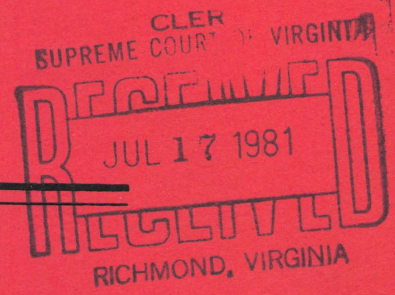


225 Va 387



IN THE

Supreme Court of Virginia

AT RICHMOND

RECORD NO. 801640

CARL ARTHUR ROCHELLE,
Appellant

v.

CONNIE GALE PETERS ROCHELLE,
Appellee

JOINT APPENDIX

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ORDER

This action came on to be heard this 25th day of October 1978, there being present the father of the children named in the caption, Carl Rochelle; his counsel, Gwendolyn Jo Carlberg, Esq.; Carolyn Riesenman, Probation Counselor of this Court; and the presence of the children being waived; and

It appearing to the Court that Carl A. Rochelle, III and John A. Rochelle are children within the purview of the Juvenile and Domestic Relations District Court Law and amendments that temporary custody of the said children should be granted to their father, Carl Rochelle, pending a further custody hearing and notification to the mother, Connie Rochelle; it is

ADJUDGED AND ORDERED that Carl A. Rochelle, III and John A. Rochelle be, and they hereby are, within the purview of the Juvenile and Domestic Relations District Court Law and amendments, and the Court takes custody and grants temporary custody of the said children to their father, Carl Rochelle, pending a further custody hearing on November 15, 1978, at 11:00 A.M. and the Clerk is to notify the mother of the pendency of the said hearing.

ENTERED THIS 25TH DAY OF OCTOBER, 1978.

/s/ Andrew B. Ferrari
Andrew B. Ferrari, Judge

A TRUE COPY
TESTE
MARION E. CENTER, CLERK
By Marion E. Center

PETITION

COMES NOW the plaintiff, Connie Gale Peters Fochelle, by counsel, and moves the Court as follows, to-wit:

1. That she and her husband, Carl Arthur Rochelle were lawfully married on March 5, 1971, in Sioux Falls, South Dakota.
2. That there were two children born of the marriage, to-wit: Carl Arthur Fochelle, III, age six, and John Alfred Fochelle, age three.
3. That the parties last lived together as man and wife in Arlington, Virginia, at 4409 North 36th Street.
4. That the defendant presently resides at 4301 North 39th Street, Arlington, Virginia 22207, and is employed with ABC News and whose work address is 1124 Connecticut Ave., N. W., Washington, D. C. 20036.
5. That heretofore both children were enrolled in private schools, the said Carl Arthur Fochelle, III, being enrolled at Georgetown Day School, and that the said John Alfred Rochelle being enrolled at the Chesterbrook Montessori School.
6. That your plaintiff has been a life-long resident of the Commonwealth of Virginia and presently resides at Route 1, Rocky Mount, Virginia, with her two children.

7. That she and her husband have been separated since June 15, 1978.

8. That your plaintiff is presently unemployed and is in necessitous circumstances.

WHEREFORE, your plaintiff prays that proper process will issue; that the defendant be made a party to this action; that he be required to answer same under oath; that the plaintiff be awarded custody of the infant children born of the marriage; that she be awarded attorney's fees and court costs; that she be awarded reasonable child support payments for the support, education and maintenance of the said infant children; that she be awarded spousal support, she being in necessitous circumstances and being unemployed at the present time; that she be awarded all costs in her behalf expended in this cause and that she be afforded such general and further relief as this cause may require.

CONNIE GALE PETERS ROCHELLE

By

W.G. Davis

Counsel

William G. Davis
Davis, Davis, Raine & Davis
113 E. Court Street
Rocky Mount, Virginia 24151

V I R G I N I A :

IN THE CIRCUIT COURT OF FRANKLIN COUNTY

CARL A. ROCHELLE,

Plaintiff

v.

CONNIE GAIL (PETERS) ROCHELLE

Defendant

T R A N S C R I P T

.

The following constitutes a transcript of the record in the above-styled case, heard before the Honorable B. A. Davis, III, in the Circuit Court of Franklin County, on November 14, 1978; June 6, 1979, and June 25, 1980, of the divorce and custody hearings, and which were electronically recorded.

.

PRESENT:

For the Plaintiff:

David A. Melesco, Esquire
Rocky Mount, Virginia

and

Ms. Gwendolyn Jo M. Carlberg, Esquire
117 North Fairfax Street
Alexandria, Virginia

and

Ms. Dorothy P. Dillon, Esquire
Rocky Mount, Virginia

For the Defendant:

William G. Davis, Esquire
Rocky Mount, Virginia

and

Gordon H. Shapiro, Esquire
324 Washington Ave., S. W.
Roanoke, Virginia

and

Charles P. Alexander, Esquire
111 East Burwell Street
Salem, Virginia

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1 Upon the opening of court at 9:00 a.m. on the morning
2 of November 14, 1978, the case of Rochelle v. Rochelle was
3 called, and the Court Reporter was sworn, whereupon the
4 following occurred:

5 MR. MELESCO: Judge, before we begin, I'd like to show
6 you a copy of an order granting my client custody in the
7 Juvenile and Domestic Relations Court in the City of Arling-
8 ton, dated the 25th of November...October of this year,
9 which we feel is enforceable.

10 THE COURT: You feel is what, Mr. Melesco?

11 MR. MELESCO: Enforceable. We have legal custody of
12 these children. Had the hearing up there.

13 THE COURT: Where are the children at this time?

14 MR. MELESCO: You'll have to ask Mrs. Rochelle. She
15 took them away...

16 THE COURT: Are they within the jurisdiction of this
17 Court?

18 MR. MELESCO: They're in the jurisdiction of this Court
19 but she's already moved them out of one Court's jurisdiction.

20 THE COURT: It might well be, but if it's within the
21 jurisdiction of this Court, I can hear the petition.

22 MR. MELESCO: I'm not going to argue that finding. It
23 just seems to me that, you know, that she's just fishing...

24 THE COURT: Well, I don't know if she is or not...

25 MR. DAVIS: If your Honor please.

1 THE COURT: The evidence may reveal that; it may not.

2 MR. DAVIS: Our position is simply this: The order
3 was dated on the 25th of October of '78. Ostensibly, I
4 don't know what the, what the...I don't like the insinuation
5 that Mr. Melesco is making. This woman can't...she's a
6 native of Franklin County. She lived here most of her adult
7 life. She filed this particular suit on the 24th, and I
8 don't know whether her husband knew that the, the suit had
9 been filed here and he went up there and tried to get a
10 court order reversed. I...

11 THE COURT: Where did they last live together?

12 MR. DAVIS: They last lived together in Arlington,
13 your Honor.

14 MR. MELESCO: In Arlington. She's only been here
15 three weeks.

16 THE COURT: Where were the children living at the
17 time before they...

18 MR. MELESCO: Arlington.

19 THE COURT: ...filed their petition?

20 MR. DAVIS: No, they were...sometime in June or July,
21 as I understand it, Mr. and Mrs. Rochelle had been living
22 together in Arlington for some considerable period of time
23 just up to, up to June or July, at which time she left with
24 the children and went to Washington, D. C., and stayed
25 approximately three, two...three or three and a half months

1 or something like that, and at which time she moved, removed
2 herself back to Franklin County with the children. Now,
3 that's my understanding of the facts.

4 MR. MELESCO: Judge, we agree with everything except
5 the evidence will be that when she left she didn't take the
6 children. She went to D. C., then came back and got the
7 children out of school and then came down here with them.
8 The children are residents of Arlington.

9 THE COURT: Mr. Melesco, according to the laws of the
10 Commonwealth, I can hear it if the children are within the
11 jurisdiction of this Court.

12 MR. ROCHELLE: Sir, if...

13 THE COURT: What you're trying to say is that that
14 forecloses the matter without any other question on it.

15 MR. MELESCO: No, sir...

16 THE COURT: It does not.

17 MR. MELESCO: What I'm trying to say, hypothetically,
18 I go to Charlottesville and take Tod to a football game.
19 That doesn't make me a resident of Charlottesville.

20 THE COURT: Well, they've vouched to the Court that
21 she's a native of Franklin County and that they're living
22 here. It's not a passerby. And I have no reason to disbe-
23 lieve that unless you can...

24 MR. MELESCO: All right. We'll just wait and see what
25 the evidence develops.

1 THE COURT: ...show me it's not correct.

2 CONNIE PETERS ROCHELLE

3 the Complainant in this proceeding, after having
4 first been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. DAVIS:

7 Q. Your name is Connie Rochelle?

8 A. Yes, sir.

9 Q. And where do you live now?

10 A. I live at Route One, Rocky Mount, Virginia.

11 Q. And where is that? What particular part of the
12 county?

13 A. It's across from Franklin Memorial Park, near
14 Boones Mill.

15 Q. All right. And how long have you lived there?

16 A. I've lived there, I believe, for about three, four
17 weeks.

18 Q. All right. And you came from...let me go back.
19 Are you, were you born and raised in Franklin County.

20 A. No. I was born and raised...I was born in Dan-
21 ville, Virginia, but I went to elementary, junior high and
22 high school in Franklin County, and my...

23 Q. Are you...elementary, junior high and high school
24 in Franklin County.

25 A. Right. And my parents are here, so we've just

Connie Rochelle - Direct (Davis)

1 kind of...

2 Q. Do your parents live here now?

3 A. Yes, they live in Ferrum.

4 Q. And how long have they lived here?

5 A. Seventeen or eighteen years.

6 Q. All right. I informed the Court that you were a
7 lifelong resident. That's a little bit incorrect then. The,
8 your first few years you were a resident of Danville. Is
9 that correct?

10 A. Richmond, when I was younger. I was born in
11 Danville, but for most of my life I went to school and lived
12 here.

13 Q. All right. You married Mr. Rochelle when?

14 A. March 5th, 1971, I believe.

15 Q. All right now, were there any children born of
16 this marriage?

17 A. Two.

18 Q. And what are the children, children's names and
19 ages?

20 A. Carl is six and a half, and John is three and a
21 half.

22 Q. Where did you last live together as man and wife
23 with Mr. Rochelle?

24 A. We lived at 4409 North Thirty-Sixth Street in
25 Arlington.

Connie Rochelle - Direct (Davis)

1 Q. All right, and when did you cease...Arlington,
2 Virginia?

3 A. Yes.

4 Q. When did you stop living at that address?

5 A. June 15th, 1978.

6 Q. Well, what happened on June the 15th?

7 A. Well, we, we agreed to separate. I no longer
8 wanted to live in the situation where I was beaten, where I
9 was not allowed to write a check, where I was, my husband
10 was never at home. He works Wednesday through Friday from
11 2:00 o'clock until...he's scheduled from 2:00 o'clock until
12 10:00 o'clock at night and the option of him working until
13 midnight is unknown usually until each day of the week, and
14 he works every weekend and has from the time we got married.
15 And I, my children were getting older, we had no social life.
16 My children had no social life. And I got tired of living
17 in that kind of situation. I wanted my children to have a
18 life, and I wanted a life for myself.

19 Q. All right. You also...you say you, you mutually
20 agreed to separate on the 15th of June 1978. Is that cor-
21 rect?

22 A. Well, the only, yes. And the reason that I left
23 first is only because his house wasn't ready that he moved
24 into for two weeks. And he moved...if, if my apartment had
25 not been ready we would have left at the same time.

Connie Rochelle - Direct (Davis)

1 Q. Well, in other words, you all had a home?

2 A. Yes.

3 Q. And you moved out two weeks prior to him moving
4 into another apartment?

5 A. Into another house, yes.

6 Q. Was the home yours? Did y'all purchase it or was
7 it rented?

8 A. Rented. We never owned a home.

9 Q. And you moved to Washington, D. C.

10 A. Right.

11 Q. Which is...

12 A. Right across the bridge.

13 Q. All right. And were the children with you at that
14 time when you left?

15 A. No. When I left, the children went to their grand-
16 mother's in North Carolina, and they were there for most of
17 the rest of the summer.

18 Q. Is that Mr. Rochelle's mother and father?

19 A. Yes. Mother, yes. And it had not been...no agree-
20 ment or arrangements had been made when I left. There was,
21 there was no agreement regarding the children, and when they
22 began school, they were with me five days a week and with my
23 husband two days a week.

24 Q. All right now, let's say when they began. Did
25 they go to school in Carolina or in Washington or in

Connie Rochelle - Direct (Davis)

1 Arlington?

2 A. One of my sons went to school in Arlington, and
3 one went to school in Washington, D. C.

4 Q. All right. What is...

5 A. Down the street from...

6 Q. All right now, at this...this was in September of
7 '78?

8 A. Yes.

9 Q. All right. At this time you had an apartment and
10 your husband had an apartment.

11 A. He had a house and I had an apartment, right. He
12 lived in Arlington and I lived in Washington until I could...
13 I didn't have a job so I, I was trying to find a job and,
14 and set up so that I could see my children.

15 Q. All right. Where were the children at this time?

16 A. They, since they started school, the children have
17 been with me five days a week, and they've been with him
18 Monday and Tuesday.

19 Q. They, all right. Stop just a minute. That's what
20 I'm getting at. You, you're in your apartment; he's in
21 his house; school starts up in northern Virginia. Okay?

22 A. Right.

23 Q. All right. So then the children were...who got
24 the children from Carolina?

25 A. He did.

Connie Rochelle - Direct (Davis)

1 Q. All right. And then, were, where did the children
2 have their home base of operation at when they got back to
3 northern Virginia?

4 A. Well, they spent most of their time with me. Now,
5 they had their beds and toys at his house because he refused
6 to let me take them. I went there to get school clothes,
7 and I was told that I couldn't take anything from the house.
8 And it's been a series of power plays with attorneys for the
9 last two months, but I don't have the, the finances for nor
10 do I have the emotional energy to put out for that when I
11 can be spending my time positively with my children.

12 Q. All right. You say five days a week you had your
13 children. What do you mean...how was that...

14 A. The days that he, that he, he was off on Monday and
15 Tuesday, and the children would spend the night at his house
16 then and they would be with me Wednesday through Sunday.

17 Q. At your home?

18 A. Yes.

19 Q. All right. And did...this continued up until when?
20 This arrangement.

21 A. Until I left.

22 Q. I know, but approximately when was that?

23 A. I don't know. To date it was about three or maybe
24 four weeks ago this weekend, this Friday. I don't know
25 exactly the date.

Connie Rochelle - Direct (Davis)

1 Q. All right. You came to Rocky Mount with your
2 children. Is that correct?

3 A. Yes.

4 Q. All right. And did you find a place to stay
5 immediately?

6 A. Oh, yes.

7 Q. Where were you staying at that time when you first
8 got here?

9 A. When I got here I spent one night with my parents
10 and moved into my house the next day.

11 Q. All right. That's what I'm getting at. You
12 moved into...

13 A. Where I am now, yes. Yes.

14 Q. All right. Where are the children now? In other
15 words...

16 A. They're in school.

17 Q. Are they enrolled in school?

18 A. Oh, yes.

19 Q. Where?

20 A. My older son is in first grade at Boones Mill
21 Elementary, and my younger son is in preschool at Child's
22 World in Roanoke. And I found a job. And he's in Roanoke
23 because I can...my hours are 9:00 to 5:00 and I can take him
24 to work, or to school as I got to work. It's on the way.
25 And I pick him up when I leave work.

Connie Rochelle - Direct (Davis)

1 Q. How are the children doing now?

2 A. Really well. I mean we're, the tension is removed
3 and, and really well. For the first time, I would say, in
4 seven years, we're very happy.

5 Q. What...we alleged in the petition we drafted at
6 the time that you were unemployed. Have you since secured
7 employment?

8 A. I do have a job, yes.

9 Q. Where?

10 A. I work for WPVR Radio as a sales representative.

11 Q. All right. What expertise do you have along that
12 line?

13 A. In sales I have worked very briefly as an account
14 executive for an advertising agency, and most of the jobs
15 that I've had have been in advertising and in broadcasting.

16 Q. All right. What's your educational experience?
17 You, you've finished high school.

18 A. I graduated from high school in Rocky Mount, Vir-
19 ginia, so it was very difficult for me to get a job in
20 Washington, and I, I borrowed a good deal of money so that
21 my children could be with me. And that was my biggest
22 reason for leaving, that I was unwilling to leave my chil-
23 dren and I was unwilling to stay there and continue borrow-
24 ing money that I have to pay back, all to fight and...

25 Q. Okay. Let me ask you this. You talked, you were

Connie Rochelle - Direct (Davis)

1 talking about some physical abuse concerning your husband in
2 the past. Was any of this in the presence of the children?

3 A. Not to my knowledge, the, the, no.

4 Q. All right. What are your living accommodations
5 where you are now?

6 A. I have a three-bedroom house and it's...

7 Q. Is it furnished?

8 A. It's a nice house. No. I have my own furniture.

9 Q. Where did, where did you get your furniture from?
10 From the apartment?

11 A. I paid...no, I didn't get anything from there. I
12 bought my furniture and, and one piece of my furniture I'm
13 paying for. My children have Army surplus beds and they
14 were sixty-two dollars, and I paid for those, or I borrowed
15 the money to buy them, and...

16 Q. Well, stop, stop just a minute.

17 A. That's it.

18 Q. All right. You bought a house that was, or rather
19 you rented a house that was unfurnished?

20 A. Right.

21 Q. You've since furnished the house.

22 A. I brought what I have, yes.

23 Q. All right. For your children, you and your chil-
24 dren?

25 A. Yes.

Connie Rochelle - Direct (Davis)

1 Q. All right. None of the furniture came from north-
2 ern Virginia.

3 A. It did come, but it belonged to me. It didn't
4 come from my husband's house.

5 Q. Oh, all right. That's what I was getting at.

6 A. I brought my own. It's mine.

7 Q. Okay, fine. All right. Are the furnishings and
8 accommodations in the home adequate to take care of you and
9 your two children?

10 A. Oh, yes. Yes, quite. It's not elaborate but it's,
11 it's nice and it is, it is quite adequate, yes.

12 Q. All right. You're working for WPVR. When did
13 you, when did you become employed by them?

14 A. Last Monday.

15 Q. When did you, when was the first time that you
16 sought employment after you moved here?

17 A. Well, I, I put my son in school the Wednesday
18 after I moved here--my older son--and I believe it was the
19 beginning of the second week that I was here I talked with
20 Don Hutcherson at the Franklin County Times, and I talked
21 with Donnie Brook at WNLB to get some idea of what was avail-
22 able in the business here that I might try. And they gave
23 me names of people in Roanoke to contact, and I did and it
24 was very successful.

25 Q. All right. What is your...you don't have any, you

Connie Rochelle - Direct (Davis)

1 have produced no income since you've been...

2 A. No, I haven't. I've...

3 Q. What is the formula that...what is your commission
4 going to be on what you sell?

5 A. My commission is fifteen percent on everything
6 that I sell, and that's my salary. It's a draw against com-
7 mission, so it's a commission job. I just have to work hard.

8 Q. This is for the FM Station, WPVR.

9 A. Right, yes.

10 Q. Are your children getting along all right in
11 school?

12 A. Yes, yes. Carl is, went into his class at the head
13 of the class in, in reading. They have reading groups, and
14 he went in in the top reading group, and he is...emotionally,
15 both children are doing very well. I've talked to Mr.
16 Gruver and his teacher, Mrs. Flora, and this is my older son,
17 and he is doing very well and likes it very much. He enjoys
18 riding the school bus and the schedule works out really well.
19 And that's okay.

20 Q. Concerning your expenses, how much do you pay in
21 rent for the home?

22 A. The rent is \$225.00 a month.

23 Q. What other outstanding bills do you have or have
24 you accumulated since you've been here?

25 A. I have a good number of, of people that I owe

Connie Rochelle - Direct (Davis)

1 money to. Twenty-five hundred dollars to my father.

2 Q. What was that money used for?

3 A. It was used to move and to live on.

4 Q. All right.

5 A. Probably around two thousand dollars to another
6 friend of mine that was used for the same purpose--to live
7 on so that, and, and for food and that sort.

8 Q. Who else? What else?

9 A. My car payment is forty-six dollars a month.

10 Q. What kind of car is it?

11 A. A Honda Civic '76.

12 Q. Did you have that when you...

13 A. Yes, I've had it for two years.

14 Q. All right. What else?

15 A. My sofa is twenty dollars a month.

16 Q. Who is that to?

17 A. The Sloans in Washington, D. C.

18 Q. All right. What else?

19 A. My electric bill which I don't know what that is.
20 I haven't received a bill yet.

21 Q. Well, let's forget about...let's get...

22 A. Okay. All right.

23 Q. Let's get that over to expenses. What do you
24 anticipate your...

25 A. John's school.

Connie Rochelle - Direct (Davis)

1 Q. Stop for just a minute. What do you anticipate
2 your electrical expenses to be at the home?

3 A. I really have no idea. I have no way of judging
4 that. I was very surprised to find out that a private tele-
5 phone is nineteen dollars a month here and was ten dollars
6 in Washington, which I don't have a private one. But I
7 don't know.

8 Q. How much...all right. Let's...

9 A. No one's ever lived in the house before.

10 Q. Okay. How much is your phone bill?

11 A. I believe, I don't know. It's a, it's a party
12 line. I would say, I guess it's around ten dollars a month
13 maybe?

14 Q. Okay. How much is your...do you have an estimate
15 for your electrical expenses?

16 A. No, I don't. I'm the first person to live there.
17 They haven't tested it yet.

18 Q. All right. What about, how is it heated?

19 A. Electric heat.

20 Q. All right. What about your food expenses for the
21 three of you?

22 A. I would say probably around thirty-five dollars a
23 week maybe. Carl's lunch, he buys at school.

24 Q. Let's forget the lunch.

25 A. If you want to include that.

Connie Rochelle - Direct (Davis)

1 Q. All right. Now, this school lunch is how much?
2 How much does he spend in school?

3 A. It's two-fifty a week, fifty cents a day.

4 Q. Ten dollars a month for school?

5 A. Right, right.

6 Q. The clothing for the children?

7 A. Well, uh...

8 Q. Based on what you've spent...you know, when you
9 were raising them...

10 A. I never paid a bill when I lived with my husband.
11 That was one of the problems. I don't know. I would say
12 probably...

13 Q. You never paid any of the household expenses?

14 A. Oh, no, never. Never paid a bill in my life.
15 They don't get clothes very much. I, I suppose maybe two
16 hundred dollars probably...I really don't know. It's hard,
17 I mean, I don't know.

18 Q. Would you say a year?

19 A. My husband would better know. I would say just
20 a few pair of jeans and shorts, and that's about it. The
21 kids don't wear much anymore, other than that, not dressed
22 up.

23 Q. Is that two hundred each?

24 A. Probably. And with shoes, yeah, and a coat if they
25 need a coat, yeah.

Connie Rochelle - Direct (Davis)

1 Q. What about, any entertainment expenses?

2 A. Sure. Movies we go to, a lot of the things that
3 we do or just outside things and, and going to Smith Moun-
4 tain Lake, you know, any, or something like that. But I
5 would say about twenty-five dollars a month maybe. If there's
6 a play or something like that, then we go to that.

7 Q. What about, how are your automobile expenses going
8 to be as far as your job with WPVR is concerned?

9 A. Okay. I have, I have to keep very close tabs on
10 my mileage, and as I under-, I have to pay, I pay all
11 expenses for my automobile. I can only deduct that on my
12 taxes. They don't, I don't have a car allowance.

13 Q. What would you anticipate for automobile expenses—
14 gasoline, oil, oil changes, tires, etcetera per month? What
15 would you estimate? Did you ever do that before?

16 A. No. I would say probably as far as gas and oil
17 and that sort is concerned, probably ten to fifteen dollars
18 a week, and...

19 Q. Back and forth to Roanoke?

20 A. Well, it's not just back and forth to Roanoke
21 because in sales I use my car to, to go to clients which
22 means I have to be out and in my car. I may be parking my
23 car, and that comes out of my pocket. And so...

24 Q. What, you figure, you figure at the maximum sixty
25 dollars a month for gasoline and oil.

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1 A. I think so because, you know, it's only five
2 dollars to fill my car with gas, and I don't think I'm
3 gonna be driving, you know, that much except when it doesn't
4 run.

5 Q. What about any insurance expenses or health
6 insurance?

7 A. The insurance for my car is, I believe, fifty-
8 three dollars a quarter. It has been. I will change that
9 to an insurance agency here, and make a...

10 Q. Ten dollars a month roughly for the insurance on
11 your car?

12 A. Probably, yes.

13 Q. What about your health insurance?

14 A. My health insurance I have at work, and they pay
15 for all of that for me and for my children my husband's
16 insurance covers them.

17 Q. Oh, so your insurance, your insurance covers you
18 but not...his insurance still covers the children.

19 A. And me too until we're divorced. I could have it,
20 my insurance cover them, but the benefits wouldn't be any
21 more than what they receive from his insurance, and that way
22 I don't have to have that expense.

23 Q. So they're not really a fringe benefit from your
24 job then?

25 A. No.

Connie Rochelle - Direct (Davis)

1 Q. You've borrowed a total of fifty...forty-five
2 hundred dollars to live on?

3 A. I will say that that's what I borrowed. It's more
4 than that, but I don't know. Off the top of my head I can't
5 come up with every, every penny, so that's, that's a good
6 stab at it, yes.

7 Q. Did, do y'all have any indebtedness in, joint
8 indebtedness in Washington or Arlington that you knew of?

9 A. No, no.

10 Q. Are you able and capable of taking, caring of
11 your children here if you get some help from your husband?

12 A. Absolutely.

13 Q. What is your mental health status or your frame of
14 mind now as opposed to what it was prior to this? Are you...

15 A. Happy.

16 Q. Okay. Can you think of any other expenses that
17 you have aside from what you've listed, any other monies
18 that you've paid out since you've been here, any services or
19 anything?

20 A. My son's school, my younger son, it's twenty-five
21 dollars a week for him at the preschool that he goes to, and
22 he will be in kindergarten next year.

23 Q. In other words, right now that's another hundred
24 dollars?

25 A. Yes, yes. Right.

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1 Q. Tell me this: Do you know approximately what your
2 husband makes annually?

3 A. I would say that my husband makes somewhere
4 between forty and forty-five thousand dollars a year.

5 Q. Has your husband contributed any support to you
6 or the children since y'all have separated?

7 A. Yes. My husband...a couple of times I had to have
8 repairs on my car. It was necessary for me to have a car to
9 get my children around.

10 Q. I mean since you've been, since you've been here?

11 A. No, no, no. But my husband didn't know that I was
12 here for the first two weeks that I was here, and last week
13 when I called him...no, I gave him the phone number and told
14 him that he was welcome to see the children or call them at
15 any time, and I have not heard from my husband at all.

16 Q. All right. Let me ask you this, along that line.
17 What are, what are your...you're asking the Court for custo-
18 dy of these children.

19 A. Absolutely I am, yes.

20 Q. All right. What are your thoughts and ideas con-
21 cerning the visitation and the children being with the
22 father?

23 A. I have no objections at all to the children being
24 with their father. He's off on Monday and Tuesday. He's a
25 private pilot. He's flown to Roanoke many times, his

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1 instrument rated. He has the money to do that. He can come
2 here any time he likes. At holidays, that can be worked out
3 so that, that some of the holidays can be spent with him.
4 In the summertime, and any other time that he is here, he is
5 welcome to see them. I just feel that my children should
6 have a stable life in a stable environment and that custody
7 should be given to one parent, not to, not a joint custody.
8 And I cannot live in Washington, D. C. I'm not a big-town
9 person, a big-city person...and I'm not going to be.

10 Q. Well then, let me interrupt you just for a minute.
11 What are your ideas or thoughts concerning an extended or
12 summer stay or holiday stay away from Franklin County? Do
13 you have any objection to that?

14 A. Absolutely...no, no. That's what I mean. I
15 believe that they should be able to go and see him where he
16 lives.

17 Q. All right. What are, what would his...were you
18 unemployed while you were in Arlington, while you were...

19 A. Yes.

20 Q. Were you a housewife?

21 A. I've been unemployed for most of the years that
22 I've been married which is why I'm hav-, I had such a diffi-
23 cult time finding a job there because the, the job market
24 that I'm in was very tight, and I can't do anything else.

25 Q. Well, let me...what I was getting at is, you kept

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1 the children the whole time, right?

2 A. The time up until we were separated.

3 Q. That's what I mean.

4 A. Oh, yes.

5 Q. Okay. What I'm getting at is, you've indicated
6 something about your husband's working hours. Would he be
7 able to see to their needs, and if he were awarded custody,
8 would he be able to...

9 A. He would if he had a stranger come into the house
10 and take care of them. No, he is not there to take care of
11 my children, and I believe that they should be with a parent.
12 And my life and my job is arranged to coincide with their
13 life and their hours, which is 9:00 to 5:00, and I am off on
14 weekends and I do things with my children. And no, my
15 husband has not been there. For the time that I have known
16 him and have been married to him, he's not been there.

17 Q. What are your working hours?

18 A. Nine o'clock to 5:00.

19 Q. How many days a week?

20 A. Five days a week. And that is in sales, that was
21 a...I tried to get into news, but I was offered an evening
22 position and I said no, because I would never see my chil-
23 dren and that's the same situation that they had in Arling-
24 ton.

25 Q. If...going to school in the morning, would your

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- Cross (Melesco)

1 children see their father by the time they had to get up and
2 go to school? Would he...

3 A. Yes, yes.

4 Q. All right. When they came home from school up
5 until the time they went to bed, would he be around then?

6 A. Okay. On Monday and Tuesday my husband is off, so
7 on Monday and Tuesday, he would have picked them up at
8 school and they would have been with him. On Wednesday,
9 Thursday and Friday I picked my older son up, my husband
10 would pick my younger son up. And since he canceled the
11 babysitter that, that he had for my younger son, then he
12 would bring him to my house.

13 Q. This was while y'all were separated?

14 A. Right. But, and then, I never knew when I was
15 married to him if he had to work until midnight or not, and
16 I never knew it when I was separated. So it was great con-
17 fusion for me and great confusion for my children not to
18 know who was going to be where, when, and I'd like to stabi-
19 lize that.

20 Q. Answer any questions Mr. Melesco has.

21 CROSS-EXAMINATION

22 BY MR. MELESCO:

23 Q. Mrs. Rochelle, your lawyer asked you about your
24 mental health. Have you had some problems with mental
25 health?

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1 A. I don't know what you mean by that?

2 Q. Were you seeing a psychiatrist?

3 A. Yes, for marriage counseling.

4 Q. And the fact of the matter is you and your husband
5 are now, have retained an attorney to sue that psychiatrist
6 for your seduc-, for his seduction of you, correct?

7 MR. DAVIS: I object to that, your Honor. I don't
8 think that's...

9 MR. MELESCO: If it please the Court, Mr. Davis asked
10 her about her mental health. He opened the door.

11 THE COURT: Go ahead, Mr. Melesco.

12 Q. Is that correct?

13 A. That is correct.

14 Q. You've had an affair with your psychiatrist?

15 MR. DAVIS: She's answered the question.

16 Q. All right. Who's Les Silverman?

17 A. Les Silverman is a friend of mine.

18 Q. Is he the man that lent you the two thousand
19 dollars?

20 A. He did not loan me all of the two thousand dollars.

21 Q. Is he the man you told your children was going to
22 be their stepfather?

23 A. At a time when I thought he was, yes. When I was
24 separated from my husband and no longer lived with him, yes.

25 Q. Were you living with Mr. Silverman then?

Connie Rochelle - Cross (Melesco)

1 A. No.

2 Q. You did not live in an apartment with him...

3 A. Mr. Silverman has an apartment of his own and
4 always has.

5 Q. So he wasn't living with you with the children
6 there?

7 A. I didn't...living with me, no.

8 Q. And when you came to Franklin County, did your
9 husband know where the children were?

10 A. No.

11 Q. You didn't tell him?

12 A. No, I didn't.

13 Q. Just took them right out of school and came down
14 here?

15 A. The reason I took them out of school and came down
16 here is because for the five weeks prior to that when I
17 would call my husband and ask him for money, his answer...
18 for food for my children, his answer to me was, "My lawyer
19 told me not to give you any money," and he would hang up on
20 me. And I was not going to leave my children. I love them
21 very much, and I was going to take care of them.

22 Q. So you just...

23 A. And I did take care of them, and I was tired of
24 being hung, hung up on. I was tired of emotional and mental
25 harrassment, and I took my children. I came home to make a

Connie Rochelle - Cross (Melesco)

1 life for them and for me, yes.

2 Q. Didn't tell...you didn't think it was important
3 that their father know where they were?

4 A. If my husband didn't think it was important to
5 give me money to feed my children and help me when I had
6 those children and when I had six operations due to my hav-
7 ing those children, no, sir, I didn't find that important.

8 Q. And you were living in D. C. when you came down
9 here?

10 A. Yes, I was living there because I had no job, and
11 I was trying to do everything I could to lower my expenses
12 and my travel time from, from Arlington or from Virginia
13 into Washington, plus my son went to school in Washington,
14 one of them.

15 Q. So you were a resident of D. C.?

16 A. I was not a resident of D. C.

17 Q. You were not?

18 A. No. I changed nothing that I had. I changed no
19 addresses. That was the first apartment that I found that I
20 felt I could afford and that I felt was a convenient loca-
21 tion for my children, to both of them, so that I could be
22 with them and see them. No, I...

23 Q. How long did you live there?

24 A. About four and a half months.

25 Q. Longer than you've lived here in Franklin County

Connie Rochelle - Cross (Melesco)

1 then, this last time?

2 A. Longer than I've lived here so far, but I am not
3 moving from Franklin County. I'm going to continue living
4 here. This is my home.

5 Q. And you've never paid a bill?

6 A. I have never paid bills. When my husband and I
7 were married, no. My husband carried the checkbook. We
8 had one checkbook and I was allowed to go to the grocery
9 store and write checks. After being married to him for two
10 and a half years, we had a joint checking account. Never
11 prior to that. I was not allowed to write a check.

12 Q. How about credit cards?

13 A. There were credit cards in the latter part of the
14 marriage in both names, but not in the last six months of
15 the marriage.

16 Q. Did you ring up eighteen hundred dollars on your
17 Master Charge?

18 A. I have no idea. My husband was out of work for
19 nine months, and part of those bills are contributed by him
20 to those charge accounts. And he is including furniture in
21 that total. So if I did, my husband gave me the cards be-
22 cause...and medicine, clothes for the children, clothes for
23 myself was put on the card. I don't know what is was. No,
24 I cannot give you an account.

25 Q. All right. Your husband did support you and the

Connie Rochelle - Cross (Melesco)

1 children? More than adequately.

2 A. I don't know what adequate is. He supported me as
3 I was accustomed to being supported by him.

4 Q. What about the children? Were they well cared
5 for?

6 A. Not in my opinion. Not by him, they weren't, no.

7 Q. Why?

8 A. I don't feel that my younger son has, has had to
9 wear hand-me-down clothes. His clothes was put on the
10 floor in his bedroom. My older son had a chest to put his
11 clothes in. My son, when I asked for clothes for my chil-
12 dren--he's eight years...seven years old. He wears a size
13 eight to nine clothes, and I have clothes that were brought
14 over for him to wear to school that were a size six. No, I
15 don't feel that that, on my husband's income, no, I don't,
16 I don't feel that that was properly taking care of the chil-
17 dren, no, I don't.

18 Q. All right. What school did your youngest child go
19 to?

20 A. He went to Chesterbrook Montessori.

21 Q. What's the tuition there?

22 A. I'm sorry?

23 Q. The tuition there is how much?

24 A. I have no idea. I didn't pay it.

25 Q. It's more than...it's an expensive place.

Connie Rochelle - Cross (Melesco)

1 A. No. It wasn't an expensive place for my husband's
2 income. I don't know that it was more than a hundred dollars
3 a month which is what he has right now.

4 Q. And the other boy went to Georgetown Day School?

5 A. That's right.

6 Q. And what's the tuition there?

7 A. I don't know. I didn't pay it. I paid thirty-five
8 dollars enrollment fee for my, for my older son. Beyond
9 that I didn't pay the tuition, and I may have read the ma-
10 terial, but I do not remember.

11 Q. Do you feel that your mother-in-law is an adequate
12 person to babysit the children?

13 A. My mother-in-law?

14 Q. Your mother-in-law. Remember her?

15 A. Do I feel that she's an...no, I do not feel that
16 she's an adequate person to babysit the children.

17 Q. Well, if she were to live with your husband while
18 he was at, and take care of the children while he was at
19 work, that wouldn't be satisfactory to you?

20 A. It isn't satisfactory to me at this point, no,
21 because I have suffered for six months, and I suffered for
22 seven years. And for, all of a sudden, no, for my mother-
23 in-law to move in and take my children, no. I'm their
24 mother, and I'm capable of taking care of them and I intend
25 to take care of them.

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1 Q. Well, that's for the Court to decide, don't you
2 feel?

3 A. Those are my intentions--to take care of my chil-
4 dren, and my desire is to take care of them. I'm their
5 mother, not my mother-in-law.

6 Q. Let's get over your, let's get over your personal
7 phantasies. Assuming the Court saw fit to award your hus-
8 band custody, would your mother-in-law be an adequate person
9 to babysit the children?

10 A. No. She is not adequate. She's a seventy-some
11 odd year old woman, and I am their mother. No, I do not
12 feel that my mother-in-law is adequate. I don't feel anyone
13 is adequate, more adequate to take care of my children than
14 I am. And I don't feel that it is any, any more for me to
15 go and visit my children than it is for my husband to go and
16 visit the children.

17 Q. So, far as you're...

18 A. I haven't sat back with the fifty thousand or
19 forty thousand dollar a year job and played games with some-
20 one else's life.

21 Q. He's played games with your life?

22 A. Yes, he has.

23 Q. Could you describe that for us a little bit?

24 A. Yes, I'll describe it.

25 Q. Go ahead.

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1 A. I think there was a lot of mental and emotional
2 harrassment in, in my asking him for money, and, yes, my son
3 did go to a fancy, private school, but I think it's a, a, a
4 disgrace that I had to go and ask friends to feed my chil-
5 dren when I didn't have money. And as far as my borrowing
6 money from Les Silverman, he gave me money to feed my chil-
7 dren and to pay rent so that my children could stay with me
8 and be with me when their own father refused it. So I, I
9 was resourceful enough when I couldn't find a job and when I
10 was very upset about it to keep my children with me. I did
11 go out on a limb and I did borrow money, and I don't see how
12 that can be held against me.

13 Q. Nobody said it is.

14 A. And for the same...well, I don't even see why I'm
15 questioned about it, for the same reason that I came here
16 with my children. Because I wanted to make a life for them
17 with me, a good life, and I want their father to see them.

18 Q. But I take it you don't feel that your father, your
19 husband can make the same life for them?

20 A. No, I don't feel that. I don't feel that a man
21 that works...he chose his job. That's why he doesn't have a
22 marriage and children right now, because he chose a job over
23 us, for seven years. And I don't feel that I, that I nor my
24 children should continue living in a situation like that. If
25 I'm going to be a single parent, then I am being a single

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1 parent, where I can get a job, where I can work and where I
2 can have a life of my own and my children can have a pleasant
3 life. And that is what I came here for. I intend to stay
4 in Franklin County.

5 Q. Did you intend to stay in D. C. when you moved
6 there?

7 A. No, I did not intend to stay in D. C. I am not a
8 big-city person. I made an attempt to, to find a job. I
9 made an attempt to handle life according to my husband's job
10 schedule which I have done for seven years. It was very
11 easy to do unemployed and living in the home. It was not so
12 easy for me to do that when I had to get out and work and
13 pick up my children and do all of these things according to
14 the stipulations of an attorney so that I could keep my
15 children. I gave birth to those children.

16 Q. Did you have an attorney in northern Virginia?

17 A. I did. Who could not represent me in the State of
18 Virginia, and I was told that I was a resident of the State
19 of Virginia and that I should seek counsel in Virginia, and
20 my, the counsel that I had there practiced in Washington and
21 Maryland which was of no benefit to me whatsoever.

22 Q. Were you and your husband trying to work out a
23 settlement up there when you took the children?

24 A. Well, my husband and his attorney up there were
25 trying to do something, but, no, I don't think they were

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1 trying to work out a settlement because I was threatened
2 every day, "If you don't sign this paper, you're not gonna
3 be able to see your children, and we're gonna go to court,
4 and we're gonna fight for custody, and I'm gonna take the
5 children away from you." And I heard this so many times
6 that I was tired of hearing it.

7 Q. Have you ever threatened to kill your children?

8 A. What?

9 Q. Have you ever threatened to kill your children?

10 A. No, that would be a little out of character for me.

11 Q. Well, I don't know you, so you're going to have to
12 answer me.

13 A. No, I've never threatened to kill my children.

14 MR. DAVIS: Judge, I object to this whole line. He's
15 gone too far, I think.

16 THE COURT: I don't think he has, Mr. Davis. Go ahead,
17 Mr. Melesco.

18 Q. Do you remember the discussion with your husband
19 about custody and he said he wouldn't give you custody of
20 the children, and you said you'd kill them before you'd let
21 them have them...him have them?

22 A. No, I don't. I haven't had any discussions with
23 my husband like that.

24 Q. In the past when you and your husband have sepa-
25 rated, the children have stayed with him, have they not?

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1 A. The children did not stay with him for the entire
2 time. I had custody of the children on paper. My husband
3 never fought for that custody, but my lawyer was an associ-
4 ate of the lawyer that is now representing him in Washing-
5 ton, and the two of them figured out a financial arrangement
6 which I signed. And I had never paid a bill in my life, and
7 when I finished paying all necessary expenses, I had fifty
8 dollars a month left over for food, clothes, haircuts,
9 recreation, entertainment. And my husband threatened me by
10 not, he would not come and do anything without an argument.
11 He wouldn't do anything for the children to help me at all.
12 So, the agreement was that he moved in and the children
13 lived with him. On Wednesday, Thursday and Friday nights and
14 every Saturday and Sunday for a year and a half, those chil-
15 dren, if he had to work, unless I was sick or they were out
16 of town, they were with me. In the afternoons when he went
17 to work, they had a babysitter. And that is when they were
18 in school, to the point that he saw them in the afternoons.
19 So physically they were there, but I have taken care of my
20 children since they've been born. Me.

21 Q. I take it your answer is then yes, he had the
22 custody as...

23 A. He didn't have custody. They lived with him. I
24 had custody. I had legal custody of my children which he
25 gave me because he beat me, and that's why I left him. And

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1 he gave me custody so that he would not be sued for beating
2 me. And I had photographs of that beating.

3 Q. Well, I'm a little confused. Was the separation
4 caused by the beatings or by your extracurricular affairs?

5 A. I had no extracurricular affairs.

6 Q. Dr. Wiseberg?

7 A. That wasn't, that, the separation you're talking
8 about and that separation, no, sir. My husband never knew
9 about that affair until three weeks after I left him, and I
10 told him because we went to this doctor for marriage counsel-
11 ing. And I felt that I had been taken advantage of. I still
12 do believe that, and I believe that I can prove that in a
13 court of law. And I believe that Dr. Wiseberg...

14 Q. How? By Dr. Wiseberg or by your husband?

15 A. has...both. I believe Dr. Wiseberg has mental
16 problems, not me. My husband was never at home. My husband
17 didn't do anything to, to help the marriage to help it work
18 out, absolutely nothing. He wanted to treat me like a
19 child, to tell me that I couldn't write a check, to tell me
20 that I could not take the responsibilities of an adult, and
21 it is very humiliating at thirty years old to say that I
22 have never paid a bill. When I was, when I was in a marri-
23 age, that is humiliating to me, not something to be proud of.

24 Q. And you've never worked during the marriage?

25 A. I didn't say that I've never worked. Yes, I

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1 worked the last...I worked for a year out of the marriage,
2 and I took home a hundred and twenty-five dollars a week.
3 Now, during the separation I worked.

4 Q. For whom?

5 A. I worked for Rader Advertising. I don't, I don't
6 really know which separation you're referring to because
7 you keep asking me...

8 Q. Well, this last separation. Have you worked since
9 you left your husband in June?

10 A. I worked for Dr. Wiseberg and I, I was fired from
11 that job on June 30th.

12 Q. And you haven't made a penny yet working for WPVR?

13 A. I've only worked there for a week. I work on com-
14 mission and I'm in sales and I'm in training.

15 Q. Have you sold anything?

16 A. Yes.

17 Q. All right. So you have the commission owing you,
18 I take it?

19 A. I haven't even written up the order yet. I got the
20 phone call today, and I had to leave and come here. So I
21 haven't written the order up. I don't know what I have.
22 It's a fifteen percent commission, but I have to sell a lot.
23 I have to work very hard.

24 Q. That's all.

25 THE COURT: Further questions, Mr. Davis?

Connie Rochelle - By the Court

1 MR. DAVIS: No, sir. Do you have any questions? Step
2 down.

3 THE COURT: Let me ask you a question. When were you
4 married?

5 A. I was married...when? I was married March 5th, I
6 believe, 1971...'71.

7 THE COURT: Where did you meet your husband?

8 A. I met him in Washington at ABC News. I worked
9 there.

10 THE COURT: You were working there at the time?

11 A. Yes. As a secretary.

12 THE COURT: How did you happen to go from Franklin
13 County High School to Washington, D. C.? Direct?

14 A. I, I, I got, I was married and I went there. I've
15 been married before, and it was a brief marriage. And I
16 stayed in Washington then.

17 THE COURT: Were you married shortly after out of
18 high school?

19 A. Yeah, oh, yes, very, very shortly, yes.

20 THE COURT: How many times have the two of you been
21 separated? You kept...

22 A. This is...

23 THE COURT: You've been talking about separations.

24 A. Yes.

25 THE COURT: I mean more than a day or a night or a

Connie Rochelle - By the Court
- Recross (Melesco)

1 week now.

2 A. This is the...no, this is the second separation.
3 There, there wasn't a kind of leaving and coming back after
4 a weekend. We were separated for a year and a half, and
5 that was my reason for going to the psychiatrist, was be-
6 cause I wanted the marriage back together. As a matter of
7 fact, five weeks or six weeks ago, my husband said that the
8 children and I could come back, and then the...and I told
9 the children, and the next morning he calls me up and says,
10 "No, you can't come back." But all of the responsibility
11 for those things are left, have been left for me to tell my
12 children which is emotionally upsetting to them. So...

13 THE COURT: All right. Your first separation was for
14 a year and a half?

15 A. Right.

16 THE COURT: Then there was a reconciliation, then the
17 one we're on now since June. Is that correct?

18 A. Yes.

19 THE COURT: Okay. Any further questions?

20 MR. MELESCO: No, sir.

21 MR. DAVIS: You can step down.

22 RECROSS-EXAMINATION

23 BY MR. MELESCO:

24 Q. Well, just for, just for reference. When was the
25 first separation and when did the reconciliation take place

Connie Rochelle - Recross (Melesco)
Carl Rochelle - Direct (Melesco)

1 just roughly, date?

2 A. The first separation was October 3rd, 1976, I
3 believe, and the reconciliation was in...

4 Q. Early this year?

5 A. October, October of '77.

6 Q. So it's just a year then, not a year and a half?

7 A. A year, okay. A year. No, it was October.

8 That's when I began sleeping with you, and, and I would, I
9 moved my furniture in in December.

10 Q. Okay.

11 THE WITNESS STOOD ASIDE.

12 THE COURT: Other evidence, Mr. Davis?

13 MR. DAVIS: No, sir.

14 THE COURT: All right, Mr. Melesco.

15 CARL ARTHUR ROCHELLE

16 the Defendant in this proceeding, after having
17 first been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. MELESCO:

20 Q. Tell the Court your name.

21 A. My name is Carl Rochelle.

22 Q. And how old are you, Carl?

23 A. Forty-one.

24 Q. And where do you live?

25 A. In Arlington, Virginia.

Carl Rochelle - Direct (Melesco)

1 Q. I'm a little confused. Is Arlington a county, a
2 city or what?

3 A. Arlington County.

4 Q. Arlington County. And is the address or the place
5 you're living now the same place you were living with your
6 wife when the two of you separated?

7 A. No, it is not. I moved from the house that we
8 were living in when we separated to this new house for a
9 couple of reasons. Number one, I didn't like the neighbor-
10 hood that we were in a great deal because the children in
11 the neighborhood were older than our children and they
12 picked on them a bit, and we had to referee too many fights.
13 And so I felt like it would be better to move into a neigh-
14 borhood with children more the age of my children. And so,
15 that's the primary reason I moved.

16 Q. All right. When did you move?

17 A. July 1st.

18 Q. All right. Is where you were living before also
19 Arlington County?

20 A. Arlington County, yes. It's about five or six
21 blocks from where, from my permanent address.

22 Q. All right. Do you own or rent or purchasing the
23 house that you're in?

24 A. I rent the house...

25 Q. And how long is your lease good for?

Carl Rochelle - Direct (Melesco)

1 A. It's, it's a one year and an open end after that
2 on a month to month basis.

3 Q. You brought a couple pictures of your house with
4 you...

5 A. Yes.

6 Q. Do these adequately describe it?

7 A. It's a split-level, three-bedroom house, three
8 bedrooms, three baths, living room, game room downstairs for
9 the children, fireplace, TV. It has a garage, big back yard,
10 and the children's swing set which I moved from the other
11 house, dismantled in the back yard and took it over to the
12 house for them and put it back up. They have a big yard to
13 play in. The people who live directly behind have seven
14 children, one John's age, the three year old, and another
15 Carl's age. There's another child Carl's age directly
16 across the street, and there're a couple of others up and
17 down the block in each way. So there are plenty of children.
18 It has paved sidewalks out front to ride bicycles and tri-
19 cycles on, and that was definitely a consideration in
20 getting the house because kids that age need something to...

21 Q. All right. Were your children enrolled in school
22 in northern Virginia?

23 A. My children have been enrolled in school in north-
24 ern Virginia since they were old enough to go to school.

25 Q. All right. The oldest child, where was he going?

Carl Rochelle - Direct (Melesco)

1 A. He was...I'm sorry. He is enrolled now in George-
2 town Day. This is his first year in Georgetown Day. It's a
3 private school. We had, we sent Carl to a child psycholo-
4 gist to see if he was really smart, or if, as many parents
5 feel that everybody feels their child is smart. So we had
6 him tested, and he proved out to be a gifted child, and the
7 child psychologist recommended that he be sent to a private
8 school if at all possible. And as my wife has told you, I
9 make a fairly good living. I wish I made as much on a
10 regular basis as she thinks I does, as I do, but...

11 Q. All right. Did you in fact then enroll Carl in
12 Georgetown Day?

13 A. I did enroll Carl in Georgetown Day.

14 Q. What's the tuition there?

15 A. It's roughly twenty-three, twenty-four hundred
16 dollars a year.

17 Q. All right. Now, is it paid through when?

18 A. It is paid through, you pay it in six, in half-year
19 increments, and it's paid through January.

20 Q. All right. And how is he doing there?

21 A. He was doing excellent. I called his teachers and
22 talked to him, to them after...well, one of the teachers
23 called me at work and said, "Mr. Rochelle, you were supposed
24 to have an appointment to come in to, to meet with us today
25 about, about your children. You and your wife were supposed

Carl Rochelle - Direct (Melesco)

1 to be here at 3:00 o'clock."

2 MR. DAVIS: I object to this, your Honor.

3 A. Why?

4 MR. MELESCO: Carl, just...

5 A. Okay. I'm sorry.

6 THE COURT: What's that got to do with...

7 Q. Well, your child was doing well at, at...

8 A. Well, I was about to say, I was about to give you
9 the circumstance whereby I found out how the child was
10 doing.

11 THE COURT: Was he doing all right?

12 A. The, the teacher said fine. You know, she called
13 me, and she said...

14 Q. All right. What about the other child, the
15 younger child? Where was he going to school?

16 A. He's going to Chesterbrook Montessori. It's his
17 second year there, and he's doing fine.

18 Q. Montessori for those of us who aren't real sure,
19 is some type of specialized education.

20 A. It is, it is specialized education for gifted
21 children. It's, it's under a program worked out by Maria
22 Montessori. I'd give you a dissertation on Montessori if
23 you want. I don't think you want to go into that.

24 Q. No.

25 A. It's an excellent school.

Carl Rochelle - Direct (Melesco)

1 Q. All right. And that's pre-regular education?

2 A. From, from two and a half until first grade.

3 Q. All right. Was the tuition...

4 THE COURT: Mr. Rochelle, without being, getting into
5 any parental pride, are your children special children?

6 A. They're gifted. They're not retarded. They're
7 gifted.

8 THE COURT: No, I mean...

9 A. Are they special? Yes, I think so.

10 THE COURT: You know, special children don't have to
11 be retarded, Mr. Rochelle. They can be...

12 A. I understand. They can be...

13 THE COURT: ...exceptionally smart. Are they in
14 that...

15 A. Yes.

16 THE COURT: ...brilliant stage?

17 A. Yes. Carl has been tested and proven, and I think
18 that John is. He displays as much intelligence as Carl
19 does. They're both extremely intelligent children. He
20 read, he read and write before he ever started school and
21 did arithmetic which is something I never was quite able...

22 Q. Were both children well adjusted in the schools
23 they were in?

24 A. Absolutely. No problems at all.

25 Q. Happy?

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1 A. Happy? Oh, gosh yes.

2 Q. All right. Your wife has alluded to where you
3 work. Where do you work?

4 A. I work for American Broadcasting Company.

5 Q. Radio or TV?

6 A. Television.

7 Q. And is that on the network or the, WMAL?

8 A. That's, that's for the network.

9 Q. And what do you do there?

10 A. I'm a producer, writer, reporter.

11 Q. For, for the news department or...

12 A. It's for syndication which is similar to that. We
13 put together news stories and feed them out to local sta-
14 tions. For instance, WMAL Television...now WJLA...would
15 have received our material. I think it's WLVA in this
16 market would...

17 Q. All right. And the hours that your wife described,
18 are those your hours?

19 A. Well, the hours are a very complicated procedure.
20 My average hourly work week on a year-round basis will be
21 somewhere around thirty hours a week which is less than
22 normal.

23 Q. Why is that? Is that controlled by an outside
24 union?

25 A. Well, my union mandates an eight-hour day, a five-

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1 day week as most unions do, but in the profession that I'm
2 in, and I fall under a professional category, and I have a
3 job to do and it takes a certain amount of time to do the
4 job. And when the job is done, then I don't have to stay
5 any longer. My schedule is from 2:00 p.m. in the afternoon
6 until 10:00 p.m., but if I don't have a late breaking story
7 I can come home. And in fact of the matter, most days I do
8 come home Wednesday, Thursday and Friday evening. Almost
9 every evening I am home.

10 Q. Now, when you say "home," is that on a temporary
11 basis? Do you have to go back or are you home for the night?

12 A. I've had, I average going back about twice a year.

13 Q. All right. And the wages that your wife described,
14 how much do you make?

15 A. I am a WGA top-scale union, and my salary with
16 acting editor fees figures out to be nine hundred and ninety-
17 six dollars (\$996.00) every two weeks.

18 Q. Is that take home or gross?

19 A. That's gross. I make overtime. With overtime,
20 and there is no guarantee of any overtime. In fact, my
21 company is now in the process of laying off thirty-eight
22 people and cutting back overtime. And so I suspect that
23 there's not going to be any overtime. If I make the over-
24 time, I make a lot of money. If there's no overtime, I
25 don't.

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1 Q. All right. This'll have...how much money did you
2 make last year, 1977?

3 A. I made thirty-six thousand.

4 Q. All right. And this year, how much are you going
5 to make?

6 A. I'll make about forty-two this year.

7 Q. All right.

8 A. It's an election year. That's the reason.

9 Q. The stories provided the...the election coverage
10 provided the overtime.

11 A. The election coverage...well, what happens during
12 the election year is people who normally are in one job are
13 shifted. For instance, we had, we pulled two people and
14 put them in Richmond.

15 THE COURT: Mr. Rochelle, let me ask you...you said
16 you were making nine hundred and ninety-six dollars a week.

17 A. That's straight time.

18 THE COURT: All right. That's fifty-two thousand
19 dollars a year.

20 A. Nine hundred and ninety-six every two weeks, sir.

21 THE COURT: Every two weeks.

22 A. Every two weeks. I'm sorry.

23 THE COURT: I beg your pardon. I thought you said a
24 week.

25 A. No. I wish. That would be nice.

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1 Q. All right. And that's before overtime or any-
2 thing?

3 A. That's before overtime. If I make overtime on top
4 of that, I can make a great deal of money. At that...it's
5 understandable at that rate that your base pay is high if
6 you have to work overtime. For instance, last week during
7 the election the person I work with was out of town, and I
8 worked all day Monday and all day Tuesday. If the children
9 had been with me, I would not have accepted that. For a
10 point of record on that, I would have turned the overtime
11 down and not made the money, but since I would, they weren't
12 there, I chose to take it.

13 Q. All right. You and your wife have been married
14 some seven and a half years.

15 A. Roughly, yes.

16 Q. All right. Have you ever mistreated your wife
17 during the period of the marriage? Physically?

18 A. There is one time that I hit her.

19 Q. Well, what...

20 A. I will, I will admit that.

21 Q. When was that and the circumstances?

22 A. All right. That was shortly before our first
23 separation, and I remember it just like it was written in
24 front of me. We had gone out to shop for some furniture, and
25 I got lost and took a wrong turn, and she started verbally

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1 abusing me and accusing me of not wanting to go out. And
2 then she demanded to be taken home, and I started home in
3 the car. And she opened the car door and tried to jump out
4 of it. I grabbed her by the arm and pulled her back in,
5 and she said, "Will you give me custody of the children?"
6 And I said, "No, I will not. They're my children too," and
7 she said, "I'll kill them." And I said, "You'd kill John
8 and Carl?" And she said, she said, "Yes, before I'd let you
9 have them." I, I hit her. I hit her on the arm. I'm
10 sorry. I lost control. I just couldn't help it.

11 Q. What kind of relationship do you yourself have
12 with your children?

13 A. Perfect. We play and, you know. May I have some
14 water? (Pause) I get along well with the children.

15 Q. Is it your desire to have the children live with
16 you, for you to have custody?

17 A. Yes, sir. They've been in my home every night for
18 the last six, except for this last period when she started
19 taking them away, they've been there every night. And I
20 miss...

21 Q. All right. Let's go back, let's go back to the
22 separation in June. Who left whom or was it an agreed sepa-
23 ration or...

24 A. She told me around May or so that she couldn't
25 leave with me anymore, live with me anymore, and she wanted

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1 to move out. And I asked her to reconsider, and she
2 wouldn't. She said she had, she just couldn't live with me
3 anymore and she was going to move out. We went to a psychol-
4 ogist. She wanted me to go to a psychologist by the name of
5 Brad Blanton, whom she had been seeing for individual coun-
6 seling, counseling about...she has been diagnosed as neurotic
7 and depressed.

8 MR. DAVIS: I object to that.

9 A. It's the truth.

10 THE COURT: That's proper, Mr. Davis.

11 A. I have seen the diagnosis. I have seen the diag-
12 nosis. It was part of the papers that we submitted to the
13 attorney in the law suit against Dr. Wiseberg. That's where
14 I saw it. Okay. She had been seeing Mr. Blanton in counsel-
15 ing, and she said would I go to him to help work out a
16 separation agreement that was amenable to both of us. And
17 I said I would. And we went and talked. And we agreed that
18 the children would stay with her two days a week and two
19 weekends a month. She wanted five hundred dollars cash for
20 her purposes to set up an apartment in Washington, D. C. I
21 gave her that. I have a canceled check for it. She wanted
22 a hundred and fifty dollars a month to help her provide a
23 place for the children there. She was at that time working
24 for Dr. Wiseberg making twelve thousand dollars a year. And
25 I, that agreement was worked out and agreed to by both of us.

1 Q. Was it written down or just something that you...

2 A. It was not written down. It was...I abjectly
3 trusted her, absolutely trusted her. And I agreed to it.
4 And when somebody agrees to something, you agree to it, you
5 agree to it. I mean give your word on something, you
6 should try to stand by it. And I didn't think that would
7 come back. Well, later on she said that we had no such
8 agreement, but that was about the time that, of the separa-
9 tion and that being agreed, she moved out. I helped her.
10 She asked me. I rented a trailer and helped her move...

11 Q. All right. Where did the children go?

12 A. They stayed just like they were before until the
13 first of July. My mother came up first of July and we sent
14 the children down to stay with her, as we often do in the
15 summertime. They wanted to visit. And my mother is sixty-
16 seven years old, not seventy something, and she enjoys little
17 children. My father's dead and...

18 Q. All right. When school started up again, where
19 were the children living in September and October?

20 A. All right. I brought the children back. They
21 spent...they went down to see my mother twice. I brought
22 them back Labor Day and put them in school. And along about
23 that time she decided that she didn't want to marry this
24 Silverman person that she was living with, and she wanted to
25 move back in with me. Well, I'm sorry. I'd had enough. I

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1 said no, and when I said no, she said, "Well, I'm quitting
2 my job." She did have a job then with a building construc-
3 tion firm in Alexandria that she had, paid her fifty dollars
4 ...I'm telling you what she told me. Paid her fifty dollars
5 a week for working three days a week and was going to be
6 full-time for twelve thousand dollars a year in November.
7 She said, "I'm gonna quit my job and you're gonna support
8 me and you're gonna support the children, and I'm taking the
9 children." And from that point on, sir, she did have them
10 five days a week because I was not willing to get in a fight
11 with them. I called my attorney and we tried to negotiate
12 some sort of arrangement whereby we, the children could be
13 provided for. She kept calling me and wanted me to give her
14 money. I'm sorry. I, I have a lot of obligations from
15 bills that were run up before we were separated, and I've
16 spent the last two years paying them off. And I didn't have
17 a whole lot of money and I could not support two families.
18 My bank account is open to anyone who wants to take a look
19 at it. There just is not that much money in it, despite how
20 much money I have made. And I could not give her the rent
21 for her apartment and room and board, and I, I actually felt
22 no obligation to. Why should I? I mean, she had chosen
23 Wiseberg and she'd chosen Silverman. She'd announced she
24 was going to marry him. She'd announced it to his wife...
25 I'm sorry...his estranged wife. He was separated too. And

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1 my children. And you can ask the children, that Les was
2 going to be their stepfather. Why should I invite her back
3 in, and why should I feel an obligation to support her at
4 that point?

5 Q. What about supporting the children?

6 A. My children never wanted for anything. I bought
7 them clothes before she absconded with them and brought them
8 here. I just had brand new winter coats. My mother said,
9 "Let me pay for the winter coats for a Christmas present for
10 them." I bought that. They had had fifty or sixty dollars
11 worth of clothes from a clothes, clothing outlet. And I
12 found out the other day that she apparently had gone to
13 Sears and Roebuck in the last week or two and charged a
14 hundred and some dollars worth of clothes and blankets for
15 them on an account that's been closed since we separated.
16 I got the bill in the mail, is the way I found out about
17 that.

18 Q. You don't mind paying that as long as it's for
19 the children?

20 A. Not long as it's for the children, but I sure
21 would like to know that she's gonna use those charge accounts
22 before she goes out and does something like that. It can be
23 an awful surprise to someone who's on a budget.

24 Q. All right. Have you talked to your mother about
25 her helping you out with the children?

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1 A. I called my mother and told her, I said, after I'd,
2 after I'd talked to Judge Ferrori, and Judge Ferrori...

3 Q. He's the...Arlington County...

4 A. He is the Arlington County...I went to a juvenile
5 intake officer in Arlington County, and we went to see Judge
6 Ferrori. And Judge Ferrori immediately upon being told
7 facts in the case said, I will take custody of the children
8 and...

9 MR. DAVIS: I object...wait a minute.

10 Q. That's when he entered the order that's here?

11 A. That's when he entered the order that's here. And
12 I said, "Well, sir, the children..." I said, "Sir, the
13 children are down there and what do I do? I mean, if I go
14 down there, she's not going to give me the children. Can,
15 can I just go down and take them?" And he said, "You do
16 not. I specifically tell you do not go down and snatch the
17 children and bring them back up here. Let the courts handle
18 it." And he advised my attorney to contact the J and D Judge
19 down here, Judge Ward, and she did. And Judge Ward wrote my
20 attorney back that it was his opinion that the case should
21 be handled in Arlington County...and...

22 MR. DAVIS: Judge, judge. Wait a minute, please.

23 THE COURT: What's the problem? We're not in J and D
24 Court, Mr. Davis.

25 MR. DAVIS: Sir?

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1 THE COURT: We're not in J and D Court.

2 MR. DAVIS: I know we're not, but I mean, I think that
3 saying what everybody else said is grossly improper and I
4 object to it.

5 THE COURT: That's all right. It's not prejudiced
6 anybody. Go ahead, Mr. Melesco.

7 Q. All right. To make a long story short, did your
8 mother indicate she'd come help you with the children?

9 A. My mother would come and help me any time. She is
10 retired.

11 Q. Is there room in the house for you...for her?

12 A. Of course. Of course there is. There's plenty
13 room in the house.

14 Q. All right. Would you be absent as much as your
15 wife over there has described?

16 A. I never have been absent as much as she described.
17 I would not now nor have I been. My people at work know that
18 I've been taking care of the children for the last two years
19 and they accommodate me if it becomes necessary to change
20 a schedule, to have someone cover my shift for some reason.

21 Q. Would you give up your overtime to keep the chil-
22 dren?

23 A. Of course. Of course.

24 Q. All right. The first separation where y'all were
25 separated some, a little bit over a year, who had the

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1 children then?

2 A. I did.

3 Q. Who did?

4 A. I did. They lived with me at my home.

5 Q. All right. Were they spending weekends or partial
6 weekends with your wife?

7 A. They spent part of the weekend with my wife during
8 the day while I worked. They spent the evenings at my place.
9 She kept them at my place or she kept them somewhere. In the
10 afternoon when I got off work, she gave me the children and
11 she went away.

12 Q. And you had them what, Monday through Friday?

13 A. I had them...well, on...I had them Monday through
14 Friday. They were...I had a licensed day care center that I
15 took John and Carl to in the afternoon after school. See,
16 I didn't, I don't have to go to work until 2:00 o'clock. So
17 I was available to feed them lunch and take them to the day,
18 care center around 1:30.

19 Q. All right. Is your youngest child as neglected as
20 your wife has described him?

21 A. Johnny?

22 Q. Yes. With the no furniture, no clothes and what
23 have you?

24 A. We had...

25 MR. DAVIS: Let the witness testify, instead of Mr.

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1 Melesco leading, please.

2 THE COURT: Mr. Melesco, you're putting words in your
3 client's mouth.

4 MR. MELESCO: Mr. Davis, I sat here and didn't object
5 to you.

6 MR. DAVIS: Well, the Court has ruled.

7 THE COURT: Y'all be quiet, or I'm going to ask the
8 questions.

9 Q. Mr. Rochelle, just describe the care that your
10 youngest child received while he was in your custody.

11 A. All right. What she was talking about, both chil-
12 dren lived in one room at the other house. She stayed in
13 the other room. And there was one dresser shared between
14 the two of them. When I moved in the new house, I had been
15 trying...there is a dresser in his room now. I had been try-
16 ing to find a dresser for his room. I found one finally and
17 painted it and fixed it up, and it is there. But there was
18 one dresser in...what happens now that they are both in
19 separate bedrooms, and the one dresser wouldn't split. So
20 it, until I got one, it was satisfactory, and I don't believe
21 there's any reason to go out and buy a brand new dresser for,
22 for a three year old child when they're going to, you know,
23 play with it and stick things in the side of it. So, yes,
24 he has a dresser. No, he...I...

25 Q. What about his clothes situation?

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1 A. I wore hand-me-downs when I was a kid. I see ab-
2 solutely nothing wrong with him wearing an older brother's
3 trousers if they fit and they're not worn out. And there're
4 plenty of clothes. He gets new clothes every year too, but
5 they're, that's what hand-me-downs are. And I, you know, if
6 you grew up in a family with more than one child, you wore
7 hand-me-downs. It's nothing wrong with that.

8 Q. Just a second, please.

9 THE COURT: Mr. Rochelle, your wife has testified to
10 some length why she thinks you should not have custody of
11 them and why she should. Why do you think your wife should
12 not have custody of the children?

13 A. I think I'm a better parent. I think I've proved
14 that.

15 THE COURT: Tell me. I mean, why? Why do you think
16 you should have custody and she shouldn't?

17 A. Because I take better care of the children. I pro-
18 vide for them better. I'm more concerned about them.

19 THE COURT: Can you give me...

20 A. And I...well, there're a lot of little things
21 around the house, sir, over a period of years. For instance,
22 during the last year that we lived together or the last two
23 years we lived together, she never washed their clothes a
24 single time. I had to wash their clothes. She...a meal for
25 them as far as she was concerned is a, is a sweet roll for

Carl Rochelle - Direct (Melesco)
- By the Court

1 breakfast and a peanut butter sandwich for lunch. And I
2 think a growing child ought to have more than that.

3 THE COURT: What do you mean, she didn't wash their
4 clothes?

5 A. I mean when the clothes got dirty, she threw them
6 down on the floor. When they got, there were no clothes
7 left to wear, I picked them up and put them in the washing
8 machine and washed them and folded them and put them up.
9 And I cleaned the house and I made the beds, and I cooked
10 the meals for the family.

11 THE COURT: What was your wife doing during that period
12 of time?

13 A. Well, most of the time when she wasn't at work, she
14 was piled up on the couch, looking at TV and polishing her
15 fingernails, or whatever. I mean it just didn't get done.
16 Or she was out with the charge cards, working those depart-
17 ment stores over. About sixty-five hundred dollars worth of
18 it when we separated the first time. And most of it was in
19 shoes and clothes, and none of it was a carry-over from when
20 I was out of work. I paid...when I got a job back at, when
21 I got a job at ABC News after having been out of work for
22 four months, there was approximately six or eight hundred
23 dollars charged up on charge cards. And...

24 THE COURT: Let me ask you...you know, it's important
25 to me. She...you did the cooking and you did the cleaning?

Carl Rochelle - By the Court

1 A. Yes, sir.

2 THE COURT: You did the washing?

3 A. Yes, sir.

4 THE COURT: You looked after the house?

5 A. Yes, sir. And I don't have any problems with male
6 tendencies either. It's just a matter of I can't stand
7 living in, you know...there are certain things that are, have
8 to be done, and if one person doesn't do them, then somebody
9 else has to. I did it then and I still do it now.

10 THE COURT: All right. Let me ask you another ques-
11 tion. You said that she was living with Mr. Silverman?

12 A. Yes, sir.

13 THE COURT: And during that period of time you agreed,
14 I believe you said you agreed for the, your wife to have the
15 children two days a week.

16 A. That was before she was living with Mr. Silverman
17 that I made that agreement. I...the agreement was continuing
18 during that period, but the agreement was made before she
19 moved in, before he moved in her apartment.

20 THE COURT: Do you know...can you tell the Court, do
21 you know of your own knowledge that he moved in and was a...

22 A. I saw his furniture. I saw his shoes. I saw his
23 goldfish tank.

24 THE COURT: He was a co-tenant of that apartment?

25 A. He was a co-tenant of that apartment, and the...

Carl Rochelle - By the Court

1 THE COURT: Did you at that time make any effort or
2 suggestion or attempt to have the children removed from that
3 situation?

4 A. No, sir. I was hoping that she was discreet about
5 it. But I, I don't feel it's my position to tell someone
6 else...

7 THE COURT: Did you visit in the apartment at that
8 time?

9 A. I had been in the apartment. I never saw him
10 there. She, a couple of times, she had invited me to stop
11 by, and she changed her mind at the last minute. I've never
12 met the man. I've seen his shoes, and I've seen his aquari-
13 um, and I've seen his clothes and his furniture, his color
14 TV and his stereo.

15 THE COURT: Where did he live?

16 A. He's a resident of either Arlington or Alexandria.
17 I'm not sure which.

18 THE COURT: It's in Virginia though?

19 A. It's in Virginia, yes, sir.

20 THE COURT: Can you find out where he lived?

21 A. We can try.

22 THE COURT: I mean we can all try. I mean without any
23 great effort can you determine where he lived?

24 A. We could ask her, but I can't off the top of my
25 head. I would have to...I'm not even...I would have to make

Carl Rochelle' - By the Court
- Cross (Davis)

1 some telephone calls to Les Silvermans and try to find the
2 right one, and I'm not sure that I could do that. I...

3 THE COURT: Okay, gentlemen. Any further questions,
4 Mr. Melesco?

5 MR. MELESCO: No, sir. The Court have any further...
6 I guess Mr. Davis does.

7 THE COURT: I know he does, but do you have any?

8 MR. MELESCO: No, sir.

9 THE COURT: All right, Mr. Davis.

10 CROSS-EXAMINATION

11 BY MR. DAVIS:

12 Q. Mr. Rochelle, you take home nine, sixty-six every
13 two weeks?

14 A. No, sir. I gross nine hundred and ninety-six
15 dollars every two weeks.

16 Q. I mean gross that.

17 A. Without overtime. That is my...I have a copy of
18 my union contract if you'd like to see it.

19 Q. No, sir.

20 A. Okay.

21 Q. What I'm getting at is you, if you did nothing but
22 just work, just take home that pay, or let's assume that you
23 could take home the whole pay of nine, ninety-six.

24 A. Right.

25 Q. Am I correct in saying that you would make twenty

Carl Rochelle - Cross (Davis)

1 thousand, nine hundred and sixteen dollars a year?

2 A. I haven't got my calculator in front of me.

3 THE COURT: He said while ago he made thirty-two
4 thousand dollars last year, I believe.

5 A. I made...yes. I'm admitting that I've made a lot
6 of money. I'm telling you that I make the money on the
7 basis of overtime, and if there is no overtime available by
8 the company--I work for a very big corporation--and at times
9 they mandate no overtime, and if they mandate no overtime,
10 by golly, that's what it means--no overtime.

11 Q. Mr. Rochelle, that's fine. That's all well and...

12 A. Okay.

13 Q. All I'm saying is your base salary is twenty
14 thousand, nine hundred and sixteen dollars, and you average
15 thirty hours a week to get that. Is that correct?

16 A. I get paid for forty hours a week. I work thirty
17 hours a week most of the time.

18 Q. That would be forty hours a week right there?

19 A. I beg your pardon? I don't understand.

20 Q. If you averaged forty hours a week and nothing
21 more, you would draw...

22 A. That salary, yes. Nine, ninety-six.

23 Q. Twenty thousand, nine hundred and sixteen dollars
24 if I'm...

25 A. Assuming your arithmetic...

Carl Rochelle - Cross (Davis)

1 MR. MELESCO: For the record, it's closer to twenty-
2 six thousand, Mr. Davis.

3 THE COURT: That's what I've got. It's vie...

4 A. I'd, assuming that...

5 THE COURT: Five hundred dollars a week figured rough-
6 ly, gross.

7 MR. MELESCO: Yes, sir.

8 A. Okay. I...

9 THE COURT: Twenty-six thousand dollars a year, and he
10 says that he, overtime he made thirty-two thousand dollars.

11 Q. The whole point I'm making is, you said that you
12 averaged thirty hours a week, but in '77 and '78 you
13 couldn't possibly have averaged thirty hours a week, could
14 you? In other words, you had to work a whole lot of over-
15 time in '77 and '78 to have amassed over and above...

16 A. Sir, sir, I'm afraid you don't completely under-
17 stand the nature of the business. I can be asked to come in
18 to work on my day off and work thirty minutes. My union
19 contract mandates I'm paid for eight hours of overtime...and
20 I've worked thirty minutes. That's a fact.

21 Q. But did...where did you come up with the thirty
22 hours average you worked?

23 A. I can, I can pull my union time sheets if you'd
24 like to see them, sir.

25 Q. I'm just...is that off the top of your head?

Carl Rochelle - Cross (Davis)

1 A. That's approximate, yeah.

2 Q. All right. You're away from the home a fair
3 amount of the time, are you not?

4 A. No, sir, I'm not.

5 Q. Are you trying to tell the Court that...

6 A. I am.

7 Q. I haven't finished my question.

8 A. Oh, okay.

9 Q. Are you trying to tell the Court that Mrs. Rochelle
10 did not do any of the housekeeping, did not take care of the
11 children in any fashion? For instance, at supper time, she
12 didn't even fix them supper? You pre-, you cooked supper
13 before you left? Is that what you're trying to tell the
14 Court? When you work from 2:00 till 10:00?

15 A. When I work from 2:00 to 10:00, I never work from
16 2:00 to 10:00.

17 Q. That's what you said your hours were.

18 A. I said that was my schedule. I said if I had to
19 work late...I work till 11:00 as a matter of fact. And the
20 nights that she came over, she fed them. I could always
21 tell that she had fed them because when I came in to pick
22 them up, there would be dirty dishes in the sink and dirty
23 pans on the stove. She...I'm sorry, sir. It's...the Judge
24 asked me and I told him.

25 Q. Well, okay. She, she bought...items that you said

Carl Rochelle - Cross (Davis)

1 that she had purchased and so forth, she purchased clothing
2 items for herself and for the children. Is that correct?

3 A. What specific instance are you referring to?

4 Q. I don't know. Any instance.

5 A. Well, you have to be specific about it. Rarely
6 did she buy clothing specifically...I usually tried to go
7 along when she bought the stuff for the children.

8 Q. Who bought clothing for the children?

9 A. I'd, like I just said, we tried, I tried to go
10 along at times. I like to have her along.

11 Q. But who primarily bought the clothing for the
12 children? Your wife did.

13 A. I just told you. I like to be along. We primari-
14 ly bought it together.

15 Q. We're talking about psychiatrists and infidelity
16 and that sort of thing. You were seeing the same psychia-
17 trist she was, were you not?

18 A. I saw the psychiatrist, Wiseberg, for marriage
19 counseling and marriage counseling only at her insistence,
20 and my diagnosis will reflect that.

21 Q. That's...I don't question that at all.

22 A. Okay. Okay.

23 Q. I'm just saying you saw...you were seeing the...
24 what's sauce for the goose is sauce for the gander. You...

25 A. I beg your pardon? Wait a minute.

Carl Rochelle - Cross (Davis)

1 Q. You were seeing the psychiatrist too, were you
2 not?

3 A. May I have an explanation of "sauce for the goose,
4 sauce for the gander?"

5 THE COURT: Mr. Davis, just ask the questions and get
6 responses...

7 A. I didn't have sex with Dr. Wiseberg if that's
8 what you're asking.

9 Q. Did you have sex with Nancy Gleason then? She
10 was a girlfriend, right?

11 A. Did I have sex with her?

12 Q. No. I withdraw that question. That's not...I
13 don't even care about that. I'm sorry. Were you not seeing
14 Nancy Gleason? During...

15 A. I dated Nancy Gleason...

16 Q. Okay.

17 A. After my wife announced that she was getting
18 married.

19 Q. Okay, okay.

20 A. Yes, I dated her. She didn't live with me though.

21 Q. In 1976 you had drafted by your attorney a seven-
22 page separation agreement wherein you agreed to have, for
23 your wife to have custody of the two infant children born of
24 your marriage, did you not?

25 A. That's correct.

Carl Rochelle - Cross (Davis)

1 Q. And you agreed to pay child support then?

2 A. Yes, sir.

3 Q. Did you feel then that she was not taking for,
4 taking care of the children?

5 A. I'm glad you asked me a question. I was apprised
6 by most everybody, attorneys included, that I didn't have a
7 chance in...whatever...of getting custody of the children if
8 I fought, that I was throwing time and money down the drain
9 to try to fight for the children. And so I agreed to let
10 her have custody of the children and to pay child support
11 so that she could have them. I didn't do it because I
12 wanted to.

13 Q. I'm not saying you did, but I'm saying you agreed
14 to it. You thought at that time she was better capable of
15 taking...

16 A. No, sir. I did not think she was better capable.
17 I thought that I did not have a chance to win. That's why
18 I didn't fight.

19 Q. And you just let your children go that easy then?
20 That...is that what you're saying?

21 THE COURT: Mr. Davis, let me interrupt you. I don't
22 like that the, the phraseology. I don't think parents ever
23 let children go. I mean, it's not a permanent removal, that
24 sort of situation. Answer the question for him, Mr. Rochelle.

25 Q. Your mother lives in Carolina and is how old?

Carl Rochelle - Cross (Davis)

1 A. My mother is sixty-seven years old as of October
2 the 16th.

3 Q. And she's retired.

4 A. She's retired, a year and a half ago, the super-
5 visor of a county nursing home. She's a registered nurse.

6 Q. Does she own her home and maintain her home in
7 Carolina?

8 A. She does. She does.

9 Q. Whereabouts in Carolina?

10 A. Washington.

11 Q. And you propose that if you're awarded custody of
12 the children to have, have your mother come up and live in
13 with you permanently and take care of the children?

14 A. No, sir. I don't propose to have my mother come up
15 and live permanently. I propose to have my mother come up
16 and help me out until I can...this has happened before, sir.
17 It happened the first time. She had the children...

18 Q. Just answer my question.

19 A. Okay.

20 Q. My question is, do you...

21 A. The answer...well, I've answered that part of it.
22 I was just alluding further. No, the answer is, I do not
23 plan to have my mother come up on a permanent basis and stay
24 with my children. I don't believe that young children should
25 be reared by a sixty-seven year old parent.

Carl Rochelle - Cross (Davis)

1 Q. Okay, fine. Now, we get...your mother coming up
2 and stabilizing things is what you or getting things settled
3 if you are awarded custody. That's what you anticipate doing
4 now?

5 A. Yes.

6 Q. All right. What, what then? What do you antici-
7 pate doing then while you're working your thirty hours?

8 A. I will do the same thing my wife would do if she
9 has custody of the children. I will have someone to sit
10 with them. Believe me, a sales, a radio salesman job is not
11 a forty-hour a week job. Anybody can tell you that is in the
12 business. It's more like a fifty or sixty-hour a week job.
13 She's gonna be putting more hours in the job than I am.

14 Q. Do you have anybody, do you have anybody lined up
15 for that?

16 A. Yes.

17 Q. Who is it that you have lined up for that?

18 A. Lined up? I have people who will do it now. I do
19 not have a permanent person lined up. Okay? I told you
20 that I would have my mother come up and stay with the chil-
21 dren until I could hire someone who is satisfactory, who is
22 available to stay and keep the children at my home.

23 Q. Are you willing to...assuming that the Court were
24 to give custody to your wife, are you willing to pay child
25 support payments to your wife for the children?

Carl Rochelle - Cross (Davis)

1 A. Sir, I would always support my children.

2 Q. All right. Do you have any idea or any figure in
3 mind as to what you consider?

4 MR. MELESCO: That's for the Court to decide, Mr.
5 Davis.

6 A. Sir, I can't, I can't see that...you want to know
7 my opinion. I don't, I can't see how that...all right. I'm
8 sorry. No, I do not have a figure in mind for child support
9 because I don't think I should be put in the position of
10 having to pay child support. I think I've had the children
11 with me for about ninety percent, ninety-five percent of the
12 last two years, and I think they should continue to stay
13 with me if you want to know my opinion. And that's it.
14 That's why I have no figure. I can't believe that they
15 shouldn't continue to stay with me.

16 Q. You don't know that, you're not trying to insinuate
17 or say to the Court that your wife has ever abused the
18 children or would abuse them, are you?

19 A. Sir, I don't know...I, there's been a time I would
20 have said, "No, I don't think she would." I'm sorry. I
21 cannot say that now. She has, she screams at them and
22 shouts at them. She screams and shouts at me. She cusses
23 at them like a sailor, and she cusses at me like a sailor,
24 and I thought her behavior was rather predictable, but she
25 just up and absconded with the children. I went, I called

Carl Rochelle - Cross (Davis)

1 her apartment on Sunday afternoon when I got off work. I
2 was coming by to pick up the children. I got no answer.
3 I've been calling since Friday, because it was a birthday
4 party for Carl that he was invited to go to. I'd been try-
5 ing to get hold of her so she could maybe take him to the
6 birthday party. No answer. And Sunday I called, no answer.
7 Monday I went over. I went to her apartment Sunday night
8 and there was no one there. Monday I went to the kids'
9 school to pick them up and the kids weren't there, and that's
10 sort of embarrassing. You drive up to pick up your children
11 and the teacher says, "Well, Johnny didn't come to school
12 today." "He didn't?" Now, that's unpredictable behavior,
13 sir. And, no, I can't say that she wouldn't hurt them. I
14 would have said that at one time. I don't know now what.

15 Q. Her manifestations or her outward expressions are
16 not any different than they were when you signed that separa-
17 tion agreement, are they?

18 A. Which separation agreement are you talking about?
19 The first one?

20 Q. The one that you agreed to let her have custody
21 of the children.

22 A. Yes, they are different. Yes, sir. Quite so.

23 Q. Cusses worse? Is that what you're saying?

24 A. Yes. Well, cussing's not going to hurt a child.
25 I don't think a child should be called some of the things

Carl Rochelle - Cross (Davis)

1 that they have been called and have some of the things said
2 in front of them that they should, but that's not going to
3 hurt the child. But she has been through...since that separation
4 agreement, she's been through three...one psychiatrist
5 and two psychologists. And, you know...I'm not sure
6 that they do you any good. No, I think the better place for
7 the children would be with me. I have the same job that I
8 have had for the last five years. I live in the same area.
9 I hope to buy a house if I can get my family problems resolved
10 someday, so the children will have a home of their
11 own to come to instead of a rented house. I am a stable
12 individual and reliable, and it's a proven fact you can...
13 that's one of the reasons I wanted the case heard in Arlington
14 was because you can talk to any number of people and
15 find out who's been taking care of the children and whether,
16 whether I am stable or not.

17 Q. Let me ask you one other question. I don't know
18 whether it really makes any difference or whether anything
19 I've asked you makes any difference. But is it true that you
20 didn't let your wife make any purchases or pay any of the
21 bills during the first portion of your marriage?

22 A. No, sir, that's not completely true. That is not
23 true.

24 Q. Is it almost true?

25 A. No, sir, it's not almost true. I was, about six

Carl Rochelle - Cross (Davis)

1 months before I opened a joint checking account with her,
2 but I was sort of a little gun-shy when I found out that she
3 had about a six hundred dollar loan in one of those fly-by-
4 night finance companies, and, and I was a little iffy there
5 for a while about turning the checkbook over to her. I
6 found that out quite by surprise when the guy called the
7 apartment we were living in and wanted to collect, and I
8 didn't know who the heck he was and what he was calling
9 about. And it was behind payment and, you know, after
10 a while I, I did give her a joint checking account. And she
11 had a joint checking account the whole way through. And she
12 didn't abuse the joint checking account a great deal...an
13 occasional...no more, I suspect, than any wife would. All of
14 her abuse was with charge cards. There, she didn't terribly
15 ...but when she moved back in for the next reconciliation,
16 there were a couple of reasons I did not, I did not...she
17 wanted me to give her back her joint checking account. I
18 wouldn't put back a joint checking account. It was a trial
19 to see if things would work back out. She slept with me for
20 about a month or month and a half after she moved back in
21 for the reconciliation. She moved out of my bed and into
22 the spare bedroom. She had the proceeds of a ten thousand
23 dollar law suit of her own to spend as she wished--settle-
24 ment of a case where a man had beaten her up in Washington,
25 D. C., and she won the settlement in that. She had money.

Carl Rochelle - Cross (Davis)
- Redirect (Melesco)

1 She had a twelve thousand dollar a year job. I saw no
2 reason to give her a joint checking account or give her
3 charge cards. The fact of the matter, I did loan her a
4 charge card one time and she immediately went out and
5 charged it up to a six hundred dollar limit...clothes that
6 she bought for a trip she took with the good Dr. Wiseberg
7 down to Atlanta which...forgive my sarcasm. I just felt
8 funny finding out I was paying for clothes to show off for
9 another man.

10 THE COURT: Any further questions, Mr. Davis?

11 MR. DAVIS: No, sir.

12 MR. MELESCO: Just one question, if your Honor please.

13 REDIRECT EXAMINATION

14 BY MR. MELESCO:

15 Q. The separation agreement Mr. Davis has questioned
16 you about, just for my own...was that the same period of
17 time that she started out with the kids and you ended up
18 with them?

19 A. Yes, sir, that's correct. She kept them for about
20 a month and a half and then told me to take the children,
21 she couldn't take it anymore.

22 THE COURT: Mr. Davis, will you introduce that copy of
23 that agreement or the agreement itself into evidence?

24 MR. DAVIS: I don't have it, your Honor. I've got a
25 copy I'll be glad to introduce. It's not signed.

1 THE COURT: I know, but just the, there's no question
2 about the...

3 MR. DAVIS: I'm apprized...she signed. I'm apprized
4 that both parties signed it. It's just her copy.

5 THE COURT: That's what Mr....

6 MR. MELESCO: I'd like him to read it. I've never
7 seen it. Just make sure that it's...

8 THE COURT: All right. Y'all can authenticate that
9 afterwards.

10 MR. MELESCO: Okay.

11 THE COURT: Do you want me to save you gentlemen some
12 time?

13 MR. DAVIS: I don't think it makes...

14 THE COURT: Any other evidence, Mr. Melesco?

15 MR. MELESCO: No, sir.

16 THE COURT: I'll tell you what I'm going...I know
17 what I'm going to do. You can stand aside, Mr. Rochelle.

18 THE WITNESS STOOD ASIDE.

19 THE COURT: Let me...y'all teach me some law. It has
20 nothing to do with this case at all. How in the world can
21 a J and D Court take custody of children who are not even
22 within the jurisdiction of the court? And it recognizes
23 that fact in the order.

24 MR. MELESCO: Judge, I wasn't there.

25 THE COURT: I know, but I mean, is it customary? I

1 mean, y'all tell me. I'm just, plain questions.

2 MR. MELESCO: I think it's...factual matter.

3 THE COURT: Let's say it's John Jones and Jane Jones.
4 Can they do it?

5 MR. MELESCO: I think that's where they reside. This
6 is one of these cases I can't tell you what...

7 THE COURT: It doesn't say that. It said the children
8 are within the purview of the Juvenile and Domestic Relations
9 District Court of Arlington County.

