

1 stab the countertop. Um, it's placed in the holes that
2 she made on the countertop.

3 Q. And when did you take these photos?

4 A. This morning.

5 Q. And the second page, is that also a different
6 view of the holes?

7 A. It's a different view of the holes with the
8 knife removed.

9 Q. And the third page?

10 A. Is a hole in the wall of my youngest
11 daughter's bedroom.

12 Q. And how did that get there?

13 A. Jamie kicked it.

14 Q. And the next page?

15 A. Is a hole in the door near, um, the front
16 door where she threw the remote at my head.

17 Q. And was that the night before she left?

18 A. Yes, ma'am.

19 Q. And the next page?

20 A. Is a hole from her, um, swinging the door
21 open and smashing the handle into the door.

22 Q. And when did that occur?

23 A. The same night.

24 MS. JOHNSON-GILCHRIST: Move for --

25 Q. (BY MS. JOHNSON-GILCHRIST) And you took

1 these photos yourself?

2 A. Yes, ma'am.

3 MS. JOHNSON-GILCHRIST: Move for admission
4 of Petitioner's Exhibit 7.

5 MR. MOORE: No objection, Your Honor.

6 THE COURT: 7 is admitted.

7 EXHIBITS

8 (Petitioner's Exhibit No. 7 admitted into
9 evidence.)

10 Q. (BY MS. JOHNSON-GILCHRIST) Um, when you got
11 Sasha back, and picked her up pursuant to the Court's
12 order of last week, um, what was Sasha's condition?

13 A. Um, she seemed very agitated. Um, she was
14 making a lot of screeching noises. She seemed very
15 restless. Um --

16 Q. Describe her physical condition?

17 A. Um, her physical condition, she had a severe
18 diaper rash. Um, she had a small bruise on her back.
19 Um, when I actually -- when I got her, um, Shelly Doran
20 brought her to Jamie's home where we'd waited over an
21 hour to -- to get her. Um, Shelly arrived, um, she
22 said -- she told me about the diaper rash, she gave me
23 some diaper rash ointment. And when I got her home I
24 went through her diaper bag. Um, in her diaper bag
25 were beer caps -- there were five beer caps in there,

1 there were, um, matches, there was a burnt utensil --
2 it was a burnt butter knife. Um, in the car seat was,
3 um, non-filter cigarette butts that had fallen in the
4 car seat. Um, to me it seemed as though somebody's
5 smoking in the car with her, um --

6 Q. Now, has -- have these conditions cleared up,
7 the bruise and the diaper rash, now is it back under
8 control?

9 A. Yes, ma'am. The -- the bruise is gone and
10 the diaper rash is under control.

11 Q. Now, regarding where Jamie resides at her
12 mother's home, is there a room or a separate room for
13 her, or a separate room for Sasha, where does she stay?

14 A. Um, the trailer is a -- um, her step-father
15 was -- was tired of all -- people would come and stay
16 there, um, you know, friends, anybody who needs a place
17 to stay would stay there. So her step-father began,
18 um, taking out the rooms in the trailer. You know,
19 it's a small trailer anyways, but he took the rooms out
20 and made their room big.

21 Um, there's one other room in the trailer,
22 um, her sister lives there. Her sister's ex-boyfriend
23 lives there. Um, I believe this young lady here
24 (indicating) with the orange hair lives there. Um, she --
25 I think that Jamie actually stays in a -- a motor home

1 out in front of the -- the residence.

2 Q. Okay. Um, now, Jamie's mother is a convicted
3 felon, correct?

4 A. Yes, ma'am.

5 Q. To your knowledge are there guns in this
6 home?

7 A. Yes, ma'am. Her, um, step-father tried to
8 sell me a -- a rifle. Um, he also wanted me to go to
9 Gold Rush Pawn shop where he attempted to buy a gun and
10 they refused to sell him a gun because he's not able
11 to.

12 Q. For some reason?

13 A. Yeah, I have -- I have tried to do a
14 background check on him, um, I don't -- I don't who he
15 is, where he comes from. Um, I think that it's very
16 important that, um, that individual who he is is found
17 out because I think that he's possibly a wanted
18 fugitive.

19 Q. But you don't know that for certain?

20 A. I know I can't find him anywhere.

21 Q. And you know that he was refused, um, --

22 A. -- firearms --

23 Q. -- permission to buy a gun.

24 A. I know that he -- um, he invited me on a
25 hunting trip and I, you know, I -- I -- I went with him

1 and he, um, didn't have any deer tags, he did not wear
2 any orange stuff because he is -- was not wanting to be
3 seen by anybody. And at that particular hunting trip
4 he didn't get anything, but a few weeks later he had a --
5 a momma deer and both its babies hung in his yard.

6 Q. Now, at the home in which you reside, do your
7 children have separate bedrooms?

8 A. Yes, ma'am. They have a home that has four
9 bedrooms, um, three bedrooms upstairs, um, my bedroom
10 and the two children's bedrooms are upstairs. The home
11 is forty-six hundred square feet, um, a very nice home.

12 Q. And do you -- or have you -- have you been
13 charged or convicted of having a DUI?

14 A. Yes, ma'am.

15 Q. And how long ago was that?

16 A. Eight years.

17 Q. And do you, um, drink in -- in Jamie's alle --
18 affidavit she stated that you drank, um, numerous beers
19 per day, then go to hard alcohol. You drink in excess
20 of a twelve pack a day, is that accurate?

21 A. It -- it's ridiculous. I -- I -- I never
22 drink more than three beers at a time.

23 Q. And do you drink hard liquor?

24 A. I do not drink hard liquor ever.

25 Q. Do you use -- do you use cocaine?

1 A. No, I've never used cocaine.

2 Q. Um, do you smoke marijuana?

3 A. I have before but I do not, no.

4 Q. Okay. And when's the last time?

5 A. Um, I think several years ago.

6 Q. And did you receive a prescription for pain
7 medication relative to your accident and injuries?

8 A. Yes, ma'am.

9 Q. And do you -- are you currently taking any
10 type -- type of prescription drugs?

11 A. No, ma'am.

12 Q. Did you abuse any of the painkillers when you
13 were taking them?

14 A. No, they were just prescribed for pain.

15 Q. And Jamie's claim that she did all of the
16 total parenting and you were basically only sporadic
17 and not involved with your child, is that accurate?

18 A. It's very inaccurate. I -- um, this is my
19 second kid, um, I -- I have really proven myself as a
20 father, I really enjoy being a father, it's really what
21 I want to do, what I -- what I'm here on the planet to
22 do I believe. Um, I've been fully involved.

23 Um, one of the situations that happened for
24 me with my eldest daughter is that, um, I wasn't able
25 to be with her due to the circumstances with the Court

1 when she was very young, so I have not taken my
2 situation with my youngest daughter for granted, not
3 one day, not ever. You know, I really enjoy what I'm
4 doing with her.

5 Q. Now, your proposed parenting plan is for
6 supervised visitation until drug and alcohol testing is
7 done, are you willing to go through that as well?

8 A. Yes, ma'am.

9 Q. And you would submit to random alcohol or
10 drug tests, anything the Court would order in that
11 regard?

12 A. Anything the Court would ask.

13 Q. Okay. And do you believe that that is in the
14 best interest of your daughter?

15 A. I definitely do.

16 MS. JOHNSON-GILCHRIST: Okay. I have no
17 further questions, Your Honor.

18 THE COURT: Cross-examine?

19 CROSS-EXAMINATION

20 BY MR. MOORE:

21 Q. How old are you, Mr. Haywood?

22 A. I'm 33 years old.

23 Q. How old was Jamie when you first got her
24 pregnant?

25 A. 23 years old -- or 22 years old.

1 Q. Um, the first time you got her pregnant, you
2 were in Colorado, is that true?

3 A. Yes, sir.

4 Q. Okay. And you had her have an abortion that
5 time, did you not?

6 A. I did not have her have an abortion, she made
7 the choice. It is a choice that -- of every female has
8 the, um, personal choice to make whatever choice is
9 best for them.

10 Q. Um, and you have, um, drunk alcoholic
11 beverages in the past?

12 A. Of course, sir.

13 Q. Okay. And do you still?

14 A. Occasionally.

15 Q. Okay. And you have smoked marijuana in the
16 past?

17 A. Yes.

18 Q. And your testimony is that you are not now
19 smoking marijuana?

20 A. That's correct.

21 Q. Are you still taking pain medication?

22 A. No, sir.

23 Q. Pardon?

24 A. No, sir.

25 Q. Okay. And that's as of a couple months ago

1 that you stopped?

2 A. No, that's been -- I think the last
3 prescription that I got has been over a year.

4 Q. Um, this altercation that occurred on June
5 21st or 22nd in the car, do you deny hitting her in the
6 face?

7 A. I never touched her.

8 Q. While she was driving?

9 A. My hands were clasped like this (indicating),
10 um, I'd been through other allegations like that and I
11 know better. I put my hands between my -- like this
12 (indicating).

