

1 The record will reflect the Defendant is present with
2 his counsel, State's counsel is present and the jury is
3 in the box. Call your next witness.

4 MR. HEATLY: Your Honor, the State calls
5 Dr. Judith Beechler.

6 THE COURT: Dr. Beechler. Raise your right
7 hand, please.

8 (Witness sworn.)

9 THE COURT: All right.

10 JUDITH BEECHLER,
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. HEATLY:

14 Q. Could you please state your name for the jury.

15 A. Judith Beechler.

16 Q. And what do you do for a living?

17 A. I am an assistant professor of counseling at
18 Midwestern State University in Wichita Falls.

19 Q. And how long have you worked as a counselor
20 there or as a professor?

21 A. I've been there just about almost five years.

22 Q. And what kind of classes do you teach there?

23 A. I teach all kinds of counseling classes. I
24 teach ethics, counseling children, group counseling,
25 introduction to counseling, practicum.

1 Q. And could you explain your educational
2 background?

3 A. I have a PHD from the University of North Texas
4 in Counselor Education.

5 Q. And what's your field of concentration?

6 A. Domestic violence.

7 Q. And what kind of experience do you have with
8 domestic violence?

9 A. I have been working in the field of domestic
10 violence continuously for the last 20 years.

11 Q. And how did you get started in that field?

12 A. Well, originally, I'm an abused survivor, but I
13 just began -- I found a job working at a shelter in
14 Lincoln, Nebraska 20 -- 20 years ago, 21 years ago in
15 August and worked for many years there.

16 Q. And what different capacities have you worked
17 with victims of domestic violence?

18 A. Oh, gosh, in my job title I've been -- I'm a
19 woman's advocate; I've been a counselor many, many years
20 as a counselor; I've been a trainer; I've conducted
21 parenting classes, non-violent parenting classes. I've
22 done community -- a lot of community education. I've
23 taken clients to court, done a lot of things.

24 Q. And as part of your counseling and domestic
25 violence work, do you review articles on domestic

1 violence?

2 A. Yes.

3 Q. That are published?

4 A. Yes.

5 Q. Studies on domestic violence?

6 A. Yes.

7 Q. And could you tell me what First -- First Step
8 is in Wichita Falls?

9 A. First Step is the domestic violence program in
10 Wichita Falls. They serve 12 counties.

11 Q. And what kind of services do they offer there?

12 A. They offer many, many services. They have a
13 shelter. They have a capacity of about 25 to 30 people
14 and they are generally filled for clients to live there
15 for a period of time, and while they are in the shelter,
16 they provide all of their basic needs, their clothing,
17 their food, counseling services, all the resources that
18 they will need to start their own life once they leave
19 the shelter; housing.

20 Q. What kind of people is it that are clients?

21 A. Any kind, any kind of person. You know all
22 walks of life, professionals, non-professionals, all
23 different races and cultural backgrounds.

24 Q. Are they all victims of domestic violence?

25 A. Yes, they are.

1 Q. And have you offered counseling at First Step
2 before?

3 A. Yes. When I -- when I graduated from UNT, I
4 went back to Nebraska from where I'm from and taught
5 there for a bit and decided to come back to Texas. When
6 I came back, I volunteered as a counselor for First Step
7 for about a year.

8 Q. And have you conducted trainings for First
9 Step?

10 A. Yes, I have.

11 Q. What kind of different trainings do you do?

12 A. Specifically -- Well, I've done two different
13 types of trainings for them. I've done some mini
14 workshops and trainings on staff. I'm dealing you know
15 with client behaviors and kind of a fresher course on
16 domestic violence and I've done specifically volunteer
17 training for them when they -- periodically, they will
18 bring in new volunteers to work in various capacities in
19 the program, and so I will be one of the people that
20 will train their volunteers.

21 Q. And what kind of training are you providing to
22 the volunteers?

23 A. I tend to train them to -- I teach them the
24 very basics of domestic violence, the dynamics of the
25 relationship, perhaps the behaviors that the clients,

1 the women and children might exhibit while they are in
2 shelter, how to really learn to listen which is a really
3 important skill in working with people and how to -- how
4 to really help them learn to help themselves.

5 Q. Now, do you provide counseling services other
6 than for domestic violence?

7 A. Yes, I have a private practice on the side,
8 small.

9 Q. Have you published any articles on domestic
10 violence?

11 A. I have one that we call in print. It's with a
12 publisher now being edited. I have one that I submitted
13 and I am re-editing and I have another one that I'm
14 finishing up. Hopefully, it will be submitted, I'm
15 going to say within a month.

16 Q. Now, in your experience how many victims of
17 domestic violence have you counseled over the years?

18 A. It's just so hard to know. I would say
19 probably a thousand.

20 Q. And have you attended conferences on domestic
21 violence?

22 A. Yes, I have.

23 Q. And workshops on domestic violence?

24 A. Yes, I have.

25 Q. Is it something that you keep up with as kind

1 of a focus of your career?

2 A. Yes.

3 Q. As a counselor that provides domestic violence
4 services, do you keep up with all the new data and
5 studies that there are with domestic violence?

6 A. Yes.

7 Q. Have you previously testified as an experts --
8 expert in the area of domestic abuse and the common
9 experiences of victims of domestic abuse?

10 A. Yes, I have.

11 Q. And have you testified in this court about
12 those things before?

13 A. Yes, I have.

14 Q. Now, what are some of the common misconceptions
15 that people have about domestic violence?

16 A. I believe that people that might think that
17 it's kind of a them versus us. They -- typically,
18 people tend to feel that abuse only happens to people of
19 lower socio-economic level, perhaps people that are of a
20 different culture, primarily minorities. They just
21 simply foresee them as being different, not like them.

