

1                   IN THE UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF ARKANSAS  
3                   CENTRAL DIVISION

4 DYLAN BRANDT, et al.,

5                   Plaintiffs,

6 v.

No. 4:21CV00450 JM

7                   November 30, 2022  
8                   Little Rock, Arkansas  
9                   8:58 AM

10 LESLIE RUTLEDGE, et al.,

11                   Defendants.

12                   **TRANSCRIPT OF BENCH TRIAL - VOLUME 7**  
13                   BEFORE THE HONORABLE JAMES M. MOODY, JR.,  
14                   UNITED STATES DISTRICT JUDGE

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Appearances continuing...

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23 *Proceedings reported by machine stenography. Transcript*  
24 *prepared utilizing computer-aided transcription.*

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1 (Proceedings continuing in open court at 8:58 AM.)

2 THE COURT: Back on the record. Y'all can call your  
3 next witness.

4 MR. JACOBS: Your Honor, before we get to that,  
5 there's a matter that we wanted to bring up regarding  
6 Dr. Hruz's testimony on Thursday. We were going to address it  
7 tomorrow. The plaintiffs indicated they wanted to address it  
8 today, which is fine with us, so this goes to the whole  
9 hesitate to call it sequestration of witnesses, in that  
10 Dr. Hruz will testify that the first week of trial, so prior to  
11 Ms. Cooper asking on the Friday before trial for clarification  
12 from the Court about whether witnesses not being present in the  
13 courtroom also encompasses transcripts.

14 We didn't -- or I personally, I did not read the parties'  
15 pretrial order to encompass that until the Court clarified it,  
16 so Dr. Hruz will testify that he spent a brief period of time  
17 prior to that reading a portion of the transcript of the first  
18 week of trial.

19 THE COURT: Is Hruz an expert or a fact witness?

20 MR. JACOBS: He's an expert, Your Honor.

21 THE COURT: Then it wouldn't apply.

22 MR. JACOBS: Reading what the Court said, it wasn't  
23 clear to me that the Court intended that to apply to experts,  
24 but sort of out of caution, we did it that way just in case and  
25 in case that wasn't the Court's understanding, we were going to

1 bring that up.

2 THE COURT: My understanding of the rule regarding  
3 sequestration, if I can even get that word out, of witnesses  
4 does not apply to expert witnesses.

5 MR. JACOBS: That's been our practice. But reading  
6 the transcripts, that just wasn't apparent, so we were  
7 concerned that the Court might interpret it that way so we just  
8 went ahead and did that. I think that's what the plaintiffs  
9 might have understood and did that, so if they did it, we did  
10 it that way. So you know, we just wanted to -- that could come  
11 up during Dr. Hruz's testimony so the Court's aware of that on  
12 the front end.

13 THE COURT: Okay. So who have we got next?

14 MS. LAND: We're calling Dr. Roger Hiatt.

15 **ROGER HIATT, DEFENDANTS' WITNESS, DULY SWORN**  
16 **DIRECT EXAMINATION**

17 BY MS. LAND:

18 Q Good morning, Dr. Hiatt. Please state your full name and  
19 spell it for the court reporter.

20 A Roger Lew Hiatt, Jr. R-o-g-e-r L-e-w H-i-a-t-t.

21 Q What is your occupation?

22 A I'm a child and adolescent psychiatrist.

23 Q Are you licensed to practice medicine in the state of  
24 Arkansas?

25 A Yes, I am.

1 Q Are you licensed to practice medicine in any other  
2 states?

3 A Yes, Tennessee.

4 Q Any others?

5 A Not currently.

6 Q What does a child and adolescent psychiatrist do in your  
7 experience?

8 A A child and adolescent psychiatrist works with kids and  
9 teenagers who are dealing with a variety of issues, depression,  
10 anxiety, psychosis, child abuse, aggression.

11 Q How long have you been a child and adolescent  
12 psychiatrist?

13 A Been over 25 years now.

14 Q I'd like to talk a little bit with you about your  
15 background briefly. Can you briefly tell the Court about your  
16 educational background?

17 A Sure.

18 MS. WALAS: Objection, Your Honor. Dr. Hiatt has  
19 not been disclosed as an expert witness or provided an expert  
20 report in this case. He's been disclosed as a fact witness  
21 with knowledge of Arkansas's basis for enacting the SAFE Act  
22 and was treated as such during discovery, so Plaintiffs would  
23 object to Dr. Hiatt providing any testimony as an expert  
24 witness including offering general opinions regarding  
25 gender-affirming medical care, gender dysphoria treatment, and

1 conclusions drawn from his experience, training or research,  
2 and would ask that he be limited to his lay testimony as  
3 required by Rule 701.

4 THE COURT: Is that correct, he's a fact as opposed  
5 to an expert witness?

6 MS. LAND: That is correct, Your Honor.

7 THE COURT: I'm still going to let him talk about  
8 his background.

9 MS. LAND: And just for the record, Your Honor, it's  
10 relevant to his fact testimony today.

11 BY MS. LAND:

12 Q Go ahead, Dr. Hiatt. Just briefly tell us about your  
13 education.

14 A Sure. After graduating high school, I graduated from  
15 college. At which point I attended the University of Tennessee  
16 Medical School for four years. After that, I engaged in  
17 residency training in psychiatry at the University of Arkansas  
18 for Medical Sciences, three years of general training followed  
19 by two years of child and adolescent specialty training.

20 Q Thank you. Can you briefly describe your career path  
21 since your residency?

22 A Upon completion of my residency, I took a position at the  
23 Centers for Youth and Families in Little Rock, Arkansas. I was  
24 a staff psychiatrist there, worked there for 18 years. Worked  
25 with kids in residential treatment, outpatient day treatment,

1 therapeutic foster care, and transitional independent living.  
2 Then I took a position at the Provo Canyon School in Utah for  
3 approximately four years.

4 THE COURT: What school?

5 THE WITNESS: Provo Canyon School.

6 THE COURT: Got it. Thank you.

7 THE WITNESS: In Utah for approximately four years.

8 And I currently, for the past three and a half years, have been  
9 working with Perimeter Behavioral Health in West Memphis,  
10 Arkansas and in Jackson, Tennessee.

11 BY MS. LAND:

12 Q Thank you. You are currently employed at Perimeter, is  
13 that what you just testified to?

14 A That is correct.

15 Q What is your position there?

16 A I'm the medical director.

17 Q Can you tell us what your job duties are as medical  
18 director at Perimeter?

19 A Yes. So in West Memphis, I am responsible for the  
20 residential treatment program. We have 18 female child and  
21 adolescent patients there. In Jackson, Tennessee, I'm the  
22 medical director of the entire hospital. I work with two  
23 advanced practice nurses who have their specialty training in  
24 psychiatry, and the three of us work with all the acute  
25 patients, approximately 32 acute which is short term



1 approximately two weeks stay, as well as 36 residential kids,  
2 18 boys, 18 girls who are there from six months to a year.

3 Q Thank you. Going to switch gears and ask you a little  
4 bit different questions than about Perimeter. Are you familiar  
5 with the SAFE Act? And that's an abbreviation for Save  
6 Adolescents from Experimentation Act.

7 A I am.

8 Q How are you familiar with it?

9 A I was made aware of it when it was in the process of the  
10 legislative process. I was immediately aware of my support for  
11 such an act given my experience working with now hundreds of  
12 trans identified kids, and I gave some testimony to the  
13 legislature in favor of this Act, and now I'm doing this.

14 Q Do you recall that a date of your testimony, was it while  
15 the Act was going --

16 A I believe it was March of -- I don't. 2020, I think.

17 Q Would March of 2021 sound correct?

18 A 2021, yes.

19 Q You stated that you testified in favor of the Act,  
20 correct?

21 A That's correct.

22 Q Dr. Hiatt, I'm about to ask you some questions about your  
23 experience at Perimeter with treating some of your patients,  
24 and I might ask you some questions about gender dysphoria. And  
25 for purposes of your testimony on this, can you tell us what

1 your understanding of that term "gender dysphoria" is?

2 MS. WALAS: Objection, Your Honor, calls for expert  
3 testimony.

4 THE COURT: Overruled. That means you can answer,  
5 I'm sorry.

6 THE WITNESS: So gender dysphoria is -- the  
7 essential characteristic of gender dysphoria is that a person  
8 who has a chromosomal makeup of one gender identifies as the  
9 opposite gender. The previous term for this was Gender  
10 Identity Disorder. But that's at the core.

11 BY MS. LAND:

12 Q Thank you. Similar question but with respect to the term  
13 "transgender," I might ask you a few questions that contain  
14 that term. And can you tell us what your understanding of that  
15 term is in your practice?

16 A So all babies are born with a chromosomal genotype, XX or  
17 XY on the sex chromosomes. And concomitant with that is  
18 typically almost always a biological construction of genitalia,  
19 of internal and external genitalia. The concept of gender  
20 while once was considered synonymous with sex has been -- now  
21 the common use of the term "gender" has more to do with one's  
22 internal perception of who they are in terms of male versus  
23 female versus nonbinary.

24 Q In your practice as a child and adolescent psychiatrist,  
25 you have experience working with patients who have been

1 diagnosed with gender dysphoria?

2 A Yes, at least 200 now.

3 Q Can you elaborate a little bit more on what experience  
4 that is?

5 A So we have patients who present for treatment of the  
6 issues I've previously mentioned, depression, anxiety,  
7 psychosis, child abuse, aggression. And in the context of our  
8 intake, they are asked regarding their gender identity, and  
9 many disclose that they identify as transgender. That's not  
10 the reason that they're referred to our facilities, but it is  
11 relevant to their presentation and their care.

12 Q We'll get into that a little bit more in just a minute.  
13 You testified earlier that you've been a child and adolescent  
14 psychiatrist for I don't know that you listed the number of  
15 years. Can you --

16 A More than 25 years.

17 Q More than 25 years. Have you observed and treated  
18 patients with gender dysphoria or Gender Identity Disorder  
19 throughout that entire time?

20 A So yes, in the initial years, including my 18 years at  
21 Centers for Youth and Families, I did work with two transgender  
22 identified youth, both of whom were male to female. When I  
23 changed my job and went to Utah, it was a national referral  
24 base there, and initially, there were none who identified  
25 transgender over the 240 kids that we worked with, but over the

1 course of the successive four years, I saw that number grow  
2 from zero to about 10 percent of our females and less than  
3 1 percent of the males.

4 Q I'm sorry, the move to Utah you're referring to, is that  
5 Provo Canyon?

6 A Provo Canyon School.

7 Q Do you have any experience working with adults who have  
8 gender dysphoria?

9 A So as a child and adolescent psychiatrist, I don't  
10 typically work with adults. I was familiar with and advised on  
11 a case when I was in residency. Other than that, no.

12 Q In your 20-plus years working in this field, about how  
13 many patients overall regardless of diagnosis would you say  
14 you've had?

15 THE COURT: Total number of patients he's treated in  
16 his career?

17 MS. LAND: Yes, Your Honor.

18 THE WITNESS: 3,000 or more.

19 BY MS. LAND:

20 Q Can you ballpark approximately how many of those patients  
21 you've observed who have had a diagnosis of gender dysphoria?

22 A We're approximately 200 now. I should add that my  
23 experience when I moved from the Provo Canyon School to the  
24 Perimeter facilities in West Memphis and Jackson, Tennessee was  
25 very similar. There was one girl who identified as trans when

1 I first came in 2018, and currently about 10 percent of all my  
2 patients identify that way.

3 Q At Perimeter?

4 A Yes.

5 Q Just to clarify, at your employment with Centers for  
6 Youth and Families, how long were you --

7 A I was there for 18 years.

8 Q Can you tell us what years that was?

9 A 1997 to 2015.

10 Q Can you tell us at Centers for Youth and Families, break  
11 down about how many of those patients you saw there who had a  
12 diagnosis of gender dysphoria?

13 A Two.

14 Q Similar question for Provo Canyon School. I think you  
15 alluded to this already, but I just want to make it clear for  
16 the record about how many children or adolescents -- first,  
17 before I move into that, we're referring to children and  
18 adolescents. Can you tell us what your understanding of each  
19 of those terms is before we move on?

20 A Well, typically children would be birth to age 18,  
21 adolescents would be some would say puberty to age 18, others  
22 would say age 12 to 18, but basically minors.

23 THE COURT: I think she's asking you what you  
24 consider an adolescent. What your --

25 THE WITNESS: What do I consider an adolescent?

1 MS. LAND: Yes.

2 THE COURT: For purposes of the discussion, give us  
3 an age range.

4 THE WITNESS: 12 to the 18th birthday.

5 THE COURT: Thank you.

6 BY MS. LAND:

7 Q Thank you. At Provo Canyon School, approximately how  
8 many patients did you observe there who had a diagnosis of  
9 gender dysphoria?

10 A About 100.

11 Q Were those all children or adolescents?

12 A Yes, primarily adolescents.

13 Q None of them were adults, correct?

14 A Correct.

15 THE COURT: Doctor, if I may ask you a question,  
16 when Ms. Land asked you to define what you considered  
17 transgender, we talked about chromosomes and everything, but  
18 I'm not sure I got the end of the definition, so to speak. Do  
19 you consider anybody that identifies other than their birth  
20 gender or sex transgender? You talked about the different  
21 identity, but we've had a lot of floating definitions depending  
22 on who we're talking about, about what is identity versus  
23 transgender and whatnot.

24 For purposes of your discussion here, are you talking  
25 about -- when you talk about transgender people, are you

1 talking about anybody that identifies other than their birth  
2 sex or gender?

3 THE WITNESS: So there's two issues at hand.

4 THE COURT: I just want to know when you talk about  
5 transgender, how am I to understand the category you're talking  
6 about, because it changes from witness to witness?

7 THE WITNESS: Right.

8 THE COURT: So that's all I'm trying to figure out.

9 THE WITNESS: To me, when I discuss transgender, an  
10 individual who identifies as a gender other than their  
11 biological chromosomal sex, that, to me, is transgender. The  
12 scientific term is --

13 THE COURT: That's all I needed to know, what your  
14 definition of it was so I can apply what you're telling us.  
15 It's a communication issue with me.

16 THE WITNESS: Sure.

17 BY MS. LAND:

18 Q Let's move on to your current practice at Perimeter. Can  
19 you tell us the years that you've been there?

20 A So 2018 till the current, till present. I did both Provo  
21 Canyon School and Perimeter for about eight months.

22 Q Since your time at Perimeter, how many patients total  
23 have you had come through that facility that you've observed?

24 A How many total patients?

25 Q Yes.

1 A So as I mentioned, I took on acute service about a year  
2 ago in Jackson and that turnover is a lot faster than  
3 residential, so let me take a moment and give you best  
4 estimate. I'm going to say about a thousand.

5 Q You said that you have observed patients at Perimeter who  
6 have a diagnosis of gender dysphoria?

7 A That's right, approaching a hundred now at Perimeter  
8 between the two facilities, West Memphis and Jackson.

9 Q Did you diagnose those patients with gender dysphoria?

10 A Some come with that diagnosis, others we diagnose based  
11 on the presentation and history.

12 Q Who is we?

13 A Well, I guess I would say me. I'm the one who ultimately  
14 describes the diagnosis of the patients. We have a treatment  
15 team that has input but I have the ultimate decision.

16 Q You've referred to a couple of other diagnoses such as  
17 depression and things like that. Can you -- is it fair to say  
18 that most of the patients that you see at Perimeter have some  
19 type of mental illness diagnosis? Can you elaborate on that?

20 A Yes.

21 Q Is it inpatient treatment or outpatient treatment?

22 A What I'm doing now is exclusively inpatient, some short  
23 term for like two weeks, others long term residential, six  
24 months to a year.

25 Q Would you say that you generally need to know what a



1 patient's medical history and diagnoses are when you're  
2 intaking?

3 A Yes, absolutely.

4 Q Why?

5 A We treat the whole patient, so everything is relevant  
6 about their life, particularly medical diagnoses, psychiatric  
7 diagnoses.

8 Q So to build off of that, if the child has a diagnosis of  
9 gender dysphoria, that is relevant to your treatment of that  
10 child?

11 A Absolutely.

12 Q Is that for the -- scratch that question. How many  
13 current patients do you have with a diagnosis of gender  
14 dysphoria?

15 A Six or seven.

16 Q Have you ever assessed a patient to determine whether or  
17 not they meet the criteria for gender dysphoria and have  
18 determined that they do not meet that criteria?

19 A Yes.

20 Q Let's talk about the treatment for your patients at  
21 Perimeter. Can you tell us generally how you approach  
22 providing treatment?

23 A So we do a extensive psychiatric assessment and history  
24 and physical exam is performed by a licensed physician or  
25 advanced practice nurse. I do the psychiatric assessment.

1 There's a therapist assigned who generates a treatment plan. I  
2 and the therapist and the nursing staff and the direct care  
3 staff meet regularly to discuss the treatment plan and to meet  
4 with the kids. We are addressing -- in the acute setting,  
5 we're addressing the issues that require them to be in a  
6 hospital which typically is suicidality, homicidality,  
7 psychosis, aggression, self-harm, that's the primary focus.

8 In residential care, it's broader because the kids are  
9 there longer. We do address those issues, but also the more  
10 holistic I guess you'd say, issues of placement, issues of  
11 therapy to work with kids who have been abused and to try to  
12 help them sort things out.

