

DEPOSITION VIDEOS

 DeJiacomo, David (Vol. 01) - 02/27/2014

1 CLIP (RUNNING 01:51:25.653)

 Plaintiff and Defendant Designations Merged

DEJIACOMO MERGED 60 SEGMENTS (RUNNING 01:51:25.653)



1. PAGE 6:13 TO 12:25 (RUNNING 00:07:00.732)

13 Q. Mr. DeJiacomo, good morning. Would
14 you please state for the record your full name
15 and spell your last name.
16 A. My first name is David Joseph and my
17 last name is spelled D-E, capital
18 J-I-A-C-O-M-O.
19 Q. Thank you, sir. Can you tell us how
20 old you are?
21 A. I am 62 years old.
22 Q. Where do you live, sir?
23 A. Denver, Colorado.
24 Q. Can you please tell us a little bit
25 about your educational background?
00007:01 DE JIACOMO
02 A. I was educated in the local schools
03 in the area that I grew up in. I went to
04 Community College of Denver. I attended
05 Metropolitan State College and was one year
06 away from graduating with a four year degree.
07 Q. What was your field of study at that
08 time?
09 A. Hospitality.
10 Q. What kind of work do you do, sir?
11 A. I run the opera house in Denver,
12 Colorado. The Ellie Caulkins Opera House in
13 Denver, Colorado.
14 Q. How long have you done that work,
15 sir?
16 A. Twenty-one years.
17 Q. Can you tell us a little bit about
18 your job responsibility?
19 A. I am in charge of anywhere from 4 to
20 42 ushers. I make sure the building is taken
21 care of. I take care of the patrons. If there
22 are complaints, things of that nature. I do
23 scheduling for my employees, the ushers.
24 I fulfill the wishes of the people
25 from Broadway or the opera whatever who have --
00008:01 DE JIACOMO
02 whatever their demands are, I see to it that it
03 is taken care of.
04 Q. Now at one point were you a client
05 of JONAH?
06 A. Yes.
07 Q. Do you know Arthur Goldberg?
08 A. Yes.
09 Q. And Elaine Berk?
10 A. Yes.
11 Q. How did you happen to come into
12 contact with JONAH?
13 A. I came into contact with JONAH
14 because it was suggested to me. I was going to
15 jail ministry and I wanted to be comfortable
16 with men of my own sex and I was not
17 comfortable with that. That was my goal.

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18 Q. Approximately when was this, sir?
19 A. I think I first heard about it about
20 five years ago and --
21 Q. What do you mean about going into
22 jail ministry? What kind of work would that
23 be?
24 A. I, through Catholic Services, we
25 bring the Gospel to the men who are
00009:01 DE JIACOMO
02 incarcerated who would otherwise not receive
03 any type of religious, whatever you want to
04 call it, practice.
05 Q. This was in Denver?
06 A. Denver, Colorado, yes.
07 Q. How did you specifically find out
08 about JONAH?
09 A. Through this talking to a deacon in
10 Denver -- it was in Mondelein, Illinois, I
11 believe. In just talking with him, Barry was
12 his name, Deacon Barry, and we talked with him
13 and because I never had any idea that -- about
14 reorientation or anything like that, it never
15 occurred to me and just decided to give it a
16 try and my goal was, like I said, was to become
17 comfortable with my same sex.
18 Q. Why is it you felt you were
19 uncomfortable with people -- you got to let me
20 finish, I'm sorry. It's a common tendency.
21 A. My fault.
22 Q. Why did you feel you were
23 uncomfortable with other men?
24 A. I always been uncomfortable with
25 other men because of the lack of contact I had.
00010:01 DE JIACOMO
02 I think when I was younger, I never played any
03 sports or anything of that nature.
04 Q. Tell me about your home life growing
05 up.
06 A. Well, there was no father, just my
07 mom and my grandma. I had my grandfather, but
08 he wasn't around much of the time. One of
09 my -- my uncle, he apologized to me one time
10 and said, "I never paid you any attention." I
11 never had any attention from my own sex.
12 Q. You talk about reorientation. What
13 did you mean in that regard?
14 A. I thought, I -- it never even
15 occurred to me, until I met men who had gone
16 through reorientation, that you could change.
17 Q. Well, we haven't established yet,
18 did you consider yourself gay or straight at
19 that time?
20 A. I was totally gay at that time.
21 Q. How long had you considered yourself
22 gay?
23 A. Twenty-five years.
24 Q. When did you first -- what made you
25 aware that you were gay?
00011:01 DE JIACOMO
02 A. The fact is that when I would date
03 women, be with women, nothing ever happened.
04 When I was with men, boom, right away I was
05 ready.
06 Q. What was your reasons for wanting to
07 explore reorientation?
08 A. I was totally unhappy. I had become

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09 a complete sex addict. I didn't see any way
10 out. My life had become unmanageable.
11 Q. Can you give us an example of what
12 your life was like when you were living as a
13 gay man?
14 A. My life was, if you can call it
15 life, I was going from bars to bath houses on a
16 regular basis. Even my friends that were gay
17 were saying, "David, you're becoming addicted,"
18 and I said, "I can handle this." I couldn't
19 handle it.
20 Q. What would be your typical week
21 experience in that regard?
22 A. Monday nights you would go to a gay
23 bar, gay strip club. Then Tuesday or whatever
24 day it was, you would go -- I would go to a
00012:01 bath house. Stay there all day. Then later on
DE JIACOMO
02 in the week, go back to the bath house, go to
03 the bar. That was it.
04 Q. On a typical week before you
05 contacted JONAH for help, approximately how
06 many men would you have sex with?
07 A. In a week?
08 Q. Yes.
09 A. Well, there are seven days in a
10 week, one a day, probably three or four men at
11 the bath houses. So whatever that would add up
12 to.
13 Q. At least three a week would you say?
14 A. Oh, probably at least three a week,
15 yes.
16 Q. Fifty weeks a year?
17 A. Yes.
18 Q. So you're talking about having sex
19 with what, over 150 men a year?
20 A. That's conservative.
21 Q. How many years did that go on?
22 A. When I was going that steady, at
23 least 10, at least 10, but overall 25.
24 Q. Is it safe to say you've had sex
25 with over what, 1,000, 1,500, 2,000 men?

2. PAGE 13:03 TO 13:22 (RUNNING 00:00:40.055)

03 Q. What number would you estimate?
04 A. It would be around 1,000.
05 Q. Were you happy in that lifestyle?
06 A. No.
07 Q. Is that one of the reasons why you
08 sought out JONAH?
09 A. Yes.
10 Q. Who did you talk to at JONAH?
11 A. I talked first with Arthur Goldberg
12 over the phone and he connected me with Baxter
13 Peffer and that's it.
14 Q. What is your understanding of what
15 kind of work Mr. Peffer does?
16 A. He is a counselor.
17 Q. Did you engage in counseling with
18 Mr. Peffer?
19 A. I did indeed.
20 Q. Did it matter to you whether he had
21 any type of professional license or not?
22 A. No.

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3. PAGE 13:24 TO 14:16 (RUNNING 00:00:28.132)

24 Q. Did you even inquire about
25 whether --
00014:01 DE JIACOMO
02 A. No.
03 Q. You have to let me finish.
04 A. No.
05 Q. Did you inquire as to whether he had
06 any type of license?
07 A. No.
08 Q. How long were you in any type of
09 treatment with Mr. Peffer?
10 A. I think it was a little bit over two
11 years.
12 Q. Was it successful for you?
13 A. Very. It went beyond my
14 expectations.
15 Q. Did you think change was possible
16 when you started with JONAH?

4. PAGE 14:18 TO 14:25 (RUNNING 00:00:18.177)

18 Q. What were your expectations
19 regarding the possibility of changing your
20 sexual orientation when you started with JONAH,
21 if you had any expectations?
22 A. I had no expectations.
23 Q. Did Mr. Goldberg make any
24 representations along the lines that change was
25 guaranteed or --

5. PAGE 15:04 TO 19:03 (RUNNING 00:04:14.192)

04 Q. What type of representations, if
05 any, did Mr. Goldberg make to you?
06 A. None.
07 Q. How did you do your sessions with
08 Mr. Peffer? Were they in person or by phone?
09 A. Phone.
10 Q. Did you pay him regularly?
11 A. In the beginning.
12 Q. For about how many sessions, any
13 idea?
14 A. Around 23.
15 Q. How many sessions did you have with
16 him altogether, any idea?
17 A. Lost track.
18 Q. At some point did he just continue
19 to treat you without payment?
20 A. Yes.
21 Q. Why is that, do you know?
22 A. Well, I was making progress.
23 Q. Was he supportive, Mr. Peffer?
24 A. Very.
25 Q. Did he make any promises to you of
00016:01 DE JIACOMO
02 any type about what the eventual outcome would
03 be?
04 A. No.
05 Q. What was your understanding of what
06 you had to do in order for the program to work?
07 A. In order for the program to work for
08 me, I had to do the little -- what we called
09 homework, write -- journaling. When I was
10 asked out by straight men to go with them and
11 things like that, to take the steps in going
12 and I have done that, to try to look over the

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13 wall that I had built around myself, things of
14 that nature. Mostly journaling.
15 Q. Did you feel you had things in your
16 past you had to explore?
17 A. Yes.
18 Q. Did you do that with Mr. Peffer?
19 A. Yes.
20 Q. Was that difficult sometimes?
21 A. Yes.
22 Q. Do you feel you were successfully
23 able to do that?
24 A. Yes.
25 Q. Describe Mr. Peffer's treatment with
00017:01 DE JIACOMO
02 you, if you can.
03 A. Very loving soothing, comforting,
04 positive, ready, willing to go a mile.
05 Q. What were your personal goals when
06 you started working with your JONAH counselor?
07 A. The same thing I said before, just
08 to become comfortable with my own sex and to be
09 able to go through a daily life just feeling
10 comfortable.
11 Q. Do you feel you accomplished that?
12 A. Beyond whatever I thought I could
13 do.
14 Q. How do you characterize your sexual
15 orientation now?
16 A. Right now I am dating and I'm dating
17 women. I'm finding them exciting, loving,
18 caring. I find that I can have a deeper
19 relationship with them than I ever did with any
20 of the men that I tried to have before.
21 Q. How is your relationships with men;
22 has that changed?
23 A. It's -- it is a lot better than it
24 ever was. I belong to more than one group of
25 men. They are -- they know about me. They
00018:01 DE JIACOMO
02 know about my past and they have been the most
03 encouraging -- we are grown ups now. We are
04 grown ups now.
05 I can have an adult relationship
06 with another man that has nothing to do with
07 sex, a chaste relationship. It's exploring all
08 kinds of fields.
09 Q. Do you still have fantasies or
10 arousals regarding gay men?
11 A. No.
12 Q. Do you feel your life is better now
13 in any way?
14 A. I have never been happier.
15 Q. Has it helped you in your type of
16 work you do with the prison work?
17 A. The prison work is the most
18 exciting, happiest thing I ever had in my life.
19 There is nothing that I have ever done that
20 compares with that.
21 Q. Is that something you do as a
22 volunteer?
23 A. I'm not paid.
24 Q. Did your JONAH counselor or
25 Mr. Goldberg or Elaine Berk ever refer to
00019:01 DE JIACOMO
02 homosexuality as a mental disease or mental
03 defect?

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6. PAGE 19:05 TO 19:05 (RUNNING 00:00:00.684)

05 A. No.

7. PAGE 19:06 TO 19:09 (RUNNING 00:00:08.715)

06 Q. Did anyone associated with JONAH,
07 including your counselor, ever blame you if you
08 were not making the kind of progress they
09 thought you should make?

8. PAGE 19:11 TO 19:15 (RUNNING 00:00:09.247)

11 A. No.
12 Q. Did anyone associated with JONAH
13 ever try to blame your parents if you were not
14 making the kind of progress they thought you
15 should make?

