

RIPLEY COUNTY CIRCUIT COURT

**Ripley County Courthouse
100 Court Square
Doniphan, Mo. 63935
Telephone 573-996-2013 / 996-2818
FAX 573-996-5014**

**Michael M. Pritchett,
Presiding Judge
Thomas David Swindle,
Associate Circuit Judge**

**Sharon Richmond, Circuit Clerk
Ruth Austin, Chief Deputy Clerk
Sylvia Pigg, Deputy Clerk
Jessica Maples, Deputy Clerk
Kelsey Barton, Deputy Clerk**

CERTIFICATE OF TRUE COPY

**STATE OF MISSOURI)
) ss.
COUNTY OF RIPLEY)**

I, Sharon Richmond, Clerk of the Circuit Court within and for said County, Missouri, hereby certify that I am the legal custodian of the books and records of the said Court of said County, Missouri, and I further certify that the foregoing attached and annexed typewritten copy is a full, true and correct copy of the Originals of:

18RI-CV00649 MELISSA HOGG V CHARLES M HAYNES: Motion For Default Judgment, Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4, and Exhibit 5 as the same is of record in Doniphan, MO in my office.

WITNESS my hand and seal of said Court. Done at my office in Ripley County, Missouri, this 7th day of October, 2020.

Sharon R. Richmond
Clerk of the Circuit Court

Per Kelsey Barton Deputy Clerk



IN THE CIRCUIT COURT OF THE COUNTY OF RIPLEY
STATE OF MISSOURI

MELISSA HOGG,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.18CV-CC00649
)	
)	
CHARLES HAYNES,)	
Defendant.)	

MOTION FOR DEFAULT JUDGMENT

Comes Now Plaintiff, by and through counsel, and hereby moves this Court for a Default Judgment against Defendant Charles Haynes, and in support thereof states:

1. This action was filed on December 13, 2018.
2. Defendant was served on December 21, 2018.
3. Counsel for Plaintiff and Counsel for Defendant agreed to multiple extensions of Defendant's responsive pleading deadline. Eventually, Plaintiff set a deadline of October 31, 2019 (see attached Exhibit 1). Defendant responded by firing his counsel. Out of professional courtesy, Plaintiff did not file a motion for default judgment and instead chose to wait to see if new counsel entered. Defendant has never had new counsel enter and it has been nearly three months since the responsive pleadings deadline.
4. Defendant has failed to respond as required by law.
5. As a practical matter, it is important to note that this case surrounds the same events as 13RI-CR00907-01. Plaintiff was the victim in that case. Defendant Charles Haynes was also the Defendant in that case and charged with sexually abusing Plaintiff. Under oath, Defendant admitted to committing Statutory Sodomy, pled guilty, was convicted and sentenced to seven

years in the Missouri Department of Corrections. This is important for the Court to note in that Defendant has already admitted under oath to doing what Plaintiff has alleged in this case. Thus, he has no defense as would be required to set aside a default judgment. Additionally, Defendant has no good cause as to why he has not responded to Plaintiff's Petition.

6. In support of her motion for default judgment, Plaintiff has attached the following exhibits:

Exhibit 1:	Email to Defendant's Counsel (<i>now previous counsel</i>)
Exhibit 2:	Felony Information from <i>State of Missouri v. Charles Haynes</i> (13RI-CR00907-01)
Exhibit 3:	Guilty Plea Docket Entry from 13RI-CR00907-01
Exhibit 4:	Judgment from 13RI-CR00907-01
Exhibit 5:	Transcripts from Guilty Plea Hearing and Sentencing Hearing from 13RI-CR00907-01

7. Thus, this Court should grant Plaintiff's Motion for Default Judgment and set a hearing for Plaintiff to put on evidence/argument regarding damages.

Wherefore, Plaintiff respectfully moves this Court to grant her Motion for Default Judgment, and for any further relief this court deems just and proper.

Respectfully submitted,

SINDEL NOBLE

By: /s/ GRANT C. BOYD
GRANT C. BOYD #67362
8000 Maryland Ave, Ste. 910
St. Louis, MO 63105
(314) 721-6040
(314) 721-8545 FAX
E-Mail: gboyd@travisnoble.com
Attorneys for Plaintiff

Grant Boyd

From: Grant Boyd
Sent: Tuesday, October 1, 2019 12:05 PM
To: Ted Liszewski
Subject: Hogg v. Haynes

Ted:

I've tried to reach out to you a couple times, including via text, to try to get this case resolved and some clarification. I haven't heard anything back. I have no way of making any kind of valuation to my client about what your offer was to the extent it was a detailed offer. To be honest, it's an offer that is contingent on the outcome of the divorce case, which I have zero to do with and is between Chuck and Cindy. I don't represent Cindy. I don't advise Cindy. I have zero idea what is going on with that case. Also, the offer is a moving target because I have no idea what portion of assets Chuck stands to get. In addition, the lack of cash is a huge problem.

So, I either need a concrete detailed offer (with appraisals) by the end of this month, or you need to file your responsive pleadings by 5pm on 10/31/2019. I can't keep letting this case lay around. I want to get it moving or wrapped up. I've been pretty patient with Chuck and have not made him spend a bunch of money fighting me on this case, but if I have to change that, then so be it.

This is a quick and easy liability case for me, then it comes down to a number on damages. Getting a blowjob/blowjobs from 12 year olds is surely a high punitive damage case.

I'm trying to work with you here but I can't do it by myself.

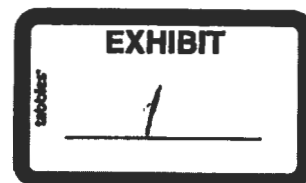
Grant C. Boyd
 Junior Partner
 Attorney at Law

Sindel Noble
 8000 Maryland Avenue, Suite 910
 St. Louis, MO 63105
 Office: 314.721.6040
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STATE OF MISSOURI)
)SS.
COUNTY OF RIPLEY)

IN THE CIRCUIT COURT OF RIPLEY COUNTY

STATE OF MISSOURI,)
)
vs.) CASE NUMBER 13RI-CR00907-01
)
CHARLES HAYNES) DIVISION I
RT 1 BOX 2312)
DONIPHAN, MO 63935)
D.O.B:3/23/1960)
SSN: 158-48-8343)
OCN: X9003104)

FELONY INFORMATION

Count I

Unclassified Felony of Statutory Sodomy in the First Degree-Charge Code No. 1109718.0

Christopher J. Miller, Prosecuting Attorney, of the County of Ripley, State of Missouri, charges that the defendant, in violation of Section 566.062, RSMo, committed the felony of statutory sodomy in the first degree, punishable upon conviction under Section 566.062, RSMo, and subject to lifetime supervision under Sections 217.735 and 559.106, RSMo, in that between December, 2011, and January 14, 2013, in the County of Ripley, State of Missouri, the defendant, for the purpose of arousing or gratifying the sexual desire of the defendant, had deviate sexual intercourse with M.H. (d.o.b. 1/15/1999), who was then a child less than fourteen years old, by touching her vagina with his hand, and against the peace and dignity of the State.

Count II

Class B Felony of Child Molestation in the First Degree-Charge Code No. 2210718.0

Christopher J. Miller, Prosecuting Attorney, of the County of Ripley, State of Missouri, charges that the defendant, in violation of Section 566.067 RSMo, committed the class B felony of child molestation in the first degree punishable upon conviction under Section 558.011, RSMo, in that between December, 2011, and January 14, 2013 in the County of Ripley, State of Missouri, the defendant subjected M.H. (d.o.b. 1/15/1999), who was then less than fourteen years old, to sexual contact, and against the peace and dignity of the State.



Count III

Class C Felony of Statutory Sodomy in the Second Degree-Charge Code No.1107718.0

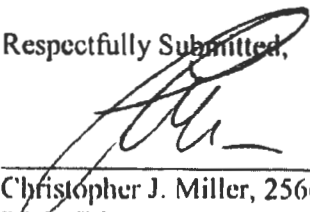
Christopher J. Miller, Prosecuting Attorney, of the County of Ripley, State of Missouri, charges that the defendant, in violation of Section 566.064, RSMo, committed the class C felony of Statutory Sodomy in the Second degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about early to mid-November, 2013, in the County of Ripley, State of Missouri, the defendant had deviate sexual intercourse with M.H. (d.o.b. 1/15/1999) and at that time M.H. (d.o.b. 1/15/1999) was less than seventeen years old and the defendant was twenty-one years of age or older, and against the peace and dignity of the State.

Count IV

Class C Felony of Statutory Sodomy in the Second Degree-Charge Code No. 1107718.0

Christopher J. Miller, Prosecuting Attorney, of the County of Ripley, State of Missouri, charges that the defendant, in violation of Section 566.064, RSMo, committed the class C felony of Statutory Sodomy in the Second degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about late November or early December, 2013, in the County of Ripley, State of Missouri, the defendant had deviate sexual intercourse with M.H. (d.o.b. 1/15/1999) and at that time M.H. (d.o.b. 1/15/1999) was less than seventeen years old and the defendant was twenty-one years of age or older, and against the peace and dignity of the State.

Respectfully Submitted,



Christopher J. Miller, 25668
PROSECUTING ATTORNEY

WITNESSES:

M. H. (d.o.b 01/15/1999) Doniphan, MO 63935
Cpl. Jeff Johnson, MSHP, Troop E, Poplar Bluff, MO 63901
Cpl. Earl Wheatley, RCSD, Doniphan, MO 63935
Kristy Patterson, OFRA, Summit Street, Doniphan, MO 63935
Sgt. Stoelting, MSHP, Troop E, Poplar Bluff, MO 63901
Sgt. Craig, MSHP, Troop B, Macon, MO
Tpr. Talburt, MSHP, Troop E, Poplar Bluff, MO 63901

Punishment Range: (568.032 RSMo)

Unclassified Felony-Imprisonment for life or for a term of years not less than 5 and subject to lifetime supervision under Sections 217.735 and 559.106, RSMo.

Punishment Range: (558.011 RSMo)

Class B Felony-Imprisonment for a term of not less than 5 years and not more than 15 years.

Punishment Range: (558.011 and 560.011 RSMo)

Class C Felony-Imprisonment for a term of not less than 2 and not more than 7 years and/or a fine of not more than \$5,000.00 or a special term of 1 year in the County Jail.

18RI-CV00649

NOTICE OF ENTRY
(SUPREME COURT RULE 74.03)

In The 36th Judicial Circuit Court, Ripley County, Missouri
100 COURTHOUSE SQUARE, DONIPHAN, MISSOURI 63935

ST V CHARLES M HAYNES

CASE NO : 13RI-CR00907-01

To: **MISSOURI BOARD OF PROBATION & PAROLE**

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
04-Sep-2018	<p>Guilty Plea</p> <p>Cause called in Wayne County, Missouri. State appears by Ms. Krug. Defendant appears in person and with Mr. Liszewski and Mr. Mills. Defendant enters guilty plea to Count 4. State enters nolle prosequi as to Counts 1, 2, and 3. The court orders a SAR to be prepared and filed. Cause removed from the jury trial docket on September 25-27, 2018. Cause set for sentencing in Ripley County on November 26, 2018 at 1:00 p.m. Defendant is ordered to appear.</p> <p>Scheduled For: 25-Sep-2018 8:30 AM; KELLY WAYNE PARKER; COURTROOM 1; Ripley</p> <p>Event Location: 100 Courthouse Square, Doniphan, Mo</p> <p>Sent Assessment Report Ordered</p>
05-Sep-2018	<p>Sentencing Hearing Scheduled</p> <p>Scheduled For: 26-Nov-2018 1:00 PM; KELLY WAYNE PARKER; COURTROOM 1; Ripley</p> <p>Event Location: 100 Courthouse Square, Doniphan, Mo</p> <p>Notice</p>

Sharon R. Richmond

Clerk of Court

CC: File
MISSOURI BOARD OF PROBATION & PAROLE

ECC:

Date Printed : 05-Sep-2018



18RI-CV00649



IN THE 36TH JUDICIAL CIRCUIT COURT, RIPLEY COUNTY MISSOURI

Judge or Division : KELLY WAYNE PARKER (40568)		Case Number : 13RI-CR00907-01 <input type="checkbox"/> Change of Venue from
		Offense Cycle No : X9003104
State Of Missouri Defendant: CHARLES MICHAEL HAYNES (HAYCM8343) Rt 1 Box 2312 Doniphan, Mo 63935	vs.	Prosecuting Attorney/MO Bar No: CHRISTOPHER J MILLER (25668) Assistant Attorney General/MO Bar No: CHRISTINE HYMES KRUG (42586) Defense Attorney/MO Bar No : THEODORE ERIC LISZEWSKI (56400)
DOB : 23-Mar-1960 SSN : 158488343 SEX : M		
Pre-Sentence Assessment Report Ordered	Appeal Bond Set Date : Amount :	
Judgment		

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	1	23-Nov-2013	1109700	Statutory Sodomy - 1st Degree - Deviate Sexual Intercourse With A Person Less Than 14 Yrs Old (Felony Unclassified RSMo: 566.062)
Disposition:	04-Sep-2018	Dismissed by Prosec/Nolle Pros		
	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	2	23-Nov-2013	2210700	Child Molestation - 1st Degree (Felony B RSMo: 566.067)
Disposition:	04-Sep-2018	Dismissed by Prosec/Nolle Pros		
	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	3	23-Nov-2013	1107700	Statutory Sodomy - 2nd Degree (Felony C RSMo: 566.064)
Disposition:	04-Sep-2018	Dismissed by Prosec/Nolle Pros		
	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	4	01-Dec-2013	1107700	Statutory Sodomy - 2nd Degree (Felony C RSMo: 566.064)
Disposition:	04-Sep-2018	Guilty Plea		
Order Date:	12-Dec-2018	Sentence or SIS :	Incarceration DOC	
Length :	7 Years	Start Date :	12-Dec-2018	
Text :	7 yrs MDOC			
Time Credit :	4 Days (12-1-13 to 12-3-13; 2-24-14 to 2-26-14)			

13RI-CR00907-01



The court informed the defendant of verdict/finding, asks the defendant whether (s)he has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the court.

Defendant has been advised of his/her rights to file a motion for post-conviction relief pursuant to **Supreme Court Rule 24.035/29.15** and the court has found **No Probable Cause** to believe that defendant has received ineffective assistance of counsel.

The Court orders:

The clerk to deliver a certified copy of the judgment and commitment to the sheriff.

The sheriff to authorize one additional officer/guard to transport defendant to Department of Corrections.

The Defendant to register as a sex offender with the chief law enforcement official of the county or city not within a county in which (s)he resides within three (3) business days of adjudication, release from incarceration, or placement on probation.

That Judgment entered in favor of the State of Missouri and against the defendant for the sum of **\$46.00** for the Crime Victims Compensation fund. Judgment is **Satisfied**.

Costs taxed against **Defendant**

The Court further orders:

12-Dec-2018 Judgment CVC \$46 - Other

12-Dec-2018 Defendant Sentenced

AUTHORIZE ADDITIONAL OFFICER - Yes; DELIVER CERTIF COPY OF JUDMT - Yes; 24.035/29.15
INEFFECT COUNSEL - No; ALLOCUTION - Yes

So Ordered on: 13RI-CR00907-01 ST V CHARLES M HAYNES

12-12-18

Kelly W. Parker

Date

Judge

I certify that the above is a true copy of the original Judgment and Sentence of the court in the above cause, as it appears on record in my office.

(Seal of Circuit Court)

Issued



12/12/2018

Date

Sharon R. Richmond

Clerk

IN THE CIRCUIT COURT WITHIN AND FOR
THE COUNTY OF RIPLEY,

STATE OF MISSOURI,

STATE OF MISSOURI)	
)	
PLAINTIFF,)	
)	CASE NO. 13RI-CR00907-01
VS.)	
)	
CHARLES M. HAYNES)	
)	
DEFENDANT.)	

BE IT REMEMBERED THAT ON THE 4TH DAY OF SEPTEMBER,
2018, THE ABOVE ENTITLED CAUSE CAME ON FOR HEARING
BEFORE THE HONORABLE KELLY W. PARKER, JUDGE OF THE 42ND
JUDICIAL CIRCUIT, DIVISION II, AT WAYNE COUNTY,
MISSOURI, AND THE FOLLOWING PROCEEDINGS WERE HAD:

APPEARANCES:

FOR THE PLAINTIFF:	CHRISTINE KRUG, ESQ. ASSISTANT ATTORNEY GENERAL 815 OLIVE STREET SUITE 200 ST. LOUIS, MISSOURI 63101
--------------------	--

FOR THE DEFENDANT:	THEODORE LISZEWSKI, ESQ. ATTORNEY AT LAW 220 NORTH MAIN STREET SIKESTON, MISSOURI 63801 DAVID MILLS, ESQ. ATTORNEY AT LAW 1100 N. ELM STREET P.O. BOX 248 ROLLA, MISSOURI 65402
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1 **PLEA HEARING - SEPTEMBER 4, 2018:**

2 THE COURT: WE'RE ON THE RECORD IN STATE VS.
3 CHARLES HAYNES. WE ARE IN WAYNE COUNTY, MISSOURI.
4 THIS MATTER WAS ON FOR HEARING SOME MOTIONS TODAY AND
5 THE ATTORNEYS AGREED TO COME HERE BECAUSE IT WAS MY
6 WAYNE COUNTY LAW DAY, SO WE PUT IT ON AT 1:00 O'CLOCK
7 TODAY BY AGREEMENT OF ALL PARTIES. IT'S MY
8 UNDERSTANDING THAT THE DEFENDANT DESIRES TO ENTER A
9 GUILTY PLEA AS TO COUNT FOUR, DID I HEAR CORRECTLY?

10 MR. LISZEWSKI: YES SIR.

11 THE COURT: OKAY AND AS TO COUNTS ONE, TWO
12 AND THREE, THE STATE WILL...

13 MS. KRUG: THE STATE WILL DISMISS THOSE
14 PURSUANT TO HIS GUILTY PLEA.

15 THE COURT: OKAY. SIR YOU ARE CHARLES
16 HAYNES?

17 DEFENDANT: YES SIR.

18 THE COURT: AND YOU'RE HERE WITH MR.
19 LISZEWSKI AND MR. MILLS?

20 DEFENDANT: YES.

21 THE COURT: AND THEY TELL ME THAT YOU WISH TO
22 WITHDRAW YOUR PREVIOUS PLEA OF NOT GUILTY AS TO COUNT
23 FOUR AND ENTER A GUILTY PLEA AS TO COUNT FOUR, IS THAT
24 WHAT YOU WISH TO DO?

25 DEFENDANT: YES.

1 THE COURT: HAVE YOU HAD ENOUGH TIME TO VISIT
2 WITH YOUR ATTORNEYS ABOUT THIS CASE?

3 DEFENDANT: YES.

4 THE COURT: HOW OLD ARE YOU?

5 DEFENDANT: FIFTY-EIGHT.

6 THE COURT: HOW FAR IN SCHOOL HAVE YOU
7 COMPLETED?

8 DEFENDANT: UP TO 11TH GRADE, HIGH SCHOOL.

9 THE COURT: DO YOU READ AND WRITE THE ENGLISH
10 LANGUAGE?

11 DEFENDANT: YES.

12 THE COURT: SIR HOW DO YOU PLEAD TO THE CLASS
13 C FELONY OF STATUTORY SODOMY IN THE SECOND DEGREE,
14 GUILTY OR NOT GUILTY?

15 DEFENDANT: GUILTY.

16 THE COURT: IF YOU'LL RAISE YOUR RIGHT HAND
17 AND BE PLACED UNDER OATH.

18 (AT THIS TIME CHARLES M. HAYNES WAS SWORN TO TELL THE
19 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
20 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

21 THE COURT: SIR NOW THAT YOU'VE BEEN PLACED
22 UNDER OATH IF I WERE TO ASK YOU THE SAME QUESTIONS I
23 ASKED BEFORE YOU WERE PLACED UNDER OATH, WOULD YOUR
24 ANSWERS BE THE SAME?

25 DEFENDANT: YES.

1 THE COURT: ARE YOU UNDER THE INFLUENCE OF
2 ALCOHOL, NARCOTICS OR ANY KIND OF MEDICATION TODAY?

3 DEFENDANT: NO SIR.

4 THE COURT: DO YOU UNDERSTAND YOU HAVE A
5 RIGHT TO HAVE A JURY DETERMINE YOUR GUILT OR INNOCENCE
6 AT A SPEEDY AND PUBLIC TRIAL?

7 DEFENDANT: YES.

8 THE COURT: DO YOU UNDERSTAND BY PLEADING
9 GUILTY YOU WAIVE THAT RIGHT AND WILL NOT HAVE A JURY
10 TRIAL?

11 DEFENDANT: YES.

12 THE COURT: DO YOU UNDERSTAND IF YOU HAD A
13 TRIAL AND YOU WERE FOUND GUILTY YOU WOULD HAVE A RIGHT
14 TO APPEAL THAT FINDING TO A HIGHER COURT?

15 DEFENDANT: YES.

16 THE COURT: DO YOU UNDERSTAND AT THE TRIAL
17 OF THE CHARGE AGAINST YOU YOU WOULD BE CONFRONTED BY
18 THOSE WHO WOULD TESTIFY CONCERNING YOUR PARTICIPATION
19 IN THE OFFENSE CHARGED, HEAR THAT TESTIMONY AND BE
20 ALLOWED TO ASK THOSE WITNESSES QUESTIONS ON CROSS
21 EXAMINATION?

22 DEFENDANT: YES.

23 THE COURT: DO YOU UNDERSTAND BY PLEADING
24 GUILTY YOU WAIVE ALL THOSE RIGHTS AND WILL NOT BE
25 CONFRONTED BY THE WITNESSES AGAINST YOU OR HEAR THEIR

1 TESTIMONY OR BE ALLOWED TO ASK THOSE WITNESSES
2 QUESTIONS ON CROSS EXAMINATION?

3 DEFENDANT: YES.

4 THE COURT: DO YOU UNDERSTAND THAT AT A TRIAL
5 OF THE CHARGE AGAINST YOU YOU WOULD BE PRESUMED TO BE
6 INNOCENT UNTIL PROVEN GUILTY AND YOUR GUILT WOULD HAVE
7 TO BE PROVEN BY EVIDENCE WHICH CONVINCES THE JURY OF
8 YOUR GUILT BEYOND A REASONABLE DOUBT AND ALL TWELVE OF
9 THE JURORS WOULD HAVE TO AGREE THAT YOU ARE GUILTY
10 BEFORE THE JURY COULD FIND YOU GUILTY?

11 DEFENDANT: YES.

12 THE COURT: DO YOU UNDERSTAND YOU HAVE A
13 RIGHT NOT TO SAY ANYTHING WHICH MIGHT INCRIMINATE YOU
14 WITH REGARD TO THIS CHARGE?

15 DEFENDANT: YES.

16 THE COURT: DO YOU FURTHER UNDERSTAND THAT BY
17 PLEADING GUILTY YOU ARE MAKING AN INCRIMINATING
18 STATEMENT WITH REGARD TO THE CHARGE AND THE
19 PRESUMPTION THAT YOU ARE INNOCENT AND THE REQUIREMENT
20 THAT A JURY BE CONVINCED OF YOUR GUILT BEYOND A
21 REASONABLE DOUBT ARE LOST TO YOU?

