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THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS

SUPERIOR COURT

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THE STATE OF NEW HAMPSHIRE
V.
GORDON MACRAE
* * * * *

93-S-0218

TESTIMONY OF DEBORAH COLLETT

Pages 1 through 50

BEFORE:

The Hon. Arthur D. Brennan
Presiding Justice
Cheshire County Superior Court
Box 444
Keene, New Hampshire 03431

DATE:

Tuesday, September 13, 1994

APPEARANCES:

For the State:

Bruce E. Reynolds, Asst. Cty.
Atty.
Robert Gainor, Asst. Cty. Atty.

For the Defendant:

Ron Koch, Esquire
James R. Davis, Esq.

CLERK:

Stillman D. Rogers, Esquire

STENOGRAPHER:

Lorena Werner Patria, CSR
Certificate #41

1 DEBORAH COLLETT

2 who, having been first duly sworn, was called as a witness and
3 testified under oath as follows:

4 DIRECT EXAMINATION: (By Mr. Gainor)

5 Q Hi, Ms. Collett. Do you want me to call you Debbie?

6 A Debbie is fine.

7 Q My name is Robert Gainor. I'm an Assistant County Attorney
8 and that's Bruce Reynolds. He is an Assistant County
9 Attorney as well and I have a few questions for you okay.
10 Could you state your name for the record and spell your
11 last name please?

12 A Deborah Collett, C-O-L-L-E-T-T.

13 Q And do you have any advanced degrees, Deborah?

14 A I have a Bachelor's in human services. I have completed
15 the academic portion of my Master's. I have not completed
16 the field placement, I believe one course and the thesis
17 portion.

18 Q What's your Bachelor of Arts in?

19 A It's a Bachelor of Science and it's in human services with
20 a counseling concentration and my Master's study is in
21 social work.

22 Q Have you ever worked in a counseling field?

23 A For the last ten plus years.

1 Q And so you consider that your profession?

2 A It is my profession, yes. I also up until this past year
3 held a certification as a certified alcoholism and drug
4 abuse counselor in both Vermont and New Hampshire. I still
5 hold counselor approval in the State of Vermont.

6 Q So you're a licensed therapist in New Hampshire?

7 A Yes. I am not presently. I was up until this year. I am
8 in Vermont, though.

9 Q I'm going to move because I fear I was obstructing the view
10 of some of the jurors. I want to take you back in time to
11 1987. Did you work at a Derby Lodge?

12 A I was the clinical director there.

13 Q And can you explain to the jury and judge what Derby Lodge
14 is?

15 A A 28-day alcohol and drug abuse rehabilitation program,
16 in-patient funded by the office of alcohol drug abuse
17 programs through the State of New Hampshire. Primarily
18 address the needs of a chronic population who did not have
19 money to be treated in other places.

20 Q So people will come to that facility who had drug and/or
21 alcohol problems?

22 A Yes.

23 Q And would they have to be clean? In other words would they

1 have to be sober in order to initially attend this program?

2 A 72 hours.

3 Q And how would you ensure that?

4 A They stayed at community detoxification centers for three
5 days prior to being transported to the lodge or they were
6 referred by someone known to the program who -- for
7 example an AA member who could ensure that.

8 Q And how many patients did this facility hold in general?

9 A In 1987, 16.

10 Q And how many counselors worked at that time in 1987?

11 A I can't remember that.

12 Q You were the clinical director?

13 A Yes, I was.

14 Q And what were your duties briefly as a clinical director?

15 A I ran all of the group programming, all the group therapy
16 was my responsibility. I was responsible for supervising
17 the counselors who worked in the program. I was
18 responsible for providing to them something called clinical
19 supervision where they could work through some of maybe
20 their own issues that clients brought up with them as they
21 were working with them. I was the person that was
22 knowledgeable about the State statutes and the requirements
23 of our funding sources and I was the one responsible to

1 make sure all of that fell into line and the day to day
2 operations. I took the garbage out. I did whatever needed
3 to be done to make sure that program ran.

4 Q And how many subordinates roughly did you have? Let me ask
5 you this question. Was it just you running the facility?

6 A No. There were counselors, there were transporters, night
7 watch men, there were part-time people, full-time people.
8 I can't remember. I can't even remember -- I'm trying to
9 even click off the names right now of the people and I
10 can't do that.

11 Q And you were a licensed therapist back then in '87?

12 A Yes, I was.

13 Q Did you know Gordon MacRae back in 1987?

14 A Would you give me a definition of "know"?

15 Q Did you know who he was?

16 A I could connect a name with a face, yes.

17 Q Did he make referrals to your center back in 1987?

18 A Yes.

19 Q And did he ever refer to you a Tom Grover?

20 A Yes, he did.

21 Q And was Tom Grover ever actually a patient at your
22 facility?

23 A Yes, he was and I was his primary clinician.

1 Q Explain to the jury and judge what a primary clinician
2 does.

3 A A primary clinician is the person with whom a client meets
4 individually for individual therapy throughout in this case
5 throughout their stay at Derby Lodge.

6 Q And why did Gordon MacRae refer Tom Grover to your facility
7 if you recall?

8 A The referral was appropriate and met the criteria of the
9 facility.

10 Q Meaning that Tom Grover had a substance abuse problem at
11 this time?

12 A Yes, meaning that he didn't have money to go to Spofford
13 Hall or Beech Hill, meaning that this was an appropriate
14 facility, it was perhaps the only resource at the time.

15 Q Did Tom Grover ever make any disclosure to you during his
16 stay in 1987 regarding sexual abuse?

17 A Yes.

18 Q And what did he relate to you about sexual abuse?

19 A That as a child he had been sexually abused.

20 Q Did he say by what type of person?

21 A Please define "what type of person".

22 Q There's different professions?

23 A Um-hmm.

1 Q Did he identify the profession of the perpetrator of the
2 sexual abuse?

3 A Not directly.

4 Q And did he at any time indirectly refer to the profession
5 of the perpetrator?

6 A There was a group session and an individual session that
7 followed where Mr. Grover was challenged by the other
8 people in treatment due to his lack of honesty in the
9 program and in that individual session I also confronted
10 him relative to his behavior in the program and his
11 confrontation throughout the 28 days happened several times
12 and during that individual session, he attempted I believe
13 to allude to the fact that it was a clergy person but then
14 it was other people too and then it was -- and it was so
15 disjointed that yes, he did at one time point to a clergy
16 person. Yes, he did at one time point to a foster father
17 or some such individual. It was not a jointed
18 conversation. It was a very disjointed conversation.