9. PAGE 19:17 TO 19:19 (RUNNING 00:00:05.422)

17 A. It was never even brought up.
18 Q. Did they try to blame anybody for
19 making you gay?

10. PAGE 19:21 TO 20:06 (RUNNING 00:00:34.027)

21 A. No.
22 Q. Why did you -- why were you willing
23 to fly out from Denver to be a witness in this
24 case?
25 A. I think everybody has the right to
00020:01 DE JIACOMO
02 choose if they want to stay in a lifestyle that
03 they are in or get the help that they need and
04 myself, like I myself did, sought out the help
05 I needed to have a full and meaningful life.
06 That's my --

11. PAGE 20:21 TO 21:10 (RUNNING 00:00:31.511)

21 Q. Do you have friends that died from
22 AIDS?
23 A. More than one, yes.
24 Q. What was -- I don't want to get into
25 too specific or graphic details, but what type
00021:01 DE JIACOMO
02 of activity would lead to someone dying?
03 A. I had graduated all the way to the S
04 and M, all the way to leather.
05 Q. You're talking about sadomasochistic
06 behavior?
07 A. Yes.
08 Q. Are you free of all of that type
09 behavior now?
10 A. I have never gone back.

12. PAGE 21:23 TO 21:24 (RUNNING 00:00:01.807)

23 Q. Good morning, Mr. DeJiacomo.
24 A. Good morning.

13. PAGE 50:15 TO 51:16 (RUNNING 00:01:27.953)

15 Q. So you had a conversation with
16 Arthur Goldberg and at some point in that
17 conversation, did Arthur ask that you become a
18 witness in the case?
19 A. I think it's more like I volunteered
20 to do it.
21 Q. Why did you volunteer to become a

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22 witness in this case?
23 A. Because I think the truth has to be
24 said. I think people have a right to choose.
25 If they want to remain in the lifestyle or they
00051:01 DE JIACOMO
02 want to try to get out of it and I think when
03 you are in a situation like I was, you should
04 try whatever you can. I think organizations
05 like Courage and JONAH have the right to help
06 people like myself and to continue doing thus.
07 Q. You mentioned just now your
08 situation. What do you mean when you say your
09 situation?
10 A. My life had become, as far as sex
11 goes, totally unmanageable, total addiction.
12 Q. By unmanageable, you mean totally
13 addicted? Go ahead.
14 A. I couldn't stop. I could not stop
15 for anything. Can I elaborate a little bit on
16 that?

14. PAGE 52:10 TO 58:07 (RUNNING 00:04:12.850)

10 Q. Thank you. I would like to talk a
11 little bit now about your knowledge of the
12 plaintiffs in this case. Do you know who Chaim
13 Levin is?
14 A. No.
15 Q. Prior to this lawsuit, had you ever
16 heard of him?
17 A. No.
18 Q. So I take it you had never met him?
19 A. No.
20 Q. Never had any communications with
21 him?
22 A. No.
23 Q. You weren't a party to any
24 communications between Mr. Levin and
25 Mr. Goldberg?
00053:01 DE JIACOMO
02 A. No.
03 Q. Or Mr. Levin and Ms. Berk?
04 A. No.
05 Q. Or Mr. Levin and Mr. Downing?
06 A. No.
07 Q. So you don't have any personal
08 knowledge whatsoever of or about Chaim Levin?
09 A. No.
10 Q. Have you heard anything about Chaim
11 Levin?
12 A. No.
13 Q. Have you ever read anything about
14 him?
15 A. Unless it was in that document, no.
16 Q. Which document?
17 A. The one we were just talking about a
18 little while ago.
19 Q. The one that you read on JONAH's
20 website about the lawsuit?
21 A. Yes. Unless it was in there, no.
22 Q. Do you know Benjamin Unger?
23 A. No.
24 Q. You had ever heard of him prior to
25 this lawsuit?
00054:01 DE JIACOMO
02 A. No.
03 Q. And you had never communicated with

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04 him at any time?
05 A. No.
06 Q. You weren't privy or present for any
07 of the communications that he had with
08 Mr. Goldberg?
09 A. No.
10 Q. You're not aware of any statements
11 that Mr. Goldberg might have made to Mr. Unger?
12 A. No.
13 Q. You're not aware of any statements
14 that Ms. Berk might have made to Mr. Unger?
15 A. No.
16 Q. You're not aware of any statements
17 that Mr. Unger might have had with his JONAH
18 referred counselor?
19 A. No.
20 Q. Have you ever read anything about
21 Mr. Unger?
22 A. No.
23 Q. Do you know who Sheldon Bruck is?
24 A. No.
25 Q. You never met Sheldon Bruck?
00055:01 DE JIACOMO
02 A. No.
03 Q. Prior to this lawsuit, you never
04 heard of him?
05 A. I don't get around much apparently,
06 no.
07 Q. And you've never communicated with
08 him?
09 A. No.
10 Q. And you're not aware at all of any
11 communications he might have had with any of
12 the defendants in this case?
13 A. No.
14 Q. And you've never read anything about
15 him?
16 A. No.
17 Q. Do you know who Michael Ferguson is?
18 A. No.
19 Q. You've never met him?
20 A. No.
21 Q. You've never communicated with
22 Mr. Ferguson?
23 A. No.
24 Q. And you're not aware at all of any
25 communications that he might have had with
00056:01 DE JIACOMO
02 Mr. Goldberg?
03 A. No.
04 Q. With Ms. Berk?
05 A. No.
06 Q. With Mr. Downing?
07 A. No.
08 Q. Any of the defendants in the case?
09 A. No.
10 Q. Do you know who Jo Bruck is?
11 A. No.
12 Q. You never met her?
13 A. Say the name again.
14 Q. Jo Bruck. This is Sheldon Bruck's
15 mother?
16 A. No.
17 Q. You never communicated with her?
18 A. No.
19 Q. You are not aware of any

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20 communications that Ms. Bruck had with
21 Mr. Goldberg?
22 A. No.
23 Q. You're not aware of any
24 communications that Ms. Bruck had with
25 Ms. Berk?
00057:01 DE JIACOMO
02 A. No.
03 Q. Do you know who Thaddeous Hefner is?
04 A. No.
05 Q. You've never had any contact with
06 Thaddeous Hefner?
07 A. No.
08 Q. And you're not aware of any
09 communications that Ms. Bruck might have had
10 with Thaddeous Hefner?
11 A. No.
12 Q. Do you know who Bella Levin is?
13 A. No.
14 Q. Have you ever heard of Bella Levin
15 before the filing of this lawsuit?
16 A. No.
17 Q. Have you ever communicated with her?
18 A. No.
19 Q. Are you aware of any communications
20 between Mrs. Levin and Mr. Goldberg?
21 A. No.
22 Q. Are you aware of any communications
23 between Mrs. Levin and Elaine Berk?
24 A. No.
25 Q. Any communications between
00058:01 DE JIACOMO
02 Mrs. Levin and Alan Downing?
03 A. No.
04 Q. Are you aware of any communications
05 between Mrs. Levin and any of the defendants in
06 this case?
07 A. No.

15. PAGE 58:20 TO 58:24 (RUNNING 00:00:16.744)

20 Q. So you don't have any personal
21 knowledge of any of the plaintiffs' own
22 experiences in receiving services from JONAH or
23 JONAH referred therapists; is that correct?
24 A. No.

16. PAGE 64:07 TO 65:02 (RUNNING 00:00:40.010)

07 Q. And JONAH -- was JONAH spelled out
08 or was it just the acronym JONAH?
09 A. JONAH, the acronym I think.
10 Q. Did the full name exist on the page?
11 A. I don't think so. Just JONAH.
12 Q. It wasn't obvious from that list
13 that JONAH is forced to be a Jewish
14 organization?
15 A. I knew it was a Jewish organization
16 before then.
17 Q. You testified before that your
18 religion was important to you. Did it matter
19 to you that you go to a Catholic person versus
20 a Jewish person?
21 A. No.
22 Q. Why not?
23 A. They just have to be the right
24 person for me. Baxter is not Jewish. He is
25 Episcopalian, I believe, and that's close

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00065:01 DE JIACOMO
02 enough to Catholic for me.

17. PAGE 67:22 TO 69:25 (RUNNING 00:02:38.695)

22 Q. But you do remember that -- you
23 don't have a recollection of you talking with
24 him about your sex addiction?

25 A. By the time I get to Arthur Goldberg
00068:01 DE JIACOMO
02 and JONAH, I had already pretty much gotten rid
03 of my sex addiction. I had stopped watching
04 pornography. I had stopped going to the bath
05 houses and that was because of my work with
06 Courage. I knew that the only way to conquer
07 it was to get rid of it.

08 I didn't really even realize how
09 addicted I was until I started to unravel it,
10 to try to destroy it before it destroyed me.
11 By the time I get to JONAH, I'm not really into
12 it anymore. It was hard. I'm not going to say
13 it wasn't hard. This is not easy. Doing this
14 today isn't easy for me, but by the time I get
15 to JONAH because I have already been in Courage
16 for about two years by that time -- by the time
17 I took the advice of the priest, several
18 priests that I had talked to, deacons, et
19 cetera, I was pretty much doing what I had to
20 do to get rid of the addiction. It was out the
21 window by that point.

22 Q. So just finishing up that first
23 conversation with Arthur Goldberg, so did you
24 express to him that what you really wanted out
25 of JONAH was to be able to be more comfortable

00069:01 DE JIACOMO
02 with your same sex peers?

03 A. I talked about that and I also
04 talked about was it possible, did he think it
05 was possible that you could go from gay to
06 straight. He said if a person was willing to
07 work at it and to do their homework, that he
08 thought it was possible, yes.

09 Q. And did he give you any indication
10 of how long that would take?

11 A. No.

12 Q. Did he tell you -- did he ever
13 mention or say something to the substance that
14 homosexuality was a disorder?

15 A. No.

16 Q. A disease?

17 A. It's not a disease, no.

18 Q. I'm not asking you what you think.
19 I'm asking you what Arthur Goldberg may have
20 said to you about that subject.

21 A. No.

22 Q. In that conversation, do you
23 remember him telling you that homosexuality is
24 a mental illness?

25 A. No.

18. PAGE 72:15 TO 73:14 (RUNNING 00:01:27.623)

15 Q. When you say uncomfortable around
16 your same sex peers, what does that mean?
17 Describe what makes you uncomfortable.

18 A. What makes me uncomfortable is the
19 fact that I don't -- didn't know what to talk
20 about. Sometimes I felt that I was being

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21 judged. What was their real feelings about me
22 if they knew I was gay, if they didn't know I
23 was gay. I, like all people at some point in
24 time in your life, you are bullied, so it makes
25 you afraid to be around those.

00073:01

DE JIACOMO

02 They are going to -- we forget, we
03 are grown ups now. And then I was joining
04 men's groups. We had -- we still have it, a
05 morning, every Friday morning 6:00 a.m. we get
06 together, a group of men and myself of the same
07 faith and we maybe discuss the history of the
08 church, some of its -- we were doing the
09 councils recently.

10 I'm in the Knights of Columbus and
11 I'm still a little bit reluctant to be --
12 wondering because, you know, this has been out
13 there. It's been out there for quite a while,
14 my life story.

19. PAGE 74:13 TO 74:25 (RUNNING 00:00:56.309)

13 Q. I understand. Was your
14 uncomfortableness around your same sex peers at
15 all related to your same sex attraction?

16 A. You always wonder if when you sit
17 next to someone that something was going to
18 turn you on, if you want to put it as simple as
19 you can get it. I had to overcome that.

20 Q. That was one of the things that made
21 you uncomfortable around your same sex peers?

22 A. Wondering, just wondering, yeah.
23 Things like am I looking too much when you are
24 in the locker room or something like that.
25 That's it: That kind of uncomfortable.