22 DEFENDANT: YES.

23 THE COURT: DO YOU UNDERSTAND THAT AT A TRIAL
24 OF THE CHARGE AGAINST YOU YOU WOULD BE ENTITLED TO HAVE
25 PERSONS SUMMONED TO TESTIFY AS WITNESSES IN YOUR

1 BEHALF?

2 DEFENDANT: YES.

3 THE COURT: DO YOU UNDERSTAND THAT BY
4 PLEADING GUILTY YOU WAIVE THAT RIGHT AND WILL NOT BE
5 ALLOWED TO SUMMON WITNESSES TO TESTIFY FOR YOU?

6 DEFENDANT: YES.

7 THE COURT: DO YOU UNDERSTAND YOU COULD
8 TESTIFY AT YOUR TRIAL IF YOU WANTED TO BUT YOU COULD
9 NOT BE FORCED TO DO SO AND IF YOU CHOSE TO REMAIN
10 SILENT NO ONE COULD COMMENT UPON YOUR SILENCE?

11 DEFENDANT: YES.

12 THE COURT: DO YOU UNDERSTAND YOU HAVE A
13 RIGHT TO A CHANGE OF VENUE TO ANOTHER COUNTY UPON
14 PROPER APPLICATION?

15 DEFENDANT: YES.

16 THE COURT: WAS THERE A CHANGE OF VENUE TAKEN
17 IN THIS CASE?

18 MR. LISZEWSKI: THERE WAS NOT JUDGE.

19 THE COURT: OKAY YOU UNDERSTAND, WAS THERE A
20 CHANGE OF JUDGE REQUEST OR WAS THERE A
21 DISQUALIFICATION?

22 MR. LISZEWSKI: JUDGE PRITCHETT RECUSED
23 HIMSELF BECAUSE HE WAS INVOLVED IN THE JUVENILE CASE.

24 THE COURT: HE DISQUALIFIED AND I GOT
25 ASSIGNED?

1 MR. LISZEWSKI: YES SIR.

2 THE COURT: SIR YOU UNDERSTAND THAT AFTER I
3 GOT ASSIGNED TO YOUR CASE YOU HAD A RIGHT TO REQUEST A
4 CHANGE OF JUDGE AND HAVE A DIFFERENT JUDGE PRESIDE OVER
5 YOUR TRIAL OR TAKE YOUR GUILTY PLEA?

6 DEFENDANT: YES.

7 THE COURT: OKAY. YOU UNDERSTAND THAT BY
8 PLEADING GUILTY YOU WAIVE YOUR RIGHT TO TRIAL AND ADMIT
9 THE ESSENTIAL ELEMENTS OF THE CHARGE AGAINST YOU IN
10 COUNT FOUR?

11 DEFENDANT: YES.

12 THE COURT: HAVE ANY THREATS OR PROMISES BEEN
13 MADE TO YOU TO INDUCE YOU TO ENTER YOUR PLEA OF GUILTY?

14 DEFENDANT: NO.

15 THE COURT: HAS ANYONE MADE ANY PROMISE ABOUT
16 THE SENTENCE YOU ARE TO RECEIVE?

17 DEFENDANT: NO.

18 THE COURT: DO YOU UNDERSTAND THAT NO ONE CAN
19 PROMISE YOU WHAT YOUR SENTENCE WILL BE AND ANY SUCH
20 PROMISE IS NOT BINDING UPON THE COURT AND THE COURT
21 CAN IMPOSE ANY SENTENCE WITHIN THE RANGE OF PUNISHMENT
22 PERMITTED BY LAW?

23 DEFENDANT: YES.

24 THE COURT: SIR WHAT IS THE RANGE OF
25 PUNISHMENT ON THIS CLASS C FELONY?

1 DEFENDANT: SEVEN YEARS I THINK.

2 THE COURT: IT'S UP TO SEVEN YEARS IN PRISON,
3 DID YOU UNDERSTAND THAT BEFORE YOU ENTERED YOUR GUILTY
4 PLEA?

5 DEFENDANT: YES.

6 THE COURT: ARE YOU PLEADING GUILTY BECAUSE
7 YOU ARE IN FACT GUILTY AND ADMIT THAT YOU COMMITTED THE
8 OFFENSE CHARGED?

9 DEFENDANT: YES.

10 THE COURT: TELL ME IN YOUR OWN WORDS WHAT
11 YOU DID?

12 DEFENDANT: I HAD MELISSA HOGG PERFORM ORAL
13 SEX ON ME IN RIPLEY COUNTY.

14 THE COURT: THE PROSECUTING ATTORNEY ALLEGES
15 THAT ON OR ABOUT BETWEEN LATE NOVEMBER OR EARLY
16 DECEMBER OF 2013, IN RIPLEY COUNTY, MISSOURI, YOU HAD
17 DEVIATE SEXUAL INTERCOURSE WITH M.H., WHOSE DATE OF
18 BIRTH IS JANUARY 15, 1999, AND AT THAT TIME M.H. WAS
19 LESS THAN 17 YEARS OLD AND YOU WERE 21 YEARS OF AGE OR
20 OLDER. IS THAT WHAT YOU DID?

21 DEFENDANT: YES.

22 THE COURT: ARE YOU SATISFIED WITH THE
23 SERVICES OF YOUR ATTORNEYS?

24 DEFENDANT: YES.

25 THE COURT: MR. LISZEWSKI HAVE YOU AND MR.

1 MILLS DISCUSSED ALL OF THE DEFENDANT'S RIGHTS IN THE
2 DEFENSE OF THIS CASE WITH HIM?

3 MR. LISZEWSKI: WE HAVE JUDGE AND I WOULD ADD
4 FOR THE RECORD THAT INITIALLY MR. HAYNES HAD DANNY
5 MOORE OUT OF POPLAR BLUFF AND CHRIS YARBRO. I WAS
6 HIRED ABOUT 2015 BUT JUST TO MAKE THE RECORD CLEAR, I
7 DIDN'T DO THE PRELIMINARY HEARING IN THE CASE BUT WE'VE
8 WENT THROUGH ALL THE EVIDENCE AND DEPOSED EVERYONE.

9 THE COURT: HAVE YOU DISCUSSED WITH HIM THE
10 EVIDENCE HE HAS PROVIDED YOU AND THE EVIDENCE WHICH YOU
11 HAVE BEEN ABLE TO OBTAIN FROM THE PROSECUTOR AND OTHER
12 SOURCES?

13 MR. LISZEWSKI: YES SIR.

14 THE COURT: DO YOU BELIEVE THE PROSECUTOR HAS
15 PROVIDED YOU WITH ALL THE EVIDENCE OR LEADS TO ALL THE
16 EVIDENCE SHE HAS?

17 MR. LISZEWSKI: I BELIEVE SHE HAS.

18 THE COURT: DO YOU HAVE ANY REASON TO BELIEVE
19 THE DEFENDANT IS SUFFERING FROM ANY MENTAL DISEASE,
20 DEFECTS OR DELUSIONS OF ANY KIND?

21 MR. LISZEWSKI: NO SIR.

22 THE COURT: DO YOU KNOW OF ANY REASON WHY THE
23 COURT SHOULD NOT ACCEPT THE DEFENDANT'S PLEA OF GUILTY?

24 MR. LISZEWSKI: NO YOUR HONOR.

25 THE COURT: IS THERE ANY AGREED UPON

1 DISPOSITION IN THIS CASE?

2 MS. KRUG: THERE IS NOT YOUR HONOR.

3 THE COURT: OKAY. DO YOU ALL AGREE THAT
4 THERE IS NO OTHER AGREEMENTS OTHER THAN TO DISMISS
5 COUNTS ONE, TWO AND THREE?

6 MR. LISZEWSKI: THAT'S CORRECT YOUR HONOR.

7 THE COURT: IT'S AN OPEN PLEA AS TO COUNT
8 FOUR?

9 MR. MILLS: CORRECT.

10 MR. LISZEWSKI: YES.

11 THE COURT: OKAY. WHAT WOULD THE STATE'S
12 EVIDENCE BE AT TRIAL?

13 MS. KRUG: YOUR HONOR IF THE STATE PROCEEDED
14 TO TRIAL THE EVIDENCE WOULD PROVE BEYOND A REASONABLE
15 DOUBT THAT BETWEEN LATE NOVEMBER AND EARLY DECEMBER OF
16 2013, AT THE DEFENDANT'S HOME ON ROUTE 1 IN DONIPHAN,
17 MISSOURI, THE DEFENDANT WHO WAS 53 YEARS OLD, PUT HIS
18 PENIS INTO THE MOUTH OF MELISSA HOGG, WHO WAS THEN 14
19 YEARS OLD AND HIS STEP-DAUGHTER. THE DEFENDANT WAS
20 OVER THE AGE OF 21 AT THAT TIME, ACTUALLY HE WAS 53
21 YEARS OLD. AGAIN HE MADE HER PERFORM ORAL SEX ON HIM
22 UNTIL HE EJACULATED. THERE IS DNA EVIDENCE TO SUPPORT
23 THAT.

24 THE COURT: SIR DID YOU HEAR WHAT THE
25 PROSECUTOR SAID HER EVIDENCE WOULD BE AT TRIAL?

1 DEFENDANT: YES.

2 THE COURT: DO YOU AGREE THAT THAT WOULD BE
3 THE EVIDENCE THAT SHE COULD PRESENT?

4 DEFENDANT: YES.

5 THE COURT: IS THERE ANYTHING YOU WISH TO ADD
6 TO OR TAKE AWAY FROM HER STATEMENT?

7 DEFENDANT: NO SIR.

8 THE COURT: THE COURT FINDS THAT THE
9 DEFENDANT'S PLEA OF GUILTY IS MADE FREELY, VOLUNTARILY
10 AND INTELLIGENTLY, WITH FULL UNDERSTANDING OF THE
11 CHARGE AND CONSEQUENCES OF THE PLEA AND WILL FULL
12 UNDERSTANDING OF HIS RIGHTS ATTENDING A JURY TRIAL,
13 AND THE EFFECT OF A PLEA OF GUILTY ON THOSE RIGHTS.
14 THE COURT ALSO FINDS THAT THERE IS A FACTUAL BASIS FOR
15 THE PLEA. THE COURT THEREFORE ACCEPTS THE DEFENDANT'S
16 PLEA OF GUILTY TO THE CLASS C FELONY OF STATUTORY
17 SODOMY IN THE SECOND DEGREE. THE COURT WILL ORDER A
18 SENTENCING ASSESSMENT REPORT TO BE PREPARED AND FILED.
19 WE NEED A DATE PROBABLY BEYOND FORTY-FIVE DAYS. IS
20 THAT STILL ABOUT WHAT WE'RE LOOKING AT?

21 PROBATION OFFICER: YES.

22 THE COURT: TERRY DO WE HAVE ANY, I DON'T
23 MIND TO GO TO RIPLEY COUNTY IF I CAN FIND A DAY.

24 MR. LISZEWSKI: JUDGE I WOULD EXPECT THAT WE
25 WILL HAVE A FEW WITNESSES FOR SENTENCING. I OBVIOUSLY

1 CAN'T SPEAK FOR THE STATE. I'M NOT SURE IF THEY ARE
2 GOING TO CALL ANYONE BUT PROBABLY AN HOUR TOPS FOR
3 SENTENCING IS MY GUESS.

4 THE COURT: WORSE CASE SCENARIO SENTENCING
5 WILL BE HOW LONG?

6 MR. MILLS: WE'RE ESTIMATING AN HOUR WORTH OF
7 EVIDENCE FROM THE DEFENSE.

8 MS. KRUG: WELL ARE WE TALKING ABOUT TOTAL?

9 MR. LISZEWSKI: MAYBE AN HOUR AND A HALF. I
10 DON'T WANT TO TRY AND PIGEON-HOLE YOU AND WE'LL TRY AND
11 BE AS CONCISE AS WE CAN FOR SENTENCING JUDGE.

12 THE COURT: IF YOU WANT TO TRY TO DO IT HERE
13 I COULD DO IT AS A NUMBER, I'VE GOT THREE CASES SET ON
14 NOVEMBER 8TH AT 9:00.

15 MS. KRUG: JUDGE I HAVE A FIRST DEGREE MURDER
16 TRIAL IN THE CITY OF ST. LOUIS STARTING ON THE 6TH. I
17 WOULD LIKE TO THINK I'D BE DONE BY THEN BUT I CAN'T
18 GUARANTEE IT.

19 THE COURT: OKAY. TERRY I'M SHOWING THAT I
20 HAVE AN OPEN DAY ON THE 26TH.

21 COURT REPORTER: THAT WAS OUR LAW DAY BUT
22 DIVISION I SCHEDULED A JURY TRIAL.

23 THE COURT: OH OKAY. I CAN DO THE 26TH.

24 MS. KRUG: I CAN DO THAT.

25 MR. LISZEWSKI: THAT WOULD BE FINE WITH ME.

1 THE COURT: DO YOU ALL WANT TO DO RIPLEY
2 COUNTY, SHOULD WE DO RIPLEY COUNTY AND MAKE IT EASIER
3 ON EVERYBODY?

4 MR. MILLS: THAT WOULD BE BETTER FOR
5 WITNESSES.

6 THE COURT: THAT WOULD BE BETTER FOR
7 EVERYBODY EXCEPT ME AND TERRY.

8 MS. KRUG: THAT WOULD BE FINE.

9 COURT REPORTER: DO YOU WE NEED TO SEE IF WE
10 HAVE A COURTROOM?

11 THE COURT: DO THEY HAVE A LAW LIBRARY OR
12 SOMETHING?

13 MR. LISZEWSKI: THEY HAVE A SMALL COURTROOM.
14 JUDGE PRITCHETT TRADITIONALLY HAS LAW DAYS DOWN THERE
15 ON THE SECOND AND FOURTH MONDAYS OF EACH MONTH BUT I'M
16 SURE, I'M HEADED TO BUTLER COUNTY AFTER THIS TO TALK TO
17 JUDGE PRITCHETT AND I'M SURE THAT THEY WILL CARVE OUT
18 TIME FOR US.

19 THE COURT: WELL IF THEY HAVE A LITTLE
20 HEARING ROOM, COUNTY COMMISSIONER'S OFFICE, WE CAN FIND
21 A SPOT. I'VE DONE PLENTY OF HEARINGS IN CARDBOARD
22 BOXES. THAT'S THE DATE, IS IT DONIPHAN, THAT'S
23 PROBABLY A THREE HOUR DRIVE SO DO YOU ALL WANT TO DO
24 1:00 O'CLOCK ON THE 26TH?

25 MR. MILLS: THAT'S FINE.

1 MR. LISZEWSKI: THAT WOULD BE FINE SIR.

2 THE COURT: OKAY. DEFENDANT IS ORDERED TO
3 APPEAR NOVEMBER 26TH AT 1:00 P.M. FOR SENTENCING IN
4 RIPLEY COUNTY. WE'LL REMOVE THIS FROM SEPTEMBER 25-27,
5 2018 JURY TRIAL. ANYTHING ELSE ON THIS?

6 MS. KRUG: JUST PROCEDURALLY YOUR HONOR ON
7 THE FILING OF THE NOLLE'S ANYTIME BETWEEN NOW AND THE
8 TIME OF SENTENCING?

9 THE COURT: ANYTIME, YOU'RE ANNOUNCING, I AM
10 GOING TO DO A DOCKET ENTRY THAT YOU'RE ANNOUNCING THE
11 STATE ENTERS A NOLLE AS TO COUNTS ONE, TWO AND THREE?

12 MS. KRUG: YES.

13 THE COURT: OKAY I WILL SHOW STATE ENTERS
14 NOLLE AS TO COUNTS ONE, TWO AND THREE, IF YOU WILL
15 FOLLOW-UP WITH A FORMAL NOLLE.

16 MR. LISZEWSKI: THANK YOU JUDGE.

17 THE COURT: ALRIGHT. THANK YOU.

18

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* * * * *

CERTIFICATE OF COURT REPORTER

I, TERRY Y. LUTZ, OFFICIAL COURT REPORTER, 42ND
JUDICIAL CIRCUIT, DIVISION II, SALEM, MISSOURI,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A
TRUE AND CORRECT COPY OF THE PROCEEDINGS IN THE CASE
OF STATE OF MISSOURI, PLAINTIFF, VS. CHARLES M. HAYNES,
DEFENDANT, CAUSE NO. 13RI-CR00907-01, OF THE CASES OF
RIPLEY COUNTY, MISSOURI, HAD ON THE 4TH DAY OF
SEPTEMBER, A.D., 2018, HELD IN THE COUNTY OF WAYNE,
STATE OF MISSOURI, BY AGREEMENT.

Terry Y. Lutz
TERRY Y. LUTZ, O.C.R.
OFFICIAL COURT REPORTER
42ND JUDICIAL CIRCUIT
DIVISION II
6480 HIGHWAY O
ROLLA, MISSOURI 65401

IN THE CIRCUIT COURT WITHIN AND FOR
THE COUNTY OF RIPLEY,

STATE OF MISSOURI,

STATE OF MISSOURI)	
)	
PLAINTIFF,)	
)	CASE NO. 13RI-CR00907-01
VS.)	
)	
CHARLES M. HAYNES)	
)	
DEFENDANT.)	

BE IT REMEMBERED THAT ON THE 12TH DAY OF DECEMBER,
2018, THE ABOVE ENTITLED CAUSE CAME ON FOR HEARING
BEFORE THE HONORABLE KELLY W. PARKER, JUDGE OF THE 42ND
JUDICIAL CIRCUIT, DIVISION II, AT RIPLEY COUNTY,
MISSOURI, AND THE FOLLOWING PROCEEDINGS WERE HAD:

APPEARANCES:

FOR THE PLAINTIFF:	CHRISTINE KRUG, ESQ. ASSISTANT ATTORNEY GENERAL 815 OLIVE STREET SUITE 200 ST. LOUIS, MISSOURI 63101
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FOR THE DEFENDANT:	THEODORE LISZEWSKI, ESQ. ATTORNEY AT LAW 220 NORTH MAIN STREET SIKESTON, MISSOURI 63801 DAVID MILLS, ESQ. ATTORNEY AT LAW 1100 N. ELM STREET P.O. BOX 248 ROLLA, MISSOURI 65402
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1 **SENTENCING HEARING - DECEMBER 12, 2018:**

2 THE COURT: WE ARE ON THE RECORD IN STATE OF
3 MISSOURI V. CHARLES M. HAYNES. THIS MATTER IS ON FOR
4 SENTENCING TODAY. THE COURT HAS READ THE SENTENCING
5 ASSESSMENT REPORT. I HAVE RECEIVED A COUPLE OF E-MAILS
6 ONE FROM MS. KRUG WHICH INCLUDED A LETTER FROM MS., IS
7 IT NEVAR, NEVAR, AND THE COURT HAS READ THAT LETTER. I
8 DID RECEIVE AN E-MAIL FROM MR. MILLS THAT INCLUDED A
9 POLICE REPORT RELATED TO THE ALLEGATION OF BURGLARY BY
10 THE DEFENDANT INVOLVING M.S.H. I READ THAT FOR
11 WHATEVER THAT'S WORTH. ANY PRELIMINARY MATTERS BY THE
12 STATE BEFORE WE MOVE INTO THE SENTENCING?

13 MS. KRUG: YES YOUR HONOR, THE DEFENSE HAS
14 FILED A FOURTH AMENDED WITNESS ENDORSEMENT OF
15 SENTENCING WITNESSES AND THE STATE IS GOING TO MOVE TO
16 EXCLUDE A FEW OF THOSE BASED ON THE INFORMATION, SOME
17 OF WHICH IS ON THIS ENDORSEMENT AND SOME OF WHICH IS
18 NOT. WITH REGARD TO A DR. DUNCAN WHO IS THE SECOND
19 LISTED WITNESS ON THERE, YOUR HONOR THEY'VE STATED THAT
20 HE'S GOING TO TESTIFY REGARDING DEFENDANT AND HIS
21 HISTORY WITH THE ALLEGED VICTIM AND THE MOTHER OF THE
22 ALLEGED VICTIM. THE DEFENDANT HAS PLED GUILTY. THIS
23 MATTER OF ALLEGED IS OVER. HE'S PLED GUILTY TO
24 VICTIMIZING HER, SO ANYTHING ABOUT THAT RELATIONSHIP
25 THAT MAY COME INTO PLAY WITH REGARDS TO YOU KNOW IF WE

1 WERE IN FRONT OF A JURY OR THAT KIND OF A THING, IT'S
2 DONE.

3 THE COURT: WHERE ARE YOU HEADED?

4 MR. MILLS: MAY I RESPOND YOUR HONOR. YOUR
5 HONOR BEFORE I ENTERED THE CASE IF MY RECOLLECTION IS
6 CORRECT MR., MY CO-COUNSEL HAD FILED A WITNESS LIST AND
7 AT THAT TIME THE PLEA HAD NOT BEEN ENTERED AND SO THERE
8 WAS LANGUAGE ON THERE I THINK WITH THE WORD ALLEGED, OF
9 COURSE THERE IS NO MORE ALLEGED, WE ACKNOWLEDGE HE'S
10 PLED GUILTY AND HE'S BEEN FOUND GUILTY BY THE COURT.
11 WHEN I TOOK TO AMENDING THE LIST OF SENTENCING
12 WITNESSES AFTER I GOT INVOLVED IN THE CASE I SIMPLY
13 FAILED TO CORRECT THAT LANGUAGE.

14 THE COURT: IS THAT THE BASIS, THE ONLY BASIS
15 FOR THE OBJECTION?

16 MS. KRUG: FOR THAT PARTICULAR WITNESS YES
17 YOUR HONOR.

18 THE COURT: OKAY THE OBJECTION IS OVERRULED.
19 NEXT...

20 MS. KRUG: WITH REGARD TO THE FIFTH LISTED
21 WITNESS RANDY MANESS YOUR HONOR, HE WAS THE DEFENDANT'S
22 CRIMINAL ATTORNEY IN THIS CASE. HE WAS ALSO THE
23 VICTIM'S MOTHER'S CIVIL ATTORNEY AT SOME POINT. I
24 DON'T BELIEVE IT'S NECESSARILY APPROPRIATE FOR HIM TO
25 TESTIFY IN THIS ARENA.

1 MR. LISZEWSKI: YOUR HONOR I'D LIKE TO
2 RESPOND TO THAT. THE MOTHER IN THIS CASE CINDY HAYNES,
3 I REPRESENT CHUCK IN HIS DIVORCE AND SHE HAS MADE A
4 CLAIM THAT WAS PREVIOUSLY OVERRULED BY JUDGE SHOCK WHO
5 MANESS HAS REPRESENTED HER AT SOME POINT IN THE PAST,
6 THAT WAS NOT IN FACT THE CASE, NEVER WAS THE CASE.
7 JUDGE SHOCK SUMMARILY OVERRULED THAT MOTION. TO MY
8 KNOWLEDGE WITH RESPECT TO THE DOCKET ENTRIES RANDY
9 MANESS HAS NEVER BEEN A PART OF ANY CRIMINAL PROCEEDING
10 IN THIS CASE.

