

1 Q And at that point, you were grabbed from behind. Is
2 that correct?

3 A I started to run away and he grabbed me from behind.

4 Q Alright. And you were put behind the bushes.
5 Correct?

6 A Correct.

7 Q At all times during that particular time, did this
8 person have a bandanna on?

9 A Yes, he did.

10 Q Alright. Then there came a time when someone came out
11 of the garage. Is that right?

12 A That's correct.

13 Q And was the tape put on you at that point in time?

14 A It was put on me after the man went into the garage.

15 Q Alright. But, before you left the 5070 vicinity. Is
16 that correct?

17 A That's correct.

18 Q And how big was the tape?

19 A It was about one and a half to two inches wide.

20 Q And it was put over your eyes. Is that correct?

21 A That's correct.

22 Q From that point till the time you get to Newport Cove,
23 as I understand your testimony, you could see down to the
24 ground. Is that correct?

25 A That's correct.

26 Q But, you could not see straight ahead or up?

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1 A No, I could not.

2 Q So, at that point, you--until you got to Newport

3 Cove, you did not see the face or anything else of this person.

4 Isn't that correct?

5 A That's correct.

6 Q Alright. Did you put your shoes back on?

7 A No, we did not.

8 Q Then you went to what you describe as the area of

9 Newport Cove?

10 A Yes.

11 Q And you sat on a wall or something?

12 A Yes. It wasn't a wall. It was just a cement block.

13 Q A cement block. And at this point in time, was the--

14 was the bandanna on you?

15 A No.

16 Q Alright. Now, as I understand your testimony, the

17 person left for a couple of minutes. Is that correct?

18 A It wasn't quite that long.

19 Q Started to walk away?

20 A That's correct.

21 Q And at that point, you attempted to take off the tape.

22 Is that correct?

23 A Yes.

24 Q And you testified that you did get a glimpse of the

25 abductor as he was walking away. Is that correct?

26 A That's correct.

27

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1 Q And somehow he realized that you were removing the
2 tape?

3 A Yes.

4 Q You didn't get a chance to see his face at that point
5 in time, did you?

6 A No.

7 Q And he came back and the tape was put back over you.
8 Is that correct?

9 A Yes.

10 Q And that's when the bandanna was put back over you.
11 Is that correct?

12 A That's correct.

13 Q Or put on you?

14 A Yes.

15 Q Now, after the bandanna was put on you, were you able
16 to see down?

17 A Not nearly as much as I could before with the tape on,
18 but a little bit.

19 Q Were you able to see the ground at all?

20 A A tiny bit.

21 Q Excuse me. I didn't--

22 THE COURT: Come forward, please, Mr. Bailiff, and take
23 care of that. All you have to do is just turn that.

24 (Bailiff adjusting microphone)

25 THE COURT: Alright. Proceed.

26 Q Let me--let me ask you this, Angela. At no time,
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1 isn't it true, there was at no time did you see the face of the
2 abductor?

3 A This is true.

4 Q And the best view you got was when you were originally
5 stopped and you were able to see from the eyes up. Is that
6 correct?

7 A That's correct.

8 Q Now, when you were originally taken behind the bushes
9 and you pulled your pants down. Is that correct?

10 A Yes.

11 Q And did the abductor touch your vaginal area or some
12 other part of the body?

13 A My vaginal area.

14 Q And what did he do? Did he just touch the vaginal
15 area, did he insert a finger, or what did he do?

16 A He just touched my vaginal area.

17 Q He just touched it?

18 A Yes.

19 Q Was this a--did he move his hand at all, or just
20 touch?

21 A He moved his hand a little.

22 Q A little?

23 A Yes, because the man came out at that time.

24 Q Now, when you went to the car, after Newport Cove,
25 were you able to see anything at all in the car with the tape
26 over your eyes and the bandanna over your eyes?

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1 A I didn't realize I could see at this time. I could
2 see a little bit downwards, like the floor of the car.

3 Q And you determined that the floor of the car was a
4 greenish-blue, bluish-green?

5 A Yes, it was.

6 Q Now, you also mentioned in your direct examination
7 that the abductor questioned you about your house?

8 A Yes.

9 Q Questioned you about the type of cars that your family
10 had. Is that correct?

11 A That's correct.

12 Q And how many brothers and sisters do you have?

13 A Yes.

14 Q Now, could you tell me what he asked you about the
15 house?

16 A He asked me at what place did I live, which house,
17 exactly, did I live at and where was my bedroom.

18 Q Alright. And he told you at another point in time
19 that he had your class schedule. Correct?

20 A Correct.

21 Q And he wanted to know about your family and wanted to
22 know where you live, didn't he?

23 A That's correct.

24 MR. FADGEN: Court's indulgence for one moment.

25 Q Now, there came a time after you were released that
26 you met with Officer McLaughlin. Is that correct?

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1 A Yes.
2 Q And you were shown a photo line-up?
3 A Yes.
4 Q And you said you picked number 2 out of that photo
5 line-up?
6 A Yes.
7 Q Is that correct?
8 A That's correct.
9 Q And that is, even though you had never seen the face
10 of the abductor. Isn't that true?
11 A That's correct.
12 Q And that you didn't know whether he had a beard,
13 whether he had a moustache. Isn't that true?
14 A No, that's not true.
15 Q Did you know whether he had a beard?
16 A Yes, I did.
17 Q And did he have a beard?
18 A No, he didn't.
19 Q Did he have a moustache?
20 A That I'm not sure of.
21 Q You're sure he didn't have a beard?
22 A Correct.
23 Q But you're not sure whether he had a moustache or
24 not. Is that correct?
25 A That's correct.
26 Q And was it the eyes that made you believe it was
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1 number 2?

2 A It wasn't just the eyes.

3 Q Well, you didn't see anything else, did you?

4 A I saw him for quite a bit during the time that he
5 abducted me because when I was on the grass, I saw his face,
6 too.

7 Q When--excuse me?

8 A I didn't see his whole face, I just saw him from--from
9 above the cheeks up.

10 Q That's when you were by the bushes and there was a
11 bandanna on. Is that correct?

12 A That's correct.

13 MR. FADGEN: I don't think I have any further questions,
14 Your Honor.

15 THE COURT: Counsel?

16 REDIRECT EXAMINATION

17 BY MR. BLOXHAM:

18 Q Mr. Fadgen has asked you about seeing the defendant's
19 face. Did you catch glimpses of his face at various times
20 during these hours you spent with him?

21 A Yes, I did.

22 Q How was that?

23 A Because after a period of time, I could see quite a
24 bit more because the bandanna started to rise. And I could see
25 if I looked up.

26 Q So, the tape, although it's in front of your eyes, you
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1 can see down and a little up, too?

2 A Well, I had to raise my face quite a bit up to be able
3 to see.

4 Q But, did you catch glimpses of the defendant and his
5 face during these periods of time?

6 A Not his total face, no.

7 Q There was a question asked concerning the interior of
8 the car.

9 MR. BLOXHAM: May I approach the witness, Your Honor?

10 THE COURT: You may.

11 Q Showing you what appears to be a copy of a statement
12 dated November 15th, 1983, at 12:05 p.m. Is that correct?

13 A That's correct.

14 Q This is in the afternoon of November 15th, 1983?

15 A Yes.

16 Q Did you give a oral statement that was tape recorded
17 and then typed up?

18 A Yes, I did.

19 Q Is this your signature on the bottom of this copy?

20 A Yes, it is.

21 Q In fact, it's on every page of the copy. Is that
22 right?

23 A Yes, it is.

24 Q Looking at page 15, was the question asked of you,
25 "Did you notice anything--

26 MR. FADGEN: Your Honor, I think this is an improper
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1 question. No refreshing recollection or anything else.

2 MR. BLOXHAM: Your Honor, I don't think it's improper. Mr.
3 Fadgen was asking questions concerning the color of the car and
4 I'm trying to establish that the day after this, the witness
5 did describe the color of the car.

6 THE COURT: The objection is overruled.

7 Q Were you asked the question, "Did you notice anything
8 about the color of the inside of the car?" And did you answer
9 that?

10 A Yes, I did.

11 Q And can you tell us that answer that you gave at that
12 time?

13 A I said, "Yes, faded and it was like a blue-gray color
14 and green. It was more blue than green."

15 Q Now, is that the way you remember it now, more blue
16 than green?

17 A Yes.

18 Q How many line-ups did you view?

19 A Two.

20 Q Were these photo line-ups?

21 A Yes, they were.

22 Q And when was the first line-up?

23 A The first line-up was about a week, week and a half
24 after.

25 Q Was your abductor in that criminal line-up?

26 A No, it was not--he was not.

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1 Q And when was the second line-up?
2 A In December.
3 Q And did you prepare a statement on that date?
4 A Yes, I did.
5 Q And do you recall the date today?
6 A It was December 11th.
7 Q And you've reviewed that statement, so that is the
8 correct date?
9 A Yes.
10 Q And in viewing that line-up, was your abductor in that
11 line-up?
12 A Yes, he was.
13 Q And did you designate in that statement, which number
14 he was in the picture line-up?
15 A Yes, I did.
16 Q Which number did you designate?
17 A Number 2.
18 Q Now, you testified that someone came out of a garage.
19 Did you see them come out of a garage?
20 A No, I did not.
21 Q And how is it your know somebody came out of a garage?
22 A He told me.
23 Q Did you hear any noises?
24 A Yes, I did.
25 Q What did it sound like?
26 A A garage door opening.

1 Q Could you tell where?
2 A Yes, it was across the street.
3 Q Angela, yesterday when you testified, you testified as
4 to the sexual assaults which you suffered. Did you--were you
5 subjected to any other sexual assaults, other than what you
6 testified to yesterday, on November 14th, 1983?
7 A Yes. There was another act of--he put his penis in my
8 mouth.
9 Q And so that happened on more than one occasion?
10 A Yes, it did.
11 Q Do you know whether or not he had that knife with him
12 throughout these assaults?
13 A Yes, I did.
14 Q How is it that you know that?
15 A At one point, he put it in my hand.
16 Q And when was this in relationship to your abduction
17 and your release?
18 A It was at the end.
19 Q And tell us how this happened.
20 A I was still blindfolded. And he put the knife in my
21 hand and had me feel the blade. And he told me that he would
22 see how brave I was at this point.
23 Q Do you know what he meant by "how brave you were"?
24 A Yes. He wanted to see if I would try to stab him.
25 Q Did you try?
26 A No, I did not.

1 Q Why not?
2 A Because at this time, I just wanted to be released.
3 Q And were you blindfolded?
4 A Yes, I was.
5 Q And he had told you that he was about ready to release
6 you?
7 A No, he did not.
8 Q How do you know you were about ready to be released?
9 A Well, because I was--he was talking about it, but he
10 hadn't actually done it yet.
11 Q Did you experience anything after--or let me ask it
12 this way. Did you go to a doctor after November 14th, 1983
13 within, say, a week or two?
14 A Yes, I did.
15 Q And why is that you went to this doctor?
16 A We went for--my Mom and I went for the examination.
17 And they took a pap smear.
18 Q Were you experiencing any discomfort or unusual
19 physical signs prior to going to the doctor?
20 A Yes, I was.
21 Q Okay. What was the discomfort or signs?
22 A It was a bacterial discharge.
23 Q Were you having a vaginal discharge?
24 A Yes, I was.
25 Q Approximately when did this occur in relationship to
26 November 14th, 1983?

1 A A few days later.
2 Q What doctor did you go to?
3 A Dr. McBeath.
4 Q Is he here in town?
5 A Yes, he is.
6 Q Now, you've also explained that sometime in November,
7 1983, Detective McLaughlin had you get into a car. Is that
8 correct?
9 A That's correct.
10 Q Is that the only car he had you get into to determine
11 if it was the same car?
12 A Yes.
13 MR. FADGEN: Your Honor, I'm going to object. This has
14 been all covered on direct examination.
15 MR. BLOXHAM: I think he's right, Your Honor. I'll
16 withdraw the question.
17 Nothing further of this witness.
18 MR. FADGEN: Just a couple of questions, Your Honor.
19 RECROSS EXAMINATION
20 BY MR. FADGEN:
21 Q Angela, you say now that there came a time that the
22 tape came loose and you could see up?
23 A The tape never came loose.
24 Q But there came a time where you could see up. Is that
25 what you're telling us?
26 A That's correct.
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1 Q And you say that you caught glimpses of the abductor's
2 face, although not his entire face?

3 A That's correct.

4 Q Now, you never told that to the police, did you?

5 A Yes, I did.

6 Q And you previously--you did tell them that?

7 A Yes, I did.

8 Q You never put that in the statement, did you?

9 A They didn't ask me that.

10 Q And you previously testified earlier this year at the
11 Preliminary Hearing, didn't you?

12 A Excuse me?

13 Q You previously testified earlier this year at the
14 Preliminary Hearing, didn't you?

15 A Yes, I did.

16 Q And you didn't testify that you could see up, did you?

17 A Yes, I did.

18 MR. FADGEN: No further questions.

19 REDIRECT EXAMINATION

20 BY MR. BLOXHAM:

21 Q Angela, when the tape was first put on your face, do
22 you know how many strips were put on at that point?

23 A At the most, two.

24 Q Were they both put on at that point, or do you know?

25 A Yes, they were both put on at the same time.

26 Q Isn't it true, at the Preliminary Hearing you
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1 testified concerning your ability to see under and up and you
2 could see the sky and you could--you're in the back seat,
3 though?

4 A That's correct.

5 Q And you could see, looking down underneath, you could
6 see up into the front seat somewhat. Isn't that true?

7 A That's correct.

8 MR. BLOXHAM: Nothing further, Your Honor.

9 MR. FADGEN: Nothing further, Your Honor.

10 THE COURT: You're excused.

11 MR. BLOXHAM: Your Honor, may we approach the Bench?

12 THE COURT: You may.

13 (Whereupon a Bench conference was held, not recorded)

14 THE COURT: Ladies and gentlemen, it was anticipated that
15 the examination would go probably right until 9:00 and it has
16 not. However, we do have a matter which we must dispose of
17 outside of your presence. So, we're going to proceed now to
18 argue that matter and listen to argument outside of your
19 presence. After that occurs, I will be starting my morning
20 calendar at 9:00 and I should be through, probably, somewhere
21 around 10:15 to 10:30. We will then be in--reconvene and then
22 proceed on with additional witnesses. So, I'm going to recess
23 the matter until 10:00.

24 During this recess, you're admonished not to talk or
25 converse among yourselves or with anyone else on any subject
26 connected with this trial, or read, watch, or listen to any
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1 report of or commentary on the trial or any person connected
2 with this trial by any medium of information, including,
3 without limitation, newspaper, television, and radio, or form
4 or express any opinion on any subject connected with the trial
5 until the case is finally submitted to you.

6 We will be in recess until at least 10:00. I'm going
7 to ask that during this recess that you go up to room 111 and
8 remain there subject to call. But, if you want to go up there,
9 say, at 9:30, if you have other things to do, that's fine, as
10 long as you get there somewhere around 9:30 or so and then
11 remain there until you are called back to Court.

12 We're in recess. You can leave the Courtroom at this
13 time. You may leave the Courtroom because we have matters to
14 take care of outside of your presence.

15 (The following proceedings were held outside
16 the presence of the jury)

17 THE COURT: This is outside the presence of the jury. You
18 may proceed, counsel.

19 MR. BLOXHAM: Your Honor, the State has filed, in fact,
20 filed September 6th, 1988, a Trial Memorandum pertaining to the
21 admissibility of other evidence--or evidence of other crimes.
22 Basically, Your Honor, I believe the Court is familiar with the
23 facts. I know Mr. Fadgen is. This happened November 14th,
24 1983. We asked permission and intend to call Audra Sharp to
25 the stand. She would testify that on December 2nd, 1983, she
26 was--

1 THE COURT: Hold on just a second here. Let's try to get
2 some correlation of time in relationship to this event.

3 MR. BLOXHAM: Okay, Your Honor, eighteen days later, in
4 Monrovia, California, Audra Sharp was abducted by the same
5 defendant.

6 THE COURT: Eighteen days after this offense, okay.

7 MR. BLOXHAM: Eighteen days.

8 THE COURT: Alright.

9 MR. BLOXHAM: Your Honor, Audra Sharp was born June 16th,
10 1968. She was fifteen. Angela was born May 1st, 1968. She
11 was fifteen. These girls were, what, forty-six days apart in
12 age, almost identical in age. Both victims were heading to or
13 from school. Angela was going to school, Audra is coming from
14 school.

15 Both girls, as they're walking alone on the street,
16 are confronted by a black male wearing a bandanna. Angela
17 describes the bandanna as dark with stars. Audra describes the
18 bandanna as dark with designs. The bandanna that we have had
19 marked and identified by Angela as similar to the one being
20 worn by the defendant was left on Audra. That's how we have
21 it. It was left on her face when she was released. Probably
22 the same bandanna, Your Honor.

23 In both cases, the defendant was wearing camouflage
24 clothing.

25 THE COURT: When you say "Audry" are you saying--are you
26 meaning Miss Sharp?

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1 MR. BLOXHAM: Audra Sharp, A-u-d-r-a is her name, Audra
2 Sharp.

3 Now, quite frankly, Your Honor, she has married since
4 that time. We intend to use the name Audra Sharp, however,
5 rather than her husband's given name. For reasons that we
6 don't want the defendant to know what her name is at this
7 point. If she, in fact, uses her husband's name. She's still
8 known as Audra Sharp, too.

9 Both instances the defendant was wearing camouflage
10 clothing. In fact, clothing found in his house was identified
11 by Angela as similar to the camouflage pants he wore when he
12 abducted her. The camouflage pants are probably the same ones
13 he wore when he abducted Audra Sharp. Also a tee shirt,
14 camouflage tee shirt was found at his house at that time.
15 Audra Sharp identified the abductor as wearing a camouflage tee
16 shirt.

17 Both times the defendant used a knife in his right
18 hand. Both instances the defendant taped the eyes of the
19 victim. Both instances, after taping the eyes of the victim,
20 he placed the bandanna that he was wearing over the eyes on top
21 of the tape.

22 Both instances he used the term "shut up" to both of
23 them. In both instances when he first attempted to sexually
24 assault these young girls, he told them to remove their
25 clothing. He didn't start pulling them off and things like
26 that. He told them to remove their clothing.

1 He committed the same sexual assaults as to both. By
2 that, I mean sexual intercourse, fellatio, and sodomy. In both
3 instances, the defendant stated that their vaginas were too
4 tight, that he might have to loosen them up. The Court has
5 heard the testimony of Angela. Audra was told he may have to
6 cut her vagina with a knife to loosen her up.

7 He went through the wallets of both people before
8 releasing them, the evidence will show.

9 Your Honor, under the circumstances, the State feels
10 that the crimes are so close in the commission of the crimes
11 that it shows a common plan, that it shows a common scheme.
12 And these things the Supreme Court has said are admissible to
13 establish that they were common schemes, common plans. If
14 there's common factors between them. It's not like the Mayes
15 case where the Supreme Court said every trick roll, almost, has
16 somebody picking somebody up in a bar and going to a motel room
17 and having sex and stealing their money. However, if you go
18 further and show some unique factor about this particular
19 defendant that would not be found, would probably not be found
20 throughout, trick rolls, you can use other trick rolls to show a
21 common scheme or plan. That's what we have here, Your Honor.

22 Additionally, identity. We offer this evidence for
23 identity. Quite frankly, Audra Sharp noticed a lot more about
24 the vehicle than Angela. Audra Sharp noticed the license
25 plate. However, she described it as a California license
26 plate. But she did give the license plate 005 AJV or B. I
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1 believe she did get two of the letters turned around. But she
2 had the 005 and she had fairly close to the correct letters.
3 She noticed in the car that the steering wheel was broken. She
4 noticed in the car that there was some dice hanging from the
5 mirror. She described them, the color. She noticed in the car
6 that it was a stick shift, four or five speed.

7 She noticed in the car that there were two other
8 bracelets with the names Marie and Andre. I believe she even
9 noticed the name "Andre" on one. She noticed other things
10 about the vehicle. And she described all of these things to
11 the police. And they found the defendant in just such a car.

12 Her identity, Your Honor, is just so, so good. That
13 would help this jury in determining whether or not the
14 defendant is the same defendant who abducted Angela. Not that
15 they would convict him for abducting and raping and sexually
16 assaulting Angela just because he did it to Audra. But, it
17 would help them, for that limited purpose, of saying, "Is this
18 the same person or not?" And it certainly would assist them in
19 that.

20 Your Honor, I know that statute 48.035 requires a
21 weighing the probative value and the prejudicial effect. Your
22 Honor, the probative value is so high. This evidence of other
23 crimes is just so helpful to this jury in deciding, "Is this
24 the man that did it?"

25 I think we're going to boil down to the crimes
26 occurred. I don't think even Mr. Fadgen would deny that these

1 crimes occurred. Now, the question is: did this defendant do
2 it? And this would be extremely helpful in deciding this.

3 Thank you.

4 THE COURT: Counsel?

5 MR. FADGEN: Thank you, Your Honor. Of course, we object
6 to the admission of that particular evidence on the basis one:
7 that the prejudicial effect far outweighs any probative value
8 in this case. What it would do is force this defendant, not
9 only to defend this particular case, but to defend the case
10 brought forth by the witness or witnesses in California.
11 Certainly, there are reasons why courts admit this type of
12 evidence. But, there is the weighing factor that the Court
13 must take into consideration. I submit that it not only will
14 compound the issues, and compound the defendant's ability to
15 defend this particular action, but just the prejudicial effect
16 of the introduction of that evidence far outweighs its
17 probative value.

18 MR. BLOXHAM: Your Honor, if I could respond, briefly, to
19 that. Mr. Fadgen says he would be forced to defend the
20 California case. Well, the defendant plead guilty to all of
21 those charges in California. That case is a given. I mean,
22 this man did those crimes. There's no question that he's the
23 one that did it. He used that car. I don't intend to bring
24 that up. That would not be admissible. But, I do believe it
25 would be totally proper to put Audra Sharp on the stand and
26 have her testify as to what happened. And I do have a couple

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1 of other witnesses from California relative to impounding the
2 car, what they found in the car, and along those lines.

3 Additionally, we will be bringing in a witness from
4 California who saw the defendant in the area where he abducted
5 Audra Sharp and he saw the defendant wearing a bandanna over
6 his face. He can't identify him. But, he saw the car and he
7 saw that it was a Nevada license plate, which is the tie-in
8 which explains how the Nevada authorities found the defendant
9 ultimately.

10 So, not only do we have all of the things that I've
11 mentioned before, but it would better explain to the jury how
12 this case came together at the end.

13 Thank you.

14 THE COURT: Well, I think, first of all, it's--as counsel
15 pointed out, it's a given that two crimes did happen. The
16 crime with which we are faced with here today and the crime
17 that the State has pointed out happened some eighteen days
18 later, which by the defendant's own admission, he committed.

19 The law, of course, in the State of Nevada, is rather
20 clear as set forth by our Legislature at 48.045 Sub 2 that
21 evidence of other crimes, may, under certain circumstances, be
22 admissible if they tend to show either motive, opportunity,
23 intent, preparation, plan, knowledge, identity, or absence of
24 mistake, or accident. The State, in this case, claims that the
25 defendant committed, not only this offense, but the offense in
26 California, which he has plead guilty to.

1 The evidence, and evidence of other offenses, of
2 course, is admissible and the State urges that it's admissible
3 in this case to prove motive, intent, common plan or scheme, or
4 identity.

5 Defendant, on cross examination, made quite a to do
6 about the identity issue. The cross examination dwelt rather
7 extensively on the fact that the defendant could not be
8 identified as being the perpetrator of this crime. We know
9 that the defendant, from his own admissions in the State of
10 California, or at least it's a fair and reasonable assumption,
11 perpetrated the crime in that jurisdiction that occurred
12 eighteen days later in a very, very similar and almost
13 identical fashion to the one committed here in Nevada.

14 I was--when the State first made its Motion, I ruled
15 that I would not grant the State's Motion until I heard the
16 victim testify in order to give me an opportunity to hear what
17 her statement was, or for me then to compare her statement to
18 the evidence that would be and was available to be propounded
19 in the case in California.

20 I can't recall a case where there have been more
21 factors that have been almost identical. In all of the cases
22 that I've seen in the State of Nevada over the years, going
23 back to the Sefton case, which was a case I tried as a defense
24 counsel. This case has points of comparisons numbering well
25 over ten and more. The points of comparison are identical, or
26 almost identical.

1 That being the case, then, it is very clear that it is
2 an appropriate for the Court to consider the introduction of
3 this evidence. We have two crimes that were committed in an
4 almost identical fashion. One in which the defendant has
5 admitted he committed. And the other which, by his plea, he
6 denies he committed.

7 The issue, then, is: does this show a common plan,
8 scheme, and does it assist, and would it assist the jury in
9 attempting to identify the perpetrator? Does it further show
10 motive and intent? To that question the answer must be "yes".

11 The next question, then, left unanswered is the issue
12 of probative value. Is it probative? And if it is probative,
13 does it outweigh the prejudicial effect? In this case, once
14 again, we have the issue of identity and common plan and scheme
15 and motive and intent. It has exceedingly high probative
16 value.

17 And in the judgment of this Court, certainly outweighs
18 the prejudicial effect. And for that reason, it's the order of
19 the Court that testimony of the other offense, as outlined by
20 the State in their oral motion, or oral statement today, and
21 their written motion filed on September the 8th, that evidence
22 may come before this jury for its probative value.

23 MR. BLOXHAM: Just one clarification. It was September 6th
24 we filed it, Your Honor. Mr. Fadgen was aware of it before
25 that date.

26 THE COURT: Alright. We will be in recess, then, in this
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1 matter, subject to call. I would suggest, gentlemen, that you
2 be down here at about 10:15. Could we hold the defendant here,
3 rather than taking him back so we can get started right away as
4 soon as we finish the other calendar?

5 COURT SERVICES OFFICER: Yes, Your Honor. We have the
6 calendar waiting in the cage, Your Honor.

7 THE COURT: Alright. We'll start just as soon as we get
8 all of the other defendants up and start the motion calendar in
9 about four or five minutes. We'll stand in recess.

10 (At the hour of 8:50 a.m., the Court recessed until 10:40 a.m.)

11 THE COURT: Counsel stipulate to the presence of the jury?

12 MR. BLOXHAM: State will so stipulate, Your Honor.

13 MR. FADGEN: Yes, Your Honor.

14 THE COURT: Alright. Ladies and gentlemen, we're now ready
15 to proceed. Call your next witness, sir.

16 MR. BLOXHAM: State would call Dr. Zumpft.

17 CHARLES W. ZUMPF

18 (Was called as a witness, duly sworn, and testified as follows:)

19 DIRECT EXAMINATION

20 BY MR. BLOXHAM:

21 Q Doctor, please state your full name and spell your
22 last name for the Court.

23 A Charles W. Zumpft, Z-u-m-p-f-t.

24 Q Dr. Zumpft, are you licensed to practice medicine in
25 the State of Nevada?

26 A Yes.

1 Q Are you licensed to practice medicine in any other
2 state?

3 A Yes.

4 Q Which state?

5 A Ohio and Utah.

6 Q Where did you receive your undergraduate degree, sir?

7 A Ohio State University.

8 Q And where did you attend medical school?

9 A Ohio State University.

10 Q And how long have you practiced medicine?

11 A About twenty-seven years.

12 Q Do you have a specialty, sir?

13 A Yes.

14 Q And what is that?

15 A Emergency medicine.

16 Q Have you testified in courts of law in the State of
17 Nevada before as an expert?

18 A Yes.

19 Q Directing your attention, sir, to November 14th, 1983,
20 were you working at the Southern Nevada Hospital, currently
21 called the University Medical Center?

22 A Yes.

23 Q In fact, do you still work there?

24 A Yes.

25 Q Which unit were you working in in the morning hours of
26 November 14th, 1983?

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1 A In the emergency room.

2 Q At that time, did you have occasion to come in contact
3 with the person identified as Angela Rukal?

4 A Yes.

5 Q And when was it you saw her, sir?

6 A Late in the morning that day.

7 Q And where was it that you saw her?

8 A In the emergency department.

9 Q And what are the circumstances under which you saw
10 her?

11 A I was asked to examine her associated with a sexual
12 assault examination.

13 Q What was her condition when you first saw her, if you
14 can tell us.

15 A She was upset and nervous, but she was very
16 cooperative.

17 Q Was a physical exam conducted?

18 A Yes.

19 Q What things did you note, having conducted that
20 physical exam?

21 A I brought some sheets and I need to refer to those to
22 give you the details if that's alright.

23 Q Sir, at or near the time, did you prepare a report
24 concerning this exam?

25 A Yes.

26 Q And this is the standard reports that are completed in
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1 these kind of exams and treatment?

2 A Yes, the routine, standard report.

3 Q And have you, just this morning, received some copies
4 that are legible, or they may not even be that legible. Are
5 they?

6 A Yes, they're legible.

7 Q Okay. And are those in your handwriting?

8 A Most of this is in my handwriting, yes.

9 Q Was that prepared on November 14th, 1983, by yourself,
10 the portions--

11 A At the time of the examination, yes.

12 Q Now, let me ask you what did you notice about Angela
13 Kukal as you performed the physical exam?

14 A She was, as I said, nervous, but cooperative. She had
15 areas on her body that were tender, especially the left
16 posterior shoulder, the top of her head. The rest of the
17 examination was fairly normal except for the pelvic area. The
18 pelvic area, she had some old and fresh blood. She had
19 swelling of the vulva, or the lips around the vagina. She had
20 tears of the perinaeum, which is the area in the crotch area
21 between the vagina and the rectum. She had tears of the hymen.
22 And she had tenderness on the top of her head, the palpation.

23 Q Did you notice anything else about the hymen? You had
24 mentioned tears. Was there anything else of note?

25 A No. My report indicates that she had tears, at five
26 and seven o'clock and there was swelling, discoloration, of the

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1 hymen. And the blood was present, as I had mentioned here.

2 Q How about the anus? Did you have anything of note on
3 the anus?

4 A No, the patient was quite tender and I couldn't even
5 finish a complete examination because of the tenderness and the
6 swelling that she had at the rectal/vaginal area.

7 Q Now, when you say "complete an examination", does that
8 include an internal examination of the vagina?

9 A Usually there is an internal examination that goes
10 with it also. But this patient really couldn't tolerate that
11 and we don't push on that because it was so uncomfortable for
12 her.

13 Q Okay. So, in other words, you couldn't insert a
14 finger and examine the vagina?

15 A No, my notes indicate that this was just too tender
16 and uncomfortable for the patient to allow that.

17 Q Now, you mentioned a rape kit, or a sexual assault
18 kit. How is that done?

19 A The kit is made up ahead of time and when the patient
20 presents himself, a nurse is assigned to that patient. And the
21 nurse does certain items of collecting certain specimens like
22 pubic hairs, or combed hairs, oral swabs, gets the patient
23 ready for an examination. Then she keeps that kit with her
24 until the doctor examines the patient. The doctor does certain
25 things in regard to the examination and certain collections of
26 evidence, like a collection of swabs, and then prepares this

1 report. And then when this report is finished, it's given back
2 to the nurse and kept with all of the information together so
3 that the nurse is responsible all the way through.

4 Q Did you do a vaginal swab of this patient?

5 A Yes, the swabs are very small, and so, I did swabs of
6 both the rectum and the vagina and did that very carefully so
7 it wasn't uncomfortable for the patient and could collect the
8 specimens that they request for the exam.

9 Q Okay. So, you did, then, collect a vaginal swab and a
10 rectal swab and then turned those over to the nurse to put in
11 the sexual assault kit. Is that correct?

12 A Yes, that's correct.

13 Q Now, as part of the examination, do you inquire about
14 the menstrual cycle?

15 A Yes.

16 Q And did you inquire in this particular case?

17 A I asked her when her last menstrual period was, the
18 last normal menstrual period was. Those were the same, which
19 she gave me the dates of about the 4th to the 11th of November.

20 Q So, she had just completed her menstrual cycle, being
21 the 14th. Is that correct?

22 A Yes.

23 Q Does part of your examination include a question about
24 prior coitus, in other words, prior sexual contact?

25 A Yes, that's one of the standard questions.

26 Q Did she respond to that question?

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1 A Right. The information I had here was that she
2 indicated that there had been none before.

3 Q Now, who was the nurse that was assisting you in the
4 performance of this test?

5 A Miss Howard.

6 Q Is that the lady that's sitting outside?

7 A Right. I haven't seen her for awhile.

8 Q Alright. Thank you.

9 MR. BLOXHAM: Pass the witness, Your Honor.

10 THE COURT: Cross?

11 MR. FADGEN: No questions.

12 THE COURT: You may step down, Doctor.

13 THE WITNESS: Thank you.

14 THE COURT: Call your next witness.

15 MR. BLOXHAM: The State would call Nurse Howard.

16 Your Honor, while the nurse is coming in, may I
17 approach the Clerk and have an item marked.

18 THE COURT: You may.

19 FRANKIE L. HOWARD

20 (Was called as a witness, duly sworn, and testified as follows:)

21 DIRECT EXAMINATION

22 BY MR. BLOXHAM:

23 Q Ma'am, please state your full name and spell both your
24 first and your last name for the Court.

25 A Frankie L. Howard.

26 Q How do you spell Frankie?

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1 A F-r-a-n-k-i-e.