22 Q. And in your experience does domestic violence
23 span across all of those issues?

24 A. It knows no boundaries. It just -- it covers
25 abusers and victims can be found in any walk of life.

1 Q. Now, what does a perpetrator of domestic
2 violence look like?

3 A. It can look like anyone. It can look like
4 anyone in this room, anyone.

5 Q. Can you just tell by looking at somebody they
6 are a batterer?

7 A. No, typically, you cannot.

8 Q. Do the people that commit domestic violence
9 walk around in their every day life battering people?

10 A. No, they do not. It's typically -- You don't
11 go to the store and see them haul off and whack, you
12 know, their partner. It's typically a family secret
13 that is kept in the home.

14 Q. Can somebody that commits domestic violence,
15 are they violate toward everyone they come in contact
16 with during their daily life or are they you know
17 pleasant and normal with other people?

18 A. They can be very pleasant and normal. They can
19 be seen as the pillar of the community, but when they go
20 home, they will typically enact their abuse on their
21 wife or partner.

22 Q. Now, from your experience do victims of
23 domestic violence talk about their experiences about it
24 freely?

25 A. No, they do not.

1 Q. Why? Why not?

2 A. Fear, they're afraid and sometimes it can be
3 shame based. They are very ashamed if they are in this
4 position. Sometimes they feel like it must be something
5 I did, so they just can't talk about it, but, no, they
6 are not free to talk about it. Mostly, it's fear.

7 Q. Can you give us an idea of the number of
8 domestic violence incidents in the United States every
9 year?

10 A. The last figure I just read was just the other
11 day. They are estimating between two and four million
12 women are abused each year in the United States.

13 Q. Are domestic violence victims usually men or
14 women?

15 A. They are usually women.

16 Q. Now, have you observed a pattern of domestic
17 violence in your practice?

18 A. Yes.

19 Q. Would you describe what that pattern is?

20 A. Well, we typically call it the cycle of
21 violence, the pattern of an abusive relationship.

22 Q. And who identified the cycle of violence?

23 A. The cycle of violence was first identified by
24 Lenore Walker in, I believe, 1973, and she is a famous
25 author. She's written about domestic violence through

1 the years and was very popular in the '70s and counseled
2 a lot of people.

3 Q. Is that cycle of violence theory an accepted
4 part of domestic violence counseling?

5 A. Very much so.

6 Q. And you provided me with a slide --

7 A. Yes.

8 Q. --- on the cycle of violence. Would that slide
9 be useful to the jury in understanding how that cycle
10 works?

11 A. I believe it would.

12 Q. Could you explain to the jury what the cycle --
13 what's on the slide and what it shows?

14 A. This -- This slide shows just the components of
15 an abusive relationship and we see it going in cycles in
16 different stages and the first stage -- Would you like
17 me to explain it?

18 Q. Sure, go ahead.

19 A. Okay. The first stage that we typically talk
20 about is what we call the tension building stage and it
21 may -- and it's at the top and we tend to think of it as
22 a circle. At the top of the circle there may be a
23 little tension in the home, but as time goes on, the
24 abuser becomes more and more tense or maybe flies off
25 the handle, maybe angry and that creates an atmosphere

1 of tension in the home; it just gets more intense as
2 time happens; and then something will happen that will
3 create the next part of the cycle which is called the
4 abusive incident, and in that incident it can be just
5 name calling, it can be throwing things, it can be
6 ripping the phone out of the wall, it can be pulling the
7 curtains off the curtain rods or it can be you know
8 hours and hours of extreme violence of beating, kicking,
9 spitting, all the humiliation that goes along with that.

10 Q. So, Dr. Beechler, the abusive incident covers
11 -- can cover anything from yelling and name calling to,
12 you know, one or two hits?

13 A. One or two hits to hours.

14 Q. To extensive --

15 A. Right, to hours.

16 Q. And then after that happens, what do you --

17 A. Then, what happens is they call this
18 manipulation stage. In this stage you might see what
19 they call the honeymoon stage, and this is what we refer
20 to when we work with woman is the hook that keeps them
21 in. It is, oh, I love you, don't leave me, I promise
22 I'll never do it again, you know, when X, Y, Z happens,
23 it makes me just go -- lose my temper, makes me get so
24 angry. It may be the hearts and flowers, the whatever,
25 the loving gestures he can make to keep the -- to keep

1 his victim engaged in the relationship, and so what will
2 happen is that over a period of time this cycle just
3 repeats itself over and over again. Some women I've
4 worked with, they don't feel they have a honeymoon or
5 manipulation stage because they've seen this cycle
6 repeat itself often enough that they know it goes from
7 abuse to tension to abuse, so that they can't -- they
8 can't really count that as a honeymoon stage at all.
9 They just know it will not last.

10 Q. Dr. Beechler, have you personally observed the
11 effects of the cycle of violence in your practice of
12 counseling domestic abuse victims?

13 A. Yes, absolutely.

14 Q. And how do victims react in each part of the
15 cycle?

16 A. Well, I -- They will act in different ways. I
17 believe in the tension building stage, I believe that
18 they will modify their behavior and the behavior of
19 their children to stay safe and to keep peace in the
20 household. Of course during the abusive incident you
21 can imagine that everyone is just terrified and
22 traumatized by the abuse. I believe that the honeymoon
23 stage is typically the crazy making stage. They just
24 don't -- you know in the beginning especially, they want
25 to believe that what he says it's true, that it will

1 never happen again, so they have a different sense about
2 it. I am assuming that after a period of time that that
3 will -- they will not -- they will not feel that way,
4 that they will be anticipating the tension stage and
5 that is typically what I have been told.

6 Q. Now, what methods do perpetrators use to
7 control their partners's behavior?

8 A. Oh, there are many methods. They can do it
9 non-verbally. They can have the certain look. If you
10 are out in public, or at the store, or say the wrong
11 thing at a family event, you will get the look that you
12 know when you get home or in the car there's going to be
13 trouble. They will -- they will control their victims
14 by throwing things, by coercion, by threats. If you do
15 this, I will do that. By using their children, perhaps
16 spanking the child or doing something to the child. The
17 message is, you know, this will be you, you'd better
18 watch it.

