

DGH

Agency Taking Report:  
Martin County Sheriff's Office  
Officer: Det. Monica Jensen  
Case No.:03-09988

COMPLAINT AFFIDAVIT

DEFENDANT: Billy Earl Banks Sr. (BEB) ALIAS:  
ADDRESS: - HOME:  
WORK:  
  
PHONE: HOME:  
WORK:

PHYSICAL DESCRIPTION:

AGE: 67 D.O.B.: 5-31-36  
RACE: W HGT: HAIR:  
SEX: M WT: EYES:

TYPE OF COMPLAINT: Sexual Battery on Child Under 12 Years of Age - FSS 794.011(2)(a)  
Times 5

DATE/TIME OF OCCURRENCE: 11-'65 through 11-'66 AT ages of 5 & 6  
OFFENSE LOCATION: Martin County, FL

DATE/TIME OF OCCURRENCE: 11-'66 through 11-'67 AT ages of 6 & 7  
OFFENSE LOCATION: Martin County, FL

DATE/TIME OF OCCURRENCE: 11-'67 through 11-'68 AT ages of 7 & 8  
OFFENSE LOCATION: Martin County, FL

DATE/TIME OF OCCURRENCE: 11-'68 through 11-'69 AT ages of 8 & 9  
OFFENSE LOCATION: Martin County, FL

DATE/TIME OF OCCURRENCE: 11-'69 through 11-'70 AT age of 9  
OFFENSE LOCATION: Martin County, FL

COMPLAINANT: Det. Monica Jensen  
ADDRESS: HOME:  
WORK: 800 S.E. Monterey Road, Stuart, FL 34994  
  
PHONE: HOME: WORK: 220-7060

NATURE OF COMPLAINT:

CHARGE & FSS NO.: Sexual Battery on Child - FSS 794.011(5)(b)

CASE NO.: 03-09988

DEF: Billy Earl Banks

DET: Monica Jensen

8-25-2003

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VICTIM (IF DIFFERENT): DGH (W/F Age: 5, 6, 7, 8, and 9 at times of offenses, DOB: 11-14-60)

ADDRESS: See confidential report.

WITNESSES: SB (DOB: 5-22-86 - see confidential report)

ADDRESS:

NAME: TBM (DOB: 6-09-82 - see confidential report)

ADDRESS:

NAME:

ADDRESS:

NATURE OF COMPLAINT: See attached

NATURE OF COMPLAINT:

CHARGE & FSS NO.: Sexual Battery on Child - FSS 794.011(5)(b)

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8-25-2003

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On July 30, 2003 at 9:00 a.m., Det. Buchanan and I began a taped statement of DGH at an undisclosed location in Martin County. DGH swore to tell the truth throughout the interview.

DGH advised she was forty-two years of age, born in 1960. DGH advised that when she was five years of age she went to spend the night with her [redacted] who lived in Jensen Beach in Martin County. While spending the night, BEB came into the room to tuck them in. DGH said at this time BEB began fondling her breast and vagina over her clothing. The next day while DGH and her [redacted] were taking a shower, BEB opened the shower curtain and touched both of them on their naked breast.

DGH described another incident that took place in a wooded area at the intersection [redacted]. DGH advised that BEB took his [redacted] and DGH in the truck to that area to have sexual intercourse. DGH advised she told BEB that it was that time of the month for her and BEB got angry. BEB took his own [redacted] into the woods in sight of DGH and had sexual intercourse with her. DGH advised she was still in elementary school at the time of this incident.

DGH advised that BEB began having sexual intercourse with her when she was five or six years of age. BEB and DGH would have sexual intercourse in his truck at different locations in Martin County.

DGH advised that BEB would have sexual intercourse with her approximately once a month since 1965 until she turned 9 years of age.

At age 13, DGH was impregnated by BEB in South Carolina and was taken to a hospital in Atlanta, Georgia to have and [redacted] JL, her [redacted] took her to the hospital. JL and her [redacted] BL both knew that BEB was the [redacted] to the unborn fetus.

DGH stated that at age 9 while in Martin County, her [redacted] JL, began fondling her above and inside her clothing. He would touch her breast and vagina. DGH advised her [redacted] moved from Martin County when she was nine years of age. DGH stated her [redacted] JL, began having sexual intercourse with her at age 9 in Pickens County, South Carolina and this continued until was sixteen years of age. (See statement for details.)

At the conclusion of our interview with DGH, she gave us an address where she could be contacted after November 24, 2003. Until that date, DGH will be residing at an undisclosed location.

NATURE OF COMPLAINT:

CHARGE & FSS NO.: Sexual Battery on Child - FSS 794.011(5)(b)

CASE NO.: 03-09988

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On August 18, 2003, Det Sgt. John Cummings, Lt. J.B. Kelley and I met with MAB [redacted] Pickens, SC. We conducted a taped interview of MAB. MAB confirmed all the information that DGH had given us. MAB advised that she remembered BEB having sexual relationship with DGH and herself while living in Martin County.

MAB stated that at age 9, DGH had moved to Pickens S.C. MAB told us that her [redacted] would visit Pickens at least once a year for vacations. MAB stated that she did not know who the [redacted] of DGH's baby was, however she remembered a [redacted] saying it was his. MAB clarified that the incident between DGH, BEB, and herself had to have happened at their [redacted] (BEB'S [redacted]), in South Carolina.

During the interview with MAB she advised that BEB had sexual intercourse with her from the age of 5 to age 16 while they were living in Martin County, Florida. MAB also stated that BEB would tell her he was preparing her for marriage. MAB advised that she was now in therapy for what had happened to her. (See taped statement for further details.)

During my interview with MAB, Sgt. Det. Cummings and Lt. J.B. Kelley left and walked to the residence of BEB to conduct a taped statement. During this interview BEB denied anything ever happening sexually with any of the victims. BEB stated that his [redacted] J.L. had accused him of impregnating DGH, however BEB stated that was because nobody liked him. BEB then stated that DGH got pregnant by her [redacted] [redacted]. BEB continued to pass the blame onto his [redacted].

BEB did confirm that while he lived in Martin County he use to take DGH and MEB in his pick-up truck. After BEB was confronted with all the allegations against him, he stated, "I don't know how you could prove it, that many years ago. Don't have the slightest idea." BEB also stated that TBM and SB possibly could have seen his penis if they walked in on him in the bathroom. BEB was asked if he would take a CVSA if needed. He stated he didn't believe in them.

After these interviews, Det. Sgt. Cummings, Lt. J.B. Kelley and I drove to interview JLB and BB who also live in Pickens, South Carolina. We advised BB of the allegations and that BEB stated that BB's [redacted] had gotten DGH pregnant when she was 13. BB just started to laugh and said, "That is so funny." BB did confirm that DGH was pregnant at 13 years of age and the [redacted]. BB went on to say that DGH was not a problem child until she got divorced years after the pregnancy. BB also stated that if BEB was messing with DGH, we needed to talk to MAB because BEB was probably messing with her too.

NATURE OF COMPLAINT:

CHARGE & FSS NO.: Sexual Battery on Child - FSS 794.011(5)(b)

CASE NO.: 03-09988

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BB said that she had never seen BEB messing with anybody but there has always been talk that he messed with young girls. BB also confirmed the existence of the that DGH mentioned to us in her interview. BB told us that JL and owned property together in Pickens, South Carolina. BB also confirmed that when they lived in Martin County, she had allowed DGH to spend the night at BEB's home at least once a month.


When we spoke with JLB and advised him that BEB had blamed DGH's pregnancy on his - JLB stated, "That's a bunch of bull." JLB admitted confronting BEB about getting DGH pregnant but said BEB denied it. JLB also confirmed that DGH and it was his friend who said it was the best thing they could do. JLB advised that a confirmed the pregnancy and that lives in Pickens County. Later during the interview, both JLB and BB admitted that DGH had told them it was BEB who had gotten her pregnant. (See taped statement for further details.)

After the interviews were completed, Lt. J.B. Kelly advised he would work on any charges that had happened in his jurisdiction. Once all our tapes were transcribed, copies would be sent to Lt. J.B. Kelly.

After confirming all the statements that DGH had made in her interviews, charges of Sexual Battery on a Child Less Than 12 will be filed against BEB. While in Martin County, beginning in November 1965 through November of 1970, BEB had sexual intercourse at least once a month with DGH. These incidents happened at various locations in Martin County in BEB's pick-up truck. At the time of the incidents, white female, DGH, was between the ages of 5 and 9 years old and white male, BEB, was between the ages of 29 and 33 years old.

I swear the above statement  
is correct and true to the best  
of my knowledge and belief.

