

1 you, Red?

2 Q Do you have any idea who that was?

3 A My friend, Shawnie Lope.

4 Q Shawnie Lope?

5 A Yes.

6 Q Just so that we keep the names straight. And when
7 that happened what did Mr. Malone do?

8 A He left.

9 Q Describe for the ladies and gentlemen of the jury
10 kind of what your injuries were.

11 A My head was swollen. I had knots on my head, and it
12 was hard to breathe. I had -- it was black across my whole
13 chest, and it -- it was just one big bruise, but you could see
14 like the underwire from my bra, an indention in there. It was
15 very painful.

16 Q When Mr. Malone or D-Roc left, what did you do?

17 A I got in the car with a friend.

18 Q Is it a different friend than Shawnie Lope?

19 A Yes.

20 Q And who is that?

21 A Spliff.

22 Q And where did you attempt to go?

23 A We went to the Budget Indios.

24 Q Budget Indios?

25 A Yes.

1 Q And why did you go there?

2 A I went to go see Nino.

3 Q And when you got there were you able to talk to
4 Nino?

5 A No.

6 Q Where'd you go from there?

7 A Went to Spliff's house.

8 Q And how long -- well, let me ask you this. Do you
9 think you ever lost consciousness during this fight with -- or
10 confrontation with D-Roc?

11 A Yes.

12 Q Did you have any long-term effects from this
13 confrontation with D-Roc?

14 A Yes.

15 Q Describe that for the ladies and gentlemen of the
16 jury.

17 A I usually sleep on my chest, and I couldn't sleep on
18 it. It hurt. Taking a shower hurt, breathing, sneezing,
19 hiccuping hurt.

20 Q Did you ever try and go to the hospital?

21 A Yes.

22 Q And did you go?

23 A I went.

24 Q And who did you go with?

25 A Spliff.

1 Q When you got there did you stay?

2 A No.

3 Q Why not?

4 A Because they were going to make a police report and
5 they were going to call the police.

6 Q Back in those days, anyways, was there some reason
7 why the police coming was a problem for you?

8 A Yes.

9 Q What?

10 A For my lifestyle. Just didn't want to be around
11 authority at all.

12 Q When you left the hospital how long do you think --
13 well, let me ask you this. Did you have any mental effects or
14 any head effects from this incident or confrontation in April
15 of 2006?

16 A No. I know that I was sick for at least a week,
17 nauseous and just not right. I couldn't get up to go to the
18 bathroom.

19 Q Where did you wind up staying during that week?

20 A I stayed at Spliff's for a day, I believe, and then
21 I went to my daughter's father's house.

22

23 Q And when you say your daughter's father's house, was
24 that in the Sportsman?

25 A Yes.

1 Q At some point in time do you have contact again with
2 D-Roc?

3 A Yes.

4 Q And can you tell the ladies and gentlemen of the
5 jury how long after this confrontation it was.

6 A I'm not sure.

7 Q Are we talking a day, a week, a month?

8 A Maybe a week.

9 Q And how did that come about?

10 A I think he called me. I remember meeting him
11 downstairs of the apartment and walking to the store with him,
12 but I don't remember.

13 Q And what was his demeanor like when he called you a
14 week later?

15 A He was back to how he was before. He wasn't angry
16 or anything, real soft spoken.

17 Q Did you continue to have any sort of a relationship
18 with D-Roc after this confrontation at the bar?

19 A No.

20 Q What about a work-type relationship?

21 A Yes.

22 Q Did you continue to have a work-type relationship
23 with Trey Black?

24 A Yes.

25 Q Between this incident in April and Mother's Day did

1 you have any problems between you and D-Roc?

2 A No.

3 Q Let's talk about Mother's Day, Sunday. I believe
4 it's May 14th of 2006. Do you remember if you saw either
5 D-Roc or Trey Black on that particular day?

6 A Yes.

7 Q How was it that you wound up seeing them?

8 A I believe I called Trey to get some work.

9 Q You called Trey to get some work. And after calling
10 Trey to get some work did you have contact with D-Roc?

11 A Yes.

12 Q And would you describe that for the ladies and
13 gentlemen of the jury.

14 A Trey came to my house, and D-Roc was in the car with
15 him.

16 Q And when you got -- did you get in the car?

17 A Yes.

18 Q Was there any conversation from D-Roc about your
19 talking to Trey?

20 A Yes.

21 Q Can you describe that for the ladies and gentlemen
22 of the jury.

23 A He -- he told me that -- he said, I thought I told
24 you not to talk to him.

25 Q Had D-Roc previously told you not to talk to Trey?

1 A Yes.

2 Q And did he tell you why you weren't allowed to talk
3 to Trey?

4 A No.

5 Q What was your response to D-Roc telling you you
6 can't talk to Trey?

7 A I said, I needed -- I need to make some money, I
8 needed work and that's what I went through.

9 Q And what was his response?

10 A He wasn't happy about it.

11 Q Did the subject of whether or not you were in some
12 sort of exclusive relationship with D-Roc come up at that
13 point in time?

14 A No.

15 Q I want to kind of fast forward to the Tuesday
16 morning at the bar, at the Sportsman, if I can jump forward to
17 that point. Do you know what time I'm talking about?

18 A Yes.

19 Q Late Monday night, early Tuesday morning were you in
20 the Sportsman Bar?

21 A Yes.

22 Q And was Christina there?

23 A Yes.

24 Q Between the Mother's Day conversation in the car
25 with D-Roc and being in the Sportsman bar that early Monday --

1 late Monday night, early Tuesday morning had you had any other
2 conversations with D-Roc about the nature of your either --
3 relationship, either business or personal?

4 A No.

5 Q What were you doing in the Sportsman that morning?

6 A Working.

7 Q Selling drugs?

8 A Yes.

9 Q What about Christina? What was she doing in the
10 bar?

11 A Gambling.

12 Q Did she -- did you -- at some point in time did you
13 learn of a problem that she was having?

14 A Yes.

15 Q And what was that problem?

16 A She was --

17 MR. CANO: I'm going to object to hearsay at this
18 point in time, Your Honor.

19 THE COURT: Mr. DiGiacomo?

20 MR. DiGIACOMO: Goes directly to her state of mind,
21 but it also -- it's a request as to what Ms. Estores does
22 next.

23 THE COURT: Can you restate your question, Mr.
24 DiGiacomo.

25 BY MR. DiGIACOMO:

1 Q All right. Let me back up. At some point did Ms.
2 -- or did Christina ask for some help from you?

3 A Yes.

4 Q What is it that you attempted to do?

5 A Sell some of her work to make her some money.

6 Q And were you aware of whose work she had?

7 A Yes.

8 Q Who was that?

9 A Black.

10 Q When you say Black, are we talking Trey Black, or
11 the other black?

12 A Leonard Black.

13 Q Did you know Leonard Black?

14 A Yes.

15 Q How did you know Leonard Black?

16 A I sold work for him, too.

17 Q Had you previously described him as your homey?

18 A Yes.

19 Q When Christina -- did you ever see Christina sell
20 some of the work?

21 A Black's work?

22 Q Leonard Black's work.

23 A No.

24 Q What about that morning in the bar? Was she able to
25 sell any?

1 A She did, yes.

2 Q What did she do with the money that she sold?

3 A She gambled it.

4 Q What was it that you were going to try and help her
5 do?

6 A Sell the rest of her work so she could pay back the
7 original amount.

8 Q Were you able to accomplish that?

9 A Halfway there, yes.

10 Q You were halfway there?

11 A Yes.

12 Q What stopped you from getting all the way?

13 A She kept gambling it.

14 Q She kept losing the money?

15 A Yes.

16 Q How much was she into Leonard Black for at this
17 point?

18 A In the beginning 150.

19 Q Okay. So you're halfway, so maybe you're at 75,
20 you'd say?

21 A Yes.

22 Q Somewhere in that range?

23 A Yeah.

24 Q Did you try any other efforts to help Christina that
25 morning?

1 A Yes.

2 Q And what was that?

3 A I try to have breakfast with two of my friends to
4 see if they would front her the money.

5 Q To see if they'd front Christina the money to be
6 able to pay Leonard Black back?

7 A Yes.

8 Q And during the course of this breakfast did anybody
9 come into the bar that you knew?

10 A Yes.

11 Q Who?

12 A Rome.

13 Q Rome?

14 A Yes.

15 Q How did you know Rome?

16 A From D-Roc.

17 Q From -- you knew him from D-Roc. And as far as you
18 were aware, what was the relationship between Rome and D-Roc?

19 A Drugs.

20 Q If you were aware, did they have any sort of
21 business association between them?

22 A Not that I knew of.

23 MR. DiGIACOMO: May I approach, Judge?

24 THE COURT: Yes.

25 BY MR. DiGIACOMO:

1 Q Showing you what's been marked as State's Proposed
2 Exhibit Number 107, do you recognize the individual in that
3 photograph?

4 A Yes.

5 Q Who is that?

6 A That's Rome.

7 Q Rome?

8 A Yes.

9 Q Did you ever hear him referred to also as Romeo?

10 A Yes.

11 Q Did you know what his real name was?

12 A Not then.

13 Q Since the start of this case I guess you've learned
14 his real name?

15 A Yes.

16 MR. DiGIACOMO: May I publish 107, Judge?

17 THE COURT: Yes.

18 Is there any objection to it being admitted? I'm
19 sorry.

20 MR. DiGIACOMO: Oh, I'm sorry, Judge. Did I not
21 offer to admit it?

22 MR. CANO: No objection, Your Honor.

23 THE COURT: Okay.

24 (State's Exhibit 107 is admitted)

25 MR. CANO: It's already published.

1 BY MR. DiGIACOMO:

2 Q Now, Romeo, did he have any physical disabilities?

3 A Yeah.

4 Q And what were those?

5 A Something was wrong with his hand.

6 Q Something was wrong with his hand?

7 A Yes.

8 Q Can you describe for the ladies and gentlemen of the
9 jury what was -- how he'd hold it or what was wrong with it.

10 A It was like in the -- like this. He'd hold it like
11 that.

12 Q It was kind of a closed fist?

13 A Like this.

14 Q Like this. And did he carry it in a certain way?

15 A Kind of just walked with it -- just -- it --

16 Q Were you aware of what that problem was? Did he
17 ever tell you what his medical condition is or what that
18 problem was?

19 A No. I never really conversated with him that much.

20 Q Prior to this incident in the bar how many times do
21 think you'd seen Rome before?

22 A A couple of times.

23 Q And had you ever seen him with anybody other than
24 D-Roc?

25 A Yes.

1 Q Who?

2 A Donny.

3 Q Donny?

4 A Yes.

5 Q Can you describe Donny for us.

6 A He's a white boy.

7 Q Anything else you can think of?

8 A No.

9 Q When you'd see Rome with Donny did you also see
10 Donny with anybody else?

11 A No.

12 Q Had you ever seen Donny with D-Roc I guess is the
13 question.

14 A Yes. The three of them.

15 MR. CANO: Leading, Your Honor.

16 THE COURT: Overruled.

17 BY MR. DiGIACOMO:

18 Q You've seen Donny with D-Roc?

19 A Yes.

20 Q All right. And when?

21 A I'd see the three of them come into the bar
22 sometimes.

23 Q And I asked you have you seen Donny with Rome
24 before. Had you ever seen Donny with just D-Roc without Rome
25 around?

1 A No.

2 Q Describe for the ladies and gentlemen of the jury
3 when Rome came into the bar what did Rome do while you and
4 Christina were having breakfast with these other customers?

5 A He just walked in and was trying to talk to
6 Christina. He like interrupted our breakfast.

7 Q And what was the response of the guys you were with?

8 A They were upset and told him that he was rude. Not
9 like that, but just asked him what he was there for.

10 Q In response what did Rome do?

11 A He apologized and shook their hands and walked out.

12 Q Were you able to get your friends to front Christina
13 the money she was short?

14 A No.

15 Q Eventually do you leave the bar?

16 A Yes.

17 Q Who do you leave with?

18 A Christina.

19 Q When you leave the bar -- and I need to go back up
20 here to State's Exhibit Number 108. And attached to this bar
21 or next to this bar what is there at the Sportsman in the
22 parking lot?

23 A A Shell gas station.

24 Q A Shell gas station?

25 A Yes.

1 Q Is there -- is it just pumps, or is there a mini
2 mart? Describe it for us.

3 A There's a -- the Shell gas station is attached to
4 the bar, and it has a -- like a little restaurant that's in --
5 like in the middle and serves out through the bar and through
6 the gas station. And there's like a mini mart and some
7 machines in there, plus the gas pumps.

8 Q So this one whole building here is bar, restaurant,
9 mini mart?

10 A Yes.

11 Q Okay. And then what is this white thing that's out
12 here, do you know?

13 A I think that's where you pump your gas.

14 Q When you leave the bar with Christina is there
15 anything unusual happening?

16 A Yes.

17 Q What's happening?

18 A There's a lady outside by the -- coming out of the
19 store, yelling.

20 Q Yelling at who?

21 A Yelling at the cashier.

22 Q And do you recall what it is she was yelling about?

23 A She was yelling at --

24 MR. CANO: Objection as to hearsay, Your Honor.

25 MR. DiGIACOMO: I'm not offering it for the truth of

1 the matter, Judge.

2 THE COURT: I'm sustaining the objection.

3 BY MR. DiGIACOMO:

4 Q Based upon the nature of her yelling, was there a
5 dispute that you could figure out?

6 A Yes.

7 MR. CANO: Objection, leading, Your Honor.

8 THE COURT: Sustained.

9 BY MR. DiGIACOMO:

10 Q What is it that you figured out was going on?

11 A The lady was yelling at the cashier to turn on the
12 pump because she ran out of gas.

13 Q And what was the cashier's response?

14 A "Give me some money."

15 Q What happened at that point?

16 A Some kind of scuffle inside of the mini mart. She
17 -- I guess she slapped him. I don't know if she slapped him
18 or not, but the stuff got knocked off the counter, and she
19 caused a scene in there.

20 Q Did you do anything about it?

21 A I said something to her.

22 Q Okay. And when you said something to her did you
23 wind up having some sort of confrontation with her?

24 A Yes.

25 Q And how did that confrontation end?

1 A Not well.

2 Q Okay. When you say, not well, what happened?

3 A We had an altercation.

4 Q Physical?

5 A Yes.

6 Q And based upon that physical confrontation, what do
7 you decide to do?

8 A Leave.

9 Q Why?

10 A Because I didn't want the cops to show up.

11 Q Who'd you leave with?

12 A I left with Christina and Rome.

13 Q How did you leave, in what?

14 A In a car with Rome.

15 Q Can you describe the car for us.

16 A It was a little car, a two-door.

17 Q Okay. Do you remember the color of it?

18 A Dark green or blue.

19 Q Who did you at that point associate that particular
20 car with? Whose car was it?

21 A I thought it was Rome's.

22 Q It was Rome's?

23 A Yeah.

24 Q You thought it was Rome's?

25 A Yeah. It could have been.

1 Q Okay. Had you seen anybody other than Rome driving
2 it before?

3 A The white boy.

4 Q You'd seen the white boy driving it, as well?

5 A Yes.

6 Q Anybody else?

7 A No.

8 Q So you, Rome, Christina, and the car, where do you
9 go?

10 A To the Oasis.

11 Q And how is it -- or why is it you're going to the
12 Oasis?

13 A I don't know why we're going there originally. I
14 just got in the car to get away from that scene.

15 Q And who's driving it?

16 A Rome is.

17 Q And the Oasis -- describe the Oasis for us. What is
18 it?

19 A It's a little run-down motel.

20 Q And where is it?

21 A It's on the Strip across -- well, near the
22 Stratosphere, across from the Burger King.

23 Q Had you ever been to the Oasis before?

24 A No.

25 Q And did you know whose room it was at the Oasis?

1 A No.

2 MR. DiGIACOMO: Can I approach, Judge?

3 THE COURT: Yes.

4 BY MR. DiGIACOMO:

5 Q Showing you what's been marked as State's Proposed
6 Exhibit Number 137, do you recognize that?

7 A Yes.

8 Q What is that?

9 A The Oasis entrance.

10 Q The entry to the Oasis Motel?

11 A Yes.

12 MR. DiGIACOMO: Move to admit 137.

13 MR. CANO: No objection, Your Honor.

14 THE COURT: It'll be admitted.

15 (State's Exhibit 137 admitted)

16 BY MR. DiGIACOMO:

17 Q Now, approximately -- do you have any idea -- well,
18 first of all, was it night or day when you get --

19 A It was day.

20 Q It was daytime. And do you know if it was morning,
21 afternoon, --

22 A It was morning.

23 Q Morning time. So when you are there -- when you
24 were there from -- in the morning what happens in the room?

25 A We were just talking about what we were going to do

1 that day, just conversating.

2 Q At some point does the subject of Christina's
3 problem come up?

4 A Yes.

5 Q And is there any offer by anybody to help?

6 A Yes.

7 Q And who was that?

8 A Rome.

9 Q What is it that Rome offered to do?

10 A Rome offered to --

11 MR. CANO: Your Honor, I'm going to object as to
12 hearsay on this one, too.

13 MR. DiGIACOMO: This is a statement of a
14 coconspirator in course or in furtherance of the conspiracy,
15 Judge.

16 MR. CANO: Your Honor, at this point in time there's
17 nothing to establish conspiracy whatsoever.

18 THE COURT: Would counsel approach.

19 (Bench conference)

20 MR. DiGIACOMO: There -- it's certainly subject to a
21 motion of strike if at some point we don't tie up the complete
22 conspiracy. But, as the Court will recall, he solicits her to
23 get Victoria back into pocket, that conspiracy begins, and
24 eventually D-Roc enters the conspiracy. And the law is so
25 long as the statement is made by a conspirator during the

1 course of the conspiracy it's admissible even if the defendant
2 has not yet entered. And so that's why I'm offering --

3 MR. CANO: Well, he has to have knowledge of that
4 conspiracy, and he doesn't.

5 Your Honor, I understand, you know, law into the
6 admission of the co-conspiracy, and to my understanding about
7 it is there has to be some evidence of conspiracy before you
8 can let in any statements prior to. And in addition to that,
9 Your Honor, I mean, there's nothing to establish any kind of
10 conspiracy whatsoever of conspiracy, so basically we're
11 getting hearsay information, you know, from another
12 codefendant prior to anything, you know, Domonic to even be
13 part of any [inaudible] --

14 THE COURT: Well, if they establish a conspiracy, it
15 comes in; right?

16 MR. DiGIACOMO: Right.

17 MR. CANO: Yeah. The [inaudible] be establish
18 conspiracy first, then they get this information.

19 MR. DiGIACOMO: But I think you can both agree that
20 at some point later in her testimony she's going to lay a
21 sufficient foundation for a conspiracy for --

22 THE COURT: I'm going to overrule the objection
23 subject to the testimony being stricken.

24 MR. DiGIACOMO: Thank you, Judge.

25 THE COURT: I understand -- I know the facts of the

1 case.

2 (End of bench conference)

3 THE COURT: I'm going to overrule the objection.
4 Testimony may be subject to being stricken at a later time.

5 MR. DiGIACOMO: Thank you, Judge.

6 BY MR. DiGIACOMO:

7 Q What is it that Romeo offers -- or how does he offer
8 to help?

9 A He said that he'd pay her \$150 to bring Victoria to
10 him.

11 Q He'd pay Christina \$150 to bring Victoria to Rome?

12 A Yes.

13 Q And did you know -- or were you aware of what
14 relationship Victoria had to Rome?

15 A I saw them together for a little while, you know,
16 just hanging out. But I figured that he was pimping her.

17 MR. CANO: Objection, Your Honor. This is
18 speculation.

19 THE COURT: Sustained.

20 BY MR. DiGIACOMO:

21 Q Let me back up. At this --

22 THE COURT: Jury's instructed to disregard the last
23 statement from this witness.

24 BY MR. DiGIACOMO:

25 Q At this point in time were you -- I guess I should

1 rephrase it. At this point in time were you aware of what
2 their relationship was?

3 A No.

4 Q At some subsequent point in time did you
5 overhear --

6 MR. CANO: Objection as to leading, Your Honor.

7 MR. DiGIACOMO: I'm just -- I'm not going to -- I
8 haven't finished the question. How can it be leading before
9 I finish?

10 BY MR. DiGIACOMO:

11 Q Did you overhear any --

12 THE COURT: Okay. Finish the question. I'll wait
13 for the objection.

14 MR. DiGIACOMO: Thank you.

15 BY MR. DiGIACOMO:

16 Q Did you ever overhear any conversation between
17 either Rome, D-Roc, or Victoria which indicated to you the
18 nature the relationship between Victoria and Rome?

19 A Yes.

20 Q And what was that?

21 A Just that she had chose up with him.

22 Q She had chose up with who?

23 A With Rome.

24 Q And what does choose up mean?

25 A That she was -- he was pimping her.

1 Q That Rome was pimping Victoria?

2 A Victoria, yes.

3 Q So let me go back now to the room. You're in the
4 room, and Jason -- or Rome has suggested to Christina that he
5 can pay her \$150. Did he indicate to you whether or not
6 Victoria owed anything to -- or did he indicate to Christina
7 whether or not Victoria owed any money?

8 A Yes.

9 Q And what was that?

10 A That she owed him \$80 for crack.

11 Q So Rome was going to pay \$100 -- \$150 to recover
12 \$80?

13 A Yeah.

14 Q Did that make any sense to you?

15 A No.

16 Q At some point is there some problem with three
17 people being in the room?

18 A Yes.

19 Q Can you describe how that comes about.

20 A Someone came to the door, I don't know if it was
21 management or just an employee, but they saw three of us walk
22 up to the room. And he came and knocked on the door and told
23 us that we can't have more than two people in the room.

24 Q Based upon that, does anybody leave?

25 A Yes.

1 Q Who leaves?

2 A Christina and Rome.

3 Q And what do you do?

4 A I stayed in the room.

5 Q At this point had you had any drugs?

6 A No.

7 Q Do you do anything to prepare to have any drugs?

8 A Yes.

9 Q What do you do?

10 A I rolled a blunt.

11 Q What's a blunt?

12 A Weed.

13 Q Okay. And is a blunt a specific way of ingesting

14 weed?

15 A To smoke it.

16 Q Okay. But a blunt, just describe it for the ladies

17 and gentlemen of the jury.

18 A Just some weed in a cigar paper.

19 Q So as opposed to a joint, which is rolling paper, a

20 blunt is rolled up in a cigar paper?

21 A Yes.

22 Q Had you smoked it while you were in the room there?

23 A No.

24 Q How long are Christina and Victoria gone -- or

25 sorry, Christina and Romeo gone?

1 A For a while.

2 Q At some point do you come back into contact with
3 Romeo?

4 A Yes.

5 Q Before you come back into contact with Romeo, do you
6 ever see any of the people we've been talking about outside of
7 the Oasis Hotel?

8 A Yes.

9 Q Where is it that you see them?

10 A Across the street at the -- there's a Tacos Mexico
11 next to a Burger King in the parking lot that they share.

12 Q And what do you see?

13 A I see Christina walking with her arm around
14 Victoria.

15 Q Do you see anybody else?

16 A No.

17 Q At some point you said you saw Romeo again. How did
18 that come about?

19 A He called me or I called him, and he asked me if I
20 rolled the blunt yet, and I said, yeah. He said, bring it
21 downstairs and meet me downstairs.

22 Q When you -- do you go outside and meet him?

23 A Yes.

24 Q Is there anybody there other than Romeo?

25 A No.

1 Q Is there any car associated with Rome at this point?

2 A No.

3 Q He's on foot?

4 A Walking, yes.

5 Q Can you tell the ladies and gentlemen of the jury if
6 it's still daylight or if it's dark or what time it was.

7 A It's dusk.

8 Q It's dusk?

9 A Yes.

10 Q What is it that you and Rome do?

11 A We start -- he's on the phone, and we start walking.

12 Q And his phone, is he talking like a normal talk, or
13 did he have some other function that he could utilize with his
14 phone?

15 A He was on a chirper.

16 Q And what is a chirper?

17 A Like the two-way radio phones from Coast Mobile.

18 Q And how does that work differently than a cell
19 phone?

20 A You don't dial the number, but it's like a speaker
21 phone, you use it almost like a walkie talkie.

22 Q So you can directly connect to one person and talk
23 like a walkie talkie almost?

24 A Yes.

25 Q Okay. Initially, could you hear what the

1 conversation was -- who was on the other end of the phone?

2 A Yes.

3 Q Who?

4 A Christina and D-Roc.

5 Q Christina and D-Roc. And what was the nature of the
6 conversation?

7 A They were asking -- or telling Rome that they had
8 her.

9 Q That they had who?

10 A Victoria.

11 MR. CANO: Judge, can we get a little clarification.
12 She said, "they." I don't know which person it is.

13 THE COURT: Ma'am, you need to identify was it
14 Christine or D-Roc making the statements?

15 THE WITNESS: It was back and forth. They were both
16 -- D-Roc and Christina were both -- because it's on a speaker
17 phone so everybody can hear it, so when one would say
18 something, the other one would respond. So I could hear both
19 of them speaking in the background.

20 BY MR. DIGIACOMO:

21 Q You could D-Roc and Christina on one end of the
22 phone, and you could hear Rome on this side of the --

23 A Yes.

24 Q -- phone? So you could essentially hear the
25 conversation back and forth?

1 A Yes.

2 Q When you say, "they said they had her," do you
3 recall specifically which person it was, or was it just that
4 was the nature of the conversation?

5 A I can't remember which one it was. It was --

6 Q And after there's a discussion do you ever hear
7 Victoria's voice on this chirping back and forth?

8 A Yes.

9 Q And while this conversation is going on, chirping
10 back and forth, what are you and Rome doing?

11 A We're smoking a blunt.

12 Q Are you standing still?

13 A No. We were supposed to be walking to the
14 Stratosphere.

15 Q So you're walking to the Stratosphere, smoking a
16 blunt, and there's a conversation on a chirp phone going back
17 and forth?

18 A Yes.

19 Q Could you hear anything other than basically they
20 had Victoria? Could you hear anything else going on?

21 A I could hear a slap, a slapping sound.

22 Q What was the tone of Christina's voice, do you
23 recall?

24 A She was in control of Victoria at that point is what
25 it sounded like.

1 Q And what do you mean by that?

2 A She's yelling at her, and she's repeating things
3 that Rome says to her.

4 Q What about D-Roc? Do you remember anything D-Roc
5 was saying?

6 A No.

7 Q Okay. Do you remember his tone of voice?

8 A No.

9 Q As you continue to walk south, is there any
10 discussion between Rome and whoever's on the other end of this
11 chirping phone about Victoria and Victoria's choices?

12 A Yes.

13 Q Describe that for the ladies and gentlemen of the
14 jury.

15 A Rome's yelling at her on the chirper, telling her
16 that she chose up with another nigga.

17 Q Okay. Accusing Victoria --

18 MR. CANO: Your Honor, I'm sorry, I didn't quite
19 hear that. What was that?

20 THE COURT: You may repeat your answer.

21 THE WITNESS: What Rome said?

22 BY MR. DiGIACOMO:

23 Q What did Rome accuse her -- yeah.

24 A He said that she was choosing up with another nigga.

25 Q And I know from prior transcripts there's been a

1 little discussion of this. Is there a difference on the
2 street in parlance between the two separate N words, I guess,
3 for lack of a better term?

4 A Yes.

5 Q Can you explain that to the ladies and gentlemen of
6 the jury.

7 A Without the R or the A?

8 Q Okay. The one with an A and one with the R.

9 A I use the A.

10 Q Okay. And why is that important?

11 A It's just not -- it's like on a homey level or just
12 talking about someone in general. It doesn't -- it's not
13 derogatory.

14 Q On the street if you're having this conversation,
15 using the A is not derogatory?

16 A No, it's cool.

17 Q Did Victoria -- or could you hear Victoria's
18 response to Rome's accusing her of choosing up with somebody
19 else?

20 A I'm not sure.

21 Q Do you get to the Stratosphere?

22 A We walked past it.

23 Q And when you walked passed it what happened?

24 A We realized we were trying to get to the
25 Stratosphere and we walked past it, so we turned around, tried

1 to walk back.

2 Q And eventually where do you wind up?

3 A At the valet to the Sahara Casino.

4 Q And what was your understanding of why you were
5 behind the Sahara?

6 A We were meeting someone.

7 Q Who were you meeting?

8 A I didn't know until we got there.

9 Q Okay. So when you got there, eventually did
10 somebody show up?

11 A Yes.

12 Q Who showed up?

13 A The green car did.

14 Q And who was in the green car?

15 A Donny, D-Roc, Christina, and Victoria.

16 Q Where was Donny in the vehicle?

17 A Donny was driving.

18 Q Do you and Rome get in this vehicle?

19 A Yes.

20 Q All right. So let's figure out where the players
21 are. If Donny's driving, work us around from there.

22 A D-Roc is sitting behind the driver's seat, I
23 believe, and then Victoria in the middle. Rome was sitting on
24 the other side of her in the back. And then Christina and I
25 jumped in the front seat.

1 Q Okay. And was Christina in the middle, or by the
2 passenger's side?

3 A Christina was in the front seat with me.

4 Q Okay, I know. But unless she was -- was she sitting
5 on your lap, or --

6 A I don't know if I was on her lap or she was on mine.

7 Q Okay. So it wasn't like you're in a row?

8 A No, it was --

9 Q You guys are sharing one seat?

10 A Yes.

11 Q Okay. Where do you -- do you leave the Sahara in
12 that vehicle?

13 A Yes.

14 Q And where do you go?

15 A We leave the Strip.

16 Q And eventually do you go somewhere -- or what area
17 of town generally do you go out to?

18 A Out to the east side I believe, like Nellis and
19 something.

20 Q And when you get out there is it a residential
21 neighborhood, or a commercial neighborhood?

22 A Residential.

23 Q And does somebody get out of the vehicle?

24 A Donny.

25 Q And where does he go?

1 A He goes into the house.

2 Q Does he ever come back out of the house?

3 A Yes.

4 Q And when he comes back out what happens?

5 A He hands Rome something and he goes back into the
6 house, and Rome gets in the driver's seat.

7 Q Now, by the time you get out to this residential
8 neighborhood, you said when you started walking, it was dusk.
9 Is it dark now, or is it still light out?

