

RE: [REDACTED] - 05-2004-DR 019706 - Did the Eighteenth Circuit Deny a Child Protection from Her Identified Sexual Abuser

aim c

Mon 6/24/2019 12:54 AM

To: parcher@sa18.org <parcher@sa18.org>
Cc: Sheriff Robert Wayne Ivey <Wayne.Ivey@bcso.us>; Sheriff Neil Warren c/o Robert Quigley <Robert.Quigley@cobbcounty.org>; karla.ray@wftv.com <karla.ray@wftv.com>; vickersb@flcourts.org <vickersb@flcourts.org>; shane.strum@eog.myflorida.com <shane.strum@eog.myflorida.com>; kylie.mason@myfloridalegal.com <kylie.mason@myfloridalegal.com>; chad.poppell@myflfamilies.com <chad.poppell@myflfamilies.com>; cody.hall@georgia.gov <cody.hall@georgia.gov>; Magistrate Robert Alan Segal <robert.segal@flcourts18.org>; Debbie Lansing <Debbie.Lansing@flcourts18.org>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Tonya.Rainwater@flcourts18.org <Tonya.Rainwater@flcourts18.org>; Megan.Taylor@flcourts18.org <Megan.Taylor@flcourts18.org>; Lisa Davidson <lisa.davidson@flcourts18.org>; Chris.Trammell@flcourts18.org <Chris.Trammell@flcourts18.org>; Judge Charles G. Crawford <charlie.crawford@flcourts18.org>; Karenina.Milad@flcourts18.org <Karenina.Milad@flcourts18.org>; kelly.mckibben@flcourts18.org <kelly.mckibben@flcourts18.org>; Judge Morgan Laur Reinman c/o Billie Shadron <Billie.Shadron@flcourts18.org>; Judge Robin C. Lemonidis <robin.lemonidis@flcourts18.org>; Jannie.Robinson@flcourts18.org <Jannie.Robinson@flcourts18.org>; george.turner@flcourts18.org <george.turner@flcourts18.org>; Christa Pila <christa.pila@flcourts18.org>; Scott Ellis <Scott.Ellis@brevardclerk.us>; Ms. Michelle Kennedy <michelle.kennedy@flcourts18.org>; VolusiaExposed.Com <volusiaexposed@cfl.rr.com>; Brevard Business News <BrevardBusinessNews@earthlink.net>; guardianbrevard@gmail.com <guardianbrevard@gmail.com>; Cindy Dumas <safekidsintl@yahoo.com>; Mark Peters <markpeters@ebplaw.com>

6 attachments (9 MB)

A - Volusia Exposed to Phil Archer - may312019email.pdf; B - BCSO Agent Dale Young Report 8-5-10.pdf; C - NC Deputy John Whitfield Report to Dale Young- 5-5-10.pdf; D - NC Deputy John Whitfield Arrest Affidavit to Dale Young - 5-7-10.pdf; E - BCSO Agent Michael Mazzone Report 5-23-11.pdf; F - Judge George Maxwell Little Pedophilia Not Life Threatening.pdf;

June 24, 2019

SENT VIA EMAIL ONLY - parcher@sa18.org

Phil Archer
State Attorney-18th Judicial Circuit
2725 Judge Fran Jamieson Way
Viera, Florida 32940-6605

RE: Did the Eighteenth Circuit Deny a Child Protection from Her Identified Sexual Abuser
RE: [REDACTED] (05-2004-DR-019706)

Dear Mr. Archer:

As the Eighteenth Judicial Circuit's State Attorney your "Mission Statement" from your website states the following:

"To pursue vigorous and fair prosecution of criminal cases, with a commitment to serve as an advocate for the rights of all victims, and promote the safety and well-being of the public."

With YOUR Mission Statement at the forefront and my following of Volusia Exposed most recent article which included their correspondence to your office of May 31, 2019 regarding the "Importance of Truthfulness in Every Detail" in the Dana Delaney Loyd prosecution (05-2015-CF-039871-AXXX-XX), I too have QUESTIONS. (Attachment A).

Please let me properly introduce myself. I am the biological mother of R [REDACTED] A [REDACTED] M [REDACTED] (D.O.B. 07/08/2003).

In reviewing the Annual Program Performance Evaluation Reports published by the Florida Department of Children and Families from 2009 to date, it has come to my attention and understanding that in the mid-1990's a pilot program was started with the Manatee Sheriff's Office to assume child protective investigations which led to legislation in 1998 which created a model that is still enforced today. That model, Pursuant to Florida Statutes Chapter 39, and under Florida Laws, Chapter 98-180, includes that currently only SIX (6) Florida Sheriff Offices are authorized and can assume the role of conducting child protective investigations. Please confirm or challenge my understanding of which particular Florida sheriff offices have the authority to conduct child protective investigations.

Per my understanding, those Sheriff Offices authorized to conduct child protective investigations are Broward, Hillsborough, Manatee, Pasco, Pinellas, and Seminole, who are under grant agreements with the Department of Children and Families. **Brevard County is VOID of such authority to conduct child protective investigations WITHOUT the Florida Department of Children and Families' authority to conduct such and have NEVER has been granted such authority.**

On August 5, 2010, Agent Dale Young of the Brevard County Sheriff's Office, issued his investigation report #09214149 (*Attachment B*), **confirming he conducted a child protective investigation.** Given my understanding, his report is **VOID** of any authority or documentation received from the Florida Department of Children and Families granting the Brevard County Sheriff's Office to do such an investigation. Of particular interest, Agent Young was contacted by the North Carolina Sheriff Deputy John Whitfield which included his detailed and graphic investigation report (*Attachment C*) and arrest affidavit for Timothy Michaud (*Attachment D*). Agent Young never informed Deputy Whitfield that he had not received such authorization from the Florida Department of Children and Families to investigate this matter. Agent Dale Young also contacted Assistant State's Attorney Julia Lynch from your office in Brevard County. Did your office provide Agent Young with any guidance regarding Brevard County Sheriff's Office child protective investigation authority, or lack thereof?

On May 23, 2011, Agent Michael Mazzone and Deputy Carrie Pyne of the Brevard County Sheriff's Office, issued their investigation report #11040714 (*Attachment E*), **confirming they too conducted a child protection investigation.** Again per my understanding, this report is **VOID** of any authority or documentation confirming that the Brevard County Sheriff's Office received any authority from the Florida Department of Children and Families to investigate this second matter.

My question to you is under what authority did Brevard County Sheriff Agents Dale Young, Michael Mazzone, and Deputy Carrie Pyne investigate allegations of sexual assaults from which my daughter stated to and through mandated reporters in North Carolina and Massachusetts. My daughter identified her abuser who is her biological father, Timothy Michaud (D.O.B. 05/29/1969). These alleged assaults transpired in the home of Timothy Michaud located in Brevard County during my daughter's visitations to Florida with her father.

With your "commitment" to serve as an advocate for the rights of all victims, I would think you would want to address these questions immediately.

As I have detailed to you in this correspondence, your answers are time sensitive and are of great value and are of utmost importance. Currently docketed within the Eighteenth Judicial Circuit is a criminal contempt hearing scheduled for Monday, July 15, 2019. This civil matter's foundation is based solely on these ineffective child protective investigations. Now, the Court is requiring me to address why I should not be held in criminal contempt. My daughter's identified perpetrator, Timothy Michaud and his many

counsels, have pursued this matter for the last ten years in civil court which has been ruled upon by a judge who has a high tolerance for pedophilia, Judge George Maxwell. (*Attachment F*). Absent your response, I cannot address the Court properly and fully address the Court's concerns.

It is my understanding, that these reports/child protective investigations and the civil matter are co-dependent between each other as to the validity and the allegations of the contempt against me. **If the Brevard County Sheriff Office's investigations are invalid, then the entire civil matter and it's foundation and current contempt suit, must follow and thus be invalid as well.**

I would think based upon all that has been addressed to you Mr. Archer, you would have an affirmative responsibility to understand why **my daughter's safety is of extreme concern.** After she disclosed the alleged sexual assaults perpetrated by her identified abuser, she was ordered by Judge George Maxwell to live with him (her father) based on these invalid child protective investigations. **Doesn't my daughter deserve your advocacy as a victim to have this matter be properly handled by you and your office?**

As well, if my understandings are correct, your office may have additional affirmative responsibilities to address the criminal prosecution of the Dana Delaney Loyd matter (05-2015-CF-039871-AXXX-XX), regarding any invalidity and ramifications caused by the invalid child protective investigations performed by the Brevard County Sheriff agents Dale Young, Michael Mazzone, and Deputy Carrie Pyne.

As time is of essence, I look forward to your response to my questions/concerns.

