Q** So that is a "yes"?

20 **A** Yes.

21 **Q** And James's last name?

22 **A** Hekia.

23 **Q** And during that time were you aware of who all was at
24 the house while you weren't there when somebody's watching
25 the child?

1 **A** I was always aware who was around my daughter.

2 **Q** And sometimes would James be the only one there to
3 watch her?

4 **A** Never.

5 **Q** You weren't there, though, were you?

6 **A** He was never alone with my daughter.

7 **Q** Were you ever -- were you there at the time, ma'am?

8 **A** My mom -- I was not there, but she was never alone with
9 him.

10 **Q** Ma'am, we go back to your computer. Was there sex chat
11 also on your computer? People doing like chat rooms for sex
12 things or whatever?

13 **A** Maybe. I mean, I -- I told you that a bunch of people
14 get on my computer. I don't get on it.

15 **Q** Who all lives at your house?

16 **A** Just me and my daughter, but, I mean, I have company.
17 I have friends and family.

18 **Q** Did you ever do anything over the internet, the web,
19 whatever, to threaten to have Charles arrested?

20 **A** No.

21 **Q** Did you ever send him anything like that?

22 **A** No.

23 **Q** Would something come from your computer that way?

24 **A** I don't -- I don't understand what you're asking.

25 **Q** Is it possible something came from your computer to

1 threaten him with that?

2 **A** I -- I've never -- no.

3 **Q** You don't know who all is on your computer, though, do
4 you?

5 **A** Like I've told you before, sir, I have friends and
6 family over.

7 **Q** Ma'am, since June of '09, do you know how many times
8 you've attempted to have Charles arrested?

9 **A** Um, as far as I know the only time I wanted him
10 arrested is what he did to Hayley.

11 **MR. HOCH:** Judge, can we approach?

12 **THE COURT:** (Indicating.)

13 (The following bench conference occurred outside the
14 hearing of the jury and the Defendant:)

15 **MR. HOCH:** Judge, there was attempt she made here
16 at the courthouse about a protective order. It happened
17 after one of the Court proceedings but --

18 **MR. WALTERS:** Judge, even so his question was: Did
19 you attempt to have him arrested? That is not evidence that
20 she tried to have him arrested. Now whether she filed a
21 complaint or lodged a complaint is one thing, and I -- I
22 don't see where that's relevant, even -- even a follow-up
23 question.

24 **THE COURT:** I don't know why you're asking. I
25 don't have an objection or --

1 MR. HOCH: Okay. Well, I just wanted --

2 THE COURT: Are you --

3 MR. HOCH: No, Judge. I was just going to before I
4 ask it.

5 THE COURT: We'll take the afternoon recess.

6 (The bench conference concluded and the following
7 proceedings occurred in open court:)

8 THE COURT: Ladies and gentlemen, we're going to --
9 we'll take the mid-afternoon recess at this time. I will
10 remind you of your admonitions: Do not form or express an
11 opinion.

12 We'll take a -- let's take a 25-minute recess. That
13 will put us back in -- ask you to be back in the jury room
14 at -- at 20 past the hour. You can go outside, stretch your
15 legs, get some fresh air, feel free to do so, but when you
16 come back into the building, come back to the jury room,
17 please.

18 (There was a short recess after which the following
19 proceedings occurred in open court:)

20 THE COURT: All right. You may continue.

21 Q (BY MR. HOCH) Ma'am, he was a proud father at the
22 hospital, right?

23 A Yeah, he was.

24 Q And a proud father all along?

25 A He didn't show it if he was.

1 Q And he was -- he was the primary caretaker even in
2 Tennessee?

3 A Not --

4 Q Right?

5 A By primary caretaker, like, when I was working he would
6 watch her?

7 Q Yes.

8 A Yes.

9 Q And then in July of '09 when he's getting out of the
10 Marine Corps, he came back and wanted to see her. He was
11 coming back to Oklahoma and wanted to see his daughter,
12 right?

