

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 GREGORY WILLIAMS,)

No. 70868

4 Appellant,)

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Elizabeth A. Brown
Clerk of Supreme Court

5 v.)

6
7 THE STATE OF NEVADA,)

8 Respondent.)

9
10 **APPELLANT'S APPENDIX VOLUME IV PAGES 751-1000**

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A No shirt.

Q During that time period, April 2011 to September 2013, did you often spend time in your room alone?

A Yes.

Q When you were in your room alone, would the door be closed?

A Yes.

Q We talked about Tony having a job during that time. Were there sometimes where he worked as a photographer?

A Yes.

Q What kind of things would he takes pictures of?

A Weddings.

Q Like events?

A Church events, yes.

Q Did there come a time at the Juan Garcia Apartments when the kids came to you with concerns about Tyana and the Defendant?

A Yes.

Q How many times did this occur?

A They came to me once. And when I -- when nothing happened, well my -- it was my youngest son, James Wayne Moody, came to me and told me that --

MR. SPEED: Objection, Your Honor. Hearsay.

THE COURT: Sustained.

MS. RHOADES: Your Honor, it's not offered for the truth, it's offered to show what she's -- what she did, when she heard the statements from the kids.

MR. SPEED: And I believe she can be asked what she did, when she heard these statements, not what James told her.

1 THE COURT: Sustain the objection.

2 MR. SPEED: Thank you, Your Honor.

3 MS. RHOADES: Thank you, Your Honor.

4 BY MS. RHOADES:

5 Q So the kids came to you with some concerns about something going on
6 between Tyana and the Defendant, and you said that happened one time?

7 A There was -- yes. Well it was more than once, but -- it was more than
8 once that they came to me.

9 Q Okay. How many times did the kids come to you with those concerns?

10 A Twice.

11 Q And we're going to separate those two times. I want to talk about the
12 first time that they came to you, okay?

13 A Okay, yes.

14 Q The first time that they came to you, who was it that initiated that
15 conversation?

16 A James Wayne Moody.

17 Q When you spoke to James, were any of the other kids around?

18 A No.

19 Q After you spoke to James, how did you feel?

20 A I didn't know what to do.

21 Q What did you do after you spoke to him?

22 A I went to the Defendant and spoke to him.

23 Q Did you go to any of the other kids besides James?

24 A Yes.

25 Q And this is the first time, right?

1 A Yes.

2 Q Do you remember about what date this was? And you don't have to
3 give me an exact, date of course, just the month or the year.

4 A Six months prior to the day that the Defendant went to jail.

5 Q Are you talking about six months before the day you called the police?

6 A Yes.

7 Q So when James came to you, what's the first thing that you did after
8 you spoke to him?

9 A I went and spoke to Tyana, Amia, Kayla, and Demarius.

10 Q Did you talk to them separately or did you talk to them all together?

11 A Separately.

12 Q After you spoke with them, what did you do?

13 A I didn't know anything, what had happened because Tyana couldn't tell
14 me anything. She couldn't tell me nothing had happened. And then it -- I didn't --
15 they didn't say that he had did anything, they just said that he took her from her bed
16 and put her somewhere else.

17 Q And when you say they said that, who said that?

18 A James Wayne Moody, Kayla Moody, and Amia Hasan.

19 Q Okay. With that information, what did you do?

20 A That's when I came to him and asked him about it. To the Defendant.

21 Q And when you came to the Defendant and asked him about, what was
22 his reaction?

23 A He was upset. He wouldn't talk to them anymore. He didn't want to
24 have nothing to do with them. He was really on the defensive side. He didn't go
25 and say or have a conversation or none of that with them about it.

1 Q Fair to say he denied anything happening.

2 A Yes.

3 Q So that --

4 A And they couldn't -- oh.

5 Q Go ahead.

6 A They couldn't tell me what happened. Like --

7 Q When you say they, who do you mean?

8 A The -- the children. Neither one of them could tell me that anything

9 happened other than he took her from the bed. And --

10 Q And when you say he took her from the bed, you're talking about

11 Tyana?

12 A Yes.

13 Q After you talked to the Defendant, did you call the police at that time?

14 A No.

15 Q So six months goes by, and the second time that you hear something is

16 September 2013; is that right?

17 A Yes.

18 Q Tell me who came to you in September? The first person.

19 A They all together came to me one morning and told me that they really

20 needed to talk to me.

21 Q Do you remember the exact date?

22 A No, I don't remember the exact date they -- I know it was six months

23 after they told me the first time. But I don't remember the exact date. I know it was

24 early in the morning.

25 Q Were you guys doing something in the morning and then --

1 A I was making breakfast, it was right after -- like after I got through
2 making breakfast and everyone ate, they told me that they wanted to talk to me.

3 Q And all the kids came and talked to you together?

4 A Yes.

5 Q That day after they talked to you, did you call 9-1-1?

6 A Yes.

7 Q And did you call 9-1-1 that same day that they talked to you?

8 A That same day, that same hour, that same minute.

9 Q Going back to breakfast, do you remember what you were making for
10 breakfast?

11 A I made pancakes, bacon, and eggs.

12 Q And did you eat breakfast with the kids?

13 A Normally I don't eat breakfast, but I will let you -- I don't eat pancakes.

14 Q And all five kids were home?

15 A Yes.

16 Q Where was the Defendant?

17 A In the living room.

18 Q Did he eat breakfast also?

19 A Yes.

20 Q So tell me how they came to you that day.

21 A Well while I was in my room, they said they wanted to talk to me. So
22 they came in -- they'll -- they'll come in there. They'll come in there and they wanted
23 to talk to me. So I went in their room, in the girls' room, where all five of the children
24 were there in the girls' room, and we all had a conversation.

25 Q And this point, the bedrooms are all still the same, is that fair to say,

1 you and Tony shared your room --

2 A Yes.

3 Q -- the girls shared their room, the boys, and then you had the extra
4 room?

5 A Yes.

6 Q Were you in your bedroom with the door closed when they came in and
7 said they had something to tell you?

8 A No, my door was open.

9 Q But they came and got you, and where was the Defendant?

10 A In the living room.

11 Q And then you go with all the kids into the girls' room; is that right?

12 A Yes. Yes.

13 Q Who did you talk to while you were in the girls' room, all of them?

14 A All of them.

15 Q Do you remember the first person to tell you something on that day out
16 of all five of the kids?

17 A I think Amia -- I'm not sure because they all talk at once a lot of the
18 times. There's five of them.

19 Q All right. Do you recall what Amia's demeanor was when she was
20 talking to you that day?

21 A She was crying.

22 Q How about Tyana?

23 A She was crying too.

24 Q How about Kayla's demeanor?

25 A She was sad too. Like all of them were. Well --

1 Q Was James crying?

2 A No. Not the boys, just the girls.

3 Q So Demarius wasn't crying?

4 A No, he don't -- he doesn't even recall anything happening. He doesn't

5 know what -- anything.

6 Q But Kayla was sad and you remember Tyana and Amia were crying?

7 A Yes.

8 Q Did Amia tell you some things that happened?

9 A Yes.

10 Q Did Tyana tell you some things that happened?

11 A Yes.

12 Q Did you talk to the other three kids about it?

13 A Yes.

14 Q After you had this conversation in the girls' room, what did you do?

15 A I immediately called the police.

16 Q How did you feel while you were having this conversation with the kids?

17 MR. SPEED: Objection, Your Honor. Relevance?

18 THE COURT: It's their mother. Overruled.

19 BY MS. RHOADES:

20 Q How did you feel when you were having this conversation with the kids?

21 A I was crying too.

22 Q And so you left the room and what did you do?

23 A I called the police right there. And when I -- and I talked to the police

24 right there in the room.

25 Q In the girls' room?

1 A As a matter of fact, no, I went in the bath -- I went in the bathroom.

2 Yeah, that's right. Because I know how he is, so.

3 Q Did you go to the bathroom by yourself or with the kids?

4 A By myself.

5 Q And were the kids left in the girls' room?

6 A Yes.

7 Q Was Tony still in the living room.

8 A Yes.

9 Q Do you remember what he was doing in the living room?

10 A Playing video games.

11 Q Why is it that you went into the bathroom to call the police?

12 A So no one could hear my conversation. Just in case he tried to come

13 see -- just to listen --

14 Q All right.

15 A -- or whatever.

16 Q All right. So you didn't want the Defendant to hear the conversation?

17 MR. SPEED: Objection, Your Honor. Leading.

18 THE COURT: Overruled.

19 BY MS. RHOADES:

20 Q So you didn't want the Defendant to hear the conversation?

21 A No.

22 MS. RHOADES: And, Your Honor, may I approach your clerk?

23 THE COURT: Yes.

24 MS. RHOADES: Thank you.

25 BY MS. RHOADES:

1 Q Do you remember listening to the -- a 9-1-1 call earlier today?

2 A Yes.

3 Q Did you recognize your voice on that 9-1-1 call?

4 A Yes.

5 MS. RHOADES: Your Honor, permission to publish a portion of State's
6 proposed Exhibit Number 2 so she can identify her voice.

7 THE COURT: Hearing no objection, it'll be admitted.

8 MR. SPEED: No objection, Your Honor.

9 MS. KOLLINS: You just stipulate.

10 MR. SPEED: I'm sorry?

11 MS. KOLLINS: You stipulate.

12 MR. SPEED: Oh.

13 MS. KOLLINS: It's being shown.

14 MR. SPEED: She's publishing now. She was asking about publishing.

15 THE COURT: Just publish a portion of it.

16 MS. RHOADES: I can get it in, I will.

17 **[STATE'S EXHIBIT 2 PLAYED]**

18 BY MS. RHOADES:

19 Q Can you hear that okay, Aneesah?

20 A Yeah, I can hear it.

21 Q You can hear it? Do you recognize the voice on that call?

22 A Yes.

23 Q Whose voice is that?

24 A Mine.

25 Q And is that the same call that you listened to this morning?

1 A Yes.

2 Q And that call, did that fairly and accurately reflect the call that you made
3 back in September of 2013 after you were told what you were told?

4 A Yes.

5 MS. RHOADES: I'd move for the admission of State's Proposed 2, Your
6 Honor.

7 MR. SPEED: No objection, Your Honor.

8 THE COURT: It'll be admitted.

9 **[STATE'S EXHIBIT 2 ADMITTED]**

10 MS. RHOADES: Permission to publish the entire call?

11 THE COURT: Yes.

12 MS. RHOADES: Thank you.

13 **[STATE'S EXHIBIT 2 PLAYED]**

14 BY MS. RHOADES:

15 Q All right. That was a little hard for all of us to hear. In addition for it
16 being hard for us to hear, were you talking soft on that call?

17 A Yes.

18 Q Did police arrive at your apartment after you made that call?

19 A Yes.

20 Q About how long did it take them?

21 A Fifteen to twenty minutes.

22 Q When the police arrived, was the Defendant still at the apartment?

23 A Yes.

24 Q After police arrived, did you go somewhere?

25 A No.

1 Q Did you take the kids somewhere?

2 A Not until after they took the Defendant.

3 Q After they took the Defendant, where did you go?

4 A We went to the hospital.

5 Q Did you go to Sunrise Hospital?

6 A Yes.

7 Q Did you go there with the police officer?

8 A Yes.

9 Q And did all five kids go to the hospital?

10 A Yes.

11 Q And the officer went with you guys also, right? Were you all in the
12 same car, different cars?

13 A We were all in the same car. Yes.

14 Q When you were at the hospital, did you speak with detectives?

15 A Yes.

16 Q The first officer that arrived at your apartment and went with you to the
17 hospital, was that a uniformed police officer?

18 A Yes.

19 Q And the detectives that you spoke with at the hospital, were they in
20 regular clothes?

21 A Yes.

22 Q What happened at the hospital?

23 A They spoke with all of the kids individually, they gave the two girls a
24 medical exam.

25 Q And after that, did you take the kids home?

1 A No, we didn't go back to the house.

2 Q At some point, did you go back to the house with the kids?

3 A Yes.

4 Q Was that the next day?

5 A Yes.

6 MS. RHOADES: The State passes the witness, Your Honor.

7 THE COURT: Cross.

8 **CROSS-EXAMINATION**

9 BY MR. SPEED:

10 Q Ms. Hasan, you said that sometime in March of 2013 or six months
11 before you called the police on Tony -- and let me ask you this before we go too
12 much further, how do you refer to Mr. Williams, do you call him Greg or Tony?

13 A Tony.

14 Q You call him Tony. Okay. Six months before you call the police on
15 Tony, you said that James came to you with no other kids around and said that he
16 saw something happen. Right?

17 A Yes.

18 Q But the only thing James told you then was that, and this is what you
19 just testified to, that Tyana was taken somewhere else in the house.

20 A Right.

21 Q James didn't say anything about what he saw, right?

22 A No, he didn't.

23 Q He just told you that Tyana was taken somewhere else?

24 A He told me, in his exact words, Tyana was taken -- that the Defendant
25 took Tyana from her bed to the extra room. That's exactly what he told me. There

1 is a spare room in my house we had.

2 Q But he didn't indicate to you that he saw anything, right?

3 A No, he did not.

4 Q And this was just Tyana, right?

5 A Yes.

6 Q Sometime in about February, March, April of 2013, do you remember --
7 let me ask you this way.

8 What grade was Tyana in when you called the police on Tony? Do you
9 remember that in 2013?

10 A She was in the fourth grade.

11 Q Fourth grade. Okay. So about six months before that, she would have
12 been in the third grade, yes?

13 A Yes.

14 Q Did Tyana tell you, did she indicate to you that something happened
15 with Tony when James told you about something happening?

16 A No, she told me she didn't remember anything.

17 Q Now I'm going to jump forward a little bit to this morning in September
18 of 2013. It seemed to be a regular morning like any other, didn't it?

19 A Yes.

20 Q You said that you got up and made breakfast for Tony and the children,
21 right?

22 A Yes.

23 Q You made pancakes, bacon and eggs, right?

24 A Yes.

25 Q Did you eat also? You said you don't normally eat breakfast, but did

- 1 you eat with the family then?
- 2 A No.
- 3 Q Did not eat it. Did the children eat? Did you see them eat?
- 4 A Yes, I did.
- 5 Q All five?
- 6 A Yes.
- 7 Q They had their breakfast?
- 8 A Yes.
- 9 Q Tony as well -- Greg as well?
- 10 A Yes.
- 11 Q And you said that later on that morning he was in the living room
12 playing his video games, right?
- 13 A Yes, this was at -- well, that same morning.
- 14 Q Same morning.
- 15 A After breakfast, you know, okay, he's -- he's playing video games.
- 16 Q So later on that morning he was in the living room playing his video
17 games, right?
- 18 A Right.
- 19 Q After breakfast, where did the children go, do you remember?
- 20 A Yes.
- 21 Q Where did they go?
- 22 A They all came to my room.
- 23 Q Immediately after breakfast they all --
- 24 A Yes.
- 25 Q -- came to your room?

1 A Yes.

2 Q Did you watch the children eat?

3 A Yes.

4 Q While they were eating, you didn't notice anything strange about how
5 they were behaving, did you?

6 A I noticed how strange my oldest daughter was behaving from day -- for
7 a long time.

8 Q Well I'm talking about while they were eating breakfast on the
9 morning --

10 A Did I --

11 Q -- of September 7th after you had made pancakes, bacon and eggs for
12 them. You didn't notice anything out of the usual --

13 A Yes.

14 Q -- about how they were behaving?

15 A Yes, I did.

16 Q And so I'm surmising that it was after this that they went to the bedroom
17 and told you that they had something to tell you.

18 A Yes.

19 Q You said all five children came at once.

20 A Yes. That was strange.

21 Q Okay. That was the strange thing that you noticed, that they all five
22 came to the bedroom.

23 A They were all quiet first. They never -- they arguing all the time, they
24 playing, they running, none of that was going on. Nobody was happy.

25 Q You didn't think anybody was happy.

1 A They weren't.

2 Q They all -- they ate all of their breakfast though, right?

3 A Right.

4 Q Anybody ask for seconds?

5 A No, not that I remember.

6 Q Don't remember that. You testify that you went to the bedroom -- or to

7 the bathroom by yourself, right?

8 A That's -- when I called the police, that's after with --

9 Q I see. First you're in the bedroom with the children, right?

10 A Yes.

11 Q And you said that Tyana was crying?

12 A Yes.

13 Q And Amia was crying?

14 A Yes.

15 Q Kayla was sad?

16 A Yes.

17 Q The boys weren't crying, but you could tell they were sad.

18 A Yes.

19 Q You said that you called the police immediately, that day, that minute,

20 that hour, right?

21 A Yes.

22 Q You didn't call the police, though, in March when James told you that he

23 saw Tyana be taken from her bedroom.

24 A No.

25 Q When the police arrived at your house, you said you talked to a -- an

1 officer in a uniform?

2 A Yes.

3 Q Did you tell him what had happened?

4 A Yes.

5 Q And then you went with your children to Sunrise Hospital, right?

6 A Yes.

7 Q And you said there you talked to a detective.

8 A Yes.

9 Q The night before, now you testified where you were when you made
10 breakfast on the morning of the 7th. The night of the 6th, you were at home, weren't
11 you?

12 A Yes.

13 Q All night?

14 A Yes.

15 Q Didn't go anywhere, didn't go to the store, didn't go to see friends or
16 family, or anything like that?

17 A No.

18 Q Do you remember what time you went to sleep? Or did you?

19 A Yes, I did go to sleep that night.

20 Q Do you remember about what time you went to sleep?

21 A No, I'm not sure what time I went to sleep.

22 Q Are you normally a early person to bed or -- or not really?

23 A It all depends on how tired I am.

24 Q Jumping back just a little bit, you said that Tony didn't have a job but
25 you remember that he was a photographer, right?

1 A Yes.

2 Q And don't you know Tony's father, Reverend Melvin Sanders?

3 A Yes.

4 Q And often Tony would take pictures at weddings and events at the
5 church; isn't that right?

6 A Yes.

7 Q And he was paid for that, wasn't he?

8 A Yes.

9 MR. SPEED: I have the court's indulgence for just a moment, Your Honor?

10 THE COURT: Yeah.

11 MR. SPEED: May I approach the clerk, Your Honor? I apologize.

12 THE COURT: Yes.

13 MR. SPEED: Your Honor, I've just showed the government what's been
14 marked as Defense Proposed Exhibit Alpha.

15 May I approach the witness?

16 THE COURT: Yes.

17 BY MR. SPEED:

18 Q Can you see that?

19 A Yes.

20 Q Okay.

21 MR. SPEED: Your Honor, I asked the witness if she could see what was in
22 the picture, she indicated that she could.

23 BY MR. SPEED:

24 Q Aneesah, I'm showing a picture of a different unit in the Juan Garcia
25 Gardens --

1 MS. RHOADES: Your Honor, I'm going to object. I mean he's -- he needs to
2 authenticate the photograph, which I --

3 MR. SPEED: That's what I'm trying to do.

4 MS. RHOADES: -- don't believe he can do with the witness, but he's reading
5 what the photograph is into the record before he's asking the witness --

6 THE COURT: All right.

7 MS. RHOADES: -- what the photograph is --

8 THE COURT: You need to lay a --

9 MS. RHOADES: -- a photograph of.

10 THE COURT: -- foundation on the record.

11 MR. SPEED: Right.

12 BY MR. SPEED:

13 Q Aneesah, you just testified that you lived in the Juan Garcia Gardens
14 Apartments since 2011 or thereabout, yes?

15 A Yes.

16 Q Okay. Do you see what's depicted in this photograph?

17 A Yes, not my apartment.

18 Q Right. Do you recognize that, though, as an apartment with an identical
19 layout to yours in the Juan Garcia Gardens?

20 A Yes.

21 Q Okay. Again, this isn't your apartment, right?

22 A Right, it's not.

23 Q But the layout is identical to yours?

24 A Not -- everything is on a different side.

25 Q A mirror image?

1 A Yes.

2 Q Okay. But this gives an accurate depiction of how long the hallway is,
3 when you describe these bedrooms that are at the end of the hallway, it looks just
4 like what's depicted in that picture in your unit, B205; isn't that right?

5 A Yes.

6 MR. SPEED: Sufficient foundation, Your Honor?

7 THE COURT: Well.

8 MS. RHOADES: We would still object, Your Honor. Everything was on the
9 opposite side, she said it's not --

10 THE COURT: Yeah, it's -- she can't identify that photograph as --

11 MR. SPEED: With respect to distances and the layout, the only exception,
12 the only difference between this unit and hers is that it's a mirror image opposite.

13 THE COURT: Well, I understand but --

14 THE WITNESS: My bedroom is not even --

15 THE COURT: -- she can't lay --

16 THE WITNESS: -- right there.

17 THE COURT: Okay. Please don't talk.

18 THE WITNESS: Oh, sorry.

19 THE COURT: She can't lay a foundation of the photograph. She didn't take
20 it, she doesn't know if it's accurate.

21 MR. SPEED: Well, she only has to testify about that it is what we purport it to
22 be. And we're saying that it's not her unit, but she can testify about it being an
23 identical layout as far as the floor plan is concerned so that the jury can have an
24 accurate gauge of distance, relationship from one room to the other, distance of the
25 hallway, et cetera.

1 MS. RHOADES: Your Honor, she can't authenticate that. She doesn't know
2 where that was taken, what apartment was taken, I don't see the relevance of it if it
3 wasn't in her apartment, if it's a mirror image of what her apartment is.

4 THE COURT: I'm going to sustain the objection. It's not -- there's not good
5 foundation.

6 MR. SPEED: May I approach, Your Honor? I'm sorry.

7 BY MR. SPEED:

8 Q Now given that the photograph you just looked at has not been
9 admitted into evidence, you do remember what was depicted, don't you?

10 A Yes.

11 Q And does it accurately reflect the distance in your apartment,
12 considering that it is a mirror image opposite, but the identical number of bedrooms,
13 bathrooms, floor plan layout?

14 MS. RHOADES: And Your Honor, she test -- he's asking her to testify --

15 THE COURT: Yeah --

16 MS. RHOADES: -- about something --

17 MR. SPEED: Is there an objection?

18 MS. RHOADES: -- that has not been admitted. There is an objection, he's
19 asking her to testify about something that has not been admitted.

20 THE COURT: Sustained.

21 MR. SPEED: That is all, Your Honor. We pass the witness.

22 THE COURT: All right.

23 **REDIRECT EXAMINATION**

24 BY MS. RHOADES:

25 Q Okay, Aneesah, I want to talk about Tyana, the years and what grade

1 she was in school, okay? So in 2011, school year September, 2011 to June, 2012,
2 we want to call that school year September to June, what grade was Tyana in?

3 MR. SPEED: Objection, Your Honor. Relevance and outside the scope of
4 our cross-examination? I didn't ask about 2011 or 2012?

5 MS. RHOADES: There was some conversation about what grade she was in,
6 in a certain year --

7 MR. SPEED: 2013.

8 MS. RHOADES: -- and I'm not sure that's -- and I'm not sure if that's
9 accurate. I would like to finish speaking if I could.

10 THE COURT: All right. Ask her about 2013.

11 MR. SPEED: Thank you, Your Honor.

12 MS. RHOADES: So September 2013, but to get up to that Your Honor, I want
13 to talk about what grade she was in before that, that's all I'm asking --

14 THE COURT: All right.

15 MS. RHOADES: -- is the grade.

16 THE COURT: You'll be able to calculate that if you figure out what 2013 was.

17 BY MS. RHOADES:

18 Q Okay, so September 2013, Aneesah, to June of 2014, what grade was
19 Tyana in?

20 A She was in the fourth grade -- or fifth grade.

21 Q Which one, do you remember?

22 A She had to be in the fourth grade, she's in the sixth grade now -- well
23 seventh grade now.

24 Q So she's in the seventh grade now, so the school year September,
25 2013 --

1 A She was in the fourth grade.

2 Q Okay, so she's in the seventh grade now, 2015 and 2016.

3 A Yes.

4 Q So school year September, 2014 to June 2015, she would have been in
5 the sixth grade?

6 A Fifth -- fifth grade.

7 Q Okay. So going back.

8 A Wait -- okay 2014 she was in the sixth grade, yes.

9 Q So September 2013?

10 A She was in the fifth grade.

11 Q And that is the time they came to you and you called the police?

12 A Yes.

13 Q So she was in the fifth grade?

14 A Well, no because that was three years ago, so she had to be in the
15 fourth grade. There is no -- she had to be in the fourth grade. This is -- she is going
16 to be in the eighth grade soon, so she -- she had to be in the fourth grade.

17 Q She's in the seventh grade now, right?

18 A Yes.

19 MR. SPEED: Objection, Your Honor. Leading.

20 THE COURT: Sustained.

21 BY MS. RHOADES:

22 Q So you remember her being either in the fourth or the fifth grade?

23 A Right. Exactly.

24 MR. SPEED: Objection, Your Honor. Leading.

25 THE COURT: Sustained.

1 BY MS. RHOADES:

2 Q When do the kids get out of school for the summer this year?

3 MR. SPEED: Objection, Your Honor. Relevance.

4 MS. RHOADES: I'm trying to hone in on these dates, Your Honor.

5 THE COURT: What's the relevance?

6 MS. RHOADES: Trying to hone in on the dates.

7 MR. SPEED: The witness has been asked and answered about the dates.

8 THE COURT: I'll sustain the objection.

9 MR. SPEED: Thank you, Your Honor.

10 BY MS. RHOADES:

11 Q All right, there was some questions about that morning on
12 September 2013, a regular morning, like any other morning?

13 A Yes.

14 Q There's a TV in the living room and there's a video console in the living
15 room I'm assuming?

16 A Yes.

17 MR. SPEED: Objection, Your Honor. Leading?

18 THE COURT: Sustained.

19 BY MS. RHOADES:

20 Q How many video consuls do you guys have in that house -- did you
21 have in that house in September, 2013?

22 A Three.

23 Q And how many TVs did you have in the apartment?

24 A Four.

25 Q Where were all the TVs located?

1 A One in the living room, one in my room, one in the boys' room, one in
2 the girls' room.

3 Q Where were the video consuls hooked up to, to those TVs?

4 A In the living room.

5 Q They were all in the living room?

6 A Yes.

7 Q Were there computers as well in the house?

8 A Yes.

9 Q Did the kids sometimes play games on their computers?

10 MR. SPEED: Objection, Your Honor. Relevance and outside the scope of my
11 cross-examination.

12 MS. RHOADES: He's asking about the TV and what the Defendant was
13 doing that morning and if everything was regular, and there were some --

14 THE COURT: I'll over -- overrule the objection. I'll allow you to answer that.

15 BY MS. RHOADES:

16 Q Did the kids ever play games on the computers?

17 MR. SPEED: Objection, Your Honor. Relevance?

18 THE COURT: That -- that's sustained. That objection's sustained.

19 BY MS. RHOADES:

20 Q Were there other ways to play games --

21 A Yes.

22 Q -- in the house besides --

23 MR. SPEED: Objection, Your Honor.

24 MS. RHOADES: -- the TV in the living room?

25 If I could finish the question, everybody is trying --

1 THE COURT: Just finish the question.

2 Don't answer.

3 THE WITNESS: They had a Wii in their room.

4 THE COURT: Don't -- don't answer yet.

5 BY MS. RHOADES:

6 A Were there other places to play video games besides the living room in
7 that apartment?

8 Q Yes.

9 MR. SPEED: Objection, Your Honor. Relevance. We've only heard
10 testimony about Greg playing in the living room.

11 MS. RHOADES: Your Honor, there were statements during opening --

12 MR. SPEED: Your Honor, there's -- there's an objection.

13 THE COURT: Okay. Just a minute. I'm going to overrule the objection, allow
14 her to testify.

15 BY MS. RHOADES:

16 Q Are there other places to play video games inside the apartment
17 besides the living room TV?

18 A Yes.

19 Q Where?

20 A In the -- in the boys' room. They had a Wii.

21 Q And you made the statement during cross-examination but weren't
22 asked to elaborate on this statement. You said your oldest was acting strange for a
23 while. Can you elaborate on that now?

24 A One day, the Defendant touched her like with -- he didn't have a shirt
25 on, and he -- I guess he'd bumped up against her. She went and took a shower.

1 She cried that whole day.

2 Q About how long -- well how much before September 2013 was that?

3 A It was --

4 MR. SPEED: Objection, Your Honor. Relevance?

5 THE COURT: That's responding to your cross-examination. Overruled.

6 MR. SPEED: No, because the line of questioning was about the children
7 acting strangely on that morning of September 7th, 2013. Now we're talking about
8 another incident that occurred where Greg or Tony bumped into one of the children
9 with his shirt off. It's -- it's irrelevant.

10 THE COURT: Overruled. Thanks.

11 BY MS. RHOADES:

12 Q Do you remember about how long before September, 2013 that was?

13 A Maybe before -- James Wayne Moody came and told me that he took --
14 the Defendant took Tyana out of the bedroom.

15 Q Longer than six months?

16 A Yes.

17 MR. SPEED: Objection. Cause for speculation.

18 MS. RHOADES: She testified --

19 THE COURT: Actually it's a leading --

20 MS. RHOADES: She testified that it was about --

21 MR. SPEED: Object --

22 MS. RHOADES: -- six months.

23 MR. SPEED: -- there's an objection, Your Honor.

24 MS. RHOADES: I'm trying to respond to the objection.

25 THE COURT: I'll overrule the objection. You can testify in that.

1 MS. RHOADES: And your oldest, your --

2 THE COURT: Ask -- ask the question again.

3 MS. RHOADES: Ask the question again?

4 BY MS. RHOADES:

5 Q So six -- you said it was before James Wayne Moody came to you and
6 told you the first time?

7 A Yes.

8 Q So that would be at least before six months before September 2013?

9 MR. SPEED: Objection, Your Honor. Leading and calls for speculation.

10 THE COURT: Overruled.

11 BY MS. RHOADES:

12 Q Is that true?

13 A I don't even understand anymore what you guys are talk --

14 Q Okay. So you said it was before James came and told you, six months
15 before September 2013.

16 A Yeah, but it was -- it was like right around the time where he came and
17 told me that, it was around that time.

18 Q So somewhere March 2013?

19 A Yes.

20 MR. SPEED: Objection, Your Honor. Leading. And I'd move to strike the
21 witness's answer.

22 THE COURT: Overruled.

23 BY MS. RHOADES:

24 Q During breakfast, did you testify on cross-examination that the kids
25 were acting out of the ordinary?

1 A Yes.

2 Q Explain that for us.

3 A Normally they're running around the house. They weren't running
4 around the house, and it was like a gloomy day to like -- everybody, they were all
5 quiet. They're never quiet like that.

6 Q And that was different from how they normally acted.

7 A Yes.

8 MR. SPEED: Objection, Your Honor. Leading.

9 THE COURT: Overruled.

10 BY MS. RHOADES:

11 Q That night before they came and told you, were you in your room alone
12 that night?

13 A Yes.

14 Q Do you remember if you had your door closed, or your door open, or both?

15 A It's normally closed.

16 Q Why didn't you call the police when James came and told you -- came
17 to you that first time?

18 A They couldn't tell me anything. There was nothing from -- I couldn't tell
19 the police anything. Like, he told me that -- that the Defendant took Tyana from her
20 bed and took her into another room. The other three children agreed but what could
21 they -- other -- tell me other than that? They didn't tell me he did anything other than
22 just that. And Tyana couldn't tell me anything other than just that. She didn't even
23 remember that. She didn't even remember him taking her.

24 MS. RHOADES: All right. The State will pass the witness, Your Honor.

25 MR. SPEED: No recross, Your Honor. Thank you.

1 THE COURT: Now she's subject to being recalled, but did you have any
2 other questions you want to ask her?

3 MR. SPEED: Not now, Your Honor, no.

4 THE COURT: Okay. Thanks.

5 Jury have any questions of this witness? Write -- write the question
6 down, put your seat number and your name.

7 [Bench Conference Begins]

8 MS. KOLLINS: Excuse me.

9 MR. SPEED: It's going to be a long week if we do it every time. And I'm a
10 stickler for that, you know.

11 MS. KOLLINS: Don't laugh where they can see you.

12 THE COURT: Let's go out in the hall and talk here.

13 MR. SPEED: Okay.

14 [Bench Conference Concludes]

15 THE COURT: You guys can stand up if you want.

16 [Pause in proceedings]

17 THE COURT: Finish this witness first. Mark that if you could.

18 **JURY QUESTIONS BY THE COURT**

19 THE COURT: The question is, what was the time of the 9-1-1 call on the
20 tape? Do you remember? It's okay if you don't -- it's okay if you don't remember.
21 The jury will have that tape back in the jury room with them.

