

Babysitter to take stand

Accused in death of toddler, Larsen to testify in own defence

By Sue Yanagisawa
Whig-Standard Staff Writer

CHERYL ANN LARSEN IS EXPECTED to testify on her own behalf today at her manslaughter trial in the death of a young boy she was babysitting in December 2002.

Larsen's husband, Maj. Mark Larsen, left his wife's side in the Superior Court of Justice courtroom yesterday for the first time since the trial started, when he was called by the defence to take the witness stand.

At the outset of the trial, he was granted an exemption from the court order excluding witnesses and has sat next to his wife throughout the testimony.

Cheryl Ann Larsen was charged in the death of 22-month-old Brody Albert, who suffered a "closed head" brain injury and while in the Larsens' care on Dec. 6, 2002. By the time paramedics arrived at the Larsens Pembroke Crescent home that morning, the toddler was unconscious and in respiratory distress.

Brody suffered a convulsion in the ambulance on the way to Kingston General Hospital and underwent emergency surgery that same morning.

Doctors were unable to control the swelling in his brain and he died two days later. He never regained consciousness.

Larsen told paramedics, the boy's parents and police that Brody was injured when he fell down her carpeted basement stairs. But doctors involved in his treatment didn't accept her explanation and concluded that his brain injury was consistent with child abuse — specifically shaken baby syndrome.

The hospital reported that finding to the local the Children's Aid Society, which in turn notified police. Larsen was arrested and charged with aggravated assault the day after Brody entered hospital. When Brody died the following day, she found herself facing a homicide charge.

In his testimony, Mark Larsen, a financial officer with I-Wing, told the court that his wife was devastated after Brody was rushed to hospital. He'd been away from home for eight weeks on a training course in Winnipeg and it was his last day. He'd been talking to her that morning via computer when she messaged him that Brody had fallen and she had to go to hospital.

Larsen testified that they spoke again by telephone at "10:39 Eastern Standard Time" while she was waiting with Brody's parents for word on the boy's condition. She sounded "dis-



Ian MacAlpine/The Whig-Standard

Maj. Mark Larsen escorts his wife, Cheryl Ann, to court on Sept. 24

traught, worried," he said.

"Obviously someone she cared for was in the hospital undergoing tests and she was upset and worried."

Larsen told the court he'd expected to arrive in Kingston about 11:30 that night, but after speaking to his wife he returned by about 6 p.m. When he took his wife home from the hospital, she appeared to be in "some sort of shock," shivering, unable to eat, drink or sleep and frequently running to the bathroom to empty her bladder.

"She was, in my opinion, quite ill," he said. He was concerned, he said, because he had "strong feelings for Brody."

Assistant Crown attorney Laurie Lecelle challenged that concern, referring the major to a transcript of his online conversation with his wife that morning. The transcript, which is one of the exhibits in the trial, was reconstructed from two separate chunks of text recovered by an officer with the OPP electronic crime section from the hard drive of the Larsens' computer.

"I believe there are segments of [the discussion] that aren't there," Larsen said, adding that the omissions had altered the context.

He confirmed that the recovered words were part of the string of their conversation that morning, however.

In one portion of the text, Cheryl Ann Larsen, who is identified as "Cherie," was telling him about Brody's toilet training and appeared to be complaining that he was taking too long to put on his pullups. She told her husband that Brody was afraid of her "because of my yelling," but that even with the yelling he wasn't listening.

Mark Larsen typed back: "I'm not sure if they don't teach him, or if he is

slow, or what."

Elsewhere in the text, both Larsens referred to the boy as "dopey."

Mark Larsen said he was the first to use the word, although that's not reflected in the reconstruction of their conversation. He agreed with Lecelle that it wasn't a very charitable conversation about Brody and said he feels bad about having used the word "because it's a word I don't let the kids use." Still, he said that he loved the boy like one of his own children.

Larsen also rejected Lecelle's suggestion that his wife was overwhelmed by looking after their home, their three sons and Brody during his frequent work-related absences that year. He spent 117 days, including the eight weeks he'd just spent on course, away from home.