20. PAGE 78:09 TO 78:17 (RUNNING 00:00:11.557)

09 Q. Have you ever visited Mr. Goldberg
10 in New Jersey?

11 A. Today.

12 Q. You were in New Jersey with him
13 today?

14 A. Yeah. I'm staying with him.

15 Q. Oh, you're staying with
16 Mr. Goldberg?

17 A. Yes.

21. PAGE 80:13 TO 86:17 (RUNNING 00:08:05.113)

13 Q. I want to go back to the exhibit
14 that we marked which you have in front of you
15 and ask you a few questions about that.

16 This again is your testimonial. The
17 first line you say that your name is David
18 DeJiacomo and you struggle with same sex
19 attraction since junior high school.

20 What year were you in junior high
21 school?

22 A. It was the year Kennedy was shot and
23 that would have been, I believe, 1960.

24 Q. And that is the first time you
25 were -- became consciously aware that you had

00081:01

DE JIACOMO

02 same sex attraction?

03 A. That's when I became consciously
04 aware of the fact that I might be different.

05 Q. What do you mean by that?

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06 A. That I found myself being more
07 curious about boys than girls, that I liked
08 looking at them and that's what I mean by that.
09 Q. When you say you were more curious
10 of looking at boys than girls, so does that
11 mean that you were curious in some respect in
12 looking at girls?
13 A. I was curious in a great deal of
14 respect in looking at girls. It was
15 probably -- if you had to put it up -- probably
16 75/25, something like that.
17 Q. 75 male, 25 girls?
18 A. At that point, yes. Before that it
19 was completely female. I never even thought
20 about -- I didn't even know what homosexuality
21 was.
22 Q. So when you say you noticed that you
23 were curious at that point in time, did that
24 cause you any anxiety or --
25 A. Can I --
00082:01 DE JIACOMO
02 Q. Yes, sure.
03 A. Can I clarify that?
04 Q. Yes, sure. Go ahead.
05 A. The other males in my gym class made
06 me conscious of my body. I never knew I was
07 different from any other male that existed. I
08 had never seen another adult male or near adult
09 male or teenage boy naked. I had no contact of
10 that whatsoever.
11 When they saw me in the shower, they
12 saw that I was a grown man and different. They
13 teased me about that regularly and it made me
14 more and more curious about what other boys
15 looked like. And I started looking.
16 Thinking in that direction at that
17 point in time, I could not play sports. I have
18 a learning disability, that I did not know --
19 they didn't know what to do with learning
20 disabilities back in those days. I can't
21 remember now what they called it.
22 When I discovered it later on in
23 college, I went to college late in life, they
24 made me aware that I'm different. I was
25 somewhat effeminate, so I started exploring --
00083:01 DE JIACOMO
02 internally exploring it. So they made me --
03 because I had no desire to look at men before
04 that, none.
05 Q. So at the time in high school before
06 you started the situation where you were in a
07 situation with your same sex peers, did you
08 have fantasies about women?
09 A. Always.
10 Q. And you were sexually aroused by
11 women?
12 A. Quite easily.
13 Q. And then, so, you say here in the
14 next line that you didn't start having sex with
15 men until your mid 30s when you entered
16 college. So tell me in the timeline, what year
17 did you go to college?
18 A. I went to college in the '90s. I
19 believe I graduated from community in '91,
20 something like that. From age -- 15 years
21 later, let's see.

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22 Q. In the '70s?
23 A. Yes, the '70s, not '90s. I wish it
24 was '90s. Right around then.
25 Q. I just want to go back. I think
00084:01 DE JIACOMO
02 before you had come -- you had given me a
03 75/25 percent split on the attractions. At
04 that time I think I had said 75 male slash 25
05 female, but it sounded to me like in a later
06 answer that I may have gotten that mixed. Was
07 it 75/25 --
08 A. No, I said at this point when they
09 started getting me -- teasing me and things
10 like that, then it becomes 75/25. 75 male, 25
11 female at that point, the curiosity.
12 Q. So that's consistent with before
13 when I asked you if you had been -- had
14 fantasies about women or had been sexually
15 aroused by women and you said all the time,
16 that was kind of the starting point and then it
17 became in high school, then it became 75/25?
18 A. I'll try to explain that. The sixth
19 grade, the year before I go to junior high
20 school -- in Colorado -- because you said high
21 school, it was junior high school.
22 Q. Okay?
23 A. You go in the seventh grade. I was
24 eleven years old, but fully developed and I
25 couldn't get my eyes off of their breasts,
00085:01 DE JIACOMO
02 okay. That's when it started for me and I had
03 no idea, didn't even know what homosexuality
04 was at that time. I was very easily aroused by
05 girls at the age of eleven because I had an
06 early puberty.
07 Q. I got it. I understand. And then
08 because of the events that you experienced in
09 junior high that you described before, you
10 developed a curiosity towards your same sex
11 peers?
12 A. Exactly.
13 Q. What do you mean by curiosity? Did
14 that mean that you were now sexually attracted
15 to them and not women?
16 A. I still had my girlfriends. You
17 know, looking back what you call girlfriends.
18 I was still attracted to women. No, I can't
19 say I was not.
20 Q. I just want to understand kind of
21 the story. So at that time when you had that
22 curiosity, did you do anything -- what did you
23 do to address the curiosity, if anything?
24 A. Just looked. Just looked at the
25 guys. I never touched them or anything like
00086:01 DE JIACOMO
02 that.
03 Q. Did you feel a sense of -- that that
04 was something that was wrong?
05 A. Looking? At that age, no. It's not
06 wrong to look. A lot of guys at that age were
07 probably experimenting.
08 Q. I guess what I'm trying to ask is,
09 at that time when you were becoming curious
10 about your same sex peers, was that something
11 that you were conflicted about?
12 A. Yes.

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13 Q. How were you conflicted about it?
14 A. Wondering if what the guys are
15 saying about me and stuff like that was true,
16 that I really was gay and at the same time
17 having arousal with women. That's conflicting.

22. PAGE 87:10 TO 88:04 (RUNNING 00:00:35.384)

10 Q. Before you had said you had used the
11 phrase, you know, you had your girlfriends. At
12 that point in time were you at all sexually
13 active with them?
14 A. No.
15 Q. When was the first time you became
16 sexually active?
17 A. It wasn't until I was in my 30s and
18 it was a gay relationship.
19 Q. So that is what is referenced in the
20 second line when you say you didn't start
21 having sex with men until mid 30s when you were
22 in college?
23 A. Yes.
24 Q. So that is the first time you had
25 sex period, not just with men?
00088:01 DE JIACOMO
02 A. That's right. Correct.
03 Q. Have you ever had sex with a woman?
04 A. No.

23. PAGE 89:14 TO 90:09 (RUNNING 00:00:53.570)

14 Q. Then there is a line here that
15 you'll see, you say your initial thought was to
16 be looking for a lifelong partner within the
17 gay world. Is that something that you --
18 A. I wanted to be married.
19 Q. You wanted to be married?
20 A. I wanted to be married, but they did
21 not call it marriage.
22 Q. At that time did that marriage
23 necessarily have to be with a man or a woman?
24 A. At that time, because I really
25 wanted kids, it would have been with a woman.
00090:01 DE JIACOMO
02 Q. And at that time were you -- did you
03 have any attraction to women?
04 A. I always trying to have a
05 relationship with a woman.
06 Q. I guess let me make my question more
07 precise. Were you sexually attracted to women
08 at this time at all?
09 A. Yes.

24. PAGE 92:21 TO 94:08 (RUNNING 00:01:32.625)

21 Q. During this time when you were
22 frequenting the bath houses and the bars, as
23 you described, were you at all still searching
24 for or trying to establish a relationship with
25 a woman?
00093:01 DE JIACOMO
02 A. No.
03 Q. During that time were you sexually
04 attracted to women?
05 A. There was a couple of women that I
06 found very sexual attraction during that time
07 period.
08 Q. And did you try to establish

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09 relationships with women during that time at
10 all?
11 A. Yes, but my reputation always got in
12 the way. They would always like intercept like
13 a football. They would always say stay away,
14 he's gay, stay away. So they -- sabotage comes
15 to my mind when you ask me that question.
16 Q. Who sabotaged?
17 A. The other -- the other employees.
18 They would say, "Why would you want to be with
19 him?"
20 Q. Oh, I see. So other people that you
21 worked with knew of your gay activities and
22 when you tried to establish a relationship with
23 a woman, they would basically say, "You're
24 crazy because he's gay?"
25 A. Yes.

00094:01 DE JIACOMO
02 Q. Other than that, was there anything
03 else that you felt was styming your ability to
04 form a long term relationship with women at
05 that time?
06 A. Other than that?
07 Q. Yes.
08 A. No.

25. PAGE 94:09 TO 97:08 (RUNNING 00:03:20.455)

09 Q. So in the paragraph that starts,
10 "Several years ago I made a decision to leave
11 this life behind," can you tell me when that
12 was? When is several years ago?
13 A. When I started going to the --
14 connected with Courage and I'm going to say
15 that was about five or six years ago.
16 Q. So 2008, 2009?
17 A. Roughly.
18 Q. So between that time and the time
19 after or during college when you first started
20 frequenting the bath houses and the gay
21 nightclubs, et cetera, when was the last time
22 you did that? When was the last time you
23 visited a bath house?
24 A. When was the last time I visited a
25 bath house?

00095:01 DE JIACOMO
02 Q. Yes.
03 A. Around five or six years ago.
04 Q. And you described for Mr. LiMandri
05 the amount of sexual activity you were having
06 with other men. At that time were you still
07 having the same frequency of sex with men as
08 you described or was that earlier in that
09 period?
10 A. Repeat that question.
11 Q. So you testified that during this
12 period of time that you were going to the bath
13 houses and the gay clubs that you could go like
14 every day and possibly have three sex partners
15 a day. I'm trying to --
16 MR. LI MANDRI: He said three a
17 week.
18 Q. I'm sorry, three a week. I don't
19 mean to mischaracterize your testimony. You
20 were having a lot of activity?
21 A. I was having a lot of sex, yes.
22 Q. I'm trying to find out whether or

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23 not that was more happening in the '70s, '80s
24 and '90s or you were engaging in that amount of
25 activity with men in 2008, 2009?
00096:01 DE JIACOMO
02 A. It was near the end of that period
03 that you just mentioned that I was that active.
04 Q. So in the 2008, 2009 period right
05 before you went to Courage, you were still
06 going to the bath houses every day?
07 A. I was going to the bath houses
08 almost every day. It wasn't every day, but it
09 was almost every day and if I wasn't doing
10 that, I was going to the bars and then my
11 friend Dale and I would go to the strip clubs,
12 the gay strip clubs.
13 Q. During that period of time did you
14 have any sexual attraction to women?
15 A. I wasn't trying to.
16 Q. Well, my question is a little bit
17 different. I understand. My question is
18 whether or not you did or not.
19 A. No, no.
20 Q. Not that you recall?
21 A. No.
22 Q. When is the last time you had a
23 sexual attraction to women during this time
24 frame?
25 A. I can remember still having a sexual
00097:01 DE JIACOMO
02 attraction to women when I was back in college,
03 even right up to the end. I probably stopped
04 at the time. I'm trying to think if there was
05 anybody during the time -- I would have to say
06 it was during the time when I took the job with
07 the theater, right around then, which was 21
08 years ago.

