

Child Advocacy Program
Art of Social Change:
Child Welfare, Education, & Juvenile Justice

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OPTIONAL SUPPLEMENT TO
ASSIGNMENT PACKET for Session #2
September 20, 2012

Child Maltreatment:
The Family Preservation Policy Debate

COMMONWEALTH OF MASSACHUSETTS v HAROLD LAWTON
REDACTED TESTIMONY

SC, Sworn

13

DIRECT EXAMINATION

14

BY MS. JOSEPH:

15

Q Ms. SC, the first thing I'm going to ask you to
16 do today is to state your name, spelling your last name
17 for the record.

18

A SC, S-C.

19

Q What's your date of birth?

20

A XX/XX/1969.

21

Q And where do you live?

22

A XXX Street in Mattapan.

23

Q Who lives with you there?

24

A IL and me.

25

Q IL and you?

1 A Yes.

2 Q Is IL your son?

3 A Yeah.

4 Q Can you describe for the court your education?

5 A South Boston High School.

6 Q Did you graduate?

7 A Yes.

8 Q And after high school did you get any training in
9 anything?

10 A I went to Florida and I did like a child-care
11 college type.

12 Q Do you know how long that college was?

13 A Six months.

14 Q And after the six-month college, did you receive a
15 certificate?

16 A Yes.

17 Q And have you been working?

18 A Yes.

19 Q Are you working now?

20 A Yes.

21 Q Where do you work?

22 A I work at Grove Hall Development Daycare.

23 Q What do you do there?

24 A I teach toddlers.

25 Q How many kids do you teach?

1 A Thirteen.

2 Q And is there anybody else in the classroom with you?

3 A Yes, I have another teacher.

4 Q Is there like a main teacher and a helper or are you
5 both main teachers?

6 A We're like main teachers basically, yes.

7 Q How long have you been working at Grove Hall?

8 A Three years.

9 Q And before that where did you work?

10 A New Beginnings Academy.

11 Q How long did you work at New Beginnings?

12 A Five.

13 Q Five years?

14 A Yes.

15 Q Now, do you remember IL's birthday?

16 A XX/XX/99.

17 Q XX/XX/1999?

18 A Yes.

19 Q And has he always lived with you?

20 A Yes.

21 Q At different points have you lived at different
22 addresses?

23 A Yes.

24 Q Can you tell the court, starting when IL was a
25 baby, where you were living?

1 A We were living at XXX and we were at XXX
2 Street.

3 Q Anywhere else?

4 A XXX.

5 Q Sorry, what's that?

6 A XXX.

7 Q XXX? Where's that?

8 A In Roslindale.

9 Q Do you remember the address there? It's okay if you
10 don't.

11 A No, I don't.

12 Q When did you live there?

13 A I was there when IL was born.

14 Q When IL was born, who did you live with?

15 A My sister.

16 Q And at some point, did -- well, before IL was
17 born, did you meet somebody named Harold Lawton?

18 A Yes.

19 Q Where did you meet him?

20 A Out in the Harborpoint through my cousin.

21 Q And at some point did you start dating him?

22 A Yes.

23 Q How long after you met him did you start dating him?

24 A Well, it was basically like off and on we'd see each
25 other. And then I was in Florida a little while, and

1 then I came back in '98, and then we started talking.

2 Q When you say talking, does that mean something else?

3 A Like getting to know each other, dating.

4 Q Do you know about how often you would see him back
5 in 1998?

6 A All the time.

7 Q Did you live together at some point in 1998?

8 A No.

9 Q And in 1999' at that point did you live together?

10 A No.

11 Q And when you became pregnant with IL, at some
12 point did you live together after that?

13 A Not in '99.

14 Q Not in '99, okay. When IL was born, was Harold
15 Lawton involved in taking care of him early on?

16 A Yes.

17 Q Did he help out?

18 A Yes.

19 Q What kind of stuff would he do?

20 A Like he'll watch him while I go somewhere and keep
21 him and take him. Like he'll take him out sometimes and
22 just little family things.

23 Q Family things. Did that feel good to be a family
24 like that in 1999?

25 A Yeah.

1 Q And then in the year 2000, did the defendant also
2 take care of IL?

3 A You mean Harold?

4 Q Yes, I'm sorry. Did Harold take care of IL?

5 A Yes.

6 Q And what kind of things would Harold do for IL
7 when IL was one?

8 A Well, we took him to the Aquarium museum, went to
9 the zoo. We did the birthdays together. Sometimes we
10 did the birthdays at his house.

11 Q At Harold's house?

12 A Yes.

13 Q And the defendant, where was he living back in 2000,
14 if you know?

15 A His mom's.

16 Q What's his mom's name?

17 A KL.

18 Q And do you know where that address is?

19 A XXX Street.

20 Q So in the year 2000, how often would the defendant
21 see IL?

22 A All the time.

23 Q All the time. He wasn't living with you?

24 A No.

25 Q And in the year 2001, how often would the defendant

1 see IL?

2 A All the time.

3 Q And was he living with you at that point?

4 A No.

5 Q And would obviously spend the night with the
6 defendant?

7 A Yes.

8 Q How often would IL spend the night in 2002,
9 let's say, with the defendant?

10 A On the weekends.

11 Q And sometimes did the defendant come and spend the
12 night with you?

13 A Yes.

14 Q When did that start happening?

15 A I don't know quite really know.

16 Q Okay. So sometimes the defendant would stay with
17 you and sometimes IL would go and stay with him?

18 A Yes.

19 Q And is that also how it was in 2004?

20 A Yes.

21 Q And 2005?

22 A Yes.

23 Q Now, before 2005, would you say that IL was
24 spending every weekend with the defendant or once a
25 month?

1 A Every weekend.

2 Q And did IL have stuff he'd like to do with the
3 defendant?

4 A Yeah, he did. They go to sports. Just the sports
5 stuff.

6 Q Is that something that you're into also?

7 A No.

8 Q So were there times -- in 2005, first of all, where
9 was IL going to school at that point?

10 A New Beginnings Academy.

11 Q Okay. And you were also working there?

12 A Yes.

13 Q So did you actually teach IL?

14 A No.

15 Q You were at a different class?

16 A Yes.

17 Q Do you remember who IL's teacher was? MB.

18 A MB.

19 Q Do you know her last name?

20 A MB.

21 Q Okay. Is she a friend of yours?

22 A Yes.

23 Q When was the last time before today that you saw
24 MB?

25 A Around the holidays. They had like those things

1 after school. Like it might have been Christmas.

