

1 Q Okay. You weren't in charge of the recorder. But
2 from the transcript, it would appear that there was some type
3 of discussion that was held about the golf clubs --

4 MR. DiGIACOMO: Objection, that assumes --

5 MR. CANO: -- off record?

6 MR. DiGIACOMO: -- facts not in evidence.

7 THE COURT: I think your statement was, you were in
8 charge --

9 MR. CANO: You were not in charge.

10 THE COURT: Oh. I thought you said, you were in
11 charge of the recorder.

12 MR. CANO: No, I you were not in charge.

13 THE COURT: Okay.

14 MR. CANO: But from her statement it would appear
15 that there were discussions off the record.

16 THE WITNESS: I don't know.

17 BY MR. CANO:

18 Q Okay. And so, it wasn't until after you had like a
19 48-minute break that you came back and started talking about
20 the golf clubs, right?

21 A It appears that way, yes.

22 Q Okay. And it was after they asked you about those
23 golf clubs that you put that on the record, right?

24 A Excuse me?

25 Q It was after they asked you about the golf clubs

1 that you start talking about golf clubs?

2 A I don't know.

3 Q Okay. I want to talk to you a little bit about the
4 bruises that you had. I think we talked a little about that
5 earlier, right?

6 A Okay.

7 Q Do you remember talking to the police about those
8 bruising?

9 A Yes.

10 Q Okay. And you were telling them that they were from
11 prior incidences that you had with Domonic, correct?

12 A Yes.

13 Q You wanted to make -- would it be fair to say that
14 you had some fresh injuries about your face?

15 A Yes.

16 Q Okay. And you wanted to make sure it was clear to
17 the police that those injuries had occurred earlier -- the
18 ones on your chest anyways, that they had occurred at some
19 other point in time, correct?

20 A I let them know that it had previously -- it had
21 been there from previously, yes.

22 Q Okay. And that some of the injuries that you had on
23 your face had also been from a previous incident?

24 A No.

25 Q Okay. Just the chest ones?

1 A Yes.

2 Q Okay. But the injuries that you had to your face,
3 you were trying to make it clear to the officers that that had
4 nothing to do with the girls; do you remember talking to the
5 police about that?

6 A No.

7 Q Trying to emphasize to them that you didn't want
8 them to believe you had anything to do with those girls, that
9 these injuries were from something that had to do with
10 Domonic?

11 A No.

12 MR. DiGIACOMO: I object to assuming a fact not in
13 evidence.

14 THE COURT: Sustain the objection.

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

16 THE COURT: Okay.

17 MR. CANO: I just want to make sure I've covered
18 everything, Your Honor.

19 BY MR. CANO:

20 Q Melissa, have you -- okay.

21 Do you remember testifying at an earlier hearing
22 that hustles are a nonstop thing?

23 A Maybe.

24 Q That was at the preliminary hearing that we had in
25 Henderson?

1 A Sounds familiar.

2 Q When you were under oath over there, testifying?
3 Would it help to refresh your recollection if I showed you
4 that transcript?

5 A Sure.

6 Q Okay.

7 MR. DiGIACOMO: I'd object on relevance, Judge.

8 MR. CANO: Page 289.

9 THE COURT: Restate your question, Mr. Cano. What
10 was the question again?

11 MR. CANO: If she testified at an earlier hearing
12 that hustles were a nonstop thing.

13 THE COURT: Counsel, approach.

14 MR. DiGIACOMO: Objection, relevance.

15 THE COURT: Counsel, approach.

16 (Bench conference)

17 THE COURT: Okay. So, hustles are a nonstop thing?
18 That was the question? Okay.

19 MR. DiGIACOMO: Hustles? I thought you said
20 puzzles.

21 MR. CANO: No, hustles. Hustles.

22 MR. DiGIACOMO: Oh. Okay. I'll withdraw my
23 objection.

24 THE COURT: Okay.

25 MR. DiGIACOMO: I just thought he said, puzzles.

1 I'm like [inaudible]. That's my fault.

2 THE COURT: Okay.

3 MR. DiGIACOMO: That's my fault, that's my fault.

4 (Bench conference ended)

5 THE COURT: All right. The objection is withdrawn.

6 MR. CANO: If I could approach, Your Honor?

7 THE COURT: Yes.

8 MR. CANO: Okay.

9 BY MR. CANO:

10 Q Lines one, two and three.

11 MR. DiGIACOMO: Counsel, can she read the question
12 so she knows the context of the answer?

13 MR. CANO: Sure.

14 BY MR. CANO:

15 Q And that goes onto the previous page, 121. Does
16 that help to put it in context?

17 A Yes.

18 Q Okay. Now, does that help to refresh your
19 recollection?

20 A Yes.

21 Q All right. And just for clarification, because I
22 think counsel misheard me, I was saying "hustles." I think he
23 heard puzzles, but "hustles."

24 Q No, hustles.

25 Q "Hustles are a nonstop thing?"

1 A Yes.

2 Q It's not something that you put on the schedule,
3 right?

4 A No.

5 Q You just kind of keep going and going?

6 A Yes.

7 Q All right.

8 MR. CANO: No further questions, Your Honor.

9 THE COURT: All right, thank you.

10 When did we start, Carol? Ladies and gentlemen,
11 we're going to take a recess at this time.

12 During this recess, it is your duty not to converse
13 among yourselves, or with anyone else on any subject connected
14 with this case. Or to read, watch or listen to any report of
15 or commentary on the trial by any person connected with the
16 trial, or by any medium of information, including without
17 limitation, newspaper, television, radio, or the Internet.
18 You are not to form or express an opinion on any subject
19 connected with this case until this matter is submitted to
20 you.

21 We'll see you back in a few minutes.

22 (Jury recessed at 2:19 p.m.)

23 (Outside the presence of the jury)

24 THE COURT: It's 2:20 and we're scheduled to end
25 today at 4:00. Will we be completed with Ms. Estores today?

1 I'm not rushing anyone. I just wanted to know, scheduling
2 purposes.

3 MR. DiGIACOMO: We thought we were going to be
4 complete with Ms. Estores by 11:00. Apparently, Charlie found
5 some more cross than he knew he had. So, my redirect is not
6 going to be that long. And because that's going to be short,
7 I can't imagine he's going to have much within the scope of
8 that to recross. So --

9 MR. CANO: Right. If his is not big --

10 MR. DiGIACOMO: -- I'm assuming we'll be done with
11 the witness.

12 MR. CANO: -- mine's not going to be big either,
13 yeah.

14 THE COURT: No, that's fine. I don't want anyone to
15 rush. I just -- I'm just trying to schedule it out. So, we
16 don't have anymore witnesses today?

17 MR. DiGIACOMO: No, I know. We have some witness
18 issues --

19 THE COURT: You do?

20 MR. DiGIACOMO: I mean, we have a lot of witnesses
21 outside. So, we had expected this to be quicker. But I mean,
22 we understand that -- we were here last time. We knew that --

23 MR. CANO: It might take longer.

24 MR. DiGIACOMO: -- it might take longer, right.

25 MR. CANO: Longer than you think, yeah.

1 THE COURT: And we'll still end at 4:00 at Mr.
2 Pike's request, and --

3 MR. PIKE: Thank you.

4 THE COURT: All right. And I'll -- when I get --

5 MR. DiGIACOMO: I doubt we're going to [inaudible].

6 THE COURT: When I get back, I'll give you a good
7 indication when we can start tomorrow.

8 MR. DiGIACOMO: Great. Thank you, Judge.

9 THE COURT: Thank you.

10 (Court recessed at 2:21 p.m. until 2:30 p.m.)

11 (In the presence of the jury)

12 THE COURT: All right. Any redirect, State?

13 MR. DiGIACOMO: Yes, Judge.

14 THE COURT: Ma'am, you understand you're still under
15 oath?

16 THE WITNESS: Yes.

17 THE COURT: All right. Great. Thank you.

18 REDIRECT EXAMINATION

19 BY MR. DiGIACOMO:

20 Q Ms. Estores, I'm going to just try and succinctly
21 maybe just go over a few things. All right?

22 A Okay.

23 Q Start at the back. Mr. Cano asked you questions
24 about a statement that -- you know, you indicated that you
25 were at the police station for six hours on May 21, 2006. Do

1 you remember those kind of questions?

2 A Yes.

3 Q Now, during that time period, the time you were with
4 the police, you're not talking to them having an interview
5 that entire six hours; right?

6 A No.

7 Q There's a 54-page transcript essentially?

8 A I believe so.

9 Q And let's talk about that transcript for just a
10 second, or that interview for just a second. When you go to
11 the police station, the information that you have or the
12 reason you go is because of a news report about two naked
13 women out in the desert area and you're kind of worried. You
14 had been beaten.

15 A Yes.

16 Q And at that point in time in your mind did you have
17 some suspects when you went?

18 A Yes.

19 Q And who were they?

20 A D-Roc and Romeo.

21 Q Okay. And when you went down there you had never
22 met these police officers before; right?

23 A No.

24 Q You kind of said that it was your kind of practice
25 not to have contact with police; correct?

1 A Yes.

2 Q And you would agree that in that very first
3 statement you didn't walk in the door and say, hey, I'm a dope
4 dealer and here's what I know?

5 A Right.

6 Q Okay. With the exception of kind of a dope dealer
7 you generally told them the facts from probably before that,
8 but from Tuesday all the way through Thursday that you've told
9 this jury about over the last two days?

10 A Yes.

11 Q Based upon the information that you had provided
12 them, they're trying to confirm some of this information while
13 you're at the police station?

14 A Yes.

15 Q And eventually they decide to put you up at a hotel?

16 A Yes.

17 Q Now, there was some questions about I think
18 suggesting that somehow you went to the police to tell this
19 story because you needed a place to stay. Ryan Noe, did he
20 have a house?

21 A Yes.

22 Q Davie had a house?

23 A Yes.

24 Q You had been staying with people for a period of
25 time around the Sportsman as well?

1 A Yes.

2 Q And other areas or other locations, South Cove?

3 A Yes.

4 Q Why is it you didn't want to go back to any of those
5 places?

6 A Because I was afraid.

7 Q Afraid of who?

8 A D-Roc and Malone -- I mean McCarty.

9 Q D-Roc and Romeo?

10 A Yes.

11 Q And based upon that is the reason you got put up in
12 a hotel room?

13 A I believe so.

14 Q And --

15 MR. CANO: Objection as to speculation. Ask that it
16 be stricken.

17 THE COURT: I'm going to sustain the objection.

18 MR. DiGIACOMO: I'll rephrase.

19 THE COURT: The jury --

20 BY MR. DiGIACOMO:

21 Q That's why --

22 THE COURT: The jury is instructed to disregard the
23 last answer of the witness.

24 BY MR. DiGIACOMO:

25 Q That's why you wanted to be put up in a hotel?

1 A Yes.

2 Q There's been a lot of conversations about a lot of
3 people and their drug activities. McCarty, Romeo, he was a
4 D-boy.

5 A Yes.

6 Q Meaning he's a drug dealer; right?

7 A Yes.

8 Q He's a pimp?

9 A Yes.

10 Q Or at least a wannabe pimp.

11 A Yes.

12 Q There's Donny, he's a drug -- he's a D-boy?

13 A Yes.

14 Q There was Nicolin, she -- she used drugs. Did she
15 sell drugs too, or do you know?

16 A Off and on, I guess, if the opportunity came about.
17 It wasn't her main thing.

18 Q There was Trey, he's a D-boy.

19 A Yes.

20 Q There's Leonard Black, he's a D-boy.

21 A Yes.

22 Q Christina was selling drugs.

23 A Yes.

24 Q Victoria was at least using drugs, maybe selling it
25 to a trick, but essentially was a prostitute.

1 A Yes.

2 Q What name I didn't hear asked on cross-examination
3 was D-Roc. Would you describe D-Roc as a D-boy?

4 A Yes.

5 Q Somebody you would get your drugs from sometimes?

6 A Yes.

7 Q And you would get your drugs from a number of
8 people. Maybe you'd get them from Trey?

9 A Yes.

10 Q And Trey, was Trey friends with Rome that you were
11 aware of? Romeo?

12 A Not to my knowledge.

13 Q Was Trey friends with Donny that you knew of?

14 A Not to my knowledge.

15 Q So Trey is D-Roc's friend?

16 A Yes.

17 Q And it's where he would stay?

18 A Yes.

19 Q Let's talk about Leonard Black. There was some
20 suggestion that maybe Leonard Black is the guy that did the
21 killing. Were you aware that Leonard -- whether or not
22 Leonard Black had any relationship with Rome?

23 A No.

24 Q And before you described Rome, that he gets beaten
25 on Thursday morning, did Leonard Black, as far as you knew

1 from your conversations, have any idea who Rome was?

2 A No.

3 Q Okay. Had you ever seen Leonard Black and Donny
4 together?

5 A No.

6 Q That was kind of May 21st, and then after -- now
7 that you're staying in these hotels you give a second
8 statement on May 24th of 2006; right?

9 A Right.

10 Q And that's a much lengthier and they go into a lot
11 more details asking you specific questions during that. Would
12 you agree with that?

13 A Yes.

14 Q And on May 24th of 2006 you acknowledge the part
15 where you're dealing drugs, both the hard, the soft, and all
16 of that?

17 A Yes.

18 Q There were -- you then, on July 19, 2006, you come
19 to a preliminary hearing and you spend a full day on the stand
20 testifying for a couple hundred pages?

21 A Yes.

22 Q And in that particular hearing did you attempt to
23 the best of your ability to tell the truth as far as you could
24 remember?

25 MR. CANO: Your Honor, I'm going to object as to

1 vouching.

2 MR. DiGIACOMO: I'm not vouching. I'm asking her
3 did she attempt to tell the truth. He said you lied. I'm
4 asking her did you tell the truth.

5 MR. CANO: Your Honor, that's completely vouching.

6 THE COURT: I'm going to sustain the objection.
7 She's already -- she testified that she was under oath and I'm
8 -- I think we'll just leave it there because I don't want any
9 vouching one way or the other.

10 BY MR. DiGIACOMO:

11 Q Well, do you believe that you intentionally lied at
12 the preliminary hearing?

13 A No.

14 Q Let's talk about what it is that -- Mr. Cano wrote
15 down some of the, I guess, inconsistencies that he went
16 through with you. I'm going to -- he indicated that you said
17 something about you couldn't read, but you've also said that
18 you've always been able to read. Do you know -- you kind of
19 indicated that might be an inconsistency. Is there an
20 explanation for why you gave a statement about you couldn't
21 read?

22 A Yes.

23 Q Explain that to the ladies and gentlemen of the
24 jury.

25 A I went to school. I was educated, knew how to read,

1 graduated. And shortly after this incident I had difficulties
2 reading or comprehending words that I was reading.

3 Q And in July of 2006 were you still suffering any
4 effects from the beating that you took in late May or middle
5 May of 2006 at the hands of Mr. Malone?

6 MR. CANO: Objection as to relevance. July 2006,
7 Your Honor?

8 MR. DiGIACOMO: When she was testifying at the
9 prelim.

10 THE COURT: Overrule the objection.

11 BY MR. DiGIACOMO:

12 Q Were you still suffering the effects of that beating
13 in July of 2006?

14 A To an extent, yes.

15 Q Did you still have some injuries?

16 A Yes.

17 Q Describe those for the ladies and gentlemen of the
18 jury.

19 A My jaw was a little offset and it hurt when I'd
20 chew. My ear, I had a little bit of a hard time hearing in my
21 ear, and mostly emotional.

22 Q Okay.

23 A And my memory.

24 Q And then the next inconsistency, I guess, or the
25 next thing that Mr. Cano went to was your -- you said your

1 brother Sammy working at the bar.

2 A Yes.

3 Q During the same statement that you gave May 21st
4 said your brother Sammy. Did you explain to the police that
5 he wasn't actually physically biologically your brother?

6 A Yes.

7 Q The next one I had is that do you remember when Mr.
8 Cano showed you on page 48 of your testimony from Mr.
9 McCarty's trial -- you came in here and testified at Mr.
10 McCarty's trial; is that correct?

11 A Yes.

12 Q He showed you on page 48 of your testimony, and I
13 want to make sure that I get it absolutely correct as to what
14 he showed you. I'm going to bring that up there.

15 MR. CANO: Is that 48?

16 MR. DiGIACOMO: Page 48.

17 BY MR. DiGIACOMO:

18 Q And I want to make sure that you have an opportunity
19 to see the context of that. Do you remember him asking you
20 questions about how you didn't say anything about McCarty
21 saying anything about his mom's house or a house he was
22 building? Do you remember those questions?

23 A Yes.

24 Q Okay. And a question was asked on the bottom of
25 page 48.

1 A Uh-huh.

2 Q Question, "And as you were driving down Boulder, at
3 any point do you realize where you're going or does anyone
4 tell you where you're going?" And your answer to that was,
5 answer, "Not at that point, and I wasn't familiar with Vegas.
6 I barely even left the Sportsman all that often, so I didn't
7 really know where we were going and I didn't ask." Do you
8 remember giving that question and answer back in Mr. McCarty's
9 trial?

10 A Yes.

11 MR. DiGIACOMO: And, counsel, go to page 55.

12 BY MR. DiGIACOMO:

13 Q Go down to page 55. Now, I want you to read back a
14 little bit. At the top if you'd just read that to yourself.
15 I'm going to ask you a question or two.

16 A To here?

17 Q Have you kind of had a chance -- yeah. Have you
18 read kind of down to there?

19 A Yeah.

20 Q Okay. Page 48 the question being asked of you is
21 when you were initially leaving the Sportsman and getting onto
22 Boulder Highway, did Mr. McCarty say anything about where you
23 were going? Do you remember that? Or did anybody say
24 anything about where you were going? Is that right? Is
25 that --

1 A Yeah.

2 Q -- about the time? On page 55 are you -- is this
3 the point in time where you're still in the vehicle and
4 haven't yet pulled into the construction site out there?

5 A The top part?

6 Q Yes, that you just read.

7 A I was explaining the directions there.

8 Q Okay.

9 THE COURT: Excuse me, Mr. DiGiacomo. If you could
10 stand off to the side or maybe in front of her because -- so
11 the jury can see the witness when she's testifying.

12 MR. DiGIACOMO: Sure. I just wanted her to be able
13 to read down here on page 55.

14 BY MR. DiGIACOMO:

15 Q And if you can --

16 MR. DiGIACOMO: And it's line 15, counsel, or line
17 12.

18 BY MR. DiGIACOMO:

19 Q Question, "Has Rome said where you were going or"--
20 Answer, "Yes." Question, "-- why you were going there? Where
21 did he say?" Your answer was, "At first he said that we were
22 going to his mom's house, and then he said that we were going
23 to a house that he was having built."

24 A Yes.

25 Q Okay. So, in fact, in the last trial you did

1 indicate that Mr. McCarty, or Rome as you knew him, indicated
2 that you're going to -- or he was going to his mom's house or
3 where that house was being built when you were driving to that
4 location?

5 A Yes.

6 Q Mr. Cano suggested to you that you didn't indicate
7 something about having already been hit before you wound up at
8 the construction site while you were in the vehicle. Do you
9 remember those questions either --

10 A Yes.

11 Q -- this morning or yesterday?

12 A Yes.

13 MR. DiGIACOMO: May 26th -- or May 24th, counsel,
14 page 26.

15 MR. CANO: What page?

16 MR. DiGIACOMO: 26. I might be off by a page on my
17 page number here. Oops, sorry. 36, counsel. I wrote it down
18 wrong.

19 MR. CANO: 36?

20 MR. DiGIACOMO: Yeah, the top of page 36.

21 BY MR. DiGIACOMO:

22 Q Your May 24th statement. I'm going to let you back
23 up so that you know where we are. This is the top of page 36
24 to the bottom. Once again in your May 24th statement the --
25 or your last answer before the question I'm going to ask you

1 about was once again indicating about how Rome was talking
2 about going out to his house or his mom's house or something
3 like that?

4 A Correct.

5 Q And as you were describing that to the police, did
6 you, in fact, tell the police that by the time you got out to
7 the desert you had already been taking some, quote, unquote,
8 knocks, K-N-O-C-K-S?

9 A Yes.

10 Q What did you mean by knocks?

11 A Hits.

12 Q Who was hitting you?

13 A D-Roc.

14 Q You remember Mr. Cano yesterday suggesting to you
15 that on May 21st you never told the police that Donny had ever
16 been in the bar at the Royal Sportsman's Manor before. Do you
17 remember that?

18 A Yes.

19 MR. DiGIACOMO: May 21st, counsel, page 28.

20 BY MR. DiGIACOMO:

21 Q And, in fact, I think that Mr. Cano quoted you page
22 28, lines 13, 14, 15, and 16. Remember yesterday Mr. Cano
23 having you read the question, "Donny didn't hang out there?"
24 Answer, "I hang out at the bar quite often. Uh-huh. And I
25 never saw Donny in there." Do you remember him quoting that

1 to you?

2 A Yes.

3 Q Okay. And 17 was, "Okay." And then what was your
4 answer on lines 18 and 19?

5 A "The first time I actually -- he once or twice, but
6 I -- even Donny, I couldn't even give you a description."

7 Q So the very next question or the very next answer
8 you gave after Mr. Cano suggested you said Mr. -- or Donny had
9 never been in the bar, actually it says, well, once or twice
10 he was in there just like you had testified to?

11 A Yes.

12 Q During questioning about Nickel, there was some
13 questions back and forth about whether or not you told anybody
14 that Trey was involved. Do you remember those questions?

15 A Yes.

16 Q Have you ever suspected that Trey might be involved?

17 A No.

18 Q Have you ever indicated that -- well, let me ask you
19 this. Have you suspected Trey was physically the person that
20 did any of the violence to anybody?

21 A No.

22 MR. CANO: Objection as to speculation.

23 MR. DiGIACOMO: Well, that went directly to his
24 questions about her --

25 THE COURT: Restate your question, Mr. DiGiacomo.

1 MR. DiGIACOMO: Did she ever suspect that Trey was
2 the one who committed the physical violence on anybody.

3 THE COURT: Okay. I'm going to overrule the
4 objection.

5 BY MR. DiGIACOMO:

6 Q You never suspected he was physically the person who
7 did the acts; correct?

8 A No.

9 Q Why would you have told anybody that maybe Trey was
10 involved?

11 A I wouldn't have.

12 Q There was a lot of questions about a personal
13 relationship and I remember every time Mr. Cano asked you
14 about your dispute with Mr. -- or D-Roc about anything it was
15 always a personal relationship. Do you remember those
16 questions?

17 A Yes.

18 Q You had a drug relationship with D-Roc; correct?

19 A Yes.

20 Q You had a physical sexual relationship at least at
21 some point in time with D-Roc?

22 A Yes.

23 Q You had a drug type relationship with Trey at times?

24 A Yes.

25 Q You had a drug type relationship with Leonard Black?

1 A Yes.

2 Q And at any -- you had some sort of relationship with
3 Nino?

4 A Yes.

5 Q But essentially in your mind you were always a free
6 agent.

7 A Yes.

8 Q Did you ever choose up with anybody to use their
9 terms?

10 A No.

11 Q Christina, had she chosen up with anybody prior to
12 choosing up -- to you accusing her of choosing up with Rome?

13 A She was selling for Black.

14 Q So she was kind of Black's person to sell?

15 A Yes.

16 Q Okay. So she was -- okay. My question is was she
17 exclusively Black's girl at that point in time?

18 A I'm not sure.

19 Q And which Black, I guess, is --

20 A Leonard Black.

21 Q Leonard Black?

22 A Yes.

23 Q And so Mr. Rome, Mr. McCarty, he was a wannabe pimp
24 and he was Victoria's pimp?

25 A Yes.

1 Q And Christina had chosen up to go with Rome over
2 Leonard Black?

3 A She chose to work with him, yes.

4 Q Okay. And Rome engaged in the activities we've kind
5 of heard about here; correct?

6 A Yes.

7 Q Now, when you and D-Roc are at the Sportsman in the
8 car as Victoria is upstairs performing some sexual act or
9 whatever it is that she's off doing with Rome, there was a
10 discussion about you and Mr. Malone and it kept going back to
11 a personal relationship. Did the subject of whether or not
12 you're allowed to sell for anybody, sell drugs for anybody
13 other than D-Roc come up?

14 A Yes.

15 Q Did the subject of whether or not you're allowed to
16 have a sexual relationship with anybody else come up?

17 A Yes.

18 Q And your response to that was what?

19 A I chose to.

20 Q You're a free agent. You don't choose up with
21 anybody.

22 A Correct.

23 Q Subsequent to that conversation Mr. D-Roc took you
24 out the desert and beat you severely?

25 A Yes.

1 Q And after beating you severely he drove you to the
2 Hard Rock. Did you have any drugs on you?

3 A No.

4 Q Did he give you any drugs to sell?

5 A No.

6 Q And he told you to clean yourself up and make some
7 money?

8 A Yes.

9 Q Would you characterize that as his effort to turn
10 you out?

11 A Yes.

12 Q When Mr. McCarty and Mr. Malone indicated to you and
13 Victoria and Christina that if you didn't make them their
14 money there would be three shallow graves in the desert, what
15 did you take that to mean?

16 A That if we didn't make them money that night that we
17 were going to be dead.

18 MR. DiGIACOMO: I've got nothing further, Judge.

19 THE COURT: Any recross?

20 RECROSS-EXAMINATION

21 BY MR. CANO:

22 Q Remember when Mr. DiGiacomo was talking to you about
23 your first statement and your second statement?

24 A Yes.

25 Q You gave one on May 21st --

1 A Yes.

2 Q -- right? Then you gave one on May 24th?

3 A Correct.

4 Q Both in 2006; right?

5 A Yes.

6 Q And you said that you had general facts in the May
7 21st one.

8 A I had what?

9 Q That you gave general facts in the May 21st one.
10 Mr. DiGiacomo asked you the questions that you were kind of
11 just generally describing what had happened to you in the
12 first statement.

13 A Yes.

14 Q And in the second one there's a lot more detail than
15 in the first one.

16 A Yes.

17 Q Now, in the first statement you never mentioned
18 about going to Cortez's house when you were at the South Cove.

19 A I'm not sure.

20 Q Now, during that point in time when you're giving
21 these statements to the police, as of May 21, 2006, you didn't
22 have a permanent residence.

23 A No.

24 Q You're -- as you described and testified to you're
25 kind of floating around from wherever you could stay.

1 A Yes.

2 Q So after you gave your statement to the police on
3 May 21st they gave you a place to stay that was more steady?

4 A It was safe.

5 Q Well, it was also more steady, wasn't it?

6 A Yes.

7 Q You knew where you were going to be. You know,
8 after May 21st you knew you were going to be at a hotel paid
9 for by the Henderson Police Department; right?

10 A Correct.

11 Q And then the next day you knew you were going to be
12 in another hotel paid by the Henderson Police -- Henderson
13 Police Department; right?

14 A I didn't know it in advance.

15 Q Well, they told you after the first day that they
16 were going to get you a room for a couple more days; right?

17 A Yes.

18 Q So then you knew it when they told you that the next
19 day.

20 A When they told me, yes.

21 Q Okay. And then after those two days are up they
22 came back to you and they told you, hey, we're going to move
23 you from Railroad Pass over to the Fiesta; right?

24 A Right.

25 Q So then you knew that you were going to have a room.

1 And the reason why they came over there was because they had
2 like a deal with the Fiesta and they want to give you more
3 time there; right?

4 MR. DiGIACOMO: Objection. Calls for speculation.

5 THE COURT: Sustained.

6 MR. CANO: All right.

7 BY MR. CANO:

8 Q Well, they moved you to the Fiesta for at least
9 another ten days.

10 A I'm not sure. I think it was seven.

11 Q You testified to the jury that you were there for 12
12 days.

13 A I meant 12 days altogether.

14 Q Altogether; right?

15 A I believe so.

16 Q Okay. So you were, what, one day at the American
17 Best, two days at the Railroad Pass?

18 A Yes.

19 Q So nine more days at the Fiesta.

20 A Maybe. I think -- I think it was seven.

21 Q Okay. But you testified that it was 12 days; right?

22 A I'm not sure.

23 Q All right. Now you're saying it's seven. So now
24 you're saying it's less.

25 A Seven at the Fiesta.

1 Q All right. But for those seven days you knew you
2 had a place to go lay your head; right?

3 A Yes.

4 Q Okay. Now, do you know the difference between an
5 MBA player and a wannabe MBA player?

6 A Yeah.

7 MR. DiGIACOMO: Objection. Relevance.

8 THE COURT: Sustain the objection.

9 MR. CANO: All right.

10 BY MR. CANO:

11 Q Mr. DiGiacomo was talking to you about a wannabe
12 pimp.

13 A Yes.

14 Q You would agree with me that there's a difference
15 between a wannabe pimp and a pimp?

16 A Yes.

17 Q A pimp actually makes his living off of his girls
18 that he prostitutes; right?

19 A Yes.

20 Q Okay. And -- and that's where his income is derived
21 from; correct?

22 A Correct.

23 Q Okay. Would you agree with me that a wannabe pimp
24 isn't a pimp?

25 A No.

1 Q That's a person who's like a pretender or a faker?

2 A He's probably still pimping just like a fake
3 basketball player would still be playing basketball.

4 Q Okay. But there's a difference between playing
5 basketball and playing in the MBA; right?

6 A Yeah, it's on a higher level.

7 Q There's a difference between playing basket -- being
8 -- being an amateur and being a pro.

9 A One being recognized and the other not.

10 Q To you in your mind that's the only difference,
11 recognition?

12 A Being famous, yeah.

13 Q Okay. Now, you knew D-Roc for several months?

14 A A couple of months.

15 Q Right?

16 A Yes.

17 Q You knew him for at least about a month before the
18 April incident; right?

19 A Yes.

20 Q You kept knowing him up until the May incident?

21 A Kept knowing him? Yes.

22 Q I mean, you know, you still knew who he was.

23 A Yes.

24 Q You still maintained a relationship with him after
25 the April incident.

1 A Yes.

2 Q Okay. And prior to the April incident, would it be
3 fair to say you spent a significant amount of time with him
4 when he was at the Sportsman's?

5 A After the April incident?

6 Q Prior, before.

7 A Oh, prior, yes.

8 Q You'd spend -- well, when -- when he was there you
9 pretty much spent your time with him there; right?

10 A When it was convenient.

11 Q Okay. Convenient in a sense that when you weren't
12 selling drugs?

13 A Yes.

14 Q Okay. So when you weren't selling drugs you would
15 spend the rest of the time with Domonic?

16 A Yes.

17 Q Okay. And that was up until the April incident;
18 right?

19 A Yes.

20 Q And fair to say that that's how your relationship
21 got closer and developed and you became intimate with him?

22 A Yes.

23 Q All right. And throughout that whole period of
24 time, up until that April incident, Domonic never prostituted
25 you?

1 A No.

2 Q Because you're not a hook.

3 A No.

4 Q Okay. And from that April incident until the May
5 incident, that next block of time, you didn't have as much
6 contact with Domonic; right?

7 A Yeah.

8 Q But you guys settled your differences; correct?

9 A We squashed it.

10 Q Okay. And he never prostituted you during that
11 period of time?

12 A No.

13 Q Okay. Domonic wasn't your pimp?

14 A No.

15 Q Okay. Now, Mr. DiGiacomo talked to you a little bit
16 about how you're supposed to go make some money at the Hard
17 Rock.