10 MR. DAVIS: I think what it amounted to is just a race
11 to the courthouse to see who got there the quickest.'

12 MR. ROCHELLE: May I state something, sir?

13 THE COURT: Custody should be granted to the father
14 figure pending a further custody hearing and notification
15 to the mother.

16 MR. ROCHELLE: Sir.

17 THE COURT: How can you grant custody...the Court can
18 take custody, but how can you grant custody to a parent with-
19 out notification to the other?

20 MR. ROCHELLE: Sir, I was in court with...I talked to
21 a intake officer, I think they're called, and I went to
22 court and told Judge Ferrori that the children had been
23 taken away, that my wife had absconded with the children
24 without giving any notice to me. And he said the Court will
25 take custody of the children.

1 THE COURT: He didn't do that.

2 MR. ROCHELLE: Well, I understood it was done ex
3 parte, and he said, "the J and D Court in Franklin County
4 may, can take custody of it also and I would suggest that
5 you talk, discuss it with them and ask them if they release
6 custody..."

7 THE COURT: I'm just trying to learn something, Mr.
8 Rochelle so don't, you'll have to bear with me a minute.

9 MR. ROCHELLE: All right.

10 THE COURT: But he gave those, custody of those chil-
11 dren to you?

12 MR. ROCHELLE: Yes, sir.

13 THE COURT: Which he had no right to do--and you can
14 tell him if you want--that he absolutely no right. The
15 Court could take custody of them but...pending a determina-
16 tion.

17 MR. MELESCO: That's what he thinks they did.

18 THE COURT: I know.

19 MR. ROCHELLE: That's what I thought he did, sir. I
20 thought he took custody.

21 THE COURT: But he didn't. Here's what he did. He
22 said, "Custody of the children should be granted to their
23 father, Carl Rochelle."

24 MR. ROCHELLE: Right.

25 THE COURT: Okay. And that's what he did.

1 MR. ROCHELLE: I thought that...I'm sorry.

2 THE COURT: Pending a further custody hearing.

3 MR. ROCHELLE: But the custody...I think he meant that
4 they were to live with me.

5 THE COURT: Well, I may not...I don't know Judge
6 Ferrori, but he's, I assume, he is a smarter individual than
7 I am because he's doing things that I don't know anything
8 about.

9 MR. MELESCO: Judge, I got lost in Juvenile Court
10 today. I don't...

11 THE COURT: All right, gentlemen, be that as it may.
12 Here's what I'm going to do: The Court is going to take
13 custody of these two children, and I want an in-depth inves-
14 tigation. I'm going to leave the physical, then physically
15 with their mother, but the Court has custody of them. I
16 want an in-depth investigation, Mr. Melesco and Mr. Davis,
17 both in Arlington County, primarily in Arlington County of
18 everything that's transpired or has been testified here
19 today occurred or relates to have occurred in Arlington.
20 And I want it done immediately, and I want your order drawn
21 to...

22 MR. MELESCO: Who do you want it done by? Court
23 Services...

24 THE COURT: I want the Court Services Unit to do it.

25 MR. ROCHELLE: Sir, if I may. A probation officer

1 was assigned in Arlington to this case.

2 THE COURT: Well, I'm a little leery of...and I'm not
3 ...everybody's human, Mr. Rochelle, but in the, you know...
4 Carolyn Riesenman is the probation officer. That means
5 that she's got to run the...she's a part of this office.
6 You know, I just want to be fair to both you and your wife,
7 and I want an in-depth investigation but I don't want a
8 biased one.

9 MR. MELESCO: You want somebody other than the lady
10 on that?

11 THE COURT: I want...

12 MR. MELESCO: I'm sure they've got twenty or thirty
13 up there as big as they are.

14 THE COURT: But I need to know some information.

15 MR. DAVIS: If your Honor please, do you want us to
16 prepare an order and present it to you?

17 THE COURT: I want you and Mr. Melesco to prepare an
18 order and present it to me.

19 MR. DAVIS: That the...do you want a partial, do you
20 want a study here of the home situation of this lady?

21 THE COURT: Yes, but the main thing I want to know,
22 Mr. Davis, is the allegations that have been made by, for
23 and against both of these individuals. I'm interesting in
24 the welfare of these children and that alone. Some damaging
25 allegations have been made in reference to how these children

1 have been taken care of or how they have not been taken care
2 of, by both parties, and I want to know about it.

3 MR. MELESCO: The only thing I'm confused on, you want
4 somebody in the Court Services Unit but not the girl that
5 did this.

6 THE COURT: That's right.

7 MR. MELESCO: Okay.

8 MR. ROCHELLE: Well, she has made no...I'm sorry.

9 MR. MELESCO: Would you mind if Mr. Davis and I just
10 called up there and explained it to them?

11 MR. DAVIS: We've got to get an order.

12 MR. MELESCO: We'll get the order, but explain exactly
13 what...

14 THE COURT: I need something, and I don't want it
15 biased because...if necessary, I want y'all to get the copy
16 of the report and if necessary...let's do it this way: I
17 want them to name individuals, the report to name individu-
18 als--"John Jones says that Mrs. Rochelle is no good; John
19 Jones says that Mr. Rochelle is no good. I want them to put
20 that in the report, and if neces-, get y'all get a copy of
21 the report a week ahead of time before we set this next hear-
22 ing, and if necessary you can summons these people down here
23 to make them testify. I don't want any, "Am I at fault if
24 soomeone says so-and-so?" You understand?

25 MR. MELESCO: Mm huh. (Affirmative)

1 THE COURT: Do you understand, Mr. Davis?

2 MR. DAVIS: I think so, your Honor.

3 THE COURT: And I want the...Mrs. Rochelle, you con-
4 tinue with, you'll have physical custody of the children
5 until such a time as we can get the report. Mr. Melesco?

6 MR. MELESCO: Yes, sir.

7 THE COURT: Can your client be here on short notice as
8 soon as we get the report?

9 MR. MELESCO: Yes, sir.

10 THE COURT: Mrs. Rochelle, I'm going to admonish you
11 to, those children, you and your children will remain within
12 the jurisdiction of this Court until the Court makes a final
13 determination. Do you understand?

14 MRS. ROCHELLE: Sure. I have no intentions of going
15 anywhere. I live here.

16 THE COURT: I just want that to be quite frankly under-
17 stood so...

18 MR. DAVIS: If your Honor please, the order will con-
19 tinue generally until these reports have come in and then
20 we'll set a day.

21 THE COURT: You and Mr. Melesco draw the orders direct-
22 ing an investigation to be made immediately and that a copy
23 be furnished counsel and a copy be furnished the Court. As
24 soon as we get that, we will set the hearing date.

25 MR. MELESCO: So, to impose upon the Court...my

1 experience in these things be...if we draw the order, it
2 would help a lot if you will send the covering letter up
3 there.

4 THE COURT: I will do that. I will have Mrs....

5 MR. MELESCO: Okay.

6 THE COURT: An attested copy of the order will go...

7 MR. MELESCO: Along with a covering letter from you,
8 we'll get a much quicker response than something from Mr.
9 Davis and myself.

10 THE COURT: Okay, gentlemen.

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ORDER

This day came both parties by counsel upon a motion of the plaintiff, Connie Gale Peters Rochelle, that the Court Order the Court Services Unit of the Juvenile and Domestic Relations District Court for the County of Franklin, Virginia, and/or the Department of Human Services for the County of Franklin, Virginia, to conduct an investigation of the present circumstances of the plaintiff, Connie Gale Peters Rochelle, and her suitability to have custody of the infant children of the parties hereto.

UPON CONSIDERATION WHEREOF, it is ADJUDGED, ORDERED and DECREED that the Court Services Unit of the Juvenile and Domestic Relations District Court for the County of Franklin, Virginia, and/or the Department of Human Services for the County of Franklin, Virginia, conduct an investigation as to the suitability of the plaintiff herein to have custody of such infant children, and to report to the Court its findings within a reasonable time, but no later than sixty (60) days.

The Clerk of this Court is hereby directed to certify a copy of this Order to the Court Services Unit of the Juvenile and Domestic Relations District Court for the County of Franklin, Virginia, and/or the Department of Human Services for the County of Franklin, Virginia.

ENTER: This _____ day of _____, 1979.

Judge

I request the entry of this Order:

Of Counsel for the Plaintiff

Seen:

Counsel for the Defendant

COURT REPORT
ARLINGTON JUVENILE AND DOMESTIC RELATIONS
DISTRICT COURT
ARLINGTON, VIRGINIA

ARLINGTON COUNTY, VIRGINIA
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT
P.O. BOX 925
ARLINGTON, VIRGINIA 22216

March 6, 1979



CARL J. BEYELER
SERVICES ADMINISTRATOR



BERTON V. KRAMER
JUDGE
ANDREW B. FERHAR
JUDGE

The Honorable B. D. Davis III
Circuit Court
Franklin County Unit
Main Street
Rocky Mount, Virginia 24151

RE: Connie G. P. Rochelle vs
Carl A. Rochelle

Your Honor:

Enclosed is the custody investigation report pertaining
to the above-named case, pending in the Circuit Court of Franklin
County.

Respectfully,

Carolyn Riesenman
Carolyn Riesenman
Senior Probation Counselor
703-558-2179

Cherie B. Artz
Cherie B. Artz
Probation Supervisor

COURT REPORT
ARLINGTON JUVENILE AND DOMESTIC RELATIONS
DISTRICT COURT
ARLINGTON, VIRGINIA

NAME: CARL A. ROCHELLE III CASE NO.: J 78-393

ADDRESS: ROUTE #1, BOX 416A
ROCKY MOUNT, VIRGINIA

DATE OF BIRTH: 1/30/72
PLACE OF BIRTH: MINNESOTA

SEX: MALE RACE: CAUCASIAN

NAME: JOHN A. ROCHELLE CASE NO.: J 78-393 A

DATE OF BIRTH: 12/23/74
PLACE OF BIRTH: WASHINGTON, D.C.

SEX: MALE RACE: CAUCASIAN

ADDRESS: ROUTE #1, BOX 416 A
ROCKY MOUNT, VIRGINIA

FATHER: CARL A. ROCHELLE ADDRESS: 4301 NORTH
39TH STREET, ARLINGTON,
VIRGINIA 22207

MOTHER: CONNIE ROCHELLE ADDRESS: SAME AS
CHILDREN

SENT
BLEM:

On 10/25/78, Mr. Carl Rochelle filed a petition with the Arlington County Juvenile & Domestic Relations District Court requesting custody of his two children. However, after moving to Rocky Mount, Virginia, Mrs. Connie Rochelle petitioned the Franklin County Circuit Court for custody. Consequently, the Circuit Court took jurisdiction in this case and referred the matter to the Arlington County Juvenile Court for a custody investigation and report.

VIOUS
BLEMS:

A record check with the local departments revealed that neither Mr. nor Mrs. Rochelle have an arrest record.

Father:

Mr. Carl Rochelle was born on 8/15/37 in Washington, North Carolina. His father, John Rochelle, died of cancer in 1965 at the age of 56. He worked as the assistant chief of the local fire department, and was also employed as a city building inspector. Mr. Rochelle's mother, Oneda Rochelle, is 66 years of age and continues to reside in Washington, North Carolina. She retired 1 1/2 years ago, and had been employed as the assistant director of a county operated nursing home. Mr. Rochelle also reported that he had one brother who died of cancer at the age of 21. Mr. Rochelle's parents had been married for 33 years, and the relationship was a happy and stable one. Both parents were church goers and his father was not only a respected city employee, but a deacon in the church. Mr. Rochelle described his childhood and his relationship with his family in positive terms. He claims that after his brother's death, his relationship with his parents became especially close as he was their only living son. Mr. Rochelle maintains contact with his mother and visits her regularly.

Mother:

Connie Gale Rochelle, born 7/7/49 in southern Virginia, was the only child of Lester and Pearl Peters. Mr. Peters is 53 years old and is self employed in the timber business. Pearl Peters is also 53 years old and is a housewife. Mrs. Rochelle explained that although her parents have been married for 31 years, their relationship is not a happy one. She described her parents as two extremely different people who have managed to stay together probably because divorce is not socially acceptable in light of their small town background. Mrs. Rochelle reports that family problems were clearly evident as she was growing up, and she tried to be very accepting. She remembers wishing and hoping that the family life would be happy, and she reports that there were such periods. Although her parents had a poor relationship, she claims that both parents were very protective of her. Mrs. Rochelle is close to her parents, continues to have normal arguments with them, and appears to have accepted the fact that her parents will never be happy together. Mrs. Rochelle does not feel that her parents' unhappy marriage has had a negative effect on her. In fact, she claims that she has become a very determined individual, probably because she has been exposed to a difficult, unresolved home situation.

Marital History:

Carl and Connie Rochelle were married on 3/5/71 in South Dakota. This is the first marriage for Mr. Rochelle and the second for his wife. Mrs. Rochelle was first married in 1968 at the age of 19 to a Mr. Richard Herrell. They separated after one year and were subsequently divorced in 1971. Mrs. Rochelle claims that she was immature and had great expectations about married life. When she discovered that Mr. Herrell did not want children, she deserted him and moved to Washington, D. C. It was during the summer of 1970 that she met Carl Rochelle as they were both employed with ABC News. They dated several months and then moved to Minnesota in December, 1970 when Mr. Rochelle became employed with KMSP-TV. They lived together, and after her divorce was final, they were married.

Mr. Rochelle claims that their marriage was never blissful as he and his wife experienced continual problems. To summarize, problems culminated in an initial separation in October or November, 1976 when Mrs. Rochelle decided to sue for divorce. Through negotiations with attorneys, it was decided that Mr. Rochelle would move out of the house and pay \$500.00 per month child support. Mrs. Rochelle ultimately found it difficult to survive on her income plus the support, and consequently in December, 1976, she told her husband that he could return to the home to care for the children and she would move out. During this time, Mrs. Rochelle became involved in marital and individual counseling, and one year later in December, 1977, the couple decided to attempt a reconciliation. The relationship, however, continued to deteriorate and resulted in a final separation in June, 1978. During the separations, it appears that both parents demonstrated concern for the children and took responsibility for them.

Mr. Rochelle claims that money was a major problem primarily because of his wife's extravagance and misuse of credit. He claims that he earns a good living, reporting that he and his wife earned a combined income of over \$40,000 in 1977. However, in seven years he has been unable to save enough money for a down payment on a house. Mr. Rochelle reported that his wife

emphasizes monetary concerns and does not do without. She would charge her credit cards up to the maximum, and although these expenses reflected household purchases and items for the children, her personal purchases comprised a significant portion of the bills. It was not unusual for her to have a vast assortment of clothes, cosmetics and jewelry, even spending as much as \$250.00 for a single pair of earrings. He claims that when the bills would come in every month, he would sit down with his wife and explain to her why she could not go on spending money in this fashion, but she would continue to do so.

Mrs. Rochelle denies her husband's allegations. She claims that she had nothing to do with the finances, never paid a bill, and never saw the statements when they came in the mail. She described her husband as a controlling individual who made all the family decisions. During their early years of marriage, she claims that her husband refused to open a joint checking account, and would not buy any decent furniture for their home. Money was doled out to her when she needed it, and she felt as if she was treated as a child, rather than a wife. She claims that when she was pregnant with her first son, her husband would not buy her any maternity clothes because she would not be pregnant that long. Furthermore, he would not buy any clothes for the baby until it was born because he had to be sure of the baby's sex and size. She claims that he was too cheap to pay for parking at work, and consequently all through her pregnancy, she would have to pick him up from work often late in the evening. When she finally was given the use of charge cards, she claims that her use of credit was monitored. She claims that the bills reflected her purchase of necessities for the whole family as her husband would not give her any money, and she had to resort to using the cards. Furthermore, she reported that she believes in buying good quality items because they last longer, indicating for example that she paid \$250.00 for a pair of boots she is wearing.

In response, Mr. Rochelle claims that he could not open a joint account with his wife until after they were legally married. In the meantime, he gave her blank checks for her use. In addition, he produced bills from their early years of marriage verifying that she had the use of certain credit cards at that time. He claims that she has always been financially irresponsible as she was unconcerned that she owed several overdue doctor bills before they were married, and he took the responsibility of paying them. Furthermore, Mr. Rochelle produced credit card statements reflecting over \$6,000 worth of bills incurred during the ten month period prior to their first separation in 1976. The statements reflected that many of these purchases were made for jewelry, cosmetics and lady's wearing apparel. Mr. Rochelle also provided a VISA statement for March and April, 1978, reflecting purchases of clothing at lady's apparel shops totalling approximately \$700.00. In addition, he claims that his wife has written bad checks which he has had to make good. Mrs. Rochelle initially denied that she ever wrote a bad check, but later indicated that she may have done so as an oversight when money was not deposited in the account in time to cover purchases. Mr. Rochelle indicated that the Union First National Bank of Washington is able to confirm his allegation.

Mrs. Rochelle complained that her husband is very ego oriented and aloof, and is not a very warm, friendly or open person. He is an overly rational person at the expense of being emotional, and has been conditioned to be too much in control. She claims that she is the opposite, being more emotional, and this has caused many difficulties. In addition, Mrs. Rochelle claimed that she is no saint and has a good temper which she uses, explaining that crying, yelling and arguing was the only way to get her husband's attention. She complained that Mr. Rochelle neglected his role as a husband. He worked very long hours, and even when he was available, he failed to be sensitive to her needs or to give her moral support. She was not permitted to work, and consequently she felt stifled. After Carl's birth, she stayed home to care for her son all day, every day because her husband would not allow her to hire a babysitter. This also prevented them from having any social life. She claims that the extent of their social activities was a visit to McDonald's on Saturdays and an occasional movie. Consequently, Mrs. Rochelle claims that she spends all her time being a housewife and mother with little satisfaction of her own personal needs. In addition, Mrs. Rochelle claims that she has had many health problems and her husband has lacked sensitivity and compassion. She claims that her husband is a perfectionist and would not accept her having imperfections. On one occasion, she explained that she was bleeding to death as the result of being on medication to impede blood coagulation for treatment of a suspected blood clot. She began hemorrhaging and reported that her husband would not take her to the hospital because he had to stay with the children. Consequently, she says that she drove to the hospital, bleeding and doubled up in pain. This was the beginning of a steep decline in their relationship, and she claims that she begged her husband to seek marital counseling but he responded that he was perfectly happy.

Mr. Rochelle claimed that although he is a very logical person, he does not lack emotions and feels fear and hurt like anyone else. He claims that because of his wife's over emotionalism, it was difficult for him to relate to her and to her demands. Mr. Rochelle described his wife as being a very insecure and jealous woman, prone to hysterical behavior, and who has a tendency to lie and exaggerate many situations. Although his wife has had some legitimate health problems, Mr. Rochelle claims that she is a hypochondriac and has a penchant for doctors. Furthermore, Mr. Rochelle feels that his wife is basically an irresponsible individual who shows poor judgment. To illustrate, Mr. Rochelle pointed out that his wife has persisted in her misuse of credit to the detriment of the family financial situation and has also written bad checks. He claims that she was irresponsible in holding a job, often leaving without notice. Similarly, when she moved to southern Virginia, she simply left her apartment and failed to return the keys or to notify the landlord. Finally, he feels that she uses poor judgment in dealing with the children in that she customarily screams at them, uses profanity, and is a poor role model in that she is overly emotional and does not follow through on anything.

Mrs. Rochelle's views on the family financial situation have already been presented. Although Mrs. Rochelle claims that she left her various jobs for positive reasons, such as more opportunity for advancement, several previous employers have indicated her tendency toward irresponsibility. For example, one employer reported that Mrs. Rochelle had only worked with their organization one week and simply never came back, failing to notify them of her

desire to terminate. In addition, this employer claimed that the company had attempted to locate Mrs. Rochelle in order to pay her for three days of work, but they were unable to find her. Apparently, she made no attempts to claim her wages. Another employer claimed that Mrs. Rochelle had worked with their company two months. When an attempt was made to contact her at one of the branch offices she was handling, it was found that Mrs. Rochelle had simply left her key and disappeared. In addition, another employer commented that while Mrs. Rochelle was employed with them her performance was satisfactory and she was perceived as an intelligent and congenial individual. It was also pointed out, however, that Mrs. Rochelle had her "emotional ups and downs" and was a puzzling individual to relate to. Finally, Mrs. Rochelle's previous landlady indicated that she was disappointed that Ms. Rochelle did not notify her of her plans to move from the apartment. Apparently, Mrs. Rochelle left hurriedly in the middle of the night, failed to turn in her keys, and made no arrangements to have the utilities or telephone services disconnected. Consequently, the landlady was planning to consult an attorney to determine whether she was responsible for any of the unpaid bills as Mrs. Rochelle left no forwarding address. Mrs. Rochelle claims that she did not give notice because she did not want anyone to know that she was moving, and that her landlady had a \$300.00 security deposit which was sufficient reimbursement for any problems incurred by her action.

Furthermore, Mr. Rochelle cites his wife's relationship with her therapist as a further indication of her poor judgment and instability. Mrs. Rochelle had seen three different therapists for individual and marital counseling, and she developed an intimate relationship with the second therapist, Dr. Weisberg, a private psychiatrist. Mr. Rochelle has a law suit pending against Dr. Weisberg claiming that he contributed to their emotional distress through unethical and immoral behavior which contributed to the further deterioration of the marriage. Mrs. Rochelle admitted that she had more than a doctor-patient relationship with her therapist, and indicated that she also filed a law suit against him. In fact, Mrs. Rochelle claims that she was not only a patient, but a lover, secretary, wife and mother to him. At the time, she was insecure and emotionally needy, and feels that Dr. Weisberg took advantage of her and contributed to her further marital difficulties as he would set up problem situations between Mr. and Mrs. Rochelle, playing one off against the other. According to Mrs. Rochelle, her extra-marital relationship did not interfere with her ability to mother. She engaged in the affair during work day hours, and on those evenings she was with Dr. Weisberg, she was home by 9:30 P.M. Mr. Rochelle claims that on two weekends his wife hired a babysitter to stay with the children so that she could spend time with Dr. Weisberg. Mrs. Rochelle claims that she contacted another therapist for counseling because Dr. Weisberg "was sick".

After terminating the affair, Mrs. Rochelle began dating Mr. Les Silverman. Mr. Rochelle claims that two weeks after meeting him, his wife informed him that she was planning to marry Mr. Silverman in July, 1979. Furthermore, Mr. Rochelle claims that the children informed him that Mr. Silverman was living with their mother at the apartment during July and August, 1978. He also reported seeing Mr. Silverman's clothes, some furniture and other items in the apartment, and that his wife acknowledged the fact that they were living together. Mrs. Rochelle, however, claims that although she and Mr. Silverman had been planning to live

together, they did not do so because it was not proper. She does admit, however, that he spent three or four consecutive nights with her in the apartment, and indicated that he has been the only man she has dated since she left her husband. It was reported that in August, 1978, Mrs. Rochelle apparently gave up her plans to marry Mr. Silverman as she wanted to return to live with her husband. This attempt at reconciliation was not successful, and Mrs. Rochelle resumed her relationship with Mr. Silverman. In response to her husband's allegations concerning her relationship with Mr. Silverman, Mrs. Rochelle pointed out that her husband is no saint. She claims that Mr. Rochelle has kept women overnight in the home with the children present. In fact, on one occasion, she unexpectedly arrived at the home and broke in on a "date" and proceeded to throw the woman out screaming, "if you ever go near my children again, I'll kill you." Mr. Rochelle denies his wife's allegation that he was keeping female guests overnight.

&
HIBOR-
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Mr. Rochelle rents a three level, three bedroom single family home for \$490.00 per month. The home appeared to be neat, clean and simply furnished, and is located in a residential, upper middle class area in North Arlington. The home is of ample size, and will comfortably meet the needs of Mr. Rochelle and the children.

Since October 21, 1978, Mrs. Rochelle and the two children have been living in a two floor, three bedroom home in Rocky Mount, Virginia which rents for \$225.00 per month. She claims the children share a bedroom, and she uses the spare room as a playroom for them. Mrs. Rochelle indicated that a probation counselor from the local juvenile court was planning to come to the house to investigate the home situation.

ANCES:

Mr. Rochelle holds a B.A. degree in Communications from American University, and he has been employed as a producer/writer with ABC News since September, 1973. His supervisor reported that Mr. Rochelle's job performance is much above average and that he is a reliable and very conscientious employee. Mr. Rochelle claims that he earns a minimum of \$28,000 per year, often earning a great deal more depending on his work hours. Furthermore, he reported that even though he makes a good living, the family has been unable to set aside savings because of their many bills, many of which reflect his wife's extravagance. Thus, he claims to owe over \$6,000 in debts over and above his fixed expenses.

Upon moving to Rocky Mount, Virginia in late October, 1978, Mrs. Rochelle began working with WPVR Radio as an account executive, earning \$175.00 per week. However, she was terminated in early January, 1979. Her supervisor reported that the reason for the termination had nothing to do with poor job performance as she found Mrs. Rochelle to be a good worker. The station is in the process of trying to establish itself and had hired too many people. Consequently, it was not financially feasible to deal with a staff as large as had been hired. Mrs. Rochelle explained that since she lost the job, her father has provided her with financial assistance, and she is looking for temporary employment. In view of her high school education and her lack of vast work experience, she has decided to work towards a job in real estate. Consequently, she is studying real estate in order to take the test in March to be licensed as an agent. According to Mr. Rochelle, his wife has previously taken real estate courses with the goal of becoming an agent, only to fail to follow through on her commitments.

Carl A. Rochelle III, age 7, and John A. Rochelle, age 4, are both reported to be healthy, normal children. Mrs. Rochelle reported that both children are doing well in school. Carl attends the first grade at Boone's Mill Elementary School in Boone's Mill, Virginia. John attends IT'S A CHILD'S WORLD, a pre-school in Roanoke, Virginia. While the children were living with their father, Carl attended Georgetown Day School in Washington, D. C., and John attended Chesterbrook Montessori School in McLean, Virginia. Carl's teacher at Georgetown Day could not comment on his school progress as he had only attended school one month before his mother left the area. Therefore, his teacher at Chesterbrook Montessori was contacted regarding his school performance. Carl was described as a very bright, helpful and sweet child who seemed very protective of his younger brother. He was a good student and never created any discipline problems. Carl's teacher had contacts with both Mr. and Mrs. Rochelle and offered her comments regarding her perception of them. She reported that both parents seemed a bit unrealistic. Mr. Rochelle was more difficult to talk with than Mrs. Rochelle, and often preferred to avoid unpleasant subjects rather than to deal directly with them. He appeared to over-indulge the children with material possessions, and at times would set up Carl in competition with other children, expecting too much of him in certain instances. Overall, however, she liked Mr. Rochelle very much and reported that he demonstrated concern and responsibility for Carl. In her opinion, Mrs. Rochelle also had unrealistic expectations for Carl in that she seemed to rely on him for emotional support. She was too open in discussing adult problems with the children, not recognizing that they were too immature to realistically deal with the information. Mrs. Rochelle appeared to be immature and tended to flounder, being unable to make a judgment and stick by it. She would put her whole heart and soul into devising solutions to her problems, only to encounter more difficulties because she failed to think through her solutions. In addition, she had a rather naive view of divorce, voicing her expectations that a divorce would not significantly affect the children. She seemed to feel that as long as she was honest with the children, divorce would not affect them.

John had attended Chesterbrook Montessori School, and his teacher indicated that she found both parents to be interested in John's progress. It was reported that John was making a good adjustment at school. In comparison to Carl, who tends to be a more quiet and sensitive child, John is the stronger personality, being more aggressive and somewhat rowdy. Although there were some discipline problems with John at school, this did not cause any serious difficulties. John's teacher reported that she had contacts with both parents. In her opinion, Mr. Rochelle seemed to place a lot of expectations on the children. Mrs. Rochelle was more talkative and more emotional than her husband, and would talk about her marital problems in the children's presence, subjecting them to information that they probably had difficulty in dealing with.

In April, 1978, Carl was referred by Dr. Weisberg for a psychological evaluation to aid in the determination of whether he should live with his mother or father. Such a determination is difficult, if not impossible, to answer based on psychological testing. The psychologist indicated his opinion that Carl needed contact with both parents who seemed to be capable of very warm interaction with both children. In view of the fact that he was under the impression that Carl had been living with his mother and

younger brother, he indicated that allowing Carl to remain with the mother rather than splitting the children might be the best decision. However, when he learned that Carl had been living with his father, he was unable to clearly formulate an opinion based on test materials. Test results revealed that Carl is a very intelligent youngster who feels threatened by failure and who strives to be strong, capable, achieving and correct. In essence, he evidenced a perfectionist trend. Disharmony in the home was indicated, but despite the presence of conflicts, Carl was seen as functioning well. Furthermore, because of Carl's superior intellectual ability and his tendency to become bored if not stimulated, the psychologist recommended placement in a private school setting would likely be best for Carl. Consequently, Carl was placed in Georgetown Day, a private school. His previous teachers did not approve of this placement as they felt that Carl needed a more structured and more positive environment than was provided by this particular private facility. In fact, they felt that the public school system would be able to meet Carl's needs. Apparently neither Mr. nor Mrs. Rochelle feel obligated to have Carl remain in a private school if a public school setting would better meet his needs. In fact, Mrs. Rochelle enrolled Carl in public school in Boone's Mill, Virginia, and she feels that the present public school environment has provided Carl with a more rounded experience, both academically and socially.

REFERENCES Several references were contacted concerning this case.

Mr. Jack McKenna, a previous neighbor of the Rochelle family, indicated that both Carl and John were good children. He knew the family at the time Mr. and Mrs. Rochelle were separated, and he indicated that both parents took responsibility for their care. Mr. McKenna was more familiar with Mr. Rochelle and reported that he was one of the most devoted fathers he has ever seen. He reported that Mrs. Rochelle did not live with the family, but came over on her days off to care for the children.

Another neighbor, Mrs. Wallace Fetterolf, indicated that Mr. and Mrs. Rochelle were good neighbors and always friendly. She observed that the children were very articulate and bright, but she felt they suffered from lack of parental supervision as they were constantly running about the neighborhood. She did report that if anything did happen to the children, Mr. Rochelle was right there to investigate the situation. Mrs. Fetterolf indicated that she had never met Mrs. Rochelle as the mother did not live in the house but would come over on the weekends to care for the children.

Ms. Frances Edwards babysat for the children while they were living with their father in Arlington. She indicated that both Carl and John were well cared for and seemed well adjusted. Carl was a very good child while John tended to be more ram-bunctious. Ms. Edwards indicated that she had her own opinion concerning Mrs. Rochelle but chose not to voice them. In reference to Mr. Rochelle, she reported that he demonstrated a lot of concern for the children, and most often took the responsibility for their care. Furthermore, she claimed that she had no information that would indicate that either parent was unfit.

Mr. Les Silverman, Mrs. Rochelle's boyfriend, indicated that she is a good mother and very attentive to the children when she is with them. He indicated that they never lived together, but that he did spend several days with her during the summer of 1978. He verified that he did lend her certain items including a stereo and t.v. set. Mr. Silverman has known Mrs. Rochelle for seven months and has asked her to marry him. He does not know how their relationship will develop as the primary concern at this time is the custody matter.

Mrs. Nellie Wooten, a friend of Mrs. Rochelle, indicated that she does not know Mr. Rochelle very well, but had occasion to meet him and liked him very much. She also indicated that when the couple separated, Mrs. Rochelle tried very hard to make it on her own and took good care of the children when she had them. Mrs. Wooten claims that Mrs. Rochelle would complain to her about the marital problems, especially the fact that her husband would not spend time with her and would not give her any money. She seemed to be without money frequently, and consequently, Mrs. Wooten would lend her money from time to time. Mrs. Wooten also indicated that she had had phone contacts with Mr. Rochelle wherein he indicated that his wife was burdening him financially.

SUMMARY &
VALUATION

This case is presently before the Circuit Court of Franklin County for a determination of the custody of Carl A. Rochelle III and John A. Rochelle.

Mr. and Mrs. Rochelle have been married for approximately 8 years, and according to both parties, their relationship was never a blissful one. The couple experienced continual problems which finally culminated in a separation in June, 1978. Mr. Rochelle's major complaints have been his wife's extravagance and financial irresponsibility. He describes her as a tempermental, overly emotional, irresponsible woman who frequently uses poor judgment. He does not feel that she serves as a good role model for the children as she resorts to screaming and the use of profanity to keep them under control, and she lacks consistency and the ability to follow through on her commitments. Furthermore, he indicated his concern that since the children have been living with her in Rocky Mount, Virginia, John is more rebellious and has become enuretic. Mrs. Rochelle described her husband as an unemotional, controlling individual who made

all the family decisions, and who strictly limited her spending. A major complaint focuses on their incompatibility, with Mr. Rochelle being a logical, more rational person while she is more emotional. Mrs. Rochelle feels that Mr. Rochelle neglected his role as a husband as he was too involved with his work and insensitive to her needs. In addition, she feels that he is not tuned into the children's needs, and places too many expectations and demands on them. Furthermore, it should also be noted that Mr. Rochelle's use of proper judgment in certain situations is questionable, the primary example being his apparent willingness to put up with his wife's misuse of credit over the years rather than to cancel all charge accounts.

Although their relationship has long been marked by conflicts, both Mr. and Mrs. Rochelle appear to have a good relationship with the children and are capable of warm interaction with them. Both have demonstrated concern and interest in the welfare of the children, have taken responsibility for their care, and Mrs. Rochelle, in particular, is very protective of the boys.

There are some indications, however, that both parents have some unrealistic expectations concerning the children. On the one hand, it was reported that Mr. Rochelle has high expectations for the children regarding competency and achievement. On the other hand, Mrs. Rochelle seems to rely on the children for emotional support, exposing them to adult problems that they are too immature to realistically deal with.

In comparing Mr. and Mrs. Rochelle's lifestyle, it appears that Mr. Rochelle has more control over his life. He has a stable work history characterized by superior performance. He accepts responsibility for his children, and appears to live a responsible, adult life, being sensitive to what is considered socially acceptable behavior. Mrs. Rochelle does admit that she has a history of personal difficulties. Through therapy, she claims that she discovered that she always had a need to be dependent, and has harbored feelings of anger, confusion and worthlessness. She feels that marriage has toughened her in to being self sufficient, and for the first time in her life she feels that she is living an adult existence. Through their interactions with her, others have recognized Mrs. Rochelle's struggle with personal conflicts, commenting on her emotional fluctuations, her naiveté, and her reliance on her older son for some degree of emotional support. In addition, there are indications in Mrs. Rochelle's past behavior which show a tendency toward irresponsibility and the use of poor judgment. Although her efforts to lead a responsible, adult life should be applauded, it is not clear to this Counselor that Mrs. Rochelle has truly achieved her goal. Her verbalized insights into her problems are only recent, and this Counselor feels that it is naive to expect that many years of struggling with dependency needs and personal conflicts can be resolved in only a few short months. At this time, it is felt that Mr. Rochelle is better able to provide a more secure environment for the children. Furthermore, it is suggested that the parent who is awarded custody of the children may benefit from professional/ court for advice and guidance in recognizing and meeting the needs

of the children, and in helping the children to adjust to the dissolution of their parents' relationship. In compliance with the Court Order, attached is a list of names and addresses or phone numbers of persons contacted regarding this case.

COMMENDATION: In light of the above information it is respectfully recommended that:

- 1) Custody of Carl A. Rochelle III and John A. Rochelle be awarded to their father, Mr. Carl A. Rochelle.
- 2) Mrs. Connie Rochelle be granted reasonable visitation rights with her children.

Carolyn Riesenman Date 2/22/79
Carolyn Riesenman
Senior Probation Counselor

Cherie B. Artz Date 3/5/79
Cherie B. Artz)
Probation Supervisor

CR/cr; 2/14/79 D & T; 2/15/79 D & T; 2/21/79 D & T

The following individuals were contacted concerning this case:

1. Mr. Carl A. Rochelle
4301 North 39th Street
Arlington, Virginia 22207
2. Mrs. Connie Rochelle
Route #1, Box 416 A
Rocky Mount, Virginia
3. Gladys Stern, Director of Georgetown Day School
4530 MacArthur Blvd. N.W.
Washington, D. C.
4. Mrs. Judith Ralcazar, John's teacher at Chesterbrook Montessori School
3455 N. Glebe Road
Arlington, Virginia
5. Mrs. Patricia O'Donnel, Carl's teacher at Chesterbrook Montessori School
Phone: 703-683-1248
6. Dr. Gordon W. Daisley, Jr., children's pediatrician
3301 New Mexico Avenue, N.W.
Washington, D. C.
7. Mr. Les Silverman, Mrs. Rochelle's alleged boyfriend
1121 Arlington Blvd.
Arlington, Virginia
8. Dr. Richard Star~, conducted Carl's psychological evaluation
4614 Wisconsin Avenue, N.W.
Washington, D. C. 20016
9. Dr. Les Turner, Mrs. Rochelle's first therapist
2830 Calvert Street, N.W.
Washington, D. C. 20008
(It should be noted that this Counselor was unsuccessful in her repeated attempts to secure information from Dr. Turner, as he would not respond to letters or phone messages.)
10. Mrs. Sophie Corman, Mrs. Rochelle's previous landlady
Phone: 202-363-0942
11. Mr. Richard Sanders, Mr. Rochelle's supervisor at ABC News
Phone: 393-7700
12. Ms. Nancy Hall, Mrs. Rochelle's supervisor at WPVR Radio
WPVR Radio, Box 150
Roanoke, Virginia 24002
13. Mrs. Rhoda Raider, a previous employer re Mrs. Rochelle
Phone: 331-7744
14. Ms. Margery Tierney, representative of MJS & Associates, Inc. where Mrs. Rochelle had been employed
317 Cameron St. Alexandria, Virginia 22314

Carl W. Dudley, Chairman
Page Matherly
Stuart Ramsey



FILED: FILE NO. _____

Ann B. Minnix

Alton Kirk

George P. Stone, Jr.
Director

FRANKLIN COUNTY
DEPARTMENT OF SOCIAL SERVICES

Virgil H. Goode Building CLERK CIRCUIT COURT
ROCKY MOUNT, VIRGINIA 24151 FRANKLIN COUNTY, VA.
Phone (703) 483-9247
BY: WM. J. WALKER, JR.

MAY 24 8 47 AM 1979

May 23, 1979

The Honorable B.A. Davis, III, Judge
Circuit Court of Franklin County
Rocky Mount, Virginia 24151

RE: John and Carl Rochelle

Dear Judge Davis:

Enclosed is the custody study on the home of Connie Rochelle in behalf of John and Carl Rochelle. Should you need any additional information, please contact us.

Sincerely,

Ellen H. Holsclaw
Ellen H. Holsclaw
Senior Social Worker

Lois J. Franklin
Lois J. Franklin, RSW
Social Work Supervisor

George P. Stone, Jr.
George P. Stone, Jr., RSW
Director

EHH/lt

Enclosure

edley, Chairman
therly
Ramsey



FRANKLIN COUNTY
DEPARTMENT OF SOCIAL SERVICES

Virgil H. Goode Building
ROCKY MOUNT, VIRGINIA 24151
Phone (703) 483-9247

Ann B. Minnix
FILED: FILE NO. _____
Alton Kirk

George P. Stone, Jr.
Director

MAY 24 8 47 AM 1979

CLERK CIRCUIT COURT
FRANKLIN COUNTY, VA.
WM. J. WALKER, JR.

BY: _____

CUSTODY STUDY

May 23, 1979

CHILD: John Alfred Rochelle

BIRTHDATE: December 23, 1974

ADDRESS: Route 1, Box 446-A; Rocky Mount, Virginia 24151

* * * * *

CHILD: Carl Arthur Rochelle, III

BIRTHDATE: January 30, 1972

ADDRESS: Route 1, Box 446-A; Rocky Mount, Virginia 24151

* * * * *

MOTHER: Connie Peters Rochelle

AGE: 29 years

ADDRESS: Route 1, Box 446-A; Rocky Mount, Virginia 24151

EMPLOYMENT: Employment Counselor for Snelling and Snelling

EDUCATION: High school graduate

MARRIAGE: only to Carl A. Rochelle, presently separated

* * * * *

PRESENT PROBLEM: Custody of Carl A. Rochelle, III and John A. Rochelle.

HOME and NEIGHBORHOOD: Mrs. Rochelle and her two children live in the Boones Mill area of Franklin County. They live in a small subdivision where there are neighbors close by.

Mrs. Rochelle rents a three bedroom home. The home also has a kitchen-dining area combined and a living room. The basement area of the home is not finished. Mrs. Rochelle advised worker that she uses this for her boys to play when the weather is bad outside. The home has a large yard which is suitable for the children to use for play.

The home is adequately furnished. There is ample room for the family. The neighborhood consists of families that have children. John and Carl therefore do have playmates.

FINANCES: Mrs. Rochelle is employed by Snelling and Snelling as an Employment Counselor. She nets \$380 per month and receives \$250 per month support from her husband.

Mrs. Rochelle listed her present expenses as the following:

- \$225 per month rent
- 150 per month electricity bill
- 111 per month car payment
- 75 per month for gas to work
- 30 per month for nursery school for John
- 100 per month day care for John

Food, clothing and other incidentals were not listed.

At present Mrs. Rochelle is struggling to meet all of her expenses. She has had to borrow money from friends and family.

CHILDREN: John and Carl seem to be very happy well-adjusted children from worker's observations. They enjoy playing with the other children in the neighborhood.

Carl is in the first grade at Boones Mill school where Mrs. Marie Flora is his teacher. He is an average student and displays no behavioral problems. He always comes to school neat and clean. After school Carl stays with Serena Dunbar, a young lady who lives across the street until his mother gets home.

John attends the Yeled Nursery School at the Beth Israel Synagogue in Roanoke. After nursery school he stays with Mrs. Lorri Cooper, his sitter. John is no behavioral problem and seems to be a well-adjusted child.

Mrs. Rochelle mentioned to worker that there is a bed-wetting problem with Carl. She advised worker that she has consulted her doctor and he contributes this to an allergy problem.

DISCUSSION: Worker feels that Mrs. Rochelle loves her children and is attempting to be the most effective parent she can be. She realizes that it is hard bringing up children alone. She is trying very hard to be the best mother that she can and worker feels that she is doing very well with her children.

Both John and Carl appear to be very active, happy children. They are very outspoken and quite open and honest. Worker checked with school, babysitters and other references. Everyone felt that the children are well-adjusted and that Mrs. Rochelle is a good mother to them.

Mrs. Rochelle's parents live reasonably close to them. They are able to visit and have a good relationship with their grandparents. Mrs. Rochelle's father, Mr. Lester Peters, tries to do things with the boys such as fishing.

The only problem that worker can see in the Rochelle home is one of finances. Mrs. Rochelle is very pressed for money. Her monthly bills add up to over \$700 per month. She only brings home \$630 per month. Perhaps this could be remedied by increase of support if Mr. Rochelle is financially able to pay more.

Worker does feel that Mrs. Rochelle is providing a good home for her children and would recommend that she retain custody of the children.

Ellen H. Holsclaw

Ellen H. Holsclaw
Senior Social Worker

EHH/lt

V I R G I N I A:

IN THE CIRCUIT COURT OF FRANKLIN COUNTY

- - - - - x

CONNIE GALE (PETERS) ROCHELLE, :

Complainant, :

-vs- :

CARL ARTHUR ROCHELLE, :

Defendant. :

- - - - - x

Arlington, Virginia

Monday, June 18, 1979

Deposition of

SUSAN ELAINE WARGO

called for examination by counsel for the defendant,
and taken de bene esse, at 4300 North 39th Street,
Arlington, Virginia, beginning at 3:25 o'clock, p.m.,
before Doris Ann Fielder, a Notary Public for the
State of Virginia at Large, when were present on
behalf of the respective parties:

APPEARANCES:

For the Complainant:

The complainant was not
present in person nor
represented by counsel.

1 For the Defendant:

2 MRS. GWENDOLYN JO M. CARLBERG
3 Attorney-at-Law
4 117 North Fairfax Street
5 Alexandria, Virginia 22314

6 - - -

7 C O N T E N T S

8 WITNESS:

9 EXAMINATION BY COUNSEL FOR
10 DEFENDANT COMPLAINANT

11 Susan Elaine Wargo

12 3

13 --

1 Thereupon,

2 SUSAN ELAINE WARGO

3 was called as a witness, and after first being duly
4 sworn by the notary, was examined and testified as
5 follows:

6 EXAMINATION BY COUNSEL FOR THE DEFENDANT
7 BY MRS. CARLBERG:

8 Q Would you please state your full name
9 and address?

10 A Susan Elaine Wargo.

11 Q And your address?

12 A 4300 North 39th Street, Arlington, Virginia.

13 Q How long have you lived at this address,
14 Mrs. Wargo?

15 A Three years.

16 Q Do you know Carl Rochelle?

17 A Yes, I do.

18 Q Where does Mr. Rochelle live in conjunction
19 with your house?

20 A Directly across the street.

21 Q How long has Mr. Rochelle lived there?

22 A One year.

23 Q How would you describe the neighborhood

1 in which you and Mr. Carl Rochelle live?

2 A. It's a neighborhood of approximately
3 20-year old houses, single-family dwellings, and mixed
4 ages of families. We have some retired teachers,
5 ambassadors, and several young families in the
6 neighborhood.

7 Q. It's upper middle class and the homes sell
8 for approximately how much in this neighborhood?

9 A. I think about 140,000 to 160,000 or
10 165,000.

11 Q. Do you have any children?

12 A. Yes, one little boy.

13 Q. What is his name?

14 A. Bradley.

15 Q. What is his age?

16 A. Seven years old.

17 Q. Are you aware that Mr. Rochelle has two
18 children?

19 A. Yes.

20 Q. What are the names of those children?

21 A. Carl and John.

22 Q. Isn't it true that Carl, his son, is
23 approximately the same age as your child?

1 A. Yes.

2 Q. Can you tell me, did they play together?

3 A. Yes, they did.

4 Q. How often and with what frequency did they
5 play together?

6 A. Well, they played, according to their
7 schedule, almost every day, when the boys were with
8 Mr. Rochelle.

9 Q. When you say, "when the boys were with
10 Mr. Rochelle", tell me what you understood the
11 situation to be as to who had custody of the children?

12 A. I understood it to be sort of a joint
13 custody, that he has custody for the weekends and
14 maybe Monday and Tuesday, I believe it was. Then
15 the boys went to their mother for the rest of the
16 week.

17 So, Brad would play with them just
18 informally whenever play developed.

19 Q. Were you aware that Mr. Rochelle took the
20 children to school every day on the days that he
21 had them?

22 A. Yes.

23 Q. Have you had an occasion to see

1 Mr. Rochelle interact with his children?

2 A Yes.

3 Q What would you say that relationship and
4 interaction had been that you've seen of your own
5 personal knowledge?

6 A I would say he was a very interested
7 father. He had the boys helping him with all of the
8 grocery shopping and so forth, and then he would,
9 you know, push the littlest one on the bicycle and
10 so forth. It was nothing exceedingly happening in
11 either direction.

12 There was no overplaying or, you know,
13 underplaying with the boys. I felt that they were
14 well supervised all the time that they were at his
15 house. He was always there. I feel that he was
16 just, you know, a normal father.

17 Q Were you aware, or had he ever indicated
18 to you, that he had the children since they were
19 very young? What did you know about that?

20 A Yes, he mentioned that he had had John --
21 well, John was the youngest one -- since he was in
22 diapers. I believe his words were that he had seen
23 the boys through the diaper stage and had been with

1 them and helped them in all of their little activities
2 from the beginning until now. So, fatherhood wasn't
3 something new to him.

4 Q Do you feel then, based on the experience
5 that you've seen him have, and what you've seen of
6 Mr. Rochelle, that he is capable of caring for the
7 two children?

8 A I think so, yes.

9 MRS. CARLBERG: Let's go off the record
10 juat a minute.

11 (Discussion off the record.)

12 BY MRS. CARLBERG:

13 Q Have you had an occasion to observe the
14 children with regard to the care and supervision that
15 they've had from Mr. Rochelle, and how would you
16 describe that?

17 A When they've been there, he's always been
18 at home. He's always been in the house and has
19 come outside and, you know, checked with the
20 children. I would say that they were adequately
21 supervised.

22 He was very careful about John crossing
23 the street and did not allow him to cross the street,

1 although it's not a very busy street. The children,
2 when they went with us to a soccer game or something
3 like that, they were careful to check with him and
4 tell him where they were going and when they'd be
5 back and so forth.

6 So, I feel that they were very well
7 supervised and fed, as far as I know.

8 Q How would you describe their wearing
9 apparel? Were they always adequately cared for as
10 far as their apparel?

11 A Oh, yes.

12 Q Can you think of any instance where Mr.
13 Rochelle has permitted the children to be in danger
14 or uncared for in any manner?

15 A No.

16 Q Do you think that he is a fit and proper
17 person to have custody of his children, from what
18 you know of him?

19 A Yes.

20 Q Have you had an occasion to talk with
21 him personally about the children, and discuss his
22 children with him?

23 A Somewhat, yes.

1 Q From that, were you able to gain what his
2 attitude was with regard to caring for the two
3 children, and being a single parent?

4 A I feel that he looks at the children as
5 something that he's always been with. He has been
6 with them from the time they were born and it just
7 seems that it is a natural thing for him to con-
8 tinue custody. It does not seem like it will be
9 something new to him. It seems like it will be a
10 continuation of what he has been doing up until --
11 what, January of this year, or December when the
12 problem started.

13 MRS. CARLBERG: Thank you. That's all.

14 (Thereupon, in the presence of
15 counsel, the witness waived reading
16 and signature of the deposition.)

17
18 (Thereupon, at 3:55 o'clock, p.m.,
19 the taking of the deposition was
20 concluded.)

21 - - -
22
23

CERTIFICATE OF NOTARY PUBLIC

I, DORIS ANN FIELDER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenographic notes and thereafter reduced to typewriting under my supervision; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

(SEAL)



Doris Ann Fielder, Notary Public
for the State of Virginia at Large

My Commission Expires:
January 5, 1983

V I R G I N I A:

IN THE CIRCUIT COURT OF FRANKLIN COUNTY

----- x

CONNIE GALE (PETERS) ROCHELLE, :

Complainant, :

-vs- :

CARL ARTHUR ROCHELLE, :

Defendant. :

----- x

Alexandria, Virginia

Wednesday, June 20, 1979

Deposition of

MARY PATRICIA O'DONNELL

called for examination by counsel for the defendant,
and taken de bene esse, at 117 North Fairfax Street,
Alexandria, Virginia, beginning at 4:30 o'clock,
p.m., before Doris Ann Fielder, a Notary Public
for the State of Virginia at Large, when were present
on behalf of the respective parties:

APPEARANCES:

For the Complainant:

The complainant was not
present in person nor
represented by counsel.

For the Defendant:

MRS. GWENDOLYN JO M. CARLBERG
Attorney-at-Law
117 North Fairfax Street
Alexandria, Virginia 22314

- - -

C O N T E N T S

<u>WITNESS:</u>	EXAMINATION BY COUNSEL FOR
	<u>DEFENDANT</u> \ <u>COMPLAINANT</u>

Mary Patricia O'Donnell. 3

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1 Thereupon,

2 MARY PATRICIA O'DONNELL

3 was called as a witness, and after first being duly
4 sworn by the notary, was examined and testified as
5 follows:

6 EXAMINATION BY COUNSEL FOR THE DEFENDANT

7 BY MRS. CARLBERG:

8 Q Would you please state your full name
9 and address?

10 A Mary Patricia O'Donnell. I live at
11 3654 Gunston Road, Alexandria, Virginia.

12 Q Do I understand that you know Carl
13 Rochelle and his two sons, John and Carl?

14 A Yes, I do.

15 Q How do you know Mr. Rochelle and the
16 children?

17 A I was Carl, Jr.'s teacher for two years,
18 from 1976 until 1978, at the Chesterbrook Montessori
19 School.

20 Q How long have you been teaching?

21 A I was teaching four years.

22 Q Do I understand that you are not teaching
23 at the present time?

1 A. Yes, that's right.

2 Q. And that it's due to what reason?

3 A. I have recently had twin boys.

4 Q. Do you also know Mrs. Rochelle?

5 A. Yes, I have met her on several occasions,
6 and have spoken with her.

7 Q. In comparing how you know Mr. Rochelle
8 and Mrs. Rochelle, would you say that you know
9 Mr. Rochelle better or not than you know Mrs. Rochelle?

10 A. Yes, definitely.

11 Q. Can you tell me what -- strike that.

12 Can you tell me who had the care and
13 custody of the children during the time that you
14 were Carl's teacher?

15 A. Almost exclusively, Mr. Rochelle.

16 Q. How do you know that?

17 A. From contact with the parents and from
18 being told by the administrator of our school when
19 changes in the family relationship occurred, and
20 from the children themselves.

21 Q. Did you see Mr. Rochelle actually bring
22 the children to school?

23 A. Not bringing the children to school in that

1 I was always in the classroom in the morning.
2 Sally Cudd, our aide, brought the children in, but
3 I did see him picking them up at noon, and also at
4 2:30 when Carl would stay over for the late session.

5 Q Did you also understand that Mr. Rochelle
6 had the care and custody of the children from Mrs.
7 Rochelle herself?

8 A Yes.

9 Q Can you tell us what she said when she
10 spoke with you?

11 A She spoke with me on several occasions.
12 The first time was the night before this initial
13 separation and she explained to me that they would
14 be separating. She explained to me a little bit
15 of her reasons for separating, and she asked that I
16 help Carl just as much as I could through this.

17 Then, in January, of '76 -- no, it was
18 '77, January, '77, she spoke with me again and told
19 me -- after I called her -- she told me that the
20 children would be staying with the father and she
21 would be visiting them in the evenings. That she
22 felt that was a better arrangement for the children.

23 Then I didn't see her again until -- actually

1 I may have seen her in the car, but I really didn't
2 speak with her again until the spring of '78, at
3 which point she talked to me about what schools
4 Carl could be attending in the future.

5 Q When she indicated to you that the
6 children were going to stay with their father, did
7 she give any reasons why she was leaving them with
8 the father?

9 A She felt that it was best for them in that
10 the father would be with the children during the
11 daytime, that he could spend time with both of
12 them up until the early afternoon, I believe, at
13 which point he goes to work.

14 She felt that her job, which was a 9:00
15 to 5:00 type situation precluded her from spending
16 time with the children and she just found the
17 arrangement to be very difficult for them.

18 Q Was there a time when you picked Carl
19 up from his mother's?

20 A Yes, right after the separation in '76,
21 Mrs. Rochelle was staying with friends two blocks
22 down the street from me in Washington, and the
23 evening she came over and told me about the

1 separation, she also asked me if I would pick Carl
2 up. I felt that would be probably good for Carl in
3 that it might distract him from the sadness he was
4 feeling at that point. I could also talk to him
5 before we got to school in the morning about how he
6 was feeling, and it gave me some very positive time.

7 I did this for a period of time. I
8 believe it was a week or two. I can't quite recall
9 the exact time. But, at that point, she found
10 another place to live and that was the end of the
11 arrangement.

12 Q Can you describe how you found Mr. Rochelle
13 as a father to the children and what you observed?

14 A I found him to be a very steady
15 influence; someone who was very concerned about
16 his children. He related very well to them. The
17 boys seemed to love him and when they saw him, they
18 would be very affectionate with him and he seemed
19 to have a great deal of fun, and yet he was very
20 responsible and mature.

21 He would come to me with his concerns.
22 Carl was having difficulty with a bully in school
23 and he would come to me in the morning and discuss

1 this with me. He would discuss Carl's feelings if
2 he were apprehensive about school. He was a very
3 good parent in the school context in that he was
4 offering his knowledge in audio-visual material to
5 help the school.

6 We saw a great deal of Mr. Rochelle. He
7 would come in usually around 2:00 o'clock to pick
8 Carl up early. For a period of time he did this and
9 we got a chance to know him pretty well and see how
10 he related with the children, which was, as I say,
11 quite nice.

12 The children would tell me about interesting
13 things they would do with their dad and it seemed
14 as though they were having a good time with him.
15 They came to school every day. Everything was very
16 stable.

17 Q Can you tell me any specifics that the
18 small Carl discussed with you about things that he
19 did with his father?

20 A They would go places on the weekend
21 together. I can't recall specific places, but he
22 used to tell me about that on Monday. He was always
23 admiring the way his father would prepare certain

1 food for him. He would put vegetables together with
2 something that Carl liked particularly, to make them
3 taste terrific. Carl was very proud of his father.

4 He also was very proud of his father's
5 ability with machinery and they used to take things
6 apart together, and that type of thing.

7 Q Did the children ever discuss their
8 mother with you in the same context in which they
9 discussed their activities with their father?

10 A Well, no, and primarily their mother was
11 not around while I was teaching Carl with the
12 exception of a period of time in '78. They seemed
13 happy enough when she came back into the house, but
14 I really don't recall any specifics about their
15 mother.

16 Q In other words, they never talked about
17 their mother cooking for them or anything, but they
18 did talk about --

19 A -- not that I can recall.

20 Q Did Mrs. Rochelle ever discuss the
21 domestic problems she had with you?

22 A She did right before the initial separation.

23 Q Did Mr. Rochelle ever discuss the domestic

1 problems they were having?

2 A. No.

3 Q Can you tell me which parent attended the
4 parent-teacher conferences at the school?

5 A. Mr. Rochelle did.

6 Q Can you tell me whether or not Mrs. Rochelle
7 was involved in anyway with helping with school and
8 donating her time to the school the way Mr. Rochelle
9 did?

10 A. Not that I can recall at all. She did
11 come, I believe, to the Christmas party, but that's
12 the only time I remember seeing her.

13 Q At the time that you talked with Mrs.
14 Rochelle, how did you find her with regard to
15 her stability?

16 A. Well, every time I spoke with her, she
17 was on the verge of embarking on a new course of
18 action and she seemed nervous, but determined she
19 was going to embark on that course of action. I
20 talked to her the night before she separated and
21 she was quite upset, but determined that she was
22 going to do this and that it was going to work and
23 be the best thing for everyone involved.

1 Then I spoke with her when she was
2 beginning to leave the children with their father.
3 Again she was a little hesitant about it, but
4 determined that this was the way it was going to
5 be. Then I spoke with her in 1978 about Carl's
6 future schooling and she was very concerned about
7 the psychological effects that a separation might
8 have had in her not being in the home.

9 Q What were your recommendations with regard
10 to Carl's schooling?

11 A I felt that he was a bright child and that
12 he should continue in private school, that he was
13 definitely deserving of the best education that he
14 could be offered.

15 Q Would it be detrimental to send him to a
16 public school where he would not get special attention
17 and accelerated classes?

18 A Let me say, it would not be beneficial
19 for him. It may not be detrimental. I can't really
20 say, but he is a bright child and should be given
21 special attention, if possible, because he had made
22 great strides while he was in the Montessori program
23 and it would be a shame to see that fall by the

1 wayside.

2 Q How would you describe the children with
3 regard to their being dressed for school?

4 A They were dressed very well every morning
5 and they seemed to be just fine.

6 MRS. CARLBERG: Let's go off the record.

7 (Discussion off the record.)

8 MRS. CARLBERG: Let's go back on the
9 record.

10 BY MRS. CARLBERG:

11 Q How would you describe the children as
12 far as their schedules and routines?

13 A Well, as I said before, they attended
14 school every day unless they were quite sick. Carl
15 was there almost all the time, except if they went
16 to visit grandparents or things of that nature.

17 They seemed to be well rested. They
18 seemed to be well fed. Sometimes children come in
19 in the morning and you can tell when they have not
20 been well fed the night before or that morning.
21 The children seemed to be on a good routine. He
22 was very careful to, when he did have to have a
23 babysitter, -- to find someone who was careful and

1 had an outdoor play area and provided a good schedule
2 and routine for them. He had spoken to me about that
3 during parent conferences. The children seemed to me
4 to be very rested and in very good physical shape
5 when they were around me.

6 Q. Was there any kind of turmoil when they
7 lived with their father, or as you described, did
8 they have a pretty set routine and were they on a
9 pretty even keel?

10 A. No, there really wasn't any turmoil aside
11 from the initial separation period. I sensed a
12 sadness in Carl from time to time, just from the
13 sadness of the situation, but Carl was always -- he
14 knew was expected of him. He was well disciplined.
15 He was responsible and he was always bright eyed
16 in the classromm.

17 From time to time he would have a sort
18 of sad look on his face. I felt that's natural of
19 any child in a separation situation.

20 Q. Could you detect, during the time that you
21 picked him up in the morning, when he was staying
22 at his mother's, -- could you detect any kind of
23 turmoil in his life as a result of being with her?

1 A. All Carl discussed with me was he would re-
2 peat over and over, my mom and dad don't get along
3 any more. I know that she had discussed everything
4 in detail, with him. He was very sad over the fact
5 that his parents could not get along any more and
6 I think that was the depth of his understanding at
7 that point. He was pretty small.

8 No, I really can't say that I had much
9 of an impression except they were living in someone
10 else's home at the time and I think the mother --
11 I'm not really certain of this -- but it
12 seemed as though the woman that they were staying
13 with was helping them get prepared to go off to
14 school. Occasionally I saw Mrs. Rochelle at the
15 door, but I can't really specifically say there was
16 any turmoil, no.

17 Q. Did Mrs. Rochelle explain to him about
18 the separation in detail?

19 A. Yes.

20 Q. Do you think that at his age he was able
21 to, or should have had to, cope with that situation?

22 A. I feel that he could not understand it
23 and I know that at one point he felt very responsible

1 for his mother during the early part of the
2 separation. In fact, the mother told me that he
3 would throw his arms around his mother when she cried
4 over not being able to get things organized the way
5 she would like to.

6 I know that Carl is a very responsible
7 child. He is a terrific little person and has a
8 great deal of maturity for his age and I know that
9 he was confused when they first separated and later
10 that turned into a feeling of responsibility for
11 his younger brother as well as for his mother.

12 At that point, I know she told me that
13 she felt that things were too confusing with her
14 working during the daytime and that she was very
15 tearful and very unhappy and that it would be best
16 for them to stay with the father.

17 Q. What age was Carl at this time?

18 A. Let me see, Carl was four and a half. He
19 was turning five in January when they separated.

20 Q. So the mother admitted to you that she
21 did have breakdowns in front of him, and that she did
22 cry in his presence?

23 A. She said that she was completely honest

1 with Carl and that she cried. He would come in and
2 see her crying about something, and they would dis-
3 cuss it, whatever was bothering her.

4 Q As a parent and a teacher of this child,
5 would you have recommended that she do this, if you
6 had known it ahead of time?

7 A I would not have recommended the extent
8 to which she explained things. I think children
9 should know what's about the happen, but I don't
10 think they should feel responsible, or in anyway
11 involved. Divorce is between a man and a wife, and
12 I do think he was included in a wee bit too much for
13 his age. Yes.

14 Q Do you think she put a lot of
15 responsibility on this four-and-a-half-year-old
16 child?

17 A It's hard to say because Carl takes on a
18 lot of responsibility. So, I know that she relied
19 on the fact that he was very important to her in
20 terms of taking care of Johnny, the younger child.
21 He was very fatherly towards Johnny and it was not
22 the normal sibling-rivalry situation at all. He was
23 always taking care of Johnny, and I know she was very

1 glad to see that and relied upon it, I think.

2 Q To your knowledge, did Mr. Rochelle ever
3 put this burden on Carl?

4 A No, not to my knowledge. We had
5 conversations during the parent-teacher conferences
6 and he did not seem to relate to Carl like that at
7 all.

8 Q How did you find the demeanor
9 of the father with regard to how he carried himself
10 and acted?

11 A He was very mature and very responsible
12 about the situation, very adult and concerned, but
13 he was not one to burden the children with the
14 family situation, I must say.

15 Q To your knowledge, did he have almost
16 the exclusive custody and control of the children
17 from 1976 to the end of the school year of 1978?

18 A To my knowledge, yes, it seemed so. I
19 know at one point the mother began living in the
20 home again, but I really didn't have contact with the
21 parents about that. I heard that secondhand and I
22 really can't say anything about that.

23 Q Before we terminate this deposition, let

1 me ask you, did Mrs. Rochelle ever talk with you
2 about the area in which she had come from and what
3 her family background was like?

4 A. Yes, she did, the evening before the
5 separation, she talked a great deal about divorce and
6 why she thought it was important to her because of
7 her own family situation. So, she did describe what
8 she had come from and told me a little bit about her
9 background.

10 Q. How did she describe it, and what did she
11 say, if you can recall?

12 A. At the time I talked with her, her sons
13 were staying with her parents and she said that she
14 wanted to get them back as soon as possible because
15 she did not feel that it was a very stimulating
16 environment.

17 She felt the childrens -- Carl's grammar
18 slid when he was down with the parents.

19 Q. Now, that was her parents?

20 A. Her parents, right, and she was glad to
21 have left that situation behind her.

22 Q. Did she indicate whether or not there
23 would be limited educational opportunities for th

1 children if they were to live there?

2 A. She didn't, in fact, speak of that, but I
3 gathered from what she was saying that it was a small
4 rural area and that there would be limited educational
5 opportunities.

6 Q. Did she describe her mother and father's
7 relationship in their marriage?

8 A. Yes, she did.

9 Q. What did she say about that?

10 A. She said that they had had a very
11 miserable relationship which is one reason why she
12 was acting on her desire to have a separation.
13 She had said that her father had treated her mother
14 poorly.

15 Q. Did she say how?

16 A. The only thing she mentioned was in having
17 other women on the side and she just mentioned one
18 instance that she had known about. In fact, she had
19 seen her father driving someone to their doorstep.
20 That is the only thing she said, in particular, but
21 she did say that the relationship between her parents
22 was a gruesome one and one she would never want her
23 children to be in the midst of.

1 Q What did she mean with regard to his
2 language sliding?

3 A Well, his grammar -- he would say, no more,
4 you know; I don't never want to do that. Things
5 of that sort. He would use double negatives. I
6 could notice the difference when he would come from
7 a visit, that his grammar would be different. I
8 think she concurred.

9 Q Did she indicate that this came from how
10 her parents talked?

11 A Yes.

12 Q Can you recall anything else she said about
13 that environment there?

14 A No, she was just trying very desperately
15 to not repeat the mistakes that she had been a part
16 of as a child.

17 Q At that time, did she indicate that she
18 would not want the children to live in that area?

19 A She didn't say that, but it seemed to be
20 implied by what she was saying.

21 MRS. CAPLBERG: I have no further questions.
22 Thank you.

23 (Thereupon, in the presence of

1 counsel, the witness waived reading
2 and signature of the deposition.)

3
4 (Thereupon, at 5:05 o'clock, p.m.,
5 the taking of the deposition was
6 concluded.)
7
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CERTIFICATE OF NOTARY PUBLIC

I, DORIS ANN FIELDER, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenographic notes and thereafter reduced to typewriting under my supervision; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

(SEAL)



Doris Ann Fielder, Notary Public
for the State of Virginia at Large

My Commission Expires:
January 5, 1983

JULY 6, 1979

Opening Statement by Mrs. Carlberg

1 The case of Rochelle v. Rochelle was called; and the
2 court reporter having been sworn, the following occurred:

3 THE COURT: All right, Mr. Melesco, do you want to
4 proceed, sir?

5 MR. MELESCO: Yes, your Honor. We would like a chance
6 for an opening statement, your Honor.

7 THE COURT: I'll be glad to hear you.

8 OPENING STATEMENT BY MRS. CARLBERG

9 Good afternoon, Judge. I'm Jo Carlberg, co-counsel
10 with David Melesco for Carl Rochelle. In this case, of
11 course, our client is the complainant in the divorce matter
12 and the defendant in the custody matter. And it is my under-
13 standing that we are going to combine it, and I very much...
14 I want to indicate that we very much appreciate your hearing
15 the divorce matter ore tenus. And it's my understanding
16 from Mr. Melesco that we will proceed initially with the
17 testimony for the divorce and then get into the other
18 matters if that is, if that meets with your approval.

19 THE COURT: All right. Approved by statutory require-
20 ments in reference to the divorce.

21 MRS. CARLBERG: All right.

22 THE COURT: And the separation (2-3 words), separate
23 and apart...

24 MR. SHAPIRO: Judge, may I file the answer just so the
25 record will be...

Carl Rochelle - Direct (Carlberg)

1 MR. MELESCO: Please do.

2 THE COURT: Yes, sir.

3 MR. MELESCO: We have no objection.

4 THE COURT: Any witnesses that you lady and gentlemen
5 desire to call and separate?

6 MRS. CARLBERG: I'm sorry, your Honor.

7 THE COURT: Are there any witnesses present that you
8 desire to be called and separated?

9 MR. MELESCO: We have witnesses present. The separa-
10 tion has no...

11 MR. SHAPIRO: Judge, I won't make that motion, no, sir.

12 THE COURT: All right.

13 MRS. CARLBERG: Judge, a preliminary motion, we have
14 two depositions from, that I have taken, one of Susan Wargo
15 and the other one of Mary Patricia O'Donnell. I would
16 request that those be admitted into evidence.

17 THE COURT: I have already read them.

18 MRS. CARLBERG: Thank you. All right. I'd like to
19 call my first witness, Carl Rochelle.

20 CARL ROCHELLE

21 the Complainant in this proceeding, after having
22 first been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MRS. CARLBERG:

25 Q. Would you please state your full name and address?

Carl Rochelle - Direct (Carlberg)

1 A. My name is Carl Arthur Rochelle. I live at 4301
2 North Thirty-Ninth Street in Arlington, Virginia.

3 Q. And how long have you lived at that address, Mr.
4 Rochelle?

5 A. I have lived there a year.

6 Q. And what do you mean by one year? When did you
7 move there?

8 A. I moved in the first of July. I am a resident of
9 Arlington for six years, but I moved in this particular resi-
10 dence, this particular house the first of July of last year.

11 Q. All right. That's July 1, 1978?

12 A. Yes.

13 Q. And where did you live in Arlington prior to that?

14 A. 4409 North Thirty-Sixth Street.

15 Q. And is that in the State of Virginia?

16 A. That is also in Arlington, Virginia.

17 Q. All right. And where did you live prior to living
18 at the Thirty-Sixth Street address?

19 A. Lived at 1650 North Greenbrier Street, also
20 Arlington.

21 Q. And would you please tell me when you and Mrs.
22 Rochelle were married?

23 A. I have to get the date off of the piece of paper.
24 I'm afraid my mind's a little boggled.

25 Q. All right. Let me lead you a little bit. Were

Carl Rochelle - Direct (Carlberg)

1 you married on March the 5th...

2 A. The 5th...it was in '71.

3 Q. All right. Was that on or about March the 5th?

4 A. Okay. That's, yes, it was on or about March the
5 5th.

6 Q. And where were you married?

7 A. In Sioux Falls, South Dakota.

8 Q. And is it your testimony that then that you have
9 lived in Arlington, the State of Virginia, for six months
10 prior to the institution of this suit?

11 A. Yes, I have.

12 Q. And to your knowledge, would you please tell me
13 where Mrs. Rochelle resides?

14 A. To the best of my knowledge she lives near Boones
15 Mill.

16 Q. Now, when you came down in December of 1978, where
17 did you pick up the children?

18 A. Oh, I...you mean when I picked them up at Christ-
19 mas?

20 Q. Yes.

21 A. Of this past year?

22 Q. Yes.

23 A. I picked them up at her house in Boones Mill.

24 Q. All right. And after that did you...and where is,
25 what county is Boones Mill located in?

Carl Rochelle - Direct (Carlberg)

1 A. I suspect it's Franklin County. I'm not that
2 familiar with the geography.

3 MR. SHAPIRO: Can the Court take judicial notice of...

4 THE COURT: All right.

5 Q. And is that in the State of Virginia?

6 A. It's in the State of Virginia.

7 Q. And did you have occasion later in February of
8 1979 to call to a number which you understood was located in
9 Boones Mill, Franklin County, Virginia?

10 A. I made, I made two calls. I made one in January
11 and one in February. Yes, I made a call in February.

12 Q. And at that time did someone at that number answer?

13 A. Yes.

14 Q. So to your knowledge, Mrs. Rochelle lives in
15 Franklin County in the State of Virginia.

16 A. Yes, to the best of my knowledge.

17 Q. And how many children were born of the marriage
18 between you and Mrs. Rochelle?

19 A. Two.

20 Q. And what are their names?

21 A. Carl the Third and John.

22 Q. Would you please give me Carl's age and his birth
23 date?

24 A. Carl is seven years old, and his birth date is
25 January 30th. And John is four, and his birth date is

Carl Rochelle - Direct (Carlberg)

1 December 23rd.

2 Q. Are both you and your wife members of the
3 Caucasian race?

4 A. Yes.

5 Q. Are you both over the year, the age of eighteen
6 years?

7 A. Afraid so.

8 Q. Are either of you a member of the Armed Forces of
9 the United States?

10 A. No, I'm not.

11 Q. Did there come a time when you and Mrs. Rochelle
12 separated?

13 A. Yes, on two occasions.

14 Q. Now, on the, on the second occasion, what was the
15 date of the separation?

16 A. It was June 15th of last year.

17 Q. And would you please tell us the circumstances
18 concerning that separation.

19 A. Well, it's a little involved, but...how far back
20 do you want me to go? That led up to...

21 Q. Just the date, the date of the separation.

22 A. All right. Just the date of the separation.

23 Q. Which...for purposes of the divorce.

24 A. Okay. For purposes of the divorce. She just
25 moved out.

Carl Rochelle - Direct (Carlberg)

1 Q. All right. And what date was it again?

2 A. It was June 15th of last year. It would be June
3 15th of '78.

4 Q. Did you order her to remove her things from the
5 house...

6 A. Of course not. I tried my best to keep her, to
7 get her to stay, but she wouldn't.

8 Q. Now, on that date can you tell us where she moved?

9 A. She moved to...I think the address is 5115, but
10 it's MacArthur Boulevard in Washington, D. C.

11 Q. And at that time were you in the process of moving?

12 A. I moved on the 1st of July from the Thirty-Sixth
13 Street address to the Thirty-Ninth Street address.

14 Q. And who was present at the time when you and Mrs.
15 Rochelle separated? Was your mother there?

16 A. She was not there at the actual time that we sepa-
17 rated. She...

18 Q. When did she arrive?

19 A. She arrived, it was close to the end of June, the
20 first of July, in that area. She had been visiting with her
21 brother in Florida, and they drove up and spent a few days.
22 And she did see Connie, and she was aware that Connie had
23 left.

24 Q. Were...so, on or about, let's say, July 1 of 1978
25 your mother arrived?

Carl Rochelle - Direct (Carlberg)

1 A. Yes, that's correct.

2 Q. And where were you living on the 15th of June of
3 1978?

4 A. I was living at 4409 North Thirty-Sixth.

5 Q. And where you moving...where were you living on the
6 1st day of July 1978, fifteen days later?

7 A. 4301 North Thirty-Ninth.

8 Q. So you moved during that period of time from one
9 house to another in Arlington?

10 A. Yes, I did.

11 Q. Now, was your...can you tell me whether or not
12 your mother went to both residences?

13 A. Yes, she was at both residences.

14 Q. In other words, you were in the process of moving
15 from one to the other when she arrived?

16 A. Yes. I had, I was, I had most everything packed to
17 move when she arrived.

18 Q. Is it your request that you be given a divorce
19 from Mrs. Rochelle based on a one year separation?

20 A. Yes.

21 Q. And is there any hope or possibility for reconcili-
22 ation?

23 A. No, there is not.

24 Q. And based on conversations with your wife, was it
25 your intention to live separate and apart, say, from on or

91.
Carl Rochelle - Direct (Carlberg)

1 about July the 15th of 1978 up to the present time? Or her
2 intention to live separate and apart?

3 A. It was her intention to live separate and apart.
4 I tried a couple of times to get back together. I dated her
5 and saw her, but when she announced she was marrying Mr.
6 Silverman and that he had moved in with her, I from that
7 point on, I wasn't interested.

8 Q. All right. When was this that she told you that?

9 A. It was within a week after her birthday.

10 Q. And when is her birthday?

11 A. Within...that's on the 9th of...I'm sorry. The
12 7th of July.

13 Q. And that was 7th of July 1978?

14 A. 1978.

15 Q. Has your separation been continuous and uninter-
16 rupted?

17 A. Yes, it has.

18 Q. Since the time she moved out?

19 A. Yes.

20 Q. Have you cohab-, since the separation has been con-
21 tinuous, have you had sexual intercourse or cohabited with
22 her, held yourself out as man and wife at any time since that
23 time?

24 A. No.

25 Q. I have no further questions.

Onita Rochelle - Direct (Carlberg)

1 MR. SHAPIRO: Your Honor, procedure is a little con-
2 fusing. Will his testimony be used in terms of the question
3 of support and maintenance...

4 MR. MELESCO: We would not hold Mr. Shapiro any evi-
5 dence as to support and maintenance...just this...

6 THE COURT: Insofar as I know, the point that Mr.
7 Melesco stated to me in your presence is that the only hear-
8 ing of this court be is the matter of no-fault, one year
9 separation, and the matter of support, spousal support be
10 made, child support and so forth at a later time.

11 MR. SHAPIRO: Your Honor, I've no questions of the
12 witness.

13 THE WITNESS STOOD ASIDE.

14 MRS. ONITA J. ROCHELLE

15 second witness for the Complainant, after having
16 first been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MRS. CARLBERG:

19 Q. Would you please state your full name and address?

20 A. Onita J. Rochelle, Washington, North Carolina.

21 Q. And, Mrs. Rochelle, are you over the age of eigh-
22 teen years?

23 A. Yes.

24 Q. Okay. And what is your relationship to Mr.
25 Rochelle?

Onita Rochelle - Direct (Carlberg)

1 A. He's my son.

2 Q. Now, speak as loudly as you can so Judge Davis can
3 hear.

4 THE COURT: I can hear her.

5 Q. Okay. He's your son. Did there come a time in
6 June of 1978 that you...or July, on or about the 1st of July
7 of '78, that you visited your son?

8 A. Yes, there did.

9 Q. And where was he living at that time?

10 A. He was living on Thirty-Sixth Street, but he was
11 in the process of moving.

12 Q. Okay. Now, did you spend a night at the Thirty-
13 Sixth Street address?

14 A. I did. I slept on the bed. He slept on the set-
15 tee, and the children slept on the floor in the living room.

16 Q. Okay. And at that time was Mrs. Rochelle living
17 in the address at Thirty-Six Street?

18 A. She was not.

19 Q. And were there any of her belongings there?

20 A. There was some of her belongings in a closet that
21 she had not moved.

22 Q. Did there come a time while you were there that she
23 moved some of her belongings?

24 A. The next morning she did, but I was not there when
25 she moved them. I was over to the, where he was moving with

Onita Rochelle - Direct (Carlberg)

1 the children.

2 Q. All right. Did there come a time when...strike
3 that. Where did Mr. Rochelle move to?

4 A. 4301 Thirty-Ninth Street.

5 Q. And is that in Arlington, Virginia?

6 A. Yes, it is.

7 Q. And who moved to, from the Thirty-Sixth Street
8 address to the Thirty-Ninth Street address?

9 A. Carl and the two children.

10 Q. And where did Mrs. Rochelle move?

11 A. I really didn't see her apartment, but she wasn't
12 living with them. She was, had moved to D. C. She did in-
13 vite me to go, but I did not. I was sided with the children
14 and I didn't go.

15 Q. Now, did there come a time in December when you
16 went to visit your son and the two children at the Thirty-
17 Ninth Street address? This past Christmas in December?

18 A. You mean of '78?

19 Q. In '78. Oh, I'm sorry. I withdraw that question.
20 Since the time that you were there in July of 1978, has the
21 most recent time that you had seen and been at the house
22 just when you have arrived recently this year?

23 A. Repeat that please.

24 Q. Have you been to the house since last year, to the
25 Thirty-Ninth Street address?

Onita Rochelle - Direct (Carlberg)

1 A. I'm there now, and that's...

2 Q. You're there now.

3 A. Yes.

4 Q. All right. And do you see any evidence of Mrs.
5 Rochelle having moved in?

6 A. No.

7 Q. Are any of her belongings in the house?

8 A. I think there's a pocketbook or something in the
9 garage that she never moved out, that got moved from the
10 old house...

11 Q. Other than that, can you see any of her personal
12 belongings?

13 A. No, I can't.

14 Q. Now, to your knowledge have the parties lived
15 separate and apart since July of last year?

16 A. They have at any time that I've had any dealings.

17 Q. Mrs. Rochelle, do you think that if the parties
18 had reconciled that you would have knowledge of it?

19 A. Yes.

20 Q. And to your knowledge they have not reconciled.

21 A. To my knowledge they haven't.

22 Q. And to your knowledge have they lived separate and
23 apart since July of last year up to the present time?

24 A. I have not seen them together.

25 Q. Have you had telephone conversations with Mr.

Onita Rochelle - Direct (Carlberg)
- Cross (Shapiro)

1 Rochelle which would indicate that the parties were living
2 separate and apart during this time?

3 A. Yes.

4 Q. Did you see your son and the children at Christmas
5 time in December of 1978?

6 A. Yes.

7 Q. And where was that?

8 A. At my home. They carried them...Carl carried them
9 down.

10 Q. All right. And at that time was there any indica-
11 tion that they had reconciled or was there an indication
12 that they were still living separate and apart?

13 A. Indication they were still living apart. In fact,
14 the children said they were.

15 Q. Where did the children say their mother was living?

16 A. In Virginia, Rocky Mount...and up in this section
17 somewhere.

18 Q. Okay. I have no further questions, Judge.

19 THE COURT: Questions, Mr. Shapiro?

20 CROSS-EXAMINATION

21 BY MR. SHAPIRO:

22 Q. Mrs. Rochelle, where is Washington, North Carolina?

23 A. It's on the coast. You know where Cherry Point is?

24 Q. Mm huh. (Affirmative)

25 A. It's about sixty miles from Cherry Point.

Onita Rochelle - Cross (Shapiro)

1 Q. Is it near Morehead City or in that area?

2 A. Ninety miles from Morehead, back this way a little.

3 Q. Do the children visit with you quite often or had
4 they previous to this separation?

5 A. Yes...yes, they had.

6 Q. They spent a lot of time with you.

7 A. Yes.

8 Q. As a matter of fact, your reason for being in, in
9 Washington in June and July of last year was to take them
10 back home with you for the summer, wasn't it?

11 A. I didn't take them for the whole summer, no. I
12 had them about two weeks.

13 Q. Two weeks out of the entire sum...

14 A. I carried them home so that Carl could straighten
15 the house out, put things up after he moved.

16 Q. But they only stayed with you two weeks?

17 A. Yes.

18 Q. Thank you.

19 THE COURT: Further questions of Mrs. Rochelle?

20 MRS. CARLBERG: I have no further questions.

21 THE WITNESS STOOD ASIDE.

22 THE COURT: Any other evidence on behalf of the
23 plaintiff?

24 MRS. CARLBERG: No, your Honor.

25 MR. MELESCO: Not as to the divorce, your Honor.

Opening Statement by Mrs. Carlberg (Custody)

1 THE COURT: Anything you want to show me, gentlemen,
2 other than what I've already got?

3 MR. SHAPIRO: No, sir.

4 THE COURT: I grant the divorce for Mr. Rochelle, no-
5 fault reserved in adjudication if any to be made in reference
6 to spousal support and child support.

7 MRS. CARLBERG: Thank you very much, Judge.

8 THE COURT: All right...

9 MR. MELESCO: We'll continue as to the moving party...

10 THE COURT: You lady and gentlemen like to get into
11 the custody matter now?

12 MR. MELESCO: Yeah. We'll just continue as the moving
13 party?

14 MRS. CARLBERG: Judge, if you don't mind, I'd like to
15 make a brief opening statement.

16 THE COURT: All right.

17 MRS. CARLBERG: I think that our evidence in this case
18 will show that for most of the children's lives, they have
19 lived with the father. Our evidence will show that in
20 December of 1976 the parties separated and the children
21 stayed with Mrs. Rochelle in the home on Greenbrier Street
22 for a short period of time, and thereafter about a month
23 later, Mrs. Rochelle had Mr. Rochelle move back into the
24 home and take care of the children. From that time on until
25 she returned to the household, approximately one year later,

Opening Statement by Mrs. Carlberg (Custody)

1 Mr. Rochelle lived in the home in Arlington with the two
2 children. Our evidence will show that during the time,
3 during that one year period, from 19...from January until
4 December of 1977, the parties lived separate and apart, and
5 Mr. Rochelle paid the mother to come over and take care of
6 the children. During the time that...and our evidence will
7 show that Mr. Rochelle is a writer and works for ABC Broad-
8 casting Company. And our evidence will show that during
9 that period of time, because of his schedule, Mrs. Rochelle
10 took care of the children sometimes in the evenings and some-
11 times on weekends for which Mr. Rochelle paid her. Our evi-
12 dence will further show that the parties reconciled just
13 before Christmas of 1977. Thereafter, our evidence will show
14 that the mother lived in the home from January until June,
15 when she moved out. In 1977 in the summer when the parties
16 were living separate and apart, the mother had an abortion.
17 The father will testify that the child was not his because
18 he did not have any sexual relations with the mother during
19 1977 period. In 1978, our evidence will show that the mother
20 was working for a psychiatrist in Washington by the name of
21 Dr. Wiseberg. During the time that she was working for the
22 psychiatrist, the parties were having marital problems, and
23 the couple--both of them, Mr. Rochelle and Mrs. Rochelle--
24 went to Dr. Wiseberg to him as a marriage counselor. Our
25 evidence will further show that during the time that Dr.,

Opening Statement by Mrs. Carlberg (Custody)

1 that she was seeing Dr. Wiseberg as a marriage counselor, she
2 was also living and cohabiting and having sexual relations
3 with him. Our evidence will further show that in June she
4 moved out, and at that time she had severed the relationship
5 with Dr. Wiseberg and was having another extramarital rela-
6 tionship with one, Mr. Les Silverman. Our evidence will
7 further show that the mother's employment record has been
8 one that has been very erratic. She has not held down one
9 continuous job. But on the other hand, our evidence will
10 show that Mr. Rochelle has worked in the broadcasting busi-
11 ness since the early Seventies and has been at ABC in
12 Washington for over six years. Our evidence will show that
13 he is a responsible, stable person. While on the other hand,
14 Mrs. Rochelle has had her problems. She has been under
15 psychiatric care, and our evidence will show that for a
16 period of only a few years, Mrs. Rochelle has seen at least
17 fifteen doctors--psychiatric, medical doctors and that kind.
18 The evidence will further show that the children, and par-
19 ticularly Carl, is a very bright and highly intelligent
20 child. The deposition is one bit of our evidence from Pat
21 O'Donnell, who was his teacher. She describes him as being
22 bright and intelligent. The parents had a Dr. Starr examine
23 the child at the request of Dr. Wiseberg, and he found him
24 to be a very bright child, very, highly intelligent and
25 recommended that he placed in a private school. Since it...

Opening Statement by Mrs. Carlberg (Custody)

1 our evidence will further show that since the child has been
2 in this environment that he has begun to deteriorate. A
3 doctor's report of May of 1979 to Mr. Rochelle will show
4 that the child is suffering from fatigue, that he is now,
5 have a bed-wetting problem...both of the children now have
6 bed-wetting problems. And Carl's teacher in the report that
7 has been submitted to this Court, describes the child as an
8 average student. This is a far cry from what his teacher of
9 last year described him--a very bright, inquisitive, highly
10 intelligent child. Our evidence will further show that the
11 father had the children when they were a very tender age.
12 In other words, he has had John since John was two years old.
13 And that was in the diaper stage, changing him and that kind
14 of thing. Our evidence will further show that it has been
15 the father who has gone to all the parent-teacher conferences
16 and the father was the one who took the children to the, the
17 pediatrician. Our evidence will show that even though the
18 father is a writer, sometimes a broadcaster, writes articles
19 for flying magazines and is a very capable person, he has
20 also had time to take care of the children as, as their
21 single parent. We believe that our evidence will substanti-
22 ate that in this situation you do have only one parent that
23 is fit and capable of caring to the, for the two small chil-
24 dren. Thank you, Judge.

25 THE COURT: It might be an advantage...

Opening Statement by Mr. Shapiro

1 MR. SHAPIRO: May it please the Court.

2 THE COURT: Excuse me, Mr. Shapiro. A great portion,
3 if not all the evidence, has been previously testified to,
4 Mrs. Carlberg. Just thought I'd throw that out. It might
5 come in a different, different way this time, but a lot of
6 it was previously testified to in a prior hearing that we
7 had.

8 MR. SHAPIRO: Well, I think Mrs. Carlberg and myself
9 are somewhat at a disadvantage since neither one of us were
10 here at that time, so we may be going over ground. And if
11 the Court has heard it, if the Court will just....

12 THE COURT: It's one of the few cases I feel I might
13 know as much about what's going on as you do.

14 MR. SHAPIRO: You may well...my remarks, opening re-
15 marks will be very brief. It's the position of my client
16 that both of these people are capable, loving, generous
17 people, parents who are interested in the welfare of their
18 children. They wouldn't have gone through the--excuse the
19 expression--the hell that they've gone through the last
20 three or four years with reference to their children, that
21 they both care about their children and want to see that the
22 best was done for them. Our evidence will be that from the
23 time the oldest child was approximately four months old,
24 these two people have had marital difficulty, tremendous
25 marital difficulty...extraordinary, perhaps, by virtue of

Opening Statement by Mr. Shapiro

1 their intensity and the effect on their respective lives.
2 And in addition to the marital difficulties that Mrs.
3 Rochelle has had, she's had tremendous physical difficulties
4 on top. In the transition from one life style which was the,
5 as a loving wife of a successful businessman to the life of
6 a, as the mother of two children, the burden of assuming
7 full-time employment and attempting to enter the job market
8 with very limited skills and education. On top of the tran-
9 sition from a stable home situation to one of some turbu-
10 lence, it is unquestioned that she's had an awful lot of
11 problems. She moved to this part of the country, her home.
12 The report shows that she has resolved it. She has held two
13 jobs. She has gotten glowing remarks from both employers.
14 Her job was terminated, her first employment, not by virtue
15 of anything that she did or didn't do, but by virtue of the
16 economic situation at that particular time. She has en-
17 rolled her children in school. The report from the local
18 people who graciously prepared the report from this area
19 shows that they're adjusted, they're, they love their mother,
20 they adjusted well to the situation, they like their school.
21 People that she talked to showed that she's not having these
22 problems anymore. She's not having the problems that re-
23 sulted from the turbulent marriage. The Court just pro-
24 nounced that marriage over as a matter of law, but in essence
25 it's been over for years. This woman has adjusted to that

Opening Statement by Mr. Shapiro
Carolyn Riesenman - Direct (Melesco)

1 situation. She has taken care of her children. She is a
2 fit and proper person. And under the law of this Common-
3 wealth, all things being equal, we feel that the evidence
4 will show that she deserves to keep her children here.