2 Q Do you work still with her?

3 A No.

4 Q When was the last time you and MB worked
5 together?

6 A I left New Beginnings in December of 2006, I
7 believe.

8 Q So would it be fair to say that you didn't see her a
9 lot after that?

10 A No, I didn't.

11 Q Okay. Do you both have kids in an after-school
12 program together?

13 A Yes.

14 Q Which program is that?

15 A The Mildred Ave. Community Center in Mattapan.

16 Q Okay. Now, in 2005, when you were teaching at New
17 Beginnings and IL was going to New Beginnings, do
18 you remember when Miss MB was his teacher?

19 A Yes.

20 Q Is that what he calls her, Miss MB?

21 A Yes.

22 Q What home were you living in? What was your address
23 then?

24 A XXX Street.

25 Q And how many bedrooms were in that place?

1 A Two.

2 Q And what were those rooms used for?

3 A One was my room and one was IL's room.

4 Q And would there be some days when the defendant
5 would come and stay over?

6 A Yes.

7 Q And what room would he sleep in when he would stay
8 over?

9 A My room.

10 Q Can you tell the court, if you remember, about a
11 time when you heard some noises coming out of IL's
12 room?

13 A Well, I woke up and I went to the bathroom and I
14 heard like a little moan. And I called IL and I
15 asked him what was wrong.

16 Q Before that, let's take it back a little bit, was
17 the defendant sleeping over that night?

18 A Yes.

19 Q And who went to bed first or did you go to bed at
20 the same time?

21 A Well, I always put IL to bed first.

22 Q And then after IL went to bed, what happened
23 then?

24 A I go and take a shower and go to bed.

25 Q And what did the defendant do?

1 A He was working, so he will come in whenever he was
2 off or whatever?

3 Q And he would just -- did he have a key?

4 A Yes, he did.

5 Q Do you remember that night if he came in and went to
6 your bed?

7 A No, he came and went to IL's bed.

8 Q How do you know that?

9 A 'Cause he was in there.

10 Q You saw him in IL's bed?

11 A Yes.

12 Q Now, can you tell the court how it is that you went
13 to go check on IL?

14 A I woke up

15 Q What made you wake up?

16 A I just had to use the bathroom.

17 Q Okay.

18 A And I walked to the bathroom. And I came out of the
19 bathroom after I used it and I just heard like a moan.
20 So I walked into the room.

21 Q And what did you see?

22 A Well, the father and IL was laying in the bed.

23 Q Were they under the covers?

24 A IL was under the covers, but the father wasn't.

25 Q And what were they doing?

1 A Well, when I looked, they was just laying there.

2 Q What did you do when you saw them lying there?

3 A Well, I thought IL was sleeping, but I went back
4 in there. That's when I heard him moan, actually,
5 sorry.

6 Q Okay. What is it that you heard?

7 A I heard him moan and then I called him.

8 Q Where were you when you called him?

9 A In my room.

10 Q And there are different -- how did you know it was
11 IL moaning?

12 A Because it was kiddy moan. It wasn't like a deep
13 moan.

14 Q And did you call to IL from your room?

15 A Yes, I did.

16 Q And what happened then?

17 A I asked him what was wrong and he said nothing.

18 Q Where was he when you asked him what was wrong?

19 A Standing in the doorway.

20 Q Did the defendant also come into the doorway?

21 A Yes.

22 Q And did he say something to you?

23 A Yes.

24 Q What did he say to you?

25 A He said he was just tickling him.

1 Q Do you remember what time of the night that was?

2 A No.

3 Q It was after you had gone to bed, though, right?

4 A Yes.

5 Q And after IL had gone to bed?

6 A Yes.

7 Q And after that, when the defendant said I was just
8 tickling him, where did IL go?

9 A He went back to his bed.

10 Q And where did the defendant go?

11 A Back to the bed.

12 Q Which bed?

13 A IL's bed.

14 Q And what did you think about that?

15 MR. BELEZOS: Objection.

16 THE COURT: Sustained.

17 BY MS. JOSEPH:

18 Q I'll just ask you a different question. Okay?

19 How come the defendant went back to IL's
20 bed?

21 MR. BELEZOS: Objection.

22 THE COURT: Sustained.

23 BY MS. JOSEPH:

24 Q How do you know that the defendant went back to
25 IL's bed?

1 A Because he didn't get in my bed.

2 Q Did he say anything to you about why he was going to
3 IL's bed?

4 A Yes, he did.

5 Q What did he say?

6 A He said because I was snoring and he didn't want to
7 wake me up.

8 Q He said because you were snoring?

9 A He was snoring.

10 Q He was snoring.

11 A And he didn't want to wake me up.

12 Q So he went into IL's bed.

13 A Yes.

14 Q Now, the next morning can you tell the court what
15 happened?

16 A Well, I woke up and we got dressed and I went to
17 work.

18 Q At New Beginnings?

19 A Yes.

20 Q Okay. And when you went to work at New Beginnings,
21 how did you get there?

22 A The bus.

23 Q Okay. And what happened then?

24 A Well, we got to work and I just asked the teacher to
25 ask IL how was his night.

1 Q When you say the teacher, which teacher?

2 A Miss MB, sorry.

3 Q And why did you do that?

4 A Because I just wanted to know what he was going to
5 say.

6 Q Why didn't you ask him?

7 A I don't know.

8 Q So did you tell the teacher what had happened the
9 night before?

10 A No.

11 Q And were you at New Beginnings when Miss MB
12 went and talked to IL?

13 A Yes.

14 Q Did you see them go talk somewhere?

15 A No.

16 Q And then at some point did Miss MB talk to you
17 after she spoke to IL?

18 A Actually she didn't come right directly to me.

19 Q Okay.

20 A She was talking to the director of the school.

21 Q The director of the school?

22 A And then the director of the school.

23 Q Okay. How do you know she went to go talk to the
24 director of the school? Did you see her go talk to the
25 director of the school?

