

Little Rascals Day Care Case Papers
1989-2012 & Undated (Bulk 1989-1999)

Abstract

The Little Rascals Day Care was a child care center in Edenton, North Carolina. Between 1989 and 1995 seven people associated with the center were accused of and charged with the sexual abuse of children. Two of these people were convicted. In 1995 the convictions were overturned and all remaining charges were dropped by 1998.

Descriptive Summary

Repository: J. Michael Goodson Law Library, Duke University

Creator, Powell, Lew, donor

Title: Little Rascals Day Care Case Papers, 1988-2012 & Undated (Bulk 1988-1999)

Language of Material: English

Extent: 19.75 Linear Feet, Approximately 11,850 items

Location: For current information on the location of these materials, please consult the Library's online catalog.

Collection Overview

The Little Rascals Day Care was owned by Robert "Bob" Kelly Jr. and his wife Elizabeth "Betsy" Kelly. Betsy Kelly managed the day care and its staff and Bob Kelly assisted part-time. In January 1989 a parent accused Bob Kelly of abusing her son at the day care. The following month three more children made accusations. In April 1989 Kelly was arrested and charged with child sexual abuse. The Edenton Police Department recommended local parents have their children assessed by therapists for possible abuse. A few children made statements about abuse after repeated questioning by police and parents; others made accusations only after long periods of therapy. These allegations involved scores of people in Edenton, but eventually only six more were charged in September 1989. These were Betsy Kelly and three other members of the day care's staff, Dawn Wilson, Robin Byrum, and Shelly Stone; a friend of Bob Kelly's named Scott Privott;, and a Head Start manager, Darlene Harris.

The trial was relocated from Edenton to Farmville, seventy-five miles away, because of overwhelming negative public sentiment. Robert Kelly was placed on trial first, facing 100 charges of sexually abusing a dozen children. The children took the stand and not only described sexual abuse but also told fantastic stories about the ritualistic murder of infants, pirate ship rides in shark-infested waters, and hot air balloon rides into outer space. Even those convinced of Kelly's guilt admitted the children had to be led to describe the acts in the indictments. The trial lasted eight months and the jury deliberations lasted three weeks. In April 1992 they found Kelly guilty of 99 of the indictments and sentenced him to twelve consecutive life terms in prison.

The second defendant to be tried was Dawn Wilson. Her trial was much shorter but Wilson was also found guilty and sentenced to life in prison. She had already served seventeen months.

In January 1994 Betsy Kelly accepted a plea of “no contest” which allowed her to avoid an official guilty plea. She was sentenced to seven years in prison. With over two years time already served she only served one more year before becoming eligible for parole in 1995.

That same year the Appellate Court of North Carolina overturned the convictions of Bob Kelly and Dawn Wilson because of legal errors made by the prosecution.

The charges against Shelly Stone, Darlene Harris, and Robin Byrum were eventually dropped. Scott Privott spent three years in jail but was released after his bond was reduced. He reluctantly accepted a “no contest” plea.

In retrospect the case is considered to be another example of the day care sexual abuse hysteria that emerged in several different parts of the country in the 1980’s and early ‘90’s.

The collection is divided into the following series: Pleadings, Court Forms, Correspondence, Research, News Coverage, Scholarly Articles, Billing, Support Groups, and Transcripts.

The Pleadings Series contains the motions, briefs, and orders written by the attorneys and judges. The majority of these concern *State v. Robert Kelly*, however there are a few from the cases of other defendants.

The Court Forms Series consists of paperwork required by the court system. Most of these are subpoenas issued by the defense.

The Correspondence Series contains letters, memos, e-mails, and documentation of faxes and phone calls from the attorneys and judges, expert witnesses, private investigators, journalists and others.

The Research Series consists of material collected by the defense attorneys to prepare their case. The Audio/Visual items are recordings of a focus group and interviews with expert witnesses and two jurors from Robert Kelly’s 1991-1992 trial. The Change of Venue material concerns surveys conducted by an opinion polling and market research company to select less prejudiced locations for the *State v. Kelly* trials. The Children/Jury files contain transcripts of interviews with child witnesses, extensive notes on these transcripts prepared by the defense, and some reports by therapists on the mental state of a few specific children. The Jury material consists of jury selection notes, questionnaires for potential jurors, and transcripts of an interview with David Williams, a juror from the 1991-1992 *State v. Kelly* trial whose participation caused him to recover memories of his own abuse as a child. Montague Investigative was a private detective hired by the defense to locate and interview several individuals, most notably Robert Kelly’s first wife, Janie DeSante. The Notes Series contains both typed and handwritten notes, most of which are undated. The *Redbook* article, “Why I’m Every Mother’s Worst Fear,” is a non-fiction piece about a convicted sexual predator of children. After Robert Kelly’s 1992

conviction, some jurors stated a copy of this article was brought into the jury deliberation room and influenced their decision to find Kelly guilty. Robert Kelly's work records from 1987-1989 document how many hours he worked each week, and in some cases where he worked.

