

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

IN THE DISTRICT COURT IN AND FOR STEPHENS COUNTY

STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
vs	)	Case No. CF-2010-17
	)	
CHARLES ALAN DYER,	)	
	)	
Defendant.	)	

PARTIAL TRANSCRIPT

TESTIMONY OF VALERIE DYER

Proceedings Taken On

April 8, 2011

HONORABLE JOE H. ENOS  
Trial Judge

A P P E A R A N C E S

FOR THE PLAINTIFF:	MS. CARRIE HIXON Assistant District Attorney 201 Courthouse 220 North Main Street Waurika, Oklahoma 73573
FOR THE DEFENDANT:	MR. DAVID W. HAMMOND Stuart and Hammond Court Plaza Building, Suite 100 1111 West Willow Avenue Duncan, Oklahoma 73533

REPORTED BY:  
CHARLES M. CUNNINGHAM  
Certified Shorthand Reporter  
State of Oklahoma

**COPY**

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

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

THE STATE OF OKLAHOMA, )  
 )  
Plaintiff, )  
 )  
vs ) Case No. CF-2010-17  
 )  
CHARLES ALAN DYER, )  
 )  
Defendant. )

INDEX TO PARTIAL TRANSCRIPT

PROCEEDINGS: PAGE NO.

APRIL 8, 2011:

STATE'S WITNESSES:

VALERIE DYER, testifies:	
Direct Examination.....	4
Cross Examination.....	11
Examination by the Court.....	20
Recross Examination.....	49
Examination by the Court.....	50
CERTIFICATE.....	53

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 ALAN DYER,                        )  
7   Defendant.                    )

8   PARTIAL TRANSCRIPT

9                   BE IT REMEMBERED that this matter came on for Hearing On  
10 Motions by the State of Oklahoma and the Defendant, before the  
11 Honorable Joe H. Enos, District Judge, on Friday, April 8,  
12 2011. The State of Oklahoma appeared by Ms. Carrie Hixon,  
13 Assistant District Attorney, 201 Courthouse, 220 North Main  
14 Street, Waurika, Oklahoma; the Defendant, Charles Alan Dyer,  
15 appeared in person and by his attorney, Mr. David W. Hammond of  
16 Stuart and Hammond, Court Plaza Building, Suite 100, 1111 West  
17 Willow Avenue, Duncan, Oklahoma, and the following proceed-  
18 ings were had and done, to-wit:

19                   (REPORTER'S NOTE: Whereupon, the following is a partial  
20 transcript of the proceedings that contains the testimony  
21 of the State witness Valerie Dyer, and the following pro-  
22 ceedings were had and done, to-wit:)

23                   BY THE COURT: All right. Miss Hixon, you may call  
24 your next witness.

25                   BY MS. HIXON: Valerie Dyer.

BY THE COURT: If you'll raise your right hand

1 please, Ma'am.

2 Do you solemnly swear that the testimony you're about to  
3 give in this matter will be the truth, the whole truth and  
4 nothing but the truth, so help you God?

5 BY VALERIE DYER: Yes.

6 BY THE COURT: Thank you. Please be seated.

7 BY MS. HIXON: May I inquire?

8 BY THE COURT: You may inquire.

9 DIRECT EXAMINATION

10 BY MS. HIXON:

11 Q Would you please state your name.

12 A Valerie Dyer.

13 Q And Valerie, what city do you live in?

14 A Duncan.

15 Q Are you married?

16 A Yes.

17 Q Who are you married to?

18 A Charles Dyer.

19 Q Do you have any children?

20 A Yes.

21 Q How many?

22 A One.

23 Q And who is your child?

24 A Haley Dyer.

25 Q Who is the father of your child?

- 1 A Charles Dyer.
- 2 Q And how old is Haley?
- 3 A She's eight.
- 4 Q What's the current status of your relationship with Mr.
- 5 Dyer?
- 6 A We're separated.
- 7 Q And how long have you been separated?
- 8 A Since September 26th of '08. So --
- 9 Q Is there currently a divorce pending?
- 10 A Yes.
- 11 Q And when was that filed if you recall?
- 12 A He filed it in November. I can't remember what year, but
- 13 I filed it this year again because it was pending.
- 14 Q And that divorce action is still pending at this time.
- 15 Correct?
- 16 A Yes.
- 17 Q Back during January of 2010, specifically the first week
- 18 of January, 2010, did you have a conversation with your
- 19 daughter Haley?
- 20 A Yes.
- 21 Q Do you recall as you testify here today specifically what
- 22 date that was?
- 23 A I want to say it was on a Wednesday, like 9th, but I'm
- 24 not really sure.
- 25 Q Okay. Would it have been in the first part of January or

- 1 the latter part of January?
- 2 A The first part.
- 3 Q How old was Haley at that time?
- 4 A Seven.
- 5 Q And where did this conversation take place?
- 6 A In the bathroom.
- 7 Q Bathroom where?
- 8 A At my house.
- 9 Q And where is your house located at that time?
- 10 A At that time it was the Plato -- the apartments -- Duncan  
11 apartments on Plato. Duncan Village.
- 12 Q Okay. Who all was living with you at that time?
- 13 A No one.
- 14 Q Were there any other adults staying with you?
- 15 A For a little while, yes.
- 16 Q You wouldn't -- wouldn't characterize them as residents  
17 there, they were just staying over?
- 18 A Just staying over.
- 19 Q The conversation that we're referring to, about --  
20 approximately what time of day did it take place?
- 21 A The time?
- 22 Q Yes.
- 23 A Around 7:00.
- 24 Q In the morning or evening?
- 25 A Evening.

- 1 Q Okay. And in the days prior to this conversation where  
2 had Haley been?
- 3 A With her -- with Charles.
- 4 Q Where at?
- 5 A At his house.
- 6 Q Had she been over there visiting?
- 7 A Yes.
- 8 Q How long had she been there?
- 9 A A good week, week and a half somewhere.
- 10 Q This conversation that took place in the bathroom, how  
11 did it begin?
- 12 A Haley was complaining of her bo-bo hurting.
- 13 Q Her bo-bo?
- 14 A Uh-huh.
- 15 Q Is that the word that she used?
- 16 A For her vagina, yes.
- 17 Q When she made this statement to you, you said you were in  
18 the bathroom. Correct?
- 19 A Yes.
- 20 Q Was there anyone else there with you?
- 21 A No.
- 22 Q Where was Haley at when she said this?
- 23 A She was getting undressed, standing there in front of the  
24 tub.
- 25 Q Why was she getting undressed?