1 A Well, there is a door like between my classroom.
2 The way to get to IL's class is a hallway, because
3 it's like sort of in another building. So they were in
4 there and they were talking.

5 Q You saw them talking.

6 A Yeah, while I was teaching them.

7 Q And then at some point you said the director came
8 and talked to you?

9 A Yeah. She just told me to take him to the doctor.

10 Q Did you do that?

11 A Yes.

12 Q And after you took him to the doctor, do you
13 remember if you took IL somewhere else?

14 A We was to Boston Medical when they took me to a type
15 of special ward that deals with --

16 THE COURT: Let me stop you there.

17 Counsel, let's have the next question, please.

18 BY MS. JOSEPH:

19 Q After you took him to the Boston Medical Center, at
20 some point did you take him to a special interview?

21 A Yes. He went to the SAIN.

22 Q A SAIN interview. Do you know what that stands for?

23 MR. BELEZOS: Objection, your Honor.

24 THE COURT: Well, we'll refer it as the SAIN
25 interview. Let's proceed.

1 BY MS. JOSEPH:

2 Q To a SAIN interview. And do you know where it was
3 that you took him in 2005?

4 I'm going to rephrase that. Do you know if
5 this is around in 2005?

6 A I don't know exactly what year.

7 Q Do you remember if it was after the Christmas
8 holidays?

9 A Yeah, it might have been.

10 Q Okay. I guess what I'm asking is do you remember
11 around what month it was when IL and Miss MB
12 had that conversation? It's okay if you don't remember,
13 but if you remember.

14 A No, I don't remember.

15 Q But it was during a school year?

16 A Yes.

17 Q And then at some point you took him for what you're
18 calling a SAIN interview?

19 A Yes, but not at -- not in around 2005. I think it
20 was like the second time.

21 Q The second time?

22 A Yeah, he went to a SAIN.

23 Q And you don't remember if he went to a SAIN in 2005?

24 A No.

25 MS. JOSEPH: May I approach the witness?

1 THE COURT: Yes.

2 BY MS. JOSEPH:

3 Q If I showed you a transcript of an interview that
4 was done in 2005, would that help you remember? Just
5 read it.

6 THE COURT: Counsel, do you want the witness to
7 read it to herself?

8 MS. JOSEPH: Yes.

9 BY MS. JOSEPH:

10 Q Just read it to yourself, starting here. Take your
11 time.

12 A (The witness complied.)

13 Q Does that help you, by reading that, remember that
14 IL was five when he first went for an interview?

15 A Yes.

16 Q And how old is IL now?

17 A He's nine.

18 Q So would it be fair to say that that was about four
19 years ago?

20 A Yes.

21 Q So you just don't remember that first interview?

22 A No.

23 Q That's okay.

24 Now, after that, *did* there come a time after
25 that interview where the defendant didn't see IL

1 anymore?

2 A Yes.

3 Q Okay. For a period of time. How did that come
4 about, do you know?

5 A Well, after the court, there was nothing, no
6 evidence or nothing like that.

7 THE COURT: Ma'am, I'm going to stop you there.
8 Counsel, maybe you want to clarify the question.

9 MS. JOSEPH: Yes.

10 BY MS. JOSEPH:

11 Q After that interview in 2005, was the defendant
12 charged with doing something to IL, do you know? If
13 you know. Was he accused of doing something to IL?

14 A No.

15 Q You don't remember if he went to court?

16 A He went to court.

17 Q Okay. I'm going to ask you -- he went to court.
18 And do you know why he went to court?

19 A For abuse.

20 Q Abuse. Okay.

21 So do you know if it was for sexual abuse of
22 IL?

23 A Yes.

24 Q And that was back in 2005?

25 A Yes.

1 Q Okay. Now, at some point after 2005, during that
2 time, did you make a decision about whether the
3 defendant was allowed to see IL?

4 A Yes.

5 Q What was the decision?

6 A That it continues on like it was before, every other
7 weekend.

8 Q Okay. So they were still allowed to see IL.
9 But you didn't continue to live with IL -- oh, I'm
10 sorry -- with the defendant, correct?

11 A No.

12 Q Okay. Now, at some point did you tell a prosecutor
13 back in 2005 that you did not want IL to testify?

14 A Yes.

15 Q And can you explain why that is?

16 A Because I didn't want IL to go through a lot of
17 pain and seeing his father and being scared, because he
18 was so young.

19 Q So was it your understanding that because you told a
20 prosecutor that, the case got dismissed?

21 A I believe so.

22 Q Is that what you wanted to see happen at that point?

23 A Yes.

24 Q And after the case got dismissed, then you and
25 IL continued to see his dad, right?

- 1 A Yes.
- 2 Q How long -- how many times then, after that first
3 time that the court thing came up, did IL get to go
4 see his dad?
- 5 A It was every other weekend.
- 6 Q Every other weekend. And he would stay over.
- 7 A Sometimes, but not all the time.
- 8 Q Okay. And is it your understanding -- who was the
9 defendant living with at that point?
- 10 A In 2005?
- 11 Q After the court-- in 2006. Let's do 2006.
- 12 A His mom.
- 13 Q And do you know if the defendant's sister would
14 visit sometimes?
- 15 A Yes, she would.
- 16 Q Do you know her name?
- 17 A ML.
- 18 Q Do you know where she lived?
- 19 A I don't know her address.
- 20 Q Okay. Do you know if she would sometimes stay over
21 also?
- 22 A Hm-hmm.
- 23 Q Yes?
- 24 A Yes.
- 25 Q Okay. Did you ever talk to the defendant's mother

1 about what IL had said?