22 THE WITNESS: Okay.

23 A JUROR: Oh. So we can relisten to it?

24 THE COURT: So you can -- and you'll have a laptop to listen to it. Okay?

25 You don't remember?

1 THE WITNESS: No, I don't remember that.

2 THE COURT: Questions by the State?

3 MS. RHOADES: No, Your Honor.

4 THE COURT: By defense?

5 **FOLLOW-UP QUESTIONS BY DEFENSE**

6 BY MR. SPEED:

7 Q Just so that we're clear, Aneesah, you were home the entire evening of
8 September 6th, yes?

9 A Yes. September 6th, yes.

10 Q The night before the police were called?

11 A Yes.

12 MR. SPEED: That's all, Your Honor.

13 THE COURT: All right. You're excused. Thank you.

14 We're going to take a short recess, so you can use the restroom.
15 During the recess you're admonished not to talk or converse among yourselves or
16 with anyone else on any subject connected with the trial, or read or watch or listen to
17 any report of or commentary on the trial, or any person connected with this trial by
18 any medium of information, including without limitation, newspapers, television,
19 radio, or the Internet, or form or express an opinion on any subject connected with
20 the trial until the case is finally submitted to you. Take five minutes please.

21 [Outside the presence of the jury]

22 THE COURT: The jury is -- now the door is not closed yet. It's closed now.

23 All right, take -- if you guys have to use the restroom, just please use
24 them in the back.

25 MR. SPEED: Can we make our record really quickly on --

1 THE COURT: Oh, yes.

2 MR. SPEED: There were two questions that the jury members had for the
3 Court and the parties. The question that the Court refused to read had to do with
4 whether Aneesah worked. I believe the question was, quote –

5 THE COURT: Did she work?

6 MR. SPEED: Did mom work?

7 THE COURT: Yeah.

8 MR. SPEED: And the Court did not answer that question over our objection.

9 THE COURT: Right.

10 MR. SPEED: Did not ask that question.

11 THE COURT: And these are marked for possible appellate issues should
12 they be needed.

13 MR. SPEED: As Court Exhibits, yes?

14 THE COURT: Yes.

15 MR. SPEED: Thank you, Your Honor.

16 THE COURT: All right, take five minutes.

17 [Recess taken at 3:29 p.m.]

18 [Proceeding resumed at 3:45 p.m.]

19 [Outside the presence of the jury]

20 MS. KOLLINS: May we go on the record just a moment?

21 THE COURT: Yeah. We'll be starting tomorrow at 9:30, so if you can have
22 him up here at 9:30? We have two in custodies at 8.

23 THE MARSHAL: My jury's way down there.

24 THE COURT: I don't know if you guys will be bringing the in custodies, I don't
25 know. But I continued him from today till tomorrow. Are you ready? What?

1 MS. KOLLINS: Very briefly, next witness is very young. His birth date is July
2 2006, so he's nine years old. I'm going to be asking for some foundational latitude
3 regarding where do you go to school, how old are you, who do you live with, those
4 kind of questions that might not otherwise be relevant but are appropriate for my
5 foundation, given his age.

6 THE COURT: You can lay the foundation on his truthfulness as well, since
7 he's nine.

8 MS. KOLLINS: I will, I just -- I just want to put everyone on notice that I -- I'm
9 going to anticipate -- I'm not going to be getting leading question objections with this
10 nine year old for these foundational purposes.

11 MS. ROSS: And, Your Honor, understanding the latitude needed for
12 foundational purposes, if questions are allowed to be asked by the State about truth
13 or honesty, would we also be able to ask a little bit about --

14 THE COURT: I'll handle it --

15 MS. ROSS: -- you understand you're under oath and --

16 THE COURT: I'll handle it.

17 MS. ROSS: All right.

18 MR. SPEED: Voir dire him for competency is what we're asking for, Your
19 Honor.

20 THE COURT: Pardon?

21 MS. KOLLINS: He's presumed --

22 MR. SPEED: Voir dire him for competency.

23 MS. KOLLINS: He's nine, he's presumed competent.

24 MR. SPEED: Well.

25 THE COURT: I'll talk to him. I'll make the decision, I'll ask the questions.

1 MR. SPEED: All right.

2 MS. KOLLINS: All right. Maybe --

3 THE COURT: And then -- what I didn't want to say in front of the jury is, I'm
4 going to give you leeway on some of the witnesses that if you want to ask them
5 questions but not call them again, I did with mom and I thought -- you understand
6 what I'm saying, is if you have them under subpoena --

7 MR. SPEED: Right.

8 THE COURT: You -- you're going to have leeway to lead them --

9 MR. SPEED: Recall them, that was --

10 THE COURT: -- talk to them --

11 MR. SPEED: -- that was my understanding, Your Honor.

12 THE COURT: I'd rather you not recall them. If -- if you want to recall her --
13 but the next witnesses, if we can ask -- just ask the questions since they're on the
14 stand. I don't like to recall.

15 MR. SPEED: Right. The -- the children were under mom's subpoena
16 anyway, I don't anticipate a situation where I might be recalling them, so it --

17 THE COURT: Okay.

18 MR. SPEED: -- it shouldn't be a problem.

19 THE COURT: Okay.

20 MS. KOLLINS: And -- and if you could just inform the State of who you're
21 intending to release because they keep calling me on your subpoena, and I can't tell
22 them how to conform to your subpoena for April 1st, which is Friday.

23 MR. SPEED: Tell me who's calling.

24 MS. KOLLINS: The doctor, the nurse --

25 MS. RHOADES: The school.

1 MS. KOLLINS: -- the school, principal and assistant principal, the DNA
2 experts, so --

3 THE COURT: Well, he's just covering his bases making sure these people
4 are --

5 MS. KOLLINS: Well, I know, but I don't want --

6 THE COURT: -- subpoenaed.

7 MS. KOLLINS: I don't want to be accused of giving them bad information on
8 Mr. Speed's subpoena.

9 THE COURT: I understand.

10 MR. SPEED: I wouldn't levy a charge like that at the State, Your Honor.
11 They were given Bruce's cell phone number and my office number. They shouldn't
12 have been calling the State on these cases, but they probably called and said, hey I
13 got a subpoena from the Defendant I think in this case, what's up with that?

14 THE COURT: Right.

15 MR. SPEED: So it's understandable mistake.

16 THE COURT: You know you're going to be calling these, well you contact
17 them maybe.

18 MR. SPEED: Right.

19 THE COURT: You've got them, Tom?

20 THE MARSHAL: Yeah, they're ready.

21 THE COURT: Bring them in.

22 [In the presence of the jury]

23 THE COURT: Stipulate to the presence of the jury?

24 MS. KOLLINS: State does, Your Honor.

25 THE COURT: All right --

1 MR. SPEED: Everybody --

2 THE COURT: -- call your next witness.

3 MR. SPEED: We do, Your Honor.

4 MS. KOLLINS: State calls James Moody.

5 THE COURT: Anybody with him?

6 MS. KOLLINS: No, sir. Just me, and I may ask permission to question from
7 up there, depending where we get to.

8 **JAMES MOODY**

9 [having been called as a witness, testified as follows:]

10 THE COURT: Tell me what your name is.

11 THE WITNESS: James.

12 THE COURT: What's your last name?

13 THE WITNESS: Moody.

14 THE COURT: Where do you go to school?

15 THE WITNESS: Sunrise Acres.

16 THE COURT: What grade are you in?

17 THE WITNESS: Fourth.

18 THE COURT: Do you know what the difference is telling a truth and telling a
19 lie is?

20 THE WITNESS: Yeah.

21 THE COURT: Do you get in trouble for telling the truth?

22 THE WITNESS: No.

23 THE COURT: You're supposed to tell the truth, huh? You get in trouble for
24 telling a lie?

25 THE WITNESS: Yeah.

1 THE COURT: You'll tell me the truth today?

2 THE WITNESS: Yeah.

3 THE COURT: Whatever you say it from, the lawyers -- it's kind of scary to be
4 in here, but you're safe. Okay?

5 THE WITNESS: Okay.

6 THE COURT: If I told you that that was green, is that the truth or a lie?

7 THE WITNESS: A lie.

8 THE COURT: What color is it?

9 THE WITNESS: Red.

10 THE COURT: All right.

11 Foundation's laid.

12 MS. KOLLINS: Thank you, Your Honor.

13 **DIRECT EXAMINATION**

14 BY MS. KOLLINS:

15 Q Hello, James. How are you today?

16 A Good.

17 Q Good. You're using your outside voice, speaking right into that
18 microphone for me, so thank you for that.

19 A You're welcome.

20 Q Who's your mom?

21 A Aneesah Hasan.

22 Q Did she come with you here today?

23 A Yes.

24 Q Do you have brothers and sisters?

25 A Yes.

1 Q Who are your brothers and sisters?
2 A Demarius -- Demarius Hasan, Amia Hasan, Tyana Hasan, and Kayla
3 Moody.
4 Q Who's the oldest?
5 A Amia Hasan.
6 Q And who's the youngest?
7 A Me.
8 Q You're the youngest?
9 A Yes.
10 Q Okay. All those people live in your house?
11 A Yeah.
12 Q Somebody extra besides that live in your house right now?
13 A Yeah. Joe and my grandma.
14 Q Okay. Who's Joe and your grandma?
15 A My mom's boyfriend.
16 Q Okay. And your grandma is your mom's mom?
17 A Yeah.
18 Q Okay. Do you live in a house or an apartment?
19 A Apartment.
20 Q What do you like best about fourth grade?
21 A It's easy.
22 Q It's easy? Got it all dialed in, do you?
23 A Yeah.
24 Q Okay, what's your favorite thing in fourth grade?
25 A The math.

1 Q Math, well that's good. Okay. Do you know who Greg is?
2 A Yeah.
3 Q Is he at Court today?
4 A Yeah.
5 Q Do you see where he's at and what he's wearing today?
6 A Yeah.
7 Q Can you tell Judge Doug what he's wearing today?
8 A He's wearing dress pants, dress shoes, and a white shirt.
9 THE COURT: Does he have a tie on?
10 THE WITNESS: Yeah.
11 THE COURT: What color is it?
12 THE WITNESS: It's blue.
13 THE COURT: Okay. Record reflect that he's identified the Defendant.
14 BY MS. KOLLINS:
15 Q Okay. Do you remember when Greg used to live at your house?
16 A Yes.
17 Q Was that in the apartment that you live in now?
18 A Yeah.
19 Q Okay. And when Greg lived in your apartment, did he have a favorite?
20 A Yeah.
21 Q Of your brothers and sisters?
22 A Yes.
23 Q And who was that?
24 A Tyana Hasan.
25 Q Okay. How did you know Tyana Hasan was his favorite?

1 A Because he always used to put us in the corner and he used to take
2 Tyana in the living room and do stuff to her.

3 Q Okay. Would you ever get treats at your house?

4 A No.

5 Q Okay. Would Tyana get treats?

6 A Yes.

7 Q Would she get different treats from you?

8 A No.

9 Q Not different from you?

10 THE COURT: Well, I think that's a bad question.

11 MS. KOLLINS: It was. I'm sorry. Thank you.

12 BY MS. KOLLINS:

13 Q Who did Tyana get treats from?

14 A Greg.

15 Q Did Greg give you the same treats that he would give Tyana?

16 A No.

17 Q Okay. Do you remember going to mom and having some stuff to tell
18 her, you and your brothers and sisters?

19 A Yes.

20 Q Did you do that one time or more than one time?

21 A More than one.

22 Q Okay. Do you remember the first time?

23 A Yes.

24 Q Okay. What did you see that made you go talk to mom?

25 A Well, well my -- my big sister, she -- she thought -- she thought it was

1 time to step up, and she called everybody --

2 MS. ROSS: Objection, Your Honor. And I understand the latitude, but I
3 believe he's going to be testifying about hearsay statements.

4 MS. KOLLINS: May I go --

5 THE COURT: Yeah.

6 MS. KOLLINS: May I just question from --

7 THE COURT: I'll --

8 MS. KOLLINS: -- up there?

9 THE COURT: I'll sustain the question about hearsay.

10 MS. KOLLINS: Thank you.

11 BY MS. KOLLINS:

12 Q I'm going to talk to you from up here. Okay?

13 A Uh-huh.

14 Q Is that all right?

15 A Yes.

16 Q Okay. And good job answering out loud because that nice lady over
17 there, she has to write down everything we say. Remember, we talked about that?

18 A Yes. Yes.

19 Q Okay. There was two times you went to mom? One time, two times?

20 A Yes.

21 Q Okay. Without telling me what anybody said, what came out of their
22 mouth, tell me why you went to mom the first time.

23 A Because he just kept on doing stuff to my sister and I felt bad for her.

24 Q Okay. Which sister?

25 A Tyana Hasan.

1 Q Okay. Did you see something that made you think he was doing
2 something to your sister?

3 A Yes.

4 Q What did you see?

5 A Well he always used to be on a chair with no clothes, only his
6 underwear, and then he would kiss her on the cheek.

7 Q He would kiss her on the cheek?

8 A Uh-huh.

9 Q Is that a yes?

10 A Yes.

11 Q Okay. And where would you see – where would you be when you
12 would see that?

13 A In the – in the room.

14 Q In the same room where it was happening?

15 A He was in the room down the hall, and me and my brother and cousin's
16 room.

17 Q He was in the room down the hall?

18 A Yes.

19 Q Okay, so you weren't in the same room that it happened?

20 A Yes.

21 Q Yes you were in the same room?

22 A Oh, no.

23 Q No, you weren't in the same room. Okay. So, let's start over a little bit.
24 Okay? What room was Greg in, in your apartment?

25 A He was in the living room.

1 Q Okay. And when Tyana would sit on his lap and get kisses on the
2 cheek, where -- was Tyana in the same living room?

3 A Yes.

4 Q Okay. And then you and your cousins and somebody else were in the
5 same room? The living room or a different room?

6 A A different room.

7 Q Okay. And what kind of room was that different room?

8 A It was my room.

9 Q Your room, like where you sleep?

10 A Uh-huh. Yes.

11 Q Is that a yes?

12 A Yes.

13 Q Okay. And how is it you could see from your room to where Tyana
14 was?

15 A Because there was a crack under the door, and I would look under it.

16 Q Okay. Now before the first time you went to talk to mom, did -- would
17 Tyana be in the living room just once in a while with Greg, or lots of times with Greg.

18 A Lots of times.

19 Q Okay. And those lots of times would you be in the room with them, or
20 not with them?

21 A Not with them.

22 Q Okay. Did Greg ever talk to you during those times about coming out of
23 your bedroom?

24 A He -- he just told us never to come out. And --

25 Q He told --

1 A Yeah. He told me never to come out until Tyana left the living room.
2 Q Okay, so he told you not to come to the living room?
3 A Uh-huh.
4 Q Is that a yes?
5 A Yes. Yes.
6 Q Going to get that just a little closer.
7 Now did -- how did -- when you saw that stuff, how did that make you
8 feel about Tyana?
9 A I -- I didn't feel so good about it.
10 Q Okay. And when you didn't feel so good about it, what did you do?
11 A I went and told my mom, when Tyana got out the living room.
12 Q Okay. You went and told your mom. Where did you go to tell your
13 mom?
14 A In her room.
15 Q Okay. And do you remember what you told your mom?
16 A Yeah.
17 Q What'd you tell your mom?
18 A I told her that he -- he would always favorite Tyana Hasan and -- and
19 get her snacks and treats and stuff but never give us anything.
20 Q Okay. Did you tell mom about sitting on the lap and kissing and that
21 stuff?
22 A Yeah.
23 Q Okay. Did you ever -- well -- did mom ask you questions about that
24 stuff that day?
25 A Yeah.

1 Q Okay. Do you know whether or not she asked the rest of your brothers
2 and sisters questions that day?

3 A Yes.

4 Q Yes, she did? Is that a yes?

5 A Yes.

6 Q Okay. Do you remember the second time you went to talk to mom?

7 A Yes.

8 Q Okay. And who was there the second time you went and talked to
9 mom?

10 A My -- my sisters and brothers.

11 Q Okay, everybody?

12 A Yes.

13 Q Can you name everybody that was there?

14 A Tyana Hasan, Demarius Hasan, Amia Hasan, and Kayla Moody, and
15 me.

16 Q Okay.

17 MS. KOLLINS: Ms. Reporter, are you picking him up, or do we need to speak
18 up?

19 BY MS. KOLLINS:

20 Q Okay. So all five of you were there?

21 A Yes.

22 Q Okay. And was it daytime do you remember? Or nighttime? Or
23 something different?

24 A Daytime.

25 Q Okay. Do you remember where you guys all went together when you

1 first talked to mom?

2 A Yes.

3 Q Where did you go?

4 A We went in her room.

5 Q Okay. And when you went in her room, did everybody talk to mom?

6 A Yes.

7 Q Okay, and without telling me what everybody said, okay, we're just
8 going to talk about what you told mom right now, okay, what did you tell mom, if you
9 remember?

10 A I told her that he would always do stuff to Tyana and put her on a lap
11 and kiss her on the cheek.

12 Q Okay. So kind of the same stuff you told her the first time?

13 A Yes.

14 Q Okay. Is that all the stuff you saw?

15 A Yes.

16 Q Okay. After that, if you know, what did mom do after you guys all talked
17 to her?

18 A Yes.

19 Q Do you know what she did? What did she do?

20 A She told us that she was going to call the cops.

21 Q That she was going to call the cops? Did the cops get called?

22 A Yes.

23 Q Okay. And after the cops got called, did you go somewhere?

24 A Yes.

25 Q Where did you go?

1 A To the hospital.

2 Q Okay. And who did you go to the hospital with?

3 A It was my mom and my uncle.

4 Q Okay. And did your brothers and sisters all go to?

5 A Yes.

6 Q Okay. And after that did you have to go talk to the police?

7 A Yeah.

8 Q Okay. And after that did Greg live at your house anymore?

9 A No.

10 Q Okay. Give me just one second, I'm going to check with my partner

11 and see if I forgot to ask you anything, and if I didn't then Mr. Speed or Ms. Ross are

12 going to ask you some questions, okay?

13 A Yes.

14 Q Okay. James, I forgot one thing. Did you ever ask Tyana questions

15 about what would happen with Greg?

16 A Yes.

17 Q Did she tell you stuff?

18 A Yes.

19 Q Okay. I don't want you to tell me what she told you, right now, okay?

20 A Yes.

21 Q Either these people over here, Mr. Speed or Ms. Ross, are going to ask

22 you some questions, and then I might have some more for you. Is that okay?

23 A Okay.

24 Q Do you need some water?

25 A Yes.

1 MS. KOLLINS: May I approach, Your Honor?

2 THE COURT: Yes.

3 MS. KOLLINS: If you need some more or you need a break, you just let us
4 know, okay?

5 THE WITNESS: Thank you.

6 MS. KOLLINS: You're welcome.

7 THE COURT: Go ahead.

8 MS. ROSS: Thank you, Your Honor.

9 **CROSS-EXAMINATION**

10 BY MS. ROSS:

11 Q Hi, James, my name is Katrina Ross. I'm the Ms. Ross who you're just
12 talking about, okay? I'm just going to ask you a few questions about what you've
13 talked about here already, okay?

14 A Okay.

15 Q Now, you testified, you talked about earlier that when Greg was with
16 Tyana, you didn't feel so good, right?

17 A Yes.

18 Q Yes, and you didn't feel so good because she would get treats and juice
19 and you wouldn't, right?

20 A Yes.

21 Q Okay. Now the -- when you talked earlier, you said you remembered
22 going to the hospital, correct?

23 A Yes.

24 Q And you remember talking to an officer that night?

25 A Yes.

1 Q Yes. In fact, I think you were drawing a Spiderman that night with the
2 officer, correct?

3 A Correct.

4 Q Correct, okay. Do you remember telling that detective that you didn't
5 know what Tony or Greg and Tyana did?

6 A Yes.

7 Q Do you remember that? So you told the detective that you couldn't see
8 anything when you looked under the door, right?

9 A Just a little bit.

10 Q Just a little bit. You could see their feet, right?

11 A Yes.

12 Q And you could see that, I believe when you talked to the detective you
13 said, Tyana was sitting on the couch and Tony was in the den. Is that what you
14 could see?

15 MS. KOLLINS: Can we have a page reference --

16 MS. ROSS: Sure.

17 MS. KOLLINS: -- if you're going to cross him --

18 MS. ROSS: Yeah.

19 MS. KOLLINS: -- like that? Thank you.

20 BY MS. ROSS:

21 Q James, I'm just talking about, this is the -- the document of what you
22 talked with the detective about on that night at the hospital.

23 MS. ROSS: I believe it's page nine of his voluntary statement.

24 MS. KOLLINS: I'm good.

25 MS. ROSS: Are you good? Okay.

1 MS. KOLLINS: Uh-huh.

2 BY MS. ROSS:

3 Q And James -- and that night when you talked to the detective, you said
4 you saw Tyana sitting on the couch, correct?

5 A Yes.

6 Q But nothing else happened, right?

7 A Well, he -- Tyana was sitting on the couch, when they were done, and
8 then he let her play on the computer.

9 Q Okay. So she got to play on the computer that night, too.

10 A Yes.

11 Q Okay. And James, you talked a little bit about Greg kissing Tyana on
12 the cheek, right?

13 A Yes.

14 Q Does your mom kiss you on the cheek?

15 A Yeah.

16 Q Yeah. You live with your grandma and she kisses you on the cheek,
17 too, right?

18 A No.

19 Q No? Does she give you hugs?

20 A Yeah.

21 Q Yeah. And so that's how your mommy shows you she loves you by
22 kissing you on the cheek, right?

23 A Yes.

24 Q And earlier you talked about going to your mommy, or your -- your mom
25 the first time to talk about something, right?

1 A Yes.

2 Q And you told your mom then that Greg was doing stuff because he kept
3 giving Tyana cookies and juice and you didn't get any?

4 A Yes.

5 MS. KOLLINS: Objection, mischaracterizes the testimony.

6 BY MS. ROSS:

7 Q You told your mom --

8 THE COURT: Well, that's kind of what he said. I'll overrule the objection.

9 MS. ROSS: Okay. Brief indulgence.

10 BY MS. ROSS:

11 Q Now James, when you looked under the door, you didn't ever see Greg
12 kiss Tyana on the cheek, right?

13 A Yes.

14 Q You could see that from under the door?

15 A Well, I -- I couldn't see it, I couldn't really see it, I think, but Tyana --
16 after Tyana was done --

17 Q Someone told you that Greg would kiss her on the cheek?

18 A Yeah, she told me.

19 Q Okay, and you could only see the feet, right?

20 A Yes.

21 Q Thank you, James, I don't have any more questions for you.

22 **REDIRECT EXAMINATION**

23 BY MS. KOLLINS:

24 Q James, remember when I told you I might have a couple more things to
25 ask you?

1 A Yes.

2 Q Can I do that right now?

3 A Yes.

4 Q Do you mind if I come up there?

5 A Yes.

6 Q Yes you mind?

7 A I mean, no.

8 Q Okay.

9 A Sorry.

10 Q Took a shower. Ms. Ross asked you if your mom kissed you on the
11 cheek?

12 A Yes.

13 Q Okay. Did Greg ever kiss you on the cheek?

14 A No.

15 Q Okay. When Greg kissed Tyana on the cheek, do you know what he
16 was wearing?

17 A No clothes.

18 MR. SPEED: Objection, Your Honor.

19 MS. ROSS: Objection, Your Honor. Believe -- James --

20 MR. SPEED: Assumed facts not in evidence.

21 MS. ROSS: Correct.

22 THE COURT: Calm down.

23 MS. ROSS: James did not testify -- or he testified that he never saw Greg
24 kiss Tyana on the cheek.

25 THE COURT: I'll sustain the objection.

1 BY MS. KOLLINS:

2 Q Do you remember knowing about a time or talking about a time where
3 Greg took Tyana out of bed?

4 A Yes.

5 Q Do you remember that?

6 A Yes.

7 Q Okay. Did you tell your mom about that?

8 A Yes.

9 Q Okay. Was that the first time or the second time?

10 A It was the first.

11 Q The first time you talked to mom?

12 A Yes.

13 Q Did you see Greg take Tyana out of bed?

14 A Yes.

15 Q Okay. Nothing else, Judge.

16 MS. ROSS: Just very quickly. Just --

17 THE COURT: Okay.

18 MS. ROSS: -- a couple more questions, James.

19 **REXCROSS-EXAMINATION**

20 BY MS. ROSS:

21 Q Now you -- you talked about earlier that you were in your room. Who
22 stays in your room with you?

23 MS. KOLLINS: Objection. Foundation as to when he was in his room.

24 THE COURT: Sustained.

25 BY MS. ROSS:

1 Q Okay. Earlier, you mentioned that you were in your room, right?

2 A Yes.

3 Q Okay.

4 MS. KOLLINS: Same objection, foundation.

5 THE COURT: Yeah, lay a foundation --

6 MS. ROSS: Sure.

7 THE COURT: -- of when.

8 MS. ROSS: Sure.

9 BY MS. ROSS:

10 Q James, back around the time when you talked to your mom first. Who
11 stayed in your room?

12 A Me and my brother.

13 Q Your brother? Did the girls have a separate room?

14 A It was just the three of them were in their own room.

15 Q So all the girls stayed in one room?

16 A Yes.

17 Q And all the boys stayed in another?

18 A Yes.

19 MS ROSS: No further questions.

20 Thank you, James.

21 MS. KOLLINS: James, I don't have any other questions for you today.

22 THE COURT: Jury, do you have any questions for this young man? I see no
23 hands.

24 You're free to go.

25 We're going to do -- it's ten after four. Do you want another one?

1 MS. RHOADES: And Your Honor, the State's next witness is Kayla Moody.
2 She'll be coming through there.

3 THE COURT: Oh.

4 MS. RHOADES: She's 11.

5 THE MARSHAL: She's still downstairs.

6 THE COURT: Oh. Okay.

7 MS. RHOADES: Okay.

8 [Pause in proceedings]

9 **KAYLA MOODY**

10 [having been called as a witness, testified as follows:]

11 THE COURT: Tell me what your name is?

12 THE WITNESS: Kayla.

13 THE COURT: Okay, you got to speak into that microphone, okay? There you
14 go.

15 THE WITNESS: Kayla.

16 THE COURT: How old are you?

17 THE WITNESS: Eleven years old.

18 THE COURT: What's -- where do you go to school?

19 THE WITNESS: Sunrise Acres.

20 THE COURT: What grade are you in?

21 THE WITNESS: Fifth.

22 THE COURT: Do you know the difference between telling the truth and telling
23 a lie?

24 THE WITNESS: Yes.

25 THE COURT: Do you get in trouble for telling the truth?

1 THE WITNESS: No.

2 THE COURT: Do you get in trouble for telling a lie?

3 THE WITNESS: Yes.

4 THE COURT: There's consequences for that, aren't there. Is that a yes?

5 THE WITNESS: Yes.

6 THE COURT: That young lady over there is taking down everything we say,
7 recording it, so, can't shake your head or nod your head, okay?

8 THE WITNESS: Yes.

9 THE COURT: You're nodding. If I told you this was green, is that truth or a
10 lie?

11 THE WITNESS: A lie.

12 THE COURT: Going to be in trouble. What color is it?

13 THE WITNESS: Red.

14 THE COURT: All right. You'll tell me the truth today?

15 THE WITNESS: Yes. Yes.

16 THE COURT: Go ahead.

17 MS. RHOADES: Thank you, Your Honor.

18 **DIRECT EXAMINATION**

19 BY MS. RHOADES:

20 Q Hi, Kayla.

21 A Hi.

22 Q When is your birthday?

23 A January 4th.

24 Q What year?

25 A 2004.

1 Q Okay. And will you do me a favor today and try not to put your hand
2 over your mouth, okay? Are you a little nervous?

3 A No.

4 Q No? Okay. What is your mom's name, Kayla?

5 A Aneesah.

6 Q Aneesah. What's her last name?

7 A Hasan.

8 Q Do you have any brothers and sisters?

9 A I have two sisters and two brothers.

10 Q What are your sisters' names?

11 A Amia, Tyana, James, and Demarius.

12 Q And James and Demarius are your brothers. Is that correct?

13 A Yes. Yes.

14 Q Who's the oldest?

15 A Amia.

16 Q And are you in the middle?

17 A I'm the second to last.

18 Q Okay, so who's younger than you?

19 A James.

20 Q Okay. Where do you live right now?

21 A Juan Garcia Apartments.

22 Q And who do you live there with?

23 A My mom, my brothers and sisters, my cousin, that's it.

24 Q Does your grandma live there?

25 A Oh, yes.

1 Q Okay. Do you remember when Greg lived with you?
2 A Yes.
3 Q Do you call Greg, Greg or Tony?
4 A Tony.
5 Q Do you see Tony in court today?
6 A Yes.
7 Q Can you tell me something that he's wearing and point to the direction
8 he's sitting in?
9 A A white shirt.
10 MS. RHOADS: Your Honor, may the record reflect identifica --
11 THE COURT: All right. He's wearing the glasses?
12 THE WITNESS: Yes.
13 THE COURT: Thanks. Record reflects she's identified the Defendant.
14 MR. SPEED: Your Honor, one more. One more question.
15 MS. RHOADES: Well, she did say white shirt.
16 MR. SPEED: Okay.
17 THE COURT: You don't have a white shirt on --
18 MR. SPEED: Right.
19 THE COURT: -- as I recall.
20 MR. SPEED: Right, right, right, right.
21 THE COURT: Okay.
22 MS. RHOADES: Thank Your Honor.
23 BY MS. RHOADES:
24 Q And was Tony your mom's boyfriend?
25 A Yes.

1 Q Did he live with you guys for quite some time?

2 A Yes.

3 Q And when he lived with you, did he live with all your brothers and your
4 sisters and you and your mom?

5 A Yes.

6 Q Do you know if Tony had a favorite out of you and your brothers and
7 sisters?

8 A Yes.

9 Q And who's that?

10 A Tyana.

11 Q How did you know that Tyana was his favorite?

12 A Because he used to always -- like they used to always be together.

13 Q Where would they always be together?

14 A Mostly the living room.

15 Q Would anybody else be in there with them when they were together?

16 A No.

17 Q So were they in the living room together alone?

18 A Yes.

19 Q Did that happen often or only a little bit?

20 A Often.

21 Q Like, how often would that happen?

22 MR. SPEED: Objection, Your Honor. Calls for speculation on the part of a
23 12-year-old witness.

24 THE COURT: Overruled.

25 BY MS. RHOADES:

1 Q How often would that happen, Kayla?

2 A Every day, almost.

3 Q Almost every day he'd be in the living room alone with Tyana.

4 A Yes.

5 Q Where were you when they were in the living room alone?

6 A In the room.

7 Q Were you in your room or your brothers' room?

8 A In my room.

9 Q Let me just ask you -- so when Tony was living with you, how many

10 bedrooms were in your apartment?

11 A Four.

12 Q And you still have four bedrooms in your apartment now, right?

13 A Yes.

14 Q So when Tony was living with you, did your mom and Tony share a

15 room?

16 A Yes.

17 Q How were the three other rooms split up?

18 A There was just an extra room that we kept stuff in there, and my

19 brothers' room, and then me and my sisters' room.

20 Q So you shared a room with Amia and Tyana?

21 A Yes.

22 Q When Tony was in the living room with Tyana, you said you would be in

23 your room. Where were your other brothers and sisters, if you know?

24 A They would sometimes be in my brothers' room.

25 Q Did anybody -- would anybody tell you to go to your room?

1 A No.

2 Q You would just be in there?

3 A Yes.

4 Q When Tyana and Tony were in the living room, were they generally
5 standing up, sitting down, playing --

6 MR. SPEED: Objection, Your Honor.

7 MS. RHOADES: -- video games?

8 MR. SPEED: Objection, Your Honor. Vague. Which time?

9 THE COURT: Sustained.

10 MS. RHOADES: Okay.

11 BY MS. RHOADES:

12 Q Okay, Kayla. You said that they were in the living room alone often,
13 right?

14 A Yes.

15 Q Do you remember when the police came to your house?

16 A Yes.

17 Q And is that because you went to talk to your mom with your brothers
18 and sisters?

19 A Yes.

20 MR. SPEED: Objection, Your Honor. Leading?

21 THE COURT: Overruled.

22 BY MS. RHOADES:

23 Q So that's when you went to talk to your mom about -- with your brothers
24 and sisters, right?

25 A Yes.

1 Q The day before, do you remember if Tony and Tyana were in the living
2 room together?

3 A No.

4 Q Okay. How about the day before that?

5 A Yes.

6 Q Okay. They -- you remember they were in the living room together
7 alone.

8 A Yes.

9 Q Okay. Do you remember what Tony was wearing when they were in
10 the living room together alone?

11 A No.

12 Q And do you remember what -- like where they were at in the living
13 room?

14 MR. SPEED: Objection, Your Honor. Call for speculation. She's just testified
15 that she was in her room.

16 MS. RHOADES: She asked me if -- he asked me first --

17 THE COURT: No, she can answer. Overruled.

18 BY MS. RHOADES:

19 Q Only if you know, Kayla, okay? Only what you saw. If you saw them in
20 the living room together, did you see Tyana and Tony in the living room together?

