

EXECUTIVE SUMMARY OF CHILD SEXUAL ABUSE APPEAL



This neglected, runaway boy (John Doe) was sexually abused 1,000 times by a predatory San Bernardino County Deputy Sheriff, Jeremie Cox, after the deputy groomed him and moved him into his home. While John's mother neglected him, the predatory deputy and several of his fellow officers failed to report the neglect of John to CPS over the next several years, leaving CPS with no notice or ability to remove John and place him into proper foster care. He needs your support now to get the Supreme Court to hear his case.

The predatory deputy, Jeremie Cox, pled no contest to the child sexual abuse of John, and another boy, and went to jail in 2021.

A civil jury returned a **\$27,500,000.00 verdict** in 2024 in favor of John against San Bernardino County for the failure of three (3) of its deputy sheriffs and a welfare fraud worker to report the neglect of John to CPS. The verdict was reviewed by a highly respected trial judge and was found to be fair and proper. *John Doe v County of San Bernardino, CIV SB 21-31751*.

San Bernardino County appealed the verdict to the appellate district presided over by **Judge Manuel Ramirez**. Judge Ramirez, who lists on his Court of Appeal biography that he has been the honorary Commencement Speaker at the San Bernardino Sheriff's Academy graduation class for a multiple-year period, has previously authored an opinion in favor of the San Bernardino County Sheriff's Department and against another abused child which was then unanimously overturned by the entire Supreme Court 7-0! *BH v County of San Bernardino* (2015) 62 Cal.4th 168.

The same appellate court is now doing it again, ruling in its tentative opinion against another abused child, overturning the jury's verdict and the trial judge's multiple orders affirming the verdict, leaving the sexually abused boy with nothing - finding in favor of the San Bernardino Sheriff's Department. The tentative appellate decision in this case ignores the jury's own power and rights, ignores the trial court's thorough review and orders, and threatens the ability of other sexually abused children in California to correct injustices done to them through our jury system.

THIS IS URGENT. JOHN NEEDS YOU TO ACT NOW. THE SUPREME COURT WILL DECIDE WITHIN APPROXIMATELY 60 DAYS WHETHER TO REVIEW JOHN'S CASE, AND EVERY VOICE ASKING FOR REVIEW WILL HELP INCREASE THE CHANCE THE SUPREME COURT WILL REVIEW IT.

The Supreme Court only hears approximately 2 % of all cases it reviews. It is critical to let them know that fair justice for sexually abused children in California is critical to everyone in California, and should be a priority of the California Supreme Court. Today, please text, or call, John Doe's lawyer, Chris Keane (415) 846-0089, www.keanelaw.com to add your name to the growing list of citizens and child abuse advocates to make sure that those who violate the Child Abuse and Neglect Reporting Act (CANRA) and fail to report to CPS are held accountable.

THE EVIDENCE

This case is about multiple mandated reporters who failed to report a neglected, runaway child, John Doe, to CPS, thereby preventing CPS from intervening to help him get into a proper, supervised foster home, where he would no longer be waking up with Deputy Cox in his home, or going to sleep with Deputy Cox in his home, which is when and where Deputy Cox sexually abused John every day, for 3 years.

At trial, Deputy Cox admitted that he believed John was being neglected by his mother, and despite being a mandated reporter, Cox consciously chose to not report John's mother to CPS so he could move the boy in with him. John found meth his mother was using and gave it to Cox. Instead of reporting John's mom, Cox coerced her into allowing Cox to move John into his home. The only thing that would have saved John was a mandated report from Cox or, later, his colleagues who were also mandated reporters. Many of Cox's co-workers at the Sheriff's Department and Welfare Fraud Department, including Deputy Leach, Deputy Spear and Investigator Moon, knew Deputy Cox was keeping the neglected child in his home and each failed to report that fact to CPS.