10 A It's dark.

11 Q How do you remember that?

12 A Because there was headlights showing on the house.
13 When we pulled up you could see it.

14 Q The headlights of the car showing on the house?

15 A Our car, yeah.

16 Q You said Rome got back in the car. Who was driving?

17 A Yes.

18 Q He was?

19 A Oh. Rome was driving.

20 Q And do you recall where it is you went from the
21 place where Donny got out of the car?

22 A Not -- well, we ended up at the Sportsman.

23 Q At some point in time, either before the Sportsman
24 or after the Sportsman, do you recall some of the location
25 during this period of time?

1 A A Carl's Jr. somewhere.

2 MR. DiGIACOMO: Judge, may we approach.

3 THE COURT: All right.

4 (Bench conference)

5 MR. DiGIACOMO: If you were going to take a break

6 every hour and a half or so, it's about an hour and a half.

7 THE COURT: Yeah, we'll have to take one now.

8 MR. DiGIACOMO: This is a good breaking spot --

9 THE COURT: I was waiting for you to see if --

10 MR. DiGIACOMO: -- yeah.

11 (End of bench conference)

12 THE COURT: All right. Ladies and gentlemen, we're
13 going to take out mid-afternoon break at this time. During
14 this recess it's your duty not to converse among yourselves or
15 with anyone else on any subject connected with this case or to
16 read, watch, or listen to any report of or commentary on the
17 trial by any person connected with the trial or by any medium
18 of information, including, without limitation, newspapers,
19 television, radio, or the Internet. You're not to form or
20 express an opinion on any subject connected to this case until
21 this matter is submitted to you. We'll see you back in a few
22 minutes.

23 (Court recessed at 2:34 p.m., until 2:46 p.m.)

24 (In the presence of the jury)

25 THE MARSHAL: All be seated. Oh, you guys are

1 already seated.

2 (Pause in the proceedings)

3 THE MARSHAL: Please remain seated and come to
4 order. Department 17 of the Eighth Judicial District is again
5 in session. The Honorable Judge Michael Villani presiding.
6 Make sure our cell phones are turned off, please.

7 THE COURT: Ms. Estores, do you understand you're
8 still under oath?

9 THE WITNESS: Yes.

10 THE COURT: All right. Go ahead, counsel.

11 MR. DiGIACOMO: Thank you, Judge.

12 BY MR. DiGIACOMO:

13 Q Ms. Estores, I think we left off -- and you had said
14 you guys left from where Donny was, and eventually you make it
15 back to the Sportsman, and everybody but Donny is now in this
16 green vehicle. Is that where we were?

17 A Yes.

18 Q Okay. By the time you're driving to the Sportsman
19 with the people in the vehicle, the three girls and the --
20 D-Roc and Rome [phonetic], what's the demeanor of the people
21 in the vehicle?

22 A Just angry. A lot of anger.

23 Q Who is angry?

24 A Rome is.

25 Q Okay. And what is Victoria's reaction to Rome's

1 anger?

2 A She doesn't like it.

3 Q How was she acting?

4 A Scared.

5 Q What about Christina?

6 A Christina was just -- she wasn't as loud as she was
7 on the phone, but she was still just kind of yelling at her.

8 Q Okay. How was D-Roc acting towards you?

9 A He's just sitting there. He's quiet.

10 Q Other than being quiet, did you have any indication
11 that there was any issue between you and D-Roc at this point?

12 A No.

13 Q When you -- in the car -- when people get back to
14 the Sportsman, who gets out of the vehicle?

15 A Rome, Christina, and Victoria.

16 Q So, was there any discussion in your's and D-Roc's
17 presence as to what Victoria was going to go do?

18 A She was going to go meet a trick.

19 Q And what was the purpose of going to meet this
20 trick?

21 A To turn her out.

22 Q And what was she supposed to do with the money that
23 she received from the trick?

24 A Give it to Rome.

25 Q As Rome, Victoria, and Christina are outside the

1 vehicle, do you and D-Roc have any conversation?

2 A Yes.

3 Q Can you describe that for the ladies and gentlemen
4 of the jury?

5 A We were just talking casually.

6 Q And what was the subject matter?

7 A His baby mama.

8 Q Okay. And what about his baby mama?

9 A Something about some kind of sexually transmitted
10 disease.

11 Q And what was he saying about that STD?

12 A He was saying that I gave it to him.

13 Q Okay. And was that true?

14 A No.

15 Q At -- let me back up just a little bit and ask, when
16 you were back at the Oasis, did you and Rome have any
17 conversation about your relationship with D-Roc?

18 A Yes.

19 Q Okay. And what was that?

20 A He had actually wanted to do business with me. I
21 was going to sell some stuff for him, but he wanted to know if
22 I was with D-Roc, because he didn't want to be stepping on his
23 toes.

24 Q And what was your response to that?

25 A That I wasn't with him.

1 Q Okay. You ever used the term, a "free agent"
2 before?

3 A Yes.

4 Q Okay. What did that mean?

5 A That I wasn't -- I was single.

6 Q Okay. At some point, does the conversation that you
7 had with Rome come up in this vehicle with D-Roc when you're
8 sitting outside the Sportsman, as Victoria's off doing
9 whatever she's doing?

10 A Yes.

11 Q Describe that for the ladies and gentlemen of the
12 jury.

13 A I told him that I didn't want to be with him, and he
14 didn't like it.

15 Q When you said you didn't want to be with him, were
16 you referring to as a --

17 A Not --

18 Q -- girlfriend, or as a drug dealer?

19 A Girlfriend. Not as a girlfriend.

20 Q You didn't want to be his girlfriend?

21 A Yes.

22 Q Did the subject of dealing drugs come up?

23 A I'm not sure.

24 Q Okay. And what was his response to, "I don't want
25 to be your girlfriend?"

1 A I don't really remember most of that conversation
2 anymore.

3 Q Okay. Well, was he happy?

4 A No, he wasn't happy.

5 Q Okay. Despite the fact that he had accused you of
6 giving somebody an STD -- or him an STD, he still wanted to
7 have this relationship with you?

8 A Yeah.

9 Q Okay. How long did you remain in the vehicle?

10 A Maybe a half-hour.

11 Q And at some point, does anybody come back to the
12 vehicle?

13 A Yes.

14 Q Who comes back?

15 A Christina, Victoria, and Rome.

16 Q Christina, Victoria, and Rome?

17 A Yes.

18 Q And do they all get in the vehicle?

19 A Yes.

20 Q Who's driving?

21 A Rome.

22 Q And where is D-Roc at this point?

23 A He's in the passenger seat in front.

24 Q The front passenger seat?

25 A Yes.

1 Q When you were having this conversation with D-Roc,
2 where were you?

3 A I climbed in the front seat. I was in the driver's
4 seat.

5 Q Okay. So, when Rome comes back to the car, where do
6 you go?

7 A I climb back in the back.

8 Q Okay. And Victoria and Christina, do they both get
9 in?

10 A Yes.

11 Q Where do they get in?

12 A Victoria sits next to me, in the middle of Christina
13 and I.

14 Q And where does the car go?

15 A We head out on Boulder Highway.

16 Q And at this point, do you have any idea where you're
17 going?

18 A Not when we left the parking lot, no.

19 Q Had anyone told you where you were going?

20 A Yes.

21 Q What did they tell you?

22 A Rome said we were going to go see someone's house
23 built.

24 Q Someone's house built?

25 A Yeah, either his house or his mom's house. I don't

1 remember.

2 Q You were heading south on Boulder Highway. What's
3 the tone inside the vehicle, the demeanor of the people?

4 A Rome and Victoria are arguing.

5 Q Okay. What about you and D-Roc? What's going on
6 between you two?

7 A He's not happy.

8 Q How do you know he's not happy?

9 A He ended up hitting me in the car, grabbed my hair
10 and was just holding me down.

11 Q At some point, does Christina's demeanor start to
12 change?

13 A A little. She gets a little softer or quieter. She
14 -- she's not trying to be in control of anything.

15 Q Okay. As you're heading south on Boulder Highway,
16 where do you go?

17 A We end up on a freeway.

18 Q And which direction are you headed; do you even
19 know?

20 A Like out towards Henderson area.

21 Q Does the car ever come to a stop?

22 A Yes.

23 Q And can you describe for the ladies and gentlemen of
24 the jury kind of where it came to a stop?

25 A It was a -- we stopped right in front of a model

1 home of a construction site.

2 Q Okay. And when you stopped, you said there was a
3 model home construction site. Was there any particular
4 building that you recognized near you?

5 A The office --

6 Q It was the office?

7 A -- was the model home. Yes.

8 Q And where did the vehicle stop in relationship --

9 A There was a --

10 Q -- to that particular office?

11 A There was a concrete slab in front of the office,
12 and it pulled up just about to the edge. It kind of dropped
13 off to dirt.

14 Q Okay. Now, I'm going to jump forward. At some
15 point later in time, did you take the police officers back to
16 this particular location? Were you able to navigate and find
17 the location?

18 A Yes.

19 Q And at that point, did you see it during the day
20 time?

21 A No.

22 Q Okay. Let me rephrase my question. When you took
23 the police officers -- maybe I'm wrong. When you took the
24 police officers back to this location, was it day or night?

25 A I believe it was night.

1 Q Okay. Let me back up. When you get there the first
2 time with everybody else in the vehicle, is it day or night?

3 A It's night.

4 MR. DiGIACOMO: May I approach, Judge.

5 THE COURT: Yes.

6 BY MR. DiGIACOMO:

7 Q I'm going to show you what's been marked as State's
8 proposed Exhibit number 40, and ask you if that looks familiar
9 to you at all?

10 A Yes.

11 Q What is that?

12 A This is the office. And we pulled up right over
13 here.

14 Q Okay. And does it appear to be a true, fair, and
15 accurate depiction of where you were taken?

16 A Yes.

17 MR. DiGIACOMO: Move to admit 40, Judge.

18 MR. CANO: No objection, Your Honor.

19 THE COURT: 40 will be admitted.

20 (State's Exhibit 40 is admitted)

21 MR. DiGIACOMO: May I publish, Judge?

22 THE COURT: Yes.

23 BY MR. DiGIACOMO:

24 Q Ms. Estores, you had said something about a cement
25 slab and the car pulling up. Can you see on that photograph

1 generally the area where the car pulled up?

2 A Yes.

3 Q And can you circle that on the screen for us?

4 When the car got to that location, can you tell us
5 what happened?

6 A Rome got out of the car and he -- I had to get out
7 to let Victoria out. He wanted to talk to Victoria, and he
8 told me that D-Roc wanted to talk to me.

9 Q Did you see where Rome went with Victoria?

10 A He went to the left of the car.

11 Q Now, were you getting out on the driver's side, or
12 on the passenger side?

13 A I got out on the driver's side.

14 Q So, you get out on the rear driver's side?

15 A Yes. It's a --

16 Q Oh, I guess it's two doors. Oh.

17 A -- two-door car.

18 Q The driver's side? And where --

19 A Yes.

20 Q Where was Mr. Malone?

21 A In the front -- front of the vehicle.

22 Q Does he have any conversation with D-Roc at this
23 point in time?

24 A No.

25 Q What happens?

1 A He puts his arm around me, like this, and so I
2 couldn't look sideways and I had to look at him. And he
3 started hitting me.

4 Q Had he said anything before he started hitting you?

5 A I don't remember.

6 Q Where was he hitting you?

7 A In the head.

8 Q With a fist, with something in his hand? What?

9 A With his fists.

10 Q Do you go down at all?

11 A Not at first.

12 Q Do you fight back?

13 A No. Not at first.

14 Q As you're being hit, do you hear D-Roc saying
15 anything to you?

16 A Yeah.

17 Q What's he saying?

18 A "You love that nigger, Nino [phonetic]."

19 Q As he's beating you -- well, how many times do you
20 think he hit you, do have any idea?

21 A Too many.

22 Q Did he ever use anything other than his fists on
23 you?

24 A His feet.

25 Q So at some point do you go down, or is he kicking

1 you --

2 A Yes.

3 Q -- while you're standing up?

4 A No, I -- I ended up on the ground. My sandal broke,
5 and I fell.

6 Q So, you're down on the ground, and you said he's
7 using his feet. What's he doing with his feet?

8 A Standing on my head with one of his shoes and
9 kicking me with the other shoe.

10 Q So, standing on your head with one shoe, and kicking
11 you with the other?

12 A Yes.

13 Q Do you ever hear Mr. -- or Rome's voice during this
14 incident?

15 A Before I hit the ground, yes.

16 Q And what did you hear?

17 A "Just take it, Red. Just take it."

18 Q "Just take it?"

19 A Yes.

20 Q How is it that this confrontation with Mr. Malone
21 ended?

22 A Rome's conversation?

23 Q I'm sorry. What D-Roc -- you said he's standing on
24 your head and he's kicking you in the head. How does -- does
25 he ever stop hitting you at some point?

1 A No.

2 Q How does it end?

3 A Rome told him that it was enough.

4 Q Rome told D-Roc it was enough?

5 A Yes.

6 Q And what was D-Roc's reaction?

7 A He didn't stop right away. He kept coming.

8 Q Eventually, did he stop?

9 A Yes.

10 Q And then what do you hear?

11 A I heard them -- I heard him walking away. He was

12 breathing real hard. And I heard Rome started the car.

13 Q Does anybody say anything to you?

14 A Rome does.

15 Q What does he say?

16 A He said, Red, you've got five seconds to get your

17 shit and get in the car, or we're going to leave you out here

18 to die.

19 Q You have five seconds to get your shit, get in the

20 car, or we'll leave you out here to die?

21 A Yes.

22 Q What shit did you have out there?

23 A My sandal was off my foot. My purse -- stuff was

24 falling out of my purse.

25 Q When you get back in the car, do you notice anything

1 about Victoria?

2 A She's crying.

3 Q Any evidence of injury to her?

4 A Yes.

5 Q Like what?

6 A She just got hit in the head. She was red.

7 Q What about Christina; how is she acting now?

8 A Christina looks scared.

9 Q Is your -- are you all back in the same spots in the
10 vehicle?

11 A Yes. I'm on the floor.

12 Q You're on the floor?

13 A Yes.

14 Q And but all three girls are in the back, and D-Roc
15 and Rome are in the front?

16 A Yes.

17 Q And as you're on the floor, does the subject of your
18 purse, or something related to your purse come up?

19 A Yes.

20 Q Describe that for the ladies and gentlemen of the
21 jury.

22 A Someone wanted a -- I think Rome wanted a cigarette.

23 Q I'm sorry, I --

24 MR. DiGIACOMO: Bless you, Mr. Lalli, but --

25 MR. LALLI: Thank you.

1 MR. DiGIACOMO: -- I just missed that.

2 BY MR. DiGIACOMO:

3 Q You said Rome wanted a cigarette?

4 A Yes.

5 Q And so how did that relate to your purse?

6 A Because I usually kept my cigarettes in my purse.

7 Q And so what happened when Rome said he wanted a
8 cigarette?

9 A I kicked my purse under the seat.

10 Q Was there anything in particular in your purse you
11 didn't want found?

12 A Yes.

13 Q What was that?

14 A My cell phone.

15 Q And why didn't you want your cell phone found?

16 A Because of my phone numbers in there.

17 Q Anybody in particular? Any particular phone number
18 you were afraid of either D-Roc or Rome getting a hold of?

19 A Yes.

20 Q Whose?

21 A Nino's.

22 Q So, you kicked your purse under the seat. Does
23 there come a point in time when that purse comes out of the
24 seat?

25 A Yes.

1 Q And how is that?

2 A When they couldn't find my purse, Rome wanted to
3 turn the car back around and go back to the construction site,
4 and I didn't want to go back there. So, I took my phone out
5 of my purse and slid my purse out so they could find it.

6 Q And so you made it known that your purse was in the
7 car somehow?

8 A Yes.

9 Q What happens to your purse?

10 A D-Roc takes it.

11 Q And what does he do with it?

12 A He was going through it and throwing stuff out the
13 window.

14 Q Is he saying anything while he's doing it?

15 A No.

16 Q Does he ever get your cell phone?

17 A No.

18 Q What about your identification?

19 A He was looking for my ID, but I had it in my bra.

20 MR. CANO: Objection, speculation, Your Honor.

21 THE COURT: Sustained.

22 MR. CANO: Ask it be stricken.

23 BY MR. DiGIACOMO:

24 Q Let me back up. Did he ever make any statement
25 about your identification?

- 1 A Yes, he was looking for it.
- 2 Q So, he said he was looking for it?
- 3 A Yes. He asked me where my ID was.
- 4 Q And where was your ID?
- 5 A It was in my bra.
- 6 Q And why do you keep your ID in your bra?
- 7 A Because I don't want to lose it. Purses get stolen.
- 8 Q What happens to your purse and its contents?
- 9 A It gets thrown out the window slowly.
- 10 Q At some point in time, does the conversation of the
- 11 purse getting thrown out the window get related back to the
- 12 need for cigarettes?
- 13 A Yes.
- 14 Q How was that?
- 15 A D-Roc tossed my cigarettes out of the car, because
- 16 he was looking for my phone or my ID, and he threw it out.
- 17 Q And what was Rome's response to that?
- 18 A He was mad, because that was the only place he was
- 19 going to get cigarettes from.
- 20 Q At this point, what is the demeanor of the three
- 21 girls in the car -- you, and the two other girls in the back
- 22 of the car?
- 23 A Scared.
- 24 Q Do you do anything about that?
- 25 A Yeah.

1 Q Like what?

2 A We put some of our hair in the seat of the car.

3 Q What do you mean?

4 A Took some of our hair, and tucked it into the seat
5 of the car.

6 Q And why did you do it?

7 A Because we were scared.

8 Q Okay. So, what help was it to put your hair in the
9 seats of the car?

10 A Just to leave something of us there.

11 Q Trace evidence?

12 A Yes.

13 Q Were you doing anything else to leave some sort of
14 evidence inside this vehicle?

15 A I spit on the windows.

16 Q As the car's driving, at some point, is there a
17 conversation about what's going to happen to you, Victoria,
18 and Christina?

19 A Yes.

20 Q And what's that?

21 A We were going to get dropped off at the Hard Rock.

22 Q And why are you going to get dropped off at the Hard
23 Rock?

24 A To go make them some money.

25 Q Make who money?

1 A Rome and D-Roc.

2 Q Did they say how it is that the three of you are
3 going to make them money?

4 A Yes.

5 Q What did they say?

6 A Get it from tricks.

7 Q Get it from tricks?

8 A Yes.

9 MR. CANO: Your Honor, can we get some clarification
10 as to who?

11 THE COURT: If you could, Mr. DiGiacomo, clear that
12 up.

13 MR. DiGIACOMO: Thank you.

14 BY MR. DiGIACOMO:

15 Q Do you remember whether or not -- well, do you
16 remember the exact words of either Rome or D-Roc?

17 A No.

18 Q When you said, they said, you have to get us money,
19 do you have any idea which specifically said it, or was it
20 just both of them kind of having this conversation with you?

21 A I was told by D-Roc.

22 Q You were told by D-Roc?

23 A Yes.

24 Q Who was Victoria told by?

25 A She was told by Rome.

1 Q And what was Christina told her role was?

2 A To keep us together.

3 Q Keep who together?

4 A Me and Victoria.

5 Q You and Victoria?

6 A Um-hum.

7 Q Did they -- did either D-Roc or McCarty -- I'm
8 sorry, Rome, did either one of them ever indicate what was
9 going to happen if you didn't pay back -- or you guys didn't
10 earn the money?

11 A Yes.

12 Q Okay. Who said what?

13 A They both said at some point in time that there
14 would be three shallow graves out in the desert by morning.

15 Q And let me back up. You just said, they both said
16 at one time that there would be three shallow graves out in
17 the desert, where?

18 A Yes. They just said out in the desert.

19 Q Did they ever reference the location where your
20 beating was?

21 A No.

22 Q Did -- you said that they both said this. Was there
23 any discussion as to what would happen if all three of you
24 didn't stay together?

25 A No.

1 Q Okay. When you got to the Hard Rock what happened?

2 A We went straight to the bathroom to go clean
3 ourselves up.

4 Q When you got to the Hard Rock, did anybody get out
5 of the car other than you, Christina, and Victoria?

6 A Yes.

7 Q Who?

8 A D-Roc.

9 Q And who did he talk to?

10 A He came and talked to me.

11 Q And what was he saying?

12 A He was telling me to fix my hair, and that I should
13 brush it. My hair was falling out in chunks.

14 Q Was there any discussion about makeup?

15 A Yes.

16 Q What was that?

17 A He said to fix yourself up, but he threw all my
18 makeup out.

19 Q He had thrown it out the window with your purse?

20 A Yes, and my brush.

21 Q After you had this conversation with D-Roc, did you
22 learn whether or not Charlotte had any work on her?

23 A Yes.

24 Q And how did you learn that?

25 A She said that she had some work on her that she was

1 going to sell.

2 Q To make the money?

3 A Yes.

4 Q And did you owe anybody any money?

5 A No.

6 Q How much were you supposed to repay?

7 A It varied. One time, it was -- I think it went up
8 to 360.

9 Q And who were you supposed to pay it to?

10 A To D-Roc.

11 Q Was this different than the money that you allegedly
12 owed Trey back in April, or was this the same money?

13 A I think it was the same money, but it was a
14 different amount.

15 Q A different amount?

16 A Yes.

17 Q What about Victoria? Did you hear how much she had
18 to repay?

19 A It started out at 80, and then it was 700, I think,
20 or something. I'm not sure.

21 Q And then Charlotte, do you have any idea how much
22 work she had on her?

23 A I think she had like \$80 of some soft. I'm not
24 sure.

25 Q And was that soft the same amount of money that was

1 Leonard Black's drugs? Or was this different drugs that she
2 had --

3 A I'm not sure where she --

4 Q -- gotten somewhere else?

5 A -- got it from.

6 Q You have no idea where she got it?

7 A No.

8 Q Was it --

9 A She -- Rome gave it to her, but I don't know if it
10 was the same stuff.

11 Q So, Rome gave her the soft?

12 A Yeah.

13 Q When you went inside the Hard Rock and into the
14 bathroom, what happened?

15 A We had an argument.

16 Q Over what?

17 A I was yelling at Christina because she -- she wanted
18 to stay there and was trying to figure out how we were going
19 to get the money. And I just wanted to leave and I wanted
20 them to come with me.

21 Q And what was the -- well, ultimately, did you make
22 any efforts to get out of there?

23 A Yes.

24 Q What did you do?

25 A I took the phone from Christina and made some phone

1 calls.

2 Q And who did you attempt to call?

3 A I called the two guys that we had breakfast with
4 that morning. And they didn't answer. And then I called
5 someone else and he didn't answer. And then I called my
6 friend David.

7 Q Well, let me -- first you made -- you attempted to
8 call the guys you had breakfast with and they didn't answer?

9 A Yes.

10 Q You said you called some other guy. Do you remember
11 who that some other guy was?

12 A I know I called Cat Daddy.

13 Q Cat Daddy?

14 A Yes.

15 Q Okay. And did you know who Cat Daddy was?

16 A His real name?

17 Q No, I mean what relationship was he to you?

18 A Oh. He was a friend, but Victoria used to hoe for
19 him.

20 Q So, it was a prior pimp of --

21 A Yes.

22 Q -- Victoria's, Cat Daddy?

23 A Yes.

24 Q Do you know where Cat Daddy used to stay?

25 A In the Sportsman.

1 Q Do you know where the Tod Motel is?
2 A Yes.
3 Q Where's the Tod Motel?
4 A On the Strip.
5 Q Did Cat Daddy have anything to do with the Tod
6 Motel?
7 A I'm not sure.
8 Q Okay. So, you take the phone, you attempt to call.
9 Do you ever attempt to call a guy by the name of Leonard
10 Black?
11 A Yes.
12 Q Do you remember as you sit here today any phone
13 numbers from six years ago?
14 A Just Black's.
15 Q And what was Black's?
16 A I think it was the 348-2418, or 2814. Something
17 like that.
18 Q But the 348 number is the number that sounds right
19 to you, correct?
20 A Yes.
21 Q Okay. Do you ever -- you said you eventually got a
22 hold of somebody. And who was that?
23 A Davie.
24 Q And who was Davie?
25 A He's my good friend.

1 Q And what's his full name, do you know?
2 A David Parker.
3 Q How long have you known David?
4 A Since 2005 maybe, 2004.
5 Q And what's -- you said he's just a friend?
6 A Yes.
7 Q Was he a customer? Was he --
8 A No, he's just a friend.
9 Q He's just somebody you knew?
10 A He --
11 Q And how did you know him?
12 A I met him at the bar.
13 Q But he wasn't someone you were selling drugs to?
14 A No.
15 Q Was he somebody who used to frequent that particular
16 bar?
17 A Yes.
18 Q Did you know him -- or had you seen him in the
19 preceding couple of months between the morning of May --
20 MR. CANO: Objection, leading, Your Honor.
21 MR. DiGIACOMO: -- 17th -- "had you seen him" is
22 leading?
23 BY MR. DiGIACOMO:
24 Q Had you seen him between May --
25 MR. CANO: In the previous months, Your Honor. I

1 mean, I just don't know where he's going with this.

2 THE COURT: It would probably be more vague and
3 ambiguous, but I'm going to overrule the objection as far as
4 leading.

5 Go ahead. Ask your question, Mr. DiGiacomo.

6 BY MR. DiGIACOMO:

7 Q Had you seen him in the previous months, prior to
8 this morning when you're calling him on the phone to come get
9 you at the Hard Rock?

10 A Yes.

11 Q And how often would you see him?

12 A It depended. If he came into the bar I'd see him,
13 and he usually came in like twice a week. But I would stay
14 with him sometimes.

15 Q Back in April -- let me back up. After the first
16 incident with D-Roc, did you have any contact with Mr. Parker
17 after you got injured?

18 A Yes.

19 Q And did you still have visible injuries on you?

20 A Yes.

21 Q Let me jump back forward. So, you make a phone call
22 to Davie. Does he answer?

23 A Yes.

24 Q And what does he agree to do?

25 A I asked him to come pick us up.

1 Q And does he?

2 A Yes.

3 Q Who gets in his car?

4 A Me, Christina and Victoria.

5 Q And where do you go?

6 A We go back to his house.

7 Q And do you know approximately what time we're at
8 now?

9 A It's in like -- I want to say before 4:00 in the
10 morning, around that time. It was really early.

11 Q So, we started at a little before dusk on Tuesday
12 night. We're not a little before 4:00 on Wednesday morning?

13 A Yes.

14 Q What do you do when you get back to Davie's house?

15 A He took me outside on the patio and he wanted to
16 know what happened to me.

17 Q And did you describe what had happened to you?

18 A Yes.

19 Q And what did you guys decide to do?

20 A He said that we needed to get washed up or whatever.
21 So, me and the girls, we took showers and we borrowed clothes.
22 And then we ate and went to sleep.

23 Q Eventually, do you wake up?

24 A Yes.

25 Q And how much later are we; are we still in

1 Wednesday?

2 A It's around I want to say 6:00 or 7:00 at night of
3 technically that same day.

4 Q Okay. So, if we were at a little before 4:00 a.m.
5 Wednesday --

6 A 4:00 in the morning until 7:00 at night.

7 Q -- morning, we're at about 7:00 o'clock at night on
8 Wednesday afternoon --

9 A Yes.

10 Q -- early evening?

11 A Yes.

12 Q And what happens at that point?

13 A Davie says, "We got to go."

14 MR. CANO: Objection as to hearsay, Your Honor.

15 MR. DiGIACOMO: Well, it's a statement of future
16 intent. "We have to go."

17 THE COURT: So, Davie said, we have to go. That's
18 the --

19 MR. DiGIACOMO: That's the statement.

20 THE COURT: I think it also goes to the present --

21 MR. DiGIACOMO: State of mind.

22 THE COURT: -- state of mind. I'm sorry, yes.

23 State of mind.

24 I'm going to overrule the objection.

25 MR. DiGIACOMO: Thank you.

1 BY MR. DiGIACOMO:

2 Q And was there any issue with you staying longer with
3 Davie?

4 A No.

5 Q Was there any issue with Victoria or Christina
6 staying --

7 A Yes.

8 Q -- longer with Davie? And so what's the decision as
9 to where they're going to go?

10 A We decide to go to the South Cove.

11 Q Why didn't you stay behind with Davie and just take
12 Christina and -- or drop Christina and Victoria off at the
13 South Cove?

