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Candace newmaker transcript

THIS IS A QUICK TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED. THIS IS A QUICK TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED. ROGER COSSACK, CO-PRESENTER: A controversial therapy session ends the life of a 10-year-old adoptive girl. Now, a Colorado therapist is on trial. (VIDEO CLIP BEGINS) REP. DEBBIE STAFFORD (R), COLORADO STATE ASSEMBLY: Candace Newmaker should not have died. Candace suffered. She was tortured and it was not appropriate. (FINAL VIDEO CLIP) In addition, the fate of a murder trial for Michael Skakel is decided by a Connecticut judge more than 25 years after the death of Martha Moxley. This is the burden of proof with Roger Cossack and Greta Van Susteren. Hello and welcome to the load of the test. It was a new age therapy technique that went terribly wrong. It is called renaissance, the act of paddling a child in blankets and re-acting his birth, in the hope of joining a father. Now, a year ago this week, Candace Newmaker, 10, was suffocated during treatment by a psychotherapist. She had been covered with blankets from head to toe for 70 minutes as adults ignored her cries for help. At the trial in Golden, Colorado, Julie Ponder, 40, and Connell Watkins, 50, the two therapists who were treating Candace. Now, they are accused of reckless child abuse resulting in death. The entire session was recorded by therapists. Prosecutors played the tape in the trial, causing shock and tears from jurors as therapists appear to be tuning in to the girl. Candace can be heard saying she cannot breathe, that she has vomited and defecated for fear that she will die. Also to be tried this November, Jeanne Newmaker, Candace's adoptive mother, who took her to the psychotherapist and was in the room during the first hour of treatment and then watched the last 10 minutes on closed-circuit television. Joining us today from Denver, Colorado is Governor Bill Owens. This week he signed an anti-renaissance bill. Here in Washington, Jeremy Spevick (ph), criminal defense attorney Ron Sullivan and teen psychoanalyst Michael Jasnaw. At the back, Katherine Dunningan (ph), Brett Joseph (ph) and Joannle Jayjay (ph). Also joining us from Denver is former state taxman Colin Bressee. Well, Doctor, I want to go to you. This is one, what has been described as a new age technique. As you know, the problem here was that this was a girl who had, a young woman, the girl who died had come from a very bad environment and was adopted by her mother. She had been acting in a very strange, destructive way. Her mother had apparently tried everything, took her other doctors, tried other treatments, and the girl was destructive and I mean literally out of control and apparently the mother then, following the advice of people who thought they knew what they were talking about, took her for this treatment of rebirth. What about this treatment? Is it crazy? Is there any validity to it? It was something I might be right about, but did it just go wrong? MICHAEL JASNOW, TEEN PSYCHOANALYST: I would say from my point of view, I'm not commenting on mum, but I'd really comment - the desire was to help the child. But my comments would be on what would be accepted attention and from my point of view, and I am also the head of the child and adolescent psychotherapy program in George Washington University's PhD program in psychology, that something like renaissance is not just a recognized method of treatment. And really, as you have described the case, I can't imagine anything that would be worse for this child, because one of the characteristics of reactive attachment disorder, one of the definitive and defining features is that you are looking at a child where the adult world has somehow failed and certainly, again, I don't know this particular case, so I'm not going to comment that way, but you're looking for where the child's needs, emotional needs and attention have been broken or dismantled in some way and to wrap a child, put a child in a terrifying situation and then to ignore their terror requests would not only be a horrible thing, but in the face of it exactly what you wouldn't want to do with a child suffering from this disorder. Colin, as a prosecutor in this case, this is a difficult case. But I guess you'll always face, as a prosecutor, on the argument that, you know, there's nothing wrong with what we did. Maybe in this case things happened that we didn't suspect would happen, but the technique was there or the intention was there to try to help this situation. M. COLIN BRESEE, former state prosecutor: Well, I think it's more than that. You know, today is Columbine's second birthday, as we know, and, you know, we criticize parents who are trying to do something and after suing parents who essentially have a blind eye and don't try to do something. You know, renaissance, and I, again, no medical expert. But as this doctor pointed out, it is not a traditional practice, but nevertheless, so many non-traditional practices are the only thing that seems to work when traditional practices seem to fail. And I think it's