2 Q And Howard?

3 A H-o-w-a-r-d.

4 Q Mrs. Howard, directing your attention to November
5 14th, 1983, were you employed at the Southern Nevada Memorial
6 Hospital?

7 A Yes.

8 Q What was your position then?

9 A LPN.

10 Q And does that stand for Licensed--

11 A Licensed Practical Nurse.

12 Q Okay. Now, directing your attention again to that
13 same date, November 14th, 1983, did you have occasion to come
14 in contact with an Angela Kukal?

15 A Yes.

16 Q And what were the circumstances under which you came
17 in contact with Angela Kukal?

18 A A rape case.

19 Q And was a rape kit completed--

20 A Yes.

21 Q --with this particular individual?

22 A Yes, I did it.

23 Q Now, is that rape kit completed with the assistance of
24 a doctor?

25 A Yes, Dr. Zumpft.

26 Q Is that the man who just left the Courtroom?

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1 A Yes, it is.

2 Q Now, showing you what's been marked for identification
3 purposes as State's proposed exhibit 7, I would ask you if you
4 can identify this bag marked State's proposed exhibit 7.

5 A That's my signature, right there.

6 Q Okay. Does your name appear on State's proposed
7 exhibit 7?

8 A (inaudible)

9 Q Okay, you have to speak up. I don't think--

10 A Oh, yes.

11 Q And did you write your name on State's proposed
12 exhibit 7?

13 A Yes, I did.

14 Q Okay. Is this the rape kit that was prepared on
15 November 14th, 1983, with Angela Kukal?

16 A Yes--I have to sign my name there and the date and
17 everything.

18 THE COURT: Counsel, why don't you stand in front of her,
19 out here and that will probably help.

20 A I sign the kit and I notice it and I put my tape on
21 it, the red tape.

22 Q Okay. Along side your name there's a date and a time.
23 It looks as if it's 11:25. Is that in your handwriting?

24 A Yes, it's my signature right there, FH.

25 Q Okay. Did you complete this at 11:25 a.m.?

26 A Yes.

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1 Q Okay. Now, would you have initialed anything inside
2 of this kit, or do you just sign the front of the kit?

3 A I sign the papers when I finish. The doctor do the
4 work and I sign my name off on this sheet.

5 Q Okay. On the front of this?

6 A On the front and on the sheets.

7 Q Inside?

8 A Inside.

9 Q Would there be any vials or envelopes or anything like
10 that--

11 A There should be.

12 Q --you would have initialed inside?

13 A Yes.

14 Q May we have you open State's exhibit--or State's
15 proposed exhibit 7 without disturbing any of the other seals.
16 Now, that's going to require you to cut right along the top,
17 here, without disturbing the seals.

18 (witness opening evidence envelope)

19 Q You'll have--could we have you take anything out and
20 we'll have these marked in addition to the State's proposed
21 exhibit 7.

22 MR. BLOXHAM: Okay, could we have this marked as State's
23 proposed exhibit 7A and 7B, 7C and D, 7E, and 7F.

24 Q Is that all that's in the bag?

25 A Yes, sir.

26 MR. BLOXHAM: Okay, may we have these marked, Miss Clerk?

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1 THE COURT: They may be marked. Why don't you start with
2 those that are already marked, sir?

3 Q Showing you what's been marked for identification
4 purposes as State's proposed exhibit 7A. Was this in the kit
5 when you were working the kit or is that something that was put
6 in, perhaps, by the lab later?

7 A No, no. The kit is right when the swab--you have to
8 put this right here--

9 THE COURT: You have to speak up.

10 Q You need to speak right into the microphone.

11 A Okay. When you swab with one thing, you have to put
12 the swab on it, on the slides. And you swab for VD, whatever it
13 is and you have to put everything together.

14 Q Okay. In other words--

15 A And then--

16 Q --let me ask you a couple more questions. Showing you
17 State's proposed exhibit 7B and State's proposed exhibit 7C,
18 does your name or initials appear on that? It may or may not?

19 A My name should be on there, but there was two of us
20 together, Tammy and I. She drew the blood. I'm there,
21 doing all the swabbing. So, she could have put her name on
22 them.

23 Q Okay.

24 A Initialed it, you know. Because we work together.

25 Q Okay. This says, "vaginal". Is that correct?

26 A Yes, un-huh.

1 Q And this one says, and I'm referring to 7B, "rectum".
2 Is that correct?

3 A Yes, um-hum.

4 Q Okay. So, is this represent 7B--represent a rectal
5 swab and 7C--

6 A It's a rectal swab and this is the one that the swab,
7 the vaginal, we put on the slides.

8 Q Okay. And so, after you do the swabbing, is your
9 testimony that you then put it on the slide, which is 7A--

10 A Yes.

11 Q --for each--

12 A Yes.

13 Q --swab?

14 A Yes.

15 Q Showing you what's been marked for identification
16 purposes as 7D, can you identify that--vial?

17 A Yes, this is, was the blood that was drawn from her arm
18 to determine, you know, if it's--what the blood type, whatever
19 she's going to have.

20 Q Okay. So, in other words, did you draw that blood?

21 A Tammy drew the blood.

22 Q Pardon me?

23 A Because I'm not supposed to draw blood. I'm an LPN.

24 Q Okay. Someone else drew the blood?

25 A Tammy, she's a--

26 Q Was that done in your presence?

1 A Yes.

2 Q And did you place that inside this--

3 A Yes.

4 Q --rape kit?

5 A Yes.

6 Q Showing you what's been marked for identification
7 purposes as State's proposed exhibit 7E, can you identify this
8 at all?

9 A Terry Cook.

10 Q Well, have you ever seen an envelope such as that
11 before?

12 A Oh, yes. We do that all the time. The hair go--when
13 you comb the hair and pull the hair out the head, and you put
14 it in this envelope here.

15 Q Would you have done that in this particular case?

16 A Yes.

17 Q May we have you open State's proposed exhibit 7E
18 without disturbing the seals, which is going to require you to
19 cut along the bottom and we'll see, and remove anything from
20 inside of that.

21 (witness opening evidence bag)

22 MR. BLOXHAM: Alright, let's have these marked as 7E with
23 one 1, 2, 3, 4, 7E, 1, 2, 3, and 4.

24 (Clerk marking exhibits)

25 Q Mrs. Howard, showing you what has been marked for
26 identification purposes as State's proposed exhibit 7E1,

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1 State's proposed exhibit 7E2, and State's proposed exhibit 7E3.
2 Can you identify these three envelopes?

3 A Okay. This is the head hair. Head hair you have to
4 pull or cut. And this is the pubic hair. You have to either
5 pull or cut. And this is the pubic hair, you comb it. You
6 have to comb it out. And this is what it is.

7 Q Okay. Now, did you perform these--

8 A Yes.

9 Q --sample gathering activities on Angela Kukal on
10 November 14th, 1983, and--

11 A Yes, I did.

12 Q --place them in the kit?

13 A Yeah.

14 Q And so, what you do now, I assume, is that you comb
15 through the pubic hair--

16 A Um-hum.

17 Q --where it says "comb pubic hair and any loose hairs
18 are recovered and placed in this envelope"?

19 A That's right.

20 Q And then sealed?

21 A Yes.

22 Q And the "pubic hair standard", is that where you cut
23 or pull a pubic hair sample and put it in this envelope?

24 A The pubic--you cut right down through the vaginal
25 opening.

26 Q Okay. And it says "head hair" and that's States--

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1 THE COURT: Counsel, stand over there please.

2 Q --State's proposed exhibit 7E1?

3 A The head hair you pull, just pull strands of hair out.
4 You get another hair back and forward.

5 Q Okay. And place it in the envelope and seal it?

6 A Place it in the envelope, yes.

7 Q Now, State's proposed exhibit 7E4 appears to be--does
8 that appear to be the oral swab?

9 A Yes, you swab the mouth from front to back.

10 Q Would you have taken this oral swab?

11 A Yes, I did.

12 Q And then after completing all these items and placing
13 them in the bag, placing your name on the front of State's
14 proposed exhibit 7, what did you do with all these items?

15 A I signed it and took it to the officer out in--out in
16 the sub station and he was waiting for it.

17 Q Okay, so, right there in the hospital you hand it over
18 to the police?

19 MR. BLOXHAM: Pass the witness, Your Honor.

20 MR. FADGEN: No questions, Your Honor.

21 THE COURT: You're excused.

22 Call your next witness.

23 MR. BLOXHAM: State would call Richard Forsberg.

24 RICHARD FORSBERG

25 (Was called as a witness, duly sworn, and testified as follows:)

26 DIRECT EXAMINATION

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1 BY MR. BLOXHAM:

2 Q Sir, please state your full name and spell your last
3 name for the Court.

4 A Richard Forsberg, F like in Frank-o-r-s-b as in boy-
5 e-r-g as in George.

6 Q Mr. Forsberg, directing your attention to November
7 14th, 1983, where did you live?

8 A 5059 Reno Court.

9 Q And is that located here in Clark County, Nevada?

10 A Yes, it is.

11 Q Directing your attention to that day, approximately
12 6:30 a.m., did you observe anything unusual?

13 A Yes, I did. I opened the garage door to go to work
14 and as I did--

15 Q Okay. Where did you work at that time?

16 A At the postal service.

17 Q And did you go to work about 6:30 every morning?

18 A Yes.

19 Q Alright. Please continue.

20 A As I opened the garage door, the dog started barking
21 and I looked across the street and I seen something moving on
22 the other side of some bushes. So, I walked across the street
23 and as I came to the other side of the street, I saw a body
24 laying on the ground and a man kneeling on the ground alongside
25 the body.

26 Q Could you tell the race of the man kneeling over the
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1 body?

2 A Yes, he was a black man.

3 Q Please continue.

4 A And so then I went back to the house, called the
5 police, and after I called the police, I came back again and
6 the body and the man had disappeared.

7 Q Was there anything in that area that you saw?

8 A The book--there was a notebook and some school books
9 laying in the driveway and in the grass on that--at that
10 particular house.

11 Q Did you move these books or do--

12 A No, I didn't.

13 Q --anything with them before the police came?

14 A No, I didn't touch anything.

15 Q Did you describe that individual for the police?

16 A You mean the black man?

17 Q Um-hum.

18 A No, I couldn't really identify him. All I could see
19 was that he was a black man. He had a dark shirt on. I wasn't
20 close enough to really identify him.

21 MR. BLOXHAM: Your Honor, could we have the witness step
22 down from the witness stand and approach the board over here?

23 THE COURT: You may.

24 (witness to diagram)

25 Q Mr. Forsberg, if you can come over here. If we can
26 ask the Bailiff to move that out and turn the light on for us.

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1 Mr. Forsberg, if you could take this pointer, and also this
2 purple marker, I'd ask you to look at State's exhibit 3 and
3 does that kind of represent Reno Court?

4 A Yes, it does.

5 Q Okay. Can you show us where your house is on State's
6 exhibit 3?

7 A Okay, my house is about right in this area right in
8 here (witness pointing). There's another house here.

9 Q How many houses are in that little cul de sac?

10 A There's four.

11 THE COURT: Why don't you put your initials on it, sir?

12 A It should be a little bit as far as the drawing.

13 Q Okay. We're having you draw that with a different
14 color pen, aren't we? Isn't that purple?

15 A Yes.

16 Q And the other coloring is black. Is that right?

17 A Right.

18 Q Could we have you put your initials on each house that
19 you've drawn and then an "X" where you lived.

20 A (witness drawing)

21 Q Can you show us, now, with the pointer, where you
22 walked that morning?

23 A Okay, so, I opened the garage door right here and the
24 dog was barking so I walked--I seen something moving over here
25 in the bushes over here in this house area right here
26 (pointing), so, I walked across over here and looked in this

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1 direction and that's when I seen the man and the body laying on
2 the ground along side between the house and the bushes, right
3 here (pointing).

4 Q And is that when you turned around and went back into
5 your house and telephoned the police?

6 A Yes, I went--I was standing in this area right here
7 and I went back into the house and called the police and that's
8 when I came back out. After I called the police, then I came
9 back out and see that the body and person had disappeared.

10 Q Thank you. If you could retake the stand, sir.

11 (witness returns to stand)

12 MR. BLOXHAM: Pass the witness, Your Honor.

13 THE COURT: Cross?

14 MR. FADGEN: One moment, Your Honor. No questions.

15 THE COURT: You're excused, sir.

16 Call your next witness.

17 MR. BLOXHAM: State would call Carol St. Pierre.

18 CAROL LOUISE ST. PIERRE

19 (Was called as a witness, duly sworn, and testified as follows:)

20 DIRECT EXAMINATION

21 BY MR. BLOXHAM:

22 Q Please state your full name and spell your last name
23 for the Court.

24 A My name is Carol Louise St. Pierre, S-t. P-i-e-r-r-e.

25 Q And, Mrs. St. Pierre, I want to direct your attention
26 to November of 1983. Where did you reside?

1 A At 5060 South Reno Court in Las Vegas.

2 Q Now, did you know an Angela Kukal?

3 A Yes, I did.

4 Q I want you to remember back to around November 14th,
5 1983. I know that's a little difficult to go back and remember
6 a date like that. But, do you remember something when Angela
7 was abducted from your neighborhood?

8 A Well, basically, our dog was very upset.

9 Q Okay.

10 A I remember things like that. You mean of the day?

11 Q Okay. Do you recall finding out after her abduction
12 that she had been abducted?

13 A Yes.

14 Q And, at that time, did you remember back to the
15 morning of the abduction?

16 A Yes.

17 Q Okay. Was this right after the abduction, like a day
18 or two?

19 A It was a couple days after and I remember prior to the
20 abduction.

21 Q Okay. So, after hearing about Angela's abduction,
22 what, if anything, did you do?

23 A At first, the first couple of days, nothing, and then
24 I realized that I had seen an unfamiliar person in the
25 neighborhood and I called Angela's father and told him what I
26 had remembered. And he suggested that I contact the

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1 detectives.

2 Q Did you contact any detectives?

3 A Yes, I did. And I did a composite.

4 Q Okay. Is that one of those I.D. kits where they have
5 you--

6 A Um-hum.

7 Q --do the eyes and the nose--

8 A Yes.

9 Q --and other things?

10 A Yes, um-hum.

11 Q And you did cooperate with the police and prepared a
12 composite drawing of the suspect that you had seen in the
13 neighborhood?

14 A Yes, I did.

15 Q When had you seen this person in the neighborhood?

16 A It was a couple of weeks prior to the incident. It was
17 on two different occasions.

18 Q And was this in the month of November?

19 A Yes.

20 Q And where was this individual when you saw this
21 individual in your neighborhood?

22 A He was on the--at one time right directly across from
23 my house, walking, leaving the cul de sac. On another time,
24 when I was coming into the cul de sac, he was, again, leaving,
25 but, you know, he was walking across it. It just--there in the
26 neighborhood.

1 Q And did you describe this individual for the police--
2 A Yes.
3 Q --or do you recall what he looked--what did he look
4 like?
5 A He was about 5'5", slender, very slender build, real
6 curly hair. At that time that I saw him, it was quite closely
7 cropped. He had beautiful, beautiful brown eyes. I remember
8 his eyes distinctly. And he was a slight build, athletic
9 build.
10 Q What race was he?
11 A He was black.
12 Q I want to direct your attention, now, to November
13 12th, or--pardon me--December 11th, 1983. Did you meet with
14 any of the detectives concerning a photographic line-up?
15 A Yes, I did.
16 Q Where was that?
17 A It was at my home. They called and set up an
18 appointment and they came in and they had several different
19 photographs to look at. And I picked one that looked like the
20 person that I had seen in our neighborhood.
21 Q Was this on a display, photographic display, with the
22 number of pictures?
23 A I thought they were separate pictures, that I looked
24 through several pictures.
25 Q Did you complete a statement on that day in your own
26 handwriting concerning this photographic line-up?

1 A Yes, I did.
2 Q And did you review that this morning--
3 A Yes.
4 Q --in fact, for the first time in five years or so?
5 A I have it with me.
6 Q Okay. In your own handwriting, did you designate
7 which picture you selected?
8 A Yes, I did.
9 Q Which picture did you select?
10 A It was number 2.
11 Q And that was in that photographic line-up?
12 A Um-hum.
13 THE COURT: Your answer is? "Yes" or "no"?
14 A Yes.
15 Q And that's the person you saw in the neighborhood on
16 two occasions in November of 1983, walking?
17 A Yes.
18 Q Just for curiosity, I'd like you to look at State's
19 exhibit 3 and ask you where your house is in relationship to
20 this drawing.
21 A On the right-hand side of that 5070, where you go in,
22 right there, yeah, go--I mean, on this side (pointing), on the
23 back side.
24 Q On this side?
25 A Yeah, that side.
26 Q Okay. So, you're at 5060, right here?

1 A Well, gee, maybe not. I must be on the other side of
2 it. It's 5050?

3 Q Do you still live there, Mrs. St. Pierre?

4 A No, I don't. That's why I'm confused. Because--

5 Q How long did you live there, ma'am?

6 A Eight years. But, I'm confused by the numbers.

7 Q Okay.

8 A Because it's a court and they jump by ten's. You
9 know, I did--I lived on the right side, like you said. Where
10 the bushes are.

11 Q This side?

12 A Yeah, on that side of the bushes, closer to--

13 Q Maybe you'd better come down here and mark it and put
14 a--your initials.

15 (witness drawing.)

16 A We were the fourth house in. And 56 is here. And
17 these bushes here are in our yard and--

18 Q Is that the border between your yard--

19 A Un-huh. And they were our bushes. We put them there.
20 And this is our driveway.

21 Q And would you take this red marker pen and put an "X"
22 where your house was and your initials, please.

23 (witness drawing)

24 Q Thank you. If you'll take the stand again.

25 (witness returns to stand)

26 MR. BLOXHAM: Pass the witness, Your Honor.

1 THE COURT: Cross?

2 MR. FADGEN: Thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MR. FADGEN:

5 Q Miss St. Pierre, you said the first time you saw a
6 strange person in the neighborhood was about two weeks before
7 the abduction?

8 A Yes, sir.

9 Q And where were you when you saw this person?

10 A On one occasion I was in my car coming out of the
11 driveway.

12 Q What I'm asking is, on the first occasion you said
13 that you saw him once across from your house. I believe you
14 said that was the first occasion. Is that--

15 A (nods head)

16 Q You have to--

17 A Yes, yes.

18 Q And where were you when you saw this person?

19 A I was in my driveway, in my car. And my car had been
20 backed up in the driveway. I was leaving to go to work. And
21 he was walking across that other cul de sac where it says
22 "Forsberg's", he was walking across there.

23 Q So you were here?

24 A Correct.

25 Q Facing out in the driveway. Is that correct?

26 A Right.

27

28

1 Q And he was--

2 A About right where you're--no, about there, walking
3 across the street.

4 Q Walking this way?

5 A Yeah, um-hum. Walking--not down into the cul de sac,
6 but along the main sidewalk, out toward Reno Avenue.

7 Q Walking--toward my--

8 A Yeah, toward you, yeah, like that. Exactly.

9 Q The second time that you saw a strange individual in
10 the neighborhood, how long after the first occasion was it?

11 A I'm not sure. I know it was within a week or two. It
12 was a similar time frame and it was before that, but I have no
13 idea when.

14 Q And what were you doing at the time that you saw this
15 individual?

16 A The second time?

17 Q Yes, the second time.

18 A I was coming down Reno Avenue there, this way
19 (pointing) and turning into the street, turning into Reno
20 Court. I was coming down from the top there and I was turning
21 in.

22 Q You were coming down this way?

23 A Yeah, I had come that way and then turned in.

24 Q And then turned in to your--

25 A Un-huh. And he was, you know, in this area on Reno
26 Avenue, like crossing out, walking out.

1 Q Out here?
2 A No, over on the other side, still. Um-hum.
3 Q Walking out here?
4 A Um-hum.
5 Q You came down Reno--
6 THE COURT: Your answer is--it's either "yes" or "no".
7 THE WITNESS: Yes, yes. I'm sorry.
8 Q You were coming down Reno this way, turned in?
9 A Yes.
10 Q Could you tell me on which occasion you noticed his
11 beautiful brown eyes?
12 A The time that I came out of the driveway. I--we had
13 eye contact and I nodded at him. I thought he lived around the
14 corner, was visiting the kids that lived around the corner.
15 Q Now, that was the first time that you described that
16 you were in your car here?
17 A Correct.
18 Q And he was walking here?
19 A Correct. And I was pulling out of the driveway at the
20 time. And I, like, you know, nodded to him and smiled because
21 I thought that, you know, he was of the neighborhood.
22 Q Well, where was he when you pulled out of the drive?
23 A Crossing the area.
24 Q Tell me about when to stop.
25 A About there.
26 Q And you pulled out of the drive here--

1 A And stopped.
2 Q And stopped--
3 A Yeah, because--yeah, because, yeah, I didn't--you
4 know, he was walking and I wanted to see which way he was
5 going. It was, you know, how you do, just being safe.
6 Q Well, now could you explain that to me?
7 A Well, that's--
8 Q A person was walking this way. Correct?
9 A Un-huh.
10 Q And if--
11 A Yes.
12 Q --I understand your testimony, is about right there
13 and you pulled up. What did you do, stop before you came out
14 on the street?
15 A Yes.
16 Q And the reason for that was to check traffic?
17 A No, so that I didn't hit him. It's not a wide street.
18 But, I was out into the street, you know, sort of half and
19 half. I wasn't backing. I was driving straight out.
20 Q You weren't going over here, were you?
21 A No.
22 Q You were going this way?
23 A Yes, but I didn't know which way he was going. I knew
24 he was going across, but I didn't know whether he was going to
25 cut across the street or what. You know how you just--I'm a
26 safe driver.

1 Q Okay. But, he didn't cut across the street?
2 A No.
3 Q And you say you had eye contact at that point and you
4 noticed--
5 A His eyes.
6 Q His beautiful brown eyes. Is that correct?
7 A Correct.
8 Q Did he have a beard?
9 A No.
10 Q Did he have a moustache?
11 A No.
12 Q Now, you said this person had closely cropped hair.
13 What did you mean by--
14 A A close Afro. It wasn't real bushy.
15 MR. FADGEN: Court's indulgence for one moment.
16 Q When was the first time that you made a statement to
17 the police? Was it in December, about December 11th, of 1983?
18 A No, I think it was shortly after the incident. It was
19 within a few days after the incident.
20 Q Did you make a written statement at that time, or did
21 you make a written statement--
22 A Well, I did--
23 Q --on December 11th?
24 A --it was at the time of the composite. And I'm sure
25 that I wrote something there, too. Because I had to sign
26 something.

1 MR. FADGEN: No further questions.

2 REDIRECT EXAMINATION

3 BY MR. BLOXHAM:

4 Q What time of the day or night were these times you saw
5 this individual? How about the first time and then the second
6 time?

7 A The first time was in the late afternoon. I work
8 swing shift, so I was on my way to work. And the other time
9 when I pulled in the cul de sac it was, you know, around like
10 10:00 or 11:00 in the morning.

11 Q So, it was daytime both times?

12 A Right.

13 Q Thank you.

14 MR. BLOXHAM: Nothing further, Your Honor.

15 MR. FADGEN: Nothing further.

16 THE COURT: You're excused.

17 Call your next witness.

18 MR. BLOXHAM: State would call James Spencer.

19 JAMES ERROL SPENCER

20 (Was called as a witness, duly sworn, and testified as follows:)

21 DIRECT EXAMINATION

22 BY MR. BLOXHAM:

23 Q Sir, please state your full name and spell your last
24 name for the Court.

25 A James Errol Spencer, S-p-e-n-c-e-r.

26 Q Mr. Spencer, where do you reside?

1 A 2963 Berman, B-e-r-m-a-n.
2 Q And did you reside at 2963 Berman on November 14th,
3 1983?
4 A Yes.
5 Q Now, I want to direct your attention to that
6 particular date. In fact, on the next day, the 15th of
7 November, did you complete a statement for the police in your
8 own handwriting?
9 A Yes, I did.
10 Q And have you reviewed that this morning?
11 A Yes.
12 Q And what do you recall having seen and having reported
13 to the police as what you saw on November 14th, 1983?
14 A Well, I seen this white girl and a--
15 Q Where were you at, first of all?
16 A I was--I live right on--next to the corner on Berman.
17 Q Of what street?
18 A On Berman.
19 Q And what other street?
20 A And Palma Vista.
21 Q At Berman and Palma Vista. About what time of the day
22 was it that you saw this incident that you're--
23 A This is about 9:00 in the morning because I was going
24 for a doctor appointment.
25 Q And is this November 14th, 1983?
26 A Yes.

1 Q What did you see?

2 A As I come out, I got in my truck, which is parked on
3 the wrong side of the street, where I'm facing--instead of
4 being facing down the street in front of my house, I'm facing
5 the opposite way, which would be towards Palma Vista. As I got
6 in my truck, I seen a black man going south on Berman. And he
7 turned and he walked down Palma Vista and as I made the turn,
8 there was a white girl walking down Palma Vista also, ahead of
9 him. She seemed to be--I didn't know what, exactly, was going
10 on unless they was having a quarrel of some kind.

11 Q What did she look like? I mean, what was she doing?

12 A Well, she just appeared to be kind of in a hurry, but
13 I don't know what she doing, exactly. I don't have no idea.

14 Q Okay. Did you tell the police that she had her hands,
15 her arm covering her face, she appeared upset and walking fast?

16 A Yes.

17 MR. FADGEN: Objection, leading.

18 THE COURT: Overruled.

19 Q That's what you told the police at that time, sir. Is
20 that right?

21 A Yes.

22 Q And do you remember that's what you saw at that time,
23 too?

24 A Yes.

25 Q And how did you describe the black man's pace and what
26 he was doing?

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1 A Well, he seemed to be going rather briskly and kind of
2 excited-like. But, I don't know what for.

3 Q Was he going in the same direction as the white girl,
4 or the opposite direction?

5 A Well, at first he was going in the opposite direction
6 and then he turned and went around the corner and went in the
7 same direction.

8 Q Did you see anything after that?

9 A No, I proceeded on down and turned on Berman.

10 Q Did you describe this black man for the police?

11 A Yes, I did.

12 Q How did you describe him?

13 A I described him about 5'8", 155 pounds, somewhere
14 about the same that I was.

15 Q Pardon me?

16 A About the same that I am, about 5'7", 5'8", 155
17 pounds.

18 Q Thank you.

19 MR. BLOXHAM: Pass the witness, Your Honor.

20 THE COURT: Cross?

21 MR. FADGEN: Thank you, Your Honor.

22 CROSS EXAMINATION

23 BY MR. FADGEN:

24 Q Mr. Spencer, this is about 9:00 in the morning?

25 A Yes.

26 Q And who did you see first, the white girl or the black
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1 man?

2 A I seen the black man first.

3 Q Alright. And you live on the corner of Berman and
4 Palma Vista. Is that correct?

5 A Right.

6 Q What way was the black man proceeding when you first
7 saw him?

8 A He--when I first saw him, he was starting to go south
9 on Berman.

10 Q Alright. And where was the white girl?

11 A She had just turned the corner on Palma Vista, which
12 would be going east.

13 Q So, she was going east and he was going south--

14 A Yeah.

15 Q --at the time you saw them. Alright. What did you
16 see next?

17 A Well, then he turned around and he went the same
18 direction as her on Palma Vista.

19 Q Alright. So, when you first saw the two individuals,
20 the white girl was around the corner. Is that right?

21 A Yeah.

22 Q And that would be on--

23 A Palma Vista.

24 Q --Palma Vista. The black individual was still going
25 east on Berman?

26 A No, he'd be going south on Berman.

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1 Q Going south on Berman. I'm sorry. And how far apart
2 were they at the time you first saw them?

3 A Maybe twenty foot.

4 Q Twenty foot?

5 A Yeah.

6 Q And going in opposite directions?

7 A Yeah. Until they seen me.

8 Q Then the black man turned and--

9 A Went the same direction on Palma Vista.

10 Q --went the same direction. And that's pretty much
11 what you observed. Is that correct?

12 A Yes.

13 MR. PADGEN: No further questions.

14 REDIRECT EXAMINATION

15 BY MR. BLOXHAM:

16 Q Did you say the black man was going the opposite
17 direction until he appeared to see you?

18 A The first--the first time I seen him, he looked like
19 he was going to go south on Berman. But it's so close on the
20 corner, as soon as I--as soon as I was visible with him, from
21 getting in my truck, then he made a turn and went the same
22 direction as her, down--

23 Q He changed his--

24 A --Palma Vista.

25 Q --direction when he appeared to see you?

26 A Yeah..

1 MR. BLOXHAM: Nothing further, Your Honor.

2 MR. FADGEN: Nothing further, Your Honor.

3 THE COURT: You're excused.

4 Call your next witness.

5 MR. BLOXHAM: The State will call Nancy Kingsbury.

6 NANCY KINGSBURY

7 (Was called as a witness, duly sworn, and testified as follows:)

8 DIRECT EXAMINATION

9 BY MR. BLOXHAM:

10 Q Ma'am, please state your full name and spell your last
11 name for the Court.

12 A Nancy Kingsbury, K-i-n-g-s-b-u-r-y.

13 Q Mrs. Kingsbury, are you employed by the Las Vegas
14 Metropolitan Police Department?

15 A Yes, sir.

16 Q How long have you been so employed?

17 A Almost fourteen years--fourteen years.

18 Q In the department for fourteen years?

19 A Yes, sir.

20 Q And what is your current position?

21 A I'm an identification specialist in the criminalistics
22 bureau.

23 Q How long have you been assigned to the criminalistics
24 bureau?

25 A Eight years.

26 Q What are your duties as a criminalistics or an
27

1 identification specialist? What do your duties include?

2 A I respond to crime scenes for the purpose of taking
3 photography, collecting evidence, and processing for latent
4 fingerprints.

5 Q And what training have you received in performing
6 these particular duties?

7 A When I first went into the crime lab, I had intensive
8 on-the-job training. I've attended schools and seminars on
9 crime scene investigation. And we have training continuously
10 in the crime lab to update our skills.

11 Q Have you processed crime scenes in the past?

12 A Yes, sir.

13 Q Would you say they were in the hundreds of times that
14 you've processed crime scenes?

15 A Several.

16 Q Several hundreds?

17 A Several hundreds.

18 Q Okay. And you've testified in court before as it
19 relates to your job, too. Right?

20 A Yes, sir.

21 Q I want to direct your attention to November 14th, 1983
22 in the morning hours. Were you on duty with Metro?

23 A Yes, sir.

24 Q And did you have occasion to be dispatched to an area
25 of Reno Court here in Las Vegas, Clark County, Nevada?

26 A Yes, sir.

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1 Q Can you tell us what time you arrived at that
2 location?

3 A Approximately 7:30 that morning.

4 Q And where did you go?

5 A I believe the address was 5070 Reno Court.

6 Q And what did you observe at that location?

7 A On the driveway of that address there was a geometry
8 school book. And on the north side yard adjacent to the
9 driveway, there was what is called a "Pee Chee" notebook
10 containing school papers.

11 Q Who was in this particular location when you arrived?
12 Was there anybody else present?

13 A There were police officers there, yes.

14 Q And what did you do at this location, 5070 Reno Court?

15 A I took photographs showing the residence and the items
16 that I just mentioned, the school book and the papers. And I
17 recovered the same.

18 Q Now, when you say "recovered those", did you impound
19 the book and papers and place them into evidence?

20 A Yes, sir, I did.

21 Q In fact, did you process them a little later that
22 morning for prints and things like that?

23 A Yes, I did.

24 Q After taking these pictures and recovering these
25 items, where did you go next in relation to this case?

26 A To the intersection of Palma Vista and Berman.
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1 Q Okay, this is after you went back to the crime lab for
2 a while or not, or do you recall?

3 A Yes, it was about 2:30 in the afternoon.

4 Q Were you dispatched to this location of Palma Vista
5 and Berman?

6 A I don't know whether I was dispatched or whether I was
7 requested by the detectives from the previous call.

8 Q This was about 2:30 in the afternoon?

9 A Yes, sir.

10 Q What did you observe upon arriving at Palma Vista and
11 Berman?

12 A On the east curb line of the 2900 block of Berman,
13 there were four tissues, which appeared to contain a blood-like
14 substance, laying on the curb line.

15 Q Were there any police officers present when you
16 arrived at Palma Vista and Berman?

17 A Yes, there were.

18 Q And do you recall who they were? Maybe you don't.

19 A I know the detectives--I don't recall.

20 Q Okay. And so, upon arrival there, there's Metro
21 officers or detectives. And you then looked at this particular
22 area. Is that correct?

23 A They were there when I arrived.

24 Q Okay. What did you do then?

25 A I photographed the general intersection, showing the
26 area and where the tissues were located and then I recovered

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1 them and impounded them.

