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Respondent.

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1 A Yeah.

2 Q Had school started?

3 A Yes. I was at -- I went to like a week and a half

4 of school.

5 Q A week and a half?

6 A Before I ran, yeah.

7 Q All right. And so when -- so what's the plan? He's

8 going to go to work, so what are you going to do all day?

9 A Just hang out.

10 Q Were you going to -- like what was -- so I guess I

11 should ask this. When he gets home from work that day, do you

12 guys discuss and kind of have a plan of how things are going

13 to go?

14 A Yeah.

15 Q And what's going to be the plan in regards to

16 schooling?

17 A That wasn't like -- we didn't -- that wasn't like

18 the major -- that wasn't like important in the plan.

19 Q Okay.

20 A Like -- oh, like I wasn't going to go to school.

21 Q You weren't going to go to school?

22 A Not right then.

23 Q So you're 16; right?

24 A Yeah.

25 Q And so when were you going to go to school?

1 A I was either going to get my GED or when I was like
2 17 and a half I would go back to school.

3 Q Now, why was your -- and is this just your plan, or
4 are you guys working on this together?

5 A Together.

6 Q So why would you be able to go back to school once
7 you were 17 and a half?

8 A I looked at it because I wanted to go back to
9 school.

10 Q Okay.

11 A Because you can go to school until you're like 21 it
12 says.

13 Q Okay.

14 A But --

15 Q So if you started when you were 17 and a half, by
16 that time are you thinking like I'm almost 18 --

17 A Yeah.

18 Q -- so they'll let me stay?

19 A Yeah.

20 Q Now, so you looked it up and -- so from 16 to 17 and
21 a half, you just weren't going to go to school?

22 A Yeah.

23 Q Now, did he get you any like educational supplies so
24 you could kind of teach yourself?

25 A No.

1 Q What did he get? Did he get you any supplies?
2 A Like for school?
3 Q Or just anything. I mean --
4 A Just like coloring --
5 Q -- what were you going --
6 A -- books and like --
7 Q -- to do all day?
8 A -- like he got me one like fantasy book.
9 Q So a coloring book and a fantasy book?
10 A Like a fiction book.
11 Q Okay.
12 A Like one of those books.
13 Q Did he ever get you any like games or board games,
14 stuff like that?
15 A Not really.
16 Q Okay.
17 A Everything I did was usually on my laptop. Like I
18 would just --
19 Q So were -- so you could utilize your laptop?
20 A Yeah.
21 Q But not your phone?
22 A No, I couldn't touch my phone.
23 Q When you say you couldn't touch it, what do you
24 mean?
25 A Like I -- because I just wasn't allowed to turn it

1 on.

2 Q But whose rule was that?

3 A His.

4 Q Okay. And so you're just not allowed to turn on
5 your phone?

6 A Yeah.

7 Q And was that just out of the fear that they might
8 find you?

9 A Yeah.

10 Q Okay. Did you think if you went to school that they
11 might find you?

12 A Yeah.

13 Q And when I say they, I mean either like the police
14 or your family.

15 A Yeah.

16 Q Did the two of you devise a plan in regards to if
17 you did get caught, if someone for some reason did find you?

18 A Yeah.

19 Q What -- what was going to happen then?

20 A Like I would just take the fall for everything.

21 Q So what do you mean you'd take the fall?

22 A Because I won't -- I wouldn't get in trouble, but if
23 like other things were said, he'd get in really big trouble.

24 Q Okay.

25 A So it would just be easier for me to just take the

1 fall for everything because he wouldn't get in trouble and I
2 wouldn't get in trouble.

3 Q Okay. Were you willing to do that for him?

4 A Yeah.

5 Q If they did take -- you know, if they took you away,
6 what was your guys' plan?

7 A I would just come back.

8 Q No matter how many times?

9 A Yeah.

10 Q How were the two of you going to say that you met or
11 why you were living with him?

12 A He was looking for a roommate on Craigslist.

13 Q And would you be -- were you going to be honest
14 about like the sexual relationship between you two?

15 A No.

16 Q What were you going to say?

17 A That I just lived with him.

18 Q Now, that plan, is that a plan that you made by
19 yourself, that he made by himself, or you came up together?

20 A It was mostly him, and I agreed that I would.

21 Q Now, were you allowed to tell anybody about your
22 relationship? Like could you tell your best friend?

23 A No.

24 Q Could you have contact with any of those people?

25 A No.

1 MS. BLUTH: Now, Your Honor, the next part I have is
2 pretty lengthy, so I --

3 THE COURT: It might be a good time to stop.

4 MS. BLUTH: Okay.

5 THE COURT: All right. Ladies and gentlemen of the
6 jury why don't we go ahead and take a one-hour lunch break.
7 So come back at 1:40.

8 Again, you're admonished not to converse amongst
9 yourselves on any subject related with the trial. Do not
10 read, watch, or listen to any report of or commentary on the
11 trial, and do not form or express an opinion on this case.
12 And remember, you cannot speak with anyone who is involved in
13 this case. I'll see you in an hour. Thank you.

14 (Jury recessed at 12:38 p.m.)

15 THE COURT: All right. The jury is out. Is there
16 anything we need to address before we go off the record?

17 MS. BLUTH: Not on behalf of the State.

18 THE COURT: Mr. Sprowson, sir?

19 MR. SPROWSON: No.

20 THE COURT: We'll see you in an hour.

21 (Court recessed at 12:40 p.m., until 1:55 p.m.)

22 (Inside the presence of the jury)

23 THE COURT: Welcome back, ladies and gentlemen of
24 the jury. I hope you had a good lunch.

25 All right. If we want to call Ms. Torres back into

1 the courtroom and put her back on the stand, please.

2 THE MARSHAL: I will.

3 THE COURT: All right. Ms. Torres, when you were in
4 here before, you were placed under oath. You are you still
5 under oath at this time, okay?

6 THE WITNESS: Okay.

7 THE COURT: Please sit down.

8 Whenever you're ready to continue.

9 MS. BLUTH: Thank you.

10 BY MS. BLUTH:

11 Q Okay, Jaysenia. Before we took our break, I was
12 going to ask you some questions about, you know, just your day
13 to day plans. Not your day to day plans, but the things that
14 you would do throughout the day when he was at work.

15 A Yeah.

16 Q So what types of things would you do to, you know,
17 spend your -- spend your time during the day?

18 A Just like color or watch movies, TV.

19 Q Would you -- like would you clean around the house
20 or --

21 A Yeah, that was later on. Like it wasn't the first
22 couple days.

23 Q Okay. Explain that to me, then.

24 A Like I would just hang out and do nothing.

25 Q Okay. Oh. Did you drop something?

1 A Yeah. Sorry.

2 Q It's okay. And so then you said later on. What
3 changed later on?

4 A Like he needed help around the house and stuff, so
5 I'd do dishes and like make the bed and clean up --

6 Q Okay.

7 A -- as much as I could.

8 Q Just to kind of help?

9 A Yeah.

10 Q Help around the house?

11 A Yes.

12 Q All right. Now, were there -- you said that the
13 main plan was for you to just stay at the house until you
14 turned 18 so you guys could get married; right?

15 A Yes.

16 Q Now, were there any rules at the house? He was gone
17 during the day, so were there any rules in place for you?

18 A Like not to go outside.

19 Q And I know that --

20 A Don't turn my phone on.

21 Q -- it sounds silly, but why couldn't you go outside?

22 A Because someone might see me and recognize me.

23 Q And you said you couldn't turn your phone on. What
24 about was anybody allowed over at the house?

25 A No.

1 Q And especially were there other males allowed to
2 come over at the house?

3 A No.

4 Q Did you ever -- was it hard being inside all day
5 every day?

6 A Yes.

7 Q And did you express that to the defendant like, hey,
8 this is --

9 A Yes, I did.

10 Q Okay. And what would happen when you would express
11 that?

12 A Well, he's taken me -- he took me out twice out of
13 the house.

14 Q Okay. Where did he take you?

15 A One time he took me up to like the lake, and then
16 one time it was just to drive by my house because I really
17 wanted to see home.

18 Q Okay. So the time that he took you to the lake, was
19 that in response to you expressing like I need to get outside?

20 A Yes.

21 Q And when you went, you stated that it was at night?

22 A Yes.

23 Q And --

24 A The -- when I visited home it was at night.

25 Q Okay.

1 A But the lake, it was like earlier. Like it was like
2 on a weekend, it was in early morning.

3 Q When you went, did you just dress kind of normal
4 like you're dressed now?

5 A No.

6 Q How would you dress?

7 A Like I would put my hair up and wear a hat an
8 glasses and boy -- like boyish clothes, like loose clothes.

9 Q Whose idea was that?

10 A His.

11 Q And then when you went to see your family, you said
12 that you expressed that you missed your family?

13 A Yes.

14 Q And so in response to that he took you for a drive?

15 A Yes.

16 Q And so did you -- did you sit in front of your
17 house, or did you guys just drive by?

18 A We just drove right by.

19 Q Did that -- did that make you feel better? Like did
20 it make you feel better about missing your family?

21 A Not really.

22 Q Now, I mean, the -- when you were left at the house,
23 the doors were -- you know, the doors were unlocked. Like you
24 could have left; right?

25 A Yes.

1 Q You were never like tied up or anything?

2 A No.

3 Q So physically you could leave?

4 A Yes.

5 Q What about emotionally?

6 A I don't think so.

7 Q Why not?

8 A Well, like there's been -- there was a couple times
9 when like he told me I could go home, and then I'd pack my
10 stuff to go home. And then he's get really sad and he'd cry
11 and like tell me how much he sacrificed for me and that I was
12 just leaving him.

13 Q Okay.

14 A So I wouldn't leave.

15 Q Okay. So you said that that happened a couple of
16 times. So let's start with one of those times did you express
17 missing your family?

18 A Yeah.

19 Q And after you --

20 A Yeah.

21 Q -- expressed to him missing your family, what did he
22 say? What was his response?

23 A Well, he just said like you can go home, like pack
24 your stuff, I'll take you home right now kind of thing.

25 Q Was it nice, like how you and I --

1 A No.

2 Q -- are speaking to each other? Was he mad?

3 A He was angry.

4 Q Okay. And so go pack your stuff?

5 A Yeah.

6 Q And did you go pack your stuff?

7 A Yes.

8 Q And what would happen when you came downstairs with

9 your stuff packed?

10 A He'd cry and be really, really upset. Like sad, not

11 angry, just like really sad.

12 Q How did it make you feel when he would cry?

13 A Sad.

14 Q Was it hard to see him sad?

15 A Yeah.

16 Q Was -- you said that that happened a few times.

17 What was another reason why he got mad at you and told you it

18 was -- you -- you could go?

19 A He thought like I was having other boys over or I

20 was talking to other guys.

21 Q And so what happened when he thought you were

22 talking to boys?

23 A He told me to pack my stuff again. It was like the

24 same thing.

25 Q Did you pack your stuff?

1 A Yes.

2 Q Did you get ready to go?

3 A Yes.

4 Q Did he take you home?

5 A No.

6 Q Why?

7 A Because he cried again.

8 Q Did you feel badly again?

9 A Yes.

10 Q So though you weren't physically -- so you
11 physically could go home, when you got your stuff and got
12 ready to go home, he would do these things and then you would
13 want to stay?

14 A Yes.

15 Q While you were -- we're going to talk about in a
16 moment on November 1st when an officer by the name of Officer
17 Abbott finds you at the defendant's house, okay? So from the
18 time that you got to the defendant's home on August 28th to
19 November 1st, were you ever present when you heard like a
20 private investigator come to the door looking for you?

21 A Yes.

22 Q Can you explain to the ladies and gentlemen of the
23 jury what happened?

24 A Well, they came to the door, and we didn't know who
25 it was. So he checked like the peephole. And then when he

1 saw who it was, he had me grab all my stuff really fast, like
2 anything that showed I was like in the living room. Because
3 his door is right there in the living room, so if you open the
4 door, you're going to see right into the living room area.

5 Q All right.

6 A So he had me grab like my laptop, like everything I
7 had downstairs, and like bring it upstairs really fast.

8 Q Okay. Did you do that?

9 A Yeah. Yes.

10 Q And then does he open the door?

11 A Yes. Like not all the way. He kind of just like
12 cracked it open.

13 Q Where were you when the door was cracked?

14 A Sitting on the stairs. So I couldn't see the
15 person, but I could hear their conversation.

16 Q Okay. And I don't want to get into what the person
17 was saying, but from the conversation could you tell that they
18 were looking for you?

19 A Yes.

20 Q And could you hear what Melvyn was saying to them?

21 A Yes.

22 Q And what -- what was he saying in response to their
23 questions?

24 A He was just saying he had no idea what they were
25 talking about, and he didn't know. He had nothing to tell

1 them.

2 Q From your understanding of that conversation, did
3 you believe your family to be looking for you?

4 A Yes.

5 Q Now, when that conversation ends between the
6 defendant and, you know, the private investigator, does the
7 defendant come back and do you guys talk about it?

8 A A little, yeah.

9 Q And what -- what's the conversation like?

10 A It was mainly like he thought that the private
11 investigator like didn't think he was guilty of anything.

12 Q Okay. That's what --

13 A Like that when after he talked to him, he was like
14 in the clear kind of thing.

15 Q That like you guys hadn't been caught?

16 A Yeah, like that the private investigator didn't know
17 anything and that he didn't think that I was there.

18 Q Okay. So you said you kind of grabbed all of your
19 stuff and moved it upstairs after he told you --

20 A Yes.

21 Q -- to do that. While you were living there, did you
22 have like personal belongings there? For instance, like did
23 you have some clothes there?

24 A Yes.

25 Q Did you have like a razor, a retainer, things like

1 that?

2 A Yes.

3 Q And those were kept at the defendant's home while
4 you were -- while you were staying there?

5 A Yes.

6 Q There's also like a big pink teddy bear that are in
7 some photographs. Is that your or his or --

8 A It's mine he got for me after I moved in.

9 Q Okay. Now, when the defendant was at school, did
10 you -- would you -- would it be common for you to write
11 letters to him or cards or things like that?

12 A Yes.

13 Q Okay. And I'm going to approach with some items
14 that have been marked, State's Exhibit 3B, 3C, 3D, and 3A. So
15 3A, 3B, 3C, 3D. You okay?

16 A Yeah.

17 Q Okay. So let's start with 3A if we can, all right?
18 This is kind of big. This might be bigger than me. Okay. Do
19 you recognize this?

20 A Yeah.

21 Q Okay. What do you recognize this to be?

22 A I did that.

23 Q You made it?

24 A Yeah.

25 Q Okay. And this is actually -- instead of me saying

1 is this a fair and accurate copy, this is --

2 A I did that, yeah.

3 Q -- actually the original; right?

4 A Yes.

5 Q Did you write them while you were at the defendant's
6 house?

7 A Yes.

8 Q Okay.

9 MS. BLUTH: Your Honor, at this time I would to
10 admit into evidence State's Proposed 3A.

11 THE COURT: Mr. Sprowson, would you --

12 MR. SPROWSON: I have no --

13 THE COURT: -- like to see it?

14 MR. SPROWSON: -- objection, Your Honor.

15 THE COURT: I'm sorry? No objection?

16 MR. SPROWSON: I have no objection, yes.

17 THE COURT: It'll be admitted.

18 (State's Exhibit 3A admitted.)

19 BY MS. BLUTH:

20 Q Jaysenia, would you like to read this, or would you
21 like me to read it?

22 A You can.

23 Q You want me to read it? Okay.

24 A You don't have to, either.

25 Q One of us has to.

1 A Okay.

2 Q So you get to --

3 A No, I don't want to read it.

4 Q Okay. All right. So would you mind holding it for
5 me, though, because it's a little bit big. There. Thank you.
6 Okay. You tell me if I get anything wrong, okay? All right.

7 There once was a girl who loved to meet boys. One
8 day she met a boy online. He was sweet and funny and kind and
9 kind of cute. Well, one day they met and the girl
10 automatically fell in love with him. He decided he loved her
11 so much, too. He decided he loved her so much, too, that he
12 gave her a ring to show his forever lasting love for her. She
13 humbly accepted, and went on her days loving and caring for
14 it.

15 Well, one day her evil stepmother took the ring and
16 she decided to never give it back. The girl loved this man --
17 the girl's love for this man began to grow stronger. And as
18 the days went on, the girl decided to live with her Prince
19 Charming and no longer feel the terrible pain of not having
20 him. They came together one night to finally escape. The
21 girl was having second thoughts because she didn't want to put
22 the love of her life at risk. Their love was so strong and
23 the man told her to get in and that -- excuse me. Their love
24 was so strong. No risk would stop them. Without hesitation,
25 the handsome man told her to get in, and then she did.

1 They went back to his castle where he made her a
2 yummy steak dinner, then they made passionate love and cuddled
3 all night long. As the days went on, they got more and more
4 familiar with living together, and before they knew it, they
5 were happy in their new home together. They are now able to
6 share their love together. They are now able to share their
7 love with each other without worry of never seeing each other
8 again.

9 Until this day, they still share their love with
10 each other and express their love in many beautiful and
11 exciting ways, and will do so for as long as they may stay
12 together. I personally believe they are the perfect couple
13 and were made for each other. Without one another, they would
14 be nothing. I imagined -- imagine peanut butter without
15 jelly. It is still yummy, but it is missing something very,
16 very important, and that would be its jelly. So if you ever
17 find yourself in love and unable to see that love, just always
18 remember, life is too short to wonder what if? Choose your
19 love over everything else because they are worth it. The end.

20 Did you write that?

21 A Yeah.

22 Q Okay. So now I'm going to show you 3B. Whose
23 handwriting is that?

24 A Mine.

25 Q And is that a card that you made the defendant?

1 A Yeah.

2 Q Is this the --

3 A Yes.

4 Q -- original?

5 A Yes.

6 Q Okay.

7 MS. BLUTH: Judge, I'm moving into evidence State's
8 Proposed 3B.

9 THE COURT: Any objections?

10 MR. SPROWSON: No objection, Your Honor.

11 THE COURT: It'll be admitted.

12 (State's Exhibit 3B admitted.)

13 BY MS. BLUTH:

14 Q And this is a card. It says, Dear Mel, open. And
15 then it says here is a happy health pill just for you. I
16 prayed that God blesses this pill for you, and even though he
17 is very busy, I know he will hear me and your pain. And then
18 you drew kind of like a picture of a little pill?

19 A Yeah.

20 Q And what -- what was this about?

21 A He was sick a lot.

22 Q Okay. And who would take care of him when he was
23 sick?

24 A Me.

25 Q What would you do to take care of him?

1 A Like I'd get him like whatever he needed. Like he'd
2 have me grab him stuff and stuff.

3 Q Okay. Try to talk, if you can, just a little bit
4 louder, okay. Now, I'm showing you exhibit 3C. Is this your
5 writing?

6 A Yes.

7 Q Okay. And is this another letter that you wrote in
8 between August 28th and November 1st?

9 A Yes.

10 Q Okay.

11 MS. BLUTH: And, Judge, I'd move admit -- excuse me.
12 I'd move to admit into evidence State's Proposed 3C.

13 THE COURT: Any objections?

14 MR. SPROWSON: No objection, Your Honor.

15 THE COURT: It'll be admitted.

16 (State's Exhibit 3C admitted.)

17 BY MS. BLUTH:

18 Q And it says Mel and Jay, and then there's a picture
19 with a heart and some trees and a boy and a girl, in love
20 forever. Mel, you're the best. Mel is the best. And then
21 lastly is an invitation -- or, excuse me, not an invitation.
22 A card that says happy two months.

23 A Yes.

24 Q And then inside, is that your writing?

25 A Yes.

1 Q And is this an accurate depiction of the letter you
2 wrote the defendant while you were living at his house between
3 the 28th of August and November 1st?

4 A Yes.

5 MS. BLUTH: Your Honor, I'd move to admit into
6 evidence State's 3D.

7 THE COURT: Any objections?

8 MR. SPROWSON: No objection, Your Honor.

9 THE COURT: It'll be admitted.

10 (State's Exhibit 3D admitted.)

11 BY MS. BLUTH:

12 Q And it says happy two months. I love you, you're
13 the best, I love your smile, be my Valentine, Mel and Jay.
14 Dear Mel, I love you so much. You are the best boyfriend in
15 the whole wide world. You make me smile 24/7. Without you, I
16 don't know what I would do. Happy two months. There are
17 plenty more moths to come. I promise to stay by your side in
18 sickness and health. By now you should see I am not going
19 anywhere, but if you can't, then only time will tell. But one
20 thing I know for sure, you are the bestest thing to ever
21 happen to me.

22 Did I read that correctly?

23 A Yes.

24 Q Okay. I had just asked you some questions before we
25 got into the cards about, you know, a private investigator

1 coming to the house. Did the defendant ever come home with a
2 missing poster that had your name and pictures on it?

3 A Yes.

4 Q And can you kind of describe the poster for me?

5 A I'm pretty sure just like missing in like red, and
6 it was just like -- it had my picture on it and like my basic
7 info like of what I looked like.

8 Q And did the defendant say where he got that poster
9 from?

10 A I don't remember.

11 Q So was it -- I mean, at that point there's a private
12 investigator that's come to the house, and now you see this
13 missing poster. So are you well aware that -- that your
14 family and police are looking for you?