13 A Yeah, he came back and saw her, yes.

14 Q And you gave him some problems then about seeing the
15 child?

16 A Um, not a lot, no, because he came and saw her.

17 Q But you did give him problems whether you consider it
18 to be a lot or not?

19 A Yes.

20 Q And subsequent to that is when he's trying to get a
21 divorce done?

22 A Yes.

23 Q And he was trying to save y'all money by getting one of
24 those do-it-yourself deals?

25 A Yes, two- or three-hundred dollar one.

1 Q Okay. But you've been back in Oklahoma for a year
2 already almost at that point?

3 A Roughly, yes.

4 Q Because you came back somewhere end of August, first
5 part of September of '08?

6 A I -- I came to Oklahoma September of '08, yes.

7 Q From California?

8 A From California.

9 Q And towards the end of September, the first part of
10 October is -- somewhere in that time frame is when he first
11 started questioning you about you being unfaithful to him,
12 correct?

13 A Yes.

14 Q And at that point y'all weren't split up, were you, as
15 you were saying?

16 A Oh, yes.

17 Q You had just come back to save money?

18 A We had split up three months after I had been there.
19 He didn't want me anymore.

20 Q After you had been to California?

21 A No, when -- when I went to Oklahoma on September 26 of
22 '08, about three or four months later Charles told me he
23 didn't want me any longer so, yes, I did date.

24 Q So three months before you're split up he was
25 questioning your infidelity?

1 **A** No. We were already split up.

2 **Q** Well, ma'am, you just said he was questioning you about
3 being unfaithful in September of '08?

4 **A** Not September of '08. I left California September 26th
5 of '08. About three or four months later he told me he
6 didn't want me anymore so, yes, I did date.

7 **Q** And prior to --

8 **A** But --

9 **Q** Prior to your dating time, he had questions about you
10 being unfaithful?

11 **A** He had questions about me if I was dating other people,
12 yes.

13 **Q** He asked you if you were cheating on him?

14 **A** Yeah, he asked me that, but we were separated.

15 **Q** Ma'am, you even tried to have him arrested after a
16 custody hearing up here, right?

17 **A** No. I never tried to get him arrested.

18 **Q** Did you not file a report with the sheriffs and --

19 **A** It was a protective order against him.

20 **Q** Well, you also tried to have him arrested up here,
21 didn't you?

22 **A** The only time I tried to get him arrested was when I
23 filed that report on what he did to Hayley.

24 **Q** So you're saying there's no other times up here you
25 tried to have him arrested?

1 **A** No.

2 **Q** And if he went down to the sheriff because of something
3 you said and they released him that would be wrong?

4 **A** If they came and got him for questioning because of
5 what I told him about Hayley, that -- that wasn't my doing.
6 They questioned him.

7 **Q** Months prior to that?

8 **A** No.

9 **Q** Anytime after that did you try and have him arrested?

10 **A** No.

11 **Q** So only one time?

12 **A** The protective order and what happened with --

13 **Q** And you're sure about that?

14 THE COURT: Allow the witness to answer, please.
15 You cut her off.

16 MR. HOCH: Sorry, Judge.

17 THE COURT: If you'll repeat your last answer.

18 **Q** (BY MR. HOCH) You're sure --

19 THE COURT: Just a minute. Just a minute. I'm
20 going to ask the witness to -- do you remember what your
21 last answer was?

22 THE WITNESS: No. I'm sorry.

23 THE COURT: All right.

24 **Q** (BY MR. HOCH) Ma'am, you're sure about the number of
25 arrests?

1 **A** I'm pretty sure about it, yes.

2 **Q** And, ma'am, you were aware part of his reasoning for
3 divorce was problems he had with your family?

4 **A** No. He didn't file for divorce because of my family.

5 **Q** Well, he had problems with them, right?

6 **A** Yes.

7 **Q** All along?

8 **A** Sir, we -- there's a lot of us that don't get along
9 with our in-laws or our brother-in-laws or stuff. There's
10 going to be conflict of interests. So, yeah, you know, they
11 do have their spats back and forth, but, I mean, what family
12 doesn't?

13 **Q** Well, ma'am, you originally moved to his house when you
14 were 15, 16 years old because of problems at your home?

15 **A** No, sir. I did not move in. I stayed there a lot,
16 yes, but I did not move in. I was a teenager. I was
17 rebellious.

18 **Q** Well, you stayed there partway because of problems at
19 home with relatives of yours, specifically James?

20 **A** No. I did not.

21 **Q** You didn't have any problems with James --

22 **A** No.