Aimee Casey
(252) 571-7470

cc: Brevard County Florida Sheriff Wayne Ivey
Cobb County Georgia Sheriff Neil Warren
Karla Ray, Investigative Reporter
Florida Supreme Court Chief Justice Jorge Labarga
Florida Governor Ron DeSantis
Georgia Governor Brian Kemp
Ashley Moody, Attorney General
Randy Fine, State Representative
Chad Poppell, Office of the Secretary of Florida Department of Children and Families
Chief Judge Tonya Rainwater
Chief Judge-Elect Lisa Davidson
Judge Robert Segal
Judge Charles Crawford
Judge Kelly J. McKibben
Judge Morgan L. Reinman
Judge George B. Turner
Scott Ellis, Brevard County Clerk of Court
Michelle Kennedy, Eighteenth District Communications Director
Brevard Business News
Volusia Exposed
The Guardian Brevard
Safe Kids International
Mark Peters, Esquire - Counsel for Timothy Michaud

bcc: others

P.S. Relevant Web Links Material:

<https://www.wftv.com/video?videoid=960347266&videoVersion=1.0>

<https://www.wftv.com/news/9-investigates/mother-claims-cps-failed-to-investigate-abuse/923075760>

[Attachment
A]

From: VolusiaExposed.Com <volusiaexposed@cfl.rr.com>

To: parcher@sa18.org

Cc: wayne.ivey@bcso.us

Bcc:

Subject: Loyd - 05-2015-CF-039871 - Can The Truth Be Found WithIn The Details?

Date: Fri, 31 May 2019 11:50:09 -0400

Phil Archer
State Attorney
18th Judicial Circuit
State of Florida

May 31, 2019

Ref: The Importance of truthfulness in every detail
Dana Delaney Loyd (05-2015-CF-039871)

Mr. Archer:

In your below 2-5-2016 email response to our publication - your office stressed the "importance of truthfulness in every detail" regarding the criminal prosecution of Dana Delaney Loyd (05-2015-CF-039871-AXXX-XX).

Our publication is preparing our next article - within our investigative series - attached to the arrest, prosecution and criminal conviction of Mrs. Loyd.
<http://volusiaexposed.com/highprofile/danaloydexpose.html>

Within this article - we (VolusiaExposed.Com) intend to EXPOSED the importance of truthfulness in every detail.

We intend to QUESTION whether the Brevard County Sheriff's Office (BCSO) had the legal authority to determine whether Loyd's call to the Florida Abuse Hotline qualified as a "false report" - as is defined in Florida State Statutes, and Florida Administrative Code. These legal mandates, in our OPINION, require that DCF conduct an investigation, and come to an investigative conclusion that a "false report" has been made - PRIOR to any law enforcement intervention.

IN OUR OPINION - the above conclusion is supported within page 4 of the attached case law coming out of the 2nd DCA. (see attached PDF file - CASELAW2d03-155)

In addition, and in support of the above, page three of a 2014-2015 DCF annual report appears to indicate that ONLY six Florida Sheriff's Offices were in 2015 - authorized to conduct false report allegations without first obtaining a false report determination from DCF. (see attached PDF file - cpireport20142015) . The BCSO was NOT inclusive to those six identified Sheriff's Offices of Broward, Hillborough, Manatee, Pasco, Pinellas, Seminole.

reg
m

Within an April 7, 2016 email (see below web link) - a ranking representative of DCF advised this publication that their department had not conducted a "false reporting investigation" into the Loyd matter. This email being nearly eight (8) months AFTER Mrs. Loyd's arrest by the Brevard County Sheriff's Office - and approximately one year prior to Mrs. Loyd's criminal trial and sentencing.

<http://volusiaexposed.com/highprofile/inthedefenseofdanadelaneyloyd15/grayemailapril2016.pdf>

In response to a recent (May 2019) public record request by this publication - DCF has in our OPINION confirmed their April 2016 standing - that their agency never conducted a "false report" investigation - prior to Mrs. Loyd's August 2015 arrest by the Brevard County Sheriff's Office. Providing for this publication - and maybe for your office, the "truthfulness in every detail" regarding Loyd's arrest.

Our publication - since Loyd's arrest - has voiced the OPINION that her arrest had little, to nothing, to do with an alleged "false report" to the Florida Abuse Hotline - and everything to do with her critical articles regarding the Brevard County Sheriff's Office - including sustained allegations of pedophilia by at least one BCSO deputy.

APRIL 29, 2019 VOLUSIAEXPOSED.COM ARTICLE.

<http://volusiaexposed.com/brevard/highprofile//lemonidisgoesrogue32019.html>

Please be advised that our publication has an anticipated June 15-30, 2019 publication date set for our pending article. We invite any comments or clarifications your office can provide.

Regards,
VolusiaExposed.Com
volusiaexposed@cfl.rr.com

cc - Sheriff Wayne Ivey
bcc - several

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On Fri, 2016-02-05 at 15:32 -0500, LHOOPER@sa18.org wrote:

To whom it may concern:

Mr. Archer asked me to respond to your question for him. He said that he "Absolutely!" supports reporting suspected child abuse and stresses the importance of truthfulness in every detail. Thank you for your interest in this important subject.

Lynne
>>> "VolusiaExposed.Com" <volusiaexposed@cfl.rr.com> 2/4/2016 12:12 PM >>>
Phil Archer
State Attorney
Florida - 18th Circuit

Mr. Archer:

VolusiaExposed is currently preparing our next article regarding the

criminal prosecution of Dana DeLaney Loyd. (05-2015-CF-039871-AXXX-XX)

VolusiaExposed intends to incorporate the attached 2014 article from the Children's Advocacy Center of Brevard (CACB) - in which you are pictured holding a banner which states - "If You Suspect Child Abuse Call 1-800-96-ABUSE" (see page five of the below linked CACB publication - also see attached screen shot)

<http://www.cacbrevard.org/wp-content/uploads/2014/12/AR-2013-2014-Final.pdf>

Do you still hold the position that individuals "suspecting" child abuse should call the DCF hotline? Or has your position changed?

Regards;

VolusiaExposed.Com
volusiaexposed@cfl.rr.com

BREVARD COUNTY SHERIFF'S OFFICE

700 Park Avenue, Titusville, Florida 32780-4095

SHERIFF - Wayne Ivey

CASEREPORT09214149

CONFIDENTIAL REPORT-DONOT DISSEMINATE

SUPPLEMENT			
Case Report #	09214149	Juvenile Involvement	Yes
Location	1791 WAIKIVA DRIVE, MELBOURNE FL.	Zone	43 - West Precinct zone 43
Report Date	08/05/2010		

PERSON			
Person Type	R - Reportee	DOB - Age@event/Cur. Age	- /
Name	CASEY ,AMY ,,		
Race	W - White	Sex	F - Female
Alias		Email ID	
Address	0		
City		State - Zip	NORTH CAROLINA -
Phone #	321	Occupation	-
Mailing Address			
Employer/School			
Address	0		
City			
Phone #	321		

PERSON			
Person Type	I - Involved	DOB - Age@event/Cur. Age	05/29/1969 - /
Name	MICHAUD ,TIMOTHY ,,		
Race	W - White	Sex	F - Female
Alias		Email ID	
Address	1971 WEKIVA DR		
City	MELBOURNE	State - Zip	FLORIDA - 32904
Phone #	321-446-4664	Occupation	-
Mailing Address			
Employer/School			
Address	0		
City			
Phone #	321		

[Attachment
B]

PERSON

Person Type	I - Involved	DOB - Age@event/Cur. Age	07/08/2000 - /
Name	M [REDACTED], R [REDACTED],		
Race	W - White	Sex	F - Female
Address	0	Email ID	
City		State - Zip	-
Phone #	321	Occupation	-
Mailing Address			
Employer/School			
Address	0		
City			
Phone #	321		

NARRATIVE

On 07/15/2009, Deputy Carol O'Connell received a telephone call from Amy Casey in regards to a bruise on her six year old daughter, R [REDACTED] M [REDACTED] who had been visiting her father, Timothy Michaud. Amy said that when she visited R [REDACTED] two weeks ago, she noticed R [REDACTED] had a bruise on her leg. Amy reported that R [REDACTED] was saying that her dad had kicked her. Dep. O'Connell spoke with Dep. Brad Cervi, who had met with Amy when she originally discovered the bruise. Dep. Cervi observed the bruise. At that time R [REDACTED] said that she got the bruise when she jumped off the couch. Dep. O'Connell responded to the residence and met with R [REDACTED]. Riley said that she had gotten the bruise when she had fallen. Dep. O'Connell closed the case as information only.

