

1           The evidence will show that Sam originally  
2 told the truth that nothing happened with Ms. Ogletree  
3 when he was originally questioned in the fall of 2002.  
4 But after ten to 20 trips to the office, he told lies  
5 about having sex with Ms. Ogletree because this is what  
6 the adults wanted to hear, especially those defending  
7 against a lawsuit brought by Ms. Ogletree. But Sam, the  
8 Eagle Scout, he came clean by telling his mother, his  
9 friends or certain friends, the district attorney and us  
10 that nothing happened, that it was all a big lie.

11           And that leaves us now with Chayce and  
12 Matt, who both say that they had sex with Ms. Ogletree  
13 and that they were going to come to tell you, Judge, in  
14 this hearing that their allegations were true. The  
15 evidence will show that Chayce has problems with the  
16 truth. He ignores it. He gave different accounts every  
17 time he was asked. And each time he said he was telling  
18 the truth. Not that these different statements were not  
19 just different based on new information, they were based  
20 on inconsistent information. That he had no sex, that he  
21 had a little sex, that he had some sex and that he had a  
22 lot of sex. And his accounts of sex with his teacher --  
23 his accounts are unbelievable that he would have sex with  
24 his teacher in the middle of the school day, in the  
25 middle of the school where her husband's classroom is

1 around the hall even with unlocked doors. You can see in  
2 his testimony he talks about contorted positions that  
3 don't make any sense. He talks about pleasurable sex but  
4 never to completion.

5           And you'll hear through all of the  
6 testimony from all these adolescents in their puberty,  
7 15, 16 years, that they had these sexual acts with their  
8 teacher -- their young, beautiful teacher. And none of  
9 them have completion. You'll hear about that.

10           And you also will hear uncontrovertible,  
11 undisputable evidence that Chayce's allegations based on  
12 seeing Ms. Ogletree change out of her color guard and  
13 then having sexual acts are disputed clearly. That she  
14 wasn't in the color guard. You will see in his testimony  
15 that he admitted lying, and he admitted lying about  
16 lying.

17           And I told you that when I took his  
18 deposition, I was under the impression that he was  
19 coming. So I did it to find out what he had to say, and  
20 I did not really come after him on cross with prior  
21 inconsistent statements, like I will, I assume, with  
22 Matt. But we're ready to go.

23           Chayce said that he was coming to this  
24 hearing. But at the last minute he takes a trip out of  
25 the country and suddenly is unavailable.

1 Ms. Ogletree's efforts to finally clear her name, which  
2 after all is more important than keeping her license.

3 And all you will hear from T.E.A., based  
4 on the information provided to me, is that you'll hear  
5 from Matt. You'll have the deposition of the fleeing  
6 Chayce. And you may have Matt's mother. And you maybe  
7 will hear from a school counselor that in the end will be  
8 our witness.

9 T.E.A. has the burden of proof under the  
10 preponderance of evidence standard. But they will not be  
11 able to meet this burden since we have a better case.  
12 And we look forward to working with you in the search of  
13 truth for the just result.

14 Thank you.

15 ADMINISTRATIVE LAW JUDGE: Thank you, sir.

16 Ms. Smith, I'll allow you brief rebuttal  
17 on opening or you can just proceed with your first  
18 witness. I think the allegations are clear. And I  
19 appreciate the opening statements you've provided.

20 MS. SMITH: Your Honor, the only rebuttal  
21 we have is in terms of the nicknames given the witnesses.  
22 We want you to just look at Chayce as Chayce, Matt not as  
23 Matt, the actor, or Sam as Sam, the whatever moniker was  
24 given to him. But we're ready to proceed.

25 ADMINISTRATIVE LAW JUDGE: Okay. Thank

1 Jones as being the reader.

2 MR. CONNERS: Your Honor, I would just  
3 like to make some response to that request before you  
4 make a ruling.

5 ADMINISTRATIVE LAW JUDGE: Sure.

6 MR. CONNERS: As I said in our hearing  
7 last week, I only took his deposition because it was  
8 represented to me that he was coming. And so when I  
9 questioned him, the focus was to find out exactly what he  
10 was saying about Ms. Ogletree. I did very little  
11 cross-examination. I did not impeach him with prior  
12 inconsistent statements, as I would have if he had come  
13 live in the same manner I plan to cross-examine Matt. So  
14 I ask that you take that into consideration.