19 Q. Now, are you familiar with the power and
20 control wheel?

21 A. Yes, I am.

22 Q. And who identified the power and control wheel?

23 A. The power and control wheel was first developed
24 by the Duluth -- I always have to think about how to say
25 this. The Duluth Institute for Abuse Prevention in

1 Duluth, Minnesota, and it was also developed in the
2 '70s.

3 Q. And is that power and control wheel an accepted
4 part of domestic violence counseling?

5 A. Absolutely. It's used all the time.

6 Q. And have you provided me with a slide that will
7 benefit you in explaining that to the jury?

8 A. Yes, I have.

9 Q. And have you personally observed the effects of
10 this power and control wheel in your counseling of
11 domestic violence victims?

12 A. Absolutely.

13 Q. Could you explain the power and control wheel?

14 A. Well, the center just talks about -- just
15 titles it power and control. This shows the dynamics of
16 a domestic violence relationship where the abuse of the
17 components that keep a woman controlled over a period of
18 time. We will most always see -- in fact we always see
19 using isolation, controlling what she does, what she
20 wears, who she talks to and just monitoring her very --
21 her activity, you know, a hundred percent of the time
22 every day. Typically -- they typically like to minimize
23 the abuse and sometimes what we will know that sometimes
24 when they are in that honeymoon stage, they will say
25 that never happened, you must be crazy, I never did

1 that, so they minimize that, they may deny it, they may
2 say, oh, it wasn't that bad or you know I wouldn't have
3 done this if you hadn't done that, that sort of thing.

4 Q. Dr. Beechler, if I could, I'd like to go
5 through --

6 A. Okay.

7 Q. --- with you each one of the different
8 elements --

9 A. Okay.

10 Q. --- of the power and control wheel.

11 A. Sure.

12 Q. And how you have seen those in your practice.
13 One of the elements is using intimidation.

14 A. Uh-huh.

15 Q. Could you explain how you've seen that?

16 A. The look, that's the big one. The look we've
17 seen a lot. Smashing things, typically, that's a
18 powerful message that when they take a plate and they
19 throw it on the floor or rip the curtains off the window
20 or yank the phone, anything, slam doors, slam cupboards,
21 that is -- or abusing pets. That's a big one we've seen
22 a lot where they will take a family pet and they will
23 abuse that pet and the message is that it could be use.

24 Q. And emotional abuse?

25 A. Emotional abuse. We never see -- We never see

1 physical abuse without first emotional abuse. It kind
2 of goes on a continuum . It never gets better; it gets
3 worse over time. Putting her down, making her feel bad
4 about herself, calling her names, you know, just any
5 derogatory kind of name, making her think that she's
6 crazy for the abuse; you know I never did it. They call
7 it playing mind games with her trying to set her up to
8 be abused and making her feel guilty. You know if you
9 hadn't done that, I wouldn't have had to hit you.

10 Q. And using isolation?

11 A. Isolation, yeah, we always see isolation
12 always. It's again controlling what she does. Many
13 women I've worked with through the years that by the
14 time they recognize how bad the situation is they've
15 lost contact with family, with friends and they don't
16 know where to go. They are totally isolated by
17 monitoring the phone calls, not letting them -- not
18 allowing her to have a phone, not letting her leave the
19 house without permission, just totally monitoring every
20 single thing that she does and says.

21 Q. Would that include limiting her outside
22 involvement?

23 A. If she has any outside involvement, absolutely.
24 It would be a tremendous limitation on that.

25 Q. Now, minimizing blaming and denying, what is

1 that?

2 A. That is it's not -- it says here making light
3 of the abuse, in other words it didn't really happen, it
4 wasn't that bad, just minimizing, you just be really
5 crazy or even saying it didn't happen. We see that in
6 the early honeymoon stage, it didn't really happen, and
7 making her feel as though she is responsible. One of
8 the things we know about an abusive personality is that
9 they never take responsibility for what they think, how
10 they feel or what they do. They always blame someone
11 else.

12 Q. How about using children?

13 A. Oh, making her feel like she's a really bad
14 mom, you know, that she's just so worthless. Sometimes
15 using the child they say to relay messages. I've known
16 when there's a visitation situation, the dad has
17 visitation and so relay a message, tell mom this or you
18 know we've had this in shelter, you know, where are you
19 guys living, you know that sort of thing, just kind of
20 using the child, put the child in the middle, and then
21 threatening to take the child away. If you leave me,
22 you will never see your children again.

23 Q. And does that also include physical violence
24 against children?

25 A. Exactly, exactly.

1 Q. And using male privilege?

2 A. He's the King of the castle. They have really
3 specific roles that each one has to play and typically
4 she is the servant, to do exactly as she's told to do
5 his bidding. He makes all the decisions. She makes
6 none of the decisions and it's a real definition between
7 the male and female role with the male being in charge.

8 Q. And using economic abuse?

9 A. Well, that's -- that pretty -- pretty common.
10 Even if the woman works, it's keeping money, limiting
11 any access to money. She probably doesn't -- maybe she
12 has a tiny allowance, making her ask for money, taking
13 her money. It's very common if she does work for the
14 abuser to take her paycheck and she will never see it
15 and so he decides how the finances and keeps -- really
16 keeps her, I want to say, almost impoverished in the
17 fact that she has no access to money at all typically.

18 Q. And using coercion and threats.

19 A. Making threats, making threats. If you leave
20 me, you know they will never find you. If you leave me,
21 you will never see your children.