2 Q And when you recovered these tissues, how did you
3 recover them?

4 A I placed them, each one, in a separate plastic baggie
5 and then--

6 Q And then did you take the plastic baggies containing
7 the tissue and place them anywhere?

8 A I placed them in an envelope, yes.

9 Q And then did you do anything with that?

10 A I just impounded it.

11 Q Okay. Now, I want to direct your attention to
12 November 15th, 1983. Did you have occasion to go to a desert
13 area at the request of detectives relevant to this case?

14 A Yes, sir.

15 Q And do you recall what time you went there?

16 A Approximately 10:40 in the morning.

17 Q And you reviewed your reports and you recorded these
18 times at or near the time you went. Isn't that true?

19 A That's true.

20 Q And can you tell us the location of this desert area
21 that you went to at 10:40 a.m. on November 15th, 1983?

22 A It's a desert area west of Sandhill, north of Sunset,
23 and south of Patrick.

24 Q And were there any police officers in this location
25 when you arrived?

26 A The detectives were present.

1 Q And what did you do at this location?

2 A Along the dirt road at that approximate location,
3 there were five tissues that were photographed and recovered by
4 myself.

5 Q Alright. And did you take some other general photos
6 of the area?

7 A Yes, sir.

8 MR. BLOXHAM: May I approach the witness, Your Honor?

9 THE COURT: You may.

10 (Clerk marking exhibits)

11 MR. BLOXHAM: May I approach the witness, Your Honor?

12 THE COURT: You may.

13 Q Mrs. Kingsbury, showing you what's been marked for
14 identification purposes as State's proposed exhibit 8, that
15 appears to be an envelope. Is that correct?

16 A Yes.

17 Q Would you take the photographs that are located in
18 State's proposed exhibit 8 out and would you look at those as
19 far as the back, State's A, B, C, D, E, through G, just look at
20 the backs quickly to see if they've each been marked as State's
21 A--pardon me, 8A, through 8G, inclusive?

22 A Yes, they have.

23 Q Okay. Now, please turn them over and I'd ask you to
24 start from the back, which is State's proposed exhibit 8A, and
25 look at that, please, and all of the pictures in that sequence.

26 (witness examining photos)

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1 Q Now, having looked at State's proposed exhibit 8A
2 through 8G, inclusive, do you know who took those photographs?

3 A I took them.

4 Q And did you take those on November 14th, 1983, in the
5 morning hours?

6 A Yes, sir.

7 Q And what do the pictures represent? That would be 8A
8 through F, because, I believe G is not taken at the same
9 location that the others are. Is that correct?

10 A That's correct.

11 Q Okay. What are the first photographs, where were the
12 first photographs taken?

13 A 8A through 8F were all taken at 5070 Reno Court,
14 showing the exterior of the residence, the school book in the
15 driveway, and the notebook with papers on the north side yard
16 of that residence.

17 Q Do those photographs, State's 8A through 8F, fairly
18 and accurately depict the scene you saw at that location on
19 November 14, 1983?

20 A Yes, sir.

21 MR. BLOXHAM: Your Honor, we'd move to admit State's
22 proposed exhibits 8A through F.

23 MR. FADGEN: No objection, Your Honor.

24 THE COURT: Same will be received.

25 Q Now, State's 8G, what does that represent?

26 A That is the geometry school book and the notebook
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1 containing papers that I had processed for latent fingerprints
2 at the crime lab.

3 Q And did you take that picture, too?

4 A Yes, I did.

5 Q Does that fairly and accurately depict the book and
6 papers that you were processing on that same date?

7 A Yes, sir.

8 MR. BLOXHAM: Move to admit State's A through G, please,
9 Your Honor.

10 MR. FADGEN: No objection, Your Honor.

11 THE COURT: Alright. Same be received.

12 Q Now, showing you State's proposed exhibit 9, it
13 appears to be an envelope. Is that correct?

14 A Yes.

15 Q Please take the photographs out and they should be
16 designated on the back. Please look at the back and they
17 should be designated 8--or pardon me, 9A through H.

18 (witness examining exhibits)

19 Q Do we have eight photographs designated 8--or, pardon
20 me, 9A through H?

21 A Yes.

22 Q Now, please look at the front and please look at all
23 of the photographs.

24 (witness examining exhibits)

25 Q Now, do you know who took the photographs marked 9A
26 through 9H, inclusive?

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1 A I took them.
2 Q And what date were these taken?
3 A November 14th, 1983.
4 Q Okay. Were these taken the same morning that--or, I'm
5 sorry, the same afternoon? Is this the location at Berman and
6 Palma Vista?
7 A Yes, sir.
8 Q And do these photographs fairly and accurately depict
9 the area of Berman and Palma Vista on November 14th, 1983?
10 A Yes, sir.
11 MR. BLOXHAM: Your Honor, we would move to admit State's
12 proposed exhibits 9A through 9H, inclusive.
13 MR. FADGEN: No objection, Your Honor.
14 Q In the photographs that--
15 THE COURT: Same be received.
16 MR. BLOXHAM: I'm sorry.
17 THE COURT: Same are received.
18 Q In the photographs, you can see the tissues in that,
19 can't you--
20 A Yes, sir.
21 Q --Mrs. Kingsbury?
22 A Yes, you can.
23 Q Okay. Now showing you State's proposed exhibit 10.
24 I'd ask you to remove any photographs from that particular
25 envelope, State's proposed exhibit 10 and there should be nine
26 photographs designed 10A through 10I. Are there?
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1 A Yes.

2 Q And now, please, look at the front and please look at
3 each picture.

4 (witness examining exhibits)

5 Q Having looked at State's proposed exhibits 10A
6 through I, can you identify those particular pictures?

7 A Those are the photographs I took at the desert area.

8 Q Okay. Would that have been November 15th, 1983, the
9 next morning?

10 A Yes, sir.

11 Q And do those photographs, State's proposed 10A through
12 10I fairly and accurately depict the desert area that you have
13 testified you went to and recovered five different tissues?

14 A Yes, sir.

15 MR. BLOXHAM: Your Honor, we'd move to admit State's
16 proposed exhibit 10 and 10A through I inclusive.

17 MR. FADGEN: No objection.

18 THE COURT: Same be received.

19 Q Mrs. Kingsbury, showing you what's been marked for
20 identification purposes, as State's proposed exhibit 11, can
21 you identify that?

22 A Yes, I can.

23 Q And what is the basis of your identification?

24 A That is my writing, my signature, and it also has my
25 seal on it.

26 Q And when did you first see the bag marked State's
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1 proposed exhibit 11?

2 A When I placed the baggies containing the kleenex
3 inside of it.

4 Q Okay, would that have been November 14th, 1983?

5 A Yes, sir.

6 Q Please open State's proposed exhibit 11 without
7 disturbing any seals. That may be hard, there's so many seals
8 on it. But, if you could cut along the top where there are no
9 seals, and please, for the record, tell us what you're doing
10 and if you're removing items from State's proposed exhibit 11.

11 A I've opened the top of this evidence envelope and I am
12 removing four plastic baggies, each containing tissues.

13 MR. BLOXHAM: Your Honor, may we have these four baggies
14 marked State's proposed exhibits 11A, B, C, and D?

15 (Clerk marking exhibits)

16 Q Showing you what's been marked for identification
17 purposes as State's proposed exhibits 11A, 11B, 11C, and this
18 one is--excuse me for one moment. And 11D. Would you look at
19 those four items marked State's proposed exhibits 11A through
20 D.

21 (witness examining exhibits)

22 A Yes.

23 Q Are you able to identify those items marked State's
24 proposed exhibits 11A through 11D, inclusive?

25 A Yes, I am.

26 Q And how is it you're able to identify those?

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1 A On each individual plastic bag it has my signature, my
2 personnel number, my initials, the date, the case number and
3 the location of where I recovered each one of these tissues.

4 Q Okay. And when did you first see State's proposed
5 exhibits 11A through D?

6 A On November 14th, 1983, at the 2900 block of Berman.

7 Q And what did you do with--at that particular time?

8 A I photographed the items and then I placed them into
9 the evidence bag.

10 MR. BLOXHAM: Your Honor, I'm looking for State's proposed
11 exhibit 11. Did I leave it over--oh, I left it on Mrs.
12 Kingsbury's lap. I'm sorry.

13 Q Now, would you kindly repeat what I just asked you
14 about what you did with the bags marked State's 11--proposed
15 11A through D? You probably just testified that you picked up
16 tissues and put them in. Right?

17 A Yes, sir, I did.

18 Q And were those the tissues you observed on the curb
19 line at that location?

20 A Yes, sir.

21 Q And after picking them up, the tissues up, and placing
22 them in the plastic baggies, did you subsequently place the
23 plastic baggies containing the tissues inside the bag marked
24 State's proposed exhibit 11?

25 A Yes, I did.

26 Q And what did you do after doing that?

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1 A I sealed the envelope and placed it into evidence.
2 Q Thank you. Now, showing you State's proposed exhibit
3 12. Can you identify State's proposed exhibit 12?
4 A Yes, I can.
5 Q And what is the basis of that identification?
6 A It has--it's a Las Vegas Metropolitan Police
7 Department evidence envelope, it has my writing and my
8 signature and my seal on it.
9 Q And when did you first see the bag marked State's
10 proposed exhibit D--State's proposed exhibit 12?
11 A On November 15th, 1983.
12 Q And what did you do with the bag marked State's
13 proposed exhibit--State's proposed exhibit 12 at that time?
14 A I placed five plastic baggies containing--each one
15 containing tissues, inside this envelope.
16 Q And did you then, ultimately seal it and place it in
17 the evidence vault?
18 A Yes, I did.
19 Q Would you open State's proposed exhibit 12 without
20 disturbing any seals, and, for the record, tell us what you're
21 doing and remove any contents and tell us about that, too.
22 (witness opening evidence bag)
23 A I've opened the envelope, removing the plastic baggies
24 contained inside.
25 MR. BLOXHAM: May we have these marked State's proposed
26 exhibits 12 A, B, C, D, and E?
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1 (Clerk marking exhibits)

2 Q Showing you what's been marked for identification as
3 State's proposed exhibit 12A, 12B, 12C, 12D, and 12E. I'd ask
4 you to look at each of those plastic bags which are so marked.

5 A Yes.

6 Q Can you identify those bags marked 12A through E,
7 inclusive?

8 A Yes, I can.

9 Q And what is the basis of your being able to identify
10 those bags?

11 A That is my writing, my personnel number, and the
12 location of where I located each one of these items.

13 Q And that is on each and every one of those items. Is
14 that correct?

15 A That is correct.

16 Q And when did you first see the plastic bags marked 12A
17 through E?

18 A On November 15th, 1983, when I placed the tissues in
19 them.

20 Q Was this in the desert area that you recovered these
21 tissues?

22 A Yes, sir.

23 Q In fact, did you place the tissues in the bag in that
24 desert area?

25 A Yes, I did.

26 Q And this is the desert area you've already testified
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28

1 about. I don't recall. Patrick and Sandhill and there was
2 another street?

3 A West of Sandhill, between Patrick and Sunset.

4 Q Thank you. Now, Mrs. Kingsbury, were you called on to
5 process a vehicle involving a potential suspect in this case?

6 A Yes, I did.

7 Q When was that?

8 A On the 22nd of November, 1983.

9 Q Did you recover hair samples from that vehicle?

10 A Yes, I did.

11 Q Were those submitted to the crime lab?

12 A The chemistry lab, yes.

13 Q And that was the extent of the--and that was local,
14 isn't that correct?

15 A Yes.

16 MR. BLOXHAM: Pass the witness, Your Honor.

17 THE COURT: Cross?

18 MR. FADGEN: No questions, Your Honor.

19 THE COURT: You may step down.

20 Counsel, approach the Bench.

21 That's all.

22 (Whereupon a Bench conference was held, not recorded)

23 THE COURT: We'll be in recess until 2:00 this afternoon.

24 Ladies and gentlemen, during this recess, you're
25 admonished not to talk or converse among yourselves or with
26 anyone else on any subject connected with this trial, or read,
27

1 watch, or listen to any report of or commentary on the trial or
2 any person connected with this trial by any medium of
3 information, including, without limitation, newspaper,
4 television, and radio, or form or express any opinion on any
5 subject connected with the trial until the case is finally
6 submitted to you.

7 We'll be in recess until 2:00 this afternoon. And we
8 really are trying to adjust this air conditioning. It just
9 keeps going up and down the curve as you've noticed.

10 So, we'll be in recess until 2:00.

11 (At the hour of 11:55 a.m., the Court recessed until 2:10 p.m.)

12 THE COURT: Counsel stipulate to the presence of the jury?

13 MR. FADGEN: Yes, Your Honor.

14 MR. BLOXHAM: The State will so stipulate, Your Honor.

15 THE COURT: Alright. Call your next witness.

16 MR. BLOXHAM: Your Honor, may I approach the Clerk and have
17 some items marked, and at the same time, call Audra Sharp to
18 the stand, please.

19 AUDRA SHARP

20 (Was called as a witness, duly sworn, and testified as follows:)

21 DIRECT EXAMINATION

22 BY MR. BLOXHAM:

23 Q Audra, we need you to speak up and speak into the
24 microphone, please.

25 Audra, are you married at this time?

26 A Yes, I am.

1 Q How long have you been married?
2 A Three months.
3 Q What is your maiden name?
4 A Audra Sharp.
5 Q How do you spell your first and last names?
6 A Audra, A-u-d-r-a. Sharp, S-h-a-r-p.
7 Q And you've always used that name up until you've just
8 recently married. Is that correct?
9 A Yes.
10 Q What is your date of birth, Audra?
11 A June 16th, 1968.
12 Q I want to direct your attention to December 2nd, 1983.
13 How old were you at that time?
14 A I was fifteen.
15 Q What city did you live in in 1983 in December?
16 A Monrovia, California.
17 Q At that time, did you live with your family?
18 A Yes, I did.
19 Q Did you attend school?
20 A Yes.
21 Q What school did you attend?
22 A Monrovia High.
23 Q And what grade were you in?
24 A In tenth grade.
25 Q Now, I want to direct your attention, Audra, to
26 December 2nd, 1983, at approximately 3:15 p.m. Where were you
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1 at?

2 A I was walking home from school. And I was on Fifth
3 Street.

4 Q Is that in Monrovia, California?

5 A Yes, it is.

6 Q Do you know where Arcadia, California is?

7 A It's right on the border. Fifth divides Monrovia and
8 Arcadia.

9 Q Now, as you're walking down Fifth Street, are there
10 any other streets or landmarks which can kind of identify where
11 you were?

12 A I was between Hunnington and the railroad tracks.

13 Q Now, as you're walking home, were you alone, or were
14 you walking with friends?

15 A I was alone.

16 Q Did something unusual occur?

17 A I was walking and I heard a noise behind me.

18 Q What happened after hearing this noise?

19 A I turned around and I saw a guy running towards me.

20 Q Now, this guy that was running towards you, was it a
21 black male or a white male?

22 A A black male.

23 Q How was he dressed?

24 A He was wearing camouflaged pants and a camouflaged tee
25 shirt and he had black slipper looking shoes on.

26 Q You spent some time in the presence of this individual
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1 after this. Is that correct?

2 A Yes.

3 Q And so, you're able to describe these shoes and
4 everything else for the police. Is that correct?

5 A Yes.

6 Q How else was he attired?

7 A He also had a black bandanna around his face.

8 Q Was it down around his chin, covering his neck, or
9 where was it?

10 A It went across, right below his eyes, across his nose.

11 Q Now, you described that bandanna for the police at
12 that time, didn't you, that day?

13 A Yes.

14 Q How was that bandanna described by you?

15 A It was a black bandanna that had white coloring on it.

16 Q Now, what happened next? This individual is running
17 towards you. What happens then?

18 A I started screaming and he had thrown me to the
19 ground. And he put a knife to my throat and told me to shut up.
20 or he was going to kill me.

21 Q Did you describe the knife for the police?

22 A Yes, I did.

23 Q And how did you describe the knife? What did it look
24 like? If you remember. Maybe you don't remember.

25 A I don't remember.

26 Q What happened next as he threatened you with the knife
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1 and tells you to shut up?

2 A He had told me to get up and we started running
3 towards the rail road tracks.

4 Q How was it that you were running the same direction
5 that he was?

6 A He was holding my arm and he was pulling me.

7 Q Where did you and he--where did he force you to run
8 to?

9 A Towards the rail road tracks where there was a tunnel.

10 Q Did he force you into the tunnel?

11 A Yes.

12 Q What happened as you're going into the tunnel?

13 A We went into the tunnel and he had faced me towards
14 the wall. And he had put a piece of tape across my eyes.

15 Q Did he put just one piece of tape across your eyes?

16 A Yes.

17 Q Did there come a time when more than one piece of tape
18 was put on your eyes?

19 A Yes.

20 Q When was that?

21 A It was later on that day when he realized that I could
22 see.

23 Q And so that was in a different location than this. Is
24 that correct?

25 A Yes.

26 Q How many pieces of tape did he put across your eyes,
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1 ultimately?

2 A The first time?

3 Q Well, he put one piece of tape on your eyes and then
4 later put--

5 A And then--

6 Q --more tape on?

7 A Yeah, he put one more piece on.

8 Q For a total of two pieces?

9 A Two pieces.

10 Q Now, directing your attention to where you're in the
11 tunnel and he's faced you against the wall and put one piece of
12 tape over your eyes. Is that correct?

13 A Yes.

14 Q What happened next?

15 A He had taken the bandanna off of his face and put it
16 over my eyes.

17 Q So, do you have tape on your eyes and then, also, the
18 bandanna?

19 A Yes.

20 Q What happened next?

21 A He had turned me around and lifted up my shirt and
22 unsnapped my bra and was feeling my breast. And then he pulled
23 me through the tunnel, which, on the side was a little grassy
24 area and he told me to take off my clothes. And I didn't want
25 to and he told me to do it or he was going to kill me. So, I
26 took off my pants.

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1 Q Were you wearing panties?
2 A Yes, I was.
3 Q Did you take off both your pants and your panties?
4 A Yes.
5 Q What happened next, then?
6 A Then he sexually assaulted me.
7 Q By that, do you mean he--or what type of sexual
8 assault? Is that sexual intercourse?
9 A Yes.
10 Q Did he place his penis inside your vagina?
11 A Yes.
12 Q While this was going on, did he say anything to you?
13 A He told me that I'd better listen up. He said that I
14 was tight and if I wouldn't loosen up, that he would cut me to
15 make me loose.
16 Q Do you know what he was taking about?
17 A My vagina.
18 Q He was talking of cutting your vagina to loosen you
19 up?
20 A Yes.
21 Q What happened then, as he sexually assaulted you at
22 that location?
23 A Then, while he was on me, he heard a noise. And he
24 got up and he told me to hurry up and put on my clothes. So I
25 did that. And he grabbed me and we went back through the
26 tunnel.

1 Q Now, this is back the same way that he had taken you?
2 A Yes.
3 Q Please continue.
4 A And we were running up the street to where he had his
5 car. And he had set me on the curb and he went around and got
6 the keys and he unlocked the passenger door. And he put me on
7 the passenger side. And he went around and got in the car.
8 Q From that particular location, having been placed in
9 the car, did he then drive you someplace?
10 A Yes.
11 Q Were you able to see this car?
12 A Yes.
13 Q Did you describe the car that day and in subsequent
14 statements to the police?
15 A Yes.
16 Q How did you describe the car?
17 A As a little blue car--
18 Q Did you give--
19 A --a Chevette.
20 Q A Chevette? How else did you describe it?
21 A I had saw some dice that were hanging from the rear
22 view mirror.
23 Q Did you describe for the police, the color of the
24 dice?
25 A They were blue with black dots.
26 Q Anything else you noticed about the car?
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1 A There was a tassel hanging from the rear view mirror,
2 also, that was gold and maroon. And there--

3 Q Please continue.

4 A --there was also two bracelets in there that I had
5 saw. And--

6 Q Do you know what kind of bracelets? Were they gold or
7 silver or--

8 A They were a leather.

9 Q Did you notice anything on these bracelets?

10 A One had said "Andre" and one had said "Andre and
11 Marie" on it.

12 Q Did one of them say "Marie"?

13 A Yes.

14 Q Anything else you noticed about this car?

15 A It was a stick shift. And it had bucket seats that
16 were blue.

17 Q The interior--do you know the color of the interior?

18 A It was blue.

19 Q Did you see any emergency brake in this vehicle?

20 A Yes, it was in the middle, the console.

21 Q At any time during this abduction, did you see the
22 license plates?

23 A Yes.

24 Q What is the license number, if you--if you remember?

25 A 005 AJV.

26 Q How is it that you're able to remember that?

27

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1 A I had seen it. And I remember the numbers. And I had
2 remembered "A" for my name and "JV" for JV cheer.

3 Q JV what?

4 A JV cheer.

5 Q Did you tell the police that day or when you gave the
6 statement just shortly after this, that license number?

7 A Yes.

8 Q Did you know which state the license plate was from?

9 A No, I thought it was from California.

10 Q Did you tell the police that it was California?

11 A Yes.

12 Q Now, continuing, Audra, did you--were you in this
13 person's control for the next couple of hours?

14 A Yes.

15 Q Did this person drive you to various locations?

16 A Yes.

17 Q Were you subjected to various types of sexual
18 assaults?

19 A Yes.

20 Q And can you tell us what those consisted of, just
21 generally?

22 A Oral sex, sodomy.

23 Q When you say "oral sex", do you mean fellatio, where
24 he forced you to place your mouth on his penis?

25 A Yes.

26 Q May we stop there for a second. Do you know what it
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1 means--circumcision means?

2 A Yes.

3 Q Was this individual circumcised?

4 A No, he wasn't.

5 Q You told the police that at the time, too, isn't that
6 correct?

7 A Yes.

8 Q That he was not circumcised. Is that right?

9 A Yes.

10 Q Now, did you testify that you were also subjected to
11 sodomy, did I hear?

12 A Yes.

13 Q And is that--by that, do you mean he placed his penis
14 in your anal opening?

15 A Yes.

16 Q Did he--did the person that abducted you threaten you
17 at any time, other than you've testified the very first he
18 threatened you?

19 A He threatened me many times to kill me.

20 Q Did there come a time when you were released from his
21 presence?

22 A Yes.

23 Q Can you describe and tell us about that?

24 A He had finally pulled over and he got me out of his
25 car. And we went to, like a side yard. And there he had told
26 me to lay down and to take off my clothes. And he sexually
27

1 assaulted me there. And used the sodomy. And the told me to
2 get up.

3 Q Is this at the location you were ultimately released?

4 A Yes.

5 Q Please continue.

6 A And then he told me that he was going to let me go.
7 And then he told me to stay there, that he was going to the
8 car. He was going to go get my book bag. And he had started
9 to walk away and he said, "I'm still watching you". And I
10 stayed there. And he went and got my book bag and brought it
11 back. And he told me to wait there for two minutes.

12 Q Which way were you facing?

13 A Towards the wall.

14 Q Was he in front of you or behind you?

15 A Behind me.

16 Q What happened at that location then, as you were being
17 released?

18 A Then, before he let me go, he pulled the bandanna off
19 of my face and it was around my neck. And he took the tape off
20 my eyes. And then he ran away. And I waited there for a few
21 minutes and then I ran to a neighbor's house in that
22 neighborhood. And I knocked on the door. And a lady answered
23 and I told her that I was raped and she let me in the house and
24 she called the police.

25 Q Now, the tape was then taken off of your eyes. Is
26 that correct?

1 A Yes.

2 Q How about the bandanna? Did he take the bandanna with

3 him?

4 A No, I had it around my neck.

5 Q So, the bandanna was still around your neck?

6 A Yes.

7 Q What did you do with the bandanna?

8 A I gave it to the police.

9 Q At any time did the person who abducted you go through

10 your personal property, to your knowledge?

11 A Yes, he did.

12 Q Okay. How is it that you know he did?

13 A I saw him. I could--

14 Q How were you able to see him if you had tape on your

15 eyes?

16 A I could see underneath where the tape was. It wasn't

17 covering the fullness of my eyes.

18 Q You were able to see underneath the tape?

19 A Yes.

20 Q And what did you see him doing with your property?

21 A He was going through my wallet and my bookbag.

22 Q Did he say anything as he was going through your

23 wallet?

24 A He asked if I had any money and I told him no.

25 Q Now, you testified that you went to this house and a

26 lady answered the door?

27

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1 A Yes.

2 Q When you were released. And police were called. Is
3 that correct?

4 A Yes.

5 Q Were you taken to the hospital?

6 A Yes.

7 Q You also then met with the police department
8 representatives of Monrovia Police Department. Is that
9 correct?

10 A Yes.

11 Q Do you remember any of the detectives that worked with
12 you on this case?

13 A Crawford.

14 Q Detective Crawford?

15 A Yes.

16 Q In fact, did you meet with Detective Crawford on
17 December 5, 1983, and he tape recorded a full statement about
18 all of the things that happened?

19 A Yes.

20 Q As well as telling the police the night that you were
21 released. Is that true?

22 A Yes.

23 Q I want to direct your attention now to December 7th,
24 December 7th, 1983, in the evening hours. Did you meet with
25 Detective Crawford regarding a photographic line-up?

26 A Yes.

27

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1 Q And, in fact, have you seen a copy of a statement
2 today that you had written on December 7, 1983?

3 A Yes.

4 Q And were you able to identify anyone in this photo--
5 photographic line-up?

6 A Yes.

7 Q Do you know how many pictures were in the line-up?

8 A Six.

9 Q And they were in order with a number underneath each
10 one of them. Is that correct?

11 A Yes.

12 Q Which picture did you pick?

13 A Number 2.

14 Q And who was the picture of in number 2?

15 A The one that sexually assaulted me.

16 Q The person who abducted you and sexually assaulted you
17 on December 7th?

18 A Yes.

19 Q Is there any question in your mind when you picked
20 that picture that that was the person?

21 A No.

22 Q Was there any hesitancy when you picked that picture?

23 A No.

24 Q Now, Audra, did you experience any discomfort or
25 medical problems after this--these sexual assaults of December
26 2nd, 1983?

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A Yes.

Q What happened?

A I had started getting some discharge and I went to the doctors and I had an infection and I had to take medication for it.

MR. BLOXHAM: Your Honor, may I approach the witness with exhibits 5C, 6A2, 6A1?

THE COURT: You may.

Q Audra, I'd like to show you what's been marked for identification purposes as State's proposed exhibit 5C. I'd ask you if you could look at this and see if you can recognize this at all?

A Yeah, that's the bandanna.

Q Does this appear to be the bandanna that the person who abducted you on December 7th, 1983, was wearing?

A Yes.

Q And your testimony is that when you were released, the bandanna was still around your neck?

A Yes.

Q And you turned it over to the police?

A Yes.

Q Showing you what's been marked for identification purposes as State's proposed exhibit 6A1, I'd ask you to look at these. Do they appear to be camouflage pants?

A Yes.

Q And do you recognize those at all?

1 A Yes.
2 Q What do they look like?
3 A Those were the pants he was wearing.
4 Q The same color and design and everything?
5 A Yes.
6 Q The person who abducted December 7th, 1983, in
7 Monrovia?
8 A Yes.
9 Q Okay. Can we have you open, without disturbing any
10 seals, a bag which is marked as State's proposed exhibit 6B.
11 Can we have you take these scissors and cut along the bottom
12 and remove anything that might be inside.
13 (witness opening evidence envelope)
14 MR. BLOXHAM: We'd ask the Clerk to mark this as 6B1.
15 Thank you.
16 Q Audra, showing you what's been marked for
17 identification, now, as State's proposed exhibit 6B1. It
18 appears to be a camouflage tee shirt, doesn't it?
19 A Um-hum--yes.
20 Q I'd ask if you can recognize that at all?
21 A Yes.
22 Q What does it appear to be?
23 A The camouflage shirt that he was wearing.
24 Q The person that abducted you December 7th in Monrovia?
25 A Yes.
26 Q We'll take these a little out of order, Audra. We'll
27
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1 take and show you a bag which is marked State's proposed
2 exhibit 14. Is that correct?

3 A Yes.

4 Q Now, it appears like there's a number of items inside
5 of this bag. May we take the bottom of that, without
6 disturbing any seal. And could we have you cut along the
7 bottom of this bag, please.

8 (witness opening evidence envelope)

9 Q Thank you. For the record, Audra, does there appear
10 to be another bag inside of this bag?

11 A Yes.

12 MR. BLOXHAM: Your Honor, there are a couple of bags inside
13 this bag. We would ask that this one which I'm holding up, be
14 marked as State's proposed 14A.

15 (Clerk marking exhibits)

16 Q Audra, showing you State's proposed 14A, it appears
17 like the bottom has been cut out a little bit. Can we just
18 tear just like this. There appears to be one more bag inside
19 of that one. And a second bag inside of that one, too. Isn't
20 that correct?

21 A Yes.

22 MR. BLOXHAM: May we have this marked 14A1A?

23 (Clerk marking exhibits)

24 MR. BLOXHAM: Your Honor, we'd ask permission to staple
25 these two shoes together and mark them as one item.

26 (Clerk marking exhibits)

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1 Q Audra, showing you what's been marked as 14A2, I'd ask
2 you if you can identify those items?

3 A Yes, those were the shoes that he had on.

4 Q The same person that abducted you December 2nd, 1983?

5 A Yes.

6 Q Audra, showing you State's proposed exhibit 13. It
7 appears to be a bag, doesn't it?

8 A Yes.

9 Q Please take these scissors, and if we could have you
10 lean over this way so the bag isn't picked up on the other
11 microphone.

12 (witness opening evidence envelope)

13 Q For the record, there appears to be a bag inside of
14 State's proposed exhibit 13, doesn't it?

15 A Yes.

16 MR. BLOXHAM: May we have this bag marked as 13A, please?

17 (Clerk marking exhibits)

18 Q Again, Audra, I know this is taking a while, but we do
19 need to have you now open State's 13A without disturbing the
20 top staples and just cut along the bottom.

21 (witness opening evidence bag)

22 Q It appears like there are two dice inside of this bag.
23 Is that correct?

24 A Yes.

25 Q And some sort of a ribbon. Is that correct?

26 A Yes.

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1 Q Some sort of a tassel. Is that correct?

2 A Yes.

3 Q Some sort of leather bands. Is that correct?

4 A Yes.

5 MR. BLOXHAM: Your Honor, may we have the dice marked 13A1,
6 the tassel 13A2, the leather bands, 13A3, and 4 and then the
7 little shoes and ribbon marked 13A5.

8 THE COURT: Same may be marked.

9 Q Now, Audra, showing you these particular items, can
10 you identify any of them?

11 A Yes.

12 Q And first of all, 13A1, the dice?

13 A Yes.

14 Q What do they appear to be?

15 A Dice that were hanging from the rear view mirror of
16 his car.

17 Q The Chevette that you were abducted in--

18 A Yes.

19 Q --in December of 1983. The tassel that we designate
20 as 13A2, can you identify that?

21 A Yes.

22 Q What does it appear to be?

23 A The tassel that was hanging from his rear view mirror,
24 also.

25 Q And you reported all these things to the police within
26 a short time of being abducted. Is that correct?

27

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1 A Yes.

2 Q Showing you 13A3 and 4, appears to be two leather

3 bands. Is that correct?

4 A Yes.

5 Q And is there a name on this band?

6 A Yes.

7 Q What does it say on 13A3?

8 A Marie.

9 Q What's it say on the inside?

10 A Andre and Marie.

11 Q And 13A4, is that a band--leather band also?

12 A Yes.

13 Q Have you seen these two leather bands before?

14 A Yes.

15 Q When was that?

16 A They were also in the car.

17 Q On December 2nd, 1983, when you were abducted by that

18 individual?

19 A Yes.

20 Q 13A5, do you recognize these at all?

21 A No.

22 Q Audra, showing you State's proposed exhibit 15, does

23 that look familiar to you at all?

24 A Yes.

25 Q Is this the photographic line-up that was shown to you

26 December 7th, 1983?

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1 A Yes.

2 Q And you've testified you picked number 2. Is that
3 correct?

4 A Yes.

5 Q Thank you.

6 MR. BLOXHAM: We'll pass the witness, Your Honor.

7 CROSS EXAMINATION

8 BY MR. FADGEN:

9 Q Miss Sharp, this was--this event happened late
10 afternoon of December. Is that correct?

11 A Yes.

12 Q And the date again was?

13 A December 2nd.

14 Q Alright. And someone--you heard a noise, someone ran
15 up to you. Is that correct?

16 A Yes.

17 Q Did you get a look at that individual at that point?

18 A Yes.

19 Q And did that individual have a bandanna over his face?

20 A Yes.

21 Q And what did you observe at that time?

22 A That he had a bandanna over his eyes--or over his
23 nose, covering the rest of his face and that he had camouflage
24 clothes on, the tee shirt and pants and the black shoes.