26. PAGE 97:09 TO 98:13 (RUNNING 00:01:21.283)

09 Q. In the last paragraph towards the
10 middle there is a reference where you say,
11 "That had I chosen earlier in my life to change
12 my sexual orientation," what did you mean by
13 that?
14 A. Gone from straight to -- gone from
15 gay to straight.
16 Q. What does it mean to be gay?
17 A. To me being gay is that you have sex
18 with almost exclusively -- no, exclusively with
19 other men.
20 Q. So being gay is behavioral as
21 opposed to about whether or not you're
22 attracted to a man?
23 A. I can't say I was attracted to too
24 many of the men I was with.
00098:01 Q. No, that's not my question. I'm
DE JIACOMO
02 trying to understand what you mean. In other
03 words, you think being gay -- you described
04 your definition of being gay as a behavior?
05 A. Yes.
06 Q. As having a sexual -- completing a
07 sexual act with a man, right? What I'm trying
08 to find out is, is a person who is sexually
09 attracted to men, but doesn't ever have sex
10 with men, is that person gay?
11 A. That person has same sex attraction.

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12 Q. So they are not gay?
13 A. Not necessarily.

27. PAGE 98:14 TO 99:14 (RUNNING 00:01:14.475)

14 Q. So then what does straight mean in
15 your mind?
16 A. In my opinion, straight means that
17 you have sexual attraction with women and that
18 you perform sexually with women.
19 Q. So your definition of straight is an
20 attraction and behavior, but your definition of
21 gay is just behavior?
22 A. You have to have the attraction or
23 else it doesn't work as well. If it doesn't
24 work, it doesn't work.
25 Q. So then essentially being gay is
00099:01 DE JIACOMO
02 being sexually attracted to men and having sex
03 with men and being straight is being sexually
04 attracted to women and having sex with women?
05 A. Can I answer?
06 Q. Go right ahead.
07 A. Sometimes I'm not sure when you are
08 done. When you are living a straight lifestyle
09 married, let's say, let's just say married and
10 you're having sex with women, some men also
11 have SSA, same sex attraction. But they never
12 act on it. Others do. I do know some men who
13 are married who have SSA and they are living a
14 straight lifestyle.

28. PAGE 99:15 TO 100:23 (RUNNING 00:01:48.095)

15 Q. You had mentioned that there were
16 many men that you had sex with that you were
17 not attracted to. When did you stop being
18 attracted to the men you were having sex with?
19 A. When you go to a bath house and you
20 wander around in that bath house and you hope
21 that you'll connect with somebody, I don't know
22 their name, it doesn't matter what they look
23 like. You just want to have sex. And they are
24 thinking the same thing. I just want to get
25 off. There is no attraction there. There is
00100:01 DE JIACOMO
02 no love.
03 Q. So love and attraction are the same?
04 A. Anybody can be attracted to anybody.
05 No, they are not the same. Love is when that
06 person's needs outnumber anything -- any of
07 your needs. You care more about that person
08 than you care about yourself. That is my
09 opinion of what love is.
10 Anybody can be sexually attracted to
11 anybody. In the bath house it was just sex.
12 Q. But in order to have sex, you have
13 to have an attraction which causes -- you have
14 to have enough of an attraction which causes an
15 erection, correct?
16 A. You have to feel and touch and
17 eventually you have an erection, yes, maybe.
18 Q. So it's possible to have sex. So if
19 it's possible that a man could have sex with a
20 woman without being attracted to her, just
21 physically you can make it happen, right?
22 A. It happens every day, right. You
23 asked me. I told you.

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29. PAGE 102:16 TO 103:19 (RUNNING 00:01:20.558)

16 Q. You just described -- I asked you
17 are a straight man living with SSA and you said
18 that you're living a life where you are
19 attracted to a woman, but you're not attracted
20 to a man. So why isn't the answer to my
21 question no?
22 A. No.
23 Q. So right now you are straight?
24 A. As straight as you can possibly be.
25 Q. What does that mean?
00103:01 DE JIACOMO
02 A. That means I'm having exclusively
03 relationships -- I'm no longer pursuing any
04 men. I don't want to be with them sexually. I
05 enjoy their company. Did that answer your
06 question?
07 Q. Sure, but you're not -- your
08 testimony is that you are no longer attracted
09 to men sexually?
10 A. I am no longer sexually attracted to
11 men.
12 Q. And you are attracted -- sexually
13 attracted to women?
14 A. The first word that came to my mind
15 when you said that was gangbusters. I have
16 reestablished an interest in women, in dating
17 them, being with them and to be quite honest
18 with you, I'm even thinking of asking one to
19 marry me.

30. PAGE 107:25 TO 107:25 (RUNNING 00:00:02.711)

25 Q. And prior to -- okay. You testified

31. PAGE 108:02 TO 108:17 (RUNNING 00:00:52.578)

02 that you started being attracted -- sexually
03 attracted to women. What does that mean?
04 A. That means that under certain
05 circumstances I can't get my eyes off of them.
06 That means under certain circumstances I wonder
07 what it would be like to be having a sexual
08 relationship with them. I want to touch them,
09 feel them, be with them sexually. That's what
10 it means to me.
11 Q. What does be with them sexually
12 mean?
13 A. Having intercourse.
14 Q. So when you say starting to be
15 attracted to them, does that mean that you were
16 starting to be sexually aroused by them?
17 A. Yes. I have to look away.

32. PAGE 124:24 TO 128:16 (RUNNING 00:04:14.649)

24 Q. When did you start seeing Baxter
25 Peffer for counseling?
00125:01 DE JIACOMO
02 A. The exact year I think was about '09
03 or '10.
04 Q. I'm sorry when?
05 A. 2009 or '10, somewhere near there.
06 Q. You testified before that the reason
07 why you went to see Baxter Peffer was because
08 you wanted to be able to better associate with
09 your same sex peers; is that correct?

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10 A. And I stand by that, by my answer,
11 yes.
12 Q. Were there any other reasons why you
13 went to see Baxter Peffer?
14 A. Well, I just mentioned I still had
15 the same sex attraction, that the church could
16 only take me so far. My religious beliefs,
17 prayer could only take me so far. I couldn't
18 go any further.
19 I knew that they were not experts in
20 these fields, some of these priests that I was
21 seeing. That's normal. They got me to pull
22 the plug on the porn and things like that, but
23 I needed somebody who could also take me and
24 help me because of his own experiences in life.
25 Q. So by the time you started seeing
00126:01 DE JIACOMO
02 Baxter Peffer in approximately the end of 2010,
03 you had successfully resolved your sex
04 addiction; is that right?
05 A. I don't think anyone can
06 successfully, a hundred percent, get rid of a
07 sex addiction or any addiction like alcoholism.
08 Q. So you still consider yourself a sex
09 addict?
10 A. No, I consider myself a person who
11 no longer participates in that type of
12 behavior, not an addiction. It's not like --
13 I'm not on heroin.
14 Q. But you still want to participate in
15 that kind of behavior, but you now are to the
16 point where you choose not to?
17 A. I don't want to go back to that
18 behavior, yes.
19 Q. Right, okay, but you still, as an
20 addict, still desire to engage in that
21 behavior, but you restrain yourself?
22 A. I have -- actually you can't help
23 looking at stuff like that. You walk down the
24 street and you see naked bodies on every cover
25 of every magazine, every billboard and despite
00127:01 DE JIACOMO
02 the fact that I see this every day, just like I
03 drink a little bit of Sacramento wine every day
04 and don't go back to drinking, I don't go back.
05 I don't do it anymore. I don't look at
06 pictures. I don't look at -- and Jack Daniels
07 is no longer my best friend. It's short of a
08 miracle. I don't know how to explain it. I
09 see it every day. I go to work and it's there.
10 Q. Are you tempted by it?
11 A. Sure. Everybody is tempted by it.
12 Q. So what does it mean to be tempted
13 by it?
14 A. Being tempted by it is just what I
15 just got done talking to you about. Being
16 tempted by it is you see something and you say
17 maybe I should read several shades of gray and
18 maybe it won't hurt me. Maybe it won't get me
19 to go back, but the possibility is that it
20 will, so I will leave it alone.
21 Q. So when you see a picture of a naked
22 man on a magazine or a topless man on a
23 magazine, you're still tempted to have sex with
24 that person because you're still a sex addict?
25 A. I'm not tempted to have sex with

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00128:01 DE JIACOMO
02 somebody on a magazine. I'm no longer tempted
03 to have sex with the man in the gym, in the
04 locker room. Just yesterday, I was here
05 yesterday, but the day before that, one of the
06 guys came up to me and said, "I want to talk to
07 you." I said, "Let's talk here and now." We
08 were both naked and I didn't want to have sex
09 with him.
10 Q. So you don't -- so then how are you
11 still a sex addict?
12 A. Maybe I'm not. Maybe I'm learning
13 something today.
14 Q. Well, I'm trying to find out. So
15 now your testimony is that you are no longer a
16 sex addict?

33. PAGE 128:21 TO 131:22 (RUNNING 00:03:21.496)

21 Q. So you're still tempted. Is part of
22 temptation being that you still have an
23 attraction to the person?
24 A. I don't have an attraction to men.
25 Q. You don't have an attraction to men?
00129:01 DE JIACOMO
02 A. I don't have an attraction to men.
03 I proved that to myself by letting myself be --
04 without wanting to be in those situations where
05 men have come on to me as innocently as sitting
06 on a park bench or waiting for a bus and I
07 didn't go off with them.
08 Q. Is there is a difference between
09 being attracted to a man in that you have a
10 desire or a fantasy or an arousal or actually
11 going off and doing something with them?
12 A. Of course.
13 Q. My question is, I now know you
14 testified that since going to JONAH you haven't
15 gone off and engaged in sexual activity with
16 men. My question is, do you still have any
17 kind of fantasy or arousal about men, whether
18 or not you engage with them or not?
19 A. No.
20 Q. You don't?
21 A. No, I can honestly say no.
22 Q. How about with women?
23 A. Now that's a whole different
24 subject. With women it's totally changed. We
25 don't have like a sister/brother relationship
00130:01 DE JIACOMO
02 anymore with them. I'm being pursued and I'm
03 pursuing. It sounds like I'm bragging, but I'm
04 not. I have dreams about them which was a new
05 experience, is one of the new experiences I'm
06 having now.
07 Q. You never had dreams about women
08 when you were back in high school?
09 A. I don't remember having them before,
10 no. In high school, yes.
11 Q. When you said you were sexually
12 attracted to women back before during your
13 testimony, whether it was in junior high school
14 or high school or even you testified times when
15 you were working, started working at the opera
16 house, I thought you testified that you had
17 sexual attraction or arousal to women then, but
18 you didn't have dreams about them?

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19 A. No.
20 Q. But you were still sexually
21 attracted to them?
22 A. I don't remember having any dreams.
23 I don't remember my dreams that well. The ones
24 I'm having recently are such a surprise to me
25 that I'm having them that I don't know how to
00131:01 DE JIACOMO
02 react to them.
03 Q. Are you changing your testimony that
04 you had sexual attraction to women back in
05 junior high or high school or when you were
06 working first at the opera house?
07 A. No.
08 Q. You're not changing your testimony?
09 A. No. I'm not going to change that.
10 Nothing could get me to change that because of
11 the fact that I still remember quite vividly
12 how much I wanted to be, even back in junior
13 high school, with the women that I was around.
14 Q. So you were sexually attracted to
15 women during that time?
16 A. Strongly attracted to women at that
17 time, yes, I was.
18 Q. So it sounds like then -- is it
19 correct to say that what Baxter Peffer has
20 helped you do is return to that strong
21 attraction to women that you've had back then?
22 A. Happily, yes.