13 Q. Well, she ended up with a pretty substantial
14 bruise on her cheek, didn't she?

15 A. Not to my knowledge.

16 Q. Well, if she were to testify that she did or
17 to produce a photo, would it be your testimony to this
18 Court that she beat up on herself?

19 A. She did strike herself several times on the
20 side of the head, and she did pull her hair, yes, sir.

21 Q. Okay. And you deny having struck her?

22 A. Absolutely.

23 Q. And you deny having tried to choke her?

24 A. Absolutely.

25 Q. Do you deny that you broke her nose in

1 Denver?

2 A. Absolutely.

3 Q. But you were charged with that, were you not?

4 A. She fabricated, she admitted to -- to lying.

5 She has a written statement right here.

6 Q. Well, isn't it true that you -- that you

7 pressured her into providing an after-the-fact

8 statement that would allow you --

9 A. Absolutely not.

10 Q. -- get out from under that charge?

11 A. Absolutely not.

12 Q. Would it be your testimony that she broke her
13 own nose?

14 A. What happened is she -- I was driving in a
15 vehicle trying to leave the location, she ran up beside
16 the car, tried to jump inside the car, started striking
17 me, and I hit the brakes. She hit the dashboard,
18 that's what happened, just like it says in her
19 statement.

20 Q. You made the statement that Jamie's mother
21 had been arrested and you said and the girls were
22 there, you weren't talking about your girls, were you?

23 A. Absolutely not.

24 Q. No, because this occurred 17 years ago,
25 didn't it?

1 A. Sure.

2 Q. Okay. Do you have any evidence that Mrs.
3 Miscampbell has used any drugs whatsoever in the last
4 17 years?

5 A. Oh, yeah. She -- she's a current, everyday
6 drug user. Just about every person that comes around
7 that trailer is a drug user.

8 Q. What -- what evidence do you have of that
9 other than your assertion?

10 A. I've seen her.

11 Q. Your test --

12 A. I've watched her.

13 Q. -- your testimony is that you have seen her
14 use drugs?

15 A. I've watched her, yes.

16 Q. What type of drugs?

17 A. Um, mostly marijuana. Marijuana for her is a
18 every -- everyday use. Um, she's also a meth addict.

19 Q. You think she's currently using meth?

20 A. Um, yeah.

21 Q. Have you ever seen her use it?

22 A. I've never seen her use meth, her daughters
23 have told me about her meth problem. Her meth problem
24 has caused a -- huge disruptions in their family --
25 both of her daughters have had problems with meth. Um,

1 her meth problem has been severe, and very disruptive
2 for their -- her children to get through school, the
3 school officials know about it. Um --

4 Q. Does she drink?

5 A. Occasionally.

6 Q. You've seen her drink?

7 A. Yes, she drank at my wedding.

8 Q. Other than a glass of champagne or wine?

9 A. Oh, I've seen her -- I don't socialize with --
10 with Ladean, so the only time that I've seen Ladean
11 drink was at my wedding.

12 Q. Has your mother ever acted violently toward
13 you?

14 A. Absolutely not.

15 Q. Have you ever acted violently towards your
16 mother?

17 A. Of course not.

18 Q. Have you observed your mother act violently
19 toward others?

20 A. Of course not, my mom's not violent, I'm not
21 violent, there's nobody in my family who's violent.

22 Q. How do you explain the fact that she's
23 charged with assault?

24 A. Dr. Cole is trying to extort money from my
25 mom.

1 Q. Would you acknowledge engaging in aberrant
2 sexual behavior?

3 A. Would I what?

4 Q. Would you acknowledge that you engage in
5 aberrant sexual behavior?

6 A. I'm not sure what -- what you're asking, sir?

7 Q. Do you have pornography on your computer?

8 A. Have I ever looked at pornography on my
9 computer, yes.

10 Q. In what room is your computer?

11 A. My office.

12 Q. And that's a room that's open to the kids as
13 well?

14 A. Yes.

15 Q. Have you ever masturbated to the pornography
16 on your computer?

17 A. No.

18 Q. Would you acknowledge that Jamie did the
19 preponderance of the housework, the cleaning, the
20 laundry, the cooking?

21 A. Jamie has a very difficult time being able to
22 even know what to do with the house. Her, um, example
23 growing up was very poor, so Jamie has had to have a
24 lot of help from me doing dishes, laundry, baby care, I
25 mean, um, I do all of the laundry, um, most of the

1 dishes, um, mostly Jamie -- that she does the mopping
2 of the floor because she insists that it done with
3 vinegar rather than any other type of product.

4 Q. Would you acknowledge that Jamie performed
5 most of the child care --

6 A. No.

7 Q. -- responsibilities?

8 A. No.

9 MR. MOORE: I have no further questions of
10 this man.

11 THE COURT: Redirect?

12 REDIRECT EXAMINATION

13 BY MS. JOHNSON-GILCHRIST:

14 Q. Um, Chris, regarding history and knowledge of
15 drug use in -- in Jamie's family, where did that
16 knowledge come to you from?

17 A. Her.

18 Q. From Jamie?

19 A. Yes, ma'am.

20 MS. JOHNSON-GILCHRIST: Thank you, no
21 further questions.

22 THE COURT: You may step down.

23 MS. JOHNSON-GILCHRIST: And I have no
24 further witnesses, Your Honor. I do have questions for
25 Jamie but I can save that for cross.

1 THE COURT: We'll take ten minutes, come
2 back and start with Respondent's case.

3 (Whereupon, the proceedings were in recess
4 at 11:37:55 a.m., and subsequently reconvened at
5 11:53:56 a.m., and the following proceedings were had
6 and entered of record:)

7 THE COURT: The Respondent may proceed.

8 MR. MOORE: Thank you, Your Honor, we
9 would call Jamie Haywood to the stand.

10 Thereupon,

11 JAMIE HAYWOOD,

12 a witness of lawful age, having been first duly sworn
13 to tell the truth, the whole truth and nothing but the
14 truth, testified upon her oath as follows:

15 MR. MOORE: Jamie, if you kind of lean
16 forward so you're -- speak into that mic.

17 MS. HAYWOOD: You're welcome.

18 MR. MOORE: Okay.

19 DIRECT EXAMINATION

20 BY MR. MOORE:

21 Q. Would you state your name for the record,
22 please?

23 A. Jamie Ryan Haywood.

24 Q. Okay. And how old are you, Jamie?

25 A. 23.

1 Q. Okay. Um, how old were you when you first
2 began relating to Mr. Haywood?

3 A. I was 17 when I had first originally came
4 down to Colorado with my older sister and his best
5 friend which is my brother-in-law. And going down for
6 Christmas vacation and ended up seeing him and that's
7 where it stayed. We -- I never left Denver until our
8 first (inaudible), but at 17 is when --

9 Q. Um, how old were you when he first got you
10 pregnant?

11 A. I had just turned 18.

12 Q. Okay. And, um, that pregnancy resulted in an
13 abortion, is that correct?

14 A. Yes, sir.

15 Q. And did he have anything to do with that?

16 A. Yeah, he was involved in a child custody case
17 and it would have probably been quite devastating on
18 his case had they known that he was with a 17 year old
19 and pregnant, and had to have an abortion.

20 Um, we did that secretly. None of my family
21 knew, um, until a couple year -- about a year later
22 when the paperwork was sent to my family.

23 Q. Okay. Did he put pressure on you to get that
24 abortion?

25 A. Yes, sir.

1 Q. When you were residing with him in Colorado,
2 did he drink during that period?

3 A. Oh, yeah.

4 Q. And what would he drink?

5 A. Beer, alcohol.

6 Q. What types of alcohol?

7 A. He liked vodka and Captain Morgan, his
8 brother, and him would go out to -- his brother's quite
9 wealthy so they would go out to some pretty big parties
10 there in Denver and strip clubs and -- um, I would have
11 to stay home 'cause I was so young. So -- couldn't go
12 to the bars, you know.

13 Q. Okay. Um, did he use illegal drugs during
14 that period?

15 A. Yes.

16 Q. And what types?

17 A. Marijuana.

18 Q. Um, and did he use it frequently or
19 infrequently?

20 A. Um, a couple times -- three, four times a
21 day.

22 Q. Okay. Did he ever act in a verbally abusive
23 manner towards you when you were in Denver?

24 A. Yes.

25 Q. And can you give some examples?

1 A. The time that, um, my nose I got broken and I --
2 even times before -- well, the time that is a good --
3 good one, I -- my nose got broken and had to be taken
4 to the emergency room for that. My friends were all
5 there down there. I had to come back and do what I had
6 to do with that affidavit due to the fact of the
7 custody battle he was involved in again.

8 Q. Okay. Can you explain to the Court how it
9 was that your nose got broken?

10 A. We were leaving a bar and I was sitting in
11 the passenger seat, and we had started to yell and
12 spute back and forth how I was hitting on other men
13 around the court -- or around the bar.