15 A Yes.

16 Q How many rooms were there in the -- was it in a --
17 was it an apartment or a condo? What -- what should I use,
18 what word?

19 A Like apartment because it had two bedrooms.

20 Q It had two bedrooms?

21 A Yes.

22 Q And when you would sleep, where would you sleep?

23 A In his room.

24 Q Okay. In the same bed?

25 A Yes.

1 Q And I apologize because I don't mean to embarrass
2 you or ask you personal questions, but would the two of you --
3 how many times during a week would the two of you be intimate?

4 A Like two or three times.

5 Q Did -- out of any of those times, did the -- did --
6 was there ever a condom that was used?

7 A No.

8 Q Did the defendant ever have an opinion or make any
9 comments to you about whether or not your mom was looking for
10 you?

11 A Yes.

12 Q What would he say?

13 A Like that she wasn't looking for me, that she didn't
14 care.

15 Q How did that make you feel when he told you your mom
16 didn't care?

17 A Like sad, but then angry at her.

18 Q But then what?

19 A I was more angry at her for not caring.

20 Q Did -- you believed him when he told you your mom
21 wasn't looking --

22 A Yeah.

23 Q -- for you?

24 A Yes.

25 Q Did you feel like the defendant was a bit nitpicky

1 on you about certain things?

2 A Yes.

3 Q Can you explain to me why you felt that way?

4 A Just like normal things, like I -- like he'd get
5 upset about the way I did dishes or like the way I helped him
6 with the school work.

7 Q How would you help him with his school work?

8 A Like drawing letters and stuff.

9 Q What would he tell you about that?

10 A That I just wasn't writing right, like kind of like
11 sloppy, like I had bad handwriting.

12 Q What other things was he hard on you about?

13 A He said I couldn't sing.

14 Q Was he calm all the time? Would he get angry? How
15 were his mannerisms towards you?

16 A Different, like it would change really quickly.
17 Like when he'd have me pack he'd be really angry, and then
18 really sad. So that would happen often.

19 Q Okay. So like highs and lows?

20 A Yes.

21 Q You said that the -- when you first started talking,
22 you said that the first weekend that you stayed with him after
23 the Boca Park, you said that you couldn't remember if you guys
24 had slept together the second night because you believe that
25 he had given you alcohol.

1 A Yes.

2 Q Had you -- did he ever bring you alcohol from the
3 time that -- from August 28th to November 1st?

4 A I don't know. I had alcohol more than once.

5 Q At his house?

6 A Yes.

7 Q And when you drank the alcohol, was it just, you
8 know, casually drinking, or did you get pretty drunk?

9 A One time I got pretty drunk.

10 Q And was that always provided by him, or did you
11 somehow get it?

12 A Yes, him.

13 Q Was there ever an occasion when the defendant came
14 home from work and he told you that the police had been at his
15 work asking him questions?

16 A Yes.

17 Q And what did he say about that?

18 A That they thought I was a prostitute.

19 Q That they thought you were a prostitute?

20 A [Nods head yes].

21 Q Did he explain anything more about that?

22 A No.

23 Q Okay. Did he --

24 A That they -- that they weren't -- they didn't think
25 he was -- he said that the police didn't think he was like a

1 bad guy, like that he did anything or anything.

2 Q Okay. So did they think that the -- the police
3 hadn't caught on that you were with him?

4 A Yeah, that's what he said.

5 Q Okay. But it was clear to him that the police were
6 looking for you?

7 A Yes.

8 Q And he came home and discussed that with you?

9 A Yes.

10 Q So I want to talk to you about November 1st of 2013.
11 Does there come a point during the day when a maintenance
12 person comes to the door?

13 A Yes.

14 Q And does he just walk in, or does he knock?

15 A He just walked in.

16 Q And what happens when he walks in? What do you do?

17 A I tried to hide upstairs, but then I freaked out a
18 little so I didn't end up hiding. I just ended up standing
19 there.

20 Q And do you remember what you were wearing?

21 A No.

22 Q Do you remember whether or not you were fully
23 clothed?

24 A I wasn't completely. I know I wanted to change
25 before we left.

1 Q Okay. So were you still in pajamas or something --

2 A Yes.

3 Q -- do you think? Now, when he -- when he comes into
4 the house, does he explain to you why he's there?

5 A Because he said he heard a fire alarm going off.

6 Q And so what does he do once he's inside?

7 A He just sees me, and then when he sees me, he
8 leaves.

9 Q Okay. After he leaves, what's the next thing that
10 happens?

11 A The police -- well, someone knocks on the door.

12 Q All right.

13 A And then I opened the door because I thought it was
14 the maintenance guy again, and then it was the police.

15 Q Okay. And so do you remember what that policeman
16 looked like?

17 A No, because there was multiple people that -- like
18 there was two police people, I think, and then there was two
19 other people who came later.

20 Q Okay. So at that point the -- you had been found;
21 right?

22 A Yes.

23 Q And so when the police get there, how would you
24 explain your demeanor towards them?

25 A Not nice.

1 Q How -- did you tell them how old you really were?

2 A Not the maintenance guy.

3 Q What did you tell the maintenance guy?

4 A That I was 18.

5 Q Okay. And then when you start talking to the police
6 -- well, like what types of things were you saying to them in
7 the beginning?

8 A That I wasn't going to talk to them, like I plead
9 the Fifth.

10 Q That you plead the Fifth?

11 A Yeah.

12 Q Okay. And then, you know, we had talked a lot about
13 his plan that you and the defendant had come up with.

14 A Yes.

15 Q Were you sticking to the plan?

16 A Yes, at the beginning. And then they kept asking me
17 questions, and then I kind of like moved away from it a little
18 bit.

19 Q Okay. So you're sticking to the plan, but as more
20 of the questions came, you kind of start weaving back and
21 forth?

22 A Yes.

23 Q And after speaking with the police, were you taken
24 to -- I don't know if you know the word, but it's the Nevada
25 -- excuse me, the Southern Nevada Children Advocacy Center

1 where you were interviewed by a female. Do you remember that?

2 A Yes.

3 Q Okay. And how would you explain your demeanor
4 there?

5 A Better. Like I was nicer to her and we talked about
6 normal stuff first. And then I told her like half-truth.

7 Q Half-truths?

8 A Like more truth than the police.

9 Q Were you still trying to stick to the plan --

10 A Yes.

11 Q -- as much as you could?

12 A Yes.

13 Q After you had spoken to the police and then you
14 spoke with the female at the Advocacy Center, did you get to
15 go home that day?

16 A Yes.

17 Q When you left the house, did you get to bring any of
18 your personal belongings, like your cell phone or your laptop
19 or anything like that?

20 A From his house?

21 Q Yes.

22 A No.

23 Q So when you get home, like explain your mom and your
24 sister and your grandma's reaction.

25 A They were really, really happy to see me.

1 Q Were they emotional?

2 A Yes.

3 Q How did you feel?

4 A That I wanted to leave.

5 Q Where did you want to go?

6 A Back to his house.

7 Q Why?

8 A Because that was the plan.

9 Q Did you feel guilty?

10 A Yes.

11 Q Why did you feel guilty?

12 A Because I didn't stick to the plan. Sorry.

13 Q No, you don't need to apologize. How would you

14 explain your demeanor towards your mom?

15 A Mean.

16 Q Like in what ways?

17 A Just like when she hugged me when I first got back,

18 I didn't hug her back. I just said I was mad at her and I

19 didn't want to be there.

20 Q Did you try to leave?

21 A Yes.

22 Q What types of things would she do to keep you from

23 leaving?

24 A Like sleep in front of the door and stuff.

25 Q Did she do any other types of things?

1 A I don't know.

2 Q Okay. When -- did there come a point when your mom
3 just didn't know what to do with you because of your behavior?

4 A Yes.

5 Q And so what did she do?

6 A She took me to like a health center place.

7 Q Was that -- is that called Montevista?

8 A Yes.

9 Q And how long did you stay the initial time?

10 A Like three days.

11 Q While you were there, did they -- you know, what
12 types of things did they do with you or for you?

13 A We just talked.

14 Q To therapists?

15 A Yeah.

16 Q While you were at Montevista did you find out that
17 you had contracted a sexually transmitted disease?

18 A Yes.

19 Q Did the doctors inform you of that?

20 A Yes.

21 Q And which -- which disease is that?

22 A Chlamydia.

23 Q Did that make you upset?

24 A Yes.

25 Q When the three days were up, did you get to go back

1 home?

2 A Yes.

3 Q Let me ask you this. When you were at the hospital,
4 did being at the hospital help?

5 A The first time, no.

6 Q Okay. Did you -- like what was your thoughts? What
7 were your thoughts during that process there?

8 A Just everything was him. Like I just had to get
9 back to him.

10 Q Could you get him out of your head?

11 A No.

12 Q So when you get home, are you still -- like you're
13 going with that plan?

14 A Yes.

15 Q And so how were you behaving towards your mom then?

16 A The same.

17 Q Did it come to a point where you kind of threaten
18 your own health or safety?

19 A Yes.

20 Q Can you explain how that happened?

21 A When me and my mom got on an argument on the stairs
22 and she wouldn't let me out of the house, so I was going to
23 jump over the balcony to get out the house.

24 Q Did you try to jump over?

25 A Yeah. Yes.

1 Q Did she stop you?

2 A Yes.

3 Q Did you talk -- like when you were threatening her,
4 did you threaten like that you were going to kill yourself if
5 you couldn't be with him?

6 A Yes.

7 Q When you attempted to throw yourself off the
8 balcony, what did your mom do?

9 A She took me back.

10 Q Did she call for help?

11 A Yes.

12 Q And did an ambulance come?

13 A Yes.

14 Q Where did they take you?

15 A Back to Montevista.

16 Q And how long were you at Montevista for?

17 A A month because they were waiting to send me to a
18 long-term facility.

19 Q When you were at Montevista the second time, did you
20 feel like it was -- that time did you feel like you were
21 getting any help?

22 A No.

23 Q Were you still having those thoughts? Like what was
24 going on in your mind?

25 A Yeah, like I just had to get back to him.

1 Q Now, you hadn't --

2 A I couldn't sleep like at all.

3 Q And, obviously, you hadn't had any contact with him
4 since the police came and got you; right?

5 A Yeah. Yes.

6 Q You said that you had to wait at Montevista before
7 you were accepted into a long-term treatment facility?

8 A Yes.

9 Q Whose decision was that for you to -- to go to a
10 long-term treatment center?

11 A The doctors.

12 Q And after about a month did you get accepted into a
13 program?

14 A Yes.

15 Q And what's that program called?

16 A Like the center?

17 Q Yeah.

18 A Willow Springs.

19 Q And where is that located?

20 A Like in Nevada, but like what city?

21 Q Yeah.

22 A Reno.

23 Q Okay. And how long, when you go to Willow Springs
24 -- first of all, did you want to go?

25 A No.

1 Q And when the doctors told you you had to go, for how
2 long were you told you would have to stay?

3 A Three months minimum is long-term.

4 Q And did they give you a range like three months
5 to --

6 A No. They just said it's whenever my therapist
7 thinks that we've handled -- we've covered enough for me to --

8 Q Okay.

9 A -- leave.

10 Q So it would be a three-month minimum?

11 A Yes.

12 Q Three months --

13 A Or, I mean, you could stay until you aged out if you
14 had to.

15 Q Okay. So after you had been there for -- how -- how
16 long would you say you had been there before you had to come
17 down and testify at a preliminary hearing kind of like this?

18 A Like less than a week.

19 Q Okay. When you came down for the preliminary
20 hearing, do you feel like you were in any way emotionally
21 ready to do that?

22 A No.

23 Q But did you have to testify anyway?

24 A Yes.

25 Q When you took the stand, in your mind did you still

1 love the defendant?

2 A Yes and no.

3 Q Can you explain it to me?

4 A At the beginning I felt prepared. Like at the
5 beginning of me taking the stand I felt prepared to talk.

6 Q Okay. Had you talked to your therapist about, hey,
7 I have to go down there and testify?

8 A No.

9 Q But you felt like you --

10 A I felt like I was prepared.

11 Q All right. And so when I was asking you questions
12 on direct examination like we're doing right now, how did you
13 feel like you were doing?

14 A Well.

15 Q Were you -- were you telling the truth when I was
16 asking the questions?

17 A Yes.

18 Q Now, after I stopped my questioning, so when my
19 direct examination was done, did we take a recess --

20 A Yes.

21 Q -- like did we have a break?

22 A Yes.

23 Q And what happened during that break?

24 A He like started doing stuff like right when the
25 break started. Then after the break he started like making

1 faces and like wording things to me.

2 Q What was he wording to you?

3 A Like it's okay, like I love you and stuff like that.

4 Q Was that hard for you?

5 A Yes.

6 Q Did you -- did you carry any guilt at that point
7 that maybe, you know, you hadn't stuck to the plan?

8 A Yes.

9 Q Did there come a point when the defendant was
10 actually able to walk by you?

11 A Yes.

12 Q And when he walked by you, what did he do?

13 A Wink.

14 Q Winked?

15 A Yes.

16 Q Now, after the recess, did the defense attorney get
17 to start asking you questions?

18 A Yes.

19 Q And what happened then?

20 A I started to try to stick to the plan again.

21 Q Why did you do that?

22 A Because I felt really, really bad.

23 Q What is it that you felt bad about?

24 A I didn't stick to the plan in the first place.

25 Q As you sit here today, do you feel bad about that?

1 A No.

2 Q Was -- at the preliminary hearing, was that the
3 first time you had seen the defendant since November 1st?

4 A Yes.

5 Q Was that -- was that a difficult thing?

6 A Yes.

7 Q During that court process and during the
8 cross-examination, did you, in your answers, did you try to
9 protect the defendant as much as you could?

10 A Yes.

11 Q After court was over, how did you feel?

12 A Really bad because I didn't want to do that.

13 Q Did you go -- did you go back to Willow Springs?

14 A Yes.

15 Q And then after, either here or when you got to
16 Willow Springs, did you write the Court a letter?

17 A Yes.

18 Q And I'm approaching you with what's been marked for
19 purposes of identification as State's Proposed 16. Does this
20 look like your handwriting?

21 A Yes.

22 Q And is this the letter that you wrote to the Court
23 and to me after your testimony at the preliminary hearing?

24 A Yes.

25 Q And is this a fair and accurate copy of that?

1 A Yes.

2 MS. BLUTH: Your Honor, at this time I'd move to
3 admit into evidence State's Proposed Exhibit 16.

4 THE COURT: Any objections?

5 MR. SPROWSON: Yes, I do object to that one, Your
6 Honor.

7 THE COURT: Okay. So what's the objection, sir?

8 MR. SPROWSON: Say again?

9 THE COURT: What's the objection?

10 MR. SPROWSON: Well, you know -- you know, this --
11 this -- this obviously is trying to -- this obviously is
12 trying to stop me from doing any kind of reference to the
13 preliminary hearing testimony or any other testimony that she
14 has made and making it seem like, oh, well, when I'm
15 presenting my facts she's lying, and when the State is
16 presenting their facts, oh, well, the State is telling the
17 truth. Now, I don't know if there's actually any legal
18 grounds that I can object to, but I would just like to object
19 based on the fact that I see this as a strategy that the State
20 is trying to use so that I can't defend myself from the
21 record.

22 THE COURT: All right. And so --

23 MR. SPROWSON: And I just want to say that the
24 record already stands. Momot was my --

25 MS. BLUTH: Your Honor, I would --

1 MR. SPROWSON: -- previous attorney.

2 MS. BLUTH: If he would like to speak to Your Honor,
3 I would ask that we do it at bench because this is not a legal
4 objection.

5 MR. SPROWSON: Well, I'm just going to make an
6 objection for the record and leave it at that. But I do
7 object to that letter.

8 THE COURT: But I'm not sure what your objection is,
9 sir. Is it --

10 MR. SPROWSON: I just -- I'm objecting to it. You
11 know, I think it's a biased piece of paper that is meant to
12 discredit any kind of defense that I can put forward, period.

13 THE COURT: All right. Is there any response by the
14 State?

15 MS. BLUTH: It's just it's not a legal objection.
16 I'd ask that it be moved into evidence.

17 THE COURT: May I see it, please?

18 MS. BLUTH: Yes.

19 THE COURT: I am going to admit it into evidence.
20 There's not been a legal objection made to warrant it being
21 kept out of evidence. Do you have any --

22 MR. SPROWSON: I do want it on the record to show
23 that I did object to it.

24 THE COURT: Your objection is maintained for the
25 record, sir.

1 (State's Exhibit 16 admitted.)

2 BY MS. BLUTH:

3 Q Jaysenia, I'll offer you that -- I'll make you that
4 same offer. Would you like to read it, or would you like me
5 to read it?

6 A I'll read it.

7 Q Okay.

8 A Okay.

9 Q Could you just keep your voice up, please?

10 A Yes. Dear Court, although I was honest in my
11 statement, I did withhold information. I felt I needed to
12 protect Melvyn, which I now see was wrong. While I was in the
13 courtroom Melvyn did whisper to me over and over it's okay
14 until the guard man told him to stop. But after that, while
15 he talked -- while he walked to the bathroom, he winked while
16 passing me. When he came back, he sat and put his hand on his
17 heart. I understand I should have not looked at him, but I
18 also know he shouldn't have done that. I only want -- sorry.
19 I only want this whole thing to be fair. I think I was
20 personally taking sides, and not just answering questions. I
21 am very sorry for not doing it right the first time, but I'm
22 doing what is right now. Sincerely, Jaysenia.

23 Q Thank you, Jaysenia.

24 A Uh-huh.

25 Q Why did you decide to write that?

1 A I just -- I knew that I wasn't -- I wasn't telling
2 the truth.

3 Q Did anyone tell you to write that?

4 A No.

5 Q Was that your idea?

6 A Yes.

7 Q How long were you at the Willow Springs Treatment
8 Center for?

9 A Almost six months.

10 Q And while you were in treatment, where did you
11 believe the defendant to be?

12 A Jail.

13 Q And who had told you that?

14 A My mom. Well, everyone, like my mom and
15 grandmother.

16 Q Okay. So you believed him to be in jail?

17 A Yes.

18 Q And so you were in treatment. And can you explain
19 to the ladies and gentlemen of the jury the -- what type of
20 treatment did you receive?

21 A DBT.

22 Q What does DBT stand for?

23 A Dialectical behavioral therapy.

24 Q Okay. And what -- in dialectical behavioral
25 therapy, what are -- what types of things are you working on?

1 A Using skills, like different things to help regulate
2 emotions.

3 Q Can you -- could you give me an example maybe?

4 A Like this is a self-soothing thing. So instead of
5 stressing out I can play with it so it'll distract me a little
6 bit. So stuff like that that helps.

7 Q Because you had been in the defendant's home without
8 social interactions with other humans, was it difficult for
9 you once you get back into society?

10 A Yeah. Yes. It was overwhelming.

11 Q And did your therapist work with you to give you
12 ways to help so you could come into situations where you would
13 see people?

14 A Yes.

15 Q Can you give us an example of something they worked
16 on with you?

17 A Well, after I got far enough in treatment, like far
18 enough in that we could leave the treatment center, we would
19 go to the store and stuff and he have me like -- he'd let me
20 get whatever I wanted, like a snack or like candy. And we
21 would -- I would go up to the counter and talk to the person
22 myself.

23 Q Okay. Was that -- did that make you nervous?

24 A Yeah, it was super stressful.

25 Q What was stressful about it?

1 A Because I don't talk. Like the whole situation I
2 didn't talk to people, so I didn't have to like interact with
3 other people besides him.

4 Q Okay. How many months until you were doing things
5 like that, do you know, do you think?

6 A Probably more like three or four. Once I got to
7 that stage I was almost ready to go home.

8 Q So what types of things were you working on before
9 that, before you were able to actually leave the center for
10 short periods?

11 A Just regulating my emotions. When I first was in
12 there, I wouldn't talk to anyone. So I'd stay in my room a
13 lot, and even my therapist, I wouldn't talk to him, so we got
14 nowhere with me like therapy wise. So we had to wait until I
15 overcame out, and then started talking to him and then we just
16 talked about like what was going on, how I was feeling.

17 Q What about today, are you -- are you still seeing
18 therapists?

19 A Yes.

20 Q So I want to ask you a question in regards to when
21 you were able to get out of Willow Springs. So you were there
22 for about six months. And then when you got out, did you come
23 back here to Las Vegas?

24 A Yes.

25 Q And did you -- where did you live when you got back

1 to Vegas?

2 A With my mom and my grandmother.

3 Q So the house where you -- that you originally lived
4 at?

5 A Yes.

6 Q And when you got home, was it still your
7 understanding that the defendant was in jail?

8 A Yes.

9 Q And after you returned home, was there a point in
10 time when the defendant contacted you?

11 A Yes.

12 Q And can you explain how it was that you figured that
13 out and how that happened?

14 A I got a follow request on Instagram. So it's kind
15 of like a Facebook friend request. And the person's name was
16 Audrey and -- 97, and that's my birth year.

17 Q Okay. And so when you get that friend request and
18 it has the -- because that's the name you said --

19 A It had a girl's picture.

20 Q Okay. But it had the name you wanted to name
21 your --

22 A Daughter.

23 Q -- that you and Mr. Sprowson had talked about naming
24 your daughter?

25 A Yes.

1 Q And then it had your birthday?

2 A Yes.

3 Q And so what did you do?

4 A I said it was really strange that it just happened
5 to be that their name was the same that I wanted to name my
6 daughter and that their number was my birthday.