25 Q And then he turned to you and took you into the
26 tunnel. Is that correct?

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1 A First he had pushed me down on the ground.
2 Q Alright.
3 A And I started screaming and he told me to shut up or
4 he was going to kill me. He had a knife to my throat.
5 Q Then you were taken to the tunnel. Is that correct?
6 A Yes.
7 Q And I believe you testified your eyes were taped?
8 A Yes.
9 Q Now, there was one--you said one piece of tape put
10 over your eyes initially. Is that correct?
11 A Yes.
12 Q And how big was that tape?
13 A Maybe a half inch wide, a inch wide.
14 Q And from that time until the end of the abduction,
15 your eyes were taped. Is that correct?
16 A Yes.
17 Q And could you tell me when the second piece of tape
18 was put on?
19 A It was later on in the day where he realized that I
20 could see. I was looking around and he had put another piece
21 of tape on my eyes.
22 Q And you also had the bandanna on your eyes. Is that
23 correct?
24 A Yes.
25 Q And that was put on originally, wasn't it?
26 A Yes, when he put the first piece of tape on.

1 Q Alright. Now, did the tape cover your eyes?
2 A Not completely.
3 Q Now, you said you could look around, you could see
4 down. Is that correct?
5 A Down.
6 Q And you were able to see down and identify that it was
7 a Chevette?
8 A Yes, it had an emblem on the inside of it.
9 Q You don't remember anything about the knife as I
10 understand, what kind it was or anything else?
11 A No.
12 Q Now, how much time had passed before the second piece
13 of tape was put on?
14 A Probably about an hour and a half to two hours.
15 Q And could you see anything after that?
16 A Yes.
17 Q You could still see?
18 A Yes.
19 Q Do you know what kind of tape it was?
20 A Black electrical tape.
21 Q It was black tape?
22 A Yes.
23 Q Now, you said among things that you noticed were the
24 dice and the tassel. Is that correct?
25 A Yes.
26 Q And you also said you recognized a band, leather band?
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1 A Yes.
2 Q Is that correct, that said "Marie"?
3 A Yes.
4 Q Were you able to look inside?
5 A Yeah, they were sitting there and I could see inside.
6 Q And you could look inside and you saw the writing
7 inside. Is that correct?
8 A Yes.
9 Q Now, the pants, you said the pants he was wearing.
10 They were the same type of pants. Isn't that correct?
11 A Yes.
12 Q And the same thing with the shirt, the same type of
13 shirt?
14 A Yes.
15 Q You're not saying that those are the shirt and those
16 are the pants, are you?
17 A Those are the shirts that look exactly like what he
18 was wearing.
19 Q And you've seen quite a bit of those, haven't you?
20 A Yes.
21 MR. FADGEN: Court's indulgence for a moment.
22 No further questions.

23 REDIRECT EXAMINATION

24 BY MR. BLOXHAM:

25 Q Mr. Fadgen asked that--whether you'd seen quite a bit
26 of those, meaning the camouflage pants. Do you mean that
27

1 you've seen other people wearing camouflage clothing?

2 A Yes.

3 Q Have you seen those particular clothes since the
4 abduction?

5 A Well, I've seen other people wear them.

6 Q Okay. But those particular clothes there, until we
7 opened them in Court today, have you seen them--

8 A No.

9 Q --since then?

10 A No.

11 Q Have you seen those bracelets, for example, since you
12 were in that car December 2nd, 1983?

13 A No.

14 Q Did you notice anything about the steering wheel,
15 Audra, in the car?

16 A The steering wheel where the horn is, it was broken,
17 it was off.

18 Q You told the police--did you tell the police that at
19 the time?

20 A Yes.

21 Q Thank you.

22 MR. BLOXHAM: Nothing further, Your Honor.

23 MR. FADGEN: Nothing further, Your Honor.

24 THE COURT: You're excused.

25 Call your next witness.

26 MR. BLOXHAM: State would call Officer Lozich.

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1 While Officer Lozich is coming in, Your Honor, we have
2 marked and shown to counsel three items. They appear to be a
3 certified copy of a vehicle registration, a certified copy of a
4 marriage license, and a certified copy of a marriage
5 certificate. I believe they're designated in that order as
6 State's proposed exhibit 16, 17, 18. The certified copy of the
7 vehicle registration shows a vehicle with a license number 005
8 AJB, registered to a Marie Butler at 1916 Houston Street, here
9 in Las Vegas, Nevada.

10 We would move to admit State's proposed exhibit 16.

11 MR. FADGEN: No objection.

12 THE COURT: Same be received.

13 MR. BLOXHAM: We show 17 and 18 to be the marriage license
14 and marriage certificate for Andre Dupree Boston and Marie
15 Butler. They were issued November 9th, 1983, here in Clark
16 County, Nevada. It shows they were married the same day. Your
17 Honor, we'd move to admit both.

18 MR. FADGEN: No objection.

19 THE COURT: Same will be received.

20 Come forward.

21 ANTHONY THOMAS LOZICH, JR.

22 (Was called as a witness, duly sworn, and testified as follows:)

23 DIRECT EXAMINATION

24 BY MR. BLOXHAM:

25 Q Sir, please state your full name and spell your last
26 name for the Court.

1 A Anthony Thomas Lozich, Jr. Last name, L-o-z-i-c-h.
2 Q Mr. Lozich, are you employed by the Las Vegas
3 Metropolitan Police Department?
4 A Yes, I am.
5 Q How long have you been so employed?
6 A Ten years.
7 Q Sir, directing your attention to November 14th, 1983,
8 were you working for Metro at that time, in the morning hours?
9 A Yes, I was.
10 Q Were you in uniform or in plainclothes at that time?
11 A I was working uniform patrol at that time.
12 Q Sir, do you recall being dispatched to the area of
13 Reno Court, located here in Clark County, Nevada?
14 A Yes, I do.
15 Q Do you recall the circumstances under which you were
16 dispatched to that location?
17 A Yes.
18 Q Please tell us the circumstances.
19 A While working uniform patrol, I was assigned--
20 dispatched to the area of the 5000 block of Reno in reference
21 to a suspicious situation and possible kidnapping at that
22 location. I was advised to meet Sergeant Coyne, who had set up
23 a command post in the 5000 block of Reno Court and take
24 direction from him.
25 Q Were there other officers involved?
26 A Yes, there was.

1 Q Were there a number of units, or was it just a couple
2 of police officers, or what?

3 A I would say there was approximately a dozen officers
4 involved when I arrived.

5 Q What did you do, specifically, sir?

6 A I was directed by Sergeant Coyne to canvass the
7 neighborhood homes, knocking at doors, asking if people had
8 seen anything in reference to helping out in the investigation.

9 Q How big of an area did this cover, this knocking on
10 doors?

11 A Approximately a four block area.

12 Q Were canine units called in?

13 A I believe so, yes.

14 Q Sir, as you proceeded and performed these official
15 duties, what, if anything, occurred next?

16 A Okay. I was--I talked to several people who did not
17 see anything at the time. A lot of folks were not home because
18 of the morning hours. And after that, I was relieved of that
19 area and assigned on calls for service.

20 Q Did there come a time when you received further
21 dispatch information relative to that particular investigation?

22 A Yes.

23 Q And what was--what was told to you and what did you
24 do?

25 A Approximately three hours later, I received a radio
26 broadcast that the juvenile who we had been looking for in the

1 5000 block of Reno Court had been located in the area of Valley
2 High School. The broadcast further went on to state that a
3 suspect vehicle involved was a two-door vehicle with bucket
4 seats, had a vinyl cover over the seats, had a floor shift and
5 a emergency brake in the center of the vehicle.

6 Q Did you attempt to locate that vehicle, sir?

7 A Yes, I was directed by Sergeant Coyne, as well as
8 approximately four other officers to comb the area looking for
9 that particular vehicle within about a one, I believe, two mile
10 radius.

11 Q Sir, at my request, either yesterday or today, did you
12 go to the address 1916 Houston, here in Clark County, Nevada?

13 A Yes, I did.

14 Q Where is that located, sir

15 A It's located at the--pretty much Charleston/Eastern
16 area.

17 Q And how far from Eastern is 1916 Houston, if you know?

18 A Yes, I do know. It's .02 of a mile, from 1916 Houston
19 to Eastern Avenue.

20 Q Did you then, at my request, drive from 1916 Houston
21 to the Reno Court area?

22 A Yes, I did.

23 Q Can you tell us how you went and what distances were
24 involved?

25 A Okay. At the District Attorney's Office request, I--

26 MR. FADGEN: Your Honor, I'm going to object to this
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1 testimony. I don't know the relevancy and materiality.

2 MR. BLOXHAM: Your Honor, we've established--

3 THE COURT: Approach the Bench.

4 (Whereupon a Bench conference was held, not recorded)

5 THE COURT: Objection is overruled.

6 MR. BLOXHAM: Thank you.

7 Q Please continue with your testimony, sir. My question
8 is: from 1916 Houston to the Reno Court area, the distances and
9 the relationship of the streets.

10 A Okay. I started out at 1916 Houston. I pointed my
11 vehicle east, toward Eastern. I travelled from 1916 Houston to
12 Eastern, which is .02 of a mile. I then turned south on
13 Eastern to Reno Avenue, which is 4.1 miles. I then went from
14 Eastern, turning west on Reno Avenue, to Reno Court, which is
15 .03 of a mile. The total distance is 4.6 miles.

16 Q Thank you.

17 MR. BLOXHAM: Pass the witness, Your Honor.

18 MR. FADGEN: No questions.

19 THE COURT: You're excused.

20 Call your next witness.

21 MR. BLOXHAM: State would call Mr. Truszkowski.

22 THE COURT: That officer's name was?

23 MR. BLOXHAM: It's spelled T-R--oh, the last one, Your
24 Honor?

25 THE COURT: Yes.

26 MR. BLOXHAM: The last one was Officer Lozich, which is
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1 spelled L-o-z-i-c-h.

2 HAROLD CHARLES TRUSZKOWSKI

3 (Was called as a witness, duly sworn, and testified as follows:)

4 DIRECT EXAMINATION

5 BY MR. BLOXHAM:

6 Q Sir, please state your full name and spell your last
7 name for the Court.

8 A Henry Charles Truszkowski, T-r-u-s-z-k-o-w-s-k-i.

9 Q Mr. Truszkowski, I'll probably pronounce your name
10 wrong throughout this, but, sir, are you employed by the Las
11 Vegas Metropolitan Police Department?

12 A Yes, I am.

13 Q How long have you been so employed?

14 A Almost twelve years.

15 Q And, sir, directing your attention to December 9th,
16 1983, what was your assignment at that time, sir?

17 A I was assigned to the criminalistics bureau as an
18 identification specialist.

19 Q Okay. What are the duties of an identification
20 specialist for the criminalistics bureau?

21 A At that time, my duties were to collect, document, and
22 preserve physical evidence.

23 Q Did you receive training in performing those tasks?

24 A Yes, I have.

25 Q What kind of training had you received, and do you
26 receive in that job?

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1 A Basically, I've received in-service training through
2 the Metropolitan Police Department, as well as other training
3 sponsored by the FBI.

4 Q Directing your attention, sir, to December 9th, 1983,
5 did you have an occasion to travel to Southern California
6 involving this particular case?

7 A Yes, I did.

8 Q Who did you travel with, or did you travel alone?

9 A I travelled with Detective Mike McLaughlin.

10 Q And how did you travel? By plane, or how?

11 A By auto.

12 Q Sir, did there come a time when you and Detective
13 McLaughlin went to the East Lake Juvenile Hall in Los Angeles,
14 California?

15 A Yes, I did.

16 Q At that particular location, did you come in contact
17 with anyone?

18 A Yes, I did.

19 Q And what was the name of the individual that you came
20 in contact with?

21 A I was in contact with an individual who was
22 represented to me as being Andre Dupree Boston.

23 Q Now, at that particular location, did you take
24 photographs of Andre Dupree Boston?

25 A Yes, I did.

26 Q And what else did you do at that location, relative to
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1 Andre Dupree Boston?

2 A In addition to photographs, I recovered hair samples
3 and saliva samples.

4 Q Did you also recover fingerprints?

5 A Yes, I did.

6 Q Sir, during the photography, did you have occasion to
7 photograph Andree Dupree Boston in the nude?

8 A Yes, I did.

9 Q Sir, is Andre Dupree Boston a circumcised male or an
10 uncircumcised male?

11 A Uncircumcised, at that time.

12 MR. BLOXHAM: Your Honor, while counsel is going through
13 those pictures, may I look through some evidence real quick.

14 (Clerk marking exhibits)

15 Q Now, Mr. Truszkowski, showing you State's proposed
16 exhibit 19, does that appear to be an envelope, sir?

17 A Yes, it does.

18 Q Please open the envelope and take out photographs
19 which may be contained inside. I'd ask you: are there
20 photographs inside?

21 A Yes, there are.

22 Q And would you look at just the back of the photograph
23 and have they been designated at State's proposed exhibit 1A
24 through 1F. Is that correct?

25 A A through F, 19A through 19F.

26 Q I'm sorry. 19A through 19F, inclusive. Is that
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1 correct?

2 A Correct.

3 Q Sir, please look at the front of the photographs now,
4 and look at each one. Now, have you looked at all of them?

5 A Yes, I have.

6 Q Do you know who took those photographs, sir?

7 A I took these photographs.

8 Q And do those photographs fairly and accurately depict
9 Andre Dupree Boston, as you photographed him December 9th,
10 1983, in the West Lake Juvenile Hall?

11 A Yes, they do.

12 MR. BLOXHAM: Your Honor, we would move to admit State's
13 proposed exhibits 19, 19A through F, inclusive.

14 MR. FADGEN: No objection, Your Honor.

15 THE COURT: Same be received.

16 Q Sir, showing you--showing you State's proposed exhibit
17 20. Can you identify that, sir?

18 A Yes, I can.

19 Q And what is the basis of your identification of that
20 particular bag marked State's proposed exhibit 20?

21 A This is a standard evidence envelope used by
22 Metropolitan Police Department. It bears information regarding
23 this case in my handwriting. Also it bears my signature.

24 Q And the--when did you first see the bag marked State's
25 proposed exhibit 20?

26 A December 9th.

1 Q And what did you do with the bag?

2 A After placing the items inside, I brought the bag
3 back to Las Vegas and placed it in the custody of our evidence
4 vault.

5 Q Can we have you open State's proposed exhibit 20
6 without disturbing the seals. And, for the record, tell the
7 Court what you're doing. I wonder if I returned the scissors.
8 Thank you.

9 (Witness opening evidence envelope)

10 Q While you're doing that, sir, may we ask the Clerk to
11 mark these items as State's proposed next in order and then
12 starting with A.

13 Now, sir, for the record, you have cut open State's
14 proposed exhibit 20 without disturbing the seals. Is that
15 correct?

16 A That's correct.

17 Q And you have removed a plastic bag from State's
18 proposed exhibit 20. Is that true?

19 A Yes, sir.

20 Q And inside State's proposed exhibit 20, inside the
21 plastic bag there appear to be some envelopes. Is that
22 correct?

23 A Yes, sir.

24 Q Could you tell us if you recognize the envelopes
25 inside the plastic bag?

26 A Yes, I do.

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1 Q And how is it you recognize--it appears to be three
2 white envelopes inside that plastic bag. Is that true, sir?

3 A That's correct.

4 Q How is it that you can recognize those?

5 A They bear all the information regarding this case, all
6 in my handwriting.

7 Q Oh, is it in your handwriting?

8 A Yes, it is.

9 Q And when did you first see the envelopes, the three
10 envelopes inside of the plastic bag which was found in State's
11 proposed exhibit 20?

12 A December 9th, 1983.

13 Q What did you do with the white envelopes?

14 A They were placed inside the plastic evidence bag, then
15 placed inside the evidence envelope and transported back to Las
16 Vegas to be placed with the evidence vault.

17 Q Did you put anything inside the white envelopes, the
18 three white envelopes?

19 A Those would be hair samples taken from Mr. Dupree.

20 Q Mr. Dupree? You mean Mr. Boston?

21 A Mr. Boston, I'm sorry.

22 Q Is it Andree Dupree Boston?

23 A That's correct.

24 Q And from where did the hair samples come?

25 A From the head and the pubic region.

26 Q Is that standard procedure in these kind of cases?

1 A Yes, it is.

2 Q Would you--

3 MR. BLOXHAM: Can we have this plastic bag marked State's
4 proposed exhibit 20A, and for the record, it does contain
5 three white envelopes. And we will just leave that aside.

6 Q Now, Mr. Truszkowski, after going to the juvenile hall
7 in Los Angeles, did you go to another location?

8 A Yes, sir.

9 Q And where was that location?

10 A That would be the Owl Garage located in Monrovia,
11 California.

12 Q And was that pursuant to a search warrant?

13 A As I recall, yes.

14 MR. BLOXHAM: Your Honor, at this time, we'd ask that a
15 certified copy of the search warrant for a vehicle, 1978 Chevy
16 Chevette bearing 005 AJV license number be marked as an
17 exhibit.

18 (Clerk marking exhibit)

19 Q Now, Mr. Truszkowski, your testimony is you went to
20 the Owl Garage?

21 A Correct.

22 Q What city is that in?

23 A Monrovia.

24 Q And what did you do at the Owl Garage?

25 A At the Owl Garage, I examined a vehicle, namely, a
26 1978 Chevette.

1 Q And when you examined this particular vehicle, how did
2 you examine it, sir? Please tell us how you examined the
3 vehicle.

4 A Examined it by taking photographs of the vehicle,
5 observing items in and on the vehicle and recovering those
6 items which we thought pertinent in this matter.

7 Q And in as much as you took various photographs of that
8 particular vehicle, did you later cause those photographs to
9 be printed, or did someone cause them to be printed?

10 A That's correct.

11 Q And you've reviewed them?

12 A Yes.

13 MR. BLOXHAM: Your Honor, for the record, we do have a
14 number of photographs. It may take a short time to have those
15 marked.

16 THE COURT: Alright, can we proceed on to some other line
17 of questioning?

18 MR. BLOXHAM: We do have other items of evidence that we
19 need to have marked after those.

20 Q Mr. Truskowski--

21 MR. BLOXHAM: Well, Your Honor, we do have a whole lot of
22 items to be marked at this point. I apologize for not having
23 pre-marked ahead of time. But, I just didn't get it done.

24 THE COURT: Miss Clerk, is there any way you can expedite
25 that?

26 THE CLERK: I'm almost through with these pictures, sir.

1 (Conference between Clerk and Court)

2 MR. BLOXHAM: May I have defense counsel start reviewing
3 these as they're done?

4 THE COURT: Counsel, it isn't necessary for defense counsel
5 to look at those before you show them to the witness. So, if
6 you want to show them to the witness, we may be able to
7 expedite this.

8 MR. BLOXHAM: Very well, Your Honor.

9 Q Sir, showing you what's been marked--showing you
10 what's been--it appears to be an envelope. Is that correct?
11 And we're going to designate this as State's proposed exhibit
12 21 for purposes of this questioning.

13 A Yes.

14 Q Sir, I'd ask you to look at the back of these
15 photographs and we appear to have 21A through 21Z and then
16 beginning 21AA through 21NN. Is that correct?

17 A It appears that way.

18 Q Would you please look at the back and the photographs
19 and determine if they--those are in sequence?

20 Sir, have you had an opportunity to examine those?

21 A Yes, I have.

22 Q Mr. Truszkowski, having looked at all of those
23 photographs, do you know who took them?

24 A I took these photographs.

25 Q And were those taken on December 9th, 1983, at the Owl
26 Garage?

1 A Yes, they were.

2 Q And do those photographs fairly and accurately depict
3 the vehicle which you examined and searched at that location on
4 that day?

5 A Yes, they do.

6 MR. BLOXHAM: Your Honor, at this time, we would move to
7 admit State's proposed exhibit 21, the envelope, and
8 photographs marked State's 21A through Z--

9 THE COURT: Now show them to counsel, please. Now show
10 them to counsel. I believe the Clerk has a bunch of the other
11 ones marked now. You may proceed with those.

12 Q Mr. Truszkowski, showing you what's been marked for
13 identification purposes as State's proposed exhibit 23, can you
14 identify that particular bag marked State's proposed exhibit
15 23?

16 A Yes, I can.

17 Q And what is the basis of your identification?

18 A This is a standard evidence bag used by the Las Vegas
19 Metropolitan Police Department. It bears information regarding
20 this case, all in my handwriting, as well as my signature.

21 Q When did you first see the bag marked 23?

22 A December 9, 1983.

23 Q And what were the circumstances under which you saw
24 the bag?

25 A I used it during my examination of the 1978 Chevette.

26 Q What were you doing with the Chevette when you used
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1 this bag?

2 A I was recovering items of evidence, namely vacuum
3 sweepings from the floor of the vehicle.

4 Q How was that done? Did you take a vacuum and sweep
5 the floor and then take that particular material and put it in
6 a sack or a plastic bag or something?

7 A It's a specialized vacuum cleaner that we use, using
8 filter paper and a particular area of the vehicle was filtered
9 and then those sweepings were placed into an individual bag
10 before another area was vacuumed.

11 Q Okay. And the face of that shows items 3 through 9.
12 Is that correct?

13 A Yes, it does.

14 Q So, does that mean you took seven--about seven
15 different sweepings, placed those bags inside State's proposed
16 exhibit 23?

17 A That's correct.

18 Q Could we have you open State's proposed exhibit 23
19 without disturbing the seals and we'd ask you to do that away
20 from the microphone because it causes problems with the record.
21 And could we have you, for the record, tell us what you're
22 doing?

23 (Witness opening evidence envelope)

24 A I've cut the bag along the bottom so as not to disturb
25 the seals. And from within I've removed several plastic bags.

26 MR. BLOXHAM: May we have these plastic bags marked State's
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1 proposed exhibits 23A, B, C, D, E, F, and G?

2 (Clerk marking exhibits)

3 Q Sir, showing you what's been marked as proposed
4 exhibits 23A, B, C, can you identify those, sir?

5 A Yes, I can.

6 Q And what's the basis of that identification?

7 A Plastic bags containing information about this case in
8 my handwriting, as well as my initials and police personnel
9 number in my handwriting.

10 Q The plastic bags marked 23A through C, do they contain
11 the vacuum cleaner bags you've testified about?

12 A Yes, they do.

13 Q And were they sealed at the time by yourself?

14 A Yes, they were.

15 Q And does there appear to be an additional seal on
16 there from another criminalist? Or do you see another seal?

17 A There is a seal, apparently, from another criminalist.

18 Q Sir, please place those inside of 23. Showing you
19 State's proposed exhibits 23D, E, F, and G. I'd ask that you
20 look at those items, sir. I would ask if you can identify
21 State's proposed exhibits D, E, F, and G?

22 A Yes, I can.

23 Q 23D, E, F, and G. What is the basis of your
24 identification?

25 A My identification is based on the information placed
26 on the plastic bags in my handwriting, as well as my--my

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1 initials and police personnel number.

2 Q And these additional four bags, State's 23D through G,
3 do they also contain vacuum cleaner bags that you used in
4 searching the car on December 9th, 1983, in Monrovia,
5 California?

6 A Two of the four have the actual filters within them,
7 two do not have the filters.

8 Q Two are empty?

9 A They're not empty--excuse me. Two have filters that
10 were used with the vacuum. Two bags do not have the actual
11 filters.

12 Q Do you know which bags do not have filters?

13 A 23F, 23G.

14 Q Do you know what those bags contain?

15 A Those also contain sweepings without the use of the
16 vacuum.

17 Q And how is that done, sir?

18 A Basically done with forceps.

19 Q Did you do that kind of a search of this car with
20 forceps instead of bags, also?

21 A Yes, I did.

22 Q And is that what you recovered, in other words, in 23F
23 and G you did recover certain things with forceps and placed
24 them in the evidence bag?

25 A I did.

26 Q And all of those items were then placed inside of
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1 State's proposed exhibit 23 and sealed?

2 A Yes, sir.

3 Q Sir, please look at State's proposed exhibit 24 and
4 can you identify that?

5 A Yes, I can.

6 Q What's the basis of your identification?

7 A It's a standard envelope used by Metropolitan Police
8 Department bearing information regarding this case, all in my
9 handwriting, as well as my signature.

10 Q And when did you first see the bag marked State's 24?

11 A December 9th, 1983.

12 Q Did you place something inside of it at that time?

13 A I did.

14 Q Please open State's 24 without disturbing the seals.
15 There are some scissors next to you.

16 (Witness opening evidence envelope)

17 Q Please tell us, for the record, what you're doing now.

18 A I'm removing an item from the bag, a tissue container.

19 MR. BLOXHAM: May we have that marked State's proposed
20 exhibit 24A?

21 (Clerk marking exhibit)

22 Q Showing you State's proposed exhibit 24A, sir, can you
23 identify that?

24 A Yes, sir, I can.

25 Q And how are you able to identify that?

26 A It bears my initials and police personnel number, in
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1 my handwriting.

2 Q When did you first see the tissue box marked 24A?

3 A On December 9th, 1983.

4 Q And where was it when you saw it?

5 A On the floor of the vehicle, the right rear.

6 Q And did you impound it at that time and place it in
7 State's proposed exhibit 24?

8 A Yes, I did.

9 Q Sir, showing you State's proposed exhibit 25, can you
10 identify that bag marked State's proposed exhibit 25?

11 A Yes, I can.

12 Q What is the basis of your identification of that bag?

13 A Again, that's a standard bag used by the Metropolitan
14 Police Department to collect evidence. It bears information
15 regarding this case, all in my handwriting, as well as my
16 signature.

17 Q What date is on it?

18 A December 9, 1983.

19 Q Please open the bag, sir, without disturbing the
20 seals. Do you expect to find one bag inside, sir, or you
21 expect three--or do you know?

22 A I don't recall.

23 Q Please open it without disturbing the seals.

24 (Witness opening evidence bag)

25 Q For the record, sir, what are you removing from
26 State's 24--25, I'm sorry.

1 A I've removed one plastic bag which appears to contain
2 tissue paper.

3 MR. BLOXHAM: May we have this marked 25A, the bag?

4 (Clerk marking exhibit)

5 Q Showing you what's been marked as 25A, can you
6 identify the bag marked 25A?

7 A Yes, I can.

8 Q How are you able to identify it?

9 A It bears information regarding this case, including my
10 initials and police personnel number in my handwriting.

11 Q When did you first see the bag, 25A?

12 A December 9, 1983.

13 Q And did you place something inside of that bag?

14 A Yes, I did.

15 Q What did you put inside of it, sir?

16 A Three wads of tissue.

17 Q Where did you find the three wads of tissue?

18 A From the right rear floor area of the vehicle.

19 Q And that's the vehicle down in Monrovia, California,
20 the blue Chevette?

21 A That's correct.

22 Q Showing you State's proposed exhibit 27, can you
23 please review the bag marked 27 and can you identify it?

24 A Yes, I can.

25 Q What's the basis of your identification?

26 A It's a standard bag used by the Metropolitan Police

1 Department, bearing information regarding this case, all in my
2 handwriting, including my signature.

3 Q Did I call that 27 or 26, sir?

4 A It's marked as 26.

5 Q Please open State's proposed exhibit 26 without
6 disturbing the seals, and, for the record, tell us what you're
7 doing.

8 A From the bag, I'm removing another plastic bag which
9 contains a roll of black tape.

10 MR. BLOXHAM: May we have this marked State's proposed 26A?
11 (Clerk marking exhibit)

12 Q Showing you State's proposed 26A, can you identify the
13 bag marked 26A?

14 A Yes, I can.

15 Q And what's the basis of your identification of that
16 bag?

17 A It bears information regarding this case, also my
18 initials and police personnel number, all in my handwriting.

19 Q When did you first see the bag, 26A?

20 A December 9, 1983.

21 Q What did you do with the bag, sir?

22 A The bag was used to place within it a roll of black
23 tape.

24 Q And where did you get the tape?

25 A From the glove compartment of the vehicle.

26 Q Is that the 1978 Chevette from Monrovia, California?

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1 A Yes, sir.

2 Q Showing you State's proposed exhibit 27, can you
3 identify that?

4 A Yes, I can.

5 Q What's the basis of your identification of State's
6 proposed exhibit 27?

7 A It is a standard bag used by the Las Vegas
8 Metropolitan Police Department. It bears information regarding
9 this case, all in my handwriting, as well as my signature.

10 Q When did you first see the bag?

11 A December 9, 1983.

12 Q What did you do with it, sir?

13 A I used it to place items recovered from the vehicle to
14 bring them back to Las Vegas and place them into evidence.

15 Q Please open State's proposed exhibit 27, without
16 disturbing the seals and tell the Court what you're doing.

17 (Witness opening evidence bag)

18 A I'm removing two items, two small plastic bags which
19 contain items from within the paper bag.

20 MR. BLOXHAM: May we have these items marked 27A, and 27B.

21 (Clerk marking exhibits)

22 Q Sir, showing you what's been marked as State's
23 proposed exhibit 27A and 27B, they appear to--these are the
24 items that came out of 27. Is that correct?

25 A Yes, they are.

26 Q And can you identify State's proposed exhibit 27A and
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28

1 27B?

2 A Yes, I can.

3 Q And how do you identify those?

4 A They're identified by my police number and my initials
5 which are in my handwriting.

6 Q And when did you first see the bags, 27A and 27B?

7 A December 9, 1983.

8 Q And what did you do with the bags, 27A and 27B?

9 A The bags were used to contain items which I recovered
10 from the vehicle, and to later bring back to Las Vegas.

11 Q That's the same vehicle, the '78 Chevette bearing
12 license 005 AJV, Nevada plate?

13 A It was a '78 Chevette. It was without license plates.

14 Q At that point it was without license plates?

15 A Correct.

16 Q Did you ultimately take pictures of the license plates
17 which had been on the vehicle?

18 A Yes, I did.

19 Q Sir, where did you find the item which is inside of
20 27A?

21 A It was--it was recovered from the center console area
22 of the vehicle.

23 Q And how about 27B?

24 A From the center console, also.

25 Q Sir, showing you what's been marked for identification
26 as 28, can you identify that, sir?

27

28

1 A Yes, I can.

2 Q And what's the basis of your identification?

3 A It's a standard envelope used by the Metropolitan
4 Police Department. It has information regarding this case, all
5 in my handwriting, as well as my signature.

6 Q And did you first see the bag on December 9th, 1983?

7 A Yes, sir.

8 Q And did you place something inside of it at that time?

9 A Yes, I did.

10 Q Please open State's proposed exhibit 28 without
11 disturbing the seal, please, and tell us what you're doing.

12 THE COURT: Counsel, in view of the hour, we're going to
13 take a recess at this time.

14 Approach the Bench, please.

15 (Whereupon a Bench conference was held, not recorded)

16 THE COURT: Ladies and gentlemen, during this recess,
17 you're admonished not to talk or converse among yourselves or
18 with anyone else on any subject connected with this trial, or
19 read, watch, or listen to any report of or commentary on the
20 trial or any person connected with this trial by any medium of
21 information, including, without limitation, newspaper,
22 television, and radio, or form or express any opinion on any
23 subject connected with the trial until the case is finally
24 submitted to you.

25 We'll be in recess for fifteen minutes.

26 (At the hour of 3:35 p.m., the Court recessed until 4:00 p.m.)

1 THE COURT: Counsel stipulate to the presence of the jury?
2 MR. FADGEN: Yes, Your Honor.
3 MR. BLOXHAM: Yes, Your Honor.
4 THE COURT: Come forward. Proceed.
5 Q Sir, we were at State's proposed exhibit 28 when we
6 recessed. Is that correct?
7 A Yes, sir.
8 Q And had you opened the bag marked State's proposed
9 exhibit 28?
10 A Yes, sir.
11 Q Please remove anything found within. And tell us what
12 you're doing, please.
13 A I've removed two plastic bags, each of which contain
14 tape of some type.
15 MR. BLOXHAM: May we have these marked State's proposed
16 exhibits 28A and 28B?
17 (Clerk marking exhibits)
18 Q Showing you State's proposed exhibit 28A, 28B, can you
19 identify those two items, sir?
20 A Yes, I can.
21 Q Are those two items, 28A and 28B, the items you just
22 removed from State's proposed exhibit 28, the bag?
23 A Yes, sir.
24 Q And can you identify 28A and 28B by any initials or
25 markings?
26 A Yes, I can.

1 Q And are those your initials or markings?

2 A Yes, they are.

3 Q Did you first see 28--the items contained within 28A
4 and 28B on December 9th, 1983, down at the Owl Garage in
5 Monrovia, California?

6 A That's correct.

7 Q Did you impound them at that time from the vehicle
8 that we've been questioning you about earlier?

9 A Yes, sir.

10 Q Thank you. Sir, showing you what's been marked for
11 identification purposes as State's proposed exhibit 29, can you
12 identify that, sir?

13 A Yes, I can.

14 Q And what is the basis of your identification?

15 A It bears the tag and--bears an evidence tag which
16 itself bears information regarding this case, all in my
17 handwriting. The item itself, also bears my--my initials and
18 my police personnel number in my handwriting.

19 Q When did you first see the item which appears to be a
20 map of some sort?

21 A December 9th, 1983.

22 Q And is this at the Owl Garage?

23 A Yes.

24 Q Did you remove this map from the vehicle we were
25 talking about, the '78 Chevette?

26 A Yes, I did.

27

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Sep 16 2013 10:53 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Case No. 62931 Clerk of Supreme Court

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MARTIN HART, ESQ.
Nevada Bar #005984
The Law Offices of Martin Hart, LLC
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(702) 380-4278

Counsel for Respondent

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Nevada Attorney General

MARTIN HART, ESQ.
Counsel for Respondent

PARKER P. BROOKS
Deputy District Attorney

JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney

Employee, Clark County
District Attorney's Office

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356-88F

FILED

CASE NO. J28884

JUL 7 11 45 AM '88

DEPT. NO. XVI

Loetha Luman
CLERK

JUVENILE DIVISION

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

* * * * *

In the Matter of:

ANDRE DUPREE BOSTON,

Date of Birth: July 17, 1967,

A Minor, 20 Years of Age.