14 Q. Were you -- were you hitting on other men?

15 A. No, we left quite -- quite fastly when I came
16 in there. And my face had gotten slammed into the dash
17 along with it being smashed into the side of the car
18 window. And the police did convict him of that but,
19 yes, I did have to do what I had to do to keep his
20 child with him, which I thought --

21 Q. Okay.

22 A. -- was apparently the right thing to do, but
23 not.

24 Q. So you're referring to the letter that you
25 wrote that said that your previous

1 A. Uh-huh.

2 Q. -- testimony was not true.

3 A. Yes, that Gary Doran had -- did with me.

4 Q. And was your previous testimony true or not?

5 A. Yes.

6 Q. Okay. The testimony that he was convicted
7 of?

8 A. That he was convicted of, yes.

9 Q. Okay. Other than that incident, were there
10 other incidents where he physically assaulted you?

11 A. I moved back and forth from Colorado ever
12 since I was 17 until he moved here, probably 15, 17
13 times on a bus. Um, due to our fights and our
14 continuous -- um, his mother would never let me be
15 around 'cause I was so young and he was involved in
16 quite the custody battle. And so, no, I was kept a
17 secret for quite awhile from the family until his
18 brother met me and then I would have to move back --
19 back and forth whenever his mother would find out
20 'cause his mother was supporting his whole living and
21 like -- still is so --

22 Q. Okay. Have you had an opportunity to observe
23 his mother since coming back to Kalispell?

24 A. Oh, yeah.

25 Q. Um, have you ever seen his mother verbally

1 abuse employees or other people?

2 A. Several times, I worked for her when she
3 first started up this business here and I was the
4 janitor, I was a secretary and I was also her house
5 cleaner for quite awhile 'cause she had busted her
6 ankle on Christmas Eve and nobody else could care for
7 her so I was designated the one to tear -- caretake.

8 And, yes, on several employees that were in
9 that office went through hell and back with that woman,
10 and still are going through hell right now, so -- the
11 whip -- the lip lashings and the physical lashings, I
12 have witnessed with my very own eyes.

13 Q. Okay. You have seen her actually strike --

14 A. Pat Cole, yes.

15 Q. Um, have you ever seen her act in violence
16 towards Chris?

17 A. Yes, they have gotten into it several
18 counters, um, she licked him from his chin to his
19 forehead and that's when he slammed her into the wall --

20 Q. And when he's --

21 A. -- by her throat. And our children were
22 there witnessing it, and running through the house
23 screaming and crying -- Sandra was while I had Sasha in
24 my arms.

25 Q. Okay. So she scratched him across his face?

1 A. First she licked him from the chin up and
2 then Chris had pushed her into the wall, told her to
3 knock it off, you'll never do that to me again. And
4 that's when she went like this (indicating) -- he
5 couldn't go to his doctor's appointments because of the
6 way his face looked.

7 Q. Okay. And he held her by her throat?

8 A. Up against the wall, yes.

9 Q. Since coming back to Kalispell, do you know
10 approximately when that was that you came back?

11 A. When I came back?

12 Q. Yeah.

13 A. When I came from Denver?

14 Q. Yes.

15 A. I was here probably about six months before
16 he got here in 2003.

17 Q. Okay. And did his mother reside in Denver
18 prior to Chris coming up here?

19 A. No, she was living in the Hamilton area and
20 then later on had moved to Bigfork.

21 Q. Okay. Um, since Chris moved back up here,
22 have you observed him, um, using alcohol?

23 A. Yes.

24 Q. And were his drinking habits up here any
25 different than they were in Colorado?

1 A. Not at all.

2 Q. How much would he drink?

3 A. I -- they would go to the bar and I would
4 have to pick them up 'cause neither one of them could
5 drive and that was just down at the Raven right on
6 Flathead Lake, probably ten miles from his home.

7 Q. Okay. Um, and was there one of those
8 occasions where you picked him up at the Garden Bar?

9 A. Yeah, when we moved over to Lakeside, I was --

10 THE COURT: Would you put dates with this?

11 MR. MOORE: I'm sorry.

12 MS. HAYWOOD: Dates?

13 THE COURT: Put approximate dates --

14 MR. MOORE: Oh, dates.

15 THE COURT: -- of these events.

16 MR. MOORE: Oh, yes.

17 A. (BY MS. HAYWOOD) I was eight and a half
18 months pregnant so, um, the -- that would be last
19 summer -- no not last summer, I was eight and a half
20 months pregnant so --

21 Q. Okay. And --

22 A. And we had -- he had called me from the
23 Garden Bar to come pick him up at one in the morning.

24 Q. And was he intoxicated?

25 A. Very intoxicated and, me, I went ahead and

1 drove in the middle of the night to go get him -- and
2 went and got him. And when I did get him he was so
3 intoxicated that he was being so belligerent I had to
4 stop the car. When I did do that and get out, he
5 jumped in the driver's seat and took off driving. The
6 police picked me up on the highway in the middle of the
7 night, eight and a half months pregnant, walking,
8 because I had to come pick up.

9 Q. So he jumped in the driver's seat and drove
10 away --

11 A. Took --

12 Q. -- did not come back?

13 A. Did not -- the cops took me to my mother's
14 home.

15 Q. Um, what has been the nature of his drug use,
16 if any, since Sasha was born?

17 A. Marijuana and during the wedding cocaine.

18 Q. Um, when was Sasha born?

19 A. August 8th, 2006 -- or August 24th, I'm sorry,
20 8/24/06 -- that's -- I got the 8.

21 Q. Um, and when were you married?

22 A. Uh, 2006 of -- July 2nd.

23 Q. Okay. And, um, did your husband consume any
24 drugs during that marriage ceremony?

25 A. Yes.

1 Q. What drugs were being used there?

2 A. Marijuana and cocaine and alcohol.

3 Q. And you actually observed that?

4 A. Yes.

5 Q. Okay. Can you describe for the Court what
6 occurred in the altercation on June 21st?

7 A. Yes. We had left Geoff and Leslie's home, we
8 did both have two glasses of wine at dinner, we left
9 and started to argue about apparently I was driving too
10 wibbly, wobbly and in fact I was not. He started to
11 proceed to scream and yell at me and Sandra told her
12 daddy to knock it off. Sasha was also in the backseat.
13 We had made it to the top of the hill coming in between
14 Lakeside and Somers, heading towards Lakeside, when he
15 then smacked me across the face. So --

16 Q. With his fist?

17 A. No, with his open hand. And I pulled over to
18 the side of the road, stopped, and yelled and screamed
19 at him. He then went to go hit me again and I, in
20 self-defense, hit him in his mouth. So then I got
21 wapped right again right on the side of the face with a
22 nice gnarly bruise as you have all seen.

23 Um, and then we got home and I took Sasha and
24 Sandra and I and -- into Sasha's room. Sandra then
25 came out and was going to go to bed.

1 The fighting never stopped, we continued to
2 argue all night until I had to lock the bedroom door
3 and me and Sasha went to bed in Sasha's room.

4 The next morning I got up and he tried to
5 tell me I beat myself up. I know what I -- I could
6 never put that nice of a bruise on the side of my face,
7 so in fact knowing that I grabbed my little girl and I
8 did leave for my own safety and the safety of my child.

9 Q. Okay. And the kids were present in the car
10 when he struck you?

11 A. This -- yes, this physical and mental abuse
12 has been going on in front of these kids for too long.

13 Q. Okay. Um, did you chase him with a knife?

14 A. No, I did not.

15 Q. He's got a picture showing a knife and a
16 little hole?

17 A. I -- it could happen at any time to anybody's
18 counter, I know I did not put no holes in that counter.

19 Q. Okay. And did you have a knife at all that
20 night?

21 A. No, sir.

22 Q. Um, if you would could you tell the Court
23 about what your role was relative to keeping the house
24 and relative to providing care for Sasha?

25 A. Everyone knows that I have been the main

1 caregiver for that home -- for ever since I was 17 Che
2 may have been bringing in money -- but I did work for
3 two and one-half years 'til I was eight and a half
4 months pregnant, and also took care of the cooking and
5 cleaning and taking care of Sasha in the morning. Che
6 did get up with Sandra and take her -- get her ready
7 for school because I did have a brand new baby and was
8 trying to be the best mother that I could be given the
9 circumstances that I have been going under.

10 And my aunt would come and help me from time
11 to time to help me clean this place 'cause this is like
12 he said a very large home. It's very hard to upkeep
13 when nobody helps you and it's only you. And you also
14 have to work to provide a living because his mother
15 provides a living for us.

16 Q. To what extent did Chris actually assist with
17 housework?

18 A. He would help occasionally, put some dishes
19 in the dishwasher, occasionally help with some laundry
20 and that was occasionally, and never was it a daily
21 routine, it was my daily routine, that was my job
22 description, period, housewife.