13 Q Is the process or is the approach you just described the  
14 same for a patient that you're observing or treating who has a  
15 diagnosis of gender dysphoria?

16 A Yes.

17 Q Why is that?

18 A Well, the patients come to us for reasons other than  
19 their gender dysphoria. We respect them. We respect all the  
20 patients, but the focus is neither to reinforce nor to  
21 discourage a transgender identity. That's not the focus of  
22 treatment.

23 Q What do you mean by that? Explain that a little bit  
24 more.

25 A We work with the kids on the issues that cause them to

1 present to a hospital and we watchfully wait to see what's  
2 going to happen with their transgender identity. If they want  
3 to talk to a therapist about it, they certainly do, but it's  
4 not -- it's not the reason they came to the hospital and so  
5 it's also not the focus of what we're working with them on.

6 THE COURT: Doctor, I think I follow you, but let me  
7 make sure I understand that at least in the acute setting, the  
8 reason that they're there is not for their gender dysphoria but  
9 for some greater issue and they may happen to be gender  
10 dysphoric? Is that what you're describing? Because I'm trying  
11 to get this acute short term, I don't want to put words in your  
12 mouth, but serious stuff, meaning acute meaning serious based  
13 on what you were describing, not to say it's not all serious,  
14 but the suicidal or the homicidal sounds a little bit more than  
15 depressed. But I'm trying to make sure I understand that what  
16 you're saying about how you treat gender dysphoric patients  
17 versus any other patients in the acute setting, they're not  
18 generally there for gender dysphoria but because of some more  
19 serious or --

20 THE WITNESS: More pressing.

21 THE COURT: Pressing, fair enough, issue.

22 THE WITNESS: Right.

23 THE COURT: So then we get to the residential issue.  
24 Can you explain to me the types of patients that would  
25 require -- residential, do you mean hospital or how do you

1 characterize residential?

2 THE WITNESS: The residential facility is in the  
3 same physical building as the acute hospital. Kids are there a  
4 lot longer. They're typically in residential treatment because  
5 they've had a series of acute hospitalizations and they can't  
6 seem to maintain outside of a hospital very well or a lot of  
7 the kids we work with are in state custody and there are  
8 challenges with placement. There are challenges -- we have  
9 kids who come because --

10 THE COURT: Let me ask you a more direct question.  
11 So residential treatment, are they allowed to come and go or  
12 are they there until you let them go?

13 THE WITNESS: They're there. They can go on visits.

14 THE COURT: Fair enough.

15 THE WITNESS: It's a locked facility.

16 THE COURT: Fair enough. Thank you.

17 THE WITNESS: I'm sorry.

18 THE COURT: I'm the one that needs to be sorry for  
19 interrupting. I just needed to understand the level of care  
20 you were giving both in the acute and residential type  
21 situation.

22 THE WITNESS: We work with kids. That's what we do.

23 BY MS. LAND:

24 Q In your treatment with these children, do you administer  
25 psychiatric medication?

1 A Yes, usually.

2 Q Do you administer any other types of medication?

3 A Yes.

4 Q What are those?

5 A Well, if they have asthma, they get their asthma  
6 medicine. If they have diabetes, they get their medicine.  
7 Things of that nature.

8 Q If they are receiving hormone therapy, would you  
9 administer that?

10 A So we're talking about puberty blockers or cross-sex  
11 hormones?

12 Q Both.

13 A If it's prescribed by an outside physician, then that  
14 continues.

15 Q Why is that?

16 A Because that's the medicine that was prescribed to them.

17 Q What have you found in your personal experience to be the  
18 most effective course of treatment for the patients that are at  
19 Perimeter?

20 A I find that the most appropriate and most successful  
21 approach is to identify the core issues preventing the child or  
22 adolescent from functioning in the community and addressing  
23 those issues head on. And with regard specifically to the  
24 transgender identity issue, I'm totally comfortable saying that  
25 the appropriate way to address that is by watchfully waiting --

1 MS. WALAS: Objection, Your Honor. He's steering  
2 into expert testimony beyond the scope of what his experience  
3 was at Perimeter.

4 THE COURT: Doctor, I'm going to ask you to confine  
5 your comments to how you do it or how you have done it is a  
6 better --

7 THE WITNESS: I watchfully wait.

8 BY MS. LAND:

9 Q When you say core issues, can you clarify what you mean  
10 by that or give an example?

11 A Try to overdose, try to shoot their mom, try to run into  
12 traffic, hearing voices, seeing things.

13 Q You said you have a few patients under your care right  
14 now who do have that diagnosis of gender dysphoria?

15 A Yes.

16 Q Looking back at your practice since you've been at  
17 Perimeter, can you give us some examples of individuals in the  
18 particular circumstances you've observed with their gender  
19 dysphoria and their other diagnoses?

20 A Sure. A patient currently who has been with us about six  
21 months, admitted with depression, suicidality, identified as  
22 transgender born with two X chromosomes but identified as male,  
23 went by a nickname which we respected.

24 Q Let's not name any names, of course.

25 A Right, I'm not going to. And about a month ago after

1 being with us about five months, this patient came to my office  
2 and announced that they're no longer going to identify as  
3 transgender but rather female, lesbian. Because I work with  
4 kids for weeks or months, most if they admit with a transgender  
5 identity discharge with a transgender identity. But this  
6 patient I just described is not unique. I've probably had at  
7 least half a dozen do that.

8 Q Tell us what happens when you observed this with this  
9 particular patient, what did you proceed to do in terms of your  
10 treatment?

11 A What did we proceed to do?

12 Q Yes.

13 A We continue with the treatment plan. So the child  
14 admitted with a lot of depression, anxiety, suicidality. Been  
15 working with the patient, working with the family to address  
16 the trauma and the stress that's going on in this patient's  
17 life. I referred to the patient by the preferred nickname  
18 until patient announced the change in identity, at which point  
19 I referred to the patient by the birth given name on the birth  
20 certificate.

21 Q Is that your typical practice?

22 A Yeah.

23 Q Why is that?

24 A I think it's important to respect all patients. I think  
25 that it's unnecessarily adversarial to refuse to address by a

1 preferred nickname. Like if a kid comes in as Walter and wants  
2 to be called Walt, we try to call him Walt. I see a difference  
3 between that and a pronoun situation so I choose not to use any  
4 pronouns with any of my patients.

5 Q Are you familiar with the term "desist"?

6 A Yes.

7 Q What is your understanding of that term?

8 MS. WALAS: Objection, Your Honor. Streaming into  
9 expert testimony.

10 THE COURT: Overruled. You can tell us what you  
11 think desist is, Doctor.

12 THE WITNESS: Desistance, as I understand it, is  
13 that an individual who has a transgender identity at some point  
14 desists, in other words, they abandon the transgender identity  
15 and embrace the gender identity of their chromosome biological  
16 sex.

17 BY MS. LAND:

18 Q The patient you just testified as an example a few  
19 minutes ago, would you classify that patient as having  
20 desisted?

21 A Absolutely.

22 Q Is that because they meet the definition of what your  
23 understanding is of that term?

24 A That's correct.

25 Q Have you observed and treated any other children who you



1 have -- who have a diagnosis of gender dysphoria that you've  
2 observed who have desisted?

3 A Yes.

4 Q About how many?

5 A Six to ten. I don't know the exact number, but there  
6 have been several.

7 Q Is that while they were under your care?

8 A Yes.

9 Q And you've described for this court your approach to  
10 treatment and your treatment plans. Would any of the children  
11 that you just testified you observed to have desisted have  
12 differed from that treatment plan you described in any way?

13 MS. WALAS: Objection, Your Honor. Calls for  
14 speculation.

15 MS. LAND: That was probably a bad question and I  
16 can rephrase it.

17 THE COURT: That would be helpful. I was reading  
18 back through it so I would understand it. If you'll rephrase  
19 it, we'll start over.

20 BY MS. LAND:

21 Q You testified that a few children that have been under  
22 your care have desisted while they've been under your care.  
23 Correct?

24 A Correct.

25 Q And can you tell us what their treatment plans were like

1 while they were under your care?

2 A So generally the treatment plan addresses core issues  
3 that presented, depression, anxiety, things that I mentioned  
4 before. We continue to address those issues regardless of  
5 desistance or lack thereof.

6 MS. LAND: I'll pass the witness, Your Honor.

7 Dr. Hiatt, the plaintiffs will have some questions for  
8 you.

9 CROSS-EXAMINATION

10 BY MS. WALAS:

11 Q Good morning, Dr. Hiatt. How are you today?

12 A Nice to see you again.

13 Q Breean Walas for the plaintiffs this morning.

14 Dr. Hiatt, you're aware that trial in this matter began  
15 October 17th of this year, correct?

16 A Yes.

17 Q And have you been provided any trial transcripts to  
18 review ahead of your testimony today?

19 A No.

20 Q And have you spoken to anyone about your trial testimony  
21 today?

22 A No.

23 Q Have you reviewed any of the newspaper articles or press  
24 clippings or any of the public press that's been out there  
25 about the case regarding the testimony that's been given?

1 A No.

2 Q And you gave a deposition in this case in late April of  
3 this year, and did you by any chance review that deposition  
4 ahead of your testimony today?

5 A Yes.

6 Q That might come up later so just wanted to get that out  
7 of the way ahead of time. Now, you're a residential and  
8 hospital-based psychiatrist, right?

9 A Correct.

10 Q The reasons children and adolescents are referred to your  
11 hospital or the residential program is safety issues, suicidal,  
12 homicidal, depression, anxiety, and trauma, correct?

13 A Those are the main ones.

14 Q And if adolescents don't have safety issues or issues of  
15 safety sufficient to warrant hospitalization, you don't see  
16 them, right?

17 A Right.

18 Q And some of those children and adolescents who are  
19 hospitalized, they also have gender dysphoria but they don't  
20 get admitted because they're gender dysphoric, correct?

21 A That's correct.

22 Q That's not the reason they come to see you?

23 A Right.

24 Q Your goal in treating a patient who has been diagnosed  
25 with gender dysphoria is to treat the concurrent psychiatric

1 conditions that resulted in their admission to the hospital,  
2 correct?

3 A Right.

4 Q And your patients have outpatient doctors to address  
5 other issues, correct?

6 A Follow up, sure.

7 Q And I believe you testified earlier but correct me if I'm  
8 wrong, that if adolescents with gender dysphoria come into your  
9 facility already receiving hormone therapy prescribed by an  
10 outside physician, you will continue that treatment while they  
11 are hospitalized?

12 A That's correct.

13 Q But you do not, yourself, start a new diagnosis for  
14 hormone therapy for somebody with gender dysphoria while they  
15 are under your care, correct?

16 THE COURT: I think you meant prescribe, as opposed  
17 to start a new diagnosis for hormone therapy.

18 MS. WALAS: I did mean prescribe. Thank you, Your  
19 Honor.

20 BY MS. WALAS:

21 Q You, yourself, do not start a prescription for hormone  
22 therapy for a patient under your care?

23 A That's correct.

24 Q Switching topics a little bit. You're not a member of  
25 the General Assembly, correct?

1 A Right.

2 Q The Arkansas General Assembly?

3 A Correct.

4 Q Let me clarify that. You're not a member of the Arkansas  
5 General Assembly?

6 A I am not.

7 Q And you weren't involved with drafting Act 626, correct?

8 A That's correct.

9 Q And you did not provide any input either professionally  
10 or personally into the language of the bill?

11 A Correct.

12 Q And you had no knowledge of the bill's existence prior to  
13 March 12th of 2021, correct?

14 A That's right.

15 Q The House of Representatives had already passed the bill  
16 before you even became aware of it, correct?

17 A Correct.

18 Q And on March 12 of 2021, that's when Jerry Cox, the  
19 president of Family Council and Representative Robin  
20 Lundstrum's liaison, reached out to you and asked you to  
21 testify at the Senate --

22 MS. LAND: Objection to hearsay, Your Honor. He  
23 can't testify to what other people have told him.

24 THE COURT: Complete your question and then I'll  
25 figure out how to deal with the objection.

1 BY MS. WALAS:

2 Q That's when he reached out and asked you to testify at  
3 the Senate Public Health Committee hearing and to write a  
4 letter supporting the bill?

5 THE COURT: Overruled. I'm going to let him --  
6 overruled.

7 MS. LAND: Objection to relevance as well.

8 THE COURT: I don't know if it's relevant or not.  
9 We'll find out. Overruled for now. Is that when Jerry Cox  
10 contacted you?

11 THE WITNESS: Yes.

12 THE COURT: Other than timing of his knowledge and  
13 when he testified, why is the fact that Jerry Cox contacted him  
14 relevant?

15 MS. WALAS: That he was Representative Robin  
16 Lundstrum's liaison, Your Honor, that's how he was described in  
17 his deposition and that's how he was contacted through the  
18 member of the General Assembly to come testify.

19 THE COURT: I'm assuming that --

20 MS. LAND: I'll object to the characterization of  
21 that.

22 THE COURT: I'm assuming that however he got to  
23 testify was at the behest of the General Assembly. Unless he's  
24 going to say no, I just begged my way in there. We need to  
25 move past that because I'm assuming unless you want to correct

1 me, Doctor, that you were invited to testify on that issue as  
2 opposed to --

3 THE WITNESS: I was invited by the General Assembly  
4 to testify.

5 BY MS. WALAS:

6 Q You testified that you reviewed your deposition ahead of  
7 today?

8 A Several weeks back, yes.

9 Q But you recall giving a deposition in this matter?

10 A Oh, yes.

11 Q So you have religious beliefs about people that have been  
12 diagnosed with gender dysphoria, right?

13 MS. LAND: Objection to relevance. His religious  
14 beliefs are not relevant and it's outside the scope of direct  
15 examination.

16 THE COURT: Sustained.

17 MS. WALAS: Your Honor, it's relevant because it  
18 goes to his influence and bias and it also goes to the care  
19 that he provides as part of his treatment at Perimeter and in  
20 the course of his medical career. And he has provided that  
21 testimony and so what goes into his care and how he provides  
22 that care, and the follow-up questions to this show the  
23 relevance of this testimony, Your Honor.

24 MS. LAND: Your Honor, he has not testified that his  
25 religious views have any sort of input into his care. This is

1 irrelevant.

2 MS. WALAS: Your Honor also addressed the relevance  
3 of the bias in some of the motions in limine and it was allowed  
4 in.

5 THE COURT: I'm going to stick with my ruling.

6 BY MS. WALAS:

7 Q You sent a letter to Governor Hutchinson in support of  
8 the SAFE Act, correct?

9 A Yes.

10 Q And Genesis 127 is the name of the letter that you gave  
11 the document or the name you gave that document that you sent  
12 to the governor, correct?

13 MS. LAND: Objection to relevance, Your Honor.

14 THE COURT: Overruled. I'm going to let him  
15 testify. Go ahead.

16 THE WITNESS: Yes.

17 BY MS. WALAS:

18 Q What is Genesis 127?

19 MS. LAND: Objection to relevance.

20 MS. WALAS: Your Honor, he titled the letter he sent  
21 to the governor Genesis 127. So we're just following up.

22 THE WITNESS: To clarify, I titled --

23 THE COURT: Hang on a second, Doctor, before you go  
24 there. It's a quote from the Bible that the Court can read, so  
25 let's move on past that. I'm assuming that that's what you



1 referred to as Genesis 127 was a scripture from the Bible. Is  
2 that the Genesis you were referring to?

3 THE WITNESS: Yes.

4 THE COURT: Okay. I have one and I can read it.

5 MS. WALAS: If I may have a second, Your Honor, I  
6 just got sidetracked.

7 BY MS. WALAS:

8 Q Doctor, you testified about your definition of  
9 transgender on direct, correct?

10 A I was asked how I perceive the term.

11 Q And your beliefs are that gender is an essential part of  
12 premortal, mortal, and eternal existence, correct?

13 MS. LAND: Objection to relevance again.

14 THE COURT: Overruled.

15 THE WITNESS: Yes.

16 BY MS. WALAS:

17 Q Those beliefs influence your views about gender  
18 transition, correct?

19 A Everyone's beliefs influence their views.

20 Q You have concerns about transgender people being teachers  
21 or otherwise working with children?

22 MS. LAND: Objection. This is outside the scope of  
23 direct examination and it's irrelevant.

24 MS. WALAS: Your Honor, it goes to bias of the  
25 witness. And he's been identified as somebody with knowledge

1 of Arkansas's basis for enacting the SAFE Act and provided  
2 testimony regarding the care that he provided and the reasons  
3 behind it.

4 THE COURT: So I'm going to sustain the objection  
5 because this doesn't go to his credibility as to what he does  
6 or doesn't do. It goes to the reasons why he does what he does  
7 or doesn't do, so I'm going to sustain the objection because  
8 it's not a credibility question. It's a basis for why he does  
9 what he does, if I can make the distinction. So the fact that  
10 he does or doesn't prescribe anything, you're not impeaching  
11 him on the fact that he treats people other than how he's  
12 testified, and he's a fact witness, so I'm going to sustain the  
13 objection.

14 MS. WALAS: Your Honor, one moment, please. We'll  
15 pass the witness, Your Honor.

16 THE COURT: Ms. Land.

17 REDIRECT EXAMINATION

18 BY MS. LAND:

19 Q Just one clarifying question, should be. To clarify,  
20 some of the patients who you've seen who were already on  
21 hormone therapy were still suffering from their core issues,  
22 right?