15 As far as reading the deposition  
16 transcript, I have an objection -- reading it here in  
17 this hearing. I have objection on basically three  
18 grounds. The first ground is that I would move for  
19 admission of the audio and the videotapes which show  
20 Chayce in his own words in his own body language as  
21 opposed to having opposing counsel read it. The second  
22 thing is that it will take up valuable time in this  
23 hearing. And I think third, that it would be just as  
24 efficient for you to review it on your own time as you're  
25 considering this case and be able to take notes and

1 Q. Did you ever speak to Chayce about the  
2 allegations that he brought against your wife?

3 A. On two occasions. The morning of October 2nd,  
4 sometime early that morning about 7:30, Chayce came into  
5 my room. And -- and I don't know what I was doing,  
6 grading or something. And he said, Mr. Ogletree, I just  
7 want you to know that all of this stuff that's being  
8 said, I'm not saying any of it.

9 And I said, okay, Chayce. I said, but the  
10 people who are in this particular case, they need to  
11 realize that they are affecting a person's life here,  
12 their career. This is something serious.

13 And he said, well, I just want you to know that  
14 I'm not saying anything.

15 And I said, well, okay. Then if you know these  
16 guys that are actually saying this stuff, then you know,  
17 tell them how serious this matter is. And that was  
18 pretty much the end of it. Unbeknownst to me, 30 minutes  
19 later he was going to sit up there with our school  
20 administration and the school resource officer and start  
21 alleging the stuff that began -- well, one of his many  
22 stories that he's told.

23 Q. You had an opportunity to review the statements  
24 that he provided?

25 A. Yes, I read them.

1 Q. And you've been very interested obviously in  
2 this case --

3 A. Yeah.

4 Q. -- involving your wife --

5 A. Yes.

6 Q. -- is that correct?

7 A. Yes, sir.

8 Q. Now, the second time that you met with him,  
9 tell us about that.

10 A. The second incident occurred his senior year.  
11 I had a dual biology test. The way we did semester tests  
12 were staggered. And so his semester test happened to be  
13 the last test of the actual school year, and it was at  
14 the end of the year. The students -- The bell had rang.  
15 Their test was over. All of the students had left my  
16 room. And I would say within three to five minutes  
17 later, in comes Chayce. Chayce came up to me and he  
18 said, Mr. Ogletree, I just want you to know that I'm  
19 sorry for all that's gone on, and I just don't want there  
20 to be any hard feelings.

21 I sat back in my chair. And then finally, I  
22 stood up. And I said -- I said, we're not talking about  
23 this right here. You and I are going up to the office,  
24 and you are repeating everything you just said to me.

25 So I took him up to the office. And we went

1 into my vice principal's office. Her name was Barbara  
2 Ray. And I basically -- well, I told her what he had  
3 said. And she heard me say it. And then I made him or  
4 she asked him to go through and turn around and repeat  
5 it.

6 He repeated that same dialogue and then -- and  
7 then Ms. Ray had a few words of caution towards him. And  
8 then that was the end of it. He left.

9 Q. Did you ever meet with Chayce and Matt  
10 together?

11 A. Never.

12 Q. Yesterday afternoon Matt testified that Chayce  
13 and him came to you in October of 2002, and you told them  
14 that if anymore stuff comes out, I'm getting the "F" out  
15 of here. How do you respond to that allegation?

16 A. Twofold. Guaranteed, one, that just adds to  
17 the fact of here's Matt making another lie. Okay. And,  
18 second, I don't use that kind of language at school, not  
19 to say that I haven't. But I'm saying at school as a  
20 professional, I don't use that kind of language and  
21 definitely not in front of students.

22 Q. So you never met with those two, and you never  
23 said that.

24 A. The only person that ever came in my room was  
25 Chayce.

1 things inconsistent?

2 A. I never had liked playing negatives the way  
3 you're doing with that. So I really -- I need a little  
4 bit more clarification.

5 Q. Okay.

6 A. Because you're taking a negative side on that.  
7 And I don't know.

8 Q. As far as you know, when Chayce came and told  
9 you on the morning of October 2nd that he was not saying  
10 these things, do you have any -- do you know that to be  
11 not true? Is it true or is it not?