18 A Yes.

19 Q Remember that?

20 A Yes.

21 Q Okay. You're a hustler; right?

22 A Yes.

23 Q You've got hustles on top of hustles.

24 A Yes.

25 Q Hustles never stop.

1 A Nonstop.

2 Q Nonstop; right?

3 A Yes.

4 Q So you know how to make money out of nothing.

5 A Yes.

6 Q Pretty much; right?

7 A When I'm in my element.

8 Q When you're in your element you -- you sell drugs,

9 you -- you -- you, you know, fence stolen items; right?

10 Hustles?

11 A When I'm on campus, yes.

12 Q Okay. Now, you knew that Christina had drugs.

13 A Yes.

14 Q She had works.

15 A Yes.

16 Q You could make money off those works.

17 A Not enough money.

18 Q I'm sorry?

19 A Not enough money.

20 Q The question was you could make money off those

21 works.

22 A Correct.

23 Q Right? But she was getting high on her own supply

24 so to speak; right?

25 A On someone else's supply, yes.

1 Q Okay. So she was getting high on someone else's
2 supply; right?

3 A Yes.

4 Q So she was messing with your money that you could
5 make.

6 A It wasn't my money.

7 Q She was messing with money that you could make.

8 A Could've.

9 Q Right?

10 A Yes.

11 Q Okay. So you didn't have to go prostitute yourself
12 to make money. You could've sold those drugs that Christina
13 had; right?

14 A I wouldn't have.

15 Q You wouldn't have prostituted yourself?

16 A No.

17 Q Exactly. Because you're not a hook.

18 A Right.

19 Q Let's talk about -- Mr. DiGiacomo talked to you a
20 little bit about, you know, who Black knew in this situation.
21 Remember?

22 A What?

23 Q Mr. DiGiacomo talked to you about who Black knew.

24 A Which Black?

25 Q Leonard Black.

1 A Yes.

2 Q The guy with the long goatee.

3 A Yes.

4 Q Right. He knew Christina; right?

5 A Yes.

6 Q And Christina, in your mind, had chosen up with him
7 originally.

8 A She was selling for him, yes.

9 Q Well, you had an argument with Christina at the Hard
10 Rock when you yelled at her and said that you wouldn't be in
11 this mess if she hadn't chosen up with another N-word; right?

12 A Right.

13 Q So you knew she worked for -- for Black; right?

14 A Yes.

15 Q When you made that statement to her you're referring
16 that chose -- that she chose up with Romeo; correct?

17 A Yes.

18 Q So she was leaving Black who she was working with to
19 work with Romeo.

20 A Not that she was leaving him, just that she was
21 working with both of them.

22 Q Okay. But you said we wouldn't be in this if you
23 hadn't chosen up with another person.

24 A Correct.

25 Q Okay. Let's talk about the reading problems that

1 you were having. Remember I talked to you about that?

2 A Yes.

3 Q Now, under oath you testified that you couldn't
4 read; right?

5 A I'm not sure.

6 Q When you said you couldn't read that was at the
7 preliminary hearing.

8 A Okay.

9 Q Do you remember we talked about that in
10 cross-examination?

11 A A little.

12 Q Yesterday and today?

13 A Yes.

14 Q All right. And then I brought it to your attention
15 that at another point in time at another hearing you said that
16 you could read, you could always read?

17 A Yes.

18 Q Those are two different things; aren't they?

19 MR. DiGIACOMO: Objection. Argumentative, Judge.

20 THE COURT: Sustained.

21 MR. CANO: All right.

22 BY MR. CANO:

23 Q Well, let's talk about your reading comprehension
24 here. You gave two statements to the police on May 21st;
25 right? I mean, one on May 21st and one on May 24th.

1 A Yes.

2 Q You actually had to spell your name for them?

3 A Yes.

4 Q You actually had to spell other people's names?

5 A Some.

6 Q Some names; right? You told them where you were at;

7 correct?

8 A Yes.

9 Q You told them you went to the Oasis Motel?

10 A Yes.

11 Q You had to read Oasis in order to know where you

12 were at; right?

13 A Yes.

14 Q You told them that you had some things across the

15 street; correct?

16 A Yes.

17 Q It was a Burger King.

18 A Yes.

19 Q You could read Burger King; right?

20 A Yes.

21 Q You said that there was a Tacos Mexico.

22 A Correct.

23 Q You could read Tacos Mexico.

24 A Yes.

25 Q Okay. And that was on May 21st; correct?

1 A This statement?

2 Q The statement was May 21st.

3 A Yes.

4 Q So you didn't have any issues reading that?

5 A I wasn't reading, I was spelling.

6 Q Well, you were spelling and reading in your
7 statement; correct?

8 A Reading is comprehending what your words, but I
9 could spell out my name. That wasn't a problem for me. That
10 wasn't what my issue was.

11 Q Well, you told them that you were at Burger King. I
12 mean, you told them that, you know, there was a Burger King
13 and a Tacos Mexico; correct?

14 A Right.

15 Q Those are buildings; correct?

16 A Correct.

17 Q You know, you got to read the sign that's in front
18 of you to know what's in that building; correct?

19 MR. DiGIACOMO: I want to object as argumentative.

20 THE COURT: I'm going to overrule the objection on
21 this question.

22 BY MR. CANO:

23 Q You got to read those signs to know what's -- what's
24 associated with that building; correct?

25 A Not necessarily.

1 Q Okay. Remember the questions that Mr. DiGiacomo
2 talked about Sammy?

3 A Yes.

4 Q Okay. You talked about Sammy that was working at
5 the bar, the bartender; right?

6 A Yes.

7 Q You told the police he was your brother.

8 A Yes.

9 Q He is not your brother; correct?

10 A No.

11 Q So that's not true what you told the police?

12 A I was --

13 MR. DiGIACOMO: I object, Judge. First of all, it's
14 a misstatement of the testimony, and, two, it's argumentative.

15 THE COURT: I'm going to overrule the objection
16 because the question was so he's not your brother. It's a
17 legitimate question.

18 Go ahead and answer it if you can, ma'am.

19 THE WITNESS: He's not.

20 BY MR. CANO:

21 Q Now, remember the questions that Mr. DiGiacomo
22 brought to your attention about the previous trial where you
23 didn't remember where you were going, and then later on page
24 48, I think it was of the -- of the -- of the previous trial
25 you told -- you told --

1 A I don't have anything in front of me to refer to.

2 Q I'm talking about the questions Mr. DiGiacomo was
3 asking you about. Do you recall that at all?

4 A There were a lot.

5 Q Okay. And I'm going to page 48 and 49.

6 MR. CANO: Can I approach, Your Honor?

7 THE COURT: Yes.

8 MR. DiGIACOMO: Which one?

9 MR. CANO: 48 and 49 of the trial.

10 BY MR. CANO:

11 Q Bottom of 48, top of 49.

12 A Right around here, the question?

13 Q Yeah.

14 A Okay.

15 Q Do you remember now the -- the questions he was
16 talking to you about?

17 A Yes.

18 Q All right. That was when we're asking what was --
19 if you knew where you were going as you were going down
20 Boulder Highway?

21 A Yes.

22 Q And at page 48 you said you didn't know where you
23 were going.

24 A Not when we left, no.

25 Q I think your answer was, "Not at that point, and I

1 wasn't familiar with Vegas. I barely even left the Sportsman
2 all that often, so I didn't really know where we were going
3 and I didn't ask."

4 A Correct.

5 Q All right. So on page 48 you didn't know where you
6 were going. And then Mr. DiGiacomo pointed out to you on page
7 55 that you told them that you were going out to some
8 construction site where Romeo was -- was building a house.

9 A Correct.

10 Q So would it be fair to say that your testimony was
11 changing as you were saying it in that previous trial?

12 MR. DiGIACOMO: Objection. Argumentative and a
13 complete misstatement of the transcript.

14 MR. CANO: She said two different things in the same
15 transcript, Your Honor.

16 THE COURT: Well, I'm going to sustain the objection
17 on the form of the question.

18 MR. CANO: Okay.

19 BY MR. CANO:

20 Q Would it be fair to say that your testimony changed
21 throughout the course of that -- of that questioning?

22 A No.

23 Q So in your opinion -- in your opinion or from your
24 perspective not knowing where you're going to knowing where
25 you're going, there's no change in that?

1 MR. DiGIACOMO: Objection. Argumentative and a
2 misstatement of the prior transcript.

3 THE COURT: I'm going to sustain it on the misstates
4 the prior transcript.

5 MR. CANO: Okay.

6 BY MR. CANO:

7 Q On page 48 when you were asked a question by Mr.
8 DiGiacomo as to where you were going you told him you didn't
9 know where you were going; correct?

10 A I'm not sure.

11 Q That was what I just approached you with.

12 A Oh, okay.

13 Q 48 and 49.

14 A Yes.

15 Q You remember at that hearing you told Mr. DiGiacomo
16 you didn't -- at that trial you didn't know where you were
17 going. Remember saying that?

18 A Yes.

19 Q Okay. Then later you did tell Mr. DiGiacomo where
20 you were going.

21 A Yes.

22 Q Okay. And that was different from your earlier
23 statement; correct?

24 MR. DiGIACOMO: Objection. One, a misstatement,
25 but, two, now it's been asked and answered at this point.

1 THE COURT: Sustain the objection.

2 MR. CANO: Okay.

3 BY MR. CANO:

4 Q Do you remember on -- remember Mr. DiGiacomo was
5 talking to you about your statement you gave on May 24th about
6 taking some knocks?

7 A Yes.

8 Q That was what you told the police; correct?

9 A Yes.

10 Q Okay. When I talked to you I talked to you about
11 your statement that you gave to the court under oath. Do you
12 recall that?

13 A In court?

14 Q Right. At the preliminary hearing back in
15 Henderson. Do you remember that?

16 A Yes.

17 Q Okay. Where -- where you were asked the questions
18 did anything happen between you two and you said a little, he
19 was talking rough to you?

20 A Yes.

21 Q And -- and that he was pretty quiet for most of the
22 time and that you were scared because he was too quiet?

23 A Yes.

24 Q And you were trying to engage him. Remember that?

25 A Yes.

1 Q Okay. That was under oath; correct?

2 A Yes.

3 Q Your statement to the police, they didn't swear you
4 in before you gave that statement did they?

5 A No.

6 Q So that wasn't under oath at all?

7 A No.

8 Q All right.

9 MR. CANO: Court's indulgence, Your Honor. Nothing
10 further.

11 MR. DiGIACOMO: Nothing further, Judge.

12 THE COURT: All right. Any questions by any of the
13 jurors? We do have a question or two. All right.

14 Counsel approach, please.

15 (Bench conference)

16 MR. DiGIACOMO: That's fair.

17 THE COURT: Mr. Cano?

18 MR. CANO: That's fine.

19 THE COURT: Okay.

20 MR. DiGIACOMO: She might very well know.

21 THE COURT: Ask this did you know.

22 MR. DiGIACOMO: Yeah, did you know if Mr. Malone. I
23 mean, just make it in the form of a question. Did you know if
24 Mr. Malone was aware.

25 THE COURT: No, it's --

1 MR. CANO: Just ask if Mr. Malone -- but if she --

2 MR. DiGIACOMO: Were you aware of whether or not --

3 MR. CANO: How would she know if Mr. Malone --

4 MR. DiGIACOMO: Because it might've happened right
5 in front of her. McCarty could've handed them to her right in
6 front of Mr. Malone.

7 THE COURT: Hang on. Let me just --

8 MR. DiGIACOMO: Because she knew she had the work.

9 THE COURT: Hang on. Hang on.

10 MR. DiGIACOMO: It's not speculation if she has
11 pieces of knowledge.

12 MR. PIKE: Say to your knowledge.

13 MR. DiGIACOMO: To your knowledge did you know.

14 MR. CANO: How did you -- how do you know if someone
15 else wasn't there?

16 THE COURT: What if Mr. Malone said, yeah, I know
17 that Christina's got some work?

18 MR. DiGIACOMO: Right. I mean, there's any number
19 of things [inaudible]. You, the Court, can ask did you know
20 whether or not Mr. Malone knew. If she says, no, I don't
21 know, then you can wait and ask the next question. If she
22 says I did know, then you can ask the question.

23 THE COURT: How about did Mr. Malone ever tell you
24 that Christina had work?

25 MR. DiGIACOMO: That's -- well, I'll -- it doesn't

1 matter how you [inaudible].

2 MR. CANO: I'm objecting to the question.

3 MR. DiGIACOMO: Did she -- did she receive the work.

4 MR. CANO: I'm objecting to the question.

5 THE COURT: You know what, it's always been my
6 policy that we can put this on the record to make sure. So
7 you guys are [inaudible] the record after. It's always been
8 particularly my policy but for a few words here we're not
9 going to recreate the question. So I'm not going to give this
10 question. Okay?

11 MR. DiGIACOMO: You can ask the other one from a
12 follow-up from that.

13 THE COURT: Okay. All right. Any objection, Mr.
14 Cano, on this one?

15 Does the State have an objection to that?

16 MR. DiGIACOMO: No.

17 THE COURT: Okay.

18 MR. CANO: You can ask that.

19 THE COURT: Okay.

20 (End of bench conference)

21 THE COURT: All right. Ms. Estores, we have a
22 couple questions from our jurors. Okay? The first question
23 is did you ever see D-Roc use physical force or yell at
24 Victoria or Christina?

25 THE WITNESS: No.

1 THE COURT: Or threaten them?

2 THE WITNESS: No.

3 THE COURT: On the way to the model home did D-Roc
4 and Romeo have a conversation?

5 THE WITNESS: Yes.

6 THE COURT: Is there any follow-up?

7 And, ladies and gentlemen, there was another
8 question by one of the jurors. And as I previously stated, I
9 -- I have to make an initial determination on whether or not I
10 can ask a particular question, whether or not it's legally
11 permissible, and so I'm not able to ask the other question.

12 Does the State have any follow-up questions to these
13 questions by the jurors?

14 MR. DiGIACOMO: Yes, Judge.

15 FURTHER REDIRECT EXAMINATION

16 BY MR. DiGIACOMO:

17 Q There was a question asked about did you ever hear
18 D-Roc threaten Christina and Victoria and you answered no. Do
19 you remember just saying that?

20 A Yes.

21 Q What did you take D-Roc's statement that there would
22 be three shallow graves if they didn't make money?

23 A Yeah, I didn't think about that.

24 Q Would you consider that a threat?

25 A Yes, a fearful threat.

1 Q There was a question asked about was there a
2 conversation on the way to the model home or in the vehicle
3 between D-Roc and Romeo; do you remember that question being
4 asked by the Court?

5 A Yes.

6 Q Do you recall what that conversation was?

7 A No.

8 Q When this threat happened about the three graves,
9 you were being told to make money; correct?

10 A Yes.

11 Q All three of you were being told to make money?

12 A Yes.

13 Q And you testified that Christina had work given to
14 her by Romeo?

15 A Yes.

16 Q Did she receive that work --

17 MR. CANO: Your Honor, I'm going to object. It's
18 going outside the scope of what the question was.

19 MR. DiGIACOMO: That goes directly to the -- to the
20 threat and knowledge as to the nature of the threat and the
21 making of the money. Why wouldn't that be --

22 THE COURT: I'm going to allow the question. And,
23 Mr. Cano, you have the opportunity to get into this area.

24 MR. CANO: Your Honor, can we approach?

25 THE COURT: I made my ruling, Mr. Cano.

1 BY MR. DiGIACOMO:

2 Q The -- the work that Christina had that she'd gotten
3 from Rome, did that happen in the presence, did she receive
4 the work in the presence of Mr. Malone or did Mr. Malone say
5 anything about his knowledge of her receiving that?

6 A I think he did.

7 Q What do you mean you think he did? Said it or saw
8 it?

9 A I'm not certain.

10 Q You don't know?

11 A No.

12 Q Thank you very much.

13 MR. DiGIACOMO: Judge, I have nothing further.

14 THE COURT: All right. Any follow-up by Mr. Cano?

15 MR. CANO: Yes, Your Honor.

16 FURTHER RECROSS-EXAMINATION

17 BY MR. CANO:

18 Q You never saw Domonic have -- you never saw Domonic
19 hit Christina?

20 A No.

21 Q You never saw Domonic hit Victoria?

22 A No.

23 Q Okay. Now, we were talking about what was going on
24 the Hard Rock about three shallow graves. I'm going to talk
25 about that. Okay?

1 A Okay.

2 Q When you got to the Hard Rock everybody got out of
3 the car; right?

4 A Yes.

5 Q Okay. Would it be fair to say there was a
6 conversation going on between Romeo and Victoria and
7 Christina, and a conversation going on between you and
8 Domonic?

9 A There could've been.

10 Q Well, when you guys got out of the car was it --
11 were there conversation altogether, or did you guys separate
12 at any point in time?

13 A I was talking to D-Roc.

14 Q So you were having your conversation with D-Roc.

15 A Correct.

16 Q Okay. And so Romeo didn't come into that
17 conversation with you and D-Roc.

18 A I'm not sure.

19 Q Okay. And so when you're saying the threats that
20 were made to you, was that just coming directly from Domonic,
21 or was Romeo also saying something to you?

22 A I believe Romeo said something too.

23 Q Okay. So Romeo was telling you about three shallow
24 graves?

25 A They both were.

1 Q All right. So they both were saying that?

2 A Yes.

3 Q All right. Now, D-Roc, he was having a conversation
4 with you. At any point in time did he have a conversation
5 with Victoria or Christina?

6 A I'm not certain.

7 Q Okay. So if I'm understanding the picture of this
8 Romeo came over while D-Roc was talking to you, and then there
9 was some threats between D-Roc and Romeo about three shallow
10 graves?

11 A I know it was said.

12 Q You know it was said.

13 A Yes.

14 Q Do you know who said it?

15 A They both said it.

16 Q Okay. But you don't know when it was said?

17 A I don't know who said it before the other or -- but
18 I know it was said.

19 Q Okay. So you're not sure if Romeo said that first
20 and then D-Roc kind of went along with it and said it after
21 him?

22 A I don't know who said it first, but I know they both
23 said it.

24 Q Okay. And -- and you were out there present when
25 Romeo was talking to Christina and Victoria?

1 A Yeah, we all got out.

2 Q Okay. And so -- and you said Domonic never went to
3 those girls and made a threat to them?

4 A Not to my knowledge.

5 Q Okay. He was only talking to you?

6 A Yes.

7 Q All right.

8 MR. CANO: Nothing further.

9 THE COURT: Any follow-up by the State?

10 Any follow-up questions by any of the jurors? No
11 question. All right. Thank you.

12 Thank you, ma'am, for your testimony. You are
13 excused.

14 Next witness for the State.

15 MR. LALLI: Your Honor, the State calls David
16 Parker.

17 DAVID PARKER, STATE'S WITNESS, SWORN

18 THE MARSHAL: And if you would, sir, please state
19 and spell your name for the record.

20 THE WITNESS: David Parker; D-A-V-I-D P-A-R-K-E-R.

21 THE COURT: Go ahead, Counsel.

22 MR. LALLI: Thank you.

23 DIRECT EXAMINATION

24 BY MR. LALLI:

25 Q Mr. Parker, have you been here since about 9:30 this

1 morning?

2 A Correct.

3 Q And you're not feeling well today, is that -- is
4 that a fair statement?

5 A Well, it's a normal thing for me.

6 Q You were actually getting sick at lunch time.

7 A Yeah.

8 Q Okay. I appreciate you hanging in there and
9 sticking around for us. I want to ask you if you knew a woman
10 by the name of Red, or if you know a woman by the name of Red?

11 A Yes.

12 Q Who's Red?

13 A Red is a personal friend of mine.

14 Q All right. Have you seen Red today?

15 A Yes.

16 Q Was she just walking out as you were walking in?

17 A Yes.

18 Q Can you tell the jury how it is that you first
19 became familiar or friendly with Red?

20 A We are engaged in conversation. I asked her where
21 she was from and she said Hawaii. And I asked her what
22 island. She told me what island. Then I was telling her, you
23 know, my brother had passed away in a motorcycle accident a
24 few years ago. And before I could get the rest of the words
25 out of my mouth she knew exactly who it was. They did a

1 memorial ride for him. So we've been friends ever since.

2 Q Okay. And approximately what year was that?

3 A When I met Red and we had --

4 Q Yes, sir.

5 A -- that conversation?

6 Q Yes.

7 A That had to be like in '05.

8 Q Okay. I want to direct your attention to sometime
9 around April of 2006. Did you become aware that Red had
10 suffered a beating?

11 A Yes.

12 Q How did you become aware of that?

13 A I hadn't seen her for a few days, and then when I
14 saw her I asked her where she had been. And she said that she
15 was in the hospital.

16 Q Did you observe any injury on her?

17 A I did.

18 Q Can you describe the injury that you observed?

19 A She had some scrapes and bruising across the
20 forehead area, and also she showed me her chest.

21 Q Can you describe her chest, what you saw to our
22 jury?

23 A Yeah, her chest was the color of an eggplant color
24 and it was massive.

25 Q And where was it that you observed these injuries on

1 her?

2 A Like I said in the cranial area, on --

3 Q No, I'm sorry. Where -- where you physically?
4 Where were you and where was Red that you were seeing these
5 things? Were you at your house, were you at Sportsman's?

6 A We were at the Sportsman's sports bar.

7 Q Okay. At -- at some point did she spend some time
8 at your house?

9 A Yes.

10 Q Why?

11 A After that I said, you know, Red, you need to -- how
12 about you just come over to the house and relieve yourself or
13 ease your mind and -- and heal up because I don't think this
14 environment is healthy for you.

15 Q Did she do that?

16 A Yes, she did.

17 Q At some point while she was staying at your house,
18 did she -- do you and Red go to the Sportsman's and -- and --
19 and run into an individual by the name of D-Roc?

20 A Yes.

21 Q Who's D-Roc?

22 A D-Roc was an acquaintance of hers. A guy that was
23 at that time living at the Sportsman's. The Sportsman's is
24 like a Budget Inn, slash --

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

1 THE COURT: Lay some foundation, Mr. Lalli.

2 BY MR. LALLI:

3 Q Did you see D-Roc there at the Sportsman's?

4 A Yes.

5 Q On more than one occasion?

6 A Yes.

7 Q Okay. When you and Red went to the Sportsman's, did
8 D-Roc -- well, let me ask you this. Do you see D-Roc in the
9 courtroom?

10 A Yes.

11 Q Can you please point to him and tell us what he's
12 wearing today?

13 A He's wearing glasses, a blue shirt.

14 MR. LALLI: Your Honor, may the record --

15 THE WITNESS: A striped tie.

16 MR. LALLI: Thank you.

17 May the record reflect that the witness has
18 identified the defendant?

19 THE COURT: Yes, it will.

20 BY MR. LALLI:

21 Q So when you go to the Sportsman's, you and Red see
22 D-Roc?

23 A Yes.

24 Q Does D-Roc engage Red in any conversation?

25 A Yes.

1 Q What do you hear D-Roc say?

2 A I'm not sure whether he had sent over one of his
3 buddies and one of his buddies told --

4 Q Well -- well, just tell us what -- what you heard
5 D-Roc say to Red.

6 A I heard D-Roc --

7 MR. CANO: Your Honor, excuse me. A little
8 objection here as to foundation. Do we know what time frame
9 this was said?

10 BY MR. LALLI:

11 Q Was this during the --

12 THE COURT: Thank you.

13 BY MR. LALLI:

14 Q -- time that Red was staying in your house just
15 after she suffered this beating?

16 A Yes. She stayed at my house approximately three or
17 four days and she felt good enough to enter that environment
18 again. It was in the evening time, I mean, like beyond 5:00.
19 And --

20 Q So tell us what you heard D-Roc say to Red about the
21 injuries that Red had suffered on her chest.

22 A D-Roc told Red -- he was apologizing. He was saying
23 he loved her, you know, I care for you and I just -- I just --
24 I just want to say I'm sorry. He was saying he was sorry
25 profusely.

1 Q And acknowledging that he was the one responsible
2 for those injuries?

3 A Correct.

4 Q Now, I want to move forward several weeks. Did you
5 receive a phone call from Red from the Hard Rock Hotel one
6 evening?

7 A Yes.

8 Q Or early --

9 A It was early morning.

10 Q Do you remember the date that that occurred?

11 A It was the 24th --

12 Q Would it refresh your recollection to view the
13 statement that you gave to the police regarding this incident
14 as to the date? Would that help -- help you remember the
15 date?

16 A Sure.

17 MR. LALLI: It's on page 8 of the voluntary
18 statement.

19 May I approach the witness?

20 THE COURT: Yes.

21 BY MR. LALLI:

22 Q Was it May 18th?

23 A Correct.

24 Q At approximately 2:00 or 3:00 in the morning?

25 A Correct.

1 Q What did Red want?

2 A She sounded destitute, as if she needed to be
3 rescued. She wanted me to come and pick her up.

4 Q So what did you do?

5 MR. CANO: Your Honor, I'm going to object as to the
6 statement about her needing to be rescued. It calls for
7 speculation. I ask that it be stricken.

8 MR. LALLI: Well, it's based upon the conversation
9 that he had with her.

10 THE COURT: Well, I think you need better
11 clarification because he said she sounded destitute. I don't
12 know how one sounds destitute. And so I'm sustaining the
13 objection. If you want to reask some --

14 MR. LALLI: Okay.

15 THE COURT: -- questions and lay a better
16 foundation.

17 BY MR. LALLI:

18 Q You mention that it sounded like she needed to be
19 rescued. Can you explain to the jury how you came to that?

20 A It was an emergency situation.

21 Q Did she seem afraid?

22 A Afraid.

23 Q So what did you do as a result of receiving this
24 phone call?

25 A I -- I put on clothes and headed to go her way in

1 that direction.

2 Q Do you eventually arrive at the Hard Rock Hotel?

3 A Correct.

4 Q What do you do when you get there?

5 A I look around to try and find where she was, and I
6 eventually found her.

7 Q Was she alone or was she with other individuals?

8 A She was with two other individuals.

9 Q Can you describe them for us?

10 A Yes. One girl, white, maybe about 5'3", slender,
11 pale, cute. The other girl around the same height, a little
12 thicker, island, Hawaiian looking, maybe Filipino.

13 Q Do you recall the names of these girls?

14 A One girl was named Victoria, the island girl
15 Christina.

16 Q Can you describe their demeanor? How were they
17 acting when you first saw them?

18 A Nervous. Nervous. You could tell they had been
19 crying. As I say, extremely -- as if someone was chasing them
20 or --

21 MR. CANO: Objection, Your Honor. That doesn't
22 describe his demeanor.

23 THE COURT: I'm going to sustain the objection.

24 MR. CANO: I ask that it be stricken.

25 THE COURT: The jury is instructed to disregard the

1 last statement of the witness.

2 BY MR. LALLI:

3 Q Based upon them being crying, acting fearful, did it
4 appear to you that they were distressed?

5 MR. CANO: Your Honor, I'm going to object as to the
6 question. He didn't state that they were fearful. He said
7 nervous and crying. It misstates his answer.

8 THE COURT: Okay. I'm going to sustain the
9 objection.

10 BY MR. LALLI:

11 Q All right. Based upon them being nervous and
12 crying, did it appear that they were fearful?

13 A Yes.

14 MR. CANO: Leading, Your Honor.

15 BY MR. LALLI:

16 Q Happy to see you?

17 THE COURT: Hang on. Hang on. The objection is
18 leading. Okay. I'm going to sustain the objection. Would it
19 appear them to --

20 BY MR. LALLI:

21 Q Were they happy to see you?

22 A Extremely.

23 Q Okay. Did they tell you what had happened to them
24 that evening?

25 A Yes.

1 Q After you had heard what had happened to them what
2 did you do?

3 A I -- I offered my home as restitution.

4 Q So -- so --

5 A They got into my vehicle. I had an SUV at the time
6 and we took off.

7 Q Okay. And is it during this ride home back to your
8 house that they were describing to you what had happened?

9 A Yes.

10 Q Do you recall what you were saying back to them?

11 A Yes.

12 Q What were you saying to them?

13 A I was telling them that, you know, don't worry about
14 it, you're coming to my house, you'll be safe.

15 Q Do you eventually arrive at your house?

16 A Yes.

17 Q While you are at your house do you notice any
18 physical injury on Red?

19 A Yes.

20 Q Injury separate from the injury that had occurred
21 back in April?

22 A Correct.

23 Q Can you describe that injury for us?

24 A She had some more scraping, scratches, almost as if
25 she had been to -- like almost playing football without a

1 helmet.

2 Q So what do you do when you get back to your
3 apartment?

4 A I cooked them food and gave them drinks, put a movie
5 in and sleeping quarters.

6 Q Do all three girls stay there?

7 A Yes.

8 Q Okay. You mentioned something about sleeping
9 quarters. What happens with respect to sleeping?

10 A In what way?

11 Q Well, do the girls all go to sleep?

12 A No, they -- they stayed up for a long time talking
13 about their situation.

14 Q Did they eventually go to sleep?

15 A Yes.

16 Q Now, let's go to the next morning. It's actually
17 still the same day, but later that day in the morning. Are
18 they awake in the morning or are they still asleep?

19 A They're still asleep.

20 Q About when did they wake up?

21 A Around 7:00 or 8:00 at night.

22 Q So what happened at that point?

23 A We ate again and they stayed at my place maybe a few
24 more hours.

25 Q Did they ask you to take them somewhere?

1 A Yes.

2 Q Did you eventually take them somewhere?

3 A Yes.

4 Q What area of town did you take them to?

5 A Boulder Highway and Fremont Street.

6 Q What was there?

7 A There's like another Budge Suites temporary like
8 hotel --

9 Q Okay.

10 A -- facility.

11 MR. CANO: Have you laid a foundation? Oh, yeah.
12 Go ahead. That's been admitted; right?

13 MR. LALLI: Yes.

14 MR. CANO: Okay.

15 MR. LALLI: May I approach the witness, Your Honor?

16 THE COURT: Yes.

17 BY MR. LALLI:

18 Q Mr. Parker, I'm going to show you what we marked as
19 State's Exhibit No. 45. Is that the apartment or the
20 daily/weekly that you took them to?

21 A It looks exactly like it.

22 Q Just publishing it for the jury. That appears to be
23 the location that you took them to?

24 A Yes.

25 Q All right.

1 MR. LALLI: Thank you, Your Honor. That concludes
2 direct examination.

3 THE COURT: All right. Any cross-examination?

4 MR. CANO: Yes, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. CANO:

7 Q At the time of the incident you had known Red for
8 about a year; is that fair to say?

9 A Yes.

10 Q Okay. And you said you had met her at the
11 Sportsman's?

12 A Yes.

13 Q Okay. Were you living at the Sportsman's at the
14 time?

15 A No.

16 Q Okay. You would just go down there to hang out at
17 the bar?

18 A Yes.

19 Q All right. And that's when you had this
20 conversation with Red where you found out that your brother's
21 memorial, you kind of had that in common?

22 A Correct.

23 Q And that's when you guys became kind of friends --

24 A Correct.

25 Q -- or friendly. Would it be fair to say that Red

1 had been over your house more than just on this occasion?

2 A Yes.

3 Q On the few occasions you testified today?

4 A Yes.

5 Q All right. She would come over there -- or how

6 often would she come over there prior to this incident?