23 A Correct.

24 Q Thank you.

25 No further questions, Your Honor.

1 MS. WALAS: Nothing further, Your Honor.

2 THE COURT: You're free to go, Doctor.

3 MS. LAND: Your Honor, the state will call Laura  
4 Perry.

5 **LAURA BETH SMALTS, DEFENDANTS' WITNESS, DULY SWORN**

6 **DIRECT EXAMINATION**

7 BY MS. LAND:

8 Q Good morning.

9 A Good morning.

10 Q Can you please identify yourself and spell your name for  
11 the record?

12 A Yes. Laura Beth Smalts. L-a-u-r-a B-e-t-h S-m-a-l-t-s.

13 Q Did you previously go by any other names?

14 A Yes, Laura Beth Perry and also at one point Jacob Nathan  
15 Perry.

16 Q Can you tell us the reason for the name change just for  
17 purposes of the record?

18 A Yes, I lived as transgender for --

19 Q No, your --

20 A Oh, sorry, I got married about seven months ago.

21 Q Okay. Thank you. Ms. Smalts, please explain to the  
22 Court why you're here today.

23 A I'm here to share my story of my transgender experience.

24 Q We'll be talking more about that in detail, but first I'd  
25 like to just briefly go over some questions about your

1 background. First of all, how old are you?

2 A I'm 40.

3 Q Where did you grow up?

4 A In Bartlesville, Oklahoma.

5 Q You still live in Oklahoma?

6 A Yes. I live in Oklahoma City now.

7 Q Did you have any brothers or sisters growing up?

8 A Yes, I had one brother and one sister.

9 Q What's your occupation?

10 A I work in ministry.

11 Q How long have you done that?

12 A I started in 2019 officially. I did some speaking before  
13 that.

14 Q Have you previously submitted a declaration in this case?

15 A Yes.

16 Q That was also under your maiden name Laura Perry,  
17 correct?

18 A That's correct.

19 Q Can you tell the Court what gender you identify with  
20 today?

21 A Female.

22 Q Were you born female?

23 A Yes, I was.

24 Q Have you identified as female your whole life?

25 A No.

1 Q Can you explain?

2 A Yeah. I identified as male from 2007 to 2014, and I  
3 pictured myself as male for much of my childhood, but in the  
4 culture at the time, I'd never heard of transgender so I didn't  
5 know to say that word, didn't really tell anybody.

6 Q We'll get into that in a minute. But going off of the  
7 word transgender, can you just tell us what your brief  
8 understanding of that word is?

9 A That I lived as -- I transitioned to male and lived  
10 legally as male.

11 Q So it's fair to say that during the time periods you  
12 identified -- you identified as transgender; is that right?

13 A Yes, correct.

14 Q You said that you didn't know what that word was at  
15 first. When did you learn what that word was?

16 A In 2007, I had been having thoughts of feeling like a man  
17 and wanting to be a man, but I'd never heard of it so I looked  
18 up in Google "girl becoming a boy" just I was curious if anyone  
19 else felt like that, and that's where I heard that.

20 Q We'll come back to that in a moment. Can you tell us --  
21 you said much of your childhood you had feelings where you were  
22 having issues with your gender. Can you tell us the earliest  
23 age you remember having issues?

24 A I was about 5 years old.

25 Q What were your thoughts when you were 5? Tell us how you

1 felt at that time, and what made you realize you had gender  
2 issues?

3 A I didn't see a lot of the connection at the time when I  
4 transitioned, I just remembered feeling that way. But I looked  
5 back and I didn't have a real good relationship with my mom. I  
6 was very jealous of her relationship with my brother that  
7 seemed much closer. And she had miscarried two boys between my  
8 brother and I, and I began to think that maybe Mom wished I had  
9 been one of the boys instead. But I was also very tomboy, I  
10 didn't get along well with girls, and I was very close to my  
11 dad.

12 Q So those thoughts were kind of what equated to you when  
13 you were around the time of 5 years old thinking that you  
14 wanted to be a boy and perhaps were transgender even though you  
15 didn't know that word at the time?

16 A Yes, and I think it got worse when I went to school and  
17 began to see that I had trouble relating to the girls and felt  
18 like I didn't fit in with them.

19 Q Did this feeling persist past the age of 5?

20 A Yes.

21 Q You just testified a little bit about how you learned of  
22 the word "transgender". Can you elaborate on that a little bit  
23 more?

24 A Yeah. I remember looking up stories, and I don't  
25 remember the specifics of what I saw, but I heard people

1 identifying as transgender, and then I found a support group in  
2 Tulsa where I was living at the time and I went to a support  
3 group meeting and that's where I met the first transgender  
4 people.

5 Q What made you finally decide to do research into -- tell  
6 us how you came to Googling, I think was your word, this term.

7 A I had been -- I had felt like that a lot of my life but,  
8 again, because I'd never heard the word, I had never even  
9 really heard that concept other than I had heard of drag, but  
10 it was just something I dealt with internally. But in college,  
11 I was in a lot of sexual relationships, a lot of relationships  
12 that didn't go well, I felt rejected, abused, and used quite a  
13 bit, and I just began to feel like I had no worth or value as a  
14 female. I was very jealous of the power that I felt like men  
15 had in the relationship.

16 And it was driving me crazy that I had always wanted to  
17 be a man and yet I felt like I had been cursed as being female.  
18 And I finally -- I began fantasizing more and more through  
19 pornography and other things and that's where that feeling and  
20 that desire became so pervasive that it's all I could think  
21 about.

22 Q You said that you discovered a support group?

23 A Yes.

24 Q In Tulsa. Timeline it for us about how soon after you  
25 started doing this self-research that you learned of this

1 support group.

2 A I found the support group in my research that night and I  
3 went to the next meeting which was that following week  
4 sometime.

5 Q So about a week between the time?

6 A Yeah.

7 Q And what was the support group for?

8 A It was specifically for people that identified as  
9 transgender. There were no counselors or other professionals  
10 in the group, any other adults, it was just people that  
11 identified as transgender.

12 THE COURT: Ms. Smalts, how old were you?

13 THE WITNESS: I was 25.

14 THE COURT: Okay.

15 BY MS. LAND:

16 Q Did you attend this support group more than once?

17 A Yes, I attended for some time between one and two years.

18 Q How often would they meet?

19 A Weekly.

20 Q Why did you go initially?

21 A Initially I was looking for support and information and  
22 answers. I had heard this concept, but I didn't know how to  
23 make that happen, I didn't know if this was real, but really  
24 looking for people that understood me. And I did find that  
25 there, but we quit going because we found that we left more



1 depressed than when we got there most of the time.

2 Q When you said you wanted to know how to make that happen,  
3 what do you mean by that?

4 A The transition process.

5 Q We'll get to that in just a moment. Throughout the time  
6 that you were attending this support group, did you do anything  
7 else in an effort to transition you say other than doing your  
8 own research?

9 A Can you clarify? Just during the time I attended the  
10 support group or throughout the whole process?

11 Q During the time you attended the support group.

12 A During the time I attended the support group, I began  
13 transitioning with hormone therapy and eventually had my name  
14 legally changed.

15 Q Did you present as male at any time throughout this  
16 process?

17 A I did. From the very first meeting, I walked in and I  
18 had cut my hair and was wearing more masculine clothing.

19 Q When did you start doing that?

20 A That would have been I guess either late September, maybe  
21 early October of 2007.

22 Q So about when you were 25?

23 A Yes.

24 THE COURT: Ms. Smalts, you said "we" quit going.  
25 Who are you referring to?

1 THE WITNESS: Sorry. I eventually dated and had a  
2 long-term relationship with one of the people in the support  
3 group. We were both transgender. He was male to female. And  
4 we started living together and we both quit attending.

5 THE COURT: Thank you.

6 BY MS. LAND:

7 Q Tell us about your decision-making process in how you  
8 decided to socially transition.

9 A I had desired that for a long time, and when I heard  
10 about people that were living as transgender, it was like my  
11 whole life made sense. So I saw these years of these desires  
12 and it seemed to be the answer. And as I started to present  
13 myself as male, I received a lot of affirmation, a lot of  
14 people telling me I was heroic and that sort of helped me get  
15 out of that pain for a little while of feeling female when I  
16 had felt so used and rejected and felt like I didn't have a lot  
17 of worth as a woman, so it helped me initially out of that  
18 pain.

19 Q I believe you testified that you were looking for  
20 support. Did you find that there at the support group?

21 A I did. We all -- I think we helped support each other,  
22 we understood each other. And I think we did have a comradery  
23 and just a mutual bond over the experience.

24 Q Did you -- outside of that support group, did you  
25 identify to others that you were transgender?

1 A I did. I don't know the exact timeline of how long it  
2 was. I initially started presenting when I was in college. I  
3 was still -- I was a little bit older, but I started college a  
4 little bit later, and then I came out to my best friend in  
5 December of that year.

6 Q Your best friend was the first person you told outside of  
7 the support group?

8 A Right.

9 Q Did you tell your family?

10 A Not initially. I wasn't in close contact with my family  
11 at the time. They found out in July of 2008.

12 Q Did you ever receive a diagnosis related to your gender  
13 issues?

14 A Well, I was required to go to a licensed therapist, and I  
15 didn't want therapy, I didn't think I needed therapy, I didn't  
16 want to change the mind to be in alignment with my body, but my  
17 I was required to go in order to start the process. And she  
18 told me at the time that she diagnosed me with gender dysphoria  
19 disorder, but then later I found out that she never filed any  
20 kind of paperwork. It was just as far as there was never an  
21 official diagnosis.

22 Q On a piece of paper?

23 A Right. I mean, I think it was like in the office notes.  
24 But the reason I bring that up, I didn't know until years later  
25 I was applying for a job and I had to put whether I'd ever been

1 diagnosed with a mental disorder, and I had already put that on  
2 the form and she said you didn't have to put that on there, I  
3 never officially diagnosed you.

4 Q And you said you were required to go to therapy. Who  
5 required you to do that?

6 A At the time, I don't know if it was a legal requirement  
7 as far as on the law books, but it was part of the WPATH  
8 standards. It was sort of the process that most doctors would  
9 require in order to start hormone therapy at the time. So I  
10 was able to take this letter stating that I had -- because she  
11 wrote me a letter stating I had been diagnosed with this Gender  
12 Identity Disorder and take that to a doctor to start hormone  
13 therapy.

14 Q Okay. And did you, in fact, go to therapy?

15 A You mean hormone therapy or are you talking about the  
16 counseling therapy?

17 Q Counseling therapy.

18 A Yeah, I was required to attend three sessions and then I  
19 later had to do one additional session in order to get my  
20 surgery letter and that was all the counseling I received.

21 Q You did attend all of those sessions?

22 A Yes.

23 Q Did you want to go to counseling?

24 A No, I did not.

25 Q Why?

1 A I didn't want to want to be female. I didn't want to  
2 bring the mind into alignment with my body. I wanted to be  
3 male.

4 Q Is that the first time in your life you had attended any  
5 type of counseling?

6 A Yes, as far as any kind of licensed therapist. I had  
7 grown up in the church. I probably had talked to ministers at  
8 some point, but I had never shared anything about my gender  
9 struggles.

10 Q And when you attended those counseling sessions that you  
11 referred to, did you share your gender struggles in those  
12 sessions?

13 A Yes. In the first meeting, I told her that that was why  
14 I was there, that I was wanting to transition to male.

15 Q Just so I'm confirming the timeline is correct, are you  
16 still about the age of 25 when this is happening?

17 A Yes.

18 Q After those counseling sessions, what did you proceed to  
19 do?

20 A After the counseling sessions, I took the letter that I  
21 was given stating that I'd been diagnosed with Gender Identity  
22 Disorder. The doctor, there was only one in Tulsa that I knew  
23 of at the time that was seeing transgender patients, I couldn't  
24 get in to her. But soon after, maybe a few weeks after, I  
25 found out that the doctor that I had been going to for years

1 was treating another trans patient so I asked him and he  
2 started me on hormone therapy.

3 Q Similar question, you were still about 25 years old about  
4 this time?

5 A Yes, correct.

6 Q Tell us about how you made the decision to go on hormone  
7 therapy. What went into your decision-making process?

8 A At that point I wanted to be male more than I cared about  
9 anything else in life, so whatever that took is what I wanted  
10 to do. I had planned to transition fully, whatever that meant,  
11 any surgeries or hormones or I wanted to -- I didn't even want  
12 to identify as transgender. I wanted to be a man and really  
13 erase the existence of Laura.

14 Q How long had the idea of transitioning been on your mind?

15 A Only since I'd heard about it in the fall of 2007. Like  
16 I said, I had struggled in childhood but I had never even heard  
17 of that concept.

18 Q By fall of 2007, are you referring to the support group?

19 A Yes.

20 Q Okay.

21 A And the initial research, which was around the same time,  
22 within days.

23 THE COURT: Ms. Land, how long do you think you're  
24 going to be on your direct?

25 MS. LAND: If the Court's wanting to take a break,

1 now would be a fine time.

2 THE COURT: It's more of a matter of need than  
3 desire, but I don't want to break up your direct if you've got  
4 another 15 or 20 minutes, but if it's going to be beyond that,  
5 I'm not sure I can wait that out.

6 MS. LAND: I don't know, but I'm fine --

7 THE COURT: Let's take a break, because I need one.  
8 We're going to be in recess until 10:30.

9 (Recess from 10:08 AM until 10:32 AM.)

10 BY MS. LAND:

11 Q Ms. Smalts, we were discussing that the idea of  
12 transitioning had been on your mind, and I believe you  
13 testified that you had or you used the term transition fully.  
14 Can you describe what that means to you?

15 A To transition fully meant having whatever surgeries I  
16 needed. I really didn't know at the time, so I had -- I didn't  
17 know what all surgeries were available, but I wanted to  
18 transition to fully male. I really didn't know what that meant  
19 at the time, but I had heard of, like, chest surgery and then  
20 genital reassignment surgery and years of hormones, but  
21 whatever I could do in order to become male.

22 Q How did you know about those things?

23 A Through the support group and through on-line information  
24 as well, but I learned a lot through the support group.

25 Q Were you prepared to take all of those steps to

1 transition?

2 A Yes, but I don't know -- I hadn't researched it fully at  
3 the time, so I had a somewhat awareness, but I was not fully  
4 aware of, like, what surgeries were offered. In other words, I  
5 planned to have genital reassignment surgery, but I didn't know  
6 the details.

7 Q Did you eventually learn?

8 A Yes, and I was horrified.

9 Q Did you discuss that with a doctor?

10 A No.

11 Q How did you learn it?

12 A Through my research on the internet.

13 Q Did you ever discuss any of the steps that you intended  
14 to take to transition with a physician?

15 A Initially just the hormone therapy and then the letter  
16 for surgery that I had from the therapist that I took to a  
17 surgeon out in California. As far as I know, I didn't discuss  
18 that with my medical doctor.

19 Q Your primary care physician?

20 A Correct.

21 Q Is the doctor that you saw for your hormone therapy  
22 different than the one you saw out in California that you  
23 referenced?

24 A Yes.

25 Q Once the therapist gave you the letter that you



1 referenced, when did you approach a doctor with that letter?

2 A I can't recall the exact timeline. Around the time that  
3 I was researching it, the doctor required this letter and so I  
4 contacted the therapist within around the same time, but I  
5 sought out one of the world's most renowned surgeons for female  
6 to male chest surgery.

7 Q So are you saying that you were attending therapy and  
8 seeing this other physician to get your hormone therapy at the  
9 same time?

10 A Well, sorry, I had -- this was about two years after I  
11 initially went to the therapist, I had three one-hour sessions  
12 with her initially to get the diagnosis. I only saw her one  
13 additional time in order to get the letter that I needed to  
14 take to the surgeon.

15 Q Okay. When you went and saw the doctor for the hormone  
16 therapy, were you required to have any type of documentation  
17 from your therapist to get that hormone therapy?

18 A Just the initial letter. There were two letters, sorry.  
19 The initial letter stated that I had been diagnosed with Gender  
20 Identity Disorder. I took that to my primary care physician to  
21 start the hormone therapy.

22 Q When did that happen?

23 A That was -- I can't recall the exact time. It was either  
24 late in 2007 or it may have been early 2008. It took me, as I  
25 stated earlier, a little bit to find a doctor that would treat

1 the hormones.

2 Q Would it have been a couple months after you saw the  
3 therapist?

4 A Possibly. I wanted to start initially, but nobody knew  
5 of any other doctors in town that were treating transgender  
6 people and it wasn't a popular thing to call and ask doctors.  
7 I was a little nervous, but I kept asking around and then I  
8 discovered that my own primary care physician was treating  
9 trans people.

10 Q So a couple months later, you go to your doctor, and tell  
11 me what happened.

12 A I presented him the letter and I told him what I had been  
13 struggling with. And I mean, he had known me for years, I had  
14 never mentioned this struggle before, but he looked at me and  
15 he thought he saw signs of -- he said, you know, signs of like  
16 more masculine characteristics which I think were very  
17 superficial, but like a more masculine pubic hair pattern,  
18 like, you know, very simple things. But I guess he was trying  
19 to encourage me. And then he said, Is this what you really  
20 want? And I said, Yes, this is what I want. So he started me  
21 on a -- he prescribed hormone therapy. The initial shot he  
22 gave me there in the office and then prescribed me needles and  
23 the medication to do on my own.