21 A Yes.

22 Q Okay. What were they doing?

23 A I can't recall.

24 Q Did you ever see Tyana sitting on Tony's lap?

25 A Yes.

1 Q Okay. And when Tyana was sitting on Tony's lap, was she facing him
2 or was her back towards his chest?

3 A Facing him.

4 Q When you saw her sitting on his lap, do you remember what he was
5 wearing?

6 A No clothes.

7 Q No clothes. Did he have underwear on?

8 A Yes.

9 Q What were they doing? I mean, was she sitting on his lap, or were they
10 doing something else?

11 A I don't know.

12 Q You just remember seeing her sitting on his lap?

13 MR. SPEED: Objection, Your Honor. Leading.

14 THE COURT: Overruled.

15 THE WITNESS: Yes.

16 BY MS. RHOADES:

17 Q Did you see Tyana sitting on Tony's lap one time or more than one
18 time?

19 A More than one time.

20 Q And more than one time, did you see her sitting on his lap when she
21 was facing him?

22 A Yes.

23 Q Did you ever see Tony kiss Tyana?

24 A No.

25 Q Did Tony ever kiss you?

1 A No.

2 Q Did Tony ever get like special treats for Tyana at the store?

3 A Yes.

4 Q Would he get you those same treats?

5 A No.

6 Q Okay. All right, Kayla, when you saw Tyana sitting on Tony's lap, was it
7 always in the living room?

8 A Yes.

9 Q Was it always on the sofa or somewhere else?

10 A On the sofa.

11 Q Did Tony ever tell you to go to your room?

12 A Yes.

13 Q When he would tell you to go to your room, would Tyana stay in the
14 living room?

15 A Yes.

16 Q How about Amia? Did Amia go to your room with you?

17 A Yes.

18 MR. SPEED: Objection, Your Honor. Vague, which time?

19 THE COURT: Sustained.

20 MS. RHOADES:

21 Q Did Tony tell you to go to your room often?

22 A Yes.

23 Q And those times that he told you to go to your room, often times, did
24 Tyana stay in the living room with Tony?

25 A Yes.

1 Q Okay. Did any of the other kids stay in the living room with Tony when
2 that happened?

3 A No.

4 MR. SPEED: Objection, Your Honor. Which time?

5 THE COURT: Overruled.

6 BY MS. RHOADES:

7 Q And your answer was no, is that right?

8 A Yes.

9 Q Those times that you remember it happening, where would the other
10 kids go?

11 A They would be in their room.

12 Q Their rooms?

13 A Yes.

14 Q And how about your mom? Do you remember where she was?

15 A She would be in her room.

16 Q All right, Kayla. That's all for now, okay? Thank you.

17 THE COURT: No, don't leave. This --

18 MS. RHOADES: Oh, sorry.

19 THE COURT: -- young man may ask you some questions. Okay? Just wait
20 right there.

21 Could you get her a drink?

22 Who's going to examine her?

23 MS. ROSS: Mr. Speed is, Your Honor.

24 MR. SPEED: May I have the Court's indulgence for just a moment, Your
25 Honor? I apologize.

1 **CROSS-EXAMINATION**

2 BY MR. SPEED:

3 Q Kayla, you just told these ladies and gentlemen on the jury over here
4 that your birthday is January, 2004. Do you remember that?

5 A Yes.

6 Q So you're not 11, you're 12 now, right?

7 A I'm 11.

8 Q Do you remember when Ms. Rhoades was talking to you about the day
9 that the police were called, that they came to your house, do you remember that?

10 A Yes.

11 Q Do you remember going to the hospital?

12 A Yes.

13 Q How did you get there, do you remember?

14 A Yes.

15 Q How did you get there?

16 A My uncle drove me there.

17 Q Okay. And everybody was with your uncle in the car, in the same car?

18 A Yes.

19 Q Okay. Now earlier Ms. Rhoades asked you when Tyana and Tony
20 were in the room alone, you said that you would be in the room.

21 A Yes.

22 Q You remember that?

23 A Yes.

24 Q You were talking about your bedroom, right?

25 A Yes.

1 Q And then Ms. Rhoades asked you about these times when Greg and
2 Tyana would be in the living room alone and you said, oftentimes you would see
3 them, right?

4 A Yes.

5 Q Okay. Now on the morning of September 7th when you went to the
6 hospital, you were driven there by your uncle, right?

7 A Yes.

8 Q You went there with your sisters and your brothers and your mom,
9 right?

10 A Yes.

11 Q You never told the police detective who interviewed you at the hospital
12 that you saw Tony in the living room with Tyana with no clothes on and Tyana facing
13 Tony, did you?

14 A I don't know.

15 Q You don't know? Okay. Kayla, what grade are you in, hon?

16 A Fifth.

17 Q Fifth grade? You make pretty good grades, don't you?

18 A Yes.

19 Q Okay. And you're doing a really good job talking to everybody this
20 afternoon. I'm going to take for granted that you read very well, don't you?

21 A Yes.

22 Q Okay.

23 MR. SPEED: Your Honor, may I approach the witness?

24 THE COURT: Yes.

25 MR. SPEED: And may I question just briefly from the witness stand?

1 THE COURT: Yes.

2 MR. SPEED: Thank you, Your Honor.

3 BY MR. SPEED:

4 Q Kayla, I'm showing you about ten pages of words, all right? It looks like
5 something you'd get from your teacher in school, doesn't it?

6 A Yes.

7 Q Okay. Can you hear me? You okay?

8 A Yes.

9 Q All right. Can you tell the Court whose name that is right there?

10 A Mines.

11 Q Okay. And to yourself now, not out loud, just like you're reading
12 something getting ready for a test at school. Can you read what I've indicated here
13 with a pen.

14 MR. SPEED: And for the State, this is page 1 of her voluntary statement, the
15 entire first paragraph. Begins with, this is Detective Flink.

16 MS. KOLLINS: Yes. Thank you.

17 BY MR. SPEED:

18 Q Can you read that to yourself?

19 A [Witness reads document.]

20 Q I'm going to turn the page, all right? Can you read your answer to that
21 question? To yourself. You read the answer?

22 Now you remember talking to Detective Flink at the hospital that night?

23 A Yes.

24 Q Do you remember the Detective asking you questions about what
25 happens in your house and what happens with Tony?

1 A Yes.

2 Q Okay. You told Detective Flink that night that you didn't see Tony do
3 anything to Amia or Tyana, didn't you? You didn't see anything happen, did you,
4 Kayla? You did see something happen? Is that a yes?

5 A Yes.

6 Q Okay. But you didn't tell the detective that you saw anything happen
7 that night, did you?

8 A No.

9 Q And you remember the detective saying that it's important that you tell
10 me everything that you remember because it's her job to keep children safe, right?
11 Do you remember that?

12 MS. RHOADES: Your Honor, I -- I mean, objection argumentative, and that
13 he's not pointing to a particular statement in the transcript where Detective Flink
14 told --

15 MR. SPEED: Well, I'm not refresh --

16 MS. RHOADES: -- Kayla that --

17 MR. SPEED: -- I'm not refreshing her recollection, I'm asking if she recalls.

18 THE COURT: He's at -- overrule the objection.

19 BY MR. SPEED:

20 Q You recall the detective asking you questions, like that, don't you?

21 A I don't know.

22 THE COURT: If you don't, that's okay.

23 BY MR. SPEED:

24 Q You don't know? That's a no, Kayla?

25 A I don't know.

1 Q Let me ask you something I think you do know. You never told your
2 mom that you saw Tyana and Tony sitting on the sofa with Tyana facing Tony and
3 Tony not having anything on but his underwear, did you?

4 A I never got the chance to talk to her.

5 Q So that's a no. You never told your mom that.

6 A No.

7 Q That's all, Your Honor. Thank you.

8 THE COURT: Go ahead.

9 MS. RHOADES: Just briefly, Your Honor.

10 **REDIRECT EXAMINATION**

11 BY MS. RHOADES:

12 Q Did detective Flink, during that time when you talked to her, do you
13 remember talking to her at the hospital?

14 A Yes.

15 Q Did she ever ask you what you saw with Tyana and Tony?

16 A No.

17 Q Do you remember telling her that you looked under the door when Tony
18 took Tyana out of your room?

19 A Yes.

20 Q And do you remember telling her that you couldn't see anything under
21 the door.

22 A Yes.

23 Q Other than that, did she ask you what you saw between the two of
24 them?

25 A No.

1 MS. RHOADES: Nothing else, Your Honor.

2 **RE-CROSS-EXAMINATION**

3 BY MR. SPEED:

4 Q So Kayla, for the time that you described with Detective Flink, this
5 wasn't one of the oftentimes where you said you saw Tony and Tyana in the living
6 room, was it? Because you were talking to Detective Flink about looking under the
7 door; isn't that right?

8 A Yes.

9 MS. RHOADES: Your Honor, this is a compound question, I just ask that he
10 break it down for her.

11 BY MR. SPEED:

12 Q You were talking with Detective Flink about looking under the door at
13 the hospital, isn't that right?

14 A Yes.

15 Q And when you talked with the Detective about looking under the door at
16 the hospital -- let me back that up --

17 A Yes.

18 Q -- I'll rephrase that. Hold on, hold on, hold on. When you were at the
19 hospital talking with Detective Flink and you described to the detective looking under
20 the door, you said you couldn't see anything. Isn't that right?

21 A Yes.

22 Q And you're older than James, aren't you?

23 A Uh-huh. Yes.

24 Q That's a yes?

25 A Yes.

1 Q Okay.

2 MR. SPEED: That's all, Your Honor. Nothing further.

3 MS. RHOADES: Nothing from the State, Your Honor.

4 THE COURT: Thanks.

5 MS. RHOADES: Thank you, Kayla.

6 THE COURT: Jury have any questions of this witness? Okay.

7 You're -- get -- you're shooting too fast there, partner. I may or may
8 just -- oh.

9 [Bench Conference Begins]

10 THE COURT: I don't have her name on this.

11 THE MARSHAL: It's there on the bottom.

12 THE COURT: Nothing on the bottom.

13 THE MARSHAL: On the bottom. Number 12.

14 THE COURT: Seat 12. Got to have her name.

15 THE MARSHAL: Oh, is that it? I didn't have my glasses on.

16 MS. KOLLINS: Geez. Going to bring you guys both readers.

17 THE COURT: He doesn't. Yes, I'll ask this.

18 MR. SPEED: No.

19 **JURY QUESTIONS BY THE COURT**

20 THE COURT: Who lives in the apartment now? With you?

21 THE WITNESS: All of my brothers and sisters, my cousin, my --

22 THE COURT: Names. Give me the names.

23 THE WITNESS: Amia, James, Demarius, Tyana, me, my cousin Kareem
24 [phonetic], my mom, my grandma, and her boyfriend.

25 THE COURT: Question by the State?

1 MS. RHOADES: Just briefly.

2 **FOLLOW-UP EXAMINATION BY THE STATE**

3 BY MS. RHOADES:

4 Q When you say her boyfriend, do you mean your grandma's boyfriend or
5 your mom's boyfriend?

6 A My grandma's.

7 Q Your grandma's boyfriend?

8 A No, my mom's.

9 Q Okay. How long has your mom's boyfriend lived there?

10 A I don't know.

11 Q For a long time or a little time?

12 A A little.

13 Q What's his name?

14 A Joe.

15 MS. RHOADES: Nothing further.

16 THE COURT: Mr. Speed.

17 **FOLLOW-UP EXAMINATION BY THE DEFENSE**

18 BY MR. SPEED:

19 Q Yeah, but you said Joe lives there. Now, that could mean something
20 different to the big people here. Does he sleep there?

21 A No.

22 Q He does not sleep there?

23 A No.

24 Q He spends the night there from time to time?

25 A Yes.

1 Q With your mom?

2 A Yes.

3 Q And when Joe spends the night with your mom, where does he sleep?

4 A The couch.

5 Q What you're telling us is that you've seen Joe sleep on the couch when
6 he spends the night, right?

7 A Yes.

8 Q When Joe spends the night, where do you sleep?

9 A The room.

10 Q And when you say the room, what room are you talking about?

11 A My grandma's room.

12 Q Your grandma's room. And do you sleep with your grandma on nights
13 that Joe sleeps at the house?

14 A No, it's an everyday thing.

15 Q It's an everyday thing when Joe stays at the house or?

16 A When I sleep with my grandma.

17 Q When you sleep with grandma.

18 MR. SPEED: Nothing further, Your Honor.

19 **JURY QUESTIONS BY THE COURT**

20 THE COURT: All right. What is the name of your uncle that drove you to the
21 hospital.

22 A Kareem.

23 THE COURT: Questions for the State?

24 **FOLLOW-UP EXAMINATION BY THE STATE**

25 BY MS. RHOADES:

1 Q When did Kareem get there that day? Do you remember?

2 A No.

3 Q Do you remember if he was there when you guys told your mom?

4 A No.

5 Q No, you don't remember or no, he wasn't there?

6 A He wasn't there.

7 Q Did he come after that?

8 A Yes.

9 THE COURT: Mr. Speed.

10 **FOLLOW-UP EXAMINATION BY THE DEFENSE**

11 BY MR. SPEED:

12 Q Kareem is your mother's brother, right?

13 A Yes.

14 Q Is he older or younger than your mother, do you know that?

15 A Younger.

16 Q He's your younger brother -- your mother's younger brother. How old is
17 Kareem? If you know.

18 A I don't know.

19 Q Old enough to drive, though, right?

20 A Yes.

21 Q You never told your Uncle Kareem about all these times that you saw
22 Tyana in the living room with Aneesah's then boyfriend Tony, facing him, with Tony
23 not having any clothes on, did you?

24 A We never got to see him that -- that much.

25 Q What I asked you, Kayla, was, you never told Uncle Kareem that you

1 saw Tony sitting in the living room, with no clothes on, with -- with Tyana sitting on
2 his lap, facing him?

3 A No.

4 Q And Uncle Kareem was the person who drove all of you to the hospital,
5 right?

6 A Yes.

7 Q Do you know how soon Uncle Kareem got to your house, did he get
8 there before the police or after?

9 A After.

10 Q Okay. Do you know where your Uncle Kareem lives.

11 A No.

12 MR. SPEED: That's all, Your Honor. Nothing further.

13 THE COURT: All right.

14 MS. RHOADES: Just briefly, if I may.

15 **FURTHER FOLLOW-UP EXAMINATION BY THE STATE**

16 BY MS RHOADES:

17 Q Did your Uncle Kareem ever ask you what you saw between Tyana and
18 Tony?

19 A No.

20 MS. RHOADES: That's it.

21 THE COURT: All right. Thank you. You're free to go.

22 Ladies and gentlemen --

23 You can go ahead and go.

24 All right. Ladies and gentlemen, we're going to take our evening
25 recess. You're admonished not to talk or converse among yourselves or with

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

6 Remember, don't do any research on the internet. Don't Twitter or
7 Tweet. My children would yell at me for that. Don't Tweet, no Instagram, no social
8 media. See you in the morning at 9:30.

9 [Outside the presence of the jury]

10 THE COURT: All right, door is closed. Morning, 9:30, make sure you guys
11 have your jury instructions worked out. I want a clean copy of the not objected to
12 jury instructions.

13 MS. KOLLINS: Okay.

14 THE COURT: That means, Mr. Speed, you're going to have to be
15 cooperative, you too --

16 MR. SPEED: Okay. That's --

17 THE COURT: -- and work with them.

18 MS. ROSS: I'm doing the jury --

19 MR. SPEED: That's --

20 MS. ROSS -- instructions, Your Honor.

21 THE COURT: Okay.

22 MR. SPEED: That's the quarterback, right there.

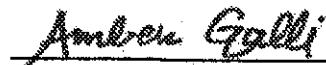
23 MS. KOLLINS: I went through theirs at lunch and marked them and pulled the
24 case laws, but I have to still --

25 THE COURT: All right.

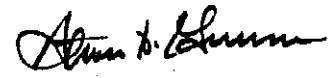
1 MS. KOLLINS: -- have time to read them.
2 THE COURT: Just, you get together.
3 MS. ROSS: Your Honor, we don't have the State's jury instructions yet.
4 MS. KOLLINS: I think Howard sent them. He should have sent them.
5 MS. ROSS: I don't -- I --
6 THE COURT: Howard -- Howard works for them.
7 MS. ROSS: Well, I don't have anything on my end.
8 MR. SPEED: Howard Conrad, Your Honor. Not Howard Brooks.
9 MS. ROSS: I don't have them on my end.
10 THE COURT: All right, well we can get them by Friday, that's fine.
11 MS. KOLLINS: We can give you a hard copy.
12 THE COURT: See you guys tomorrow.

13 [Evening recess taken at 4:42 p.m.]
14
15
16
17
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19
20

21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
22 recording in the above-entitled case.

23 

24 Amber Galli
25 Independent Transcriber



CLERK OF THE COURT

1 TRAN

2

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4

5

6

DISTRICT COURT

7

CLARK COUNTY, NEVADA

8

9 THE STATE OF NEVADA,

10

Plaintiff,

CASE NO. C294607

11

vs.

DEPT. VIII

12

GREG ANTHONY WILLIAMS,

13

Defendant.

14

15

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

16

THURSDAY, MARCH 31, 2016

17

TRANSCRIPT OF PROCEEDINGS

18

JURY TRIAL - DAY 3

19

VOLUME III

20

APPEARANCES:

21

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22

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Deputy District Attorneys

23

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KEVIN C. SPEED, ESQ.

24

KATRINA M. ROSS, ESQ.

Deputy Public Defenders

25

RECORDED BY: JILL JACOBY, COURT RECORDER

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1 Thursday, March 31, 2016 at 10:41 a.m.

2
3 [Outside the presence of the jury]

4 THE COURT: Are we ready?

5 MR. SPEED: Believe we are, Your Honor.

6 THE COURT: It's nearly noon.

7 MR. SPEED: Here we go.

8 THE COURT: Should we just take our afternoon recess?

9 MS. KOLLINS: Yeah, I need a nap. I do -- just for purposes of scheduling, I
10 just want to let the Court know what I'm doing --

11 THE COURT: Okay.

12 MS. KOLLINS: We had anticipated getting through both Tyana and Amia this
13 morning. I don't know that that's going to happen given it's about 20 to 11 so we're
14 going to put Tyana on, we're going to call Amia, then this afternoon we have DNA.
15 That's all we're going to have for today.

16 THE COURT: That's fine.

17 MS. KOLLINS: Given that we have a doctor, a nurse and perhaps the
18 conclusion of DNA in the morning and a detective and a patrol officer --

19 THE COURT: We'll start in the morning at 9:00.

20 MS. KOLLINS: Well, just given that that's where we are today, I'm just trying
21 to look to see if we can close on Monday --

22 THE COURT: Okay.

23 MS. KOLLINS: -- just to give us a minute to gather our thoughts given that
24 we're just pushing a lot of witnesses into this afternoon and tomorrow.

25 THE COURT: Okay.

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1 MS. KOLLINS: All right. Thanks.
2 THE COURT: You ready?
3 MR. SPEED: We are, Your Honor. Thank you.
4 THE COURT: Bring -- bring them in.
5 MR. SPEED: Any my apologies to the court, Your Honor.
6 [Off the record at 10:42 a.m.]
7 [Proceedings resumed at 10:42 a.m.]
8 THE MARSHAL: All rise please.
9 [Jury in at 10:43 a.m.]
10 THE MARSHAL: And be seated.
11 THE COURT: Stipulate to the presence of the jury?
12 MS. KOLLINS: Yes, Your Honor.
13 MR. SPEED: Yes, Your Honor.
14 THE COURT: You know, I'm sorry, ladies and gentlemen, I -- I -- the -- the
15 Court gets busy doing things. Please don't be upset at either the State or the
16 Defendant. If you're upset, be upset with me. I try not to have these -- these delays.
17 Call your next witness, please.
18 MS. KOLLINS: State calls Tyana Hasan.
19 And State would invoke the exclusionary rule today.
20 THE COURT: Yes.
21 THE MARSHAL: Follow me please. Right through here. Right around here.
22 Right up into this chair, please.
23 THE COURT: Tyana, my name is Judge Doug Smith. I'm the presiding judge
24 here.
25 MS. HASAN: Hello.

1 THE COURT: How are you?
2 MS. HASAN: Good.
3 THE COURT: How old are you?
4 MS. HASAN: I'm 12.
5 THE COURT: What grade in school are you?
6 MS. HASAN: I'm in seventh grade and I go to Roy Martin Middle School.
7 THE COURT: Okay. You like school?
8 MS. HASAN: (Nods head yes.)
9 THE COURT: You know the difference between telling the truth and telling a
10 lie?
11 MS. HASAN: Yes.
12 THE COURT: You're older and you should know those things. You get in
13 trouble for telling the truth?
14 MS. HASAN: No.
15 THE COURT: Get in trouble for telling a lie?
16 MS. HASAN: Yes.
17 THE COURT: You'll tell us the truth today?
18 MS. HASAN: Yes.
19 THE COURT: If I told you this was green, is that the truth or a lie?
20 MS. HASAN: If it way gray?
21 THE COURT: Green.
22 MS. HASAN: Oh, that would be a lie.
23 THE COURT: Color is it?
24 MS. HASAN: It's red.
25 THE COURT: All right. And you'll tell us the truth. Okay?

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1 MS. HASAN: (Nods head yes.)

2 THE COURT: I -- I need you to scoot in. Spell your first and last name for us.

3 MS. HASAN: T-y-a-n-a H-a-s-a-n.

4 DIRECT EXAMINATION OF TYANA HASAN

5 BY MS. KOLLINS:

6 Q Good morning, Tyana. How are you today?

7 A Good.

8 Q Okay. You were just telling the Judge how old you were, right?

9 A Yes.

10 Q And when's your birthday?

11 A July 31st, 2003.

12 Q Okay. And you're in what grade right now?

13 A Seventh.

14 Q Okay.

15 MS. KOLLINS: Your Honor, if I might approach the witness, showing Mr.

16 Speed what's been marked as State's Proposed Exhibit 5.

17 MR. SPEED: We've seen it, Your Honor. Thank you.

18 THE COURT: Okay.

19 BY MS. KOLLINS:

20 Q Tyana, I want to show you a chart of your birthdays and school years.

21 Okay?

22 A (Nods head yes.)

23 Q And we have to answer out loud in here because the nice lady over

24 there, she records everything we say.

25 A All right.

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1 Q Okay? So what is your birthdate?
2 A July 31st.
3 Q Of what year?
4 A 2003.
5 Q Okay. And so last summer before school started when -- what did you
6 turn?
7 A I --
8 Q In July of last year, how old were you?
9 A I was 11.
10 Q Okay, you're 11 and then you turned how old?
11 A Twelve.
12 Q Last summer, July 3rd?
13 A Yes.
14 Q Okay, or 31st, right?
15 A Yes.
16 Q Is that -- is that --
17 A 31st.
18 Q Okay. So if we count backwards and we look at -- at this diagram, does
19 that have all your ages and your birthdays and your grades right?
20 A Yes.
21 Q Okay.
22 MS. KOLLINS: State would move for the admission of 5, permission to
23 publish?
24 MR. SPEED: No objection, Your Honor.
25 THE COURT: Be admitted. And you may publish.

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1 [State's Exhibit 5 admitted]

2 BY MS. KOLLINS:

3 Q I just wanted get that out of the way. So we know how old you are and
4 what year you were in what grade. Okay?

5 A Yes.

6 Q Who do you live with?

7 A I live with my mom, my grandma, my sisters and brothers.

8 Q Okay. And tell me who your sisters and brothers are.

9 A Amia, James, Kayla and Demarius.

10 Q Okay. What's your mom's name?

11 A Aneesah.

12 Q And what's grandma's name?

13 A Kathleen.

14 Q Okay. And she lives at your house, too?

15 A Yes.

16 Q Okay. Do you live in a house or an apartment?

17 A Apartment.

18 Q And is that here in Las Vegas?

19 A Yes.

20 Q Okay, is that on Sunrise Avenue?

21 A Yes.

22 Q Okay. Do you know someone by the name of Greg or Tony Williams?

23 A Yes.

24 Q Do you see him in court today?

25 A Yes.

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GAL FRIDAY REPORTING & TRANSCRIPTION
10180 W. Altadena Drive, Casa Grande, AZ 85194 (623) 293-0249

1 Q Where is he sitting today and what's he wearing right now today?

2 A He's sitting right there (indicating).

3 Q Okay, what's he wearing?

4 A A suit and tie.

5 THE COURT: Does he have a suit on?

6 THE WITNESS: A tie.

7 THE COURT: What color is his tie?

8 THE WITNESS: He's wearing a suit.

9 BY MS. KOLLINS:

10 Q Okay. What color is his tie?

11 A Stripes.

12 Q Stripes.

13 MS. KOLLINS: May the record reflect identification of the Defendant.

14 THE COURT: Yeah, it will.

15 BY MS. KOLLINS:

16 Q Where do you go to school?

17 A Roy Martin.

18 Q And what do you take in school?

19 A I take Student Aid, Reading, English, Math, Science, Social Studies.

20 Q What's your favorite thing in school?

21 A Student Aid.

22 Q Okay. Now do you remember when Greg lived in your apartment that
23 you live in now?

24 A The days?

25 Q No. But just you -- you just remember him living with you in your

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1 apartment?

2 A Yes.

3 Q Okay. And when he lived in your apartment, why was he there?

4 A Because he was dating my mom.

5 Q Okay. Now Greg's not your dad, right?

6 A No.

7 Q Okay. How many bedrooms in your apartment?

8 A Four.

9 Q Okay. Back when Greg lived with you, how did you guys share
10 bedrooms?

11 A The boys shared a bedroom and then the girls shared a bedroom and
12 then mom and Tony shared a bedroom and then there's just like a extra room.

13 Q An extra room that was nobody's bedroom?

14 A Yeah.

15 Q What was in that extra room?

16 A It was like -- it was like extra stuff that we didn't need --

17 Q Extra stuff you didn't use?

18 A Yeah. So --

19 Q Did you ever play in there? Was there a TV in there or anything?

20 A No.

21 Q Okay. Tyana, you know what we're here to talk about today, right?

22 A Yes.

23 Q Okay. Are there places on our body people aren't supposed to touch?

24 A Yes.

25 Q What are those places?

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GAL FRIDAY REPORTING & TRANSCRIPTION
10180 W. Altadena Drive, Casa Grande, AZ 85194 (623) 293-0249

1 A My butt, my boobs and my -- the part where I pee from.
2 Q The part where you pee from?
3 A Yes.
4 Q Do you have another word for that?
5 A No.
6 Q No, you don't have another word for that?
7 A (No audible response.)
8 Q What are we going to call it today when we talk?
9 A (No audible response.)
10 Q You don't have to look at them right now, just look at me.
11 MS. KOLLINS: Your Honor, may I approach and --
12 THE COURT: Yeah.
13 MS. KOLLINS: -- question from up there?
14 THE COURT: Yeah.
15 MS. KOLLINS: Thank you.
16 BY MS. KOLLINS:
17 Q Okay. Need you to talk into the microphone. We're just going to talk up
18 here for just a second, okay?
19 A All right.
20 Q Okay. What -- what are you and I going to call that part today when we
21 talk?
22 A I don't know what it's called like --
23 Q You don't know what it's called?
24 A No.
25 Q Okay. But it's part where you go pee from?

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GAL FRIDAY REPORTING & TRANSCRIPTION
10180 W. Altadena Drive, Casa Grande, AZ 85194 (623) 293-0249

1 A Yes.

2 Q Is that what you want to call it today?

3 A Yes.

4 Q Okay. And that's a place on a girl's body people aren't supposed to
5 touch, right?

6 A Yes.

7 Q Okay. And when we talk about that today, we're going to -- that's on a
8 girl's body, right?

9 A Uh-huh.

10 Q Okay. Is that a yes?

11 A Yes.

12 Q Okay. I -- I don't know if we talked about this, we might have, but she
13 doesn't -- if she has to write this down later, she doesn't know how to spell uh-huh
14 and huh-uh. Spell it the same so we have to say yes if it's yes and no if it's no,
15 okay?

16 A All right.

17 Q Okay. What do we call a part on a boy where they go pee from?

18 A A penis.

19 Q A penis?

20 A Yes.

21 Q Okay. All right. Do you remember when mom called the police?

22 A Yeah.

23 Q Okay. Do you remember that day?

24 A Yes.

25 Q Okay. I want to talk about the day before that day what happened and

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1 then talking to your mom, so we're going to kind of start there --

2 A All right.

3 Q Do you know where I'm at? Do you know where I'm talking about?

4 A Yes.

5 Q Okay. So I want to talk about the day before mom called the police.

6 A All right.

7 Q Okay. Who was home?

8 A My mom -- everybody in the house is there, like everybody that lives

9 there.

10 Q Everybody that lives there is home?

11 A Yes.

12 Q Everybody that you named before?

13 A Yes.

14 Q Okay. Where was mom?

15 A Mom was in her room.

16 Q Okay, was it mom's room -- the door to mom's room open or closed?

17 A It was closed.

18 Q Okay. Was Tony there?

19 A Yes.

20 Q Okay. Do you call him Tony or Greg?

21 A Tony.

22 Q Okay. Where was Tony?

23 A He was in the living room playing his games.

24 Q Okay. What kind of games; do you know?

25 A Calling (sic) Duty, and then I don't know the other ones.

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1 Q Okay. Call of Duty like where it's online and you play against --
2 A Yes.
3 Q -- other people? Okay. One more trick about you and I talking in here.
4 I have to wait for you to get done talking and you have to get wait done -- wait for
5 me to get done talking because if we talk over each other, she can't write it down.
6 Okay?
7 A All right.
8 Q Okay. So where was Amia?
9 A Mia, she was in her room.
10 Q She was in her room, the room you share with her?
11 A Uh-huh.
12 Q Is that a yes?
13 A Yes.
14 Q Okay. And where was James?
15 A James was in his room.
16 Q Where was Demarius?
17 A His room.
18 Q Where was Kayla?
19 A His room.
20 Q Isn't Kayla a her?
21 A Oh, her room.
22 Q She was in her room so she was in the girls' room with --
23 A Yes.
24 Q -- Amia?
25 A Yeah.

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1 Q Okay, and where were you?
2 A I was in the living room.
3 Q Okay, how did you get to be in the living room?
4 A I've been in there.
5 Q You've been in there doing what?
6 A I can't remember what I was doing. It was something.
7 Q You were doing something? Well what kind of stuff was there to do in
8 the living room?
9 A I would usually play games, be on the computer, play on my sister's
10 iPad.
11 Q Okay.
12 A Eat.
13 Q Okay. Did some place on your body get touched that day?
14 A Yes.
15 Q Okay. Can you tell me about that with your words?
16 A Like tell you which place?
17 Q Which place and how it happened, yeah.
18 A The places that I got touched was my -- the -- the place where I pee
19 from and then the butthole. And then it happened because he told me to come here
20 and then he said take down your pants so --
21 Q Okay. I'm going to ask you some questions about that, okay?
22 A All right.
23 Q Okay. The place where you go pee from, have you ever heard that
24 called a vagina?
25 A Yeah.

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1 Q Okay, so is that the part we're talking about?

2 A Yes.

3 Q Okay. So you said he told you to come here. Who's he?

4 A Tony.

5 Q Tony that you pointed out here today?

6 A Yes.

7 Q Okay. And he -- when he told you to come here, where were you?

8 A I was -- I was at the table.

9 Q The table in the living room?

10 A Yes.

11 Q Okay. And he told you to come here -- what was Tony wearing?

12 A He usually wears underwears (sic throughout), you know, just walking

13 around in underwears.

14 Q Okay. And I'm just talking about this day by itself. Do you remember or

15 -- he's wearing underwear or something different or?

16 A He was probably most likely wearing underwear.

17 Q Okay.

18 MR. SPEED: Objection, Your Honor. That was speculative. We'd move to

19 strike.

20 THE COURT: Overruled.

21 BY MS. KOLLINS:

22 Q So when he told you to come here, did you listen to him?

23 A Yes.

24 Q And where did you go when he told you to come here?

25 A I believe it was the couch.

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1 Q Okay. And the couch that was in your living room, is it a straight couch
2 where it's one piece or does it L or is it something different?

3 A Can't remember.

4 Q Can't remember? Okay.

5 A Uh-huh.

6 Q Is it the same couch you have now?

7 A No.

8 Q Okay. Do you remember what color it was?

9 A I think it was brown.

10 Q Okay. Do you remember what you were wearing that day?

11 A No.

12 Q Okay. So he tells you to come here and then you said something about
13 your pants. Tell me what you said about your pants.