19 Q Do you remember an interview that you did with Officer
20 Brian Clark of the Keene Police Department recently?

21 A Yes, I do. Yes, and I said it was a clergy person because
22 Mr. Clark would not let me expound. He asked me -- he
23 made a direct query about that and I answered that direct

1 query with a direct yes, that was one of the people he
2 said.

3 Q Okay and this conversation was recorded. Do you remember
4 that?

5 A Yes, it was and I remember him promising me a copy of that
6 and never receiving it.

7 Q Do you recall a question from Brian Clark where he asked
8 you to tell him about any problems related to sexual abuse
9 regarding Tom Grover. Do you remember that question?

10 A I remember very little. Mr. Clark was almost two hours
11 late for the appointment, disrupted our family dinner and
12 was rather un-nice to me based on the fact that I pointed
13 out he was 2 1/2 hours late. I don't remember a lot about
14 that conversation other than I felt that I was not being
15 -- it wasn't a very nice situation to not even call when
16 you were going to be 2 1/2 hours late. I don't remember.

17 Q Now Deborah you don't want to be here today, do you?

18 A Pardon me?

19 Q You don't want to be here today, do you?

20 A I have never said I didn't want to be here. There were
21 some issues, yes.

22 Q Okay.

23 A And I was also told I didn't have to talk about that kind

1 of stuff.

2 Q Okay. Deborah, I want you to read, in the hopes that it
3 will refresh your recollection, pages four and five and I
4 represent to you that this is a transcript of the taped
5 interview you did with Detective Brian Clark?

6 A Um-hmm.

7 Q On page five do you now remember telling Detective Clark
8 that, "Tom came up to my office at some point during the,
9 his 28 day stay at Derby's Lodge and disclosed to me that
10 -- that he had been sexually abused"?

11 A Yes.

12 Q And then Brian Clark's next question to you was, "Did he go
13 into any type of detail on who it was, or what was
14 perpetrated?" Do you remember that question?

15 A According to that, I do.

16 Q And then your response was and I want to ask if this
17 refreshes your recollection.

18 MR. DAVIS: Objection, your Honor. I believe she has had the
19 opportunity to read the document. I think the proper
20 question is, "Having read the document".

21 THE COURT: Sustained.

22 Q You just read this document, correct?

23 A You saw me read it, yes.

1 Q And is your memory refreshed about what Tom told you
2 directly about the profession of the person who sexually
3 molested him?

4 A What I just said to you is how Tom presented it. One of
5 the people's profession was stepfather or foster father.
6 Another person's profession was clergy person, yes.

7 Q So yes, he did disclose to you?

8 A Absolutely.

9 Q That person who perpetrated him was a member of the clergy?

10 A One of the people, yes.

11 Q Okay. We're going to get to that issue. Isn't it true
12 that Brian Clark asked you --

13 MR. KOCH: Your Honor, I'm going to object. That's a leading
14 question.

15 MR. GAINOR: Can we approach please?

16 THE COURT: Yes.

17 (Bench conference recorded-- not transcribed).

18 Q Deborah, isn't it true that Detective Clark asked you and I
19 quote, "And was there anyone, you said that one of his
20 perpetrators was of clergy and, did he say who anyone else
21 may have been" [sic]?

22 A I don't remember.

23 Q Well if I was to show you this transcript of the interview,

1 would you agree with me that that question was asked?

2 A I have no idea if that question was asked at this point.

3 Q Well again, let's back up a bit. Detective Clark came with
4 a tape recorder to the interview, correct?

5 A Yes.

6 Q And you saw him activate the tape recorder, correct?

7 A Yes.

8 Q I will represent to you that Detective Clark will testify
9 that this is the transcript of that interview.

10 A Okay. But of my own memory I do not remember. That's the
11 question you asked me.

12 Q Okay. Fair enough. Isn't it true to that question that
13 appears on this transcript if anyone else -- if Tom
14 reported anyone else abusing him besides the clergy member,
15 that Tom responded to you, "No". Do you remember that
16 answer?

17 A No, I do not. That's what I'm saying to you. I do not
18 remember that testimony to Officer Clark. I do not
19 remember my answers. That was why I asked for a transcript
20 and didn't get one. I do not remember. This was the
21 middle of a hub-bub of a family. He walked in 2 1/2 hours
22 late. It was more of a rush, hurry, get it over with. I
23 do not remember. I had set an appointment with him during

1 a quiet time so we could spend sometime and it didn't
2 happen.

3 Q So would you -- you're saying you have no memory of your
4 conversation with Detective Clark?

5 A I don't have an accurate memory of that conversation, no.
6 I know that he came. I know that he asked some questions,
7 I know that he gave me a release, but what questions
8 exactly he asked in which order, I don't know.

9 Q I want to refer you to page five of the transcript and to
10 those two highlighted paragraphs. If you could read those
11 please?

12 A (Whereupon the witness read the document). It appears that
13 I told him, "No, it did not".

14 Q And could you please read to the jury that question and
15 that response?

16 A You just did.

17 Q If you could do it for me please?

18 A Question, "And was there anyone, you said that one of his
19 perpetrators was of clergy and, did he say who anyone else
20 might have been?" [sic] Answer, "No, he did not".

21 Q Thank you.

22 A I also had not had a chance to review the records which I
23 have now had a chance to review. This is a ten year old

1 client. I have now had a chance to review his treatment
2 records as well.

3 Q I understand.

4 MR. GAINOR: Nothing further, your Honor.

5 THE COURT: Thank you. Attorney Koch will now ask you some
6 questions.

7 MR. KOCH: Thank you, your Honor.

8 DIRECT EXAMINATION: (By Mr. Koch)

9 Q Miss Collett, when you came into court here today to
10 testify, were you basically trying to testify to the jury
11 as to what your memory was of what happened with Mr.
12 Grover?

13 A Yes.

14 Q And your memory as you sit here today is that Mr. Grover
15 made disclosure to you that he may have been abused by more
16 than one person?