11 THE COURT: OKAY.

12 MS. KRUG: THE VICTIM'S FAMILY TOLD ME
13 OTHERWISE YOUR HONOR.

14 THE COURT: OKAY THE OBJECTION IS OVERRULED
15 I'LL TAKE ANY OBJECTIONS ALONG WITH THE TESTIMONY.

16 MS. KRUG: YOUR HONOR WITH REGARD TO THE
17 SIXTH LISTED WITNESS SERGEANT JESSE DRUM HE IS
18 APPARENTLY GOING TO TESTIFY IN CONNECTION WITH THE
19 POLICE REPORT THAT YOU WERE PROVIDED. I'M SURE THE
20 COURT HAS NOTED THE DATE ON THAT POLICE REPORT IS MARCH
21 OF 2017, ALMOST FOUR YEARS AFTER THIS CASE WAS CHARGED.
22 YOU'LL ALSO NOTICE IN THAT POLICE REPORT THAT THE
23 DEFENDANT WAS TOLD IF HE WANTS ANY CHARGES FILED HE'S
24 GOING TO HAVE TO BRING INFORMATION TO THE POLICE
25 DEPARTMENT SHOWING THAT THE MOTHER IS ALSO NOT A PART

1 OWNER OF THAT. I DON'T KNOW IF THAT WAS EVER DONE OR
2 NOT, WHAT I DO KNOW IS THERE WERE NEVER ANY CHARGES
3 EVER FILED AGAINST THE VICTIM AND AGAIN HE HAS
4 SUBSEQUENTLY PLED GUILTY.

5 THE COURT: I GUESS THE QUESTION IS, I READ
6 THE REPORT AND I WAS TRYING TO FIGURE OUT WHAT'S THE
7 CONNECTION OTHER THAN THE VICTIM HAVING BEEN THERE IN
8 THE VEHICLE?

9 MR. LISZEWSKI: YOUR HONOR IF I MAY THE
10 CONNECTION IS PROCEDURALLY IN THIS CASE FEBRUARY 19TH OF
11 2017 I DEPOSED THE VICTIM IN THIS CASE M.S.H. ON MARCH
12 THE 31ST OF 2017 SHE WAS ON THE PROPERTY WHICH DEFENDANT
13 HAD WHICH WAS SEPARATE PROPERTY, SUBSEQUENT TO THIS
14 DEPOSITION WHILE THIS CASE WAS PENDING. MORE
15 IMPORTANTLY I EXPECT THAT THE STATE IS GOING TO EITHER
16 ELICIT TESTIMONY FROM THE VICTIM DIRECTLY OR IN THEIR
17 ARGUMENT THAT THE VICTIM IS SCARED OF THE DEFENDANT AND
18 WITH RESPECT TO SENTENCING THEY ARE ASKING FOR
19 INCARCERATION FOR FEAR OF BEING AROUND HIM. THIS WOULD
20 DIRECTLY REBUT THAT.

21 THE COURT: THAT SHE ARRIVED ON YOUR CLIENT'S
22 PROPERTY WITH A MAN WITH A GUN AND TWO OTHER PEOPLE?

23 MR. LISZEWSKI: YES JUDGE AND WE ALSO HAVE
24 TESTIMONY FROM OTHER WITNESSES THAT SHE'S BEEN ON THE
25 PROPERTY, THAT SHE HAS BEEN AROUND IN ADDITION WITH

1 OTHER THINGS THAT HAPPENED ON THE RIVER.

2 THE COURT: OKAY.

3 MR. LISZEWSKI: DURING THE PENDENCY OF THIS
4 CASE.

5 THE COURT: I'LL TAKE THE OBJECTIONS ALONG
6 WITH THE CASE. I'M GOING TO LET THEM CALL THEIR
7 WITNESS.

8 MS. KRUG: OKAY.

9 THE COURT: THE OBJECTION IS OVERRULED.

10 MS. KRUG: AND THEN YOUR HONOR WITH REGARD TO
11 THE SEVENTH LISTED WITNESS JENNIFER WILLIAMS WHO IS A
12 BUTLER COUNTY ATTORNEY AND THE GUARDIAN AD LITEM FOR
13 THE TWO YOUNGER CHILDREN INCLUDING THE ONE WHO IS
14 RECENTLY DECEASED. AS FAR AS RELATIONS GO WITH THE
15 VICTIM IN THIS CASE SHE IS NOT THE GAL FOR THE PERSON
16 THAT THE DEFENDANT HAS PLED GUILTY TO MOLESTING.

17 MR. LISZEWSKI: THE REASON THAT I HAVE CALLED
18 MS. WILLIAMS TO TESTIFY IS TO EXPLAIN THE EXTENT AND
19 HISTORY OF THE RELATIONSHIP THE DEFENDANT HAD WITH HIS
20 CHILDREN, NOW CHILD OBVIOUSLY, MIKAYLA HAS SINCE PAST,
21 BUT SHE CAN OFFER INSIGHTS INTO WHAT THE COURT WOULD
22 RARELY HAVE AN OPPORTUNTIY TO SEE. AND ADDITIONALLY
23 WHAT THE COURT WOULD BE ABLE TO SEE IS THE RELATIONSHIP
24 THAT CHUCK HAD WITH HIS DAUGHTERS PRIOR TO THIS, HIS
25 BIOLOGICAL DAUGHTERS, NOT THE VICTIM, WITH THIS CASE

1 BEING FILED, SUBSEQUENT TO THE CASE BEING FILED, AND
2 THE ROLE THAT HE PLAYED IN THAT RELATIONSHIP AND AT OUR
3 REQUEST NOT TO SEND HIM TO PRISON BECAUSE OF WHAT HIS
4 ROLE WAS AS A FATHER, AND THAT DIRECTLY FITS IN WITH
5 557.036 WHICH DISCUSSED ONE OF THE CHARACTERISTICS THE
6 COURT IS TO CONSIDER, IS THE HISTORY AND
7 CHARACTERISTICS OF EACH PARTICULAR DEFENDANT. AND I
8 BELIEVE THAT CHILD CUSTODY FACTORS WOULD SUPPORTEDLY
9 FIT WITHIN THAT.

10 MS. KRUG: YOUR HONOR AGAIN WE'RE NOT DEALING
11 WITH THE DIVORCE CASE, WE'RE NOT DEALING WITH THE
12 CUSTODY CASE AND THE HISTORY AND CHARACTER OF HOW HE
13 WAS WITH CHILDREN HE HAS NOT BEEN CHARGED WITH
14 MOLESTING IS NOT RELEVANT TO WHAT HE DID HERE.

15 THE COURT: I'M GOING TO HEAR THE EVIDENCE
16 AND I'LL TAKE OBJECTIONS ALONG WITH THE TESTIMONY.

17 MS. KRUG: THANK YOU YOUR HONOR.

18 THE COURT: OKAY. WHO IS TAKING THE LEAD FOR
19 THE DEFENSE? WHO DO I ADDRESS?

20 MR. LISZEWSKI: YOUR HONOR WE HAVE SPLIT THIS
21 THING UP IF THAT'S ALRIGHT.

22 THE COURT: WELL LET ME ASK, HAS SOMEONE GONE
23 OVER THE SENTENCING ASSESSMENT REPORT WITH YOUR CLIENT?

24 MR. LISZEWSKI: WE BOTH HAVE YOUR HONOR.

25 THE COURT: OKAY IS THERE ANY CORRECTIONS,

1 DELETIONS, MODIFICATIONS, ANYTHING THAT HE WISHES TO
2 NOTE FOR THE RECORD CONCERNING THE SENTENCING
3 ASSESSMENT REPORT?

4 MR. MILLS: NO YOUR HONOR.

5 THE COURT: OKAY EVIDENCE ON BEHALF OF THE
6 STATE FOR SENTENCING?

7 MS. KRUG: YOUR HONOR I'M GOING TO CHECK AND
8 SEE IF THE VICTIM MAY OR MAY NOT WANT TO TESTIFY.

9 THE COURT: OKAY.

10 MS. KRUG: YOUR HONOR IF WE COULD, SHE'S NOT
11 READY TO DO IT RIGHT NOW BUT MAYBE LATER AS SHE GETS
12 THROUGH THE PROCESS.

13 THE COURT: OKAY.

14 MS. MILLS: SO ARE YOU RESERVING RIGHTS?

15 MS. KRUG: YES.

16 MR. LISZEWSKI: JUDGE I'M NOT SURE
17 PROCEDURALLY THAT'S PERMISSIBLE. USUALLY THE ORDER OF
18 OPERATIONS IN A SENTENCING IS THE STATE CALLS WHATEVER
19 WITNESSES THEY HAVE AND THE DEFENSE CALLS THEIR
20 WITNESSES AND THE STATE IS ABLE TO CALL ANY REBUTTAL.

21 THE COURT: THAT'S NORMALLY THE WAY WE DO
22 THINGS AND I UNDERSTAND THAT. HOWEVER I THINK THE
23 COURT HAS SOME DISCRETION TO BE SYMPATHETIC TO THE
24 VICTIM IN THE CASE. IF IT'S JUST THE VICTIM'S
25 TESTIMONY, THE VICTIM'S STATEMENT I'M GOING TO ALLOW

1 HER TO GIVE THAT AT ANY TIME AND THEN I'LL GIVE YOU
2 ANOTHER OPPORTUNITY TO PRESENT ANYTHING YOU WANT TO
3 PRESENT.

4 MR. LISZEWSKI: APPRECIATE THAT.

5 THE COURT: OKAY. OTHER THAN THE VICTIM DOES
6 THE STATE HAVE ANY EVIDENCE TO PRESENT?

7 MS. KRUG: NO YOUR HONOR.

8 THE COURT: OKAY EVIDENCE ON BEHALF OF THE
9 DEFENDANT?

10 **DEFENDANT' S EVIDENCE:**

11 MR. LISZEWSKI: YES JUDGE WE'LL BEGIN BY
12 CALLING JENNIFER WILLIAMS.

13 THE COURT: JENNIFER WILLIAMS. PLEASE COME
14 FORWARD AND RAISE YOUR RIGHT HAND TO BE PLACED UNDER
15 OATH.

16 (AT THIS TIME JENNIFER WILLIAMS WAS SWORN TO TELL THE
17 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
18 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

19 THE COURT: YOU MAY HAVE A SEAT. YOU MAY
20 INQUIRE.

21 **DIRECT EXAMINATION BY MR. LISZEWSKI:**

22 Q. THANK YOU YOUR HONOR. MA'AM WOULD YOU
23 STATE YOUR NAME FOR THE RECORD.

24 A. JENNIFER WILLIAMS.

25 Q. AND JENNIFER YOU ARE A LICENSED ATTORNEY

1 IN THE STATE OF MISSOURI?

2 A. YES.

3 Q. YOU ALSO HAVE A ROLE AS IT RELATES INTO
4 THE DISSOLUTION CHARLES HAYNES VERSUS CYNTHIA HAYNES,
5 IS THAT CORRECT?

6 A. YES.

7 Q. WHAT IS YOUR ROLE IN THAT CASE?

8 A. I AM THE COURT APPOINTED GUARDIAN AD
9 LITEM FOR MIKAYLA AND SARAH.

10 Q. OKAY INITIALLY WHENEVER THE DIVORCE WAS
11 FILED IT WAS TWO CHILDREN AND NOW YOU ARE THE GAL FOR
12 JUST SARAH IS THAT CORRECT?

13 A. YES IT IS.

14 Q. IF YOU WOULD BRIEFLY DESCRIBE TO THE
15 COURT WHAT YOUR COURSE OF DUTIES ARE AS GAL AND
16 OBLIGATIONS?

17 A. MY OVER-ARCHING OBLIGATION IS TO MAKE A
18 RECOMMENDATION TO THE COURT THAT I BELIEVE TO BE IN THE
19 CHILDREN'S BEST INTEREST WITH REGARD TO CUSTODY AND
20 VISITATION BETWEEN THE PARENTS. IN CONNECTION WITH
21 MAKING THAT RECOMMENDATION I INTERVIEW PARTIES,
22 INTERVIEW COLLATERAL WITNESSES, REVIEW ANY
23 DOCUMENTATION THAT'S PROVIDED BY PARTIES. IN THIS
24 PARTICULAR CASE THERE'S A LENGTHY HISTORY WITH THIS
25 FAMILY AND SO SOME OF MY DUTIES INCLUDED DISCUSSING

1 THIS MATTER OR PREVIOUS MATTERS WITH PRIOR GUARDIAN AD
2 LITEMS AS WELL.

3 Q. OKAY. THROUGHOUT THE COURSE OF YOUR
4 REPRESENTATION OF THE CHILDREN IN THE CASE DID YOU HAVE
5 AN OPPORTUNITY TO INTERVIEW CHUCK HAYNES, CINDY HAYNES,
6 MIKAYLA HAYNES AND SARAH HAYNES?

7 A. YES I HAVE.

8 Q. AND HAVE YOU HAD AN OPPORTUNITY TO SPEAK
9 WITH THE VICTIM IN THIS CASE M.S.H.?

10 A. I WAS REQUESTED TO DO SO AND I DECLINED
11 TO DO SO FOR FEAR THAT IT WOULD POTENTIALLY CAUSE ME TO
12 BE A WITNESS IN THE CRIMINAL CASE AND IMPACT MY ABILITY
13 TO ADVOCATE FOR SARAH AND MIKAYLA.

14 Q. OKAY SO YOU'VE NEVER PERSONALLY SPOKEN
15 TO M.S.H. AT ALL?

16 A. NOTHING MORE THAN SHE WAS PRESENT WITH
17 CINDY HAYNES WHEN SHE CAME TO MY OFFICE ONE TIME AND
18 SHE REMAINED IN THE LOBBY WHILE I INTERVIEWED CINDY
19 HAYNES.

20 Q. OKAY. FROM YOUR INVESTIGATION IN THE
21 CASE HOW WOULD YOU DESCRIBE THE RELATIONSHIP THAT CHUCK
22 HAYNES HAD WITH HIS CHILDREN MIKAYLA AND SARAH?

23 A. AT TIMES GOOD AND AT TIMES BAD. THE
24 VERY FIRST TIME THAT I INTERVIEWED THE MINOR CHILDREN
25 THEY, THEY CAME TO THE OFFICE WITH THEIR FATHER, THEY

1 SPOKE POSITIVELY ABOUT THEIR FATHER, INDICATED THAT
2 THEY HAD A GOOD RELATIONSHIP WITH HIM, SUBSEQUENTLY AND
3 CONSISTENTLY SINCE THAT TIME THE CHILDREN HAVE REPORTED
4 TO ME THAT THEY DIDN'T WANT TO SEE FATHER, IT'S BEEN A
5 TUMULTUOUS RELATIONSHIP SINCE THEN.

6 Q. WOULD IT BE FAIR TO SAY THAT THIS CASE
7 HAS TAKEN A TOLL ON THEM?

8 A. I BELIEVE...

9 MS. KRUG: JUDGE THAT CALLS FOR SPECULATION.

10 THE COURT: OVERRULED.

11 Q. LET ME REPEAT THE QUESTION, MY
12 APOLOGIES. WOULD IT BE FAIR TO SAY IN YOUR EXPERIENCE
13 THAT THIS HAS TAKEN A TOLL ON WELL I GUESS SARAH MORE
14 SPECIFICALLY TODAY?

15 A. I BELIEVE SO, I BELIEVE SHE'S A VERY
16 CONFLICTED LITTLE GIRL.

17 Q. AND IN YOUR INVESTIGATIONS WAS CHUCK A
18 DECENT FATHER TO SARAH?

19 MS. KRUG: OBJECTION.

20 THE COURT: I'M SORRY WOULD YOU REPEAT THE
21 QUESTION.

22 Q. IN THE COURSE OF YOUR INVESTIGATION IN
23 YOUR DUTIES WAS CHUCK A DECENT FATHER TO SARAH?

24 THE COURT: WHAT WAS THE...

25 MS. KRUG: RELEVANCE.

1 THE COURT: THE OBJECTION IS SUSTAINED.

2 Q. LET ME ASK YOU GOING FORWARD IF THE
3 COURT WERE TO SEND CHUCK TO THE DEPARTMENT OF
4 CORRECTIONS WOULD YOU HAVE, I UNDERSTAND YOU HAVE NOT
5 MADE A RECOMMENDATION AS TO CUSTODY AND PLACEMENT IS
6 THAT RIGHT?

7 A. THAT'S CORRECT.

8 Q. DO YOU HAVE ANY CONCERNS AS IT WOULD
9 RELATE TO SARAH HAYNES NOT BEING AROUND HER FATHER AND
10 EXCLUSIVELY AROUND CINDY HAYNES AND M.S.H.?

11 MS. KRUG: OBJECTION.

12 THE COURT: OVERRULED.

13 Q. LET ME, DO YOU UNDERSTAND MY QUESTION?

14 A. NO.

15 Q. OKAY. IF THE JUDGE WERE TO SAY CHUCK
16 GOES TO PRISON AND I ASKED A POOR QUESTION, MY
17 APOLOGIES, IF THE JUDGE SAID CHUCK IS GOING TO PRISON
18 TODAY OR WHATEVER THE SENTENCE IS, WOULD YOU HAVE
19 CONCERNS AS THE GUARDIAN AD LITEM ABOUT SARAH BEING IN
20 THE EXCLUSIVE CONTACT OF CINDY AND M.H.S., THE VICTIM
21 IN THIS CASE?

22 A. PARTIALLY CONCERNS ABOUT THAT BUT
23 PARTIALLY JUST CONCERNS THAT I ALWAYS HAVE WHEN A CHILD
24 IS LIMITED IN CONTACT WITH A PARENT. NOW WHAT THE
25 EXTENT OF THAT CONTACT WOULD NEED TO LOOK LIKE IN THE

1 CIVIL CONTEXT COULD BE A VARIETY OF THINGS BUT I'M
2 ALWAYS CONCERNED WHEN A CHILD IS COMPLETELY SEPARATED
3 FROM ANY OF THEIR PARENTS. I DO HOWEVER HAVE CONCERNS
4 THAT FATHER AND HIS FAMILY HAVE NOT SEEMED TO BE ABLE
5 TO HAVE ANY ACCESS TO THE CHILDREN FOR QUITE SOME TIME.

6 Q. AND THAT IS PARTLY BECAUSE OF THIS
7 CRIMINAL CASE IS THAT TRUE?

8 A. IT'S MY UNDERSTANDING THAT'S A LARGE
9 PART OF IT YES.

10 Q. DO YOU HAVE ANY SPECIFIC CONCERNS WITH
11 SOME THINGS THAT WERE FOUND ON THE VICTIM'S PHONE,
12 THINGS OF THAT NATURE?

13 A. YES.

14 MS. KRUG: OBJECTION RELEVANCE.

15 THE COURT: HOW WOULD SHE KNOW ABOUT THAT?

16 MR. LISZEWSKI: AS THE GUARDIAN AD LITEM SHE
17 WAS INFORMED ABOUT THAT DURING THE COURSE OF
18 REPRESENTING THE CHILDREN.

19 MS. KRUG: BY DEFENSE COUNSEL, SO IN ADDITION
20 TO NOT BEING RELEVANT OBJECTION TO HEARSAY.

21 THE COURT: SUSTAINED. THE OBJECTION IS
22 SUSTAINED.

23 Q. DO YOU HAVE ANY CONCERNS ABOUT SARAH
24 BEING LEFT EXCLUSIVELY TO CINDY?

25 A. IN MY OBSERVATION THROUGHOUT THE HISTORY

1 OF THIS CASE MY BELIEF IS THAT MOTHER HAS GREATLY
2 MANIPULATED THESE CHILDREN. IF THEY DID NOT SAY WHAT
3 SHE WANTED THEM TO SAY I BELIEVE THAT THERE WERE
4 ATTEMPTS TO MANIPULATE THEM UNTIL THEY DID AND I
5 BELIEVE AS I'VE LOOKED BACK AT OTHER RECORDS WITH THE
6 PRIOR JUVENILE CASE I BELIEVE THAT'S BORN OUT WITH THE
7 VICTIM IN THE PRESENT CASE AS WELL AS M.S.H. SO THOSE
8 ARE MY CONCERNS.

9 MR. LISZEWSKI: THAT'S ALL THE QUESTIONS I
10 HAVE.

11 THE COURT: MS. KRUG.

12 **CROSS EXAMINATION BY MS. KRUG:**

13 Q. THANK YOU YOUR HONOR. MS. WILLIAMS THE
14 CHILDREN TOLD YOU THAT THEY DIDN'T WANT TO BE AROUND
15 MR. HAYNES OR HIS MOTHER BERNICE HAYNES CORRECT?

16 A. YES THAT'S CORRECT.

17 Q. DUE TO VERBAL ABUSE, EMOTIONAL ABUSE?

18 A. YES.

19 Q. SO WHETHER OR NOT WE'RE EVEN TALKING
20 ABOUT CINDY HAYNES IN THIS CONTEXT THEY DIDN'T WANT TO
21 BE WITH THE DEFENDANT?

22 A. THAT IS CORRECT. MY CONCERN WITH THAT
23 WAS THE LEVEL OF INFLUENCE EXERTED BY MOTHER AND M.S.H.

24 Q. ALRIGHT. AND YOUR ROLE AS THE GUARDIAN
25 AD LITEM IS TO ADVOCATE ON BEHALF OF THE CHILDREN IS

1 THAT RIGHT?

2 A. THAT'S CORRECT.

3 Q. AND SOMETIMES WHEN YOU'RE IN THAT ROLE
4 THAT MEANS THAT NO MATTER THE OUTCOME OF A RELATED
5 CRIMINAL CASE YOU MIGHT NOT RECOMMEND THAT THE CHILD BE
6 LEFT WITH THE OTHER PARENT, ISN'T THAT TRUE?

7 A. I'M SORRY COULD YOU REPEAT?

8 Q. THE HYPOTHETICAL THAT MR. LISZEWSKI
9 PRESENTED EARLIER, IF THE DEFENDANT GOES TO PRISON
10 TODAY HE ASKED YOU ABOUT ANY CONCERNS YOU MIGHT HAVE
11 WITH SARAH THEN BEING IN THE SOLE CUSTODY OF CINDY
12 HAYNES AND ANY MEMBERS THAT MAY LIVE WITH HER IS THAT
13 RIGHT?

14 A. YES.

15 Q. BUT THAT CASE IS NOT CONCLUDED IS IT?

16 A. THAT'S CORRECT IT'S NOT.

17 Q. AND YOU'VE NOT MADE A RECOMMENDATION YET
18 CORRECT?

19 A. THAT'S ALSO CORRECT.

20 Q. AND THERE ARE ANY NUMBER OF
21 RECOMMENDATIONS YOU COULD MAKE CORRECT?

22 A. THAT'S CORRECT.

23 Q. AND NONE OF THOSE WOULD HAVE ANYTHING TO
24 DO WITH THE FACT THAT THE DEFENDANT CHUCK HAYNES HAS
25 PLED GUILTY TO SEXUALLY ASSAULTING HIS STEP-DAUGHTER

1 MELISSA?

2 A. NOT WITH REGARDS TO RECOMMENDATIONS I
3 MIGHT MAKE WITH REGARD TO CINDY AND WHAT CONTACT SHE
4 WOULD HAVE WITH THE CHILDREN.

5 Q. RIGHT AND YOU'VE RECOGNIZED THAT THERE
6 SHOULD BE A DISTINCTION BETWEEN THE TWO CASES BECAUSE
7 YOU'VE ALREADY TOLD US AS PART OF YOUR ROLE AS THE
8 GUARDIAN AD LITEM YOU DECLINED TO INTERVIEW YOUR
9 CLIENT'S STEP-SISTER CORRECT?