14 A He told me to pull down my pants.

15 Q Did you listen to him?

16 A Yes.

17 Q Okay. When you pulled down your pants, were you standing up or
18 sitting down or something different?

19 A Standing up.

20 Q Okay. When you pulled down your pants, did you have underwear on
21 under your pants?

22 A Yes.

23 Q Okay. Did those stay on or come off or something different?

24 A Come off.

25 Q Okay. When you took your pants and your underwear off, did you take

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1 them all the way off or did they just go like around your ankles? Do you remember?

2 A (No audible response.)

3 Q Is that a no?

4 A That's a no.

5 Q Okay. So after your pants and your underwear came off, what
6 happened?

7 A And then he stuck his penis and in.

8 Q Penis in where?

9 A The part where I pee from.

10 Q The part that I asked you if that was a vagina?

11 A Yes.

12 Q Okay. Did it go inside?

13 A Yes.

14 Q Okay. You talked about something touching your butt. Tell me what
15 you mean by that.

16 A His penis touched my butt like it -- it went in.

17 Q Okay. Went in?

18 A Yes.

19 Q Did that happen before his penis went in the part where you pee or after
20 his penis --

21 A After.

22 Q After? Okay. When his penis went in the part that you pee from, did
23 you have to move around or stay still or something different?

24 A Can't remember that.

25 Q Can't remember that? Okay. When his penis went in the part that you

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1 pee from, were you facing him, facing away from him or something different?

2 A I was facing towards him.

3 Q Towards him?

4 A Yes.

5 Q Okay. Was he standing or sitting or something different?

6 A (No audible response.)

7 Q Was he on the couch?

8 A Yes.

9 Q Okay. So --

10 MR. SPEED: Your Honor, we'd ask the -- counsel for the Government to give
11 the witness an opportunity to answer. That was a compound question.

12 THE COURT: All right, noted for the record. Overruled.

13 BY MS. KOLLINS:

14 Q Let's start over. Okay. Is that all right? Just -- just a little bit over.
15 Okay?

16 A All right.

17 Q You said you went to the couch --

18 A Yes.

19 Q -- is that right? And was Tony on the couch?

20 A Yes.

21 Q Okay, when Tony was on the couch, was he sitting down like you're
22 sitting down right now or was he laying down or something different?

23 A Cannot remember that.

24 Q Okay. Well you say you were facing him when his penis went in the
25 part that you pee from. Was the front of your body touching the front of his body?

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1 A Yes.

2 Q Okay. Did -- do you know what the word ejaculate means?

3 A No.

4 Q Okay. Do you remember if his penis was hard or soft or something
5 different?

6 A No.

7 Q Okay. What -- did any of your brothers and sisters walk through the
8 room when that happened?

9 A I'm pretty sure like they went to the bathroom like --

10 Q Okay.

11 A They would pretend to go to the bathroom so --

12 Q That's what you think?

13 A No, I know that.

14 MR. SPEED: Objection, Your Honor; leading.

15 THE COURT: Overruled.

16 BY MS. KOLLINS:

17 Q After that happened -- well what made Tony stop, if he stopped?

18 A I don't know.

19 Q You don't know?

20 A No.

21 Q Did he say anything to you?

22 A I cannot remember that.

23 Q You can't remember that?

24 A No.

25 Q Okay. Because you are 12 now --

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1 A Yes.

2 Q -- and we are talking about September of 2013? Do you remember the
3 day?

4 A Yeah.

5 Q Okay. So that was a little while ago for you, right?

6 A Yes.

7 Q Yes. Okay. So after -- after his penis wasn't in the place where you
8 pee and after his penis wasn't in your butt, did you put your clothes back on?

9 A Yes.

10 Q Okay. Do you remember if you had to get your -- pick your clothes up
11 from the floor or if you got them from -- if they were still part on? Do you remember
12 that?

13 A I got them from like the floor.

14 Q You got them from the floor?

15 A Yes.

16 Q Okay. And when his penis was in the place that you pee from, what did
17 it make your body feel like?

18 A It hurted.

19 Q It hurted? Okay.

20 A Yes.

21 Q And what about when it was in your butt?

22 A It hurted.

23 Q It hurted. Okay. After you put your clothes on where did you go?

24 A To my room.

25 Q To your room. Who was in your room when you got to your room?

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1 A Kayla and Amia.

2 Q Kayla and Amia. Did you tell Kayla and Amia what happened in the
3 living room?

4 A No.

5 Q Why not?

6 A Because I was afraid.

7 Q Okay. On that day, just that day before your mom called the police, did
8 Tony tell you not to tell anybody?

9 A No.

10 Q Okay. Now, do you remember anything about the rest of that day?

11 A No.

12 Q Okay. And do you remember whether it was daytime or nighttime when
13 that happened with Tony?

14 A No.

15 Q Okay. Do you remember the next day?

16 A Yes.

17 Q Okay. And the next day in the morning was everybody home?

18 A Yeah.

19 Q Okay. And who's everybody again?

20 A Like the whole house like everybody in my house.

21 Q Okay, everybody but not grandma, right?

22 A No, because she didn't live there before.

23 Q Okay, grandma didn't live there when Tony lived there?

24 A Yes. She didn't.

25 Q Yes, she did not?

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1 A She --
2 Q Or no she didn't?
3 A She didn't.
4 Q No she didn't? Okay. So everybody is Amia and Kayla and James and
5 Demarius and -- and you say your mom --
6 A Yes.
7 Q -- and Tony. Is that right?
8 A Yeah.
9 Q Okay. Do you remember if everybody had breakfast together that day?
10 A Yes.
11 Q Do you remember what you guys had the next day?
12 A No.
13 Q No. Do you remember who cooked it?
14 A Yeah, my mom.
15 Q Your mom did?
16 A Yes.
17 Q And did you guys -- did you and your brothers and sisters eat together
18 then?
19 A Yes.
20 Q Okay. Do you guys have a kitchen table where you all sit around or do
21 you just kind of go wherever in the house to eat or --
22 A We sit like at a table like together.
23 Q Okay. Did you sit a table together that day?
24 A Yeah.
25 Q Okay. Before you guys sat down for breakfast together, and without

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1 telling me what people said; I don't want to know what everybody said, but before
2 you sat down to breakfast together, did you and your brothers and sisters talk about
3 talking to mom?

4 A Yes.

5 Q Okay, so that was before you ate?

6 A Yeah.

7 Q Okay. Were your brothers and sisters in a happy mood or a bad mood
8 about talking to mom?

9 A They were in like a sad mood like.

10 MS. KOLLINS: I can't watch that marker sitting there, it bothers me. Excuse
11 me.

12 BY MS. KOLLINS:

13 Q They were in a sad mood?

14 A Uh-huh.

15 Q Is that a yes?

16 A Yes.

17 Q Okay. Was anyone sadder than somebody else?

18 A Yeah.

19 Q Who?

20 A Me.

21 Q You? Did you want to talk to mom?

22 A Yeah.

23 Q You did?

24 A (Nods head yes.)

25 Q Okay. Why did you want to talk to mom?

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1 A Because I didn't want to happen anymore. I didn't want it to happen.
2 Q Okay. So after you ate breakfast, did you guys have chores after
3 breakfast?
4 A Yeah, we had to clean up.
5 Q Okay. Did you guys clean up before you all went to talk to mom?
6 A No.
7 Q Okay. Tell me how you guys went about talking to mom.
8 A First we went into my room, the girls' room, all of us.
9 Q Okay.
10 A And then we started talking was all like yeah, who's going to go tell her
11 and all that. So then my little sister she went in to go tell her and she was all like
12 mom, I have to tell you something. Then her door's open, her door's open.
13 Q Okay.
14 A So she went to go tell her --
15 Q Okay, slow down just a little bit. I know. I know. We'll get through it.
16 So your little sister went to tell her. You're talking about Kayla?
17 A Yes.
18 Q Okay. So she went to mom's room?
19 A Uh-huh.
20 Q Is that a yes?
21 A Yes.
22 Q Okay. And mom's door was open?
23 A Yeah.
24 Q Okay. So Kayla went to get her, and did you guys go in mom's room
25 where the door was open or did you wait for Kayla to get your mom?

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1 A Wait -- waited for Kayla get to mom.
2 Q Okay. And did Kayla get your mom then?
3 A Yeah.
4 Q Okay. And did Kayla bring your mom somewhere?
5 A Yeah, she went into my room.
6 Q Okay. When you say she, you mean mom went into your room?
7 A Yes.
8 Q Okay. And so when mom came back to your room did she come with
9 Kayla?
10 A Yes.
11 Q And who was in the room when mom and Kayla came back to the
12 room?
13 A All my brothers and sisters and me.
14 Q All you guys?
15 A Yes.
16 Q Okay. And when you went to talk to mom -- when you guys wanted to
17 talk to mom, did the doors stay open or closed or something different?
18 A My door?
19 Q Yeah. When mom came back, did you guys leave the door open or?
20 A Like when she came into our room?
21 Q Yeah.
22 A And we left the door closed like --
23 Q That's what I'm asking you, was it open or closed when mom came in?
24 A It was open.
25 Q Okay. And did you leave it open when you talked to her?

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1 A No. It was closed.

2 Q Okay, you closed it when you talked to her. And where was Tony when
3 you talked to her?

4 A He was in the living room playing the game in his underwears.

5 Q Okay. Now -- I'm sorry. Now who talked to mom first? You don't have
6 to tell me what they said, but tell me who talked to mom first.

7 A Me.

8 Q You did?

9 A Uh-huh.

10 Q Is that a yes?

11 A Yes.

12 Q Okay. And what did you tell mom?

13 A I told my mom that Tony was doing bad stuff to me like hurting me and
14 stuff like --

15 Q Okay. And did you tell your mom about body parts?

16 A Yes.

17 Q Okay, what did you tell your mom about body parts?

18 A It -- it happened when my -- when I told the police, so she was there
19 when I told the police so --

20 Q Okay.

21 A Yes.

22 Q And -- and I'm talking about in the room --

23 A Yes, I told --

24 Q -- when you very -- when you very first told her when you said -- you
25 told me Tony was doing bad stuff to you, right?

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1 A Yes.

2 Q And then I asked you if you told your mom what was happening with
3 body parts.

4 A Yes.

5 Q Yes you did tell her and I -- and if you can remember today, what did
6 you say to mom that day that was happening?

7 A I told her that Tony, he kept trying like to kiss me and stuff like it wasn't
8 like, like how you kiss your mom and dad, it was how you kiss a boyfriend and
9 girlfriend.

10 Q Okay, did you tell your mom that stuff was happening with Tony's
11 penis?

12 A Yes.

13 Q Okay. Did you -- tell me what -- and that's what I'm asking you, tell me
14 what you told her about that.

15 A I told her that Tony he was putting his penis and touching my body
16 parts.

17 Q Okay. After you guys told mom, what did mom do? Do you know?

18 A Yes.

19 Q What she do?

20 A She went into her room and then she closed the door, and then this
21 was like a minute later she came out and told us that she called the cops. And then
22 the cops showed at our door and then they arrested him and then --

23 Q Okay. So she called the police?

24 A Yes.

25 Q Okay. And after she called the police that day where did you have to

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1 go?

2 A We had to go to the hospital.

3 Q Okay. And when you went to the hospital what did you do there?

4 A At the hospital they had to like get a Q-tip and then clean like the part
5 where I pee from.

6 Q Okay. So you had have a checkup and --

7 A Yeah.

8 Q -- a test?

9 A Yes.

10 Q Okay. And that included them putting Q-tips on --

11 A Yes. And then they had to ask me questions.

12 Q Okay. When you went to the hospital, did you have to give them your
13 clothes that you were wearing?

14 A Yes.

15 Q Okay. Were the clothes that you were wearing in the morning -- or
16 strike that. The clothes that you were wearing at the hospital, were they the same
17 clothes that you were wearing from the night before?

18 A No, it wasn't.

19 Q Wasn't the same --

20 A It was different.

21 Q Okay. Now that was the last time that something happened with Tony,
22 right?

23 A Yes.

24 Q Okay. Do you remember talking to mom about stuff with Tony before
25 that time?

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1 A Before it like?

2 Q That was a bad question. Let me ask a different question. You and
3 your brothers and sisters all went that one time to talk to your mom, right?

4 A (Nods head yes.)

5 Q Is that a yes?

6 A Yes.

7 Q Okay. Sometime before that, did you and your brothers and sisters talk
8 to her a different time about stuff that was happening with Tony?

9 A Yes.

10 Q Okay. Do you know how much time between the first time you and your
11 brothers and sisters talked to mom and this last time that we talked about, do you
12 know how much time was in between that?

13 A It was six months.

14 Q Six months?

15 A Yes.

16 Q Looking back at that date, that six month date, do you remember at or
17 near that time anything happening with Tony?

18 A Yes.

19 Q Can you tell me about that?

20 A Near that time he used to like take me into like a different room --

21 Q Okay. We're just talking about one day at a --

22 A Yeah.

23 Q This is one day we're talking about --

24 A Yes.

25 Q -- right? Okay. He took you into a different room?

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1 A Yeah. It was like when I was sleep (sic throughout) and then I woke up
2 from it. Like he used to take me out of my bed and then carry me somewhere.

3 Q Okay. When you say used to, that makes it sound like it happened a
4 bunch of times. I'm just talking about one day. Are you just talking about one day?

5 A Yes.

6 Q Okay. So he took you out of your bed and he took you to a different
7 room. What different room are we talking about?

8 A I'm not sure. Like my eyes were closed, but I had like -- I was peeking
9 a little so I couldn't really see --

10 Q You were peeking a little?

11 A Yes.

12 Q Okay. Do you -- let me ask you a different way. Do you remember --
13 do you know where the extra room is in your house?

14 A Yes.

15 Q Okay. Do you remember anything happening in the extra room?

16 A Yes.

17 Q Can you tell me about that?

18 A All right. So we had all got in trouble for like -- we did something bad so
19 we had all got in trouble.

20 Q So you guys were all in trouble and who's all of you were in trouble?

21 A All my brothers and sisters were in trouble.

22 Q Okay. And you said you did something bad. Do you know what you
23 did?

24 A No.

25 Q Okay. So what happened that day when you all got in trouble?

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1 A I guess Tony had came to the extra room and then there's like a little
2 chair in there like that and then he had told me to come here and get out the corner.
3 So I did.

4 Q Okay, so he told you to come here and get out of the corner.

5 A Yes.

6 Q And when he told you to come here, where was he?

7 A He was sitting in a chair -- there's like a chair like right next to the door.

8 Q In the extra room?

9 A Yes.

10 Q Okay. And now you said you were standing in the corner. Were you
11 standing in the corner because you were in trouble?

12 A Yes.

13 Q What about James, what was he doing?

14 A He was in the corner also.

15 Q In the corner of what room?

16 A I don't remember.

17 Q Okay. Was he in the extra room though?

18 A No.

19 Q Okay, but you don't know what room he was in?

20 A Yeah.

21 Q Okay, but not in the extra room?

22 A Yes.

23 Q Okay. And Kayla, was she in the corner?

24 A Yes.

25 Q Okay. Was she in the corner in the extra room?

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1 A No.

2 Q Okay, do you know what room she was in?

3 A The living room.

4 Q The living room? And Amia, was she in the corner?

5 A Yes.

6 Q And where was she in the corner?

7 A The bathroom.

8 Q The bathroom? And Demarius, was he in the corner?

9 A Yes.

10 Q And where was he in the corner?

11 A I don't remember that.

12 Q Okay. And did I miss anybody?

13 A No.

14 Q Okay. So Tony's in a chair in the extra room?

15 A Uh-huh.

16 Q Is that a yes?

17 A Yes.

18 Q And he tells you to come here?

19 A Yes.

20 Q And where had you been standing in the corner when he told you to

21 come here?

22 A I was by the closet.

23 Q By the closet in who's room?

24 A The extra room.

25 Q The extra room? And when Tony told you to come here, did the door

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1 stay open, closed, something different?

2 A I don't remember that.

3 Q Okay. And what happened after he told you to come here?

4 A He told me to pull down my pants.

5 Q Okay. Do you remember what you were wearing that day?

6 A No.

7 Q Do you remember long pants, short pants?

8 A Yeah. No. No. I'm pretty sure I was wearing underwear so --

9 Q Okay. And when he told you to come here what happened?

10 A He stuck his penis in my buttock and then the part where I pee from.

11 Q Okay. The part called the vagina?

12 A Yes.

13 Q Okay, and it went inside both places?

14 A Yes.

15 Q Okay. Now, the other time you told us about you were facing him.

16 Were you facing him this time?

17 A For one part I was and then the other part I had to turn around.

18 Q You had to turn around?

19 A Yes.

20 Q Okay. And was Tony standing up or sitting down or something

21 different?

22 A He was sitting down.

23 Q Okay. Do you remember where his penis went first?

24 A Yes.

25 Q Where did it go first?

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1 A The first time he -- it went into my butthole part.

2 Q Okay. And then into?

3 A Then to the part where I pee from.

4 Q Okay. Do you know what made it stop?

5 A No.

6 Q Okay. So this extra room time that you're telling us about right now, did

7 this happen before you told mom the first time or --

8 A Yes.

9 Q It happened before?

10 A Yes before.

11 Q Okay. Now, the -- when it happened in the extra room time, is -- did

12 that have anything to do with you guys going to talk to mom that time? If you know.

13 If you don't know --

14 A No, I don't know.

15 Q Okay. So we have the extra room time and then we have the time

16 before the police were called remember that we --

17 A Yes.

18 Q -- talked about first? Was there a time in the middle of those two times

19 that you remember?

20 A The time that they told my mom, it was like the part where he took me

21 out of my room. I mean yeah, out of my room when I was sleep.

22 Q Okay. So do you -- when you were taken out of your room asleep, do

23 you remember something happening that time?

24 A Yes, he took me to I believe the living room like --

25 Q Okay, what makes you believe it was the living room?

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1 A Because it was big. And then that's the only big place in my house so --
2 Q Okay, so you just remember it being a big room?
3 A Yes.
4 Q Okay. Is that the biggest room in your apartment?
5 A Yeah.
6 Q Okay. And do you remember when -- well, when you were taken out of
7 bed, what kind of beds do you guys have in your room?
8 A We had a bunkbed and I slept at the bottom like --
9 Q You slept on the bottom part?
10 A Yes.
11 Q Okay, did you share the bottom part with anyone?
12 A Yeah, Kayla.
13 Q With Kayla? Do you remember whether that was right before they told
14 your mom the first time?
15 A Yes.
16 Q Okay. So when you got into the room that you said was what you
17 thought was the biggest room in the house --
18 A Yes.
19 Q -- what happened?
20 A I don't remember that what happened --
21 Q You don't remember what happened that night?
22 A No, not specifically.
23 Q Okay. Do you -- I'm going to ask you -- do you remember a time where
24 there were naked pictures on TV?
25 A Yes.

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1 Q Okay, can you tell me about that time?
2 A It was in the living room.
3 Q Okay. Was it daytime or nighttime; do you remember?
4 A No.
5 Q Do you know where your brothers and sisters were?
6 A Yes. They were in the room. They were all in one room.
7 Q When you say the room, do you mean a bedroom?
8 A Yes, the bedroom.
9 Q Okay. Do you remember if they were in the girls' bedroom or the boys'
10 bedroom?
11 A They were in my room.
12 Q In the girls' bedroom?
13 A Yes.
14 Q Okay. And where was your mom?
15 A She was in the room.
16 Q Her bedroom?
17 A Yes, her bedroom.
18 Q Okay. Was her door opened or closed; do you remember?
19 A No.
20 Q Okay. How was it --
21 MR. SPEED: Is that a no? The witness doesn't remember? I'm sorry, I didn't
22 hear the last answer.
23 MS. KOLLINS: She doesn't remember if it --
24 MR. SPEED: Okay.
25 MS. KOLLINS: -- open or closed.

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1 MR. SPEED: Okay.

2 BY MS. KOLLINS:

3 Q How did you end up in the living room?

4 A I been up in the room like I always be in living room so --

5 Q Okay, well I -- I don't want to talk about always, I just want talk about

6 that day.

7 A I think I was eating breakfast that day.

8 Q Okay. So how do you end up in the living room with Tony then where

9 the naked pictures are on TV?

10 A The naked pictures they been on the TV and I think he had just came in

11 there --

12 Q Okay.

13 A -- in there so --

14 Q Okay, and so did you end up in that same room?

15 A Yes.

16 Q Okay. How did you end up in that same room?

17 A Wait in the room like -- which room?

18 Q Okay. I'm talking about the living room --

19 A Oh.

20 Q -- and -- okay? And I'm talking about the day that there were naked

21 pictures --

22 A Yes.

23 Q -- on the TV. Okay, did you go in that room with Tony?

24 A Yes. I was --

25 Q Okay. What happened that day?

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1 A He -- he started touching me in the places like you aren't supposed to
2 be touched.

3 Q Okay. Like what places?

4 A The part where I pee from and then the back, and then I think my
5 boobs.

6 Q Okay. What touched the part you pee from and your back?

7 A His penis.

8 Q Okay. Did it go inside like the other times?

9 A Yes.

10 Q Inside the part you go pee from?

11 A Yes.

12 Q Okay. And what about your butt; did it go in your butt?

13 A Yes.

14 Q Okay. How did your clothes come off for that to happen?

15 A I don't remember it's like -- I think he pulled my pants down like he told
16 -- he -- he sitting down on the couch and then he was just watching the pictures and
17 stuff. And I think he told me to come there and then for him to pull down my pants.

18 Q Okay. Is that the best you can remember today?

19 A Yes.

20 Q Okay. And either he pulled down your pants or he told you to?

21 A Yeah.

22 Q Okay. And then that's when his penis went in the part that you go pee
23 from --

24 A Yes.

25 Q -- and your butt?

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1 A (Nods head yes.)
2 Q So I want to go back to -- well, let me ask you a couple more questions.
3 Did you tell anybody that day?
4 A The day before?
5 Q No, this day that we're talking about right now, did you tell anybody that
6 day?
7 A No.
8 Q Okay. Other at -- than at the very end, did you ever tell anybody?
9 A That there was naked pictures?
10 Q No, that -- that he was putting his penis on you?
11 A In the middle part where -- where she --
12 Q Anytime before your mom called the police, did you tell anybody what
13 Tony was doing?
14 A Yes.
15 Q Who did you tell?
16 A I told my brothers and sisters and then we went to go tell my mom.
17 Q Okay. Just that one day though?
18 A Yes.
19 Q Okay. Not the days and days before we've been talking about?
20 A Yes.
21 Q Okay. So we have the end time when the police were called --
22 A Yes.
23 Q -- and then we have the time we just talked about, the naked picture
24 time.
25 A Yes.

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1 Q Okay. And then we have the extra room time.

2 A Yes.

3 Q Okay. Is there a time before your brother and sister went to mom the
4 first time that you can remember today?

5 A No.

6 Q Okay. I'm just checking my notes, ma'am. Give me just a moment.
7 Check with my partner and if I'm done, then Mr. Speed will have some questions for
8 you. Do you need some water?

9 A Yes.

10 Q Okay, let me get you some water.

11 THE COURT: Right here.

12 MS. KOLLINS: I -- I got it.

13 Let me get you some water and then regroup for one second. Okay.
14 Here you go, ma'am.

15 THE WITNESS: Thank you.

16 MS. KOLLINS: You're welcome. Excuse me. Just one moment, Tyana.

17 [Colloquy between counsel]

18 BY MS. KOLLINS:

19 Q Tyana, I asked you a question before about when you went to the
20 doctor.

21 A Uh-huh.

22 Q Do you remember that?

23 A Yes.

24 Q You had to go to the doctor and get a checkup?

25 A Yes.

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1 Q Did -- I asked you if you wore the same clothes to the doctor.

2 A Yes.

3 Q And you said no you didn't wear the same clothes.

4 A No.

5 Q Did you wear the same underwear?

6 A I don't know.

7 Q You don't know? Okay. Now you told us about three times that you
8 remember.

9 A Yes.

10 Q Okay. Are there other times that you just don't remember as well?

11 A Yes, there's other times --

12 MR. SPEED: Objection, Your Honor; calls for speculation.

13 THE COURT: Overruled.

14 MR. SPEED: Are there other times you don't remember?

15 THE COURT: Overruled.

16 MS. KOLLINS: Wasn't my question.

17 BY MS. KOLLINS:

18 Q Are there other times that you don't remember as well?

19 A Yes, there's other times that I don't remember.

20 Q Okay. Do you remember the same thing happening?

21 A Yes.

22 Q Okay.

23 [Colloquy between counsel]

24 MS. KOLLINS: The State will pass the witness.

25 THE COURT: Cross.

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1 CROSS-EXAMINATION

2 BY MR. SPEED:

3 Q Tyana, you remember the morning when the police came to your house
4 and Tony was arrested, yes?

5 A Yes.

6 Q Before the police came to your house, you told your mom that Tony did
7 something to your butthole.

8 A Yes.

9 Q Okay. And you talked to the policewoman I believe it was -- was it a --
10 it was a man that came to your house, right?

11 A Yes.

12 Q He had a uniform on like the marshals.

13 A Yes.

14 Q Okay. You didn't tell him anything about what happened, did you?

15 A I did.

16 Q After that you went to the hospital?

17 A Yes.

18 Q How did you get there?

19 A I rode in the police car. Yes.

20 Q Do you know how your brothers and sisters got there or if they went
21 there with you?

22 A I believe they went there with me.

23 Q Do you remember them at the hospital?

24 A Yes.

25 Q Okay. Nobody came to your house to pick them up, did they?

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1 A I think they rode in the police car with me.
2 Q Your brothers and sisters rode in the police car with you?
3 A Yes.
4 Q Okay. When your brothers and sisters were riding in the police car, it
5 was one of the big ones, wasn't it, because --
6 A Yes.
7 Q -- there's a lot of you?
8 A Yes.
9 Q It was like an SUV police car?
10 A Yes.
11 Q Okay. No one from your family came to the house that night, right?
12 A To the house?
13 Q Right.
14 A No.
15 Q Before you all got into the police SUV.
16 A No.
17 Q Okay. And when you arrived at the hospital you had to talk to some
18 more people about what happened, didn't you?
19 A Yes.
20 Q That's when you talked to the lady detective, right?
21 A Yes.
22 Q Okay. And you told the lady detective about what had been happening
23 with Tony, right?
24 A Yes.
25 Q And you told her about him doing bad things to the place where pee

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1 comes out and to your butthole, right?

2 A Yes.

3 Q Okay. At the time, Tyana, this has been about two years ago now, did
4 you have a word for the place where pee comes out? I remember when you were
5 testifying with Ms. Kollins you didn't really have a word. Did you have a word at the
6 time for the place where pee comes out?

7 A No.

8 Q Okay. And so when you told the lady detective about Tony putting
9 things in your butthole and told your mom about Tony doing things to your
10 butthole --

11 A Yes.

12 Q -- you weren't talking about where poop comes out, were you?

13 A Where what?

14 Q Where poop comes out. Doo doo. Poo poo.

15 A I was.

16 Q Oh, you were talking about that?

17 A Yes.

18 Q Okay. Now do you remember sometime after -- as matter of fact,
19 several months after you talked to the policeman at your house and to the lady
20 detective and to your mom and your brothers and sisters, do you remember talking
21 to me and an investigator at your school?

22 A I think so, yeah.

23 Q Okay. Do you remember me coming to your school with an investigator
24 and telling you that I represent someone you used to know and that I wanted to ask
25 you some questions about what had been happening to you?

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1 A Yes.

2 Q And Miss. L, Miss. Lobkowitz was in her office with all of us. You
3 remember that?

4 A Who is that?

5 Q Miss. Lobkowitz, she's the Vice Principal at Roy Martin at your middle
6 school? Remember that?

7 A I remember you guys being there.

8 Q Okay. But you don't remember your Assistant Principal being in the
9 room with us?

10 A No.

11 Q Okay. Now do you remember when I asked you about Tony doing
12 things to your buttohole or to your butt you told me he never did anything to your butt.
13 You remember that?

14 A No.

15 MR. SPEED: May I approach, Your Honor?

16 THE COURT: Yes.

17 MR. SPEED: Page 49.

18 MS. ROSS: Fifty.

19 MR. SPEED: Fifty?

20 MS. ROSS: Fifty-one.

21 MR. SPEED: Fifty-one. I'm sorry you all, 51.

22 BY MR. SPEED:

23 Q Now Tyana, we've talked for a -- a little while about what grade you're
24 in, in school.

25 A Yes.

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1 Q What grade are you in now?
2 A I'm in seventh grade.
3 Q You're in the seventh grade and you still attend Roy Martin?
4 A Yes.
5 Q Okay. What's your favorite subject at school?
6 A Subject?
7 Q Yes. Your favorite class.
8 A I have a lot of them.
9 Q Really?
10 A Yes.
11 Q Okay. You speak beautifully and I'm guessing that you read really well.
12 Can you read something for me to yourself?
13 A Yes.
14 Q Okay. Just like you would read before you're getting ready for a test in
15 school, not out loud but to yourself. Okay?
16 A (Nods head yes.)
17 MS. KOLLINS: Counsel, if you can give us a page because I --
18 MR. SPEED: This is the first page. I'm just showing her, her name and
19 where we were.
20 MS. ROSS: And then it'll be 51.
21 MS. KOLLINS: Because it's not on 49.
22 MS. ROSS: Fifty-one.
23 MR. SPEED: This is page 3.
24 BY MR. SPEED:
25 Q Can you read all of that?

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1 A Yes.

2 Q Are you finished?

3 A Yes.

4 Q Okay. Now to page 51. Starting right here at line 20, can you see that?

5 A (No audible response.)

6 Q Now read that to yourself.

7 A (Witness complies.)

8 Q Are you finished?

9 A Yes.

10 Q All right, great. Now when we were talking at your school and I asked

11 you if Tony ever did anything to your butthole, you said very clearly no, didn't you?

12 A Yes.

13 Q Okay. Oh, I forgot one thing I wanted to ask you.

14 A What?

15 Q Give me a second, I'm getting to it. There are a couple of things. Now

16 when you said Tony was doing these things to you, putting his penis in the place

17 where pee comes out and in your butthole, nothing ever came out of his penis, did

18 it?

19 A No.

20 Q Okay. You didn't ever see -- you never saw anything come out, did

21 you?

22 A Huh-uh.

23 Q That's a no?

24 A No.

25 Q Okay. Now I want you to try to recall again as best you can or try to

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1 remember again as best you can when I was speaking with you about what you say
2 Tony did when we were at your school. Do you remember telling me that when --
3 and I'm talking about specifically this time when all of you told your mom that you
4 talked with Ms. Kollins about. Do you remember that? The time you and your
5 brothers and sisters told your mom.

6 A Yeah.

7 Q Okay. You said that that morning everybody was in a pretty sad mood,
8 didn't you?

9 A Yes.

10 Q Okay. Now if we can talk about that for a second, you said that
11 everybody ate breakfast that morning, right?

12 A Yes.

13 Q Okay. Sat down at a table and ate together?

14 A Yes.

15 Q Tony also?

16 A No.

17 Q Where was Tony?

18 A Tony was sitting in the living room eating his food.

19 Q He was sitting in the living room eating his food?

20 A Yes.

21 Q Okay. Where were you and your sisters?

22 A We were in the kitchen. We have to eat at a small table.

23 Q Okay. And where were your brothers?

24 A At the table with us.

25 Q At a small table?

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1 A Yes.

2 Q Five kids?

3 A Yes.

4 Q Okay. Is the table in the kitchen?

5 A Yeah. But it's like one that you set up like a fold like --

6 Q Like a card table with the legs that fold down?

7 A Yeah. Basically like that, yes.

8 Q Basically like that. Okay. And the five of you kids were at that table --

9 A Yes.

10 Q -- in the kitchen?

11 A Uh-huh.

12 Q Okay. Where did mom eat?

13 A In her room.

14 Q She went and had breakfast in her room?

15 A Yes.

16 Q Okay. And when you all went to go talk to her and tell her about what

17 was happening, she was finishing her breakfast, right?

18 A No.

19 Q No?

20 A She wasn't --

21 Q Where was her food?

22 A Huh? I don't think she ate.

23 Q Okay.

24 A She doesn't eat that much.

25 Q Okay. I'm jumping forward a little bit now, Tyana. When you were

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1 talking with me about the time you and your brothers and sisters told your mom, you
2 didn't say Kayla was in a sad mood, did you?

3 A I -- I -- can you repeat the question?

4 Q You didn't say Kayla was in a sad mood, did you, on the day that you
5 were talking to me about what Tony was doing?

6 A No.

7 Q You said Kayla had a smile on her face, didn't you?

8 A Yeah. She always has a smile but she's like sad still.

9 Q She always has a smile but she's like sad still?

10 A Yes.

11 Q Okay.

12 A That's how she is like she always has a smile.

13 Q So no one would really know if she's sad because she's smiling, right?

14 MS. KOLLINS: Objection; speculation.

15 THE COURT: Sustained.

16 BY MR. SPEED:

17 Q Tyana, isn't it true that when your brothers and sisters would ask you
18 what was happening with Tony, you told them that you would eat cake and have
19 snacks?