certainly an issue that needs to be addressed is why these people are trying to do something to help this child avoid maybe a future Columbine, but yet here we are suing, suing the mother, suing everyone. And, you know, there's going to be a criminal case against the raised mother and, essentially, she said I trust you, make my daughter better. Put aside the case against the mother, I will say that perhaps it may be a weaker case than those against doctor, what about this I mean the argument that goes in and says look, this may not have worked and maybe this got away and I think there are other defenses that are saying maybe some medication you were taking that may have caused your death. But however, the procedure itself, we were, you know, full of good intent. JASNOW: Well, good intentions are very nice, but of course people who offer services to the public are in a certain level of effectiveness or at least a certain kind of context in which they are working. And from my point of view, speaking from my base, I would say that this renaissance is, I did not say non-traditional. I said outside the mainstream of care and treatment. I wouldn't be recognized by any of the bodies I know, the American Psychological Association, the American Psychoanalytic, the American Psychiatric, I think, as a standard of care. Let me ask you a question. Yes? And I know that if you were intouched, if they testified in the indictment, Ron Sullivan would ask you that question. Yes? Cossack: If, as far as the renaissance is, I'd say, Doctor, what's an inherently dangerous procedure? I would say, from my point of view, that he has done it, just funciona,jo, if someone came, if someone suffers a stroke and they take them to someone who says, you know, I have a terrible stroke but no one can help me and they tell me well, we'll do some bleeding, we'll really help. We believe this will help. We wish you well. We'll bleed you. The patient dies. Well, I think it's an equivalent. These people may have had the best of intentions, but I would say that on the basis, the renaissance has nothing to do, as far as I can tell, with the main understandings of psychology, psychiatry, as commonly accepted today, and I'm not -- again, I'm not talking directly about this case, but in a complex case like this, there would be many things one would want to deal with and want to make sure it was addressed before one hope to help a child and a family. Okay, let's take a break. Candace's tragic death shocked the State of Colorado and prompted new legislation to protect children. Governor Bill Owens talks about the Candace Act when we get back. Don't go. (START LEGAL BRIEF) The families of the victims of the Columbine massacre have agreed to a \$2.5 million settlement of their lawsuits against the parents of the gunmen and the suppliers of a gun. (FINAL LEGAL REPORT) (COMMERCIAL BREAK) This week in Golden, Colorado, two therapists are on trial for the death of a girl who died while in office. The girl suffocated during a renaissance treatment in which she was chauffeured from head to toe with blankets. Tragedy prompted Colorado to move quickly with new legislation to protect children the Candace Act brings Candace Newmaker. And joining us is the Governor of Colorado, Governor Bill Owens. Governor, tell us about the Candace Act. Gov. BILL OWENS (R), COLORADO: Well, the Candace Act tries to address this terrible situation by saying that as of today it is illegal in the State of Colorado to have this type of therapy, to group a child and have adults try to force that child to put pressure on herself out of that fictional womb. There are therapies that are very effective. This therapy is, in its own face, life threatening and is a therapy that we have decided in Colorado should not be allowed to be used due to the clear indication that it can cause death or serious injury. Governor, some might argue with you that maybe the state legislature shouldn't be involved in medical treatment, that this is something that should be the police department for medical authorities, that maybe this is a treatment who will come time and this time was done in a poor way. How would you respond to this criticism? Well, I guess there would be two points I'd like to make. First, under Colorado law, there really isn't the therapy oversight you might have in other states. There are some areas where Colorado law is obviously weak. And secondly, reasonable men and women can come together and agree to disagree on some issues. In this case, the data is clear. This is not an effective therapy and it is also life threatening. We no longer allow children to be taken to the top of the mountain and slaughtered in order to bring a good harvest the following year because that is not reasonable. And I think in this case in the same way it's not reasonable to assume that by having 700 pounds of adult pressing a child that's tightly wrapped up, that this is really going to improve your perspective on life. In this case, some people would feel that this made her die and I have to remind everyone that the trial is going on and everyone is innocent until proven guilty. Governor, that