10 A. THAT'S CORRECT.

11 Q. ALRIGHT AND MS. WILLIAMS YOU HAVE I
12 ASSUME YOU'VE HAD SUPERVISED OR YOU'VE HAD CLIENTS,
13 CHILD CLIENTS WHO HAVE BEEN VICTIMS OF SEXUAL ABUSE?

14 A. YES.

15 Q. IS THAT FAIR TO SAY?

16 A. YES IT IS.

17 Q. AND I WOULD ASSUME YOU'VE HAD SOME
18 TRAINING IN THAT AREA?

19 A. WE HAVE INITIAL 8 HOURS OF TRAINING THAT
20 WE HAVE TO COMPLETE IN ORDER TO BE CERTIFIED AS A
21 GUARDIAN AD LITEM AND WE HAVE TO CONTINUALLY MAINTAIN
22 ADDITIONAL TRAINING THROUGHOUT EACH YEAR AND SOME OF
23 THAT TRAINING IS IN CONNECTION WITH DEALING WITH
24 VICTIMS OF SEXUAL ABUSE YES.

25 Q. SO YOU RECOGNIZE SOME OF THE FACTORS

1 THAT COME INTO PLAY BOTH WITH VICTIMS AND ABUSERS
2 CORRECT?

3 A. CORRECT.

4 Q. AND YOU AS THE GUARDIAN AD LITEM YOU'RE
5 IN CONTACT WITH ANYONE WHO IS SET OUT DO DEAL WITH THE
6 BEST INTERESTS OF THE CHILD CORRECT?

7 A. AND OTHERS AS WELL I MEAN THERE MAY BE
8 COLLATERAL WITNESSES WHO DON'T HAVE THE CHILD'S BEST
9 INTEREST AT HEART WHO I MAY BE REQUIRED OR NECESSARY
10 FOR ME TO INTERVIEW, BUT YES I BELIEVE THAT THE COURT'S
11 ROLE AND MY ROLE CERTAINLY IS MOSTLY CONCERNING THE
12 BEST INTERESTS OF THE CHILD.

13 Q. AND SO THAT MIGHT INCLUDE THE THERAPIST
14 CORRECT?

15 A. CORRECT.

16 Q. MEDICAL DOCTORS?

17 A. YES.

18 Q. TEACHERS?

19 A. YES.

20 Q. NEIGHBORS?

21 A. YES.

22 Q. FOSTER PARENTS?

23 A. YES.

24 Q. ALRIGHT AND SO IN YOUR EXPERIENCE WITH
25 CHILDREN WHO'VE BEEN SEXUALLY ABUSED AND THE OFFENDERS

1 I'M SURE YOU'RE AWARE OF THE FACT THAT MANY SEX
2 OFFENDERS HAVE A PREFERRED TYPE OF VICTIM OR AGE OF
3 VICTIM?

4 A. I'M AWARE THAT THAT'S SOMETIMES TRUE
5 YES.

6 Q. AND WHILE SOME MAY PREFER YOUNGER
7 CHILDREN AND SOME MIGHT PREFER YOUNGER TEENAGERS IS
8 THAT CORRECT?

9 A. YES THAT CAN BE CORRECT.

10 Q. ALRIGHT AND I WOULD ASSUME BASED ON YOUR
11 INVESTIGATION AND KNOWLEDGE OF THE HAYNES FAMILY YOU'RE
12 AWARE THAT THE DEFENDANT HAD ALSO BEEN ALLEGED TO MAKE
13 ADVANCES TOWARDS OUR VICTIM MELISSA'S SISTER MINDY AS
14 SHE WAS A YOUNG TEENAGER CORRECT?

15 A. THERE WERE SOME REFERENCES TO THAT IN
16 DOCUMENTS THAT I REVIEWED.

17 Q. AND AT THIS MOMENT SARAH IS NOT YET A
18 YOUNG TEENAGER CORRECT?

19 A. CORRECT.

20 Q. BUT MIKAYLA WAS?

21 A. THAT'S CORRECT.

22 MS. KRUG: NOTHING FURTHER YOUR HONOR.

23 MR. LISZEWSKI: JUST A FEW MORE QUESTIONS
24 JUDGE.

25

1 **RE-DIRECT EXAMINATION BY MR. LISZEWSKI:**

2 Q. THERE WERE NO CRIMINAL CHARGES FOR
3 MELINDA HOGG EVER FILED IS THAT FAIR TO SAY?

4 A. NONE THAT I'M AWARE OF.

5 Q. OKAY. DO YOU HAVE ANY CONCERNS AS IT
6 RELATES TO, WELL LET ME BACK UP. MS. KRUG HAD ASKED
7 ABOUT THE TYPE OF VICTIM THAT CERTAIN SEX OFFENDERS
8 PREFER AND THINGS OF THAT NATURE RIGHT?

9 A. YES.

10 Q. DO YOU HAVE ANY CONCERNS BASED ON YOUR
11 INVESTIGATION IN THIS CASE AS IT RELATES TO SARAH AND
12 CHUCK GOING FORWARD OF THE SAME TYPE OF THING REPEATING
13 ITSELF?

14 A. I HONESTLY CAN'T RULE ANYTHING OUT AT
15 THIS POINT. WHILE I DON'T, I DON'T KNOW THAT I THINK
16 ANYTHING WOULD HAPPEN I CAN'T SAY ANYTHING WOULDN'T AND
17 THAT'S UNFORTUNATELY MY ROLE AS A GUARDIAN AD LITEM IS
18 I HAVE TO PROTECT THAT CHILD.

19 Q. SURE. HAVE YOU SEEN ANYTHING IN TERMS
20 OF ANY BEHAVIOR WITH SARAH THAT WOULD LEAD YOU TO
21 BELIEVE THAT THINGS WERE GOING IN THAT DIRECTION?

22 A. IT HAS BEEN MY OPINION SINCE I ENTERED
23 THIS CASE THAT BOTH OF THESE CHILDREN WERE HIGHLY
24 SEXUALIZED FOR THEIR AGE. I HAVE NO IDEA, WE HAVE NOT
25 BEEN ABLE TO DETERMINE INCONCLUSIVELY WHETHER THAT'S

1 DUE TO ONE FACTOR OR ANOTHER. IN THE COURSE OF MY
2 INVESTIGATION THERE'S A LONG HISTORY OF SEXUAL ABUSE IN
3 MOTHER'S FAMILY. THERE ARE A MILLION FACTORS AND IT'S
4 IMPOSSIBLE FOR ME TO SAY WHY THESE TWO CHILDREN WERE
5 MORE HIGHLY SEXUALIZED THAN OTHER CHILDREN THEIR AGE.
6 I'VE NEVER SEEN MR. HAYNES INTERACT WITH SARAH IN AN
7 INAPPROPRIATE WAY WITH MY OWN EYES, BUT I DON'T, I
8 DON'T KNOW.

9 Q. HAVE YOU EVER SEEN 13 YEAR OLDS
10 REPORTING THINGS ON THEIR OWN THINGS LIKE THAT OR LIKE
11 IS PRESENTED IN THIS CASE?

12 MS. KRUG: OBJECTION RELEVANCE.

13 THE COURT: WHERE ARE YOU GOING WITH THAT?

14 MR. LISZEWSKI: WELL I WAS JUST ASKING IF
15 THIS IS A FOLLOW-UP OF A SEXUALIZED NATURE OF WHAT WAS
16 HAPPENING PER THE TESTIMONY AND IT'S UNCONTROVERTED
17 THAT THERE WERE IMAGES FOUND ON M.S.H.'S PHONE THAT
18 WERE OF A HIGHLY SEXUAL NATURE.

19 MS. KRUG: YOUR HONOR THAT MAY OR MAY NOT
20 HAVE BEEN ADMISSIBLE HAVE WE HAD A CRIMINAL TRIAL. HE
21 HAS PLED GUILTY.

22 THE COURT: THE OBJECTION IS SUSTAINED.

23 MR. LISZEWSKI: THAT'S ALL I HAVE JUDGE.

24 THE COURT: ANYTHING ELSE?

25 MS. KRUG: JUST ONE QUESTION YOUR HONOR.

1 **ADDITIONAL CROSS EXAMINATION BY MS. KRUG:**

2 Q. IN YOUR PRESENCE THE DEFENDANT HAS NOT
3 ACTED INAPPROPRIATELY WITH SARAH?

4 A. NOT THAT I'M AWARE OF, I'VE NEVER SEEN
5 ANYTHING INAPPROPRIATE.

6 Q. BUT YOU WERE THERE?

7 A. I HAVE HAD ONE MEETING WHERE FATHER
8 BROUGHT THEM TO MY OFFICE AND I WAS ABLE TO SEE HIM
9 INTERACT WITH BOTH OF THE MINOR CHILDREN AT THAT TIME
10 AND I DIDN'T SEE ANYTHING INAPPROPRIATE DURING THAT.

11 Q. BUT THE POINT OF MY QUESTION WAS YOU
12 WERE THERE WITH THEM?

13 A. DURING THAT YES.

14 MS. KRUG: NOTHING FURTHER.

15 MR. LISZEWSKI: NO FURTHER.

16 THE COURT: MAY SHE BE EXCUSED?

17 MR. LISZEWSKI: YES SIR.

18 MS. KRUG: YES.

19 THE COURT: THANK YOU MA'AM YOU ARE EXCUSED.
20 NEXT WITNESS FOR THE DEFENDANT.

21 MR. MILLS: MRS. BERNICE HAYNES.

22 THE COURT: ARE YOU ABLE TO CLIMB STEPS
23 MA'AM?

24 BERNICE HAYNES: SURE. THANK YOU THAT'S
25 FINE.

1 THE COURT: YOU MAY INQUIRE.

2 **DIRECT EXAMINATION BY MR. MILLS:**

3 Q. THANK YOU JUDGE BEFORE I BEGIN I MIGHT
4 SPEAK A LITTLE LOUDLY. IT'S MY UNDERSTANDING YOU HAVE
5 SOME DIFFICULTY HEARING IS THAT CORRECT?

6 A. RIGHT.

7 Q. IF YOU CAN'T HEAR ME LET ME KNOW OKAY?

8 A. SURE.

9 Q. FIRST OF ALL COULD YOU STATE YOUR NAME
10 FOR THE JUDGE?

11 A. SURE. BERNICE HAYNES.

12 THE COURT: I DON'T THINK I SWORE HER IN DID
13 I?

14 MR. MILLS: I DON'T THINK SO.

15 THE COURT: MA'AM IF YOU'LL RAISE YOUR RIGHT
16 HAND AND BE PLACED UNDER OATH.

17 (AT THIS TIME BERNICE HAYNES WAS SWORN TO TELL THE
18 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
19 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

20 THE COURT: OKAY SORRY ABOUT THAT.

21 Q. COULD YOU STATE YOUR NAME FOR THE COURT?

22 A. BERNICE HAYNES.

23 Q. YOU ARE CHUCK HAYNES' MOTHER IS THAT
24 CORRECT?

25 A. YES.

1 Q. I DON'T MEAN TO BE RUDE, HOW OLD ARE
2 YOU?

3 A. I'LL BE 92 NEXT WEEK, NEXT MONTH.

4 Q. OKAY. MRS. HAYNES DO YOU LIVE IN
5 DONIPHAN?

6 A. YES.

7 Q. HOW LONG APPROXIMATELY HAVE YOU LIVED IN
8 DONIPHAN?

9 A. MAYBE 20 YEARS.

10 Q. OKAY AND DO YOU OWN SOME PROPERTY HERE
11 IN RIPLEY COUNTY?

12 A. YES.

13 Q. CAN YOU DESCRIBE THAT FOR US?

14 A. 161 ACRES.

15 Q. OKAY. ARE THOSE 161 ACRES ALL IN ONE
16 LOCATION?

17 A. WE HAVE ANOTHER FARM IN GATEWOOD.

18 Q. OKAY IN RIPLEY COUNTY?

19 A. YEAH.

20 Q. OKAY. NOW DO YOU LIVE CLOSE TO YOUR SON
21 CHUCK?

22 A. YES.

23 Q. HOW FAR FROM CHUCK'S HOUSE DO YOU LIVE?

24 A. FIVE TO TEN MINUTES.

25 Q. OKAY AND ON THESE FARMS THAT YOU'VE JUST

1 TOLD US ABOUT DO YOU HAVE A FARMING OPERATION?

2 A. NO JUST CATTLE.

3 Q. OKAY JUST CATTLE? IS THAT RIGHT?

4 A. YEAH.

5 Q. HOW MANY CATTLE DO YOU HAVE DO YOU KNOW
6 RIGHT NOW?

7 A. FIFTY-TWO, FIFTY-THREE.

8 Q. OKAY DO YOU SOMETIMES HAVE MORE OR LESS
9 THAN THAT NUMBER?

10 A. YES.

11 Q. NOW DO YOU TAKE CARE OF THE CATTLE?

12 A. NO CHUCK DOES IT ALL.

13 Q. OKAY CHUCK DOES IT ALL?

14 A. YEAH.

15 Q. DOES, DOES HE HELP YOU WITH YOUR CATTLE
16 OPERATION ON YOUR FARM?

17 A. HE HELPS ME WITH EVERYTHING YEAH.

18 Q. EVERYTHING?

19 A. EVERYTHING.

20 Q. AND FOR HOW LONG HAS CHUCK BEEN HELPING
21 YOU WITH EVERYTHING?

22 A. SINCE WE MOVED IN THERE HE ALWAYS HELPED
23 HIS FATHER.

24 Q. SO FOR ABOUT 20 YEARS?

25 A. YEAH.

1 Q. NOW HIS FATHER PASSED AWAY IT'S MY
2 UNDERSTANDING A COUPLE OF YEARS AGO?

3 A. YES.

4 Q. AND WHAT KIND OF RELATIONSHIP DID CHUCK
5 HAVE WITH HIS DAD?

6 A. GOOD, GREAT.

7 Q. AND WHAT KIND OF A RELATIONSHIP DO YOU
8 HAVE WITH YOUR SON?

9 A. GREAT.

10 Q. HOW WOULD YOU DESCRIBE YOUR HEALTH AT
11 THIS POINT?

12 A. IT WILL BE BETTER SOON.

13 Q. OKAY. DO YOU REGULARLY GO TO DOCTOR'S
14 APPOINTMENTS AND SUCH?

15 A. I JUST STARTED BUT I HADN'T BEEN TO
16 DOCTORS AT ALL.

17 Q. DO YOU RELY ON CHUCK TO HELP YOU GET TO
18 YOUR DOCTOR'S APPOINTMENTS?

19 A. YES I DO.

20 Q. IN ADDITION TO CHUCK HELPING WITH THE
21 FARM OPERATION AND GETTING YOU TO MEDICAL APPOINTMENTS
22 WHAT OTHER TYPES OF THINGS DOES HE DO TO HELP YOU OUT?

23 A. WELL MY ROOF'S ALWAYS LEAKING, MY COFFEE
24 POT'S LEAKING, THE GATE SOMETIMES I GO TO GO OUT, WE
25 HAVE A LOCKED GATE AND IT DON'T LOCK SO I CALL HIM AND

1 HE COMES DOWN AND LETS, FIXES THE GATE FOR ME.

2 Q. OKAY.

3 A. AND ANYTHING THAT NEEDS FIXING HE'S
4 RIGHT THERE FOR ME. MOWS THE LAWN, TRIMS THE TREES.

5 Q. DO YOU RELY ON HIM HEAVILY?

6 A. FOR EVERYTHING YEAH.

7 Q. AND DO YOU NEED HIM?

8 A. YES DEFINITELY.

9 Q. HOW DIFFICULT DO YOU THINK IT WOULD BE
10 FOR YOU TO DO THESE THINGS FOR YOURSELF IF CHUCK WAS IN
11 PRISON?

12 A. I COULDN'T DO THEM.

13 MR. MILLS: THANK YOU I DON'T HAVE ANY
14 FURTHER QUESTIONS AT THIS TIME.

15 THE COURT: MS. KRUG.

16 **CROSS EXAMINATION BY MS. KRUG:**

17 Q. THANK YOU YOUR HONOR. MRS. HAYNES CAN
18 YOU HEAR ME? I'LL MOVE UP. CAN YOU HEAR ME?

19 A. YES.

20 Q. OKAY AND YOU LOVE YOUR SON IS THAT FAIR?

21 A. YES.

22 Q. AND YOU HAVE ANOTHER CHILD TOO A
23 DAUGHTER NAMED KAREN?

24 A. I HAVE KAREN.

25 Q. AND WERE YOU PLANNING TO MOVE IN WITH

1 KAREN IN THE NEAR FUTURE?

2 A. PARDON ME?

3 Q. WERE YOU PLANNING TO MOVE IN WITH KAREN
4 IN THE NEAR FUTURE?

5 A. NO.

6 Q. NO, IS KAREN HERE IN RIPLEY COUNTY?

7 A. NO SHE'S IN ANOTHER STATE.

8 Q. IN ANOTHER STATE. AND YOU WERE PLANNING
9 TO STAY HERE?

10 A. I'M PLANNING TO STAY HERE.

11 Q. OKAY. AND WHEN YOUR SON HELPS YOU WITH
12 THINGS AROUND THE HOUSE AND WITH THE LAND YOU PAY HIM
13 ISN'T THAT RIGHT?

14 A. YES.

15 Q. AND SO HE KIND OF WORKS FOR, I MEAN
16 GRANTED WE WANT TO THINK OUR KIDS WILL TAKE CARE OF US
17 WHEN WE NEED IT RIGHT?

18 A. RIGHT, RIGHT.

19 Q. BUT YOU ALSO PAY HIM A PRETTY GOOD
20 SALARY FOR DOING THAT DON'T YOU?

21 A. YES BUT I WANT TO.

22 MS. KRUG: OKAY NOTHING FURTHER YOUR HONOR.

23 **RE-DIRECT EXAMINATION BY MR. MILLS:**

24 Q. HOW MUCH DO YOU PAY YOUR SON EVERY
25 MONTH, DO YOU REMEMBER?

1 A. UHH, GOD ISN'T THIS AWFUL, I CAN'T
2 REMEMBER.

3 Q. THAT'S OKAY. DO YOU THINK HE'D DO ALL
4 THOSE THINGS HE DOES FOR YOU EVEN IF YOU DIDN'T PAY
5 HIM?

6 A. OH OF COURSE HE WOULD. I HAVE TO HELP
7 HIM TOO.

8 MR. MILLS: THANK YOU MRS. HAYNES I DON'T
9 HAVE ANYTHING FURTHER.

10 A. I WOULDN'T HAVE TO PAY HIM.

11 MS. KRUG: NOTHING FURTHER YOUR HONOR.

12 THE COURT: THANK YOU MA'AM.

13 A. OKAY THANK YOU JUDGE.

14 THE COURT: NEXT WITNESS FOR THE DEFENDANT.

15 MR. MILLS: DR. ROLIN DUNCAN.

16 THE COURT: PLEASE COME FORWARD AND RAISE
17 YOUR RIGHT HAND TO BE PLACED UNDER OATH.

18 (AT THIS TIME DR. ROLIN DUNCAN WAS SWORN TO TELL THE
19 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
20 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

21 THE COURT: YOU MAY COME AROUND AND HAVE A
22 SEAT. YOU MAY INQUIRE.

23 **DIRECT EXAMINATION BY MR. MILLS:**

24 Q. THANK YOU YOUR HONOR. PLEASE STATE YOUR
25 NAME FOR THE JUDGE AND MAYBE GO AHEAD AND SPELL YOUR

1 FIRST NAME.

2 A. ROLIN RANELL DUNCAN. FIRST NAME IS
3 R-O-L-I-N.

4 Q. YOU ARE A DOCTOR IS THAT CORRECT?

5 A. YES SIR.

6 Q. A MEDICAL DOCTOR?

7 A. YES SIR.

8 Q. WHERE DO YOU RESIDE?

9 A. IN POPLAR BLUFF.

10 Q. AND FOR APPROXIMATELY HOW LONG HAVE YOU
11 RESIDED IN POPLAR BLUFF, MISSOURI?

12 A. SINCE 1976.

13 Q. ARE YOU A MARRIED MAN?

14 A. YES.

15 Q. AND DO YOU HAVE CHILDREN?

16 A. YES.

17 Q. HOW MANY CHILDREN DO YOU HAVE?

18 A. TWO.

19 MS. KRUG: OBJECTION RELEVANCE.

20 THE COURT: OVERRULED.

21 Q. HOW OLD ARE YOUR KIDS?

22 A. I'M SORRY?

23 Q. ARE YOU KIDS GROWN?

24 A. YES.

25 Q. OKAY DO YOU ALSO OWN SOME PROPERTY HERE

1 IN RIPLEY COUNTY, MISSOURI?

2 A. YES.

3 Q. WHERE AT?

4 A. ON THE LOWER CURRENT RIVER.

5 Q. OKAY AND YOU OBVIOUSLY KNOW CHUCK HAYNES
6 IS THAT RIGHT?

7 A. YES I JOIN, MY PROPERTY ADJOINS HIS.

8 Q. AND FOR APPROXIMATELY HOW LONG HAVE YOU
9 KNOWN CHUCK HAYNES?

10 A. WELL SINCE THEY BOUGHT THAT HOUSE ABOUT
11 1995 I THINK IT WAS, '94, '95.

12 Q. OKAY. NOW YOU SAID YOU LIVE IN POPLAR
13 BLUFF BUT YOU HAVE THIS HOUSE AND YOUR PROPERTY ADJOINS
14 CHUCK HAYNES IS THAT CORRECT?

15 A. YES.

16 Q. SO HOW DO YOU DIVY UP YOUR TIME BETWEEN
17 THE TWO LOCATIONS?

18 A. WELL I'M RETIRED NOW SO I SPEND USUALLY
19 I USUALLY COME DOWN ON THURSDAY AND GO BACK ON SUNDAY.

20 Q. YOU MENTIONED YOU'RE RETIRED, RETIRED
21 FROM WHAT?

22 A. FROM MEDICAL PRACTICE.

23 Q. WHERE DID YOU PRACTICE MEDICINE?

24 A. WELL THE LAST AT THE V.A.

25 Q. AND WHAT WAS YOUR POSITION AT THE V.A.

1 IN POPLAR BLUFF?

2 A. I WAS A STAFF PHYSICIAN, AT ONE TIME
3 THERE ACTUALLY I WAS EMPLOYED TWICE. THE FIRST TIME I
4 WAS THE CHIEF OF STAFF AND I RESIGNED AND THEN
5 PRACTICED ABOUT 12 YEARS HERE IN DONIPHAN AS A SALARIED
6 PHYSICIAN AND THEN I WENT BACK TO THE V.A. FOR SEVEN
7 YEARS BEFORE I RETIRED.

8 Q. OKAY. NOW CAN YOU DESCRIBE OTHER THAN
9 BEING ADJOINING PROPERTY OWNERS THE NATURE OF YOUR
10 RELATIONSHIP WITH CHUCK HAYNES OVER THE YEARS?

11 A. WELL WE'VE BECOME VERY CLOSE FRIENDS.

12 Q. OKAY AND WHEN YOU SAY VERY CLOSE FRIENDS
13 CAN YOU GO INTO ANYMORE DETAIL ABOUT HOW OFTEN THE TWO
14 OF YOU HAVE INTERACTED OVER THE YEARS AND THE TYPES OF
15 THINGS THAT YOU'VE DONE?