14 A Because I was afraid to leave them.

15 Q Can you -- when you get to the South Cove, had you
16 ever been to the South Cove before?

17 A Yes.

18 Q Who was living at the South Cove at this point?

19 A Two -- both Blacks.

20 Q Both Blacks?

21 A They both had rooms over there.

22 Q Both Trey Black and Leonard Black?

23 A Yes.

24 Q Okay. Now, were you aware of any business
25 relationship between Leonard Black and Trey Black?

1 A No.

2 Q Did you know Leonard Black prior to knowing Trey
3 Black? Or --

4 A Yes.

5 Q Okay. And what about a friendship? Were they
6 friends?

7 A Not that I know of.

8 Q Just two people living in an apartment complex?

9 A Yes.

10 Q Where generally did Trey Black live in the apartment
11 complex, do you remember?

12 A He lived in room 217.

13 MR. DiGIACOMO: May I approach again, Judge?

14 THE COURT: Yes.

15 BY MR. DiGIACOMO:

16 Q Showing you what's been marked as State's proposed
17 Exhibit number 45, do you recognize that?

18 A Yes.

19 Q Okay. And do you see the numbers 217 right there in
20 front of you?

21 A Um-hum.

22 Q Okay. Is that the South Cove Apartments?

23 A Yeah.

24 Q Is this a true, fair, and accurate depiction of at
25 least a portion of the South Cove Apartments?

1 A Um-hum.

2 Q Is that a yes?

3 A Yes.

4 MR. DiGIACOMO: Move to admit 45, Judge.

5 MR. CANO: No objection, Your Honor.

6 THE COURT: 45 will be admitted.

7 (State's Exhibit 45 is admitted)

8 BY MR. DiGIACOMO:

9 Q So, I don't think the jury can see, but it says 217
10 where my finger is; is that correct?

11 A Yes.

12 Q All right. And whose apartment was that?

13 A Trey's.

14 Q And who did Trey stay with?

15 A Then, Sarah, Jeff, and D-Roc.

16 Q So, back then, it was D-Roc's apartment, with Jeff
17 and Sarah Mathews, and Trey's?

18 A Yes.

19 Q Where in relationship to Trey's apartment is Leonard
20 Black's?

21 A Just down the hall on the same floor.

22 Q What number is his?

23 A 222.

24 Q Now, prior to getting over to the South Cove, had
25 you been able to talk to Leonard Black?

1 A He went to jail. But I talked to him the first time
2 I went to the South Cove. That's how I saw Christina there.

3 Q Okay. Hold on. You've lost me, so I know you must
4 have lost them.

5 I'm talking about between the time you make the
6 first attempts to call Leonard Black when you're at the Hard
7 Rock on Wednesday, up until you get to the South Cove
8 Apartments, had you had any conversations -- were you able to
9 get contact with Leonard Black?

10 A No.

11 Q Now, let me back up a second. You just talked about
12 how you met Christine in the South Cove.

13 Now, when did you learn that Leonard Black was
14 staying at the South Cove?

15 A On Mother's Day.

16 Q On Mother's Day?

17 A Yes.

18 Q Had you been in Leonard Black's apartment from
19 Mother's Day, all the way up into -- now we're talking
20 Wednesday night when you --

21 A Only on Mother's Day.

22 Q Only on Mother's Day? Okay. On Mother's Day, was
23 Leonard Black in jail?

24 A Not when was there.

25 Q Not when you were there?

1 A I believe right after I left that night.
2 Q He got booked?
3 A Yes.
4 Q So, when you get over to the South Cove Apartments,
5 do you yet know that Leonard Black has been in jail?
6 A Yes.
7 Q How do you know?
8 A Christina told me.
9 Q When you get over there, do you see anybody in 217?
10 A I see Trey Black.
11 Q Okay. Without telling us what he said, do you have
12 a conversation with Trey?
13 A Yes.
14 Q And based on that conversation, do you have any
15 concerns about anybody?
16 A Yes.
17 Q Who?
18 A D-Roc.
19 Q Do you make any -- well, do you go down to Leonard
20 Black's apartment?
21 A Yes.
22 Q Is it open?
23 A No.
24 Q Do you make any efforts to get a hold of Leonard?
25 A Yes.

1 Q What do you do?

2 A We went upstairs to the third floor -- or yeah, the
3 third floor, and went to a guy named Cortez's [phonetic]
4 house.

5 Q And why is it -- well Christina had a cell phone.
6 Why didn't you use her cell phone?

7 A The minutes were gone on it.

8 Q So, the phone was dead? Or the phone didn't --

9 A The battery was dead.

10 Q What about Victoria's cell phone?

11 A That was Victoria's cell phone.

12 Q Okay. So, when you were out there that night, there
13 was only one cell phone between Christina and Victoria?

14 A Yes.

15 Q When you guys got to the South Cove, what happened
16 to that cell phone?

17 A I'm not sure.

18 Q So, you go up to Cortez's apartment, and do you use
19 his phone?

20 A Yes.

21 Q And are you able to get a hold of Leonard at that
22 point?

23 A Yes.

24 Q And does he agree to meet you back at the apartment?

25 A Yes.

1 Q Do you get into the apartment somehow?

2 A Yeah.

3 Q Was there a problem getting in?

4 A At first, yes.

5 Q What was the problem.

6 A It wouldn't open.

7 Q And was anybody with Leonard, by the way?

8 A His cousin.

9 Q What's his name?

10 A Demarco.

11 Q Demarco?

12 A Yes.

13 Q So, what had to happen in order to get into the

14 apartment?

15 A Demarco popped it with a butter knife, I think.

16 Q Popped what?

17 A Popped the door open.

18 Q And is it similar to 217 with the sliding glass door

19 as opposed to regular, walking-in door?

20 A Yes. All the front doors are sliding glass.

21 Like --

22 Q All the front doors are sliding glass doors like

23 that?

24 A Yes.

25 Q When you go -- or when you enter the apartment, are

1 there items in that apartment that look out of place?

2 A Yes.

3 Q What?

4 A A bunch of golf balls and some golf clubs.

5 Q And knowing Leonard Black like you know Leonard,
6 would you associate golf clubs with him?

7 A No.

8 Q Okay. And then was there -- did you subsequently
9 learn of the situation inside that apartment?

10 A Yes.

11 Q And what was that?

12 A About the -- what happened with him going to jail,
13 and then about Christina and the money.

14 Q Let me back up. You learned Leonard went to jail.
15 Did you find out what happened to his apartment when Leonard
16 went to jail?

17 A No.

18 Q Did you ever learn whose golf clubs and golf balls
19 those were?

20 A No.

21 Q At some point, did you decide to have a conversation
22 with Leonard about Christina and the money?

23 A Yes.

24 Q How was that going to happen?

25 A I needed to get him away from her so I could talk to

1 him, and I asked him to take me to the store to get
2 cigarettes.

3 Q Okay. In addition to leaving to go to the store to
4 get cigarettes, was there anything else that you needed to
5 get?

6 A Oh, we were going to pick up his truck.

7 Q Whose truck?

8 A Black's.

9 Q Do you leave?

10 A We leave.

11 Q Did Demarco go with you?

12 A Yes.

13 Q How long do you think you're gone?

14 A I want to say 45 minutes.

15 Q 45 minutes? When you return, do you go back into
16 222?

17 A Yes.

18 Q And what do you see when you return?

19 A The door's open.

20 Q And when you enter, is there anything inside that
21 gives you any concerns?

22 A Yes.

23 Q What's that?

24 A The clothes and stuff was all on the floor, the
25 purses were emptied out on the bed, and the girls were done.

1 Q Now, the clothes that were on the floor, what caused
2 you concern about those clothes on the floor?

3 A Because it was the only clothes they had.

4 Q So, it was the only clothes that they had with them?

5 A Yes.

6 Q What about shoes? Did you see any shoes there?

7 A Yes.

8 Q And was there anything about the shoes that gave you
9 concern?

10 A Because Victoria's sandals were right where she was
11 sitting when we left.

12 Q Were you aware of Victoria having any other sandals
13 accessible to her?

14 A No.

15 Q When you saw that, what did you tell Leonard Black?

16 A They took them.

17 Q When you said they, who were you referring to?

18 A D-Roc and Rome.

19 Q Was -- well, let me ask you this. Was Leonard Black
20 upset about the fact that the girls were taken?

21 A No.

22 Q What was he upset about -- or was he upset?

23 A He was mad that someone came into his place.

24 Q And so what is it that he wanted to do?

25 A He wanted to find them.

1 Q And so did you do anything with Leonard?

2 A Yes.

3 Q And what did you do?

4 A We drove out to the Sportsman to the bar.

5 Q And when you got to the bar, who was with you --
6 well, you said you went with Leonard Black. But was there
7 anybody else with you?

8 A Demarco.

9 Q Demarco was with you?

10 A Yes.

11 Q And when you were there, did you come into contact
12 with anybody else that you remember that night, while you were
13 in the bar still?

14 A Yes.

15 Q And who was that?

16 A Nickel.

17 Q Nickel?

18 A Yes.

19 Q Describe Nickel for the ladies and gentlemen of the
20 jury.

21 A She's Victoria's ex-girlfriend.

22 Q Victoria's ex-girlfriend?

23 A Yes.

24 Q Did you have a conversation with Nickel while you
25 were inside the bar?

1 A Yes.

2 Q Okay. What was that conversation about?

3 A She approached me when I was shooting pool and told
4 me that --

5 Q Well, without telling us what she told you. But --

6 A She said, "You know I'm supposed to" --

7 MR. CANO: Objection as to hearsay, Your Honor.

8 THE COURT: Sustained.

9 BY MR. DiGIACOMO:

10 Q You can't tell us what she said to you. But what
11 did you react to her when she said that?

12 A I laughed at her.

13 Q Okay. And without telling us specifically what she
14 said, what were you two talking about?

15 A We were talking about her beating me up.

16 Q Her being what?

17 A She was supposed to beat me up.

18 Q She was supposed to beat you up?

19 A Yes.

20 Q At some point in time while you're inside this bar
21 at the Sportsman, does something happen that catches you,
22 Nickel's, and Leonard's -- Leonard Black's attention?

23 A Yes.

24 Q And what's that?

25 A Rome's outside.

1 Q Rome got what?

2 A He's outside.

3 Q And where was he coming from, do you recall?

4 A He was just walking across the parking lot.

5 Q Okay. And does anybody point him out to -- well,
6 let me ask this. Did Leonard know Rome, as far as you knew?

7 A I described him to him.

8 Q Okay. And how did you describe him?

9 A I described his hand.

10 Q Okay. So, you described the unique physical
11 condition of him?

12 A Yes.

13 Q And when you did that -- or I guess when Leonard
14 Black saw Rome, what did he do?

15 A He called to him, like, stop.

16 Q Okay. And did Rome stop?

17 A No.

18 Q Did Rome say anything?

19 A He said, "I didn't do that to Red. It was D-Roc."

20 Q He said, you didn't -- I didn't do that to Red, it
21 was D-Roc?

22 A Yes.

23 Q And what was Leonard Black's response?

24 A He --

25 MR. CANO: Objection as to hearsay, Your Honor.

1 THE COURT: Sustained.

2 THE WITNESS: He didn't say anything. He ran after
3 him.

4 BY MR. DiGIACOMO:

5 Q So, he ran after him. And what happens at that
6 point?

7 A He beat him up.

8 Q He beat him up?

9 A Yeah.

10 Q What was your demeanor as Leonard was beating up
11 Rome?

12 A I was happy.

13 Q Were you saying anything?

14 A Yes.

15 Q What were you saying?

16 A "Just take it."

17 Q Just take it?

18 A "It's PT time, just take it."

19 Q "It's PT time, just take it?"

20 A Yeah.

21 Q Why were you saying that?

22 A Because of what he said to me when we were out in
23 the construction site and I was getting beat up, he told me to
24 take it. So, it's his turn.

25 Q Were you happy?

1 A Yes.

2 Q As Leonard is -- Leonard Black is beating up on
3 Rome, at some point are the authorities called?

4 A We thought they would be so we jumped in the car.

5 Q Whose car did you jump in?

6 A Black's Suburban.

7 Q And where did you go?

8 A We went out to Boulder, and flipped a U-ey.

9 Q And went where?

10 A We ended up at Black's apartment.

11 Q Okay. Back at the South Cove?

12 A No. His apartment.

13 Q He has a different apartment than Black's -- which
14 Black, by the way?

15 A Leonard Black.

16 Q Leonard Black has another place?

17 A His house, yes.

18 Q His house. And where is that?

19 A It's on the east side somewhere, I'm not sure. It's
20 like a back road off of Lamb or something.

21 Q So, at this point we're into Thursday morning I
22 guess; is that right? It's early in the morning Thursday?

23 A Yes.

24 Q After going back with Leonard, at some point, do you
25 come into contact with an individual that you know as Ryan

1 Noe?

2 A Yes.

3 Q How is it that you come into contact with Ryan?

4 A When I got dropped back at the Sportsman, and I was
5 on my way to my daughter's father's house, he pulled up in a
6 truck next to me.

7 Q So, how long after you left with Leonard Black do
8 you come back to the Sportsman, would you say?

9 A I believe it was that day.

10 Q Do you think it was sometime on the 18th?

11 A I'm not sure, I'm kind of confused on the days and
12 dates.

13 Q Okay.

14 A But it was of that morning, that afternoon.

15 Q So, are we talking -- you stayed with Leonard Black
16 a couple of hours before you went back to the Sportsman's?

17 A Yes. About -- like I want to say afternoon
18 sometime.

19 Q Before you actually made it into the Sportsman's,
20 you came into contact with Ryan Noe?

21 A In the parking lot.

22 Q And what do you do with Ryan?

23 A He asked me where Victoria was.

24 MR. CANO: Objection as to hearsay, Your Honor.

25 THE COURT: Sustained.

1 BY MR. DiGIACOMO:

2 Q Without telling us what he told you -- well, let me
3 ask you this. What did you respond?

4 A I said I didn't know where the girls were.

5 Q Was he looking for anybody in particular?

6 A Yes.

7 Q Who was he looking for?

8 A Victoria.

9 Q Did you know what relationship Ryan Noe had to
10 Victoria?

11 A Yes.

12 Q And what was that?

13 A He liked her.

14 Q He was looking for Victoria. You indicated you
15 didn't know. Did he offer to do anything with you?

16 A Yes.

17 Q What did he do?

18 A I got in the truck with him and went back to his
19 house.

20 Q Did you explain to him the situation?

21 A Yes.

22 Q And what did you do for that Thursday and Friday?
23 Did you stay with Mr. Noe?

24 A Yes.

25 Q At some point do you see on the news that two bodies

1 had been located out in Henderson kind of near that area where
2 you had beaten?

3 A Yes.

4 Q Based upon seeing that what do you do?

5 A I told Ryan that was the girls and -- that was the
6 girls.

7 Q When you told Ryan that that was the girls, what did
8 you and Ryan decide to do?

9 A Go to Henderson Police.

10 Q You went to the Henderson Police Department?

11 A Yes.

12 Q And did you have a conversation with somebody?

13 A A detective.

14 Q And what did you tell him?

15 A I told him that I think the two girls that were on
16 the news were my friends.

17 Q And did they -- did they -- or did you generally
18 provide them kind of the story of what you just kind of told
19 the ladies and gentlemen of the jury?

20 A Yes.

21 Q And subsequent to providing them that information,
22 did you have any concerns for yourself at this point in time?

23 A Yes.

24 Q And what were those concerns?

25 A That they were looking for me.

1 Q When you say they, who?

2 A D-Roc and Rome.

3 Q Now, throughout this three-day kind of time period
4 we're talking about, did you ever -- or did you see Donny any
5 time other than the time he testified he was in the car from
6 the Sahara to the time that he got out of the car and went
7 into the house?

8 A I didn't see him after that.

9 Q During this three-day period, other than the time
10 that you ran into Trey Black at the South Cove in apartment
11 217 on the Wednesday evening, do you remember seeing Trey
12 Black at any other point in time during this three-day period?

13 A I don't think so.

14 Q So you had concerns about two individuals, and did
15 the police offer to do anything for you about these two
16 individuals?

17 A Yes.

18 Q What did they do?

19 A They put Ryan and I in a hotel.

20 Q A motel?

21 A Yes.

22 Q Did they document your injuries?

23 A Yes.

24 MR. DiGIACOMO: May I approach, Judge?

25 BY MR. DiGIACOMO:

1 Q Having previously shown counsel State's Proposed
2 Exhibits 121, 122, 123, 127, 128, 129, 130, 131, and 133. I'm
3 just going to ask you to flip through those and tell me if
4 those pictures -- or if you recognize the person depicted in
5 those photographs.

6 A Yes.

7 Q Who is that person?

8 A That's me.

9 Q Are those photographs taken to document your
10 condition once you got taken to that hotel room?

11 A Yes.

12 MR. DiGIACOMO: Judge, I move to admit those.

13 THE COURT: Any objection to those exhibits? Do you
14 want to look them again?

15 MR. CANO: Subject to cross-examination, Your Honor.

16 THE COURT: Pardon?

17 MR. CANO: Subject to cross-examination. I reserve.

18 MR. DiGIACOMO: Well, I'm going to publish them,
19 so --

20 THE COURT: No. Do you want to look at them and see
21 if you have any objection, Mr. Cano? I mean, I don't know
22 what they are yet. I haven't seen them.

23 MR. CANO: No objection, Your Honor.

24 THE COURT: All right. So Exhibits -- and correct
25 me if I'm wrong, Mr. DiGiacomo -- 121, 122, 123, 127, 128,

1 129, 130, 131, and 133 will be admitted and you can publish
2 those.

3 MR. DiGIACOMO: Judge, I believe 125 as well.

4 THE COURT: I'm sorry. All right. And 125.

5 (State's Exhibits 121-123, 125, 127-131, and 133 admitted)

6 BY MR. DiGIACOMO:

7 Q I'm not going to publish each and every one of these
8 for the ladies and gentlemen of the jury, but generally can
9 you tell me were some of the injuries that are documented in
10 those photographs more recent injuries from the night out by
11 the trailer in the desert and were any of those injuries
12 associated with the beating that occurred back in April?

13 A The ones on my chest were from the ones back in
14 April.

15 Q And I'm not going to show the -- those photographs,
16 but sometimes the photographs are difficult to see on the
17 face. And so 122, can you kind of describe for the ladies and
18 gentlemen of the jury what injuries -- well, first of all, are
19 those injuries on your face associated with the incident on
20 Tuesday night out in the desert?

21 A My jaw hurt. My face was swollen and I couldn't
22 chew. My ear was bleeding.

23 Q Did you have any lingering effects from that beating
24 out in the desert?

25 A Yes.

1 Q Like what?

2 A Until today?

3 Q Yeah.

4 A Memory issues, just I forget things. If I go into a
5 room to get something or as soon as I turn around I forget.

6 Q Okay. How about --

7 A I have a hard time concentrating.

8 Q Any issues with reading?

9 A Yes.

10 Q Describe that for the ladies and gentlemen of the
11 jury.

12 A I was having a hard time reading short words, just
13 like is, the, at, short words, but the long words I could
14 read. I just wasn't -- I was skipping through the short
15 words.

16 Q And did you ever receive any medical attention for
17 your injuries?

18 A Yes.

19 Q Like what?

20 A For my -- the reading issue I went to a place called
21 Kumon Learning Center.

22 Q And was that, the reading issue, was that always
23 brought up -- was that brought about by the injuries sustained
24 during the attack?

25 MR. CANO: Objection.

1 A Yes.

2 MR. CANO: Speculation, Your Honor. Calls for a
3 medical conclusion.

4 MR. DiGIACOMO: I'll rephrase.

5 THE COURT: Sustained.

6 BY MR. DiGIACOMO:

7 Q Did you have any problems before you got beat?

8 A No.

9 Q How long did the police keep you up in a hotel room?

10 A I want to say a week maybe.

11 Q Other than the time that you were kept in the hotel
12 room, did you get any other benefits from the police?

13 A No.

14 Q What about did they buy you some small products?

15 A Yes.

16 MR. CANO: Your Honor, the question was asked and
17 answered. She said no benefits.

18 THE COURT: I'm going to overrule the objection.

19 BY MR. DiGIACOMO:

20 Q Like what kind of small products?

21 A Clothes, hygiene, cigarettes, food.

22 Q Other than those small personal items and room, have
23 you ever received any benefit for your testimony in this case?

24 A No.

25 Q Now, previously I asked you about phone numbers, and

1 I think Mr. Pike and I have previously agreed to some of this,
2 but did you know back then anybody's phone number? You said
3 you knew Leonard Black's phone number. Back then did you know
4 D-Roc's phone number?

5 A No, I don't remember it at all.

6 Q Today you don't, but do you remember telling the
7 police what it was back then?

8 A Oh, yes.

9 Q Okay.

10 MR. DiGIACOMO: Page 29, counsel, of her first
11 statement.

12 MR. PIKE: The first one?

13 MR. DiGIACOMO: First statement, yes, line 4.

14 BY MR. DiGIACOMO:

15 Q I'm going to show you page 29 of your very first
16 statement to police. And I want you to just slowly read from
17 basically the top until line 8.

18 A Okay. Yes.

19 Q Does that refresh your recollection as to what
20 his --

21 A Yes.

22 Q -- phone number was? All right. And the phone
23 number that's written here was 7-0-2-2-3-7-7-0-0-1.

24 A Yes.

25 Q Does that sound right? Now, what did you say about

1 -- or do you recall about Mr. Malone and his use of his phone?

2 A That he didn't hardly ever answer it.

3 Q What would happen if you were to call that number?

4 A I would get voicemail.

5 Q How is that Mr. Malone usually utilized his phone if
6 he was going to talk to somebody?

7 A Chirp.

8 Q Chirping?

9 A Yes.

10 MR. DiGIACOMO: Court's indulgence, Judge.

11 BY MR. DiGIACOMO:

12 Q You had indicated previously that Leonard Black's
13 phone number started with 3-4-8. Do you recall telling the
14 police what that phone number was?

15 A 3-4-8-2-4-1-8 or 2-8-1-4, something like that.

16 BY MR. DiGIACOMO:

17 Q And I believe it's going to be in her second
18 statement at page 59 or 58.

19 Q I'm going to roll this down for you here.

20 MR. DiGIACOMO: Counsel, page 59, line 19.

21 BY MR. DiGIACOMO:

22 Q If you could, just for the ladies and gentlemen of
23 the jury, read the number that you indicated.

24 A 3-4-8-2-8-1-2.

25 Q And lastly, for the ladies and gentlemen of the

1 jury, you provided one other number which was Davie's number.

2 A Yes.

3 Q And what number did you provide for Davie?

4 A 2-9-2-0-9-3-0.

5 Q 2-9-2-0-9-3-0?

6 A Yes.

7 MR. DiGIACOMO: Court's brief indulgence.

8 THE COURT: All right.

9 MR. DiGIACOMO: I pass the witness.

10 Thank you, Ms. Estores.

11 THE COURT: Mr. Cano.

12 MR. CANO: Thank you, Your Honor. I have a lot of
13 documents. Is it all right if I do this from counsel table?

14 THE COURT: That's fine.

15 MR. CANO: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. CANO:

18 Q Good afternoon, Red. We've met several times
19 before; haven't we?

20 A Yes.

21 Q To discuss this case --

22 A Yes.

23 Q -- right? And -- and although your name is Melissa
24 Estores you go by Red --

25 A Yes.

1 Q -- out on the street? That's your nickname --

2 A Yes.

3 Q -- right? Red is in like the color red?

4 A Yes.

5 Q Okay. And we've met several times in this case. I
6 think most of those times were while you were in custody.

7 A Yes.

8 Q Out at the jail; right?

9 A Yes.

10 Q Or at prison?

11 A Yes.

12 Q Okay. Now, your previous -- let's talk about your
13 previous convictions. You said you were convicted of
14 possession of a financial forging lab, I think, in 2009 --

15 A Yes.

16 Q -- right? And then possession of credit card
17 without the owner's consent --

18 A Yes.

19 Q -- right? And that was also in 2009?

20 A It happened in 2008, but I went to prison for it in
21 2009.

22 Q Okay. So that was the reason why you were in prison
23 when we -- when we spoke earlier?

24 A Yes.

25 Q Okay. Now, let's talk about the statements in this

1 case. Fair to say that you gave a lot of statements in this
2 case?

3 A Yes.

4 Q I believe you even said at one point in time
5 probably 15, 20 times you talked about this to the police.

6 A I'm not sure.

7 Q You're not sure? Okay. Would it help to refresh
8 your recollection if -- if I showed you -- well, first off,
9 before we get into that. You talked about this case -- let's
10 see, you gave two statements to the police; right?

11 A I believe so.

12 Q Okay. One was on May 21st and the other one was on
13 May 24th?

14 A I believe so.

15 Q Okay. You've testified about this at a preliminary
16 hearing?

17 A Yes.

18 Q And you also testified to this at -- at a previous
19 trial?

20 A Yes.

21 Q Okay. And you've also spoken to the district
22 attorneys regarding this case?

23 A Yes.

24 Q How many times have you talked to the district
25 attorneys?

1 A Three.

2 Q Three times? Okay. You talked to them prior to
3 your -- your testimony at the preliminary hearing?

4 A The pretrial?

5 Q The preliminary hearing that was out in Henderson.
6 Do you remember that?

7 A Yes.

8 Q You spoke to them before that; right?

9 A I believe so.

10 Q Okay. How long did you talk to them for?

11 A I don't know.

12 Q You don't recall?

13 A It was awhile ago, no.

14 Q Okay. You also talked to them before you testified
15 at the last trial?

16 A Yes.

17 Q Okay. How long did you talk to them that time?

18 A A total of two days.

19 Q Two days. Okay. Okay. And those two days you were
20 reviewing your statements that you gave to the police?

21 A Yes.

22 Q As well as your preliminary hearing testimony?

23 A Pretrial?

24 Q The preliminary hearing that was out -- held out in
25 Henderson.

1 A Yes.

2 Q Okay. Do you remember when we were out in Henderson
3 and you testified?

4 A Yes.

5 Q It was just kind of like this, but a different kind
6 of courtroom; right?

7 A Yes.

8 Q You kind of got up on the stand, you raised up your
9 hand, and you swore to tell the truth, nothing but the truth.
10 Do you remember that?

11 A Yes.

12 Q That was in Henderson?

13 A Yes.

14 Q Okay. So when you spoke to the DAs before the
15 previous trial, you -- you said you reviewed that preliminary
16 hearing from Henderson?

17 A Yes.

18 Q Okay. And you reviewed -- and -- and if I remember
19 right a couple of your statements were recorded by the police?

20 A Yes.

21 Q And -- and you reviewed those recorded statements?

22 A Yes.

23 Q As well as you reviewed the transcript of the
24 statements?

25 A I believe so, yeah.

1 Q Okay. Okay. Now, let's go back to the preliminary
2 hearing. Do you remember before the preliminary hearing that
3 before you got up and testified at that hearing, before you
4 took that oath to tell the truth and nothing but the truth,
5 you were drinking alcohol?

6 A Yes.

7 Q Took some shots of Crown?

8 A Yes.

9 Q Okay. Now, let's see, if I -- if I -- if I've added
10 up my numbers right, you spoke -- you spoke to me at least
11 four times while you were in custody, you gave two statements
12 to police. That's six; right? You testified at a preliminary
13 hearing; you testified in another trial. That's eight; right?

14 A Yes.

15 Q And before the preliminary hearing you reviewed your
16 statements; right?

17 A Yes.

18 Q And then before the trial you reviewed not only your
19 statements, but also the preliminary hearing?

20 A Yes.

21 Q So it's fair to say that you kind of like discussed
22 this case or -- or reviewed this case probably at least 10 or
23 12 times; is that a fair estimation?

24 A Yes.

25 Q All right. Okay. Now -- now, do you recall telling

1 -- telling the police that you were a boxer?

2 A Yes.

3 Q And you actually testified, I think, at a previous
4 trial that you're a pretty tough boxer.

5 A Yes.

6 Q Did you -- you boxed in the Golden Gloves, I
7 believe?

8 A Yes.

9 Q And you used to even -- you used to actually, I
10 think you said at the previous trial you used to even whip
11 guys' asses.

12 A Yes.

13 Q Right?

14 A Yes.

15 Q You also have some tattoos on your knuckles; don't
16 you?

17 A Yes.

18 Q Tattoos on your knuckles. Can you hold those up?
19 They say game over; don't they?

20 A Yes.

21 Q Kind of like, you know, boxer game over. When you
22 take a fight, you're pretty tough, it's over for that -- that
23 opponent of yours.

24 A No.

25 Q Oh, okay. There's a different signification to game

1 over on your knuckles?

2 A Yes.

3 Q Okay. What would that be?

4 A I'm done with the game.

5 Q Oh, I see. Now, let's talk about what you were

6 doing back in April/May of 2006. Okay?

7 A Okay.

8 Q You're a drug dealer.

9 A Yes.

10 Q You were selling crack?

11 A Yes.

12 Q Which is hard?

13 A Yes.

14 Q And you're also selling meth?

15 A Yes.

16 Q Which is soft?

17 A Yes.

18 Q You're also a drug user --

19 A Yes.

20 Q -- right? You smoked a lot weed?

21 A A lot of weed.

22 Q Like daily?

23 A Yes.

24 Q Okay. And I think you called them blunts.

25 A Sometimes.

1 Q Okay. Well, let's talk about a blunt. A blunt is
2 not like a regular joint; right? It's actually rolled up in a
3 cigar casing?

4 A Yes.

5 Q So there's more marijuana in a blunt?

6 A Yes.

7 Q Okay. And it's bigger than like a normal joint?

8 A Yes.

9 Q And you would smoke those, like you said, almost
10 daily?

11 A Yes.

12 Q As a matter of fact, I think you said at one point
13 you were addicted to marijuana.

14 A Yes.

15 Q Okay. And you also drank alcohol daily.

16 A Yes.

17 Q Okay. And I think at one point you even said that
18 you were addicted to alcohol.

19 A Yes.

20 Q Okay. Now, you also had -- used meth; right?

21 A Yes.

22 Q Now, that was your preference if you could get it.

23 A No.

24 Q It wasn't your preference?

25 A No.

1 Q Okay. Now --

2 MR. CANO: Court's indulgence, Your Honor.

3 BY MR. CANO:

4 Q Okay. Do you remember --

5 MR. CANO: And, counsel, I'm going to her
6 preliminary hearing statement page 218.

7 BY MR. CANO:

8 Q Do you remember the preliminary hearing that we --
9 that -- that we talked about in Henderson?

10 A Yes.

11 Q Where you got up there and you held your hand up and
12 you said you swear to tell the truth and nothing but the
13 truth?

14 A Yes.

15 Q All right. At that hearing you were asked the
16 question, "Crystal meth, is that your drug of choice?" And
17 you answered, "Preference, yes."

