

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN LANGFORD,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 70536

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APPELLANT'S APPENDIX

VOLUME II

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CERTIFICATE OF SERVICE

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ADAM LAXALT

M ONIQUE MCNEILL

STEVEN WOLFSON

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

JUSTIN LANGFORD
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

By: /S/MONIQUE MCNEILL
MONIQUE A. MCNEILL
State Bar # 9862

1 Krueger. Sean Krueger was a friend of yours?
2 A Yes.
3 Q I mean, he was older than you?
4 A Yes.
5 Q Okay. He was an adult?
6 A Yes.
7 Q Okay. And he would sometimes come to your house on
8 Hill Street?
9 A Yes.
10 Q Okay. You kind of had a crush on him?
11 A Yes.
12 Q Do you -- and you would talk to your friends about
13 him?
14 A No.
15 Q You would not talk to your friends about him?
16 A No.
17 Q You in fact talked to Nakita Williams about him?
18 A I mentioned him.
19 Q You mentioned him. Okay. Is that not the same as
20 talking?
21 A I'm not sure.
22 Q Okay. Nakita's older than you?
23 A Yes.
24 Q Okay. By about two years?
25 A Yes.

1 Q She would sometimes ride the bus with you?
2 A Yes.
3 Q And you told Nakita that Sean had touched your
4 breasts at one time?
5 A No.
6 Q Sean never touched your breasts?
7 A No. I don't recall.
8 THE COURT: Okay. I got a double negative there.
9 MS. McNEILL: Sorry. I'm terrible with that.
10 BY MS. McNEILL:
11 Q Did Sean ever touch your breasts?
12 A I don't recall.
13 Q You don't recall. Okay. There were a lot of rules
14 in your house, weren't there?
15 A Yes.
16 Q When you lived at grandma's you didn't have that
17 many rules?
18 A Not many.
19 Q But Justin had a lot of rules?
20 A Yes.
21 Q Justin had rules about friends you could spend time
22 with?
23 A Yes.
24 Q He had rules about when you could go places?
25 A Yes.

1 Q He was very strict?

2 A Yes.

3 Q You weren't allowed to have a cell phone?

4 A No.

5 Q You weren't allowed to have a Kindle?

6 A No.

7 THE COURT: I've got a bunch of double negatives

8 there.

9 MS. McNEILL: I'm sorry. I'm trying to lead, not

10 direct. So I don't know how to do that.

11 THE COURT: Okay. I appreciate we're dealing with a

12 child here.

13 MS. McNEILL: Yes.

14 BY MS. McNEILL:

15 Q You did not have a cell phone?

16 A No.

17 Q Okay. Did you have a Kindle?

18 A Yes.

19 Q Do you remember saying to the police that you just

20 wanted to get away from him?

21 A Yes.

22 Q In fact you -- but you wanted to stay in

23 Searchlight?

24 A Yes.

25 Q With your friends. He was always yelling at you.

1 A Yes.

2 Q He treated Kaylie very differently, didn't he?

3 A Yes.

4 Q He -- she was his angel I think you said.

5 A Sort of.

6 Q His princess?

7 A Yes.

8 Q In fact she would get you in trouble with Justin?

9 A Yes.

10 Q She would tell on you?

11 A Yes.

12 Q She would blame you for things she did?

13 A Yes.

14 Q And he treated you two very differently?

15 A Yes.

16 Q Do you remember saying that nothing was right unless

17 Heather's in trouble?

18 A No.

19 Q You don't remember saying that? Would it refresh

20 your recollection to look at your statements?

21 A Yes.

22 MS. McNEILL: If I may approach, Your Honor?

23 THE COURT: Sure.

24 BY MS. McNEILL:

25 Q Does that help you remember?

1 A Yeah.

2 Q Yes? Okay. So he wouldn't let you spent time with

3 Xylie?

4 THE COURT: Can you hear -- make sure you don't --

5 okay.

6 MS. McNEILL: Sorry.

7 THE COURT: That's all right.

8 BY MS. McNEILL:

9 Q He -- you did not get to spend time with Xylie?

10 A No.

11 Q And nothing was right unless Heather was in trouble?

12 A Yes.

13 Q Do you have a cell phone now?

14 A Yes.

15 Q Do you have a Kindle now?

16 A No.

17 MS. JOBE: I'm going to object to relevance.

18 THE COURT: I'm sorry. I didn't hear her.

19 MS. JOBE: Objection to relevance.

20 THE COURT: Overruled.

21 MS. McNEILL: Thank you, Your Honor.

22 BY MS. McNEILL:

23 Q Now you have a cell phone?

24 A Yes,

25 Q And now you have a Kindle?

1 A No.

2 Q No? Okay. Last thing, Heather, I want to show you

3 some pictures.

4 If I may approach?

5 THE COURT: You may.

6 BY MS. McNEILL:

7 Q Okay. I'm showing you what's marked as Defense

8 Proposed Exhibit A. Do you recognize that photo?

9 A Yes.

10 Q Is that a photo of you?

11 A Yes.

12 Q Okay. And is that a photo from your Facebook page?

13 A Yes.

14 Q And I'm showing you Defense Proposed Exhibit B. Is

15 that you?

16 A Yes.

17 Q Okay. And is that also a photo from your Facebook

18 page?

19 A Yes.

20 Q And Defense Proposed Exhibit C. Same thing, is that

21 you?

22 A Yes.

23 Q And is that also from your Facebook?

24 A Yes.

25 MS. McNEILL: And, Your Honor, at this time I would

1 move to admit Defense Proposed Exhibits A through C.

2 MS. JOBE: Your Honor, I'd just ask the record to
3 reflect the State's objection.

4 THE COURT: Okay. They're admitted.

5 (Defendant's Exhibits A, B, and C admitted)

6 MS. McNEILL: Thank you. May I publish, Your Honor?
7 Move to publish.

8 THE COURT: Yes.

9 BY MS. McNEILL:

10 Q I'm going to show you Defense Exhibit A. And you
11 indicated that's from your Facebook page?

12 A Yes.

13 Q And Defense Exhibit B. Same thing, that's a picture
14 from your Facebook page?

15 A Yes.

16 Q And Exhibit C. Also from your Facebook?

17 A Yes.

18 Q And these are recent photos?

19 A A month or two ago.

20 MS. McNEILL: Okay. Court's indulgence, Your Honor.

21 THE COURT: Sure.

22 MS. McNEILL: Nothing further, Your Honor.

23 THE COURT: Okay. Before you say that, counsel
24 would you please approach?

25 MS. McNEILL: Yes.

1 (Bench Conference)

2 THE COURT: I was going to say, you never turn it on

3 when I tell you to turn it on.

4 Okay. "Has Justin ever hit your mother before,

5 since you were worried about this happening if you told?"

6 MS. JOBE: Which juror number is that?

7 THE COURT: 14. I don't know if you want that read.

8 MS. JOBE: I believe so. I believe it's part of the

9 bad acts motion.

10 MS. McNEILL: There was a -- they did agree to talk

11 about hitting --

12 MR. BURTON: In general.

13 MS. JOBE: But not specifically the trying to break

14 her arm.

15 MS. McNEILL: Right.

16 THE COURT: Okay. So you don't want that read.

17 MS. JOBE: Yes, please read it.

18 THE COURT: Okay. Next one. It says, "how long was

19 Heather in school -- public school," that is, "before

20 informing friends of incident?"

21 "Heather --" and then the next question, "Heather

22 had first stated at six years of age subject was brought up.

23 Subject of sex? By whom? Currently do not understand when

24 sexual assault occurred. If not, what subject is she

25 referring to?"

1 MS. JOBE: What juror number is that?
2 THE COURT: 1.
3 MS. McNEILL: I think I can clarify that more.
4 Because she did say it was just the subject, and then I
5 thought I said, well, no, you said the incident. So I can ask
6 her about that.
7 MS. JOBE: Okay. And then I was going to clean up
8 the age thing anyway.
9 THE COURT: Do you want to clean this up, then? And
10 you can ask it in new words.
11 MS. JOBE: Yeah. I would prefer that.
12 THE COURT: Okay. And I'll ask this question.
13 MS. JOBE: Sure.
14 THE COURT: Okay. Why don't we mark these, and then
15 I will -- we'll give this to you; okay?
16 MS. JOBE: Okay.
17 THE COURT: Did you want to question further give
18 these?
19 MS. McNEILL: Well, if she's going to clarify that,
20 I'm going to have some recross.
21 THE COURT: Well, I know. You're going to have a
22 recross.
23 MS. McNEILL: Yeah.
24 THE COURT: You'll have an opportunity to do that.
25 MS. JOBE: Or did you want to talk to her about it

1 now?

2 MS. McNEILL: And then I'll just recross.

3 MS. JOBE: All right.

4 THE COURT: Okay.

5 (End of bench conference)

6 THE COURT: Next in order and then this will be 4.

7 Okay. Heather, has Justin ever hit your mother

8 before, since you were worried about this happening if you

9 told?

10 THE WITNESS: Yes.

11 THE COURT: Okay. Any further questions, Ms.

12 McNeill?

13 MS. McNEILL: No, Your Honor.

14 THE COURT: Ms. Jobe.

15 MS. JOBE: Yes, please.

16 THE COURT: Redirect.

17 REDIRECT EXAMINATION

18 BY MS. JOBE:

19 Q Heather, I'm going to jump around a little bit.

20 Okay?

21 A Okay.

22 Q So if you don't understand where I'm going or what I

23 said, just ask. All right?

24 A Okay.

25 Q Okay. Ms. McNeill was asking you questions about

1 your statements and how old you said you were when everything
2 started. Is that -- do you remember that?

3 A Yes.

4 Q And she showed you your transcript, and in your
5 transcript you said something about six or maybe seven or
6 maybe eight; is that right?

7 A Yes.

8 Q Okay. You were living with your grandma in
9 Searchlight; correct?

10 A Yes.

11 Q Did anything happen with Justin while you were
12 living with your grandma in your grandma's house in
13 Searchlight?

14 A No.

15 Q Okay. Do you remember how old you were when you
16 moved in with your mom, Justin, and Kaylie?

17 A I believe eight or so.

18 Q Eight or so? Is that fair?

19 A Yes.

20 Q Okay. And then since the incidents with Justin
21 didn't happen at your mom's house, did they start after you
22 moved -- or sorry, strike that.

23 You said nothing happened when you were living at
24 your grandma's house; right?

25 A Yes.

1 Q Okay. And that things started happening after you
2 moved in with your mom and Justin when you were about eight or
3 nine; fair?

4 A Yes.

5 Q Okay. And when you talked about six -- when you
6 were about six some things came up. What things came up?

7 A My cousin and what she said at our rec center.

8 Q When you were six -- were you living with Justin
9 when you were about six or seven?

10 A No.

11 Q Okay. Did he live with -- I apologize. Did he live
12 with you at your grandma's house for a time?

13 A For a short time.

14 Q And would you ever get in trouble from Justin over
15 just things you said?

16 A No.

17 Q Would you ever get in trouble if you were talking
18 about adult things or things you thought kids shouldn't talk
19 about?

20 A No. I didn't talk about that kind of stuff.

21 Q Okay. Then how did Justin know about this incident
22 with Ashley?

23 A Her mom told him.

24 Q Okay. And did you get in trouble then?

25 A Yes.

1 Q And what did you get in trouble for?

2 A Because I said -- I repeated what my cousin Ashley

3 said to me.

4 Q Okay. And what kind of trouble did you get in?

5 A I don't remember.

6 Q Okay. Generally speaking, when you got in trouble

7 with Justin what was the trouble? What would happen?

8 A I would get screamed at and punished.

9 Q What kind of punishment?

10 A Standing on the wall or sitting in my room for

11 hours.

12 Q All right. And what did Ashley say?

13 A She told me that she wanted to have sex with one of

14 the boys in Searchlight. And then I told her mother.

15 Q So -- and just to make sure I understand, Ashley

16 said she wanted to have sex with some boy in Searchlight;

17 right?

18 A Yes.

19 Q You told Ashley's mom. Why did you tell Ashley's

20 mom?

21 A Because I didn't think it was something Ashley

22 should have said.

23 Q At that time did you know what sex was?

24 A Not really.

25 Q What did you think or understand sex to be at that

1 time?

2 A What I understood was it's how -- that's how we were
3 made, and that was all I got out of it.

4 Q "We" meaning kids or something?

5 A Yeah.

6 Q Okay. All right. And when you testified at the
7 preliminary hearing about these incidents do you recall
8 testifying that you were eight years old when they started?

9 A Yes.

10 Q And that you moved out of your grandma's house when
11 you were eight?

12 A Yes.

13 Q All right. Like I said, I'm going to jump around.
14 So bear with me.

15 Ms. McNeill asked you questions about what time of
16 day it was when Justin would sexually abuse you. Do you
17 remember her asking about that?

18 A Yes.

19 Q Okay. And she asked if you said -- you said it was
20 varied as to what time of day it would happen?

21 A Yes.

22 Q And do you recall why you would or wouldn't know
23 what time of day it was?

24 A No.

25 Q Okay. On the -- where you lived at 390 Hill Street

1 was there anything on the windows?

2 A Yes.

3 Q What was on the windows?

4 A Blankets and foil.

5 Q Would you be able to see the sun through the

6 blankets and windows?

7 A At peaks and spots.

8 Q I'm sorry.

9 A At spots.

10 Q Okay. So not everywhere in the house.

11 A No.

12 Q Did that make it hard to know what time it was?

13 A Yes.

14 Q Now, as for your sister, there's a question about

15 whether -- that Kaylie heard you yell; right?

16 A Yes.

17 Q And if Kaylie asked you about it, asked if you were

18 okay. Do you remember that?

19 A Yes.

20 Q Did you tell Kaylie what was going on?

21 A No.

22 Q I'm probably bad with math, but as of today how old

23 is Kaylie?

24 A Eight.

25 Q All right. And when you talked to CPS that was in

1 January of 2014; right?

2 A Yes.

3 Q So Kaylie would have been six; is that right?

4 A Yes.

5 Q And this yelling or screaming or her being concerned
6 about you was before you talked to CPS; right?

7 A Yes.

8 Q Do you remember how old she was, or was she just six
9 or younger?

10 A Six or younger.

11 Q Now, Ms. McNeill also asked you about wanting to
12 talk to a counselor.

13 A Yes.

14 Q Did you ever get to talk to the counselor?

15 A No.

16 Q Why not?

17 A She wasn't in the office. It was the nurse.

18 Q Okay. So the counselor wasn't at school that day or
19 wasn't at least in her office that day?

20 A Yes.

21 Q And who told you to talk to the counselor?

22 A Xylie and Meagan.

23 Q Ms. McNeill also asked you if you'd heard about
24 other people or other kids being raped and people being taken
25 out of the home and stuff; right?

1 A Yes.

2 Q Okay. About Raven, did you know any details of what
3 happened or how she was raped?

4 A Not really.

5 Q What do you mean by not really?

6 A I know she wasn't raped, she was abused.

7 Q Okay. What do you mean by abused?

8 A She was hit, forced to do things like a slave,
9 beaten.

10 Q I'm sorry.

11 A Beaten and starved.

12 Q Okay. So is that what you knew about Raven at the
13 time?

14 A Yes.

15 Q And it was your understanding based on at least what
16 Raven told someone that that helped Raven out?

17 A Yes.

18 Q And as far as you knew. was Raven -- after she told
19 someone was she then -- didn't have to deal with those kinds
20 of things?

21 A Yes.

22 Q And as far as Emily and -- was it Lisa in the
23 cafeteria?

24 A Yes.

25 Q What conversation was that?

1 A We didn't have much of a conversation.

2 Q Okay. Well, what in general did you talk about?

3 A I don't remember.

4 Q One second. Would it refresh your memory to look at
5 your statement?

6 A Yes.

7 MS. JOBE: 51 and 52 of the preliminary hearing, Ms.
8 McNeill.

9 BY MS. JOBE:

10 Q All right. If you could look at page 51 and that
11 line, line 20, and go to over here on 52; all right? Let me
12 know when you're done.

13 A I'm done.

14 Q All right. And does that refresh your memory?

15 A Yes.

16 Q Okay. What was the conversation with Emily and Lisa
17 in the cafeteria?

18 A I told them the big picture, but they don't know any
19 details.

20 Q I'm sorry.

21 A I told them the big picture, but they don't know any
22 details.

23 Q So you told them the big picture about you?

24 A Yes.

25 Q Okay. And when you say big picture, what was the

1 big picture?

2 A Just that he had done something to me.

3 Q Okay. And is that referring to Justin, or someone

4 else?

5 A Justin.

6 Q Okay. And so you tell Emily and Lisa in the

7 cafeteria the big picture; right?

8 A Yes.

9 Q And did they tell you about some friend of theirs?

10 A Yes.

11 Q All right. And what did they tell you about the

12 friend?

13 A That the friend was lying to somebody saying she got

14 raped by somebody.

15 Q Oh. And so is that how it came up that you told

16 them the big picture with Justin?

17 A Yes.

18 Q Did they tell you -- did they tell you any details

19 of how this person was supposedly raped?

20 A No.

21 Q Did they just talk about big picture and use the

22 words "raped"? Is that what happened, or something else?

23 A Yes. That's what happened.

24 Q All right. Now, when you talked to the cafeteria --

25 sorry, not the cafeteria, the school nurse; correct?

1 A Yes.

2 Q Ms. McNeill -- and I'm probably -- I'm not good with
3 exact quotes so she'll correct me if I get it wrong, but she
4 asked you a question, did you tell the cafeteria -- sorry, the
5 school nurse that you were telling her now because Justin was
6 going to be leaving?

7 A Yes.

8 Q I believe you said that that was one of the things;
9 correct?

10 A Yes.

11 Q Where was Justin supposed to be going?

12 A A trucking job.

13 Q How long was he supposed to be gone?

14 A I don't remember.

15 Q As you knew, was it going to be a while?

16 A I believe so.

17 Q And was that -- when was he supposed to leave?

18 A I don't remember quite when.

19 Q Was it close in time to when this all came out?

20 A Yes.

21 Q All right. And when you talked to the school nurse
22 did you tell her you were planning on telling your mom about
23 it once Justin was out of the house?

24 A Yes.

25 Q And why were you waiting until Justin was out of the

1 house?

2 A I didn't want her to try to do something about it
3 and get into a fight with him.

4 Q Okay. And was that based on what you'd seen and
5 heard between your mom and Justin?

6 A Yes.

7 Q Had you ever seen your mom and Justin get into an
8 argument?

9 A Yes.

10 Q And I believe when the Judge asked you a question
11 you said you'd seen Justin hit your mom; is that correct?

12 A Yes.

13 Q Now. when you were asked if he made any threats or
14 told you anything, Ms. McNeill showed you your transcript
15 where you said he told you not to tell or hurt you, but that's
16 probably what he's thinking. Did Justin say anything to you
17 about telling or not telling?

18 A He said not to tell anybody.

19 Q Okay. And did he tell you he was going to hurt you
20 or do anything?

21 A No.

22 Q Okay. Why did you -- why did you think that if you
23 tell, then he'll hurt you?

24 A He was aggressive with telling me not to tell
25 anybody.

1 Q What do you mean "aggressive with telling me not to
2 tell"?

3 A He would act as if he would have done something if I
4 had told.

5 Q Okay. Had he ever -- had he ever hurt you before
6 outside of this situation?

7 A No.

8 Q Had he ever -- did he ever hit you?

9 A Not that I remember.

10 Q Ms. McNeill was asking you about the night before
11 you talked to the school nurse and that there was a fight
12 between you and Justin.

13 A Yes.

14 Q Okay. And then when she was asking you questions
15 she asked you if Justin had pushed you or hit you the night
16 before; is that correct?

17 A Yes.

18 Q And did he do that?

19 A I don't remember.

20 MS. JOBE: All right. Court's indulgence. Page 12
21 of her voluntary, Ms. McNeill.

22 BY MS. JOBE:

23 Q Have you read page 12, starting there, and read to
24 there; okay? Let me know when you're done.

25 A I'm finished.

1 Q Are you done?

2 A Yes.

3 Q Okay. And does that refresh your memory?

4 A Yes.

5 Q So did Justin hit you or slap you or push you?

6 A Yes.

7 Q And that was the night before you talked to the

8 school nurse; correct?

9 A Yes.

10 Q Was that the first time he'd done it?

11 A I believe so.

12 Q Now, Ms. McNeill asked you the last time something

13 happened with Justin. I believe you said that was in January

14 of 2014; is that correct?

15 A Yes.

16 Q Okay. And what happened? What did he do?

17 A I don't remember.

18 Q Did you talk to CPS about what he did?

19 A I think so.

20 MS. JOBE: All right. Page 38, Ms. McNeill.

21 MS. McNEILL: What page did you say?

22 MS. JOBE: 38 of her voluntary, Officer Black.

23 MS. McNEILL: Okay. Thank you.

24 BY MS. JOBE:

25 Q Start here and read to there; okay?

1 A I'm done.

2 Q Does that refresh your memory?

3 A Yes.

4 Q Okay. What happened with Justin in January of 2014?

5 A We were watching an animal show and he called me
6 back to the room and he spread baby oil over everything.

7 THE COURT: Could you say it again. You're very
8 soft spoken. I'm having trouble hearing you.

9 THE WITNESS: Yes, ma'am. We were watching an
10 animal show and he called me back to the room, but I pretended
11 not to hear him because I didn't want to go back there, and
12 then he called me again, so I went back there and closed the
13 door like he told me to, and then I did what he told me to.
14 BY MS. JOBE:

15 Q And what was that that you did?

16 A To let -- to take my clothes off and lay down on the
17 bed.

18 Q Okay. When you laid on the bed were you on your
19 back, or on your stomach, or your side?

20 A I believe I was on my back.

21 Q Okay. And when you were on your back he told you to
22 take off your clothes?

23 A Yes.

24 Q Okay. And did you take off your clothes before you
25 got on the bed?

1 A Yes.

2 Q And what did Justin do?

3 A He laid on top -- he got on the bed and spread baby
4 oil all over the both of us.

5 Q Okay. And once he spread the baby oil what
6 happened?

7 A He laid on top of me and put his penis between my
8 legs and started thrusting up and down.

9 Q Did you have to lay on the towel that time?

10 A Yes.

11 Q Did he -- where did the towel come from?

12 A The drawer.

13 Q Is that the drawer in the dresser that we talked
14 about?

15 A Yes.

16 Q Did Justin -- before -- did he ejaculate that time?

17 A Yes.

18 Q Okay. And before or when this would be happening
19 with Justin would he say anything or make any sounds?

20 A No.

21 Q Do you recall telling CPS that he would make sounds
22 while he was rubbing back and forth?

23 A Not really.

24 Q Would it refresh your memory to look at the
25 transcript?

1 A Yes.

2 Q I'll give you the page in one second.

3 MS. JOBE: Page 30 of her voluntary.

4 BY MS. JOBE:

5 Q If you could read the bottom portion over to the top

6 of the next page.

7 Done?

8 A Yes.

9 Q Does that refresh your memory?

10 A Yes.

11 Q And what -- would he say anything or make any

12 sounds?

13 A He made a sound.

14 Q And what sound -- what type of sound, or how would

15 you describe that sound?

16 A Gasping sound.

17 Q All right. Now, all these incidents that happened

18 with Justin, going back to the timeline thing, you said around

19 -- when you moved in with your mom and Justin; right?

20 A Yes.

21 Q And then the last time that happened was in January

22 of 2014; correct?

23 A Yes.

24 Q Okay. Did it only happen when you were eight and

25 then again in January 2014, or did it happen throughout all

1 those years?

2 A Throughout.

3 Q And of all the things we've talked about today, all
4 the different acts, did everything happen one time, or more
5 than one time?

6 A More than one time.

7 Q And that includes what you talked about the last
8 incident on the bed with the laying on your back and the
9 rubbing his penis in between your legs?

10 A Yes.

11 Q Does that also include the touching with his hand?

12 A Yes.

13 Q And the other stuff we talked about earlier?

14 A Yes.

15 Q Now, after you talked to CPS and did this interview
16 did you have a -- did you go see a doctor and have an exam
17 done?

18 A Yes.

19 Q And was that a couple days after you talked to CPS?

20 A Yes.

21 Q And do you remember -- did you have to go back to
22 the CPS offices for that exam?

23 A I don't remember.

24 MS. JOBE: Okay. Court's indulgence. Just one more
25 question.

1 BY MS. JOBE:

2 Q Did anyone ever ask you to rub a Q-tip or something
3 in your mouth?

4 A Yes.

5 Q Who was that?

6 A I don't remember his name, but he was one of the
7 officers.

8 Q Okay. And did you do that for him?

9 A Yes.

10 Q And then did he keep the Q-tip?

11 A I believe so.

12 MS. JOBE: Okay. Thank you.

13 THE COURT: Before you say no further questions why
14 don't you please approach and turn off microphones.

15 (Bench Conference)

16 THE COURT: Did you go through those -- that area
17 that was in the jury questions?

18 MS. JOBE: Yeah. I went through the timeline.

19 THE COURT: Okay. Okay. There's one from Juror 13.
20 I don't think we can use it. "Is Justin an alcoholic or does
21 he use drugs?" I don't think we should --

22 MS. McNEILL: Can I ask -- may I ask the Court a
23 favor?

24 THE COURT: What?

25 MS. McNEILL: I appreciate the jurors' interaction,

1 but it seems like we kind of answer some of their questions
2 with our questions. So if they could hold their questions
3 until we're all done with the witness.

4 THE COURT: Well, the problem is if they hold them
5 until you're done with the witness and the witness is off the
6 stand, unless there's another witness that can testify of
7 particular --

8 MS. McNEILL: No. No. Not until the witness
9 leaves, but like have the witness like hang out for a minute.

10 THE COURT: To read the question.

11 MS. McNEILL: Yeah. Until we're done questioning,
12 and then get all the --

13 THE COURT: Well, we could do that if you want, and
14 then we could do -- you know, wait until the end, but okay. I
15 mean, if that's causing a problem, I don't have a problem with
16 that.

17 MS. JOBE: It's just a little disruptive when I'm
18 trying to focus on her and the jury's like trying to shove a
19 question to me. I'm like --

20 THE COURT: Well, they're very interested.

21 MS. JOBE: Which I appreciate. So --

22 THE COURT: Okay. Well, we're not going to ask this
23 one.

24 MS. JOBE: Okay. Thank you.

25 THE COURT: Okay. By the way, it is almost 12:00.

1 So if that's your last question, we're going to go ahead and
2 break for lunch.

3 MS. JOBE: I don't know how long their redirect is.

4 MS. McNEILL: My recross is not that long.

5 THE COURT: I've got a meeting at noon. Sorry.

6 MS. JOBE: Oh. Okay.

7 MS. McNEILL: All right.

8 THE COURT: Okay. Unless you -- and, Ms. McNeill,
9 you think you're going to be five minutes?

10 MS. McNEILL: I don't know. It'll be longer than
11 five minutes.

12 THE COURT: Okay.

13 (End of bench conference)

14 THE COURT: Any further questions from the
15 prosecution?

16 MS. JOBE: No, Your Honor.

17 THE COURT: Okay. Ladies and gentlemen, we're going
18 to go ahead and break for lunch. I think the defense will be
19 a little bit longer on recross. So I'd like you back here at
20 1:15.

21 During this period of time you are admonished not to
22 talk or converse among yourselves or with anyone else on any
23 subject related to the trial, or read, watch, or listen to any
24 report of or commentary on the trial by any medium of
25 information, including, without limitation, newspapers,

1 television, the Internet, and radio, or form or express any
2 opinion on any subject related to the trial until the case is
3 finally submitted to you.

4 And we'll see you back here at 1:15.

5 (Jury recessed at 11:56 a.m.)

6 THE COURT: Let the record reflect that the jury's
7 left the courtroom.

8 And, Heather, you may step down. All right. And we
9 need you back here at 1:15; okay?

10 And I need to talk to the lawyers for about one
11 minute. Okay. Counsel, we had talked on the bench that you
12 prefer that the questions be asked at the end of the
13 questioning with the witness.

14 MS. JOBE: Yes, please.

15 MS. McNEILL: Yes, Your Honor.

16 THE COURT: Okay. Is that going to cause any
17 problems appellatewise? I mean, what if there's something
18 that is asked that you want to follow up on?

19 MS. JOBE: We can still -- I'm open to the followup
20 part. It just is -- I know with my redirect of Heather I was
21 answering a couple of the questions that the jurors had asked,
22 and so it's -- like I said at the bench, it's a little
23 distracting when I'm trying to redirect Heather or talk to the
24 witness and jurors are shoving their papers up trying to hand
25 them to me and Officer Black crossing, which he's doing an

1 amazing job. I would just like to get our total questions
2 out, and then any followup they have once they ask the
3 questions we can do followup from there.

4 THE COURT: Okay. There is a question, by the way,
5 from Juror Number 10. "Was there ever any vaginal
6 intercourse?"

7 MS. JOBE: He's not charged with vaginal
8 intercourse, Your Honor.

9 THE COURT: Okay.

10 MR. BURTON: [Inaudible]

11 MS. JOBE: Correct.

12 THE COURT: Well, I'm just saying that there is a
13 juror question on that.

14 MS. McNEILL: Okay. And I think my objection would
15 be that that's asked and answered. I mean, she didn't testify
16 to any -- sorry. She didn't testify to any vaginal
17 intercourse, and I think Ms. Jobe even asked, you know, did
18 the penis go inside or outside, and she -- so I think it's
19 been asked and answered.

20 THE COURT: Well, I understand. But the juror is
21 asking the question. Do you want me to ask it before you
22 start questioning? Or I could just simply say that the
23 defendant is not being charged with committing the crime of
24 having vaginal intercourse. How do you want me to handle it?