O R D E R

The above-entitled matter having come on for hearing in the above-entitled Court to determine whether the subject minor, Andre Dupree Boston, should be certified to be tried as an adult under the provisions of N.R.S. 62.080; and

The Court being duly advised that the subject minor, Andre Dupree Boston, of this Petition is 20 years of age, having been born on the 17th day of July, 1967; and

The Court being fully advised that the subject of these Petitions is charged with the Offenses of Burglary, a felony under N.R.S. 205.060; Lewdness with a Minor with Use of a Deadly Weapon, a felony under N.R.S. 201.230; 193.165; Assault with a Deadly Weapon, a felony under N.R.S. 200.471; 193.165; Battery with Intent to Commit Sexual Assault with Use of a Deadly

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CASE NO. J28884

Weapon, a felony under N.R.S. 200.400; 193.165; Kidnap First Degree with Use of Deadly Weapon, a felony under N.R.S. 200.310; 193.165; Sexual Assault with Use of a Deadly Weapon, a felony under N.R.S. 200.366; 193.165; Sexual Assault with a Deadly Weapon, a felony under N.R.S. 200.366; 193.165; Sexual Assault with Use of a Deadly Weapon, a felony under N.R.S. 200.366; 193.165; Sexual Assault with Use of a Deadly Weapon, a felony under N.R.S. 200.366; 193.165; Sexual Assault with Use of a Deadly Weapon, a felony under N.R.S. 200.366; 193.165; Robbery with a Deadly Weapon, a felony under N.R.S. 200.380; 193.165; Attempt to Dissuade Victim or Witness from Reporting a Crime with Use of a Deadly Weapon, a felony under N.R.S. 199.305; 208.070; 193.165; if committed by an adult; said Offenses having allegedly been committed on October 1, 1983; November 14, 1983;

The Court having heard testimony in Open Court and being fully advised in the premises;

NOW THEREFORE IT IS HEREBY ORDERED that Andre Dupree Boston be and hereby is Certified to the Eighth Judicial District Court of the State of Nevada in and for the County of Clark for proper criminal proceedings as an adult for the following reasons:

1. Nature and seriousness of the charged offense(s).

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CASE NO. J28884

The crimes attributed to the assailant Andre Dupree Boston, were of a heinous and premeditated nature. On October 1, 1983, the assailant, while in the nude, burglarized the home of Barbara Kukal, at 5010 South Reno Court, Las Vegas, Nevada. While in the home he threatened to kill with a knife twelve-year-old Kathleen Kukal while in the process of the molestation. The Assailant became alarmed over noises from the adjoining room. Kathleen was able to call out to her mother for help. When Mrs. Kukal tried to investigate the situation the assailant threatened Mrs. Kukal with a knife before making his escape.

November 14, 1983, an assailant kidnapped, sexually assaulted over an extended period of time, and threatened with bodily harm with a knife and through intimidation fourteen-year-old Angela Kukal. The assailant informed the victim that he was the one who had previously burglarized her home indicating the abduction and sexual assault was a thought out and planned incident. He forced the victim to repeatedly submit to oral copulation, sexual intercourse and sodomy. The victim's eyes were taped shut and she was driven around to different areas when the assailant would stop the car and sexually assault her.

There were witnesses prior to and after the aforementioned offense. The victim and witnesses were able to positively identify Andre Dupree Boston, through a photo line up.

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CASE NO. J28884

2. Persistency and seriousness of past adjudications or admitted criminal offense(s). Please see Exhibit "L".

On August 4, 1982, Andre Dupree Boston was charged with Runaway for which he was counseled and released.

On December 20, 1982, Andre Dupree Boston was charged with Runaway for which he was counseled and released.

On February 2, 1983, Andre Dupree Boston was charged with Runaway, which was dismissed.

On March 11, 1983, Andre Dupree Boston was charged with Trespassing and the charge was counseled and closed April 14, 1983.

Andre Dupree Boston initially denied the charge of Trespassing, but thereafter agreed to voluntarily enter therapy at Ingleside Psychiatric Hospital. Andre's mother initiated the placement because she discovered sex magazines and notations, by Andre, describing plans to abduct, hold for ransom, rape and rob others. A psychologist or psychiatrist described Andre as being a time bomb. When the family's insurance policy expired Andre was placed at Camerillo State Hospital.

On May 5, 1983, Andre was charged with Runaway for which he was counseled and released.

On December 2, 1983, Andre Dupree Boston abducted a fourteen-year-old girl, Andre Sharp and viciously sexually assaulted her with threatened bodily harm. On December 7, 1983,

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1 CASE NO. J28884

2 Andre was arrested for the charge and on February 24, 1984, he
3 was convicted of four Counts of Rape with Force and Violence,
4 five Counts of Oral Copulation with Use of a Weapon consecutive
5 with one Count of Sodomy.

6 Andre was institutionalized at California Youth Authorities
7 until he was involved in an escape plan. He was then sent to
8 Chino Prison in California then transported to Folsom Prison in
9 California, and was currently serving time in Tehachapi Prison
10 when he was extradited to Las Vegas for the purpose of
11 Certification.

12 3. Subjective factors.

13 Andre Dupree Boston began running away from home when he was
14 twelve years old. He comes from an affluent family. He resided
15 with his natural mother and father, Rose and Elliot Boston. The
16 family moved frequently and his father occasionally worked out
17 of the country and his mother was the primary caretaker. Andre
18 is the oldest of three children. Mrs. Boston gave Andre
19 permission to marry Maria Butler, whom he met at Ingleside
20 Psychiatric Hospital. Mrs. Boston signed for Andre to get
21 married to Maria in Las Vegas, Nevada, in November of 1983. It
22 should be noted that this was the time frame in which Angla
23 Kukal allegedly was sexually assaulted by Andre.

24 Prior to the incident of arrest Mrs. Boston found items in
25 Andre's closet such as ski masks, gloves and turtlenecks. Andre
26 was tested while at California Youth Authorities and had an I.Q.
27 of 103.

28 ...

235 JUL 28 1984

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CASE NO. J28884

The Director of Juvenile Court Services of Clark County is charged with the execution of this Order.

This matter is continued to the 11 day of July, 1988, for the purpose of arraignment in Justice Court and Bail is set in the sum of \$280,000.00 cash or \$500,000.00 property.

Andre Dupree Boston is hereby remanded to the custody of the Sheriff until such time as Bail is posted.

Dated this _____ day of July, 1988.

JOHN S. McGROARTY

DISTRICT JUDGE - JUVENILE DIVISION

Receipt of copy of the foregoing Adult Certification Order is hereby acknowledged this _____ day of _____, 1988, by the Las Vegas Metropolitan Police Department and the Clark County District Attorney's Office.

[Signature]
LAS VEGAS METROPOLITAN POLICE DEPARTMENT

7-7-88
DATE

[Signature]
DISTRICT ATTORNEY'S OFFICE

7-6-88
DATE

RECORDED
JUL 14 1988

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: JUL 07 1988
LORNEY A. HOWMAN, County Clerk and Clerk of the Eighth Judicial District Court, in and for the County of Clark, State of Nevada.

By [Signature] Deputy

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
IN AND FOR THE COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

ANDREW DUPREE BOSTON, #920638,

Defendant.

CASE NO. 3564

DOCKET NO. 88F

CRIMINAL COMPLAINT

District Court A

The Defendant above named, has committed the crimes of BURGLARY (Felony - NRS 205.060); LEWDNESS WITH A MINOR WITH USE OF A DEADLY WEAPON (Felony - NRS 201.230, 193.165); ASSAULT WITH A DEADLY WEAPON (Felony - NRS 200.471); BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON (Felony - NRS 200.400, 193.165); FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320, 193.165); SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165); ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS 200.380, 193.165); and ATTEMPT DISSUADE VICTIM OR WITNESS FROM REPORTING A CRIME WITH USE OF A DEADLY WEAPON (Felony - NRS 199.305, 193.330, 193.165), in the manner following, to-wit: That the said Defendant, between October 1, 1983, and November 14, 1983, at and within the County of Clark, State of Nevada,

COUNT 1 - Burglary

did, on or about October 1, 1983, then and there wilfully, unlawfully, and feloniously enter, with intent to commit a felony, to-wit: Sexual Assault, that certain building occupied by BARBARA B. KUKAL and/or KATHLEEN MARIE KUKAL, located at 5010 South Reno Court, Las Vegas, Clark County, Nevada.

1 COUNT II - Lewdness With a Minor With use of a Deadly Weapon

2 did, on or about October 1, 1983 then and there wilfully,
3 lewdly, unlawfully, and feloniously commit a lewd or lascivious
4 act with the body of KATHLEEN MARIE KUKAL, a child under the
5 age of fourteen years, by fondling her upper thigh near her
6 vagina, with the intent of arousing, appealing to, or gratifying
7 the lust, passions, or sexual desires of said Defendant, or
8 said child, said Defendant using a deadly weapon, to-wit: a
9 knife, during the commission of said crime.

10 COUNT III - Assault With a Deadly Weapon.

11 did, on or about October 1, 1983, coupled with the
12 present ability, wilfully, unlawfully, and feloniously attempt
13 to commit a violent injury, with use of a deadly weapon, upon
14 the person of another, to-wit: BARBARA B. KUKAL, by brandishing
15 a knife at, and threatening the said BARBARA B. KUKAL with said
16 knife.

17 COUNT IV - Battery With Intent to Commit a Crime With use of a
18 Deadly Weapon

19 did, on or about October 1, 1983, then and there wilfully,
20 unlawfully and feloniously use force and violence upon the
21 person of another, to-wit: KATHLEEN MARIE KUKAL, with intent
22 to commit Sexual Assault, by holding a knife against the neck
23 of the said KATHLEEN MARIE KUKAL, said knife touching her neck
24 and by fondling her upper thigh near her vagina, Defendant using
25 a deadly weapon, to-wit: a knife, during the commission of
26 said crime.

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1 COUNT V - First Degree Kidnapping With Use of a Deadly Weapon

2 did, on or about November 14, 1983, wilfully, unlawfully,
3 feloniously, and without authority of law, seize, confine,
4 inveigle, entice, decoy, abduct, conceal, kidnap, or carry
5 away ANGELA NICOLE KUKAL, a human being, with the intent to
6 hold or detain the said ANGELA NICOLE KUKAL against her will
7 and without her consent, for the apurpose of committing sexual
8 assault and robbery upon the said ANGELA NICOLE KUKAL, said
9 Defendant using a deadly weapon, to-wit: a knife, during
10 the commission of said crime.

11 COUNT VI - Sexual Assault With use of a Deadly Weapon

12 did, on or about November 14, 1983, then and there wilfully,
13 unlawfully, and feloniously sexually assault and subject ANGELA
14 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
15 sexual intercourse, by inserting his penis in the vagina of the
16 said ANGELA NICOLE KUKAL, against her will, Defendant using a
17 deadly weapon, to-wit: a knife, during the commission of said
18 crime.

19 COUNT VII - Sexual Assault With Use of a Deadly Weapon

20 did, on or about November 14, 1983, then and there wilfully,
21 unlawfully, and feloniously sexually assault and subject ANGELA
22 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
23 fellatio, by inserting his penis in the mouth of the said ANGELA
24 NICOLE KUKAL, against her will, Defendant using a deadly weapon,
25 to-wit: a knife, during the commission of said crime.

26 COUNT VIII - Sexual Assault With Use of a Deadly Weapon

27 did, on or about November 14, 1983, then and there wilfully,
28 unlawfully, and feloniously sexually assault and subject ANGELA

1 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
2 sexual intercourse, by inserting his penis in the vagina of the
3 said ANGELA NICOLE KUKAL, against her will, Defendant using a
4 deadly weapon, to-wit: a knife, during the commission of said
5 crime.

6 COUNT IX - Sexual Assault With Use of a Deadly Weapon

7 did, on or about November 14, 1983, then and there wilfully,
8 unlawfully, and feloniously sexually assault and subject ANGELA
9 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
10 sexual intercourse, by inserting his penis in the vagina of the
11 said ANGELA NICOLE KUKAL, against her will, Defendant using a
12 deadly weapon, to-wit: a knife, during the commission of said
13 crime.

14 COUNT X - Sexual Assault With Use of a Deadly Weapon

15 did, on or about November 14, 1983, then and there wilfully,
16 unlawfully, and feloniously sexually assault and subject ANGELA
17 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
18 anal intercourse, by inserting his penis in the anal opening of
19 the said ANGELA NICOLE KUKAL, against her will, Defendant using
20 a deadly weapon, to-wit: a knife, during the commission of
21 said crime.

22 COUNT XI - Sexual Assault With Use of a Deadly Weapon

23 did, on or about November 14, 1983, then and there wilfully,
24 unlawfully, and feloniously sexually assault and subject ANGELA
25 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
26 sexual intercourse, by inserting his penis in the vagina of the
27 said ANGELA NICOLE KUKAL, against her will, Defendant using a
28 deadly weapon, to-wit: a knife, during the commission of said crime.

1 crime.

2 COUNT XII - Sexual Assault With Use of a Deadly Weapon

3 did, on or about November 14, 1983, then and there wilfully,
4 unlawfully, and feloniously sexually assault and subject ANGELA
5 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
6 sexual intercourse, by inserting his penis in the vagina of the
7 said ANGELA NICOLE KUKAL, against her will, Defendant using a
8 deadly weapon, to-wit: a knife, during the commission of said
9 crime.

10 COUNT XIII - Robbery With Use of a Deadly Weapon

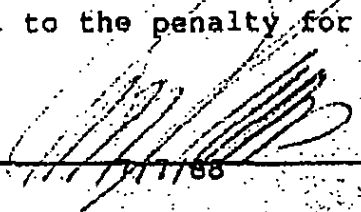
11 did, on or about November 14, 1983, then and there wilfully,
12 unlawfully, and feloniously take personal property, to-wit:
13 lawful money of the United States, from the person of ANGELA
14 NICOLE KUKAL, or in her presence, by means of force or violence,
15 or fear of injury to, and without the consent and against
16 the will of the said ANGELA NICOLE KUKAL, said Defendant using
17 a deadly weapon, to-wit: a knife, during the commission of
18 said crime.

19 COUNT XIV - Attempt Dissuade Victim or Witness from Reporting
20 a Crime

21 did, on or about November 14, 1983, then and there wilfully
22 unlawfully, and feloniously attempt to prevent or dissuade
23 a victim of a crime, to-wit: ANGELA NICOLE KUKAL, from reporting
24 a crime, to-wit: Sexual Assault; Robbery and First Degree
25 Kidnapping, to a Peace Officer, by threatening to kill and/or
26 have killed her and/or her entire family if the police came
27 after him, said Defendant using a deadly weapon, to-wit:
28 a knife, during the commission of said crime.

3564-88F

1 All of which is contrary to the form, force, and effect
2 of Statutes in such cases made and provided and against the
3 peace and dignity of the State of Nevada. Said Complainant
4 makes this declaration subject to the penalty for perjury.



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LVMPD DR#83-72900;81854
Burg;LWM;AWDW;BWITCC;
1. Kidnap;Sex Asslt;
Robbery;Att Dissuade Witness;
Use Wpn Comm of
Crime - F
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JUL 28 1988

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Justice Court, Las Vegas Township

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

—VS—

ANDREW DUPREE BOSTON

Defendant.

Case No. 3564-88F

COMMITMENT and ORDER TO APPEAR

An Order having been made this day by me, that

ANDREW DUPREE BOSTON

be held to answer upon the charge of

BURGLARY; LEWDNESS WITH A MINOR WITH USE OF A DEADLY WEAPON; ASSAULT WITH A DEADLY WEAPON; BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON; FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON; SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON (7 COUNTS); ROBBERY WITH USE OF A DEADLY WEAPON; ATTEMPT DISSUADE VICTIM OR WITNESS FROM REPORTING A CRIME

Committed in said Township and County, ~~ANDREW DUPREE BOSTON~~ BETWEEN ~~DATE~~ 10/1 & 11/14, 19 83.

IT IS FURTHER ORDERED that the Sheriff of the County of Clark is hereby commanded to receive _____

_____ HIM _____ into custody, and detain _____ HIM _____ until HE _____ be legally discharged, and that HE _____ be admitted to bail in the sum of \$280,000/\$560,000 _____ Dollars, and be committed to the custody of the Sheriff of said County, until such bail is given; and

PER JUDGE MC GROARTY

IT IS FURTHER ORDERED that said Defendant _____ IS _____ is/are commanded to appear in Department #5 of the Eighth Judicial District Court, Clark County Courthouse, Las Vegas, Nevada, at 9:00 A.M., on the 11th day of AUGUST, 19 88, for arraignment and further proceedings on the within charge _____.

DATED this 28th day of JULY, 19 88.


Justice of the Peace of Las Vegas Township

RECORDED

JUL 28 1988

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FILED

CLERK

ANDRE DUPREE BOSTON,
Defendant.

DEPT. NO. 54

BURGLARY (Felony-NRS 205.060) LEWD-
NESS WITH A MINOR WITH USE OF A DEAD-
LY WEAPON (Felony-NRS 201.230, 193.
165) ASSAULT WITH A DEADLY WEAPON
(Felony-NRS 200.471) BATTERY WITH
INTENT TO COMMIT A CRIME WITH USE OF
A DEADLY WEAPON (Felony-NRS 200.400,
193.165) FIRST DEGREE KIDNAPPING WITH
USE OF A DEADLY WEAPON (Felony-NRS
200.310, 200.320, 193.165) SEXUAL
ASSAULT WITH USE OF A DEADLY WEAPON
(Felony-NRS 200.364, 200.366, 193.165)
ROBBERY WITH USE OF A DEADLY WEAPON
(Felony-NRS 200.380, 193.165) ATTEMPT
DISSUADE VICTIM OR WITNESS FROM RE-
PORTING A CRIME WITH USE OF A DEADLY
WEAPON (Felony-NRS 199.305, 193.330,
193.165)

That ANDRE DUPREE BOSTON the defendant above named, between October 1, 1983 and November 14, 1983, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the

• • •

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AA 000014

1 peace and dignity of the State of Nevada,

2 COUNT I - Burglary

3 did, on or about October 1, 1983, then and there wilfully,
4 unlawfully, and feloniously enter, with intent to commit a felony,
5 to-wit: Sexual Assault, that certain building occupied by BARBARA
6 B. KUKAL and/or KATHLEEN MARIE KUKAL, located at 5010 South
7 Reno Court, Las Vegas, Clark County, Nevada.

8 COUNT II - Lewdness With a Minor With Use of a Deadly Weapon

9 did, on or about October 1, 1983, then and there wilfully,
10 lewdly, unlawfully, and feloniously commit a lewd or lascivious
11 act with the body of KATHLEEN MARIE KUKAL, a child under the age
12 of fourteen years, by fondling her upper thigh near her vagina,
13 with the intent of arousing, appealing to, or gratifying the
14 lust, passions, or sexual desires of said defendant, or said
15 child, said defendant using a deadly weapon, to-wit: a knife,
16 during the commission of said crime.

17 COUNT III - Assault With a Deadly Weapon

18 did, on or about October 1, 1983, coupled with the present
19 ability, wilfully, unlawfully, and feloniously attempt to commit
20 a violent injury, with use of a deadly weapon, upon the person
21 of another, to-wit: BARBARA B. KUKAL, by brandishing a knife at,
22 and threatening the said BARBARA B. KUKAL with said knife.

23 COUNT IV - Battery With Intent to Commit a Crime With Use of a
24 Deadly Weapon

25 did, on or about October 1, 1983, then and there wilfully,
26 unlawfully and feloniously use force and violence upon the person
27 of another, to-wit: KATHLEEN MARIE KUKAL, with intent to commit
28 Sexual Assault, by holding a knife against the neck of the said

1 KATHLEEN MARIE KUKAL, said knife touching her neck and by fond-
2 ling her upper thigh near her vagina, defendant using a deadly
3 weapon, to-wit: a knife, during the commission of said crime.

4 COUNT V - First Degree Kidnapping With Use of a Deadly Weapon

5 did, on or about November 14, 1983, wilfully, unlawfully
6 feloniously, and without authority of law, seize, confine, in-
7 veigle, entice, decoy, abduct, conceal, kidnap, or carry away
8 ANGELA NICOLE KUKAL, a human being, with the intent to hold or
9 detain the said ANGELA NICOLE KUKAL against her will and without
10 her consent, for the purpose of committing sexual assault and
11 robbery upon the said ANGELA NICOLE KUKAL, said defendant using
12 a deadly weapon, to-wit: a knife, during the commission of said
13 crime.

14 COUNT VI - Sexual Assault With Use of a Deadly Weapon

15 did, on or about November 14, 1983, then and there wilfully,
16 unlawfully, and feloniously sexually assault and subject ANGELA
17 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
18 sexual intercourse, by inserting his penis in the vagina of the
19 said ANGELA NICOLE KUKAL, against her will, defendant using a
20 deadly weapon, to-wit: a knife, during the commission of said
21 crime.

22 COUNT VII - Sexual Assault With Use of a Deadly Weapon

23 did, on or about November 14, 1983, then and there wilfully,
24 unlawfully, and feloniously sexually assault and subject ANGELA
25 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
26 fellatio, by inserting his penis in the mouth of the said ANGELA
27 NICOLE KUKAL, against her will, defendant using a deadly weapon,
28 to-wit: a knife, during the commission of said crime.

1 COUNT VIII - Sexual Assault With Use of a Deadly Weapon

2 did, on or about November 14, 1983, then and there wilfully,
3 unlawfully, and feloniously sexually assault and subject ANGELA
4 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
5 sexual intercourse, by inserting his penis in the vagina of the
6 said ANELA NICOLE KUKAL, against her will, defendant using a
7 deadly weapon, to-wit: a knife, during the commission of said
8 crime.

9 COUNT IX - Sexual Assault With Use of a Deadly Weapon

10 did, on or about November 14, 1983, then and there wilfully,
11 unlawfully, and feloniously sexually assault and subject ANGELA
12 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
13 sexual intercourse, by inserting his penis in the vagina of the
14 said ANGELA NICOLE KUKAL, against her will, defendant using a
15 deadly weapon, to-wit: a knife, during the comission of said crime.

16 COUNT X - Sexual Assault With Use of a Deadly Weapon

17 did, on or about November 14, 1983, then and there wilfully,
18 unlawfully, and feloniously sexually assault and subject ANGELA
19 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
20 anal intercourse, by inserting his penis in the anal opening of
21 the said ANGELA NICOLE KUKAL, against her will, defendant using
22 a deadly weapon, to-wit: a knife, during the commission of said
23 crime.

24 COUNT XI - Sexual Assault With Use of a Deadly Weapon

25 did, on or about November 14, 1983, then and there wilfully,
26 unlawfully, and feloniously sexually assault and subject ANGELA
27 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
28 sexual intercourse, by inserting his penis in the vagina of the

1 said ANGELA NICOLE KUKAL, against her will, defendant using a
2 deadly weapon, to-wit: a knife, during the commission of said
3 crime.

4 COUNT XII - Sexual Assault With Use of a Deadly Weapon

5 did, on or about November 14, 1983, then and there wilfully
6 unlawfully, and feloniously sexually assault and subject ANGELA
7 NICOLE KUKAL, a female person, to sexual penetration, to-wit:
8 sexual intercourse, by inserting his penis in the vagina of the
9 said ANGELA NICOLE KUKAL, against her will, defendant using a
10 deadly weapon, to-wit: a knife, during the commission of said
11 crime.

12 COUNT XIII - Robbery With Use of a Deadly Weapon

13 did, on or about November 14, 1983, then and there wilfully
14 unlawfully, and feloniously take personal property, to-wit: law-
15 ful money of the United States, from the person of ANGELA NICOLE
16 KUKAL, or in her presence, by means of force or violence, or
17 fear of injury to, and without the consent and against the will
18 of the said ANGELA NICOLE KUKAL, said defendant using a deadly
19 weapon, to-wit: a knife, during the commission of said crime.

20 COUNT XIV - Attempt Dissuade Victim or Witness from Reporting
21 a Crime *with Use of a Deadly Weapon*

22 did, on or about November 14, 1983, then and there wilfully
23 unlawfully, and feloniously attempt to prevent or dissuade a
24 victim of a crime, to-wit: ANGELA NICOLE KUKAL, from reporting
25 a crime, to-wit: Sexual Assault, Robbery and First Degree Kidnap-
26 ping, to a Peace Officer, by threatening to kill and/or have


27 ...

28 ...

LORETTA M. BROWN, CLERK
BY *Robert L. Brown*
August 11, 1988

1 killed her and/or her entire family if the police came after
2 him, said defendant using a deadly weapon, to-wit: a knife,
3 during the commission of said crime.

4 REX BELL
5 DISTRICT ATTORNEY

6 BY: 
7 JOHN P. LUKENS
8 Deputy District Attorney

9 The names of witnesses known to the District Attorney's
10 Office at the time of filing this Information are as follows:

11 BECHTOL, D.
12 LVMPD P#1807

SAMOLOVITCH, J.
LVMPD P#81

13 BECKWITH, G.
14 LVMPD P#328

TRUSZKOWSKI, B.
LVMPD P#1424

15 COOK, T.
16 LVMPD P#2545

BLAIR, B.
LVMPD

17 GOOD, R.
18 LVMPD P#806

CARPENTER, DET.
Monrovia Police Dept.
Monrovia, California

19 GIVENS,
20 LVMPD P#1575

CONNELLY, FRANK
Monrovia Police Dept.
Monrovia, California

21 HEFNER, KENNETH
22 LVMPD P#2185

COYNE, T.
LVMPD

23 KINGSBURY, N. -
24 LVMPD P#1107

CRAWFORD, DET. STEVE
San Luis Obispo Sheriff's Dept.

25 KUKAL, ANGELA -
26 5010 S. Reno
27 Las Vegas, Nv.

FALVEY, JEAN
1916 Houston
Las Vegas, Nv.

28 KUKAL, BARBARA -
5010 S. Reno
Las Vegas, Nv.

FORSBERG, RICHARD
5059 S. Reno Ct.
Las Vegas, Nv.

KUKAL, KATHLEEN -
5010 S. Reno
Las Vegas, Nv.

HOOD, G.
LVMPD

McLAUGHLIN, M.
LVMPD P#541

HOWARD, NURSE
6* University Medical Center
1800 W. Charleston Blvd.
Las Vegas, Nv.

APPROVED BY ORDER OF THE COURT

BY CLERK

Roberta Shupe Deputy

September 18, 1988

- 1 JETT, R.
LVMPD
- 2
- 3 LABOSSIERE, LARRY
1916 Houston
Las Vegas, Nv.
- 4
- 5 LOZICH, T.
LVMPD
- 6
- 7 MATVEY, J.
LVMPD
- 8
- 9 MC GINNESS, D.
LVMPD P#2424
- 10
- 11 MC WILLIAMS, J.
Monrovia Police Dept.
Monrovia, California
- 12
- 13 PEARCE, C.
LVMPD
- 14
- 15 POWELL, B.
Monrovia Police Dept.
Monrovia, California
- 16
- 17 PROCK, OFFICER
Monrovia Police Dept.
Monrovia, California
- 18
- 19 SHARP, AUDRA
C/O Monrovia Police Dept.
Monrovia, California
- 20
- 21 SKARPHO, DET.
Westminister Police Dept.
Westminister, California
- 22
- 23 SPENCER, JAMES -
2963 Berman
Las Vegas, Nv.
- 24
- 25 ST. PIERRE, CAROLE -
5060 S. Reno Ct.
Las Vegas, Nv.
- 26
- 27 ST. PIERRE, LAUREL
5060 S. Reno Ct.
Las Vegas, Nv.
- 28
- 29 WILLIAMS, LISA
5056 Turner #2
Las Vegas, Nv.

ORDER OF THE COURT

Roberta Shupe Deputy
September 20, 1988

ZUMFT, DR.
University Medical Center
1800 W. Charleston Blvd.
Las Vegas, Nv.

CANNADY, WAYNE
240 W. Huntington
Arcadia, California

111

FILED

DISTRICT COURT

CLARK COUNTY, NEVADA

MAR 17 4 47 PM '88

* * * *

Janita L. Lamm
CLERK

STATE OF NEVADA,
Plaintiff,
VS.
ANDRE DUPREE BOSTON,
Defendant.

Case No. C84650
Dept. No. V
Transcript of
Proceedings

BEFORE THE HONORABLE JOHN F. MENDOZA, DISTRICT JUDGE

JURY TRIAL

MONDAY, SEPTEMBER 12, 1988
TUESDAY, SEPTEMBER 13, 1988
WEDNESDAY, SEPTEMBER 14, 1988
THURSDAY, SEPTEMBER 15, 1988

APPEARANCES:

FOR THE PLAINTIFF: R. Bloxham, Deputy District
Attorney

FOR THE PLAINTIFF: J. Fadgen, Esq.

SPECIAL RECORDER: Shirlee Christofferson
Special Recorder/Transcriber

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I N D E X

NAME	DIRECT	CROSS	REDIRECT	RECROSS
STATE'S WITNESSES				
Kathy Kukal	14	26	38	39
Barbara Atkinson	43	54	--	--
Angela Kukal	60	99	107 114	113
Charles W. Zumpft	125	--	--	--
Frankie Howard	131	--	--	--
Richard Forsberg	139	--	--	--
Carol L. St. Pierre	143	149	154	--
James H. Spencer	154	157	159	--
Nancy Kingsbury	160	--	--	--
Audra Sharp	175	196	199	--
Anthony Lozich	201	--	--	--
Harold Truszkowski	206	232	--	--
Richard G. Good, Sr.	235	241	241	--
Terry L. Cook	242	285	291 296	295
Wayne B. Cannady	296	--	--	--
Mark Carpenter	306	325	--	--
Steven Crawford	327	--	--	--
Michael McLaughlin	339	354	356	357

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RECEIVED

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6B	Evidence envelope	318,	359
6B1	Camouflage shirt	318,	359
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1 LAS VEGAS, NEVADA, MONDAY, SEPTEMBER 12, 1988
2 (AFTER VOIR DIRE EXAMINATION BY THE COURT AND COUNSEL,
3 TWELVE JURORS AND TWO ALTERNATE JURORS WERE SELECTED,
4 DULY SWORN, AND SEATED IN JURY BOX)

5 OPENING STATEMENT

6 BY MR. BLOXHAM:

7 Ladies and gentlemen of the jury, the jury selection
8 process is completed. You're seated now as the jurors in this
9 case with two alternate jurors. Judge Mendoza has explained to
10 you the process, or the procedure that will now be followed.
11 I'm given an opportunity to address you in an Opening
12 Statement. Defense counsel is given an opportunity to address
13 you and the evidence portion of the trial occurs.

14 Witnesses are going to testify. You're going to see
15 diagrams of various areas. You're going to have photographs of
16 various areas. You're going to have items of clothing. You're
17 going to have items taken from a vehicle. You're going to have
18 criminalistic's work where a vaginal swab was taken and an anal
19 swab was taken and an oral swab. Blood work was done. There's
20 a number of items that are going to be compared. We're going
21 to have witnesses coming in here and explain what these all
22 mean. You'll have these items of evidence. You'll also have
23 the testimony from the witnesses from the stand.

24 The Opening Statement, as Judge Mendoza stated, is to
25 give us an opportunity to explain to you, basically, what
26 happened. You're going to get the evidence in bits and pieces.

1 Witnesses' schedules don't match up. For example, Dr. Zumpft
2 is only available for a certain period. So, I'm going to have
3 to break my line of witnesses at that point and put him on out
4 of order. We have some detectives from California who are
5 going to have to testify on Wednesday. That's the only time
6 they're available. Things like that. So, by explaining this
7 to you in an Opening Statement, the story, you'll be able to
8 plug in, hopefully, the witnesses testimony where it goes
9 properly.

10 After the evidence portion of the trial, Judge Mendoza
11 explained that you will be instructed as to what the law is and
12 then both parties will be given an opportunity to address you
13 in Closing Argument. And then the case will be your's to
14 decide and a decision to render.

15 The evidence in this case will show that on October
16 1st, 1983, the Kukal, that's K-u-k-a-l, family resided at 5010
17 Reno Court here in Las Vegas, Clark County, Nevada. Gerald is
18 the father. Barbara was the stepmother. Kathy was twelve
19 years old. Angela was fifteen years old. Early morning hours
20 of October 1st, 1983, Kathy was in her bedroom. She had her
21 own bedroom. She was awakened about 4:00 or, pardon me, about
22 4:30 in the morning and there was a black male intruder in her
23 bedroom. The black male intruder came over, told her to lay
24 back down. She'd sat up in the bed. He told her to lay back
25 down. He put the blanket over her head. And the--he pushed
26 her down, he put the covers over her head and he went to her

1 dresser. And she could hear her rummaging around in her
2 dresser. She sat up again. He came back over to her. He put
3 his hand on her thigh. She was wearing a nightgown and panties
4 and he moved his hand up toward her vaginal area. At that
5 point, the testimony will show, that she pulled away. He put a
6 knife to her throat. She could feel the knife, she could see
7 the knife. He touched her again in this general area. She
8 heard a noise outside of her door. She was told by this black
9 male intruder, "Shut up". He got away from the bed and went to
10 the door. She could hear her stepmother outside and she said,
11 "Barb", that's Kathy saying, "Barb".