2 A No.

3 Q You never back in 2005 talked to her about that?

4 A No.

5 Q Did she say anything to you about what IL said?

6 A No.

7 Q Okay. Now, after IL kept visiting over at, I
8 guess it's her -- how do you refer to her, your mother-
9 in-law, or what do you call her?

10 A I just call her Ms. KL or KL.

11 Q Ms. KL or KL. Even after all these years you
12 still call her Ms. KL?

13 A Or KL.

14 Q Or KL. Okay.

15 And when IL would stay there -- at some
16 point did you and the defendant begin to be friendly
17 again?

18 A Yes.

19 Q Okay. Can you tell the court back in, let's say,
20 2006, for example, what kind of stuff you and the
21 defendant would do together?

22 A Like just hang out with IL or take him places to
23 movies and things like that. Hang out with my cousin
24 and her family. Stay at their house and stuff like
25 that.

1 Q Did you like doing things like that?

2 A Yeah, it was nice.

3 Q Did the defendant ever help you with any stuff
4 around the house?

5 A Yeah, he did.

6 --Q What kind of stuff?

7 A Well, basically like fixing things for IL.

8 Q Like what?

9 A Like his bed and his bike and stuff like that.

10 Q Did he buy stuff for IL?

11 A Yeah.

12 Q What kind of stuff?

13 A Well, he bought the bed and he bought his bikes. He
14 had quite a few bikes, so he did buy the bikes. He
15 bought him some sneakers and stuff like that. Clothes.

16 Q And all of that, was that after the first time there
17 had been that court case?

18 A Yes.

19 Q And so was it nice to spend time together, you, the
20 defendant, and IL?

21 A Yeah, it was nice.

22 Q And I'm not trying to embarrass you or anything.
23 What about your relationship with the defendant. Did
24 you resume some type of intimate relationship with him?

25 MR. BELEZOS: Objection.

1 THE COURT: Overruled. She can answer.

2 A Yes.

3 Q And would you stay over with him at KL's house or
4 would he come and stay over at your place?

5 A Sometimes.

6 Q And that would be back in 2006?

7 A '06.

8 Q And '07, 2007?

9 A Yes.

10 Q Now, is that something that you enjoyed, spending
11 time with him that way?

12 A Yeah, it was fine.

13 Q Would you consider yourself dating or was it more
14 casual than that?

15 A Just casual.

16 Q But there was a physical relationship?

17 A Yeah.

18 Q Now, at some point, either at the end of 2007 or the
19 beginning of 2008, do you remember watching a movie with
20 IL?

21 A Yes.

22 Q Can you tell the court about the movie?

23 A It was a Lifetime movie and we were sitting on our
24 bed at home. It was a man and a little girl upstairs
25 watching -- the little girl was playing with her doll

1 baby. And it went off like the man standing in the door
2 and someone calls her and she ran downstairs. And then
3 IL asked me why did she run. I said because he's
4 probably going to either touch her or, you know, just
5 start talking to her or something like that. He was
6 like, oh, my father touches me on my private spots.

7 Q Now, what did you say to IL when he said that?

8 A And I said, I asked him, "How does he touch you?"
9 And he said, "He rubs his --" Am I allowed to say it?

10 Q Say the word IL used.

11 A He said, "He rubbed my penis. And when he goes to
12 the bathroom, he stands in the door and he watches me."

13 Q And how did -- what did you do when you heard that
14 information?

15 A Well, I told him he was never going back over there.
16 And then I took him to a therapist.

17 Q Now, first of all, when you told IL he was never
18 going over there, how did IL react to that?

19 A He just said okay.

20 Q And did he get mad at all?

21 A No.

22 Q And since that time, with that movie where IL
23 told you that, have you been able at this time to keep
24 IL away?

25 A Yes.

1 Q Now, does he still have a relationship, though, with
2 his grandmother, IL?

3 A Yes.

4 Q To this day?

5 A Yes.

6 Q How often does she see him?

7 A She doesn't see him that much. She'll call on the
8 phone and ask him, just talk to him on the phone, and
9 that's it. Sometimes she'll bring him something. Like
10 the holidays that just passed, she brought him his gifts
11 over and stuff.

12 Q Like Easter, you mean?

13 A Christmas.

14 Q Now, do you remember the Lifetime movie that you
15 talked about, the next day do you remember walking with
16 IL to the school bus?

17 A To the school bus? No.

18 Q No? And whether he said something to you?

19 A No. Actually, it was like vacation week, so we was
20 like going to work with me.

21 Q And after that time, is that the time you remember
22 bringing him in for what you're calling another SAIN
23 interview?

24 A Yes.

25 Q And do you remember what month it was? If you

1 don't, it's okay.

2 A I don't know.

3 Q Okay. Was it in 2008, though?

4 A Yes.

5 Q Okay. Now, how do you feel about the defendant
6 today?

7 MR. BELEZOS: Objection, your Honor.

8 THE COURT: Sustained.

9 BY MS. JOSEPH:

10 Q Can you tell the court about ways that you used to
11 discipline IL?

12 A I used to beat him.

13 Q What did you use to beat him?

14 A The belt. Or spank, I'm sorry.

15 Q And what about, did the defendant ever also
16 discipline him that way?

17 A Yes.

18 Q What did he use?

19 A His belt or either his hand.

20 Q Did you ever tell IL whether he should tell
21 somebody about the beating?

22 A Did I ever tell him?

23 Q Yes.

24 MR. BELEZOS: Objection.

25 THE COURT: Overruled. You can answer.

1 A Yes.

2 Q What did you tell him?

3 A I told him not to tell.

4 MS. JOSEPH: If I could just have a moment,
5 Judge?

6 THE COURT: Yes.

7 (Pause.)