He told the court that his wife was smart and resourceful and "I don't believe she was at the end of her rope."

Katherine Ashmead, whose eldest daughter was in Cheryl Ann Larsen's care for six months between 1997 and early 1998, and the Larsen family's neighbours, Elizabeth and Robert Duffin, also testified.

"They're a very cohesive, happy family," Elizabeth Duffin said.

Robert Duffin said of Larsen: "I found her to be a loving, care-giving person."

Ashmead told the court that when Larsen babysat for her she was caring for five very young children, including her two oldest sons and Ashmead's infant daughter.

"She took pride, she was in her glory looking after children," Ashmead said.

The trial continues at 10 a.m. at the Frontenac County Court House.

LOCAL NEWS

Babysitter's own words recited at her trial

By Sue Yanagisawa
Whig-Standard Staff Writer

WHEN CHERYL LARSEN WAS INTERVIEWED BY a Kingston Police detective the day after 22-month-old Brody Albert was rushed unconscious from her Pembroke Drive home to hospital, she told the officer she wasn't having any real problems toilet training the toddler.

"He just loves it," she told Det.-Sgt. Carolyn Rice during an emotional video interview on Dec. 7, 2002. "I think it's because he likes the praise."

But a communication later retrieved from the hard drive of her computer by OPP Det. Sgt. Jim Falconer suggests there was more stress in her household over the issue than she was prepared to admit to police.

Yesterday, Madam Justice Helen MacLeod, the judge presiding over Larsen's Superior Court trial for manslaughter in Brody's death, heard most of her video statement and an account of the reconstructed online conversation from the morning of Dec. 6, 2002, retrieved from her computer.

The text generated is ostensibly a real-time conversation between Cheryl and Mark Larsen, a major in the Armed Forces who was at the time on course in Winnipeg, although the participants identify themselves only as "Sherry" and "Mark."

Falconer told the court he'd ascertained that Cheryl Larsen uses the name Sherry online and Cheryl Larsen independently told police that she and her husband were communicating by computer that morning just before she called 911.

During the retrieved online conversation, "Sherry" complained to "Mark" that Brody has "been sitting here for 20 minutes and he still doesn't have his frigging pullups on" and about the child's father never picking him up early even when he got off work early.

Mark commiserated. "I think it is stupid that we have to put up with their needs when they won't look after their kid," he typed, describing Brody as "a bit dopey."

The conversation continued with Sherry telling Mark: "I'm losing patience with him, but he really is a good kid and I like the money."

It ends with her typing that Brody has fallen down the stairs and she has to go to the hospital.

Court heard the frantic 911 call that Larsen made, in which she told the operator that she needed an ambulance for a baby who had fallen down stairs. "I can't tell if he's breathing," she tells the operator. Then she's heard excitedly coaxing the injured toddler. "Brody! Come on, honey" — and then telling the operator, "Yes, he's breathing."

The 911 tape records her telling the operator she's unsure how he's hurt himself and suggesting that it's the back of his head. She says there's

no bleeding, however, and estimates that he fell down four or five steps.

"What should I do?" she asks. "I don't know what to do, he seems so limp."

Underneath her voice but clearly audible on the tape is the sound of a young child moaning. "He's just mumbling and making funny noises," Larsen is heard to tell the operator.

Court has already been told that by the time paramedics arrived Brody was unconscious and they were unable to revive him. He vomited about a minute after they began to work on him and went into seizure on the way to the hospital.

He was subsequently found to have bleeding inside his skull that was putting pressure on the right side of his brain. Two days later, he died.

Doctors who treated Brody didn't accept the explanation for his injuries, that he'd received them in a short fall down stairs. He was diagnosed instead as a victim of shaken baby syndrome, which resulted in the charge against Larsen.