22 Q. Do they -- and, Dr. Beechler, you say if you
23 leave me, you know, you'll never see your children.

24 A. Uh-huh.

25 Q. Do they have to say if you leave me I'm going

1 to kill you? Do they have to say those words or --

2 A. Oh, no, there is an implied threat. I think
3 this threat is not made in isolation. It's in
4 conjunction with other abusive behavior, so that the --
5 they know what the message is typically that if you
6 leave me you will never see your kids. It could -- You
7 know I mean the message could be if you leave me, I'm
8 going to take your kids -- I'm going to take your
9 children and move to Montana or it may be that they will
10 find them dead. I mean it's just that implied threat.
11 It may be that if you leave me I'm going to kill myself,
12 in other words making her responsible again for his
13 behavior, so he can't. You know he just puts the
14 responsibility of the relationship totally on the woman.

15 Q. You also had making her drop charges. Is that
16 something you see commonly?

17 A. I have seen it, yes. I have seen it where
18 women are just really reluctant either to press charges
19 or to drop -- or to not -- or to keep the charges
20 intact, that they will coerced in some form to go and
21 drop those charges.

22 Q. And then it also includes making her do illegal
23 things. Have you ever seen her do that in your
24 practice?

25 A. Actually, I have years ago. One of the women

1 that was -- had become one of the women that we were
2 calling to do some speaking for us at a shelter in
3 Lincoln had been -- had been prostituted out by her
4 husband and actually had three children by three of her
5 clients because he would monitor her behavior so closely
6 so, yes, I have seen that.

7 Q. So in that relationship the woman actually had
8 to prostitute herself out?

9 A. Right. I've had others that have had to do
10 that as well.

11 Q. Have you personally observed the effects of
12 this power and control on victims of domestic violence?

13 A. Oh, absolutely. It's demeaning, it's
14 demoralizing, it exacerbates that feeling of being
15 helpless and hopeless.

16 Q. And in your experience does the cycle of
17 violence in the power and control wheel only apply to
18 people who are married?

19 A. Oh, no, it can -- it can apply to anyone who's
20 living together as well, anyone living together in a
21 situation.

22 Q. In your experience what are some things that
23 can make a woman particularly vulnerable to an abuser?

24 A. There are a lot of things. I think of course
25 self-esteem factors in. Any time a woman has maybe had

1 some trauma in her life, for example, if she's had some
2 losses in her life or something that would make her feel
3 not quite as good about herself, or lonely, or that sort
4 of thing.

5 Q. Is it possible for somebody who's vulnerable or
6 not vulnerable to quickly become enmeshed in a
7 relationship that is abusive?

8 A. That is one of the characteristics of an
9 abusive relationship is quick involvement. It's
10 actually titled quick involvement. They just very, very
11 -- It's just very, very common for once an abuser meets
12 a woman, when they meet each other, that within a very,
13 very short period of time is what we call an enmeshed
14 relationship. May I give an example?

15 Q. Sure.

16 A. The example would be that I have given to women
17 is that they have been together just a couple of weeks
18 and he always calls her at say 6:30 at night when she
19 gets home from work, and he's always called her and you
20 know probably called her during the time but
21 specifically at that time, and on one particular evening
22 she decides to stop for coffee with a friend or gets
23 caught in traffic, and so forth, and she doesn't get
24 home until 7:15, and she walks in the door and the phone
25 might be ringing, and she picks it up, and the abuser is

1 on the phone and he will say where were you, you know
2 how I worry when I don't know where you are, I thought
3 maybe you had met another man and you know I just love
4 you so much. Well, in the early throws of the
5 relationship you know it's all new and show that you're
6 trying to reassure each other, and she's trying to
7 reassure him, and before too long they are just what we
8 call enmeshed, in other words he says to her you are all
9 I need, therefore, I must be all that you need and the
10 relationship is just like this (demonstrating).

11 Q. What are some of the common reactions of
12 domestic violence victims when they find themselves in
13 relationships like that?

14 A. I think they probably -- it progresses over a
15 period of time and the isolation seems to be the factor
16 where slowly but surely he starts to take over her life;
17 let me take you to work, you won't need your car any
18 more, let's save some gas, those kinds of things. It
19 sounds pretty good in the beginning, but then when it's
20 couched with all the other incidents that would isolate
21 her from family and friends, as I mentioned earlier,
22 that by the time she recognizes she is in an abusive
23 relationship, it's very -- it's very difficult; she
24 doesn't know what to do; so you know she has -- she just
25 -- where it starts out as hearts and flowers over a

1 period of time, that does not remain constant.

2 Q. I think a lot of people would just find it hard
3 to understand why don't they just leave?

4 A. There are a lot of reasons that a woman stays
5 and on average a woman will leave seven times before she
6 leaves for good. That is what the literature has said
7 for years. There are many reasons a woman will stay.
8 It may be that if the abuser is the biological father of
9 her children, she believes that her children need to
10 have a dad in the home. That will be one of his reasons
11 for her taking him back or for him remaining in the
12 home. I believe the bottom line though, the biggest
13 issue is fear. I think if they have no access to money,
14 they don't have any transportation, they have -- they
15 can't call their family or their friends, they don't
16 know where to go, they don't know where to go to take
17 care of their children and themselves to be safe and I
18 think that's one reason and the other reason would be
19 that you compound that with the message that if you
20 leave me, I will -- I will -- they will never see you.
21 I will find you and they will never see you again. It's
22 fear. Fear is the No. 1 reason.

23 Q. Why can't they formulate some kind of plan, you
24 know in a couple of days I'm going to do this and I'll
25 get out of here and nobody will see me?

1 A. I've heard that a lot from people that aren't
2 familiar with domestic violence, why don't they just
3 leave. Typically, what I have discovered through the
4 years working with battered woman is that they -- it's
5 very difficult for them to plan ahead because every day
6 is a test in survival. They have to get up that morning
7 and make sure that they modify their behavior and the
8 behavior of their children so they can make it through
9 the day safe and go to bed and get up the next day and
10 do it again.