18 A Yes.

19 Q So then meth or crystal meth, that's your preference
20 of drugs?

21 A If it's there, yes.

22 Q If it's there. Okay. So you smoke weed, you drink
23 alcohol daily, and if you have meth you take that too?

24 A Yes.

25 Q Okay. And so this is the kind of lifestyle that

1 you're living back in April/May of 2006 --

2 A Yes.

3 Q -- correct? And not only were you a drug dealer,
4 you were a hustler?

5 A Yes.

6 Q Okay. And you described earlier to the ladies and
7 gentlemen of the jury that a hustler -- well, basically you
8 hustle anything.

9 A Yes.

10 Q You do whatever it takes to get money --

11 A Usually.

12 Q -- right? You hustle drugs --

13 A Yes.

14 Q -- right? You're kind of like the go to gal over
15 there at the Sportsman's --

16 A Yes.

17 Q -- right? I assume -- you kind of said you kind
18 named yourself the local events coordinator over there; right?

19 A Yes.

20 Q Or that name was given to you?

21 A Yes.

22 Q Okay. And if people needed something you'd get it
23 for them.

24 A Yes.

25 Q Whether -- whether it's drugs --

1 A Yes.

2 Q -- or like a PlayStation. I think you even
3 testified before --

4 THE MARSHAL: Give me one second.

5 BY MR. CANO:

6 Q I think you testified before at the preliminary
7 hearing that like if someone needed a PlayStation you could
8 hook them up. You'd get them that PlayStation; right?

9 A Yes.

10 Q And you -- and you get paid for -- and you would get
11 paid for those services?

12 A I would take a cut, yes.

13 Q You'd take a cut; right? And when you'd go get a
14 PlayStation, you wouldn't just take a list and go like over to
15 Wal-Mart and purchase a PlayStation and then bring it back;
16 right?

17 A No.

18 Q There's no profit in that at all.

19 A No.

20 Q Basically if there was a stolen goods or something
21 of that nature, you'd kind of get it from one person to the
22 person who needed it.

23 A Or if it was a person that owned it and just wanted
24 to sell it, yeah.

25 Q Okay. Either way that's what you'd do. So you

1 dealt in stolen goods as well.

2 A Yes.

3 Q Okay. And I think -- I think you even testified
4 that you had hustles on top of hustles.

5 A I believe so.

6 Q Okay. That sounds like something you would say;
7 right?

8 A Most definitely.

9 Q Yeah. So there was more than one way to make money.
10 That's what you meant by hustles on top of hustles?

11 A Yes.

12 Q Okay. So basically you were trying to play every
13 angle you could during that time frame to try to make money
14 however you could.

15 A Yes.

16 Q Actually, I think you even said that you were like a
17 free agent --

18 A Yes.

19 Q -- right? So that means that you could sell for
20 more than one person?

21 A It meant that I was single.

22 Q That meant you were single as in like by yourself in
23 a relationship?

24 A Yes.

25 Q Yes?

1 A Yes.

2 Q Okay. All right. But would you consider yourself
3 hooked up or organized with anyone else?

4 A Business wise?

5 Q Like selling drugs, yes. That's what you're doing.
6 You're selling drugs; right?

7 A Yes.

8 Q Okay. But you were -- but that's not what you told
9 the police, I think, back in -- in May 21, 2006; right?

10 A No.

11 Q You told them that -- that you were like a
12 bartender.

13 A A cocktail waitress.

14 Q A cocktail waitress.

15 A Yes.

16 Q And a stay at home mom?

17 A Yes.

18 Q But that wasn't true.

19 A It was to an extent.

20 Q You were working cocktails?

21 A I was working in a bar.

22 Q But were you -- were you working as a cocktail
23 waitress?

24 A Yeah, I was getting paid under the table to wipe
25 tables and take out trash and pick up drinks.

1 Q All right. Okay. Do you remember the statement
2 that you gave May 21st to the police?

3 A Yes.

4 Q Okay.

5 MR. CANO: Page 7, counsel, line 13.

6 BY MR. CANO:

7 Q You were asked --

8 MR. CANO: Or line 12 and 13.

9 BY MR. CANO:

10 Q You were asked what you do for a living, and you
11 told the police I'm a stay at home mom right now. I'm
12 unemployed.

13 A Because I was working under the table. That's --

14 Q Okay. But you didn't tell them -- you didn't tell
15 the police that you were a cocktail waitress; did you?

16 A I don't think so.

17 Q Okay. So then that wasn't truthful?

18 A No.

19 Q Okay. So now we can agree that that was a lie to
20 the police?

21 A Yes.

22 Q Okay. And there were a few other lies, now that
23 we're talking about lies. There were a few other lies or
24 inconsistencies or untruths that you kind of told the police,
25 or actually told the police and the court. Do you recall

1 those?

2 A No.

3 Q Let me go over a couple of them. Do you remember at
4 the preliminary hearing?

5 MR. DiGIACOMO: Your Honor, I apologize, but I
6 object to the commentary. He doesn't get to comment on the
7 veracity of a statement.

8 THE COURT: Mr. Cano.

9 MR. CANO: I'm sorry, Your Honor. I'll rephrase.

10 THE COURT: Okay.

11 BY MR. CANO:

12 Q Let's -- let's talk -- let's talk about some of
13 these lies that you told. Remember at the preliminary
14 hearing --

15 MR. DiGIACOMO: Once again, I apologize, Judge. I
16 object to the characterization. He can ask her about
17 statements, but he should know that he can't use the -- he
18 can't call her a liar.

19 BY MR. CANO:

20 Q Let's talk about the statements that you gave.

21 THE COURT: Thank you, Mr. Cano.

22 BY MR. CANO:

23 Q All right. Remember at the preliminary hearing
24 where you swore to tell the truth to the judge down there,
25 nothing but the truth?

1 A Yes.

2 Q The one in Henderson. We've talked about that a
3 couple times; right?

4 A Yes.

5 Q At the preliminary hearing you said that you
6 couldn't read.

7 A Yes.

8 Q Okay. Now, at the trial that you testified to you
9 after the preliminary hearing, you actually told the court and
10 the jury there that you've always known how to read.

11 A I did know how to read.

12 Q Okay. So -- but you told the court you couldn't
13 read, and then you told the jury you've always known how to
14 read; right?

15 A Yes.

16 Q Fair to say that those two things are not
17 consistent?

18 A Yes.

19 Q Right. Okay. So they both can't be true; right?

20 A I guess not.

21 Q You guess not. Okay. So fair to say we can call
22 that one a lie.

23 A If you want to.

24 Q Well, I'm -- I'm calling it a lie.

25 A If it's fair to you, then, yes.

1 Q Okay. Now, let's talk about another statement you
2 gave. Do you remember at the preliminary hearing you -- you
3 told -- you told the court that your brother Sammy was working
4 over at the pub or the Sportsman's Bar --

5 A Yes.

6 Q -- right? But Sammy is not really your brother.

7 A No.

8 Q Okay. Actually, he's not even related to you; is
9 he?

10 A I told the police that we call each other -- he
11 calls me sis and I call him bro.

12 Q Okay. But you're not related to Sammy.

13 A No.

14 Q But you told the court that he was your brother.

15 A Yes.

16 Q Okay. So that was a lie.

17 A Okay.

18 Q All right. Now, you also said that your cousin was
19 a bartender.

20 A Yes.

21 Q Okay. But you don't have any relatives that work
22 over at the Sportsman's Pub.

23 A She's a Calabash cousin. She's a friend of the
24 family from Hawaii.

25 Q Okay. So she's not actually blood related to you.

1 A No.

2 Q So then that's another lie.

3 A Well, in Hawaii --

4 Q Is she actually blood related to you?

5 A She's not blood related, but in Hawaii we consider
6 that family.

7 Q Okay. So -- so that one's kind of like just
8 inaccurate?

9 A Yes.

10 Q All right. Now, talking about your brother, I want
11 to go back to your May 21st statement when you're telling the
12 police about your brother.

13 MR. CANO: Page 26, counsel.

14 BY MR. CANO:

15 Q It seemed like there were some things that you
16 talked to the police during that statement that weren't
17 necessarily recorded.

18 A I'm not sure.

19 Q Okay. Would it help to refresh your recollection if
20 you -- if you reviewed that portion of the statement that you
21 were talking to the police about your brother?

22 A Refresh about not having it recorded?

23 Q Well, I mean, there was a question -- a question was
24 asked to you about -- you said your brother really isn't
25 really your brother, and you said yeah.

1 A Yes.

2 Q Okay. But if you go to the question preceding that
3 or up above the page they were talking about Christina being
4 into dope and you weren't sure whether or not they were into
5 dope, how long you had known them --

6 MR. DiGIACOMO: I apologize, but --

7 BY MR. CANO:

8 Q -- things of that nature.

9 MR. DiGIACOMO: -- I object. Is there -- he's got
10 to ask a question and answer, not just read transcripts.

11 THE COURT: Yeah. And, Mr. Cano, I mean, to be fair
12 you need to let her review the statement if she's -- I mean,
13 if you're going to ask her a question that she remembers, if
14 she doesn't, then have her review the statement.

15 MR. CANO: Okay.

16 BY MR. CANO:

17 Q Well, do you recall --

18 THE COURT: But you're just reading the statement
19 right now.

20 MR. CANO: I understand that, Your Honor.

21 BY MR. CANO:

22 Q Do you recall that conversation or that portion of
23 that interview?

24 A I'm not sure what you're talking about.

25 Q Okay. During the interview that you had on May 21st

1 with the police officers you had discussed several topics.

2 Would that be fair to say?

3 A Yes.

4 Q You talked about Christina and Victoria?

5 A Yes.

6 Q You talked about what had happened to you like at
7 the Hard Rock, things of that nature?

8 A Yes.

9 Q Okay. What -- and you talked about how you knew
10 Christina and Victoria. Would that be fair to say?

11 A I believe so.

12 Q Okay. Now, you also were asked about your brother,
13 but you said that you -- your brother really wasn't your
14 brother to the police.

15 A I believe so. I know I told them he wasn't my real
16 brother.

17 Q Okay. I'll move on. Now, earlier I think you
18 testified that you didn't know where you were going when you
19 were heading out to -- we'll get to this. We'll get to this
20 one because there's a lot of inconsistencies [inaudible].

21 MR. DiGIACOMO: Judge, I apologize once again.

22 THE COURT: Mr. Cano, no comment on the statement,
23 please.

24 THE WITNESS: Your Honor, could I get a restroom
25 break?

1 THE COURT: Ladies and gentlemen, let's just take a
2 quick break. We will adjourn today at 5:00. We're just going
3 to take a quick break at this point.

4 During this recess you're not to converse among
5 yourselves or with anyone else on any subject connected with
6 this case, or read, watch, or listen to any report of or
7 commentary on the trial by any person connected with the trial
8 or by any medium of information, including, without
9 limitation, newspaper, television, radio, or the Internet.
10 You're not to form or express an opinion on any subject
11 connected with this case until this matter is submitted to
12 you.

13 We'll see you back in a few minutes.

14 (Court recessed at 4:05 p.m. until 4:17 p.m.)

15 THE COURT: Ms. Estores, you understand you're still
16 under oath?

17 THE WITNESS: Yes.

18 THE COURT: All right. Go ahead, Counsel.

19 MR. CANO: Thank you, Your Honor.

20 BY MR. CANO:

21 Q I believe earlier in direct examination you told
22 counsel that when you were driving down Boulder Highway to
23 that desert area that you were going out to a construction
24 site, a location where a home was being built, either Rome's
25 or -- or his mother's --

1 A Yes.

2 Q -- right? Now, do you remember testifying at a
3 previous hearing, a previous trial, actually, when you swore
4 to tell the truth and nothing but the truth you were asked --

5 MR. CANO: And this is the bottom of 48, top of 49,
6 counsel, on the trial transcript.

7 BY MR. CANO:

8 Q You were asked as you were driving --

9 MR. DiGIACOMO: And I apologize. Just so the jury
10 doesn't get the misimpression, it's Mr. McCarty's trial.

11 THE COURT: That's correct. This is not related to
12 Mr. Malone's trial.

13 MR. CANO: Okay.

14 BY MR. CANO:

15 Q You were asked, "As you were driving up Boulder
16 Highway at any point do you realize where you're going? Does
17 anybody tell you where you're going?" And your answer --

18 MR. DiGIACOMO: I'm sorry. Counsel, which -- which
19 day was it? The 19th or the 20th?

20 MR. CANO: The 20th.

21 MR. DiGIACOMO: What page?

22 MR. CANO: Page 48, bottom of 48, top of 49.

23 MR. DiGIACOMO: Thank you.

24 MR. CANO: Okay.

25 BY MR. CANO:

1 Q And you answered, "Not at that point. I wasn't
2 familiar with Faze [phonetic]. I barely even knew -- I barely
3 even left the Sportsman's all that often, so I really don't
4 know where we were going and I didn't ask."

5 A Yes.

6 Q Okay. That's different than the answer that you
7 gave earlier today; correct?

8 A Yes.

9 Q Okay. And I believe earlier you were also asked at
10 the time do you -- did you know who owned the car or the green
11 car. And you responded that you did not know who the owner of
12 the car was --

13 A Yes.

14 Q -- right? But you gave a statement to the police --
15 MR. CANO: May 21st, counsel, page 28 the bottom of
16 the page.

17 BY MR. CANO:

18 Q You gave a statement to the police when you're
19 describing Donny -- Donny. You said he was a white kid. And
20 the question was, "And you said that's his car." Question,
21 "Right? That was his car, the dark green car?" Your answer
22 was, "Yeah, it's Donny's car." So on May 21st you knew it was
23 Donny's car, but when you testified earlier at that time you
24 said you didn't know it was Donny's car; correct?

25 A I didn't know who it was registered under, nothing

1 like that.

2 Q Okay. But you told the police that it was Donny's
3 car?

4 A I believe so.

5 Q Okay. And also I think you testified earlier that
6 if you saw Donny and -- and -- and D-Roc -- you call him
7 D-Roc, but that's Domonic Malone; correct?

8 A Yes.

9 Q Okay. If you saw Donny and Domonic together it was
10 a couple of times at the bar.

11 A I believe so, yes.

12 Q Remember that? You testified to that earlier today;
13 right?

14 A Yes.

15 Q Okay. But on the same statement, May 21st, same
16 page, you -- you were asked, "Do you think he knew this Donny
17 kid that owns the car?" You responded no. Question, "No?
18 Donny didn't hang out there?" And you answered, "I hang out
19 at the bar quite often." Question, "Uh-huh." "And I never
20 saw Donny in there."

21 A Well, I meant not all that often.

22 Q Well, no, your answer was I never saw Donny in
23 there; correct?

24 MR. DiGIACOMO: Well, Judge, I apologize. He can
25 either show her the statement and ask her what she meant.

1 THE COURT: Right.

2 MR. DiGIACOMO: -- but he can't tell her --

3 MR. CANO: Can I approach, Your Honor?

4 THE COURT: Yes.

5 MR. DiGIACOMO: -- no, your answer is wrong.

6 THE COURT: Right.

7 MR. CANO: Can I approach, Your Honor?

8 THE COURT: Yes.

9 MR. CANO: Thank you.

10 THE COURT: And no comments on her testimony,
11 please.

12 BY MR. CANO:

13 Q Page 28, can you read that to yourself.

14 A Starting from where?

15 Q About line 12, down those three lines.

16 A Okay.

17 Q Okay. Now, your answer to the police on May 21st
18 was that you never saw Donny in there; correct?

19 A Yes.

20 Q Okay. But you testified earlier that you would see
21 Donny in there with Domonic.

22 A Yes.

23 Q Okay. Now, I notice that you have like a teardrop
24 tattoo on your eye.

25 A Yes.

1 Q Did you have that during the time of April?

2 A I had a red one, but not the -- it was faded. It
3 wasn't like how it is now.

4 Q The teardrop symbol?

5 A Yeah.

6 Q And it was --

7 A It wasn't --

8 Q -- filled in red?

9 A No, it wasn't like this.

10 Q Okay. Inside of that there's like a dollar symbol;
11 right?

12 A Yes.

13 Q Okay. What does that stand for?

14 A Make money millionaires.

15 Q To make money millionaires?

16 A It was a little group that we had.

17 Q Group?

18 A Yes.

19 Q Group from where?

20 A From Cali.

21 Q From California?

22 A Yes.

23 Q A group of friends, group of other hustlers, group
24 of what?

25 A All of that.

1 Q Okay. So like a clique or a gang?

2 A Yes.

3 Q Okay. I want to talk a little bit about the
4 benefits that you received in this case. Okay? I think you
5 went over a few of them with Mr. DiGiacomo. Okay? Do you
6 recall that testimony?

7 A Yes.

8 Q All right. At the time when this incident happened,
9 I think you testified earlier that you really didn't have a
10 place to stay.

11 A Yes.

12 Q Would that be a fair description?

13 A Yes.

14 Q You're kind of floating around from place to place.

15 A Yes.

16 Q I think you mentioned several places that you would
17 stay at. I think one of them was like your baby daddy's?

18 A Yes.

19 Q All right. And what is his name?

20 A Pha [phonetic].

21 Q I'm sorry?

22 A Pha.

23 Q Pha. Okay. And then I think you also said you
24 stayed at Davie's place as well.

25 A Yes.

1 Q All right. You spent time with Ryan?

2 A Yes.

3 Q All right. You spent the night with Black.

4 A Yes.

5 Q I think you also spent the night with Spliff or at
6 his house?

7 A Yes.

8 Q All right. And at that point in time you were
9 seeing a person named Nino?

10 A Yes.

11 Q So there would be occasions where you spend the
12 night with Nino as well?

13 A No.

14 Q Okay. So you didn't spend the night with Nino. But
15 all these other places it was kind of like you were floating
16 around from place to place to place; fair description?

17 A Yes.

18 Q Okay. So -- so at the time you were giving the
19 statement to the police, they actually put you up at a hotel.

20 A At -- first at a motel, yes.

21 Q Okay. Well, the -- the first night that they put
22 you up, they put you up at, I think, an American Best.

23 A I believe so.

24 Q Okay. And that was the Henderson Police?

25 A Yes.

1 Q Okay. And that's -- and actually Ryan Noe stayed
2 with you that night.

3 A Not most of the night, but, yeah.

4 Q All right. Well, they got him a room as well.

5 A No, he was in the same room.

6 Q Okay. He got the same -- you shared a room with
7 Ryan.

8 A Yeah, but he wasn't there. He left.

9 Q Okay. But the point is the police got a room for
10 both you and Ryan?

11 A Yes.

12 Q Okay. And that was the first night -- and that was
13 the night that -- that was the day that you went over to talk
14 to the police and that was on the 21st?

15 A I think so, yes.

16 Q Okay. All right. And then after that they took you
17 from there over to the Railroad Pass?

18 A Yes.

19 Q And you stayed there two nights?

20 A I think so. One or two.

21 Q Okay. And, again, that was with Ryan as well?

22 A Yes.

23 Q Okay. And actually I think you even testified at an
24 earlier hearing, preliminary hearing, that you would go down
25 to the casino and gamble and drink while you were staying at

1 the Railroad Pass.

2 A Yes.

3 Q Okay. Now, you also said that you asked the police
4 for cigarettes and they would get them for you.

5 A Yes.

6 Q You asked the police for money for incidentals, and
7 I think Officer Hosaka gave you \$80.

8 A No, pizza money.

9 Q Pizza money?

10 A Yes.

11 Q How much money did he give you?

12 A He didn't give it me. He gave it to Ryan.

13 Q Okay. How much money was that?

14 A \$20.

15 Q \$20. Okay. You also would ask for food and they
16 would bring you food.

17 A Yes.

18 Q And it would be different officers that would bring
19 you food.

20 A Whoever would come out, yes.

21 Q Okay. So you would basically, if I understand the
22 situation, you would give a call to the police officers saying
23 we're hungry and want some food, and then somebody would come
24 out with some food?

25 A Yes.

1 Q And it would be both you and Ryan?

2 A Yes.

3 Q Okay. And they did that on more than one occasion?

4 A Yes.

5 Q More than two occasions?

6 A Yes.

7 Q More than three occasions?

8 A I believe so.

9 Q More than four occasions?

10 A I'm not sure how many times they came out.

11 Q Would -- you testified, I think, at a previous
12 hearing that they probably brought you food about ten times.
13 Do you recall that?

14 A Over a week's time, yeah.

15 Q Okay. And you said that you thought that it was a
16 week that you stayed there.

17 A I believe so.

18 Q Okay. But let's go from the Railroad Pass because
19 you didn't -- you stayed there for two days from there. They
20 actually moved you to another hotel.

21 A Yes.

22 Q And that was the Fiesta?

23 A Yes.

24 Q And that was the one in Henderson?

25 A Yes.

1 Q Okay. And you testified at a previous preliminary
2 hearing that you stayed there for a week or more.

3 A I guess so.

4 Q Okay. And you also testified at a previous
5 preliminary hearing that you believe that the police paid for
6 about 12 days more or less, that that was a fair estimation
7 that you had like housing for 12 days that the police paid
8 for.

9 A I'm not sure.

10 Q You're not sure?

11 A I mean, the police would know how many days they
12 paid for; right?

13 Q Okay. Would it help to refresh your recollection if
14 I showed you that preliminary hearing?

15 A I guess so.

16 MR. CANO: Court's indulgence.

17 Page 151 of the preliminary hearing, counsel, line
18 9.

19 If I could approach.

20 THE COURT: Yes.

21 BY MR. CANO:

22 Q Line 9 through like say line 14 or 15.

23 A 9 through 14?

24 Q Yeah.

25 A Okay.

1 Q You were asked at the preliminary hearing altogether
2 how many days that the police department paid for putting you
3 up at the hotel, and you responded with all three hotels it
4 would've been about 12, 11, make it 12 days.

5 A Yes.

6 Q Is that correct?

7 A Yes.

8 Q Okay. So at that point in time when you really
9 didn't have a place to stay, the police provided a place of
10 residence for 12 days.

11 A I didn't have a safe place to stay.

12 Q Okay. As a matter of fact, you felt like you were
13 in police custody.

14 A Yes.

15 Q I mean, like protective custody.

16 A I guess so.

17 Q Okay. Well, they were paying for your rooms, you
18 had access to the police, you can call them at any time and
19 they would come over; right?

20 A Yes.

21 Q So would it be fair to say that you thought you were
22 being protected by the Henderson Police Department?

23 A I guess so.

24 Q Okay. And they also bought you like personal
25 things, personal incidentals like cigarettes, tampons, things

1 of that nature?

2 A Yes.

3 Q Okay. And you -- and you also testified that they
4 bought -- they bought you some clothes.

5 A Yes.

6 Q And at the previous trial you testified that that
7 was about \$125 worth of clothes.

8 A I think so.

9 Q Okay. And also they got you a pay as you go phone
10 from Wal-Mart.

11 A Yes.

12 Q Okay. Let's talk about phones for a little bit.
13 Being a drug dealer would it be fair to say that a phone is
14 pretty important in your business?

15 A Yes.

16 Q Would it be fair to say that that's how you maintain
17 -- maintain contacts with not only suppliers, but with also
18 your customers?

19 A For me?

20 Q Yeah, in the drug business.

21 A In my business?

22 Q In your business. You were a drug dealer at that
23 time; right?

24 A Yes.

25 Q And you had a phone.

1 A I didn't necessarily need a phone.

2 Q Okay. You didn't need a phone because you were
3 selling drugs at the Sportsman's and you were well-known
4 there?

5 A I always was at the Sportsman's.

6 Q Okay. And so you were well-known as a drug dealer
7 at the Sportsman's?

8 A Yes.

9 Q Okay. So you didn't utilize your phone at the
10 Sportsman's, but would it be fair to say that at some point in
11 time you did utilize your phone in order to make sales, drug
12 sales?

13 A I usually used the land line there.

14 Q Okay. So would it be fair to say that from your
15 knowledge of the drug industry or drug business at that point
16 in time that there would be drug dealers that would utilize
17 their phones in the sale of drugs?

18 A Other dealers, yes.

19 Q Okay. Would it be fair to say that's like part of
20 their equipment or part of the -- like if you had an office
21 and you had a desk, for a drug dealer I guess it would be his
22 phone?

23 A Yes.

24 Q Yeah? Okay. And would it be fair to say that these
25 phones are kind of like interchangeable or they were kind of

1 like they were come and go?

2 A Not necessarily.

3 Q Not -- not always?

4 A No.

5 Q They wouldn't switch out? Did you ever switch out
6 your phones?

7 A No.

8 Q Did you ever take your SIM card from one phone and
9 put it into another phone and then start using that phone?

10 A Yes.

11 Q You have done that before?

12 A Yeah.

13 Q So that's not uncommon in the drug trade?

14 A Well, it's still your phone because it's your number
15 in it.

16 Q Right. But you would -- you would like throw away
17 phones like, you know, used phones, take your SIM card and
18 keep moving it from phone to phone to phone. Is that fair?

19 A Like if a battery was dead and you needed to make a
20 call and you had to get the number out, to put the SIM card
21 into someone else's phone to look up the number, yeah, using
22 someone else's phone.

23 Q Okay. So it's not uncommon in the drug trade to
24 utilize many several phones sometimes in doing your business.

25 A I can't speak for anyone else, not for me.

1 Q Okay. But you have done that in the past where you
2 have taken your SIM card out and put it in a different phone?

3 A Yes.

4 Q All right. And it wouldn't be unusual for like
5 someone to have a phone that wasn't -- that was not
6 necessarily in their name?

7 A No.

8 Q Pretty common for the drug institute, drug trade as
9 far as you knew?

10 A Most of the phones are prepaid, so they're not in
11 anyone's name.

12 Q And that makes them easily disposable, I guess?

13 A Yes.

14 Q I want to talk a little bit about your memory. You
15 gave a couple statements to the police May -- in May of 2006
16 and May -- May 21, 2006, and May 24, 2006. Do you recall
17 those statements?

18 A Yes.

19 Q And you had a chance to review that prior to your
20 testimony today?

21 A Review it?

22 Q Look it over, review it.

23 A Today?

24 Q Prior to your testimony today --

25 A Well, yeah.

1 Q -- you've had a chance to review it; right?

2 A Yes.

3 Q Would it be fair to say in those two statements you
4 would keep referring to police that you had a difficulty
5 keeping things straight in your head and you had some issues
6 with your memories?

7 A Yes.

8 Q Okay. And then you also told the police that, I
9 think, timelines were tough for you as well.

10 A Yes.

11 Q Okay. And I believe you testified at a previous
12 trial that you had a faulty memory.

13 A With timeline, yes.

14 Q Okay. And that you also testified that with -- with
15 time, as time passes and the use of drugs and alcohol your
16 memory would get worse.

17 A Probably so.

18 Q Okay.

19 A It's not going to get better.

20 Q All right. And I think you also testified at a
21 previous trial that you got your days confused?

22 A Yeah, we all have.

23 Q So is that a yes?

24 A Yes.

25 Q Okay. And I also believe that you told not only the

1 police, but you also testified at a previous trial that you've
2 told your story so many times that you're not really sure who
3 you told your story to.

4 A I don't remember who I told it to, but it doesn't --
5 I spoke to a lot of different detectives.

6 Q And you talked about this incident?

7 A Yes.

8 Q Okay. So that's not something that you would say,
9 that you've told the story so many times you can't even
10 remember who you told it to?

11 A I believe so.

12 Q Okay. I want to talk to you a little bit about your
13 relationship with -- with Domonic. Okay?

14 A Okay.

15 Q All right. Do you remember testifying earlier that
16 you were, I guess, in a dating relationship with Domonic?

17 A I guess so.

18 Q And actually at a previous preliminary hearing you
19 testified you were Domonic's girlfriend for a minute.

20 A I guess so.

21 Q Does that sound like something you would say, you
22 were his girlfriend for a minute?

23 A Maybe.

24 Q Okay. Now, when you say a minute, you don't
25 actually literally mean 60 seconds; do you?

1 A No.

2 Q Okay. You mean longer than a minute.

3 A Yes.

4 Q Okay. So for you a minute can carry like a varied
5 amount of time?

6 A Yes.

7 Q It could mean a day? Could it mean a day?

8 A Yes.

9 Q Could it mean a week?

10 A Like when you say hold on for a second.

11 Q Okay. Well, I'm asking you when you say a minute,
12 can it refer to like a week?

13 A Yes.

14 Q A month?

15 A Yes.

16 Q Six months?

17 A Maybe.

18 Q For a significant period of time?

19 A It could be a short or a long period of time.

20 Q So kind of like a general term that you use to
21 describe -- measure units of time?

22 A Not necessarily to measure it, but just to give a
23 vague -- vague time frame.

24 Q Okay.

25 A Like it's not 9:00, you know, it's around there.

1 Q Okay. So you would use it to give like a vague time
2 frame when you didn't want to answer questions because you're
3 trying to avoid the question?

4 A I was uncertain.

5 Q You were on the circuit?

6 A I was uncertain.

7 Q Oh, if you were uncertain. Okay. So when you were
8 Domonic's girlfriend for a minute, why don't you tell the jury
9 -- the jurors how long was that in actually literal time?

10 A It could've been a couple weeks.

11 Q Okay. And you also testified at the preliminary
12 hearing that you cared about him.

13 A I did at one point.

14 Q Okay. But then you also testified, I think -- or
15 actually told the police that you don't have any boyfriends,
16 that you're a free agent?

17 A Yes.

18 Q Okay. And that you didn't belong to anybody?

19 A Yes.

20 Q All right. And if I'm understanding -- if I'm
21 understanding right, I think that was kind of part of the
22 reason why you were having some difficulties with Domonic.

23 A What was the reason?

24 Q That basically he wanted to be your boyfriend and
25 you didn't want to be his girlfriend.

1 A Yes.

2 Q Okay. So that was like more of a personal issue --

3 A Yes.

4 Q -- that you're having a dispute with Domonic?

5 A Yes.

6 Q Okay. It was nothing to do with business.

7 A No.

8 Q Or drug dealing?

9 A No.

10 Q Okay. And I remember, if I recall right, I think
11 you told the police that when -- when you and him were arguing
12 or fighting that things kind of keep popping into Domonic's
13 head thinking about that you were being with some other guy
14 and it was like more of a personal -- personal issue between
15 you and him.