  
LEO ASA/Notary Public

  
Affiant's Signature

Sheriff's Office  
Agency ORI: FLO430000

Case Reference: SUPPLEMENT 1

Orig.  Supp.   
Date Reported: 7-18-03

OFFENSE #1: SEXUAL BATTERY ON CHILD - FSS 794.011(2) (a)  
 OFFENSE #2: LEWD AND LASCIVIOUS MOLESTATION - FSS 800.04(5) (b)  
 LOCATION: MARTIN COUNTY (SEE CONFIDENTIAL REPORT)  
 VICTIM #1: TBM (SEE CONFIDENTIAL REPORT)  
 VICTIM #2: SB (SEE CONFIDENTIAL REPORT)  
 VICTIM #3: DGH (SEE CONFIDENTIAL REPORT)  
 SUSPECT: BEB (SEE CONFIDENTIAL REPORT)  
 W/F AGE 67  
 WITNESS #1: MAB (SEE CONFIDENTIAL REPORT)  
 W/F AGE 42  
 WITNESS #2: JLB (SEE CONFIDENTIAL REPORT)  
 W/M AGE 65  
 WITNESS #3: BB (SEE CONFIDENTIAL REPORT)  
 W/F AGE 64  
 WITNESS #4: MP (SEE CONFIDENTIAL REPORT)  
 W/F AGE 19

LAW  
 ENFORCEMENT: PICKENS COUNTY SHERIFF'S OFFICE  
 LT. J.B. KELLEY  
 216 LEC ROAD  
 PICKENS SC 29671  
 864-898-5529 WORK  
 864-898-5510 FAX  
 DETECTIVE SGT. JOHN CUMMINGS  
 DETECTIVE MONICA JENSEN  
 800 SE MONTEREY ROAD  
 STUART FL 34994  
 772-220-7060 WORK  
 772-220-7083 FAX

OFFICER REVIEWING: \_\_\_\_\_ ID/OSN #: \_\_\_\_\_ DATE: \_\_\_\_\_ REPORT CONTAINS: \_\_\_\_\_

CASE STATUS:  Open  Suspended  Cleared - DATE CLEARED: \_\_\_\_\_  
 CLEARANCE INFO.:  Exceptional -  Extradition Declined  Death of Offender  Juvenile-No Custody  
 Arrest on Primary Offense Secondary Offense Without Prosecution  
 V/W Refused to Cooperate  Prosecution Declined

Unfounded  
 Arrest - No. Arrested: \_\_\_\_\_  Adult  Juvenile OBYS #: \_\_\_\_\_

Sheriff's Office  
Agency ORI: FLO430000

Case Reference: SUPPLEMENT 1

Orig.  Supp.   
Date Reported: 7-18-03

NARRATIVE:

On August 18, 2003, Det. Sgt. John Cummings and I met with Lt. J.B. Kelley at Pickens County Sheriff's Office in South Carolina. We advised Lt. J.B. Kelley the details of the case we were working in Martin County Florida. We also advised Lt. Kelley of the pending charges we had and advised him that some of the allegations occurred in Pickens County. Lt. Kelley offered his assistance by helping us locate the individuals we wished to interview and accompanied us on our interviews.

On August 18, 2003, Det Sgt. John Cummings, Lt. J.B. Kelley and I met with MAB at Pickens, SC. We conducted a taped interview of MAB. MAB confirmed all the information that DGH had given us. MAB advised that she remembered BEB having sexual relationship with DGH and herself while living in Martin County.

MAB stated that at age 9, DGH had moved to Pickens S.C. MAB told us that her would go visit Pickens at least once a year for vacations. MAB stated that she did not know who the of DGH's baby was, however she remembered a saying it was his. MAB clarified that the incident between DGH, BEB, and herself had to have happened at their home (BEB'S in S.C.

During the interview with MAB she advised that BEB had sexual intercourse with her from the age of 5 to age 16 while they were living in Martin County FL. MAB also stated that BEB would tell her he was preparing her for marriage. MAB advised that she was now in therapy for what had happened to her. (see taped statement for further details)

During my interview with MAB, Sgt. Det. Cummings and Lt. J.B. Kelley left and walked down to the residence of BEB to conduct a taped statement. During this interview BEB denied anything ever happening sexually with any of the victims. BEB stated that his , JL, had accused him of impregnating DGH, however BEB stated that was because nobody liked him. BEB then stated that DGH got pregnant by her BEB continued to pass the allegations onto his

BEB did confirm while he lived in Martin County he use to take DGH and MEB in his pick-up truck. After BEB was confronted with all the allegations against him, he stated, "I don't know how you could prove it that many years ago. Don't have the slightest idea."  
BEB also stated that his TBM and SB possibly could have seen his penis if they walked in on him in the bathroom. BEB was asked if he would take a CVSA if needed, he stated he didn't believe in them.

OFFICER REVIEWING: \_\_\_\_\_ ID/OSN #: \_\_\_\_\_ DATE: \_\_\_\_\_ REPORT CONTAINS: \_\_\_\_\_

CASE STATUS:  Open  Suspended  Cleared - DATE CLEARED: \_\_\_\_\_  
CLEARANCE INFO.:  Exceptional -  Extradition Declined  Death of Offender  Juvenile-No Custody  
 Arrest on Primary Offense  Secondary Offense Without Prosecution  
 V/W Refused to Cooperate  Prosecution Declined  
 Unfounded  
 Arrest - No. Arrested: \_\_\_\_\_  Adult  Juvenile OBTs #: \_\_\_\_\_ Page 2 of 4

Sheriff's Office

Orig.  Supp.

Agency ORI: FLO430000

Case Reference: SUPPLEMENT 1

Date Reported: 7-18-03

After these interviews Det. Sgt. Cummings, Lt. J.B. Kelley and I drove over to interview JLB and BB also living in Pickens South Carolina. We had advised BB the allegations that BEB stated that BB's had gotten DGH pregnant when she was 13. BB just started to laugh and said "that is so funny." BB did confirm that DGH was pregnant at 13 years of age and the baby was BB went on to say that DGH was not a problem child until she got divorced years after the pregnancy. BB also stated that if BEB was messing with DGH we needed to talk to MAB, because BEB was probably messing with her too.

BB said that she had never seen BEB messing with anybody but there has always been talk that he messed with young girls. BB also confirmed the existence of the attorneys named that DGH told us in her interview. BB told us that JL and the owned property together in Pickens, South Carolina. BB also confirmed that when they lived in Martin County she had allowed DGH to spend the night at BEB's home at least once a month.

When we spoke with JLB and advised him that BEB had blamed DGH's pregnancy on his JLB stated, "that's a bunch of bull". JLB admitted confronting BEB about getting DGH pregnant but said BEB denied it. JLB also confirmed that DGH had an and it was his friend who said it was the best thing they could do. JLB advised that a Dr. Malden confirmed the pregnancy and he still was in Pickens County.

Later during the interview both JLB and BB admitted that DGH had told them it was BEB who had gotten her pregnant. ( see taped statement) for further details.

We then went to Pickens High School and interviewed the of DGH who is currently living with JL and BB. MP did not disclose any kind of sexual abuse ever happening to her.

After the interviews were completed Lt. J.B. Kelly advised he would work on any charges that had happened in his jurisdiction. Once all our tapes were transcribed copies would be sent to Lt. J.B. Kelly. Lt. J.B. Kelly would also be made aware when our warrants would be put in the system.

After confirming all the statements that DGH had made in her interviews charges of Sexual Battery on a child less than 12 will be filed against BEB. In Martin County beginning in November 1965 until November of 1970, BEB had sexual intercourse at least once a month with DGH. These incidents happened in various locations in Martin County in BEB's pick-up truck. At the time of the incidents DGH a white female between the ages of 5 and 9 years old. BEB was a white male between the ages of 29 and 33 years old.

CASE STATUS: OPEN/PENDING WARRANTS

OFFICER REVIEWING: \_\_\_\_\_ ID/OSN #: \_\_\_\_\_ DATE: \_\_\_\_\_ REPORT CONTAINS: \_\_\_\_\_

CASE STATUS:  Open  Suspended  Cleared - DATE CLEARED: \_\_\_\_\_  
 CLEARANCE INFO.:  Exceptional -  Extradition Declined  Death of Offender  Juvenile-No Custody  
 Arrest on Primary Offense  Secondary Offense Without Prosecution  
 V/W Refused to Cooperate  Prosecution Declined  
 Unfounded  
 Arrest - No. Arrested: \_\_\_\_\_  Adult  Juvenile OBTS #: \_\_\_\_\_

Sheriff's Office  
Agency ORI: FLO430000

Case Reference: SUPPLEMENT 1

Orig.  Supp.   
Date Reported: 7-18-03

DATE OF REPORT: 08/25/03

SIGNATURE: Det. Monica Jensen 615/0636 DATE: 08-26-03  
Det. Monica Jensen / 615/0636

mj/08-25-2003

OFFICER REVIEWING: [Signature] ID/OSN #: 610 374 DATE: 8/26/03 REPORT CONTAINS: \_\_\_\_\_

CASE STATUS:  Open  Suspended  Cleared - DATE CLEARED: \_\_\_\_\_  
CLEARANCE INFO.:  Exceptional -  Extradition Declined  Death of Offender  Juvenile-No Custody  
 Arrest on Primary Offense  Secondary Offense Without Prosecution  
 V/W Refused to Cooperate  Prosecution Declined

Unfounded  
 Arrest - No. Arrested: \_\_\_\_\_  Adult  Juvenile OBTS #: \_\_\_\_\_

1 attorneys will have an opportunity, if they wish, to make  
2 their Opening Statements during which they may give you a  
3 summary of the facts that they expect the evidence will show.