11 Q. Now, does -- For a woman to be abused and be
12 under the control of the perpetrator, does he have to
13 violently beat her every minute of every day?

14 A. No, no, it can be -- it's unpredictable. They
15 may -- they may have a little period of time in the
16 beginning especially where you know he may hit her, and
17 then there is no violence, but he doesn't have to hit
18 her every single day. There will be -- there's other
19 emotional abuse and verbal abuse that goes along with
20 that, too, so typically that might be going on, but in
21 terms of physical violence, that may not occur every
22 single day.

23 Q. In your experience is it common for victims of
24 domestic abuse to blame themselves for what's happened?

25 A. Absolutely. In the beginning especially when

1 she is told if only you hadn't done this, you know how
2 much I love you, I don't want to be mad, so, yes, there
3 is a lot of self blame that goes along.

4 Q. Do some perpetrators of domestic violence use
5 religion as a basis?

6 A. Uh-huh.

7 Q. And how do they do that?

8 A. Yes. Well --

9 MR. DEAGUERO: Your Honor, I'm going to
10 object. There have been a lot of questions here on
11 facts that have not been established in evidence. This
12 witness, I know she's been qualified as an expert.
13 She's testifying to basically one hypothetical situation
14 after the other, just expounding on her theories, many
15 of which have nothing to do with this case.

16 THE COURT: Overruled. You may answer the
17 question.

18 A. Can you repeat that, please?

19 Q. (By Mr. Heatly) Yes. Do some perpetrators of
20 domestic violence use religion to justify their actions?

21 A. Yes, they do.

22 Q. And what kind of effect does that have on the
23 victim?

24 A. I think it's part of what we call the crazy
25 making effect. I believe in the beginning when they say

1 they read the Bible and pray, then the abuse will occur
2 maybe you know physical abuse, extreme emotional abuse.
3 The message might be there must be something wrong with
4 me because he's such a spiritual and so close to God --
5 I mean in the beginning. I think as time goes on the
6 fear factor is just prevalent that they simply go along
7 to keep themselves and their kids safe.

8 Q. I think you said earlier it takes an average of
9 seven times --

10 A. Correct.

11 Q. --- before a woman can get out of a domestic
12 violence situation. Is it common for them --

13 MR. DEAGUERO: Again, Judge, these are all
14 hypotheticals and there is nothing in evidence on this.

15 THE COURT: It's overruled.

16 Q. (By Mr. Heatly) What are some of the reasons
17 that victims remain with perpetrators?

18 A. They will remain because they are afraid to
19 leave is the big one. They have no place to go. They
20 have no -- they have no money, they have no way to get
21 out. They may remain because they feel a responsibility
22 to the relationship. They may remain because if they
23 are involved in a church that doesn't recognize divorce,
24 they may be -- feel pressured to stay in that case.
25 There are all sorts of reasons that women stay.

1 Q. Dr. Beechler, is it the feeling of isolation or
2 actual isolation that the domestic violence victim is
3 experiencing?

4 A. I think it's the actual isolation that creates
5 the feeling of being isolated.

6 Q. Now, have you in this case reviewed the police
7 report?

8 A. Yes.

9 Q. And have you reviewed the statements of
10 Kristina Earnest?

11 A. Yes.

12 Q. And met with her?

13 A. Yes.

14 Q. And reviewed the statements of the Defendant?

15 A. Yes.

16 Q. Now, I just want to give you a hypothetical
17 situation.

18 A. All right.

19 Q. Please assume the following facts. A woman and
20 her two children move away from home with a man to
21 another location; the woman's phone access becomes
22 restricted; the woman's freedom of movement becomes
23 restricted; the man leads the woman around by the arm;
24 the woman keeps her head down and doesn't make eye
25 contact with others; the woman cannot speak to others

1 unless permitted to do so; the man hovers over the woman
2 in the presence of others and attempts to control her
3 responses to questions; the woman's food intake and that
4 of her children is restricted; the woman has bruises on
5 her; her children have bruises on them; the man has no
6 bruises on him; the woman fails to report any abuse to
7 authorities until weeks after it has happened even
8 though she is not in the physical presence of the
9 abuser. In your experience are these facts consistent
10 with the situation in which the woman is a victim of
11 domestic violence?

12 MR. DEAGUERO: Your Honor, I object. It
13 misstates the evidence. It assumes facts not in
14 evidence and she's invading the province of the jury.
15 It doesn't take an expert to evaluate this. The jury
16 doesn't need testimony from -- from a purported expert
17 with regard to this. It's also -- It denies my client
18 due process and the right to cross examine.

19 THE COURT: Overruled.

20 Q. (By Mr. Heatly) Dr. Beechler, in your
21 experience are those facts consistent with a situation
22 in which the woman is a victim of domestic violence?

23 A. In my experience they definitely are.

24 MR. HEATLY: I'll pass the witness, Judge.

25 THE COURT: Mr. Deaguero, we're going to

1 take a lunch recess.

2 MR. DEAGUERO: Oh, okay.

3 THE COURT: Ladies and gentlemen, we're
4 going to recess for lunch. Don't discuss the case with
5 anyone, don't let anyone discuss it with you, don't let
6 anyone discuss it within your hearing, don't discuss it
7 even among yourselves, don't discuss it with your
8 husband or wife during this lunch break, don't read
9 anything in the newspaper, watch television or listen to
10 the radio. My mother says there is not anything good on
11 television anyway, and don't reach or form any
12 conclusion about the case until I give it to you for
13 your final deliberations. We'll be back about 1:15.
14 Thank you.

15 (Luncheon recess 12:02 p.m. to 1:22 p.m.)

16 THE COURT: Bobby, bring the jury, please.
17 Thank you. Please be seated. The record will reflect
18 the Defendant is present with his counsel, State's
19 counsel is present and the jury is in the box.
20 Mr. Deaguero.