When Larsen agreed to be interviewed on video by Det.-Sgt. Carolyn Rice without a lawyer present, the toddler was still alive, though Larsen knew he was badly hurt. She sobbed frequently in recounting what happened that morning. She said "we've been toilet training him," and he'd just finished urinating when she heard the alert for an incoming message on her computer:

"So I scooped him up and took him downstairs with his diaper." She said she was having him practise putting it on, because he was still learning to dress and undress.

Larsen told Rice that Brody put his diaper on and "I said, 'you need your pants, you're going to get cold.'" She told Rice that she'd left his blue corduroy pants in the bathroom upstairs and all he was wearing was his T-shirt, socks and diaper.

"He went upstairs to get his pants and I heard him say, 'I got it, I got it,' and then he was coming down the stairs — and then he fell," she said, beginning to cry again.

"I thought it was just a normal fall," but when she picked him up "he was just so limp."

Larsen told Rice, "I thought he was OK, but he wasn't."

She suggested to Rice that she might have aggravated his injury by moving him and was assured that it was a normal impulse to pick up a fallen child. But after listening to her account at length, Rice finally confronted Larsen, telling her that she didn't believe her explanation.

A weeping Larsen insists in the video that Brody fell and the only thing she could think of that she might have done was to put him down too hard.

"That's the only thing I can think of," she said, "because when he was so floppy that I put him down too hard when I was in a panic."

LOCAL NEWS

Videotape interviews grip court

Babysitter's reaction to news that toddler had died: 'Oh my God. Oh my God.'

By Sue Yanagisawa
Whig-Standard Staff Writer

THE BIG COURTROOM ON THE SECOND FLOOR of the Frontenac County Court House was silent yesterday morning, except for the sound of Cheryl Larsen's voice emanating from multiple television sets and some sniffing from the spectators gallery where members of Brody Aibert's family watched.

Larsen - on trial for manslaughter in the December 2002 death of 22-month-old Brody - was videotaped after a night spent in police custody.

Just after 2 p.m. on Dec. 8, 2002, Kingston Police Det. Sgt. Carolyn Rice gave her the news that Brody had died.

"Oh no! Oh my God. Oh my God. Oh my God. Oh my God!" Larsen stuttered, burying her head in her hands.

Rice then told her that she was going to be charged in the toddler's death and there was another "oh my God," the final syllable drawn out in an agonized wail.

Larsen, 33, who had been Brody's babysitter for about a year, was caring for the boy on Dec. 6, 2002, when paramedics were called to her Pembroke Drive home. Larsen said Brody was injured after he fell down a flight of carpeted stairs.

Yesterday and on Tuesday, Madam Justice Helen MacLeod watched two videotaped interviews that Rice conducted with Larsen the day after the incident, while Brody was fighting for his life, and the next afternoon after he died.

Larsen was charged with aggravated assault after the first 3½-hour interview on Dec. 7, 2002. The next day, during another videotaped interview, she was told that the charge was about to be elevated to second-degree murder - although it was ultimately reduced to manslaughter after a preliminary hearing.

Larsen has pleaded not guilty.

When Larsen first spoke to Rice, she insisted that Brody had been injured falling down the stairs to the basement of her home.

About three hours into the Dec. 7 interview, however, Rice - then in charge of the Kingston Police sexual assault and child abuse unit -



LARSEN: Sincerity of grief questioned

confronted Larsen with the diagnosis of the doctors who treated Brody: that his brain injury was caused by a violent shaking.

Larsen continued to maintain that the boy had only fallen. Eventually, however, she admitted that she shook him after the fall, though not enough to injure him, she insisted.

"I only shook him twice," she said.

Rice asked if she was angry when she shook him.

"No, I was scared," Larsen replied. "I was scared. I wanted him to be OK."

Then she returned to her contention that it was the fall - and perhaps the way she handled him after the fall. Sounding and looking distraught on the tape, she told the detective, "I can't believe I did that. I can't believe I laid him down on the floor that hard."

Rice told her that wasn't it.

"It's the way I was holding him. I think," Larsen suggested.

"No, Cheryl," Rice replied.

"It had to have been," Larsen insisted, adding, "If I had a doll or something, I could

show you."