4 Ms. Nelson?

5 MS. NELSON: Good morning.

6 JURY PANEL: Good morning.

7 MS. NELSON: The evidence is going to prove that the  
8 Defendant, Billy Banks, actually molested his daughter, M.  
9 A. B. , and sexually molested his niece, D. G. B.  
10 What the evidence is going to show is that that back in the  
11 1960s both girls, M. A. B. and D. G. B. , grew up  
12 here in Martin County and they were cousins, D. G. B.  
13 was adopted into the Banks' family and they were close  
14 cousins, they were actually more like sisters and what the  
15 evidence is going to show is that D. G. , who she goes by  
16 the name of G. , she used to come over, would go over to the  
17 Banks' house almost every weekend and stay with M. A. , her  
18 cousin, and around the time that she was five or six years old  
19 the evidence is going to show that she's a year older than  
20 M. A. , the Defendant began molesting the girls and he began  
21 molesting his own daughter back in the 1960s and what you'll  
22 hear is that this occurred on a regular basis with M. A. ,  
23 the Defendant's daughter, and it started with the Defendant  
24 having M. A. perform oral sex on him and it escalated to  
25 the point where the Defendant was actually performing sexual

1 intercourse on M A and that began as a young child. D  
2 G , and these are now both adult women who are in their 40s,  
3 she's going to tell you that the Defendant and M A used  
4 to go over to her house to pick her up to come and spend the  
5 weekend at the Banks' home and when the Defendant would come  
6 over to G 's house to pick her up instead of taking the  
7 girls back to his house, the Defendant would take them, drive  
8 them through Martin County to a wooded area and he would have  
9 the girls get out of the truck and then he would have one girl  
10 take her clothes off and would position the girls at the edge  
11 of the truck inside the cab of the truck and he would have sex  
12 and he would have the other girl watch and then when he was  
13 done, he would trade places, have the other girl, the next  
14 girl, sit in the car, the cab of the truck, and he would have  
15 sex with the other girl while each one watched, this occurred  
16 on a regular basis, it occurred more so for M A cause she  
17 was obviously living there at the house, it was only on  
18 weekends when G would come and visit that it occurred.  
19 When the Defendant would take G home after spending the  
20 weekend, he would do the same thing, he would drive the girls  
21 into the woods and would proceed to have sex, sexual  
22 intercourse, with both girls while the other one watched, this  
23 occurred until the girls got older, grew up and M A . what  
24 she's going to tell you was that because this was how she grew  
25 up, she didn't realize, she didn't know that this wasn't

1 normal, that this did not happen in other families. The girls  
2 didn't tell anybody until they were older and G. told her  
3 parents and M. A. told her mother, M. A. said, "Dad's  
4 hurting me" and nothing was done by the families, it was just  
5 kind of "swept under the carpet", nothing was done until the  
6 women reached the age of being in their 40s and what you're  
7 going to hear is that M. A. had some problems in her  
8 marriage, she had problems because of what her father had done  
9 to her and she finally told her husband what had happened and  
10 her husband encouraged her to go to counseling, which she did.  
11 G. as an adult had problems because of what her uncle, the  
12 Defendant, had done to her and she turned to drugs, she turned  
13 to cocaine to numb herself and it wasn't until she had to go  
14 into a drug rehab center and she got counseling that she  
15 finally had told somebody what had happened, she finally told  
16 them what her uncle, the Defendant, had done to her years and  
17 years before and at that time when G. told the counselor,  
18 she also contacted law enforcement, G. gave a statement to  
19 law enforcement to Detective Monica Jensen and when G. gave  
20 a statement, G. told law enforcement that she had also  
21 witnessed the Defendant having sex with her cousin, M. A.,  
22 and she explained what had happened years and years earlier.  
23 And what you're going to hear is that M. A. never, ever  
24 reported this to law enforcement, after they spoke to G.,  
25 law enforcement went up to South Carolina where M. A. was

1 living at the time and they went up unannounced, unexpected  
2 and knocked on M A 's door and you're going to hear at the  
3 time M A was living right by her parents, the Defendant,  
4 and his wife and they knock on the door and they ask to talk  
5 to her, M A was very, very reluctant because this is her  
6 father and no matter what he did to her, she still loved him.  
7 She gave them a taped statement eventually very, very  
8 reluctantly confirmed what G had told the police, that her  
9 father, the Defendant, had sexual intercourse with her when  
10 she was a child.

11 Now, you're also see letters that the Defendant wrote to  
12 his daughter, M A , where he said that he's sorry if he  
13 ever hurt M A or G , but he can't remember everything  
14 that he did, but that he still loved her.

15 And that is the evidence that the State anticipates  
16 you're going to hear during this trial and at the close of the  
17 case, the State is confident that we will have proven each of  
18 these crimes to you beyond a reasonable doubt.

19 THE COURT: Thank you. Does the Defense wish to make an  
20 Opening?

21 MS. GOWEN: Yes, sir.

22 Good morning, Ladies and gentlemen of the jury, my name  
23 again is Deborah Gowen and my partner, Mitchell Tyre, is also  
24 here today, we represent Billy Banks in this case. What  
25 you're going to find as you listen to the evidence in this

1 APRIL 26, 2005:

2 (TRANSCRIBER NOTE: Continued from Volume I)

3 WHEREUPON,

4 D G H

5 called as a witness on behalf of the State,  
6 being first duly sworn, testified as follows:

7 DIRECT-EXAMINATION

8 BY MS. NELSON:

9 Q Ma'am, please tell the jury your name.

10 A D G H

11 Q Where do you currently live?

12 A South Carolina.

13 Q How long have you lived in South Carolina?

14 A Since last September.

15 Q Does anyone live there with you in South Carolina?

16 A Just my boyfriend, I live with my boyfriend.

17 Q Do you have any children?

18 A Yes, I do, one daughter.

19 Q And how old is your daughter?

20 A She's 20.

21 Q Do you know Billy Banks?

22 A Yes, I do, he's my uncle.

23 Q Do you see him here in the courtroom?

24 A Yes, I do.

25 Q And if you want, can you describe where he's --

1 where he is seated and the clothing that he's wearing?

2 A Yellow shirt, gray pants.

3 Q Seated to your left?

4 A Yes.

5 MS. NELSON: Your Honor, may the record reflect that the  
6 witness has identified the clothing that the Defendant's  
7 wearing and where he's seated?

8 THE COURT: The record will reflect that she has pointed  
9 to the Defendant and described his clothing in court.

10 BY MS. NELSON:

11 Q How is the Defendant your uncle, how are you  
12 related?

13 A He's my father's brother.

14 Q What is your father's name?

15 A J.L. Banks.

16 Q Did you ever live here in Florida?

17 A Yes, I did.

18 Q When did you live in Florida?

19 A I was born and raised in Florida.

20 Q How long did you stay here until you moved to North  
21 Carolina?

22 A South Carolina.

23 Q South Carolina.

24 A I think I was 12 years old.

25 Q When you moved?

1 A Yes, 11, 12 years old.

2 Q When you were living in Florida, where did you live?

3 A Jensen Beach.

4 Q And that's here in Martin County?

5 A Yes, ma'am.

6 Q When did you first have any type of contact with the  
7 Defendant, your uncle?

8 A Five years old.

9 Q I'm sorry?

10 A Five years old, 1965.

11 Q How old are you presently?

12 A How old am I? 44.

13 Q What is your --

14 THE COURT: I'm sorry, your age again, please?

15 THE WITNESS: Pardon?

16 THE COURT: I couldn't hear your age.

17 THE WITNESS: 44.

18 THE COURT: Thank you.

19 BY MS. NELSON:

20 Q And what is your date of birth?

21 A 11-14-60.

22 Q When you were five years old you said you had your  
23 first contact with the Defendant, do you remember the nature  
24 of that contact?

25 A Yeah, my cousin and I were laying in bed and he came

1 in to tuck --

2 Q When you say -- when you say your "cousin", who are  
3 you referring to?

4 A M A B . We were laying in bed and he came  
5 to tuck us in and he started fondling us.

6 Q Where were you at when that happened?

7 A In the bedroom in the bed.

8 Q And whose bedroom?

9 A M A .

10 Q And what were you doing at M A ?

11 A Just spending the night with her.

12 Q Can you describe --

13 (TRANSCRIBER NOTE: Background talking at this point)

14 THE COURT: Can I stop you for a second? That hallway is  
15 out of control, either they need to keep it down, please, or  
16 they need to leave the hallway. I'm terribly sorry, but it's  
17 been a constant problem all morning.

18 BY MS. NELSON:

19 Q Can you describe what your relationship was like  
20 with M A ?

21 A We were like sisters, we were really close, we spent  
22 a lot of time together.

23 Q When you say that you "spent a lot of time  
24 together", can you explain to the jury so they understand what  
25 exactly you're talking about?

1           A     We only lived like two houses down from each other  
2 and we played together all the time, I spent the night with  
3 her pretty frequently.

4           Q     Were you the same age as M     A     ?

5           A     She's a year younger than me.

6           Q     After you described that first time of the Defendant  
7 came into the bedroom and fondling you, what exactly did he  
8 do?