- 1 A Because I was going to give her a bath.
- 2 Q And when she told you her bo-bo was hurting what were  
3 your first thoughts?
- 4 A Too much soda. Didn't get a shower while she was with  
5 Charles.
- 6 Q And would that have any significance to you if she was  
7 drinking too much soda or didn't have a shower?
- 8 A (Inaudible).
- 9 Q In your mind why would her bo-bo be hurting because of  
10 drinking --
- 11 A Yeah, I just thought of that.
- 12 BY MR. HAMMOND: I object, Your Honor. That's  
13 speculation.
- 14 BY THE COURT: Well, I'm not sure I've heard the  
15 answer, nor was it clear. Let me ask you -- I'm going to  
16 overrule the objection.
- 17 I'm going to ask you to rephrase your question and lay --  
18 lay a proper predicate.
- 19 Q (By Ms. Hixon) When Haley told you that her bo-bo was  
20 hurting, at that time did you have any suspicious thoughts in  
21 your head?
- 22 A No.
- 23 Q Were you concerned about her welfare at that time -- at  
24 that point about her health?
- 25 A Yes.



- 1 Q And what was your concern?
- 2 A Maybe she had a UTI.
- 3 Q When you say UTI, what do you mean by that?
- 4 A Urinary tract infection.
- 5 Q And why did you think that she might have had a UTI?
- 6 A She gets them -- she got them a lot.
- 7 Q Upon -- did you ask Haley any questions or make any
- 8 comments to her prior to her telling you that her bo-bo hurt?
- 9 A No.
- 10 Q After she told you this what did you do?
- 11 A I examined her.
- 12 Q As she was standing there?
- 13 A As she was telling me she was getting into the tub.
- 14 Q Okay. And when you say you examined her, could you
- 15 describe what you mean by that?
- 16 A I just looked. I didn't want to embarrass her or
- 17 anything, so I just looked.
- 18 Q And what were you looking for?
- 19 A Redness or anything that was kind of abnormal.
- 20 Q Describe Haley's position -- well, when you say you
- 21 examined Haley, was she standing? Sitting? Describe her
- 22 position.
- 23 A She was sitting at the time when I was trying to look,
- 24 but I didn't tell her I was looking when she was sitting in the
- 25 bathtub.

- 1 Q And was there water in the bathtub?
- 2 A Probably an inch because it was filling up.
- 3 Q And when you say you were examining her, I mean did you
- 4 touch her?
- 5 A No.
- 6 Q So when you say examining, what do you mean by that?
- 7 A Just looking. When she positioned herself in the bathtub
- 8 I would just look.
- 9 Q Did you ask her any questions or inquire any further at
- 10 that moment with regard to her comment about her bo-bo hurting?
- 11 A I just asked her what happened. What was wrong.
- 12 Q And did she make any response? What did she respond to
- 13 your question?
- 14 A She started crying and told me she was scared.
- 15 Q What did she do or say next?
- 16 A I said, "What are you scared about." And she said, "I'm
- 17 afraid to tell you."
- 18 Q At that point did you have any concerns?
- 19 A Yes.
- 20 Q Did you make any further inquiry when she told you that
- 21 she was scared?
- 22 A I just reassured her that she didn't have to be scared to
- 23 tell me anything.
- 24 Q And did she make any additional disclosures to you at
- 25 that time?

- 1 A After that, yes.
- 2 Q Was that in response to questioning by you?
- 3 A Yeah, because she felt comfortable with it, yes.
- 4 Q What did you ask her?
- 5 A I just asked her again, you know, what happened, because  
6 she said she was afraid to tell me. So I just again asked her  
7 what happened.
- 8 Q And what did she say?
- 9 A She said that -- that her dad touched her bo-bo.
- 10 Q Did she say anything else with regard to her father and  
11 her bo-bo?
- 12 A No, because she was crying. She just told me over and  
13 over again that he did that.
- 14 Q And was that the extent of what she told you that night?
- 15 A Yeah.
- 16 BY MS. HIXON: Pass the witness.
- 17 BY THE COURT: Cross, Mr. Hammond?
- 18 BY MR. HAMMOND: Yes, Sir.
- 19 CROSS EXAMINATION
- 20 BY MR. HAMMOND:
- 21 Q Miss Dyer, can you tell us again the date the divorce was  
22 filed between you and Mr. Dyer?
- 23 A November '09, I -- I believe. I'm not sure.
- 24 Q So that would have been before this allegation was made.  
25 Is that correct?

1 A Yes.

2 Q And who filed -- who was the petitioner in this case?  
3 Did you file for divorce or did Mr. Dyer file?

4 A Charles.

5 Q And prior to the time that he filed for divorce against  
6 you did he confront you and accuse you of having an adulterous  
7 affair?

8 A Yes.

9 Q And part of that time did he also confront you and accuse  
10 you of using drugs?

11 A Yes.

12 Q And did you admit that you did those things to him?

13 A Yes.

14 Q And did he have a conversation with you at anytime before  
15 these allegations were made that he wanted custody of his  
16 daughter if you didn't tell the truth? Do you under --

17 A No.

18 Q Let me simplify the question.

19 While your divorce case was pending did Mr. Dyer tell you  
20 that he had concerns about his daughter's welfare because of  
21 your past actions?

22 A No. Not that I recall, no.

23 Q Did he ever tell you that he wanted custody of his  
24 daughter?

25 A No.

1 Q Did you ever tell Mr. Dyer that you would do anything,  
2 including perjure yourself, to keep your daughter from him?

3 A No.

4 Q Do you recall testifying at your Preliminary Hearing?

5 A Yes.

6 Q Is your testimony today the same as it was at the  
7 Preliminary Hearing?

8 A As far as I know, yes.

9 BY MR. HAMMOND: Give me just one moment, Your Honor.

10 BY THE COURT: Yes, Sir.

11 Q (By Mr. Hammond) At Page 110 of your transcript, Miss  
12 Dyer, I'll ask you, "Did you tell Mr. Dyer that you would do  
13 anything or say anything to keep him from getting his  
14 daughter?"

15 Line 9 you said, "Yeah."

16 Do you remember saying that?

17 A I don't remember saying it, but --

18 BY MS. HIXON: Your Honor, I object. The question  
19 was would she -- did she say she would perjure herself in order  
20 to keep her daughter. I don't believe that said --

21 BY THE COURT: If you'll rephrase the question asked  
22 and the previous answers given.

23 BY MR. HAMMOND: Yes, Sir, I'll rephrase the  
24 question, Your Honor.

25 Q (By Mr. Hammond) Did you tell Mr. Dyer before these

- 1 allegations were made that you would do anything or say  
2 anything to keep him from getting his daughter?
- 3 A Yes.
- 4 Q In reference to that question are you telling the Court  
5 the truth today?
- 6 A Yes.
- 7 Q Now, at the time these allegations were made did Mr. Dyer  
8 have a girlfriend?
- 9 A Yes.
- 10 Q And who was that?
- 11 A Amanda Monsalve.
- 12 Q And did you know Amanda Monsalve at the time that these  
13 allegations were made?
- 14 A Yes.
- 15 Q And how did you know her?
- 16 A She was my ex-best friend.
- 17 Q She was your best friend. Correct?
- 18 A Uh-huh.
- 19 Q And did that upset you?
- 20 A At first, yes.
- 21 Q Now, could you tell the Court what day Haley made this  
22 disclosure to you?
- 23 A It was on a Wednesday. Wednesday night when I got her  
24 back.
- 25 Q Okay.

