

THE COURT: Does the alleged victim have input into the proposed plea?

MR. MCCORMICK: He has, your Honor. He would like to address the court.

THE COURT: Okay. That would be Mark Nunes?

MR. MCCORMICK: Yes, sir.

MR. NUNES: So I'm Mark Nunes. I'm a Pediatrician and Geneticist from California, and I'm Mary Nunes' father. I would like to point out that the **true victim of this crime actually is, Mary Nunes**. I understand the difficulty with Mary having turned 18 and with the Court being unable to address Mary's specific needs.

Divorce never ends for parents when they have children involved and in this particular divorce, well, this is the divorce from hell. It's been ongoing to this day from 1998 when it was filed, to the present day. Parents have responsibilities particularly when they are parents - when they're divorced parents of a child. Responsibilities to foster the relationship with the other parent.

You'll forgive my High School Latin, "Primum non nocere", as college Latin would have corrected it. But this is the oath that I swore as a Physician, and I think Genevieve Kelley, also swore as a Physician as well. This above all else, "do no harm". It's a good rule for a Physician and it's a good rule for a parent as well.

In this divorce, I was supposed to walk away. Genevieve's father George San Martin, had a daughter that was kept a secret from our marriage. She is two years older than Genevieve. He walked away from her, paid child support and never came back. That's what I was supposed to do in my divorce proceeding. But instead I developed a relationship with my daughter.

I was active duty at the time. Once a month I travelled up to New Hampshire for visits with Mary. In 1999 I met my current wife Nancy, been married happily for 15 years and have two thriving children, 14 and 12. In 1999 Nancy entered into Mary's life. In 2000 Nancy and I were married. One of the things that Nancy says attracted her to me, was my relationship with Mary. She couldn't believe after everything that I'd gone through in the divorce, that I never spoke

negatively about Genevieve in front of Mary. Above all else, do no harm.

At the same time in the divorce proceeding and stated in the divorce decree, there was speculation spurred on by Genevieve Kelley, that I somehow contributed to the premature birth of my daughter. Mary was born by emergent C-section, due to a true knot in the umbilical cord. There's no way that anybody can make that happen. Genevieve is a Physician. She knew better, but she was more than happy to have that stated. Above all else, do no harm.

When I would have visits with Mary, when she was an infant, I would have Mary for the day. Mary would be brought to the Pediatrician the morning of the visit. Then she'd be brought back to the Pediatrician the next day, with a claim made by Genevieve, that Mary had lost weight during her 8-10 hours with me. A Physician should know better. Above all else do no harm.

In 2002, during a visit in Biloxi Mississippi, at our blue house on the water that Mary loved to visit, with my parents and Nancy present, Mary told us that Genevieve told her that when she was 9, she would go to the Judge and tell him she didn't want to visit Daddy Blue-house, anymore. Above all else do no harm.

September 11th changed things tremendously for our nation, but it changed things tremendously for a father, active duty military traveling by air to New Hampshire on a monthly basis. We needed to look at the visits again. We had a son Gabriel, who was born as well, and things needed to be looked at again. Mary told us in talking about September 11th and airplane travel that her Dad, an active duty Air Force Major, was one of the bad guys. When we asked her who told her that, she said her Mom had told her that. Above all else, do no harm.

All during this time, there was a fantastic, thriving relationship. I truly love the North Country. Mary and I hiked Franconia Notch, the White Mountains, swam and had a fantastic relationship. She had a fantastic relationship with her brother Gabriel. She had just met her sister Madelyn, who was born with Down Syndrome, who she was very concerned about, but she was thrilled to have a younger sister. One of the last conversations that I had with Mary was, she talked about how someday she wanted to live in a rainbow house. What was a rainbow house? We stayed at Thayer's Inn, a white Hotel. The house on Spencer Road where they,

Genevieve and Scott lived, was a yellow house. The house in Mississippi was a blue house. That was Mary's desire, that she wanted to live in a rainbow house. She wanted to live in a place where everybody was able to communicate and get along. She loved our family. She loved Gabriel. She loved Madelyn. She loved Nancy, as a maternal figure. She loved me. She loved my Father, who died in 2007. She loved her Aunts and Uncles. She spent time with them, quality time with them. She enjoyed the time that she spent with them. To hear Attorney Rosenfeld say, that the only family Mary has ever known has been the Kelley family, during my attendance at prior hearings, has been an incredible slap in the face for the richness of the life that Mary Nunes had with us.