kind of gets to the next question. When is this law in force and do you know what the sanctions are for that? Do. The law went into effect on my signature, which was three days ago, and so in Colorado right now it's illegal to have this kind of renaissance therapy. Penalties, first offense is a crime and a fine. The second offense is up to a year in prison and a higher fine. We do not believe that anyone should be prosecuted by this law. We believe that having the law in place will result in this renaissance therapy no longer offered or used in the State of Colorado. Okay, thanks to Governor Bill Owens for joining us. Thank you. Thank you once again, Governor. I want to go to Ron Sullivan now for a moment. Ron, I'm going to hit you with the nasty task. Defense lawyers always manage to defend this situation, and I suggest that maybe defense is this is cutting edge and you guys, you law makers may be cutting something that maybe is, may become something worthwhile. RONALD SULLIVAN, CRIMINAL DEFENSE ATTORNEY: Well, this is certainly your starting point in defense because therapy itself hits more like facially absurd and most people on the jury are going to think, you know, this is nonsense, what's going on with wrapping a child and adults pushing pillows on them and suffocating them with a blanket? And the defense will have to do it, you're going to have to find an expert or someone who says well, that's it, that has some therapeutic value. It's not some kind of weird therapy, but it has some value. If you can convince the jury that this, in the absence of therapy, has some kind of therapeutic value, but it only went wrong in this particular case, then you can move on to the more technical aspects of a defense in this case. And these would be, because the facts are pretty bad in this case, the defense really should carefully deconstruct the statute. The statute says being guilty of child abuse in Colorado a person should cause injury to a child or put a child in place of... Ron, let me interrupt you for a second. I've just been told there's some news in Connecticut. Let's go to CNN's Debbie Feyerick in Connecticut with Skakel's trial. Debbie, what's going on? DEBORAH FEYERICK, CNN correspondent: Well, Roger, Michael Skakel will be on trial for the murder of Martha Moxley. His lawyers wanted to put some witnesses to counter many of the testimony we've heard in recent days, but the judge basically told them look, this is not a mini trial. This is a likely cause of hearing. So save your witnesses for when we go to trial. Michael Skakel today pleaded not guilty to the murder of Martha Moxley, all happening right at the last minute. The judge had decided there was probable cause, that Skakel may have intentionally killed Martha Moxley. Probable cause, of course, which means there must be more evidence than just mere suspicion, but less evidence to prove this beyond a reasonable doubt. It falls somewhere in between. The judge relied on several key pieces we've seen in the past two days, including a golf club that was found in Skakel's home that matches the murder weapon and also the testimony of two former schoolmates of Michael Skakel, the judge saying the admissions allegedly made by Michael Skakel provide a motive and an account of the surrounding circumstances. We understand that Mrs Moxley will come to the podium momentarily. But that's where we are right now. Michael Skakel will go to trial. Declared no Roger? What are you doing? You? let me keep track of a question with you. Earlier today you reported that the judge had made his decision on the fact that Michael Skakel was going to go to trial and then indicated that the defense was going to call the witnesses. What, why would the defense call the witnesses if the judge had already made up his mind? FEYERICK: Because this is, procedurally, defense attorneys are allowed to say look ... Debbie, we'll interrupt you for a second. Dorothy Moxley is, mom, present at the booth. We'll let you talk to us now. Go ahead, please, Mrs. Moxley. Dorothy Moxley, martha Moxley's mother: There's a lot of effort and I've been so blessed with so many wonderful people that it helps me that, you know, I am, I'm overwhelmed right now. I think this is really like a miracle that we have one, you know, we've moved one step further. So I hope to give courage and hope to those other mothers out there who know nothing about what happened to their children. It's terrible not to know and now, you know, I'm getting one step closer. So, you know, I'm asleep. I feel, you know, all right, all right. QUESTION: (OFF-MIKE) MOXLEY: You know, just kind of erase it. I'm not sorry, I mean don't pay any attention. You know, I'm a very positive person. I think all of us when we wake up in the morning, we can decide if we're going to have a good day or a bad day and you just have to have a lot of faith and courage and you just think, you know, it's going to be a good day and it's going to be like that... QUESTION: (OFF-MIKE) MOXLEY: Oh, yes. I mean I've never lost hope and I have a very strong faith. So I think, you know, everything just works. And I... QUESTION: Do you see