

Despite Ms. Ogoy’s warning to law enforcement that Mr. Jack’s accuser (T.T.) should not be asked leading questions because it was difficult for her to say things different from what she felt others wanted her to say, that is exactly what happened the first two times T.T. was questioned and her responses recorded.

1. Transcript of police interview of T.T. on January 17, 2009:

Investigator: Okay. I want to make this as easy for you as possible, because, obviously, you’ve come from Hoonah. You’ve – you guys came over on the ferry, and where – you guys spent the night at a hotel last night; am I correct? T.T: Yeah. Investigator: Okay. And I just want to ask you a couple questions, but first of all, I want to see if you – I’m not saying this very well: Let me back up. I want to make this as easy for you as possible. **Is it easy for you to just tell me the story and me ask you questions at the end?** T.T: **No.** Investigator: No? T.T: **It’s easier like if you ask me questions first and I can just get into a story somehow.** I think that’s easier for me. Investigator: Okay. Well, why don’t we backtrack and we’ll go that way.... (pp. 17-18)

2. Transcript of first grand jury hearing on February 27, 2009:

The Juneau District Attorney’s office brought T.T. before the grand jury on the afternoon of February 27, 2009, three days after she had told her teacher that the rumors about her and Mr. Jack having sex were not true and the day after the DA’s office had received the teacher’s written report. Once again, T.T. did not give a story, or narrative, of her allegations. The grand jury heard only her responses to extremely leading questions posed by the prosecutor, Assistant District Attorney Jack Schmidt. Below is T.T.’s word for word testimony to the grand jury from which Mr. Jack was indicted on 16 counts of sexual abuse in the first degree:

| # | T.T.'s Responses to Questions posed by ADA Jack Schmidt |
|----|--|
| 1 | What? |
| 2 | [TT] |
| 3 | Twelve |
| 4 | [date of birthday] |
| 5 | Those are the people that -- those are the last foster people me and my sister [ZT] were with. |
| 6 | (Indiscernible.) |
| 7 | (No audible response) |
| 8 | August -- |
| 9 | Yeah. |
| 10 | (No audible response.) |
| 11 | Yeah, I did. |
| 12 | Yeah. |
| 13 | In September, I think. |
| 14 | He would blame my little sister [ZT] for everything. |
| 15 | Even if -- |
| 16 | Yeah |
| 17 | And even if he knew I did it, he would blame her for it. |
| 18 | (No audible response.) |
| 19 | Yeah |

| | |
|----|---|
| 20 | Uh-huh |
| 21 | (No audible response.) |
| 22 | I would get in trouble or -- and grounded or lectured for a long time. |
| 23 | Yeah |
| 24 | I would -- (pause) |
| 25 | Yeah |
| 26 | His tongue in my mouth. |
| 27 | Yeah |
| 28 | Yeah |
| 29 | Yeah. |
| 30 | (No audible response.) |
| 31 | Yeah |
| 32 | Well, I was in my room and he told Angela that he was going to be -- |
| 33 | I was in my room, and he told Angela that he would be in the living room watching TV, and came into my room to give me an extra hug, I guess. And he -- |
| 34 | Ten, fifteen minutes |
| 35 | He laid down next to me and started kissing me. |
| 36 | On my lips. |
| 37 | My mouth |
| 38 | No. |
| 39 | Yeah. |
| 40 | Started at my chest and -- and moved his hand down or -- |
| 41 | (No audible response.) |
| 42 | (No audible response.) |
| 43 | (No audible response.) |
| 44 | Yeah |
| 45 | He was moving it around, but didn't get it anywhere else. The top part. |
| 46 | (No audible response.) |
| 47 | (No audible response.) |
| 48 | Think so. |
| 49 | Yeah |
| 50 | He tried to put his -- (pause) |
| 51 | Yeah |
| 52 | Yeah |
| 53 | Yeah |
| 54 | Uh-huh |
| 55 | (No audible response.) |
| 56 | Yeah |
| 57 | (No audible response.) |
| 58 | (No audible response.) |
| 59 | No. |

| | |
|----|---|
| 60 | Yeah. I was on my back |
| 61 | A long time, but... |
| 62 | My rear end. My rear end. |
| 63 | (No audible response.) |
| 64 | I was on my side. |
| 65 | No. |
| 66 | I don't know -- remember. |
| 67 | Yeah |
| 68 | Yeah |
| 69 | Wednesday |
| 70 | Yeah |
| 71 | Yeah |
| 72 | Yeah |
| 73 | Monday |
| 74 | School nights. |
| 75 | (No audible response.) |
| 76 | Yeah |
| 77 | Six times |
| 78 | Four maybe |
| 79 | (No audible response.) |
| 80 | Yeah |
| 81 | He was masturbating |
| 82 | (No audible response.) |
| 83 | Yeah |
| 84 | Yeah |
| 85 | Uh-huh |
| 86 | (No audible response.) |
| 87 | Yeah |
| 88 | I was taking a shower and he went to the bathroom, I guess. And he looked at me while I was taking a shower, and Angela walked in when he did that. She got really mad and called Leah. |
| 89 | (No audible response.) |
| 90 | Yeah |
| 91 | It was the last time. |
| 92 | Yeah |
| 93 | Yeah |
| 94 | (No audible response.) |

With all the leading questions and T.T. finding it hard not to say what she felt law enforcement wanted her to say, it is not surprising what Mr. Pallenberg acknowledged towards the close of the first trial, "And, you know, the defense is absolutely correct, that the various statements given by T.T. have been

inconsistent with each other. And there are a lot of inconsistencies between them. And her statements have varied substantially in a lot of respects.”