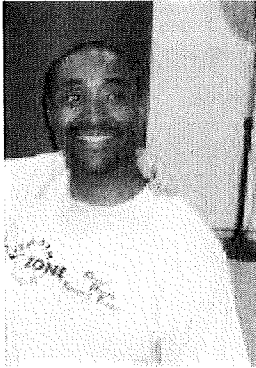


SB317 Testimony
Tess Ramirez, esq. MBA
Survivor of childhood sexual abuse

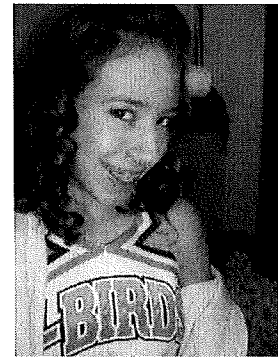


"Just let me . . . just for a second," he whispered in my ear. I'm frozen; I know I should escape but I can't bring my muscles to move. My mind is racing but I can't put a single thought together. There is no point in screaming; we are the only two people in the building.

He slides his hands under my shirt to touch my breasts and then into my shorts. There's nothing I can do to stop him.

That night was horrifying. He texted me later that night, asking if I still loved him and saying that he would make it "far and few between." He wasn't planning to stop.

What I learned later, was almost equally frightening. After the police got involved, I soon found out that I was not David Byrd's first victim. In fact, if you read the criminal case file where he plead guilty, you'll see several statements from other girls saying he assaulted them and even one that said he raped her in the early 90s.



As I have been speaking publicly about my abuse, more victims have come forward. As of today, there are 11 of us that we know of. One of those girls even had their abuse substantiated by DCF, but somehow David Byrd always got away with it.

If he had been criminally prosecuted or faced a jury in the civil system, the fact that he is a sexual predator would have been public knowledge. My parents could have been warned and I could have been kept safe.

Here's the problem and the reason we're here today, in Kansas, survivors of child sexual abuse currently only have 3 years after they turn 18 to bring a civil claim against their abuser. That means that a survivor has to accept what has happened to them, be comfortable talking about it publicly, and have the means to file a lawsuit before they turn 21.

Senate Judiciary Committee

Date: 3-23-23

Attachment: 5

SB317 Testimony
Tess Ramirez, esq. MBA
Survivor of childhood sexual abuse

Talking about the worst thing that's ever happened to you is extremely difficult. Yes, my abuser was prosecuted in my case, but not because I was able to talk about it publicly. I told my best friend the night that it happened, expecting it be a secret, but she told me I had to tell my dad or that she would. If it weren't for her I think my story would have a very different ending. That being said, I'm 29 years old and only started really talking about what happened to me and processing my trauma about 2 years ago. That sort of timeline is not uncommon for survivors of childhood abuse and many need much more time than that. The current statute of limitations does not give survivors nearly enough time to process what they've been through to a point where they're ready to talk about it in a room full of strangers.

Notwithstanding that, most 18 to 20 year olds don't know how to file a lawsuit or even where to begin. Sure, they could hire an attorney, but as an attorney myself I can confirm that we are very expensive. Most young adults are just trying to make sure they can cover rent. They can't afford to sue anyone even if they want to.

All of this to say, requiring sexual abuse survivors to file a civil suit before they 21 is unreasonable. It isn't doing anything except keeping the public in the dark about who is or was sexually abusing children. If any of the many girls who say they were assaulted by David Byrd before me had been given the time they needed to be ready to confront him publicly, I could have been saved.

We have the opportunity and the power to protect survivors and prevent perpetrators from continuing to sexually abuse children. It's time to remove the statute of limitations for these acts. Thank you.

TOPEKA POLICE DEPARTMENT SUPPLEMENTAL OFFENSE REPORT

CONFIDENTIAL

that she loved him so he would quit. Tess advised that some of the other girls in the gym have openly talked about being creeped out by David and would try to stay with each other when they were around him. Tess advised that Laurel [REDACTED] 15 yr old female ([REDACTED]) was a female that David showed a lot of attention too.

Bret [REDACTED] advised that Tess's little sister had quit taking gymnastics because she was afraid of David. Bret said she had complained of David patting her on the butt. Bret advised that he should have listened but at the time thought it was just a sports thing. Bret advised that Tess had improved through taking gymnastics from David to the point she had made the Cheerlead Squad.

