

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
JUVENILE DEPARTMENT

COPY

IN THE MATTER OF:)
) No. J-12436
RYAN CORNELISON,) Case No. JJIS 00349068
Youth,)

Excerpt of Transcript of Proceedings
Transcribed from Audio Recording
Volume 1 -- Pages 1 to 22

BE IT REMEMBERED THAT on the 27th day of
February, 2007, the above-entitled matter
came on for audio recorded hearing before the
HONORABLE JOHN COLLINS, a Circuit Court Judge.

APPEARANCES

MS. DEBORAH MARKHAM
Yamhill County Deputy District Attorney
Attorney representing the State

MS. RACHEL NEGRA
Attorney at Law
Attorney representing Defendant Cornelison

MR. MARK LAWRENCE
Attorney at Law
Attorney representing Defendant Mashburn

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WITNESS EXAMINATION INDEX

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Excerpt of Proceedings

Tuesday, February 27, 2007

1
2
3
4 THE COURT: I don't think we're going to
5 use names here. Go ahead and have a seat up here.
6 You are all right. Just give me your first
7 initial, that's how we're going to identify you
8 here, and that's for your privacy.

9 THE WITNESS: Just say the first letter
10 of my name?

11 THE COURT: Yeah.

12 THE WITNESS: [REDACTED]

13 THE COURT: Okay, [REDACTED]. Raise your right
14 hand.

15 JUVENILE [REDACTED],
16 produced as a witness in behalf of the Defendant,
17 having been first duly sworn, was examined and
18 testified as follows:

19
20 THE COURT: How old are you, [REDACTED]?

21 THE WITNESS: 12.

22 THE COURT: You understand what that
23 means when you promise to tell the truth, and the
24 whole truth?

25 THE WITNESS: Uh-huh.

1 THE COURT: Uh-huh.

2 MR. LAWRENCE: I think Ms. Negra will
3 talk to you, all right.
4

5 DIRECT EXAMINATION
6

7 BY MS. NEGRA:

8 Q [REDACTED], we're going to keep this really
9 brief, okay?

10 A Okay.

11 Q Do you know the defendants here today?

12 A Uh-huh.

13 Q Would you consider them your friends?

14 A (Inaudible).

15 THE COURT: Answer out loud, yes or no.
16 It's better for our record.

17 THE WITNESS: Yes.

18 Q BY MS. NEGRA: Are they going to be your
19 friends after this is all said and done?

20 A Yes.

21 Q Are you afraid of these boys?

22 A Huh-uh -- or no.

23 Q Do you feel threatened by them?

24 A No.

25 Q If you saw them walking down the street,

1 would you be afraid that they might touch you
2 inappropriately?

3 A No.

4 Q And would you feel threatened or afraid
5 if they were released today?

6 A Huh-uh, not at all.

7 Q Why?

8 A What was the question again?

9 Q Why wouldn't you feel threatened if they
10 were released today?

11 A Well, I never have felt threatened by
12 them. They are my friends. I just feel
13 comfortable around them.

14 Q Do you feel that any touching that may
15 have occurred involving you was done in a sexual --

16 A Huh-uh, no.

17 Q At all?

18 A No.

19 Q Do you feel pressured to speak in this
20 manner today?

21 A No.

22 Q You are here on your own, voluntarily,
23 on your own free will?

24 A Yeah.

25 MS. NEGRA: Okay. Thank you.

1 THE COURT: Mr. Lawrence -- wait a
2 minute, [REDACTED].

3 THE WITNESS: Oh, (inaudible).
4

5 CROSS EXAMINATION
6

7 BY MS. MARKHAM:

8 Q Hi, [REDACTED]. Did we talk last night?

9 A Yes.

10 Q And did I go over with you sort of what
11 your conversation with the police officer and the
12 principal were?

13 A Yes.

14 Q And basically you were asked about
15 having your butt touched?

16 A Uh-huh, yes.

17 Q Did they ask you whether or not it had
18 hurt?

19 A Uh-huh, yes.

20 Q Do you remember what you told them?

21 A I said -- well, I did really feel
22 pressured in there, because, like, it was extremely
23 uncomfortable in there. So I told them, yes, but
24 it didn't hurt very much.

