

COPY

IN THE CRIMINAL APPEALS COURT FOR THE STATE OF TENNESSEE
MIDDLE DIVISION SECTION AT NASHVILLE

FILED
OCT 06 2020
Clerk of the Appellate Courts
Rec'd By _____

Willie Austin Davis

Defendant/Appellant

vs.

Case No. M2019-01852-CCA-R3-CD

Trial No. 2017-A-62

State of Tennessee

Plaintiff/Appellee

In an abundance of caution, protected information is REDACTED in submission to Attorney Larry Crain's limited injunction granted on 9/24/2018. Attorney Larry Crain represents child-molester John Perry, and John Perry's child sex abuse Victim #1.

2nd MOTION TO CONSIDER POST-JUDGMENT FACTS

1. Pursuant to Tennessee Rule of Appellate Procedure 14(a), Appellant moves the Court to consider the facts hereinafter set forth. For grounds, Appellant states these facts occurred after the judgment herein appealed.
2. A child sex abuse Mann Act Federal crime cover-up to protect Gov. Mike Huckabee and Rev. Franklin Graham's co-author, John Perry, occurred during the Appellant's trial on Sept 11-12, 2017, and is still on-going "*under the color of law*" before the Tennessee Court of Criminal Appeals as of Oct 5, 2020. A former Harpeth Hall and Belmont University student provided sworn testimony during the Appellant's trial about unlawful activity committed against the banned, bullied, and molested witness, but Judge Steve Dozier, Asst. DA Chandler Harris, and Asst. DA Jenny Charles ignored the abused female student's sworn testimony. 5 Exhibits – Motion For New Trial Hearing – 3 of 4 – Transcript of Trial – Vol 2 - Pgs 65 - 92

3. As Presidential Candidates Donald. J. Trump and Joseph R. Biden prepare to visit Nashville for the third and final Presidential Debate at Belmont University on Oct 22, 2020, Appellant is providing the Honorable Court and Attorney General Herbert Slatery's office with an additional court transcript the Appellant found in a stored box on Sept 26, 2020.
4. Appellant found a sworn court transcript of child sex abuse therapist witness, Caroline Cone, which was obtained and signed by court reporter, Priscilla Smith, on or about, Nov 18, 2018, more than a year after the Appellant's trial which occurred on Sept 11-12, 2017. (*Note: Appellant was denied an equal opportunity to purchase the full transcript at the time of the original hearing before The Honorable Kelvin D. Jones*). Exhibit 1
5. The Caroline Cone sworn testimony is significant because it exposes a Covenant Presbyterian Church child sex abuse cover-up which utilized Nashville Police to silence and intimidate the Appellant and his family on July 2, 2008. TR Vol 1 – Pgs 111-112
6. Caroline Cone testified that Covenant Session Member, Pastor Larry Ferris, knew about the child sex abuse in April 2008, three months before Nashville Police silenced and intimidated the Appellant's family. Exhibit 1 – Pg 14.
7. On Oct 1, 2012, the Appellant finally discovered and reported to Nashville Police that John Perry had molested an 11-year old victim approximately 25 times. TR Vol 1 – Pg 57
8. On Dec 5, 2012, 8 Nashville Police authorities met with the Appellant and his wife to falsely inform them that the statute of limitations had expired at 18 + 1 years of age, and that Covenant Leaders had acted appropriately when they allegedly first learned about John Perry's child sex abuse, on or about, June 6, 2010. TR Vol 1 – Pg 144