9           A     He touched my breasts and my privates.

10          Q     After that did you have a conversation with M     A  
11 about what had happened?

12          A     Yeah, I rolled over and asked her, I said, "Has he  
13 ever done this before," and she said, "Yes."

14          Q     Do you remember what time of day it was or if it was  
15 eveningtime, nighttime?

16          A     It was nighttime.

17          Q     After that happened, do you believe that was when  
18 you were five?

19          A     Yes.

20          Q     Would that have been prior to you starting school?

21          A     I don't think I started school right then, that year  
22 I'm sure I did cause the -- the school was just like down the  
23 road, I don't think I had started school just yet.

24          Q     Did you tell anybody what had happened after that?

25          A     No, ma'am.

1 Q After that first occasion did you continue to play  
2 and see M A ?

3 A Yes.

4 Q How often did you see each other?

5 A Every day.

6 Q Would you stay over at the Banks' home on the  
7 weekends?

8 A Yes.

9 Q And how often?

10 A Every weekend.

11 Q Every weekend?

12 A Uh-huh.

13 Q You have to answer out loud.

14 A Eery weekend. I'm sorry.

15 Q After that initial time did anything else happen?

16 A Yeah, there was an incident where we were in the  
17 shower and he came in and opened the shower curtain and  
18 started playing with our breasts.

19 Q When you say "he", you're referring to the  
20 Defendant, --

21 A Yes.

22 Q -- your uncle?

23 A Yes.

24 Q Do you remember when that was?

25 A It was -- it was the same day.

1 Q The same day, you would have been five years old?

2 A The -- the same day that he came in that night.

3 Q Did you tell anybody about what had happened?

4 A No.

5 Q Did the Defendant say anything to you when he did  
6 that?

7 A Not that I can recall, no.

8 Q Why didn't you say anything to your father and  
9 mother that time?

10 A He told me not to.

11 Q When you say "he", you're referring to --

12 A My uncle.

13 THE COURT: Ladies, I need to have one voice at a time,  
14 please wait until the question's finished before --

15 THE WITNESS: I'm sorry.

16 THE COURT: -- giving the answer. Ma'am, please wait  
17 until the answer to be finished before the next question,  
18 thank you.

19 MS. NELSON: Thank you.

20 BY MS. NELSON:

21 Q At what point did the Defendant tell you not to  
22 tell?

23 A When it all started happening, like, "Don't say  
24 anything to anyone."

25 Q What is the next event or time that you remember

1 something happening?

2 A When they moved to Palm City, he would come pick me  
3 up with M A and he would drive in the woods, the truck,  
4 and --

5 Q Let me stop you, when you say "when they moved to  
6 Palm City", what are you -- who are you --

7 A My uncle and his family.

8 Q Do you remember where in Palm City they moved to?

9 A Honey Terrace.

10 Q And where were you living at the time?

11 A I think we still lived in the same house, I can't  
12 remember the name of the road, Jones, something like that and  
13 then we -- we moved to Stuart on -- I think it was -- I can't  
14 remember the street number, it was a number, street number,  
15 16th, 14th, 15, 16th Street, I can't remember.

16 Q How old were you when the Defendant and his family  
17 moved to Palm City and he would come and pick you up?

18 A Six, seven, all through the years.

19 Q Starting at age six?

20 A Yes.

21 Q Had you started school?

22 A Yes.

23 Q Do you remember what grade you were in?

24 A First Grade.

25 Q What would happen when he would come and pick you

1 up?

2 A He would have M A with him, he would come and  
3 pick us up and take us in the woods, do you know what woods  
4 you want to know or --

5 Q Let me stop you, when you say "he would pick us  
6 up", --

7 A Me and M A or pick me up, but M A would be  
8 with him.

9 Q When the Defendant would come to your house to pick  
10 you up, were there pre-made plans that you were going  
11 somewhere or you were going over to the -- to his house?

12 A Yeah, yes.

13 Q Was that for a weekend or --

14 A Yeah, probably for a night or the weekend, yes,  
15 cause we'd have to go to school Monday.

16 Q Where -- when the Defendant would come with M A  
17 to pick you up at your house, where would he take you?

18 A On the way to the house he would stop in the woods  
19 across Luke Road, it would be across Luke Road in the woods,  
20 back in there or off Jensen Beach Boulevard where the Jensen  
21 Beach Mall is now, he would go back there in the woods.

22 Q That was in Martin County, Florida?

23 A Yes.

24 Q When the Defendant drove back into the woods, did he  
25 say anything to you or to M A ?

1 A He told us --

2 MS. GOWEN: Objection, hearsay.

3 THE COURT: Can you repeat the question for me, please?

4 MS. NELSON: Did the Defendant say anything to you or to

5 M A when he drove back into the woods?

6 THE COURT: To the extent that it calls for recitation by  
7 another individual to this individual, sustained; to the  
8 extent that it was heard directly by this witness, overruled.

9 BY MS. NELSON:

10 Q Did you hear -- did the Defendant say anything to  
11 you?

12 A Yeah, he told us to take his -- our clothes -- my  
13 clothes off.

14 Q When you would go into the woods either off of Luke  
15 Road or by the Jensen Beach Mall, can you just describe what  
16 type of area that is?

17 A A bunch of woods, there was an old house, an old  
18 building off Jensen Beach Boulevard, that one, and then the  
19 other part of -- off Luke Road would be just woods.

20 Q Do you remember what time of day this was?

21 A Afternoon, probably about 5:00 o'clock maybe.

22 Q Do your remember what the Defendant during this time  
23 when it started what he was driving?

24 A A pickup truck, I don't remember what color.

25 Q Would he actually stopped in the wooded area?

1 A Yes.

2 Q And what would you do when he stopped?

3 A He told us to get out and put our -- take -- he would  
4 told -- told me to get out and take my clothes off.

5 Q Did everyone get out?

6 A Yes.

7 Q And when he said -- told you to take your clothes  
8 off, what was M A doing?

9 A She would -- took her clothes off, too.

10 Q Did you both take your clothes off at the same time?

11 A Yeah.

12 Q What happened after you took your clothes off?

13 A He would take us one at a time and slide us to the  
14 edge of the seat and have intercourse with us or take us out  
15 in the woods and lay us down and have sex with us.

16 Q This first time that you're describing when you were  
17 six, do you remember if that was in the woods or if that was  
18 in the truck?

19 A Uh, the very first time, well, the very first time I  
20 don't remember because I -- I must have blocked it out because  
21 it was so painful, I don't remember the very, very first time  
22 that it happened because I was so young and it hurt so bad  
23 that I must have just blocked it out.

24 Q If you -- how do you know there was a time before  
25 this then if you don't remember? Do you understand the

1 question?

2 A Yeah, I understand, I mean, it hurt every time that  
3 it happened, um, --

4 (TRANSCRIBER NOTE: Pause)

5 Q The first memory you have, though, is when you were  
6 six going to the woods?

7 A Yes.

8 Q Do you remember if he would have inter- -- if the  
9 Defendant would have sexual intercourse with you first or with

10 M A ?

11 A Sometimes her, sometimes me first.

12 Q And when you're saying -- when you say "sexual  
13 intercourse", what exactly do you mean?

14 A Sex, he would penetrate.

15 Q You mean with his penis?

16 A Yes.

17 Q Penetrate your vagina?

18 A Yes.

19 Q When he would have sex -- when the Defendant would  
20 have sex, sexual intercourse with you, what would M A be  
21 doing?

22 A She would stand there and watch.

23 Q Did the Defendant say anything to you?

24 A Like?

25 Q During -- when he was having sexual intercourse with

1 you?

2 A No.

3 Q What exactly did you see when the Defendant was with

4 M A ?

5 A He would have -- he would have intercourse with her,  
6 sexual intercourse with her.

7 Q And what would you be doing when he was having  
8 sexual intercourse with M A ?

9 A He make me watch.

10 Q When you say he would make you watch, what would --  
11 what would he say, what would the Defendant say to you?

12 A "Just stand there and watch."

13 Q After that first -- the first time that you  
14 remember, did you tell anything, did you tell your mom?

15 A No, he told me not to.

16 Q Do you remember what his words were or exactly what  
17 the Defendant said to you?

18 A He says, "Don't say anything or, you know, I'll hurt  
19 you or you will never see your family again."

20 Q Did you and M A ever talk about what was going  
21 on?

22 A No, we never talked about it.

23 Q That first time that you described when you were six  
24 years, were there other times that happened, the same thing  
25 happened after that?

1 A Yes.

2 Q And when was the next time that you have a memory of  
3 that happening?

4 A What, intercourse or --

5 Q Any other type of sex.

6 A Well, just basically in the truck and in -- in  
7 their -- his bedroom, in the truck, in the woods.

8 Q When you say "in the truck and the woods", do you  
9 know how many times the Defendant had sexual intercourse with  
10 you in the truck in the woods?