23 Q. Okay. And you indicate that you were
24 involved in raising Sandra?

25 A. Yes.

1 Q. And what types of things did you do with
2 respect to Sandra?

3 A. Sandra and I were really close, she is -- I
4 consider her one of my favorite little friends and she --
5 I've always been able to cook for her, make sure she
6 has clean laundry. Like I said, she would get up in
7 the morning and make sure she went to school and what
8 not but, yes, I -- I made sure that kid had clean
9 clothes and good food to go in her mouth, not just
10 macaroni and cheese and ramen noodles. We're talking a
11 five course meal here or -- or the best that I could do
12 given my age.

13 Q. Okay. Who bathed the girls?

14 A. I did. I washed their hair, I did this, he
15 wouldn't because of -- they're females.

16 Q. Okay.

17 A. Don't want that to go in the same lines, you
18 know, so --

19 Q. Um, to what extent did Chris assist with the
20 responsibilities that you've had for Sasha since she
21 was born?

22 A. Zero, non-medical, no going to doctor
23 appointments with me. I had an emergency C-section and
24 had to come home and still upkeep the same -- sameness
25 of myself that I did when I left that door. I come

1 back in and I was supposed to be on bed rest for a
2 month, and did not receive that month of bed rest.

3 And I went to every appointment with that
4 little girl by myself, she has gotten every shot that
5 little girl has owned with me, not with her father,
6 period.

7 Q. Okay. And as far as, um -- as far as
8 carrying and -- and -- and nurturing and -- and
9 feeding, and doing all of those --

10 A. I breast fed her 'til she was -- she quit at
11 nine and a half, ten months old. She just up and quit
12 breast feeding and I went back to work when I had her --
13 she was six months old, I went back to work where my
14 mother has been involved -- employed for the past 15
15 years. And tried to work, it was not working out for
16 my husband, for myself, because I knew Sasha needed me
17 and my mother and my aunt were caretaking her. He
18 would bring her in in the morning, drop her off with
19 the grandparents and then he would proceed on his way.
20 I would then get off work and pick her up and come
21 home. I couldn't be a minute late or anything 'cause
22 God knows what I was out there doing or who I was
23 doing, so --

24 Q. Okay. It was your mother who did --

25 A. My mother and my aunt who provided the -- and

1 my sister, all babysat her when I would go to work.

2 Q. Okay.

3 A. And I only worked two days a week, I worked
4 Monday, days, and half of a Wednesday, day, and still
5 that was not working, so I just quit.

6 Q. Um, but Chris would actually take Sasha to
7 your mother's or your aunt's?

8 A. Yes.

9 Q. Okay. Did he complain to you at the time
10 that he thought they were drug addicts --

11 A. It was --

12 Q. -- or anything of that nature?

13 A. Never, never once.

14 Q. Okay. Um, your mother in 1992 was convicted
15 of a crime involving --

16 A. Yes, sir.

17 Q. -- drugs. Since that time have you observed
18 her to use any drugs at all?

19 A. No, sir.

20 Q. None whatsoever?

21 A. None whatsoever.

22 Q. Okay. And she works full-time at
23 Cattleman's?

24 A. Correct.

25 Q. Has for 15 years?

1 A. Correct.

2 Q. Does she drink?

3 A. No, sir.

4 Q. Not at all?

5 A. She don't like drunks, never has, she works
6 in a bar and can't stand it -- or in a casino and can't
7 stand the bar aspect of it. My mom, she's been a very,
8 very stable woman for the past 15 years.

9 Q. Okay. How does she do in terms of her care
10 of Sasha?

11 A. Wonderful, Sasha loves her grandma -- loves
12 her more than life itself.

13 Q. Okay. And she has good parenting skills?

14 A. Yes.

15 Q. Okay.

16 A. The best.

17 Q. How would you assess Chris' parenting skills?

18 A. I -- you know, he is a very loving father,
19 I'm not going to say that he's not, he is a very loving
20 father, but when it comes to taking care of these
21 girls, he needs a wife, and he don't have one. So
22 who's going to take care of this girl when she needs
23 her diapers changed or when it moves up from diapers to
24 tampons, things like this. This little girl needs a
25 consistently stable woman in her life which is her

1 mother, me. And I do all the cooking, all the
2 cleaning, all the hair brushing, everything this little
3 girl has ever needed. I have always provided for her
4 to the best of my ability which is the best.

5 Q. Okay. Um, are you using any drugs or alcohol
6 at the present time?

7 A. No, sir.

8 Q. Okay. Um, have you in the past?

9 A. Several years ago, yes.

10 Q. Okay. Um, you heard testimony that -- that
11 you used marijuana every morning or something like
12 that?

13 A. That's ridiculous.

14 Q. Okay. Your testimony is you do not?

15 A. I do not, sir.

16 Q. And you did not?

17 A. I did not every morning.

18 Q. Okay. But there was a period back there
19 where you did in fact smoke marijuana?

20 A. Here and there, yes, with, um, when we would
21 go out to parties or -- it was never a daily usage.

22 Q. Okay. Um, generally when you go out to
23 parties or a bar or drink with your husband, what would
24 you drink?

25 A. I would drink beer and I would have one drink

1 of, um, a hard liquor drink until after my baby. I
2 haven't drank -- I haven't drank hard liquor, I've had
3 a couple beers here and there.

4 Q. Since you've had the baby?

5 A. Since I have had the baby.

6 Q. Okay. And during your pregnancy did you use
7 drugs or alcohol?

8 A. No, I had a glass of champagne at my wedding
9 'cause I was nine months pregnant.

10 Q. Um, and since you've had Sasha have you used
11 drugs?

12 A. No, sir.

13 Q. Okay. And when you drink beer, how many do
14 you normally drink?

15 A. If my children are asleep, I'll have four
16 beers. If they're not, I'll have me one or two.

17 Q. Okay. And, um, have you ever driven in an
18 intoxicated state with the kids in the car?

19 A. Absolutely not.

20 Q. Okay. Um, do you have, um, other support
21 than your mom in terms of in the event that you need
22 help with Sasha if the Court were to grant you
23 temporary custody of Sasha pending a hearing on the
24 merits of this, what would be your plan, where would
25 you live?

1 A. I'm staying at my mother's temporarily. I'm
2 going to get a job at Flathead Title, I should be
3 getting that on Friday. And as soon as I do I'm going
4 to save up my money and I will get me and my daughter
5 an apartment and that is going to be as quick as can be
6 due to the fact I have nothing. I left that place with
7 nothing, I didn't want nothing, all I wanted was my
8 daughter and to share her, but --

9 Q. Okay. Um, are you comfortable with the
10 possibility of Mr. Haywood's mother?

11 A. Absolutely not. There are pictures right
12 there that show it to you that she is capable of
13 anything. And if that happened to be my daughter's
14 head, where would -- where would she be then, so no.
15 It's not a safe condition, and, yes, she -- absolutely
16 not.

17 Q. Okay. Um, how is -- what -- can you explain
18 the adequacy of your mom's home in terms of space for
19 you and Sasha?

20 A. Um, it's a very stable home and it is a
21 doublewide trailer with areas -- three bedrooms in the
22 trailer. We have now turned one of the bedrooms into
23 Sasha and I's bedroom -- bed, dressers, TV, etc. My
24 mother's room, and then there is another guest room,
25 and we have a kitchen, we have a living room, it's all

1 very nice -- we have a nice big yard with tons of toys
2 for the kids to play. We've always got kids over
3 there, it's Sasha's little haven, she loves it there.
4 She goes from one end of the yard to the next playing
5 with her little toys and just loves it. And she is
6 safe as can be there, we can afford it, it is something
7 that we have that's not been taken away, we still have
8 it.

9 Q. Um, if your mother works full-time, how --
10 what would her availability be to help with Sasha.

11 A. She is available Monday, all day, Tuesday,
12 all day, Wednesday, all day, and Thursday until four
13 and if any of them other days, my sister and my aunt
14 are available 24/7.

15 Q. Okay. And -- and you're comfortable, they're
16 good with kids?

17 A. Sasha wouldn't have it any other way.

18 Q. Okay. Sasha knows these people?

19 A. Oh, very well.

20 Q. Um, do you feel that there is an issue
21 relative to, um, Sasha's relationship with your --
22 bonding with you that --

23 A. She's been devastated. I can only imagine
24 what this little girl's going through, she thinks I
25 have abandoned her, she thinks I've left her and I

1 haven't. She's been ripped out of my arms since Friday
2 and I have been in a gazillion pieces since she has
3 been gone. That's why I want to make sure she comes
4 back home with me.

5 Q. Okay. In the event that she was placed with
6 you temporarily, would you see to it that Chris had
7 visitation from time to time?

8 A. Yes. I will -- I don't want to take his
9 visitation with his daughter away unlike what is he
10 trying to do. I'm not -- I want him to know he's a
11 good dad. When we're not together, he's a good dad but
12 I don't want my daughter to have an unstable life. She
13 needs to be with her mother all the time and sleep in
14 her mother's roof until that child is old enough to
15 walk and talk, period.