12 Barbara was outside. She had gotten up. She had gone
13 into the kitchen. She heard Kathy call her name. She went
14 back over to Kathy's room, turned on the hall switch. And she
15 said, "Kath?" And tried the door. This male intruder was on
16 the other side of the door, holding the door. And kind of
17 struggled at that door.

18 The door then was flung open by the male intruder and
19 he had a knife in his hand. He brandished the knife. Barbara
20 Kukal was accosted at that point, and she noticed that this
21 person was completely nude. He ran past her, jumped up on the
22 counter in the kitchen and went out the open window, out, and
23 got away. They reported it to the police.

24 Six weeks later, approximately, November 14th, 1983,
25 Angela, the fifteen-year old sister of Kathy, was leaving the
26 house to go to school. She was a student at Valley High
27
28

1 School. She would walk from her home to the bus stop, catch
2 the bus and go to school. It's a Monday morning. She's
3 carrying her gym clothes in her gym bag. She has a purse. She
4 has a book, geometry book, and some paper--papers, some
5 materials.

6 She was walking down Reno Court, down by the St.
7 Pierre's house, and as she was walking along, a black man came
8 from the bushes. He was wearing a dark bandanna across his
9 face with white stars on the bandanna. He had a knife in his
10 right hand. He was wearing camouflage pants. He put the knife
11 to Angela's throat and he told her to shut up. He took her to
12 a side yard which is near the St. Pierre's house. And he took
13 her on the side yard by the bushes. He ordered her to take her
14 pants off or he--and he told her he would cut them off if she
15 didn't. She pulled her pants down, including her panties. He
16 touched her vaginal area. And then Angela heard a noise.

17 Unbeknownst to her, a neighbor, by the name of Richard
18 Forsberg, had come out of his house to go to work. He worked
19 at the post office. He usually left about 6:30 in the morning.
20 He walked out of his house to open his garage and his dog ran
21 across the street, barking. So, he kind of walked over there
22 and he could see what's going on on the side yard where the
23 defendant is attacking Angela.

24 Mr. Forsberg went back in the house and phoned the
25 police. However, the defendant saw Mr. Forsberg so he had
26 Angela pull her pants up and he put tape over her eyes, black

1 tape. He then removed her from the area, went around to
2 another area called Newport Cove, and placed her in a car.
3 But, let's go back to Mr. Forsberg. Mr. Forsberg
4 calls the police. The police respond to the area. Mr.
5 Forsberg comes back out. The people are gone that he observed
6 there. The police go over there. They find a geometry book
7 and they find the paperwork that's been left there. You'll
8 have photographs of this particular--these particular items.
9 The police examine these items and discover they belong to
10 Angela. They go to Angela's house at 5010 Reno Court and
11 notify the parents.

12 The police then begin looking for Angela. They assume
13 she's been abducted, which she has been. A number of units
14 respond. They begin searching door-to-door. They seal off an
15 area. They check vacant lots. They check vacant houses. They
16 call in for the helicopter which is down. They call in the
17 canine units. And they begin searching for Angela.

18 The defendant has taken Angela around to Newport
19 Cover. He has tape on her eyes and he places the bandanna from
20 his face over her eyes on top of the tape. He forces her into
21 the vehicle. And he drives from that area.

22 As he's driving from the area, he remarks to her, does
23 she remember him breaking into her house, into her bedroom,
24 about a month before? She says, "No". She tries to mislead
25 him. She says, "That must have been our neighbor's house.
26 They had a break-in." She doesn't want to give him the facts.

1 He asks her if she's a virgin. She says, "Yes".
2 Well, he tells her she won't be when he's done with her. He
3 drives her to a desert area where he forces her to undress and
4 he sexually assaults her in this desert area. Referring to her
5 vagina, he calls her pussy real tight and he might have to
6 loosen it up. He sexually assaults her. She feels a
7 tremendous amount of pain. She's in the back seat of this car.
8 Her head in on the right side of the vehicle. Her feet are on
9 the left side and, because of the pain, she pushes on the
10 window on the left, causing, as she believes, the clasp to give
11 way, and, perhaps, break the clasp of this left rear window.
12 Angela is bleeding heavily.

13 The defendant, after he removes his penis from her
14 vagina, takes tissue--now, she's blindfolded, but yet she can
15 still see somewhat underneath this blindfold. She can see
16 down. She doesn't see tissue, but she hears him drawing some
17 tissue out of a box in the back seat on the right side.
18 Because that's where her head is. He orders her to clean
19 herself up, her vaginal area. She does, with the tissue. He
20 forces her to commit oral sex on him, forces her to commit
21 sexual intercourse again, and, ultimately drives from this
22 particular area. She is in the back seat without clothing. As
23 he drives from this area, he throws a coat for her to put on.

24 As he's driving, he asks her questions about her
25 family. She lies. She says, "I have two brothers, ages one
26 and five". "Where do they go to school? Where are they?"
27
28

1 Well, she lies. She says they're in a child care center called
2 Captain Kid's. He threatens her family. He asks further
3 questions about her family. Well, "They work at", she lies
4 again, "casinos", whatever, a maid, a cook, at a casino. And
5 he threatens that he can have these people killed with a phone
6 call. He has friends who will do the killing for him.

7 He drives to another area. He stops again where he
8 commits oral--or has her--forces her to commit oral sex on him,
9 fellatio, sodomy, sexual intercourse, and, ultimately permits
10 her to dress after these acts of sexual intercourse. There's
11 threats throughout this time.

12 He drives to another area where he says he has to use
13 the phone. She sits in the car. Whether or not he's just
14 watching to see if she moves or not. He then comes back to the
15 car, drives to another area. He goes through her purse. He
16 makes comments. She can't see him going through her purse, but
17 she can hear him. And the comments he's making such as, "Oh,
18 these are neat pictures", because she has some pictures in her
19 purse of one of her friend and she'd gotten her school
20 pictures.

21 The money--she has money in her purse. He asks,
22 "Well, how come you have so much money?" She had like \$25.00
23 or \$30.00, her lunch money for the month. That's gone after
24 she is ultimately released.

25 He makes other comments about her class schedule so he
26 knows where she is. He can come and get her, he threatens, at
27

1 any time. He tells her to brush her hair. She brushes her
2 hair, and unintentionally, takes the hair out of the brush and
3 puts it on the back floorboard, which is important because it's
4 found later.

5 He ultimately takes her to an area where she is
6 released. It's by Berman and Palma Vista over by Valley High
7 School. As he's driving around, though, he says, "I can't take
8 you back by your house because there's too many police cars
9 there." Apparently, he drove by and saw some of the police
10 units. "I can't take you over to the school because you'll go
11 in and tell the security guard and they may see me". Things
12 like that.

13 So, he takes her to another area and drops her off
14 near Valley High School, tells her to walk forward, take the
15 tape off. She does. She starts walking, takes the tape off
16 and goes to a neighbor's house, not a neighbor, some people in
17 the general area that she knew a couple of blocks away called
18 the Suitors--the Suitors. There, they attempt to call her
19 parents. They finally do get through because the police are on
20 the phone. They finally got an emergency call through.

21 The police and her mom, stepmom, brought her--hurry
22 over to the Suitors where the police then take Angela to the
23 hospital, University Medical Center, at that time, Southern
24 Nevada Memorial Hospital, where a rape kit is done on her. And
25 you'll hear what a rape kit is, a sexual assault kit where they
26 take a vaginal swab, rectal swab, oral swab, blood, things like

1 that.

2 The vaginal swab, you'll hear from Terry Cook, from
3 the crime lab. He'll tell you that that vaginal swab--it's
4 like a Q-tip, they just do a swab, is very high in acid
5 phosphatase, which is indicative of seminal fluid. You'll hear
6 that the anal swab, the rectal swab, is very high in acid
7 phosphatase, again, indicative of seminal fluid.

8 You'll hear that the oral swab is not high in
9 anything, which is not surprising because the mouth cleanses
10 itself so fast. Within thirty minutes, you're not going to
11 find evidence of acid phosphatase because of the cleansing that
12 goes on in the mouth.

13 The clothing of Angela is taken. That is impounded.
14 You'll have that. Terry Cook analyses that and he says that
15 the jeans in the crotch area is very high in acid phosphatase,
16 again, indicative of seminal fluid and blood, ABO "A", which is
17 the blood type of Angela. The panties, the same thing, high in
18 Acid phosphatase, ABO "A".

19 The hairs--or, pardon me, the tape that is across her
20 face is analyzed, there's four hairs on it. They are consistent
21 with Angela's hair. Angela shows the police where she was
22 released over on Berman and Palma Vista. the police find four
23 tissues in the gutter and the curb there. They impound them.

24 This is Nancy Kingsbury of the criminalistics lab is
25 called out by Mike McLaughlin. He's the detective that took
26 Angela to the hospital, drives her back. Mr. McLaughlin has

1 her show him where Angela was released. They call in Nancy
2 Kingsbury, who is the--her job is to go recover evidence. She
3 picks up those four pink tissues from the area of Berman and
4 Palma Vista. Mr. Cook analyzes those, finds nothing. A third
5 one he finds high in acid phosphatase, again, indicative of
6 seminal fluid. On the fourth one he finds high in acid
7 phosphatase and a blood group, ABO "A", which is consistent
8 with Angela. The defendant's blood is ABO "O".

9 Now, Angela, then, is blindfolded by Detective
10 McLaughlin and asked to direct him in searching for the crime
11 scene where she was sexually assaulted. She directs him to
12 almost to the area where they ultimately find some more
13 evidence.

14 They then, the next day, scour this area in the desert
15 and find five more tissues, two yellow tissues, three pink
16 tissues. The yellow tissues have nothing on them of
17 evidentiary value. The three pink tissues, high in acid
18 phosphatase, high in seminal fluid, with an "A" and "H" blood
19 grouping on two of them.

20 Angela describes the car. Stick shift,
21 blue/gray/green interior, more blue than green, bucket seats.
22 She gives a full statement to Mr. McLaughlin, which is tape
23 recorded, typed up and signed on November 15th, 1983.

24 Now, you will hear testimony that on December 6th,
25 1983, the defendant--by the way, you'll have a certified copy
26 of a marriage license and a marriage certificate for the
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1 defendant, Andre Boston. It was taken out here in Clark
2 County, Nevada, on November 9th, 1983. He was sixteen years
3 old. He was marrying a woman by the name of Marie Butler.

4 Oddly enough, Marie Butler has a car registered to her
5 at 1916 Houston here in Las Vegas, Nevada. The police, in
6 checking on Marie Butler, discover that she has an address of
7 8711 Thorpe in Westminster, California.

8 The defendant is developed as the person who committed
9 these crimes. And the police go to that location. They have
10 developed information that he was here in Las Vegas in
11 November. He was marrying a woman who had a car registered to
12 1916 Houston and that woman also had a home address in
13 Westminster on Thorpe Avenue.

14 So, they go to Thorpe Avenue and there's the car. And
15 there's the defendant, and there's Marie Butler. In fact,
16 they're driving the car from that location when they're
17 stopped. The police search 18--or pardon me. They search the
18 Thorpe residence, 8711 Thorpe. They find camouflage pants.
19 They search the car. Additionally, a bandanna is recovered.
20 They search the car. They find in the back seat of the car
21 registered to Marie Butler, a box--a kleenex box. They find
22 three tissues wadded up. These tissues are analyzed by Terry
23 Cook. He finds high in acid phosphatase, blood grouping, "A"
24 and "H", just as the tissues from the release site and crime
25 site.

26 The floor mat in the back of this car, which is
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1 searched on December 9th, 1983, by Mr. McLaughlin and Hank
2 Truszkowski from the crime lab. They go down there and
3 physically search the car. The rear mat of the car has blood
4 on it, ABO "A", which is consistent with Angela's, not with the
5 defendant's, but with Angela's.

6 There is various rolls of tape in this car. They
7 recover some tape and Richard Good, over in the crime lab,
8 takes the tape from the car and then tape from Angela's head
9 and puts them together. They're a match in width, thickness,
10 texture, and color.

11 There's a number of hairs found in the rear of the
12 car. As we mentioned, Angela combed her hair and left her hair
13 there. Terry Cook examines these hairs which are recovered by
14 Hank Truszkowski, and a number of them--a number of them are
15 consistent with hairs from Angela's head.

16 Ladies and gentlemen, you'll hear a lot of witnesses
17 testify. You'll hear, further, that a photo line-up is then
18 put together with six particular people in the line up. The
19 defendant is number 2. His picture is number 2. The photo
20 line-up is shown to Barbara Kukal, the mother. She picks number
21 2 as the man that was in her house on October 1st, 1983. It's
22 shown to Kathy Kukal. She identifies number 2 as the man who
23 was in her house, in her bedroom, on October 1st. The picture
24 is shown to Angela. Angela identifies number 2, the defendant,
25 as the man who kidnapped her and raped her on November 14th,
26 1983.

1 The same photographic line-up is shown to a neighbor,
2 Carol St. Pierre. Carol St. Pierre says--picks number 2 and
3 says, "That man was in that neighborhood before Angela was
4 abducted. I saw him in that neighborhood before Angela was
5 abducted."

6 You'll hear from a number of witnesses, ladies and
7 gentlemen. At the conclusion of this trial, if the State has
8 met it's burden of proof beyond a reasonable doubt, we will be
9 asking you to return the proper verdict. Thank you.

10 THE COURT: Counsel?

11 MR. FADGEN: Your Honor, I respectfully reserve my Opening
12 Statement at this time.

13 THE COURT: Alright, you may, sir.

14 Call your first witness.

15 MR. BLOXHAM: Your Honor, the State would call Kathy Kukal.

16 KATHLEEN KUKAL

17 (Was called as a witness, duly sworn, and testified as follows:)

18 DIRECT EXAMINATION

19 BY MR. BLOXHAM:

20 Q Please state your name and spell your last name for
21 the Court.

22 A Kathy Kukal, K-u-k-a-l.

23 Q And how old are you, Kathy, at this time?

24 A I'm seventeen.

25 Q And what's your date of birth?

26 A January 20th, 1971.

1 Q Now, Kathy, I want to direct your attention to October
2 1st, 1983, a Saturday, where did you live?
3 A 5010 Reno Court.
4 Q And is that a house or an apartment?
5 A It's a house.
6 Q And is that located here in Las Vegas, Clark County,
7 Nevada?
8 A Yes, it is.
9 Q And at that time, would that have made you twelve
10 years if we go back?
11 A Yes, I was twelve at that time.
12 Q Who else lived there at that time?
13 A My father, Gerald C. Kukal, my mother, Barbara Kukal.
14 Q Okay, now is that your stepmother or your mother?
15 A My stepmother.
16 Q Is she also known now by Atkinson as the last name?
17 A Now she's Atkinson. She remarried.
18 Q Please continue. Who else lived there?
19 A And my sister, Angela Kukal.
20 Q Now, I want to direct your attention to about 4:00 to
21 5:00 a.m. on October 1st, 1983. Where were you at?
22 A I was in my bedroom.
23 Q And did you share a bedroom, or did you sleep with
24 your own bedroom--in your own bedroom?
25 A No, at that time, it was my--I mean, I was the only
26 one that had that bedroom.

1 Q Now, what was the first thing that you remember as you
2 awakened that morning?

3 A The first thing I remember I woke up and my cat was
4 off my bed and I guess that was unusual.

5 Q What, if anything else, did you notice then?
6 Apparently, you noticed your cat wasn't on your bed.

7 A Well, I was sitting up and I noticed a man coming
8 towards me into my room.

9 Q Where was the man at when he came towards you?

10 A When I first saw him, he was in the doorway, in my
11 doorway to the bedroom.

12 Q Was your door open?

13 A Yes, my door was open.

14 Q How far open was it, was it open all the way?

15 A It was open all the way.

16 Q So, there was a man in your doorway, a male in your
17 doorway coming towards you?

18 A Yes.

19 Q Did the door remain open?

20 A No, it was closed.

21 Q Do you know who closed it?

22 A He did.

23 Q Please continue and tell us what you saw--what you
24 saw next.

25 A He came towards me, placed his hand over my mouth,
26 pushed me down so I was laying down and placed the covers over

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1 my head and told me he would be gone soon.

2 Q And how were you dressed at that time?

3 A I was wearing a nightgown and panties.

4 Q Were you wearing a bra?

5 A No.

6 Q What happened next, then? He placed--or he made you
7 lay down. Is that correct?

8 A Yes.

9 Q What happened next?

10 A I heard him going over my things on the dresser. And
11 then, he came over and was kneeling by the side of my bed and
12 placed his hand under the covers and moved his hand along my
13 thigh.

14 Q Was this on your bare skin, or did you have a
15 nightgown that covered--was this on the outside of your
16 nightgown?

17 A It was on the outside of my--I mean, on the inside of
18 my nightgown, under my nightgown.

19 Q Can you, perhaps, stand down here and show us?

20 MR. BLOXHAM: Your Honor, could we have the witness show us
21 where he placed his hand?

22 THE COURT: Alright, you may.

23 Q Could you stand down here in front of the jury,
24 perhaps? And, on your own body, take your right hand, perhaps,
25 and show us where he placed his hand and what he did with it.

26 A Right about here (witness standing in front of jury,
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1 pointing) and moving it up my thigh.
2 Q Okay, would you show us again, please.
3 A Right here (witness pointing), moving it up.
4 Q Okay, is he moving it towards your vagina?
5 A Yes.
6 Q Okay, please go back to the stand (witness returns to
7 stand). And that was on your bare skin at that point?
8 A Yeah, it was my bare skin.
9 Q What happened next, Kathy?
10 A I moved away and sat up.
11 Q What did he do, if anything?
12 A He placed a knife on my throat and told me to lie back
13 down and put the covers over my head again.
14 Q And what happened next, after he placed the covers on
15 your head?
16 A He, again, put his hand under my covers and, again,
17 put his hand on my thigh.
18 Q About in the same location?
19 A About.
20 Q What happened after he was doing this, the second
21 time?
22 A I moved away again. And there was a noise outside of
23 my room. And he moved towards the door.
24 Q Can you tell us what the noise sounded like?
25 A Like the closing of a door in another part of the
26 house.

1 Q And so, he, then, moved toward the door, from your
2 bed. Is that correct?

3 A Yes.

4 Q Did he say anything to you as he moved from your bed?

5 A I think he told me to lie still.

6 Q Did he tell you to shut up at all during this
7 incident?

8 MR. FADGEN: Objection, leading, Your Honor.

9 THE COURT: Sustained.

10 Q Did he say anything else to you as he was in your
11 room?

12 A Not at that time.

13 Q Okay, did there come a time when he did say something
14 else?

15 A Yes.

16 Q When was that?

17 A When he moved towards my door, I called out my
18 mother's name. I called out, "Barb?" And he turned around and
19 said, "Shut up" to me.

20 Q And did you hear anyone respond back when you said
21 "Barb"?

22 A Yes, Barb said my name, said, "Kathy" and came to my
23 door and--

24 Q Could you see what's happening now? He's apparently
25 over to your door and you've just said, "Barb" and you heard
26 "Kathy" back?

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1 A Um-hum. And--

2 Q You have to say "yes" or "no".

3 A Yes, I'm sorry.

4 Q And then he's at the door and the door is closed. Is
5 that correct?

6 A Yes.

7 Q What happened then?

8 A Barb pushed the door open and he pushed it back at
9 her.

10 Q And what, if anything, happened after this pushing
11 open and back?

12 A He opened the door. Well, he opened the door, ran
13 out, and--

14 Q So, he left your side--

15 A --showed a knife.

16 Q --is that correct?

17 A Yes, he was--

18 Q Did you see Barbara anywhere?

19 A I saw her in the hallway, the hallway light was on.

20 Q Did you seen that black male adult--or that black male
21 intruder any more that morning?

22 A No, I did not.

23 Q And did there come a time when the police came in the
24 morning hours?

25 A Yes.

26 Q Did you describe this individual for the police?

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1 A Yes.

2 Q How was it--how did you describe this person?

3 A I described him as a black man, approximately 5'8",
4 weighing, I think it was 170 pounds, or around that, with a
5 moustache.

6 Q Do you recall whether or not you described him as
7 muscular?

8 A I described him as well-built.

9 MR. BLOXHAM: Your Honor, may I approach the witness?

10 THE COURT: You may.

11 Q Prior to Court this--during the noon hour, did you
12 prepare, at our request, a diagram of your bedroom?

13 A Yes, I did.

14 Q Showing you State's proposed exhibit 1, is this the
15 diagram?

16 A Yes, it is.

17 Q And did you draw this?

18 A Yes.

19 Q Would this assist you in explaining to the jury where
20 your bed was, where your windows were, where the dresser was,
21 where the door was, on October 1st, 1983?

22 A Yes, that's how my room, at that time, was.

23 MR. BLOXHAM: Your Honor, we would move to admit State's
24 proposed exhibit 1.

25 MR. FADGEN: No objection, Your Honor.

26 THE COURT: Same be received.

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1 Q Kathy, could we have you step down from the witness
2 stand and approach the board over here?

3 I'd ask the Bailiff if he'll move that out and turn it
4 on for us.

5 A (witness to diagram)

6 Q Could we have you stand right here, Kathy, and take
7 this pointer, and, first of all, I'd ask you if State's
8 proposed exhibit--or State's exhibit 1 shows your door to the
9 hallway? Is that shown over there on the left?

10 A Yes.

11 Q And you've got "bed" written there. I assume that's
12 the bed that you were sleeping on on October 1st, 1983?

13 A Yes.

14 Q And your dresser and the window. Is that correct?

15 A Yes.

16 Q Okay. Please take the pointer and show us where the
17 defendant--or, pardon me, the intruder was when you first saw
18 him?

19 A When I first saw him, he was right here (pointing).

20 Q And where was it that he came to, now?

21 A He moved around up to here (pointing).

22 Q And, at that point, is that where he made you lay
23 back down and put covers on your head?

24 A Yes, it was.

25 Q What happened after he did that?

26 A Then he must have gone over to my dresser and moved
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1 around on it.

2 Q Did you keep the covers on your head while he was at
3 the dresser?

4 A Yes.

5 Q Did there come a time when you took them down?

6 A We--I took them off when he came back around here and
7 placed his hand on my thigh. I took them off and sat up.

8 Q Now, did you--were you able to look at that individual
9 at these times?

10 A Yes.

11 Q Is there any light that comes through your back yard?
12 I assume this is your back yard where the window is. Or is it
13 a front yard?

14 A Right about--this is the back yard, right here. And
15 right back here, right behind the back yard is a church which
16 has light in the parking lot and that makes our back yard very
17 light.

18 Q And then, to continue with the questioning, the
19 individual--when you heard a noise, where did the individual
20 go?

21 A Right here (pointing).

22 Q Is that where the door pushing occurred?

23 A Yes.

24 Q Thank you. If you'd take the witness stand, please
25 (witness returns to stand).

26 Now, I want to address, or direct your attention,
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1 Kathy, to December 11th, 1983, did you meet with Detective Mike
2 McLaughlin of the Las Vegas Metropolitan Police Department?

3 A Yes, I did.

4 Q And where was it that you met him?

5 A At my home.

6 Q And who else--well, first of all, what time was it,
7 approximately, that he came to your home?

8 A About 2:30 or 3:00 in the afternoon.

9 Q And who else was there at that time?

10 A My sister, Angela, my stepmother, Barb, and me.

11 Q Did Detective McLaughlin show you a photographic line-
12 up at that time?

13 A Yes, he did.

14 Q Did he ask you if you could identify the individual
15 who was in your room on October 1st, 1983?

16 A He asked me if I recognized any of the people in the
17 photograph.

18 Q How many photographs were there?

19 A There were six.

20 Q And were you able to identify any of those six
21 photographs as the person that was in your room on October 1st?

22 A Yes, I was able to identify one of them.

23 Q And you prepared a statement on that day, in your own
24 handwriting, didn't you?

25 A Yes, I did.

26 Q On the statement, you stated which picture you picked,
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1 didn't you?

2 A Yes.

3 Q Which picture did you pick?

4 A The second one.

5 Q Kathy, looking around the Courtroom today, do you see
6 the same individual that was in your room on October 1st, 1983?

7 A Yes, I do.

8 Q Could you tell us where he's seated and what he's
9 wearing, please?

10 A He's sitting right over there (witness pointing) and
11 wearing a blue shirt.

12 Q Is he wearing glasses?

13 A No, he is not.

14 MR. BLOXHAM: May the record reflect the witness has
15 identified the defendant as the intruder in her bedroom on
16 October 1st, 1983, Your Honor?

17 THE COURT: The record may so show.

18 Q Is this the same person that displayed the knife?

19 A Yes, it is.

20 Q Were you able to see the knife, or feel the knife, or
21 how do you know there was a knife there?

22 A I got the sight of it, not a very good one, and I felt
23 the metal on my neck.

24 Q Did you give anyone permission to enter your home on
25 that day?

26 A No, I did not.

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1 Q Did you give the defendant permission to touch your
2 body on that day?

3 A No.

4 Q Do you know the defendant?

5 A Not at all.

6 MR. BLOXHAM: Pass the witness, Your Honor.

7 THE COURT: Cross?

8 MR. FADGEN: Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY MR. FADGEN:

11 Q Now, Kathy, this incident happened about 4:00 in the
12 morning. Is that correct?

13 A Yes, it is.

14 Q And it happened in 1983. Is that correct?

15 A Yes.

16 Q And there was no--there were no lights on in your
17 bedroom, were there, at 4:00?

18 A At 4:00 in the morning?

19 Q In the morning.

20 A No.

21 Q And when you first saw this person in your room, you
22 say that he was at the doorway. Is that correct?

23 A Yes.

24 Q And the door was closed, was it not?

25 A When I first saw him?

26 Q Yes.

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1 A The door was open when I first saw him.
2 Q It was open. There was no hall light on, though, was
3 there?
4 A The light that was coming from my room was from the
5 window.
6 Q It was from the back window. Is that right?
7 A Yes.
8 Q And do you have curtains on your windows?
9 A I have priscilla curtains so that the window is--it
10 goes like this (witness gesturing).
11 Q You've got to help me. What's a "priscilla"?
12 A Curtains that go like this (witness gesturing).
13 Q Okay. And the back area here, the window. What's
14 behind there, back yard, your back yard?
15 A My back yard, yes.
16 Q Okay. And what's in the back yard? What was in the
17 back yard in '83?
18 A Grass and a pool.
19 Q And a pool? And then how far was is it to the church?
20 A The church is not exactly right behind my bedroom,
21 but, it is--
22 Q It's a ways off?
23 A It's not--no, it's not that far at all from my back
24 yard. It's right behind my back yard.
25 Q But it's not right over the fence, is it?
26 A To my back yard?

1 Q Yes.
2 A It's catty-cornered.
3 Q Now, you say this person came in and came over to your
4 bed. Is that correct?
5 A Yes.
6 Q And what was said?
7 A He told me to lie down and he'd be gone soon.
8 Q Alright. And then he went, did he not, to the
9 dresser?
10 A Yes, he did.
11 Q Did you have the covers--you didn't have the covers
12 over your head at that point, did you?
13 A Yes, I did.
14 Q Did you? Alright. Then he came back. Is that
15 correct?
16 A Yes.
17 Q And that's when you said he knelt down and put his
18 hand under the covers. Is that correct?
19 A Yes.
20 Q Okay. I wonder if you'd step down again for me, just
21 a minute.
22 MR. FADGEN: It that permissible, Your Honor?
23 THE COURT: Alright.
24 (witness standing in front of jury)
25 Q I noticed you said he placed his hand about here
26 (pointing)?

1 A About here (pointing).
2 Q Oh, okay. And that's just below the hip. Is that
3 correct?
4 A No, my hip is way up here (pointing).
5 Q Okay. You can take the stand.
6 (witness returns to stand)
7 Q And he put in under your nightie. Is that correct?
8 A It was under my nightgown, yes.
9 Q Okay. Was your nightgown already up, or was--did he
10 pull it up or--
11 A He didn't pull it up.
12 Q Did he reach under or was it already up? Do you know?
13 A It was--it had a slip on the leg, so, it might have--
14 it was relatively easy for him to put his hand--
15 Q Okay. You felt the hand about here (pointing) then--
16 A A little lower.
17 Q A little lower than that?
18 A Yes.
19 Q Tell me when to stop.
20 A Right there.
21 Q Right there. And then he went what way, straight
22 across?
23 A No.
24 Q He went up this way (pointing)?
25 A Yes.
26 Q He never touched your vagina, did he?
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1 A No.

2 Q Never removed your pants or pushed your pants aside to

3 touch your vagina?

4 A I moved away.

5 Q Okay. Either time?

6 A I moved away both times--

7 Q Both times?

8 A --before.

9 Q Now, what was this fellow wearing?

10 A I only looked at the top of him and I could see that

11 he had a bare chest.

12 Q You never told the police that, though, did you?

13 A Yes, I did.

14 Q Did you ever tell the police that he was naked?

15 A I told him that I had the impression that he could be

16 because I saw him with the bare chest.

17 Q Now, you didn't say that in your statement to the

18 police, did you?

19 A No, but I told the police.

20 Q But, you didn't put--they told you to fill out a

21 statement, did they not--

22 A Yes, they did.

23 Q --concerning the incident and--

24 A I didn't indicate it on my statement.

25 Q And you did fill out as you testified for the

26 prosecutor, you filled out a hand-written statement, didn't

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1 you?

2 A Yes.

3 Q And you never said that the man was naked?

4 A No, I did not.

5 Q And isn't it true that you didn't know whether he was
6 naked because you couldn't see what was going on in the room
7 because of the darkness?

8 A That's not true. Because I could see--I was only
9 looking at the top half of him and I only saw that he had a
10 bare chest.

11 Q Alright. Did you look--you said you looked out from
12 under the covers one time. Where was he at that time, the
13 first time you looked out?

14 A The first time, he was at the doorway.

15 Q Alright.

16 A The second time he was by my bedside.

17 Q So, he was here (pointing)?

18 A Yes.

19 Q And you couldn't tell that he was naked at that point?

20 A I could tell that he--

21 Q Is that true?

22 A --had a bare chest.

23 Q Okay.

24 A And--

25 Q And, again, you didn't tell the police that? That
26 when you first saw him, you could tell that he had a bare

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1 chest?

2 A I didn't write it in my statement, but I think I told
3 them that I had the impression that he could be.

4 Q Alright, when is the next time that you saw this
5 person?

6 A Kneeling beside my bed.

7 Q Alright. The next time?

8 A Again, kneeling beside my bed.

9 Q Alright. The next time?

10 A By the doorway with the hall light on.

11 Q When you said that Barb was trying to open the door,
12 and he was trying to keep it closed.

13 A The next time I saw him was when he turned around and
14 told me to shut up.

15 Q Okay. And where--where was this person at the time he
16 told you to shut up when he turned?

17 A He was at the doorway.

18 Q He was here (pointing)?

19 A Yes.

20 Q And you still couldn't tell whether he was naked? Is
21 that--

22 A I was only looking at the top half of him.

23 Q And then when the pushing of the door was taking
24 place, you couldn't tell whether he was naked. Isn't that
25 true?

26 A Yes.

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1 Q Now, you did give the police a description, didn't
2 you?
3 A Yes, I did.
4 Q And that was in your handwritten statement. Is that
5 correct?
6 A Yes, it was.
7 Q And so weren't the--strike that. I assume the police
8 asked you in your written statement to put down everything that
9 you think is important concerning the incident?
10 A Well, the way I saw it at the time was everything that
11 occurred and also how I described him was in a way which he
12 could be identified by the police.
13 Q Okay. You said 5'8", about twenty years old. Is that
14 correct?
15 A Yes.
16 Q And 175 pounds. Correct?
17 A Yes.
18 Q And, again, when you gave the description, you didn't
19 say that he was naked, did you?
20 A Well, would that help them in finding--
21 Q That isn't my question.
22 A I didn't consider it anything that would help them in
23 finding the person, so I did not write it down.
24 Q Okay. And when you were interviewed by the police
25 that evening, you also told them--
26 A It wasn't evening, it was morning.

1 Q Early morning. I'm sorry. That you didn't think you
2 would be able to identify the intruder. You told them that,
3 didn't you?

4 A No, I don't recall telling them that.

5 Q Is it "no, you didn't tell them that", or "you don't
6 recall telling them that"?

7 A I don't think that's exactly what I said.

8 Q Well, tell me what you think you said. I'm not trying
9 to trick you. Take your time.

10 A Okay. I think I said that I wasn't exactly sure if I
11 could or if I could not identify him.

12 Q And you said, not only was he 5'8", 175,
13 approximately, twenty years old, but that he had a moustache.
14 Is that correct?