My daughter Madelyn needed surgery in 2003. We had three visits that year, all in the state of New Hampshire. We needed to look at visits again. Everybody knew that. There was no way, recently discharged from the military, that I'd be able to travel up as frequently. We needed to look at that again. The physical abuse card had been dropped and played many, many times. We were waiting for the other shoe to drop, waiting for that sexual abuse card to be played. Sure enough.

Here was the allegation, as we heard it in this court, the only thing that's ever been said in court. This is the allegation on January 24, 2004 as we heard it, as it was related to us that Mary said this statement, that "daddy touched her poopsie without a washcloth". That was the statement.

There are three things that are important about that statement. Number One. In and of itself, it's not an allegation of child sexual abuse, rape or any other crime. There are photographs of Genevieve bathing Mary as an infant and of me bathing Mary as an infant, in an infant tub without a washcloth. Mary saw these pictures many a time.

Point number two. Mary wasn't allowed to call me Daddy. Genevieve insisted that I be called Daddy Blue-house, because I lived in a blue house and that Scott Kelley be called Daddy. So, on the surface the accusation seems to be pointing in a different direction. And when you consider that, it's very concerning and psychologically is also very concerning, that Mary would change her name to Mary Kelley.

The third thing about the allegation or that statement, that Mary is supposed to have made, is poopsie. So poopsie was the term that George San Martin, Genevieve's father, had

for Mary's genitals. I don't know too many grandparents that have nicknames, for their grandchildren's genitals.

So what happened? The Guardian as litem at the time was involved. She was a mandated reporter. DCYF, initially understanding the custody issues declined to investigate. Then at Genevieve's insistence, they did. Above all else do no harm.

Genevieve's a physician, she knows better.

She understood the importance of a quick, rapid evaluation. But, once DCYF was involved, the evaluations stalled. Moreover, Genevieve said in this court, actually in this courtroom, Genevieve stated that she must have called 40 or 50 counselors, psychologists across that State of New Hampshire, to treat Mary for her child sexual abuse, based on the statement that I just related to you. And she found one, Kelly Smith. By the end of October 2003, Mary was in treatment with this **psychologist before she had, had a forensic interview or evaluation by DCYF.** Above all else do no harm. Genevieve Kelley is a physician, she knows better.

In February of 2004, Genevieve was driving with Mary, down state. She had a panic attack in the car. They went to Dartmouth Hitchcock Medical Center, and an MRI scan was obtained of Mary. It showed that she had an arteriovenous malformation. She did not disclose to the doctors at Dartmouth Hitchcock Medical Center anything about the sexual abuse allegations. And she did not disclose to any of the evaluators at the Spurwink Clinic or in Colorado that Mary had an arteriovenous malformation, something that would affect behavior. It'd affect cognition. Above all else, do no harm. Genevieve's a physician, she knows better.

When Mary went to the Spurwink Clinic for her evaluation in May 2004 kicking and screaming, she didn't want to go to the Spurwink Clinic for her evaluation, because, oh, by the way, she -- we had her evaluated there secretly without telling anybody about it in 2000. So, Genevieve takes Mary to the court ordered evaluation at the Spurwink Clinic, and she does not reveal to the Spurwink Clinic anything about Mary's arteriovenous malformation. At this point Mary apparently is also on mind-altering medications, Prozac. She doesn't reveal that to the Spurwink Clinic, either. She also didn't reveal that to the evaluators in Colorado. Above all else do no harm. Genevieve's a physician she knows better.

In February of 2004 Genevieve, Scott and Mary all got passports. Plan B was already in place. They already knew what they were going to do. They delayed, put off evaluations, put off significant evaluations time and time and time again. Then in summer 2004, they produced a videotape. And if you have any question or any doubt as to what's going on in this case, what Mary's existence was like in 2003 or 2004, what Mary's existence is like this very day, Your Honor, I encourage you to view this videotape. The summer of 2004 they're going to change the jurisdiction. They move out to Colorado. They settled in Littleton, Colorado, no more than 40 miles as the crow flies from Attorney Alan Rosenfeld's law offices. They get 2 evaluations without revealing the medical history. Every physician knows how important it is to understand what medication somebody's on, what medical conditions they have. These were all withheld by Genevieve Kelley. A physician should know better. Above all else, do no harm. **The videotape switched things. And the focus of me, Mark Nunes, a potential perpetrator, switched to Genevieve as a perpetrator of child abuse. And that's what DCYF was starting to look into. That's what the Grafton County attorney was starting to look into. That was what they fled from the United States for. Not to protect Mary, because there was no threat to Mary.** I was asking that Mary be reunited with my family, and with me in a supervised manner. I would have been happy for Mary to have access to her brother and sister, her stepmom, her godfather, her godmother, her aunts, uncles and grandparents. That would have been perfectly fine and acceptable. That wasn't going to happen. There was no danger to Mary. **There was only the threat of an independent evaluation to get to the -- to get to the truth.** Above all else, do no harm. A Physician should know better.