5 Thank you, sir.

6 THE COURT: All right, Mr. Melesco, call your first
7 witness please.

8 CAROLYN RIESENMAN

9 first witness for the Complainant, after having
10 first been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MELESCO:

13 Q. Tell the Court your name please.

14 A. Carolyn Riesenman.

15 Q. Riesenman. And where do you live, Carolyn?

16 A. I live in 420 Hampton Court, Falls Church, Vir-
17 ginia.

18 Q. And with whom are you employed?

19 A. I'm employed with the Arlington County Juvenile
20 and Domestic Relations District Court.

21 Q. And how long have you been in probation work?

22 A. It will be seven years in September.

23 Q. And how long with the Arlington County Juvenile
24 and Domestic Relations Court?

25 A. Five years in September.

Carolyn Riesenman - Direct (Melesco)

1 Q. And prior to that I believe you were an adult
2 probation officer for Fairfax County?

3 A. That's correct.

4 Q. And what educational background do you have?

5 A. I have a bachelor's in child and family develop-
6 ment from Virginia Tech, a master's degree in child and
7 family development from Florida State, and I'm completing my
8 master's, second master's degree in clinical psychology at
9 George Mason University in Fairfax.

10 Q. Going to night school?

11 A. Yes.

12 Q. All right. And I believe that pursuant to an
13 order of this Court, you prepared a very lengthy and detailed
14 investigation concerning the custody in this matter.

15 A. Yes, I did.

16 Q. All right. Let me stop right there. Why was this
17 case assigned to you?

18 A. Let me back up for a minute. Mr. Rochelle had
19 come into the court in October of last year to petition for
20 the custody of the children. At that time it was explained
21 to the judge that Mrs. Rochelle had taken the kids and then
22 come down to the Roanoke area. The judge had decided to
23 award temporary custody to Mr. Rochelle because of the fact
24 that the children had been in school in the Arlington area.

25 Q. Did you have any input into that...

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1 A. No, I didn't. My purpose for being there was to
2 take notes to enter it into the court record for the matter
3 of record so we would know what happened in the case.

4 Q. Were you the intake officer on the original
5 petition filed?

6 A. No, I was not.

7 Q. Were you familiar with any of the facts surrounding
8 at that point and time?

9 A. Mr. Rochelle had commented on some things prior to
10 going into court. He seemed to be very perturbed and anxious
11 about the situation and coming to court, but I was concerned
12 with getting the case in. I was not taking notes, not
13 really listening closely to what was happening. My purpose
14 was to take notes for the judge...just, as to what his deci-
15 sion was on the case, nothing else. And then he had set the
16 case for appearance again in court in November, hoping by
17 that time Mrs. Rochelle would be back in the area so they
18 could pursue the matter further. This was not done because
19 Mrs. Rochelle had come in and petitioned the Court here for
20 custody of the children. So the case was closed until we
21 heard then from this Court that they had wanted an investiga-
22 tion. And at that time it was assigned to me.

23 Q. All right. At the time and placed that it was
24 assigned to you, had you done anything more than what you
25 just described to us, as simply being in court and taking

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1 notes for the judge?

2 A. No, I had not. I had not had contacts.

3 Q. Okay. All right. You then prepared and made the
4 investigation which is recorded here.

5 A. That's correct.

6 Q. And as part of that investigation, you talked to
7 both parties?

8 A. Yes, I did.

9 Q. Not just one?

10 A. Yes.

11 Q. How long did you talk to Mrs. Rochelle?

12 A. I talked to her six hours when she had traveled up
13 from Roanoke to me at my office.

14 Q. You had a six-hour conference with her in your
15 office?

16 A. That's correct.

17 Q. And how long did you talk with Mr. Rochelle?

18 A. I met with Mr. Rochelle, I think, on three dif-
19 ferent occasions and it was comparably about the same amount
20 of time, around six hours.

21 Q. And I believe that on the list on the back, besides
22 those two people, you talked with twelve other people?

23 A. That's correct.

24 Q. I'm sorry...seventeen other people.

25 A. Mm huh. That's correct, in addition to Mr. and

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1 Mrs. Rochelle.

2 Q. And you wrote a recommendation which, I believe,
3 is the standard in the Arlington area.

4 A. That's correct.

5 Q. Not, not what your recommendation is, but the fact
6 that the unit is called upon to make recommendations.

7 A. That's correct.

8 Q. And I believe that recommendation was that custody
9 be awarded to the father with reasonable visitation to the
10 children.

11 A. To the mother.

12 Q. To the mother.

13 A. That's correct.

14 Q. Did you find anything negative in your investiga-
15 tion concerning Mr. Rochelle?

16 A. The only thing that I could point to that might
17 be negative, and this was based on information from other
18 people, that were unbiased in the case. Mrs. Rochelle, of
19 course, had a lot of allegations which I'm sure she has gone
20 over. The only indication I thought was negative came from
21 the teacher who had indicated at times Mr. Rochelle may
22 expect too much of the kids as far as competition is con-
23 cerned, that they should be allowed to remain children and
24 feed more into the emotional development of the child and not
25 place as much expectations on them as far as their

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1 intellectual performance, academic performance.

2 Q. Did you talk to Mr. Rochelle about this?

3 A. Yes, I did.

4 Q. And what was his response?

5 A. He seemed very receptive and I explained to him
6 my rationale for, for the concern over this, and he seemed,
7 just seemed very receptive and open to what I had to say and
8 took it to heart.

9 Q. All right. Could you, from your investigation
10 could you describe Mrs. Rochelle's life style, particularly
11 as to stability?

12 A. Well, based on what Mrs. Rochelle had to tell me
13 in our interview and then as a follow-up contact with a
14 variety of other people whose names appear on the back of
15 the report, she had indicated that there were problems when
16 she was growing up. It just appeared that her life style
17 tended to be problematic. Her first marriage was not suc-
18 cessful. The second marriage to Mr. Rochelle was never a
19 happy one, and both parties had indicated this. There were
20 ...I, I feel that there was a basic personality conflict
21 between the two. Mrs. Rochelle tends to be a much more
22 emotional, extroverted type of person, where Mr. Rochelle
23 tends to be more quiet, logical, rational type of person.
24 And we find that this produces a lot of conflicts within the
25 marital situation, personality conflicts that would then lead

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1 to other problems. She had problems...this, according to the
2 employers, there were some problems with her employment
3 pattern being somewhat erratic. There were...

4 Q. I believe one of the employers told you that she
5 was in charge of a branch office and just quit one day with-
6 out telling him and just the key in the office...

7 A. That's correct.

8 Q. And went home.

9 A. That's correct.

10 Q. No contact with him at all.

11 A. No. No.

12 Q. Did she ever explain that to you?

13 A. No, she didn't. I...let me explain that. Mrs.
14 Rochelle came up in early January to talk to me, and I told
15 her I would be contacting a variety of people concerning the
16 case. And this information then came to light after she had
17 returned to Roanoke, so she was not in the area that I could
18 set up another appointment with her to go over any explana-
19 tions, and I was hoping that she would make that clear to
20 ever who would be investigating the situation down here or
21 if she felt that need.

22 Q. And I believe you talked to the last, her last
23 landlady.

24 A. That's correct.

25 Q. And the information there was that Mrs. Rochelle

Carolyn Riesenman - Direct (Melesco)

1 simply walked out on the lease and didn't tell anybody where
2 she was going, just left.

3 A. That's correct.

4 Q. And from your information from talking to the
5 child's teachers and psychologists, was it felt that Carl
6 because of his intellectual ability belonged in a private
7 school?

8 A. This is the psychologist's feeling. The teachers
9 did not feel that that strongly, so there was some difference
10 of opinion there.

11 Q. Well, the teachers you talked to already have,
12 in a private school though.

13 A. I talked to two sets of teachers. There was one
14 teacher at Georgetown Day School where Carl was in attendance
15 and there were two previous teachers that had the children
16 at the Montessori School.

17 Q. Both of which are private.

18 A. That's correct.

19 Q. Out of the two parents, which one seemed to show
20 the most maturity and ability to cope with the problems that
21 are, go hand in hand with raising small children?

22 A. Well, Mr. Rochelle seemed to have more control over
23 the emotional responsiveness and seemed to have stabilized
24 his life as far as his job and home routine and pattern of
25 living. And I have some concerns about Mrs. Rochelle's

Carolyn Riesenman - Direct (Melesco)

1 ability to handle a job situation plus her own personal con-
2 cerns over the marriage and just personal concerns in gener-
3 al that even were unrelated to the marriage.

4 Q. Did you have a chance to visit Mr. Rochelle's
5 house?

6 A. Yes, I did.

7 Q. Any problems with that?

8 A. No.

9 Q. Could you describe it for us physically?

10 A. It was a very attractive home in a well-to-do
11 neighborhood in the northern Arlington area. It was spacious.
12 It was simply decorated, very comfortable, and just a very
13 comfortable well kept home.

14 Q. Enough room for Mr. Rochelle and two small chil-
15 dren?

16 A. Oh, definitely.

17 Q. Enough room for a babysitter if one had to be
18 needed?

19 A. That's correct. Very spacious home.

20 Q. And I believe you investigated Mr. Rochelle's
21 financial situation?

22 A. I talked with him about his financial situation.
23 That's correct.

24 Q. Is he, as far as you can tell, able to bear the
25 cost of raising these children?

Carolyn Riesenman - Direct (Melesco)

1 A. Yes, he is.

2 Q. What about Mrs. Rochelle's financial situation?
3 Did you talk to her?

4 A. Yes, I did. She was having financial problems.
5 When I had talked to her, she was, had just gotten employment
6 in the Roanoke area but that did not work out through no
7 fault of her own. It was, as Mr. Shapiro had said, an econo-
8 mic problem with the business. And she was then currently
9 looking for other employment, so she was unemployed soon
10 after I had talked with her, and then I had no further
11 follow-up with her to find out what employment she had
12 sought afterwards. So she was having financial problems.

13 Q. Did you talk to her about her own personal spending
14 habits?

15 A. Yes, I did.

16 Q. And what, from what you learned, what are those
17 spending habits?

18 A. Well, based on what Mr. Rochelle was able to pre-
19 sent in way of canceled checks and statements, apparently
20 she was spending quite a bit of money. And there was a, I
21 think, a ten-month period where there was a debt of six
22 thousand dollars incurred and VISA statements indicated that
23 there were quite a few expenses at women's apparel shops,
24 cosmetic shops and jewelry shops.

25 Q. Two hundred and fifty dollar boots and what have

Carolyn Riesenman - Direct (Melesco)

1 you?

2 A. That's correct.

3 Q. Did you talk to her about spending two hundred and
4 fifty dollars on a pair of boots?

5 A. Oh, she had indicated that to me herself.

6 Q. Did Mrs. Rochelle appear to be steady and confident
7 in her ability to cope with everyday problems or as steady
8 and confident as Mr. Rochelle?

9 A. Well, what concerned me is she seemed to be very
10 emotional about things and very hyper-reactive and easily
11 upset and angered when situations would come up, and would
12 call on her ability to cope and deal with them in a logical,
13 rational manner.

14 Q. You yourself did not have a chance to visit with
15 the two children?

16 A. No, I didn't.

17 Q. All right. And you do confirm the extramarital
18 relationship with Dr. Wiseberg.

19 A. Yes, I did.

20 Q. She admitted that to you.

21 A. That's correct.

22 Q. What about the relationship with Mr. Silverman?

23 A. She, I had questioned her about that, and she had
24 indicated that she wanted to marry him but they had not...
25 she, he had not moved in to live with her. And Mr. Silverman

Carolyn Riesenman - Direct (Melesco)

1 had also indicated that he had not moved in.

2 Q. Did either one of them indicate that they had
3 spent the night together on a casual basis?

4 A. Mr., both Mr. Silverman and Mrs. Rochelle said that
5 Mr. Silverman had spent several consecutive nights there at
6 her home.

7 Q. Were those nights that, when the children were with
8 her also, or were you able to determine?

9 A. I was unable to determine that.

10 Q. What about the parties...this may be leading, and
11 Mr. Shapiro may object, but the parties...

12 MR. SHAPIRO: None of them haven't been, sir. Go on.

13 Q. The parties...this was not the first separation.
14 You're aware of that?

15 A. That's correct.

16 Q. All right. From talking to Mrs. Rochelle, could
17 you determine during the earlier separations who had the
18 primary custody of the children?

19 A. If I remember correctly, there was a period of time
20 where he moved out of the house. She stayed at the house
21 with the children, but then she was having difficulty manag-
22 ing, and I think it was because of financial problems. And
23 she then requested that Mr. Rochelle move into the house and
24 take care of the children and she would move out. So he had
25 them during the day, during the week, and she would come over

Carolyn Riesenman - Direct (Melesco)

1 on weekends and then, I think, if I'm correct, sometimes in
2 the evenings to care for the children when he would be at
3 work. So there was some divided responsibility there.

4 Q. Did she make a complaint to you one time about her
5 husband letting her bleed to death or...

6 A. She had indicated that there were a lot of physical
7 problems, and on one occasion that she...

8 Q. Her problems.

9 A. Yes. And there, on one occasion she was hemorrhag-
10 ing and needed to go to the hospital, and when she had
11 alerted him to the fact, he did not seem concerned and was
12 not willing to drive her to the hospital because he needed to
13 watch the children, so, therefore, she drove to the hospital
14 herself bleeding to death, doubled up in pain.

15 Q. Were you able to verify that?

16 A. No, I wasn't.

17 Q. And I believe as...did you find that statement
18 believable?

19 A. I had some concerns over its validity. I think it
20 would be awfully difficult...

21 MR. SHAPIRO: Now, Judge, I think that's...that's
22 really...

23 THE COURT: Objection sustained.

24 Q. And I believe that you have submitted a ten-page
25 report showing your findings in the investigation.

Carolyn Riesenman - Direct (Melesco)
- Cross (Shapiro)

1 A. That's correct.

2 Q. At this time, your Honor, I'd ask that the report
3 which it has been filed, be admitted into evidence...subject
4 to Mr....

5 THE COURT: No objection...Mr. Shapiro, do you have a
6 copy of the report?

7 MR. SHAPIRO: Yes, I do.

8 Q. Your witness, Gordon.

9 CROSS-EXAMINATION

10 BY MR. SHAPIRO:

11 Q. Mrs. Riesenman, your testimony is that your name
12 appearing on the court order from the Juvenile and Domestic
13 Relations District Court for the 17th Judicial District in
14 the matter of Carl A. Rochelle the Third and John A. Rochelle
15 entered October 25, 1978, was simply at the behest of the
16 judge to make notes for his benefit during that presentation?

17 A. That's correct.

18 Q. And other than some off the record, out in the hall
19 type comments from Mr. Rochelle, you had no other personal
20 contact in that matter other than what you said.

21 A. That's correct.

22 Q. I take it that order was entered after the court
23 was advised that the children were no longer in the juris-
24 diction of Arlington?

25 A. Which order? I'm sorry.

Carolyn Riesenman - Cross (Shapiro)

1 Q. This order in which ex parte custody was granted
2 to Mr. Rochelle.

3 A. Temporary custody was granted to Mr. Rochelle
4 pending Mrs. Rochelle's return to Arlington so they could
5 pursue the matter further, and since she did not return the
6 matter was closed.

7 Q. But she had no notice of those proceedings that
8 you know of?

9 A. Not that I know of.

10 Q. Now, with, in relation to your report, it appears
11 that Mr. and Mrs. Rochelle each lived together for a period
12 of time while Mrs. Rochelle was married and before the two
13 of them were thereby married.

14 A. That's correct.

15 Q. And they lived for a period of time with Mrs.
16 Rochelle's parents after they moved back to this area from
17 Minneapolis or wherever they were.

18 A. That's correct.

19 Q. And there was a seven month period of time that
20 Mr. Rochelle was unemployed.

21 A. I'm not sure about the exact amount of time, but
22 there was a period which he was unemployed.

23 Q. Considerable period of time that he was unemployed.
24 And they then moved to Washington, and he established him-
25 self.

Carolyn Riesenman - Cross (Shapiro)

1 A. That's correct.

2 Q. Or re-established himself. Now, during the period
3 of time that after the children, after the first child was
4 born, would it be fair to say from your investigation or
5 report that they had a very stormy marriage?

6 A. I think it was a...from both reports, from Mr.
7 Rochelle and Mrs. Rochelle, the marriage had always been a
8 stormy one.

9 Q. The information under your category "Mother," on
10 page two, did that information come from Mrs. Rochelle?

11 A. Yes, it did.

12 Q. Does that not display a rather healthy, mature
13 attitude towards the situation?

14 A. If it's true, yes. Sometimes you can verbalize
15 what appears to be insights but maybe not have worked out
16 the problems involved with it. So it depends on, on the
17 reality of the situation.

18 Q. Assuming it to be true, it would appear to be a
19 rather healthy, mature attitude.

20 A. Yes, if that were true, that definitely would be a
21 healthy attitude.

22 Q. Now, your information is that the parties had an
23 initial separation back in '76.

24 A. That's correct.

25 Q. And at the beginning of that separation, the

1 parties entered into an agreement whereby Mrs. Rochelle
2 would have custody of the children.

3 A. Yes.

4 Q. And Mr. Rochelle would pay five hundred dollars a
5 month towards their support.

6 A. That's what was reported to me.

7 Q. Well, was there any conflict in that from either
8 side?

9 A. Not that I can recall.

10 Q. Okay. And that situation continued for a period
11 of time and then the children, the children's possessions,
12 so to speak, shifted to the father?

13 A. That's right.

14 Q. And the mother had visitation with the children.

15 A. That's right.

16 Q. Do you know Mr. Rochelle's educational background?

17 A. I...

18 Q. Did you ascertain that information?

19 A. He had given me that information. He has a...would
20 you like me to look into my file and...

21 Q. Please, if you don't know.

22 A. Find. I know he had attended classes in the area.
23 I think it was at American University, and I think he has a
24 bachelor's degree in the area of communications from American
25 University. It's a bachelor's degree in communications from

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1 American University.

2 Q. Did he have anything beyond that?

3 A. Not that I'm aware of.

4 Q. Do you know Mrs. Rochelle's educational background?

5 A. If I recall correctly, I think she's a high school
6 graduate.

7 Q. During the period of time that the parties lived
8 together exclusive of the separation periods, did Mrs.
9 Rochelle have full-time employment?

10 A. At one point she did. If I recall correctly, there
11 were periods when she was unemployed and then there were
12 periods when she did have employment. I think the longest
13 period of employment was with one agency called Rader Adver-
14 tising, and then there were other periods of employment that
15 were very brief.

16 Q. And the one you just described was a full-time job?

17 A. I think it was full-time. I'm not...

18 Q. Do you know what her responsibilities were in
19 those periods of employment?

20 A. No, I don't.

21 Q. During the period of time that she was, as you
22 described it, unemployed, would it be fair to say that she
23 was a mother?

24 A. Yes, she was.

25 Q. Now, you've described these people as having an

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1 income in the neighborhood of forty thousand dollars a year
2 during the year 1977. I refer you to page two at the bottom.

3 A. That's...right...that's correct.

4 Q. And that was the product of a joint income, joint
5 earnings, you said.

6 A. Joint earnings.

7 Q. Combining. And you feel like the amount of expen-
8 ditures on that income that you've, that's been substantiated
9 to you, is disproportionate to a, to a life style based on a
10 forty thousand dollar income.

11 A. Could you repeat that please?

12 Q. I didn't even understand it myself.

13 THE COURT: Thank you, Mr. Shapiro.

14 Q. You seem to indicate by your report and by your
15 testimony that the problem that Mr. Rochelle had with his
16 wife's expenditures, based on the amount that was corrobo-
17 rated to you...

18 A. That's correct.

19 Q. By virtue of what you saw, was disproportionate to
20 an income of forty thousand dollars a year.

21 A. It seemed that based on a forty, an income of forty
22 thousand dollars, he appeared to be struggling hard to meet
23 his financial expenditures and the bills that had been in-
24 curred.

25 Q. He seemed to be struggling?

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1 A. Yes. See, this is based on his reports to me.
2 Okay. For example, forty thousand dollars is based on his
3 reports to me.

4 Q. So your, your answer is that based on what he told
5 you, he seemed to be struggling on the basis of what they
6 were spending during that period of time.

7 A. In addition he had presented a stack of VISA state-
8 ments would indicate the bills that he was...

9 Q. Did you ask to see any of his expenditures during
10 that period of time?

11 A. I, if I recall correctly, some of those were also,
12 where they were also reflected in the VISA statements.

13 Q. Did you see any from Rawleigh's Haberdashery in
14 Washington?

15 A. No, I did not see that that I recall.

16 Q. You don't know what he spends on his suits?

17 A. No, I don't.

18 Q. Did you ask him about his flying lessons?

19 A. He did mention those to me. I don't recall the
20 exact amount, but he did mention he was having flying
21 lessons.

22 Q. Now, there is no question that Mrs. Rochelle was
23 having serious problems with her health during the '77, '76-
24 '77 period of time.

25 A. She reported that she was having a lot of health

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1 problems. I was not able to verify it.

2 Q. But did you try?

3 A. Part of the...I think, when she had discussed these
4 with me, some of the contacts with doctors were down in the
5 Roanoke area. She did not go into detail explaining who
6 she'd gone to or what the exact problems were. She did men-
7 tion in two or three cases what some of the physical ailments
8 were.

9 Q. Did you feel that this was significant in terms of
10 here ability to cope during the period of time that your
11 investigation covered?

12 A. She did not indicate that they were. She did
13 indicate that there were a lot of personal problems between
14 she and her husband, some of these centering around her
15 physical ailments. But she did not indicate that it inter-
16 ferred with her ability to cope with dealing with the chil-
17 dren and the household.

18 Q. She was doing all right with the kids. It was just
19 her husband she was having problems with.

20 A. According to her statements, that's true.

21 Q. I believe Mr. Rochelle admitted that Mrs. Rochelle
22 did have legitimate health problems.

23 A. He, he had indicated that...he was concerned that
24 they were not as valid as she was presenting them. He tended
25 to feel that she was a hypochondriac and tended to develop a

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1 lot of symptoms that might not have had a true physiological
2 base.

3 Q. I refer you to page four. Second paragraph from
4 the bottom, about the middle. "Although his wife has had
5 some legitimate health problems, Mr. Rochelle claims that
6 she is a hypochondriac."

7 A. That's correct.

8 Q. "And he was upset that his wife screams at the
9 children, uses profanity and is a poor role model."

10 A. That's correct.

11 Q. That is (one word) emotion. Did you ask Mrs.
12 Rochelle to comment on the landlord's or landlady's state-
13 ments to you?

14 A. Yes, I did.

15 Q. And what was her...when did you ask her to comment?

16 A. That was in January when she came up to my office.

17 Q. You already knew about that?

18 A. Yes, I did.

19 Q. How did you know about it?

20 A. Mr. Rochelle had indicated that to me.

21 Q. I see. What was her reason for leaving?

22 A. Well, she, she'd...if I recall correctly, she
23 didn't give me a concrete reason as to why she was leaving.
24 She did say that she did not want anyone to know she was
25 leaving, and that she had paid a three hundred dollar securi-

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1 ty deposit which should suffice for any expenditures that the
2 landlady would have incurred.

3 Q. Now, the...did you ever ask Mr. Rochelle if he had
4 any women friends?

5 A. Yes, I did.

6 Q. And what was his response?

7 A. He said that he had dated occasionally during the
8 separation.

9 Q. Were you given the name of a Nancy Gleason?

10 A. Yes, I was.

11 Q. Did you interview her?

12 A. No, I didn't. I had attempted to call her but did
13 not get through to her.

14 Q. So you didn't try back?

15 A. No, I didn't.

16 Q. Now, this situation with Dr. Wiseberg that you've
17 mentioned, your information that that occurred during the
18 absolute pits in the relationship between these two people.

19 A. Apparently that's so.

20 THE COURT: Let me interrupt you right there, Mr.
21 Shapiro. Maybe you can answer my question. Is the suit
22 still pending?

23 Q. Your Honor, my understanding, the suit is still
24 pending. It was jointly filed initially, and the two parties
25 have now separated their claims. That's my understanding.

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1 I may be incorrect.

2 MR. ROCHELLE: I have not been contacted by the attor-
3 ney that took the case. He has not advised me that it has
4 been settled or separated or anything.

5 MRS. CARLBERG: We have attempted to reach him on
6 several occasions, and he has not responded, and because of
7 this suit here, we...

8 THE COURT: Mr. Shapiro, is your client inclined to, or
9 do you know--I'm just asking for information--inclined to
10 prosecute that litigation?

11 MR. SHAPIRO: I'm sorry. To continue with it?

12 THE COURT: Yes, sir.

13 MR. SHAPIRO: As I understand it, she has retained
14 other counsel, Judge.

15 MR. MELESCO: To go forward?

16 MR. SHAPIRO: To go forward. I, I'm...

17 THE COURT: I was just curious.

18 MR. SHAPIRO: Yes, sir.

19 THE COURT: Go ahead. Excuse me...interrupt you.

20 Q. Yes, sir, that's...did you attempt to corroborate
21 the incident that Mrs. Rochelle advised you of, of finding
22 a woman in his apartment in a state of undressed, with the
23 children present?

24 A. I have, I have asked Mr. Rochelle about that, and
25 he denied that that had occurred.

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1 Q. Did you ask the woman?

2 A. I did not know who the woman was. That name was
3 not given to me.

4 Q. You were not given a name. Mr. Rochelle indicated
5 that he was financially strapped by virtue of his wife's
6 extravagant expenditures?

7 A. That's correct.

8 Q. And yet he was willing and able to put his, both
9 of his children in private schools in northern Virginia and
10 D. C. area?

11 A. That's correct.

12 Q. Did he indicate where this money was coming from?

13 A. He did not say definitely where the money came
14 from.

15 Q. During the, the references that you have attached
16 to your report, I can't find one thing in there that indi-
17 cates that either one of these people are in any way unquali-
18 fied to have custody of their children. Have you...have I
19 missed something?

20 A. No. That was their opinions when I had talked to
21 them.

22 Q. The opinions of the people that...

23 A. The people that are listed here.

24 Q. And you indicate in your report of the children,
25 beginning on page seven and over on page eight, that in

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1 spite of the disharmony and disruption involved with these
2 two grown-ups, these two adults, the children seem to be
3 fine.

4 A. I don't know. I had not had an opportunity to
5 talk with the children nor to observe their behavior. I have
6 some concerns based on what the teachers were saying. One
7 teacher in particular...

8 Q. Well, let me get to, let me get to that in a
9 minute. I've got that set out special here.

10 MR. MELESCO: I'd like her to go ahead and answer the
11 question while she's...

12 THE COURT: It's his witness, Mr. Melesco.

13 Q. I'll get to it right now. You're referring to...
14 which teacher are you referring to?

15 A. Pat O'Donnell in particular. Judy Balkezar, the
16 other teacher, I may have made some comments also concerning
17 Carl. She also talked concerning John. It's a...both
18 teachers had comments to offer about the children.

19 Q. Which one was at Chesterbrook Montessori?

20 A. Both Pat O'Donnell and Judy Balkezar were teachers
21 at Chesterbrook Montessori.

22 Q. Now, that's, that's where we...on page seven here,
23 the most disturbing part of this whole report is contained
24 right there. Carl was described...which one is giving this
25 information?

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1 A. Which paragraph are...

2 Q. The first paragraph, "Therefore, his teacher at
3 Chesterbrook Montessori was contacted regarding his school
4 performance."

5 A. That would be Patricia O'Donnell.

6 Q. Patricia O'Donnell. Okay. Now, do you know
7 Patricia O'Donnell's background?

8 A. No, I don't.

9 Q. Do you know what her qualifications are?

10 A. I know she's a teacher at Chesterbrook Montessori.
11 I didn't investigate her, her background.

12 Q. You don't know whether she has any experience in
13 psychiatry, psychology, any degrees, any particular exper-
14 tise?

15 A. I don't know.

16 Q. Carl...this is her now. "Carl was described as a
17 very bright, helpful and sweet child who seemed very protec-
18 tive of his younger brother." Moving down. "She reported
19 that both parents seemed a bit unrealistic." And this is,
20 Mr. Rochelle you mentioned before, maybe setting too high
21 goals.

22 A. Mm huh. (Affirmative.)

23 Q. Mrs. Rochelle also had unrealistic ex....I'm moving
24 down a little bit. "Mrs. Rochelle also had unrealistic
25 expectations for Carl in that she seemed to rely on him for

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1 emotional support. She was too open in discussing adult
2 problems with the children, not recognizing that they were
3 too immature to realistically deal with the information.
4 Mrs. Rochelle appeared to be immature and tended to flounder,
5 being unable to make a judgment and stick by it." Now, is
6 that again this Patricia O'Donnell?

7 A. Yes, it is.

8 Q. On what basis did you ascertain she made, formed
9 this opinion?

10 A. Based on her contacts with Mr. Rochelle and Mrs.
11 Rochelle.

12 Q. Do you know how many times she had contact with
13 Mrs. Rochelle...

14 MR. MELESCO: If it please the Court, I'd like to state
15 something right now. At the last...

16 THE COURT: ...get the rest of it.

17 MR. MELESCO: At the last hearing on this matter, Mr.
18 Shapiro was made aware of this, if there was anything in the
19 report which would be submitted by Mrs. Riesenman's unit
20 that they were not happy with, they were free to subpoena
21 any witness down to cross-examine them. They saw fit not to.

22 THE COURT: Well, he's just asking this lady if she
23 knows on what basis this woman made the statement. She
24 probably does not, so I mean...

25 MR. MELESCO: All right, sir. But I would like in the

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1 record that he had an opportunity to subpoena her and chose
2 not to...

3 MR. SHAPIRO: Judge, I stipulate, I had the right to
4 subpoena any and all of these people, had ample time to do
5 so.

6 THE COURT: Go ahead, Mr. Shapiro. Mrs. Riesenman,
7 do you know on what basis...

8 A. I know she had repeated contacts with both parents
9 because they would come back and forth picking up and drop-
10 ping the children off at school, but she did not indicate
11 the number of times.

12 Q. Now, how about John's teacher here?

13 A. That was...

14 Q. "Both parents interested in John's progress. Good
15 adjustment, quiet, sensitive. Psychologist feels like the
16 children should have contact with both parents." Is that
17 right?

18 A. That's what was indicated in his report.

19 Q. Let me ask you this: Your credentials are quite
20 impressive. Is emotional better than rational?

21 A. Not necessarily. It depends...I think it's a
22 matter of degree.

23 Q. Then I take it, your answer to the opposite would
24 be the same.

25 A. There is...one does not exclude the other. I

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1 think a healthy, balanced personality needs a combination of
2 both, and it's just a matter of degree.

3 Q. So if either of that, rationality or emotionalism
4 to the extreme is not good.

5 A. Definitely. Well, let me qualify that. It depends
6 on then how they manifest their behavior. Okay. And if a
7 person, the individual would seek to adapt their behavior to
8 accommodate, let's say, a very, very emotional person...if
9 they could adapt their behavior, recognize that and then try
10 to develop some more rational ways of reacting and vice
11 versa, that that's a healthy approach to it. But if the
12 person is going to be totally emotional or totally irratio-
13 nal, sure it has implications for some problem areas.

14 Q. Isn't the trend today more openness with children?

15 A. It depends. I think there tends to be a more open-
16 ness with children today and from loosening up of some, dis-
17 cipline.

18 THE COURT: I think that's initiated by the children,
19 not by the parents.

20 Q. I believe so, Judge.

21 A. True.

22 Q. Mrs. Riesenman, did you bring with you a voucher
23 or anything for your expenses today that we could file since
24 I'm going to get tagged with it?

25 A. The court said that they would send something after

Carolyn Riesenman - By the Court

1 I've returned.

2 Q. Thank you very much.

3 THE COURT: Further questions of this lady?

4 MR. MELESCO: One second.

5 THE COURT: Let me ask you a question.

6 A. Yes, sir.

7 THE COURT: About the children. Special children, you
8 know, are at both ends of the line. Are these children
9 special in any way?

10 A. Your Honor, both children are very intelligent.
11 The psychological that was...

12 THE COURT: I mean, you know, we've gotten kind of an
13 intimation that public schools are bad, you know.

14 A. Okay.

15 THE COURT: That nobody goes to public schools with
16 any sense, which I don't like, you know.

17 A. The children are very intelligent. They have a
18 lot of resources to work with, a lot of intellectual re-
19 sources.

20 THE COURT: But are they special? Now, there are
21 special children, and I just wondered are these, either one
22 of these special children?

23 A. Both children. If you're talking about special
24 meaning very intelligent, yes, they are in that way. Very
25 intelligent children.

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1 BY MR. SHAPIRO:

2 Q. Do you have their test results?

3 A. On Carl, I do, because he was referred for testing.
4 Not...

5 Q. What did he test at? Is he in the genius category
6 or the...

7 A. It...okay. It, it depends on, on what the lay
8 public considers genius and what your psychologists consider
9 genius. When we're talking about a genius level, you're
10 talking about an IQ at a hundred and forty and above, which
11 a very, very small part of the population has. Carl tested
12 a full-scale IQ of approximately a hundred and twenty-seven
13 which is in the very superior range. That would place him
14 at the ninety-seven percentile which would indicate that
15 approximately three percent of the population is above him
16 in intelligence. To interpret an IQ score though as a score
17 is very misleading because you have to be aware of the
18 abilities that feed into that score and also take account of
19 the child's emotional, social development...not just the
20 (one word)...

21 Q. Now, how about, how about the other child?

22 A. I don't have any reports on John.

23 Q. How can you answer the Judge's questions with
24 regard to...

25 A. Pardon me?

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Richard R. Sanders - Direct (Melesco)

1 Q. How can you answer the Court's question regarding
2 John?

3 A. This is based on the reports from the teachers and
4 the parents.

5 THE COURT: Any further questions of this witness?
6 Mr. Melesco?

7 MR. MELESCO: No, sir. I'd ask her to stay. I don't
8 know if we...

9 THE COURT: You may be excused, Mrs. Riesenman.

10 THE WITNESS STOOD ASIDE.

11 RICHARD R. SANDERS

12 second witness for the Complainant, after having
13 first been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. MELESCO:

16 Q. Tell the Court your name.

17 A. Richard R. Sanders.

18 Q. And where do you live, Mr. Sanders?

19 A. I live in Bethesda, Maryland.

20 Q. And I believe you're also employed with ABC.

21 A. That's right.

22 Q. Is it ABC News or ABC or...

23 A. ABC News.

24 Q. All right. And are you--for lack of a better
25 word--supervisor of Mr. Rochelle?

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1 A. Yes.

2 Q. And how long has he worked with you?

3 A. Since the fall of 1973.

4 Q. And what are his duties with ABC News?

5 A. He is a producer, writer and at times a, the
6 narrator for spots, news spots.

7 Q. Both radio and television?

8 A. Yes. Primarily television.

9 Q. And he's, is he a broadcaster or just the narrator
10 on the tape you hear...as opposed to being on camera?

11 A. No, not...

12 Q. Like Harry Reasoner?

13 A. No. But he has the authority to go on camera, but
14 the occasion hasn't arisen yet.

15 Q. And what hours does he work for you all?

16 A. Wednesday, Thursday and Friday, his schedule is
17 2:00 to 10:00. Weekend varies depending on when our feeds
18 are, but the...

19 Q. All right. Is his weekend schedule a direct rela-
20 tionship to his responsibilities because of the news on the
21 weekend?

22 A. Yes.

23 Q. And what primary area does he cover? The White
24 House, sports or...

25 A. Well, no. We, we are the producers for our

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1 syndication service, and we prepare a variety of spots on
2 all subjects that are fed in a half hour separate, individual
3 stories that the stations record and then can use in their
4 local newscasts. Our work is primarily in the studios but
5 with all of the material that is brought in.

6 Q. And is his work in, weekend work necessitated by
7 the nature of his job? Does he have to be there on the
8 weekend?

9 A. Oh, yes, because we feed on weekends, and his
10 schedule is Wednesday through Sunday, and I, I work Monday
11 through Friday.

12 Q. Okay. And he's been there five years with you?
13 Six years with you?

14 A. Yes, mm huh.

15 Q. Have you had occasion to observe his temperament
16 and his ability to interact with other people?

17 A. Yes, I sure have.

18 Q. How is that?

19 A. Well, I...he has ability to get more work out of
20 people and get along probably as, as good as anybody that
21 works in our bureau in Washington. He has very even tempera-
22 ment and, well, he just has a knack of being able to get
23 people to do things for him and do them properly. And if
24 they have problems, he does not get as upset as some of us
25 do.

1 Q. Is it an easy job? Or are there pressures?

2 A. There're pressures because of late-breaking
3 stories, and you have, you're hitting a deadline.

4 Q. Your pressure is mostly time-wise then.

5 A. Well, it's time oriented, but it's time because
6 you have to get the feeder information, the spot together
7 with both the visual and the (distortion of sound)...
8 work...the time...of course...yourself as well as...to the
9 story.

10 Q. (Unintelligible.)

11 A. Is it...either you don't have a course...in tele-
12 vision...yes...producer...writer, writes...own material.
13 Sometimes he writes it for...camera crews go out...they come
14 back...video...that material, whose job...material, corre-
15 spondent...the shop...the news...and use...there's...that
16 you can...the news.

17 Q. You said that you're scheduled Monday through
18 Friday and he takes the weekend.

19 A. Yes.

20 Q. And you are his boss.

21 A. Yes.

22 Q. And as long as you're his boss, he'll be working
23 the weekends and you'll be working during the week.

24 A. Well, not necessarily. I mean, we can, we could
25 expand which is always a possibility.

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1 Q. But right now...

2 A. But right now, no. That's true.

3 Q. All right. Has he had his children in to visit?

4 A. I've seen them on occasion, yes.

5 Q. Were they well behaved, wild or what?

6 A. No, they were, they were interested in what was
7 going on. I don't remember the, the younger one as well as
8 I do Carl.

9 Q. And has Mr. Rochelle ever talked to you about time
10 off to do things with his children--such as, go to parent-
11 teachers things or anything like that?

12 A. Yes. There's been occasion when he would call and
13 say, "I'd like to be a little bit late coming in because we
14 have to do something at school."

15 Q. Is that, is his schedule flexible enough that you
16 can allow that?

17 A. Most of the time, yes, yeah. We can...well, I
18 mean today is a good example because we've got people to
19 cover for both of us today.

20 Q. All right. And on his schedule does he know well
21 in advance what hours he'll be working?

22 A. Yes, because...

23 Q. So he could...

24 A. The, the daily Wednesday through Friday is set
25 solid, and the weekend schedules come out a month in advance.

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1 Q. So he can plan himself off a month easily.

2 A. Oh, yes.

3 Q. All right. And your schedule is 2:00 to 10:00.

4 Correct?

5 A. His schedule.

6 Q. His schedule?

7 A. Yes.

8 Q. Does that mean he's there from 2:00 to 10:00 or
9 is it...

10 A. Only, the only time that he stays there that is
11 if there is something that happens after the six o'clock
12 period where we would have a weak or late feed, where we
13 would have to...for...we have a time period from 11:00 to
14 11:30 to feed the affiliates for late-breaking stories.

15 Q. So the Wednesday through Friday part, he can get
16 home around 6:00 or 6:30 usually.

17 A. Yes, most, most of the time. It's an irregular
18 thing obviously because you...

19 Q. With all the problems surrounding the children and
20 what have you, how's he been doing on his job for the last
21 year?

22 A. Well, he's always done a remarkable job, and,
23 because he can write and he can produce, and he is an on-the-
24 air person. There's been no indication that the kind of
25 things that I've heard today were going on, because I'm

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1 hearing this for the first time, the, any of the details...

2 Q. You mean the, of the whole picture?

3 A. The pro-...yes. I mean, obviously I knew that
4 at the times when they were separated, but it was just that
5 "we are." There was no indication in his work of the kind
6 of problems that have been described today.

7 Q. Do you know anything negative about him that would
8 not make him a fit father as far as you're aware?

9 A. No, nothing.

10 Q. All right. What happens between the news breaks
11 while he's there? What are his job duties?

12 A. Well, during...it takes all afternoon...

13 Q. Just to get...

14 A. Yes. Because we...on a given afternoon we may
15 have five or six spots which take...it's, it's a full-time
16 job.

17 Q. And has he talked to you about his having the
18 children on a permanent basis?

19 A. I knew that obviously that he had asked for them,
20 for custody on, on permanent basis, but in no, no great
21 discussions.

22 Q. Do you feel that the custody would interfere with
23 his work, or the work with his custody?

24 A. It did not before when, when he had, when he had
25 the children living with him. The few...he was, always

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1 seemed like he had them well taken care of the few times that
2 there was a problem with the babysitter later or something.
3 We were able to cover, and so that was, it was never a
4 problem.

5 Q. When they were separated before and the children
6 were with him, what was his primary concern? His job or his
7 children?

8 THE COURT: That's an awful question, Mr. Melesco.

9 Q. All right. I'll strike it, Judge.

10 THE COURT: It depends on when he was at home and when
11 he was working.

12 Q. What about Carl's personal habits towards his job--
13 that is, promptness and what have you?

14 A. Oh, he's completely reliable. Been, he's always
15 on time and very little absence for sickness. The only time
16 he's been out is when he's had an operation. So, I mean,
17 he's somebody that you, yeah, you can count on and you know
18 you're gonna get the job done, and he's, that's why he's
19 doing work for "Good Morning, America," and some of the other
20 units as well.

21 Q. Okay. And how stable is his job, long-term?

22 A. Well, it's very stable because we're both governed
23 by a Writer's Guild contract, and on the seniority that he
24 has there would mean that they would have to fire maybe fif-
25 teen people before they would come up to, come up to him.

Richard R. Sanders - Direct (Melesco)

1 Q. You start at the bottom and work up?

2 A. Yes.

3 Q. And the Guild is sort of like a union, I take it?

4 A. It is a union, and we're governed by a union con-
5 tract and we are grandfathered by name in the Washington
6 bureau under our last contract.

7 Q. All right. Besides his expertise in the broadcast-
8 ing area, does he have any other expertise that you're aware
9 of?

10 A. I know that he is a pilot of some advanced degree,
11 and I know that he knows the electronic workings of tele-
12 vision as well as many of the engineers that we have there.

13 Q. You mean the mechanics?

14 A. The mechanics, yes.

15 Q. Have you had an occasion to visit in his home in
16 Arlington, the one he's presently living in?

17 A. I was there once.

18 Q. Can you describe it to the Court?

19 A. Yeah. It's a split-level home with a large living
20 room-dining room area, three bedrooms upstairs, a den down-
21 stairs, and a beautiful back yard because it slopes off with
22 a lot of trees. And there's a swing set, and the, well, the
23 children's toys were in the rooms that he showed me.

24 Q. And the rest of the neighborhood?

25 A. Yes, well, it's a beautiful, part of it is a very,

Richard R. Sanders - Direct (Melesco)
- Cross (Shapiro)

1 well, it looks like a very exclusive neighborhood leading
2 into it, and then these are, look very fine.

3 Q. What was Carl's attitude about his children as he
4 expressed it to you?

5 A. Well, I would say he was a normal father, that on
6 occasion would come in and talk to us about what they had
7 done or what latest things that they were accomplishing.
8 Proud, happy with them, just as a, as a normal father would
9 be.

10 Q. Do you have much of a knowledge concerning Mrs.
11 Rochelle?

12 A. No. I, I have no social knowledge of, of either.

13 Q. Answer any questions Mr. Shapiro may have.

14 CROSS-EXAMINATION

15 BY MR. SHAPIRO:

16 Q. Mr. Sanders, you've worked with Mr. Rochelle for
17 seven years, did you say?

18 A. Well, since 1973.

19 Q. Six years.

20 A. Yeah.

21 Q. Would you describe...would it be fair to say that
22 you're, you're a friend as well as a supervisor and fellow
23 employee?

24 A. I'm a friend at, at work, yes, but I've never had
25 any social contact or never gone out for a beer or anything

Richard R. Sanders - Cross (Shapiro)

1 like that.

2 Q. Why?

3 A. Well, one thing is he lives in Virginia, I live in
4 Maryland.

5 Q. That's a good reason.

6 A. I have my own family and life and...

7 Q. Go different ways on the Interstate Belt Way.

8 A. Oh, yeah, completely.

9 Q. You've described Mr. Rochelle's schedule as being
10 flexible. Is that correct?

11 A. We can cover for, for problems, yes.

12 Q. Has Mr. Rochelle asked you for, to shuffle his
13 schedule to allow him to visit with his children in Virginia?

14 A. Now, you mean, in this...

15 Q. Since October of last year.

16 A. He hasn't had to make any special requests. I
17 mean, we have...

18 Q. Has he made any requests?

19 A. Well, we have five weeks off. Now, what he does
20 in his five weeks, I don't know.

21 Q. Has he made any requests of you to shuffle his
22 schedule to allow him to visit with his children in Virginia?

23 A. No, but let me...I, if...his vacation schedule is
24 not...I do not have anything to say about, about that.

25 Q. I understand that. He gets a month off. Right?

Richard R. Sanders - Cross (Shapiro)

1 A. Five weeks.

2 Q. Five weeks off.

3 A. Yeah. Well, I guess it's five weeks.

4 Q. Now, my question is: Has he made any requests of
5 you since October 1978 to shuffle his schedule to allow him
6 to visit with his children in Virginia?

7 A. Well, not, no special requests.

8 Q. Thank you. Now, you say that he works Wednesday,
9 Thursday and Friday from 2:00 to 10:00.

10 A. Mm huh. That's the scheduled hours, yeah.

11 Q. That's his scheduled hours. And, I take it, that
12 from time to time he won't be there till 10:00, but he never
13 knows, so he has to plan on it.

14 A. Yes.

15 Q. That'd be...

16 A. Generally, generally you know though in advance.

17 Q. Generally you...

18 A. The, the speech that was canceled yesterday is a
19 good example, when we knew two days, and networks always
20 know in advance. So there are times when he does not when
21 something comes up that he did not, we did not know what's
22 going to happen. But I would think maybe two, probably two-
23 thirds of the time the events that he covers at night are
24 pre-scheduled.

25 Q. And on the weekends he's, he's committed by virtue

Richard R. Sanders - Cross (Shapiro)

1 of the feeds that you don't know when they're coming in.

2 A. Well, the Saturday feed, they, they vary on the
3 weekends because of the sport schedule, and so that the...

4 Q. Mr. Rochelle is a right dedicated worker, isn't he?

5 A. Yes.

6 Q. I mean...

7 A. But no more so than some of the rest of...

8 Q. No more so. You portrayed him before as the guy
9 that can do, get more work out of his people, he's good as
10 anyone.

11 A. Yeah.

12 Q. But he's no better than anyone. Is that what
13 you're saying?

14 A. Now, I, I didn't say that now. You, you were
15 talking about dedication.

16 Q. Dedication.

17 A. There're some of us that try to work the, our
18 hours, yeah.

19 Q. And he works, he works his hours.

20 A. He works his hours. He works what's required.
21 It's, it's not volunteering in doing extra work. It's what
22 the schedule calls for.

23 Q. Now, I take it...I take it that Monday and Tuesday
24 he's off entirely.

25 A. Yes.

Richard R. Sanders - Cross (Shapiro)

1 Q. And that's free time. He's not on any call. He's
2 not under any...

3 A. That's right.

4 Q. Now, you mentioned that in response to direct
5 question about his temperament, and I just said that before,
6 that "he gets more work out of his people than anyone."
7 He's a right tough taskmaster, isn't he?

8 A. No.

9 Q. You didn't?

10 A. They don't...I, I didn't, did not say it in that
11 way.

12 Q. Does he hold a real high standard for the people
13 that are under him?

14 A. Well, yes. He wants a good spot. But what I was,
15 what I was saying was that he has the ability to make people
16 work for him without using authoritarian ways or he's not a
17 screamer, and some producers are.

18 Q. He ingratiates...he ingratiates himself to them.
19 Is that what you're saying?

20 A. Well, I, I don't know whether I like the connota-
21 tion of that, but it's, it would be...

22 Q. Well, what kind of connotation do you...

23 A. Well, I, I...he is a person that people like and
24 like to work with, therefore, they make sure they, that they
25 perform.

Richard R. Sanders - Cross (Shapiro)
- Redirect (Melesco)

1 Q. That they live up to his...

2 A. Yes.

3 Q. ...high expectations of them. That's right, isn't
4 it, Mr. Sanders?

5 A. I'm not...I'm, no, that...I wouldn't say that...

6 Q. No?

7 A. ...we work at where we have high expectations of
8 people. We know what we have to do with a spot, and we
9 expect to get it.

10 Q. Mr. Sanders, you mentioned that Mr. Rochelle has
11 had some operations. How often has he been off for surgery?
12 I didn't know about that.

13 A. I know of two. There may have been three. I'm
14 not...

15 Q. Two or three surgeries that he's had as well?

16 A. Yeah, mm huh.

17 Q. Requiring visits to the doctors, I take it?
18 Hospitals.

19 A. Well, they, they were hernia operations.

20 Q. Hernia. Thank you, sir.

21 REDIRECT EXAMINATION

22 BY MR. MELESCO:

23 Q. Let me get one thing straight. If he wanted a
24 weekend off for a special reason, could you work it out?

25 A. Yes.

Richard R. Sanders - Redirect (Melesco)
Onita Rochelle - Direct (Carlberg)

1 Q. All right. If he wanted permanently to have his
2 weekends off, could that be worked out?

3 A. I don't know. Not, not under, not under the...not
4 in our, in our unit, but there's always the possibility of
5 moving to other units where he could.

6 Q. But right now that he's, weekends are his?

7 A. Yes.

8 Q. That's all.

9 THE COURT: Anybody have any further questions of Mr.
10 Sanders?

11 THE WITNESS STOOD ASIDE.

12 MRS. ONITA J. ROCHELLE

13 third witness for the Complainant, after having
14 first been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MRS. CARLBERG:

17 Q. Please state your name.

18 A. Onita J. Rochelle.

19 Q. All right. Mrs. Rochelle, what is your present
20 employment?

21 A. I'm retired.

22 Q. And what did you retire from?

23 A. Nursing.

24 Q. Speak as loudly as you can...

25 THE COURT: That's all right. I can hear her.

Onita Rochelle - Direct (Carlberg)

(Distortion of Sound of Portions of Testimony:)

1 A. ...nurse.

2 Q. ...retire in?

3 A. ...since '7...

4 Q. Since that time...(approximately two or three
5 lines completely unintelligible)...on occasions to look
6 after John and Carl?

7 A. On occasions...

8 Q. ...Mr. and Mrs. Rochelle were separated...times?

9 A. They...been separated a little before Carl...
10 because he didn't...I'm sure of that. He thought maybe
11 they'd get back together again, but they were separated in
12 January of '77. I come up here in January and looked after
13 them...five weeks.

14 Q. Now, you say you came up and looked after them for
15 five weeks?

16 A. Yes.

17 Q. Who, who did you look after? The two children?

18 A. The two children.

19 Q. All right.

20 A. Carl...Connie was not living in the home at the
21 time.

22 Q. And after that, what arrangements did...

23 A. (Unintelligible.)

24 Q. Okay. How long...the children...in his home...

25 A. You mean my son?

Onita Rochelle - Direct (Carlberg)

1 Q. I'm sorry. Yes...your son...

2 A. (Unintelligible.)

3 Q. ...there times...'77 did...father have...in his
4 house...mother living...

5 A. About Christmas time. The next...

6 MR. SHAPIRO: Your Honor, I would object...have to be
7 hearsay.

8 Ruling of the Court was unintelligible.

9 A. Carl had an operation at ... time, and he brought
10 them both to my house, and they lived with me...Carl did for
11 two weeks. And he flew down and picked him up and brought
12 him back, and I kept...two more weeks because he wasn't sup-
13 posed to lift...because he was heavy, was too heavy to lift.

14 Q. Now, that's Easter of 1977?

15 A. Yes.

16 Q. And then when did you next see them? Did you see
17 them the summer of '77?

18 A. Yes, I saw them in the summer.

19 Q. And where did you see them, at your home or at...

20 A. (Unintelligible)...and when they...when he was...
21 he had them...but then after...I had them...weeks one time...
22 weeks later on...

23 Q. During the...period that you had...children that
24 summer, was Mr. Rochelle there during part of that time?

25 A. Yes. He had his vacation and come to stay with me

Onita Rochelle - Direct (Carlberg)

1 some when he brought...

2 Q. So the children weren't there alone with you, but
3 they...

4 A. No.

5 Q. ...were there as a family?

6 A. Yes. He always stays part of it with me when he
7 has a vacation.

8 Q. Do you remember the name of the babysitter?

9 A. Frances...(distortion)

10 Q. Now, what...arrived...summer of...'78, did you
11 have occasion to talk with Mrs. Rochelle about...and separa-
12 tion...

13 A. She told me she had moved out and was living in
14 Washington, D. C. She did...the first night...and...the
15 children...on the floor...

16 Q. Now, did you have a chance to discuss with her
17 taking care, her taking care of the children?

18 A. But she just...

19 Q. All right...by that...

20 A. ...he fed them, he changed their pants, the first
21 go-round.

22 Q. All right. The first separation. Go ahead.

23 A. The first separation. Little Johnny was so small
24 until he had to be watched to keep him from coming down the
25 steps on his head. He would climb up them, but he couldn't

Onita Rochelle - Direct (Carlberg)

1 come back down by hisself. And she just didn't do it.

2 Q. Now, what didn't she do, Mrs. Rochelle?

3 A. She didn't change his pants, she didn't feed him
4 ...do all the things that a, you would ordinarily think a
5 mother would do.

6 Q. During the five weeks that you were there...

7 MR. SHAPIRO: Your Honor, I'm a little confused. I
8 thought we were talking about during the period of time they
9 were separated. That was the question.

10 Q. All right. Let's go back.

11 A. They were separated.

12 MR. SHAPIRO: I don't understand.

13 Q. All right. Were you talking about January of 1977
14 when you came up?

15 A. Both times.

16 Q. Both times. All right. When you were there for
17 five weeks in January of 1977, how often did she come to see
18 the children during that five-week period?

19 A. There was a week that she didn't call up and even
20 ask about them, and I...

21 Q. How old...

22 A. And I said, "Connie, you're missing so much not
23 watching these children grow up and being with them and doing
24 for them." And she said, "What? Wiping their snotty noses
25 and their bottoms?" But it won't exactly in that tone.

Onita Rochelle - Direct (Carlberg)

1 MR. SHAPIRO: I didn't hear any of it.

2 A. Okay. One time during the five weeks I was there
3 ...I'm sorry. I get upset about it.

4 MR. SHAPIRO: Yes, ma'am. I understand.

5 A. She come over to visit them, and I said, "Connie,
6 you're missing so much not being with the children, not
7 watching them grow up and see the things they do." And she
8 said, "What? Wiping their snotty noses and their..." and
9 the other she didn't...

10 Q. When she referred to their bottoms, did she use
11 dirty words?

12 A. Yes.

13 Q. What'd she say, Mrs. Rochelle? I know it's diffi-
14 cult, but how did she refer to the children?

15 A. Their shitty tails, if you want me to put it the
16 right way. And I said, "Well, that's not all there is in
17 raising children." I said, "You're missing so much."

18 Q. Now, how old were the children at this time?

19 A. Johnny would have been two the 23rd of December,
20 so he was just a little over two.

21 Q. All right. And how old was Carl?

22 A. I, about three and a half. There's about two years
23 between the two.

24 Q. Who potty trained John?

25 A. I did.

Onita Rochelle - Direct (Carlberg)

1 Q. Was there ever any time, Mrs. Rochelle, when the
2 children were with you when, when the mother called them in
3 North Carolina?

4 A. One time, she called.

5 Q. And can you tell us what took place at that tele-
6 phone call?

7 MR. SHAPIRO: Can you establish when it is?

8 A. It was in the summer of '78. I declare, I didn't
9 know I was gonna have to remember all these dates. Anyway,
10 somebody come to the door while he, while they were on the
11 telephone, while little Carl was on the telephone. And she
12 said, "I'm sorry. I...hang the telephone up and answer the
13 front door." And he said, "Well..."

14 Q. What did Carl say to you after he got off the
15 phone with his mother?

16 A. He said, "I know why she had to go to the door. It
17 was her boyfriend, and she didn't have time for me," and he
18 cried.

19 Q. Did Mrs. Rochelle ever discuss...

20 MR. SHAPIRO: Your Honor, for the record I would
21 object to that.

22 THE COURT: Objection overruled. Objection noted, Mr.
23 Shapiro. Go ahead...

24 MR. SHAPIRO: Thank you.

25 Q. Did Mrs. Rochelle...Mrs. Connie Rochelle ever

Onita Rochelle - Direct (Carlberg)

1 discuss her, her parents and their influence over the chil-
2 dren with you?

3 A. Yes. I hate to answer that, and I'm glad they're
4 not in the courtroom because I declare, it would break my
5 heart if I'd ever know that Carl would talk about me the way
6 she talked about her parents. She said she hated them, her
7 mother was always complaining, her daddy was an alcoholic.
8 Am I talking too loud? I'm sorry. I get upset. And she
9 didn't want them to go down there and stay anymore except
10 for a visit if somebody would carry them down there and
11 bring her back. She didn't want them to go down there and
12 stay. But I'm sure they loved them just like I do. I have
13 met them one time, and they give me all indications that they
14 loved them also.

15 Q. Did you get along with your daughter-in-law?

16 A. I thought I did.

17 Q. I mean you didn't fight or argue...

18 A. We, we never had no fights, no.

19 Q. How did you find her with regard to her stability
20 and her emotional maturity?

21 MR. SHAPIRO: Your Honor, I would object to the ques-
22 tion as being leading, calling for a conclusion.

23 Q. I'll retract that question.

24 THE COURT: That was the reason for the question, Mr.
25 Shapiro.

Onita Rochelle - Direct (Carlberg)

1 MR. SHAPIRO: I'm sorry, sir.

2 THE COURT: That was the reason for the question.

3 MR. SHAPIRO: Yes, sir, I assumed it was.

4 THE COURT: Let her describe any peculiar...

5 Q. Describe how you found her...

6 THE COURT: ...for want of a better descriptive term--
7 peculiarities or whatever that she may have noticed...

8 A. Would you like for me to answer it, your Honor?

9 THE COURT: Yes, ma'am. Go ahead and tell me anything
10 that your daughter-in-law said or did that may be out of the
11 ordinary.

12 A. She, she like, she was like she was angry at the
13 world. She was angry at everybody, and she felt like that if
14 something comes up, you were supposed to say exactly what you
15 think. And this life don't work like that every time. She'd
16 holler at the children, not only when I was around, but they
17 would tell me she'd holler at them.

18 MR. SHAPIRO: Objection.

19 A. Everybody hollers at their children sometime. I
20 know that. But I mean angry holler.

21 Q. Were you aware that she was going to a psychia-
22 trist?

23 A. Yes.

24 Q. Did she tell you that?

25 A. Yes.

Onita Rochelle - Direct (Carlberg)

1 Q. And in your opinion, after working in a nursing
2 home and working there for ten years, do you think she still
3 needs, up to the last time that you talked with her, do you
4 still think she needs psychiatric care?

5 MR. SHAPIRO: Your Honor, I strenuously object to that
6 question. There's been no foundation laid whatsoever.

7 A. Your Honor, would you like me to answer...

8 THE COURT: Mrs. Carlberg, you know, I expect all of
9 us do, you know. Psychiatric care is not a bugaboo like it
10 was, once was, you know?

11 Q. I understand that, your Honor.

12 THE COURT: And it may or may not help, but...

13 Q. I, I will be glad to change my word to "psychiatric
14 counseling" or that kind of...I didn't mean that she needed
15 to be...

16 THE COURT: Well, I know, but it's...maybe Mrs.
17 Rochelle is qualified to say who needs it and who don't, but
18 I...

19 A. This bothers me. If she tries to keep the chil-
20 dren away from their daddy. He never tried to keep them
21 away from her. If that's what she's trying to do, then she
22 is in need of help, because, I think, they ought be able to
23 visit both. I feel like their daddy's more qualified to
24 look after them really, but I don't want them cut off from
25 their mother either, that she can't visit them. If they were

Onita Rochelle - Direct (Carlberg)

1 mine, I wouldn't want them cut off from me, that I couldn't
2 see them.

3 MR. SHAPIRO: Your Honor, I...excuse me. I would
4 again object to any testimony about the mother depriving the
5 father of visitation on the grounds that it's hearsay unless
6 she can lay some foundation.

7 THE COURT: I don't know that she said it. She said
8 that she shouldn't.

9 MR. SHAPIRO: She shouldn't.

10 THE COURT: If she did, she needed psychiatric help.

11 MR. SHAPIRO: Okay, sir. Well, if the Court accepts
12 it that way, then I have no objection.

13 THE COURT: Okay. Go ahead.

14 Q. At, from the last...up to the last time that you
15 have seen the children, Mrs. Rochelle, did either Carl or
16 John have a bed-wetting problem?

17 A. Not until Christmas. Little Johnny wetted when he
18 was at my house Christmas. Before then neither one of them
19 had wet the bed when they were at my house.

20 Q. All right. So...

21 MR. MELESCO: For the record, I'm going to excuse him
22 just to go over to my office.

23 MR. SHAPIRO: Pardon?

24 MR. MELESCO: He's going over to my office.

25 THE COURT: Does anybody desire to call Mr. Sanders

Richard R. Sanders - By Mr. Shapiro

1 back?

2 MR. SHAPIRO: I've got one question to ask him, Judge.

3 MR. SANDERS: ...I'll be glad to...

4 THE COURT: No, just stay right there. We'll ask you
5 right there. Go ahead, Mr. Shapiro. Excuse me, Mrs.
6 Rochelle. We're going to...go ahead, Mr....

7 RICHARD R. SANDERS

8 testified in response to examination

9 BY MR. SHAPIRO:

10 Q. Mr. Sanders, do you know Nancy Gleason?

11 A. I know who she is.

12 Q. Who is Nancy Gleason?

13 A. She was a film editor at ABC, and she is now in
14 the engineering department.

15 Q. Have you seen Mr. Rochelle and Miss Gleason
16 together?

17 A. Only...no, only at work.

18 Q. Only at work.

19 A. In a, in a work situation.

20 Q. I see. And you don't see him otherwise anyway. Is
21 that correct?

22 A. Yep.

23 Q. Do you know whether Mr. Rochelle dates Miss
24 Gleason?

25 A. No, I do not.

Onita Rochelle - Direct (Carlberg)

1 Q. Thank you, sir.

2 THE COURT: Do you want to excuse Mr. Sanders?

3 MR. SHAPIRO: Yeah.

4 THE COURT: Mr. Sanders, you may be excused, sir.

5 MR. MELESCO: Just going over to get a magazine and
6 have a coke.

7 THE COURT: All right. Resume your questions of Mrs.
8 Rochelle.

9 DIRECT EXAMINATION OF MRS. ONITA J. ROCHELLE RESUMED
10 BY MRS. CARLBERG:

11 Q. Mrs. Rochelle, up to October of 1978, did John or
12 Carl have a bed-wetting problem?

13 A. No, not at my house they...

14 Q. Did Mr. Rochelle ever discuss a bed-wetting problem
15 with you up to that time?

16 A. No.

17 Q. When you saw the children in December of 1978, can
18 you tell me whether or not either one of them had a bed-
19 wetting problem?

20 A. Little Johnny did.

21 Q. John did?

22 A. Yes, he wet the bed.

23 Q. Were the children ever ill when you kept them or
24 when they visited you?

25 A. One time. In the summer of '78, they had run a

Onita Rochelle - Direct (Carlberg)

1 temperature, one of them one day and the other one the next,
2 and I gave them a little aspirin, baby aspirin, and it
3 cleared up. They're all right like that. They had a little
4 virus or something. They didn't have any cold that went
5 with it. But that's the only time. I've never carried them
6 to the doctor at any time that they were with, at my house.

7 Q. Now, do you have any intentions of moving in to
8 take care of the children if Mr. Rochelle has custody?

9 A. No. I would be available if he needed me, if the
10 babysitter got sick or if Carl got sick or had an emergency.
11 I would be glad to come and do what I could, just like I
12 have ever since they've been in this world, but I have no
13 intention of taking up house...

14 THE COURT: You've raised one family, have you not,
15 Mrs. Rochelle?

16 A. Sure have. I love them and I love to have them,
17 but I've no intention of taking over to raising them...unless
18 something were to happen to them.

19 Q. Do you know if Mr. Carl, if Mr. Rochelle has
20 arrangements now if he gets custody for a babysitter? Has
21 he discussed what his arrangements would be?

22 MR. SHAPIRO: Your Honor, he's here and can testify to
23 that.

24 THE COURT: He is, and I assume he's going to testify.

25 MR. SHAPIRO: It's totally self-serving whatever it

Onita Rochelle - Direct (Carlberg)

1 would be.

2 Q. I'll be glad to withdraw my questions. Can you
3 tell us how the children reacted to their mother when you
4 had an occasion to observe the children with their mother?
5 How did they interact?

6 A. Well, they really didn't act as free. When she
7 come in, they'd say, "Hey, Mom," when she come in. Of
8 course, they weren't separated from her as long as they
9 would be separated from Carl when they'd be at our, when
10 they'd be at my house. And they really did act glad to see
11 her.

12 Q. How did they, how did you say they reacted to the
13 father?

14 A. Little Carl would be around his neck and little
15 Johnny hugging his legs waiting for his turn, not like
16 normal children for their father.

17 Q. In the event, Mrs. Rochelle, that Mr. Rochelle
18 gets custody of the children, would you be available to take
19 care of them until he does get someone or, or makes arrange-
20 ments for their schooling and child care?

21 A. Yes. I am retired, and there's no reason that I
22 couldn't.

23 Q. I have no further questions, Judge.

24 THE COURT: Cross-examination, Mr. Shapiro.

25 CROSS-EXAMINATION

Onita Rochelle - Cross (Shapiro)

1 BY MR. SHAPIRO:

2 Q. Mrs. Rochelle, would you classify yourself as a,
3 as a devoted mother and grandmother?

4 A. Sure.

5 Q. You love your son and you love your grandchildren.

6 A. And the most important thing is they know that I
7 love them.

8 Q. Right.

9 A. It really is. It's more important than their
10 loving me.

11 Q. Would you agree that perhaps child rearing today
12 is a little different than it was when you were raising Carl?

13 A. The basic, no. It really isn't.

14 Q. But the, but the...

15 A. The love that a child needs nowadays is the same
16 as it was when I was...

17 Q. You're not saying, you're not telling this Judge
18 that either one of these parents don't love their children,
19 are you?

20 A. No, I'm not. No, sir.

21 Q. And they know that both of them love them.

22 A. I think that they both know that they both love
23 them.

24 Q. During the time that your son had surgery, he
25 called upon his mother to help him with the children, didn't

Onita Rochelle - Cross (Shapiro)

1 he?

2 A. Yes.

3 Q. Because he was sick and, and unable to take care
4 of them, while he was having surgery.

5 A. Yes.

6 Q. And you did so.

7 A. I sure did.

8 Q. Nothing unusual in calling upon others for help
9 when you're, when you're physically unable to do so, is it?

10 A. No. But Connie was right there in the area. She
11 could have done it.

12 Q. Well, I'm talking about during the times she was
13 having surgery. You were aware she had some surgery, didn't
14 you?

15 A. Yes. I've been up there and looked after the chil-
16 dren when she had surgery.

17 Q. Sure. They...both of them called upon you.

18 A. Yes.

19 Q. When they were sick.

20 A. Yes. And I would still do it if I could for them.

21 Q. And you (one word) a period of time in January of
22 1977 when you went to Washington area, the Washington area
23 and stayed for five weeks.

24 A. Yes.

25 Q. Do you know what Connie was doing during that

Onita Rochelle - Cross (Shapiro)

1 period of time?

2 A. She was working somewhere.

3 Q. She was working.

4 A. Yes.

5 Q. Do you know what her job was?

6 A. No, I really don't. She did tell me, but I don't
7 remember.

8 Q. Do you know how many hours it required of her?

9 A. Not twenty-four hours a day.

10 Q. But do you know how many hours she worked?

11 A. No, I do not.

12 Q. Was it a new job?

13 A. I do know the five weeks I was there she bathed
14 them one time. That was Carl's, little Carl's birthday.
15 She left the tub dirty. She left their clothes in the floor.

16 Q. Were they living together during that period of
17 time?

18 A. No, they were not.

19 Q. They were separated.

20 A. They were separated.

21 Q. And who, who had under that arrangement the custody
22 of the children?

23 A. Nobody.

24 Q. No one?

25 A. They were stay, they were staying with Carl.

Onita Rochelle - Cross (Shapiro)

1 Q. They were staying with Carl.

2 A. But I don't think there was any legal custody set
3 up.

4 Q. Well, you're probably right. But they had agreed
5 amongst themselves that the children would stay with him
6 during that five weeks. Wasn't that correct?

7 A. They were staying there.

8 Q. And you came up to help out.

9 A. Yes.

10 Q. And she was working.

11 A. Yes, she was working.

12 Q. And you bathed the children and fed the children
13 and took care of the children.

14 A. No. I didn't do that when Carl was to work. When
15 he come home, he did it. He did the cooking and all when he
16 was there. That's right. He still does it when, when he's
17 there.

18 Q. And during the summer of 1978, you say they were,
19 they also visited you.

20 A. Yes.

21 Q. And how long did they, did they visit?

22 A. During the summer?

23 Q. Yes.

24 A. About five weeks. Not all at one time.

25 Q. Do you recall earlier testifying that in the summer

Onita Rochelle - Cross (Shapiro)

1 of 1978 they stayed two weeks?

2 A. Two weeks at one time and three weeks at another
3 time.

4 Q. You don't recall me asking you twice how much time
5 they spent with you during that summer, and you said two
6 weeks? They spent five weeks with you during the summer of
7 '78, didn't they?

8 A. At two different times.

9 Q. Yes, ma'am.

10 A. Yes.

11 Q. Do you ever know of an incident during the time
12 that this woman had these children that she didn't take care
13 of them in a proper manner?

14 A. That she didn't take care...

15 Q. Yes, ma'am.

16 A. She just didn't do.

17 Q. Well, when she had them.

18 A. No.

19 Q. Not when Carl had them, but when she had them.

20 A. Now, I did not go to her house when they were her,
21 at her house.

22 Q. Now, the only time you're talking of is during a
23 period of time that under an agreement between them, Carl
24 had the children, and they were living apart.

25 A. They were living apart, but during that...

Onita Rochelle - Cross (Shapiro)

1 Q. And you're saying that she didn't call and she
2 didn't come over and she didn't help.

3 A. She come to the house to wash her clothes. To use
4 the washing machine.

5 Q. Well, how many times would she do that?

6 A. About once a week...

7 Q. Once a week.

8 A. ...when they got dirty, and she'd leave theirs out
9 of the washing machine. She wouldn't wash them.

10 Q. You, you wouldn't, you didn't appreciate that.

11 A. I was concerned because they were her children.
12 They were things I thought a mother should do, not a grand-
13 mother.

14 Q. You're in the D. C. area now visiting?

15 A. No, I'm not in the D. C. area....Arlington, at
16 Carl's home.

17 Q. Yes, ma'am. At Carl's home now.

18 A. Uh huh.

19 Q. But why? Visiting?

20 A. I come because they called me for the hearing.

21 Q. You came for this, for this hearing.

22 A. For the hearing, yes. And I will stay...he has to
23 work next week, so I'll stay next week with the children.
24 Next week he's on vacation. I'm going back home.

25 Q. He...during next week he's on...he's going to work

Onita Rochelle - Cross (Shapiro)

1 next week.

2 A. He has to work next week except Monday and Tuesday.

3 Q. You said Connie hollered at the children. What
4 were the children doing?

5 A. Just things normal children would do.

6 Q. Like what?

7 A. Picking at each other and...

8 Q. Fighting and fussing and carrying on.

9 A. Not really fighting. They just picked at each
10 other...

11 Q. Just acting like children.

12 A. And fight, just acting like children.

13 Q. Was this a constant thing every time you saw them,
14 she'd holler, scream, yell at them?

15 A. Well, most of the time. Sometime during the time
16 she was there, she did. And they say she does.

17 Q. You described Connie as angry at the world?

18 A. Yes. She acted as if she was angry at the world.

19 Q. And you said you, that she says what, what she
20 thinks.

21 A. Yes.

22 Q. And you can't do that in today's world.

23 A. You can't every time.

24 Q. You can't speak your mind, you can't say what's on
25 your mind, you can't...

Onita Rochelle - Cross (Shapiro)

1 A. No, sir, you can't. When you just deliberately
2 hurt somebody else, no, sir.

3 Q. That distresses you? That type of attitude.

4 A. Yes.

5 Q. To say what you think.

6 A. Anybody that works for the public knows you can't
7 do that every time.

8 Q. Do you know that your son saw a psychiatrist?

9 A. Yes.

10 Q. A lot?

11 A. I suggested he go to a marriage counselor really.
12 I was hoping the marriage would get back together.

13 Q. So there's, there's nothing...I mean you're not
14 indicating that you found anything, any problem with them
15 seeing a psychiatrist.

16 A. No, I sure don't.

17 Q. You wanted them to get back together.

18 A. Yes, sir, I sure did. And he, he can tell you the
19 same thing. I asked him to go to a marriage counselor.

20 Q. You couldn't have thought too ill of your daughter-
21 in-law if after all this problem you wanted them back togeth-
22 er, could you?

23 A. I was hoping the marriage would work out. For a
24 marriage to break up, the children usually are the ones that
25 pay the price.

Onita Rochelle - Redirect (Carlberg)

1 Q. Thank you, ma'am.

2 THE COURT: Further questions of this lady?

3 A. Your Honor, may I say one thing?

4 THE COURT: Yes, ma'am, Mrs. Rochelle.

5 A. My concern is for the children and the care that
6 they're gonna have.

7 THE COURT: Mine too, Mrs. Rochelle. That's it and
8 that alone.

9 MRS. CARLBERG: I just have a couple of questions, Mrs.
10 Rochelle.

11 REDIRECT EXAMINATION

12 BY MRS. CARLBERG:

13 Q. When the parties were living together, who took...
14 when you came up to visit them and, and Mr. and Mrs. Rochelle
15 were living together, who did the cooking then?

16 A. Carl did.

17 Q. Mr. Rochelle did?

18 A. Yes.

19 Q. When you are there and he comes home from work,
20 do you cook dinner or does Mr. Rochelle cook dinner?

21 A. He cooks.

22 Q. Who bathes the children and puts them to bed when
23 you and Mr. Rochelle are there?

24 A. He does.

25 Q. When you and Mrs. Rochelle and Mr. Rochelle were in

Onita Rochelle - Redirect (Carlberg)
- Recross (Shapiro)

1 the homes together, who bathed the children and put them to
2 bed?

3 A. The most of the time, he did. Now, this is before
4 the separation I'm talking about.

5 Q. Okay.

6 A. But after the separation, he did. She didn't.

7 Q. I have no further questions.

8 RE CROSS-EXAMINATION

9 BY MR. SHAPIRO:

10 Q. Mrs. Rochelle, are, are you saying that this
11 woman never cooked a meal for you while you visited in their
12 home? Are you saying that?

13 A. Once in a while she would cook, but on a routine
14 basis, no. Carl...

15 Q. Did he ever ask her to cook?

16 A. I don't know. I don't think a husband ought to
17 have to ask his wife to cook, Mister.

18 THE COURT: I'll go along with that, Mrs. Rochelle.
19 (Laughter)

20 Q. Unless he wants to do it. Does he like to cook?

21 A. Well, I don't know so much as he likes to do it
22 but he's good at it.

23 Q. Does he enjoy cooking?

24 A. Well, sometimes he does, I'm sure, but not always.

25 Q. All right. Thank you.

Onita Rochelle - Recross (Shapiro)
Ellen Holsclaw - Direct (Shapiro)

1 A. Not after you've worked all day and tired.

2 Q. Thank you, ma'am.

3 THE WITNESS STOOD ASIDE

4 Mrs. Onita Rochelle was permitted to leave the court-
5 room to go to Mr. Melesco's office.

6 MR. SHAPIRO: Your Honor, this is just a suggestion.
7 Is there any way we can accommodate this lady?

8 THE COURT: Yes, sir. We can put her on out of order.

9 MR. SHAPIRO: Do you have any objection?

10 MR. MELESCO: No.

11 ELLEN HOLSCRAW

12 a witness for the Defendant, after having
13 first been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SHAPIRO:

16 MR. MELESCO: Your witness, Gordon?

17 Q. Yes. Your Honor, the record should show that this
18 is my witness.

19 THE COURT: Miss Holsclaw is everybody's witness...
20 go ahead.

21 Q. Would you state your name please.

22 A. Ellen Holsclaw.

23 Q. Miss Holsclaw, for whom are you employed?

24 A. Franklin County Department of Social Services.

25 Q. Pursuant to your responsibilities with the Franklin

Ellen Holsclaw - Direct (Shapiro)

1 County Social Services Bureau and pursuant to a court order
2 issued out of this court, did you conduct an investigation
3 and make a report on the home situation and living situation
4 of Connie Rochelle?

5 A. Yes, I did.

6 Q. And this is with reference to the two children
7 then living with her?

8 A. Yes, Carl and John.

9 Q. Have you filed your report with the Court?

10 A. Yes, sir, I have.

11 Q. And, your Honor, I'd move that that be introduced
12 into evidence.

13 THE COURT: Okay. Be introduced.

14 Q. Do your notes reflect when you first had the
15 opportunity to talk with Mrs. Rochelle?

16 A. Yes, sir.

17 Q. Where, where did the, the conversation or meeting
18 take place?

19 A. The first meeting was at my office.

20 Q. I'm sorry. Go on.

21 A. It was in April. And the second meeting was at her
22 home.

23 MR. MELESCO: Ellen, I can't...speak up just a tab.

24 A. The first meeting was at my office, and the second
25 meeting was at Mrs. Rochelle's home.

Ellen Holsclaw - Direct (Shapiro)

1 Q. Miss Holsclaw, you just talk up to the Judge, and
2 probably all of us will be able to hear you.

3 A. Okay.

4 Q. Did you have occasion to meet with and talk to the
5 two children who are the...

6 A. Yes, sir, I did.

7 Q. Just tell the Court what your investigation re-
8 vealed on Mrs. Rochelle, what you did in preparation of the
9 report and your finding.

10 A. Okay. Well, my first meeting at the office was
11 basically to find out, you know, the directions to the home
12 and set up a day to visit. I did visit on April 18th. At
13 that time I spent, I'd say, three or four hours with Mrs.
14 Rochelle and the children. I observed the children both...
15 well, they were having dinner when I got there, and I ob-
16 served them interacting with their mother as well as some of
17 their friends. After, they became tired after talking with
18 me for a while, so they went outside to play. And then, you
19 know, they were in and out, bringing their friends in and
20 getting brownies and that kind of thing. And, you know, they
21 seemed fine. They, they seemed very happy. Mrs. Rochelle
22 had to discipline them a couple of times, but she just, you
23 know, raised her voice and says, "Please don't." You know,
24 I think that one of them left the door open or was in and out
25 or something. And, you know, it was nothing out of the

Ellen Holsclaw - Direct (Shapiro)

1 ordinary whatsoever. I did get references. I talked with a
2 former boss, Mr. Maxey, Joseph. I obtained a reference from
3 him, and from a Nancy Hall, who also worked with Mrs.
4 Rochelle. They both gave her excellent references. I con-
5 tacted the school, and I talked with Mrs. Flora, Carl's
6 teacher. She said he, she wished all of her students were
7 like Carl. She said he was well adjusted, he was happy, and
8 he always came to school neat and clean. She said he became
9 a little bored in class sometimes, but, you know, that, that
10 she wished all of her students were like him. I contacted
11 the nursery where John attends, and talked to Mrs. Wheeler
12 and she advised me that he was a perfectly, you know, normal
13 child, happy; he seemed well adjusted and saw absolutely no
14 problems. I called the babysitter who keeps John after play
15 school before Mrs. Rochelle can pick him up. We have...get
16 her name here. Anyway, she...Mrs. Lloyd Cooper. And she
17 advised me that John, you know, was fine the time he was at
18 her house, that he, he had no behavioral problem, he seemed
19 like a normal child. I talked with some neighbors. One
20 neighbor across the street keeps Carl after school. They
21 saw no problem, you know. I saw nothing out of the ordinary.
22 I do not...

23 Q. Did they indicate any men were staying at her house?

24 A. No. I did check that out. There are no men stay-

ing at her home, and, you know, no one has ever seen her in

Ellen Holsclaw - Direct (Shapiro)

1 the company of anyone since she's been down here. I did
2 attempt to see her mother but I missed her on one occasion.
3 And Ferrum is a right long ways, so I didn't get back up
4 there, but I did check in the community. Her family, parents
5 are separated, but, you know, they seemed to be, you know...
6 members of the Ferrum community. I saw nothing out of the
7 ordinary there. She advised me that her parents, her father
8 could spend time with the boys. He came up from Collins-
9 ville, and then her mother would come from Ferrum and, you
10 know, visit also. I saw no animosity or any hard feelings
11 toward her parents. It seemed like...I did not read the
12 report from the social worker in northern Virginia prior to
13 going to do my study. I saw nothing out of the ordinary.
14 We talked about them bed wetting. She advised me that her...
15 their allergy specialist...

16 MR. MELESCO: Now, that would be self-serving now,
17 wouldn't it, Mr. Shapiro?

18 Q. Pardon?

19 MR. MELESCO: That would be self-serving...

20 Q. I don't know what she's gonna say.

21 MR. MELESCO: She's saying what your client is going
22 to testify...

23 Q Well, she just corroborated what your witness said.
24 I don't know what...

25 A. There is bed wetting.

Ellen Holsclaw - Direct (Shapiro)

1 MR. MELESCO: But (2-3 words) know it, though.

2 A. Well, she advised me that her allergist had told
3 her it was due to the allergy problem. I advised her to get
4 a statement from him, which I assume that she has. There
5 were no other problems with the children's behavior. Of
6 course, bed wetting isn't always the problem to begin with.
7 It could be any number of things. You know...

8 Q. Mrs. Holsclaw, did she suggest her, her current,
9 the current rapport between her or lack of rapport between
10 she and her husband?

11 A. Yes, she did. She advised me that her husband had
12 only visited the children once and he came unannounced. He
13 just popped in, and she had to get them ready on spur of the
14 moment for Christmas, and they spent the week there. Ap-
15 parently there are very few civil phone calls. She did tell
16 me that he was a pilot and could fly down at any time to see
17 the children; however, he did not.

18 Q. Did she indicate to you that she had ever deprived
19 him of any...

20 A. No, sir, she didn't.

21 Q. Was she concerned about him not seeing them?

22 A. Yes, she was very concerned about him not seeing
23 the children. As a matter of fact, I did verify with the
24 children if their dad, they had seen their daddy at any other
25 time, and they said they saw him Christmas.

Ellen Holsclaw - Direct (Shapiro)
- Cross (Melesco)

1 Q. Christmas. Approximately how many people did you
2 talk to totally in making your report?

3 A. I think there were nine.

4 Q. Nine people. School...

5 A. I talked to two people...school.

6 Q. Employees, employers and...

7 A. And neighbors.

8 Q. Neighbors. And in that investigation, did you
9 find anything, anything which would lead you to believe that
10 she is not a fit and proper person to have custody of these
11 children?

12 A. No, sir, I saw nothing. As a matter of fact, I
13 was very shocked when I read the worker's report from...I
14 didn't read it until after I already submitted my report.

15 Q. Answer Mr. Melesco's...

16 CROSS-EXAMINATION

17 BY MR. MELESCO:

18 Q. She told you that her husband didn't even send,
19 send one of the children a birthday present, didn't she?

20 A. Yes, she did.

21 Q. Did she tell you that she had refused the mail from
22 her husband directed to the children?

23 A. No, sir, she did not.

24 Q. She did not? Did she tell you that she'd hung up
25 the telephone when her husband had called and talked to the

Ellen Holsclaw - Cross (Melesco)

1 children?

2 A. Yes, sir. She did tell me about one occasion
3 doing that.

4 Q. She admitted to you that when her husband was talk-
5 ing to the children on the phone, and she took the phone
6 away and hung up.

7 A. No. She admitted that she hung up on him on one
8 occasion.

9 Q. While he was talking to the children?

10 A. While he was talking to her, I assumed.

11 Q. And, Ellen, you did not talk to anybody that knew
12 both people, did you?

13 A. Well, how could they?

14 Q. Answer just yes or no.

15 A. On Mr. Rochelle, no, I did not.

16 Q. Okay. And she told you that it was totally unan-
17 nounced that his, Christmas vacation?

18 A. She told me that they'd discussed it and he never
19 called her back on it, and then he just showed up.

20 Q. Do you even know where she's living now?

21 A. Yes, sir.

22 Q. Where?

23 A. She, she moved July 1st to Roanoke, and she resides
24 at 2308 Longview Avenue in a duplex apartment.

25 Q. Do you know that she has not even notified the

Ellen Holsclaw - Cross (Melesco)

1 father of her children where they, where she's living?

2 A. No, sir, I did not.

3 Q. Did she tell you she wanted to get into a real
4 estate course?

5 A. The only thing we really talked about was she was
6 unhappy with her salary and her position at Snelling and
7 Snelling because she wasn't really making enough money to
8 make ends meet. And I take she mentioned going to school...

9 Q. Do you know that she'd tried that once before and
10 dropped out?

11 A. No, sir.

12 Q. She didn't tell you that either?

13 A. No, sir.

14 Q. And did she show you the electric bills for a
15 hundred and fifty dollars a month or just tell you that's
16 what it was?

17 A. No, sir. She...I didn't see an electric bill, but
18 it didn't seem out of reason as it's a total-electric home
19 and it's an open, it's (sounded like "rancher") type house.
20 I'm sure...I have no reason to doubt it.

21 Q. She didn't verify it to you with any canceled
22 checks or bill stubs.

23 A. I didn't ask her to. I didn't see any reason to
24 doubt it.

25 Q. Were you aware that Mr. Rochelle mailed a camera to

Ellen Holsclaw - Cross (Melesco)

1 his son for his birthday?

2 A. No, sir, I was not.

3 Q. Were you aware that...you weren't aware of that?

4 But she did tell you that nothing was given to her children?

5 A. No, she didn't say that.

6 Q. What did she say?

7 A. She said that, she said that one child didn't
8 receive a birthday present on his birthday or even a phone
9 call from his father.

10 Q. Which child was that?

11 A. I don't really remember. We talked about so much.
12 I didn't think an issue was gonna be made out of it.

13 Q. All right. Let me try to refresh your memory.
14 You know that one of the children has a birthday right before
15 Christmas?

16 A. And one has a birthday right after Christmas, but
17 I don't remember which.

18 Q. Are you aware that Mr. Rochelle gave the, on the
19 Christmas visitation, gave that son a birthday present?

20 A. Yes, I believe I was...

21 Q. So it must be the other child we're talking about
22 then.

23 A. I, one child didn't get a, didn't get a phone call
24 or birthday gift, and I don't know which.

25 Q. So if Mr. Rochelle were to testify and Mrs.

Ellen Holsclaw - Cross (Melesco)

1 Rochelle would admit that the, that child was mailed a
2 camera, then she must have given you some false information.

3 A. I have no way of knowing that, Mr. Melesco. I
4 don't know anything about any of the information you've
5 given me.

6 Q. And she made...

7 THE COURT: Mr. Melesco, you're testifying.

8 Q. It's cross-examination, your Honor.

9 THE COURT: I know, but (1-2 words) ask. You asked
10 if this lady knows something she remembers absolutely nothing
11 about.

12 Q. Well, she knows what this lady told her.

13 THE COURT: That's...she's testified...

14 Q. Okay. And you've sat in here through the whole
15 hearing?

16 A. Yes, sir.

17 Q. And all this information has come out about her
18 visits to the psychiatrists and her lovers and what have
19 you, you were not made aware of at all?

20 A. I saw no reason to...it seemed like a perfectly
21 stable home. The children seemed stable, and everyone I've
22 talked to, including the school people, said that they were
23 totally stable.

24 Q. You talked to Marie Flora?

25 A. Yes, I did.

Ellen Holsclaw - Cross (Melesco)

1 Q. Donnie's wife?

2 A. I don't know what her husband's name is.

3 Q. Mrs. Flora, the school teacher?

4 A. Yes.

5 Q. That she told you the child was well adjusted.

6 A. Yes, she did. She also told me that she wished
7 all the students in the class were like he was.

8 Q. But she told you that she'd had more than one
9 problem with the mother.

10 A. No, she didn't. She just said that at her first
11 meeting, it was not too good, but then after that, she
12 thought that Mrs. Rochelle was very interested in her chil-
13 dren.

14 Q. Did she describe the first meeting to you?

15 A. No. She just said that at first, you know, it
16 was...I, I gathered it was a little strained, but you know
17 how some first meetings are, whether it be teacher or what-
18 ever. I didn't go into detail about...

19 Q. You're not aware that Mrs. Rochelle caused a scene
20 at the Boones Mill Elementary School?

21 MR. SHAPIRO: Now, your Honor, I object...

22 Q. I'm asking it if she's aware of it, Mr. Shapiro.

23 A. No, sir. But when I talked to Mr. Gruver, he...

24 THE COURT: That's just...she said she didn't know
25 anything about it.

Ellen Holsclaw - Cross (Melesco)

1 A. I talked to Mr. Gruver. He made no mention of her
2 being any kind of problem or the children.

3 Q. What is she living in now? House, apartment?

4 A. She's living in a duplex apartment.

5 Q. How big is that?

6 A. I have not been to it yet. No, I have not been
7 there. She just moved. The house that she was renting is
8 being sold, and she had to find another...