- 1 A I can't remember the date of it.
- 2 Q She had been at Mr. Dyer's home prior to that time. Is  
3 that correct?
- 4 A Yes.
- 5 Q And how long was she with him?
- 6 A A week, week and a half.
- 7 Q And do you remember what day she came back to your home?
- 8 A Wednesday. I don't know the exact date, but it was  
9 Wednesday.
- 10 Q Do you agree, Ma'am, that it would be -- that you  
11 testified at Preliminary Hearing it was somewhere around  
12 January the 4th or the 5th?
- 13 A Somewhere around in there, yes.
- 14 Q When did you tell law enforcement authority about this  
15 disclosure?
- 16 A The very next day.
- 17 Q Now, the records show that the report was made on January  
18 8th. Do you agree with that or disagree with that?
- 19 A I agree.
- 20 Q So do you also agree that would be a Friday?
- 21 A I suppose, yes.
- 22 Q Okay. Would you also agree that if Haley made the  
23 disclosure to you on the 4th or the 5th, at least three days  
24 went by before you contacted law enforcement?
- 25 A No, it was the next day.

1 Q Now, when Haley made the statement to you about her bo-bo  
2 hurting --

3 A Uh-huh.

4 Q -- how many times did she tell you that?

5 A On that day?

6 Q Yes.

7 A Once.

8 Q You stated earlier, the District Attorney was asking you  
9 questions, that she said it numerous -- numerous times. Did  
10 she say it numerous times that evening or did she say it later  
11 on?

12 A First she told me once, and then later on when we started  
13 talking she told me many times.

14 Q And the evening when she was taking a bath how many times  
15 did she tell you it happened that evening?

16 A What do you mean?

17 Q Well, she made a statement that her father had touched  
18 her bo-bo?

19 A Yes.

20 Q How many times did she tell you that on the evening you  
21 gave her the bath?

22 A A couple of times.

23 Q Do you have a recorder on your telephone?

24 A No.

25 Q Did you record any conversations between yourself and



- 1 Haley?
- 2 A No.
- 3 Q Did you take any pictures of Haley's genital area?
- 4 A No.
- 5 Q Prior to January the 4th did you had access to a  
6 computer?
- 7 A Yes.
- 8 Q And whose computer did you have access to?
- 9 A My computer.
- 10 Q Okay. And prior to January 4th or 5th, 2000 (sic) were  
11 you doing any research in reference to how you make sexual  
12 abuse allegations to the Department of Human Services?
- 13 A Do you mean look stuff up where I can get help?
- 14 Q Prior to January the 4th or the 5th, 2010 did you do any  
15 research on your computer to determine how to report sexual  
16 abuse?
- 17 A No. I don't remember, no.
- 18 Q Prior to January 4th or 5th, 2010 did you do any research  
19 on your computer to determine how you can terminate a person's  
20 parental rights?
- 21 A I don't remember.
- 22 Q Prior to January 4th or 5th, 2010 did you do any research  
23 on your computer to determine how one could adopt a child after  
24 a divorce?
- 25 A No.

1 Q You're aware, Ma'am, that you gave your computer to law  
2 enforcement, are you not?

3 A Yes.

4 Q When's the last time you had that computer in your  
5 possession?

6 A A year and a half, somewhere around there.

7 Q Do you know if Haley had viewed pornography on a  
8 computer --

9 A Not at my house.

10 Q -- where she was -- where she was staying?

11 A Not at my house.

12 Q Haley have any irritation or problems in the genitalia  
13 area prior to January 8th, 2010?

14 A Yes.

15 Q Was she getting treatment for it?

16 A Yes.

17 Q Could you tell the Court what kind of treatment she was  
18 receiving at that time?

19 A Urinary tract infection.

20 Q Did she have to take medication?

21 A If -- if I remember right I believe it was antibiotics, I  
22 believe. I'm not sure.

23 Q And do you recall when the last time was prior to the  
24 date this allegation was made that she was actually being  
25 treated for an irritation or an infection?

1 A Prior to what she told me?

2 Q Yes.

3 A I don't remember, no.

4 Q Now, as you were giving your bath on your daughter when  
5 she made the disclosure did you notice any blood, any bruising,  
6 any injury to her vaginal region?

7 A No, just irritation.

8 Q Has your daughter been exposed to any sexual activity  
9 that you know of prior to the date that these allegations were  
10 made?

11 A No.

12 Q Did you ever talk to Charles Dyer between January 4th and  
13 January 8th, 2010?

14 A I'm sure I did, yes.

15 BY THE COURT: Mr. Hammond, the purpose of this  
16 hearing is for me to test the truthfulness and veracity and the  
17 circumstances of which a hearsay statement is made. This is  
18 not an opportunity for you to do discovery beyond those bounds.  
19 I'm going to ask you to limit it to the purpose and the nature  
20 and purpose of this hearing.

21 BY MR. HAMMOND: Yes, Sir.

22 I think that's all the questions I have, Judge.

23 BY THE COURT: All right. Any other questions  
24 concerning the statements and circumstances surrounding it?

25 BY MR. HAMMOND: The only question I would have would

1 be in reference to her credibility, Your Honor, and I think it  
2 would be outside the scope.

3 BY THE COURT: All right. Any further inquiry?

4 BY MS. HIXON: No, Your Honor.

5 BY THE COURT: All right. Miss Dyer, the  
6 conversation that you had with Haley --

7 A Yes.

8 BY THE COURT: -- when was that conversation in  
9 relation to the date that you reported this to law enforcement?

10 A I'm sorry, like --

11 BY THE COURT: You had a conversation with Haley?

12 A Yes.

13 BY THE COURT: When did you report what you had  
14 learned from that conversation to law enforcement?

15 A The very next day.

16 BY THE COURT: All right. The day that you gave  
17 Haley the bath and she made this disclosure to you, is that the  
18 day that she came back to your home from her father's home?