25 MS. JOBE: I can do -- Your Honor, I can just ask

1 Heather the one question. Because the last things I was
2 asking her about was the last incident in January 2014
3 involving whether -- I'm guessing where she got that question
4 from, and I can just clarify with Heather that he never
5 penetrated.

6 THE COURT: Are you okay with that?

7 MS. McNEILL: That's fine.

8 THE COURT: Okay. We'll do that after we get back,
9 and I need that question if you have not returned it back to
10 the court clerk.

11 MS. JOBE: I didn't get a question. Did I get a
12 question?

13 THE COURT: I thought that I gave you one.

14 MS. JOBE: I just went based off memory.

15 THE COURT: Do we have all the questions? Oh.
16 Okay.

17 THE CLERK: I have five, Your Honor, not six.

18 THE COURT: Okay. I just want to make sure that we
19 have them all. There was -- let me see. Because I know which
20 one I -- oh. It was, "How long was Heather in school, public,
21 before informing her friends of incident? Heather at first
22 stated at six years of age subject was brought up, subject of
23 sex. By whom? Currently do not understand when sexual
24 assault occurred. If not, what subject is she referring to?"

25 MS. JOBE: I apologize. I asked the latter half to

1 clean up the time frame. I didn't ask about how long she'd
2 been in school before she disclosed.

3 THE COURT: Did you want to ask that question? You
4 don't have to ask these. I pass them to you. If you don't
5 deem it appropriate, we won't ask it, but if you think it'd be
6 okay.

7 MS. JOBE: I think we can clear up the issue with
8 another witness. Because we've already established she talked
9 to the CPS investigator January 21st of 2014, and we can
10 clarify when she went back to school through the mom.

11 THE COURT: Okay. It's your case, so -- all right.
12 I'll see you later.

13 MS. JOBE: Thank you.

14 MS. McNEILL: Thank you, Your Honor.

15 (Court recessed at 12:00 p.m., until 1:15 p.m)

16 (Jury is not present)

17 THE COURT: Okay. Counsel, are you ready to
18 proceed?

19 MS. JOBE: Yes, Your Honor.

20 MS. McNEILL: Yes, Your Honor.

21 THE COURT: Why don't we bring the witness in first.
22 We'll set her up, and then we'll bring the jury in.

23 Why don't you come on up here, ma'am. Have a seat.

24 Okay. Let's bring that jury in.

25 Are you going to ask the one question, Counsel?

1 MS. JOBE: Yes. I had one followup, as well, Your
2 Honor.

3 THE COURT: Any problem with that?

4 MS. McNEILL: No, Your Honor.

5 THE COURT: Okay.

6 (Jury reconvened at 11:20 a.m.)

7 THE COURT: Will counsel please stipulate to the
8 presence of the jury?

9 MS. JOBE: Yes, Your Honor.

10 MS. McNEILL: Yes, Your Honor.

11 THE COURT: All right. You all may be seated.

12 And, Heather, I just want to remind you again you've
13 been sworn, okay.

14 Counsel, you had a couple other questions?

15 MS. JOBE: I did, Your Honor. Thank you.

16 REDIRECT EXAMINATION (Continued)

17 BY MS. JOBE:

18 Q Okay, Heather. Just before we left for the break we
19 were talking about the last time something happened with you
20 and Justin in January of 2014. Remember those questions?

21 A Yes.

22 Q All right. And tell me if misclarify or misstate
23 something, but your testimony before you left is that you were
24 on your back with the baby oil with Justin on top of you
25 thrusting back and forth with his penis between your legs. Is

1 that fair?

2 A Yes.

3 Q And did his penis touch any part of your private
4 area?

5 A Yes.

6 Q Did it go inside of your private area?

7 A No.

8 Q Now, Ms. McNeill asked you about a conversation you
9 had with Nikita. Do you remember those questions?

10 A No.

11 Q Okay. Sorry. It's been a long day for you.
12 Is Nikita someone who is your friend?

13 A Yes.

14 Q Okay. And did you ride the bus back and forth from
15 Searchlight to Boulder City with Nikita sometimes?

16 A Yes.

17 Q And as far as you know, was Nikita -- did she come
18 back to Searchlight after you talked to CPS?

19 A Yes.

20 Q When you spoke with Nikita on the bus did you ever
21 talk to her about Sean?

22 A No.

23 Q Do you remember having -- or did you have at least a
24 conversation somewhere with Nikita about Sean and how you
25 liked him?

1 A No.

2 Q Do you remember telling Nikita that Sean had kissed
3 you one time?

4 A No.

5 Q Do you remember saying that Sean -- well, did Sean
6 ever kiss you?

7 A Yes.

8 Q And where did Sean kiss you?

9 A On the lips.

10 Q Do you want to be here today?

11 A No.

12 Q Why not?

13 A I'm scared.

14 MS. JOBE: I'll pass the witness.

15 THE COURT: Recross?

16 MS. McNEILL: Thank you, Your Honor.

17 RECROSS-EXAMINATION

18 BY MS. McNEILL:

19 Q Heather, I just want to clarify a few things that I
20 think there's some confusion about when we talked about you
21 speaking to the police and telling them the first time that
22 you were raped. And I asked you if you said you were six, and
23 you said that you were six years old the first time the
24 subject came up. But what you specifically told the police
25 officers when you spoke to them in January 2014 was that the

1 first time you were raped you were six; correct?

2 A Yes.

3 Q And then they asked again, "So you were six the
4 first time?" And you said yes, you were six.

5 A Yes.

6 Q And what they were talking about was not the first
7 time the subject came up with Ashley, but the first time that
8 you were raped.

9 A Yes.

10 THE COURT: What did you say?

11 THE WITNESS: Yes.

12 THE COURT: Okay. Make sure you speak up, okay.

13 THE WITNESS: Sorry.

14 BY MS. McNEILL:

15 Q And that incident with Ashley, you specifically told
16 them that your punishment for that was being raped?

17 A Yes.

18 Q And then in March of 2014, two months later, when
19 you testified at the preliminary hearing, that's the first
20 time you said that it happened when you were eight; correct?

21 A Yes.

22 Q Before that preliminary hearing did you talk to
23 someone from the District Attorney's Office?

24 A I don't remember.

25 Q You indicated that the bedroom had something on the

1 windows; correct?

2 A Yes.

3 Q All right. If you were called to come back to the
4 bedroom, you would have been in another part of the house?

5 A Yes.

6 Q Did every window in the house have coverings?

7 A No.

8 Q And then you were asked about this conversation with
9 Kaylie and that she's six years old now; correct?

10 A She's eight.

11 Q Oh. Sorry. My mistake. She's eight now, and so
12 you said she would have been six years or younger. Do you
13 remember specifically saying at the time of the incident that
14 you had this conversation with Kaylie that you were eight?

15 A Yes.

16 Q And then this conversation you had about Raven, you
17 said that you knew that Raven had been abused?

18 A Yes.

19 Q And it was because she told about abuse that she was
20 removed from her home?

21 A Yes.

22 Q And taken away from a situation she didn't want to
23 be in?

24 A Yes.

25 Q Okay. Do you remember telling Ashley in July of

1 2014 that you knew how to get rid of your mom's boyfriend?
2 A No.
3 Q Okay. Do you remember being at the racetrack with
4 Ashley on the Fourth of July?
5 A Yes.
6 Q Okay. Do you remember having a conversation with
7 her about her mom's boyfriend?
8 A No.
9 Q You don't remember that conversation?
10 A No.
11 Q So you did not -- did you tell Ashley you knew how
12 to get rid of her mom's boyfriend?
13 A No.
14 MS. McNEILL: Nothing further.
15 THE COURT: You may step down, Heather. Thank you
16 very much for coming.
17 MS. JOBE: State calls Sandra Cetl.
18 SANDRA CETL, STATE'S WITNESS, SWORN
19 THE CLERK: Please state and spell your name for the
20 record.
21 THE WITNESS: Sandra Cetl, S-A-N-D-R-A C-E-T-L.
22 MS. JOBE: May I proceed?
23 THE COURT: You may.
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DIRECT EXAMINATION

BY MS. JOBE:

Q Good afternoon. What is your occupation?

A I'm a pediatrician at a couple locations here in Las Vegas. I work out of Southern Nevada Children's Assessment Center, otherwise known as the SNCAC, as well as Sunrise Children's Hospital. At both facilitates I work as a pediatrician that evaluates concerns of child abuse and/or neglect, both sexual abuse and/or physical abuse. And then I additionally work part time as an emergency room physician at Sunrise Children's Hospital's Pediatric Emergency Department.

Q What is your training and experience?

A So I earned a Bachelors of Neuroscience at UCLA, after which I went to University of Vermont for my medical degree. Once that was complete I was a medical doctor, but then continued on to a specialty residency in pediatrics at the University of Nevada here in the Las Vegas program. After graduation I attended an apprenticeship in child abuse pediatrics with a child abuse pediatrician here in town. And then I additionally attend several conferences on a yearly basis both in general pediatrics and child abuse pediatrics.

Q Fair to say you attend conferences and maintain your specialty in pediatrics and abuse and neglect over the years?

A Yes.

Q Okay. For patients you see at the Southern Nevada

1 Children's Assessment Center how do those patients come to
2 your attention?

3 A So I have a -- it's an outpatient clinic that we run
4 Mondays and Thursdays. They are by referral only through one
5 of the outside agencies, either Child Protective Services or
6 law enforcement.

7 Q When you do a -- when you receive a patient through
8 SNCAC do you have a standard procedure or protocol you go
9 through with that child? Do you even do a medical exam?

10 A Yes. We -- do you want me to go through the kind of
11 procedure?

12 Q Yeah. What the procedure of the exam?

13 A So basically -- so each appointment lasts about an
14 hour to an hour and a half. I have two nurses. Sometimes we
15 have one or two nurses, based on the day they come in. When
16 the child comes in first we get medical information, we triage
17 them, which just means their height, weight, vital signs,
18 heart rate, that kind of stuff. Just a normal doctor's
19 office. We do a visual acuity, so we have them stand and look
20 at an eye chart, make sure that they're able to see well. We
21 check their teeth briefly, also, if we have to refer anyone
22 out to any kind of other specialty services.

23 After that sometimes I talk to the patients
24 privately to obtain more medical history, and it just kind of
25 depends on the patient. After that the nurses will explain

1 the entire exam to any of our patients that we have in an age-
2 appropriate way with their clothing on before they get into a
3 gown or anything like that. We explain everything so there
4 are no secrets at clinic.

5 After that we complete the medical examination, and
6 then oftentimes I will talk to a parent afterwards and explain
7 any findings or any relevant information, and answer their
8 questions.

9 Q Now, specific to patients you receive regarding
10 disclosures of sexual abuse is the -- are the details or the
11 nature of their disclosure important to your exam and what
12 you're looking for?

13 A Yeah, the type of contact they report or any kind of
14 contact that they may have had will a lot of times guide what
15 kind of testing we do, if we have to do bloodwork or cultures
16 or anything additional.

17 Q And when you are doing an assessment on a
18 female patient who has reported sexual contact do you find out
19 their history as far as their cycle or when they started their
20 cycle?

21 A Yes.

22 Q And why would you do that?

23 A Again, you know, first and foremost we're looking
24 for patient health. And so if a young lady has not started
25 her period and she's an age that we would expect her to or

1 they've started early or they're right on time, we deal with
2 any kind of referrals that they may need or any kind of health
3 -- I guess health matters that surround that.

4 Q Now, these patients that you receive at the SNCAC,
5 do you continue to see them, or is it kind of a one-time
6 assessment and then send them on their way?

7 A It's usually a one-time assessment. If they are --
8 come back positive for some kind of infection, they return to
9 the clinic for management and then also for a followup
10 examination. If there's an injury or something that needs to
11 be followed, we will do a short followup just to make sure
12 that any infections that we've treated are cured, and then we
13 refer them out to their regular either pediatricians,
14 gynecologists, whomever they need to go see.

15 Q During the course of being a physician and being in
16 a position at the SNCAC approximately how many exams have you
17 done on sex abuse victims?

18 A It would be in the thousands at this point.

19 Q And overall generally speaking of the thousands of
20 exams that you've done is there kind of a frequency of what
21 you would consider normal physical findings versus abnormal
22 physical findings?

23 A Sure. So the classifications that are kind of made
24 when we look at anybody, they follow a normal variation,
25 normal exam, maybe a nonspecific exam, something that maybe

1 it's abnormal, maybe it's not, but we can see that in both
2 cases. They are concerning findings, and then they are going
3 to be definitive findings for some kind of forced injury. And
4 about 95 percent or about 90 percent of the exams are normal.

5 Q And what types of things may determine whether you
6 would have -- you said sometimes there are findings of forced
7 physical interaction or not. What types of things would
8 determine whether you may see them or may not?

9 A Well, at the SNCAC we see only non-emergent cases.
10 So one part of that is that enough time has gone by, we're
11 collecting evidence let's say in an emergency room a rape kit,
12 that kind of thing, that's not something that's relevant to
13 this patient and they've disclosed that something
14 inappropriate may have happened but some time has passed so --
15 a week or two weeks, more than that. So one part of -- one
16 feature of why a lot of exams are normal are, one, because if
17 there were any injuries they would have healed by the time
18 we've seen them, and the body, both female and male, tend to
19 heal very well especially in the genital area that scar tissue
20 or anything like that may not be present.

21 And then another factor is that especially with
22 children when it comes to sex abuse what is found in research
23 and experience is that a lot of times they know the person
24 that has abused them, a lot of times that person has spent
25 time what we say is grooming them or making any kind of sexual

1 contact more acceptable, so they may not injure that child to
2 either continue having access to them or for other reasons.

3 Q As far as you indicated there may be healing of the
4 genital area before -- even if there's scar tissue before the
5 patient comes to the SNCAC. How does that apply to the anus
6 or the buttocks area?

7 A The same as it would with the genitals. And in fact
8 with the anus it's an area that's supposed to be stretchy, and
9 people get constipated, have large bowel movements, things
10 like that, and we don't see any injuries or scars. Similarly,
11 even if anything enters or penetrates that area, a lot of
12 times there isn't injury. And injuries that happen don't
13 leave very pronounced scars, so it's sometimes impossible to
14 tell if there has been any kind of injury previously.

15 Q On January 23rd, 2013, were you referred a patient
16 by the name of Heather Haney with the date of birth of
17 6/22/01?

18 A Yes.

19 Q And was that referral through CPS or law
20 enforcement?

21 A I believe through both.

22 Q Okay. And you saw her at the SNCAC; correct?

23 A That's correct.

24 Q Did you -- the process you've gone through with the
25 assessment and the patient history and the triage, was all

1 that done with Heather Haney?

2 A Yes.

3 Q Okay. During the course of your contact with
4 Heather did you also do a genital exam?

5 A Yes, I did.

6 Q Okay. And what was the reason for the genital exam?

7 A So any patient that comes, again, to the SNCAC there
8 are concerns usually of some kind of sexual abuse involving
9 the genitals, and so it was for her overall health evaluation.

10 Q All right. And I apologize. I might have missated
11 it. But did you see her actually in January of 2014?

12 A Oh. It really was 2014. Yes. Sorry.

13 Q Okay. I apologize. And when you were doing this
14 exam did you find out the onset of the victim's menses or
15 menstrual cycle?

16 A Yes. I think she was -- I think it was back a year
17 previous -- or, no. Sometime in December, maybe a few months
18 prior to seeing us.

19 Q Okay. So fair to say December 2013?

20 A Yes.

21 Q All right. And when you did your examination of the
22 patient did you find -- were there any abnormal findings?

23 A Nothing overtly abnormal, no.

24 Q Okay. When you say overtly abnormal what do you
25 mean?

1 A She had some normal variations, so things that you
2 see that aren't typical of everyone but can be completely
3 normal.

4 Q Okay. When you did your examination of this victim
5 it appears from your notes that there was a notch in her
6 hymenal tissue.

7 A Yes.

8 Q Okay. And is that a normal variation, or is that
9 something concerning?

10 A Yeah. I mean, by and large -- so I guess to talk
11 about kind of the anatomy, so the hymenal tissue is skin that
12 surrounds the opening of the vagina. It's just skin. It can
13 be stretchy. It's not -- there's a hole in it already.
14 There's nothing -- it's not like a barrier or anything like
15 that. When we look at the skin that's around the vagina, so
16 the hymen, a lot of times it's just smooth and circular, but
17 just like our ears are different, you know, noses, eyes,
18 things like that have different, you know, positions and
19 features, also the hymen can, too. And so we look at the
20 hymen as a clock face, and then at some point you can have
21 little notches or divots in and out of it. If there is actual
22 tissue that's completely missing, that would be abnormal. In
23 her case, in this patient's case she had a notch at a place
24 that could it be considered, you know, a possibility from an
25 injury at some point, yeah, it's possible, but it could also

1 be a normal variation.

2 Q Would that be consistent with or inconsistent with
3 the disclosure that there was never any vaginal penetration?

4 A Consistent.

5 Q You also during the course of the genital had the
6 opportunity to examine -- or your process is to also examine
7 the anus; is that correct?

8 A That's correct.

9 Q Were there any findings or irregularities in that
10 regard?

11 A She had some findings. So around the anus we have a
12 pretty thick vein. That people is where people will get
13 hemorrhoids and those kinds of things. If someone's laying on
14 their back, as do with the types of exams that we have,
15 sometimes that vein around the anus fills with blood and it
16 just -- it pools. And sometimes examiners can look at that
17 quickly and think there may be a bruise or some kind of injury
18 there. And so what we have our patients do is sit up or move
19 around a little bit and do a couple of techniques, and if that
20 blood goes away, then we know it's just a vein that's filling
21 with blood. And that's what we saw in her case. She had a
22 lot of purple around the anus. We had her get up, move, do
23 some things, and then it went away. So it was all normal.

24 Q So you talked about the patient being on their back
25 during this examination.

1 A Yeah.

2 Q You also said that your nurses go through the
3 procedure on what the patients are going to have happen during
4 the exam before they get in the gown; correct?

5 A That is correct.

6 Q Can you just describe what the patient's position is
7 and how I guess invasive or noninvasive the procedure is.

8 A Yeah, sure. So kids who have just kind of started
9 puberty or younger tends to be a fairly -- or a noninvasive
10 exam. We have them laying on their back on an exam table. We
11 usually use stirrups or some kind of leg holders so that they
12 can move their legs out of the way for me to exam them. At
13 that point I will exam the vaginal tissue, look at the stage
14 of puberty that they're in based on pubic hair, based on kind
15 of how the skin looks down on the genitals. I will then move
16 and manipulate the skin. Sometimes I'll position it so that I
17 can see the urethra, where we pee from, the vaginal opening, a
18 and I'll move the skin around the buttocks to see the anus
19 better, after which I will use cotton swabs to take samples
20 both from the anus and from the vaginal tissue or the hymenal
21 tissue, kind of just around that area, to test for chlamydia
22 and gonorrhea, and then that's usually the conclusion of the
23 exam.

24 They will then get dressed and then have bloodwork
25 if they need it. The bloodwork's for HIV, syphilis, and

1 hepatitis.

2 Q You talked about -- and I might be misstating the
3 medical terms. We talked about the maturity or lack of
4 maturity of the genitalia. Is that fair?

5 A Yes.

6 Q Okay. And what -- did you make a determination on
7 this patient, Heather Haney?

8 A Yes. So puberty stages happen over -- we stage them
9 in five different stages. Stage 1 is baby until, you know, a
10 few months before puberty kind of starts. And then somebody
11 will -- both boys and girls will start getting some pubic
12 hairs, maybe some underarm hairs. That at Stage 2. At
13 Stage 3 there's more hair and at 4 the hair pretty much covers
14 the genitals. Stage 5 it starts looking like an adult stage,
15 that is the adult stage, and the pubic hair starts going down
16 the legs, as well. So she was at a puberty stage of about 4.

17 Q All right. Now, during the examinations of female
18 patients do you sometimes use a speculum?

19 A I do sometimes, yes.

20 Q And what is a speculum?

21 A So a speculum is what's used in gynelological
22 examinations to be able to see the inside of the vaginal
23 opening or inside of the vaginal canal, as well as the back of
24 the vagina, where something called the cervix is. It is a
25 plastic piece that kind of looks like a duck bill, I guess,

1 and then it's inserted in the vagina, opened up, and a light
2 is shined through so that we can kind of see the tissues on
3 the inside better.

4 Q Based on this -- well, you did a report and marked
5 your findings; is that fair?

6 A Yes.

7 Q And in this report it's indicated that you did not
8 use a speculum. Is there a reason why that decision was made?

9 A Yes. Because of her age and her discomfort with the
10 examination, we didn't think it was appropriate to use for
11 her.

12 Q What do you mean by discomfort with the examination?

13 A She was a bit nervous, and it was just not a -- I
14 didn't of her age and stage in puberty that making the exam
15 more invasive would have benefitted her. And we often do that
16 if this is the first time they're getting a gynecological exam.
17 If a speculum exam is not necessary, then we'd rather defer.

18 Q All right. And at the time you saw Heather she was
19 12 years old; is that correct?

20 A That's correct.

21 Q Okay. After you've done all your assessments,
22 examined her, found out about the triage and the information
23 received from the nurses did you make any findings as far as
24 whether the exam was normal, if there were nonspecific
25 findings or concerns?

1 A It was a normal exam. The concern was her
2 disclosure and what she indicated both to our medical staff,
3 as well as to I believe law enforcement in discussing her --
4 you know, the concerns of sexual abuse.

5 Q Okay. And I believe you previously testified about
6 95 percent of the exams you do are normal.

7 A About 90, 95, yeah.

8 Q Okay. And is normal -- when you have a normal exam
9 can you tell -- does that tell you anything -- strike that.
10 That's a bad way to phrase the question.

11 Fair to say based on looking at the medical -- or
12 doing the medical exam and your findings of being normal fair
13 to say as a medical profession you can't say if that's
14 consistent or inconsistent with what was discussed?

15 A Correct.

16 MS. JOBE: Thank you, Doctor.

17 THE COURT: Counsel.

18 MS. McNEILL: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. McNEILL:

21 Q You indicated that in I think it was 95 percent of
22 cases you see a normal exam; correct?

23 A Yes.

24 Q In this case you have no reason to think it wouldn't
25 be, because you were never told that there was vaginal

1 penetration; correct?

2 A I think that the patient had indicated there was
3 penile to vaginal contact, but I don't believe -- I'm not sure
4 if it went past the hymenal tissue or not.

5 Q Okay. So you didn't actuate anything -- or the
6 report doesn't actually indicate anything about actual
7 penetration; correct?

8 A Of an object past the hymen, or just a break --

9 Q Yes.

10 A No, there wasn't.

11 Q Okay. And so in fact if you had no reason to think
12 there had been penetration, you wouldn't expect to see any
13 type of findings?

14 A Regardless if there was penetration or not I
15 wouldn't expect to see findings.

16 Q And then you indicated that this was a normal exam,
17 and you didn't write anything else there, just checked a box;
18 correct?

19 A Yes.

20 Q Okay. And you indicated that you are given
21 information about what the patient tells during the interview
22 at the SNCAC; correct?

23 A I'm given, yeah, brief referral information, yes.

24 Q You don't do that interview yourself?

25 A I do talk to the patient. I did ask her a little

1 bit about the contact that I did myself, yes.

2 Q Okay. And is that what you indicated here on the
3 form that you filled out?

4 A Yes, that is correct.

5 MS. McNEILL: Court's indulgence.

6 BY MS. McNEILL:

7 Q Your background you indicated that you work at the
8 SNCAC. How long have you worked there?

9 A It'll be about five and a half years.

10 Q Okay. And that is an entity that deals just with
11 referrals from law enforcement or CPS or someone who has a
12 concern about possible abuse?

13 A Correct.

14 Q Okay. So you don't actually do any type of
15 treatment or care, like family-practitioner-type care there?

16 A At the CAC I do prescribe medications as issues may
17 come up. So if there are sexually transmitted infections, I
18 do manage and care of those. And then oftentimes kids come in
19 with coughs, colds, constipation. So we do some managed care,
20 yes.

21 Q But the purpose of that is to deal with allegations
22 of sexual abuse?

23 A Yes.

24 Q After you see a patient how often do you follow up
25 with what happened?

1 A Only if they have some kind of finding or infection.
2 Q So you don't often have any information about
3 whether or not there was sexual abuse?
4 A Correct.
5 MS. McNEILL: Nothing further.
6 THE COURT: Okay. Redirect?
7 MS. JOBE: No, Your Honor.
8 THE COURT: All right. Ma'am, you can step down.
9 Thank you.
10 Next witness.
11 MR. BURTON: Your Honor, the State calls Shayleen
12 Coon.
13 THE COURT: Shayleen Coon.
14 MR. BURTON: And, Your Honor, while she's making her
15 way in here can I approach the clerk for some exhibits?
16 THE COURT: Sure.
17 (Pause in the proceedings)
18 SHAYLEEN COON, STATE'S WITNESS, SWORN
19 THE COURT: Please state and spell your name for the
20 record.
21 THE WITNESS: It's Shayleen Coon, S-H-A-Y-L-E-E-N
22 C-O-O-N.
23 THE COURT: And, ma'am, if you would do me a favor
24 and push up to that microphone, and I need to make sure that
25 you're heard, okay.

1 THE WITNESS: Okay.

2 THE COURT: Thanks.

3 MR. BURTON: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. BURTON:

6 Q Good afternoon, Ms. Coon.

7 A Good afternoon.

8 Q Here's what I'm going to do, because this is a
9 little bit big center. I'm going to stand all the way back
10 here, okay, and you're going to stay right there. And if we
11 can hear each other, than we know that the members of the jury
12 can hear each other -- hear us. Okay?

13 A Okay.

14 Q All right. Ms. Coon, do you know Heather Haney?

15 A Yes. She's my daughter.

16 Q Is she your only daughter?

17 A Nope.

18 Q WHO else is your daughter?

19 A Kaylie.

20 Q And what's Kaylie's last name?

21 A Langford.

22 Q And Heather, is she the older or the younger
23 daughter?

24 A Older.

25 Q How old is Kaylie now?

1 A Eight and a half.

2 Q What's her date of birth?

3 A 7/5/07.

4 Q And Heather's date of birth?

5 A 6/22/01.

6 Q Ms. Coon, did you at some point live at 390 Hill

7 Street, in Searchlight, Clark County, Nevada?

8 A Yes.

9 Q Was that between June 2009 and January 2014?

10 A Yes.

11 Q Who'd you live there with?

12 A Me, my kids, Justin.

13 Q And when you say your kids you're talking about

14 Heather?

15 A And Kaylie.

16 Q And you said Justin. Do you see Justin in the

17 courtroom today?

18 A (No audible response)

19 Q Is that a yes?

20 A Yes.

21 Q Thank you. Can you please point to him and describe

22 something that he's wearing today.

23 A A white shirt, looks like a blue tie.

24 MR. BURTON: Your Honor, may the record reflect

25 identification of the defendant?

1 THE COURT: The record will so reflect.

2 MR. BURTON: Thank you.

3 BY MR. BURTON:

4 Q How did you meet the defendant?

5 A Met him through a friend. Introduced us and --

6 Q Okay. Were you living at Searchlight at that time?

7 A No. California.

8 Q Thank you. Did you at some point live with the

9 defendant in California?

10 A Yes.

11 Q At that time was Heather living with you?

12 A No.

13 Q When you met the defendant where was Heather living?

14 A With my mom.

15 Q At some point did you and Justin have a child --

16 A Yes.

17 Q -- together? Is that Kaylie?

18 A Yes.

19 Q Where were you at when you had that child?

20 A California.

21 Q And when you said that Heather was living with your

22 mom, is that -- where does your mom live?

23 A She was living in Searchlight.

24 Q At some point did you move from California to

25 Searchlight?

1 A Yes.

2 Q Do you recall when that was?

3 A May of 2008.

4 Q Was that -- did the defendant and Kaylie come with
5 you from California?

6 A Yes.

7 THE COURT: Okay. Real quick, I know in our English
8 language we have a tendency to interrupt each other all the
9 time. But I've got a great court recorder here, but she's
10 never mastered the art of taking down two people at the same
11 time. So I want to make sure that we get all of the
12 attorney's questions out and then you answer. And he's going
13 to extend the same courtesy to you. And if he doesn't, I'm
14 going to get onto him, okay.

15 All right. Go ahead, Counsel. Ask your question.

16 BY MR. BURTON:

17 Q And she'll do it, Ms. Coon. Don't doubt her, okay.
18 And I'll try very hard to ask very short questions. All
19 right?

20 Now, when you first moved to Searchlight where did
21 you live?

22 A With my mom.

23 Q Just you?

24 A No. Me, Justin, Kaylie.

25 Q Where was Heather living at that time?

1 A She was already there.

2 Q At your mom's house?

3 A (No audible response)

4 Q At some point did you --

5 THE COURT: Is that a yes?

6 THE WITNESS: Yes.

7 THE COURT: I didn't hear yes. I'm sorry.

8 MR. BURTON: Thank you.

9 BY MR. BURTON:

10 Q At some point did you move out of your mom's house

11 but still live in Searchlight?

12 A Yes.

13 Q Do you recall when that was?

14 A June of 2009.

15 Q Okay. And we're talking approximate; right? So in

16 the summer of 2009; fair?

17 A Yes.

18 Q Is that a yes?

19 A Yes.

20 Q Okay. Who moved from your grandma's house to -- or,

21 excuse me, your mom's house to another place in Searchlight in

22 summer of 2009?

23 A It was me, Justin and Kaylie first.

24 Q Okay. And is that when you moved into that trailer

25 at 390 Hill Street?

1 A Yes.

2 MR. BURTON: I'll go ahead and turn this on. Can we

3 switch over to the Elmo, please. Thank you so much.

4 BY MR. BURTON:

5 Q Okay. So showing you what's been admitted as

6 State's Exhibit 8, do you recognize it?

7 A Yes.

8 Q How do you recognize it?

9 A It's the house we live in.

10 Q Okay. Tell us a little bit about the house. We

11 heard a little bit about the house. We heard a little bit

12 already about it, but how many bedrooms does it have?

