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STATE OF MAINE
OFFICE OF THE DISTRICT ATTORNEY
PROSECUTORIAL DISTRICT IV

April 10, 2024

Senator Anne Carney
3 State House Station
Augusta, Maine 04333

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

My name is Shannon Flaherty and I am an assistant district attorney in Kennebec County. I specialize in prosecuting sexual assault and domestic violence cases, focusing on crimes against children. I am here to speak in support of the amendment to LD 2290. As part of that, I would like to tell you about a recent case I had the honor of being a part of.

The main witness in this case was a 13-year-old girl named Cadence. Back in January of 2022, when Cadence was 10 years old, she gathered the courage to tell her family that her uncle had sexually assaulted her numerous times. As a child of divorce, Cadence would come to Maine during holidays, long weekends, and summer breaks. Her dad, a member of the military, was stationed out of State and his entire family lived in Maine. In an effort to maintain a relationship between Cadence and her ex-husband's family, Cadence's mom would make the journey from New Hampshire to Maine to drop off her daughter with her paternal grandmother. They would meet halfway in West Gardiner, at her paternal aunt and uncle's home. Around the age of seven, the sexual abuse began. When Cadence and her uncle were left alone, either at night when others were asleep or when errands were run, the uncle touched Cadence on her genitals and other parts of her body repeatedly. This abuse continued over many years until this uncle was no longer a member of the family as a result of his divorce from this child's aunt. Once Cadence no longer had to see her uncle on a regular basis, Cadence disclosed the abuse to her stepsister and stepmother, and very shortly after a forensic interview was conducted at a child advocate center (hereinafter "CAC".)

At the CAC, in a safe environment without any influences, Cadence detailed her abuse. She was, finally being able to say out loud what her uncle had subjected her to over several years. She was in a child friendly room, without the threat of her uncle, or the possible shame of speaking of such things in front of her family or strangers, and Cadence began to share her truth. Not only was Cadence able to explain what happened to her, Cadence subconsciously showed what her uncle did to her. Cadence used her hands to mimic what he would do to her before she could consciously answer the interviewer's questions, drew pictures to show where these events occurred, and not only spoke about what happened, but detailed what happened to her over all those years in many ways.

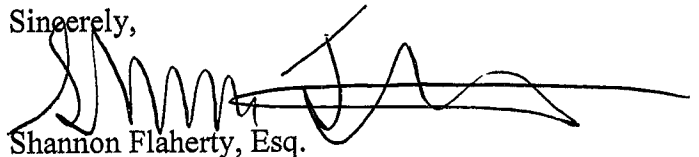
After this interview, an investigation started and the Defendant was criminally charged for sexually abusing Cadence. Ultimately, a trial was held in January of 2024. After having a hearing on the State's Motion in *Limine* to admit the recording of the forensic interview into evidence, the CAC video was admitted into evidence at trial, Cadence appeared and was cross examined. A conviction was obtained wherein a jury of 12 people heard and saw the evidence, including the CAC video, and found that the uncle had abused Cadence. A few months later, the uncle was sentenced to 9 years/All but 4 Years/7 years of probation after the Court heard from Cadence about the negative impact his actions had on her and her family. Because it is not just the abuse as it happens in real time that is harmful, it is every day after. The fear, the memories, family knowing what happened, affects a person in ways that go far beyond the abuse and the court system. Finally, after that sentencing, Cadence had a form of closure, allowing her the chance to be more than just a victim of her uncle, but a survivor ready to move forward with her life.

I am here today because it was my belief, and the belief of the presiding Justice, that at the time of this trial the CAC law did in fact apply to this case, and applied to all cases where there are child victims in Maine. This includes not only future victims, or victims who have yet to come forward, but those victims who existed in the Court system when the law was passed. I cannot imagine a situation where this body, who heard from so many people about the benefits of allowing a CAC video to be admissible, would want any child victim treated differently. It should not matter when a child victim was abused to have the benefit of this law. No child victim should be subjected to more trauma simply because they came forward too soon or their abuse happened before October 24, 2023.

My fear is that if this body does not find that the CAC law applied to pending actions when it was passed, Cadence will go from survivor to victim again. The ramifications of this law not applying to pending actions is that this child, Cadence, will have to testify now at a second trial, she will have to sit in front of her abuser again and relive every moment that he abused her in front of a judge and 12 strangers. Every form of closure she had after she heard that a jury believed her and found him guilty will be taken away in an instant, and Cadence will have to reengage with the criminal process again. I ask this body to take Cadence, and other child victims, into consideration, because all child victims should receive equal justice under the law.

Thank you for your consideration and I ask you to support the amendment proposed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon Flaherty', with a long horizontal flourish extending to the right.

Shannon Flaherty, Esq.

Assistant District Attorney, District IV