16 A Yes.

17 Q Okay. And I guess the other guy that we're
18 referring to here in this case was Nino?

19 A Yes.

20 Q Because you're also, I guess, dating Nino?

21 A I had been with Nino for almost two years.

22 Q Okay. So was like Nino your on and off again
23 boyfriend?

24 A You could say that.

25 Q Okay.

1 A Yes.

2 Q So were you with Nino at the same time that you were
3 with Domonic?

4 A No.

5 Q Okay. So when you were with Domonic you stopped
6 seeing Nino?

7 A Yes.

8 Q And when you stopped seeing -- stopped seeing
9 Domonic then you went back with Nino?

10 A No.

11 Q No?

12 A No.

13 Q Okay. So you weren't seeing Nino during the
14 April/May time frame?

15 A Seeing someone in the lifestyle that I was living
16 wasn't like we went out to the movies, you know. It wasn't we
17 were dating. So it wasn't like we were boyfriend/girlfriend.

18 Q Just sex?

19 A Sometimes.

20 Q Okay. So were you having just sex with Nino, then,
21 during this time frame?

22 A Doing business too.

23 Q Doing business too?

24 A Yes.

25 Q So you had a business and sexual relationship with

1 Nino during the April/May time frame?

2 A Yes.

3 Q Okay. And you also had a business and sexual
4 relationship with Domonic during the April/May time frame?

5 A Yes.

6 Q Okay. And I think you actually testified at the
7 preliminary hearing that even after the first incident that
8 you had back in April with Domonic that you actually got back
9 together with him and talked to him about it.

10 A Yes.

11 Q And actually kind of like settled things between
12 you?

13 A Squashed it.

14 Q Squashed, I think that's the terminology you used.
15 By squash did you mean you settled things out?

16 A Yes.

17 Q Okay. That it really wasn't about money.

18 A It never was.

19 Q It never was. It's about personal relationships
20 between you and Domonic.

21 A I believe so.

22 Q Okay. And that after you squashed it the sex
23 started again.

24 A Once.

25 Q Okay. So you did have sex after the incident in

1 April?

2 A Yes.

3 Q Okay. And I also believe that you testified at the
4 preliminary hearing that you wanted to see Domonic for his
5 birthday.

6 A I'm not sure.

7 Q Would it help to refresh your recollection if I
8 showed you that?

9 A Yes.

10 Q Okay.

11 MR. CANO: The preliminary hearing, I think 244.
12 244 and 245.

13 If I could approach, Your Honor?

14 THE COURT: Yes.

15 BY MR. CANO:

16 Q I want you to read on line 17 and onto the next page
17 to yourself.

18 A Where -- where onto the next page?

19 Q Just kind of like down here, your answer line 5.

20 A Okay.

21 Q Okay. Does that help to refresh your recollection?

22 A Yes.

23 Q So you want to see Domonic for his birthday?

24 A Yes.

25 Q And you really couldn't get a hold of Domonic?

1 A No, I tried.

2 Q You tried to get a hold of him, but you were not
3 able to get a hold of him. So you figured if you got a hold
4 of Trey -- we talked about him earlier today, Trey Black;
5 right?

6 A Yes.

7 Q Okay. And that's Ramaan Hall; correct?

8 A Yes.

9 Q Okay. You figured if you got a hold of Trey that
10 hopefully you'd run into Domonic?

11 A Yes.

12 Q And then you wanted to see him for his -- for his
13 birthday?

14 A Yes.

15 Q Okay. And you knew that Domonic's birthday was
16 Mother's Day?

17 A Yes.

18 Q Okay. And you actually did see him on that day?

19 A Yes.

20 Q Okay. And as a matter of fact, I think you even
21 said that you were still in love with Domonic.

22 A I'm not sure.

23 Q You're not sure? Would it help to refresh your
24 recollection if I showed you the preliminary?

25 A Yes.

1 Q Okay.

2 MR. CANO: Line 16, same page 244.

3 BY MR. CANO:

4 Q Read line 16.

5 A Just 16?

6 Q And then the answer. Yeah, 16 to like 19.

7 A Okay.

8 Q Does that help to refresh your recollection?

9 A Yes.

10 Q Okay. So you were still in love with Domonic?

11 A I guess so.

12 Q Well, you were asked --

13 A When I look back on it now, no.

14 Q I'm talking about what you said at the preliminary
15 hearing where you swore to tell the truth. Do you remember
16 that? We're going back to that day in Henderson.

17 A Yes.

18 Q Okay. You were asked, "Would it be fair to say at
19 that point in time you're still in love with him?"

20 A Yes.

21 Q And that's' referring to Domonic; correct?

22 A Yes.

23 Q And you responded yeah.

24 A Yes.

25 Q Okay. So you're still in love with him at that

1 time?

2 A I guess so.

3 Q Okay. And that's even after the incident that
4 happened in April?

5 A We squashed April.

6 Q Okay. So as far as you were concerned April was
7 done and over with?

8 A Yes.

9 Q Okay. You moved on from April?

10 A Tried to.

11 Q Okay. And you tried to reestablish a relationship
12 with Domonic?

13 A Not so much.

14 Q Well, you tried to see him.

15 A I was actually trying to just keep the peace.

16 Q Well you -- you actually testified just now that you
17 tried to get -- get a hold of him through Trey, so you were
18 trying to see him; right?

19 A Yes.

20 Q And you're still having sex with him?

21 A Once.

22 Q Okay. Well, you had sex with him once after the
23 incident.

24 A Yes.

25 Q All right. So you're moving up in that incident?

1 A Yes.

2 Q Okay. But the way you described your relationship
3 at the preliminary hearing, it's not the way you kind of
4 described your relationship the police; is it?

5 A Probably not.

6 Q Okay. You kind of described your relationship to
7 the police as, you know, we were fine, it was more just hi and
8 bye, very cordial?

9 A Yes.

10 Q Okay. But it was a little more than that?

11 A Yes.

12 Q Because you were in love with him?

13 A Is that a question?

14 Q Yea, you were in love with him; right?

15 A Not really.

16 Q Well, you told the court in Henderson when you swore
17 to tell the truth that you're in love him; right?

18 A I'm not sure.

19 Q I showed you the transcript. Do you want me to show
20 you that again?

21 A No.

22 Q Okay. Do you remember the question was would it be
23 fair to say you were still in love with him and you responded
24 yes?

25 A Yes.

1 Q You said -- that was under oath; right? Kind of
2 like where you're sitting on the stand right now.

3 A Yes.

4 Q You swore to tell the truth and nothing but the
5 truth; right?

6 A Yes.

7 Q And you said in Henderson you were in love with him;
8 right?

9 A Yes.

10 Q Would it be fair to say that being in love is -- is
11 more than just cordial relationship?

12 A Yes.

13 Q Okay. So the description that you gave to the
14 police of your relationship with Domonic wasn't necessarily
15 accurate?

16 A No.

17 Q Okay. Could it be fair to say that maybe your
18 relationship with Domonic was maybe a little bit of a
19 love/hate relationship?

20 A No.

21 Q No? Okay. Do you remember some of the names that
22 you called Domonic?

23 A No.

24 Q When you were -- when you were describing him to the
25 police?

1 A No.

2 Q You don't? Do you recall --

3 MR. CANO: And this is like the first voluntary
4 statement, page 13.

5 BY MR. CANO:

6 Q Do you remember -- do you remember calling --
7 describing Domonic as someone who looked like Inspector
8 Squirrel?

9 A Yes.

10 Q Okay. So you recall that; right?

11 A Yes.

12 Q Okay.

13 MR. CANO: Voluntary statement, the second one on
14 page 96.

15 Q I think you also called him a sorry corn flake
16 N-word. And I think that the words that you actually used was
17 like nigger.

18 A I said soggy.

19 Q Okay. Corrected. Soggy corn flake nigger.

20 A Like a soggy corn flake in milk. Yes.

21 Q But you actually called this -- told the police that
22 he was a soggy corn flake nigger.

23 A Not with the R.

24 Q Not with the R?

25 A Not with the R.

1 Q So it was be nigga with an A?

2 A Yes.

3 Q Okay. And that's the one you said that's not
4 offensive to -- to people that are African American?

5 A It's not derogatory.

6 Q Oh, it's not derogatory?

7 A Yes.

8 Q So it's your opinion that if you call an African
9 American a nigga with an A that it's not derogatory?

10 A No.

11 Q Okay. And you also told the police that you wanted
12 to get five minutes of PT time with them niggers. Do you
13 remember that?

14 A With an A.

15 Q Again with the A. Niggas?

16 A Yes.

17 Q Okay. But you did tell that to police; right?

18 A Yes.

19 Q And the PT time, that's like -- you kind of told the
20 jury before what that meant, prayer time?

21 A Yes.

22 Q Okay. And you wanted to do that to Domonic and you
23 wanted to do that to Romeo?

24 A Yeah, I guess so.

25 Q Okay. But you wouldn't describe it as a love/hate

1 relationship?

2 A No.

3 Q Okay. Now, talking about PT time, let's go to the
4 incident that happened outside of the Sportsman's Pub when you
5 were with Black and Demarco. Do you recall that?

6 A Yes.

7 Q Okay. That's when you said that Romeo was walking
8 by.

9 A Yes.

10 Q And you had previously given Black the description
11 of him --

12 A Yes.

13 Q -- right? And that Black had chased down Romeo and
14 began to beat him?

15 A Yes.

16 Q And would it be fair to say that he was getting a
17 pretty good beating at that point in time?

18 A I believe so.

19 Q Okay. He's getting stomped; is that a fair
20 description?

21 A Yes.

22 Q Okay. And at that point in time you were happy
23 about that.

24 A Yes.

25 Q All right. As a matter of fact, you were -- you

1 were shouting --

2 A Yes.

3 Q -- things during the fight; correct?

4 A Yep.

5 Q You were shouting things at Romeo; right?

6 A Yes.

7 Q And also kind of like encouraging Black?

8 A Yes.

9 Q Okay. Now, you said to Black and to Romeo don't let

10 that nigga -- with an A?

11 A Yes.

12 Q Okay. Don't let that nigga run. It's PT time,

13 nigga.

14 A Yeah.

15 Q Is that what you were saying?

16 A Yep.

17 Q And then you were also saying to Romeo, it's PT

18 time, nigga. Knuckle up -- knuckle up.

19 A Yes.

20 Q Knuckle up, what did you mean by that?

21 A Turn around and fight while you're running.

22 Q Okay. Let's talk a little bit about your

23 relationship with Christine. Okay?

24 A Okay.

25 Q All right. Christine is Charlotte Combado.

1 A Okay.

2 Q But at that time during April or May you knew her as
3 Christine?

4 A Yes.

5 Q Okay. And she was also -- she was like from the
6 island?

7 A She's Guamanian.

8 Q Guamanian?

9 A Yes.

10 Q Okay. So Pacific Islander?

11 A Yes.

12 Q Okay. Fair to say that she was like referred to as
13 like island girl?

14 A Yes.

15 Q Okay. Now, I'm going to go back to the incident
16 that happened that week of Mother's Day, May 14th was Mother's
17 Day, that was a Sunday of 2006.

18 A Okay.

19 Q Okay. So I'm going to go back that week and your --
20 and your interaction with Christine. Okay?

21 A Okay.

22 Q All right. Now, you said at sometime, you believe,
23 I think Monday or Tuesday that you had been with Christine at
24 the bar.

25 A I believe so.

1 Q Okay. And that would be the bar the Sportsman's?

2 A Yes.

3 Q And you guys were up all night?

4 A Yes.

5 Q Okay. And Christine had some works?

6 A Yes.

7 Q And those works we're talking about is drugs?

8 A Yes.

9 Q Okay. And there -- it was crack?

10 A Yes.

11 Q Okay. So that would be hard?

12 A Yes.

13 Q Okay. And she got her works from Black?

14 A Actually, from Demarco.

15 Q Okay. So -- okay. Well, let's talk about that a
16 little bit then. Demarco was with Black?

17 A Demarco, yeah. That's his cousin.

18 Q That's his cousin?

19 A Yes.

20 Q It would be fair to say that to your knowledge they
21 were in the drug business together?

22 A I don't know what their business was.

23 Q Okay. So from your understanding the works or the
24 -- or the -- or the crack that Christine had were from
25 Demarco?

1 A The one that she had on her at that time, yes.

2 Q They were from Demarco; right?

3 A Yes.

4 Q Now, she had made some money selling those drugs for
5 Demarco; right?

6 A Yes.

7 Q She had to sell her drugs and actually pay Demarco a
8 certain amount of money?

9 A She was -- yeah, she was trying to make Black's
10 bail.

11 Q Okay. So -- so she's trying to also help Black out?
12 She had a relationship with Black?

13 A A business and off and on, I guess. I don't know
14 what their relationship was.

15 Q Okay. So to your knowledge she was trying to get
16 him out of jail, try to bail him out?

17 A That's why she was given the work.

18 Q Okay. So if I'm understanding what you're saying
19 now, it's -- Demarco gave her crack to sell so she can make
20 money to bail out Leonard Black?

21 A Yes.

22 Q Out of jail?

23 A Yes.

24 Q Right. Okay. And you knew all about this because
25 you were at the South Cove that Mother's Day?

1 A About bailing him out of jail?

2 Q Well, you knew that like -- you knew that Christine
3 or Charlotte was at the South Cove staying with Leonard Black?

4 A I knew she was at the South Cove.

5 Q Because you had gone to the South Cove on Mother's
6 Day --

7 A Yes.

8 Q -- right? So -- so you kind of knew what the
9 relationship, the pseudo-relationship that they had; right?

10 A I assumed it, yes.

11 Q Okay. And you said that it was business. We're
12 talking drug dealing?

13 A Yes.

14 Q As well as a personal sexual relationship?

15 A I don't know. I can't speak on that.

16 Q Okay. I think you were alluding to that earlier,
17 but you're not sure?

18 MR. DiGIACOMO: I -- I object to that commentary. I
19 don't even know where that came from.

20 MR. CANO: I think she stated --

21 MR. DiGIACOMO: He says I think you were alluding to
22 that earlier. I object to that commentary. She's asked and
23 answered the question.

24 THE COURT: I'm going to sustain the objection.

25 MR. CANO: All right.

1 BY MR. CANO:

2 Q Now -- so she was trying to make some money. But
3 instead of making money for bail for Black she was gambling it
4 away?

5 A Yes.

6 Q Okay. And so you, knowing her -- and you had know
7 her for about, I don't know, a year?

8 A Maybe six months.

9 Q Six months to a year?

10 A Six months.

11 Q Okay. So you knew her for six months. You trying
12 to be a Good Samaritan said, hey, let me help you out; right?

13 A I guess so.

14 Q Give me your works, let me go sell some of your
15 works; right?

16 A Yes.

17 Q So she gives you that crack?

18 A Yes.

19 Q And you take that crack and you start selling it.
20 Okay? And you're selling it all night long up until -- up
21 until like the early morning when you have breakfast with a
22 couple of your homies; right?

23 A Before -- I stopped before that. I was done.

24 Q Okay. So you were selling all night long up until
25 breakfast; right?

1 A It was before -- yeah --
2 Q Before breakfast?
3 A -- before breakfast -- it was gone before breakfast.
4 Q I'm sorry?
5 A The work was gone before breakfast.
6 Q So you 're a good drug dealer. You were able to get
7 rid of the works that she had left before breakfast.
8 A Yes.
9 Q And you gave her that money?
10 A Yes.
11 Q So she could pay Demarco?
12 A Yes.
13 Q So he could bail out Black --
14 A Yes.
15 Q -- right? But she didn't do that?
16 A No.
17 Q She stuck into the machines again?
18 A Yes.
19 Q So basically she's in the hole now.
20 A Again.
21 Q For the whole amount of works that she was given --
22 A Yes.
23 Q -- right? And you thought it was \$150?
24 A Originally, yes.
25 Q Okay. And so after all your efforts of helping her

1 out, of being a Good Samaritan and helping her out, she pretty
2 much just gambled it all away?

3 A Yes.

4 Q Okay. So then you're having breakfast with your
5 homies; right?

6 A Yes.

7 Q And that was like, I think, C and Snook?

8 A Yes.

9 Q Okay. And these are guys that you know?

10 A Yes.

11 Q Right. From around the Sportsman's?

12 A The bar.

13 Q The bar?

14 A Yes.

15 Q They would kind of come in?

16 A Yes.

17 Q Okay. They weren't your regular drug customers;
18 were they?

19 A No, they didn't do drugs.

20 Q I'm sorry?

21 A They didn't do drugs.

22 Q Okay. They were just people that you had met at the
23 bar?

24 A They were regular quests there.

25 Q Okay. I guess civilians; right? Would that be a

1 fair description of them?

2 A Yes.

3 Q They weren't like in the drug scene according to
4 you?

5 A Snook and C?

6 Q Yeah, they were like -- you didn't know them from
7 selling drugs to them?

8 A Yeah.

9 Q You knew them from drinking with them at the bar?

10 A Yes.

11 Q Okay. So they come over to have breakfast; right?

12 A Yes.

13 Q And you still want to be a Good Samaritan and help
14 out Christine or -- or Charlotte; right?

15 A I guess so.

16 Q Well, you talk to them, don't you?

17 A Yes.

18 Q And you talk to them and try to convince them to
19 kind of loan her the money or give her some money or front her
20 some money --

21 A Yes.

22 Q -- right?

23 A Yes.

24 Q Because she was in the hole with Demarco --

25 A Yes.

1 Q -- right? So you're still trying to help her out to
2 get out of this mess --

3 A Yes.

4 Q -- right? But they weren't going to have any of
5 that.

6 A No.

7 Q They kind of turned it down.

8 A They wanted me to co-sign on it.

9 Q They wanted you to co-sign on it?

10 A Yes.

11 Q Which if I'm understanding you to be correct meant
12 you were going to be responsible for that money if they gave
13 it to her?

14 A If she didn't pay it back, yes.

15 Q If she didn't pay it back --

16 A Yes.

17 Q -- right? And you weren't going to co-sign on it.

18 A No.

19 Q Because you saw what she did with the money earlier
20 that you worked so hard to get --

21 A Yes.

22 Q -- right? She gambled it all away.

23 A Yes.

24 Q Okay. And that didn't make you happy that you put
25 all this work in trying to help her out and she gambled it all

1 away?

2 A I guess not.

3 Q Okay. So now you're having breakfast with Snook and
4 C and -- and, you know, Christine or Charlotte at the -- at
5 the Sportsman's --

6 A Yes.

7 Q -- right? Okay. And then all of the sudden Romeo
8 comes in. Yes?

9 A Yes.

10 Q Okay. So he walks in and he kind of interrupts your
11 breakfast; is that a fair statement?

12 A Yes.

13 Q Okay. And Snook and C, they didn't take kindly to
14 that; did they?

15 A No.

16 Q They kind of just stood up and kind of squared off
17 with him a little bit --

18 A Yes.

19 Q -- right? And then when they did that, Romeo, he's
20 kind of focused, he was trying to talk to Christine --

21 A Yes.

22 Q -- right? And it's just Romeo by himself at this
23 point in time --

24 A Yes.

25 Q -- right? Domonic is not with him?

1 A No.

2 Q Domonic didn't walk into the Sportsman's during
3 breakfast at all?

4 A No.

5 Q Okay. So -- so basically he interrupts and he's
6 focused on Christine; right?

7 A Yes.

8 Q Okay. And he's trying to have a conversation with
9 Christine that's rudely interrupting the breakfast; correct?

10 A Yes.

11 Q So Snook and C get up to kind of have a
12 confrontation with him; correct?

13 A Just to let him know that he was being
14 disrespectful. I don't know about the confrontation.

15 Q Well, they stood up; right?

16 A Yes.

17 Q They squared off; right?

18 A I guess.

19 Q And then as soon as Romeo saw that he got all
20 apologetic; right?

21 A I guess so.

22 Q He was like I'm sorry, I didn't mean to interrupt;
23 right?

24 A Yes.

25 Q Okay. So he backed off of them?

1 A Yes.

2 Q Okay. And then -- so there was no fisticuffs that
3 happened?

4 A No what?

5 Q Fisticuffs, fighting?

6 A Oh, no.

7 Q No, basically they kind of like stood up to him and
8 he backed down; is that a fair description of it?

9 A They checked him.

10 Q They checked him. Okay. Tell the jury what that
11 means.

12 A Let him know that he was out of line and he
13 recognized it.

14 Q Okay. So if he didn't recognize it, it probably
15 would've progressed. Is that a fair thing to say?

16 A Maybe.

17 Q Okay. All right. So they checked him, he
18 recognized it, and he apologized; correct?

19 A Yes.

20 Q All right. So then he leaves?

21 A Yes.

22 Q You finish breakfast?

23 A Yes.

24 Q Okay. So --

25 MR. CANO: I know it's 5:00, Your Honor. I don't

1 know if you want to break here.

2 THE COURT: No, let's take a break now. You might
3 be going through a new area, so let's take a break right now.

4 Ladies and gentlemen, we're going to adjourn for the
5 evening. Again, tomorrow our schedule will be we'll start at
6 9:45 and we will adjourn at 4:00 tomorrow afternoon.

7 So during this evening recess it is your duty not to
8 converse among yourselves or with anyone else on any subject
9 connected with this case, or read, watch, or listen to any
10 report of or commentary on the trial by any person connected
11 with the trial or by any medium of information, including,
12 without limitation, newspaper, television, radio, or the
13 Internet. You're not to form or express an opinion on any
14 subject connected with this case until this matter is
15 submitted to you.

16 We'll see you back tomorrow at 9:45.

17 (Court recessed at 4:59 p.m., until the following day,
18 Wednesday, January 18, 2012, at 9:45 a.m.)

19 * * * * *

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<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
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STATE'S WITNESSES:

Melissa Estores	65	176		
	*	*	*	*

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<u>DESCRIPTION:</u>	<u>ADMITTED</u>
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CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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Julie Lord

JULIE LORD, TRANSCRIBER

1-18-12

DATE

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

DOMONIC MALONE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO. 61006

Electronically Filed
Jan 14 2013 04:14 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

APPELLANT'S APPENDIX

VOLUME 8

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Michael Villani, District Court Judge
District Court No. C224572

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CLERK OF THE COURT

JAN 18 2012

BY _____
CAROL DONAGHO, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,
Plaintiff,

vs.

DOMONIC RONALDO MALONE,
Defendant.
.....

CASE NO. C-224572

DEPT. NO. XVII

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE

JURY TRIAL - DAY 5

TUESDAY, JANUARY 17, 2012

APPEARANCES:

FOR THE PLAINTIFF:

MARC DIGIACOMO, ESQ.
CHRISTOPHER LALLI, ESQ.
Chief Deputy District Attorneys

FOR THE DEFENDANT:

RANDALL H. PIKE, ESQ.
CHARLES A. CANO, ESQ.
*Assistant Special Public
Defenders*

COURT RECORDER:

MICHELLE RAMSEY
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, TUESDAY, JANUARY 17, 2012, 10:31 A.M.

2 (Court was called to order)

3 (Outside the presence of the jury)

4 THE COURT: Let's go on the record, Michelle. We
5 have two photographs here. Is the machine running?

6 THE COURT RECORDER: Yes.

7 THE COURT: I've been handed two photographs
8 assuming from the defense. They -- apparently these two
9 photographs -- there are many more, but there's two in
10 particular that may be used during the opening Power Point
11 presentation by the State of Nevada.

12 One photo -- I don't know who's handling this, Mr.
13 Cano or Mr. Pike. It's titled "DNA," and it's a picture of a
14 knife and what looks like a golf club, and then a picture of
15 two ladies at the bottom.

16 Is there an objection to this photo?

17 MR. PIKE: No, Your Honor. That was the first
18 picture that they were going to have. The picture that we're
19 objecting to is the second one.

20 THE COURT: Okay. And will you make a copy of this,
21 Carol? But we'll have this marked as next Court's exhibit.
22 And Mr. Pike or Mr. Cano? How do we --

23 MR. PIKE: Your Honor --

24 THE COURT: Is it Cano? Cano?

25 MR. PIKE: The -- that is --

1 MR. CANO: Cano.

2 THE COURT: Cano, okay.

3 MR. PIKE: Okay. The photographs contained in that
4 for the opening purpose, they haven't been identified as
5 medically necessary to show the damages. They appear to be
6 taken on the gurney. We are not contesting the identity of
7 the two victims in this case, or that the autopsy occurred.
8 And it's -- they're very prejudicial, particularly at this
9 very opening stage of the trial.

10 The same information can be elicited both through
11 stipulation and at a later time. We're not -- and in fact the
12 next photograph that's being used identifies the two bodies.
13 But it's from a higher advantage and it's not as prejudicial,
14 and they identify them by name. And we have no objection to
15 that.

16 But at this stage of the trial, I think it's --
17 until the medical doctors -- or the forensic medical examiner
18 determines that it's necessary for identification, or
19 identification of a wound makes it -- is too prejudicial at
20 this stage.

21 THE COURT: All right, thank you. Mr. DiGiacomo?

22 MR. DiGIACOMO: Yes, Judge. And I don't recall if
23 there has been a prior motion by the defense on these
24 particular subjects. But the Court was given all the case law
25 if there was, the State v. Brown that says autopsy photos, no

1 matter if they're absolutely brutal are admissible in trial,
2 and they are always admissible.

3 As the Court is aware, there are two victims. The
4 victims have dozens and dozens of injuries. The State
5 reasonably anticipates that there will be any autopsy photos
6 admitted, and there will be many autopsy photos which are
7 highly -- or are more brutal, anyways, than those picture than
8 I put in the Power Point.

9 Those are the least prejudicial photographs from the
10 autopsy, which were admitted at the prior trial. I've used --
11 backed out for identification purposes. But the doctor is
12 going to utilize these photographs in order to describe the
13 various injuries. The law is very clear that they're
14 admissible.

15 And if they're admissible at trial, there is no
16 legal basis to argue that they can't be shown during an
17 opening. I want to be able to discuss the injuries to the
18 victims, the nature of those injuries, and what those injuries
19 suggest as to the perpetrator of the crime, and the crime that
20 he's committed, and why that evidence is going to be relevant.
21 And I believe I'm entitled to do so, Judge.

22 THE COURT: And you're making an offer of proof that
23 the medical examiner is going to say that these photos are
24 necessary to establish certain injuries, or the extent of the
25 injuries?

1 MR. DiGIACOMO: That's correct. Those photographs
2 -- or actually zoomed-in photographs of these exact -- what's
3 depicted on here, the doctor will in fact testify are
4 necessary. They may even be even closer up of the injuries
5 that he refers to. But these are certainly included in the
6 bunch that he picked out as necessary to testify to cause and
7 manner of death.

8 THE COURT: And we all know, it's -- unfortunately,
9 the autopsy photos are not the nicest photos people -- one
10 might want to look at. I don't find that they're overly
11 prejudicial. And with the offer of proof -- and I have a
12 vague recollection as far as the doctor testifying previously.
13 So, I'm going to allow them to be used in the opening Power
14 Point.

15 And for the State's information -- I'm assuming you
16 know this, but I'm going to put it on the record anyway. I'm
17 sure I've made various evidentiary rulings on exhibits in the
18 previous trial, which took place about 18 months ago. And as
19 I have told both sides, today is a new trial, different
20 attorneys, different day.

21 And so what I may or may not have ruled previously
22 is going to be a fresh ruling in this particular trial. So,
23 feel free to -- just because if you've looked at a transcript,
24 or just because I allowed something in before doesn't mean I
25 won't exclude it this time. Because you may have new

1 arguments, different arguments, and may be more persuasive
2 than previous counsel.

3 MR. PIKE: Thank you, Your Honor.

4 THE COURT: Who knows.

5 All right, we ready to go?

6 MR. DiGIACOMO: Judge, I gave the clerk I think that
7 back. I think that's what you wanted to be -- have marked
8 as --

9 THE COURT: Yeah.

10 MR. DiGIACOMO: -- Court Exhibit 1.

11 THE COURT: Right.

12 MR. DiGIACOMO: Okay.

13 THE CLERK: Well, it would be 3 actually.

14 MR. DiGIACOMO: Or 3, okay.

15 THE CLERK: Because 1 and 2 will be --

16 THE COURT: Okay.

17 THE CLERK: -- jury questionnaires.

18 MR. DiGIACOMO: Okay.

19 THE COURT: It's Amended Information, right?

20 THE CLERK: Yes.

21 THE COURT: It's about 10:35. I envision us -- I
22 don't know where you are in your opening. We'll probably
23 start right at noon. But if you're right in the middle of
24 opening, of course I will not interrupt you.

25 MR. DiGIACOMO: I should be done with opening by

1 then.

2 MR. CANO: I figured we probably would do the
3 openings, take a lunch break and then proceed with their first
4 witness after that.

5 THE COURT: All right.

6 THE MARSHAL: You ready?

7 THE COURT: I'm ready, I'm ready. And neither side
8 wished to invoke the exclusionary rule?

9 MR. DiGIACOMO: Thank you, Judge. With the
10 understanding that --

11 THE COURT: Okay.

12 MR. DiGIACOMO:
13 any witness who's not going to be called is -- who's noticed,
14 but not going to be called --

15 THE COURT: All right.

16 MR. DiGIACOMO: -- is certainly allowed to be here.

17 THE COURT: So, for both sides, you're ordered to
18 instruct any witnesses that may be called in this matter to
19 wait outside until they're summoned in by the Court.
20 Obviously, if they're only here for --

21 MR. DiGIACOMO: And I think both sides agree that
22 applies to --

23 THE COURT: -- the penalty phase --

24 MR. DiGIACOMO: -- guilt only.

25 THE COURT: Right, guilt --

1 MR. DiGIACOMO: Not other --

2 THE COURT: Right.

3 MR. CANO: And just so we have a clear record, Your
4 Honor, Ms. Latanya Jenkins-Malone is in the courtroom. It's
5 Mr. Malone's wife. I did notice her as an alibi witness. But
6 the defense is making representations that we're not going to
7 be calling her at trial.