15 A Yes.

16 Q Are you sure of that?

17 A That's what I said at the time.

18 Q Okay. Well, were you sure of it at the time?

19 A Yes, I think I was.

20 Q You think you were. The reason I asked is because you
21 recall testifying at the Preliminary Hearing?

22 A Yes.

23 Q You remember me questioning you?

24 A Yes, I do.

25 Q And you remember telling me in response to my
26 question, that the person that was in your room was clean.

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1 shaven?

2 A I remember saying that.

3 Q Okay. You remember--

4 A I remember you asking me if he was clean shaven.

5 Q Now, do you remember me asking--

6 A And I said--

7 Q --you--I'm sorry, that's page 26.

8 A I remember you asking me if he was clean shaven.

9 Q Do you remember me asking you, "Did he have a beard,
10 or did he have a moustache?" And you saying, "No, he was clean
11 shaven"?

12 A Yes.

13 Q Okay. Well, as you look back now, was that person
14 clean shaven, or did he have a moustache, or did he have a
15 beard?

16 A He had a moustache.

17 Q And you previously testified at the Preliminary
18 Hearing that the person was clean shaven and that was on July
19 26th, 1988. Is that right?

20 A Yes.

21 Q Now, if I understand your testimony, you never saw a
22 knife. Is that correct?

23 A I think I did see the knife vaguely, but not--I knew
24 it was a knife and I saw it very vaguely.

25 Q Well, why don't you tell me, and I know it's been
26 quite a while ago, but, at what point in time did you see what

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1 you thought might be a knife?

2 A I knew it was a knife by the way it felt, for one
3 thing.

4 Q Well, I'm asking you--

5 A And I saw it as he brought it to my neck.

6 Q Alright. And what kind of knife was it? Was it a
7 table knife?

8 A It was--it was most likely a kitchen knife that had--

9 Q Now, I'm not asking--I'm not asking "most likely".
10 What--what did it appear to be?

11 A It appeared to be a sort of small hunting knife that
12 had ridges along the blade.

13 Q Okay. Now--

14 A The handle appeared to be that of a--similar to that
15 of a hunting knife.

16 Q You could see the handle?

17 A I could see the wood of it.

18 Q Okay. Now, at this point, the intruder is kneeling
19 down by your bed. Is that correct?

20 A Yes.

21 Q And this is before he puts his hand under the covers.
22 Is that correct?

23 A Yes.

24 Q And was he kneeling by your head, was he kneeling by
25 your hips, was he kneeling by your feet at this point?

26 A By my hips.

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1 Q By your hips. Okay. And which hand held the knife?

2 A I guess that would be--

3 Q I don't want you to guess. Now, if you don't know,
4 please, tell me you don't know. I don't want you to guess. If
5 you can.

6 A I think that would be his right hand would be holding
7 the knife.

8 Q Okay. Now, when you saw him out here in the doorway,
9 he didn't have a--you didn't notice a knife, did you?

10 A No.

11 Q Or you would have told us, right?

12 THE COURT: Counsel, stop coming up in back.

13 MR. FADGEN: Oh, I'm sorry.

14 THE COURT: Stay in one position, or stay back where you're
15 at. But, stop that fluctuating back and forth.

16 MR. FADGEN: I'm sorry.

17 Q You didn't notice a knife at that point, did you?

18 A No. I wasn't looking at his hands.

19 Q And as he came up to the bed, you didn't notice a
20 knife, did you?

21 A No.

22 Q Did you have a knife in your bedroom?

23 A No. But, as I said, I was looking at the top half of
24 him and the knife would be below that.

25 MR. FADGEN: Could I have the Court's indulgence for a
26 moment? No further questions, Your Honor.

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1 MR. BLOXHAM: Briefly, on redirect, Your Honor. May I
2 approach the witness?

3 THE COURT: You may.

4 REDIRECT EXAMINATION

5 BY MR. BLOXHAM:

6 Q Kathy, I'm going to show you a copy of a statement.
7 Is that your signature at the bottom?

8 A Yes, it is.

9 Q And was this given on October 1st, 1983 in the morning
10 hours?

11 A Yes, it was.

12 Q Did you write this out and sign it at that time?

13 A Yes, I did.

14 Q On page 2, did you state, "And he had a moustache"?

15 A Yes.

16 Q Directing your attention to the Preliminary Hearing
17 transcript, which was referred to by Mr. Fadgen, do you
18 remember the same page and you stated on line 15, "I remember
19 seeing his chest was bare". Do you remember saying that?

20 A Yes, I remember saying that.

21 Q Kathy, this knife that you've described, was there
22 any--were there any knives missing from the house?

23 A There was a kitchen knife missing.

24 Q This was afterwards that you and your family searched
25 through the house and found that a knife was missing?

26 A Yes.

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1 Q Thank you.

2 MR. BLOXHAM: Nothing further, Your Honor.

3 RECROSS EXAMINATION

4 BY MR. FADGEN:

5 Q Could you tell me what kind of knife was missing,
6 Kathy?

7 A I don't know the brand.

8 Q No, I mean, was it a butter knife, a table knife, a
9 steak knife?

10 A It was a cutting knife, the type that you would use to
11 cut anything that you would need.

12 Q Like a steak knife would be?

13 A No, not exactly, I don't think. Well, along that
14 lines, but more in the--you could use it for, like vegetables
15 and that sort, to cut through.

16 MR. FADGEN: No further questions.

17 MR. BLOXHAM: No redirect, Your Honor.

18 THE COURT: You're excused.

19 Your next witness was--

20 MR. BLOXHAM: The State would call Barbara Kukal, also
21 known as Atkinson.

22 THE COURT: Counsel, we're going to take a brief recess at
23 this time.

24 During this recess, you're admonished not to talk or
25 converse among yourselves or with anyone else on any subject
26 connected with this trial, or read, watch, or listen to any

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1 report of or commentary on the trial or any person connected
2 with this trial by any medium of information, including,
3 without limitation, newspaper, television, and radio, or form
4 or express any opinion on any subject connected with the trial
5 until the case is finally submitted to you.

6 We'll be in recess for fifteen minutes. Al, would you
7 keep them separate from around this particular area, either
8 take them to 111 or one of the other areas. We'll stand in
9 recess.

10 (At the hour of 3:30 p.m., the Court recessed until 3:40 p.m.)

11 (The following proceedings were held outside
12 the presence of the jury)

13 THE COURT: The juror's name is--

14 THE CLERK: Kimberly Ann Brown.

15 THE COURT: Kimberly Ann Brown, I have your note that says,
16 "Please excuse me. I need to leave and pick up my son and take
17 him to school with me. I go to school from 3:00 p.m. until
18 10:00 and mother needs her car so that I can go to work at
19 4:30." Can you tell me why in God's name you didn't tell us
20 that when we were going through all the process of selecting
21 you as a juror in this case?

22 JUROR BROWN: I didn't think of it at the time. I--it
23 completely slipped my mind. I didn't know what the proceedings
24 were as a juror because I've never done this before. I thought
25 that it was going to be until about maybe 2:00 or 3:00 o'clock
26 and then we would get to leave. I didn't really know. And I

1 tried to say something earlier, but, apparently, I didn't get a
2 chance.

3 THE COURT: Well, let me just tell you: your ignorance is
4 massive to think that you would be leaving a courtroom at 2:00
5 in the afternoon. Most offices always remain open from at
6 least 9:00 until 5:00 in the afternoon. This is totally
7 irresponsible. I should hold you on this panel and have you
8 sit through it because this is a very important case. The
9 problem is that you would probably be so upset that you
10 probably wouldn't be worth anything to us or to anyone else.
11 But, I just want to tell you something. You are totally
12 irresponsible. I don't know why I shouldn't fine you or do
13 something else to try to get your attention because it's
14 obvious to me that you just don't seem to care--

15 JUROR BROWN: I do, Your Honor.

16 THE COURT: --about what you do. I don't think so.
17 Because anyone who would requite this from a court and not say,
18 "Judge, I may have a problem", at least anticipate it.

19 JUROR BROWN: I tried.

20 THE COURT: You didn't try at all.

21 Counsel, what's your feeling on this matter?

22 MR. BLOXHAM: Your Honor, the State would ask that she be
23 excused. As the Court mentioned, she's not going to pay
24 attention to the procedure, the evidence, or anything else and
25 weigh the matter accordingly, I don't think.

26 MR. FADGEN: I have no problem, Your Honor.

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1 THE COURT: You're excused, but before you leave this
2 Courtroom, you're going to go upstairs and you're going to be
3 put back on jury duty three months from now and you will serve.
4 Do you understand that? You be prepared to come back to this
5 Courthouse to serve a full jury.

6 JUROR BROWN: Yes, sir.

7 THE COURT: Alright. Take her back upstairs, Al, or have
8 her go back to room 111 and then she may be released.

9 The alternate--that's all--the alternate in this case
10 will be--

11 THE CLERK: William James Johnson.

12 THE COURT: William James Johnson will be placed in her
13 stead.

14 Why don't you bring the jury in and have her wait
15 outside the Courtroom and then take her on up.

16 You want to get your next witness in the Courtroom so
17 we can be ready to proceed?

18 (The following proceedings were held in the
19 presence of the jury)

20 THE COURT: Mr. Johnson, would you assume the seat, the
21 sixth seat up there, please?

22 For the record, ladies and gentlemen, Juror Number 6
23 has been released from jury duty. And Mr. Johnson has assumed
24 that position.

25 Alright. Call your witness, sir.

26 MR. BLOXHAM: The State would call Barbara Atkinson.

1 THE COURT: For the record, gentlemen, do you stipulate to
2 the presence of the jury?

3 MR. BLOXHAM: The State would so stipulate.

4 MR. FADGEN: Yes, Your Honor.

5 THE COURT: Just come forward. Remain standing.

6 BARBARA B. ATKINSON

7 (Was called as a witness, duly sworn, and testified as follows:)

8 DIRECT EXAMINATION

9 BY MR. BLOXHAM:

10 Q Please state your full name and spell your last name
11 for the Court.

12 A Barbara B. Atkinson, A-t-k-i-n-s-o-n.

13 Q Mrs. Atkinson, were you known as Kukal, K-u-k-a-l, in
14 the past?

15 A Yes, I have.

16 Q Were you married to Gerald Kukal?

17 A Yes, I was.

18 Q And you're no longer married to Gerald Kukal?

19 A No, sir.

20 Q Ma'am, directing your attention to October 1st, 1983,
21 did you reside at 5010 Reno Court?

22 A I did.

23 Q Is that located here in Clark County, Nevada?

24 A Yes, it is.

25 Q Who else resided in that home on that day?

26 A At that time, it was my husband, Gerald, and two
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1 daughters, Kathy, and Angela.

2 Q And were those stepdaughters to you?

3 A Yes.

4 Q Directing your attention to the early morning hours of
5 October 1st, 1983, did there come a time when you left your
6 bedroom and went to the kitchen?

7 A Yes, there was.

8 Q Approximately what time was that?

9 A Approximately 4:45 in the morning.

10 Q And as you did this, did anything unusual occur?

11 A Yes, I had gone to the kitchen to have a cigarette at
12 the kitchen counter. The next thing I know, I heard my
13 daughter, Kathy, call to me with my name. She called, "Barb",
14 sounding very frightened.

15 Q What, if anything, did you do when you heard this?

16 A I went to her doorway. I flipped on the hall light
17 and went to her doorway and called, "Kathy" and tried to open
18 the door. But, it didn't open. It ran into something. And I
19 thought she and I had gotten to the door at the same time.
20 Like she had gotten out of bed to come to the door. I called,
21 "Kathy". No answer. Tried the door again. It didn't--I
22 couldn't get it anywhere. So, I stood there for a second. The
23 next thing I know, the door is flung open. A black male comes
24 out, flashes a knife at my face, runs across the small family
25 room and hops up on the kitchen counter in front of the window
26 and crouches there.

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1 Q Could you--did you have an opportunity to look at this
2 individual?

3 A Yes, when he threw open the door, he looked at me and
4 then flashed the knife at me.

5 Q How did he flash the knife?

6 A He flashed it in my face in such a way that I drew
7 back.

8 Q Did he appear to be thrusting it toward you?

9 A Well, it was angled toward me.

10 Q Did he move the knife?

11 A Yes.

12 Q Towards you. Is that correct?

13 A Yes, and I drew back.

14 Q And then this individual ran and jumped up on the
15 counter. Can you describe this individual?

16 A Yes. He was about 5'8". He was about 170 pounds. He
17 was a black male. At the time he had like a short, semi-medium
18 Afro and his eyes were very unusual.

19 Q How was he dressed?

20 A He wasn't.

21 Q By that, do you mean he was nude?

22 A Yes. And he had a physique like a running back.

23 Q Now, do you recall which hand the knife was in?

24 A The right hand.

25 Q Now, when he crouched on the kitchen counter, did he
26 then exit the house?

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1 A Well, after--I was shocked. And after a moment, I
2 started to come to and I screamed and started toward him and he
3 went out the window.

4 Q Was the window open?

5 A Yes.

6 Q Did there come a time when you looked around that area
7 to determine if there was a screen on the window, or the items
8 on the counter had been messed up, or pushed over as he jumped
9 on it, or any of these things? Can you describe this area?
10 Have you had a chance to look at it?

11 A You mean after this all happened?

12 Q After this happened.

13 A Yes, we found out that the screen was removed and
14 taken out and put in the grass.

15 Q Okay, so the screen off that window was on the grass?

16 A It had been removed.

17 Q Okay. That was usually there on the window was found
18 on the grass area?

19 A There were items on the kitchen counter, such as a
20 drain stopper that was metal, the soap dish, hand lotion
21 container, a stack of dixie cups. And they were all removed
22 from the counter and put on the patio outside the window.

23 Q And so, was the counter fairly well cleared off, then?
24 Is that what your testimony is?

25 A It was cleared off.

26 Q And that was immediately after you saw him jump
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1 through the window and after checking the area you discovered
2 these things?

3 A (nods head)

4 Q You have to say "yes" or "no" or "maybe" or--

5 A Yes, I'm sorry.

6 Q Okay. Did you find any doors to the house open?

7 A Yes. The--

8 Q Which doors?

9 A The door into the garage from inside the house was
10 open and the door from the garage to the outside was open.
11 This is not the big overhead door, it's two regular doors.

12 Q Now, I assume it was dark outside if it was 4:45 in
13 the morning. Is that correct?

14 A Well, yes, it was evening. But, the location of that
15 property we always had light in the back yard.

16 Q And where was the light in the back yard from?

17 A It was from the LDS church that was catty-cornered to
18 that lot that the house sat on and there was open desert
19 directly behind the house. So, the lights from the church and
20 parking lot always lighted the north side of the house, which
21 is where the kitchen and all these things are.

22 MR. BLOXHAM: Your Honor, may I approach the witness with a
23 diagram?

24 THE COURT: You may.

25 Q Showing you State's proposed exhibit 2, can you
26 identify what this is, Barbara?

1 A Yes, this is the floor plan of the house.
2 Q And who drew it?
3 A I did.
4 Q Did you draw this during the noon hour at our request?
5 A Yes, I did.
6 Q And does it fairly represent the various rooms, or
7 some of the rooms in the house and their relationships to each
8 other?
9 A Yes, some of the sizes aren't quite right. But, yes,
10 that's the way they're laid out.
11 Q Would this assist you in explaining what happened on
12 October 1st, 1983, would it help you explain to the jury what
13 happened?
14 A Sure, I'd be glad to if it would help.
15 Q Okay.
16 MR. BLOXHAM: Your Honor, we'd move to admit State's
17 proposed exhibit 2.
18 THE COURT: Any objection?
19 MR. FADGEN: No objection.
20 THE COURT: Same be received.
21 MR. BLOXHAM: Your Honor, may we have the witness step down
22 from the witness stand and approach the board?
23 THE COURT: Yes.
24 (witness to diagram)
25 Q And, Mrs. Atkinson, if you can stand right about here
26 so the jury can see, and take this pointer. I would ask you
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1 where your bedroom was in this diagram on October 1st, 1983?

2 A Right here (pointing).

3 Q And where was Kathy's room?

4 A Here (pointing).

5 Q Now, your testimony is that you left the master
6 bedroom and you were going to the kitchen for a cigarette?

7 A Right. I went over to this kitchen counter for a
8 cigarette.

9 Q And then, at that--

10 THE COURT: Just a little louder, please.

11 THE WITNESS: Me?

12 THE COURT: Yes.

13 THE WITNESS: Oh.

14 Q And at that point, where were you when you heard
15 "Barb"?

16 A I was standing right here (pointing).

17 Q And what did you do?

18 A I went to the hallway. The switch is right here. And
19 turned on the hall light and this is Kathy's door and I called,
20 "Kathy" and tried to open her bedroom door.

21 Q Okay. And then your testimony is that a nude black
22 male exited that room. Is that correct?

23 A That's correct.

24 Q Where did the black male go?

25 A He came out of Kathy's room, across here (pointing)
26 and hopped up on the counter.

1 Q And where were you standing?
2 A At that point, I was standing right here.
3 Q And could you see him from that point?
4 A Yes, I could.
5 Q And then did he exit through that window designated
6 up here?
7 A Yes.
8 Q Thank you. Oh, I'm sorry. You testified that there
9 were two open doors, also. Can you show us where those garage
10 doors that were open?
11 A This door and this door (pointing). This is from the
12 house into the garage. This is from the garage to an outside
13 side yard. They were wide open.
14 Q Thank you. You can take the stand again, please.
15 (witness returns to stand)
16 Q Now, Mrs. Atkinson, I want to direct your attention--I
17 want to direct your attention to November 14th, 1983. Did
18 something unusual occur in the morning hours?
19 A Yes, it did.
20 Q And what was that?
21 A My daughter was abducted.
22 Q Well, did the police come to your home?
23 A I'm sorry. The police came to our home. They--
24 Q Did you--please continue.
25 A Kathy came to my bedroom door to say the police were
26 at the door. I went out to the door and they said that they

1 had found my daughter's book on the sidewalk.

2 Q Okay. Did you spend the next couple of hours at the
3 house?

4 A Yes, in fact, the police set up a command post.

5 Q Were there a lot of police cars around the house?

6 A Quite a few. Probably fourteen or fifteen. And in
7 the area.

8 Q Did there come a time when you saw Angela that
9 morning?

10 A Yes, there was.

11 Q And where was that that you saw Angela?

12 A It was at the home of one of her very good friends.
13 They had called--Angela had gone there when she had escaped or
14 been dropped off. And we were called and we went up there to
15 see Angela.

16 Q Did you see Angela at this location that you went to?

17 A Yes, I did.

18 Q And can you describe Angela's condition when you saw
19 her?

20 A She was shocked. She was disturbed. She was upset.
21 She was messed up, I mean, hair and clothing. She was
22 extremely scared. And she was crying.

23 Q Did there come a time when you went from that location
24 to the hospital?

25 A Yes, Angela and I rode in the car with the detectives
26 to the hospital.

1 Q Do you know who that detective was?
2 A It was Michael McLaughlin.
3 Q Did you stay with Angela at the hospital for a period
4 of time?
5 A Yes.
6 Q Directing your attention, now, Mrs. Atkinson, to
7 December 11th, 1983, did you meet with Detective Mike
8 McLaughlin of the Las Vegas Metropolitan Police Department?
9 A Yes, I did.
10 Q And where was it that you met him?
11 A At our home.
12 Q And, approximately what time was it, if you know?
13 A It was afternoon, threeish, 3:30.
14 Q And who was present?
15 A Kathy, and Angela, and I, and Mike McLaughlin.
16 Q What was done at that location?
17 A Individually, we were presented with a photo line-up.
18 Q And were you--how many pictures in the line-up, if you
19 recall?
20 A That particular page, I think there were six.
21 Q And were you able to identify any of the pictures in
22 that line-up--
23 A Yes.
24 Q --as the person who was in your house on October 1st,
25 1983?
26 A Yes.

1 Q Did you complete a statement at that time, a written
2 statement, in your own handwriting?

3 A Yes, I did.

4 Q And did you record which number of the picture that
5 was that you selected?

6 A I did.

7 Q And what number was that?

8 A Number 2.

9 Q Do you see the same person in the Courtroom today that
10 was in your house on October 1st, 1983?

11 A Yes, I do.

12 Q Can you point that person out, where he's seated, and
13 what he's wearing?

14 A He's sitting at that table (witness pointing) with a
15 blue shirt on.

16 MR. BLOXHAM: Will the record reflect the witness has
17 identified the defendant, Your Honor?

18 THE COURT: The record may so show.

19 Q Did you give that defendant permission to enter your
20 house on October 1st, 1983?

21 A Absolutely not.

22 Q Did you know him?

23 A Never seen him.

24 Q Thank you.

25 MR. BLOXHAM: Pass the witness, Your Honor.

26 THE COURT: Cross?

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1 MR. FADGEN: Thank you, Your Honor.

2 CROSS EXAMINATION

3 BY MR. FADGEN:

4 Q Mrs. Atkinson, directing you to October 1 of 1983, you
5 said it was about a quarter of five in the morning?

6 A Um-hum.

7 Q Is that "yes"? You have to answer--

8 A Yes.

9 Q --audibly.

10 A I'm sorry.

11 Q And had something woken you, or--

12 A Yes, my husband walked into the bedroom.

13 Q Okay. So, your husband came in the bedroom and you
14 then walked out to have a cigarette. Is that correct?

15 A That's correct.

16 Q Prior to that, you hadn't heard anything. Is that
17 correct?

18 A I had not heard anything.

19 Q And I take it that when you walked out of--if I can
20 step over the diagram, you came out of your room and walked
21 over to this area by the counter to have a cigarette. Is that
22 correct?

23 A Yes.

24 Q And at that point, you hadn't turned this light on.
25 Is that right, the hall light?

26 A It was turned on when I heard Kathy call me.

1 Q But, when you went out to have the cigarette, you did
2 not flick the light on at that point?

3 A No.

4 Q Okay. Now, maybe you can help me here with the
5 diagram. Where is the LDS church on this?

6 A From the northeast corner--the top of that is north.

7 Q The top here is north?

8 A Right. The northeast corner of the house, the back
9 yard, that meets the corner of the LDS church, like catty-
10 corner. It's not right behind it, it's angled.

11 Q It's catty-cornered. And northeast. Let me--it would
12 be up here, right (pointing)?

13 A Over further because the yard extended for--

14 Q It would be over here, right (pointing)?

15 A Yes.

16 Q Okay. Now, as you heard your name called, you came
17 over here and turned on the light. Correct?

18 A Yes.

19 Q The hall light?

20 A Yes.

21 Q And you tried to open the door?

22 A Right.

23 Q Do you know what your husband was doing at that point
24 in time?

25 A He had gone to bed.

26 Q Oh, he wasn't--he did not come out in the hall at any
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1 time?

2 A Not until all this was over.

3 Q Okay. And you said, finally the door was flung open
4 and a knife was shown to you?

5 A It wasn't shown. It was--

6 Q Tell me what--was it pushed towards you?

7 A It was flipped towards me.

8 Q Okay.

9 A I mean like--

10 Q And did you--

11 A --directed--

12 Q --get a look at the person at that point in time?

13 A Yes, I did--

14 Q Or were you looking at--

15 A --a clear view of his--

16 Q --the knife?

17 A No, I saw his face before I saw the knife.

18 Q And this was a split second that this happened and you
19 backed up and he took off, wasn't it?

20 A The door was flung open hard. He came out. I saw his
21 face and then the knife came towards me.

22 Q Alright.

23 A And then he took off.

24 Q And then he took off? And, at that point, did you
25 realize that he had short or medium Afro, did you notice
26 whether he had a beard?

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1 A I don't think he had facial hair.

2 Q And by "facial hair" you mean either a beard or a
3 moustache. Correct?

4 A Correct.

5 Q Alright. Now, did you notice at that point in time
6 whether he had clothes on?

7 A He did not have clothes on.

8 Q Did you notice it at that time when he came out of the
9 bedroom?

10 A When he ran across that room the light was showing on
11 him.

12 Q Alright.

13 A On his backside.

14 Q Alright, when he was running through the family room
15 to the counter area. Is that correct?

16 A Yes.

17 Q And you noticed, I assume, that it was a black man?

18 A It was a black man.

19 Q Okay. Did you notice anything strange on his arms or
20 his back?

21 A No, I didn't.

22 Q Tattoos, marks, anything that--

23 A I just noticed his physique was like a running back.

24 Q So, you got a good look running by, a physique of a
25 running back and that he had pretty good shoulders, the was
26 muscular. Is that what you mean by the physique of a running

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1 back?

2 A What I would consider broad shoulders and narrow
3 waist and hip.

4 Q Alright. So, you got a good look at his back area,
5 enough to determine that he was muscular and had a slim waist.
6 Is that true?

7 A Yes.

8 Q Then you said he crouched on the--

9 A Not--

10 Q --counter?

11 A Not at that counter, sir.

12 Q Oh.

13 A It's the one that's in front of the window, to the
14 right, right about there.

15 Q And then jumped out the window and ran?

16 MR. FADGEN: One moment, Your Honor.

17 Q Just a couple other questions, Mrs. Atkinson. On the
18 diagram, you said certain items were taken off the counter.
19 And were placed where, outside on the patio?

20 A Outside on the patio.

21 Q And I assume that those items were inside on the
22 kitchen counter at the time you went to bed for the evening?

23 A Yes, they were.

24 Q And were you the last one to go to bed that evening,
25 other than when your husband came home?

26 A Yes.

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1 Q And would you tell me again what those items were?
2 A There was a metal drain stopper.
3 Q That's one of those--
4 A Metal, the thing--
5 Q Things you put in the sink when you want to fill it?
6 A To stop water.
7 Q Okay. But, it was metal, right?
8 A Yes. And there was a container of rubber bands.
9 Q What kind of container?
10 A It was heavy plastic.
11 Q How big was the container, just a circular--
12 A Four inch diameter.
13 Q And what else?
14 A A soap dish, a container of hand lotion.
15 Q How big a container of hand lotion, sixteen ounces?
16 A Yeah, right.
17 Q Plastic?
18 A That one was plastic.
19 Q Anything else?
20 A Dixie cups.
21 Q Dixie cups--
22 A A stack of them.
23 Q Anything else?
24 A Well, there was also a knife missing, but we didn't
25 realize it at the time.
26 Q What kind of knife was missing?

1 A A Cutco knife that has about a five-inch blade,
2 serrated on one side.

3 Q It's like a steak knife, is it?

4 A It's pointed. It's more like a slicing knife.

5 MR. FADGEN: I have no further questions, Your Honor.

6 MR. BLOXHAM: No redirect, Your Honor.

7 THE COURT: You may step down.

8 Call your next witness.

9 MR. BLOXHAM: The State would call Angela Kukal.

10 ANGELA NICOLE KUKAL

11 (Was called as a witness, duly sworn, and testified as follows:)

12 DIRECT EXAMINATION

13 BY MR. BLOXHAM:

14 Q Please state your full name and spell both your first
15 and last name for the Court.

16 A My name is Angela Nicole Kukal, A-n-g-e-l-a K-u-k-a-l.

17 Q Angela, what is your date of birth?

18 A 5-1-68.

19 Q And how old are you at this time?

20 A Twenty years old.

21 Q Do you attend school?

22 A Yes, I do.

23 Q Where do you go to school?

24 A I go to the University of Nevada, Las Vegas.

25 Q And what year are you in?

26 A I'm a sophomore.

1 Q What's your major?
2 A Accounting.
3 Q Are you employed?
4 A Yes, I'm employed two jobs. I work for Sears and I
5 work for Cardiovascular Consultants of Nevada.
6 Q Angela, I want to direct your attention to October
7 1st, 1983. Did you reside at 5010 Reno Court?
8 A Yes, I did.
9 Q Do you recall anything unusual occurring in the early
10 morning hours of October 1st, 1983?
11 A Yes.
12 Q What do you recall happened?
13 A There was a loud noise and a little screaming.
14 Q Was there anyone in your room?
15 A No, there was not.
16 MR. BLOXHAM: Your Honor, I'd ask the Court to take
17 judicial notice that October 1st, 1983, was a Saturday. I can
18 provide the Court with a calendar from that year.
19 THE COURT: What was the year again?
20 MR. BLOXHAM: 1983, October 1st.
21 THE COURT: Any objection, counsel?
22 MR. FADGEN: No, Your Honor.
23 THE COURT: Alright.
24 MR. BLOXHAM: I would also ask the Court to take judicial
25 notice that November 14th, 1983, was a Monday.
26 THE COURT: Any objection?
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1 MR. FADGEN: I haven't checked it. But, I'm sure that if
2 that's the representation, I have no problem with that.

3 THE COURT: Alright. You may proceed, sir.

4 MR. BLOXHAM: Thank you.

5 Q Angela, directing your attention now, to November
6 14th, 1983, did you also reside at 5010 Reno Court?

7 A Yes, I did.

8 Q Were you attending school in November of 1983?

9 A Yes, I was.

10 Q What school did you attend?

11 A I went to Valley High School.

12 Q What year were you in school at Valley?

13 A Sophomore.

14 Q How did you get to school during this time period?

15 A I rode the bus.

16 Q I want to direct your attention to November 14th,
17 1983, what time did you usually go to school during that time
18 period?

19 A I usually went at 6:20 in the morning.

20 Q On that particular day, did you leave the house at
21 6:20?

22 A No, I did not. I was a little later. I was five to
23 ten minutes late.

24 Q So, would that have put it about 6:25, 6:30 in the
25 morning?

26 A Yes, it would.

1 MR. BLOXHAM: Your Honor, may I approach the witness with
2 the diagram?

3 THE COURT: You may.

4 Q During the noon hour today, at our request--or my
5 request, did you draw Reno Court?

6 A Yes, I did.

7 Q Just kind of the street so that it would assist in
8 understanding where you were walking?

9 A Yes, I did.

10 Q And showing you State's proposed exhibit 3, is this
11 the drawing you made?

12 A Yes.

13 Q Did you draw it with your own hand?

14 A Yes, I did.

15 Q And is it kind of show where your house might be and
16 where you were walking that morning?

17 A Yes, it does.

18 MR. BLOXHAM: Your Honor--

19 Q Would this assist you in explaining to the jury where
20 you were walking and what happened?

21 A Yes, it does.

22 MR. BLOXHAM: Your Honor, we'd move to admit State's
23 proposed exhibit 3.

24 MR. FADGEN: No objection, Your Honor.

25 THE COURT: Same be received.

26 Q Angela, do you have some gum in your mouth?
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1 A Yes, I do.

2 Q Could I ask you to take a tissue and take it out?

3 THE COURT: Take it out.

4 Q Thank you. Now, Angela, I assume you were walking
5 down Reno Court to the bus stop. Is that correct?

6 A Yes, I was.

7 Q On November 14th. Did something unusual happen?

8 A Yes.

9 Q Please tell us what happened.

10 A As I was walking down the street, when I got to 5070
11 Reno Court, a man jumped out at me from the bushes.

12 Q What was this person wearing that jumped out, this
13 man?

14 A He was a black man wearing camouflage pants and a
15 black bandanna.

16 Q The camouflage style pants, can you describe them any
17 more completely than that? Were they green? Were they brown?
18 Did they--you know, some camouflage is darker than others.

19 A Yes, it was the lighter camouflage. It wasn't real
20 dark. It was light colored.

21 Q And the bandanna, did you mention a bandanna?

22 A Yes, I did.

23 Q Where was the bandanna?

24 A The bandanna covered up to his nose, just below his
25 eyes.

26 Q Did you describe the bandanna for the police at that
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1 time?
2 A Yes, I did.
3 Q And--and--
4 A It's black with little stars on it.
5 Q Did you describe the color of the stars?
6 A It was white--white.
7 Q The stars were white. Approximately how tall was this
8 individual?
9 A Approximately 5'8".
10 Q Did he have anything in his hands?
11 A Yes, he did. He had a knife in his right hand.
12 Q Can you describe the knife any more thoroughly?
13 A It was like a butcher knife.
14 Q Did you end up spending the next couple of hours in
15 the presence of this individual?
16 A Yes, I did.
17 Q Do you see that same individual in the Courtroom
18 today?
19 A Yes, I do.
20 Q Please tell us where he's seated and what he's
21 wearing.
22 A He's wearing a blue shirt, sitting on the right-hand
23 side of the Courtroom.
24 Q To your right?
25 A Yes.
26 MR. BLOXHAM: Your Honor, may the record reflect the
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1 witness has identified the defendant?

2 THE COURT: The record may so show.

3 Q What were you wearing that day, Angela?

4 A I was wearing Levi's with Nike tennis shoes, pink
5 sweater with my initials on it and a gray ski jacket.

6 Q Were you wearing a bra?

7 A Yes, I was.

8 Q Were you wearing panties?

9 A Yes, I was.

10 Q Did you have anything else on your person, any other
11 items of personal property?

12 A Yes, I did. I had a purse with a Holt geometry book,
13 a folder, and a gym bag.

14 Q What was in your purse?

15 A A wallet, keys, lipstick, a brush, and a comb.

16 Q How about inside your wallet?

17 A inside my wallet I had my school pictures, which we
18 had just received, pictures of friends, and my class schedule,
19 and some money.