8 BY MS. JOSEPH:

9 Q After the first time that the case was dismissed,
10 can you tell the court a little bit about how come you
11 let IL stay over at his grandma's house?

12 A Well, his grandmother, she asked if he could
13 continue to come over because she really wanted to see
14 him and she would keep an eye on him.

15 MR. BELEZOS: Move to strike.

16 THE COURT: Overruled.

17 BY MS. JOSEPH:

18 Q Keep going.

19 A And I told him he could still come and see her.

20 Q And did IL like to go over?

21 A Yes, he did.

22 Q And did you think it was a good idea that he was
23 spending time there?

24 MR. BELEZOS: Objection.

25 THE COURT: Overruled.

1 A Well, yes.

2 Q How come?

3 A Because I wanted him to, you know, still see his
4 grandmother. I wanted him to have that connection with
5 his grandmother.

6 Q And as you and the defendant also started to spend
7 more time together and become intimate, did you want
8 IL to have a relationship with the defendant?

9 A Yes. I still wanted him to have his father.

10 Q Why is that?

11 A Why? Because I never had my father, so I didn't
12 want IL to like not have his father. But I did
13 wanted him to have his. So I let him go over there and
14 visit.

15 MS. JOSEPH: I have nothing further for this
16 witness.

17 THE COURT: All right. Let me see counsel at
18 sidebar.

19 **SIDEBAR CONFERENCE.**

20 THE COURT: As to what we just had, I think is
21 exactly what the SJC has now said we should not be
22 doing. It was admitted without objection based on
23 counsel's representation as to what the defense was
24 going to offer. With counsel's agreement, that opens
25 the door. That leaves me with the question of how to

1 instruct.

2 I obviously can't give a first complaint
3 instruction. So I think what I'm going to do is give
4 essentially the kind of instruction we used to give
5 before Commonwealth v. King, but without the issue of
6 freshness.

7 Is there anything anybody wants to say about
8 that?

9 MR. BELEZOS: Obviously the defense draws us to
10 this position, I think, for all the reasons.

11 Certainly, your Honor, I think an instruction
12 similar to the old Licata instruction, meaning this is
13 not for substantive purpose, that it is to corroborate
14 that he told somebody, and they're not to use it for
15 substantive purposes, et cetera, et cetera, et cetera.
16 I think that probably covers it.

17 To put on the record, from the defendant's
18 perspective, because we have two separate and distinct
19 periods of time where the abuse occurred, first we have
20 an incident which all of the testimony hasn't come to a
21 specific date. I think it will show on January 14,
22 2005, there was a disclosure to MB. And I
23 think the evidence will show there is almost maybe a
24 year, perhaps a year and a half, where there was no
25 contact between Mr. Lawton and --

1 MS. JOSEPH: I think that there was not
2 supposed to be contact, and I'm not sure that this
3 witness today abided by that court order, quite frankly,
4 stay-away contact, and that's been my concern all along.

5 THE COURT: All right. But in any event --

6 MR. BELEZOS: Just to clarify where we're
7 going.

8 THE COURT: The defendant has made a strategic
9 decision, if I understand correctly, that the defendant
10 chooses to put in evidence the entire sequence of what
11 disclosures were made and when, even though a number of--
12 them are outside of what otherwise would be permissible
13 under the first complaint --

14 MR. BELEZOS: Under the first complaint
15 doctrine, your Honor, yes. My position on that, is in
16 essence, your Honor, we have two separate events here.
17 And I know that the district attorney takes the position
18 that maybe there was contact. The witnesses I would
19 present would indicate very strongly that there was no
20 contact during that period of time. And on that basis,
21 your Honor, I think it's important for the jury to get
22 the full view. And I don't know any other way we can do
23 this.

24 THE COURT: That's fine. So essentially I am
25 going to give them an instruction to let them know this

1 is for corroboration. Okay.

2 **END OF SIDEBAR CONFERENCE.**

3 THE COURT: Jurors, before we proceed with
4 cross-examination, I want to say something to you about
5 the testimony that you've just heard.

6 You heard testimony from this witness regarding
7 statements that the witness told you were made to her by
8 her son, IL. And I want to tell you
9 something about that. That evidence, that is, evidence
10 of statements that the witness tells you her son made to
11 her outside of the courtroom, that evidence is admitted
12 for a limited purpose and only a limited purpose. And
13 the purpose of that evidence is to establish the
14 circumstances in which IL complained of an alleged
15 defense and to determine whether that complaint of an
16 alleged offense supports or fails to support
17 IL's own testimony about the alleged defense.

18 You may not consider this testimony that this
19 witness has given you about an out-of-court statement as
20 evidence in and of itself of the facts contained in that
21 statement. The purpose of the evidence that's just been
22 given to you about the statement made out of court is to
23 assist you in your assessment of the credibility and the
24 reliability of the testimony that IL has
25 given to you in this trial.

1 Q How are you today?

2 A I'm fine.

3 Q Ms. SC, you testifying here today in this
4 courtroom. Fair to say that you've also testified in
5 this case in the past?

6 A Huh?

7 Q Have you testified previously in this case?

8 A Not in court.

9 Q Do you remember going to the grand jury and telling
10 the grand jury what happened as well?

11 A No.

12 Q Ms. SC, you started dating Mr. Lawton back around
13 1998. Is that fair to say?

14 A Yes.

15 Q And IL came along in November of 1999, correct?

16 A Yes.

17 Q And off and on you guys were together for the period
18 of -- excuse me -- from the time of IL's birth until
19 roughly January of 2005. Is that fair?