16 A. WELL ESSENTIALLY EVERY WEEKEND YOU KNOW
17 HE HELPS ME A LOT MAINTAIN THE PROPERTY. I HELP HIM
18 OCCASIONALLY FEED HIS CATTLE AND WELL WE USUALLY GO OUT
19 AND EAT SOMEWHERE ON THE WEEKENDS BECAUSE MY WIFE
20 DOESN'T COME DOWN VERY OFTEN AND HE'S ALONE SO WE
21 USUALLY GO SOMEWHERE AND EAT ON THE WEEKENDS AND
22 SOMETIMES WE COOK OVER AT MY PLACE OR HIS PLACE. I
23 HAVE FRIENDS WHO COME DOWN TO HUNT AND FISH AND IT'S
24 JUST THE USUAL SOCIAL GATHERING, A BUNCH OF GUYS
25 GETTING TOGETHER.

1 Q. OKAY NOW OVER THE COURSE OF YEARS AND
2 THROUGHOUT YOUR INTERACTION OF CHUCK HAYNES WHAT OR HOW
3 WOULD YOU DESCRIBE CHUCK HAYNES AS A PERSON?

4 A. WELL HE'S JUST A, AN ORDINARY PERSON I
5 GUESS THAT SOUNDS KIND OF VAGUE. I FOUND HIM TO BE
6 SOCIABLE, PERSONABLE, HONEST. HE'S ALWAYS WILLING TO
7 HELP SOMEBODY, I'VE SEEN HIM HELP PEOPLE THAT YOU KNOW
8 THAT HE DOESN'T EVEN KNOW AND ACTUALLY I'VE SEEN HIM
9 HELP PEOPLE WHO HE DIDN'T I KNOW HE ISN'T VERY FOND OF
10 LET'S PUT IT THAT WAY.

11 Q. WHEN YOU SAY YOU'VE SEEN HIM HELP PEOPLE
12 HE DIDN'T KNOW GIVE ME AN EXAMPLE?

13 A. WELL THERE'S ONE NEIGHBOR DOWN THERE
14 WHO'S KIND OF ODD AND HE'S KIND OF AN OUTCAST I GUESS
15 YOU MIGHT SAY, NOBODY IN THE NEIGHBORHOOD LIKES THE
16 FELLOW AND HE GOT HIS TRACTOR HUNG IN THE FIELD DOWN
17 THERE IN THE MUD AND NOBODY AROUND THERE WOULD PULL HIM
18 OUT BUT CHUCK TOOK HIS TRACTOR DOWN THERE AND PULLED
19 HIM OUT AND NOBODY ELSE DID IT.

20 Q. HAVE YOU FORMED AN IMPRESSION OF CHUCK
21 AS TO WHETHER OR NOT HE'S A LAZY MAN OR A HARD WORKER?

22 A. NO HE'S A HARD WORKER.

23 Q. HAVE YOU EVER IN ALL THE YEARS THAT
24 YOU'VE KNOWN HIM OBSERVED HIM TO ACT AGGRESSIVELY OR
25 VIOLENTLY?

1 A. ONLY ONE TIME.

2 Q. WHEN WAS THAT?

3 A. THAT WAS WHEN MELISSA HOGG AND TWO OTHER
4 GIRLS AND A YOUNG MAN WERE ON HIS PROPERTY UP THERE AND
5 I HAPPEN TO SEE IT. HE ENDED UP HITTING THE YOUNG MAN
6 IN THE HEAD WITH A FLASHLIGHT.

7 Q. DO YOU RECALL APPROXIMATELY WHEN IT WAS
8 THAT THAT OCCURRED?

9 A. WELL IT WAS SEEMED LIKE IT WAS LAST
10 SPRING.

11 Q. SPRING OF 2017?

12 A. YEAH.

13 Q. I'M SORRY TO CORRECT YOU IS THAT A YES?

14 A. YES.

15 Q. SHE'S RECORDING EVERYTHING.

16 A. OH I'M SORRY.

17 Q. WHAT DID YOU SEE?

18 A. WELL I SAW THESE PARTIES UP THERE AND
19 CHUCK CAME OVER THERE, THEY WERE AT THE PROPERTY THAT
20 HAD FORMERLY BEEN CLAYTON ROSE, HE HAS A ONE OF THOSE
21 SHEET METAL TEMPORARY KIND OF CARPORTS UP THERE.

22 Q. WHO HAS THAT?

23 A. CHUCK.

24 Q. OKAY.

25 A. HIS TRUCK WAS PARKED UNDER THAT AND HE

1 WALKED UNDER THAT AND THE YOUNG MAN WALKED UNDER THERE
2 AND I DIDN'T ACTUALLY SEE HIM STRIKE HIM BUT I HEARD
3 THE YELLING AND THE SCREAMING AND PROFANITIES AND SO
4 ON, AND THEN THE YOUNG MAN LEFT AND THE GIRLS LEFT.

5 Q. NOW YOU MENTIONED MELISSA HOGG BEING
6 THERE?

7 A. UH-HUH.

8 Q. IS THAT A YES?

9 A. YES.

10 Q. DID YOU KNOW HER PRIOR TO THAT OCCASION
11 LAST SPRING?

12 A. YES.

13 Q. AND HOW DID YOU KNOW HER?

14 A. WELL SHE, SHE LIVED THERE WHEN CHUCK AND
15 HIS WIFE WERE TOGETHER AND I SAW HER FROM TIME TO TIME.

16 Q. OKAY.

17 A. BUT MOSTLY LIKE YOU KNOW MEET THEM ON
18 THE ROAD OR SOMETHING.

19 Q. OKAY. AND THAT WAS BEFORE THIS CRIMINAL
20 CASE WAS FILED AGAINST CHUCK WHEN THEY LIVED THERE WITH
21 CHUCK IS THAT CORRECT?

22 A. YES.

23 Q. AND THAT'S HOW YOU KNEW M.H., MELISSA
24 HOGG?

25 A. YES.

1 Q. OKAY. NOW YOU SAID YOU SAW THIS HAPPEN,
2 WHERE WERE YOU?

3 A. I WAS SITTING IN A LAWN CHAIR IN FRONT
4 OF MY GARAGE.

5 Q. OKAY AND SO YOU COULD SEE UP TO THIS
6 CARPORT WHERE CHUCK'S TRUCK WAS AT FROM YOUR GARAGE?

7 A. YEAH.

8 Q. DO YOU RECALL APPROXIMATELY WHAT TIME OF
9 DAY IT WAS THAT YOU SAW THIS INCIDENT?

10 A. IF I REMEMBER RIGHT IT WAS IN THE
11 AFTERNOON.

12 Q. OKAY. AND DO YOU RECALL ANY
13 CONVERSATION, WELL LET ME STRIKE THAT. DO YOU RECALL
14 HEARING M.H. SAY ANYTHING AS YOU WERE WATCHING THIS?

15 A. I COULDN'T TELL WHO WAS SAYING WHAT IT
16 WAS JUST A LOT OF SHOUTING.

17 Q. OKAY, OKAY. SINCE WELL AT SOME POINT
18 AROUND THE TIME THAT MR. HAYNES WAS CHARGED WITH THE
19 CRIME IN THIS CASE DID YOU LEARN ABOUT THAT? WHEN HE
20 WAS CHARGED?

21 A. YES.

22 MS. KRUG: OBJECTION, I'M NOT SURE COULD YOU
23 EXPLAIN YOUR QUESTION?

24 Q. MY QUESTION IS IS AT THE TIME THAT MR.
25 HAYNES WAS CHARGED...

1 MS. KRUG: IN 2013?

2 Q. IN 2013, DID YOU BECOME AWARE OF THAT AT
3 THAT TIME?

4 A. YES.

5 Q. OKAY. SINCE THAT TIME OTHER THAN THIS
6 INCIDENT IN SPRING OF LAST YEAR DID YOU SEE M.H. AT MR.
7 HAYNES PROPERTY ON ANY OTHER OCCASION?

8 A. ONE OTHER OCCASION SHE AND TWO GIRLS
9 WERE UP THERE AND AGAIN I WAS SITTING OUT IN FRONT OF
10 MY GARAGE IN A LAWN CHAIR AND I SAW THESE THREE GIRLS
11 COME IN AND THEN SHORTLY THEREAFTER THEY LEFT.

12 Q. OKAY AND WERE YOU ABLE TO RECOGNIZE ONE
13 OF THOSE THREE GIRLS TO BE M.H.?

14 A. YES.

15 Q. AND WHAT DID THEY DO AS YOU OBSERVED
16 THEM?

17 A. WELL THEY WENT ACROSS THE YARD TOWARD
18 CHUCK'S HOUSE AND THEN TURNED AROUND AND CAME BACK.

19 Q. OKAY AND DO YOU RECALL APPROXIMATELY
20 WHEN IT WAS THAT THIS OCCURRED?

21 A. YOU MEAN WHAT TIME OF DAY?

22 Q. WELL A DATE FIRST?

23 A. OH NO I DON'T IT WAS SEVERAL MONTHS
24 BEFORE THE SECOND INCIDENT.

25 Q. AND THE SECOND INCIDENT BEING THE ONE

1 THAT OCCURRED IN SPRING OF 2017?

2 A. RIGHT YES.

3 Q. SO IT WAS A FEW MONTHS BEFORE THEN?

4 A. YES.

5 Q. NOW ON THIS FIRST EPISODE WHERE YOU SAW
6 M.H. NO CHUCK HAYNES PROPERTY DO YOU KNOW WHETHER OR
7 NOT CHUCK WAS AT HOME AT THAT TIME?

8 A. I DON'T BELIEVE HE WAS.

9 Q. WHY NOT? WHY DON'T YOU BELIEVE HE WAS
10 HOME?

11 A. WELL I THINK HE WAS GONE.

12 Q. OKAY I DIDN'T KNOW IF THERE WAS A
13 SPECIFIC REASON YOU DIDN'T THINK HE WAS THERE OR NOT?

14 A. NO, NO.

15 Q. OKAY. NOW OTHER THAN I'M GOING TO GET
16 BACK TO WHAT STARTED ALL THIS, I ASKED YOU IF YOU'D
17 EVER SEEN CHUCK ACT VIOLENTLY OR AGGRESSIVELY OTHER
18 THAN THIS TIME WHEN YOU SAW HIM HIT THIS GENTLEMAN WITH
19 THE FLASHLIGHT HAVE YOU EVER SEEN HIM ACT VIOLENTLY OR
20 AGGRESSIVELY?

21 A. NO.

22 Q. EVER HEARD HIM THREATEN ANYONE?

23 A. NO.

24 Q. EVER SEE HIM IN A FIGHT WITH ANYONE?

25 A. NO.

1 Q. HAVE YOU EVER OBSERVED CHUCK IN ALL THE
2 YEARS THAT YOU'VE KNOWN HIM TO ACT INAPPROPRIATELY
3 AROUND CHILDREN?

4 A. NO.

5 Q. DO YOU HAVE GRANDCHILDREN?

6 A. YES.

7 Q. WOULD YOU TRUST CHUCK WITH YOUR
8 GRANDCHILDREN?

9 A. OH YEAH.

10 Q. NO HESITATION?

11 A. NO.

12 Q. DO YOU BELIEVE THAT CHUCK WOULD BE
13 SUCCESSFUL IF HE WAS GIVEN AN OPPORTUNITY TO COMPLETE A
14 TERM OF PROBATION IN THIS CASE?

15 A. YES.

16 MR. MILLS: THAT'S ALL I HAVE AT THIS TIME
17 YOUR HONOR.

18 THE COURT: MS. KRUG.

19 **CROSS EXAMINATION BY MS. KRUG:**

20 Q. THANK YOU YOUR HONOR. DR. DUNCAN YOU
21 TESTIFIED THAT YOU WERE A WITNESS TO THE INCIDENT WITH
22 MELISSA AND THE OTHER KIDS AND THE FLASHLIGHT CORRECT?

23 A. YES.

24 Q. AND THERE IN THE PAST YEAR OR SO THERE'S
25 ANOTHER INCIDENT WHERE THE DEFENDANT WAS KIND OF

1 LOOKING OUT FOR YOUR PROPERTY ISN'T IT AND CHARGES WERE
2 FILED FOR SOMEBODY BREAKING INTO YOUR PROPERTY?

3 A. NOT THAT I KNOW OF.

4 Q. NO? YOU WEREN'T CALLED AS A STATE'S
5 WITNESS IN ANY SORT OF A CASE WITH REGARD TO YOUR
6 PROPERTY? SOMEBODY BREAKING INTO YOUR PROPERTY?

7 A. NO.

8 Q. NO OKAY BUT YOU GUYS HAVE EACH OTHER'S
9 BACKS RIGHT?

10 A. I'M SORRY?

11 Q. YOU LOOK OUT FOR CHUCK AND CHUCK LOOKS
12 OUT FOR YOU?

13 A. WELL MOSTLY CHUCK LOOKS OUT FOR ME HE
14 KIND OF PATROLS THE WHOLE PROPERTY DOWN THERE.

15 Q. OKAY AND WHEN YOU SAY CONTROLS THE WHOLE
16 PROPERTY WHAT DO YOU MEAN?

17 A. PATROLS.

18 Q. YOU SAID PATROLS?

19 A. YEAH.

20 Q. SORRY ABOUT THAT. SO HE'S LOOKING OUT
21 FOR EVERYTHING RIGHT FOR YOUR PROPERTY WHEN YOU'RE NOT
22 THERE?

23 A. YES.

24 Q. YOU APPRECIATE THAT RIGHT?

25 A. ABSOLUTELY.

1 Q. NOW THE TIME YOU TALKED ABOUT WHEN YOU
2 SAW MELISSA AND THE TWO GIRLS GO THERE YOU SAID THEY
3 WALKED UP THE YARD BUT THEN THEY DID NOT GO IN RIGHT
4 THEY TURNED AROUND AND LEFT?

5 A. RIGHT.

6 Q. OKAY. AND YOU'RE PRETTY CONFIDENT THAT
7 CHUCK WASN'T THERE?

8 A. YES.

9 Q. AND THAT'S BECAUSE YOU KNOW WHAT CAR HE
10 DRIVES IS THAT RIGHT?

11 A. RIGHT.

12 Q. AND IT WASN'T THERE?

13 A. NO.

14 Q. AND IT'S PRETTY COMMON KNOWLEDGE WHAT
15 CAR HE DRIVES RIGHT?

16 A. YEAH I SUSPECT IT IS.

17 Q. AND IT WASN'T THERE?

18 A. NO.

19 Q. AND YOU DESCRIBED THE DEFENDANT CHUCK
20 HAYNES AS AN ORDINARY PERSON RIGHT?

21 A. YEAH.

22 Q. AND YOU WERE AWARE OF WHEN THE CHARGES
23 WERE FILED IN THIS CASE CORRECT?

24 A. YES.

25 Q. AND IN YOUR PRESENCE CHUCK HAYNES HAS

1 NOT HAD ANY TEENAGE GIRLS GIVE HIM ORAL SEX CORRECT?

2 A. NO.

3 Q. BUT YOU KNOW HE'S PLED GUILTY TO THAT AT
4 THIS POINT CORRECT?

5 A. YES.

6 Q. AND THAT'S FOR SOMETHING YOU WEREN'T
7 PRESENT TO SEE?

8 A. NO.

9 MS. KRUG: NOTHING FURTHER YOUR HONOR.

10 THE COURT: ANYTHING ELSE?

11 MR. MILLS: NOTHING FURTHER YOUR HONOR.

12 THE COURT: MAY THE DOCTOR BE EXCUSED?

13 MR. MILLS: HE MAY.

14 THE COURT: THANK YOU SIR YOU ARE EXCUSED.

15 A. THANK YOU.

16 THE COURT: YOU MAY REMAIN IF YOU DESIRE.

17 NEXT WITNESS ON BEHALF OF THE DEFENDANT.

18 MR. MILLS: MARVIN CREELMAN.

19 THE COURT: SIR PLEASE COME FORWARD AND RAISE
20 YOUR RIGHT HAND TO BE PLACED UNDER OATH.

21 (AT THIS TIME MARVIN CREELMAN WAS SWORN TO TELL THE
22 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
23 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

24 THE COURT: YOU MAY HAVE A SEAT IN THE
25 WITNESS CHAIR. YOU MAY INQUIRE.

1 **DIRECT EXAMINATION BY MR. MILLS:**

2 Q. THANK YOU JUDGE. WOULD YOU PLEASE STATE
3 YOUR NAME AND SPELL YOUR LAST NAME FOR US.

4 A. MARVIN C-R-E-E-L-M-A-N.

5 Q. MR. CREELMAN WHERE DO YOU RESIDE?

6 A. IN DONIPHAN.

7 Q. PARDON?

8 A. IN DONIPHAN.

9 Q. AND FOR APPROXIMATELY HOW LONG HAVE YOU
10 LIVED IN DONIPHAN?

11 A. FIFTEEN YEARS.

12 Q. DO YOU KNOW CHUCK HAYNES?

13 A. I KNOW CHUCK HAYNES.

14 Q. HOW DID YOU COME TO KNOW CHUCK HAYNES?

15 A. I THINK CINDY HAYNES INTRODUCED ME TO
16 HIM.

17 Q. HIS WIFE?

18 A. YES.

19 Q. AND HOW DID YOU KNOW CINDY HAYNES?

20 A. THROUGH CHURCH, THROUGH THE CHURCH
21 ASSOCIATION.

22 Q. WHAT'S YOUR PROFESSION OR OCCUPATION?

23 A. PASTOR.

24 Q. AND FOR HOW LONG HAVE YOU BEEN A PASTOR?

25 A. FORTY YEARS.

1 Q. OKAY AND AT SOME POINT WERE YOU A PASTOR
2 AT A CHURCH IN WHICH CINDY HAYNES WAS A MEMBER?

3 A. NO.

4 Q. OKAY.

5 A. SHE WAS, SHE WENT TO THE CHURCH HERE
6 THAT I'M A MEMBER OF IN DONIPHAN. I DON'T THINK SHE
7 WAS A MEMBER HERE BUT SHE WENT HERE.

8 Q. I SEE SO YOU BOTH ATTENDED THE SAME
9 CHURCH?

10 A. YES.

11 Q. SO YOU ACTUALLY KNEW CINDY HAYNES BEFORE
12 YOU EVER MET CHUCK HAYNES?

13 A. YES.

14 Q. AND SO HOW WAS IT THAT YOU CAME TO MEET
15 CHUCK HAYNES?

16 A. CINDY INTRODUCED ME TO HIM AS A FRIEND
17 AND HOPING THAT I WOULD HAVE A SPIRITUAL INFLUENCE ON
18 CHUCK'S LIFE.

19 Q. OKAY AND SO AFTER YOU WERE INTRODUCED TO
20 CHUCK DID YOU COME TO KNOW HIM BETTER?

21 A. REAL BETTER.

22 Q. OKAY AND TELL US WHY YOU SAY REAL
23 BETTER?

24 A. WE DO A LOT OF THINGS TOGETHER, WE HELP
25 EACH OTHER CHOP WOOD, I HELP HIM WITH THE COWS, WE MOW

1 GRASS TOGETHER, HE MOWS MY FIELD, I HELP HIM WITH
2 SEPTIC TANK, WE'RE JUST FRIENDS LIKE THAT WE HELP EACH
3 OTHER OUT.

4 Q. OKAY. AND ANYTIME YOU'VE NEEDED
5 SOMETHING AND ASKED HIM WAS HE THERE TO HELP YOU?

6 A. DAY OR NIGHT.

7 Q. AND LIKEWISE IF HE ASKED..

8 A. OH YES.

9 Q. IF THERE WAS SOMETHING HE NEEDED FROM
10 YOU YOU'RE THERE FOR HIM?

11 A. YES.

12 Q. SO YOU GUYS WATCH OUT FOR EACH OTHER?
13 HELP EACH OTHER OUT?

14 A. WE DO.

15 Q. WOULD YOU DESCRIBE YOURSELF AS A CLOSE
16 FRIEND WITH CHUCK?

17 A. YES VERY CLOSE.

18 Q. AND HAVE YOU OVER THE YEARS ACTED AS A
19 SPIRITUAL ADVISOR TO CHUCK OR HAD DISCUSSIONS WITH HIM?

20 A. OH YES, YES.

21 Q. OKAY. HOW WOULD YOU DESCRIBE CHUCK?

22 A. HONEST, CARING, HELPFUL, I DON'T KNOW
23 WHAT ELSE TO SAY, TRUSTWORTHY.

24 Q. HAVE YOU EVER SEEN HIM ACT VIOLENTLY OR
25 AGGRESSIVELY TOWARD ANYONE?

1 A. NO.

2 Q. HAVE YOU EVER HEARD HIM THREATEN TO
3 PHYSICALLY HARM SOMEONE?

4 A. NO.

5 Q. HAVE YOU EVER OBSERVED HIM TO ACT
6 INAPPROPRIATELY IN ANY WAY OVER THE YEARS WITH
7 CHILDREN?

8 A. NO LOVING AND KIND THAT WAY.

9 Q. OKAY. IT'S MY UNDERSTANDING THE TWO OF
10 YOU HAVE GONE OUT TO EAT TOGETHER OVER THE YEARS MANY,
11 MANY TIMES?

12 A. YES.

13 Q. HAS CHUCK EVER IN YOUR PRESENCE
14 COMMENTED ON ANY FEMALES WHO MIGHT HAVE BEEN
15 PATRONIZING THE SAME ESTABLISHMENT?

16 A. NO AND I'VE BEEN WITH A LOT OF FELLOWS
17 AND THEY DO THAT BUT I'VE NEVER HEARD CHUCK SAY THAT,
18 DO THAT INAPPROPRIATELY. I THINK HE WAS VERY IN LOVE
19 WITH HIS WIFE.

20 Q. WHAT KIND OF DAD IF YOU KNOW HAS HE
21 TRIED TO BE TO MIKAYLA WHO IS NOW PASSED AND SARAH HIS
22 DAUGHTERS?

23 A. OH I CAN THINK OF, COULDN'T BE A BETTER
24 DAD. A MODEL DAD THAT WAY I THINK.

25 Q. HAS HE EVER SHARED WITH YOU HIS LOVE FOR

1 THEM AND HIS COMMITMENT TO THEM?

2 A. ABSOLUTELY OVER AND OVER.

3 Q. DO YOU THINK CHUCK WOULD BE A LAW
4 ABIDING CITIZEN AND OBEY ANY TERMS OF PROBATION THAT
5 MIGHT BE GRANTED BY THIS COURT TODAY?

6 A. ABSOLUTELY.

7 Q. ANY DOUBT IN YOUR MIND?

8 A. NO DOUBT IN MY MIND.

9 Q. YOU INDICATED EARLIER THAT I THINK YOUR
10 OPINION OF CHUCK INCLUDED THE FACT THAT HE WAS HONEST
11 IS THAT CORRECT?