7 Q Okay. I'm approaching you with what's been marked
8 for purposes of identification as State's Proposed 29 through
9 43. And before I ask you to look through these, I want to
10 just ask you a few preliminary questions about these. So do
11 you continue to have a conversation with this -- we'll call
12 the person Audrey for now, okay?

13 A Yes.

14 Q And at some point through the conversation do you
15 realize that you're speaking to Mel?

16 A Yes.

17 Q And while you're doing that, does his screen name
18 keep changing?

19 A Yes.

20 Q Did you kind of find that odd?

21 A Yes.

22 Q And so after you have this conversation, do you
23 alert your mother?

24 A Yes.

25 Q And for lack of a better term, are you kind of

1 freaking out at that point?

2 A Yes.

3 Q After you freak out and you tell your mom, what does
4 your mom do?

5 A She calls the police.

6 Q Did the police come?

7 A Yes.

8 Q And would --

9 A I took screenshots while we were talking so that
10 when things changed I had it. And so when the police came he
11 just needed me to send him all my screenshots.

12 Q And that was my next question. Thank you. So while
13 you were taking those screenshots, you saved them in your
14 phone?

15 A Yes.

16 Q And then did you email them to the police officer?

17 A Yes.

18 Q Okay. Could you go ahead and look through these.

19 MS. BLUTH: And like I stated earlier for the
20 record, Your Honor, they're State's Proposed 29 through 43.

21 BY MS. BLUTH:

22 Q And just go ahead and thumb through them, if you
23 could, Jaysenia. And let me know when you're done. I'll have
24 a few questions for you.

25 A Okay. Yeah.

1 Q Did you recognize those?

2 A Yes.

3 Q Are these fair and accurate depictions of the
4 screenshots that you emailed to the police?

5 A Yes.

6 Q Thank you.

7 MS. BLUTH: Your Honor, at this time I'd move to
8 admit into evidence State's Proposed 29 through 43.

9 THE COURT: Any objections, Mr. Sprowson?

10 MR. SPROWSON: No objection, Your Honor.

11 THE COURT: They'll be admitted.

12 (State's Exhibit 29-34 admitted.)

13 MS. BLUTH: And permission to publish, Your Honor?

14 THE COURT: You may.

15 MS. BLUTH: Thank you.

16 BY MS. BLUTH:

17 Q So I want to start with -- so this is State's 30,
18 and I'm going to zoom in a little bit, Jaysenia, so it's
19 easier to read. So you can kind of explain to us older people
20 what -- what we're looking at in regards to Instagram. And so
21 on that -- on that screen you can actually circle and show us
22 what it is. So like the picture, the name, show us what all
23 these things mean. Like post --

24 A You want me to circle them as I --

25 Q Yeah, if you wouldn't mind. Thank you.

1 A I can just touch it?

2 Q Yeah.

3 A Okay. I see. That's the profile, like their
4 picture. So that's the picture that's supposed to technically
5 be of them.

6 Q Okay.

7 A This is the amount of like things they've put. So
8 like if they've put pictures up or anything, that would be
9 that. This is the amount of people that are following them,
10 and then this is who they are following.

11 Q Okay. And then the name at the top?

12 A That's just their user name. But that's the one I
13 wanted to name -- that's what we wanted to name our daughter,
14 and then that's my birthday.

15 Q Okay. And so it -- it shows that they are just
16 following one person?

17 A Yes.

18 Q All right. So I'm going to show you the next. At
19 some point in the conversation, State's 31, does the
20 individual you're speaking to turn into Lisa Thomas?

21 A Yes.

22 Q And then State's 32, it's another Lisa Thomas, but
23 it goes back to Audrey's first -- first picture.

24 A This was the first one.

25 Q Okay. Let me zoom out.

1 A They're still following me. So they changed their
2 name, but kept their picture and was still following me. The
3 next one they changed their -- they changed their name, kept
4 the picture. But the next one they changed their picture and
5 stopped following me.

6 Q Got it. Okay. Thank you. All right. And so I
7 want to run through some questions, or run through and ask you
8 some things about the conversation that goes on in Instagram.
9 So you state it's so weird.

10 MS. BLUTH: And, Your Honor, I didn't know if I
11 stated it, but it's 33 for the record.

12 BY MS. BLUTH:

13 Q It's so weird, your name is the name I wanted to
14 name my daughter and my birthday, ha ha, weird; right? And
15 then that person says, is it, or do we know someone in common?
16 And you write, Mel, question mark; right?

17 A Yes.

18 Q And so at this point are -- what's going through
19 your head?

20 A I didn't think that this could possibly be him. I
21 thought someone like knew about the case and was really
22 messing with me and I did not think it was funny because he
23 was in jail.

24 Q Okay. And so you say, seriously, who is this, this
25 isn't funny, it's not a cute joke. And Audrey says, it's me.

1 But you still don't think this is possible; right?

2 A No.

3 Q You're still believing that he's in jail?

4 A Yes.

5 Q Okay. And so showing you State's 34. You say,
6 that's not possible. And then Audrey responds 11/19/1968.
7 What's that?

8 A His birthday.

9 Q Okay. And then you respond, he's in jail and hates
10 me. And Audrey responds, no, they lied to you. And you say,
11 explain yourself now; right?

12 A Yes.

13 Q Showing you State's 35. Audrey says, it's me, Mel,
14 I'm living in Oklahoma, but I'll get in trouble if they found
15 out I'm talking to you, please don't say anything to anyone,
16 hello? And your response is, hey, why would you risk that,
17 you lied to me, you lied. So what's going through your head
18 right now when you're thinking, wait, maybe this is him or
19 what are you --

20 A I just had a lot of questions.

21 Q Okay. So you respond on 36 and say, is that it, are
22 you just going to say that and leave, what now, why Oklahoma,
23 you lied about Cali and you gave me an STD. And you say,
24 hello? And Audrey says, I'm here, I didn't give you an STD
25 and I didn't lie, you don't understand the limitations on my

1 freedom and ability. And you say, well, explain, and okay,
2 STFU, I gave myself an STD, please. So at this point in time
3 you're -- you're realizing that it is him?

4 A Yes.

5 Q Okay. Showing you State's 37. I'm not 16 anymore,
6 I'm not a freaking idiot, everything you may -- everything you
7 may think of me is wrong, I don't sleep around, and I damn
8 straight didn't have an STD before I met you, how do you even
9 have Internet freedom? So do you believe at this point that
10 he's writing you from the jail, or what are you thinking when
11 you say how do you even have Internet freedom?

12 A Like how he's allowed to use a phone. Because even
13 if he isn't in jail, I feel like there would have been a
14 restriction on like him being able to go online and stuff.

15 Q Were you aware that there was a no contact order?

16 A Yes.

17 Q Okay. And when I say no contact order, meaning he
18 wasn't allowed to contact you in any way.

19 A Yes.

20 Q Okay. And Audrey writes, okay, I'll go away, please
21 don't hate me. And you say, no, what do we do now? And he
22 says, keep calm. And you say, how do I know it's -- it's even
23 Melvyn and not his dick attorney?

24 A Sorry.

25 Q That's okay. I'm not his dick attorney, so you

1 don't have to apologize to me. In regards to -- at the
2 preliminary he had a defense attorney; right?

3 A Yes.

4 Q Okay. He writes, I will always love you. And you
5 respond, well, are you going to stop talking to me? And he
6 says, it's you. And you say, well, of course, it's me, you
7 contacted me. And he says, please don't say anything to
8 anyone, and I'm glad you are okay. So at this point like tell
9 me what's going on in your mind. Are you having an internal
10 struggle? What --

11 A Yes, I'm going back and forth because I really want
12 to tell my mom, but I don't -- like I don't want to get him in
13 more trouble.

14 Q You don't want --

15 A I just feel like I was put in a really awkward
16 situation because I -- I didn't want to have to tell on him
17 again. I didn't want the police to be involved again, but I
18 knew it wasn't right. He wasn't allowed to contact me.

19 Q I mean, you had worked really hard for six months.

20 A Yes.

21 Q And what was this doing to you internally?

22 A It really messed a lot of things up because I was
23 like really prepared that he wasn't going to contact me again
24 until I went to trial. Like I wasn't going to see him or
25 anything, and so this like really just like was a curveball.

1 Q I'm not going to read through all of them, there's
2 so many, but I'm going to show you the last two. Exhibit 42.
3 It's now Lisa instead of Audrey. Do you have a phone? And
4 you say, I'm sorry, you should have never contacted me, you
5 know I suck with secrets, I can't not show you I'm different
6 in some way, you should have just never contacted me, Mel. He
7 writes, why, did you tell your mom, please don't say that.
8 And you say, I didn't tell anyone, but you can't ask me to
9 keep this secret.

10 And he writes you on 43, please be calm and mature,
11 do you hate -- or do you take meds, are you okay? And you
12 say, goodbye, Mel. And he says, are we breaking up? And you
13 say, pray to God, he will show you what you did wrong because
14 he knows you have sinned. And he responds, okay, I will thank
15 you, and God bless. What's going through your head when he
16 asks you are we breaking up?

17 A We're not together, so I was just really frustrated
18 because we -- I had already started going through a situation
19 and I had already started going through therapy, I had already
20 started talking about the situation and what was wrong with
21 the situation. And that just -- I don't even know. I was
22 just like are you kidding me?

23 Q But ultimately, I mean, you made the decision to
24 tell your mom.

25 A Yes.

1 Q You know, you didn't -- so, I mean, it was --
2 mentally, it seems like you were in a lot different place than
3 where you were in August of 2013.

4 A Yes.

5 Q How were you able to, you know, stand up and say you
6 shouldn't have done this?

7 A Because I was able to look now at the bigger
8 picture. So before it was kind of like black and white. I
9 was going to be with him or it was the end of the world. I
10 kind of went back and forth in there because I was struggling
11 a lot, but at the end it was like this isn't going to help me
12 in the long run, and he knew he wasn't allowed to contact me.

13 Q Are you -- you said you're going to therapy now.
14 Are you -- I mean, is -- is it kind of like it's just a
15 progress, you just --

16 A Yes.

17 Q You're working on it?

18 A Yes.

19 Q But do you feel -- you -- are you -- do you feel
20 better now with some of the strategies you discussed like, you
21 know, you're holding the -- the Play-Doh and the shield and
22 has -- are those types of things, do they work, are they
23 helping?

24 A Yes.

25 Q Thank you so much, Jaysenia.

1 MS. BLUTH: Your Honor, that concludes my direct
2 examination. I'll pass the witness.

3 THE COURT: Are you okay for a little bit longer, or
4 do you need a break?

5 THE WITNESS: Yes, I'm okay.

6 THE COURT: Okay. Mr. Sprowson, would you like to
7 present your cross-examination?

8 MR. SPROWSON: Is it possible to take a five-minute
9 break?

10 THE COURT: Yes, it is, actually.

11 Ladies and gentlemen, why don't you come back at
12 3:00. Again, you're admonished not to converse among this --
13 about this case. Do not talk about the case, don't research
14 the case, don't form or express an opinion on this case.
15 Please come back at 3:00.

16 (Jury recessed at 2:51 p.m.)

17 THE COURT: Is there anything we need to put on the
18 record?

19 MR. SWEETIN: There's not, Judge. This is going a
20 little long and we have a number of other witnesses. We have
21 one other witness I think we might get to today, so I'm going
22 to release the other witnesses. The next witness is the
23 victim's mother.

24 THE COURT: Is the mother in town?

25 MR. SWEETIN: She is.

1 THE COURT: I'd like to get through as much as
2 possible today. I know Ms. Bluth said that she could stay a
3 little bit later today.

4 MS. BLUTH: Yeah, I can.

5 MR. SWEETIN: That's fine.

6 MR. SPROWSON: Your Honor?

7 THE COURT: And Jason is just checking with the
8 jury.

9 Yes, sir?

10 MR. SPROWSON: And I'm going to be able to have my
11 cross; right?

12 THE COURT: We're absolutely going to finish with
13 her, Jaysenia, today.

14 MR. SPROWSON: All right. Because I might -- I
15 might take a little bit of time on this, so --

16 THE COURT: We're going to finish Jaysenia today
17 absolutely.

18 MR. SWEETIN: So keep the victim's -- or rather,
19 I'll keep the mother and I'll release the other witnesses.

20 MS. BLUTH: There's no way we'd get through more
21 than that.

22 THE COURT: No, but I'm getting nervous we're going
23 to finish this --

24 MS. BLUTH: No, we will.

25 THE COURT: -- by next week.

1 MS. BLUTH: I know.

2 THE COURT: By the end of next week.

3 MS. BLUTH: Yeah, we will.

4 (Court recessed at 2:53 p.m., until 3:14 p.m.)

5 (Inside the presence of the jury)

6 THE COURT: Come on up. Again, Ms. Torres, you're
7 still under oath at this time, okay?

8 THE WITNESS: Okay.

9 THE COURT: All right. And, Ms. Bluth, whenever you
10 want to continue.

11 Welcome back, ladies and gentlemen.

12 And, Mr. Sprowson, if you'd like to make yourself
13 comfortable. Oh, no, I'm sorry. I take that back. You're on
14 cross. I apologize.

15 MR. SPROWSON: Okay.

16 THE COURT: Whenever you're ready.

17 MR. SPROWSON: And we --

18 THE COURT: I don't know if you want to stay there,
19 or if you want to go to the podium. Whatever makes you --

20 MR. SPROWSON: I'm going to go over there. But we
21 had discussed earlier that this is going to be a cross mixed
22 with a direct. I don't know if you wanted to make --

23 THE COURT: If you want me to let the jury know when
24 you're on one versus the other, please just get my attention
25 and let me know, okay.

1 MR. SPROWSON: Okay. All right. And most of this
2 stuff, I probably will be addressing most of the stuff that
3 Ms. Bluth discussed with Jaysenia.

4 THE COURT: Yeah. As we talked about, ladies and
5 gentlemen, earlier, we just -- we're just trying to finish up
6 Ms. Torres today, so both the State and the defendant are
7 calling her in their case, so we're just going to try and do
8 everything today and get all the questions wrapped up versus
9 having her here, then sending her home, then bringing her back
10 out again.

11 MR. SPROWSON: Thank you.

12 THE COURT: Whenever you're ready.

13 MR. SPROWSON: All right.

14 CROSS-EXAMINATION

15 BY MR. SPROWSON:

16 Q Hello Jaysenia, it's been awhile. How are you?

17 A Good.

18 Q Okay. I'm just going to do some cross-examining
19 here and we're just going to discuss some of the things that
20 you were discussing with Ms. Bluth. I do want to just say
21 that if you feel uncomfortable, please let me know. It's not
22 my intention to make you feel uncomfortable. This is just a
23 conversation. I'm going to ask you things that you had said
24 previously, okay. And most of my cross-examination is going
25 to be based upon what was already said, okay.

1 A Okay.

2 Q So I'm not going -- I'm not here to embarrass you,
3 make you feel bad, make you feel uncomfortable. If you feel
4 that way, please let me know and -- and I will try to redirect
5 whatever I'm saying, okay.

6 A Okay.

7 Q All right. Okay. The first thing that I wanted to
8 address, Ms. Bluth kind of opened up with the topic of the
9 Craigslist ad. Now, the ad that I posted said lonely
10 millionaire seeks gold-digging slut. Do you remember that?

11 A I didn't read that.

12 Q You didn't read that?

13 A No.

14 Q Well, the ad that I posted said lonely millionaire
15 seeks gold-digging slut. This was what started the whole
16 conversation. And you said you don't remember that. Okay.

17 A It's not that I don't remember. I didn't read it.
18 Like I didn't see that at all.

19 Q Okay. All right. Also in your response when we
20 were discussing -- or when we engaged in our conversations,
21 you made a comment that I asked you if you were a virgin.
22 What was your response?

23 MS. BLUTH: Objection.

24 THE COURT: What's the objection?

25 MS. BLUTH: Rape shield.

1 MR. SPROWSON: Well, she asked the -- she said that
2 I asked her that question. Obviously, there was a response.

3 THE COURT: The only problem is that was brought up
4 in direct. I'm trying to think of the context. It's going to
5 be sustained, so go on to the next question, please.

6 BY MR. SPROWSON:

7 Q Okay. Another thing that I brought up in our
8 conversation, I remember you said that you were 16. We had a
9 conversation. Now, do you remember me saying something about
10 since you were 16 that I cautioned and I said if it was okay
11 with your parents that we could continue --

12 A No.

13 Q -- talking? Okay. That's fine. Okay. I'm just
14 going to switch to what you've already said. And the Court,
15 hopefully, will have to be a little bit patient with me
16 because I'm now going to go to the record. I have here the
17 interview with Michelle Fischer, and so I'm just going to --
18 I'll show the witness the testimony here. If the Court will
19 bear with me a little bit. I've kind of got stuff around
20 here. Let's see. Okay. I'm going to start with something
21 else. This is from the preliminary hearing testimony. I
22 believe you were being questioned by Mr. Momot. This is the
23 preliminary hearing testimony. And this is in reference to --
24 let's see. This is in reference to a therapist. Were you
25 ever seeing a therapist prior to meeting me?

1 A Yes.

2 Q Okay. You were. And can you tell us a little bit
3 about that and why you were seeing a therapist?

4 MS. BLUTH: Objection, Your Honor.

5 MR. SPROWSON: Well, it says here, it says I got a
6 therapist outside of school --

7 THE COURT: Hold on a second.

8 MR. SPROWSON: -- when I was running away.

9 MS. BLUTH: If we can approach real quick?

10 THE COURT: What's the relevance?

11 MS. BLUTH: May we approach, Your Honor?

12 THE COURT: Come on up. You may. Yes.

13 MS. BLUTH: If we could approach, please.

14 THE COURT: Yep.

15 (Bench conference)

16 MR. SPROWSON: If you guy are just going to shut me
17 down on everything, I might as well just walk away. I mean,
18 come on.

19 MS. BLUTH: Mr. Sprowson, you know the ruling.

20 THE COURT: Okay. What is it you want to ask?

21 MR. SPROWSON: Without that [inaudible]. So I might
22 as well just say that you guys win and walk away.

23 MR. SWEETIN: Quiet down.

24 THE COURT: What is it you want to ask?

25 MR. SPROWSON: I'm trying to show that she's --

1 she's been a runaway --

2 MR. SWEETIN: You've got to talk quiet.

3 MR. SPROWSON: -- and that -- I'm showing she's been
4 a runaway and the therapy is tied to the fact that, it says
5 right there, in regards to the runaway situations. All I want
6 to show is that she was having therapy during a runaway --
7 because of the runaway episodes.

8 THE COURT: You mean that she was having therapy
9 even when you first met?

10 MR. SPROWSON: That's what I want to get at.

11 MS. BLUTH: He wants to get in that she was a
12 previous runaway. We've already stipulated that she's --

13 MR. SPROWSON: No.

14 MS. BLUTH: Let me finish. That she's gone to
15 therapy and there were issue that she was dealing with,
16 nothing having to do with him. What he would like to do is
17 get into the fact that she was in therapy over the fact that
18 she was a previous runaway. This is the stuff that I was
19 talking about about the motion in limine.

20 MR. SPROWSON: It's not anything to do with sex.

21 MS. BLUTH: It doesn't have to.

22 MR. SPROWSON: She said I can delve into this --

23 MS. BLUTH: You have to lower your voice.

24 MR. SPROWSON: You said I could delve into the
25 psychological stuff. That is getting into the psychological

1 stuff.

2 MS. BLUTH: No, she didn't say that. She said you
3 could get into the fact that she sought therapy before, not
4 the specifics.

5 THE COURT: I don't have an objection to you saying
6 -- the issue of therapy is going to come up and the
7 [inaudible] show that it's as a result of this incident versus
8 before. Are you asking if -- I'm trying to think. Did you
9 see a therapist, lay the foundation you saw a therapist
10 [inaudible], did you see a therapist prior to leaving
11 [inaudible]? He has to be able to get in somewhat to it.

12 MS. BLUTH: I totally agree. I don't have any
13 problem with him saying --

14 THE COURT: But I'm not sure the runaway part is
15 relevant and why. I mean, because --

16 MR. SPROWSON: It's connected here. I mean, I can
17 let her bring it up.

18 THE COURT: Why don't you ask questions about, you
19 know, whether or not she was in therapy before. I think it's
20 relevant. But I don't know that the why is relevant at this
21 point.

22 MR. SPROWSON: It is, Your Honor, because they are
23 charging me with substantial mental harm. They're trying to
24 lay everything at my doorstep. And the fact of the matter is
25 is that she's had -- you and I know and they know that she's

1 already had these previous experiences. You already tied my
2 hand on that. I'm not getting into that. All I'm getting
3 into is the fact that there was prior therapy. What was it
4 about? It's tied to runaway right there. It says it's
5 because she had -- and I'm not getting into the fact is that
6 she had a runaway because you guy are trying to make it seem
7 like that I'm enticing [inaudible]. Come on, man, give me a
8 little -- a little leeway here.