11 A About every weekend.

12 Q From the time that you were six, --

13 A Yes.

14 Q -- did it happen when you were seven?

15 A Yes, up until I was --

16 Q Up until 10 years old?

17 A Yes.

18 Q What are the other times that you remember at seven  
19 in the bedroom?

20 A Just pretty much in the bedroom and the truck, in  
21 the woods.

22 Q When you say "in the bedroom", whose bedroom?

23 A The Defendant's.

24 Q And where again was that house at?

25 A In Palm City.

1 Q And that's in Martin County?

2 A Yes, ma'am.

3 Q Can you describe for the jury, please, what happened  
4 when it happened in the bedroom?

5 A He would -- can I say "us" or just "me"?

6 Q Well, you can describe what you saw and what you  
7 did.

8 A He would take me into the bedroom and lock the door  
9 and have intercourse with me on the bed.

10 Q Do you remember when that was that that happened?

11 A Numerous of times, seven to eight, nine years old.

12 Q Up until you were 10?

13 A Yes.

14 Q Where was M. A when he would take you in the  
15 bedroom?

16 A Most of the time she would be in there with me.

17 Q Can you describe to the jury some of the times that  
18 you remember when you were seven or eight where you and M.

19 A would be in the bedroom together?

20 A He would make us take our clothes off and lay on the  
21 bed and then proceed to have sex with us, intercourse. He  
22 did -- he would -- he would do one of us and then he would  
23 finish that one and do the other.

24 Q And when -- did you see him have intercourse with

25 M A on the bed?

1 A Yes.

2 Q What would M A be doing?

3 A While he was having sex with her?

4 Q Yes.

5 A Just lay there.

6 Q What -- when he was having intercourse, sexual  
7 intercourse with you, what was M A doing?

8 A Just laying there on the -- on the bed.

9 Q Did he say anything during those times when it  
10 happened in the bedroom?

11 A Not that I can recall.

12 Q Did M A have any siblings, any brothers?

13 A Yeah, I think four I think.

14 Q Four brothers?

15 A Yes.

16 Q Was she the only girl?

17 A Yes.

18 Q Do you remember when this happened in that house  
19 where anybody else was home?

20 A I think the boys were outside.

21 Q Outside the house?

22 A Yes.

23 Q Do you know how many times that happened in the  
24 bedroom?

25 A Numerous of times, I didn't keep count.

- 1 Q Did you ever tell anybody at that point?
- 2 A No, ma'am.
- 3 Q Why didn't you tell anybody?
- 4 A Cause he told me not to.
- 5 Q Was there ever any kind of other sex?
- 6 A Out of the bedroom?
- 7 Q Or at any point, did the Defendant ever have you do
- 8 anything else to him or touch you other than --
- 9 A Oral sex.
- 10 Q When did the oral sex occur?
- 11 A When I was six.
- 12 Q Do you remember if that started before the
- 13 intercourse?
- 14 A I don't remember.
- 15 Q You don't remember which started first?
- 16 A No.
- 17 Q Do you remember where the oral sex happened at?
- 18 A In his truck, in the house, in the old house when
- 19 they lived next to me, in the truck in the woods, the
- 20 Defendant's bedroom.
- 21 Q Can you tell the jury how that came about?
- 22 A What do you mean?
- 23 Q Well, when you say "oral sex", are you referring to
- 24 oral sex that you would perform on him or he on you?
- 25 A Him on me -- or me on him, sorry.

1 Q How did that come about?

2 A He would just tell me to -- to suck on his penis.

3 (TRANSCRIBER NOTE: Witness crying)

4 Q Was that when you were alone or was that when M

5 A was around?

6 A With M A .

7 Q Did you also witness things he did with M A ?

8 A Yes.

9 Q What did you see with her?

10 A Her having oral sex with him and him having sex with  
11 her.

12 Q Do you remember how old you were? You said starting  
13 at six, the oral sex, did it continue throughout the years?

14 A Yes, ma'am.

15 Q Did it happen when you were seven?

16 A Yes, ma'am.

17 Q Okay, what other years did it happen?

18 A Eight, nine.

19 Q Up until 10?

20 A Yes.

21 Q During that whole time when you were five, six,  
22 seven until 10, did you and M A ever talk about what was  
23 going on?

24 A No, we never talked.

25 Q At some point did you later on tell your -- tell

1 anybody?

2 A I told my -- a good friend up in South Carolina.

3 Q Prior to that, did you ever tell -- tell anybody  
4 when you were a teenager or when you were younger?

5 A No.

6 Q Tell your mother or your father?

7 A No.

8 Q At some point --

9 A Uh, --

10 Q -- did you tell your mother and father?

11 MS. GOWEN: Object, Your Honor, asked and answered.

12 THE COURT: Overruled.

13 THE WITNESS: When I was 13, yes.

14 BY MS. NELSON:

15 Q When you told them when you were 13, did they do  
16 anything about it?

17 A No.

18 Q And your father is the Defendant's brother?

19 A Yes.

20 Q After this stopped -- after this stopped at age 10,  
21 what happened in your life, can you tell the jury?

22 A I turned to drugs, I was depressed, sometimes I  
23 never wanted to wake up in the morning, I just wanted it to  
24 end, I was depressed, I turned to drugs, cocaine, I thought  
25 that would take care of everything and I wouldn't have to

1 your birthday is in November, so, --

2 A Yes, ma'am.

3 Q -- do you remember if it was around wintertime when  
4 you were adopted or at some later time?

5 A I don't remember.

6 Q You don't remember. Do you remember what age you  
7 were when you started school?

8 A Six.

9 Q So, since you turned six in November, would it have  
10 been the following year that you started school?

11 A I would assume so, yes.

12 Q Okay, six-and-a-half?

13 A Yeah.

14 Q Okay. When you lived with your adopted parents in  
15 Jensen Beach, do -- you testified earlier that you lived two  
16 houses down from Mr. Banks and his daughter, M A B ?

17 A Yes.

18 Q B now?

19 A Yes.

20 Q Is that correct?

21 A Yes.

22 Q Okay, and it's your testimony that you spent  
23 weekends over at the Banks' house?

24 A Yes.

25 Q Back when you were five or six years old?

1 A Yes.

2 Q So, even though you lived two houses down, you would  
3 go two houses up and spend the entire weekend there?

4 A Yeah, but sometimes during the day we would play on  
5 the road and stuff like that.

6 Q Okay. And you testified that the first incident of  
7 contact with Mr. Banks of a sexual nature was a fondling  
8 incident that occurred?

9 A Yes.

10 Q And that would have been in M A bedroom?

11 A Yes, ma'am.

12 Q And that would have been when you were what age?

13 A Five.

14 Q Okay, and it's your testimony that what occurred on  
15 that occasion was touching; is that right?

16 A Yes, ma'am.

17 Q Not sexual intercourse?

18 A No, ma'am.

19 Q Not oral sex?

20 A No, ma'am.

21 Q What we would call "fondling"?

22 A Right.

23 Q Okay. Who else was living in M A house at  
24 the time that that occurred?

25 A All her brothers and her mom, dad.

1 Q You testified that when -- when this started with  
2 going out in the pickup truck, that -- what occurred was  
3 sexual intercourse?

4 A Yes.

5 Q That was penetration?

6 A Yes.

7 Q And you were six years old?

8 A Yes.

9 Q And five years old or six years old?

10 A I -- I -- like I said, I really don't remember the  
11 very first time when -- when it happened the very first time.

12 Q I remember you testifying that in -- in -- and my  
13 recollection is, is this correct --

14 THE COURT: Ma'am, ma'am, no personal recollection,  
15 please.

16 BY MS. GOWEN:

17 Q Your testimony a moment ago was that you believed  
18 that there was a earlier time, but you can't recall; is that  
19 right?

20 A Yes.

21 Q And you testified that you couldn't really explain  
22 why, why you believed that?

23 A Uh-huh.

24 Q Okay, but your testimony was that you recall sexual  
25 intercourse occurring beginning when Mr. Banks would come and

1 pick you up and take you to M A for the weekend?

2 A Yes.

3 Q Is that right?

4 A Yes.

5 Q So, and you believe you were age --

6 A Six when it started.

7 Q -- six?

8 A Yes.

9 Q Would be -- would be six when it started?

10 A Yes.

11 Q You also testified that it was very painful?

12 A Yes, every time.

13 Q Did you ever -- were you ever taken to, say, a  
14 physician after one of these events of sexual intercourse?

15 A No.

16 Q Did you ever ask to go see a physician?

17 A No.

18 Q I'm sorry to get some personal, but you -- you  
19 didn't show your mother that you had blood or injury or  
20 anything of that sort?

21 A No, because I know if she did, she would have asked  
22 me why.

23 Q And at point you were already in school?

24 A Yes.

25 Q But you didn't say anything to your school nurse

1 about it?

2 A No.

3 Q Or your teacher?

4 A No.

5 Q Or school counselor or anything like that?

6 A No, ma'am.

7 Q And not a police officer?

8 A No.

9 Q You testified that you were asked to stand and watch  
10 while Mr. Banks was having intercourse with M A ..

11 A Yes.

12 Q Where were you -- where -- where did you take the  
13 stand?

14 A It would depend on who was sitting next to the  
15 window that he had intercourse with first, but beside him or  
16 sit back in the truck.

17 Q You also testified that there were events in the  
18 house in Palm City; is that right?

19 A Yes.

20 Q And was that in M A bedroom?

21 A No, it was in the Defendant's bedroom.

22 Q You moved away and moved to South Carolina sometime  
23 in -- after you were 10.

24 A Uh-huh.

25 Q Shortly after there, 10 or 12; right?

1 Defendant?

2 A Well, it was good and bad.

3 Q When you say "it was good and bad", what was the  
4 bad?

5 A The sexual abuse.

6 Q At some point when you were a child, did -- did the  
7 relationship with your father more than just a father/daughter  
8 relationship?