12 A. ABSOLUTELY.

13 Q. DOES THE FACT THAT HE'S ENTERED A PLEA
14 OF GUILTY IN THIS CASE CHANGE THAT OPINION OF CHUCK?

15 A. NO IT DOESN'T.

16 Q. AND YOU'RE AWARE OF WHAT HE'S PLED
17 GUILTY TO?

18 A. YES.

19 Q. AND HAVE BEEN FOR SOME TIME CORRECT?

20 A. YES.

21 MR. MILLS: THANK YOU I DON'T HAVE ANY
22 FURTHER QUESTIONS.

23 THE COURT: MS. KRUG.

24 **CROSS EXAMINATION BY MS. KRUG:**

25 Q. THANK YOU YOUR HONOR. NOW MR. CREELMAN

1 YOU SAID THAT THE DEFENDANT WAS INTRODUCED TO YOU BY
2 CINDY HAYNES IS THAT RIGHT?

3 A. YES.

4 Q. WHEN WAS THAT?

5 A. THAT WAS PROBABLY AROUND 2005 SOMEWHERE
6 IN THERE.

7 Q. AND THAT WAS BECAUSE HE NEEDED SOME
8 SPIRITUAL GUIDANCE?

9 A. EXCUSE ME?

10 Q. HE NEEDED SOME SPIRITUAL GUIDANCE?

11 A. SHE FELT THAT HE NEEDED SOME AND HE
12 RESPONDED TOO.

13 Q. AND HE HAD STEP-CHILDREN IS THAT RIGHT?

14 A. YES.

15 Q. YOU KNEW THEM?

16 A. YES. BOTH OF THEM.

17 Q. YOU KNEW MELISSA IS THAT RIGHT?

18 A. YES.

19 Q. AND HE ACTED AS A FATHER TO MELISSA
20 ISN'T THAT TRUE?

21 A. YES.

22 Q. HE WAS THE SAME KIND OF LOVING FATHER
23 THAT YOU DESCRIBED HIM AS BEING WITH MIKAYLA AND SARAH?

24 A. YES.

25 Q. OKAY. SO HE TREATED MELISSA AS HIS

1 DAUGHTER IN YOUR OBSERVATION CORRECT?

2 A. YES.

3 Q. AND YOU KNOW WHAT HE HAS PLED GUILTY TO
4 WITH REGARD TO MELISSA CORRECT?

5 A. YES, YES.

6 Q. AND YOU DESCRIBE HIM AS A MODEL FATHER?

7 A. YES.

8 MS. KRUG: NOTHING FURTHER.

9 A. AS FAR AS I OBSERVED THAT'S RIGHT.

10 Q. SO HE DIDN'T HARM ANY CHILDREN IN YOUR
11 PRESENCE?

12 A. NO.

13 MS. KRUG: NOTHING FURTHER.

14 MR. MILLS: NOTHING FURTHER YOUR HONOR.

15 THE COURT: THANK YOU SIR YOU MAY STEP DOWN.

16 NEXT WITNESS ON BEHALF OF THE DEFENDANT?

17 MR. MILLS: BRUCE WARE.

18 (AT THIS TIME DWIGHT BRUCE WARE WAS SWORN TO TELL THE
19 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
20 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

21 THE COURT: YOU MAY HAVE A SEAT. YOU MAY
22 INQUIRE.

23 **DIRECT EXAMINATION BY MR. MILLS:**

24 Q. THANK YOU JUDGE. WOULD YOU PLEASE STATE
25 YOUR NAME AND SPELL YOUR LAST NAME FOR US.

1 A. DWIGHT BRUCE WARE, W-A-R-E.

2 Q. MR. WARE WHERE DO YOU LIVE AT?

3 A. I LIVE IN NORTHWEST RIPLEY COUNTY NOW.

4 Q. OKAY DO YOU KNOW CHUCK HAYNES?

5 A. YES I DO.

6 Q. HOW DO YOU KNOW CHUCK?

7 A. PRIOR TO MOVING TO NORTHWEST RIPLEY
8 COUNTY I LIVED SOUTH OF TOWN AND WAS IN THE
9 NEIGHBORHOOD WHERE CHUCK AND DR. DUNCAN BOTH RESIDE.

10 Q. ON THE CURRENT RIVER?

11 A. YES.

12 Q. OKAY AND ABOUT HOW LONG AGO WAS THAT
13 THAT YOU FIRST MET CHUCK?

14 A. THE FIRST TIME I MET HIM WAS PROBABLY
15 AROUND 2000 BUT WHEN I MOVED INTO THAT AREA IT WAS 2004
16 AND THAT'S WHEN I REALLY MADE HIS ACQUAINTANCE.

17 Q. OKAY. AND AFTER YOU MADE HIS
18 ACQUAINTANCE DID A RELATIONSHIP BETWEEN THE TWO OF YOU
19 DEVELOP AS FRIENDS?

20 A. YES.

21 Q. AND CAN YOU KIND OF DESCRIBE FOR THE
22 COURT HOW THAT RELATIONSHIP DEVELOPED AND THAT
23 FRIENDSHIP?

24 A. I WAS INTRODUCED TO CHUCK AND AS WE,
25 THERE FROM DR. DUNCAN'S PLACE AS HE SAID WE'D SIT OUT

1 IN FRONT OF HIS GARAGE AND IT WAS KIND OF LIKE THE MAN
2 CAMP THING.

3 Q. OKAY.

4 A. AND WE'D GET TO KNOW EACH OTHER, GET
5 ACQUAINTED AND SINCE I LIVED DOWN THERE FULL TIME
6 RATHER THAN LIKE THE MAJORITY OF THEM THAT ARE DOWN
7 THERE JUST WEEKEND WARRIOR TYPE THINGS, I GOT TO KNOW
8 CHUCK AND AS EVERYBODY HAS SAID HE HELPED US OUT
9 CONSIDERABLY. HE WAS AN EXCELLENT NEIGHBOR. WHENEVER
10 RAINS WOULD COME THROUGH OUR HOUSE WAS ON TOP OF THE
11 HILL, IF THE GRAVEL WASHED OUT HE WOULD BRING HIS
12 TRACTOR OUT AND FIX IT WITHOUT EVEN ASKING, YOU KNOW
13 THERE WAS NOTHING SAID. HE PATROLLED THE NEIGHBORHOOD
14 AND IF SOMETHING NEEDED DONE HE DID IT.

15 Q. ON HIS OWN?

16 A. ON HIS OWN.

17 Q. WITHOUT REQUEST?

18 A. THAT'S CORRECT.

19 Q. AND WHAT KIND OF MAN WOULD YOU DESCRIBE
20 CHUCK TO BE?

21 A. I AGREE WITH EVERYTHING THAT'S BEEN SAID
22 SO FAR. HE'S A LOYAL, TRUSTWORTHY, HONORABLE PERSON.

23 Q. OKAY.

24 A. I HAVE SEEN NOTHING OUT OF HIM
25 PERSONALLY THAT WOULD INDICATE ANYTHING OTHERWISE.

1 Q. ARE YOU EMPLOYED MR. WARE?

2 A. YES I AM.

3 Q. WHAT DO YOU DO?

4 A. GLOBAL COMMISSIONING MANAGER FOR GENERAL
5 ELECTRIC WIND ENERGY AND NOW I'M THE SENIOR STAFF
6 TECHNICAL MANAGER WITH RENEWABLE WIND ENERGY.

7 Q. OKAY AND DOES THAT POSITION ENTAIL
8 TRAVEL FOR YOU?

9 A. YES IT DOES.

10 Q. OKAY.

11 A. IT'S BEEN KIND OF TRUNCATED HERE LATELY
12 I HAVE AS YOU SEE I'M SQUIRMING, I HAVE C-5, 6 AND 7
13 DISKS INFUSED AND RIGHT NOW MY NECK IS KILLING ME BUT
14 IT'S CUT DOWN ON THE TRAVEL SOME BUT PUT MORE TIME AT
15 HOME ON THE COMPUTER.

16 Q. HOW OFTEN DO YOU AND CHUCK SEE EACH
17 OTHER THESE DAYS?

18 A. NOW I WOULD SAY ONCE OR TWICE A MONTH.

19 Q. OKAY AND WHAT USUALLY ARE YOU DOING WHEN
20 THE TWO OF YOU SEE EACH OTHER?

21 A. HE'LL COME UP AND IF I'M NOT THROUGH
22 WORKING HE'LL WAIT AROUND THE HOUSE AND JUST OCCUPY
23 THINGS THAT AS THEY SAID RAKE LEAVES, MOW THE YARD, HE
24 DOES SOMETHING TO KEEP HIMSELF BUSY.

25 Q. OKAY.

1 A. AND WHENEVER I GET OFF WORK THEN WE'LL
2 DRIVE AROUND IN THE 4-WHEELERS OR CHECK OUT THE AREAS,
3 SIT AND GRILL SOMETHING, JUST ENJOY EACH OTHER'S
4 COMPANY.

5 Q. OKAY. IS HE A HARD WORKER?

6 A. I WISH I COULD HIRE A BUNCH OF HIM, HE'S
7 ONE OF THE HARDEST WORKING INDIVIDUALS I KNOW.

8 Q. THE TWO OF YOU EVER HUNT TOGETHER?

9 A. WE'VE NEVER HAD THE OPPORTUNITY TO HUNT
10 TOGETHER, NOW WE'VE HAD THE HUNTING STORY TOGETHER AND
11 DISCUSSED THE HUNTS BUT AS FAR AS HUNTING TOGETHER NO
12 WE HAVEN'T.

13 Q. OKAY. HAVE YOU EVER IN ALL THE YEARS
14 THAT YOU'VE KNOWN CHUCK OBSERVED HIM TO BE VIOLENT OR
15 AGGRESSIVE TOWARD ANOTHER PERSON?

16 A. NO I HAVEN'T. I'VE NEVER SEEN AN
17 AGGRESSIVE MOVE OUT OF CHUCK AT ALL OR AN UNKIND WORD.

18 Q. SO IF I ASKED YOU IF YOU'VE EVER SEEN
19 HIM ANGRY AND THREATENING SOMEONE VERBALLY YOUR ANSWER
20 WOULD BE NO I'VE NEVER SEEN THAT?

21 A. NO I HAVE NEVER SEEN THAT AND IN FACT IT
22 WOULD GO THE OTHER WAY. THERE'S BEEN TIMES THAT I HAVE
23 IN DISCUSSIONS WE'VE HAD WITH SITUATIONS THAT I
24 PERSONALLY HAVE BEEN INVOLVED WITH WHERE I GOT
25 IRRITATED HE WAS THE GUY THAT WAS MORE OR LESS THE

1 CALMING MANNER SAYING WELL MAYBE YOU NEED TO THINK
2 ABOUT THIS.

3 Q. HAVE YOU EVER OBSERVED HIM TO ACT IN ANY
4 WAY, SHAPE OR FORM INAPPROPRIATELY AROUND KIDS?

5 A. NO.

6 Q. ARE YOU AWARE OF THE OFFENSE TO WHICH
7 CHUCK HAS PLED GUILTY AND WHICH THE COURT HAS FOUND HIM
8 GUILTY OF?

9 A. YES I'M AWARE OF THAT.

10 Q. AND DO YOU BELIEVE CHUCK WOULD BE A
11 SUCCESSFUL PROBATIONER IF THE COURT CHOSE TO GRANT HIM
12 PROBATION?

13 A. THERE'S NO DOUBT IN MY MIND HE WOULD BE.

14 MR. MILLS: NOTHING FURTHER AT THIS TIME.
15 THANK YOU.

16 THE COURT: MS. KRUG.

17 **CROSS EXAMINATION BY MS. KRUG:**

18 Q. THANK YOU YOUR HONOR. NOW MR. WARE YOU
19 ARE HERE TODAY TO TELL US ABOUT WHAT A GOOD NEIGHBOR HE
20 IS, IS THAT RIGHT?

21 A. I'M HERE TO GIVE CHARACTER WITNESS FOR
22 CHUCK YES.

23 Q. ALRIGHT SO HE HAS BEEN A GOOD NEIGHBOR?

24 A. HE'S BEEN A GOOD NEIGHBOR YES.

25 Q. AND YOU WOULD EXPECT HIM TO KEEP BEING A

1 GOOD NEIGHBOR IF HE HAS THE OPPORTUNITY?

2 A. WELL IF I WAS DOWN THERE IN THE
3 NEIGHBORHOOD WITH HIM YES I WOULD EXPECT THAT.

4 Q. ALRIGHT. AND YOU TWO HAVE SHARED
5 HUNTING STORIES IS THAT RIGHT?

6 A. YES WE HAVE.

7 Q. AND SO YOU'RE AWARE OF THE FACT THAT HE
8 DOES IN FACT KEEP GUNS IN HIS HOME?

9 A. I DON'T KNOW IF HE DOES NOW OR NOT, I
10 HAVEN'T SEEN OR HEARD ANYTHING OF HIM HUNTING IN THE
11 LAST TWO OR THREE YEARS SO I DON'T KNOW.

12 Q. OKAY. SO YOU'RE AWARE THAT HE AT SOME
13 POINT DID IN FACT LET'S TALK ABOUT 2013 AND BEFORE THAT
14 HE WAS A HUNTER?

15 A. 2013 ARBITRARY TO ME BUT YES I KNOW HE
16 HAS BEEN A HUNTER AND I KNOW HE HAS KEPT GUNS, YES.

17 Q. AND HE HUNTS WITH GUNS?

18 A. YES. I DON'T KNOW WHAT ELSE YOU'D HUNT
19 WITH, BOW MAYBE.

20 MS. KRUG: NOTHING FURTHER.

21 THE COURT: ANYTHING ELSE?

22 MR. MILLS: NOTHING FURTHER YOUR HONOR.

23 THE COURT: THANK YOU SIR YOU CAN STEP DOWN.

24 MR. MILLS: ONE LAST WITNESS YOUR HONOR.

25 THE COURT: OKAY.

1 MR. MILLS: RANDY MANESS.

2 (AT THIS TIME RANDOLF MANESS WAS SWORN TO TELL THE
3 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
4 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

5 THE COURT: YOU MAY HAVE A SEAT. YOU MAY
6 INQUIRE.

7 **DIRECT EXAMINATION BY MR. MILLS:**

8 Q. THANK YOU YOUR HONOR. WOULD YOU PLEASE
9 STATE YOUR NAME FOR THE JUDGE AND SPELL YOUR LAST NAME.

10 A. RANDOLPH MANESS, PLEASE CALL ME RANDY.
11 LAST NAME IS SPELLED M-A-N-E-S-S.

12 Q. AND RANDY WHERE DO YOU LIVE?

13 A. I LIVE RIGHT HERE IN DONIPHAN.

14 Q. HOW LONG HAVE YOU BEEN IN DONIPHAN?

15 A. WITH THE EXCEPTION OF 7 YEARS AT THE
16 UNIVERSITY OF MISSOURI AND SOME TIME IN THE ARMY I'VE
17 BEEN HERE CONTINUOUSLY SINCE JULY 28TH, 1948.

18 Q. WHAT IS YOUR PROFESSION?

19 A. I'M AN ATTORNEY.

20 Q. AND DO YOU MAINTAIN A LAW PRACTICE HERE
21 IN DONIPHAN?

22 A. DESPITE THE FACT I'M OLD ENOUGH TO QUIT
23 I STILL DO YES.

24 Q. CAN YOU TELL US A LITTLE BIT ABOUT YOUR
25 LEGAL BACKGROUND?

1 A. SURE. I WAS BROUGHT UP IN A FAMILY OF
2 LAWYERS. MY PARENTS WERE BOTH LAWYERS, PROSECUTORS AND
3 BOTH CIRCUIT JUDGES. I HAVE PRACTICED IN GENERAL
4 PRACTICE SINCE 1974 AND I'VE HAD SEVERAL PARTNERS
5 DURING THE YEARS, CHRIS MILLER WHO IS CURRENT
6 PROSECUTOR WAS MY PARTNER FOR MANY YEARS AND I SERVED A
7 COUPLE OF TERMS AS ASSISTANT PROSECUTOR WITH HIM WHILE
8 HE WAS DOING THAT. THE LAST FEW YEARS I'VE LARGELY
9 CONFINED MY PRACTICE TO CIVIL LAW. I DO A LOT OF
10 ESTATE PLANNING, REAL ESTATE, CORPORATE WORK, THAT SORT
11 OF THING. MY WIFE OF 34 YEARS WHO IS SITTING BACK
12 THERE BEHIND YOU IS ALSO A PARTNER. SHE TENDS TO
13 SPECIALIZE IN FAMILY LAW AND THAT GENERAL AREA AND IS
14 VERY GOOD AT IT I SHOULD SAY.

15 Q. OKAY AND WOULD IF BE FAIR TO SAY THAT
16 YOU AND YOUR WIFE DON'T PRACTICE MUCH IF ANY CRIMINAL
17 LAW?

18 A. I USED TO DO A LOT YEARS AGO BUT I
19 HAVEN'T DONE ANY CRIMINAL LAW IN MANY YEARS AND JUST TO
20 CLARIFY THE COMMENT THAT WAS MADE EARLIER I DON'T THINK
21 I HAVE EVER REPRESENTED CHUCK IN A CRIMINAL CASE. IF
22 IT WAS MAYBE IT WAS A TRAFFIC TICKET 20 YEARS AGO.
23 I'VE HAD NOTHING TO DO WITH THE CRIMINAL PROCEEDINGS IN
24 THIS CASE AT ALL.

25 Q. OKAY. YOU MENTIONED THAT YOU SERVED AS

1 AN ASSISTANT PROSECUTOR HERE IN RIPLEY COUNTY UNDER
2 CHRIS MILLER IS THAT CORRECT?

3 A. TWO TERMS.

4 Q. AND WHEN DID THOSE TWO TERMS OCCUR,
5 WHAT'S THE TIMEFRAME THERE?

6 A. WELL I WAS AFRAID YOU'D ASK ME THAT.
7 CHRIS WENT INTO THE PROSECUTOR'S OFFICE THE FIRST TIME
8 IN 1983 SO I'M SURE THAT FIRST TERM I DID AND THEN THAT
9 WOULD HAVE BEEN '83 TO '87 AND PROBABLY HIS NEXT TERM I
10 REALLY DON'T REMEMBER BUT IT WAS AFTER SHE CAME ALONG
11 SHE TOOK THAT ROLE AS ASSISTANT PROSECUTOR, SO.

12 Q. OKAY.

13 A. IT'S BEEN OVER 20 YEARS SINCE I'VE DONE
14 ANY OF THAT.

15 Q. DURING THE COURSE OF YOUR SERVICE AS AN
16 ASSISTANT PROSECUTOR IN RIPLEY COUNTY DID YOU REPRESENT
17 THE STATE IN CHILD SEX CASES?

18 MS. KRUG: OBJECTION RELEVANCE.

19 THE COURT: JUST TELL ME WHERE YOU'RE HEADED.

20 MR. MILLS: JUDGE AT THE END I'M GOING TO ASK
21 HIM IF HE THINKS MR. HAYNES IS AN APPROPRIATE CANDIDATE
22 FOR PROBATION.

23 MS. KRUG: HE JUST TESTIFIED TO HIS
24 EXPERIENCE AS A PROSECUTOR I MEAN IF HE'S GOING TO BE
25 ALLOWED TO DO THAT IT'S BEEN SO LONG AGO THAT IT'S...

1 THE COURT: OVERRULED I'LL LET YOU.

2 A. I'D HAVE TO MAKE IT MOOT AND SAY I DON'T
3 REMEMBER. I DON'T KNOW SPECIFICALLY THAT I EVER
4 HANDLED ANY, CHRIS DID MOST OF THAT. OF COURSE I WAS
5 AROUND FOR A LOT OF IT, I SAW A LOT OF THE ACTION BUT I
6 DOUBT THAT I WAS EVER LEAD COUNSEL ON ONE, DON'T
7 REMEMBER THAT I WAS.

8 Q. OKAY THANK YOU. DO YOU KNOW CHUCK
9 HAYNES?

10 A. VERY WELL.

11 Q. YOU SAY VERY WELL WHY DO YOU SAY THAT?

12 A. WELL WE HAVE BEEN NEIGHBORS SINCE CHUCK
13 FIRST MOVED TO THE NEIGHBORHOOD WHERE MY RIVER PROPERTY
14 IS, WHICH HAS BEEN ABOUT 20 YEARS AGO I THINK.

15 Q. SO YOU'RE DOWN ON THE RIVER THERE WITH
16 DR. DUNCAN AND WHERE CHUCK HAYNES IS?

17 A. ACTUALLY OUR PROPERTY IS LOCATED
18 ACTUALLY BETWEEN, NOT ADJACENT TO BUT BETWEEN MRS.
19 HAYNES' PROPERTY AND CHUCK'S HOME ON DOWN RIVER A
20 LITTLE BIT.

21 Q. OKAY SO YOU'RE AWARE OF WHERE BERNICE
22 HAYNES LIVES?

23 A. OH YEAH I DRIVE BY EVERY TIME I GO HOME.

24 Q. ALRIGHT AND I SAW YOU HUG HER ON THE WAY
25 UP TO THE WITNESS STAND DO YOU KNOW HER?

1 A. I LOVE HER SHE'S A SWEET LADY.

2 Q. DO YOU KNOW OTHER MEMBERS OF CHUCK'S
3 FAMILY?

4 A. I KNOW HIS SISTER KAREN NOT WELL, SHE
5 LIVES IN NEW JERSEY I BELIEVE AND SO I'VE SEEN HER WHEN
6 SHE'S DOWN HERE BUT THAT'S YOU KNOW THAT'S THE EXTENT.

7 Q. OKAY. NOW CORRECT ME IF I'M WRONG BUT I
8 UNDERSTOOD YOU TO SAY YOU MET CHUCK ABOUT 20 YEARS AGO?

9 A. ROUGHLY WHENEVER HE CAME TO THE
10 NEIGHBORHOOD.

11 Q. OKAY. AND AFTER YOU MET CHUCK AND I
12 GUESS BECAME NEIGHBORS DID A RELATIONSHIP DEVELOP
13 BETWEEN YOURSELF, YOUR FAMILY AND MR. HAYNES AND HIS
14 FAMILY?

15 A. YES ESPECIALLY WITH CHUCK.

16 Q. AND EXPLAIN HOW THAT RELATIONSHIP
17 PROGRESSED?

18 A. WELL IT WAS KIND OF A GRADUAL THING BUT
19 I THINK WHAT HAPPENED WAS CHUCK, CHUCK BECAME AS YOU'VE
20 HEARD FROM TESTIMONY FROM OTHERS, CHUCK IS KIND OF THE
21 INDISPENSIBLE GOOD NEIGHBOR. CHUCK WOULD COME UP AND
22 VOLUNTEER TO BUSH HOG MY FIELDS, FIX MY FENCE, I MEAN I
23 DIDN'T ASK HIM HE DID THINGS I DIDN'T ASK HIM TO DO HE
24 JUST CAME AND DID THEM. AND OF COURSE AFTER A WHILE
25 YOU GET LAZY AND YOU START ASKING AND SO HE DID A LOT

1 OF THAT AS WELL, AND HE WAS A VERY GOOD FRIEND TO MY
2 BROTHER-IN-LAW, MY WIFE'S BROTHER WHO WAS A TROUBLED
3 INDIVIDUAL AND I DON'T THINK THAT HE REALLY GAVE MUCH
4 BACK TO CHUCK BUT CHUCK WAS FOREVER GIVING AND HELPFUL
5 TO HIM UNTIL THAT DAY THAT POOR MAN DIED, AND THAT
6 MEANT A LOT. HE WAS ALSO GOOD TO MY FATHER-IN-LAW WHO
7 LIVED IN ANOTHER HOUSE ON OUR PROPERTY AND AS I SAID
8 OVER THE YEARS THE RELATIONSHIP JUST NURTURED IN THAT
9 DIRECTION AND I WOULD SAY THIS TOO BEFORE MOST OF THE
10 PEOPLE TESTIFIED TALKED...