7 A Anytime she got ready. I would -- I would not sort
8 of say I throw shindigs or anything like that, but I might be
9 like, well, you guys can come over for pizza and drinks or
10 Chinese and watch some movies.

11 Q So you would invite her over and she would come
12 over?

13 A Yeah.

14 Q Okay. And this friendship kind of continued even
15 past this incident; correct?

16 A Currently.

17 Q Up to -- up to date; right?

18 A Right.

19 Q As a matter of fact, when she was in prison you
20 would put money on her books?

21 A Correct.

22 Q You kind of helped support her; right?

23 A Correct.

24 Q Okay. Now, back during this time frame of -- of
25 April and May of 2006, would it be fair to say you knew what

1 her lifestyle was?

2 A Yes.

3 Q You knew that she sold drugs?

4 A Not exactly.

5 Q You didn't know that she sold drugs?

6 A Not exactly.

7 Q All right. Did you suspect that she sold drugs?

8 A I did.

9 Q Okay.

10 A I never saw the activity.

11 Q You never saw the actual activity?

12 A Correct.

13 Q But would it be fair to say that her behavior would
14 give you the suspicion that maybe she was selling drugs?

15 A Not her behavior. I would just say through --
16 through conversation.

17 Q So she told you?

18 A She let me know that, I believe, that some of the
19 activity was illegal.

20 Q Okay. So through conversation does she offer you
21 drugs?

22 A No.

23 Q Okay. But she let you know that there was some
24 illegal -- she was doing something illegal? Is that a fair
25 statement?

1 A That would be fair.

2 Q Did you know that she was using drugs?

3 A No, I never saw her using drugs.

4 Q You never saw her using drugs?

5 A No.

6 Q Okay. Now, the incident that happened in April, you
7 weren't at the Sportsman's when this happened; correct?

8 A Say again?

9 Q The incident that happened to Red in April --

10 A Uh-huh.

11 Q -- of 2006?

12 A Uh-huh.

13 Q Do you recall that?

14 A Yes.

15 Q There were two -- two incidents, one in April and
16 one in May; right?

17 A Correct.

18 Q Okay. The one that happened in April, you were not
19 at the Sportsman's when it actually happened, were you?

20 A No, sir.

21 Q So any knowledge that you have is based upon what
22 Red told you?

23 A Correct.

24 Q Okay. Now, you were -- you said that she told you
25 she went to the hospital after that April incident; correct?

1 A Correct.

2 Q And you -- you didn't -- you saw her a few days
3 after that incident happened?

4 A Yes.

5 Q Three or four days?

6 A I don't know how many days exactly, but, yes, it was
7 after her -- her visit at the hospital.

8 Q Okay. She told you she went to the hospital and
9 after that hospital visit you saw her three or four days
10 later?

11 A I saw her after her hospital visit.

12 Q Okay. And now you said she had injuries to her
13 forehead and to her chest?

14 A Correct.

15 Q All right. And you described, I think you pointed
16 to the upper chest area?

17 A Yeah, the top of her breast area.

18 Q Okay. You said she also had injuries to her -- to
19 her face; correct?

20 A Correct.

21 Q Scratches I think you described them as well?

22 A Scratching and bruising.

23 Q Okay. Where was the bruising?

24 A On her forehead area.

25 Q Solely on her forehead area?

1 A There was some scratching and bruising, yes, solely
2 on her forehead area.

3 Q Do you recall any bruising around her eye area?

4 A I would say -- I remember distinctively it was near
5 her eye area, at least the forehead box.

6 MR. CANO: And for the record, Your Honor, he is
7 pointing to the top of his forehead to like I think underneath
8 your eyes.

9 THE WITNESS: Correct.

10 BY MR. CANO:

11 Q So that upper quadrant, like say from your nose to
12 your forehead, in that general area?

13 A It would be safe to say that.

14 Q Okay. Now, would it be safe to say that you didn't
15 like the environment that Red was in over at the Sportsman's?

16 A No.

17 Q I mean, you had been there drinking and you kind of
18 knew what the element was around there.

19 A Of course.

20 Q Would it be safe to say that there was like a high
21 drug culture over at the Sportsman's?

22 A I would be -- yeah, it was.

23 Q Okay. So people using drugs or selling drugs,
24 things like that were going on around there?

25 A Yes.

1 Q Okay. Now, you said after you saw Red three or four
2 days after the hospital, that was at the Sportsman's; correct?

3 A Yes.

4 Q And that's where she showed you all her injuries
5 that she had?

6 A Yes.

7 Q Okay. And that's when you said Domonic came in?

8 A No, not at that point.

9 Q When she showed you the injuries at the Sportsman's,
10 that was three or four days after she got out of the hospital.
11 You said -- I thought you testified that Domonic came in and
12 was --

13 A Let me go back and say this.

14 Q -- apologetic.

15 A I don't know how long she was in the hospital
16 because you keep referring to three or four days. I know she
17 took a hospital visit, and I saw her after her hospital visit.

18 Q Okay. And the reason why you know she was at the
19 hospital is because she told you that; right?

20 A That's correct.

21 Q Okay. So after that, though, at some point in time
22 you're at the Sportsman's, Red is at the Sportsman's; right?

23 A Correct.

24 Q She's talking about her injuries; right?

25 A Correct.

1 Q Domonic walks in.

2 A No.

3 Q Okay. It was during that visit with Red that
4 Domonic came in?

5 A It wasn't at that particular time.

6 Q That was at a later point in time?

7 A Correct.

8 Q How many days after that initial contact with Red
9 did Domonic come in?

10 A About three or four days.

11 Q Okay. So -- so then three or four days after you
12 first talked to Red you're back at the Sportsman's; right?

13 A That's correct.

14 Q And then that's when you're still having a
15 conversation with Red and then Domonic comes in?

16 A That's correct.

17 Q All right. And that's when you -- you -- I think
18 you said that Domonic was apologetic to her, told her he loved
19 her, he was very, very sorry.

20 A That's correct.

21 Q Fair to say he was very contrite for -- for whatever
22 happened between them?

23 A That's correct.

24 Q Okay. And Red accepted his apology?

25 A That's correct.

1 Q Okay. Did she tell him he loved him -- she loved
2 him back?

3 MR. LALLI: Objection. Hearsay.

4 THE COURT: Sustained.

5 BY MR. CANO:

6 Q What was Red's demeanor after Domonic apologized to
7 her?

8 A She seemed to be a little bit more at ease.

9 Q Did you see Red hug Domonic at all?

10 A I did.

11 Q After the apology?

12 A Yes.

13 Q Okay. So it would be fair to say that whatever
14 happened before seemed to be settled in front of you?

15 A While I was there. I was -- I was --

16 Q So is that a yes?

17 A Yes.

18 Q Okay. Now did you see Red -- when was the next time
19 after that occasion that you saw Red?

20 A Probably like the next day.

21 Q So you would hang out at the Sportsman's a lot?

22 A Yes.

23 Q Is that like your local drinking establishment?

24 A I'm not always drinking when I'm in there, but, yes.

25 Q Do you go play the machines there as well?

1 A No, I don't gamble.

2 Q Okay. You just like to go hang out at the
3 Sportsman's?

4 A I have a few -- I have a few other friends that are
5 there.

6 Q Okay. So how many times do you think between that
7 contact when you and Domonic and Red are there to the Hard
8 Rock when you picked them up at the Hard Rock? How many times
9 do you think you've seen Red in that span of time?

10 A I don't know. Sometimes we play pool there. I'd
11 say almost every other day or a daily basis.

12 Q Okay. And at that point in time you -- you were
13 living over off of -- was it Las Vegas Boulevard?

14 A No, at that time I was living off of -- like right
15 by the UNLV football stadium.

16 Q Oh, okay. Oh, close to that area?

17 A Yeah, I rented a house over in that area.

18 Q Okay. And so that's -- that would be the place
19 where you would invite Red to come?

20 A That's correct.

21 Q Okay. And at the point in time when the Hard Rock
22 incident happened, were you still living in that area?

23 A No.

24 Q By that time you had moved?

25 A Correct.

1 Q That would be over by the Las Vegas Boulevard Cancun
2 area, I think?

3 A Yes.

4 Q Okay. So now let's talk a little bit about the Hard
5 Rock situation. You got a phone call, fair to say, 2:00 or
6 3:00 in the morning?

7 A Yes.

8 Q Okay. And you got dressed and you went over to the
9 Hard Rock?

10 A That's correct.

11 Q And you picked up Red?

12 A And her two buddies.

13 Q Okay. You said Victoria and Christina?

14 A Yes.

15 Q Okay. Prior to this Hard Rock situation, had you
16 met Victoria or Christina?

17 A Yes.

18 Q Where would that be at?

19 A The Sportsman's.

20 Q Okay. Did you have any kind of relationship with
21 Victoria or Christina?

22 A No.

23 Q Okay. How often would you see them over at the
24 Sportsman's?

25 A Almost every time I was there.

1 Q Okay. And you said you were there every other day
2 or daily practically?

3 A Yeah.

4 Q Okay. Did you know Victoria to be a drug user?

5 A No.

6 Q Okay. Did you know Victoria to be a prostitute?

7 A No.

8 Q Okay. Did you know Christina to be a drug user?

9 A No.

10 Q Did you know her to be a prostitute?

11 A No.

12 Q Okay. So you picked them -- you picked all three of
13 them up at the Hard Rock early in the morning?

14 A That would be correct.

15 Q Okay. And then you took them to your home over at
16 the Cancun?

17 A Off of Las Vegas Boulevard and Wigwam.

18 Q Okay. And you told the police in your statement, I
19 think Mr. Lalli referred to it, on May 24th you gave a
20 statement to the police; right? Of 2006? Do you recall
21 giving a statement to the police?

22 A May 24th?

23 Q Yes.

24 A I think I got a phone call from them.

25 Q Would it help to refresh your recollection if I

1 showed you that statement?

2 A Sure.

3 MR. CANO: If I could approach, Your Honor?

4 THE COURT: Yes.

5 BY MR. CANO:

6 Q Maybe look at that front cover and maybe the next
7 page.

8 A Are we -- is it in this paragraph here?

9 Q Yes.

10 MR. CANO: I'm directing him to page 1, counsel.

11 THE WITNESS: Yes.

12 BY MR. CANO:

13 Q Okay. Does that help to refresh your recollection?

14 A Yes.

15 Q All right. You did give a statement on May 24th to
16 the police?

17 A Yes.

18 Q Okay. And that was in person?

19 A Via --

20 Q In person?

21 A Via telephone.

22 Q Oh, this is a telephonic interview? Yes?

23 A Yes.

24 Q Okay. Now, in that statement to the police you told
25 the police that you had a roommate; correct?

1 A Yes.

2 Q McElroy, I believe, is his name?

3 A Dante McElroy.

4 Q Dante McElroy. And he was present when you took
5 Red, Christina, and Victoria to your house at the Cancun?

6 A That's correct.

7 Q Okay. You never tell the police that Shaylin
8 [phonetic] was there?

9 A Pardon?

10 Q Shaylin?

11 A They never asked.

12 Q Was Shaylin there?

13 A There was -- yeah, she was there.

14 Q Okay. But you never told the police that, though;
15 correct?

16 A No.

17 Q Okay. Now, you get to the apartments. You say that
18 you can observe the girls; correct?

19 A That's correct.

20 Q And you -- and you thought that Red had some more
21 injuries?

22 A She did.

23 Q Okay. And I think you said it was in her head area,
24 some scratches in her head?

25 A That's correct.

1 Q Okay. You didn't see any visible bleeding from Red;
2 did you?

3 A No.

4 Q Okay. Red's eyes weren't swollen shut?

5 A No.

6 Q She didn't have any missing teeth?

7 A No.

8 Q All right. She didn't have any open gashes in her
9 -- in her -- in her head, face area, forehead area?

10 A When you say gashes, what do you mean by that?

11 Q Like an open cut, like a big gash where you can see
12 inside?

13 A No.

14 Q Okay. She -- you didn't notice big patches of
15 missing clumps of hair out of her scalp; did you?

16 A I think she said something about that, but I didn't
17 notice it at the time.

18 Q So you didn't notice it?

19 A I didn't -- I didn't focus on that.

20 Q Okay. And when you picked up Red, she wasn't crying
21 at that point in time?

22 A No.

23 Q Okay. You've never known Red to really cry; have
24 you?

25 A No.

1 Q In all the contact and all the time that you've
2 known her, would you say she --

3 A She's -- she's a pretty tough girl.

4 Q She's a pretty tough girl; right?

5 A A pretty tough cookie.

6 Q Okay. Now, you said you also got to see the other
7 girls too; right?

8 A Yes.

9 Q Victoria and Christina?

10 A Yes.

11 Q And you didn't notice any injuries on Victoria
12 whatsoever?

13 A No.

14 Q Her face wasn't red?

15 A No.

16 Q It wasn't all beat up?

17 A No.

18 Q You didn't notice any scrapes or gashes or marks on
19 her face?

20 A No.

21 Q Okay. And you didn't notice any of that on
22 Christina either?

23 A No.

24 Q Now, you said that the girls were up for quite
25 awhile; right?

1 your house?

2 A No.

3 Q You know what a blunt is?

4 A Yes.

5 Q That's like marijuana wrapped inside of a cigar
6 wrapper?

7 A I thought a blunt was a cigar.

8 Q A cigar?

9 A Yes.

10 Q Okay. Not a marijuana cigar?

11 A No.

12 Q Okay.

13 A But I think I know what you're talking about.

14 Q All right.

15 A I know what you're talking about.

16 Q You do know what I'm talking about; right?

17 A But when they sell blunts they're full of tobacco.

18 Q But in a drug culture they empty out the tobacco and
19 fill that with marijuana; correct?

20 A Yes.

21 Q All right. That's the blunt I'm talking about, the
22 marijuana filled cigar. Did Red smoke a blunt at your house?

23 A I didn't observe her.

24 Q You didn't see her do that?

25 A No.

1 Q Okay. Did she drink wine?

2 A She may or may have. There's wine at my house.
3 There was wine there.

4 Q Okay. But you don't recall if you observed her
5 drinking wine?

6 A No.

7 Q Okay. When she told you about the incident that
8 happened over at the Hard Rock, she told you that she had to
9 come up with \$3,000?

10 A She said that she had to come up with an amount of
11 money by a certain time.

12 Q Do you recall what that time -- what that amount of
13 money was?

14 A It was in the thousands.

15 Q Would it help to refresh your recollection if I
16 showed you your -- your statement to the police?

17 A Sure.

18 MR. CANO: And, counsel, pages 8 and going to 9.
19 I can approach, Your Honor?

20 THE COURT: Yes.

21 MR. CANO: Thank you.

22 BY MR. CANO:

23 Q This is page 8, the bottom of 8 going into the top
24 right there.

25 A Yes.

1 Q Does that help to refresh your recollection?

2 A It sure does.

3 Q Okay. The amount she told you was \$3,000?

4 A Yes.

5 Q And Red said that to you; right?

6 A Right. The other girls were mentioning other -- in
7 the same ballpark.

8 Q Now, you said that they were up for hours after they
9 got to your house.

10 A Yes.

11 Q Okay. And then they went to sleep and they pretty
12 much slept the whole day away?

13 A Yes.

14 Q Into the early evening?

15 A Around 7:00 or 8:00 p.m.

16 Q 7:00 or 8:00 p.m.? That's when they woke up?

17 A Yes.

18 Q And you also testified that they stayed at your
19 house for a few hours more?

20 A Yes.

21 Q So would that be three hours or four hours?

22 A In that ballpark.

23 Q Okay. So -- and -- and they asked you to take them
24 over to some place over off of Fremont and Boulder Highway?

25 A To the facility that --

1 Q That picture you were shown --

2 A -- was shown earlier.

3 Q -- earlier; right?

4 A Yeah.

5 Q That picture you were shown earlier?

6 A Yes.

7 Q I think you said it was in the Fremont/Boulder
8 Highway type area?

9 A Fremont and Boulder Highway.

10 Q Okay. So -- so somewhere between -- would it be
11 fair to say somewhere between, I guess, 11:00 and 12:00 is
12 when you take all three girls to that area?

13 A It was after they had woken after 7:00 or 8:00,
14 maybe a couple hours after that.

15 Q Well, you said they were with you for a few hours,
16 and you earlier just told me that meant somewhere between
17 three and four hours; correct?

18 A That would be safe to say that.

19 Q Okay. And you said they woke up around 7:00 or
20 8:00?

21 A Yeah.

22 Q So if we add that kind of together, would it be safe
23 to say that you took them over to that hotel around 11:00 or
24 12:00?

25 A Yes.

1 Q Okay. And that was p.m., going into the early
2 morning of the next day; correct?

3 A Yeah. I want to say it was about 11:00, around in
4 that area.

5 Q All right. Now, they asked you to take them;
6 correct?

7 A Yeah.

8 Q And you kind of saw that they -- it appeared to you
9 that -- that you wanted to take them to a safe place, your
10 home? Would that be --

11 A I would rather them stay at my place.

12 Q Okay. You never kicked them out of your home?

13 A I never kicked them out.

14 Q No. You never -- you never had a conversation with
15 Red telling Red that Christina had to go, that Red could stay
16 but Christina had to go?

17 A That who could stay?

18 Q That Red could stay at your house, but Christina had
19 to go?

20 A No.

21 Q You never told that to Red?

22 A No.

23 Q Okay. And you never told Red that, you know, that
24 she could stay but Victoria had to leave?

25 A No.

1 Q Or anything of that nature, that she could stay but
2 the other two kind of had to go?

3 A No.

4 Q That you kind of didn't like their element?

5 A No.

6 Q You never had that conversation with Red?

7 A I would've rather kept them and kicked the girl that
8 you brought up earlier named Shayla or whatever.

9 Q Uh-huh.

10 A I would rather her leave.

11 Q Okay. You'd rather Shayla leave and the girls
12 stayed.

13 A Yeah, all the other -- everybody else was cool.

14 Q Okay. So -- so you never kicked them out or asked
15 them to leave at any point in time?

16 A No.

17 Q They asked you to leave?

18 A I remember distinctively asking them did they feel
19 safe enough to go back. And they were like, well, we guess
20 so, you know. But I was -- I was due to go to Pittsburgh with
21 the --

22 Q When were you going to Pittsburgh?

23 A Pardon me?

24 Q When were you going to Pittsburgh?

25 A Within the next two days, a day or so.

1 Q Okay. So you just -- you just needed them to leave
2 before you left to Pittsburgh; right?

3 A That's right.

4 Q But you didn't kick them out at like 11:00 at night
5 or whatever time you took them to South Cove. You didn't say
6 you got to go now?

7 A No, they could've stayed for all I cared, but I had
8 someplace to be.

9 Q Okay. Now, when Red told you what had happened to
10 her and you saw her injuries, you never took her to the
11 hospital; right?

12 A No.

13 Q You never called the police?

14 A No.

15 Q At any point in time after that Hard Rock incident
16 did you call the police to report what Red had told you?

17 A No.

18 MR. CANO: Nothing further, Your Honor.

19 THE COURT: Any redirect?

20 MR. LALLI: Very briefly.

21 REDIRECT EXAMINATION

22 BY MR. LALLI:

23 Q Mr. Parker, Mr. Cano asked you how Red acted after
24 the defendant had apologized to her at the Sportsman's and you
25 had indicate -- indicated that she seemed to be at ease at

1 that point.

2 A Yeah, she seemed to be relieved.

3 Q How was she acting toward the defendant before that,
4 before he apologized to her?

5 A Kind of standoffish. There was a large amount of
6 space between them before that -- that initial contact was
7 made.

8 Q Okay. She was, I guess -- was she at ease before or
9 relieved before he had apologized to her?

10 A No.

11 Q All right. Mr. Cano asked you about some of the
12 things that Red had said to you after you had picked her up at
13 the Hard Rock.

14 A Uh-huh.

15 Q Do you remember that?

16 A Uh-huh.

17 Q Did she --

18 A Yes.

19 Q Did she tell you what had happened to her that
20 evening?

21 A Yes.

22 Q What did she tell you?

23 A She said that D-Roc had roughed her up, that he had
24 taken them to a disclosed location in the desert and said that
25 if you all don't come up with this particular amount of money,

1 basically this is where you'll be.

2 Q Okay. Did she relay to you any threat that he had
3 made to her? What was going to happen to her if she didn't
4 come up with the money?

5 A He was going to kill them.

6 Q Thank you.

7 MR. LALLI: Nothing else, Your Honor.

8 THE COURT: Any recross?

9 MR. CANO: Yes, Your Honor. Nothing further, Your
10 Honor.

11 THE COURT: Any questions by any of the jurors? No
12 questions.

13 Thank you, sir, for your testimony. You are
14 excused. Thank you.

15 THE WITNESS: Thank you.

16 THE COURT: Ladies and gentlemen, we're going to
17 adjourn at this time. It's 4:00. I'm going to have you come
18 back at 10:15 tomorrow morning, 10:15.

19 During this recess it is your duty not to converse
20 among yourselves or with anyone else on any subject connected
21 with this case, or read, watch, or listen to any report of or
22 commentary on the trial by any person connected with the trial
23 or by any medium of information, including, without
24 limitation, newspaper, television, radio, or the Internet.
25 You're not to form or express an opinion on any subject

1 connected with this case until this matter is submitted to
2 you.

3 Let's have a safe drive home. We'll see you
4 tomorrow at 10:15.

5 (Jury recessed at 4:01 p.m.)

6 (Outside the presence of the jury)

7 THE COURT: All right. We're outside the presence
8 of the jury panel. Anything by the State before we adjourn
9 for this evening?

10 MR. DiGIACOMO: No, Your Honor.

11 THE COURT: Anything by the defense?

12 MR. CANO: Did you want to put that matter on the
13 record about the questions, Your Honor?

14 THE COURT: Yes. Well, actually, there were three
15 questions submitted by the jurors.

16 MR. PIKE: Two were admitted by the Court and read.
17 I think the question by Juror Number 8 was the -- the one that
18 was objected to.

19 THE COURT: I think the -- well, there was one
20 question the Court did not ask.

21 MR. DiGIACOMO: Correct.

22 MR. PIKE: Right.

23 THE COURT: And it's as follows from Number 8. Did
24 Mr. Malone know Christina had work? Okay? I did not ask that
25 question.

1 MR. CANO: That's correct, Your Honor.

2 THE COURT: Did defense want that question asked?

3 MR. PIKE: No, we did not, Your Honor.

4 THE COURT: Okay. And then I think I'm -- well, I
5 know the other questions there was no objection to the other
6 two questions.

7 MR. CANO: Correct, Your Honor.

8 THE COURT: All right.

9 (Court recessed at 4:03 p.m., until the following day,
10 Thursday, January 18, 2012, at 10:15 a.m.)

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INDEXWITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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STATE'S WITNESSES:

Melissa Estores		2	194/234	212/236
David Parker	239	252	275	

* * * * *

EXHIBITS

<u>DESCRIPTION:</u>	<u>ADMITTED</u>
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(No exhibits admitted)

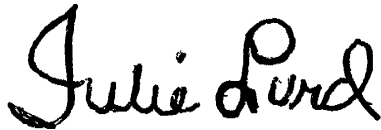
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JULIE LORD, TRANSCRIBER



DATE

1 A Yes.

2 Q Being around that Sportsman's and drug culture area,
3 would it be fair to say that you could tell maybe when someone
4 is high and someone is not high?

5 A No, I'm not really a good judgment of that.

6 Q Okay. To your estimation did you suspect either
7 Victoria or Christina to be high?

8 A No.

9 MR. LALLI: Objection. Calls for speculation.

10 MR. CANO: It calls for his opinion --

11 MR. LALLI: He said --

12 MR. CANO: -- on it.

13 MR. LALLI: -- he's not a good judgment -- judge of
14 that.

15 THE COURT: Well, he answered no, so I'm going to
16 allow the question.

17 MR. CANO: All right.

18 BY MR. CANO:

19 Q So did Christina or Victoria do any drugs in front
20 of you?

21 A Never.

22 Q Okay. And not at your house; right?

23 A I've never seen them ever do drugs. And that goes
24 for all three girls.

25 Q All right. Now -- so Red never smoked a blunt at

1 Q All right. So there were a lot of reasons why you
2 were mad at her; correct?

3 A Not so much mad at her, I was just mad at the
4 situation.

5 Q Well, you wanted to beat her up because she put you
6 in this?

7 A Not because she put me in it, because she wouldn't
8 leave with us, she wanted to stay in.

9 Q Okay. So you wanted to beat her up because she --
10 because you wanted to leave and she didn't want to leave?

11 A Didn't want to physically beat her up.

12 Q But you said that to the -- I think to the police.

13 A I said it to her that I was upset with her.

14 Q Okay. So now, you're at the Hard Rock -- but at the
15 Hard Rock after you get cleaned up you're actually there for a
16 couple hours?

17 A Correct.

18 Q And you're actually walking around the Hard Rock?

19 A Correct.

20 Q Okay. And actually I think you even told the police
21 that you were trying to get security's attention?

22 A Correct.

23 Q But you never actually walked up to security podium
24 and say, hey, let me tell you what just happened to me?

25 A No.

1 Q You never did that; right?

2 A No.

3 Q Okay. You actually I think had a conversation with
4 some other person that was from Hawaii, too?

5 A Correct.

6 Q You told her your problems?

7 A Correct.

8 Q She never went to security to your knowledge?

9 A No.

10 Q Okay. So you're able to tell someone else, but you
11 weren't able to tell security what you just went through?

12 A No.

13 Q All right. And now, while you're at the Hard Rock
14 after you had this personal fight with Domonic, you didn't --
15 I mean, there was a cell phone there; right? Didn't Christina
16 have a cell phone?

17 A Correct.

18 Q You didn't get that cell phone and call 911?

19 A No.

20 Q Okay. What you did instead is you tried to get a
21 hold of a friend of yours, right, a couple different friends
22 of yours?

23 A Correct.

24 Q All right. And it's like 2:00, 3:00 in the morning
25 at this time?

1 A Yes.

2 Q So not everybody was picking up?

3 A No.

4 Q You called -- did you call Black?

5 A I'm not sure.

6 Q Okay. Did you call -- was it Spliff?

7 A I don't think so.

8 Q Okay. Do you remember who you called?

9 A Yes, a couple of people.

10 Q Okay.

11 A I may have called more than what I remember, but I
12 do remember a few.

13 Q Okay. And Dave Parker was one of those few?

14 A Yes.

15 Q Okay. And you told David Parker, hey, you know, I
16 need to get picked up over at the Hard Rock?

17 A Basically, yes.

18 Q And then he came over and picked you up?

19 A Yes.

20 Q Okay. And fair to say the girls were like
21 impressed, wow, this guy come down in the middle of the night
22 to pick you up out of nowhere?

23 A I don't know about impressed, but --

24 Q Okay. Well, he comes and picked you up in any case?

25 A Correct.

1 Q Right? And you -- and he had clear vision of
2 everybody that was involved in this case?

3 A Correct.

4 Q Right? He could see Victoria, he could see damages
5 that he had to her and all that; right?

6 A Yes.

7 Q And he could see you and your injuries?

8 A I believe so.

9 Q Okay. And at that point in time Christina wasn't
10 touched?

11 A No.

12 Q Okay. So you go over to David's house?

13 A Yes.

14 Q And you get cleaned up?

15 A Yes.

16 Q You clean up your clothes?

17 A Yes.

18 Q I think you wash your clothes there?

19 A Yes.

20 Q And all the girls clean up?

21 A Yes.

22 Q So you take a shower?

23 A Yes.

24 Q And everybody washes their clothes?

25 A Yes.

1 Q And you get something to eat there?

2 A Yes.

3 Q And you tell David more or less what happened to you
4 out in the desert?

5 A Yes.

6 Q Okay. And he was aware that -- and you tell him
7 that he's aware that like not just you got beat up, but also
8 Victoria got beat up?

9 A I believe so.

10 Q Okay. Did you ever tell him that you had to come up
11 with \$3,000?

12 A I don't think so.

13 Q Okay. Because I think you testified earlier,
14 whatever amount of money that Romeo needed was like \$360?

15 A I'm not sure.

16 Q Okay. Now, so we're at David's house and basically
17 you go to sleep early in the morning hours?

18 A Yes.

19 Q Like 4:00, 5:00?

20 A Maybe 5:00.

21 Q Okay. And you sleep all day long?

22 A Yes.

23 Q All right. And actually I guess the girls were kind
24 of coming down off of their high; right?

25 A I believe so.

1 Q That they were high up on meth?

2 A They went to sleep.

3 Q Okay. But they were wired up earlier in the day;
4 right?

5 A Yes.

6 Q I mean, you know that -- you saw Christina take
7 drugs?

8 A Correct.

9 Q At what point in time did you see Victoria take
10 drugs?

11 A In the bathroom.

12 Q She took drugs, too?

13 A Correct.

14 Q Okay. But you didn't tell that to the police. You
15 only told the police that Christina took drugs?

16 A I'm not sure.

17 Q All right. Now, you're there till like all day
18 long, that same day, but from early in the morning 4:00 or
19 5:00 up until the eating hours; right?

20 A Correct.

21 Q Somewhere around 7:00, 7:30 is like I guess you wake
22 up?

23 A I woke up a little before that. We were just kind
24 of laying around.

25 Q All right. Now, you and David started having this

1 conversation; right?

2 A Which conversation?

3 Q Well, you and David -- you and David kind of go back
4 a little bit, you guys know each other; right?

5 A Yes.

6 Q I mean, he was your friend?

7 A Yes.

8 Q Well, I think you kind of said that that's the kind
9 of place where you can go when you need to get away from the
10 game?

11 A Yes.

12 Q Right?

13 A Correct.

14 Q So he's kind of like a little retreat for you?

15 A Correct.

16 Q Right? Like a home away from home?

17 A Yes.

18 Q All right. And I mean, you know, the kind of
19 relationship that you had with him, fair to say that he's a
20 good friend of yours?

21 A Very good.

22 Q All right. I mean, you know, you would go there
23 when you need to go away from selling drugs; right?

24 A Correct.

25 Q You'd wash your clothes up there -- you'd have

1 somewhere to kind of lay your head if you need to?

2 A Correct.

3 Q Right? And actually I think at some, you know, he
4 would invite you to do things with him. Would that be a fair
5 statement?

6 A Yeah.

7 Q Okay. And actually while you were in custody, you
8 know, actually in prison, he would actually put money on your
9 books, too?

10 A Correct.

11 Q Right? So he kind of helped to support you?

12 A He held me down.

13 Q I'm sorry?

14 A He held me down.

15 Q He held you down?

16 A Yes.

17 Q What does that mean?

18 A He took care of me. He wrote to me, he had phone
19 conversations, he put money on my books --

20 Q Okay.

21 A -- tried to visit.

22 Q All right. So you tell David, this good friend of
23 yours who looks out for you, who holds you down, everything
24 that just happened to you; right?

25 A The night before, yes.

1 Q Within that, you know, that night when you were
2 there, you know, early in the morning hours, you tell him
3 everything that happens to you; right?

4 A Yes.

5 Q He didn't pick up the phone and call 911, does he?

6 A No.

7 Q He didn't get you in the car and drive you to the
8 emergency room, did he?

9 A No.

10 Q You don't even go to a Quick Care or anything, do
11 you?

12 A No.

13 Q Okay. No medical attention whatsoever?

14 A No.

15 Q Basically he kind of knows, well, I guess that's
16 your lifestyle. You've got somewhere to sleep if you need it;
17 right?

