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BY MR. NESS:

Q Will you state your name and your occupation.

A Beverly Mackereth. I am an intake caseworker at York County Children and Youth Services.

Q Were you employed in that capacity on or about the 12th of January, 1982?

A Yes, I was.

Q In the course of your employment, did you have an opportunity to see the deceased, Aleta Bailey?

A Yes, I did on January 12, 1982.

Q When was that?

A We had received a call the previous night, in fact, two calls, with referrals from Sergeant Segetti from Northern Regional and one from Childline, where the child's aunt had called and I was assigned the case the following day. The referral stated that Aleta had bruises on her buttocks.

Q As a result of information you received, did you go to the premises?

A Yes, I did.

Q Did you go with anyone?

A Yes, I went with Detective Garber from Northern

1 Regional Police.

2 Q. About when did you arrive at the premises?

3 A. We arrived probably around 10:00 or 10:30 in
4 the morning.

5 THE COURT: Excuse me, what premises?

6 MR. NESS: I was about to ask that.

7

8 BY MR. NESS:

9 Q. Where was that?

10 A. It was on Pine Road in Dover, the trailer park
11 where Mrs. Bailey resided with Aleta.

12 Q. When you arrived at this trailer who was present?

13 A. Mr. Hake, Mrs. Bailey, Aleta and another man who
14 I don't know.

15 Q. Is Mr. Hake in the courtroom today?

16 A. Yes, he is.

17 Q. Would you please point him out.

18 A. Right there.

19 Q. After you arrived at the premise, what did you
20 do?

21 A. Upon arrival, I asked to speak with--Mr. Hake
22 answered the door and I asked to speak with Mrs. Bailey.
23 She came out and I introduced myself and asked to talk to
24 Aleta alone. I then took Aleta into her bedroom and talked
25 with her and asked her about Mr. Hake and, you know, saw if

1 she had any injuries.

2 Q. At this time did you ascertain Aleta's age?

3 A. Yes.

4 Q. What was it?

5 A. Four.

6 Q. Did you make a cursory examination of her body at
7 that time?

8 A. Yes, I did.

9 Q. What did that examination reveal?

10 A. Aleta showed me voluntarily, she pulled her dress
11 up, pulled her tights down and I saw linear bruises across
12 her rear end, on her lower back and around her upper thighs.
13 She also showed me on her arm where she had marks where it
14 looked like finger marks. She told me Mr. Hake had held
15 her and grabbed her there. Okay, it was on both arms she
16 showed me them.

17 Q. Did you take any medical action with respect to
18 Aleta at that time?

19 A. Yes. It is procedure at our agency whenever a
20 child has any marks of any kind, they are taken to the
21 hospital to have the injuries documented. So, I proceeded--
22 I went out and I talked with Mrs. Bailey for a while. I
23 talked with Mr. Hake and then I took Mrs. Bailey and Aleta
24 to the hospital, to York Hospital.

25 Q. Did you have a conversation with Mr. Hake?

1 A. Yes, I did.

2 Q. How many did you have?

3 A. I had two. A short one before I went to the
4 hospital that day and a lengthy one the following day.

5 Q. When was the short conversation with Mr. Hake?
6 About what time would that have been?

7 A. About 11:00.

8 Q. Did you apprise Mr. Hake that you had observed
9 some bruising on the child?

10 A. Yes.

11 Q. What did Mr. Hake tell you with respect to the
12 bruising on this child?

13 A. Okay. I asked originally, I asked Mrs. Bailey
14 what happened. She stated that Mr. Hake--

15 MR. NESS: That's hearsay.

16 WITNESS: I told Mr. Hake I knew. I asked
17 him if he had beaten the child or disciplined her?

18

19 BY MR. NESS:

20 Q. Did you tell Mr. Hake what you had learned?

21 A. Yes.

22 Q. Now, what did you tell Mr. Hake?

23 A. I told Mr. Hake that I had learned that he had
24 beaten the child or severely disciplined her. Mr. Hake
25 said, yeah, he did. He had beaten her with a belt for

1 wetting the bed, for lying. In talking with him, I told
2 him I felt the beating was excessive. He was very nonchalant
3 about the whole thing. He felt the beating was not excessive
4 and that she deserved it.