At trial, among other witnesses, John testified, called Cox as a witness, and had several expert witnesses testify. Here is what they testified to:

1. **Deputy Rachael Nowak (Riverside County):** That Cox, Spear, and Leach violated the Child Abuse and Neglect Reporting Act and should have reported the neglect to CPS
2. **Welfare Fraud Investigator John Harkins (Orange County):** That Investigator Moon violated the Child Abuse and Neglect Reporting Act and should have reported the neglect to CPS
3. **CPS expert Nicol Stolar-Peterson (Riverside County):** That if Cox had reported the neglect of John, CPS would have intervened immediately and never let John live in Cox's home.
4. **CPS expert Francesca LeRue (Los Angeles County):** That if Investigator Moon had reported the neglect of John, CPS would have intervened immediately and removed John from Cox's home.
5. **Child Abuse Pediatric Expert Carole Jenny, M.D. (International child abuse expert):** That John, as a neglected runaway, was at an increased risk for sexual exploitation and violence, as long as he remained a neglected runaway, and that the ability of Deputy Cox to have John live in his house was a significant factor in Cox being able to sexually abuse him.

6. **John Doe:** That he would have welcomed the opportunity to talk to CPS, would have told CPS the truth about his relationship with Cox, would have welcomed the opportunity to live somewhere other than with Cox, and did not report the abuse while he was living with Cox because he was afraid no one would believe him. John testified that he felt like he performed sex acts on Deputy Cox as form of “paying rent” for living there, that he did not like or consent to sex with Cox (nor could he, as a minor), and that Cox abused him in the morning when he woke him up in Cox’s house, and at night when he went to sleep in Cox’s house. He also threatened by Deputy Cox’s guns and ammunition laid out throughout the home, including a shotgun on the back of the child’s bedroom door, and Cox’s threats to kill the child and himself if the child told anyone about the sexual abuse. Both John, and Cox, testified that despite the fact they knew each other for 1 ½ years before John moved into Cox’s home, that Cox never sexual abused John until he moved into the home, which is when John felt trapped and like he had to perform sex acts to pay rent.
7. **Deputy Cox:** That he never abused John until he moved him into his home, and never even considered abusing John until after he had moved into his home.

The jury found, and the trial court affirmed as being proper, that if mandated reports of John’s mother’s neglect of him had been made by Cox, then John would have never lived with him to begin with, and that if mandated reports of neglect were made by Deputy Leach, Deputy Spear or Investigator Moon after John had already moved into Cox’s home, then John would have been removed immediately (or at most 10 days after the reports were made), and moved into a proper, licensed, CPS-supervised foster home where Deputy Cox would not be living, and that the failure to make those reports was a substantial factor in causing John to be harmed by Cox.

WHY THE COURT OF APPEAL OPINION IS WRONG

In the most simple terms, the opinion is wrong because it ignored clear evidence in the record that isolating a neglected runaway child in the home of a sexual predator, and making such a child dependent on, and isolated with, a sexual predator, can be a substantial factor in that child being exploited into performing acts of sexual abuse, when the child should have been placed in a licensed, CPS-supervised foster home – not left unsupervised and isolated with the illegal, dangerous, unsupervised foster home being run by Deputy Cox.

As you will see in pertinent part below, the appellate court’s entire premise is factually wrong and legally flawed:

“In this case, plaintiff produced expert opinion testimony that (1) a report of Mother's neglect would have been accepted for further investigation; (2) such investigation would have resulted in further intervention by social workers; and (3) the intervention would have precluded plaintiff from living in Cox's home on a permanent basis....

We acknowledge that during cross-examination, plaintiff's pediatric expert made a brief statement that removal of plaintiff from Cox's home would have prevented the sexual assault.... **However, Jenny later disclaimed any expertise on what might have happened as part of any intervention by social workers.⁹ And "when an expert bases his or her conclusion on factors that are 'speculative, remote or conjectural,' or on 'assumptions... not supported by the record,' the expert's opinion 'cannot rise to the dignity of substantial evidence' and a judgment based solely on that opinion 'must be reversed for lack of substantial evidence.'"**...