8 THE COURT: Okay. She will be precluded if she's
9 going to sit in here.

10 MR. CANO: I understand.

11 THE COURT: Okay. And also please tell your
12 witnesses, if you're going to -- when you wait outside, if you
13 need to use the restroom during the breaks, you need to go one
14 floor up or one floor down. And also any smokers, one floor
15 up, one floor down, because our jurors will be using the
16 facilities here and the smoke area on this floor.

17 And attorneys, you're free to use the restrooms in
18 the back. Just double-check with the marshal to see if -- I
19 know Judge Barker's starting a trial tomorrow. His bailiff
20 always puts his jurors, even if we're not deliberating, in the
21 jury room.

22 We once had a family member follow jurors into the
23 bathroom, got on the phone while they were in the stall, and
24 talked about the case in front of the jurors.

25 (Pause in the proceedings)

1 THE COURT: Does the State have any issues with us
2 adjourning tomorrow at 4:00? It's more so of -- as far as
3 breaking someone's testimony up.

4 MR. LALLI: No, we have no objection, Your Honor.

5 THE COURT: Okay. So, we'll stop right at 4:00, Mr.
6 Pike.

7 MR. DiGIACOMO: We'll work around that, Judge.

8 (Pause in the proceedings)

9 THE COURT: Yeah.

10 THE MARSHAL: Officers and members of the Court,
11 Department 17 jurors.

12 (Jury reconvened at 10:40 a.m.)

13 (In the presence of the jury)

14 THE MARSHAL: All right. You may be seated, ladies
15 and gentlemen. Let's make sure all cell phones are turned
16 off, please. All cell phones off.

17 THE COURT: Welcome back, ladies and gentlemen.
18 Unfortunately, my morning calendar went a little longer than
19 expected. I just want to give you a heads-up for tomorrow,
20 we're going to start at 9:45. And also tomorrow, we're going
21 to adjourn right at 4:00 p.m. So, if you need to plan
22 anything, I'll try to give you the schedule. And I'll try to
23 give you the schedule every morning for the next day.

24 And ladies and gentlemen, as I had mentioned before,
25 at the end of the trial I will read to you jury instructions,

1 which are the law of the case that applies to this particular
2 matter. At this time, I'm going to read you some introductory
3 instructions to help you understand what to expect during this
4 trial. These will not take the place of the more detailed
5 instructions that I'll give you at the end of the trial.

6 This is a criminal case brought by the State of
7 Nevada against the defendant. This case is based upon an
8 Amended Information. The clerk will now read the Amended
9 Information and state the plea of the defendant.

10 (Amended Information read by Clerk)

11 THE COURT: Ladies and gentlemen, you should
12 distinctly understand that the Amended Information just read
13 to you is simply a description of the charges made by th State
14 of Nevada against the defendant. It is not evidence of
15 anything, it does not prove anything. Therefore, the
16 defendant starts out with a clean slate. Defendant has pled
17 not guilty, and is presumed innocent.

18 As you know, this is a criminal case, and there are
19 a few basic rules you must keep in mind. First, the defendant
20 is presumed innocent, unless proved guilty beyond a reasonable
21 doubt. The defendant is not required to present any evidence
22 or prove his innocence. The law never imposes upon a
23 defendant in any criminal trial the burden of calling any
24 witnesses, or introducing any evidence.

25 Second, to convict, the State must prove beyond a

1 reasonable doubt that the crimes were committed, and the
2 defendant is the person who committed them.

3 It will be your duty to decide from the evidence to
4 be presented whether defendant is guilty or not guilty. You
5 are the sole judges of the facts. You will decide what the
6 facts are from the evidence which you will be presented. The
7 evidence will consist of testimony of witnesses, and documents
8 and other things received into evidence as exhibits.

9 You must apply the facts to the law, which I shall
10 give you, and in that way reach your verdict. It is important
11 you perform your duty of determining the facts diligently and
12 conscientiously, for ordinarily, there is no way of correcting
13 an erroneous determination of the facts.

14 You should not take anything I may say or do during
15 the trial as indicating my opinion as to how you should decide
16 the case, or to influence you in any way in your determination
17 of the facts. At times, I may even ask questions of
18 witnesses. If I do so, it is for the purpose of bringing out
19 matters which should be brought out, and are not in any way to
20 indicate my opinion about the facts, or to indicate the weight
21 or value you should give to the testimony of a witness.

22 In deciding the facts of this case, you may have to
23 decide which witnesses to believe, and which witnesses not to
24 believe. You may believe everything a witness says, any part
25 of it, or none of it.

1 In considering the weight or value of the testimony
2 of any witness, you may consider the appearance, attitude, and
3 behavior of the witness when testifying and a number of other
4 things, including the witness's ability to see, or hear, or
5 know of the things the witness testifies to. The quality of
6 the witness's memory, the inclination of a witness to speak
7 truthfully, whether or not the witness has any interest in the
8 outcome of the case, or any motive, vice, or prejudice.
9 Whether the witness is contradicted by anything the witness
10 said or wrote before the trial, and how reasonable is the
11 witness's testimony when considered with other evidence which
12 you believe.

13 In deciding whether or not to believe a witness,
14 keep in mind people sometimes forget things. You need to
15 consider whether the contradiction is an innocent lapse of
16 memory or an intentional falsehood. And that may depend on
17 whether it has to do with an important fact, or with only a
18 small detail.

19 The weight or value of evidence does not necessarily
20 depend on the number of witnesses testifying for one side.
21 You must consider all the evidence, and you may decide the
22 testimony of a smaller number of witnesses on one side has
23 more weight or value than that presented by a larger number of
24 witnesses on the other side.

25 There are two kinds of evidence, direct and

1 circumstantial. Direct evidence is testimony about what the
2 witness personally saw, heard, or did. Circumstantial
3 evidence is indirect evidence. It is proof of one or more
4 facts from which you can find another fact.

5 For example, if you wake up in the morning and you
6 see the ground, the sidewalks, and the streets are all wet,
7 and water is running down the gutters, you may find from those
8 facts that it rained during the night. It is proof of one or
9 more facts from which you can find another fact. If you were
10 awake during the night and saw the rain fall, that would be
11 direct evidence, which is something you personally saw.

12 You may consider both direct and circumstantial
13 evidence in deciding this case. The law permits you to give
14 equal weight or value to both, but it is for you to decide how
15 much consideration to give any evidence.

16 Certain things are not evidence, and you must not
17 consider them as evidence in deciding the facts of this case.
18 Statements and arguments by the attorneys, questions and
19 objections of the attorneys, testimony I instruct you to
20 disregard, and anything you may see or hear if the court is
21 not in session, even if what you see or hear is done or said
22 by one of the parties, or by one of the witnesses.

23 Remember, evidence is sworn testimony by a witness
24 while court is in session, and documents and other things we
25 receive into evidence as exhibits.

1 During this trial, you will be given the opportunity
2 to ask written questions of any of the witnesses called to
3 testify in this case. You are not encouraged to ask a large
4 number of questions, because that is the primary
5 responsibility of the attorneys.

6 Questions may be asked only in the following manner:
7 After both lawyers have finished questioning the witness,
8 before I excuse the witness, and only at that time, if there
9 are additional questions you would like to ask the witness,
10 you may then seek permission to ask that witness a written
11 question. Should you desire to ask a written question, write
12 the question down with your juror number on a sheet of paper
13 that's been provided and raise your hand.

14 All questions from jurors must be factual in nature,
15 and designed to clarify information already presented. In
16 addition, jurors must not place undue weight on the responses
17 to their questions. The marshal will pick up your question,
18 and give it to me. All questions must be directed to the
19 witness, and not to the lawyers or to the judge.

20 After consulting with counsel, I will determine if
21 your question is legally proper. If I determine that your
22 question may be properly asked, I will ask it. No adverse
23 inference should be drawn if the Court does not allow a
24 particular question.

25 There are rules of law which control what can be

1 received into evidence. When a lawyer asks a question or
2 offers an exhibit into evidence, and the lawyer on the other
3 side thinks that it is not permitted by the rules, that lawyer
4 may object. If I overrule the objection, the question may be
5 answered or the exhibit received. If I sustain the objection,
6 the question cannot be answered, and the exhibit cannot be
7 received.

8 Whenever I sustain an objection to a question,
9 ignore the question, and do not guess what the answer might
10 have been. Sometimes, I may order evidence stricken from the
11 record, and tell you to disregard or ignore such evidence.
12 This means when you are deciding the case, you must not
13 consider the evidence which I have told you to disregard.

14 It is the duty of a lawyer to object to evidence
15 which the lawyer believes may not be permitted under the
16 rules. You should not be prejudiced in any way against a
17 lawyer who makes objections on behalf of the party the lawyer
18 represents. Also, I may find it necessary to admonish a
19 lawyer. If I do, you should not be prejudiced towards the
20 lawyer or the client because I have found it necessary to
21 admonish a lawyer.

22 Until this case is submitted to you, do not talk to
23 each other about it, or about anyone who has anything to do
24 with it, until the end of the case when you go to the jury
25 room to decide your verdict. Do not talk with anyone else

1 about this case, or anyone who has anything to do with it
2 until the trial has ended and you and your fellow jurors have
3 been discharged.

4 Anyone else includes members of your family and your
5 friends. You may tell them that you are a juror in a criminal
6 case, but don't tell them anything else about it until after
7 you have been discharged by me. Do not let anyone talk to you
8 about the case, or about anyone who has anything to do with
9 it. If someone should try to talk to you, please report it to
10 me immediately by contacting the marshal.

11 Do not read any news stories, listen to any radio
12 broadcasts, or watch any television, or do any internet search
13 about the case, or about anyone who has anything to do with
14 it. Do not do any research or make any investigation about
15 the case on your own.

16 You may be tempted to visit a particular location.
17 Please do not do so. Due to the time that has elapsed since
18 this case has come to trial, substantial changes may have
19 occurred at the location in question. Also, in making an
20 unauthorized visit without the benefit of explanation, you may
21 get an erroneous impression. Therefore, please avoid going
22 near or past the location until this case has been completed.

23 At the end of the trial, you will have to make your
24 decision based upon what you recall of the evidence. You will
25 not have a written transcript to consult, and it is difficult

1 and time consuming for the court recorder to play back lengthy
2 testimony. I urge you to pay close attention to the testimony
3 as it is given.

4 If you wish, you may take notes to remember what the
5 witness said. If you do take notes, please keep them to
6 yourself until you and your fellow jurors go to the jury room
7 to decide this case. Do not let note-taking distract you so
8 that you do not hear other answers by the witnesses. You
9 should rely upon your own memory of what was said, and not be
10 overly influenced by the notes of other jurors.

11 Do not make up your mind about what the verdict
12 should be until after you have gone to the jury room to decide
13 the case, and you and your fellow jurors have discussed the
14 evidence. It is important that you keep an open mind
15 throughout this trial.

16 During this trial, the attorneys for both sides, and
17 all the court personnel, including myself, other than the
18 marshal, are not permitted to converse with members of the
19 jury. These individuals are not being antisocial, but they
20 are bound by ethics and the law not to talk to you. To do so
21 might contaminate your verdict.

22 The trial will proceed in the following manner. One
23 of the deputy district attorneys will make an opening
24 statement, which is an outline to help you understand what the
25 State expects to prove. Next, the defendant's attorney may,

1 but does not have to make an opening statement. Opening
2 statements serve as an introduction to the evidence which the
3 party making the statement intends to prove.

4 The State will then present its evidence, and
5 counsel for defendant may cross-examine the witnesses.
6 Following the State's case, the defendant may present
7 evidence, and the deputy district attorney may cross-examine
8 the witnesses. However, as I have said, defendant is not
9 obligated to present any evidence.

10 After all the evidence has presented, I will
11 instruct you on the law. After the instruction of the law has
12 been read to you, each side has the opportunity to present
13 oral argument. What is said in closing argument is not
14 evidence. The arguments are designed to summarize and
15 interpret the evidence.

16 Since the State has the burden of proving the
17 defendant guilty beyond a reasonable doubt, the State has the
18 right to open and close the arguments. After the arguments
19 have been completed, you will retire to deliberate your
20 verdict.

21 Is the State ready for their opening?

22 MR. DiGIACOMO: We are, Judge.

23 THE COURT: All right.

24 MR. DiGIACOMO: If I could just have [inaudible].

25 //

1 STATE'S OPENING STATEMENT

2 MR. DiGIACOMO: Last week, I bet that every single
3 one of you asked the question to yourself, what is taking so
4 long? And that was about jury selection.

5 Jason Romeo McCarty asked the exact same question on
6 the early morning hours of May 18th of 2006, as he was
7 standing in the desert with Domonic Malone. Domonic's
8 response was, "The golf club broke," to which Mr. McCarty
9 responded, "Well, hit the bitch with a rock." Now, that bitch
10 was either Christina Charlotte Combado, or it was Victoria
11 Magee.

12 These two women had both fallen on hard times, but
13 they were both mothers, daughters. They were people. They
14 were people who had gotten to the point in life where both of
15 them had drug problems. You will hear a lot in this case
16 about a lifestyle that hopefully none of you will ever have to
17 experience, and hopefully none of you really know about before
18 today.

19 They -- Christina sells some sort of dope, drugs.
20 Whether it's crack, or whether it's methamphetamine, whatever
21 she can to get by. Victoria on the other hand essentially has
22 a crack problem, and she prostitutes for a living. And by the
23 time of her death, Jason McCarty, Romeo, was her pimp. And
24 what took so long out there in that desert area is how long it
25 took to do that to those two women.

1 They were stripped naked. They were dehumanized.
2 They were hit in the head with a golf club. They were stabbed
3 about their body with a knife. And then, ultimately, when
4 they still wouldn't die, when they still clung to life, they
5 were beaten with rocks, mostly, I would suggest to you at the
6 end of this case, by Domonic Malone. But I'm never going to
7 tell you that Ms. McCarty wasn't physically, actively
8 involved.

9 On the morning of May 20th of 2006, a hiker comes
10 across the bodies of Charlotte and Victoria laying out in a
11 desert area, south on 1-95 on your way to Boulder City.
12 Nowadays, there's actually houses that probably come almost
13 all the way up to where this location is.

14 But if you were to head down 95, right as you turn
15 to go through the pass where the cut-off is down to Laughlin,
16 on the right side where that mountain is, with all those
17 towers up there, in that desert area is an area that can
18 actually be seen from the highway, but nobody recognizes these
19 bodies there for almost 48 hours. When those bodies are found
20 on May 20th of 2006, the news reports the location and the
21 finding of those bodies.

22 And on May 21st, 2006, this woman, Melissa Estores,
23 Red. I won't call her a friend of Victoria or friend of
24 Christina. I'll call her an acquaintance. She lived the same
25 kind of life. She was a hustler. She slung, and she'll --

1 she's going to come in here and tell you all about her life.
2 She sold crack. She sold methamphetamine. She sold it for
3 this defendant, Domonic Malone, as well as other individuals
4 that lived in an area of town called the Royal Sportsman
5 Manor, which is basically Trop. and Boulder Highway.

6 Ms. Estores isn't going to look like this. She had
7 a nickname too, "Red." So during the course of this trial,
8 you may hear a lot of people refer to Red. That's Red. If
9 you look at this photograph, her face is completely distorted.
10 There are injuries up and down the side of her face, her eyes,
11 all of which are fresh injuries. But she also has significant
12 older injuries.

13 This is Mr. Malone back in 2006. In 2006, he was in
14 some sort of relationship with Ms. Estores. And the nature of
15 that relationship, she will describe for you. She said, I
16 worked for him, I was a free agent. He'd give me drugs, I'd
17 sell the drugs. I had a dating relationship with him as well.
18 Her definition of dating is probably different than the
19 majority of yours, in which mainly it was a sexual type
20 relationship. But Mr. Malone wanted it to be some sort of
21 exclusive relationship.

22 And in April of 2006, at the Royal Sportsman Manor,
23 Mr. Malone decided to try and control Red. And he controlled
24 her by dragging her behind the bar that's there at the
25 Sportsman Manor, and pummeling her as an act of compliance on

1 her part. And she will describe to you how it is that this
2 incident occurred. She was taken behind the bar. She was
3 told to take off her jewelry.

4 He started pounding on her, and told her, if you
5 raise your hands to block, I'm going to hit you in the head.
6 And she raises her hands to block, so that's what he does, he
7 hits her in the temple. And he beats her with -- pretty
8 severely, to the point where she's in and out of consciousness
9 for the next couple of weeks.

10 And there are a number of people, including Mr.
11 Malone himself, who is going to acknowledge that he did this.
12 He acknowledged it to the police in May of 2006. There are a
13 number of people who will tell you the massive amount of
14 injuries, and those bruises on her chest, are five to six
15 weeks-old, from what he did to her back in April of 2006.

16 Now, Ms. Estores apparently still wanted to live the
17 lifestyle, or had to live that lifestyle. And she continues
18 in having some sort of relationship. It's no longer a
19 boyfriend-girlfriend type relationship. But now, she's just
20 kind of selling drugs for whoever's going to give her the
21 drugs on consignment.

22 And that kind of comes forward to May of 2006. May
23 14th was Mother's Day, and it's kind of the day that everybody
24 in this case can kind of establish from there when everything
25 kind of happened, the time line of events.

1 And you will learn on the morning of May 16th of
2 2006, Ms. Estores was in the bar at the Royal Sportsman Manor,
3 and so was Christina. Christina had her drugs on her. She
4 would sell some of her drugs, and then she would go right back
5 and lose the money in the machines. And so she was short, she
6 was in trouble. And Christina actually owed the money to an
7 individual that you will learn his name is Leonard Robinson.
8 People called him "Black," Leonard Black.

9 And so she seeks help from Ms. Estores about how it
10 is she's going to be able to make her money back in order to
11 pay back the consignment of drugs that she has. And Ms.
12 Estores, in her efforts to try and help Christina solve this
13 problem -- because Ms. Estores will tell you that Leonard
14 Black is her friend, and she wanted to solve Leonard's
15 problems. She enlists the aids -- and there's some breakfast
16 with some individuals in this bar, trying to get money back
17 for Christina.

18 And during this conversation, in walks Jason Romeo
19 McCarty. Now, you're not going to see Jason in this
20 particular case, physically. You'll see a picture of him like
21 this. But everybody's going to describe Mr. McCarty in the
22 exact same way. He, from this picture, looks physically,
23 completely normal, but he has a physical handicap from birth.
24 He has cerebral palsy.

25 His left hand is smaller than the rest of his body,

1 and he carries it kind of like this, and he has kind of a limp
2 that goes along with it. And he doesn't have the physical
3 force that some -- that a normal, well-developed adult would
4 have. He has the ability to manipulate things with his left
5 hand. And -- but he has some ability to engage in some
6 physical activity.

7 Mr. McCarty comes into the bar on the morning of May
8 16th. And he tries to strike up a conversation, and there is
9 some discussion with the other men there, and he steps outside
10 to wait for Christina to come outside. Eventually, Red and
11 Christina walk outside. And there is a gas station associated
12 with the Royal Sportsman Manor, and there is a disturbance
13 between a cashier and someone buying gas, or attempting to buy
14 gas.

15 And that disturbance results in the police
16 eventually going to be coming in. If you're people like Mr.
17 McCarty or Ms. Estores, or Charlotte, you don't hang around
18 for the police pretty much for any reason. And so, Mr.
19 McCarty has a green Oldsmobile vehicle. And that car will
20 become important later on.

21 But Ms. Estores and Charlotte jump in this vehicle,
22 and Mr. McCarty takes them from the Sportsman, which is that
23 green dot down there at the corner of Boulder Highway and
24 Tropicana, and drives them all the way up to the Strip, just
25 north of the Stratosphere. In between kind of the

1 Stratosphere and downtown, there is a series of
2 establishments, various smaller motels, churches for marriage.
3 And this one's called the Oasis Motel, and Mr. McCarty had a
4 room there, room number 29.

5 And so all three go up to this establishment, and
6 there is a conversation among the group. Mr. McCarty is
7 concerned because his girl, Victoria, is what's known as "out
8 of pocket." He's no longer behaving like he wants her to
9 behave. She's using dope, not giving him the money back.
10 She'd been going to turn a trick at the Tod Motel, and not
11 wanting to be necessarily his girl anymore, that she wanted to
12 go out and do something else.

13 And Mr. McCarty claims that she owes \$150 in money.
14 And Christina owes \$85 in money to Leonard Black. And so,
15 there's an agreement. Christina is going to help get Victoria
16 back with McCarty, and McCarty is going to pay off Christina's
17 debt. And you may ask yourself, why \$150 for 85? But at the
18 end of this case, I think you'll understand it's not about the
19 money, it's about the control.

20 During the daytime, Mr. McCarty and Christina leave,
21 and leave -- or Charlotte, sorry -- leave the Oasis Motel, and
22 Red stays there. Ms. Estores stays there. And at some point
23 in time, you will hear that everybody winds up in this green
24 car. I may have just already said this. But Mr. McCarty,
25 Christina, and Red are down there at the Oasis, and they leave

1 Red there.

2 Eventually, Mr. McCarty winds up back at the Oasis
3 Motel with Red. And you will hear that this is what Red has
4 told the police on May 21st of 2006, the very first day of the
5 investigation. And Mr. McCarty is with Red, and Mr. McCarty
6 says, hey, let's walk down to the Stratosphere. And the two
7 of them begin walking down the street to the Strip towards the
8 Stratosphere, and they are actually smoking marijuana.

9 As they're walking down the street, Mr. McCarty is
10 having cell phone conversations with somebody. And when you
11 see the record, you'll know exactly who he's talking to. He's
12 talking to Domonic Malone and Victoria Magee, who are in a
13 vehicle with some other people you are going to hear about.
14 And there is a discussion about Victoria getting basically
15 back in pocket. You know, who do you think you are, treating
16 me like this, you need to come up with the money. There was a
17 whole, long discussion with her about what's going to happen.

18 So, as they're walking and they're smoking the
19 marijuana, they didn't realize they walked by the
20 Stratosphere. And so they stopped kind of at the Sahara, and
21 there's a conversation over the phone between Romeo and Mr.
22 McCarty, and D-Roc [phonetic], and another individual Donny
23 [phonetic] you'll hear about. And they agree to meet at the
24 valet at the back of the Sahara Hotel. So, Ms. Estores and
25 Mr. McCarty walk back there. And in comes the green

1 Oldsmobile.

2 Now, initially, the witnesses are going to tell you,
3 we all thought that was Jason McCarty's car. It's not
4 actually his car. It's the car that he utilized. And you'll
5 see all the paperwork in there that is associated with Mr.
6 McCarty, and as will become a theme of this case, people
7 didn't register property in their name. They didn't register
8 their rooms in their name, their cell phone numbers in their
9 name. But at the end of the day, this is the car that Mr.
10 McCarty would drive.

11 The car was actually owned by Donny Herb. He had
12 two cars. He had this green Oldsmobile, Mr. Herb's, also
13 another low-level dope dealer, just like Mr. Malone and Mr.
14 McCarty. And he owned the vehicle. And on the night of May
15 16th, he's actually driving the vehicle. Mr. Malone's in the
16 vehicle, Christina, Charlotte Combado is in the vehicle, and
17 Victoria is in the vehicle. And they pick up Romeo and Red.
18 And they're all in this vehicle together.

19 And they drive from the Sahara out to 140 Sirnoble
20 Street. And Red will tell you that they dropped Donny off,
21 and that Mr. McCarty drove the vehicle away, and it was just
22 the three girls, Domonic, and Mr. McCarty. The three of them
23 that night -- and there may be some confusion exactly where
24 they go at exactly what time. There's a Carl's Jr. somewhere
25 in here.

1 But essentially, they wind up back at the Royal
2 Sportsman Manor. And when they wind up back at the Royal
3 Sportsman Manor, Mr. McCarty, Victoria, and Christina get out
4 of the vehicle, because Christina's going to have to go earn
5 some money to pay back what she owes. And so she's taken
6 upstairs to perform some kind of sexual act on somebody, as
7 Mr. Malone and Red stay in the vehicle.

8 And Red, Ms. Estores, and Mr. Malone begin having
9 basically an argument. Mr. Malone's telling her, hey, you're
10 my girl, you can't work for Jason, you can't sell dope for
11 Jason. And Ms. Estores is telling him, uh-uh, I'm a free
12 agent. This isn't that -- I don't work for you, I'm not your
13 girlfriend. And that upsets Mr. Malone.

14 And so in the early morning hours, as D-Roc and Ms.
15 Estores are having this argument, the three, Romeo, and
16 Christina and Victoria come back to the vehicle. And they all
17 get in the vehicle. And initially, Ms. Estores will tell you
18 she didn't know where she was going.

19 What they do is they drive this vehicle out to a
20 site. And you remember from the picture before, that was
21 where the girls were found. Well, right there, at this
22 location right there, there's a little parking lot with what
23 can be described as a construction trailer from when they were
24 doing construction. And in the distance out there, or if you
25 look back up over in this area, that's actually 93/95, driving

1 down to Boulder City, and this is kind of the end of Henderson
2 right here.

3 And if you turn off, it's exit 76A or something,
4 there's a little access road right off the road that comes
5 down here to where this trailer is. They drive out to this
6 trailer. Red is forced from the vehicle. She -- Victoria
7 goes off with Mr. McCarty, away from the vehicle. And Mr.
8 Malone proceeds to do exactly what he did in April of 2006.
9 He began to beat her, beat her severely to the point where she
10 had all of those injuries about her face that you saw in that
11 initial picture.

12 Beat her to the point that at some point, Mr.
13 McCarty had to tell Mr. Malone, you better stop, and Red, you
14 better get back in this vehicle or I'm going to leave you out
15 here to die. And eventually, Red gets dragged back into the
16 vehicle, and they drive off. And in driving off, Mr. Malone
17 is rifling through her purse, looking for her cell phone, and
18 eventually throws the purse and almost everything in it out
19 the window.

20 And where they drive in the early morning of May
21 17th is kind of up towards the Sportsman. But they keep on
22 going, and they drive the three girls all the way to the Hard
23 Rock Casino. And you will hear that both Mr. Malone and Mr.
24 McCarty told these three girls, I don't care what you got to
25 do, but you're earning our money back.

1 We want you to either sell dope, prostitute, it
2 doesn't matter to us. But you've got a couple hours at the
3 Hard Rock to make money. And if you don't make money, there's
4 going to be three shallow graves right back out there where we
5 had you earlier. And if one of you gets away, or two of you
6 gets away, it doesn't matter. Whoever we get, we're going to
7 put out there in the desert.

8 And before this, Christina or Charlotte, she didn't
9 realize she was in the jackpot. She actually thought it was
10 funny. She was laughing and kind of joking around that
11 Victoria and Red were getting beaten. But at some point, she
12 comes to the realization, uh-oh, what did I get myself into.

13 And so the three of them are at the Hard Rock, and
14 they're having a conversation. And they're all -- none of
15 them are getting along. They blamed Christina for getting
16 them in the middle of this. They blamed Victoria for not
17 behaving with her pimp. There's a big argument that goes on.
18 And Red says basically, look, we need to get out of here.

19 And so she makes a phone call to a friend of hers
20 named David Parker. And Mr. Parker comes and picks the three
21 girls up, and he takes them home. And Mr. Parker knows Ms.
22 Estores quite well, doesn't really know Victoria, doesn't
23 really know Charlotte. And essentially, after a few hours at
24 his house, he's like, look, I can't have crack heads running
25 around my house. You -- they need to go. You can stay, Ms.

1 Estores, but they need to go.

2 And what Ms. Estores will tell you is, look, I
3 didn't think of them as friends. I didn't think of them as
4 acquaintances. I didn't really care that much. But I felt
5 like we were all in this together, and so I wasn't going to
6 leave them. So, I figured we can go back to my friend,
7 Leonard Black's house. And he lives out at the South Cove
8 Apartments.

9 So, here we are at the South Cove Apartments, marked
10 by that little green pin right there. It's down at 15th
11 Street and Fremont, basically downtown. On the night of May
12 17th, you'll hear from both Ms. Estores and David Parker
13 that's where he dropped these three girls off.

14 And you will hear that the apartment they go to is
15 -- this is the parking lot area here. This is 219, this is
16 220, they go in order, 221. And then if you go right into
17 that little cove back there, the little corner apartment, it's
18 222. It's the home of Leonard Robinson, a.k.a., "Black."
19 Unfortunately, what Ms. Estores doesn't know, at least yet, is
20 that Leonard hasn't been there for a little while because he's
21 in jail for his own problems.

22 And so they have to go upstairs to the third floor
23 to try and call Leonard to try and get him into the place.
24 And at first, he's not answering his phone. And they talk to
25 an individual -- or two individuals who stay in 217, which is

1 down here, a woman by the name of Sarah Mathews, and another
2 friend of this group of people by the name of Ramaan Hall.

3 What's confusing about Ramaan Hall is he's Trey
4 Black [phonetic]. So, you have a Leonard Black and you have a
5 Trey Black. Trey. Trey is a low-level dope dealer, too. And
6 in fact, he has some sort of relationship with Mr. Malone.
7 Such a relationship that Trey lives in 217, but the room 217
8 is actually registered to Domonic Malone.

9 Trey uses a cell phone; the cell phone is in the
10 name of Domonic Malone. Mr. Malone's cell phone, which I
11 don't think is going to be dispute in this case, his phone
12 number, 237-7001, is in the name of Treyvon [phonetic] Hall.
13 And so, these two individuals -- or these group of individuals
14 are all associated.

15 Eventually, the girls kind of break into basically
16 Leonard's apartment. And after a while inside that apartment
17 -- you will hear that inside this apartment there are some
18 golf clubs, there are some golf balls, there is any number of
19 things. Eventually, Leonard winds up getting out of jail and
20 showing up on the evening of May 17th with a friend, Demarco
21 [phonetic].