9 A Yes.

10 Q Do you remember how old you were when that started?

11 A I was eight years old.

12 Q When is the first time that you remember any kind of  
13 touching or physical?

14 A About six, seven years old.

15 Q Do you remember if you were in school?

16 A Yes, I was.

17 Q Do you remember what grade you were in?

18 A Either First or -- First or Second.

19 Q What was the first -- what was the first memory that  
20 you have?

21 A Of the touching or the --

22 Q Of the touching.

23 A That he would touch my breasts and put his hand in  
24 my pants.

25 Q And how old were you when that -- you remember that

1 occurring?

2 A Probably about 6:00.

3 Q Did it progress from that to something else?

4 A Yes.

5 Q Okay, when did that progress?

6 A I think it was like Second Grade.

7 Q What is the first memory you have of -- in that  
8 period of time that you were eight?

9 A Well, what he done or --

10 Q Right, what he -- as far as what the Defendant, what  
11 your father did to you?

12 A He would make me perform oral sex on him.

13 Q Do you remember when the first time was that the  
14 Defendant made you perform oral sex on him?

15 A Can you ask that again, please?

16 Q Do you remember the first time that your father, the  
17 Defendant, had you perform oral sex on him?

18 A I know it was during the summertime.

19 Q Do you remember where it occurred at?

20 A Yes.

21 Q Where did it occur at?

22 A We lived in Jensen at the time.

23 Q In Jensen Beach?

24 A Yes.

25 Q And that's here in Martin County, Florida?

1 A Yes.

2 Q Do you know how old you were at that time in the  
3 Second Grade?

4 A Probably about seven I think.

5 Q Where did it occur at?

6 A In his bedroom.

7 Q Can you just explain to the jury how that happened,  
8 what happened?

9 A He would stick his penis in my mouth.

10 Q When you say it was in his bedroom, how would you  
11 get into his bedroom?

12 A I'm not sure if he told me to come in there or if he  
13 asked me to bring something to drink and he was already in  
14 there.

15 Q Do you know where anyone else in your family was,  
16 where your mom was then?

17 A She was shopping at the time.

18 Q What about your four brothers?

19 A They was outside..

20 Q Outside playing?

21 A Yeah.

22 Q And when you went into the bedroom, can you tell the  
23 jury what you remember?

24 A That he was laying on the bed and he had boxer  
25 shorts on and he took them off, at first he made me touch him.

1 Q Do you remember what you think the Defendant said to  
2 you?

3 A I can't recall, I can't recall his exact words.

4 Q After you touched him, how did -- did he get you on  
5 the bed and put his penis in your mouth or how did that  
6 happen?

7 A He made me sit on the bed and he stood up and  
8 brought it on me.

9 Q Did he say anything to you about why he was having  
10 you do that?

11 A No.

12 Q Did you say anything to him?

13 A No.

14 Q Do you know how long you were in the bedroom with  
15 the Defendant, your father?

16 A Until he was finished.

17 Q Until he was finished.

18 (TRANSCRIBER NOTE: Witness crying)

19 Q Do you want to take a break?

20 A No, we've got to get through this.

21 Q Aft- -- after that when you were seven, what's the  
22 next memory that you have?

23 A Well, he made me have sex with him.

24 Q Do you remember how old you were when he made you  
25 have sex with him?

1 A I was eight.

2 Q Do you remember the first time?

3 A Yes.

4 Q Where did the first time -- where did that occur?

5 A In Jensen in -- in his room.

6 Q Do you remember what time of day it was?

7 A It was in the after- -- afternoon.

8 Q Can you tell the jury, please, what you remember  
9 happening?

10 A Well, I was outside playing and he knocked on his  
11 bedroom window and told me to come in.

12 Q When you say "he", you're referring to your father?

13 A Yes.

14 Q Did you come in the house then?

15 A Yes.

16 Q Do you know where your mother was at that time?

17 A She might have been getting groceries, I -- I know  
18 she wasn't home.

19 Q What about your brothers?

20 A They was out back playing also.

21 Q What happened when you came in the house?

22 A He told me to -- to lock the back door and also the  
23 bathroom door.

24 Q Why -- what bathroom door are you referring to?

25 A The bathroom door that went from -- to go -- went to

1 their room.

2 Q Was the bathroom connected to another room?

3 A It was connected to my -- my bedroom.

4 Q Your bedroom and --

5 A Then there's a -- a bathroom, then their room.

6 Q Did you go into the Defendant's bedroom and lock the  
7 bathroom door?

8 A Yes.

9 Q What happened when you went into the room?

10 A He told me to take my clothes off and he was already  
11 laying on the bed with nothing on.

12 Q Did you take your clothes off?

13 A Yes.

14 Q Why did you take your clothes off?

15 A I always had to do what he told us to do.

16 Q Did you take all of your clothes off?

17 A Yes.

18 Q And what happened after you took your clothes off?

19 A He made me lay on the bed and then he --

20 (TRANSCRIBER NOTE: Witness crying)

21 A -- I remember him getting a jar of Vaseline and then  
22 he -- he got on top of me and I started crying and he put his  
23 hand over my mouth and told me that -- that it would be okay.

24 Q When you say he -- when you say he put his hand over  
25 your mouth, how did he put his hand over your mouth?

1           A     Just put it up over my mouth cause I was crying out  
2 loud.

3           Q     Did he say anything else other than you'd be okay?

4           A     Not until it was over.

5           Q     And exactly what did the Defendant -- what did your  
6 father do to you?

7           A     He had sex with me.

8           Q     When you say he had sex with you, did he put his  
9 penis inside your vagina?

10          A     Yes.

11          Q     Do you know how long that lasted?

12          A     It seemed like forever.

13          Q     At some point did he finish?

14          A     Yes.

15          Q     And what happened when the Defendant was done?

16          A     He told me to go into the bathroom and clean myself  
17 up and go back out and play.

18          Q     Did you go into the bathroom?

19          A     Yes.

20          Q     And how did you clean yourself up?

21          A     I washed myself off and got my clothes back on.

22          Q     Did you go outside or did you go in the living room  
23 or where did you go?

24          A     I went out and sit on the back step.

25          Q     Did you talk to anybody when you went out and sat on

1 the back step?

2 A No, cause they was in the yard, the back of the  
3 yard.

4 Q Were you standing on the front step?

5 A Well, it was -- we called it "back step", but it was  
6 still in the front of the house.

7 Q Did your mom come home at some point?

8 A A good while later.

9 Q Did you talk to your mom at all?

10 A No.

11 Q Why didn't you say anything to your mom?

12 A Cause dad told me that if I -- if I told, they would  
13 take me away and I wouldn't see mom or the boys again.

14 (TRANSCRIBER NOTE: Witness crying)

15 Q At what point did your father tell you that if you  
16 told, they would take you away and you wouldn't see your  
17 mother or the boys?

18 A The -- just right before he told me to go clean up.

19 Q Did he say anything to you why he had done that?

20 A No.

21 Q After that first time, what is the next memory you  
22 have?

23 A The Defendant was like -- maybe once a week until my  
24 mom started working late at night and then it started  
25 happening two and three times a week.

1 Q When you say it was "once a week", could you explain  
2 to the jury, please, what -- what you mean by "once a week"?

3 A Like maybe on a Saturday when my mom's gone to get  
4 groceries and I would stay -- stay at home.

5 Q When that first time when you remember being eight,  
6 do you know how many times it happened in that year?

7 A Well, just too many.

8 Q Was it every -- every week, it was monthly?

9 A Every week, once a week, sometimes three, four times  
10 a week.

11 Q Where would your brothers and your mom be when it  
12 was three, four times a week?

13 A Most of the time it happened at night cause she  
14 worked till 10:00 o'clock.

15 Q Where did your mom work at?

16 A Southeastern Printing.

17 Q I'm sorry?

18 A Southeastern Printing.

19 Q Did your father, the Defendant, ever say anything  
20 else to you while he was doing this?

21 A He said he was preparing me for marriage.

22 Q Okay, at what point did he say he was preparing you  
23 for marriage?

24 A I think I was in Fourth Grade maybe.

25 Q That would have been -- how old would you have been

1 then?

2 A Eight-and-a-half, nine.

3 Q Did it continue to happen from the time of the --  
4 the sexual intercourse at the time you were eight until did it  
5 happen when you were nine?