16 Q. Okay. When you left with the child that was
17 the day after the assault on you was June 21st?

18 A. Correct.

19 Q. And it was a result of that assault and what
20 occurred there?

21 A. Correct.

22 Q. They have alleged that you drank a liter of
23 wine by yourself?

24 A. You see how small I am, there is no way I
25 could drink a liter of wine and still drive and be

1 coherent. It would have never happened, Geoff and
2 Leslie would have never let us leave their house had I
3 been drinking that much, period.

4 Q. Okay. Um, and did, um, either Geoff or his
5 wife have any wine?

6 A. Yes.

7 Q. And you said Chris had wine as well?

8 A. Yes.

9 Q. Okay.

10 A. And that's why I was driving because he's got
11 two DUI's in this state, if he gets anymore he'll go to
12 jail.

13 Q. Okay.

14 A. So I drove home knowing that I had two
15 glasses of wine in me, yes. I was totally able to
16 drive home. This is two glasses of wine before and
17 after dinner -- and, you know, drinking it while I was
18 eating dinner.

19 Q. Okay. So you felt that you were not
20 intoxicated at that time?

21 A. Correct.

22 Q. Um, there was testimony about gambling, to
23 what extent do you gamble?

24 A. I put in probably five, ten bucks twice a
25 week when I go to the grocery store. It's my only time

1 to get away from the home. So, yes, I do stop at my
2 mom's casino on the way into town and I'll put five
3 dollars in. Any of these women at these casinos could
4 tell you all I've only put five dollars in the machines
5 and I don't walk out without \$600 in my hand. And I
6 leave them money as well. I don't sink every last drop
7 of money I have into that machine, it's against my --
8 my mom works in the casino, I know I would never -- I
9 have a family to take care of and I only got a few
10 minutes, so you got to make a few minutes quick.

11 Q. Okay. And where are the kids when you do
12 that?

13 A. I leave them at home, I -- I will make him
14 watch them while I go to the grocery store.

15 Q. Okay. Have you ever left the kids locked in
16 the car?

17 A. No. No. With an adult in the car as I ran
18 into my mother's work but never by themselves, ever.

19 Q. Okay. Have you ever hit yourself or pulled
20 your hair out?

21 A. No.

22 Q. Did you throw anything at him on that night
23 of June 21st?

24 A. No. That was -- I didn't -- nothing more
25 happened and --

1 Q. Um, does Chris have a temper problem?

2 A. Yes.

3 Q. And can you sort of describe the nature and
4 extent of that?

5 A. Very short fuse like his mother. They both
6 will go from an extreme to back again being nice. Um,
7 when money is not an issue, he's a pretty happy man,
8 but when money has been an issue which it has been for
9 the past three years, living in his mother's home that
10 she had supposedly bought for us, has been a huge
11 issue. Any time money has come into the game we have
12 gotten into severe arguments, severe fights. These
13 children have been subjected to the arguing and to
14 seeing it, and it's -- it's not fair to them and that's
15 why I left. I don't want our children to see it no
16 more, I want our children to grow up happy.

17 Q. Okay. Have there been financial pressures in
18 the period before you left?

19 A. Yes, all the way up 'til -- it's always been
20 and why you -- I was working 'til I was eight and a
21 half months pregnant, not him, I was.

22 Q. Okay. Um --

23 A. For his mother.

24 Q. -- do you have concerns at all relative to,
25 um, his sexual habits and having a daughter around?

1 A. I think that the computer pornogra --
2 pornography deal is just absolutely disgusting and I
3 don't think that -- when he drinks he thinks with the
4 same mind, he'll just go do it and in the fact that it
5 is an open room, anybody can walk through the living
6 room and there he is, is not a safe place. That thing
7 should be in a room if you're going to do something
8 like that, period.

9 Q. And what --

10 A. So the children --

11 Q. -- something like what?

12 A. Something like what?

13 Q. Yeah, like what -- what's he doing?

14 A. Jacking off in front of the computer and
15 while we're outside on the deck or down in the yard and
16 it -- on one occasion it did happen and it was -- due
17 to a friend of mine, so I can't have friends at my
18 house due to the fact of him being so sexual.

19 Q. Okay.

20 A. With them or with himself or with myself.

21 Q. Um, have you ever used methamphetamine?

22 A. I tried it when I was 15. I never -- it was
23 never an issue for me.

24 Q. Have you used it at all since?

25 A. Never.

1 Q. What is your understanding about the -- the
2 houses that they testified they lived in?

3 A. I was in New Mexico when, um, with my mother
4 and my step father and -- and my older sister and her
5 husband who lived down there.

6 Um, when he called me in May -- it was
7 towards the end of April when we were down there, he
8 called me and let me know that the police had served
9 him with a foreclosure on 525 Political Hill. And now
10 I don't know where it's gone or where it's been, but it
11 was a 45 day foreclosure. And so it's been up in the
12 air and then when you see big ol' fluorescent signs be
13 put on his mother's house, you don't know what to
14 expect. Where you are supposed to go, what's --
15 where's the money coming from, how are we doing this.

16 Q. Okay. Got a paragraph in his affidavit where
17 he says regarding the parenting of Sasha, I have been
18 the primary caregiver as Jamie is simply unqualified to
19 raise her responsibility, it goes on to say Jamie did
20 not know how to raise a child and I had to constantly
21 ensure that Sasha's bottles were washed, her binkys
22 were cleaned and her diapers were changed, is that
23 accurate?

24 A. He never changed a diaper until she -- it was
25 one of her first diapers actually 'cause I had an

1 emergency C section. He changed that one diaper, until
2 about another month and a half, two months later. He
3 didn't deal with it because she was too little, he
4 didn't want to break her. He was afraid, so -- and
5 then he also wouldn't hold her for a very long time
6 because he does have a back injury, he does have a
7 shoulder injury, he does have a hip injury. The
8 longest this man could last with her was 30 minutes at
9 a time, period. And -- and then when I would get there
10 it was -- he had been gone -- going through so much
11 pain that how could he -- how could I leave him that
12 long with her ever again.

13 Q. And so you actually took the lion's share of
14 it?

15 A. And so I just -- she was with me always, any
16 time I went into town that -- she was with me.

17 Q. Okay. Um, is your mother's house or your
18 aunt's house an environment of alcohol and drug abuse?

19 A. Not at all.

20 Q. None at all?

21 A. And she owns her home.

22 Q. Okay. Um, Jamie, it may not be critical to
23 this particular thing that the Judge is doing today but
24 would you be willing to do drug and alcohol evaluation
25 as a part of --

1 A. Yes.

2 Q. -- the proceedings to determine --

3 A. Oh, yeah.

4 Q. Okay.

5 A. More than willing.

6 Q. What was the -- we've got in your affidavit

7 that -- that he was abusing the prescription drugs.

8 What were your observations there, what did you mean by
9 that?

10 A. He would take more than one and take a few
11 more than he needed to throughout the day to help him
12 calm his nerves, calm himself.

13 Q. Did --

14 A. And then when they came out of the picture,
15 we went through severe mood swings, severe changes
16 which --

17 Q. -- did it --

18 A. -- has always been there, but it really
19 intensified what was really going on.

20 Q. Did it affect his behavior taking more than
21 one of the drugs?

22 A. Yes.

23 Q. And in what manner?

24 A. He would either do a lot because it would
25 give him energy or he would -- it would knock him out

1 and he would sleep.

2 Q. Okay. Um --

3 A. He spends a lot of time in bed 'cause he's
4 got a hip injury. This last -- when I was raising her --
5 he just is now getting himself back together. I've
6 been doing this.

7 Q. Did you read your affidavit before you signed
8 it?

9 A. Yes.

10 Q. And were the matters that were set forth in
11 that affidavit true and accurate, and correct to the
12 best of your knowledge?

13 A. Yes.

14 Q. This website that they introduced as one of
15 their exhibits, what's on that website?

16 A. A lot more than what I had to write. There's
17 probably 40 people out there who have the same feelings
18 and with the same thoughts as I do and I've been
19 involved in it firsthand for -- since I've known Chris
20 and --

21 Q. And --

22 A. -- it's been --

23 Q. -- and what are those feelings?

24 A. What are those feelings?

25 Q. Yeah, what is it that --

1 A. Um, there's a lot of financial, um, IRS stuff
2 going on, there's a lot of embezzling, there's a lot of
3 abuse, there's a lot of mental abuse, physical abuse
4 all of these people are claiming. I don't know if
5 they're all crazy or she just is, I don't know. So
6 that's where I -- I was introduced -- it.

7 Q. Okay. So what do you feel would be in the
8 best interest to Sasha here in terms of the decision
9 that the Court's got to make today?