Thus, even disregarding any competing opinions by the County's experts, the only reasonable conclusion a jury could reach by fully crediting the testimony of plaintiff's experts is that plaintiff would have been prevented from living in Cox's home. But this conclusion is far removed from the conclusion that Cox's sexual assaults would have been deterred or prevented.”

The highlighted portion of the opinion is both wrong and flawed. Carole Jenny, M.D., perhaps the country's preeminent child abuse pediatrician and one of the physicians who founded the subspecialty, did not disclaim her expertise, or base her opinion on any speculative, remote or conjectural factors, or on assumptions not supported by the record. She based her opinion on her decades of knowledge, and the opinion of two (2) CPS workers who testified that John Doe would not have been placed in Deputy Cox's home.

"I think the main issue is access. I mean, **clearly the isolation and the access and the dependency that the child has on the perpetrator is very important.** He was -- he was brought into a milieu where he was very **dependent** on Detective Cox and he had unfettered access. And he had -- he was dependent. There was access. There was **no supervision.** And it was the **isolation** that was -- that became **very important.**

That's that **sexual survival** that you're using sexual things to survive. **He was using it for food and for -- for a place to live and also because he was afraid of violence, and so he felt like he had to do this to be safe.**

I guess it would depend on if a mandated report would have led to a home study and if a reasonably competent social worker would go in and say, yeah, this is a perfectly reasonable situation for a child to be in. This is a good home. This is a perfectly reasonable foster home and would have said, sure, this is a perfectly nice place for a child to be and approved it and put California's seal of approval on the foster home. So that's I think what it would have depended on....**IF THEY WOULD HAVE SAID NO, I DON'T THINK THIS IS A HEALTHY FOSTER HOME FOR A CHILD, THEN THAT WOULD HAVE PREVENTED THE CHILD FROM BEING ABUSED.**

Additionally, the opinion completely ignores the key witness in the entire case: the **Plaintiff John Doe himself!** He made it clear that he performed the painful, numbing, non-consensual, forced sexual acts 1-3 times daily over 1,000 times in this case **because** he felt he owed it to Cox as a form of **"PAYING RENT,"** not because he consented to doing it, or liked it. The jury could, and did, easily deduce ipso facto that the child would not have felt obligated to pay Deputy Cox "RENT" in the form of anal sex or oral sex, if he was living in a CPS-supervised, State of California-licensed foster home -- because he would not have owed Deputy Cox anything, and would not have been or felt isolated, or been or felt **"TRAPPED,"** and threatened by guns and violence, in Cox's house. Thus, preventing the exploited child from living in Deputy Cox's home, and becoming dependent on him and isolated with him, removed both the dependence upon and isolation with Deputy Cox that were the causes of the sexual abuse to which both Dr. Jenny and John Doe testified.

"A: A lot of times just numb, I guess. I didn't really know how to process it. After a while, **I FELT LIKE I KIND OF JUST OWED HIM RENT IT WAS LIKE ME PAYING RENT TO HIM,** BUT IT FELT TO -- MAKE ME ANGRY AND TRAPPED....

Q. At any point in time when you lived with Deputy Cox, did anybody from Child Protective Services come talk to you?

A. No.

Q. If somebody had come talked to you, would you have welcomed that?

A. YES.

Q. And if they asked you questions about what was going on with you and Mr. Cox, would you have told them the truth?

A. YES.

Q. Would you have wanted another option to live somewhere else?

A. FOR SURE.”

There is simply no factual basis in the record to infer that Cox ever did or would have sexually abused John at all - unless, until, and while the child was dependent upon, isolated with, and felt trapped living in Cox’s home. First, Cox never sexually abused John while the child was living with his mother and extended family, despite knowing and spending time with him for 1 ½ years. Second, John testified that he never consented to sex acts with Cox, and never initiated sex acts with Cox, but only did it as a form of “PAYING RENT ” for living with Cox because he felt trapped while living in Cox’s home – which he would not have felt if he was fed by, care for and living in a foster home paid for by the state, not Deputy Cox.