9. On or about, June 6, 2010, Covenant Leaders convened an ecclesiastical court to internally prosecute and convict child-molester, John Perry, for “*repeitive and heinous sins against REDACTED.*” Appellant Brief – Pgs 24-26.
10. On Dec 17, 2012, twelve days after the Appellant and his wife had a meeting with 8 Nashville Police Authorities, Appellant hand-delivered a 108-page document to Nashville Police and the Nashville DA’s Office with a cover-letter addressed to Nashville Police Commander Marlene Pardue. TR Vol 1 – Pg 57
11. In the cover letter to Nashville Police Commander Marlene Pardue, the Appellant cited a statement by Harpeth Hall Alumnae Mother, Mrs. Ann Carrell, who was a long-time friend of Appellant’s mother-in-law, Nancy Fleming. TR Vol 1 – Pg 57
“This past August, Mrs. Ann Carrell was kind to inform my mother-in-law that I was the most ‘*hated*’ man in the Nashville Community a few days before her passing.”
12. Nancy Fleming had informed Mrs. Ann Carrell about John Perry’s child sex abuse and the ‘*bullying-hate*’ campaign that had been unleashed on the Appellant’s daughter at Harpeth Hall, and Mrs. Carrell had distinguished herself as one of the outstanding people in Nashville who was horrified by the child sex abuse cover-up effort being committed by Covenant Presbyterian Church leadership.
13. To date, many people in the Covenant – Stephens Valley - Harpeth Hall – MBA communities still do not care if John Perry molested any children, or do not believe that John Perry molested any children, or simply believe that Covenant Presbyterian Church leadership acted appropriately as stated by Nashville Police.
14. However, the sworn testimony of child sex abuse therapist, Caroline Cone, and Covenant Clerk of Session, Scott Troxel, clearly prove that Covenant Presbyterian Church

leadership did not act appropriately, and that Covenant Presbyterian Church leadership first new about John Perry's child sex abuse as early as July 14, 2008, not two years later, on or about, June 6, 2010. Exhibit 1 – Pg 14. Appellant Brief – Pgs 22-23

15. On July 14, 2008, the Covenant Session invited guests to the Covenant Session meeting which included Nashville Police Sgt. Twana Chick, and Nashville Fraternal Order of Police General Counsel Worrick Robinson, who provided a false, defamatory security briefing on former Covenant Deacon, Appellant Willie Austin Davis, with Covenant Deacons also invited to the "*security briefing.*" TR Vol 1 – Pgs 84-85.
16. Covenant Session Member, Pastor Larry Ferris, was present at the July 14, 2008, security briefing, and child sex abuse therapist witness, Caroline Cone, provided significant sworn testimony that Covenant Session Member, Pastor Larry Ferris, knew about John Perry's child sex abuse three months earlier in April 2008. Exhibit 1 – Pg 14.

Q. So when in 2008 did you first start counseling **REDACTED**?

A. April.

Q. Or was it 2007, whenever it was?

A. It was 2008, and it was April.

Q. April. And so when the church calls you, do you know who it was in the church that called you?

A. One of the pastors.

Q. Do you remember who?

A. I believe it was Pastor Ferris.

Q. Pastor Larry Ferris? Pastor Larry Ferris called you in April 2008?

A. Yes, sir.

17. Covenant Clerk of Session Scott Troxel also provided sworn testimony that the Covenant Session knew about John Perry's child sex abuse on or before July 14, 2008, when John Perry's resignation from the Covenant Diaconate was accepted by the Covenant Session. Appellant Brief – Pgs 22-23.

The Witness: Sure. John Perry was a former member, he was a deacon, and he revealed to the Session that he—

The Court: He what? I didn't understand what you said, revealed?

The Witness: Well, no, no, no. Actually I don't think he revealed. I'm trying to recall how we found out, but basically we learned he molested his daughter.

Appellant Brief - Page 23

The Witness: And so there was no burden on the church's part, from what I recall, to contact authorities on that. And he was immediately removed as a deacon.

18. Covenant Board Minutes and sworn testimony reveal that the Covenant Session knew about John Perry's child sex abuse, and the Covenant Session quietly accepted the deacon resignation of child-molester, John Perry, on July 14, 2008, without reporting the known child-molester to Nashville Police. TR Vol 1 – Pgs 84-85.

19. Clerk of Session Scott Troxel provided sworn testimony that no one on the Covenant Session reported child-molester John Perry to Sgt. Twana Chick of the Nashville Police Department on July 14, 2008, or on June 6, 2010 when child-molester John Perry was finally excommunicated from the church. Instead, Covenant Leadership released an unrepentant child-molester, John Perry, into the Nashville community while Covenant Leaders and Nashville Police intensified a community "*hate campaign*" at The Harpeth Hall School and Montgomery Bell Academy against the Appellant's family to protect a

Mann Act Federal crime cover-up which has no statute of limitations for child sex abuse across state lines. Appellant Brief – Pg 25

Q. No police was called.

A. No.

20. To date, Montgomery Bell Academy Headmaster Brad Gioia has willingly provided untrue sworn testimony against the Appellant and is personally involved in the child sex abuse Mann Act Federal crime cover-up, along with three of his faculty members who are also part of Covenant Leadership: Roderick Russ, Robert Sawyer, and Mike Martin.