19 A Yes.

20 BY THE COURT: All right. Are you sure of the day of  
21 the week that all this happened?

22 A I'm not sure of the dates, Your Honor.

23 BY THE COURT: Are you sure of the sequence of events  
24 as to when they happened in relation to each other?

25 A Yes.

1 BY THE COURT: All right. The conversation that you  
2 had with Haley on the evening that she had come home from your  
3 mother -- come home to you from her father rather, she said  
4 that her father had touched her bo-bo?

5 A Yes, Sir.

6 BY THE COURT: All right. What did you do or say to  
7 her when she told you that?

8 A I just started crying because she was crying.

9 BY THE COURT: Okay. Then what? Just -- just walk  
10 me through -- just walk me through that experience that -- that  
11 you had with her at that time. What was said and what was  
12 done.

13 A She told me and I said -- I started crying. She was  
14 upset, and so I just told her "Everything is going to be okay.  
15 Nothing bad will happen to you again." And I just was trying  
16 to reassure her because she was really upset that I would tell  
17 Charles, and I told her that I would never tell Charles and --  
18 because she was scared, and I just reassured her that  
19 everything was going to be okay. And we just tried to calm  
20 down and I finished her bath.

21 BY THE COURT: Okay. Did you have any more  
22 conversation with her as to what her -- she said that her  
23 father had done to her?

24 A No.

25 BY THE COURT: Did you ask her any questions about

1 what had happened with her father?

2 A No.

3 BY THE COURT: Did she volunteer any statements to  
4 you about what had happened?

5 A Yes.

6 BY THE COURT: And what was it that she volunteered?

7 A She just said that he always touched her. When he  
8 touched her bo-bo it hurt.

9 BY THE COURT: Okay. Had you asked her about that to  
10 prompt that response from her?

11 A No.

12 BY THE COURT: Are you saying this was volunteered by  
13 her?

14 A Yes.

15 BY THE COURT: Not in response to a question by you  
16 directly?

17 A No.

18 BY THE COURT: All right. And did -- and how long  
19 did that -- did she repeat herself?

20 A Yeah, she repeated herself about not telling him because  
21 she was scared of him --

22 BY THE COURT: Okay.

23 A -- but --

24 BY THE COURT: All right. Was this conversation  
25 while you were finishing her bath or was this before she

1 finished her bath or what was happening?

2 A It was during her bath.

3 BY THE COURT: Okay.

4 A I sat on the toilet and talked to her.

5 BY THE COURT: Okay. And then was this conversation  
6 continued while she was in the bath?

7 A I left for a little bit because I was upset. So --

8 BY THE COURT: So you left.

9 Did you leave the room? Left the house?

10 A I left the bathroom.

11 BY THE COURT: All right. And was she still in the  
12 bathtub?

13 A Yes.

14 BY THE COURT: Okay. And where did you go?

15 A I went outside.

16 BY THE COURT: All right. For how long?

17 A Five minutes, ten minutes to smoke a cigarette.

18 BY THE COURT: Okay. Then what happened?

19 A I came back inside. She calmed down a little bit and I  
20 was getting her dressed and --

21 BY THE COURT: Okay. When you came back inside where  
22 was she?

23 A Still in the bathtub.

24 BY THE COURT: All right. And what was her state of  
25 mind when you first came in the bathroom after going out to

1 smoke a bathroom -- smoke a cigarette?

2 A A little shook up. Still kind of nervous about again  
3 telling Charles. She repeatedly told me not to say anything.

4 BY THE COURT: Does she -- does she usually bathe  
5 herself?

6 A Sometimes. Sometimes I help her.

7 BY THE COURT: Okay. Okay. Can you tell whether or  
8 not she had just been sitting there or had been active in the  
9 bathtub playing or what while you would be gone?

10 A She wasn't playing when I came in and I didn't hear her  
11 playing.

12 BY THE COURT: Is that unusual?

13 A Yes.

14 BY THE COURT: Okay. Had you finished bathing her  
15 before you went out to smoke a cigarette or did you finish  
16 bathing her after you came back?

17 A When I came back she had already got done with the  
18 shampoo conditioner and she was doing her body wash.

19 BY THE COURT: All right. Can she do that herself?

20 A Yes.

21 BY THE COURT: Does she do that usually or do you  
22 have to help her?

23 A Sometimes. You know -- you know kids, they just don't  
24 get it out very much of their hair.

25 BY THE COURT: All right. And tell me about her



1 finishing the bath after you came back from having a cigarette.

2 A She was finishing up getting out and I was helping her  
3 dry her hair and her body and she was still a little bit upset,  
4 crying.

5 BY THE COURT: All right. Was she continuing to say  
6 anything about what had happened to her?

7 A Just, "~~Don't tell Charles Don't tell dad.~~"

8 BY THE COURT: All right. And were you asking her  
9 any questions after you had come back from smoking a cigarette?

10 A No.

11 BY THE COURT: All right. Continue to tell me about  
12 what happened next. Just tell me just the series of events up  
13 to the time -- why don't you just tell me about it up until she  
14 went to sleep that night. Just take me through that evening.

15 A Okay. I went in there and she was finishing up and got  
16 out and I helped her dry her hair and her body and again she  
17 was upset, you know, red eyes, and just over and over again,  
18 "Don't tell anybody. Don't tell anybody." And I said, "Don't  
19 worry, I'm not going to tell anybody. You're safe now. You  
20 don't have to go back to your dad's house."

21 BY THE COURT: Okay. How long did this continue?

22 A I got her dressed and I just -- we hugged each other and  
23 I kissed her and told her I loved her, and we got out of the  
24 bathroom and went to the living room and there was kids there  
25 and so --

1 BY THE COURT: All right. Tell me about who -- what  
2 kids were there.

3 A My cousin's kids.

4 BY THE COURT: All right. How many?

5 A Three.

6 BY THE COURT: And what were their ages?

7 A At the time four, nine and eleven --

8 BY THE COURT: Okay.

9 A -- I believe.

10 BY THE COURT: Was your cousin there?

11 A Yes.

12 BY THE COURT: Were they spending the night or  
13 visiting just during that day and left or tell me about -- tell  
14 what --

15 A They were going to stay the night that night.

16 BY THE COURT: Were they there in the house when you  
17 left the bathroom to go out and smoke a cigarette?

18 A Yes.

19 BY THE COURT: Did you say anything to anybody when  
20 you left the bathroom to go out?

21 A I told my cousin. She followed me outside because I was  
22 upset.

23 BY THE COURT: Okay. When -- you and Haley then came  
24 out of the bathroom and went into the living room?

25 A Uh-huh.

1 BY THE COURT: What was her state of mind then?

2 A Nervous that I said something to them.

3 BY THE COURT: What did you say to them?

4 A I didn't say anything to them.

5 BY THE COURT: All right. You said --

6 A The men in the house. I said to my cousin.

7 BY THE COURT: Okay. Did Haley know that you had  
8 said something to your cousin?

9 A No.

10 BY THE COURT: Did I understand you to say that she  
11 was nervous that you had said something to them or was nervous  
12 that you might say something to them?