34. PAGE 131:23 TO 134:16 (RUNNING 00:02:30.389)

23 Q. Did Mr. LiMandri tell you anything
24 about the counseling notes during the break?
25 A. He just told me things like it says
00132:01 DE JIACOMO
02 here that you did have -- that you made this
03 statement or whatever is in quotes or whatever
04 it is. The same thing you just done.
05 Q. He took the notes out and pointed
06 you to the areas of the inconsistencies that
07 have caused you to reframe your testimony?
08 A. Refreshed my memory, yes.
09 Q. Anything else besides that one note
10 that Mr. LiMandri instructed you about?
11 A. Since I have had so much from you
12 today, probably a lot of it has gone out
13 already, but nothing that I haven't already
14 mentioned that is in those notes.
15 Q. So you reviewed these notes you told
16 me, I think, a couple of weeks ago, is that
17 right, in preparation for this deposition?
18 A. Probably.
19 Q. And you don't remember -- at that
20 time it didn't refresh your recollection that
21 line about you orienting as gay?
22 A. I was having -- I know, this is hard
23 for you to understand and to believe, but I was
24 having so much fun reading the notes and seeing
25 where I have gone and where I am today and how
00133:01 DE JIACOMO
02 refreshing that was and how beautiful that had
03 become to me and how much better my life is now
04 and how much better Baxter made my life now
05 through the therapy that I didn't care.
06 Q. So you remembered seeing it and you
07 came in to testify contrary to what the notes

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08 said because you were so happy about your
09 journey?
10 A. I'm still happy about my journey.
11 Q. That's not my question. My question
12 is you reviewed these notes that contained that
13 line on your own and when you reviewed it, it
14 didn't refresh your recollection or have any
15 impact on you such that you came in here and
16 testified under oath that you had not
17 experienced same sex attraction when you were
18 seeing Baxter Peffer?
19 A. I was having trouble with dates,
20 with the dates and time.
21 Q. So when you rereviewed them the
22 first time, it didn't refresh your
23 recollection?
24 A. I didn't pay that much attention to
25 it.
00134:01 DE JIACOMO
02 Q. You didn't even notice it, right?
03 A. Not much.
04 Q. And you didn't notice it until
05 Mr. LiMandri pointed it out to you?
06 A. I didn't notice it by much, no.
07 Q. You didn't notice it until
08 Mr. LiMandri pointed it out to you, correct, on
09 the break or during lunch?
10 A. Yes.
11 Q. Because he is the one that pointed
12 that out to you?
13 A. Yes.
14 Q. He is the one that pointed out the
15 fact that you had testified inconsistently?
16 A. I suppose you're right.

35. PAGE 134:17 TO 138:24 (RUNNING 00:04:59.902)

17 Q. So Baxter Peffer, you testified that
18 you went to see him to help yourself with
19 associating with men. Was it one of your
20 stated goals when you began with Baxter Peffer
21 to address your same sex attraction?
22 A. I never did say that I went to go
23 see Mr. Peffer. It was all done over the
24 phone.
25 Q. That's fine. That's a good
00135:01 DE JIACOMO
02 clarification, but in your -- was one of the
03 purposes for you starting therapy and engaging
04 in therapy with Baxter Peffer to address your
05 same sex attraction?
06 A. It wasn't the main concern.
07 Q. But was it a concern?
08 A. Yes, it was.
09 Q. And you expressed that to
10 Mr. Peffer?
11 A. I'm sure, yes.
12 Q. Did you express that to Arthur
13 Goldberg when you had your first conversation
14 when he referred you to Baxter Peffer?
15 A. I don't remember if it was in my
16 first conversation with him.
17 Q. Before you testified fairly
18 unequivocally that the only reason you went to
19 see Baxter Peffer was to become more
20 comfortable with your same sex peer
21 associations. Seeing the notes reminded you

DEPOSITION VIDEOS

22 that you were also going to see him for same
23 sex attraction?
24 A. It's in the first line that I went
25 in there that I went to see him because of my
00136:01 DE JIACOMO
02 having a hard time with my relationship. I
03 think it's one of the first lines there.
04 Q. Right, and I guess on the first page
05 of the notes, is there anything that mentions
06 your same sex attractions?
07 A. I didn't even read all of the notes.
08 I did in the beginning. A lot of it I can't
09 read to be honest with you. The penmanship was
10 bad.
11 Q. Is it your understanding that the
12 first page of his notes are where he set forth
13 the reasons why you came to see him?
14 A. Yes.
15 Q. Would it surprise you to know that
16 there is no mention of same sex attraction on
17 the first page of these notes?
18 A. Like I said, I didn't read the
19 entire page.
20 Q. I didn't ask you if you read it. I
21 just asked you if you would be surprised that
22 he didn't write down that he is coming to see
23 me to resolve same sex attraction?
24 A. I'm not surprised.
25 Q. No?
00137:01 DE JIACOMO
02 A. No.
03 Q. Were there any other reasons why you
04 went to see Baxter Peffer besides the
05 association with same sex peers and dealing
06 with your same sex attractions?
07 A. I had to deal with my feelings of my
08 father. I had to learn how to forgive the men
09 that had harassed me and beat me up.
10 Q. Are these things that you came up
11 having as goals or are these things that you
12 learned from Baxter Peffer?
13 A. Well, you never let me finish my
14 statement. Now I'll have to start all over
15 again.
16 Q. Okay, start all over again.
17 A. Ask the question again.
18 Q. Besides dealing with your same sex
19 peer interactions and dealing with your same
20 sex attraction, were there any other reasons
21 why you went to go and see Baxter Peffer for
22 counseling?
23 A. In the back of my mind I was
24 wondering if you really could, because I had
25 men that did or said that they did go from
00138:01 DE JIACOMO
02 homosexual to heterosexual and I'm sure I
03 mentioned it, but that was not my goal.
04 Q. Okay. Again, you said that you went
05 to see Baxter Peffer because you wanted to deal
06 with your same sex peer association issues and
07 now you didn't specifically go to see him to
08 resolve your same sex attraction; is that
09 right?
10 A. And I believe that's what I told you
11 before.
12 Q. My question was, are there any other

DEPOSITION VIDEOS

13 reasons why you went to go see Baxter Peffer?
14 A. Initially, I'm trying to think
15 now -- nothing is coming to me, so I'm going to
16 have to say no, no.
17 Q. Would it be fair to say that your
18 change in same sex attraction was a happy
19 coincidental outcome of your therapy with
20 Baxter Peffer, rather than a purpose for going
21 to see him?
22 A. I just recently talked to somebody
23 about that, that it was just coincidence. I
24 didn't expect it to happen.

36. PAGE 142:07 TO 144:06 (RUNNING 00:01:56.643)

07 Q. Is there any difference in your mind
08 between your sex addiction and your same sex
09 attraction?
10 A. Sex -- yes. In my mind, yes.
11 Q. What is it?
12 A. In my mind sexual addiction is like
13 any addiction. You can't stop doing it without
14 help. Same sex attraction I can be in a
15 restaurant and just be attracted to somebody.
16 You just don't act on it.
17 Q. That's the way you are now. You are
18 still attracted to men, but you don't act on
19 it?
20 A. I won't even say now, 2014, that I'm
21 even attracted to men.
22 Q. When was the last time that you were
23 no longer attracted to men?
24 A. I think I answered some of these
25 questions before.
00143:01 DE JIACOMO
02 Q. Well, the answers have kind of
03 changed, so I need to ask again.
04 A. That I actually felt an attraction
05 for men?
06 Q. Yes.
07 A. Years ago, three or four years ago,
08 but even now I don't have any attraction for
09 them.
10 Q. Was it before or after you started
11 seeing Baxter Peffer?
12 A. The sexual attraction?
13 Q. Yes.
14 A. It started to go away before, but
15 not totally, not totally away.
16 Q. Do you remember the circumstances
17 under which you experienced that last same sex
18 attraction?
19 A. No.
20 Q. So before you started seeing Baxter
21 Peffer, your testimony is that your same sex
22 attraction still existed, but it started going
23 away?
24 A. It was milder, yes, a lot milder.
25 Q. So while you were seeing then Baxter
00144:01 DE JIACOMO
02 Peffer you were still experiencing some same
03 sex attraction to men?
04 A. Some. Very little.
05 Q. What form did that take?
06 A. Nothing. I never acted on it.

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37. PAGE 145:03 TO 147:02 (RUNNING 00:02:25.714)

03 Q. So do you still -- now that you are
04 no longer same sex attracted, do you have any
05 worries or fears that your sexual addiction
06 will manifest itself in a heterosexual way?

07 A. I hadn't even ever given it any
08 thought. I would have to say, because of my
09 spiritual direction that I have taken, that
10 there is probably very little chance of that.

11 Q. So why didn't the spiritual
12 direction that you have taken before also
13 resolve your same sex addiction?

14 A. They gave me some help with that,
15 the spiritual direction, but like I said, these
16 are priests and they are only -- they can only
17 take you so far.

18 Q. Right. So the priests basically got
19 you to the point where you were no longer
20 having sex?

21 A. Yes, yes.

22 Q. When is the last time you had had
23 sex with a man before -- well, I guess I should
24 just say when is the last time you had sex with
25 a man?

00146:01 DE JIACOMO

02 A. I know it's at least six years ago.

03 Q. How do you know that?

04 A. Because from the day that I went
05 back to the church and embraced the church,
06 totally and fully, I had been unable to have a
07 sexual and I meant that exactly -- there has
08 been some attempts. Let me clarify that.

09 Q. Okay.

10 A. There has been some attempts. Some
11 men have tried to get me interested in having
12 sex with them. I even had -- I was getting
13 therapy for something else and he brought up,
14 the psychiatrist or whatever you want to call
15 them, the clinician, he brought it up, will I
16 ever -- and those are confidential reports by
17 the way -- would I ever want to go back into
18 having that type of relationship and I told him
19 no. I'm just too happy right now to want to go
20 back to that. I have had men fling themselves
21 in front of my face and just laughed it off.

22 I had a guy who told me he had his
23 name -- my name tattooed on his body and that
24 didn't have any effect on me. I can go on, but
25 I just can't. It just doesn't -- I don't have

00147:01 DE JIACOMO

02 an interest.

38. PAGE 147:17 TO 152:03 (RUNNING 00:05:23.775)

17 Q. Well, you testified that there was
18 some event with your religion six or so years
19 ago that seemed to me to be a --

20 A. Do you really want me to go back
21 into it?

22 Q. That seems to be a defining moment
23 as the last time you ever had sex with a man.
24 So I'm trying to figure out what that is?

25 A. Okay, I'll tell you the whole thing.

00148:01 DE JIACOMO

02 I was trying to keep religion out of it as much
03 as possible, but I guess it's not possible. It

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04 was Holy Thursday. This is the event. It was
05 Holy Thursday about six years ago I'm
06 estimating. I wish I had written it down, but
07 I didn't. I think I kept a calendar somewhere.
08 I was at the cathedral, the
09 Immaculate Conception, downtown Denver,
10 Colorado. There is a tradition that you say
11 seven rosaries in seven churches. The
12 cathedral was one of the churches I was praying
13 to. I had been trying to get to go to
14 confession. I wanted to go to confession and
15 every time I went, the confession line would
16 stop. The priest had to go. Something would
17 happen. I couldn't make myself go. I would
18 talk myself out of it. And it was depressing
19 me.

20 I wanted to get back fully to the
21 church, not just be a menu Catholic, but a real
22 Catholic a hundred percent. In the Church of
23 the Immaculate Conception, downtown Denver,
24 there is a beautiful statue of St. Joseph and
25 in my whole life I never prayed to St. Joseph.

00149:01

DE JIACOMO

02 I went up to that statue -- I'm also
03 just starting my job. I was being trained for
04 the job that I have now as the manager of the
05 opera house because I was assistant manager for
06 15 years of the Buell, B-U-E-L-L, Theater, next
07 door of the Buell Theater in downtown Denver,
08 something got me to go up to that statute.

09 I talked to the statute like I was
10 talking to a human being. If that makes me
11 crazy, then I'm crazy. I told him, "St.
12 Joseph, you got to help me. I can't do it on
13 my own. I'm going to give it to you and give
14 it to God" and I got out of the church.

15 I got down to the Holy Ghost. They
16 were hearing confession. There was line all
17 around the back of the church to hear
18 confessions. I was struggling with myself. Do
19 you want to go? Don't you want to go? What am
20 I going to do? If I go with these long lines,
21 I will lose my job because I was being trained
22 for my job. Diane was my office wife. They
23 were starting to call her that -- my office
24 wife. She was training me for that job. And I
25 didn't want to lose that job. It was the

00150:01

DE JIACOMO

02 biggest break in my life that I ever had.