22 And there is a -- Red wants to have a conversation
23 with Leonard Black about Charlotte. And so, Red and Leonard
24 leave to go get a car, some cigarettes. While they're gone,
25 Treyvon Hall and Sarah Mathews see that green car show up.

1 It's about midnight, 12:30'ish.

2 I think by the end of this case, you're going to be
3 pretty darn sure it's between 12:35 and 12:59. The green car
4 shows up. Mr. McCarty's driving it, and Domonic Malone is
5 there. And they're looking for the girls, and they find out
6 that the girls are down in room 222.

7 And what you will hear from at least Sarah Mathews
8 in this particular case is that Mr. Malone, Mr. McCarty on the
9 evening -- the late night of May 17th into the early morning
10 hours of May 18th, walked Charlotte Combado and Victoria Magee
11 out of that particular apartment. At the time they did so,
12 Mr. Malone was carrying a golf club. The girls were crying,
13 they were upset, and they were forced into that green
14 Oldsmobile Alero.

15 We've moved on now to the night, Wednesday night,
16 into the early morning hours of May 18th. After they've
17 removed them from that apartment, they drive them down to that
18 desert area. They beat them, they stab them, they strip them
19 naked. They take all their clothes and dispose of those.
20 They dispose of the weapons. They brutalize those two women.
21 And eventually, they come back.

22 And when they come back -- and you will hear during
23 this case that while they're down there killing the girls,
24 they enlist the help of another individual, Donny, the white
25 guy -- the white male adult that was driving that vehicle.

1 Some people is going to describe him, not as Donny, but as
2 "White boy." There's a number of descriptions of Donny in
3 this particular case.

4 Donny comes down there. And actually, at the end of
5 disposing of all the weapons, Donny takes Mr. Malone home to a
6 house on Blankenship, which is in the northeast part of town.
7 And Mr. McCarty takes that green Alero, and goes back to the
8 Royal Sportsman.

9 Well, in between 12:59 when they left the Sportsman
10 and about 3:18 in the morning, Leonard Black and Red come
11 back, and they see that basically the girls have been taken
12 out of that apartment by D-Roc. And don't get me wrong,
13 Leonard Black isn't the type of guy who cares what he does --
14 what anybody does to those girls. But it's completely
15 offensive to him that those people would come into his
16 particular apartment

17 And so, Ms. Estores tells Leonard, it's D-Roc. D-
18 Roc came in here and did this. This is who did it. And so,
19 what does Leonard do? He goes looking for D-Roc on the
20 morning of May 18th. And you will see video of, 3:18, Melissa
21 and Leonard Black walking into the bar at the Royal Sportsman.
22 And then you will see, at the moment they see Mr. McCarty,
23 Leonard Black goes after him.

24 And at 4:10, guess what happens, Mr. McCarty gets a
25 whooping. And the police roll out to that as well. And in

1 fact, when Leonard Black goes to attack McCarty, he says, are
2 you D-Roc? And McCarty's like, huh-uh, I'm not D-Roc, I'm
3 Romeo. Or vice versa, are you Romeo? Uh-huh, no, no, no,
4 I'm D-Roc.

5 Donny -- or -- you heard me kind of allude to Donny.
6 Donny is, while a peripheral player, he also is sort of a
7 central player. And I will tell you up-front, he was charged
8 in this case with accessory to commit murder, as an accessory
9 after the fact.

10 You will hear that Donny Herb will corroborate what
11 Red says. Yeah, I was in the car with Malone, Charlotte,
12 Victoria. Yeah, we picked up McCarty and Red at the Royal --
13 at the -- back at the Sahara. Yes, they drove me home. I got
14 out of the car. On Wednesday, I realized that both Malone and
15 McCarty were looking for the girls because they had
16 disappeared.

17 That on Wednesday night, I got a call from Mr.
18 McCarty, and he asked me if I wanted to come out and play, I
19 said no. That at 1:00 o'clock in the morning, I got a phone
20 call saying basically, we got the girls, and we're going back
21 to that spot where we beat Red the night before. And I
22 initially said, look, not my problem. And they said, well, if
23 you want your car back, you better come down here and get the
24 car.

25 And so he will tell you, I decided -- you know, it's

1 a brand new car. I have a little cheap white Honda I've been
2 driving. But that Alero is brand new. I'm not letting them
3 mess with my car or take it across state lines. So, I got in
4 my car, my Honda, my white Honda. It didn't have gas, so I
5 stopped at a gas station and got some gas. And I drove down
6 there, and I had phone calls on the way.

7 And during the course of those phone calls, I got
8 told basically, this isn't a beating anymore, this is a
9 murder. I got told things like -- I could hear them in the
10 background arguing, what's taking so long? Well, the golf
11 club broke. Well, hit the bitch with a rock. And he will
12 describe for you a number of things that he heard.

13 And eventually when he gets down there, he sits off
14 kind of back where that lot is. And he will tell you that
15 eventually, Mr. Malone and Mr. McCarty come back in the green
16 Alero, that they drive out to Boulder City, that they ditch a
17 broken golf club and a knife. They ditch some clothes. And
18 eventually, they drive back, and Mr. McCarty takes off in the
19 green Alero, and he drives Mr. Malone home in the white Honda.

20 What happens on June 5th of 2006? Well, by this
21 point in the investigation, they've talked to Melissa now
22 several times. They've learned from Donny what it is that he
23 has provided them, and they've talked to a number of other
24 witnesses. And so, they take Donny out to -- kind of the end
25 of Boulder Highway. If any of you guys have driven across the

1 Dam, and -- before they had the Michael O'Callaghan overpass.

2 But now if you take it out to the overpass, this is
3 kind of where that turnoff is to the overpass, that you can
4 kind of skirt around the dam. But in the old days when you
5 went down here, here's the Hacienda, used to be called the
6 Gold Strike Hotel. And if you came around this bend right
7 here, this bend in the road, there is a hill area that goes
8 down, and a hill area that goes up with a fence line right
9 here.

10 When they go out here on June 5th of 2006 with Donny
11 in the car, they find two of the three pieces of a broken golf
12 club. Maybe even four pieces, because this is kind of the
13 half the handle part that has the grip, and this is going down
14 towards the end where the head of the golf club should be.
15 And they find a putter head laying out there. But that's all
16 they find.

17 On June 6th of 2006, the next day, they happen to go
18 out there with Jason McCarty. When they get out to this
19 location, they find the knife. Subsequent DNA testing,
20 Charlotte Combado's blood is on the head of that golf club,
21 and Victoria Magee's blood is on that steak knife.

22 You say to yourself, and the cops will tell you this
23 as well, there are three potential suspects, right? There's
24 Mr. Malone, there's Mr. McCarty. And while nobody ever really
25 puts Donny in the middle of it, Donny himself says he goes

1 down there during the course of the murder, so maybe Donny's
2 involved as well.

3 Well, the police get themselves a little
4 confirmation. They get the cell phone records. They get Mr.
5 Malone's cell phone records, they get Mr. McCarty's cell phone
6 records, and they get Donny's cell phone records. And when
7 you put those together, what Ms. Estores tells you, what Donny
8 Herb tells you, what Sarah Mathews tells you, what every
9 witness you're going to hear from, a woman by the name of
10 Nicolin Broderway, all you had to do is put those cell phones
11 in front of you and find out, are they telling the truth.

12 So, let's go back to where I started this. What do
13 the cell phones show? They show that Tuesday morning between
14 8:48 and 10:03 a.m., Mr. McCarty's cell phone is ping off
15 the tower closest to the Royal Sportsman Manor. By 10:28, his
16 cell phone is now ping off the Oasis Motel. Tuesday night
17 from 8:40 p.m. to Wednesday, 4:30 a.m. -- remember, Tuesday
18 night is the night that they beat Melissa Estores and drove
19 her to the Hard Rock Hotel.

20 Well, guess what, at 8:40 p.m., not only can you put
21 where Mr. McCarty's cell phone is, who -- Mr. McCarty uses his
22 phone like nobody's business. There are hundreds and hundreds
23 of phone calls. Mr. Malone you will hear never answered his
24 phone, but he chirped. And for him in this case, that was his
25 downfall.

1 Every time you activate your cell phone, whether you
2 activate it by calling somebody, or you activate it by
3 chirping back and forth on a Nextel, it connects to the
4 closest tower. And so, you know where that individual who has
5 that phone is.

6 And at 8:40 p.m., his phone and Mr. McCarty's phone
7 are together. They separate for a period of time when Mr.
8 McCarty goes back to the Oasis. But essentially, at 10:08
9 p.m., they're together. At 10:24, they're together over at
10 the Sirnoble address, dropping off Donny. And then you just
11 need to follow the phones. They go down to the Sportsman
12 between 11:37 to 12:24 a.m.

13 12:31, Mr. McCarty's phone, and we know that he's
14 with D-Roc at this point, traveling south on 93/95. 1:02, the
15 phone -- the individuals are down there by Railroad Pass.
16 1:03, they're right next to where that little shack is that
17 they beat Red at. By 1:22, they're heading back north on 93.
18 And by 2:06, they're right next to the Hard Rock Hotel.

19 And here's a little kicker. 4:32, two hours later,
20 just like Red said they were going to come back for her,
21 they're back at the Hard Rock Hotel. And it isn't going to be
22 Mr. McCarty's. Mr. Malone's is pinging there at 4:32 as well.

23 What about the murders? Mr. Malone's phone, like I
24 said, was chirping. The last time it chirped was about 12:35
25 a.m. Funny, where it chirped was right there at

1 [indiscernible], right next to the South Cove Apartments,
2 right where Sarah Mathews says he is, and right where those
3 girls were taken from. And Mr. McCarty's phone at 12:59
4 starts to leave the South Cove. It's there before, but at
5 12:59, it starts to leave.

6 And where do they go? 1:08, they're heading down
7 95. At 1:08, they call Donny on the phone for the first time
8 that night. Earlier, about 10:00 o'clock they had talked to
9 him. But since they got the girls, that's the first phone
10 call that Donny describes, where he says they told him -- or
11 Mr. McCarty told him they've got the girls and are heading out
12 to that site.

13 Where's Mr. Herb? Donny's sitting at his house.
14 12:21, another phone call to Donny. Donny's still at his
15 house. 12:41, they're down there by where the bodies are
16 found, Donny's still at his house. The phone call that shows
17 up on Mr. McCarty's cell phone at 1:46, and the timing,
18 because he's AT&T and he's Nextel, is 1:47 on Mr. Herb's cell
19 phone. At 1:47, is when Donny finally leaves the area of his
20 home.

21 But you don't have to rely solely on the fact of a
22 cell phone, right? Maybe somebody else has the cell phone.
23 Maybe somebody else has the white car. Maybe Mr. McCarty has
24 the white car and Donny has the green car or something. Oh,
25 no, he really did stop for gas. And he's caught on video at

1 his house as the murders are occurring near his house, getting
2 gas. And there's another video that shows it's the white car
3 he's driving, and he stops for gas, just like he says he did.

4 And at 2:12 a.m., he finally winds up in the area of
5 -- and you'll see, and he'll describe for you why he bounces
6 off a bunch of cell towers down here. Its' because he
7 doesn't' know exactly where he's going, and he's being
8 directed, and there's a number of phone calls back and forth
9 directing him into the location. By 12:38, all three of them
10 are down in the general area, and on the move. And where are
11 they on the move to? Out to the Gold Strike, and where those
12 weapons are found.

13 3:06, they're heading back. 3:20, 3:21. 3:38, Mr.
14 McCarty winds up at the Sportsman. And remember, I told you
15 at 4:10, he gets beaten up there by Leonard Black. And where
16 does Mr. Herb's cell phone start pinging off of? It's
17 actually off the screen a little bit. It's a tower right next
18 to Mr. Malone's house, because he's dropping him off before he
19 heads to work, just like he told the police before they ever
20 had the cell phone records.

21 I said to you that you'd have evidence that Leonard
22 Black -- there's Melissa Estores, there's Mr. Leonard Black,
23 was going to -- did a beating. Well, that's 3:18 at the Royal
24 Sportsman Bar. 4:12, he walks out. And I didn't cut the
25 whole thing in here, but that's going to be Mr. McCarty.

1 You're going to see Leonard Black come out, and you're going
2 to see Mr. McCarty attempt to get away. And then the beating
3 occurs just off screen. But you'll see on the videotape the
4 police cars arriving from the call of a fight in the parking
5 lot.

6 At the end of this case -- I know I talked a lot
7 about a story that goes over a long period of time. This case
8 is about two women who, yes, were down on their luck, but died
9 in the most horrific and brutalized manner, naked and alone in
10 a desert, at the hands of Jason McCarty and Domonic Malone.
11 Whatever it is that these two girls did to offend them, they
12 still were people. And Mr. Lalli and I at the end of this
13 case are going to ask you to give them justice.

14 Thank you.

15 THE COURT: Thank you, Mr. DiGiacomo. Mr. Cano or
16 Mr. Pike, are you handling your opening?

17 MR. PIKE: I am.

18 THE COURT: Do you know how long -- it's about 10:00
19 to noon. Should we take our lunch break now?

20 MR. PIKE: Why don't we do that, Your Honor.

21 THE COURT: All right. Ladies and gentlemen, it's
22 11:50. Let's come back at 12:50, one-hour lunch.

23 During this lunch recess, it is your duty not to
24 converse among yourselves, or with anyone else on any subject
25 connected with this case. Or to read, watch or listen to any

1 report of or commentary on the trial by any person connected
2 with the trial, or by any medium of information, including
3 without limitation, newspaper, television, radio, or the
4 internet. You are not to form or express an opinion on any
5 subject connected with this case until this matter is
6 submitted to you.

7 We'll see you back in one hour. Have a good lunch.

8 THE MARSHAL: Guys, if you'll leave your notepads
9 and pens in the seats.

10 (Court recessed at 11:49 a.m. until 12:58 p.m.)

11 (In the presence of the jury)

12 THE COURT: Welcome back, ladies and gentlemen. I
13 hope you had a good lunch. We're going to start now with --

14 You're going to exercise your right for opening at
15 this time, Mr. Pike?

16 MR. PIKE: Thank you, Your Honor.

17 THE COURT: All right. Thank you.

18 DEFENDANT'S OPENING STATEMENT

19 MR. PIKE: May it please the Court, ladies and
20 gentlemen of the jury, counsel for the State, Mr. Cano, and
21 Domonic.

22 There's a reason why it's called the State of Nevada
23 versus Domonic Malone, and that -- the Court has informed you
24 a little bit about that, the presumption of innocence. It's
25 not Domonic Malone versus the State saying, you said this, now

1 I'm going to defend against it. And that's kind of a key
2 thing to remember throughout this entire case, is just because
3 it's an allegation doesn't mean it's true. You have to wait
4 until after everything is heard. And during the opening
5 statements the State has indicated to you what they believe
6 the evidence is going to show and their interpretation of the
7 evidence, and they're going to want you to agree with that.

8 We don't always agree on what certain statement of
9 facts means. For instance, if you come outside, your truck's
10 wet, as the Judge suggested, and the road's wet, it rained.
11 Well, maybe it rained, and maybe somebody came through and
12 hosed it down, maybe there were a number of things that
13 happened. You want to hear all the facts, you want to know
14 everything that was said and you want to know everybody that
15 said it.

16 The presumption of innocence is something that you
17 have to keep throughout the entire trial. It's not just now,
18 it's not just something we're saying now, it's not just
19 something that you heard or believed up till the time that the
20 statements were made. Some studies indicate that jurors make
21 their mind up as soon as they walk into the courtroom. Some
22 other studies say they make their minds up as soon as the
23 State makes its opening argument. Some indicate that jurors
24 believe they make it up at the time that both arguments made
25 and the evidence that's presented is superfluous. But those

1 jurors, conscientious jurors -- and you've indicated by
2 sitting through all the time through jury selection that you'd
3 be that conscientious juror, you hold that thought, you hold
4 that presumption until everything is presented, because there
5 are facts that will come in at the end, facts that weren't
6 part of the opening argument of the State, and I'll point a
7 few of those out as I show you or indicate to you this is what
8 you're going to hear, this is what you didn't hear from the
9 State, but this is what you're going to hear from the
10 witnesses.

11 There are really separate events that are combined
12 into one trial. The presumption applies to each and every
13 separate event and each and every separate witness and
14 testimony that's offered in reference to that, and that burden
15 goes through each and every one of those separate events and
16 [inaudible] end of this trial, because you may believe that
17 one occurred does not mean that that carries over, does not
18 mean that there's connection or that they're related. The
19 State has to prove that conspiracy.

20 A conspiracy, you're going to be instructed, deals
21 with certain people agreeing to do certain things. For
22 instance, Red is -- promotes herself as a free agent and as a
23 hustler. Okay. She conspires at some point in time to sell
24 drugs. She's sells them with or for Domonic. Free agent, she
25 sells them with or for Trey Black, she sells them with or for

1 Leonard Black. As a free agent, now, does that tie one into
2 another? Does that tie Leonard Black into Domonic Malone?
3 No, it doesn't. Ties them into Red. Both of them are tied
4 into Red, but I think I remember from geometry or math unless
5 those circles include each other, they're not all part of the
6 same conspiracy.

7 And the conspiracy over who was owed the money, who
8 talked about the money, who had an interest in the money, that
9 portion, that involvement of Domonic Malone that the State is
10 alleging, was noticeably absent, and the evidence is going to
11 show that that's because he had no financial stake in the two
12 young women that were killed in this case. And what I mean,
13 just because this trial says it is entitled the State of
14 Nevada versus Domonic Malone, it is very much a part -- very
15 much about those young women, it is very much in honor to
16 them, it is very much the same system, the same trials that a
17 rock star may have had if he was killed or a 41-day-old baby,
18 which is our system of justice. This is in honor to those
19 victims.

20 Now, in April 2006 you've got Domonic and Melissa
21 Estores, Red. They're involved in drugs. She's going to come
22 in and tell you, yes, she's a hustler. Start doing business
23 together, they start to date, is how the State indicates it.
24 It's not the same as a long-term relationship. Dating just
25 means having sex, a sexual relationship that ended at the time

1 when she transferred a social disease to Domonic Malonè, and
2 when things started to sour, she turned as an independent
3 salesperson and as a hustler or free agent, and she went to
4 someone that really was kind of in control of these people.
5 You didn't hear a lot about him, but you heard about Sarah
6 Mathews, Sarah Mathews, who lives with Trey, Sarah Mathews who
7 gets her drugs from Trey. You're going to hear evidence that
8 Trey is the major supplier of all of these people. You're
9 going to hear evidence and you're going to find that Trey,
10 Trey Black, is the one that interconnected with all of those
11 conspiracy. The evidence is going to show that Trey Black is
12 the one that ultimately is owed money from all of these
13 people.

14 And so -- and the State has argued that this was a
15 beating, that there was a beating that occurred between Red
16 and Domonic. It was not a beating. It was a fight. What was
17 the relationship like? Was it a relationship of equals? How
18 did Red consider herself? She considered herself an equal.
19 She was a hustler. She's an independent agent. She's out
20 there, she's selling. Is she tough? She's not afraid of
21 confrontation, she's not afraid of anybody. And she's not
22 afraid to go in and stand toe to toe. In fact, as you look at
23 the evidence and look at the photographs during that period of
24 time, you've got discoloration of her hands. She wants to be
25 the victim in this case because it's convenient. She's a

1 hustler. She'll do anything to hustle money from anybody.
2 She doesn't -- she will testify and will indicate she just
3 doesn't sell drugs, she sells whatever she can. She'll do
4 whatever she needs to do to make money, and that means knowing
5 how to play to what people want, what do you want, what do you
6 need from me that I can get money, that I can get benefit,
7 that I can get drugs, that I can get something over. Look at
8 her tattoos. Look at the fact that she believes and that she
9 can take anybody on, and that's what she's doing in this case.

10 The other thing is that if a beating occurs, if a
11 robbery occurs, if a crime occurs, the police are involved.
12 She never went to the police, she never called the police,
13 never reported anything to the police. It was not until after
14 this was involved where her name became involved with the
15 girls. It's important. It's important that you see that
16 she's associated with the girls. It's important that you see
17 how she's associated. It's important that you know that
18 relationship and that you listen carefully. Because who was
19 one, the hustler, who was the one that was put with the girls
20 at the Hard Rock to watch over them? They had drugs to sell.
21 She was there. She's the muscle. She's the one in control.
22 She's the one that had Victoria and -- over at Leonard Black's
23 apartment, 222, prior to the time that they were taken. She
24 -- on Sunday, on Mother's Day. So we've got Red with Victoria
25 and Leonard Black, Trey, and riding around, being there with

1 the girls, monitoring them, and watching them. And then
2 somehow she conveniently steps out of Apartment 222 with
3 Leonard Black when Victoria and Christina/Charlotte, which she
4 goes by both names, are supposedly taken from that apartment
5 during that period of time. There's no connection between the
6 domestic disputes between Domonic Malone and Red [inaudible]
7 Charlotte and Victoria.

8 So what happened to them? Who killed them, and
9 when? How were they killed? The coroner's never going to be
10 able to give you a set time frame, within an hour here, two
11 hours here, three hours there. The State is extrapolating
12 what they believe are telephone calls that coincide with the
13 death, that related to the time of death, and they -- those
14 telephone calls being between Donny Herb, White Boy, Romeo,
15 who is Melissa's -- not Melissa's -- he's Victoria's pimp, and
16 the calls that are going from there.

17 Were they killed there at that location? Were they
18 killed somewhere else and then taken there? And that's where
19 Donny and Malone, Romeo, disposed of the bodies and then went
20 and disposed of the weapons that they had used? Well, you're
21 going to have to make a determination of that. You're going
22 to have to look at the evidence that was examined, what wasn't
23 examined and who can you believe and then what does the
24 physical evidence support in reference to this. Because
25 there's circumstantial coinciding between people, certain

1 people that are involved in this case, and it does not point
2 to Domonic Malone.

3 During the investigation in the desert you're going
4 to hear from a number of CSAs. They're going to come in and
5 say, this is what I saw, these are the photographs, this is --
6 this is what I collected, this is why I collected it.

7 You'll hear the detective come in and say, I'm in
8 charge of the investigation, I'm overseeing that, I'm going to
9 help them see what they collect, it's going to be important,
10 and I'm going to choose, I'm going to make a determination
11 what's going to be examined, how it's going to be examined,
12 and what labs it's going to be sent to, because that's the
13 question, what does it show.

14 There is a question of blood evidence, blood spatter
15 evidence or something like that. Does that show that that --
16 that these deaths occurred at that location, or was -- how was
17 the blood at or near the scene, what can you tell from that,
18 and how do you identify the sequence of events.

19 They can't when they get out there with the evidence
20 that they have, with what they see with those two ladies, they
21 can't tell that, what happened. But people start to talk.
22 There's an old phrase, murder's allowed. So people start to
23 talk. Red goes, I was in charge of those girls, I was over at
24 the Red Rock Casino with them, I was there. Guess what's in
25 casinos. Same thing as entering 7-Elevens. Video cameras. I

1 was seen with them, if they ever catch word, I'm going to be
2 in trouble, so what do I need to do. And they start
3 identifying people.

4 And then a consistent investigative tactic of the
5 detectives as they try to question, interrogate, sweat out or
6 gather information from individuals is to get them in and give
7 them a choice, do you want to be a witness or a suspect.
8 Well, if you're involved in it and if you have enough facts
9 and you can make up a story that's convenient about it and if
10 you're good at lying, the evidence is going to point to
11 somebody taking that choice and choosing, of course, what they
12 want to be is a witness and not a suspect.

13 You'll find that this also goes to the detectives
14 trying to recruit family members, you don't want to be away
15 from your family, you don't want to be away from your wife,
16 you don't want to be away from your father and mother. And in
17 Donny Herb's case, you're in drug court, you don't want to go
18 back into jail.

19 He's going to tell you at various times -- or
20 testify, I assume, that he had been failing at drug court, he
21 had not only been using drugs while he was in drug court,
22 where he's supposed to be recovering from drugs, but during
23 this entire time he was actively out selling drugs, and he's
24 convincing the detectives in this case to give him one more
25 chance, one more lie and let's follow that.

1 And how -- what is some of the physical evidence or
2 some of the evidence that's going to be presented that will
3 show you, that will establish that connection between Herb and
4 Romeo besides his own testimony, but also the fact that his
5 cars are being used, that it was Herb that owned the car that
6 Romeo was driving, it was Herb that had the car.

7 And I guess these cars were pretty important to him,
8 because as he was pressured through to get into this
9 [inaudible] witness position he's going to say, okay, well, on
10 his version, I'm just going out to get my car. On the way
11 out, he's going to say, I heard that it's taking too long.
12 You know, sometimes somebody will slip like that and you'll
13 hear words.

14 And the State has given you what they believe the
15 evidence will support. Well, the evidence more supports,
16 what's taking you so long, why aren't you here, why aren't you
17 helping me get rid of the bodies, why aren't you helping me
18 get rid of the evidence, why aren't you out here helping me.
19 Because that makes more sense.

20 Why is he -- well, the telephone calls. You know,
21 I'll talk to kids sometimes. I'll interview teenagers. I'll
22 interview some people, and they'll sit and they'll text the
23 entire time you talk to them. Some people have to text, some
24 people have to get on the phone, some people have to call back
25 and forth. And White Boy and Romeo appear to necessarily have

1 to call each other, because you'll -- you'll see reports
2 similar to this that the State and the defense are both going
3 to be in agreement with a lot of these. These are people that
4 have these telephone numbers, these are the records, these are
5 the calls, they are what they are, that does not change, that
6 evidence does not change.

7 During that time frame from 1:00 a.m. until 3:40
8 there's 16 calls back and forth between the two of them, back
9 and forth between Romeo and back and forth between White Boy.
10 And it doesn't just go to where the bodies are located, it
11 just doesn't go from there, it goes beyond that.

12 You watch out -- you'll watch that and, as Mr.
13 DiGiacomo indicated in his PowerPoint, watch them go out.
14 They go out past the Hacienda. That's a long way to go past
15 where you've -- where bodies are located, where you assume --
16 I assume if you're going to dispose of bodies that they're not
17 going to be found there or not going to be found there for a
18 long period of time or ever found, indeed.

19 So -- and he's so concerned about his car, then he
20 goes out there and there's two people. And again, there's no
21 physical evidence to indicate that there's two people in that
22 car. That was just an extrapolation and a picture that was
23 done as part of a PowerPoint, and nothing I say, nothing that
24 the State says is evidence, none of the pictures up here are
25 evidence, none of the maps nor anything else are evidence.

1 And you'll have the evidence and consider it at the end.
2 That's something that is just an extrapolation, a thought, and
3 now I want you to believe that. But it's nothing to show that
4 it actually is true, because if there are two people in the
5 car that Donny wants, then there's no need to have him drive
6 out there, there's no need for him to make up a story that
7 says, I'm on my way out there and I hear that there are two
8 dead girls, I am on my way out there to hear that there are
9 girls that are being beaten and I don't call 911, I don't
10 call, I don't let anybody know, I don't do a damn things to
11 save those girls, and in fact once they're dead I don't cut
12 myself out of this and never get involved in it, I go out
13 there, I go out there and participate, I not only go out there
14 and participate, but then I go and get rid of evidence, I go
15 and get rid of the implements of death, I tough them, I help
16 destroy them, I think, and then I drive home and drive to work
17 like nothing happened.

18 He's a good liar, and you'll hear that and the
19 evidence is going to show that. His testimony so conflicts
20 with common sense that you cannot believe anything except the
21 reassurances that he was actively involved from before the
22 time that these girls died and in his attempts to cover up the
23 murder that he's involved in. He is not a credible witness.
24 Never will be, and certainly not in this case.

25 The cell phone trail is really important, as the

1 State indicated. And cell phones become very, very important,
2 because there's no DNA in this case that will ever -- you will
3 ever hear tie Domonic Malone to the death of these two girls.
4 There is no physical evidence, no fingerprints that will tie
5 him to the death of these two girls.

6 The State relies upon electronic trails. We rely
7 upon electronic trails. Let's look at the cell phones.
8 Domonic's cell phone wasn't called during that period of time.
9 However, Victoria's cell is used to call Sarah Mathews, Trey's
10 girlfriend, after her death. And one of the phones of the
11 girls was found in Trey's and Sarah's apartment after they
12 were dead.

13 If you were living on the street, the evidence will
14 indicate that there are things that you need, identification,
15 you need money. Victoria needed drugs. They needed their
16 phones. Phones are the only way that you can stay connected
17 with anybody when you're out on the street. That's the
18 reason. And you'll hear about track phones and pay-as-you-go
19 phones and the rest of that.

20 When everything is said and done, where are the
21 phones? Where are the phones of these two girls? Where did
22 they end up after they were dead? Who had them? Because
23 that's physical evidence that will lead you to the people that
24 were intimately involved in the murder.

25 I would suggest that because the telephone records

1 are going to be fairly extensive, because the locations are
2 going to be fairly extensive, it would be a good idea to kind
3 of make a timeline between May 13th and May 18th. Because
4 you've got Mother's Day on the 14th, okay.

5 And that's -- and that's kind of -- it's fortuitous,
6 because that's an anchor event, you can remember that day, you
7 can remember holidays. If I was to ask you what you were
8 doing on the Tuesday after Mother's Day in 2006, it would be
9 hard to remember anything. Fortunately, there are statements
10 that are taken during periods of time where we will refresh
11 the recollection of some of the witnesses. They'll have an
12 opportunity to review their statements.

13 Look at the ties between Leonard Black and Trey and
14 Red and the girls and how far out of that loop where Domonic
15 was being moved, where he was not being a player, where he was
16 not having control over anybody else. He's just peripheral.
17 Trey was using him. He was using him to keep things out of
18 his name. Trey used people. He used Sarah Mathews, the
19 evidence will suggest. And once you have all of that
20 evidence, then you can extrapolate the truth, proof that's
21 involved, the truth that's involved in this case.