TE – Vol 13

21. Appellant respectfully requests that the Court grant this motion to consider these pertinent facts about Covenant Session Member, Pastor Larry Ferris, having knowledge of John Perry's child sex abuse in April 2008, in relation to and in the context of the memorandum of law (attached hereto and incorporated by reference), exhibits (attached hereto and incorporated by reference), and sworn affidavit (attached hereto and incorporated by reference) in such a manner as the Court shall deem fair.

22. In support hereof, Appellant submits the sworn affidavit of Austin Davis, a memorandum of law in accordance of Rule 14(b) and Rule 22(a) of the Tennessee Rules of Appellate Procedure, and supporting background exhibits, all of which are incorporated herein by reference.

Respectfully Submitted,



Willie Austin Davis - Citizen
221 31st Ave. North Apt# 135
Nashville, TN 37203
615-999-8190 fmdshiloh@aol.com

CERTIFICATE OF SERVICE

I, Willie Austin Davis, hereby certify that a true and exact copy of the foregoing motion has been forwarded by United States Postal Service, first class, postage pre-paid, on Oct 6, 2020, to the following parties:

Attorney General Herbert Slatery
General David Findley
Office of the Tennessee
Attorney General
301 6th Ave. North
Nashville, TN 37243



Willie Austin Davis, Citizen
221 31st Ave. North Apt# 135
Nashville, TN 37203
615-999-8190 fmdshiloh@aol.com

Memorandum of Points and Authorities
Introduction

Appellant brings this motion pursuant to Tenn. R. App. P. 14 to provide the court additional exculpatory evidence obtained from child sex abuse therapist Caroline Post Cone which proves that DA Star Prosecution Witness Scott Troxel deliberately committed perjury to protect child-molester John Perry and a Mann Act Federal crime cover-up which is still on-going before the Tennessee Court of Criminal Appeals. Exhibit 1

Background

The sworn testimony of child sex abuse therapist witness, Caroline Cone, is additional evidence that DA Star Prosecution Witness Scott Troxel's fellow Covenant Session Member, Pastor Larry Ferris, knew about John Perry's child sex abuse and a child sex abuse "*crisis*" at Covenant Presbyterian Church in April 2008, about three months before Nashville Police threatened and silenced the Appellant from asking questions about the safety and welfare of numerous children placed in John Perry's "*safe house*" on July 2, 2008. (*Note: 8 recent appeals to new interim Nashville Police Chief John Drake have been ignored*). Exhibit 1 – Pg 14. Appellant's Brief – Pgs 20 - 28

Three months later, on June 27, 2008, DA Star Prosecution Witness Scott Troxel mailed the Appellant an unauthorized trespass letter as part of the Larry Ferris-Covenant "*crisis management*" effort to falsely criminalize the Appellant as a potential crazy church shooter threat to protect a real threat to children, John Perry, a known confessed child-molester who was a Covenant Presbyterian Church Founder and Deacon.

In 2012, Covenant Pastor and Session Member Pastor Larry Ferris fled across state lines to Easley, SC, where Pastor Larry Ferris is now greatly rewarded with a promotion to a senior pastor position at Covenant Presbyterian Church within the Presbyterian Church in America.