10 A. I would feel Sasha would be best in her
11 mother's primary care and he did get visitations still
12 with her but he -- but she has to be with me no matter
13 what, day and night, when I -- when she comes home,
14 she's supposed to sleep in her bed at my home, not his
15 home, not until this little girl is three years old
16 will I ever allow that -- or until he has his own
17 stable home and that he is paying for himself, not his
18 mother.

19 Q. Okay. So you believe that the Court should
20 award you temporary custody and allow him to have
21 visitation when he can directly supervise the child?

22 A. Correct.

23 MR. MOORE: Okay. Um, I have no further
24 questions.

25 THE COURT: Cross-examine?

CROSS-EXAMINATION

1
2 BY MS. JOHNSON-GILCHRIST:

3 Q. Jamie --

4 A. Yes.

5 Q. -- do you understand what a -- giving a
6 statement under oath means?

7 A. Yes.

8 Q. And what does that mean?

9 A. Tell the whole truth and nothing but the
10 truth.

11 Q. Okay. And yet you made two sworn statements
12 in Colorado that you had lied.

13 A. Correct, under beating.

14 Q. Wasn't that a sworn statement?

15 A. Under beatings, I had to do this. I've got
16 pictures --

17 Q. Isn't it true isn't it true, you stated you
18 went back and forth 15, 17 times --

19 A. Correct.

20 Q. -- back and forth. If this person was
21 beating you and so abusive, why would you have done
22 that?

23 A. Given the lifestyle I had lived my whole
24 entire life, their life was quite luxurious, any girl
25 at 17 would have jumped on that quick as any woman on a

1 Cadillac would have. They got money, they had lots of
2 fun, he lived in a very nice home. I on the other hand
3 had never grown up with that kind of luxurious life.
4 So, yes, in -- and, yes, he was a very loving man in
5 the beginning until his true colors started to spill
6 out.

7 Q. Isn't it true that you got a settlement --
8 some settlement money from the accident, that you were
9 in the car with Chris when the accident occurred?

10 A. Yes, I was working two jobs and my arm was
11 broken, yes.

12 Q. And that when you got the settlement you
13 left, when the money was gone you came back?

14 A. Incorrect.

15 Q. But yet nobody forced you to come back if
16 this man was so abusive.

17 A. Yeah, he -- he would force me to come home,
18 his continuing calling, continual "I love you, please
19 come home, I'm so sorry, -- I'm so sorry, please come
20 back. We can work it out. I'll be better, I'll get
21 help." Never, never, I had lots of high hopes, lots,
22 'cause I did love this man with all of my heart.

23 Q. Now, you stated that your mother's worked for
24 the last 15 years at the Cattleman?

25 A. Yes, ma'am.

1 Q. -- is that accurate? Now, how is that
2 possible if she was in prison for six years and didn't
3 get out until about 1998?

4 A. '98, so how many years is that from now? 12
5 years, I'm sorry I misconceived three -- three
6 years. She's worked there 13 years, ma'am. Yes, she
7 has.

8 Q. Well, math, 1998 to 2007 would be nine years.

9 A. Nine years? I'm sorry I was under the
10 impression my mother's been there that long. That
11 ain't the issue here really --

12 Q. Now, isn't it true, you stated you had a meth
13 problem when you were 15?

14 A. Not a problem.

15 Q. Isn't it true that you dropped out of school
16 at that time?

17 A. Um, when I was in the eleventh grade, yes,
18 ma'am. He as well.

19 Q. And you were when you were 17 you and your
20 boyfriend at the time were busted for having meth or
21 other drugs and illegal firearms, isn't that true?

22 A. No, ma'am.

23 Q. Wasn't your boyfriend --

24 A. He was not my boyfriend.

25 Q. Did he go to jail?

1 A. No, ma'am.

2 Q. Didn't he go to prison, the boy you were
3 with?

4 A. He -- he did go to prison, but he was not my
5 man and I was not there.

6 Q. And you state that -- would you deny that the
7 room you say you're occupying now at your mother's home
8 was a room that the family used to cook meth in?

9 A. Absolutely not. We got neighbors, ma'am,
10 that's not an option for anybody around there, not even
11 my mother -- would she even had it in her wildest
12 dream.

13 Q. Now, you stated that, um, Chris has two DUI's
14 in this state?

15 A. To my understanding, yes, he did. That's why
16 he would not proceed getting a Montana driver's
17 license, he still has a Colorado license in the state
18 of Montana. He's lived here for three years.

19 Q. But you don't really know and he stated he
20 had a DUI --

21 A. It's documented.

22 Q. -- eight years ago.

23 A. I have the documents, it is document -- but,
24 yes, ma'am.

25 Q. You don't -- you didn't produce any of that

1 today that he has two recent DUI's.

2 A. These aren't recent, these are as of eight
3 years ago. I apologize.

4 Q. And, um, you state you only stop at casinos
5 briefly, um, why would birthday cards to you from
6 casinos come to your house, how would they know your
7 date of birth?

8 A. You have to sign up when you go in there,
9 ma'am. So they send you everything.

10 Q. Would you deny that there were birthday cards
11 addressed to you that came to your house from various
12 casinos?

13 A. Absolutely not, everywhere does it.

14 Q. Um, regarding this website in that you wrote
15 what is marked as Petitioner's Exhibit 5.

16 A. Uh-huh.

17 Q. Um, that -- you wrote that, you acknowledge
18 you did?

19 A. I wrote it but there's quite a few mis-
20 changed words in there. But, yes, I did write that.

21 Q. Who did you go to to cast -- take the spell
22 off you and your daughter --

23 A. God.

24 Q. -- that you referred to?

25 You said you went to a guide?

1 A. God. That is my guide, ma'am. I'm sorry.

2 Q. And that she took the spell off that was on
3 your internal organs?

4 A. God is my guide, he may be a he or she, you
5 never know that. God is my guide.

6 Q. Now, who -- who did you go to when you
7 believed you had injured your foot when you stomped it
8 and thought you had broken your foot?

9 A. Nowhere.

10 Q. Um, regarding the stuff you put in your
11 affidavit about the house being foreclosed in, you
12 swore that that was true, but you've now stated you
13 don't really know?

14 A. I saw the paperwork. I don't know what's
15 going on because of how things have gone from one end
16 to the next in this world, I don't know if it is still
17 theirs, if it is not. The documents say that it has
18 been foreclosed on, the bank says it's been foreclosed
19 on, whether -- I don't know. I -- I'm not ever given
20 paperwork to know this.

21 Q. Now, on -- after Chris, um, under the order
22 from this Court, picked up Sasha, isn't it true that
23 following that you went to Justice Court and requested
24 a restraining order -- downstairs in this building?

25 A. This was way before I had done that before he

1 had even done any of this, and that was a civil deal.
2 When he came district, they never put that out, I was
3 downstairs raising hell with them down there because
4 they didn't know why it didn't get served. My attorney
5 even knows. I did this when it is dated, the 29th --

6 Q. Okay.

7 A. -- I don't have anything sitting in front of
8 me here, but it was the 29th. I had that documented, I
9 had it notarized. Judge Sullivan did sign it, it was
10 never served to him until my child was taken away from
11 me.

12 Q. In fact it was June -- let me read you your
13 statement and see if this sounds familiar to you, okay?

14 A. I already know what it says.

15 Q. "I am fearing that Chris Haywood will hurt
16 myself if comes in contact due to the night of
17 Thursday, June 21, Chris Haywood and I got into a
18 verbal dispute which led to a physical confrontation
19 with our child and his daughter in the car. He has on
20 multiple actions threatened to hurt me -- to hit me.
21 Sorry. Also, threatening taking Sasha away from me."
22 Do you recall that statement?

23 A. Yes, ma'am.

24 Q. So in fact what you're really stating here is
25 that he's threatened, you didn't give any specific

1 statements, anything about in him hitting you, slapping
2 you, bruising you, nothing.

3 A. Yes, they saw me in there, I'd -- I'm -- I --
4 they saw me, they saw it all.

5 Q. Now, you have stated that the longest that
6 Chris is ever with your daughter is 30 minutes, you
7 stated that awhile ago, right?

8 A. Yes, I did.

9 Q. 'Cause that's all he can handle her.

10 A. Correct.

11 Q. And yet for three to four weeks you went to
12 work at his mother's company and you left him with who --
13 left your daughter with who?

14 A. Chris.

15 Q. For how long?

16 A. She would wake up and he would load her in
17 the car and drive her to my mother's and my mother
18 would get her from 8:30 in that morning 'til then on --

19 Q. Why would he do that when you're working just
20 blocks away?

21 A. My work is not just blocks away. When I was
22 working at Cattleman's my work was all the way in
23 Kalispell, ma'am.

24 Q. No, I'm talking about the three to four weeks
25 you worked at the company before going to the

1 Cattleman's.

2 A. I would go and clean for one hour and Sasha
3 would have -- on one -- numerous occasions she was
4 sleeping in the car while I was cleaning.