9 Q. But her physical facilities now you can't tell us
10 anything about them.

11 A. No, sir, I cannot.

12 Q. And is she employed now?

13 A. At Snelling and Snelling still. I verified that
14 this morning if she was still employed.

15 Q. And how long...the two people that gave her good
16 references, were they with WPVR?

17 A. Yes, they were.

18 Q. And how long was she there?

19 A. Just a few months, and then apparently they had a
20 budget problem, and she had to find other, another job. Just
21 from what they knew of her, they said, you know, it was no
22 fault of hers that she lost her job. There was a budget
23 problem. They didn't have the funds to pay her.

24 Q. Do you know where she lived before she was in the
25 house?

Ellen Holsclaw - Cross (Melesco)

1 A. I assumed that she moved there in October of this
2 year...I mean of last year. Excuse me. Of '78. I assumed
3 that she'd been living...I understood that she was living
4 in that house from the time she moved to Rocky Mount. I was
5 not aware of any other living arrangement.

6 Q. And I think you learned that her, she's a high
7 school graduate?

8 A. Yes.

9 Q. And the job opportunities there are limited?

10 A. Yes, sir. Her income is very small.

11 Q. And I believe they described Carl Junior to you as
12 an average student.

13 A. I don't think they used the word "average." She
14 said that she wished all their students were like him. They
15 may have said average. She didn't say that he, you know,
16 he was anything other...I may have said average. I don't
17 remember.

18 Q. Do you realize that your report says--quote--"he
19 is an average student"?

20 A. Yeah. That's about what they said he was. You
21 know, they didn't say he was anything...

22 Q. They didn't, they didn't...there was no indication.

23 A. ...exceptional, but they didn't...he, she also told
24 me he was bored in class. The school saw no reason for test-
25 ing him.

Ellen Holsclaw - Cross (Melesco)
Carl Rochelle - Direct (Carlberg)

1 Q. The school did not test him.

2 A. No. They saw no reason. They said he was, you
3 know, just fine. I did ask.

4 Q. But the academic accomplishments that they
5 described of Carl, do they measure up with what you've
6 heard, with an IQ of a hundred and twenty-seven? Bright,
7 gifted children?

8 A. I know of lots of bright children that become very
9 bored in school.

10 Q. That's all.

11 MR. SHAPIRO: No questions.

12 THE WITNESS STOOD ASIDE.

13 CARL ARTHUR ROCHELLE

14 the Complainant in this proceeding, after having
15 previously been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MRS. CARLBERG:

18 Q. Would you please state your full name and address?

19 A. Carl Arthur Rochelle, 4301 North Thirty-Ninth
20 Street, Arlington.

21 Q. And you're the father of Carl and John?

22 A. Yes, I am.

23 Q. And, Mr. Rochelle, since Mrs. Rochelle brought the
24 children down here in October, can you tell me whether or
25 not you gave John a Christmas gift?

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1 A. Yes, I gave John a Christmas gift. I tried to
2 call him on his birthday but I got no answer. When he came
3 up for Christmas, I gave him his Christmas gift at Christmas.
4 It was a small gift, but he had a double, triple stack of
5 Christmas presents under the tree. The gift was more of a
6 token to say that "your birthday wasn't forgotten." I did
7 send him a birthday card. I don't know whether it ever got
8 down or not. I sent mail down that was returned.

9 Q. So you called him on his birthday and you sent a
10 card, and when he was, when he got to your house, you also
11 gave him a gift.

12 A. I did.

13 Q. With regard to Carl's birthday, when is that?

14 A. That's January 30th.

15 Q. And what did you do for his birthday?

16 A. I bought a camera. It's a Kodak, oh, Ektra II, a
17 little kit with flashbulbs and film, and the whole megillah,
18 about fifteen or seventeen dollars, and I put it in the mail,
19 and I sent him a birthday card. And I called that evening,
20 and I got...Connie answered the phone. I got on the phone
21 with Carl, and I said, "I've sent you a sur...happy birthday,
22 and I've sent you a surprise." He said, "What is it?" I
23 said, "Well, it's a surprise. You'll have to wait till it
24 gets there and find, and, to find out." I said, "But call
25 me or write me and let me know how you like it," and then I

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1 said, "Let me speak to John." And he put John on the phone,
2 and John talked for about thirty, forty-five seconds, and I
3 heard the phone just, his voice just sort of drifting as if
4 the phone was being taken away from him, and I said, "John,
5 John," and the phone went click.

6 Q. And you say his birthday is on, on the 30th of
7 January?

8 A. I'm sorry. That's, Carl, Carl's is the 30th of
9 January. Did I confuse that?

10 Q. I don't know.

11 A. Carl is the 30th of January, and John is the 23rd
12 of December.

13 Q. Okay. And I show you this exhibit which has the
14 C and P Telephone bill, and is, is that your bill that you
15 got for that telephone...

16 A. That is my, that is my bill, and that's the call.

17 Q. And what is the date on that?

18 A. The date...see if I can find...

19 MR. SHAPIRO: Judge, I've just been handed a ream of
20 stuff. I haven't had a chance to look at any of this. Could
21 we somehow refer to it so we can...

22 Q. All right. I didn't...

23 A. The date is 1...the date is 1-30.

24 Q. This one right here, Mr. Shapiro. And, Judge,
25 ...copy it...(distortion)...in the Clerk's Office?

Carl Rochelle - Direct (Carlberg)

(Sound Distorted)

1 A. 73...telephone calls...that's not the first time
2 that that happened.

3 Q. Now, did you try and contact your children on
4 other occasions...

5 A. On other occasions...I called them on Thanksgiving
6 Day and essentially the same thing happened. I talked to
7 Carl...minutes...after I talked to John...I talked to John
8 for a couple of minutes...I told...Carl, "I want to talk to
9 you again. Just let me speak to John for a minute." The
10 same thing happened...voice went away from the phone...click,
11 I got a dial tone.

12 Q. I'd like to introduce...telephone state...the date
13 ...be the child's birthday.

14 THE COURT: All right.

15 MR. SHAPIRO: Objection.

16 Q. Now, Mr. Rochelle, at Christmas time, can you tell
17 us what the children did with regard to taking pictures?

18 A. Oh, I had...before she took the children and came
19 down here, I had been working with Carl shooting film with
20 a camera. I had a couple of box cameras. And John liked to
21 play along also. So I got John a box camera. It's...of
22 the ones I had when I was a child. And I let them both
23 shoot pictures. Well, Carl was becoming quite good for a
24 six and a half, almost seven year old child. He shot fairly
25 good pictures. And John's pictures were not good, but that

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1 didn't matter. He got images on the film. So I had them
2 shoot a roll of film. They were only with me a week. I
3 didn't have time enough to get them processed before they
4 went back. So I had them processed, and I put them in an
5 envelope, and I mailed them down to the children. And I
6 never heard back one way or the other, whether they got them
7 or not. And about, I guess, a month or so later I got the
8 envelopes back in the mail, that they had been refused.

9 Q. I show you this document. Is that a photocopy of
10 the two envelopes that you sent to your children?

11 A. That is, that is a photocopy of the two envelopes.
12 They were returned unopened.

13 Q. And can you tell me, Mr. Shapiro...can you tell me
14 what the indication is on there with regard to the notifica-
15 tion and whether or not they were claimed?

16 A. It says, "Unclaimed."

17 Q. And what else does it also say?

18 A. It says, "Notified 1-12-73," and "Unclaimed, un-
19 claimed." I don't think it says...

20 Q. I'd like to introduce that as defendant's number
21 two, your Honor. Now, those were the two en...now, tell us
22 again what those two envelopes contained.

23 A. They contained simply half a dozen black and white,
24 still photos that the kids had shot. I think there're ten
25 exposures on a roll. And a little note saying, "I love you

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1 and miss you." That's all.

2 Q. Now, Mr. Rochelle, I show you a document entitled
3 "Resume." Is that, does that accurately reflect what you do?

4 A. Yes. It's a, it's a fairly accurate characteriza-
5 tion of my work record. It's expanded in the later years,
6 and, of course, it's reduced in the earlier years, but this
7 is essentially...

8 Q. In there, can you tell us whether or not you've
9 indicated what you do with regard to writing and flying an
10 airplane?

11 A. Yes. I'm a free-lance aviation writer. I'm a
12 member of the Aviation and Space Writer's Association, and I
13 write on request for "Plane and Pilot" magazine, and I've
14 tried to sell a few other places and haven't been successful
15 yet, but "Plane and Pilot" does buy my work. And it goes
16 along with my occupation as a writer.

17 Q. Now, I'd like to, I'd like to introduce that as
18 exhibit three, your Honor.

19 THE COURT: All right.

20 Q. I direct your attention to a document. It has a
21 date and then it says, "Flight from," and "Flight to." Would
22 you please tell me what that is.

23 A. These are Xerox pages out of my log book, and they
24 contain...I didn't take any flight instruction after we came
25 back from Minneapolis until after we were separated. These

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1 are the flights that I took during the year...you can see
2 that they're dated by 74, 1974, and the next page will show
3 you 1975 and 1976. And if you're a pilot, a log book is sort
4 of a diary, an official diary of everything you do, and you
5 should log every hour you fly, for...not only is it required
6 by the FAA, but it also is good practice because you, it
7 costs money to fly. But I do the flying sort of to get
8 input for the material that I write. And if you'll note, I
9 only in those years in question flew something in the neigh-
10 borhood of ten hours a year, at an average rate of approxi-
11 mately sixteen to eighteen dollars an hour, which cost me
12 less than two hundred dollars a year. Well, the material
13 that I sold in those years brought more, anywhere from a
14 hundred and fifty to two hundred dollars an article, plus it
15 qualified me for a tax deduction that more than met the cost
16 of the flying. So the flying in those years instead of
17 harming the family, actually provided a tax benefit.

18 Q. I'd like to introduce those as exhibit number four,
19 your Honor.

20 THE COURT: All right.

21 MR. SHAPIRO: What's this? She's introducing the log
22 book?

23 Q. Yes.

24 A. There're also examples of letters from "Plane and
25 Pilot" magazine on the back requesting me to write articles

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1 for them. There're copies of checks, payment that I have
2 received, not all of them but some of them. I...in having
3 moved a bit I've lost a few things, but I think most of it
4 is there.

5 Q. Mr. Rochelle...

6 MR. SHAPIRO: Your Honor, all...this is clearly hearsay
7 but I'm not gonna object to it because I think everything
8 ought to come in that's...

9 Q. I beg your pardon. What's hearsay?

10 MR. MELESCO: Carl.

11 Q. Did you write those in your own handwriting, Mr.
12 Rochelle?

13 A. Yes, ma'am, I did.

14 MR. SHAPIRO: Write what?

15 Q. The log.

16 MR. SHAPIRO: The letter from D. N. Warner, Editor?

17 Q. I'm sorry, Mr. Shapiro. I didn't hear your ob-
18 jection.

19 MR. SHAPIRO: Yeah.

20 Q. Mr. Rochelle, I show you some photographs. Would
21 you please tell me what those are and who took them and when
22 they were taken.

23 A. Those are pictures of my home in Arlington. They
24 were taken last week by myself.

25 Q. I'd like to introduce those, your Honor, as exhibit

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1 number five in six parts.

2 MR. SHAPIRO: No objection.

3 Q. Mr. Rochelle, would you please give us briefly
4 the circumstances surrounding your separation in '76 and '77.
5 Where...did you live on Greenbrier Street?

6 A. We were living at 1650 North Greenbrier.

7 Q. Right. And who left the home?

8 A. Connie, Connie and I had a big argument. This
9 you recall from the last session, sir. We had had an argu-
10 ment and we went home that afternoon, and she left. And she
11 came back about 5:00 o'clock in the morning, plowed to the
12 gills, too...she had been drinking...crawled in bed, got out
13 and went to work about 9:00 o'clock. The next thing I saw
14 or heard was about three days later when the Sheriff deliv-
15 ered a, a divorce paper at my front door. And I...

16 Q. Did you reach an agreement with regard to custody
17 of the children at that time?

18 A. Actually...you negotiated the agreement with
19 custody of the children at a later date.

20 Q. All right. Who was her attorney at that time?

21 A. John Keats...was it Keats? John Keats?

22 Q. And who was to have custody of the children under
23 that agreement?

24 A. She was to have custody of the children.

25 Q. All right. How long did she have custody of the

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1 children under that agreement?

2 A. The agreement was open, but she actually...I moved
3 out. The agreement specified that I would move out of the
4 house, give the house...

5 Q. When did you move out?

6 A. I have to pull some records to give you exact
7 dates.

8 Q. No, just be...December or January?

9 A. But it's approximately, it was before Christmas.
10 It was...

11 Q. All right. So...

12 A. November or, right around November or December,
13 right in that area. It was cold. I did not spend Christmas
14 at home. I was in an apartment in Arlington.

15 Q. Did there come a time when you moved back into the
16 house?

17 A. I did.

18 Q. When?

19 A. It was after Christmas. It was in January.

20 Q. And at the time that you moved out of the house...

21 I mean at the time you returned, did Mrs. Rochelle leave?

22 A. Yes.

23 Q. That was January of '77?

24 A. Yes.

25 Q. And who remained in the house?

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1 A. Me and the two children. My mother came up to help
2 for a while.

3 Q. Okay. How long a period of time did you and the
4 two children live together in the house without Mrs.
5 Rochelle?

6 A. We lived in that house until...I had to move in
7 the summer because the person who owned it was a military
8 person, was transferred back into Washington, and he exer-
9 cised his option on the lease and I had to move to another
10 house. I found one at 40...4409 North Thirty-Sixth Street
11 and moved there, me and the children.

12 Q. All right. Mr. Rochelle, let me just ask you.
13 Now, during that period of time from January of '77 until
14 December of '77, how many times did Mrs. Rochelle take the
15 children from your house for an overnight at her apartment?

16 A. One Saturday night.

17 Q. Now, during that time that you had the children
18 from January until December of '77, who, who took care of
19 the children?

20 A. I did.

21 Q. Who took care of the children when you were at
22 work?

23 A. Frances Edwards kept the children in the afternoon.
24 I had an arrangement with Connie whereby if I had to work,
25 what we call a, late feed--what Dick Sanders described as a

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1 late...

2 Q. Late feed?

3 A. Late feed.

4 Q. Okay.

5 A. If I had to work late, that Connie would pick up
6 the children from the babysitter's and take them home and
7 sit with them till I got there.

8 Q. All right now, what was your schedule on the days
9 when you went in to work at 2:00 o'clock, with the children?

10 A. It's a normal 2:00 to 10:00 schedule. I dropped
11 the children off with Frances about 1:30...

12 Q. All right. First of all, who...you were there in
13 the morning until 2:00 in the afternoon?

14 A. I was there...well, about 1:30. I was due in the
15 office at 2:00 o'clock.

16 Q. All right. So you fed the children breakfast?

17 A. I fed them breakfast.

18 Q. Who took them to school?

19 A. I took them to school.

20 Q. Then who picked up...who took care of John?

21 A. I...well, until John could go to school, I took
22 care of him in the mornings, and when she first left, he was
23 too young to go to Montessori.

24 Q. How old was he?

25 A. You have to be two and a half, and he was only two,

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1 so he couldn't go to Montessori.

2 Q. Was he in diapers?

3 A. Yes, he was in diapers.

4 Q. And who potty trained him?

5 A. My mother potty trained him in late August of that
6 year, of '77, so that he would be ready to go to school.

7 Q. Okay.

8 A. Connie wanted to train him on the weekend, but I,
9 you know, she got angry because I had brought, taken him
10 down to my mother to be trained, and...

11 Q. All right. Now, with regard to your work schedule,
12 how many nights per month do you work past 6:00 o'clock,
13 approximately?

14 A. Well, on a year-round basis I would say probably
15 about one, one night a week on a year-round basis, and often
16 there are long periods. I have had, I've had to work late
17 in the evening two nights since the NBA play-offs ended.

18 Q. So since the...

19 A. I did do several during the NBA play-offs. I
20 wanted to. The children weren't with me. I could...I don't
21 have to do a lot of these things. Some of them I can pass
22 to someone else to do, but...

23 Q. Now, generally what is your schedule on Saturday?

24 A. I am in around 10:00 o'clock in the morning, 10:00
25 or 11:00 o'clock in the morning, and I'm usually out by 7:00.

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1 Sometimes it, it rarely runs any later than 7:00. Sometimes
2 I'm out earlier.

3 Q. All right now, what is your schedule on Sunday?

4 A. Again, it varies from month to month. All of last
5 month I was off at 1:30, and I was in at between 9:00 and
6 10:00 in the morning. I was out at 1:30. I know it sounds
7 like unusual hours, but material is gathered to meet a
8 certain, specific feed time, and not even Washington, D. C.,
9 moves before about 8:00 or 9:00 o'clock in the morning...
10 gosh, not even Washington? I guess especially Washington.
11 They just don't do anything early in the morning, and when
12 they start to move, I go to work.

13 Q. I show you copies of, of checks, Mr. Rochelle, and
14 the first one at the top is number 213 and the date is 2-3-77
15 in the amount of three hundred dollars to Connie Rochelle.
16 Would you please tell me what these are.

17 A. These are for the most part paid for child care.
18 They're either child care or they are loans to her. Money
19 that she said she needed. I, I loaned her money, and I paid
20 her money for staying with the children.

21 Q. All right now, why was it necessary for you to pay
22 Mrs. Rochelle to stay with the children?

23 A. Well, I needed someone to stay with them, to be
24 available to stay with them in the evenings, and she said
25 she needed the money. That she was broke and she needed some

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1 financial help, and I figured that I, it would kill two
2 birds with one stone. It would, it would give her a little
3 money to help her along and it would cause her to come see
4 the children because she didn't see them on, a lot of times
5 on a regular basis.

6 Q. Did she ever request to have the children on a
7 weekend during the year of 1977 without receiving payment
8 from you?

9 MR. SHAPIRO: Now, your Honor, I'm going to object to
10 that. That question is, is totally leading.

11 Q. Okay. Let me ask you, can you tell me whether or
12 not there was any...strike that. Give me the times that Mrs.
13 Rochelle took the children for the weekends during the year
14 of 1977.

15 A. She kept the children during the daytime while I
16 was working. When I got off work, she either met me at the
17 back door of the office. Sometimes she would bring them down
18 before I was finished with work. If she had kept them at my
19 home during the day, then when I got home she would leave as
20 soon as I got there. She did not keep, she kept the chil-
21 dren overnight in her apartment in Georgetown in Washington,
22 D. C., one Saturday night during that year, and she swore
23 she'd never keep them overnight again.

24 Q. I'd like to introduce these checks, your Honor,
25 as number, as defendant's number six.

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1 THE COURT: All right. Objection?

2 MR. SHAPIRO: I don't know what the relevancy is, but
3 I have no objection to...

4 Q. Now, Mr. Rochelle, during the time of your marriage
5 did you and Mrs. Rochelle have any problems with regard to
6 her abuse of your credit cards?

7 A. Yes, a considerable problem.

8 Q. Would you please tell the Court what that was.

9 A. She would go on spending biges, binges with the
10 credit cards and would charge just phenomenal amounts...

11 MR. SHAPIRO: Now, your Honor, I object to his charac-
12 terization of...

13 THE COURT: Just testify as to what...

14 A. All right.

15 THE COURT: You'll have an exhibit.

16 A. Oh, okay, fine. She, she used the charge cards...
17 I'm sorry. I'm glamoriz...embellishing a bit, I suppose.
18 She used the charge cards to excess. I tried to get her not
19 to use the charge cards to excess because...

20 MR. SHAPIRO: I object to "excess."

21 THE COURT: He doesn't like the word "excess," Mr....

22 A. Well, she...

23 MR. SHAPIRO: That's for the Court to decide...

24 A. All right. Excuse me. I will rephrase.

25 THE COURT: I agree with you, with you, sir.

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1 A. Okay. Suppose I say that there're--without saying
2 they were used to excess, suppose that I say that my total
3 payments on charge cards when the bills came due most every
4 month, almost exceeded my total net income.

5 Q. All right now, Mr. Rochelle, I show you this docu-
6 ment, and it says, "Credit card charges, Rochelle family,
7 January 1976 through October of '76." Now, where did you
8 get the figure for total amount charged for the husband?

9 A. I extracted it from the, from the charge card
10 receipts that...right here.

11 Q. All right now, are these, are these documents
12 underneath this, do they represent the figures that are on
13 the top page here?

14 A. Yes, they represent the figures that are on the
15 top page.

16 Q. Did you calculate these amounts yourself?

17 A. Yes, I did.

18 Q. And where did you get these figures?

19 A. I extracted them directly from the, by going
20 through and taking examples of women's hosiery and cosmetics
21 and toiletries and fine jewelry and gold-filled jewelry and
22 Elizabeth Arden cosmetics, better (1-2 words)...I know what
23 I bought. I did not buy a great deal of anything during
24 that period.

25 Q. All right now, how much did Mrs. Rochelle charge

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1 on articles for herself during that period of time?

2 A. By my calculation, a little better than six
3 thousand dollars.

4 Q. And how much, how much was attributed to charges
5 for the children?

6 A. Approximately a little under two hundred.

7 Q. And how much was approximately...I mean how much
8 was charged for yourself?

9 A. A little over a hundred and seventy, close to a
10 hundred and eighty dollars.

11 Q. I'd like that introduced as defendant's exhibit
12 number seven, your Honor.

13 MR. SHAPIRO: Your Honor, I haven't had the opportunity
14 to go through any of this. This was just handed to me, but...

15 THE COURT: Well, we'll introduce it for the purpose
16 of identification unless you have a later objection.

17 MR. SHAPIRO: Thank you.

18 Q. Mr. Rochelle, I show you these two documents, and
19 at the time...would you please tell me what they are. Mr.
20 Shapiro, these are the, they are very faint graphs, and I
21 apologize. Would you please tell me what these two docu-
22 ments are.

23 A. They are hand sketches of, line sketches of the
24 two...of Connie's apartment that she was living in in Wash-
25 ington, and of my house. And I tried to dash in the lower

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1 levels, but I'm afraid I'm...architecture is not one of the
2 things that I do well.

3 MR. SHAPIRO: I don't find that. Do I have that?

4 A. It should be on the very top.

5 Q. Well, I'm...

6 A. I have a copy if he wants...

7 (Copy given to Mr. Shapiro.)

8 Q. And, Mr. Rochelle...

9 MR. SHAPIRO: May I have it?

10 A. Sure. You may have it.

11 Q. Was this with regard to Mrs. Rochelle's apartment,
12 was this the apartment she was living in just before she
13 took the children?

14 A. Yes, it was.

15 Q. I would like to introduce those, your Honor, as
16 exhibit eight in two parts.

17 THE COURT: All right. That's the apartment Mrs.
18 Rochelle was living in?

19 Q. Yes, at, in October of 1978.

20 THE COURT: Prior to the time she came to Franklin
21 County?

22 Q. Yes. Now, Mr. Rochelle, let me just ask you, did
23 Mrs. Rochelle...can you tell me what about Mrs. Rochelle's
24 financial problems beginning--I don't want to go ad infinitum
25 but starting just previous to your marriage, and briefly,

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1 what were the problems?

2 MR. SHAPIRO: Your Honor, I object.

3 THE COURT: What problems, if any, did you have, Mr.,
4 did your wife have, Mr. Rochelle, prior to the time that you
5 were married?

6 A. There were some that became evident, after we went
7 to Minneapolis when suddenly letters began arriving in the
8 mail with past-due charges for doctors' bills and, I think
9 they were mostly for doctors' bills. And then suddenly there
10 was, the letters starting arriving...telephone calls started
11 coming from Household Finance, I think it was, or one of
12 those finance companies, dunning her for credit, a loan that
13 she had made and hadn't paid back.

14 Q. What were the problems during your marriage?

15 A. Financial mostly.

16 Q. Did you ever...strike that. Were there any times
17 when she was not permitted to use your credit cards?

18 A. No. She always had access to my credit cards.

19 Q. And can you tell me whether or not you paid all of
20 the debts that she accumulated that we've just given to the
21 Judge?

22 A. I have, I paid every debt that was owed jointly
23 by us. She took one debt herself when we separated the first
24 time. It was a debt to Sak's Fifth Avenue, and to the best
25 of my knowledge, that is still not paid. They...

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1 Q. I show you these documents of which there are one,
2 two, three...okay. The three documents, the first three
3 documents. Would you please identify those? And the first
4 one says, "Money order purchased by me with money to cover
5 a bad check."

6 A. She had written a bad check to Aetna Casualty...

7 MR. SHAPIRO: Where...wait a minute.

8 A. That's right in front of you, sir.

9 MR. SHAPIRO: Right in front of me.

10 Q. Right on top...under miscellaneous.

11 A. That, she had written a bad check to Aetna Casualty
12 for her car insurance, and they called and said that if she
13 didn't make it good that they would cancel her car insurance.

14 MR. SHAPIRO: Well, I object to that, your Honor.

15 Q. Did you pay that check?

16 MR. SHAPIRO: Hearsay.

17 A. I got the, I got the money order for her.

18 Q. Oh, I'm sorry.

19 THE COURT: What's hearsay, Mr. Shapiro?

20 MR. SHAPIRO: I'm sorry.

21 THE COURT: What is hearsay?

22 MR. SHAPIRO: The characterization that he heard from
23 the company to him as the explanation.

24 THE COURT: No, he can...he can testify as to the
25 reason he wrote the check. "I wrote the check to pay off my

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1 wife's...whatever."

2 MR. SHAPIRO: He can testify that he wrote a check to
3 pay off...

4 THE COURT: Right. But he can't testify what they told
5 him.

6 MR. SHAPIRO: Yes, sir.

7 THE COURT: It may or may not have been true.

8 Q. Okay. Mr. Rochelle, with regard to number two
9 there, it says, "Copy of debit memo." What is that?

10 A. She called me from the bank.

11 Q. Who is "she?"

12 A. Connie called me from the bank frantic that she
13 had three or four checks that were going to bounce if she
14 didn't have some, if she didn't get some money in her
15 account. And I was home and...

16 MR. SHAPIRO: When is this?

17 A. It's dated. I...

18 Q. Can you read the date?

19 A. It looks like May 22nd, '77, stamped on it. Yes,
20 I think that's the date.

21 Q. Now, was this the period of time when you and Mrs.
22 Rochelle were separated, wasn't it?

23 A. We were separated. I could...

24 Q. Did you cover that amount?

25 A. Yes. Well, that's a copy of the debit.

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1 Q. All right.

2 A. That I, I debited her...I called the bank and
3 asked them. I couldn't go downtown. I had the children.
4 I called the bank and said, "Would you debit my account
5 fifty dollars and put, credit it to her account so the
6 checks don't bounce."

7 Q. Was she working at that time?

8 A. Yes. I think she was still working for Rader
9 Advertising.

10 Q. And you were paying her to babysit at that time
11 too?

12 A. Yes.

13 MR. SHAPIRO: Now, Judge, I don't know how many times
14 I've got to object. Counsel is continuously and repeatedly
15 leading the witness.

16 Q. I agree, Mr. Shapiro, and I apologize and I
17 apologize to the Court...

18 THE COURT: Mr. Shapiro, she is, but, you know, but
19 unless it's hurting you, don't holler. Okay?

20 MR. SHAPIRO: Okay, sir.

21 Q. Would you explain number three?

22 A. Number three is a receipt for a bad check I picked
23 up from Giant Supermarket in McLean, Virginia.

24 Q. And what is the date?

25 A. The date is 3-13-78.

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1 Q. I would like to introduce those, your Honor, as
2 plaintiff's exhibit number...eight?

3 THE CLERK: Nine.

4 Q. Okay. In three parts. Now, Mr. Rochelle, in that
5 packet, there was a check and it's number 981. Would you
6 please explain what that very first check is there at the
7 top of that page?

8 A. That is the money that she paid for a real estate
9 course at National Institute of Real Estate.

10 Q. Now, did she ever complete...

11 MR. SHAPIRO: Where are we now? I'm sorry.

12 Q. There were other sheets to that.

13 MR. SHAPIRO: To what?

14 Q. To the package you just...page four.

15 MR. SHAPIRO: Oh, these are the checks. Thank you.

16 Q. To your knowledge did she ever complete the course?

17 A. She completed the course but did not follow
18 through. By that I mean she, she did not at that time, nor
19 at any time to my knowledge, take the examination for the
20 license.

21 Q. And, Mr. Rochelle, did you...have you recently
22 learned about another real estate course?

23 A. Well, I, I saw in, I think it was the report from
24 Arlington County that she was planning on taking the real
25 estate course, taking another real estate course or going to

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1 be licensed in real estate.

2 MR. SHAPIRO: Where did you hear that from?

3 Q. In the report.

4 A. It's in the report.

5 Q. I'd like to introduce that as, this top...that
6 check only.

7 THE COURT: I...needn't bother with that. I think
8 everybody is taking real estate courses this day and time...

9 Q. Mr. Rochelle, who made the arrangements for the
10 child care the first time you and Mrs. Rochelle were sepa-
11 rated and the second time that you and Mrs. Rochelle were
12 separated?

13 A. Do you mean after I moved back in?

14 Q. During '77 and '78.

15 A. In '77 she was making some sort of arrangement for
16 the month that she had the child. She had a person coming
17 by the house, and the person stopped coming by the house.
18 And then she called me and asked me if I would keep the chil-
19 dren...this was during the period before I moved back in.
20 And I kept them...

21 Q. All right. After you moved back in, who made the
22 arrangements?

23 A. I did.

24 Q. Who took the children to the pediatrician?

25 A. I did.

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1 Q. During the time that you were married and up until
2 the time that Mrs. Rochelle took the children in October of
3 '78, who took the children to the pediatrician?

4 A. Well, during the time we were married, we both did.
5 Particularly in the time when she was working, I took the
6 children because my schedule accommodates things like that
7 much better, but she did take the children to the pediatri-
8 cian some, yes.

9 Q. After you separated, who took the children?

10 A. After we separated, I took the children practically
11 every time.

12 Q. With regard to the child care when you had the
13 children, who made the arrangements?

14 A. I did.

15 Q. With regard to the children's school when you were
16 married, who made the arrangements...when you were living
17 together?

18 A. She and I together made the initial arrangements.

19 Q. When you were...

20 A. It was, it was her idea to have...I, we'll give
21 credit where credit's due. It was her idea for Carl to go
22 to Montessori initially, and I investigated it along with
23 her, and we decided it would be very nice for him to go to
24 school. And we initiated it together. We were doing things
25 together then, and, and he went to school, and it's something

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1 that I followed up on and kept up on the whole time. And
2 after she left, I, they were arrangements that I continued.
3 I contracted with the school for his schooling, and I paid
4 them and took care of it.

5 Q. All right. For the school year 1978-79, had you
6 enrolled the children in school when she took them?

7 A. They were in, they were enrolled and had been
8 attending class for, I guess, about a month, month and a
9 half.

10 Q. And how much tuition had you paid for their school?

11 A. Well, I had paid a half year as was required by
12 each school. And Carl's school was approximately thirteen
13 hundred dollars, thirteen, give or take a, a couple of dol-
14 lars. And John's was four hundred and fifty for six months.

15 Q. And when Mrs. Rochelle took the children, did the
16 schools make a refund of that tuition?

17 A. No. They, it's, you paid it whether the children
18 go or not. It's no way to refund it.

19 Q. When Mrs. Rochelle took the children in October,
20 what arrangements did she make with you to take the children?
21 What happened?

22 A. Well, I was supposed to pick up the children on
23 Sunday. Well, Carl got an invitation to a birthday party,
24 and I tried to call her on, on Thursday...no, I tried to call
25 her on Friday, and then I called several times and got no

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1 answer, and I called Friday evening and got no answer. I
2 called several times on Saturday and got no answer at her
3 house, or apartment. I didn't think too much about it. You
4 know, she could have been out somewhere. On Sunday when I
5 finished work, I called her to tell her I was coming by to
6 pick up the children, and I got no answer at the house. And
7 I drove down to where she lived on MacArthur Boulevard, and
8 the back porch light was on, and there were no cars parked
9 there. And I rang the doorbell and no one answered, so I
10 thought, "Okay. Maybe she had"...she had gone down to see her
11 parents the previous weekend for the first time since Christ-
12 mas. And I thought maybe she'd gone down to see them again
13 and was just late getting back, so I didn't worry too much
14 about it. I was a little uneasy that she didn't at least
15 say she was going out of town, but, okay. I was supposed to
16 pick them up from school on Monday, and I figured she'd just
17 take them to school Monday morning. So Monday at noon I went
18 to, to John's school, and I pulled up in the line of cars and
19 when I got up to where they were putting the kids in, Judy
20 Balkezar, the school director, said, "John's not here."

21 Q. Had the school been notified that he would not be
22 there that day by the mother?

23 A. They had not.

24 Q. Neither one had been notified?

25 A. Well, Judy said she thought maybe he was sick.

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1 MR. SHAPIRO: Your Honor, I...it's hard for me to know
2 what hurts and what doesn't, so I'll object.

3 THE COURT: All right. That's all hearsay, ma'am,
4 whether the school had or had not been notified.

5 Q. Did Mrs. Rochelle after that contact you and tell
6 you where the children were?

7 A. No.

8 Q. How long a period of time was it before you learned
9 where they were?

10 A. Well, I contacted you Monday afternoon, I think,
11 after I...after I went to Montessori, I went to Georgetown
12 Day to see if Carl was in school because Judy said that...
13 not trying...

14 Q. You can't testify as to what somebody else said.

15 A. Okay.

16 Q. You learned that the children were not...

17 A. I learned that, they didn't know whether he was
18 out because he was ill or whether, or for some other reason.
19 So when I learned that they didn't know whether he was ill
20 or not, I went to see if Carl was in school. I went to
21 Georgetown Day, and I asked, "Is Carl here?" And I was told,
22 I learned that Carl had not only, was not only there on
23 Monday but had not been there on Friday. And they told me
24 that...I learned that there was no reason given for his
25 absence on Friday. So I called you and I said, "I think I

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1 have a problem, and I think we need to talk about it," and
2 we went...

3 Q. Did Mrs. Rochelle ever let you know where the two
4 children were?

5 MR. SHAPIRO: You asked that once.

6 A. All right. I will answer it. No, she has yet to
7 tell me where the children were in formal terms.

8 Q. Mr. Rochelle, how many times have you seen the
9 children since she took them in October?

10 A. I have seen them once at Christmas for a week.

11 Q. Now, tell us why it has not been possible for you
12 to see the children more often?

13 A. Well, I work on Mondays and Tuesdays the days the
14 children are in school. My days off the children are in
15 school. It is a approximately six-hour drive each way down
16 and back. I realize that I am a pilot and that I do fly,
17 but it's also, it costs. It's very expensive to fly down,
18 and it's about a hundred and fifty dollars a round trip. And
19 that is only one way. And if I take, flew down and took the
20 children back to D. C. to spend the two days with me, we're
21 dealing with about, in the neighborhood of three hundred dol-
22 lars, for the round trip. That's if I fly the airplane
23 myself. It's, it's expensive, and that is...but the expense
24 isn't the reason that I didn't come down. The reason that I
25 didn't come down, if I came down on Monday, I would get down

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1 here, I would see them when they got out of school. John
2 was in a day care center till 5:00 o'clock. Carl was in
3 school until 3:00. I could spend two hours with them.
4 Where could I take them? What could I do with them? It's,
5 I would like to have my children with me so I can, can deal
6 with them and relate to them, not to go to her house and sit
7 and stare at a wall where I can't, I can't, you know...there
8 was just nothing there. What am I going to do, take them to
9 a motel room?

10 Q. Can you tell me what happened in June of 1978 with
11 regard to your separation? Did you or did you not try to
12 get Mrs. Rochelle to stay?

13 A. I did try to get her to stay, even to the extent
14 of agreeing to move to Washington, D. C., with her, because
15 she said that she wouldn't stay unless I did move to D. C.
16 with her. And so I said, "Okay. I don't want to, but I
17 will." And I started looking for houses and apartments in
18 D. C., and about four days later, she said, "No, no. I've
19 changed my mind. I'm not gonna stay with you under any
20 circum-, even, even under that circumstance."

21 Q. Did you ever, up to that...(portion not recorded).

22 A. Well, particularly in the later stages, it was
23 almost more than you could take. I don't see how a child
24 can stand it and grow up...(portion not recorded).

25 A. ...I guess it was about three weeks before she took

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1 the children, after she had announced her engagement to
2 Silverman, and he had moved in. And when that happened, I
3 just decided I...

4 MR. SHAPIRO: I object to that, your Honor.

5 Q. Object to what?

6 THE COURT: What part of it, Mr. Shapiro?

7 MR. SHAPIRO: I object to his making that statement
8 unless he, there is some foundation laid for the basis upon
9 which he found that out.

10 Q. Did she tell you that she was going to marry Mr.
11 Silverman?

12 MR. SHAPIRO: And that's leading, and I object to it.

13 A. Yes.

14 THE COURT: How did you find out, Mr. Rochelle, about
15 the alleged...getting...

16 A. She told me.

17 Q. What did she say?

18 A. She said that she had met this wonderful man, he
19 was fifty-one or fifty-two years old but she really loved
20 him, and they had decided they were going to get married,
21 they were going to get married on her birthday the next year
22 in July, and they were gonna get married out in a big, open
23 field, they had planned a big wedding, and, and that she was
24 going to file for divorce under D. C. law which would permit
25 her to get a divorce within six months so she would, the

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1 divorce would be free by December. She said that Silverman
2 was moving in with her and would I not, please not tell the
3 children because the children were down at my mother's at
4 that time. That was in the spring. And would I please not
5 tell the children until they came back so she could tell the
6 children herself. She didn't want me to tell them.

7 Q. Did you ever go to her apartment and...strike
8 that. Did you ever visit her apartment in D. C.?

9 A. Yes.

10 Q. And can you tell me whether or not you ever saw
11 any men's articles there?

12 A. Yes. I saw, I saw clothes and shoes that she
13 represented to be Mr. Silverman's. I saw other articles
14 that I knew did not belong to her. There was a, a, extremely
15 large aquarium, a color television, a bed in the back bed-
16 room, a stereo system, shoes. I mentioned shoes.

17 Q. To your knowledge did she ever have Mr. Silverman
18 there when the children were there?

19 A. On four or five occasions I had gone to pick up
20 the children, and she would say, "Well, you know, Les is
21 here and I want you to meet him but he's in the shower now,"
22 and, or, "He's, you know, he's tied up," or, "He had a hard
23 day," or something like that, and this (1-2 words)...time.
24 I never did meet Mr. Silverman. She did tell me he was in
25 the house, and the children told me that he was in the house.

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1 Q. Can you describe the bedroom that she stayed in
2 with regard to the place where the children stayed when she
3 and Mr. Silverman were there together?

4 MR. SHAPIRO: Can I...is this the MacArthur Avenue
5 apartment?

6 Q. Yes.

7 A. Yes, that's the MacArthur Avenue apartment. It
8 opened, her bedroom opened into the kitchen and directly
9 into the bedroom, and, the children's bedroom, and the chil-
10 dren's bedroom opened into the only bathroom, so anyone who
11 had to get up in the night to go to the bathroom had to go
12 through the children's bedroom...to get to the bathroom.

13 Q. Were there any doors that could be closed?

14 A. Well, there was not a door between the living
15 room and the bedroom. I'm not sure. There was a door...

16 Q. But there was no door between the living room and
17 whose bedroom?

18 A. And the main bedroom...Connie's bedroom.

19 Q. Was that where Mrs....all right.

20 A. Yes. I'm not...there was a door frame, but I don't
21 think there was a door hung in the kitchen. I cannot be
22 positive about that.

23 Q. How about the bedroom door...

24 A. I'm not positive whether there was a door hung on
25 it or not. I couldn't swear to it.

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1 Q. Were there any doors at all on the bedroom that
2 she had with Mr. Silverman?

3 MR. SHAPIRO: I'm sorry. I didn't hear that. Could
4 you repeat that?

5 Q. Were there any doors on the bedroom that she had
6 with Mrs., Mr. Silverman?

7 MR. SHAPIRO: Well, it, it assumes...

8 THE COURT: That's right.

9 MR. SHAPIRO: It's not in evidence. It's leading.

10 Q. Were there any doors on her bedroom?

11 A. I'm not positive. I do not think there was a door
12 between her bedroom and the kitchen. I know there were the
13 sliding...

14 THE COURT: Mr. Rochelle, this is really immaterial,
15 but was the apartment changed? I've never heard of an apart-
16 ment that doesn't have a door...

17 A. It was, it was...

18 THE COURT: ...a bedroom, a bedroom...

19 A. It was a straight place like this (indicating),
20 and it had pull things, the...

21 MR. SHAPIRO: Sliding doors.

22 A. ...sliding, fabric things that you pull and push
23 together in the center. I assume they could be put together.
24 I never saw them pulled together.

25 THE COURT: But they were there?

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1 A. They were there.

2 Q. Mr. Rochelle, were you aware that Mrs. Rochelle
3 had moved to Roanoke?

4 MR. SHAPIRO: And I've been through that. I...haven't
5 we been through...

6 THE COURT: No. This is coming from Franklin County
7 to Roanoke now, Mr. Shapiro.

8 MR. SHAPIRO: Oh, I'm sorry. Judge, I, I...

9 THE COURT: Okay?

10 MR. SHAPIRO: Yes, sir.

11 A. No. I, to the best of my knowledge, she still
12 lived at the, the place in Boones Mill, near Boones Mill,
13 where I picked the children up for Christmas.

14 Q. Mr. Rochelle, would you please describe Mrs.
15 Rochelle's actions and how she took care of the children
16 when you lived together.

17 A. From about halfway through her pregnancy with
18 John, she began to do less and less, and I began to do more
19 and more, and that was certainly...

20 Q. What do you mean by "more and more"?

21 A. Well, the children's clothes would all be dirty
22 and I would have to wash them. Well, I felt like I had to
23 wash them because when there were no clean clothes, they
24 needed clean clothes. She didn't feel like fixing dinner...
25 and I could believe that she had every right when she was

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1 pregnant and didn't feel bad...I mean...I'm sorry...didn't
2 feel good to, to put some of that burden on me. I...why
3 not? I was perfectly able to do it, and I did. But after
4 John was born, it, it, instead of diminishing, it continued
5 to increase. And more and more she was, she hadn't...she
6 never did any of my laundry. She rarely did any of the
7 children's, and occasionally I would wind up even doing hers.
8 I fixed a great deal of the meals. At one point in our
9 marriage I did not fix all the meals. When we were living
10 in Minneapolis, she did almost all of the cooking. She did
11 a great deal of it when we moved back to, to Washington, to
12 the Washington area. But after about a third or halfway
13 through the pregnancy with John, she just stopped doing at
14 all, and by the time that we were separated she did nothing,
15 essentially.

16 Q. Who did the cleaning of the house?

17 A. I did a great deal of it. I am not a good house-
18 keeper. I don't like to do it very much. I think it's a
19 not a fun job.

20 Q. How about cooking?

21 A. Well, I don't mind cooking. I quite frankly would
22 prefer to come home to a hot meal rather than come home and
23 pull out the pans and start cooking myself. But there were
24 times when she was as capable of it and I would have been
25 quite happy for her to cook the meal, but I did while she sat

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1 upstairs and had a beer and did her fingernails.

2 Q. Mr. Rochelle, during...

3 MR. SHAPIRO: Your Honor, may I, may I ask could we
4 take a brief break? (Short recess was taken.)

5 THE COURT: ...while I'm thinking about it. It's
6 about your wife. Maybe she could answer the question later.
7 But your wife had been married prior to the time she married
8 you?

9 A. Yes, she was, sir.

10 Q. Judge, could I just take a moment and go through
11 my notes and see if I can't...

12 THE COURT: Go ahead, Mrs. Carlberg. Whatever you
13 think is important, let's get it in the record.

14 Q. Mr. Rochelle, was, were either of the children
15 having bed-wetting problems?

16 A. No. Neither of the children had a bed-wetting
17 problem.

18 Q. And can you tell me whether or not they have had
19 a problem since Mrs. Rochelle brought the children down here?

20 A. Well, John had a bed-wetting problem when I
21 brought him home for Christmas. And according to the study
22 that was performed down here, Carl also has developed a bed-
23 wetting problem since then. But Carl had never had...neither
24 had John. I was amazed when John was, was toilet trained,
25 he never wet the bed. And he had gone for a couple of years

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1 without wetting the bed.

2 Q. Mr. Rochelle, did there come a time when you
3 learned about your wife's relationship to a Dr. Wiseberg?

4 A. Yes.

5 Q. And what was that? Tell us briefly.

6 A. She came to me and told me one day, after we were
7 separated, that she had been having sexual relations with
8 Dr. Wiseberg.

9 Q. Had you been going to him for marriage counseling?

10 A. Yes, I had.

11 Q. And so this was a time when you were having mar-
12 riage counseling and you and Mrs. Rochelle were still married.

13 A. Yes.

14 Q. What, what else did she say?

15 A. Well, she gave me a great deal of detail about it
16 because I realized, she realized, and I guess I realized too,
17 that it was pretty serious business, and she gave me an awful
18 lot of details about her relationship with the idea in mind
19 of instituting a suit against Dr. Wiseberg. So she ex-
20 plained times and places, and I don't remember dates, but
21 instance like the Pentagon Motel where they have water beds
22 and blue movies, and she was trying to get the receipt from
23 the Pentagon Motel and couldn't get it. The time, I think,
24 they went down to Washington, Virginia, together and looked
25 at antiques and...

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1 Q. Did they ever go to Atlanta, Georgia?

2 A. They went to Atlanta, Georgia, to a psychiatrists'
3 association convention together.

4 Q. And what period of time are we talking about?

5 A. We are talking about the period of time between
6 January of '78 and June of '78. I think they broke off the
7 relationship within thirty days after she moved out the last
8 time.

9 Q. Did she ever...strike that. Was she ever late
10 coming home during that period of time and tell you that she
11 had been with Wiseberg?

12 A. She never told me that she had been...she told me
13 she was at the office doing work. She told me she was shop-
14 ping. We even hired a babysitter on the weekend so that she
15 could go shopping, which she later told me was, those
16 instances she had been with Dr. Wiseberg rather than shop-
17 ping.

18 Q. Did she tell you at, later that the reason she had
19 been working late or saying that she had to work late, and
20 that she was having the affair with Dr. Wiseberg?

21 A. Yes. She told me that that was, those were, the
22 times that she was staying late she was having an affair
23 with him.

24 Q. You heard Mr. Sanders testify with regard to your
25 schedule and your work, Mr. Rochelle. Can you, can you say

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1 anything about your work schedule that Mr. Sanders did not
2 testify to? Have you...

3 A. I have an extremely good job. I manage to work
4 about, on an average, around twenty-five hours a week, and I
5 make a rather good living for working about twenty-five
6 hours a week. On occasion...

7 Q. Now, have you been able in the past to adjust your
8 schedule for the children in order to go to school confer-
9 ences and to go, and to pick them up at school or to take
10 them to the doctor--those kinds of things?

11 A. I've never had any problem. One reason, I'm
12 available until almost 2:00 every day, and with rare excep-
13 tions I am out at 6:00 o'clock every evening Monday through
14 Friday. And if there was a parent-teachers conference in
15 the evening, I could just most of the time, even if I had a
16 late feed, I could leave and take care of that and then come
17 back later on. And, or I could make arrangements with Mr.
18 Sanders, or another gentleman who also works, either on a
19 professional basis or a personal basis, to cover for me.

20 Q. Was there a time during your marriage to Mrs.
21 Rochelle that you were unemployed, and how long was that?

22 A. I was unemployed briefly during the summer before
23 and I have to refer to my resume to give you the year. The
24 summer that...I quit KMSP Television in Minneapolis, Minne-
25 sota. I had been there two and a half years. It was the

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1 summer of 1973. I had been there two and a half years. I
2 saw the job was going nowhere. A raise wasn't in the offing
3 and I thought it was a dead-end job. I sat down with her
4 and we talked about it and decided that it would be all right
5 to quit and come back and look for a job. And we agreed at
6 that time to stay with her parents until I found a job. I
7 had five thousand dollars in a savings account, and I figured
8 we could live off of that. And so we came down to Ferrum,
9 and we stayed up on the mountain in the house her father
10 owned and put our furniture in the storage area. And while
11 I, I looked for a job through the summer, and when I wasn't
12 looking for a job I had a chain saw out in the woods with
13 Lester Peters cutting down trees. So I didn't, you know, I
14 wasn't completely sponging off of him.

15 Q. What did Mrs. Rochelle tell you or describe her
16 relationship with her parents.

17 A. She didn't have to describe her relationship with
18 her parents. I witnessed...she and her parents were...I had
19 never seen people who clashed more. They constantly fought,
20 both mother and father, and...

21 Q. Did they ever...did they ever fight in the
22 presence of your children?

23 A. Her parents argued in the presence of the children
24 with each other, and she argued with her mother in the pres-
25 ence...she didn't argue too much with her father in, that I

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1 saw. She did argue with her mother, and it reached some
2 fairly high decibel levels.

3 Q. What was her attitude, or what did she do with
4 regard to bringing the children down here to see the, her
5 parents?

6 A. Well, for...in the beginning we would bring them
7 down in the summer. They would spend a couple of weeks with
8 my mother and a couple of weeks with her parents, and we
9 sort of...

10 Q. What years were these?

11 A. Those were the years when we were living together,
12 and even the first year we separated, I, in '77, I brought
13 the children down, and in fact, I think she may have brought
14 them down a time or two.

15 Q. What happened after that?

16 A. In...she kept...her relations kept deteriorating
17 with her parents, and in, in December of '78 her parents
18 came up for Christmas to my place--that was when she had
19 moved back in--and my mother came up, and we had Christmas
20 together with all, all of the immediate family and the chil-
21 dren, and after that, she swore that she would not allow her
22 parents to see the children again, period. And she would
23 not let me take them down. I even asked her during the sum-
24 mertime when the children stayed a double amount with my
25 mother because they normally would have spent that other time

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1 with Pearl and Lester. I said, you know, "Let me just take
2 them down for a couple of days and I'll stay with them."

3 "No, sir. If you take them down, I'm taking them away from
4 you."

5 MR. SHAPIRO: When are we talking about now?

6 A. We are talking about the summer of '78, the summer
7 of '78.

8 MR. SHAPIRO: Last summer?

9 A. Last summer.

10 Q. How did Mrs. Rochelle treat the children, Mr.
11 Rochelle? Give us...you heard your mother testify. How did
12 Mrs. Rochelle treat the children?

13 A. Sometimes she treated them good, and sometimes she
14 treated them bad. She could be warm and loving to them.
15 She could also scream at the top of her lungs at them in
16 some language that I would not use in front of a sailor.

17 Q. What kind of language did she use in front of the
18 children?

19 A. Rather, I'd rather not.

20 MR. SHAPIRO: Can we, can we determine when?

21 A. When? On numerous occasions.

22 Q. All right. What year?

23 A. 19...without going too far back, '76, '77 and '78.

24 Q. Tell the Judge the words that she used in front of
25 the children, and what she called them.

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1 A. I have heard...well, one instance I have heard her
2 scream at John all the way across the room, "You goddamn
3 mother fucking little bastard, if you don't shut your goddamn
4 mouth, I'll come over and slap your fucking throat down."
5 And I...

6 Q. Did she...

7 A. I have heard that. I have heard her call him
8 names. She'd get on the telephone to me sometimes and just
9 call me every kind of S.O.B. that lived, and the children
10 were standing right in the room with her listening to every
11 word of it.

12 Q. How often did she yell and use this language at
13 the children?

14 A. In the later period...

15 Q. Now, what is the "later period?"

16 A. All right. In the years from the time that right
17 before, I would say...well, let's limit it to say, from
18 December of '78 on.

19 Q. December of '78?

20 A. I, I'm sorry. No. December of '77, the year of
21 '78, the year that we were together for six months. It got
22 worse in that period. She did it more...she did it some in
23 the earlier years before we separated the last time.

24 Q. All right now, what do you mean by "more"? Give
25 us an idea of the frequency.

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1 A. Well, it was more often, and the language became
2 more and more graphic and more and more, more, almost, she
3 could hardly discipline them.

4 Q. How often per week?

5 A. Every time she was with them, and she was with them
6 during the period when she moved back in in December until,
7 until the middle of June. She was with them at some portion
8 of the day, not every day, because she, she didn't see them
9 every day. Some mornings she was at work before they got
10 up, and she didn't get home until after they got to bed.
11 But days that she saw them, she regularly used such language
12 around them, and that's what she used to discipline them.
13 She screamed and shouted at them. And sometimes it'd make
14 my blood run cold. And even without the profanity, it
15 still, it's an awful lot to scream at a child at the top of
16 your lungs. God Almighty, I couldn't take it, and I don't
17 know how the children did.

18 Q. All right. Did she ever threaten to kill the chil-
19 dren?

20 A. Yes, she did. That is, that is a matter of record
21 for a previous hearing.

22 Q. Let me ask you.

23 MR. SHAPIRO: Well, I wasn't at the previous hearing.

24 A. Would you like, would you like to hear it?

25 MR. SHAPIRO: If I may.

1 Q. Does the Judge want us to go into that?

2 MR. SHAPIRO: Yeah, I haven't had the...

3 THE COURT: Mr. Shapiro needs to know about it. Go
4 ahead and (1-2 words) the time and place. Okay?

5 A. Okay. This was the day, on or about the day that,
6 the day we separated for the first...the day she left, and
7 that would be in, it must have been around October or
8 November of '76. We had been out to...we left to go out and
9 look at furniture. And I tried to take a shortcut. She
10 started screaming and shouting and accusing me of not wanting
11 to go at all. And I said, "No. I was just trying to take a
12 shortcut," and she became verbally abusive to me. And she
13 wanted to go home, and I started for home in the car. And
14 as I was driving down--I don't know the name of the street
15 now, but as I was driving on the way home, she reached over
16 and opened the car door and tried to jump out, the car
17 going about thirty-five or forty miles an hour. And I
18 reached over and grabbed her by the arm and pulled her in,
19 and pulled the car over to the side of the road and stopped
20 it. And she was screaming and incoherent. And then she
21 settled down. And she said, "Will you give me custody of
22 the children?" And I said, "No. I'm not going to give you
23 custody of the children. I want the children too. I don't
24 want to not be with the children." And she said, "I'll kill
25 them before I'll let you have them." And I said, "You will

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1 kill John and Carl?" And she said, "Yes! I'll kill them
2 before I let you have them." And I hit her on the arm.

3 Q. Did she ever threaten to take the children away
4 from you?

5 A. That was, that was a constant threat through all
6 of the time that I had them. It was...

7 Q. How many times would you say a week did she
8 threaten to take the children away from you, say from 1977
9 until she took them?

10 A. I, I couldn't break it down on a weekly basis. It
11 came down to, "If you do this...if you don't do this, I will
12 take the children away from you." Even to the extent of, of
13 ...at least part of the decision to move from Thirty-Sixth
14 Street to Thirty-Ninth Street, I was sort of wavering
15 between whether to move or not. I didn't think the neighbor-
16 hood was the very best. It wasn't the very worst either.
17 But I was told, "If you don't move, I will take the children
18 away from you." And quite frankly, I was afraid of going
19 to court in a custody fight because I know how they usually
20 come out. And I, I bowed to "I'll take the children away
21 from you" an awful lot of times.

22 Q. At the time that you had Carl, was, was he ever
23 taken to the doctor for fatigue?

24 A. No.

25 Q. Mr. Rochelle, did you learn that since Mrs. Rochelle

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1 brought the children down here that Carl has been under a
2 doctor's care for fatigue?

3 A. Yes.

4 Q. And when was that?

5 A. I'm not sure of the date of the bill. I began to
6 get bills in the mail.

7 Q. Have you paid all of the doctor bills that Mrs.
8 Rochelle has had the doctors down here in this area send to
9 you?

10 A. All except one that she instituted a set of, of
11 allergy tests, and...

12 Q. Now, I show you this letter of May 30th, 1979,
13 from Dr. Pierce. In the third paragraph can you tell us
14 what Dr. Pierce wrote to you?

15 MR. SHAPIRO: Your Honor, that speaks for itself.

16 Q. I'd like to have it on the record if you don't
17 mind, your Honor, but I will introduce it.

18 MR. SHAPIRO: Are you going to introduce it?

19 Q. Yes. As exhibit number eleven.

20 THE COURT: You're going to make it exhibit...and I
21 will, I am reading the letter at the present time.

22 Q. Okay. Thank you, Judge. Now, Mr. Rochelle, during
23 the time of 1978, did you pay money to your wife and pay
24 debts, that during the time that you were separated? After
25 she left in '78?

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1 A. Yes, I did.

2 Q. I would like...this is 1978 money to wife...

3 MR. SHAPIRO: '78 money to wife?

4 Q. It's, the tab is "1978 money to wife."

5 MR. SHAPIRO: Oh, okay.

6 Q. I'd like to have you go through those documents
7 and tell us what they are.

8 A. All right.

9 Q. Did you pay this bill that's on top?

10 A. I have paid all of the bills. The bill that is
11 on top was actually incurred while we were still living
12 together, and she told me that she needed to buy some
13 clothes to go to a, the psychiatrists' convention in Atlanta
14 with Dr. Wiseberg. And she had the money, but she didn't
15 want to use it right then and would I let her use a credit
16 card...

17 Q. Let me ask you, Mr. Rochelle. During the times
18 that Mrs. Rochelle worked...

19 MR. SHAPIRO: Well, he was about to finish up the...

20 Q. Oh, I'm sorry. I, I...go ahead and finish, Mr.
21 Rochelle.

22 MR. SHAPIRO: She had some money, you said.

23 A. She said she had some money and that she would pay
24 the charge card off if I would let her use it, and I gave
25 her the charge card. And it had a six hundred dollar limit

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1 on it, and it was charged up. And she did pay fifty dollars
2 of it. I paid the rest of it.

3 MR. SHAPIRO: She paid fifty back, and you paid the
4 rest of it.

5 A. She paid fifty back to me, and I paid the rest of
6 it.

7 Q. During the time that Mrs. Rochelle worked during
8 your marriage, did she contribute her salary to the running
9 of the house?

10 A. Practically none of it.

11 Q. Did she contribute any of her salary toward the
12 care of the children, for the babysitter?

13 A. No. I always paid the babysitter. She occasional-
14 ly would pay a bill, like if she picked up the babysitter
15 for a movie or something like that and it was five or six
16 dollars, sometimes she would pay it out of hers, but any
17 major expenses I paid them all. She had complete use of her
18 own, of the money that she made outside the family income.

19 Q. And these other amounts, what do these checks
20 represent on page three?

21 A. Well, all right. There are, some of them are...we
22 had negotiated an agreement with a psychologist's assistant,
23 Dr. Brad Blanton, and part of the agreement was that I would
24 give her five hundred dollars, and I would pay her a hundred
25 and fifty dollars a month, and she would have the children

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1 two days a week and two weekends a month. And part of this
2 is part of the money that I gave her as part of that agree-
3 ment. And then she reneged on that agreement, and we tried
4 to negotiate another agreement with a, a Matthew Black in
5 Mrs. Carlberg's office.

6 Q. All right. That was her other, the second attor-
7 ney.

8 A. That was her, another attorney. And, and as a
9 process of that negotiation, I gave her more which are marked
10 additional child support. And then the latter of these
11 checks are the money that I have been sending as ordered by
12 the Court, and I have cashed checks for all of those. Oh,
13 all right. There is one bill on...the pages are not num-
14 bered. I suppose it's on the fourth...

15 Q. Fifth page.

16 A. From Pohanker Oldsmobile...

17 Q. What's the date of that?

18 A. The date of that is 10-20-78, so that puts it...
19 what is that? August, September, October...it's, actually
20 it's a few days before she took the children. It was while
21 she had...we were not having the best of relations, but she,
22 her car was, was broken and was, had something wrong with
23 it, and she had to take it to Pohanker Oldsmobile, and she
24 said she needed the car. And I didn't have the money at
25 that time, but I did take a charge card and paid it for her.

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1 And I also paid that off. I, so I...and the rest of these
2 are just additional copies of checks that the Court is aware
3 that those checks have been, have been sent to her.

4 Q. I would like to introduce those as exhibit twelve,
5 your Honor.

6 THE COURT: All right.

7 Q. Mr. Rochelle, what plans did you...strike that.
8 Do you want custody of your children?

9 A. Yes, I do want custody of my children.

10 Q. And can you tell me why you feel that you are more
11 fit to have the children than Mrs. Rochelle?

12 A. Well, I have a, I have a rather stable life style.
13 I try to maintain a stable life style. I think that the
14 educational and cultural opportunities would be good where
15 I live, not that they aren't acceptable here, but I think
16 they would be good there. I think that I can offer them
17 input as a father. I dealt with them when they were there.
18 We played. I gave them specific input in mechanical skills
19 and athletic skills and things that a father can, and only
20 a father can relate to, to a child with, and not that they
21 don't need input from their mother too. But I think the
22 quality of the parental input that I was giving them was
23 just, I think it was better.

24 Q. Do you feel fear for the emotional stability of
25 your children if they are left with Mrs. Rochelle?

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1 A. Yes, I do.

2 Q. And can you tell us why?

3 A. Well, from my own personal experience, her method
4 of dealing with situations. I, the screaming and shouting
5 you down when you don't agree and the verbal abuses she sub-
6 jects you to is enough to drive almost anyone out of their
7 mind after a while, and I had a great deal...I'm usually a
8 very relaxed person, and I had a great deal of difficulty
9 dealing with it particularly in the later stages. It was
10 almost more than you could take. I don't see how a child can
11 stand it and grow up without some warping in his development.
12 I really don't.

13 (Portion not recorded)

14 A. ...to stay in the evening if I have to work late.
15 If I don't have to work late, the person can go home, and I
16 will see to their...feeding and caring.

17 Q. What are your plans for their schooling?

18 A. I would like to continue them in private school,
19 but I...I read the report that Mrs. Riesenman said, and I
20 think I would like to talk to a counselor about where, what
21 private school they should go to if they should continue. I
22 don't have any doubt about John should probably continue at
23 Montessori until he is old enough to go either in public
24 school or a private school. But I would be willing to send
25 them to private school, but I think I would like to talk to

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1 a specialist about it and get some information on it, because
2 Arlington public schools are among the best in the country,
3 and they are, are extremely high rated and they have extreme-
4 ly good schools in that area. And a lot of people live in
5 Arlington just for that reason. And perhaps the public
6 schools in Arlington are the answer. Perhaps it should be
7 not Georgetown Day but some other private school.

8 Q. Are both the children eligible to return to the
9 schools which they were in for last year if you so choose?

10 A. To the best of my knowledge. I, I would probably
11 need to explain the circumstances. I did explain them ini-
12 tially to, as I knew them, to the people at Georgetown Day
13 and later to the people at Montessori. I called them and
14 told them what I knew of the case at the time and told them
15 as far as I knew the children would not be back. I had
16 hoped to bring them back but it would be a while. And I
17 assumed that that would not prejudice their, their going
18 back.

19 Q. Those are all the questions I have, Judge. Thank
20 you.

21 THE COURT: Cross-examination, Mr. Shapiro?

22 CROSS-EXAMINATION

23 BY MR. SHAPIRO:

24 Q. Mr. Rochelle, you're not, you're not advising the
25 Court that you have any particular problem with extramarital

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1 relations, are you, sir?

2 A. Problem with extramarital relations?

3 Q. Yes.

4 A. No, I don't have any problem...

5 Q. From a moral point of view.

6 A. I beg your pardon?

7 Q. From a moral point of view.

8 A. I'm a rather tolerant individual.

9 Q. You engaged in one with Mrs. Rochelle before you
10 got married, didn't you?

11 A. That's exactly correct, sir. I did not, I did
12 not want...no, well...don't want to get into that.

13 Q. Your counsel has introduced an exhibit regarding
14 credit card use. You're not indicating to the Court that you
15 spent a hundred and seventy-some dollars on yourself during
16 that entire period of time, are you?

17 A. I used the credit cards for a hundred and seventy-
18 some dollars. I did spend money. I paid for lunch when I
19 ate downtown. I...

20 Q. Several ways to spend money, isn't it? There's
21 credit cards, there's checks, there's cash. You didn't use
22 the credit cards, but you used cash, checks and other forms
23 of spending for purchasing, didn't you?

24 A. No, sir.

25 Q. You did not?

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1 A. If you'd like for me to...I was trying to explain
2 it.

3 Q. All right, sir.

4 A. I made very few personal purchases during that
5 period. I did need money for gas for my car and to pay
6 insurance and pay the rent on the house and to buy groceries
7 and things like that, and, yes, I wrote checks for them.
8 No, I did not make a great number of personal purchases in
9 that period.

10 Q. Well, you made some personal purchases that don't
11 appear on this exhibit.

12 A. A few.

13 Q. A few?

14 A. A few.

15 Q. Did you buy any clothes? You wear a coat?

16 A. I bought two pairs of pants. Connie picked them
17 up for me from Lord & Taylor's. They cost fifteen dollars,
18 they're made out of cotton, and they're junk.

19 Q. During that whole period of time?

20 A. Yes, sir.

21 Q. No suits.

22 A. No, sir.

23 Q. No ties.

24 A. No, sir.

25 Q. No shirts.

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1 A. No, sir.

2 Q. No socks.

3 A. No, sir.

4 Q. Do you have to wear a coat and tie to work?

5 A. I didn't in that period.

6 Q. Do you shop at Rawleigh's?

7 A. Now.

8 Q. Now?

9 A. Now. Now that I've gotten the debts paid off and
10 have a little bit of money to buy some clothes with, yes, I
11 shop at Rawleigh's.

12 Q. But you didn't buy, you didn't shop there then?

13 A. No, sir, I did not. My wife did. And there are
14 some charge cards and a set of credit cards where she had
15 purchases at Rawleigh's.

16 Q. How long before did she have use of your credit
17 cards?

18 A. From the time we were married.

19 Q. Why didn't you cut her off?

20 A. It's easier said than done.

21 Q. I don't think that answered it.

22 A. All right, sir. I sat down with her and asked her
23 would she please not spend, not use the credit cards because
24 we didn't have the money to pay all of the bills, and she
25 would say...

Carl Rochelle - Cross (Shapiro)

1 Q. Why didn't you cut her off?

2 A. Because she told me she would not spend anymore,
3 that she would stop spending.

4 Q. How long were you married?

5 A. Well, we lived together about seven years...before
6 we separated.

7 Q. Did she have the use of your credit cards that
8 entire period of time?

9 A. Yes, sir.

10 Q. And this was a continuing problem throughout the
11 course of the marriage?

12 A. No, sir. No.

13 Q. When did it start?

14 A. It started, it began to accelerate in the period
15 where she began to do less and less around the house and more
16 and more in the shopping centers with the credit cards.

17 Q. Was it around with her...was it at the time of her
18 pregnancy with her second child, which was when?

19 A. 1974.

20 Q. '74.

21 A. It began to accelerate.

22 Q. '74, '75, '76, '77, '78 she had use of your credit
23 cards.

24 A. She didn't have use of my credit cards during 1977
25 because one of the agreements when we separated was that she

Carl Rochelle - Cross (Shapiro)

1 would not use the credit cards anymore.

2 Q. She didn't use your credit cards during '77. '74,
3 '75, '76, '78. Correct?

4 A. She used one credit card in 1978 to buy some out-
5 fits to wear down to Atlanta with Dr. Wiseberg.

6 Q. She was working for Dr. Wiseberg then, was she not?

7 A. She was also sleeping with him.

8 Q. She was his secretary, and you knew that, didn't
9 you?

10 A. I did not know that she was sleeping with him.

11 Q. You knew she was working for him and employed by
12 him, did you not, sir?

13 A. Yes, sir, I knew that she was working for him and
14 employed by him.

15 Q. That she went with him in the capacity of an
16 employee.

17 A. That's not what she told me later.

18 Q. '74, '75, '76 and '78, except for the...

19 A. I'm sorry, sir. I don't understand the point
20 you're trying to make.

21 Q. Yes, sir. The point I'm trying to make is that
22 you said that this was, the credit was a continuing problem
23 with you...

24 A. With her, not me.

25 Q. With her.

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1 A. Yes.

2 Q. With your credit cards.

3 A. Yes, sir.

4 Q. '74, '75, '76 and part of '78 on one credit card.

5 A. One credit card.

6 Q. And you've also testified that you sat down and
7 you, she explained to you that she'd quit, she'd, would not
8 charge, that she would do better, and she did not, did she?

9 A. No, she did not.

10 Q. Well, why didn't you cut up her credit card or
11 extinguish her use of your credit from '74 through '78?

12 A. It was, it was our credit, sir. We were a, we
13 were a married couple.

14 Q. You did nothing.

15 A. I tried.

16 Q. Now, when did Mrs. Rochelle become a bad mother?

17 A. I beg your pardon?

18 Q. When did she become a bad mother?

19 A. Define "bad mother" for me, please.

20 Q. You define it.

21 A. No, you define it, you're asking me.

22 Q. You testi...

23 THE COURT: Wait a minute, gentlemen. Let's don't
24 argue at this. Mr....

25 A. I'm sorry, sir. I...

Carl Rochelle - Cross (Shapiro)

1 THE COURT: Use a different term, Mr. Shapiro. When
2 did she...

3 Q. Yes, sir. When did she begin to exhibit those
4 behavioral aspects that you have testified today which
5 caused her to be unfit in your opinion?

6 A. The first shot that I got was when John was three
7 months old and lying in...I'm sorry. Carl was three months
8 old and lying in a cradle in the living room, and we were
9 lying in the bedroom, and Carl was crying, and she said, "I
10 wish the goddamn little son of a bitch had never been born."
11 That's the first time that bothered me. And...

12 Q. She said that, that...that was spontaneous and
13 without reference to anything else that was going on.

14 A. Yes, sir. I told you he was crying. That was
15 going on.

16 Q. So, from the time that the, that your first child
17 was an infant, she exhibited behavior which you felt was
18 inconsistent with being a fit and proper mother.

19 A. No, sir, I didn't say that.

20 Q. Oh, I thought you did. I'm sorry.

21 A. I said that was the first time it manifested
22 itself, the first time I saw something that bothered me. I
23 tried to make plain before that she was not always a bad
24 mother. At times she was very loving and very caring for
25 the children, and she enjoyed being with them and they

1 enjoyed being with her.

2 Q. I'm mistaken then. And your position here today
3 is not that she's unfit to properly care for your children?

4 A. Do that again.

5 Q. Do it again?

6 A. Yes, repeat your question please, sir.

7 Q. All right, sir. Is it your position today that
8 Connie Rochelle is not an unfit mother to properly take care
9 of the two children?

10 A. I have never really gone to this Court and said
11 that Connie was an unfit mother. What I have said is that I
12 felt that I was the more qualified parent.

13 Q. So your position is not that she's unfit.

14 MR. MELESCO: That's for the Court to decide.

15 A. That's for the Court to decide and not me.

16 Q. I'm talking about his position.

17 A. Well, I gave you my position, sir.

18 Q. Your position is that she's not unfit.

19 A. My...

20 MRS. CARLBERG: Judge, I object to counsel arguing
21 with my wit-, with Mr. Rochelle. He's asking for conclusions
22 of law.

23 THE COURT: Mr. Shapiro, both of these parties have
24 asked for custody of these children based on certain allega-
25 tions, both pro and con, so I (1-2 words) that...if you can

Carl Rochelle - Cross (Shapiro)

1 deal in specifics...

2 Q. During most of your marriage, would it be fair to
3 say that Mrs. Rochelle worked for some period of time,
4 either full-time or part-time?

5 A. She worked for part of the marriage. She was, she
6 did not work...she was not gainfully employed for the whole
7 marriage. She did do, she worked for the United Nations
8 Association in Minnesota. She was involved in personal
9 things. She took a college course when she was there. She
10 didn't work in gainful employment all the time, but she was
11 not cooped up in the house all the time either. She did
12 start work for, before we were separated, and I don't remem-
13 ber the exact date. She decided she wanted to go to work.
14 I said...

15 THE COURT: Mr. Rochelle?

16 A. Sir.

17 THE COURT: Tell you something. You've got a plane
18 to catch at what time, nine something?

19 A. At 9:14.

20 THE COURT: His answer calls for a yes or no answer.
21 Now, if you keep this up, we're going to be...I'm going...

22 A. Okay, okay.

23 THE COURT: Till 10:00 or 11:00 o'clock now.

24 A. I'm sorry. Would you repeat and I'll try to give
25 you...I'll try to pick up where I was.

Carl Rochelle - Cross (Shapiro)

1 Q. All right. Well, could I just lead you and say
2 that for part of the marriage she worked full-time or part-
3 time.

4 A. Yes.

5 Q. And part of the marriage she did not.

6 A. Yes, that's fine.

7 Q. Did you want her to work?

8 A. At the beginning of the marriage, I did not.

9 Q. For how long did you not want her to work?

10 A. Probably about the first three years.

11 Q. First three years. At what point and time did you
12 want her to work?

13 A. Well, we discussed it and, and she felt like it
14 would be good. She felt like she was losing touch by stay-
15 ing in the house, and...

16 Q. She wanted to work, you're saying.

17 A. She wanted to work, and I agreed to it.

18 Q. Now, how much did she make? Average, during the
19 time that she worked?

20 A. I rarely saw her pay checks. I, I saw the tax
21 forms at the end of the year. She worked...the first year
22 she only worked part of a year. I think she made six or
23 eight hundred dollars. The next year she made around seven
24 or eight thousand dollars. And I think it was around, some-
25 where around seven or eight thousand dollars the next year.

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1 And I'm not sure what she did last year.

2 Q. And you say you never saw any of her money.

3 A. I rarely saw any of that money.

4 Q. What do you mean "rarely?"

5 A. Well, occasionally she would deposit a hundred or
6 a hundred and fifty dollars in the bank, and then she would
7 usually draw it back out within a week or so, for personal
8 purchases or...she would come and say, "Well, I put a hundred
9 and fifty dollars in. Let me have twenty-five dollars be-
10 cause I need some money." And I would give her twenty-five
11 dollars cash.

12 Q. You feel like the amount of money that she spent
13 on herself was out of line with the income that this family
14 was producing.

15 A. Sir, there was no money left. Rar-, there was
16 very little money left over for the rest of us.

17 Q. Now, you had your children in private schools
18 during the latter part of this, the time you lived together?

19 A. I borrowed money...yes, I had them in private
20 school.

21 Q. When you moved in June of '78, this is the period,
22 a period of time when you have testified you were financial-
23 ly strapped by virtue of your wife's spending habits. June
24 of '78?

25 A. I haven't testified that I was financially strapped

Carl Rochelle - Cross (Shapiro)

1 in June of '78.

2 Q. You didn't?

3 A. No, sir.

4 Q. You didn't say you had approximately six thousand
5 dollars in debt at that time?

6 A. I said that...no, I did not.

7 Q. Well, when did you have six thousand dollars in
8 debt?

9 A. I had six thousand dollars in debts when, in the
10 period after, on and about the time she separated from me
11 the first time. I was paying them off over a period of time,
12 and I finally paid them all off in that year, in '78.

13 Q. Well, in June of '78 you had had, you had them
14 paid off.

15 A. I had them paid off in June of '78.

16 Q. Do you feel that Mrs. Rochelle's income potential
17 by virtue of her education, background and training is sub-
18 stantial? Her earning capacity.

19 A. I don't know how to answer that. I, I know she
20 has had jobs where she was making twelve thousand dollars a
21 year. That's not a terribly bad income for high school
22 education.

23 Q. Was this during the time she was making eight
24 thousand and seven thousand that you've testified?

25 A. She didn't stay with the job long enough to make a

1 whole year's salary.

2 Q. Oh, I see. So, she had a twelve thousand dollar
3 a year job that she did not maintain.

4 A. Yes, sir.

5 Q. Now, when you and your wife first separated, you
6 entered into an agreement you testified.

7 A. Yes.

8 Q. And you voluntarily gave custody of the children
9 to your wife.

10 A. Yes.

11 Q. When was this?

12 A. I don't have a copy of the agreement in front of
13 me.

14 Q. Approximately.

15 A. It was around November, November, December of...
16 probably November of '76, I would guess.

17 Q. Right. November of '76. Both children had been
18 born at that time.

19 A. Of course.

20 Q. Oh, they were.

21 A. Of course they had. How could I give her custody
22 of them if they hadn't?

23 Q. Well, it could be one we're talking about.

24 A. Well, I wasn't never...

25 Q. Oh, Mr. Rochelle...

Carl Rochelle - Cross (Shapiro)

1 THE COURT: ...children in November of '76.

2 Q. Both of them were born at that time.

3 A. Yes.

4 Q. Okay. And this was two years or more after,
5 you've testified, Mrs. Rochelle had first manifested these
6 traits that you feel disqualify her from having custody of
7 these children, or should. Is that correct?

8 A. I'm not...

9 Q. You do not understand my question?

10 A. I do not understand your question, no, sir.

11 Q. You previously testified that Mrs. Rochelle first
12 demonstrated to you attitudes, behavior inconsistent with
13 rearing children.

14 A. I, I think if you'll check, I...

15 Q. First exhibited.

16 A. First exhibited. Well, if someone exhibits a
17 little illness, you don't kill them. You try to heal what's
18 sick. You try to work it out. You try to make things. You
19 try to work the family out and keep the family together.

20 THE COURT: ...just answer the question, Mr. Rochelle.

21 A. I'm sorry. Ask the question again.

22 Q. Was this time at least two to three years after,
23 you've testified, Mrs. Rochelle first exhibited behavioral
24 traits...

25 A. Yes.

Carl Rochelle - Cross (Shapiro)

1 Q. ...inconsistent with child rearing?

2 A. Yes.

3 Q. Why then did you voluntarily through counsel enter
4 an agreement, give this woman who is an unfit mother custody
5 of the children?

6 MR. MELESCO: If it please the Court, I'd like for the
7 record to point out that the term, "unfit mother," is his
8 term.

9 THE COURT: The record will show that, Mr. Melesco, and
10 entered on cross-examination in his question posed. Go
11 ahead, Mr. Rochelle.

12 A. The reason that I agreed, there were two basic
13 reasons. Number one is I still loved her and I still cared
14 for her, and I still wanted to try to keep our marriage
15 together, and I thought that if I tried to do this that
16 things would settle down and we would get back together and
17 things would be all right. Number two is that a man basical-
18 ly has almost no chance of gaining custody of his children
19 in a court of law. You know that and I know that, and with
20 no previous record but a break up of a marriage, you know
21 and I know that, I wouldn't have gotten custody of the chil-
22 dren...at that point. Those are the two reasons, sir.

23 Q. Mrs. Rochelle then became employed during that
24 period of separation.

25 A. She was employed when we separated.

Carl Rochelle - Cross (Shapiro)

1 Q. Okay. She was working during that period of time.

2 A. Same thing.

3 Q. And you and she worked out an agreement consis-
4 tent with your working and your schedule and her schedule,
5 to take care of these children during this period of time.
6 Is that correct?

7 A. Not exactly.

8 Q. Well, you correct me.

9 A. I correct you then. I asked her...she's complained
10 that she didn't have enough money to get by on. I've testi-
11 fied to this. If you'd like for me to repeat it, I will.
12 Do you not recall that I've testified that she didn't...

13 Q. Yes, I recall what you said. Yes.

14 A. Okay. Would you like for me to repeat that?

15 Q. Yeah, please.

16 A. That's exactly what I'm going to repeat. She did
17 not...she said she didn't have enough money to get by on,
18 she needed extra money.

19 Q. Do you know what she was making during that period
20 of time?

21 A. I think she was making in the neighborhood of
22 eight thousand dollars a year.

23 Q. All right, sir.

24 A. She said she didn't have enough money to get by
25 on, and I conceived an idea that would help me solve the

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1 problem of a person to be sure there was someone always
2 available to take care of the children. It would also pro-
3 vide an incentive for her to be with the children, and it
4 would give her some money. And I thought it was a rather
5 novel idea.

6 Q. Well, I do too.

7 A. I'm glad.

8 Q. And it worked. She spent time with the children.
9 She had access to them. They had access to her. They had
10 access to you. You didn't have to go out and hire some
11 third party remote to the family, and she earned a little
12 money.

13 MRS. CARLBERG: Your Honor, I object to Mr. Shapiro
14 testifying. I don't understand that...

15 A. Sir, I...

16 THE COURT: ...cross-examination, Mr. Shapiro said
17 that he agreed for the same reasons that...

18 A. I think...

19 THE COURT: ...Mr. Rochelle indicated.

20 A. Yeah. I think the record, record will show that
21 up until the day that she took the children out of school and
22 left that I did my level best to try to see that she always
23 had a chance to be with the children, see the children as
24 much as she could.

25 Q. I, I'm not denying that. The point is that this

Carl Rochelle - Cross (Shapiro)

1 was an agreeable arrangement during a period of separation
2 that worked for both of you. Correct?

3 A. The responsibility for the children was mine, and
4 she made it plain in no uncertain terms that the responsi-
5 bility for the children was mine. She did not come over
6 every Wednesday, Thursday and Friday night. The fact of the
7 matter, there was a period of six months that I did not work
8 a single night that she didn't come a single Wednesday,
9 Thursday or Friday night.

10 Q. Are you saying that this arrangement was not agree-
11 able and worked out between the two of you, or are you saying
12 that it is?

13 THE COURT: He said it was agreeable, Mr. Shapiro.

14 Q. Now, you've testified that, that the kids didn't
15 spend any weekends with her. Is that correct? During that
16 period of time?

17 A. No, sir. If you recall, I testified that they
18 only spent one Saturday night with her during the period.

19 Q. Overnight.

20 A. Overnight.

21 Q. I'm sorry. Do you know where she was living?

22 A. Yes, I know where she was living.

23 Q. Did it, did it have accommodations for the two of
24 them? Convenient?

25 A. She had an apartment in a house with three men.

Carl Rochelle - Cross (Shapiro)

1 Q. Are you saying she lived with three men during
2 that period of time?

3 A. There were three...I don't know whether she lived
4 with them or not. I've no idea.

5 Q. Okay.

6 A. She lived in an apartment in a house. She had the
7 ground floor, and three guys had the up floor.

8 Q. Did you, were you in the apartment?

9 A. I was never in. I was never invited in. I did
10 go to the house to pick up the children.

11 Q. Do you know whether she had accommodations for the
12 two children to spend the night with her?

13 A. No, sir, I don't.

14 Q. Thank you. Now, you have stated to the welfare
15 worker in northern Virginia that you felt like or feel like
16 Mrs. Rochelle was a hypochondriac. Is that correct?

17 A. Yes, sir.

18 Q. But you have also acknowledged that she did have
19 some legitimate health problems during the period of time
20 covered by your marriage.

21 A. Yes, sir.

22 Q. Was she in the hospital? Hospitalized during the
23 course of your marriage?

24 A. Yes.

25 Q. For what?

Carl Rochelle - Cross (Shapiro)

1 A. Well, to have two children for two things.

2 Q. Okay.

3 A. She had a fissurectomy.

4 Q. A fissurectomy?

5 A. Yes.

6 Q. Okay.

7 A. She had a umbilical hernia.

8 Q. Okay.

9 A. She had a deviated septum.

10 Q. Okay.

11 A. She professed to continuing kidney problems.

12 Q. Now, we're getting out of the legitimate and into
13 the hypochondriac, or are we still on the legitimate?

14 A. Sir, I'm not a doctor. All I'm going by is the
15 fact...well, I can't say that...

16 THE COURT: Let's go ahead. Just tell the complaints
17 whether they be real or imaginary.

18 A. Okay. I even talked to one doctor who had treated
19 her, and he said I finally had to stop because she just came
20 up with all these imagined ideas, it was always, she was
21 always sick, she always felt bad, she wasn't able to perform
22 her wifely duties.

23 Q. Was she...your testimony is that she did have
24 legitimate problems, health problems that did cause her...

25 A. She had real and imagined problems. That's my

Carl Rochelle - Cross (Shapiro)

1 testimony.

2 Q. And during the period of time that her real prob-
3 lems were manifested, she called upon you for aid and assis-
4 tance. Is that correct?

5 A. She did.

6 Q. And you did not resent that.

7 A. Of course I didn't resent it.

8 Q. Fine. Now, during the time that...strike that.
9 The second separation, when did that occur?

10 A. June 15th, 1978.

11 Q. June 15th.

12 A. That's when she moved out.

13 Q. Prior to that where were the children living?
14 Immediately prior.

15 A. They were living in the house at 4409 North Thirty-
16 Sixth Street.

17 Q. Now, who left on June 15th?

18 A. She did.

19 Q. And where did the children go?

20 A. They stayed where they were.

21 Q. They stayed with you.

22 A. Yes.

23 Q. Now, prior to that June 15th separation, you and
24 your wife had discussed at length separating, had you not?

25 A. We had negotiated an agreement that she has since

Carl Rochelle - Cross (Shapiro)

1 renounced.

2 Q. Now, where was that negotiated?

3 A. In Dr. Blanton's office.

4 Q. Dr. Blanton?

5 A. Dr. Brad Blanton.

6 Q. And what did that provide for?

7 A. It provided for her to have the children two days
8 a week and two weekends a month, that I would give her five
9 hundred dollars in cash, and that I would give her a hundred
10 and fifty dollars a month to support the children during the
11 days that she had them in an apartment that she was going
12 to get in Washington, D. C., which she subsequently got and
13 moved into.

14 Q. Okay. And Dr. Blanton is a what?

15 A. He's a psychologist.

16 Q. And he had been counseling the two of you in terms
17 of...

18 A. No.

19 Q. No?

20 A. Dr. Blanton had not been counseling the two of us.

21 Q. What had he been doing?

22 A. He had been counseling her, seeing her for her
23 psychiatric...

24 Q. You never had any counseling sessions with Dr.
25 Blanton?

Carl Rochelle - Cross (Shapiro)

1 A. I had two sessions with Dr. Blanton with her
2 present both times.

3 Q. Well, isn't that what I said, Mr. Rochelle? That
4 the two of you had had counseling sessions with the doctor.

5 A. We had two sessions to work out the agreement of
6 the separation, sir.

7 Q. But wasn't the agreement of the separation in
8 that context working out an agreement separation?

9 A. You asked me, sir, that if I had seen Mr. Blanton
10 other than, Dr. Blanton other than to work out the separation
11 agreement, and the answer to that question, sir, was "No."

12 Q. I'm sorry. If I said that, I didn't mean to say
13 that.

14 A. Well, that's what you said, sir.

15 Q. Okay. But the fact is that the two of you...

16 A. I saw him twice...

17 Q. ...counseled with him in terms of separating.

18 A. And there in the exhibits are two checks that I
19 paid to Dr. Blanton for the counseling.

20 Q. And the purpose of this, of these two sessions
21 was to work out an agreeable separation as to be as little
22 traumatic to both yourselves and the children as possible.
23 Is that correct?

24 A. Correct.

25 Q. And under, under that, the egest of that under-

1 standing, your wife left on June the 15th. She didn't
2 precipitously get up on June the 15th and walk out on you,
3 are you?

4 A. I knew she was going, yes.

5 Q. You had discussed it. You had agreed to it.

6 A. I accepted it, sir. I did not agree to it.

7 Q. You didn't agree to it?

8 A. I accepted it. I did not agree to it. This is
9 that...realize I'm dealing in semantics.

10 Q. You wanted to remain together as husband and wife
11 on June the 15th.

12 A. Yes, sir.

13 Q. You did. And you expressed that to your wife.

14 A. I expressed it to her a number of times.

15 Q. But it was totally up to her to leave. Is that
16 what you're...

17 A. Sir, I'm not going to tell her that, if she wants
18 to leave, I'm not going to stand in the door and tell her
19 she can't go. She's an adult.

20 Q. I, I didn't say that. I'm saying...

21 A. You were, you were leading me...

22 Q. ...your testimony is that it was unilaterally...

23 THE COURT: Gentlemen, come on now.

24 Q. Unilaterally her decision to leave. Is that what
25 you're saying?

Carl Rochelle - Cross (Shapiro)

1 A. It was unilaterally her decision to leave, yes.
2 That's what I'm saying.

3 Q. Now, how long did the children remain with you
4 after June the 15th?

5 A. They stayed with me until approximately the 3rd of
6 July at which time they went down and spent a couple of weeks
7 with my mother. Then I brought them back and stayed for a
8 few more weeks, and then they went back down and stayed a
9 couple more weeks with my mother, and I brought them back to
10 go to school.

11 Q. Now, when did they go to school?

12 A. I'm not sure of the exact date school starts.

13 Q. Approximately.

14 A. It's approximately...

15 Q. The month.

16 A. After, it's after Labor Day.

17 Q. And did their mother see them during the summer?

18 A. She saw them some, yes.

19 Q. How often would she see them?

20 A. When they were here, we had the same arrangements
21 that we had before. I kept them during the day. She would
22 sit with them in the evening if I had to work late. If I
23 didn't have to work late, then I kept them in the evening.

24 Q. She had them in her apartment some?

25 A. Yes.

1 Q. Now, when did they begin to live with their mother?

2 A. In, about the time that they started school, ap-
3 proximately.

4 Q. Why was that?

5 A. I beg your pardon?

6 Q. Why was that, sir?

7 A. Why was what? I'm answering your question. I
8 don't....

9 Q. Why did they begin to live with their mother?

10 A. I was about to tell you that.

11 Q. Oh, okay. Well, I'll...

12 A. If you would permit me.

13 Q. I'm sorry.

14 A. Okay. Thank you. About the time that the chil-
15 dren were starting back to school, Connie decided that she
16 wasn't going to marry Silverman and that she wanted to move
17 back in with me. And she called and said, "I want to move
18 back in," and she started badgering me to let her move back
19 in. And the upshot of it was finally that I said, "No, I am
20 not...I'm just, I can't live with you anymore, and I'm not
21 going to, I'm not going to let you move back in." She said,
22 "Well then, I will quit my job, and I will take the children,
23 and you can support me and the children." And so, she quit
24 her job and she took the children and she...(distortion)...I
25 didn't even know what was coming down. I said, "Look...my

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(Distortion)

1 days...she said, "All right. You can have them all the
2 time." So I had...had already canceled...and...agreement
3 that we...Dr. Blanton, and told..."Let's see if we can work
4 something out." And...was...in about...worked out a very...
5 with...Matthew Black, who was...And she was supposed to
6 come back...final session...sign the agreement. She never
7 showed up...taken the children...left...come down here.