23 **Q** -- when you were younger?

24 **A** No.

25 **Q** Ma'am, you said before that you would lie to keep

1 Hayley, right?

2 **A** I would lie to keep Hayley?

3 **Q** Yes.

4 **A** No.

5 MR. WALTERS: Objection, Your Honor. Asked and
6 answered.

7 THE COURT: Sustained. You covered this area,
8 Mr. Hoch.

9 MR. HOCH: Judge, can we approach?

10 THE COURT: (Nodding.)

11 (The following bench conference occurred outside the
12 hearing of the jury and the Defendant:)

13 MR. HOCH: Judge, based on her response I do have
14 just one question left and it's based on what she says in
15 the transcript at page 38 that she admits -- that when she
16 was asked about lying that --

17 THE COURT: I think you covered that before we took
18 a recess. I allowed you to ask her about that particular
19 inquiry and I think she had a response as to what was
20 further on. Is that not the same inquiry that you made of
21 her?

22 MR. HOCH: No, it is one point she said about
23 perjury. There's another point that she contacted Mr. Dyer
24 and told him that she would lie in order to get custody.

25 THE COURT: Well, I think you need to be more

1 specific than that.

2 MR. HOCH: Okay.

3 THE COURT: What says the State?

4 MR. WALTERS: Well, Judge, I'm -- counsel has
5 confused me. Is he talking about a question that he's about
6 to ask or a question that he just presented?

7 THE COURT: I'm sorry?

8 MR. HOCH: The new question is about her where she
9 told Charles himself that she would lie to -- and the other
10 was about at a time that she said there is different time.

11 THE COURT: That was not your question.

12 MR. HOCH: I can read it.

13 THE COURT: -- was asked, "Would you not commit
14 perjury or lie to keep custody?" That was your question.
15 You didn't preface it in a contact and based upon what I
16 know you already asked that inquiry. Now, if you're talking
17 about something different you need to preface that.

18 MR. HOCH: I will, Judge, if I can rephrase it.

19 MR. WALTERS: But if his question is still again
20 the same lie as, Did you say before that you would commit
21 perjury or lie and that has been --

22 MR. HOCH: It's a different -- it's different time
23 frames, Judge.

24 THE COURT: I don't know if you actually covered
25 the time frame that you talked about last time. You had

1 asked about -- you did not ask that question at a previous
2 hearing. She said, yes, and then she went on to clarify
3 that. She didn't know what perjury was is my recollection.
4 Her statement today was that she asked about that
5 clarification and understood what perjury was that she
6 retracted that answer and says, No, I would never do that.

7 MR. HOCH: And then there's a different one --
8 there's a different time she's talking to Charles on a web
9 chat.

10 THE COURT: You're talking about -- that is a --
11 something that been previously recorded?

12 MR. HOCH: Yes, sir. And it's on page 38 of the
13 trial transcript.

14 THE COURT: Well, do we know if it is the same
15 incident or not?

16 MR. HOCH: Judge, it's a separate incident from
17 my -- from my reading of it.

18 THE COURT: Reading the context of the inquiry?

19 MR. HOCH: I believe so.

20 MR. WALTERS: May I grab the transcript?

21 THE COURT: Yes.

22 MR. HOCH: Page 38.

23 MR. WALTERS: Judge, from my reading of the
24 transcript and the page that counsel has referenced it
25 appears to me to be the exact same question that was asked

1 later on. I don't see where it is any different than what
2 has already been covered.

3 MR. HOCH: Judge, to me it's a totally different
4 question because it's asking about -- what she's telling
5 him -- it's page 38 about halfway down -- about where your
6 finger is -- because it's talking about coming to Oklahoma.

7 MR. WALTERS: That transcript, Judge, references
8 July just as the previous question that counsel asked today,
9 just as the previous part of the transcript.

10 THE COURT: What line?

11 MR. WALTERS: About line eight.

12 MR. HOCH: Judge, if I can go grab mine.

13 THE COURT: (Nodding.) Okay. I see it.

14 MR. HOCH: Line 15 asks the question at -- the time
15 frame starts --

16 THE COURT: I see it. I'll allow it. Overruled.

17 MR. HOCH: Thank you.

18 (The bench conference concluded and the following
19 proceedings occurred in open court:)

20 THE COURT: Objection is overruled.

21 **Q** (BY MR. HOCH) So, ma'am, the hearings that were on
22 April 25th and 26th of 2011 and it's on page 38 and if we
23 start at line nine it says, Prior to this point in time, in
24 fact, prior to the Defendant moving to Oklahoma, did you
25 have a conversation about custody or visitation with Hayley?

