

1 A Yes.  
2 Q Teasing through it, it appears to have what to me at least  
3 different looking writing; does your writing change?  
4 A Yes.  
5 Q You--You say yes?  
6 A Yeah.  
7 Q Do you have an explanation for that?  
8 A Yeah.  
9 Q Okay. What is it?  
10 A Sometimes I write when I'm tired, sometimes I write when  
11 I'm not. Sometimes I write in cursive, sometimes I don't.  
12 Q Okay. But you're saying that what the officer picked up,  
13 this a hundred and fifty page journal, whatever it is,  
14 that all the entries in there were written by you.  
15 A One hundred percent.  
16 Q 'Kay. Thank you.  
17 THE COURT: Anything further from prosecution?  
18 MS. PAYNE: No, your Honor.  
19 THE COURT: Is there any reason this witness  
20 cannot be excused?  
21 MR. SCHAEFFER: I have no objection, your Honor.  
22 THE COURT: 'Kay. You may step down, and you  
23 may be excused. Thank you for your testimony.  
24 THE WITNESS: Yup.  
25 (At 2:52 p.m., witness excused)

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1 THE COURT: Any other witnesses for prosecution  
2 MS. PAYNE: Yes, your Honor. We're calling  
3 Brandon [REDACTED] to the stand.  
4 THE COURT: Mr. [REDACTED], will you stand and  
5 raise your right hand, please. You swear to tell the  
6 truth, the whole truth, and nothing but the truth?  
7 MR. [REDACTED]: Yes, sir.  
8 THE COURT: Go ahead and grab a seat. Pull it  
9 microphone right up. The closer you get it to your mouth  
10 the better it works. All your answers have to be verbatim  
11 of the head we can't get.  
12 THE WITNESS: Yes, your Honor.  
13 THE COURT: If you do that, that's all right.  
14 We'll just remind you. Okay?  
15 THE WITNESS: Yes.  
16 THE COURT: State your full name, and spell it  
17 full name please.  
18 THE WITNESS: Brandon [REDACTED]. B-R-A-  
19 D-O-N [REDACTED]---er well, my last name, [REDACTED]  
20 THE COURT: Thank you. You may proceed.  
21 BRANDON [REDACTED]  
22 called by the people at 2:52 p.m. and sworn by the court  
23 testified:  
24  
25 DIRECT EXAMINATION

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1 BY MS. PAYNE:  
 2 Brandon, how old are you currently?  
 3 Sixteen.  
 4 And at one time were you placed at Earth Services-The  
 5 House Next Door?  
 6 Yes, I was.  
 7 And were you placed pursuant to court order?  
 8 Yes.  
 9 As a juvenile delinquent?  
 10 Yes.  
 11 And when did you first arrive at Earth Services?  
 12 March of 2009.  
 13 Were you the first person, first resident there, or were  
 14 there other people living there?  
 15 I was the first.  
 16 Do you remember when you left there?  
 17 March--Well, right before March of 2010.  
 18 Okay. During your time at Earth Services how old were  
 19 you?  
 20 I went in when I was fourteen and I got out when I was  
 21 fifteen.  
 22 Who was in charge of Earth Services-The House Next Door  
 23 during the time you were there?  
 24 Michael Terpening.  
 25 And do you see him in the courtroom today?

1 Yes, I do.  
 2 Please identify him.  
 3 At the Defense table wearing the blue shirt.  
 4 MS. PAYNE: Kay. Let the record reflect the  
 5 Witness has identified the Defendant.  
 6 THE COURT: It so--It can reflect.  
 7 BY MS. PAYNE:  
 8 What did you first think of the--the Defendant when you  
 9 arrived there? Did you like him?  
 10 Yeah. I--At first he was very respectful.  
 11 And how often did you see him?  
 12 At first it was just--'bout he come in every day when I  
 13 first come in. And we did a lotta activities on the farm  
 14 Okay. And did he buy you things?  
 15 Yeah. Like after when we started gettin' more resident  
 16 in, we went out on outings.  
 17 Kay. What kind of outings?  
 18 Like either went out to dinner or the movies or we went--  
 19 during the summer we went to Michigan Adventures.  
 20 Did you enjoy working with the animals there?  
 21 Yes, I did.  
 22 And what kinda work--did you do farm work there?  
 23 Yes.  
 24 What kinda work did you do?  
 25 I either fed the animals or worked with the animals, like

1 help ride them or also I groom--helped groom them and not  
 2 only that, I also cleaned their stables.  
 3 Did the defendant ever touch you in a way that made you  
 4 feel uncomfortable?  
 5 A Yes.  
 6 Explain what happened.  
 7 A Like when--when I got angry, at first he just started  
 8 comin' up, pattin' my leg like a--in a friendly manner.  
 9 And then a few times at like a little while like once I  
 10 actually got used to him comin' and talkin' to me, he  
 11 started rubbin' my leg in a sexual manner.  
 12 Q And why did you feel that he was rubbing your leg in a  
 13 sexual manner? Describe how he would rub it.  
 14 A He--He would go like start from my ankle and start rubbin'  
 15 in circular motion, and he came about an inch away from my  
 16 genital area.  
 17 Q Okay. And you felt he was doing that for a sexual  
 18 purpose?  
 19 A Yes.  
 20 Q How long would this leg rubbing last?  
 21 A 'Bout two, three minutes before I got very uncomfortable  
 22 and told him to stop.  
 23 Q How often would this occur?  
 24 A It occurred a few times, and then I made it clear for him  
 25 not to touch me again.