18 A I guess so.

19 Q Okay. And then you bring a couple friends with
20 you -- or a couple acquaintances with you; right?

21 A Correct.

22 Q Or at least two other people who are in the game;
23 right?

24 A Correct.

25 Q And so -- and said that there was a person named

1 Shaylin there?

2 A Yes.

3 Q A girl?

4 A Yes.

5 Q Right. And that's not her real name though?

6 A I don't know what her real name. That was a --

7 Q Was that her nickname?

8 A I'm not sure. That was probably the first time I
9 met her.

10 Q Okay. And so this girl Shaylin is there and she
11 kind of sees you guys, as well?

12 A She's there, yes.

13 Q Okay. So basically David has a conversation with
14 you regarding like, hey, you can stay, you're more than you're
15 welcome to stay; right?

16 A Correct.

17 Q But your friends, they've got to go?

18 A Yes.

19 Q Right? And you make the choice to go with them?

20 A Correct.

21 Q All right. You didn't have to; right?

22 A No.

23 Q You're out -- you were like in your little safe
24 place?

25 A Yes.

1 Q You could have stayed there if you wanted?

2 A Yes.

3 Q Let them fend for themselves?

4 A Correct.

5 Q But you didn't do that?

6 A No.

7 Q Kind of stuck with them?

8 A Yes.

9 Q Right? So they go -- you guys all decide to go back
10 to Black's?

11 A Yes.

12 Q The South Cove; right?

13 A Yes.

14 Q Because Black's your homey?

15 A Yes.

16 Q I mean, you're down with Black; right?

17 A Yes.

18 Q I mean, you know, you've done work for Black; right?

19 A Yes.

20 Q So, you know, basically it was like, hey, I'm going
21 to go with Black, he's going to look after me; right?

22 A Yes.

23 Q Plus you want to tell Black how Christina was kind
24 of fuckin' up on him; right?

25 A Correct.

1 Q Because, after all, she chose up with another nigga;
2 right?

3 A Correct.

4 Q And Black needed to know that; right?

5 A Yes.

6 Q Okay. So you had a couple reasons why you wanted to
7 go to South Cove?

8 A I guess so, yes.

9 Q All right. So you get to the South Cove; right? Do
10 you remember that?

11 A Yes.

12 Q Okay. And you tell the police you get to the South
13 Cove and then, you know, you get into the room. The room's
14 open and the girls take a shower. Do you remember telling
15 them that in your statement of May 21st?

16 A No.

17 MR. CANO: Okay. Court's indulgence, Your Honor.
18 I'll move forward -- I'll move forward, Your Honor. My
19 apologies.

20 BY MR. CANO:

21 Q Okay. I think you told the police that the girls
22 were going to get ready because they were going to go out on
23 the streets?

24 A Yes.

25 Q Right? So they were like -- and so you got into

1 Black's apartment and that was 222?

2 A Eventually, yes.

3 Q Okay. Now, before we move forward from that point I
4 want to go back a little bit to the Hard Rock. Do you
5 remember when Romeo was telling Victoria that she needed to go
6 prostitute herself, things like that?

7 A Yes.

8 Q Right? They weren't going to get you to prostitute;
9 right?

10 A They said to get the money.

11 Q They said, get the money to you. They -- now, Romeo
12 was saying get the money?

13 A No.

14 Q D-Roc was telling you to get money?

15 A Yes.

16 Q What was D-Roc telling you to get money for?

17 A The money that I supposedly owed.

18 Q But I thought that was all cleared up, that there
19 was no money owed?

20 A There never was money owed.

21 Q That was settled way long before you guys even got
22 together; right?

23 A I'm confused.

24 Q I'm confused, too. Because you testified that there
25 was no money owed.

1 MR. DiGIACOMO: Well, I object, Judge.

2 THE COURT: Sustained.

3 BY MR. CANO:

4 Q Okay. You've testified earlier that that was
5 settled, that whatever pretext of what happened in April was
6 over, was settled. You talked to him, you guys settle things
7 out, there was never any money owed. And basically you
8 started having sex with him again. Do you remember all that?

9 A One time.

10 Q Right. So all that stuff was even settled before
11 anything -- before you even talked to him in May; correct?

12 A Correct.

13 Q So there was never any money owed?

14 A There never was.

15 Q Right. But you're saying Domonic was asking to go
16 make money?

17 A Yes.

18 Q But he never gave you any works to go make money?

19 A No.

20 Q Okay. And that had nothing to do with what Romeo
21 was doing with Christina and Victoria?

22 A No.

23 Q That was separate?

24 A Yes.

25 Q Okay. Now, and you weren't going to hoe; right?

1 A No.

2 Q Because you're no hoe?

3 A No.

4 Q You told the police that?

5 A Yes.

6 Q Right? Several times. You're a hustler, you're a
7 drug dealer, but you're not a hoe?

8 A Correct.

9 Q Right? And Domonic, he's not your pimp?

10 A No.

11 Q Okay. He never was your pimp?

12 A No.

13 Q And he never asked you to prostitute yourself?

14 A He to get the money.

15 Q Get money. He didn't tell you, go prostitute
16 yourself for money?

17 A No.

18 Q Okay. All right. Now, so now we're back over at
19 the South Cove; okay?

20 A Okay.

21 Q All right? So Black, the one with the long goatee,
22 comes with Demarco; right?

23 A Yes.

24 Q And the girls are inside getting showered, getting
25 ready?

1 A No.

2 Q The girls aren't inside?

3 A No.

4 Q Okay. Well, at some point in time you guys go into
5 Room 222?

6 A Correct.

7 Q Right? Okay. Now, you tell -- I believe you
8 testified that you -- when you get there you have to go up to
9 some guy named Cortez?

10 A Correct.

11 Q You try to get a hold of people because the room was
12 locked?

13 A Yes.

14 Q Right? Okay. But you didn't tell that to the
15 police on May 21st, you actually told that to them on the
16 24th?

17 A I'm not sure.

18 Q Okay. But you do remember telling them that -- to
19 the police at one point in time; right?

20 A I believe so.

21 Q Okay. Now, you go upstairs to Cortez to try to get
22 a hold of people, you eventually get into Room 222?

23 A Yes.

24 Q Right? Now, when you're in Room 222, the girls,
25 they clean up, they shower up?

1 A No, not yet.

2 Q Not yet?

3 A No.

4 Q Okay. You're inside of Room 222, the girls are just
5 hanging out there with you?

6 A We just walked in and sat down.

7 Q Okay. Who's doing drugs at this point in time?

8 A Nobody.

9 Q Nobody yet?

10 A Nobody.

11 Q Did you see anybody take any drugs while they were
12 in Room 222?

13 A No.

14 Q Okay. While they're sitting down there Demarco and
15 Black are there, as well?

16 A Yes.

17 Q Okay. And you want to tell Black what was going on
18 with Christina?

19 A Correct.

20 Q But you didn't want to do it in front of her?

21 A No.

22 Q You wanted to do that outside of her presence?

23 A Not at first. At first I didn't even want to tell
24 him. I gave her the opportunity to tell him.

25 Q Okay. So you told Christina you better come

1 straight with Black?

2 A Correct.

3 Q Because if you don't, I will?

4 A Correct.

5 Q And she didn't?

6 A Correct.

7 Q So you were going to do it?

8 A Yes.

9 Q But you weren't going to do it in front of her?

10 A No.

11 Q So these girls are getting ready to go prostitute, I
12 guess?

13 MR. DiGIACOMO: Well, objection. That assumes a
14 fact completely not in evidence.

15 THE COURT: Sustained.

16 MR. CANO: Well, I'm asking. Okay. I'll ask a
17 question.

18 BY MR. CANO:

19 Q You told the police that they were getting showered
20 to go out to the casinos.

21 A They were going to.

22 Q They were going to get showered to go to the
23 casinos?

24 A Yes.

25 Q Okay. Do you know what they were going to do at the

1 casinos?

2 A No.

3 Q Okay. So you don't know what they were going to do.

4 They were just going to shower and get out of there; right?

5 As far as you knew.

6 A Victoria was going to go to work.

7 Q Did Victoria tell you she was going to work?

8 A She said she was going to go get showered to go the
9 casino to make some money.

10 Q Okay. So you took as that she was going to go work?

11 A Correct.

12 Q Okay. And at this point in time Romeo wasn't in the
13 room?

14 A No.

15 Q And Domonic wasn't in the room?

16 A No.

17 Q No one told her, shower up and go -- go to work;
18 right?

19 A Right.

20 Q She was only with you and Christina; right?

21 A And Black and Demarco.

22 Q Black and Demarco. So at some point in time she
23 makes the decision to shower up and go to work?

24 A I'm not sure about that. She hadn't showered when I
25 left.

1 Q Okay. So you make some kind of excuse to kind of
2 leave with the guys; right?

3 A Yes.

4 Q Because, you know, you want to get some cigarettes
5 or you want to get some clothes, something like that?

6 A Cigarettes.

7 Q Right. Okay. But in reality what you wanted was to
8 have some alone time so you could tell Black what was really
9 going on?

10 A Both. I wanted cigarettes, and I needed to talk to
11 him.

12 Q Okay. Now, why do you need to talk to Black if
13 Demarco was the one who had fronted her the works?

14 A Because it was Black's work.

15 Q Okay. So Black and Demarco were pretty much
16 together?

17 A They're relatives.

18 Q Well, they're cousins. But business, businesswise?

19 A I don't know what they did businesswise.

20 Q So how do you know it was Black's work? I thought
21 you said Demarco gave her the work.

22 A Demarco did give her the work.

23 Q But he got the works from Black?

24 A Correct.

25 Q So Black's work originally.

1 A Yes.

2 Q So the food chain goes up to Black?

3 A It was Black's work, and when he went to jail
4 Demarco had it, so he gave it to Christina.

5 Q Okay. So, if I'm understanding you correctly, Black
6 had the works, he was away, so he put Demarco in charge of his
7 works, and then Demarco gave it to Christina?

8 A Yes.

9 Q So there is kind of a food chain with Black being at
10 the top of that.

11 A I guess so.

12 Q Okay. So you wanted to tell them what was going on,
13 so you got out of there.

14 A Yes.

15 Q And you happened to be gone for 45 minutes to get
16 cigarettes?

17 A We went to go get his car, too.

18 Q Okay. And that was Demarco's car?

19 A Yes.

20 Q Okay. So -- and during that interim is when you
21 tell Black what was going on with Christina?

22 A Correct.

23 Q That she was fucking up on him?

24 A Correct.

25 Q And how she chose up with someone else?

1 A Correct.

2 Q All right. That didn't make Black too happy, did
3 it?

4 A That she messed up his money, no.

5 Q He was pretty upset about that?

6 A Yeah.

7 Q Okay. And you told him who she chose up with,
8 didn't you?

9 A Yeah.

10 Q That was Romeo, wasn't it?

11 A Yes.

12 Q Okay. Because she did that in front of you; right?

13 A Correct.

14 Q Black didn't like that, either; right?

15 A I'd assume that.

16 Q Okay. I mean, that's money he's losing from his
17 pocket; right?

18 A He already lost it.

19 Q He already lost it, plus future income from her if
20 she's with someone else; right?

21 A Not necessarily.

22 Q Okay. In any case, he wasn't happy about it?

23 A Probably not.

24 Q Okay. So then you happen to come back, and then
25 these girls are gone?

1 A Correct.

2 Q All right. Now, you said their clothes were still
3 there.

4 A Yes.

5 Q And the room kind of like in a bit of a disarray?
6 Is that a fair description of it?

7 A Yes.

8 Q Okay. And like even their flip-flops or their shoes
9 were there?

10 A Victoria's, yes.

11 Q Okay. You don't know who -- you weren't present, so
12 you don't know who came while you were gone?

13 A No.

14 Q Okay. Now, so basically at kind of that point in
15 time you're separated from the girls, you're no longer with
16 them or in the same group with them.

17 A Correct.

18 Q Right? Now you're with Black and Demarco --

19 A Yes.

20 Q -- right? And so you guys get into -- is it Black's
21 car, or Demarco's car?

22 A We got into the Suburban.

23 Q So is that Black's, or Demarco's?

24 A Black's.

25 Q So you get into Black's car, and you're like, let's

1 go look for Romeo; right?

2 A After we came back.

3 Q After you came back from going to get cigarettes,
4 they're not there. The girls aren't there; right?

5 A It was only me and Demarco.

6 Q It was only you and Demarco.

7 A Correct.

8 Q All right. But at some point in time you're at the
9 South Cove, at some point in time from the South Cove you meet
10 up with Black?

11 A He comes back.

12 Q He comes back to South Cove?

13 A Yes.

14 Q So you and Demarco sit there and wait for Black?

15 A Yes.

16 Q And when Black comes, then you get into his SUV or
17 Suburban?

18 A Yes.

19 Q And then you go down looking for Romeo?

20 A We, yes, end up at the Sportsman.

21 Q Over at the Sportsman's; right?

22 A Yes.

23 Q And you go there because Romeo spends a lot of time
24 there?

25 A Yes.

1 Q So you figured that's maybe a good point to start
2 looking for him; right?

3 A Yes.

4 Q Okay. And so you get there, and you go into -- into
5 the bar; right?

6 A Yes.

7 Q And you're with Black and with Demarco?

8 A Correct.

9 Q Right? You run into Nicolin. You know Nicolin;
10 right?

11 A Nickel, yes.

12 Q Nickel?

13 A Yes.

14 Q She goes by Nickel; right?

15 A Correct.

16 Q But her real name is Nicolin Broderway.

17 A Okay.

18 Q You don't know her real name?

19 A No.

20 Q Okay. But you know Nicolin is Nickel?

21 A Now, yes.

22 Q Okay. So you run into Nickel; right?

23 A Correct.

24 Q And Nickel kind of tells you something that's
25 interesting; right?

1 A Correct.

2 Q She tells you something that Romeo told her;
3 correct?

4 A Yes.

5 Q That kind of Romeo --

6 MR. DiGIACOMO: Objection. Hearsay.

7 THE COURT: Sustained. You're trying to relay what
8 Nicolin told her what Romeo told Nicolin; right?

9 MR. CANO: Well, I'm trying to relate what Romeo had
10 said to Nicolin or what her understanding of the situation
11 was.

12 MR. DiGIACOMO: That would be hearsay.

13 MR. CANO: Yeah, Your Honor. But, according to the
14 State, it's part of some great conspiracy. Isn't it part of
15 the conspirator --

16 MR. DiGIACOMO: The statement by Nicolin isn't a
17 statement of a coconspirator. The statement by Romeo is
18 clearly a statement by a coconspirator, but you can't
19 establish that through Nicolin.

20 MR. CANO: And I'm referring to the statement of
21 Romeo.

22 MR. DiGIACOMO: You can ask Nicolin when she's here.

23 THE COURT: I'm sustaining the objection. Nicolin
24 will be here.

25 BY MR. CANO:

1 Q Okay. So, to your knowledge, is there some kind of
2 a bounty on you?

3 A Not bounty. Not if you would use the word "bounty."

4 Q Okay. So it's not a bounty. To your knowledge, was
5 Nicolin supposed to beat you up?

6 A Correct.

7 Q Okay. But she didn't.

8 A No.

9 Q And you didn't get into a fight with her?

10 A No.

11 Q Okay. As a matter of fact, you actually pulled her
12 out of the bar at a later point in time; right?

13 A Correct.

14 Q You kind of grabbed her by the hair, and you drag
15 her out, outside of that bar; right?

16 A Correct.

17 Q And you kind of showed her where Romeo was laying on
18 the ground; right?

19 A Yes.

20 Q And you said, that's that nigga that paid you to
21 give me -- you know, to beat me up; right?

22 A Yes.

23 Q Kind of shoved it in her face; right?

24 A They were like 30 feet away.

25 Q But I'm saying you were kind of doing that for

1 Nicolin. You dragged her out of the bar by her hair and
2 showed her Romeo, who was beat up on the ground; right?

3 A Correct.

4 Q To kind of show Nicolin to her face, that's that guy
5 that's like with you or chose up with you or something to that
6 effect; right?

7 A I guess so, yes.

8 Q Kind of like a victory dance for you, in a sense;
9 right?

10 A No.

11 Q Okay. Now, let's go back a little bit here. You're
12 at the bar. You're looking for Romeo; right?

13 A Black's looking for Romeo.

14 Q Black's looking for Romeo, and you're with Black.

15 A Yes.

16 Q And Demarco's with you, too?

17 A Yes.

18 Q Right? And they find him?

19 A Yes.

20 Q Right?

21 A Yes.

22 Q Okay. And Romeo's there, and Black's asking him
23 something; right?

24 A Yes.

25 Q And don't tell me what he said, but Romeo kind of

1 just runs; right?

2 A He took off.

3 Q He took off. Does that mean he ran?

4 A Yes.

5 Q Okay. And so Black catches up with him, doesn't he?

6 A Yes.

7 Q Okay. And so does Demarco?

8 THE COURT: Mr. Cano, can you hang on a minute,
9 please.

10 MR. CANO: Sure.

11 (Pause in the proceedings)

12 THE COURT: Cliff, can you approach, please.

13 (Off-record bench conference - Court and Marshal)

14 THE COURT: Ladies and gentlemen --

15 Cliff, hang on. Cliff. We're going to take our
16 lunch recess. Take the jury down. Use these elevators here.

17 THE MARSHAL: Okay.

18 THE COURT: All right. Ladies and gentlemen, we're
19 going to take our lunch recess at this time. During this
20 recess it is your duty not to converse among yourselves among
21 yourselves or with anyone else on any subject connected with
22 this case, or to read, watch, or listen to any report of or
23 commentary on the trial by any person connected with the trial
24 or by any medium of information, including, without
25 limitation, newspaper, television, radio, or the Internet.

1 You're not to form or express an opinion on any subject
2 connected with this case until this matter is submitted to
3 you.

4 Cliff, escort the jury out for their lunch.

5 (Jury recessed at 11:54 p.m.)

6 MR. PIKE: I'm sorry, Your Honor. 1:00, or 1:30?

7 MR. DiGIACOMO: We missed the time. What time did
8 you say?

9 THE COURT: 1:00 o'clock.

10 MR. DiGIACOMO: 1:00 o'clock. Okay.

11 THE COURT: But hang on just a minute.

12 I don't know if you want to speak with Ms. Estores,
13 Mr. DiGiacomo, if you need to, or you can just tell her to go
14 in that side room there.

15 MR. DiGIACOMO: No. We're fine with her. I think
16 Mr. Lalli is outside attending to Mr. Parker.

17 THE COURT: Okay. Just waiting for her to leave.

18 MR. DiGIACOMO: Oh. Ms. Estores, if you can --

19 THE COURT: Go on outside and have your lunch.

20 THE WITNESS: Yes.

21 THE COURT: All right. Thank you.

22 We're outside the presence of the jury panel and the
23 last witness. When I stopped the proceedings there was -- it
24 appeared to be a Caucasian gentleman that was in the -- right
25 in front of the double doors here.

1 MR. DiGIACOMO: Caucasian?

2 THE COURT: I thought he was Caucasian. Maybe I'm
3 wrong.

4 MR. DiGIACOMO: Then that's not Mr. Parker.
5 He just said a Caucasian male.

6 THE COURT: He's not? I mean --

7 MR. DiGIACOMO: I'm sorry.

8 THE COURT: Yeah. I couldn't see him. He --

9 MR. DiGIACOMO: Well, I believe it was a witness of
10 ours by the name of David Parker. I don't know if Mr. Lalli
11 just went and --

12 MR. LALLI: I just spoke to him. He's not feeling
13 well, and what he -- what he just told me he was trying to do
14 was to get somebody's attention in here that if he had to go
15 use the restroom or he had to go be ill, he didn't want
16 anybody to think that he had left. He was just trying to get
17 somebody's attention in here.

18 THE COURT: All right. That's fine. And the reason
19 why I stopped the proceedings, defense counsel, was I --
20 looked like he was making some hand gestures, and I was
21 concerned that maybe he was gesturing to the witness. You
22 guys can inquire upon that, and if it's their witness who was
23 trying to get everyone's attention because he's sick, so be
24 it. But I just wanted to bring that to your attention, both
25 sides' attention. It wasn't clear to me, you know, who he was

1 and what he was doing. And the marshal told me it appeared
2 that he was outside perhaps going to throw up, and we didn't
3 want the jury to go walking by him as he was throwing up. So
4 that's why the jury went out the back.

5 Anything by the State on that issue?

6 MR. DiGIACOMO: No, Judge.

7 THE COURT: Anything by the defense on that issue?

8 MR. PIKE: No, Your Honor.

9 THE COURT: Okay. We'll see you back at 1:00.

10 MR. DiGIACOMO: All right. Thank you, Judge.

11 (Court recessed at 11:57 a.m., until 1:12 p.m.)

12 (In the presence of the jury)

13 (Pause in the proceedings)

14 THE MARSHAL: Please remain seated and come to
15 order. Department 17 of the Eighth Judicial District is again
16 in session. The Honorable Judge Michael Villani is presiding.

17 THE COURT: Thank you. Ms. Estores, you are still
18 under oath.

19 THE WITNESS: Correct.

20 THE COURT: All right. Go ahead, Mr. Cano.

21 MR. CANO: Thank you, Your Honor.

22 CROSS-EXAMINATION (RESUMED)

23 BY MR. CANO:

24 Q Before I forget, I wanted to cover something that I
25 think I forgot to cover a little bit earlier. I want to go

1 back to when you were at David Parker's house.

2 A Okay.

3 Q Okay. Do you remember you were over there with him
4 and you were telling him what had happened to you and you
5 spent the night there -- or the day there?

6 A Correct.

7 Q Okay. While you were there you also -- you smoked
8 another blunt while you were with him?

9 A I'm not sure.

10 Q You're not sure? Do you remember telling the police
11 officers on May 24th when you gave that statement that you
12 smoked a blunt?

13 A I'm not sure.

14 Q Okay. Would it help to refresh your recollection if
15 you reviewed that statement?

16 A Sure.

17 Q All right.

18 MR. CANO: If I could approach, Your Honor?

19 THE COURT: Yes.

20 MR. CANO: On page 64, counsel, May 24th.

21 BY MR. CANO:

22 Q Go ahead. And this little corner right here, read
23 that whole thing to yourself.

24 MR. DiGIACOMO: Page 24 of the 24th, counsel?

25 MR. CANO: Page 64.

1 MR. DiGIACOMO: Oh, 64.

2 BY MR. CANO:

3 Q Does that help to refresh your recollection of what
4 you told the police?

5 A Yes.

6 Q Okay. You told the police that, those two bitches
7 were coming down off of drugs, right?

8 A Correct.

9 Q And that you knew you crashed, you smoked a blunt,
10 right?

11 A Yes.

12 Q And that you always drank, and you remember having
13 some wine?

14 A Correct.

15 Q Okay. And that was while you were at David Parker's
16 house?

17 A Yes.

18 Q All right. Now, let's get back to where we left off
19 before we had the lunch break.

20 We're at the Sportsman's. Okay? And you're there
21 with Demarco and Black, the one with the long goatee.

22 A Okay.

23 Q All right? They're looking for Romeo, correct?

24 A Right.

25 Q And you're with them. And you -- and actually,

1 Black spots him?

2 A Yes.

3 Q And Romeo runs, or leaves the area?

4 A Yes.

5 Q Correct? And Black goes after him?

6 A Yes.

7 Q Okay. I'm going to show you what's been marked as
8 State's Exhibit 108, the topographical map of Sportsman's.
9 You recognize that, right?

10 A Yeah.

11 Q Okay. I know it's kind of hard to see. But you can
12 see that there's like -- some of the tops have gray buildings
13 -- or are gray; would you agree with me?

14 A On this side over here?

15 Q Well, I'll put my finger on here. Like these?

16 A Yes.

17 Q These structures, whatever they are?

18 A Yes.

19 Q Would you agree with that, that that's gray tops on
20 top of there?

21 A Yes.

22 Q And then there's other smaller ones that are like
23 white?

24 A Yes.

25 Q Right? And I believe you had testified earlier that

1 this structure right here was the bar and the mini-mart, all
2 kind of put together?

3 A I think so, yeah.

4 Q All right. And that this white structure on top of
5 it was kind of like where the gas pumps were?

6 A Yeah, I thought it was, but I can't be sure.

7 Q Okay, you're not sure.

8 A Now it looks like -- the white ones look like the
9 carports.

10 Q The [inaudible]?

11 A Carports.

12 Q Carports. That's what I was going to actually ask
13 you next. These white things, like these vertical white lines
14 and things like that, they're carports, kind of like -- just
15 little white roofs where you can park your car underneath
16 here, right?

17 A Correct.

18 Q So other than the structure that holds it up itself,
19 there's nothing making -- obstructing the views from those
20 point of views, correct?

21 A No.

22 Q And right here in this area, those white structures
23 there, those are all carports?

24 A Yes.

25 Q Right? And then in between the carports, there's

1 areas to park your car as well?

2 A Yes.

3 Q Right? And that butts up into where my finger is,
4 and hopefully I don't obstruct it, right there, looks like
5 some type of round, green structures?

6 A Yes.

7 Q Would you agree with me that those are maybe the top
8 of some shrubbery or some trees, something like that?

9 A It appears to be.

10 Q Okay. And that pool, is that -- I think you
11 testified earlier, that little blue area, that's the pool,
12 correct?

13 A Yes.

14 Q Okay. Now, and you're aware that there are cameras
15 over by the bar area of the Sportsman's?

16 A Yes.

17 Q And out by the mini-mart area as well?

18 A Yes.

19 Q Okay. And the fight that occurred between Black and
20 Romeo, that was here in this parking lot area, wasn't it?

21 A It was more up-front.

22 Q Why don't you go ahead and touch the screen where
23 you think it happened.

24 A Like a little above that.

25 Q Okay. If you touch the screen, I think it will

1 clear it. If you touch the bottom corner.

2 MR. CANO: Thank you, Your Honor.

3 BY MR. CANO:

4 Q Go ahead and point to where you think it happened.
5 Right about there?

6 A Yeah. It actually made it lower than where I
7 pressed it, but in that general area.

8 Q In that general area?

9 Okay. Now, this is where the fight that was going
10 on between Black and Romeo, correct?

11 A Yes.

12 Q Okay. And would it be fair to say a description of
13 the fight was that Black beat Romeo down?

14 A Yes.

15 Q Romeo didn't fight him back?

16 A I don't think so.

17 Q Okay. As a matter of fact, you were there while
18 this was going on, right?

19 A Yes.

20 Q You were watching it?

21 A Yes.

22 Q And you were saying things to Black, right?

23 A Yes.

24 Q And you were saying things to Romeo, too?

25 A Correct.

1 Q Right? Things like -- the things you were saying to
2 Romeo that it was PT time, right?

3 A Yes.

4 Q And I think you were also -- you also said the N
5 word?

6 A Yes.

7 Q Right? But with an A, not an R?

8 A Yes.

9 Q Okay. And you also were saying -- telling him to
10 knuckle-up?

11 A Yes.

12 Q Right? And you were telling Black basically to give
13 him PT time, to beat him down?

14 A Yes.

15 Q Right? So, would it be fair to say that you were
16 encouraging Black to put that beating on Romeo?

17 A Most definitely.

18 Q Most definitely? Okay. You were never charged by
19 the State with like inciting a fight, or mayhem, or anything
20 of that nature, were you?

21 A No.

22 Q In this case, ever?

23 A No.

24 Q Okay. Now, this beating goes on for, fair to say
25 about ten minutes?

1 A That's too long.
2 Q Too long?
3 A Yes.
4 Q Five minutes?
5 A Maybe.
6 Q Maybe five minutes?
7 A Yes.
8 Q And fair to say that Black kept beating on Romeo
9 until Romeo was unconscious?
10 A No.
11 Q Or passive?
12 A No.
13 Q He was not passive?
14 A No.
15 Q Was he laying on the ground?
16 A Yes.
17 Q Was he crying?
18 A No.
19 Q He wasn't crying at all?
20 A No.
21 Q Okay. Was he moaning from the blows that he was
22 getting?
23 A I'm not sure.
24 Q You don't remember that?
25 Okay. Did he stay on the ground?

1 A I think so.

2 Q Okay. There wasn't a point in time when the fight
3 was going on that -- after he was on the ground, that he got
4 back up, was there?

5 A I'm not sure.

6 Q You didn't stick around for that?

7 A No, I'm not sure if that happened.

8 Q Okay. For the five minutes that you were observing
9 this fight, how quickly did Romeo get to the ground -- or was
10 beaten into the ground?

11 A After the first minute or so.

12 Q After the first minute?

13 A Yes.

14 Q So, he's standing up?

15 A He was running.

16 Q He was running. Black catches up to him. I want to
17 make sure we got this right. He's running from Black, and
18 Black catches up to him?

19 A Yes.

20 Q And starts hitting him with a closed fist?

21 A He pulled him back --

22 Q He grabbed him first --

23 A -- and turned him around.

24 Q -- and then hit him with a closed fist?

25 A Yes.

1 Q And he kept punching him with a closed fist?
2 A Yes.
3 Q And he kept punching him until Romeo was on the
4 ground?
5 A Yes.
6 Q And he kept punching him on the ground? While Romeo
7 was --
8 A Yes.
9 Q -- on the ground?
10 A Yes.
11 Q And kept kicking him?
12 A Started to kick him, yes.
13 Q And started kicking him, right?
14 A Yes.
15 Q And at that area that pointed out on the screen
16 there, right?
17 A Yes.
18 Q And you were there?
19 A Yes.
20 Q And Demarco was there?
21 A Yes.
22 Q Demarco jump in on that, too?
23 A He kicked him.
24 Q Demarco started kicking him, too?
25 A He went to kick him, and he fell.

1 Q He went to kick him, and who fell? Demarco fell?

2 A Demarco.

3 Q So, he missed?

4 A Yes.

5 Q So basically, he swung and missed?

6 A Yeah.

7 Q But he was trying to kick Romeo while he was on the
8 ground?

9 A Yes.

10 Q And -- but Black didn't miss?

11 A No.

12 Q He kept punching him and kicking him, right?

13 A Yes.

14 Q And Romeo, would it be fair to say, was like in a
15 curled-up position?

16 A Eventually, yes.

17 Q Eventually? So, at first he wasn't, but as he was
18 getting pummeled, kicked, and punched, then he ended up
19 curling up?