Tess began receiving text messages from David when the Officers were present. The Officers directed Tess to text David back to solicit a response from David about the attack. The following are the synopsis of the text messages. See actual text messages for exact spelling of messages.

David	9:24 pm	hey u
Tess	9:24	hi
David	9:27	what u doing
Tess	9:28	getting ready for bed

Reporting Officer: Det B Hill 243B Hill 243
Typed By: BCH 8/27/2008

Date: 8/27/2008
Copies To:

PROCESSED
AUG 27 2008
[Signature]

CONFIDENTIAL

TOPEKA POLICE DEPARTMENT SUPPLEMENTAL OFFENSE REPORT

CONFIDENTIAL

David 9:30 can we talk for a few minutes
Tess 9:31 no why did you do that tonight
David 9:34 can we talk for few minutes
Tess 9:35 give me a min
David 9:37 Ill call in 30 min ok

David attempts to call Tess's phone but she does not answer.

Tess 9:51 Dad here hold on
David 10:09 he's still there
Tess 10:18 Give me a few minutes
David 10:19 a few am going to call got it
David 10:29 is that cool
Tess 10:29 no not tonight
David 10:31 that's bullshit
Tess 10:32 I'm scared
David 10:35 don't treat me like Ben you don't want to see my
bad side RG (nick name for Tess means Random
girl.)
David 10:39 If I need to say sorry I am I will make it far and
Few between but you know it was going to happen
Right.
Tess 10:42 Did you expect me to respond to what you did.
David 10:44 Why do you even ask you know

Reporting Officer: Det B Hill 243B Hill 243
Typed By: BCH 8/27/2008

Date: 8/27/2008
Copies To:

CONFIDENTIAL

Page 6 of 29

PROCESSED
AUG 27 2008
[Signature]

5-4

TOPEKA POLICE DEPARTMENT SUPPLEMENTAL OFFENSE REPORT
CONFIDENTIAL

David tries to call Tess and she does not answer.

David	10:46	Pick up
David	10:50	Did you think it was not going to happen
Tess	10:51	No I trusted you
Tess	10:53	Why me
David	10:55	Why you what you know how I you know I feel About you (foot) (misspelled (don't) do this
David	10:57	you know I will do whatever you want don't Change anything between us
David	10:59	Do you love me
Tess	10:59	Please leave me alone
David	11:03	What you feel is good I won't let you down you Can trust me like no one else Tess please don't say that
David	11:05	I'll behave from now on ok
Tess	11:06	You know you could never behave
David	11:12	If that's what you need right now then that's what I'll give you just (foot) misspelled (Don't) throw Us away there is to much good between us and you know that
David	11:15	Just say your still my girl please
Tess	11:22	Tess responds with(which means no comment)
Tess	11:36	I don't think I can trust you now

Reporting Officer: Det B Hill 243B Hill 243
Typed By: BCH 8/27/2008

Date: 8/27/2008
Copies To:

CONFIDENTIAL

Page 7 of 29

PROCESSED
AUG 27 2008
[Signature]

5-5

TOPEKA POLICE DEPARTMENT SUPPLEMENTAL OFFENSE REPORT

CONFIDENTIAL

8-25-08

David 5:39AM You can you can trust me I will do what it takes to
 Prove that and good morning

David 5:46 AM Talk to me you know I'll do anything for you

David 5:50AM Hey you love me like you said we will work
 Through this!!!!!!

David 10:52AM Respond to me yes I did now you know

Safe Talk on Tess [REDACTED]

On 8-25-08 Tess [REDACTED] was interviewed by Detective Stultz of the sex crimes unit at the Family Resource Center during a Safe Talk interview. Tess went into details about David attacking her.

Detective Shultz and Detective Barron advised that Tess said that David had asked her to let him take photos of her in a swim suit and she said no. Tess advised that David had showed her pictures of her (Tess) that he (David) had printed off of her my space account. Tess advised that there is a computer at the gym that some of the coaches use.

David Byrd b/m [REDACTED] shows to have a KS DL with the address of [REDACTED].

Reporting Officer: Det B Hill 243B Hill 243
 Typed By: BCH 8/27/2008

Date: 8/27/2008
 Copies To:

CONFIDENTIAL

Page 8 of 29

PROCESSED
 AUG 27 2008
 [Signature]

5-6