5 Q. You would leave her --

6 A. Right outside of the business. I would bring
7 her in until I got told I could no longer bring my
8 daughter with me -- to pack her with me 'cause this is
9 the only thing I can do 'cause he would never help me
10 with her.

11 Q. Now, you stated that when you were -- up
12 until you were eight and a half months pregnant you
13 worked all the time, is that correct?

14 A. Every day.

15 Q. Okay. Where did you work?

16 A. For Devra West.

17 Q. Um, do you have payroll records?

18 A. I do, ma'am.

19 Q. Okay. And how -- how long -- how many months
20 did you work there?

21 A. I worked there from -- like I said the start
22 up of the company until I was eight and a half months
23 pregnant. I worked there a total of a year and a half.
24 No, it wasn't -- about a year I would say --

25 Q. Every day?

1 A. -- along with several ladies who have --

2 Q. You stated you worked there every day?

3 A. Every day besides the weekends, which on the
4 weekends we were in the middle of a moving -- several
5 moving, so I was also in charge of helping move,
6 helping pack, so weekends were -- and this was always a
7 dispute between Chris and I because I was always
8 working, never had enough time for him and Sandra and --

9 Q. So if you were working, who was caring for
10 Sandra?

11 A. Her father, that's not my child, that's her
12 father.

13 Q. Okay.

14 A. She's eight, not a ten months old.

15 Q. Now, you state that you weight 95 pounds, was
16 that what you said?

17 A. I weigh a hundred and ten pounds, ma'am.

18 Q. That -- but at your weight you can't drink
19 very much?

20 A. Correct.

21 Q. Okay. But you state that you would still
22 have -- that you admit to up to four beers a night?

23 A. Yes, it's legal. When my children were
24 sleeping, yes, ma'am.

25 Q. Now, of the people that are around your

1 mother's home, um, are -- do any of them have criminal
2 records?

3 A. No, ma'am. Besides my mother, no ma'am.

4 Q. What about your sister's boyfriend, didn't he
5 recently get out of prison?

6 A. No.

7 Q. Who is Robby?

8 A. Robby is her father's child from four years
9 ago.

10 Q. I'm sorry, who's father's child?

11 A. My little sister's father -- or my little
12 sister's son's father, Robby is.

13 Q. Is he in prison now?

14 A. Yes, it's irrelevant in this case.

15 Q. What -- what is he in prison for?

16 A. Um, they -- in the newspapers it says
17 "robbery." Robbing of -- of jewelry or -- I'm not
18 really sure 'cause I never really was around him. He
19 never really lived with us, he never was involved in
20 our life. I was back and forth from Colorado while
21 this was going on.

22 Q. Is he due to get out of prison soon?

23 A. I have no idea, I've never stayed in contact
24 and never know.

25 MS. JOHNSON-GILCHRIST: Just a moment.

1 Q. (BY MS. JOHNSON-GILCHRIST) Are you
2 acquainted with someone by the name of Anita?

3 A. She's my nutritionalist, yes.

4 Q. Your nutritionalist, and what is her -- where --
5 where does she live, what is her background, what do
6 you see her for?

7 A. I see her for nutrition to keep me on the
8 right kind of standard processing pills that everywhere
9 in this valley produce.

10 Q. Standard processing pills?

11 A. It's a pills -- they're whole food pills that
12 you get from the Bridge Medical Center for vitamins --
13 they're better vitamins.

14 And she has saved -- helped save my mom's
15 life with healing herself in good food and learning to
16 cook right, and eating right. Along with taking her
17 whole food vitamins and that is what I have always
18 done.

19 Q. And is she -- does she have any kind of
20 licensing?

21 A. Yes.

22 Q. What?

23 A. She's a nutritionalist -- an M.D.

24 Q. She's a doctor?

25 A. Yes.

1 Q. Okay. And do you know her last name?

2 A. I do not.

3 Q. And where is her office?

4 A. It's outside of Libby.

5 Q. And so you drive to her office to --

6 A. Yes.

7 Q. -- consult her?

8 Do you take your children to her?

9 A. No, I don't.

10 Q. Then how would you -- in that statement you
11 posted on the internet, um, how do you know about a
12 spell in --

13 A. Like again, I will say a lot of that wording
14 has been changed but a lot of that is true. Besides
15 that spell crap, I did put in all that writing besides
16 right there. That man has done different writings and
17 that I will have to admit.

18 Q. Could you be more specific -- that man, who?

19 A. The man who has posted the website, John
20 Watson.

21 Q. He's done what?

22 A. Changed those wordings in there. I wrote
23 every last drop of that besides where you take that
24 spell and black magic out of there -- you go look at
25 the rest of the website. You will see what that

1 website is filled up with. That's all it has to say.
2 Everyone has had that happen so I -- I don't -- it's --

3 Q. You stated that you believe Chris is a good
4 father?

5 A. Yes, ma'am. When we are not together we're
6 great parents, when we're together we fight, period, we
7 fight. It's not healthy for the children.

8 Q. So you would concur the two of you should be
9 apart?

10 A. Clearly.

11 Q. And regarding Chris taking care of Sandra,
12 has he taken good care of her -- his older daughter?
13 Is she healthy and --

14 A. She's healthy but that is the help of me.
15 She don't get a good meal unless her mother -- me, her
16 step-mom would cook it for her.

17 Q. And regarding Sasha, is Chris a loving father
18 to Sasha?

19 A. I've never denied that.

20 Q. And what kind of parenting plan are you
21 proposing?

22 A. The one that I originally proposed.

23 Q. And what is that?

24 A. I get her Monday through Friday, he gets her
25 from ten to seven on the weekends, period, by himself.

1 I have never ever came in here without asking more than
2 what I deserve and that is my full parental rights, I
3 birthed that child, I made her, I -- she is my little
4 pride and joy -- she's only ten and a half months old.
5 She has to have stability with her mother.

6 Q. Now, you stated that you believe that it's
7 important for Chris, if I'm understanding you, that she
8 have contact with both of you?

9 A. Yes.

10 Q. Then why was it okay for you to take her and
11 basically hide with her for ten days and not return
12 phone calls?

13 A. I was in fear of him leaving with my kid or
14 hurting me again. So, yes, I did -- he didn't come
15 look for me, he knew right where I was -- knew right
16 where I was, if he wanted his daughter bad enough he
17 would have came and saw her, just like I would have
18 done. I've been fighting all weekend to try to get him
19 here today to prove that that I love my child, I would
20 never let her sit ten days with me not seeing her,
21 period.

22 Q. But yet it was okay for you to do that to
23 him? You didn't answer the phone, did you?

24 A. Yes, ma'am, yes. Yes.

25 MS. JOHNSON-GILCHRIST: No further

1 questions.

2 THE COURT: Redirect?

3 REDIRECT EXAMINATION

4 BY MR. MOORE:

5 Q. Um, in the event that the Court were to place
6 Sasha back in your care pending the hearing, do you
7 believe that you could be a good mother?

8 A. I know I could. It's everything I got --

9 Q. Okay.

10 A. -- is a good mom, I've always been good mom,
11 I've never not been a good mom.

12 Q. Okay. Um, and when you were doing the
13 parenting for Sasha during the last four years, I
14 guess, were you also doing the parenting for Sandra?

15 A. Yes.

16 Q. Okay. So when Mr. Haywood extolled the fact
17 that he has the custody of his daughter Sandra and that
18 she is doing well, that is in part because you have
19 been parenting --

20 A. Correct.

21 Q. -- that child?

22 A. Correct, and they've both been through a lot
23 with all this right now it's been hard on them two.

24 MR. MOORE: Okay. I have no further
25 questions Your Honor.

1 THE COURT: Ms. Hay --

2 MS. JOHNSON-GILCHRIST: I have one, Your
3 Honor, if I could, please?

4 THE COURT: Go ahead.

5 RE-CROSS-EXAMINATION

6 BY MS. JOHNSON-GILCHRIST:

7 Q. If you're going to be working full-time, what
8 you said you're going to work Friday?

9 A. Part-time.

10 Q. What hours?

11 A. I will be working Monday, Tuesday, Wednesday
12 and Thursday from nine to five and I will have a two
13 hour lunch with my child. I am five minutes -- well,
14 ten minutes away from my mom's at the Flathead Title
15 which my aunt runs and my child is more than welcome to
16 come there any time she needs to spend time with her
17 mommy there.

18 Q. Who's going to provide childcare while you're
19 working?

20 A. My mother --

21 Q. I thought --

22 A. -- she's watching her.

23 Q. I thought your mother worked?

24 A. My mother works Thursday, Friday, Saturday
25 and Sunday.

1 Q. And you think it would be better for your
2 child to be with your mother than with her father?

3 A. This is -- I have not even tried to give --
4 tried to go out and work right now due to the fact that
5 I am trying to get my daughter back, period. And if
6 I'm working, yes, she is better off with my mother,
7 period.