6 A Yes.

7 Q And when you were nine years old, did anything else  
8 happen, any other sex acts?

9 A Just intercourse or oral sex.

10 Q How many times do you think that the Defendant, your  
11 father, had you perform oral sex on him?

12 A Probably just about time that it happened.

13 Q Would it be oral sex as well as sexual intercourse  
14 happening at the same time?

15 A Yes.

16 Q You said it happened when you were nine, do you know  
17 many times it happened when you were nine?

18 A Any time my mom wasn't home.

19 Q Was it twice a week?

20 A Once a week, sometimes twice a week.

21 Q Did it happen up until the age of 10?

22 A Yes.

23 Q And, again, up until that age do you remember how  
24 many times it happened?

25 A Any time that he'd get me away from mom when I was

1 Q When would you go pick -- would you go with your  
2 father, the Defendant, when you'd go pick G up?

3 A Yes.

4 Q When would you go pick her up?

5 A Usually on Friday afternoon.

6 Q Where did she live in relation to where you lived?

7 A At that time she lived in Jensen and we lived in  
8 Palm City.

9 Q What then is the first memory you have of something  
10 happening when you went to pick G up?

11 A After we picked her up, he would stop off in the  
12 woods and have sex with both of us in his truck.

13 Q Do you remember what type of truck it was?

14 A It was a Ford pickup truck.

15 Q Why were you going over to G to pick her up?

16 A So she could spend the weekend with me and I would  
17 have someone to play with.

18 Q What was your relationship back then with G. ?

19 A We was just like we was sisters, we were real close.

20 Q Would you spend a lot of time with G. ?

21 A On the weekends, yeah.

22 Q The first time that you remember going into the  
23 woods with your father, do you remember where that was, what  
24 woods it was?

25 A It was at the end of Jensen Beach Boulevard where

1 the mall is now.

2 Q Would you tell the jury what type of area the  
3 Defendant drove into?

4 A It was a wooded area at the end of Jensen Beach  
5 Boulevard, there was an old white building and there was a --  
6 like a -- a road or a path back in there.

7 Q Did you ask him where you were going?

8 A He just said we was going in the woods.

9 Q Did he tell you why you were going into the woods?

10 A No.

11 Q What happened when you were in that wooded area?

12 A He'd go back there and park the truck and whoever  
13 was sitting by the door in the passenger side, he's make --  
14 he'd make them get out, pull their pants down and lay on the  
15 seat and have sex with -- with whoever was by the door.

16 Q What -- when you say "whoever was by the door",  
17 whoever was sitting by the door, were the other one be  
18 sitting?

19 A In the middle of the seat.

20 Q When he'd have -- would everyone get out or one  
21 would stay there or --

22 A One would sit in -- in the middle of the seat, one  
23 of them was laying on the seat by the door.

24 Q What exactly do you remember about this particular  
25 time, do you remember who your father had sex with first?

1           A     It all depends on who was sitting by the -- by the  
2 door.

3           Q     Well, would the Defendant do after he stopped the  
4 truck?

5           A     He'd just get out and went behind the truck and come  
6 around and open the door.

7           Q     Would he say -- did he say anything?

8           A     Just whoever was sitting there, he'd tell them to  
9 take her shorts or pants off, whatever you had on and lay on  
10 the seat.

11          Q     And what -- would you do that?

12          A     Yes.

13          Q     And when -- after you took your clothes off, what  
14 did the Defendant -- what did your dad do?

15          A     Have sex with us.

16          Q     When you say "have sex", are you referring to  
17 intercourse?

18          A     Yes.

19          Q     Put his penis in your vagina?

20          A     Yes.

21          Q     When he was doing that to you, what would G. --  
22 what was G. doing?

23          A     When he was doing it to me, G. was sitting in the  
24 middle of the truck.

25          Q     Was she watching, was she --

1 A He made -- made us watch.

2 Q When you say he made you watch, how did he make you  
3 watch?

4 A Just told us to watch what he was doing.

5 Q Did you see him do things to G ?

6 A Yes.

7 Q What did you see him do to G ?

8 A Have intercourse with her.

9 Q And what would you be doing while he was having --  
10 your dad was having intercourse with G ?

11 A Sitting in the middle of the truck on the seat.

12 Q Would either of you girls say anything to him?

13 MS. GOWEN: Objection to hearsay.

14 THE COURT: Overruled.

15 THE WITNESS: Excuse me, what was that again?

16 BY MS. NELSON:

17 Q Would either of you say anything?

18 A To each other or to him?

19 Q To him.

20 A No.

21 Q After that first time that -- can you describe for  
22 the jury, when is the next time that you remember something  
23 happening?

24 A Like when he took her back home, he'd do the same  
25 thing, stop off in the woods before he took -- before he took

1 her home..

2 Q After you had been together over the weekend?

3 A For the weekend, yes.

4 Q Would that have occurred that -- the day that he  
5 took her home?

6 A Yes.

7 Q Would it be the same thing that had occurred?

8 A The same thing.

9 Q Do you know how many times he had sex with you and  
10 then with G: out in the woods?

11 (TRANSCRIBER NOTE: Pause)

12 A Just every time that she'd spend the night with me  
13 and that was a lot.

14 Q How often would she spend the night with you, every  
15 weekend or a couple of weekends?

16 A Just about every weekend.

17 Q You said that you thought you were eight, did this e  
18 happen when you were nine?

19 A Yes.

20 Q Did it happen up until you were 10?

21 A Yes.

22 Q Did it happen on a continual -- a continual basis?

23 A Yes, it did.

24 Q Did your father, the Defendant, ever have sex with  
25 you and G: any other places other than out in the woods?

1 A Yes.

2 Q And was it always the woods in Jensen Beach or were  
3 there any other wooded areas you would go?

4 A There was a wooded area in Palm City by the Turnpike  
5 overpass.

6 Q That's here in Martin County?

7 A Yes.

8 Q And where were the other places or locations where  
9 your father would have sex with you and G ?

10 A In my bedroom in Palm City and also his bedroom.

11 Q And what is the first memory that you have of him  
12 having sex with you and G . in your bedroom in Palm City?

13 A Into the Fifth Grade.

14 MS. GOWEN: Objection, may we approach?

15 THE COURT: Yes.

16 (TRANSCRIBER NOTE: Bench conference)

17 (TRANSCRIBER NOTE: Judge's voice is not being picked on  
18 the microphone making transcription difficult at times)

19 MS. GOWEN: Did you hear what I said?

20 THE COURT: No.

21 MS. GOWEN: I'm concerned that we're getting into when  
22 she was 10 years old, it just -- this -- this is beyond the  
23 scope of my -- limine and outside the scope of the  
24 information.

25 MS. NELSON: I'll rephrase the question, but I think

1 she -- it was when -- I think it was when she was nine and I'd  
2 agree, but I'm not sure.

3 THE COURT: (Indiscernible) until she was nine, you can  
4 go into it.

5 MS. NELSON: Oh, okay.

6 (TRANSCRIBER NOTE: End of bench conference)

7 BY MS. NELSON:

8 Q And the sex acts were from what you described up  
9 until 10 years old?

10 A Yes.

11 Q And during that period of time between those ages  
12 were there times that you were with G: , when the Defendant  
13 did a sex act in your bedroom or his bedroom?

14 A I was with G: and without G

15 Q And can you tell the jury about the times when you  
16 were with G: .?

17 A He had us take our clothes off and he'd be having  
18 intercourse with one while he's touching the other.

19 Q Where would that be in the bedroom, was this in your  
20 bedroom or his bedroom?

21 A Most of the time in my bedroom.

22 Q Where would you be, were on the bed?

23 A On the bed.

24 Q Did he say anything?

25 A The only thing he -- he always told us that we'd

1 better not never tell nobody or they would take us away.

2 Q Do you know how many times he had intercourse with  
3 you and G together in the same room in your bedroom?

4 A It happened every time that she came to stay with  
5 us.

6 Q Do you know where your mother was during that time  
7 period?

8 A She would go get groceries and a lot of times she  
9 would take maybe my two youngest brothers or maybe she'd just  
10 take one of the boys with her.

11 Q What about the times where it happened in his  
12 bedroom, the Defendant's bedroom?

13 A She'd be gone shopping.

14 Q Would it be the same, the same thing, he would have  
15 intercourse with one while touching the other?

16 A Yes.

17 Q And then, what, he'd switch?

18 A He'd switch to the other one.

19 Q During this time period was there -- other than  
20 intercourse, was there other sexual acts going on, oral sex?

21 A Yes, oral sex.

22 Q But usually the intercourse and oral sex at the same  
23 time?

24 MS. GOWEN: Your Honor, I'm going to object to the  
25 leading nature of these --

1 THE COURT: Sustained.

2 MS. GOWEN: -- questions.

3 THE COURT: Sustained.

4 BY MS. NELSON:

5 Q What would be the chronological order of the sex,  
6 how would -- how would it happen?

7 A Usually he made one -- one of us perform oral sex on  
8 him for a little bit and then he'd start having intercourse  
9 with one of us and then he'd switch and then have intercourse  
10 with the other one.

11 Q You said there were times also that you were not  
12 with G ?

13 A Yes.

14 Q When did those times occur?

15 A Majority of the time was at night.

16 Q Where was your mom?

17 A In her room asleep.

18 Q Where -- where did this happen at?

19 A In my bedroom.

20 Q Would it be late at night or early evening?

21 A Late at night.

22 Q What would the Defendant do?

23 A He would go in the bathroom and lock the door that  
24 went from the bathroom to his room and come to my room and  
25 lock my door and have intercourse with me.

1 Q And the age that you've described up until you  
2 turned 10, do you know how many times your father had sexual  
3 intercourse or oral sex with you?