03 Then I heard in my heart, well,
04 you'll get another job and I could always go
05 back to working security. I was working two
06 jobs back in those days. I worked security at
07 the Pepsi Center and places like that. Get in
08 line, talk to father, get Father Tom, told
09 Father Tom I did not want to go back to that
10 lifestyle. I did not want to go back to that
11 and he told me to get connected with Courage.
12 The last line he said to me was, if you want to
13 and I wanted to.

14 I started getting on the Courage --
15 I found the Courage website and started to find
16 out about Courage. Now their website I did go
17 to and quite often. Then I went in a snowstorm
18 to go see -- made an appointment to go see
19 Father Dan, who was the head of Courage in

DEPOSITION VIDEOS

20 Colorado, in Denver. Got there, we talked and
21 the rest is history.
22 Q. So that is the day that you --
23 A. Holy Thursday.
24 Q. -- stopped viewing any pornography?
25 A. Went home, took a big black sack,
00151:01 DE JIACOMO
02 took all the pornography out of my house, took
03 all the magazines, all the books, all the
04 records, anything that might even have been
05 remotely pornographic I got rid of because for
06 me, viewing muscle magazines or something like
07 that, for the average guy it's nothing. For me
08 it's pornography and I have to recognize that
09 in myself.
10 I have to recognize that in myself
11 that what is normal for you, for some of the
12 men here and what is not normal for me. I had
13 to break away from that because it would have
14 destroyed me. It would have destroyed my life
15 what I have left of it.
16 I'm 62 years old now. I ain't got
17 that much longer and I got to make it the best
18 that I got and I'll do it at the price that I
19 have to pay and I want other men to be able to
20 get out of there.
21 Q. So you, at that point, you basically
22 gave up sex, pornography, any sexual behavior
23 cold turkey?
24 A. I am totally celibate if that is
25 what you're asking me and I don't view
00152:01 DE JIACOMO
02 anything. I don't even go to movies anymore
03 because they are so bad.

39. PAGE 153:03 TO 154:04 (RUNNING 00:00:43.405)

03 Q. What did Baxter Peffer do in your
04 individual therapy sessions that helped you
05 deal with your sex addiction?
06 A. We didn't do anything. He talked to
07 me.
08 Q. What did he tell you during --
09 A. He told me --
10 Q. Let me finish my question, please.
11 When you had your individual sessions, I
12 understand they were all on the phone, correct?
13 A. Yes.
14 Q. Did you ever do Skype?
15 A. I don't even know what that is.
16 Q. So, no video conferencing?
17 A. No, no.
18 Q. So in your conversations, did he
19 ever have you do exercises of any kind?
20 A. Nobody has to have me do exercises.
21 I go to the gym three times a week. The answer
22 is no.
23 Q. Not physical exercise?
24 A. I knew what you meant. No.
25 Q. Like visualization exercise?
00154:01 DE JIACOMO
02 A. No.
03 Q. None of that?
04 A. No, right.

DEPOSITION VIDEOS

40. PAGE 154:21 TO 157:02 (RUNNING 00:02:55.989)

21 Q. You mentioned before that you had
22 done some other kind of therapy. What was
23 that?

24 A. I went to go see -- since you asked,
25 I went to go see a therapy that was paid for by
00155:01 DE JIACOMO

02 the city and county of Denver because of the
03 fact that I found out by accident that after
04 Diane, who is my partner at work, my work
05 partner, that she had -- she was gone at this
06 time because she had a horrendous accident.
07 They were putting cable in my office
08 and found out that they were taping Diane and
09 myself, spying on us, even though they knew we
10 changed in there, even though they knew we ate
11 in there. They said they did it because of the
12 fact that there was -- when it was
13 discovered -- they never told me anything.
14 They said it was because of reports of theft.
15 Diane is back now.

16 Diane and I have had long
17 conversations. Neither Diane or myself have
18 ever reported any theft in that room and they
19 know that. That was how they got away with
20 what they did. I was also sexually harassed by
21 a straight male who put in the camera, the
22 engineer of the building, John. He -- when I
23 told him that I had been changing in that room
24 and everything else and that you had a camera
25 in there, he said to me, "And who would want to
00156:01 DE JIACOMO

02 look at your sexless body?" That's what I had
03 to go to therapy for.

04 Q. Why did you have to go to therapy
05 for that?

06 A. I went to therapy because I went to
07 see HR and I told her that I had nobody to talk
08 to about this. So they got me to arrange to
09 see a therapist over at the state capital where
10 it's exactly at and went in there and started
11 talking about it, and that's also confidential.
12 They never told -- they have yet to tell Diane
13 anything.

14 Q. Do you know if the therapist you saw
15 was a licensed therapist?

16 A. I saw things on the wall. I think
17 he is because they made me sign a -- some
18 paper, read them over and all that
19 understanding -- I don't think the city uses
20 non-licensed therapists. That would be my -- I
21 just wanted somebody to talk to because I was
22 violated. I was raped by a camera. It's rape.
23 It's a form of rape. I don't care what they
24 call it. I don't care that they destroyed the
25 evidence. It's still rape. It still hurts.

00157:01 DE JIACOMO

02 It still burns.

41. PAGE 160:11 TO 161:15 (RUNNING 00:01:33.742)

11 Q. Have you ever seen any other
12 therapists at any time in your life?

13 A. When I was younger in my 20s, before
14 I went to school.

15 Q. What did you see them for?

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16 A. I went to see them for negative body
17 image and I can only remember one name. Her
18 name was Ursula and it was with the city again
19 because the city was cheap. I qualified for
20 whatever it was. And you never got anywhere
21 because of the fact that it kept changing. I
22 had a new therapist every few weeks and so I
23 stopped going once I started going to school,
24 to the college.

25 Q. What did you mean by body image
00161:01 DE JIACOMO

02 issues?

03 A. By body image I had a problem with
04 weight my whole life. Either it was fat, heavy
05 like I am now, or I was extremely thin.

06 Q. Careful. You're not that much over
07 me.

08 A. I don't want to talk about it to be
09 honest with you. Besides, I make up for it
10 with my incredible good looks, but I was either
11 heavy -- I was really fat and it got to the
12 point where, because of teasing and everything
13 like that, that I was starving myself to lose
14 weight. There is such a thing as male
15 anorexia. It does exist.

42. PAGE 165:02 TO 167:02 (RUNNING 00:02:13.335)

02 Q. When you first had your first
03 conversation with Baxter Peffer, did you ask
04 him at all about his qualifications or
05 credentials?

06 A. I don't remember asking him that.

07 Q. Were his qualifications and
08 credentials important to you at all?

09 A. No.

10 Q. Why not?

11 A. I just wanted help. I just wanted
12 help and I had had such a train wreck when it
13 comes to getting help that finally somebody was
14 willing to help me and I was getting help from
15 a man who had been there because he, I believe,
16 was sexually active in San Francisco I think it
17 was. If my memory is correct, it was San
18 Francisco.

19 I think he is from Philadelphia or
20 Pennsylvania, somewhere in Pennsylvania. And
21 that made a connection between him and I. Like
22 I said, I would still be seeing Baxter. I
23 would still like to see Baxter and maybe after
24 we get done with all this, I'll go back.

25 Q. I understand you saw him for a
00166:01 DE JIACOMO

02 number of sessions that he actually charged you
03 for and you paid, but after that, he saw you
04 for free for a while; is that correct?

05 A. He saw me for free up until
06 recently, a couple of months. The last time I
07 had any contact with him. I did e-mail him a
08 couple of times and he did write back, "David,
09 you deserve happiness." The woman's name is
10 Joyce.

11 Q. So he -- in your sessions you felt
12 like he listened to you?

13 A. Absolutely.

14 Q. And he was sympathetic to you?

15 A. Absolutely.

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16 Q. Is that kind of why you think the
17 therapy was really effective?
18 A. It was because of the connection I
19 was able to make with him and yes, he was
20 sympathetic and he told me something that
21 nobody had ever told me before. It came from a
22 man to another man. He said I love you.
23 That was the first time that I
24 remember -- the only other man that I remember
25 saying that to me was Arthur Goldberg and I
00167:01 DE JIACOMO
02 don't care who knows it.

43. PAGE 167:06 TO 169:09 (RUNNING 00:02:16.939)

06 Q. I don't think you should
07 characterize how strong I think you are or not.
08 Switching topics a little bit again
09 back, I want to go back to the notes that
10 Mr. LiMandri showed you during the break.
11 Did Mr. LiMandri highlight portions
12 of those counseling notes for you?
13 A. They are highlighted, yes.
14 Q. Did he show you the highlighted
15 portions?
16 A. I looked at them myself. When
17 something is highlighted, you have the tendency
18 to go right to it.
19 Q. Because you think the highlighting
20 indicates something important?
21 A. Exactly. Just like when you go to
22 school.
23 Q. Did he discuss the highlighting
24 portions with you?
00168:01 A. We didn't discuss much.
02 DE JIACOMO
03 Q. But you did a little bit?
04 A. A little bit.
05 Q. And how long did that conversation
06 take?
07 A. Seconds.
08 Q. Do you remember what the
09 conversation was about?
10 A. The inconsistencies.
11 Q. The inconsistencies in your
12 testimony?
13 A. In my dates, not really testimony,
14 mostly in the dates that I went back a little
15 further or a little bit longer with my SSA and
16 I, myself, did not realize this.
17 It seemed like it was centuries ago
18 that I felt like I can't be -- that it seems
19 hundreds of years ago that I felt like I
20 couldn't even be sitting next to a man and not
21 feel or at least think sexually. It seems like
22 hundreds of years ago.
23 Q. Did Mr. LiMandri suggest that you
24 amend your testimony?
00169:01 A. He said I could. I could talk about
02 it a little bit, some of the other things that
03 DE JIACOMO
04 I hadn't really realized. I hadn't realized
05 how long it had gone on. You don't have to
06 believe that. I really did not believe --
07 first of all, what it made me realize is how
08 much work Baxter and I had done and how far I
09 had been taken and that's basically it. The

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08 other thing that had been brought up and that's
09 this testimony.

44. PAGE 169:10 TO 169:17 (RUNNING 00:00:27.329)

10 My testimony is true. Everything in
11 this paper is true. You brought up that it
12 would be -- that Mr. Goldberg, everybody calls
13 you Arthur, I call you Mr. Goldberg -- that he
14 edited this. It was grammar that he helped me
15 with. I can't spell and it was things of that
16 nature. This is me. I read this a million
17 times.

45. PAGE 172:09 TO 176:20 (RUNNING 00:06:01.291)

09 Q. So I want to talk a little bit more
10 in like the typical session that you had with
11 Baxter Peffer.

12 Could you describe for me what your
13 session -- what you did in your sessions?

14 A. It was quite a variety of things. I
15 would call him. He would answer and sometimes
16 we would just discuss something that had
17 happened, that was positive or negative, such
18 as meeting a guy at the park and how I handled
19 that, what was I going to do about it. I
20 remember him asking me that specifically.
21 Talked about the wounds that I have, what I
22 might do to get rid of them.

23 He talked about trying to get me to
24 see the positive things, positive things about
25 me, understanding them. If anybody asked me or

00173:01 DE JIACOMO

02 gave me a compliment, I was to write it down
03 and put it on my mirror and look at it every
04 day. That was hard to do because I wasn't
05 getting that many compliments or I didn't see
06 them as compliments.

07 He wanted to look at the forgiveness
08 thing, the guys in school and everything like
09 that, that bullied me and everything. Look at
10 that, try to get that taken care of, but I
11 think more of what you want to do is how did
12 the session start, how did it end, it always
13 ended on a positive note, let's talk about
14 this, let's talk about that. The daddy wound
15 is probably the biggest one that I have.