The News Coverage Series consists of newspaper articles about the trials and videocassettes of some television news coverage. The PBS television show *Frontline* dedicated a few episodes to the trials. This collection includes videocassettes of one episode, transcripts of the first episode, and a book containing other news outlets' reviews of the first episode.

The Scholarly Articles Series contains non-fiction pieces on aspects of the case, including examinations of the media coverage of the case. One article was written by the prosecuting attorney Nancy Lamb, and two were written by defense attorney Jeffrey Miller, one of these co-authored with another defense attorney, Michael Spivey.

The Billing Series is records and bookkeeping material from the law firm of Beaver, Holt, Richardson, Sternlicht, Burge, & Glazier. Robert Kelly's last public defender, Gerald Beaver, was a partner at the firm.

The Support Group Series consists of material concerning the Committee for the Support of the Edenton Seven and the National Child Abuse Defense & Resource Center. There is also correspondence that viewers of *Frontline* sent to the show's office in Boston, MA.

The Transcript Series is 11 volumes of motion hearings transcripts and 97 volumes of the jury selection and trial transcripts.

Contents of the Collection

Unless indicated otherwise, documents are from *State v. Robert Kelly*.

Pleadings

Box 1

Motion Indexes, 1990-1991 & undated (1 folder)

Motion Index, 1993 (2 volumes)

Pleadings, 1989-July 1990 (3 folders)

Box 2

Pleadings, August 1990-March 28, 1991 (6 folders)

Box 3

Pleadings, April 1991-July 1993 (7 folders)

Box 4

Pleadings, October 15, 1993-March 1994 (4 folders)

Box 5

Pleadings, April 21, 1994-September 1995 (7 folders)

Box 6

Pleadings, June 8, 1996-1997 (3 folders)

Draft Pleadings, 1990, 1996 (1 folder)

Undated Miscellaneous Pleadings (1 folder)

Bunch, Bruce Allen, Defendant, 1990 (1 folder)

Byrum, Robin, Defendant, Pleadings, *State v. Byrum*, 1990 (1 folder)

Harris, Darlene McDonald, Defendant, Pleadings, *State v. Harris*, 1990 (1 folder)

Kelly, Elizabeth Twiddy, Defendant, Pleadings, *State v. Elizabeth Kelly*, 1989-1993 (1 folder)

Privott, Willard Scott, Defendant, Pleadings, *State v. Privott*, 1990 (1 folder)

Wilson, Kathryn Dawn, Defendant, Pleadings, *State v. Wilson*, 1992-1995 (1 folder)

Court Forms

Box 7

Affidavit of Indigency, 1991 & undated (1 folder)

Affidavit of Mark Montgomery, December 18, 1992 (1 folder)

Appearance Bond, 1989 (1 folder)

Appellate Entries, 1991-1992 (1 folder)

Certificates of True Copy, 1992 (1 folder)

Charges, File Numbers Assigned 1989, 1993(?) (1 folder)

Dismissal, Notice of Reinstatement, 1997 (1 folder)

Fee Application, Order for Payment, Judgement Against Indigent, 1989-1991 (1 folder)

Indictments, 1989-1990, 1996 (1 folder)

Judgement and Commitment, 1992 (1 folder)

Judgement or Other Disposition 1990-1992 (1 folder)

Notice of Return of Bill of Indictment, 1989 (1 folder)

Orders for Arrest, 1989-1990, 1996 (1 folder)

Order of Assignment or Denial of Counsel, 1989-1990, 1996 (1 folder)

Release Orders, 1989-1990 (1 folder)

Search Warrant, 1989 (1 folder)

Superior Court Criminal Docket, 1989-1992 (1 folder)

Various Court Forms, 1989-1990 (1 folder)

Verdicts, 1992 (1 folder)

Warrants for Arrest, 1989 (1 folder)