On 11/18/2009, I was notified that Craven County North Carolina Department of Social Services Sherry Daniels had been conducting an ongoing investigation into the physical and sexual abuse of R [REDACTED]. She said that a therapist, Jean Huryn with Promise Place had been working with R [REDACTED] and that R [REDACTED] had disclosed her father sexually abused her. Ms. Daniels said that Jean Huryn had used some therapies that were questionable, however when Ms. Daniels spoke with R [REDACTED] she did disclose some sexual contact, however very little details were disclosed.

I contacted Amy Casey and discussed the case with her. We concluded that the best course of action was for Amy to bring R [REDACTED] to our local Child Protection Team for an interview. On 11/24/2009, Kim Sworn who said she was an advocate for R [REDACTED]. informed me that R [REDACTED] could be interviewed in North Carolina. She implied it would be stressful for R [REDACTED] to come to Florida for the interview. Sworn said that I should contact a detective John Whitfield to conduct the interview. I later learned that Ms. Sworn was another employee of Promise Place. I contacted Ms. Daniels who arranged a forensic interview of R [REDACTED].

On 12/08/2009, Mary Currey, a Certified Forensic Interviewer obtained a qualified video taped statement from R [REDACTED]. R [REDACTED] disclosed no abuse either physical or sexual. During this interview anatomical drawings were used.

On 12/09/2009, Maggie Yankov began a Child Family Evaluation. Her report was inclusive of all details involving R [REDACTED], Amy and Timothy. She found that: R [REDACTED] was a very suggestible and that Amy had demonstrated immediate and exaggerated responses to suspected abuse. Ms. Yankov concluded, "There have been well meaning and fear based attempts to deal with potential for abuse."

After review the totality of information I noted that Ms. Yankov reported no substantiated abuse. Sherry Daniels found no evidence to support an allegation of abuse. Mary Curry reported no disclosure of abuse.

On 05/11/2010, I discovered that Detective John Whitfield had conducted yet another interview with R [REDACTED] on 05/05/2010. I contacted Detective Whitfield, he said that Promise Place had requested he interview R [REDACTED]. He said based on his training and experience that R [REDACTED] had made a credible qualified statement to him that her father, Timothy Michaud had sexually abused her. I asked him to send me the videotape and he informed me that it was not a video taped interview. He further stated that during the interview Amy presented him with graphic sexual pictures that R [REDACTED] had allegedly drawn. Det. Whitfield re-initiated the interview with R [REDACTED] and she identified herself and her father in the picture. The picture apparently was of a figure ejaculating on another figure. R [REDACTED] then drew a picture of her father's penis. I inquired why he had not forwarded the information to me for investigation and he advised he would fax the information to me. I did not receive the pictures that R [REDACTED] reportedly drew.

I reviewed the case with Brevard County Assistant State Attorney Julia Lynch who concurred with the multiple non-disclosures, Amy's reaction to her fears of abuse and R [REDACTED] suggestibility there was no probable cause that R [REDACTED] had been abused in this case.

The case is closed unfounded and referred to file.

On 08/04/2010, I received an e-mailed scanned copy of a court order signed by Judge Maxwell and filed in open court on 07/23/2010. The court order directed me to provide Dr. Deborah Day this report and any and all documents and interviews associated with the case. I confirmed the court order with Melissa Dix, a judicial assistant for Judge Maxwell.

Deborah O. Day, Ph.D.
Psychological Affiliates
2737 West Fairbanks Avenue
Winter Park, FL 32789

Enclosures:

1. Brevard County Sheriff's office report number 09-214149.
2. Craven County Department of Social Services Report, 33 pages.
3. DVD interview of Riley Michaud, by Mary Curry BS, forensic interviewer.
4. Craven County Medical Evaluation Report.
5. Child Family Evaluation by Maggie Yankov, MS,LPC,LMFT, ACS.
6. Detective John Whitfield affidavit, provided through Craven County DSS.
7. Craven County North Carolina report.

ENDING			
Report Writer	DALE YOUNG	ID #	333
Related Case		Refer To	6 - File
Clearance Code	1 - Cleared	Case Status	CLOSED

CLEARANCE

Original Report Date 07/15/2009 Date Case Cleared 08/05/2010
Clearance Status 3 - Unfounded-No UCR Submit Adult / Juvenile (A/J)
Exception Type -
OBTS/Arrest Number Number of Arrestees

DEPUTY SIGNATURE: _____

SUPERVISOR SIGNATURE: _____

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY
THIS _____ DAY OF _____

SIGNATURE: _____

NOTARY/LAW ENF. OFFICER IN PERFORMANCE OF OFFICIAL DUTIES

End of Document - Reports09214149.html - bcso.bullet.reports.CaseReportPreview - 4/29/2015 - Robert Fischer

County of Craven



JERRY G. MONETTE
SHERIFF

TEL: (252) 636-6620
FAX: (252) 633-3284

CRAVEN COUNTY SHERIFF'S OFFICE
1100 Clerks Road P. O. Box 1027
NEW BERN, NORTH CAROLINA 28562

DATE: 6-22-10
TO: Dale Young
FAX # (321) 633-8420
NUMBER OF PAGES (INCLUDING COVER SHEET) 26

FROM: John Whitfield
DIVISION: CIVL , JAIL , CRIMINAL , ADMIN ,
RECORDS , DRUG UNIT , INVESTIGATIONS

REFERENCE: ~~RM~~

AUTHORIZED BY: *[Signature]*

Ⓢ If you do not receive the designated number of pages, please call us at (252)636-6632

[Attachment C]

I (Whitfield) interviewed R. [REDACTED] at Promise Place on 5/5/2010. The interview was in reference to a sexual assault. I had spoken with Monica at Promise Place previously and recommended they call a report in to DSS. My understanding at the time of this report is DSS was contacted and closed their investigation in Craven County as well as Florida. My information at the time of this interview is R. [REDACTED] made some allegations that her biological father, Timothy Michaud, sexually assaulted her while she was visiting his house in Florida. Riley told her mother she wanted to talk to a policeman.

06/22

R. [REDACTED] was a very bright 6 year old girl. R. [REDACTED] understood my questions and gave appropriate answers. I asked R. [REDACTED] if she knew the difference between the truth and a lie and she demonstrated a clear understanding of the difference. I also asked R. [REDACTED] if she knew what good touches and bad touches were. She also demonstrated a clear understanding of the concept. She indicated a good touch was like a hug from her mom and a bad touch was like someone touching her private or hitting her. I followed up that explanation by asking if anyone ever touched her and made her feel bad like a bad touch. She indicated that her "papa" kicked her and hit her and left a bruise on her that she showed her mother. She also stated her papa touched her private. I asked her to help me with an exercise of pointing out body parts on stick figures that I had drawn, which she did naming all the parts asked including the private, which is her name for her vaginal area. She stated that papa was her father and he lives in Florida. She stated she visited him last summer and these events occurred at his house in Florida.

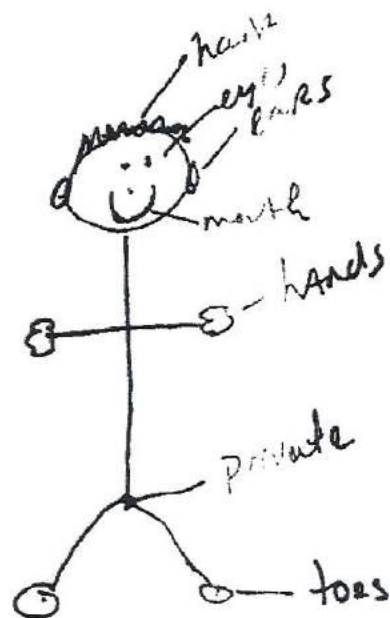
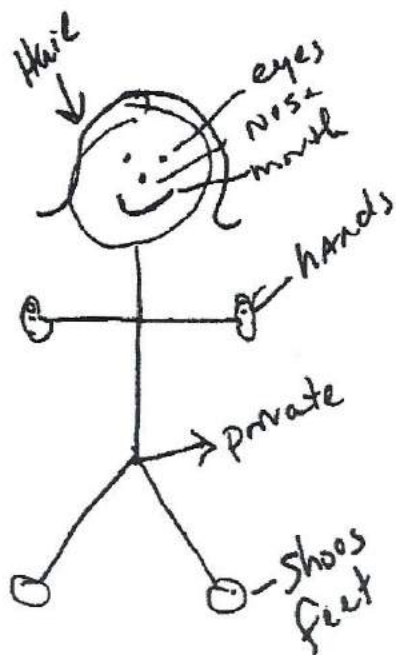
06/23

I then spoke to Amy Casey, R. [REDACTED] mother, and during this interview Casey presented me with copies of drawings that R. [REDACTED] did which show sexual events. Casey stated R. [REDACTED] told her she did some things to her little sister that were bad. After viewing the drawings I again talked to R. [REDACTED] and asked her to explain what she was drawing. She said she was drawing her papa and herself and papa's private with white stuff coming out of his private and getting onto her private. She said she wiped it off with a towel. R. [REDACTED] stated this happened at papa's house in Florida and it happened more than 2 times, but she didn't know how many times it happened. R. [REDACTED] stated papa touched her private with his private and after he rubbed his private with his hand (she demonstrated an up and down motion) the white stuff came out of his private. I asked R. [REDACTED] if she could tell me what his private looked like and she said she could draw it. She then took a pen and did just that. She stated his private was skin colored and it stuck straight out from his body. I asked her if she could remember anything else about it and she said no. I then asked her if she remembered seeing any hair on or around his private and she said no. I asked R. [REDACTED] what she did to her sister and she said she hit her and stuck her finger in her butt.