20 A Yeah.

21 Q And you didn't see him get up from that position?

22 A I don't think so.

23 Q Okay. And this went on for about five minute you
24 said?

25 A Yes.

1 Q Okay. And Domonic wasn't there?

2 A No.

3 Q Domonic didn't participate in anything with the
4 beating to do with Romeo at all?

5 A No.

6 Q Okay. And then after this beating happens and
7 you're shouting -- you didn't punch or kick Romeo?

8 A No.

9 Q But you're right next to where the fight is going
10 on?

11 A No, I was a ways away.

12 Q How far away?

13 A I was at the bar where the walkway is. There's a
14 railing right there. I was standing at the railing.

15 Q You're standing at the railing?

16 A Yeah.

17 Q But you could see what was going on?

18 A Yeah.

19 Q It was like right in front of you?

20 A It was about from here, to past the wall, just a
21 little past the wall. Maybe to the next door.

22 MR. CANO: I don't know if we have measurements in
23 the court, Your Honor, for the record.

24 THE COURT: Unfortunately, we haven't done that.

25 MR. CANO: We haven't done that? Okay.

1 BY MR. CANO:
2 Q Fair to say 30 feet?
3 A Yeah.
4 Q Okay. So, about 30 feet away?
5 A Yes.
6 Q Right. And you're yelling at the top of my lungs?
7 A I'm yelling.
8 Q Right?
9 A Yes.
10 Q Both to Black and to Romeo?
11 A To Romeo.
12 Q To Romeo?
13 A Yes.
14 Q But also to Black? You're encouraging black, you
15 said?
16 A Yeah.
17 Q Okay. And then you leave the area, right?
18 A Yes.
19 Q Because you didn't want the cops to come and pick
20 you guys up for just beating up Romeo?
21 A Yes.
22 Q And you're part of Black's crew at that time?
23 A No.
24 Q Well, you're with Demarco and Black, right?
25 A Yes.

1 Q All right. You hadn't chosen up with Black?

2 A No.

3 Q But you were riding with him?

4 A Yes.

5 Q Right? And you had been riding with him since the
6 South Cove, right?

7 A Right.

8 Q And you rode with them from the South Cove to the
9 Sportsman's?

10 A Right.

11 Q Okay. And you left the Sportsman's with them,
12 right?

13 A Right.

14 Q So, you all came together and you all left together?

15 A Right.

16 Q And you were all looking for Romeo then?

17 A Right.

18 Q Okay. And you didn't -- and none of the three of
19 you wanted to get picked up by the police because of this
20 fight?

21 A No.

22 Q Okay. Now, you go from there and you stay with --
23 okay.

24 Now, before we move on from there, as this was all
25 going on at some point in time, you went -- after Romeo was on

1 the ground, that's when you went and grabbed Nicolín -- or
2 Nickel, right?

3 A After he was on the ground?

4 Q Well, Romeo was on the ground getting beaten up by
5 Black, right?

6 A Yeah.

7 Q At some point in time while that's going on, you
8 went in and grabbed Nicolín by her hair and dragged her
9 outside?

10 A She -- she actually came out with me.

11 Q She came -- oh, so she was standing next to you?

12 A Yeah, she was.

13 Q Okay. So, as this is going on, fair to say, after
14 the fight was kind of going towards the end of it is when you
15 grabbed Nicolín by her hair and dragged her over to where
16 Romeo was laying down?

17 A I didn't drag her over there. I just turned her in
18 that direction. Because we didn't -- I didn't go to where the
19 fight was. We stayed where we were.

20 Q Oh, so you just grabbed her from where you were at,
21 grabbed her by her hair --

22 A And turned her towards the fight.

23 Q And said, see, that's that guy that paid you to beat
24 me up?

25 A Yes.

1 Q All right. Now that we're talking about Nicolin,
2 did you tell that -- Nicolin that Trey was involved in any of
3 this situation?

4 A I'm not sure.

5 Q You may have told her that?

6 A I'm not sure.

7 Q Okay. Did you tell Nicolin that the whole incident
8 about the girls missing, that whole thing, was about Trey,
9 money that was owed to Trey, and that Trey knew about this?
10 Do you remember talking to Nicolin about that?

11 A No.

12 Q You don't recall that?

13 A No.

14 Q So, are you saying you don't recall it, or are you
15 saying you never said that to her?

16 A No, I'm saying I don't recall it.

17 Q Okay. But you may have said that to her?

18 A I could have said it to her.

19 Q Okay. So, to your knowledge, at that point in time,
20 you believe possibly that Trey may have been involved, or had
21 something to do with money owed to Trey?

22 A No.

23 Q Okay. Now, Nicolin worked for Trey, didn't she?

24 A I'm not sure.

25 Q Okay. Did you know that Nicolin sold works?

1 A I know she did it. And most do it and sell it, so.

2 Q I'm sorry?

3 A I said, I know that she did it, but I didn't know if
4 she did it and sold it. Like --

5 Q Okay. So, you've seen Nicolín take drugs?

6 A Yes.

7 Q Hard and soft?

8 A Just hard.

9 Q Which is crack?

10 A Yes.

11 Q So, Nicolín would smoke crack, and she did that in
12 front of you?

13 A Yes.

14 Q All right. And you would see Nicolín at the bar, at
15 the Sportsman's?

16 A Yeah.

17 Q And you would see her there quite often?

18 A Yes.

19 Q I mean, she hung out there a lot?

20 A Yeah.

21 Q Kind of like you hung out there a lot too, right?

22 A Yeah.

23 Q So, you would keep running into her?

24 A Yeah.

25 Q All right. And you -- and how often would you see

1 her use drugs?

2 A I have only seen her use it a couple of times.

3 Q Okay. Would you say that you saw her use alcohol?

4 A Yes.

5 Q At the bar?

6 A Yeah.

7 Q And outside the bar?

8 A No.

9 Q Just at the bar?

10 A Yeah.

11 Q Okay. And she would drink a lot too, wouldn't she?

12 A I'm not sure.

13 Q Okay. Would it be fair to say that Nicolin was
14 either high or drunk when you would run into her?

15 A Probably.

16 Q Okay. And that would be on a daily basis, or
17 however many times that you would run into her, right?

18 A Yes.

19 Q Okay. And so you had several conversations with
20 her?

21 A Yes.

22 Q All right. And some of the conversations that you
23 had with her were regarding Victoria and Christina?

24 A Victoria mostly.

25 Q Victoria mostly, right?

1 A Yes.

2 Q And that's because Nicolin was associated with
3 Victoria?

4 A Yes.

5 Q Right? Nicolin would call Victoria her wife?

6 A Yes.

7 Q Right? So, they were close?

8 A Yes.

9 Q Right? And so would it be fair to say Nicolin was
10 curious as to what happened to Victoria, where she was at?

11 A Yes.

12 Q And that would have been around the time when you
13 told her about Trey's involvement with Victoria?

14 A It could have been.

15 Q Okay. And that this was about money that was owed
16 to him?

17 A I'm not sure.

18 Q Okay. Now, you leave the scene because you don't
19 want to get picked up by the police because of the fight?

20 A Correct.

21 Q Right? And you go from there back to the South
22 Cove?

23 A Yes -- no. We go to Black's house.

24 Q Oh, that's right. He has a house apart from the
25 apartment at the South Cove?

1 A Yes.

2 Q And that was somewhere on the east side?

3 A Yes.

4 Q That's a place you had never been before?

5 A Yes.

6 Q And you felt safe there because you felt that the
7 police wouldn't be able to track you down there?

8 A No.

9 Q Okay. That was the first time you were there?

10 A Yes.

11 Q Okay. And you spent a few hours over there, if I
12 remember right?

13 A Yes.

14 Q All right. Kind of like spent the night, and left a
15 few hours later?

16 A Yes.

17 Q Is that a fair estimation?

18 A Yes.

19 Q You left sometime in the morning?

20 A Yeah.

21 Q Okay. And from there -- from Black's house, that's
22 when you went back to South Cove?

23 A No.

24 Q Where did you go from there?

25 A I went back to the Sportsman.

1 Q Oh, to the Sportsman's. Okay. Now, is that when
2 you went to -- over to your baby daddy's house?

3 A I was on my way there, yes.

4 Q Okay, you were on your way there. And that's when
5 you ran into Ryan?

6 A Yes.

7 Q Right? And then you know Ryan liked Victoria?

8 A Yes.

9 Q Right? And Ryan had been looking for Victoria?

10 A Yes.

11 Q Right? And whatever knowledge Ryan had about this
12 incident was coming from you, right? You were telling Ryan
13 what you knew about --

14 A When he picked me up?

15 Q I'm sorry?

16 A When he picked me up?

17 Q Right.

18 A Not right at the beginning. He was asking me
19 questions.

20 Q And you weren't telling him anything?

21 A No, I told him that I didn't know where she was. He
22 was talking about Victoria.

23 Q Right. He was looking for Victoria, and you were
24 telling him you didn't know where she was?

25 A Yeah.

1 Q Okay. But eventually, you did kind of open up about
2 hanging out with her over the last few days?

3 A Yes.

4 Q And so you told him what you knew so far, right?

5 A When we got back to the house, yes.

6 Q Okay. And you went -- so, did you meet Ryan at the
7 Sportsman's?

8 A I got dropped off at the Sportsman. And when I was
9 walking to my daughter's father's house, he pulled up.

10 Q Okay.

11 A I didn't meet him.

12 Q All right. So, you were going to the Sportsman's to
13 go back to your father's daughter's house, happened to run
14 into Ryan, jumped into his car and then went to his house?

15 A Yes.

16 Q Okay. And that's when he was talking about
17 Victoria?

18 A Yes.

19 Q Right. And you told him what you knew at that point
20 -- up to that point in time?

21 A Yes.

22 Q All right. So, everything that he knew about the
23 situation was based off of your knowledge?

24 MR. DiGIACOMO: Objection, speculation.

25 THE COURT: Sustained.

1 MR. CANO: Okay.

2 BY MR. CANO:

3 Q At that point in time you were telling Ryan
4 everything you knew about the situation?

5 A Up until that point, yes.

6 Q Right. Ryan wasn't with you on Sunday when you were
7 at the South Cove, right?

8 A No.

9 Q With Christine [sic]?

10 A No.

11 Q Ryan wasn't with you on Monday when you were selling
12 drugs all night into Tuesday --

13 A No.

14 Q -- morning, right?

15 A No.

16 Q Okay. Ryan wasn't with you over at the Hard Rock?

17 A No.

18 Q He wasn't with you over at David Parker's house?

19 A No.

20 Q He wasn't with you when you went back to South Cove?

21 A No.

22 Q He wasn't with you when you went back to the
23 Sportsman's?

24 A No.

25 Q He wasn't with you when you went to Black's house?

1 A No.

2 Q And he wasn't with you when you were on your way
3 back to the Sportsman's, right?

4 A No.

5 Q So, he hadn't been with you that whole week?

6 A No.

7 Q Okay. Now, you spent the night with Brian -- or
8 Ryan I mean, right?

9 A At his house, yes.

10 Q At his house, right?

11 A Yes.

12 Q Okay. And actually it wasn't just one night; a
13 couple nights?

14 A Yes.

15 Q Okay. You never made it to your baby daddy's house?

16 A No.

17 Q All right. And that's when -- while you were with
18 Ryan is when you heard the news about a couple bodies that
19 were found out in the desert, right?

20 A Yes.

21 Q And that's when you went to the police to tell them
22 about that?

23 A Yes.

24 Q Okay. And you told the police that there were a
25 couple naked girls that were out in the desert, correct?

1 A Yes.

2 Q And you assumed that they were naked, because you
3 thought the clothes were left back at the South Cove, right?

4 A Yes.

5 Q So, that's why you told them that they were naked?

6 A Yes.

7 Q The police never told you that they were naked?

8 A The news said it was.

9 Q Oh, the news said that they were naked?

10 A Yes.

11 Q Okay. Now, I want to talk to you a little bit about
12 Victoria.

13 A Okay.

14 Q You knew Victoria for a little bit, right?

15 A Yes.

16 Q How long?

17 A About six months.

18 Q About six months?

19 A Yes.

20 Q You knew -- now, you told the police that you didn't
21 know her that well though, right?

22 A Yeah, just "hi" and "bye" kind of.

23 Q Kind of acquaintances?

24 A I knew like -- I knew her name, and I knew who she
25 ran with, but I didn't really sit and conversate with her.

1 Q Okay. But when you went to the police to talk about
2 her, you told them -- you gave them a last name for Victoria,
3 right?

4 A Yeah.

5 Q I think it was Mangini (phonetic), something like
6 that?

7 A Yeah, I got that from Ryan.

8 Q Okay. And you gave a description to the police,
9 right?

10 A Yes.

11 Q You told them she was a white female, right?

12 A Yes.

13 Q Had red hair?

14 A Yes.

15 Q Green eyes?

16 A Yes.

17 Q You said that she was pretty?

18 A Yes.

19 Q Sweet and skinny?

20 A Yes.

21 Q Right? About 5'6, 5'8?

22 A Yes.

23 Q You knew about her tattoo that said "Nickel?"

24 A Yes.

25 Q Okay. You knew that -- you told the police that she

1 didn't have a place to live, that she floated around?

2 A Yes.

3 Q Right? You told the police that she had been a
4 hooker for years?

5 A Yes.

6 Q You told her [sic] that she came in from out of
7 state?

8 A Yes.

9 Q And you kind of knew a little bit about her history?

10 A Yes.

11 Q That she came in with other people, right, from
12 another place and they kind of left her here?

13 A Yes.

14 Q Right? And but when she was out of state, she was
15 also hooking?

16 A That's what she said.

17 Q Okay. You said it was like -- she was like, pulling
18 some tricks in some casinos, but they weren't the casinos that
19 were in Nevada?

20 MR. DiGIACOMO: Judge, I apologize. But I'm going
21 to object to relevance at this point.

22 THE COURT: Mr. Cano?

23 MR. CANO: I'm just going into her -- she's saying
24 that she barely knew her, but she's giving so many details to
25 the police, Your Honor, regarding this person's life. She

1 said she knew her "hi" and "bye."

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

3 MR. CANO: Thank you.

4 BY MR. CANO:

5 Q You told her [sic] that she was pulling tricks in
6 casinos that were not in Nevada, right?

7 A Yes.

8 Q Okay. And you knew that she had been out there for
9 at least a year?

10 A Out where?

11 Q In Nevada, here. Out here in Nevada for about a
12 year?

13 A I believe so.

14 Q Kind of about the same time you kind of hit Nevada I
15 guess, right?

16 A No.

17 Q Okay. You had been here longer?

18 A Yes.

19 Q All right. But you knew that she had been out in
20 Nevada for about a year, right?

21 A I think so.

22 Q Okay. Now, even though -- and you gave all these
23 details to the police, right, when you went to go talk to
24 them?

25 A Yes.

1 Q All right. And Victoria wasn't necessarily your
2 favorite person; is that a fair statement?

3 A No.

4 Q I mean, you had some issues with her yourself,
5 didn't you?

6 A No.

7 Q You don't recall testifying at another trial that
8 you were upset with her because she had some type of
9 relationship going on with Domonic?

10 A I believe so.

11 Q Okay, so you did testify to that earlier, right?

12 A I think so.

13 Q That you were upset and pissed off at Victoria
14 because of what she had going on with Domonic?

15 A I'm not sure.

16 Q You're not sure? Would it help to refresh your
17 recollection?

18 A Sure.

19 MR. CANO: I believe it's page 214 of the second day
20 of the trial transcript. Can I approach, Your Honor?

21 THE COURT: Yes.

22 BY MR. CANO:

23 Q I want you to read from line 15, down, to yourself,
24 please.

25 MR. CANO: And also on page 215, counsel.

1 BY MR. CANO:

2 Q I'll ask you to read the first three lines of that
3 as well.

4 Does that help to refresh your recollection?

5 A Yes.

6 Q So, you were pissed of at Victoria?

7 A I was angry or upset.

8 Q So, you were angry?

9 A Yes.

10 Q Okay. I want to talk to you a little bit about your
11 relationship with Trey, okay?

12 A Okay.

13 Q All right. You said you worked for him? Or you
14 sold works for him?

15 A I purchased work from him.

16 Q Okay. So, you're like an independent dealer, right?

17 A Yes.

18 Q But you would get your supplies from Trey?

19 A Sometimes.

20 Q Sometimes -- one of the people that you got your
21 supplies was Trey?

22 A Yes.

23 Q Okay. I think you also said that he would supply
24 other people as well, right?

25 A Yes.

1 Q Okay. And he supplied Domonic?

2 A Yes.

3 Q Okay. And you knew that because you at one point in
4 time was working with Domonic, right?

5 A Yes.

6 Q Okay. So, both you and Domonic would get your
7 supplies from Trey?

8 A Yes.

9 Q Okay. And there were other people that were working
10 with Trey?

11 A I believe so.

12 Q Jeff? Do you remember Jeff?

13 A Yes.

14 Q You actually I think lived with Jeff and Trey at one
15 point in time, didn't you?

16 A Yes.

17 Q And you were selling drugs while you were living
18 with Jeff and Trey?

19 A Yes.

20 Q Okay. And there was another girl that would come in
21 and out at some point in time, Sarah. Do you remember Sarah?

22 A Yes.

23 Q Sarah Mathews?

24 A Yes.

25 Q That was like Trey -- was that Trey's girlfriend?

1 Or it was -- or was that one of his women that he would like,
2 pimp out?

3 A I don't know about that.

4 Q Okay. Did you know that they had a relationship?

5 A Yeah.

6 Q Okay. A sexual relationship?

7 A Yes.

8 Q Okay. And Sarah, would she sell drugs for Trey,
9 too?

10 A Excuse me?

11 Q Sarah, would she sell drugs for Trey, too?

12 A I'm not sure.

13 Q Okay. But you saw Sarah take drugs when she would
14 come over to visit you guys when you were living together?

15 A I believe so.

16 Q Okay. Was that soft, or hard?

17 A Soft.

18 Q Okay. So, soft would be meth?

19 A Yes.

20 Q Okay. So, what other people were working for Trey,
21 or would he supply?

22 A I'm not sure. That was just the extent of who I
23 knew.

24 Q That's the extent of who you knew?

25 A Yes.

1 Q Okay. Do you know Cat Daddy?

2 A Yes.

3 Q Would Trey supply Cat Daddy?

4 A I don't know about their business.

5 Q You don't know what was going on between him and
6 them?

7 A No.

8 Q Okay. Did you know Cat Daddy to be a D-boy?

9 A Yes.

10 Q So, he sold drugs, too?

11 A Yes.

12 Q Was Cat Daddy also a pimp?

13 A Yes.

14 Q Okay. Did you know Cat Daddy to have a relationship
15 with Victoria?

16 A Yes.

17 Q Okay. So, at one point in time, he was Victoria's
18 pimp?

19 A Yes.

20 Q Okay. Did you know Trey to have a relationship with
21 Victoria?

22 A No.

23 Q Okay. So, you're not aware of whether or not Trey
24 was with Victoria?

25 A Like, in a relationship?

1 Q Yeah.

2 A No.

3 Q Okay. What about Christina? Did she sell drugs for
4 Trey?

5 A Not that I knew of.

6 Q Not that you knew of? But you knew she sold drugs
7 for Demarco or for Black, right?

8 A Yes.

9 Q Okay. And that at some point in time she shows up
10 with Romeo?

11 A Yes.

12 Q Okay. Would it be fair to say that Trey was kind of
13 like a -- a boss, or kind of like a -- you know, over other
14 people that were selling drugs for him?

15 A No, not a boss.

16 Q How would you describe him?

17 A He was a connect.

18 Q A connect?

19 A Yeah.

20 Q Okay. That's kind of higher up the food chain than
21 like say a seller, right?

22 A It could be, or it could just be -- a connect could
23 just be somebody that you pick up from.

24 Q Okay. Would you ever describe it as a shock collar?

25 A No.

1 Q Okay. Did you ever know Trey to have people do
2 dirty work for him?

3 A No.

4 Q Okay. Did you ever know a person named Jay?

5 A No.

6 Q No? Okay.

7 Now, I want to talk to you about Corrina Phillips
8 and Lynn Nagel. You knew them?

9 A I knew of them.

10 Q Have you met them before?

11 A Before now?

12 Q Well, actually, during the time in question here,
13 April or May of 2006?

14 A I heard about the two girls, but I didn't kick it
15 with them or anything like that.

16 Q So, by kick it with them, you mean you didn't like
17 hang out in their apartment?

18 A I think I went there once.

19 Q Okay. And that was at the Sportsman's?

20 A Yeah.

21 Q So, you knew -- you had met them at least -- at one
22 point in time at the Sportsman's sometime during April or May?

23 A Yes.

24 Q Of 2006?

25 A Yes.

1 Q Right? Okay. Did you know them to use drugs?

2 A Yes.

3 Q Okay. Did they do drugs in front of you?

4 A I'm not sure.

5 Q Did you sell them drugs?

6 A I'm not sure.

7 Q Okay. Did you know them to sell drugs?

8 A I don't think so.

9 Q Okay. But you knew them to have like a relationship
10 with each other?

11 A Yes.

12 Q All right. Were they known at the Sportsman's as
13 like the lesbians?

14 A Yes.

15 Q Okay. So, that's kind of how you knew them, right?

16 A Of them, yeah.

17 Q Right. And they were the ones that -- remember back
18 in Henderson when we were back in court? Remember that --

19 A Yes.

20 Q -- time frame? They were there too, weren't they?

21 A Yes.

22 Q And they were like with you, going to testify at
23 that preliminary hearing, right?

24 A Yes.

25 Q And they were the ones that you were drinking with

1 before you testified at that preliminary hearing?

2 A Yes.

3 Q They were drinking as well?

4 A Yes.

5 Q Okay. After Romeo was beaten up, did you ever go
6 back to Corrina or Lynn's apartment?

7 A No.

8 Q Okay. You never had any discussions with them
9 regarding this case after Romeo was beaten up at the
10 Sportsman's?

11 A No.

12 Q Okay. I want to ask you -- I want to go back to the
13 April incident, because I don't think we've discussed that
14 yet. Okay?

15 A Okay.

16 Q Now, that was a separate incident than what happened
17 in May; would you agree with me?

18 A Yes.

19 Q Okay. Now, in that incident -- in that incident,
20 that happened over at the Sportsman's as well, wasn't it?

21 A Yes.

22 Q Okay. And if I recall your testimony, you had gone
23 there with a person name as Spliff or Cliff?

24 A Yes.

25 Q Or Spliff is Cliff, right?

1 A Yes.

2 Q So, his real name is Cliff. Do you know his last
3 name?

4 A No.

5 Q But you know his nickname is Spliff?

6 A Yes.

7 Q And that would be S-p-l-i-f-f?

8 A Yes.

9 Q That's what he goes by, right?

10 A Correct.

11 Q You had arrived at the Sportsman's sometime in April
12 with him, correct?

13 A Yes.

14 Q All right. And you had parked over by the bar area?

15 A Yes.

16 Q Okay. And the bar area is this area that we've
17 talked about before here?

18 Kind of like by the pool, right?

19 A Yes.

20 Q Kind of -- the pool is kind of right behind it?

21 A Um-hum.

22 Q And would you agree with me that there's like
23 covered parking or, you know, the things that we've talked
24 about earlier right next to the bar --

25 A Yes.

1 Q -- right?

2 So, that's all parking area right there by the pool
3 as well, correct?

4 A Under the carports, yes.

5 Q Under the carports. And did Cliff or Spliff park
6 under the carports, or right next to the bar?

7 A He parked out in the open on the corner.

8 Q Would you point out where he parked? I'm sorry.
9 Did I do that?

10 A It's like to the left of that.

11 Q Maybe we --

12 MR. CANO: Can we clear that, Your Honor?

13 THE COURT: I'll clear it.

14 MR. CANO: Okay.

15 THE WITNESS: It's like it's not going where I touch
16 it at. That's close enough.

17 BY MR. CANO:

18 Q Is that about where he parked?

19 A Yeah, it looks like it.

20 Q Just outside of the carport area, right?

21 A Yes.

22 Q Okay. So, he could see the bar from there, right?

23 A Yeah. He was reversed and facing the bar.

24 Q Reversed in? So, the back of his car was facing the
25 bar?

1 A No.

2 Q Or --

3 A So he was facing the bar.

4 Q Okay. So, he backed in --

5 A Backed into the stall.

6 Q -- so the front of his car was facing the bar?

7 A Yes.

8 Q Okay. So, he could see the bar from there

9 obviously, right?

10 A The side of the bar, yes.

11 Q The side of the bar. And this is the side that

12 we're talking about right here, right?

13 A Yes.

14 Q And he could see the car port area as well, right?

15 A Yes.

16 Q Right. And he could see like where these trees were

17 at as well?

18 A Yes.

19 Q And where that pool was at, right?

20 A Maybe.

21 Q And then where this building is as well?

22 A Yes.

23 Q Now, you could kind of -- this would be his

24 perspective or his view, right?

25 A Not where I was.

1 Q Okay. Well, I'm talking about what the perspective
2 or view was from the car, where it was parked.

3 A He could see everything that you just mentioned.
4 But when you circled, he couldn't see everything that was
5 covered in the circle.

6 Q Okay. Now, you got out of the car, right?

7 A Yes.

8 Q And you were going to go over to the bar?

9 A Yes.

10 Q But Domonic ran into you?

11 A Yes.

12 Q All right. And you said he put his arm around you,
13 right?

14 A Yes.

15 Q And he walked you over to the pool area?

16 A Yes.

17 Q Okay. And when you were at the pool area he started
18 talking to you, right?

19 A Yes.

20 Q Again, this was kind of like that personal talk
21 about who you were seeing, Nino, and things of that nature?

22 Do you recall testifying to that yesterday?

23 A Yes.

24 Q Okay. Fair to say that he was -- he didn't want you
25 seeing anyone else?

1 A Yeah.

2 Q He wanted to have like a relationship with you? I
3 think we've talked about that before, right?

4 A Yes.

5 Q Okay. And I believe there was some mention about
6 some money that was owed to Trey?

7 A Yes.

8 Q Okay. That -- something about that you had gotten
9 some works from Trey?

10 A Yes.

11 Q Under his name, or something like that? Do you
12 recall that?

13 A Trey's name?

14 Q No, under Domonic's name?

15 A No.

16 Q Like, he vouched for you getting works, or something
17 to that effect?

18 A He said I owed Trey.

19 Q Oh, okay. That you owed Trey for works that Trey
20 gave you?

21 A Yes.

22 Q Okay. And that wasn't true?

23 A No.

24 Q Okay, because you didn't owe Trey any money?

25 A No.

1 Q Okay. Would it be fair to say that he was kind of
2 like using that as an excuse?

3 A To see me?

4 Q To see you, to talk to you?

5 A Yes.

6 Q Okay. But what he really wanted to talk to you was
7 about your personal relationship with him?

8 A Maybe.

9 Q Well, when he was talking to you about Nino and not
10 wanting you to see Nino, you were telling him you were in love
11 with Nino; do you remember that?

12 A No.

13 MR. DiGIACOMO: Judge, I apologize. But she
14 shouldn't speculate as to what was in his mind during this
15 incident.

16 THE COURT: So, the objection's calls for
17 speculation?

18 MR. DiGIACOMO: Yes, Judge.

19 THE COURT: All right. Sustained.

20 MR. CANO: Okay.

21 BY MR. CANO:

22 Q At that point in time, you guys were discussing
23 about how you didn't want to be with him, correct?

24 A I think so.

25 Q All right. And then you also had to discuss that

1 you wanted to be with someone else, right?

2 A Maybe.

3 Q And then name Nino came up?

4 A Nino came up.

5 Q Okay. And he didn't want you to be with Nino?

6 A I don't think so.

7 Q And he wanted you to be with him?

8 A I'm guessing so.

9 Q All right. And as this conversation started kind of
10 going back and forth, you were telling him you weren't going
11 to be with him, you're a free agent, right?

12 A Yes.

13 Q All right. So, you could be with whoever you wanted
14 to be?

15 A I didn't say that.

16 Q Well, that's what a free agent means, right?

17 A It just meant I was single.

18 Q Okay, so you were single, you could see whoever you
19 wanted to see?

20 A If I chose to, yes.

21 Q Okay. And so that's -- would it be fair to say that
22 this discussion that started off about your relationship
23 started escalating?

24 A Yes.

25 Q Into like an argument?

1 A No.

2 Q Not into an argument?

3 A No.

4 Q Were voices raised?

5 A No.

6 Q Voices were never raised?

7 A No.

8 Q Okay, they were just normal tone of voice the whole

9 time?

10 A Yeah, the same soft voice.

11 Q Okay. So, as you're discussing your relationships

12 back and forth is when you say that you guys got into this

13 altercation or this fight?

14 A Yes.

15 Q Okay. And at some point in time, you said that he

16 grabbed your necklace and chain?

17 A Yes.

18 Q And he threw it away?

19 A Yes.

20 Q He didn't hold onto it?

21 A He threw it over his shoulder.

22 Q I'm sorry?

23 A He threw it over his shoulder.

24 Q Over his shoulder?

25 A Yes.

1 Q Okay. So, kind of like in the same general area
2 where you guys were at?

3 A It fell -- I think it went into the pool, or over
4 the fence of the pool.

5 Q Okay. So, his back was to the pool?

6 A Yes.

7 Q Okay. So, he kind of just threw it over his
8 shoulder?

9 A Yes.

10 Q All right. He never held onto it, he never walked
11 away with that chain?

12 A I don't think so.

13 Q Okay. And you said -- and he didn't take off your
14 jewelry. You said you took off some other jewelry, right?

15 A Yes.

16 Q He didn't scoop down and grab it?

17 A He -- I took it off and put it in his hand.

18 Q Okay. And he threw that, along with the chain I
19 guess as well?

20 A I believe so.

21 Q All right. So, he never walked away with any of
22 your property?

23 A I don't think so.

24 Q Okay. And Spliff was out in his car when all this
25 was going on?

1 A Yes.

2 Q He saw what was going on between you and Domonic?

3 A He what?

4 Q He could see what was going on between you and
5 Domonic?

6 A No.

7 Q Well, he never came out of his car to come help you,
8 right?

9 A No.

10 Q But at some point in time, you rode away with
11 Spliff, right?

12 A Yes.

13 Q Okay. There was someone else that was out there.
14 Do you remember telling the police that?

15 A Yes.

16 Q Was that Shawnie Lope?

17 A Yes.

18 Q Okay.

19 MR. CANO: Court's indulgence, Your Honor. My
20 apologies. I grabbed the wrong --

21 THE COURT: All right.

22 MR. CANO: -- transcript.

23 (Pause in the proceedings)

24 BY MR. CANO:

25 Q Do you remember giving a description to the police

1 about Shawnie Lope?

2 A I'm not sure.

3 Q You're not sure? You called him some kind of a
4 clown, or something like that?

5 A Yes.

6 Q Do you remember saying that to the police?

7 A Yes.

8 Q Okay. And do you remember telling the police that
9 he was out there when all of this was going on?

10 A Yes.

11 Q Right? And he could see what was going on between
12 you and Domonic?

13 A He was walking by, yes.

14 Q He was walking by, right?

15 A Yes.

16 Q And I think you testified earlier that he said
17 something to you?

18 A Yeah.

19 Q Okay. Was you -- "is that you, Red?"

20 A Yes.

21 Q All right. But I believe you told the police he
22 said something different, like, "Take it, Red. Take it, Red."

23 A No, I don't think so.

24 Q You don't think so? Okay.

25 And you described him as like a clown -- or what

1 exactly did you describe him to the police?

2 A He's just funny.

3 Q Funny?

4 A Yeah.

5 Q Oh, he's a clown. Okay. And he didn't come to your
6 aid, did he?

7 A No.

8 Q Okay. And then after this fight that you had with
9 Domonic, you basically -- he -- Domonic left the area, right?

10 A I'm guessing so, yeah. I don't think he stayed
11 there.

12 Q Well, I mean, you guys got into a fight, you
13 actually got -- you were on the ground, right?

14 A I wasn't really looking for where he was at. I was
15 just trying to get away.

16 Q Right. And you were trying to pull him down to the
17 ground, right? I remember you said --

18 A Before I got away.

19 Q -- when he was hitting you, your hands were coming
20 up kind of like in the defensive posture, right?

21 A Yes.

22 Q Okay. And then eventually you're trying to wrestle
23 him down to the ground?

24 A Yes.

25 Q Okay. And then at some point in time the fight

1 broke up?