8 Q. What was the agreement? The upshot, as far as the
9 custody is concerned.

10 A. It was...I can't tell you. It's a very complicated
11 ...,about...

12 Q. Five days with her and two with you. Is that
13 basically it?

14 A. No, sir, that was not basically it.

15 Q. All right. Well, you tell me what it was.

16 A. Jo, do you have the...

17 MRS. CARLBERG: I'll find it. Go ahead.

18 A. It was something like three days and four days or
19 four days and three days or something like that. I'm not
20 exactly sure what it was.

21 Q. You would share.

22 A. We would share the children.

23 Q. The children.

24 A. But she never even came back to agree on that.

25 Q. Was there any discussion about splitting the

Carl Rochelle - Cross (Shapiro)

1 children?

2 A. Yes. Dr. Wiseberg wanted to split the children
3 up and give Carl to me and give John to her. He told me
4 that Carl hated her and that they had discussed this. And
5 that was the reason a psychological evaluation was made of
6 Carl, at Dr. Wiseberg's behest to find out what the diffi-
7 culty there would be if they split them up. And I just said,
8 "I am not," you know, "I don't, I don't want to lose the
9 children, but I am not splitting them up. I don't care."

10 Q. And you were paying child support to her September
11 and October?

12 A. I paid child support to her right after we sepa-
13 rated in June. When she moved in her apartment, I gave her
14 a hundred and fifty dollars a month.

15 Q. But she didn't have the children?

16 A. Even when she didn't have the children, yes.

17 Q. Did you fear for them when they were with her?

18 A. Not really.

19 Q. When she took them and, and indicated that she was
20 unilaterally going to change the living arrangement, you
21 sought legal counsel.

22 A. Yes.

23 Q. And you had sessions together, in trying to work
24 out an agreement. That's your testimony.

25 A. That's my testimony.

Carl Rochelle - Cross (Shapiro)

1 Q. Mr. Rochelle, have you made arrangements with any-
2 one to act as a babysitter for you in anticipation of get-
3 ting your children? Now, certainly...

4 A. I have...

5 Q. ...that can be answered yes or no.

6 A. Yes.

7 Q. And who is that?

8 A. I have arranged for my mother to stay with the...
9 you see, you can't answer it yes or no because there's a
10 following question.

11 Q. All right.

12 A. I will answer it, yes, I have made arrangements
13 with my mother to stay with the children until I can hire an
14 appropriate person.

15 Q. Have you made...

16 A. I did that last time that I was left with the
17 children, and I can do it this time. It will be no problem.

18 Q. Have you hired someone?

19 A. Of course not, sir. I don't have a job to offer
20 them. If the Court awards me custody of the children, I
21 assure that, that they will be taken care of. They were in
22 the past, and they will be any time they're with me.

23 Q. You testified that these children in your opinion
24 need the input of a father. Did you say that, sir?

25 A. Yes.

Carl Rochelle - Cross (Shapiro)

1 Q. Has anyone kept you from seeing your children, from
2 October of 1978 until today?

3 A. Yes.

4 Q. Would you please tell the Court who and the circum-
5 stances.

6 A. My wife, by (1-2 words) taking the children from
7 my custody and care in Arlington, Virginia; taking them out
8 of school, both of them out of school, and bringing them a
9 hundred and fifty miles away, with no question, no agreement,
10 no anything about it. Yes.

11 Q. I thought, I thought she had the children during
12 that period.

13 A. No.

14 Q. You were paying support to her. Child support.
15 Your own exhibit shows that.

16 A. I was paying a hundred and fifty dollars a month.

17 Q. Well, why did you call it child support?

18 A. When you came into court and asked for extra child
19 support of four hundred dollars, you must be aware that she
20 couldn't have lived on a hundred and fifty.

21 Q. Well, why did you pay child support to a woman
22 who doesn't have your children?

23 A. Because, because I felt sorry for her. She didn't
24 have a job. She was in a period without a job. She said
25 she needed the money. I paid it so she could keep...I

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1 didn't hate the woman.

2 Q. I understand that. Nobody's saying you hated the
3 woman. I'm asking you why your checks, which you've intro-
4 duced as an exhibit, 10-4-78, 10-4-78, 11-17-78. Did you
5 write this on here? For child support, 12-15-78...

6 A. I wrote...

7 MR. MELESCO: May it please the Court. I think both
8 of them are confused. Mr. Sha...

9 Q. Well, he can answer the question.

10 MR. MELESCO: Well, wait a second, Gordon. Mr.
11 Rochelle is talking about prior to her coming down here, and
12 he's talking about after she's down here.

13 THE COURT: The 1978, Mr. Shapiro.

14 Q. Oh, I'm sorry. The other one. I'm sorry. I
15 thought, I thought you had testified that while your wife
16 had the children prior to her leaving D. C., you were paying
17 her money.

18 A. The agreement that I worked out in Dr. Blanton's
19 office was that I would give her one hundred and fifty dol-
20 lars a month no matter how the, whether the children were
21 there or not, and I lived up to it.

22 Q. Well, she...the children were there.

23 A. No, sir, they were not there all the time.

24 Q. Not all the time.

25 A. They were there some. I've never said they weren't

27.
Carl Rochelle - Cross (Shapiro)

1 there some.

2 Q. Okay. Well, then she...

3 A. I was the primary custodian of the children.

4 Q. I give it to...you were the what?

5 A. I was the primarily, primary custodian of the chil-
6 dren. I was the person who was responsible for getting them
7 in school, for paying their tuition, for seeing that they
8 went to the doctor, for seeing that they were fed, for buying
9 the groceries...

10 THE COURT: Let's get back to the question of why...

11 Q. Yes, sir. That's what I'm...right now. So your
12 testimony is that, that you were denied...

13 MRS. CARLBERG: Judge, if we could shorten this...I...
14 you know, you've just directed him, and here he goes back to
15 say, "Was it your testimony..." If he could just say...

16 THE COURT: Mr. Rochelle, after these children came to
17 Franklin County, was it October of 1978?

18 A. Yes, sir.

19 THE COURT: Good, short. Why didn't you come and visit
20 your children? That was the question he asked.

21 A. Because the days that the children, my days off,
22 the children were in school, and also, I did not enjoy very
23 good relations with their mother. I was advised that the
24 case would be handled expeditiously and I figured any day it
25 would be over with and some arrangements could be made. I

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1 asked for the, to see the children at Christmas time. An
2 arrangement was worked out. I have a copy of a letter at
3 home from Mr. Melesco advising me that an arrangement had
4 been worked out. Connie told me she knew nothing about it
5 when I came down. I, if she didn't, then it's because...
6 Melesco also copied her counsel on the letter, so if she
7 didn't know about it, then it is not his responsibility nor
8 mine.

9 THE COURT: All right. Go ahead and tell...

10 A. I did not come down more because I hoped the case
11 would be resolved almost any day. I did not come down on the
12 days they were in school as I said earlier. I couldn't take
13 them out of school.

14 Q. Didn't your supervisor testify at your behest that
15 your, your schedule is flexible, he could make arrangements,
16 all of this great stuff is gonna be done for you when you
17 got your children, you're gonna be able to have them, you
18 can shuffle things around? When (1-2 words) talking about,
19 Mr. Rochelle?

20 MRS. CARLBERG: What's the question, Mr....I object to
21 that. What's the question?

22 THE COURT: Wait a minute, Mr. Shapiro.

23 Q. Judge, I...there was a question there somewhere.
24 Mr. Rochelle, didn't you, didn't your supervisor say that...

25 THE COURT: That he could make arrangements whereby

Carl Rochelle - Cross (Shapiro)

1 that your schedule could be shuffled so that you could have
2 a weekend off...

3 Q. So it's not a Monday and Tuesday, is it? You could
4 have weekends.

5 A. It is extremely difficult to break up a schedule
6 to go down and, and, you know...I wanted my...

7 Q. The children need their father.

8 A. Yes, they do need their father. Why did their
9 mother take them down here?

10 Q. They need the input of their father, Mr. Rochelle.

11 A. Right. Why...

12 THE COURT: Wait a minute, wait a minute. Let's get
13 back to the question. Why (few words) October through the...

14 A. All right, sir. I did not go down...I did not come
15 down any more than I did because I thought the case would be
16 over almost any day. We all were waiting for the report from
17 the J and D Court in Arlington. I thought that it would be
18 over, and I could see my children under what I considered to
19 be acceptable circumstances. If I could drive down and I
20 would spend the time down here...I tried to contact them.
21 The contact that I had with them through their mother was
22 not...

23 MRS. CARLBERG: Judge Davis, before he goes any further
24 could we ask you to take judicial notice?

25 MR. MELESCO: There's a letter in your file that I

Carl Rochelle - Cross (Shapiro)

1 wrote you concerning his lack of visitation. This was before
2 Mr. Shapiro was in. I think that letter may solve some of
3 the problems.

4 MRS. CARLBERG: I just hate, would hate for this Court
5 to cast aspersions on the father when it was through...

6 THE COURT: I'm not casting aspersions. But I...

7 MRS. CARLBERG: No, I meant, I meant counsel...

8 THE COURT: I raise, I raise the question for Mr.
9 Melesco and Mr. Shapiro. I quite frankly don't understand
10 why he didn't...

11 MR. MELESCO: Judge, I can't explain it because my
12 memory is foggy. But we had a hearing, and it was decided
13 that the Arlington unit would investigate it. For some
14 reason, the order was entered by you but never got forwarded,
15 as I vaguely remember. It just got entered and never got
16 forwarded. I wrote you shortly after the hearing and advised
17 you that because we thought there would be some type of
18 immediate hearing that he would not ask for visitation be-
19 cause there very, there were very real personal problems
20 between he and his wife, and he just said, "This will be
21 over soon, and I don't want..."

22 THE COURT: That's all right. I'm not going to make
23 any big issue out of it. This case is not going to turn on
24 it, but it's a legitimate question, and I think a legitimate
25 question calls for a legitimate answer. Now, if we had the

Carl Rochelle - Cross (Shapiro)

1 hearing in October, this letter was written in November.

2 MR. MELESCO: The order wasn't entered until November.

3 THE COURT: And Mr. Rochelle saw the children during
4 Christmas.

5 A. I did see the children during Christmas.

6 Q. With no problem at all, Judge. He's working it
7 out. No problems.

8 THE COURT: Now, we're talking about January, February,
9 March, April, May and June.

10 A. Well, if you recall, the case was...

11 MR. MELESCO: I would like for the Court to be aware
12 of the existence of that letter.

13 THE COURT: All right. We'll file that...exhibit.

14 MR. MELESCO: Well, if it's already there, you won't
15 have to. If I wrote your Honor, won't have to.

16 A. The case was first set for a month and a half ago.
17 So it's a month and a half...

18 THE COURT: Just go ahead and answer his question now.
19 Why didn't you come in January and February, March, April...

20 A. All right. I did not come down because of my,
21 partly because of my personal relationship with my wife and
22 because I did not want to be, to get into an argument with
23 her and into a fight with her in front of the children, part-
24 ly because I felt like being down here two days, I could not
25 relate to them in a circumstance that would be beneficial to

Carl Rochelle - Cross (Shapiro)

1 me or them, and also, the third factor is that I thought
2 this would be over with very soon. I kept...

3 Q. Did you ask to have them visit with you after
4 Christmas?

5 A. I tried to talk to my wife one time...

6 THE COURT: Let me ask you a question. Let me inter-
7 rupt please. I mean I've got to make the decision, right
8 or wrong...

9 Q. I understand.

10 THE COURT: And I'm sure it's traumatic. I didn't
11 know that Mr. Shapiro has some of the same problems that
12 y'all have until while ago. You said your children...you
13 felt, and probably rightly so, that it would be difficult
14 for the children to relate to you over a two-day period, and
15 you pull out and you come back.

16 A. Yes.

17 THE COURT: All right. If I awarded you custody of
18 the children, Mr. Rochelle, how is it going to affect their
19 mother? Would she have a difficulty relating?

20 A. Yes, I suspect she would. If she had to drive up
21 from Roanoke and see them for two days and then drive back
22 down to Roanoke, yes, I think it would be difficult.

23 THE COURT: You mean that you...

24 A. I think she would have difficulty relating, walk-
25 ing in a situation where you have had primary care for the

Carl Rochelle - Cross (Shapiro)

1 child, and you would have known their teachers, and...

2 THE COURT: Groping for something to talk about. You
3 look for something to do.

4 A. You look for a subject, you look for, you know,
5 where are there toys to play with or where are the parks to
6 go to, where...

7 THE COURT: Go ahead, Mr. Shapiro. Excuse me.

8 Q. Mr. Rochelle, have you ever called any of your
9 children's teachers?

10 A. Down here?

11 Q. Yes, sir.

12 A. I didn't even know who they were.

13 Q. Did you inquire?

14 A. The only talks I've had with my wife were very
15 short.

16 Q. Talking about your wife. You've got a lawyer down
17 here, Mr. Rochelle. Did you ever ask him to find out who
18 your, your kids' teachers were so you could talk to them?

19 A. No, sir.

20 Q. Did you ever talk to Dr. Walton about your, your
21 kids' medical...

22 A. Yes, yes.

23 Q. You talked to him on the phone...

24 A. Yes, sir.

25 Q. ...before you wrote him the letter?

Carl Rochelle - Cross (Shapiro)

1 A. No, sir. I, instead of...

2 Q. Why did you write him the letter like that without
3 ever, without the courtesy of a telephone call to him?

4 MRS. CARLBERG: What?

5 THE COURT: We're not getting into proprieties. Now,
6 he said he talked to him over the telephone, Mr. Shapiro.
7 Let's go.

8 Q. Judge, has that letter been introduced?

9 THE COURT: Yes, sir.

10 A. You are aware that the first indication that I had
11 that they were getting allergy treatments was a bill in the
12 mail.

13 THE COURT: A bill. Right. And that prompted your
14 letter.

15 A. And I think that...

16 Q. It prompted the letter before it prompted a tele-
17 phone call.

18 A. It prompted the letter. Dr. Walton called me and
19 we discussed it, and he said that my wife had said the chil-
20 dren were, were just bothered with sicknesses all the time
21 and that they had, you know, they stayed sick. And that's
22 the reason...

23 THE COURT: ...hearsays.

24 A. Okay. Sorry.

25 Q. Did Dr. Walton tell you that the children had been

Carl Rochelle - Cross (Shapiro)

1 referred by their pediatrician for this, for this purpose?

2 MRS. CARLBERG: He's asking him to testify to some-
3 thing that the doctor said, your Honor. He's asking him to.

4 THE COURT: All right. He can answer the question.
5 He talked...

6 A. Dr. Walton said that there were two factors...

7 THE COURT: The question is, sir, did Dr. Walton tell
8 you that he saw the children by virtue of the fact that they
9 were referred by their pediatrician?

10 A. Yes, sir. Yes, sir. Yes, sir.

11 THE COURT: Okay.

12 Q. Did you change your position, sir?

13 A. I beg your pardon?

14 Q. Did you change your position?

15 A. From what?

16 Q. From the, from the position you took in the letter.

17 A. I don't understand what you mean.

18 Q. Did you change the position, viz a vie, Dr.
19 Walton, from the position you took in the letter to him after
20 the telephone conversation with him?

21 A. No, sir.

22 Q. Okay. You said you called your children twice.

23 A. I've called them several times. I got through and
24 talked with them twice.

25 Q. And you say that...

Carl Rochelle - Cross (Shapiro)

1 A. I have also written them cards, birthday cards, and
2 Easter cards and other cards. I have written them. I have
3 never received one...I received one response. I received a
4 Father's Day card on, two days after Father's Day. It was
5 mailed on the Monday after Father's Day with the children's...

6 THE COURT: Mr. Rochelle, we can keep on, but...

7 A. I'm sorry. I'm sorry. Go ahead.

8 Q. You've gotten to talk to them twice?

9 A. I got to talk to them twice.

10 Q. And you say your wife hung up on you once when
11 you tried to talk to your, to your child?

12 A. My wife hung up on me twice, both times when I
13 tried to talk to them.

14 Q. Now, wasn't...didn't she hang up on you when you
15 called to find out why you got a bill from the emergency
16 room in the hospital for one of your children?

17 A. She hung up on me another time when I called to
18 ask her...

19 Q. Well, let's talk about that time, Mr. Rochelle.

20 A. I'm, I'm talking.

21 Q. You'll have a chance to talk about the other time.

22 A. I'm talking.

23 Q. My question concerns this time.

24 A. I'm just answer, answering about that, sir.

25 Q. No, you're not.

Carl Rochelle - Cross (Shapiro)

1 A. All right.

2 Q. Judge, he's not answering my question.

3 THE COURT: ...Mr. Rochelle, did your wife hang up when
4 you called her about an emergency room bill?

5 A. Well, he didn't phrase...the question...in the
6 manner the question was phrased, a yes or no answer would be
7 inaccurate.

8 THE COURT: Well, just....that's one time. That's one
9 time. Did anything happen?

10 A. Did she hang up on me? Yes.

11 THE COURT: Did you call her about the, the telephone...

12 A. I did not call her about the bill. I called her
13 to ask her what was wrong with my son and why he had to go
14 to the emergency room.

15 THE COURT: Okay.

16 Q. And what did she tell you?

17 A. She said he had a boil on his leg.

18 Q. And what happened?

19 A. And I asked, I said, "You took him to the emergency
20 room for a boil?" And she said, "I'm not gonna discuss the
21 children's health with you," and hung up.

22 Q. Did you speak in that tone of voice?

23 A. I...she spoke in that tone of voice. I said, "Why"
24 ...I said, "Why"...I didn't say it badly. I said, "Why did
25 you take him to the emergency room?" "For a boil."

Carl Rochelle - Cross (Shapiro)

1 Q. Without any knowledge of anything other than the
2 bill you got, you challenged her...

3 A. Challenged?

4 Q. ...in taking him to the emergency room.

5 A. Sir, I'm not an attorney. I don't talk to people
6 like that.

7 Q. Now, what was the other time she hung up on you?

8 A. I've already told you. Thanksgiving and Carl's
9 birthday.

10 Q. I thought Thanksgiving was when the voice got
11 distant and...

12 A. Well, she hung the phone up.

13 Q. How do you know who hung the phone up? Do you know
14 who hung the phone up?

15 MRS. CARLBERG: Judge, we'll stipulate we don't know
16 who hung the phone up.

17 A. No, sir, I was not there. I don't know who hung
18 the phone up.

19 MRS. CARLBERG: The phone was hung up on...

20 THE COURT: He doesn't know, Mr. Shapiro.

21 MRS. CARLBERG: He's arguing with and badgering the
22 witness.

23 Q. The implication in this is that she took the phone
24 and hung it up. He doesn't know. (Pause) Why do you feel
25 that your children should have a week this summer with your

Carl Rochelle - Cross (Shapiro)

1 mother without you present?

2 A. Because they enjoy being with their grandmother,
3 and I can see no reason to supervise my mother.

4 Q. You haven't seen them since December.

5 A. Well, I will have them at least...

6 Q. What?

7 A. The Court has told me that I will have them at
8 least a month, and I'm willing to share them with my mother
9 for a week of that month.

10 Q. The import of my question isn't that your mother
11 shouldn't see them, but I was just interested in why you
12 can't be there with them. Is it because of your schedule...

13 A. I can.

14 Q. ...or your work?

15 A. No, sir. I can be there with them. I just would
16 like to have it that way. Is there something wrong with
17 that? (Pause)

18 THE COURT: Ask a question, Mr. Shapiro.

19 Q. Pardon me?

20 THE COURT: Ask a question.

21 Q. Yes, sir. Mr. Rochelle, who is Nancy Gleason?

22 A. She is a person I have dated.

23 Q. Has Nancy Gleason ever spent the night in your
24 home while the children were present?

25 A. One night.

Carl Rochelle - Cross (Shapiro)

1 Q. When you had your kids during the times of your
2 separation, what'd you do with them?

3 THE COURT: In relation to what? You mean recreation?

4 Q. Yeah. What'd you do with them?

5 THE COURT: Or feeding them or putting them to bed, or
6 what?

7 Q. In terms of activity.

8 MR. MELESCO: At what point? Do you mean the Christmas
9 vacation or...

10 THE COURT: No, he said when they were separated.

11 Q. During the times of the separation of the parties.

12 MR. MELESCO: During the whole period of the marriage,
13 all the various separations.

14 Q. Yeah.

15 MRS. CARLBERG: '77 and then '78. Okay.

16 A. I tried to be a good father to them. I played with
17 them, I read them, I cared for them.

18 Q. Did you take them places?

19 A. Yes.

20 Q. Where'd you...take them to a ballgame?

21 A. I took them to the beach...

22 Q. They're a little young.

23 A. To go to the beach?

24 Q. No, the ballgame. That was my...

25 A. Oh, I see.

Carl Rochelle - Cross (Shapiro)

1 Q. I was helping you a little bit.

2 THE COURT: Mr. Shapiro answered his own question.

3 A. I see. Besides the Senators aren't there...

4 Q. But you, you did, you engaged in activities with
5 them...

6 A. Of course.

7 Q. Commensurate with their age.

8 A. Of course.

9 Q. Spent a lot of time with them.

10 A. Yes.

11 Q. Now, your testimony is that you work Wednesday,
12 Thursday and Friday, and you are on call--that is, you are
13 responsible to your job--from the hours of 10:00 in the
14 afternoon to 2:00 o'clock at night. Is that correct?

15 A. No, sir. You've got it backwards.

16 Q. Oh, I'm sorry. Well then, you correct.

17 A. 2:00 to 10:00.

18 Q. Isn't that what I said?

19 A. No. You said 10:00 in the afternoon to 2:00 in
20 the morning or something like that.

21 MR. MELESCO: Twenty-five till seven.

22 Q. We really ought to quit. But you're saying that
23 that's really not usually the case, that you're not there
24 that much. Do you know from day to day when you will be re-
25 quired to be there and when you will not?

Carl Rochelle - Cross (Shapiro)

1 A. With rare exceptions, yes.

2 Q. How?

3 A. Because I...it's hard to explain the news business,
4 but most of the events that happen in the evening are sched-
5 uled well in advance of happening. And the only...

6 Q. You mean if Somoza resigns, that somehow...pre-
7 dictable...

8 A. Well, how many times, how many times can Somoza
9 resign?

10 Q. I don't know. I don't know.

11 A. He resigns once. I go and...

12 MRS. CARLBERG: Judge, in the essence of time, I think
13 we ought to cut the questioning...

14 THE COURT: Wait a minute.

15 A. And I wouldn't be called in if Somoza resigned
16 anyhow.

17 Q. Wait a minute. We got a three-way...

18 MRS. CARLBERG: Excuse me. I have an objection...

19 THE COURT: Wait a minute, wait a minute, wait a
20 minute. Go ahead now. He says that with...he testified...

21 Q. He said the news is predictable.

22 THE COURT: He said most of the time he's home by 6:00.

23 Q. I understand that.

24 MR. MELESCO: And his boss backed up, Mr. Shapiro.

25 Q. Didn't he say the news is predictable?

Carl Rochelle - Cross (Shapiro)

1 MR. MELESCO: Yes, but his boss also said he was home
2 by 6:00.

3 THE COURT: Wait a minute, Mr. Melesco, please.

4 MR. MELESCO: I'm sorry, your Honor.

5 THE COURT: Go ahead, Mr. Shapiro. He says that...

6 Q. The news is predictable.

7 THE COURT: That's right.

8 Q. All right, sir.

9 THE COURT: With rare exceptions, they know what's
10 going to happen...

11 Q. All right, sir.

12 THE COURT: Carter's speech which was canceled, they
13 knew it was coming, and...

14 Q. On the weekends--that is, Saturday and Sunday--
15 what is your commitment? I know we're going over it, Mr.
16 Rochelle, but I, we've got to get this straight.

17 THE COURT: ...repeating this answer before...

18 Q. I don't know what it was, Judge.

19 THE COURT: What is Saturday and Sunday, Mr....

20 A. It's approximately 10:00 o'clock in the morning
21 and until around 7:00 o'clock in the evening on Saturday.
22 On Sunday it is currently around 9:00 until around 1:30. It
23 can go later until around 4:30, but the good part of the day
24 I would be with the children on the weekend. I would have
25 time in the morning. I would have time...

Carl Rochelle - Cross (Shapiro)

1 Q. Can you plan, is really what...

2 A. Yes, I can plan.

3 Q. How do you plan when the...

4 A. Well, I sit down with an event and a calendar...

5 Q. These feeds that...

6 A. They're not incoming feeds, sir. They're outgoing
7 feeds, and we put them together and feed them at a specific
8 time. The schedules are put out anywhere from a month to a
9 month and a half in advance, and I know exactly when they
10 come.

11 Q. But why, why do you have a schedule from 10:00 to
12 7:00 if you're home by 1:30?

13 MRS. CARLBERG: Judge, I believe he's arguing and
14 being redundant. I think Mr. Sanders...

15 THE COURT: I don't know how...Mr. Shapiro doesn't,
16 want to understand this thing, and I don't exactly understand
17 it. But it's a point that...

18 A. 10:00 o'clock in the...

19 THE COURT: Everything going out of Washington...what
20 he's saying--I think I'm correct. Correct, Mr. Rochelle--
21 you know in advance what's going to take place...

22 A. Pretty much.

23 THE COURT: The President's going to make a speech,
24 when Nixon's going to resign and that kind of thing.

25 A. We know in advance when almost every one of those

Carl Rochelle - Cross (Shapiro)

1 things happen.

2 THE COURT: Right. And you can work your schedule
3 around that.

4 A. Sure.

5 THE COURT: Okay. And they know what's going to hap-
6 pen and when it's going to happen...on most of them.

7 Q. But the point is, the obligation is there until
8 7:00 o'clock at night. The obligation is there.

9 A. Well, what's wrong with that?

10 THE COURT: He might have to be called back. He didn't
11 say that. If a submarine came up the Potomac, I'm sure
12 they'd call him back.

13 Q. All right. But the point then is, how...he's
14 testified he can schedule, and I don't see how you can.

15 A. Sir, I am scheduled until 7:00 o'clock on Saturday.
16 It's a regular schedule under...now it won't run any later
17 than 7:00. Next month I may be scheduled to finish up on
18 Saturday at 4:30, but it won't run any later than 7:00 under
19 any circumstances. I realize you don't understand it, but
20 you don't understand the way network television works...and
21 I don't understand the way law works, so we're even.

22 Q. Mr. Rochelle, didn't you admit in the hearing
23 before that, that the children were living with their mother
24 in the District of Columbia prior to the, to her leaving
25 Washington...

Carl Rochelle - Cross (Shapiro)

1 A. Sir, if you want me to go back over and explain
2 that whole circumstance again...

3 Q. Did you say that, sir?

4 A. Do you want me to explain the circumstance again?

5 MR. MELESCO: Just answer his question, Carl.

6 A. Yes.

7 Q. Were you called upon to testify in the ex parte
8 custody proceeding in Arlington?

9 A. Yes.

10 Q. Did you testify at that proceeding that your chil-
11 dren were living in the District of Columbia with your wife?

12 A. I told the Judge what the circumstances were sur-
13 rounding it.

14 Q. Did you tell him that they were living with your
15 wife in the District of Columbia?

16 A. I told him that they had been living with me and
17 we were trying to work out a joint custody and my wife had
18 taken them and gone. That's what I told him.

19 Q. Do you know whether your children ever got their
20 camera?

21 A. I've no idea. I asked Carl to call me and tell me
22 whether he liked it, or write me, but I never heard a word.

23 Q. If you'd come down, you'd know, wouldn't you?

24 MR. MELESCO: He's arguing with the witness.

25 Q. Strike that.

Carl Rochelle - Cross (Shapiro)

1 THE COURT: That's enough, Mr. Shapiro.

2 Q. Strike that. I'm sorry. Getting late. You talked
3 about your wife's violent outbursts, profanity. Wasn't that
4 mainly directed at you?

5 A. No, sir. It was directed mainly...well, it was
6 directed at me and at the children. I mean a psychologist
7 might tell you that she was being...

8 Q. No, I'm talking about a psychologist...

9 A. Okay. It was directed...when she calls...

10 Q. I'm talking about your...

11 A. When she calls John by name and says that to John...

12 Q. Now, how many times did that happen?

13 A. Several.

14 Q. What's several? Two, five, ten, twenty...

15 A. Twenty-five, thirty.

16 Q. Twenty-five or thirty times she called him a
17 "mother fucking son of a bitch?" Are you saying that to
18 this Court?

19 A. Sir, excuse...yes, I am saying that to this Court.

20 Q. Twenty-five or thirty times.

21 A. Yes, sir, I am saying that to this...

22 Q. Directed to that little...

23 A. Yes, sir, I am saying that.

24 Q. And you left him...

25 A. Yes, sir.

Carl Rochelle - Cross (Shapiro)
- Redirect

1 Q. ...in her care? You left that child in her care
2 after that?

3 A. I tried not to.

4 Q. That's all.

5 THE COURT: Further questions? Any redirect?

6 MRS. CARLBERG: Just a couple...

7 REDIRECT EXAMINATION

8 BY MRS. CARLBERG:

9 Q. At the time that you were living with Mrs. Rochelle
10 before you were married, you were not married, were you?

11 A. No, I had never been married.

12 Q. And you had never been married until you married
13 her.

14 A. That's correct.

15 Q. In other words, this was your first marriage.

16 A. Yes.

17 Q. So at that time you were not living in an extra-
18 marital relationship with her because you'd never been
19 married, had you?

20 A. That's correct.

21 MR. SHAPIRO: Judge, is that...

22 THE COURT: We're dealing with semantics now, sure
23 enough. (Few words)...go ahead.

24 Q. What did she later tell you about the trip to
25 Atlanta?

Carl Rochelle - Redirect (Carlberg)

1 A. She told me that she had had sexual relations with
2 Dr. Wiseberg once or twice and that they had discussed with
3 another psychiatrist, I think she said, in Charleston, South
4 Carolina, going to visit them during the summer, that she
5 and Dr. Wiseberg go to visit them.

6 Q. Why didn't you work for six months at night?

7 A. The engineers' union was on strike and we had an
8 absolute ban on any late feeds at all whatsoever.

9 Q. So what was that period of time? What year?

10 A. It was during the first year that I had the chil-
11 dren. It would be '77, and it was approximately five to six
12 months, and I don't remember the exact dates but they're
13 verifiable.

14 Q. Approximately how many doctors did your wife see
15 while you lived in the District, while you lived in the
16 Washington area?

17 MR. SHAPIRO: Judge, we're going over the same...

18 THE COURT: ...you've got exhibits, bills and checks
19 and everything else with reference to that.

20 Q. I have no further questions, your Honor.

21 THE COURT: Let's take about five minutes before we
22 start on Mr. Shapiro's...do you have any other witnesses?

23 MR. MELESCO: No. There's something I'd like to state
24 for the record.

25 THE COURT: What's that?

1 MR. MELESCO: Please the Court. There's...Gordon's
2 done an excellent job of making our client out to be a
3 negligent father in not visiting...and I've rechecked the
4 file. The order was entered on November 14th directing the
5 court services unit. The letter did not go out until
6 December 7th, and I can't tell you why or how, but Mr.
7 Shapiro was well aware of that because I sent him a copy of
8 it and told him if they had any questions, contact...

9 THE COURT: We got back the notice...but that's Christ-
10 mas. Then we've got after...

11 MR. MELESCO: Well, let me just take it past Christmas.
12 The case was set for hearing. Because of a foul up on our
13 part, it was continued. Mr. Shapiro was not happy with the
14 report from Arlington, so we had to have another report
15 entered, and so the delay has never, has never been Mr....

16 MR. SHAPIRO: We're not blaming him for delay.

17 MR. MELESCO: But he's always been under the impres-
18 sion...I can...he's told me in phone calls, and I can't test-
19 ify...

20 THE COURT: Mr. Melesco, you get under oath?

21 MR. MELESCO: I'm willing to do it.

22 THE COURT: We'll call you to the witness stand, we'll
23 put you on and we can, and they can...

24 MR. MELESCO: Well, I'm willing to do it.

25 (PAUSE)

Connie Rochelle - Direct (Shapiro)

CONNIE PETERS ROCHELLE

the Defendant in this proceeding, after having
first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. SHAPIRO:

(First portion of Direct Examination unintelligible
due to distortion.)

A. ...Roanoke...at Franklin Road...

Q. Turn right and go up...

A. If you turn left...get on the Interstate...you
turn right, you go the other way.

Q. And for how long have you been...

A. ...since February...

Q. ...were you...prior...

(Portion completely unintelligible.)

A. ...and my husband did during the first separation.
During the second separation I had an apartment. I had
Washington, D. C., available to me--parks, friends, all kinds
of things. So they were with me at my apartment.

Q. Now, did there come a time when the children began
to reside with you full-time?

A. Yes.

Q. And when was that approximately?

A. It was after they came back from their grand-
mother's, which it seems like school started September the

Connie Rochelle - Direct (Shapiro)

1 13th. I don't know. It was probably two or three weeks
2 before that. I really don't know...exactly.

3 Q. And they came back to the northern Virginia dis-
4 trict area from their visit, and they began to reside with
5 you.

6 A. Yes.

7 Q. Now, what, what happened thereafter in terms of
8 your relationship with your husband in regard to the chil-
9 dren?

10 A. Well, I was not working. I had had the part-time
11 job, and I was no longer working there. I had had an opera-
12 tion. We somehow got involved in, in forming an agreement
13 that we were going to put in writing, with Mrs. Carlberg
14 and Mr. Black, I think his name was. So, once we got in-
15 volved in that agreement things got very bad because I did
16 not have a job. I was legitimately trying to find one. I
17 have limited skills in a lot of areas for Roanoke, Virginia.
18 I have almost totally limited skills in Washington, D. C.,
19 for a job. So it was not as easy for me to go out and find
20 one. I had all kinds of desire. But in that agreement, I
21 was told that I could have the children with me, we could
22 have a joint custody. I had to be responsible for taking
23 them both to school in the mornings like my husband did.
24 And there were many stipulations of that sort, and then I
25 could be available at such and such a time if I wanted the

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1 joint custody and if I wanted my children with me those days,
2 and if not, then I could be sued for custody and we'd go to
3 court. Well...

4 Q. Were the demands that, or the demands as you recog-
5 nize them to be, consistent with your being able to maintain
6 full-time employment?

7 A. Absolutely not, no. Because the type of work I
8 would have had to do or would have done, I would have gone
9 to work at 9:00 o'clock in the morning. I could not have
10 gone to work at 10:00 or 11:00, or I could have done some-
11 thing like be a waitress and I could have worked at night
12 and I would never have seen my children. So I was not will-
13 ing to do that.

14 Q. Now, what happened to this agreement process and
15 what did you eventually do?

16 A. Well, the agreement process was being typed up
17 as I, I suppose, and my husband and I...it was just getting
18 very, very bad, to the point that I did not have money for
19 food for my children. They had no beds to sleep on. I went
20 to his house to get clothes and to ask for things, and I was
21 told that his attorney said I couldn't take anything. The
22 locks on the doors were changed. I was taking my children
23 to friends' house for lunches to go to this twenty-five
24 hundred dollar a year school, and I was taking them to
25 school and I was picking them up. And I was doing a lot of

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1 begging, but I was not willing to bargain with my kids at
2 that point. And when, when it came down to the point that
3 I had no choice except to give them up, I left with them.

4 Q. And where did you come?

5 A. Home.

6 Q. And where's home?

7 A. Here.

8 Q. And what did you do?

9 A. Well, this was planned about two weeks before I
10 did it. It was not middle of the night. I called my par-
11 ents and said, "I need a house. I'm moving." And my father
12 said, "Okay. Fine." He found one. I had a, friends who
13 helped me rent the truck, pack the truck, load the truck,
14 and I, I came here and I moved into that house. I spent the
15 first night with my parents. My father came up to drive the
16 truck back, and I spent the first night with them, and I
17 moved into the house with the kids. I put my son in school.
18 I started looking for a job. I filed for custody and sup-
19 port and just got on with the rest of my life.

20 Q. Have you experierced any of the problems in your
21 relationship here with any of your employers and otherwise
22 that you were experiencing in the District?

23 A. None, except for money, but no, no. No problems.

24 Q. During last year, how much did you earn?

25 A. My W-2 forms are right around six thousand dollars.

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1 Q. Is that your gross or your take home?

2 A. That's my gross if that's what's on the W-2. I'm
3 sorry. (One word)...is not one of my favorite fields. But
4 on the W-2, it, they total up to almost six thousand dollars.

5 Q. And do you know how much you received from your
6 husband?

7 A. No, I, I really don't have any idea. I don't.

8 Q. Have you been able to be extravagant, Mrs.
9 Rochelle?

10 A. Not exactly. I don't consider what I've, what I've
11 done since I've been here extravagant at all.

12 Q. Now, how are your kids doing in school?

13 A. The children are doing very, very well.

14 Q. Have they had any problems adjusting to living
15 here that have been exhibited to you?

16 A. No. Not any more than just a normal problem.

17 Q. What, for instance?

18 A. Concern, for instance. Something that's different
19 here. Concerned about being spanked at school if something
20 is not, is not correct, and that's come from my older son.
21 He's had concern about that, on one or two occasions. That
22 sort of thing which is, it's just a different, a different
23 life style. But...

24 Q. Has anything happened that you've not been able
25 to handle?

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1 A. No. No, absolutely nothing has happened. The
2 children are very adaptable. People here have been fantas-
3 tic. There...no, there has not been a problem we haven't
4 been able to handle. Not at all. It hasn't even been a
5 serious problem. I don't consider that serious, inasmuch as
6 the fact that he thought it would be done. That was serious.
7 And that he was changing environments. But, no, other than
8 that. That was about the biggest problem we've had.

9 Q. Has one of your children begun to wet the bed?

10 A. Well, I have a different memory of this bed-wetting.
11 John did not begin to wet the bed when we came to Franklin
12 County. John lived with me in Washington, D. C., and John
13 wet the bed in Washington, D. C.

14 Q. But let's...has Carl ever wet the bed?

15 A. No. I don't know where this comes from. Carl,
16 Carl does not wet the bed at my house. Never, has never wet
17 the bed. No.

18 Q. Okay. Now, insofar as John is concerned, you say
19 this started in the District.

20 A. Sure.

21 Q. Have you sought medical attention for, for John
22 and trying to find out what the causes are, what the problems
23 are?

24 A. No, I haven't. Because I took John...I've men-
25 tioned it to the pediatricians a couple of times, and they

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1 say four years old, and they go into several things that,
2 that's very common in four year old children.

3 Q. Well, you didn't mention this to Dr. Walton...

4 A. I mentioned it. Dr. Walton asked me when I was
5 giving him the symptoms that my children have had of being
6 allergic, and I mentioned the bed...no, he asked me if
7 either one of them wet the bed, and I said, "Yes, John does."
8 And that was the first time I had been made aware that bed-
9 wetting was, was a possible symptom of an allergic child.
10 And I consulted with him further on that, and he saw, he said
11 most pediatricians won't even check it out because it's,
12 it's not that abnormal in a four year old boy.

13 Q. Excuse me for a minute, your Honor. (Pause)
14 Judge, we'd like to introduce...next exhibit...(Pause) In
15 terms of your kids' medical needs, you use Physicians to
16 Children in Roanoke?

17 A. Yes.

18 Q. And were your children referred to an allergist
19 by their pediatrician?

20 A. Yes, they were.

21 Q. Are these letters that...

22 A. Yes, from Dr. Pierce.

23 MRS. CARLBERG: Do these, copies of these things for
24 us?

25 Q. ...I'm not as prepared.

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1 A. Actually this was the second doctor. They went to
2 Dr. William Hughes in Boones Mill when they first began
3 being sick, and then to Physicians to Children and then to
4 Walton.

5 (PAUSE)

6 THE COURT: These are the defendant's?

7 Q. Yes, Judge.

8 MR. MELESCO: Could we have copies of these made for
9 us please?

10 THE COURT: Yes, sir. We'll be glad to give you
11 copies.

12 Q. Judge, we'd like to introduce these letters from
13 the same doctor on the referral to their pediatrician.
14 Bring the Court's attention to the April 15, 1979, letter
15 from Carl Rochelle which is now in evidence. Subsequent to
16 your husband's contact with the doctor, did he then contact
17 you regarding the allergy treatment that was being rendered?

18 A. Okay. I received a phone call from my husband. I
19 took John to the emergency room on Monday. I received a
20 phone call on Friday. I was busy putting hot soaks on John's
21 leg...

22 Q. Now, wait a minute. I'm not talking about the
23 boil now. I'm talking about...

24 A. I know. I was putting the hot soaks on his leg
25 for the boil, and the phone rang. And I answered it. My

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1 husband said, "Why did John go to the emergency room?" And
2 I, I stopped, and I said, "Because he had a boil on his leg."
3 And he said, "Oh, really?" And I took a breath, and he
4 began to say something else, and I said, "Hey, wait a minute.
5 Don't ever call here again and question me," and I put the
6 phone down, because I thought it was real unusual that he
7 had to get a bill before he would make a phone call to find
8 out how his children were. And that was, that was what was
9 in my mind. And I don't understand it even now.

10 Q. Did he ask to speak to his children?

11 A. No, he did not. Absolutely did not.

12 Q. Did he identify himself?

13 A. No, he did not.

14 Q. Now, back to my question which was...

15 A. I thought that was your question.

16 Q. No, no. My question regarding the, whether or not
17 you heard from Dr. Walton as...

18 A. Oh, that phone call.

19 Q. ...the result of your husband's contact with him
20 by letter and by his testimony, by telephone.

21 A. Oh, okay. I have a, I had a bit of a problem with
22 my mail situation where I lived. Any time I got a certified
23 letter, I had to go to Rocky Mount to get it. So...

24 Q. I don't think either one of you people are capable
25 of answering a question.

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1 A. I'm answering it.

2 Q. We're going to be here all day.

3 A. I did. Yes, I did.

4 Q. Thank you.

5 A. He sent me a certified letter.

6 Q. Dr. Walton did.

7 A. Right. Dr. Walton sent me this letter.

8 Q. We're not interested in how it came to you, but
9 you got it.

10 A. Okay. I got it.

11 Q. And they indicated...

12 A. Yes, I'm sorry. It's certified. I got it late,
13 much later. Much later. Sorry about that.

14 Q. Did he refuse then to proceed with the treatments
15 that he was giving to your children for...

16 A. He, he attempted to refuse to do it.

17 MRS. CARLBERG: Judge Davis, I will stipulate on the
18 record that because we did not know anything about allergy
19 tests until this time, I directed my client to inquire and
20 tell him of the status because the doctor did not know, and
21 I will state that for the record.

22 THE COURT: All right. No problem. Just go ahead,
23 Mr. Shapiro. When the children needed medical help, they
24 got it. (1-2 words)...children needed medical help...

25 A. They got it. But Dr. Walton...

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1 Q. But the...did they continue to get it?

2 A. He did...yes. He did ask me to send the serum
3 back, and I told him absolutely not, not until I had a court
4 order to send it back because that was part of the care of
5 my children, and Dr. William Hughes in Boones Mill adminis-
6 tered the serum because I didn't have to drive to Roanoke
7 twice a week that way.

8 Q. Was it your understanding that pending the outcome
9 of this thing that the children's care was with you?

10 A. Absolutely. I'm their mother.

11 Q. Now, to your knowledge how many phone calls were
12 received in your home from your husband since October of
13 1978?

14 A. Three phone calls.

15 Q. Were your children allowed to talk to their father?

16 A. Sure. Absolutely they were.

17 Q. Did you ever take the phone away from them or...

18 A. Never. I've never hung up the phone. I've walked
19 out of the room. No, I've never hung up on my husband. I
20 had nothing to say to him. Wanted to have no conversation
21 with him whatsoever. But never, never saw about his own
22 children.

23 Q. Can you...these your cards...

24 A. Yes. Easter...

25 Q. Valentine's Day?

1 A. Christmas. Yes, Valentine's.

2 Q. Are these some of them?

3 A. Yes, mm huh.

4 Q. Then the kids have gotten his mail?

5 A. Sure they have. Birthdays, every occasion, Easter.
6 I, I may not have them all there.

7 Q. Do you deny them his, his mail?

8 A. They get them out of the mailbox. They used to
9 get it out of the mailbox. I mean...

10 MRS. CARLBERG: Your Honor, I think we ought to have
11 those put in evidence.

12 Q. Sure. Be glad to.

13 MRS. CARLBERG: To show that the father does write to
14 his children.

15 Q. It also shows that the children get their mail.

16 MRS. CARLBERG: Well, we don't know that yet.

17 Q. Yeah, she just said it.

18 THE COURT: Well, let's go. Come on.

19 A. And the gifts too.

20 Q. All right. There was an incident...there was an
21 allegation that a, a camera was sent as a birthday present.

22 A. Right. Right.

23 Q. Was the camera sent as a birthday present?

24 A. That's what my husband told my son.

25 Q. When did he tell him that?

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1 A. On his birthday, January 30th.

2 Q. When did the camera arrive?

3 A. About three or four days later.

4 Q. What'd he tell his...did...well, you don't know
5 what he told him.

6 A. I don't know. I didn't ask him anything about it.
7 Carl was having a birthday party at the time...hung up the
8 phone when John finished talking. I was in the other room.
9 Some of the kids hung up the phone. I didn't hang the phone
10 up. John just walks off and, you know.

11 Q. Did your son get the camera?

12 A. Sure, he got the camera.

13 Q. Did he take any pictures with it?

14 A. Yes, yes.

15 Q. Have you had them developed for him?

16 A. Yes, yes, I have.

17 Q. Has he asked you to send any to his dad?

18 A. No.

19 Q. There was an allegation that some photographs that
20 were taken in the northern Virginia area by the kids were
21 sent to them, and that they were returned "refused." Do
22 you have knowledge of that circumstance?

23 A. No, I don't. I...when I got registered letters
24 which was, I think, one time since I've been here...

25 THE COURT: These were not registered. Just sent

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1 through the regular mail and marked "returned, unclaimed."

2 A. Well, there would be no way regular mail would be
3 unclaimed because it came to my mailbox, right in front of
4 my house...

5 Q. Do you have any, any idea why these letters were
6 returned to northern Virginia?

7 A. I didn't know anything about it until right now.

8 Q. Did you have anything to do with having these, the
9 mail sent to your kids returned to their father?

10 A. No, because I wouldn't have that if I'd returned
11 the mail. I would have returned all the mail, just...

12 Q. The answer is no?

13 A. No.

14 Q. Thank you. It goes without saying your husband
15 has, to your knowledge, either through counsel or otherwise,
16 has not asked to see his children to your knowledge.

17 A. Not to my knowledge.

18 Q. Okay. Other than Christmas.

19 A. Right.

20 Q. Did we have any trouble working Christmas out?

21 A. Only because I was confused about, about the day.
22 I mean, yeah, because I didn't know he was coming...from
23 him, an exact time. I was just confused and didn't realize
24 that he was coming.

25 Q. You didn't know what time he was gonna get there...

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1 A. I didn't even know that he, that he personally
2 was gonna come.

3 Q. No arrangements had been given you.

4 A. Right. I had a court order, but I had no, nothing.
5 I had arrangements for the children to be kept that day and
6 the whole week, and he called me from Boones Mill. So I
7 then had to begin to pack because I had no idea. He didn't
8 call Christmas Day. He didn't call John's birthday which
9 was two days before Christmas.

10 Q. Well, you don't know that he didn't call, but to
11 your knowledge...

12 A. I was home mo-, all of Christmas Day, in my home.

13 Q. Well, I mean you could have been on the phone, or
14 the phone may have been busy or something. But the fact is
15 that the phone didn't ring to your knowledge, with him on
16 the other...

17 A. All right. Okay. That's correct. That's correct.
18 That's correct.

19 Q. Let's be fair.

20 A. I didn't talk to him.

21 Q. Okay. And did he send the other boy a Christmas
22 present...I mean a birthday present?

23 A. No.

24 Q. The January...

25 A. The December boy, 23rd. No, nothing came for John.

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1 Q. Okay. Well, he's testified to that. When he was
2 down here at the hearing in front of his Honor...

3 A. Mm huh. (Affirmative)

4 Q. ...were you ever advised by him, his counsel or
5 anyone that he would like to see his children?

6 A. No.

7 MR. MELESCO: Please the Court. It's a letter in the
8 file, a copy to her earlier lawyer--I can't keep up with her
9 lawyers--a copy to the Judge explaining why there's no visi-
10 tation.

11 Q. On that day?

12 A. Yes.

13 Q. Well, I...

14 MRS. CARLBERG: Judge Davis, I, I, we don't mean to
15 double team the thing, but I, I really, you know, this, this
16 ...we have...I just request judicial notice of the things
17 that have happened in this, and I'm tired of aspersions
18 being cast at my client for not contacting his children,
19 about visitation. Number one--the order wasn't entered until
20 late in November. He had them for Christmas. Then right
21 after that there was a report that evidently didn't meet with
22 somebody's standards. There was an objection to it. So
23 then we had another one which was in March which was the
24 earliest time, and then we set this trial for the earliest
25 date which was set for May, and then it was continued. And

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1 during that time, I advised, and I will tell the Court, that
2 because of these pending things and because we thought this
3 was going to be over with, Mr. Melesco and I made a decision
4 that since it was imminent for Mr. Rochelle to, you know, to
5 not come down and to not do these things because of the
6 situation. And I, I just really object to all of this, be-
7 cause it has put my client in a damaging position, and I,
8 I really take issue with it. And now he's going all...he,
9 he tried to do it to my client on the stand, and now he's
10 doing it to Mrs. Rochelle at my client again. And I, I
11 really object to it.

12 THE COURT: Well, I think it is a legitimate inquiry.
13 You may have answered the inquiry, but it is a legitimate
14 inquiry.

15 Q. I don't feel double teamed, Judge.

16 THE COURT: All right. Go ahead, Mr. Shapiro.

17 Q. The answer was no?

18 A. I think so. I...got lost.

19 MRS. CARLBERG: I object to...I...do I have my objec-
20 tion sustained?

21 THE COURT: You, you've testified as to why, but I
22 think it's a legitimate inquiry that Mr. Rochelle didn't
23 make any concerted effort or whatever to contact...

24 Q. The answer was no?

25 A. No.

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1 Q. Thank you. Now, your husband is a pilot?

2 A. Yes, a private pilot.

3 Q. Did he fly down on the occasion of the hearing?

4 A. He...I don't know about that.

5 Q. Okay. What you don't know, you don't...

6 A. I don't know. I'm sorry?

7 Q. What you don't know, you can't testify to.

8 A. True.

9 Q. You just don't know.

10 A. True. I don't know.

11 Q. Now, you had a stormy marriage.

12 A. Yes.

13 Q. You were married previously?

14 A. Yes.

15 Q. For how long were you married?

16 A. I don't even know. Not very long. About, probably
17 maybe a year and a half. This is with the living together
18 and, and the time for divorce which was a year.

19 Q. How old were you when you married? The first time.

20 A. I believe I was nineteen.

21 Q. You and Mr. Rochelle had a living arrangement as
22 well prior to marrying.

23 A. We lived together, yes. We were not married.

24 Q. The allegation has been made that you verbally
25 abused your children by cursing at them, hollering and

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1 screaming at them and calling them violent and vicious
2 names. I'd like you to respond.

3 A. Well, my response is that I don't, I have never,
4 ever called my children those names, and I do yell at my
5 children. I sure do. After I tell them to do something two
6 or three or four times and they don't listen, I yell, and I
7 even spank them sometimes, but not all the time. And that
8 is not common behavior in our home, and I believe that if
9 I spoke to my children that way that there would be a lot of
10 people testifying to that because I don't think a child
11 could live that way either and go to school and function as
12 a child in the superior range of intelligence and just be
13 oblivious to that, then he's not that well adjusted. If
14 he's only smart and has no emotional response to that
15 behavior, there's a problem. And I think my children are
16 perfectly normal and would respond to that and would have
17 very bad responses because they're, they're extremely aware
18 emotionally and intellectually both, and...

19 Q. Your answer is that you deny those allegations?

20 A. That's right. I do.

21 Q. Thank you. Did you ever call your husband some
22 names?

23 A. Oh, sure, plenty of them.

24 Q. You don't deny that?

25 A. No, I don't deny that at all. He's called me some

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1 too, and that's where I heard them.

2 MR. MELESCO: I didn't hear that last answer.

3 Q. She said that that's...he's called her some too
4 and that's where she learned them. The allegation has been
5 made that you during the course of your marriage or a part
6 thereof, abused the privilege of using your husband's credit
7 to his financial disservice, and you spent money for your
8 own personal needs far and above your standard of living or
9 your income. Would you respond to that?

10 A. I'll make this real quick.

11 Q. Thank you.

12 A. But this comes to mind. That, that was a big part
13 of our marriage. It was his credit that I abused. I didn't
14 do anything. I just abused his credit according to him.
15 That's not my side of it. When I was first married to him,
16 it is not true that I always had the use of the charge cards.
17 I had them at Christmas. He can go back to Minneapolis and
18 show you checks that he gave me at Christmas. He went to
19 the grocery store with me every week. I was not allowed to
20 go and sign checks. Only after my first child was born did
21 we have a joint checking account. And the abuse of the
22 credit cards, as he puts it, began in the Washington or
23 Arlington area. My husband would spend two hundred and fifty
24 dollars on a, on a camel hair blazer or jacket, which he did
25 in Minneapolis, flying lessons while I had three maternity

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1 dresses which I made, and I don't feel that I abused any-
2 thing. I feel that maybe I put mine together at a time that
3 was, that was very bad in my life, and, and I think that
4 maybe was an exorbitant amount of money for ever how many
5 months but not for eight years. I think that was pretty
6 good. For, I was a wife, I was a mother, I did have the
7 children, I did clean the floors, I did cook, I did have
8 sex, I did perform, and I don't think that was an outstand-
9 ing salary for those five...it was five and a half years
10 that I was married to him before I worked, not three. I was
11 pregnant three years after I was married to him, or three
12 and a half.

13 Q. Were you, were you ill during the period of your
14 marriage on any occasions? And if so, approximately when,
15 the nature of those illnesses and the manner in which they
16 affected your performance.

17 A. Yes. I, I was ill during my pregnancy with John.
18 I felt physically worse than I did with Carl. And...

19 MR. MELESCO: Judge, we'd stipulate that she's had
20 real health problems. If she wants to go into details, it's
21 fine.

22 A. No. I'm not going to do a detail. I'll just do
23 it quick. In the year and a half after John was born, I
24 had, I had four operations, and I've had a few bladder opera-
25 tions since then. I had a blood clot and I hemorrhaged from

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1 a medication that I was taking. And whether or not those
2 were real, my husband's insurance company paid the bills
3 for them and I got the stitches. So I believed the doctor.
4 I didn't invent a hernia.

5 Q. Did those illnesses that you described and others,
6 I take it, affect your ability to perform your responsibili-
7 ties?

8 A. Well, four operations in a year and a half is
9 being put to sleep every few months. And one time my mother-
10 in-law came when I had surgery and stayed for a few days.
11 When I came home from the hospital, she left. I was run
12 down, I would say is more the word. I did not have outside
13 help not after I had the children or the surgeries. And,
14 yes, I felt, I felt very badly. To be put to sleep one time
15 is to feel badly for a while afterwards.

16 Q. Were you able to take care of your children?

17 A. I did take care of them. I, I did. There was no
18 one else there except me, and my husband was there and, of
19 course, did things when he was there, but he didn't stop
20 work. He didn't take off work and, well, you know...

21 Q. Well, according to him, there were, he was off two
22 full days during the week. Was that true during the marri-
23 age?

24 A. Yes. Yes.

25 Q. And during those two days that he was totally off,

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1 he did help and around the house and do things.

2 A. At a, at a certain time in the marriage, not all
3 through the marriage. Most of the time in the beginning,
4 he slept until 10:00 or 11:00 o'clock in the morning and I
5 got up.

6 Q. It was a mutual (distortion)...deal.

7 A. It was mutual at some point. It wasn't that
8 mutual.

9 Q. Now,...I'm interested...period of separation...
10 when was that...

11 A. I think it was...during 1976...but I can't say...

12 Q. ...agreement...

13 (Two or three sets of questions and answers completely
14 unintelligible due to distortion.)

15 Q. ...situation changed...

16 A. ...I tried...that was the first...in my life...
17 I'd ever...was to.....I.....find out...expenses for...
18 everybody just...custody...him...continued...beating me...
19 and so...

20 Q. That was the...

21 A. ...relation...it was...

22 Q. And so...you come...

23 A. No...worked...

24 Q. What was your...

25 A. One hundred...home pay...

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1 Q. ...you found it...impossible...on that...

2 A. ...I had to. I had never been out...checkbook. I
3 had never done anything, nothing, and, yes, I found it im-
4 possible to learn all about it and do everything else at the
5 same time.

6 Q. So your husband moved back into the house...

7 A. That's right.

8 Q. ...your children.

9 A. Right.

10 Q. Now, what was your arrangement during that period
11 of time?

12 A. When...prior to his moving back in, I wanted what
13 was best for my children, and I didn't want to be a hero.
14 So I, I talked with him about coming back, and he said that
15 was fine. I asked him what the arrangements would be for
16 the children. He said that he would hire someone or whatever
17 or some...it, it seems to me that he asked me about doing it,
18 and I had, I had made arrangements to take an evening job
19 because I could not live, even apart from him I could not
20 live on a hundred and twenty-five dollars a week. So I told
21 him about the part-time job, and just before the children
22 came back, he asked me about, you know, he would give me a
23 hundred dollars a month and, if I would be on call during the
24 week for him. I had no problem with that. I wanted to be
25 with my children anyway, but economically I couldn't do it.

Connie Rochelle - Direct (Shapiro)

1 I did not hire myself out to my husband to babysit for my
2 children, and I did that, I wanted to be with my children.
3 And I felt that after so many years of marriage, a hundred
4 dollars a month, I thought that was just unagreeable arrange-
5 ment. I didn't feel that my services were being bought, and
6 I didn't know at the time he felt that way either.

7 Q. Did you have accommodations for overnight during
8 that period of time with your children?

9 A. No, I didn't. I, I did not live with three men.
10 Three men lived in the house in Georgetown, and they rented
11 the same as I did. We were not bed fellows. They simply
12 lived there. There were very nice people in Washington.
13 Coed living arrangements are not unusual. And that's where
14 I lived. I lived in the basement in one room, and they
15 lived on the third floor. And...

16 Q. It just wasn't proper accommodations for your
17 kids to spend the night.

18 A. Oh, no. Well, I didn't feel so. I would think
19 differently about that now, but, you know, they would have
20 had to sleep on the floor or whatever. At the time I felt
21 my children needed a bed in their own room, that sort of
22 thing. But no, it would be more important for them to be
23 with me now, but I didn't think so then. But I had the
24 rooms. And that was overnight. I was with them on the
25 weekends and in the evenings when he was away, and sometimes

Connie Rochelle - Direct (Shapiro)

1 when he wasn't. I didn't ignore my children for six months
2 during the week.

3 Q. Now, did you then reconcile?

4 A. Yes, we did.

5 Q. And how was life leading up to the second separa-
6 tion?

7 A. In the beginning, when we began to, to get back
8 together and get some help, which was in October, we also,
9 we began sleeping together, and I would spend the nights
10 there in November. It was fairly pleasant. There were
11 things my husband would not allow me to do. For instance,
12 he had no interest in, in having a joint checking account
13 or in the beginning to make the marriage equal. Once again,
14 I was going in as a, as a, almost like, I felt like a child,
15 as a good daughter--"No, you can't do these things, but you
16 can do these things." So I accepted that for a while. I
17 tried very hard to accept that part of it and of him, and it
18 became bad after I moved back in. Very bad.

19 Q. Did you enter into a course of therapy to help
20 you? And if so, why?

21 A. In October, I believe, we both began seeing Paul
22 Wiseberg. And I, I began seeing him Labor Day, September,
23 and then in October my husband and I both began seeing him.
24 I wanted my marriage to work. I wanted my children. I
25 wanted to be with them. That's why.

Connie Rochelle - Direct (Shapiro)

1 Q. Were you having other problems other than those
2 associated with the marriage and the problems of the marriage?
3

4 A. All of the problems I had were associated with my
5 frustrations in the marriage. This was...I was in group
6 therapy, and this was one of the things that was discussed
7 there, and it was also discussed in the therapy with my
8 husband and I. It was a difficult situation. He was a
9 difficult personality for me to live with.

10 Q. Well, you've been described as emotional, and he's
11 been described as rational. Is that, does that demonstrate
12 your personalities? Those terms?

13 A. I don't feel that my husband is always rational
14 any more than I feel that I'm always emotional. I think I,
15 I show my feelings perhaps more than he does. But I, I'm
16 not a raving maniac. I'm not running through the streets
17 causing a lot of unpleasantness for people.

18 Q. Did you get along with your mother-in-law?

19 A. My mother-in-law? I haven't seen the woman.

20 Q. I mean while you were married.

21 A. I didn't see her very much then. I did not get
22 along with her, sure. I had no problems with...

23 Q. I mean you didn't have any...

24 A. Never had an argument, just I might have told her
25 a few things a few times...things...

Connie Rochelle - Direct (Shapiro)

1 Q. I'm talking about mother-in-law problems. You...

2 A. I'm talking about mother-in-law too. I didn't
3 have, to my knowledge, any problems with her. She was
4 always very pleasant, very kind to me.

5 Q. Now, this Wiseberg thing.

6 A. Mm huh.

7 Q. You told the probation officer or welfare worker
8 or whoever up there, about it?

9 A. Yes, I did.

10 Q. How did that happen? Why did it happen, in retro-
11 spect?

12 A. I would say if, why it happened, it happened at
13 just a very horrible time in my marriage, and the relation-
14 ship between a psychiatrist and a patient is close. I be-
15 lieve that there was an unnecessary amount of dependency
16 established, and I believe that, that Dr. Wiseberg had a part
17 in that, a knowing part even. And I think that was it. That
18 my whole life, I felt, was falling apart. I could not get
19 to my husband in any way.

20 Q. You mean communicate.

21 A. Right. I could not communicate with him, and just,
22 just a total amount of anger. Everything in our relationship
23 was angry.

24 Q. Did there come a time when, when you became em-
25 ployed by Dr. Wiseberg?

Connie Rochelle - Direct (Shapiro)

1 A. Yes. Dr. Wiseberg discussed that in group therapy
2 with me. He discussed it in private therapy with my
3 husband--his hiring me. And I did, I did go to work for him.

4 Q. You admitted an affair which involved several
5 sexual encounters.

6 A. Yes. But not at that time.

7 Q. Well, I, I'm just speaking of the Wiseberg period.

8 A. Okay. Yes, yes, yes.

9 Q. Okay. This was discussed with your husband at
10 some time subsequently.

11 A. Yes, it was.

12 Q. Did you and he...were you and he able to communi-
13 cate on that subject?

14 A. Oh, yes. He communicated very well on that sub-
15 ject. He was very anxious to sue Paul Wiseberg.

16 Q. Did he feel or did he tell you that he felt like
17 you had been taken advantage of?

18 A. Oh, yes. Absolutely.

19 Q. Was that his opinion? Your husband's opinion.

20 A. That's what he said.

21 Q. And you did then...

22 A. Apparently he doesn't think that now.

23 Q. You did then commence a joint lawsuit...

24 A. Yes.

25 Q. ...against Dr. Wiseberg.

Connie Rochelle - Direct (Shapiro)

1 A. Yes, we did.

2 Q. Subsequent to your separation, second separation
3 from your husband, you became friends with Les Silverman.

4 A. I, I met him, yes.

5 Q. Did you date him?

6 A. Yes.

7 Q. Did you tell your husband you were in love with
8 him?

9 A. Yes, I told my husband all about Les Silverman.

10 Q. And did that encounter...did that friendship
11 develop or has it dissipated?

12 A. Les Silverman and I are friends.

13 Q. Did you ever live with Les Silverman?

14 A. No, I did not live with Les Silverman. Never.

15 Q. Did he loan you various items of, to furnish
16 your apartment?

17 A. Les Silverman and I intended and discussed living
18 together, and he did bring his stereo over, and he brought
19 the aquarium over for, for my children, which stayed there
20 until I left D. C., but Les Silverman didn't stay there. I
21 mean I, you know, I've already said that he, he may have
22 been in my apartment three or four or five nights. I
23 couldn't do it. I could not live with him, with anyone, and
24 I did not.

25 Q. You mean with your children?

Connie Rochelle - Direct (Shapiro)
- Cross (Carlberg)

1 A. With my chil-...without my children. No, I, at
2 this point, but at that time, yes, with the children there
3 and the whole thing, I felt that I, that...the relationship
4 could be continued for the, for the time of my separation,
5 and at the end of that separation, there could be a marriage,
6 but I did not want to live with him. And I told my husband
7 that. And the items that Les Silverman had there left the
8 same week they came.

9 Q. Mrs. Rochelle, do you, do you want custody of
10 your children?

11 A. Absolutely.

12 Q. Do you feel that you are capable and at handling
13 them?

14 A. Yes. Yes.

15 Q. Take the witness.

16 THE COURT: Cross-examination?

17 MR. MELESCO: A few questions, your Honor.

18 CROSS-EXAMINATION

19 BY MRS. CARLBERG:

20 Q. When did you say that your children began living
21 with you?

22 A. My children began living with me after they came
23 back from their grandmother's.

24 Q. When was that?

25 A. I don't remember the exact date. It was a few

Connie Rochelle - Cross (Carlberg)

1 weeks prior to school starting as best I can remember...
2 August, September of 1978.

3 Q. Now, when was it you first started going or seeing
4 Dr. Wiseberg?

5 A. The initial time I saw him...

6 Q. Yes.

7 A. Was September 30th if that's Memorial Day.

8 Q. Of what year?

9 A. Of '77, I believe.

10 Q. When did you have sexual intercourse with him?

11 A. March of '78.

12 Q. When did you and your husband begin going to
13 marriage counseling jointly with him?

14 A. October of '77.

15 Q. And when did you tell your husband that you had
16 had sexual intercourse with Dr. Wiseberg?

17 A. I told my husband on June 30th, 1978. I called
18 him at about quarter of 11:00 from Paul Wiseberg's office,
19 and I told him then.

20 Q. And was that after you had moved out on June the
21 15th of 1978?

22 A. I told him after I moved out.

23 Q. And when did Les Silverman spend four or five days
24 in your apartment?

25 A. I don't know. I met him, I met him on July 7th.

Connie Rochelle - Cross (Carlberg)

1 I did not date him until, did not have a date with him per
2 se alone until July 14th. I remember those dates. But I
3 don't know. It had to have been, I believe, late July or
4 August. It was during a week when the children had come
5 home, which I've already said.

6 Q. And is that when you had sexual intercourse with
7 Les Silverman?

8 A. I didn't have sexual intercourse with Les Silverman
9 then.

10 Q. When did you have, first have sexual intercourse
11 with Les Silverman?

12 A. I don't know that date. I don't remember.

13 Q. But you have had sexual intercourse with Les
14 Silverman?

15 A. Yes, I have.

16 Q. Can you tell me whether or not you had an abortion
17 in the summer of 1977?

18 A. Yes, I had an abortion in the summer of 1977.

19 Q. How much rent did you pay on your one room in
20 Georgetown?

21 A. I have, do not remember. I couldn't tell you.

22 Q. Could it have been three hundred and twenty-five
23 dollars a month?

24 A. I doubt it very seriously because I didn't have
25 three hundred and twenty-five dollars a month. But it, it

Connie Rochelle - Cross (Carlberg)

1 may very well have been. I don't know. If utilities were
2 included, it might have been. I really don't know.

3 Q. Mrs. Rochelle, isn't it true that since you ar-
4 rived down here or just after your arrival, you had a discus-
5 sion with Carl's teacher wherein you were very angry and
6 raised your voice at her concerning her discipline of him
7 and the way she ran her classroom?

8 A. No. That's absolutely not true.

9 Q. So if Mrs. Flora were to be called as a rebuttal
10 witness, she...

11 MR. SHAPIRO: Your Honor, I, I object to that. Unless
12 she's here or in a position to testify...

13 THE COURT: She can ask her, if she said it was not
14 true, and...

15 MR. SHAPIRO: Well, she's not, can't be called upon to
16 answer what someone else might testify to.

17 Q. This is cross-examination, your Honor.

18 THE COURT: Well, she just....

19 MR. SHAPIRO: All right, sir.

20 Q. May I continue?

21 THE COURT: It is a denial at this point, Mr., (1-2
22 words), Mr. Shapiro.

23 Q. Go ahead, Mrs. Rochelle.

24 A. Okay. What, what you, what you asked me is a
25 denial. I had a conversation with Mrs. Flora. And I have a

Connie Rochelle - Cross (Carlberg)

1 loud voice, and I'm sure you've noticed that in here because
2 I notice my voice is loud. That doesn't mean I'm raising
3 my voice at someone. Marie Flora has a very soft voice. I
4 don't.

5 Q. Were you angry that day at her?

6 A. I was not, I was not angry. I was upset because
7 Carl had come home and said--this was shortly after he began
8 school, a few days after, came home and said--that he was
9 told that he would be taken to the office and paddled if he
10 didn't have a pencil, and he was crying and very upset. I
11 came into the classroom and found that there was no one in
12 the classroom. And I waited for Mrs. Flora. And when she
13 came, I told her of my concern about Carl being upset about
14 that, and I told her at that time my child under no circum-
15 stances was ever to be hit at school. Now, if she inter-
16 preted that as my being angry, I wasn't angry then. I would
17 have been real angry had he been hit. And I then went to
18 John Gruver...

19 Q. All right. Let me ask you something.

20 A. ...and, and said that I didn't want him hit under
21 any circumstances.

22 Q. Okay. Now, you heard Ellen Holsclaw testify today.
23 Did you hear her testi-...isn't it true that she testified
24 that the children had not received any gifts or cards and
25 that that's what you had told her during her interview?

Connie Rochelle - Cross (Carlberg)

1 A. I heard what she said, but that is not what hap-
2 pened.

3 Q. In other words, you are saying that what Ellen
4 Holsclaw said that you said today is not true.

5 A. That I am saying that that part of what Ellen
6 Holsclaw said today is not true. I said to her verbatim
7 that John had not received a birthday present. I think that
8 the problem was that Ellen didn't know Carl from John, by
9 just talking to you here, and that was the whole thing. I
10 don't think she misrepresented anything because she said
11 that "one of the children" received a gift. She did not
12 know which one, and it was John that did not and Carl that
13 did, and I told her the cards had come, and there had been
14 two phone calls and I did not know why my husband hadn't
15 seen the children nor why he didn't call them.

16 Q. Mrs. Rochelle, isn't it true that Mr. Rochelle has
17 paid all of the doctor bills since you've been living down
18 here?

19 A. Yes. I sent them to him because he has the
20 insurance, and I did not have the money, and I don't qualify
21 for...aid.

22 Q. Isn't it true...okay. Let me just ask you. Isn't
23 it true that you did not notify him of the boil?

24 A. Of course I didn't notify him of the boil. He
25 didn't bother to contact the children.

Connie Rochelle - Cross (Carlberg)

1 Q. But you had the...wait just a minute. You did...

2 MR. SHAPIRO: Now, your Honor, she's got a right...

3 Q. All you have to give us, the answer, yes or no.

4 THE COURT: Wait a minute. Wait a minute. Wait a
5 minute. She said she didn't notify him of the boil...

6 Q. All right. That's it. Isn't it true that that
7 night when you found out about the boil, you did have the
8 emergency room send a bill to Mr. Rochelle?

9 A. That's right.

10 Q. Isn't it true that you never discussed prior to
11 the allergy bills being sent to Mr. Rochelle the fact that
12 the children were being taken to pediatricians for allergies?

13 A. I didn't even know I was supposed to be discussing
14 that with him. He wasn't even bothering to find out if his
15 children were dead or alive.

16 Q. All right now, you can just answer these yes or
17 no. Isn't it true that you sent the bills...

18 A. That's right.

19 Q. ...for the allergies to Mr. Rochelle?

20 A. That's true, true, true, true.

21 Q. Isn't it true you did not discuss them prior to
22 him receiving the bills about the allergy or let him know
23 that he would be receiving the bills?

24 A. That's true.

25 Q. Isn't it true that in May of this year Carl was

Connie Rochelle - Cross (Carlberg)

1 taken to the doctor, and he diagnosed his condition as
2 having fatigue?

3 A. I didn't know a thing about that until today. In
4 May?

5 Q. May of 1979.

6 THE COURT: ...doesn't matter. She said she didn't
7 know about it.

8 A. May?

9 THE COURT: ...the doctor, one of the...

10 MR. SHAPIRO: That was Dr., the letter from Dr. Pierce.

11 A. From Pierce. I saw that...I...

12 THE COURT: She's not denying that he sent the letter.

13 Q. All right.

14 A. Was...

15 THE COURT: She says she didn't know about it until
16 today.

17 A. Was that letter regarding an office visit in May
18 or was that regarding wanting to know about the child's con-
19 dition in general? The fatigue goes along with the aller-
20 gies, and is a very common symptom of an allergic child. I
21 didn't realize Carl was fatigued.

22 THE COURT: Dr. Pierce's letter dated May 30, 1979...
23 says in January of 1979.

24 A. In January. That was with the allergies and when
25 they were sick. He wasn't treated in May.

Connie Rochelle - Cross (Carlberg)

1 MR. MELESCO: February of '79.

2 THE COURT: ...1979.

3 Q. On February 2 of '79, did Doctor...

4 A. February, right.

5 Q. Did Dr. Pierce tell you at that time that he was
6 suffering from fatigue?

7 A. My children have never seen Dr. Pierce.

8 THE COURT: He wrote a letter.

9 A. I know he wrote a letter.

10 MR. SHAPIRO: If you'll look at the letter, you'll
11 see it's Gordge.

12 A. William Gordge. That, that, again, the fatigue
13 and all the other symptoms, like the postnasal drip and the
14 sore throat....

15 Q. Now, just wait a minute.

16 THE COURT: You didn't know anything about it?

17 A. No.

18 THE COURT: Until today. Okay.

19 A. No. No one told me it was fatigue. They referred
20 them to an allergist.

21 Q. Which doctor did you see in this Physicians to
22 Children?

23 A. Dr. Gordge, Gordge, or however you pronounce it.

24 Q. Did Dr. Gordge...Dr. Gordge didn't tell you about
25 Carl's fatigue.

Connie Rochelle - Cross (Carlberg)

1 A. He said he was tired. That's the same thing as
2 fatigue. Tired, and that comes from allergies.

3 Q. Okay. All right. Isn't it true that Mr. Rochelle
4 called you on Christmas Day and you told him that the chil-
5 dren were at your mother's?

6 A. No. That's Thanksgiving Day.

7 Q. All right. So he called on Thanksgiving.

8 A. And hung up on me when I told him where they were.
9 And when they came home, I had them call him at work.

10 Q. All right. Let me ask you something. Did your
11 former attorney tell you about the visitation requests?

12 A. Which former attorney? Bill Davis?

13 Q. Yes.

14 A. Bill Davis didn't tell me too much, and that's why
15 he's not my attorney now. No, I didn't know a thing about
16 that.

17 Q. Isn't it true that you called Mr. Rochelle names
18 in the presence of the children?

19 A. Probably have, and he's called me names in the
20 presence of the children too.

21 Q. Do you think that the reason that, the fact that
22 he does it makes it right for you to do it?

23 A. Do I think that the fact that he does it makes it
24 right for me?

25 Q. Now, you just...wait a minute. You just said, "He

Connie Rochelle - Cross (Carlberg)

1 does it too."

2 A. Yes.

3 Q. But I ask you, isn't it true that you did it in
4 the presence of your children?

5 A. Right. And so did he.

6 Q. All right. Isn't it true that you worked and had
7 funds of your own?

8 A. I worked and I had the money that I, that I worked
9 for. Yes, that's true.

10 Q. All right. And do you have any of the children's
11 doctor bills for the past either, do you have canceled checks
12 or paid receipts where out of your own work funds you paid
13 for the children's doctors' bills, Mrs. Rochelle?

14 A. I didn't have enough money to do that, no.

15 Q. Mrs. Rochelle, do you have for any time period
16 during your marriage or separation canceled checks whereby
17 you yourself out of your own work funds paid for any of your
18 children's clothes?

19 A. Well, sure I do.

20 Q. Do you have them here in court today?

21 A. No, I don't have them here, but that's how they've
22 been being dressed since last October because he hasn't done
23 it.

24 Q. No, I'm not talking about October...

25 A. You said since the time I've been separated.

Connie Rochelle - Cross (Carlberg)

1 Q. All right. Up to the time in October.

2 A. Sure.

3 Q. Up to the time in October.

4 A. Mm huh. Yes.

5 Q. You have receipts?

6 A. I don't receipts, but I charged clothing for which
7 I took responsibility for the bill for two hundred dollars
8 when my husband would not buy the clothes for them.

9 Q. Are those receipts here in court today?

10 A. I do not have those receipts. I just said that I
11 don't even have receipts.

12 Q. Do you have any canceled checks or paid receipts
13 for any...

14 A. I have no canceled checks in the court today,
15 period.

16 Q. ...of the children's tuition?

17 A. I have a thirty-five dollar canceled check at
18 home where I paid the enrollment...

19 Q. Prior to October of 1979...'78.

20 A. Where I...

21 THE COURT: Wait a minute. Wait a minute. Let her
22 answer the question.

23 Q. The time period prior to October of 1978.

24 A. I, I have a thirty-five dollar check which I paid
25 to Georgetown Day prior to September when he began school,

Connie Rochelle - Cross (Carlberg)

1 for his enrollment fee because I found that school for him.

2 Q. Is that the total amount that you've spent on your
3 children's tuition up to October of 1978?

4 A. Yes. I couldn't afford to send my children to
5 private school.

6 Q. Can you recall approximately how much you made in
7 1976?

8 A. I have no idea.

9 Q. Can you recall how much you made in 1977?

10 A. I have no idea.

11 Q. You indicated that you had never balanced a check-
12 book or did not know how. Are you saying that in your first
13 marriage you didn't have your own checkbook and balance it
14 either?

15 A. I don't remember if I did or not in my first
16 marriage. That was a few years ago.

17 Q. Isn't it true to Mrs. Riesenman you admitted
18 writing bad checks?

19 A. No, that's not true. She asked me the day I was
20 there, "Do you write bad checks?" and my initial response
21 was "No," because my idea of a bad check is when you write
22 checks and you know for a fact you have no money in the bank.
23 It is not when you write a check and it comes back and goes
24 through twice or whatever. And I answered, "No." And then
25 she called me on the phone and said, "Did you tell me that

Connie Rochelle - Cross (Carlberg)

1 you had never written a bad check?" And I, I knew that the
2 check from the insurance company had been returned, but
3 they're two different questions.

4 Q. Let me ask you, Mrs. Rochelle. Isn't it true that
5 you have never contacted your landlady on MacArthur Boule-
6 vard concerning your departure even up to this present time?

7 A. That's exactly correct.

8 Q. Okay. How many times have you gone to real estate
9 school?

10 A. Well, I went once in Washington, and I had
11 surgery, and that's why I did not take my test.

12 Q. All right, Mrs. Rochelle, just answer me. How...

13 A. And I went once here.

14 MR. SHAPIRO: Judge...Judge, she's got a right to
15 answer the question...I think.

16 THE COURT: It all should be in. She went in Washing-
17 ton and she went here. She's been twice.

18 Q. Did you take the real estate exam in March of 1979
19 down here?

20 A. No, I didn't take it in March of 1979 because it
21 snowed so much that I could not get out of my driveway to
22 finish the course.

23 Q. Have you taken or finished the course up to the
24 present time?

25 A. I could not afford the gas to go to Roanoke to

Connie Rochelle - Cross (Carlberg)

1 take the course again. No, I haven't. But I can take the
2 course, and I will take the course. My money is there. I
3 can take it, and I will take the test.

4 Q. On page seven of her report, Mrs. Riesenman indi-
5 cated that you had discussed the marital problems with the
6 children. Isn't that true?

7 A. No, that isn't true. I don't even know what that
8 means. I had told my children when I came here, of course,
9 why we were coming and we weren't going back, but, no, we
10 don't have discussions about the marital problems. We don't
11 discuss the marriage at all.

12 Q. So when Pat, Patricia O'Donnell and Mrs. Risenman
13 both have made statements that you had stated to them that
14 you had discussed and explained the marital problems with
15 the children, those statements are not true?

16 A. I discussed...

17 MR. SHAPIRO: Wait a minute. Wait, wait, wait, wait.
18 Your Honor, for the record, I do not believe that this wit-
19 ness...she has denied it. I don't think she has to be called
20 upon to, to discuss or testify as to the veracity of what
21 someone else has said.

22 THE COURT: It's in the report. You asked her did
23 she make the statement, that she discussed her marital prob-
24 lems with the children, she said, "No."

25 Q. Okay. Has Carl been able to continue his French

Connie Rochelle - Cross (Carlberg)

1 that he had taken previously since he's been down here?

2 A. He took French along with the curriculum at
3 Chesterbrook Montessori. He did not have it at Georgetown
4 Day, and they did not have it in the school here.

5 Q. Okay. Did...at the time that Mr. Rochelle...you
6 indicated that he had beaten you...did you go out and get a
7 warrant for his arrest?

8 A. I did the first time.

9 Q. And when was that?

10 A. It was October 2nd and 3rd of 1976.

11 Q. Did you go to a hospital?

12 A. No. I went to a photographer, and I went to a
13 lawyer.

14 Q. You...where did you get the warrant for his
15 arrest?

16 A. My attorney got it. John Keats.

17 Q. Your attorney went out and got a warrant for his
18 arrest? You didn't...

19 A. Oh, I'm sorry. I'm sorry. I was confused. I
20 sued him for constructive desertion. I don't know how that
21 happened. No, I did not go and get a warrant. He was
22 served with papers. I signed the papers, I think, in Mr.
23 Keats' office.

24 Q. But that was only for a divorce, wasn't it?

25 A. It wasn't...my...I don't know. My understanding

Connie Rochelle - Cross (Carlberg)

1 was that he was being sued for constructive desertion for
2 beating me, and that's what I thought it meant. I don't
3 know. I, I'm not intending to lie. I don't know what I'm
4 talking about apparently.

5 Q. Did you inform Mr. Rochelle that you were moving
6 prior to moving to Roanoke?

7 A. No.

8 MR. SHAPIRO: Now, your Honor, again...I'm going to
9 use the Dave Melesco and Carlberg approach. I advised this
10 Court in chambers when we were last here and trying to make
11 arrangements that, that the place that Mrs. Rochelle was liv-
12 ing here was being sold, she had to move and she was moving
13 to Roanoke. Mr. Melesco knew that information.

14 MR. MELESCO: We don't have an address until today,
15 Mr. Shapiro.

16 THE COURT: Okay.

17 MR. SHAPIRO: No one's ever asked me for an address.

18 THE COURT: Okay.

19 MR. MELESCO: She can call him.

20 THE COURT: You moved effective what? July 1.

21 A. Yes.

22 THE COURT: She's been over there less than a week,
23 so let's move it.

24 Q. I have no further questions, your Honor.

25 MR. SHAPIRO: No questions.

1 THE WITNESS STOOD ASIDE.

2 MR. MELESCO: Judge, can I make a suggestion?

3 THE COURT: Do you have any other evidence, Mr.
4 Shapiro?

5 MR. SHAPIRO: No, your Honor, we do not.

6 THE COURT: Any rebuttal testimony?

7 MR. MELESCO: No, sir.

8 THE COURT: All right.

9 MR. MELESCO: We would, I would...we were hoping to
10 argue the case, but these people need to get gone, and I'd
11 ask that the, court be adjourned now and either one of two
12 things--either argue by letter, memorandum, or in the
13 alternative, Mr. Shapiro and I can come over here at your
14 convenience.

15 THE COURT: I don't think I'll have to (1-2 words)
16 you gentlemen...I don't think you think so. It's strictly
17 a matter of facts, and how I'm going to determine the
18 finding, which I can tell you right now, I don't know.

19 MR. MELESCO: Well, whatever, whatever you want to
20 do, I think...

21 THE COURT: But I'll be glad to read or hear anything
22 you have to say now or later.

23 MR. SHAPIRO: Judge, I...my suggestion would be that
24 we simply...they have submitted a little law...

25 THE COURT: Well, that's something...

1 MR. SHAPIRO: I think the law is applicable. I think
2 it's law...I mean the cases they've cited are the appropriate
3 cases for this case.

4 THE COURT: But I'll be glad to hear any of you.

5 MR. MELESCO: Well, the main thrust of what I was
6 saying was simply, can we adjourn now.

7 THE COURT: Yeah.

8 MR. MELESCO: And we'll do it whatever way you want to
9 do it for later.

10 THE COURT: I'm the first to realize that whatever
11 happens is extremely important to both of these parties.
12 I know that.

13 MR. MELESCO: Yes, sir.

14 (COURT ADJOURNED)

15

16

17

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21

22

23

24

25



C&P Telephone

---- CARL ROCHELLE
 ---- 4301 39TH ST N
 ---- ARL VA 22207

703 523 8322
 475 15
 FEB 4 1979

532 9900

To Reach Your Business Office
 Representative Please Call

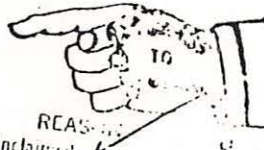
Calls and Telegrams

			AMOUNT	DATE	PLACE CALLED	AREA	TELEPHONE NO.	AMOUNT
LOCAL SERVICE	FROM	FEB 4 THROUGH MAR 3	15.75	130*	BCCNESMILL VA	703	3342918	73
ADDITIONAL MESSAGE UNITS For month prior to this bill								
CALLS & TELEGRAMS			73					
OTHER CHARGES AND CREDITS (Explanation enclosed)								
DIRECTORY ADVERTISING For one month from date of this bill								
U. S. TAX			50					
LOCAL SURCHARGE			25					
BALANCE FROM PREVIOUS BILL (If paid, please deduct from total)								
RELEASED BY SUBSTANTIAL RELEASE FEB 21			17.23					
*DIALED RATE								

* DIALED RATE

EXHIBIT-DEFENDANT NO. 1
 Rochelle v. Rochelle
 Date 2-6-79 Judge

Arlington, Virginia 22207



Unclaimed
Address unknown
Insufficient Address
No such street
No such office in state

Master John Rochelle

Rt. #1

Rocky Mount, Virginia 24151



1-12-79
SW

Unclaimed

C. Rochelle
4301 N. 39th St.
Arlington, Va. 22207

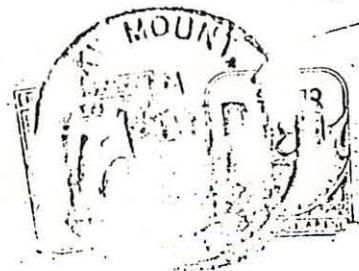


Unclaimed
Address unknown
Insufficient Address
No such street
No such office in state

Master Carl Rochelle

Rt. #1

Rocky Mount, Virginia 24151



1-12-79

Unclaimed

Experience: ABC News Washington Bureau, Washington, D.C.

Employed from September 1973 to present

Job title: Producer, writer

Duties: Producing news stories for DEF (ABC's syndicated newsfeed service) Reporting, writing and narrating spots for DEF. Also writing and producing for Evening News, Good Morning America News Brief and Special Events on a relief basis

KVSP-TV Minneapolis, Minnesota

Employed from January 1971 to June 1973

Job title: Anchor, Producer

Duties: Anchoring the 5:00 and 10:00 pm News which I also produced. A limited amount of reporting and anchoring and producing a bi-weekly, half hour, news and public affairs program.

Supervisor: Don Swartz, General Manager

ABC News Washington Bureau, Washington, D.C.

Employed from June 1969 to January 1971

Job title: Radio News Editor

Duties: Writing for and editing Network Radio newscasts. Workingtape operations rooms and making "foners". I also handled evening assignments during the last six months I worked with ABC Radio.

Supervisor: Ken Scott, Radio News Manager

WVEC-TV, Radio, Norfolk, Virginia

Employed from July 1965 to June 1969

Job title: Assistant News Director

Duties: Anchorman and producer for 11:00 pm Television news City Council beat and General Assignment reporting. Backup for News Director.

Supervisor: Tom Chisman, General Manager

WITN-TV Washington, North Carolina

Employed from July 1962 to July 1965

Job title: News Director

Duties: To supervise a small news department with an extensive stringer system which I helped develop. To prepare and anchor two daily newscasts. (6:00 and 11:00 pm) and General Assignment reporting.

Supervisor: Bill Roberson, General Manager

WEEW Radio, Washington, North Carolina

Employed from September 1961 to July 1962

Job title: Staff Announcer

WOOW, Radio Greenville, North Carolina

Employed from 1957 to September 1961

Job title: Staff Announcer

Education:BA Communications;American University
Washington D.C.