Appellant is now providing the Honorable Court additional sworn testimony by child sex abuse therapist witness, Caroline Cone, because the John Perry child sex abuse Mann Act Federal crime cover-up is still on-going endangering the safety and welfare of other children in Nashville, and beyond. Exhibit 1

Standard

The Court of Criminal Appeals on its motion or on motion of a party may consider facts concerning the action that occurred after judgment. Tenn. Rule App. P. 14(a). “Consideration of such fact lies in the discretion of the Appellate Court.” *Id.* “While neither controlling nor fully measuring the court’s discretion, consideration generally will extend to those facts, capable of ready demonstration, affecting the positions of the parties or the subject matter of the action such as mootness, bankruptcy, divorce, death, or other judgments or proceedings, relief from the judgment requested or granted in the trial court, and other similar matters.” *Id.* “The appellate court may grant or deny the motion in whole or in part and subject to such conditions as it may deem proper.” Tenn. R. App. P. 14(b). “If a motion to consider post-judgment facts is granted or the appellate court acts on its own motion, the court, by appropriate order, shall direct that the facts be presented in such a manner and pursuant to such reasonable notice and opportunity to be heard as it deems fair.” Tenn. R. App. P. 14(c)

I. The Sworn Testimony Of Child Sex Abuse Therapist Caroline Cone Merits Review For Substantial Justice

Of matters that can properly be considered on a motion to consider post-judgment facts, the Tennessee Supreme Court has found, “[s]ometimes the court is in need of extraneous evidence representing some situation or fact to enable it to determine, not the propriety of the conduct... but the nature of the judgment to be directed..” *Duncan vs. Duncan*, 672 S.W.2d 765, 767-768 (1984) (citation omitted). “Sometimes a document, or public record, or other item of evidence like character, material to a proper determination of appeal and substantially uncontestable, is called for, or is examined if produced, and then is treated in the same way as an admission of the parties would be treated if found in the record.” *Id.* at 768 (1984) (citations omitted).

The undisputed facts show that Covenant Session Member Larry Ferris clearly knew about John Perry’s child sex abuse in April 2008 and that Covenant Clerk of Session Scott Troxel and the Covenant Session knew about John Perry’s child sex abuse when they accepted John Perry’s resignation from Covenant Leadership on July 14, 2008. The undisputed facts also show that Covenant Leadership wrongfully used Nashville Police Sgt. Twana Chick to provide a false security briefing with Covenant Deacons in the Covenant Board Meeting, but that no one in Covenant Leadership reported child-molester John Perry to Nashville Police, even though the statute of limitations had not expired on July 14, 2008, and were not set to expire until July 11, 2010. The undisputed facts prove that Covenant Session Member Larry Ferris, Covenant Clerk of Session Scott Troxel, and Covenant Leadership intentionally protected child-molester John Perry while falsely criminalizing the Appellant Austin Davis as a possible “*church shooter*” threat and danger to children.

Conclusion

For the reasoning stated above, it is appropriate and the high ethical duty of the Honorable Curt to consider the post-judgment facts of the Caroline Cone sworn court testimony finally obtained on or about, Nov 18, 2018, in pursuit of “*substantial justice*” for a falsely accused, falsely arrested, falsely indicted, falsely prosecuted, falsely convicted, falsely sentenced, and falsely jailed Appellant.

The Preamble to the Tennessee Code of Judicial Conduct – Rule 10 states: “An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.”

Rule 2.15 A of the Tennessee Code of Judicial Conduct – Rule 10 states: “A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question regarding the judge’s honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.”

Rule 2.15 B of the Tennessee Code of Judicial Conduct – Rule 10 states: “A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.”

Rule 2.15 C of the Tennessee Code of Judicial Conduct – Rule 10 states: “A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.”

Rule 2.15 D of the Tennessee Code of Judicial Conduct – Rule 10 states: “A judge who receives information indicating a substantial likelihood that another lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action.” May God bless the Honorable Court.

Respectfully Submitted,



Willie Austin Davis, Citizen
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**IN THE CRIMINAL APPEALS COURT FOR THE STATE OF TENNESSEE
MIDDLE DIVISION SECTION AT NASHVILLE**

Willie Austin Davis

Defendant/Appellant

vs.