24 Q Was that at your first visit regarding this issue?

25 A Regarding this issue, it was, yes.

1 Q How long had you been seeing this doctor?

2 A Several years.

3 Q Did you continue to administer hormone therapy to  
4 yourself like you just described?

5 A I did. Mostly my partner did my injections for me, but  
6 either myself or him did.

7 Q How long did you do that?

8 A Until the spring of 2014.

9 Q We'll get into that in a minute. How soon after the  
10 decision to --

11 A Sorry I misstated. Spring of 2016 was when I stopped  
12 hormones.

13 Q How soon after going to the physician for the hormone  
14 therapy did the surgery take place? You've referenced the  
15 surgeon.

16 A My first surgery was in September of 2009, so a year and  
17 a half to two years later.

18 Q So switching back to the hormone therapy, tell us how  
19 that went for you. How did it make you feel?

20 A Made me feel great at first. It seemed to help resolve  
21 some of the pain that I had been in. Began to be seen as  
22 masculine. The first few months living as trans, even the  
23 first couple years were great. I felt better about myself, I  
24 was more confident, and it sort of gave me this rush.  
25 Testosterone made me feel a lot better physically and gave me a

1 lot more energy and a lot more sex drive and began to get  
2 stronger. I was enjoying working out at the gym, my voice  
3 began to get lower. Eventually I started to grow facial hair.  
4 I was frustrated because it took longer than I wished for the  
5 facial hair to grow in. But eventually I had a full beard.

6 Q At the time you were experiencing those effects, would  
7 you have -- did you feel that those were benefits?

8 A Yes, I did at the time.

9 Q Did your dosage on the hormone therapy ever change?

10 A Not to my knowledge.

11 Q Now let's move on to your surgical procedures. How many  
12 did you have?

13 A Technically three. Two of them were together. At least  
14 as -- I'm not a medical expert, but as far as I know, they were  
15 considered two separate procedures. I had the chest surgery in  
16 2009, then a couple years later, I had both a hysterectomy and  
17 an oophorectomy.

18 Q You did have those surgeries in your effort to  
19 transition?

20 A Yes, correct.

21 Q How old were you when you had the chest surgery?

22 A 27.

23 Q And what about the other two surgeries?

24 A I can't recall if it was 2011 or 12, so I was either 29  
25 or 30.

1 Q What was the reason for the time between those  
2 procedures?

3 A Initially I didn't see a reason to have the female organs  
4 removed. My female cycles had pretty much stopped, but mine  
5 had been -- I had been diagnosed with polycystic ovarian  
6 syndrome earlier in my life and it had caused me a lot of pain  
7 in high school, but for years, I had just not really had a lot  
8 of, quote, symptoms of my female system. I really wasn't  
9 dealing with PMS and periods and things like that, so I didn't  
10 see any reason initially, but then once in a while my cycles  
11 came back and I couldn't handle it, so I just wanted to get rid  
12 of it.

13 Q What do you mean you couldn't handle it?

14 A Emotionally, because I had been living as male and all  
15 the sudden I'm having a period, and it was just devastating.

16 Q Did the same physician perform all of those procedures  
17 you described?

18 A No. I had switched primary care physicians. I later got  
19 in to the physician that was known for treating trans people,  
20 it was her specialty, and she referred me to an OB/GYN surgeon.

21 Q For your latter two procedures?

22 A Correct.

23 Q Did you experience any immediate side effects after those  
24 procedures?

25 A I had a lot of pain. Initially other than a lot of pain

1 and discomfort, I didn't notice a whole lot, but I did start  
2 having more gastrointestinal issues. That got worse.

3 Q After which procedure?

4 A After the hysterectomy.

5 Q Did you experience any long term side effects?

6 A Yes. I didn't realize at the time, but I've had severe  
7 gastrointestinal issues which I've been told can be related to  
8 hysterectomy. But more specifically, once I got married, I  
9 have dealt with chronic UTIs. I've been on at least ten  
10 antibiotics this year. And the times that I don't go into full  
11 blown infection, I have symptoms most of the time. And I also  
12 deal with pretty severe vaginal dryness. I'm sorry, that's  
13 probably due more to the testosterone, I think.

14 Q How did you feel after these procedures?

15 A Initially, I felt great except I began to get very  
16 depressed, especially after my chest surgery because I realized  
17 that my surgery hadn't made me a man and I felt a little stupid  
18 because I thought women have mastectomies for medical reasons,  
19 this didn't make me a man. And I began to really question,  
20 wait a minute, at what point does this become real. And so my  
21 surgeries, even though they helped for a moment to feel a  
22 little bit better, I realized that it wasn't really solving  
23 anything, it wasn't really making me a man.

24 Q Did you see anyone for your depression?

25 A No.

1 Q Did either of the physicians who performed the procedures  
2 refer you to any other mental health professionals?

3 A No. I never told them. I believed at the time that  
4 anyone who saw a counselor was mentally ill or I didn't -- I  
5 had believed a lot of the stigma about mental health therapy so  
6 I didn't want to admit to anyone that I was -- and I think that  
7 was the biggest thing, I didn't want to admit to anyone I was  
8 struggling. I wanted everyone to believe that I was happy and  
9 that this was wonderful.

10 Q Did you share any of that with either of the physicians  
11 who performed the procedures?

12 A No, I did not.

13 Q Why is that?

14 A Again, I didn't want anyone to know I was struggling  
15 because struggling was admitting that this wasn't working. I  
16 wanted this to be true. I wanted to become a man and I didn't  
17 want them to be leery of doing any further procedures.

18 Q They didn't ask you if any of those --

19 A No, they didn't.

20 Q Did you experience any physical I'll say benefit after  
21 your procedures?

22 A Well, initially after the chest surgery, my chest was  
23 much lighter, so I had some relief there. I also had been  
24 having severe back problems from the chest binders. I had been  
25 wearing them 24 hours a day pretty much except to shower

1 because I didn't want my partner, who knew I was trans  
2 obviously, but I didn't want him to see me as a woman, so I  
3 wore them all the time even to sleep. And my back was  
4 suffering a lot of damage. So not having to wear the chest  
5 binders anymore did help my back initially, but I have had -- I  
6 still have back problems to this day severely in my back.

7 Q What was your life like after you had these surgeries and  
8 after you started this hormone therapy presenting as a man?

9 A Initially it was a lot better. Again, I liked having a  
10 more masculine chest, I liked not having to deal with female  
11 cycles, I liked having this partner that saw me as a man. I  
12 liked having a job where I was only known as a man. And  
13 socially felt like I was doing better, but over time, it began  
14 to haunt me because I realized that I was -- I knew that I was  
15 still biologically female, I knew that I was not a man. As  
16 much as I felt like a man, as much as I wanted to be a man, I  
17 had these feelings all my life, but I knew I was biologically  
18 female. And I began to feel like I was living a lie. It began  
19 to torment me.

20 I had to reinvent my life all the time because I was not  
21 openly transgender, so I had this job where no one knew I was  
22 transgender. And I had to reinvent my life all the time. I  
23 had to lie about my entire childhood. And I couldn't have a  
24 normal conversation with someone, especially when I met someone  
25 initially because all I could think was do they know, have they



1 figured it out, do they believe I'm a man. And then I would  
2 like, if I was telling a story about childhood, it was like, oh  
3 my goodness, I couldn't have been in girl scouts, I had to have  
4 been in boy scouts, things like that. I had to lie.

5 THE COURT: Can you slow down a little bit?

6 THE WITNESS: Sorry.

7 THE COURT: My court reporter's trying to take down  
8 everything you say. Continue.

9 THE WITNESS: Sorry. So I just felt like I was  
10 living one big lie and I was constantly trying to cover my  
11 lies. And I really began to be tormented. Even things like  
12 eventually I was getting more and more depressed and I tried to  
13 find ways to fill my life with a lot of entertainment. I  
14 started going to lots of car races and hockey games and things  
15 trying to sort of entertain my life away.

16 And just simple things people never think of, like I had  
17 this prosthetic genitalia that I was using, and stepping over  
18 people in the crowd, it would get out of place and almost fall  
19 out of my shorts. There were things that just began to haunt  
20 me and torment me, being worried about being exposed in the  
21 bathrooms. And these things just began to live in so much fear  
22 and torment.

23 BY MS. LAND:

24 Q How long did these feelings persist?

25 A They started creeping in after my chest surgery in 2009.

1 But I kept dismissing it. I kept thinking that this will get  
2 better. Especially I figured that once I transitioned more,  
3 once I was sort of fully male, then all that would get better,  
4 and I started looking into the genital reassignment surgeries  
5 after my hysterectomy. And I had always planned on having  
6 that. I knew it was expensive so I was saving money. I didn't  
7 realize how expensive, and I knew I would never be able to  
8 afford it. But I was horrified when I started looking at the  
9 genital reassignment surgeries. I realized that it was  
10 completely artificial, that it was never going to be real, that  
11 even the best options that had to be artificially inflated,  
12 that there were lots of risks of complications. There was risk  
13 not only of medical problems with urinary tract and other  
14 things but also potential loss of all sexual feeling, and I was  
15 devastated.

16 It was like I had put all my eggs in this basket. I had  
17 put everything into this and believed this for so many years  
18 and I had, you know, damaged some of my family relationships  
19 and I had lost friends and all these things to do all this and  
20 I began to realize it was all fake. It was so devastating, and  
21 I didn't have any options. Here I was living in this life that  
22 everybody around me believed and everybody for the most part  
23 except for my parents, everybody was affirming, but I was in  
24 this mental hell nobody knew about.

25 Q What did you do to alleviate that, if anything?

1 A There were times I was suicidal, and my partner and I  
2 used to have these random conversations. I think we were both  
3 struggling and neither one of us wanted to admit it. We would  
4 have these random conversations about how suicide wasn't the  
5 answer. We weren't even talking about ourselves necessarily,  
6 but we'd hear about it on TV or something, you know, how you  
7 can't do that to your family and things like that. We were  
8 just kind of keeping each other afloat. But I didn't want or  
9 think I needed counseling, I just -- I was just broken and,  
10 like I said, I tried to sort of entertain my life away. I  
11 tried to find other ways to sort of find my identity. I became  
12 sort of a rabid sports fan and tried to create an identity that  
13 sort of made sense because this wasn't real.

14 Q Today you identify as female. So tell us how that  
15 happened, the process of you going from male back to female.

16 A Well, as much as I was devastated in this lifestyle, I  
17 didn't initially see any reason to detransition because there  
18 was still so much pain every time I thought about being female,  
19 I didn't think there was any way I could ever do that, but I  
20 hated being transgender. I wanted so desperately to be a man.  
21 And no matter what I did, it was never going to be real. And I  
22 realized even if I had these surgeries -- and I had this  
23 prosthetic genitalia, and I thought even if this was surgically  
24 attached to me, even if this was part of my arm muscle which is  
25 what they do in one of the procedures I considered, this still

1 isn't real, this is never going to make me a man. I  
2 realized --

3 THE COURT: I need to ask you to slow down again.

4 THE WITNESS: Sorry. I remember the day that I  
5 realized that I was never going to be able to father a child  
6 and I had just never thought that through. I was devastated.  
7 And I didn't know what to do initially. I was just very, very  
8 depressed. I was drifting through life. I thought, you know,  
9 I have this new identity, I have everything I've ever wanted.  
10 I had a great partner, I had this identity, everyone around me  
11 affirmed me as male. And yet my life was empty and broken, I  
12 was still just going to work and paying bills.

13 It made me happy initially, but once that initial  
14 excitement wore off, I was left with this pretty devastated  
15 life. And I was beginning to have more and more medical  
16 problems from the hormones. My blood was so thick that I had  
17 to go to therapeutic withdrawals to withdrawal a pint of blood  
18 every few weeks and my doctor continually warned me about the  
19 danger of stroke. And I was having --

20 BY MS. LAND:

21 Q What was the danger of stroke related to that your doctor  
22 warned you about?

23 A Because of the thickness of the blood, the testosterone  
24 increased the hematocrit level significantly. I also had -- I  
25 was beginning to have heart problems that have gone away since

1 I've stopped the testosterone, but I used to -- sometimes  
2 walking across the room and my heart would just started racing.  
3 And but anyway, I did eventually through a series of events, I  
4 eventually -- I was at such a broken -- sorry, this is such a  
5 painful time to talk about. But eventually through much soul  
6 searching, through some things I had been reading, I came to  
7 Christ. And God began to draw me out of that lifestyle and I  
8 really initially walked away because he asked me to, but I  
9 didn't know the healing and the transformation that he had for  
10 me, and that all those years of running away and trying to  
11 recreate myself, what I really needed was healing.

12 And as he brought healing to my life as I began to  
13 forgive those that hurt me, as I began to forgive my mom, as I  
14 began to let go of all the lies I had believed and began to  
15 embrace who I was, I found myself not only okay with a female  
16 identity but really loving and embracing being female. And  
17 then, as you know, eventually got married.

18 Q Are you familiar with the term "detransition"?

19 A Yes, I am.

20 Q To you, what does that term -- how would you define it?

21 A Detransition means sort of the opposite of transitioning  
22 from female to male. It meant that I returned to living as  
23 female.

24 Q So would you characterize yourself as having  
25 detransitioned?

1 A Yes, I would.

2 Q When was that?

3 A I started that process in July of 2016.

4 Q So let's estimate how many years that was from the time  
5 you initially started transitioning?

6 A It was almost nine.

7 Q Nine years?

8 A Yep. Just shy of that.

9 Q So how old were you when you made that decision to  
10 detransition?

11 A I was -- I believe I was 33.

12 Q Did you undergo any further medical treatment to  
13 detransition?

14 A I initially was just -- I had stopped taking the  
15 testosterone and was sort of detransitioning naturally growing  
16 out my hair and things like that. I eventually -- and part of  
17 the reason that I didn't take female hormones initially, I had  
18 had some pretty horrific experiences with hormones at other  
19 times in my life. I had a doctor accidentally put me on the  
20 wrong hormones when I was younger, so I was very scared. But I  
21 did eventually go and I have my hormones balanced now. And  
22 then also I had a breast augmentation and I had breast implants  
23 this past July.

24 Q Of 2022?

25 A That's correct.

1 Q Did you experience any short term side effects from  
2 undergoing those procedures to detransition?

3 A Yes. The breast implants have been very frustrating.  
4 I'm grateful in a sense, and I like the more feminine shape,  
5 but it's a very unnatural feeling as far as the way -- because  
6 now the muscle is over, stretched over this implant. I can  
7 feel the edges of the implant sometimes, and I can -- like if  
8 I'm doing certain motions, it causes not extreme pain, but just  
9 a -- I'm very, very weak in those areas. Like I can't scrub  
10 counters very well or stir batter, things that really use that  
11 muscle are very difficult. And there are certain ways that I  
12 move that it just feels so unnatural and causes, like I said,  
13 not an extreme pain, but painful.

14 Q Does that pain occur every day?

15 A Mostly, yeah. It depends on what I'm doing, but often.

16 Q And doing some math in my head, it was about six years  
17 ago that you detransitioned. Have you experienced any long  
18 term side effects during this time?

19 A Mostly like I mentioned the UTIs earlier, I think a lot  
20 of it has returned, but I'm still dealing with -- I think the  
21 biggest thing for me, not only the breast implants but  
22 sometimes I'm so frustrated with the way they feel I just want  
23 to rip them out, but I also -- the most painful thing is after  
24 I got married, I had wanted a child before off and on, but I'm  
25 busy, I travel, I thought maybe it would be okay that I don't

1 have children. But after I got married, that desire was so  
2 intense and I have cried so many nights and grieved over the  
3 fact that I can't have my own children.

4 And that would be bad enough because I know there are  
5 other women that struggle with this, but the fact that I did  
6 this to myself is just a grief that I can't get over, and  
7 there's nothing I can do about it. You know, even if I  
8 adopted, I'll never know what the face of a child from my  
9 husband and I would look like. Or there's so many things I've  
10 thought about that I'll never know and there's no solution to  
11 that. There's nothing I can do about it for the rest of my  
12 life.

13 Q What has your experience been with support from family  
14 and friends throughout this time?

15 A Mostly my family has been very supportive. My parents  
16 have been extremely supportive. They've just been my biggest  
17 cheerleaders, even though at that time a lot of other people  
18 would have said they weren't supportive, because they wouldn't  
19 use the name and pronouns I wanted, but they loved me  
20 throughout this entire process and I've grown so close to them.  
21 But all the people that I knew in the trans community, all of  
22 them are gone. We didn't stay friends after that.

23 Q Why not?

24 A Well, initially we had left the support group meetings  
25 anyway, but we stayed in contact some. But over the years, and



1 I find this a lot, I'm sure it's not always true, but I think  
2 the more you live as transgender, the more you don't want  
3 people or you don't want any reminders that you're transgender,  
4 because you're trying to become this other person, and so I was  
5 trying as hard as I could to get rid of any evidence, to get  
6 rid of any reminder that I was transgender. So even being in  
7 the community reminded me that I was transgender. But I  
8 contacted some of them after I came out to tell them what had  
9 happened to me. Hey, I just wanted to tell you what I found  
10 and that this has really helped me, and I didn't hear back.  
11 They wouldn't even respond.