Miscellaneous:Free lance Aviation writer
Member Aviation Space Writers Association
Member Sigma Delta Chi
Member Phi Kappa Phi National Honor Society
Member AFTRA
Member Writers Guild of America
Commercial Pilots License,Instrument rated
Flight Instructor
Advanced and Instrument Ground Instructor
Radio Telephone Operators License,First Class
Amateur Radio Operators License,Advanced Class

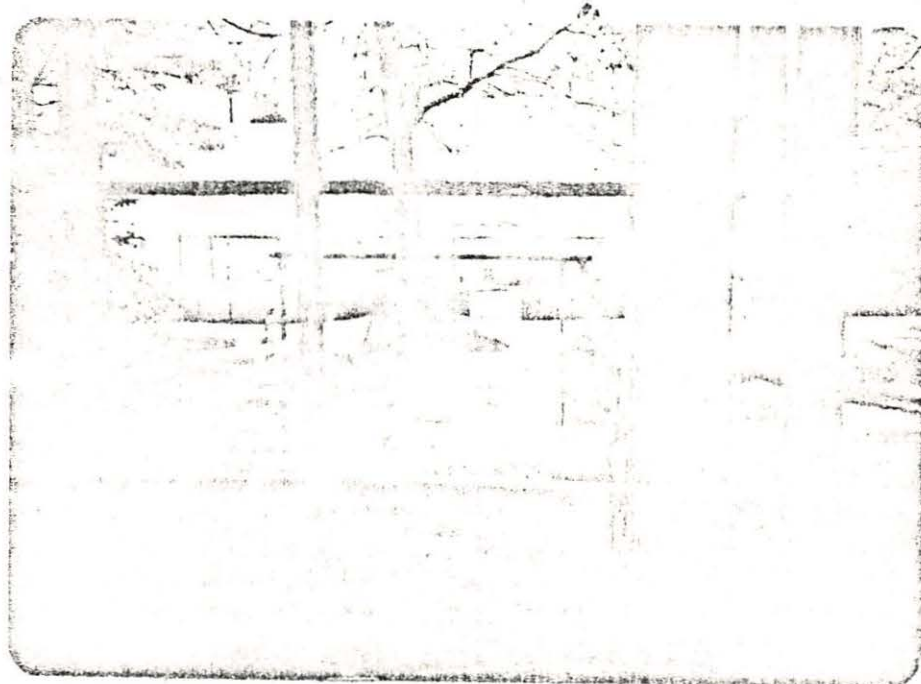
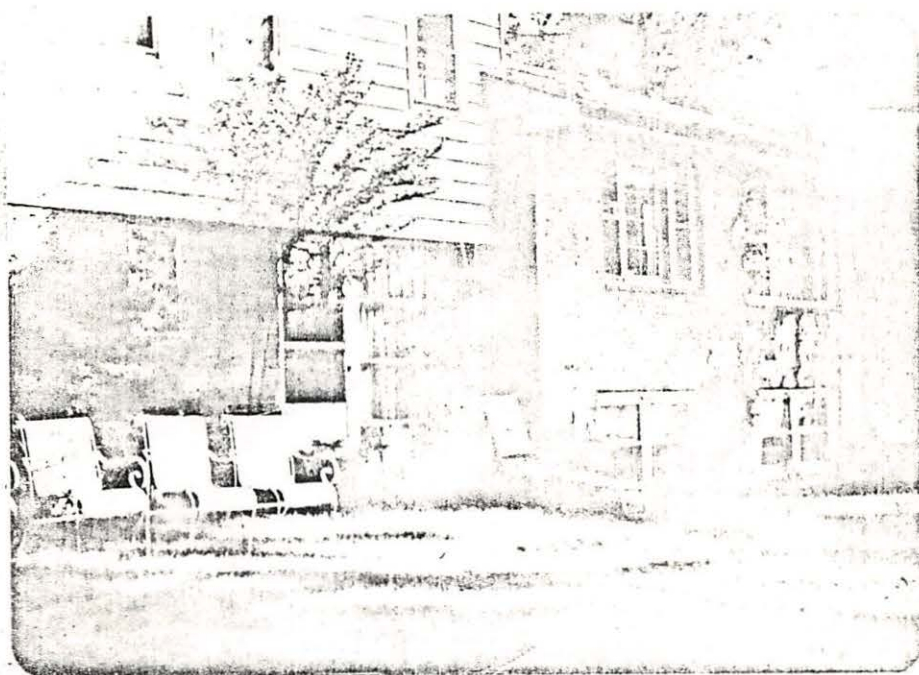
Personal:Married,two children

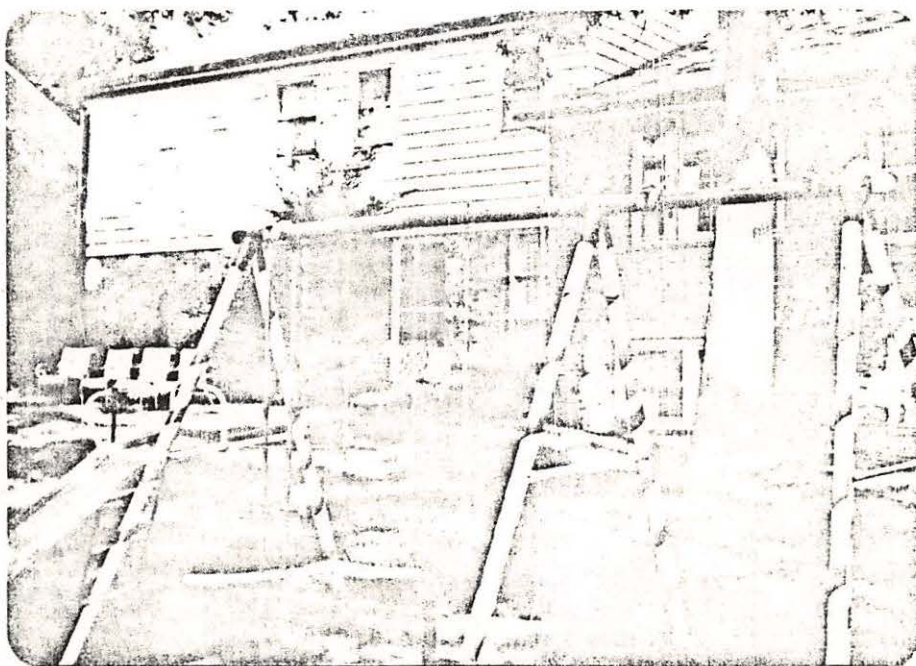
Age:41

Address:4301 N. 39th St. Arlington,Va. 22207

Telephone: Home 703-533-8322 Office 202-393-7700 x







CREDIT CARD CHARGES
OF ROCHELLE FAMILY

Period: January 1976 through October 1976 *

TOTAL AMOUNT OF CHARGES: \$6410.50

- (1) Amount charged for
Husband: CARL ARTHUR
 ROCHELLE \$177.39
- (2) Amount charged
for ROCHELLE CHILDREN \$183.20
- (3) Amount charged for
Wife: CONNIE GALE
 ROCHELLE \$6049.91

(* See attached statement of charges)

EXHIBIT-DEFENDANT No. 7
Rochelle v K. C. Heller
Date 7-6-77 Judge _____

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FINANCE CHARGE WAS COMPUTED ON THIS BALANCE						
ANNUAL PERCENTAGE RATE			18% ON	500.00	12% ON	123.38
ACCOUNT NUMBER		CLOSING DATE		AVERAGE DAILY BALANCE		NEXT CLOSING DATE
755-537-28		JAN 21, 1976		623.38		FEB 21, 1976
DATE	STORE	REFERENCE NO.	AMOUNT			
***		TOTAL FINANCE	CHARGES ASSESSED FOR 1975			
		**	\$44.53 **			
02/23	7C	357-070399	WOMENS HOSIERY			
01/24	7C	074-070549	ULTIMA			
01/25	7C	005-070473	COSMETICS & TOILETRIES			
01/26	7C	010-070993	COSMETICS & TOILETRIES			
01/20	WA	020-000042	PAYMENT - THANK YOU			
PREVIOUS BALANCE			PAYMENTS	CREDITS	PURCHASES	FINANCE CHARGE
474.75			65.00		26.92	4.73

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ANNUAL PERCENTAGE RATE			18% ON	500.00	12% ON	102.57
ACCOUNT NUMBER		CLOSING DATE		AVERAGE DAILY BALANCE		NEXT CLOSING DATE
755-537-28		FEB 21, 1976		602.57		MAR 21, 1976
DATE	STORE	REFERENCE NO.				AMOUNT
***	SAVE POSTAGE. USE PAYMENT BOX IN ANY STORE.					***
01/23	7C	023-071085	MENS GLOVES & SUNGLASSES			13.52
01/27	7C	027-070399	WOMENS HOSIERY			10.66
02/04	7C	035-070993	COSMETICS & TOILETRIES			9.10
02/16	WA	047-000022	PAYMENT - THANK YOU			60.00PT
PREVIOUS BALANCE		PAYMENTS	CREDITS	PURCHASES	FINANCE CHARGE	AMOUNT DUE
						MINIMUM NEW BALANCE
595.60		60.00		33.88	6.57	60.00 577.41

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FINANCE CHARGE WAS COMPUTED ON THIS BALANCE							
ANNUAL PERCENTAGE RATE				18% ON	500.00	12% ON	54.76
ACCOUNT NUMBER		CLOSING DATE		AVERAGE DAILY BALANCE		NEXT CLOSING DATE	
766-637-28		MAR 21, 1976		556.76		APR 21, 1976	
DATE	STORE	REFERENCE NO.				AMOUNT	
***		SAVE POSTAGE. USE PAYMENT BOX IN ANY STORE.				***	
03/15	WA	111-111024 PAYMENT - THANK YOU				60.00PT	
03/15	TC	076-031068 COSMETICS & TOILETRIES				11.44	
PREVIOUS BALANCE		PAYMENTS	CREDITS	PURCHASES	FINANCE CHARGE	AMOUNT DUE	
						MINIMUM	NEW BALANCE
522.41		60.00		11.44	.87	55.00	534.92

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ANNUAL PERCENTAGE RATE		18% ON	500.00	12% ON	54.76
ACCOUNT NUMBER		CLOSING DATE		AVERAGE DAILY BALANCE	
766-637-28		APR 21, 1976		554.57	
				NEXT CLOSING DATE	
				MAY 21, 1976	
DATE	STORE	REFERENCE NO.			AMOUNT
***		SAVE POSTAGE. USE PAYMENT BOX IN ANY STORE.			***
03/23	TC	083-070993	COSMETICS & TOILETRIES		13.78
03/26	TC	086-070993	COSMETICS & TOILETRIES		4.42
03/31	TC	091-070993	ELIZ ARDEN COSMETICS		2.86
04/04	TC	095-031057	COSMETICS & TOILETRIES		4.52
04/07	WA	111-111066	PAYMENT - THANK YOU		55.00PT
04/09	TC	100-070394	BRA & BODY FASHION		13.99
04/09	TC	100-070444	SEWING ACCESSORIES		3.80
04/09	TC	100-070410	FINE JEWELRY-14K		35.36
04/10	TC	105-031041	FRAGRANCES		3.58
04/16	TC	107-070448	BETTER CONTEMPORARY SHOES		33.24
04/17	TC	108-070410	FINE JEWELRY-14K		12.47
PREVIOUS BALANCE		PAYMENTS		CREDITS	PURCHASES
526.92		55.00			172.16
FINANCE CHARGE		AMOUNT DUE		MINIMUM	
.87		65.00		NEW BALANCE	
				632.18	

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FINANCE CHARGE WAS COMPUTED ON THIS BALANCE							
ANNUAL PERCENTAGE RATE				18% ON	500.00	12% ON	121.41
ACCOUNT NUMBER		CLOSING DATE		AVERAGE DAILY BALANCE		NEXT CLOSING DATE	
765-637-28		JUN 21, 1976		621.41		JUL 21, 1976	
DATE	STORE	REFERENCE NO.				AMOUNT	
****	SAVE POSTAGE.	USE PAYMENT BOX IN ANY STORE.				****	
06/20	TC	172-030595		FRAGRANCES		7.02	
06/20	TC	172-031050		DOMESTICS		32.72	
06/20	TC	172-031001		MENS FURNISHINGS		15.85	
PREVIOUS BALANCE		PAYMENTS		CREDITS		PURCHASES	
626.52						55.59	
FINANCE CHARGE		AMOUNT DUE		MINIMUM		NEW BALANCE	
8.71		135.00				190.92	

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FINANCE CHARGE WAS COMPUTED ON THIS BALANCE							
ANNUAL PERCENTAGE RATE				18% ON	500.00	12% ON	129.74
ACCOUNT NUMBER		CLOSING DATE		AVERAGE DAILY BALANCE		NEXT CLOSING DATE	
765-637-28		MAY 21, 1976		629.74		JUN 21, 1976	
DATE	STORE	REFERENCE NO.			AMOUNT		
****	SAVE POSTAGE.	USE PAYMENT BOX IN ANY STORE.			****		
4/16	CC	107-060340 BOYS APPAREL			42.12		
4/16	CC	107-060183 FINE JEWELRY-14K			35.76 CR		
4/23		116-030595 COSMETICS & TOILETRIES			5.24		
5/5	7C	129-070993 COSMETICS & TOILETRIES			9.36		
5/10	7C	131-070410 FINE JEWELRY-14K			45.64		
5/13	WA	134-000015 PAYMENT - THANK YOU			65.00 PT		
5/18	7C	139-070448 BETTER CONTEMPORARY SHOES			33.28 CR		
5/21	7C	142-070454 FRAGRANCES			13.48		
5/21	7C	142-070410 GOLD FILLED JEWELRY			11.44		
PREVIOUS BALANCE		PAYMENTS		CREDITS		PURCHASES	
627.18		65.00		66.10		124.28	
FINANCE CHARGE		AMOUNT DUE		MINIMUM		NEW BALANCE	
8.80		15.00				626.62	

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FINANCE CHARGE IS COMPUTED ON THIS BALANCE							
ANNUAL PERCENTAGE RATE				18% ON	500.00	12% ON	155.58
ACCOUNT NUMBER		CLOSING DATE		AVERAGE DAILY BALANCE		NEXT CLOSING DATE	
766-637-28		JUL 21, 1976		656.58		AUG 21, 1976	
DATE	STORE	REFERENCE NO.	AMOUNT				
***	SAVE POSTAGE.		USE PAYMENT BOX IN ANY STORE. ***				
05/23	WA	175-000018	PAYMENT - THANK YOU				65.00 PT
06/25	7C	177-070993	COSMETICS & TOILETRIES				14.04
06/30	7C	182-070993	COSMETICS & TOILETRIES				20.02
07/05	7C	187-070201	COLUMBIA CARFER DRESSES				18.71
07/05	7C	187-070454	FRAGRANCES				24.96
07/09	7C	191-070444	BARWARE				9.10
07/19	WA	201-000013	PAYMENT - THANK YOU				100.00 PT
PREVIOUS BALANCE		PAYMENTS	CREDITS	PURCHASES	FINANCE CHARGE	AMOUNT DUE	
69002		16500		8693	907	65.00	621.82

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ANNUAL PERCENTAGE RATE				18% ON	500.00	12% ON	148.28
ACCOUNT NUMBER		CLOSING DATE		AVERAGE DAILY BALANCE		NEXT CLOSING DATE	
766-637-28		AUG 21, 1976		648.28		SEP 21, 1976	
DATE	STORE	REFERENCE NO.	AMOUNT				
***	SAVE POSTAGE.		USE PAYMENT BOX IN ANY STORE. ***				
07/22	7C	204-070396	LINGERIE - SLEEPWEAR				38.22
07/27	7C	205-070565	WOMENS LONG ROBES				36.40
08/01	TC	214-033180	YVES ST. LAURENT				15.64
08/01	WA	215-000035	PAYMENT - THANK YOU				100.00 PT
08/01	7C	215-070435	BRONSON				18.76
08/08	TC	221-033179	ESTEE LAUDER				5.72
08/08	TC	221-033180	CHRISTIAN DIOR				9.88
08/08	TC	221-033163	MENS PERSONAL FURNISHING				20.28
PREVIOUS BALANCE		PAYMENTS	CREDITS	PURCHASES	FINANCE CHARGE	AMOUNT DUE	
621.82		100.00	98.8	137.02	89.8	70.00	657.94

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ANNUAL PERCENTAGE RATE			18% ON	500.00	12% ON	147.88
ACCOUNT NUMBER		CLOSING DATE	AVERAGE DAILY BALANCE		NEXT CLOSING DATE	
766-637-28		SEP 21, 1976	667.68		OCT 21, 1976	
DATE	STORE	REFERENCE NO.				AMOUNT
***		SAVE POSTAGE.	USE PAYMENT BOX IN ANY STORE.			***
09/06	7C	250-073382	BOYS APPAREL			72.21
09/14	WA	111-111035	PAYMENT - THANK YOU			100.00PT
09/15	7C	259-073364	PERSONAL CARE APPLIANCES			17.67
09/15	7C	259-073408	COSMETICS & TOILETRIES			14.56
09/21	7C	265-073397	SHEER HOSIERY			5.41
PREVIOUS BALANCE		PAYMENTS	CREDITS	PURCHASES	FINANCE CHARGE	AMOUNT DUE
45294		10000		10990	97.8	70.00 677.02

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ANNUAL PERCENTAGE RATE			18% ON	500.00	12% ON	137.27
ACCOUNT NUMBER		CLOSING DATE	AVERAGE DAILY BALANCE		NEXT CLOSING DATE	
766-637-28		OCT 21, 1976	637.27		NOV 21, 1976	
DATE	STORE	REFERENCE NO.				AMOUNT
***		SAVE POSTAGE.	USE PAYMENT BOX IN ANY STORE.			***
10/11	WA	250-000017	PAYMENT - THANK YOU			100.00PT
10/11	7C	285-073394	SWEATERS/TOPS			16.54
PREVIOUS BALANCE		PAYMENTS	CREDITS	PURCHASES	FINANCE CHARGE	AMOUNT DUE
67702		10000		1654	82.2	65.00 602.52

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DATE	POST	REFERENCE		DESCRIPTION	CHARGES	CREDITS & PAYMENTS														
04/12		00711894	834	PAYMENT, THANK YOU		20.00														
04/13	T	06430617	332	SPORTSWEAR 108	19.00															
				STATE TAX	.76															
<table border="1"> <thead> <tr> <th>ACCOUNT NUMBER</th> <th>CLOSING DATE</th> <th>PREVIOUS BAL.</th> <th>BALANCE FOR FINANCE CHARGE</th> <th>FINANCE CHG.</th> <th>TOTAL CHARGES</th> <th>TOTAL CREDITS & PAYMENTS</th> </tr> </thead> <tbody> <tr> <td>766-637-28</td> <td>04-30-76</td> <td>61.66</td> <td>40.78</td> <td>.61</td> <td>19.76</td> <td>20.00</td> </tr> </tbody> </table>							ACCOUNT NUMBER	CLOSING DATE	PREVIOUS BAL.	BALANCE FOR FINANCE CHARGE	FINANCE CHG.	TOTAL CHARGES	TOTAL CREDITS & PAYMENTS	766-637-28	04-30-76	61.66	40.78	.61	19.76	20.00
ACCOUNT NUMBER	CLOSING DATE	PREVIOUS BAL.	BALANCE FOR FINANCE CHARGE	FINANCE CHG.	TOTAL CHARGES	TOTAL CREDITS & PAYMENTS														
766-637-28	04-30-76	61.66	40.78	.61	19.76	20.00														
<table border="1"> <thead> <tr> <th>ADDITIONAL CHARGES PAID THIS MONTH</th> <th>MIN. PAYMENT</th> <th>PAY THIS AMOUNT TO KEEP YOUR ACCOUNT CURRENT. FINANCE CHARGES WILL BE ASSESSED.</th> <th>OPTION PAYMENT</th> <th>THIS IS YOUR ACCOUNT BALANCE</th> <th>NEW BALANCE</th> </tr> </thead> <tbody> <tr> <td></td> <td>62.03</td> <td></td> <td>10.33</td> <td></td> <td>62.03</td> </tr> </tbody> </table>							ADDITIONAL CHARGES PAID THIS MONTH	MIN. PAYMENT	PAY THIS AMOUNT TO KEEP YOUR ACCOUNT CURRENT. FINANCE CHARGES WILL BE ASSESSED.	OPTION PAYMENT	THIS IS YOUR ACCOUNT BALANCE	NEW BALANCE		62.03		10.33		62.03		
ADDITIONAL CHARGES PAID THIS MONTH	MIN. PAYMENT	PAY THIS AMOUNT TO KEEP YOUR ACCOUNT CURRENT. FINANCE CHARGES WILL BE ASSESSED.	OPTION PAYMENT	THIS IS YOUR ACCOUNT BALANCE	NEW BALANCE															
	62.03		10.33		62.03															

Annual Percentage Rate on balance for finance charge up to \$500 is 18%. Annual Percentage Rate on portion of balance for finance charge exceeding \$500 is 12%. NOTICE: See reverse side for important information.

SEND INQUIRIES TO- RALEIGHS COMPUTER CENTER, WHEATON, MD. 20902

DATE	POST	REFERENCE		DESCRIPTION	CHARGES	CREDITS & PAYMENTS														
05/10	A	07123208	346	DRESS 106	38.00															
				STATE TAX	1.90															
05/27		00772515	704	PAYMENT, THANK YOU		20.00														
05/28	A	07125440	082	DRESS 062	46.00															
05/28	A	07125440	082	DRESS 062	44.00															
				STATE TAX	4.50															
<table border="1"> <thead> <tr> <th>ACCOUNT NUMBER</th> <th>CLOSING DATE</th> <th>PREVIOUS BAL.</th> <th>BALANCE FOR FINANCE CHARGE</th> <th>FINANCE CHG.</th> <th>TOTAL CHARGES</th> <th>TOTAL CREDITS & PAYMENTS</th> </tr> </thead> <tbody> <tr> <td>766-637-28</td> <td>05-31-76</td> <td>62.03</td> <td>41.42</td> <td>.62</td> <td>134.40</td> <td>20.00</td> </tr> </tbody> </table>							ACCOUNT NUMBER	CLOSING DATE	PREVIOUS BAL.	BALANCE FOR FINANCE CHARGE	FINANCE CHG.	TOTAL CHARGES	TOTAL CREDITS & PAYMENTS	766-637-28	05-31-76	62.03	41.42	.62	134.40	20.00
ACCOUNT NUMBER	CLOSING DATE	PREVIOUS BAL.	BALANCE FOR FINANCE CHARGE	FINANCE CHG.	TOTAL CHARGES	TOTAL CREDITS & PAYMENTS														
766-637-28	05-31-76	62.03	41.42	.62	134.40	20.00														
<table border="1"> <thead> <tr> <th>TO AVOID ADDITIONAL FINANCE CHARGES PAY AT LEAST THIS AMOUNT BEFORE YOUR CLOSING DATE NEXT MONTH.</th> <th>MIN. PAYMENT</th> <th>PAY THIS AMOUNT TO KEEP YOUR ACCOUNT CURRENT. FINANCE CHARGES WILL BE ASSESSED.</th> <th>OPTION PAYMENT</th> <th>THIS IS YOUR ACCOUNT BALANCE</th> <th>NEW BALANCE</th> </tr> </thead> <tbody> <tr> <td></td> <td>87.45</td> <td></td> <td>29.50</td> <td></td> <td>177.05</td> </tr> </tbody> </table>							TO AVOID ADDITIONAL FINANCE CHARGES PAY AT LEAST THIS AMOUNT BEFORE YOUR CLOSING DATE NEXT MONTH.	MIN. PAYMENT	PAY THIS AMOUNT TO KEEP YOUR ACCOUNT CURRENT. FINANCE CHARGES WILL BE ASSESSED.	OPTION PAYMENT	THIS IS YOUR ACCOUNT BALANCE	NEW BALANCE		87.45		29.50		177.05		
TO AVOID ADDITIONAL FINANCE CHARGES PAY AT LEAST THIS AMOUNT BEFORE YOUR CLOSING DATE NEXT MONTH.	MIN. PAYMENT	PAY THIS AMOUNT TO KEEP YOUR ACCOUNT CURRENT. FINANCE CHARGES WILL BE ASSESSED.	OPTION PAYMENT	THIS IS YOUR ACCOUNT BALANCE	NEW BALANCE															
	87.45		29.50		177.05															

Annual Percentage Rate on balance for finance charge up to \$500 is 18%. Annual Percentage Rate on portion of balance for finance charge exceeding \$500 is 12%. NOTICE: See reverse side for important information.

SEND INQUIRIES TO- RALEIGHS COMPUTER CENTER, WHEATON, MD. 20902

DATE	ST	REFERENCE		DESCRIPTION	CHARGES	CREDITS & PAYMENTS		
06/12	A	00038212	567	SPORTSWEAR 108		19.00		
				STATE TAX		.95		
06/12	A	00038211	567	DRESS 062		46.00		
				STATE TAX		2.35		
06/24		00806919	795	PAYMENT, THANK YOU		29.50		
06/30	A	07731043	263	BLOUSE 099	25.90			
06/30	A	07731043	263	SLACKS 091	15.90			
				STATE TAX	2.09			
06/30	A	06675243	263	COSMETICS 089	12.00			
				STATE TAX	.60			
ACCOUNT NUMBER		CLOSING DATE		PREVIOUS BAL.	BALANCE FOR FINANCE CHARGE	FINANCE CHG.	TOTAL CHARGES	TOTAL CREDITS & PAYMENTS
06-637-28		06-30-76		177.05	.00	.00	56.49	97.80
TO AVOID ADDITIONAL FINANCE CHARGES PAY AT LEAST THIS AMOUNT BEFORE YOUR CLOSING DATE NEXT MONTH. →		MIN. PAYMENT		PAY THIS AMOUNT TO KEEP YOUR ACCOUNT CURRENT. FINANCE CHARGES WILL BE ASSESSED. →		OPTION PAYMENT	THIS IS YOUR ACCOUNT BALANCE →	NEW BALANCE
		90.94				22.62		135.74

Annual Percentage Rate on balance for finance charge up to \$500 is 18%. Annual Percentage Rate on portion of balance for finance charge exceeding \$500 is 12%. NOTICE: See reverse side for important information.

SEND INQUIRIES TO- RALEIGHS COMPUTER CENTER, WHEATON, MD. 20902

DATE	ST	REFERENCE		DESCRIPTION	CHARGES	CREDITS & PAYMENTS	
07/09	A	07733636	171	SLEEPWEAR 084	16.00		
				STATE TAX	.80		
07/19		00659558	217	PAYMENT, THANK YOU		25.00	
ACCOUNT NUMBER		CLOSING DATE	PREVIOUS BAL.	BALANCE FOR FINANCE CHARGE	FINANCE CHG.	TOTAL CHARGES	TOTAL CREDITS & PAYMENTS
765-637-28		07-31-76	135.74	110.74	1.66	16.80	25.00
TO AVOID ADDITIONAL FINANCE CHARGES PAY AT LEAST THIS AMOUNT BEFORE YOUR CLOSING DATE NEXT MONTH. →		MIN. PAYMENT	PAY THIS AMOUNT TO KEEP YOUR ACCOUNT CURRENT. FINANCE CHARGES WILL BE ASSESSED. →		OPTION PAYMENT	THIS IS YOUR ACCOUNT BALANCE →	NEW BALANCE
		129.20			21.53		129.20

Annual Percentage Rate on balance for finance charge up to \$500 is 18%. Annual Percentage Rate on portion of balance for finance charge exceeding \$500 is 12%. NOTICE: See reverse side for important information.

SEND INQUIRIES TO- RALEIGHS COMPUTER CENTER, WHEATON, MD. 20902

DATE	ST	REFERENCE		DESCRIPTION		CHARGES	CREDITS & PAYMENTS
03/08	T	07864750	006	SCARF	086	15.00	
				STATE TAX		.60	
08/08	T	07865701	006	SPORTSWEAR	108	26.00	
08/08	T	07865701	006	SPORTSWEAR	108	22.00	
				STATE TAX		1.92	
08/13	A	07922905	535	DRESS	065	52.00	
				STATE TAX		2.60	
08/13	A	08148648	535	DRESS	106	48.00	
				STATE TAX		2.40	
08/24		00709551	027	PAYMENT, THANK YOU			25.00
ACCOUNT NUMBER		CLOSING DATE	PREVIOUS BAL.	BALANCE FOR FINANCE CHARGE	FINANCE CHG.	TOTAL CHARGES	TOTAL CREDITS & PAYMENTS
766-637-28		08-31-76	129.20	102.54	1.54	170.52	25.00
TO AVOID ADDITIONAL FINANCE CHARGES PAY AT LEAST THIS AMOUNT BEFORE YOUR CLOSING DATE NEXT MONTH. →		MIN. PAYMENT	PAY THIS AMOUNT TO KEEP YOUR ACCOUNT CURRENT. FINANCE CHARGES WILL BE ASSESSED. →		OPTION PAYMENT	THIS IS YOUR ACCOUNT BALANCE →	NEW BALANCE
		162.58			46.04		276.26

Annual Percentage Rate on balance for finance charge up to \$500 is 18%. Annual Percentage Rate on portion of balance for finance charge exceeding \$500 is 12%. NOTICE: See reverse side for important information.
 SEND INQUIRIES TO- RALEIGHS COMPUTER CENTER, WHEATON, MD. 20902

MASTER CHARGE [®] ACCOUNT NUMBER 511 27216 035 883		STATEMENT CLOSING DATE 02/03/76	FOR INFORMATION REGARDING YOUR ACCOUNT, PLEASE CALL ----- 8C4/441-4422
DISPUTES: IF YOU HAVE PROPERLY NOTIFIED US OF A BILLING ERROR, THEN YOU ARE NOT REQUIRED TO PAY ANY DISPUTED AMOUNT(S) OR ANY PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO SUCH DISPUTED AMOUNT(S) UNTIL WE COMPLY WITH THE BILLING ERROR RESOLUTION PROCEDURES DISCLOSED TO YOU. HOWEVER, YOU MUST PAY THAT PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO AMOUNTS NOT DISPUTED.			
CREDIT LINE INFORMATION:		CREDIT LIMIT \$1,500 CREDIT AVAILABLE \$293	
DATE	REFERENCE NUMBER	NEW TRANSACTIONS	AMOUNT
1218	2806904	GRANNYS PLACE	13.35
1221	2973871	DAVIDS VILLAGE	82.16
1223	11353095324	CORNER HOUSE FAIRFAX VA	24.12
0108	3283361	COXS DEPT STORE	13.46
0121	4054940	PAYMENT THANK YOU	100.00-

* NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION, INCLUDING IMPORTANT INFORMATION REGARDING YOUR RIGHTS TO DISPUTE BILLING ERRORS.

LEGEND	PREVIOUS BALANCE	PURCHASES	PAYMENTS AND CREDITS	FINANCE CHARGE	PERIODIC RATE	CORRESPONDING NOMINAL ANNUAL PERCENTAGE RATE	AMOUNT SUBJECT TO FINANCE CHARGE *
VIP * GOODS SERVICES							
REGULAR GOODS	1,156.96	133.09		16.67	1.50	18.00	1,111.79
CASH	.00	.00		.00	1.00	12.00	.00
				.00	2% INITIAL CHARGE		.00
TOTAL	1,156.96	133.09	100.00	16.67	ANNUAL PERCENTAGE RATE 18.00 %		
LEGEND	DESCRIPTION					ITEMIZED NEW BALANCE	ITEMIZED MINIMUM PAYMENT
	REGULAR GOODS, SERVICES, AND CASH					1,206.72	60.00

You may make the minimum payment shown; however, to avoid further FINANCE CHARGES on regular and VIP goods/services balances, you must pay the new balance by the due date. FINANCE CHARGES will continue to accrue on the cash balance until date of payment.

DUE DATE	NEW BALANCE	MINIMUM PAYMENT
02/27/76	1,206.72	60.00

MASTER CHARGE ACCOUNT NUMBER 511 27216 039 883	STATEMENT CLOSING DATE 03/03/76	FOR INFORMATION REGARDING YOUR ACCOUNT, PLEASE CALL ----- 804/441-4422
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DISPUTES: IF YOU HAVE PROPERLY NOTIFIED US OF A BILLING ERROR, THEN YOU ARE NOT REQUIRED TO PAY ANY DEBITED AMOUNT(S) OR ANY PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO SUCH DEBITED AMOUNT(S) UNTIL WE COMPLY WITH THE BILLING ERROR RESOLUTION PROCEDURES DISCLOSED TO YOU. HOWEVER, YOU MUST PAY THAT PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO AMOUNTS NOT DEBITED.

CREDIT LINE INFORMATION:		CREDIT LIMIT \$1,500 CREDIT AVAILABLE \$198	
DATE	REFERENCE NUMBER	NEW TRANSACTIONS	AMOUNT
0129	5151789	DRUG FAIR 6 ARLINGTON VA	2.59
0129	5343310	THE BOOTERY INC WASHINGTON DC	39.52
0130	4796039	MARTIN JEWELRY	31.15
0130	0H040259743	COUTURE FABRICS ALEY	6.24
0130	0H040147970	STOOT CORP ALEXANDRI	15.60
0130	5288356	HAYMINS INC ALEX VA	4.42
0205	5358258	FRANKIE WELCH OF VA ALEXANDRIA VA	33.28
0217	6109631	DRUG FAIR 13 FALLS CHURCH VA	4.20
0218	5482667	PAYMENT THANK YOU	60.00-

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LEGEND	PREVIOUS BALANCE	PURCHASES	PAYMENTS AND CREDITS	FINANCE CHARGE	PERIODIC RATE	CASH ADVANCE ANNUAL PERCENTAGE RATE	AMOUNT SUBJECT TO FINANCE CH.
VIP & GOLF SERVICES							
	1,206.72	137.00		17.63	1.50	18.00	1,175.68
CASH	.00	.00		.00	1.00	12.00	.00
				.00	2% INITIAL CHARGE		.00
TOTAL	1,206.72	137.00	60.00	17.63	ANNUAL PERCENTAGE RATE		18.00 %
LEGEND	DESCRIPTION					ITEMIZED NEW BALANCE	ITEMIZED MINIMUM PAYMENT
	REGULAR GOODS, SERVICES, AND CASH					1,301.35	65.00

You may make the minimum payment shown, however, to avoid further FINANCE CHARGES on regular and VIP goods/services balances, you must pay the new balance by the due date. FINANCE CHARGES will continue to accrue on the cash balance until date of payment.

DUE DATE	NEW BALANCE	MINIMUM PAYMENT
03/28/76	1,301.35	65.00

MASTER CHARGE ACCOUNT NUMBER 511 27216 039 883	STATEMENT CLOSING DATE 04/03/76	FOR INFORMATION REGARDING YOUR ACCOUNT, PLEASE CALL ----- 804/441-4422
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DISPUTES: IF YOU HAVE PREVIOUSLY NOTICED US OF A BILLING ERROR, THE RESCUE ARE NOT REQUIRED TO PAY ANY DEFERRED AMOUNTS, OR ANY PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO SUCH DEFERRED AMOUNTS UNTIL WE COMPLY WITH THE BILLING ERROR RESOLUTION PROCEDURES DISCLOSED TO YOU. HOWEVER, YOU MUST PAY THAT PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO AMOUNTS NOT DISPUTED.

CREDIT LINE INFORMATION	CREDIT LIMIT \$1,500	CREDIT AVAILABLE \$164
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DATE	REFERENCE NUMBER	NEW TRANSACTIONS	AMOUNT
0221	7106811	TANZMAN SHOES	30.26
0227	6584457	DRUG FAIR 6 ARLINGTON VA	12.26
0227	7037702	NUEVO MUNDO INC	26.00
0316	7041139	PAYMENT THANK YOU	100.00-
0320	7830814	JEWEL BOX	31.50
0321	7911436	CAPPERS NURSERY	8.77
0324	7910806	FABRIC MAN	6.80

* NOTICED BY CARD HOLDER FOR IMPORTANT INFORMATION, INCLUDING IMPORTANT INFORMATION REGARDING YOUR RIGHTS TO DISPUTE BILLING ERRORS.

LEGEND	PREVIOUS BALANCE	PURCHASES	PAYMENTS AND CREDITS	FINANCE CHARGE	PERIODIC RATE	CORRESPONDING ANNUAL PERCENTAGE RATE	AMOUNT SUBJECT TO FINANCE CHARGE *
VIP * GOODS SERVICES							
	1,301.35	115.59		18.60	1.50	18.00	1,240.05
CASH	.00	.00		.00	1.00	12.00	.00
				.00	2% INITIAL CHARGE		.00
TOTAL	1,301.35	115.59	100.00	18.60	ANNUAL PERCENTAGE RATE		18.00 %

LEGEND	DESCRIPTION	ITEMIZED NEW BALANCE	ITEMIZED MINIMUM PAYMENT
	REGULAR GOODS, SERVICES, AND CASH	1,335.54	66.00

You may make the minimum payment shown, however, to avoid further FINANCE CHARGES on regular and VIP goods/services balances, you must pay the new balance by the due date. FINANCE CHARGES will continue to accrue on the cash balance until date of payment.

DUE DATE	NEW BALANCE	MINIMUM PAYMENT
04/28/76	1,335.54	66.00

MASTER CHARGE® ACCOUNT NUMBER 511 27216 035 883	STATEMENT CLOSING DATE 05/03/76	FOR INFORMATION REGARDING YOUR ACCOUNT, PLEASE CALL 804/441-4422
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DISPUTES: IF YOU HAVE PROPERLY NOTIFIED US OF A BILLING ERROR, THEN YOU ARE NOT REQUIRED TO PAY ANY DISPUTED AMOUNT(S) OR ANY PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO SUCH DISPUTED AMOUNT(S) UNTIL WE COMPLY WITH THE BILLING ERROR RESOLUTION PROCEDURES DISCLOSED TO YOU. HOWEVER, YOU MUST PAY THAT PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO AMOUNTS NOT DISPUTED.

CREDIT LINE INFORMATION:	CREDIT LIMIT \$1,500 CREDIT AVAILABLE \$93
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DATE	REFERENCE NUMBER	NEW TRANSACTIONS	AMOUNT
0319	9501096	THE CHIMNEY MOUSE ALEXANDRIA VA	23.40
0322	10104165581	PEOPLES DRUG STORES	5.85
0325	10107084764	PEOPLES DRUG STORES	8.65
0329	9043797	HOUSE OF FINE FABRICS WASHINGTON DC	14.88
0330	8593789	DRUG FAIR 6 ARLINGTON VA	16.22
0413	9384177	DRUG FAIR 6 ARLINGTON VA	10.15
0413	9418066	DRUG FAIR 13 FALLS CHURCH VA	17.66
0414	8799406	PAYMENT THANK YOU	100.00-
0416	9613099	THE GAP	21.84
0417	9369224	FABRIC MAN	6.57
0419	9561984	TANZMAN'S SHOES	10.45
0419	9885143	DRUG FAIR 6 ARLINGTON VA	15.95
REPORT LOST OR STOLEN CARD TEL. 804-623-1800			

* NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION, INCLUDING IMPORTANT INFORMATION REGARDING YOUR RIGHTS TO DISPUTE BILLING ERRORS.

LEGEND	PREVIOUS BALANCE	PURCHASES	PAYMENTS AND CREDITS	FINANCE CHARGE	PERIODIC RATE	CORRESPONDING NOMINAL ANNUAL PERCENTAGE RATE	AMOUNT SUBJECT TO FINANCE CHARGE *
VIP * GOODS/SERVICES							
	1,335.54	151.62		19.03	1.50	18.00	1,268.87
CASH	.00	.00		.00	1.00	12.00	.00
				.00	2% INITIAL CHARGE		.00
TOTAL	1,335.54	151.62	100.00	19.03	ANNUAL PERCENTAGE RATE		18.00 %

LEGEND	DESCRIPTION	ITEMIZED NEW BALANCE	ITEMIZED MINIMUM PAYMENT
	REGULAR GCCCS, SERVICES, AND CASH	1,406.19	70.00

You may make the minimum payment shown; however, to avoid further FINANCE CHARGES on regular and VIP goods/services balances, you must pay the new balance by the due date. FINANCE CHARGES will continue to accrue on the cash balance until date of payment.

DUE DATE	NEW BALANCE	MINIMUM PAYMENT
05/28/76	1,406.19	70.00

MASTER CHARGE® ACCOUNT NUMBER 511 27216 039 883	STATEMENT CLOSING DATE 06/03/76	FOR INFORMATION REGARDING YOUR ACCOUNT, PLEASE CALL -----804/441-4422
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DISPUTES: IF YOU HAVE PROPERLY NOTIFIED US OF A BILLING ERROR, THEN YOU ARE NOT REQUIRED TO PAY ANY DISPUTED AMOUNT(S) OR ANY PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO SUCH DISPUTED AMOUNT(S) UNTIL WE COMPLY WITH THE BILLING ERROR RESOLUTION PROCEDURES DISCLOSED TO YOU. HOWEVER, YOU MUST PAY THAT PORTION OF THE MINIMUM PAYMENT ATTRIBUTABLE TO AMOUNTS NOT DISPUTED.

CREDIT LINE INFORMATION:	CREDIT LIMIT \$1,500 CREDIT AVAILABLE \$97
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DATE	REFERENCE NUMBER	NEW TRANSACTIONS			AMOUNT
0420	0466426	DRUG FAIR 6	ARLINGTON	VA	6.91
0422	0032472	D AND S ASSOCIATES	FALLS CHURCH	VA	38.90
0429	0468821	LEE AUTO PARTS CO INC	ARLINGTON	VA	33.95
0504	0982874	LEE AUTO PARTS CO INC	ARLINGTON	VA	4.00%
0528	1761889	PAYMENT THANK YOU			100.00%

* NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION, INCLUDING IMPORTANT INFORMATION REGARDING YOUR RIGHTS TO DISPUTE BILLING ERRORS.

LEGEND	PREVIOUS BALANCE	PURCHASES	PAYMENTS AND CREDITS	FINANCE CHARGE	PERIODIC RATE	CORRESPONDING NOMINAL ANNUAL PERCENTAGE RATE	AMOUNT SUBJECT TO FINANCE CHARGE *
VIP * GOODS/SERVICES							
REGULAR GOODS/SERVICES	1,406.19	79.76		20.69	1.50	18.00	1,379.60
CASH	.00	.00		.00	1.00	12.00	.00
				.00	2% INITIAL CHARGE		.00
TOTAL	1,406.19	79.76	104.00	20.69	ANNUAL PERCENTAGE RATE		18.00 %
LEGEND	DESCRIPTION					ITEMIZED NEW BALANCE	ITEMIZED MINIMUM PAYMENT
	REGULAR GOODS, SERVICES, AND CASH					1,402.64	70.00

You may make the minimum payment shown; however, to avoid further FINANCE CHARGES on regular and VIP goods/services balances, you must pay the new balance by the due date. FINANCE CHARGES will continue to accrue on the cash balance until date of payment.

DUE DATE	NEW BALANCE	MINIMUM PAYMENT
06/28/76	1,402.64	70.00

BANKAMERICARD STATEMENT

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

BANKAMERICARD ACCOUNT NUMBER	STATEMENT CLOSING DATE	CREDIT LIMIT	AVAILABLE CREDIT	FOR YOUR RECORDS	DATE PAID	CHECK NUMBER	AMOUNT PAID

TYPE OF TRANSACTION	DATE	DESCRIPTION OF CHARGES AND CREDITS	AMOUNT	BILLING ITEM NUMBER
PURCHASE	0113	YARNS ETCETERA ALEXANDRIA VA	10.92	436801206103379
PURCHASE	0101	DRUG FAIR 13 FALLS CHURCH VA	10.35	436801190122633
PURCHASE	0105	BERMAN WORLD OF SPORT GO TYSONS CORNERVA	35.34	436601190091343
PURCHASE	0106	DRUG FAIR 3 ARLINGTON VA	6.81	436601190123875
FIN CHG	0121	FINANCE CHARGE-OTHER EXTENSIONS	15.97	
NEW BAL		***** NEW BALANCE *****	1,444.37	
		MINIMUM PAYMENT DUE	72.00	
			402.10	

BANKAMERICARD STATEMENT

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

BANKAMERICARD ACCOUNT NUMBER	STATEMENT CLOSING DATE	CREDIT LIMIT	AVAILABLE CREDIT	FOR YOUR RECORDS	DATE PAID	CHECK NUMBER	AMOUNT PAID
4368 170 154 570	01-21-70	1500	55				

\$ 56.86 IS YOUR YEAR TO DATE FINANCE CHARGE FOR 1975

641050

TYPE OF TRANSACTION	DATE OF TRANSACTION		DESCRIPTION OF CHARGES AND CREDITS		AMOUNT	BILLING ITEM NUMBER
	Month	Day				
PREV BAL			PREVIOUS BALANCE FROM LAST STATEMENT		1,079.30	
PURCHASE	1208		CAPPERS NURSERY VIENNA VA		4.97	436612220504873
PURCHASE	1208		WILD & WOOLY NEEDLECRAFTS BAILFYS XRDS VA		9.67	436612220518644
PURCHASE	1224		DRUG FAIR 6 ARLINGTON VA		21.37	436612220518734
PURCHASE	1219		COUTURE FALGICS INC ALEXANDRIA VA		42.60	436612245129408
PURCHASE	1207		BRITCHES WESTERN WASHINGTON DC		16.13	436612170454119
PURCHASE	1227		THE STYLE SHOP FALLS CHURCH VA		15.60	436612305303343
PURCHASE	1210		DART HOME CENTER #149 ARLINGTON VA		16.12	436612260526592
PURCHASE	1214		CREATIVE CRAFTS STD FALLS CH VA		8.38	436112291701545
PURCHASE	1210		LA CUISINE ALEX VA		6.09	436112191701545
PURCHASE	1011		DRUG FAIR 2000 ACCOUNTING ALEXANDRIA VA		7.59	436612310008128
PURCHASE	0105		JOHN NORMAN INC ROANOKE VA		13.52	436101021701545
PURCHASE	1216		PEOPLES SERVICE DRUG 190 MCLEAN VA		4.90	436601056116162
PURCHASE	1205		DRUG FAIR 2000 ACCOUNTING ALEXANDRIA VA		9.40	436601060034072
PURCHASE	1221		WALDEN BOOKS 273 MCLEAN VA		25.95	436601050641873
PURCHASE	1217		WILD & WOOLY NEEDLECRAFTS BAILFYS XRDS VA		7.23	436601060659178
PURCHASE	1229		SKI ROANOKE VA		33.64	436601126107530
PURCHASE	0115		OLD DOMINION FABRIC ROCKY MOUNT VA		12.31	436101121701545
PURCHASE	0108		NUOVO MONDO INC ALEXANDRIA VA		15.60	436601136105217
PAYMENT	0114		PAYMENT RECEIVED-THANK YOU		53.00	436601146206813
PURCHASE	1221		NEEDLE IN A HAYSTACK SPRINGFIELD VA		25.95	436601120030909
PURCHASE	1222		KAYRE DEPT STORE 571 FALLS CHURCH VA		17.69	436601120037882
PURCHASE	0112		NUOVO MONDO INC ALEXANDRIA VA		17.60	436601156100569
PURCHASE	1228		PEOPLES DRUG STORE 197 ROANOKE VA		6.04	436601196104556
CONTINUED NEXT PAGE						

TYPE OF CREDIT	PERIODIC RATE(S)	FORMER PERIODIC RATE(S)	BALANCE ON WHICH FINANCE CHARGE WAS COMPUTED	FINANCE CHARGE FROM APPLICATION (IF PERIODIC RATE(S))	PAYMENTS NOT DEPOSITED IN DETERMINING BALANCE ON WHICH NEW FINANCE CHARGE IS COMPUTED	TO USE ADDITIONAL FINANCE CHARGES PAY THE "NEW BALANCE" BEFORE	ANNUAL PERCENTAGE RATE FOR THIS BILLING PERIOD
CASH ADVANCES (INTEREST BILLING)	1.00%	12.00%	0.00	0.00	0.00	02-15-70	
PREVIOUS CASH ADVANCES	1.00%	12.00%	0.00	0.00		STATEMENT NUMBER	
NEW EXTENSION OF CREDIT	1.00%	12.00%	1065.10	15.97	6-20570	PAGE NUMBER	18.00 %
						1 OF 2	

BANKAMERICARD STATEMENT

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

AMERICAN CARD ACCOUNT NUMBER	STATEMENT CLOSING DATE	CREDIT LIMIT	AVAILABLE CREDIT	FOR YOUR RECORDS	DATE PAID	CHECK NUMBER	AMOUNT PAID
368 170 154 576	02-20-76	1500	26				

TYPE OF TRANSACTION	DATE	DESCRIPTION OF CHARGES AND CREDITS	AMOUNT	BILLING ITEM NUMBER
REV BAL		PREVIOUS BALANCE FROM LAST STATEMENT	1,444.37	
PURCHASE	0104	BEYDAS PETITES 31 MCLEAN VA	15.60	436801226100545
PURCHASE	0123	DRUG FAIR 6 ARLINGTON VA	6.25	436601210140908
PURCHASE	1227	RITZ CAMERA #13 WASHINGTON DC	5.04	433701262150819
PURCHASE	0102	RITZ CAMERA #13 WASHINGTON DC	11.12	433701262150823
PURCHASE	0120	THE LADYBUG STORE ALEXANDRIA VA	12.48	436801276101031
PAYMENT	0204	PAYMENT RECEIVED-THANK YOU	72.00	436802046208929
PURCHASE	0123	TANZMAN SHGES, INC ARLINGTON VA	15.70	436602066108445
PURCHASE	0209	GRANNYS PLACE ALEXANDRIA VA	13.48	436102061701545
FIN CHG	0220	FINANCE CHARGE-OTHER EXTENSIONS	21.05	
NEW BAL		***** NEW BALANCE *****	1,473.09	
		MINIMUM PAYMENT DUE	73.00	

100-72

TYPE OF CREDIT	PERIODIC RATE(S)	CORRESPONDING MINIMUM ANNUAL PERCENTAGE RATE(S)	BALANCE ON WHICH FINANCE CHARGE WAS COMPUTED	FINANCE CHARGE FROM APPLICATION OF PERIODIC RATE(S)	PAYMENTS NOT DEDUCTED IN DETERMINING BALANCE ON WHICH NEW CASH ADVANCES FINANCE CHARGE IS COMPUTED	TO AVOID ADDITIONAL FINANCE CHARGES PAY THE "NEW BALANCE" BEFORE	ANNUAL PERCENTAGE RATE FOR THIS BILLING PERIOD
CASH ADVANCES (INITIAL BILLING)	1.00 %	12.00 %	0.00	0.00	0.00	03-16-76	
PREVIOUS CASH ADVANCES	1.00 %	12.00 %	0.00	0.00			
OTHER EXTENSIONS OF CREDIT	1.50 %	18.00 %	1403.57	21.05			
	%	%					

AC 4363-23-0311

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BANKAMERICARD STATEMENT

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

BANKAMERICARD ACCOUNT NUMBER	STATEMENT CLOSING DATE	CREDIT LIMIT	AVAILABLE CREDIT	FOR YOUR RECORDS	DATE PAID	CHECK NUMBER	AMOUNT PAID
4368 170 154 576	03-22-76	1500	38				

TYPE OF TRANSACTION	DESCRIPTION OF CHARGES AND CREDITS	AMOUNT	BILLING ITEM NUMBER
PREV BAL	PREVIOUS BALANCE FROM LAST STATEMENT	1,473.09	
PURCHASE 0219	FRANKIE WELCH OF VIRGINIA ALEXANDRIA VA	34.32	436802236108034
PURCHASE 0212	DRUG FAIR 13 FALLS CHURCH VA	6.44	436602190497295
PURCHASE 0220	DRUG FAIR 13 FALLS CHURCH VA	3.45	436602250553824
PURCHASE 0208	DRUG FAIR 6 ARLINGTON VA	7.63	436602260567324
PURCHASE 0225	DRUG FAIR 13 FALLS CHURCH VA	15.14	436603020616566
PAYMENT 0315	PAYMENT RECEIVED-THANK YOU	100.00-	436803156201777
FIN CHG 0322	FINANCE CHARGE-OTHER EXTENSIONS	21.70	
NEW BAL	***** NEW BALANCE *****	1,461.77	
	MINIMUM PAYMENT DUE	46.00	
		88.68	

TYPE OF CREDIT	PERIODIC RATE(S)	CORRESPONDING ANNUAL PERCENTAGE RATE(S)	BALANCE ON WHICH FINANCE CHARGE WAS COMPUTED	FINANCE CHARGE FROM APPLICATION OF PERIODIC RATE(S)	PAYMENTS NOT DEDUCTED IN DETERMINING BALANCE ON WHICH FINANCE CHARGE IS COMPUTED	TO AVOID ADDITIONAL FINANCE CHARGES PAY THE "NEW BALANCE" BEFORE	ANNUAL PERCENTAGE RATE FOR THIS BILLING PERIOD
CASH ADVANCES (INITIAL BALANCE)	1.00%	12.00%	0.00	0.00	0.00	04-16-76	
PREVIOUS CASH ADVANCES	1.00%	12.00%	0.00	0.00			
OTHER EXTENSIONS OF CREDIT	1.50%	18.00%	1447.28	21.70			
	%	%					

STATEMENT NUMBER
5-03913

PAGE NUMBER
1 OF 1

18.00 %

ENC 4368-23-0311

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AMERICAN CARD STATEMENT

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

AMERICAN CARD ACCOUNT NUMBER	STATEMENT DUE DATE	CREDIT LIMIT	AVAILABLE CREDIT	FOR YOUR RECORDS	DATE PAID	CHECK NUMBER	AMOUNT
368 170 154 576	04-21-76	1500	45				

F&M ANNOUNCES TWO NEW ANYTIME BANKS
REGENCY SQUARE IN RICHMOND & DALE CITY IN WOODBRIDGE

TYPE OF TRANSACTION	DATE OF TRANSACTION Month Day	DESCRIPTION OF CHARGES AND CREDITS	AMOUNT	BILLING ITEM NUMBER
REV. BAL		PREVIOUS BALANCE FROM LAST STATEMENT	1,461.77	
URCHASE	0315	CREATIVE CRAFTS STD FALLS CH VA	7.75	4361032217018
URCHASE	0319	ROYAL FORMAL WEAR FALLS CHURCH VA	26.50	4366032308354
URCHASE	0318	KARTOON LEATHER RETAIL ALEXANDRIA VA	17.94	4368032561000
URCHASE	0327	LAZARUS INC ROANOKE VA	12.48	4368040161017
AYMENT	0413	PAYMENT RECEIVED-THANK YOU	100.00	4368041362007
URCHASE	0410	WOOLGATHER TOP FALLS CHURCH VA	6.24	4335041333640
IN CHG	0421	FINANCE CHARGE-OTHER EXTENSIONS	21.47	
NEW BAL		***** NEW BALANCE *****	1,454.13	
		MINIMUM PAYMENT DUE	.00	
			92.36	

TYPE OF CREDIT	PERIODIC RATE(S)	FINANCE CHARGE	ANNUAL PERCENTAGE RATE
ADVANCES (INITIAL BILLING)	1.00 %	0.00	12.00 %
ADVANCES (RECURRING)	1.00 %	0.00	12.00 %
EXTENSIONS ON CREDIT	1.50 %	21.47	18.00 %

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SAKS FIFTH AVENUE
CODE NO. 282
5555 WISCONSIN AVE
CHEVY CHASE, MARYLAND 20015
657-9000

KIND OF SALE
OR AMT IF COD
CASH

DATE 6/14 DEPT. M SALESPERSON'S NO. 232 TUBE E 60997-37
PLEASE PRINT FIRST NAME INITIAL LAST NAME

NAME M
ADDRESS
CITY STATE ZIP CODE
INSTRUCTIONS

ACCT NO. 58-665-639
NAME Carl A. Rochelle
ADDRESS 1650 N. Greenbrier St.
CITY STATE ARLINGTON VA ZIP CODE 22205

DEPT.	CLASS	QUAN.	ARTICLES	AT	DOLLARS	CENTS
14	P	1	Bracelet		63	00
			PB-41-14KT			

SUB TOTAL 63.00
Sales Tax 2.52
TOTAL 65.52
CHG OR AMT REC'D ENCLOSURES
VALUE

SAKS FIFTH AVENUE
CODE NO. 272
5555 WISCONSIN AVE
CHEVY CHASE, MARYLAND 20015
657-9000

KIND OF SALE
OR AMT IF COD
CASH

DATE 7/14 DEPT. M SALESPERSON'S NO. 2611 TUBE E 62563-33
PLEASE PRINT FIRST NAME INITIAL LAST NAME

NAME M
ADDRESS 11252 924
CITY STATE ZIP CODE
INSTRUCTIONS

ACCT NO. 58-665-639
NAME MRS CONNIE GALE ROCKELLE
ADDRESS 1650 N GREENBRIER STREET
CITY STATE ARLINGTON VA ZIP CODE 22205

DEPT.	CLASS	QUAN.	ARTICLES	AT	DOLLARS	CENTS
			SALE		14	90

SUB TOTAL 14.90
Sales Tax 1.20
TOTAL 16.10
CHG OR AMT REC'D ENCLOSURES
VALUE

COUNT TERMS: OF NEW BALANCE IS DUE UPON RECEIPT	REFERENCE		STORE	CHARGES	CREDITS	PAYMENTS
	MO	DAY				
COUNT TERMS: ADDITIONAL FINANCE CHARGE IF WE PAYMENT OF THE NEW BALANCE IS MADE AT THE EXPIRATION OF THE NEXT DUE DATE. IF RETURN ENVELOPE IS THE NEXT DUE DATE SHOWN BELOW RECEIVED BY US AT ANY OTHER LOCATION SUBJECT TO A DELAY OF UP TO 5 DAYS IN YOUR ACCOUNT. OR CHOICE TO MAKE A PARTIAL PAYMENT (NOT THE MINIMUM PAYMENT DUE AS SHOWN) A FINANCE CHARGE WILL BE ADDED. COME THE SCHEDULE SHOWN ON THE PREVIOUS AFTER DEDUCTING PAYMENTS, CREDITS AND ACCUMULATED FINANCE CHARGES ARE FIRST ALLOCATED TO ACCUMULATED CHARGES. IF A FINANCE CHARGE IS DUE IT WAS COMPLETED IN THIS SAME MANNER AT ANY TIME PAY YOUR TOTAL INDEBTED- ANY PART THEREOF.	02	11	002	99	10.40	14.33
	03	06	075	23	11.44	
	03	13	114	01		

DATE	NEW BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	OPTION ACCOUNT FINANCE CHARGE	CHARGES	NEW BALANCE
11/33	14.03	0.00	0.00	21.84	21.84	

OPTION ACCOUNT SCHEDULE OF FINANCE CHARGES			
BALANCE SUBJECT TO FINANCE CHARGE	MONTHLY PERIODIC RATE	ANNUAL PERCENTAGE RATE	
TO \$ 500	1.50	18.00 %	
OVER \$ 500	1.00	12.00 %	

A MINUS SIGN IN FOLLOWING ANY BALANCE APPEARING ON THIS
 STATEMENT INDICATES A CREDIT BALANCE IN YOUR FAVOR.
 FOR QUESTIONS REGARDING YOUR STATEMENT,
 SEND INQUIRIES TO: SAKS FIFTH AVENUE
 P.O. BOX 269
 GRAND CENTRAL STATION
 NEW YORK, N.Y. 10017
 TO ORDER MERCHANDISE OR FOR SERVICE, SEE REVERSE
 SIDE FOR ALL STORE LOCATIONS AND TELEPHONE NUMBERS

COUNT TERMS: OF NEW BALANCE IS DUE UPON RECEIPT	REFERENCE		STORE	CHARGES	CREDITS	PAYMENTS
	MO	DAY				
COUNT TERMS: ADDITIONAL FINANCE CHARGE IF WE PAYMENT OF THE NEW BALANCE IS MADE AT THE EXPIRATION OF THE NEXT DUE DATE. IF RETURN ENVELOPE IS THE NEXT DUE DATE SHOWN BELOW RECEIVED BY US AT ANY OTHER LOCATION SUBJECT TO A DELAY OF UP TO 5 DAYS IN YOUR ACCOUNT. OR CHOICE TO MAKE A PARTIAL PAYMENT (NOT THE MINIMUM PAYMENT DUE AS SHOWN) A FINANCE CHARGE WILL BE ADDED. COME THE SCHEDULE SHOWN ON THE PREVIOUS AFTER DEDUCTING PAYMENTS, CREDITS AND ACCUMULATED FINANCE CHARGES ARE FIRST ALLOCATED TO ACCUMULATED CHARGES. IF A FINANCE CHARGE IS DUE IT WAS COMPLETED IN THIS SAME MANNER AT ANY TIME PAY YOUR TOTAL INDEBTED- ANY PART THEREOF.	11	21	002	23	58.24	95.68
	11	21	001	23	95.68	
	06	07	057	23	65.52	
	06	07	057	23	33.54	
	06	07	012	23		

DATE	NEW BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	OPTION ACCOUNT FINANCE CHARGE	CHARGES	NEW BALANCE
11/74	032	95.68	0.77	0.00	252.98	157.62

OPTION ACCOUNT SCHEDULE OF FINANCE CHARGES			
BALANCE SUBJECT TO FINANCE CHARGE	MONTHLY PERIODIC RATE	ANNUAL PERCENTAGE RATE	
TO \$ 500	1.50	18.00 %	
OVER \$ 500	1.00	12.00 %	

A MINUS SIGN IN FOLLOWING ANY BALANCE APPEARING ON THIS
 STATEMENT INDICATES A CREDIT BALANCE IN YOUR FAVOR.
 FOR QUESTIONS REGARDING YOUR STATEMENT,
 SEND INQUIRIES TO: SAKS FIFTH AVENUE
 P.O. BOX 269
 GRAND CENTRAL STATION
 NEW YORK, N.Y. 10017
 TO ORDER MERCHANDISE OR FOR SERVICE, SEE REVERSE
 SIDE FOR ALL STORE LOCATIONS AND TELEPHONE NUMBERS

REGULAR ACCOUNT TERMS:
FULL PAYMENT OF NEW BALANCE IS DUE UPON RECEIPT OF STATEMENT.

OPTION ACCOUNT TERMS:
YOU WILL AVOID ADDITIONAL FINANCE CHARGE IF WE RECEIVE PAYMENT OF THE NEW BALANCE IN FULL AT THE ADDRESS APPEARING ON THE ENCLOSED RETURN. ENVELOPE BEFORE THE NEXT BILLING DATE SHOWN BELOW. PAYMENTS RECEIVED BY US AT ANY OTHER LOCATION MAY BE SUBJECT TO A DELAY OF UP TO 5 DAYS IN CREDITING YOUR ACCOUNT.

OR
IF YOU CHOOSE TO MAKE A PARTIAL PAYMENT (NOT LESS THAN THE MINIMUM PAYMENT DUE AS SHOWN ABOVE), A FINANCE CHARGE WILL BE ADDED, COMPUTED (PER THE SCHEDULE BELOW) ON THE PREVIOUS BALANCE AFTER DEDUCTING PAYMENTS, CREDITS, AND ANY REMAINING ACCUMULATED FINANCE CHARGES (PAYMENTS ARE FIRST ALLOCATED TO ACCUMULATED FINANCE CHARGES). IF A FINANCE CHARGE IS SHOWN BELOW IT WAS COMPUTED IN THE SAME MANNER. YOU MAY AT ANY TIME PAY YOUR TOTAL INDEBTEDNESS OR ANY PART THEREOF.

REFERENCE			STORE	CHARGES	CREDITS	PAYMENTS
MO.	DAY	NO.				
09	10	217	01			26.00

CLOSING DATE	PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	OPTION ACCOUNT FINANCE CHARGE	CHARGES	NEW BALANCE
09 22 76	15949	2600	13349	200	000	13549

A "MINUS SIGN" (-) FOLLOWING ANY BALANCE APPEARING ON THIS STATEMENT INDICATES A CREDIT BALANCE IN YOUR FAVOR. FOR QUESTIONS REGARDING YOUR STATEMENT, SEND INQUIRIES TO: SAKS FIFTH AVENUE, P.O. BOX 269, GRAND CENTRAL STATION, NEW YORK, N.Y. 10017. TO ORDER MERCHANDISE OR FOR SERVICE, SEE REVERSE SIDE FOR ALL STORE LOCATIONS AND TELEPHONE NUMBERS.

OPTION ACCOUNT - SCHEDULE OF FINANCE CHARGES		
BALANCE SUBJECT TO FINANCE CHARGE	MONTHLY PERIODIC RATE	ANNUAL PERCENTAGE RATE
TO \$ 500	1.50 %	18.00 %
OVER \$ 500	1.00 %	12.00 %

ACCOUNT TERMS:
FULL PAYMENT OF NEW BALANCE IS DUE UPON RECEIPT OF STATEMENT.

OPTION ACCOUNT TERMS:
YOU WILL AVOID ADDITIONAL FINANCE CHARGE IF WE RECEIVE PAYMENT OF THE NEW BALANCE IN FULL AT THE ADDRESS APPEARING ON THE ENCLOSED RETURN. ENVELOPE BEFORE THE NEXT BILLING DATE SHOWN BELOW. PAYMENTS RECEIVED BY US AT ANY OTHER LOCATION MAY BE SUBJECT TO A DELAY OF UP TO 5 DAYS IN CREDITING YOUR ACCOUNT.

OR
IF YOU CHOOSE TO MAKE A PARTIAL PAYMENT (NOT LESS THAN THE MINIMUM PAYMENT DUE AS SHOWN ABOVE), A FINANCE CHARGE WILL BE ADDED, COMPUTED (PER THE SCHEDULE BELOW) ON THE PREVIOUS BALANCE AFTER DEDUCTING PAYMENTS, CREDITS, AND ANY REMAINING ACCUMULATED FINANCE CHARGES (PAYMENTS ARE FIRST ALLOCATED TO ACCUMULATED FINANCE CHARGES). IF A FINANCE CHARGE IS SHOWN BELOW IT WAS COMPUTED IN THE SAME MANNER. YOU MAY AT ANY TIME PAY YOUR TOTAL INDEBTEDNESS OR ANY PART THEREOF.

REFERENCE			STORE	CHARGES	CREDITS	PAYMENTS
MO.	DAY	NO.				
07	12	101	23	25.90		
07	22	217	01			26.00

CLOSING DATE	PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	OPTION ACCOUNT FINANCE CHARGE	CHARGES	NEW BALANCE
07 22 75	15762	2600	13162	197	2590	15949

A "MINUS SIGN" (-) FOLLOWING ANY BALANCE APPEARING ON THIS STATEMENT INDICATES A CREDIT BALANCE IN YOUR FAVOR. FOR QUESTIONS REGARDING YOUR STATEMENT, SEND INQUIRIES TO: SAKS FIFTH AVENUE, P.O. BOX 269, GRAND CENTRAL STATION, NEW YORK, N.Y. 10017. TO ORDER MERCHANDISE OR FOR SERVICE, SEE REVERSE SIDE FOR ALL STORE LOCATIONS AND TELEPHONE NUMBERS.

OPTION ACCOUNT - SCHEDULE OF FINANCE CHARGES		
BALANCE SUBJECT TO FINANCE CHARGE	MONTHLY PERIODIC RATE	ANNUAL PERCENTAGE RATE
TO \$ 500	1.50 %	18.00 %
OVER \$ 500	1.00 %	12.00 %

REGULAR ACCOUNT TERMS:
FULL PAYMENT OF NEW BALANCE IS DUE UPON RECEIPT
OF STATEMENT.

OPTION ACCOUNT TERMS:

YOU WILL AVOID ADDITIONAL FINANCE CHARGE IF WE
RECEIVE PAYMENT OF THE NEW BALANCE IN FULL AT THE
ADDRESS APPEARING ON THE ENCLOSED RETURN ENVELOPE
BEFORE THE NEXT BILLING DATE SHOWN BELOW.
PAYMENTS RECEIVED BY US AT ANY OTHER LOCATION
MAY BE SUBJECT TO A DELAY OF UP TO 5 DAYS IN
CREDITING YOUR ACCOUNT.

OR
IF YOU CHOOSE TO MAKE A PARTIAL PAYMENT (NOT
LESS THAN THE MINIMUM PAYMENT DUE AS SHOWN
ABOVE), A FINANCE CHARGE WILL BE ADDED, COM-
PUTED (PER THE SCHEDULE BELOW) ON THE PREVIOUS
BALANCE AFTER DEDUCTING PAYMENTS, CREDITS, AND
ANY REMAINING ACCUMULATED FINANCE CHARGES
(PAYMENTS ARE FIRST ALLOCATED TO ACCUMULATED
FINANCE CHARGES). IF A FINANCE CHARGE IS
SHOWN BELOW IT WAS COMPUTED IN THIS SAME MANNER.
YOU MAY AT ANY TIME PAY YOUR TOTAL UNDEBTED-
NESS OR ANY PART THEREOF.

REFERENCE			STORE	CHARGES	CREDITS	PAYMENTS
MO.	DAY	NO.				
09	10	217	01			26.00

CLOSING DATE			PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	OPTION ACCOUNT FINANCE CHARGE	CHARGES	NEW BALANCE
MONTH	DAY	YEAR						
09	22	76	15549	2600	13349	200	000	13549

NEXT BILLING DATE			A "MINUS SIGN" (-) FOLLOWING ANY BALANCE APPEARING ON THIS STATEMENT INDICATES A CREDIT BALANCE IN YOUR FAVOR. FOR QUESTIONS REGARDING YOUR STATEMENT, SEND INQUIRIES TO: SAKS FIFTH AVENUE P.O. BOX 269 GRAND CENTRAL STATION NEW YORK, N.Y. 10017 TO ORDER MERCHANDISE OR FOR SERVICE, SEE REVERSE SIDE FOR ALL STORE LOCATIONS AND TELEPHONE NUMBERS.			OPTION ACCOUNT - SCHEDULE OF FINANCE CHARGES		
MONTH	DAY	YEAR				BALANCE SUBJECT TO FINANCE CHARGE	MONTHLY PERIODIC RATE	ANNUAL PERCENTAGE RATE
09	02	76				TO \$ 500	1.50 %	18.00 %
						OVER \$ 500	1.00 %	12.00 %

REFERENCE			STORE	CHARGES	CREDITS	PAYMENTS
MO.	DAY	NO.				
07	12	101	23	25.90		
07	22	217	01			26.00

CLOSING DATE			PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	OPTION ACCOUNT FINANCE CHARGE	CHARGES	NEW BALANCE
MONTH	DAY	YEAR						
07	22	75	15762	2000	13762	197	2590	15949

NEXT BILLING DATE			A "MINUS SIGN" (-) FOLLOWING ANY BALANCE APPEARING ON THIS STATEMENT INDICATES A CREDIT BALANCE IN YOUR FAVOR. FOR QUESTIONS REGARDING YOUR STATEMENT, SEND INQUIRIES TO: SAKS FIFTH AVENUE P.O. BOX 269 GRAND CENTRAL STATION NEW YORK, N.Y. 10017 TO ORDER MERCHANDISE OR FOR SERVICE, SEE REVERSE SIDE FOR ALL STORE LOCATIONS AND TELEPHONE NUMBERS.			OPTION ACCOUNT - SCHEDULE OF FINANCE CHARGES		
MONTH	DAY	YEAR				BALANCE SUBJECT TO FINANCE CHARGE	MONTHLY PERIODIC RATE	ANNUAL PERCENTAGE RATE
07	22	75				TO \$ 500	1.50 %	18.00 %
						OVER \$ 500	1.00 %	12.00 %

SAKS FIFTH AVENUE		KIND OF SALE OR AMT IF COD
CODE NO. 232	5555 WISCONSIN AVE CHEVY CHASE, MARYLAND 20015 657-9000	CHG

DATE 5/14	DEPT. 14	SALESPERSON'S NO. 420	TUBE 1	ε 59943-21
PLEASE PRINT		FIRST NAME	INITIAL	LAST NAME

CARE REGIST		872	ε***95
M. H. F. W. B. 959			
ADDRESS			
CITY STATE			
ZIP CODE			

ALICE NO.	581665	639
NAME	Carl A. Rachelle	
ADDRESS	1650 N Greenbriar St	
CITY STATE	PA. 22205	

DEPT.	CLASS	QUAN.	ARTICLES	AT	DOLLARS	CENTS
14		1	100% cotton		92	00
			18 day			
			flower pressed			
			carving			
			X8381-699			

SUB TOTAL		368
Sales Tax		368
TOTAL OR BAL.		9568
CUSTOMER'S SIGNATURE		Connie Rachelle
CHG OR AMT REC'D	ENCLOSURES	VALUE

SAKS FIFTH AVENUE		KIND OF SALE OR AMT IF COD
CODE NO. 242	5555 WISCONSIN AVE CHEVY CHASE, MARYLAND 20015 657-9000	C

DATE 5/14	DEPT. 72	SALESPERSON'S NO. 735	TUBE 1	ε 61070-41
PLEASE PRINT		FIRST NAME	INITIAL	LAST NAME

ADDRESS		729 1	953	ε***582
CITY STATE				
ZIP CODE				

ALICE NO.	581665	639
NAME	Carl A. Rachelle	
ADDRESS	1650 N Greenbriar St	
CITY STATE	PA. 22205	

DEPT.	CLASS	QUAN.	ARTICLES	AT	DOLLARS	CENTS
72			3653-41		56	00

SUB TOTAL		2122
Sales Tax		2122
TOTAL OR BAL.		5828
CUSTOMER'S SIGNATURE		Connie Rachelle
CHG OR AMT REC'D	ENCLOSURES	VALUE

438

SAKS FIFTH AVENUE		KIND OF SALE OR AMT IF COD
CODE NO. 626	5555 WISCONSIN AVE CHEVY CHASE MARYLAND 20015 657-9000	

DATE 6/2	DEPT.	SALESPERSON'S NO. 182	TUBE	61751-10
PLEASE PRINT		FIRST NAME	INITIAL	LAST NAME

/				
---	--	--	--	--

58 6 6 5 6 39				
CARL A ROCHELLE				
1650 N Greenbrier St				
Arlington Va 22205				

DEPT.	CLASS	QUAN.	ARTICLES	AT	DOLLARS	CENTS
69	6	1	5-1122 105.5		11	00
69	6	1	5-2222 1130		11	00
4	41	1	2.35 206 3		3	25
69	5	1	5-2222 8635		7	00

CUSTOMER'S SIGNATURE Connie Rochel		SUB TOTAL	32.25
		% Sales Tax	1.29
CHG OR AMT REC'D		ENCLOSURES	TOTAL OR P.A.L.
		VALUE	33.54

BANKAMERICARD STATEMENT

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

BANKAMERICARD ACCOUNT NUMBER	STATEMENT CLOSING DATE	CREDIT LIMIT	AVAILABLE CREDIT	FOR YOUR RECORDS	DATE PAID	CHECK NUMBER	AMOUNT PAID
4368 176 154 576	05-21-76	1500	35				

NOTICE- SEE ACCOMPANYING STATEMENT FOR IMPORTANT INFORMATION REGARDING YOUR RIGHTS TO DISPUTE BILLING ERRORS

TYPE OF TRANSACTION	DATE OF TRANSACTION		DESCRIPTION OF CHARGES AND CREDITS		AMOUNT	BILLING ITEM NUMBER
	Month	Day				
PREV BAL			PREVIOUS BALANCE FROM LAST STATEMENT		1,454.13	
PURCHASE	04	16	CAMALIER & EUCKLEY INC FALLS CHURCH VA		12.48	4337042625119484
PURCHASE	04	24	BRENTANGS #14 SEVEN CRNRS VA		5.05	4250042903902538
PURCHASE	04	27	DRUG FAIR 6 ARLINGTON VA		4.33	4366042901866146
PURCHASE	04	27	DRUG FAIR 2 ARLINGTON VA		6.96	4366050402402396
PURCHASE	04	30	DRUG FAIR 6 ARLINGTON VA		2.95	4366050402517924
PURCHASE	05	11	WORLD IMPORTS OF VIRGINIAMCLEAN VA		9.23	4368050661203460
PAYMENT	05	13	PAYMENT RECEIVED-THANK YOU		100.00	4368051362844970
PURCHASE	05	03	DART DRUG 149 ARLINGTON VA		28.77	4366051203345955
PURCHASE	04	29	TINY JEWEL BOX INC WASHINGTON DC		21.00	4368051461031340
FIN CHG	05	21	FINANCE CHARGE-OTHER EXTENSIONS		21.36	
NEW BAL			***** NEW BALANCE *****		1,464.23	
			MINIMUM PAYMENT DUE		.00	
					110.00	purchases

TYPE OF CREDIT	PERIODIC RATE(S)	CORRESPONDING NORMAL ANNUAL PERCENTAGE RATE(S)	BALANCE ON WHICH FINANCE CHARGE WAS COMPUTED	FINANCE CHARGE FROM APPLICATION OF PERIODIC RATE(S)	PAYMENTS NOT DEDUCTED IN DETERMINING BALANCE ON WHICH NEW CASH ADVANCES FINANCE CHARGE IS COMPUTED	TO AVOID ADDITIONAL FINANCE CHARGES PAY THE "NEW BALANCE" BEFORE	ANNUAL PERCENTAGE RATE FOR THIS BILLING PERIOD
NEW CASH ADVANCES (INITIAL BILLING)	1.30%	12.00%	0.00	0.00	0.00	06-15-76	
PREVIOUS CASH ADVANCES	1.00%	12.00%	0.00	0.00			
OTHER EXTENSIONS OF CREDIT	1.50%	18.00%	1424.13	21.36			
	%	%					

STATEMENT NUMBER 5-03919

PAGE NUMBER 1 OF 1

ANNUAL PERCENTAGE RATE FOR THIS BILLING PERIOD 18.00 %

JAC 4368-23-0311

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Va. 288-70-5213

78 5557 091

MRS CARL A ROCHELLE

APPALACHIAN SPRING

Central Charge Service

1086088

DATE	QUAN	ARTICLE	EACH	DOLLARS	CENTS
9/5/76	1	pr. S/S earrings		56	00
AUTHORIZATION NO.					
DEPARTMENT					
SOLD BY					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL				SUB TOTAL	
				STATE TAX	280
x Connie Rochelle CUSTOMER SIGNATURE				TOTAL	58 80

CENTRAL CHARGE COPY

09080801

785557091

190000005880

78 5557 091

MRS CARL A ROCHELLE

09/20/76

HALENA WATERGT

143785

8367 61648

4454802687 VA

Central Charge Service

6290032

DATE	QUAN	ARTICLE	EACH	DOLLARS	CENTS
8-8-76	1	H444 natural seeds jacket		39	00
AUTHORIZATION NO.					
DEPARTMENT					
SOLD BY					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL				SUB TOTAL	
				STATE TAX	1 56
x Connie Rochelle CUSTOMER SIGNATURE				TOTAL	40 56

CENTRAL CHARGE COPY

08111664

785557091

190000004056

78 5557 091

Central Charge Service

711819

MRS CARL A ROCHELLE

09/20/74

KIKI YOUNG'S

4 8 500 178 2

MCH10 648-6

19111-4

NAC89072-3

08097

DATE	QUAN.	ARTICLE	EACH	DOLLARS	CENTS
		GP-160		25	00
AUTHORIZATION NO.					
47920					
DEPARTMENT					
SOLD BY					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.			SUB TOTAL	25	00
			STATE TAX	1	25
X Connie Rochelle CUSTOMER SIGNATURE			TOTAL	26	25

CENTRAL CHARGE COPY

1:08 18 11751: 78 5557 091

19:000000 26 25

Central Charge Service

4181556

78 5557 091

MRS. CARL A ROCHELLE

09/20/74

DATE	QUAN.	ARTICLE	EACH	DOLLARS	CENTS
	1	14K+ Gold Brault		90	00
AUTHORIZATION NO.					
5223					
DEPARTMENT					
SOLD BY					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.			SUB TOTAL		
			STATE TAX	4	50
X Connie Rochelle CUSTOMER SIGNATURE			TOTAL	94	50

CENTRAL CHARGE COPY

1:08 20 06251: 78 5557 091

19:000000 94 50

CHARGE TO

785557091

MRS CARLA A. Rochelle
1650 N. GREENBRIERS
ARLINGTON, VA.

Central Charge Service

3057551

DATE	QUAN.	ARTICLE	EACH	DOLLARS	CENTS
5/8/76	1	Y. blk. briefs	3.99	7	98
92469	2	W. shorts	5-	10	00
	1	1 shirt		6	52
	1	1 shirt		5	-
	1	1 shirt		4	00
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	33.48
				STATE TAX	1.34
x <i>Connie Rochelle</i> CUSTOMER SIGNATURE				TOTAL	34.82

Young Folks Shop
2230 ARLINGTON BLVD.
FALLS CHURCH, VA. 22049

CENTRAL CHARGE COPY

⑈0510⑈5689⑈ ⑈785557091⑈

19⑈0000003482⑈

CHARGE TO

78 5557 091

MR CARL A ROCHELLE

533-1917 08/26/74

WANN SUGES
FALLS CHURCH VA
337039666
WCH 1001

Central Charge Service

3349879

DATE	QUAN.	ARTICLE	EACH	DOLLARS	CENTS
8/1/74	1	762-630 90		21	29
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	21.29
				STATE TAX	88
x <i>Carl Rochelle</i> CUSTOMER SIGNATURE				TOTAL	22.87

CENTRAL CHARGE COPY

⑈0603⑈4898⑈ ⑈785557091⑈

19⑈0000002287⑈

785557091

Central Charge Service

5685968

CARLA ROCHELLE

1650 N. GREENBRIER ST.

ARLINGTON, VA

DOMINIQUE SHOES 22205

4085000 818

222893 101634

DATE	QUAN.	ARTICLE	EACH	DOLLARS	CENTS
12-9-76		46-1007-7B		38	00
AUTHORIZATION NO. 6444					
DEPARTMENT 1142					
SOLD BY 933					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	
				STATE TAX	1.90
X Connie Rochelle CUSTOMER SIGNATURE				TOTAL	39.90

CENTRAL CHARGE COPY

061569421 785557091

190000003990

785557091

Central Charge Service

3545501

Mrs. Connie Gale Rochelle
1650 N. Greenbrier St.
Arlington, Va. - 22205

DATE	QUAN.	ARTICLE	EACH	DOLLARS	CENTS
12-3-75	1	French Coat (London Fog)	72.00	72	00
AUTHORIZATION NO. 20457					
DEPARTMENT 330					
SOLD BY 926					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	
				STATE TAX	2.88
X Connie Rochelle CUSTOMER SIGNATURE				TOTAL	74.88

CENTRAL CHARGE COPY

120683631 785557091

190000007488

78 5557 091

Central Charge Service

858747

MRS CARL A ROCHELLE

09/20

DATE	QUAN	ARTICLE	EACH	DOLLARS	CENTS
9-27-76	1	Handbag		27	00
		Wallet		12	00
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	39 00
				STATE TAX	1 95
X <i>Garnie Rochelle</i> CUSTOMER SIGNATURE				TOTAL	40 95

0177 115 013383 1
FAC 535005799
AF 408501105
C-OF LANE 140
WAS-INGTON DC

1004004411 785557091

190000004095

Central Charge Service

1086086

78 5557 091

MRS CARL A ROCHELLE

09/20

DATE	QUAN	ARTICLE	EACH	DOLLARS	CENTS
9/18/76	1	sfs nachlane			
		Martin		45	00
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	45 00
				STATE TAX	2 25
X <i>Garnie Rochelle</i> CUSTOMER SIGNATURE				TOTAL	47 25

APPALACHIAN SPRING

0913003361 785557091

190000004725

78 5557 091

Central Charge Service

1924772

CARL A ROCHELLE

09/20/74

OPTIQUE GALLERY

CC16777-5

EAC4366

48 480 457 4

080376

DATE	QUAN	ARTICLE	EACH	DOLLARS	CENTS
9-2-76	1	Rx Glasses		80	00
AUTHORIZATION NO.					
DEPARTMENT					
SOLD BY					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	80 00
				STATE TAX	
X Bonnie Rochelle CUSTOMER SIGNATURE				TOTAL	80 00

10903007041 785557091

190000000700

78 5557 091

Central Charge Service

859045

MRS CARL A ROCHELLE

09/20

SHOE LANE INC
WASH DC 001/048
MCH 0125-0067
CC 13380-1

DATE	QUAN	ARTICLE	EACH	DOLLARS	CENTS
9-2-76	7	M Tona Rush		55	-
AUTHORIZATION NO.					
DEPARTMENT					
SOLD BY					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	55 75
				STATE TAX	2 75
X Bonnie Rochelle CUSTOMER SIGNATURE				TOTAL	57 75

5308

10907008691 785557091

1900000005775

78 5557 091

Central Charge Service

6579350

MRS CARL A ROCHELLE

03/20/74

LAKKI YOUNG'S

4 8 500 178 2

MC817 648-6

10111-4-

NAC 0072-3

101875

DATE	QUAN.	ARTICLE	EACH	DOLLARS	CENTS
		08-7-CSD.0		20	00
AUTHORIZATION NO.	52015				
DEPARTMENT					
PAID BY					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	20 00
				STATE TAX	1 00
X <i>Carrie Rochelle</i> CUSTOMER SIGNATURE				TOTAL	21 00

1112600784: 78555-2011

1400000002100

77 091

Central Charge Service

6579337

MRS CARL A ROCHELLE

09/20/74

LAKKI YOUNG'S

4 8 500 178 2

MC817 648-6

10111-4

NAC 0072-3

101375

DATE	QUAN.	ARTICLE	EACH	DOLLARS	NTS
	1	sweater		28	00
AUTHORIZATION NO.	32463				
DEPARTMENT					
PAID BY					
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	28 00
				STATE TAX	1 40
X <i>Carrie Rochelle</i> CUSTOMER SIGNATURE				TOTAL	29 40

1112600784: 78555 449

1400000002940

85557091

Central Charge Service

2075552

Mrs. Connie C. Rochelle
11650 N. Greenbrier St.
Haymans
Arlington VA 22205
8105-1018 333
4455000786

DATE	QUAN	ARTICLE	EACH	DOLLARS	CENTS
12/2/75	1	Satin Rose Polish		1	75
	1	Lyssor		1	25
	1	Check Lido Bargain		3	50
	1	Zip Skin Rbse		2	25
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	8 75
				STATE TAX	35
Connie Rochelle CUSTOMER SIGNATURE				TOTAL	9 10

CENTRAL CHARGE COPY

00309

1208 403 785557091

19 0000000910

78 5557 091

Central Charge Service

1709254

MRS CARL A ROCHELLE
03/20/74

DATE	QUAN	ARTICLE	EACH	DOLLARS	CENTS
11-12-76	39	16 1802		80	00
I ACKNOWLEDGE SUFFICIENT IDENTIFICATION OF THE GOODS OR SERVICES COVERED BY THE FOREGOING CHARGE AND WAIVE ANY FURTHER DETAIL.				SUB TOTAL	80 00
				STATE TAX	4 00
Connie Rochelle CUSTOMER SIGNATURE				TOTAL	84 00

CENTRAL CHARGE COPY

Bootery Inc

1117 164 785557091

19 00000008400

MAKE CHECK PAYABLE TO
CENTRAL CHARGE SERVICE

NOTICE:

SEE REVERSE SIDE FOR
IMPORTANT INFORMATION.

Annual Percentage Rates:
12% ON AMOUNT OF AVERAGE DAILY BALANCE UP TO \$500, 12% ON AMOUNT OF AVERAGE DAILY BALANCE OVER \$500.



JUST SAY

"Central Charge It"

REFERENCE	CHARGES	PAYMENTS AND CREDITS
1541	CHARGE 11/17/76	8400
6522	PAYMENT 11/20/76 THANK YOU	5000
CHRISTMAS GIFTS FOR EVERYONE ON YOUR LIST CARRY & USE YOUR PERSONAL CENTRAL CHARGE-CARD		

BELOW IS A SUMMARY OF ALL TRANSACTIONS WHICH ARE LISTED SEPARATELY ABOVE

PREVIOUS BALANCE	TOTAL PAYMENTS	TOTAL CREDITS	FINANCE CHARGE	TOTAL CHARGES	NEW BALANCE	MINIMUM PAYMENT DUE
38429	5000	00	539	8400	42358	2100

AVERAGE DAILY BALANCE
37945

THIS IS YOUR AVERAGE DAILY BALANCE
OUTSTANDING DURING THIS BILLING
PERIOD, ON WHICH THE FINANCE
CHARGE WAS COMPUTED.

BILLING DATE	CREDIT LIMIT	ACCOUNT NUMBER
11/22/76	600	78 5557 091

YOU MAY AVOID ADDITIONAL FINANCE CHARGES BY PAYING THE NEW BALANCE WITHIN ONE MONTH FROM THE BILLING DATE SHOWN.

MAKE CHECK PAYABLE TO
CENTRAL CHARGE SERVICE

NOTICE:

SEE REVERSE SIDE FOR
IMPORTANT INFORMATION.

Annual Percentage Rates:
13% ON AMOUNT OF AVERAGE DAILY BALANCE UP TO \$500, 12% ON AMOUNT OF AVERAGE DAILY BALANCE OVER \$500.



JUST SAY

"Central Charge It"

REFERENCE	CHARGES	PAYMENTS AND CREDITS
FOR TAX PURPOSES: TOTAL FINANCE CHARGES ADDED IN 1975 - \$1.14		
83631206	CHARGE 12/06/75	7488
01201209	PAYMENT 12/09/75 THANK YOU	1000
09091209	CHARGE 12/09/75	910
SHOP CENTRAL CHARGE STORES FOR FURS, MEN'S WEAR STOREWIDE SALES, SKI AND RESORT WEAR		

BELOW IS A SUMMARY OF ALL TRANSACTIONS WHICH ARE LISTED SEPARATELY ABOVE

PREVIOUS BALANCE	TOTAL PAYMENTS	TOTAL CREDITS	FINANCE CHARGE	TOTAL CHARGES	NEW BALANCE	MINIMUM PAYMENT DUE
5059	1000	00	69	8398	12526	1000

AVERAGE DAILY BALANCE
4592

THIS IS YOUR AVERAGE DAILY BALANCE
OUTSTANDING DURING THIS BILLING
PERIOD, ON WHICH THE FINANCE
CHARGE WAS COMPUTED.

BILLING DATE	CREDIT LIMIT	ACCOUNT NUMBER
12/22/75	500	78 5557 091

YOU MAY AVOID ADDITIONAL FINANCE CHARGES BY PAYING THE NEW BALANCE WITHIN ONE MONTH FROM THE BILLING DATE SHOWN.

MAKE CHECK PAYABLE TO
CENTRAL CHARGE SERVICE

NOTICE:
SEE REVERSE SIDE FOR
IMPORTANT INFORMATION.

Annual Percentage Rates:
18% ON AMOUNT OF AVER-
AGE DAILY BALANCE UP TO
\$500, 12% ON AMOUNT OF
AVERAGE DAILY BALANCE
OVER \$500.



JUST SAY

"Central Charge It"

REFERENCE	CHARGES	PAYMENTS
FOR TAX PURPOSES: TOTAL FINANCE CHARGES ADDED IN 1976 - \$316.48		
0784	CHARGE 11/26/76	2940
0785	CHARGE 11/26/76	2100
0121	PAYMENT 12/21/76 THANK YOU	2500
SHOP CENTRAL CHARGE STORES FOR FURS, MEN'S WEAR STOREWIDE SALES, SKI AND RESORT WEAR		

BELOW IS A SUMMARY OF ALL TRANSACTIONS WHICH ARE LISTED SEPARATELY ABOVE

PREVIOUS BALANCE	TOTAL PAYMENTS	TOTAL CREDITS	FINANCE CHARGE	TOTAL CHARGES	NEW BALANCE	MINIMUM PAYMENT DUE
42398	2500	00	633	5040	45571	2200

AVERAGE DAILY BALANCE
42231

THIS IS YOUR AVERAGE DAILY BALANCE
OUTSTANDING DURING THIS BILLING
PERIOD, ON WHICH THE FINANCE
CHARGE WAS COMPUTED.