9 MS. BLUTH: It's not about leeway. It's about rules
10 of evidence.

11 MR. SPROWSON: Well, I'm not getting into any sexual
12 contact.

13 MS. BLUTH: It's not about sexual contact. That's
14 not what it's about. That's not what the ruling is.

15 MR. SPROWSON: Sorry if I'm putting a little dent in
16 your case.

17 MR. SWEETIN: That's how it's supposed to be.

18 MS. BLUTH: You can't throw a fit every time you
19 don't get what you want, Mr. Sprowson.

20 MR. SPROWSON: I know. I [inaudible].

21 THE COURT: So why was she seeing a therapist? It
22 was because of the incident with David?

23 MS. BLUTH: Yes.

24 THE COURT: That's the problem.

25 MR. SPROWSON: That's not tied to just David.

1 That's tied to other people.

2 MS. BLUTH: Yeah, exactly. It's the same thing,
3 though.

4 MR. SPROWSON: You know [inaudible].

5 THE COURT: Hold on. I'm sorry. I can only hear
6 one at a time, okay. Tell me what you want, and then I'll let
7 them speak.

8 MR. SPROWSON: Huh?

9 THE COURT: I can't hear both of you, so -- okay.

10 MS. BLUTH: So Mr. Sprowson feels like we are laying
11 all of Jaysenia's substantial mental harm at his feet. I
12 disagree with that. We are more than willing to stipulate
13 that she had seen -- she had sought therapy before this. And
14 so the fact that she had, you know, had some issues
15 beforehand, he's more than -- I think it's totally possible
16 for him to bring up, which is why I did the motion in limine.

17 And I believe the Court's ruling was that he can
18 absolutely delve into the fact that had issue before and that
19 she sought therapy and that her family took her to therapy.
20 But the specifics of why she went to therapy were not
21 admissible for multiple reasons, and they're not relevant.
22 Because at the end of the day, consent can never be a defense
23 [inaudible]. So the fact that she received metal health
24 counseling before this is actually admissible, but for him to
25 say tell me why, it -- it -- that part you are deemed

1 inadmissible in my motion in limine. So I don't have any
2 problems bring up that she went there. I'll stipulate to it.

3 MR. SPROWSON: What about the fact that has run away
4 before?

5 THE COURT: I don't know why that's --

6 MR. SPROWSON: The fact is that it shows a pattern.
7 It shows that she's run away before.

8 MS. BLUTH: But it's not legally admissible.

9 MR. SPROWSON: Well, you guys are trying to make it
10 seem like I enticed her, and I didn't entice her.

11 MS. BLUTH: That's not what we're trying --

12 THE COURT: Why don't you ask her --

13 MS. BLUTH: -- to make it seem.

14 THE COURT: Okay.

15 MR. SPROWSON: You've already gotten her to lie, so
16 what else?

17 THE COURT: Okay. So, yes, I know you [inaudible].
18 I don't think the why -- I don't want to get into that she's
19 had another [inaudible]. That was specifically excluded.

20 MR. SPROWSON: I'm not getting into it.

21 THE COURT: But you can ask her, and you have to lay
22 a little bit of foundation, can ask her questions that --
23 whether or not she's done therapy before and wasn't she --

24 MR. SPROWSON: I'm not going to do a
25 cross-examination. [Inaudible]. You people are going to put

1 me in prison. I'll just go.

2 THE COURT: Okay.

3 MS. BLUTH: Okay. Sounds good.

4 (End of bench conference)

5 THE COURT: Please continue.

6 MR. SPROWSON: So what am I allowed to say?

7 BY MR. SPROWSON:

8 Q Okay. Jaysenia, I'm being very limited in what I'm
9 able to say, so I'm going to stick to what they're allowing me
10 to say. On the night that you left your home, okay, there was
11 a conversation before that. Obviously, it was on your
12 computer. Now, you stated to Ms. Bluth that this was at my
13 prompting that you come stay with me, or how did that come
14 about? Can you please explain to us that?

15 A I don't understand your question.

16 Q How is it that you decided the night of the 28th to
17 leave your home and come stay with me? How did -- how did
18 that whole scenario come about? Can you please tell us?

19 A We both talked about it, and my mom wasn't going to
20 let me see you or talk to you. She wasn't going to let me
21 talk to you at all. And so there was only like a few options
22 we had.

23 Q Okay. And so did you email me several times that
24 day?

25 A Like did we email back and forth? Yeah.

1 Q Well, did you email me, yes or no?

2 A Yes.

3 Q Yes. Okay. And in those emails, what did you ask
4 me?

5 A I don't understand. What is it?

6 Q In the emails, what did you ask me?

7 A If you'd pick me up.

8 Q If I would pick you up?

9 A Yes.

10 Q And what was my response?

11 A You didn't know and you were nervous.

12 Q Was I --

13 A Because you didn't want to get in trouble.

14 Q Was I reluctant?

15 A Yes.

16 Q And did I want to?

17 A Yes.

18 Q If I was reluctant, you're saying that I wanted to?

19 A You were reluctant, but you did end up doing it, so
20 you did have to end up wanting to.

21 Q Well, that's a conclusion, but --

22 MS. BLUTH: Judge, I'm going to object as to
23 argumentative. He just asked her a question and she's
24 answering.

25 THE COURT: Let's just move on to the next question.

1 BY MR. SPROWSON:

2 Q So you -- you were the one -- so did I initiate that
3 or did you initiate it?

4 A I did.

5 Q You did.

6 A Yes.

7 Q And so was this your idea? You're saying that it
8 was our idea, but was it your idea or my idea?

9 A Mine.

10 Q It was yours. Okay. Now, I also want to ask about
11 the Omelet House. Did you ever ask me to come see you at the
12 Omelet House because you wanted to see what I looked like?

13 A I don't remember that.

14 Q Did I ever come to the Omelet House?

15 A Yes.

16 Q And did you see what I looked like?

17 A No.

18 Q You didn't see what I looked like?

19 A I didn't see you.

20 Q Prior to this hearing, did you have a discussion
21 with Ms. Bluth?

22 A Yes.

23 Q And how long, approximately, was that?

24 A A couple hours.

25 Q A couple hours. Okay. All right.

1 MR. SPROWSON: If the Court would please bear with
2 me because I'm limited in what I'm to ask, so I'm going to try
3 to do the best I can.

4 MS. BLUTH: Judge, I would object in regards to the
5 constant pointing out that he's limited. He's limited in the
6 same way I'm limited. We have evidentiary rules. We all have
7 to follow them.

8 THE COURT: I agree. Mr. Sprowson, the limitations
9 on you are no different than the limitations on the State, and
10 those are governed by the rules of evidence.

11 Ladies and gentlemen, please disregard any comments
12 indicating otherwise.

13 BY MR. SPROWSON:

14 Q Okay. When you were staying at my house and we went
15 out, you said how many times?

16 A Twice.

17 Q How many?

18 A Twice.

19 Q Twice. Did we ever go to a Walmart?

20 A No.

21 Q We never went to Walmart?

22 A No.

23 Q Did we ever go to an El Pollo?

24 A Not that I remember.

25 Q Okay. Let's see.

1 MR. SPROWSON: You know, I'm going to stop here
2 because clearly she's been coached and I'm not going to go any
3 further.

4 THE COURT: Mr. Sprowson, please don't make any
5 rhetorical comments.

6 MR. SPROWSON: You know what, I'm not getting a fair
7 trial and I'm just going to stop.

8 THE COURT: Sir, do you have any additional
9 questions?

10 MR. SPROWSON: I have a lot of questions, but at
11 this point --

12 THE COURT: All right. Then if you'd like to
13 proceed.

14 MR. SPROWSON: -- everything I ask, nobody -- you're
15 not allowing me to ask the questions and she's --

16 THE COURT: Sir.

17 MR. SPROWSON: -- clearly been coached.

18 THE COURT: The limitations on you are the same as
19 the limitations on the State.

20 MR. SPROWSON: I didn't get a chance to interview
21 her --

22 THE COURT: Sir, please.

23 MR. SPROWSON: -- for two hours.

24 THE COURT: You can ask her questions if you'd like
25 to ask questions.

1 MR. SPROWSON: Well, you're going to have to be a
2 little patient with me.

3 BY MR. SPROWSON:

4 Q Okay. You -- you keep talking about this plan.
5 Now, part of it, this plan, can you tell us what that
6 involved? Was it one plan, was there two plans, was there
7 three plans?

8 A It was like one main plan that I would take the fall
9 for anything so you wouldn't get in trouble. If they took me
10 home, I would just come back because you weren't going to go
11 to jail.

12 Q Anything else?

13 A Not that I remember.

14 Q And you never said that there was a Plan A, B, C?

15 A I don't remember.

16 Q In the preliminary hearing testimony?

17 A I don't remember.

18 Q Okay. I'm going to -- I'm going to show you a paper
19 here from a preliminary hearing testimony transcript of
20 something you said, and I'm just going to let you read it to
21 remind you. Give me a second here. I need to find it.

22 THE COURT: And when you do that, if you could just
23 reference, please, the page that you're referencing from the
24 preliminary hearing transcript.

25 MR. SPROWSON: Okay. Let me just find it real

1 quick.

2 BY MR. SPROWSON:

3 Q Okay. I'm going to have to look for that, but I
4 have one at -- I'm on page 36 of the preliminary hearing
5 testimony, okay. On the date of the preliminary hearing
6 testimony, the question that was posed to you was did you ever
7 ask if you could go out during the day? And your answer
8 was --

9 MR. SPROWSON: Should I just show it to her?

10 MS. BLUTH: Your Honor, I'm sorry. I'm going to
11 object to the form of the question. If he has a question for
12 the witness, then she should be entitled to answer it, but he
13 can't just read her testimony in.

14 THE COURT: I'll give him a little leeway as far as
15 laying a foundation for a cross-examination.

16 MR. SPROWSON: Well --

17 THE COURT: But you might show it to her, please,
18 and direct her where you'd like for her to look.

19 THE WITNESS: I'm okay.

20 THE COURT: Ms. Torres, do you need a glass of water
21 or take a break?

22 THE WITNESS: I just -- does he have to approach me,
23 though?

24 THE COURT: Ma'am, he's only handing you pictures,
25 okay. So if you want to just take a deep breath.

1 MR. SPROWSON: I'll just hand it to you and can give
2 it to her.

3 THE MARSHAL: That's fine.

4 MS. BLUTH: How about this. I can -- would you like
5 me to just give her a whole copy, Mr. Sprowson?

6 MR. SPROWSON: No, I'll have -- I'll have the --

7 THE WITNESS: Sorry. Yeah, I read it.

8 BY MR. SPROWSON:

9 Q Okay. This is in reference -- and what did you say
10 on this?

11 A The full thing?

12 Q Yeah.

13 A I said I -- yeah, I mean yeah. No, I mean, yeah.

14 Q Where I put the parentheses?

15 A Yes. And then I said that you were too tired to
16 take me out.

17 Q Well, did you read the answer part where I have
18 parentheses? Actually, lines 18 through 20.

19 A Yeah. I mean, not -- yeah, he would be too tired or
20 something, so it wasn't like I was being forced to stay in the
21 house.

22 Q Okay. Thank you.

23 THE COURT: Mr. Sprowson, would you prefer to hand
24 it yourself, or do you prefer that Jason do it?

25 MR. SPROWSON: No, I'm going to go through Officer

1 Dean because I don't want to upset her. If she's really --

2 THE COURT: Okay. Whatever --

3 MR. SPROWSON: -- that bothered by it --

4 THE COURT: -- you believe works better --

5 MR. SPROWSON: -- I'll just go through Officer Dean.

6 THE COURT: -- for your case is fine.

7 BY MR. SPROWSON:

8 Q Okay. And the only reason I'm bringing that up is
9 because you said that -- the State had raised the issue that
10 you felt that you emotionally couldn't go outside.

11 A Yes.

12 Q I just wanted to bring that, that you had stated
13 that the reason you weren't forced to stay in the house.

14 A Physically.

15 Q Physically you weren't. And, again, you stated that
16 I was tired all the time. Again, this -- this emotional
17 stuff, did you ever -- I asked you several times, and every
18 day I would ask you if you wanted me to take you home. What
19 was your response?

20 A You didn't ask that.

21 MR. SPROWSON: I'm finished, Your Honor.

22 THE COURT: Do you have any additional questions?

23 Is this the --

24 MR. SPROWSON: Everything, you know --

25 MS. BLUTH: Do you have any additional questions,

1 Mr. Sprowson?

2 THE COURT: Ms. Bluth, I can handle it.

3 Is this the end of your cross?

4 MR. SPROWSON: Your Honor, here's the thing.

5 THE COURT: I just have --

6 MR. SPROWSON: She's clearly --

7 THE COURT: I just want to know whether --

8 MR. SPROWSON: -- been coached.

9 THE COURT: Mr. Sprowson.

10 MR. SPROWSON: She's not telling the truth.

11 THE COURT: Okay. Please. You don't get to have --
12 you're not testifying, okay. I just need to know whether
13 you've completed your cross-examination and whether you're
14 going to start your direct examination, or whether you've
15 completed your testimony in its entirety. That's all I need
16 to know.

17 MR. SPROWSON: No, I guess I'm going to go into a
18 direct examination. All I want the witness to do is tell the
19 truth. That's all.

20 THE WITNESS: That's the truth.

21 THE COURT: All right. You've got to keep your
22 editorial comments to yourself. You can ask questions and she
23 can answer. That's how it works, okay.

24 BY MR. SPROWSON:

25 Q So I had stated earlier about the -- the date of the

1 28th and the email conversation.

2 A Yes.

3 Q You had stated that you had asked me to pick you up;
4 is that right?

5 A Yes.

6 Q Okay. And you had also stated that -- that I was
7 reluctant --

8 A Yes.

9 Q -- to some degree, and at some point I did give in.

10 A Yes.

11 Q Okay. And in that conversation do you remember that
12 -- that I had stated to you that you said that your mom had
13 found out about us or some degree to something like that and
14 that you wouldn't be able to see me; is that correct?

15 A Talk to you.

16 Q Talk to me. Was that a true statement?

17 A Yes.

18 Q Okay. And did I respond with an alternative to that
19 instead of picking you up?

20 A Yes.

21 Q And what was that alternative?

22 A To wait until I was 18.

23 Q Right. Okay. So to wait until you were 18.

24 A Yes.

25 Q In the conversation, in the email conversation, did

1 you at some point threaten to kill yourself?

2 A No.

3 Q Did you ever tell Michelle Fischer that you
4 threatened to kill yourself?

5 A Yes, because it was a part of -- it was a part of
6 our plan to protect you.

7 Q Okay. And so I want to -- if the Court will indulge
8 me, I want to find the page because there's a mentioning about
9 a Plan A, B, and C in regards to emancipation. Was there any
10 plan in regards to emancipation?

11 A I don't remember.

12 Q Okay. So I'm going to have to find that page so I
13 can refresh your memory.

14 A I remember we talked about it. I don't remember
15 there being a plan.

16 Q Oh, here it is.

17 MS. BLUTH: May I have a page number, Mr. Sprowson?

18 MR. SPROWSON: It's -- I gave it to Officer Dean.

19 THE COURT: Was it a preliminary hearing transcript?

20 MR. SPROWSON: Yes, it was.

21 THE WITNESS: Okay.

22 BY MR. SPROWSON:

23 Q Okay. So you've read it?

24 A Yes.

25 Q Okay. Do you remember when this question, it says

1 here, in regards to Plans A, B, and C? Can you tell us a
2 little bit about that?

3 A I don't remember what A, B, and C was.

4 Q Do you mind if I -- can I read to the Court what she
5 said?

6 A Well, I read that, but it doesn't mention what A, B,
7 and C is, so I don't know what they are.

8 Q Well, it says right here --

9 MR. SPROWSON: If I may, can I read it?

10 THE COURT: You can point --

11 BY MR. SPROWSON:

12 Q Lines 9 through 11 says, the question was, there was
13 a plan; right? And your answer was, yeah. The question was
14 you wanted Melvyn to have guardianship over you; correct?
15 Yeah. You wanted to stay with Melvyn? Yes. You wanted to
16 continue on going to school? Yeah. But you thought you
17 couldn't go back to school because every time you'd go back to
18 school, somebody would grab you and take you away; right?
19 Yeah. So you didn't want to go back to school because you
20 would be found there; right? Yeah. By the authorities;
21 right?

22 And then on page -- I'm not going to go into it any
23 further. But what I'm getting at here is that there was -- I
24 hear a lot in your testimony with Ms. Bluth about the plan,
25 and I'm a little confused about this plan. Because here you

1 mention, as I've already pointed out, there's an A, B, and C,
2 and I'm not sure what that's relating to. And then in the
3 conversation it's regarding guardianship. So would it be fair
4 to say that this is something in regards to the emancipation
5 issue?

6 A Yes.

7 Q Okay. And did you ever study about emancipation
8 prior to meeting me?

9 A No.

10 Q And if I show you testimony that you said you did?
11 This is why I wanted to have that prep time. Okay. Here we
12 go. Okay. This is -- this is from the Michelle Fischer
13 review and this is page 21.

14 MS. BLUTH: Thank you.

15 MR. SPROWSON: And I believe it might start on 20.
16 Let me just check for a second. Hold on. Well, I'm going to
17 start at line 2. And if you could -- Officer Dean, if could
18 had this to her.

19 BY MR. SPROWSON:

20 Q Okay. Can you -- can you -- it says -- it says
21 here, but the fact that my mom wouldn't be able to let me like
22 to go to an attorney or whatever, whatever it is to get
23 emancipated, I need to get there and I'd be able -- have to be
24 able to make appointments, you know. And then I'll just go
25 down a bit. And it says, my mom just said no, like my mom

1 wouldn't do it, and I just -- there's only so much I can do,
2 I'm not that old. And I'll go down a little bit further. And
3 it says, okay, so tell me about the person that it was you
4 were talking to, the person you met, what's that -- what's
5 that person's name? And then you mention my name, Melvyn. So
6 do you remember anything about this whole emancipation
7 thing --

8 A Yes.

9 Q -- in regards to talking to your mom about it?

10 A That was part of our plan.

11 Q It was part of our plan to talk to your mom or --

12 A No, that you were looking for a roommate on
13 Craigslist, and I was trying to live on my own, so I lied to
14 her and said I was trying to previously get emancipated to
15 live on my own.

16 Q Okay. And was that -- so that -- would you say that
17 was Plan A, Plan B, or Plan C?

18 A I really don't know. I don't remember what plan was
19 what.

20 MR. SPROWSON: I'm sorry, guys. Forgive me. I'm
21 trying to navigate this.

22 BY MR. SPROWSON:

23 Q Let's see. Oh. Okay. They had talked about the
24 pictures we had and that the jury has seen. Now, was there
25 ever a conversation that came up and you suggested to me to

1 ask me if I wanted a breast shot that you had taken?

2 THE COURT: I'm sorry. I can't hear you.

3 BY MR. SPROWSON:

4 Q There was a -- there was -- we had a conversation
5 and I'm asking do you remember the conversation that we had
6 and you had asked me if I wanted a picture that you had taken
7 of your breasts. Do you remember that conversation?

8 A No, I don't remember that.

9 Q You don't. Okay. So you said you -- when you
10 emailed each other, you said that you did -- did you threaten
11 to kill yourself at the final email, an email that night of
12 August 28th? You had told Michelle Fischer that you had
13 threatened to kill yourself.

14 A I told her that, yeah, but I didn't actually say
15 that.

16 Q And you did actually say that.

17 A No, I said I did actually say that.

18 Q To Michelle Fischer?

19 A No, I did to Michelle Fischer.

20 Q You never emailed me that?

21 A That's what I'm saying.

22 Q Well, how did I know? I mean, you did email that.

23 A What? I said it to Michelle Fischer that I emailed
24 you that.

25 Q Okay. That's what -- I just want to clarify, so --

1 A But I never actually emailed you that.

2 THE COURT: Mr. Sprowson, when you're asking
3 questions, can you give us a little foundation as far as time,
4 please.

5 MR. SPROWSON: You mean as far as the happening of
6 that or --

7 THE COURT: No, no, no. You reference different
8 events. Just lay a foundation for when these events
9 supposedly occurred.

10 MR. SPROWSON: Well, I started off with August 28th.
11 Well, I'm trying to start ---

12 THE COURT: Just ask her or just give us some kind
13 of indication, please.

14 BY MR. SPROWSON:

15 Q Well, August 28, 2013, this was the night that you
16 had emailed me --

17 A Yes.

18 Q -- and you had asked me to come pick you up.

19 A Yes.

20 Q Okay. And you said that I was reluctant.

21 A Yes.

22 Q Okay. I'm just reviewing what I already said so I
23 can just continue from there so I won't get lost on this. And
24 so you're denying the fact that you emailed me that you
25 threatened to kill yourself?

1 A Yes.

2 Q Why would be the reason to tell Michelle Fischer
3 that?

4 A So you wouldn't get in trouble. It was part of the
5 plan.

6 Q Part of what plan?

7 A To not get you in trouble. You're not --

8 Q Well, to not get me in trouble. So there was a plan
9 or --

10 A If I told you I was going to kill myself, it
11 would've given more for you to not get in trouble because you
12 thought my life was at risk. I never actually said I was
13 going to kill myself to you. I told you you didn't even have
14 to come, and you asked for my address.