12 Q Are you receiving follow-up care today currently as a  
13 result of your detransition process?

14 A Well, I work for a ministry, and as a part of that  
15 ministry, we do discuss it a lot. I don't see a professional  
16 licensed therapist.

17 Q Do you see any physicians for follow-up care today?

18 A Oh, yes, I'm currently going to a physician that is  
19 balancing my hormones.

20 Q How often is that?

21 A I just started the process this summer. It's a pellet  
22 that lasts for several months, so I go again in December.

23 Q You said you started the process. Have you done any type  
24 of hormone therapy once you detransitioned prior to that?

25 A No, this was the first time that I was starting hormone

1 therapy. As I mentioned earlier, I was terrified of taking  
2 female hormones because of the effects they had had on me in  
3 the past. A doctor accidentally put me on estrogen instead of  
4 progesterone when I was younger and I gained 60 pounds within a  
5 very short time and my body sort of went haywire. I had lots  
6 of problems from that.

7 Q Are there any other procedures that you've undergone to  
8 detransition other than your breast augmentation?

9 A No, no other procedures.

10 Q Any other care other than the hormone therapy that you  
11 undergo?

12 A No, just the hormone therapy and -- trying to think.  
13 Nothing else for the detransition.

14 Q Do you have any relationships with other individuals who  
15 have also detransitioned?

16 A I do, yes.

17 Q Is it important to you to have those relationships?

18 A Yes, it is.

19 Q Why?

20 A To support each other, to encourage each other.  
21 Detransitioning can be very difficult, especially at first, but  
22 I find that those that I've known for several years over time  
23 are doing really, really well now.

24 Q How many friendships or relationships, whatever you would  
25 classify it as, do you have with individuals who have

1 detransitioned?

2 A I couldn't say. I have lots of acquaintances, people  
3 I've met. As far as ones that are close, just a handful, and  
4 then several that I've talked to several times, so there's a  
5 range of how close I am, but as far as people I've met, quite a  
6 bit.

7 Q Okay. Is there anything you would do differently today  
8 regarding your transition or detransition?

9 A Can you clarify? Anything I would do different you're  
10 saying?

11 Q Yes.

12 A Well, I wish I had never transitioned in the first place.  
13 I would do anything to have back the ability to have my own  
14 children. I can deal with the breasts, but there's no solution  
15 for that. I'd give anything to go back and to not deal with  
16 the facial hair. I'm sorry, I did forget that I'm going  
17 through electrolysis as well to remove facial hair.

18 Q Currently?

19 A Yes.

20 Q How long have you been doing that?

21 A I started sometime last year, about a year probably.

22 Q How often do you do that?

23 A It depends on my travel schedule. But I try to do it  
24 twice a month.

25 Q How long are you intending to do that?

1 A She said I probably needed 50 to 100 treatments and I've  
2 had roughly 20 to 30 maybe. Probably about 20.

3 MS. LAND: I'll pass the witness.

4 CROSS-EXAMINATION

5 BY MR. HALPERN:

6 Q Ms. Perry, my name's Aviv Halpern. I represent the  
7 plaintiffs. Just a couple background questions first. Are you  
8 aware that this trial began during the week of October 17th,  
9 2022?

10 A I didn't know the exact date.

11 Q That it's resuming this week?

12 A Yes.

13 Q Have you reviewed any of the transcripts from the trial?

14 A No, I have not.

15 Q Have you spoken to anyone about the testimony that was  
16 given during the first week of the trial or the beginning of  
17 this week?

18 A No, I have not.

19 Q And have you done any other research regarding about  
20 what's occurred at trial?

21 A No.

22 Q I apologize, I realized I just called you Ms. Perry.

23 A Perry is my husband actually. His first name is Perry.

24 Q I will try to make sure I'm accurate in the future.

25 A Thank you.

1 Q Ms. Perry, you testified -- sorry, Ms. Smalts. See,  
2 there I am. Ms. Smalts, you testified on direct about several  
3 harms that you suffered. I know that discussing some of these  
4 might be uncomfortable, and I'm sorry that I have to ask you  
5 these questions, but just because of what came out on direct I  
6 must. You had 15 different diagnoses for different health  
7 conditions by the time you were 19, right?

8 A That's correct.

9 Q You suffer extensive thyroid problems?

10 A Correct.

11 Q Hashimoto's?

12 A Yes.

13 Q Polycystic ovarian syndrome?

14 A Yes.

15 Q Lyme disease?

16 A Yes.

17 Q You can't actually recall of the diagnoses, right?

18 A That's correct.

19 Q That sounds very difficult.

20 A It has been.

21 Q You still struggle with these conditions, the main one  
22 being Hashimoto's?

23 A Yes.

24 Q You testified on direct that you had a hysterectomy and  
25 an oophorectomy, correct?

1 A That is correct.

2 Q And those were medically necessary to treat your  
3 polycystic ovarian syndrome?

4 A It may have been. It may not have been medically  
5 necessary to do it as soon as it was, but yeah.

6 Q Ms. Perry, it was medically necessary to treat your  
7 polycystic ovarian syndrome?

8 A Yes.

9 Q Which is why it was covered by insurance?

10 A Correct.

11 Q The surgery was effective at treating your polycystic  
12 ovarian syndrome?

13 A Yes, it was.

14 Q Because your symptoms went away? I'm sorry, was that a  
15 yes?

16 A Yes.

17 Q Ms. Perry -- sorry, Ms. Smalts, you testified also that  
18 you had some pretty severe gut issues after the surgeries as  
19 well as other issues?

20 A Yes.

21 Q But you haven't had any diagnosis of those issues being  
22 caused by hormones or the surgeries, correct?

23 A No. No.

24 Q Most doctors that you've talked to about this don't  
25 really know what it might be related to?

1 A That's correct.

2 Q You testified at your deposition that you feel that in a  
3 sense, your life is better because you don't have to deal with  
4 that pain?

5 A That's true.

6 Q Isn't it true that if you hadn't gotten the hysterectomy  
7 in 2012, you would have needed to get one at some point because  
8 of the polycystic ovarian syndrome?

9 A That's correct.

10 Q Now, Ms. Smalts, just to clear up some of the timeline,  
11 you were assigned female at birth?

12 A I was born female, yes.

13 Q You transitioned from female to male as an adult?

14 A Yes.

15 Q As an adult, you started hormone treatment as part of  
16 your transition?

17 A That's correct.

18 Q That was at age 25?

19 A Yes.

20 Q In your late 20s, that's when you had the surgeries?

21 A Yes.

22 Q Several years later, you decided to detransition and live  
23 as a female, I think you said 2016?

24 A Yes, 2016.

25 Q So you detransitioned when you were almost 34?

1 A Yes.

2 Q And just to be clear, you're not from Arkansas?

3 A No.

4 Q You never sought gender-affirming medical care here?

5 A No.

6 Q You did not receive any of the medical care associated  
7 with your transition here?

8 A No.

9 Q You don't know how doctors in Arkansas evaluate or treat  
10 adolescent patients with gender dysphoria here?

11 A No.

12 Q I want to get to the main part of our discussion. And  
13 it's going to be brief because I only want to focus on one  
14 issue which is why you made that personal decision to  
15 detransition. You detransitioned because you heard God speak  
16 to you?

17 MS. LAND: Objection to relevance.

18 THE COURT: Overruled.

19 MS. LAND: Also objection to using evidence of her  
20 religious beliefs to try and attack her credibility.

21 THE COURT: She brought all that out on her own  
22 during direct, so I think it's fair game, Ms. Land.

23 MR. HALPERN: Additionally, Your Honor, it was the  
24 subject of a motion in limine which has already been briefed  
25 and you've already ruled on. Apologies.



1 BY MR. HALPERN:

2 Q You detransitioned because you heard God speak to you?

3 A That's the reason I detransitioned, but I hated the life  
4 I was living long before that.

5 Q When God spoke to you, your experience was that God would  
6 only call you by your birth name, Laura?

7 A That's correct.

8 Q During that conversation with God, you knew that God was  
9 never going to call you by your chosen male name, Jacob?

10 A That's true.

11 Q You testified on direct that you initially walked away  
12 because God asked you to?

13 A That's true.

14 Q But the only reason that you wanted to detransition was  
15 because you thought God or Jesus was asking you to do that?

16 A But as I stated, I was miserable in that lifestyle and I  
17 would have -- I didn't know that I could find any happiness in  
18 being female again.

19 Q So just to clarify, the only reason that you  
20 detransitioned was your relationship with Jesus Christ,  
21 correct?

22 A Yes, that's the reason.

23 MS. LAND: Objection to relevance, and it's also for  
24 purposes of harassment, the mode of questioning.

25 THE COURT: Overruled.

1 BY MR. HALPERN:

2 Q Let me ask that again. Just to clarify, the only reason  
3 that you detransitioned was because of your relationship to  
4 Jesus Christ, correct?

5 A Yes.

6 Q Even after that conversation, you struggled with what God  
7 had asked you to do?

8 A I did.

9 Q For example, a few weeks after your conversation with  
10 God, you went clothes shopping to prepare for life as a woman?

11 A Yes.

12 Q And when you went clothes shopping, you were struggling  
13 with the reality of being a woman?

14 A I was.

15 Q You wanted to show how committed you were to God and your  
16 parents?

17 A Yes.

18 Q It was important for you to obey God and present as a  
19 female by wearing feminine clothes and jewelry?

20 A It was.

21 Q You believed that that experience would teach you to deny  
22 your feelings and walk by faith alone?

23 A Yes.

24 Q I appreciate your willingness to share that personal  
25 story. Now, you now believe that someone who identifies as

1 transgender rejects God's creation, correct?

2 A I do.

3 Q Ms. Smalts, you would agree with me that you can't speak  
4 to the experience of all transgender people, right?

5 A That's correct.

6 MR. HALPERN: Pass the witness, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. LAND:

9 Q Ms. Smalts, would you have gotten your surgical  
10 procedures regardless of your other medical diagnoses?

11 A Yes, I would have.

12 Q Why is that?

13 A Because I wanted -- I didn't want any part of me left as  
14 female. I believe I even mentioned that in the book and  
15 certainly in other testimony, that I didn't want any part of my  
16 female body to remain.

17 MS. LAND: Thank you, Your Honor. No further  
18 questions.

19 THE COURT: Ms. Smalts, what book are you referring  
20 to?

21 THE WITNESS: I apologize, the book that I wrote  
22 that he was referencing, *Transgender to Transformed*.

23 THE COURT: Okay. Anything further from this  
24 witness?

25 MS. LAND: No, Your Honor.

1 THE COURT: May she be excused?

2 MS. LAND: Yes.

3 THE COURT: Call your next witness.

4 MS. LAND: The state calls Billy Burleigh.

5 **BILLY BURLEIGH, DEFENDANTS' WITNESS, DULY SWORN**

6 **DIRECT EXAMINATION**

7 BY MS. LAND:

8 Q Hello, Mr. Burleigh. Can you please identify yourself  
9 for the Court and spell your name?

10 A Yes, I can. My name is Clifton Burleigh, Jr., and the  
11 first name is C-l-i-f-t-o-n. Burleigh is B-u-r-l-e-i-g-h. And  
12 I go by Billy, B-i-l-l-y.

13 THE COURT: Thank you.

14 BY MS. LAND:

15 Q Before we ask or before we discuss why you're here today,  
16 I just wanted to ask you a few background questions about  
17 yourself and give the Court an overview of who you are. First,  
18 how old are you?

19 A 56.

20 Q Where did you grow up?

21 A Baton Rouge, Louisiana.

22 Q Did you have any brothers or sisters?

23 A I do. I have -- there's six of us total. My oldest  
24 sister and my two brothers are half siblings. And then I have  
25 a older sister and a younger sister as well.

1 Q Briefly describe to us what your educational background  
2 is.

3 A I have a bachelor's in mechanical engineering, a master's  
4 in mechanical engineering with additional course work and  
5 testing. I have obtained certification as a fluid power  
6 hydraulic systems designer and a fluid power engineer through  
7 the International Fluid Power Society. And I'm also a licensed  
8 engineer.

9 Q Where did you obtain your degrees?

10 A Louisiana State University in Baton Rouge, Louisiana.

11 Q Both your bachelor's and your master's?

12 A Yes, ma'am.

13 Q What's your current occupation?

14 A Current occupation right now is retired. I just retired.  
15 Previously I worked aerospace engineering. I worked for NASA  
16 for a period of time. I also worked in space launch industry  
17 for a little bit. And then I also had an opportunity to work  
18 and do some work for the space force.

19 Q When did you retire officially?

20 A That would have been August 5th of this year.

21 Q Can you tell us what gender you identify with today?

22 A Male.

23 Q Were you born male?

24 A Yes, ma'am.

25 Q Have you identified as male your whole life?

1 A No, ma'am.

2 Q Can you explain that?

3 A Yes, I can. So when I was a child, I actually had this  
4 thought that God made a mistake, I was a girl. And that was a  
5 thought that gave me a lot of trouble later in life. I did  
6 transition to presenting as female and presented as female for  
7 about seven years, and it didn't resolve my issues.

8 Q We'll get into all of those details in just a little bit.  
9 Are you familiar with the term "transgender"?

10 A Yes, ma'am, I am.

11 Q So we'll probably use that term a little bit in your  
12 testimony today, so tell us what your understanding of that  
13 term is.

14 A My understanding of that term is that like in my case, I  
15 was male and then I identified in my mind as female and so I  
16 was transgender because I was born one gender and then  
17 identified as the opposite gender.

18 Q Would you characterize yourself as having identified as  
19 transgender?

20 A Yes.

21 Q Can you tell us what ages you identified as transgender?

22 A Yes, ma'am. I have memories going back to about the age  
23 of 5 in the first grade and that's when I started believing  
24 that God made a mistake, I was a girl. Even though at that  
25 time, I did not know anything about this or what the word

1 transgender was or anything until I got into college.

2 Q You testified that now you identify as male. So about  
3 what age were you when you no longer identified as transgender?

4 A I got to think about that in my mind because the year was  
5 2009-ish, so what would that be?

6 Q About 40? Does that sound right?

7 A About 39, yes, ma'am.

8 THE COURT: Just so I'm clear, you transitioned in  
9 college. Were you about the same age as the average college  
10 person? Or sounds like you were smart enough to skip some  
11 grades, but I'm not going to assume that. How old were you in  
12 college?

13 THE WITNESS: I didn't --

14 THE COURT: When you transitioned.

15 THE WITNESS: When I transitioned, I started on  
16 estrogen, started my transition when I was about 28 and out of  
17 college.

18 THE COURT: Okay, I misunderstood. What happened in  
19 college?

20 THE WITNESS: In college is when I started to have a  
21 breakdown, a come-apart, and I tried to figure out what was  
22 going on. So that's when I --

23 THE COURT: So it was at age 29?

24 THE WITNESS: I started on estrogen and testosterone  
25 blocker around the age of 28 and I started into therapy around

1 the age of 21.

2 THE COURT: Thank you.

3 BY MS. LAND:

4 Q You testified that your feelings regarding your gender  
5 issues started around the age of 5. Can you tell us what your  
6 childhood was like starting around that time with respect to  
7 your gender issues?

8 A Yes. At that time, I was a very skinny kid, often being  
9 picked on because of how skinny I was. One of the taunts was  
10 "Clifton the skeleton, nothing but bones." A lot of the kids  
11 would say that. I had learning difficulties. I actually  
12 didn't learn how to read until I was about in the 5th grade  
13 because I always turned letters and words around in my mind,  
14 and it was with the help of a wonderful teacher and some  
15 reading equipment, having to go to a reading lab that I  
16 actually started to learn how to read around the age of in the  
17 5th grade.

18 And then I had a speech impediment as well. That was  
19 another reason why kids would taunt me. And then also I wasn't  
20 very coordinated or athletic, so often picked last for sports  
21 at school. And so I kept to myself a good bit as a kid.

22 Q When you say kid, what ages are you talking about?

23 A All the way up through about the 9th grade. So that  
24 would be around the age of 12 or so because -- no, going into  
25 the 9th grade, I was about 15. So at that time, I actually



1 started on a all year-round swim team, and so up until that  
2 point, I was withdrawn, I really didn't engage too much with  
3 the other kids. But then I found a sport to participate in so  
4 it would be as a kid all the way up through about age 14, 15.

5 Q Are you saying that finding the sports team to  
6 participate in was helpful with those feelings?

7 A Well, I still drifted into the background, but my  
8 schedule was getting up at 4:30 in the morning, in the water at  
9 5:30, out of the water by about 7 and then to school in the  
10 morning. After school, I had band practice, so immediately  
11 went to band practice, but I had to get out of band practice  
12 early because then I had to go back to LSU for two hours more  
13 of training in the water. After that, I went home, ate, did my  
14 homework, changed the clothes out in my swim bag for fresh  
15 clothes, and repeated it the following day. So in 9th grade, I  
16 still had all those difficulties but I kept myself so occupied  
17 that I did not engage really with the other kids.

18 Q You just referred to the schedule and LSU. Did you swim  
19 from the time you were in 9th grade up until you were in LSU?

20 A Yes, ma'am. So I joined the AAU swim team in 9th grade.  
21 I swam and then when I entered into LSU, I actually walked on  
22 to the LSU swim team and continued that rigorous schedule.

23 THE COURT: Sir, I understood you to say in high  
24 school that you went to LSU. Does that mean you were using the  
25 pool at LSU during high school?