21 MR. DEAGUERO: Thank you, Judge.

22 THE COURT: All right.

23 CROSS EXAMINATION

24 BY MR. DEAGUERO:

25 Q. Mrs. Beechler, I understand you are -- your

1 specialty is domestic violence, correct?

2 A. That's correct.

3 Q. Okay. And the Court had -- and that's why you
4 are here today as an expert in that capacity, right?

5 A. That is correct.

6 Q. Okay. But just to clarify the record, okay,
7 you are not an expert in murder, are you?

8 A. No, I am not.

9 Q. And you are not an expert in deadly weapons and
10 in connection with a murder, are you?

11 A. No, I am not.

12 Q. And although you are an expert in domestic
13 violence, in that role I mean you don't have any special
14 powers in determining whether or not someone is telling
15 the truth?

16 A. No, I do not.

17 Q. Okay. Or whether or not they are lying?

18 A. I do not.

19 Q. Okay, and you do not have any special powers
20 regarding the reasons, if any, why someone recants a
21 plea previously made?

22 A. Do I have special powers?

23 Q. Yes, ma'am.

24 A. No, I do not have special powers.

25 Q. All right. Now, in connection with your

1 capacity as an expert witness, were you given documents
2 to review?

3 A. Yes.

4 Q. Okay. And what documents were you given?

5 A. I read the case report -- I mean the police
6 report and case files.

7 Q. Case files, what do you mean by that?

8 A. I read the interviews between Tommy Castro --
9 the interviews conducted with Tommy Castro and the
10 interviews conducted with Kristina Earnest.

11 Q. Did you bring those papers here?

12 A. No, I did not.

13 Q. Okay. Did you read the various -- did you read
14 the various interviews that -- that -- that Kristina
15 submitted herself to by the detectives?

16 A. You know I can't -- I really and truly cannot
17 remember. I read -- I read the interviews. I don't
18 really recall the specifics. It was quite a while ago.

19 Q. Then, let me see here.

20 MR. HEATLY: Judge, may we approach?

21 Q. (By Mr. Deaguero) There were at least --

22 THE COURT: Just a moment. Come up,
23 counsel.

24 (At the bench on the record:

25 MR. HEATLY: I'm just concerned we have a

1 violation of the Motion in Limine.

2 THE COURT: What part of the limine?

3 MR. HEATLY: I think he's going to ask her
4 about statements given by Kristina Earnest which would
5 be inadmissible hearsay and the reason I say that,
6 Judge, is because he grabbed her statements and he's
7 looking at those to come and talk to Dr. Beechler. I
8 just wanted to make sure we weren't getting into
9 anything like that.

10 THE COURT: Is that where we are going?

11 MR. DEAGUERO: Your Honor, this woman has
12 testified regarding family violence. She's testified
13 she's reviewed all of these documents and I want to find
14 out which ones. I was going to ask her to see what she
15 brought her, but she's basing her decision on family
16 violence on those reports. I'm entitled to question on
17 that and the other thing, Judge, the Motion in Limine is
18 frankly -- it's effectively the crux of their case and
19 it's crucial to our case to show that she in fact
20 confessed to the crime and for them to put these type of
21 restrictions on us violates my client's right to due
22 process under protection of laws and it would be
23 reversible error.

24 THE COURT: The fact that she's already
25 confessed admitted in opening statement, I assume it

1 will come out evidentiary-wise. Tell me again your
2 specific objection about this.

3 MR. HEATLY: That he's attempting to ask
4 her about statements made by Kristina Earnest that would
5 be inadmissible hearsay. There is no exception for
6 talking about statements made by her.

7 THE COURT: Through this witness anyway.

8 MR. HEATLY: That's correct, Judge, through
9 this witness.

10 THE COURT: Hearsay exceptions?

11 MR. DEAGUERO: Well, the thing is, Judge,
12 this is an expert witness.

13 THE COURT: I know it's an expert but what
14 I want --

15 MR. DEAGUERO: She's entitled to base her
16 opinions on hearsay and whatever she -- whatever she
17 reviews.

18 THE COURT: What I -- What I want if there
19 are any hearsay exceptions.

20 MR. GRIFFIN: 803.25.

21 THE COURT: I'm looking at them right now.
22 Go ahead, Mr. Griffin, I'll let you weigh in.

23 MR. GRIFFIN: 803.24, Judge, and I was
24 thinking there was another one. I'm looking.

25 THE COURT: All right, and are we talking

1 about multiple statements? I mean I don't know what we
2 are talking about.

3 MR. DEAGUERO: Yes, Your Honor, there were
4 various statements at various times she was interviewed
5 by the detectives and I want to be able to because this
6 witness testified --

7 THE COURT: Is Ms. Earnest going to
8 testify?

9 MR. HEATLY: Yes.

10 THE COURT: All right, the objection with
11 respect to this area is sustained. The Motion in Limine
12 is to be observed. Let's don't go into it at least at
13 this time. At the conclusion of this witness' testimony
14 outside the presence I'll let you come up and talk about
15 it some more.

16 MR. DEAGUERO: One more thing, Judge. If I
17 were to concede that she signed -- that she confessed,
18 they've already conceded that, I should be able to ask
19 her about that, plus there is the matter of
20 circumstances under which the statement was given. I
21 don't read anything out of this but I can ask her about
22 the procedures she followed and what she observed.

23 THE COURT: Not yet, you can't.

24 MR. DEAGUERO: Your Honor, I -- with all
25 due respect, Your Honor, I think we're entitled to do

1 that because this is a hostile witness.

2 THE COURT: I understand your position,
3 Mr. Deaguero, but my ruling is the Motion in Limine is
4 to be observed at this time. After this witness
5 testifies, then, you know, when we have a recess, I'm
6 not going to excuse her and we'll talk about this some
7 more, but it's my understanding Ms. Earnest is going to
8 testify, so let's -- let's move on.