17 A Yes.

18 Q And I think --

19 A He made that disclosure in a group situation, yes.

20 Q And he specifically mentioned a clergy person?

21 A Yes.

22 Q Or clergy man I would say?

23 A Yes, clergy man was how I remember it.

1 Q And then you also seem to have some memory about a
2 stepfather or foster father would be the correct term?

3 A I don't remember what the correct term was. That was my
4 own term. That conversation after that group was extremely
5 --

6 Q Now, ma'am, the term clergy men can refer to I'm assuming
7 to any variety of individuals who are members of a
8 religious denomination that are preachers or pastors?

9 A I would guess, yeah.

10 Q Priests or rabbis or whatever we want to call them. Did at
11 any time Mr. Grover say to you that he had been abused by a
12 priest?

13 A No.

14 Q Ma'am, did Mr. Grover at any time ever say to you that
15 persons who had abused him -- did he identify them by name?

16 A No.

17 Q The process Mr. Gainor went through when he was reading you
18 a series of questions and answers that are supposed to be
19 from a transcript of an interview with you, do you remember
20 we just went through those?

21 A Yes.

22 Q The question, ma'am, if I might read this as page five
23 counsel, it's midway about a third of the way down. "Tom

1 came up to my office at some point during the, his 28 day
2 stay at Derby's Lodge and disclosed to me that -- that he
3 had been sexually abused." The response -- that was your
4 answer. The question was then, "Did he go into any type of
5 detail on who it was, or what was perpetrated?" And your
6 response was, "Umm, he disclosed to me that one of his
7 perpetrators had been a clergy"?

8 A Yes.

9 Q Why did you use the language form, if we're assuming those
10 are your words, that "one of his perpetrators had been a
11 clergy"?

12 A Because of that disjointed conversation. It was here,
13 there and everywhere. It was not a conversation like two
14 people would have across a cup of coffee. It was much more
15 difficult than that and because of the setting, the setting
16 was a confrontive setting at that time. This wasn't a
17 voluntary, "Come up to my office for a chitchat." This was
18 hopefully to move this client forward in his recovery.

19 Q Ma'am, was there any question in your mind that Tom Grover
20 knew who Gordon MacRae was?

21 A Absolutely none. Father MacRae referred Tom Grover to the
22 treatment program. We talked with Tom Grover's permission
23 several times, always with Tom being present in the room

1 because that's what I do with all of my clients. We talked
2 about all kinds of things from family visits to after care
3 and my recommendations. I recall Father MacRae and Tom and
4 I having a conversation about Tom going on to further
5 treatment together, after care possibilities so there was a
6 lot of conversation back and forth.

7 Q And that was done so with Tom's knowledge?

8 A In his presence always.

9 Q Now, ma'am, were you aware that Tom Grover had been in a
10 prior treatment facility before Derby Lodge?

11 A I don't remember.

12 Q Would it assist in refreshing your recollection if you were
13 able to look at the notes from Derby Lodge?

14 A It would be wonderful.

15 MR. KOCH: May I approach the witness, your Honor?

16 THE COURT: Yes, you may.

17 MR. KOCH: I won't mark those for purposes of identification
18 but those are the records that were received from Derby
19 Lodge.

20 THE COURT: Thank you.

21 A In my own handwriting, Beech Hill.

22 Q When an individual like Mr. Grover would come to a
23 substance abuse program such as Derby Lodge, is one of the

1 first processes that would be undertaken would be sort of a
2 history?

3 A Yes.

4 Q And can you tell the ladies and gentlemen of the jury what
5 the purpose of the history would be, ma'am?

6 A The purpose is it's multiple. First of all it asks the
7 client to begin to interact for the very reasons that they
8 are there and that is to take a look at their drinking and
9 drugging. It also helps the clinician to understand the
10 possible severity of the problem. What a course of
11 treatment might be, what stumbling blocks might be. It is
12 the beginning of a treatment plan for that 28 day stay and
13 goal setting for that 28 day stay. It may give some
14 contributing causes for an escalation in drinking. An
15 example of that would be that if someone came to treatment
16 who drank two beers a week all of their life and all of a
17 sudden they were drinking two cases a day, and you find out
18 that their wife was run over by a car, it would give some
19 kind of explanation for what they were trying to deal with
20 or not deal with. I can go on all day about reasons for
21 history taking.

22 Q Ma'am, is this sort of a similar process to one in which I
23 might go in to a medical doctor and I give a history of

1 what my problem is and why I am there?

2 A Yes.

3 Q And then the doctor can then make some type of program or
4 plan for treating my particular ailment or disease?

5 A Yes.

6 Q So when Tom Grover came to Derby Lodge and was attempting
7 to get some help for substance abuse, the history that he
8 gave you would have been used in part to help you fashion a
9 way to treat Tom Grover for this identified problem?

10 A Yes.

11 Q Now is there a document, ma'am, called an in-take summary?

12 A Yes.

13 Q Okay and would you relate to the ladies and gentlemen of
14 the jury essentially what the historical background or
15 information that you have received regarding Tom Grover was
16 at the time of his admission?

17 A At the time he was 18 years old, he was native American,
18 still is. Reported his religion as Catholic and his church
19 to be very important to him. He explained the way that he
20 drank, impulsive drinker. He who referred him was Gordon
21 MacRae.

22 Q Let me back up for a minute. In terms of the drinking
23 problem, what was the history there?

1 A Okay. First consumed alcohol at age 16, became intoxicated
2 with his first consumption. Experienced alcohol induced
3 black outs at age 17, that he is a black out drinker.
4 Black outs mean that you lose memory of what's going on.
5 You don't lose consciousness but you lose memory of what's
6 going on. Said that he experiences black outs each and
7 every time he drank, daily drinker, consumes alcohol at a
8 rate of 12 to 18 beers a day, has a history of shakes,
9 sweats and hallucinations while drinking. He reported
10 numerous mind and mood altering drug use, marijuana,
11 hashish, cocaine, opium, amphetamines and hallucinogens and
12 it tells the rate at which he used them. Previous
13 treatment was at Beech Hill. He walked out of the
14 program. He stayed 19 out of the 28 days. Never used
15 Antabuse. Indicated intermittent contact with AA over two
16 years and no involvement with outpatient counseling. I
17 diagnosed him at the time as alcohol dependence, cocaine
18 abuse, and cannabis dependence.