13 A Two.

14 Q And who stayed in what bedrooms?

15 A The master bedroom was me and Justin. The other

16 room was the kids', Kaylie and Heather.

17 Q In the time of June or the summer of 2009 it would

18 have just been Kaylie in that room?

19 A Yes.

20 Q Okay. What other rooms are in that trailer?

21 A The living room, kitchen, bathroom.

22 Q How many bathrooms?

23 A One.

24 Q Can you describe the size of that bathroom?

25 A It's about 10 feet by 5.

1 Q What's in the bathroom?

2 A Toilet, sink, washer/dryer, shower.

3 Q Okay. So you've got one toilet?

4 A Yes.

5 Q Thank you. One sink?

6 A Yes.

7 Q Tell us about the shower. Is it a bathtub shower

8 where you can take either?

9 A Yes.

10 Q Okay. And then you said there's also a washer and a

11 dryer in that same room?

12 A Yes.

13 Q There's also some cabinets; correct?

14 A Yes.

15 Q What about the living room? What's the size of the

16 living room like?

17 A It's about 15 by 12, somewhere around there.

18 Q Is this a double wide, single wide trailer?

19 A Single.

20 Q Okay. And we talked about how in the summer of 2009

21 it's you, the defendant, and Kaylie that are living in this

22 trailer. Does Heather at some point come to live with you in

23 that trailer?

24 A Yes.

25 Q Do you recall that being around Halloween of that

1 same year?

2 A It was the next year.

3 Q Okay. So it's your recollection that she came to

4 live with you on Halloween of 2010?

5 A Yes.

6 Q Okay. And from 2009 to 2010 or when she came to

7 live with you was she living with your mom in Searchlight?

8 A Yes.

9 Q Now, the defendant is the natural father of Kaylie;

10 correct?

11 A Yes.

12 Q Is he the natural father of Heather?

13 A No.

14 Q Who's the natural father of Heather?

15 A Dennis Haney.

16 Q Does Dennis Haney live with you now?

17 A Yes.

18 Q When Heather moved in with you what was the

19 circumstance that brought that move about?

20 A I had been clean for a while, stayed out of trouble,

21 and it was time to have my daughter back.

22 Q Was this something that all of the parties involved

23 in Heather's life agreed would be a good thing?

24 A Yes.

25 Q So that would be grandma; correct?

1 A Yes.

2 Q And that's your mother. What's her name?

3 A Leslie Coon.

4 Q Thank you. Last name Coon; correct?

5 A Yes.

6 Q Okay. Heather was agreeable to it?

7 A Yes.

8 Q And the defendant was agreeable to it?

9 A Yes.

10 Q Now, when Heather moved in where did she stay?

11 A We had gotten bunk beds, so she was in the room with

12 Kaylie.

13 Q Where did you get bunk beds from?

14 A Justin's mom bought them when she came out to visit.

15 Q Were Heather's belongings in that room, dresser,

16 clothes, that kind of thing?

17 A Yes.

18 Q At some point -- well, let me ask you this. Did

19 Heather always sleep in that bed in the bunk beds?

20 A Not always.

21 Q Where else would she sleep?

22 A She liked the couch, too.

23 Q And where was that couch?

24 A Living room.

25 A Thank you. Now, you mentioned there was a master

1 bedroom; correct?

2 A Yes.

3 Q Showing you what's been admitted as State's
4 Exhibit 11, it's a little dark. Don't worry. I've got
5 brighter photographs. Do you recognize that photograph,
6 though?

7 A Yes.

8 Q How do you recognize it?

9 A That's my room.

10 Q Okay. This is the master bedroom that you stayed
11 with the defendant in?

12 A Yes.

13 Q Thank you. Now showing you State's Exhibit 12. Is
14 that a brighter picture of that same bedroom?

15 A Yes.

16 Q Thank you. So we can see there's -- what would that
17 be, a queen-size bed, king-size bed?

18 A It's king.

19 Q Okay. What else is in that bedroom?

20 A A headboard, two dressers, TV and TV stand, clothes,
21 lots of movies.

22 Q Okay. And a closet; correct?

23 A Yes.

24 Q Let's talk about the dressers. You said there was
25 two dressers. What kind of division was there between the

1 dressers?

2 A One was on the side of the room, the other one was
3 by the door.

4 Q Did you both use both dressers?

5 A No.

6 Q Describe that, please.

7 A Mine is a tall one, four drawers over by the door,
8 and the longer one was his.

9 Q Okay. Were any of your belongings kept in the
10 defendant's dresser?

11 A No.

12 Q Vice versa, were any of your belongings kept --
13 excuse me. Were any of his belongings kept in your dresser?

14 A No.

15 Q Okay. Did you -- did you -- did either of you
16 frequently go into each other's dressers?

17 A Occasionally. Not frequently, I don't think.

18 Q Showing you Exhibit 22, it's already been admitted,
19 do you recognize that?

20 A Yes.

21 Q How do you recognize it?

22 A Well, that's his dresser.

23 Q Okay. His meaning the defendant's?

24 A Justin's.

25 Q Okay. And now just really quick going back to

1 State's Exhibit 12. Is there a safe shown in that photograph?

2 A Yes.

3 Q Whose safe is that?

4 A Mine.

5 Q Okay. Were there -- were there rules about either
6 Kaylie or Heather going into your bedroom without permission
7 or by themselves?

8 A Yes.

9 Q Describe that.

10 Q Well, I just told them, you know, they didn't need
11 to go in the room without permission, it was our room and they
12 had their own.

13 Q Okay. During this time that you're living in
14 Searchlight, both before and after you move into 390 Hill
15 Street, what was Heather's schooling like?

16 A She went to elementary school first, and we had
17 trouble with the teachers, and so we put her in home school.

18 Q Do you recall when you put her in home school?

19 A No.

20 Q Was it before or after you moved to 390 Hill Street?

21 A After.

22 Q When she was in home school describe what that was
23 like. Were you teaching her?

24 A It was mostly me. She did a lot of the work herself
25 because there was a lot of help on the Internet for her, on

1 the school.

2 Q Okay. There were online resources for her?

3 A Yes.

4 Q And then you would occasionally help if needed?

5 A Yes.

6 Q Did the defendant ever help her with her home
7 schooling?

8 A Sometimes.

9 Q Was there ever a point where Heather stopped being
10 home schooled and went back to public school?

11 A Yes.

12 Q Do you recall approximately when that was?

13 A It was December 2nd of 2014 -- '13. Sorry.

14 Q December 2nd of 2013?

15 A Yeah.

16 Q Is that a yes? Sorry. We keep talking over each
17 other.

18 Q Okay. What type of employment did you have while
19 you lived in Searchlight?

20 A I worked for the Searchlight Nugget first as a
21 waitress, and then I went to Molcorp as a flagger, and then I
22 went to Terrible's for the graveyard shift, cashier.

23 Q Around what timeline are we talking about with
24 Terrible's?

25 A I started March 21st of 2012.

1 Q Do you recall when you stopped working at
2 Terrible's?

3 A December 5th of '13.

4 Q During that time that you're working at Terrible's
5 was the defendant always employed?

6 A No.

7 Q When the defendant was not employed and you were
8 working, either at Terrible's or even before Terrible's what
9 would the defendant do while you were working?

10 A Usually stayed home with the kids.

11 Q Did you ever have the kids -- did you ever have
12 anybody babysit the kids?

13 A The grandparents once in a while.

14 Q As a general rule, though, who's staying home with
15 the kids while you're working?

16 A Justin did.

17 Q When you're working at Terrible Herbst what type of
18 hours were you working?

19 A It was all graveyard.

20 Q Did you at any point work swing shift?

21 A When I first started, yes.

22 Q At Terrible's?

23 A (No audible response)

24 Q Is that yes?

25 A Yes. Sorry.

1 Q That's okay. And then they moved you to graves at
2 some point?

3 A Yes.

4 Q Okay. Now, in January of 2014 was the defendant
5 able to secure a job, secure employment?

6 A Yes. He was supposed to be going to a truck driving
7 job.

8 Q Do you recall when that job was supposed to start?

9 A Sometime in January. At the end of January, I
10 think.

11 MR. BURTON: Okay. Showing Counsel what's been
12 marked as State's Proposed Exhibit 42.

13 Your Honor, may I approach the witness?

14 THE COURT: Sure.

15 MS. McNEILL: And, Your Honor, I think we stipulated
16 to the admission of that, so --

17 THE COURT: Yeah, we did. I mean, you can have her
18 look at it, but that is an admitted exhibit.

19 MR. BURTON: Okay. I'm sorry.

20 THE COURT: That's all right.

21 BY MR. BURTON:

22 Q So I'm showing you what's actually State's Exhibit
23 42. Do you recognize that as a calendar depicting January
24 2014?

25 A Yes.

1 Q All right. Does it look like a fair and accurate
2 depiction of that month to you?

3 A Yes.

4 Q All right. If we look at that on the overhead --
5 and I'll zoom out a little bit, if I can. I can't. All
6 right.

7 So now we're talking about -- you recall it being
8 towards the tail end of January 2014?

9 A Yes.

10 Q What type of job was that?

11 A He was supposed to go drive the commercial trucks.

12 Q Okay. Locally, or --

13 A What do you call it? Over the road. The long haul.

14 Q When he was doing that how frequent were you
15 expecting him to come back to Searchlight and stay in
16 Searchlight overnight?

17 A The normal thing is once a month.

18 Q So if -- and we're talking about that was a job that
19 he was supposed to start; correct?

20 A Yes.

21 Q He never started that; correct?

22 A Right.

23 Q Okay. So that's why we're talking in kind of
24 hypotheticals, because the job never -- he never start it;
25 correct?

1 A Yes.

2 Q Okay. So if he had started that, he would have been
3 out of the house for approximately a month, perhaps longer?

4 A Yes.

5 Q Then he would come back for a short time and be
6 travelling across the country for other times; correct?

7 A Yes.

8 Q Okay. Just in general terms give us just a really
9 brief sketch of what your relationship with the defendant was
10 like.

11 A It --

12 Q In fact, let me -- I'm sorry to cut you off. Let do
13 this, okay. Let me start it California. What was your
14 relationship like with the defendant in California?

15 A It was good.

16 Q Were you living together?

17 A Yes.

18 Q Obviously you had a child together; correct?

19 A Yes.

20 Q Did he appear to care for Kaylie?

21 A Yes.

22 Q And he appeared to care for you?

23 A Yes.

24 Q Now let's go to Searchlight. Was it still a good
25 relationship in Searchlight, or describe if it changed.

1 A It was rocky. And then some things happened and he
2 got on medication and it got better for while.

3 MS. McNEILL: Your Honor, can we approach?

4 THE COURT: Approach.

5 (Bench conference)

6 THE COURT: Microphones are on.

7 MS. McNEILL: [Inaudible] some things happened and
8 he got on medication. They're [inaudible].

9 THE COURT: You know what, I have trouble hearing.
10 I'm sorry.

11 MS. McNEILL: For her to say some things happened
12 leaves the inference that there's something horrible that he
13 did when he got on medication. I [inaudible] medication.

14 MR. BURTON: I told her that we weren't going to get
15 into bi-polar. She just said that. I'm trying to stay
16 general so that we don't get into specific incidents. My
17 followup is going to be, did he ever verbally abuse you
18 generally, did he ever, you know, physically abuse you
19 generally, and not get into specific incidents. I'm trying to
20 stay general so that we could avoid specific incidents and
21 avoid really bi-polar kind of stuff. That just popped off.

22 MS. McNEILL: Right. But now it's out there that
23 he's on medication.

24 THE COURT: The only thing I can do is instruct the
25 jury -- instruct the jury to disregard the last remark, okay.

1 MS. JOBE: If I may, Your Honor. He could have a
2 little leeway with some leading questions to lead her through
3 this process.

4 THE COURT: Why don't we do that.

5 MR. BURTON: Okay. Let's do that.

6 THE COURT: Okay. All right.

7 MR. BURTON: I'll do that.

8 THE COURT: Here's a question. "Was Heather
9 supervised when conducting schoolwork online or parental
10 controls added?"

11 MS. JOBE: To the computer? What?

12 THE COURT: Yeah. "Was Heather supervised when
13 conducting schoolwork online or parental controls added?"

14 MR. BURTON: I think that's a factual question.

15 THE COURT: You want to ask it?

16 MR. BURTON: I'll ask it.

17 THE COURT: Why don't you ask it and give it back to
18 me.

19 MR. BURTON: And give it back to --

20 THE CLERK: To me.

21 (End of bench conference)

22 THE COURT: Ladies and gentlemen, you are to
23 disregard that last remark about medication, okay.

24 Counsel.

25 MR. BURTON: Thank you, Your Honor.

1 BY MR. BURTON:

2 Q Now, Ms. Coon -- Ms. Coon, when Heather was doing
3 her home schooling online or on the computer did she have
4 supervision, or were there parental controls on that computer?

5 A She usually had supervision.

6 Q Okay. Who would provide that supervision?

7 A Both of us.

8 Q Meaning you and the defendant?

9 A Justin, yeah.

10 Q Thank you. Now, fair to say that when you were in
11 California your relationship with the defendant was good or
12 you cared about each other?

13 A Yes.

14 Q And when you moved to Searchlight it started
15 becoming more and more difficult or more and more of an
16 unhappy relationship?

17 A Yes.

18 Q Okay. Fair to say that Justin, the defendant, would
19 on occasion verbally abuse you?

20 A Yes.

21 Q Fair to say that on occasion Justin would call you
22 names?

23 A Yes.

24 Q And fair to say, without going into any details,
25 Justin on occasion would physically abuse you?

1 A Yes.

2 Q And we're talking about in the Searchlight; correct?

3 A Yes.

4 Q Now let's talk about what you observed of the
5 defendant's relationship with Heather. Fair to say that they
6 also had a rocky or unhappy relationship?

7 A Yes.

8 Q Fair to say that the defendant verbally abused
9 Heather?

10 A Yes.

11 Q Fair to say that he called her names?

12 A Yes.

13 Q Fair to say that he physically abused her?

14 A He did hit her once or twice.

15 Q We're talking about -- okay. Was there a difference
16 in how the defendant treated Heather versus how he treated
17 Kaylie?

18 A Definitely.

19 Q Would he verbally abuse Kaylie?

20 A No.

21 Q Would he call her names?

22 A No.

23 Q Were there also, though, other times that the
24 defendant and Heather seemed to get along?

25 A Yes.

1 Q Where they seemed to be on good terms with each
2 other or laughing with each other?

3 A Rarely.

4 Q Do you recall an incident where you were on the
5 computer and you started hearing arguments between the
6 defendant and Heather?

7 A Yes.

8 Q And this would have been in January 2014; correct?

9 A Yes.

10 Q And do you recall Heather coming over to you and
11 talking to you about her argument with the defendant?

12 A Yes.

13 THE COURT: Did she answer that last question? I
14 didn't hear.

15 MR. BURTON: I believe she did.

16 BY MR. BURTON:

17 Q But did Heather come over to you while you were
18 still on the computer and talk to you about the argument that
19 she just had with the defendant?

20 A Yes.

21 Q Did she at that point tell you that he had hit her?

22 A Yes.

23 Q Do you remember where she said he hit her at?

24 A In the head.

25 Q And she complained that she had, you know, pain in

1 her head?

2 A She said it hurt.

3 Q Correct that you did not see the actual hit or --

4 A No.

5 THE COURT: Okay. Got a double negative there.

6 BY MR. BURTON:

7 Q Okay. Did you actually see the defendant hit Kaylie

8 [sic]?

9 A No.

10 Q What was the defendant like in terms of rules around

11 the house?

12 A Very strict. Controlling.

13 Q What about time that Heather could spend with her

14 friends? Did he have rules about that?

15 A Yes.

16 Q Tell me a little bit about that.

17 A He rarely ever let her see -- have any friends or

18 see any friends. Never liked any of them.

19 Q What about food? Did he have rules about when

20 Heather could eat?

21 A Yes.

22 Q If Heather asked to play with a friend and he said

23 -- and he said no and she continued to ask, would there be a

24 potential for punishment to Heather?

25 A Yes.

1 Q If Heather was caught sneaking food, would there be
2 a potential for punishment to Heather?

3 A Yes.

4 Q Who doled out those punishments?

5 A He did.

6 Q Were there times that you would punish Heather?

7 A Yes.

8 Q Okay. And just like any other child, does Heather
9 sometimes misbehave?

10 A Of course.

11 Q Even to this day?

12 A Yes.

13 Q And there's discipline when she misbehaves; correct?

14 A Yes.

15 Q To this day?

16 A Yes.

17 Q Now I want to talk about specifically January 21st,
18 2014. We can see that on the calendar; correct?

19 A Yes.

20 Q That's a Tuesday? Is that a Tuesday on the
21 calendar?

22 A Yes.

23 Q Okay. And do you recall that the defendant was
24 supposed to start his truck driving job that following Monday,
25 January 27th?

1 A Yes.

2 Q In January of 2014 was Heather being home schooled,
3 or was she in public school?

4 A Public school.

5 Q Where was the school that Heather attended?

6 A Boulder City.

7 Q How would she get to that school?

8 A There's a bus from Searchlight to the schools.

9 Q Obviously if there's a bus she's riding that with
10 other children; correct?

11 A Yes.

12 Q On January 21st, 2014, was Heather on the bus coming
13 back from Boulder City?

14 A No.

15 Q Was that usual for her?

16 A No.

17 Q What did you do when you found out that Heather was
18 not on the bus on January 21st, 2014?

19 A Called the school.

20 Q Were you home at -- were you home at the time that
21 the bus arrived with Heather not being on it, or how did you
22 find out?

23 A We were at home, and she didn't get off the bus. I
24 saw the kids walking by and asked them, and they said she'd
25 never been on it.

1 Q And you said that when you found that out you called
2 the school?

3 A Yes.

4 Q Did you find out from the school that CPS had taken
5 Heather out of school?

6 A Yes.

7 Q Did you at that point call CPS?

8 A No. They said they would -- the school told me that
9 CPS would call me. I didn't have their number.

10 Q What time are we talking here of the day,
11 approximate?

12 A Quarter to 4:00, somewhere around there.

13 Q Did officers subsequently show up to your house?

14 A Yes.

15 Q About how soon after finding out that Heather is in
16 the custody of CPS do detectives and officers show up to your
17 house?

18 A All right about the same time.

19 Q Are you home alone when they show up?

20 A No.

21 Q WHO else is home?

22 A It was me and Justin.

23 Q At that time is Justin taken and placed in a police
24 car?

25 A Yes.

1 Q Do you -- is he then taken from the house in that
2 police car?

3 A Yes.

4 Q Do you stay at the house?

5 A Yes.

6 Q Do some of the officers go with Justin?

7 A I believe so.

8 Q Do some of the officers or some of the detectives
9 stay with you at the house?

10 A Yes.

11 Q At that point do they tell you that they're going to
12 attempt to secure a search warrant on the trailer?

13 A Yes.

14 Q Where was Kaylie at this time?

15 A With her grampa.

16 Q Is that a -- was that a frequently occurrence in
17 January of 2014?

18 A Yes. He home schooled her. She would only study
19 for him.

20 Q Okay. So in January 2014 Heather's in public
21 school, and Kaylie is being home schooled by her grampa?

22 A Yes.

23 Q Is that your father?

24 A No.

25 Q Whose father is that?

1 A Justin's.

2 Q Where does the defendant's father live?

3 A At the time he was on Hobson.

4 Q That in Searchlight?

5 A Yes.

6 Q While waiting for -- well, let me ask you this.

7 When the defendant is placed in handcuffs does he say anything

8 that you can hear?

9 A Yes.

10 Q What does he say?

11 A That he was being accused of sexual assault, I

12 think.

13 Q Do you recall what your response was to that?

14 A I didn't want to believe it. I said it was

15 bullshit.

16 Q Why didn't you want to believe it?

17 A Well, I didn't know who he was accused of assaulting

18 at the time, and you don't want to believe that. I mean, he

19 was my partner at the time.

20 Q Now going back, while waiting for a search warrant

21 do you talk with a detective?

22 A Yes.

23 Q Is that Detective Madsen, do you know?

24 A I think so.

25 Q Okay. Does he tell you at least that the defendant

1 is being accused of sexual assault against Heather?

2 A Yes.

3 Q Okay. Do you recall what his demeanor was during
4 this interview?

5 A He was mostly friendly. Acted concerned.

6 Q Okay. And you say mostly friendly. Does that mean
7 that at some point he became less friendly?

8 A He did become confrontational towards the end
9 because I was crying, I was upset, I didn't want to believe
10 any of it. And he accused me of defending Justin over my
11 child.

12 Q Tell us about your -- what's going through your mind
13 during this interview.

14 MS. McNEILL: And, Your Honor, I'm going to object
15 to relevance. I don't understand what the relevance of --

16 THE COURT: Well, no speaking objections. Just
17 relevance?

18 MS. McNEILL: Yes.

19 MR. BURTON: Your Honor, it's relevant as to what
20 this witness is thinking, what this witness is saying. She's
21 obviously going to be discussed about what she said at that
22 time, and I'm just trying to lay the groundwork for what she
23 was thinking.

24 THE COURT: Why don't you approach.

25 (Bench conference)

1 THE COURT: Why do we care?

2 MR. BURTON: We care because, as it's been clear
3 from her testimony even so far, she doesn't want to believe
4 it. She says that's bullshit. It's relevant to what's going
5 through her head when she's making those statements, is it
6 because she doesn't believe the allegations, or because she's
7 in disbelief, she doesn't want to believe the allegations.

8 THE COURT: Well, why do we care whether she
9 believes or not believes?

10 MR. BURTON: It's relevant because she's going to be
11 impeached on those statements, Your Honor. Ms. McNeill's
12 going to go up on cross-examination and say, you know, isn't
13 it true that you thought this was bullshit, isn't it true that
14 you thought that Heather wasn't being truthful.

15 THE COURT: Okay.

16 MS. McNEILL: I'm not asking that. [Inaudible] than
17 to have her vouch.

18 MR. BURTON: And I can -- I can certainly wait till
19 redirect if it comes up.

20 THE COURT: Well, why don't we do a redirect,
21 because I'm like, okay, so she knows about it and let's say
22 she approves of it. I mean, who cares? I mean -- you know
23 what I mean? Okay. I'm going to sustain the objection.

24 (End of bench conference)

25 THE COURT: Okay. Counsel.

1 MR. BURTON: Thank you, Your Honor. Let me turn my
2 microphone back on. Oh. It is.

3 THE COURT: I think it's on.

4 MR. BURTON: All right. It's becoming intuitive.
5 That's good news.

6 BY MR. BURTON:

7 Q After the detectives leave -- did they at some point
8 actually execute that search warrant?

9 A Yes.

10 Q Okay. After they leave, the next day do you go to
11 Child Protective Services?

12 A Yes.

13 Q Is Heather brought back to your house that night?

14 A No.

15 Q Okay. So the next day who asked you -- or why did
16 you go to Child Protective Services?

17 A I went to get my daughter. And they wanted to talk
18 to us.

19 Q Is it true that in 2006 you were convicted of felony
20 assault with a deadly weapon not a firearm likely to cause
21 great bodily injury?

22 A No. It was 2002.

23 Q Now, did Heather ever walk around the house not
24 fully clothed?

25 A No.

1 Q While you were around if Heather -- if Heather was
2 ever in a state of undress, either in the bathroom or in her
3 room, changing clothes, what would the defendant do?

4 A Normally stayed away.

5 Q Did the defendant ever tell you that he saw Heather
6 massaging her breasts?

7 A No.

8 Q Did the defendant ever tell you that at some point
9 in time she was in your bathroom naked with him naked, as
10 well?

11 A No.

12 Q Did the defendant ever tell you -- or talk to you
13 about feminine sanitation products for Heather?

14 A We did discuss it when she started her period. He
15 told me to talk to her, show her, tell her whatever she needed
16 to do.

17 Q Did the defendant ever tell you that he talked to
18 Heather about her menstrual cycle or feminine sanitation
19 products?

20 A Not that I remember, but he might have.

21 Q Did the defendant ever tell you that Heather caught
22 him masturbating?

23 A No.

24 Q Did the defendant ever tell you that he spoke to
25 Heather about sex?

1 A No.

2 Q Did the defendant ever tell you that he spoke to
3 Heather about sexual organs?

4 A No.

5 Q Did the defendant ever tell you that Heather caught
6 him watching online pornography?

7 A No.

8 MR. BURTON: Your Honor, I've shown opposing counsel
9 State's Proposed Exhibits 7, 46, and 47. May I approach?

10 THE COURT: Sure.

11 BY MR. BURTON:

12 Q Showing you what's been marked as State's Proposed
13 Exhibits 7, 46, and 47, can you take a look at those. Do you
14 recognize those exhibits?

15 A Yes.

16 Q How do you recognize them?

17 A Two of them I took on my phone, and the other one
18 was one of her school pictures, an old one.

19 Q Are these pictures of Heather --

20 A Yes.

21 Q -- during the time of June 2009 to January 2014?

22 A Two of them.

23 Q Okay. Which two are from that time period?

24 A Those two.

25 Q Now you're indicating State's Exhibits 7 and 46.

1 Are these two that you took -- photos that you took with your
2 phone?

3 A Yes.

4 Q And you've previously provided them to our office;
5 correct?

6 A Yes.

7 Q Okay. Now let's talk about State's Proposed
8 Exhibit 47. Do you recall around what time that photograph
9 was taken?

10 A First or second grade maybe.

11 Q Okay. During that time where was Heather living?

12 A With grandma.

13 Q In Searchlight?

14 A Yes.

15 Q Are these all fair and accurate depictions of
16 Heather first when she looked the way she looked when she was
17 in first or second grade and then when she -- the way she
18 looked when she was living with you in Searchlight during
19 2009-2014?

20 A Yes.

21 MR. BURTON: Your Honor, at this time the State
22 moves to admit State's Proposed Exhibits 7, 46, and 47.

23 MS. McNEILL: Your Honor, I would just renew my
24 previous objection.

25 THE COURT: Okay. They're admitted.

1 (State's Exhibits 7, 46, and 47 admitted)

2 MR. BURTON: Thank you, Your Honor.

3 BY MR. BURTON:

4 Q Looking at State's Exhibit 47, was this the school
5 picture that you were talking about?

6 A Yes.

7 Q Okay. So this was when Heather was in first or
8 second grade; correct?

9 A Yes.

10 Q Do you recall what age she would have been in that
11 photograph?

12 A About six.

13 Q Okay. And if we're looking at State's Exhibit 7,
14 this is one of the photographs that you took with your phone?

15 A Yes.

16 Q Do you recall approximately how old Heather is in
17 this photograph?

18 A Right about 10.

19 Q And then State's Proposed Exhibit -- excuse me,
20 State's Exhibit 46, is this another photograph that you took
21 with your phone?

22 A Yes.

23 Q Do you recall how old Heather was when you took that
24 photograph?

25 A Eleven.

1 Q When you were living with the defendant in
2 Searchlight how often would you have sex with the defendant?

3 A Maybe once or twice a month.

4 MS. McNEILL: And, Your Honor, can he remove the
5 picture at this time?

6 THE COURT: Sure.

7 BY MR. BURTON:

8 Q Did the defendant and you ever use baby oil in your
9 sexual relations?

10 A No.

11 Q Did you have baby oil in the house --

12 A Yes.

13 Q -- to your knowledge?

14 A Yes. Sorry.

15 Q To your knowledge, what was that baby oil used for?

16 A We had gotten it because we went to visit his
17 grandparents' grave, and he used it to shine up their stone,
18 the plaque.

19 Q Do you recall the detectives asking you about baby
20 oil during your interview with them on January 21st?

21 A I don't know if they did or not.

22 Q Would it refresh your recollection to look at the
23 transcript?

24 A Sure.

25 MR. BURTON: Page 15. May I approach, Your Honor?

1 THE COURT: Sure.

2 MR. BURTON: Thank you.

3 BY MR. BURTON:

4 Q Turning your attention -- let me do this first.
5 Showing you the first page, does this look like a transcript
6 from a voluntary statement that you gave?

7 A Looks like it.

8 Q Okay. And is it dated January 21st, 2014?

9 A Yes.

10 Q Okay. Now turning to page 15 of that, starting from
11 the top, if you could just read that to yourself.

12 A Okay.

13 Q Are you one?

14 A Uh-huh.

15 Q All right. Does that refresh your recollection
16 about whether the detectives asked you about baby oil on
17 January 21st, 2014?

18 A Yes.

19 Q Did they?

20 A They did.

21 Q And do you recall saying that you didn't even think
22 there was any in the house?

23 A I thought we'd gotten rid of it.

24 Q While you were living with the defendant did he wear
25 underwear?

1 A No.

2 Q Did the defendant ever ask -- or did you or the
3 defendant ever engage in anal sex?

4 A No.

5 Q Did he ever ask you for anal sex?

6 A Yes.

7 Q What was your response?

8 A No.

9 Q Did you -- after sexual relations with the defendant
10 did he ever use a towel?

11 A A couple times.

12 Q Do you recall if this was a specific towel or unique
13 towel?

14 A No, I don't.

15 Q Okay. The entire time that -- well, let's talk
16 about Kaylie's schooling. Has Kaylie always been home
17 schooled?

18 A Yes.

19 Q Has that always been with the defendant's father?

20 A No. The first year was with us. With Justin
21 mostly.

22 Q And you said that, you know -- what's the
23 defendant's father's name?

24 A Roger.

25 Q Thank you. You said that Roger, he's the only that

1 she'll study for?

2 A Yes.

3 Q Okay. Is she still home schooled by Roger?

4 A Yes.

5 Q Okay. Kaylie lives with you at this point?

6 A Yes.

7 Q When did you -- when did Dennis -- let me ask you

8 this. Does Dennis Haney live with you now?