4 A Two or three times a week.

5 Q Did it ever stop during that period of time or was  
6 it just continuous?

7 A It was continuous.

8 Q Do you know how many times you witnessed the  
9 Defendant, your father, having intercourse or oral sex with  
10 De G ?

11 A Every time that she came over, it was always both of  
12 us together.

13 Q Did you and D G ever talk about what was  
14 happening with each other?

15 A No.

16 Q Did you ever talk to your mom about what's going on?

17 A I just told her that dad was hurting me and she said  
18 that dad would never, "Your dad would never hurt you."

19 MS. GOWEN: Objection, hearsay.

20 THE COURT: Overruled.

21 BY MS. NELSON:

22 Q When this was going on, did you realize at the time  
23 when this was going on that this wasn't supposed to be  
24 happening?

25 A Not until I got older.

1 Q When you say -- why weren't -- why didn't you  
2 realize that this wasn't supposed to happen?

3 A Well, he kept telling me that he was preparing me  
4 for marriage and that all fathers done that.

5 Q Do you remember when -- when it was that you told  
6 your mother that your dad was hurting you?

7 A I can't recall, I knew it was a couple times.

8 Q Were you and Dr. G: always close as children  
9 growing up?

10 A Until she -- yes, she until moved to South Carolina.

11 Q Do you remember when that was that she moved to  
12 South Carolina?

13 A I think she was like about 12 years old maybe.

14 Q Did you continue to live here in Martin County when  
15 she moved up to South Carolina?

16 A Yes.

17 Q Did your relationship -- did you part at that period  
18 of time?

19 A Yes.

20 THE COURT: Pick a convenient breaking point, please.

21 MS. NELSON: Yes, sir.

22 THE COURT: I take it this is it?

23 MS. NELSON: This is -- this is fine, Your Honor.

24 THE COURT: Thank you.

25 Members of the panel, we'll go ahead and recess for

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR MARTIN COUNTY, FLORIDA

STATE OF FLORIDA )

) Case No. 03-1144-CFA

-VS- )

Billy Earl Banks, Sr. )  
Defendant )

FILED FOR RECORD  
MARTIN COUNTY, FL  
Date 4/27/05 Time 1:30  
MARSHA EWING  
CLERK OF CIRCUIT COURT  
By [Signature] D.C.

V E R D I C T

WE, the Jury, find the Defendant, Billy Earl Banks, Sr., as to  
Count I:

(select only one)

- (  ) Guilty of Unlawful Carnal Knowledge, as charged in  
the Information.
- (  ) Not Guilty

As to Count II:

(select only one)

- (  ) Guilty of Unlawful Carnal Knowledge, as charged in  
the Information.
- (  ) Not Guilty

As to Count III:

(select only one)

- (  ) Guilty of Unlawful Carnal Knowledge, as charged in  
the Information.
- (  ) Not Guilty

As to Count IV:

(select only one)

- (  ) Guilty of Unlawful Carnal Knowledge, as charged in  
the Information.
- (  ) Not Guilty

As to Count V:

(select only one)

Guilty of Unlawful Carnal Knowledge, as charged in the Information.

Not Guilty

As to Count VI:

(select only one)

Guilty of Unlawful Carnal Knowledge, as charged in the Information.

Not Guilty

As to Count VII:

(select only one)

Guilty of Unlawful Carnal Knowledge, as charged in the Information.

Not Guilty

As to Count VIII:

(select only one)

Guilty of Unlawful Carnal Knowledge, as charged in the Information.

Not Guilty

As to Count IX:

(select only one)

Guilty of Unlawful Carnal Knowledge, as charged in the Information.

Not Guilty

As to Count X:

(select only one)

(  ) Guilty of Unlawful Carnal Knowledge, as charged in  
the Information.

(  ) Not Guilty

SO SAY WE ALL.

THIS 27<sup>th</sup> DAY OF April 2005.

Tedo M. Burkay  
FOREPERSON

Defendant Case History Detail

NAME: BILLY EARL BANKS SR  
ADD1: 254 CRYSTAL LANE  
ADD2:  
C/S/Z: PICKENS SC 29671-

D/L: -  
RACE: W  
SEX: M  
DOB: 05/31/1936

\*\*\*\* CASE DATA \*\*\*\*

Case#: 03001144CFMA  
Filed W/Clerk: 09/02/2003  
Total Assessed: \$1,506.00  
Paid: \$ .00  
Bal Due: \$1,506.00

Judge: LARRY SCHACK  
Atty: TYRE MITCHELL .L.

Phase/Seq

\*\*\*\* CHARGE/COURT DATA \*\*\*\*

P- 1 - 79401 - UNLAWFUL CARNAL KNOWLEDGE  
PROS STATUS: AMENDED PROS FILING DATE: 10/01/2003  
PROS ACTION: FILED PROS DEC DATE: 10/01/2003

TRIAL: 10/19/2005 VERDICT:  
DISP: GUILTY SEN DATE: 10/19/2005  
TRIAL TYPE: J

P- 2 - 79401 - UNLAWFUL CARNAL KNOWLEDGE  
PROS STATUS: AMENDED PROS FILING DATE: 10/01/2003  
PROS ACTION: FILED PROS DEC DATE: 10/01/2003

TRIAL: 10/19/2005 VERDICT:  
DISP: GUILTY SEN DATE: 10/19/2005  
TRIAL TYPE: J

P- 3 - 79401 - UNLAWFUL CARNAL KNOWLEDGE  
PROS STATUS: AMENDED PROS FILING DATE: 10/01/2003  
PROS ACTION: FILED PROS DEC DATE: 10/01/2003

TRIAL: 10/19/2005 VERDICT:  
DISP: GUILTY SEN DATE: 10/19/2005  
TRIAL TYPE: J

P- 4 - 79401 - UNLAWFUL CARNAL KNOWLEDGE  
PROS STATUS: AMENDED PROS FILING DATE: 10/01/2003  
PROS ACTION: FILED PROS DEC DATE: 10/01/2003

TRIAL: 10/19/2005 VERDICT:  
DISP: GUILTY SEN DATE: 10/19/2005  
TRIAL TYPE: J

P- 5 - 79401 - UNLAWFUL CARNAL KNOWLEDGE  
PROS STATUS: AMENDED PROS FILING DATE: 10/01/2003  
PROS ACTION: FILED PROS DEC DATE: 10/01/2003

TRIAL: 10/19/2005 VERDICT:  
DISP: GUILTY SEN DATE: 10/19/2005

TRIAL TYPE: J

P- 6 - 79401  
PROS STATUS: NEW

- UNLAWFUL. CARNAL KNOWLEDGE  
PROS FILING DATE: 01/27/2004

Defendant Case History Detail

PROS ACTION: FILED

PROS DEC DATE: 01/27/2004

TRIAL: 10/19/2005  
DISP: GUILTY

VERDICT:  
SEN DATE: 10/19/2005  
TRIAL TYPE: J

P- 7 - 79401  
PROS STATUS: NEW  
PROS ACTION: FILED

- UNLAWFUL CARNAL KNOWLEDGE  
PROS FILING DATE: 01/27/2004  
PROS DEC DATE: 01/27/2004

TRIAL: 10/19/2005  
DISP: GUILTY

VERDICT:  
SEN DATE: 10/19/2005  
TRIAL TYPE: J

P- 8 - 79401  
PROS STATUS: NEW  
PROS ACTION: FILED

- UNLAWFUL CARNAL KNOWLEDGE  
PROS FILING DATE: 01/27/2004  
PROS DEC DATE: 01/27/2004

TRIAL: 10/19/2005  
DISP: GUILTY

VERDICT:  
SEN DATE: 10/19/2005  
TRIAL TYPE: J

P- 9 - 79401  
PROS STATUS: NEW  
PROS ACTION: FILED

- UNLAWFUL CARNAL KNOWLEDGE  
PROS FILING DATE: 01/27/2004  
PROS DEC DATE: 01/27/2004

TRIAL: 10/19/2005  
DISP: GUILTY

VERDICT:  
SEN DATE: 10/19/2005  
TRIAL TYPE: J

P- 10 - 79401  
PROS STATUS: NEW  
PROS ACTION: FILED

- UNLAWFUL CARNAL KNOWLEDGE  
PROS FILING DATE: 01/27/2004  
PROS DEC DATE: 01/27/2004

TRIAL: 10/19/2005  
DISP: GUILTY

VERDICT:  
SEN DATE: 10/19/2005  
TRIAL TYPE: J

-DATE- PROGRESS OF CASE DOCKET

- 10/24/2003 ARRAIGNMENT
- 12/18/2003 DOCKET SOUNDING
- 01/20/2004 BOND HEARING
- 03/03/2004 DOCKET SOUNDING
- 03/31/2004 DOCKET SOUNDING
- 04/19/2004 HEARING
- 05/05/2004 DOCKET SOUNDING
- 06/02/2004 DOCKET SOUNDING
- 07/07/2004 DOCKET SOUNDING
- 08/18/2004 DOCKET SOUNDING
- 10/07/2004 HEARING
- 10/13/2004 DOCKET SOUNDING
- 11/15/2004 JURY TRIAL
- 12/13/2004 JURY TRIAL
- 01/10/2005 HEARING
- 03/07/2005 JURY TRIAL