5 Q. He said she deserved it?

6 A. Yes.

7 Q. For what offense?

8 A. For wetting the bed and she had lied.

9 Q. What else occurred at that conversation?

10 A. Well, basically, as I said, he just was kind of
11 nonchalant about the whole thing, like it is no big deal.
12 That was basically the extent of that conversation and I
13 left to take Mrs. Bailey and Aleta to the hospital.

14 Q. Did you talk to him at any time about the extent
15 of the injuries and about the possibility of further
16 injuries to the child?

17 A. All I said that day was that it was excessive use
18 of force to cause injuries like that and basically that's
19 it. We didn't go into any detail until the next day.

20 Q. On the next day, did you have a conversation with
21 him?

22 A. Yes, I did.

23 Q. Where was that conversation?

24 A. It was held at our agency, York County Children
25 and Youth Services.

1 Q. What was said at that time?

2 A. Mrs. Bailey and Mr. Hake came into the office
3 at that time. This was basically to discuss the situation
4 and to set up some sort of a plan for Aleta. At the time,
5 I talked with Mr. Hake about the injuries, how excessive
6 they were, that it was an excessive beating, that there
7 was excessive force used to make those kind of marks. He
8 told me he did not feel--he didn't know how to discipline
9 a five-or four-year-old child. He told me he had a violent
10 temper and we went into then how great the injuries could
11 have been and how, you know, if he said he couldn't control
12 his temper. So, we went into a lot about different things
13 as far as how serious it could have been for him to disci-
14 pline the child at all.

15 Q. You said you went into a lot of things, such as
16 did you tell him what could happen to the child?

17 A. He knew that the use of excessive discipline or
18 the use of excessive force, as he had used, could hurt the
19 child severely. He also said that he was--well, he was
20 saying that he was unable to control himself and that he
21 did have such a bad temper. So, we were saying if you do
22 discipline her, you could seriously hurt her.

23 Q. You told him that? What did he respond?

24 A. Well, he said that he didn't know, as I said, he
25 doesn't know how to discipline a five-year-old and he needed

1 help in that area. It was also agreed that he should not
2 ever discipline that child. It should be left up to the
3 child's mother from now on because he couldn't control
4 himself.

5 Q. Did you ask him whether the mother or anyone else
6 had participated in causing any of these injuries that you
7 had seen at the time?

8 A. Yes. We talked about that. I talked about that
9 with him and Aleta both stated that Mr. Hake had done the
10 beating.

11 Q. About how long did that interview take?

12 A. About an hour, possibly longer.

13 Q. Did you give Mr. Hake any instructions concerning
14 further contact with the child?

15 A. Yes, it was agreed by all parties that Mr. Hake
16 was to move out of the home. He was never to be left alone
17 with the child, whether he was visiting or not, he was not
18 to be left alone with that child. He was never to stay
19 overnight because of the possibility that he would be asleep
20 and Aleta would do something and he could physically harm
21 her. It was agreed that he would be involved with protective
22 services through our agency and receive some parenting skills
23 should he decide to ever move back in that home and the mother
24 would do all the disciplining of Aleta.

25 Q. Did you have concern that this child was in danger

1 of serious bodily injury or death?

2 A. We felt Mr. Hake would be a threat to her.

3 Q. Did you communicate that concern to Mr. Hake?

4 A. Yes and to Mrs. Bailey and they both agreed with
5 it.

6 Q. Did you ascertain how many beatings there had
7 been to cause these injuries?

8 A. When we received the initial referral from Teresa
9 Spangler--

10 MR. EVANICK: Objection, hearsay.

11 THE COURT: Sustained.

12 WITNESS: I thought possibly that there were
13 two beatings because of Mrs. Bailey's surprised reaction
14 to the extensive bruising on her daughter. When questioned,
15 Aleta said that there was only the one. Mr. Hake stated
16 he had beat her one time. Mrs. Bailey said she didn't
17 know. We did ask the doctor at the hospital about that--

18 MR. NESS: Cross-examine.

19 MR. EVANICK: I have no questions.

20 THE COURT: You may step down.

21 MR. NESS: Your Honor, before I call my next
22 witness, I want to alert the Court that Mr. Evanick and I
23 spoke before this trial. There will be medical testimony
24 that we may have to take out of chronological order when
25 the physicians arrive so that he can attend to his duties.