12 A. At the time of October 2nd, the only thing my  
13 wife and I knew were rumors. The school district did  
14 not at any time communicate to Joelle at all outside of  
15 putting her on leave. Merely saying, hey, there are some  
16 rumors; we're going to investigate. Never told her what  
17 they were.

18 It took the grapevine, so to speak, in Glen  
19 Rose, Texas for us to find out who the actual kids were  
20 that were making the allegations. And the three boys  
21 that came up were Matt, Chayce and Sam. So did that come  
22 from anyone official, no, sir, it did not. So is it --  
23 is it consistent that he's saying that we had -- that he  
24 was saying nothing, to my knowledge of October 2nd, he  
25 was saying something.

1 Q. And how do you know that?

2 A. I don't on anything official outside of now  
3 finally having -- now, being almost four years later  
4 having read statements this kid gave.

5 Q. Okay. But didn't those statements occur after  
6 that conversation on October 2nd?

7 A. As we learned, he wrote a statement on October  
8 1st alleging that, you know, nothing had occurred, that  
9 French was stupid ultimately. And then on the 2nd after  
10 he, I guess, had some time to concoct a story added a  
11 little bit more. And then months later, chose to go onto  
12 a video and add a whole lot more.

13 Q. Okay. Let's talk about how he concocted this  
14 story. How do you know that he used that time to concoct  
15 a story?

16 A. I don't know what any one of these boys did.  
17 It's just -- I think they've been conspiring since day  
18 one. As far as once this stuff started coming out, I  
19 think they got together to try to piece it together. In  
20 the trial, which I only got to read the transcript, the  
21 counselor attests to the fact that these boys were  
22 talking together up in the office on the very day that  
23 these allegations came out. So they were conspiring.  
24 They were talking. They had opportunity.

25 You know, on October 1st when they basically

1 they identify conduct as being inappropriate. So when  
2 you have a female teacher, who is inappropriate with an  
3 underage male or a male student, that the law looks at  
4 that the same way as if you have a male teacher and a  
5 female student or underage person. And that is quite  
6 simply what the law is.

7 But I have to deal with real people. And  
8 they have real motivations. And the complaining -- the  
9 young men in this instance -- When these allegations  
10 were alleged to have occurred, there were some things  
11 that are different than what we typically see in a case  
12 that would involve sexual inappropriateness with a young  
13 person. And it's those differences that I think drives  
14 a lot of the behavior of the former students in this --  
15 in this matter. And that's clear from the very  
16 beginning of when these allegations came out.

17 These young men initially deny the  
18 allegations. If you look at what happened on October  
19 1st, you have at least Chayce and Sam, who are not  
20 willing to cooperate. In fact, Chayce then soon  
21 after -- Mr. Ogletree tells you that soon after, he  
22 talks to him and tells him that he's the one that's  
23 going around and spreading these rumors. Then he goes  
24 and he tells the administration officials a story  
25 that -- that -- that is kind of the basis -- that is the

1 basis of some of the allegations that we're bringing  
2 forward. And Sam persists for a long period of time and  
3 persists in his denial. In fact, he identifies ten to  
4 20 visits to the office. And then claims that he's  
5 pressured before he recants the statement that he made.

6 And even Matt, who at this point is being  
7 identified as somewhat as the ring leader -- And I'll  
8 get more into what Matt's role would have to be for this  
9 to make sense. Even him, who is supposed to have this  
10 malevolent grudge against Ms. Ogletree or some necessity  
11 for attention that would necessitate him to bring  
12 forward these allegations, even he doesn't want to come  
13 out and tell what happened. In fact, at the beginning  
14 he's denying sexual touching. And he's given you a  
15 statement that says well, something occurred and there  
16 was some kissing but nothing more than that.

17 And when I get this case, I see these  
18 statements. I see denials. And then I see as they talk  
19 to administration officials and as they talk to Child  
20 Protective services and a criminal prosecution is  
21 started, that more details come out. And that as time  
22 progresses, these students change their stories.

23 I knew that before we filed this case. And it's  
24 very difficult to go forward with witnesses when at the  
25 time we filed this, there were inconsistent statements,