THE LEGAL REASONS WHY THE OPINION IS WRONG

1. Mandated reporting of child abuse and neglect is specifically recognized as a being a substantial factor in preventing subsequent child abuse and neglect in California.
2. John Doe introduced competent expert testimony that CPS would have, more likely than not, prevented John, a neglected, runaway child, from ever moving in with Cox, and from remaining living with him, if the required mandated reports had been made in accordance with the Child Abuse and Neglect Reporting Act (CANRA).
3. John Doe introduced competent expert testimony from a child abuse expert explaining that the factor of John, a neglected, runaway child, actually moving into Cox’s home, and being allowed to become dependent upon and isolated in Cox’s home, alone with him for years, after the failure of mandated reporters to report in accordance with the Child Abuse and Neglect Reporting Act (CANRA) was a substantial causal factor in Cox being able to sexually abusing John over 1,000 times because of the dependence and isolation created allowing the neglected, runaway child to be taken in by a sexual predator.
4. John Doe, as a sexual abuse survivor, provided competent evidence of the causal factors explaining why he submitted to sexual abuse from Cox. This testimony provided substantial evidence of causation-in-fact from which the jury could infer that placement of him by CPS in a foster home, rather than leaving him dependent upon and isolated with Cox, would have prevented his sexual abuse.
5. The standard for proximate causation evidence in failure to report child abuse and neglect pursuant to the Child Abuse and Neglect Reporting Act (CANRA) which resulted in subsequent harm to a child is whether the failure to report was a “substantial factor” of the harm actually caused to the abused child, not the improper basis set forth in the opinion of having to disprove hypothetical counterfactuals.
6. Appellate review of a jury’s finding that the defendant’s negligence in failing to report child neglect in accordance with the Child Abuse and Neglect Reporting Act (CANRA) is strictly limited to whether there was “substantial evidence” to support the jury’s finding – not whether the Court of Appeal itself wants to impose its own understanding of how, when, and why child sexual abuse of a particular child occurred and to disbelieve the child abuse survivor, or his expert witness(es), that the most significant factor of the neglected, runaway child being sexually abused was him moving in and living with, and remaining living isolated with and dependent upon, the law enforcement officer who sexually abused him.

7. Even though John did introduce competent expert evidence that his submission to acts of sexual abuse was causally connected to his living with Cox, the issue of whether a person submits to sexual abuse in exchange for food and shelter is one of “ordinary human motivation” which a jury can assess without an expert and, consequently, there was no requirement that Plaintiff introduce any expert evidence on that specific issue.
8. The opinion disregards common knowledge and legal precedent, that the act of removing a child from the home of an adult who is sexually abusing, or may sexually abuse the child is, itself, a recognized protective measure to prevent future neglect and abuse.
9. The opinion relied upon by the Court of Appeal, (Doe v County of Los Angeles), is inapposite. In that case, the victim misled CPS about her contact with her abusers, leading the court of appeal to decide that it was speculative whether a CPS investigator would have discovered the child was in danger. In this case, John Doe never would have become dependent upon, or isolated with, or lived with Cox to begin with if Cox had originally reported the neglect, and after John moved in with Cox, and the abuse began, John testified that he would have welcomed CPS intervention, told CPS **the truth, and “for sure”** wanted the option of living in another home other than Deputy Cox’s home - where he had to perform sex acts as a form of paying rent. John Doe willingly reported the neglect of his mother to the County of San Bernardino, and Welfare Investigator Heather Moon. Moon ignored the neglect. No one ever asked John Doe if he was being abused by Deputy Cox, and his identity was never hidden from anyone – completely unlike the facts in Doe v LA County. These facts could not be more different than the case relied upon by the Court of Appeal in Doe v County of Los Angeles.