1 THE WITNESS: Yes, sir.

2 THE COURT: Go ahead.

3 BY MS. LAND:

4 Q Just to clarify for Your Honor as well. You were using  
5 the LSU swimming pool while you were in high school but you did  
6 also walk on to the LSU swim team in college, right?

7 A Yes, ma'am. I see the confusion, because I actually went  
8 to Catholic High School in Baton Rouge which was just about ten  
9 miles away from the LSU campus and the all year-round swim team  
10 that I was on, we actually trained at the LSU swimming facility  
11 on campus.

12 Q Yes, that is helpful. Throughout your time from 9th  
13 grade through the end of high school we'll say, was the  
14 swimming helpful for you and the issues that you were feeling  
15 with your gender?

16 A It was very helpful, because it actually gave me a coping  
17 mechanism. Beforehand, I was very down, I didn't engage with  
18 the other kids, I didn't want to be picked on. And so my  
19 grades were real low. My parents were happy when I made a C or  
20 D in spelling. But I studied hard. But when I got to high  
21 school, actually swimming helped to improve my focus in school.  
22 It did not give me time to dwell on the transgender thoughts,  
23 that battle that was going on in my mind. And also with  
24 swimming and working out so much, it gave me endorphins which  
25 actually helped to make me feel better overall, so my way of

1 coping with my distress, my situation, was to remove the pain  
2 out of my mind and into the body.

3 And any time I had struggles in my mind, I would work  
4 out, and the times for which I really was engaged with the  
5 struggles typically were in down times where I had time just to  
6 daydream, and then also going to sleep at night. But by  
7 swimming and engaging in that sport so much, I no longer had  
8 any down time and I was really tired when I got into bed at  
9 night and went really quick to sleep.

10 Q So while these issues were going on and your struggle  
11 that you've testified to, did you speak to any mental health  
12 professionals or physicians about these issues?

13 A My mom recognized that something was going on, and so in  
14 high school, she made an appointment with a therapist, a  
15 psychiatrist, I believe, but I'm not certain what that person's  
16 title or qualifications were, but she did make me an  
17 appointment to see somebody to talk about maybe what was going  
18 on because even though I was swimming so much and I was pretty  
19 good at swimming, any time I engaged at sports with other kids  
20 at school or elsewhere, my performance was really bad, still  
21 being picked last for like the playing football at PE,  
22 basketball at PE.

23 My tests, even though I studied well and I knew the  
24 information, my test grades were fairly low. So she saw my  
25 struggles, she saw that I was a recluse, drawn in, and by going

1 to a therapist, he actually at that time diagnosed me as having  
2 like a performance disorder. And after that, he said that open  
3 focus training would be good therapy for me.

4 Q Let's break that down a little bit. Performance  
5 disorder, what is your understanding of that term?

6 A Well, the way that the therapist described it, the  
7 psychiatrist, was he drew a bell curve, and what he described  
8 it as is a lot of kids when they train, when they do things,  
9 perform on the front side of the curve toward the bottom, and  
10 then when there's a test or a competition or a game, they  
11 actually move their performance up toward the top of the curve  
12 just before they peak or right at the peak.

13 Whereas what he told me is that I always perform more  
14 toward the top of the curve all the time, and then when it was  
15 time to perform such as on a test or a game, that I would try  
16 too hard, over try, go over the top, and then my performance  
17 would drop down to the other side of the curve. So even though  
18 I was working diligently and hard, my performance wasn't there,  
19 and that's how he described it to me before he sent me to open  
20 focus training.

21 Q So your performance disorder diagnosis, we'll call it  
22 that, it was not related to anything other than your  
23 performance in sports and school work. Is that fair?

24 A No, I wouldn't characterize it as that, because I was  
25 also having this battle in my mind. And being in south

1 Louisiana, I was very uncomfortable with sharing my battle with  
2 absolutely anybody. Even that therapist. I was sexually  
3 abused during the summer between the 5th and 6th grade, and I  
4 didn't even share that with that therapist. So with the  
5 questions he was asking, I gave him information, but in no way  
6 did I divulge everything that was going on inside my mind. I  
7 protected myself.

8 Q So to summarize, you did not disclose to this  
9 professional you were seeing at the time anything regarding  
10 your gender issues that you were experiencing?

11 A No, ma'am, I did not.

12 Q Just to make sure the record's clear, can you briefly  
13 describe what your understanding of open focus training is?

14 A Open focus training is that when I try very hard, I focus  
15 in on something. It's almost like tunnel vision. And so I am  
16 determined and I am going to get there. So it's as though I'm  
17 keeping my eyes on where I want to go and not looking at the  
18 peripheral. So with open focus training, it was a type of  
19 training, a type of meditation for which you actually open that  
20 scope, that lens, so that you see more of the big picture  
21 instead of the narrow picture and to relax. And so that was  
22 what the training was trying to help me with.

23 Q Did it help?

24 A It did. It did in that respect because I still have a  
25 tendency to have tunnel vision. I'm determined, and often I

1 need to open that focus to see other things that I may be  
2 missing on the peripheral. It did help. But not with my  
3 problems.

4 Q Your gender issues?

5 A Correct.

6 Q Other than this professional, did you see any other  
7 mental health professionals during your years through high  
8 school and as a child?

9 A No, ma'am, I did not.

10 Q Did you share with your therapist anything about the  
11 sexual abuse that you referenced earlier?

12 A Not with the therapist that I saw in high school. It was  
13 only when I sought therapy at around the age of 21.

14 Q We'll get to that. To confirm, you did not share that  
15 with the therapist you saw in high school?

16 A I did not.

17 Q Why not?

18 A I didn't understand what was going on in my mind, even  
19 enough to try to articulate what was going on.

20 Q So you didn't share with your therapist anything  
21 regarding the gender issues you were experiencing at that time.  
22 Did you share those issues you were having with anyone else  
23 during your years as a child and through high school?

24 A I did not. I was an emotional kid. My emotions would go  
25 up and down. I often would say that I would put my emotions

1 into a closet and I would close the door. The way that I  
2 closed that door is that I would exercise. I did not share  
3 with anybody about the sexual abuse until I was a junior or  
4 senior in high school.

5 The first person I divulged that information to was my  
6 mom and I did not share anything about the thought that God  
7 made a mistake, I'm a girl, until around the age of 21 when I  
8 first confided with my sister about that battle.

9 Q How old were you when you did that, shared with your  
10 sister?

11 A I was around the age of 21. I was approximately a junior  
12 at LSU, still working on my undergraduate degree and right  
13 there around age 21.

14 Q What was the reason you decided to share with your sister  
15 at this time when you were 21 the issues you were experiencing?

16 A My coping mechanism was fairly effective at helping me  
17 keep my focus at school and my other activities, but there was  
18 a lady that I met and for the very first time I experienced the  
19 emotion and the feelings of falling in love with somebody, and  
20 in falling in love with this young lady, the door on my  
21 emotional closet blew off the hinges and I was actually having  
22 a breakdown, I was having a come-apart, exercising was not  
23 working, and I was losing it.

24 Q You testified that when you were 5 you didn't really  
25 understand that it was actually feelings of identifying as

1 transgender because you didn't really know what it was at the  
2 time. Did you eventually learn?

3 A Yes, I did.

4 Q When was that?

5 A It was actually in college.

6 Q Was it around that same time?

7 A No, it was about a year. I'm ballparking this. About a  
8 year to two years before that time. The reason being is  
9 because working on my engineering degree, I did have a few  
10 electives for which I could take in psychology and other areas  
11 to satisfy those credits that I needed. And one of the classes  
12 I took was a human sexuality class because I had questions.  
13 And growing up I didn't ask very many questions. So it was a  
14 great opportunity for me to learn more about the biology of a  
15 woman, biology of a man, and a lot of other things.

16 And it was actually in that class for which I actually  
17 first learned of the word "transsexual", transsexualism, and I  
18 keyed in on it because I'm, like, that's what I got, that's  
19 what's going on with me, and then at that point, I definitely  
20 dove into my textbook and tried to start doing supplemental  
21 reading to better understand what that was. So at that point I  
22 was better equipped to be able to articulate what was going on  
23 in my mind. So it was about two years, a year, two years that  
24 I took that class before I confided in my sister that I was  
25 having a come-apart.



1 Q How did it make you feel when you took that class and  
2 learned about the things you just described?

3 A I felt enlightened. I was engaged in a battle and things  
4 were going on. I had this thought and fully believed that God  
5 made a mistake, I was a girl. But definitely my body was  
6 telling me differently. It was very confusing. So learning  
7 about that, I was enlightened in finally figuring out what I  
8 had, what was going on. There was a term for it, it is  
9 defined. And that gave me at least a direction to start  
10 studying and looking into.

11 Q Your sister was the first person you told?

12 A Yes, ma'am, my older sister.

13 Q What did you tell her?

14 A It was a very, very short conversation, and I remember  
15 telling her that I'm a girl, but I'm not a girl. And I  
16 stuttered and was, like, but I'm a girl. I'm like, I don't  
17 know what's going on in my mind and I need help. And she said,  
18 Billy, we can find somebody to help you. And so she got me an  
19 appointment with a sexuality, if I said that correctly,  
20 therapist, and she got that first appointment for me and then I  
21 went to that therapist.

22 Q You went to that appointment that she set for you?

23 A I did. She set up that appointment for me and then I set  
24 up all the following appointments, but she made that first  
25 appointment for me.

1 Q Just to keep our timeline straight, can you remember  
2 about what age you were when that conversation with your sister  
3 occurred?

4 A Around age 21.

5 Q How soon after that conversation did you actually have  
6 that first appointment with the therapist?

7 A Fairly quickly. And wasn't any time at all before I was  
8 able to get in and see the therapist.

9 Q Did you share with this therapist anything about your  
10 gender-related issues?

11 A I did. And at this time, I had something to articulate  
12 and to communicate. So I shared with her that I believed I was  
13 a girl, but I wasn't a girl, and that I was transgender and  
14 that -- or at least I thought I was transgender from what I was  
15 reading. And so that's the beginning of the path, the story  
16 that I had with that therapist.

17 Q When you told your therapist that, what was the  
18 therapist's response or reaction?

19 A Her reaction was neutral. She started asking questions  
20 and she asked many questions, and that actually went on for  
21 years and asking questions. But she just started to try to  
22 probe and ask me questions when did I first experience or have  
23 this thought that I was a girl, and we started going through  
24 things.

25 Q How long did you see this therapist?

1 A I saw this therapist for a total of about nine years from  
2 beginning to end.

3 Q We'll break down those years in just a moment. Did you  
4 see any other therapists at this time?

5 A Not at this time, no, ma'am.

6 Q You testified that there were a lot of questions on the  
7 part of the therapist during these sessions. Can you be a  
8 little more specific about what you and the therapist worked on  
9 during these sessions in terms of issues that you were having?

10 A I don't have any memories or detailed memories of the  
11 session other than being in the sessions and she asking me a  
12 lot of questions about a lot of different things and often not  
13 all the time, but sometimes I would be on the floor leaning up  
14 against a couch with a pillow hugging my chest and just  
15 bawling, not knowing what was going on.

16 Q I guess another way of asking that question is did you  
17 and this therapist discuss any other mental health issues that  
18 you may have been having separate and apart from your feeling  
19 or your identity as being transgender?

20 A No. And to my recollection, we never did dive into any  
21 of the trauma that I had or anything that may have resulted  
22 from the sexual abuse or anything else as from my childhood and  
23 being picked on.

24 Q So nothing about your speech impediment that you said you  
25 had?

1 A No, ma'am, nothing about the speech impediment, the  
2 learning disorder, not really fitting in with the other boys  
3 very much. As far as sports goes, we didn't dive into that and  
4 tear that apart.

5 Q Did you ever bring it up?

6 A I can't recall if I did.

7 Q Did you ever go to any group therapy?

8 A There was one time I did go to group therapy and that was  
9 later in the -- after I decided to transition.

10 Q When did you decide to -- first of all, define -- give us  
11 your definition of the term "transition" and what it means to  
12 you.

13 A So I saw the therapist for about five years. I confided  
14 in this lady I was in love with about this battle and I tried  
15 to break up with her.

16 Q Let me ask a better question. If you were using the term  
17 transition, what do you mean by that?

18 A Okay. I was in this battle and I was determined to  
19 remain male and that's also what I told the girl at that time,  
20 that I wanted to overcome and deal with whatever was going on  
21 in my mind and remain male. And so I was in therapy for  
22 roughly four to five years before I actually made the decision  
23 to transition. And what I mean by transitioning is that I made  
24 a mental decision that I was no longer going to battle this and  
25 remain male, that I was going to do what I needed to do to walk

1 the road to transition to female and to present as female.

2 So after making that mental decision, I actually told my  
3 therapist that I wanted to transition, she gave me a hug. She  
4 told me, Billy, I knew you were going to reach this decision  
5 one day, I didn't know it was going to take this long. And she  
6 gave me a note at that point to take to an endocrinologist in  
7 New Orleans to start on testosterone blocker and on estrogen  
8 and progesterone.

9 Q How old were you when that happened, the initial  
10 communication to your therapist that you had made the decision  
11 to transition?

12 A Somewhere around the age of 27 to 28 is when I made that  
13 decision to transition.

14 Q So help me with my math. About how many years had you  
15 been in therapy between the time you initially started going to  
16 this therapist and the time you decided to transition?

17 A Okay, so I started going when I was 21 and I decided to  
18 transition somewhere around the age of 27. So that would be  
19 about six years, five, six years in there.

20 Q Can you give us some insight into -- well, your therapist  
21 told you I'm surprised that this took you this long. Do you  
22 have any insight into the number of years that it took you or  
23 why it took you so many years so to speak?

24 A So I started seeing the therapist right around the age of  
25 21. I actually came to her and told her that I wanted to

1 transition somewhere around the age of 27. She was a sexuality  
2 therapist so she had patients both in Baton Rouge and in New  
3 Orleans and many of them were transitioning. She was actually  
4 helping them transition. So she had quite a few clients. And  
5 I would imagine, I don't know, but I was the one that took such  
6 a long time for me to decide to transition. And at that time  
7 with my therapist, she wasn't pushing me, she was asking me  
8 questions and she knew that I wanted to overcome in this  
9 battle, so she just kept asking questions and questions and  
10 questions.

11 But leading up to the point where I told her I wanted to  
12 transition, I started having suicidal thoughts. I wasn't  
13 suicidal, but I was having these suicidal thoughts and so I  
14 didn't -- I never told her about that. But the reason why she  
15 said I didn't know it was going to take you this long I would  
16 imagine is because her other clients did not take nearly as  
17 long as I did. And I hope I answered the question.

18 Q You did. Can you clarify what you mean when you  
19 testified that you weren't suicidal but you were having  
20 suicidal thoughts? Explain the difference between those two  
21 things, as you understand them.

22 A Yes. So I knew that God existed, I was praying, and  
23 having grown up in the Roman Catholic faith, I knew that God  
24 was there, I knew that Jesus was there, and I was praying, but  
25 I also believed that if I did my earthly best, he would do my

1 heavenly best. And even though I didn't know him, I wasn't  
2 prepared to meet him. So I valued life and there was -- I  
3 didn't want to destroy my life, but I was destroying my life  
4 and these thoughts about how to destroy my life were driving  
5 off the road, were coming into my mind where actually I was  
6 starting to think about how to kill myself. But I'm, like, I'm  
7 not going to do that. I also knew two other people who did try  
8 to kill themselves. And it's, like, I'm not going to do that.

9 Q Did you tell your therapist about any of this?

10 A I did not tell my therapist anything about that at all  
11 because with the two people that I do know, did know, that  
12 tried to commit suicide, they were actually put under lock and  
13 key and they were evaluated for mental health issues. I was at  
14 the end of my rope. At that time, I had done a lot of  
15 research. And the research and things that I was reading and  
16 that I was hearing, the messaging was that if I transitioned to  
17 make my body match my mind, I would find my happiness and my  
18 peace, and I was after trying to find my happiness and my  
19 peace. So I did not tell the therapist that I was having  
20 suicidal thoughts. I didn't want her to think that I was  
21 having any mental health issues that would derail me from  
22 proceeding through that gate to get that letter to start on the  
23 road to transition.

24 Q By that letter, please clarify what you mean.

25 A I knew that to go through that gate to proceed to the

1 next step, that I needed to go to a doctor to get hormones and  
2 also anything else I needed because I didn't understand  
3 everything that I needed. But that letter was a letter from  
4 the therapist saying that Billy has been diagnosed or  
5 identified as having or being transgender and is starting to  
6 transition as a female and thus needs to get on testosterone  
7 blocker and estrogen and progesterone. So she gave me that  
8 letter and I went to a doctor in New Orleans.

9 Q Did you think if you had revealed any of your suicidal  
10 thoughts to your therapist that she would not have provided you  
11 that letter?

12 A I was actually thinking that with --

13 MR. BODAPATI: Objection, Your Honor. Calls for  
14 speculation.

15 MS. LAND: Your Honor, I'm --

16 THE COURT: The question is asking what his fears  
17 were, concerns were, not what the doctor would have done. So  
18 I'm going to overrule the objection.

19 BY MS. LAND:

20 Q Go ahead and answer.

21 A With the friends that I had that did try to commit  
22 suicide and seeing the results, the consequences of their  
23 actions, I was afraid to tell her about my suicidal thoughts,  
24 and I did not tell her about those.