20 Q Do you know approximately how much money you had on
21 you?

22 A Twenty-five to \$30.00.

23 Q What did this person do as he came out of the bushes,
24 displaying the knife? Please tell us what he did.

25 A He jumped out at me and I tried to scream and he told
26 me to shut up. He came up behind me because I was trying to

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1 run away. And he put the knife around my throat.

2 Q What happened next?

3 A He dragged me back behind the bushes.

4 Q And what happened when he took you back by these
5 bushes?

6 A He had me lay down on the grass. He told me to take
7 my pants off.

8 Q Did he make any statements as to what he would do if
9 you didn't take your pants off?

10 A Yes. He told me he would kill me if I did not.

11 Q Did he threaten to cut the pants off if you didn't
12 take them off?

13 MR. FAGDEN: I'm going to object. That's leading, Your
14 Honor.

15 THE COURT: Sustained.

16 Q Did he make any other statements concerning your
17 pants?

18 A Yes, he did. My pants were tight and I told him
19 that--he told me that if I didn't take them off, he would rip
20 them off me.

21 Q Did you take your pants off?

22 A Partially.

23 Q How far down did you take your pants?

24 A They were down to my mid-thigh.

25 Q And that included your panties or not?

26 A Yes, it did.

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1 Q And what happened when your pants--I assume you're on
2 the ground. Is that correct?

3 A Yes, this is correct.

4 Q And what did he do as you were on the ground with your
5 pants, and your panties down to your mid-thigh?

6 A He touched my vaginal area.

7 Q How did he do that? With what--what--

8 A With his hand.

9 Q With his hand. What happened next?

10 A A garage door opened and he told me that--to get
11 dressed again because there was a man who had come out. And so
12 we had to leave.

13 Q Did you put your clothes back on?

14 A Yes, I did.

15 Q And did you leave that area?

16 A Yes, we did.

17 Q And how did you leave that area?

18 A He put tape over my eyes and we ran down the street.

19 Q Did he put tape over your eyes while you were by the
20 bushes?

21 A Yes, he did, when I was getting dressed.

22 Q Did he then abduct you and take you to another
23 location?

24 A Yes, he did.

25 Q Okay. Where did he take you?

26 A He had us--he had me run down the street with him and
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1 go to the right towards Newport Cove.

2 Q Did you leave anything behind?

3 A Yes, my Holt geometry book and my folder.

4 Q That was school folder and school book?

5 A Yes.

6 Q Now--

7 MR. BLOXHAM: Your Honor, could we have the witness step
8 down from the witness stand and approach the board?

9 THE COURT: You may.

10 (witness to diagram)

11 Q Angela, if we could have you take this pointer and for
12 the jury, explain on this drawing where your house would be
13 represented.

14 A My house is right here (witness pointing)

15 Q And where were you walking this morning, on November
16 14th?

17 A Down the street, down the sidewalk.

18 Q And where was the defendant when he jumped out from
19 behind the bushes?

20 THE COURT: Counsel, why don't you stand over to this side
21 so she'll speak up. Stand right over here so she'll speak
22 towards the jury.

23 Q Angela, I think you need to stand here, speaking
24 toward the jury. I think the Court wants me over here.

25 THE COURT: Right.

26 Q Okay, please point on the diagram where the defendant
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1 jumped out from the bushes.

2 A He was standing right here (witness pointing) and as I
3 got to this point, he jumped out at me.

4 Q And where were you taken, then, and forced to take
5 your pants down to your thighs?

6 A Right back here (witness pointing).

7 Q Thank you. If you'll take the stand, again, please.
8 (witness returns to stand)

9 Q Now, as you're taken to the Newport Cove area, what
10 happened at that location?

11 A He had me sit down on a cement block area and he went
12 away from me to a car.

13 Q What did you do?

14 A I tried to rip the blindfold off my eyes.

15 Q Now, was this a blindfold, or was this tape?

16 A Well, it was the tape.

17 Q Were you able to see at that point? Did you get the
18 tape off enough to be able to see?

19 A Yes, I did.

20 Q Could you see that it was Newport Cove?

21 A Yes, I could.

22 Q Did you see the defendant?

23 A I saw the back side of him.

24 Q And what happened next, as you had taken the tape from
25 your eyes?

26 A He realized I was taking it off and he ran back at me

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1 and told me not to do that. And that if I did that again, he'd
2 kill me.

3 Q What happened next, after this threat?

4 A He covered my eyes again with the tape and he put his
5 bandanna over my eyes.

6 Q What happened next as you have a bandanna now and tape
7 on your eyes. Is that correct?

8 A This is correct.

9 Q What happened next?

10 A We went back. He took me to the car, to the passenger
11 side of the car. And he opened the door and lifted the seat
12 and had me--and put me in the back.

13 Q And did there come a time when you were driven from
14 that area, then?

15 A Yes.

16 Q Now, as you have tape on your eyes, were you still
17 able to see anything at all?

18 A I was able to see a tiny bit.

19 Q And how was that?

20 A I could see down because it doesn't completely cover
21 over your nose.

22 Q Okay. What type of seats were there in this car, if
23 you know?

24 A The front seat had bucket seats.

25 Q Do you know how many doors the car had?

26 A Two doors.

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1 Q Were you able to explain to the police later the color
2 of the interior of this car?

3 A Yes, I was. It was a bluish-green color.

4 Q Do you know the difference between a stick shift and
5 an automatic?

6 A Yes, I do.

7 Q Was this a stick shift or an automatic?

8 A This was a stick shift.

9 Q Now, you're being driven from this area and you're in
10 the back seat. Is that correct?

11 A Yes.

12 Q What happened as you're being driven from this area in
13 the back seat?

14 A He had me climb into the front seat.

15 Q What did he have you do once he forced you to climb
16 into the front seat?

17 A He had me sitting on the floor, facing the seat.

18 Q And what happened as you're now sitting in the front
19 seat of the car, facing the passenger seat. Is that correct?

20 A Yes, that's correct.

21 Q What happened?

22 A He was talking to me, asking--

23 Q What, if anything, did he say?

24 A He was asking me if he had broken into my bedroom
25 about a month or two weeks earlier.

26 Q I'm sorry. I didn't hear the last.

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1 A About two weeks earlier, a month earlier.
2 Q What did you say when he asked you that?
3 A I said no, he hadn't.
4 Q Were you lying about him breaking into your house?
5 A Yes, I was.
6 Q What else did you say?
7 A I told him that the next door neighbor's had been
8 broken into--
9 Q And was that a lie?
10 A Yes, it was.
11 Q To your knowledge. You don't know whether they were
12 or not?
13 A Not to my knowledge, they weren't broken in.
14 Q Anything else occur as you were being driven now with
15 you in the car like this?
16 A He asked me if I was a virgin or not.
17 Q What did you say?
18 A I said yes, I was a virgin.
19 Q Did he make any comments about that?
20 A Yes, he asked me how I could still be a virgin at
21 fifteen.
22 Q What did you tell him?
23 A I told him that I just never had wanted to do
24 something like that.
25 Q Did he make any comments about whether you'd be a
26 virgin after he was done with you?

1 A He said I wouldn't be a virgin afterwards.
2 Q Were you taken to any different areas?
3 A Yes, he drove around for a little bit and finally
4 parked in a desert area.
5 Q What happened once you arrived at the desert area?
6 A He had me take my clothes off and crawl into the back
7 seat.
8 Q What happened in the back seat, now, as you're in the
9 back seat, I assume, unclothed?
10 A Yes.
11 Q What happened?
12 A He took his clothes off in the front seat and he
13 climbed into the back seat.
14 Q And what happened then?
15 A When we were back there he put his penis into my
16 vagina.
17 Q Where was your head and your--how was your body
18 positioned in the back seat?
19 A My head was on the passenger side and my feet were--
20 was on the driver's side.
21 Q Was this in the back seat or the front seat?
22 A This is in the back seat of the car.
23 Q When you say the "passenger side" and the "driver's
24 side" you mean that side of the car?
25 A Correct.
26 Q Did you consent to this act of sexual intercourse with
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1 his penis in your vagina?

2 A No, I did not.

3 Q What happened next, then, as he placed his penis in
4 your vagina?

5 A It hurt very badly. My feet kicked the window and it
6 broke the clasp on the window.

7 Q Do you know whether the window shattered?

8 A No, it did not.

9 Q But, you felt with your feet the clasp give way. Is
10 that correct?

11 A Yes, I did.

12 Q And which window would that have been?

13 A The back driver's side.

14 Q Were you on your menstrual period at that time?

15 A No, I was not.

16 Q Do you know when you had finished your monthly period?

17 A The Thursday before.

18 Q Did the defendant say anything as he was sexually
19 assaulting you at this point?

20 A He told me I was very tight and that he would have to
21 loosen me up.

22 Q Did he indicate what he meant by tight?

23 A He meant my vagina.

24 Q Did he call it a vagina?

25 A No, he called it my pussy.

26 Q Did he use that word more than once?

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1 A Yes, he did.

2 Q Did there come a time when he removed his penis from
3 your vagina?

4 A Yes, he did.

5 Q And what was your condition at that point?

6 A I was bleeding quite a bit.

7 Q From the vaginal area?

8 A Yes.

9 Q What, if anything, happened as you're bleeding, then,
10 from the vaginal area?

11 A He pulled some kleenex from the floor of the car and
12 had me clean up.

13 Q Could you tell where the kleenex was on the floor?

14 A Yes, it was next to my head.

15 Q And you're on the right side rear seat and it was next
16 to your head?

17 A Yes.

18 Q Was it on the floor or on the seat?

19 A On the floor.

20 Q How was it that you could it was there? Could you see
21 it?

22 A No, I could not.

23 Q How could you tell it was there?

24 A I could hear it.

25 Q You mean as it's being removed from the box?

26 A Yes.

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1 Q Did you clean yourself up with this kleenex?
2 A Yes.
3 Q And did you wipe your vaginal area with the kleenex?
4 A Yes.
5 Q What did you do with the kleenex?
6 A I put it on the floor of the car.
7 Q What happened next, Angela, after you cleaned yourself
8 off?
9 A He had me clean him up because he said that he
10 wouldn't want me to taste my own blood.
11 Q And what happened next?
12 A He forced my head down to his penis.
13 Q Did he force your mouth on his penis?
14 A Yes, he did.
15 Q Do you know what circumsized means, at this point in
16 your life, do you know what that means?
17 A Yes, I do.
18 Q Had you ever seen a circumsized or uncircumsized penis
19 when you were fifteen, before this incident?
20 A No, I had not.
21 Q Did you pay any attention to his penis, whether it was
22 circumsized or not?
23 A No, I did not.
24 Q After this act of fellatio, or oral sex, did you
25 leave that area?
26 A Yes, we did. There was a person outside and he told
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1 us that we had to leave.

2 Q A person told you you had to leave?

3 A No--no, he told me that we had to go.

4 Q Did he say why?

5 A He said that there was a person outside and he might
6 see us.

7 Q Did you take that to mean somebody was driving by or
8 walking by or something?

9 A Somebody was walking by.

10 Q Did--where did you go, having left that area? First
11 of all, what did you do? Were you sitting up?

12 A No, I was laying down.

13 Q And he--did he get in the front seat and drive off,
14 then?

15 A Yes, he did.

16 Q And what did you do, did you remain in the back seat
17 or get in the front seat?

18 A Yes, I did. I remained in the back seat.

19 Q Were you clothed or unclothed?

20 A I was unclothed.

21 Q Please continue and tell us what happened next.

22 A I was cold because it was early morning. It was
23 pretty cold outside. And I told him that. And he threw me
24 back my jacket to put over me.

25 Q But, you're still naked underneath your jacket?

26 A Yes, I was. He drove--

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1 Q As you're driving now, what happened?

2 A He talked to me about my family. He asked me where my
3 parents worked and if I had any brothers and sisters.

4 Q What did you tell him?

5 A I told him that my parents worked at hotels and that I
6 had two little brothers. One was five and one was one and they
7 went to school at Captain Kidd's.

8 Q Was that a lie?

9 A Yes, it was.

10 Q Did he threaten you or your family during this ordeal?

11 A Yes.

12 Q What did he say?

13 A He said that he would kill my family if I was lying to
14 him.

15 Q Did he ask you questions concerning your house or
16 anything in your neighborhood?

17 A Yes, he asked me what kind of cars my parents had and
18 what my house looked like.

19 Q Did you tell him?

20 A Yes, I told him that my parents had a yellow Nova and
21 a black Jeep and that we lived on the corner.

22 Q Did your parents have those?

23 A No, they do not.

24 Q Did anyone in the neighborhood have those?

25 A Yes, my next door neighbor did.

26 Q Were you describing your next door neighbor's house
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1 and cars to him, then?

2 A Yes, I was.

3 Q Did there come a time when the car stopped again?

4 A Yes.

5 Q And do you know where this was?

6 A It was in a residential area.

7 Q How is it that you know that?

8 A Because it was very quiet and it was on a paved road.

9 Q In other words, as you're driving along, you didn't
10 feel any bumpy roads. Is that right?

11 A No.

12 Q What happened in this location?

13 A He took his clothes off again and he climbed back
14 into the back seat.

15 Q Are you still laying down in the back seat?

16 A Yes, I was.

17 Q Tell us what happened as he climbs in the back seat
18 again.

19 A He put his penis into my vagina again.

20 Q And, again, did you consent to that?

21 A No, I did not.

22 Q What happened next after he engaged in sexual
23 intercourse again?

24 A He asked me if I'd ever had sex in my ass. And I said
25 no, I had not. So, he had me turn over and he put his penis
26 into my rectum.

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1 Q Did he say anything about doing this?

2 A After it was over, he did. After it was over, he told
3 me that now I was an experienced woman.

4 Q After this act of sodomy, what, if anything, occurred
5 next in this location?

6 A Afterwards, he put his penis into my vagina again.

7 Q Did he turn you back over?

8 A No, this was from the back side.

9 Q After this next act of sexual intercourse, then, were
10 you allowed to dress, or did you remain unclothed?

11 A He climbed into the back--into the front seat again
12 and then he threw my clothes back and told me to get dressed.

13 Q Did you get dressed?

14 A Yes, I did.

15 Q What happened next?

16 A He started talking about what he should do with me at
17 this time.

18 Q What did he say?

19 A He said that he had driven by my house and that there
20 were police cars out front. He'd driven by my school and there
21 was a security guard out there. So, he couldn't drop me off at
22 either place. He didn't know where to drop me off. He thought
23 maybe he should drop me off in the desert someplace or keep me
24 in a little house just to keep. And I just kept telling him
25 that I didn't want to die and I didn't care where he dropped me
26 off.

1 Q Now, after this period of driving, did there come a
2 time when he stopped again?

3 A Yes, he stopped again.

4 Q What happened as he stopped again?

5 A He stopped again and had me take my clothes off.

6 Q Was this in the front or back seat?

7 A The back seat.

8 Q Did you take your clothes off again?

9 A Yes, I did.

10 Q What happened then?

11 A He crawled back again and put his penis into my
12 vagina.

13 Q So, another act of sexual intercourse?

14 A Yes.

15 Q Did he say anything as he was doing this, this time?

16 A He told me to act like I was enjoying it. And then he
17 said that I wasn't enjoying it and he could tell. And then he
18 told me he couldn't do it any more. And he crawled back in the
19 front seat and had me get dressed again. He told me that would
20 be the last time.

21 Q Then did another period of driving occur?

22 A Yes. He started driving again and he told me that he
23 wasn't sure if he should kill me or not and that he had to make
24 a phone call.

25 Q When he said he had to make a phone call, did he stop
26 the car?

1 A Yes, he did.
2 Q And what happened when he stopped the car?
3 A He stopped the car after I had gotten in the front
4 seat and got out.
5 Q Okay. Did you say you got out or he got out?
6 A No, he got out.
7 Q How long was he gone from the car, if you can tell?
8 A Just a minute or two.
9 Q Then what happened after he came back to the car?
10 A He got back inside and started driving again, saying--
11 Q Now, is the tape on your eyes this whole time?
12 A The tape and the bandanna were still on my eyes.
13 Q He got back in the car and drove again. Please
14 continue.
15 A And he said he still didn't know what to do with me.
16 So, he drove around for a little bit and stopped the car.
17 Q And what happened then?
18 A He had me crawl into the back seat again and he asked
19 me if I could brush my hair without a mirror.
20 Q And did he provide a brush or--
21 A And I said yes, I could. And he was going through my
22 purse and he found a brush.
23 Q Did you see him going through your purse?
24 A No, I did not.
25 Q How did you know he went through your purse?
26 A Because I could hear him saying some of the things
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1 that I had inside.

2 Q Did he provide you with a brush, then, is what
3 you're--

4 A Yes, he handed me my brush back.

5 Q Did you brush your hair?

6 A Yes, I did.

7 Q What did you do as you brushed your hair?

8 A After I was done brushing my hair, a lot of my hair
9 come out, so I took it from the brush and put it on the floor
10 of the car.

11 Q Did you do that intentionally?

12 A No, I did not.

13 Q Just kind of a cleaning of the brush that happened?

14 A Yes, it was unconscious.

15 Q As he was going through your purse, commenting on
16 items, could you tell us what he said, please?

17 A He started to look through my wallet and he saw my
18 school picture and he told me it was a very nice picture. And
19 he saw a picture of my friend. And then he saw my class
20 schedule.

21 Q What did he say about your class schedule?

22 A He said that he would write my class schedule down so
23 whenever he wanted to find me, he could.

24 Q Did he say anything about money in your purse?

25 A Yes, he asked me how come I had so much money in my
26 purse.

1 Q What did you say?

2 A I told him that I got my lunch money once a month and
3 that I had just gotten it.

4 Q And did you testify earlier that you had \$25.00 to
5 \$30.00 in your purse?

6 A Yes, I did.

7 Q Was that money still in your purse--I assume you--when
8 you were released, you had your purse?

9 A Yes, I did.

10 Q Was that money in your purse after you were released?

11 A No, it was not.

12 Q Did you give him permission to take that money from
13 your purse?

14 A No, I did not.

15 Q What happened next as you--you combed your hair and he
16 goes through your purse. What happened next?

17 A He got out of the car and went over to the passenger
18 side and opened it and lifted the seat. And I was still
19 putting on my shoes and he tied them for me and he pulled me
20 out of the car and told me to walk and he said after--to walk
21 ten steps after he released me and to take the tape off my
22 eyes.

23 Q How about the blindfold? Had the blindfold been
24 removed?

25 A He had taken that already, as we left.

26 Q Did you, in fact, take ten steps forward or so and
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1 take the tape off?

2 A Yes, I did.

3 Q And did you look back?

4 A No, I did not.

5 Q What happened to the tape that was on your eyes?

6 A I had put it inside my purse.

7 Q After putting it inside your purse, did you turn it
8 over to Detective Mike McLaughlin?

9 A Yes, I did.

10 Q Where were you when you were released, Angela?

11 A I was down the street from Valley High School.

12 Q Where did you go?

13 A I walked down the street, and as I walked, I saw the
14 school and I have a friend who lives nearby and I didn't want
15 to return to the school, so I went to her house.

16 Q What is the friend's last name?

17 A Suttor.

18 Q How is it that you know these people?

19 A I go to church with them.

20 Q What happened when you went to the Suttor's home?

21 A I knocked on the door and she opened it and I told
22 her--

23 Q When you say "she", was this the mother or the
24 daughter?

25 A The mother. She--

26 Q What happened?

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1 A I told her that a man had attacked me and had taken me
2 with him and that he just released me and that I had to call my
3 parents.

4 Q Were you able to call your parents?

5 A Yes, I did.

6 Q Did it take a while, though, because--

7 A It took like twenty minutes because the police were on
8 the line. We had to make an emergency breakthrough.

9 Q What happened after your parents and the police were
10 called then? Did you stay at the Suttor's home?

11 A Yes, I did, until they came to get me.

12 Q And who came to get you?

13 A My parents and the police.

14 Q Did you go to the hospital from there?

15 A Yes, I did.

16 Q Who took you to the hospital?

17 A Mike McLaughlin.

18 Q And who rode in the car with you, when you went?

19 A Mike McLaughlin, Bruce, I don't remember his last
20 name, my mom, and I.

21 Q At the hospital, did they take your clothing from you?

22 A Yes, they did.

23 Q Did you meet with any nurse or doctor at the hospital?

24 A Yes, a nurse and a doctor.

25 Q Can you tell us what happened when the nurse and
26 doctor met with you?

1 A They took a sample of blood and they put a swab in my
2 mouth, one in my rectum, and one in my vagina.

3 Q Did they also take hair samples, to your knowledge,
4 either of them?

5 A Yes, they did. They cut hair from my vagina area.

6 Q Was there any further examination of your vaginal area
7 at the hospital, other than the little swab?

8 A They tried to, but I was so swollen that they couldn't
9 even stick a finger in to examine.

10 Q After the hospital examination, I assume they also
11 asked you questions about yourself, the doctor and nurse. Is
12 that correct?

13 A Yes.

14 Q After that examination, what happened after that?

15 A After that, Mike took me from the hospital around to
16 areas that he thought I would be able to recognize from the
17 attack.

18 Q Did he take you to the Newport Cover area?

19 A Yes, he did.

20 Q Did he--did you direct him over by Berman and Palma
21 Vista where you thought you may have been released?

22 A Yes, I did.

23 Q And did you find the area where you had been released?

24 A We found the exact spot.

25 Q How do you know that was the exact spot?

26 A Because we found some tissues.

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1 Q And could you also remember it because--

2 MR. FADGEN: I'm going to--

3 A Yes.

4 MR. FADGEN: --I'm going to--

5 Q Had you seen the area with the tape off?

6 A No, just from what I could see from underneath my
7 nose.

8 Q After you were released, Angela, you removed the tape
9 from your eyes, didn't you?

10 A Yes, I did.

11 Q So, you could see that area after you removed the tape
12 from your eyes. Is that correct?

13 A Yes, I could.

14 Q Is this the same area?

15 A Yes, it was.

16 Q Did Detective McLaughlin attempt to find the desert
17 area where the sexual assault had--the first sexual assault or
18 second or third had occurred?

19 A Yes, he did.

20 Q And how did he do that?

21 A He blindfolded me and had me give him directions.

22 Q And was that by driving and you telling him, "Turn,
23 turn, turn"?

24 A Yes.

25 Q Kind of like that. Did you meet with Detective
26 McLaughlin the next day?

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1 A Yes, I did.

2 Q And where was this meeting?

3 A We met at City Hall, his--in the police station there.

4 Q Did he take a full taped statement at that point?

5 A Yes, he did.

6 Q Was that ultimately transcribed and did you review it?

7 A Yes, I did.

8 Q Now, Angela, did you meet with Detective McLaughlin

9 within the next week or two?

10 A Yes, he came to my house about a week and a half--a

11 few days later.

12 Q Did he--what did he do when he came to your house a

13 few days later?

14 A Actually, it wasn't my house. He came to school to

15 get me.

16 Q Okay. And what happened then?

17 A He took me from school to a lab to take a blood

18 sample.

19 Q Anything else occur in the month of November, 1983,

20 relative to this case?

21 A He blindfolded me and put me inside of a different

22 car.

23 Q He had developed a suspect vehicle. Is that what

24 you're saying?

25 A Yes.

26 Q And he blindfolded you and put you in that car?

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1 A Yes, he did.
2 Q Was it the same car?
3 A No, it was not.
4 Q And that was in November of 1983?
5 A Yes, it was.
6 Q Did he also show you a photographic line-up in
7 November of 1983?
8 A Yes, he did.
9 Q And was the individual who abducted you in that line-
10 up?
11 A No, he was not.
12 Q Now, I want to direct your attention to December 11th,
13 1983. Did you meet with Detective McLaughlin?
14 A Yes, I did.
15 Q And where did you meet with Detective McLaughlin on
16 December 11th, 1983?
17 A At my house.
18 Q Was this in the morning or afternoon?
19 A The afternoon.
20 Q Who was present?
21 A My father, my mother, and my sister.
22 Q That's Kathy and Barbara?
23 A Correct.
24 Q What happened at this time, when you met with
25 Detective McLaughlin?
26 A He showed us another photo line-up.
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1 Q Were you able to identify anyone in this photo line-
2 up, December 11th, 1983?

3 A Yes, I was.

4 Q Did you complete a statement at that time in your own
5 handwriting, recording which picture you picked out?

6 A Yes, I did.

7 Q Which picture did you pick out, number-wise?

8 A Number 2.

9 Q And was that the individual that abducted you on
10 November 14th, 1983?

11 A Yes, it was.

12 Q Did you have any hesitation in identifying?

13 A No, I did not.

14 Q When you saw the picture, you knew it was him?

15 A Yes.

16 Q And that's a picture of the defendant. Is that
17 correct?

18 A That's correct.

19 Q Angela, did you go with the defendant voluntarily on
20 November 14th, 1983?

21 A No, I did not.

22 Q Did you consent to any of the acts of sexual
23 intercourse?

24 A No, I did not.

25 Q Did you consent to the defendant taking the money
26 from your purse?

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1 A No, I did not.

2 Q And you've testified the defendant threatened your
3 family and yourself if you assisted the police in finding him.
4 Is that correct?

5 MR. FADGEN: Your Honor, I'm going to object to this line
6 of questioning. It's leading, suggestive, asked and answered.

7 THE COURT: Overruled.

8 A Yes.

9 Q And this was because of the knife that he'd displayed
10 and used against you throughout. Is that correct?

11 A That's correct.

12 MR. BLOXHAM: Your Honor, may I approach the witness with a
13 pair of scissors?

14 Q Angela, showing you what's been marked for
15 identification purposes, as State's proposed exhibit 4.

16 MR. BLOXHAM: Your Honor, for the record, we have a sealed
17 evidence bag.

18 Q I would ask you, Angela, to cut this bag open on the
19 side of the bag. There are not seals there.

20 MR. BLOXHAM: And for the record, Your Honor, we are
21 cutting the bag, Angela is cutting the bag without disturbing
22 any seals.

23 (witness cutting open evidence bag)

24 MR. BLOXHAM: Your Honor, may we have the contents marked
25 by the Clerk as State's proposed exhibits 4A, 4B, 4C, 4D, and
26 4E.

1 THE COURT: It may be marked.

2 Why don't you proceed and start questioning her as
3 she's marking the exhibits.

4 MR. BLOXHAM: Thank you, Your Honor.

5 Q Angela, showing you what's been marked for
6 identification purposes, State's proposed exhibit 4A. Would you
7 look at that pair of pants and see if they look familiar at
8 all?

9 A Yes, they do.

10 Q Do they appear to be the pants you were wearing on
11 November 14th, 1983?

12 A Yes, they are.

13 Q Have you seen them since that day?

14 A No, I have not.

15 Q Showing you State's proposed exhibit 4B, I show you
16 what looks like a pink sweater. Is that right?

17 A That's correct.

18 Q Can you identify that?

19 A Yes, I can.

20 Q And how is it you can identify that?

21 A It's got my initials in the corner.

22 Q Is that what you were wearing on October 14th, 1983?

23 A Yes, I was.

24 Q You haven't seen that since that day, either?

25 A No, I have not.

26 Q Showing you State's proposed exhibits 4C. Can you
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1 identify that?

2 A Yes, I can.

3 Q What does it appear to be?

4 A It's the bra I was wearing.

5 Q Again, you haven't seen that since that day, either.

6 Is that correct?

7 A No, I have not.

8 Q Angela, showing you State's proposed exhibit 4D. Does
9 that appear to be the panties you were wearing that day?

10 A Yes, they are.

11 Q And 4E, does that appear to be the socks that you were
12 wearing on November 14th, 1983?

13 A Yes, they are.

14 Q Angela, showing you what's been marked for
15 identification purposes as State's proposed exhibit 5, it
16 appears to be a bag. Is that correct?

17 A Yes, it is.

18 Q It appears to be sealed?

19 A Yes, it is.

20 Q Would you please open the bag, cutting along the
21 sides, without disturbing any seals?

22 (witness cutting open evidence bag)

23 MR. BLOXHAM: For the record, Your Honor, there appears to
24 be another envelope inside of this one. May we have this
25 envelope marked State's 5A?

26 Q Angela, showing you State's 5A, it appears to be a
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1 bag. Is that correct?

2 A Yes, that's correct.

3 Q And inside of it, it appears to have yet another bag.

4 MR. BLOXHAM: May we have this marked 5B? May we
5 designate this bag 5B.

6 Q And from 5B we'll remove what appears to be a
7 bandanna. Is that correct? Does that appear like a bandanna?

8 A Yes, that's correct.

9 Q Looking at this bandanna, does it look familiar at all
10 to you?

11 A Yes, it does.

12 Q And what is it about it that looks familiar?

13 A The little stars on it.

14 Q Does this appear to be similiar to the bandanna that
15 was worn by your abductor on November 14th, 1983?

16 A Yes, it does.

17 MR. BLOXHAM: Your Honor, for the record, we'll refer to
18 the bandanna as 5C. And then we'll put all of those items back
19 together and may be deposited with the Court Clerk.

20 Q Angela, showing you the bag which been marked, pre-
21 marked, as State's proposed exhibit 6, can you see where it's
22 marked that way?

23 A Yes.

24 Q We'd like to have you open this bag also by cutting
25 along the bottom without disturbing any seals, right along
26 here, on the record, please.

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1 (witness cutting open evidence bag)

2 MR. BLOXHAM: And for the record, Your Honor, State's
3 proposed exhibit 6 is in a sealed condition, also.

4 Q Removing from State's exhibit 6, appears to be two
5 bags. Is that correct?

6 A That's correct.

7 MR. BLOXHAM: May we have one bag marked 6A and the second
8 one 6B?

9 Q Angela, showing you what's been marked as State's
10 proposed exhibit 6A, do you see where it's marked that way?

11 A Yes, I do.

12 Q This appears to be a sealed bag also. Is that
13 correct?

14 A Yes.

15 Q Could I have you cut open the bottom without
16 disturbing any seals?

17 (witness cutting open evidence bag)

18 Q And the item that we'll remove from this, we'll
19 designate as 6A1. Angela, it appears to be a pair of
20 camouflage pants. Do those look familiar to you at all?

21 A Yes, they do.

22 Q Are they consistent with the type of pants worn by the
23 defendant when he abducted you on November 14th, 1983?

24 A Yes, they do.

25 Q They look like the same ones?

26 A Yes.

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1 Q Thank you.

2 MR. BLOXHAM: Pass the witness, Your Honor.

3 THE COURT: In view of the hour, counsel, and the
4 indication of length of the cross examination, we're going to
5 be in recess in this matter until 8:00 tomorrow morning.

6 MR. FADGEN: Until what time, Your Honor?

7 THE COURT: Eight o'clock.

8 During this recess, you're admonished not to talk or
9 converse among yourselves or with anyone else on any subject
10 connected with this trial, or read, watch, or listen to any
11 report of or commentary on the trial or any person connected
12 with this trial by any medium of information, including,
13 without limitation, newspaper, television, and radio, or form
14 or express any opinion on any subject connected with the trial
15 until the case is finally submitted to you.

16 We'll be in recess until 8:00 tomorrow morning.

17 (At the hour of 5:15 p.m., the Court recessed until 8:10 a.m.
18 the following day)

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1 LAS VEGAS, NEVADA, TUESDAY, SEPTEMBER 13, 1988

2 THE COURT: Counsel stipulate to the presence of the jury?

3 MR. BLOXHAM: The State would so stipulate, Your Honor.

4 MR. FADGEN: Yes, Your Honor.

5 THE COURT: Would you come forward, please.

6 Cross?

7 MR. FADGEN: Thank you, Your Honor.

8 CROSS EXAMINATION

9 BY MR. FADGEN:

10 Q Angela, let me call your attention to November 14th,
11 1983. You said you were on the way to school. Is that
12 correct?

13 A That's correct.

14 Q And at 5070 someone jumped out at you. Is that
15 correct?

16 A Yes, that's correct.

17 Q Now, was that in front of you, or did they jump out
18 and grab you from behind?

19 A That's in front of me.

20 Q Alright. And this person brandished a knife. Is that
21 correct?

22 A That's correct.

23 Q Alright. What type of shirt did he have on?

24 A I'm not quite sure. It was a dark shirt.

25 Q And did this person have a bandanna on at that time?

26 A Yes, he did.

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1 Q And could you tell me what part of the face was
2 covered by the bandanna?

3 A It was covered just to the bridge of his nose.

4 Q It covered the bridge of the nose--

5 A Well, not quite that far. Just below his eyes.

6 Q Just below--excuse me?

7 A Just below his eyes.

8 Q Alright. And it went down how far?

9 A Went down below his chin.

10 Q Did you notice anything unusual about his eyes?

11 A Yes, I did.

12 Q And what was that?

13 A For one thing, they were bloodshot. And another, they
14 were shaped--the way they were shaped.

15 Q And how was that?

16 A They're kind of an almond shape.

17 Q Excuse me?

18 A They're an almond shaped.

19 Q Alright. And how long were you confronted face to
20 face with this person?

21 A I'm not sure how long it was.

22 Q It was a matter of seconds, wasn't it?

23 A A few minutes, I'd say.

24 Q Was it a few minutes before you started to go away, or
25 was it a matter of a few seconds before you started to go away?

26 A It was probably seconds. But, time didn't matter.