Box 8

Subpoenas, April 1989-March 4, 1991 & undated (6 folders)

Box 9

Subpoenas, March 4, 1991 cont'd-March 27, 1991 (5 folders)

Box 10

Subpoenas, July 1, 1991-December 2, 1996 (5 folders)

Defense Subpoena Notes, December 1990-September 1991 & undated (1 folder)

Correspondence

Box 11

Correspondence, 1989-September 1996 (9 folders)

Box 12

Correspondence, October 1996-2005 & undated (5 folders)

Miscellaneous Correspondence, undated (1 folder)

Research

Box 13

Audio/Video

Audio Recordings:

Cassette Tape 1, Side A.: Dr. Lee Coleman, Medical Evidence (lecture, undated)

Cassette Tape 1, Side B.: Charles Bardger, The Child Witness (lecture, undated)

Cassette Tape 2, Side A.: Dr. Underwagger, Dr. A. H. Wakefield (lecture, undated)

Cassette Tape 2, Side B.: Daubert (sic?) Lee Coleman (lecture, undated)

Cassette Tape 3, Side A.: State v. Kelly, Interview w/juror David Williams; 6/11/'93

Cassette Tape 3, Side B.: Unlabeled, sounds like Williams interview cont'd

Cassette Tape 4, Side A.: Roswell Streeter (juror) interview, undated

Cassette Tape 4, Side B.: Unlabeled

Video Recordings

Video Cassettes 1-5.: Kelly Focus Group, 2/9/'91

Video Cassette 6.: State v. Kelly, Re: Spivey Witness Julie Spivey (pt. 2) 10:30-12:30, 9/17/'91

Video Cassette 7.: State v. Kelly, Carla Bateman (pt. 2) whole tape, 11/12/'91-11/13/'91

Video Cassette 8.: State v. Kelly, Jean Smith, MD (pt. 1) whole tape, 12/3/'91

Computer Disc, 3.5": Interstate Subpoenas

T-Shirt: "Exonerate the Edenton 7," printed and distributed by the Committee for the Support of the Edenton Seven (part of Support Groups series)

Box 14

Change of Venue

Independent Opinion Research & Communications, Inc., Change of Venue Surveys, Martin County, NC, 1990, Eastern North Carolina, 1996 (1 folder)

Children/Jury

Children's Statements, Bateman-Vogedes, 1988-1991 (5 folders)

Chronologies of Events and Statements, 1988-1991 (1 folder)

Box 15

Miscellaneous Material on Children's Statements, 1987-1996 & undated (1 folder)

Summaries of Charges & Allegations, 1987-1990 & undated (1 folder)

Alphabetical Lists of Themes in Children's Statements, 1989-1991 & undated (1 folder)

Therapists' Summaries of Children's Condition, 1989-1991 (1 folder)

Juror Interview Transcripts & Notes, 1993 & undated (1 folder)

Survey of Potential Jurors in Martin County, NC, 1990 (1 folder)

Juror Questionnaires, 1993 & undated (1 folder)

Affidavit & Interview Transcripts of Juror David Williams, 1993 & undated (1 folder)

Jury Selection Notes, September 27, 1993 & undated (1 folder)

Box 16

Montague Investigative Services

Transcript of Interview of Betsy Kelly's Family, September 18, 1989 (1 folder)
Transcript of Interview of Betsy Kelly, September 22, 1989 (1 folder)
Transcript of Interview of James Smith, October 1, 1989 (1 folder)
Transcript of Interview of Nancy Smith, October 1, 1989 (1 folder)
Transcript of Interview of Martha Elizabeth "Liz" Kelly, May 18, 1990 (1 folder)
Transcript of Interview of Janie Desante, January 24, 1991 (1 folder)
Investigative Notebook I, *State of N.C. v. Kelly*, July 22, 1996 (1 folder)
Investigative Notebook II, *State of N.C. v. Kelly*, September 25, 1996 (1 folder)
Investigative Notebook III, *State of N.C. v. Kelly*, October 15, 1996 (1 folder)
Investigative Notebook IV, *State of N.C. v. Kelly*, November 1996 (1 folder)
Montague Investigative Invoice, November 30, 1996 (1 folder)

Box 17

Notes

Notes, Hand- & Typewritten, dated 1990-2011 (1 folder)
Notes, Typewritten, undated, (1 folder)
Notes, Handwritten, undated, Part 1 (1 folder)
Notes, Handwritten, undated, Part 2 (1 folder)