9 MR. DEAGUERO: A clarification, I can still
10 ask her about because she said she read the statements.
11 I think I have a right to ask her to whom -- to whom she
12 was being interviewed by -- by whom she was being
13 interviewed and -- and -- and whether or not there was
14 something improper about that interview process.

15 THE COURT: No.

16 MR. DEAGUERO: That's not getting into --

17 THE COURT: No.

18 MR. DEAGUERO: That's not getting into --

19 THE COURT: No. That's my ruling. Let's
20 move on.

21 MR. DEAGUERO: Okay, Judge, I just want my
22 objection for the record.

23 THE COURT: You have your objection.

24 (Before the jury:

25 MR. DEAGUERO: May I approach the bench one

1 more time?

2 THE COURT: Yes, sir.

3 (At the bench on the record:

4 MR. DEAGUERO: Judge, I can certainly ask
5 who was and who was not there when those statements were
6 being made.

7 THE COURT: No.

8 MR. DEAGUERO: I can't do that either?

9 THE COURT: No.

10 (Before the jury:

11 Q. (By Mr. Deaguero) Okay, Mrs. Beechler --

12 MR. HEATLY: Your Honor, I would object at
13 this time. It's the second time he's referred to as
14 Mrs. Beechler. She's a doctor, Dr. Beechler.

15 THE COURT: Oh, that's all right. It's
16 overruled. Call her doctor or miss, whatever you think
17 is proper. Now, let's move on.

18 MR. DEAGUERO: Yes, sir.

19 Q. (By Mr. Deaguero) Dr. Beechler, have you ever
20 been a victim of domestic violence?

21 A. Yes.

22 Q. You have? Would you relate the circumstances
23 of that, please?

24 MR. HEATLY: Your Honor, I'd object to
25 relevance.

1 THE COURT: Sustained.

2 MR. DEAGUERO: Your Honor, may be approach
3 on that one?

4 THE COURT: No. All right, go ahead,
5 Mr. Deaguero.

6 Q. (By Mr. Deaguero) Dr. Beechler, you testified
7 about abused persons and I think you're just talking
8 generally and perhaps -- correct me if I'm wrong ---
9 correct me if I'm wrong, your testimony here was not
10 case specific to this case, am I correct?

11 A. That's correct.

12 Q. It's not case specific, okay. Now, would it be
13 fair to say that there can be a lot of stressors in a
14 person's life over which the other significant person
15 has no control, be fair to say that?

16 A. Other stressors where the other person might
17 not have --

18 Q. Sure. I mean if -- if -- if somebody's mother
19 dies, you're not going to blame that on the significant
20 other, are you?

21 A. Probably not.

22 Q. Or if the grandmother dies, you wouldn't blame
23 that on the significant other either, would you?

24 A. Probably not.

25 Q. Or the previous husband dies in an automobile

1 accident, you wouldn't blame that on the significant
2 other either, would you?

3 A. Likely not.

4 Q. Or if the employee dismissed somebody for
5 whatever reason and the reputed victim gets stressed
6 some more, you wouldn't blame that on the significant
7 other either, would you?

8 A. Well, it could depend. If the person loses
9 their job and claims you made me late all the time or
10 because you kept me up and I lost my job, this could go
11 both ways.

12 Q. Now, in connection with this case you don't
13 know if those facts could be -- exist, do you?

14 A. No, I do not.

15 Q. There could simply be the matter of somebody's
16 budget. A person, let's say, if somebody is living on
17 social security, that's not very much money to live on,
18 is it?

19 A. No.

20 Q. That might make anyone a little testy about how
21 money is spent?

22 A. That's correct.

23 Q. And then someone could have stress simply
24 because you know they're -- they're -- they're simply --
25 let's say they're -- counsel made reference to a car,

1 okay, a car. A person can lose access to their own car
2 for a lot of reasons having nothing to do with a
3 significant other, be fair to say that?

4 A. It would be fair, yes.

5 Q. And the fact is the car might be broken or
6 doesn't work, correct?

7 A. Correct.

8 Q. Or the stressed out person simply doesn't have
9 a driver's license. That could cause a person not to
10 drive their car, correct?

11 A. Possibly.

12 Q. And that would have nothing to do with the
13 other person, would it?

14 A. No, not necessarily.

15 Q. And, now -- now, is it consistent with the
16 attitude of a domineering or call a controlling
17 person -- the controlling person to simply desire that
18 she go away, okay? Are those the actions of a
19 controlling person to release somebody, to be willing to
20 release somebody? Is that -- are those the actions of
21 the controlling person?

22 A. It doesn't seem to make sense that if you want
23 someone under control that you would send them away. Is
24 that what you are asking?

25 Q. Yes.

1 A. Okay.

2 Q. That's okay. So you might have a person that's
3 simply stressed out and really down about things for
4 factors that really have nothing to do with the other
5 person?

6 A. That still doesn't give anyone an excuse to
7 take out their stress on that other person.

8 Q. I'm sorry, say that again, please.

9 A. Stress cannot be an excuse for them --

10 Q. Okay, fine.

11 A. --- to be abusive toward another person.

12 Q. All right. Now, these cases that you work on,
13 they all involved -- most of them were domestic violence
14 where the male is the perpetrator, correct?

15 A. That is correct.

16 Q. And you've been working on this for something
17 like 20 some plus years?

18 A. 20 plus a few.

19 Q. Do you have an attitude towards men?

20 A. Oh, I hope not, no.

21 Q. Okay. It doesn't necessarily mean a man is
22 going to be just a devil, is it?

23 A. Oh, not at all, sir.

24 Q. And in the area of domestic violence, I respect
25 that but there is a question I have here. To what

1 extent in the United States or do you have any
2 statistics or numbers of how many women kill their
3 children every year in the United States?