2 A When someone was walking by.

3 Q And that was Shawnie Lope?

4 A Yes.

5 Q So, it stopped after Shawnie Lope was coming by?

6 A It drew attention, because he drew attention.

7 Q Shawnie Lope kind of drew attention to the
8 situation?

9 A Yes.

10 Q So, the fight broke up at that point in time?

11 A Yes.

12 Q Domonic walked away?

13 A I don't know.

14 Q You didn't look to see where he went?

15 A No.

16 Q Okay. But you went over to where the car and Spliff
17 was, right?

18 A Yes.

19 Q And at that point in time, you got into the car with
20 Spliff?

21 A Yes.

22 Q You went over to Nino's?

23 A Yes.

24 Q Right? But Nino didn't really pay you any mind?

25 A No.

1 Q Okay. Kind of like ignored you?

2 A A little, yes.

3 Q Right. And that kind of hurt your feelings, didn't
4 it?

5 A Yes.

6 Q Because I mean, you were kind of hanging out with
7 him at that point in time, right?

8 A No.

9 Q Or, you were with him off and on?

10 A I've always been off and on with Nino.

11 Q Okay. So, but you thought you'd have a place to go,
12 right?

13 A I wasn't trying to go there.

14 Q But you wanted to tell Nino what happened to you?

15 A Yes.

16 Q He didn't do anything about it?

17 A No.

18 Q And that hurt your feelings?

19 A No.

20 Q Okay. Well, you went from there with Spliff, right?
21 You didn't stay at Nino's?

22 A No.

23 Q You went from there over to Spliff's house, right?

24 A Yes.

25 Q Okay. Spliff -- he didn't take you to the hospital?

1 A He did.

2 Q Oh, he did take you to the hospital?

3 A Yes.

4 Q But you never went inside the hospital?

5 A We went in, and I didn't want to stay.

6 Q You didn't want to stay?

7 A Yes.

8 Q Okay. And you didn't want to stay because the
9 police might show up?

10 A The police would show up.

11 Q And then you would have to explain what was going
12 on, and how you got your injuries?

13 A Yes.

14 Q And you -- at that point in time, the lifestyle that
15 you were living, you didn't want to have anything to do with
16 the police, right?

17 A No.

18 Q Okay. So, you're trying to stay away from them as
19 far as possible?

20 A Yes.

21 Q So, what hospital did you go to?

22 A I'm not sure.

23 Q You don't remember the hospital?

24 A No.

25 Q Okay. And then -- well, do you remember what side

1 of town it was at?

2 A It was on the way to Spliff's house.

3 Q And where does Spliff live?

4 A I'm not sure right now. It's like -- I want to say
5 Pecos or something.

6 Q Pecos?

7 A Yes.

8 Q Okay. All right. Now, so, it was on the way to
9 Spliff's house. But you got out, you got into, I guess, the
10 emergency room -- was it the --

11 A Triage.

12 Q -- emergency room?

13 A No, I didn't get into --

14 Q Or triage?

15 A Yes.

16 Q And so you went over to where the triage was, right?

17 A Yes.

18 Q Did you actually write your name down?

19 A No.

20 Q Because you didn't want them to have any way to
21 contact you, right?

22 A Yes.

23 Q And then you actually went there, and changed your
24 mind and decided to leave?

25 A Yes.

1 Q Okay. And then you ended up going to Spliff's
2 house?

3 A Yes.

4 Q Okay. The next day, you didn't go seek any kind of
5 medical attention, did you?

6 A No.

7 Q Or the day after that?

8 A No.

9 Q Or at any point in time after that fight with
10 Domonic, you -- did you go seek medical attention?

11 A No.

12 Q Right?

13 A No.

14 Q Okay. Nor did you call the police?

15 A No.

16 Q Okay. You didn't call them to say, hey, I just got
17 beat up, or anything like that?

18 A I didn't call them.

19 Q At all?

20 A No.

21 Q You didn't want to have anything to do with the
22 police?

23 A No.

24 Q Okay. So, and then after that situation is when --
25 about a week or so after that is when you ran into Domonic

1 again?

2 A Yes.

3 Q Okay. And you guys talked it out?

4 A Yes.

5 Q Kind of settled things, right?

6 A Yes.

7 Q Cleared the air about whatever debt, that was a
8 debt, that wasn't really a debt, right?

9 A Yes.

10 Q And there was no debt?

11 A No.

12 Q Okay. And kind of like cleared the air about where
13 I guess the relationship was at, right?

14 A Yes.

15 Q And would it be fair to say that you squashed it, I
16 guess?

17 A Yes.

18 Q So, and that means kind of settled out, right?

19 A Yes.

20 Q Okay. So, there were -- okay. So --

21 MR. CANO: I'll withdraw that question, Your Honor.

22 BY MR. CANO:

23 Q And so after that you also had sex with him again?

24 A Once.

25 Q So, you did have sex with him?

1 A Yes.

2 Q Okay. How much after when you guys settled things
3 out did you have sex?

4 A I'm not sure.

5 Q Was it within a week or two?

6 A I'm not sure.

7 Q You're not sure? Okay.

8 And that happened over at the Sportsman's?

9 A Yes.

10 Q Okay. So, when you saw him behind Sahara, you
11 weren't really worried about it, because as far as you were
12 concerned everything was okay between you two, right?

13 A Are you talking about in May?

14 Q Yeah, in May.

15 A Yes.

16 Q As far as you know, between -- like, after the
17 incident happened, a week after that when you settled things,
18 between that point in time and May, everything was okay
19 between you guys?

20 A It had been a couple of weeks, I believe. I believe
21 it had been a couple of weeks. It wasn't like the following
22 week.

23 Q Okay. A couple of weeks before you guys had settled
24 things out?

25 A Yeah.

1 Q Okay. So, after the incident a couple weeks go by,
2 you finally talk. Everything from that point in time up until
3 May, everything was okay between you guys?

4 A Yeah.

5 Q As far as you knew, right?

6 A Yeah.

7 Q Okay. I want to talk to you about -- about the golf
8 clubs that you told the police.

9 A Okay.

10 Q All right?

11 A Okay.

12 Q Do you remember telling them about -- in the May
13 21st interview, you talked to the police about some golf
14 clubs?

15 A I think so.

16 Q Do you remember that? Do you remember that
17 interview?

18 A I don't remember everything that I said at each
19 particular interview, but I remember mentioning it to the
20 police.

21 Q Okay, well let's talk a little bit about the
22 interview first. Do you remember that throughout that
23 interview -- that was -- you wouldn't argue with me if I said
24 the transcription of that interview is about 53 pages, right?

25 A I don't know.

1 Q Okay. How long do you think that interview took?

2 A I'm not sure.

3 Q Okay. Would it help to refresh your recollection if
4 I showed you a copy of the interview to see when it started?

5 A Yes.

6 Q Okay.

7 MR. CANO: It's the May 21st interview.

8 MR. DiGIACOMO: Your's is 53 pages, counsel? Mine's
9 60.

10 MR. CANO: Longer? Well, am I missing something?

11 MR. DiGIACOMO: I hope not.

12 MR. CANO: I hope not either.

13 BY MR. CANO:

14 Q Can you read page 1 to yourself [inaudible] right
15 there?

16 A Just the top corner?

17 Q Right.

18 A Or the whole -- this whole page?

19 Q I'll point it out to you.

20 A Oh, just the time?

21 Q Okay. Does that help refresh your recollection?

22 A Yes.

23 Q All right. And why don't we look at what the date
24 is.

25 A Okay.

1 Q Okay. Now, that was May 21st of 2006?

2 A Yes.

3 Q All right. And that was at 10:40 a.m.?

4 A Yes.

5 Q Okay. Now, you said you remember the interview, but
6 you don't remember everything you said inside the interview,
7 correct?

8 A Correct.

9 Q Okay. And when you gave this interview, you were
10 with Ryan Noe, right?

11 A Yes.

12 Q And at some point in time, both you and Ryan Noe
13 were in the same room?

14 A Yes.

15 Q Talking about what this incident was, right?

16 A Yes.

17 Q Okay. Do you recall -- let's see. I want to show
18 you --

19 MR. CANO: Page 54, counsel.

20 BY MR. CANO:

21 Q I want you to read line 1 and 2.

22 Does that help to refresh your recollection as to
23 how long the interview lasted?

24 A That page says --

25 MR. DiGIACOMO: Well, I apologize, Judge. He

1 needs --

2 MR. CANO: Oh, let me show her --

3 MR. DiGIACOMO: -- he needs to show her the bottom
4 of page 53 before he can show her the top of page 54 and ask
5 that question.

6 MR. CANO: Sorry, counsel. He was talking to Ms.
7 Estores.

8 MR. DiGIACOMO: Yeah. Counsel, read the bottom of
9 page 53, the last line. And then read the top of page 54
10 before you ask the question.

11 MR. CANO: There was pause in the interview there.

12 MR. DiGIACOMO: May we approach, Judge?

13 THE COURT: Were those two pages identified when the
14 interview concluded?

15 MR. CANO: I think it does, Your Honor.

16 MR. DiGIACOMO: No, Judge. I -- can we approach?

17 THE COURT: Okay. Approach.

18 (Bench conference)

19 MR. DiGIACOMO: He has the disk. The tape stops.
20 And later they come back with the photo lineups or something.
21 So this suggests to the jury she was in that room for three
22 hours. He knows exactly how long it is from the recordings
23 that were electronically provided to him.

24 MR. CANO: Yeah, they were long.

25 MR. DiGIACOMO: They're not --

1 MR. CANO: And we're going through all of them.

2 MR. DiGIACOMO: They're not three hours.

3 MR. CANO: I don't remember the time-stamping.

4 MR. DiGIACOMO: The -- I mean, the actual recording
5 is about 20 some-odd minutes. So, he's going to suggest to
6 this jury that she was in there three hours and 11 minutes,
7 based on the -- or actually six hours, based on the
8 transcript, which is not true. It's a 60-page transcript.

9 MR. CANO: Take that up on --

10 MR. DiGIACOMO: [Inaudible].

11 THE COURT: He can't --

12 MR. DiGIACOMO: [Inaudible].

13 THE COURT: Hang on, hang on. Some things, you
14 know, it's appropriate to clear it up on direct [sic]. But if
15 in fact the interview was only 20 minutes, 30 minutes, it's
16 misleading to have her look at that, and it looks like it's
17 three hours long.

18 MR. DiGIACOMO: Actually, six.

19 THE COURT: Or, six.

20 MR. DiGIACOMO: 60 pages, and six hours, I think
21 that doesn't make sense. But, I mean --

22 MR. CANO: But there were a lot of pauses, and I was
23 going to go into the pauses in there, too.

24 THE COURT: Yeah, but it seems like a 20-page -- or
25 a 20-minute interview. I don't care how many pauses, that

1 doesn't go into six hours.

2 MR. CANO: Well, she was there for a significant
3 amount of time.

4 MR. DiGIACOMO: You can ask her if she was there for
5 six hours.

6 THE COURT: But the interview --

7 MR. DiGIACOMO: [Inaudible] --

8 THE COURT: -- the talking, the questioning wasn't
9 six hours.

10 MR. CANO: Well, I mean -- Your Honor, I mean, it's
11 her recollection as to when she thinks this interview is and
12 I'll ask her that.

13 MR. DiGIACOMO: Yeah, but he's --

14 MR. CANO: I'm going to refresh her recollection.

15 MR. DiGIACOMO: He's trying to impeach her. He's
16 not refreshing her recollection, he's impeaching her.

17 THE COURT: I think it's misleading, Mr. Cano, to
18 convey that it's a six-hour discussion.

19 MR. CANO: Well, they were talking off and on for
20 six hours. I don't think it's misleading whatsoever.

21 MR. DiGIACOMO: He can [inaudible] --

22 MR. CANO: Because there were -- there were pauses
23 in between. So, I mean, she was there for however long it
24 was, that it states on the transcript that I have, Your Honor.
25 And that's where I was going with this, that she was talking

1 to them, you know, off and on for that duration of time.

2 THE COURT: But that -- that transcript -- that
3 statement, how long did that take?

4 MR. DiGIACOMO: Well, it's --

5 MR. CANO: Your Honor, I'm not going to agree with
6 that, because that's not my recollection of going over those
7 tapes. Because I know each tape was a different amount in
8 length.

9 So, I didn't add up all the times that it took for
10 her to -- you know, for them to conduct this interview. But I
11 do know that there were some pauses, and there were probably
12 some breaks in between. So all told, how long did it take?
13 I'm not exactly sure.

14 THE COURT: Well, I'm saying what's covered in the
15 20-page [sic] transcript is not six hours; is that correct?

16 MR. DiGIACOMO: Correct.

17 MR. CANO: There were pauses in between. Because
18 they go off the record, on the record. You know what I mean?
19 So, how long does it take? I don't know how long it takes. I
20 mean, we can go into how long these pauses were and what
21 happened in between the pauses.

22 THE COURT: Well, so he'll show for example, let's
23 say page 10, we --

24 MR. CANO: I can show her how many pauses
25 [inaudible].

1 THE COURT: -- when we broke and then at some time
2 they came back; is -- is that what happened?

3 MR. CANO: Yeah.

4 THE COURT: I mean, I haven't read it, obviously.

5 MR. CANO: Yeah, that's what happened.

6 THE COURT: Okay. And then maybe at page 30,
7 there's -- there's a number of pause.

8 MR. CANO: There's another break in the numbering.
9 Yes. That's how the interview was conducted. And she was
10 there with the police from, you know, that morning until that
11 afternoon.

12 THE COURT: Okay. Well, I'll --

13 MR. DiGIACOMO: You can't phrase the question that
14 way. What he's saying is this interview was six and a half
15 hours. It's not. It's 20 minutes worth of talking.

16 THE COURT: But he can say -- well, I mean, that's
17 fine to say, you were there with them for six hours. But the
18 interview itself wasn't six hours. I think that's misleading.
19 You can clarify.

20 MR. CANO: Oh, I'll clarify it.

21 THE COURT: You can say she was down there for six
22 hours.

23 MR. CANO: My interpretation is, you know, did this
24 last six hours? Yeah, it lasted a significant amount of time,
25 but I'm not sure exactly how many hours it did last. And I

1 think it was more than 20 minutes, so.

2 THE COURT: Well, I'm not going to tell you
3 [inaudible] 20 minutes. But I'm just going to say that you
4 can't say it was six hours, [inaudible] talking for six hours.

5 (Bench conference ended)

6 MR. CANO: All right.

7 BY MR. CANO:

8 Q Now, I showed you page 54. It says that you were
9 with the police until 14:11 hours. Do you remember that?

10 A The bottom page?

11 Q Right.

12 A It started at 14:11, you said?

13 Q 14:11 hours?

14 A Yes.

15 Q Okay, that's what it says here. So, it would be
16 fair to say that you were with the officers from that morning
17 until sometime that afternoon?

18 A Yes.

19 Q While you were giving this interview on the 21st,
20 right?

21 A Yes.

22 Q Also, would it be fair to say that throughout this
23 interview there are a lot of pauses?

24 A Yes.

25 Q There were breaks?

1 A Yes.

2 Q Where like they would stop talking to you, then they
3 would come back and talk to you about something else?

4 A Take a cigarette break or a bathroom break or a --

5 Q So -- and that -- would it be fair to say that that
6 happened time, and time, and time again?

7 A Yeah.

8 Q Okay. Would you disagree with me if I said there
9 were at least six pauses in this interview?

10 A No.

11 Q Does that sound about right?

12 A It could be.

13 Q Okay. Now, and whenever these pauses when you were
14 taking breaks, the police would still talk to you?

15 A Not if I was on a -- taking a cigarette break or a
16 bathroom break.

17 Q Okay. But when you -- if you weren't taking a
18 cigarette break or a bathroom break, would they talk to you in
19 between some of these pauses?

20 A Not -- not so much. No, I don't think so.

21 Q You don't think so? Okay.

22 MR. CANO: Page 42, counsel.

23 MR. DiGIACOMO: Page what? I'm sorry, page what?

24 MR. CANO: 43.

25 MR. DiGIACOMO: Of the statement?

1 MR. CANO: Of her statement -- or the 21st
2 statement, yeah.

3 BY MR. CANO:

4 Q I want to talk to you about the golf clubs again.
5 Do you remember talking with the police about the golf clubs?

6 A Yes.

7 Q Do you remember that when you started talking to
8 them, that was after a pause or a break in the action?

9 A I don't remember.

10 Q Would it help to refresh your recollection if I
11 showed you the transcript?

12 A Yes.

13 MR. CANO: Could I approach, Your Honor?

14 THE COURT: Yes.

15 BY MR. CANO:

16 Q Page 43. If you could read that to yourself.

17 A The whole page?

18 Q Does that help refresh your recollection?

19 A Yes.

20 Q Okay. Would it be fair to say that there were
21 several pauses that had already occurred throughout this
22 interview by the time you talked about the golf clubs?

23 A I'm not sure.

24 Q Okay. Well, would it be fair to say that right
25 before you talked to the police about the golf clubs, there

1 was a pause in the interview?

2 A It appears that way, yes.

3 Q Okay. And they broke at 11:52? Do you remember
4 that? They started the pause at 11:52?

5 A I guess so, yeah.

6 Q All right. And then they came back on at 12:40?

7 A Okay.

8 Q Would you disagree with me?

9 A No.

10 Q Does it help to refresh your recollection if you'd
11 look at this again?

12 A No.

13 Q Okay. That's what it says here in the transcript,
14 correct?

15 A Okay.

16 Q All right. And then when they came back to ask you
17 the question, you said -- in that -- let's see, 52 to 40 --
18 I've got back math here. But in approximately 48 minutes,
19 that pause, that break there, the first question that they
20 asked you was, "You said something about a golf club that you
21 wanted to talk about." Remember that?

22 A I just read it, yeah.

23 Q Okay. So, there was some discussion that was held
24 off record, or not taped between you and the police?

25 A I'm not sure. I didn't have the recorder.

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

DOMONIC MALONE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO. 61006

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APPELLANT'S APPENDIX

VOLUME 9

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 19 2012

BY, _____
CAROL DONAHOO, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-224572
	.	
Plaintiff,	.	DEPT. NO. XVII
	.	
vs.	.	
	.	TRANSCRIPT OF
DOMONIC RONALDO MALONE,	.	PROCEEDINGS
	.	
Defendant.	.	
.	

BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE

JURY TRIAL - DAY 6

WEDNESDAY, JANUARY 18, 2012

APPEARANCES:

FOR THE PLAINTIFF:	MARC DiGIACOMO, ESQ. CHRISTOPHER LALLI, ESQ. <i>Chief Deputy District Attorneys</i>
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FOR THE DEFENDANT:	RANDALL H. PIKE, ESQ. CHARLES A. CANO, ESQ. <i>Assistant Special Public Defenders</i>
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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, WEDNESDAY, JANUARY 18, 2012, 10:00 A.M.

2 (Court was called to order)

3 (In the presence of the jury)

4 (Pause in the proceedings)

5 THE COURT: All right. Since this is a different
6 day, Carol, I'm going to have you swear in Ms. Estores again.

7 THE MARSHAL: Please stand up, ma'am, and raise your
8 right hand.

9 MELISSA ESTORES, STATE'S WITNESS, RESWORN

10 THE CLERK: Please be seated. And state your name
11 for the record.

12 THE WITNESS: Melissa Estores.

13 THE COURT: Mr. Cano, you were up.

14 MR. CANO: Thank you, Your Honor.

15 CROSS-EXAMINATION (RESUMED)

16 BY MR. CANO:

17 Q Ms. Estores, where we left off yesterday, you were
18 coming out of the Sportsmans Bar after having breakfast with a
19 couple of your homies. Do you remember that?

20 A Yes.

21 Q Okay. I'm going to talk about what happened when
22 you came outside the bar. You were coming out with Christina?

23 A Yes.

24 Q Or Christine? Did you know her as Christine, or
25 Christina?

1 A Christina.

2 Q Christina. Again, that's Charlotte Combado?

3 A Yes.

4 Q Okay. And she was the one that you were upset with,
5 because she was -- she was gambling all the money away that
6 she owed Demarco for the drugs that he had given her?

7 A Yes, she --

8 Q To sell?

9 A -- gambled it.

10 Q She was gambling it? So, that was upsetting -- you
11 were upset, because you had to work to try to get her the
12 money to pay Demarco to bail out Black, and she --

13 A I wasn't --

14 Q -- and she was gambling that away, right?

15 A She gambled it, yes. But I wasn't upset about her
16 problem.

17 Q Okay. Well, I thought you testified yesterday that
18 that upset you, that you were working so hard for -- you were
19 trying to get her to get square with Demarco, and that she
20 kept gambling it away.

21 So, you're saying that's different now? Today you
22 were not upset, but yesterday you were upset by it?

23 MR. DiGIACOMO: Judge, I object. That assumes facts
24 not in evidence. I don't think she ever said she was upset by
25 that.

1 MR. CANO: Well, I guess --

2 THE COURT: I'm not sure I'm going to --

3 MR. CANO: The jury memories will stand as to what
4 the evidence was presented.

5 THE COURT: Right, it's going to be up to the jury.
6 I'm going to sustain the objection. I think you've asked the
7 question, she doesn't recall stating that.

8 MR. CANO: All right. Okay.

9 BY MR. CANO:

10 Q Well, let's go outside the mini-mart. You go
11 outside the mini-mart, and there seems to be some kind of
12 argument between a customer and one of the clerks at the
13 mini-mart?

14 A Yes.

15 Q Okay. And you're observing this with -- along with
16 Christina?

17 A Yes.

18 Q Okay. And as you see that this discussion is going
19 on, the person who's a customer at the mini-mart actually has
20 words with you?

21 A Yes.

22 Q Right.

23 A Yes.

24 Q And I believe you told the police earlier that she
25 called you a bitch?

1 A I believe so.

2 Q Right. And you weren't going to have any of that?
3 You weren't going to let her get away with that?

4 A Is that a question?

5 Q Yes. You were not going to let her get away with
6 that?

7 A It upset me. That upset me, yes.

8 Q Well, upset you to the point where you actually got
9 into a fight with her?

10 A Yes.

11 Q And you actually -- you actually hit her?

12 A Yes.

13 Q Right?

14 A Yes.

15 Q Okay. And this is weeks after you've had this big
16 altercation, big fight with Domonic, right?

17 A Yes.

18 Q So, despite the fact that you were having injuries
19 from that fight a few weeks ago -- and I think it was like
20 three weeks before, right?

21 A I'm not sure, something like that.

22 Q Okay. So, you had this fight with Domonic three
23 weeks before. You're still willing to get into a fight with
24 this customer at the mini-mart?

25 A Willing?

1 Q Well, you got into a fight with her?

2 A I did.

3 Q Right. But she hit you?

4 A Yes.

5 Q And you hit her back?

6 A Yes.

7 Q Okay. And I think you even described it to the
8 police as -- when they were talking to you about this, "Had
9 breakfast, smacked that bitch and jumped into the car with
10 Romeo."

11 Do you recall that?

12 A No, but it sounds -- sounds familiar.

13 Q It does sound familiar?

14 Okay. Now, and the reason you told the police that
15 you jumped into the car is because you didn't want to get
16 taken up by the police? You didn't want the police to come in
17 because you had just got into a fight with this person?

18 A Correct.

19 Q Right? So you jumped into the car with Romeo?

20 A Yes.

21 Q Okay. And then from the Sportsman's -- and this is
22 in the morning, correct?

23 A Yes.

24 Q Because I think you were just having breakfast
25 sometime early in the morning. Do you remember about what

1 time that was?

2 A Maybe sometime after 8:00 or 9:00.

3 Q So, early in the morning, 8:00 or 9:00 in the
4 morning?

5 A Yes.

6 Q Okay. So, you jump into the car with Romeo?

7 A Yes.

8 Q And it's just you, Christina, and Romeo in the car?

9 A Yeah.

10 Q Domonic's not in that car?

11 A No.

12 Q Okay. And that's when you go over towards the
13 Oasis?

14 A Yes.

15 Q Okay. Do you remember on the way to the Oasis --
16 okay. On the way to the Oasis -- I'll withdraw that question.

17 On the way to the Oasis, you get there sometime,
18 fair to say about 15, 20 minutes later?

19 A I guess so, yeah.

20 Q Did you make any stops along the way?

21 A Not that I recall.

22 Q You don't recall any stops? So, it was directly
23 from the Sportsman's to the Oasis?

24 A Yes.

25 Q All right. Now, we get to the Oasis, and there's a

1 room there; it's not your room?

2 A No.

3 Q You didn't pay for the room --

4 A No.

5 Q -- at the registration, correct?

6 A No.

7 Q Okay. And let me talk to you a little bit about the
8 Oasis.

9 MR. CANO: This is, for the record, Your Honor,
10 State's Exhibit 137. I think it's been admitted, right?

11 THE COURT: Has that been admitted, Carol?

12 MR. DiGIACOMO: It has, Judge.

13 THE COURT: Okay. Thank you.

14 BY MR. CANO:

15 Q And it's not that clear of a picture. But I think
16 that's the Oasis that we're talking about, right?

17 A Yeah. That's the entry, I believe.

18 Q That's the entry? Okay. Let's talk a little bit
19 about the Oasis here. It's -- this street that we're seeing
20 right here -- my finger's down here. Do you see where my
21 finger is at?

22 A Yes.

23 Q That street that we see down there, that's Las Vegas
24 Boulevard?

25 A Correct.

1 Q Okay. And this little top right here with the
2 column, that's the entrance to get into the Oasis?

3 A Yes.

4 Q Correct? So, you had to drive through that in order
5 to get to the rooms which are behind there?

6 A Some of the rooms, yes.

7 Q Okay. And those are kind of like drive-up kind of
8 like motel rooms, aren't they, where you can park right in
9 front of the door?

10 A Yes.

11 Q Okay. And you were staying inside -- you had to
12 drive through there with Christine [sic] and Romeo to get to
13 the room?

14 A Well, you have to drive in there, yeah.

15 Q Okay. Where was the room that you were staying at?

16 A Upstairs.

17 Q It was upstairs?

18 A Yes.

19 Q Okay. So, I don't think we see a picture of it.
20 But see this little building right here?

21 A Yes.

22 Q Part of the Oasis?

23 A I believe so.

24 Q Okay. And but you still had to drive inside to get
25 to the stairs, to go upstairs?

1 A Yes.

2 Q Okay. So, your room was inside and upstairs, the
3 second floor; you don't remember which room number though?

4 A 29, I think.

5 Q 29? Okay.

6 A And it was at the top of the stairs right there.

7 Q Was it towards the back of it, or towards the front
8 of the Oasis?

9 A If I touch on here is it going to make a mark on
10 here?

11 A Sure. But I don't know if it's going to serve you,
12 but go ahead.

13 Q Can you see that arrow?

14 A Yeah.

15 Q To the right of the arrow was the windows from that
16 bedroom. Because that's the second floor.

17 Q So, were you on the corner room?

18 A I'm not sure if it was the corner or the -- it was
19 the first or second one at the top of the stairs.

20 Q The closest to Las Vegas Boulevard?

21 A Yes.

22 Q Okay. All right, thank you.

23 So, you go there with Romeo, and you're with
24 Christina, right?

25 A Yes.

1 Q And you're just kind of sitting there talking?

2 A Yeah.

3 Q Domonic's not in the room?

4 A No.

5 Q Okay. Now, this is when Romeo starts talking to
6 Christina about her issues, right?

7 A Yes.

8 Q And you were aware of her issues?

9 A Yes.

10 Q And that was the issues that she had to come up with
11 \$150 to pay back Demarco?

12 A Correct.

13 Q Right? And you were actually trying to help her
14 earlier with that issue --

15 A Yes.

16 Q -- right?

17 A Yes.

18 Q And you jumped into the car with her, and you were
19 aware of that issue as you rode over to the Oasis, right?

20 A Correct.

21 Q And you were aware of that issue as Romeo was
22 talking to her about that inside of the hotel room -- motel
23 room at the Oasis?

24 A Correct.

25 Q Right? Now, Christina and Romeo were talking about

1 this issue, and Romeo makes a proposition to her, right?

2 A Yes.

3 Q Okay. Now, this proposition that he makes to her
4 is, I'm going to give you the money that you owe Demarco,
5 right?

6 A Correct.

7 Q But you need to do something for me, right?

8 A Correct.

9 Q What you need to do for me is you need to go get me
10 Victoria, correct?

11 A Yes.

12 Q Okay. Now, tell me, what was Christina's reaction
13 to that proposition?

14 A She was down.

15 Q She was okay with that; she wanted to do that?

16 A Yeah.

17 Q Okay. And Domonic was not present while this
18 conversation was behind had, whatsoever?

19 A No, he wasn't.

20 Q Okay. But you were present?

21 A Correct.

22 Q Okay. So basically, according to your testimony,
23 the management comes, knocks on the door, right?

24 A Yes.

25 Q Okay. After they come and knock on the door, they

1 tell -- they say something to the effect that, hey, you've got
2 too many people in this room, you can only have like two
3 people at a time, right?

4 A Yes.

5 Q Okay. Now so, your testimony was Romeo and
6 Christina left the room?

7 A Yes.

8 Q Yes? Yes? Okay. Now, they left the room, you
9 stayed behind.

10 A Yes.

11 Q And you were rolling a blunt?

12 A Not yet.

13 Q Not yet. But you did roll a blunt while you were
14 there in that room?

15 A Yes.

16 Q A little bit later?

17 A Yes.

18 Q Okay. Now, what did you do from 8:00 or 9:00 in the
19 morning until, say the evening time when Romeo came back?
20 Because you said Romeo came back in the evening time, right?

21 A Dusk, yes.

22 Q Dusk. Dusk means the sun's going down, right?

23 A Yes.

24 Q Okay. So, back in May -- mid-May of 2006, would it
25 be fair to say sun's coming down around 5:00, 6:00 o'clock?

1 A I'm not sure.

2 Q All right. 6:00, 7:00 o'clock; is that even a
3 better range?

4 A Sounds better, yes.

5 Q Okay. So, 6:00, 7:00 o'clock at night?

6 A Yes.

7 Q Okay. So, what did you do from 8:00, 9:00 in the
8 morning when you get to the room, until 6:00, 7:00 o'clock at
9 night?