13 A I believe she was nervous that I might say something to  
14 them, but I reassured her that I wouldn't say anything --

15 BY THE COURT: All right.

16 A -- because she was embarrassed.

17 BY THE COURT: Was that the conversation you had with  
18 her before you came out of the bathroom?

19 A Before, yes.

20 BY THE COURT: All right. Tell me -- continue what  
21 -- give me that series of events of what happened at that  
22 point?

23 A We came in the living room and we had the Wii and she was  
24 playing with the Wii with the kids, so she started calming  
25 down, and while she was playing I was still upset so I would

1 step outside to smoke a cigarette, and then I would come back  
2 in. Then I told her, you know, it's time for bed. So  
3 me and her, we sleep together, and so we laid down together in  
4 the room with the door closed and talked.

5 BY THE COURT: Okay. What did you talk about?

6 A I just -- I talked to her and told her that, you know,  
7 "Everything is going to be okay. You don't have to see your  
8 dad anymore. You don't have to go back over there anymore  
9 after what you told me." And I told her I would protect her.

10 BY THE COURT: Okay. Did she make any other  
11 statements to you as to what had actually happened?

12 A No.

13 BY THE COURT: Anymore conversations about what she  
14 had disclosed to you while she was getting into the tub?

15 A She just said it hurt -- it still hurt and I just held  
16 her until she fell asleep.

17 BY THE COURT: Okay. And what time did you get up  
18 the next morning or did she wake up?

19 A I want to say about 9:00 or 10:00.

20 BY THE COURT: And then what happened?

21 A I took her to my mom's house --

22 BY THE COURT: Okay.

23 A -- and me and my cousin started going to DHS first.

24 BY THE COURT: Okay. Did you tell your mother why  
25 you were bringing the child to her?

1 A No.

2 BY THE COURT: Did you tell your mother anything  
3 about what Haley had told you?

4 A No.

5 BY THE COURT: So then you and your cousin went to  
6 DHS?

7 A First, yes.

8 BY THE COURT: About what time of the day?

9 A I want say about 11:00. Somewhere in there.

10 BY THE COURT: All right. Now, who did you talk to?

11 A I can't really remember her name. I want to say Abby,  
12 but I'm not sure. It was a dark haired lady.

13 BY THE COURT: And this would have been -- all right.  
14 And did you talk to anybody there?

15 A Yes, I talked to her for a little bit.

16 BY THE COURT: All right. Was she a child welfare  
17 caseworker?

18 A I believe so, yes.

19 BY THE COURT: Had you had contact with DHS or child  
20 welfare before?

21 A Concerning?

22 BY THE COURT: Children.

23 A No. Just getting benefits.

24 BY THE COURT: All right. And what did you tell the  
25 caseworker at DHS?

1 A I told her what my daughter had told me.

2 BY THE COURT: All right. And what did you do after  
3 that?

4 A She said that there wasn't enough to do anything. So I  
5 left and I went to Women's Haven.

6 BY THE COURT: Okay.

7 A And Women -- I told the Women's Haven and they said that  
8 I need to go file a police report.

9 BY THE COURT: Okay.

10 A So I went to the police department and the police  
11 department said that it was out of their jurisdiction because  
12 he lived over by Clear Creek.

13 BY THE COURT: Okay.

14 A And that's where she I guess -- I suppose where it  
15 happened because she was with him. And so I went to the  
16 sheriff's department and told them.

17 BY THE COURT: All right. That was all the same day?

18 A Yes.

19 BY THE COURT: That's the day after the evening  
20 before Haley had told you this?

21 A Yes.

22 BY THE COURT: Okay. Then what happened?

23 A I went to the sheriff's department and I wrote a  
24 statement, and I'm sorry, it's kind of hazy. I talked to  
25 Lieutenant Guthrie and I talked to Josh Seely and then wrote a

1 statement, and I can't remember if -- I want to say it's the  
2 next day that -- that I had to come back.

3 BY THE COURT: Come back to the sheriff's department?

4 A Uh-huh.

5 BY THE COURT: Do you know if that was a weekday or a  
6 weekend?

7 A It was a weekday.

8 BY THE COURT: When you first went to them?

9 A Uh-huh.

10 BY THE COURT: And did you go back after you had come  
11 to them the first day?

12 A Yes, the first -- and the next day I came.

13 BY THE COURT: Back to the sheriff's office?

14 A Yes.

15 BY THE COURT: All right. After you had reported  
16 this to the sheriff's office on the day after you had learned  
17 this, when is the next time that you saw Haley?

18 A Well, when I got back from doing everything that day I  
19 went straight to her.

20 BY THE COURT: Okay. And where was she?

21 A My mom's.

22 BY THE COURT: All right. And where did you take  
23 her?

24 A To my house.

25 BY THE COURT: Okay. And did you have any

1 conversation with Haley after -- when you picked her up from  
2 your mother's home?

3 A I just asked her if it was still hurting.

4 BY THE COURT: And what did she say?

5 A She said a little bit.

6 BY THE COURT: Okay. Was that the only conversation  
7 you had with her about whether or not she was in any discomfort  
8 or about what she had disclosed to you the evening before?

9 A Yes, unless she brought it up.

10 BY THE COURT: And did she bring it up?

11 A Ever so often she would complain about it.

12 BY THE COURT: Complain about the discomfort?

13 A Yes.

14 BY THE COURT: And what would you tell her?

15 A I would tell her I'm sorry. Just comfort her. I really  
16 didn't know what to do for her.

17 BY THE COURT: In visiting with the people at DHS or  
18 at the sheriff's department or the -- and taking into account  
19 the fact that she was telling you that she was in discomfort  
20 did you feel a need to have her seen by a physician?

21 A The sheriff said that they were going to take her to see  
22 a physician because at the time she did not have a current  
23 physician of her own.