Redbook article

Nelson, Ross M., "Why I'm Every Mother's Worst Fear, *Redbook*, April 1992, pp. 85-87, 116 (1 folder)

Robert Kelly Work Records

Records of Hours Worked, Twiddy Construction Company, 1987 (1 folder)
Invoices & Lists of Jobs, Plumbing by Bob Kelly, January-March 1988 (3 folders)

Box 18

Invoices & Lists of Jobs, Plumbing by Bob Kelly, April 1988-1989 & undated (11 folders)

News Coverage

Newspaper Articles and News Website Print-outs, 1990-2012 & undated (5 folders)

Box 19

Television News Coverage

Video Cassette A.: *60 Minutes*, April 10, 1994, *20/20*, April 29, 1994

Video Cassette B.: *ABC News Turning Point*, November 14, 1996

PBS Frontline

Transcript: *Frontline*, "Innocence Lost: The Verdict," July 1993 (1 folder)

Frontline, "Innocence Lost: The Verdict" Clip Book, April 25, 1995 (1 volume)

Frontline: "Divided Memories," Letter sent with video cassettes, March 17, 1997 (1 folder)

Frontline: "Divided Memories," Parts I & II (2 video cassettes)

Box 20

Scholarly Articles

Abbott, Judith Steltzner, "Little Rascals Day Care Center Case: The Bitter Lesson, a Healthy Reminder," 1994 (1 folder)

"Issues Confronting the Attorney in Cases Involving Allegations of Child Sexual Abuse," no author listed, undated (1 folder)

Lamb, Nancy B., "The Little Rascals Day Care Center Case: The Ingredients of Two Successful Prosecutions," 1994 (1 folder)

Lawrence, Raymond J., Jr., "An Open Letter to the Accusing Parents in the Little Rascals Child Abuse Case," 1993 (1 folder)

Loomis, David O., "Modern Witch Hunts: How Media Have Mishandled Ritual Child-Sex-Abuse Cases," Thesis, UNC-Chapel Hill, 1997 (1 folder)

Miller, Jeffrey L., "The Medical Examination of the Child in a Sexual Abuse Case – Does It Prove Anything?," 1994 (1 folder)

Miller, Jeffrey L. & Spivey, W. Michael, "Evidence Issues and 'Lessons' from *State v. Kelly*: Litigation of Allegations of Child Sexual Abuse," 1993 (1 folder)

Billing Files, Beaver, Holt, Richardson et al. P.A.

Counsel's Initial Paperwork, May 1996 (1 folder)

Expenses & Costs Advanced, 1997 (1 folder)

Attorney Fee Forms & Correspondence, 1996-1999 (1 folder)

Attorney Fee Breakdown, 1996-2000 (1 folder)

Polling Firm Fee, 1996 (1 folder)

Miscellaneous Fees (Other Private Investigator Fees), 1996 (1 folder)

Randy Montague Investigative Fees, 1996 (1 folder)

Randy Montague Investigative, Non-Blacked Fee Breakdown, 1996-1997 (1 folder)

Box 21

Support Groups

Support Correspondence, May-November 1997 (1 folder)

Committee for the Support of the Edenton Seven, 1993-1998 & undated (1 folder)

Other Child Abuse Support Organizations, 1993-1997 (1 folder)

T-Shirt: "Exonerate the Edenton 7," printed and distributed by the Committee for the Support of the Edenton Seven (housed in Box 13)

Transcripts

Miscellaneous Transcripts

State of North Carolina v. Robert Kelly et al., Criminal Proceedings, December 11, 1989 (1 volume)

State of North Carolina v. R. Kelly, Harris, and Bunch, Trial Motions, July 23, 1990 (1 volume)

State of North Carolina v. R. Kelly et al., Motions Hearing, September 27, 1990 (1 volume)

State of North Carolina v. R. Kelly et al., Trial Motions, December 17, 1990 (1 volume)

Bound Transcript Volumes

Jury Selection Transcript, 1991 (8 volumes)

Motions Hearing Transcripts, 1991 (2 volumes)

Trial Transcript, 1991-1992 (87 volumes)

Various Motions Hearings Transcripts, 1990-1996 (8 volumes)

Provenance

The Little Rascals Day Care Case Papers were donated to the Goodson Law Library by journalist and author Lew Powell in 2016.

Processing Information: Arranged and described by Lee Cloninger.