9 A He does.

10 Q When did he start living with you?

11 A End of November.

12 Q Of last year?

13 A Yes, '15.

14 MR. BURTON: Nothing further, Your Honor.

15 THE COURT: Cross-examination.

16 MS. McNEILL: Thank you.

17 CROSS-EXAMINATION

18 BY MS. McNEILL:

19 Q Good afternoon, Ms. Coon.

20 MS. McNEILL: If I may approach the clerk, Your

21 Honor?

22 THE COURT: Sure.

23 BY MS. McNEILL:

24 Q I want to talk to you a little bit about some of the

25 things that the State went into with you a little bit.

1 When you lived in California and Heather lived with
2 your mom, she moved in with your mom when she was a baby;
3 correct?

4 A Yes.

5 Q Okay. And then you said you moved to Searchlight in
6 May of 2008.

7 A Yes.

8 Q And you were living with your mom for a period of
9 time. And Justin lived in the house with you; right?

10 A Yes.

11 Q And then there was a time where he actually moved
12 out and was living in Las Vegas?

13 A Yes.

14 Q Okay. And then you all moved into the house on Hill
15 Street in 2009?

16 A Yes.

17 Q Heather was still at your mom's; right?

18 A Yes.

19 Q And you indicated that it was Halloween of 2010 that
20 she moved in with you?

21 A Right around there.

22 Q Okay. And so at the time of January 2014 she'd only
23 been living with you for around three years, three and a half?

24 A About that.

25 Q Okay. When you were living in that house on Hill

1 Street Roger, Justin's dad, moved in with you for a period of
2 time; correct?

3 A Yes.

4 Q Okay. That would have been about June of 2009?
5 Around that? I know it's hard to remember exactly.

6 A Well, we'd been there a month and a half or so, so
7 middle of July maybe.

8 Q Okay. So he lived in the house with you, and he was
9 in that house for about a year?

10 A Pretty close.

11 Q Okay. So during that time frame that Roger lived
12 there he would be in the house at night?

13 A Usually. Unless he was working.

14 Q Okay. And you were there during the day usually?

15 A At that time I was working swing shift a lot.

16 Q Okay. So -- but it was either Justin or you or
17 Roger, someone was there with the kids?

18 A Yes.

19 Q And Roger was frequently there at the same time
20 Justin was there?

21 A Usually.

22 Q Okay. After Heather moved in there were still times
23 that she would spend the night at your mom's; right?

24 A Yes.

25 Q And you indicated that there were times where

1 you worked swing shift. And that would be 2:00 p.m. to
2 10:00 p.m.?

3 A Yes.

4 Q And then you worked graveyard for quite some time;
5 right?

6 A Yes.

7 Q And was that 9:00 p.m. to 6:00 a.m.?

8 A 10:00 to 6:00.

9 Q 10:00 to 6:00. Okay. So even later. So you would
10 go to work at night. I'm guessing you'd be sleeping during
11 the day.

12 A Yes.

13 Q Sleeping in the bedroom?

14 A Yes.

15 Q I want to talk a little bit about Justin's trucking
16 job. You said that he was supposed to start a trucking job in
17 January 2014; right?

18 A Yes.

19 Q And that he didn't start that job.

20 A Yes.

21 Q Is that because he was arrested?

22 A Yes.

23 Q But he had other jobs during your relationship;
24 right?

25 A Yes.

1 Q And there were other times where he would be away
2 from the house?

3 A Short times.

4 Q I want to talk about November 2011. Do you remember
5 Justin going to Arkansas for two weeks to visit his family?

6 A Yes.

7 Q And in May 2013 he was in Riverside for two weeks
8 for work?

9 A About that long.

10 Q And in June 2013 there was another time where he was
11 gone for about two weeks for work?

12 A Yes.

13 Q And in July of 2013 there was a period he was gone
14 for eight days for work? Do you remember?

15 A Sounds about right.

16 Q Okay. And then October 2013 to November 2013 he
17 worked for Care Trucking?

18 A I think that's the right time, yeah.

19 Q Okay. I know it's hard to remember exact dates.
20 And during the time he worked for Care Trucking he
21 would be away from the house for periods of time?

22 A During the week. Home on the weekends.

23 Q Okay. And so it was sort of long haul trucking?

24 A Yes.

25 Q Okay. And then he stopped working in November of

1 2013?

2 A Yes.

3 Q And at that time you were also not working?

4 A I was working in November.

5 Q Okay. So maybe December?

6 A Yes, December.

7 Q And that was probably kind of difficult to have the
8 two of you not working?

9 A Yes.

10 Q So it's fair to say there was a lot of tension in
11 the house?

12 A Well, we were worried about me getting another job,
13 because I'd been looking for one and the one I had didn't work
14 out. But it was not really tension yet, because the bills
15 weren't overdue. I had unemployment.

16 Q Okay. But it's getting stressful. Now, you talked
17 a little bit about Justin has a temper; right?

18 A Yes.

19 Q Do you remember telling the police that part of that
20 is just that he doesn't know how to express himself well?

21 A Some of it.

22 Q And then you talked about how before he was arrested
23 he had this argument with Heather where she told you that he
24 had hit her in the head; right?

25 A Yes.

1 Q And there was a lot of name calling from him to her
2 around that time?

3 A Yes.

4 Q In fact, I think you said he was just being a jerk.

5 A To say the least.

6 Q Okay. But around that same time frame you were also
7 having some issues with Heather; isn't that right?

8 A She had started having, yeah, little bit of issues.

9 Q Okay. And I think she was -- you'd caught her lying
10 about some things?

11 A Little things.

12 Q Okay. She was breaking some rules?

13 A Well, it's hard not to when you have nothing but
14 rules.

15 Q Okay. And probably fair to say you were once a
16 12-year-old girl.

17 A Yes.

18 Q Maybe trying to assert some independence?

19 A Some.

20 Q You had caught Heather going through things in your
21 room before?

22 A Once.

23 Q She wasn't used to a lot of rules at your mom's
24 house when she lived there?

25 A Right.

1 Q So there weren't a lot of rules at Mom's house?

2 A Well, it's grandma. It's --

3 Q Well, right. Your mom's -- grandma's house. Little

4 hard for grandma to be the disciplinarian; right?

5 A Yes.

6 MS. McNEILL: Okay. Court's indulgence.

7 BY MS. McNEILL:

8 Q You -- you were asked a few questions about Kaylie

9 doing home schooling with Roger. That's by Kaylie's choice;

10 right?

11 A Yes.

12 Q Okay. That's not something Justin made you do?

13 A No.

14 Q Okay. That's that Kaylie responds best to her

15 grandpa?

16 A Yes.

17 Q You were asked some questions about the baby oil.

18 Were you aware of Justin's habits when he masturbated?

19 A No.

20 Q The difference -- you talked a little bit about the

21 difference in how Heather and Kaylie -- how Justin treated

22 them. Kaylie's much younger than Heather; correct?

23 A Yes.

24 Q Six years younger?

25 A Yes.

1 Q So they're at very different stages.

2 A Yes.

3 Q The rules that you talked about him having, a lot of
4 those had to do with punishment because she would have bad
5 grades?

6 A He punished her just for breathing. It didn't
7 matter what the reason. He came up with anything he could
8 think of to punish her.

9 Q Okay. And I'm guessing that caused a lot of anger
10 and resentment on the part of Heather.

11 A I'm sure it did. That would be normal.

12 Q And you were asked some questions about things that
13 Justin didn't tell you about. As you indicated, when Justin
14 was home with Heather did you expect him to just handle things
15 that came up?

16 A For the most part.

17 Q Would you expect him to inform you of everything
18 that had happened in the home during the day?

19 A Anything major, yes.

20 Q You indicated in your interview to the police when
21 they asked you about Heather's father that he had not really
22 been a part of her life.

23 A No, he hadn't.

24 Q And you indicated at that time that about six months
25 prior to your interview he had contacted you on Facebook?

1 A Yes.

2 Q Did you tell Heather that he had contacted you?

3 A I believe so.

4 MS. McNEILL: Nothing further.

5 THE COURT: Redirect.

6 MR. BURTON: Thank you.

7 REDIRECT EXAMINATION

8 BY MR. BURTON:

9 Q You said that for a time -- can you hear me? Thank
10 you.

11 You said that for a time that defendant's father,
12 Roger, lived with you at 390 Hill Street; correct?

13 A Yes.

14 Q And that he was sometimes there at home during the
15 night if he wasn't working; correct?

16 A Yes.

17 Q What was his job?

18 A He was a cook at the Nugget.

19 Q What were his hours?

20 A Sometimes he would have swing, sometimes he had
21 graveyard.

22 Q Kind of like you at Terrible Herbst?

23 A Yes.

24 Q You were asked about certain periods of time that
25 the defendant was gone for two weeks or eight days at a time;

1 correct?

2 A Yes.

3 Q Fair to say that during this time the defendant's
4 employment was infrequent?

5 A Yes.

6 Q If the defendant was not employed or was not, you
7 know, in Arkansas or California, where was he?

8 A At the house.

9 Q 390 Hill Street?

10 A Yes.

11 Q From December 2013 until January 2014 were there
12 times where the defendant was in the house and you weren't?

13 A Yes.

14 Q Do you recall having some car trouble in January
15 2014?

16 A Yes.

17 Q To take care of that were you outside the house and
18 the defendant was in the house?

19 A I'd had to have the car towed in to the dealership.

20 Q So that was a time that you were not in the house,
21 but the defendant was; correct?

22 A Yes.

23 Q You were asked specifically about this instance
24 where on January 20th, I believe, Kaylie -- or no, excuse me,
25 Heather and the defendant were yelling at each other; correct?

1 A Yes.

2 Q Was that infrequent?

3 A He yelled all the time. Heather rarely ever

4 responded. It was always --

5 Q And for the record, you're kind of putting your chin

6 down?

7 A Yeah. Kind of like a dog with the tail between its

8 legs.

9 Q But the defendant yelling at Heather, that wasn't

10 uncommon?

11 A No.

12 Q You said that Heather was telling little lies. Are

13 you talking about, you know, sneaking food?

14 A Twice.

15 Q Was she punished for that?

16 A She -- we had a time out, and she got the time out

17 10 minutes, 15 minutes, right around there, not --

18 Q Do you know if the defendant ever hid Halloween

19 candy in his room?

20 A Yes.

21 Q Would that be Halloween candy that Heather would

22 have gotten?

23 A Both kids.

24 Q Okay. You were asked about essentially the

25 defendant handling things when he is alone with Kaylie and

1 Heather, and you said some things; correct?

2 A Yes.

3 Q Okay. Were there certain things, though, that you
4 felt was best left to you as Heather's natural mother?

5 A Yes.

6 Q For example, did you have a conversation with the
7 defendant about whether it was appropriate for him to spank
8 Heather?

9 A Yes.

10 Q And did you tell him at that time that that was
11 something that you would prefer to do?

12 A Yes.

13 Q And you also mentioned that there was a time that
14 the defendant told you to talk to Heather about her menstrual
15 cycle; correct?

16 A Yes.

17 Q Another example of something that you would do;
18 correct?

19 A Yes. Well, I was at work when she started, and so
20 he, you know, wanted me to take care of it.

21 Q Did Heather know about the defendant's future
22 employment on January 27th?

23 A I believe so.

24 Q Did you tell her?

25 A We had talked about it in front of the kids, so I'm

1 sure she heard it. But I don't remember ever specifically
2 saying anything.

3 Q Okay. Do you recall ever talking to Heather after
4 the defendant would yell at her or call her names and say
5 things like, hang in there?

6 A Yes.

7 Q Would you at that point ever say anything about his
8 future employment that would take him out of town?

9 A Well, we talked about him being a truck driver and
10 that it meant he would be gone.

11 MR. BURTON: Nothing further, Your Honor.

12 THE COURT: Recross.

13 MS. McNEILL: Very briefly. Thank you, Your Honor.

14 RECROSS-EXAMINATION

15 BY MS. McNEILL:

16 Q Ms. Coon, I just want to ask you a couple
17 clarification questions. You mentioned that Heather was
18 punished for sneaking food. But the same rules for sneaking
19 food or that applied to food applied to Kaylie, as well;
20 correct?

21 A No.

22 Q They did not?

23 A No.

24 Q And then you indicated that Justin had this
25 conversation with Heather about her menstrual cycle, but then

1 I think you just said you were at work when she started her
2 period.

3 A Yes.

4 Q Okay. So you had a conversation with Justin. He
5 let you know she'd started her period?

6 A Yes.

7 Q Okay. And that needed to be dealt with?

8 A Yes.

9 MS. McNEILL: Nothing further.

10 THE COURT: Ma'am, you may step down. Thank you
11 very much for coming.

12 It's been about an hour and a half. Are you guys
13 doing okay? One more witness?

14 Okay. Do we have a witness, a half hour or so or --

15 MS. JOBE: Ish I would say.

16 THE COURT: Ish? Okay.

17 MS. JOBE: It'll be shorter than the last one.

18 THE COURT: Okay. Next witness.

19 MS. JOBE: State calls Leslie Coon.

20 THE COURT: Leslie Coon? Leslie Coon.

21 LESLIE COON, STATE'S WITNESS, SWORN

22 THE CLERK: Please state and spell your name for the
23 record.

24 THE WITNESS: Leslie Ann Coon, C-O-O-N. Leslie,
25 L-E-S-L-I-E.

1 THE COURT: Have a seat. And, ma'am, if you would
2 be up to that microphone as close as you can and don't be soft
3 spoken. I need you to use your mom voice. And then let the
4 attorney get out her question, and then you respond. We have
5 a tendency to interrupt each other all the time when we talk,
6 but I need to make sure that we have a clear record. So if
7 you would extend that courtesy. And if she does not do that
8 for you, I will get onto her, okay.

9 THE WITNESS: Yes, ma'am.

10 DIRECT EXAMINATION

11 BY MS. JOBE:

12 Q I'm going to stand back here, because it seems to
13 work. If I stand here and you can hear me and I can hear you,
14 then the jury can also hear you.

15 A I can hear you great.

16 Q Okay. All right, Ms. Coon. Who is your daughter?

17 A Shayleen Coon.

18 Q And was that the individual who just left court?

19 A Yes.

20 Q All right. And does she have any children? Has she
21 given you grandchildren?

22 A I have two.

23 Q What are their names?

24 A Heather, who was in here today, Heather Haney, she's
25 fourteen, and then Kaylie Langford, she's eight now.

1 Q When Heather was first born did you have the
2 opportunity to raise her?

3 A Yes.

4 Q And were you living in California at the time?

5 A Yes.

6 Q At some point in time did you and Heather move to
7 Searchlight in Clark County, Nevada?

8 A We did. 2005.

9 Q I'm terrible with math. So approximately how old
10 was Heather when you moved?

11 A About three, three and a half.

12 Q When you moved to Searchlight, Nevada, was there
13 just you and Heather residing together?

14 A Yes.

15 Q At some point in time did Shay move out to
16 Searchlight, Nevada, from California?

17 A Yes.

18 Q When she moved out did she stay with you?

19 A For a few months. And then they got their own
20 place.

21 Q All right. And when she moved out who was -- who
22 did she bring with her?

23 A Justin Langford and their little one, Kaylie.
24 Kaylie was about a year old or so.

25 Q All right. And have you met -- I mean, obviously it

1 sounds like it, but have you met Justin Langford?

2 A Yes.

3 Q Do you see him in court today?

4 A Yes.

5 Q Please identify him and where he's at.

6 A He's at the Public Defender's table in a white shirt
7 and a tie. Dark hair.

8 Q Okay. And for the record, fair to say there's --
9 that appears to just be the defense table?

10 A Yes.

11 MS. JOBE: All right. For the record, identifying
12 the defendant.

13 THE COURT: Okay. Counsel, would you approach and
14 turn off microphone.

15 (Bench conference)

16 MS. JOBE: I know that -- Your Honor, I told them in
17 voir dire that I was appointed.

18 THE COURT: It's okay.

19 MS. JOBE: I can leave it, Counsel.

20 THE COURT: No, let's not -- I just don't like that.
21 I mean, I want to tell you something. Public Defenders in my
22 view get such a bad [inaudible]. But you guys are awesome.
23 You know, unfortunately, it's not that of anywhere else.

24 MS. JOBE: And I apologize. I just asked her to --

25 THE COURT: I know. You didn't do anything wrong.

1 Okay. All right. I just wanted to address it with you.

2 MS. JOBE: And just -- Your Honor, I don't know --
3 she actually works at the courthouse in Searchlight, so she's
4 familiar with that situation.

5 THE COURT: Well, and I don't know if you want to
6 say anything more or just leave it alone. I think we should
7 just leave it alone.

8 MS. JOBE: Okay.

9 THE COURT: Thank you.

10 (End of bench conference)

11 BY MS. JOBE:

12 Q All right. So it's my understanding based on your
13 testimony that Shay, Justin, and Kaylie came to live with you
14 and Heather for some period of time.

15 A Yes.

16 Q And when they lived with you was it just the five of
17 you in the house at the time?

18 A Yes.

19 Q All right. And at that time did you have an
20 opportunity to observe how the defendant interacted with
21 Heather?

22 A Yes.

23 Q And how would you describe that?

24 A He treated her differently than Kaylie, not always
25 very nice.

1 Q Fair to say at the time Kaylie was quite young?

2 A Yes.

3 Q And Kaylie is his biological child?

4 A Yes.

5 Q And how -- what is the difference that you observed
6 in how he would treat Heather versus Kaylie?

7 A He was a lot more favorable to Kaylie. She could do
8 no wrong. Heather was always getting in trouble, according to
9 him.

10 Q Now, you described that --

11 MS. JOBE: And I apologize, Your Honor. I think
12 before we talked Your Honor had the record reflect she
13 identified the defendant, but I just want to make sure that's
14 clear.

15 THE COURT: You know what, just so I'm clear, the
16 record will reflect that the witness did identify the
17 defendant.

18 MS. JOBE: Thank you, Your Honor.

19 BY MS. JOBE:

20 Q So at some point in time Shay moved out from your
21 residence; correct?

22 A Yes.

23 Q And did she stay in Searchlight, Nevada?

24 A Yes.

25 Q When she moved out did Heather move with her right

1 away?

2 A Not right away.

3 Q But fair to say Justin and Kaylie and Shay all moved
4 together right away?

5 A Yes.

6 Q All right. And when they moved do you know where
7 they moved to?

8 A It was still in Searchlight, a little -- well,
9 they're all mostly trailers down there, mobile homes. And I'd
10 say maybe half a mile from my house.

11 Q All right. And would Heather go visit?

12 A Occasionally.

13 Q At some point in time Heather moves in with Shay,
14 the defendant, and Kaylie?

15 A Yes.

16 Q And were you supportive of this decision?

17 A Heather wanted to live with her mom and her sister,
18 so yes.

19 Q Did you have any conversations with the defendant
20 about Heather moving in with them down the road?

21 A Gosh, let's see. I think just with her mom, because
22 she wanted -- her mom wanted to have her there.

23 Q Okay. Do you know -- do you recall when exactly
24 Heather went to live with them?

25 A It was I'm pretty sure about October of 2009. It

1 was before my brother passed. That was November -- yes. So
2 October 2009.

3 Q Okay. So you remember the date based on a relative
4 passing?

5 A My brother was a month after that.

6 Q All right. And so after she went to live with them
7 in October 2009 how frequently would you see Heather and
8 Kaylie?

9 A I would stop by, try to, every couple days, get my
10 hugs, kisses from them.

11 Q Did your ability to visit your grandchildren ever
12 change?

13 A Yes.

14 Q How did it change?

15 A They decided to take her out of public school, and
16 at that time things changed a lot. I was not welcome on many
17 occasions at their home. I'm not sure really why. But I kind
18 of had to catch her on the sly every so often. Just catch
19 them out and about and get my visit with them.

20 Q All right. And you said they pulled Heather out of
21 school. So when you had Heather was she in public school?

22 A Yes.

23 Q Did you ever home school her while you had her?

24 A No.

25 Q Do you remember -- do you know approximately when

1 she was pulled out of public school and home schooled?

2 A Oh, gosh. Let's see. I'm trying to think. I would
3 say I think about 2011.

4 Q All right. And when she was home schooled you said
5 that's kind of when things changed as far as how often you
6 could see her and Kaylie?

7 A Yes.

8 Q When you were able to see Heather and Kaylie after
9 she'd been pulled out of public school you said you had to see
10 them kind of in public if you'd run into them?

11 A Yes.

12 Q Were they ever able to go over to your house to
13 visit?

14 A It became very seldom, very seldom that I got them
15 come stay overnight and --

16 Q Do you know why that was?

17 A I didn't know.

18 Q During this time period did you have any
19 interactions with the defendant?

20 A Yes.

21 Q How would you describe those interactions?

22 A Not very good.

23 Q Not very good in subject matter, in tone?

24 A The tones -- there was a lot of accusations and a
25 few threats made from --

1 Q From which parties?

2 A The -- Justin.

3 Q So, if I understand, Justin was making accusations
4 or threats against you?

5 A Yes.

6 Q And when he made those things did he make them to
7 you in person, over the phone, or something else?

8 A I had a phone message that I kept on my phone for
9 quite a few years and then --

10 Q I'm just --

11 MS. McNEILL: Your Honor, may we approach?

12 THE COURT: Approach.

13 (Bench conference)

14 MS. McNEILL: This is really a bad act that he's
15 making threats towards her. And this phone message that she's
16 mentioned here, this is the first time I've heard about it.

17 MS. JOBE: It's the first time we've heard about it.

18 THE COURT: Okay. Now, what is -- what's -- where
19 are we going?

20 MS. JOBE: I'm just trying to set the tone as to her
21 relationship with Justin. I'm just trying to scratch the
22 surface. I'm not trying to dive into specifics.

23 THE COURT: Would this be a good time for a break?

24 MS. JOBE: This would be an excellent time.

25 THE COURT: Okay. Do we need to -- do I need to

1 admonish the jury on anything, or just leave it it alone for
2 right now?

3 MS. JOBE: I think it's fine. I think we need to
4 talk to the witness before she's --

5 THE COURT: Okay. All right.

6 (End of bench conference)

7 THE COURT: Okay. Ladies and gentlemen, I need to hv
8 a chat with the lawyers outside of your presence. Plus I
9 wanted to stop about 3:00 anyway. I try to do that midway
10 point thing. So why don't we go ahead and just take our break
11 now.

12 During this period of time you are admonished not to
13 talk or converse among yourselves or with anyone else on any
14 subject related to this trial, or read, watch, or listen to
15 any report of or commentary on the trial by any medium of
16 information, including, without limitation, newspapers,
17 television, the Internet, and radio, or form or express any
18 opinion on any subject related to the trial until the case is
19 finally submitted to you.

20 And we'll see you back here in about 15 minutes.

21 (Jury recessed at 2:56 p.m.)

22 THE COURT: Okay. Let the record reflect that the
23 jury's left the courtroom.

24 Ma'am, you may stand up. I have a feeling that the
25 Deputy D.A.'s Office may want to have a chat.

1 MS. JOBE: I would actually -- I was just briefly
2 chatting with Ms. McNeill. With the Court's permission, I'd
3 prefer to be on the record out of the presence of the jury to
4 probe a little further into where this is going --

5 THE COURT: Okay. Have a seat.

6 MS. JOBE: -- so I know how to handle it, Your
7 Honor.

8 THE COURT: Okay. Perfect. Go ahead.

9 MS. JOBE: Soon as I get the microphone back on.

10 THE COURT: Okay. Or be by a microphone.

11 BY MS. JOBE:

12 Q Okay. So, Ms. Coon, you said that there were
13 accusations and threats made and that you save a phone call?

14 A Yes.

15 Q What do you mean? Tell me about that.

16 A It was over Heather. She wanted to live with me,
17 but she did want to live with her mom and her sister. I'm not
18 sure if he called Heather a liar and said, you need to bring
19 her over here immediately and we're going to take care of her
20 and otherwise -- I finally erased it. I was tired of it on my
21 phone.

22 Q Approximately when was this?

23 A That was I think about 2007. Yeah. It was before
24 Heather actually moved. I still had custody. I am her
25 legally appointed -- court-appointed legal guardian.

1 Q Okay. So this -- so the accusations and the threats
2 were before Heather moved?

3 A Yes.

4 Q And was that before or after Shay, Justin, and
5 Kaylie were living with you in Searchlight?

6 A That would have been after.

7 Q Okay.

8 A Because I still had Heather at my house. You know,
9 she did want to live with her mom and her sister, and so I
10 said, yes, I think you should, but until they had a place for
11 her to actually sleep, you know, a bed, I said, no, she can't
12 go until you have a place for her to stay.

13 MS. JOBE: Okay. I don't have any additional
14 questions at this point.

15 MS. McNEILL: Can I ask one, Your Honor?

16 VOIR DIRE EXAMINATION

17 BY MS. McNEILL:

18 Q You indicated that he made threats. Were there
19 specific threats?

20 A Yes.

21 Q And you said on his phone message he said, we're
22 going to take care of her, otherwise --

23 A She needs to move in with us and we're going to take
24 care of her. And then -- well, there's actually two
25 threatening phone calls, but this one was that she -- you need

1 to bring her over here tonight. And I thought, nope, it's not
2 going to happen, because they had no place for her to stay.

3 MS. McNEILL: All right. Your Honor, I think I'm --

4 THE COURT: I'm sorry. You're ready to what?

5 MS. McNEILL: Oh. I think at this point if we could
6 send the witness out and make our own record.

7 THE COURT: Okay. Ma'am, why don't you step down.
8 And don't speak to the jurors and --

9 THE WITNESS: Gotcha.

10 THE COURT: Okay. And don't discuss your testimony
11 with anyone else.

12 MS. JOBE: Can she be in the ante waiting room so I
13 can speak with her before she --

14 THE COURT: Yes. Why don't you be in that anteroom
15 right there and wait for Counsel, all right.

16 THE MARSHAL: We actually don't have an anteroom.

17 THE COURT: Okay. Well --

18 THE MARSHAL: [Inaudible].

19 MS. JOBE: I just don't want to have to go snag her
20 in the hall.

21 THE COURT: Well, she may be able to hear what we're
22 saying.

23 MS. McNEILL: Your Honor, my objection was that she
24 used the words "threats" and then started talking about some
25 sort of phone message. And my concern was what was going to

1 be on that phone message, because the bad -- I think a threat
2 is potentially a bad act, and our bad acts motion was limited
3 to things that we had agreed on. And that was not one of
4 them. At this point based on what she said it doesn't sound
5 like he actually made a threat.

6 THE COURT: That's what I'm thinking.

7 MS. McNEILL: That's why I would just maybe ask the
8 District Attorney to clarify that, you know, it wasn't
9 actually threat, what he said was just bring her over to there
10 house and maybe there was some tension.

11 MS. JOBE: [Inaudible] characterize it more of a
12 demand [inaudible] rather than waiting for some things to
13 get --

14 THE COURT: Okay. I think -- if we do that, I think
15 that that will clarify it. Then I don't need to instruct the
16 jury?

17 MS. JOBE: Correct.

18 MS. McNEILL: Correct.

19 MS. JOBE: [Inaudible]. So I don't imagine Ms.
20 McNeill's going to object to that.

21 MS. McNEILL: No.

22 THE COURT: Okay. Enjoy your break.

23 MS. JOBE: And I'll go prep her for that.

24 (Court recessed at 3:01 p.m., until 3:14 p.m.)

25 (Jury is not present)

1 THE COURT: Okay. Counsel, are we ready to proceed?
2 MS. JOBE: Yes, Your Honor.
3 MS. McNEILL: Yes, Your Honor.
4 THE COURT: Let's bring that witness in, and we'll
5 sit her in the witness box.
6 (Pause in the proceedings)
7 THE COURT: Okay. Are we ready to bring the jury
8 in?
9 MS. JOBE: Yes, Your Honor.
10 THE COURT: Okay. Have a seat, ma'am. You go ahead
11 and have a seat. And, again, get close to that microphone,
12 okay.
13 (Jury reconvened at 3:16 p.m.)
14 THE COURT: Will counsel please stipulate to the
15 presence of the jury.
16 MS. JOBE: Yes, Your Honor.
17 MS. McNEILL: Yes, Your Honor.
18 THE COURT: You all may be seated.
19 And, ma'am, I just want to remind you again you've
20 been sworn.
21 THE WITNESS: Yes.
22 THE COURT: Okay. Counsel.
23 MS. JOBE: All right. Thank you, Your Honor.
24 //
25 //

1 DIRECT EXAMINATION (Resumed)

2 BY MS. JOBE:

3 Q Ms. Coon, just before we took a break you were
4 talking about communications with the defendant. Would it be
5 fair to say that before Heather went to live with Shay, the
6 defendant, and Kaylie that he contacted you and made demands
7 that Heather must go live with them?

8 A Yes.

9 Q And that he didn't make any threats as far as doing
10 something or hurting you if you didn't comply with the
11 demands; fair?

12 A Okay. Fair.

13 THE COURT: Is that fair?

14 THE WITNESS: Yes, that's fair.

15 BY MS. JOBE:

16 Q All right. And when you said there came a point in
17 time Heather had been pulled out of public school and was
18 being home schooled that your ability to see your
19 grandchildren changed; correct?

20 A Yes.

21 Q And when that changed I believe you said that you
22 would see them in public when you could find them; is that
23 correct?

24 A Yes.

25 Q And how frequently did you have contact with the

1 defendant during that time period once she'd been pulled out
2 of school?

3 A I would stop by about every two or three days to the
4 house just to see if things had changed where I might be a
5 little more welcome.

6 Q So would it be fair to characterize that as it
7 didn't change?

8 A Not for a long time.

9 Q All right.

10 A No.

11 Q All right. Thank you. Did you ever have concerns
12 at some point in time your access to your granddaughters would
13 be completely cut off?