25 Q A little, but not very much?

1 A Yeah, but it didn't (inaudible).

2 Q Did you indicate to them that you had
3 told them to stop touching you?

4 A Uh-huh, yes.

5 Q How many times did you tell them to stop
6 touching you?

7 A Well, when they did it I told them to
8 stop, and, like, they did. But, I mean, like --
9 well, yeah, I did tell them to stop, and I guess
10 they did, but --

11 Q Were you touched more than once?

12 A Yeah.

13 Q And you weren't touched anywhere but on
14 your butt?

15 A Yes.

16 MS. MARKHAM: I don't have any other
17 questions for her.

18 THE COURT: Ms. Negra.

19

20 REDIRECT EXAMINATION

21

22 BY MS. NEGRA:

23 Q When you told the boys to stop, were you
24 half joking around?

25 A Well, we were all walking and stuff.

1 And I am just, like, you know, like, stop, you
2 know. Like, we were, like, just joking.
3 Everything was joking.

4 Q Do you feel like if you really wanted
5 them to stop, that you could have made it happen?

6 A Yes.

7 Q And were you alone in the room with the
8 Vice Principal Tillery and Officer Roache?

9 A Yes.

10 Q Did you believe that you were not free
11 to go when they were talking to you?

12 A Like, I was -- like, what?

13 Q That you were -- that you couldn't just
14 get up and walk out of the room?

15 A Right.

16 Q Did you feel like you could get up and
17 walk out at any time?

18 A No.

19
20 CROSS EXAMINATION

21
22 BY MR. LAWRENCE:

23 Q were there any women in the room, or
24 female police officers in the room with you when
25 you were in there?

1 A No.

2 MR. LAWRENCE: Thanks.

3 MS. MARKHAM: Nothing further.

4 THE COURT: [REDACTED] do you think anybody
5 forced you to say something that wasn't true?

6 THE WITNESS: Here?

7 THE COURT: Here or elsewhere?

8 THE WITNESS: No. Well, when the
9 principal asked me stuff, I kind of felt pressured
10 to answer stuff that I was uncomfortable, and that
11 it hurt, but it really didn't.

12 THE COURT: Okay. All right. Thank
13 you. You can step down.

14 MR. LAWRENCE: If that was [REDACTED] then we
15 have M2.

16 THE COURT: Come on up. I suppose that
17 could be either [REDACTED], T-w-o, or [REDACTED], T-o-o, either way.

18 Raise your right hand, please.

19
20 JUVENILE [REDACTED],
21 produced as a witness in behalf of the Defendants,
22 having been first duly sworn, was examined and
23 testified as follows:

24
25 THE COURT: Okay. And how old are you?

1 THE WITNESS: 12.

2 THE COURT: And you understand how
3 important it is to be completely truthful when you
4 testify in court?

5 THE WITNESS: Yeah.

6

7 DIRECT EXAMINATION

8

9 BY MS. NEGRA:

10 Q Hi. Thank you for being here. I am
11 going to try to ask you the same questions.

12 A Okay.

13 Q Do you recognize these defendants?

14 A Yes.

15 Q Are they your friends?

16 A Yes.

17 Q Are they going to be your friends after
18 all of this is over with?

19 A Yes.

20 Q Are you afraid of these boys?

21 A No.

22 Q And do you feel threatened by them in
23 any way?

24 A No.

25 Q And would you feel threatened or afraid

1 if they were released today?

2 A No.

3 Q And do you feel like there's any chance
4 that if they were released today and you happened
5 to see them, would you be afraid that they would
6 touch you inappropriately?

7 A No.

8 Q And were you -- have you ever seen
9 either of these boys rubbing up against a girl at
10 school?

11 A No.

12 Q And were you interviewed by Vice
13 Principal Tillery and Officer Roache in the
14 principal's office?

15 A Yes.

16 Q And was any female present with you?

17 A No.

18 Q Did you feel like you could just get up
19 and walk out of that room?

20 A No.

21 Q Did you feel pressured or threatened to
22 say thing in that interview that wasn't the truth?

23 A Yeah.

24 Q And what would that be?

25 A Like, if they asked me a question, they

1 kind of made you say what they wanted to hear.

2 Q A little bit of trickery in there?

3 A Yeah.

4 Q And would you like to see these boys
5 released today?

6 A Yes.

7 MS. NEGRA: Thank you. No further
8 questions --

9 Q BY MS. NEGRA: Did you feel that any
10 touching that occurred was done in a sexual manner?

11 A No.

12 Q And, you know, you understand what it
13 would be to be touched in a sexual manner?

14 A Yeah.

15 Q And that's not what occurred here?

16 A Yeah.

17 Q And you are here today voluntarily,
18 because you want to be?

19 A Yeah.

20 MS. NEGRA: Thank you.

21 THE COURT: Ms. Markham.

22 *****

CROSS EXAMINATION

1
2
3 BY MS. MARKHAM:

4 Q [REDACTED], did you and I talk last night?

5 A Yeah.

6 Q You said that you felt pressured to say
7 things that weren't true when you talked with the
8 principal and the officer. What did you tell them
9 that you kind of felt pressured to tell them?

10 A Well, when they asked me when -- like,
11 did it hurt, I said, yeah, but it really didn't.
12 And, like, did you feel, like, harmed. And I said,
13 yeah. But they are my friends so, like, I didn't
14 really care.