24 BY THE COURT: Okay. And did they ask you to bring  
25 her to a physician?



1 A Yes.

2 BY THE COURT: Do you know when that was?

3 A I want to say the day that I went and did all of that and  
4 then the next day I seen the sheriff, I want to say that it had  
5 to be two days after. I get the days mixed up, but --

6 BY THE COURT: Who was it that you -- did you take  
7 Haley to see?

8 A Dr. Preston Waters.

9 BY THE COURT: All right. Was it a regular weekday  
10 where he was seeing patients or was it a weekend?

11 A It was a regular week day.

12 BY THE COURT: And did you tell Haley that you were  
13 going -- that she was going to go to the doctor?

14 A Yes.

15 BY THE COURT: And how did you explain to her the  
16 need to go to the doctor?

17 A I told her that the doctor needs to check her bo-bo to  
18 make sure everything is okay.

19 BY THE COURT: When you had taken her -- when you  
20 took her was she still complaining of discomfort?

21 A Not as much.

22 BY THE COURT: Okay. Did she ask any questions about  
23 you taking her to the doctor?

24 A She was scared and saying, "Why". And then, "Well,  
25 Charles will find out." Stuff like that. Well, dad.

1 BY THE COURT: Okay. The lady that testified this  
2 morning, who was associated with Abbott House -- just a second.

3 Mr. (inaudible), I've closed this hearing for the purpose  
4 of this -- of this phase of the trial. Thank you.

5 BY MR. HAMMOND: Are you talking about her, Judge?

6 BY THE COURT: She's -- I think she's David's mother  
7 -- client -- David's client's mother. She's fine.

8 And this is Mr. Stuart. He's a partner with Mr. Hammond.

9 A Okay.

10 BY THE COURT: All right. When was it that you took  
11 her to Norman to Abbott House in relation to when she was seen  
12 by the doctor, if you can remember?

13 A I want to say a week because they had to make an  
14 appointment.

15 BY THE COURT: Okay. Did she see the doctor before  
16 you took her to Abbott House or after?

17 A I want to say after, but I'm not sure.

18 BY THE COURT: Okay. From the time that -- and were  
19 you in the examining room when Dr. Waters examined Haley?

20 A Yes.

21 BY THE COURT: Did he ask you any questions about  
22 complaints that she have?

23 A Yes.

24 BY THE COURT: And what did he asked you?

25 A If there was any -- noticed any tearing or discomfort and

1 I just said discom --

2 BY THE COURT: Had you told him -- did you make the  
3 appointment or did the sheriff?

4 A The sheriff.

5 BY THE COURT: So did you have to tell anyone there  
6 at the doctor's office why you were there?

7 A No.

8 BY THE COURT: Okay. And did Haley say anything  
9 while the doctor was examining her?

10 A Yes.

11 BY THE COURT: What did she say?

12 A She didn't like it.

13 BY THE COURT: Okay. Did he ask her any questions?

14 A Just comfort her. Just said okay.

15 BY THE COURT: After you had seen the doctor did she  
16 have any comments to you about that experience?

17 A With the doctor?

18 BY THE COURT: Yes, Ma'am.

19 A She just said it made her feel weird and she didn't like  
20 it.

21 BY THE COURT: All right. And what other  
22 conversations did you have with her about what she had  
23 disclosed to you the evening that she had come home from her  
24 father's, after -- you know, we're up to the point where you  
25 had taken her to the doctor. Any other discussions you had

1 with her?

2 A No.

3 BY THE COURT: Did she talk about it?

4 A No, she just again repeated not to say nothing and she  
5 didn't want to go back over there.

6 BY THE COURT: Okay. Did you ask her any  
7 questions --

8 A No.

9 BY THE COURT: -- about what happened to her?

10 A Huh-uh.

11 BY THE COURT: Now, was there a point in time you  
12 were advised that you were going to need to take her to Norman?

13 A Yes.

14 BY THE COURT: And how did that come about?

15 A They said that they were going to have her get videotaped  
16 and talked about so she wouldn't have to talk about it anymore,  
17 and that they would set it all up and they would escort me to  
18 Norman to where it was.

19 BY THE COURT: Okay. And do you remember what -- how  
20 much time from the time that you see -- that she saw the doctor  
21 that you actually went to Norman?

22 A She only saw Dr. Waters once.

23 BY THE COURT: Okay. Dr. Waters.

24 Do you remember how long it was from the time that she  
25 saw Dr. Waters until you went to Norman?

1 A I want to say again probably three to five days.

2 BY THE COURT: Okay. Was there a point and time that  
3 you talked to Haley about the fact that she was going to go to  
4 Norman and talk -- and talk to somebody?

5 A Yes, I prepared her.

6 BY THE COURT: All right. And when was that in  
7 relation to the time that you actually went to Norman?

8 A They told me that I had an appointment on a certain day,  
9 so I had two or three days and so I just -- I just talked to  
10 her about what she was going to have to go do.

11 BY THE COURT: Okay. What did you tell her?

12 A I told her, I said that, "You're going to have to talk  
13 some strangers about what had happened and all I want you to do  
14 is just tell the truth."

15 BY THE COURT: Okay. And what was her reaction to  
16 that?

17 A She was scared. She said that she would tell the truth,  
18 but she was scared to talk about it. She said it made her feel  
19 embarrassed.

20 BY THE COURT: All right. And how many times did you  
21 have that conversation with her between the time that you first  
22 learned that she was going to -- that she had an appointment  
23 until you went to Norman?

24 A The only time we discussed it is when she brought it up  
25 and that she was nervous, and I said, "Just tell the truth."

1 I'll be there."

2 BY THE COURT: About how many times did she bring it  
3 up?

4 A Within two or three days just maybe two or three times a  
5 day --

6 BY THE COURT: Okay.

7 A -- till then.

8 BY THE COURT: Did you make -- did you ask her any  
9 questions?

10 A No.

11 BY THE COURT: Tell her anything that she needed to  
12 say?

13 A Just told her just to tell the truth.

14 BY THE COURT: Okay. Did she have trouble sleeping  
15 those nights?

16 A Yes.

17 BY THE COURT: Did she always sleep with you?

18 A Yes.

19 BY THE COURT: Did you talk to her about her having  
20 trouble to sleep -- had sleep?

21 A I knew she was having trouble sleeping. She would wake  
22 up and tell me about her bad dreams.

23 BY THE COURT: Okay. Were any of the bad dreams  
24 reliving the experience that she had talked to you about?

25 A Yes.

1 BY THE COURT: Okay. And what did you tell her in  
2 those instances?

3 A I told her it was just a dream. He can't hurt you  
4 anymore.

5 BY THE COURT: Okay. Did she describe those  
6 incidents as being a dream or was she recanting -- or  
7 recounting to you what had happened to her or what she would  
8 experience in the dream? Could you make any distinction?

9 A I -- I think it was just a dream because she would just  
10 dream that he would come and was mean and would take her and to  
11 scare her.

12 BY THE COURT: Is that what she described her --

13 A Yeah.

14 BY THE COURT: -- dreams as being?

15 A Uh-huh.

16 BY THE COURT: When you traveled to Norman with her  
17 did she ride with you -- just the two of you together?

18 A No, my cousin came with me.

19 BY THE COURT: And who is that?

20 A Laurie.

21 BY THE COURT: What's her name?

22 A Laurie Bumpas.

23 BY THE COURT: Okay. And was there any conversation  
24 between you and your cousin or even with Haley about -- while  
25 you were going to Norman?