15 MR. SPROWSON: I'm done, Your Honor.

16 THE COURT: No other questions for --

17 MR. SPROWSON: I'm done.

18 THE COURT: -- either cross --

19 MR. SPROWSON: I'm done.

20 THE COURT: -- or direct? I'm sorry. No?

21 MR. SPROWSON: I'm done, Your Honor. I'm done.

22 THE COURT: All right. Does the State have --

23 MR. SPROWSON: I mean, obviously --

24 MS. BLUTH: Okay.

25 MR. SPROWSON: -- there's nothing I can say.

1 THE COURT: Okay. If you -- if you don't have any
2 questions --

3 MR. SPROWSON: I'm done, Your Honor.

4 THE COURT: -- that's all I need to know.

5 MR. SPROWSON: I'm done.

6 THE COURT: Okay.

7 MR. SPROWSON: I'm finished with the witness. Thank
8 you.

9 THE COURT: Does the State have any either redirect
10 or cross?

11 MS. BLUTH: I have redirect.

12 THE COURT: Okay.

13 REDIRECT EXAMINATION

14 BY MS. BLUTH:

15 Q Jaysenia, in -- have you been -- were you nervous to
16 come to court, about coming --

17 A Yes.

18 Q -- to court? When I met with you, did I always meet
19 with you with also a victim witness advocate?

20 A Yes.

21 Q So it was never just you and I in the room?

22 A No.

23 Q At any point in time have I ever told you what to
24 say?

25 A No.

1 Q Have I ever coached you in any way?

2 A No.

3 Q What did I tell you you had to do?

4 A Tell the truth.

5 Q Have you told the truth today?

6 A Yes.

7 MS. BLUTH: Nothing further, Judge.

8 THE COURT: All right. Any further redirect or
9 recross, Mr. Sprowson, sir?

10 MR. SPROWSON: Your Honor, I don't even know if I
11 should continue because, you know --

12 THE COURT: It's just a yes or no. If you have
13 questions, please ask them now.

14 MR. SPROWSON: I mean, I have a lot of questions I'd
15 like to ask her --

16 THE COURT: If you're going to ask them --

17 MR. SPROWSON: -- but if it's going to be --

18 THE COURT: Please --

19 MR. SPROWSON: -- a denial of everything --

20 THE COURT: Sir.

21 MR. SPROWSON: -- I have on the record already.

22 THE COURT: My only question is do you have
23 additional questions for the witness before we let her go?

24 MR. SPROWSON: I'm going to have to try, at least
25 attempt something. The Court is going to have to be patient

1 with me. I mean, I'm getting a little frustrated here.

2 THE COURT: All right. Let's not have all the other
3 dialogue. Let's just ask your questions, please, sir.

4 MR. SPROWSON: So I can't -- I can't enter this?

5 THE COURT: I don't know what you're holding up.
6 I'm just saying we don't need all the other dialogue. Just
7 ask questions if you have additional questions, please. And,
8 I mean, you can sit there and ask questions if you'd like,
9 too. It's just wherever you're comfortable, sir.

10 MR. SPROWSON: Yeah, I'm just -- see this is why I
11 asked to have preparation time --

12 MS. BLUTH: Judge, I'm going --

13 THE COURT: Sir --

14 MR. SPROWSON: -- prior to that.

15 MS. BLUTH: -- to object --

16 THE COURT: -- you either have questions --

17 MS. BLUTH: -- and ask to approach.

18 THE COURT: -- or you don't have questions.

19 RECROSS-EXAMINATION

20 BY MR. SPROWSON:

21 Q Okay. This is page 101 of the preliminary hearing
22 testimony. Okay. And this is also 102. So I'm referencing
23 page 101 and page 102. And the foundation here is in regards
24 to the emancipation and regards to truancy. I had asked the
25 question if she had previously looked up the laws on regarding

1 emancipation. And I'll ask the question again, Jaysenia.
2 I'll stand so you can see me. Prior to meeting me, did you
3 look up any laws about emancipation or truancy?

4 A No.

5 THE COURT: I'm sorry. You need to speak up,
6 please.

7 THE WITNESS: No.

8 THE COURT: Thank you.

9 BY MR. SPROWSON:

10 Q No. Okay. I have here in the preliminary hearing
11 testimony on page 101, I'm going to have Officer Dean show it
12 to you what you had said.

13 THE COURT: What lines are you having her read, sir?

14 MR. SPROWSON: On page 101, page 102, we're looking
15 at 21, and then all the way down to, just say 6, which is
16 referencing to her looking up the truancy and emancipation.

17 THE COURT: All right. So please review that item.

18 THE WITNESS: Okay.

19 BY MR. SPROWSON:

20 Q Okay. It just says here you thought about all the
21 laws and about truancy and you looked up all the laws about
22 emancipation.

23 MS. BLUTH: I --

24 THE WITNESS: We looked --

25 MS. BLUTH: I apologize.

1 THE WITNESS: -- them up --

2 MS. BLUTH: I apologize, Your Honor.

3 THE WITNESS: -- together.

4 MS. BLUTH: She was asked a question to see if helps
5 refresh her recollection, and now she can answer the question.

6 MR. SPROWSON: Okay. All right.

7 MS. BLUTH: Thank you.

8 MR. SPROWSON: That's fair.

9 BY MR. SPROWSON:

10 Q Okay. Do you remember this conversation --

11 A Yes.

12 Q -- that you had with Mr. Momot? Okay. So can you
13 tell us a little bit about it?

14 A What do you mean, like what it says?

15 Q Well, yeah, what -- what -- well, it just said that
16 you looked up the laws regarding truancy and that --

17 MS. BLUTH: Judge, same objection.

18 MR. SPROWSON: Well, I was just reminding her.

19 THE COURT: It's just the way you're asking. If
20 you're trying to impeach her or refresh her recollection, you
21 need to ask the question.

22 MR. SPROWSON: Okay. So I'm just refreshing her --

23 THE COURT: And then utilize it --

24 MR. SPROWSON: -- recollecting to about --

25 THE COURT: -- to refresh her recollection.

1 BY MR. SPROWSON:

2 Q Why were you looking up -- why were you looking up
3 the laws about truancy and emancipation?

4 A We were looking it up together.

5 THE COURT: I'm sorry. And I couldn't hear you,
6 ma'am.

7 THE WITNESS: We were looking it up together. I
8 said there that we were doing it together.

9 THE COURT: I just couldn't hear you. If you could
10 just speak up a little bit louder, okay?

11 THE WITNESS: Okay.

12 THE COURT: Okay.

13 BY MR. SPROWSON:

14 Q Okay. Do you remember the first place that you
15 actually saw me?

16 A The roller skating rink.

17 Q At the skating rink? Okay. All right. I have here
18 on page 21 --

19 MR. SPROWSON: And I'm just showing her that
20 actually the first place, this impeachment, that it wasn't at
21 the skating rink. The question was -- well, I'll just -- if
22 we could -- I'll refresh her memory of what she said about the
23 first place that --

24 THE COURT: Okay. What lines --

25 MR. SPROWSON: -- she saw me.

1 THE COURT: -- would you like for her to review,
2 sir?

3 MR. SPROWSON: Huh?

4 THE COURT: What would you like for her to review,
5 sir? What page and what lines?

6 MR. SPROWSON: Actually, page 21, let's see, No. 7
7 and then all the way down to 12, so 7 through 12.

8 MS. BLUTH: And for the record, Your Honor, this is
9 the prelim, I think. Right, Mr. Sprowson?

10 MR. SPROWSON: Yeah, this is the preliminary hearing
11 transcript.

12 MS. BLUTH: Thank you.

13 MR. SPROWSON: I'm either referencing the
14 preliminary hearing transcript or the transcript from Michelle
15 Fischer.

16 THE COURT: Okay. Well, just make sure we know
17 which one, please.

18 MR. SPROWSON: I will.

19 BY MR. SPROWSON:

20 Q Okay. So do you remember what you said here?

21 A Yes.

22 Q And what did you say?

23 A I said that I saw you.

24 Q Where?

25 A At the Omelet House.

1 Q Right. So that was the first place; right?

2 A I lied a lot in the preliminary, so I don't know
3 what's truth and lie in that one. I really don't remember
4 seeing you for the first time there.

5 Q Well, how long has it been since we've actually seen
6 each other?

7 A I think four years.

8 Q About three or four years? It was 2013? And --

9 THE COURT: Okay. So are you nodding your head?

10 THE WITNESS: Yes.

11 THE COURT: Okay.

12 BY MR. SPROWSON:

13 Q Some of the things that I notice that -- it's been
14 -- it's been about three or four years since this event, is
15 that true to say?

16 A Yes.

17 Q It's been about three or four years. So would you
18 say that you remember everything that happened exactly, or
19 you're foggy on a lot of things?

20 A I'm foggy on a few things.

21 Q Your foggy on a few things. So in your testimony
22 you could -- you could possibly be mistaken, yes or no?

23 A Possibly yes.

24 Q You possibly could be mistaken. So --

25 A Yes.

1 Q - if I'm asking you questions and you're trying to
2 remember and it's here, it's probably because you just don't
3 remember. Would you say that that's a fair question that you
4 probably don't remember?

5 A No. Because I know for a fact I lied a lot in the
6 preliminary, so --

7 Q Just to -- on which side?

8 A When --

9 Q When you were being questioned by Bluth, or when you
10 were being questioned by --

11 A Momot

12 Q -- Momot?

13 A Momot.

14 Q Okay. And so can you tell the Court -- maybe we can
15 just clarify this. Can you tell the Court some of the things
16 that you lied about?

17 A I don't even remember. Everything he asked, I just
18 flipped it around and I was defending you. Everything,
19 everything he asked I would try to defend you in. So I don't
20 even remember.

21 Q So can you --

22 A Like I just completely --

23 Q -- give me one thing? Can you give me one thing?

24 A Like that I wanted to run away, that I hate -- I
25 completely hated my mom and that it had nothing to do with

1 you, I forced you to pick me up.

2 Q And so you're saying that you didn't run away?

3 A I didn't force you to pick me up.

4 Q Okay. But did you run away?

5 A Yes.

6 Q You did run away. And have you run away before?

7 A Yeah.

8 MS. BLUTH: Objection.

9 THE COURT: What's the objection?

10 MS. BLUTH: That's to relevance, motion in limine,
11 Scope.

12 THE COURT: At this point I'm going to allow that
13 one question. Are you moving on to a different direction?
14 Okay. Because remember we do have some pretrial rulings in
15 place.

16 BY MR. SPROWSON:

17 Q So have -- have you ever run away before?

18 A Yes.

19 Q Yes. Okay.

20 MR. SPROWSON: And all I'm trying to establish is
21 that there was -- this was not the first time that she had ran
22 away --

23 MS. BLUTH: Is there --

24 MR. SPROWSON: -- with me. That's all.

25 MS. BLUTH: -- a question, Your Honor?

1 THE COURT: It's okay. Just as a question, Mr.
2 Sprowson.

3 MR. SPROWSON: Okay.

4 BY MR. SPROWSON:

5 Q Can you tell the Court how many times, give or take
6 a few? Was it once, twice?

7 A I never ran away for a really long time, so like
8 twice, and it was less than like two days, like less than a
9 day, actually.

10 Q But you had ran away before; correct?

11 A Yes.

12 Q And was there -- these times that you ran away
13 before, were they similar to --

14 MS. BLUTH: Objection, Your Honor. This --

15 MR. SPROWSON: I'm trying to connect it to her
16 running away with me. That all. I'm trying to --

17 MS. BLUTH: May we --

18 MR. SPROWSON: -- show a connection.

19 MS. BLUTH: -- approach, please?

20 THE COURT: Yeah. Mr. Sprowson, come here for a
21 second.

22 (Bench conference)

23 THE COURT: I understand what you're getting at.
24 You're trying to say you didn't [inaudible]. My only concern,
25 we're going to get into the other area, the prior event with

1 that other person.

2 MR. SPROWSON: No, I am not. All I'm trying to
3 establish is that she had run away before. That's all. And
4 that -- when I say -- I'm not getting into David. What I'm
5 trying to say is that -- because she's saying that she didn't
6 threaten to kill herself. She said it to Michelle Fischer.
7 She said it in the preliminary. Okay. Now she's not saying
8 that, okay. So what I'm trying to show is that -- is that she
9 has ran away before, okay. And the reason why I ask her is
10 for similar reasons. Because what I'm leading up to is it's
11 already been established that she's had some issues to some
12 degree with her mother. Small, big, whatever, she's had some
13 issues with her mother.

14 So that's all I'm leading with it. I'm not going to
15 get into she ran away and had sex or anything like that. What
16 I'm trying to establish is that she ran away because she had
17 issues with her mother. And I'm going to tie that to my
18 situation here, is this wasn't me trying to entice her and get
19 her away from her, you know, from her home. And that part of
20 the reason why she ran away is because she was having issues
21 with her mother.

22 MS. BLUTH: Okay.

23 MR. SPROWSON: And that's a fact.

24 MS. BLUTH: Okay. First of all, he keeps saying
25 that we have claimed that he enticed her. That is one thing.

1 THE COURT: Actually, that was my word.

2 MS. BLUTH: No, he -- he has always said that, that
3 we have --

4 THE COURT: Okay. I don't know. Maybe he used the
5 word.

6 MS. BLUTH: He has -- the defendant has always said
7 that we're claiming that he enticed her. That's not what
8 we're claiming. That's not our argument. We're not saying he
9 enticed her. So my motion in limine was exactly about this
10 and we had a pretrial ruling that he --

11 THE MARSHAL: Judge, not to interrupt. She needs to
12 use the restroom.

13 MS. BLUTH: Oh, okay.

14 JUROR: Can I just wobble to the bathroom real
15 quick?

16 THE COURT: Yeah.

17 THE MARSHAL: Yes?

18 THE COURT: Yeah, just go and come right back.

19 THE MARSHAL: Okay.

20 MS. BLUTH: So my motion in limine had to do with
21 this, and so now he's already been able to get into something
22 that I thought the previous ruling was that we couldn't get
23 into. And you said you'd allow him one question, have you ran
24 away previously. She said yes. And now he's gone -- keeps
25 going, keeps going, keeps going. I mean, I don't -- that was

1 the pretrial ruling. I don't know why he --

2 MR. SPROWSON: If she ran away previously, I'm
3 allowed to know at least how many times.

4 MS. BLUTH: It doesn't matter because there is no
5 consent to this crime, so it doesn't matter if she ran away.

6 MR. SPROWSON: It shows that she's ran away for a
7 reason. She ran away because she's having problems with her
8 mother. And that's what I'm trying to show is that -- that
9 it's not just me saying, hey, come live with me or --

10 MS. BLUTH: And you've established that. But under
11 the law she cannot consent to this. So when he went to her
12 house and picked her up and drove her with the intent to keep
13 her from her mom, even if she agreed to it, under the law it's
14 kidnapping. That's why consent and previous runaways are not
15 relevant, period. Now, if she would have, you know, ran to
16 his house and he turned around and [inaudible] that would be
17 different. But when he goes to her house, they have a plan,
18 and he takes her from her place --

19 MR. SPROWSON: I don't have a plan. That's --
20 that's --

21 MS. BLUTH: Well, whatever.

22 THE COURT: Okay. But see here, she's right on the
23 law. She's under 18 and she doesn't have the permission of
24 her parents [inaudible].

25 MR. SPROWSON: I understand that. All I'm trying to

1 establish is that she's ran away from home. And all I'm going
2 to get into --

3 THE COURT: Will you [inaudible] question?

4 MR. SPROWSON: Huh?

5 THE COURT: So what is the next question you want to
6 ask?

7 MR. SPROWSON: My next question is going to be this.
8 What were the reasons why you ran away. That's all. Because
9 it could be if she's having problems with her mom -- look,
10 because on the preliminary testimony we went into this a great
11 deal that, indeed, she was having issues with her mother and
12 this is why -- look, if she's answering as and she's talking
13 about she wants to get away from her mom, it shows that I'm
14 not the person that's trying to. Whether or not, granted,
15 whether or not what I did in my action was legal or not, all
16 I'm trying to establish is that this is a person that did have
17 some issues with her mother. That's all I'm trying to
18 establish.

19 MS. BLUTH: We've already established that.

20 THE COURT: And I don't know whether that's relevant
21 because I don't think [inaudible] is saying, she is accurate
22 on that. She's under 18, so technically she's kind of the
23 possession of her parents and that she doesn't have -- she did
24 not have the consent of her parent to be with you. I mean,
25 she may have wanted to be with you, but she's under 18 and she

1 didn't have the consent of her parents. That's what they have
2 to show.

3 MR. SPROWSON: Well, I just have to move on to
4 another question, then. I mean, that's all I can do to
5 establish that she's a runaway.

6 THE COURT: But I'm telling you that to the extent
7 that it might affect the questions that you ask or
8 [inaudible].

9 MR. SPROWSON: Or to what?

10 THE COURT: I'm just saying that what she's saying
11 is an accurate recitation of the law of what they have to
12 prove. So that might affect --

13 MR. SPROWSON: See, Your Honor, this is why I wanted
14 to do a direct examination so I would have time to prepare so
15 I wouldn't be --

16 THE COURT: Well, sir, you've had --

17 MR. SPROWSON: Is there any way --

18 THE COURT: -- four years.

19 MR. SPROWSON: Is there any way -- and I don't know
20 if the State would be willing to grant me this. Instead of
21 having to go through this, I can actually probably do this,
22 look up the law and see what I'm allowed to ask her.
23 Otherwise, it's going to --

24 MS. BLUTH: No, you've had four years. She's going
25 home. She's going to college.

1 THE COURT: Okay. Stop. Okay.

2 MR. SPROWSON: You guys moved -- moved the trial
3 date --

4 THE COURT: There will be --

5 MR. SPROWSON: -- moved the trial date.

6 THE COURT: -- a jury instruction that basically --

7 MR. SPROWSON: -- I didn't have time to prepare.

8 THE COURT: -- says what she says, okay. So that's
9 what the State has to prove. So you might want to focus your
10 questions on -- I don't know, I'm assuming negating what the
11 State has to prove as far as their case in chief. It has to
12 be relevant.

13 MR. SPROWSON: I'm honestly ready to just hang up my
14 hat because --

15 THE COURT: I don't --

16 MR. SPROWSON: -- she's saying no to everything I
17 have in the record.

18 THE COURT: Sir, let me tell you, I don't care
19 whether you ask questions or no questions. It's your case.
20 You can do it however you want. I'm just here to get through
21 this trial. And I have a jury question.

22 MR. SPROWSON: Well, she's clearly --

23 THE COURT: Let's see what --

24 MR. SPROWSON: -- been coached --

25 THE COURT: -- it is while we're here.

1 MR. SPROWSON: -- Your Honor.

2 THE COURT: I don't know what you said.

3 MS. BLUTH: That we've coached her, like he always
4 says.

5 THE COURT: Oh. How long ago was the preliminary
6 hearing. That's a fair one to ask. The State can follow up
7 and ask that or I can.

8 MS. BLUTH: Sure.

9 MR. SPROWSON: That was in 2013, December.

10 THE COURT: We can just give -- actually, we can
11 just give them the date. She probably doesn't remember. What
12 was the date of the preliminary hearing?

13 MS. BLUTH: December 2013.

14 THE COURT: December?

15 MS. BLUTH: 2013.

16 THE COURT: Okay. So if you have any additional
17 questions, please ask them.

18 MR. SPROWSON: I do. It's going to be awhile.

19 THE COURT: I don't care. I just want you to ask a
20 question, sir, if you have them.

21 (End of bench conference)

22 THE COURT: It's getting a little warm in here,
23 isn't it?

24 JUROR: Absolutely.

25 THE COURT: I don't know what it is. This room is

1 never comfortable. It's either super cold or super hot. It's
2 never perfect, and I'm sorry. But we do, before Mr. Sprowson
3 continues his examination, I do have a question from Dorothy
4 Funston, who is Juror No. 8. The question is how long ago was
5 the preliminary hearing. The preliminary hearing was in
6 December of 2013. Okay. Thank you. We'll make this a court
7 exhibit.

8 Mr. Sprowson, if you'd like to continue, sir.

9 MR. SPROWSON: Yes.

10 BY MR. SPROWSON:

11 Q Okay. And some of the exhibits on those photographs
12 that the State showed you that you had taken -- well, let me
13 -- let me ask the question. Did you take those photographs?

14 A Yes.

15 Q The exhibits that the State showed you?

16 A Yes.

17 Q Okay. You took those photographs. And where did
18 you take those photographs?

19 A My house.

20 Q Your house. And at the time that you were taking
21 those photographs, were we in communication?

22 A Yes.

23 Q No, I mean, were we actually on the phone or on the
24 computer at the time you were taking the pictures? Were we in
25 direct communication is the question.

1 A We were messaging.

2 Q Well, what I'm saying is when you were taking the
3 picture was I -- was I in the room? Let's ask that. When you
4 were taking the pictures, was I in the room?

5 A No.

6 Q No. And these poses that I asked you to do,
7 according to your testimony, were you on the phone with me or
8 looking at the texts at the same time you were taking the
9 picture?

10 A At the same time, no. We would message first, and
11 then I would take the picture.

12 Q Okay. And how -- how long would you say that it was
13 between maybe the communication and the -- the taking of the
14 picture?

15 A A couple minutes.

16 Q A couple minutes. So I would like text you and then
17 you would take the picture, and text you and take the picture,
18 or was it like a request and then at some point you did it,
19 and then later on gave me the pictures?