Case No. M2019-01852-CCA-R3-CD
Trial No. 2017-A-62

State of Tennessee

Plaintiff/Appellee

DECLARATION OF APPELLANT WILLIE AUSTIN DAVIS

1. I, Willie Austin Davis, am an adult citizen, and resident of Nashville, Tennessee and do make this declaration based on my own personal knowledge.
2. I am presently 65 years of age.
3. I found Exhibit 1, a court transcript of child sex abuse expert witness, Caroline Cone, in a stored box on Sept 26, 2020.
5. A Mann Act Federal crime cover-up is still on-going before the Tennessee Court of Criminal Appeals to protect Gov. Mike Huckabee and Rev. Franklin Graham's co-author, John Perry. Attorney Larry Crain was the attorney for child-molester John Perry, and John Perry's child sex abuse victim, **REDACTED**, aka **REDACTED**. Attorney Larry Crain represented child-molester John Perry in a \$3 million Federal lawsuit against Rev. Billy Graham's publisher, HarperCollins Publishing: <https://www.tennessean.com/story/news/religion/2018/05/02/billy-graham-biography-franklin-graham-ghostwriter-harpercollins/574134002/>
6. The court appointed anonymous name for John Perry's child sex abuse victim, **REDACTED**, is: **REDACTED**. The Caroline Cone court transcript has a court reporter error on the outside cover with the incorrect name listed as: **REDACTED**. The correct court appointed anonymous name of John Perry's victim is found on page 5: **REDACTED**.

7. I attempted to purchase the entire court transcript on the day of the original court hearing, but I was denied the equal opportunity and terms to purchase the full transcript as offered to Attorney Larry Crain.

8. I finally obtained a partial transcript of the sworn testimony of Caroline Cone on or about Nov 18, 2018, over a year after my criminal trial took place on Sept 11-12, 2017. I would still like to purchase the full transcript if Attorney Larry Crain or Court Reporter Priscilla Smith will allow such a purchase.

I declare under penalty of perjury that the foregoing is true and correct. Executed by me this 6th day of October, 2020.

Willie Austin Davis
Willie Austin Davis – Citizen Appellant

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, EMELINE THRASH, a notary public in and for said County and State, the above-signed, Willie Austin Davis, Jr., and did make oath that the information contained in the foregoing document was true and correct to the best of her information, knowledge, and belief.

Sworn to and subscribed before me this 6TH day of OCTOBER, 2018.

Emeline Thrash
Notary Public

My commission expires: 3/6/2021



IN THE CIRCUIT COURT OF DAVIDSON COUNTY TENNESSEE

COPY

REDACTED

Plaintiff,

vs.

AUSTIN DAVIS,

Defendant.

)
)
)
)
) CASE NO.
) 16C-505
)
)
)

Proceedings before the Court

March 14, 2016

EXCERPT: Testimony of Caroline Cone

Before: The Hon. Kelvin Jones, as Judge

Reported By: Priscilla Smith, LCR

A P P E A R A N C E S:

For the Plaintiff:

Mr. Larry Crain
Arena Law Firm, PC
5214 Maryland Way
Suite 402
Brentwood, TN 37027

The Defendant:

Mr. Austin Davis appeared Pro Se

ALSO PRESENT:

MS. REDACTED

MRS. DAVIS

I N D E X

WITNESS

CAROLINE POST CONE, MSN, APRN, BC

Direct Examination by Mr. Crain.....3

Cross Examination by Mr. Davis.....13

E X H I B I T S

No. 1 Report.....11

Reporter's Note: All proper names in the transcript are spelled phonetically, unless spelling is provided by counsel or witness.

1 CROSS EXAMINATION BY MR. DAVIS:

2 Q. Ms. Cone, did you say you had learned
3 about the child molestation in 2008?

4 A. Yes.

5 Good morning.

6 THE COURT: She said "good morning."

7 MR. DAVIS: "Good morning"?

8 THE COURT: "Good morning," to you.

9 Q. Oh, good morning. I asked a question.
10 Did you hear it?

11 A. Yes, sir. I answered it.

12 Q. So you learned about it in 2008?

13 A. Yes, sir.

14 Q. And what did you do?

15 A. What did I do with the information?

16 Q. Yeah.

17 A. Meaning, like, what -- did I contact?

18 Q. I just want to know what you did. Was it
19 a private thing at that point in time? Were
20 you -- I don't know; I'm not a counselor or
21 anything. I'm not a lawyer, so I'm just asking
22 questions.

23 Did you do anything, or did you just...

24 A. Sure. Yes, sir. My client, at the time,
25 was 18 years old, which is important to note. And

1 when RED came, the church called, and it was a
2 crisis, and could I get RED in fairly quickly, and
3 I said, absolutely. RED came in quickly.