20 A Yes.

21 Q And during that period of time, you had spent time
22 with Mr. Lawton's home?

23 A Yes.

24 Q And Mr. Lawton would spend time at your home?

25 A Yes.

1 Q Fair to say that in late -- sometime in 2004, Harold
2 Lawton had essentially moved in with you?

3 A 2004?

4 Q 2004, yeah.

5 A No.

6 Q Your testimony is that Harold never lived with you?

7 A No. He did live with me, but I don't think it was
8 in 2004.

9 Q When did he live with you?

10 A Yes, it was 2004, sorry.

11 Q Fair to say that he lived with your previous to the
12 time that IL told the things to Ms. MB that you
13 talked about earlier?

14 A Yes.

15 Q And after IL told those things to Ms. MB,
16 then Harold didn't live there anymore?

17 A No.

18 Q Let's stay with 1999 to 2005, roughly. During that
19 period of time, IL spent a lot of time with Harold?

20 A Yes.

21 Q As a father and son only would? Is that fair to
22 say?

23 A Yes.

24 Q And there were never any problems?

25 A No.

- 1 Q No hesitancy or reluctance on IL's part to be
2 around his dad?
- 3 A No.
- 4 Q IL, you never had any problems with Harold
5 meeting with him?
- 6 A No.
- 7 Q Fair to say that IL was a happy kid?
- 8 A Yes.
- 9 Q Pretty well adjusted and no problems?
- 10 A Yes.
- 11 Q Now, back in 2004 and 2005, when Harold lived with
12 you, fair to say that he worked the second shift?
- 13 A Yes.
- 14 Q So he would come in late. Is that fair to say?
- 15 A Yes.
- 16 Q Sometimes he would join you in the bedroom and
17 sometimes he wouldn't?
- 18 A Yes.
- 19 Q Fair to say at that point it wouldn't be necessarily
20 unusual for IL to sleep with you. Is that fair to
21 say?
- 22 A No, he doesn't sleep with me.
- 23 Q Back in 2004, when he was four or five years old.
- 24 A No.
- 25 Q Now, specifically in January of 2005, the night

1 before IL told those things to Ms. MB, you
2 testified that you woke up to go to the bathroom?

3 A Yes.

4 Q The reason you got up was in fact to go to the
5 bathroom. There was nothing else

6 A Yes.

7 Q And when you came out of the bathroom, you heard a
8 noise.

9 A Yes.

10 Q And you looked in to the bedroom and there was
11 Harold and IL; is that correct?

12 A Yes.

13 Q And when you looked in, both Harold and IL were
14 dressed. Is that fair to say?

15 A Yeah.

16 Q Okay. IL's pants weren't down?

17 A No.

18 Q And in fact, Harold was on top of the covers; is
19 that correct?

20 A Yes.

21 Q The covers were between IL and Harold, correct?

22 A Yes.

23 Q Did you see plastic bags or anything in the room?

24 A No.

25 Q When you called IL out of his room, he didn't

1 put his pants back on, did he?

2 A No.

3 Q Now, the next morning when you woke up to take
4 IL to school, who got him up?

5 A Usually I get him up.

6 Q Okay. Harold sleeps late, correct?

7 A Yes.

8 Q Because he's working a second shift.

9 A Yes.

10 Q So you got IL up and got him ready for school,
11 right?

12 A Yes.

13 Q Did you feed him breakfast?

14 A He eats breakfast at school.

15 Q So then the two of you went off to school, correct?

16 A Yes.

17 Q Now, when you woke him up the next morning, his
18 clothes were on; they weren't off, right?

19 A No.

20 Q Did you find any rubber gloves or plastic bags or
21 anything in the room?

22 A No.

23 Q Now, after he talked to Ms. MB, then some things
24 happened, right?

25 A Yes.

1 Q You got involved with DSS.

2 A Yes.

3 Q Police got involved.

4 A Yes.

5 Q The case went over to West Roxbury Court.

6 A Yes.

7 Q And that went on for about a year; is that fair to
8 say?

9 A Yes.

10 Q During this period of time, you made the decision
11 that Harold -- that IL shouldn't be spending time at
12 Harold's house; is that fair to say?

13 A Yes.

14 Q Fair to say that during the period of 2005, January
15 2005, when he told Ms. MB about something happening
16 until after the case was over, IL and Harold didn't
17 have any contact; is that correct?

18 A Yes.

19 Q At some point the case in West Roxbury, that ended,
20 correct?

21 A Yes.

22 Q How long after the case in West Roxbury was over --
23 strike that.

24 Now, you were aware while the case was going on
25 what Harold told Ms. MB; is that correct?

1 A What who?

2 Q Strike that. I apologize. What IL had told

3 MB; is that correct?

4 A Yes.

5 Q You had had meetings with the police?

6 A Yes.

7 Q You had meetings with DSS?

8 A Yes.

9 Q You had meetings with the district attorney's

10 office?

11 A Yes.

12 Q So you were pretty well advised on what was going on

13 in that court; is that correct?

14 A In the court?

15 Q Yes.

16 A I didn't know anything about the trial because they

17 told

18 Q Let me rephrase the question. That was poorly put.

19 You had a pretty good idea what IL said

20 happened to him; is that fair?

21 A Yes.

22 Q Now, after the case in West Roxbury was over, Harold

23 and IL began to spend some time together again. Is

24 that fair to say?