1 A My cousin and I talked before we got in the car because  
2 -- just to let her know I'm going to Norman and I would like  
3 some company, but on the drive to the Norman I was just upset,  
4 so we didn't talk about it.

5 BY THE COURT: Okay. Did you tell your cousin the  
6 purpose of going to go Norman?

7 A Yes.

8 BY THE COURT: And did you caution her about not  
9 saying anything about it in the car when Haley was present?

10 A Yes.

11 BY THE COURT: Was there any conversation between you  
12 and your cousin about what Haley had told you or anything about  
13 the need to go to Norman?

14 A No.

15 BY THE COURT: Okay. What was the conversation, if  
16 any, on the trip to Norman?

17 A Just talking like dis -- you know, like -- she was  
18 sitting in back, had the music going and we would just say, "I  
19 can't believe this." You know, just kind of shocked and I was  
20 crying and she was just consoling me, but we didn't talk.

21 BY THE COURT: Well, were you -- were you upset on  
22 this drive?

23 A Yes.

24 BY THE COURT: What was Haley's reaction to that?

25 A I tried not to let her see me cry, but she just kind of



1 sat in the back of me, didn't say much and just held her  
2 stuffed animal.

3 BY THE COURT: Okay. She sit in the back seat?

4 A Yes.

5 BY THE COURT: You were driving?

6 A Yes.

7 BY THE COURT: Your cousin was sitting where?

8 A The passenger.

9 BY THE COURT: Front passenger?

10 A Front.

11 BY THE COURT: When you got to Abbott House what did  
12 you tell Haley?

13 A She was nervous and I said, "These are good -- nice  
14 people. They just want to know what you saw or you know, they  
15 want to know what you want to know."

16 BY THE COURT: Okay. Did she ask any questions of  
17 you?

18 A Yeah, she asked questions like, "Well, will Charles find  
19 out or will he know." And I said, "No, he doesn't know that  
20 you're here."

21 BY THE COURT: Okay. From the time that she told you  
22 what had happened the evening that she came home from her  
23 father's house was she ever -- except for the time that you  
24 talked about that she -- you left her with your mother, was she  
25 ever left with someone else rather than with you?

1 A Yes.

2 BY THE COURT: When?

3 A Oh, at -- when she --

4 BY THE COURT: Well, let's take from the time frame  
5 from the time that she disclosed what happened to you --

6 A Uh-huh.

7 BY THE COURT: -- what happened to her, until you  
8 took her to Norman. Now, you indicated that the day after when  
9 you went to DHS and the police department and the sheriff's  
10 office you had left her with your mother?

11 A Yes.

12 BY THE COURT: Was there any other occasion from then  
13 until you took her to Norman that she was left with anyone  
14 else?

15 A Yes.

16 BY THE COURT: Okay. And when would have been the  
17 next occasion she was left with someone after you left her with  
18 your mother?

19 A I want to say that weekend, you know, she visits her  
20 paw-paw and her me-maw.

21 BY THE COURT: All right. And those are her  
22 grandparents?

23 A Yes.

24 BY THE COURT: On her mother side or her father side?

25 A My side. Mother side.

1 BY THE COURT: All right. So your parents?  
2 A Yes.  
3 BY THE COURT: Grandmother -- your mother who you had  
4 left her with on the day after she disclosed?  
5 A Yes.  
6 BY THE COURT: And she -- how long did she stay with  
7 them?  
8 A Until I got done talking to everybody that day.  
9 BY THE COURT: Okay. Now, would this have been --  
10 would this have been the day after you had been to the  
11 sheriff's department the first time?  
12 A Yes.  
13 BY THE COURT: Okay. So -- so you were making  
14 contact with other law enforcement individuals on a second day  
15 and you had left Haley with your parents?  
16 A (Witness moved head up and down).  
17 BY THE COURT: Okay? Is that right?  
18 A My mother.  
19 BY THE COURT: Okay. Well, you've told me about the  
20 first instance that she stayed with your mother. That was the  
21 day after --  
22 A Yes.  
23 BY THE COURT: -- you had learned what happened?  
24 A (Witness moved head up and down).  
25 BY THE COURT: And then are you saying the next day

1 after that you had to go talk to some people and that's why you  
2 left her with your mother?

3 A Yes.

4 BY THE COURT: All right. And how long were they  
5 left -- was she left there?

6 A A couple of hours.

7 BY THE COURT: Okay. Had you told your mother why  
8 you were leaving her with her that day as well?

9 A That day I did say something.

10 BY THE COURT: What did you tell her?

11 A I told her that Haley had told me that Charles had  
12 touched her and I was going to go and let the law enforcement  
13 know.

14 BY THE COURT: All right. Was this on the first  
15 occasion you left her with to report it or the second occasion?

16 A The second.

17 BY THE COURT: All right. Did you say anything to  
18 her about saying anything to Haley?

19 A I told her, "Just don't say anything. She's embarrassed.  
20 She don't want nobody to know."

21 BY THE COURT: And did your mother ever say whether  
22 or not she had said anything to her about it on either of the  
23 occasions up to that point that you had left her with her?

24 A No.

25 BY THE COURT: Okay. About how long was she left

1 with her on that second occasion?

2 A I want to say a couple of hours because I had to do some  
3 -- if I'm -- if I'm right, I had to do some paperwork and talk  
4 to Lieutenant Guthrie and everything. So it was a couple of  
5 hours.

6 BY THE COURT: All right. How long had it been that  
7 you had left her with your mother on the previous occasion on  
8 the day after she reported this to you?

9 A About four.

10 BY THE COURT: Okay.

11 A Four hours.

12 BY THE COURT: All right. Was there another occasion  
13 after you had left Haley with your mother on these two days  
14 that she was left with anyone else before you went to Norman?

15 A She might have visited her paw-paw.

16 BY THE COURT: Okay. Who does she call her paw-paw?  
17 Who do you --

18 A My dad.

19 BY THE COURT: Okay. All right. And then your  
20 father and your mother currently are not married to one  
21 another?

22 A Right.

23 BY THE COURT: Okay. And where does -- where does he  
24 live?

25 A He lives on Clear Creek Road --

1 BY THE COURT: Okay.

2 A -- a mile from Charles.

3 BY THE COURT: Well, how would she have visited with  
4 him?

5 A If I'm not mistaken either he came into town or I brought  
6 her out there.

7 BY THE COURT: Okay. But you're certain she did go  
8 visit with her grandfather?

9 A Pretty sure, yes.

10 BY THE COURT: All right. And did you tell him  
11 anything about -- about what was going on?

12 A Not my dad.

13 BY THE COURT: All right. And that would have been  
14 -- would that been the same day that you left her with your  
15 mother the second time or another day?