19 Q Now Ms. Collett, let me ask you this. Mr. Gainor when he
20 was questioning you kept referring to the year 1987. What
21 was the year of admission of Tom Grover to Derby Lodge?

22 A 1986.

23 Q All right. It would essentially be the year earlier than

1 Mr. Gainor was questioning about?

2 A That's what the in-take summary says, yes.

3 Q Now, ma'am, you talked about a couple things that I think
4 you explained were black outs, ma'am, but what does a
5 history of shakes and sweats mean to a lay person?

6 A Well I can explain what it would mean to a lay person. It
7 means that an individual's consumption is enough that there
8 are physiological symptoms when they withdraw, when they
9 stop using and some of those physiological symptoms might
10 be hallucinations, shakes, sweats, disorientation, extreme
11 depression. So it's part of the in-take summary to
12 understand if there are physiological physical reactions to
13 stopping using and that often indicates to the clinician
14 what the extent of use was if somebody drinks a couple
15 beers a night for the rest of their life. If they were to
16 stop they would shake and sweat probably.

17 Q The more dependent one is upon alcohol or other substances
18 the more you might see this -- these type of symptoms?

19 A Yes. They would be significant to report in an 18 year old
20 client.

21 Q Now I know some of these things sort of make common sense
22 when you talk about them but since we don't deal with it
23 every day that's the reason I'm asking those questions.

1 Let me ask you this. When you talk about hallucination,
2 how does that tie into this process?

3 A Withdrawal from alcohol can cause hallucinations and so
4 this client was saying to me that withdrawal -- the
5 process of withdrawal was severe enough which means there
6 had been a lot put in, there had been a lot of substances
7 put into his system consequently to take them out of his
8 system. It was severe enough to cause hallucinations.
9 They are quite often auditory or hearing hallucinations
10 rather than seeing little pink elephants as the stereo-type
11 suggestions. It's more often hearing things than seeing
12 things.

13 Q Ms. Collett, in the history -- and I am reading from the
14 last sentence of the first paragraph of where it says
15 alcohol and drug use. Right at the very end of that
16 sentence it says, "Client's history of alcohol use
17 indicates a history of shakes and sweats" and then there is
18 a conjunctive there, "and". It says "... and
19 hallucination while drinking"?

20 A Um-hmm.

21 Q Now I am wondering if that terminology, if one were saying
22 one were to hallucinate while drinking, is that a different
23 type of hallucination than would be from one withdrawing

1 from drinking?

2 A That's poor English.

3 Q Okay?

4 A It's while using drugs and/or alcohol on a daily basis,
5 upon withdrawal hallucinations occur and that was just --
6 this was typed from a fill-in-the-blank form and what
7 probably happened when I did it is I didn't complete the
8 sentence correctly and it was often a place that I did
9 that.

10 Q Thank you, ma'am. The following paragraph, and I think you
11 touch on this briefly, was that there is a history of using
12 numerous mind/mood altering drugs. What do you mean by
13 that?

14 A Just that. They alter mood and mind. They alter thinking
15 and mood.

16 Q And at this particular case at least the history that was
17 reported to you, ma'am, by Mr. Grover was that he was using
18 marijuana weekly?

19 A Um-hmm.

20 Q And in an amount of about an ounce a week?

21 A Yes, that's what it says here.

22 Q Now there's also a notation here, "Using hashish, two grams
23 a week"?

1 A Yes.

2 Q Does that have any significance to you? I mean can you --
3 what is a gram of hashish? Is that something you can tell
4 us?

5 A That's a weight. A gram is a weight. It's a metric weight
6 as opposed to ounce.

7 Q Okay. And then using cocaine in the amount of an ounce a
8 week?

9 A Yes.

10 Q Opium in the amount of a gram weekly. Is that correct?

11 A That's what he reported to me, yes.

12 Q And then, ma'am, the final paragraph or sentence there said
13 in addition, "Tom indicates that occasional use of
14 amphetamines." What are amphetamines for our purposes?

15 A When you read in the media, they are called uppers. They
16 are mood elevators. They are drugs that cause a high
17 explosive energy sometimes, things like crystal meth,
18 Crossroads, White Crosses. There is a whole slue of drugs
19 on the market that are classification amphetamines.

20 Q Ma'am, I have sometimes heard a word used, "speed"?

21 A Uppers, speed. That's a street term, yes.

22 Q And then finally occasional use of hallucinogens?

23 A Yes, LSD, hallucinogenic mushrooms. PCP can be a

1 hallucinogen. There's a number of drugs. Those are the
2 tripper drugs. Take a trip.

3 Q Now, ma'am, at that point in time I note from the records
4 that Tom Grover was 16 years of age?

5 A He was 18 years of age.

6 Q He was 18 at the time he came to your program?

7 A Yes. Our program didn't take people under legal age.

8 Q Now, ma'am, he also said that he was consuming alcohol at a
9 rate of 12 to 18 beers a day?

10 A Yes.

11 Q Now when someone gives you a history and you're in a
12 program like that, do you do any type of independent
13 verification or fact finding to ascertain whether the
14 history that they give you of their substance and drug or
15 alcohol abuse is accurate or not?

16 A I think it becomes evident as treatment goes on. It's
17 impossible to do any fact finding or verification. In
18 order for me to testify here today I had to be released
19 from federal confidentiality regulations and so as a
20 counselor you can't just pick up the phone and call people
21 and say, "Gee, have you seen Tom drinking 15 beers
22 yesterday or doing two grams of hash?" It just can't be
23 done.

1 Q So what you basically do is rely on the self honesty and
2 reporting?

3 A Yes.

4 Q In terms of a person's history of abuse of alcohol and/or
5 drugs?

6 A Yes.

7 Q And then did you note, ma'am, I mean after you obtained
8 this history from Mr. Grover, did you formulate a plan in
9 terms of dealing with those issues that he had identified?

10 A Yes. There is a treatment plan that's always in place and
11 there is a copy of it here. Yes. Thomas and I did the
12 treatment plan on 8/4/86.

13 Q And can you just tell the ladies and gentlemen of the jury
14 briefly what that would consist of?

15 A It would consist of problems, goals and a plan and contract
16 for the 28 days and beyond. Do you want what the plan
17 was?