Before getting Larsen a doll - actually a pink, plush frog - Rice questioned her further about the shaking.

Larsen said she did it "because I was scared he was being clumsy again." She said she didn't want him going home with a black eye or a fat lip that she'd have to explain to his parents.

Larsen's husband, Mark, a major in the Armed Forces, had been on course in Winnipeg and was coming home that weekend. She said she'd wanted everything to be perfect.

"I love Brody. He's like one of my own," Larsen told the detective.

A little later she asked if she'd have to go to jail and "do I get to see my kids?"

"Not right now, Cheryl," Rice told her.

Larsen later demonstrated for Rice with the plush frog how she'd lifted Brody with her hands around his torso and briefly shook him. The toy flopped back and forth in her hands.

At the end of the interview, Rice asked if there was anything more Larsen wanted to add.

"I'm so sorry," she sobbed.

After the tapes were shown, Crown attorney Bruce Griffith asked Rice about the emotional tone of the videos. The detective agreed Larsen seemed distraught both times she talked to her but said, "I had a hard time judging her emotions and her reactions because I never saw a tear come out of her eye," during the Dec. 7 interview.

Clyde Smith, one of the lawyers on Larsen's defence team, challenged that observation, and Rice told him: "You can hear her and she's acting as though she's crying and sobbing, but I'm telling you she never shed a tear."

Rice said she thought some of Larsen's emotions were genuine.

"I saw tears come out of her eyes on Sunday, when I told her Brody had passed away."

She also recalled that Larsen developed "the dry heaves" during their first interview.

"Pretty hard to fake that," Smith suggested.

"I'm not saying that she did," Rice responded. "All I'm saying is I'm having a hard time judging what was genuine and what was not."

The trial continues at 10 a.m. today.

Larsen denies charges in babysitter trial

**Accused alludes
to scurrying cats while
maintaining her innocence**

By Sue Yanagisawa
Whig-Standard Staff Writer

THE COURT WAS PRESENTED WITH A RADICALLY DIFFERENT view of Cheryl Larsen testifying yesterday at her manslaughter trial than the one witnessed last week in a videotaped interview with Det. Sgt. Carl J. Rice.

In contrast to the distraught, sobbing woman on the tapes, Larsen appeared in person to be unwaveringly confident and relaxed as she was subjected to about five hours of questioning by one of her lawyers, Clyde Smith, and then by Crown attorney Bruce Griffith.

Griffith wasn't quite done with his cross-examination when Justice Helen MacLeod closed court for the day. Larsen returns to the witness stand this morning.

The 33-year-old mother of three was babysitting 22-month-old Erody Albert on Dec. 6, 2002, when, according to her, he fell down her carpeted basement stairs to her carpeted basement floor. She called 911 for help, and when the tape of her call was played in open court last week, the moans of a small child were clearly audible - Brody's last sounds. By the time paramedics reached Larsen's Pembroke Crescent home, the toddler was unconscious.

He never woke up and died in Kingston General Hospital two days later from a brain injury his doctors and several pathologists diagnosed as shaken baby syndrome.

Larsen agreed to a videotaped interview with police the day after Brody went into hospital and sobbed and cried her way through 3 1/2 hours of tape before Det. Sgt. Rice finally told her she was going to be charged with aggravated assault. She spent that Saturday night in police custody.

The following afternoon, Dec. 8, 2002, Brody died.

Rice had Larsen brought up from the police cells to tell her that she was now going to be charged with the boy's death - again, on videotape - which provoked the first tears the detective saw Larsen shed.

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Larsen denies violently shaking Brody

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Both Larsen and her husband, Maj. Mark Larsen, have told the court that she spent nine days in custody after that, but was finally released on \$60,000 bail, with her husband and two family friends acting as sureties.

In the witness box yesterday, Larsen was well-groomed, dressed in a form-fitting brown pantsuit, pink shirt and heels — a contrast to the wrung-out woman in sweatpants and stocking feet captured by the camera that December weekend two years ago.