16 Q. What is the daddy wound?

17 A. My not having a father, not knowing
18 my father is probably the largest wound I ever
19 had and we worked on that, talked about that a
20 lot. Writing a letter to my father, forgiving
21 him was one of the things that I did.

22 Q. How did that exercise help you be
23 able to more easily associate with your same
24 sex peers?

25 A. It was just the work on my dad, to
00174:01 DE JIACOMO

02 work on my dad and my relationship with him.
03 If you can heal your relationship with your
04 father, this is me, this is how I see it, if
05 you can relate, if you can fix your
06 relationship with your dad, it makes it easier
07 for you to have relationships with their --
08 with other men in my opinion if you can just
09 push past that and, you know, men that you see
10 as your mentors now. Just plain friends.

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11 Q. How did you come to believe that?
12 A. From myself mostly I think.
13 Q. Did Baxter Peffer tell you that?
14 A. Not what I'm saying now, no.
15 Q. He didn't explain to you that
16 healing your wound with your father is a way
17 that you can become more well adjusted with
18 your same sex peers?
19 A. That came over a period of time
20 talking with a lot of people, not just Baxter.
21 Q. Who else?
22 A. There was -- one of the men at
23 Courage talked about that. I have had a lot of
24 talk about that from a lot of people. In order
25 to get over your -- that's my feeling --
00175:01 DE JIACOMO
02 obviously it's working, to get over some of the
03 negative feelings that you have about men, you
04 have to start with the number one man that was
05 in your life and that would have been my
06 father. It's the same thing with women and
07 their mothers.
08 Q. Once you learned that at Courage,
09 were you not able to find anybody to talk to
10 about to internalize that and figure that out?
11 A. I'm one of those people who has made
12 the mistake his whole life thinking that I can
13 handle this on my own, I can do this on my own.
14 Unfortunately for me, even though I had some
15 work in the past, I have -- even now, the guys
16 that I know now, from the Knights of Columbus
17 or from the breakfast club that I belong to
18 where we discuss such things sometimes, they
19 tell me to this very day there is nothing wrong
20 with asking for help. So I never asked for
21 help. I didn't know how to ask for help. You
22 can do it on your own. I had to do it on my
23 own since I was a kid.
24 There was no one there to go to. So
25 I learned that I had to do it on my own until I
00176:01 DE JIACOMO
02 finally got involved first with Courage and
03 then with JONAH.
04 Q. In your telephone therapy sessions
05 with Baxter Peffer, would he typically start
06 the conversation by asking you questions or
07 would --
08 A. No.
09 Q. How would you typically start?
10 A. No, no, I would go into it. I would
11 tell him what I had done, what I had written
12 down, what I had journalized. Then he would
13 ask me how it made me feel and typical things
14 that you should ask.
15 Q. So most of the time he was in
16 listening mode?
17 A. I talk a lot, if you haven't
18 noticed, and I'm sure you have and yeah, he had
19 to be in listening mode. He had to be in
20 listening mode. That is his job.

46. PAGE 178:18 TO 180:12 (RUNNING 00:01:41.048)

18 Q. What kind of exercises would he have
19 you do during your sessions?
20 A. You asked me that before. During
21 the session?

DEPOSITION VIDEOS

22 Q. Yes.
23 A. We didn't do anything during the
24 session as far as exercises.
25 Q. No visualization exercises?
00179:01 DE JIACOMO
02 A. Not that I remember.
03 Q. Do you remember one involving --
04 A. Hold on. The one that I do remember
05 is the one with the wall. You see a wall
06 around you and try to get through the wall,
07 look over the wall instead of protected by the
08 wall.
09 Q. Do you remember an exercise where he
10 asked you to visualize a vault?
11 A. A vault?
12 Q. A vault.
13 A. There was more than one therapist
14 who asked me to do that and that was that you
15 see the vault and I think was you put all the
16 negative things into the vault. That was one
17 of them that I remember because more than one
18 person has asked me to do that.
19 Q. Would that be one of the therapists
20 that you saw that you described before?
21 A. It would have been the one -- it
22 might have been Baxter who did that first
23 because I saw Baxter first before I saw
24 anybody -- this one that I'm talking about.
25 That was after they had discovered by putting
00180:01 DE JIACOMO
02 the cables in the room that I was being -- I
03 was bugged.
04 Q. I think you mentioned before that
05 sometimes Baxter Peffer would give you homework
06 to do?
07 A. Well, that was the journaling, that
08 was the pulling of the things up there on the
09 mirror, stuff like that. That was the
10 homework.
11 Q. Anything else?
12 A. Not that I recall clearly.

47. PAGE 180:16 TO 181:11 (RUNNING 00:00:51.999)

16 Q. Are familiar with the term
17 affirmation?
18 A. Yes.
19 Q. Did he -- did Baxter Peffer as part
20 of your individual counseling sessions, ever
21 have you repeat affirmations?
22 A. Repeat affirmations that he had
23 given me over the phone?
24 Q. Yes. Do you know what I mean by
25 affirmation?
00181:01 DE JIACOMO
02 A. Give me your definition.
03 Q. Like a mantra or a phrase or
04 something like that or asking you to, you know,
05 say something positive about yourself while
06 doing something or something like that?
07 A. He was always getting me to say
08 positive things, drawing me out, things that
09 were positive about myself. There are a lot of
10 things that are positive about myself. Not
11 everybody runs an opera house.

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48. PAGE 181:12 TO 181:20 (RUNNING 00:00:17.557)

12 Q. So you never saw Baxter Peffer in a
13 one on one session?
14 A. No.
15 Q. Always over the phone?
16 A. Always.
17 Q. Did any of -- did any of Baxter
18 Peffer's exercises or treatment involve any
19 kind of nudity at all?
20 A. No.

49. PAGE 182:08 TO 184:04 (RUNNING 00:02:04.957)

08 Q. During the time, so after you had --
09 it sounds like a little bit of an epiphany to
10 me, but I don't want to use a word that you're
11 not comfortable with, but I don't know if
12 revelation is the right one at all, but the one
13 where you described, you know, basically going
14 to confession for the first time and kind of
15 cutting cold turkey, when you cut off your
16 pornography that you said before, was there
17 ever a time after that where you slipped up or
18 might have viewed pornography?
19 A. When I was cleaning it out, I took
20 one, put it on the machine, started laughing
21 because it was so badly made and then I never
22 looked at another one again. I know that's
23 hard to believe. I know that's hard to
24 understand because everybody slips up. That's
25 what we talk about. That's one of the things
00183:01 DE JIACOMO
02 we talk about in Courage that the guys slip up.
03 That's the terminology that they use. I
04 slipped this week. But you can use whatever
05 word you want, epiphany, miracle, anything. I
06 don't understand it myself, but I have not
07 slipped up.
08 Q. You have not slipped up?
09 A. No. I would be willing to take a
10 lie detector test to prove that.
11 Q. To you what does slipping up mean?
12 Does slipping up mean viewing pornography?
13 A. Viewing pornography.
14 Q. So viewing pornography would be a
15 form of slipping up, obviously having sex with
16 a man would be is slipping up?
17 A. Having sex outside of marriage would
18 be slipping up even for a man who is
19 heterosexual. That is slipping up to me.
20 Q. Because you're celibate?
21 A. Yes, I'm celibate, totally celibate.
22 I live like a monk. I should probably should
23 be one.
24 Q. Have you ever tried to be a priest?
25 A. No. I tried for the deacon program
00184:01 DE JIACOMO
02 and that is in Baxter's notes I believe
03 somewhere if you can read them. I was turned
04 down.

50. PAGE 184:05 TO 184:10 (RUNNING 00:00:15.636)

05 Q. Would you consider slipping up
06 having a moment of same sex attraction?
07 A. It's just an attraction. Slipping
08 up would be working on it, doing it.

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09 Q. So slipping up is an act?
10 A. Right.

51. PAGE 187:23 TO 189:06 (RUNNING 00:01:38.646)

23 Q. I think you said before that Baxter
24 helped you reach the goal line or get over the
25 goal post. What does that mean?
00188:01 DE JIACOMO
02 A. It means you made a touchdown.
03 Q. What does that mean?
04 A. It means you are winning the game.
05 Q. What does that mean?
06 A. It means that you are scoring. Your
07 score is high. I don't know how to keep on
08 answering the same question.
09 Q. How about not using a sports analogy
10 and tell me what you mean. What does it mean?
11 A. Well, unfortunately, we speak a lot
12 in sports in that way.
13 Q. I'm sure you're capable of not
14 speaking in sports analogy.
15 A. I'm trying. I'm trying to put it in
16 a way that anybody would understand. And that
17 is carrying me all the way to the end, to the
18 point where I no longer have SSA or where I no
19 longer have the desire to be with another man.
20 Q. In a sexual way?
21 A. In a sexual way. I want to be with
22 men all the time in a chaste way and I'm
23 enjoying that to the max and I have traded
24 that, now that's the key. Being able to trade
25 that for wholesome good chaste relationships
00189:01 DE JIACOMO
02 with men to where they actually -- I know this
03 is also sports, but they also want me on their
04 team with them and they want to help me with
05 the deal ministry and they want to help me with
06 my SSA because they know about it.

52. PAGE 192:16 TO 193:10 (RUNNING 00:00:54.795)

16 Q. You talked about, just previously,
17 that when you would go to the bath houses, you
18 were not sexually aroused by a specific man.
19 Was it more that you were sexually aroused by
20 the fact that you were having sex regardless of
21 who you were with?
22 A. You took the words out of my mouth.
23 It didn't matter who it was, what they looked
24 like, they were there. They were convenient.
25 Q. Would it have mattered if they were
00193:01 DE JIACOMO
02 men or women?
03 A. I'm kind of wondering that. You
04 posed a question that I never thought about
05 that. Until I tried it, I guess I can't say.
06 I can't give you an honest answer unless I
07 tried that, if it was women instead of men.
08 What I can tell you is this. When a
09 woman finds out how to arouse me, she does it
10 very well and I have been aroused by women.

53. PAGE 193:14 TO 195:02 (RUNNING 00:01:46.927)

14 Q. So if that -- if in that
15 circumstance it wasn't necessarily the sex of
16 the person that was responsible for the arousal

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17 and more about the sex act itself?
18 A. Correct.
19 Q. When was the last time that it was
20 actually the male aspect of the person you were
21 having sex with that was responsible for the
22 arousal?
23 A. I think we've answered that
24 question, but I guess I'll answer it again.
25 When I was with Paul.
00194:01 DE JIACOMO
02 Q. No, this is what I'm trying to
03 reconcile. You just told me that the last time
04 you have been aroused by a person because they
05 are a man, right, was with Paul. Then what is
06 your same sex attraction that you testified
07 that you were experiencing still during Courage
08 and during your time with Baxter Pepper?
09 A. Just that, an attraction. You look
10 at a guy and you think he looks handsome and
11 whatever.
12 Q. But it wasn't a sexual arousal?
13 A. Oh, no. They don't always go hand
14 in hand, not for me. Maybe though for some
15 people.
16 Q. When is the last time then that you
17 had a sexual arousal for a man? Was that Paul?
18 A. When I had a sexual arousal that
19 actually meant anything to me was Paul. When I
20 would go to the bath house, take off all my
21 clothes, wrap myself in a towel, it didn't
22 matter, but I would have arousal. They were
23 able to bring me to an erection, yes.
24 Q. But it wasn't because they were men;
25 it was because you were there to have sex?
00195:01 DE JIACOMO
02 A. I guess you can say that.