20 MS. KOLLINS: Objection --

21 A Yes.

22 MS. KOLLINS: -- hearsay.

23 THE COURT: Sustained.

24 MR. SPEED: I'm asking about her statement, Your Honor.

25 MS. KOLLINS: Still out of court offered for the truth, it's hearsay.

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1 MR. SPEED: The witness is testifying. That's not hearsay.

2 MS. KOLLINS: Certainly is.

3 THE COURT: Okay. You don't need to talk to each other. I don't need the
4 editorials. Just restate your question.

5 BY MR. SPEED:

6 Q Do you remember commenting to your brothers and sisters about what
7 you and Tony would do?

8 A Can you repeat the question?

9 Q Do you remember commenting, saying something to your brothers and
10 sisters about what you and Tony would do?

11 A Yes, like --

12 Q And what did you tell them?

13 A I would told -- I'll tell them that we used to eat candy and stuff like he
14 would give me stuff, and then after that when the police had came to our -- our
15 house, then that's when I told them like what happened because I was afraid to tell
16 them before.

17 Q Okay.

18 A So --

19 Q Do you know Tony's mom and dad, his mother and father?

20 A I don't know their names.

21 Q But you do know who they are?

22 A Yes.

23 Q Did you know or do you know that Tony's father is a minister?

24 MS. KOLLINS: Objection --

25 A Is a what?

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1 MS. KOLLINS: -- relevance.

2 THE COURT: Hold -- hold on. Sustained. That's not relevant.

3 BY MR. SPEED:

4 Q You said you know who his parents are, right?

5 A Yes.

6 Q You never told them about what he was doing?

7 A I don't even know them like that like --

8 Q Okay.

9 A -- I know them, but I don't know them like that.

10 Q They never babysat you?

11 A They have.

12 Q Okay. But you never told them about what Tony was doing?

13 A No, because I don't know them.

14 Q You never told any teachers at school about what was happening, did
15 you?

16 A No, because it's none of their business.

17 Q You said that when Tony did these things to you, put his penis in the
18 place where you pee and in your butthole, it hurted, right?

19 A Yes.

20 Q But you never told your mom that Tony had hurted you?

21 A No, because I was afraid, so --

22 Q Okay. And you couldn't tell a teacher that Tony had hurted you
23 because you thought it was none of their business?

24 A Yes.

25 Q Okay.

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1 [Colloquy between counsel]

2 BY MR. SPEED:

3 Q Now Tyana, for this time you were talking about where you said naked
4 pictures were playing on the TV --

5 A Yes.

6 Q -- you said that you were already in the living room and Tony came in
7 there, right?

8 A Yes.

9 Q Okay. But you don't remember if that was day or night?

10 A No.

11 Q Okay. And you don't remember if your mother's door was open?

12 A No.

13 Q And on this time that Tony took you out of your bed, you said your eyes
14 were closed, but you were kind of peeking a little bit, right?

15 A Yes.

16 Q Okay. Demarius and -- and James's door was closed, wasn't it?

17 A No, it was open I think.

18 Q It was open you think?

19 A Yes, I don't know, I don't remember.

20 Q You don't remember that?

21 A No.

22 Q All right.

23 A If it was open or closed.

24 Q Demarius and James don't sleep in the bedroom with you girls, do
25 they?

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1 A No.

2 MR. SPEED: That's all, Your Honor. Nothing further.

3 REDIRECT EXAMINATION

4 BY MS. KOLLINS:

5 Q Tyana, I just have a few more questions for you.

6 MS. KOLLINS: Showing Mr. Speed -- he has a copy of her recorded
7 statement with Detective Flink taken September 7th, 2013, as well as pages 22 and
8 40 from Mr. Speed's interview with Tyana at school with his investigator. May I
9 approach, Your Honor?

10 THE COURT: Yes.

11 BY MS. KOLLINS:

12 Q Tyana, remember all Mr. Speed's questions about butthole --

13 A Yes.

14 Q -- just a little bit ago?

15 A Yeah.

16 Q Do you remember talking to a detective at the hospital?

17 A Yes.

18 Q Okay. And her name was Detective Flink? Do you remember her
19 name? If you don't remember it's okay.

20 A Started with a F.

21 Q Okay. So F. Do you remember talking to her about butthole and
22 vagina? Do you remember --

23 A Yes.

24 Q -- talking to her about that? Do you remember what you told her?

25 A No.

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1 Q Okay. I'm going to have you read -- I just put it backwards. Bear with
2 me for just a moment. Okay. Going to show you page 6 of that statement. I want
3 you to read that to yourself and then I'm going to ask you some questions about it.

4 A (Witness complies.)

5 Q Did you start all the way from the top and read --

6 A Yes.

7 Q -- to the bottom? Okay. Do you remember when detective asked you
8 what part of your body was your butthole, was it whether you peed or pooped from?
9 Do you remember her asking you that?

10 A Yes.

11 Q And what did you tell her?

12 A The part where I pee from.

13 Q Okay. And so when you were talking about butthole then, you were
14 talking about the part that you pee from, right?

15 A Yes.

16 Q Okay. And do you remember telling Mr. Speed that he would put his
17 thing in your vagina? Do you remember telling Mr. Speed that at the interview with
18 him? Do you remember telling him that?

19 A Yes?

20 Q Yes? You don't sound like you're sure. Are you sure or would it help
21 you to look at your statement?

22 A It would help me to look at my statement.

23 Q Okay. I'm going to show you first page 40 and I'm going to have you
24 read that to yourself. Give me just a second.

25 A (Witness complies.)

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1 [Colloquy between counsel]

2 BY MS. KOLLINS:

3 Q Have you had a chance to read that, Tyana?

4 A Yes.

5 Q Does that help you remember what you told Mr. Speed about what
6 Tony was doing?

7 A Yeah.

8 Q What did you tell him?

9 A I told him that Tony was touching me a whole bunch of different times
10 and --

11 Q Okay, did you tell him what Tony was using?

12 A Yeah.

13 Q Okay. Now, what did you tell him Tony was using?

14 A His penis.

15 Q His penis?

16 A Yes.

17 Q Okay. That's a question for later. Now there -- again Mr. Speed was
18 asking you a whole bunch of questions about Tony's penis in your buttohole or by
19 your buttohole --

20 A Uh-huh.

21 Q -- right? Is that a yes? He was --

22 A Yes.

23 Q -- asking you that stuff. Okay. Do you remember what you told
24 Detective -- you just said her last name starts with a F so we'll just call her Detective
25 F --

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1 A All right

2 Q -- asked you about Tony's penis and your buttohole or your crack. Do

3 you remember having those conversations with her?

4 A Yeah.

5 Q Okay. What did you tell Detective F that Tony was doing with his penis

6 and your crack?

7 A Could I read statement?

8 Q Do you remember, or do you not remember?

9 A Not remember.

10 Q Okay. Going to ask you to look at page 12 and read that to yourself.

11 A (Witness complies.)

12 Q Okay. Do you remember now what you told detective he was doing

13 with his penis?

14 A Yes.

15 Q And what did you tell him?

16 A I told her that --

17 Q It's her. You're right.

18 A -- he put in my crack.

19 Q Okay. The crack of your butt?

20 A Uh-huh.

21 Q Is that a yes?

22 A Yes.

23 Q Okay. And did that happen?

24 A Yes.

25 Q Okay. Did that happen every time he put his penis in your vagina, or

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1 just sometimes?

2 A Sometimes.

3 Q Just sometimes?

4 A Yeah.

5 Q And when you say crack of your butt, do you mean the hole of your butt
6 or just between your butt cheeks?

7 A The hole.

8 Q The hole of your butt?

9 A Yes.

10 Q Did you tell Mr. Speed -- did you tell Mr. Speed how often this would
11 happen?

12 A No.

13 Q Did -- did he ask you -- did he ask you about how many times it
14 happened? Do you remember that?

15 A Yeah.

16 Q Did he ask you that?

17 A Yeah.

18 Q And what did you tell Mr. Speed?

19 A A lot of different times.

20 Q You told him a lot of different times? Okay.

21 [Colloquy between counsel]

22 BY MS. KOLLINS:

23 Q When Tony's parents would babysit you, would that be at that
24 apartment?

25 A No.

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1 Q Okay. And all the stuff we talked about happened at the Sunrise
2 apartment, right?

3 A Yes.

4 Q Okay. Do you remember how many times they babysat you?

5 A No.

6 Q Okay. Was it -- do you remember if it was before -- well, strike that.

7 MS. KOLLINS: Pass the witness, Your Honor.

8 RECROSS EXAMINATION

9 BY MR. SPEED:

10 Q Tyana, every time Tony put his penis in your vagina and in your
11 butthole and hurting you --

12 A Yes.

13 Q -- your mom was at home, right?

14 A Yes.

15 Q That's what you're saying?

16 A Yes. I --

17 Q Your brother Demarius was at home?

18 A Yes.

19 Q Is that a yes?

20 A Yes.

21 Q Your brother James was at home?

22 A Yes.

23 Q Your sister Kayla was at home?

24 A Yes.

25 Q Your sister Amia was at home?

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1 A Yes.

2 Q And you all are allowed to go where you want to go in the house, aren't
3 you? You said that you're always in the living room; isn't that right?

4 A Yes.

5 MS. KOLLINS: Objection; compound.

6 THE COURT: Yeah, sustained.

7 BY MR. SPEED:

8 Q You're -- you're always in the living room; isn't that right?

9 A Not always.

10 Q Well you said you're always in the living room.

11 MS. KOLLINS: Objection; argumentative.

12 THE COURT: Arguing?

13 BY MR. SPEED:

14 Q Are you always in the living room or do you go there often?

15 A I go there often.

16 Q Okay. So you can go wherever you want to go in your house, can't
17 you?

18 MS. KOLLINS: Objection; foundation. As to --

19 MR. SPEED: If she knows if she can go wherever she wants to go in her
20 home? Your Honor?

21 THE COURT: I'll say it again. You don't need to talk to each other.

22 MS. KOLLINS: I wasn't talking to him.

23 THE COURT: You can talk to the Court. We don't need this bantering back
24 and forth.

25 MR. SPEED: And my apologies to the Court.

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1 THE COURT: All right. Go ahead and ask the question.

2 BY MR. SPEED:

3 Q You understand that you can go wherever you want in your house or
4 are you not allowed to?

5 A Yeah.

6 Q You can go wherever you want, right?

7 A Yeah.

8 Q And there are a lot of you, there are five kids in the house, aren't there?

9 A Yes.

10 Q Do you remember your mom ever complaining about you kids running
11 around a lot?

12 MS. KOLLINS: Objection; hearsay, foundation.

13 MR. SPEED: Wasn't offered for the truth --

14 THE COURT: Sustained.

15 MR. SPEED: -- of any statement, Your Honor. I'm asking if the witness
16 recalls.

17 THE COURT: Just -- sustained. That question -- just restate the question.

18 BY MR. SPEED:

19 Q Were you kids ever loud in the house?

20 A Yeah.

21 Q And you were loud when you would play in the house, right?

22 A Yeah.

23 Q Sometimes the boys would play in the girls' rooms and sometimes the
24 girls would play in the boys' rooms, right?

25 A Yeah.

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1 MR. SPEED: That's all, Your Honor. Nothing further.

2 MS. KOLLINS: Just -- just like two questions, Your Honor.

3 FURTHER REDIRECT EXAMINATION

4 BY MS. KOLLINS:

5 Q Would you and your brothers and sisters get sent to your rooms?

6 A Yeah.

7 MR. SPEED: Objection, Your Honor. Same objection, foundation.

8 MS. KOLLINS: Can they -- can they go wherever they want whenever they
9 want would they --

10 THE COURT: Yeah.

11 MS. KOLLINS: There's no foundation laid --

12 THE COURT: Overruled. I allowed you to ask her questions, Mr. --

13 MS. KOLLINS: Thank you.

14 THE COURT: -- Speed. Go ahead.

15 BY MS. KOLLINS:

16 Q Were there times you were sent to your rooms?

17 A Yeah.

18 Q Were there times your brothers and sisters were sent to their rooms
19 and you were not?

20 A Yes.

21 Q Okay.

22 MS. KOLLINS: No more questions, Your Honor.

23 MR. SPEED: Nothing, Your Honor.

24 THE COURT: Jury have any questions of this witness?

25 [Pause]

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1 THE COURT: Stay right there.

2 THE MARSHAL: Yeah. Did you have enough water -- would you like some
3 more?

4 THE WITNESS: Yeah.

5 THE MARSHAL: Okay.

6 [Court and counsel exit courtroom at 11:55 a.m.]

7 THE MARSHAL: There you go.

8 THE WITNESS: Thank you.

9 THE MARSHAL: Uh-huh.

10 [Pause]

11 [Court and counsel enter courtroom at 12:01 p.m.]

12 THE COURT: Did Greg ever tell you not to say anything when he sent --
13 spent time alone with you?

14 THE WITNESS: No.

15 THE COURT: Questions by the State?

16 MS. KOLLINS: No, Your Honor.

17 MR. SPEED: No questions, Your Honor.

18 THE COURT: What was the time frame between your statement to Detective
19 F and Mr. Speed when you spoke with Mr. Speed? Understand the question?

20 THE WITNESS: No.

21 THE COURT: How much time passed after you talked to Detective F when
22 the police came, you went to the police station and when you spoke with Mr. Speed
23 and the investigator. Do you remember?

24 THE WITNESS: No.

25 THE COURT: State?

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1 FURTHER REDIRECT EXAMINATION

2 BY MS. KOLLINS:

3 Q Do you remember giving both those -- those interviews?

4 A (No audible response.)

5 Q You remember talking to Detective F, right?

6 A Yes.

7 Q And that was at the hospital?

8 A Uh-huh.

9 Q And then you remember talking to Mr. Speed and that was at school?

10 A Yes.

11 Q Were you in the same grade when you talked to Detective F as when
12 you talked to Mr. Speed?

13 A I don't know.

14 Q You don't know?

15 A No.

16 Q If I showed you a piece of paper from the day of the interview with Mr.
17 Speed, would that help you remember what day it was?

18 A (No audible response.)

19 Q If I showed you part of that interview, would it maybe help you
20 remember what day it was?

21 A Yes.

22 MS. KOLLINS: May I approach, Your Honor?

23 THE COURT: Yes.

24 BY MS. KOLLINS:

25 Q You know that's Mr. Speed, you know that's his name, right?

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1 A Uh-huh.

2 Q Is that a yes?

3 A Yes.

4 Q And did he have somebody with him? Did he have somebody else with
5 him to talk to you at school?

6 A Yes.

7 Q Okay. I'm going to show you this piece of paper that's the front of that
8 interview. I just want you to read the front of that interview and I want to see if that
9 helps you remember what day it was.

10 A Wednesday, March 4th, 2015.

11 Q Wednesday, March 4th, 2015?

12 A Yes.

13 Q So does that seem about right because you weren't in the same grade
14 when you went to the police as it was when you talked to Mr. Speed, right?

15 A No.

16 Q Okay.

17 MS. KOLLINS: No more questions, Your Honor.

18 FURTHER RECROSS EXAMINATION

19 BY MR. SPEED:

20 Q Tyana, do you remember what days you talked to Ms. Kollins about this
21 case before you came to court today?

22 A Monday and then -- today's Wednesday, right?

23 Q Today's Thursday.

24 A Oh. Then Monday.

25 Q Just Monday?

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1 A I think so.
2 Q And you --
3 A Yeah, Monday.
4 Q And you talked with her about everything that was happening with
5 Tony, right?
6 A Yes.
7 Q Okay.
8 MR. SPEED: Nothing further, Your Honor.
9 THE COURT: When things happened, did you stay quiet or make noise
10 because it hurt?
11 THE WITNESS: Stay quiet.
12 THE COURT: State?
13 MS. KOLLINS: No questions, Your Honor.
14 MR. SPEED: None from the defense, Your Honor.
15 THE COURT: Have you repeated any grades in school?
16 THE WITNESS: No.
17 THE COURT: Did you think what Tony did was wrong?
18 THE WITNESS: Yes.
19 THE COURT: Were you ashamed about what happened?
20 THE WITNESS: Yes.
21 THE COURT: State?
22 MS. KOLLINS: I don't have any follow-up to that, Your Honor. Thank you.
23 THE COURT: Mr. Speed?
24 MR. SPEED: Yes, Your Honor?
25 THE COURT: Do you have any questions?

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1 MR. SPEED: Oh, no, Your Honor, I'm sorry.

2 THE COURT: Okay.

3 MR. SPEED: No questions.

4 THE COURT: Thank you. Free to go.

5 MS. KOLLINS: Actually I -- if I might reopen on just two small points? State
6 request permission --

7 THE COURT: All right.

8 MS. KOLLINS: -- to reopen?

9 FURTHER REDIRECT EXAMINATION

10 BY MS. KOLLINS:

11 Q Tyana, I forgot to ask you some stuff. And that happens because I'm
12 old, okay? Is that all right? I'm just going to ask you a couple questions. Do you
13 remember the extra room time that we talked about?

14 A Yes, I already --

15 Q Do you remember --

16 A -- told that.

17 Q Remember that?

18 A Yeah.

19 Q Okay. Remember you said you were in the corner in the extra room?

20 A Yes.

21 Q Who -- how come you were in the corner?

22 A Because I did something bad.

23 Q Okay, and who told you to go to the corner?

24 MR. SPEED: Objection, Your Honor; hearsay.

25 MS. KOLLINS: Identity.

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1 THE COURT: Overruled.

2 THE WITNESS: Tony.

3 BY MS. KOLLINS:

4 Q Tony told you?

5 A Yes.

6 Q Okay, were your brothers and sisters in the corner too you talked about
7 earlier?

8 A Yes.

9 Q And who told them to go to the corner?

10 A Tony.

11 Q Okay. But do you remember what you were in trouble for that day?

12 A No.

13 Q And was your mom home that day, the --

14 A Yes.

15 Q -- the extra room --

16 A Yeah.

17 Q Sorry. We're talking at the same time. The extra room day mom was
18 home?

19 A Yeah.

20 Q Where was she?

21 A She was in her room I think watching TV.

22 Q Okay.

23 A Yeah.

24 Q But she wasn't in the extra room?

25 A No.

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1 Q Did you tell mom after the extra room day --

2 A No.

3 Q -- that day?

4 A Like --

5 Q Say anything to mom about it that day?

6 A No.

7 MR. SPEED: Objection, Your Honor; compound question.

8 THE COURT: Overruled. She answered it.

9 MS. KOLLINS: Pass the witness, Your Honor.

10 FURTHER RECROSS EXAMINATION

11 BY MR. SPEED:

12 Q Tyana, you didn't tell Detective F about this extra room time, did you?

13 A No, because she wasn't asking me.

14 Q She didn't ask you about it?

15 A No.

16 Q Okay. So if Detective Flink didn't ask you a question about these
17 things, you didn't tell her, right?

18 A Told her some things.

19 MS. KOLLINS: Objection; argumentative.

20 THE COURT: Sustained.

21 BY MR. SPEED:

22 Q But you told Ms. Kollins about all these times on Monday, right?

23 A Yes.

24 Q And you're telling us about all the times you explained to Ms. Kollins
25 about on Monday? Right?

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1 A What? Wait.
2 Q Isn't that what you're talking about today?
3 A Yes.
4 Q The times that happened -- the times where bad things happened with
5 Tony --

6 A Yes.
7 Q -- in your house?

8 A Yes.

9 Q And you told Ms. Kollins about all these times on Monday, right?

10 A Yes.

11 Q That's a yes?

12 A Yes.

13 Q All right.

14 MR. SPEED: Nothing further, Your Honor.

15 MS. KOLLINS: One last question, Your Honor.

16 FURTHER REDIRECT EXAMINATION

17 BY MS. KOLLINS:

18 Q You told Mr. Speed these things happened many times, right?

19 A Yes.

20 Q Okay. Thank you.

21 MS. KOLLINS: No more questions.

22 THE COURT: All right. Thank you. You're free to go now.

23 THE WITNESS: Can I have a -- can I ask a question?

24 THE COURT: No, you can't do that in court.

25 THE WITNESS: All right.

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1 THE COURT: But thank you.

2 THE WITNESS: You're welcome.

3 THE COURT: Go with Tom.

4 THE MARSHAL: Yeah. Come on. Okay, right through here.

5 MS. KOLLINS: Bye ma'am.

6 THE WITNESS: Bye.

7 MS. KOLLINS: May I approach your clerk --

8 THE COURT: Yeah.

9 MS. KOLLINS: -- Your Honor?

10 THE COURT: Yeah.

11 We're going to take our afternoon recess. During this recess you're
12 admonished not to talk or converse amongst yourselves or with anyone else on any
13 subject connected with the trial, or read or watch or listen to any report of or
14 commentary on the trial or any person connected with this trial by any medium of
15 information, including without limitation newspapers, television, radio, the internet, or
16 form or express an opinion on any subject connected with the trial till the case is
17 finally submitted to you. Be back at 1:15, please.

18 THE MARSHAL: Okay, folks, leave your notebooks on the chairs, bring your
19 property.

20 [Jury out at 12:09 p.m.]

21 THE COURT: Okay, the jury's gone. You want to make a record on Court's
22 Exhibit 5, did Greg ever tell you not to say anything when he spent time alone with
23 you. Out in the hall you objected to it because you -- I believe you said, Mr. Speed,
24 you thought it was asked and answered.

25 MR. SPEED: That is correct, Your Honor. We objected to that question. It's

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1 cumulative at this point. That area was covered sufficiently by the State. We
2 believe that it was asked and answered.

3 THE COURT: All right. Noted for the record it was given. I just wanted to
4 give you an opportunity to make the objection.

5 MR. SPEED: Thank you, Your Honor.

6 THE COURT: See you guys at 1:15.

7 [Off the record at 12:10 p.m.]

8 [Proceedings resumed at 1:21 p.m.]

9 [Outside the presence of the jury]

10 THE MARSHAL: All present, Your Honor.

11 THE COURT: All right. You guys ready?

12 MS. RHOADES: Yes.

13 THE COURT: All right, bring them in.

14 [Off the record at 1:21 p.m.]

15 [Proceedings resumed at 1:21 p.m.]

16 THE MARSHAL: Rise for the jurors.

17 [Jury in at 1:22 p.m.]

18 THE MARSHAL: Panel's present, Your Honor.

19 THE COURT: Thank you.

20 Stipulate to the presence of the jury?

21 MS. KOLLINS: Yes, Your Honor.

22 MR. SPEED: Yes, Your Honor.

23 THE COURT: All right. You may be seated.

24 Call your next witness.

25 MS. RHOADES: Your Honor, the State's next witness is Amia Hasan.

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[Pause]

THE MARSHAL: Watch the ramp. And then watch -- remain standing, raise your right hand, face our clerk.

AMIA HASAN

[having been called as a witness and being first duly sworn, testified as follows:]

THE CLERK: Thank you. You can be seated. Please state your full name, spelling your first and last name for the record.

THE WITNESS: Amia Hasan.

THE COURT: Okay, spell --

THE WITNESS: H -- I mean A-m-i-a H-a-s-a-n.

THE COURT: Okay.

THE CLERK: A-n?

THE WITNESS: Yeah.

THE CLERK: Thought she said A-m.

THE WITNESS: Yeah.

THE CLERK: M as in --

MS. RHOADES: May I proceed, Your Honor?

THE COURT: Yes.

THE CLERK: Amia.

DIRECT EXAMINATION OF AMIA HASAN

BY MS. RHOADES:

Q Hi, Amia.

A Hi.

Q How are you?

A Good.

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- 1 Q Okay. How old are you?
- 2 A Fifteen.
- 3 Q Okay. What grade are you in?
- 4 A Ninth.
- 5 Q And what high school do you go to?
- 6 A Desert Pines.
- 7 Q When is your birthday?
- 8 A November 13.
- 9 Q What year?
- 10 A 2000.
- 11 Q 2000?
- 12 A Uh-huh. Well yeah.
- 13 Q Do you have any brothers and sisters?
- 14 A Yes.
- 15 Q How many brothers and sisters do you have?
- 16 A Four.
- 17 Q Are you the oldest?
- 18 A Yeah.
- 19 Q What are your four brothers and sisters names?
- 20 A Demarius, Tyana and Kayla, Wayne.
- 21 Q And Wayne, does he have another name?
- 22 A James.
- 23 Q Okay. Do you live with all four of your brothers and sisters right now?
- 24 A Yes.
- 25 Q Who else do you live with right now?

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1 A My mom and my grandma.

2 Q Okay. And are you the oldest out of all your brothers and sisters?

3 A Yes.

4 Q Do you recognize someone in the courtroom today?

5 A Yes.

6 Q Okay. And can you point to that person that you recognize and tell me

7 something that he or she's wearing today?

8 A A white shirt with a tie --

9 Q Okay. May --

10 A -- and some gray pants.

11 THE COURT: Record reflect she's identified the Defendant.

12 MS. RHOADES: Thank you, Your Honor.

13 BY MS. RHOADES:

14 Q And who is that man that you identified for us?

15 A Gregory Williams.

16 Q What do you call him?

17 A Tony.

18 Q And how do you know Tony?

19 A He was my mom's boyfriend.

20 Q Do you know about how long he dated your mom for?

21 A Five years.

22 Q And did you use to live with Tony?

23 A Yes.

24 Q Where did you use to live with Tony at?

25 A The address?

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1 Q Yes.

2 A 2851 Sunrise.

3 Q Is that the same place you live now?

4 A Yes.

5 Q Okay. Is that an apartment?

6 A Yes.

7 Q How many bedrooms does the apartment have?

8 A Four.

9 Q When Tony was living with you, do you remember when he left, like the
10 date he left?

11 A September 13, 2013.

12 Q Okay. When he left, who was living in that apartment with you guys?

13 A My mom and my sisters and brothers, and my grandma.

14 Q Your grandma was living in the apartment when Tony was living in the
15 apartment?

16 A Oh no, my mom and my sisters and brothers.

17 Q And Tony?

18 A Yeah.

19 Q And when Tony was living there, how did it work with the bedrooms, like
20 who shared the bedrooms?

21 A Me and my sisters shared a -- shared a bedroom and then my brothers
22 shared a bedroom and then there was a extra room.

23 Q Where did Tony sleep?

24 A In my mom's bedroom.

25 Q Do you remember about how long Tony lived in -- in that apartment with

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1 you guys?

2 A Five years?

3 Q Five years?

4 A I think. Four? I don't know.

5 Q Okay, so quite a long time.

6 A Yeah.

7 Q Do you remember if Tony had a favorite out of all of you and your

8 siblings?

9 A Yeah.

10 Q Who was Tony's favorite?

11 A Tyana.

12 Q How do you know that?

13 A (No audible response.)

14 Q Or why do you think that?

15 A Because if we would all get in trouble, then I guess she wouldn't be.

16 Q Okay. When you said if we were all to get in trouble, are you talking

17 about you and your brothers and sisters?

18 A Uh-huh.

19 Q And who --

20 A Well yeah.

21 Q -- who would get you in -- like who would you be in trouble by?

22 A (No audible response.)

23 Q Or who got you in trouble?

24 A I mean it would be me, but like we would all be in it together.

25 Q Okay. And when you were in trouble, who was it that got upset with

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1 you?

2 A (No audible response.)

3 Q I guess that's a bad question. How would -- how would you get in

4 trouble, like what would happen when you got in trouble?

5 A I would have to stand in the corner.

6 Q Did that same thing happen with your brothers and sisters when they

7 got in trouble?

8 A Yes.

9 Q Do you remember what corners you guys would have to stand in?

10 A Any corner that was in sight.

11 Q Sometimes when you got in trouble would you also have to go to your

12 room?

13 A Yes.

14 Q When you got in trouble and had to stand in a corner, who was it that

15 made you stand in a corner?

16 A Tony.

17 Q And when you got in trouble and got sent to your room, who was it that

18 sent you to your room?

19 A Tony.

20 Q And you said that you knew that Tyana was Tony's favorite because

21 you guys would get in trouble and she wouldn't have to; is that right?

22 A Yes.

23 Q How would you know that Tyana wasn't getting in trouble?

24 A Like when we would get out of the corner after that, then she would

25 come back there saying that she got candy or something like that.

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1 Q Would she not get put in the corner when you guys got put in the
2 corner?
3 A Yeah.
4 Q Do you know where she would be?
5 A Yeah.
6 Q And where?
7 A In the living room.
8 Q Was anyone else in the living room with her?
9 A No.
10 Q Where was your mom?
11 A In her room.
12 Q Did your mom spend a lot of time in her room with the door closed?
13 A Yeah.
14 Q When Tony told you to go to your room or go to your corner, where
15 would he be?
16 A In the living room.
17 Q Is that where Tyana was?
18 A Yes.
19 Q Did that happen often?
20 A Yeah.
21 Q Like once a week or more than once a week, less than once a week?
22 A Like once a week.
23 Q And the once a week that it happened, would Tyana always be in the
24 living room alone with the Defendant?
25 A Yes.

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1 Q Okay. And when I say the Defendant, you know I mean Tony, right?
2 A Yes.
3 Q Okay, sorry about that. Was there ever a time that you tried to see
4 what was going on in the living room with Tyana and Tony?
5 A Yes.
6 Q How many times did you try to see what was going on in the living
7 room?
8 A Several.
9 Q When -- what'd you see?
10 A What I see?
11 Q What could you see if you saw anything?
12 A Like her sitting on the couch or on his lap.
13 Q Okay. Were there times that you couldn't see anything that was going
14 on?
15 A Yeah.
16 Q And why couldn't you see anything that was going on, on those times?
17 A Because we used to like look -- we used to have the -- the door closed
18 and we used to look under the door.
19 Q Okay.
20 A Or --
21 Q And when you say we, who do you mean?
22 A My sisters and brothers.
23 Q And were you able to see anything underneath the door while you were
24 looking under the door?
25 A Not really, just footsteps.

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1 Q Okay. When you saw -- you said you saw Tyana on the couch one
2 time; is that right?

3 A Uh-huh. Yeah.

4 Q Do you remember what Tony was wearing that time that you saw them
5 on the couch?

6 A Just a shirt.

7 Q Any shorts or pants or --

8 A No.

9 Q Just a shirt? Nothing on the bottom half?

10 A Yeah.

11 Q Did you see that like that one time or more than one time?

12 A More than one time.

13 Q When you saw that, did you ever tell your mom about that?

14 A No.

15 Q Why not?

16 A Because I wasn't sure.

17 Q You weren't sure about what?

18 A If I was right or wrong.

19 Q Right or wrong about what?

20 A Something happening to her.

21 Q Something happening to Tyana?

22 A Yeah.

23 Q At some point do you remember if you and your brothers and sisters
24 went to your mom with some concerns about Tyana and Tony?

25 A Yes.

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1 Q Do you remember what year that was?
2 A Yes.
3 Q What year was that?
4 A 2013.
5 Q Did you go to your mom with your brothers and sisters about those
6 concerns one time or more than one time?
7 A More than one time.
8 Q How many times?
9 A Twice.
10 Q So I want to talk about the first time, and you remember that being in
11 2013; is that right?
12 A Yes.
13 Q And when you went to your mom with those concerns, why did you go
14 to her at that time?
15 A Can you repeat the question?
16 Q Sure. When you went to your mom the first time with your brothers and
17 sisters about those concerns, why -- what made you guys go to her that time?
18 A Well, the -- well I thought -- well my brother, he had told me that he saw
19 something and I was like yeah, I saw something too because I'm on the top bunk
20 and she's on the bottom bunk.
21 Q Okay. And your brother -- which brother are you talking about?
22 A James.
23 Q And when you said you saw something too, what did you see?
24 A I saw her (sic) coming in and grab her and take her to the extra room.
25 Q And when you say -- who did you see come in and grab who? Can you

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1 use names for me?

2 A I saw Tony come into the room -- into our room and grab Tyana and
3 bring her to the extra room.

4 Q And you saw that and that's what made you guys go to your mom with
5 those concerns?

6 A Yes.

7 Q What happened when you went to your mom that first time?

8 A She started asking us a lot of questions about what happen.

9 Q Okay. Did -- when she asked you a lot of questions, were you guys all
10 together or did you guys get separated and get asked a lot of questions?

11 A We was all together.

12 Q After you told your mom that, did Tony continue to stay in the apartment
13 with you guys?

14 A Yes.

15 Q While you were living in that Sunrise apartment, did Tony ever touch
16 you in places adults aren't supposed to touch kids?