25 Q We touched on this a little bit already, but apart from



1 your therapist, did you tell anybody else during this time  
2 about your gender issues, apart from your sister?

3 THE COURT: What time are we talking about now?

4 MS. LAND: The time between up until he had made  
5 this decision to transition.

6 THE COURT: So up until 26 or 27?

7 MS. LAND: Yes.

8 THE COURT: Okay.

9 THE WITNESS: So at the point I decided to  
10 transition, the only people that I confided in about the battle  
11 that I was in and going to see this therapist, my sister is the  
12 first person I confided in when I was 21. The therapist was  
13 the second person I confided in. About two to three months  
14 after that, I had confided in my girlfriend, the lady I loved,  
15 and let her know what was going on. She said she wanted to be  
16 with me if I remained male, but she didn't want to know  
17 anything about my battle.

18 In going to therapy, so around a year or so later, I was  
19 going fairly consistently but my money was getting low and  
20 therapy was getting lengthy. So I told my parents also about  
21 what was going on. My parents shared that information with my  
22 other siblings that I was in this battle, but to the extent of  
23 who knew, that was the circle of everybody knew that I had this  
24 problem and that I was seeking therapy for it, and that I was  
25 working to remain male. And that was the situation until I

1 actually decided to start transitioning.

2 BY MS. LAND:

3 Q Do you feel that those individuals you just identified  
4 were supportive of you?

5 A They were supportive of me, but all of them didn't want  
6 to know anything about my battle. They didn't ask me  
7 questions, they didn't want to know. And my parents helped me  
8 with the financial costs of therapy, so everybody was  
9 supportive of me that I would stay male, but we didn't talk  
10 about it.

11 Q Let's go back to the letter that you testified about.  
12 Did your therapist write one letter for you?

13 A Yes. At that time, she did write one letter addressed to  
14 the doctor, a specific doctor that it seemed like she already  
15 had a working relationship with. She gave me the name of his  
16 practice, the address of where to find him, and she gave me one  
17 letter to give to him.

18 Q Do you recall what type of doctor it was that she  
19 referred you to?

20 A I believe it was an endocrinologist, but I'm not certain.

21 Q What did you do with the letter? Did you actually go to  
22 this physician?

23 A I did. I did go to the physician and gave him the  
24 letter. He read it. He wrote out a prescription for me to  
25 fill to get, I believe -- I believe it was for spironolactone,

1 testosterone blocker, and for estrogen and for progesterone.

2 Q How old were you when you went to see the  
3 endocrinologist?

4 A Right around 27, 28ish, in that ballpark.

5 Q So between the time that you discussed this decision to  
6 transition with your therapist and the time that she wrote the  
7 letter for you, how much time transpired between that period of  
8 time and when you went to the endocrinologist?

9 A Very short period of time. She was able to make an  
10 appointment for me and it wasn't very long in time period  
11 between me confiding in my therapist about wanting to  
12 transition, her giving me the letter, and me seeing the doctor.  
13 It was pretty quick.

14 Q Would you classify quick as being a couple months or a  
15 couple weeks?

16 A Maybe a couple of weeks.

17 Q And the endocrinologist you testified wrote you a  
18 prescription, did you, in fact, end up taking the medications  
19 the endocrinologist prescribed?

20 A I did.

21 Q Is that right away?

22 A I did. I went and I got the prescriptions filled and  
23 started taking the medication right away.

24 Q We haven't talked about this, but did you make -- were  
25 you socially presenting as male or female at this time?

1 A I was still presenting as male. Because of how athletic  
2 I was, I had such a low body fat and I was decently defined,  
3 not overly, not an endurance athlete. I was very much  
4 recognized as a male. Getting on to the testosterone blocker  
5 and on the estrogen, I was hoping that the medication would  
6 work quickly to soften my features. Because otherwise if I  
7 started presenting immediately, I would have very much and very  
8 quickly have been identified as a male in a dress, so to say.

9 Q Did you ever present as female after that point?

10 A Yes. It was about -- it was before my bottom surgery and  
11 it was before, a good bit before the bottom surgery because I  
12 had to present. I had to present as female. And so I  
13 actually -- the very first time I presented as female was at a  
14 friend of mine's wedding, a lot of triathlon friends.

15 THE COURT: A lot of what?

16 THE WITNESS: Triathlon. I was a triathlete and my  
17 social circle was triathletes. So two of them were getting  
18 married and that was the first time amongst friends.

19 BY MS. LAND:

20 Q Once you started your medication, can you tell us how you  
21 felt both emotionally and physically?

22 A Physically, the medication started working pretty  
23 quickly, so the testosterone blocker actually started working  
24 pretty quickly on my male genitalia. And the estrogen and  
25 progesterone took a little bit of time for it to work and

1 soften my features. I was also -- when I made the addition to  
2 transition, I started electrolysis to get rid of my beard. And  
3 the estrogen started to soften my breasts, give me a little bit  
4 of breast tissue, and my emotions were up and down. Sometimes  
5 I was very excited and very happy for the path I was on and  
6 other times I was crying and just really, really sad. My  
7 emotions were going up and down.

8 Q How long were you on hormone -- how long did you do  
9 hormone therapy?

10 A Before bottom surgery, it was about three or four years  
11 before bottom surgery. In total, wow, very rough ballpark from  
12 the age I was about 27, 28 up until about when I was 38,  
13 roughly a decade.

14 Q You've briefly referenced surgery. When did you make the  
15 decision to have surgery as part of your transition?

16 A Immediately when I made the decision to transition and I  
17 did that about-face and believed the messaging that was given  
18 to me that this is how I would find my happiness and peace, I  
19 made that decision as soon as I told my therapist that I wanted  
20 to transition, that I was going to go all the way and have the  
21 surgeries necessary to transition and become the woman that I  
22 was in my mind.

23 Q Did you make all of those decisions on your own or did  
24 you consult with anyone?

25 A I made those decisions on my own.

1 Q Let's talk about your surgeries. How many did you have  
2 to transition?

3 A Many, many. I had -- bottom surgery was actually two  
4 surgeries, so instead of just giving you a number, I'm going to  
5 have to go through them and count them. So my first surgery  
6 was bottom surgery, and that was a penile inversion with an  
7 Adam's apple shave and a brow shave. That was the first one.  
8 The second one was another bottom surgery, labioplasty. And  
9 then I had rhinoplasty. And then I had a voice surgery with  
10 another trachea shave. So at that point, four surgeries.  
11 Later I had facial feminization. And then I also had a  
12 phalloplasty and another surgery to reverse the phalloplasty.  
13 So six surgeries. And then a health issue that I had that I  
14 forgot to mention during the deposition, but a health issue I  
15 had was a gallbladder surgery. I had gallstones, gall sludge,  
16 so eight surgeries.

17 Q How old were you when you had your first surgery for your  
18 transition?

19 A About the age of 31.

20 Q Just to clarify, which surgery was that?

21 A That was the penile inversion, Adam's apple shave, and  
22 brow shave.

23 Q What was the recovery like with that surgery?

24 A The recovery from that surgery was very difficult. I was  
25 thankful when I came out of surgery and was coming out of

1 anesthesia, I did ask somebody if it was gone and I was assured  
2 that it was gone. And in recovery, the bleeding from my  
3 man-made vagina, I was bleeding, they couldn't stop the  
4 bleeding, so they had to put more gauze into the cavity and  
5 they also had to put a sandbag on my lower abdomen to try to  
6 create pressure but the bleeding wouldn't stop for a period of  
7 time, so I also had to get a blood transfusion and also some  
8 units of plasma. So the recovery was difficult, and the stench  
9 in the room was that of -- very loudly of stale blood. And my  
10 two-week scheduled stay in the hospital actually turned into a  
11 three-week stay in the hospital.

12 Q Let's move on to your next surgery. When did you have  
13 that?

14 A The next surgery was approximately four months after the  
15 first one. And with the labioplasty, I went to that surgery  
16 back in Wisconsin, I went to that surgery by myself. It was an  
17 outpatient surgery. So from the hotel, I took a taxi, went to  
18 the surgical center. Afterwards, got another taxi, went to the  
19 pharmacy to get my prescription medicines, and then went back  
20 to the hotel room to recover there before flying back home.

21 Q How old were you when that happened?

22 A That was about when I was about 31, 32 when that  
23 happened.

24 Q You referenced other procedures as well, a rhinoplasty, a  
25 brow shave, and an Adam's apple shave. When did you have those

1 done?

2 A So the voice surgery with the Adam's apple shave and the  
3 rhinoplasty was done fairly soon after the first surgery. I  
4 knew that I needed additional help to be able to pass to be  
5 recognized as a woman. So with the voice surgery, I actually  
6 flew out toward Oregon, I believe it was in Oregon for which I  
7 had that surgery and the trach shaved. And that was done under  
8 twilight anesthesia. And then I had the rhinoplasty in  
9 Birmingham, Alabama. So all of that was done within a two-year  
10 period of my first surgeries.

11 Q What was the purpose of the voice surgery?

12 A I actually had a very deep male voice, and even though I  
13 was practicing to be able to pass with a softer voice, I was  
14 having difficulties. So I was reading on voice surgeries that  
15 would actually increase the pitch of a person's or a male's  
16 voice. And that surgery was actually taking sutures and with  
17 the vocal cords suturing those and pulling them, making them  
18 tighter. So the surgeon actually had to have me awake during  
19 that procedure so I could talk while he was tightening those  
20 sutures. And it worked, because coming out of surgery and the  
21 two months or so that I had to be silent after the surgery, it  
22 sounded as though I had inhaled a lot of helium. So the doctor  
23 warned me about this outcome and that it would take about six  
24 months for the vocal cords to relax and to come down to more of  
25 a feminine range. So that was the voice surgery and the



1 purpose was to help me pass.

2 Q What was the recovery like for your other procedures,  
3 specifically the rhinoplasty, the brow shave, and the Adam's  
4 apple shave?

5 A I had the Adam's apple shave in the first surgery, that  
6 was the three-week stay in the hospital. The Adam's apple  
7 shave, the doctor when he did my voice surgery, he also shaved  
8 my Adam's apple a second time. And so that recovery was -- I  
9 went to that surgery alone, and that recovery was in the hotel  
10 room in Oregon before I had to fly back home. Rhinoplasty was  
11 outpatient basis, and at that particular time I was living in  
12 Birmingham, Alabama, and so I had that procedure done in  
13 Alabama. So I was able to recover at home and have help, other  
14 people around me to help me with my recovery.

15 Q So you testified that today you identify as male. When  
16 did you make the decision to no longer identify as female?

17 A I have to think about this for just a moment. It was  
18 right around 2009. I was about 38, 39-ish in there. And so I  
19 was working at NASA, and that is when I actually made the  
20 decision to detransition. That's when I started my  
21 detransition. The decision before that was maybe about a year  
22 before or six months before.

23 Q What steps did you undertake to -- well, first, let's  
24 define what your meaning of the word "detransition" is.

25 A Detransition is -- so a lot has happened in that time

1 frame from when I transitioned to when I detransitioned, and  
2 about seven-ish years after I transitioned to presenting as  
3 female, none of my problems were resolved, I actually still had  
4 these same problems I had before I transitioned to female and a  
5 whole lot more problems after I transitioned to female. By  
6 detransitioning, I actually started -- I got off the estrogen  
7 and progesterone, I made that decision, and then I got back on  
8 testosterone. I was presenting myself at work -- well, I  
9 worked in the field in this hangar kind of sort of to say, so  
10 my daily dress was blue jeans, a work shirt. I worked on  
11 hydraulic systems, so it was oily, so it was very easy to  
12 present androgenously at work.

13 So my initial detransition was just getting off the  
14 estrogen, progesterone, and getting onto the testosterone and  
15 proceeding from there. And then my coworker started to notice  
16 that I was changing, my body was changing. And so my  
17 supervisors had to pull me aside and say look, Billy, the team  
18 is asking questions about you, I'd like to confide in them,  
19 what's going on with you, what's going on. And so at that  
20 point, I had to share with other people about my story and what  
21 I was doing and going back to presenting being male.

22 Q Did you undergo any procedures in order to detransition?

23 A I did a little bit later. So to detransition, I just  
24 started to work out, present as male, have a male haircut, and  
25 then I started to work my voice to try to get it back down in

1 the lower range, so I worked hard on that. And then also a  
2 little bit later on, I made the decision that I needed to  
3 change my documentation, and by documentation, I'm referring to  
4 my driver's license and my passport because I never did change  
5 my birth certificate. So in the state of Alabama, they  
6 actually had me in their records as female and they would not  
7 let me change back to male unless I had some type of  
8 documentation that I was male. So I needed a surgery and a  
9 doctor's note to take to the state, the DMV, to transition to  
10 female, a female marker.

11 So in my mind, and my therapist that I was seeing at the  
12 time didn't say otherwise, I needed another surgery to  
13 transform me back to male so that I could present as male on  
14 all my documentation. So at that point, I went for a  
15 phalloplasty up in Pennsylvania, and then I got a document  
16 saying that I was surgically altered from female to male.

17 Q Tell us what that surgery was like.

18 A That was the worst surgery of them all. That surgery was  
19 very, very painful because in talking to the surgeon before I  
20 went, I let him know that I was a marathon runner, I was a  
21 triathlete, and that I had very low body fat. I sent him  
22 pictures and he assured me that I had enough body fat that he  
23 could create a phallic with the skin and the fat on my lower  
24 abdomen. So then I flew up to Philadelphia. And at the  
25 presurgery meeting and physical, I again shared with him that I

1 was concerned because in the pictures and the information I was  
2 seeing on his website and what I was reading is that you need  
3 some body fat to create a nice phallic.

4 He shared with me, yeah, you have low body fat, but  
5 you'll be okay, and that he also shared with me that this derma  
6 material could be used to actually give me more thickness to  
7 the phallic that he would create. I don't remember the  
8 technical name of it, but this derma material is often used in  
9 hernia operations. So I shared with him at the presurgery  
10 meeting that I do not want anything foreign in my body at all,  
11 that if I don't have enough body fat, I don't want this surgery  
12 and nothing foreign in my body. He assured me that I was a  
13 good candidate.

14 In coming out of that surgery, it was very painful  
15 because he took the skin graft from my inner upper right thigh,  
16 and he removed all the fat that I had on my lower abdomen and  
17 it still wasn't enough. So he actually had to get a good bit  
18 of this derma material to roll it up to create the phallic.  
19 Coming out of that surgery in recovery was very painful. And  
20 when he removed the bandages off my lower abdomen, I was  
21 horrified because all I had was this very thin piece of skin  
22 from the skin graft laid across the muscles of my lower  
23 abdomen, no fat. And so I recovered in Philadelphia for nearly  
24 a week, maybe a little bit longer. And then he sent me home.

25 And when I went home, the sutures actually opened up and

1 some of the derma material that he rolled up and stuck in  
2 started to extrude out of the tip of the phallic that he  
3 created. So I tried to seek medical help from urologists or  
4 somebody to help me with this situation. I called the doctor  
5 or the surgeon and he wasn't able to help me or refer me to  
6 anybody. So I called quite a few doctors and finally there was  
7 one in a town that wasn't too far away that was willing to help  
8 me. So he looked at what was going on, he took some scissors,  
9 surgical scissors, sterilized, he trimmed off the derma  
10 material, and then instead of any suturing, he actually took  
11 some butterfly band-aids to pull it together and he gave me  
12 some medication to take home with me as well.

13 And so that was a horrendous, horrendous experience with  
14 that surgery. And it was so bad and I had such difficulty  
15 looking in the mirror after that that I actually had to call  
16 the surgeon about a year or so later and tell him I wanted to  
17 reverse the surgery, I wanted that skin put back on my lower  
18 abdomen. He shared with me, Billy, you want to become a woman  
19 again? And I'm like, No, this is really bad, I can't look in  
20 the mirror. I need that skin back on my lower abdomen if it's  
21 possible to put it back. And he was, like, So you want to  
22 become a woman? I'm like, Yes, I want to become a woman again.  
23 And so it didn't seem like he would do the surgery unless I  
24 agreed with him.

25 So I went back up to Philadelphia. It took a long time

1 because I was the very first patient that he ever had that  
2 actually wanted that procedure reversed. So he had to figure  
3 it out. So the surgery took longer than he anticipated. And  
4 fortunately, the results were good because he was able to  
5 unfold the phallic, remove the derma material, and put that  
6 skin back on my lower abdomen. It's pretty scarred up right  
7 now, but it's much better than the way it was.

8 Q Did you have any other procedures?

9 A Yes.

10 Q What were they?

11 A I had an additional facial feminization procedure later  
12 in life. So this was around 2017, so right there around five  
13 years ago, I was presenting as male, but another battle entered  
14 into my mind. The first battle that I was having was that God  
15 made a mistake, I was a girl, and I overcame that battle. And  
16 I fully transitioned back to male, I even got married. I have  
17 a beautiful wife and two beautiful stepdaughters. But I  
18 started getting thoughts in my mind, you're a freak, you're an  
19 abomination, you're no good, you know, what good are you as a  
20 husband, you can't perform. I was having a battle in my mind  
21 again. And I started to spiral back. And I'm, like, what's  
22 the use.