4 MR. HEATLY: Your Honor, objection,
5 relevance.

6 THE COURT: Overruled.

7 A. I can answer the question.

8 Q. (By Mr. Deaguero) Yes, ma'am.

9 A. I have no idea.

10 Q. Be fair to say it's significant to take notice
11 of, isn't it?

12 A. I have no idea, sir, so I wouldn't want to say.

13 Q. Okay, but you say this is your area of
14 expertise, domestic violence.

15 A. Domestic violence but not matricide.

16 Q. Not what?

17 A. They call it matricide, I believe, where a
18 mother kills her child. I'm not an expert in that area.

19 Q. Okay. Well, why are you not an expert in that
20 area?

21 A. Why am I not?

22 Q. Yes, ma'am.

23 A. I've never had an occasion to meet with someone
24 who's killed their child. I've never studied in that
25 area.

1 Q. Okay. But your testimony you've been over 20
2 years in the area --

3 A. I've been in domestic violence but domestic
4 violence is entirely different from a mother killing her
5 child.

6 Q. Does -- does -- does a person that's
7 traumatized or a victim of domestic violence, you call
8 it -- what was the term you used?

9 A. I may be wrong. I think it matricide,
10 matricide.

11 Q. I'm sorry, let me ask another question. I just
12 want to give my terms straight.

13 A. I may not give you the right term.

14 Q. In connection with domestic violence and
15 controlling people and a person who is controlled, okay,
16 does that -- does that -- does it necessarily relieve
17 the controlled person of their -- of their free will?

18 A. I'm going to paraphrase this because I'm not
19 sure where you are going. You are asking me if a
20 controlled person by controlling somebody else they are
21 relieved of their free will?

22 Q. Yeah, I realize it's probably an extreme case
23 and I'm sure there is a whole spectrum of -- of
24 essentially where somebody is abused and controlled, but
25 be fair to say it would be a very extreme case where

1 somebody loses complete control over their own free
2 will? Be fair to say that?

3 A. I don't know how to answer that. I really
4 don't know what you are referring to. When you are
5 talking about free will, I'm really kind of lost on that
6 part.

7 Q. Okay. That is to say -- be fair to say that
8 someone even who's stressed or extremely stressed, they
9 don't lose personal responsibility for their actions, do
10 they?

11 A. They can.

12 Q. In a very extreme case?

13 A. Sure.

14 Q. What kind of case would that be?

15 A. I think -- I think I mentioned earlier that
16 someone -- if you are trying to make a correlation
17 between just stress you know and abuse or just stressed
18 individuals, not every person who is stressed is an
19 abuser. We all live with stress in our lives, but if
20 you are making a correlation between domestic violence
21 and stress, as stress being a causation of domestic
22 violence, then I really believe that part of what I have
23 seen is that it gives a man an excuse to say I couldn't
24 help myself, I don't have the free will. Is that an
25 answer?

1 Q. Well, that is your answer?

2 A. That is my answer.

3 Q. I want to make sure before I leave this one
4 topic to cover this. But all your experience has never
5 involved a situation involving a mother killing the
6 children?

7 A. That is correct.

8 Q. Okay. Oh, yeah, is there usually a timeframe
9 involving you know the onset of dominance? I mean when
10 people get together and then the dominance factor that
11 starts building up, what's the usual -- is there a
12 timeframe for that?

13 A. There really isn't anything set in stone. I
14 wish there were that you could really nail it in that
15 perspective, but typically, it happens over a period of
16 time. Sometimes it can happen over a period of months.
17 Sometimes it can happen, the dominance can begin as
18 quickly as two weeks, so there is really no set answer
19 for that, sir.

20 Q. I realize that might be the case, but you don't
21 go from day one and day 35 to where the victim is
22 completely overcome? That would have to be an extreme,
23 extreme case, fair to say that?

24 A. I don't know. Under the circumstances, I think
25 it could happen in a very, very short period of time.

1 MR. DEAGUERO: May I speak with counsel for
2 a minute, judge?

3 THE COURT: Sure.

4 (Off the record discussion.)

5 MR. DEAGUERO: And I pass the witness,
6 Judge.

7 THE COURT: All right. Mr. Heatly.

8 REDIRECT EXAMINATION

9 BY MR. HEATLY:

10 Q. Dr. Beechler, we talked about the power and
11 control wheel?

12 A. Correct.

13 Q. And we went over that?

14 A. Right.

15 Q. For a bit earlier?

16 A. Right.

17 Q. When -- When does that cycle of power and
18 control end?

19 A. It ends when the victim leaves.

20 Q. And I wanted to talk to you a little bit about
21 you talked about the planning ahead or inability to plan
22 ahead.

23 A. Uh-huh.

24 Q. And could you explain again in your experience
25 with victims what it is that they're trying to do when

1 they are in a relationship like that?

2 A. They are trying to stay safe at that point.
3 They are trying to make sure that their house is exactly
4 the way the abuser wants it, that everything when he's
5 around, everything is running in such a state to not
6 cause anyone to become abused, not herself or her
7 children, so she's trying to modify her behavior and the
8 behavior of her children to make sure there is no --
9 there is no incidents in the house that evening, or that
10 afternoon, or that morning, whatever.

11 Q. And from your experience, what is that victim
12 focusing on each day?

13 A. The victim is focusing on that day and on
14 keeping herself safe that day.

15 MR. HEATLY: No further questions, Judge.

16 THE COURT: Mr. Deaguero.

17 MR. DEAGUERO: Judge, just matters we take
18 up with you as we discussed at the bench. Other than
19 that, I have no questions.

20 THE COURT: All right.

21 MR. DEAGUERO: And that she be subject to
22 recall.

23 THE COURT: All right, you may step down,
24 ma'am.

25 THE WITNESS: Thank you, sir.