20 A I gave you the pictures right when I took them.

21 Q Okay. So did you take all the pictures at the same
22 time?

23 A No.

24 Q So they were kind of spread out over different
25 times; correct?

1 A Yeah, you asked for different --

2 Q Right. So -- so -- okay, go ahead. You can finish.

3 Sorry.

4 A No, it's okay. Yeah.

5 Q So was it like I asked you one day and then you took
6 a picture, and then another day, or was it like five minutes,
7 five minutes, five minutes? Or how much time would you say
8 there was between these pictures?

9 A Well, there's different days.

10 Q Right. So -- so --

11 A So like on one day like I took a bunch of pictures
12 in a row for you, like five.

13 Q Right. And were we -- were we in communication
14 or --

15 A Yes.

16 Q -- or we talked later on during the day?

17 A We were texting.

18 Q Okay. So you -- you were text -- we were text
19 messaging according to you?

20 A Yes.

21 Q Okay.

22 A Well, we were on Kik.

23 Q We were on Kik. Okay. So at the time you were
24 taking the picture, did I directly tell you how to pose?

25 A I don't understand the question.

1 Q Well, in other words, since I wasn't in the room and
2 you're saying that we were texting, were you reading the text
3 and then you kind of like did the pose, or -- or did you like
4 kind of have an idea of what I was asking and then took the
5 picture?

6 A Yeah, like -- like what are you -- I don't
7 understand.

8 Q Well --

9 THE COURT: I'm sorry. I couldn't hear what you
10 said, ma'am.

11 BY MR. SPROWSON:

12 Q What I'm --

13 THE WITNESS: I don't understand.

14 BY MR. SPROWSON:

15 Q -- what I'm asking is did --

16 THE COURT: Hold on. Hold on. I couldn't hear her.

17 THE WITNESS: Sorry.

18 THE COURT: And I need you guys not to talk over
19 each other. I'm sorry. I didn't hear what you said.

20 THE WITNESS: I didn't understand the question.

21 THE COURT: Okay. She didn't understand it, so do
22 you --

23 MR. SPROWSON: Okay.

24 THE COURT: -- want to reask it?

25 BY MR. SPROWSON:

1 Q What I'm asking is -- I'll give an example. Say if
2 a person is talking on a landline phone; right?

3 A Okay.

4 Q And you're talking on the phone and the person says,
5 hey, pose this way, and then you'd pose. Was it like that?

6 A No.

7 Q Okay. So there was some time period between what
8 you read and then when you took the picture; right? There was
9 at least two or three minutes you would say?

10 A Yes.

11 Q I mean, just -- just to say at least two or three
12 minutes; right?

13 A Yes.

14 Q Okay. And when you took those pictures, so you kind
15 of -- did you -- were they very specific or kind of general?

16 A The ones I -- like --

17 Q When you were taking the pictures, were they -- in
18 other words, I'll give you an example. Were they so specific
19 that you knew exactly what to do, or was it kind of like you
20 were left with a little bit of room there to guess?

21 A At the beginning you just said like sexy pictures,
22 so I did whatever like I thought was sexy.

23 Q Okay. And what does that -- what does sexy picture
24 mean to you? What does that mean?

25 A Like showing a little. Like I don't know. Like I

1 didn't --

2 Q A little what?

3 A Like a little cleavage or --

4 Q Okay. But it's not -- it's not any -- a little
5 cleavage. So you would say that's kind of like sexy. Would
6 you say that's -- well, what it -- so that's your definition
7 of sexy, would that be fair to say?

8 A At the time, yeah.

9 Q Okay. So --

10 A Like that's what I thought you wanted.

11 Q That's what you thought. And so your definition of
12 sexy changed?

13 A Well, you said that like take this off or like pose
14 this way. So when I sent that picture, then you'd be like,
15 oh, bend over a little more. And so I sent that picture.
16 Open your legs, so I sent that picture.

17 Q Okay. So these pictures I'm giving you kind of an
18 -- you're saying I'm giving you kind of an idea of how to
19 pose?

20 A Well, you're telling me how you want me to pose.

21 Q Well, I mean, but it's general. I mean, when you
22 say certain poses, it could be -- would you say there's only
23 one way to do or there's several ways to do it?

24 A I was just doing the way you told me to do it.

25 Q Well, what I'm getting at is if I say -- if I say

1 raise your hand, okay, if I say -- I say, you know, can you
2 raise your hand for me, can you raise your hand for me? Okay.
3 Now, did I tell you specifically to raise it that high?

4 A No.

5 Q No. You kind of used what? Your understanding of
6 what raising your hand meant, would that be fair to say?

7 A But that's why I -- like I'd send you a butt picture
8 and you'd say show more butt or something like that, so I
9 would show more. And then it kept changing, things kept
10 changing.

11 Q So were they just different poses or you're saying
12 that when you say they kept changing?

13 A Like I thought like I would show you -- okay, like
14 the cleavage picture. Like that was what I thought would be
15 sexy. Then it would be like, oh, like later on it was like,
16 oh, show me your butt or show me like more of your butt or
17 show me this.

18 Q Okay. That's fair. All right. So I asked you
19 earlier if you had ever taken a picture of your breasts prior
20 to meeting me. Have you?

21 MS. BLUTH: Objection. Relevance.

22 THE COURT: What is the relevance?

23 MR. SPROWSON: It is relevant because I -- my next
24 question is going to be is she asked to --

25 THE COURT: Hold on. But what is the relevance of

1 this question?

2 MR. SPROWSON: What was that?

3 THE COURT: What is the relevance of this question?

4 MR. SPROWSON: The relevance is that I had already
5 asked her, I said had she asked me if I wanted a picture of
6 her. If she has taken a picture prior to that, then, yes, she
7 has asked me -- I can establish the fact that she had a
8 picture, at least, to offer me.

9 THE COURT: I'm going to sustain the objection. I
10 don't think that you've shown the relevance at this point. So
11 you need to move on to your next question.

12 MR. SPROWSON: Well, the relevance is that she's
13 saying that I initiated this. And what I'm -- what I'm --
14 what I'm trying to suggest is that, you know, I didn't
15 outright say, hey, can you just start --

16 THE COURT: Why don't you ask her the questions. I
17 mean, it depends on the way you ask them. As far as the
18 question you just asked, the objection is going to be
19 sustained.

20 BY MR. SPROWSON:

21 Q Okay. Did you ever -- did you ever ask me if I
22 wanted a breast picture?

23 A No.

24 Q Did you ever -- so the first time -- so are you
25 saying that you never took any kind of picture like this prior

1 to meeting me?

2 A Yes. That was my first time.

3 Q All right. Okay. That's fair. And I don't want to
4 upset you. I don't want to upset you. Okay. Now, and these
5 pictures, did I ever ask you to massage your breast?

6 A What?

7 Q Did I ever ask you to massage your breast in any of
8 these pictures?

9 A Not that I remember. I don't know.

10 Q Do any of the pictures depict you massaging your
11 breast?

12 A I don't know.

13 Q So do any of the pictures show you massaging your
14 breast or --

15 MS. BLUTH: Objection. Asked and answered twice.
16 She doesn't know.

17 MR. SPROWSON: She doesn't know.

18 BY MR. SPROWSON:

19 Q Well, I mean, the pictures, do we need to show the
20 pictures again? I mean, what I'm asking is in the pictures
21 that the State has shown you --

22 A I don't --

23 Q -- is there any --

24 A Is there one?

25 Q -- picture with your hand on your breast?

1 A I don't -- I don't remember.

2 MR. SPROWSON: Okay. Can I -- can we show her the
3 pictures so she can refresh her memory?

4 THE COURT: Which one are you looking for, sir.

5 MR. SPROWSON: Any picture that shows her with her
6 hand on her breast.

7 THE COURT: You have to let us know which ones. You
8 can pick out which one you want. Come on up.

9 MR. SPROWSON: Well, it would have to be all of them
10 that she'd have to look at because what I'm saying is I'm
11 trying to -- trying to eliminate the fact that there is no
12 picture with her hand on her breast.

13 THE COURT: I don't understand the relevance of that
14 if there's no picture, sir.

15 MR. SPROWSON: Okay. The definition of pornography
16 is sexual conduct and sexual portrayal. What I'm --

17 THE COURT: Hold on. This is the law.

18 MR. SPROWSON: -- trying to establish --

19 THE COURT: This is the law.

20 MS. BLUTH: To make it easier, I'll stipulate that
21 in none of those pictures her hand is on her breast.

22 MR. SPROWSON: Okay. That's fair.

23 THE COURT: Okay.

24 MR. SPROWSON: That's all I'm trying to establish.

25 BY MR. SPROWSON:

1 Q Okay. In any of the pictures, and I'm just going to
2 refer -- because the reason why I'm asking these questions is
3 because we mentioned sexy pictures. And sexy pictures are a
4 little bit different than pornography.

5 MS. BLUTH: Judge, objection. That's not a
6 question.

7 THE COURT: I agree. It's a legal statement.
8 BY MR. SPROWSON:

9 Q Okay. All right. So in any of the pictures do you
10 have your hand on your private area?

11 A In one of the pictures I'm like pulling my underwear
12 down, but that's it.

13 Q What do you mean pulling your underwear down?

14 A In one of them I'm like pulling it down a little,
15 but that's it.

16 Q But you don't -- but you don't have your hand on
17 your private area?

18 A No.

19 Q Okay. And you don't have your hand -- we've already
20 stipulated you don't have your hand on your breast.

21 A No.

22 Q Do you have your fingers in your vagina area at all?

23 A No.

24 MS. BLUTH: Objection to relevance.

25 MR. SPROWSON: Well, how it's relevant is because

1 I'm being accused of --

2 THE COURT: I see where he's going with this. I'll
3 allow a few questions.

4 MR. SPROWSON: All I'm trying to establish is
5 because pornography --

6 THE COURT: Hold on.

7 MR. SPROWSON: -- requires sexual conduct.

8 THE COURT: Ask the questions. I understand what
9 you're trying to establish.

10 MR. SPROWSON: That's all I'm trying to establish.

11 BY MR. SPROWSON:

12 Q Okay. So in the photographs there's -- there's no
13 hand on your private area, and I mean your vagina area,
14 there's no hand on your breast. Are you doing any kind of,
15 according to your understanding, sexual act in any of these
16 pictures?

17 A Like what do you mean?

18 MS. BLUTH: Objection. Vague.

19 BY MR. SPROWSON:

20 Q Is there any sexual conduct --

21 MS. BLUTH: Objection. Vague.

22 THE COURT: Hold on. She can answer if she
23 understands.

24 If you don't understand, tell me you don't
25 understand.

1 THE WITNESS: I don't understand.

2 THE COURT: Okay. Then --

3 MR. SPROWSON: Okay. So --

4 THE COURT: -- rephrase it and reask it.

5 BY MR. SPROWSON:

6 Q Are you masturbating in any of the pictures?

7 A No.

8 Q No. Okay. So you don't have your hand on your
9 breast, you don't have your hand on your breast, you don't
10 have -- you're not using your finger in your vagina area,
11 you're not masturbating. So is it fair to say that in these
12 pictures, they're simply poses?

13 A Yes.

14 Q Simply poses. Okay. Now, in some of the
15 photographs the age of the underwear, are there any new
16 underwear that you are wearing in any of these photographs?

17 A What do you mean?

18 THE COURT: Any what?

19 BY MR. SPROWSON:

20 Q Like were the underwear brand new? Were they --
21 were they recently purchased underwear?

22 THE COURT: I don't see the relevance, Mr. Sprowson.

23 MR. SPROWSON: Allow me just this -- just -- Your
24 Honor, because what I'm going into is that --

25 THE COURT: I'll allow you very little leeway.

1 BY MR. SPROWSON:

2 Q Okay. In the question, are the underwear underwear
3 that you've had for awhile, or are they underwear that you
4 just recently purchased? That's all I'm asking.

5 A Like in the middle. I haven't had them for a really
6 long time.

7 Q You haven't had them for a really long time. Okay.
8 So is it fair to say that they're relatively brand new?

9 MS. BLUTH: Objection. She --

10 THE WITNESS: Not brand new.

11 MS. BLUTH: -- just answered it.

12 MR. SPROWSON: Okay. Well, I'm sorry. I just want
13 to make sure.

14 THE COURT: Move on to the --

15 THE WITNESS: Like I didn't --

16 THE COURT: -- next question.

17 THE WITNESS: -- just buy them and then take the
18 pictures.

19 BY MR. SPROWSON:

20 Q Okay. Did you ever tell me that those underwear
21 were -- that you wanted to show off those underwear to me? Do
22 you remember?

23 A I don't remember saying that.

24 Q You don't remember saying that?

25 A No.

1 Q Okay. But some of those underwear you've already
2 established that they are fairly new. Okay. All right.
3 Okay. You had mentioned to the plaintiff that you felt
4 emotionally that you couldn't leave.

5 A Yes.

6 Q Okay. And that emotion was based upon -- on what?
7 Can you tell me when you say that you emotionally couldn't
8 leave, I'm kind of a little bit left trying to figure out what
9 you mean by that. Can you explain that a little bit more?

10 A Like what do you mean? Like I don't know what
11 you're asking.

12 Q Let me get into it a little bit more. Did you feel
13 that you were going to hurt my feelings if you left?

14 A Yes.

15 Q Okay. So it was more of you didn't want to hurt my
16 feelings, would that be fair to say?

17 A Well, I felt like really guilty if I left.

18 Q Right. But guilty that you would do what, hurt my
19 feelings or --

20 A Because you said you sacrificed everything for me
21 and you could get in trouble and --

22 Q Okay. But answer the question. Do you feel like
23 that you would hurt my feelings?

24 A Yeah.

25 Q Okay. So could you say that it was kind of like you

1 didn't want to leave because you didn't want to hurt my
2 feelings --

3 MS. BLUTH: Judge, I --

4 BY MR. SPROWSON:

5 Q -- in regard to the rest of the stuff.

6 MS. BLUTH: Excuse me, Mr. Sprowson.

7 THE COURT: Hold on a second.

8 MS. BLUTH: Objection.

9 THE COURT: Hold on a second. Hold on. What's the
10 objection?

11 MS. BLUTH: The objection is asked and answered.
12 She doesn't give the answer that he likes, and then he tries
13 to manipulate her into giving a different answer. So I would
14 just ask that her statement stand and he not be able to keep
15 asking it in ways until she gives the answer he likes. So
16 it's asked and answered.

17 THE COURT: All right. It is -- has been asked and
18 answered a few times.

19 MR. SPROWSON: Okay. Thank you. Thank you.

20 THE COURT: So the objection is sustained. Please
21 move on to your next question.

22 MR. SPROWSON: Okay.

23 BY MR. SPROWSON:

24 Q Okay. So did you live very far from where you were
25 staying with me?

1 A No.

2 Q No. And you said we only drove by your house one
3 time?

4 A Yes.

5 Q And did I ever stop you from getting -- if you
6 wanted to, could you have stayed at your mom's house if you
7 asked to?

8 A Yes.

9 Q So in other words, when we drove by I wasn't forcing
10 you to stay in the car; correct?

11 A Yes. We didn't -- we didn't stop, though.

12 Q Right. So but here's the question. If you would
13 have asked me, hey, Mel, I want to stop and go in my house,
14 did you feel like you couldn't do that?

15 A Like, yeah, I could.

16 Q You could; right?

17 A Yes.

18 Q Right. And all you had to do was, what, ask me to
19 stop or could you have -- well, let me ask it this way because
20 I don't want to upset people here. And I've already asked
21 this once, so I guess you said. So basically what I asked, so
22 when we drove by, if you wanted to stop, you could have. Now
23 let me move on.

24 THE COURT: Hold on. Was that a question?

25 MR. SPROWSON: No, she already answered it, so I

1 just want to move on.

2 THE COURT: Okay.

3 BY MR. SPROWSON:

4 Q You said yes; right?

5 A What?

6 Q You could have stopped?

7 THE COURT: Hold on. Mr. Sprowson, you're kind of
8 testifying for her. Why don't you just ask her the question
9 and let her testify.

10 BY MR. SPROWSON:

11 Q Okay. So when -- let's see.

12 THE COURT: Mr. Sprowson, I didn't preclude you from
13 asking something. I just said you need to let her --

14 MR. SPROWSON: Okay. So I mean --

15 THE COURT: -- answer the question if --

16 MR. SPROWSON: -- I'm just trying to make sure --

17 THE COURT: -- you ask a question.

18 MR. SPROWSON: -- I didn't ask it already because I
19 know I repeat myself a lot.

20 THE COURT: Just ask --

21 MR. SPROWSON: You know, forgive me. I'm a teacher.

22 THE COURT: -- your question.

23 MR. SPROWSON: I deal with kids. A lot of times you
24 have to repeat yourself to make sure they understand.

25 THE COURT: Just ask the questions, please --

1 MR. SPROWSON: Okay.

2 THE COURT: -- sir.

3 BY MR. SPROWSON:

4 Q Again, so you -- you didn't feel that you couldn't
5 ask me to -- to stop. In other words, if you asked me to
6 stop, you felt you could have? That's the question.

7 MS. BLUTH: Objection. Asked and answered.

8 MR. SPROWSON: That's what I was getting at. I
9 already asked that question. So I just want to move on.
10 Thank you. Okay.

11 BY MR. SPROWSON:

12 Q All right. So let's see. Now, did you ever sit out
13 on the patio with me at all that you remember?

14 A Once.

15 Q Once; right?

16 A At night.

17 Q Right. And so you were out in plain sight of
18 everybody?

19 A No.

20 Q Well, the patio.

21 A Your patio faces a hill.

22 Q Right. Do I have neighbors in front of me?

23 A No, on the sides, like over.

24 Q Okay. But is there a building with a neighbor in
25 front of the patio with windows?

1 A Not that I remember.

2 Q Was there another -- well, let's put it this way.

3 Was there another building in front of my patio?

4 A Next, on both sides.

5 Q On both sides. What about in front?

6 A I don't remember there being one in front.

7 Q You don't remember there being one in front. Okay.

8 You remember hillside, there being -- go ahead.

9 A Yeah. No, I'm just picturing it.

10 THE COURT: I'm sorry. I can't --

11 THE WITNESS: Sorry.

12 THE COURT: I need for you to speak up a little
13 louder.

14 THE WITNESS: Sorry. I was just trying to picture
15 it because I remember like -- I don't remember there one being
16 in front. I remember there being side and side, and then the
17 balcony area. And it wasn't really a balcony because you
18 could like -- you could walk out.

19 BY MR. SPROWSON:

20 Q Right. You could walk out. Now, if you wanted to
21 leave while you were out there on the balcony, could you have?

22 A Technically, yes.

23 Q Technically, yes. Did I ever tell you directly you
24 cannot go home?

25 A Like that statement?

1 Q Yeah, did I ever tell you --

2 A No.

3 Q -- directly that you cannot go home? Did I ever
4 tell you that?

5 A No.

6 Q Okay. So this was more your feeling that you
7 couldn't go home, not coming from --

8 A Well, you said you didn't want me to go home.

9 Q Right. So -- all right. We'll leave it at that.
10 And so I'm going to come back to this because are you sure,
11 and I'm just going to ask it again just -- I just want to
12 refresh her memory, maybe she's refreshed her memory, if the
13 State will allow me. You don't remember a time or a couple
14 times that we went to Walmart to -- and you didn't go inside,
15 but did you -- well, let me ask it this way. This will be a
16 different question. Do you remember a time that we went to
17 Walmart, not to go inside, but that we went to Walmart and --
18 but you were there with me?

19 MS. BLUTH: I'm sorry. Objection. Vague.

20 MR. SPROWSON: Well, okay.

21 THE COURT: Can you --

22 MR. SPROWSON: I'll clear it up.

23 THE COURT: -- lay a time frame, please.

24 MR. SPROWSON: I'll clear it up.

25 BY MR. SPROWSON:

1 Q So do you remember a time that we went to a Walmart,
2 I went inside and you waited for me in the car?

3 A I really don't remember.

4 Q Okay. You don't remember. Okay. Did I ever go
5 grocery shopping and you stayed home?

6 A Okay. I remember the Walmart one.

7 Q Okay. You do remember the Walmart.

8 A Because you had my recline my seat back, and I
9 remember I had the hat and the glasses on because it was at
10 night.

11 Q Okay.

12 A Yeah. Okay. I remember. Yes, I remember.

13 Q But I still took you out; right?

14 A Yes.

15 Q To Walmart. Okay. All right. Now, did I ever go
16 grocery shopping when you were staying with me?

17 A Yes.

18 Q Okay. And can you tell the -- can you tell us what
19 were some of the things that I purchased?

20 A Like cereals, like frozen stuff. That's about --

21 Q Was there any salad, fruits?

22 A I don't remember. I just remember a lot of like --

23 Q Was there lunch mean?

24 MS. BLUTH: Judge, if he could just wait until she
25 finishes.

1 MR. SPROWSON: I'm sorry. I just thought she was
2 finished.

3 THE WITNESS: I just remember like a lot of
4 corndogs, pot pies, like that stuff that I could like easily
5 make really quick in the microwave when you weren't there.