06/23

06/23

5/5/10



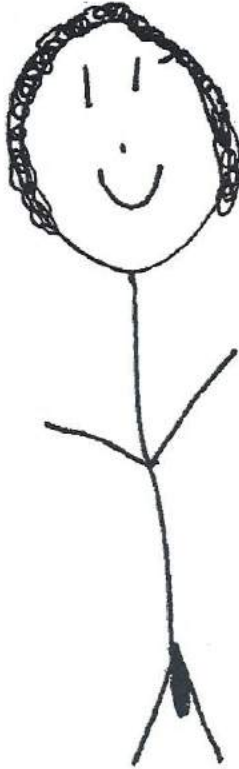
5/5/07

15/07

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15/07



This case interview was conducted on May 5, 2010. The interview with R. M. was conducted in an office at Promise Place in New Bern, N.C. I (Whitfield) set this interview up to interview R. M. at the request of Promise Place. Monica at Promise Place stated R. disclosed some events to her mother and to a therapist. I didn't ask what those events were. I was informed of some information by Monica at Promise Place; the possible perpetrator was R. father, Timothy Michaud. R. had been interviewed by several different people including DSS, and those interviews revealed different results. I was not aware of who conducted the interviews or the results of those interviews. I was aware of R. behavior which included sexual acting out on other children and excessive masturbation. In addition, there was controversy between the parents on the continuation of therapy for R. Timothy Michaud would not consent to allow his daughter to continue any type therapy. Amy Casey, R. mother, wanted her to be in some type of therapy because of the sexual behaviors R. was exhibiting. I had been called about this case several months before this interview took place. At that time, I referred the case to DSS without going further based on the fact the alleged crime was a small child on child case. Additionally, the other information was a possible physical abuse with a bruise from a kick. I was informed the bruise was photographed. I determined the child was not in an active disclosure phase at that time, so I referred the case to the Dept. of Social Services who could coordinate with Child Protective Services in Florida.

Monica informed me R. asked her mother if she could talk to a policeman. With this information along with the sexual acting out, masturbation, and the disclosure made to her therapist and to her mother and the fact that this child was at this time denied the possibility of therapeutic help, I agreed to attempt an interview with R. Based on the information I was given, R. had issues with feeling safe to give the information and was in an active disclosure phase if the safety issues were addressed.

I met R. and her mother at Promise Place. An office was provided where R. and I could talk privately. After a brief introduction, R. walked into the office with me and we began the interview process. The following are the contents of that interview:

W (Whitfield)-" Hello my name is John Whitfield. I am a policeman. My job is to talk with kids about being safe. I meet with lots of kids and many kids your age. One of the things I like about my job is that I get to meet lots of kids and learn about them. I would like to get to know you better. What school do you go to?"

R (R. M.)-" Brinson, I'm in the first grade."

W- What street do you live on?

R- "Hillsboro Drive, I don't know the number."

W- "Who lives in the house with you?"

R- " My mom and my dad and little sister."

W- "What is your dad's name?"

R- "Chris"

W- "What is your teacher's name?"

R- "Ms. Craig and Ms. Riggs."

W- "R■■■■, can you promise me that while we talk today, you will do your very best and tell the truth?"

R- "yes."

W- "R■■■■, tell me what a lie is."

R- "When you tell something that isn't true."

W- "What happens if you tell a lie?"

R- "I get in trouble."

W- "R■■■■ if I told you my shirt was red (actually blue), would that be the truth or a lie?"

R- "Lie, because it is blue."

W- "If I said my shoes were brown (actually brown) what would that be?"

R- "Truth, they are brown."

W- "So, today while we talk, can you tell only the truth?"

R- "Yes."

W- "How do you feel about meeting me today?"

R- "Good."

W- "R■■■■, I heard you wanted to talk to a policeman. Do you want to do that?"

R- "Yes."

W- "Are you worried about talking to me today?"

R- "No, cause you are a policeman. Policemen won't let anyone hurt you."

W- "Are you worried about someone hurting you?"

R- "No."

W- "Are you worried about getting into trouble if we talk?"

R- "My papa won't like it."

W- "What will he do?"

R- "He will get really mad, and yell at me, he gets mad."

W- "What things does your papa yell?"

R- "Go to your room! Go to bed! He makes me afraid."

W- "What were you doing when your papa yelled at you?"

R- "He was watching TV, he didn't want me to see the guns in the movie."

W- "Where does your papa live?"

R- "Florida."

W- "When were at papa's house in Florida?"

R- "In the summer."

W- "Before u started Ms. Craig's Class?"

R- "Yes."

W- "Do you feel ok to talk to me today?"

R- "You are a policemen, you won't let him yell at me."

W- "R■■■■, will you promise me to do your best and tell only the truth while we talk today?"

R- "yes."

W- "Tell me why your mom brought you here today."

R- "Cause my papa is mean to me."

W- "Tell me about that."

R- "He kicked me and I got a bruise on my arm."

W- "What were you doing when he kicked you?"

R- "Trying to watch T.V."

W- "What were you watching?"

R- "Papa was watching a movie, he got mad and yelled for me to go to my room, and he kicked me on my arm."

W- "What happened next?"

R- "I went to my room."

W- "How many times has your papa kicked you?"

R- "Just one time."

I then asked R [redacted] if she could help me with some drawings. I drew stick figures of a girl and a boy and asked R [redacted] to identify the body parts for me when I pointed to those parts. I then wrote her answer with a line indicating the body part she identified. When I pointed to the private area of each stick figure, R [redacted] identified both areas as private.

W- "R [redacted] do you know about good touches and bad touches?"

R- "Yes."

W- "What is a good touch?"

R- "Hugs."

W- "Who hugs you?"

R- "Mom."

W- "How do you feel when your mom hugs you?"

R- "Good."

W- "What is a bad touch?"

R- "Hitting, kicking, and touching privates."

W- "Does anyone touch you with bad touches?"

R-"Yes, papa touches my privates."

W-"What does papa touch your private with?"

R-"His finger"

W-"Tell me about that."

R-"It was in Florida."

W-"Where were you in Florida?"

R-"At papa's house."

W-"What room were you in?"

R-"My room."

W-"Did it happen one time or more than one time?"

R-"More than one time."

W-"Did it happen more than 2 times?"

R-"Yes. I don't know how many times."

W-"Where were your clothes?"

R-"My clothes were off."

W-"Tell me where his finger goes."

R-"Inside my private."

W-"How did that feel?"

R-"It hurt, then it kinda tickled."

W-"Did he touch you with any other part of his body?"

R-(No answer)

W-"Are you tired?"

R-"Yeah."

W-"Let's take a break."

R-"OK"

At this point in the interview, I had concerns because R[REDACTED] avoided the question about anything else touching her. I then spoke to her mother, Amy Casey. Ms. Casey then stated she originally called DSS because R[REDACTED] was acting out sexually by excessive masturbation and she put her finger in her sister's anus. Ms. Casey also showed me copies of drawings that she stated R[REDACTED] had drawn that disturbed her. I looked at the drawings which appeared to be stick figures and a male with genitals drawn. Ms. Casey stated she was concerned that DSS had made her believe they did not believe R[REDACTED]. DSS told her R[REDACTED] was coached into making the allegations against her dad. Ms. Casey stated R[REDACTED] calls her father papa and his name is Timothy Michaud.

I asked R[REDACTED] if she would talk to me for a few more minutes. I told R[REDACTED] I had some drawings I wanted to ask her about.

W-"R[REDACTED], look at these drawings. Who drew these drawings?"

R-"I did."

W- I showed her a drawing that has (he is mean and he is kicks me.) written on the top of the drawing. I asked, "R[REDACTED] did you draw this one?"

R- "Yes"

W- "Tell me who these people are in this drawing."

R- "Mc and papa"

W- I pointed at the drawing on the right of the stick figure that appeared to be wearing a hat. "R[REDACTED] who is this person?"

R- "Papa"

W- I pointed to the area between the legs in the drawing. "R[REDACTED] tell me about this."