18 Q If you could do that. I don't want to take you into too
19 much detail.

20 A Alcohol and drug dependency was the first problem. The
21 goal was to work to gain the tools to maintain sobriety and
22 the plan was a 28 day treatment program to include group
23 and individual and alcohol education therapies, AA

1 involvement and house responsibilities. The second problem
2 was sharing feelings. Gain trust in self and others to
3 build self-esteem and self-confidence and that was to be
4 addressed in group and individual sessions. The third
5 problem was alcohol education, understanding the disease
6 concept and apply the concept to his own behavior and then
7 there was discharge planning to help Tom maintain
8 sobriety.

9 Q And what would the daily course of treatment be, just as a
10 general rule?

11 A The general rule there was a group therapy session. There
12 was approximately two to two and a half hours every
13 morning. There was house responsibilities. The clients
14 prepared meals for each other throughout the day,
15 throughout their stay. There was an alcohol education
16 program which was a classroom setting kind of thing that
17 was an hour, hour and a half in the afternoon and then
18 usually a group in the evening or an AA meeting or both
19 dependent upon what was going on in the house. It would
20 not be unlikely for there to be a group if there was a
21 problem in the house or somebody had a difficulty with
22 another person or somebody on staff thought it was
23 necessary.

1 Q And then is there any individuals monitoring what they feel
2 to be their progress or lack of progress as they would go
3 through a program?

4 A Yes, there are some peer monitoring. There was weekly
5 clinical supervision and I had my own clinical supervisor
6 for my cases and each of the other clinicians I supervised
7 and then the executive director of the agency also would
8 monitor meeting the needs of the client.

9 Q Ma'am, when a person like Tom Grover is admitted into a
10 program, would an outside person have any control over what
11 is discussed in therapy sessions or what goes on in the
12 actual day to day functioning of the program?

13 A I don't understand your question.

14 Q All right. Let me see if I can make it simpler like this.
15 We've established or I think you said that Tom Grover came
16 to Derby Lodge in 1986 for admission into the program on
17 the referral of Gordon MacRae?

18 A Yes.

19 Q Now what I was asking, would Gordon MacRae have any
20 influence or impact or control over what went on in the day
21 to day operations of the facility? For instance in the
22 therapy sessions, in the group sessions?

23 A No.

1 Q Is he present?

2 A No.

3 Q These group sessions and individual therapy sessions that
4 take place, if I understand correctly what you're trying to
5 do is get to kind of what the root problems are for maybe
6 an individual expressing kind of anti-social behavior such
7 as too much drinking or drug use or those kinds of things.
8 Would that be a fair statement?

9 A Could you restate that? I'm --

10 Q Okay. Let me rephrase it this way. Lawyers -- we're so
11 used to talking that sometimes we don't make a lot of sense
12 in what we say. What I'm getting at is that it's always
13 seemed to me that if a person had an alcohol problem, that
14 the alcohol is not really the problem, it's sort of like a
15 manifestation and that there is underlying reasons?

16 A That was in the dark ages, yes.

17 MR. GAINOR: Objection, your Honor. Could we approach please?

18 THE COURT: Yes.

19 (Bench conference recorded-- not transcribed).

20 Q Ms. Collett, I asked you the question and then I think you
21 told me I was in the dark ages so maybe you can help me?

22 A The idea the American Medical Association recognizes
23 alcoholism as a disease unto itself. Just as people don't

1 catch pneumonia from standing in the cold and it is in fact
2 a viral or bacterial condition, alcoholism is not caught
3 because somebody had a rough childhood. There's a number
4 of reasons. There is genetic pre-disposition but we are
5 all equally able to catch alcoholism. It's caused by
6 addiction caused by too much drinking or drugging. It is
7 not a symptom of underlying problems. That's how the
8 American Medical Association defines it as a disease
9 today. It used to be thought it was a symptom of other
10 issues.

11 Q So if I understand you correctly, you're saying that
12 alcoholism is a problem or disease unto itself but there
13 may be other problems or diseases unto themselves so to
14 speak?

15 A Certainly.

16 Q And you have to look at the myriad or the whole picture?

17 A Certainly.

18 Q Now by the way, when Tom Grover disclosed that he may have
19 or had been abused by a clergy person, did you have any
20 sense from your discussions with him as to what his age
21 would have been?

22 A It was my impression that he was a child.

23 Q Now, ma'am, when you say a child, can you tell me why you

1 had that impression or sense? I mean child can mean
2 something different I think to everybody?

3 A Yeah, and I can't give you an age or anything. It was my
4 impression that he was small and he was a child.

5 Q And that was again based upon the information that you had
6 received in the group session as well as the comment in the
7 individual session?

8 A Yes.

9 Q In the situation where he alleged to have been abused by a
10 foster parent, was it also your impression, ma'am, that
11 that was as a small child?

12 A Yes.

13 MR. GAINOR: I object, your Honor. Miscategorization of the
14 evidence. The witness did not say Tom Grover was a small
15 child and Attorney Koch said also as a small child.

16 MR. KOCH: Well, your Honor, when somebody says they are that
17 high, I mean --

18 Q Is that a correct description, a small child?

19 A Yes.

20 THE COURT: I don't know if she is going off the floor or off
21 of where she is sitting there.

22 A From here to here.

23 THE COURT: The objection is overruled.

1 MR. KOCH: If I may have a few moments to confer with
2 counsel?

3 THE COURT: That's fine.

4 Q Ma'am, when an individual, and when I am saying an
5 individual, when Tom Grover was released from the program,
6 he is not cured from alcoholism, is he?

7 A No. No one is cured from alcoholism.

8 Q What you're hoping is that you have given him enough
9 insight and direction and coping techniques so that maybe
10 he can follow up in terms of after care and remain
11 substance free?

12 A Yes. It's similar to diabetes where it's never cured, but
13 can be maintained in good stead with some repetitive
14 treatment. You have to take your medicine.