14 A Yes.

15 Q And did you make any decisions or I guess kind of
16 try to keep the peace in order to ensure you could still see
17 them at some times?

18 A Yes.

19 Q In January of 2014 did you learn that Heather had
20 disclosed some things about the defendant to someone at
21 school?

22 A Yes.

23 Q How did you learn about that? From whom?

24 A My daughter.

25 Q Okay. And when you learned about that did you --

1 well, let me back up. You work at the courthouse or the
2 substation out in Searchlight; is that correct?

3 A I am senior legal office specialist at Searchlight
4 Justice Court. We do have a substation for Metro on the side
5 of the building.

6 Q Okay. So is it attached to the same building?

7 A Yes.

8 Q And --

9 THE COURT: Okay. We're starting to talk over each
10 other. Let her get her question out, and then you respond,
11 okay.

12 THE WITNESS: Sorry. Yes, ma'am.

13 BY MS. JOBE:

14 Q I apologize. So the substation and the court are in
15 the same building; correct?

16 A Yes.

17 Q And how would you describe where the substation is?
18 Have you seen that location?

19 A Yes.

20 Q All right. And is there an entrance of sorts
21 separate from the court?

22 A Yes.

23 Q When you go -- is that a door from the outside, I
24 guess?

25 A Yes.

1 Q And when you go in that door do you step into a
2 room, or are you in a hallway?

3 A It's a short hallway.

4 Q All right. And if you're walking into the
5 substation what is on the right-hand side?

6 A That is the holding cell.

7 Q For?

8 A Metro's occasional DUIs or whatever they may have.

9 Q All right. And is there a door for that holding
10 cell?

11 A Yes.

12 Q Do you know if that's like an open door, a metal
13 door, or something else?

14 A I believe it's metal.

15 Q All right. And are there any windows or openings
16 that you know of in the holding cell?

17 A I'm really not sure.

18 Q All right. So there's the metal door, and it's on
19 the right-hand side when you walk in?

20 A Yes.

21 Q And what's on the left-hand side?

22 A That's the Metro office. They have three desks.

23 Q Is there also a door to that office that's on the
24 hallway?

25 A Yes.

1 Q And within the Metro office you said there are three
2 desks?

3 A Yes.

4 Q All right. And how long have you worked the the
5 Searchlight Justice Court?

6 A I started there in 2006, got laid off as a part
7 timer at the end of 2010, and then came back full time in
8 October 2012.

9 Q All right. So you find out from Shay about
10 Heather's disclosure. And was that on January 21st, 2014?

11 A Yes.

12 Q Okay. The following day do you come to Las Vegas,
13 Clark County, Nevada, to meet with Child Protective Services?

14 A Yes.

15 Q And do you recall if that was Tiffany Keith who you
16 met with?

17 A There was -- yes, Tiffany.

18 Q Okay. And when you talked to Tiffany were you and
19 Shay able to take Heather back home with you?

20 A Yes.

21 Q And when you left was there a plan where you'd kind
22 of be the safety valve, I guess you would say?

23 A Yes.

24 Q And that was an agreement with CPS?

25 A Yes.

1 Q Fair to say at some point in time you no longer
2 needed to be the safety valve?

3 A Yes.

4 Q All right. And then at that point in time Shay
5 didn't have to check in with you, you didn't have to check on
6 the kids, and Shay could handle her children and her life how
7 she wished?

8 A Yes.

9 Q All right. I'm going to show you what's been
10 admitted as 7, 46, and 47. Do you recognize those?

11 A Yes. Yes.

12 Q Who do you recognize as being depicted in those
13 photographs?

14 A That's my Heather Haney.

15 Q All right. And as far as Exhibit 47, did you
16 provide that picture or at least a copy of the picture to the
17 State?

18 A Yes.

19 Q All right. And does that look like a fair and
20 accurate copy, though bigger, of the picture you provided to
21 the State?

22 A Yes.

23 Q What is that picture from?

24 A That I believe was the elementary school.

25 Q Okay. So when she was with you and attending

1 elementary school?

2 A Yes.

3 MS. JOBE: All right. Pass the witness.

4 THE COURT: Cross-examination.

5 MS. McNEILL: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. McNEILL:

8 Q Ms. Coon, you indicated that after Heather lived --
9 after Heather moved out of your home she would sometimes spend
10 the night with you; correct?

11 A Occasionally, yes.

12 Q And you were asked a lot of questions about your
13 access to the girls after they moved out -- after Heather
14 moved out of your home. But it was not just access to
15 Heather. You said "my grandchildren"; correct?

16 A Yes.

17 Q Okay. So it's both girls.

18 A Yes.

19 Q And you said that -- it sounds like there was some
20 tension about how often you would get to see the girls.

21 A Yes.

22 Q And is it fair to say that that tension was between
23 you and Justin?

24 A Yes.

25 Q And you and Shay?

1 A Yes.

2 Q Okay. And sometimes these would be disagreements
3 about Shay and Justin feeling that you didn't respect their
4 rules?

5 A I don't think so, no.

6 Q You don't remember having a conversation where you
7 were told you --

8 A Rules?

9 Q -- you couldn't respect their rules?

10 A No.

11 Q Okay. You worked at the Justice Court you said
12 until 2010.

13 A As a part time, yes.

14 Q So you actually worked in the courthouse?

15 A Yes.

16 Q For a judge?

17 A Yes.

18 Q And you had contact with police officers?

19 A Yes.

20 Q So -- and the police officers are right there, it
21 sounds like, attached to where you worked.

22 A They are not there often.

23 Q But they're there.

24 A But they come by and --

25 Q And you probably know them personally.

1 A Just a few of them.

2 Q Okay. But the few that you do know are Metro Police
3 officers?

4 A Yes.

5 Q Okay. And Heather knew that you worked at the
6 courthouse?

7 A Yes.

8 MS. McNEILL: Court's indulgence.

9 Nothing further.

10 THE COURT: Redirect. Make sure your microphone's
11 on.

12 MS. JOBE: Thank you.

13 REDIRECT EXAMINATION

14 BY MS. JOBE:

15 Q Ms. McNeill asked you about disagreements you had
16 with Shay and Justin. Before Justin entered the picture did
17 you have these kinds of disagreements with Shay?

18 A Mother-daughter occasionally, yes.

19 Q Okay. Fair to say Justin is no longer part of that
20 family picture; correct?

21 A Correct.

22 Q And since then has your relationship with Shay
23 improved?

24 A Yes.

25 Q I have one more thing. I apologize. I believe I

1 left out a -- showing you State's Proposed 48, do you
2 recognize that?

3 A Yes.

4 Q What do you recognize that to be?

5 A That's Heather at our Easter egg hunt in
6 Searchlight.

7 Q Okay. And did you provide that photograph to the
8 State?

9 A Yes.

10 Q Approximately how old is Heather in that photograph?

11 A I think nine. About nine.

12 MS. JOBE: All right. I'd move for the admission of
13 State's Proposed 48.

14 MS. McNEILL: Same objection, Your Honor.

15 THE COURT: It's admitted.

16 (State's Exhibit 48 admitted)

17 BY MS. JOBE:

18 Q And is -- the Easter egg hunt in Searchlight, is
19 that a community event?

20 A Yes.

21 MS. McNEILL: Your Honor, objection to the relevance
22 of this.

23 MS. JOBE: Just explaining the foundation of the
24 picture. That was the only question, Your Honor.

25 THE COURT: Okay. Well, I'm going to overrule at

1 this point.

2 BY MS. JOBE:

3 Q Okay. And this is what you just identified as the
4 picture of her when she was approximately nine?

5 A Yes.

6 MS. JOBE: Thank you. No further questions.

7 THE COURT: Recross.

8 MS. McNEILL: Thank you, Your Honor.

9 RECROSS-EXAMINATION

10 BY MS. McNEILL:

11 Q You were asked questions about if you had
12 disagreements with Shay prior to her relationship with Justin;
13 correct?

14 A Yes.

15 Q Prior to her relationship with Justin she didn't
16 live in the same state as you, did she?

17 A They moved from 2001 until 2005, and then, no, not
18 until they all moved out together. So about four -- four
19 years.

20 Q All right. So prior to her being with Justin she
21 lived in California?

22 A Yes.

23 Q Not with you?

24 A Right.

25 Q You had control of her child?

1 A Yes.

2 MS. McNEILL: Thank you. Nothing further.

3 THE COURT: Okay. Ma'am, you may step down. Thank

4 you very much for coming.

5 Next witness.

6 MR. BURTON: We're checking on it now.

7 THE COURT: Okay. Well, that's his job.

8 MR. BURTON: Call Christy Thunstrom.

9 MS. JOBE: May we approach?

10 THE COURT: Sure.

11 (Bench conference)

12 MS. JOBE: The witness we were going to have was

13 unexpectedly sick today, so I asked Ms. Thunstrom to hurry up

14 and get here. She's on her way and should be here any minute.

15 She's just not in the hallway right at the moment.

16 THE COURT: She's where?

17 MS. JOBE: She's on her way. She anticipated being

18 here at 3:30.

19 THE COURT: Oh. She should be here --

20 MS. JOBE: So I expect her at any moment. So I just

21 want to let you know that's where we're at.

22 THE COURT: Okay. No problem.

23 MS. McNEILL: Your Honor, when we have a chance

24 there's something I'd like to make a record about that

25 happened during Ms. Coon's testimony with regard to the

1 pictures.

2 THE COURT: Okay. At a break --

3 MS. McNEILL: Yes.

4 THE COURT: Okay.

5 MS. McNEILL: Thank you, Your Honor.

6 THE COURT: -- at the end we'll talk about that.

7 Just remind me, because I have a memory, but it's short.

8 (End of bench conference)

9 THE COURT: Okay. Ladies and gentlemen, we've got a
10 witness that is like -- will be here very shortly, so we might
11 just kind of sit tight for a couple minutes. And if she's not
12 here in the next couple minutes, we'll go ahead and take a
13 break. But, I mean, they're due here anytime, any minute,
14 okay.

15 (Pause in the proceedings)

16 MS. JOBE: Your Honor, it's my understanding she's
17 parking her vehicle. It might be another few minutes.

18 THE COURT: Okay. Why don't we go ahead and just
19 take a break, let you walk around the hallway a little bit,
20 okay.

21 During this period of time you are admonished not to
22 talk or converse among yourselves or with anyone else on any
23 subject related to the trial, or read, watch, or listen to any
24 report of or commentary on the trial by any medium of
25 information, including, without limitation, newspapers,

1 television, the Internet, and radio, or form or express any
2 opinion on any subject related to the trial until the case is
3 finally submitted to you.

4 We'll see you here in just a few minutes, okay.

5 (Jury recessed the 3:36 p.m.)

6 THE COURT: Okay. We can go off the record.

7 MS. JOBE: Ms. McNeill --

8 THE COURT: Oh. Did you have something you needed
9 to say?

10 MS. McNEILL: I did, Your Honor.

11 THE COURT: Oh. I'm sorry. That's right. You did.
12 I was thinking we were going to leave that for the end of the
13 day. We might as well do it now.

14 MS. McNEILL: Your Honor, I -- during the showing of
15 the photos to Ms. Coon you --

16 THE COURT: You're talking about Leslie?

17 MS. McNEILL: Yes. Sorry. Leslie Coon. I should
18 have said that, to Leslie Coon. As Your Honor is aware, my
19 concern with those photos is that they would be inflammatory
20 and sort of prey on the emotions of the jury. And the STate
21 represented that they were just using those to show what she
22 looked like. During the showing of the photos I have two
23 issues. The one of the Easter egg hunt, I understand that Ms.
24 Jobe said she was just asking about that to lay the
25 foundation. You don't need to know where it was taken. She

1 could just say, this is what she looked like at that time. So
2 I think that got kind of close to the line of what my concern
3 was. But I didn't object to this, and Mr. Langford may be
4 able to say I was ineffective for this, but the reason I did
5 not say anything about this at the time it happened is I
6 didn't want to call more attention to it. But when Ms. Coon
7 was looking at the photos, after she looked at the photos she
8 said under her breath, "She was so cute." That was exactly my
9 concern with these photos coming in in front of the jury.

10 MS. JOBE: And, Your Honor, as far as the Easter egg
11 hunt thing is concerned, when I showed her that photograph
12 when she identified what the photograph was from she said
13 Easter egg hunt. And the reason I asked the question was
14 simply to establish -- I was trying to draw -- I didn't want
15 any religious ties to it, that's why I said it was just a
16 community event to try to minimize that and to not leave it as
17 it stood with what she said. That was my only intent. That's
18 why I asked that question after she had said it. Had she not
19 said it, I never would have mentioned anything about it.

20 MS. MCNEILL: My bigger concern is the comment that
21 she made. And I heard it, I saw it. Granted, I was watching
22 her very carefully because I was concerned about what may come
23 out of her mouth with the pictures. If any of the jurors saw
24 it, that's clearly inflammatory. Again, it preys on their
25 emotions. That's why I made the objection to those photos.

1 So I would move for a mistrial at this time based on that
2 coming out in front of the jury.

3 THE COURT: Okay. Your motion for mistrial is
4 denied. The jury is going to see the photograph. They're
5 going to know that it is some sort of a springtime event. I
6 don't think that saying it's an Easter egg hunt is going to
7 prey on any emotions, I mean, that way. I mean, kids go on
8 Easter egg hunts. She's a grandmother. She said, she's so
9 cute, or she muttered it. But I don't -- I don't want to
10 highlight it. But she shouldn't -- she was toeing the line.
11 I don't fault the D.A.'s Office for that.

12 MS. McNEILL: I don't fault them for that, either.
13 I mean, I don't imagine they would have sought to have her say
14 something like that at all. I don't -- I'm not suggesting
15 anything improper on their part.

16 THE COURT: Right.

17 MS. McNEILL: It's just it happened.

18 MS. JOBE: And if I could just make a record,
19 because this is likely to be an issue if this goes up.
20 Obviously I only asked her to identify who was in the
21 photograph. I didn't ask or try to elicit anything positive,
22 negative, sympathetic, unsympathetic about the fact that it
23 was Heather in the photograph. What she did say -- my
24 recollection was that she said, "That was my Heather." I
25 didn't hear the "cute" part. It was muttered and under her

1 breath and not directly into the microphone. I specifically
2 avoided following up or asking any questions about that. And,
3 I mean, she is grandmother of this child. There is foundation
4 that she raised the child from birth to eight years old. So I
5 don't think a grandmother's affection or love for the
6 granddaughter necessarily prejudices or preys on the
7 sympathies of jurors. They see it for what it is, is that
8 she's a relative and issue is the victim. She didn't say, oh,
9 this horrible things Justin did or any way tie that to the
10 facts or the proof of this case.

11 THE COURT: Okay. Thank you. I think your
12 objections are noted.

13 MS. McNEILL: Thank you, Your Honor.

14 THE COURT: We can go off the record now.

15 MS. JOBE: And, Your Honor, just for scheduling --
16 it doesn't need to be on the record.

17 THE COURT: Okay.

18 (Court recessed at 3:41 p.m., until 3:49 p.m.)

19 (Jury is present)

20 THE COURT: Okay. We're on the record. Ladies and
21 -- well, counsel, would you stipulate to the presence of the
22 jury.

23 MS. JOBE: Yes, Your Honor.

24 MS. McNEILL: Yes, Your Honor.

25 THE COURT: All right. Thank you.

1 You all may be seated. Ladies and gentlemen, what
2 happened is we had -- the prosecution had one of their
3 witnesses fall ill. We anticipate that they will be
4 testifying tomorrow. That's why we were a little bit short of
5 witness. We've now got a witness ready to go on the stand,
6 and they may end a little bit early today. But I'm assured by
7 the lawyers that they are running on time, so it's not going
8 to screw up the schedule that I gave you, okay.

9 So call your next witness.

10 MR. BURTON: Thank you, Your Honor. Christy
11 Thunstrom.

12 CHRISTY THUNSTROM, STATE'S WITNESS, SWORN

13 THE CLERK: Please state and spell your name for the
14 record.

15 THE WITNESS: Christy Thunstrom, C-H-R-I-S-T-Y
16 T-H-U-N-S-T-R-O-M.

17 THE COURT: Okay, ma'am. Have a seat and then push
18 yourself as close to that microphone as you can. I need to
19 make sure you're heard, okay.

20 THE WITNESS: Okay.

21 THE COURT: And also a little rule I tell the
22 witnesses. The attorneys are going to be asking questions,
23 but understand in our English language, you would probably
24 agree with me, we interrupt each other all the time. Let him
25 get his question out, and he will make sure that he doesn't

1 interrupt you in getting the answer out. Because we just talk
2 over each other all the time. And my court recorder is really
3 good, but she's never mastered the art of taking down two
4 people at the same time. Okay?

5 THE WITNESS: Okay.

6 THE COURT: All right. Counsel.

7 MR. BURTON: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. BURTON:

10 Q Now, Ms. Thunstrom, I'm going to stand back here,
11 okay. And if I can hear you and you can hear me, then the
12 jurors will be able to hear both of us. Okay?

13 Now, I'd like to turn your attention to January of
14 2014. At that time where were you working?

15 A Garrett Middle School in Boulder City.

16 Q Do you work there now?

17 A No.

18 Q When did you stop working at Garrett Middle School?

19 A About seven months ago.

20 Q Where do you work now?

21 A Basic Academy.

22 Q At Garrett Middle School what was your job?

23 A I was the FASA, which stands for first aid safety
24 assistant. I was in the health office.

25 Q I'm sorry. Where do you work now?

1 A I'm at Basic Academy.

2 Q Basic.

3 THE COURT: Is that Basic High School?

4 THE WITNESS: Yes.

5 THE COURT: Okay.

6 BY MR. BURTON:

7 Q What do you do at Basic High School?

8 A I'm an administrative assistant.

9 Q What is a first aid safety assistant?

10 A I am in the health office every day. A nurse can't

11 always be at every single school, so they hire us, FASAs, to

12 be in there on a daily basis. So I sit in the health office.

13 Q What type of things would you do as a first aid

14 safety assistant?

15 A I work with the diabetic kids at lunch, helping them

16 count their carbs. I would treat runny noses, bloody noses,

17 assist when fights -- very rare in Boulder City, but assist

18 with fights. Just your day-to-day -- kids are feeling sick,

19 they come in the health office, call their parents.

20 Q And you mentioned Boulder City. Is that where

21 Garrett Middle School or Junior High is located?

22 A Yes.

23 Q On January 21st, 2014, were you working that day?

24 A Yes.

25 Q Does Garrett Junior High have a school counselor?

1 A Yes.

2 Q Do you recall if the school counselor was working on
3 January 21st, 2014?

4 A No.

5 Q No, you don't recall, or, no, they weren't?

6 A No, she wasn't there.

7 Q Thank you. At some point during your shift during
8 the day of January 21st, 2014, did you receive some
9 information about one of the students at Garrett Junior High?

10 A Yes.

11 Q Where did that information come from?

12 A Our lunch lady.

13 Q Was that information related to a specific student?

14 A Yes.

15 Q As a result of whatever information you got from
16 that lunch lady -- or what was that -- what did she say?

17 A I was told that the student was very upset during
18 breakfast that morning and if I could just follow up with her,
19 call her into the health office and see if she was okay.

20 Q Is that something that you would typically do as a
21 first aid safety assistant?

22 A In a small school like Boulder City, yes.

23 Q Did you do that?

24 A Yes.

25 Q Do you recall what the student's name was?

1 A Heather Haney.

2 Q Do you recall how long -- had you seen Heather in
3 school before January 21st?

4 A Yes.

5 Q Do you recall how long she'd been in school up to
6 that time?

7 A Well, maybe a year.

8 Q Do you remember talking to the detectives or someone
9 from Child Protective Services on January 21st, 2014?

10 A Yes.

11 Q Okay. Do you recall telling them that Heather had
12 just started at that school?

13 A No.

14 Q If I showed you a transcript of that interview would
15 that help you refresh your recollection?

16 A Sure.

17 MR. BURTON: Okay. Your Honor, may I approach?

18 THE COURT: Sure.

19 MR. BURTON: Page 3, Counsel.

20 BY MR. BURTON:

21 Q And I'm showing you -- does this look like a
22 transcript from a voluntary statement that you gave?

23 A Yes.

24 Q And on January 21st, 2014?

25 A Yes.

1 Q Okay. Now turning to page 3, directing you
2 approximately to these lines here. If you could read those to
3 yourself and then look up at me when you're done.

4 A Okay.

5 Q Does that --

6 A Yes, I said she just started here.

7 Q Does that refresh your recollection about how long
8 Heather had been at the school on January 21st?

9 A A little. This has been two years ago since all
10 this has happened, so --

11 Q Right. And you're no longer at that school;
12 correct?

13 A Correct.

14 Q Okay. So what -- how long had Heather been there
15 from the time of January 21st?

16 A I guess that year. She just started that year.

17 Q And you said you followed up on this information.
18 You called Heather into the office?

19 A Yes.

20 Q Did you talk to her?

21 A Yes.

22 Q Without telling me anything that she said right now
23 just can you remember anything about her demeanor, her
24 appearance?

25 A I think she was sad.

1 Q Do you recall talking to her specifically about why
2 she was sad?

3 A Yes.

4 Q Do you recall her saying anything about physical
5 abuse?

6 A Yes.

7 Q What did she say about physical abuse?

8 A Her head was hit and that someone almost broke her
9 mom's arm.

10 MS. McNEILL: Objection, Your Honor. May we
11 approach?

12 THE COURT: Sure.

13 (Bench conference)

14 MS. McNEILL: [Inaudible].

15 MR. BURTON: Right. Your Honor, I was focusing on
16 the victim, Heather Haney. I can again lead her through this.
17 That was the focus of my question.

18 MS. McNEILL: But it's come out -- this is now the
19 third time this has happened. And it's [inaudible] talk about
20 [inaudible].

21 THE COURT: Okay. I'm going to tell the jury to
22 disregard that --

23 MS. McNEILL: I don't want to call more attention to
24 it at this point. My point is that we had an agreement. He
25 could have told her not to talk about that.

1 MS. JOBE: I do admonish them. The unfortunate part
2 is I can't control what comes out of their mouths by
3 admonishing them.

4 THE COURT: I know. But if they keep doing that,
5 we're going to have a problem.

6 MS. JOBE: I appreciate that, and we are doing our
7 best to avoid that problem.

8 THE COURT: Okay. At this point I'm going to
9 admonish the jury and at that time would tell her to focus
10 just on -- well, you ask her just to focus on Heather, okay.

11 (End of bench conference)

12 THE COURT: Okay. Sustained.

13 Ladies and gentlemen, you're to disregard any
14 remarks about a broken arm, okay. All right. Thank you.

15 BY MR. BURTON:

16 Q Ms. Thunstrom, we're talking specifically about
17 Heather.

18 A Okay.

19 Q And you said that she'd -- that she'd hit her head.

20 A Someone hit her head.

21 Q Okay. Do you remember if she said who hit her head?

22 A Her stepdad.

23 Q The things that she talked to you about did you
24 encourage her to tell anybody else?

25 A No. Oh. Yes. Talk to her grandma or make sure a

1 counselor knew, yes.

2 Q Did she say whether she was going to talk to a
3 counselor or her grandmother?

4 A I think yes. I think she said her mom was going to
5 be home now because she had lost her job, so she wouldn't be
6 by herself. It didn't sound like she wanted to tell anybody.
7 I did tell her I have to tell somebody.

8 Q Are you a mandatory reporter?

9 A Absolutely. Yes.

10 Q Do you recall her saying why she had not to that
11 point told her mom about what she talked to you about?

12 A She was scared that someone would come and hurt her
13 and her mom.

14 Q Do you recall when she said she was going to talk to
15 her mom or her grandmother?

16 A Like when she was going to talk to them about it?

17 Q Right.

18 A No.

19 Q Would looking at a transcript of your interview with
20 detectives help refresh your recollection?

21 A Does it say something about it in there?

22 THE COURT: The question is do you think it might
23 refresh your recollection --

24 THE WITNESS: If it -- yes. If it's in there, yes.

25 MR. BURTON: Your Honor, may I approach?

1 THE COURT: Sure.

2 MR. BURTON: Page 4.

3 BY MR. BURTON:

4 Q SHowing you page 4 of your interview, if you could
5 look to that A right there in the middle.

6 A "And then she would tell her --"

7 Q I'm sorry.

8 THE COURT: No, no, no, no, ma'am.

9 THE WITNESS: Oh. I can't read it?

10 THE COURT: The question is does it refresh your
11 recollection. It's one of those deals that you look at
12 something and then, oh, yeah, I remember now, and then you put
13 it down, and then you can testify about it.

14 THE WITNESS: Okay.

15 THE COURT: Okay?

16 THE WITNESS: Got it.

17 THE COURT: All right.

18 THE WITNESS: Yes.

19 BY MR. BURTON:

20 Q Does that refresh your recollection?

21 A Yes.

22 Q Okay. And the question was did Heather say when she
23 was going to talk to her mom or her grandma about what she
24 talked to you?

25 A Yes.

1 Q When --
2 A That day.
3 Q Do you recall Heather saying anything about whether
4 her stepdad was going to be leaving soon?
5 A Yes.
6 Q Do you remember if she gave a date?
7 A No.
8 Q Okay. Would looking at your transcript refresh your
9 recollection?
10 A Yes.
11 MR. BURTON: Your Honor, may I approach?
12 THE COURT: Sure.
13 MR. BURTON: Same page.
14 BY MR. BURTON:
15 Q Showing you the same answer, if you could read that
16 to yourself. Does that refresh your recollection?
17 A Yes.
18 Q Okay. When did Heather say her stepfather would be
19 leaving?
20 A On the 26th.
21 Q Okay. Did she indicate that she would tell her mom
22 then?
23 A Yes.
24 MR. BURTON: Okay. Brief indulgence, Your Honor.
25 THE COURT: Sure.

1 (Pause in the proceedings)

2 BY MR. BURTON:

3 Q Did Heather disclose anything to you other than
4 physical abuse?

5 A Yes.

6 Q The other things that she disclosed to you, did she
7 disclose whether it happened once or more than once?

8 A Yes.

9 Q Those other things that she disclosed to you, is
10 that why you reported?

11 A Yes.

12 Q How did you go about reporting?

13 A I went and talked to my administrator, my principal
14 at the school, and she advised me that I needed to call Child
15 Protective Services. Which I did.

16 Q What was the general nature -- well, let me ask you
17 this way. Was the nature of what Heather disclosed other than
18 the physical abuse on her sexual abuse?

19 A Yes.

20 MR. BURTON: Nothing further, Your Honor.

21 THE COURT: Cross.

22 MS. McNEILL: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. McNEILL:

25 Q Ms. Thunstrom, did you give more than one recorded

1 statement about this?

2 A I don't think so. I just remember speaking to one
3 police officer.

4 Q Okay. I have some questions about that statement.
5 You indicated that the lunch lady came to you; correct?

6 A Correct.

7 Q So Heather didn't come to you?

8 A Not at first, no.

9 Q Right. So you came to talk to Heather because the
10 lunch lady sought you out?

11 A Yes.

12 Q Okay. Because the counselor was gone that day.

13 A Correct.

14 Q And then you indicated that Heather was talking to
15 you about some physical abuse in the home. That was initially
16 what she talked to you about; right?

17 A Yes.

18 Q And she was telling you how she was upset and sad?

19 A Yes.

20 Q And she'd had this fight at home with her stepdad;
21 right?

22 A Yes.

23 Q And then do you remember telling the police it was
24 in the middle of that she said she'd been raped?

25 A Yes.

1 Q And you indicated to the State that she didn't want
2 you to tell anybody. There's nowhere in your statement that
3 she actually told you not to tell anyone that; correct?

4 A Correct.

5 Q You also indicated that she said that this rape had
6 happened more than once. Do you remember actually telling the
7 police that she didn't specify how many times it happened?

8 A Yes.

9 Q So she didn't actually tell you it happened more
10 than once?

11 A No, she did. She said -- when I asked, has this
12 happened before, she said yes.

13 Q And why did you tell the police that she didn't
14 specify how many times it happened?

15 A I think in my statement it does say I've asked.
16 When I was asked I said it happened before.

17 Q Again, did you give more than one statement?

18 A I don't think so, no.

19 Q So it's your testimony that you did not say -- that
20 you did say it happened more than once?

21 A Yes.

22 MS. McNEILL: Your Honor, at this point I would ask
23 to just read this portion of the interview into the record.

24 THE COURT: Any objection?

25 MR. BURTON: Yes, Your Honor. I think that she can

1 certainly confront the witness with that transcript. But to
2 read it into the record is improper.

3 THE COURT: Well, she can use it for impeachment.

4 Go ahead and show it to the witness, and --

5 MS. McNEILL: Yes, Your Honor, if I may --

6 THE COURT: -- if it refreshes, great. If it
7 doesn't, then you can go ahead and impeach her with it.

8 THE WITNESS: Did she give you any --

9 BY MS. McNEILL:

10 Q No. To yourself. Sorry.

11 A Oh. I'm sorry.

12 Q Okay. So you were asked -- it looked like you were
13 talking about these allegations, and all it says is "It
14 happened many times"; correct?

15 A Yes.

16 Q Okay. But you're not clear about what?

17 MR. BURTON: Can I get a page? I'm sorry.

18 MS. McNEILL: I'm sorry. 4.

19 MR. BURTON: Thank you.

20 BY MS. McNEILL:

21 Q Right? Is that correct?

22 A No. It says what it's about in the beginning.

23 Q Okay. It's fair to say the page I just showed you
24 has a very lengthy paragraph; correct?

25 A Yes. Correct.

1 Q Okay. But you're talking about many things.
2 A YEs.
3 Q Okay. And in that you say, "It's happened many
4 times"; right?
5 A Yes.
6 Q Okay. But then you're asked specifically, "She
7 didn't specify how many times it happened?" And your answer
8 was "No."
9 A Correct.
10 Q Okay. She also indicated to you, as the State said,
11 that the reason she was now saying something was because her
12 stepfather would be leaving?
13 A Yes.
14 Q Okay. And then she told you that she had told some
15 of her friends; correct?
16 A Yes.
17 Q And she indicated that she had done that a couple
18 months back; correct?
19 A Yes.
20 Q So not that day?
21 A Right.
22 Q Not the day before; right?
23 A I guess.
24 MS. McNEILL: Nothing further.
25 THE COURT: Redirect?

