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Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on the Judiciary:

My name is Chelsea Lynds and I am a prosecutor in Penobscot County. I am a domestic violence prosecutor and in particular crimes against children. I am here in support of LD 2290 as amended.

You may recall I was here in January and testified in support of VOCA funding in LD 2084. I told you about a case in which I had used the new law you passed last year to admit a CAC interview in my case in chief. In that case, a girl who was ten years old at the time she disclosed, had been subjected to numerous sex acts between the ages of 6.5 to 8 years old by an adult family member who was babysitting her frequently during that period of time. In the safety of the CAC the child was able to describe in detail the things that had happened to her. She was able to give specifics about being forced to both perform and receive acts of oral sexual assault, genital to genital contact and how this person had shown her how to touch his penis by taking her hand, placing it on his penis and moving her hand up and down. I bring this level of detail to your attention, not only because it's what this girl went through, but also because in this case, like so many other child sexual assault cases, there was no physical evidence. It was this child's word against the word of her abuser. My strongest argument to the jury was that there is simply no other explanation for a ten year old girl to be able to describe these sex acts in such a level of detail unless it happened.

As the trial got closer, the girl became increasingly anxious about the thought of having to testify about what happened in front of her abuser, family members, and a room full of strangers. It became clear during trial prep that this child either wasn't going to be able to testify at all or if she managed to testify it would be a bare minimum, little detail disclosure that could traumatize her nearly as much as the abuse itself.

I made the decision to use the new law to try to admit the CAC forensic interview. I filed a motion in limine, the presiding judge reviewed the interview and we had a hearing. One of the issues raised was whether or not this law actually applied to this case and the judge ruled that it did apply. The interview was admitted, and free of the burden of having to describe what happened start to finish in pain staking detail all over again in such a high pressure environment, the child was able to sustain a robust cross examination.

The defendant was convicted by a jury of three counts of gross sexual assault against a child under 12 and 7 counts of unlawful sexual contact against a child under 12. He was sentenced to 25 years in prison followed by 15 years of supervision.

There has been a notice of appeal filed and I expect one of the arguments on appeal will be whether or not this law applied to pending cases at the time that it passed. If the case is overturned then, best case scenario, the child will be traumatized yet again. She will have to sit in front of the man who sexually assaulted her and describe what happened to her, again, under the pressure of a jury trial. Any progress that she has made, any sort of putting this ordeal behind her will be ripped away. That's *best* case scenario, but I honestly don't know that that's what would happen. Something I didn't tell you about in January was the impact this trial had on this girl's entire family. The sexual abuse coming out and the ordeal of the trial had tremendous, negative consequences for this family. It tore them apart. Some members of the family blamed the child's mother for allowing the offending family member to babysit the child on so many occasions. On two different days, two different family members had to be escorted from the courthouse because of inappropriate, emotional outbursts. I pushed forward despite the horrible toll, the prospect of a trial and trial itself was having on the family because I believed the defendant was guilty and I believed he would be convicted if the jury heard the evidence. I felt the benefit would be worth the cost because the child would have the closure of being believed, of her abuser being in prison and a predatory, sex offender would be off the streets. That is what happened, but it was a high price to pay for that family and I don't know that they could sustain that price again. Even though I believe, as did 12 jurors, that the defendant subjected this child to numerous sexual assaults and even though I believe, as did the judge, that the 25 years to serve, followed by 15 years of supervision he was sentenced to is appropriate, I don't know that I could justify putting this child and her family through the trauma of another trial. They will have paid a terrible price for nothing.

I do not believe that is what anybody intended for this child or any other child who had the misfortune of being sexually abused before this law passed on October 24, 2023.