15 Q Now is one of those follow ups AA?

16 A Yes.

17 Q Would that be almost an across the board recommendation for
18 anyone leaving?

19 A Yes.

20 Q Treatment?

21 A Yes.

22 Q Who did Mr. Grover want to be released to in terms of his
23 follow up care from the treatment program?

1 A You know, while my name is on the discharge summary, I
2 didn't write the discharge summary.

3 Q In terms of the records, and if I might approach?

4 THE COURT: You may.

5 MR. KOCH: Thank you.

6 A He apparently asked Father MacRae to be his temporary
7 sponsor.

8 MR. KOCH: Your Honor, may I show this document to Attorneys
9 Gainor and Reynolds?

10 THE COURT: Yes.

11 MR. KOCH: D-239 I believe is the page on the discovery.

12 Q Now Mr. Grover leaves the program. He essentially signs a
13 contract with Derby Lodge that really is not legally
14 binding but it's intended to have him commit to some type
15 of after care follow up. Isn't that true?

16 A Yes.

17 Q And is that the purpose of this discharge agreement?

18 A Yes.

19 MR. KOCH: Your Honor, with the Court's permission I would
20 like to mark that as Defendant's Exhibit A. I'm not sure
21 --

22 THE COURT: Oh, yes, it can be marked. The Court will receive
23 it.

1 (Marked Defendant's Exhibit A).

2 MR. KOCH: Your Honor, I would like to approach and ask about
3 another area.

4 THE COURT: You may.

5 (Bench conference recorded-- not transcribed).

6 MR. KOCH: I would tender admission of Defendant's Exhibit A
7 then.

8 THE COURT: Then the Court will receive it as Defendant's
9 Exhibit A. It was marked as a full exhibit anyway. We'll
10 get this jurisdictional change worked out. Normally just
11 ask for identification. Mark the exhibit for
12 identification or mark it as a full exhibit and counsel
13 will respond from the other side.

14 MR. KOCH: Okay. Thank you, your Honor.

15 Q Ms. Collett, I'm from New Mexico and I'm not fully up on
16 the New Hampshire procedures so the judge was kind enough
17 to explain to me the proper process here. Your Honor, in
18 terms of publication of this exhibit to the jury is that --

19 THE COURT: Yes, you may.

20 MR. KOCH: Does the bailiff do that?

21 THE COURT: You may publish it to the jury.

22 MR. GAINOR: Well, your Honor, I would ask that that wait until
23 I am done with the redirect.

1 THE COURT: Oh yes, we can do that.

2 MR. KOCH: If I can go through my notes very quickly I think
3 I am finished.

4 Q Ma'am, on the in-take summary, "Background", have I got
5 your papers -- I just want to go through that first
6 paragraph there in terms of the history that Tom gave you
7 about his family background. Can you find where I'm
8 talking?

9 A Introduction?

10 Q May I approach, your Honor. It might expedite things.

11 THE COURT: Yes.

12 Q "Background" here. Just that final piece of history,
13 ma'am, on that first paragraph.

14 A The second paragraph of "Background".

15 Q It starts out with the sentence, "Thomas Allen"?

16 A "Thomas Allen Grover is the fourth eldest of eight adopted
17 siblings. He was adopted into the multi-racial family of
18 Elmer and Patricia Grover shortly after his first
19 birthday. Tom indicates that he knows little of his
20 natural family other than he and 13 siblings were born to
21 two native american parents on an indian reservation in
22 Arizona. All siblings were removed from the custody of
23 their natural parents due to abuse and neglect associated

1 with the parents' alcohol abuse. Of his adopted parents
2 Thomas reports both are in good physical health".

3 Q I won't go into that. That's about their personal life.
4 Unless Mr. Gainor wants to, it's all right with me.

5 MR. GAINOR: That's fine.

6 MR. KOCH: I will pass the witness, your Honor.

7 THE COURT: Thank you. Attorney Gainor?

8 REDIRECT EXAMINATION: (by Mr. Gainor)

9 Q Deborah, you discussed alcoholism being a disease?

10 A Yes.

11 Q Isn't it true that people use alcohol in order to --
12 alcohol itself as a medication to dim some kind of pain?
13 Is that a correct statement?

14 A I don't believe according to the American Medical
15 Association it is a correct statement.

16 Q So you would disagree that some people think --

17 A The American Medical Association --

18 Q Let me finish the question please. Would you disagree with
19 this statement, that some people drink alcohol and do drugs
20 in order to reduce the pain from some trauma in one's
21 life? Would you agree or disagree with that?

22 A The American Medical Association disagrees with it in its
23 definition of alcoholism it is my belief.

1 Q So you're saying people don't drink or do drugs because of
2 some trauma in their life, that it is solely a genetic
3 disease. Is that what you are saying?

4 A No, I am not saying that. I am saying part of the
5 definition of alcoholism or the definition of alcoholism
6 that I am familiar with and supposed to be competent to
7 present in situations like that is that of the American
8 Medical Association. It is not my belief that there is --
9 that your statement is part of that definition.

10 Q And what is that definition precisely?

11 A That it fits the five criteria for a disease and I am not
12 sure I remember all five. It is a disease unto itself. It
13 has a beginning, it has a predictable progressive course.
14 It has an end result that's predictable and I believe it's
15 treatable and not treated as fatal and I think those are
16 the criteria that the American Medical Association, and I
17 may be wrong on one of them. I don't have it in front of
18 me and it's been awhile since I taught it but that's the
19 criteria the American Medical Association I think uses to
20 judge something as a disease. In the case of alcoholism
21 the American Medical Association has so deemed that it is a
22 disease.

23 Q And you just stated that one of the criterion of it being a

1 disease is that it has a beginning, correct?

2 A Yes.

3 Q And when does that beginning occur at birth?

4 A I don't know. You would have to ask the American Medical
5 Association. I don't know that.

6 Q Well to have a beginning, there has to be a cause, correct?

7 A Sir, I don't know what the criteria is. I am sorry.

8 Q So are you necessarily qualified then to issue an opinion
9 about whether alcoholism can be caused by a traumatic event
10 or whether it cannot be?

11 A I am telling you that the American Medical Association
12 doesn't offer that opinion.

13 Q But you're not qualified right here and now to tell us
14 exactly what that definition is by the American Medical
15 Association?

16 A No. I could probably find it among my things but I was not
17 prepared for this.

18 Q Okay. Fair enough. Now you mentioned that Gordon MacRae
19 was present at some of the counseling sessions that you had
20 with Tom Grover?