If this was only Mary's story, it would be sad enough. But there's a story of another child in this circumstance, a child whose mother for her own gain reported to the newspapers, to the Boston Globe, that her child had a devastating diagnosis, cystic fibrosis. That child was lucky that independent assessment happened for that child, to John Kelley. Of course he doesn't have cystic fibrosis. There was never a doubt whether he had cystic fibrosis or not. Above all else, do no harm. A Physician should know better.

Genevieve, if it was your father that sexually abused you -- sexually abused you in the past, as one of the evaluators that you hired, Virginia Rockhill, suspected and as DCYF suspected, I can forgive you for trying to remove Mary from your mother and your father. Scott, if you molested Mary, may the truth be a lion. However, if you left because Genevieve was pregnant with your son, John, and you needed to protect your son, I understand that and I forgive you.

However, what was done to Mary is unforgiveable. Mary was kept isolated, away from family. The rich life that she experienced in the Nunes family and extended family was amputated. Mary Nunes has to disappear from the earth and be replaced by Mary Kelley. She was kept isolated and away from school. So her mother, a physician, could work as a missionary, could have done a lot of things to help people.

She was a high school teacher at a private school in a well-to-do neighborhood in Costa Rica, outside of San Jose, Costa Rica. Mary did not have access to that school. Instead, she was kept out of school and apparently home schooled. And from what we read and learn, she's learning at a tenth grade level. She has developmental delays. If you've seen the video posted on Peoplenow.com, you can judge for yourself whether or not Mary was capable of writing that she seems incapable of reading. No fundamental education. Kept away from people. Kept away from her family. No medical care. Oh, except that she's apparently on a medication, Trileptal, another mind-altering medication and drug that's helping in her decision making, as a 19 year old now. We don't know who prescribed the Prozac that she was on, back in 2004. We don't have a record of that. We don't know who prescribed the Trileptal, that she's on now.

But she's kept on, isolated right now to this day on mind-altering medications and with lack of access to education. So again, if you have any question about Mary's status as a victim and what Mary has encountered during this holocaust that has been visited on her life, Your Honor, I encourage you to view this videotape. **I've said all along—my public statements have been, who speaks for Mary.** If at the end of these proceedings Genevieve and Rosenfeld have succeeded in turning Mary Nunes into Mary Kelley and erase Mary Nunes from the face of the earth, that will be a gross miscarriage of justice against Mary, which you have presided over. And again, I understand the limitations that are placed on you by Mary's age. The sincerity of this plea comes with complete resistance on the part of Genevieve and Scott to acknowledge the holocaust that they have visited on Mary's life. Are they going to facilitate Mary's being reunited with her family? She missed my father's funeral. She missed my brother's wedding. She missed yearly family gatherings. She missed the richness of a life because of the actions of these two people. So my final plea is actually to Mike Kelley, in this courtroom. And that is that I can't do anything else to help my daughter. I would love to help my daughter. The people that can help my daughter, that can put things on the right path, that can make amends, are sitting here with no intention of doing so, and no sincerity in their desire to do so. So, if Mary Nunes, is to be erased from the face of the earth and become Mary Kelley, Mike, you're the adult in the room. You're the responsible one. You must take care of my daughter and **see that she becomes that self-actualized person, that she becomes her own independent person, that she isn't -- to spend the rest of her life believing that the sky is red or that the sky is green and that there's a little glimmer that she can someday recognize that the sky is blue.**

That's what this is about. This is what's been done to my daughter, a victim of the two people sitting in this courtroom. A few months in jail is a small price to pay for what they've done. I don't know what's going to happen to my daughter. My prayer is that she's able to become that self-actualized person. Again, the parenting role, above all else do no harm. If we've done a good job as parents, we see that at age 18, or at least after six years of college, we see them able to go off and live their own lives independently. **Mary, at 19 is under-educated, has poor access to neutral non-biased healthcare and has a long road to become that self-actualizing person.**

Thank you.

THE COURT: Thank you, sir.

MR. MCCORMICK: Thank you.