6 BY MR. SPROWSON:

7 Q And -- okay. And was there a reason for that? Were
8 you someone that could cook stuff by yourself?

9 A Then?

10 Q Yeah, then.

11 A I could have learned, but --

12 Q But the question was could you at that time cook
13 stuff on your own?

14 A No.

15 Q No. So was the frozen stuff a little bit easier for
16 you?

17 A Yes.

18 Q So did you take that as I was trying to accommodate
19 you?

20 A What do you mean?

21 Q Was I trying to make it easier for you to eat?

22 A Yes.

23 Q Did you feel that I took very good care of you when
24 you were there?

25 A Then or now?

1 Q Then.

2 A Yeah.

3 Q Okay. That's fair to say. And did you ever eat
4 steak?

5 MS. BLUTH: Objection. Relevance.

6 MR. SPROWSON: Well, I'm just trying to establish
7 that she didn't just eat frozen food. Steak is freshly made.

8 THE COURT: I'll allow the question.

9 BY MR. SPROWSON:

10 Q Did you ever eat steak?

11 A Once, yeah.

12 Q Did you --

13 A Once we had an actual dinner together.

14 Q Okay. And did you actually -- did you eat potatoes?

15 A I don't remember.

16 Q Okay. All right. So you mentioned washing dishes.
17 Now, was this something that I forced you to do?

18 A No.

19 Q Did you want to do the dishes?

20 A Yes.

21 Q Okay. Did I criticize you sometimes on your
22 dishwashing?

23 A Yes.

24 Q And do you remember the reasons why?

25 A No.

1 Q Some of the dishes could have been still dirty?

2 A Maybe.

3 Q Okay. That's fair. The State mentioned that I
4 criticized your singing.

5 A Yes. You said I couldn't sing.

6 Q What did I say about your guitar playing?

7 A I don't -- it was good.

8 Q It was good. So I wasn't just commenting on your
9 singing. I was also commenting on your guitar playing. And I
10 didn't just say negative things, yes or no?

11 A Yes. No.

12 Q Well, let me restate it. I'm sorry. It's kind of
13 -- did I have positive comments towards your abilities?

14 A Towards one ability, yes.

15 Q Okay. In relation to the -- the writing, you helped
16 me one time with some school work. When I say school work, as
17 a teacher I had to prepare a kindergarten class. Do you
18 remember helping me?

19 A Yes.

20 Q Okay. And did I criticize you?

21 A Yes.

22 Q And did you take that personally?

23 A Yes.

24 Q Okay. And did I explain to you why I was so
25 critical about what you were doing?

1 A I don't remember. I don't remember why.

2 Q You remember that I was teaching kindergarten?

3 A Yes.

4 Q And I mentioned to you that I was modeling the
5 letters?

6 A I don't even know what that means. I'm sorry. I
7 don't --

8 Q Do you remember that I said --

9 A -- know what that means --

10 Q I'm sorry. I didn't hear you.

11 A -- modeling the letters.

12 Q In other words --

13 A I don't know what that means.

14 Q I'm sorry.

15 A I just don't know what that means.

16 Q When I say modeling, in other words, if I write an
17 A, I'm trying to give you an example of how to write an A. So
18 when I was doing these cards, did I -- did I not tell you that
19 I'm showing these to my kindergarten students?

20 A Yes, you did.

21 Q Okay. So what I'm getting at is when you were
22 writing these things, were you writing these things just any
23 way, or were you writing them according to the way I wanted
24 you to write them?

25 A I was trying to write them the way you wanted me to

1 write them.

2 Q And you -- you -- I criticized you because you
3 didn't do it --

4 A Do it right.

5 Q -- the proper way? Okay. That's fair. Did I
6 explain to you that the only reason I was getting upset is
7 because I was trying to model for the kids?

8 A No, you just got upset.

9 Q Okay. So did you feel that I intentionally was
10 trying to -- to make you feel bad or it was related to my job?

11 A I don't know.

12 Q You didn't know?

13 A Because it wasn't the first thing that I did bad.

14 Q Okay. Do you get upset very easily if someone
15 criticizes you?

16 A No.

17 Q Would you say you have a hard skin or a soft skin?
18 And what I mean by that is -- I'm kind of asking it a little
19 bit different way. Would you say that if someone is joking
20 with you and you most of the time would understand that it's
21 just a joke, you wouldn't get upset very easily?

22 A Now or then?

23 Q Then. We're always talking about then. We're not
24 talking about now. We're talking about then.

25 MS. BLUTH: Well, objection, Judge. It's vague. He

1 needs to be more specific for her.

2 MR. SPROWSON: Well, all I'm saying is that I'm
3 being --

4 THE COURT: Okay. Hold on. I think he clarified --

5 THE WITNESS: So then.

6 THE COURT: -- then is when he was referring,
7 previously was what he's referencing.

8 THE WITNESS: I feel like I was in between. Like I
9 didn't have a super soft skin, but I didn't have a hard skin,
10 either.

11 BY MR. SPROWSON:

12 Q Right. So that was more your personality, not me
13 trying to make you feel bad?

14 A I've taken criticism before.

15 Q Say again?

16 A I've had criticism before.

17 Q Okay. You just didn't like my criticism?

18 A I just -- I don't know how to answer that.

19 Q Well, you didn't like -- did you or did you not like
20 my criticism?

21 A It's just the way you -- like the way you went about
22 it was just not nice, like it just felt like it wasn't nice.

23 Q Okay. So you just felt that when I criticized you
24 that it was kind of mean?

25 A Yes.

1 Q Okay. That's fair to say. Okay. The night of
2 Halloween, do you remember that, when you were with me? This
3 was the -- the night before everything happened. Do you
4 remember Halloween 2013?

5 A Yes.

6 Q Okay. Now, were we planning to take you home at
7 some point shortly after that day?

8 A Like to go home, home?

9 Q Yes.

10 A No.

11 Q You don't remember that?

12 A No.

13 Q So our plan was for you to just stay there? You
14 didn't say -- well, let me --

15 A Yes, because --

16 Q -- let me kind of --

17 A -- around that time was when you were like saying
18 that you were going to get us a bunny and stuff.

19 Q No.

20 MS. BLUTH: Judge, objection. He can't testify.

21 MR. SPROWSON: I know. I know, I know.

22 BY MR. SPROWSON:

23 Q So you're saying I said I was going to get you a
24 bunny?

25 A For Christmas, yeah.

1 Q For Christmas? And what would happen to the bunny
2 if something happened to -- say I got arrested, did I ever say
3 that if I got you a bunny that nobody would be here to take
4 care of it?

5 A No, because you made it pretty clear that if they
6 arrested you, you'd just get out of that, just keep coming
7 back.

8 Q That I would just get out and you'd just keep coming
9 back?

10 A You said they'd have nothing to hold you on.

11 MR. SPROWSON: You guys did a great job.

12 MS. BLUTH: Judge.

13 THE COURT: Do you have an objection?

14 MS. BLUTH: Well, I have an objection to Mr.
15 Sprowson saying demeaning comments to me and giving me the
16 thumbs up sign. That's what I have an objection to.

17 THE COURT: I'm sorry. I can't --

18 MR. SPROWSON: It's not mean.

19 THE COURT: -- hear that far.

20 MR. SPROWSON: I just --

21 THE COURT: Mr. Sprowson --

22 MR. SPROWSON: You guys are doing a great job. I
23 mean --

24 THE COURT: -- you can only speak with the witness
25 or you can make comment -- or you can speak to the Court.

1 That's it.

2 BY MR. SPROWSON:

3 Q Okay. All right. So shortly after this you went to
4 Montevista. Do you remember that, Montevista Hospital?

5 A Yes.

6 Q You talked to -- did you ever talk to, if you
7 remember, a doctor named -- and I don't know if I -- his first
8 name is Emmanuel Nwapa, I believe the way it is. Do you
9 remember that?

10 A Yes.

11 Q Okay. Do you remember the conversation that you had
12 with him?

13 A No.

14 MR. SPROWSON: Officer Dean.

15 MS. BLUTH: Mr. Dean, may I see that? Officer Dean,
16 may I see that before?

17 THE MARSHAL: You sure can.

18 MS. BLUTH: I'm not sure what it is. Thank you.

19 THE COURT: Mr. Sprowson, please keep in mind the
20 pretrial rulings.

21 MR. SPROWSON: Should I show it to her first and
22 then the witness?

23 THE COURT: Generally that's how it works.

24 MR. SPROWSON: Okay. Sorry. I apologize.

25 MR. SWEETIN: Can we approach, Judge?

1 THE COURT: Yep. Come on up, Mr. Sprowson.

2 (Bench conference)

3 THE COURT: Is that the same record we saw before?

4 MR. SWEETIN: This morning that was his exhibit.

5 I'm not sure where he's going with this. As we were marking
6 exhibits he indicated that the part that he was interested in
7 admitting were the reference to the [inaudible].

8 MR. SPROWSON: I did not say that.

9 THE COURT: Hold on. Hold on. Hold on. One at a
10 time.

11 MR. SPROWSON: Stop lying.

12 THE COURT: I just --

13 MR. SWEETIN: I'm just not sure where he's going
14 with it because there's reference in there to her victim's
15 comments in regards to a young boy as --

16 MR. SPROWSON: I'm going to leave that up to her.
17 I'm not even going to introduce --

18 THE COURT: What are you going to ask her?

19 MR. SPROWSON: I'm going to ask her if she
20 remembers. That's all.

21 THE COURT: Are you just going to ask her if she
22 remembers seeing Mr. Nwapa?

23 MR. SPROWSON: Yes.

24 THE COURT: And then you're going to leave it there?

25 MR. SPROWSON: I'm going to ask her if she remembers

1 the conversation. And then I'm going to let her -- and remind
2 her of the conversation and if there's anything she would like
3 to comment on.

4 MR. SWEETIN: Well --

5 THE COURT: Well, you're trying to get the same
6 information, just a different way.

7 MR. SPROWSON: Well --

8 THE COURT: You can't get into -- I mean, it's
9 not --

10 MR. SPROWSON: [Inaudible] deals with sexual stuff.
11 I'm not getting into sexual stuff. I'm being accused of
12 giving her an STD and I'm not the first person that had sex
13 with her. I'm not trying to get into that. All I'm trying to
14 establish is that she's had previous relationships with older
15 men. That's all. Because the State is trying to make it seem
16 like I'm the only person that she's ever been with. You can
17 already see she's saying --

18 THE COURT: You can't get into all that stuff. That
19 -- it doesn't matter if she's had --

20 MR. SPROWSON: Well, okay.

21 THE COURT: That's what we talked about earlier.

22 MR. SPROWSON: Here's the thing.

23 THE COURT: It doesn't matter if she's had sex. We
24 have to focus on your alleged conduct.

25 MR. SPROWSON: Okay. I will tell you this. I'm

1 being accused of giving her an STD. On there it says that, if
2 you read the part about the promiscuity, that she's had an STD
3 before.

4 THE COURT: It doesn't matter.

5 MR. SPROWSON: So --

6 THE COURT: Why is that relevant to whether you're
7 having sex with her?

8 MR. SPROWSON: Well, because if that information is
9 left out, then it's assumed that I gave it to her. She may
10 have contracted that from somebody else.

11 THE COURT: You can't bring up -- you can't bring
12 that stuff up, though.

13 MR. SPROWSON: So why am I being blamed for what
14 someone else had done?

15 THE COURT: I keep telling you, you've got to focus
16 on your [inaudible]. What she's done with other men --

17 MR. SPROWSON: This was the reason why --

18 THE COURT: -- is not relevant.

19 MR. SPROWSON: -- she couldn't show up at the
20 continuance.

21 MR. SWEETIN: Keep it down.

22 MR. SPROWSON: This was the reason why she couldn't
23 show up at the continuance, okay, because she was having an
24 issue [inaudible].

25 THE COURT: She didn't what?

1 MR. SPROWSON: She was having -- according to the
2 State she was having -- she couldn't testify and that's the
3 paper that the State gave me. That came from them. That
4 paper came --

5 THE COURT: That may be true. But just because you
6 get it doesn't mean it's admissible.

7 MR. SPROWSON: Okay. But it still gets into the
8 reason why she couldn't show up at the preliminary because
9 they were saying that she couldn't testify.

10 THE COURT: Well, you can ask her was the reason you
11 couldn't testify because you were at Montevista Hospital, yes
12 or no? Because that's already come into evidence the fact
13 that she went to Montevista. The content is what they're
14 objecting to. They've already put her -- her mental health
15 history out there.

16 MR. SPROWSON: Your Honor, in all honesty, she
17 [inaudible].

18 THE COURT: You can't say she's promiscuous for what
19 it means.

20 MR. SPROWSON: I'm not saying it. The professional
21 is.

22 THE COURT: Like when I used the word slut before,
23 which wasn't the best word, but the point is saying that --
24 that -- it doesn't matter.

25 MR. SPROWSON: You know, it's --

1 THE COURT: It's focused on whether or not you
2 committed the wrongful activities the State says you did. It
3 doesn't matter what she did with other men, whether it was
4 right or wrong or otherwise.

5 MR. SPROWSON: Okay. So if I'm being accused -- I'm
6 defending myself on that STD. That's what I'm defending. I'm
7 saying -- this is part of my case. I'm saying that I did not
8 give her --

9 THE COURT: Well, that doesn't matter what --

10 MR. SPROWSON: Well, would you like someone to blame
11 you for giving you an STD and you saying there's another
12 cause? This is what I'm trying to get at. Part of my case is
13 it was brought up that she was saying that she -- the doctor
14 said she had an STD.

15 THE COURT: I don't think it's relevant one way or
16 another in this case, but you can't --

17 MR. SPROWSON: That is relevant.

18 THE COURT: I mean, you can ask her why she couldn't
19 come to the hearing because it's already out there that she
20 was at Montevista Hospital.

21 MR. SPROWSON: They stated on the -- the Facebook or
22 the -- what is it, the Instagram stuff, the conversation of
23 the STD came up. That, okay, shows that I didn't give her an
24 STD.

25 THE COURT: Frankly, I don't think --

1 MS. BLUTH: How does that --

2 THE COURT: -- it's relevant she --

3 MS. BLUTH: -- show that?

4 THE COURT: -- has an STD at all. I don't --

5 MR. SPROWSON: Well, read the --

6 THE COURT: -- [inaudible].

7 MR. SPROWSON: -- read the section on the STD.

8 THE COURT: It doesn't -- truly doesn't matter. You
9 just didn't object to it before. So if you're going where the
10 State thinks you're going, which is you're trying to go a
11 backhand door, a backhand way of getting that -- the content
12 of that in, you cannot. You can ask her where she went for
13 that [inaudible], but that's it.

14 MR. SPROWSON: They mentioned that I gave it to her.

15 THE COURT: You're not -- I'm trying to --

16 MR. SPROWSON: Here's the thing. When you get
17 tested, okay, when you get tested sometimes if you've had it
18 in the past you will be tested positive that you have it. You
19 just -- you test positive because you have the antibodies.

20 THE COURT: Here's the thing is you're not on trial
21 for having sex with her. You're on trial for child abuse and
22 all those other things. I don't think there's any dispute
23 that she was of the age of consent to have sex. It's whether
24 or not -- you're charged with all the other things that are
25 indicated in the information.

1 MR. SPROWSON: [Inaudible].

2 THE COURT: That doesn't matter. It's not really
3 relevant. She has an STD --

4 MR. SPROWSON: All right. Fine.

5 THE COURT: -- and you just simply --

6 MR. SPROWSON: I'll go in a different direction.

7 THE COURT: -- can object to it.

8 MR. SPROWSON: All right. I need a five-minute
9 break now, please.

10 THE COURT: You need what?

11 MR. SPROWSON: A five-minute break, please.

12 THE COURT: Sure. I'll give you a five-minute
13 break, but we've got to --

14 MR. SPROWSON: I've got to use the bathroom and
15 stuff.

16 THE COURT: But it can only be five minutes, not
17 ten.

18 (End of bench conference)

19 THE COURT: Okay. We're just going to do a
20 five-minute break, please.

21 THE MARSHAL: Five-minute break.

22 THE COURT: I have a feeling someone may need a
23 break down there. All right. Hold on. Remember, you have to
24 -- sorry didn't mean to snap at you. Don't talk about the
25 case, don't research the case, don't form or express an

1 opinion on the case. And I won't snap at you again. I'm
2 sorry. I'll see you back in five minutes, please.

3 (Jury recessed at 4:43 p.m.)

4 THE COURT: Anything we need to put on the record as
5 soon as they're out?

6 MS. BLUTH: Yes, just briefly, Your Honor. Your
7 Honor, I just would ask the Court to admonish the defendant.
8 He cannot speak to Your Honor in regards to -- like I make an
9 objection, he speaks over me, and then he speaks and says why
10 he's doing it and what he's doing. He's also turned to me
11 several times. The last time was he gave me a thumbs up and
12 said nice job coaching her. This is so inappropriate, and I'm
13 trying to be as professional as possible. But this, in front
14 of the jury, it cannot be tolerated. And if anything, it just
15 prejudices him.

16 THE COURT: Okay. And I didn't -- I -- it's a
17 little bit louder over here than you guys realize, so I didn't
18 hear any comments or see any comments or any gestures he was
19 making to you. If you were, in fact, making gestures, okay,
20 you can't. The only person you can -- you can ask me
21 questions and you can ask questions of the witness, and that's
22 it, Mr. Sprowson, okay.

23 MR. SPROWSON: All right.

24 THE COURT: And as far as -- we've had a lot of
25 discussion about the item that you showed me from Montevista

1 Hospital. The State objected as far as you trying to somehow
2 introduce the content of that, and that objection will be
3 sustained. You can ask her why she couldn't come to the
4 continuance because it's already out there she had to -- she
5 was at that facility, but you can't go into the comments of
6 whether or not she had an STD. It simply -- it's not even
7 relevant to what this case is about.

8 All right. And we'll see you in just a couple
9 minutes. We've got to finish this up for the day.

10 Do you need to use the restroom?

11 THE WITNESS: No.

12 THE COURT: You sure?

13 THE WITNESS: Uh-huh.

14 THE COURT: Okay.

15 (Court recessed at 4:46 p.m., until 4:52 p.m.)

16 (Inside the presence of the jury)

17 THE COURT: Ms. Torres, please remember you're still
18 under oath? What?

19 THE WITNESS: Should I stand up?

20 THE COURT: Usually you stand when the jury comes
21 in, but it's fine. Just sit down.

22 THE WITNESS: Sorry.

23 THE COURT: It's fine. And just remember, please,
24 that you're under oath. Thank you.

25 Mr. Sprowson, you're still on your questions.

1 MR. SPROWSON: Okay.

2 BY MR. SPROWSON:

3 Q Are you ready?

4 A Yes.

5 Q Okay. All right.

6 MS. BLUTH: Oh, we're missing someone. You lost --
7 you lost one.

8 JUROR: With the headphones.

9 THE MARSHAL: Oh, no.

10 (Pause in the proceedings)

11 THE COURT: All right. Looks like we have all our
12 juries -- I mean, all our jurors. And, ma'am, you are still
13 under oath.

14 And, Mr. Sprowson, if you'd like to continue.

15 MR. SPROWSON: Yes, I have a few more questions.

16 BY MR. SPROWSON:

17 Q Again, I'm sorry that I'm taking so long on this.
18 I've got a few more. I got them straightened out a little bit
19 on a couple of these questions so it won't take me so long. I
20 kind of want to -- Jaysenia, we had mentioned or you had
21 mentioned earlier on when you were talking with Ms. Bluth in
22 regards to alcohol, this alcohol that you drank, at any time
23 did you ask me to buy alcohol, or was this my idea?

24 A I don't remember.

25 Q You don't remember --

1 A No.

2 Q -- whose idea it was?

3 A No.

4 Q Okay. That's fair. Thank you. You keep mentioning
5 the plan, and as we brought up there was an A, B, C. And
6 you're saying that in the plan, and let me see if I get this
7 right, that you were lying in regards to -- you were lying to
8 everyone to keep my safe, is that fair to say, or so that I
9 wouldn't get in trouble? You were lying so that I wouldn't
10 get in trouble?

11 A Yes.

12 Q Okay.

13 A Trying to.

14 Q Okay. All right. Would you say that -- have you
15 ever lied to your mother?

16 A About us?

17 Q About -- about anything.

18 A Yes.

19 Q You have. Okay. And did you lie to the detectives
20 when they asked you the questions? I mean, the entire
21 everything you said to them, was that a lie or a partial truth
22 or --

23 A Like there was truth here and there.

24 Q That was truth here and there. Okay. When you were
25 interviewed by Mr. Momot, was everything that you said to him

1 a lie?

2 A I don't know.

3 MS. BLUTH: I apologize. Just as to the term
4 interviewed by Mr. Momot, if we could just have some
5 foundation.

6 BY MR. SPROWSON:

7 Q Okay. When -- at -- I'm sorry. At the preliminary
8 hearing testimony -- my mistake -- at the preliminary hearing
9 testimony, you remember; right? My old attorney Mr. Momot had
10 questioned you.

11 A Yes.

12 Q Had questioned you. Everything that he questioned
13 you about, was that -- when you answered, were you lying to
14 him?