23 So I actually had the thoughts of transitioning back to  
24 presenting as female. So I actually did schedule and went  
25 through a facial feminization surgery. And as soon as I came

1 out of that surgery -- and in that surgery -- what I had done  
2 is I had another brow shave, I had cheek implants, and then I  
3 also had a jaw -- my jaw shaven. Coming out of that surgery  
4 and looking in the mirror, I was like, Billy, what are you  
5 doing, this is crazy, this is ridiculous, you've done this.  
6 And so I actually came out of that surgery and with additional  
7 help, I have been able to overcome my mental battles and I am  
8 presenting as male completely. I have had no other surgeries  
9 since that time and I'm free. I'm done with the battle.

10 Q Is there any other follow-up with a medical professional  
11 that you're continuing to undergo today?

12 A Yes. So I am definitely seeing therapists to get the  
13 letters for the phalloplasty. I am no longer seeing any  
14 therapists today, but because of everything that I've done and  
15 losing my testicles which actually produced and gave me the  
16 testosterone that my body needed to balance hormones, I  
17 continuously and ever since that first operation, I've had to  
18 continuously go to an endocrinologist or be under medical care  
19 to have my hormone balance monitored. And I've been on  
20 hormones be it while I was presenting as a woman and I was on  
21 estrogen, then as a man, I'm back on testosterone. So I have  
22 to do weekly injections, intermuscular injections in my gluteus  
23 every week. And the endocrinologist I have to go to about  
24 every six to nine months to have blood work done and they have  
25 those levels monitored and she does have to adjust my dosage

1 not every time but often.

2 MS. LAND: Pass the witness.

3 MR. BODAPATI: We're happy to proceed, but we do  
4 think it might be a nice time for a lunch break considering  
5 it's 12:30.

6 THE COURT: Lunch is going till 2:30 because I've  
7 got a hearing at 1 and 2 so I had planned to push on till 1:00  
8 since y'all are not coming back till 2:30.

9 MR. BODAPATI: Understood, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. BODAPATI:

12 Q Mr. Burleigh, just starting with a few housekeeping  
13 questions. Are you aware that this trial began during the week  
14 of October 17th, 2022?

15 A Yes.

16 Q And we're now currently in the second week of trial?

17 A Yes, sir.

18 Q Mr. Burleigh, have you reviewed any transcripts of the  
19 trial?

20 A No, sir, I have not.

21 Q Have you spoken to anyone about the testimony that was  
22 given during either the first week or the start of the second  
23 week of the trial?

24 A No, sir, I have not.

25 Q Have you done any other research regarding what occurred



1 at trial?

2 A No, sir. I have purposely stayed away from any articles  
3 or anything speaking of or talking about this trial.

4 Q Now, Mr. Burleigh, you discussed a lot of this on direct,  
5 but just to make sure I have things straight, I'd like to go  
6 through some of the timeline of the events that led to you  
7 transitioning. I believe you said you first started having the  
8 thought that you were a girl when you were in the first grade?

9 A Yes, sir.

10 Q And that thought persisted throughout your childhood into  
11 adulthood past college?

12 A Yes, sir.

13 Q And, Mr. Burleigh, you then had around five years of  
14 therapy as an adult to address your gender identity issues  
15 before you decided to start hormone treatment?

16 A Thereabouts from 21 to when I -- from when I was about  
17 age 21 to about age 27, 28.

18 Q And I believe you testified on direct your therapist  
19 didn't push you to transition or have that gender-affirming  
20 medical care, right?

21 A That is correct, yes, sir. That's correct.

22 Q In fact, she just kept asking questions as you put it?

23 A Yes, sir.

24 Q And I believe you said that when you made the decisions  
25 to undergo the surgeries a little later, you said that you made

1 that decision yourself?

2 A I did make the decision myself.

3 Q Now, Mr. Burleigh, you didn't receive any of that  
4 gender-affirming medical care until after age 18, correct?

5 A I'm confused with the question because gender-affirming  
6 medical care, are you talking about therapy or the actual  
7 doctors?

8 Q I'm talking about the actual doctors.

9 A Yeah, I was beyond the age of 18, yes, sir.

10 Q So you never took puberty blockers, right?

11 A No, sir, I did not.

12 Q And you testified on direct what you did take were  
13 testosterone blockers, estrogen, and progesterone?

14 A Yes, sir.

15 Q You said you started all these medical treatments around  
16 the age of 28?

17 A Yes, sir.

18 Q Now, Mr. Burleigh, when you were on the testosterone  
19 blockers and cross-sex hormones, you didn't experience adverse  
20 physical effects from the treatment, right?

21 A During deposition, I said I did not experience any  
22 physical harm with that, and having an opportunity to read over  
23 the transcript, the only thing that comes to my mind I failed  
24 to mention during the deposition was the gallbladder surgery.  
25 I don't know if that was related to being on estrogen or not,

1 but that was a health issue that I did have.

2 Q So you don't know of any adverse physical effects that  
3 you could attribute to the hormone treatment though, right?

4 A No, sir, not directly.

5 Q And I believe you testified when you were on that  
6 estrogen and progesterone, you were on it for roughly a decade,  
7 I believe you said?

8 A Yes, sir.

9 Q Next, Mr. Burleigh, I'd like to ask a few questions about  
10 the surgeries you were just discussing. So I believe you said  
11 you had your first transition-related surgery about three years  
12 after you started the hormone therapy?

13 A Thereabouts. So I was about 27, 28 years old and I had  
14 that first surgery about when I was 31-ish.

15 Q Got it. You said that that first surgery involved a  
16 penile inversion, vaginoplasty?

17 A Yes, sir.

18 Q You mentioned that you experienced some complications  
19 during that surgery?

20 A Yes, sir.

21 Q Mr. Burleigh, you were informed of those potential  
22 complications prior to receiving the surgery, right?

23 A I probably was. Most likely I was. But I don't remember  
24 because I was so dead set on having the surgery, I didn't care.

25 Q Okay. But you believe most likely you were informed of

1 those potential complications?

2 A Yes, sir, I do believe so.

3 Q And on direct, you mentioned a few other surgeries. You  
4 believe you were properly informed of the potential side  
5 effects of those other surgeries, right?

6 A All except for the phalloplasty, I believed that I was  
7 not adequately informed at all of the risks coming out of that  
8 and the potential problems. The surgeon and I had a direct  
9 conversation about not using any derma material and so we never  
10 did talk about any complications of using the derma material,  
11 and that was a complication that I had coming out of that  
12 surgery.

13 Q So as for the surgeries that were for your transition to  
14 female, you believe you were properly informed of all the side  
15 effects?

16 A I believe most likely I was.

17 Q You didn't experience long term or adverse side effects  
18 on your health from those surgeries to transition to female,  
19 right?

20 A With the penile inversion and when I had to dilate, I  
21 would often bleed from my vagina which caused me not to dilate.  
22 And I actually went to an OB/GYN to address the bleeding that I  
23 was having from the vagina and they used some type of stick or  
24 something to cauterize where the bleeding was coming from. It  
25 worked temporarily, but that was an issue for which persisted

1 all the way up until the man-made vagina just completely closed  
2 up. Because when I bled I wouldn't dilate.

3 Q You would describe that as an adverse health side effect?

4 A Yes.

5 Q Mr. Burleigh, do you recall being deposed in this matter?

6 A Yes.

7 Q That was, I believe, in about April of this year?

8 A Yes, sir.

9 Q Can we pull up the deposition transcript to about page  
10 152? If we could just start on page 1 real quick so we can  
11 confirm it's Mr. Burleigh's deposition. So do you recall  
12 providing sworn testimony at this deposition?

13 A Yes, sir.

14 Q You swore to tell the truth completely and accurately to  
15 the best of your abilities?

16 A Yes, sir.

17 Q Let's return to page 152. I'll read starting from line  
18 2, this highlighted portion. Question by Mr. Rogerson. "Okay.  
19 All right. Mr. Burleigh, did you experience any side effects  
20 from your surgeries, adverse effects? Answer: I did not  
21 experience any health side effects, health adverse side effects  
22 if that's what you mean."

23 Mr. Burleigh, was that your sworn testimony at your  
24 deposition earlier this year?

25 A Yes, sir, it is my sworn testimony and I made that

1 statement.

2 Q Mr. Burleigh, you don't place any blame on the medical  
3 providers who helped you transition to female, do you?

4 A No, I do not place any blame on the medical providers.

5 Q Mr. Burleigh, you decided to detransition when you were  
6 about 38 years old, right?

7 A Yes, sir.

8 Q Around 2009 as you testified on direct?

9 A Yes, sir.

10 Q Mr. Burleigh, isn't it true that the start of your road  
11 to transitioning back to male began when you gave your life to  
12 Jesus and started studying the Bible?

13 MS. LAND: Objection to relevance.

14 THE WITNESS: Yes.

15 THE COURT: Overruled.

16 THE WITNESS: Yes. Well, no. I'm thinking about  
17 the timeline. I gave my life to Jesus around the year 2005,  
18 2006, and he took me on a road to explore. When I left Baton  
19 Rouge for the job at NASA in 2008, April 2008, I was still  
20 presenting as female, and it was actually when I was in  
21 Huntsville, Alabama that I made the decision to detransition.  
22 So giving my life to Christ was a pivotal moment, but it wasn't  
23 at that point that I made the decision to transition or  
24 detransition back to male.

25 BY MR. BODAPATI:

1 Q We can explore that a bit, but just to make sure I'm  
2 clear, you would say that the start of your road to  
3 transitioning back to male didn't begin when you gave your life  
4 to Jesus and started studying the Bible?

5 A That was the start on my relationship with Jesus, and  
6 that was the start on helping me to understand this battle for  
7 my mind, but it wasn't necessarily the start of me  
8 detransitioning.

9 Q Mr. Burleigh, I believe did you provide testimony to the  
10 Florida board -- Florida Medical Board?

11 A Yes, sir.

12 Q Within the past month or two?

13 A I did.

14 Q Can we pull up Mr. Burleigh's written testimony?

15 MS. LAND: Objection to relevance.

16 THE COURT: Overruled.

17 BY MR. BODAPATI:

18 Q If we can zoom in on that second to last paragraph. Can  
19 you see that, Mr. Burleigh?

20 A Yes, sir.

21 Q I'll just read the first statement there. "The start of  
22 my road to transitioning back to male began when I gave my life  
23 to Jesus and started studying the Bible."

24 Mr. Burleigh, was that not the written testimony that you  
25 submitted to the Florida board earlier this month?

1 A Yes, sir, that is my written testimony I actually  
2 submitted to and spoke and gave to the Florida board. I had no  
3 more than three minutes to speak and to share my entire life  
4 journey to the Florida Medical Board, and so I had to  
5 paraphrase my entire journey. But in this case in this  
6 courtroom with being given additional time to actually lay out  
7 the complete road map, I'm sharing with you that that is  
8 accurate for a three-minute testimony and the information I'm  
9 giving you is more accurate.

10 Q Mr. Burleigh, that was your written testimony though,  
11 right?

12 A Yes, sir, that is.

13 Q Now, Mr. Burleigh, your decision to detransition came  
14 after a moment where you broke down and called out to God for  
15 help?

16 A Would you repeat the question?

17 Q Yeah. Your decision to detransition came after a moment  
18 where you broke down and called out to God for help?

19 A Yes, sir, very much so. And if you would mind me a  
20 little bit of leeway, I could try to explain to you what was  
21 going on at that time.

22 Q I'll just ask another question. It was around that time  
23 that you joined a church group called the bodybuilders?

24 A Yes, sir, it was.

25 Q And I think you kind of mentioned this a few questions



1 ago, but you believe that God led you on that journey to join  
2 that group and ultimately detransition?

3 A Yes, sir.

4 MS. LAND: Objection to relevance and it's outside  
5 the scope of direct.

6 THE COURT: Overruled.

7 BY MR. BODAPATI:

8 Q Mr. Burleigh, as you testified on direct, you decided to  
9 take steps to socially transition back to presenting as male?

10 A In Huntsville, Alabama after 2009, yes, sir.

11 Q You stopped taking estrogen?

12 A Yes, sir.

13 Q And around that time, you started taking testosterone to  
14 help you present as male again?

15 A Yes, sir.

16 Q Now, Mr. Burleigh, I believe you testified to this a bit  
17 on direct as well. After you detransitioned, there were still  
18 times that you had some discomfort about your gender identity  
19 as a male?

20 A Yes, sir.

21 Q You struggled from somewhere around 2014 until sometime  
22 in 2017?

23 A Yes, sir.

24 Q And I believe you mentioned that it went as far as  
25 requiring an additional facial feminization surgery?

1 A Yes, sir.

2 Q But I believe you also testified that with additional  
3 help you were able to overcome those mental struggles?

4 A Yes, sir.

5 Q And it was in and through Jesus that you completely  
6 backtracked to presenting and identifying as male, right?

7 A Yes, sir, it is.

8 Q Mr. Burleigh, you believe that God was never okay with  
9 your transition, right?

10 A I agree with that, yes, sir.

11 Q And you don't believe God is ever okay with anybody  
12 transitioning, right?

13 A I believe that is true, yes, sir.

14 MS. LAND: Objection. This is going outside the  
15 scope of direct.

16 THE COURT: Overruled.

17 BY MR. BODAPATI:

18 Q Mr. Burleigh, you do believe someone who has transitioned  
19 is living a lie, right?

20 A Would you repeat the question? I want to make sure I  
21 heard it correctly.

22 Q You believe that someone who has transitioned and is  
23 living in a gender other than their birth sex is living a lie,  
24 right?

25 A Yes, sir, I do.

1 Q Mr. Burleigh, you testified in support of House Bill 1570  
2 which became the law at issue in this case at a House committee  
3 hearing, right?

4 A Yes, sir.

5 Q You've also testified in support of similar bills in at  
6 least three other states, right?

7 A Yes, sir.

8 Q Utah, Idaho, and Arizona?

9 A Yes, sir.

10 Q And as we just discussed, you also testified before the  
11 Florida Medical Board?

12 A Yes, sir.

13 Q Now, in all of those instances, the bills or proposed  
14 regulations aimed to prevent medical and surgical transitioning  
15 under the age of 18, right?

16 MS. LAND: Objection to relevance. We're discussing  
17 the SAFE Act, not any other state's act.

18 THE COURT: I'm going to allow the question to the  
19 extent -- I'm going to overrule.

20 MS. LAND: I will assert an additional objection  
21 that this is also outside the scope of direct and that  
22 Mr. Burleigh did not discuss any testimony regarding other  
23 states' laws or testimony before other states.

24 THE COURT: So had you preferred they recall  
25 Mr. Burleigh once you're through in your case in chief in

1 rebuttal or do you want him to take care of those questions  
2 now?

3 MS. LAND: We're noting our objection for the  
4 record, Your Honor.

5 THE COURT: What's your response to my question?  
6 You'd rather proceed now or have him come back when you're  
7 through with your case in chief on Friday or whenever that  
8 happens?

9 MS. LAND: If the plaintiffs intend to call him as a  
10 rebuttal witness, that's their decision.

11 THE COURT: My question is, he's going to remain  
12 here in town, if he's not from Little Rock, until then. So I  
13 need to know what your preference is, not that I'm going to let  
14 you decide, but I'm curious what your preference is. Because  
15 the notion that cross-examination is strictly limited to direct  
16 isn't something I usually hear, but it's beyond the scope of  
17 cross generally is. But I'm just trying to figure out exactly  
18 what you're thinking ought to happen here. That he be held  
19 over and asked these questions later or now?

20 MS. LAND: Respectfully, Your Honor, it's difficult  
21 to answer that question because I'm not quite sure where  
22 Plaintiffs are going with this information or why they feel  
23 it's relevant.

24 THE COURT: Absent a response, I'm going to let you  
25 proceed. But we're going to break for lunch because I need to

1 trade out a court reporter.

2 MR. BODAPATI: Your Honor, if we could go for just  
3 like three or four more minutes, I believe I can finish.

4 THE COURT: Continue.

5 BY MR. BODAPATI:

6 Q Just to return to the question I just asked, all of those  
7 bills or efforts in those other states similarly aimed to  
8 prevent medical and surgical transitioning under the age of 18,  
9 right?

10 A Yes.

11 Q Mr. Burleigh, you were invited to testify in support of  
12 House Bill 1570 here in Arkansas by a member of the Family  
13 Research Council named Ken Gonzalez, right?

14 A Yes, sir.

15 Q You've never lived in Arkansas?

16 A No, sir.

17 Q You never received hormone treatment or  
18 transition-related surgeries in Arkansas as a minor?

19 A No, sir.

20 Q And you're not personally aware of the clinic protocols  
21 for providing gender-affirming medical care to minors in  
22 Arkansas, are you?

23 A No, sir.

24 MR. BODAPATI: Pass the witness.

25 THE COURT: Redirect?

1 MS. LAND: Nothing further, Your Honor.

2 THE COURT: You're free to go, sir. Are y'all going  
3 to have any more witnesses today?

4 MR. JACOBS: No, Your Honor. Defendants are  
5 planning to call Dr. Hruz in the morning and then we'll be done  
6 with our case.

7 THE COURT: Y'all are in recess then.

8 (Recess at 12:53 PM.)

9 REPORTER'S CERTIFICATE

10 I certify that the foregoing is a correct transcript of  
11 proceedings in the above-entitled matter.

12  
13 /s/ Karen Dellinger, RDR, CRR, CCR  
14 -----  
United States Court Reporter

Date: December 6, 2022

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