4 And then, because I was not sure of what
5 to do, I contacted the Department of Children's
6 Services and spoke with a representative there, and
7 what they said was that because RED was now 18,
8 that it had left their office's abilities, and
9 so ---

10 Q. So when in 2008 did you first start
11 counseling RED ?

12 A. April.

13 Q. Or was it 2007, whenever it was?

14 A. It was 2008, and it was April.

15 Q. April. And so when the church calls you,
16 do you know who it was in the church that called
17 you?

18 A. One of the pastors.

19 Q. Do you remember who?

20 A. I believe it was Pastor Ferris.

21 Q. Pastor Larry Ferris? Pastor Larry Ferris
22 called you in April of 2008?

23 A. Yes, sir.

24 Q. Were, like, REDACTED back from TCS at
25 that time? Was it an active separation, or do you

1 know? Do you remember?

2 A. They hadn't separated yet.

3 Q. They hadn't separated. Okay. Well, they
4 separated on April 26th, is what the divorce
5 records say, so was it, like, in mid-April, maybe,
6 when they called?

7 A. Uh-huh.

8 Q. All right. Are you supposed to report it
9 to the DCS or police or anything?

10 A. If the child is under the age of 18.

11 Q. So there is no duty to report a child
12 molester if the statute of limitations is active or
13 running to 21?

14 A. So I did call and report the incident, and
15 they told me that it was not something that their
16 office handles once a child turns 18.

17 Q. You called DCS?

18 A. Yes. Yes, sir. I said that to you
19 earlier.

20 Q. Well, I called DCS, and they said it
21 hadn't been reported.

22 A. Well, I called them. I have
23 documentation.

24 Q. They have no record of it.

25 And then if it gets reported to DCS, then

1 DCS, I think, has to let the police know, and then
2 the police come and investigate.

3 A. My understanding, when I reported it, is
4 that they told me that they don't start working on
5 cases where children are the age of 18 or above.
6 That's my understanding.

7 Q. I'm not -- I mean, I'm just asking because
8 I don't know. This was all murky to me when I got
9 to it and did it. I'm just trying to figure out
10 what happened. Because I called them in 2012.

11 I went to the FBI, the US -- I didn't go
12 to the police, because I was too scared to go the
13 police, of course ---

14 THE COURT: Mr. Davis, if you could just
15 focus on the question. I know this is helpful
16 information for you, but just ask her
17 questions, if you would.

18 THE WITNESS: Would it be okay if I get
19 some water?

20 THE COURT: Yes, yes.

21 Q. (BY MR. DAVIS) So the police, the first
22 time you ever talked to any police was in 2013?

23 A. Correct.

24 Q. Are you sure about that? It's hard -- I
25 say "are you sure" because I reported this in

1 October of 2012. And the police brought me in on
2 December 5th. My wife -- there were eight police
3 officers there. High-level, all the way to the
4 top.

5 THE COURT: Mr. Davis, now, you're
6 testifying about your own experiences.

7 MR. DAVIS: Okay.

8 THE COURT: So just ask Ms. Cone about
9 her experiences.

10 MR. DAVIS: I may become a lawyer, if I
11 stay here long enough and you coach me. Okay.

12 Q. (BY MR. DAVIS) So the police told me, on
13 December 5, 2012, that the investigation was closed
14 and over and that they had already talked to
15 everybody. So could you think back a little bit
16 and see if it was sometime at the end of 2012,
17 maybe?

18 A. According to my records, I got a call in
19 July of 2013 by a detective who was researching the
20 case. That's what's documented in my records.

21 Q. Do you know who that was?

22 A. I don't. I have it written down, but I
23 don't know what detective it was. I met him in
24 person, I talked to him on the phone. he came to my
25 office, and the three of us had a conversation.

1 And I will say, sir, that that was
2 extremely traumatizing for my client.

3 Q. Okay, and so your testimony -- are you
4 saying -- I just want to be clear -- you're saying
5 I'm the one traumatizing your client?