25 A Yes, about two months later.

1 Q Okay. So about a year after the initial incident,
2 then Harold and IL started to have some contact
3 again.

4 A Yes.

5 Q And that contact is in the form of overnight visits
6 over on XXX Street.

7 A Yes.

8 Q Now, XXX Street is where Harold lived; is
9 that correct?

10 A Yes.

11 Q And you knew that IL would be sleeping over
12 where Harold was sleeping?

13 A Yes.

14 Q Who do you know who was living over at XXX
15 at that time?

16 A It was Harold and his mom.

17 Q Anyone else?

18 A His sister was there, but she has her apartment, but
19 she was there off and on.

20 Q Do you know if she was living there at any point

21 A She was there before, yes.

22 Q Now, when IL went back and started visiting with
23 Harold and his grandmother for overnights, he didn't go
24 to court to force you to do that; is that correct?

25 A No.

- 1 Q It was just by agreement.
- 2 A Yes.
- 3 Q And let's say sometime in 2006 until January of
4 2008, IL would spend pretty much every weekend over
5 there.
- 6 A Yes.
- 7 Q Was it every other weekend or every weekend?
- 8 A It was every other weekend.
- 9 Q Ever show any hesitancy or reluctance to go over?
- 10 A Did I or IL?
- 11 Q IL.
- 12 A No.
- 13 Q He was always happy to go.
- 14 A He was always happy to go.
- 15 Q Now, after the 2005 incident let me take you back
16 a bit. After the 2005 incident, was Harold sort of the
17 same was IL sort of the same kid he always was?
- 18 A Yes.
- 19 Q Happy-go-lucky kid?
- 20 A Yes.
- 21 Q Well-adjusted, no problems?
- 22 A Yes.
- 23 Q And when he went back to start visiting with his
24 father again, he was still the same kind of kid, right?
- 25 A Yes.

- 1 Q His dad signed him up for some sports?
- 2 A Yes.
- 3 Q He went and played those sports with his cousin?
- 4 A Yes.
- 5 Q Everything was fine.
- 6 A Yes.
- 7 Q You knew that this prior incident had come up.
- 8 A Yes.
- 9 Q Now, did you check in with IL occasionally to
10 make sure everything was okay with him?
- 11 A Yes. I would ask him how his weekend would go.
- 12 Q And did you ask him directly if his dad was touching
13 him at all?
- 14 A No.
- 15 Q You'd check in to see if things were okay? You
16 would check in with him to make sure things were okay,
17 right?
- 18 A Yes.
- 19 Q And you never had any reason to stop the visits.
- 20 A No.
- 21 Q And IL's attitude, his demeanor, his behavior,
22 everything's fine. He's the same kid.
- 23 A Yes.
- 24 Q And that went on for about two years.
- 25 A Yes.

1 Q Now, January 2005 -- 2008, roughly, IL tells you
2 that there's a problem; is that correct?

3 A Yes, while I was watching TV.

4 Q His first mention to you was that while he was
5 watching a movie.

6 A Yes.

7 Q He never mentioned it at any other time.

8 A No.

9 Q So the only time that IL ever told you that his
10 dad was touching him in 2008 was during the time you
11 were watching the Lifetime movie.

12 A At night, during the day, what was it?

13 Q Probably nighttime.

14 Q And there was a little girl in the bedroom.

15 A Hm-hmm.

16 Q And the man came upstairs.

17 A Yes.

18 Q Was the movie about child molestation?

19 A I don't remember quite the name, but it was just the
20 way the movie was going.

21 Q But it wasn't a movie about child molesting?

22 A I don't know the name of the movie is what I'm
23 saying.

24 Q I'm not asking you the name. I'm asking what the
25 movie was about.

1 A No. It was just a little girl that was sitting in
2 the room playing with her doll and the man just walked
3 up into her room.

4 Q But the movie wasn't about a child molester.

5 A No.

6 Q Now, IL asked you why the little girl ran.

7 A Yes.

8 Q And you said to IL that he was probably going to
9 mess with her or touch her inappropriately.

10 A Yes.

11 Q But that wasn't what the movie was about, right?

12 A No.

13 Q So you were the first one at that point while
14 watching the movie, when the little girl was scared, to
15 suggest to IL that the little girl might get touched
16 inappropriately.

17 A Yes.

18 Q And after you suggested that to IL while
19 watching a movie not about child molestation, that's
20 when he told you his dad was touching him.

21 A Yes.

22 Q Now, had you ever talked about child molestation
23 with IL before?

24 A Yes.

25 Q How often would you talk to him about it?

1 A He would ask me. He would ask me what is this and
2 what is that, and I would tell him.

3 Q Specifically about child molestation, when would he
4 ask you about that?

5 A Huh?

6 Q When would he ask you about that?

7 A Like just walking in general.

8 Q Now, after he told you this in 2008, you got in
9 touch with the police again, right?

10 A Yes.

11 Q And then the process began again.

12 A Yes.

13 Q And then you got a restraining order in 2008, right?

14 A Yes.

15 Q You didn't get one in 2005; is that fair to say?

16 A Yes.

17 Q You did not?

18 A No, I didn't get one.

19 Q All right. But you got one in 2008.

20 A Yes.

21 Q Now, you've known Harold for a number of years,
22 correct?

23 A Yes.

24 Q Fair to say he's a pretty big man?

25 A Yes.

1 Q Two fifty, two seventy, somewhere in that range?

2 A Yes.

3 Q Ever see -- did IL ever come home from any

4 visits with Harold with any bruising on his face?

5 A No.

6 Q Any bruising on his legs?

7 A No.

8 Q Any marks which might indicate to you that he was

9 being hit?

10 A No.

11 Q Did you ever see Harold punch IL in the head?

12 A No.

13 Q Did you ever see him hit IL in the head with a

14 belt?