success in this trial. Mrs. Moxley? Well, you know, I've had all this wonderful help. How many mothers can say they've had someone like Len Levitt and Tim Dumas and Dominick Dunne and Mark Fuhrman and the .com Frank Garr has been so good and so kind and so considerate. I mean they've all been. And the press, I'll tell you, you guys have been so good. I was just telling someone, when this is over, then I'm going to redecorate my house. But until then, you know, my door is open and you go in and rearrange the furniture and you, you know, you put paper in that window and you block that, you know, it's you've helped me so much that I'm willing to let you in and rearrange the furniture. do what you want, you know? You, the press has been wonderful. And I think you've been so honest, which, for me, is good. So anyway, thank you very much. QUESTION: Do you think what about the success of the trial? What is your... Well, you know, we take it once, one step at a time, but really, as I say, I have great faith in the state attorney's office because, you know, they've done a wonderful job. And I don't think they are today if it didn't feel like I had a big case. So I'm very happy. Thank you very much, you know? We'll see you again. All right, bye. Okay, today we've been listening to Martha Moxley's mother talking about the facts in court. We'll take a break and when we get back, we'll talk a little bit more about the renaissance incident in Colorado and we'll be back on our show. Stay with us. (START Q&A) Q: Why was a New Jersey man charged with aggravated assault and robbery Wednesday? A: For allegedly burning the municipal building of his village. Police say he turned him because he did not want to appear in court. (FI Q&A) (COMMERCIAL PAUSE) We are back and we are talking about the tragic death in the Candace Newmaker incident. Doctor, I just want to give you a quick hypothetical. Years ago and years ago a man named Lister (ph) came and told people at the time, he said, you know, maybe we should stop washing our hands with cobalt and start washing our hands with water and soap before doing the surgery. And they told him, the doctors at the time said you know something? That's crazy. Why are you doing this? We really should do what we're doing. And then, years later, of course, Lister turned out to be correct. There's not always this problem in a situation when you have a kind of cutting-edge technique that you are and that maybe went wrong this time, but that's something you have to stick to... No, because, you see, with Lister what he did is he launched studies. I was dealing with birth fever, child bed fever. And he demonstrated his own satisfaction and rational satisfaction of anyone else, that disinfecting himself and instruments was useful. I don't know of any equivalent there, no. So as a doctor I would say the difference here is that Lister was right and these guys are basically wrong? NO, the difference, no, the difference was Lister used a recognized scientific method and scientific clinical method. That did - he could have been wrong, but he could show why there was efficiency in what he did. Okay, now let me change teams a little bit and go with you, Ron, in Connecticut's Moxley case. In no way are you surprised that the witnesses that had to be put by today's defense are not just put on? The judge has made his judgment and now we are moving forward with the trial? I'm very surprised and frankly and I think it's an appellate order from the judge. Under the due process clause of the constitution, the defense absolutely has the right to try to reject the probable cause at one of these hearings. As a tactical matter, however, because the probable cause is such a very, very low threshold, many defense attorneys tend not to give evidence at this stage because so easy to make probable cause. And by putting in your own testimony, you give the prosecution a chance to see your case. Ok, let me interrupt and just tell our viewers that what we're really talking about at a probable cause hearing, the judge is not deciding whether or not there is evidence beyond a reasonable doubt. There, he's just deciding whether or not there's enough evidence for this case to go to trial, period, and for a jury to hear it. That's right. If a crime probably happened and if the accused probably committed it. This is essentially likely cause, very, very low level. More to come in this case. That's all the time we have for our show. Thanks to our customers. Thanks for watching. It's free for all Friday on TALKBACK LIVE this afternoon. It was free for everything today, too, for us. What do you make headlines in your neighborhood? Send your email to Bobbie Battista and tune in at 3 p.m. Eastern time. What do an Atlanta strip club, professional athletes and the mafia have in common? Well, they're wrapped up in a case before a federal court. Join us Monday for this story and more on another edition of BURDEN OF PROOF. See you then. TO REQUEST A VIDEO OF THIS TRANSCRIPT, PLEASE CALL 800-CNN-NEWS OR USE OUR SECURE ONLINE ORDER FORM LOCATED IN WWW.FDCH.COM WWW.FDCH.COM

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