BILLING DATE	CREDIT LIMIT	ACCOUNT NUMBER
12/22/76	600	78 5557 091

YOU MAY AVOID ADDITIONAL FINANCE CHARGES BY PAYING THE NEW BALANCE WITHIN ONE MONTH FROM THE BILLING DATE SHOWN.

MAKE CHECK PAYABLE TO
CENTRAL CHARGE SERVICE

NOTICE:
SEE REVERSE SIDE FOR
IMPORTANT INFORMATION.

Annual Percentage Rates:
18% ON AMOUNT OF AVER-
AGE DAILY BALANCE UP TO
\$500, 12% ON AMOUNT OF
AVERAGE DAILY BALANCE
OVER \$500.



JUST SAY

"Central Charge It"

REFERENCE	CHARGES	PAYMENTS AND CREDITS
0441	CHARGE 10/04/76	4095
0371	PAYMENT 10/12/76 THANK YOU	5000
AUTO WINTER SAFETY BEGINS WITH TIRES & TUNE-UPS VISIT YOUR FAVORITE CENTRAL CHARGE DEALER TODAY		

BELOW IS A SUMMARY OF ALL TRANSACTIONS WHICH ARE LISTED SEPARATELY ABOVE

PREVIOUS BALANCE	TOTAL PAYMENTS	TOTAL CREDITS	FINANCE CHARGE	TOTAL CHARGES	NEW BALANCE	MINIMUM PAYMENT DUE
38780	5000	00	554	4095	38429	1900

AVERAGE DAILY BALANCE
36947

THIS IS YOUR AVERAGE DAILY BALANCE
OUTSTANDING DURING THIS BILLING
PERIOD, ON WHICH THE FINANCE
CHARGE WAS COMPUTED.

BILLING DATE	CREDIT LIMIT	ACCOUNT NUMBER
10/22/76	600	78 5557 091

YOU MAY AVOID ADDITIONAL FINANCE CHARGES BY PAYING THE NEW BALANCE WITHIN ONE MONTH FROM THE BILLING DATE SHOWN.

MAKE CHECK PAYABLE TO
CENTRAL CHARGE SERVICE

NOTICE:
SEE REVERSE SIDE FOR
IMPORTANT INFORMATION.

Annual Percentage Rates:
18% ON AMOUNT OF AVERAGE DAILY BALANCE UP TO \$500, 12% ON AMOUNT OF AVERAGE DAILY BALANCE OVER \$500.



JUST SAY

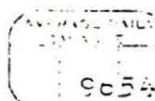
"Central Charge It"

REFERENCE	CHARGES	PAYMENTS AND CREDITS
0035	PAYMENT 08/03/76 THANK YOU	2500
1554	CHARGE 08/11/76	4056
0571	MERCHANDISE CR 08/14/76	7875
1175	CHARGE 08/18/76	2625
0625	CHARGE 08/20/76	5450

FOR NEW FALL FASHIONS & BACK-TO-SCHOOL NEEDS,
CENTRAL CHARGE IT AT YOUR FAVORITE STORE

BELOW IS A SUMMARY OF ALL TRANSACTIONS WHICH ARE LISTED SEPARATELY ABOVE

PREVIOUS BALANCE	TOTAL PAYMENTS	TOTAL CREDITS	FINANCE CHARGE	TOTAL CHARGES	NEW BALANCE	MINIMUM PAYMENT DUE
19142	2500	7875	145	16131	25043	1200



THIS IS YOUR AVERAGE DAILY BALANCE
OUTSTANDING DURING THIS BILLING
PERIOD, ON WHICH THE FINANCE
CHARGE WAS COMPUTED.

BILLING DATE	CREDIT LIMIT	ACCOUNT NUMBER
08/22/76	600	78 5557 091

YOU MAY AVOID ADDITIONAL FINANCE CHARGES BY PAYING THE NEW BALANCE WITHIN ONE MONTH FROM THE BILLING DATE SHOWN.

MAKE CHECK PAYABLE TO
CENTRAL CHARGE SERVICE

NOTICE:
SEE REVERSE SIDE FOR
IMPORTANT INFORMATION.

Annual Percentage Rates:
18% ON AMOUNT OF AVERAGE DAILY BALANCE UP TO \$500, 12% ON AMOUNT OF AVERAGE DAILY BALANCE OVER \$500.



JUST SAY

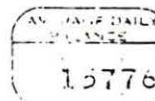
"Central Charge It"

REFERENCE	CHARGES	PAYMENTS AND CREDITS
0229	PAYMENT 09/02/76 THANK YOU	5000
0704	CHARGE 09/03/76	3000
5308	CHARGE 09/06/76	5775
0801	CHARGE 09/08/76	5830
0536	MERCHANDISE CR 09/13/76	5880
0336	CHARGE 09/13/76	4725

SHOP CENTRAL CHARGE STORES FOR EXCITING NEW FALL
FOOTWEAR, APPAREL, ACCESSORIES, HOME FURNISHINGS

BELOW IS A SUMMARY OF ALL TRANSACTIONS WHICH ARE LISTED SEPARATELY ABOVE

PREVIOUS BALANCE	TOTAL PAYMENTS	TOTAL CREDITS	FINANCE CHARGE	TOTAL CHARGES	NEW BALANCE	MINIMUM PAYMENT DUE
25043	5000	5880	237	24380	38780	1900



THIS IS YOUR AVERAGE DAILY BALANCE
OUTSTANDING DURING THIS BILLING
PERIOD, ON WHICH THE FINANCE
CHARGE WAS COMPUTED.

BILLING DATE	CREDIT LIMIT	ACCOUNT NUMBER
09/22/76	600	78 5557 091

YOU MAY AVOID ADDITIONAL FINANCE CHARGES BY PAYING THE NEW BALANCE WITHIN ONE MONTH FROM THE BILLING DATE SHOWN.

MAKE CHECK PAYABLE TO
CENTRAL CHARGE SERVICE

NOTICE:
SEE REVERSE SIDE FOR
IMPORTANT INFORMATION.

Annual Percentage Rates:
18% ON AMOUNT OF
AVERAGE DAILY BALANCE
UP TO \$500, 12% ON
AMOUNT OF AVERAGE
DAILY BALANCE OVER \$500.



JUST SAY

"Central Charge It"

REFERENCE	CHARGES	PAYMENTS AND CREDITS
48980603	CHARGE 06/03/76	2287
69420615	CHARGE 06/15/76	2990
THE "MINIMUM PAYMENT DUE" SHOWN BELOW INCLUDES A PAST DUE AMOUNT. IF YOU HAVE SENT US THIS PAYMENT WITHIN THE PAST FEW DAYS, PLEASE ACCEPT OUR SINCERE THANKS		

BELOW IS A SUMMARY OF ALL TRANSACTIONS WHICH ARE LISTED SEPARATELY ABOVE

PREVIOUS BALANCE	TOTAL PAYMENTS	TOTAL CREDITS	FINANCE CHARGE	TOTAL CHARGES	NEW BALANCE	MINIMUM PAYMENT DUE
9160	00	00	137	6277	15574	2000

AVERAGE DAILY BALANCE
9160

THIS IS YOUR AVERAGE DAILY BALANCE OUTSTANDING DURING THIS BILLING PERIOD, ON WHICH THE FINANCE CHARGE WAS COMPUTED.

BILLING DATE	CREDIT LIMIT	ACCOUNT NUMBER
06/22/76	600	73 5557 091

YOU MAY AVOID ADDITIONAL FINANCE CHARGES BY PAYING THE NEW BALANCE WITHIN ONE MONTH FROM THE BILLING DATE SHOWN.

MAKE CHECK PAYABLE TO
CENTRAL CHARGE SERVICE

NOTICE:
SEE REVERSE SIDE FOR
IMPORTANT INFORMATION.

Annual Percentage Rates:
18% ON AMOUNT OF AVERAGE DAILY BALANCE UP TO \$500, 12% ON AMOUNT OF AVERAGE DAILY BALANCE OVER \$500.



JUST SAY

"Central Charge It"

REFERENCE	CHARGES	PAYMENTS AND CREDITS
0118	PAYMENT 06/24/76 THANK YOU	2000
0006	PAYMENT 07/19/76 THANK YOU	2000
0180	CHARGE 07/19/76	7875
SHOP CENTRAL CHARGE STORES FOR OUTDOOR SUPPLIES, SUMMER CLEARANCES, VACATION NEEDS, SWIMWEAR.		

BELOW IS A SUMMARY OF ALL TRANSACTIONS WHICH ARE LISTED SEPARATELY ABOVE

PREVIOUS BALANCE	TOTAL PAYMENTS	TOTAL CREDITS	FINANCE CHARGE	TOTAL CHARGES	NEW BALANCE	MINIMUM PAYMENT DUE
15574	4500	00	193	7875	19142	1000

AVERAGE DAILY BALANCE
12891

THIS IS YOUR AVERAGE DAILY BALANCE OUTSTANDING DURING THIS BILLING PERIOD, ON WHICH THE FINANCE CHARGE WAS COMPUTED.

BILLING DATE	CREDIT LIMIT	ACCOUNT NUMBER
07/22/76	600	78 5557 091

YOU MAY AVOID ADDITIONAL FINANCE CHARGES BY PAYING THE NEW BALANCE WITHIN ONE MONTH FROM THE BILLING DATE SHOWN.

MAKE CHECK PAYABLE TO
CENTRAL CHARGE SERVICE

NOTICE:

SEE REVERSE SIDE FOR
IMPORTANT INFORMATION.

Annual Percentage Rates:
18% ON AMOUNT OF
AVERAGE DAILY BALANCE
UP TO \$500, 12% ON
AMOUNT OF AVERAGE
DAILY BALANCE OVER \$500.



JUST SAY

"Central Charge It"

REFERENCE	CHARGES	PAYMENTS AND CREDITS
56890510	CHARGE 05/10/76	3482
00230513	PAYMENT 05/13/76 THANK YOU	1000
YOUR CREDIT LIMIT HAS BEEN INCREASED TO \$600 THANK YOU FOR SHOPPING AT CENTRAL CHARGE MEMBER STORES AND FOR GIVING US THE OPPORTUNITY TO BE OF SERVICE TO YOU.		

BELOW IS A SUMMARY OF ALL TRANSACTIONS WHICH ARE LISTED SEPARATELY ABOVE

PREVIOUS BALANCE	TOTAL PAYMENTS	TOTAL CREDITS	FINANCE CHARGE	TOTAL CHARGES	NEW BALANCE	MINIMUM PAYMENT DUE
6584	1000	00	94	3482	9160	1000

AVERAGE DAILY BALANCE
6251

THIS IS YOUR AVERAGE DAILY BALANCE
OUTSTANDING DURING THIS BILLING
PERIOD ON WHICH THE FINANCE
CHARGE WAS COMPUTED

BILLING DATE	CREDIT LIMIT	ACCOUNT NUMBER
05/22/76	600	73 5557 091

MINIMUM FINANCE CHARGES BY PAYING THE NEW BALANCE WITHIN ONE MONTH FROM THE BILLING DATE SHOWN.

TRANSACTION DATE	STORE	REFERENCE NUMBER	DEPT. NUMBER	DESCRIPTION	PURCHASES	PAYMENTS & CREDITS
ACCOUNT NEW PAST DUE. RECEIPT OF YOUR PAYMENT IN THE AMOUNT SHOWN ABOVE BY THE NEXT DUE DATE WILL BRING ACCOUNT CURRENT.						
FEB 21	10	56030	97	FINE JEWELRY		48.88
FEB 24	10	58200	15	WOMENS FOSIERY	9.36	
FEB 24	10	58621	18	COSMETICS-TOILETRIES	4.16	
MAR 19	10	63785	97	FINE JEWELRY &		
			17	STATIONERY*	26.00	
MERCHANDISE RETURNED WITHIN 5 DAYS OF THE CLOSING DATE AND NOT INCLUDED WILL BE REFLECTED ON YOUR NEXT STATEMENT.						
CLOSING DATE	PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	FINANCE CHARGE	PURCHASES	NEW BALANCE
MAR 20	261.17	48.88	212.29	2.18	39.52	254.99
TO INSURE PROPER CREDIT PAYMENT SHOULD BE RECEIVED BY IF YOU HAVE A QUESTION REGARDING ANY TRANSACTION ON THIS BILL, PLEASE GIVE TRANSACTION DATE AND REFERENCE NUMBER SHOWN. APR 16 1976 PERIODIC RATE 1.5% ANNUAL PERCENTAGE RATE 18% THERE IS NO ADDITIONAL FINANCE CHARGE IF THE NEW BALANCE IS PAID BY YOUR NEXT CLOSING DATE						

SEE DETAILED DESCRIPTION OF DEPARTMENT AND STORE DESIGNATION ON REVERSE SIDE.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

LORD & TAYLOR (212) LW 4-5260

TRANSACTION DATE	STORE	REFERENCE NUMBER	DEPT. NUMBER	DESCRIPTION	PURCHASES	PAYMENTS & CREDITS
THANK YOU FOR YOUR PAYMENT. AN ADDITIONAL PAYMENT IN THE AMOUNT SHOWN ABOVE WILL BRING YOUR ACCOUNT UP TO DATE.						
MAR 29		07883		PAYMENT - THANK YOU		55.00
MAR 29	10	19649	241	SPORT SHOES	29.12	
APR 2	10	65551	17	STATIONERY*	17.16	
APR 7	10	17949	241	SPORT SHOES	33.28	
APR 7	10	21040	17	STATIONERY*		8.32
APR 7	10	21094	241	SPORT SHOES		29.12
APR 9		04790		PAYMENT - THANK YOU		50.00
APR 17	8	20136	241	SPORT SHOES		33.28
APR 17	10	55750	18	COSMETICS-TOILETRIES	11.44	
MERCHANDISE RETURNED WITHIN 5 DAYS OF THE CLOSING DATE AND NOT INCLUDED WILL BE REFLECTED ON YOUR NEXT STATEMENT.						
CLOSING DATE	PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	FINANCE CHARGE	PURCHASES	NEW BALANCE
APR 20	254.99	175.72	79.27	1.19	91.00	171.46
TO INSURE PROPER CREDIT PAYMENT SHOULD BE RECEIVED BY IF YOU HAVE A QUESTION REGARDING ANY TRANSACTION ON THIS BILL, PLEASE GIVE TRANSACTION DATE AND REFERENCE NUMBER SHOWN. MAY 15 1976 PERIODIC RATE 1.5% ANNUAL PERCENTAGE RATE 18% THERE IS NO ADDITIONAL FINANCE CHARGE IF THE NEW BALANCE IS PAID BY YOUR NEXT CLOSING DATE						

SEE DETAILED DESCRIPTION OF DEPARTMENT AND STORE DESIGNATION ON REVERSE SIDE.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

LORD & TAYLOR (212) LW 4-5260

TRANSACTION DATE	STORE	REFERENCE NUMBER	DEPT. NUMBER	DESCRIPTION	PURCHASES	PAYMENTS & CREDITS
APR 24	10	51038	24	LINGERIE-SLEEPWEAR	34.32	
MAY 1	10	57663	97	FINE JEWELRY	16.64	
MAY 5	10	16246	9	HANDBAGS	34.32	
MAY 5	10	16256	15	WOMENS FOSIERY	7.64	
MAY 5	10	16322	98	JUNICR DRESSES	13.42	
MAY 5	10	32270	24	LINGERIE-SLEEPWEAR		34.32
MAY 17		06145		PAYMENT - THANK YOU		35.00
MAY 19	10	12042	18	COSMETICS-TOILETRIES	4.16	
MAY 19	10	12073	63	WOMENS SHOES	29.12	
MERCHANDISE RETURNED WITHIN 5 DAYS OF THE CLOSING DATE AND NOT INCLUDED WILL BE REFLECTED ON YOUR NEXT STATEMENT.						
CLOSING DATE	PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	FINANCE CHARGE	PURCHASES	NEW BALANCE
MAY 20	171.46	69.32	102.14	1.53	139.62	243.29
TO INSURE PROPER CREDIT PAYMENT SHOULD BE RECEIVED BY		IF YOU HAVE A QUESTION REGARDING ANY TRANSACTION ON THIS BILL, PLEASE GIVE TRANSACTION DATE AND REFERENCE NUMBER SHOWN.		PERIODIC RATE 1.5%	ANNUAL PERCENTAGE RATE 18%	THERE IS NO ADDITIONAL FINANCE CHARGE IF THE NEW BALANCE IS PAID BY YOUR NEXT CLOSING DATE
JUN 16 1976						

SEE DETAILED DESCRIPTION OF DEPARTMENT AND STORE DESIGNATION ON REVERSE SIDE.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

LORD & TAYLOR (212) LW 4-5260

TRANSACTION DATE	STORE	REFERENCE NUMBER	DEPT. NUMBER	DESCRIPTION	PURCHASES	PAYMENTS & CREDITS
MAY 21	10	25503	97	FINE JEWELRY	12.48	
MAY 21	10	25646	64	PIZZAZZ FOR TEENS	14.55	
MAY 24	10	54641	20	MENS SHIRTS &		
			135	MENS CASUAL SLACKS &		
			51	MENS KNITS-SWEATERS &		
			135	MENS CASUAL SLACKS	56.13	
MAY 25	10	21847	64	PIZZAZZ FOR TEENS		14.55
JUN 1	10	66118	9	HANDBAGS	36.40	
JUN 1	10	66681	18	COSMETICS-TOILETRIES	14.04	
JUN 1	10	66984	13	BLOUSES	13.52	
JUN 9		21726		PAYMENT - THANK YOU		50.00
JUN 13	10	67818	97	FINE JEWELRY	140.40	
MERCHANDISE RETURNED WITHIN 5 DAYS OF THE CLOSING DATE AND NOT INCLUDED WILL BE REFLECTED ON YOUR NEXT STATEMENT.						
CLOSING DATE	PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	FINANCE CHARGE	PURCHASES	NEW BALANCE
JUN 20	243.29	64.55	178.74	2.68	237.52	468.94
TO INSURE PROPER CREDIT PAYMENT SHOULD BE RECEIVED BY		IF YOU HAVE A QUESTION REGARDING ANY TRANSACTION ON THIS BILL, PLEASE GIVE TRANSACTION DATE AND REFERENCE NUMBER SHOWN.		PERIODIC RATE 1.5%	ANNUAL PERCENTAGE RATE 18%	THERE IS NO ADDITIONAL FINANCE CHARGE IF THE NEW BALANCE IS PAID BY YOUR NEXT CLOSING DATE
JUL 16 1976						

SEE DETAILED DESCRIPTION OF DEPARTMENT AND STORE DESIGNATION ON REVERSE SIDE.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

LORD & TAYLOR (212) LW 4-5260

TRANSACTION DATE	STORE	REFERENCE NUMBER	DEPT. NUMBER	DESCRIPTION	PURCHASES	PAYMENTS & CREDITS	
ACCOUNT NOW PAST DUE. RECEIPT OF YOUR PAYMENT IN THE AMOUNT SHOWN ABOVE BY THE NEXT DUE DATE WILL BRING ACCOUNT CURRENT.							
JUL 13	8	69822	97	FINE JEWELRY		141.75	
JUL 14	10	62792	91	URBAN SPORTSWEAR	68.64		
JUL 14	8	69029	9	HANDBAGS		36.40	
MERCHANDISE RETURNED WITHIN 5 DAYS OF THE CLOSING DATE AND NOT INCLUDED WILL BE REFLECTED ON YOUR NEXT STATEMENT.							
CLOSING DATE	PREVIOUS BALANCE	-PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE		FINANCE CHARGE	PURCHASES	NEW BALANCE
JUL 20	468.94	178.15	290.79		4.36	68.64	363.79
AUG 16 1976		IF YOU HAVE A QUESTION REGARDING ANY TRANSACTION ON THIS BILL PLEASE GIVE TRANSACTION DATE AND REFERENCE NUMBER SHOWN		PERIODIC RATE 1.5%	ANNUAL PERCENTAGE RATE 18%	THERE IS NO ADDITIONAL FINANCE CHARGE IF THE NEW BALANCE IS PAID BY YOUR NEXT CLOSING DATE	

SEE DETAILED DESCRIPTION OF DEPARTMENT AND STORE DESIGNATION ON REVERSE SIDE.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

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LORD & TAYLOR (212) LW 4-5260

TRANSACTION DATE	STORE	REFERENCE NUMBER	DEPT. NUMBER	DESCRIPTION	PURCHASES	PAYMENTS & CREDITS	
THANK YOU FOR YOUR PAYMENT. AN ADDITIONAL PAYMENT IN THE AMOUNT SHOWN ABOVE WILL BRING YOUR ACCOUNT UP TO DATE.							
JUL 21		00344		PAYMENT - THANK YOU		95.00	
AUG 5		10851		PAYMENT - THANK YOU		100.00	
AUG 7	10	61436	226	CRYSTAL	39.52		
AUG 9	8	20033	97	FINE JEWELRY		68.64	
AUG 13	10	60049	97	FINE JEWELRY	23.92		
MERCHANDISE RETURNED WITHIN 5 DAYS OF THE CLOSING DATE AND NOT INCLUDED WILL BE REFLECTED ON YOUR NEXT STATEMENT.							
CLOSING DATE	PREVIOUS BALANCE	-PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE		FINANCE CHARGE	PURCHASES	NEW BALANCE
AUG 20	363.79	263.64	100.15		1.50	63.44	165.09
SEP 16 1976		IF YOU HAVE A QUESTION REGARDING ANY TRANSACTION ON THIS BILL, PLEASE GIVE TRANSACTION DATE AND REFERENCE NUMBER SHOWN.		PERIODIC RATE 1.5%	ANNUAL PERCENTAGE RATE 18%	THERE IS NO ADDITIONAL FINANCE CHARGE IF THE NEW BALANCE IS PAID BY YOUR NEXT CLOSING DATE	

SEE DETAILED DESCRIPTION OF DEPARTMENT AND STORE DESIGNATION ON REVERSE SIDE.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

LORD & TAYLOR (212) LW 4-5260

TRANSACTION DATE	STORE	REFERENCE NUMBER	DEPT. NUMBER	DESCRIPTION	PURCHASES	PAYMENTS & CREDITS
AUG 25	10	53963	87	NECKWEAR	12.48	
AUG 28	10	66228	87	NECKWEAR	10.40	
SEP 2		03343		PAYMENT - THANK YOU		50.00
SEP 4	10	03456	74	SPORTSWEAR	44.72	
SEP 7	10	13195	22	SWEATERS &		
			74	SPORTSWEAR	64.48	
SEP 11	10	55024	97	FINE JEWELRY	36.40	
MERCHANT IS RETURNED WITHIN 5 DAYS OF THE CLOSING DATE AND NOT INCLUDED WILL BE REFLECTED ON YOUR NEXT STATEMENT.						
CLOSING DATE	PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	FINANCE CHARGE	PURCHASES	NEW BALANCE
SEP 20	165.09	50.00	115.09	1.73	168.48	285.30
PAYMENT DUE DATE		IF YOU HAVE A QUESTION REGARDING ANY TRANSACTION ON THIS BILL, PLEASE GIVE TRANSACTION DATE AND REFERENCE NUMBER SHOWN.		PERIODIC RATE 1.5%	ANNUAL PERCENTAGE RATE 18%	THERE IS NO ADDITIONAL FINANCE CHARGE IF THE NEW BALANCE IS PAID BY YOUR NEXT CLOSING DATE
OCT 16 1976						

SEE DETAILED DESCRIPTION OF DEPARTMENT AND STORE DESIGNATION ON REVERSE SIDE.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

LORD & TAYLOR (212) LW 4-5261

TRANSACTION DATE	STORE	REFERENCE NUMBER	DEPT. NUMBER	DESCRIPTION	PURCHASES	PAYMENTS & CREDITS
SEP 25	10	17661	18	COSMETICS-TOILETRIES	15.08	
SEP 27	10	55489	97	FINE JEWELRY	57.20	
OCT 12	10	22844	38	THE BLOUSE SHOP	26.00	
OCT 12	10	23057	26	CORSETS-BRAS &		
			108	FOUNDATIONS	20.28	
OCT 16		02712		PAYMENT - THANK YOU		60.00
OCT 16	10	27849	33	THE BLOUSE SHOP	40.56	
		28580	108	FOUNDATIONS	4.68	
MERCHANT IS RETURNED WITHIN 5 DAYS OF THE CLOSING DATE AND NOT INCLUDED WILL BE REFLECTED ON YOUR NEXT STATEMENT.						
CLOSING DATE	PREVIOUS BALANCE	PAYMENTS & CREDITS	BALANCE SUBJECT TO FINANCE CHARGE	FINANCE CHARGE	PURCHASES	NEW BALANCE
OCT 20	285.30	60.00	225.30	3.38	163.80	392.48
PAYMENT DUE DATE		IF YOU HAVE A QUESTION REGARDING ANY TRANSACTION ON THIS BILL, PLEASE GIVE TRANSACTION DATE AND REFERENCE NUMBER SHOWN.		PERIODIC RATE 1.5%	ANNUAL PERCENTAGE RATE 18%	THERE IS NO ADDITIONAL FINANCE CHARGE IF THE NEW BALANCE IS PAID BY YOUR NEXT CLOSING DATE
NOV 16 1976						

SEE DETAILED DESCRIPTION OF DEPARTMENT AND STORE DESIGNATION ON REVERSE SIDE.

NOTICE: SEE REVERSE AND ACCOMPANYING STATEMENT FOR IMPORTANT INFORMATION.

LORD & TAYLOR (212) LW 4-5261

WHEN MAKING INQUIRY GIVE DATE AND REF. NO.		STORE NO.	DEPT NO.	BILLING DATE	ACCOUNT NUMBER	
				JAN 21, 1976	766-637-28	
DATE	REFERENCE NO.			DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS
12 22	3118692	03	30	COSMETICS 1		
			53	STATIONERY	13.30	
12 27	3217922	03	30	COSMETICS 1	32.24	
12 27	3229994	03	58	CREDITS SEMI-PRCUS JEWELRY		41.60
1 7	305401	03	30	COSMETICS 1	8.56	
1 21	9345890	01	993	PAYMENT - THANK YOU		213.03

PREVIOUS BALANCE	AVERAGE DAILY BALANCE	FINANCE CHARGE	PURCHASES	PAYMENTS	CREDITS	NEW BALANCE
213.03	.00	.00	53.92	254.63		12.32

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 18% on the first \$500 of the AVERAGE DAILY BALANCE and 12% on that portion of the AVERAGE DAILY BALANCE in excess of \$500. The AVERAGE DAILY BALANCE excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

NOTICE: See reverse side for important information and departmental description.

WHEN MAKING INQUIRY GIVE DATE AND REF. NO.		STORE NO	DEPT NO	BILLING DATE	ACCOUNT NUMBER	
DATE	REFERENCE NO.			DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS
1 24	30 169	03	30	COSMETICS 1	8.32	
1 31	3044107	03	30	COSMETICS 1	13.26	
2 7	3245598	03	24	SLEEPWEAR LINGERIE	41.60	
2 7	3044462	03	30	COSMETICS 1	9.62	
2 13	3246050	03	24	CREDITS SLEEPWR LINGERIE		41.60
2 18	6610532	01	993	PAYMENT - THANK YOU		12.32

PREVIOUS BALANCE	AVERAGE DAILY BALANCE	FINANCE CHARGE	PURCHASES	PAYMENTS & CREDITS	NEW BALANCE
12.32	.00	.00	72.80	53.92	31.20

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 18% on the first \$500 of the AVERAGE DAILY BALANCE and 12% on that portion of the AVERAGE DAILY BALANCE in excess of \$500. The AVERAGE DAILY BALANCE excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

NOTICE: See reverse side for important information and departmental description.

WHEN MAKING INQUIRY GIVE DATE AND REF. NO.		STORE NO.	DEPT. NO.	BILLING DATE	ACCOUNT NUMBER		
				APR 21, 1976	766-637-28		
DATE	REFERENCE NO.			DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS	
3-29	5034122	03	30	COSMETICS 1	8.84		
4-9	424002	03	25	CREDITS ROBESHOME WEAR		34.32	
4-10	504015	03	30	COSMETICS 1			
			55	COSMETICS 2	5.72		
4-15	3006747	03	5	BEAUTY SALON	48.00		
4-16	3211161	03	58	CREDITS SEMI-PRECIOUS JWRLY		31.20	
4-21	3215004	03	58	SEMI/PRECIOUS JEWELRY	34.52		
PREVIOUS BALANCE		AVERAGE DAILY BALANCE		FINANCE CHARGE	PURCHASES	PAYMENTS & CREDITS	NEW BALANCE
41.08		.00		.00	102.08	65.52	77.64

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 18% on the first \$500 of the AVERAGE DAILY BALANCE and 12% on that portion of the AVERAGE DAILY BALANCE in excess of \$500. The AVERAGE DAILY BALANCE excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

NOTICE: See reverse side for Important information and departmental description.

WHEN MAKING INQUIRY GIVE DATE AND REF. NO.				STORE NO.	DEPT. NO.	BILLING DATE	ACCOUNT NUMBER		
						MAY 21, 1976	766-637-28		
DATE	REFERENCE NO.					DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS	
4-23	3006903	03	9	BEAUTY SALON			8.00		
4-23	3036720	03	30	COSMETICS 1			3.12		
4-24	3189266	03	37	JUNIOR SPORTSWEAR*			21.84		
4-30	3205523	03	82	MISS J G SPORTSWEAR					
			92	BLOUSES 1ST FLOOR			30.16		
5-1	5030884	05	37	CREDITS JR SPRTSWEAR*				21.84	
5-1	5088147	05	58	CREDITS SEMI-PRCUS JWRLY				39.52	
5-1	5053207	05	92	BLOUSES 1ST FLOOR			10.40		
5-8	3217266	03	58	SEMI/PRECIOUS JEWELRY			72.80		
5-8	3156682	03	64	YOUNG MODERATE SHOES			28.08		
5-8	7141829	07	58	SEMI/PRECIOUS JEWELRY			36.40		
STATEMENT CONTINUED...									
PREVIOUS BALANCE		AVERAGE DAILY BALANCE		FINANCE CHARGE		PURCHASES		PAYMENTS & CREDITS	

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 18% on the first \$500 of the Average Daily Balance and 12% on that portion of the Average Daily Balance in excess of \$500. The Average Daily Balance excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

NOTICE: See reverse side for Important information and departmental description.

WHEN MAKING INQUIRY GIVE DATE AND REF. NO.		STORE NO.	DEPT. NO.	BILLING DATE	ACCOUNT NUMBER		
				MAY 21, 1976	766-637-28		
DATE	REFERENCE NO.			DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS	
5 8	7141828	07	58	CREDITS SEMI-PRCUS JWRLY		72.80	
5 8	7293234	07	37	JUNIOR SPORTSWEAR*	27.04		
5 12	3038014	03	30	COSMETICS 1	13.00		
5 12	3086192	03	53	STATIONERY*	15.03		
5 14	6446800	01	993	PAYMENT - THANK YOU		38.12	

PREVIOUS BALANCE	AVERAGE DAILY BALANCE	FINANCE CHARGE	PURCHASES	PAYMENTS & CREDITS	NEW BALANCE
77.64	.00	.00	265.87	172.28	171.23

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 13% on the first \$500 of the Average Daily Balance and 12% on that portion of the Average Daily Balance in excess of \$500. The Average Daily Balance excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

NOTICE: See reverse side for important information and departmental description.

WHEN MAKING INQUIRY GIVE DATE AND REF. NO.		STORE NO.	DEPT. NO.	BILLING DATE	ACCOUNT NUMBER		
				JUNE 21, 1976	7 - 537-28		
DATE	REFERENCE NO.			DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS	
5 22	5088844	05	58	SEMI/PRECIOUS JEWELRY	40.04		
5 26	3181222	03	37	JUNIOR SPORTSWEAR*	29.12		
5 26	3218706	03	58	SEMI/PRECIOUS JEWELRY	52.00		
5 26	3218705	03	58	CREDITS SEMI-PRCUS JWRLY		40.04	
5 29	3218921	03	58	CREDITS SEMI-PRCUS JWRLY		52.00	
6 8	4418993	01	993	PAYMENT - THANK YOU		34.00	
6 8	3182077	03	37	JUNIOR SPORTSWEAR*	22.88		
6 15	3210286	03	58	SEMI/PRECIOUS JEWELRY	37.44		

SEE GARFINCKEL'S/KODEL MIXED DOUBLES CHAMPIONSHIPS
JULY 17-18 AT THE WASHINGTON STAR INTERNATIONAL TOURNAMENT,
16TH AND KENNEDY STREETS. FOR TICKET INFORMATION CALL 333-5610.

PREVIOUS BALANCE	AVERAGE DAILY BALANCE	FINANCE CHARGE	PURCHASES	PAYMENTS & CREDITS	NEW BALANCE
171.23	80.74	1.21	181.48	126.04	227.88

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 13% on the first \$500 of the Average Daily Balance and 12% on that portion of the Average Daily Balance in excess of \$500. The Average Daily Balance excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

NOTICE: See reverse side for important information and departmental description.

WHEN MAKING INQUIRY GIVE DATE AND REF. NO.		STORE NO.	DEPT. NO.	BILLING DATE	ACCOUNT NUMBER		
DATE	REFERENCE NO.			AUG 21, 1976	766-637-28		
				DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS	
A	3	2802463	01	993	PAYMENT - THANK YOU		61.00
S	4	3033153	03	30	COSMETICS 1	8.84	
B	7	5119939	05	58	CREDITS SEMI-PRCIOUS JWRLY		104.00
A	7	5057-28	05	37	CREDITS JP SPORTSWEAR #		27.04
NEXT SEASON'S FOR 15 YEARS AT SAVINGS OF 20% TO 33% THROUGH AUGUST 31ST IN GARFINKEL'S FOR SALONS AT STREET, SEVEN CORNERS AND MONTGOMERY MALL.							
PREVIOUS BALANCE		AVERAGE DAILY BALANCE		FINANCE CHARGE	PURCHASES	PAYMENTS & CREDITS	NEW BALANCE
303.88		203.02		3.05	8.84	192.04	123.66

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 18% on the first \$500 of the Average Daily Balance and 12% on that portion of the Average Daily Balance in excess of \$500. The Average Daily Balance excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

NOTICE: See reverse side for important information and departmental description.

WHEN MAKING INQUIRY GIVE DATE AND REF. NO.		STORE NO.	DEPT NO.	BILLING DATE	ACCOUNT NUMBER		
DATE	REFERENCE NO.			DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS	
6-22	3045087	03	30	COSMETICS 1			
			55	COSMETICS 2	14.56		
6-25	3027574	03	45	BOY'S CLOTHING & FINISHING			
			42	GIRL'S 2-4, 3-6X	11.96		
6-28	3031024	03	30	COSMETICS 1	14.82		
7-3	3211770	03	58	SEMI-PRECIOUS JEWELRY	67.00		
7-14	3052764	03	53	STATIONERY*			
			30	COSMETICS 1	9.62		
7-20	8245953	01	993	PAYMENT - THANK YOU		46.00	
<p>OUR COLORFUL WHITE SALE AND STOREWIDE CLEARANCES OF INTIMATE APPAREL, FASHIONS, GIFTS AND MENSWEAR ARE HAPPENING RIGHT NOW IN EVERY GARFINKEL'S STORE</p>							
PREVIOUS BALANCE		AVERAGE DAILY BALANCE		FINANCE CHARGE	PURCHASES	PAYMENTS & CREDITS	NEW BALANCE
227.88		224.81		3.37	118.56	46.00	303.81

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 18% on the first \$500 of the Average Daily Balance and 12% on that portion of the Average Daily Balance in excess of \$500. The Average Daily Balance excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

NOTICE: See reverse side for important information and departmental description.

MAKING INQUIRY DATE AND REF. NO.		STORE NO.	DEPT. NO.	BILLING DATE	ACCOUNT NUMBER		
REFERENCE NO.							
				DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS	
9	27	5083248	05	30	COSMETICS 1		
9	27	5053548	05	31	GREENBRIER SPORTSWEAR*	9.88	
9	30	3036420	03	30	COSMETICS 1	33.28	
10	12	4697052	01	993	PAYMENT - THANK YOU	24.44	
							87.96

OUR CHRISTMAS CARD GALLERIES ARE NOW OPEN AT ALL STORES
EXCEPT TYSONS CORNER. COME IN AND SELECT YOUR CARDS, PERSONALIZED
IF YOU PREFER, BEFORE THE CHRISTMAS RUSH BECOMES HECTIC.

PREVIOUS BALANCE	AVERAGE DAILY BALANCE	FINANCE CHARGE	PURCHASES	PAYMENTS & CREDITS	NEW BALANCE
87.96	.00	.00	67.60	87.96	67.60

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 18% on the first \$500 of the Average Daily Balance and 12% on that portion of the Average Daily Balance in excess of \$500. The Average Daily Balance excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

WHEN MAKING INQUIRY GIVE DATE AND REF. NO.		STORE NO.	DEPT. NO.	BILLING DATE	ACCOUNT NUMBER	
DATE	REFERENCE NO.			DESCRIPTION	PURCHASES	PAYMENTS AND CREDITS
8 25	3217931	03	50	SEMI/PRECIOUS JEWELRY	37.44	
9 2	2811747	01	993	PAYMENT - THANK YOU		50.00
9 4	5040702	03	50	CREDITS SEMI-PRECIOUS JEWELRY		37.44
9 14	3036420	03	30	COSMETICS 1	13.26	

GARFINKEL'S TYSONS CORNER HAS PUT ON A LOVELY NEW FACE
YOU'LL ENJOY YOUR NEXT VISIT
TO THIS EXCITINGLY CONTEMPORARY STORE

PREVIOUS BALANCE	AVERAGE DAILY BALANCE	FINANCE CHARGE	PURCHASES	PAYMENTS & CREDITS	NEW BALANCE
123.00	19.00	1.04	50.70	87.44	87.96

The ANNUAL PERCENTAGE RATE of the FINANCE CHARGE is 18% on the first \$500 of the Average Daily Balance and 12% on that portion of the Average Daily Balance in excess of \$500. The Average Daily Balance excludes any purchases added during the monthly billing period. To avoid additional FINANCE CHARGES pay NEW BALANCE before Next Billing Date. Payment of amounts disputed under the Fair Credit Billing Act may be deferred.

NOTICE: See reverse side for important information and departmental description.

☐ THIS FORM IS MADE AVAILABLE THROUGH THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND. FOR MORE INFORMATION, CONTACT THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND. (301) 837-1100

SAKS FIFTH AVENUE		KIND OF SALE OR AMT IF COD
CODE NO. 232	5555 WISCONSIN AVE CHEVY CHASE, MARYLAND 20015 857-9000	CHG

DATE 5/19/14	DEPT. 14	SALESPERSON'S NO. 420	TUBE 1	59943-21
PLEASE PRINT		FIRST NAME	INITIAL	LAST NAME

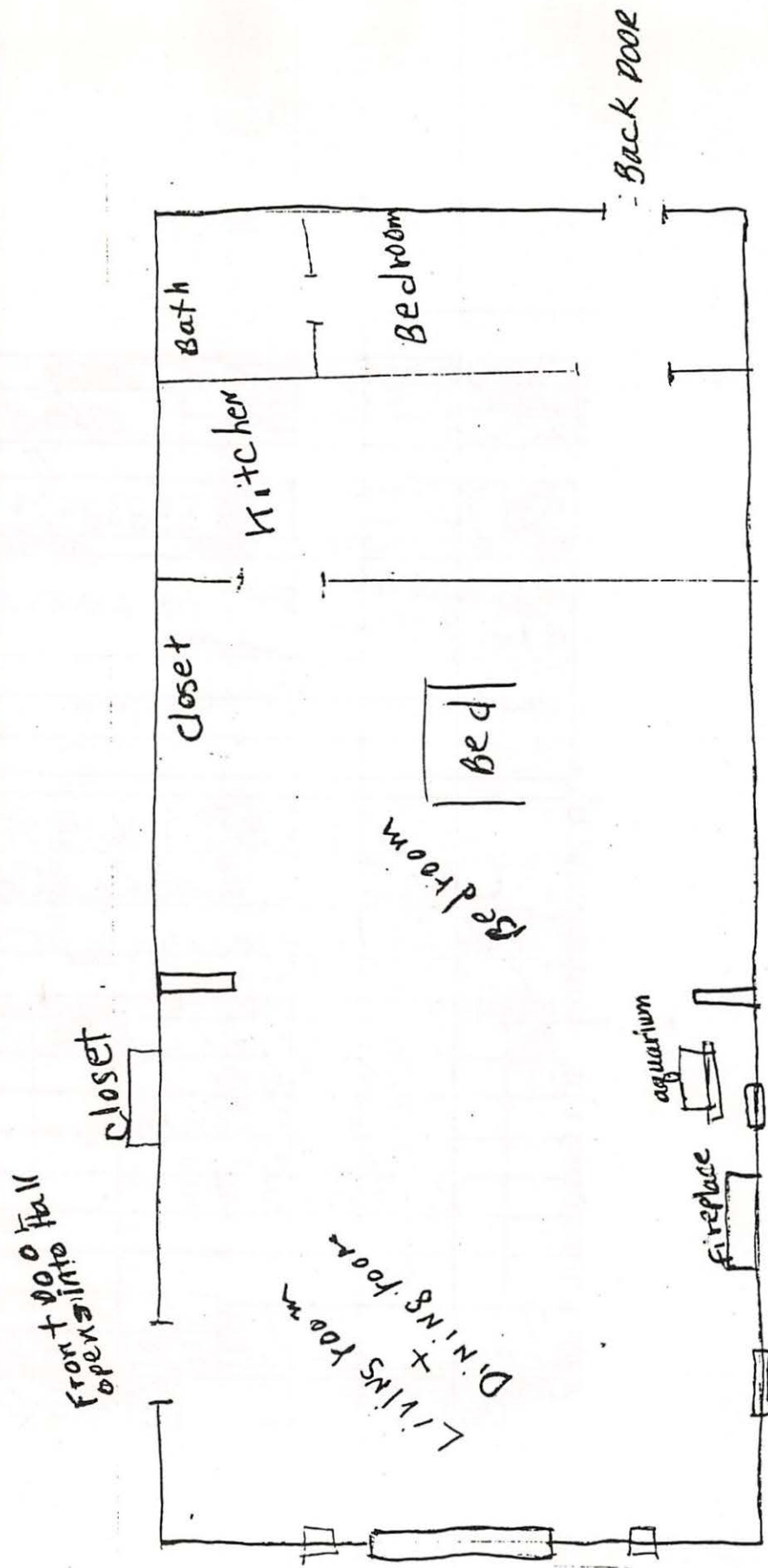
Car. reg. 1st		872	2**495
1650 N Greenbriar St			
CITY STATE		ZIP CODE	
FAX NUMBER		ADT. CHG. PER	

ART. NO.	58465	639
CLASS	Care A Rochelle	
ADDRESS	1650 N Greenbriar St	
CITY STATE	Wash. D.C. 20005	

DEPT.	CLASS	QUAN.	ARTICLES	AT	DOLLARS	CENTS
14		1	100% cotton		92	00
			18 day			
			flower pressed			
			2 pairs			
			X8381-699			

CUSTOMER'S SIGNATURE Bonnie Rock	SUB TOTAL	
	Sales Tax	3.68
CHG OR AMT REC'D 100%	ENCLOSURES	TOTAL OR BAL 95.68
	VALUE	

Connie's apartment

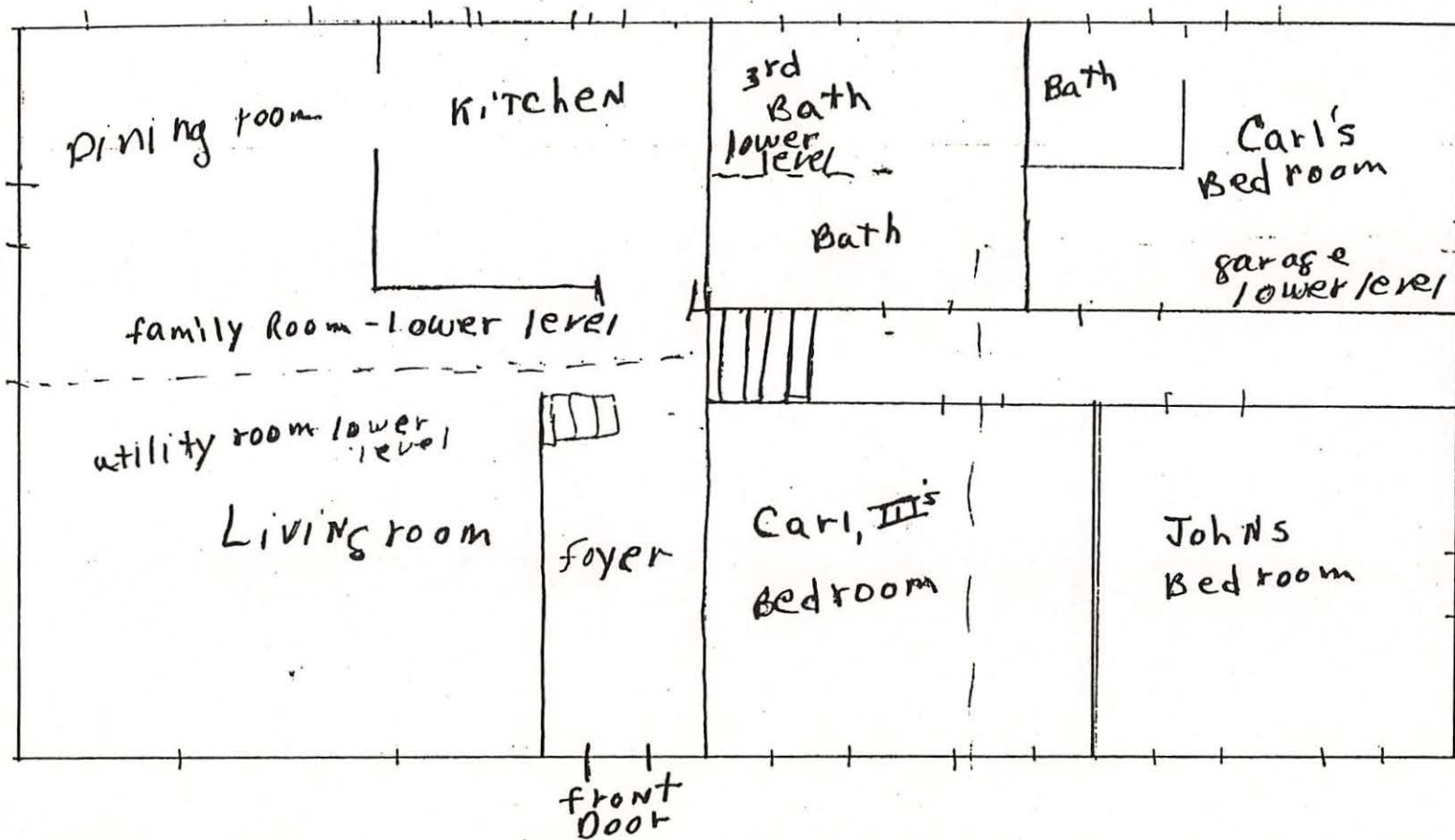


Level 1
 "Not to Scale"

EXH. #8

Carl's house Top view
 'Main level + Lower level'
 "Not to scale"

Dashed lines indicate lower level



PROPERTY SETTLEMENT AGREEMENT

This Agreement, made and executed this 29th day of November, 1976, by and between CARL ROCHELLE, hereinafter called Husband, and CONNIE GALE ROCHELLE, hereinafter called Wife.

W I T N E S S E T H:

The parties were married to each other on or about March 5, 1971 in Sioux Falls, South Dakota. There have been two children born of the marriage, namely, Carl Rochelle, III, born January 30, 1972, and John Rochelle, born December 23, 1974. In consequence of disputes and irreconcilable differences, the parties separated on October 2, 1976 and have ever since lived separate and apart. In view of their intention to live apart for the rest of their lives, they are desirous of settling all of their personal and property rights, now and for the future, and agreeing on terms for custody, maintenance and support, and formalizing their separation, all as is more fully herein set forth.

NOW, THEREFORE, in consideration of the premises and the mutual undertakings herein contained passing between the parties, Husband and Wife covenant and agree to and with each other as follows:

1. They re-affirm their separation on October 2, 1976 and their intention to continue to live separate and apart from each other for the rest of their lives. Each shall be free from interference, direct or indirect, by the other as fully as though unmarried. Each may, for his or her separate benefit, engage in any employment, business or profession he or she may choose.

2. The parties shall not molest or interfere with each other, nor shall either attempt to compel the other to cohabit or dwell with him or her, by any means whatsoever.

3. The wife shall have the care and custody of the minor children of the parties with the right and privilege unto Husband to visit with and have said children with him at reasonable times.

4. The husband shall pay unto the Wife for the support and maintenance of each of the two minor children of the parties, the sum of Two Hundred Fifty Dollars (\$250.00) per month, per child, or a total of Five Hundred Dollars (\$500.00) per month for both of said children. Said payments shall commence on the 1st day of *December*, 1976 and shall be payable on the first day of each and every month thereafter. Said payments with respect to each child shall cease and terminate upon the first to occur of any one of the following events: a) majority, b) marriage, c) becoming self-supporting, or d) death of said child or husband.

5. Husband and wife agree that all items of personal property previously owned jointly by the parties as of the date of this Agreement have been divided to the mutual satisfaction of the parties hereto.

6. The wife, by virtue of the promises, benefits and covenants inuring to her under the terms of this Agreement, hereby and forever waives and relinquishes any and all rights which she may now have or she may have in the future to alimony or support.

7. The husband shall carry and keep in force medical insurance for the wife until until such time as a final decree of divorce is entered. In addition, the husband shall carry and keep in force medical insurance for the benefit of the children of the parties. The terminal date of husband's obligation as to each child under this paragraph shall be the same as provided in the foregoing paragraph 4.

8. The husband shall keep in force and pay the premiums on a life insurance policy in the amount of Fifty Thousand Dollars (\$50,000.00). Said policy shall be so endorsed as to allocate one-half of the total face amount to each child, and each child shall be designated the irrevocable beneficiary of his share with the proviso that the right to change the beneficiary as to each child's share shall revert to husband upon the first to occur with respect to said child of any one of the terminal events provided for in the foregoing paragraph 4.

9. Husband hereby transfers and assigns unto the wife all of his right, title and interest in and to the 1974 Buick automobile. The wife hereby agrees to assume liability for any outstanding amounts due on said automobile and hereby holds harmless and indemnifies the husband against any and all liability in connection with said liability.

10. The wife hereby transfers and assigns unto the husband all of her right, title and interest in and to the 1968 Ford Mustang automobile. The husband hereby agrees to assume liability for any outstanding amounts due on said automobile and hereby holds harmless and indemnifies the wife against any and all liability in connection with said liability.

11. The husband agrees that he will carry the wife on his automobile insurance policy until the expiration of the current policy which is in December, 1976. After that time, the wife will be responsible for her own automobile insurance.

12. The husband agrees to help pay the outstanding medical bill in the amount of Sixty Dollars (\$60.00). The wife agrees that she will be responsible for her Sachs bills, which account is in her name alone. The husband agrees to pay all other outstanding bills and debts incurred by the parties as of November 10, 1976 and the husband shall hold harmless and indemnify the wife against any and all liability in connection with said bills and debts. As of November 10, 1976 neither party shall pledge the credit of the other or incur any debt or obligation which may be chargeable

to the other and the parties further agree that all credit cards currently in joint names shall be closed within thirty (30) days of the signing of this Agreement.

13. The husband agrees to pay unto John A. Keats, Esq., attorney for the wife, the sum of Three Hundred Fifty Dollars (\$350.00) as a contribution toward counsel fees for services rendered by him to the wife, and the husband further agrees to pay one-half of any and all court costs in connection ~~and shall~~ with the filing and obtaining of a final decree of divorce. The aforementioned monies shall be paid by the husband before the entry of a final decree. ~~and husband shall not be liable for any other attorneys fees.~~ ^{CAN}

14. The parties agree that they will at all times keep each other advised of their current address.

15. All of the property of the husband, except as hereinbefore provided, whether real, personal or mixed, wheresoever situated, now held by him absolutely or subject to the marriage or dower rights of the wife, or which shall in any manner hereafter devolve on the husband, or on the wife on the husband's right, shall be his sole and separate property, wholly free from any right or rights of any nature whatsoever either at law or equity, of the wife; during his life or after his death, with full power to the husband to convey, assign, charge or will the same as if he were sole and unmarried. The wife expressly covenants to execute and deliver any and all deeds, releases, quit-claims and other instruments of any nature whatsoever which may from time to time prove necessary or convenient under the laws of any jurisdiction to enable the husband, his heirs, executors, administrators and assigns to deal with this said property as if he were unmarried and the wife shall be utterly barred from any and all benefits from the husband's estate and the rights to administer the same.

16. All of the property of the wife except as hereinbefore provided whether real, personal or mixed, wheresoever situated, now held by her

absolutely or subject to the marriage or dower rights of the husband, or which shall in any manner hereafter devolve on the wife, or on the husband in the wife's right, shall be her sole and separate property wholly free from any right or rights, of any nature whatsoever either at law or equity, of the husband during her life or after her death, with full power to the wife to convey, assign, charge or will the same as if she were sole and unmarried. The husband expressly covenants to execute and deliver any and all deeds, releases, quit-claims or other instruments of any nature whatsoever, which may from time to time prove necessary or convenient under the laws of any jurisdiction to enable the wife, her heirs, executors, administrators or assigns to deal with her said property as if she were unmarried; and the husband shall be utterly barred from any and all benefits from the wife's estate and the right to administer the same.

17. Nothing herein contained shall be taken or construed to bar or prevent either party from suing for an absolute divorce in any court of competent jurisdiction of the parties because of any past or future fault on the other's part, PROVIDED, HOWEVER, that neither party will apply for nor obtain any decree in any such proceedings which would in any way change any of the provisions of this agreement, and if consistent with the rules and practices of the court granting any such decree, this agreement may be offered in evidence and all or any part thereof, as either party may elect, may, at the option of either party, be incorporated in and adopted by any such decree. Notwithstanding any such incorporation, this agreement shall not be merged in the decree but shall survive the same and be binding and conclusive on the parties for all time.

18. The parties hereto shall at all times in the future, upon demand of the other, execute and deliver any and all additional and further assurances which may be necessary or desirable to fully consummate and carry out the intent of this agreement, and in the event of the failure on the part of either party hereto the cost and expense of the litigation or other

action of any nature, necessary to compel compliance hereto, including reasonable attorney's fees, shall be borne by the defaulting party.

19. The agreement shall inure to the benefit of and shall be binding upon both parties hereto, their and each of their heirs, personal representatives and assigns.

20. The parties acknowledge that they are entering into this agreement freely and voluntarily; that they have ascertained and weighed all of the facts and circumstances likely to influence their judgment herein; that they have each sought and obtained or had the opportunity to obtain legal advice independently of each other; that each has been duly apprised of his or her respective legal rights, that all of the provisions hereof, as well as all questions pertinent hereto have been fully and satisfactorily explained to them; that they have given due consideration to such provisions and questions; and that they clearly understand and consent to all the provisions hereof.

21. No modification or waiver of any of the terms of this agreement shall be valid unless in writing and executed with the same formality as this agreement. No waiver or breach or default hereunder shall be deemed a waiver of any subsequent breach or default of the same or similar nature.

22. This agreement shall be construed in accordance with the laws of the Commonwealth of Virginia, entirely independent of the forum where it may come up for construction or enforcement. If a court of competent jurisdiction of the parties at any time holds any portion of this agreement invalid, the remainder thereof shall not be affected and shall continue in full force and effect.

23. This agreement contains the entire understanding of the parties. There are no representations, warranties, promises, covenants or undertakings other than expressly set forth herein.

IN WITNESS WHEREOF, the husband and wife have hereunto set their hands and seals the day and year first hereinbefore written.

Carl Rochelle (SEAL)
CARL ROCHELLE

Connie Gale Rochelle (SEAL)
CONNIE GALE ROCHELLE

Wash DC
STATE OF VIRGINIA)

) SS:

COUNTY OF)

I CERTIFY that on this 2 day of Nov, 1976, before the subscriber, a Notary Public in and for the State and County aforementioned, personally appeared Carl Rochelle, known to me to be the person whose name is subscribed to the foregoing agreement and on oath and in due form of law, he did acknowledge that he executed the same for the purposes therein contained and the facts contained therein are true.

WITNESS my hand and Notarial Seal.

[Signature]
NOTARY PUBLIC

My Commission Expires February 14, 1981

DISTRICT OF COLUMBIA: SS

I CERTIFY THAT on this 17 day of November, 1976, before the subscriber, a Notary Public in and for the District of Columbia, personally appeared Connie Gale Rochelle, known to me to be the person whose name is subscribed to the foregoing agreement and on oath and in due form of law, she did acknowledge that she executed the same for the purposes therein contained and the facts contained therein are true.

WITNESS my hand and Notarial Seal.

Elaine Woloschin
NOTARY PUBLIC

ELAINE WOLOSCHIN
My Commission Expires Dec. 14, 1978

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FRANKLIN

CONNIE GALE (PETERS) ROCHELLE

Complainant

v.

CARL ARTHUR ROCHELLE

Defendant

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF AWARDING CUSTODY TO DEFENDANT,
CARL ARTHUR ROCHELLE

STATEMENT OF FACTS

The parties hereto were married on March 5, 1971, in Sioux Falls, South Dakota. There were two children born of the marriage, Carl Rochelle, III, born January 30, 1972, and John Rochelle, born December 23, 1974.

On October 2, 1976, the parties separated and remained living separate and apart until December, 1977. During this period of time (with the exception of a few weeks), the father, Carl Rochelle, had the care, custody and control of the two male children, then ages 3 1/2 years and 1 1/2 years, and they lived with him at his home in Arlington, Virginia. The mother babysat with the children in the evenings and on weekends for which she was paid a minimum of \$25.00 per week by the father.

In December, 1977, the parties reconciled and Mrs. Rochelle moved back into the family home. Within one or two months of the reconciliation, she began to work for one Doctor Weisberg. Doctor Weisberg was a psychiatrist who rendered marriage counselling to both Mr. and Mrs. Rochelle. At the same time as Mrs. Rochelle was seeking marriage counselling with her husband, she was carrying on a sexual affair with Doctor Weisberg.

GWENDOLYN JO M. CARLBERG, ATTORNEY AT LAW ALEXANDRIA, VIRGINIA

In June, 1978, Mrs. Rochelle deserted the father and two children. That very month, she had a sexual affair with one Les Silverman.

From June until October, 1978, the two children again lived with the father, Carl Rochelle, in their home in Arlington, Virginia. They both were enrolled in private schools in September, 1978, for which the father had paid over \$1,500.00 in tuition.

In October, 1978, the mother, while having them for weekend visitation, removed the children from the Washington area, without notice to the father of their whereabouts. Further, she simply walked out of her apartment and to this day, has not notified her landlady nor taken care of the affairs of closing the apartment and paying the back rent or utilities.

The facts will show the mother's instabilities and emotional immaturity in her work, her financial situation, her marriage and her dealings with the children. On the other hand, the facts will show of the father's ability to support, educate and provide cultural advantages and opportunities to the two children.

ANALYSIS OF THE LAW

The primary consideration for the Court in making a custody determination is the welfare and best interests of the child. That principle is well-established in Virginia, both statutorily and judicially. Va. Code §31-15 (1973); Clark v. Clark, 217 Va. 924, 234 S.E.2d 266 (1977); Brown v. Brown, 218 Va. 196 (1977); Burnside v. Burnside, 216 Va. 691, 222 S.E.2d 529 (1976); Oliver v. Oliver, 193 Va. 571, 69 S.E.2d 350 (1952); Mullen v. Mullen, 188 Va. 259, 19 S.E.2d 349 (1943). Section 31-15 of the Virginia Code specifically provides that where "the parents are living apart, . . . the court . . ., in awarding the custody of the child to either parent or to some other person, should give primary consideration to the welfare of the

child, and as between the parents, there shall be no presumption of law in favor of either". The judicial reaffirmation and strict compliance with the best interests of the child principle is evidenced in numerous cases. In Mullen v. Mullen, the Virginia Supreme Court emphasized that "we have established the rule that the welfare of the infant is the primary, paramount, and controlling consideration of the Court in all controversies between parents over the custody of their minor children. All other matters are subordinate". 188 Va. at 269. The child's welfare has remained the primary consideration of the Virginia courts in custody decisions. See, e.g., McCreery v. McCreery, 218 Va. 352 (1977); Burnside v. Burnside, 216 Va. 691, 222 S.E.2d 529 (1976).

To determine the best interests and welfare of the child, the qualifications and fitness of the parents must be analyzed.

In considering their qualifications and fitness, we must look to their adaptability to the task of caring for the child; their adaptability to control and direct it; the age, sex, and health of the child, its temporal and moral wellbeing, as well as the environment and circumstances of its proposed home; and the influences likely to be exerted upon the child.

Oliver v. Oliver, 193 Va. 571, 69 S.E.2d 350, 353 (1952), quoting, Mullen v. Mullen, 188 Va. at 270. See also Clark v. Clark, 217 Va. 924, 234 S.E.2d 266 (1977); White v. White, 215 Va. 765, 213 S.E.2d 765, 213 S.E.2d 766 (1975); Clark v. Clark, 209 Va. 390, 164 S.E.2d 685 (1968). In making determinations of qualifications and fitness of parents for custody, the court must scrutinize all the relevant facts and circumstances.

In the case at bar, the qualifications and fitness of the plaintiff-mother, Connie Gale Rochelle, must be gravely questioned. She has admitted to two affairs in 1978 alone, while still married to the children's father. As shown in the report of investigation from the Arlington Juvenile and Domestic Relations Court, she has been unstable in her working relationships -- walking off the job without notification to several of her employers. She

has not been able to budget or manage her financial affairs and has incurred large debts for personal purchases. It has been observed by persons with whom she comes in contact of her emotional instability and emotional "ups" and "downs".

Despite the language of §31-15 of the Virginia Code which provides that "as between the parents, there shall be no presumption of law in favor of either", the courts of Virginia have applied a tender years presumption. That judicially-created presumption, or inference, as many courts have chosen to refer to it, provides that "'the mother is the natural custodian of her child of tender years, and that if she is a fit and proper person, other things being equal, she should be given the custody'." McCreery v. McCreery, 218 Va. at 354, quoting Mullen v. Mullen, 188 Va. at 270-71. That inference, however, is rebuttable and will be rebutted where there is evidence that the mother is unfit or that other things are not equal.

These "other things" are things which affect the quality of the custodial care received by the child. Quality is determined not only in terms of the training, talents, and resources of the custodian, but also in terms of the motivation of the custodian to make proper provision for the physical needs of the child, its psychological and emotional health, its intellectual and cultural growth, and its moral development.

McCreery v. McCreery, 218 Va. 352, 355 (1977). Crucial to the determination of whether "other things" are equal or not, is the suitability of the homes of each parent. The suitability of the home is not only to be evaluated on the basis of the physical accommodations or material advantages, but, also, "upon the stability of the home environment, the warmth, the associations, and the kind of home life the children could be expected to experience." The determination that any of the aforementioned things are not equal and that they weigh in favor of the father will rebut the tender years inference and render it not controlling.

The tender years inference is not applicable in the case at bar. That result is manifest in that the plaintiff-mother, Connie Gale Rochelle, is unfit and "other things" are not equal in the custodial environment the parents could provide. The plaintiff has exemplified her unfitness and this has further been determined by Ms. Reisman, a neutral party, who has done an exhaustive investigation in this cause.

Furthermore, all other things are not equal in the ability of the parents to provide for the children. The defendant-father, Carl Arthur Rochelle, is more financially and emotionally capable of providing a suitable environment for raising his children. The children, in the custody of the father, would be able to return to the private schools from which their mother removed them mid-session. The father is by far more capable of providing the children with an environment which will foster their intellectual, cultural and moral development. Moreover, the father maintains, as he has in the past, a stable home environment which provides warmth, security and certainty. As emphasized in Burnside v. Burnside, 216 Va. 691, (1976), even if the mother "might not be unfit, the child's welfare must not be adversely affected for the sake of a mechanical rule, which blindly accepted, would require the award of . . . custody to . . . [the] mother". Id. at 693-94. Due to the circumstances before this Court, it should be found that the "tender years" inference does not control in this cause.

The facts and circumstances of this cause and the supporting Virginia judicial and statutory law mandate that the custody of the children be awarded to the father, Carl Arthur Rochelle. The Court should be guided to that result by the determination that the welfare and best interests of the children will most effectively be observed by placing the children in the custody of their father.

Respectfully submitted,

478

Gwendolyn Jo M. Carlberg
Counsel for Defendant
Carl Arthur Rochelle

TABLE OF CASES

<u>Brown v. Brown</u> , 218 Va. 196 (1977)	2
<u>Burnside v. Burnside</u> , 216 Va. 691, 222 S.E.2d 529 (1976)	2, 3, 5
<u>Clark v. Clark</u> , 209 Va. 390, 164 S.E.2d 685 (1968)	3
<u>Clark v. Clark</u> , 217 Va. 924, 234 S.E.2d 266 (1977)	2, 3
<u>Mullen v. Mullen</u> , 188 Va. 259, 19 S.E.2d 349 (1943)	2, 3, 4,
<u>McCreery v. McCreery</u> , 218 Va. 352 (1977)	3, 4
<u>Oliver v. Oliver</u> , 193 Va. 571, 69 S.E.2d 350 (1952)	2, 3
<u>White v. White</u> , 215 Va. 765, 213 S.E.2d 766 (1975)	3

STATUTES

Virginia Code, §31-15 (1973)	2, 3
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2
DECREE

Chancery No. 3836

This cause came on the 6th day of July, 1979, to be heard upon a petition of the complainant for separate maintenance; upon proof of proper and legal service of process upon the respondent; upon the Answer of the respondent; upon an Order entered November 14, 1978, directing the Court Services Unit of the Juvenile and Domestic Relations District Court of Arlington County, Virginia, to conduct an investigation and report to the Court concerning the suitability of the parties to have custody of their infant children; upon an Order entered November 27, 1978, granting temporary custody and child support; upon an Order entered December 21, 1978, granting visitation to the respondent; upon an Order entered March 27, 1979, directing the Department of Human Services of Franklin County, Virginia, to conduct an investigation and report to the Court concerning the suitability of the complainant to have custody of the infant children of the parties; upon evidence adduced ore tenus of the complainant, the respondent, and witnesses called for and on their behalf respectively; upon the appearance of the complainant and the respondent in person and by counsel; and was argued by counsel.

UPON CONSIDERATION WHEREOF, the Court having maturely considered the evidence adduced ore tenus and in

UTINS AND SHAPIRO
LAW OFFICES
124 WASHINGTON AVE.
SOUTHWEST
ROANOKE, VIRGINIA

de bene esse depositions, together with the argument of counsel as contained in their respective memorandum filed herein, and for the reasons set forth in the letter opinion of the Court dated July 23, 1979, it is ADJUDGED, ORDERED and DECREED that temporary custody of the infant children of the parties hereto, namely, Carl Arthur Rochelle, III, and John Alfred Rochelle, is hereby awarded to, and shall remain with the complainant until further order of this Court, and the decision of the Court on an award of permanent custody of the infant children of the parties be, and the same hereby is, taken under advisement.

It is further ADJUDGED, ORDERED and DECREED that the respondent shall have visitation with the said infant children of the parties hereto every other weekend; and in addition, the respondent shall have visitation rights for a week during Christmas vacation, three days during Spring vacation, and for a month during the summer, until or unless changed by court order.

It is further ADJUDGED, ORDERED and DECREED that the Department of Social Services for the City of Roanoke, Virginia, will, at least twice a month, make unannounced visits to the residence of the complainant herein and furnish this Court with a monthly written report of their findings and/or recommendations.

AND SHAPIRO
Y OFFICES
HINGTON AVE.
UTHWEST
KE, VIRGINIA

The Clerk of this Court is directed to
forthwith certify copies of this Decree to Gordon H. Shapiro,
Esquire, of counsel for the complainant, ^{Gwendolyn S. M. Carlberg and} David A. Melesco,
Esquire, counsel for the respondent, and to the Department of
Social Services for the City of Roanoke, Virginia.

And this cause is continued.

ENTER: This 10th day of August, 1979.

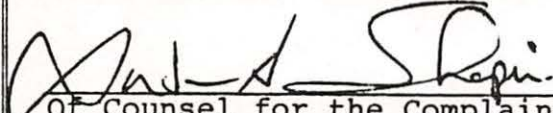
13. D. Hanes
Judge

A Copy, Teste:

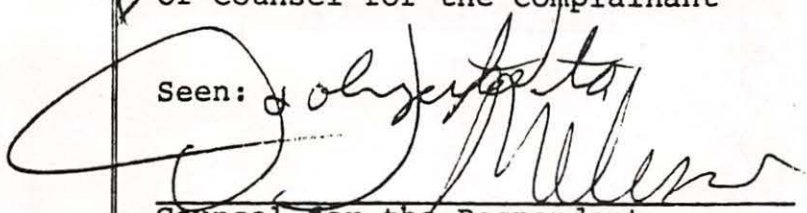
Wm. J. Walker, Jr., Clerk

Ethel M. Brooks
Deputy Clerk

I request the entry of this Decree:


Of Counsel for the Complainant

Seen:


Counsel for the Respondent

VIRGINIA:

IN THE CIRCUIT COURT OF FRANKLIN COUNTY

CARL ARTHUR ROCHELLE)	
Complainant)	
v.)	<u>BILL OF COMPLAINT</u>
CONNIE GAIL PETERS ROCHELLE)	
Respondent.)	

TO THE HONORABLE JUDGES OF THE SAID COURT:

Your complainant, Carl Arthur Rochelle, respectfully represents unto the Court as follows:

1. That the parties herein were lawfully married on March 5, 1971, at Sue Falls, South Dakota.

2. That both parties have been actual bona fide residents and domiciled in the Commonwealth of Virginia for 6 months proceeding the institution of this suit.

3. That the defendant is a resident of Franklin County, Virginia.

4. That there were 2 children born of the marriage between the parties, namely: Carl Arthur Rochelle, III, age 7, and John Alfred Rochelle, age 4.

5. That both parties are members of the Caucasian race and over the age of 18 years and that neither is a member of the Armed Forces of the United States of America.

6. That on or about the 15th day of June, 1978, the parties did separate and it was the intention of at least one of the parties to separate and the parties have lived separate and apart without interruption and without cohabitation since the 15th day of June, 1978.

7. That there is no hope or possibility of a reconciliation of the marriage.

In consideration whereof and as the complainant herein is without remedy save in a Court of Equity where all such matters alone are properly cognizable, your complainant prays that he be awarded a decree of divorce a vinculo matrimonii on the grounds that the parties have lived separate and apart since June 15, 1978, without interruption and without cohabitation, and that he be granted custody and control of the minor children born of the parties and finally that he be awarded such further and general relief as the nature of his cause may require.

CARL ARTHUR ROCHELLE

By _____
Counsel

David A. Melesco
Melesco and McLaughlin, P.C.
Price-Perdue Building
Rocky Mount, Virginia

Gwendolyn Jo M. Carlberg
Law Building
117 N. Fairfax St.
Alexandria, Virginia

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FRANKLIN

CARL ARTHUR ROCHELLE

)

)

V.

)

ANSWER

)

CONNIE GALE PETERS ROCHELLE

)

TO: THE HONORABLE JUDGES OF THE AFORESAID COURT:

Now comes the respondent, Connie Gale Peters Rochelle, and for her answer to the Bill of Complaint exhibited against her and filed by the complainant, answers and says as follows, to-wit:

(1) That she has always been a faithful and dutiful wife throughout the marital life of the parties hereto, and that she has always treated the complainant with the utmost kindness and understanding.

(2) That the respondent admits the allegations contained in Paragraphs 1, 2, 3, 4, 5 and 7 of the said Bill of Complaint.

(3) That the respondent admits that on or about the 15th day of June, 1978, the parties did separate, but she affirmatively asserts herein that subsequent thereto on or about August, 1978, that she and the complainant engaged in acts of sexual intercourse in an effort to reconcile.

(4) That the respondent avers that the separation of the parties was without fault on her part; that she has been guilty of no conduct during the course of her

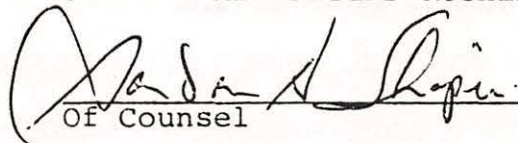
NS AND SHAPIRO
LAW OFFICES
WASHINGTON AVE.
SOUTHWEST
NOKE, VIRGINIA

marriage to the complainant which would give rise to grounds for divorce in his favor under Section 20-91, Code of Virginia, 1950, as amended.

WHEREFORE, your respondent, Connie Gale Peters Rochelle, joins in the prayer of the complainant's Bill of Complaint for divorce, and in addition thereto prays that she be awarded permanent custody of the infant children of the parties hereto, support and maintenance for the said infant children of the parties, spousal support, attorney's fees and court costs, and such other relief as the nature of her cause may require or to equity may deem meet.

And your respondent will ever pray, etc.

CONNIE GALE PETERS ROCHELLE


Of Counsel

Gordon H. Shapiro
LUTINS AND SHAPIRO
324 Washington Avenue, S. W.
P. O. Box 180
Roanoke, Virginia 24002

Of Counsel for the Respondent

DECREE

WHEREAS as a result of the above divorce proceeding previously filed in this Court there remains the question of the custody, maintenance, support and visitation rights of the parents of the infant children born of this marriage, to-wit: Carl Arthur Rochelle, III and John Alfred Rochelle, which is a matter of constant and continuing litigation; and

WHEREAS the said infant children are now residing with their mother, Connie Gale Peters Rochelle, who is a resident of Roanoke City and not within the jurisdiction of this Court.

This Court finds that the Circuit Court of Franklin County is an inconvenient forum under the circumstances to make further determinations as to the custody, maintenance, support and visitation rights of the parents of said infants; it is, therefore,

ADJUDGED, ORDERED and DECREED that all further proceedings concerning the custody, maintenance, support of said infants and visitation rights of the parents of said infants be and the same is hereby transferred to the Circuit Court of Roanoke City, Virginia.

The Clerk of this Court is directed to mail to the Clerk of the Circuit Court of Roanoke City, Virginia, an attested copy of all Pleadings, Orders and Decrees in this proceeding, together with a copy of this Decree.

A copy of this Decree to be furnished and/or mailed each attorney of record.

ENTER: This 27th day of December, 1979.

13 A. Davis
JUDGE

Ethel M. B. Smith

JUNE 25, 1980

1 The case of Rochelle v. Rochelle was called during
2 court on June 25, 1980; the Court Reporter was sworn,
3 and after both parties announced themselves as ready, the
4 following occurred:

5 MR. MELESCO: May it please the Court. We have two
6 witnesses here, the principal and the teacher of the oldest
7 boy at Crystal Spring Elementary School in Roanoke City. I
8 can vouch to the Court that I don't think any of the three
9 lawyers here know exactly what they're, what they will
10 testify to, but I think...and it may be totally harmful to
11 our case...but I think whatever they say would be relevant
12 to the Court's making some jurisdiction...or some decision.
13 And I don't mean to put words in my, Mr. Alexander's mouth,
14 but I think that basically they'll really be the Court's
15 witnesses. And they're here and we'd like them to be taken
16 first so they can get on back to Roanoke.

17 THE COURT: Do you want me to call them as witnesses,
18 Mr. Alexander?

19 MR. ALEXANDER: Well, your Honor, if they're to testify
20 at all, I think that would probably be the best. They don't
21 want to get caught in the middle testifying for one side or
22 the other although they were subpoenaed by Mr. Melesco.

23 THE COURT: Okay. Who do you want me to call first,
24 if that's agreeable, Mr. Copenhaver or Mrs. Batters?

25 MR. MELESCO: The teacher, Mrs. Batters.

Ann Batters - Direct (Melesco)

1 THE COURT: It's on your petition, so you go ahead,
2 Mr. Melesco.

3 ANN BATTERS

4 called as the Court's witness, after having
5 first been duly sworn, testified as follows:

6 EXAMINATION BY MR. MELESCO:

7 Q. Just go ahead and tell the Court your name.

8 A. My name is Ann Batters.

9 THE COURT: Is it Miss or Mrs.?

10 A. Mrs.

11 Q. And I believe you're a second grade teacher at
12 Crystal Spring Elementary School in Roanoke City.

13 A. Yes, sir.

14 Q. And you've been a teacher for some, three years?

15 A. Yes, sir.

16 Q. And last year here at Crystal Spring?

17 A. Not the entire year.

18 Q. All right. And was one of your students one of
19 the children of Mr. and Mrs. Rochelle?

20 A. Yes, sir.

21 Q. Which child was that?

22 A. Carl.

23 Q. And how long were you Carl's teacher?

24 A. From mid-January to the end of the year.

25 Q. Basically about the last sixty percent of the

Ann Batters - Melesco

1 school year?

2 A. Yeah...well, last half of the school year. I
3 started at second semester.

4 Q. I take it the teacher before you was on leave or
5 got sick or something.

6 A. Her husband was transferred.

7 (Witness directed by the Court to speak so everyone
8 can hear her testimony.)

9 Q. Mrs. Batters, this is sort of off the wall a
10 little bit. Would you just go ahead and tell us your im-
11 pressions and observations of Carl, what kind of student he
12 was and particularly regarding any truancy or tardiness
13 problems or behavior problems.

14 A. In my professional opinion Carl was an average
15 student. I gave him all B's for his final grades. There
16 was a problem with tardiness at, when I first started, but
17 that seemed to improve toward the end of the year. He was,
18 he had a record of absence that was larger than I would
19 think normal, but I don't know all the circumstances in-
20 volved with the absences. I believe he missed twenty days
21 out of this school year.

22 Q. Out of the whole school year, or out of the six
23 months you...

24 A. Out of the whole school year.

25 Q. When you say an average student, do you mean he

Ann Batters - Melesco

1 just performed averagely in the classroom?

2 A. Yes, sir.

3 Q. Any behavior problems?

4 A. No, sir.

5 Q. Was the tardiness peculiar of any one day or...

6 A. Mostly Mondays.

7 Q. Did you ever talk to his mother about it?

8 A. No, sir.

9 Q. Did she ever talk to you? Did she come in for
10 conferences or anything?

11 A. No, sir. Not about...she didn't come about tardi-
12 ness.

13 Q. She came in for her regular conferences with you.

14 A. Mm huh. (Affirmative)

15 Q. When you say "tardy," how tardy is tardy, or what
16 did it average?

17 A. School started at 9:00, and Carl would arrive
18 about 9:20.

19 Q. This was after the school buses had run.

20 A. Yes, sir.

21 Q. Was Carl particularly strong or particularly weak
22 in any academic subject or in particular area of the learning
23 program--reading, writing or math or whatever it be?

24 A. He wasn't particularly weak in any area, but I
25 wouldn't say he was particularly strong in any area either.

Ann Batters - Melesco
- Alexander

1 He was just a good, average student.

2 Q. Answer any questions Mr. Alexander and the Court
3 might have.

4 EXAMINATION BY MR. ALEXANDER:

5 Q. Mrs. Batters, you say that he would arrive at about
6 9:20. This was after the school bus had arrived. Do you
7 know whether or not he rode the bus?

8 A. I don't believe he, he was a, a rider. I believe
9 he walked to school.

10 Q. You say he was no behavior problem.

11 A. No, sir.

12 Q. And from...do I take it from your testimony then
13 that he is, he was your basic, average student. Is that...

14 A. Yes, sir.

15 Q. Would that be a fair statement?

16 A. Yes, sir.

17 Q. All right now, you say that although Mrs. Rochelle
18 had not talked with you about the tardiness problem, she had
19 had the regular conferences with you. Is that correct?

20 A. Yes, sir.

21 Q. Does your school have things like parent's night
22 and that sort of thing?

23 A. We have a, a conference day scheduled for parents
24 about mid-semester to discuss the child's progress.

25 Q. With reference to the PTA, do you know whether or

Ann Batters - Alexander
- By the Court

1 not Mrs. Rochelle was active in the PTA?

2 A. No, I don't.

3 Q. You don't know?

4 A. No, sir.

5 Q. Okay. I have no other questions. Thank you,
6 ma'am.

7 EXAMINATION BY THE COURT:

8 Q. Mrs. Batters, let me ask you this: Did Carl per-
9 form up to his, what you would think would be his level of
10 learning?

11 A. Yes, he did.

12 Q. Did he...the reason I ask you this, this is an on-
13 going situation, and you just happened to get into it. But
14 there's testimony to the Court previously that Carl could be
15 an exceptional student based on his ability to learn. Did
16 you find that true?

17 A. No, I didn't. Not based on the tests that we gave
18 in March. It did not show that he was an exceptional stu-
19 dent.

20 THE COURT: All right. Any further questions of this
21 lady?

22 MR. MELESCO: No, sir.

23 THE WITNESS STOOD ASIDE.

24 JOE COPENHAVER

25 called as the Court's witness, after having

1 first been duly sworn, testified as follows:

2 EXAMINATION BY MR. MELESCO:

3 Q. Tell the Court your name please.

4 A. My name is Joe Copenhaver, and I'm the principal
5 of Crystal Spring Elementary School in Roanoke, Virginia.

6 Q. And that's in the city.

7 A. That is Roanoke City.

8 Q. And I take it, you're the supervisor of Mrs.
9 Batters and also the (one word) in charge of the school, the
10 whole operation.

11 A. That is...that is correct.

12 Q. And we're all over here shooting in the dark, but
13 is there anything...you heard Mrs. Batters testify?

14 A. I did.

15 Q. Is there anything you can add? Did you have any
16 conversation with the mother about the truancy of the child
17 ...not truancy, about the tardiness of the child?

18 A. I had no conversations about truancy, no.

19 Q. Or the absences of the child?

20 A. No, I did not.

21 Q. Did you...were the absences reported to you as
22 part of the record?

23 A. As part of the record of, of a regular school
24 attendance report, they are, yes.

25 Q. But there's no follow-up from you as to why the

Joe Copenhaver - Melesco
- Alexander
- By the Court

1 child was absent or late.

2 A. No, it has not.

3 Q. That's all.

4 THE COURT: Questions?

5 EXAMINATION BY MR. ALEXANDER:

6 Q. Mr. Copenhaver, had you considered it an abnormal
7 problem with the truancy and the tardiness, would you have
8 followed it up in some manner?

9 A. If I had considered it very abnormal...the average
10 attendance for a child in school is usually anywhere from
11 eight to ten days for the average child.

12 Q. And this, as far as the absence, would be slightly
13 outside the norm, but not to the point where you considered
14 it a problem where you would have to follow it up. Is that
15 correct?

16 A. That would be a fair statement.

17 Q. All right, sir. Thank you. I have no other
18 questions.

19 EXAMINATION BY THE COURT:

20 Q. Mr. Copenhaver, do you know anything on earth about
21 the young man other than what his teachers have reported to
22 you?

23 A. The only additional information I'd like to maybe
24 report is the fact that we test our children through what we
25 call the SRA Achievement Test, and we test each child in the

1 school each year. In the second grade we tested the children
2 in March. At that point Carl was the second year, the
3 seventh month of school. According to the test results that
4 we received on this particular test, Carl was in the eighty-
5 one percentile for all his scores combined. We give another
6 test which we call the Educational Ability Series which
7 pointed out that Carl was in the seventy-seven percentile.
8 That would be his potential as far as achievement is con-
9 cerned. According to the test, a breakdown, math was his
10 weakest area, but at the same time, if we're talking about
11 grade equivalence with a, in reading his grade equivalent
12 for reading was fourth grade, seventh month. For math it
13 was third year, first month. And then for the language
14 arts, I believe he was in the...well, he was in the fourth
15 grade, third month. The reading would put him in the eighty-
16 six percentile. The math would put him in the fifty-eight
17 percentile, and the language arts would put him in the
18 eighty-six percentile. So, according to his ability level
19 versus his performance in the classroom, he is achieving to
20 his ability. If we're talking in terms of...if we're talk-
21 ing in terms of all children, the eighty-one percentile, of
22 course--fifty percent being your normal range--he would be
23 above average as far as his performance is concerned. But
24 again, when we're talking about identifying children for,
25 say for example, our gifted program, we're talking about a

Joe Copenhaver - By the Court
- Mr. Melesco

1 composite score or a, overall score of ninety-seven percen-
2 tile, and this was in the eighty-one percentile that we're
3 talking about Carl.

4 Q. In other words, he is not--and nothing wrong with
5 it because I think I was considerably lower than that--he's
6 not a gifted child.

7 A. By the guidelines that we're presently using in
8 the state of Virginia, he would not be identified as a gifted
9 child, no. His EAS score which is, is really not an IQ per
10 se, ranges around a hundred and thirteen. It, it comes
11 close sometimes to an IQ score, but based on this informa-
12 tion that we have--this, this is our test score results. I
13 thought you might, the Court might want to be aware of that.

14 Q. I appreciate that very much. Any of you gentlemen
15 have any further questions of Mr. Copenhaver?

16 MR. ALEXANDER: I have no questions.

17 MR. MELESCO: Just one question.

18 EXAMINATION BY MR. MELESCO:

19 Q. I take it you're quite familiar with these scores
20 and how the tests are administered and what they're geared
21 to find, aren't you?

22 A. Correct. I hope, I hope so anyway.

23 Q. Would a child...would it be possible for a child
24 two years before to have a, be gifted by some, considered
25 gifted by his teachers and to slip down to where you've

Joe Copenhaver - Melesco

1 described Carl?

2 A. Would you repeat the question please?

3 Q. Is it possible for a child to diminish in his
4 ability? Could a child be gifted two years ago and now just
5 be in the eighty-one percentile and not gifted, according
6 to you?

7 A. Once a child is identified for our gifted program,
8 he is considered gifted and therefore, is, follows through
9 as far as the...

10 THE COURT: What he means, Mr. Copenhaver, I think,
11 say he's been identified as a gifted child in Maryland, say,
12 or northern Virginia.

13 A. Mm huh.

14 THE COURT: Say, two years ago or a year ago, would it
15 be possible for his ability to deteriorate?

16 A. I would have to say it would depend upon the test
17 that is being administered as to what, what...I would say
18 the chances of the overall performance deteriorating that
19 much, no. But we use our SRA test in the state of Virginia,
20 and it is geared to the top three percent identified on this
21 particular test, and very seldom does a child deviate a
22 great amount from that particular test scores. Test scores
23 can fluctuate from year to year, but normally they stay
24 within the same range.

25 THE COURT: Further questions of Mr. Copenhaver?

1 MR. MELESCO: No, sir.

2 THE WITNESS STOOD ASIDE.

3 THE COURT: Thank you, Mr. Copenhaver. Both of you
4 may be excused if you see fit. All right, Mr. Melesco.

5 MR. MELESCO: At this time, your Honor, we would like
6 to read into the record, and I hope the Court will bear with
7 us by this. We think it is very important information, and
8 we would like to read it. There was depositions taken and
9 notice was served upon Mrs. Rochelle's counsel at the time,
10 and depositions had been filed. And we would like to read
11 it at this time into the record.

12 THE COURT: Going to read it into the record or do you
13 want to file your depositions?

14 MR. MELESCO: I'd like to read it into the record.

15 THE COURT: All right, sir.

16 MR. MELESCO: I need the Court copy of it...to read...
17 deposition was changed.

18 MR. ALEXANDER: Do I assume those are the Shenker
19 depositions?

20 MRS. DILLON: Yes.

21 THE COURT: Mr. Melesco.

22 MR. MELESCO: The originals were filed with the court,
23 your Honor, to be certified...

24 THE COURT: May I ask, which, which deposition do you
25 want to read?

Shenker Deposition - Carlberg Examination

1 MR. MELESCO: Oh, just the Shenker deposition. The
2 other ones have been introduced. Do you want to sit over
3 here with me, or have you got a copy?

4 THE COURT: Do you have a copy...

5 MR. ALEXANDER: I do not have a copy, your Honor...if
6 I might.

7 THE COURT: If you would look on, over Mr. Melesco's
8 shoulder then.

9 DEPOSITION OF SHIRLEY L. SHENKER, PSYCHOLOGIST,
10 read into the record by Mr. Melesco (Mrs. Carlberg); Mrs.
11 Dillon (Mrs. Shenker), and Mr. Alexander (Mr. Mains, attorney
12 for Mrs. Rochelle) as follows:

13 EXAMINATION BY MRS. CARLBERG:

14 Q. Would you please state your full name and address?

15 A. Shirley L. Shenker, 7210 Beechwood Road, Alexan-
16 dria, Virginia, 22307.

17 Q. What is your profession?

18 A. I'm a psychologist. I've worked as a psycholgist
19 for thirty years.

20 Q. Do you have any kind of specialty as a psychologist?

21 A. The largest part of my work is with children and
22 parents.

23 Q. What is your educational background?

24 A. I have a master's degree in clinical psychology.
25 I'm licensed as a psychologist in the state of Virginia.

Shenker Deposition - Carlberg Examination

1 I'm a member of the American Psychological Association, a
2 member of the Virginia Psychological Association and a member
3 of the American Academy of Psychotherapists.

4 Q. Have you ever qualified in court as an expert in
5 custody cases?

6 A. Yes.

7 Q. Do you have children of your own?

8 A. I have two grown sons, twenty-six and twenty-three.

9 Q. Did there come a time when you saw Mr. Rochelle?

10 A. Yes. Mr. Rochelle came to see me about his sons
11 and mentioned the fact that he and his wife were divorced,
12 and that there was a custody case in process.