R- "Papa's privates."

W- "What does he do with his privates?"

R- "He touches my privates with it and moves his hand up and down." (R[REDACTED] made a motion with a closed hand up and down demonstrating masturbation.)

W- "What is this" (I pointed to the lines drawn from the private areas of both figures.)

R- "The white stuff that comes out of his private and onto my private."

W- " R, what happens to the white stuff?"

R- " I wipe it off with a towel."

W- " R, can you tell me what his private looks like?"

R- " It is long and sticks straight out."

W- " What color is it?"

R- " It is skin colored."

W- " Is there any hair on it?"

R- " I didn't see any."

W- " R, can you draw it for me?"

R- " Yes."

I gave R my pen and a sheet of paper and drew a stick figure. Draw it for me. She drew a penis in the proper area on the stick figure and also drew 2 other objects that she said were also drawings of papa's penis.

W- " I heard that you did something to your sister."

R- " Yes."

W- " Tell me about that."

R- "I hit her and I stuck my finger in her butt."

W- " Was that a good touch or a bad touch?"

R- " A bad touch."

W- " Thank you for talking with me today, I am glad that I got to know you better. Do you have any questions for me?"

R- "No."

I concluded the interview with R.

5/5/10

Promise Place - Monica

Timothy Michael

DSS interviews - different results

sexual acting out - masturbat -

Therapy - NO - father - Therapists won't see
her w/o his permission

Amy Casey - mother - wants therapy

wants to talk to Policeman

R 6

disclosed to Therapist mother
safety issue *

office w/R

A Police - talk to kids - your age - teacher - get taken

What school -

o Bronson I'm in 1st g -

A What street -

o Hillsboro P don't know *

A Who lives w -

o my mom + D and L's

A Dad's name

o Chris

A teacher name

o Craig & Riggs

A Promise truth - do very best - truth

o y -

A lie is -

o when you tell some is - it true

A What happen

o get in trouble

Δ Shut Red (Blw) ?

o Liebits blue

Δ shoes Brown (Ber) what ?

o truth thing / Ber

08/22

Δ while u talk - truth ^{only}

o yes

Δ How feel about meeting

o good

Δ talk to police - ?

o yes

Δ worried ?

08/22

o No - ~~pot~~ - won't let anyone ^{let} yes -

Δ are you worried someone hurting u ?

o NO

Δ worried trouble if we talk

o my papa won't like it

Δ what will he do ?

o get really mad - yell - he gets mad

08/22

Δ what things does he yell ?

o Go to Room Go to Bed He make me afraid

Δ what u do when he yelled at u

o He watching TV - he didn't want me to c

guns in movie

Δ Where papa live

o Florida

08/22

Δ when were at papa's house

o summer

Δ Before u started M. Croys class

o yes

- Q Do you feel OK to talk to me today
- o yes
- Q ~~Will~~ will you promise do your best tell only truth while we talk —
- o yes
- Q why now brought you —
- o papa is mean to me
- Q Tell me — —
- o He kicked me and I got a bruise on my arm
- Q what u doing w/ he kicked u —
- o wh trying to watch TV
- Q What were u watching
- o Papa watch movie — got mad yelled to go to my room — kicked alan
- Q What happen
- o I went to my room
- Q How many times kicked
- o 1
- drawings body parts identification
- Q ~~Will~~ — do you know about good touch bad touch
- o yes
- Q good touch ?
- o Hugs
- Q Who Hugs u
- o mom
- Q How do u feel w/ mom hugs u
- o good
- Q Bad touch
- o Hitting Kicking touching Privates

- Q Does anyone touch you with bad touches?
- A yes papa touches my privates
- Q What does papa touch on private with
- A His finger
- Q Tell me - -
- A It was in Florida
- Q When were u in Fla
- A at papa's house
- Q What room were u in.
- A my room
- Q Did it happen more than 1 time
- A More than 1 time
- Q Did it hap. more than 2 times?
- A Yes - I don't know how many times
- Q Where were ur clothes -
- A my clothes were off
- Q Tell me when his finger goes
- A Inside my private
- Q How did that feel
- A It hurt then kinda tickled
- Q Did he touch you with any other part?
- A - - -
- Q you tired?
- A yeah -

— BREAK —

mom - Amy Casey -
 called DSS to Report ~~R~~ sexually acting
 out - excessive masturbation - finger sister's
 butt -

drawings -

Casey concerned - DSS doesn't believe ~~R~~
 coached

papa is ~~R~~'s father Timothy Michael
 Summer visits - last summer -

~~R~~

- showed drawings -

Q look @ drawings - who drew them

o I did

Q (he is new) drawing - did you draw this one

o yes

Q who these people in drawing

o me and papa

Q - pointed to figure w/ hat - who is this

o papa

Q pointed to area of tan legs - tell me -

o papas privates

Q what does he do w/ privates?

o He touches my privates with it and
 moves his hand up & down -

(masturbation motion)

Q What is this (lines drawn from private areas
 of both figures)

Q White stuff comes out his pants. a to my private.

Q What happens to the white stuff

a Wipe it off w/ towel

Q What private looks like

a It is long and sticks straight out

Q What color is it -

a Skin colored

Q Is there any hair on it

a I didn't see any

Q Can you draw it for me

a yes

- she drew -

Q I heard - that you did something to ur sister

a yes

Q Tell me - -

a I hit her - I stuck my finger in her butt

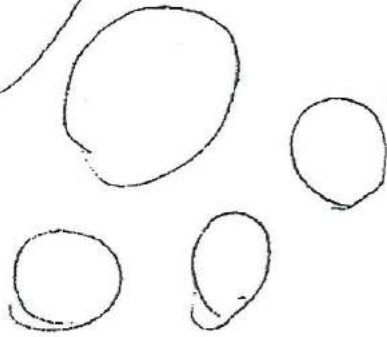
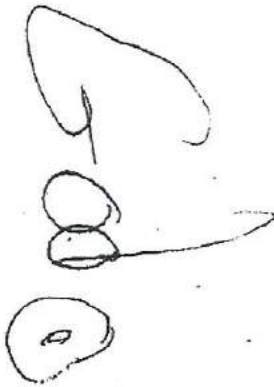
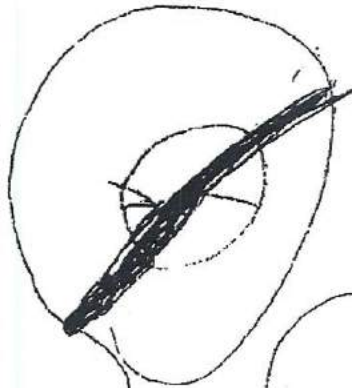
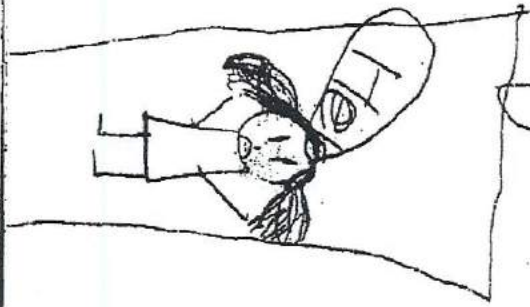
Q Was that good - bad -