1 MR. BURTON: Yes.

2 REDIRECT EXAMINATION

3 BY MR. BURTON:

4 Q Now, we're going to be talking a little bit more
5 about that one answer or that one part of the transcript, that
6 page 4 that was a relatively lengthy answer. Okay?

7 A Okay.

8 Q Okay. In that answer is where you start talking
9 about Heather's disclosure of being raped; correct?

10 A Correct.

11 Q And that was because that kind of happened towards
12 the middle of your discussion with Heather; correct?

13 A Correct.

14 Q So you're gvt the detectives kind of a summary of
15 what you two talked about, you and Heather; correct?

16 A Yes.

17 Q Okay. When you talk about that her stepfather --
18 that she said her stepfather raped her you talked about a
19 discussion with Heather about telling someone; correct?

20 A Yes.

21 Q And it was focused on Heather telling someone else;
22 correct?

23 MS. McNEILL: Objection. Leading.

24 THE COURT: Sustained.

25 MR. BURTON: I'll ask it --

1 THE COURT: I understand.

2 BY MR. BURTON:

3 Q When you talked to Heather about disclosing were you
4 talking about Heather disclosing, or yourself disclosing?

5 A Her. She needs to tell someone what's being done to
6 her.

7 Q What was Heather's response when you told her she
8 needed to disclose it?

9 A That he's leaving soon so she'll tell her mom then.

10 Q And it was in -- was it in that context that you
11 talked -- asked her if it had happened before?

12 A Yes.

13 Q Did she give you a specific number?

14 A No.

15 Q Did she indicate that it happened more than once?

16 A Yes.

17 Q So when the detectives are asking you did she
18 indicate how many times, your answer is no.

19 A Right.

20 Q Because you didn't have a specific number?

21 A Right.

22 Q When Heather told you that she had been raped did
23 she give you any details?

24 A No.

25 Q Did you ask her any details?

1 A No.

2 Q How soon after your discussion with Heather did you
3 start to report this?

4 A Immediately.

5 MR. BURTON: Nothing further, Your Honor.

6 THE COURT: Any recross?

7 MS. McNEILL: No, Your Honor.

8 THE COURT: Okay, ma'am. You may step down. Thank
9 you very much.

10 Okay. Ladies and gentlemen, as I indicated, that's
11 all the witnesses we're going to have for the day. I'm going
12 to need you back here at 1:00 o'clock tomorrow, and we will be
13 -- we're going to have a full afternoon tomorrow afternoon,
14 obviously.

15 So during this period of time you are admonished not
16 to talk or converse among yourselves or with anyone else on
17 any subject related to the trial, or read, watch, or listen to
18 any report of or commentary on the trial by any medium of
19 information, including, without limitation, newspapers,
20 television, the Internet, and radio, or form or express any
21 opinion on any subject related to the trial until the case is
22 finally submitted to you.

23 Have a good evening, and we'll see you tomorrow
24 morning -- I mean tomorrow afternoon.

25 (Jury recessed at 4:11 p.m.)

1 THE COURT: Okay. Let the record reflect that the
2 jury's left the courtroom. Is there anything that we need to
3 discuss outside the presence of the jury?

4 MS. McNEILL: Yes, Your Honor. I want to make a
5 record about our bench conference --

6 THE COURT: Okay.

7 MS. McNEILL: -- that happened during the testimony
8 of Ms. Thunstrom. She -- during her testimony she made the
9 statement about Heather telling her that Mr. Langford had
10 tried to break her mother's arm. I objected. That was
11 something that we specifically agreed would not be gone into.
12 I'm going to make another motion for a mistrial. This is the
13 third or fourth incident where something has come up that
14 should not have come up. We had that he was on medication, we
15 had these threats. And, yes, we've dealt with it. But these
16 things still come out, and you can't unring a bell. And now
17 we have this thing about breaking the arm that we specifically
18 agreed would not be gone into. They were aware that that was
19 in the statement. They could have admonished her not to talk
20 about that. It came out.

21 And this is a case where we're walking a very fine
22 line. Mr. Langford and I, you know, we agreed that some of
23 these were res gestae and that they would come in and that it
24 would be disingenuous of us to disagree with that when we were
25 going to be bringing some of these in. But we're getting into

1 this point where there's all of these things coming out in
2 front of the jury that shouldn't be coming out. And I think
3 it's reaching the point where how can we fix it, how do we
4 come back from that.

5 So I would renew my motion for a mistrial based on
6 the multiple times that things have come in inadvertently that
7 shouldn't have come in.

8 MS. JOBE: And, Your Honor, as far as the statement
9 about the broken arm, again, I've represented at the bench
10 that we've admonished each and every witness not to bring up
11 bi-polar and not to bring up the child saying that the
12 defendant almost broke the mother's arm. We do our best to
13 [inaudible]. Mr. Burton asked a specific question about
14 physical abuse regarding Heather, and the witness offered that
15 even though it was related to the mother. And so it wasn't
16 intentionally elicited from the State. We did our best and
17 due diligence to admonish them not to say it.

18 As far as its effect on the jury, Your Honor, it
19 didn't come up that he'd actually broken her arm. There was
20 testimony earlier from Shay which the defense -- and I'm not
21 saying they were in support of what she said, obviously.
22 That's why we're having this discussion. But this jury has
23 heard that the defendant was abusive toward Shay Coon. I
24 don't think it's done anything more or less than what they've
25 already heard earlier today.

1 As far as the statements by the grandmother, we've
2 already addressed those. The State cleaned them up by leading
3 the grandmother through the threats that were actually demands
4 that Heather go live with them and that he didn't make any
5 actual threats to -- that something would happen if she didn't
6 follow his demands.

7 And as far as the other incident, which is when Shay
8 mentioned he started take medication, I believe that was her
9 misunderstanding. She avoided the word bi-polar. We did our
10 best again. We admonished her multiple times not to say that.
11 We didn't try to elicit that. So we are doing our best to
12 navigate these things through leading questions. I don't
13 believe the jury has been tainted to the point of being beyond
14 coming back or even being anything more than where the
15 evidence lies at this point in time. They asked plenty of
16 questions when it comes to Heather, plenty of questions that
17 challenge her testimony and the details and the fact. And
18 based on everything that's happened so far, that seems to be
19 where the jurors' focus is.

20 MS. McNEILL: And all of those questions were during
21 Heather. These things have come out subsequent to Heather.
22 Again, I think, you know, the STate is suggesting that Heather
23 was so afraid of my client. And now it makes it sound like
24 the mother is terrified. And that's why I kind of cut the
25 questioning off about that she thought that -- she didn't

1 believe Heather, because I didn't want them to be making any
2 sort of accusation. Now it's almost like we have this the
3 mother is terrified and that's why she didn't do anything and
4 that -- I mean, the breaking the arm, I think one incident.
5 BUT it's multiple incidents, and it just keeps building to the
6 point where how do we recover from that. And it puts us in a
7 very difficult position where we may have to start trying to
8 address some of these things that we would have never gone
9 into because it's out there.

10 THE COURT: Okay. Counsel, your motion for mistrial
11 is denied. However, I am concerned. I don't think that the
12 District Attorney's Office is doing anything from a misconduct
13 type of action. But it is distressing about these witnesses.
14 They're emotionally charged. You know, I get it. But do we
15 have any -- I mean, are we looking now at mostly police-type
16 witnesses?

17 MS. JOBE: Yes, Your Honor.

18 THE COURT: Who is the witness that was going to
19 come in that was ill today?

20 MS. JOBE: Tiffany Keats. She's the CPS
21 investigator.

22 THE COURT: Okay. And who else do we have coming
23 in?

24 MS. JOBE: Meagan Jessen, the school friend that she
25 disclosed to. And we're going to see her again tomorrow.

1 We've talked to her, we're going to see her again tomorrow.
2 We will admonish her again that we're only talking about
3 Heather and we're not talking about these other things.

4 THE COURT: Okay. Because if it comes out, I mean,
5 I may have to consider what Ms. McNeill is asking for, because
6 it's -- I mean, if we were just going to have police-type
7 witnesses, then I think that they will toe the line. But when
8 you've got, you know, Shayleen talking about medication,
9 you've got the mom talking threats when there wasn't really
10 threats, it was just a demand, and then you've got this
11 witness, which frankly I was surprised to have her come out
12 about the breaking of the arm thing, but I'm just concerned
13 about this. So I would say you might tell this witness she's
14 got to keep it -- she's got to toe the line here. Because if
15 she doesn't, I'm going to have to really strongly consider
16 what Ms. McNeill is asking me for.

17 MS. JOBE: I understand that. And we will lean more
18 towards leading questions during the dangerous I guess shall
19 you say subjects in order to try to avoid unexpected answers
20 that we've admonished these people not to say.

21 THE COURT: Okay. Who else? Any other -- besides
22 the school child, any other non-police-type witnesses?

23 MS. JOBE: No, Your Honor.

24 THE COURT: Okay. Ms. McNeill, I mean, I don't know
25 what to say. You're right, it's very -- this is a very tough

1 one for me, okay.

2 MS. McNEILL: Thank you, Your Honor.

3 THE COURT: Okay. Thank you.

4 All right. We'll see you at 1:00 o'clock tomorrow.

5 MS. JOBE: Thank you.

6 (Court recessed at 4:19 p.m., until the following day,

7 Thursday, March 10, 2016, at 1:02 p.m.)

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EXHIBITS

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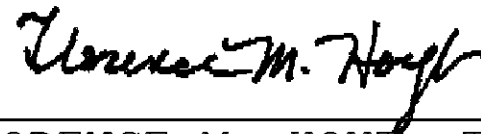
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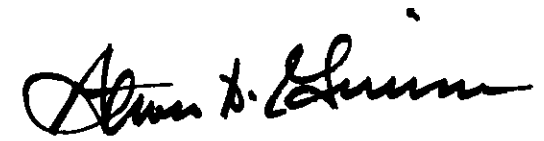
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Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

8/16/16

DATE



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA

Plaintiff

vs.

JUSTIN O. LANGFORD

Defendant

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CASE NO. C-296556

DEPT. NO. XXII

**Transcript of
Proceedings**

BEFORE THE HONORABLE SUSAN JOHNSON, DISTRICT COURT JUDGE

JURY TRIAL - DAY 4

THURSDAY, MARCH 10, 2016

APPEARANCES:

FOR THE STATE:

CHRISTOPHER BURTON
MICHELLE JOBE
Assistant District Attorneys

FOR THE DEFENDANT:

MONIQUE McNEILL, ESQ.

COURT RECORDER:

NORMA RAMIREZ
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, THURSDAY, MARCH 10, 2016, 1:02 P.M.
2 (Court was called to order)
3 THE COURT: Okay. Are we ready to proceed?
4 MS. JOBE: Yes, Your Honor
5 MS. McNEILL: Yes, Your Honor.
6 (Jury reconvened at 1:05 p.m.)
7 THE COURT: Okay. Will counsel please stipulate to
8 the presence of the jury?
9 MS. JOBE: Yes, Your Honor.
10 MS. McNEILL: Yes, Your Honor.
11 THE COURT: Okay. Please be seated. And when
12 they're ready --
13 And good afternoon, ladies and gentlemen.
14 THE JURY: Good afternoon.
15 THE COURT: Okay. And when they're all ready we can
16 go ahead and call the next witness.
17 MS. JOBE: The State calls Meagan Jessen.
18 THE COURT: Okay.
19 THE MARSHAL: Meagan Jessen.
20 MS. JOBE: Jessen.
21 THE MARSHAL: Jessen.
22 MEAGAN JESSEN, STATE'S WITNESS, SWORN
23 THE CLERK: Please state and spell your name for the
24 record.
25 THE WITNESS: M-E-A-G-A-N J-E-S-S-E-N.

1 THE COURT: Okay. And your name?

2 THE WITNESS: That's my name.

3 THE COURT: That's how you spell it, but what is
4 your name? Say it.

5 THE WITNESS: Meagan Jessen.

6 THE COURT: Okay. Sit close, and I want you to
7 speak as loud as you can. Well, don't yell, but you know what
8 I mean. And, by the way, the attorney's going to be asking
9 you questions. Let her get her entire question out before you
10 answer. Okay?

11 All right. Go ahead, Counsel.

12 MS. JOBE: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MS. JOBE:

15 Q Good afternoon, Meagan. How old are you?

16 A Fifteen.

17 Q Do you live in Searchlight?

18 A No.

19 Q What state do you live in these days?

20 A New Mexico.

21 Q Did you at some point when you were growing up live
22 in Searchlight, Nevada?

23 A Yes.

24 Q When you lived in Searchlight, Nevada, did you know
25 someone by the name of Heather Haney?

1 A Yes.

2 Q I'm going to show you a picture. I'm going to show
3 you what's been admitted as State's Exhibit 46. Do you
4 recognize who's in that photo?

5 A Yes.

6 Q Who do you recognize that to be?

7 A Heather.

8 Q Did you go to elementary school with Heather?

9 A Yes.

10 Q And was that elementary school in --

11 THE COURT: Ms. Recorder, is that --

12 THE COURT RECORDER: [Inaudible].

13 THE COURT: Oh. Okay.

14 BY MS. JOBE:

15 Q You said that's Heather?

16 A Uh-huh.

17 Q Is that a yes?

18 THE COURT: Is that yes?

19 THE WITNESS: Yes.

20 THE COURT: Okay.

21 MS. JOBE: Sorry, Your Honor.

22 THE COURT: That's all right. And make sure you do
23 me a favor, our court recorder, she doesn't get uh-huh,
24 mmm-hmmm, or nod shakes of the head. So make sure you answer
25 audibly, yes, no, those kinds of things, okay. I know you're

1 nervous, but -- you don't do this every day; right?

2 THE WITNESS: No.

3 THE COURT: Okay.

4 BY MS. JOBE:

5 Q Are you a little nervous Meagan?

6 A Yes.

7 Q Okay. Just going to ask you some questions. So you
8 said you went to school with Heather, elementary school?

9 A Yes.

10 Q At some point in time did Heather quit going to
11 school with you?

12 A Yes.

13 Q Do you know if she was still learning stuff and --
14 like as if she were going to school?

15 A Yeah. She was home schooled.

16 Q Okay. Do you know who she lived with when she was
17 being home schooled?

18 A Her mom and stepdad.

19 Q Did you get to see Heather while she was being home
20 schooled when she lived with her mom and her stepdad?

21 A No.

22 Q Was that different than before when you went to
23 school with her?

24 A No. I was never allowed to hang out with her after
25 school, really.

1 Q And was that the same as when you went to elementary
2 school with her, or was that different from when you went to
3 elementary school with her?

4 A Different. Because when I went to elementary school
5 with her I couldn't see her.

6 Q So you could hang out with her after elementary
7 school and go over to her house and stuff?

8 A No.

9 Q Okay. At some point in time did Heather go back to
10 public school and go to the same school as you?

11 A Yes.

12 Q What school were you going to when that happened?

13 A Garrett Junior High School.

14 Q Is that a school that's in Boulder City?

15 A Yes.

16 Q And to get there would you have to ride the bus with
17 Heather and other kids to get to and from school?

18 A Yes.

19 Q All right. Do you remember, did Heather go back to
20 school at the very beginning of the school year, or some other
21 time?

22 A Sometime in the school year.

23 Q Okay. And when she went back to school would you
24 ride the bus with her and hang out with her and talk to her?

25 A I only got --

1 MS. McNEILL: Objection. Leading and compound.

2 THE COURT: Why don't you rephrase.

3 MS. JOBE: Sure.

4 THE COURT: Sustained.

5 BY MS. JOBE:

6 Q When Heather went back to school would she ride the
7 bus with you?

8 A Yes.

9 Q Would you talk to her sometimes on the bus?

10 A Yes.

11 Q Would you talk to her sometimes at school?

12 MS. McNEILL: Objection. Leading.

13 THE WITNESS: Yes.

14 THE COURT: I'm going to overrule on that one.

15 BY MS. JOBE:

16 Q All right. And at some point in time did you have a
17 conversation with Heather about stuff going on at her house?

18 A Yes.

19 Q Where did that conversation occur?

20 A On the bus.

21 Q How -- would you describe how was Heather acting or
22 what was her demeanor like?

23 A She seemed all happy, and then everything went
24 silent and then she started crying.

25 Q And when she started crying did she talk to you

1 about stuff going on at her house?

2 A Yes.

3 Q What did she tell you?

4 A Well, it started out with her saying that her

5 stepdad was abusing her mentally, then that escalated into him

6 abusing her physically.

7 Q Okay. And that's referring to Heather; right?

8 A Yes.

9 Q Was she happy? Was she still crying while she said

10 this? What was she doing?

11 A She crying while she said it.

12 Q Was anyone else around when you had this

13 conversation?

14 A Yes.

15 Q Who?

16 A Xylie.

17 Q And who is Xylie?

18 A Mine and Heather's friend.

19 Q Are you or were you in the same grade as Heather in

20 school?

21 A No. She was in seventh grade.

22 Q And what grade were you in?

23 A Eighth.

24 Q All right. And when Heather was telling you about

25 what was going on at her house did she -- could you understand

1 everything she said?

2 A Mostly.

3 Q When you say mostly, what do you mean by mostly?

4 A Well, some of it was like mumble stutters because
5 she was crying.

6 Q What, if anything, did you do about what Heather
7 told you?

8 A Me and Xylie talked about it, because -- well,
9 Heather told us not to tell anyone, but me and Xylie talked
10 about it on the way -- because we walk home together.

11 Q Okay.

12 A And we -- the next time we --

13 MS. McNEILL: Objection to anything Xylie says.

14 THE COURT: Yeah. Now it's an objection. I'm going
15 to go ahead and sustain.

16 You can only talk about what you said; okay?

17 THE WITNESS: Oh. Okay.

18 THE COURT: All right. But not what Xylie says;
19 okay?

20 THE WITNESS: Oh. Okay.

21 BY MR. JOBE:

22 Q So you just -- if I can make sure I understand. You
23 said you and Xylie had a conversation about what Heather had
24 told you on the bus?

25 A Yeah. And we agreed to tell -- to tell her to tell

1 the counselor.

2 Q So you and Xylie made an agreement to tell Heather
3 to tell the counselor? Is that right?

4 A Yes. And then we went to the office with her.

5 Q So when you go back to school -- was that a
6 different day than the school bus ride, or the same day?

7 A It was a different day.

8 Q So when you go back to school on a different day did
9 you go try to find the counselor?

10 A Yes.

11 Q Did you find the counselor?

12 A No. She was busy, but someone -- we like left
13 saying -- left a message to someone at the office saying that
14 we wanted to see the counselor.

15 Q Okay. At some point in time did you have to go talk
16 to people at school that day?

17 A Yes.

18 Q How did that happen?

19 A How did that happen?

20 Q Did you get called to the office? Did you go try to
21 find the counselor again, or something else?

22 A I got called to the office.

23 Q And when you went and talked to people were you
24 talking to police officers or Child Protective Services?

25 A I think there was like a police officer and Child

1 Protective Services.

2 Q All right. And when you talked to them do you know
3 if your interview was recorded?

4 A Yes. It was recorded.

5 Q Do you remember what day this was on?

6 A It might have been a Friday or a Monday, I'm not
7 sure.

8 Q Okay. If I showed you a copy of your transcript,
9 would that help you remember?

10 A Maybe.

11 Q Okay. That's just page 1.

12 Does that refresh your memory?

13 A Yes.

14 Q Okay. And when did you talk to the police and CPS?

15 A On a Tuesday.

16 Q Okay. Was that January 21st, 2014?

17 A Yes.

18 Q Do you remember what day the incident on the bus
19 happened where Heather broke down in tears and told you?

20 A I think -- it was on a Thursday, I think. We had
21 like days off of school or something.

22 Q After you talked to CPS and the police did you see
23 Heather again at school, not necessarily the same day, but
24 different days after that?

25 A Yes.

1 Q Did Heather come up and talk to you about anything
2 else that was going on at home?

3 A Yeah.

4 Q Where was that conversation?

5 A Well, she didn't -- we didn't really have a
6 conversation, but she mentioned something else.

7 Q Where were you when she mentioned something else?

8 A We are in art class.

9 Q Okay. And when you were in class were you talking
10 loud, were you whispering or something?

11 A We were whispering.

12 Q All right. And when she whispered to you who was it
13 about?

14 A I think it was about what else he did to her.

15 Q He meaning who?

16 A Her stepdad.

17 Q Okay. And was it the same like the -- you said
18 physical stuff that she told you on the bus. Was it the same
19 as physical stuff, or different?

20 A It's the same as physical, I guess. But I think she
21 mentioned that he molested her.

22 Q Okay. And did you get into details with her about
23 what he did?

24 A No. I didn't really want to ask questions, and I
25 don't think she wanted to tell me.

1 Q Did you talk about it with her any other time after
2 that?

3 A No.

4 Q All right. Did you know someone by the name of
5 Sean?

6 A She mentioned him.

7 Q She meaning Heather?

8 A Yes.

9 Q And did he live in Searchlight?

10 A Yes.

11 Q Okay. And do you know -- did you ever meet Sean?

12 A No.

13 Q Okay. Do you know if -- when Heather mentioned Sean
14 did she seem to like him, not like him, or something else?

15 A I couldn't tell.

16 Q Okay. Did she -- okay. Did she ever tell you that
17 she did some stuff with Sean?

18 A Yeah. I think so. Yes.

19 Q Okay. Would it be fair to say the type of stuff she
20 told you was like kissing and stuff?

21 A Yeah. I think that's it.

22 Q Okay. And did you feel the need to tell anyone or
23 report that about Sean?

24 A Well, no, because it wasn't against her will, I
25 believe.

1 Q And do you still -- are you still friends with
2 Heather?
3 A No. We lost contact. And I haven't contacted her.
4 Q All right. Because you live in a different state
5 now; right?
6 A Yeah.
7 Q And when did you move to that state?
8 A In summer, like maybe two months before school was
9 going to -- like the beginning of summer.
10 Q So did you move -- was that the summer after you
11 talked to the police officer and the CPS investigators?
12 A It was the summer when school -- when school ended
13 in summer.
14 Q Okay. And what grade did you finish?
15 A I finished eighth.
16 MS. JOBE: Okay. Thank you. I'll pass the witness.
17 MS. McNEILL: I have no questions, Your Honor.
18 THE COURT: Okay. You can step down. Thank you
19 very much for coming.
20 MS. JOBE: The State calls Nick Madsen.
21 THE CLERK: Please raise your right hand.
22 NICHOLAS MADSEN, STATE'S WITNESS, SWORN
23 THE CLERK: Please state and spell your name for the
24 record.
25 THE WITNESS: Nicholas Madsen, N-I-C-H-O-L-A-S

1 M-A-D-S-E-N. Can I have a seat?

2 THE COURT: Yes. Have a seat.

3 THE WITNESS: Thank you.

4 THE COURT: And why don't you push yourself close to
5 that microphone; okay?

6 THE WITNESS: Okay.

7 DIRECT EXAMINATION

8 BY MS. JOBE:

9 Q Good afternoon, sir. How are you employed?

10 A I am a detective with Las Vegas Metro Police.

11 Q How long have you been employed by Las Vegas
12 Metropolitan Police?

13 A I've been with Metro since June 25th of 2001.

14 Q How long have you been a detective?

15 A I've been a detective since --

16 UNIDENTIFIED SPEAKER: Microphone.

17 MS. McNEILL: Sorry. I just realized that.

18 THE WITNESS: You're talking to her, not me; right?

19 MS. McNEILL: My microphone.

20 THE WITNESS: Okay. I've been a detective since
21 about 2006.

22 BY MS. JOBE:

23 Q What Detective Bureau are you assigned to?

24 A I'm currently assigned to the Juvenile Sexual Abuse
25 Detail, and I've been there since March of 2007.

1 Q Do you have any training or experience in working in
2 the Sex Abuse Juvenile Detail?

3 A I do.

4 Q Okay. And what is that?

5 A Throughout the years since I was assigned to the
6 detail I've been to various forensic interview trainings,
7 interview and interrogation schools, several classes in
8 different states put on by different agencies, as far as
9 investigating sex crimes, psychology of sexual deviance. I
10 was able to attend the Dallas Conference on Child Abuse that
11 the FBI hosts every year. That was in 2009, if memory serves.

12 Q As part of your investigation and your training for
13 sex abuse juvenile detective, does that include search
14 warrants, executing search warrants and certain evidence to
15 look for specific to these types of investigations?

16 A It does.

17 Q All right. And were you working as a detective in
18 the -- that detail on January 21st, 2014?

19 A I was.

20 Q And were you asked to assist Detective Igor Dicaro
21 in an investigation he was doing?

22 A Yes, I was.

23 Q All right. And was that investigation -- well,
24 where was the location you had to go for that investigation?

25 A Detective Dicaro told me that he had been a part of

1 interviews that had taken place in Boulder City and that based
2 on those interviews he needed assistance going to Searchlight.

3 Q All right. And was that under Las Vegas
4 Metropolitan Police Department Event Number 140121-1194?

5 A Yeah. I believe that's correct.

6 Q All right. And did you travel to Searchlight with
7 Detective Dicaro?

8 A I did. Based on the information that we were given
9 we decided that we would need several detectives to go along.
10 So Detective Kira [phonetic] and I accompanied Detective
11 Dicaro to Searchlight.

12 Q And while you were traveling to Searchlight was
13 Detective Dicaro working on obtaining a search warrant?

14 A When we were about halfway there, as we were talking
15 about the case on the way there, he indicated that he would
16 need to write a search warrant based on the information he
17 had, or that he would have to do a telephonic search warrant.
18 So we pulled off the side of the road and I started driving
19 the car so that he could begin working on his search warrant
20 while we were on the way to the residence.

21 Q When you arrived to Searchlight did you immediately
22 go to the residence, or did you go somewhere else?

23 A No. We went to a gas station to meet uniformed
24 patrol officers.

25 Q What was the reason for taking uniformed patrol

1 officers?

2 A It's a safety thing. Anytime you're doing suspect
3 contacts and/or a search warrant it's always best practice to
4 have uniformed officers there. It's a safety measure for
5 detectives on scene for anybody in the residence, and then it
6 just is a little bit better for us to have visibility of
7 black-and-white marked units, uniformed officers so that
8 there's no question that we are actually police.

9 Q All right. And when you got to Searchlight and met
10 up with these uniformed officers did you all then proceed to
11 390 Hill Street in Searchlight, Clark County, Nevada?

12 A We did. We followed -- we were -- the three
13 detectives were in one car, and we followed the black-and-
14 whites to that residence.

15 Q All right. When you got to the residence did you
16 encounter any individuals?

17 A Not immediately. The uniformed officers approached
18 the door first, they knocked, they asked for the gentleman we
19 were there to see. Someone came out -- a male came out. The
20 officers took him into custody. There was some raised voices
21 and yelling, and everyone appeared a little upset at that
22 time.

23 Q All right. And who was the suspect you were there
24 to see?

25 A We were there for Justin Langford.

1 Q Do you see Mr. Langford in court today?

2 A I do.

3 MS. McNEILL: Your Honor, I'll stipulate to
4 identity.

5 THE COURT: Okay.

6 BY MS. JOBE:

7 Q And when you went to the residence you said you
8 encountered some individuals, some yelling. At some point in
9 time was Mr. Langford taken from that premises?

10 A He was.

11 Q Okay. And did -- who was the other individual who
12 was there?

13 A His we believed at the time to be wife, but his
14 girlfriend, we later found out.

15 Q Okay. And do you remember her name?

16 A Her first name, I forget if it's pronounced Shaylyn
17 or Shayleen, and I believe her last name is Coon.

18 Q All right. And when you -- when the defendant left
19 the premises, who, if any, of the officers or detectives
20 stayed behind?

21 A I stayed at the residence, and my supervisor
22 Sergeant Greg Schultz arrived sometime shortly after
23 detectives Dicaro and Kira and the uniformed officers took Mr.
24 Langford to the Searchlight Justice Center.

25 Q All right. And when you stayed on scene did you

1 have in your possession or come into possession of a search
2 warrant for 390 Hill Street, Searchlight, Clark County,
3 Nevada?

4 A Yes.

5 Q And what was -- what specifically were you searching
6 for?

7 A We were searching specifically for bedding, any
8 biological evidence, including, but not limited to, semen. We
9 were searching for a white rag that would have stains and
10 possible hairs on it, and a bottle of baby oil.

11 Q And as far as you know in your needing to execute
12 the search warrant was -- were the items you were looking for
13 based on investigation Detective Dicaro had been doing that
14 day?

15 A Yes.

16 Q Okay. Information he received?

17 A Yes.

18 Q Did you do the search yourself, or did you have
19 assistance?

20 A I did most of the search myself. When -- we had to
21 wait for a crime scene investigator to show up, and because
22 Sergeant Schultz and I were there alone, I was the only
23 detective on scene, he sat in the front room of the residence
24 with Ms. Coon, and I did the search of the rest of the
25 residence, and the crime scene investigator assisted me in

1 that.