She smiled easily and not infrequently as Smith asked her questions. She never once lost her calm while answering Griffith. There were no tears or emotional episodes.

"It was a typical morning," she told the court. "Brody was dropped off at 10 after quarter after eight."

She said she wrapped a birthday present her oldest son, then 7, was to take to school for a party immediately afterward.

She said she watched from her house as her seven-year-old and six-year-old sons boarded their bus for school and then took Brody in the house and put him on the toilet. He was potty training and she testified that she left the room briefly, returning to ask him "Did you go?" and he said, yes "poo."

Larsen testified she was trying to teach the toddler to dress and undress himself, so she encouraged him to put on his own pullups, but he was trying to do it standing up and was having difficulty. She'd just told him to sit down and do it. He was still trying, she said, when she heard the computer signal for Internet messaging in the basement.

Larsen and her husband use the online messaging system to stay in touch when he's away from home on his frequent work-related trips. The court previously heard that he was just finishing an eight-week training course in Winnipeg and was due to return to Kingston later that night.

She told the court, "I scooped up Brody and I grabbed the diaper and I

"The cats are always going up and down the stairway," she told Smith.

"We didn't think much about the cats' location on the stairs until after the accident."

One of her aunts later told her she should get rid of them, she said, because one of them, asleep at the top of the stairs, had almost tripped her when she was going down to the laundry.

Griffith asked her if she was suggesting Brody's injuries were the fault of her cat.

"No, I'm not suggesting that at all, but I do recall hearing some noise with the cat," she said. "The cat was scurrying into the other room."

When asked directly by Smith if she violently shook Brody Albert that morning, Larsen flatly denied it.

After Brody's exclamation at the top of the stairs "sometime after that I heard his fall," she testified, "and I picked him up off the floor and I patted him on the back and I said, 'It's OK, it's OK, honey'"

She told the court, "I expected him to cry."

When he didn't, she held him out away from her and "I asked him verbally if he was OK and I moved him forward and backward."

Larsen said: "Clearly something was wrong, because he should have been crying [and] I thought at the time there was something funny



LARSEN: Testimony continues today

about his eyes. They weren't totally open and they weren't totally closed."

She told the court that she laid him on the floor and checked his airway,

looked for any sign of bleeding and felt his head.

"There was a small soft spot, but I didn't think anything of it," she recalled, because she didn't feel any bump.

She said she then cradled him in her arms and took him upstairs where she laid him on the carpeted floor and put water on his face before calling 911.

Griffith questioned her about her interview the next day with Det. Rice and her admission that she did shake Brody.

Under questioning by Smith, Larsen said she was unaware that she was a suspect when she agreed to talk to Rice.

"I was just going down to answer questions," she said. "I thought that was pretty normal."

Griffith suggested she must have known when Rice asked her pointedly whether there was something she wasn't admitting and questioned her about whether she'd dropped Brody or shaken him.

Larsen, who said she provided care for five children under the age of three at one time about seven years ago, insisted she wasn't aware of what the detective was getting at, even at the end of their interview.

"I didn't realize at that time that I was suspected of shaking Brody," she said.

ly Albert

She said she's heard of shaken baby syndrome, but never had any reason to read up on it.

At one point in the interview with Rice, after the detective told Larsen that Brody couldn't have been hurt that badly by falling down stairs and suggested to Larsen that she'd shaken him, Larsen said: "I know, I know. I shook him too hard, but I didn't mean to."

When Griffith directed her to that part of the tape, however, Larsen said she realized by then that Rice was "convinced at that point that I had shaken him."

She told the court she was extremely emotional and "I know how I do things and I would not call what I did a shake."

She told the Crown: "Those are my words after being interrogated for three hours."

Even after Rice suggested she was leaving something out and kept asking her to go over the same points again and again, Larsen said "actually, I didn't realize she didn't believe me."

"I thought there was something I had missed."

Griffith suggested she must have realized she was putting herself in jeopardy with her answers.

"No. I was searching for answers," she told him.

The trial continues today at 10 a.m. at the Frontenac County Court House.