a bad -

Q Thanks - talking today - glad know u better - questions

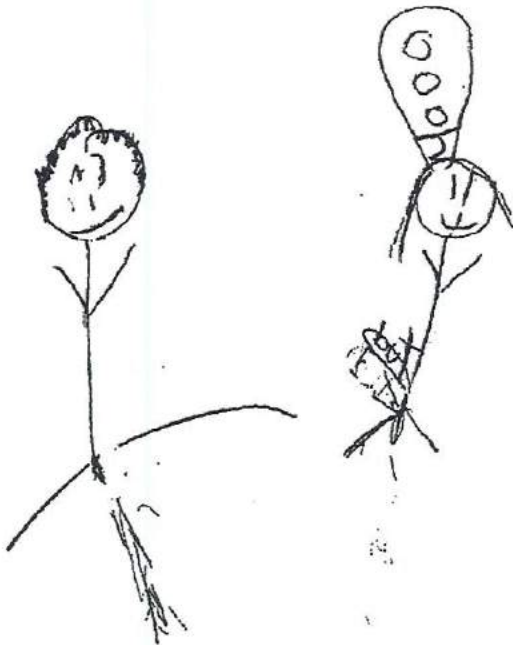
a NO

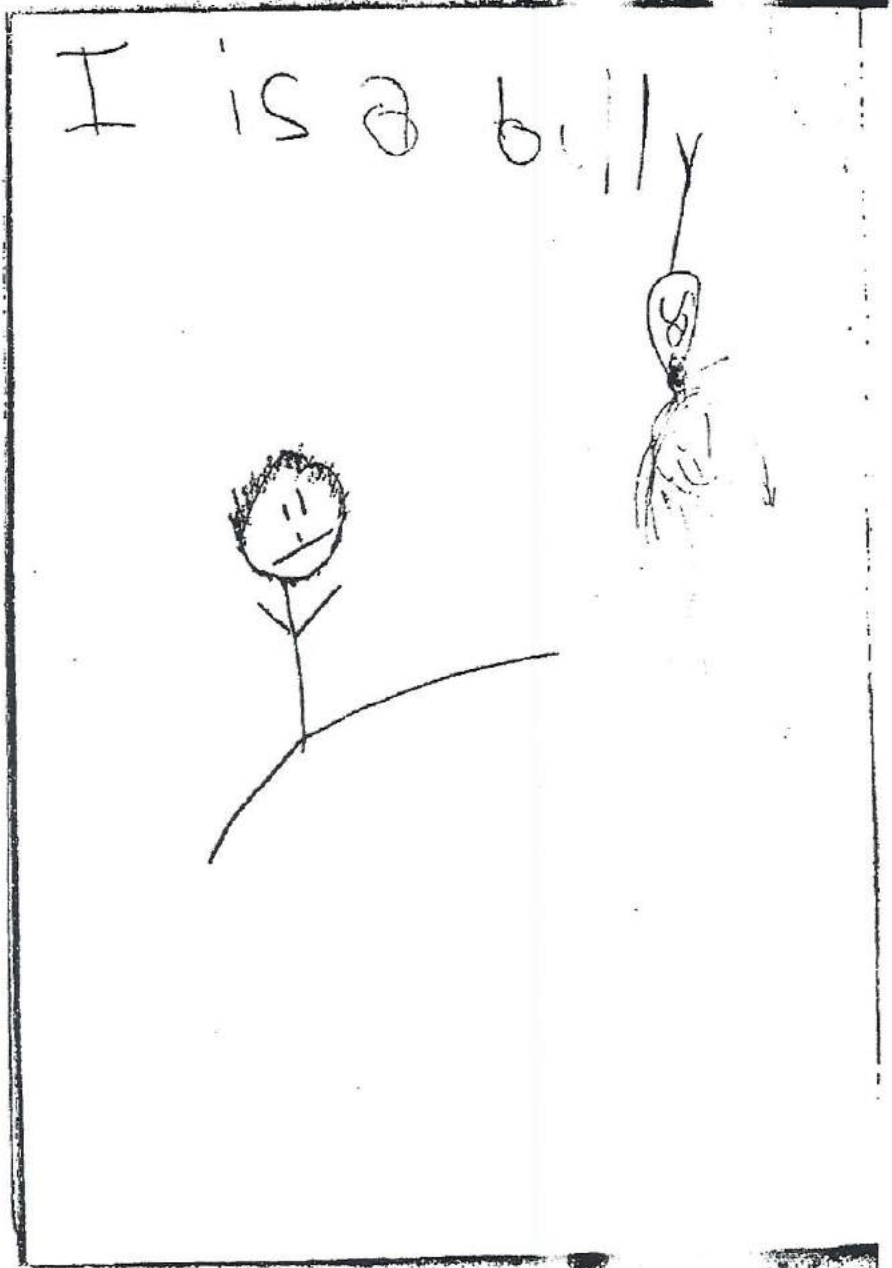
Riley's
private
Journal



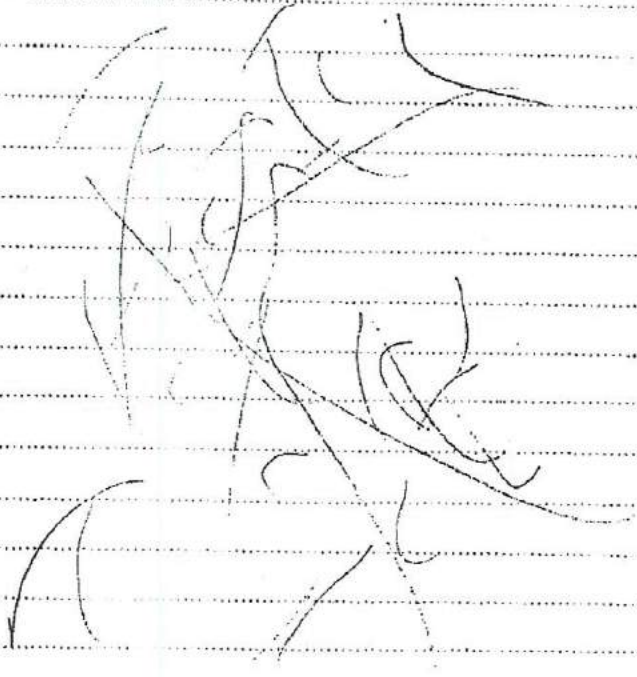
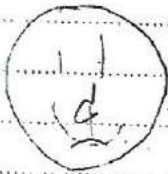
7/10

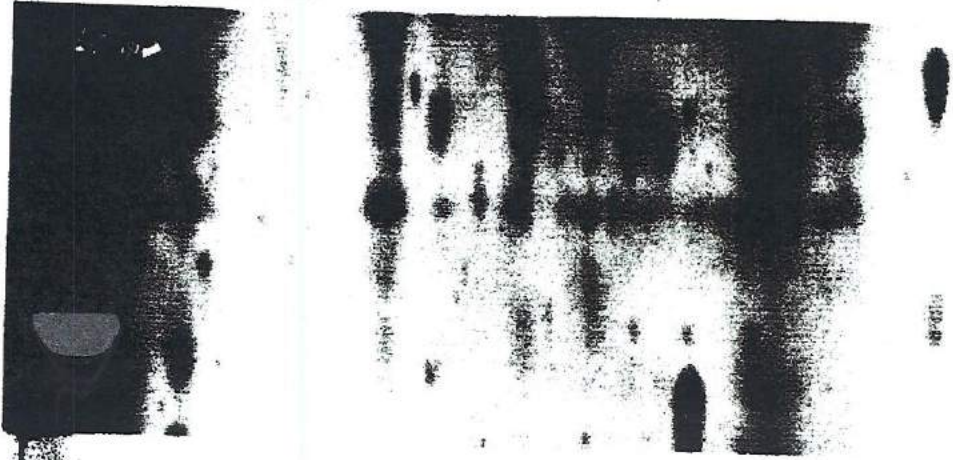
he is mean He is
Kicks me.





It was just
for fun.





He r... do... me get
He... h... h... because
p... t... on the phone
much.

OK y... s No

s

es

es



So the entire pushed
 at date



[Attachment D]

AFFIDAVIT

Craven County North Carolina

Craven County Sheriff's Department

Re: Victim: Riley Michaud
 Case Number: 2010-00006386
 Incident Type: Sexual Assault
 Dates of Incidents: 06/01/2009 thru 05/06/2010
 Date of Report: 05/06/2010

I John Whitfield being duly sworn and deposed say and affirm that;

1. The information contained herein is true and accurate.
2. The documents attached hereto, including the document captioned "Craven County Sheriff's Office Detail" ORI Number: NC 0250000, regarding Riley Michaud, and the interview I conducted with her on 05/05/2010, are true and accurate copies of the documents I wrote in my capacity as a Criminal Investigator with the Craven County Sheriff's Department, located in Craven County, North Carolina. These documents are on file with the Craven County Sheriff's Department and were drafted during the regular course of business and are the type of documents used in the daily course of business by the Craven County Sheriff's Department in law enforcement.
3. I am a duly sworn Deputy Sheriff employed by the Craven County Sheriff's Department.
4. I have been employed by the Craven County Sheriff's Department for 18 years.
5. In my capacity as a Criminal Investigator I investigate reports of sexual assault on minors, interview witnesses, and interview minors who come forward with allegations of sexual assault.

6. On 05/05/2010 I interviewed R [REDACTED] M [REDACTED] in an intake room at the Promise Place located in Craven County, North Carolina.
7. Promise Place contains interview rooms which are comfortable for minors and which rooms facilitate communications with the minors.
8. On 05/05/2010 R [REDACTED] M [REDACTED] reported the assault contained in the attached documents.
9. I found R [REDACTED] M [REDACTED] to be very credible in her recitation of the facts described in the attached reports.
10. R [REDACTED] M [REDACTED] made statements concerning actions she had taken on her younger sister which were detrimental to her interests and which in my opinion added to her credibility.
11. Prior to the interview I put R [REDACTED] M [REDACTED] through a series of questions designed to determine if;
 - a. She knew the difference between right and wrong,
 - b. She knew the difference between the truth and a lie,
 - c. She was coached on what to say during the interview.
12. In my opinion as a law enforcement officer, R [REDACTED] M [REDACTED] appeared to;
 - a. know the difference between right and wrong,
 - b. know the difference between the truth and a lie,
 - c. Did not appear to be coached or rehearsed.
13. Based upon my investigation as a criminal investigator with the Craven County Sheriff's Department, there is probable cause that Timothy Michaud sexually assaulted R [REDACTED] M [REDACTED] during the time period captioned above.