2 MS. JOBE: All right. May I approach, Your Honor?

3 THE COURT: Sure.

4 BY MS. JOBE:

5 Q Showing you Exhibits 1 through 40, 42 and 43. Can
6 you review those for me, please?

7 A Sure.

8 Q Do those exhibits appear -- other than Exhibit 42,
9 appear to be photographs from the search of 390 Hill Street?

10 A They do.

11 Q All right. You said there was a CSA who was on
12 scene?

13 A Correct.

14 Q Do you remember the CSA's name?

15 A Her last name was Sams. I don't remember if her
16 first name was Jennifer or Jessica.

17 Q Okay. And was she taking these photographs?

18 A She was.

19 Q And were you present while she was taking them?

20 A I was.

21 Q During the course of this search of 390 Hill Street
22 was there a specific area of the residence that you and Ms.
23 Sams focused on?

24 A Yes. There was a specific room and then within that
25 room there was a few specific locations in the room.

1 Q And what specific locations in the room were you
2 looking at?

3 A In the bedroom -- in the westernmost -- westernmost
4 portion of the house there was a bedroom where we were
5 specifically concentrating on the bed itself and on a chest of
6 drawers against the west wall.

7 Q All right. And you indicated you were looking -- I
8 believe you said you were looking for a towel, some baby oil,
9 and maybe some other items.

10 A Yes.

11 Q All right. And did you or Ms. Sams locate the towel
12 and the baby oil you were looking for?

13 A Ms. Sams did.

14 Q Okay. Did you see where she located that?

15 A I did.

16 Q And where was that located at?

17 A Against the west wall there was a set of chest of
18 drawers and it was in one of the leftmost drawers as you were
19 facing it, which I guess would make it the south end of the
20 drawers.

21 Q Okay.

22 A And it was either the second or third drawer down.

23 Q Okay. Showing you State's 15, is that the chest of
24 drawers you're referring to?

25 A Yes.

1 Q Okay. And within that chest of drawers you said Ms.
2 Sams found the towel and the baby oil. Did you look at the
3 drawer when those items were still inside the drawer?

4 A I did.

5 Q Showing you State's 32. Do you recognize that?

6 A I do.

7 Q What is that?

8 A That is the towel and the baby oil that Ms. Sams
9 found. She pulled the drawer open, I was looking at a
10 different chest of drawers on the south wall, and she told me
11 that she felt this might be what we were looking for and I
12 came and saw it at that point.

13 Q And based on the description you'd received and
14 information in the search warrant, were you in fact confident
15 these were the items you were looking for?

16 A I was.

17 Q Were these items taken into evidence?

18 A They were.

19 Q By whom?

20 A Ms. Sams.

21 Q And did you see at least part of the process of her
22 taking the items into evidence?

23 A Yes. I was there while she recovered them, while
24 she -- well, while she photographed, recovered, placed them
25 into bags. And I assisted her carrying all the items we took

1 from the residence out to her vehicle.

2 Q Did you have the opportunity to observe Ms. Sams
3 when she specifically recovered the white towel?

4 A Yes.

5 Q All right. And would you describe for me that
6 process and what happened when that towel was taken in?

7 A The towel we were looking for the information we had
8 was specifically that there would probably be some type of
9 stains and maybe some hairs on the towel. When Ms. Sams
10 recovered the towel she opened it and there was what appeared
11 to be some type of dried fluid on it, as well as several
12 smaller, shorter hairs.

13 Q And were you able to observe any stains on this
14 towel?

15 A Yes.

16 Q And when Ms. Sams opened the towel did it open
17 quietly, did it make any noise?

18 A It made almost like a slight crunching noise, as if
19 whatever fluid was on it was dried.

20 Q And as far as you know, was Ms. Sams using gloves
21 when she recovered this item?

22 A She was.

23 Q You -- did you do a search warrant return in this
24 case?

25 A Yes, I did.

1 Q So fair to say a return is when you list all the
2 items that are collected at the residence pursuant to the
3 search warrant? Is that correct?

4 A Correct.

5 Q And among those items was this towel and the baby
6 oil?

7 A Correct.

8 Q And who left the residence with the towel and the
9 baby oil?

10 A Ms. Sams.

11 Q Eventually did you go to -- you testified that the
12 defendant had been removed from the premises. Did you go to
13 the substation where he was talking to other detectives?

14 A I did.

15 Q And when you went there did you have the occasion to
16 be part of the transport of the defendant to Clark County?

17 A I was.

18 Q All right. Well, I guess you were in Clark County
19 in Searchlight; correct?

20 A Correct.

21 Q But back to Las Vegas more specifically?

22 A Yes.

23 Q During that transport did anything stand out to you
24 about the defendant's demeanor?

25 A Yes. It's somewhat unusual that three detectives

1 would be in one car, especially for something as long as a
2 trip to Searchlight.

3 MS. McNEILL: Objection. May we approach?

4 THE COURT: Sure.

5 (Bench Conference)

6 MS. McNEILL: [Inaudible] testimony yesterday and
7 we've got it takes three detectives to transport my client?

8 MS. JOBE: It's based on logistics. It's not based
9 on --

10 MS. McNEILL: But it sounds like -- I mean, first
11 off, I haven't heard anything about any statement that might
12 be made in the patrol car, if that's where they're going.
13 Second of all, he's already testified that he -- based on
14 information at the scene they needed multiple detectives,
15 which is [inaudible] not to suggest that my client is
16 dangerous.

17 MS. JOBE: That's fine. Searchlight --

18 THE COURT: Okay. Well, I could see if you're
19 bringing in three officers from Searchlight why you wouldn't
20 all go in the same car. I mean, I get that.

21 MS. McNEILL: The way he worded it just sounds like
22 actually he's asked for [inaudible] unusual to have three
23 detectives, which is -- the inference is that he's -- because
24 he's dangerous after all the testimony yesterday. That's my
25 [inaudible].

1 MS. JOBE: I'll be happy to clear that up.

2 THE COURT: Okay. All right. We're not going to
3 get into statements, right, that he made?

4 MS. JOBE: I was just --

5 THE COURT: Because if that has not been given to
6 the defense, I'm troubled by that.

7 MS. JOBE: There's no recorded statement with him in
8 the car. It's just soliciting that the defendant appeared to
9 be nonchalant and was participating in inside jokes, that he
10 clearly had no understanding, because he's not a detective.

11 MS. McNEILL: I don't understand what the relevance
12 of that would be.

13 MS. JOBE: It goes to the demeanor of the defendant
14 as he's going through all these --

15 MS. McNEILL: Demeanor when he's arrested has
16 nothing to do whether or not he committed a crime [inaudible].

17 MS. JOBE: I don't disagree that [inaudible], but
18 it's something that stood out to the detective as far as the
19 car ride is concerned and the demeanor of the defendant.

20 THE COURT: Okay. I'll let you go through that, but
21 be careful.

22 MS. JOBE: Absolutely.

23 THE COURT: Okay.

24 (End of bench conference)

25 //

1 BY MS. JOBE:

2 Q All right, Detective. As far as -- fair to say
3 Searchlight is some distance from Las Vegas proper?

4 A Yes.

5 Q Approximately how long is the drive?

6 A I want to say about 90 minutes, give or take.

7 Q And you said that -- well, how many detectives rode
8 together to drive out to Searchlight?

9 A Three.

10 Q And was that because there had -- fair to say the
11 anticipation was that some detectives would be talking to the
12 suspect and some, you, yourself and the sergeant would be
13 working on the search warrant to be more efficient, I guess?

14 A Yes.

15 Q Okay. And so the three of you returned in the same
16 vehicle you came in; correct?

17 A Correct.

18 Q And would it just -- fair to say that's the only
19 vehicle that was available for transport?

20 A At that time, yes.

21 Q All right. As far as when the defendant was being
22 transported to Las Vegas would you -- fair to say his demeanor
23 was a bit -- how would you describe his demeanor in a word?

24 A In a word?

25 Q Nonchalant?

1 A Almost --
2 THE COURT: Whoa. That's leading.
3 THE WITNESS: Playful.
4 THE COURT: Wow, wait. Ladies and gentlemen, please
5 disregard the last remark by the District Attorneys, okay.
6 Re-ask your question.
7 BY MS. JOBE:
8 Q How would you describe the defendant's demeanor?
9 A Playful, joking.
10 MS. JOBE: No further questions.
11 THE COURT: Okay. Counsel?
12 MS. McNEILL: Thank you, Your Honor.
13 CROSS-EXAMINATION
14 BY MS. McNEILL:
15 Q Good afternoon, Detective.
16 A Hello.
17 Q You indicated that you received quite a bit of
18 training prior -- when you took your job on the Juvenile Sex
19 Abuse Detail; correct?
20 A Yes, ma'am.
21 Q And some of that training was on getting --
22 gathering statements?
23 A Correct.
24 Q And that was I think you said interrogation schools?
25 A Interview and interrogation, correct.

1 Q So there's a procedure that you go through when you
2 question a potential suspect; right?

3 A There's different methods. Not so much a prescribed
4 procedure we follow, just so much as different methods or
5 methodologies.

6 Q And what I mean by that is it's not just some random
7 thing that you're doing when you're talking to somebody. You
8 actually have a plan when you walk into that room.

9 A Correct.

10 Q And that plan is based on this training that you've
11 received?

12 A It's based on the different trainings, and we kind
13 of take the best or what we feel is the best from each one and
14 go forward from there, yes.

15 Q All right. You indicated that you had the search
16 warrant to go into the house. And you talked about bedding,
17 towels, and baby oil. Isn't it correct that you were also
18 looking for condoms?

19 A Correct.

20 Q And that's based on information you received from
21 the complaining witness?

22 A Yes.

23 Q And you didn't find condoms; correct?

24 A No.

25 THE COURT: Well --

1 MS. McNEILL: Sorry. I'll ask that differently.
2 THE COURT: Yeah. I've got a double negative thing
3 going on.
4 BY MS. McNEILL:
5 Q You --
6 THE COURT: Did you find condoms?
7 THE WITNESS: We found wrappers. I believe they
8 were for condoms or for -- I don't remember what was actually
9 written on the wrappers. We found empty wrappers of some
10 kind. No condoms, though, no.
11 BY MS. McNEILL:
12 Q Would looking at the pictures refresh your
13 recollection?
14 A Yes.
15 MS. McNEILL: If I may approach your clerk?
16 THE COURT: Sure.
17 MS. McNEILL: Court's indulgence.
18 MS. JOBE: May I approach, Your Honor?
19 THE COURT: Sure.
20 MS. McNEILL: Court's indulgence.
21 THE COURT: Sure.
22 BY MS. McNEILL:
23 Q When you say wrappers, do you remember if those were
24 condom wrappers?
25 A They were the same size and shape as a condom

1 wrapper, but I don't recall exactly what was printed on the
2 wrappers.

3 Q Could they have been vaginal contraceptive film?

4 A Yes. I believe that's what they were. And the
5 packaging was grey, I think, or silver or something like that.

6 Q So a vaginal contraceptive film -- I'm guessing you
7 know the difference, since this is your forte --

8 A Correct.

9 Q -- is not the same as a condom a man would wear on
10 his penis?

11 A Correct.

12 Q I also want to show you some pictures of the towel
13 -- of the drawers that you went through where you found this
14 towel.

15 A Okay.

16 Q I'm going to show you, it's State's Exhibit 30. Can
17 you tell me what that is?

18 A That's the inside of one of the drawers in that
19 chest of drawers.

20 Q Okay. And now I'm going to show you State's Exhibit
21 31. It's fair to say that's Halloween candy inside of that
22 same bag?

23 A Correct.

24 MS. JOBE: Objection. Speculation.

25 //

1 BY MS. McNEILL:

2 Q Okay. What is that in that picture?

3 THE COURT: Well --

4 THE WITNESS: It's candy.

5 THE COURT: Wait, guys. Wait. Let me rule upon --
6 Why don't you rephrase your question.

7 MS. McNEILL: Absolutely.

8 BY MS. McNEILL:

9 Q Is that candy in that bag?

10 A It is.

11 Q Okay. You indicated that when you arrived at the
12 house with the uniformed patrol officer as Mr. Langford was
13 taken into custody; correct?

14 A Correct.

15 Q That means he would have been handcuffed?

16 A Yes.

17 Q And he was put into the back of a patrol car?

18 A Not immediately, but eventually, yes.

19 Q And uniformed officers took him to, you said, the
20 Justice Center in Searchlight?

21 A Correct.

22 Q And there is a Metro substation there?

23 A Yes. It's a smaller building that has a courthouse,
24 court facilities, and a little mini substation all kind of in
25 one little building.

1 Q And there's a holding cell there?

2 A Yes.

3 Q All right. The uniformed patrol officers you meet

4 with them prior to going to the residence on Hill Street?

5 A Correct.

6 Q The uniformed patrol officers were aware of what you

7 were doing at that residence?

8 A They were.

9 Q You indicated that Mr. Langford was playful. You'd

10 never met Mr. Langford before, had you?

11 A No.

12 Q You don't know anything about him?

13 A No.

14 Q You don't know how he responds to stress?

15 A No.

16 MS. McNEILL: Okay. Nothing further.

17 THE COURT: Redirect.

18 REDIRECT EXAMINATION

19 BY MS. JOBE:

20 Q You did encounter the defendant when you first

21 arrived on scene at 390 Hill Street; correct?

22 A Yes.

23 THE COURT: Do you have your microphone on?

24 MS. JOBE: No.

25 THE COURT: Okay. Ask again. I --

1 MS. JOBE: I apologize.

2 THE COURT: That's okay.

3 BY MS. JOBE:

4 Q You did encounter the defendant when you first
5 arrived to 390 Hill Street; is that correct?

6 A Yes.

7 Q Was his demeanor the same or different from in the
8 car?

9 A Different.

10 Q How was it different?

11 A He appeared very agitated, he was yelling, he was
12 yelling very loudly about what he was being arrested for,
13 saying the name of the juvenile involved to the point where he
14 had to be asked several times to please calm down where he had
15 to be kind of taken away from the view of the house and where
16 we could get him a little better calmed down. He was -- he
17 appeared to me to be very agitated.

18 MS. JOBE: No further questions.

19 THE COURT: Recross.

20 MS. McNEILL: Court's indulgence.

21 RECROSS-EXAMINATION

22 BY MS. McNEILL:

23 Q Detective, are you -- were you -- prior to going out
24 to the residence on Hill Street you had received information
25 from Child Protective Services; correct?

1 A I had not. I got all of my information from
2 Detective Dicaro.

3 Q Okay. But he had received information from Child
4 Protective Services?

5 A Yes.

6 Q And you knew based on that information that's why
7 you were going to the Hill Street address?

8 A Correct.

9 Q And you were aware that Child Protective Services
10 had the juvenile in their custody and control?

11 A Correct.

12 Q The juvenile had not come home from school?

13 A Correct.

14 MS. JOBE: Objection. Speculation.

15 THE COURT: Well, he says he knows. So I'm going to
16 overrule.

17 MS. McNEILL: Thank you, Your Honor.

18 BY MS. McNEILL:

19 Q So that's correct?

20 A Yes. The CPS investigators took her from her school
21 to Child Haven, or to the CAC.

22 Q Okay. So -- sorry. I apologize. That was my
23 fault.

24 THE COURT: Okay. Let him give his answer again.

25 THE WITNESS: My understanding was that the CPS

1 investigators on the call took the juvenile to the CAC from
2 her school.

3 BY MS. McNEILL:

4 Q Okay. And that's -- and then you arrived to the
5 house after that?

6 A Correct.

7 MS. McNEILL: Nothing further.

8 THE COURT: Okay, sir. You may step down. Thank
9 you.

10 THE WITNESS: Thank you.

11 THE COURT: Next witness.

12 MR. BURTON: Jessie Sams.

13 THE MARSHAL: It'll be just a moment, Your Honor.

14 THE COURT: Okay.

15 THE MARSHAL: Unable to [inaudible].

16 THE COURT: Hmm. Approach. Make sure microphones
17 are off.

18 (Bench Conference)

19 THE COURT: Somebody's is on. Okay.

20 MS. JOBE: I confirmed with this witness 1:30
21 yesterday via text at like 8:30 last night. I know she had a
22 doctor's appointment this morning, because she has this
23 regular doctor's appointments. I texted her to try to figure
24 out where she is, because she didn't answer my call when I
25 called.

1 THE COURT: Okay.

2 MS. JOBE: She should be here no later than --

3 THE COURT: Oh, gosh.

4 MS. JOBE: I anticipate she's somewhere en route and

5 not far. I just haven't had confirmation from her where she's

6 at.

7 THE COURT: Do you have another witness?

8 MS. JOBE: The detective will be here for 2:00.

9 THE COURT: Hmmm. Okay.

10 MS. JOBE: I'm so sorry.

11 THE COURT: Well, hey, things happen.

12 MS. JOBE: The best laid schemes.

13 THE COURT: Okay. All right.

14 (End of bench conference)

15 THE COURT: Ladies and gentlemen, we're waiting for

16 another witness to arrive. Why don't -- you might as well go

17 ahead and step out and stretch your legs. I know it's only

18 been 50 minutes or whatever, but why don't we go ahead and

19 just do that until they arrive.

20 During this period of time you are admonished not to

21 talk or converse among yourselves or with anyone else on any

22 subject related to the trial, or read, watch, or listen to any

23 report of or commentary on the trial by any medium of

24 information, including, without limitation, newspapers,

25 television, the Internet, and radio, or form or express any

1 opinion on any subject related to the trial until the case is
2 finally submitted to you.

3 We'll see you back here in a few minutes.

4 (Jury recessed at 1:48 p.m.)

5 THE COURT: Okay. Let the record reflect that the
6 jury has left the courtroom.

7 Is there anything we can take care of outside the
8 presence of the jury while we're waiting for the witness to
9 arrive?

10 MR. BURTON: Your Honor, while we do have this break
11 we are going to be playing -- we're anticipating playing the
12 defendant's redacted recorded statement today through one of
13 our witnesses, Detective Dicaro. We're going to test the
14 sound through our computer. I also have transcripts so that
15 the jury can follow along as the recording is played.

16 THE COURT: Can you test it now?

17 MR. BURTON: That's what we're going to do.

18 THE COURT: Okay. Well, might as well use that time
19 to do that.

20 MR. BURTON: Right.

21 THE COURT: Okay. We're off the record now. We can
22 go off the record.

23 (Court recessed at 1:49 p.m., until 1:55 p.m.)

24 (Jury is not present)

25 MR. BURTON: The last thing that I wanted to put on

1 the record about the defendant's recorded statements was that
2 he went through with opposing counsel discussing redactions,
3 that this was agreed-upon redactions taken out of the
4 interview and that counsel has been [inaudible] two days ago
5 with a copy of this redacted statement together with the
6 redacted transcript.

7 THE COURT: Okay.

8 MS. McNEILL: That's correct, Your Honor. I have,
9 and I have reviewed that. Mr. Langford has seen a copy of
10 that, as well, and we've discussed the redactions.

11 THE COURT: Okay.

12 MS. JOBE: I don't know that we're stipulating to
13 the admission, but we'll have to lay an awkward foundation for
14 it, because it does have redactions.

15 THE COURT: An awkward?

16 MS. JOBE: Well, the detective can't say it's a full
17 and complete recording of his statement with the defendant,
18 because we've redacted things --

19 THE COURT: Well, you can stipulate in front of the
20 jury that you redacted portions of the report, can't you, or
21 the statements?

22 MS. McNEILL: I would prefer not to do that, because
23 then I think it leaves them wondering what was taken out.
24 I'll just stipulate to its admission. Mr. Langford and I have
25 discussed it at length. I don't think that he and I ever

1 anticipated it wouldn't be coming in. I would just stipulate
2 to its admission at this point.

3 THE COURT: Okay. But does it look like it's
4 redacted on the actual --

5 MS. JOBE: No.

6 MR. BURTON: No. So it's not black marker or even
7 White-Out. It's just those portions have been deleted on a
8 Word document, and then it's printed out.

9 THE COURT: Okay.

10 MR. BURTON: It's not --

11 THE COURT: All right. Fair enough. Before the
12 officer comes in why don't you go ahead and you can say you
13 stipulate to the admission of this document, and then I'll
14 admit it in.

15 MS. JOBE: Okay. Great.

16 THE COURT: Okay. Let's bring the jury in, and then
17 we'll bring the witness in.

18 (Jury reconvened at 1:57 p.m.)

19 THE COURT: Will counsel please stipulate to the
20 presence of the jury.

21 MS. JOBE: Yes, Your Honor.

22 THE COURT: Okay. And our witness is here.

23 MR. BURTON: Jessie Sams, Your Honor.

24 THE COURT: All right. Jessie Sams.

25 JESSIE SAMS, STATE'S WITNESS, SWORN

1 THE CLERK: Thank you. Please state and spell your
2 name for the record.

3 THE WITNESS: Jessie Sams. It's J-E-S-S-I-E, Sams,
4 S-A-M-S.

5 THE COURT: Okay. And, ma'am, if you would come as
6 close as you can to that microphone, okay.

7 THE WITNESS: Okay.

8 THE COURT: All right. Counsel.

9 MR. BURTON: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. BURTON:

12 Q Ms. Sams, good afternoon.

13 A Good afternoon.

14 Q Are you currently employed?

15 A No.

16 Q Are you retired?

17 A Recently retired, yes.

18 Q What did you retire from?

19 A I retired from the Las Vegas Metropolitan Police
20 Department as a senior crime scene analyst.

21 Q As a senior crime scene analyst did you have any
22 training and experience to become that?

23 A I did, yes.

24 Q Go through that, please.

25 A I initially started with a Bachelors degree,

1 criminal justice. I went through a training, a week training
2 phase, three months of field training, and then there's
3 constant on-the-job training, just working calls and scenes.
4 I went -- I attended numerous classes and training seminars
5 while I was employed.

6 Q How long were you employed with the Las Vegas
7 Metropolitan Police Department as a crime scene analyst?

8 THE COURT: By the way, is his microphone on?

9 THE COURT RECORDER: Yes.

10 THE COURT: Okay.

11 MR. BURTON: I can pull it up.

12 THE COURT: Pull it up there. I can hardly hear
13 you, Counsel.

14 MR. BURTON: Is that better?

15 THE COURT: Much better.

16 BY MR. BURTON:

17 Q How long were you employed as a crime scene analyst
18 for the Las Vegas Metropolitan Police Department?

19 A A little over 21 years.

20 Q You said that you were a senior crime scene analyst.

21 A Correct.

22 Q Is there -- is everyone a senior crime scene
23 analyst?

24 A No. Everyone starts as a Crime Scene Analyst I.
25 After two years generally you test and move into Crime Scene

1 Analyst II. After another two years in that position you test
2 again for senior crime scene analyst.

3 Q Were you employed as a senior crime scene analyst on
4 January 21st, 2014?

5 A Yes.

6 Q At that time did you respond to 390 Hill Street in
7 Searchlight, Clark County, Nevada?

8 A Yes, I did.

9 Q What was your purpose for responding to that
10 location?

11 A I was called there to assist in a search warrant
12 that was being served by detectives.

13 Q Was that under Las Vegas Metropolitan Police
14 Department Event Number 140121-1194?

15 A Yes, it was.

16 Q Tell us what an event number is.

17 A An event number is assigned to every call that comes
18 in to Metro. It essentially starts -- the first six digits
19 are the date backwards, and then the last four digits are an
20 individual number that's assigned to each call.

21 Q So if we look at the event number in this case,
22 140121, that's the first six digits, that would be the date?

23 A Correct, uh-huh.

24 Q And then if we look at the last four digits, 1194,
25 you said that that's a --

1 A It's the eleven hundred and ninety-fourth call
2 starting from midnight on the 21st.

3 Q Does each call get a different series of four
4 numbers on that date?

5 A Yes. Each of that number is different.

6 Q What type of assistance did you provide during the
7 search warrant?

8 A I provided photography and collection of evidence
9 and then impounded that evidence and written reports.

10 MR. BURTON: Your Honor, may I approach?

11 THE COURT: You may.

12 BY MR. BURTON:

13 Q Showing you what's been admitted as States Exhibit 8
14 through 43, if you could look through those.

15 And I should have made a better record. I
16 apologize. I showed you what's been admitted as States
17 Exhibit 8 through 40 and then 43.

18 Do you recognize 8 through 40 as photographs that
19 you took for the search warrant?

20 A Yes.

21 Q Looking at State's Exhibit 8, is this the exterior
22 of that trailer?

23 A Yeah. That's looking at the east side of it, where
24 the door was.

25 Q Did you receive any information about where the

1 focus of the search would be?

2 A Yes, I did.

3 Q What was the focus of the search?

4 A It was the south bedroom in the trailer.

5 Q So looking at State's Exhibit 9, is this the bedroom
6 that was the focus of the search?

7 A Yes. That's the doorway to it.

8 Q Okay. Looking at State's Exhibit 10, where are we
9 at in this trailer?

10 A That's -- I'm sort of standing in the doorway, just
11 looking in.

12 Q State's Exhibit 11. Can you describe what we're
13 seeing here.

14 A That's the interior of the bedroom looking in a
15 southwest direction.

16 Q Do you know when you're going to search a specific
17 room, do you take overall photographs of that room?

18 A Yes.

19 Q Describe how you do that.

20 A Generally we take four corners of the room, we stand
21 in each corner. I like to take the doorway, as well, just to
22 show where that doorway is in relation to the bedroom itself.
23 And then we take -- those are generally to show what's in the
24 room and the position of items next to each other, you know,
25 where the bed is, where the headstand is, the bookshelf, the

1 dresser, the et cetera, those things, so you get an idea of
2 how the bedroom's laid out.

3 Q So if we look at State's Exhibit 12, is this another
4 of the overall photographs?

5 A Yes.

6 Q Are you in the same corner here?

7 A Sort of. Probably just inside the door. And that's
8 looking directly west. And that's going to be the north side
9 of the bed there that I'm looking down.

10 Q State's Exhibit 13. Where would you be standing
11 when you took this photograph?

12 A I'd be sort of standing in the southeast corner of
13 the room looking -- that's going to be towards the northwest.

14 Q So if we moved the perception a little to the right,
15 would we be looking at the corner that we just saw you
16 standing in -- or where you'd be standing in in the previous
17 photograph?

18 A Yes.

19 Q Is that where the door is located, as well, to the
20 right of this photograph?

21 A Yes. It's on the north side, kind of at the east
22 side. So it's sort of in the northeast corner.

23 THE COURT: Ma'am, just real quick. I'm just afraid
24 we're going to start talking over each other. Let the lawyer
25 get his question out, and then you respond. We're just

1 getting a little bit close. We're not violating that rule
2 yet, but I think we're getting a little close, okay.

3 MR. BURTON: Understood, Your Honor. I'll try and
4 ask shorter questions, as well, okay.

5 BY MR. BURTON:

6 Q State's Exhibit 14. Where would you be standing as
7 you took this photograph?

8 A I'm standing along the north side of the bed,
9 looking toward the southeast corner.

10 Q State's Exhibit 15. Where would you be standing?

11 A It looks like I'm standing at the north side of the
12 bed and taking the photo of the south side of the bedroom.

13 Q We see the bed in the foreground here?

14 A Correct.

15 Q On the other side of that bed what do we see?

16 A There's a dresser and a shelf with I think DVDs
17 or --

18 Q Was that dresser searched as part of the search
19 warrant on this house?

20 A Yes, it was.

21 Q State's Exhibit 16. Is that the entry door to the
22 bedroom?

23 A Yes.

24 Q Looking at State's Exhibit 19, what do we see in
25 that?

1 A That's the floor adjacent to that south dresser.

2 Q What's on the floor?

3 A Oh. Trying to make out a specific item. Just --

4 there's a bunch of stuff. There was --

5 Q Let me ask you this.

6 A I'm sorry. I can't --

7 Q Can you recall any clothing being on the floor?

8 A Yes.

9 Q Do we see some of that clothing here in what's

10 State's Exhibit 19?

11 A Yes. I can make out the slippers, but specifically

12 that's all I can tell for sure.

13 Q Looking at State's Exhibit 21, where's this

14 photograph taken? Or what does it depict?

15 A That's the floor at the other end of the dresser,

16 the south dresser.

17 Q We see more items of clothing there on the floor?

18 A Correct.

19 Q Looking at State's Exhibit 22, is that that same

20 south dresser?

21 A Yes, that's the same south dresser. Clothing in

22 front of it and on top of it.

23 Q Did you impound any items during your search?

24 A Yes, I did.

25 Q Did you impound any items from the bed specifically?

1 A Yes, I did.

2 Q Looking at State's Exhibit 25, what do we see in
3 that photograph?

4 A That's a photograph of the blankets on the bed.

5 Q And if we zoom in, is there some writing on that?

6 A There is.

7 Q What is that writing?

8 A That's my initials and P number, which is my
9 personnel number that was for Metro. That was my number given
10 to me when I hired on, and each of those are individual, as
11 well, because your initials are on each side of it. And then
12 "top" means that was showing the top of that blanket.

13 Q Why do you put your initials and your P number on
14 the blanket?

15 A To identify it as an item that I impounded.

16 Q Looking at State's Exhibit 26, what do we see?

17 A That's a different photograph of the blankets. It's
18 again showing my initials, P number, and the "top" designation
19 on them.

20 Q State's Exhibit 27. Are these pillows?

21 A Correct. Pillows.

22 Q You've written your P number on the pillowcases, as
23 well?

24 A Yes, I did.

25 Q State's Exhibit 28. Are these sheets from that bed?

1 A Yes.

2 Q Again with your P number?

3 A Correct.

4 Q State's Exhibit 29, the same sheets with your
5 P number?

6 A Yes.

7 Q Did you impound all of those items during your
8 assistance with the search?

9 A I did.

10 Q Did you search the dresser?

11 A Yes.

12 Q I think I asked you that before. I apologize.
13 State's Exhibit 32. What do we see in that
14 photograph?

15 A There's a towel, a bottle of baby lotion -- or baby
16 oil, and some screws and plastic silverware.

17 Q Do you recall -- it looks like it's in a drawer;
18 fair?

19 A Correct.

20 Q Do you recall which drawer that would be?

21 A That was -- I believe that was the middle drawer on
22 the left side of the dresser.

23 Q There's a drawer on top of the drawer that's open;
24 correct?

25 A Correct.

1 Q And there's some stickers on the outside?

2 A Correct.

3 Q I'm going to show you State's Exhibit 22. Do we see

4 those same stickers?