22 How do you tie people to physical evidence? You tie
23 people to physical evidence if you find it on them like you
24 find the phones in Trey's apartment. Do you have a good
25 explanation for that? You know the telephone numbers. How do

1 you find them? The detectives can go through and ping a
2 number. If that phone is on, they can locate you. They can
3 find where you're at without that phone ever ringing. That's
4 a technological investigative tool that is available. There's
5 no indication it was used in this case, that they -- the
6 detectives ever attempted to locate the phones of these
7 deceased women so that they could find out who had them. If
8 they find that evidence, then it has significance, somebody
9 didn't turn it over to them.

10 But knowing where it's at also has some direct and
11 important significance. I didn't have an opportunity to print
12 this up or put it into my PowerPoint, but this is a part of
13 the PowerPoint that Mr. DiGiacomo showed showing the golf club
14 and the knife and the DNA that was found of the two victims on
15 that. Well, who knew where the golf club was? Who could take
16 detectives out to where that golf club was?

17 And you'll hear the evidence that this is on that
18 part of the road down to the dam that's pretty steep, lot of
19 rocks, it's not something that's visible unless you're looking
20 for it, unless you know where it's at. And he knew where it
21 was at intimately. That certainly indicates he is tied to
22 that physical evidence. Romeo takes the police to locate the
23 other weapon. While he's on his way out there they're asking
24 him about the knife, an interrogation technique, and he
25 confesses. I don't think this is about as big as my hand or

1 fits in my hand. Listen to what the detective indicates in
2 reference to that. Their actions, their knowledge, their
3 direct intellectual, physical knowledge of where those items
4 were tie them to them.

5 Now, there's also some other evidence that's located
6 out around those weapons and out around where the bodies were
7 located, and when you look at that say, okay, well, what does
8 that mean, it only means something if you can gather evidence
9 from it or if you even try to gather evidence from it. You'll
10 hear testimony from individuals that are experts on DNA. They
11 performed certain tests. They're the ones that determined the
12 DNA on the two death-producing weapons.

13 How does that transfer occur? Blood, it's obvious,
14 is fairly easy. How does it transfer when you take your
15 clothes off, when you pull off a T-shirt. Epithelial skins
16 come out, your hair comes out. And the technology is so
17 precise that if you -- I believe the testimony will be if you
18 can find one hair that has a follicle on it, you can
19 extrapolate the DNA from that. That's how sensitive the
20 testing is, and that's the testing that was done.

21 There was a van out there. There was a van out
22 there that is either tied into this or not tied into, it may
23 have been tied into it. There was a condom that was located
24 there. Was that evidence handled properly, what that condom
25 preserved properly? Because obviously you're going to get

1 some DNA out of a condom, specifically if it's been used,
2 unless it's not handled correctly, not sent for months and
3 months and months and months, and not properly preserved in
4 order to take the evidence.

5 And what about the evidence located at South Cove,
6 Apartment Number 22 [sic]? We've got photographs. We've got
7 photographs of evidence that was collected, some DNA evidence
8 was run, there was an earring that was found there that
9 matched a necklace. So we know -- or it was Christina's,
10 Charlotte's necklace that it matched. Now, they were in
11 there.

12 If they were in there with Leonard Black and Red,
13 and they were both there together, and if you wrote it down,
14 again, someone who wants to be a witness instead of a suspect.
15 There was no reason for that evidence -- there was no reason
16 for any evidence to be found in any other apartment besides
17 Apartment 222.

18 It was rented the name of Deborah Carter, not
19 Leonard Black or Leonard Robinson or Erion Robinson or
20 whatever his name is. Again, who is she? Why did she rent --
21 tied into all of this. But we do know that in going there
22 there is DNA evidence, there's physical evidence that will tie
23 them -- those individuals into that apartment. There's no
24 physical evidence that will tie Domonic Malone into that
25 evidence -- excuse me, into that apartment or the evidence

1 that's collected in there.

2 They go out and search Domonic's home. There's
3 nothing in Domonic's home that would be found that would be
4 suggestive that there was any tie-in to these girls, these
5 women that had been killed or any evidence that they were ever
6 there or that he had brought in -- again, even a follicle of
7 hair or that there was any matching clothing that is described
8 by anybody that was located there. That -- the search
9 continues.

10 And again, because there's going to be such a long
11 list of evidence that's come in -- that's going to come in in
12 this case, I suggest that you kind of keep a running log of
13 what was processed and when it was processed, what was
14 collected, what wasn't collected, and what the results of that
15 testing revealed.

16 When Domonic was arrested how did he react? He
17 didn't run from the police. He didn't leave Las Vegas. The
18 testimony is going to come in that he calls detectives, says,
19 I'm here at the Texas, I'm here at the Texas Casino, you're
20 looking for me, come get me.

21 And he surrenders to the Henderson Police
22 Department, and it's Domonic Malone that suggests, you need to
23 talk to Trey. He gives up the hub of the -- the person that
24 is calling the shots, the person that has ultimately -- that
25 isn't something I was involved in. That's what's there.

1 So they go over, let's find Trey, let's go over to
2 his apartment, 217, one of his apartments. Now, he's got a
3 couple of apartments, because he's selling drugs at different
4 locations. He has an apartment over at Sportsman, he has an
5 apartment just down from Leonard Black. Convenient.

6 You'll see the telephone calls, again, the records
7 coming from Trey's phone to Leonard Black prior to the times
8 of the deaths, the calls from Victoria's phone to Leonard
9 Black's phone the night that Red was escorting them and
10 monitoring them over at the Hard Rock Casino.

11 And they start going through, and they find Island
12 Girl's cell phone. And what do the police do with this, what
13 do they do with that cell phone, is it ever forensically
14 analyzed? Again, the value of the phone. Look at the SIM
15 card chips that could have been pulled out, the information
16 that can be extrapolated from that that has not been done and
17 will not be presented to you.

18 Trey was the one that was supplying the drugs.
19 You'll hear that from a lot of the witnesses that come in,
20 that it's his money, that he had the money to spend, he had
21 cars, he had a Honda, he had a Grand Prix, he had a number of
22 cars that were never examined, that were never checked for
23 DNA, never checked for fingerprints, and they were right
24 there. And he's found -- despite the fact that he's found
25 with evidence that directly ties him to the dead girls in this

1 case, the dead women in this case, there's no followup with
2 him as a suspect. In fact, they are able to identify which
3 call -- excuse me, which phone is Trey's phone because of
4 calls that Sarah Mathews makes to her family out of state.
5 Corroborate numbers, but they don't take it to the next step.

6 As I've indicated, the lack of DNA at those
7 locations, not at the scene, not on the knife, not on the golf
8 club, not at any of those scenes. And the police come and
9 they start off with a scene where the bodies are located, and
10 then it expands to where the weapons are at.

11 And that's an expansion of the scene of the crime.
12 And then they gather the electronic evidence, and that makes
13 it even bigger. And then they have to pull back because
14 Domonic's house has no physical evidence, no electronic
15 evidence, nothing there. But then it expands back over to
16 222, now 217, because there's more evidence that's found
17 there. But in none of those places is Domonic's DNA.

18 He had no personal motive to harm Victoria or
19 Christina/Charlotte in this case. He had a personal
20 relationship with Red at one point in time. But Red will tell
21 you that that was over by Mother's Day, she was -- she was in
22 there, she was out on her own, she was working with Leonard,
23 she's working with Trey, she was there with Victoria, it was
24 done and done and over with. He didn't provide -- Domonic
25 didn't provide Victoria and Charlotte with drugs to sell, nor

1 was he pimping them. Romeo was pimping them, Trey was
2 supplying the drugs, Romeo was supplying the drugs, and in
3 fact from the arguments that the State made during their
4 opening arguments, yeah, they were given drugs and they were
5 given drugs to take to the Hard Rock and sell.

6 But who -- where did they get the drugs? They got
7 them from Trey, they got them from Romeo, they didn't get them
8 from Domonic. He had no monetary interest in them. They
9 weren't part of his -- who would sell drugs for him. He had
10 nobody to sell drugs for him. He was selling them alone.

11 Red was in charge of that. She was in charge and
12 going in that circumstance, and she's going to try and tell
13 you again, assume that position, I am a victim, oh, I was
14 going here, oh, I was worried. Didn't call the police, didn't
15 say, come and get me here, let's set this up and you can do
16 anything with that. No. I took them right to where Trey
17 could get back a hold of them again, where Leonard could get a
18 hold of them again. She didn't know that Leonard had been
19 arrested. So she returns them to where she needed to go, and
20 she was doing business for Trey.

21 So what you need to do is when this evidence is all
22 presented to you, having held everything in the back ad said,
23 I will wait until the last piece of evidence is brought to me
24 and then I will perform my duty and I will weigh that
25 evidence, the evidence will not allow you to let Red hustle

1 you, let White Boy lie to you like they have to the drug
2 court, the police, other people, and you'll look at the
3 physical evidence and say, does this tie -- any of this tie to
4 Domonic Malone, no, it does not. The electronic evidence does
5 not tie him into these events and does not tie him into these
6 murders.

7 And you won't decide the case on emotion. It's hard
8 when you see pictures, because they were done in an autopsy.
9 Do not have that emotion and say, somebody has to pay. But
10 the physical evidence, the evidence presented in this case
11 must overlie that desire to find out -- to mete out justice
12 for these young women.

13 Based upon the evidence that will be presented, we
14 will confidently ask you to bring a verdict of not guilty.
15 Thank you.

16 THE COURT: Thank you, Mr. Pike.

17 Is the State ready to call their first witness?

18 MR. DiGIACOMO: We are Judge. Melissa Estores.

19 MELISSA ESTORES, STATE'S WITNESS, SWORN

20 THE MARSHAL: If you would have seat, ma'am, please.
21 Slide up to the microphone. Please state and spell your name
22 for the record.

23 THE WITNESS: Melissa Estores, M-E-L-I-S-S-A,
24 Estores, E-S-T-O-R-E-S.

25 THE COURT: Go ahead, Counsel.

DIRECT EXAMINATION

BY MR. DiGIACOMO:

Q Ms. Estores, I'm going to take you back to pre 2006, but I kind of want to talk a little bit about today.

Currently are you on parole?

A Yes.

Q And what was the crime that you're on parole for?

A Financial forgery laboratory.

Q And do you have any other felony convictions?

A Yes.

Q And what is that -- what is your other felony?

A Possession of a credit card.

Q Possession of a credit card without the cardholder's consent?

A Yes.

Q Basically, it's someone else's credit card?

A Yes.

Q Now, those two convictions, are those your only two felony convictions?

A Yes.

Q And did those convictions occur from acts that occurred before or after May of 2006?

A After.

Q After? And I said parole, but so the ladies and gentlemen of the jury know, did you go to prison on those?

1 A Yes.

2 Q When you got those crimes did anybody from the State
3 of Nevada, myself, Mr. Lalli, or somebody else from our
4 office, do anything for you because you happened to be a
5 witness in this case?

6 A No.

7 Q Have you got a job?

8 A Yes.

9 Q What do you do?

10 A I work at Jack-in-the-Box.

11 Q And are you -- well, when did you get released from
12 custody?

13 A August 22nd of 2011.

14 Q August 22nd of 2011?

15 A Uh-huh.

16 Q Is that a yes?

17 A Yes.

18 Q All right. And how many times have you testified in
19 a proceeding related to either Mr. Malone or Mr. McCarty?

20 A Twice, I believe.

21 Q On two prior proceedings you've testified?

22 A Yes.

23 Q And you've also given two statements to the police
24 that were recorded, as well?

25 A Yes.

1 Q I want to talk to you a little bit about your
2 lifestyle prior to let's say April of 2006. Back then did you
3 live a certain lifestyle?

4 A Yeah.

5 Q And can you describe for the ladies and gentlemen of
6 the jury what it was.

7 A I sold drugs.

8 Q Have you ever used a term to describe yourself as
9 you hustled?

10 A Yes.

11 Q What does that mean?

12 A To make money. Did anything to make money.

13 Q You did anything to make money? And you said you
14 sold drugs. I'm going to get some of the terminology out here
15 kind of early on. What kind of drugs did you sell?

16 A Crack and speed.

17 Q And did you use different terms to describe crack
18 and speed?

19 A Yeah.

20 Q What do you call crack?

21 A Hard.

22 Q And what did you call methamphetamine?

23 A Soft.

24 Q Speed and methamphetamine are the same thing?

25 A Yes.

1 Q Did you -- were you -- in addition to being a seller
2 of these particular drugs, did you use any drugs?

3 A Yes.

4 Q And what drugs did you use?

5 A Mostly weed.

6 Q Mostly weed?

7 A Yes.

8 Q How would you -- when you got drugs to sell did you
9 buy the drugs yourself, then resell them, or what procedure
10 did you utilize to acquire the drugs for sale?

11 A Sometimes I bought it, and sometimes I got it
12 fronted.

13 Q You got it fronted?

14 A Yes.

15 Q What does that mean for the ladies and gentlemen of
16 the jury?

17 A Like consignment.

18 Q On consignment?

19 A Yeah.

20 Q Someone would give you the drugs, and you would have
21 to then sell the drugs and pay that person back a certain
22 amount of profits?

23 A Yes.

24 Q When you got drugs on consignment did you have a
25 term for what you would call that?

1 A Getting a front.

2 Q Getting a front. Did you ever use the term "work"
3 before?

4 A Sure.

5 Q And what does "work" mean?

6 A Stuff that I could use to make money or would be
7 work.

8 Q Okay. So if you had a pile of drugs on consignment,
9 that might be your work?

10 A Yes.

11 Q When you would sell drugs and you arranged some sort
12 of deal with somebody did you have a term for -- sell hand-to-
13 hand drugs, sell something like that?

14 A The transaction.

15 Q The transaction.

16 A Yes.

17 Q What's a fade?

18 A That's a fade.

19 Q Okay. Explain that to the ladies and gentlemen of
20 the jury.

21 A A fade is just the drug transaction.

22 Q "Catching a fade" means what?

23 A Catching a fade would be making some money or going
24 to meet someone to make some money on a drug transaction.

25 Q At some point in time do you wind up moving in or

1 going over to the Sportsman's Royal kind of weekly/monthly
2 motel?

3 A Yes.

4 Q And how long had you been there prior to April of
5 2006?

6 A Maybe a year.

7 Q Did you live there?

8 A Yes.

9 Q Where did you live?

10 A Off and on I stayed in different rooms or with my
11 daughter's father.

12 Q So your daughter's father lived in the Sportsman?

13 A Yes.

14 Q And the Sportsman, is that kind of at the corner of
15 Boulder Highway and Tropicana?

16 A Exactly.

17 Q Down the street pretty much from Sam's Town, for
18 people who don't know the area that well?

19 A Yes. Boulder Highway.

20 Q At some point when you were living in the Sportsman
21 did you meet a woman who was identified to you as Christina,
22 but ultimately you learned her name was Charlotte Combado?

23 A Yes.

24 Q How did you know Christina?

25 A She sold drugs, too, and she hung out over there at

1 the Sportsman bar.

2 Q When you would sell your drugs at the Sportsman did
3 you have a kind of particular hangout you'd hang out at?

4 A At the Pub.

5 Q At the Pub?

6 A Yes.

7 Q So there's like a little restaurant/bar or something
8 associated specifically with the Sportsman Hotel?

9 A Yes.

10 Q Did you ever -- well, do you know what kind of drugs
11 Christina would sell?

12 A Usually she's sell crack.

13 Q Usually she'd sell crack?

14 A Yes.

15 Q What about any other ways of her making money, or
16 was she pretty much strictly a drug seller?

17 A Pretty much just the crack.

18 Q Just the crack?

19 A Yes.

20 Q What about a girl named Victoria Magee? Did you
21 know a girl named Victoria?

22 A Yes.

23 Q How did you know Victoria?

24 A From the Sportsman Pub.

25 Q She's another one of the people that hang around the

1 Sportsman?

2 A Yeah.

3 Q How did she earn money, if you know?

4 A She was a prostitute.

5 Q She was a prostitute?

6 A Yes.

7 Q Did you ever know her to sell drugs, or was she
8 solely just a prostitute?

9 A I think she would sell drugs to her tricks, but they
10 weren't -- she wasn't a drug dealer per se.

11 Q So if the opportunity arose while she was performing
12 some sort of sexual act, maybe she would sell --

13 MR. CANO: Objection. Leading, Your Honor.

14 THE COURT: Sustained.

15 BY MR. DiGIACOMO:

16 Q I guess that's -- I'll rephrase.

17 What about Christina? Did you know Christina to use
18 drugs?

19 A Yes.

20 Q And what did she like to use?

21 A Meth.

22 Q She liked to use meth, but sell crack?

23 A Yes.

24 Q What about Victoria? Did she ever use drugs?

25 A Yes.

1 Q And what did she use?

2 A Crack.

3 Q So she -- crack would be her drug of choice?

4 A Yes.

5 MR. DiGIACOMO: May I approach, Judge?

6 THE COURT: Yes.

7 Defense, have you seen these photographs?

8 MR. CANO: We have seen them earlier, Your Honor.

9 THE COURT: Okay. Thank you.

10 BY MR. DiGIACOMO:

11 Q Ms. Estores, I'm showing you what's been marked as
12 State's Proposed Exhibit Number 135 and ask you if you
13 recognize the individual depicted in that photograph.

14 A Yes.

15 Q Who's that?

16 A Christina.

17 Q Christina?

18 MR. DiGIACOMO: I move to admit 135, Judge.

19 MR. CANO: No objection.

20 THE COURT: 135 is admitted.

21 (State's Exhibit 135 admitted)

22 BY MR. DiGIACOMO:

23 Q Showing you what's been marked as State's Proposed
24 Exhibit Number 136, do you recognize the person that's
25 depicted in that photo?

1 A Yes.

2 Q And who is that?

3 A Victoria.

4 MR. DiGIACOMO: Move to admit 136, Judge.

5 THE COURT: 136 will be admitted.

6 (State's Exhibit 136 admitted)

7 MR. DiGIACOMO: May I publish these?

8 THE COURT: Yes.

9 MR. DiGIACOMO: 135 is -- and then --

10 BY MR. DiGIACOMO:

11 Q At some point in time when you were at the Sportsman
12 do you meet an individual who's identified to you as D-Roc?

13 A Yes.

14 Q How do you meet D-Roc?

15 A I met him through an acquaintance.

16 Q And what was that acquaintance's name?

17 A I can't even remember.

18 Q Okay. So somebody introduced you to a guy named
19 D-Roc?

20 A Yes.

21 Q Did you ever learn what his real name was?

22 A No.

23 Q Do you see D-Roc here in court today?

24 A Yes.

25 Q Can you point him out and just tell us something

1 he's wearing.

2 A He's wearing a black vest with a beige, long-sleeved
3 shirt.

4 MR. DiGIACOMO: May the record reflect
5 identification of the defendant, Judge.

6 THE COURT: Yes, it will.

7 BY MR. DiGIACOMO:

8 Q When you first met D-Roc what was the nature of your
9 relationship?

10 A Just hanging out.

11 Q Hanging out?

12 A Yeah.

13 Q At some point did that relationship change?

14 A Yes.

15 Q Tell the ladies and gentlemen of the jury how it
16 changed.

17 A I started selling with him, selling drugs for him.

18 Q When you say selling drugs for him what did that
19 mean you'd do?

20 A Get it from him to sell.

21 Q On consignment, or would you pay for it?

22 A Sometimes.

23 Q Sometimes. So it depended on the situation?

24 A My situation, yeah.

25 Q Did you -- were you aware of where D-Roc was getting

1 his drugs from?

2 A Not in the beginning.

3 Q At some point did you find out?

4 A Yes.

5 Q And did he inform you he was getting his drugs?

6 A Yes.

7 Q Where was that?

8 A From another guy named Black.

9 Q Now, the jury's going to hear about a lot of guys
10 named Black, or at least two guys named Black. Do you know
11 Black's -- another name associated with this particular Black?

12 A Trey.

13 Q Trey Black? Okay.

14 A Yes.

15 Q And so if I refer to him as Trey Black just to keep
16 everybody's name straight. So Mr. Malone was -- supplier was
17 Trey Black?

18 A Yes.

19 Q Did you ever sell directly for Trey Black, as well?

20 A Yes.

21 Q At any point in time do you ever wind up living with
22 either Trey Black or Domonic Malone?

23 A Yes.

24 Q Where?

25 A At the Sportsman.

1 Q Who was living there?

2 A Me, D-Roc, Trey, and a guy named Jeff.

3 Q At that point in time when Trey was living there was
4 a woman named Sarah Mathews living with you?

5 A She visited there, yes.

6 Q She visited. Did she actually physically live
7 there, or --

8 A No.

9 Q Did you know what Sarah Mathews's relationship was
10 to Trey?

11 A His girlfriend.

12 Q His girlfriend? At that point in time did they have
13 children together?

14 A Not that I know of.

15 Q How long -- leading up to April of 2006 were you
16 still living with Mr. Malone or D-Roc and Trey Black?

17 A Before -- or around that time?

18 Q Yeah. Before the first incidents at the bar were
19 you still living with Trey and D-Roc?

20 A No.

21 Q How long had you been gone from that apartment?

22 A I'm not sure.

23 Q Are we talking months, weeks, days?

24 A Weeks maybe.

25 Q Weeks maybe? What caused you to leave living there

1 with Trey and D-Roc?

2 A I'm not sure.

3 Q At some point in time do you have interaction with
4 D-Roc inside the Sportsman bar?

5 A Yes.

6 Q And specifically -- I'll give you a time frame. At
7 some point does an incident occur out by the pool area?

8 A Yes.

9 Q Can you describe for the ladies and gentlemen what
10 you remember about how that incident began.

11 A I guess D-Roc was looking for me, and I met him at
12 the bar in the parking -- the parking lot of the bar.

13 MR. DiGIACOMO: Now, I have an overhead. May I
14 approach, Judge?

15 THE COURT: Yes.

16 BY MR. DiGIACOMO:

17 Q Showing you State's Exhibit Number 108. And I've
18 shown this previously to counsel. It's kind of an overhead
19 Sportsman. You may never have seen it this way. And this is
20 the first time you've probably ever seen this. So looking at
21 108, if I represent that's Tropicana, that's Boulder, the top
22 to the gas station, do you recognize kind of that looking like
23 the Sportsman Royal Manor?

24 A Yes.

25 MR. DiGIACOMO: Okay. Move to admit 108, Judge.

1 MR. CANO: No objection.

2 THE COURT: It'll be admitted.

3 (State's Exhibit 108 admitted)

4 BY MR. DiGIACOMO:

5 Q And I'm going to kind of put this on the overhead
6 for you. If you look to the left of yourself, there's a
7 screen right there. And if you touch the screen, it'll make a
8 mark so the ladies and gentlemen of the jury can show us -- do
9 you kind of see where the bar area is that we're talking
10 about?

11 A Looks like right here.

12 Q So that little blue dot. And I know that there may
13 be some color issues, but essentially the blue dot you've put
14 where my finger is; right?

15 A Yeah. It's actually a little -- it's like probably
16 right there.

17 Q Okay. And there appears to be a pool area in the
18 overhead over here; is that correct?

19 A Yes.

20 Q Is the pool in front of the bar, or behind the bar?

21 A When you're looking from Boulder, the entrance to
22 the bar, that's the backside. It would be behind it.

23 Q So the pool's behind the bar if you're looking from
24 Boulder Highway?

25 A Yes.

1 Q Okay. So you met Mr. Malone or D-Roc in the parking
2 lot. And what happens next?

3 A He put his arm around my shoulder and walked me to
4 the back of the bar, right next to the -- in between the bar
5 and the pool.

6 Q So you're still outdoors?

7 A Yes.

8 Q And this area that's kind of behind the bar there
9 between the pools, how open of an area is it?

10 A It's kind of secluded. Like the main highway can't
11 see it. From the parking lot you can't see it.

12 Q Did Mr. Malone or D-Roc at this point tell you why
13 it is that he was taking you back there?

14 A Not when he first put his arm around me, no.

15 Q Did you have any knowledge -- or did you know
16 whether or not there was anything wrong, or how was he acting?

17 A He didn't say anything when we were walking. He
18 just walked me back there.

19 Q Had you had any argument, dispute, beef with Mr.
20 Malone prior to him walking you back behind the -- like in the
21 days, weeks, months that led up to this incident?

22 A Yes.

23 Q And what was that about?

24 A He thought that I was seeing somebody.

25 Q He thought you were seeing somebody?

- 1 A Uh-huh.
- 2 Q Is that a yes?
- 3 A Yes.
- 4 Q I'm sorry. And because he thought you were seeing
5 somebody, had you had any discussions with him about that
6 before this incident at the bar area?
- 7 A Yes.
- 8 Q And what were those conversations about?
- 9 A Just that I loved some guy named Nino.
- 10 Q You loved some guy named Nino?
- 11 A Yes.
- 12 Q And how was he acting towards that idea that you
13 loved somebody named --
- 14 A He didn't like it.
- 15 Q So he puts his arm around you and walks you behind
16 the bar to this pool area here. What happens when he gets you
17 back there?
- 18 A Said, it's PT time.
- 19 Q Told you it's PT time?
- 20 A Yes.
- 21 Q Did he tell you what PT time meant?
- 22 A Prayer time.
- 23 Q Prayer time?
- 24 A Yes.
- 25 Q And what happens after he says that to you?

- 1 A He said something to me about owing money.
- 2 Q To who?
- 3 A Originally he said it was to Black.
- 4 Q Trey Black?
- 5 A Yes.
- 6 Q Did you owe any money to Trey Black?
- 7 A No.
- 8 Q Did you owe any drugs on consignment to Trey Black?
- 9 A No.
- 10 Q Did you have any work on you?
- 11 A Yes.
- 12 Q What did you have on you?
- 13 A I think I had close to \$200 worth of work left if I
- 14 was to sell it at my price. But I probably had about half of
- 15 his left.
- 16 Q When you say his, I'm sorry, is it Trey's work, or
- 17 was it D-Roc's work?
- 18 A Trey's -- Black.
- 19 Q So you had drugs on consignment from Trey Black?
- 20 A Yes.
- 21 Q And you were going to sell it and return the money?
- 22 A Yes.
- 23 Q Okay.
- 24 A To get more stuff.
- 25 Q At this point did you have any problems with Trey?

1 A No.

2 Q So Mr. Malone is -- I'm sorry, D-Roc is saying what
3 to you?

4 A That I owe money.

5 Q To Trey?

6 A Yes.

7 Q And what's your response?

8 A I told that I don't owe him any money.

9 Q Did Mr. Malone or D-Roc ever claim that you owed
10 money to anybody else during this incident?

11 A Yes.

12 Q And what was that?

13 A That I owed money to him.

14 Q So the work on you, though, was that from Trey, or
15 was that from D-Roc?

16 A It was -- I know I had Black's work, but I'm not
17 sure about his.

18 Q And what was your response when he said, you owe me
19 money?

20 A I said, no, I don't.

21 Q What happens at that point?

22 A He starts -- tells me to take off my jewelry.

23 Q Did you have jewelry on?

24 A Yes.

25 Q So what kind of jewelry did you take off?

1 A Earrings, necklaces, rings, bracelet.

2 Q Do you start to take off the jewelry?

3 A Eventually, yes.

4 Q Describe Mr. -- D-Roc's demeanor during this
5 conversation.

6 A He's very angry and upset.

7 Q What about yours? What are you doing?

8 A I was trying to figure out where he was coming from
9 with it. Like I didn't understand why he was so upset. He
10 wouldn't hear me.

11 Q Did you start taking off the jewelry?

12 A After he pulled it off, yeah.

13 Q So he had to pull it off?

14 A Excuse me?

15 Q You said he told you to take off the jewelry. I
16 said, at some point do you try and take off the jewelry, and
17 you responded, after he started pulling it off.

18 MR. CANO: Objection, Your Honor. Leading.

19 MR. DiGIACOMO: Well, I'm asking her to clarify it.

20 THE COURT: Overrule the objection.

21 MR. DiGIACOMO: Thank you.

22 BY MR. DiGIACOMO:

23 Q At what point did he try and start pulling off the
24 jewelry?

25 A When did I start pulling it off? After he pulled my

1 necklace off I started taking it off, because I didn't want
2 him to break it.

3 Q So he grabs the necklace, and then you take the rest
4 of the jewelry off. What happens to the jewelry?

5 A He throws it over his head into the pool.

6 Q So he threw the jewelry. And did he make any
7 statement when he did it?

8 A Yes.

9 Q What did he say?

10 A That I don't deserve it.

11 Q After you had your jewelry removed did you get any
12 instructions from D-Roc?

13 A Yes.

14 Q What were the instructions?

15 A He said that he was going to deliver a series of
16 blows to my chest and if I fought him back or if tried to
17 block it or if I made any noise that he would hit me in my
18 temple, my temple, and in my forehead.

19 Q After he told you this what happened?

20 A I thought he was joking. Then he asked me if I was
21 ready. I didn't answer him, and he hit me in the chest.

22 Q When he hit you in the chest what did you do?

23 A I fell back against the wall and put my hands up to
24 his -- like a natural reaction, you know.

25 Q When you went to raise your hands in violation of

1 his instructions what happened?

2 A He hit me in the temple and the temple and the
3 forehead.

4 Q After he did that what happened?

5 A He asked me if I was ready again.

6 Q This time did you try and block?

7 A No.

8 Q How many times did he wind up hitting you?

9 A I don't remember.

10 Q You don't have any idea how long this took?

11 A About 10 minutes.

12 Q How does it end?

13 A I realized that he wasn't going to stop. I thought
14 he was -- I don't know. Thought he was going to stop, and he
15 didn't. So I started to fight him back. And I ended up on
16 the ground, and I had my legs wrapped around his legs, trying
17 to pull him down.

18 Q When this was going on did you lose anything other
19 than your jewelry?

20 A I lost some of the work that I had on me in the
21 scuffle, yeah.

22 Q How did the situation end? You said you wrapped
23 your legs around his legs. At some point I imagine that the
24 confrontation ends. So how did that happen?

25 A Because somebody walked by and was like, is that