14. Based upon my investigation as a criminal investigator with the Craven County Sheriff's

Department there is probable cause to arrest Timothy Michaud for sexual assault on R

M

15. The information contained herein is true and accurate and was the result of a criminal

investigation I undertook in my capacity as a criminal investigator with the Craven

County Sheriff's Department, Craven County, North Carolina.

Sworn, this the 7th day of May, 2010.

 (X Seal)
John Whitfield

Notarize Here



Craven County Sheriff's Office Detail



Print Date/Time: 05/07/2010 12:22
Login ID: whitfieldj
Case Number: 2010-00006386

Craven County Sheriff's Department
ORI Number: NC0250000

narrative

I (Whitfield) interviewed Riley Mitchell at Promise Place on 5/6/2010. The interview was in reference to a sexual assault. I had spoken with Monica at Promise Place previously and recommended they call a report in to DSS. My understanding at the time of this report is DSS was contacted and closed their investigation in Craven County as well as Florida. My information at the time of this interview is Riley made some allegations that her biological father, Timothy Michaud, sexually assaulted her while she was visiting his house in Florida. Riley told her mother she wanted to talk to a policeman.

Riley was a very bright 6 year old girl. Riley understood my questions and gave appropriate answers. I asked Riley if she knew the difference between the truth and a lie and she demonstrated a clear understanding of the difference. I also asked Riley if she knew what good touches and bad touches were. She also demonstrated a clear understanding of the concept. She indicated a good touch was like a hug from her mom and a bad touch was like someone touching her private or hitting her. I followed up that explanation by asking if anyone ever touched her and made her feel bad like a bad touch. She indicated that her "papa" kicked her and hit her and left a bruise on her that she showed her mother. She also stated her papa touched her private. I asked her to help me with an exercise of pointing out body parts on stick figures that I had drawn, which she did naming all the parts asked including the private, which is her name for her vaginal area. She stated that papa was her father and he lives in Florida. She stated she visited him last summer and these events occurred at his house in Florida.

I then spoke to Amy Casey, Riley's mother, and during this interview Casey presented me with copies of drawings that Riley did which show sexual events. Casey stated Riley told her she did some things to her little sister that were bad. After viewing the drawings I again talked to Riley and asked her to explain what she was drawing. She said she was drawing her papa and herself and papa's private with white stuff coming out of his private and getting onto her private. She said she wiped it off with a towel. Riley stated this happened at papa's house in Florida and it happened more than 2 times, but she didn't know how many times it happened. Riley stated papa touched her private with his private and after he rubbed his private with his hand (she demonstrated an up and down motion) the white stuff came out of his private. I asked Riley if she could tell me what his private looked like and she said she could draw it. She then took a pen and did just that. She stated his private was skin colored and it stuck straight out from his body. I asked her if she could remember anything else about it and she said no. I then asked her if she remembered seeing any hair on or around his private and she said no. I asked Riley what she did to her sister and she said she hit her and stuck her finger in her butt.

Routing:

- PIO
- Sheriff
- DA
- Sheriff - CD
- Narc
- File

BREVARD COUNTY SHERIFF'S OFFICE

700 Park Avenue, Titusville, Florida 32780-4095

SHERIFF - Wayne Ivey

CASE REPORT 11040714

CONFIDENTIAL REPORT - DO NOT DISSEMINATE

[Attachment
E]

SUPPLEMENT			
Case Report #	11040714	Juvenile Involvement	Yes
Location	1791 Wekiva Drive, Melbourne, Brevard County	Zone	43 - West Precinct zone 43
Report Date	06/09/2011		

OFFENSE			
Status	A - Attempted		
Statute	794.011.2a SEX ASSLT BY 18 YOA OLDER SEX BATTERY VICT UNDER 12 YOA		
Drug Activity	N - Not Applicable	Drug Type	N - Not Applicable
Quantity	0	Unit	0 - Not applicable
Approximate Value	\$ 0.00		

NARRATIVE

Narrative:

On February 4, 2011, Deputy Carrie Pyne, #766, was contacted by Chris Casey of Longmeadow, Massachusetts, who was reporting an alleged sexual battery that previously occurred at 1791 Wekiva Drive in Melbourne, Brevard County, Florida.

Mr. Casey advised his stepdaughter, R [REDACTED] M [REDACTED], age 7, visited with her biological father Timothy Michaud, from December 23, 2010, through January 8, 2011, at the father's address in Melbourne. Upon returning home from Florida, R [REDACTED] was "complaining of having a yeast infection", and was taken to the family pediatrician, a Doctor Camera. During this doctor's visit, it is alleged R [REDACTED] disclosed her father, Mr. Michaud, placed his fingers in her vagina and moved them around. The doctor then contacted the Department of Children and Families (DCF) in Massachusetts and completed a sexual abuse report with the agency. Mr. Casey's attorney instructed him to contact the proper authorities in Florida to file a report, which Mr. Casey had accomplished through Deputy Pyne.

Mr. Casey also informed Deputy Pyne that Agent Dale Young, 333, of the Brevard County Sheriff's Office was currently investigating "several other incidents of sexual battery" that occurred to R [REDACTED] where Mr. Michaud was the suspect. Agent Young conducted an investigation into previous allegations regarding R [REDACTED] M [REDACTED] being sexually battered by her father Timothy Michaud (BCSO CR# 09-214149). This case was closed unfounded, and it was established during the course of the investigation that R [REDACTED] disclosure of sexual abuse most likely stemmed from either coaching from her mother or improper interviewing techniques used by a therapist R [REDACTED] was seeing. This was solidified by several follow-up interviews with R [REDACTED], which resulted in no credible disclosures of sexual abuse against anyone.

(Refer to Agent Dale Young's Report in BCSO CR# 09-214149 for prior allegation information and disposition information.)

On Monday, February 8, 2011, I received a call from Mr. Casey, who was in Massachusetts. Mr. Casey wanted to know if I had all the information regarding the new allegation made by R. Mr. Casey also provided me with the name of his attorney William Orth of Orlando, who would be providing me with all the documentation regarding this more recent allegation.

On Wednesday, February 10, 2011, I spoke with Attorney Orth via telephone, and requested any documentation he could provide me with regarding R's allegation, including but not limited to: Massachusetts police reports and contact information, Massachusetts DCF reports and contact information for investigator and any other documents which would assist me in investigating this most current allegation. On Friday, February 11, 2011, I received a series of emails from Mr. Orth, which mainly consisted of documentation relating to the previous unfounded allegations. I contacted Mr. Orth and reiterated my request for current documentation pertaining to any new allegations. On Wednesday, February 16, 2011, I received an email from Attorney Orth, in which he told me he was waiting for the contact information for Massachusetts DCF, and he would forward it to me as soon as he received it. This was the last contact I had with Attorney Orth in reference to this case.

On Monday, March 7, 2011, Trooper Margaret Gaffney, of the Massachusetts State Police Special Victims Unit for the Western Massachusetts area, contacted Agent Young in reference to the new allegation. Agent Young referred Trooper Gaffney to me, and on Tuesday, March 8, 2011, I spoke with Trooper Gaffney via telephone. Trooper Gaffney informed me she had received an initial report of sexual abuse of R through Massachusetts DCF, and wanted to insure I was aware of the allegation in Florida where the offense was alleged to have occurred. Trooper Gaffney said she would be able to coordinate a video taped forensic interview with R in Massachusetts and forward the results to me via mail. Trooper Gaffney said this might take a few weeks, due to the fact, the method in which the state police were conducting interviews were currently being restructured under a new policy. I requested Trooper Gaffney move forward with a forensic interview of R and contact me with the results.

On Monday, May 10, 2011, I contacted Trooper Gaffney to see if she completed a forensic interview with R. Trooper Gaffney reported that she had not, but would contact R's mother today and schedule a time for the interview. After hanging up with me, Trooper Gaffney contacted R's mother Aimee Casey, who informed Trooper Ryle that R now resided with her father in Florida. Ms. Casey was upset and crying at the time of her conversation with Trooper Gaffney, and provided her with few reasons for the change in custody.

On Monday, May 10, 2011, Agent Young contacted Mr. Michaud and spoke with him regarding the above case. Mr. Michaud informed Agent Young, custody of R had been awarded to him by Judge George Maxwell. Mr. Michaud then emailed a copy of the judge's order to Agent Young who provided me with a copy. I then verified the new court order with judge's assistant Theresa Caruso. The pertinent information regarding to this new court order is highlighted as follows:

Massachusetts DCF does not have an open case regarding the new allegation of sexual abuse by R in January of 2011.