5 A Yes. All right. Correction. I made a mistake.

6 That was the bottom drawer that we were just looking at.

7 Q So the stickers that we see in State's Exhibit 22 on

8 the middle drawer are the same stickers that we see in State's

9 Exhibit 32 that's just above the drawer that baby oil and the

10 towel; correct?

11 A Correct.

12 Q State's Exhibit 33. What do we see in that

13 photograph?

14 A That's a closeup of the baby oil and the towel.

15 Q Still in the drawer?

16 A Correct.

17 Q Were there any items on the baby oil?

18 A Hairs and oil.

19 Q State's Exhibit 34. What do we see in this

20 photograph?

21 A It's a closeup of the bottle and showing the hairs

22 adhering to it.

23 Q Did you collect the hairs, as well?

24 A I did, yes.

25 Q Did you impound the baby oil and the towel?

1 A Yes, I did.

2 Q Now looking at State's Exhibit 35, what do we see in
3 that photograph?

4 A That's another photo of the towel in the drawer.

5 Q State's Exhibit 36.

6 A Another photo of the towel.

7 Q Did you also try to photograph hairs that you found
8 on the towel?

9 A Yes.

10 Q State's Exhibit 37. Is that what we see in this
11 photograph?

12 A Yes. I can see at least one there.

13 Q Describe the condition of the towel or size.

14 A It was a white towel. It was really dirty. Had a
15 lot of stains on it, yellow stains and, you know, dark stains,
16 as well. It was crumpled up in the drawer. It had hair on
17 it, too.

18 Q You said it was crumpled up in the drawer. Did you
19 at some point pull it apart?

20 A I did, yes.

21 Q Do you recall if it pulled apart freely or if it was
22 stuck?

23 A There were some areas where it was sort of, you
24 know, stuck together a little bit.

25 THE COURT: I don't know if you're going to ask the

1 witness to point, but you can use this.

2 Ma'am, have you ever used these to draw on the
3 screen? Like I'm using now my finger.

4 THE WITNESS: Okay. I've used my finger is all.

5 THE COURT: Okay. Well, that just makes it a little
6 easier.

7 BY MR. BURTON:

8 Q Did you say that you could see a hair on the
9 photograph there?

10 A Yes.

11 Q Would you please circle or point to it.

12 A Now, how did you go about impounding the hair?

13 A Hairs are collected with sterile tweezers, and I put
14 them in a coin envelope and impounded that way.

15 Q Did you do any testing on the towel?

16 A I did, yes.

17 Q What type of testing did you do on the towel?

18 A I did presumptive field tests for acid phosphatase.

19 Q What is that?

20 A Acid phosphatase is a component that is found in
21 semen commonly.

22 Q How do you go about conducting that test?

23 A We have a test that we're given by a forensic lab
24 that we take out to scenes that has to be refrigerated. So we
25 don't normally carry it with us. I did take it out to the

1 scene, and used some distilled water. You collect a sample
2 from the surface of the item, and there's another fluid that's
3 put into a little vial. That sample that's collected on a
4 Q-Tip is put into the vial, and if it's positive it changes to
5 a dark-purple color.

6 Q Did you receive a result when you conducted that
7 acid phosphatase test?

8 A I did.

9 Q What was the result?

10 A It was positive.

11 Q Indicating what?

12 A Indicating the presence of acid phosphatase. A
13 presumptive acid phosphatase positive.

14 Q Which is included in semen?

15 A A component in semen, yes.

16 Q Did you also take photographs of the bathroom in the
17 trailer?

18 A Yes, I did.

19 Q How many bathrooms were there?

20 A I don't know how many there were. That was the only
21 one I went in.

22 Q Do you recall the size of the bathroom?

23 A It was small. I couldn't tell you exactly what, but
24 I would say maybe -- I don't know. I'd be guessing. It was
25 small.

1 Q Showing you State's Exhibit 38, what do we see in
2 this photograph?

3 A That's standing inside the bathroom. There's a
4 little storage cupboard here, and then this here -- if you
5 don't mind if I touch this -- this is the door to the bathroom
6 right here and cupboard.

7 Q And then it's State's Exhibit 39. Is this the same
8 cabinet that we see in State's Exhibit 38?

9 A Yes.

10 Q State's Exhibit 40. Is this still in the bathroom?

11 A Yes.

12 Q What do we see in State's Exhibit 40?

13 A That's going to be storage items on top of the
14 toilet.

15 Q Do you recall where the toilet was in relation to
16 where the shower was or where those cabinets are?

17 A I do not.

18 Q You mentioned that you impounded items from the
19 trailer. Can you describe that process generally.

20 A The items that I impounded from the trailer, the
21 towel, the lotion, the hairs, the bedding, those items, all
22 those items are put into paper bags if they have potential
23 biological evidence on them. Which they did. They are
24 labelled with my information, the event number, the address,
25 and then the packages are sealed. There's a seal placed on

1 there which also has my P number and the date. And then those
2 are placed in a locked vault where our evidence vault
3 personnel come and pick them up and take them to a vault. The
4 entire time those things are in my care and custody they go
5 into a locked locker inside a locked vault. And then when I
6 take them out and get them packaged and impounded they go back
7 into another locked vault.

8 Q Is there a policy or procedure regarding the
9 breaking of the seal that you put on impound bags?

10 A Yes.

11 Q What is that policy?

12 A The policy generally is that anybody that enters a
13 sealed item of evidence, there's an evidence custodial log on
14 there that has to be signed and dated showing who was in there
15 and when. And I think -- I believe it might even have why.
16 I'm not sure.

17 Q Did you follow that procedure for impounding
18 evidence and filling out at least your portion of the log in
19 this case?

20 A Yes, I did.

21 MR. BURTON: Your Honor, may I approach?

22 THE COURT: Sure.

23 MS. McNEILL: Your Honor, can I go up to the witness
24 stand while she opens?

25 THE COURT: Absolutely.

1 MR. BURTON: I think we're going to need some
2 gloves.

3 THE COURT: Have you got those? Now, make sure that
4 the jury can see what's going on, too, guys.

5 MR. BURTON: Absolutely.

6 THE COURT: So you may -- Ms. McNeill, you might
7 need to have your back toward me.

8 And, Counsel, you're going to probably need to kind
9 of be to the side, as well.

10 MR. BURTON: Absolutely. Want me to put them like
11 this?

12 THE COURT: Yeah, so that the jury can see.

13 BY MR. BURTON:

14 Q Okay. Let's start with State's Proposed Exhibit
15 Number 2. Can you take a look at that item. Do you recognize
16 it?

17 A Yes, I do.

18 Q How do you recognize it?

19 A Well, it's got all the information I put in here,
20 the date, the event number, time, the address, and description
21 of the item, and my signature and P number.

22 THE COURT: Okay. Can you show you that to the
23 jury.

24 THE WITNESS: All right. This is all the
25 information regarding the call, the event number. There's my

1 signature, and this here is the description of the item that
2 I'm impounding.

3 THE COURT: Can Juror Number 7 see that okay?

4 JUROR NUMBER 7: I can see the bag, yes.

5 THE COURT: Okay. Good. I just want to make sure
6 you can see what she's doing. Okay.

7 THE WITNESS: This is my seal, the red one across
8 the bag.

9 MR. BURTON: And what I can do, Your Honor, is I can
10 put the label on the Elmo so that the jury can see before we
11 proceed.

12 THE COURT: That would be great.

13 BY MR. BURTON:

14 Q Well, actually, before I do that, is this in the
15 same or substantially the same condition as when you impounded
16 it?

17 A There's a lot of extra stuff on there, but the rest
18 of it, yes, is all the same that I put on there.

19 Q Let's talk about the extra stuff. Is your seal on
20 the bag?

21 A It is. Right here is my seal.

22 Q Are there other seals on the bag?

23 A Yes, there are.

24 Q Are they different colors, or --

25 A They are. They're in blue.

1 Q Does that signify anything to you?

2 A This generally is the forensic lab, the blue seals.

3 Q So is that what you mean about that there's a lot of
4 stuff added to the bag?

5 A That's part of it. These seals are the evidence
6 vault's stickers up here. This I think is the court sticker.
7 This writing here is added on afterwards over my label. I
8 can't read it, but --

9 Q Does your seal appear to be broken?

10 A No.

11 Q Okay. Are there entries on the log after your
12 entry?

13 A Yes.

14 Q Do those correlate or correspond to the additional
15 seals we see on that?

16 A Yes, they do.

17 Q If we were to -- based on the log and the
18 information that's on the outside what would you expect to
19 find if we open this bag?

20 A The white towel.

21 Q Is that the white towel you impounded from 390 Hill
22 Street?

23 A Yes, it is.

24 MR. BURTON: Your Honor, at this time the State
25 would move to admit State's Proposed Exhibit 2.

1 MS. McNEILL: No objection.

2 THE COURT: Okay. All right. Let's go ahead and
3 open it.

4 (State's Exhibit 2 admitted)

5 BY MR. BURTON:

6 Q Before we do that, so that the jury can see. This
7 is a label on the front of the bag; correct?

8 A Yes.

9 Q It states that inside is one white towel with yellow
10 stains and hair adhering to it; correct?

11 A Correct. Shall I go ahead and pull these out?

12 Q Yes. What's inside?

13 A There's some additional things that I did not put in
14 there, but --

15 Q You can set those aside. They don't give you enough
16 work space up here.

17 Is this the towel that you collected from 390 Hill
18 Street?

19 A It looks like the towel, yes. It is. There's my
20 initials, the P number on the item. This is the towel I
21 impounded.

22 Q Go ahead and, if you could, put that back in the
23 bag.

24 Now, showing you State's Proposed Exhibit 3, do you
25 recognize it?

1 A Yes.

2 Q How do you recognize it?

3 A Well, it has the same label information as the other
4 one with a different item number and description. It's got my
5 signature and P number on there. One signature that it's been
6 opened. Looks like one additional seal. My seal on the back.

7 Q Your seal on the back, does it appear to be intact?

8 A Yes.

9 Q Minus the blue seal and the additional log
10 information, as well as the bar code sticker, does the bag
11 appear to be in the same or substantially the same condition
12 as when you impounded it?

13 A Yes.

14 Q And you said that there was identifying information.
15 Does that include that [inaudible]?

16 A Yes, it does.

17 MR. BURTON: Your Honor, at this time the State
18 would move to admit State's Proposed Exhibit 3 and its
19 contents in evidence.

20 MS. McNEILL: No objection.

21 THE COURT: Okay. It's admitted.

22 (State's Exhibit 3 admitted)

23 BY MR. BURTON:

24 Q Before we do that let me show the jury the label.
25 Showing you the label on the outside of State's

1 Proposed Exhibit 3, does it read -- just let me zoom in a
2 little bit -- "one used bottle of Johnson's baby oil, 4-ounce
3 size with hairs adhering to it"?

4 A Correct. Uh-huh.

5 Q And then just to go up a little bit, do we see the
6 event number there in the top right?

7 A Yes.

8 Q Were all of the items that you impounded taken under
9 that same event number?

10 A Yes.

11 Q Would you please open State's Proposed Exhibit --
12 or, excuse me, State's Exhibit 3. What's inside of State's
13 Exhibit 3?

14 A It's the bottle of Johnson's baby oil, 4-ounce size.
15 Little envelope in there, as well. And on the outside of it
16 is my initials and P number and the event number.

17 Q Do you know what's inside or what you'd expect to
18 find inside of the envelope?

19 A Well, it says on here what it is, so.

20 Q Did you put something in an envelope. Is your
21 P number on that envelope, or is that somebody else?

22 A No. That's somebody else's.

23 Q Showing you what's been marked --

24 I'm sorry. You have to put that back

25 -- marked as State's Proposed Exhibit 45, do you

1 recognize it?

2 A Yes.

3 Q How do you recognize it?

4 A It's another package I impounded with hairs from the
5 towel and the bottle. Same information from the date, event
6 number, the address, and the description of item, my
7 signature, P number, and then an additional signature and P
8 number with an additional seal down here.

9 Q Is that the same event number that it was on the
10 other items?

11 A Yes.

12 Q Is there any additional seals besides your own?

13 A Yes, there is one.

14 Q Is there any additional log-out information?

15 A Yes.

16 Q Besides the additional log-out information and the
17 additional seal, does that appear to be in the same or
18 substantially the same condition as when you impounded it?

19 A Yes.

20 MR. BURTON: Your Honor, at this time the State
21 would move to admit State's Proposed Exhibit 45.

22 MS. McNEILL: No objection.

23 THE COURT: Exhibit 45 is admitted.

24 (State's Exhibit 45 admitted)

25 //

1 BY MR. BURTON:

2 Q Before we open it I'll show the jury the label.

3 Showing the label on the outside of State's

4 Exhibit 45 it reads that the contents include multiple hairs
5 (towel), multiple hairs (bottle); correct?

6 A Correct.

7 Q Would you please open State's Exhibit 45.

8 What do we see in State's Proposed Exhibit 45?

9 A These are the envelopes that I impounded the hairs
10 in, this one from the bottle, this one from the towel. It's
11 got my initials and P number on these, the item number, and
12 the event number.

13 Q If we opened these items what would we expect to
14 find?

15 A Hair. Hairs.

16 Q Go ahead and put those back in the envelope, please.

17 One more item. Showing you what's been marked as
18 State's Proposed Exhibit 1, do you recognize it?

19 A Yes.

20 Q How do you recognize it?

21 A This is the bag with the majority of the bedding.
22 On the bag it's got another label with my initials and P
23 number, all the other case information, event number. There's
24 an additional seal here, and my seal on the bag.

25 Q You mentioned an additional seal. Is there

1 additional log-out information on the outside of the bag?

2 A Yes, there is.

3 Q Other than the additional log-out information and
4 the additional seal, does the bag appear to be in the same or
5 substantially the same condition as when you impounded it?

6 A Yes.

7 Q Okay. If we were to open this bag, based on the
8 information on the outside what would you expect to find?

9 A Bedding items.

10 MR. BURTON: Your Honor, at this time the State
11 would move to admit State's Proposed Exhibit 1 and contents.

12 MS. McNEILL: No objection.

13 THE COURT: It's admitted.

14 (State's Exhibit 1 admitted)

15 BY MR. BURTON:

16 Q Let's go ahead and open State's Proposed Exhibit 1.
17 I'm not going to ask you to take out anything. You can just
18 look through there.

19 A That's what I impounded.

20 Q That's the bedding?

21 A The bedding, yes. Sheets, pillowcases, blankets.

22 Q After your search of 390 Hill Street did you respond
23 to any other locations?

24 A Yes, I did.

25 Q Where did you go?

1 A The Searchlight substation.

2 Q Did you come into contact with anyone that you
3 recognize here in court?

4 A Yes.

5 Q Who? Well, can you please point to the person and
6 describe something they're wearing.

7 A The man in the tie and the white shirt.

8 MR. BURTON: Your Honor, may the record reflect
9 identification of the defendant?

10 THE COURT: The record will so reflect.

11 BY MR. BURTON:

12 Q Did you take a photograph of the defendant at that
13 time?

14 A Yes, I did.

15 Q Showing you what's been admitted as State's
16 Exhibit 43, do you recognize that photograph?

17 A Yes.

18 Q How do you recognize it?

19 A It's the photograph I took that night.

20 Q Did you also at that time take a buccal swab of the
21 defendant?

22 A I did, yes.

23 Q Describe what a buccal swab is, please.

24 A A buccal swab is simply a sterile Q-Tip, and it's --
25 we use it to scrape cells off the inside of the cheek, which

1 are submitted to a lab for DNA analysis.

2 MR. BURTON: Your Honor, may I approach with State's
3 Proposed Exhibit 5?

4 THE COURT: Sure.

5 BY MR. BURTON:

6 Q Ms. Sams, showing you what's been marked as State's
7 Proposed Exhibit 5, do you recognize it?

8 A Yes, I do.

9 Q How do you recognize it?

10 A This is my writing on this. It's a little different
11 label. These are pre-printed, but it has the same
12 information, date, event number, my signature and P number on
13 there, and it's -- this is only for buccal swabs, so it's
14 printed on here already. And then my seal is on the back.

15 Q Okay. And there's some additional seals, as well?

16 A There's an additional seal, uh-huh.

17 Q That event number, is that the same event number
18 that we've been talking about with all the other evidence that
19 you impounded?

20 A Yes, it is.

21 Q If we were to open -- well, is the envelope minus
22 the additional seal and the additional log-out information in
23 the same or substantially the same condition as when you
24 impounded it?

25 A Yes, it is.

1 Q If we were to open it, what would we expect to find?

2 A A buccal swab kit.

3 Q Tell the jury what you do with a buccal swab kit
4 after you're done scraping the inside of somebody's mouth.

5 Q We take one Q-Tip on the inside of each cheek. It
6 goes into a little box. And the event number is put on there,
7 placed into this envelope. It's sealed, sealed again, and
8 it's impounded like the other -- well, actually this one is
9 impounded a little different way, because sometimes they take
10 it straight next door to the forensic lab, just the way it's
11 set up. But it's impounded the same way, in a locked vault.

12 Q Thank you. Were you wearing gloves when you took
13 the buccal swab?

14 A Yes.

15 Q Were you wearing gloves when you searched the
16 residence, 390 Hill Street?

17 A Yes.

18 Q Were the other -- you know, the detectives
19 participating in the search warrant also [inaudible]?

20 A Yes.

21 Q Is that a policy and procedure that Las Vegas
22 Metropolitan Police Department has?

23 A It is, yes.

24 Q Why is that procedure in place?

25 A For two reasons, so we don't contaminate the scene,

1 so we don't get any contamination on us. Both reasons.

2 MR. BURTON: Your Honor, at this time the State
3 would move to admit State's Proposed Exhibit 5 into evidence
4 and its contents.

5 MS. McNEILL: No objection.

6 THE COURT: Exhibit 5 is admitted.

7 (State's Exhibit 5 admitted)

8 BY MR. BURTON:

9 Q And I'm not going to have you pull anything out.
10 But if you could cut that package open. What do we see
11 inside?

12 A It's a little box that contains the swabs -- that we
13 would put the swabs in for the buccal swab kit.

14 MR. BURTON: Court's indulgence.

15 Your Honor, I was going to try and put this
16 envelope, this last envelope on the Elmo -- this is State's
17 Exhibit 5 and contents -- just to show the jury that there's a
18 little box.

19 BY MR. BURTON:

20 Q Is that correct, Ms. Sams?

21 A Yes.

22 Q Once you impound evidence who maintains that
23 evidence?

24 A Once it's picked up by our evidence vault personnel
25 it's maintained in our large evidence vault.

1 Q And did that end your involvement with this case?
2 A Yes.
3 Q That's standard procedure?
4 A It is, yes.
5 MR. BURTON: Nothing further, Your Honor.
6 THE COURT: Counsel?
7 MS. McNEILL: Thank you, Your Honor.
8 CROSS-EXAMINATION
9 BY MS. McNEILL:
10 Q Ms. Sams, you indicated that at the Hill Street
11 house you completed a presumptive field test.
12 A Correct.
13 Q Is there a form for that?
14 A A form as in a written form?
15 Q A form that you fill out as you complete that test.
16 A No.
17 Q Okay. Did you do any type of report about that
18 test?
19 A No. I don't -- we don't do a report. I think they
20 do now --
21 Q Okay.
22 A -- but we did not at that time.
23 Q Okay. So they knew that because you had told them
24 that you'd done that?
25 A Yes.

1 Q Okay. On the -- you did complete a forensic
2 laboratory examination request form; correct?

3 A No.

4 Q Okay. The items that you impounded included the
5 bedding, the white towel, baby oil and hairs; correct?

6 A Correct.

7 Q And then the buccal swabs.

8 A Correct.

9 Q And a vaginal contraceptive package; correct?

10 A Correct.

11 Q There was nothing that you impounded that was a male
12 condom; correct?

13 A Correct.

14 Q Otherwise you would have noted that somewhere?

15 A Yes.

16 Q And the only buccal swabs that you impounded were
17 from Justin Langford and Heather Haney; correct?

18 A Just Justin Langford.

19 Q Yes.

20 A Not Heather Haney.

21 Q You did not impound a buccal swab from Heather
22 Haney?

23 A No, I did not.

24 Q Okay. But the only one you impounded was from
25 Justin Langford?

1 A Yes.

2 Q And do you remember about what time you arrived at

3 the Hill Street house?

4 A I believe it was close to 5:00.

5 Q Okay.

6 A 5:00 p.m.

7 Q And then do you remember what time you got to the

8 police station to collect the buccal swab? Would looking at

9 your unit log refresh your recollection?

10 A Yes.

11 MS. McNEILL: If I may approach the witness.

12 THE COURT: Sure.

13 BY MS. McNEILL:

14 Q Does that refresh your recollection?

15 A Yes.

16 Q Do you remember what time you arrived?

17 A Approximately 18:51, which would be 6:51 in the

18 evening.

19 Q Okay. So almost 7:00 o'clock?

20 A Correct.

21 Q So about two hours had gone by?

22 A Yes.

23 Q And Mr. Langford was not at the house while you were

24 there; correct?

25 A No, he was not.

1 MS. McNEILL: Nothing further.

2 MR. BURTON: Briefly, Your Honor.

3 THE COURT: Sure.

4 REDIRECT EXAMINATION

5 BY MR. BURTON:

6 Q Did you author a crime scene investigation report in
7 this case?

8 A I did, yes.

9 Q Do you recall in that report stating that you had
10 conducted an acid phosphatase test on the towel with
11 presumptive positive results?

12 A I believe I did.

13 Q Would it refresh your recollection to look at your
14 report?

15 A Yes.

16 MR. BURTON: Page 2, Counsel.

17 BY MR. BURTON:

18 Q Drawing your attention to that paragraph there, read
19 that to yourself. Does that refresh your recollection?

20 A Yes, it does.

21 Q Did you indicate in your crime scene investigation
22 report whether an acid phosphatase test was done?

23 A Yes. It is part of that narrative report.

24 Q With a positive presumptive test -- or result?

25 A Correct.

1 MR. BURTON: Nothing further, Your Honor.
2 THE COURT: Any recross?
3 MS. McNEILL: Court's indulgence. Nothing further,
4 Your Honor.
5 THE COURT: Okay, ma'am. You may step down. Thank
6 you very much for coming.
7 Next witness.
8 MR. BURTON: Your Honor, the State calls Igor
9 Dicaro.
10 RICARDO DICARO, STATE'S WITNESS, SWORN
11 THE CLERK: Please state and spell your name for the
12 record.
13 THE WITNESS: First name Igor, I-G-O-R, last name
14 Dicaro, D-I-C-A-R-O.
15 THE COURT: Counsel.
16 MR. BURTON: Thank you, Your Honor.
17 DIRECT EXAMINATION
18 BY MR. BURTON:
19 Q Sir, how are you currently employed?
20 A I'm employed at Las Vegas Metropolitan Police
21 Department.
22 Q What is your job?
23 A I am a detective in Sexual Assault Section.
24 Q How long have you been a detective?
25 A I have been detective since beginning of 2010,

1 roughly.

2 Q How long have you been with Metro?

3 A Since January of 2006.

4 Q At this time I'd like to draw your attention to
5 January 21st, 2014. Were you involved in a -- excuse me,
6 involved in an investigation of sexual assault and lewdness on
7 a minor under the age of 14 that occurred at 390 Hill Street
8 in Searchlight, Clark County, Nevada?

9 A I was.

10 Q What was your role in that investigation?

11 A I was the primary detective assigned to the case.

12 Q Were you at that time assigned to a specific detail
13 as a detective?

14 A Yes. I was assigned to a Sexual Abuse Juvenile
15 Section of the Sex Crimes Division.

16 Q Did you receive any training as a juvenile sex abuse
17 or sex assault detective?

18 A I did.

19 Q Describe some of that for the jury.

20 A Most of the training was on-the-job training, and it
21 involved me shadowing the other detective. However, there was
22 some specific training as to interviewing children
23 [unintelligible] abused.

24 Q Showing you what's been marked as State's
25 Exhibit 42, do you recognize this as the calendar depicting

1 January 2014?

2 A Yes.

3 Q January 21st was a Tuesday; correct?

4 A That is correct.

5 Q Do you have any knowledge as to whether January

6 20th, 2014, was a holiday?

7 A Yes, it was.

8 Q What holiday was it?

9 A It was Martin Luther King Day.

10 Q Would the schools for Clark County School District

11 have been in or out on that holiday?

12 A The school was out that day.

13 Q Where did you go when you received the call on

14 January 21st, 2014?

15 A I responded to the school in Boulder City, I believe

16 Garrett Middle School.

17 Q Garrett Middle School or Garrett Junior High?

18 A Junior High School, yes.

19 Q Who -- did you go to -- did you respond with anybody

20 else to the Garrett Junior High School?

21 A Yes. I was partnered along with two CPS

22 investigators that were assigned to a sexual abuse section of

23 the CPS.

24 Q At that time did the two CPS workers -- do you

25 recall their names?

1 A Chelsea Shuster and Tiffany Keith.

2 Q Did they have contact with a Heather Haney at that

3 time?

4 A They did.

5 Q Did they interview her?

6 A Yes, they did.

7 Q Were you present for that interview?

8 A I was not.

9 Q Why not?

10 A The best practice for forensic interviews is to have

11 a maximum of two people present during the interview when the

12 child is being asked about the specific abuse.

13 Q What were you doing while Tiffany Keith and Ms.

14 Shuster were with Heather Haney?

15 A I spoke to the person to whom Heather disclosed

16 first or initially about the alleged abuse.

17 Q Do you recall who that person is?

18 A Her last name was Thunstrom. She was a school

19 nurse.

20 Q Did you do a recorded interview with Ms. Thunstrom

21 at that time?

22 A Yes, I did.

23 Q Did you try to locate anybody else in the school

24 during this investigation?

25 A Yes. We attempted to locate two of Heather's

1 friends.

2 Q Were you able to locate either of them?

3 A We were able to speak to one of them.

4 Q Do you remember that person's name?

5 A Meagan Jessen.

6 Q Do you recall the name of the person that you were
7 not able to speak to?

8 A Xylana and I do not recall her last name at this
9 time.

10 Q Based on -- did you receive information from Ms.
11 Keith and Ms. Shuster after their interview with Heather
12 Haney?

13 A I did.

14 Q Based on that information what did you do?

15 A At that point I made decision to return back to Las
16 Vegas, to my office, where I briefed other detectives about
17 situation I had. And then we together responded to
18 Searchlight.

19 Q Did some other detectives come back with you to
20 Searchlight?

21 A They did.

22 Q Did you all ride in the same car? Tell me about
23 that.

24 A There were several different cars we rode in.

25 Q Was one of the detectives a Detective Madsen?

1 A That's correct.

2 Q Was another a Detective Kira.

3 A That's correct.

4 Q Did those two detectives ride in the same car, or
5 different cars as you?

6 A I do not recall at this time which car they were in.

7 Q As you arrive in Searchlight where did you go?

8 A Initially we met our resident officers and we
9 briefed them on the situation we had. And there was multiple
10 reasons for that, because we were making contact with the
11 suspect at a time you'd want a uniform presence, as well as we
12 were not familiar with Searchlight and where the location of
13 the incident was.

14 Q Did you at that point go to 390 Hill Street inside
15 of Searchlight?

16 A Yes.

17 Q Did you come into contact with anybody at that
18 residence?

19 A Yes. As soon as we pulled up, Mr. Justin Langford
20 and Shayleen Coon came out of the residence and approached us.

21 Q And you indicated Mr. Justin Langford. Do you see
22 Justin Langford in the court today?

23 A Yes.

24 MS. McNEILL: Your Honor, I'll stipulate to Mr.
25 Langford's identity.

1 THE COURT: Okay.

2 MR. BURTON: Thank you.

3 BY MR. BURTON:

4 Q At that time was Mr. Langford placed in handcuffs?

5 A Yes, he was.

6 Q Did you tell Mr. Langford why he was being placed in
7 handcuffs?

8 A I did.

9 Q What did you say to Mr. Langford at that time?

10 A If I remember correctly, I told him that he was
11 being placed under arrest for sexual assault.

12 Q Did you tell him the specifics about the charges?

13 A No, I did not.

14 Q Did you tell him who the victim was?

15 A I do not recall telling him exactly who the victim
16 was at that time.

17 Q Did you at that point -- well, let me ask this. Was
18 the defendant at that time put inside of a patrol vehicle?

19 A Yes, he was.

20 Q Was he at some point then transported from 390 Hill
21 Street to another location?

22 A Yes, he was.

23 Q Where did he go?

24 A Searchlight Justice Center. I believe that's the
25 name of the facility.

1 Q Is there a holding cell in the Searchlight Justice
2 Center?
3 A Yes.
4 Q Was he placed in that holding cell?
5 A Yes.
6 Q Did you go to Searchlight holding -- or Searchlight
7 Justice Center?
8 A Yes, I did.
9 Q Did you go alone?
10 A No. I went along with Detective Kira.
11 Q Describe, if you can, kind of the setup of the
12 Searchlight Justice Center. We've heard it, but give us kind
13 of a thumbnail sketch.
14 A It's been a while, but, if I remember correctly, we
15 came in through what appeared to be a side door. And as soon
16 as we walked in I remembered holding cells, if you want, and
17 then we walked down the corridor maybe 5 to 10 feet long, and
18 we turned left into what appeared to be like an office space.
19 Q And seen you say we, that's you and Detective Kira?
20 A Yes.
21 Q What did you and Detective Kira do in that office
22 space?
23 A I made an application for a telephonic search
24 warrant.
25 Q Did you at any point discuss some of the details of