11 MS. KRUG: OBJECTION YOUR HONOR NON-
12 RESPONSIVE.

13 THE COURT: SUSTAINED.

14 Q. AND SO IN ADDITION TO BE EVER HELPFUL IN
15 THE NEIGHBORHOOD AND BEING KIND TO SOME FOLKS WHO HAD
16 DIFFICULTIES AS YOU DESCRIBED IT, HOW AGAIN HAVE YOU
17 INTERACTED WITH CHUCK OVER THE YEARS?

18 A. WELL IT'S BEEN MOSTLY AS A BENEFICIARY
19 OF HIS HELPFULNESS. I CAN TRUTHFULLY SAY THAT IF WE
20 WERE BALANCING THE QUID PRO QUOS HERE THAT I'VE GOTTEN
21 A WHOLE LOT MORE HELP FROM HIM THAN HE'S GOTTEN FROM
22 ME.

23 Q. HAS CHUCK EVER ASSISTED YOU IN
24 SUPERVISING OR OVERSEEING YOUR PROPERTY WHEN YOU'RE
25 ABSENT?

1 A. YES.

2 Q. AND CAN YOU DESCRIBE HOW MANY TIMES THAT
3 WOULD OCCUR?

4 A. BEYOND COUNTING. THERE AS I SAID HE'S
5 BEEN DOWN THERE FOR 20 YEARS AND IT WOULD BE IN THE
6 HUNDREDS I'M SURE BUT THE MOST IMPORTANT EXAMPLE OF
7 THAT WAS ABOUT TWO YEARS AGO AS HAS HAPPENED TO OTHER
8 PLACES ON THE RIVER, OUR HOME GOT EXTENSIVELY
9 BURGLARIZED, A SERIES OF INVASIONS WHEN WE WERE NOT
10 HOME OR OUT OF TOWN, AND THE POLICE OR THE SHERIFF'S
11 OFFICE WAS UNABLE TO CATCH ANYBODY RED-HANDED, CHUCK
12 VOLUNTEERED TO GO DOWN AND JUST KIND OF STAND NEARBY
13 AND WATCH AND HE ACTUALLY OBSERVED AND ALERTED THE
14 POLICE OF THE BURGLAR ON THE SIGHT WHICH THEN LED TO
15 HIS CAPTURE AND THAT MAN IS PLEADING GUILTY NEXT WEEK
16 TO A FELONY. THAT WOULDN'T HAVE HAPPENED WITHOUT
17 CHUCK.

18 Q. DO YOU HAVE CHILDREN AND GRANDCHILDREN?

19 A. YES SIR I'M VERY PROUD TO HAVE TWO
20 CHILDREN AND SEVEN GRANDCHILDREN INCLUDING FIVE
21 BEAUTIFUL GIRLS.

22 Q. AND DO YOU AND YOUR WIFE MS. MANESS TRY
23 TO INCLUDE CHUCK IN FAMILY GATHERINGS OF YOURS?

24 A. WE HAVE KIND OF MADE A TRADITION OF
25 TRYING TO INCLUDE PEOPLE IN OUR HOLIDAY DINNERS WHICH

1 TEND TO BE PRETTY EXTENSIVE FOR PEOPLE WHO DON'T HAVE
2 ANY OTHER FAMILY IN THE AREA AND AS FOR THE LAST
3 SEVERAL YEARS NOW WE ALWAYS REGULARLY INVITE CHUCK AND
4 MRS. HAYNES TO OUR PLACE FOR THANKSGIVING AND CHRISTMAS
5 DINNERS.

6 Q. YOU'RE AWARE OBVIOUSLY OF WHAT CHUCK HAS
7 PLED GUILTY TO IN THIS CASE IS THAT CORRECT?

8 A. YES I AM.

9 Q. WOULD YOU TRUST CHUCK WITH YOUR
10 GRANDKIDS?

11 A. IT'S NOT A HYPOTHETICAL QUESTION, I DO
12 TRUST CHUCK WITH MY GRANDCHILDREN AND MY
13 GRANDDAUGHTERS.

14 Q. WERE THEY KIDS OR TEENAGERS WHEN YOU
15 TRUSTED HIM WITH THEM?

16 A. WELL I'VE TRUSTED HIM SINCE THEY WERE
17 BORN. RIGHT NOW THEY ARE AGE 11 TO 1, SO THE GIRLS.

18 Q. HAVE YOU EVER KNOWN CHUCK TO BE
19 CRIMINALLY AGGRESSIVE OR THREATENING TOWARD ANYONE?

20 A. NEVER KNOWN CHUCK TO BE AGGRESSIVE
21 PERIOD.

22 Q. BASED ON YOUR KNOWLEDGE OF CHUCK DO YOU
23 FEEL LIKE HE WOULD BE AN EXCELLENT PROBATIONER IF
24 GRANTED PROBATION?

25 A. I'VE SEEN AN AWFUL LOT OF CASES THROUGH

1 THE YEARS FOR PROBATION. I WOULD SAY CHUCK IS THE
2 MOST, WOULD BE THE MOST PERFECTLY COMPLIANT PERSON ON
3 PROBATION THAT I'VE EVER WITNESSED.

4 MR. MILLS: NOTHING FURTHER AT THIS TIME YOUR
5 HONOR.

6 THE COURT: MS. KRUG.

7 **CROSS EXAMINATION BY MR. KRUG:**

8 Q. THANK YOU YOUR HONOR. MR. MANESS YOU
9 WERE IN HERE WHEN DR. DUNCAN TESTIFIED RIGHT?

10 A. YES MA'AM I WAS.

11 Q. SO I WAS MIXING HIS PROPERTY UP WITH
12 YOUR PROPERTY WITH REGARD TO THAT CASE IS THAT FAIR TO
13 SAY?

14 A. OKAY I THOUGHT YOU WERE.

15 Q. OKAY. I HEARD SOME COMMENTS IN THE
16 BACKGROUND AND I THOUGHT OH I MUST HAVE THE WRONG
17 NEIGHBOR.

18 A. IT WAS MY PROPERTY.

19 Q. OKAY. SO YOU SAID CHUCK'S A GOOD
20 NEIGHBOR RIGHT?

21 A. HE'S BEEN A VERY GOOD NEIGHBOR.

22 Q. AND HE TREATS ALL HIS NEIGHBORS REALLY
23 WELL?

24 A. AS FAR AS I KNOW.

25 Q. TREATS YOU REALLY WELL?

1 A. DEFINITELY.

2 Q. AND YOU INCLUDE HIM IN YOUR HOLIDAY
3 DINNERS CORRECT?

4 A. WE INVITE HIM YES. SOMETIMES THEY CAN'T
5 COME BUT THEY ARE ALWAYS WELCOME.

6 Q. ALRIGHT AND WHEN HE DOES COME THERE ARE
7 A LOT OF PEOPLE THERE CORRECT?

8 A. QUITE A FEW, FIFTEEN, TWENTY.

9 Q. OKAY.

10 A. RELATIVES MOSTLY.

11 Q. ALRIGHT. AND YOU WERE ASKED IF YOU'VE
12 EVER KNOWN CHUCK HAYNES TO BE AGGRESSIVE WEREN'T YOU?

13 A. YES.

14 Q. AND YOUR ANSWER TO THAT WAS NO?

15 A YES MA'AM.

16 Q. IS THAT RIGHT, AND YOU'VE HAD SOME
17 EXPERIENCE WITH CHILD SEXUAL ABUSE CASES EVEN IF YOU
18 WEREN'T THE FIRST CHAIR CORRECT?

19 A. YES MA'AM.

20 Q. AND YOU'RE AWARE THAT MANY IF NOT MOST
21 CHILD SEXUAL ABUSE CASES DON'T HAVE ANYTHING TO DO WITH
22 AGRESSION OR VIOLENCE DO THEY?

23 A. I'M NOT AN EXPERT BUT I CAN'T DISPUTE
24 THAT ASSERTION.

25 Q. ALRIGHT AND THEY ARE PRIMARILY COMMITTED

1 BY PEOPLE WHO ARE CLOSE TO THE CHILDREN AND ARE NOT
2 STRANGERS?

3 A. I THINK THAT'S TRUE.

4 Q. RIGHT THROUGH MANIPULATION?

5 A. IS THAT A QUESTION?

6 Q. YES?

7 A. I CAN'T GENERALIZE BUT I'M SURE THAT'S A
8 FACTOR.

9 Q. OKAY WELL IN YOUR EXPERIENCE COERCION,
10 MANIPULATION...

11 A. YES.

12 Q. GROOMING BEHAVIORS?

13 A. YES.

14 MS. KRUG: ALRIGHT. NOTHING FURTHER YOUR
15 HONOR.

16 **RE-DIRECT EXAMINATION BY MR. MILLS:**

17 Q. MR. MANESS, RANDY, DO YOU BELIEVE CHUCK
18 IS AT RISK TO HURT KIDS?

19 A. ABSOLUTELY NOT. I WOULD SEND CHUCK HOME
20 WITH MY FIVE GRANDDAUGHTERS THIS AFTERNOON.

21 MR. MILLS: NOTHING FURTHER YOUR HONOR.

22 **ADDITIONAL CROSS EXAMINATION BY MS. KRUG:**

23 Q. BUT YOU'RE AWARE HE DID IN FACT PLEAD
24 GUILTY TO HARMING A CHILD?

25 A. OF COURSE I AM, YES MA'AM.

1 MS. KRUG: NOTHING FURTHER.

2 THE COURT: THANK YOU SIR YOU CAN STEP DOWN.

3 MR. MILLS: THOSE ARE ALL THE WITNESSES THAT
4 WE HAVE YOUR HONOR.

5 **DEFENDANT RESTS.**

6 THE COURT: OKAY.

7 MS. KRUG: IF I COULD HAVE JUST A MOMENT?

8 THE COURT: YES.

9 MS. KRUG: YOUR HONOR THE STATE WON'T PRESENT
10 TESTIMONY BEYOND THE VICTIM IMPACT STATEMENT THAT
11 YOU'VE ALREADY READ.

12 THE COURT: I HAVE READ THAT IN THE
13 SENTENCING ASSESSMENT REPORT. STATE WISH TO BE HEARD
14 FOR SENTENCING?

15 MS. KRUG: YES YOUR HONOR.

16 **ARGUMENT BY MS. KRUG:**

17 MS. KRUG: I'D LIKE TO FIRST ADDRESS YOUR
18 HONOR THE SENTENCING ASSESSMENT REPORT AND PORTIONS OF
19 THAT, SPECIFICALLY WITH REGARD TO THE DEFENDANT'S
20 PARTICIPATION IN THE SAR. AS YOU RECALL WE HAD A PHONE
21 HEARING ABOUT WHETHER OR NOT HIS ATTORNEYS COULD BE
22 PRESENT IN THE SAR BECAUSE THEY WERE AFRAID HE MIGHT
23 SAY SOMETHING WRONG.

24 MR. MILLS: JUDGE I'M GOING TO OBJECT...

25 MR. LISZEWSKI: I DON'T RECALL A PHONE CALL

1 LIKE THAT.

2 THE COURT: THE OBJECTION IS SUSTAINED I
3 RECALL WHAT THE COMMENTS WERE.

4 MR. LISZEWSKI: JUDGE I WOULD ASK THE COURT
5 TO INSTRUCT THE PROSECUTOR TO ACTUALLY IF SHE'S GOING
6 TO ELICIT FACTS, ELICIT THEM CORRECTLY.

7 THE COURT: I'M GOING TO HEAR HER ARGUMENTS,
8 I'LL TAKE YOUR OBJECTIONS AS THEY COME.

9 MS. KRUG: SO DURING THE COURSE OF THE SAR
10 THAT THE DEFENDANT BY ANYBODY ACCOUNTS, DID NOT HAVE TO
11 PARTICIPATE IN. NO DEFENDANT HAS TO ACTUALLY SPEAK TO
12 ANYBODY FROM PROBATION AND PAROLE IN AN SAR IF THEY
13 DON'T WANT TO. HE CHOSE TO. AND WHEN HE WAS ASKED BY
14 MS. RIGGS ABOUT HOW THE ORAL SEX HAPPENED HE COULDN'T
15 REMEMBER, HE WASN'T SURE, AND HE GAVE HER THAT RESPONSE
16 TWICE. DURING THE COURSE OF HIS INTERVIEW WITH HER HE
17 MINIMIZED. AS YOU KNOW HE ONLY WOULD SPEAK WITH HER IN
18 THE SAR ABOUT THE COUNTS TO WHICH HE PLED GUILTY. THE
19 SURROUNDING CIRCUMSTANCES WHEN HE WAS ASKED ABOUT THOSE
20 HE STATED HE COULDN'T REMEMBER WHAT HE WAS DOING BEFORE
21 OR AFTER. HE COULDN'T REMEMBER WHICH CAR HE DROVE, HE
22 COULDN'T REMEMBER OR THE DATES. BUT OF COURSE HE DID
23 REMEMBER THAT HE WAS NOT UNDER THE INFLUENCE OF DRUGS
24 OR ALCOHOL WHEN HE DID THAT. HE DENIED KISSING HER, HE
25 DENIED TOUCHING HER BREASTS, EVEN THOUGH I'M CERTAIN

1 HIS VERY COMPETENT LAWYERS HAVE BEEN THROUGH THE
2 DISCOVERY WITH HIM AND THERE'S IN FACT A PHOTOGRAPH OF
3 HIM WITH HIS HANDS DOWN THE VICTIM'S SHIRT BUT HE
4 DENIED THAT TO THE SAR WRITER. HE DID ADMIT TO TELLING
5 MELISSA THAT SHE SHOULD KEEP QUIET. WITH REGARD TO THE
6 IMPACT ON THE VICTIM MELISSA SHE WROTE A VERY
7 ARTICULATE AND WELL THOUGHT OUT VICTIM IMPACT STATEMENT
8 WHICH IS INCLUDED IN THE SAR AND WHAT I WOULD SAY IN
9 THIS CASE YOU KNOW IT'S BEEN GOING ON FOR A LONG TIME,
10 FOR ABOUT FIVE YEARS NOW SINCE THE CASE WAS CHARGED AND
11 WHEN THE CASE WAS CHARGED MELISSA WAS A CHILD. SHE WAS
12 A VERY YOUNG TEENAGER. SHE IS NOW AN OLDER TEENAGER,
13 SHE IS A YOUNG ADULT, SHE HAS BEEN THROUGH THERAPY, SHE
14 HAS DONE A LOT OF SELF-REFLECTION AND SHE CAN AND HAS
15 EXPLAINED IN HER VICTIM IMPACT STATEMENT HOW THE
16 DEFENDANT'S ACTIONS HAVE EFFECTED HER, HER
17 RELATIONSHIPS AND ANY RELATIONSHIPS THAT SHE MAY HAVE
18 IN THE FUTURE. JUDGE YOU IN ADDITION TO MELISSA'S
19 STATEMENTS YOU'VE ALSO REVIEWED HER SISTER, HER OLDER
20 SISTER MELINDA'S STATEMENT. YOU'LL NOTICE PROBABLY
21 SOME CONSISTENCIES IN BETWEEN THOSE. YOU'LL SEE THAT
22 THEY DESCRIBE THE DEFENDANT AS MANIPULATIVE, AS SOMEONE
23 WHO THREATENED THEM. THEY TALKED ABOUT HE THREATENED
24 VIOLENCE WITH THEM. HE TALKED ABOUT THE JOY THAT HE
25 EXPERIENCED WHEN HE KILLED AN ANIMAL. AND THEN AFTER

1 THIS CASE WAS CHARGED THE DEFENDANT TOLD MELISSA HE'D
2 BETTER NOT MESS WITH HER BECAUSE HE HAD NOTHING TO
3 LOSE. NOW THE CHARACTER WITNESSES WHO TESTIFIED HERE
4 IN FRONT OF YOU, APPARENTLY THE DEFENDANT WAS A GOOD
5 NEIGHBOR, STILL IS A GOOD NEIGHBOR. I CAN ONLY SAY TO
6 THIS COURT I WISH THAT HE HAD TREATED HIS STEP-DAUGHTER
7 AS WELL AS HE TREATS HIS NEIGHBORS, BECAUSE THAT'S WHAT
8 WE'RE HERE TO TALK ABOUT IS WHAT HE DID TO MELISSA AND
9 HE CERTAINLY WASN'T TREATING HER WELL AND HELPING HER
10 AT EVERY TURN AND KEEPING AN EYE OUT FOR HER. HE
11 MOLESTED HER. HE PLED GUILTY TO MAKING HER PERFORM
12 ORAL SEX ON HIM. HE GETS PAID TO DO THE WORK THAT HE
13 DOES FOR HIS MOM WHICH WOULD INDICATE THAT YES IF HE IS
14 NOT AVAILABLE TO DO THAT WORK THERE IS MONEY TO HIRE
15 SOMEBODY ELSE. HIS NEIGHBORS THEY'VE TALKED ABOUT THEY
16 HAVE A GREAT COMMUNITY, THEY ALL LOOK OUT FOR EACH
17 OTHER, AND THAT'S WONDERFUL THEY CAN DO THAT BUT WHEN
18 IT COMES DOWN TO IT YOUR HONOR WE'RE NOT HERE BECAUSE
19 OF HOW GOOD OF A NEIGHBOR HE IS. WE'RE HERE BECAUSE OF
20 WHAT HE DID TO MELISSA BEHIND CLOSED DOORS, NOT IN
21 FRONT OF ANY OF THESE PEOPLE, NOT AT ANY HOLIDAY
22 DINNER, NOT OUT AT A CAMPFIRE, BUT WHAT HE DID BEHIND
23 CLOSED DOORS TO HIS STEP-DAUGHTER. WE KNOW FROM
24 EXPERIENCE SEX OFFENSES DON'T HAPPEN WITH WITNESSES FOR
25 A REASON. SEX OFFENDERS COMMIT THEIR CRIMES BEHIND

1 CLOSED DOORS BECAUSE THEY DON'T WANT WITNESSES AND THEY
2 DON'T WANT TO BE FOUND OUT. NO SENTENCE COULD RESTORE
3 MELISSA'S CHILDHOOD AND AS MELISSA SAID IN HER VICTIM
4 IMPACT STATEMENT SHE WAS TAKEN ADVANTAGE OF, SHE HAD
5 HER TRUST BETRAYED AND IT HAS LEFT HER FEELING EMPTY
6 AND BROKEN. EARLY ON DEFENSE ARGUED THAT I, THE STATE
7 WOULD TALK ABOUT THAT THE DEFENDANT SHOULD GO TO PRISON
8 BECAUSE OF MELISSA'S FEAR FOR BEING AROUND HIM. YOUR
9 HONOR THE DEFENDANT SHOULD GO TO PRISON FOR WHAT HE DID
10 TO HER, FOR WHAT HE PLED GUILTY TO DOING TO HER, AND
11 SHE SHOULD HAVE THE ABILITY TO HAVE A TIME PERIOD WHERE
12 SHE DOESN'T HAVE TO WORRY ABOUT SEEING THE MAN WHO DID
13 THIS TO HER IN PUBLIC. YOUR HONOR THE STATE BELIEVES
14 THAT A SEVEN YEAR SENTENCE IN THE DEPARTMENT OF
15 CORRECTIONS IS THE MOST APPROPRIATE SENTENCE THAT COULD
16 BE HANDED DOWN IN THIS CASE.

17 THE COURT: ON BEHALF OF THE DEFENDANT.

18 **ARGUMENT BY MR. MILLS:**

19 MR. MILLS: YOUR HONOR, WE ARE ASKING THE
20 COURT FOR PROBATION AND THERE'S JUST A FEW THINGS I'D
21 LIKE TO HIGHLIGHT THAT WE BELIEVE SUPPORT CHUCK'S
22 APPLICATION FOR PROBATION IN THIS CASE. FIRST OF ALL
23 HE PLED GUILTY AND BY DOING SO HE ACCEPTED
24 RESPONSIBILITY FOR THE CRIME THAT HE COMMITTED. BY
25 PLEADING GUILTY AND ACCEPTING THAT RESPONSIBILITY HE

1 SPARED MANY PEOPLE, MOST IMPORTANTLY THE VICTIM IN THIS
2 CASE, THE STRESS AND THE TIME AND THE RESOURCES
3 ASSOCIATED WITH HAVING A LENGTHY JURY TRIAL. UP UNTIL
4 THE AGE OF 53 WHICH WAS CHUCK'S AGE AT THE TIME HE WAS
5 CHARGED IN THIS CASE OR THE ACT WAS COMMITTED, ALL
6 INDICATIONS ARE THAT HE HAD LED A LAW ABIDING LIFE.
7 HE'S 58 NOW. THE OFFENSE TO WHICH HE'S PLED GUILTY IS
8 NOT A RECIDIVIST RELATED OFFENSE. BOTH HIS AGE 58 AND
9 THE FACT THAT THE OFFENSE IS NOT RECIDIVIST RELATED IS
10 NOTED UNDER THE RISK ASSETS PORTION OF THE SENTENCING
11 ASSESSMENT REPORT. A COUPLE OF OTHER THINGS FROM THE
12 SENTENCING ASSESSMENT REPORT YOUR HONOR, AS THE COURT
13 IS AWARE IN THIS CASE THE PROBATION OFFICER THAT'S
14 COMPLETED THE SENTENCING ASSESSMENT REPORT ADMINISTERED
15 A TEST TO MR. HAYNES KNOWN AS THE STATIC 99R AND I'M
16 JUST GOING TO QUOTE BRIEFLY FROM THE SAR, THE STATIC
17 99R IS AN INSTRUMENT DESIGNED TO ASSIST IN THE
18 PREDICTION OF SEXUAL AND VIOLENT RECIDIVISM FOR SEXUAL
19 OFFENDERS. SKIPPING AHEAD, HAYNES SCORED A MINUS 1 ON
20 THIS RISK ASSESSMENT INSTRUMENT. BASED UPON THE STATIC
21 99R SCORE THIS PLACED HAYNES IN THE LOW RISK CATEGORY
22 RELATIVE TO OTHER ADULT MALE SEX OFFENDERS. NOW THAT'S
23 A TOOL THAT THE STATE USED TO MEASURE AND PREDICT THE
24 LIKELIHOOD OF MR. HAYNES RE-OFFENDING AND IT SHOWS THAT
25 HE'S LOW RISK TO RE-OFFEND. SIMILARLY AS THE COURT

1 KNOWS, THE PROBATION AND PAROLE OFFICE RATED MR. HAYNES
2 RISK LEVELS OF PROBATION. TOP SCORE IS 7, HE SCORED A
3 5 WHICH PUTS HIM IN THE GOOD RISK RANGE TO SUCCESSFULLY
4 COMPLETE PROBATION. HE WOULD HAVE HAD A 6 BUT FOR, AND
5 THIS IS MY INTERPRETATION OF THE SAR, A SEAT BELT
6 VIOLATION HE HAD SEVERAL YEARS AGO. JUDGE IT'S NEVER
7 BEEN A CONDITION OF CHUCK HAYNES' BOND IN THIS CASE
8 THAT HE NOT HAVE CONTACT WITH MINOR CHILDREN IT'S NEVER
9 BEEN A CONDITION. IT'S BEEN A CONDITION THAT HE NOT
10 HAVE ANY CONTACT WITH M.H. THE VICTIM. TO MY KNOWLEDGE
11 IN THE FIVE YEARS THAT THIS CASE HAS BEEN PENDING NO
12 PROSECUTOR HAS EVER ASKED A JUDGE TO MAKE IT A SPECIAL
13 CONDITION OF CHUCK'S BOND THAT HE NOT HAVE CONTACT WITH
14 OTHER MINOR CHILDREN. THERE'S NO EVIDENCE EXCEPT FOR
15 THIS LETTER THE PROSECUTOR REFERRED TO A MOMENT AGO
16 FROM THE VICTIM'S OLDER SISTER WHICH I'LL ADDRESS IN
17 MORE DETAIL IN A MINUTE, OTHER THAN THAT THERE'S NO
18 SUGGESTION CHUCK HAS EVER VICTIMIZED ANYONE ELSE. IN
19 MY READING OF THAT LETTER I'M JUST GOING TO GO AHEAD
20 AND TALK ABOUT IT RIGHT NOW WHILE IT'S IN MY BRAIN, THE
21 VERY FIRST SENTENCE OF THAT LETTER SAYS MY DAD MOLESTED
22 ME. I JUST WANT TO MAKE IT CLEAR TO THE COURT I THINK
23 IT'S CLEAR TO THE COURT SHE'S NOT REFERRING TO CHUCK.