15 A No.

16 Q Did you ever punch IL in the head?

17 A No.

18 Q You never hit him in the head with a belt, right?

19 A No.

20 Q Okay. Certainly you spanked him on occasion?

21 A Yes.

22 Q Regular child discipline, correct?

23 A Yes.

24 Q No marks, no bruises, correct?

25 A Yes.

1 Q All right. Now, IL would have access to a
2 computer?

3 A No, he don't.

4 Q How about cable? Do you have cable?

5 A Yes, I do.

6 Q Do you have any movie channels?

7 A Yes.

8 Q Do you have a V-chip set up?

9 A A who?

10 Q A V-chip?

11 A No.

12 Q Do you have any block on your remote?

13 A No.

14 MS. JOSEPH: Objection.

15 THE COURT: Overruled.

16 MR. BELEZOS: Thank you. I don't think I have
17 any more questions.

18 MS. JOSEPH: A couple.

19 **REDIRECT EXAMINATION**

20 **BY MS. JOSEPH:**

21 Q Ms. SC, the night you told the court about the
22 moaning, that night, when you called IL, you went to
23 your room and called IL to come into your room,
24 correct?

25 A Yes.

1 Q So you don't know if he was wearing pajama pants
2 underneath the covers, right?

3 A No, I don't.

4 Q Okay. Because when he came into your room when you
5 called him, the pajama pants were up; is that correct?

6 A Yes.

7 Q Now, Attorney Belezos was just asking you if you
8 used to talk to IL about child molestation.

9 A Yes.

10 Q Do you know what that means?

11 A Do I know?

12 Q Yeah.

13 A Yes.

14 Q What does it mean to you?

15 A It's like when someone is touching you and doing
16 things that they ain't supposed to be doing to your body
17 and stuff like that.

18 Q But you didn't like talking to IL about what
19 exactly had happened between the defendant and IL,
20 right?

21 A Yes.

22 Q You don't like talking about that.

23 A No.

24 Q You didn't want to talk about it that night with the
25 moaning. That's why you asked Miss MB to speak to

1 him, right?

2 A Yes.

3 Q And you wanted IL to have a father in his life,
4 and so you didn't really want to know about the touching
5 so much.

6 MR. BELEZOS: Objection, you.

7 THE COURT: Rephrase the question, please.

8 BY MS. JOSEPH:

9 Q You testified earlier that it was really important
10 for IL to have a father in his life.

11 A Yes.

12 Q And you didn't cross-examine him after every visit
13 about exactly what happened and if there was touching,
14 right?

15 A No, not in that way, no.

16 Q And you were happy that IL was spending time
17 with the defendant.

18 A Yes, I was.

19 MS. JOSEPH: Nothing further.

20 THE COURT: Anything further for this witness?

21 MR. BELEZOS: Briefly, your Honor.

22 May I just have a moment, your Honor?

23 THE COURT: Yes.

24

25

RE-CROSS EXAMINATION

BY MR. BELEZOS:

Q Ms. SC, you indicated that you didn't remember testifying in the past in this case. Do you know anything about going to the grand jury?

A No.

Q Did you come to this building on the sixth floor downstairs?

A I don't remember, no.

Q Back in 2008, did you come to this building on the sixth floor?

A I don't remember.

Q If I were to show you --

MS. JOSEPH: Objection.

THE COURT: You're just going to show her this to refresh her memory? All right, that's fine. You can do that.

Q Why don't you take a minute and read here.

THE COURT: Counsel, you want the witness to read it to herself?

MR. BELEZOS: To herself, yes.

MS. JOSEPH: What page?

MR. BELEZOS: Page 3.

A Okay.

BY MR. BELEZOS:

1 Q Does that refresh your memory about coming down
2 here?

3 A Yes.

4 Q So you do remember you came down and you spoke to
5 the grand jury?

6 A Yes.

7 Q And the grand jury's in a room down on the sixth
8 floor. And there's no judge there. It's just the
9 district attorney, yourself, and the grand jurors.

10 A Yes.

11 MS. JOSEPH: Objection.

12 THE COURT: Overruled.

13 BY MR. BELEZOS:

14 Q Do you remember being asked some questions about the
15 night of January 14, 2005, when you heard IL
16 moaning. Do you remember that?

17 A Yes.

18 Q Okay. And do you remember being asked -- page 9 and
19 10. Do you remember being asked whether or not they
20 were dressed?

21 A I don't remember that.

22 Q Why don't you read from line 22, page 9, onto page
23 10.

24 A Okay.

25 Q And you remember telling the grand jury that they

1 were fully dressed?

2 A Yes.

3 Q And that was your memory when you were in front of
4 the grand jury back in 2008?

5 A Yes.

6 Q Fair to say your memory in 2008 was probably a
7 little better of what happened than in 2009?

8 A 2009?

9 Q It's 2009 now, right?

10 A Yes.

11 Q That was eighteen months ago, right?

12 A Okay.

13 Q Probably remember it a little bit better then than
14 you do now?

15 A Okay, yeah.

16 Q You testified under oath at that point that you saw
17 that they were both fully dressed?

18 A Yes.

19 MR. BELEZOS: Just one moment, your Honor.

20 BY MR. BELEZOS:

21 Q And do you remember being asked about what sort of
22 questions you would ask IL when he came back from
23 his weekends with his dad; is that fair to say?

24 A Yes.

25 Q I want you to read lines 21 on page 18 through page

1 19. And did you specifically ask him if anything
2 happened while he was over there?

3 A Yes.

4 Q And you specifically asked him if anybody was
5 bothering him?

6 A Yes.

7 Q This was nothing. Nobody bothering you.

8 A Yes.

9 MR. BELEZOS: No further questions.

10 THE COURT: Anything further?

11 MS. JOSEPH: If I could have a moment.

12 **FURTHER REDIRECT EXAMINATION**

13 **BY MS. JOSEPH:**

14 Q Ms. SC, when you went into the room, when you
15 heard the moaning, do you go all the way into the
16 bedroom or you just stood and looked in?

17 A I just stood and looked.

18 Q And were the lights off?

19 A Yes.

20 MS. JOSEPH: Nothing further.

21 THE COURT: Thank you, ma'am. You may step
22 down.