1 Your answer, Before he came to Oklahoma?

2 The question, Yes.

3 The answer, Yes.

4 Next question, During that time -- and I'm sorry. And
5 during that, was that a time period when you told him that
6 you would lie if you had to to keep Hayley?

7 And your answer was yes.

8 Do you remember that?

9 **A** I don't remember saying that, but it's in there then --
10 I don't remember saying that. I don't remember saying it.

11 **Q** (BY MR. HOCH) Okay. But you don't dispute that you
12 said that if it's in there?

13 **A** I mean, if it's in there I don't remember saying it.

14 MR. HOCH: Judge, I don't have anything further.

15 THE COURT: All right. Redirect?

16 MR. WALTERS: May I have just a moment, Your Honor?

17 THE COURT: Certainly.

18 REDIRECT EXAMINATION

19 BY MR. WALTERS:

20 **Q** Valerie, counsel asked a question on Cross-Examination
21 regarding attempts to have Charles arrested. Do you recall
22 that line of questioning?

23 **A** Yes.

24 **Q** And he specifically referenced some protective orders.
25 Do you know what -- do you recall what he's speaking of?

1 **A** Um, the protective order was for Hayley and I.

2 **Q** And when counsel asks you, Did you attempt to have him
3 arrested? Is that your understanding of that whole time
4 period and what you were doing at that time?

5 **A** Yeah. I mean, when I went and told them what Hayley
6 told me, I mean.

7 **Q** Well, specifically regarding the protective order, not
8 the case -- what's on trial?

9 **A** Yeah, the protective order.

10 **Q** When you gave information to law enforcement regarding
11 that protective order, was that -- what is your
12 understanding of what you were doing at that time?

13 **A** Whenever I filed the protective order or --

14 **Q** Counsel's question was: Did you try to have Charles
15 arrested? Do you remember that question from counsel?

16 **A** Yes.

17 **Q** And he specifically referenced protective orders?

18 **A** Yes.

19 **Q** Did you go to law enforcement and attempt to have him
20 arrested?

21 **A** Yeah.

22 **Q** So you gave the information regarding those protective
23 orders?

24 **A** For the protective order, yes.

25 **Q** So when counsel was asking those questions, did you

1 follow that question and understand what was being asked of
2 you?

3 **A** I thought he was asking something, trying to get him in
4 trouble for something else, calling the cops on him for
5 something else, you know. The only time is whenever I filed
6 that protective order whenever Hayley disclosed to me what
7 she -- what he has done to her.

8 **Q** So that was a protective order in relation to these
9 charges?

10 **A** Yes, sir.

11 **Q** And so any attempts to have him arrested was associated
12 with that?

13 **A** Right.

14 MR. WALTERS: Just a moment, Your Honor?

15 THE COURT: (Nodding.)

16 MR. WALTERS: Nothing further, Your Honor.

17 THE COURT: All right.

18 MR. HOCH: Nothing further.

19 THE COURT: Thank you, ma'am. You may step down.

20 You may call your next witness.

21 MS. HIXON: Your Honor, may we approach?

22 THE COURT: Yes, ma'am.

23 (The following bench conference occurred outside the
24 hearing of the jury and the Defendant:)

25 MS. HIXON: Your Honor, I apologize. We have one

1 witness that's actually here present that we anticipated
2 calling but based on the Direct Examination that we just
3 heard we decided not to call our next witness, and I don't
4 have Ms. Taylor lined up to testify until tomorrow morning.
5 She's from Oklahoma City.

6 THE COURT: You don't have a short witness we can
7 put on? We've got -- it's an hour and a half until 5:00.

8 MR. WALTERS: Judge, we've got Jessica Taylor and
9 Hayley are our next witnesses, and we kind of anticipated
10 Jessica for the morning because of the school testing stuff
11 is why we --

12 MS. HIXON: And we have the other witness that is
13 downstairs but now we -- in light of this recent testimony
14 we decided not to call her.