17 A Yes.

18 Q Did that happen one time or more than one time?

19 A One but the second time attempted.

20 Q Okay. So let's talk about the one time. Do you remember what year
21 that was in?

22 A No.

23 Q Do you remember about what month?

24 A No.

25 Q Was it while you were living at the Sunrise apartment?

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1 A Yes.

2 Q Was it before you came to your mom with those concerns that first time
3 or was it after?

4 A Before.

5 Q Where were you at in the apartment when this happened?

6 A In the living room.

7 Q So tell me what happened in the living room.

8 A Well he told me to get out the corner. So I got out the corner and then
9 he was just talking to me about what I did. And then he told me to lay on the couch
10 and then he got down and he pulled my shirt up.

11 Q And when he pulled your shirt up, what did he do?

12 A Like he sucked on my breast.

13 Q And was this while you were laying on the couch?

14 A Yes.

15 Q Were you wearing a bra at that time?

16 A No.

17 Q And you said you were in the corner in trouble. Who told you to stand
18 in the corner?

19 A Tony.

20 Q Do you remember why you were in trouble that day?

21 A Yes.

22 Q And why is that?

23 A Because I hit my little sister.

24 Q Okay. And so he was talking to you about what happened and told you
25 to come over to the couch. Was he near the couch when he told you to come over

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1 to the couch?

2 A Yes.

3 Q Do you remember what he was wearing?

4 A Just a shirt.

5 Q Did he have shorts or underwear on or anything like that?

6 A Underwear.

7 Q What kind of underwear; do you remember? Are they like white

8 underwear or boxers?

9 A Boxers.

10 Q Do you remember what shirt you were wearing that day?

11 A It was a red shirt with my name on it.

12 Q With your name on it. Was it from school?

13 A Yes.

14 Q Did you have any bottoms on, any pants, shorts?

15 A Yes, I had on jeans.

16 Q And when you were laying on the couch, were you laying on your back

17 or on your front?

18 A On my back.

19 Q Where was Tony? Was he sitting on the couch or off of the couch?

20 A Off of the couch.

21 Q Was he standing up or something else?

22 A On his knees.

23 Q And when he lifted up your shirt you said that he sucked on your breast.

24 Do you remember about how long that went on for?

25 A Two minutes.

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1 Q And how were you feeling when this was happening?
2 A Sad, mad and confused.
3 Q Were you crying?
4 A No.
5 Q Did he say anything to you while he was doing this?
6 A No.
7 Q How did it stop?
8 A Can you repeat the question?
9 Q Sure. How did it stop happening?
10 A He just got up.
11 Q He just got up and stopped doing it?
12 A Yeah.
13 Q Was your mom home at this time?
14 A I don't remember.
15 Q Were your brothers and sisters home?
16 A Yes.
17 Q Do you remember where each one of them was when this was
18 happening?
19 A Yes.
20 Q So we'll start with Tyana. Where was Tyana when this was happening?
21 A She was on the bottom bunk sleep.
22 Q Do you remember if this was at night or day?
23 A Night.
24 Q Where was Kayla?
25 A Sleep on the same bed as her.

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1 Q How about Wayne?
2 A He was in the boys' room watching TV.
3 Q Do you remember where Demarius was?
4 A He was in his room watching TV, too.
5 Q Do you remember if their doors to the bedrooms were open or closed?
6 A Closed.
7 Q Were you the only one that was in trouble this time?
8 A Yes.
9 Q And then you talked about another time that was an attempt. Was this
10 after that first time?
11 A Yes, it was the next day.
12 Q So what happened the next day?
13 A I asked if I could go make some food or something and then he was like
14 come here. And then he tried to but then I said I was scared.
15 Q When he tried to, what -- what exactly did he do?
16 A He tried to pull up my shirt.
17 Q Were you wearing the same shirt or a different shirt?
18 A It was a different shirt.
19 Q Do you remember what -- what shirt that was?
20 A No.
21 Q And when you said he tried to pull up your shirt, did he actually lift it up
22 a little bit?
23 A Yes.
24 Q About how far did he lift up your shirt?
25 A Halfway.

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1 Q When he lifted up your shirt, were your breasts exposed?
2 A No.
3 Q And did you have a bra on that time?
4 A No.
5 Q Was -- you said you were getting some food. Did this -- where did this
6 happen in the apartment?
7 A In the living room.
8 Q Do you remember if it was daytime or nighttime?
9 A It was daytime.
10 Q When you said -- well what did you tell him when he tried to do that?
11 A I said I was scared. Then I started crying.
12 Q Did he say anything to you?
13 A No.
14 Q Did he just stop?
15 A Yes.
16 Q Were your brothers and sisters home?
17 A Yes.
18 Q Were any of them in the living room when this happened?
19 A No.
20 Q Was your mom home?
21 A No.
22 Q And did this time also happen before the time you guys went to your
23 mom the first time about the concerns with Tyana?
24 A Can you repeat the question?
25 Q Yes. Did this time happen before the first time you went to your mom

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1 with concerns about Tony and Tyana?

2 A Yes.

3 Q Okay. When you and your brothers and sisters went to your mom that
4 first time, why didn't you tell your mom what Tony had done to you?

5 A Because I was scared.

6 Q All right, I'm going to fast forward a little bit to September 2013, the -- do
7 you remember the second time that you went and talked to your mom with your
8 brothers and your sisters?

9 A Yes.

10 Q Why did you go talk to your mom that second time?

11 A Because I thought that if I didn't then it would get too far.

12 Q Did one of your siblings come to you -- one of your brothers and sisters
13 come to you with something that they'd seen that -- that previous night?

14 A Yes.

15 Q Okay, who was that?

16 A It was all of them because we was in there -- we was in the kitchen
17 eating breakfast.

18 Q Okay. And how did this conversation come about?

19 A (No audible response.)

20 Q Do you remember who started the conversation?

21 A No.

22 Q Do you remember if it was Tyana?

23 A No.

24 Q How was Tyana acting that morning when you guys told your mom the
25 second time?

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1 A Quiet.

2 Q Is that different than how she normally acted?

3 A No. I mean, yeah.

4 Q So was she acting differently than she normally acted?

5 A Yeah.

6 Q Can you tell us how else she was acting differently if there were any
7 other things she was doing different?

8 A Can you repeat the question?

9 Q Sure. I asked if she was quiet and if that was different, and you told us
10 that she was acting differently. How was she acting differently in your own words?

11 A She was quiet and then she didn't say nothing like when we was all
12 talking at breakfast she wouldn't say anything and when they brought that up she --
13 she just left.

14 Q She just left?

15 A Yeah.

16 Q So that morning did Tyana tell you anything that had happened with
17 Tony?

18 A No.

19 Q And did you ask her if something had happened?

20 A Yes.

21 Q And she didn't want to talk about it?

22 A No.

23 MS. ROSS: Objection, Your Honor; calls for speculation. She doesn't know
24 why didn't say anything.

25 THE COURT: Overruled.

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1 BY MS. RHOADES:

2 Q Was it you that made the decision that you guys had to go tell your
3 mom?

4 A Yes.

5 Q Okay. And why did you make that decision?

6 A Because I didn't want anything else to happen.

7 Q When you went and told your mom, did you guys all go together?

8 A Yes.

9 Q Where -- where is it that this conversation happened?

10 A In my brothers' room.

11 Q When you guys were talking, was everybody in the room together?

12 A Yes.

13 Q Where was Tony?

14 A In the living room.

15 Q Were you in the room when Tyana told your mom what happened with
16 Tony?

17 A No.

18 Q How did you guys get separated?

19 A Well she -- we was in my brothers' room telling her what happen and
20 she was like -- that's when I said I think he's doing something to Tyana. So she
21 spoke to her first in my other room. Then she came back and she talked to me.

22 Q And when you say she, are you talking about your mom?

23 A Yes.

24 Q So your mom took Tyana into your guys's room?

25 A Yes.

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1 Q And that was away from your brothers and your sisters?
2 A Yes.
3 Q When your mom came back and talked to you, did she take you in a
4 separate room?
5 A Yes.
6 Q And it was just you and your mom talking alone?
7 A Yes.
8 Q Did you see Tyana come out of the room after she had that
9 conversation with your mom?
10 A Yes.
11 Q How was she acting when she came out of the room?
12 A She was crying.
13 Q And did you see your mom when she came out of the room, too?
14 A Yes.
15 Q How was your mom acting?
16 A She was sad and then she left.
17 Q When you say she left, where did she go?
18 A She went to go call the police.
19 Q Did she call the police before she talked to you alone?
20 A Yes.
21 Q So after she called the police she came and talked to you by yourself?
22 A She talked to me before she called the police.
23 Q All right. Were you with her when she called the police?
24 A No.
25 Q Do you know where she went to call the police?

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1 A Outside on the porch.

2 Q After your mom made that phone call, did police arrive at your
3 apartment?

4 A Yes.

5 Q And when police arrived what happened?

6 A They talked to us.

7 Q After they talked to you, did you guys go somewhere else?

8 A Yeah.

9 Q Where did you go?

10 A To the hospital.

11 Q Do you remember who all went to the hospital?

12 A Me, my sisters and brothers, my mom, and then my uncle showed up.

13 Q When did your uncle show up?

14 A Like a hour later.

15 Q Did he show up at the apartment?

16 A No.

17 Q Did he show up at the hospital?

18 A Yeah.

19 Q When you were at the hospital, did you talk to some different police
20 officers?

21 A Yes.

22 Q Do you know if that police officer that was at your house, did that police
23 officer come with you guys to the hospital?

24 A No.

25 Q Okay. Do you know or no, he didn't come with you?

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1 A Repeat the question, please.

2 Q Sure. Do you remember if the police officer came with you to the
3 hospital?

4 A No.

5 Q No he didn't or no you don't remember?

6 A I don't remember.

7 Q Okay. Did you have to get some kind of an exam when you went to the
8 hospital?

9 A No.

10 Q Do you know if anyone had to get an exam when they went to the
11 hospital?

12 A Yes.

13 Q And who was that?

14 A Tyana.

15 MS. RHOADES: Court's indulgence.

16 [Colloquy between counsel]

17 MS. RHOADES: State pass the witness, Your Honor.

18 THE COURT: Cross.

19 MS. ROSS: Yes, brief indulgence, Your Honor.

20 CROSS-EXAMINATION

21 BY MS. ROSS:

22 Q Hello, Amia.

23 A Hi.

24 Q I'm going to ask you some questions about what you just talked about,
25 okay?

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1 A (No audible response.)
2 Q Amia, you talked just earlier about who lived in the apartment with you,
3 correct?
4 A Yes.
5 Q And you said that it was your mom, yes?
6 A Yeah.
7 Q And your grandma? Yes?
8 A Yeah.
9 Q And your brothers and sisters?
10 A Yes.
11 Q Does your mom's boyfriend live with you?
12 A Yes.
13 Q Is that Joe?
14 A Yes.
15 Q You also talked a little bit about how your apartment is arranged and
16 you said all the girls stay in the same room?
17 A Yes.
18 Q And the boys stay in the same room?
19 A Yes.
20 Q Where in the apartment is the girls' room? Can you just describe a little
21 bit what it's next to?
22 A It's next to the bathroom.
23 Q What does the door face, like if you're walking out of the girls' room,
24 what are you looking at?
25 A The living room.

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1 Q What about the boys' room? If you're walking out the door, what are
2 you looking at?

3 A The living room.

4 Q So is the girls' room and the boys' room right next to each other?

5 A Yeah.

6 Q Is that next to each other around a corner?

7 A It's like around a corner.

8 Q So when you come out of the girls' room you're facing a different
9 direction --

10 A Yeah.

11 Q -- than when you come out of the boys' room?

12 A Uh-huh.

13 Q You talked a little bit about when you got in trouble you had to stand in
14 the corner; is that right?

15 A Yes.

16 Q You said it was any corner that was available?

17 A Yes.

18 Q Did all the kids have to stand in the corner? At some point?

19 A Yes.

20 Q Yes. Were -- was that corners in the living room?

21 A Yes.

22 Q Or in the kitchen maybe?

23 A Yeah.

24 Q And in the extra room, too?

25 A Yes.

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1 Q You talked a little bit earlier about how we used to look under the door.
2 Was that you personally, did you personally look under the door to see what was
3 happening?

4 A Yes.

5 Q You looked under your door?

6 A I messed up on that one. Our room is facing the extra room.

7 Q Okay. So when you tried to see what was happening, you were looking
8 under your door?

9 A I was looking under the boys' door.

10 Q You said that you could only see footsteps, correct?

11 A Yes.

12 Q Just want to ask a little clarifying question. The -- the State talked to
13 you a little bit about when you saw Tony and Tyana together about what Tony was
14 wearing and you said he was wearing a t-shirt, right?

15 A Yes.

16 Q And you also said nothing on the bottom, right?

17 A Yes.

18 Q But he was wearing underwear, correct?

19 A Yes.

20 Q So when you say nothing on the bottom, you mean like pants, right?

21 A Yes.

22 Q Okay. Now the first time that you talked to your mom, you went and
23 talked to your mom after James told you something, right?

24 A Yes.

25 Q So when you went and talked to your mom, it was about what James

1 had seen, correct?

2 A It was about what both of us had seen.

3 Q From looking under the door?

4 A Yeah.

5 Q Okay. You also talked a little bit just earlier today about how you sleep

6 in the top bunk and Tyana sleeps in the bottom bunk, correct?

7 A Yes.

8 Q And you said that Tony would take Tyana out of the bottom bunk, right?

9 A Yes.

10 Q You wouldn't follow them, would you?

11 A No.

12 Q You would stay in your bed?

13 A Yes.

14 Q So once they left the room, you couldn't see where they went, right?

15 A Yeah I could.

16 Q You could see?

17 A Yeah.

18 Q You could see where they went in the apartment from the top bunk?

19 A Yes.

20 Q And your room faces the bathroom side you said?

21 A It faces the extra room.

22 Q I want to talk a little bit about the time you said Tony touched you,

23 okay? And this happened before you talked -- you and James talked to your mom

24 the first time, right?

25 A Yes.

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1 Q Now today you said he made you lay on the couch, correct?
2 A Yes.
3 Q And that he lifted up your shirt --
4 A Yes.
5 Q -- right? You remember talking to police officers about this, correct?
6 A Yes.
7 Q The first time you talked to a police officer I believe was when they
8 arrived at your home on that day in September, correct?
9 A Yes.
10 Q And you told that first police officer that you were just standing, correct?
11 A No.
12 Q You didn't ever tell the police officer that you lied down on the couch,
13 right?
14 A Repeat the question?
15 Q You never told the police officer that Tony made you lie on the couch,
16 correct?
17 A I did.
18 Q You did? Did the police officer write that down?
19 A I don't know.
20 Q In fact, the first time you talked to a police officer you told him Tony --
21 MS. RHOADES: Your Honor, I'm going to object to this as to foundation, I
22 mean speculation. She's asking questions what the police officer did with the
23 information that Amia gave the police officer.
24 MS. ROSS: I'm asking her about what she told the police officer at this point.
25 THE COURT: All right, you can ask her what she told the police officer.

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1 MS. ROSS: Sure.

2 BY MS. ROSS:

3 Q When you talked to the police officer that first night at your -- your
4 house, right? You told him Tony touched you over your shirt, correct?

5 A Over?

6 Q Yes, over your clothes.

7 A No.

8 Q When you -- you've also talked to some lawyers in this case, correct?

9 A Yes.

10 Q Do you remember talking to Mr. Speed here?

11 A Yes.

12 Q Was that at Roy Martin? Your -- the middle school that you went to?

13 A Yes.

14 Q Yes. And that was after the police officers came to your house, right?

15 A Yes.

16 Q And when you talked to Mr. Speed, you told him you were standing
17 when Tony touched you, correct?

18 A No.

19 Q You did not tell him you were laying on the couch, did you?

20 A I did.

21 Q You did? Okay.

22 [Colloquy between counsel]

23 BY MS. ROSS:

24 Q And I'm sorry, Amia, I'm -- I'm going to have to back up one more time.
25 You talked to another police officer on that night in September when you were at the

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1 hospital, right?

2 A Yes.

3 Q Remember the name?

4 A No.

5 Q Was it a -- a detective?

6 A I don't know.

7 Q Was it a female you talked to?

8 A Yes.

9 Q Okay. And when you talked to her that night, you did not tell her that
10 you -- Tony made you lie on the couch, correct?

11 A I did.

12 Q You did. Okay.

13 MS. ROSS: Brief indulgence, Your Honor.

14 [Colloquy between counsel]

15 BY MS. ROSS:

16 Q Amia, you also earlier today said that when Tony kissed you on your
17 breast it lasted for two minutes, correct?

18 A Yes.

19 Q How do you know it lasted for two minutes?

20 A Because I basically counted.

21 Q Because you counted?

22 A Yes.

23 Q Do you remember when you talked to the police officer at your house
24 and the police officer that night, you told them it lasted three minutes and you were
25 certain because there was a clock right there? Do you remember that?

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1 A No.

2 [Colloquy between counsel]

3 MS. ROSS: Your Honor, may I approach the witness?

4 THE COURT: Yeah.

5 MS. ROSS: What I've got here is her voluntary statement. I'll be referencing
6 -- I'll be referencing page 6 and page 7.

7 MS. RHOADES: Okay.

8 BY MS. ROSS:

9 Q Now Amia, what -- what grade are you in right now?

10 A Ninth.

11 Q Ninth grade. And do you like school?

12 A Yes.

13 Q Yes. What's your favorite subject in school?

14 A English.

15 Q English. So you like reading?

16 A Yes.

17 Q All right. If I showed you a piece of paper and asked you to read it,
18 you'd be able to do that, right?

19 A Yes.

20 Q Okay. Now I'm going to show you a -- a piece of paper and I want you
21 to read it just to yourself, not out loud. Are you okay with that?

22 A Yeah.

23 Q All right, this is page 6.

24 MS. RHOADES: And Your Honor, I would just ask that she ask a question. I
25 don't -- I mean she's just asking her --

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1 THE COURT: Yeah.

2 MS. RHOADES: -- to read the statement with no question pending.

3 MS. ROSS: Sure.

4 BY MS. ROSS:

5 Q Before you read that, all right, and you said that you told the officer at
6 the hospital that Tony made you lie on the couch, correct?

7 A Yes.

8 Q Okay.

9 MS. ROSS: May I have -- may I have her read the page now, Your Honor?

10 MS. RHOADES: There's still not a question --

11 THE COURT: For what?

12 MS. ROSS: I can ask another question, Your Honor.

13 THE COURT: Okay.

14 BY MS. ROSS:

15 Q Would you be surprised if you did not tell the officer that he made you
16 lie on the couch?

17 MS. RHOADES: And I mean, I would object. This is mischaracterizing the
18 statement. There was never a question whether she was lying down or standing up
19 and that's why it's not in the statement.

20 MS. ROSS: Your Honor, if I may have her read the page, I believe that I
21 could ask some more questions that would address the State's issue.

22 THE COURT: Yeah.

23 BY MS. ROSS:

24 Q All right. Just -- just to yourself.

25 A (Witness complies.)

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1 Q Thank you. So Amia, when you were talking to the officer at the
2 hospital, the officer talked to you about how it was important to tell them details,
3 right?

4 A Yes.

5 Q Yes. And that was back in September of 2013 so a long time ago,
6 right?

7 A Yes.

8 Q And you never told the officer Tony made you lie on the couch, correct?

9 A I don't remember.

10 Q And when you talked to Mr. Speed, you never told him that Tony made
11 you lie on the couch, correct?

12 A I don't remember that.

13 Q Now we're going to fast forward again to that -- well to that day in
14 September after you guys had been eating breakfast at the kitchen, correct? This
15 was when you went to talk to your mom. You were the one who told your mom that
16 Tyana had something to say?

17 A No, I said I think there's something going on.

18 Q Okay. Did any of your brothers or sisters say anything to your mom or
19 was it you?

20 A It was all of us.

21 Q Okay. But you were kind of the leader that morning?

22 A Yes.

23 Q Okay. And you're the oldest, right?

24 A Yes.

25 Q So I bet you find yourself in a lot of situations where you are the leader,

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1 correct?

2 A Yes.

3 Q Now the first time you told anyone that Tony had did something to you

4 was to the police officer when he came to your apartment that day, correct?

5 A Yes.

6 Q You never told your mom before, right?

7 A Repeat the question?

8 Q You never told your mom before you talked to the police officer that

9 Tony touched you, correct?

10 A Before I talked to -- I mean before I talked to the police officer, when we

11 called her into the room I told her.

12 Q Okay. You didn't tell her the first time you went to her with James,

13 correct?

14 A No.

15 Q Okay. You didn't tell any of your teachers, correct?

16 A No.

17 Q Do you know Tony's parents?

18 A Yes.

19 Q How do you know them?

20 A We I think barbecue with them or went over their house.

21 Q Barbecue? Did they ever babysit you?

22 A No.

23 Q No. You didn't tell Tony's parents anything had happened, right?

24 A No.

25 Q You never told your brothers or sisters anything happened, right?

1 A No.

2 Q You never told your grandma anything had happened, correct?

3 A No.

4 MS. ROSS: One moment, please.

5 [Colloquy between counsel]

6 BY MS. ROSS:

7 Q Amia, just a few more questions now on that night that you went to the
8 hospital. You said that you went with the police, correct?

9 A No.

10 Q How did you get to the hospital?

11 A My mom drove us.

12 Q Mom drove you. All of you kids piled in your mom's car?

13 A Yes.

14 Q Okay.

15 MS. ROSS: No further questions. Thank you.

16 MS. RHOADES: Just briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY MS. RHOADES:

19 Q In that page that Miss. Ross gave you to read with that statement that
20 you gave to the police at the hospital, did the police officer that was questioning you
21 ever ask you whether you were lying down or standing up?

22 A No.

23 Q Do you remember if Mr. Speed asked you whether you were lying down
24 or standing up?

25 A No.

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1 Q Are you closer to any one of your brothers and sisters than the other?

2 A Yes.

3 Q Who are you closest to?

4 A Kayla.

5 Q There was some questions about two minutes or three minutes. I

6 mean, how long did it seem like it was lasting when he was doing that to your

7 breast?

8 A Some time, but I think it was two minutes.

9 Q Did it feel like a long time or a short time?

10 A It felt like a long time.

11 Q Amia, did you make all of this stuff up that you're coming and testifying

12 about today because you're mad at Tony for some reason?

13 A No.

14 MS. RHOADES: Nothing further, Your Honor.

15 [Colloquy between counsel]

16 MS. ROSS: Just very briefly.

17 RECROSS EXAMINATION

18 BY MS. ROSS:

19 Q Amia, when you were talking to officers that night --

20 THE COURT: Which night?

21 Q -- that you were at the hospital -- excuse me. You said that they didn't

22 specifically ask you if you were standing up, right?

23 A Yes.

24 Q And they -- they told you to tell them what happened, correct?

25 A Yes.

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1 Q And you thought the officers were there to help you, right?

2 A I don't know.

3 Q Okay. But at that time, the officers told you it was important to give
4 them details, correct?

5 A Yes.

6 Q So the officers didn't specifically ask you, but they asked you what
7 happened, correct?

8 A Yes.

9 Q And you did not tell them that Tony made you lie on the couch, right?

10 A No.

11 Q And when the lawyers today asked you to tell about that day, they just
12 asked you to tell what happened, right?

13 A (No audible response.)

14 Q Just -- just a little bit earlier they didn't specifically ask you where you
15 were standing or sitting, did they?

16 MS. RHOADES: Objection. I believe that misstates what the question was. I
17 believe I did --

18 THE COURT: Yeah.

19 MS. RHOADES: -- specifically ask her if she was laying down.

20 THE COURT: Just ask the question that -- I'll sustain that objection. I don't
21 understand that question.

22 MS. ROSS: Okay. I'll rephrase, Your Honor.

23 BY MS. ROSS:

24 Q When you came here to testify today, the lawyers told you to just say
25 what happened, right?

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A Yes.

MS. ROSS: Brief indulgence.

No further questions. Thank you, Amia.

MS. RHOADES: I have nothing further, Your Honor.

THE COURT: Jury have any questions this witness? Write them down.

[Court and counsel exit courtroom at 2:13 p.m.]

[Pause]

[Court and counsel enter courtroom at 2:14 p.m.]

THE COURT: Is it Amya (phonetic)?

THE WITNESS: Amia.

THE COURT: Amia, I'm sorry. Amia, what did you see when you saw Tony take Tyana from the bed -- where did you see them go?

THE WITNESS: To the extra room.

THE COURT: Questions? State?

MS. RHOADES: No, Your Honor.

THE COURT: Defense?

[Colloquy between counsel]

FURTHER RECROSS EXAMINATION

BY MS. ROSS:

Q When we're talking about this night when you said Tony took her to the extra room, were you looking under the door when you saw that?

A No, the door was opened.

MS. ROSS: Thank you.

THE COURT: Okay. Thank you, you can go. You can go.

THE WITNESS: Oh.

1 THE COURT: Call your next witness, State.
2 MS. RHOADES: Demarius Hasan.
3 THE COURT: Guys -- you guys need a break? No? Okay. Next one.
4 MS. RHOADES: Demarius Hasan.
5 THE COURT: Is this a long witness or short?
6 MS. RHOADES: Should be short, Your Honor.
7 THE MARSHAL: Watch your step. Remain standing and raise your right
8 hand and face our clerk.

9 DEMARIUS HASAN

10 [having been called as a witness and being first duly sworn, testified as follows:]

11 THE CLERK: Thank you. You can be seated. Please state your full name
12 and spell your first and last name for the record.

13 THE WITNESS: I'm Demarius Hasan, D-e-m-a-r-i-u-s H-a-s-a-n.

14 THE COURT: Go ahead.

15 MS. RHOADES: Thank you, Your Honor.

16 DIRECT EXAMINATION OF DEMARIUS HASAN

17 BY MS. RHOADES:

18 Q Hi Demarius, how are you?

19 A Good.

20 Q Good. You're using a very good voice and you're speaking into the
21 microphone so just keep that up for us, okay?

22 A Uh-huh.

23 Q And you can't say uh-huh or huh-uh --

24 THE COURT: No uh-huhs or huh-uhs.

25 Q -- because there's no buttons for those. You got to say yes or no or

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1 okay.

2 A All right.

3 Q Or all right. How old are you?

4 A Thirteen.

5 Q When is your birthday?

6 A April 1st.

7 Q What year?

8 A 2002.

9 Q So your birthday's tomorrow?

10 A Yeah.

11 Q All right. What grade are you in?

12 A Eighth.

13 Q And what school do you go to?

14 A Roy Martin.

15 Q How many brothers and sisters do you have?

16 A I have three sisters and one brother.

17 Q What's your brother's name?

18 A James Moody.

19 Q And what are your sisters' names?

20 A Tyana Hasan, Amia Hasan, Kayla Hasan.

21 Q What is your --

22 A I mean Kayla Moody. I messed up.

23 Q Say that again?

24 A Kayla Moody.

25 Q Kayla -- oh, Kayla Moody, okay.

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1 A Kayla Moody, yeah.

2 Q What's your mom's name?

3 A Aneesah Hasan.

4 Q Do you remember September of 2013?

5 A Yes.

6 Q Okay. Who did you live with back in September of 2013?

7 A Gregory Williams.

8 Q And who else lived with you?

9 A My mom.

10 Q Did your brothers and sisters live with you, too?

11 A Yes.

12 Q Do you see Gregory Williams here in court today?

13 A No.

14 Q You don't see him in court today?

15 THE COURT: Look around.

16 A Oh, yes.

17 Q Can you point to where he's sitting and tell me something he's wearing

18 today?

19 A He's right there (indicating). He's wearing a white shirt and a white tie.

20 THE COURT: Record reflect identified the Defendant.

21 MS. RHOADES: Thank you, Your Honor.

22 BY MS. RHOADES:

23 Q What did you call Gregory Williams when he was living with you guys?

24 A Tony.

25 Q And who was Tony?

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1 A He was him (indicating).
2 Q Who -- was he -- why did he live with you guys?
3 THE COURT: Great answer.
4 MS. RHOADES: I know.
5 BY MS. RHOADES:
6 Q Like who was he to you? How'd you -- how did you know him?
7 A He was my mom's boyfriend.
8 Q Okay. And did he live with you guys for a long period of time or a short
9 period of time?
10 A A long period of time.
11 Q Where were you guys living back in September 2013?
12 A In apartment.
13 Q Is it the same apartment you live in now?
14 A Yes.
15 Q Is it on Sunrise Avenue?
16 A Uh-huh.
17 Q How many bedrooms are in that apartment?
18 A Four.
19 Q And back in September 2013 did you share a room with anybody?
20 A I shared a room with my brother.
21 Q And did your mom and Tony sleep in another room?
22 A Yes.
23 Q And then did the girls sleep in the third bedroom?
24 A Yes.
25 Q Was there an extra spare bedroom?

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1 A Yes.

2 Q When Tony lived with you, where would he spend most of his time?

3 A In the living room.

4 Q And what -- was there something that he would wear all the time around

5 the house?

6 A Underwears.

7 Q Is that it?

8 A Yep.

9 Q Did Tony have a favorite out of you and your brothers and sisters?

10 A Yes.

11 Q Who was his favorite?

12 A Tyana Hasan.

13 Q How -- well why did you think that she was his favorite?

14 A Because she got treated differently than everybody else.

15 Q Tell us about that.

16 A Because we would get in trouble, but she would stay out of trouble all

17 the time.

18 Q And when you would get in trouble, would you have to stand in a

19 corner?

20 A Yes.

21 Q And who would tell you to stand in the corner?

22 A Him.

23 Q When you say him, are you talking about Tony?

24 A Yes.

25 Q When you got in trouble, would you have to sometimes go to your

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1 room?

2 A Sometimes, yeah.

3 Q When you would stand in the corner, what corners of the house would
4 you stand in?

5 A The fourth room, sometimes the bathroom or our room.

6 Q Is the fourth room what you call the extra bedroom?

7 A Yes.

8 Q Okay. Was there ever a time that James came to you and told you
9 something that he thought was going on with Tyana?

10 A Yes.

11 Q Was that one time or more than one time?

12 A More than one time.

13 Q More than one time? How many times?

14 A I heard it twice, but the second time we told our mom.

15 Q The first time do you remember not telling your mom?

16 A Yes.

17 Q So that second time you told your mom, was that the time that the
18 police came to your apartment?

19 A Yes.

20 Q And can you tell us how that happened on that day?

21 A Yeah, we was eating breakfast and our brother told us what happen
22 again and then our mom -- we told our mom and our mom called the police and then
23 he left.

24 Q And when you say he left, are you talking about Tony?

25 A Yes, Tony left --

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1 Q Okay.
2 A -- in his underwears.
3 Q Okay. Would Tony ever put Tyana in the corner?
4 A If she did something bad, yeah, but she'll get out quicker than us.
5 Q And how would she get out quicker?
6 A He'll tell her to come out.
7 Q And when he told her to come out, where would he tell her to come out
8 to?
9 A Out of the corner. She'll go in the living room.

10 [Colloquy between counsel]

11 BY MS. RHOADES:

12 Q When you and your brothers and sisters told your mom that time that
13 you were telling us about, was your mom happy, sad or something else?

14 A She was disappointed and sad.

15 Q And when you talked to your mom, were you guys all together when
16 you talked to her?

17 A Yes.

18 [Colloquy between counsel]

19 BY MS. RHOADES:

20 Q Did -- okay. Never mind on that one. Thank you, Demarius. That's all
21 I have for you right now, okay?

22 A All right.

23 Q Okay.

24 [Colloquy between counsel]

25 ///

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1 CROSS-EXAMINATION

2 BY MR. SPEED:

3 Q Demarius, you're 13 now, yes?

4 A Yes.

5 Q You are your mother's oldest son?

6 A Uh-huh.

7 Q In many ways you see yourself as the man of the house, don't you?

8 A Yes.

9 Q Has your mother ever told you, you have to be the man of the house,
10 you're my oldest?

11 A Yes.

12 Q And you take that very seriously, don't you?

13 A Yes.

14 Q And being the man of the house, the young man of the house, you think
15 it's your responsibility to protect your sisters and your mother and your younger
16 brother, don't you?

17 A Yes.

18 Q You take that very seriously, don't you?

19 A Yeah.

20 Q That's your family.

21 A Uh-huh.

22 Q Yes?

23 A Yes.

24 Q Being a man means you protect your family; isn't that right?

25 A Yes.

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1 Q How long was your mother, Aneesah, involved with Tony? You know
2 what I mean when I say that when I say involved?
3 A Uh-huh.
4 Q How long did she go with Tony?
5 A Like how long were they dating?
6 Q Yes, sir.
7 A I believe a few years.
8 Q Few years?
9 A Yes.
10 Q Do you remember when your mom first started dating Tony?
11 A Yes.
12 Q About when was that?
13 A A lot of years back.
14 Q Okay. You were big enough to remember though when they started
15 dating?
16 A Not the exactly date they went on, but --
17 Q When they started. When Tony became part of your life.
18 A Yes.
19 Q Okay. You thought of yourself as the man of the house then, right?
20 A Yes.
21 Q But mom got a new boyfriend.
22 A Yes.
23 Q And Tony would do things like make you kids stand in the corner.
24 A Yes.
25 Q He'd make you stand in the corner, he'd make your brother stand in the

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1 corner.