13 Q. Can you recall when you saw them?

14 A. I saw Carl on August 25th and John on August 26th,
15 I believe were the exact dates.

16 Q. Did you ever see Mr. Rochelle?

17 A. Yes. I talked with Mr. Rochelle, I guess, a
18 couple of weeks before I saw the boys.

19 Q. Has Mr. Rochelle discussed family counseling with
20 you?

21 A. Yes. He indicated that he thought whoever raised
22 and cared for the boys would benefit from the counseling
23 relationship with someone, and that were he to be the one,
24 he certainly would avail himself of that.

25 Q. Can you tell me whether or not he had indicated

Shenker Deposition - Carlberg Examination

1 to you that he, that he had testified to this fact in court
2 in a custody case?

3 A. I believe he said he did. I believe he said he'd
4 testified to that effect.

5 Q. With regard to Carl, to the child, Carl, did you
6 give him any tests?

7 A. Yes. I gave Carl a battery of projective tech-
8 niques or tests. I used playroom observation and interview.

9 Q. Can you name those tests that you gave him? Did
10 you give him the Rorschach test?

11 A. Yes. The Rorschach; the thematic apperception
12 test; the children's apperception test; the house-tree-
13 person method; the most pleasant-unpleasant drawing method;
14 the drawing of a family, and sentence completion. I think
15 those were the tests I used.

16 Q. Are these recognized tests that psychologists
17 give in, give in testing children with regard to their
18 emotional stability?

19 A. They are tests that are used to get some notion of
20 emotional stability, but also to learn what the thoughts
21 and feelings of a youngster may be.

22 Q. At the time that you saw and tested the children,
23 did you take notes during the time that you tested them and
24 spoke with them and observed them?

25 A. Always.

Shenker Deposition - Carlberg Examination

1 Q. What did you find from your evaluation of Carl?

2 A. Well, I pulled some things together here from my
3 notes so they would be accessible. There's evidence in
4 Carl's material that separation from his father has been
5 very difficult for him. His description of his drawing of
6 the most pleasant thing he can think of, or remember, is
7 relevant here. He says, "These are one of my dreams--a fun
8 ride at the beach, one boat drops down. Off the ramp we go.
9 We're flying on the beach and up comes a storm, and then
10 up comes Jaws. Jaws is in the ocean. Oh, no, my treasure
11 is there. Help." And he doesn't get his treasure. These
12 are Carl's words. His association to this drawing and story
13 is that he went to the beach this summer with dad, his
14 brother John, and Nancy. Carl's response to one of the
15 Thematic Apperception test pictures includes the idea of
16 suicide. The apples on the apple tree he draws display a
17 pronounced drooping posture. They really hang down.

18 Q. Is this normal for this age child?

19 A. When we see apples hanging down, we associate that
20 with depression, and some of these are hanging down quite
21 far. Carl's bonding to his father is a strong and positive
22 one. In the playroom he played a good deal with the stuffed
23 and plastic animals, and the big and little animal twosomes
24 were always seen as father and child. He saw all the animal
25 families in the playroom as parented by fathers. The animal

Shenker Deposition - Carlberg Examination

1 fathers spoke warmly and kindly to their children. In his
2 response to projective stimuli, he sees fathers as giving
3 calm, clear guidelines and constructive discipline. An
4 example is his story about one of the thematic apperception
5 test pictures. He's putting the kid to sleep, telling him
6 to be quiet. "Shut your eyes. Lie down." And Carl's tone
7 of voice is pleasant and relaxed as he describes this. His
8 description of his real father's method of discipline is
9 consistent with his response to projective stimuli. He
10 describes dad's system of discipline as sit in the corner,
11 privileges taken away, sent to bed. He states it's a better
12 system than mother's which he describes as whips, puts to
13 bed. In Carl's material there is evidence of consi-, con-
14 siderable ambivalence in relation to his mother. His
15 description of the unpleasant things he can think of, or
16 remember, is relevant. This isn't going to be a smiling
17 face. It looks like it's going to be a smiling face. The
18 kid's sticking his tongue out, and 'cause he did it, his
19 mother cut off all his hair. "It's one of my dreams. Stick
20 your tongue out at yourself, you." He says it in an angry
21 and antagonistic tone.

22 Q. I'd like to have copies of those made and move
23 those to be introduced. Do you have any objection?

24 MR. MAINS: No. Those are drawings which Carl made
25 during the course of the testings that you gave him. Is

Shenker Deposition - Carlberg Examination

1 that right?

2 A. Yes.

3 MR. MAINS: No, I don't have any objection.

4 A. His responses to projective stimuli are consistent
5 with this attitude. His story about one of the children's
6 apperception test cards is as follows: Mamma Bear and Papa
7 Bear and Baby Bear are having a tug-of-war. Papa and Baby
8 let go, and Mamma falls back and hurts her head. And he
9 laughs in a vindictive tone and says, "Goody." His story
10 about another children's apperception test cards is as
11 follows: Peter Rabbit is in the bed. "Mamma, get me out
12 of this bed." "No, you stay in or I'll whip you." "I'm
13 getting out, Mamma." "Bang, bip, bop," as he acts out the
14 physical violence. His story about a thematic apperception
15 test picture follows: She's checking to see if the kid's
16 asleep, and if the kid isn't asleep, she's going to come up
17 and spank him. This story is given in an angry tone of
18 voice.

19 MR. MAINS: I'm going to object to that characteriza-
20 tion and similar characterizations because that's a matter
21 of opinion. I don't believe that that sort of characteri-
22 zation is proper. I realize that the witness can give
23 opinions about psychology but her opinions about anger and
24 expressions such as that are conclusions which are not
25 within the realm of opinions to be expressed in this fashion.

Shenker Deposition - Carlberg Examination

1 So, I'll register my objection to those.

2 Q. Let me ask you. With regard to the tone of voice
3 in which Carl spoke, was the tone of voice different than
4 the tone of voice in which he normally talked to you?

5 A. Markedly so.

6 Q. Did he grit his teeth or show any tightening of
7 mus-, muscles or anything in his face or in his body when
8 he spoke?

9 A. The facial expression was different, and the tone
10 of voice was markedly different. The intonation was dif-
11 ferent.

12 Q. Would you like to continue?

13 A. Carl is exhibiting signs of a rebellious, antag-
14 onistic attitude becoming generalized in relation to
15 authority. His response to some of the sentence completion
16 items given is, for example: I don't like people who...and
17 Carl completes it, "slap me around because I'll slap them
18 back if they slap me around when I'm tired. I'll take care
19 of them," in a menacing voice.

20 Q. Okay. I have no question. Go ahead.

21 A. Another sentence completion item is, given is:
22 When I can't do what I want to, I...and Carl completes it,
23 "get mad." Another is, given is: If I were the boss at
24 home, I...and Carl completes it, "I'd tell my kids, I'd
25 tell Mom and Dad what to do," in an antagonistic tone.

Shenker Deposition - Carlberg Examination

1 It seems to me that a need for consistent and non-incendiary
2 guidance and discipline becomes important for Carl. There's
3 evidence in Carl's material of fears and distrust around
4 being left alone by his mother. His response to one of the
5 children's apperception test pictures is as follows: Little
6 Baby Bear is in his crib. He feels scared. His mother is
7 gone, and he's the only one there. In conversation with
8 me, Carl said, "When I'm staying an hour alone, it's scary.
9 Once my mother let me stay alone in the house from Saturday
10 morning until 4:00 o'clock, and I was so scared, I called
11 my father three times. I told Mom I was scared and called
12 Dad, and she got real mad because I called Dad." Carl
13 indicated that all of the animal babies in the playroom
14 wanted to live with their father. Carl said he wanted to
15 live with his father. That's pretty much what I felt I'd
16 pulled together in some of the trends and patterns in Carl's
17 material.

18 Q. In your professional opinion, what is the signifi-
19 cance of these trends that you have described from this
20 material, Mrs. Shenker?

21 A. I think, to see a child this age depressed enough
22 to include a theme of suicide in his response, I think the
23 repetitive occurrence of the theme of antagonism and anger,
24 the fears around being left alone and so on, are things of
25 concern. I think that it means that Carl is experiencing

Shenker Deposition - Carlberg Examination

1 a good deal of pressure and discomfort certainly at the
2 present time.

3 Q. In your professional opinion, are these fears very
4 real to him?

5 A. There's no question about it.

6 Q. Your, your answer then is yes.

7 A. Yes.

8 Q. What did you find in John's material?

9 A. There's evidence in John's material...

10 Q. Let me ask you. Did you give John the same tests
11 that you gave Carl?

12 A. Yes. The format was very similar for the two boys.
13 There's evidence in John's material that he sees his mother
14 as emotionally volatile and labile. On a sentence comple-
15 tion item is, given is: I'd really be happy if...and John
16 completes it, "my mother did not fight." Given is: I like
17 my mother, but...and he completes it, "my mother is a dumb
18 mother." There's evidence of John's negative attitude
19 toward authority in his material. On a sentence completion,
20 given is: What I want to happen most is...and John completes
21 it, "do whatever I want to." Another one is given: What I
22 want more than anything is...and John completes it, "do
23 whatever I want to." Another sentence completion given:
24 When my parents tell me to do something...and John completes
25 it, "I do not like it. I like dumb." John saw the animal

Shenker Deposition - Carlberg Examination

1 babies as alternating in their wish to live with their
2 mother and their father. In conversation, John said he
3 wanted to live with his father and visit his mother for two
4 weeks vacation. Another sentence completion of John's was:
5 I like my father, but...and he finishes it, "he's nicer than
6 a woman."

7 Q. What is the significance of these trends that
8 you've described about John?

9 A. Well, I think this antagonism toward authority,
10 this negative, red-flag response to authority is showing up
11 in both boys and is a cause for concern.

12 Q. Is this normal, this attitude, how you've described
13 it, is this normal with children their age, at their
14 respective ages?

15 A. It's very unusual to ask a child, what I want more
16 than anything is, and they come up with "to do with, what-
17 ever I want to." Usually they've got a wish list of a
18 positive thing, you know, from a toy to an experience, to
19 money. And what John wants more than anything is to do
20 whatever he wants to. That is not usual.

21 Q. Do you find that response, "to do whatever I want
22 to," as a positive or negative response?

23 A. I think it's a response that I'm concerned about.
24 If a youngster puts that much energy into wanting to do what-
25 ever he wants to, then the allocations of his energy, it

Shenker Depositions - Carlberg Examination

1 seems to me, are not going in the direction of putting them
2 into growth and achievement, learning experiences and the
3 kinds of things we would hope for them.

4 Q. This wish to do anything that he wanted to do,
5 did you find that he repeated it, or not, throughout this
6 interview?

7 A. Well, I've mentioned here about three of them
8 that have similar themes. What I want to happen most is:
9 "do whatever I want to." Incidentally, on the sentence
10 completion test, these are not consecutive. Let me see how
11 many items there are. There are forty-nine items, and
12 these that I've picked out here are scattered throughout.
13 They are separated by a number of other items coming in
14 between. This theme is strong enough and consistent with
15 John that he can pull it out any time he gets an opportunity,
16 you know. And so, here we have: What I want to happen most
17 is "do whatever I want to." What I want more than anything
18 is "do whatever I want to." "When my parents tell me to do
19 something, I do not like it. I like dumb." And there's a
20 lot of consistency.

21 Q. What did you find, in your opinion, was his atti-
22 tude towards his mother?

23 A. I think he sees her as someone who is of a very
24 volatile, emotional makeup. He sees her as somewhat explo-
25 sive--the fighting, the meanness, and so on. I think that

Shenker Deposition - Carlberg Examination
- Mains Examination

1 his perceptions of her include those trends.

2 Q. In your opinion, how did you find his father?

3 A. Well, it didn't come through, you know, as clear
4 as Carl's, but "I like my father," but, in the sentence com-
5 pletion, and he finishes it, "he's nicer than a woman," and
6 so on, it's one item. I think John is really less fixed
7 in his perceptions of both parents. I think he experiences
8 his mother as kind of stormy and rocky and so on. But as
9 far as definite, definite perceptions of his parents, I
10 think they are less fixed as compared to Carl.

11 Q. I have no further questions.

12 EXAMINATION BY MR. MAINS:

13 Q. How old is Carl, Mrs. Shenker?

14 A. I think Carl is either eight, or will be. I think
15 of him as an eight-year-old. John's birth date is December
16 '74, and Carl's is in January '72. So Carl will be eight
17 in January.

18 Q. What materials, if any, were you given by the
19 boys' father, Mr. Rochelle, prior to your seeing them?

20 A. Mr. Rochelle talked with me in my office about his
21 views of what had happened in the family. I don't remember
22 his giving me any information. I have the study from the
23 Department of Social Services, and I don't really remember
24 for sure if Mrs. Carl, Carlberg sent that to me or Mr.
25 Rochelle brought it to me.

Shenker Deposition - Mains Examination

1 Q. You had that material prior to your seeing the
2 boys?

3 A. Yes, I had that prior to seeing the boys.

4 Q. Anything else?

5 A. No.

6 Q. What history or what views did Mr. Rochelle give
7 you concerning his attitude towards or his opinion of the
8 situation in the family?

9 A. He wanted to have custody of the boys because he
10 cared very much for them. He felt he was able to provide
11 a better home and environment for them, and he was worried
12 about some of the things that his wife represented in terms
13 of parenting.

14 Q. What were those things he objected to, to you?

15 A. He said there was a lot of foul language, that
16 there was a lot of physical violence or discipline.

17 Q. Spanking?

18 A. Whipping and spanking and so on, and he said that
19 commonly you would hear things like "You mother fucking
20 little bastards, if you don't," you know, "do thus and such,
21 I'll whip you," and so on. He felt she was unstable. I
22 think he was critical of her morals.

23 Q. This information he gave you prior to your seeing
24 the boys. Is that true?

25 A. Yes. In the interview, he expressed it.

Shenker Deposition - Mains Examination

1 Q. How was it that you, that you were to see the
2 boys? First, did he tell you what the boys themselves knew
3 or what he had told them regarding the dispute between he
4 and his wife regarding the children?

5 A. I guess I don't know precisely what you mean. The
6 boys, I guess, had been exposed to a lot of storminess
7 between the parents, but...did you have something specific
8 in mind?

9 Q. I was curious to know whether he told you what
10 the boys knew, if anything, about the legal situation, about
11 any Court rulings, about any hearings, about any pending
12 machinations legalistically.

13 A. I'm trying to think if he did or not.

14 Q. Did the children express this to you?

15 A. No, the children did not.

16 Q. They did not talk to you about this or indicate
17 knowledge one way or the other about this to you during
18 your interviews with them. Is that true?

19 A. That's true, yes.

20 Q. How was it that you were to see the children?
21 By that I mean, do you know what explanation was given to
22 the children regarding their visit to you by their father?

23 A. No, I don't know for sure, but I think that I had
24 suggested that...and it's what I suggest to most parents
25 when they bring their children to me for an evaluation,

Shenker Deposition - Mains Examination

1 and certainly ninety-five percent of my work is non-legal.
2 But I imagine I suggested to Mr. Rochelle that I, what I
3 suggest to most parents--and that is: This is a lady whose
4 work is to understand how children are feeling, and see if
5 there's any way to, to help them feel as good as they can,
6 or something along that line.

7 Q. What, if any, explanation did you give the chil-
8 dren as to the purpose for their visit?

9 A. I gave them none.

10 Q. Did they indicate to you any basis of information
11 that they had received about why they were there to see you?

12 A. They both said things about "My mom would be mad."
13 Carl seemed concerned that he would say to me ought not to
14 go back...that what he would say to me ought not to go back
15 to his mother, and this kind of thing.

16 Q. He did not, however, express any knowledge about
17 litigation or pending litigation, one way or the other?

18 A. No.

19 Q. He didn't say he didn't know about it, or he
20 didn't say he did?

21 A. That's right. It didn't come up.

22 Q. What of those tests that you gave these children
23 were in a written form, or that are in written form, either
24 from the standpoint of your writing down responses or their
25 doing responses? We have some drawings.

Shenker Deposition - Mains Examination

1 A. Children of this age, you don't give tests where
2 they write the answer, but, of course, I write down verbatim
3 what I get from them as much as I can. And that material
4 is all here. There...these are all the responses and notes
5 and stories that I wrote down as I showed them the pictures
6 and asked them to tell me a story about the pictures, or as
7 I would show them an inkblot card and say, "Tell me what it
8 looks like or makes you think of," or whether I would read
9 a sentence completion item to them and ask them to complete
10 it, or when I would ask them to draw these various kinds of
11 drawings.

12 Q. They are quite voluminous. Can I have a stipula-
13 tion by counsel that we can just have a copy made, rather
14 than go through them all and take up the deposition time
15 and try to reproduce them...reproduce them verbally?

16 MRS. CARLBERG: Reproduce what?

17 Q. The results of her tests. I'm not sure how much
18 somebody can get out of them, but I want to have them repro-
19 duced.

20 MRS. CARLBERG: Do you mean her notes?

21 Q. Her notes.

22 MRS. CARLBERG: I have no problem with that.

23 Q. So, by stipulation, we'll get a copy of Mrs.
24 Shenker's notes. All right. You indicated that he
25 described to you a visit to the beach, and he told you a

Shenker Deposition - Mains Examination

1 story about going to the beach, when you asked him to
2 describe the happiest thing, I think you...

3 A. ...the most pleasant.

4 Q. The most pleasant, and it included ultimately a
5 description of Jaws. Is that right? In the story?

6 A. Jaws, and he lost his treasure.

7 Q. He went to the beach with Dad, brother and Nancy.
8 Who's Nancy? Do you know?

9 A. I guess she's a friend. She's an adult woman.
10 She's not a child.

11 Q. You indicated that one of the responses to the
12 TAT included suicidal adiation. (MR. ALEXANDER: No, that's
13 ...ideation. I believe there should be a correction there.
14 I think it's in the file, your Honor.)

15 (THE COURT: All right.)

16 Q. ...Tell me what specifically, what specifically
17 was, what that response was.

18 A. I'll locate the card for you and then read you
19 the response.

20 MRS. CARLBERG: Off the record. Back on the record.

21 A. He's climbing out the window to jump off to kill
22 himself, and if it isn't that, he's going outside.

23 Q. You indicated that he saw the situation in one of
24 the--I think in some of the play articles as constituting
25 a tug-of-war between parents. Is that true?

Shenker Deposition - Mains Examination

1 A. This was one of the pictures on the children's
2 apperception test.

3 Q. That, for the record, is the picture of the three
4 bears actually tugging on a rope.

5 A. I'm sorry. Would you say that again?

6 Q. I said, just for the record, that's the picture
7 indicating the three bears actually tugging on a rope. Is
8 that true?

9 A. Not everyone sees it as the tugging on a rope,
10 but it is a common response as tugging on a rope. It's very
11 uncommon to be pleased when the mother falls down and hurts
12 her head.

13 Q. I understand. But I'm just describing it for
14 the purpose of somebody else reading this.

15 A. Yes.

16 Q. His description included the mother falling down...

17 MRS. CARLBERG: Off the record. (MR. MELESCO: Where-
18 in the documents were marked.)

19 Q. You indicated that Carl felt a fear of being alone?
20 In your practice, isn't it a fact that, that this is almost
21 an universal feeling among children--that is, a fear of
22 being alone?

23 A. I think most children at that age would not want
24 to be alone, but most children that age are not worried
25 that they're going to be left alone. That's the difference.

Shenker Deposition - Mains Examination

1 Q. Your experience doesn't include an actual, ex-
2 pressed fear on the part of most children about the idea of
3 being left alone?

4 A. No. The differentiation is that most children
5 aren't afraid they, aren't afraid they would be left alone.

6 Q. Was there some expression by Carl that he thought
7 he was going to be left alone? That was what I understood
8 you to testify to.

9 A. Yes, I did, indeed, intend that you just said...
10 what you just said. I could go back and read you the...he
11 says...there is evidence in Carl's material of fears and
12 distrust around being left alone by his mother. In response
13 to this card, "Little baby bear in his crib. He feels
14 scared. His mother is gone, and he is the only one there."
15 In conversation with me, Carl said, "When I'm staying an
16 hour alone, it's scary. Once my mother let me stay alone
17 in the house from Saturday morning until 4:00 o'clock, and
18 I was so scared, I called my father three times."

19 Q. I recall that testimony. That's what I meant.

20 A. "I told Mom I was scared and called Dad, and she
21 got real mad because I called Dad."

22 Q. Other than that, was there any other expression
23 that he felt that in the future he would be left alone?

24 A. We didn't discuss it. We didn't discuss it, but
25 I would say that...

Shenker Deposition - Mains Examination

1 Q. If you didn't discuss it, I would want to know
2 what, know the predicate for it.

3 A. There is no question but what there is a concern
4 here, you see.

5 Q. Uh huh. I take it that basically the conclusion
6 that you came to about John that would be of signifi-, of
7 significance is the one that you expressed about the fact
8 that he apparently wants to do pretty much whatever he
9 wants to do.

10 A. Mm huh.

11 Q. During the course of your testing of these boys,
12 did you uncover anything that you would call or be of the
13 opinion that indicated any mental or emotional illness?

14 A. You know, I would say I think there are problems,
15 not illness.

16 Q. Is it common in your practice to see problems in
17 children whose parents have separated recently?

18 A. I think that any child whose parents are going
19 through separation and divorce is experiencing something
20 that is painful, and it's simply a question of how they deal
21 with it and how it manifests itself--that is, where one
22 decides how concerned and what step one would think ought
23 to be taken.

24 Q. Did you accept as true the descriptions of Mrs.
25 Rochelle given to you by Mr. Rochelle?

Shenker Deposition - Mains Examination
- Carlberg Re-examination

1 A. My practice is that I listen to what the parent
2 has to say that brings children to me under these circum-
3 stances, but after I see the children, I may feel there is
4 contradictory input, I may feel there is corroborative
5 input, or I may feel something else. You might find it
6 interesting to know that my arrangement with any parent
7 coming to me is that there is no commitment on my part to
8 participate in a custody case until after I've seen the
9 children and make a determination myself as to whether I
10 think I have something useful to contribute on their behalf.
11 It is not uncommon for me to say after that point that I
12 cannot participate in your custody case.

13 Q. That's all I have.

14 RE-EXAMINATION BY MRS. CARLBERG:

15 Q. Mrs. Shenker, after you saw the children and
16 talked with them...strike that. Prior to seeing the chil-
17 dren, what had been your decision with regard to your
18 participation in this case?

19 A. Prior to seeing the children?

20 Q. Prior to.

21 A. I had no decision.

22 Q. What decision did you make after you saw the chil-
23 dren?

24 A. I felt that I had information that might be useful
25 to anyone who would be making decisions as far as the care

1 of the children was concerned.

2 Q. Have you any recommendations or any findings that
3 you would make in this...make in this regard with regards
4 to what should happen to the children?

5 A. Well, I think that that's something that the Court
6 has to determine. I think that my input has been rather
7 easy to read, and I would think that it probably would be
8 better to take that input and use it in the context of the
9 situation.

10 Q. I have no further questions.

11 MR. MAINS: I have no further questions.

12 (Reading of the Deposition was thereby concluded.)

13 MR. MELESCO: I'd ask that it now be placed on the
14 record, your Honor.

15 THE COURT: All right.

16 CARL ROCHELLE

17 the Complainant in this proceeding, after having
18 first been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MRS. DILLON:

21 Q. Mr. Rochelle, would you state your name for the
22 Court please?

23 A. Yes. My name is Carl Rochelle.

24 Q. And where do you live?

25 A. I live at 4618 North Forty-First Street, Arlington.

Carl Rochelle - Direct (Dillon)

1 Q. Are you employed?

2 A. I work for American Broadcasting Company.

3 Q. In what capacity?

4 A. I am editor of the ABC World News Tonight.

5 Q. And what are your working hours?

6 A. Normally, I'm in about 10:00 o'clock and I'm home
7 by about 7:00, Monday through Friday.

8 THE COURT: A.m.? 10:00 a.m. to 7:00 p.m.?

9 A. 10:00 a.m., yes. 10:00 a.m. to approximately
10 7:00 p.m., Monday through Friday, yes.

11 Q. Let's talk about your children.

12 A. Okay.

13 Q. When did you last see your children?

14 A. It's been about three weeks, approximately.

15 Q. Do you see them often?

16 A. Well, I try to see them once a month. The Court
17 gave me permission to see them every other weekend, and for
18 about six or eight months, I did that, and it was just too
19 physically demanding to fly down to Roanoke every other week-
20 end and back, so I...and it's terribly expensive, so I tried
21 to limit myself to once a month. And that's, I have been
22 seeing them with some minor exceptions of aberrations of a
23 week or so, I've been seeing them once a month since then.

24 Q. What is the condition of your children when you
25 see them usually?

Carl Rochelle - Direct (Dillon)

1 A. Well, physically the children are fine. I have
2 noticed...I think Judge Davis is familiar. I made several
3 points that I was very disappointed about the trend the
4 children's language was taking the last time I was in the
5 courtroom, and I've seen very little improvement in that.
6 Both of them would embarrass a sailor occasionally when they
7 get angry. I'm concerned not so much, because we all know
8 that small children pick up words on the street and throw
9 them out, but I am concerned when a child bangs his finger
10 and whips up an "Oh, goddamn it," just like he knew exactly
11 what he was talking about.

12 Q. How old is the child that uses that language?

13 A. Both of them use that language.

14 Q. Both of them?

15 A. In fact, sometimes John, who is five and a half,
16 exceeds Carl. I think Carl has reached a stage of social
17 development now that he realizes in some circumstances he
18 should not use some of the language that he knows. But
19 John just blurts it out.

20 Q. Other than swearing, are there changes in their
21 speech habits? Grammar, and so forth.

22 A. Well, the speech pattern that they are picking up
23 is a speech pattern that is, more or less, indigenous to
24 this part of the country, and I, I would hate to be critical
25 of that. People speak differently in different parts of the

Carl Rochelle - Direct (Dillon)

1 country. And we all realize that the accents are different.
2 No, the things...

3 Q. I didn't mean accents. I meant grammar.

4 A. Grammar. Again, I would not be critical of the
5 grammar because they are, they're young and they are in
6 school, and I find it to be very easy to criticize...when
7 you talk for a living, sometimes it's very easy to criticize
8 someone else's grammar. I'd rather not. I don't think
9 that that's a problem. The things that concern me about the
10 children haven't as much to do with grammar as they have to
11 do with...I don't feel Carl is getting the educational
12 opportunity that he should have. And I've seen Carl work,
13 and I was with him the two years or three years, all of the
14 time he was in Montessori School, and I had him started in
15 Georgetown Day, which is a very nice private school in
16 Arlington, and that was at the recommendation of some
17 counselors. And he was doing very well. And I saw the
18 results of the psychological testing, with an IQ, a certi-
19 fied IQ by a gentleman who does this for a living and is a
20 licensed child psychologist, and his studies showed that
21 Carl did do very well. And I've seen him pick up French,
22 a foreign language, and he was speaking French like a French-
23 man. That's all gone. He doesn't speak French anymore. He
24 doesn't even know what you're talking about when you ask
25 him, "Bon jour, monsieur," he says, "Huh?" That's all gone.

Carl Rochelle - Direct (Dillon)

1 It's disappeared. Now, I think that's sad. I think that's
2 a disappointment.

3 Q. Mr. Rochelle, do you live in a private home or an
4 apartment?

5 A. Oh, indeed, a private home. The children each
6 have rooms. I have done that on purpose. Even though they
7 weren't living with me on a regular basis, I thought they
8 should have, when they were with me, a place that was theirs.

9 Q. Do you own the home, or...

10 A. Yes, I do.

11 Q. ...do you rent it?

12 A. Yes, I do.

13 Q. You do own it. Tell the Court the, the incident
14 about the missed airplane flight.

15 A. Well, there are...instances, to Connie's credit.
16 She has put the children on the airplane, a Piedmont Airliner
17 sending them up from Roanoke the last three times that I have
18 asked her. The three times that I have asked her to do that,
19 she has done that. She was late both of the last two times.
20 The children told me that they were late because they were
21 late getting back from Martinsville from Pa and Grandmommy's.
22 But she missed the flight...the first time she called me and
23 told me that she had missed the flight and would be late and
24 they'd be on the next flight down. The next time she didn't
25 bother to call me. I went to the Piedmont terminal and the

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1 children weren't there. And I had to get Piedmont, and they
2 had to through their Telex systems and everything, check
3 with the, with the Roanoke terminal, and they did tell me
4 after about twenty minutes of frantically searching that my
5 children would be on the next flight. The, the other prob-
6 lem with airline flights, I am not sure the Court's aware of
7 it or not...most of the times that I have come down to the
8 see the children I've flown myself down. I'm a pilot. And
9 I have asked repeatedly that I be, that the children be sent
10 to the airport or brought to the airport to meet me, and the
11 Court so ordered it. Not once has that happened. It's, it's
12 enough when you're paying about, better than two hundred dol-
13 lars to rent an airplane to fly down, but it's just (one
14 word), almost being an indecent act, to pay another thirty
15 dollars just to go over and pick your kids up and back, for
16 taxi fare or limousine. I, and I think that's wrong, and I
17 don't understand why that the Court told me that I would
18 have to have the children back by 9:00 o'clock and I con-
19 formed, and, but not once have the children ever been
20 brought to the airport, and she flatly stated she wouldn't
21 do it, period.

22 Q. Have you had other problems with your visitation
23 rights?

24 A. Well, it is a problem in a sense that I feel like
25 that I'm being abused. For instance, last week Connie and I

Carl Rochelle - Direct (Dillon)

1 had discussed to some length that I would have the children
2 during the month of August, and I told her I'd like to bring
3 them back with me when, after today's hearing, and she said
4 that was all right. And they could stay with me...I'm
5 sorry. Not the month of August. I misquoted myself. The
6 month of July. And she said I could have them, that was
7 fine. And she called me the other day and said, well, after
8 the last visit, and said, "Well, Carl has swimming lessons
9 during the month of July." I said, well, you know, "I'm
10 really sorry about that, but that's, that's my time with the
11 children." "Well, can't you send him back?" "Well, no."
12 "Well, he's just going down to visit your mother." "Well,
13 that's fine; but I'd like for him to visit with my mother.
14 I mean, they're her grandchildren and she loves them, and
15 both of them, and I'd like for her to have some time with
16 them." "Well, that's not important, you know. He'll miss
17 his swimming lessons." I said, "Well, you know, it's really
18 my month to have the children with me and to do with as I
19 wish." And, "Well, who said July was your month?" I said,
20 "Well, the Court said." "Well, no, the Court just said you
21 could have them for a month. They didn't say July was your
22 month." I said, well, you know, "You'll just have to speak
23 with your attorney about that," and I hung up. I refused to
24 discuss it any further. That's one major example. Another
25 major example was at Christmas time. She and I had both

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1 agreed that I would have the children this Christmas, Christ-
2 mas Day. They'd be in my house on Christmas morning, so
3 they would be with me. I would pick them up on either
4 Christmas Eve or the day before Christmas Eve. They would
5 have their Christmas down here before or after. And the...
6 I'm sure Judge Davis is very familiar with the circumcision,
7 aspects of this, since he ruled on that. I was, was then
8 and still am very much opposed to the surgery and thought it
9 was unnecessary, was disappointed that I didn't get a chance
10 to prove that. But I told her I disagreed with it, and be-
11 cause I wouldn't dis-, agree with it, she said, "You can't
12 have the children for Christmas." And I said, "I don't
13 think that's right. You had the children last Christmas. It
14 is my turn to have them this Christmas." "Well, you're not
15 going to have them." I said well...I called David and David
16 addressed the matter with the Court, and the Court decided
17 to let her have them on Christmas Day. So she has had them
18 for Christmas Eve and Christmas Day two years in a row. I
19 got them the day after. It messed up all of my plans. Just
20 like her apparent decision now that July is not my month,
21 an arbitrary decision after agreeing to it, now means that
22 the vacation I have taken--if, I mean, if she's allowed to
23 do that, the vacation that I have taken--and the preparations
24 that I have made for them to be up there won't come through,
25 simply because she arbitrarily changed her mind. And I don't

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1 think that's fair, and I don't think it's right.

2 Q. Mr. Rochelle, when you said you called David, you
3 mean David Melesco, your attorney?

4 A. David Melesco, my attorney. And asked him to
5 research the matter. It was one more instance that I can
6 recall, and...Mother's Day weekend...I'm not sure the, is
7 May something or other, whatever Mother's Day weekend was...
8 happened to be in my cycle of two weeks, two weeks. I was
9 trying to maintain a cycle so that there would be some form.
10 So I called down the week before and said, "Hey, I'd like to
11 have the children come up next weekend. Would you put them
12 on a plane and send them up?" "Yeah, that's fine. Okay."
13 So I, you know...well, I was doing some work on a story that
14 weekend, so I went on down to the office and I fooled around
15 --and not to, so that we're established--I do not work week-
16 ends. When I work on the weekends, it's at my pleasure and
17 my leisure. I do it by choice and not by job. I went down
18 to the office and checked in a couple of things and went out
19 to do some interviews. And when I came back in one of the
20 desk assistants, which is a fancy name we call copy boys,
21 said, "Your wife called and said you can't have the children
22 next weekend. It's Mother's Day. Any other time." I'm
23 glad he saw me because that's the only communication I had
24 with her about it then. I called the children Mother's Day,
25 Sunday afternoon, to say hi, you know, and "I'll see you

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1 next weekend." All right. And I called and talked to her,
2 and I said, "Are the children there?" And she said, "No."
3 "You mean they're not there?" "No." So I don't know what
4 the reason was that I couldn't have them my weekend, but
5 apparently they weren't with her either. And I would also
6 like to make a point of, both of my sons told me that "Mom
7 said that you knew it was Mother's Day and you were just try-
8 ing to get us to come up there so she couldn't have us for
9 Mother's Day." And I said, well, "I'm sorry. That's not
10 true. It was my weekend to visit with you, and I was trying
11 to stay within the form of it." I, I...

12 Q. Mr. Rochelle, would you please tell the Court what
13 happened last August?

14 A. Oh, well, this is something that's very upsetting
15 to me, and, and Mr. Melesco is aware of it. My children
16 spend a great deal of time apparently with their grandparents,
17 Pearl and Lester Peters, and it was approximately last August
18 that we had, Carl had been, was up for the weekend and really
19 having a very difficult day. And he wouldn't eat. He was
20 sort of morose all day long. And I said, "What's the
21 matter?" And, you know, I couldn't get him to settle down.
22 And John was at the table, and I said, "Now, you guys are
23 gonna have to settle down or we're going to do something,"
24 at the dinner table. And as best I recall, John said, "Yeah,
25 you're gonna, you're gonna beat him." And I said, "Nooo, no,

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1 we don't, we don't spank." And, and John said, "Pa does."
2 And I said, "What do you mean 'Pa does'?" And he said,
3 well, "He spanked Carl. He beat Carl." And Carl started
4 crying. I said, "What, what's going on? What do you mean?"
5 He said, "Pa beat him up." And I said, "Well, tell me about
6 it." So he told me. That Pearl and Lester had been having
7 an argument and Pearl had, she had screamed for...

8 MR. ALEXANDER: Objection...

9 A. I know it's...all right. I, I'll rephrase it
10 any way you want, but I'm gonna tell Judge Davis.

11 MR. MELESCO: (Unintelligible)

12 MR. ALEXANDER: Yeah, it's all right. Just so my
13 objection's in there.

14 A. Okay. Would you...

15 MR. ALEXANDER: Your Honor, of course, I realize that
16 a custody hearing, they may go into some more latitude, but
17 we're getting ready to offer hearsay testimony as to the
18 truthfulness of whether or not an alleged assault or what-
19 ever...I don't know where he's going, but it's going to be
20 hearsay, from the start...

21 A. I was just...

22 THE COURT: Mr. Rochelle, I think that the bottom line
23 is that Mrs. Rochelle's father had an altercation with one
24 of your children. Is that right?

25 A. Yes, sir. Bloodied his nose.

Carl Rochelle - Direct (Dillon)

1 MR. ALEXANDER: Now, it being offered that, that the
2 child was upset because, that your child was upset for what-
3 ever reason.

4 THE COURT: Well, I'm assuming that he was. I would...

5 A. I was trying to just...

6 MR. MELESCO: ...Carl...

7 A. Okay. Sorry.

8 THE COURT: Most five year olds would...let's leave it
9 right there and rest...I think that's what he wants to show,
10 that somebody else other than a parent.

11 Q. It was at a time of (2-3 words). If you're award-
12 ed custody of your two boys, what babysitting arrangements
13 are going to be made for the periods when you will have to
14 be at work?

15 A. I will hire an adult to stay with them during the
16 brief period in the afternoon. Obviously, the summers are
17 different. They're home all day. I'll take, share my vaca-
18 tion out. I would assume they would visit with their mother
19 some during the summer. They would also visit with my
20 mother during the summer. And for periods that...this is
21 until something is established. Once I hire a person, and
22 that will be a permanent person, and the person would work
23 through the summer too, will be available. I'm talking
24 about if I had them today. But in the fall when school is
25 in session, the children are in the school until the

Carl Rochelle - Direct (Dillon)

1 afternoon. There would be someone at home to meet them
2 when they got out of school and be with them until I got
3 home. I'm home every evening. I don't work nights. I'm
4 available for...I'm home in time for dinner, and I'm home
5 in time for homework.

6 Q. Okay. What about the bed-wetting problem?

7 MR. ALEXANDER: Your Honor...excuse me. Just thinking
8 about being recessed for about three minutes or five minutes,
9 your Honor.

10 THE COURT: Sure. Take a five-minute recess.

11 (RECESS)

12 THE COURT: ...that you were at the stage of a live-in
13 housekeeper or babysitter, Mr. Melesco.

14 EXAMINATION CONTINUED BY MRS. DILLON:

15 Q. I was trying to establish that you can provide a
16 home for the boys and that you want to...

17 A. Yes, I can.

18 Q. ...and that's why you...okay. Bed-wetting--is
19 there a problem with...

20 A. John is, John is, has been and has not stopped
21 bed wetting despite the thought of the urologist or special-
22 ist to perform the surgery on him.

23 Q. And John is...

24 A. John is five and a half. He started bed wetting
25 when she took the children and he has not stopped bed wetting

Carl Rochelle - Direct (Dillon)
- Cross (Alexander)

1 since. Every night.

2 Q. Would you be willing to cope with this problem?

3 A. Of course. He doesn't, he doesn't wet himself
4 during the day, by the way. It's only at night when he
5 goes to bed. It should be dealt with now.

6 Q. Okay. If there is anything else you want to say,
7 tell Judge Davis.

8 A. No. I think Judge Davis knows that...I think I've
9 made it pretty plain that I'd like to have the children with
10 me, and I think I can do a good job. And I would get them
11 to school every day and on time, and, you know, I just, I
12 think it would be beneficial for them.

13 Q. Thank you. Thank you. Would you answer Mr.
14 Alexander's questions please?

15 A. Of course.

16 CROSS-EXAMINATION

17 BY MR. ALEXANDER:

18 Q. Mr. Rochelle, on this or prior to this occasion
19 when the children saw Dr. Shenker, had you communicated to
20 them in any way or said anything to them about this litigation of custody fight?

22 A. I have said to them about the custody fight what
23 I have said to them all along, that I am concerned about
24 you, that I want you to live with me, and I will continue
25 to fight for custody of you to every level I can as long as

Carl Rochelle - Cross (Alexander)

1 I have a nickel left. That's what I've said to them. And
2 I have told them that on repeated occasions. I told them
3 that the last time I was with them, that I would continue
4 to fight for their custody. I want them. I love them, and
5 I want them with me. Yes, I have.

6 Q. And I believe you've even bought them toys and
7 when they know that you're keeping them there and you told
8 them...

9 A. No, sir.

10 Q. ...that they're not taking them home...

11 A. No, sir.

12 Q. ...and be with you.

13 A. If you'd check, you'd find that they both have
14 softball gloves and a softball that I bought them on the
15 trip before last that they took right back down with them.
16 They take almost every toy that, every toy that I buy them
17 almost, they take down. They never bring them back. I
18 never see them again. I asked Carl, "Bring your gloves and
19 your ball. Bring your camera up. We'll take some pictures
20 with it." I haven't seen the camera since I sent it down
21 there. No, they take almost all of their toys back.

22 Q. All right now, you say that as, since the last
23 hearing and since you've seen the children that apparently
24 the children physically are fine. Is that correct?

25 A. Can you be a little more specific?

Carl Rochelle - Cross (Alexander)

1 Q. I'm just asking you, did you not...

2 A. John still wets the bed. Physically they're grow-
3 ing like, like weeds. They're both very healthy, very big.
4 Carl's getting a little on the heavy side, but that's all
5 right. Yeah, physically they're in good shape.

6 Q. Were you aware of various attempted treatments
7 with regard to allergies by Dr. Walton?

8 A. I think we addressed that question the last time
9 we were in the courtroom.

10 Q. Right, sir.

11 A. I'm aware of the...yes.

12 Q. And apparently you didn't feel it was necessary.

13 A. I did not then, and I do not now. I have taken
14 them to other doctors, and the other doctors do not feel
15 that it is necessary. Why should a kid be pumped up with
16 this medication when he doesn't need it? They don't sneeze,
17 they don't have colds, they don't show any signs of allergy
18 any, certainly no more than I do, and I'm not allergic. And
19 they're around me enough that I know. I mean they were with
20 me for two years before they came down here, and I know.
21 You know when a kid is sick and he isn't. I paid their
22 doctors' bills. They're sent to me from the clinic down
23 here. They just appear in the mail every now and then. I
24 think I paid three doctors' bills all winter. That surely
25 doesn't sound like an allergic child to me.

Carl Rochelle - Cross (Alexander)

1 Q. And I believe you communicated about your feelings
2 to Dr. Walton, did you not?

3 A. Yes, sir, I did indeed.

4 Q. So now, with regard to this private schooling that
5 you're speaking of that you feel that Carl at least or maybe
6 both of them, should be in a private school. Is that...

7 A. Sir, I'm afraid that you have gotten something out
8 of what I said that I did not. The only time I mentioned
9 private school, I said that Carl was in a private school in
10 Washington, D. C., and was doing very well. I have not im-
11 plied that I think they should be in private school or that
12 I would. If you'd like to ask me, I'll give you my opinion.

13 Q. Well, I'm going to ask you, yes, sir.

14 A. Okay.

15 Q. Do you feel they should be?

16 A. I feel that the matter should be studied. If I,
17 if I were given custody, I would put them in Arlington County
18 public schools, and I would stay with the teachers every day,
19 if it took it, or every week, if it took it, until I found
20 out where they were going. And if they decided that there
21 were some areas that they were lax in, that they needed
22 either private schooling or tutorial help or whatever it
23 took to have them do well in school, then I would do that.
24 And I'd sit down with them and do it myself, yes.

25 Q. All right. So now, I take it, your job now...you

Carl Rochelle - Cross (Alexander)
Connie Rochelle - Direct (Alexander)

1 say you work from 10:00 a.m. to 7:00 p.m. Correct?

2 A. Yes.

3 Q. Now, how long have you been working these hours?

4 How long have you had this particular job?

5 A. About five or six months.

6 Q. I have no other questions. Thank you, sir.

7 THE COURT: Any further questions of Mr. Rochelle?

8 MR. MELESCO: No.

9 THE WITNESS STOOD ASIDE.

10 MR. MELESCO: That's all we have, your Honor. Plus
11 everything that's been introduced. I asked Mr. Alexander
12 and I think--and I don't mean to put words in his mouth
13 again--these trials are sort of intermixed, and I would ask
14 that both trials be consolidated for the purpose of the
15 record.

16 MR. ALEXANDER: We would join in that motion, your
17 Honor.

18 THE COURT: I think you gentlemen are both right. I
19 think everything belongs, from one has to be in the other,
20 so they will be consolidated.

21 MR. MELESCO: And that's all we would have, your Honor.

22 THE COURT: Mr. Alexander, do you have any evidence?

23 MR. ALEXANDER: Yes, sir, I think very, very briefly.

24 CONNIE ROCHELLE

25 the Defendant in this proceeding, after having

Connie Rochelle - Direct (Alexander)

1 first been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. ALEXANDER:

4 Q. Mrs. Rochelle, would you state your full name
5 and address please?

6 A. Connie Rochelle, 3316-A Circlebrook Drive, Roanoke,
7 Virginia.

8 Q. All right now, Mrs. Rochelle, I'll ask you please
9 if you would to speak up please so that the Judge can hear
10 you and so can counsel. Now, you currently have temporary
11 custody of the children. Is that correct?

12 A. Yes.

13 Q. And you've heard the testimony of Mr. Rochelle as
14 to various, what he claims are problems with his visitation.
15 Is that correct?

16 A. Yes, I have.

17 Q. All right now, he mentioned an incident involving
18 a missed airplane.

19 A. Yes. I worked on Saturday night and...I'm sorry.
20 On Friday night, and the children had spent the night with
21 my parents, which is almost to Martinsville. So I got up at
22 6:00 or 7:00. They should have been at...I guess I got up
23 at 6:00. They should have been at the airport for the 8:00
24 o'clock flight. And I went to my parents' house and picked
25 them up, took them to the airport. The plane was missed by

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1 five or ten minutes, but it was nonetheless missed, and I
2 called him and told him that they would be on the next
3 flight, which was one hour later. And I think the flight
4 was an hour...forty-five minutes or an hour, so they were an
5 hour and a half late.

6 Q. Was there another occasion when a flight was
7 missed?

8 A. Yes. The last time they went out which was
9 Father's Day weekend, and that was kind of interesting
10 because we arrived at the airport at seven minutes of eight.
11 And when I went to the counter, the gentleman told me that
12 they would not hold the flight. He didn't call. He just
13 said they would not hold the flight. So I said, "All right.
14 I would like them on the next flight," which was at 9:00 or
15 8:40 sounds, sounds correct. I did try to call Carl from
16 the airport. My children were there, and they know that.
17 They were standing right beside me. He was not home. I
18 left a message with the ticket agent in Roanoke. I asked
19 them...I said, "Perhaps he has left." I tried as soon as
20 I finished at the ticket desk which was five or ten after
21 8:00, and I said, "Perhaps he's already left for the airport
22 in Washington. Can you get a message to him that the chil-
23 dren are on the flight and they're coming an hour late?" I
24 did try to call him.

25 Q. Now, with reference to this summer...

Connie Rochelle - Direct (Alexander)

1 A. Yes.

2 Q. And Mr. Rochelle's picking up the children...

3 A. Yes.

4 Q. Was there any problem about Mr. Rochelle's picking
5 up the children?

6 A. There was never a problem about that. The problem
7 came in that I had arranged before I was told or asked about
8 the children going to be with him, had arranged for Carl to
9 go to Cub Scout camp. I had arranged for Carl and John to
10 have swimming lessons. The swimming lessons end on Friday
11 of this week. I wanted them to complete the lessons. I
12 would put the children on the airplane Saturday morning
13 going to Washington. That's it. And that, that is a very
14 straight communication. I then got upset with wanting to
15 know why my children had to leave today, why they were not
16 entitled to finish those swimming lessons, and that, that is
17 the only problem there has been. I had thought that Carl
18 would not be able to take swimming lessons this two, two
19 weeks because of the camp, and I had told Carl that next
20 week they would begin again, I'd like for Carl to take those.
21 When I found out that that was going to be impossible for
22 him to do, I had him take private lessons after he got out
23 of camp, Monday through Thursday of last week, so that he
24 could go back into the group lesson and finish up this
25 Friday. That's all. There is no problem.

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1 Q. So there's no problem...

2 A. There is no problem. There was no problem except
3 that with every communication I attempt to make with their
4 father, it seems to be advantageous for it to come back that
5 I, that I'm not doing this or that I'm saying things I'm
6 not saying.

7 Q. All right now...

8 A. That's not the case.

9 Q. This incident involving Christmas Day, what was
10 the problem there?

11 A. Again...the problem there was I called Carl and
12 told him...I read the letter from Dr. Lowe over the phone.
13 I told him about the surgery. The primary purpose of that
14 surgery was not that it would cure allergies and bed wetting,
15 was not a circumcision. I was against the children being
16 circumcised at birth, and that's why they weren't because I
17 would have been the one to sign the form for it to have been
18 done. That wasn't the purpose of the surgery. John had
19 chronic urinary tract infection. He had an additional op-,
20 or additional surgery besides the circumcision. That was
21 done because that apparently caused the infection in the
22 urinary tract. So that's why the circumcision was done.
23 Carl became very angry per usual with me, hung up on me. I
24 did not have an opportunity to talk to him about the Christ-
25 mas Day that we had set. I had agreed for the children to

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1 be with him on Christmas Day. I still had no problem with
2 that except that my children had expressed a desire to be
3 with their friends and go to their house on Christmas morn-
4 ing, that they went to school with and see what everyone got
5 and so forth. When I called him back--I don't have my phone
6 bill with me in court, but I have that phone bill where I
7 made two phone calls to ABC News that day--when I called
8 him back, this is the verbatim conversation from my end.
9 When he answered the phone, I said, "Carl, you can pick the
10 children up on December 26 any time you like." He hung up
11 on me immediately. The letter that was sent then to Dave
12 Melesco that was sent to you, that was a conversation that
13 never existed. That was the only thing out of my mouth, the
14 only thing I said. I did not call him back. I then got a
15 letter from Dave Melesco telling me that my denying him
16 visitation would not be tolerated. I didn't deny him any-
17 thing.

18 Q. Did he pick the children up at some point...

19 A. He said today that he got them the day after
20 Christmas. He picked them up Christmas Day at 1:00 o'clock
21 which you decided. It was a pre-arranged agreement as a
22 matter of fact, which came after the conversation about them
23 being with him for the full Christmas vacation. We had
24 agreed to that. And when I got the court order for the
25 surgery, that's when he objected to my having the children

1 at all on Christmas Day. That's how that came about.

2 Q. But now, there was a reference made in the deposi-
3 tion to an incident of Carl calling his father three times.

4 A. Yes.

5 Q. He was scared of being alone. Do you know when
6 that was? Do you recall that incident?

7 A. What I recall is that I spoke with Tom Mains
8 after Shirley Shenker's deposition was taken, and Tom pointed
9 out to me certain things that, that came up in that, and,
10 and, and results of the tests and so forth, filling me in
11 on it. And he mentioned to me that Carl had reacted that
12 way to being left alone, which was very boggling to me
13 because I think that most people that know me would say that
14 if anything I am far too protective of my children. They
15 are not...Carl is left alone now, from time to time, while
16 I go to Tanglewood, which is close to my home, or whatever.
17 So anyway, that upset me because I was, I was relating it
18 at first to the divorce and perhaps, thinking that I was
19 going to leave since we had moved. And I asked my son about
20 that. I told him, and I asked him about it. And I said,
21 "Carl, I've never left you alone for that period of time,
22 and, you know, what are you talking about? Do you think I'm
23 going to and why?" And I was trying to find out what was
24 wrong with him. My husband and I were separated for a year.
25 We went back together for six months. My son told me, and

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1 he is correct on this, that there was a Saturday morning
2 when I left him alone for about an hour. He was watching
3 cartoons, maybe hour and a half. I don't remember. I don't
4 even remember where I went. I took John with me. I called
5 Carl at work and told him I was going to do that, and I
6 gave Carl the telephone number...my son, Carl, the telephone
7 number. And when I, and I, when I came back, Carl had
8 called his father, and I, when I came in, I said to him,
9 "Why did you call your father?" and he obviously thought I
10 was angry. I wasn't. I was surprised. Because I realized
11 that he hadn't been left alone before and probably didn't
12 know what it was going to be like and probably was scared,
13 and apparently he was. That's what my son told me. That's
14 not what I think happened. I asked him. That's what he
15 told me. I'm sure he would tell it again. But...beyond
16 that, my children are not left alone. Carl is now occasional-
17 ly as I said, for a half hour or something, but he's older.
18 If there are repercussions from that, I'm not aware of it,
19 and I try to be. So, I would never leave...

20 Q. All right. With regard to your disciplining the
21 children.

22 A. Oh, yes.

23 Q. Would you explain to the Court how you discipline
24 the children?

25 A. Mm huh. I sure will. First of all, it is a

Connie Rochelle - Direct (Alexander)

1 complete lie--I have never called my children sons of
2 bitches, mother fuckers, never. My children will tell you
3 that. Never. Secondly, if my children, if I feel they need
4 a spanking, they're given a spanking. That consists of my
5 hitting them with my hand on their rear ends. That happens
6 very seldom. After Carl and John came back from that month
7 with their father last August, a lot of things began happen-
8 ing, a lot of problems began with their attitudes towards
9 things. And into the fall, I believe September, September
10 or October--still warm outside--they'd been playing with
11 matches, and Carl had lied to me about it. I don't...

12 Q. Let's say which Carl we mean every time we say
13 "Carl."

14 A. Carl, my son, Carl. My son, Carl, had lied to me
15 about his striking matches and playing with matches. John
16 had, had told on him. So I had a long, long talk with them,
17 extremely long talk, working on the striking of the matches
18 at that time because I, I thought he was telling me the
19 truth. And when he did tell me the truth, which was that he
20 had been striking matches, I said, "Why did you lie to me?
21 Why didn't you tell me the truth? Because I don't like to
22 be lied to. I don't like for you to lie; you don't need to."
23 He said, "Because I was afraid you would spank me." And I
24 said...and, of course, being very ignorant to a lot of
25 things that were going on at that time. I wasn't aware of

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1 them. I said, "Carl, why would you...how often do I spank
2 you? Why would you, why would you be afraid that I was
3 going to spank you?" And then the stories came out about
4 "Dad said that if we tell you the things that he says to us
5 that you will," quote, "'beat us even harder than you did
6 before'." My children will be glad to tell you, I'm sure,
7 if necessary, how often they are hit and with what. You
8 know, this, this is just incredible to me because during the
9 time that Carl and I lived together and were married, I did
10 the disciplining of the children, and in, in the group
11 therapy that he had so much difficulty with, I complained or,
12 or tried to find out what to do about the fact that if the
13 children did not go to bed and go to sleep, that my husband
14 would go up and spank them. And I told him at one point a
15 while before I left him that I did not want him hitting my
16 children anymore, that I would take care of them when they
17 did not go to sleep.

18 Q. All right. Well, with reference to...

19 A. So, I do not beat my children and, and threaten
20 them if they don't go to sleep and so forth. I don't do
21 that. And I feel that my children will tell the truth about
22 the way they're treated by me.

23 Q. What was the outcome of these matches?

24 A. Oh, the outcome of the matches...oh, this is some-
25 thing else that really concerned me. It had happened, it

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1 happened with me before they went for a weekend visitation,
2 and then when they came back, it happened again there, and a
3 playmate told me. And my son, John, mentioned that "it had
4 happened at Dad's." So I called Carl to ask...oh, I talked,
5 questioned the children a little bit further, and I said,
6 "What did your father do?" And I was told that he told them
7 if they didn't strike matches anymore that he would buy them
8 a box of matches and the next time they came up he would let
9 them strike the matches. So I said, "Okay."

10 Q. Did you continue to have a problem with the
11 matches?

12 A. Well, I solved that problem. But I called Carl,
13 and he had apparently told the children that he would do
14 that. My method...I was appalled at that. I really was. I
15 felt that that was, showed no insight whatsoever because
16 apparently these children were successfully striking matches
17 and lighting fires and not getting burned in the process.
18 So I didn't feel they needed practice in striking matches,
19 and I was very upset by that. I, I took them to the fire
20 department and had the fire chief talk to them, and the
21 captain, and we don't have a match problem anymore.

22 Q. All right now, where are you, where you're
23 currently residing, would you describe to the Court please
24 your home, the whole situation?

25 A. Yes. We live at Pebble Creek Apartments, and we

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1 have a three-bedroom apartment. Both boys have their own
2 rooms. And I moved there because, number one, I felt that
3 with everything that afforded me and the children, that
4 economically it was advantageous. And we have a swimming
5 pool. They've taken swimming lessons. We have lots of
6 friends. There are children there. There are babysitters
7 there. Tennis courts, game rooms, activities for the chil-
8 dren. I'm going to start, or have a Cub Scout pack of my
9 own there. There is one in the county that Carl belongs to
10 right now, but I'd like to start one there because I feel
11 there are some boys old enough that would be interested in
12 that. And, and he's excited about that. And it's been very
13 nice, and the children enjoy it a lot.

14 Q. All right now, with reference to school, as far as
15 you can determine, have there been any problems with the
16 school?

17 A. No, no. Carl is doing fine in school. Carl is an
18 average student.

19 Q. What about this, this...his tardiness? Do you
20 know anything about that?

21 A. Yes. I got a call...actually I was a little bit
22 confused about Mr. Copenhaver saying that he had never talked
23 to me about that because I did speak with him once about it.
24 I babysat for a couple of doctors and...for a time, and one
25 of the boys was in Carl's class. And Mr. Copenhaver and I

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1 did discuss the fact that they were showing up for school
2 five or ten minutes late. And they walked to school. So I
3 was under the impression also that the bell rang...when they
4 say twenty minutes late...that the bell rang at school at
5 9:00 o'clock. The bell rang at Crystal Spring School at
6 ten minutes of 9:00, so that I...as I understand it, any-
7 thing after that, the first bell is tardy. And when Carl,
8 you know...I asked him and I straightened that out. That's
9 when I found out when the bells rang. And Carl proceeded to
10 go to school on time. But he, he had to have been tardy a
11 good deal of the time because if I sent him at a quarter of
12 9:00 to get to school by 9:00 o'clock, that's exactly what
13 he was doing--getting to school by 9:00 o'clock, when the
14 bell rang actually at ten of.

15 Q. All right now, when the, when the boys visited...

16 THE COURT: Excuse me just a minute. She said he was
17 getting there about twenty minutes late, twenty after 9:00.

18 A. I understood her to say twenty minutes late, which
19 if...that's what I'm saying, going by their bell at ten of
20 9:00, if the children were arriving at five after...

21 THE COURT: Well, maybe...I was mistaken. I thought
22 she said twenty minutes after 9:00, maybe she said twenty
23 minutes late.

24 A. She said twenty minutes late, and I, you know, I
25 was under the impression that the bell rang at 9:00 o'clock.

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1 So, I was wrong, and the children probably were getting
2 there at five or ten after 9:00, which would have been about
3 twenty minutes late. And when I became aware of that, I
4 sent them at 8:30, and they seemed to do okay.

5 Q. Now, when, when the boys were visiting their
6 father and had returned home, would you describe please what
7 you observed of them?

8 A. Yes. They were happy, and they'd had a good time,
9 and this was their initial...as they came in the door. And
10 then they would have dinner or something and the stories
11 would start to come out. Once...there are many of them,
12 many. The primary things were that the children's opinion,
13 that what they had heard about me was very negative, even
14 to the point of they never had chopsticks in the house when
15 I lived there "because your mother didn't know how to use
16 them." My older son cried once and said, "Mom, Dad hates
17 you, and he wants me to hate you too."

18 Q. Now, do I...have they expressed to you that they
19 would, they would...they love their father. Is that correct?

20 A. Sure, they do.

21 Q. Have they expressed to you that they would prefer
22 that you and your husband were back together again? Isn't
23 that true?

24 A. Yes. That's always...when they came back from the
25 month with him, they...Carl was crying--my son--in the, in

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1 the parking lot at the airport, and he said that he wanted
2 Dad and I to live together. Some other...I, I'd like to
3 finish that question about the things they, they...after
4 that month there were a lot of things, a lot of negative
5 feelings about me. They said that their father had told
6 them that they could not bring their toys here because if
7 he got custody of them, that I would not let them take the
8 toys back. They have not brought their toys here. My
9 father and mother paid for many toys that my children had,
10 and they have not been allowed to bring them. I finally
11 had enough money to buy them used bicycles because their
12 father refused, refused me--I asked him if they could bring
13 their bicycles here where they lived. He refused. He said
14 that he could not afford to buy them bicycles to have there
15 and bicycles to have here. So John was allowed to bring
16 one that I paid for that I bought at a garage sale, and the
17 chain kept coming off, so I did buy them used bicycles.
18 They told me that Dad would take them sailboat riding and,
19 two or three times a week if they went to live with him--
20 this was after the month--that their father had money to do
21 things and buy them things. And they seemed to be, you
22 know, explaining this to me, you know, why don't...I guess,
23 "Why don't you have this?" because I didn't, I didn't have
24 any money. I didn't. I still don't. But, you know, that's
25 ...I couldn't go out and buy them a toy, for instance, every

Connie Rochelle - Direct (Alexander)
- Cross (Melesco)

1 weekend they were with me.

2 Q. Are you working now?

3 A. Am I working? Oh, yes, I'm working. Yes. I
4 work about three evenings a week, and I work at Iffy's
5 Restaurant as a waitress, and I, I usually go to work at
6 5:00. One of those days I go at 3:00, sometimes 2:00, but
7 usually it's 5:00 until 11:00...it, it depends. If in the
8 lounge, 12:00 or 1:00 on a Friday or Saturday night.

9 Q. While you're at work, is someone there to take
10 care of the children?

11 A. Oh, yes, yes. The children are...there is either
12 a babysitter there in the house to take care of them, or
13 they, they will stay with my parents...or they...my aunt.

14 Q. You do want custody of these children. Is that
15 correct?

16 A. Oh, yes, I do. Very much. Because I, I feel that,
17 that there are a lot of things being said here that aren't
18 quite accurate. I love my children. I feel that I am aware
19 of, of them, things that they need. I may not have a college
20 education, but I know my children very well, and I love them
21 very much.

22 Q. Answer any questions that...

23 CROSS-EXAMINATION

24 BY MR. MELESCO:

25 Q. Mrs. Rochelle, I may have misunderstood the

Connie Rochelle - Cross (Melesco)

1 teacher, but I understood the school started at 9:00, and
2 your children were...your child was twenty minutes late. Is
3 it possible he was getting to school as late as 9:20?

4 A. There have been times when Carl has gotten to
5 school at 9:20 when I have taken him. On the weekends when
6 they came back from their father's, and they would come home
7 at, get home at 9:00 o'clock at night, and I would give them
8 something to eat...impossible to get those children in bed
9 and asleep before 11:00 o'clock.

10 Q. How many weekends were they staying in Martins-
11 ville?

12 A. And going to school? None.

13 Q. They never spent a weekend in Martinsville with
14 your parents?

15 A. Oh, sure, they have. But not to, not to go to
16 school on Monday morning.

17 Q. What about the absenteeism? Why did Carl miss
18 twenty days of school?

19 A. Carl has missed school sometimes on a Monday after
20 going up to visit his father. He has not gone to school
21 because they...once again, they have been allowed to stay up
22 very late at night. They have come back tired, and they
23 have slept late on Monday, which I thought was important...

24 Q. Only Monday?

25 A. I didn't say that they had been out of school

Connie Rochelle - Cross (Melesco)

1 every Monday because of that. And I would, I would want to
2 see the days, because I do not believe my children have
3 missed twenty Mondays. She said a lot of Mondays for tardi-
4 ness and, and missing, but not every Monday.

5 Q. She said twenty days of school your children
6 missed...says your child missed twenty days of school and...

7 A. I don't know. I don't know.

8 Q. Well, has your child been sick a lot?

9 A. The children have been sick. They've not been
10 sick a lot. They have stayed out of school for being, from
11 being tired after coming back, from those trips. And I had
12 some medical tests, and Carl was out of school for three
13 days at once, yes, because I, I wanted him to be at a place
14 where I knew that he was okay while I was having some tests
15 done.

16 Q. So he didn't go to school while you were...were
17 you in the hospital?

18 A. No, I was not in the hospital. I was having some
19 tests done at the doctor's office.

20 Q. And he couldn't go to school while you were in the
21 doctor's office?

22 A. I did not have someone that could stay in my home
23 overnight...that's exactly right because I could not afford
24 to pay someone to do that. That's right. And I let him
25 stay with my mother. Because Carl is a good student, Carl

1 made up all his work. I picked the work up at school, and
2 the school, the work was made up.

3 Q. So Carl did stay in Martinsville and miss school
4 while you were someplace.

5 A. Carl has stayed there for those three days. Carl
6 has not stayed in Martinsville and missed school while I
7 was someplace for, you know, an unimportant reason, I would
8 say. That's important. I feel their education, by the way,
9 is extremely important, and I feel that going to school is
10 important, very important. And they do go, and they are
11 sent. As a matter of fact, I took them myself, because when
12 I moved they were not at a, at a place to walk. I took both
13 children. John only went a half a day, and I picked John
14 up at noon every day.

15 Q. You have a pretty good feel for the whole proceed-
16 ings that have been going on for over a year now, this case.
17 Correct?

18 A. I'm aware of what's going on.

19 Q. Do you remember the Court's order of November 9th,
20 1979? It says, "It is further order the Complainant," and
21 that's you, "shall be responsible for delivery to and pick
22 up from the Roanoke Municipal Airport for the said infant
23 children on the days and the hours heretofore set for the
24 Defendant's visitation."

25 A. Well, actually I wasn't ordered to do that, and I

Connie Rochelle - Cross (Melesco)

1 saw that that was typed up in an order, and I realized, I
2 think that Gordon Shapiro's office did that, and then when,
3 when, and then, even my father was told that I was not
4 ordered to do that. I was perfectly willing to take the
5 children to and from the airport but when...

6 Q. So, so the Court's order doesn't mean what it
7 says.

8 A. I didn't say that. I said that when I was sitting
9 right there, that I wasn't...Judge Davis didn't say to me
10 that I was ordered to do it. I saw that order.

11 Q. Well, you...even after seeing this order, have you
12 ever taken the children to the airport?

13 A. Yes, I have. Yes, I have taken the children to
14 the airport, because he sent a police officer to my house
15 telling me that he was at the airport because he had taken
16 my telephone number down incorrectly.

17 Q. Since that time?

18 A. So, I did take them. Yes, I've taken the children
19 two or three times, and after that I refused to be harrassed
20 and I refused to be battered any longer, and I would not do
21 it. At one time I didn't have a driver's license, and this
22 whole letter went to the Judge with all of these things about
23 me that were untrue, and I never had a chance to defend that.

24 Q. But the truth of the matter is that your father...
25 you and your father just worked out a deal where he forbade

Connie Rochelle - Cross (Melesco)

1 you to take your own car.

2 A. My father and I did not work out a deal.

3 Q. Did your father...

4 A. My father told me...

5 Q. ...father forbade you to take your car?

6 A. Yes, he did. But my father and I didn't work out
7 a deal. That car belongs to him, and I need the car.

8 Q. And your father told you not to take the car to
9 the airport.

10 A. That's right. Because I was using his gas, tires
11 and oil, and so forth, and Carl refused to give me any money.
12 I have never sold real estate. Never. I babysat for forty
13 dollars a week. There have been times when I literally did
14 not have the money to take the...to buy the gas to go to the
15 airport. There have been times when I didn't drive my car
16 because I didn't have the money for the gas.

17 Q. How many jobs have you had in the last year and a
18 half?

19 A. I've only had two.

20 Q. How long have you been unemployed last year?

21 A. I babysat at homes from...I quit the job at
22 Snelling and Snelling when the children came back in August,
23 or from the August visitation because I did not have...I
24 could not afford a babysitter. So I quit. I began baby-
25 sitting at home, and I went to work...I, I believe I've

Connie Rochelle - Cross (Melesco)

1 worked at Iffy's about six months.

2 Q. And you work three nights a week then?

3 A. Three. I worked more in the beginning, but we
4 have a lot of girls.

5 Q. From 5:00 o'clock at night until how long? Till
6 closing?

7 A. It depends...no. It depends on where I work. I've
8 gotten off some nights at 9:30, some nights at 11:00, some
9 nights at 1:00, depending on where I work there.

10 Q. So, three nights a week the children are with a
11 babysitter.

12 A. That's right. Until they go to bed, which is
13 about three hours, I guess, four hours.

14 Q. And I've gotten real confused. Do you or do you
15 not leave your children alone? To go to Tanglewood or what-
16 ever?

17 A. I will leave Carl alone for an hour, half hour,
18 very seldom. I normally make my children go with me.

19 Q. All right. And if you leave Carl alone, does Carl
20 watch John?

21 A. No, no. No, I wouldn't leave John alone with Carl.
22 I'm very particular about who I leave John alone with. As
23 the report said, John likes to do what John wants to do, and
24 Carl is not an adult, and he's not in any way capable of
25 babysitting for John. So, no.

44.
Connie Rochelle - Cross (Melesco)

1 Q. But he is capable of looking after himself?

2 A. Carl is very capable of looking after himself for
3 a half an hour. He's a very independent child and he's...
4 yes, absolutely, he is.

5 Q. Your husband's been regular on the child support,
6 hasn't he?

7 A. He sends it when he feels like it.

8 Q. Well, that's not my question. Have you gotten
9 every check?

10 A. When he feels like sending it, I get them, yes.

11 Q. On a regular basis.

12 A. Yes.

13 Q. And they come through the Juvenile Court.

14 A. Yes. But I call from time to time...like on the
15 17th if I haven't received it, to see if it's in, and, no,
16 it isn't in, and it's...you know, I don't mean to be a
17 chronic complainer, but that, that is very difficult for me,
18 to not know when I can expect it. I don't make a lot of
19 money, and I, I take care of myself. I don't live off that
20 four hundred dollars a month, so...I, I was told at one
21 time that it would be here on the 15th and I would receive
22 it on the 16th. No, it's mailed on the 15th or when Carl
23 decides to write his checks for the month or whatever, I
24 guess. And I get it, you know, somewhere down the line, but
25 five days is a long time for me.

Connie Rochelle - Cross (Melesco)

1 Q. And that's caused you some problems with your own
2 checking account.

3 A. I have problems with money, period, because I
4 don't have any.

5 Q. You, for lack of a better word, had some checks
6 sent back to you.

7 A. I have had checks sent back, absolutely have, yes.

8 Q. When you cash these checks--and I'm not criticizing
9 you for your monetary problems, but what bothers me--do you
10 tell the tellers that take the checks that Carl is your
11 husband and he works for ABC News and everything's okay?

12 A. I don't understand what you're saying.

13 Q. Let's try Leggett's. Did you cash a check at
14 Leggett's and tell them that the check was good and your
15 husband was a, was a news (one word) with ABC?

16 A. No, I've never told anyone that. I have been
17 asked what my husband does, like they ask everyone. And I've
18 said, "Well, I'm divorced."

19 Q. You've never given them Carl's name and address?

20 A. Name and address, no. I've said, "I'm divorced.
21 My former husband works for ABC. I don't have a husband.
22 I'm divorced." No.

23 Q. Any reason that Leggett's would be calling your
24 husband about checks?

25 A. I don't know. I wouldn't give Carl's name for

Connie Rochelle - Cross (Melesco)

1 anything. You know, I simply...you're...every time you
2 write a check...every time I write a check, they want to
3 know where my husband works. Maybe someone has created this
4 as something else to...you know, I don't know. That's the
5 only time I've ever used Carl's name. I've never given his
6 address to anyone.

7 Q. You did have problems with a check at Leggett's
8 at Tanglewood.

9 A. I had a check returned to Leggett's at Tanglewood,
10 which I paid. I laid away some things for my kids.

11 THE COURT: What's the relevance of this, Mr. Melesco?

12 Q. Nothing, your Honor, except that Leggett's at
13 Tanglewood called my client.

14 THE COURT: All right. Let's assume they did.

15 Q. Well, if it please the Court, I don't care what
16 she does with her personal life, but...

17 THE COURT: What's it got to do with the custody?
18 And that's the only thing I'm interested in. We're hearing
19 very little about that, but that's...all I'm hearing is the
20 difficulty between Mr. and Mrs. Rochelle. They don't like
21 each other.

22 Q. No further questions, your Honor.

23 MR. ALEXANDER: I've no questions.

24 THE COURT: Mrs. Rochelle, let me ask you a question,
25 and I, I don't live in a glass house but I, you know, I'm

Connie Rochelle - By the Court

1 not immune from everything.

2 EXAMINATION BY THE COURT:

3 Q. Your father came up here and told me very adamant-
4 ly, said, "My daughter is not gonna take that car and go
5 pick up those children."

6 A. I know.

7 Q. Why would a grandfather say that?

8 A. My father is very upset about a lot of things in
9 this. He's upset that I have had a lot of things said about
10 me that are not true, and I've not had a chance to, to
11 respond to those things. My father is upset that he gave
12 us a lot of things when we were married, now, not, you know,
13 tremendous, humongous things, but my parents paid for furni-
14 ture that is in that house now. In the course of that mar-
15 riage, you know, it was brought up the six thousand dollars
16 that Connie spent in so many months, but my father gave me--
17 they were in my name--but Carl has used them occasionally,
18 and the children...cars, two cars, so that's it.

19 Q. Okay. Assume that all that's true. He don't
20 even know...I'm not worried about that. The only thing I'm
21 interested in is why...

22 A. That's it.

23 Q. ...a grandparent would do that in reference to
24 the children.

25 A. He did that in reference to me.

Connie Rochelle - By the Court

1 Q. And you telling me that he refused to let you take
2 the car is the most ridiculous thing on earth.

3 A. Judge Davis, let me tell you something. My father
4 had my car repossessed...you can ask J. C. Terry at the bank
5 ...last year. He had my car repossessed.

6 Q. I don't care. It's ridiculous. It's ridiculous.

7 A. I agree with you, but the point is I was so...

8 Q. And I don't believe any father in good faith
9 would tell his daughter not to take the car and go to the
10 airport and pick up the children.

11 A. You don't believe my father said that to me? He
12 told you...

13 Q. It's not...I know that's what he told me, and I
14 think he staged it...

15 A. That is what he said to me.

16 Q. And I think he staged it.

17 A. No, sir.

18 Q. It's ridiculous.

19 A. No, sir.

20 Q. It's ridiculous.

21 A. You don't know my father very well.

22 Q. No, but...

23 A. I mean really. He...I did not...he told me that
24 I could not...that if I used the car to do that, that he
25 would take the car away from me. It is in his name. He

Connie Rochelle - By the Court

1 co-signed the note, and he has to make the payment on that
2 car because...

3 Q. Your father wouldn't even know better, Mrs.
4 Rochelle, unless you told him, so it's ridiculous. It's
5 completely and totally ridiculous that your father would
6 tell you not to go to the airport to pick up the children,
7 or take the children.

8 A. My father did tell me that, Judge Davis, because
9 I have told him...

10 Q. Well, he may have, but it's ridiculous.

11 A. Okay. I accept that.

12 Q. Okay. All right.

13 A. But I didn't...

14 Q. So don't get on there and tell me that your father
15 forbade you to do certain things.

16 A. He did.

17 Q. You're a grown woman.

18 A. He did. I know I am. But I didn't have a
19 driver's license...

20 Q. All right. That's an excuse.

21 A. ...and it was no insurance on the car, and that is
22 when this whole letter and everything else arrived.

23 Q. I mean it doesn't amount to anything. It's got
24 nothing to do with what I'm going to do, and I, of course,
25 quite frankly, I don't know.

Connie Rochelle - By the Court

1 A. I...what I'm tell you, I tried to get my father
2 to take them...

3 Q. But can you imagine my father telling me not to
4 go to Martinsville to pick up my children?

5 A. There's a big difference.

6 Q. Why?

7 A. The difference is that that car belongs to him,
8 and he told me not to do that, that I could not do that, and
9 I asked him not to come and see you also.

10 Q. But he didn't, he just...

11 A. But I asked him...

12 Q. He made a very speedy trip. He just came in and
13 said, "I just wanta tell you that my daughter is not going
14 to the airport in my automobile," period.

15 A. I didn't stage anything. I didn't want him in-
16 volved in this in any way. I felt this was my load.

17 Q. I don't think he should be except for love for
18 your children.

19 A. I agree with you, but I can't answer for my father.
20 I asked him...

21 Q. I'm not holding you responsible for him.

22 A. I asked him to take the children to the airport
23 that night, and that is when the whole thing came about, was
24 that I was not allowed to take the children to the airport
25 because I didn't have a driver's license and no insurance on

Connie Rochelle - By the Court

1 the car, which is in his name.

2 Q. Well, you shouldn't drive with no operator's
3 license and no insurance.

4 A. That's what I was trying to explain.

5 Q. I know, but that's not what, you know...

6 A. And then after that...

7 Q. Then we got down to gas and oil and tires, and
8 that's the thing that bothers...

9 A. That's right. That's what, that's what I was told.
10 And I needed that car to take my children...I had no way of
11 getting another car. I didn't, period. That was it. And
12 if that is taken, then I don't have one because I can't
13 afford one. And if it sounds like a sob story, it's the
14 truth.

15 Q. It's not a sob story. I just don't understand the
16 hatred, you know.

17 A. Well, there is a lot of anger, yes, and that was
18 directed, I feel, towards Carl. I do not feel that it was
19 directed towards my children, and I don't feel that my
20 father was really thinking of, that he was thinking about
21 the children. I think he was thinking about his personal
22 feelings about Carl.

23 THE COURT: Mr. Alexander, do you have any further
24 questions of this lady?

25 MR. ALEXANDER: No, sir.

1 THE COURT: Mr. Melesco?

2 MR. MELESCO: No.

3 THE WITNESS STOOD ASIDE.

4 MR. ALEXANDER: Your Honor, that's all that we have.

5 THE COURT: Anything you gentlemen want to tell me?

6 MR. MELESCO: I feel like asking the Court does the
7 Court really want to hear anything.

8 THE COURT: Let me ask. Mr. Rochelle, these children
9 are taking swimming lessons, and I can appreciate the im-
10 portance of the swimming lessons to them. It's more impor-
11 tant to them than it is to you and myself. And they'll be
12 through Friday. Is that correct, Mrs. Rochelle?

13 MRS. ROCHELLE: Yes, sir.

14 THE COURT: Do you have any objections to completing
15 the swimming lessons for Thursday and Friday before you pick
16 the children up?

17 MR. ROCHELLE: No, sir.

18 THE COURT: I mean really, you know, it's graduation.
19 You know, "We did it all together," and I can understand
20 that. I think your objection is one of principle rather
21 than the fact that it's Friday. Is that correct? And
22 you'll have the children for...

23 MR. ROCHELLE: I don't have any objection to them
24 finishing, and if that's the way it be, it is, there are
25 two things: One is that I, I had hoped to have, take them

1 back with me, and it means now another trip.

2 THE COURT: It doesn't mean another trip for you
3 though, does it?

4 MR. ROCHELLE: Well, either that or send them up on...

5 MR. MELESCO: He could put them on the plane, on the
6 private plane that he's on today.

7 MR. ROCHELLE: Put them on the plane today...one my
8 airplane today...

9 THE COURT: Oh, I thought you were flying...I thought
10 you were flying commercially. I'm....

11 MR. MELESCO: No. He's on a private plane today,
12 your Honor.

13 MR. ROCHELLE: That's the reason I asked because I
14 thought I could do this, and it was all agreed to, and
15 there was no mention of any...

16 THE COURT: All right. I'm going to leave it up to
17 you. You want to deprive your children, your child of
18 swimming on Thursday and Friday, if you do, you can take
19 them today.

20 MR. ROCHELLE: Suppose we have her, since it's her
21 idea to keep them there, maybe if she would buy the plane
22 ticket and put them on...

23 THE COURT: I don't think she can afford the plane
24 ticket, Mr. Rochelle.

25 MR. ROCHELLE: Okay. I'm sorry. I...no, that's fine.

1 They can go there on Thursday and Friday, and have...

2 THE COURT: Mrs. Rochelle, would you put them on a
3 plane Saturday morning please?

4 MR. ROCHELLE: I'll buy their ticket, put them on the
5 Piedmont.

6 THE COURT: Saturday morning. All right. Anything
7 else you gentlemen want...

8 MR. MELESCO: I think that there's some memorandum
9 earlier filed in this case, lots of letters, and I feel a
10 little bit like the shell-shock veteran. I've been in this
11 case from the beginning. Hopefully there's a light in here
12 either coming one way or the other. I would only point out
13 to the Court that, and I've told Carl that--the Carl's at
14 my house the last few days, stayed in my house before the
15 other hearings, that the Carl Rochelle that comes across in
16 court is not the Carl Rochelle in...reports or the Carl
17 Rochelle that's in particularly in the report from Arlington,
18 or the Carl Rochelle described by his colleague from ABC
19 News that testified earlier in this matter. Everything we
20 know about Carl Rochelle, the father, the reports from the
21 Arlington Social Services, the report from the child
22 psychologist who indicated that she's willing to testify,
23 the report from his colleagues at work, people have come
24 forward and talked about Carl Rochelle, said he's a good
25 person and a good father. On the other hand, this is about

Mr. Melesco:

1 fourth hearing I've been in with Mrs. Rochelle, and she has
2 yet to produce a witness to testify for her, and I find that
3 extremely unique in a custody case. Nobody has come forward
4 for Connie Rochelle to say one good thing about her. The
5 report by Mrs. Holsclaw earlier was factual and bland and
6 didn't really get into the people. The report from Arlington
7 includes an interview with, interviews with nineteen people,
8 and there are words such as immature, temperamental, things
9 like that, and in contrast with the word, with words as
10 stable and mature...(2-3 words). And it just seems to me
11 that these children are getting pulled around, and it's
12 partially my client's fault, no (one word) that. It's par-
13 tially this lady's fault too. It just seems to me that the
14 stability offered by Mr. Rochelle, his life style is 10:00
15 a.m. to 7:00 p.m. and a regular babysitter, his love and his
16 affection far offsets this lady's plans of three nights with
17 a babysitter and other nights down in, down in Martinsville.
18 And then this whole problem of the children being tardy and
19 twenty days of absence. Twenty days is a long time, your
20 Honor. Kids only go to school about a hundred and eighty
21 days. That's one out of, once every two weeks, or more,
22 that child is missing school, for reasons we don't know. The
23 only excuse that we have is that sometimes he's tired on
24 Mondays. It just seems to me that Mrs. Rochelle just isn't
25 doing right by the children, and I would ask the Court to

1 award custody to my client.

2 THE COURT: Mr. Alexander.

3 MR. ALEXANDER: May it please the Court. There have
4 been memoranda of law written on this and a ream of evidence,
5 and I wasn't present for that.

6 THE COURT: If you want to write some more law, I'll
7 be glad to have them, Mr. Alexander.

8 MR. MELESCO: Please don't do that.

9 MR. ALEXANDER: But, your Honor, I submit to the Court
10 that the last order awarding temporary custody to Mrs.
11 Rochelle is based on the law and the facts as a (1-2 words)
12 case at that time. We have a situation where she has had
13 custody and possession of these children, that the, all
14 indications are that they are being provided a home in which
15 they receive love; they're doing well in school; that she is
16 concerned about their physical and their medical situation;
17 whatever they be; they are getting medical care; they are
18 being taken care of; they are not being neglected; that they
19 are in basically a stable home environment. We have the
20 hearing today from the standpoint of testimony...most of the
21 testimony clearly established that Mr. and Mrs. Rochelle
22 don't get along. Well, obviously they don't; they're di-
23 vorced. It's a shame that some of this, as you see so often
24 is spilling over into the relationship of the children. You
25 also, I think, speaking through the years, some of the

Mr. Alexander:

1 testimony that there's the children saying something to Mr.
2 Rochelle, they're saying something to Mrs. Rochelle. Well,
3 that's not (2-3 words) shouldn't saying anything, but it
4 happens in divorce cases. Children wind up going back and
5 forth with favors. But what we have here is, Mr. Melesco
6 says, "Well, we have all of these people who've testified,
7 we've got statements from these people," from the standpoint
8 of a popularity contest. But yet, when the Court entered
9 that order last August, there's not a showing here of a
10 significant change of circumstances that would justify
11 removing these children from the custody of their mother.
12 Now, I'm familiar with the McCleary case, your Honor, which
13 goes into Section 31-15 and the, neither parent, one way or
14 the other, but we have the all-other-things-being-equal
15 situation where there is a rebuttable presumption at any
16 rate, the children of tender years be better with their
17 mother. Clearly, Mr. Rochelle has, has more money available.
18 But yet the home environment as given in the report of Mrs.
19 Holsclaw as provided right now, is a stable, a good home
20 environment. We don't have any immoral situation there.
21 We, what we have is a woman who is trying to provide for her
22 children the best that she can. Now, it was interesting
23 listening to Mr. Rochelle's testimony. I'm sure he's a
24 fine gentleman. I don't know him. I've never laid eyes
25 on him before today. But when the man takes the stand and

Mr. Alexander:

1 he's testifying, his testimony goes not to--and I'm sure he
2 loves his children and the children love him--but with him
3 the situation where he testified, "My plans are messed up by
4 this. What I want. What I want. My plans. My plans."

5 Ninety percent of that testimony that came across was just
6 that way. And I submit to the Court that children are in
7 a stable enough environment now, and that no evidence suf-
8 ficient to change anything that happened prior, as of August
9 of last year by the Court...there's no evidence necessitat-
10 ing a change. And I submit that in a hearing of this nature
11 at this juncture, the burden is clearly on Mr. Rochelle to
12 establish that to grant him custody would be so much more
13 in the best interest of these children. That's a paramount
14 thing...the paramount thing here--the best interest of the
15 children. That's what we're looking to. And I submit to
16 the Court that at this time, the best interest of the chil-
17 dren lies with custody with the mother, reasonable visitation
18 with the father, summer visitation, Christmas visitation,
19 visitation during the year. And I feel like that upon grant-
20 ing that, that the two parents should perhaps remove some of
21 their own problems out of this. That is, whatever problems
22 they may have don't (one word) them on the children because
23 when this is over and done with, no matter who gets custody,
24 they're still going to be the mother and father of these
25 children. And at some point these children could turn around

Mr. Alexander:

1 and wind up...(few words). But custody belongs with the
 2 mother, your Honor, and I ask the Court to, to grant custody
 3 to the mother. And I say permanent custody...(2-3 words)...
 4 permanent custody of these children until they reach the
 5 age of eighteen, subject (1-2 words). And custody should
 6 stay where it is, with the mother, so that she can get the
 7 proper medical attention when they need it without being
 8 instructed. I see no evidence here to indicate any, any
 9 change...the memorandum or...Mr. Shapiro's letter of July 19.

10 THE COURT: Thank you, Mr. Alexander. Mr. Melesco,
 11 anything else you want to say?

12 MR. MELESCO: Just in response, I think that Mr.
 13 Alexander is a hundred percent right on the law except
 14 nobody has custody at this point, so I think the burden...

15 THE COURT: The only thing wrong, he said the burden
 16 was on you. The burden's on the Court unfortunately, I
 17 think. That's...

18 MR. MELESCO: That's....

19 THE COURT: The thing that bothers me. I'll tell you
 20 what I'd like to do. I'd like to see that both of these
 21 parents have an equal opportunity to see these children,
 22 time-wise, regardless of custody. That's what, but there's
 23 a long way from northern Virginia to Roanoke as far as chil-
 24 dren are concerned. I don't know what I'll do. I'll let
 25 you gentlemen know. I want to read the, go back and rehash

The Court:

1 what has already happened in the past, and except for the
2 fact that I don't know how that it would affect the chil-
3 dren, and I really don't, I would like to know, by somebody
4 trying it other than me, I would, I'm not adverse to joint
5 custody. But I don't know, I don't know what affect it
6 would have on the children. It might make--for want of a
7 better descriptive term--Army brats out of them. You know,
8 here today, and there tomorrow, and I don't know that that's
9 good. But anyway, let me read it, and I'll let you gentle-
10 men know something by the, certainly by the middle of July.
11 Thank you.

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CERTIFICATE OF COUNSEL

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The undersigned, counsel for the Plaintiff, Carl A. Rochelle, and the Defendant, Connie Gail Peters Rochelle, respectively, in the case of Rochelle v. Rochelle, lately pending in the Circuit Court of Franklin County, Virginia, heard by the Honorable B. A. Davis, III, on November 14, 1978; June 6, 1979, and June 25, 1980, do hereby affix their signatures to the foregoing transcript of the record of said case, as provided by Rule 3:1, Section 3 (e) of the Rules of the Supreme Court of Appeals, to the end that the same may become part of the record on appeal.

Given under our hands this ____ day of ____ 1980.

David A. Melesco
For the Plaintiff

Charles P. Alexander
For the Defendant

CUSTODY ORDER

This cause came on again to be heard on June 25, 1980, upon the Petition of Carl Arthur Rochelle to be awarded custody of his two infant sons, Carl Arthur Rochelle, III, and John Alfred Rochelle; both Carl Arthur Rochelle and Connie Gail Peters Rochelle being present in person and by counsel;

It appearing to the Court that at this time the custody of the said infants should, with liberal rights of visitation granted their father, remain with their mother, Connie Gail Peters Rochelle, and it is so ORDERED.

It further appearing to the Court that the two infants should and it is in their best interest to visit with their father, the Petitioner herein, as frequently as possible, it is, therefore, ORDERED that Carl Arthur Rochelle shall have the right of visitation with said infants every other weekend beginning Friday at 5:00 P.M. and terminating Sunday at 9:00 P.M.; in addition, the said infants shall visit with their father one week during Christmas vacation from school and three (3) days during Spring vacation from school and further shall be with their father for a six weeks period during the summer.

Nothing further remaining to be done, it is ORDERED that this matter be stricken from the docket with leave of either party to reinstate upon proper petition filed.

An attested copy of this Order to be furnished Charles P. Alexander, Jr., Esq., 111 East Burwell Street, Salem, Virginia 24153, and David A. Melesco, Esq., Rocky Mount, Virginia, attorneys for the parties hereto.

ENTER: This 14th day of July, 1980

A. G. Teste

Clerk

131 Davis

JUDGE

3. Whether the trial court erred in mechanically applying the tender years inference without adequately considering the evidence regarding the fitness of the mother and the quality of other things in the custodial environments offered by the parents? [Assignment of Error 3].

ERRORS ASSIGNED

1. The trial court erred in assuming venue and jurisdiction over the matter of custody of the two minor children of the parties because the matter was not incidental to a cause properly pending before the trial court.

2. The trial court erred in awarding custody of the two minor children to the mother against the manifest weight of the evidence which required an award of custody to the father, it being apparent that the trial court failed to properly adhere to and apply the statutorily and judicially prescribed "best interests of the child" principle and there being insufficient credible evidence to show that the welfare and best interests of the children would be promoted by awarding custody to the mother.

3. The trial court erred in mechanically applying the tender years inference to award custody to the mother, there being insufficient credible evidence to support that result and there being overwhelming credible evidence to support the conclusion that the mother was unfit and that "other things" were not equal.