10 A They didn't leave right away.

11 Q They didn't leave right away?

12 A No, we just hung out for a while. Management didn't
13 come up there as soon as we walked in.

14 Q Okay. How long did it take management to get there?

15 A I'm not sure. But I took a nap while they were gone
16 and then I was watching TV.

17 Q Okay. So, you basically hung out in the room?

18 A Yes.

19 Q And then before you left the room though, you were
20 able to roll a blunt?

21 A Yes.

22 Q And you did that yourself?

23 A Yes.

24 Q So, you had marijuana on you?

25 A Yes.

1 Q Did you have any other works on you?

2 A No.

3 Q Just the marijuana?

4 A The marijuana wasn't mine, it was Rome's.

5 Q Okay. So, he gave you marijuana?

6 A Yeah.

7 Q Okay. And that was while you guys were hanging out
8 that day?

9 A Yes.

10 Q And you didn't smoke anything --

11 A No.

12 Q -- except for that blunt that you smoked later on in
13 the evening?

14 A Later, yes.

15 Q Okay. Drink anything, alcohol? How much alcohol
16 did you have?

17 A No.

18 Q Nothing?

19 A Nothing. I --

20 Q Nothing, except for what you --

21 A We didn't take --

22 Q -- drank the night before?

23 A Yes.

24 Q Okay. How -- and we didn't talk about that. But
25 how much alcohol did you drink the night before?

1 A I don't recall.

2 Q Okay. But you were up all night; is that a fair
3 statement?

4 A Yes.

5 Q So from like the day before Monday, I guess it is,
6 the Monday before whatever time you got to the bar -- do you
7 remember what time you got to that bar?

8 A No. I'm confused on the day again.

9 Q Okay. Well, I'm kind of going backwards a little
10 bit here. And hopefully I'm not confusing you too much. But
11 you went to the Oasis I guess on Tuesday, right?

12 A Tuesday morning, yes.

13 Q Tuesday morning, right?

14 So, you were up all night from the day before, so
15 that would have been Monday?

16 A Yes.

17 Q Right? So, you got to the bar at some point in time
18 Monday?

19 A Yes.

20 Q Do you remember what point in time you got to the
21 bar?

22 A No.

23 Q Okay. Do you remember if it was still daylight out,
24 or nighttime out?

25 A I'm not sure. I don't -- if you could do the events

1 before it, like Sunday. That way --

2 Q Okay. So --

3 A It's hard to work backwards.

4 Q All right. Sunday, I think, from my recollection,
5 at some point in time you went to the South Cove, right?

6 A Yes.

7 Q With Christina?

8 A Yes.

9 Q Okay. And you knew on Sunday that Christina was
10 staying there with Black?

11 A Yes.

12 Q That's Leonard Black?

13 A Yes.

14 Q And he's an African-American person, right?

15 A Yes.

16 Q And he has like a long little goatee, right?

17 A Yes.

18 Q Okay. So, you knew that Sunday -- and then at some
19 point later in the day Sunday, you said -- I think you
20 testified that Trey came over with Domonic?

21 A Okay, yes.

22 Q Right?

23 A Yes.

24 Q And you were looking forward to that because you had
25 been trying to get a hold of Domonic?

1 A Yes.

2 Q All right. Okay. So, that's Sunday, okay? And you
3 actually hung out with Trey and Domonic for a little while?

4 A Yes.

5 Q Okay. And let's talk about that since we're there.
6 The fact that you were hanging out with Domonic --
7 with Trey and Domonic, that didn't sit too well with Domonic,
8 did it?

9 A No.

10 Q He was upset that you were hanging out with Trey?

11 A Yes.

12 Q Okay. Because I think to your testimony yesterday,
13 he still was trying to have a relationship with you?

14 A Yes.

15 Q So, it would be fair to say he was jealous?

16 A Maybe.

17 Q Like -- or he was jealous because you were hanging
18 out with Trey, and he said you shouldn't hang out with Trey;
19 something to that effect?

20 A Not to talk to him.

21 Q Not to talk to him?

22 A Yes.

23 Q Okay. Because he wanted you to be his girlfriend?

24 A I guess so, yeah.

25 Q Right? Okay. So, he's trying to have this

1 relationship with you, but at that point in time you were a
2 free agent, right?

3 A Yes.

4 Q So, you weren't having any of that?

5 A Yes.

6 Q Right. And you were seeing Nino, too?

7 A Yes.

8 Q Okay. All right.

9 Now, that's Sunday at some point in time. So, you
10 do hang out with Domonic for a little bit during his birthday?

11 A Correct.

12 Q Correct?

13 Now, moving on to Monday, the next day, okay? Do
14 you remember waking up?

15 A Okay, yes.

16 Q All right. Did you do your normal, daily routine of
17 selling drugs that day?

18 A Yes.

19 Q Okay. How much drugs did you sell on Monday?

20 A I can't remember. I don't recall.

21 Q How much would you average on a daily basis?

22 A It just depended.

23 Q How much work you had?

24 A How much work I had, what time of the month it was,
25 what day of the week it was.

1 Q Because some people had more money certain days of
2 the week?

3 A Most people want to party on the weekends. Some
4 people have more money in the beginning of the month. Some
5 people have more money on Fridays. It just depends.

6 Q Some people have more money in the middle of the
7 month, things like that?

8 A Okay.

9 Q All right. So, depending on a lot of situations
10 depends on how much sales you made. But you do remember
11 selling drugs that Monday?

12 A Yes.

13 Q And having some money?

14 A Yes.

15 Q So, while you're selling drugs, you hang out at the
16 bar as well?

17 A Yes.

18 Q That's kind of like your spot where you kind of like
19 do your work from?

20 A Yes.

21 Q Right? Not just there, but you also hang out in
22 rooms occasionally?

23 A Yes.

24 Q And you kind of sell out of rooms as well?

25 A Yes.

1 Q And that's at the Sportsman's?

2 A Yes.

3 Q And that's right next to the bar?

4 A Yes.

5 Q Okay. Now, so you're doing this all day Monday,
6 correct?

7 A Not all day. But for the most part of it, yes.

8 Q For the most part? At some point in time you go to
9 the bar?

10 A I believe it was later that night.

11 Q Later that night you go to the bar?

12 A Yes.

13 Q Okay. So, that's Monday night you go the bar. And
14 that's when you see Christina?

15 A Yes.

16 Q Okay. And so you're kind of hanging out. And
17 you're still working, you're still selling drugs?

18 A Yes.

19 Q To whoever was -- wanted to buy drugs?

20 A Yes.

21 Q Right? And you were doing that all night?

22 A Yes.

23 Q And Christina was doing that all night?

24 A Yes.

25 Q Okay. Except Christina was getting the money she

1 got from the sales and putting it back into the poker machines
2 over there at the bar?

3 A Correct.

4 Q Okay. And you were seeing that going on all night?

5 A Yes.

6 Q And that -- and you did that all the way up until
7 8:00 in the morning, 7:00 or 8:00 in the morning when you
8 started having breakfast with your homies, Snook and C?

9 A Maybe until about 4:00 or 5:00.

10 Q Okay, so you did it until 4:00 or 5:00?

11 A Yes.

12 Q All right. And then you stopped selling drugs?

13 A Yeah.

14 Q And then you came back earlier in the morning?

15 A No, we were still there.

16 Q You were still there?

17 A I just --

18 Q You just stopped selling drugs, you just stayed at
19 the bar?

20 A Yeah, I didn't have anything left.

21 Q Okay. So, you stayed at the bar until you had
22 breakfast with Snook and C?

23 A Yes.

24 Q All right. So, if I'm understanding you right from
25 some point Monday night, you were at the bar up until 8:00 or

1 9:00 in the morning Tuesday morning?

2 A Correct.

3 Q So, you were up all night long?

4 A Yeah.

5 Q What did you do to stay up all night long? Did you
6 use meth?

7 A No.

8 Q You didn't use meth?

9 A Not at that time, no.

10 Q Okay. But you have used meth in the past?

11 A I have.

12 Q And during that time frame of May and April, you
13 were using meth as well?

14 A Off and on, yes.

15 Q Okay. So you just stayed up all night long?

16 A Yes.

17 Q All right. And then you're having breakfast with
18 Snook and C?

19 A Correct.

20 Q Right. So, now we're back to Tuesday, okay?

21 A Okay.

22 Q And now we're going on to the Oasis Motel. All
23 right?

24 A Okay.

25 Q All right. So now at the Oasis Motel, you're there

1 with Romeo and Christina, but Dominic's not there?

2 A No.

3 Q Okay. So, they make this arrangement between just
4 Romeo and Christina, correct?

5 A Correct.

6 Q And that arrangement was to get Victoria?

7 A Correct.

8 Q And it didn't make -- and I think you said that
9 Romeo said Victoria owed him \$80?

10 A Correct.

11 Q Right? Okay. And it didn't make sense to you that
12 he was willing to pay \$150 for \$80?

13 A Not at all.

14 Q Okay. That's not good business, is it?

15 A No.

16 Q Okay. Now, you thought that there was something
17 more to it than that, correct?

18 A Probably so, yes.

19 Q Okay. Fair to say that, to your knowledge, Romeo
20 and Victoria were like romantically involved?

21 A Not that I knew of.

22 Q You didn't know whether or not they were having sex
23 or intercourse?

24 A No.

25 Q Okay. All right. So, he makes this offer to

1 Christina in front of you, and you're present while this is
2 going on?

3 A Correct.

4 Q Okay. Now, they -- at some point in time, after
5 management's asked them not to have more than two people in
6 the room, both of them leave?

7 A Shortly after, yes.

8 Q Okay. And so you stay back in the room?

9 A Yes.

10 Q Take a nap and watch TV?

11 A Yes.

12 Q All right. And at some point in time you roll a
13 blunt?

14 A Yes.

15 Q And you know that's illegal to smoke marijuana?

16 A Yes.

17 Q Okay. Now, they're gone. You say you look out the
18 window, correct?

19 A I was looking out the window like back and forth.
20 There's nothing really to do, but yeah.

21 Q At some point in time, you're looking out the
22 window. And you say across the street you see Christina and
23 Victoria?

24 A Yeah, I was on the phone.

25 Q You were on the phone?

1 A Yeah.

2 Q Who were you talking to?

3 A I think I was talking to Rome.

4 Q You were talking to Rome?

5 A Yes.

6 Q Okay. So, you're in communications with Rome, even
7 though he's not in the room?

8 A Yeah, only then though. I had been trying to call
9 and he wasn't answering.

10 Q So, you're trying to stay in contact with Rome, he
11 was not picking up, but at some point in time you did get a
12 hold of him?

13 A Yeah, I wanted to leave, because I was sitting
14 there.

15 Q Okay. The question was at some point in time you
16 got a hold of him?

17 A Yes.

18 Q Okay. Now, so you're in -- you're trying to keep in
19 constant communication with Romeo?

20 A I just wanted to leave, so I wanted to contact him.
21 I couldn't, so I kept calling.

22 Q The question was you were trying to keep in contact
23 -- constant contact with Romeo?

24 A No.

25 Q You were not trying to keep in constant contact with

1 Romeo?

2 A Not constant contact, no.

3 Q Did you call him?

4 A Yes.

5 Q Did you call him more than once?

6 A Yes.

7 Q Did you call him more than twice?

8 A Yes.

9 Q Did you call him more than three times?

10 A Yes.

11 Q Did you call him more than four times?

12 A Probably so.

13 Q Did you call him more than five times?

14 A Probably so.

15 Q Did you call him more than six times?

16 A How far do you want to go?

17 Q Well, how many times did you call him?

18 A I can't -- I don't remember.

19 Q Okay. You --

20 A But I kept calling.

21 Q So, you just told the jury you called him more than
22 six times, but you're saying you were not trying to keep in
23 constant communications with him?

24 A I just wanted to --

25 MR. DiGIACOMO: Objection --

1 THE WITNESS: -- contact him.

2 MR. DiGIACOMO: -- argumentative, Judge.

3 THE COURT: Sustained.

4 MR. CANO: All right.

5 BY MR. CANO:

6 Q So, you finally do get a hold of him?

7 A Yes.

8 Q Okay. And when you get a hold of him, you said
9 you're looking out the window?

10 A He told me to look out the window.

11 Q Okay. So, he tells you to look out the window?

12 A Yes.

13 Q So, you did what he said?

14 A Yes.

15 Q Okay. So, you're kind of following his directions
16 then?

17 A Yes.

18 Q All right. So, you look out the window and you see
19 Victoria and Christina together?

20 A Yes.

21 Q And they're across the street?

22 A Yes.

23 Q So, from the angle where you were at you were able
24 to see that?

25 A Directly across the street.

1 Q Okay. And unobstructed, there was nothing that
2 blocked your view?

3 A No.

4 Q You could clearly see it was Christina and Victoria?

5 A Yes.

6 Q And Rome's telling you what to do on the phone, to
7 look out the window?

8 A Yes.

9 Q Okay. So, you look out the window, you see
10 Christina and Vitoria, but you don't see Domonic, do you?

11 A No.

12 Q Domonic doesn't have his arm around Victoria, does
13 he?

14 A No.

15 Q That's Christina?

16 A Yes.

17 Q And they're walking down the street together?

18 A Yes.

19 Q All right. And you're talking to Romeo; you're not
20 talking to Domonic, are you?

21 A No.

22 Q Domonic's not telling you what to do over the phone,
23 is he?

24 A No.

25 Q Okay. All right. So, they're walking down the

1 street. Romeo tells you to come down, right?

2 A Yes.

3 Q He kind of motions you, waves you to come on down?

4 A He said he was downstairs. That's why I was looking
5 out the window, to see where.

6 Q Okay. And he also tells you to pack up the room and
7 bring everything as well?

8 A Yes.

9 Q And you do that?

10 A Yes.

11 Q So, you're following his directions there, too?

12 A Yes.

13 Q Okay. And so, you go downstairs to meet up with
14 him?

15 A Correct.

16 Q And you put the things that you had taken -- that
17 were in the room, you put them somewhere, right?

18 A I believe I grabbed my purse and the blunt.

19 Q Okay. So, that was the only things that you
20 grabbed?

21 A That I remember, yes.

22 Q Okay. And then you go downstairs?

23 A Yes.

24 Q And then you start smoking that blunt with Romeo?

25 A Yes.

1 Q Okay. And you're passing that back and forth?

2 A Correct.

3 Q And you know it's illegal to smoke marijuana?

4 A Yes.

5 Q Okay. And you're doing that with Romeo?

6 A Yes.

7 Q Okay. And then you two starting walking, I believe
8 you said to the Stratosphere?

9 A Correct.

10 Q Okay. But at that point in time you no longer see
11 Christina and Victoria?

12 A No.

13 Q You don't know what happened to them?

14 A No.

15 Q All the sudden from looking at them out the window
16 to by the time you get downstairs, they're gone?

17 A Correct.

18 Q Okay, you don't know what happened to them?

19 A Not at that point, no.

20 Q Okay. And that's what we're talking about. At that
21 point in time when you come downstairs -- from the time you
22 looked at them out of the window to the time you come
23 downstairs, you lost track of them?

24 A I wasn't in constant view of them. I had to --

25 Q So, you lost track of them?

1 A Correct.

2 Q Okay. Now, when you did have track of them you
3 never saw Christina smacking Victoria?

4 A No.

5 Q At that point in time when they're walking together,
6 right?

7 A No.

8 Q They're just walking arm-in-arm?

9 A Yes.

10 Q Okay. And then you lost sight of them, correct?

11 A Yes.

12 Q So then you and Romeo are smoking a blunt walking
13 down to the Stratosphere?

14 A Correct.

15 Q Right? And if I understand the geography correctly,
16 the Oasis is kind of across the street -- on Las Vegas
17 Boulevard, but across the street from like a Burger King and a
18 Tacos Mexico?

19 A Correct.

20 Q Right?

21 A Yes.

22 Q And then I think there's a light right there, a
23 traffic light?

24 A I believe so.

25 Q And then there's this really, really, really, big,

1 big, big tower. Do you know what that tower is?

2 A In the road?

3 Q Like on Las Vegas Boulevard after the light. After
4 you get past the Burger King and the Tacos Mexico and you get
5 past the traffic light, there's this really, really, really
6 huge tower. Do you know what that tower is?

7 A No.

8 Q You know what the Stratosphere is?

9 A Oh, yes.

10 Q There's a huge tower, right?

11 A It's a structure. I wouldn't call it a tower, but
12 yeah. A structure.

13 Q Okay. Well, I mean a structure?

14 A Correct.

15 Q I mean, it's kind of hard to miss, right?

16 A Yeah.

17 Q You know, it's probably a good 10,000 feet high. I
18 don't know -- it's an estimation. But it's pretty big, right?

19 A Correct.

20 Q It's kind of hard to walk by there, right?

21 A Correct.

22 Q And not notice that there's this big, huge tower?

23 A Correct.

24 Q And it's pretty identifiable, isn't it?

25 A Yes.

1 Q I mean, it's the stratosphere. You're not going to
2 mistake that for Mandalay Bay, are you?

3 A No.

4 Q Or you're not going to mistake that for the Luxor,
5 are you?

6 A No.

7 Q It's pretty identifiable, that's the Stratosphere?

8 A Yes.

9 Q So, you're smoking this blunt with Romeo, and you
10 walk right by the Stratosphere?

11 A Correct.

12 Q When that was supposed to be where you guys were
13 going?

14 A Correct.

15 Q Right? So, fair to say you were so intoxicated from
16 the marijuana that you lost track of where you were going?

17 A I kind of forgot.

18 Q You forgot?

19 A Correct.

20 Q Smoking blunts has that affect on you?

21 A No. It was just that he was shouting and really
22 upset on the phone. And I wasn't really trying to ask him,
23 hey, are we supposed to stop?

24 Q Well, he told you before you went there you were
25 going to the Stratosphere?

1 A Correct.

2 Q All right. And you just kept walking by?

3 A Correct.

4 Q And you actually realized at some point in time when
5 you passed the Stratosphere, right?

6 A Correct.

7 Q I think you even said you sat down and -- or started
8 to head back towards the Stratosphere?

9 A Yes.

10 Q Okay. Did you ever make it to the Stratosphere?

11 A No.

12 Q All right. So, you stop, you sit down. You walk
13 back towards the Stratosphere, changed your mind, and then you
14 started going to the Sahara?

15 A Correct.

16 Q All right. And you're smoking a blunt the whole
17 way?

18 A I believe when we sat down, we were done.

19 Q Okay. So, you finished the blunt by the time you'd
20 passed the Stratosphere and sat down?

21 A I believe so.

22 Q Okay. How long would it take you to walk from the
23 Oasis Motel to the point where you sat down and finished the
24 blunt?

25 A I'm not sure. Maybe about seven minutes or so.

1 Q So, you smoked the blunt in seven minutes?

2 A Probably, yes.

3 Q Okay. Now, you're saying that you were able to
4 overhear some things on the phone because Romeo was on the
5 phone?

6 A Correct.

7 Q And you could hear his side of what the conversation
8 was, because obviously he's right next to you, right?

9 A Correct.

10 Q And you said he was using like this chirp feature on
11 the phone, just like a walkie-talkie?

12 A Yes.

13 Q And so, you're able to hear partially what was going
14 on on the other end?

15 A Correct.

16 Q You weren't able to see what was going on on the
17 other end though, right?

18 A No.

19 Q But you could hear it?

20 A Correct.

21 Q All right. Now, Romeo was talking to, I believe you
22 testified, Christina on the other end?

23 A Yes.

24 Q And he was telling her to do things?

25 A Yes.

1 Q Kind of like he was telling you do to things
2 earlier, right?

3 A Okay.

4 Q Like he told you look out the window, bring your
5 stuff, right?

6 A Yes.

7 Q So, he was telling things to Christina as well,
8 right?

9 A Yes.

10 Q And Christina was listening to him?

11 A Correct.

12 Q And she was doing what he was saying?

13 A Yes.

14 Q And you were fully aware of this as this was going
15 on?

16 A Yes.

17 Q Okay. And I think you testified that you heard like
18 slapping sounds?

19 A Yes.

20 Q Okay. And Romeo was telling Christina basically to
21 hit Victoria?

22 A Yes.

23 Q And so he would say those things and on the other
24 end you would hear slapping sounds?

25 A Yes.

1 Q So, would it be fair to say that you assumed
2 Christina was following his directions?

3 A I did.

4 Q I'm sorry?

5 A I did.

6 Q Okay. So, at that point in time you knew that Romeo
7 was looking for Christina, correct?

8 A Victoria.

9 Q I mean -- thank you. You knew Romeo was looking for
10 Victoria?

11 A Correct.

12 Q Right? And you knew that he was willing to pay to
13 get Victoria?

14 A Yes.

15 Q And you actually even knew that he was telling
16 someone else to injure Victoria?

17 A Yes.

18 Q You never called the police though at that point in
19 time, did you?

20 A No.

21 Q You never excused yourself from Romeo and said, hey,
22 you know what, I got to go do -- run a little errand, or go to
23 the bathroom, and then make a call to 911, did you?

24 A No.

25 Q Okay. Despite the fact that you knew what was going

1 on, right?

2 A Correct.

3 Q Okay. What you did instead was you kept walking
4 with Romeo, didn't you?

5 A Correct.

6 Q All right. And you went over to where you think you
7 were going to meet with them?

8 A Where we ended up at?

9 Q Where you thought you were going to meet up, I
10 guess, with -- you were following Romeo?

11 A Yes.

12 Q So, you were following his directions as to where
13 you were going to go?

14 A At that -- yeah, because I was trying to get back to
15 the car. I wanted to go back.

16 Q You were following Romeo's directions?

17 A Right, because we --

18 Q That's the way you were going to go?

19 A We came with him in a car, so I expected to go back
20 with him in a car.

21 Q You were following --

22 A But he was walking.

23 Q -- Romeo's directions?

24 A Yes.

25 Q Okay. And you went with him to the Sahara?

1 A Yes.

2 Q Okay. And when you got to Sahara, you see that
3 little green car again?

4 A Yes.

5 Q Okay. Now, this little green car, earlier, Romeo
6 had?

7 A Correct.

8 Q But at some point in time you lost track of that
9 too, right?

10 A I was in the apartment. I couldn't see the car.

11 Q The question was at some point in time you lost
12 track of that car, too?

13 A Correct.

14 Q Okay. So, by the time you see it next you see
15 someone else driving that car, don't you?

16 A Yes.

17 Q And that's White Boy?

18 A Yes.

19 Q Okay. And you know White Boy -- I think you
20 probably learned his name was Donny Herb?

21 A Correct.

22 Q Or Donald Herb?

23 A Correct.

24 Q But you knew him as, White Boy?

25 A Yes.

1 Q Right, that was his nickname over at the
2 Sportsman's?

3 A For -- yes.

4 Q All right. And that's where you met him, over at
5 the Sportsman's?

6 A I believe so.

7 Q Okay. And he would hang out there; is that a fair
8 statement?

9 A I'd seen him there.

10 Q You'd seen him there?

11 A Yes.

12 Q Okay. And you'd seen him there with Romeo?

13 A Yes.

14 Q Okay. And would it be fair to say that White Boy
15 was in the drug trade as well?

16 A Yes.

17 Q He was selling dope?

18 A Correct.

19 Q He was a D-boy, right?

20 A Yes.

21 Q A D-boy means a dope dealer, right?

22 A Correct.

23 Q So, would you be a D-girl?

24 A If you'd like it to be.

25 Q Is that the name? Is that the name that they use in

1 the streets?

2 A They don't have a terminology for it, really.

3 Q Oh, not for girls, but just for boys?

4 A Right.

5 Q Okay. So, Donny's a D-boy as far as you know,
6 right?

7 A Correct.

8 Q Okay. And Romeo's a D-boy too, while we're at it?

9 A Correct.

10 Q Okay. So, you see Donny in the car -- or White Boy?

11 A Yes.

12 Q And he's driving?

13 A Correct.

14 Q Okay. Now, you said you also see in the car
15 Christina and Victoria?

16 A Yes.

17 Q Okay. And then I think you also testified that you
18 saw Domonic?

19 A Correct.

20 Q Okay. You don't know how Domonic got into that car?

21 A No.

22 Q And you don't know at what point in time he was in
23 that car?

24 A No.

25 Q Okay. Now, you -- and let me go back a little bit.

1 When you were walking down the street, the Stratosphere with
2 Romeo, remember that part?

3 A Correct.

4 Q And you were overhearing things going on on the
5 phone?

6 A Yes.

7 Q Okay. You never testified that you heard Romeo tell
8 Domonic to do anything to Christina?

9 A I don't think so.

10 Q Okay. He only told -- I mean, he only told
11 Christina to do things to Victoria. He never told Domonic to
12 do anything to Victoria, correct?

13 A Correct.

14 Q Okay. All right. So, now you say Domonic's in the
15 car?

16 A Yes.

17 Q Right. And then, you guys do some kind of a musical
18 chair, right?

19 A Yes.

20 Q Because when you see them in the car, Domonic's in
21 the back seat with Christina and Victoria?

22 A Yes.

23 Q Okay. But Christina is sitting next to Victoria?

24 A Yes.

25 Q And Domonic's sitting next to Christina?

1 A No.

2 Q Oh. Victoria's in between Domonic and Christina?

3 A In the middle. In the middle.

4 Q Victoria's in the middle?

5 A Yes.

6 Q Okay. So, and Domonic is sitting behind the

7 passenger seat?

8 A Behind the driver's seat.

9 Q Behind the driver's seat, okay. So then Christina

10 gets out of the car?

11 A Yes.

12 Q And then Romeo gets in the car?

13 A Yes.

14 Q And then you get in the car?

15 A I'm not sure. I know that we both sat on that one

16 seat.

17 Q Okay. But you're not sure who sat on whose lap?

18 A Correct.

19 Q But you know that Christina did sit on your lap at

20 some point in time?

21 A I'm not sure.

22 Q Or she sat on your lap, or you sat on her lap?

23 A Correct.

24 Q Okay. All right. Now, you go from the back of the

25 Sahara -- you with me?

1 A Yes.

2 Q And you go from there somewhere to the east side?

3 A Yes.

4 Q All right. Now, we go to the east side. You don't
5 know whose house it is?

6 A No.

7 Q Okay. And I think you said earlier it's dusk, so
8 it's starting to get dark?

9 A Yes.

10 Q So by the time you get there, it's nighttime?

11 A Yes.

12 Q Okay. So, you get there and you don't know whose
13 house it is, but you do know that Donny gets out of the car?

14 A Yes.

15 Q Okay. And at some point in time he goes into the
16 house?

17 A Yes.

18 Q Okay. And I think you also said that he also comes
19 out of the house?

20 A Correct.

21 Q And then he comes out of the house and he's talking
22 to Romeo?

23 A Yes.

24 Q All right. And you weren't sure if they gave him
25 something or anything like that?

1 A I thought he did, but I can't be sure.

2 Q You can't be sure. But you've testified before that
3 you thought maybe he gave him some cash?

4 A Some cash and some work.

5 Q And some work?

6 A Yes.

7 Q Okay. But you're not really sure?

8 A I'm not sure.

9 Q But you think that he did give him some cash and
10 some works?

11 A That's my opinion, yes.

12 Q Okay. And works is drugs?

13 A Yes.

14 Q So, Romeo and Donny are having this exchange?

15 A Correct.

16 Q D-Roc is not having the exchange with White Boy, is
17 he?

18 A No.

19 Q He's in the car?

20 A Correct.

21 Q And he hasn't said anything to this point?

22 A Not that I can remember.

23 Q Okay. So, he's quiet all the way from behind the
24 Sahara, all the way to where you get to Donny's house? He
25 never says a word?

1 A I don't think he did.

2 Q Okay. All the chatter that was going on in that
3 car, would it be fair to say, was from Romeo?

4 A I'm not sure. I don't really remember.

5 Q Okay. Nobody said anything in the car on the way?

6 A I'm pretty sure someone said something, but I don't
7 recall.

8 Q Okay. But you don't remember the content of that
9 conversation?

10 A No.

11 Q Okay. So, we're back outside of that house that you
12 go to and Donny and Romeo -- or White Boy and Romeo are making
13 this exchange?

14 A Yes.

15 Q Okay. Domonic's not involved in that whatsoever?

16 A No.

17 Q Okay. So then White Boy goes back into that house?

18 A Yes.

19 Q Okay. And then Romeo comes back out?

20 A He didn't go in.

21 Q I mean, Romeo comes back into the car?

22 A Yes.

23 Q Okay. At this point in time are you still sitting
24 on Christina's lap, or is she still sitting on your lap?

25 A No.

1 Q Okay. When you get to the house do you both get out
2 of the car as well?

3 A We changed seats again, yes.

4 Q So, you got out of the car?

5 A Yes.

6 Q Okay. And then you got back into the car and
7 changed seats?

8 A Yes.

9 Q So, now where are you sitting?

10 A I'm sitting behind the driver's seat in the back.

11 Q Okay. So, you went from the passenger seat, walked
12 away, around the car to the driver's seat?

13 A I'm not sure which way I got into the car, but I
14 know that that's where I ended up sitting.

15 Q Okay. Well, let's just try --

16 A I don't know if I went in from the passenger or the
17 driver. I don't know.

18 Q Well, let's talk about the car for a minute here.
19 It was a green car, right?

20 A I think so, yes.

21 Q It was a two-door car?

22 A Yes.

23 Q So, a sports car?

24 A Yes.

25 Q So, in order to get to the backseat --

1 A Yeah.

2 Q -- you had to actually go through the front seat?

3 A Yeah, pull the --

4 Q Because there's only one door, right?

5 A Yes.

6 Q So, you had to move the front seat forward in order
7 to get to the back?

8 A Yes.

9 Q Okay. And you were at the -- and you testified that
10 you were in the front passenger seat on the way to this house?

11 A Yes.

12 Q And then you end up in the rear driver's seat?

13 A Yes.

14 Q So, at some point in time you had to go from the
15 front passenger seat to the rear driver's seat?

16 A Yes.

17 Q Okay. All right. And then Victoria's sitting next
18 to you?

19 A Yes.

20 Q And then next to her is Christina?

21 A Correct.

22 Q Okay. And then Domonic I guess gets out and gets
23 into the front seat?

24 A Yes.

25 Q All right. And then Romeo gets back in, he's in the

1 driver's seat?

2 A Yes.

3 Q So, now he's driving the car?

4 A Correct.

5 Q And you leave that house?

6 A Yes.

7 Q Okay. And I believe you testified on direct that
8 you went to Carl's Jr.'s?

9 A I believe so.

10 Q You believe so? Okay.

11 And did it seem odd to you at that point in time
12 that Romeo was trying to get Victoria, but he would take her
13 to a public place like Carl's Jr.?

14 A No, we didn't -- we went through the drive-thru.

15 Q Oh, you went through the drive-thru. Okay. Now --

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

17 BY MR. CANO:

18 Q Do you remember telling the police that you weren't
19 sure if you went to eat first, if that was first, or if that
20 was after you had gotten beaten up?

21 Do you remember telling that to the police?

22 A Carl's Jr. is something that I just -- I don't know
23 where it is on the time line, and I still can't remember.

24 Q Okay.

25 A I just know that it happened.

1 Q But you remember telling the police that you weren't
2 sure if it was before or after the beating, but you do
3 remember being nauseous and not -- and you don't believe that
4 you ate anything?

5 A Correct.

6 Q Do you remember telling that to the police?

7 A I think so, yes.

8 Q Okay. But you're telling the jury now that you're
9 not really sure when Carl's Jr. happened, you just know it
10 happened?

11 A Correct.

12 Q So, you just kind of threw it into your testimony?

13 MR. DiGIACOMO: Objection, Judge.

14 THE COURT: Sustained.

15 MR. CANO: Okay.

16 BY MR. CANO:

17 Q So you just testified that it happened after the
18 house?

19 A Correct.

20 Q Okay. So then you go through this drive-thru and
21 then they get some food and then you end up over at the
22 Sportsman's?

