

**Vanderhye testimony 08/08/2005 Fairfax County District Court**

**Prosecution:** Sir can you state your name please

**Vanderhye:** Roger Vanderhye

**Prosecution:** <not clear> how you employed

**Vanderhye:** I'm the principal of Springhill Elementary School in McLean VA

**Prosecution:** Is that here in fairfax county

**Vanderhye:** It is

**Prosecution:** Do you know the Defendant in this case

**Vanderhye:** I do

**Prosecution:** Mr. Smith

**Vanderhye:** I do know him

**Prosecution:** Did you come into contact with Mr. Smith on June 17th of this <not clear>

**Vanderhye:** I did

**Prosecution:** Where was that

**Vanderhye:** that was in the office originally then down in the class room and back at the entrance

**Prosecution:** ok what happened <not clear>

**Vanderhye:** I was conducting an an interview with a prospective employee and my secretary came in very upset, Mr. Vanderhye, Mr. Vanderhye Mr Smith is in and he wants to see

**Defense:** <objects while Vanderhye is talking, <not clear> not clear what was said>

**Judge:** disregard what secretary told you, what did you do as a result of that

**Vanderhye:** what did I do as a result, I came out into the front of the office and

**Prosecution:** ok came out of the office

**Vanderhye:** came out of the office and I said to Mr. Smith, Mr. Smith could you please come to my office and speak with me and he said no he could not, that he wasn't talking to me, that he didn't want have anything to do with me and he was going to see his child. I said Mr. Smith you may not go down to see your child until you come and speak to me

**Prosecution:** why did you want him to speak to you

**Vanderhye:** because we have red flagged any any files where there is any kind of court custody cases to protect children and what I originally had felt that Mr. Smith had some paperwork for me to show me that his visitation rights were OKed again because he had he had lost them previously.

**Prosecution:** and did he come into the office with you

**Vanderhye:** he did not

**Prosecution:** alright then what did you do

## **Vanderhye testimony 08/08/2005 Fairfax County District Court**

1 **Vanderhye:** he ran to the room, I ran after him, he went into the classroom on my way out I  
2 asked my secretaries to call my boss, Denny Deardon, to call the police to call school  
3 security, and to call < judge interrupts, air force> Mrs Smith

4 **Vanderhye:** what's that

5 **Judge:** <laughing> the marines, the air force

6 **Vanderhye:** yes. and I went into the classroom the teacher looked at me and she was  
7 absolutely paralyzed she

8 **Defense:** objection your honor

9 **Judge:** obviously right

10 **Vanderhye:** and

11  
12 **Prosecution:** what was your interaction between you and Mr. Smith

13 **Vanderhye:** nothing now because there was a classroom full of full of children and the  
14 teacher came to you and said

15  
16 **Prosecution:** don't tell us what the teacher said

17 **Vanderhye:** ok

18  
19 **Prosecution:** the teacher came to you said a couple things and then how did you proceed

20 **Vanderhye:** I said we've called the police, on my signal I want you to ask all of the children  
21 to line up and to file outside

22  
23 **Prosecution:** did that happen

24 **Vanderhye:** that did happen yes

25  
26 **Prosecution :** alright and what was Mr. Smith doing

27 **Vanderhye:** Mr. Smith was sitting with his son Liam, eating Chick Fillet that some other  
28 parents had supplied

29  
30 **Prosecution:** and then the police arrived

31 **Vanderhye:** the police arrived

32  
33 **Prosecution:** alright was officer colwell one of them

34 **Vanderhye:** yes he was

35  
36 **Prosecution:** alright what did you, what happened when the police arrived

37 **Vanderhye:** I stepped out explained the situation showed the paperwork explained that I  
38 wanted to speak to Mr. Smith and that he was in the classroom and I was planning on  
39 having the children file out so that he could have Mr. Smith removed from the school. I also  
40 made up a a no trespass letter which is standard fairfax county procedure.

41  
42 **Prosecution:** what did you ask the officer to do

43 **Vanderhye:** I asked the officer to no-trespass him

44  
45 **Prosecution:**<tape> there when he did that

46 **Vanderhye:** I was

**Vanderhye testimony 08/08/2005 Fairfax County District Court**

**Prosecution:** Did Mr. Smith leave

**Vanderhye:** He said he was going to leave and then he was walking towards the parking lot and then he darted onto the playground trying to find his son and thats when the police had him arrested

**Prosecution:** Is this Mr. Smith

**Vanderhye:** Mr. Smith

**Judge:** cross-examine

**Defense:** <tape>playground <not clear>

**Vanderhye:** is not, it is a playground

**Defense:** <not clear>

**Vanderhye:** <tape> its on school property

**Defense:** where is that in relation to the building

**Vanderhye:** a couple hundred feet

**Defense:** <tape>

**Vanderhye:** is not

**Defense:** <tape>

**Vanderhye:** that no, there is no sign no

**Defense:** there was actually a function that day for

**Vanderhye:** thats correct

**Defense:** function that parents were invited to

**Vanderhye:** thats correct

**Defense:** and as part of the court orders you mentioned previously as Mr Smith being <tape>

**Vanderhye:** I don't know

**Defense:** you don't know

**Vanderhye:** no I don't know

**Defense:** and that function was to take place from about 12:30 to 1:30

**Vanderhye:** thats correct

**Defense:** and prior to your coming out of your office Mr Smith had signed in according to policy as a visitor in the school

**Vanderhye:** I don't know

**Defense:** <tape> school expects visitors to sign in and their are allowed to do it

**Vanderhye:** unless there is a court order

**Vanderhye testimony 08/08/2005 Fairfax County District Court**

1  
2 **Defense:** that bars them from the school

3 **Vanderhye:** no, when we red flag files to protect children the parents must come in and  
4 speak to the principal otherwise they have no access to the child.

5  
6 **Defense:** ok the <pause> your school policy doesn't say that, it says joint and non-  
7 custodial parents are allowed to come in and sign in

8 **Vanderhye:** unless the file is red flagged and I have told Mr Smith his several occasions  
9 that when he comes to school he needs to come speak with me first.

10  
11 **Defense:** A file that is not red flagged that parent just signs in with an administrator or not  
12 Prosecution:Objection to the relevancy of the question

13 **Judge:** I'll Sustain the objection

14 **Defense:** Judge goes to his knowledge of <not clear>

15 **Judge:** Sustain the objection  
16

17 **Defense:** Did you go outside when Mr Smith left

18 **Vanderhye:** I did not  
19

20 **Defense:** so when you said he walked to the parking lot you were <not clear>

21 **Vanderhye:** no I saw him walk there because it is a direct line of view and he was told by  
22 the police to leave the premises immediately he did not go to his car, he turned left and  
23 then the police went after him along with our security guard  
24

25 **Defense:** but you did not

26 **Vanderhye:** I did not  
27

28 **Defense:** and the parking lot when you're looking out the door extend both to the left and  
29 the right of the door, that right

30 **Vanderhye:** thats correct  
31

32 **Defense:** <tape> you to look at that picture please, can you identify it

33 **Judge:** can you let me in on it

34 **Vanderhye:** No I can't  
35

36 **Defense:** you've never seen an ariel shot of your school before

37 **Vanderhye:** no I have not, I'm sorry

38 **Defense:** thats alright

39 **Judge:** <tape> google earth

40 **Defense:** I believe it is your honor

41 **Judge:** <not clear>  
42

43 **Judge:** <not clear> step outside, go back outside, not out of the building just out of the  
44 courtroom