21 A No, I never said that.

22 Q Okay.

23 A Never said that.

1 Q Okay. I am sorry if I mischaracterized it. When was
2 Gordon MacRae present when Tom was a patient?

3 A He brought Tom to the lodge and dropped him off.

4 Q And was he present for anything else during his stay there?

5 A Not with me he wasn't.

6 Q And who was he present with?

7 A I have no idea if he was present. I am just saying I can
8 only report what I saw and he was never present with me.

9 Q You didn't state on cross-examination that the defendant
10 had some direct involvement with his treatment at Derby
11 Lodge?

12 A Yes, I did state that.

13 Q And what was his direct involvement?

14 A Coordination of after-care services and the involvement
15 that Tom offered for him.

16 Q And when Tom was actually in the program at Derby Lodge,
17 and I am not talking about just after care but when he was
18 in the program, was Gordon MacRae involved with any of the
19 treatments going on then?

20 A Gordon was never physically present in the lodge when there
21 was a group or individual session. There was telephonic
22 communication relative to Tom's resistance to the
23 recommended continued course of treatment. There was

1 telephonic communication relative to other issues at Tom's
2 request. Tom I think twice or three times or more than one
3 time requested calling Gordon. That was not a problem. He
4 got a free dime up in my office, got to call him and talk
5 to him. We talked about after care. It was my
6 recommendation that he go on -- for an 18 year old he had a
7 really serious problem, that he go on to a long term
8 program. I distinctly remember a conference call, my very
9 first on my new phone between Gordon and Tom and myself
10 relative to that. Gordon was never involved in a group
11 therapy session and I don't think I said that.

12 Q Okay. I apologize then but it is fair to say, is it not,
13 that whenever there was a major turning point or any major
14 event in Tom's treatment Gordon MacRae was involved,
15 correct?

16 A No.

17 Q You just said that you had telephone conferences with
18 Gordon MacRae?

19 A That's normal procedure three days before somebody is
20 getting out of treatment that they name and ask that person
21 to be a voluntary or temporary AA sponsor, that we
22 coordinate. It would be irresponsible to just say well you
23 have had your 28 days treatment and drop the person out the

1 door. There was involvement to that extent. There was not
2 involvement in treatment and I don't think I said that.

3 Q And the three person call between you, Tom and Gordon on
4 your new phone system?

5 A Yes, that was to line up after care that Tom signed for on
6 that contract that you marked A or 1, whichever.

7 Q Fair enough. And what other types of contacts would Gordon
8 MacRae have? Let's go through them one by one during the
9 treatment?

10 A I know there were some, "Gee, I would like to call Gordon
11 and tell him how good I did today." That's normal
12 treatment procedure.

13 Q Okay.

14 A It's not treatment at all. It's just and I don't know how
15 -- they had a pay phone. He could have called him every
16 night of the week for all I know. I have no idea what
17 other contact.

18 Q Okay. I think we're just having some miscommunication with
19 symantics. Me calling it treatment and you calling it
20 something else but most certainly you would agree that
21 Gordon MacRae was involved to some degree with Tom's
22 treatment, rather -- strike that with Tom's stay at Derby
23 Lodge?

1 A They had contact. I would agree to that.

2 Q And he was a sponsor, right?

3 A He was the person that Tom chose to be his temporary
4 sponsor to get him going to meetings when he got out. It
5 was always the client's choice.

6 Q And isn't it true you told Brian Clark on page 6 of the
7 transcript that, and this is talking about the disclosure
8 that Tom made about a clergy man abusing him sexually.
9 Isn't it true you told Brian Clark that the disclosure was
10 important, perhaps to his treatment but to go into clinical
11 gory details was probably not only important but not very
12 therapeutic for him to disclose that kind of information to
13 me and then to leave me. Do you remember saying that?

14 A Yes, that is always my stance.

15 Q So you don't want to deal with disclosures of sexual abuse
16 at Derby Lodge?

17 A That is not true. That is not true. You are putting words
18 into my mouth, sir.

19 Q I don't want to do that so why don't you tell me what you
20 meant by that statement to Brian Clark?

21 A When treatment involves the issue of sexual abuse, there
22 needs to be a good deal of support around the therapeutic
23 process that goes along with healing from childhood sexual

1 abuse. That isn't the kind of thing that you do in a 28
2 day stay. It isn't a, "Oh, you're fixed, tell me all about
3 it and then leave." It's a long process that has to do
4 with establishing trust and rapport and a knowledge that
5 safety exists and that's not something a client does in 28
6 days. It was also part -- a great deal a part of the
7 rationale for asking Tom to go on to long term treatment
8 where he could be with the clinician for 6 to 9 months who
9 was in that house every single day to deal with that
10 issue. I can be extremely empathetic to the issue of child
11 abuse and sexual abuse but it was not my job to treat it in
12 28 days. It would be a gross misconduct on my part
13 professionally.

14 Q And wouldn't it be safe to say that it would be rather
15 difficult for Tom to tell you precisely whom this clergy
16 member was when in fact it was Gordon MacRae who sent Tom
17 to your program. Would you agree with that statement?

18 A No, not necessarily. I can't be in Tom Grover nor Gordon
19 MacRae's mind. Certainly there was contact between the two
20 of them that wouldn't indicate a level of discomfort
21 between the two of them. That's for sure. Certainly had
22 Tom said that there was a level of discomfort, there would
23 have been no further communication at all. He had a free

1 wheel and right to pull every release and stop myself or
2 anyone else in the treatment program from ever saying
3 anything to Father MacRae or ever having any contact.
4 There are provisions under federal law to protect one's
5 self that cover just about every circumstance so I've just
6 found out.

7 Q And you just said that sexual abuse is a major issue if in
8 fact someone has been sexually abused, right?

9 A I see it as a major issue in one's life and a trauma in
10 one's life, yes.

11 Q And it does cause trauma, doesn't it?

12 A Certainly.

13 Q And that can be the source of someone's problems having
14 suffered --

15 A Definition of "problems" being?

16 Q Substance abuse.

17 A Not necessarily. The American Medical Association, I am
18 sorry, doesn't agree with you.

19 Q I'm not asking you, ma'am, about the American Medical
20 Association. Would you please answer my question. Sexual
21 abuse causes trauma, correct?