15 MR. WALTERS: We kind of hate where -- we -- I
16 actually anticipated Valerie to take -- to take a little bit
17 longer than she did.

18 MS. HIXON: I apologize.

19 THE COURT: I understand. So you're telling me
20 you've got two more witnesses?

21 MR. WALTERS: Well, we've got -- we've got three.

22 THE COURT: Is the doctor going to testify? Is he
23 here?

24 MR. WALTERS: No, sir. He is actually in clinic
25 right now.

1 THE COURT: So he's going to be here tomorrow?

2 MR. WALTERS: He will be here tomorrow, yes, sir.

3 THE COURT: You have other witnesses but you just
4 don't have anybody here present?

5 MR. WALTERS: Right, right.

6 THE COURT: But you others tomorrow?

7 MR. WALTERS: Yes, sir.

8 MR. HOCH: Judge, I just -- I had to stop on some
9 stuff because I didn't want to open doors.

10 MR. WALTERS: And I gathered that.

11 MR. HOCH: There was a reason.

12 THE COURT: Okay.

13 MR. WALTERS: Thank you, Your Honor.

14 (The bench conference concluded and the following
15 proceedings occurred in open court:)

16 THE COURT: Ladies and gentlemen, during the course
17 of trial we don't always -- counsel doesn't always know how
18 long a witness is going to take when they try to make
19 arrangements for witnesses to be here and anticipating the
20 length of other witnesses. Based upon the fact that I think
21 counsel anticipated maybe a witness that testified so far
22 might take more time it would be a considerable -- it would
23 be -- my quitting time before they have their next witness
24 available to testify so we're going to -- we're going to
25 take an early recess this evening.

1 I will remind you of your admonitions: Do not form nor
2 express an opinion about the case. Do not discuss it among
3 yourselves. Do not allow anyone to discuss it with you.
4 Don't look at any news media reports of this trial. Do not
5 do any investigation on your own. Don't go to the internet
6 and start looking stuff up. Just stay away from it.

7 There will be a point in time that you can do whatever
8 you want concerning this case, but it's after we've
9 concluded this case and after you've been excused and
10 removed of your admonitions.

11 We're going to stand in recess until 9:00. I'm going to
12 ask you to be back in the jury room at 9:00.

13 Wear your juror buttons. That's your ticket to get into
14 the courthouse without going through a lot of the screening
15 details that some people are going through. That does allow
16 you to have your cell phone as a juror so long as you don't
17 use them in the courtroom as opposed to other people coming
18 up to this particular floor.

19 I will ask you to be in the jury room at 9:00. For
20 early birds we'll try to have coffee there again in the
21 morning, as well.

22 Now, let me ask, are there any of you that are
23 coffee drinkers in the afternoon? Any of you drink coffee
24 in the afternoon?

25 JURORS: (Indicating.)

1 THE COURT: All right. We'll try to make sure we
2 have a fresh pot of coffee in anticipation of what we
3 typically take as the mid-afternoon recess, as well.

4 All right. Have a good evening, ladies and gentlemen.
5 We'll see you in the morning -- all 14 of you.

6 (At this point the jury exited the courtroom.)

7 THE COURT: All right. Take your seats, ladies and
8 gentlemen. All right. Any matters we need to take up while
9 outside the presence of the jury?

10 MR. WALTERS: Not from the State, Your Honor.

11 MR. HOCH: No, sir, not at this time.

12 THE COURT: All right. See you in the morning.

13 (Proceedings recessed for the evening.)

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C E R T I F I C A T E

STATE OF OKLAHOMA)
) SS:
COUNTY OF STEPHENS)

I, SUSAN L. GRIGGS, CSR, RPR, Official Court Reporter within and for the State of Oklahoma, do hereby certify that on the 17th day of April, 2012, before the HONORABLE JOSEPH H. ENOS, in the District Court of Stephens County, State of Oklahoma, I reported in machine shorthand the proceedings had and the evidence given, and the above and foregoing is a full, true, correct and complete transcript of the proceedings had and the testimony given, together with the objections of counsel and the rulings of the Court thereto, taken at said time and place.

WITNESS my hand and seal this ____ day of _____, 2012.

SUSAN L. GRIGGS, CSR, RPR