15 Q Is there anything else that you said to
16 the officers that didn't happen, or that wasn't
17 true?

18 A No.

19 Q Now, one of the things that we had
20 talked about last night -- so when you talked with
21 them, you indicated that both boys had been
22 touching your bottom, although it was mostly Cory?

23 A Yeah.

24 Q And you thought Ryan had grabbed or
25 spanked you two or three times?

1 A Only spanked, he never grabbed me.

2 Q I am sorry?

3 A He's only spanked me. He's never
4 grabbed me.

5 Q And it's two or three times, right?

6 A Yeah.

7 Q And you said that was usually done with
8 a swat?

9 A Yeah.

10 Q Have you asked him to stop touching you?

11 A Yeah.

12 Q When did you first do that?

13 A I don't remember.

14 Q Did you do it the first time they
15 swatted you?

16 A Probably.

17 Q And did you also say that Cory had
18 touched your bottom about 10 times over the past
19 two months?

20 A Like five.

21 Q So your testimony today is around five?

22 A Yeah.

23 Q Did you tell me that last night?

24 A I don't remember.

25 Q We talked about whether or not he tried

1 to touch your stomach. Did that happen?

2 A Well, I am not sure. I don't really
3 remember, but, like, I wasn't -- I don't remember
4 if it was him or not, but someone did try to.

5 Q And we talked about whether or not your
6 breasts had ever been scooped, anybody had ever
7 touched you on your breasts?

8 A No.

9 Q No one has ever touched you, and you
10 don't remember saying that to Officer Roache?

11 A I told them --

12 Q I am sorry?

13 A I told them that no one has ever touched
14 me.

15 Q And did you indicate that you didn't
16 like being touched in your private areas?

17 A I don't remember.

18 Q Have you ever been party boyed?

19 A Yes.

20 Q What is your understanding of party boy?

21 A Just, like, kind of like dancing, but
22 they never touched you.

23 Q Did these two boys do that to you?

24 A Yeah, for like five seconds.

25 Q How many times?

1 A I don't remember.

2 Q More than once?

3 A Yeah. Probably like one or two times.

4 MS. MARKHAM: I don't have any other
5 questions.

6 THE COURT: Ms. Negra.

7 MS. NEGRA: Couple more, please.

8

9 REDIRECT EXAMINATION

10

11 BY MS. NEGRA:

12 Q Did you really feel uncomfortable when
13 these boys swatted you?

14 A No.

15 Q Did you feel pressured to tell Officer
16 Roache that?

17 A Yeah.

18 Q Did he make you feel funny, that if you
19 didn't feel like it was uncomfortable, then you
20 might be a little different?

21 A Yeah. Yeah.

22 Q And let's just clarify here. When we're
23 talking about the -- we heard spanking, touching,
24 swatting. Was anybody grabbing your -- clenching
25 onto your buttocks?

1 A No.

2 Q And would you say it was more of a spank
3 or a swat?

4 A What's the difference between them?

5 Q Let's just say that spanking is a little
6 bit harder than a swat, which would be a little bit
7 softer.

8 A Okay. It was a swat.

9 Q And if you -- you said that you had told
10 them to stop?

11 A Yeah.

12 Q Were you kind of joking and laughing
13 around when you said that?

14 A Yeah.

15 Q Do you think if you were really
16 concerned about this behavior, that you could have
17 made it stop?

18 A Yeah.

19 Q And how would you have gone about doing
20 that?

21 A I probably would have said, like, stop,
22 if they never did that, I would probably tell
23 Mr. Tillery.

24 Q Would you say stop in a more serious
25 manner?

1 A Yeah.

2 Q Than what you had told them before?

3 A Yeah.

4 Q And then told a teacher?

5 A Yeah.

6 Q Did you make a complaint about this
7 behavior before they talked to you?

8 A No. No.

9 MS. NEGRA: Thank you.

10 THE COURT: Any questions, Mr. Lawrence?

11 MR. LAWRENCE: None, Your Honor.

12 THE COURT: Okay. Thank you.

13 END OF EXCERPT

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1 STATE OF OREGON)

2) ss.

3 COUNTY OF YAMHILL)

4 I, Deborah L. Cook, RPR, a Certified Shorthand
 5 Reporter, CSR in and for the State of Oregon, hereby
 6 certify that at said time and place I reported in
 7 stenotype all testimony adduced and other oral
 8 proceedings had in the foregoing hearing from audio
 9 recording; that thereafter my notes were transcribed
 10 via computer-aided transcription by me personally; and
 11 that the foregoing transcript contains, to the best of
 12 my ability based on the sound quality of said audio
 13 recording, a true and correct record of such testimony
 14 adduced and other oral proceedings had and of the
 15 whole thereof.

16 Witness my hand and seal at Dundee, Oregon,
 17 this 11th day of March, 2007.

/s/ Deborah L. Cook



DEBORAH L. COOK, RPR

Certified Shorthand Reporter

OREGON CSR #04-0389

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25