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1 Q What'd you mean by you made it clear to him?  
 2 A Me--I got to the point of like if he woulda touched me  
 3 again, I prob'ly woulda--I woulda flipped out.  
 4 Q Okay. And how far away from his--from your penis was--  
 5 would his hand be?  
 6 A About an inch.  
 7 MS. FAXNER: Okay. No further questions, your  
 8 Honor.  
 9 THE COURT: Cross-exam.  
 10 CROSS-EXAMINATION  
 11 BY MR. SCHAEFFER:  
 12 Q Brian, what is your date of birth?  
 13 A Eleven twelve 1994.  
 14 Q And you live in ~~San Jose~~, ~~California~~ now?  
 15 A Yes.  
 16 Q And out of what jurisdiction were you under when you came  
 17 to the Ranch Services?  
 18 A Ranch Services--can you rephrase that in a question where I  
 19 can understand?  
 20 Q Okay. What--The prosecutor asked you if you were under a  
 21 court order, and from what court were you ordered to be  
 22 there?  
 23 A I was in the juvenile division, and I went there because I  
 24 got put on probation. I was a pose--I was in lockup. But  
 25 they didn't feel it was necessary to put me in a lockdown

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1 A Most of them. But other than them two from--in Indiana.  
 2 Q Okay.  
 3 A Yes. Because I was raised here.  
 4 Q Okay. So the disorderlies are out of Indiana, the rest  
 5 are here?  
 6 A Yes.  
 7 Q Okay. The time your leg was to--touched--there was  
 8 nothing said by Mr. Terpening?  
 9 A Not that I can remember.  
 10 Q And that was a time that you were go--going through some  
 11 sort of distress or stress in your life?  
 12 A Yes.  
 13 Q And he never made any sexual statement to you while  
 14 rubbing your leg?  
 15 A No.  
 16 Q And are you able to narrow it down when this happened?  
 17 A Not to the month or the day, but it was when other res--  
 18 more residents started coming into the program.  
 19 Q Do you remember if it woulda been in '09 or '10?  
 20 A It was in '09.  
 21 Q Was anyone else present at the time that this touching of  
 22 the leg took place?  
 23 A No.  
 24 Q Where did it take place?  
 25 A In my room at the ti--It was at Earth Services and there

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1 facility.  
 2 Q Which county?  
 3 A County? Barry County.  
 4 Q 'Kay. And what were you on probation for?  
 5 A That I cannot remember.  
 6 Q How long were you on probation?  
 7 A I was on probation for a year.  
 8 Q How long were you at Earth Services?  
 9 A For a year.  
 10 Q Are you on probation at the present time?  
 11 A No.  
 12 Q Do you have any other offenses other than the one you  
 13 can't remember what the conviction was for?  
 14 A Yes.  
 15 Q What is that?  
 16 A I have a few other ones. One was a larceny charge, one  
 17 was a B&B, one was a GTA--  
 18 Q Was a what?  
 19 A Grand theft auto charge. And then I have a couple  
 20 disorderly conduct charges.  
 21 Q Are they all out of Barry County?  
 22 A Two of them are. The two disorderly conduct charges are.  
 23 Q And where are the other ones from?  
 24 A Here in Barry County.  
 25 Q So all of them are in--from Barry County?

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1  
wasn't very many, and I had my own room at the time.  
2 Q Do you recall if it was at the beginning of your time when  
3 you arrived, or later in the year of '09?  
4 A It was more in beginning and midway.  
5 Q All right. Do you recall who the staff members were at  
6 that time?  
7 A Yes, 'cause there wasn't that many.  
8 Q 'Kay. Who were they?  
9 A There was Michael Terpening; Christy Smith; and Barb, I  
10 forgot her last name; and that--those are the only ones I  
11 can remember.  
12 Q Can you remember any of the other young people that were  
13 there?  
14 A Yes.  
15 Q Who can--  
16 A There--  
17 Q --you remember?  
18 A There was Scott, his last name is kinda fuzzy; but there's  
19 Budlick or Buddy [redacted]; John [redacted]; Brian [redacted]; Coby [redacted]  
20 and a Rodney some--I forgot his last name.  
21 Q Rodney [redacted]?  
22 A Yes.  
23 Q So Rodney was there and Brian was there when you were  
24 there.  
25 A Yes.

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1 MR. SCHAEFFER: 'Kay. No further questions,  
2 your Honor.  
3 THE COURT: Any redirect?  
4 REDIRECT EXAMINATION  
5 BY MS. PAYNE:  
6 Q When the Defendant touched you, do you remember if you had  
7 shorts or long pants on?  
8 A I was wearing pants at the time.  
9 MS. PAYNE: Okay. No further questions, your  
10 Honor.  
11 THE COURT: Any recross?  
12 MR. SCHAEFFER: No recross, your Honor.  
13 THE COURT: Any reason this witness can't be  
14 excused?  
15 MR. SCHAEFFER: No objection.  
16 MS. PAYNE: No, your Honor.  
17 THE COURT: You may be excused. Thank you.  
18 (At 3:04 p.m., witness excused)  
19 Any further witnesses--  
20 MS. PAYNE: Your--  
21 THE COURT: --Prosecution?  
22 MS. PAYNE: Your Honor, at this time I'd like to  
23 call Derek [redacted].  
24 THE COURT: Good afternoon. You're Mr.  
25 [redacted] Why don't you step right up here, have you

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