The North Carolina Department of Social Services and the Florida DCF investigated the prior allegations of sexual abuse made by Ryle in 2009. These allegations were unfounded. Ms. Casey then reported the incident in Massachusetts as if it were a new incident, and failed to provide information to caretakers and investigators

in Massachusetts that the case had been previously investigated an unfounded. When this was later learned by Judge Maxwell, he assigned a court appointed Psychologist Deborah Day to the case, and ordered R [redacted] not be interviewed by any other person than Dr. Day.

Dr. Day determined later disclosures made by R [redacted] "were improperly obtained by consistent leading and suggestive questioning " Dr. Day believed Ms. Casey's "covert participation", by not contacting anyone other than Massachusetts' authorities regarding the new allegation "willful and concerning". This was also in violation of the judge's previous ruling.

Dr. Day informed the court that if R [redacted] stayed in Massachusetts, her mother's behavior of making "unfounded reports" would continue.

And finally, the court has found that Ms. Casey had "engaged in a disturbing pattern of behavior designed to alienate the affections of the child from her father."

Due to the finding of the court on July 23, 2011, there is no credible disclosure in reference to any new criminal allegation and it would be detrimental to interview R [redacted] again regarding the new allegation. This case is closed unfounded and referred to file for informational purposes.

Enclosures:

- 1) Original Report by Deputy Pyne
- 2) Copy of Judge Maxwell's Order Dated April 18, 2011 (16 pages)

ENDING			
Report Writer	MICHAEL MAZZONE	ID #	960
Related Case		Refer To	6 - File
Clearance Code	1 - Cleared	Case Status	Ref. to File
CLEARANCE			
Original Report Date	02/04/2011	Date Case Cleared	05/23/2011
Clearance Status	3 - Unfounded-No UCR Submit	Adult / Juvenile (A/J)	J
Exception Type	-		
OBTS/Arrest Number		Number of Arrestees	0

[Redacted Signature Line]

DEPUTY SIGNATURE: _____

SUPERVISOR SIGNATURE: _____

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY
THIS _____ DAY OF _____,

SIGNATURE: _____

NOTARY/LAW ENF. OFFICER IN PERFORMANCE OF OFFICIAL DUTIES

[Redacted Signature Line]

End of Document - Reports11040714.html - bcs0.bullet.reports.CaseReportPreview - 4/29/2015 - Robert Fischer

AGENCY: JUDGES PUT KIDS AT RISK

By **Rene Stutzman, Laurin Sellers and Gwyneth K. Shaw of The Sentinel Staff**
THE ORLANDO SENTINEL

[Attachment
F]

APRIL 13, 2001

In a startlingly aggressive move, Florida's Department of Children & Families has accused two judges of being so prejudiced in their dealings with the agency that they have placed children at risk and should no longer be allowed to handle certain abuse cases.

In one three-day span last week, the department filed legal motions asking two judges -- Circuit Judge George Maxwell in **Brevard County** and Circuit Judge Thomas G. Freeman in **Seminole County** -- to stop handling broad categories of cases.

Specifically, it cited Maxwell for returning a 13-year-old boy to the home of a man who was suspected of sexually abusing the boy's older sister for four years.

That case ended disastrously. One day after the judge's ruling, police say, the boy walked home from school to find the man dead, a .32-caliber pistol at his side and a suicide note in the mailbox, confessing the abuse.

The next day, the judge tried to explain his ruling by describing the abuse of the girl as "a little pedophilia" that did not warrant removing the boy, said an agency administrator.

In Freeman's case, the department cited him for returning two children to the homes of accused or convicted child batterers. He also routinely ignored its advice in domestic-violence cases.

According to the agency, Freeman shrugged off warnings that children might be hurt. "Even if parents are serial murderers, they're going to get to visit their kids," Freeman said, according to a department affidavit filed in the 5th District Court of Appeal.

The department said it knows of no deaths and does not think any child has been harmed after being returned home by Freeman. Nevertheless, its attorneys contend both judges were taking chances with the safety of children.

"They're seeing what goes on and telling us, 'This can't go on,' " said Bob Morin, who heads the department's district that serves Orange, Seminole, Osceola and Brevard counties.

Maxwell voluntarily stepped aside last week, accepting a transfer to another division one day after the department challenged him in court pleadings.

Freeman, however, did not. He rejected the department's motion, so the agency Tuesday filed an appeal with the 5th District Court of Appeal. It's not clear when a three-judge panel there will rule.

The move against the judges is an aggressive tactic on the part of the state agency charged with protecting Florida's most vulnerable children.

"One of the things that we found is that there's a bias and prejudice towards the department," Morin said. "These kinds of things are a threat to our department and the children in our care."

But lawyers who have worked with both judges defended them and criticized the agency for "judge shopping."

Attorneys routinely ask judges to pass cases to someone else if there is a conflict of interest, but it is extremely rare for an attorney or state agency to try to prevent a judge from hearing a broad swath of cases.

Morin said the agency doesn't have to win all of its cases, but it does have to have open-minded judges.

For years, the department has been criticized for underreacting to allegations of abuse and neglect. Morin took over the Central Florida district, widely acknowledged as one of the worst in the state, 18 months ago. Since then, one of his priorities has been restoring the agency's credibility -- with judges, children's advocates, parents and the public.

The actions of Maxwell and Freeman were hurting that effort, Morin said.

The agency wanted Maxwell to stop handling all child-abuse cases involving sexual abuse. In Freeman's case, it is those involving domestic violence.

Maxwell would not comment, except to say that it was his decision to be reassigned.

"It would be inappropriate for me to comment on any of these matters concerning this case," he said.

Freeman was out of the country and unavailable for comment. But in his order rejecting the department's request, he wrote that the department was merely unhappy with his rulings.

"It is apparent that the court did not follow each of the department's recommendations, but there are no ultimate facts that allege a bias or prejudice for or against the department or the parties in this action," Freeman wrote.

MOVE AGAINST MAXWELL

The case that prompted the department to move against Maxwell involved a middle-schooler. Police reports paint this picture:

His mother was in prison on drug charges. His sister had run away. The 13-year-old was left home with no one but his mom's longtime boyfriend, a 48-year-old man he had lived with for years and called "Dad."

The department had taken the boy away from the man because of allegations the father-figure had molested the boy's 17-year-old sister. She had told police in West Virginia that he had sex with her from the age of 9 until she

was 13.

The department asked Maxwell to leave the boy in a shelter, but the judge disagreed and sent the boy home March 14.

The Brevard County Sheriff's Office was investigating the man on the child-sex allegations. They were poised to arrest him March 16, deputies said, but he killed himself the day before.

In addition to Maxwell's refusal to grant the department custody of the boy, a department administrator was concerned about comments he made to her after the man was dead. In discussing the case with her, the judge made reference to "a little pedophilia," the staffer told Morin. The staffer also said Maxwell, in an effort to explain his actions, told her that he had "never known pedophilia to be life-threatening," Morin confirmed.

However, David Young, a Rockledge attorney for the boy's mother, accused the agency of taking the judge's comments out of context and angling for a more sympathetic judge.

"I don't ever recall hearing anything like that," Young said. "I think DCF is being intentionally inaccurate to get rid of him."

John Hubbard, another attorney involved in the case, said, "It's unbelievable that DCF would do this and that they may be able to get away with it."

FREEMAN HAS DEFENDERS

Lawyers also lined up to defend Freeman.

"I don't see him returning children to unsafe homes," said Thomas Greene, a Sanford attorney who spends a great deal of time in Freeman's court.

But according to the department's motion, Freeman has returned two children -- a 12-year-old and a 2-year-old -- to homes with accused or convicted batterers since January. In the case of the 2-year-old, the man involved had been found guilty of felony child abuse.

The department also accused Freeman of repeatedly refusing to put adults accused of domestic violence into counseling, a common requirement sought by the agency and often used by other judges.

He also has repeatedly bad-mouthed those programs, calling them a "bunch of bunk" and "brainwashing like in Vietnam," according to the sworn agency statements.

State law does not require a judge to use the programs but does encourage it.

*****CORRECTION PUBLISHED APRIL 27,

2001*****Because of incorrect information Florida's Department of Children & Families included in court documents, articles published on the front page April 13 and in the Local & State section April 19 and 25 misstated the legal status of a man to whose home 18th Circuit Judge Thomas G. Freeman in Sanford returned a 2-year-old boy. The man, who originally had been charged with felony child abuse, pleaded no contest to misdemeanor child abuse in a plea-bargaining arrangement, and adjudication was withheld. He was sentenced to two years' probation.*****

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