22 A Yes.

23 Q And it causes problems?

1 A Sure, trauma or problems.

2 Q And one of those problems can be substance abuse, correct?

3 A That's not the definition that I can as a professional
4 portray to you. I will not portray it to you.

5 Q Ma'am, very simply, I am not asking you for a definition I
6 am asking you whether -- you to answer a very simple
7 question. That one of the problems caused by sexual abuse
8 can be substance abuse. Would you agree or disagree with
9 that statement? I'm asking for your opinion on cause and
10 effect if you could please answer?

11 A I don't know what causes substance abuse. I'm sorry. I
12 can't answer that any more fully.

13 Q Okay?

14 A Nor does the American Medical Association know what causes
15 it.

16 Q Now you were Tom's primary counselor, weren't you?

17 A That's correct.

18 Q Because you were the clinical director and you were
19 involved in more or less administration as opposed to
20 independent individual counseling?

21 A Because when my clinician staff was short and it must have
22 been I would pick up a couple cases here and there or if
23 there was a particularly difficult case or if someone had

1 another particularly difficult case or all of the
2 counselors had a group of particularly difficult cases, I
3 might ease their burden and that was the -- that was the
4 fact in this case.

5 Q Now you mentioned that you infer that Tom was a small child
6 when the sexual abuse occurred that he disclosed to you?

7 A That was the impression he left me with.

8 Q And it was just an impression, correct?

9 A That's the word I used.

10 Q It wasn't based on any facts, right?

11 A No.

12 Q It wasn't based on any statement from Tom?

13 A "When I was a small child" was the statement and that was
14 the impression. Again, I think the other attorney said
15 smaller child. It's a matter of definition.

16 Q And you're a therapist?

17 A Yes, I am.

18 Q And you're not a sexual therapist, are you?

19 A I did 16 months of internship with Dr. Priscilla Hutchins
20 who is a recognized New England expert in the subject and I
21 did that just because I worked in a clinic where it was
22 real prevalent.

23 Q Are you licensed to be a counselor for people who have

1 suffered sexual abuse specialized in that area?

2 A There is no licensing procedure for that.

3 Q So you then certainly have heard of delayed disclosure
4 among sexual abuse victims?

5 A Yes.

6 Q And you have certainly heard then that it's difficult for
7 individuals who have been sexually abused to --

8 MR. KOCH: Your Honor, with all due respect unless I have --
9 I'm going to have an opportunity to re--

10 MR. GAINOR: I will withdraw the question.

11 THE COURT: She can't answer that question.

12 MR. GAINOR: I will withdraw the question.

13 Q You didn't do the discharge summary in this case, did you?

14 A No, I didn't.

15 Q Do you recall Tom Grover indicating to you that his life
16 was at an all time low at this point when he was at Derby
17 Lodge?

18 A Probably. I don't know.

19 Q And do you recall Tom telling you that his support system
20 included his mother, his brothers, his sisters and Father
21 Gordon?

22 A Yes.

23 Q And in your lengthy interview with Detective Brian Clark of

1 the Keene Police Department, nowhere in that interview did
2 you mention that Tom told you that he was abused by anyone
3 other than a clergy man, right?

4 A No.

5 Q No. You told Detective Clark that Tom Grover told you that
6 someone other than a clergy man?

7 A No, I did not ever say that to Detective Clark.

8 Q Okay. And that was a fairly lengthy interview?

9 A No, it was not. It probably was 20 minutes, 25 minutes.
10 He came 2 1/2 hours late, disrupted our dinner hour.

11 Q Okay. There is no question pending and you have told us
12 that. Thank you. That would have been important
13 information for Detective Clark, wouldn't it, the fact that
14 someone else abused Tom Grover besides the clergy man.
15 That would have been useful information for this case,
16 wouldn't it?

17 A I don't know that.

18 Q Well he asked you that question flat out, didn't he?

19 A I guess.

20 Q And you responded in the negative, "No, no one else abused
21 him"?

22 A According to that, yes, I did.

23 Q Any reason why you told Detective Clark something different

1 as opposed to what you said now?

2 A I just gave you the reason and you didn't want to hear it.

3 Q You were upset?

4 A No. He was 2 1/2 hours late. It was time for dinner. It
5 was time for a family dinner. You know to even talk to him
6 he could have picked up the phone, da-da-da-da-da. So at
7 that point I was trying to do dinner and talk to a
8 detective who was late and didn't call. It was just a
9 crazy time which is why I didn't set up dinner time for our
10 meeting.

11 Q And you were inconvenienced by that interview, right?

12 A It was a crazy time in the house, yes.

13 Q And the State subpoenaed you to be here. Didn't the State
14 do that?

15 A Yes.

16 Q And you received that subpoena, right?

17 A Yes.

18 Q And you were quite angry about having to testify here
19 today?

20 A No, I was not angry.

21 Q You weren't angry about testifying?

22 A No.

23 Q Do you remember talking to Attorney Reynolds, the Assistant

1 County Attorney?

2 THE WITNESS: Your Honor, I'm sorry but I'm not going to --
3 the subpoena didn't ask for me to be here for these
4 questions. It asked for me to be here to tell what I knew
5 about the case of Thomas Grover.

6 THE COURT: I think the questioning has gone far enough. From
7 the witness' demeanor, it's obvious --

8 MR. GAINOR: Thank you, your Honor. Nothing further. Unless
9 Attorney Koch, do you have any further questions?

10 MR. KOCH: No, your Honor. No additional questions.

11 THE COURT: Well I want to thank you for coming and testifying
12 here today. What we'll do is you can go ahead and leave
13 the witness stand and leave the courtroom. I have a copy
14 of the order.

15 MR. KOCH: Your Honor, may I publish my exhibit to the jury?

16 THE COURT: You may do that now. Thank you. Now I want --
17 (Bench conference -- not recorded).


18 THE COURT: Bailiff, take charge of the jury.

19 (End of testimony of Deborah Collett)
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21
22
23

CERTIFICATE

I, Lorena Werner Patria, Certified Court Reporter for the State of New Hampshire and Official Court Reporter in the above-captioned matter, do hereby certify and affirm that the foregoing transcript, pages 1 through 50, represents a true and accurate transcription, to the best of my skill and ability, of my stenotype notes taken in the above-captioned matter.

Date 9/14/94


Lorena Werner Patria, CSR
Certificate #41