24 THE COURT: I UNDERSTOOD THAT.

25 MR. MILLS: SHE DOES REFERENCE A KISS ON THE

1 CHEEK AT SOME POINT IN THE PAST. NO REPORT OF SEXUAL
2 ABUSE WAS EVER MADE, NO PROSECUTION WAS EVER
3 INSTIGATED. AGAIN ALL THE EVIDENCE IN THIS CASE
4 INDICATES HE'S BEEN A LAW ABIDING CITIZEN HIS ENTIRE
5 LIFE EXCEPT FOR THE OFFENSE HE COMMITTED IN THIS CASE.
6 THERE HAVE BEEN NO LAW VIOLATIONS DURING THE FIVE YEARS
7 OF HIS RELEASE ON BOND. NONE, I THINK THAT IN AND OF
8 ITSELF INDICATES HIS PROPENSITY TO BE SUCCESSFUL AS A
9 PROBATIONER SHOULD THE COURT GRANT PROBATION. HE
10 DOESN'T ABUSE DRUGS. HE DOESN'T ABUSE ALCOHOL. HE IS
11 A HARD WORKER AND ALWAYS HAS BEEN. AND I THINK EVEN
12 THOUGH THE PROSECUTOR HAS ATTEMPTED TO DIMINISH AND
13 RIDICULE IT I THINK BEING A GOOD NEIGHBOR SAYS A LOT
14 ABOUT A PERSON. HE'S PAID HIS CHILD SUPPORT THAT HE'S
15 BEEN ORDERED TO PAY. HE'S CURRENT ON HIS CHILD
16 SUPPORT, HE'S BEEN PAYING THAT AS THIS CASE HAS WORKED
17 IT'S WAY TO THIS CONCLUSION TODAY. AS YOU KNOW HIS
18 ELDERLY MOTHER RELIES ON HIM AND HE'S BEEN A GOOD SON
19 TO HER. HE OBVIOUSLY WANTS TO CONTINUE TO BE ABLE TO
20 HELP HIS MOTHER AND HE ALSO WANTS AN OPPORTUNITY TO BE
21 A DAD TO HIS 9 YEAR OLD DAUGHTER SARAH. NOW PROBATION
22 I UNDERSTAND IS VIEWED BY SOME AS LENIENCY AND WE ARE
23 ASKING FOR PROBATION BECAUSE IT'S BETTER THAN PRISON
24 FROM CHUCK'S POINT OF VIEW. BUT I THINK IT'S ALSO
25 IMPORTANT TO NOTE IN THIS CASE THAT SHOULD THE COURT

1 GRANT PROBATION THERE ARE SOME PUNITIVE ASPECTS TO
2 THAT. SOME OF THEM ARE GOING TO OCCUR REGARDLESS OF
3 WHAT THE COURT DOES BUT OTHER PUNITIVE ASPECTS CAN BE
4 ADDED TO IT DEPENDING ON YOUR COURT. FIRST OF ALL HE'S
5 A FELON. HE'S BRANDED THE REST OF HIS LIFE AS A FELON.
6 IN ADDITION TO THAT HE HAS TO REGISTER AS A SEX
7 OFFENDER. THERE'S A LOT OF SHAME IN THAT. THAT'S A
8 PUNISHMENT. THIS MAN'S A HUNTER, GREW UP HUNTING.
9 GOOD HUNTING COUNTRY DOWN HERE. HE'S NOT BEEN ALLOWED
10 TO HAVE ANY FIREARMS AND HE KNOWS HE'S NEVER GOING TO
11 BE ABLE TO HAVE ANOTHER FIREARM FOR THE REST OF HIS
12 LIFE. HE'S GOING TO BE SUBJECT TO REGULAR LIE DETECTOR
13 TESTS AND POLYGRAPH TEST EXAMS. SOME PUNITIVE ASPECTS
14 THAT THE COURT HAS CONTROL OVER, ELECTRONIC MONITORING
15 IS AN OPTION AVAILABLE TO THE COURT SHOULD IT GRANT
16 PROBATION. SHOCK TIME. HE'S SUBJECTED HIMSELF TO
17 CIVIL LIABILITY BY ENTERING A PLEA IN THIS CASE AND IN
18 FACT WE KNOW THE VICTIM HAS A LAWYER. AND OF COURSE
19 HE'S SUBJECTED HIMSELF TO ADVERSE CONSEQUENCES IN THE
20 PENDING DIVORCE CASE. THE PROSECUTOR STARTED OFF BY
21 SUGGESTING THAT CHUCK AND HIS LAWYERS WERE SOMEHOW I
22 GUESS TRYING TO PERPETUATE A FALSEHOOD WITH THE
23 PROBATION OFFICER IN THE COURSE OF THE SAR. WE'VE GOT
24 A CLIENT WHO IS A NERVOUS NELLIE BY WANTING HIS LAWYERS
25 PRESENT AND YOU'LL RECALL FROM READING THE SAR WHILE I

1 WAS PRESENT OUT IN THE LOBBY THE PROBATION OFFICER DID
2 NOTE THAT HE ANSWERED EVERY SINGLE ONE OF HER QUESTIONS
3 AND NEVER ONCE ASKED FOR A BREAK TO COME TALK TO HIS
4 LAWYER. AND SHE CRITICIZES HIM FOR SAYING I DON'T KNOW
5 IN RESPONSE TO SOME QUESTIONS. THIS OCCURRED FIVE
6 YEARS AGO AND WHAT'S IMPORTANT IS THAT HE TOLD THE
7 PROBATION OFFICER HE DID REMEMBER COMMITTING THE ACT AND
8 HE DID REMEMBER TELLING HER NOT TO TELL ANYONE. HE MAY
9 NOT REMEMBER EXACTLY WHICH VEHICLE IT WAS THEY WERE IN
10 THAT DAY OR THAT THEY USED TO GET TO THE PROPERTY OR
11 EXACTLY WHAT TIME IT WAS, BUT THE IMPORTANT THING IS IS
12 ONCE AGAIN DURING HIS INTERVIEW WITH THE PROBATION
13 OFFICER HE RECALLED THE ACT, HE DIDN'T MINIMIZE IT, HE
14 SAID I DID IT. AS FAR AS THE OLDER SISTER'S WRITTEN
15 STATEMENT OBVIOUSLY SHE IS NOT HERE, SHE IS NOT SUBJECT
16 TO CROSS EXAMINATION, THE PROSECUTOR USED THE WORD
17 SIMILAR TO DESCRIBE WHAT HAS HAPPENED IN THIS CASE TO
18 WHAT'S REFLECTED IN HER LETTER YET THE STATE NEVER ONCE
19 INDICATED OR NOTICED UP AN INTENTION TO USE THAT AS
20 PROPENSITY EVIDENCE IN THIS CASE. IT'S NOT SIMILAR.
21 IN FACT I WOULD ARGUE IT'S NOT EVIDENCE OF A SEXUAL
22 ASSAULT AT ALL. OBVIOUSLY CHUCK HAD A STRAINED
23 RELATIONSHIP WITH HIS OLDEST STEP-DAUGHTER. IT SOUNDS
24 LIKE THE STATE IS NOT ARGUING TO THE COURT THAT CHUCK
25 SHOULD GO TO PRISON BECAUSE THE VICTIM FEARS HIM AND

1 I'M GLAD TO HEAR THAT, THAT'S WHY WE PRESENTED THE
2 EVIDENCE WE DID TODAY ABOUT HER RE-VISITING OUR
3 CLIENT'S PROPERTY DURING THE PENDENCY OF THIS CASE. IT
4 UNDERCUTS THIS ARGUMENT THAT SHE'S SOMEHOW AFRAID.
5 JUDGE ALL THE INDICATIONS ARE IN THIS CASE THAT CHUCK
6 HAYNES COULD SUCCESSFULLY COMPLETE A TERM OF PROBATION
7 IF GIVEN THAT OPPORTUNITY BY THE COURT. AND SO I'M
8 GOING TO CONCLUDE MY REMARKS AT THIS POINT AND SAY TO
9 THE COURT ON BEHALF OF CHUCK AND HIS FAMILY, WE'RE
10 ASKING THE COURT TO GRANT HIM A TERM OF PROBATION.

11 MS. KRUG: MAY I BRIEFLY RESPOND YOUR HONOR?

12 THE COURT: YOU MAY.

13 **REPLY ARGUMENT BY MS. KRUG:**

14 MS. KRUG: FIRST OF ALL WITH REGARD TO
15 MELINDA'S LETTER AND MELISSA THE THINGS THAT I
16 SPECIFICALLY SAID WERE CONSISTENT WERE HOW HE TREATED
17 THEM, THAT HE WAS MANIPULATIVE, THAT HE THREATENED THEM
18 AND THE NATURE OF HOW THEY EXISTED IN A HOME WITH HIM.
19 THE FACT THAT DEFENSE COUNSEL HAS DESCRIBED PROBATION
20 AS BEING HARD AND THAT IT WOULD BE SHAMEFUL FOR HIM TO
21 BE BRANDED A FELON AND A SEX OFFENDER, WELL HE IS A
22 FELON AND A SEX OFFENDER AND WE NEED TO TAKE INTO
23 ACCOUNT WHAT THIS DID TO HIS VICTIMS, TO MELISSA AND
24 HOW SHE HAS TO DEAL WITH THIS, WITH A MAN SHE HAD
25 LIVING IN HER HOME AND ACTING LIKE A FATHER, HOW HE

1 TREATED HER AND HOW THIS WILL EFFECT HER FOR THE REST
2 OF HER LIFE. WHEN WE TALK ABOUT THE SAR BEING
3 EVERYTHING THAT THE PROBATION OFFICER HAD AT HER
4 DISPOSAL WHEN SHE WROTE THAT REPORT, SHE HAD INTERVIEWS
5 WITH HIM, SHE HAD THE VICTIM'S STATEMENT, SHE HAD ANY
6 HISTORY THAT HE MIGHT HAVE, AND WE TALK A LITTLE BIT
7 ABOUT HISTORY THE INCIDENT WITH REGARD TO THE POLICE
8 REPORT THAT YOU WERE PROVIDED THAT THERE'S BEEN NO
9 TESTIMONY ON. WHAT WE DO KNOW IS THERE WERE NO CHARGES
10 THAT CAME FROM THAT. WHAT HAPPENED THAT NIGHT WE DON'T
11 KNOW BUT WHAT WE DO KNOW IS THAT ALL OF THOSE
12 PROPERTIES ARE VERY CLOSE TO EACH OTHER AND THAT WAS
13 PROPERTY THAT THEY WERE ALL ON REGULARLY. WITH ALL OF
14 THAT INFORMATION MS. RIGGS WHO WROTE THE SAR AND AGAIN
15 INCLUDING THE STATIC 99 THAT DEFENSE COUNSEL TALKED
16 ABOUT WITH THE COURT, SHE RECOMMENDS AGAINST THE COURT
17 GRANTING PROBATION, WITH ALL OF THE INFORMATION SHE HAD
18 AT HER DISPOSAL. AND THIS IS A LENGTHY SAR I WILL TELL
19 YOU IN MY EXPERIENCE. THIS IS VERY THOROUGH. WITH ALL
20 OF THAT SHE AGREES WITH THE STATE AND THE ASSESSMENT
21 THAT THIS DEFENDANT SHOULD NOT BE GRANTED PROBATION, HE
22 SHOULD BE SENT TO THE MISSOURI DEPARTMENT OF
23 CORRECTIONS.

24 THE COURT: FINAL COMMENTS, I'LL GIVE YOU ONE
25 LAST SHOT.

1 **REPLY ARGUMENT BY MR. MILLS:**

2 MR. MILLS: JUDGE THE OFFICE OF PROBATION IS
3 PART OF THE STATE OF MISSOURI AND WITH ALL DUE RESPECT
4 TO MS. RIGGS WHO IS A VERY NICE WOMAN AND WHO I HAD THE
5 OPPORTUNITY TO MEET, AS THE COURT IS WELL AWARE THE
6 COURT IS NOT BOUND TO THE RECOMMENDATION OF THE
7 PROBATION OFFICER IN THIS CASE AND WE WOULD
8 RESPECTFULLY ASK THE COURT TO DISREGARD IT. WITH
9 RESPECT TO THE REPORT THAT WE FILED, IT'S NOT IMPORTANT
10 WHETHER OR NOT ANY CHARGES WERE FILED AGAINST THE YOUNG
11 MAN WHO WAS BURGLARIZING CHUCK'S PROPERTY, THAT'S NOT
12 THE ISSUE. THE REPORT WAS PREPARED SIMPLY TO SHOW THAT
13 THE VICTIM IN THE CASE HAD REVISITED MR. HAYNES
14 PROPERTY DURING THE PENDENCY OF THIS CASE.

15 **COURT'S JUDGMENT AND SENTENCE:**

16 THE COURT: IF DEFENDANT AND COUNSEL WILL
17 PLEASE RISE. SIR ARE YOU CHARLES M. HAYNES?

18 DEFENDANT: YES.

19 THE COURT: AND YOU ARE THE SAME CHARLES M.
20 HAYNES THAT ENTERED A GUILTY PLEA TO COUNT FOUR THE
21 CLASS C FELONY OF STATUTORY SODOMY IN THE SECOND
22 DEGREE?

23 DEFENDANT: YES.

24 THE COURT: IF YOU'LL RAISE YOUR RIGHT HAND
25 TO BE PLACED UNDER OATH.

1 (AT THIS TIME CHARLES M. HAYNES WAS SWORN TO TELL THE
2 TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
3 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

4 THE COURT: SIR, UPON YOUR PLEA OF GUILTY TO
5 THIS CHARGE, THE CLASS C FELONY OF STATUTORY SODOMY IN
6 THE SECOND DEGREE, DO YOU HAVE ANY LEGAL CAUSE TO SHOW
7 WHY JUDGMENT AND SENTENCE SHOULD NOT NOW BE PRONOUNCED
8 AGAINST YOU?

9 DEFENDANT: NO.

10 THE COURT: AFTER ALLOCUTION, IT IS THE
11 ORDER, JUDGMENT AND SENTENCE OF THIS COURT, THAT YOU BE
12 TAKEN BY THE SHERIFF OF THIS COUNTY, AND DELIVERED TO
13 THE RECEPTION CENTER OF THE MISSOURI DEPARTMENT OF
14 CORRECTIONS, WHERE YOU WILL SERVE IN SUCH PLACE OF
15 CONFINEMENT AS MAY BE DESIGNATED BY THE MISSOURI
16 DEPARTMENT OF CORRECTIONS, A TERM OF SEVEN (7) YEARS,
17 FOR THE CLASS C FELONY OF STATUTORY SODOMY IN THE
18 SECOND DEGREE. IN CONNECTION THEREWITH. UNLESS SOONER
19 DISCHARGED BY LAW. SIR, I AM REQUIRED UNDER SUPREME
20 COURT RULE 24.035 TO ADVISE YOU OF YOUR RIGHT TO
21 PROCEED UNDER SUPREME COURT RULE, I'M SORRY, I AM
22 REQUIRED TO ADVISE YOU OF YOUR RIGHT TO PROCEED UNDER
23 SUPREME COURT RULE 24.035. THAT RULE PROVIDES YOU WITH
24 THE RIGHT TO FILE A MOTION IN THIS COURT TO VACATE, SET
25 ASIDE, OR CORRECT THE JUDGMENT OF CONVICTION OR

1 SENTENCE, IF YOU CLAIM: 1) THE CONVICTION OR THE
2 SENTENCE IMPOSED VIOLATES THE CONSTITUTION OR THE LAWS
3 OF THIS STATE; OR THE CONSTITUTION OF THE UNITED
4 STATES, OR 2) THIS COURT WAS WITHOUT JURISDICTION TO
5 IMPOSE THE SENTENCE; OR 3) THE SENTENCE IMPOSED IS IN
6 EXCESS OF THE MAXIMUM SENTENCE AUTHORIZED BY LAW. THIS
7 RULE PROVIDES THE EXCLUSIVE PROCEDURE BY WHICH YOU MAY
8 SEEK RELIEF IN THIS COURT FOR THOSE CLAIMS. THE FORM
9 TO BE USED IS IN THE FORM OF CRIMINAL PROCEDURE FORM
10 #40 WHICH WILL BE MADE AVAILABLE TO YOU UPON REQUEST.
11 NO COST DEPOSIT SHALL BE REQUIRED. IF YOU DO NOT FILE
12 THAT MOTION WITHIN 180 DAYS OF TODAY'S DATE, SUCH
13 FAILURE TO FILE WILL BE A COMPLETE WAIVER OF YOUR
14 RIGHTS TO PROCEED UNDER THIS RULE. IF YOU FILE SUCH A
15 MOTION YOU SHALL INCLUDE EVERY GROUND KNOWN TO YOU FOR
16 VACATING, SETTING ASIDE, OR CORRECTING THE JUDGMENT OR
17 SENTENCE. IF YOU ARE INDIGENT AND FILE YOUR OWN
18 MOTION, COUNSEL WILL BE APPOINTED FOR YOU. COUNSEL
19 WILL HAVE UP TO 60 DAYS TO FILE AN AMENDED MOTION. THE
20 PROSECUTOR WILL HAVE UP TO 10 DAYS THEREAFTER TO FILE
21 HER RESPONSE. A WRITTEN REQUEST FOR HEARING MUST BE
22 MADE WITHIN THE REQUIRED TIME LIMITS - BECAUSE IF NO
23 REQUEST FOR SUCH HEARING IS TIMELY MADE, THEN A HEARING
24 WILL NOT BE HELD. SIR, DO YOU UNDERSTAND WHAT I'VE
25 JUST TOLD YOU ABOUT THAT PROCEDURE?

1 DEFENDANT: YES.

2 THE COURT: DO YOU HAVE ANY QUESTIONS ABOUT
3 THAT PROCEDURE?

4 DEFENDANT: NO.

5 THE COURT: SIR THROUGHOUT THESE PROCEEDINGS
6 YOU'VE BEEN REPRESENTED BY MR. LISZEWSKI AND MR. MILLS?
7 IS THAT CORRECT?

8 DEFENDANT: YES.

9 THE COURT: HAVE ANY OTHER ATTORNEYS
10 REPRESENTED YOU IN THIS CASE? HAVE ANY OTHER ATTORNEYS
11 REPRESENTED YOU IN THIS CASE AT ALL PREVIOUSLY?

12 DEFENDANT: YES.

13 THE COURT: WHAT OTHER ATTORNEYS HAVE
14 REPRESENTED YOU?

15 DEFENDANT: DANNY MOORE, CHRIS YARBRO.

16 MR. LISZEWSKI: THAT'S IT.

17 THE COURT: OKAY. AS TO THE ATTORNEYS THAT
18 HAVE REPRESENTED YOU THROUGHOUT THIS CASE ARE YOU
19 SATISFIED WITH THE SERVICES OF THE ATTORNEYS THAT HAVE
20 REPRESENTED YOU?

21 DEFENDANT: YES.

22 THE COURT: HAVE THEY DONE EVERYTHING THAT
23 YOU REQUESTED?

24 DEFENDANT: YES.

25 THE COURT: HAVE THEY FAILED TO DO ANYTHING

1 THAT YOU REQUESTED?

2 DEFENDANT: NO.

3 THE COURT: DO YOU HAVE ANY COMPLAINTS ABOUT
4 THE ATTORNEYS THAT HAVE REPRESENTED YOU IN THIS CASE?

5 DEFENDANT: NO.

6 THE COURT: THE DEFENDANT, HAVING APPEARED AT
7 THE CONCLUSION OF FINAL SENTENCING, HAVING BEEN ADVISED
8 OF HIS RIGHT TO PROCEED UNDER SUPREME COURT RULE
9 24.035, AND THE COURT HAVING INQUIRED OF THE DEFENDANT
10 AS TO THE ASSISTANCE OF COUNSEL RECEIVED BY THE
11 DEFENDANT, AND THE COURT BEING FULLY ADVISED, THIS
12 COURT NOW FINDS THAT THERE IS NO PROBABLE CAUSE OF
13 INEFFECTIVE ASSISTANCE OF COUNSEL. IS THERE ANYTHING
14 FURTHER BY THE STATE?

15 MS. KRUG: NOTHING YOUR HONOR.

16 THE COURT: BY DEFENSE?

17 MR. MILLS: YES YOUR HONOR. I WOULD REQUEST
18 ON BEHALF OF MR. HAYNES A STAY OF COMMITMENT TO ALLOW
19 HIM TO COMPLETE THE CABIN THAT'S ONGOING AT THE MOMENT
20 AND TO WINTERIZE HIS HOME AND TO MAKE ARRANGEMENTS TO
21 SERVE HIS SENTENCE, SO I WOULD RESPECTFULLY REQUEST THE
22 COURT GRANT HIM A PERIOD OF TIME, AT LEAST 72 HOURS TO
23 TAKE CARE OF SOME OF THOSE ITEMS BEFORE HE REPORTS TO
24 SERVE HIS SENTENCE.

25 THE COURT: OKAY. THAT REQUEST IS DENIED.

1 ANYTHING FURTHER BY THE STATE OR DEFENSE?

2 MR. LISZEWSKI: NO YOUR HONOR.

3 THE COURT: OKAY THANK YOU.

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CERTIFICATE OF COURT REPORTER

I, TERRY Y. LUTZ, OFFICIAL COURT REPORTER, 42ND
JUDICIAL CIRCUIT, DIVISION II, SALEM, MISSOURI,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A
TRUE AND CORRECT COPY OF THE PROCEEDINGS IN THE CASE
OF STATE OF MISSOURI, PLAINTIFF, VS. CHARLES M. HAYNES,
DEFENDANT, CAUSE NO. 13RI-CR00907-01, OF THE CASES OF
RIPLEY COUNTY, MISSOURI, HAD ON THE 12TH DAY OF
DECEMBER, A.D., 2018.

Terry Y. Lutz
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OFFICIAL COURT REPORTER
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