16 A Another day?

17 BY THE COURT: All right. But between the time that  
18 Haley had reported this to you and you took her to Norman. Is  
19 that right?

20 A Yes.

21 BY THE COURT: About how long would she have visited  
22 with her grandfather, your father?

23 A I can't -- I want to say a couple of hours too --

24 BY THE COURT: All right.

25 A -- and most of time I would stay there a little longer

1 before I left.

2 BY THE COURT: Stay at his house? Stay at his house?

3 A Visit him and then I would leave and go do something and  
4 then come back.

5 BY THE COURT: Do you recall on this occasion if  
6 that's what happened?

7 A I believe so.

8 BY THE COURT: All right. So that would mean you  
9 would taken her out to his house. Is that correct?

10 A Yes, Sir.

11 BY THE COURT: Now, would that be the same route you  
12 would take if you were going to go to Mr. Dyer's house?

13 A Yes.

14 BY THE COURT: Haley say anything to you about that?

15 A She started crying and telling me that she didn't want to  
16 go there. She didn't want to look at the house.

17 BY THE COURT: And what did you tell him -- tell her?

18 A I told her we weren't going there.

19 BY THE COURT: Did you drive by his house?

20 A No.

21 BY THE COURT: Or the vicinity of it?

22 A No.

23 BY THE COURT: On the occasions you left Haley with  
24 your mother what was her state of mind? How was she? What was  
25 her emotional state?

1 A Regular.

2 BY THE COURT: Okay.

3 A She was starting to feel better.

4 BY THE COURT: All right. How about when she -- you  
5 left her with your father?

6 A She was feeling a lot better.

7 BY THE COURT: All right. When she came home from  
8 your father did you ask her what they had done?

9 A Well, she told me. I didn't really have to ask. She  
10 told me.

11 BY THE COURT: All right. Anything she tell you was  
12 out of the ordinary with her visits with your father?

13 A No.

14 BY THE COURT: Appeared to do the same things they  
15 usually do together?

16 A Oh, yeah.

17 BY THE COURT: All right. And after she spend some  
18 time with your father was there any other occasion she was left  
19 with anyone else before you took her to Norman?

20 A No.

21 BY THE COURT: All right. Any inquiry based upon the  
22 Court's inquiry?

23 BY MS. HIXON: No.

24 BY MR. HAMMOND: Just a few questions, Your Honor.

25 BY THE COURT: Thank you.



RE-CROSS EXAMINATION

1

2 BY MR. HAMMOND:

3 Q Miss Dyer, on the Wednesday that your daughter made this  
4 disclosure to you did you tell her it was January 2nd that this  
5 incident happened on?

6 A No.

7 Q How did she come up with that date?

8 A She called me that day.

9 Q And said what?

10 A Said that she got in trouble by Charles.

11 Q And then what did you do?

12 A I asked her why she got in trouble and she told me  
13 because she shot off a gun.

14 Q Okay. Did she tell you that she went and looked at a  
15 calendar to see what day it was?

16 A No.

17 Q Did you tell her at that time that today is January 2nd?

18 A No.

19 Q How was she able to tell the doctor and the interviewer  
20 that this incident happened last on January 2nd?

21 A Because she knew the day that she was going to go see her  
22 dad.

23 Q Well, she had been over to her father's stay from the  
24 last part of December until January 4th or 5th. Is that  
25 correct?

1 A Yes.

2 Q So there really was no reason for January 2nd to stick in  
3 her head was there?

4 A I don't know why she said January 2nd.

5 BY MR. HAMMOND: That's all the questions I have,  
6 Your Honor.

7 BY THE COURT: Miss Hixon?

8 BY MS. HIXON: None, Your Honor.

9 BY THE COURT: Were you able to determine based upon  
10 what Haley had told you when the incident that she was  
11 describing happened in relation to the day that she came home?

12 A Like it happened that day?

13 BY THE COURT: Yeah. Do you know -- based upon what  
14 she's told you --

15 A Uh-huh.

16 BY THE COURT: -- as to what happened to her at her  
17 father's house, were you able to determine when that -- what  
18 day that was in relation to the day that she came back to your  
19 house?

20 A I'm trying to -- I don't know the exact day when she told  
21 -- when she told me. I want to say it's on a Wednesday, but  
22 she did tell me right when I picked her up and we went and took  
23 a bath.

24 BY THE COURT: Okay.

25 A And if you're asking me if I think it happened that day,

1 the way it looked, yes.

2 BY THE COURT: Okay. When you say you picked her up,  
3 are you saying when you picked her up at her father's house or  
4 you picked her up in the bathroom? Did you pick her up in the  
5 bathroom?

6 A No, I didn't pick her up in the bathroom.

7 BY THE COURT: All right. Did she -- did she tell  
8 you -- did you go and get Haley from her --

9 A Yes.

10 BY THE COURT: -- father's house.

11 So you picked her up?

12 A Yes.

13 BY THE COURT: Did she say anything to you from the  
14 time that you picked her up at her father's house, on the trip  
15 from her father's house back to your house about what had  
16 happened?

17 A No.

18 BY THE COURT: Okay. So when you referred to she  
19 told you when she picked -- when you picked her up, you were  
20 referring to she told you on the day -- the same day that you  
21 had picked her up from her father's house?

22 A Yes, exactly.

23 BY THE COURT: Okay. Thank you.

24 May this witness be excused?

25 BY MR. HAMMOND: Yes, Sir.

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

BY THE COURT: Thank you, Ma'am.

\* \* \* \* \*

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

IN THE DISTRICT COURT IN AND FOR STEPHENS COUNTY

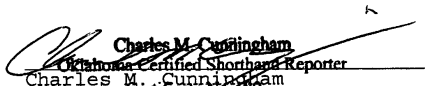
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
vs	)	Case No. CF-2010-17
	)	
CHARLES ALAN DYER,	)	
	)	
Defendant.	)	

CERTIFICATE OF REPORTER

I, Charles M. Cunningham, Certified Shorthand Reporter within and for the State of Oklahoma, DO HEREBY CERTIFY that the foregoing proceedings were taken by me in Stenograph on the 8th day of April, 2011, before the Honorable Joe H. Enos, District Judge, and later reduced to typewritten form by me as it now appears; that the foregoing is a full, true and correct transcript of my shorthand notes.

Given under my hand and seal this 19th day of April, 2011.

  
 Charles M. Cunningham  
 Oklahoma Certified Shorthand Reporter  
 Charles M. Cunningham  
 Certificate No. 189  
 Exp. Date: December 31, 2011