6 A. Yes.

7 Q. Has the child molester, has he traumatized
8 your client?

9 MR. CRAIN: Objection, your Honor.
10 Irrelevant.

11 THE COURT: I will sustain the objection.

12 Obviously I think it's inherent in the
13 witness' testimony that the underlying event
14 was traumatizing, so -- and I think what she's
15 saying is that by you publishing information
16 regarding the incident, that when **REDACTED**
17 hears about it, it continues to traumatize
18 **RED**.

19 I think that's what she testified to.

20 THE WITNESS: Exactly.

21 THE COURT: I don't think she said that
22 you've intended to do anything, but she's
23 saying when **REDACTED** hears about it, it has a
24 traumatic effect.

25 THE WITNESS: I'm guessing that you care.

1 I'm guessing that you care and want the truth
2 to come out.

3 However, what ends up happening is, it
4 ends up backfiring, and RED just really is
5 highly anxious, and the word is
6 "revictimized," every time something comes out
7 on BuzzFeed or something like that,

8 Q. (BY MR. DAVIS) So if, when I came forward
9 and brought it to people's attention in 2012 and
10 everybody who was involved had just said, yes, this
11 is what we did, then there wouldn't have been
12 anything traumatizing, is what I believe, possibly,
13 if people told the truth.

14 A. I don't believe I can speak to that.

15 THE COURT: That's your experience. She
16 can't -- she doesn't know anything about your
17 experience. So you're asking her to speculate
18 about something you did. She doesn't know
19 anything about that.

20 She only knows -- she's going to testify
21 to her experience. So when you say something
22 like that, and "I went to the folks in 2012,"
23 she doesn't know that.

24 MR. DAVIS: Okay.

25 THE COURT: So ask her questions.

1 Q. (BY MR. DAVIS) Who is the molester?

2 A. Who is the what?

3 Q. The molester. Do you know who the
4 molester was?

5 A. Yes, sir.

6 Q. Did you name him?

7 A. Yes, sir.

8 Q. Who is it?

9 A. John Perry.

10 Q. Do you know how many times?

11 A. How many times ---

12 THE COURT: I don't know how that's
13 relevant. How is that relevant? You asked
14 her a question.

15 MR. DAVIS: I thought she was a
16 psychologist.

17 THE COURT: How is that relevant?

18 THE WITNESS: May I say one thing?

19 MR. DAVIS: I asked her a question.
20 She's testifying as a psychiatrist or
21 whatever.

22 THE WITNESS: Hang on one minute. So my
23 understanding is that we're here to determine
24 whether the continued publicity around this
25 issue affects my client, which it really does,

1 but I will also say that the more details you
2 ask me related to RED sexual abuse will
3 retraumatize RED far more than some other
4 things have in the past year or so. And that
5 would be my concern as a clinician.

6 Q. (BY MR. DAVIS) It's relevant because
7 we're sitting here in 2016. Back in 2008, people
8 were discussing something, and I have a question I
9 want to ask you.

10 Do you practice relational restoration?

11 A. As an entity?

12 Q. As a counseling technique.

13 A. Yes, I don't know what that specific term
14 means, but if that needs to happen, then
15 absolutely.

16 Q. So when there -- a child's molested, is
17 relational restoration -- and the Presbyterian
18 Church of America has admitted that they did do for
19 a long time -- is that a technique where you sit
20 down with the victim and the person who did the
21 molesting and go over that in tremendous detail to
22 try to find out what he did?

23 A. Well, so it is not appropriate for every
24 relationship to be restored; it's just not. In
25 general population, mostly it is not appropriate.

1 Q. Was it used in this case?

2 A. I don't know in this case what the church
3 did with it. I only know from my perspective what
4 happened in counseling sessions.

5 Are you asking me about the church?

6 Q. Did you ever sit down with the parties
7 involved and go through that practice with them?

8 A. I sat down with the parties involved, and
9 the purpose was not relational restoration. The
10 purpose was disclosure and healing for my client
11 and also some -- it -- it is helpful when somebody
12 admits to harming you, in front of you.

13 Q. Does that ever backfire with anybody?
14 Does it ever hurt them? Is it ever traumatic for
15 them?

16 A. So are you asking if the process of
17 relational ---

18 Q. Is that done, like it would be, like, on a
19 high school coach and a 13-year-old girl, where the
20 school wanted to get them together, set them down
21 together and make sure that didn't happen, to try
22 to have the child reclaim something with the person
23 and still restore the gift that the person's
24 done -- no police involved or anything, but try to
25 work that out, is that something that -- does that

1 work all the time?