8 MS. JOHNSON-GILCHRIST: No further
9 questions, Your Honor.

10 MR. MOORE: Nothing further.

11 EXAMINATION

12 BY THE COURT:

13 Q. Ms. Haywood, in your affidavit you state that
14 Petitioner's mother is residing with Petitioner, that
15 she is hostile and confrontational in the children's
16 presence and orders them to their rooms. Um, she
17 testified earlier that she does not live there, is that
18 true?

19 A. No, she has been staying there. I have
20 neighbors, sir, I'm sorry, she does stay there -- or at
21 her other daughter's place.

22 Q. When you came home the night of June 21st, was
23 she there?

24 A. No, 'cause we had gotten into a confrontation
25 a week before and she had went to her other daught --

1 to her daughter, Anna West's house.

2 Q. Which is the 38 --

3 A. -- sister of Chris Haywood.

4 Q. Pardon?

5 A. She is the sister of Chris Haywood and lives
6 in Kalispell. That's not the Bayview home, the Bayview
7 home's been evicted since May 29th.

8 Q. The what?

9 A. That Bayview home --

10 Q. Uh-huh.

11 A. -- has been evicted since May 29th. She's
12 been coming between her daughter and my home and hotels
13 since she's been evicted.

14 Q. When were you in Mexico with your mother?

15 A. We left May -- April 28th, I believe, and I
16 did not return until May -- May 9th.

17 Q. Which year?

18 A. Of this year, sorry.

19 Q. Where was the child?

20 A. With me.

21 Q. You took the baby to Mexico?

22 A. New Mexico.

23 Q. New Mexico.

24 A. Yes, sir.

25 Q. Okay. You made a statement that any time I

1 went to town she was with me, the child?

2 A. Sasha Monica Haywood, correct.

3 Q. Is that correct?

4 A. Yes.

5 Q. Even when you went to the casinos?

6 A. Not when I would stop at my mother's casino,
7 no.

8 Q. So --

9 A. My mom would make me --

10 Q. -- so any time you went to town she didn't go
11 with you?

12 A. Sorry, sir. When I would go into town to my
13 mother's work, she would -- I'd call my mother on her
14 cell phone and she would come out. I never left Sasha
15 in that car by herself when I went to the casino,
16 inside, never.

17 THE COURT: You may step down.

18 MS. HAYWOOD: Thank you, Your Honor.

19 Thereupon,

20 REBECCA WEST,

21 a witness of lawful age, having been first duly sworn
22 to tell the truth, the whole truth and nothing but the
23 truth, testified upon her oath as follows:

24 //

25 //

DIRECT EXAMINATION

1
2 BY MR. MOORE:

3 Q. State your name for the record, please?

4 A. My name is Rebecca West.

5 Q. And, Rebecca, are you familiar with the
6 parties to this action?

7 A. I am familiar, yes.

8 Q. Okay. Do you know Devra West?

9 A. Yes, she was my boss for ten months.

10 Q. Okay. You're both "West," are you any
11 relation?

12 A. No, both -- both of us have our last name
13 through marriage, but not related at all.

14 Q. Okay. And what was your position?

15 A. I was hired as the office manager.

16 Q. Okay. And, um, during the period that you
17 were there did you have occasion to observe Devra West
18 and -- and Chris Haywood relative to their demeanor and
19 how they treated people?

20 A. Yes, quite often. Um, I was a witness to
21 many occasions where Devra was very verbally and
22 sometimes physically abusive to friends and relatives
23 and employees.

24 Q. Okay. And would -- was there any -- the
25 verbal abusiveness -- well, let me -- let me move on.

1 You observed her being physically abusive as
2 well?

3 A. Yes, the, um, pictures that I provided you
4 earlier of Dr. Pat Cole, um, I have witnessed her, um,
5 scream and shout and swing at her and throw things at
6 her. And another co-worker, Wendy Stewart, um, I
7 witnessed her throwing books at her, um, screaming, um,
8 verbally abusing all of us for hours on end.

9 Q. Okay. Was that why you ceased working there?

10 A. Correct, and I've since been determined twice
11 through unemployment that it was -- considered a
12 hostile workplace environment.

13 Q. Okay. Um, were you there when Pat was
14 assaulted?

15 A. Those pictures were from an assault in April,
16 um, I was there throughout -- from April all the way
17 through to October 12th, witnessing bruises on Dr. Cole,
18 offering to give her assistance. And then as of
19 October 12th, the following morning Dr. Cole called me
20 and said that she had been assaulted again.

21 MS. JOHNSON-GILCHRIST: Objection, Your
22 Honor, this is hearsay.

23 THE COURT: Sustained --

24 A. (BY MS. WEST) I was directly involved to the
25 point --

1 THE COURT: Just --

2 MR. MOORE: Hold on.

3 A. (BY MS. WEST) -- of actually --

4 MR. MOORE: Hold on.

5 THE COURT: Just a second, it was
6 sustained, you can't state what somebody told you.

7 MR. MOORE: You just can't testify what
8 somebody else said, you can testify what you observed.

9 A. (BY MS. WEST) Well, what I observed was
10 bruises all over Dr. Cole and I subsequently defended --
11 was a defendant in a case regarding the assault charges
12 with Judge Ortley.

13 Q. Um, how about Chris Haywood, any observations
14 of -- of verbal abuse or aggressiveness or physical
15 abuse that you were witness to that?

16 A. Not -- not specifically, no, not with Che.
17 Um, I do know that Jamie was upset quite often, um, did
18 not actually see the abuse but I did see -- I mean,
19 what I did observe was him coming in and trying to
20 collect money all the time. Um, money that he felt his
21 mother owed him. So they were in the office pretty
22 often with the children.

23 And then I also, um, was quite often put in
24 the middle of Devra's relationship with Jamie and her
25 other daughter, Anna, where she would try to get me to --

1 to do things on -- in her behalf, um, with her
2 daughter. You know, try to use me to get her daughters
3 to do things.

4 Q. Okay. So how would you describe that
5 relationship between Devra and Jamie?

6 A. Um, not close at all, more of a she was never
7 happy with Jamie and Anna could do no wrong, her
8 daughter. Although Anna's got a lot of problems, um,
9 one daughter could do no wrong and Jamie was always the
10 bad guy.

11 Q. Did you have an opportunity then to observe
12 Jamie with the children?

13 A. Often.

14 Q. And uh --

15 A. She --

16 Q. -- did she seem to supervise them and -- and
17 watch them and care for them in an appropriate manner?

18 A. Very much so, yeah.

19 Q. And did you ever observe Jamie where she was
20 slurring her words or seemed to be drugged or anything
21 of that nature?

22 A. Not at all. What I did observe is the same
23 thing that all of us ladies that are previous employees
24 or had anything to do with Devra is that you have --
25 after months and months --

1 MS. JOHNSON-GILCHRIST: Objection, Your
2 Honor, what other --

3 A. (BY MS. WEST) -- of my own emotional
4 breakdown.

5 THE COURT: Just a second. Go ahead.

6 MS. JOHNSON-GILCHRIST: Objection, Your
7 Honor, what other ladies think or saw or felt or -- is --

8 THE COURT: I think she's speaking of her
9 own personal experience and relating it, that -- so did
10 everybody else. But just tell us about what you
11 experienced.

12 A. (BY MS. WEST) Well, what I experienced was,
13 um, and myself included was an emotional breakdown
14 after months and months of the verbal and sometimes
15 physical abuse. I eventually would -- began to break
16 down. And I observed the same thing with Jamie. Um,
17 skinny, nervous, afraid, I mean it's to the point where
18 no matter what -- if you said anything at all you were
19 in trouble. And if you tried to interject your
20 feelings at all, you were subjected to hours and hours
21 of verbal abuse locked into the finance office
22 listening.

23 And Devra often tried to make me be the
24 witness to all of this abuse. So I would stay after
25 work often for hours just listening to her abuse --

1 verbally abuse other people -- Dr. Cole, Geoff
2 Reynolds, and then I was told I had to be the witness.
3 So to this day it is hard for me emotionally.

4 Q. Sure. Um, do you know anything at all about
5 Jamie that would cause you to be concerned about her
6 capability of mothering her child?

7 A. I think my only concern would be how heavily
8 involved Che and Devra are in her relationship when
9 she's trying to raise that baby, because I think that
10 she's going to be subjected to a lot of anger and a lot
11 of violence and a lot of threats. So I think if
12 anything she needs protection.

13 MR. MOORE: I have no further questions.

14 THE COURT: Cross-examine?

15 MS. JOHNSON-GILCHRIST: Yes.

16 CROSS-EXAMINATION

17 BY MS. JOHNSON-GILCHRIST:

18 Q. Rebecca, is it?

19 A. Yes.

20 Q. Rebecca, you said you were employed for ten
21 months --

22 A. Correct.

23 Q. -- approximately? When did you last work for
24 Devra West?

25 A. My last day was February 23rd, 2007.