2 A Yes.

3 Q He'd make Amia stand in the corner.

4 A Yes.

5 Q And Kayla.

6 A Yes.

7 Q And Tyana.

8 A Yes.

9 Q But you said that he would let Tyana get out of the corner quicker than

10 the rest of you.

11 A Yes.

12 Q You didn't like that, did you?

13 A No.

14 Q You thought that all of you kids should be treated the same, didn't you?

15 A Yes.

16 Q In fact, when you were talking to Detective Flink when she was

17 interviewing all of you that night, the night that Tony was arrested, you told her that

18 very thing, didn't you?

19 A Yes. I believe so.

20 Q That we should all be just -- just treated like the same.

21 A Yes.

22 Q Now with mom having a new boyfriend and Tony not treating you all the

23 same, that upset you, didn't it?

24 A Yeah.

25 Q Now let's talk about some of these times when you said that you guys,

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1 your brothers -- your brother and your sisters were able to see some thing or you
2 had conversations about them seeing Tony doing things to Tyana.

3 A Yes.

4 Q You remember that? Okay, you never saw Tony do anything with
5 Tyana, did you?

6 A Only --

7 Q Is that a no?

8 A Yes. Only heard it.

9 Q Okay. You only heard it?

10 A Yes.

11 Q Okay. And when you say heard it, you saw them maybe leave where
12 you were and heard activity in another room or you heard talking?

13 A I heard talking --

14 Q Okay.

15 A -- and they tell me stuff.

16 Q You heard talking and they tell you stuff?

17 A Yeah, my brothers and sisters, they tell me stuff.

18 Q I see. Okay. So your brothers and sisters would tell you stuff?

19 A Yes.

20 Q All right. Now, you never saw Tyana -- and follow me now, Demarius.
21 You never saw your sister sitting on Tony's lap with Tony not having a shirt on and
22 just underwear, did you?

23 A That I did see.

24 Q You saw that?

25 A Yes.

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1 Q Okay. But you never told anybody about that, did you?

2 A No.

3 Q Do you think that's something that the man of the house does?

4 A No.

5 MS. RHOADES: Your Honor, I would ask to strike that. That was
6 argumentative.

7 THE COURT: That was. That was argumentative. Just you don't need to go
8 there.

9 BY MR. SPEED:

10 Q Now on the morning that your mom called the police and Tony was
11 taken away, did you go to the hospital, too?

12 A Yes.

13 Q You did, right?

14 A Yes.

15 Q Yes? Okay. And you say that all of you kids got in the back of mom's
16 car?

17 A Yes.

18 Q Okay. What does mom drive?

19 A A Ford Expedition.

20 Q And when I say all five of you, that's you and --

21 A Mia --

22 Q -- Mia --

23 A -- Kayla --

24 Q -- Kayla --

25 A -- James --

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1 Q -- James --
2 A -- and Tyana.
3 Q Okay. Mom's car, right?
4 A Yes.
5 Q You didn't get in a police car, did you?
6 A No.
7 Q And where does -- do you have an uncle named Kareem (phonetic)?
8 A Yes.
9 Q Okay, where does he live; do you know?
10 A Now he lives with my friend -- his friend --
11 Q Okay.
12 A -- Joe.
13 Q Where did he live then in 2013 when Tony was taken by the police?
14 A In his house.
15 Q Okay. Do you know how far his house was then from where you live
16 now?
17 A Yeah.
18 Q Did he come over that day?
19 A Yes.
20 Q Okay. But nobody went to the hospital with Uncle Kareem, did they?
21 They didn't drive to the hospital with Uncle Kareem?
22 A No.
23 Q No.
24 A He drove to the hospital where we was.
25 Q By himself in his car, right?

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1 A Yes, with my --

2 Q Okay.

3 A -- with my cousin.

4 Q All right. With your cousin?

5 A Yes.

6 [Colloquy between counsel]

7 MR. SPEED: That's all, Your Honor. Nothing further.

8 REDIRECT EXAMINATION

9 BY MS. RHOADES:

10 Q Hey Demarius. When you saw Tyana sitting on Tony's lap when Tony
11 was wearing nothing but underwear --

12 A Yes.

13 Q -- do you remember if she was facing him or was her back toward his
14 front?

15 A She was facing him.

16 Q How many times did you see that?

17 A A few times.

18 Q And you talked about you didn't see other things that you heard from
19 your brothers and sisters about Tyana and Tony, right?

20 A Yes.

21 Q You said you only heard it. Who did you hear it from?

22 A My little brother, James.

23 Q Anybody else?

24 A And -- yeah, they was talking about it in the room --

25 Q And when you --

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1 A -- and they always chattering. Yeah.

2 Q When you say they were talking about it in the room, who was talking
3 about it in the room?

4 A My big sister, little sister and all of us.

5 Q Including Tyana?

6 A Yes, including her.

7 Q Is that when you guys told your mom or a different time?

8 A That's when we told our mom and other times.

9 Q Other times?

10 A Yes.

11 Q Other times before the time you told your mom did you ever hear
12 anything from Tyana?

13 A No, she never said anything.

14 Q There was some talk about how you're the man of the house. You're 13
15 years old right now, right?

16 A Yes.

17 Q Okay, back in September of 2013 do you remember how old you were?

18 A Yeah, I was 11.

19 Q Okay. And back in September of 2013 Tony wasn't mom's new
20 boyfriend then. Is that fair to say?

21 A Yeah.

22 Q They'd been dating for quite a while?

23 A Uh-huh.

24 Q When an adult tells you something to do, do you do it?

25 A Yes.

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1 Q So when Tony would tell you what to do, did you listen to him and do
2 what he told you to do?

3 A Yes.

4 Q Okay.

5 MS. RHOADES: Nothing further, Your Honor.

6 RE CROSS EXAMINATION

7 BY MR. SPEED:

8 Q But Demarius, you said that sometimes Tony makes all of you kids
9 stand in the corner, right?

10 A Yes.

11 Q Including Tyana, right?

12 A Yes.

13 Q Now even though Tyana you said comes out a little bit quicker, she
14 would be punished the same way, right?

15 A Yes.

16 Q Okay.

17 MR. SPEED: That's all, Your Honor. Nothing further.

18 MS. RHOADES: I have nothing else, Your Honor.

19 THE COURT: Jury have any questions of this witness?

20 Just chill, just chill.

21 Did your mom ever make the kids stand in the corner?

22 THE WITNESS: No, not really.

23 THE COURT: Questions by the State?

24 MS. RHOADES: Just briefly.

25 ///

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FURTHER REDIRECT EXAMINATION

BY MS. RHOADES:

Q When you say no, not really, do you mean never, she never made you guys stand in the corner?

A Not never --

Q So sometimes she did?

A Yeah, because we never do any bad -- anything bad.

MS. RHOADES: Nothing else.

THE COURT: Mr. Speed?

MR. SPEED: Nothing further, Your Honor.

THE COURT: Okay. Thank you, sir, you can go.

We're going to take a five-minute recess. During the recess you're admonished not to talk or converse among yourselves or with anyone else --

Go ahead, son.

-- on any subject connected with the trial, or read or watch or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information, including without limitation newspapers, television, radio, the internet, or form or express an opinion on any subject connected with the trial till the case is finally submitted to you. Go ahead and take five minutes, please.

THE MARSHAL: Rise for the jurors.

[Jury out at 2:36 p.m.]

THE COURT: All right. Door is closed. Take five minutes.

[Off the record at 2:36 p.m.]

[Proceedings resumed at 2:49 p.m.]

THE MARSHAL: Rise for the jurors.

1 [Jury in at 2:50 p.m.]

2 THE COURT: You may be seated. Stipulate to the presence of the jury?

3 MR. SPEED: Yes, sir.

4 MS. KOLLINS: Yes, Your Honor. Thank you.

5 THE COURT: All right, call your next witness, please.

6 MS. KOLLINS: Analyst Cassandra Robertson.

7 THE MARSHAL: Watch your step. Remain standing, raise your right hand
8 and face our clerk.

9 CASSANDRA ROBERTSON

10 [having been called as a witness and being first duly sworn, testified as follows:]

11 THE CLERK: Thank you. Please be seated. State your name, spelling your
12 first and last name for the record.

13 THE WITNESS: Cassandra, C-a-s-s-a-n-d-r-a, Robertson, R-o-b-e-r-t-s-o-n.

14 DIRECT EXAMINATION OF CASSANDRA ROBERTSON

15 BY MS. KOLLINS:

16 Q Good afternoon, Ms. Robertson.

17 A Good afternoon.

18 Q Ma'am, how are you employed?

19 A I'm a forensic scientist in the biology DNA detail at the Las Vegas
20 Metropolitan Police Department.

21 Q And ma'am, do you have both education and experience that qualifies
22 you to function in that position?

23 A Yes. I have a Bachelors of Science degree from the University of
24 Central Florida in Microbiology and Molecular Biology, and I underwent a about
25 one-year training program at my previous employer, Florida Department Law

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1 Enforcement which -- sorry -- which entails numerous readings, practical, written
2 examination, oral examination, as well as supervised casework under the
3 supervision of my trainer and successfully completed a qualifying test. I underwent
4 a modified version of that training program at the Las Vegas Metro Police
5 Department.

6 Q And you mentioned a previous employer. Who was your previous
7 employer?

8 A Florida Department Law Enforcement.

9 Q And what was your position within the Florida Department of Law
10 Enforcement?

11 A I was a crime laboratory analyst in the biology DNA section.

12 Q And how long were you employed in Florida?

13 A I was there from December 2005 to October 2012 and at Las Vegas
14 Metro from 2012 to now.

15 Q Okay. And you told us what your position was. What do you actually
16 do for Metro?

17 A I examine items of evidence that are submitted for any possible body
18 fluid or biological material, such as blood, semen, saliva or skin cell. Once I've
19 possibly identified any of those biological materials, then I would try to attempt to get
20 a DNA profile from that material. Once I've obtained a DNA profile, then I will do a
21 comparison with any reference standards or reference profile related to the case.

22 Q How many DNA profiles have you extracted over the course of your
23 career with Florida, Nevada and compared them to a reference standard?

24 A I've worked approximately 500 cases between the two they -- career
25 and I've worked about thousand samples.

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1 Q And in between your initial bachelor's degree and your employment and
2 through the course of that, you take training classes that keep you up to date on
3 current technology. Is that fair to say?

4 A Yes. I am required to complete eight hours of external training in the
5 area of forensic DNA testing.

6 Q And -- and you've done that pretty much annually since you've been a
7 forensic scientist?

8 A Yes.

9 Q Okay. Let's start out here: What is DNA?

10 A DNA stands for Deoxyribonucleic Acid. It is the genetic blueprint that
11 make who we are. We get -- inherit two copies of our DNA, one copy from our mom
12 and one copy from our dad, and it's the same within most cells in our body and it is
13 from conception till when we pass away.

14 Q Okay. And when you say a copy from mom and copy from dad, that's
15 not to imply that they're the same, right?

16 A Correct. They're -- we're all individuals. The only individuals that might
17 have the same profile would be identical twins so your profile will be different from
18 your parents.

19 Q And most humans have DNA in common because we're human, right?
20 Because we're --

21 A Yeah.

22 Q -- human beings? Okay. Where does DNA come from within the body?

23 A They come from various cells, such as white blood cells, our skin cells,
24 even within our tissues, in our bone, from body fluids such as semen. They come
25 from our -- the sperm cells in semen, as well as our hair. Pretty much everywhere in

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1 our body there -- we have DNA present.

2 Q Okay. When -- here with the Metropolitan Police Department if you are
3 going to see if you can obtain a profile from a case that has been submitted to you,
4 how does that come about?

5 A Well I am assigned random cases from my supervisor, and once I'm
6 assigned a case, then I would have to obtain the evidence, so I request the
7 evidence from our evidence vault. Once I get the evidence, then I can proceed into
8 the case to examine those items to try to identify any biological material to take on
9 for DNA process.

10 Q Okay. So that's how you receive the items that may have been
11 collected from a crime scene or from a sexual assault kit or something of that
12 nature, correct?

13 A Correct.

14 Q Okay. And you made a -- you made a statement earlier that you
15 compare things from a crime scene or sexual assault kit to a reference standard.

16 A Yes.

17 Q What's a reference standard?

18 A A reference standard is a sample taken directly from an individual, so
19 when I run that particular sample I get that individual DNA profile. So it typically is a
20 swabbing of the internal cheek area to get the skin cells from your cheek onto the
21 swab.

22 Q And is there another name for those skin cells that are inside your
23 cheek?

24 A Yes, they're usually called buccal swabs or buccal.

25 Q And the skin cells are also called?

1 A Epithelial cell.

2 Q Okay. Now, turning your attention -- for each Metropolitan Police
3 number there is a reference or an event number so that that evidence and all those
4 items can be distinguished, correct?

5 A Yes.

6 Q Okay. Were you assigned a case under event number 130907-2553?

7 A Yes.

8 Q Okay. And were you requested to do comparison of some items
9 referring to that event number?

10 A Yes.

11 Q What were you asked to look at?

12 A I was -- I examined a sexual assault evidence kit --

13 [Telephone]

14 A -- from Tyana Hasan and I buccal swab from Greg Williams.

15 THE COURT: Wait, wait. Turn your phone off, please. Don't --

16 JUROR NUMBER 5: I'm sorry.

17 THE COURT: Don't make me take it.

18 BY MS. KOLLINS:

19 Q I'm sorry, Ms. Robertson, you were asked to look at --

20 THE COURT: Hold on. Hold on. I got to have the juror's attention.

21 JUROR NUMBER 5: I'm having trouble turning it off.

22 THE COURT: Okay.

23 JUROR NUMBER 5: I'm so very sorry.

24 THE COURT: It's all right. Go ahead.

25 MS. KOLLINS: I'm sorry. Give me a second.

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1 BY MS. KOLLINS:

2 Q You received a sexual assault kit from a Tyana Hasan?

3 A Yes. And a buccal swab from Greg Williams.

4 Q And typically how do you receive those items of evidence?

5 A I'm sorry?

6 Q I apologize. Typically how do you receive those items of evidence?

7 A I typically receive them in a sealed condition from our evidence vault.

8 Q Did you in fact receive both the buccal swab from Greg Williams and
9 the sexual assault kit from Tyana Hasan in a sealed conditions -- in a sealed
10 condition reference this case?

11 A Yes.

12 MS. KOLLINS: Your Honor, if I may approach the witness?

13 THE COURT: Yes.

14 MS. KOLLINS: Showing defense counsel what have been marked as State's
15 Proposed 3, State's Proposed 4 for purposes of identification; 3 being the buccal
16 swab of Gregory Williams and 4 being the sexual assault kit which would be 4 and
17 contents.

18 [Pause]

19 MS. KOLLINS: If I may approach the witness, Your Honor?

20 THE COURT: Yes.

21 MS. KOLLINS: Because I have quite a few exhibits, may I just have
22 continuing permission so I don't have to ask --

23 THE COURT: Yes.

24 MS. KOLLINS: -- you every time? Thank you.

25 BY MS. KOLLINS:

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1 Q Ms. Robertson, showing you what has been marked for purposes of
2 identification as State's Proposed Exhibit 3, do you recognize State's Proposed
3 Exhibit 3?

4 A Yeah.

5 Q Is that a yes?

6 A Yes.

7 Q How is it that you recognize that item?

8 A I recognize it by my handwriting, the case identifier, as well as my
9 initials on the evidence seal, my evidence seal.

10 Q Okay. Save and except your evidence seal, does it appear to be in
11 substantially the same condition as it was the first time you saw it?

12 A Yes.

13 Q Okay. And -- when you first received it, did you cause it to be opened
14 such that you could retrieve the items from inside?

15 A Yes.

16 Q And after you performed your testing, did you then seal it back up with
17 what you've referred to as your evidence seal?

18 A Yes.

19 Q Okay. And that -- everything else about that envelope appears to be
20 intact?

21 A Yes.

22 MS. KOLLINS: State would move for the admission of 3.

23 MR. SPEED: No objection, Your Honor.

24 THE COURT: Be admitted.

25 [State's Exhibit 3 admitted]

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1 BY MS. KOLLINS:

2 Q And showing you what has been marked as State's Proposed Exhibit 4,
3 do you recognize State's Proposed Exhibit 4?

4 A Yes, I do.

5 Q And how is it that you recognize State's Proposed Exhibit 4?

6 A With my -- with the case identifier and my handwriting, as well as the --
7 my evidence seal with my initials.

8 Q Okay. Save and except your evidence seal with your initials, does it
9 appear to be in substantially the same condition as it was when it arrived to you at
10 Las Vegas Metropolitan Police Department?

11 A Yes.

12 Q Okay. And other than -- and since -- let me say that a different way, I
13 apologize. After you tested it, did you then cause the blue seal with your initials to
14 be placed on the bottom of that?

15 A Yes.

16 Q And that was after you removed all of its contents?

17 A Yes.

18 MS. KOLLINS: State would move for the admission of 4.

19 MR. SPEED: No objection, Your Honor.

20 THE COURT: Be admitted.

21 [State's Exhibit 4 admitted]

22 BY MS. KOLLINS:

23 Q I'm going to leave these right here for you and we'll get to those --

24 A Okay.

25 Q -- in a second. Okay. Now, when you're going to conduct DNA testing,

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1 do you generally work on the submitted evidence first or the references first or is
2 there no order in which that you --

3 A I examine the evidence -- the evidence first, which I consider is a
4 question sample, and then I will process the -- I will examine the reference
5 standards last.

6 Q And something I want to ask you about your testing of the evidence
7 component, which in this case would be the sexual assault kit, and then -- and the
8 profile component that would be from a known individual. Those are not tested in
9 the lab at the same time, correct?

10 A Correct.

11 Q Those are separated by both space and time?

12 A Yes.

13 Q And typically in a reference standard you would have epithelial cells
14 and not sperm cells, correct?

15 A Correct.

16 Q Okay. I have gloves up there for you if you need them.

17 MS. KOLLINS: Your Honor, I'm going to ask that she open State's 3. Excuse
18 me. State's 4. If you want to use those.

19 THE COURT: As you're opening it if you'll just identify what you think is --
20 you're going to find in it and then as you open it, tell us what you found in it.

21 BY MS. KOLLINS:

22 Q If you could go ahead and open 4? And then we'll discuss the contents.

23 A (Witness complies.)

24 MS. KOLLINS: Your Honor, while Ms. Robertson is doing that, if Mr. Speed
25 and I could approach very briefly?

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1 THE COURT: Sure.

2 MS. KOLLINS: Just one moment.

3 [Bench conference begins at 3:04 p.m.]

4 MS. KOLLINS: She is hearing impaired, so when you don't talk to her she
5 can't -- she didn't hear you --

6 THE COURT: Okay.

7 MS. KOLLINS: -- okay?

8 [Bench conference ends at 3:04 p.m.]

9 BY MS. KOLLINS:

10 Q Ma'am, could you -- actually let me have those marked. Now that you
11 have opened that, I will have the contents marked.

12 MS. KOLLINS: The Clerk indicated to me she wanted them marked
13 independently, Your Honor.

14 THE COURT: Yeah. Does she need gloves?

15 MS. KOLLINS: It is biohazard.

16 THE COURT: Yes.

17 MS. KOLLINS: Probably.

18 THE COURT: You put gloves on, too.

19 THE CLERK: Proposed?

20 MS. KOLLINS: Let me -- well, I'll have her name them for the record --

21 THE COURT: All right.

22 MS. KOLLINS: -- then while you're getting your gloves on.

23 BY MS. KOLLINS:

24 Q Could you take them out each individually and just put what they are on
25 the record, and then I will have her put numbers on them.

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1 A We have a buccal swab standard.
2 THE COURT: That'll be marked 4A.
3 MS. KOLLINS: And I'll please take that.
4 THE CLERK: Please have the underwear be B.
5 THE COURT: No, whatever's in the bag.
6 MS. KOLLINS: What's wrong?
7 THE CLERK: I already wrote it so --
8 THE WITNESS: Vaginal and cervical swabs slash penile swabs.
9 THE COURT: Okay, that's -- that's 4B.
10 THE WITNESS: Rectal swabs.
11 THE COURT: That'll be 4C.
12 THE WITNESS: Oral swabs.
13 THE COURT: That'll be D, 4D.
14 THE WITNESS: Fingernail swabbing.
15 THE COURT: That'll be 4E, fingernail swabbing.
16 THE WITNESS: Underpant.
17 THE COURT: That'll be 4F.
18 THE WITNESS: Paperwork.
19 THE COURT: Paperwork will be 4G.
20 THE WITNESS: And these were not examined.
21 THE COURT: But they still came out of the bag?
22 MS. KOLLINS: They did. Can you just --
23 THE COURT: They have to be marked.
24 THE WITNESS: One is labeled debris slash bite marks slash secretion, and
25 the other one labeled miscellaneous.

1 MS. KOLLINS: Thank you.

2 THE COURT: Okay, H will be debris bite marks, I will be miscellaneous.

3 MS. KOLLINS: Your Honor, I've caused those all to be lodged in order with
4 your clerk today.

5 BY MS. KOLLINS:

6 Q Ma'am, are those all component parts of a sexual assault kit?

7 A Yes.

8 Q And that sexual assault kit was taken from Tyana Hasan on September
9 7th of 2013?

10 A Yes.

11 Q And attached to this event number?

12 A Yes.

13 Q And those are the typical components that you would find contained
14 within a sexual assault kit, correct?

15 A Yes.

16 Q Okay. You have one more envelope up there. Let's give the Clerk a
17 moment with those items. I believe 3 has been admitted. If you could cause 3 to be
18 opened for me? Actually, you know what, I don't need you to open that. What is --
19 do you know solely what's contained in 3?

20 A Yes.

21 Q What is it?

22 A It's a swab box that had two swabs in it that were taken from Greg
23 Williams.

24 Q Okay. Taken pursuant to a search warrant by Detective Flink?

25 A That I'm not sure.

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1 Q Okay.

2 MS. KOLLINS: That doesn't need to be opened, it just needs to be admitted.

3 BY MS. KOLLINS:

4 Q And when you -- there's no other component parts to that buccal swab,
5 correct?

6 A Correct.

7 Q Okay. That came to you just solo by itself?

8 A Yes.

9 Q And was never mixed with the sexual assault kit?

10 A I'm sorry?

11 Q Was never mixed with the component parts of the sexual assault kit.

12 A No.

13 Q Okay.

14 THE COURT: So you -- let me ask you this: You test the component part 4
15 first and you don't even have the other part in until you're done with that and then
16 you bring 3 in?

17 THE WITNESS: Yes, I -- I open and test the sexual assault kit first and I have
18 all the evidence, but then I go and at a later time work on the buccal swab.

19 THE COURT: And that's so that they don't get mixed up?

20 THE WITNESS: Correct.

21 THE COURT: Okay.

22 MS. KOLLINS: Okay. I think I asked her that but thank you.

23 THE COURT: Yeah, well you -- you weren't as clear as the Court.

24 MS. KOLLINS: You want to --

25 THE COURT: No.

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1 MS. KOLLINS: -- come on down?

2 THE COURT: No.

3 MS. KOLLINS: No? Okay. Be just like old times? Okay.

4 THE COURT: Just like old times.

5 MS. KOLLINS: Right. All right.

6 BY MS. KOLLINS:

7 Q The buccal swab for Gregory Williams, were you able to obtain a profile
8 from that buccal swab?

9 A Yes, I obtained a full male profile.

10 Q Okay. And when you say --

11 THE COURT: What does that mean? I was just asking what that means.
12 Just quit it. Stay up there.

13 MS. KOLLINS: Anytime.

14 BY MS. KOLLINS:

15 Q What does that mean, ma'am?

16 A I obtained a profile at all locations -- 15 locations of the DNA profile --
17 the DNA strand that I'm interested in, so I've obtained information at all 15 locations.

18 Q Okay. And when you say locations, what does that mean?

19 A They are specific areas on the DNA strand that is known as short
20 tandem repeat or short sequences, the repeated sequences side by side. So every
21 -- the 15 locations which is unique on the DNA strand, then it's unique -- it's highly --
22 highly unique between one individual to another. And these repeat unit is the one I
23 mentioned earlier you get one from -- half from your mom, half from your dad. Well
24 you get a set of repeat unit from dad and set of repeat unit from mom, so in a full --
25 in a single source profile, which is very -- what a buccal swab is, is you'll have

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1 twopeat (phonetic) or onepeat (phonetic). Twopeat means that you have a repeat
2 unit let's say of five, a repeat unit of six, one from one parent, one from another, or
3 you have one -- onepeat which is both parents contributed the same amount of
4 repeat unit, such as five and five. So in a full profile I see either two or onepeat at all
5 15 areas of the DNA.

6 Q Okay. You said you were able to develop that full profile.

7 MS. KOLLINS: Your Honor, if I could approach.

8 BY MS. KOLLINS:

9 Q I just want you to concentrate on this portion of the --

10 A Yes.

11 Q -- chart. Do you recognize what's depicted in just that second portion of
12 that chart?

13 A Yes.

14 Q Okay. And does that fairly represent the profile that you obtained from
15 the buccal swab from Gregory Williams?

16 A Yes.

17 THE COURT: That's marked as what?

18 MS. KOLLINS: Well, it's not marked yet because --

19 THE COURT: It is in the back.

20 MS. KOLLINS: Pardon me?

21 THE COURT: I can see the mark on the back.

22 MS. KOLLINS: Well, it's marked as 8, but I'm not offering yet because other
23 results on it.

24 THE COURT: Okay.

25 MS. KOLLINS: I'm just using it for the known of Gregory Williams.

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1 THE COURT: But you identified it and I wanted it -- Proposed 8.

2 MS. KOLLINS: Thank you.

3 BY MS. KOLLINS:

4 Q Are you able to see that up there, Ms. Robertson?

5 A Yes.

6 Q I'm showing you what is part of what is contained in Proposed 8. Do
7 you recognize that profile?

8 A Yes.

9 Q And do you recognize that charting?

10 A Yes.

11 Q Do you recognize that chart?

12 A Yes.

13 Q When you discussed the locations, do each one of those lines in that
14 column represent a location of DNA?

15 A Yes.

16 Q And when you discussed that there are generally one or two numbers
17 unique to each individual that are reflected at each one of those locations, is that
18 what is depicted in here as it is unique to Gregory Williams?

19 A Yes.

20 Q Okay. And that fairly reflects your analysis of his buccal swab, correct?

21 A Correct.

22 MS. KOLLINS: Are we good?

23 THE CLERK: I don't --

24 MS. KOLLINS: We all marked now?

25 THE CLERK: I just need Exhibit 4.

1 THE WITNESS: Oh.

2 THE CLERK: It's the envelope.

3 So if 4's admitted, is A through I admitted as well?

4 THE COURT: Yes.

5 [State's Exhibits 4A through 4I admitted]

6 THE CLERK: I can staple --

7 MS. KOLLINS: I don't -- I don't need the big envelope, I just need the stuff in
8 the middle. There we go. All right.

9 Your Honor, contents have been admitted for the record?

10 THE COURT: Yes.

11 MS. KOLLINS: Thank you.

12 BY MS. KOLLINS:

13 Q Okay. Now, sexual assault kits generally contain vaginal swabs; is that
14 correct?

15 A Yes.

16 Q And vaginal swabs were contained in the sexual assault kit that you
17 obtained pursuant to this event number that was taken from Tyana Hasan, correct?

18 A Yes.

19 Q Okay. Showing you what has been admitted as State's 4B, do you
20 recognize State's 4B?

21 A Yes, I do.

22 Q And what is contained in State's 4B?

23 A It has my case identifier in my handwriting written on the envelope.

24 Q Okay. And I guess I should have asked you first -- admitted 4A. Do
25 you recognize 4A?

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1 A Yes, I do.

2 Q And what is 4A?

3 A I'm sorry?

4 Q What is 4A?

5 A 4A is the buccal swab standard.

6 Q From?

7 A It's from Tyana Hasan.

8 Q Okay. And were you able to obtain a known or a reference standard for

9 Tyana Hasan?

10 A Yes.

11 Q Okay. And you obtained it from the buccal swab from that kit?

12 A Yes.

13 Q Okay. And were you able to get identifying information at all -- at all

14 marker levels or at all alleles?

15 A Yes. I obtained a full female profile.

16 MS. KOLLINS: Showing Mr. Speed what's been marked for purposes of ID as

17 State's 14, just using that for her known.

18 MR. SPEED: Hold on, hold on, hold on, hold on, hold on, hold on.

19 MS. KOLLINS: It had been previously provided in discovery.

20 MR. SPEED: Yeah. Go ahead.

21 BY MS. KOLLINS:

22 Q Showing you just that right-hand column from State's 14, does that

23 appear to be -- can you see -- you can see --

24 A Yes.

25 Q -- that on that screen?

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1 A Yes.

2 Q Does that appear to be the profile that you're able to obtain from Tyana
3 Hasan?

4 A Yes.

5 Q Okay. From the -- from the buccal swabs from the epithelial cells from
6 State's 4A?

7 A Yes.

8 Q Now, and I think I -- I jumped ahead of myself a little bit. You're also
9 able to obtain or you also generally obtain vaginal swabs in a sexual assault kit,
10 correct?

11 A Yes.

12 Q And you obtained those in this kit?

13 A Yes, I did.

14 Q Okay. Were you able to obtain any DNA material from those vaginal
15 swabs?

16 A Yes.

17 Q And what if anything did you find?

18 A I obtained sperm material as well as the -- as a protein that is found in
19 semen.

20 Q Okay. And prior to looking for semen or sperm, do you conduct a
21 different kind of test on a vaginal swab in a sex case?

22 A Yes, I also did a quick preliminary color test to test for an enzyme that is
23 highly found in semen.

24 Q Okay. And you said was -- is that a presumptive test?

25 A Yes, it's just a preliminary examination.

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1 Q Okay, and what -- from the presumptive test as to those vaginal swabs,
2 did you conclude whether or not there was semen or sperm present?

3 A The presumptive test was negative, however sperm was positive and
4 semen was indicated.

5 Q Okay. Were you able to get full profiles at all from that vaginal swab?

6 A When -- when I have samples that have sperm or semen present, I take
7 that one sample and I have to -- I separate it into two fractions to separate the
8 epithelial cells which is found from the individual that the swabs were taken from to
9 separate it from the sperm cell present on that sample. So in this case I have one
10 sample that got split into two fractions and I obtained a full profile in the epithelial
11 fraction which is where the skin cells or the epithelial cells are present, and I also -- I
12 obtained a partial profile in the sperm fraction which is typically from the sperm cell,
13 however sometimes it could be from the epithelial cells from the epithelial fraction.

14 Q Okay. Is it unusual when you test a vaginal swab that you're going to
15 get epithelial cells or skin cells from the person the swab is being taken from?

16 A No.

17 Q Okay. So when you say that you had two fractions, what does that
18 mean?

19 A It just means if you imagine one tube -- I started with one tube. That
20 sample just got separated into two separate tubes to better identify the profiles,
21 because if I just kept it in one tube and did not separate it, it would be a mixture or
22 possibly a mixture of the epithelial -- the -- the individual that provided the epithelial
23 cells and the individual that provided the sperm cells. So to separate that mixture
24 we separate it into two tubes.

25 Q Is it -- referring to this particular sample from the vaginal swab, was

1 there a high concentration of sperm available in that vaginal swab?

2 A No.

3 Q And if there's not a high concentration of sperm, what does that do to
4 your ability to get a full profile?

5 A It -- the lower the sperm count I don't expect to develop a male profile.

6 Q Okay. Is it unusual to have the epithelial cells from the person from the
7 sexual assault kit to be mixed or override the profile in the sperm cells?

8 A No. Again, this is started with one sample and got split so what is in
9 that sample can be present in both fractions.

10 Q So in this particular case regarding the vaginal swab from Tyana
11 Hasan, what were you able to determine?

12 A The -- I got a full profile from the epithelial fraction which is consistent
13 with Tyana Hasan and I got a partial profile in the sperm fraction which is consistent
14 with Tyana Hasan.

15 Q Okay. And that kind of goes back to my question earlier and I don't -- I
16 think I maybe got a little ahead of myself. When you say that the sperm fraction is
17 consistent with Tyana Hasan, does that just mean her skin cells are on that sperm
18 fraction?