54. PAGE 208:19 TO 209:19 (RUNNING 00:02:03.207)

19 Q. So I just want to kind of
20 recapitulate and have you list for me what do
21 you think are the benefits that you received
22 from your JONAH referred counselor?
23 A. From my JONAH referred, whatever
24 that word is, counseling, I have received the
25 ability to and then you're going to ask me what
00209:01 DE JIACOMO
02 I mean by that, genuine manhood, reaffirmation,
03 being able to do what I can do with other men
04 that have nothing to do with sex, to have good
05 relationships with them, honest relationships
06 with them that are not homosexual
07 relationships.
08 I know that word irks people, but
09 it's the one that I actually prefer. All of
10 the above. That I can now have, be out, I'm
11 really out of the closet now. I can be totally
12 out of the closet, amen and be able to have a
13 decent life, a happy life that I have now.
14 Like I told you before, I have never been
15 happier in my whole entire life as I have these
16 last few years, especially since I came out of
17 the SSA and the sex addiction destroyed it,
18 hopefully destroyed it. I will be able to live
19 my last few years peacefully and lovingly.

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55. PAGE 210:07 TO 210:12 (RUNNING 00:00:16.101)

07 Q. Mr. DeJiacomo, I don't have any
08 further questions for you in my direct
09 cross-examination. I may have a few after
10 Mr. LiMandri does a redirect, but at this time
11 thank you for coming and giving your testimony.
12 A. Thank you.

56. PAGE 210:15 TO 214:01 (RUNNING 00:03:31.594)

15 Q. Good afternoon, Mr. DeJiacomo.
16 A. Its afternoon now.
17 Q. It is now, sir. In response to
18 questions by Mr. McCoy, you had indicated that
19 we had met yesterday; is that correct?
20 A. Yes.
21 Q. We talked about your story?
22 A. Yes.
23 Q. Is that basically the same story
24 you've given here today?
25 A. Yes.

00211:01 DE JIACOMO
02 Q. Have you gone into more or less
03 detail with Mr. McCoy than we spent talking
04 about it?
05 A. We talked a lot more than Mr. McCoy.
06 Q. Anything you told me that you
07 haven't told him?
08 A. No.
09 Q. Mr. McCoy showed you a copy of the
10 testimonial that you previously gave in this
11 case. That is on the JONAH website which you
12 marked as Exhibit 1.
13 Q. Is there anything that you are aware
14 of that Mr -- or anything at all that, in fact,
15 having read it that Mr. Goldberg did to change
16 the meaning of your story in any way?
17 A. No.
18 Q. If anything, did he just correct
19 typographical type errors?
20 A. Yes.
21 Q. You indicated that Courage assisted
22 you in your struggle with overcoming
23 homosexuality; is that correct?
24 A. Yes.
25 Q. At some point did you seek out JONAH

00212:01 DE JIACOMO
02 because you could only go so far with Courage?
03 A. Because I couldn't go only so far
04 with Courage and Courage was not able to give
05 me a counselor that I would -- that I felt
06 would be -- would be able to help me with the
07 problems that I was having at the time.
08 Q. You had mentioned something about
09 Mr. Peffer, the JONAH referred counselor,
10 helping you reach the goal post; is that right?
11 A. Yes.
12 Q. Are those your words?
13 A. Yes.
14 Q. It's not something I suggested to
15 you; is it?
16 A. I never heard you say anything like
17 that before. I don't know how sports oriented
18 you are.
19 Q. You did get a chance to take a look
20 at some of the notes from Mr. Peffer's sessions

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21 with you that I showed you?
22 A. Yes.
23 Q. Did some of those notes refresh your
24 recollection?
25 A. Yes.
00213:01 DE JIACOMO
02 Q. Do you recall mentioning to Mr.
03 Peffer that you had, at the time you were
04 starting with him as early as late 2010, early
05 2011, you still had an orientation towards
06 being gay?
07 A. Yes.
08 Q. Do you recall, as early as 2011 --
09 early 2011, telling Mr. Peffer that you still
10 had same sex attraction?
11 A. I thought it was much earlier than
12 that, but I must have, yes.
13 Q. By same sex attraction at that time
14 did you mean you were still sexually attracted
15 to men in some circumstances?
16 A. It would take a lot more, but yes.
17 Q. It would take more to get you in a
18 state of arousal than had previously been the
19 case?
20 A. Yes.
21 Q. Did you indicate to Mr. Peffer in
22 2011 that one of the things you wanted to do at
23 that time was to work on eliminating your
24 attraction to men?
25 A. Yes.
00214:01 DE JIACOMO

57. PAGE 214:07 TO 214:17 (RUNNING 00:00:27.181)

07 Q. I mean, did you recall, looking
08 back, say in the last ten years, ever dreaming
09 about women other than during your time with
10 Mr. Peffer?
11 A. I don't remember ever dreaming about
12 a woman in the last ten years, ten to twenty
13 years. No, I do not.
14 Q. When you say dream about women, do
15 you mean in a sexual way?
16 A. If being in a hot tub with a woman
17 is in a sexual way, I would say yes.

58. PAGE 215:13 TO 217:16 (RUNNING 00:01:59.609)

13 Q. For the last 25 years, prior to
14 that, had you only had sex with men?
15 A. Yes.
16 Q. In fact, I think you said over a
17 thousand men?
18 A. Yes.
19 Q. Is that still your testimony?
20 A. If I said anything other than that,
21 it would be lying. I mean after we looked at
22 the math, yes, unfortunately.
23 Q. Do you think you would be having
24 these romantic type of relationships with women
25 if you had not gone to your JONAH referred
00216:01 DE JIACOMO
02 counselor?
03 A. Repeat that.
04 Q. Do you think you would be having
05 romantic type of relationships with women if
06 JONAH had not referred you to Mr. Peffer?
07 A. Would I be having romantic

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08 interludes with women if I hadn't talked to
09 JONAH and Baxter?
10 Q. Right.
11 A. I had mild ones before that, but the
12 strong ones like I'm having now, no.
13 Q. Do you think you would be
14 contemplating potentially marriage if you had
15 not seen Mr. Peffer?
16 A. No, I would not have even thought it
17 even possible.
18 Q. If you had not seen Mr. Peffer, do
19 you think you would be able to relate to men as
20 equals the way you do now?
21 A. I think the most beautiful thing
22 that came out of it is the fact that I can go
23 to a Bronchos game with the guys and just be
24 one of the guys and not be thinking can I get
25 one of them into the sack with me. I think
00217:01 DE JIACOMO
02 that's one of the most beautiful things that
03 ever happened to me.
04 Q. Do you think your experience with
05 Mr. Peffer and his helping you in the way he
06 did has made it easier for you to go through an
07 experience like this deposition?
08 A. Probably not. Nothing could have
09 prepared me for what I had to go through today.
10 Not even if I got a hold of my old friend Jack
11 Daniels, no.
12 Q. But do you think you're in better
13 shape than you would have been?
14 A. Yes, I'm in better shape than I am.
15 I know that. I mean hundreds of people have
16 done far worse.

59. PAGE 217:24 TO 219:15 (RUNNING 00:01:35.950)

24 Q. Mr. LiMandri asked you if you had a
25 memory of telling Baxter Peffer that you were
00218:01 DE JIACOMO
02 oriented toward gay. Do you have a memory of
03 telling Baxter Peffer that you were oriented
04 toward gay?
05 A. In the beginning, yes, when we first
06 talked, yes.
07 Q. You have a specific memory of
08 telling him and saying the words to him, "I'm
09 oriented towards gay?"
10 A. In tears.
11 Q. Tell me about that memory.
12 A. Well, we started talking and before
13 I knew it, I was in tears because I wanted to
14 get out of that. That's what we talked about.
15 I don't remember word for word. That's not
16 possible for me to remember word for word what
17 we talked about, how it started everything.
18 Q. Before -- before you had reviewed
19 the treatment notes, you didn't have that
20 recollection?
21 A. Now that I have had the chance to
22 think back and there is a lot of things that I
23 was asked before, when you get out of the
24 situation where you are being bombarded by a
25 lot of questions and a lot of trying to
00219:01 DE JIACOMO
02 formulate answers and you get a chance to
03 think, then it comes back to you, yes.

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04 Q. Do you also then have a specific
05 memory of saying to him in the treatment
06 session, I'm living proof that you can get out?
07 A. Yes.
08 Q. Tell me about your specific
09 recollection about when you said that to Baxter
10 Peffer.
11 A. I said that to him many times. I
12 have been quoted as saying that many times and
13 I used that expression many times and yes, I
14 did say that to Mr. Baxter. I can't say his
15 last name.

60. PAGE 220:16 TO 224:13 (RUNNING 00:03:44.559)

16 Q. Do you have a specific recollection
17 of telling him about the three women that you
18 are now interested in?
19 A. I talked about that with them many
20 times.
21 Q. Do you have a specific
22 recollection --
23 A. A date and time.
24 Q. Let me finish my question.
25 A. I thought you had. I'm sorry.
00221:01 DE JIACOMO
02 Q. Do you have a specific memory of the
03 time when you told Baxter Peffer about the
04 three women that you were interested in?
05 A. What I can remember is that I was
06 very excited about it, the fact that I was
07 actually able to ask a woman out on a date,
08 like a kid. I'm like a kid now whenever I ask
09 a woman out on a date. I can't remember an
10 exact date, an exact time and I don't think
11 there is any real reason why. It was current.
12 Q. What was current?
13 A. It was not that long ago.
14 Q. It was not that long ago and it was
15 very important to you, but you don't remember
16 the specifics of the conversation?
17 A. It's more important to me that I was
18 able to continue dating them and that they
19 continued to make me happy. That overshadows
20 the other thing.
21 Q. Prior to having reviewed
22 Mr. Peffer's notes, you didn't have an
23 independent recollection of that event?
24 A. An independent recollection of that?
25 I can remember it every day. I remember it
00222:01 DE JIACOMO
02 every day. Every single day I can still
03 remember the first time I saw Verna.
04 Q. No, I'm talking about a specific
05 recollection of you telling Baxter Peffer, not
06 of meeting the woman.
07 A. Okay, okay. Not a specific date and
08 time, but I do remember telling him that yes,
09 because he was overjoyed for me.
10 Q. What else do you remember about that
11 conversation?
12 A. That I was happy.
13 Q. Anything else?
14 A. No.
15 Q. Do you remember what he told you to
16 do in response?
17 A. I think to keep going, to keep doing

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18 it.
19 Q. You think or you remember?
20 A. I think. I'm not going to say I
21 remember.
22 Q. So that you don't remember?
23 A. I'm not going to perjure myself, no.
24 I thought you said a few questions.
25 Q. Well, I mean, you know I have to
00223:01 DE JIACOMO
02 deal with what I have to deal with.
03 A. You perjured yourself.
04 Q. When you say and you coin the
05 phrase, "I am living proof that you can get
06 out," get out of what?
07 A. I think I answered that several
08 times now. I think I answered it over and over
09 and over and I'll answer it one more time.
10 Get out of the homosexual lifestyle,
11 get away from SSA. I'm the living proof that
12 you can do it. I'm pointing at myself. If
13 somebody wants to stay in that lifestyle, you
14 let them stay there, you leave them alone. If
15 they want to go to JONAH, if they want to go to
16 Courage or one of the others and try to get
17 some help, if they are willing to do the work,
18 I think they can get out of it. No, I take
19 that back. I got out of it.
20 Q. So it's two components, getting out
21 of the homosexual lifestyle and also getting
22 out of SSA?
23 A. It's possible.
24 Q. Right. So getting out of the
25 homosexual lifestyle is just stopping going to
00224:01 DE JIACOMO
02 bath houses and bars and having sex with men?
03 A. Yes, as I told you before, yes.
04 Q. That's the homosexual lifestyle?
05 A. Yes.
06 Q. And then independently of that,
07 there is getting out of SSA which is -- you
08 think is going from gay to straight?
09 A. Gay to straight.
10 Q. And that means no longer having same
11 sex attraction to men?
12 A. No longer having same sex attraction
13 to men.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 01:51:25.653)