23 A I believe so, yes.

24 Q Okay. Now, you get to the Sportsman's and you park?

25 A Yes.

1 Q Okay. And you part in front of the apartments?

2 A Yes.

3 Q Okay. You don't park over at the bar?

4 A No.

5 Q Okay. And the apartments are to the right of the
6 bar if you're facing it, right?

7 A If you're facing the bar, yes.

8 Q Okay. So, to the right of the bar, you're parked
9 there. And then you testified that Romeo gets out of the car,
10 right?

11 A Correct.

12 Q Victoria gets out of the car?

13 A Correct.

14 Q And Christina gets out of the car?

15 A Yes.

16 Q And they go somewhere?

17 A Yes.

18 Q They go to a room?

19 A Yes.

20 Q Okay. But you and Domonic, you guys -- you stayed
21 back in the car?

22 A Yes.

23 Q And you sat at the car the whole time?

24 A Yes.

25 Q So basically -- did you move out of the backseat?

- 1 A Yes.
- 2 Q And you moved to the --
- 3 A Front driver's seat.
- 4 Q Front driver's seat?
- 5 A Yes.
- 6 Q Where Romeo was sitting?
- 7 A Yes.
- 8 Q Okay. And they take off?
- 9 A Yes.
- 10 Q And you overhear Romeo talking to Victoria?
- 11 A No.
- 12 Q You didn't hear Romeo talking to Victoria?
- 13 A Not when they got out of the car.
- 14 Q While they were in the car, you hear him talking to
- 15 Victoria?
- 16 A Yes.
- 17 Q Talking about what they were going to do when they
- 18 got to the Sportsman's?
- 19 A Correct.
- 20 Q And that's when Romeo was telling Victoria that she
- 21 was going to go, I guess, meet some trick or something?
- 22 A Yes.
- 23 Q Okay. Domonic never said that to Victoria?
- 24 A No.
- 25 Q Okay. You didn't say that to Victoria, right?

1 A No.

2 Q Okay. Did Christina say anything regarding doing a
3 trick to Victoria?

4 A No.

5 Q Okay. That was just Romeo talking to her?

6 A Correct.

7 Q Okay. So when they got out of the car, Christina
8 went along with them?

9 A Yes.

10 Q Okay. Fair to say at that point in time, Christina
11 is still listening to Romeo and doing what he's saying?

12 A I guess so.

13 Q Kind of like in control of the situation?

14 A Maybe.

15 Q Maybe?

16 A Yes.

17 Q Okay. But you stayed back with Domonic?

18 A Correct.

19 Q Okay. And they're gone, I think you said somewhere
20 between a half-an-hour to 45 minutes?

21 A I believe so.

22 Q Okay. And that whole time neither you or Domonic
23 ever get out of the car?

24 A No.

25 Q And neither you or Domonic ever go up to that room?

1 A No.

2 Q And neither you or Domonic ever give any direction
3 to Victoria to go, you know, sleep with someone else for
4 money?

5 A No.

6 Q So, none of you -- so you and Domonic never tell
7 Victoria to go prostitute herself?

8 A No.

9 Q Okay. Instead, you're staying back and you're
10 talking to Domonic?

11 A And I'm talking, what?

12 Q You're talking to Domonic?

13 A Correct.

14 Q And you're talking about personal things between you
15 two?

16 A Correct.

17 Q Fair enough?

18 A Yes.

19 Q Okay. And the whole 45 minutes, you guys are
20 talking about the relationship between you two?

21 A Maybe not the whole time. We talked about a couple
22 of things.

23 Q Okay. But a significant portion of that
24 conversation was about your relationship?

25 A Correct.

1 Q It was about you being in love with some other guy
2 named Nino?

3 A Correct.

4 Q It was about him comparing you to other girls?

5 A I guess so.

6 Q It was about him having -- wanting to have a
7 relationship with you?

8 A Yes.

9 Q I think you even talked about, you know, whether you
10 guys were going to have kids, or not kids together, or
11 something of that nature?

12 A I don't recall that.

13 Q Okay. Well, but you were talking about personal
14 things between you and him?

15 A Yes.

16 Q And it's fair to say the tone of the conversation
17 was he was trying to maintain, or keep a relationship with
18 you?

19 A I believe so.

20 Q And that you were trying to tell him, no, I'm a free
21 agent, I don't want to be attached to anybody, I don't want to
22 have a boyfriend?

23 A I guess, yeah.

24 Q Okay. But he was trying to convince you that he
25 wanted you to be his girlfriend, I guess?

1 A I don't know. I don't --

2 Q Well, he talked to you about being his girlfriend, I
3 guess?

4 A Yes.

5 Q All right. And so that was the nature of the
6 conversation, or a significant part of that conversation that
7 you guys were having?

8 A Right.

9 Q Okay. And fair to say that you weren't giving him
10 his way?

11 A No.

12 Q You weren't saying, okay, I'll be your girlfriend
13 now?

14 A No.

15 Q Okay. You were still claiming to be a free agent?

16 A Yes.

17 Q And that didn't make -- that didn't thrill Domonic;
18 is that a fair way to say that?

19 A Yes.

20 Q Okay. He might have been emotionally upset about
21 that?

22 A Maybe.

23 Q Okay. Now, Christina, Victoria, and Romeo come back
24 at some point in time?

25 A Yes.

1 Q And they get back into the car?

2 A Yes.

3 Q You get out of the driver's seat?

4 A Yes.

5 Q And now you're in the back seat, along with
6 Christina and Victoria?

7 A Yes.

8 Q Correct?

9 A Yes.

10 Q Okay. And let me get something straight, something
11 you had testified earlier.

12 I think that you said kind of that Christina, early
13 on this process, was kind of laughing and was kind of happy
14 about it, that fact that she was in charge of Victoria?

15 A Yes.

16 Q Okay. And that was at the Sahara, correct?

17 A Yes.

18 Q And that was on the way to the house that you went
19 where White Boy got out?

20 A I believe so, yes.

21 Q And that was on the way to Carl's Jr.'s, I guess?

22 A I'm not sure.

23 Q And that was on the way to the Sportsman's as well?

24 A Sure.

25 Q And that was on the way once you got back from doing

1 whatever happened at the Sportsman's?

2 A Yes.

3 Q Okay. Now, you don't know what exactly happened up
4 in that room?

5 A No.

6 Q Because you weren't there?

7 A No.

8 Q You only know what was said between Romeo and
9 Victoria?

10 A Correct.

11 Q Okay. Now, they get back into the car, everybody
12 gets back into the car. And Victoria is sandwiched between
13 you and Christina?

14 A Yes.

15 Q Christina is still kind of happy about being in
16 control?

17 A Yes.

18 Q And as a matter of fact, if you look at the
19 situation, Victoria is in control because she's sitting
20 between you and Christina?

21 A You mean Christina's in control.

22 Q Well, I'm saying Victoria is under someone's
23 control --

24 A Oh, yes.

25 Q -- because she's sitting between you --

1 A Under control, yes.

2 Q -- and Christina, correct?

3 A Yes.

4 Q All right. And that's in the back seat?

5 A Yes.

6 Q Okay. Now, you go from here to -- down to the
7 Boulder Highway?

8 A Yes.

9 Q Right? And I believe -- we've talked about this
10 before. But I believe you said that Domonic was upset with
11 you and started hitting you on the way there?

12 A Yes.

13 Q Okay. But you testified earlier at another hearing
14 that he was pretty quiet along the way?

15 A He was.

16 Q He didn't say much; do you remember testifying to
17 that --

18 A No.

19 Q -- at a previous hearing?

20 MR. CANO: Court's indulgence.

21 BY MR. CANO:

22 Q Do you remember that preliminary hearing we had back
23 in Henderson that we were talking about yesterday?

24 A Yes.

25 Q Where you got up and you took an oath to tell the

1 truth and nothing but the truth?

2 A Yes.

3 Q Okay. You remember that, right? That was back in
4 Henderson, right?

5 A Correct.

6 MR. CANO: Counsel, page 98 and 99.

7 BY MR. CANO:

8 Q You were asked a question, "On the way to the
9 desert, does anything happen between D-Roc and you?"

10 You answered, "A little. He started talking kind of
11 rough to me and basically he was just pretty quiet for the
12 most of the time. And I was scared about his quietness. I
13 kept trying to start the conversation with him."

14 A Correct.

15 Q Okay. So at that hearing under oath, you said he
16 was -- he would talk rough to you, but basically he was quiet
17 the whole time?

18 A Correct.

19 Q You never said at that hearing that he was hitting
20 you, or pulling your hair, or punching you in the face?

21 A I'm not sure.

22 Q Well, I just read to you what you said at the
23 preliminary hearing.

24 MR. DiGIACOMO: I object at the 250-page prelim --
25 is he going to represent to her that she didn't say it in that

1 250 pages?

2 MR. CANO: Well --

3 MR. DiGIACOMO: In response to that one question --

4 THE COURT: Right.

5 MR. DiGIACOMO: -- she may have used the term
6 "rough" as opposed to, "he hit me." But --

7 MR. CANO: No, let's not mischaracterize it, because
8 he's saying rough --

9 THE COURT: Well, hang on.

10 MR. CANO: -- he spoke roughly to her.

11 THE COURT: Hang on, hang on.

12 You're asking her about one statement. I haven't
13 reviewed the statement, but if it's 256 pages, the question, I
14 mean, at any time during her testimony, did she make that
15 comment? I don't know if that's the question you wanted to
16 ask.

17 MR. CANO: Well, I guess that's up to the district
18 attorney to --

19 THE COURT: Okay. But --

20 MR. CANO: -- take that up on --

21 MR. DiGIACOMO: That was --

22 THE COURT: But I think you were perhaps -- it might
23 be out of context.

24 So, I'm going to sustain the objection. Either side
25 is free to clear it up or not. It's --

1 MR. CANO: Okay.

2 BY MR. CANO:

3 Q The question was asked to you directly, point-blank,
4 "On the way to the desert, does anything happen to you --
5 between you and D-Roc?"

6 And D-Roc is Domonic, correct?

7 A Correct.

8 Q All right. And you responded, "A little. He
9 started talking rough to me and basically, he was pretty quiet
10 for most of the time."

11 A Okay.

12 Q Okay. So, when you responded to that question, you
13 never responded that he grabbed you, pulled your hair, or
14 punched you?

15 A No.

16 Q And you had opportunity that you could have said
17 that at the preliminary hearing?

18 A I may have said it sometime after, but not at that
19 moment.

20 Q But not at that hearing?

21 A I'm not sure.

22 Q All right. Okay.

23 Now, you say you go out to the desert, right?

24 A Yes.

25 Q And you can kind of remember where that is, because

1 you were kind of trying to pay attention to everything?

2 A Not really, but I remembered the general distance
3 and direction, yes.

4 Q Well, you were able to take -- you were able to take
5 Detective Ridings back to the scene at night?

6 A Correct.

7 Q So fair to say you kind of knew the area where you
8 were going to?

9 A I didn't -- I had never been out that direction
10 previous to that. But I had -- you know the general direction
11 you're heading in.

12 Q Okay. And I think you previously testified that you
13 didn't know where you were going?

14 A Yes.

15 Q Or actually, I think you said at a previous trial,
16 but you testified yesterday that you were going to where Rome
17 was building a house, or his mom was building a house?

18 A That's what he said, yes.

19 Q Okay. So -- but you testified to both things; you
20 didn't know, plus you did know? You've testified both ways?

21 MR. DiGIACOMO: I object once again to
22 mischaracterizing the testimony. Mr. Cano -- I'll do it for
23 redirect. But I object --

24 THE COURT: All right.

25 MR. DiGIACOMO: -- to the mischaracterization of the

1 testimony.

2 THE COURT: All right. Go ahead, Mr. Cano.

3 MR. CANO: All right.

4 BY MR. CANO:

5 Q So, you go out there. And according to you, you get
6 out to this desert area. And Romeo tells you what to do, to
7 get out of the car, go talk to Domonic?

8 A Yes.

9 Q Okay. Because you get out to the area and Domonic
10 just gets out of the car?

11 A Yes.

12 Q I mean, fair to say he's upset because of the
13 conversation you had for 45 minutes at the Sportsman's about
14 trying to get with you, and trying to be with you, but you're
15 not together, he's upset about that?

16 A I guess so.

17 Q All right. And you -- and like I said, at the
18 preliminary hearing, you said he was pretty quiet along the
19 way out there?

20 A I believe so.

21 Q And you were trying to get him to talk, to engage,
22 because you knew that upset him that he wanted to have a
23 relationship with you, and you didn't?

24 A Correct.

25 Q Okay. So, he gets out of the car?

1 A Yes.

2 Q All right. And so then Romeo tells you, go talk to
3 him. Come on, go -- you know, you guys go make up, or kiss or
4 make up, or do whatever, something to that effect?

5 A He said, go talk to D-Roc.

6 Q So he says, go talk to D-Roc. So, that's what you
7 do? You follow Romeo's directions again?

8 A Correct.

9 Q Okay. And so -- and Romeo's been telling you what
10 to do since the Oasis, right?

11 A Yes.

12 Q Okay. So, you go out there, you start talking to
13 D-Roc. And then it starts going -- getting -- bringing up --
14 he starts bringing up all these emotional things again about
15 the relationship, and you love Nino, and you're with Nino,
16 things of that nature?

17 A Correct.

18 Q All right. And then you guys get into a fight about
19 it?

20 A Correct.

21 Q Okay. And then I believe you said in direct
22 testimony, the fight got so bad that at one point in time
23 you're on the ground?

24 A Yes.

25 Q And he actually -- let me see if I got this right,

1 because I'm listening to your testimony, he actually stepped
2 on your head?

3 A He was standing on my head.

4 Q He was standing on your head?

5 A Correct.

6 Q So, you could feel the full weight of him on your
7 head?

8 A Pretty much.

9 Q Okay. And while he was standing on your head, he
10 was kicking you, too?

11 A Yes.

12 Q In the face?

13 A In the back of my head.

14 Q In the back of your head?

15 A Correct.

16 Q Okay. Those pictures that you took later for the
17 police, did they ever take a picture of the back of your head?

18 A I don't think so.

19 Q Okay. Well, let's double-check to make sure.

20 MR. CANO: If I could approach, Your Honor.

21 THE COURT: Sure.

22 MR. DiGIACOMO: Well, Judge, I don't believe that
23 we've offered every picture taken by the police, but Mr. Cano
24 has them.

25 MR. CANO: I got the -- a picture the State's

1 offering, Your Honor.

2 THE COURT: Okay.

3 MR. CANO: If I could approach with that?

4 THE COURT: Sure.

5 MR. CANO: These are the ones that I think have been
6 admitted.

7 THE COURT: Just identify by number, and we'll
8 double-check.

9 MR. CANO: Sure. State's 133.

10 BY MR. CANO:

11 Q Is that a picture of you?

12 A Yes.

13 Q And that was taken by the police?

14 A Correct.

15 Q Is that the back of your head?

16 A No.

17 Q Okay. State's 131, is that a picture of you?

18 A Yes.

19 Q And is that a picture of the back of your head?

20 A No.

21 Q State's 130, is that a picture of you?

22 A Yes.

23 Q Is that a picture of the back of your head?

24 A No.

25 Q State's 129, is that a picture of you?

1 A Yes.
2 Q Is that a picture of the back of your head?
3 A No.
4 Q State 128, is that a picture of you?
5 A Yes.
6 Q Is that a picture of the back of your head?
7 A No.
8 Q State's 127, is that a picture of you?
9 A Yes.
10 Q Is that a picture of the back of your head?
11 A No.
12 Q State's 125, is that a picture of you?
13 A Yes.
14 Q Is that a picture of the back of your head?
15 A No.
16 Q State's 123, is that a picture of you?
17 A Yes.
18 Q Is that a picture of the back of your head?
19 A No.
20 Q State's 121, is that a picture of you?
21 A Yes.
22 Q Is that a picture of the back of your head?
23 A No.
24 Q State's 122, is that a picture of you?
25 A Yes.

1 Q Is that a picture of the back of your head?

2 A No.

3 THE COURT: Mr. Cano, it's fine to show her. But
4 you're raising your voice right next to her, that's not
5 appropriate. Okay?

6 MR. CANO: I'm sorry, Your Honor.

7 THE COURT: Hang on, hang on.

8 MR. CANO: I was just trying to emphasize.

9 THE COURT: Hang on. By the way, the photos you
10 showed have all been admitted into evidence.

11 Ma'am, do you need a short break? All right.

12 Ladies and gentlemen, during this recess, it is your
13 duty not to converse among yourselves, or with anyone else on
14 any subject connected with this case. Or to read, watch or
15 listen to any report of or commentary on the trial by any
16 person connected with the trial, or by any medium of
17 information, including without limitation, newspaper,
18 television, radio, or the Internet. You are not to form or
19 express an opinion on any subject connected with this case
20 until this matter is submitted to you.

21 We'll see you back in a few minutes.

22 (Court recessed at 10:57 a.m. until 11:10 a.m.)

23 (In the presence of the jury)

24 THE COURT: Ma'am, do you understand you're still
25 under oath?

1 THE WITNESS: Yes.

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

3 MR. CANO: Thank you.

4 BY MR. CANO:

5 Q Red, despite the injuries to the back of your head,
6 the police didn't take pictures of the back of your head?

7 A No.

8 Q Okay. And you never sought medical attention for
9 the injuries to the back of your head?

10 A No.

11 Q All right. Now, while you were getting into this
12 fight with Domonic you're able to see that Romeo was also
13 engaging in a fight with Victoria?

14 A Correct.

15 Q And he was -- he was hitting her?

16 A I believe so.

17 Q About her head and face?

18 A Yes.

19 Q Enough to leave marks and/or make redness on
20 Victoria's head and face?

21 A Yes.

22 Q Okay. And I think you also testified that Romeo was
23 hitting her along -- on the way out to the desert?

24 A Yes.

25 Q That he was the one that was driving; correct?

- 1 A Yes.
- 2 Q And you were sitting behind him in the back seat?
- 3 A Yes.
- 4 Q Victoria's in the middle?
- 5 A Correct.
- 6 Q Christina's behind the passenger side?
- 7 A Yes.
- 8 Q And Romeo's a person who has like an actual injury
- 9 to his hand, right, or some kind of -- something -- some
- 10 ailment with his arm?
- 11 A Correct.
- 12 Q Do you remember which arm it was?
- 13 A No.
- 14 Q Okay. But he had an ailment to his arm and he was
- 15 driving the vehicle. Do you remember if you testified that
- 16 you said that his arm was curled up?
- 17 A His hand, yes.
- 18 Q Or his hand was curled up?
- 19 A Yes.
- 20 Q One of his hands was curled up?
- 21 A Yes.
- 22 Q Okay. And you don't recall which one it was though?
- 23 A No.
- 24 Q Okay. But he was swinging back at Victoria?
- 25 A Yes.

1 Q Okay. With one hand?

2 A Correct.

3 Q Do you recall whether it was the hand that was
4 curled up or the hand that was not curled up?

5 A I can't remember.

6 Q Can't remember, okay. And he was I guess steering
7 the wheel with the other hand?

8 A Yes.

9 Q Okay. Now, would it surprise you to know that his
10 left hand was the one that had the curled up hand?

11 A No.

12 Q Now, so you're at -- out at this desert scene, get
13 into a fight with Domonic, Romeo is -- and fighting with
14 Victoria?

15 A Yes.

16 Q Okay. And the fight that was going on between
17 Victoria and Romeo had nothing to do with the fight that was
18 going on between you and Domonic?

19 A No.

20 Q That was two completely separate different
21 instances?

22 A I believe so.

23 Q Okay. The fight between you and Domonic was a more
24 personal relationship type of a fight?

25 A Yes.

1 Q Over the fact that he wanted to be with you and you
2 didn't want to be with him, you wanted to be with Nino?

3 A I guess so, yes.

4 Q All right. And as a matter of fact, you even get --
5 when you get back into the car you try to hide your cell phone
6 because you don't want Domonic to find your cell phone and the
7 whole calling records between you and Nino?

8 A Correct.

9 Q Right? So you were afraid that he would get more
10 upset if he found that?

11 A I was actually worried about him finding the phone
12 number.

13 Q Nino's phone number?

14 A Correct.

15 Q Okay. So basically you're trying to make sure that
16 he didn't get Nino's phone number; right?

17 A Yes.

18 Q So that's why you were trying to hide the phone?

19 A Yes.

20 Q All right. So you go from this desert area after
21 you have a fight, you know, based on a personal basis, on
22 reasons between you and him, you get back in the car and you
23 go from there over to the Hard Rock?

24 A Yes.

25 Q Okay. On the way to the Hard Rock, any stops?

1 A Not that I can recall.

2 Q Okay. You don't recall going to the Hard Rock and
3 Romeo telling Victoria to go out and perform some oral sex to
4 someone that was sitting at a bus stop?

5 A Yes.

6 Q You do recall that?

7 A I recall that.

8 Q That was on the way to the Hard Rock?

9 A Yes.

10 Q But you never told the police that?

11 A I'm not sure.

12 Q Okay. You had two statements that you gave to the
13 police, one was on the 21st and one was on the 24th. To your
14 recollection, anywhere in that statement did you tell them
15 whether or not they stopped on the way to the Hard Rock so
16 that Romeo could tell Victoria to do more prostitution?

17 A I remember the bus stop --

18 Q You remember the bus stop?

19 A -- instance. Yes.

20 Q But you don't remember if you told the police?

21 A I'm not sure.

22 Q Okay. You testified at a preliminary hearing?

23 A Yes.

24 Q You remember that?

25 A Yes.

1 Q To your recollection, you don't recall testifying to
2 that at the preliminary hearing, either?

3 A I don't --

4 MR. DiGIACOMO: I object. I'd ask him -- I think he
5 has to ask her, were you ever asked about that at the
6 preliminary hearing, first of all.

7 THE COURT: No. I'm going to overrule the
8 objection. They asked if she ever testified to that, and on
9 redirect you can clarify that.

10 BY MR. CANO:

11 Q Did you ever testify to that at preliminary hearing?

12 A Testify to what? Can you repeat it.

13 Q Stopping on the way to, you know, on the Hard
14 Rock -- on the way to the Hard Rock -- stopping on the way and
15 having -- and Romeo telling Victoria to do more prostitution?

16 A I'm not sure if it was brought up at the
17 preliminary.

18 Q Okay.

19 A I can't --

20 Q So to the best of your recollection, it was never
21 brought up at the preliminary?

22 A I can't say that.

23 Q All right.

24 A I'm not sure if it did or didn't.

25 Q How about the trial that you testified to -- the

1 other trial, remember that trial?

2 A Correct.

3 Q Never brought up there either?

4 A I don't believe so.

5 Q Okay. So the first time this jury is hearing it --
6 or the first time anybody's hearing it on record is today?

7 A I'm not sure.

8 Q Okay. Now, when that happened Romeo didn't say
9 anything to Victoria -- I mean --

10 MR. CANO: I withdraw that question, Your Honor.

11 BY MR. CANO:

12 Q Domonic didn't say anything to Victoria?

13 A No.

14 Q And you didn't tell Victoria to get out there and do
15 prostitution; right?

16 A No.

17 Q Okay. That was Romeo?

18 A Correct.

19 Q Okay. And that had nothing to do with you and
20 Domonic?

21 A No.

22 Q Okay. So is it fair to say the that the kind of
23 situation or relationship that was going on between you and
24 Domonic completely separate and apart that was going on
25 between Romeo and Victoria and Christina?

- 1 A Sort of, yes.
- 2 Q And you guys just happened to be in the same car?
- 3 A Yes.
- 4 Q Is that a fair way to describe it?
- 5 A Yes.
- 6 Q Okay. So you get up to the Hard Rock; right?
- 7 A Correct.
- 8 Q And, you know, at the Hard Rock your -- Romeo gets
- 9 out of the car -- everybody gets out of the car?
- 10 A Yes.
- 11 Q All right. And Romeo gives some works to Christina?
- 12 A Yes.
- 13 Q Now, works is drugs?
- 14 A Yes.
- 15 Q Was it hard or soft?
- 16 A I'm not sure.
- 17 Q Okay. Do you remember testifying that she was
- 18 smoking some meth?
- 19 A Yes.
- 20 Q It was in the bathroom of the Hard Rock; right?
- 21 A Yes.
- 22 Q Okay. So meth is?
- 23 A Soft.
- 24 Q Soft. So Romeo gave Christina some soft?
- 25 A I believe so.

1 Q All right. And Romeo told Christina to go sell and
2 make some money?

3 A Yes.

4 Q And Romeo told Victoria, go do what you got to do,
5 go make some money?

6 A Yes.

7 Q Right? Yes?

8 A Yes.

9 Q Okay. Domonic didn't say that to Victoria?

10 A No.

11 Q And Domonic didn't say that to Christina, he didn't
12 give her any works, didn't tell her to go make money?

13 A No.

14 Q Okay. What was going on between you and Domonic was
15 completely separate and apart?

16 A I believe so.

17 Q Okay. And you just kind of got wrapped up with
18 these girls?

19 A Yes.

20 Q As a matter of fact, you kind of blamed Christina
21 for getting you into this mess?

22 A I did.

23 Q Right?

24 A Correct.

25 Q And you were mad at her at that point in time?

1 A Correct.

2 Q Right? Because all of a sudden you're kind of
3 lumped in with them all of a sudden?

4 A Yes.

5 Q Right? But the issue between you and Domonic is
6 separate and apart?

7 A Correct.

8 Q Right? Domonic didn't lump you in there, Romeo
9 tried to lump you in there? Or I guess you just happened to
10 be there with there. Is that a fair -- better statement?

11 A Correct.

12 Q All right. So now you go inside of the Hard Rock --
13 and you got into a fight out in the desert area. Is that a
14 fair statement?

15 A Yes

16 Q And that was before you got to the Hard Rock?

17 A Yes.

18 Q You're all -- your clothes are king of disheveled
19 and messed up?

20 A Correct.

21 Q And you were messed up, obviously you got into a
22 fight?

23 A Yes.

24 Q Okay. And so at the Hard Rock you go to the
25 bathroom?

1 A Correct.

2 Q And Christina's with you?

3 A Yes.

4 Q And Victoria's with you?

5 A Yes.

6 Q Okay. And Victoria's all beat up?

7 A Yes.

8 Q Right? You said you could see red -- she was red,
9 you could see marks on her face?

10 A Correct.

11 Q Okay. Now, you guys try to get cleaned up?

12 A Yes.

13 Q Right? And you wanted to get out of there?

14 A Yes.

15 Q Right? But Christina, she went to one of the
16 stalls?

17 A Yes.

18 Q And she started doing the drugs, the soft?

19 A Yes.

20 Q Right? So you were mad at her because not only did
21 she kind of like was screwing over Demarco from earlier;
22 right?

23 A Correct.

24 Q But she also got more works, and she was smoking
25 that away; right?

1 A Correct.

2 Q And she was the one that kind of got you into this
3 mess?

4 A Yes.

5 Q Right? And so -- and she was the one that actually
6 -- I think Romeo told her that she was in charge; right?

7 A Yes.

8 Q So Romeo was still giving her orders?

9 A Correct.

10 Q Okay. Domonic never told her she was in charge?

11 A Nobody said she was in charge.

12 Q Nobody said? I thought you said Romeo told her
13 that?

14 A He said to keep us together.

15 Q Oh, okay.

16 A He didn't say, you're in charge.

17 Q All right. So Romeo told her to keep you guys
18 together. Domonic didn't tell Christina to keep you guys
19 together?

20 A I'm not sure.

21 Q Okay. Now, you're upset with Christina because like
22 we were saying, she was kind of like -- she dragged you into
23 this and she was messing up; right?

24 A No.

25 Q Well, I mean, she was smoking the drugs, she wasn't

1 selling them?

2 A Correct.

3 Q Right? And she had already screwed over Demarco;
4 right?

5 A Correct.

6 Q And as a matter of fact, I think you actually told
7 her in the bathroom, we're in this because you chose up with
8 another nigga. And that -- is that with an A or an R?

9 A A.

10 Q Okay. You told her that; right?

11 A Correct.

12 Q So basically she chose up to be with Romeo; right?

13 A Correct.

14 Q Was that yes?

15 A To do work with him, yes.

16 Q Okay. To do work with him. So she chose up with
17 him in that sense?

18 A Yes.

19 Q To do business with him?

20 A Yes.

21 Q Okay. And let's talk about that, choosing up.

22 Okay. Let's talk about that a little bit. Would it be fair
23 to say that if you're choosing up with somebody over someone
24 else, like say you have two drug dealers and you're choosing
25 up with one over the other, there can be some animosity?

1 A There could be, yes.

2 Q Okay. And that's because the one drug dealer --
3 like the person who was originally with one drug dealer is
4 leaving that person and going with someone else?

5 A Correct.

6 Q So they're kind of losing income or money?

7 A Correct.

8 Q That was bringing in; right?

9 A Correct.

10 Q And to your knowledge at that point in time, or
11 prior to the Hard Rock, Christina had chose up with Black?

12 A Correct.

13 Q The one -- that guy that was over at the South Cove;
14 right?

15 A Yes.

16 Q The one with the long goatee?

17 A Yes.

18 Q Right? But from was you were seeing, what was going
19 on at the Oasis and everything after that, she chose up with
20 Romeo?

21 A Correct.

22 Q Right? So she's doing business now with Romeo?

23 A Correct.

24 Q Okay. And so that's kind of like -- in the drug
25 world that's kind of like, you know, a wrong thing to do?

1 A Maybe.

2 Q It's not like the correct way to so things; right?

3 A It depends.

4 Q It depends on what?

5 A I'd never really chose up with any one person. I'd
6 dealt with many people and it wasn't wrong.

7 Q Okay. But I'm saying that if one person chooses up
8 with another person it can create animosities I guess between
9 the two drug dealers?

10 A It could.

11 Q Right. Okay. And eventually there was a fight
12 between Black and Romeo, wasn't there?

13 A Yes.

14 Q Okay. So -- now, let's get back to the Hard Rock
15 though. While I'm talking on subjects of choosing up, you
16 actually had a conversation with Romeo, didn't you, while you
17 were at the Oasis?

18 A I had a lot of conversations with him.

19 Q But one of the conversations that you had with him
20 was to try to get some clarification, right, between the
21 relationship between you and D-Roc, because he wanted to do
22 some business with you. He wanted to work with you; right?

23 A Correct.

24 Q So he wanted to make sure that like you weren't
25 choosing up with him over Domonic?

1 A Correct.

2 Q Because that wouldn't been good; right?

3 A If he was my boyfriend, then yes.

4 Q Okay. So this choosing up is kind of an important
5 thing in this drug culture; right?

6 A Sometimes.

7 Q Okay. Now, and you made it very clear to Romeo when
8 you were talking about that with him that you were not -- that
9 you -- Domonic wasn't like your boss or anything like that,
10 that you were a free agent, you could choose up with whoever
11 you want?

12 A Correct.

13 Q So you could work with anybody that you wanted to?

14 A Correct.

15 Q Right? And that way -- that's how you keep your
16 hustles on top of your hustles; right?

17 A Correct.

18 Q You can't like limit yourself just to one person;
19 right?

20 A Correct.

21 Q Okay. All right. Now, let's get back over to the
22 Hard Rock. So you were mad at her because she had chose up,
23 you know, and excuse my language, with another nigga; right?
24 You told that to her?

25 A Correct.