19 MR. SPEED: Objection, Your Honor --

20 A It hers --

21 MR. SPEED: Objection, Your Honor; leading.

22 THE COURT: Overruled.

23 BY MS. KOLLINS:

24 Q Does -- does that just mean that her skin cells are on that sperm
25 fraction?

1 A Her -- it just means that her epithelial cells liced (phonetic) in that
2 fraction.

3 Q That her skin cells what? I'm not --

4 A Her epithelial cells, her skin cells broke open in that fraction.

5 Q Okay. But there's still a sperm cell there, correct?

6 A There's sperm --

7 MR. SPEED: Objection, Your Honor; leading.

8 THE COURT: That is leading. Is there.

9 BY MS. KOLLINS:

10 Q Can you tell me whether or not there was a sperm cell in that vaginal
11 swab?

12 A There's sperm present on the vaginal swab.

13 Q Okay.

14 MR. SPEED: Objection, Your Honor.

15 MS. KOLLINS: Objection what?

16 THE COURT: Wait, he's getting there. He's got to button his coat.

17 MR. SPEED: Withdrawn.

18 THE COURT: All right.

19 BY MS. KOLLINS:

20 Q So there was sperm present, but you were not able to get a full profile
21 from that present sperm on the vaginal cell?

22 MR. SPEED: Objection, Your Honor; leading.

23 THE COURT: Overruled. You --

24 MS. KOLLINS: Showing defense counsel what's been marked as State's
25 Proposed Exhibit 6 been provided in discovery. May I approach the witness?

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1 THE COURT: Yes.

2 BY MS. KOLLINS:

3 Q The vaginal cell or the vaginal swabs and the testing that you just
4 testified to, did you document that in preparation for trial?

5 A Yes.

6 Q And -- and did you chart that out for me?

7 A Yes.

8 Q Okay. Showing you what has been marked for purposes of
9 identification as State's Proposed Exhibit 6, do you recognize that?

10 A Yes, I do.

11 Q And what is State's Exhibit 6?

12 A It is the summary of the profiles that were obtained from the vaginal
13 swab.

14 Q Okay. Fairly and accurately depicts your results?

15 A Yes.

16 MS. KOLLINS: State would move for the admission of 6 and permission to
17 publish?

18 MR. SPEED: No objection.

19 THE COURT: Be admitted.

20 [State's Exhibit 6 admitted]

21 MS. KOLLINS: Is that clear on that TV? I can't see from --

22 UNIDENTIFIED SPEAKER: No.

23 THE COURT: Tom's not here so --

24 MS. KOLLINS: I'm sorry?

25 THE COURT: Tom's not here so he -- all right.

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1 BY MS. KOLLINS:

2 Q The column to the right, is that the known profile of Tyana Hasan?

3 A Yes.

4 Q And what is contained within item one?

5 A I'm sorry?

6 Q What is contained within column one?

7 A Those -- that is the full female profile that I've obtained from the
8 epithelial fraction from the vaginal swab.

9 Q And comparing the epithelial fraction full profile in column one to
10 column three, what can you tell us?

11 A That the profiles are consistent with each other.

12 Q Okay.

13 A If you look for -- for example, the first row which is labeled D8S1179,
14 the 10, 11 in the epithelial fraction is consistent with the 10, 11 from the buccal swab
15 from Tyana Hasan. And if you go down the profile, you make -- see if they're
16 consistent. And in this case both profiles are consistent with each other.

17 Q Because there's -- there are all these locations within DNA, all these
18 numbers in the left-hand column, correct?

19 A Yes.

20 Q And you looked for consistency between one and three and that's how
21 you match it to Tyana Hasan, correct?

22 A Yes, when I'm making my comparison.

23 Q Okay. Now, you testified that there was a sperm fraction that had
24 epithelial cells in it consistent with -- or there was a sperm fraction on that vaginal
25 swab that had epithelial cells from Tyana Hasan, correct?

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1 A Correct. Yes.

2 Q Okay. Still -- it was sperm positive, correct?

3 A Correct.

4 Q Okay. And would that analysis be reflected in the center column of that
5 chart?

6 A Yes, a sperm fraction.

7 Q Okay. And what can you tell us about the analysis in the center
8 column?

9 A The profile obtained from the sperm fraction on the vaginal swab is a
10 partial profile and the -- the reason it's a partial, if you notice at amelogenin or
11 D5S818 down at the bottom, there are two asterisks, meaning I don't have the
12 complete -- they're below my interpretation threshold, therefore I cannot make any
13 interpretation at those two locations and now it's a partial. If you notice the full I
14 have numbers at all 15. In the partial I only have numbers at 14 minus the
15 amelogenin which just let's me know if it's a male or a female sample.

16 Q So again, you knew that there was sperm in there, you just were not
17 able to obtain a profile from the sperm fraction --

18 MR. SPEED: Objection, Your Honor; leading.

19 THE COURT: Overruled. You can answer that.

20 THE WITNESS: Yes.

21 BY MS. KOLLINS:

22 Q Okay. Now, taking you to evidence item 1.3, do you remember what
23 1.3 was?

24 A It was the rectal swab.

25 Q And when -- did those come to you in a separated condition from the

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1 vaginal swabs?

2 A Yes.

3 Q And were you able -- well, let me just show you admitted 4C. Do you
4 recognize 4C?

5 A Yes, I do.

6 Q And how do you recognize 4C?

7 A It has my -- the case identifier in my initial -- in my handwriting.

8 Q And appears to be the rectal swabs from the sexual assault kit from
9 Tyana Hasan connected to this event number that we've been talking about today?

10 A Yes.

11 Q Okay. Were you able to get any DNA material from the rectal swabs?

12 A Yes, I was.

13 Q Did you perform the same presumptive test for sperm or semen that we
14 talked about earlier?

15 A Yes.

16 Q And what's the name of that test again just for the record?

17 A It's called the acid -- acid phosphatase test which is named after the
18 enzyme that I'm testing for.

19 Q Okay. And was that positive or negative?

20 A It was negative.

21 Q Okay. Negative presumptive test. When you actually looked at the
22 swab, were you able to locate any DNA material despite the negative test?

23 A I did further examination, trying to identify sperm cells or the protein that
24 is found in semen.

25 Q Were you -- did you find that?

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1 A Yes. Semen was indicated, meaning the protein was identified as well
2 as sperm was present.

3 Q Is it unusual to have a negative presumptive test but then go on to
4 locate sperm or semen?

5 A No.

6 Q Does that happen frequently?

7 A It happens sometimes, yes.

8 Q Okay. Were you able to extract a profile -- well, I'm sorry, let me back
9 up just second. Did you say you found semen or you found sperm?

10 A I found both --

11 Q Both.

12 A -- the protein and sperm cell.

13 Q Okay. And generally the DNA or the profile's obtained from the sperm
14 cell, correct?

15 A Correct.

16 Q Okay. And did -- were you able to find a sperm cell that you were able
17 to get a full profile from, from that rectal swab?

18 A There -- there was the sperm count that I've obtained or I've observed is
19 -- I expected to see a profile.

20 Q Okay. Was the sperm count on the rectal swab different than the
21 sperm count from the vaginal swab?

22 A Yes.

23 Q Okay. Were you able to obtain profiles from the material on the rectal
24 swabs?

25 A Yes.

1 Q Okay. And did you document those findings?

2 A Yes, I did.

3 MS. KOLLINS: Showing defense counsel what have been marked for ID as 7
4 and 8.

5 May I approach?

6 THE COURT: Yes.

7 BY MS. KOLLINS:

8 Q Showing you what has been marked for purposes of identification as
9 State's Proposed 7 and State's Proposed 8, do you recognize both of those as being
10 prepared by you reflecting your results in this case?

11 A Yes.

12 Q And you prepared those in order to testify today?

13 A Yes.

14 Q Okay. And they're consistent with the report?

15 A Yes.

16 Q Okay.

17 MS. KOLLINS: State would move for the admission of 7 and 8 and ask for
18 permission to publish.

19 MR. SPEED: No objection, Your Honor.

20 THE COURT: They'll be admitted. Seven and eight.

21 [State's Exhibits 7 and 8 admitted]

22 THE CLERK: Was 14 admitted?

23 THE COURT: Fourteen has not been admitted yet.

24 MS. KOLLINS: No. We haven't got that far yet, sorry.

25 BY MS. KOLLINS:

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1 Q Did you analyze more than one component that came from the rectal
2 swabs?

3 A I -- I was -- I was able to separate that rectal swab into two fractions just
4 like I did with the vaginal swab.

5 Q And when you say two fractions, again what do you mean?

6 A The epithelial fraction and the sperm fraction.

7 Q Okay. Would you expect to see an epithelial fraction from the person
8 the sexual assault kit was taken from?

9 A Yes.

10 Q Okay. And when you separated those two fractions, were you able to
11 get profiles from both of those two fractions?

12 A Yes.

13 Q From the epithelial and from the sperm?

14 A Yes.

15 Q Okay. Showing you what's been admitted as State's 7, those are -- that
16 reflects the epithelial fraction?

17 A Yes, it is.

18 Q And your results from profiling that epithelial fraction, who are they
19 consistent with?

20 A It is a mixture and I was able to pull out a major component, meaning
21 this individual contributed more DNA than the other individuals in the mixture. A
22 mixture is more than one individual's DNA is mixed together. It could be two, three,
23 four -- just more than one person. So in this case I have a mixture and I have one
24 contributor that contributed more DNA than the other individual and I was able to
25 pull that profile out and it's known as the major contributor.

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1 Q And in this case that was who?
2 A It is consistent with Tyana Hasan.
3 Q Okay, and when you say a mixture can be three or four individuals, you
4 don't mean to imply that you have a mixture of three or four people here, correct?
5 A Correct. It was just an example.
6 Q Okay. Now, you were able to get that skin cell fraction. You were also
7 able to get a sperm fraction from that rectal swab --
8 MR. SPEED: Objection, Your Honor.
9 MS. KOLLINS: I'm just moving on to the next component of the examination.
10 MR. SPEED: In characterizing -- what are you looking at? What number
11 exhibit?
12 MS. KOLLINS: State's Admitted 8.
13 MR. SPEED: In characterizing column one -- this the next one or the last one
14 you were talking about?
15 MS. KOLLINS: This is the next one.
16 MR. SPEED: Okay, the last one you were talking about.
17 MS. KOLLINS: I -- my --
18 MR. SPEED: The skin cell fraction is what --
19 MS. KOLLINS: -- my --
20 MR. SPEED: -- I'm talking about.
21 MS. KOLLINS: -- my question is -- my --
22 THE COURT: Is -- is it from Exhibit 8?
23 MR. SPEED: Right.
24 THE COURT: Okay. Overruled.
25 MR. SPEED: Well I -- well I'm not sure if it's from Exhibit 8 or from the last

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1 one she was talking about but -- we can move on, Your Honor, I'm sorry.

2 MS. KOLLINS: Just -- just for the record, Exhibit 7 is the epithelial cell. I was
3 done with that. I'm moving on to the sperm --

4 THE COURT: Right.

5 MS. KOLLINS: -- fraction from the same component of the sexual assault
6 examination.

7 THE COURT: Okay.

8 MR. SPEED: Characterization of the item in Exhibit 7 as a skin cell. It was an
9 epithelial fraction, correct?

10 THE COURT: You'll be able to cross-examine.

11 MR. SPEED: Thank you, Your Honor.

12 BY MS. KOLLINS:

13 Q Are the words epithelial and skin generally interchangeable?

14 A Epithelial and skin cells or skin -- epithelial cells and skin cells are
15 interchangeably used.

16 Q Thank you. Showing you what has been admitted as State's 8, and
17 we're still on the rectal swab lab item 1.3. Does what's depicted in State's 8
18 represent your analysis and your profiling of that component part of this
19 examination?

20 A Yes.

21 Q Okay. Tell me what you did in reference to this charting and what
22 conclusions you drew.

23 A This is a capture of the profile that was obtained from the sperm fraction
24 on the rectal swab.

25 Q Okay. When you say capture of the profile, what does that mean?

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1 A It is me summarizing what the profile looks like that I see onto a table.
2 So this is what the profile looks like for the sperm fraction on the rectal swab.
3 Q Okay. And that profile is contained in column one, correct?
4 A I'm sorry?
5 Q That profile is contained in column one --
6 A Yes.
7 Q -- in the chart?
8 A Yes.
9 Q And you have placed a second column on that exhibit for us. What is
10 depicted in that column?
11 A It is the profile obtained from the buccal swabs from Greg Williams.
12 Q When you compare the profile from the sperm fraction in column one to
13 the known profile of Greg Williams in column two, as an analyst what did you
14 conclude?
15 A That they are consistent with each other.
16 Q Okay. And do you use a frequency regarding their consistency?
17 A Yes.
18 Q And what is that consistency numerically?
19 A It is the -- the -- the probability of randomly selecting another individual
20 in the population and running their profile to be consistent with the evidence which is
21 a profile from the sperm fraction is rare than 1 in 700 billion.
22 Q Okay.
23 THE COURT: Billion?
24 THE WITNESS: I'm sorry?
25 THE COURT: It was --

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1 THE WITNESS: Billion.

2 THE COURT: Billion.

3 THE WITNESS: Identity is assumed.

4 BY MS. KOLLINS:

5 Q Okay. And that 1 in 700 billion number that is larger than the world
6 population, correct?

7 A Yes, it's -- it's a cutoff which is a hundred times greater than the -- the
8 world population which is approximately seven billion.

9 Q Okay. So where is the only other place you would expect to see that
10 identical profile other than Greg Williams?

11 A I'm sorry?

12 Q Would you only see that in an identical twin?

13 A You can see it in -- in an identical twin if he has one.

14 Q There are some scrapings that were taken from the fingernails, correct?

15 A Yes, there were swabbings taken from that.

16 Q And were you able to get any profile from the fingernail scrapings
17 contained in 1.1 or excuse me, 1.51?

18 A May I refer to my report?

19 THE COURT: Yes.

20 Q Would it refresh your recollection to do so?

21 A Yes. Yes.

22 MS. KOLLINS: Do you have any opposition, Mr. Speed?

23 MR. SPEED: (No audible response.)

24 THE WITNESS: In reference to the right-hand fingernail swabs, I -- no
25 conclusion could be reached because the profile was not suitable for comparison.

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1 BY MS. KOLLINS:

2 Q And those fingernail swabbings were also a component of that sexual
3 assault kit?

4 A Yes.

5 Q Contained in 4E?

6 A Yes.

7 Q Let me get these out of your way. Now, did you also look at a pair of
8 underwear?

9 A Yes, I did.

10 Q And that was also a component part of the sexual assault kit?

11 A Yes.

12 Q Showing you what's been admitted as 4F, does -- do you recognize 4F?

13 A Yes, I do.

14 Q That's the underwear taken in this case?

15 A I'm sorry?

16 Q That is -- those are the underwear that were taken in this case?

17 A Yes.

18 Q Okay. And you placed them back in a sealed condition when you were
19 through with them?

20 A Yes.

21 Q Back in the sexual assault kit component parts?

22 A Yes.

23 Q Okay. Now, prior to doing any profiling work on anything you may or
24 may not have found on the underwear, did you conduct the same kind of
25 presumptive test that we talked about before?

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1 A Yes.

2 Q And what if anything did you see regarding the underwear?

3 A I identified -- it was -- the presumptive test was positive for the enzyme
4 known as acid phosphatase on the underwear.

5 Q And so when it's presumptive positive for acid phosphatase what does
6 that tell you?

7 A It -- what it does is it narrows down where there could possibly be
8 semen. So in this case I first took a swabbing of the interior crotch area of the
9 underwear and then I proceeded to do a -- the presumptive test on the underwear
10 itself and I was able to identify two areas that were positive on the underwear.

11 Q And once you find those two positive areas, is that -- does that help you
12 focus your search or your attempts to create a profile?

13 A It narrows down. So I will then take some cuttings from those things
14 separately, they're run separately, to try to obtain -- well I will also look for sperm
15 cells and the protein found in semen, but I'm also going to try to attempt to get a
16 profile if present.

17 Q Okay. So you said there were two stains total in the underwear,
18 correct?

19 A Yes.

20 Q Okay. And did you separate those for testing purposes?

21 A Yes.

22 Q Now, let's just concentrate on the first stain first. Where was that
23 located in the underwear?

24 A It is located on the -- on the underwear halfway in between the -- the
25 crotch -- the crotch area where it has a thicker material and it goes halfway up the

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1 back side of the underwear.

2 Q Okay. So the first -- the first stain came from within that area?

3 A Yes.

4 Q Okay. What did you do with the first stain?

5 A I -- once I've identified this area, I took three cuttings, small cuttings, put
6 them in a tube and tried to identify any sperm cells and the protein found in semen.

7 Q Did you find anything?

8 A Yes, it was semen indicated, meaning the protein was identified, as well
9 as sperm positive, meaning I was able to identify sperm cells.

10 Q And once you identified those cells what did you do?

11 A I took that -- those cuttings in the tube and took it on for DNA analysis.

12 Q Were you able to find a profile?

13 A Yes.

14 Q And anything else unique about that first profile that you were able to
15 find?

16 A I'm sorry?

17 Q Anything else unique about that first profile from the first stain?

18 A Well I -- because I found sperm, I did the same process with the rectal
19 and the vaginal swab. I separated it into epithelial fraction and sperm fraction.

20 Q Okay. So -- and that was kind of consistent with the rest of your testing
21 in this case; there'd be a epithelial portion and then a sperm portion?

22 A If sperm is present, yes.

23 Q Okay. Yeah, if sperm was present.

24 A Yes.

25 Q I wasn't being -- I wasn't assuming, I was just trying to be clear.

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1 MS. KOLLINS: Your Honor, showing Mr. Speed what have been marked for
2 purposes of identification as State's Proposed 10 and 11.

3 BY MS. KOLLINS:

4 Q Just have you take a quick look at State's 10 and 11. Do you recognize
5 those documents?

6 A Yes, I do.

7 Q How is it that you recognize them?

8 A It is the summary from the profiles and I -- my initials on the pages.

9 Q Okay. And part of the analysis and the profiling you did in this case,
10 correct?

11 A Yes.

12 Q Okay. And you created those for court for purposes of today?

13 A Yes.

14 MS. KOLLINS: State would move for the admission of 10 and 11.

15 MR. SPEED: No objection, Your Honor.

16 THE COURT: Will be admitted.

17 [State's Exhibits 10 and 11 admitted]

18 BY MS. KOLLINS:

19 Q And similarly before you said you had a split -- split profile or you split
20 the fractions. I'm going to start with the skin cells or the epithelial cells first.

21 MS. KOLLINS: Permission to publish 10, Your Honor?

22 THE COURT: Yes.

23 MS. KOLLINS: Is that -- hold please. Oops. Is that better or worse over
24 there? Can't tell.

25 BY MS. KOLLINS:

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1 Q Just having you look at State's Admitted 10, tell us what you did to
2 come up to the -- with the conclusions that we see in State's 10.

3 A Stain one from the epithelial fraction from the underwear I obtained a
4 mixture of at least two individuals with at least one being a male, and in this case I
5 was not able to pull out a major component, meaning the individuals may have
6 contributed about the same amount of DNA. But when I do my comparison at the
7 end, I take Tyana's profile and compare it to the profile, the epithelial fraction profile
8 and see if her alleles or her markers are present. And in this case it is consistent
9 within that mixture.

10 And then I did the same concept with the profile obtained from Greg
11 Williams and compared his markers to that mixture to see if he -- his markers are
12 consistent with that mixture, which they are. So I was not able to -- I was -- I could
13 not exclude either one of them and I followed up with a statistical value.

14 Q Okay. Your mixture profile is depicted in column one; is that right?

15 A Yes.

16 Q And then the known profile of Tyana Hasan is in column two.

17 A Correct.

18 Q And the known profile of Greg Williams is in column three.

19 A Correct.

20 Q And you said that they both contributed roughly the same amount of
21 DNA?

22 A Yes.

23 Q And -- and you said that's why there's not one overriding the other like
24 we talked about in the vaginal swab, right?

25 A There's not one --

1 Q Major contributor --

2 A -- contributing more --

3 Q Okay.

4 A -- such as one is not being a major.

5 Q So when you look at the very first row, D8S1179, and we look at the
6 first column, 10, 11, 12, 13, and then you look at the two at the known profiles, what
7 does that tell you?

8 A That the -- the 10, 11 from Tyana is consistent with the 10, 11 in the
9 mixture and the 12, 13 from the profile from Greg Williams is consistent with the 12,
10 13 at that location.

11 Q Okay. And then similar analysis on into the second column?

12 A Yes.

13 Q So the 29, 30 coming from where?

14 A The 29, 30 is consistent with the profile from Greg Williams and the 32,
15 32.2 is consistent with Tyana Hasan.

16 Q And you mentioned earlier you knew that there was a male contributor
17 to this mixture. How is it that you know there's a male contributor to the mixture?

18 A At the location known as amelogenin or where you see an X and a Y, if
19 there's a Y present, then a male individual is present in that mixture. Don't know
20 how many, but at least one. So a female would be an X and a X. You know, get the
21 X from mom, get an X from dad. And a male would be an X and a Y, so they would
22 get the X from mom and the Y from their father.

23 Q And you'll always see the Y chromosome in a male, right?

24 A Correct.

25 Q Okay. And similar analysis the rest of the way through; I mean we don't

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1 have to go through all these numbers?

2 A Yes.

3 Q Okay. Now, before I pull that down, you said that you were able to
4 make a calculation about that mixture at least as it -- just as it pertains to that
5 mixture. What was that calculation?

6 A Approximately 1 in 8.08 million individuals in the general population can
7 be included as a possible DNA contributor to the -- the mixture.

8 Q Okay. Can Greg Williams be excluded from -- as being a contributor
9 from that mixture?

10 A He could not be excluded.

11 MR. SPEED: Your Honor, we'd object. May we approach, please?

12 THE COURT: Yeah.

13 [Bench conference begins at 3:51 p.m.]

14 MR. SPEED: The first time I believe I let it slide and that's probably my fault,
15 but this is the second time that the State has committed what's been known or
16 what's been called a prosecutor's fallacy. What she's doing is conflating two
17 different formulas or two different ways of either including or excluding people from a
18 DNA profile in an effort to show that the numbers that the analyst has compiled is
19 more indicative of the Defendant's guilt rather than the inclusion -- probable
20 inclusion or exclusion of a certain number of people fitting a certain profile --

21 THE COURT: That's --

22 MR. SPEED: -- from the general population.

23 THE COURT: Okay.

24 MR. SPEED: And I've got case law --

25 THE COURT: How much more --

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1 MR. SPEED: -- to cite to it.
2 THE COURT: -- longer are you going to be?
3 MS. KOLLINS: I have a lot of DNA.
4 THE COURT: All right. Then we'll come back tomorrow. Let's take a break
5 now, you can make your objection, we can put it on the record.
6 MR. SPEED: Certainly.
7 MS. KOLLINS: Can I make a record before we walk away from --
8 THE COURT: Yeah.
9 MS. KOLLINS: -- this nonsense?
10 MR. SPEED: Excuse me. And I'd object to the characterization --
11 THE COURT: That's --
12 MR. SPEED: -- of a legitimate objection --
13 THE COURT: I know.
14 MR. SPEED: -- as nonsense on the part of the Government.
15 THE COURT: She --
16 MS. KOLLINS: As to --
17 THE COURT: He has to object.
18 MS. KOLLINS: As to the numerical calculation for this mixture, it is
19 referenced in the report by the analyst as -- he cannot be excluded. If we notice the
20 number is substantially different than the identity --
21 THE COURT: All right.
22 MS. KOLLINS: -- number because it's a mixture and that is the --
23 THE COURT: We're going to put this all on the record --
24 MS. KOLLINS: Okay.
25 THE COURT: -- so that you can argue it.

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1 [Bench conference ends at 3:53 p.m.]

2 THE COURT: We're going to take our evening recess. During this recess
3 you're admonished not to talk or converse among yourselves or with anyone else on
4 any subject connected with this trial, or read or watch or listen to any report of or
5 commentary on the trial or any person connected with this trial by any medium of
6 information, including without limitation newspapers, television, radio or the internet,
7 form or express an opinion on any subject connected with the trial till the case is
8 finally submitted to you. See you in the morning at 9:00. I have no hearings so we'll
9 start as soon as we get everybody here.

10 MS. KOLLINS: Okay.

11 THE MARSHAL: Jurors, please leave your notebooks and pens.

12 THE COURT: You'll have to come back in the morning.

13 [Jury out at 3:54 p.m.]

14 THE COURT: You can -- you can go.

15 THE WITNESS: Okay.

16 THE COURT: I'm letting the witness go.

17 MS. KOLLINS: Okay.

18 THE COURT: Do you want talk to her?

19 MS. KOLLINS: I -- I do.

20 THE COURT: Okay.

21 MS. KOLLINS: I just thought we'd let the jury get out before we let her go so I
22 didn't know you were going to --

23 THE COURT: Okay.

24 MS. KOLLINS: We will hurry.

25 THE COURT: Okay.

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1 MS. KOLLINS: Sorry I'm slow.
2 THE WITNESS: Okay. So be here by 9:00?
3 MS. KOLLINS: Yes.
4 THE WITNESS: Okay.
5 MS. KOLLINS: Thank you, ma'am.
6 THE WITNESS: Okay, thank you.
7 THE COURT: All right. You wanted to make a record, Mr. Speed.
8 MR. SPEED: Just a moment, Your Honor, until the witness leaves.
9 MS. KOLLINS: Can I just figure out where I'm at with exhibits before we start
10 to make --
11 THE COURT: Yeah, let's --
12 MR. SPEED: Sure, sure, sure.
13 THE COURT: -- make sure we got all of our exhibits.
14 MS. KOLLINS: -- to make sure nobody walked out with anything --
15 MR. SPEED: Sure, we've got a lot of stuff around here.
16 MS. KOLLINS: None of those go in this pile, right? That are over there.
17 MS. RHOADES: Right, I don't have any of those exhibits.
18 THE COURT: Just make sure the Clerk has all of the proposed -- marked
19 exhibits whether they're admitted or not yet.
20 MS. KOLLINS: And 9 would be that crazy fingernail thing that I didn't want to
21 go into --
22 THE CLERK: Looking for F. 4F.
23 THE COURT: That's the underpants.
24 THE CLERK: Good job.
25 THE COURT: I -- I once in a while do good.

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1 THE CLERK: Six, 7, 8, 10, 11.

2 MS. KOLLINS: I'm working, working, 7, 8 -- 5. Did we -- was 1 admitted?

3 THE CLERK: No.

4 MS. RHOADES: Not yet.

5 MS. KOLLINS: One, 2, 3. I think that covers it.

6 THE COURT: All right. You got everything?

7 THE CLERK: I don't know, Your Honor.

8 THE COURT: Well that's your problem, it's not mine.

9 All right. Let's let Mr. --

10 [Colloquy between counsel]

11 THE COURT: They're talking. Just a minute, Mr. Speed.

12 MR. SPEED: Your Honor, we lodged an objection and this was the second
13 time that I believe this error by the State arose in our trial. The first time was when
14 the witness was discussing what was called the 1 in 700 billion likelihood of either
15 the epithelial fraction or the sperm fraction of Tyana being included and that either
16 one of those individuals being excluded from the profile that she was able to obtain
17 from her analysis of the different items of evidence.

18 What occurred was a classic example of what's been called the
19 prosecutor's fallacy. That is where an assertion is made that falls -- or I'm sorry, that
20 conflates two different values that these kinds of analysts are trying to discovery, the
21 random match probability of a person's inclusion or exclusion in a certain population
22 or having their genetic profile be included or excluded with a reference sample and
23 source probability; that being that the -- a sample that has been tested actually
24 belongs to or a fraction of a sample that has been tested actually belongs to a
25 referenced individual.

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1 In our case the comment was made from the witness stand about there
2 being a 1 in 700 billion likelihood of Mr. Williams being included or excluded from the
3 profile that she was able to obtain and after that Ms. Kollins asked her a line of
4 questions that called for her to make some conclusion, an erroneous conclusion
5 about an identical twin or -- or the odds of this profile belonging to Greg Williams or
6 his identical twin. It's a classic example of conflating these two values and the case
7 that I'm reading from is from the Ninth Circuit, it's *Troy Brown versus Craig Farwell* --
8 I'll give the Court a cite in just a moment.

9 I'll have to find the cite. Do you have the cite for that?

10 MS. ROSS: I'll find it.

11 MR. SPEED: Get on the internet for that.

12 MS. ROSS: Yeah.

13 MR. SPEED: But again, the parties' names are *Troy Brown v. Craig Farwell*,
14 the last name of the defendant is F-a-r-w-e-l-l, and the note about the prosecutor's
15 fallacy in my copy of the case falls at page 4885. And we heard and -- another
16 example of it just now when I lodged the more contemporaneous objection.

17 I have an issue with the continued use of this expert's testimony to
18 make what should be relatively simple matters that much more confusing. For
19 example, the continued reference to EF when we look at these loki (phonetic) charts
20 or loci charts, allele ladders, allele charts as skin fractions. These are not skin
21 fractions, these are epithelial fractions and I believe that it's important for us to
22 maintain that distinction. Epithelial cells are not skin cells exclusively. Epithelial
23 cells are one of four kinds of basic animal tissue. The other three are muscle cells,
24 connective cells, connective tissue and nervous tissue.

25 So for the State to continue to refer to the items that are marked in their

1 exhibits and -- and identified with the initials EF as skin cells, it's incorrect and it's
2 misleading to the jury. The jury will be left with the impression that everything that
3 falls under EF is a skin cell of some kind and that's not true. That is 100 percent
4 inaccurate and we'd ask the Court to enter an order in limine preventing the State
5 from continuing to do that.

6 THE COURT: Well you haven't cross-examined, but let me hear from the
7 State.

8 MS. KOLLINS: I -- that was so convoluted I don't even know where to start.
9 Let's start -- first of all, he talks about me offering 1 in 700 billion as an identifier as
10 to Tyana Hasan. That is not what I did. What she testified to was that Greg
11 Williams' profile as it appeared with those numbers at those alleles would occur one
12 time in 700 billion. That is however exponentially many times over the planet
13 population is. So I -- honestly I don't know what he's talking about. So all I can say
14 is that's what she testified to. That is the way that -- those are the numeric
15 calculations used by every forensic scientist. So to convolute that with somehow
16 I've identified Tyana with that, I don't even know what that means at this juncture
17 today.

18 Second of all, the exclusionary number that he keeps calling the
19 prosecutor's fallacy, that is the language from the report by this analyst regarding a
20 mixture because she cannot make an identification statement from a mixture
21 especially when she's talking about at each loci there are two substantially equal
22 contributors that are above her range of reporting. So she is reporting multiple
23 persons or a mixture at each one of those alleles.

24 MR. SPEED: Well I have to --

25 MS. KOLLINS: She -- I -- don't interrupt.

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THE COURT: Wait.

MR. SPEED: I'm sorry, but I have to stop you --

THE COURT: Don't interrupt.

MR. SPEED: Judge, there's --

MS. KOLLINS: Come on.

THE COURT: Don't interrupt.

MR. SPEED: There is a problem here with what the State is saying. These aren't substantially equal contributors. That's another error where we're talking about --

MS. KOLLINS: That's cross.

THE COURT: You're going to be able to cross-examine, but --

MR. SPEED: Fine.

THE COURT: Take a deep breath.

MS. KOLLINS: She testified that there are substantially equal contributors at each loci and that is -- she cannot make an identity statement when you have a mixture, she has to look at the known profile of Gregory Williams and say it cannot be excluded from my profile. She cannot say it any other way. If she said that there was identity assumed, then we'd be hearing about that, so I don't know what this prosecutor's fallacy is in the case that we don't have the citation to today. That's what the expert testified to. If he wants to cross-examine her about that --

THE COURT: Yeah.

MS. KOLLINS: -- then, you know, that's fine.

THE COURT: Okay.

MS. KOLLINS: She also testified -- just one last thing -- that epithelial cells and skin cells are interchangeable in their language in the DNA lab.

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MR. SPEED: This will be the citation so the page numbers would be --

THE COURT: All right.

MR. SPEED: -- different in what the Court --

THE COURT: All right.

MR. SPEED: -- or its law clerk reads.

THE COURT: I'll -- I'll get my law clerk to pull it and we'll look at it. You'll --

MR. SPEED: And if the Court will give a curative instruction then if the --

THE COURT: Oh no.

MR. SPEED: -- State is -- if the State is conceding that the --

THE COURT: No.

MR. SPEED: -- reference to epithelial fraction or skin fraction being interchangeable is how they say it in the lab, then I think the jury needs a curative instruction --

THE COURT: I will --

MR. SPEED: -- on that point.

THE COURT: I will not give a curative instruction. You can cross-examine. You haven't done that yet. And we'll see you in the morning at 9:00.

[Proceedings concluded at 4:04 p.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



Tracy A. Gegenheimer, CER-282, CET-282
Court Recorder/Transcriber