2 A. Well, are you asking based on my own
3 experience or ---

4 Q. I'm just asking -- because I'm not a
5 psychiatrist, or anything. I'm just asking, is
6 that a practice, and I'm wondering if it's
7 successful.

8 A. I really don't know. I really don't know
9 if that whole concept of relational restoration is
10 healing or helpful.

11 Q. Did you ever go to a counseling meeting at
12 the church or have a meeting at the church?

13 A. About this case?

14 Q. Yes.

15 A. No.

16 Q. Did you go up there as a member?

17 A. No, sir.

18 Q. Are you a member of the PCA?

19 A. Yes, sir.

20 Q. Which church?

21 MR. CRAIN: Object. How could that
22 possibly be relevant, what church she attends?

23 THE COURT: It's not relevant. Let's
24 move on.

25 Q. (BY MR. DAVIS) So when you called DCS,

1 they told you there was nothing that could be done?

2 MR. CRAIN: Objection, hearsay.

3 MR. DAVIS: Huh?

4 THE COURT: She's already testified. Her
5 testimony was, she contacted DCS, and DCS
6 informed her that because REDACTED was 18, that
7 they don't handle those matters.

8 Q. (BY MR. DAVIS) Did you know other
9 children had been put in the molester's house back
10 in 2002?

11 A. Other children had been put ---

12 Q. Yes, the safe house, and there were other
13 children, put back in his house, little girls,
14 small kids.

15 A. I did not know that.

16 Q. Yes. That was done in 2002 ---

17 MR. CRAIN: Objection. That's testimony,
18 your Honor.

19 THE COURT: You're testifying. You're
20 trying to ---

21 MR. DAVIS: I'm not trying ---

22 THE COURT: You asked her a question:
23 Was she aware of a safe house back in 2002.
24 Her answer was no, she was not aware.

25 Then you said: Well, you know, it was

1 this, this was going on.

2 That's not -- ask a question.

3 Q. (BY MR. DAVIS) As a person that deals
4 with people who have been molested, is that a
5 concern to you?

6 A. That it was a safe house?

7 Q. No, that John Perry had children that the
8 church put in that house with him back at the same
9 time when the victim was being molested.

10 A. That would be a concern for me.

11 MR. DAVIS: Thank you.

12 THE COURT: All right. Anything else?

13 MR. CRAIN: No further questions.

14 THE COURT: Thank you. You're free to
15 go. All right.

16 (The witness was excused.)

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REPORTER'S CERTIFICATE

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I, Priscilla Smith, Notary Public and
Licensed Court Reporter in the State of Tennessee,
do hereby certify that I was present at and did
report, to the best of my skill and ability, by
machine shorthand, all the proceedings in the
foregoing excerpt, and that said excerpt is a true
and accurate transcript of the proceedings to the
best of my ability.

I further certify that I am not an attorney
or counsel of any of the parties, nor a relative or
employee of any attorney or counsel connected with
the action, nor financially interested in the
action.

SIGNED this 18th day of ~~October~~ *November* 2018, 2016.

Priscilla Smith

Priscilla Smith, LCR
LCR No. 600
Expires: ~~6/30/2018~~ *6/30/2020*

Notary Public, Expiry December ~~9~~ *5*, 2016
2020

PRISCILLA SMITH
COURT REPORTER
REDACTED

INVOICE
No.: PS16-0314-C
Date: November 19, 2018

Phone: REDACTED
Bill to:

MR. AUSTIN DAVIS
P.O. BOX 159153
NASHVILLE TN 37215

PAID

PLAINTIFF	DEFENDANT	Docket No.	Reporter
REDACTED	AUSTIN DAVIS	16C-505	Priscilla Smith

Description	Amount
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Providing: a certified copy of the previously transcribed excerpt of the proceedings before the Court in the above-entitled case in the Circuit Court of Davidson County on March 14, 2016, comprising the testimony of Caroline Cone.

Thank you for your payment in full.

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