15 A I don't know because I don't remember every question
16 he asked.

17 Q Right. Okay. So but do you remember some of it was
18 a lie, all of it was a lie, partial lies?

19 A Most of it was a lie.

20 Q You're saying most of it was a lie, but you don't
21 remember what parts?

22 A Yes.

23 Q Okay.

24 A Or like some truth, but I would spin it so that I
25 was -- I felt like I looked like the bad guy.

1 Q Okay. Have you done that with your friends, like
2 spin things? I mean, have you lied to your friends at all?

3 A No.

4 MS. BLUTH: Objection. Relevance?

5 THE COURT: What is the relevance?

6 MR. SPROWSON: Well, the way I'm trying to go is
7 because -- I'm trying to -- I'm trying to figure out is what
8 part can we rely upon in her testimony and what part --
9 because she's saying that --

10 THE COURT: Well, why don't you ask her the question
11 instead of testifying.

12 MR. SPROWSON: Okay. I'll stick to the preliminary
13 hearing. That'll probably make it easier. Okay.

14 THE COURT: You just need to direct your questions
15 to this young lady, please.

16 MR. SPROWSON: All right. All right. All right.
17 Okay.

18 THE COURT: Thank you.

19 BY MR. SPROWSON:

20 Q In the preliminary hearing testimony when you were
21 questioned by Mr. Momot --

22 MR. SPROWSON: And I'm referring to page 105 for the
23 State --

24 MS. BLUTH: Thank you.

25 MR. SPROWSON: -- and for the Court. And 106.

1 BY MR. SPROWSON:

2 Q Okay. It says here -- well, here's the question
3 that was posed to you. That Melvyn initially in your reaction
4 -- well, let me go ahead and let you read --

5 MR. SPROWSON: Well, is it okay if I read it to her?

6 MS. BLUTH: I'm going to object to the form of the
7 question.

8 THE COURT: What are you trying to do, sir?

9 MR. SPROWSON: Well, what I'm trying to get to is --

10 BY MR. SPROWSON:

11 Q Okay. Let me just -- all right. Now, you told Mr.
12 Momot that you cared for me. Was that a lie?

13 A At the time?

14 Q Yeah.

15 A No.

16 Q No. So that was a truth that you told Mr. Momot?

17 A Yes.

18 Q So not everything you said to him was a lie?

19 A No.

20 Q Okay. Okay. Mr. Momot asked you -- did you like to
21 him when he asked you -- well, let me say it like this. You
22 said that I wanted you to go to school to Mr. Momot.

23 A Yes.

24 Q Was that a lie?

25 A Yes.

1 Q It was a lie?

2 A Yes.

3 Q Okay. In your testimony to Mr. Momot you said no.
4 Maybe I'm confusing you. It says, okay, did he lie that he
5 wanted you should go to school? And you said, no. Well,
6 that's about me. Never mind. Let's see here. All right.
7 Let me move on. So can you tell the Court how it came about
8 that I ended up at the Boca Park to pick you up to spend the
9 night for the two nights at my house? Can you tell the Court
10 how that came about?

11 A We talked about it, about me sleeping over.

12 Q Okay. But, no, can you tell the Court how about
13 initially how that conversation came about. Was it something
14 that I initiated or was it something that you initiated?

15 A I don't remember.

16 Q You don't remember whether you initiated it or I
17 initiated it?

18 A No.

19 Q But you did say that you had planned on spending the
20 night at your friend's house?

21 A Yeah.

22 Q Okay. So the initial -- the initial plan for that
23 night was for you to spend the night at your friend's house,
24 and you don't remember how it transitioned into you --

25 A No.

1 Q -- spending the night at my house?

2 A No.

3 Q Could it have been your idea?

4 A It could have, yes.

5 Q Okay. I want to refer to the Michelle Fischer
6 testimony. And I'm going to refer to pages 31 and 32. Now,
7 did everything you say to Michelle Fischer was a lie,
8 everything, or was it just partial lies and partial truths?

9 A Partial lies, partial truth.

10 MR. SPROWSON: Okay. I'm referring to page 31 on
11 the Michelle Fischer transcript.

12 MS. BLUTH: Thank you.

13 MR. SPROWSON: And I'm going to start off with line
14 21 and go down to page 26. And if I may show the witness what
15 she had said to Michelle Fischer so that I can ask a question.

16 MS. BLUTH: Judge, I'm going to object to the form
17 of the question. It asks that he ask a question. If she is
18 unable to remember --

19 MR. SPROWSON: Okay.

20 MS. BLUTH: -- or he needs to impeach her --

21 MR. SPROWSON: All right.

22 MS. BLUTH: -- then we can approach with the paper.

23 MR. SPROWSON: All right. All right. I got it. I
24 got it. Thank you.

25 BY MR. SPROWSON:

1 Q Okay. Did you ever tell Michelle Fischer that you
2 made me take you?

3 A I don't remember.

4 Q You don't remember? Okay.

5 MR. SPROWSON: Now can I show it to her? That would
6 be 21 through 26. Sorry, Dean.

7 THE MARSHAL: Which pages? What numbers?

8 MR. SPROWSON: 21 through 26.

9 THE WITNESS: Was your question about the day you
10 got me from Target?

11 BY MR. SPROWSON:

12 Q No, I believe that's in reference to the night of
13 August 28th.

14 A I'm confused about Boca Park. What's Boca Park?

15 Q Boca Park, I believe, was where you were with
16 Jessica.

17 A That's the place with Target?

18 Q I don't know. I believe so.

19 A Because your question was if I made you pick me up
20 from there.

21 Q No, no, no. My question was your conversation with
22 Michelle Fischer. When I picked you up -- let me clarify it.
23 Okay. When I picked you up from your home --

24 A Okay.

25 Q -- you told Michelle Fischer that you made me take

1 you and --

2 A Yeah, that was a lie. But I thought --

3 Q Okay. So that was a lie.

4 A -- you were talking about Boca Park.

5 Q So you're -- you're saying that was a lie. And --

6 THE COURT: I'm going to stop you guys for a second.

7 I have a question from Juror No. 6, and it's a real easy one,

8 so I'm going --

9 MS. BLUTH: Sure.

10 THE COURT: -- to go ahead and ask the witness.

11 The question is, Ms. Torres, who is Michelle

12 Fischer?

13 THE WITNESS: She's the lady -- I call it Safe

14 Haven. It's like the lady that talked to me at like the child

15 place. Like I went to a place after they picked me up, before

16 I went home, and talked to like an advocate. Is that like --

17 that kind of lady.

18 THE COURT: Okay. Thanks. And this is a court

19 exhibit.

20 THE WITNESS: So it was the same day.

21 BY MR. SPROWSON:

22 Q Okay. And in that conversation, which you said you
23 lied, did you say that you were going to kill yourself?

24 A In --

25 Q The same conversation.

1 A In that conversation with her?

2 Q Yes.

3 A Yes.

4 Q You said you were going to kill yourself.

5 A Not like that I was just going to kill myself. It
6 was that if -- in what context is it in? I never said I was
7 just going to kill myself.

8 Q Well, this is in the context of you -- of me picking
9 you up.

10 A Oh, I told -- what?

11 THE COURT: Mr. Sprowson, we need some foundation,
12 which means I need to know --

13 MR. SPROWSON: Okay. The night that --

14 THE COURT: -- time frames for all these.

15 THE COURT: Okay. I'll lay a foundation.

16 BY MR. SPROWSON:

17 Q On August 28th we emailed back and forth, and there
18 was a conversation about you killing yourself. You said this
19 to Michelle Fischer. Michelle Fischer, you had told her that
20 the night that I picked you up that you made me take you. And
21 she asked for some clarification on that, and you said to her
22 that you were going to kill yourself. It was kind of an I'm
23 going to kill myself kind of thing. And --

24 A Okay. I understand now.

25 Q You remember the conversation?

1 A Yes, I understand what you're saying.

2 Q Okay. And you're saying that this whole thing was a
3 lie?

4 A That was a lie, yes.

5 Q That was a lie?

6 A That if you didn't pick me up I was going to kill
7 myself, I never said that to you.

8 Q All right. And later on you further elaborated on
9 that conversation or you -- you commented on that
10 conversation, and do you remember anything else that you had
11 said to her about in relation to what you had said to me as
12 far as the lie? Do you remember the rest of the lie to
13 Michelle Fischer?

14 A No.

15 MR. SPROWSON: Can I have her read just down to
16 maybe line 13, from the top to 13. And that's page, for the
17 State, 32, the Michelle Fischer from CPS. Sorry.

18 MS. BLUTH: And, I apologize. What's the question?

19 MR. SPROWSON: I'm asking her if she remembers the
20 rest of the conversation that she had with Michelle Fischer in
21 regards to her killing herself, that she -- she went on to
22 some other things.

23 MS. BLUTH: Okay.

24 MR. SPROWSON: And I just want to see if she
25 remembers the rest of the conversation because she's saying

1 that it's a lie. So I just want to establish that, the
2 whole --

3 MS. BLUTH: Okay. I got it.

4 MR. SPROWSON: Okay.

5 MS. BLUTH: Thank you so much.

6 BY MR. SPROWSON:

7 Q All right. So do you remember the conversation now?

8 A Yes.

9 Q Okay. So what were some of the other things that,
10 in the lie, that you told her that you said to me?

11 A Like so what are some more lies on there?

12 Q Well, I'm just trying to clarify. Was the rest of
13 it a lie?

14 A Like one of the things on there I say is she asked
15 if I've ever seen you before --

16 Q Well, it just says --

17 A -- and I said I don't remember.

18 MS. BLUTH: Judge, if she could answer, please.

19 MR. SPROWSON: Oh, I'm sorry. I thought she was
20 finished.

21 BY MR. SPROWSON:

22 Q Go ahead.

23 A Like on -- on one part it says have I ever seen
24 Melvyn before, and I said I don't remember. So that was a lie
25 because I had seen you before.

1 Q Okay. Do you remember prior to that, not -- not the
2 issue of seeing me. What I'm getting at is on line 1 it says
3 that you had told her that -- that -- or I'm going to like
4 kill myself kind of thing. What I was getting at in the
5 question was following that she was trying to inquire what you
6 had commented some more on that. And line 5 you had told her
7 that you had said I was just kind of like please, please,
8 please, please, please. So you never said that to me?

9 A No.

10 Q When -- in the conversation when you were trying to
11 get me to pick you up, you never said please, please, please,
12 please?

13 A No.

14 Q Okay. So that was also a lie --

15 A Yeah.

16 Q -- to Michelle Fischer?

17 A Yes.

18 Q Okay. Do you generally tell the truth about things?

19 A Yes.

20 Q Do you find yourself sometimes in situations where
21 you have to lie?

22 MS. BLUTH: Judge, objection. Relevance.

23 THE COURT: I'm going to allow --

24 MR. SPROWSON: Well, because --

25 THE COURT: -- a little bit.

1 MR. SPROWSON: -- she's saying that she's lying --

2 THE COURT: Hold on. Stop. I'm going to allow you
3 to ask a few questions based upon her prior statements that
4 she lied during -- at some points during the preliminary
5 hearing. A few questions.

6 THE WITNESS: What was it?

7 BY MR. SPROWSON:

8 Q So what I'm asking is have you ever found yourself
9 where you have to lie, in a situation where you have to lie?

10 A Like have to? No.

11 Q Where you felt you have to?

12 A Yes. In this situation, yes.

13 Q Yeah, so there's been situations. So would you say
14 sometimes you tell the truth, sometimes you lie?

15 A Are we talking about in general or this case?

16 Q Just in general in everyday life.

17 A No. Like I don't understand the question.

18 Q Well, what I'm asking is are there situations in
19 everyday life where sometimes you find yourself having to lie?

20 A Like fibs? Like if a friend is like, oh, do you
21 think I look pretty today --

22 Q In any situation.

23 A -- and I say, oh, yeah --

24 Q Any situation.

25 A -- and their hair looks a mess, then yeah.

1 Q Okay. All right. That's fair. Have you ever lied
2 to your mother?

3 A With you, yeah.

4 Q With -- how about anybody else?

5 MS. BLUTH: Judge, objection. Relevance, motion in
6 limine.

7 MR. SPROWSON: I'm trying to establish --

8 THE COURT: Hold on.

9 MR. SPROWSON: -- that what she's saying -- she --
10 I'm trying to figure out what is the truth and what is a lie.
11 And all I'm trying to figure out is does she have a habit of
12 lying. That's all.

13 THE COURT: Okay. You asked the question, sir. You
14 did ask the question a few times. So let's move on to a
15 different question.

16 MR. SPROWSON: All right.

17 BY MR. SPROWSON:

18 Q Oh, okay. You had mentioned to Ms. Bluth that when
19 we were communicating with each other that you took certain
20 precautions. Can you tell us a little bit more about that in
21 our communications? Can you describe how these precautions
22 and maybe why you took these precautions?

23 A Like that you couldn't call me?

24 Q Well, whatever. Yeah.

25 A Like I had to call you first because I would get in

1 trouble with my mom if she found out we were in contact.

2 Q Okay. Did I ever tell you to take these
3 precautions? I didn't hear you. The question was did I ever
4 tell you to take these precautions?

5 A Yes and no because you never told me not to like --
6 you never told me like oh, like you can -- that I can only
7 call you and stuff like that. But I remember some things you
8 making sure like you took the precaution of like me deleting
9 all the messages and stuff like that.

10 Q Well, and was I the only person that you took these
11 precautions with?

12 A Yes.

13 Q The only one?

14 A Yes.

15 Q And so where did you learn and how to do these
16 precautions? Did they come from me, or are they something
17 that you thought up?

18 A I don't understand the question.

19 Q Well, what I'm saying is precautions to avoid your
20 mother knowing about our communication. What I'm getting at
21 is you -- and maybe I already asked the question, but what I'm
22 trying to get at is where did this idea of precaution come
23 from?

24 A Because I didn't --

25 Q Is it --

1 A -- want to get in trouble.

2 Q Is it mixed or -- and I asked this question already.
3 I'm just trying to establish that you're saying that you
4 never, ever took precautions prior to meeting me and
5 communicating. You said yes on that; right?

6 MS. BLUTH: Judge, objection. Asked and answered.

7 THE COURT: Sustained. You're asking the same
8 questions repeatedly.

9 MR. SPROWSON: All right. I just wanted to make
10 sure.

11 THE COURT: You did ask it a few times.

12 MR. SPROWSON: All right. Just wanted to make sure.

13 BY MR. SPROWSON:

14 Q And the night that you slept over my house when you
15 were supposed to be at Jessica's, the second night, was --
16 whose idea was that for you to spend the night the second
17 night?

18 A I don't remember.

19 Q You don't remember?

20 A No.

21 Q Okay. Okay. The night that I picked you up on
22 August 28th, when you -- you said that you left your house. I
23 didn't walk up to the door; right?

24 A No.

25 Q You left your house?

1 A Like yes.

2 Q Right. And you walked to my car?

3 A Yes.

4 Q And you opened the door?

5 A Yes.

6 Q And you got in?

7 A Yes.

8 Q And there was no force used?

9 A No.

10 Q And you willingly got in the car?

11 A Yes.

12 Q So when you were in the car, did I threaten you?

13 A No.

14 Q I didn't hear you.

15 A No.

16 Q When you were in the car, did I tie you up?

17 A No.

18 Q When you were in the car, did I restrain you in any

19 kind of other way?

20 A No.

21 Q When you were in the car, did I ever physically hurt

22 you?

23 A No.

24 Q When you were in the car, did you feel happy?

25 A Yes. I don't know.

1 Q When you were at my house, in regards to the
2 alcohol, you said -- and I forget. I just want to recall.
3 How many times did you say that you drank?

4 A Like twice.

5 Q Like twice.

6 A Two times that I remember.

7 Q Two times that you remember. Do you remember what
8 it was that you drank?

9 A Yes.

10 Q What was it?

11 A The first time it was like -- like the cooler
12 drinks. You know what I'm talking about?

13 Q Okay. That -- thank you.

14 A Like the glass. Like fruity --

15 Q Okay.

16 A -- drink.

17 Q And the second time?

18 A It was some kind of like harder alcohol.

19 Q And you don't -- well, let me ask you this. Do you
20 remember if you asked -- and I don't even remember if I asked
21 this question.

22 A You did.

23 Q Okay. So I'll skip it, then. So what did you feel
24 like in the first drink that you drank? How did you feel
25 after you drank?

1 A With the cooler drink?

2 Q Yeah.

3 A Like buzzed.

4 Q Like buzzed?

5 A I remember feeling like buzzed, yeah.

6 Q Can you kind of describe, like was it a like a happy
7 feeling? I don't --

8 A I don't really remember.

9 Q You don't remember. But you felt buzzed?

10 A Yeah.

11 Q Okay. Were you conscious?

12 A Yes.

13 Q Okay. Did you know what was going around -- going
14 on in your surroundings?

15 A Honestly, that night is like pretty foggy.

16 Q Okay. So you don't remember what happened?

17 A Like I remember, but I don't. Like I remember
18 drinking, like I remember feeling like -- like --

19 Q Okay. Now, the second time that you drank, do you
20 remember how that came about?

21 A No.

22 Q So you don't remember. You just remember that you
23 drank --

24 A Yes.

25 Q -- that night, but you don't remember how it came

1 about?

2 A No.

3 Q You don't remember anything about that night after
4 you drank?

5 A No.

6 Q Did we -- did we make love that night?

7 A I don't know.

8 Q You don't know if we made love? Okay.

9 A Had sex, I don't know.

10 Q That's fair. We met from a Craigslist ad. Was the
11 first time that you ever answered a Craigslist ad?

12 MS. BLUTH: Judge, first of all, objection.
13 Relevance. And, I mean, I've let this go on. It has to stay
14 somewhat beyond the scope. I mean, we're going on hours upon
15 hours, and now we're all the way back to the beginning of
16 questions.

17 MR. SPROWSON: Okay. Okay.

18 THE COURT: I'm not sure what the relevance is, sir.

19 MR. SPROWSON: All right. I'll skip it. I'll skip
20 it. I was trying to get into something else, but [inaudible]
21 won't allow me. Well, can I discuss the conversation in the
22 Craigslist ad?

23 MS. BLUTH: We --

24 THE COURT: Yours.

25 MR. SPROWSON: I didn't exhaust the questions. I

1 still have more questions.

2 MS. BLUTH: Objection. It's exhausted. I mean, the
3 Craigslist thing has been asked and answered. This is way
4 beyond my redirect or cross or however --

5 MR. SPROWSON: I'm talking about --

6 MS. BLUTH: -- he wants to say was --

7 MR. SPROWSON: -- the conversation, Your Honor.

8 MS. BLUTH: -- three -- three questions.

9 MR. SPROWSON: There's still more in the
10 conversation that I wanted to ask her.

11 THE COURT: He's doing his direct, though. But you
12 need to ask the question once, get the answer once, and move
13 on, please.

14 MR. SPROWSON: Okay. Okay.

15 BY MR. SPROWSON:

16 Q In -- in the conversation that we had in the emails
17 between the Craigslist, okay, at any time was there a
18 conversation about the age of sexual consent?

19 A Yes.

20 Q There was. Did I bring that up?

21 A Yes and no.

22 Q Can you explain for the jury?

23 A You asked if I was jail bait, and I said that the
24 age of consent was 16.

25 Q Okay. Thank you. And in that conversation, that

1 night, the initial conversation, did I ask you for any
2 pictures that you remember?

3 A I think so. Not like an inappropriate picture, but
4 a picture of me, like what I looked like.

5 Q Okay. And how would you define an inappropriate
6 picture?

7 A Like half --

8 THE COURT: Sir, I'm not sure this is relevant how
9 she would define inappropriate. I'm not sure where you're
10 going with this.

11 MR. SPROWSON: Okay. I'll skip it.

12 BY MR. SPROWSON:

13 Q Okay. Now, you said you don't remember who asked
14 you about the -- who actually -- how can I say -- I'm getting
15 back to the alcohol question, and I'm referring to page 123 of
16 the preliminary hearing testimony for the State. It was page
17 123.

18 THE COURT: Is this a new question, sir?

19 MR. SPROWSON: Well, it wasn't answered and I just
20 want, from the testimony, to remind her what her answer was.

21 THE COURT: As long as --

22 MR. SPROWSON: In regards to who --

23 THE COURT: -- it's a new question.

24 BY MR. SPROWSON:

25 Q It says -- well, the question is just did I ever

1 force you to take alcohol. Let me ask that question.

2 A To drink it?

3 Q Did I ever force you?

4 A No.

5 Q And do you remember what you said to Mr. Momot?

6 A No.

7 MR. SPROWSON: Officer Dean, page 123, 1 through --
8 1 through 4.

9 BY MR. SPROWSON:

10 Q Okay. In this conversation Mr. Momot asked you if I
11 forced you to take alcohol. Do you remember what your answer
12 was?

13 A No.

14 Q And what did you tell him?

15 A That I asked you to get it.

16 Q Okay. Was that a lie or was that a truth?

17 A I don't know.

18 Q But at this time you did say to Mr. Momot that --

19 MS. BLUTH: Objection. Asked and answered.

20 MR. SPROWSON: Okay. All right.

21 BY MR. SPROWSON:

22 Q And I just want to -- I think I only have a few more
23 and then I'll be done. Let me just -- I just want to make
24 sure I covered everything. When you were in -- at Atech, you
25 stated that you did very good in school; correct?

1 A I did good, yeah.

2 Q Okay. Did you ever study the law at Atech? Did you
3 ever take any legal classes?

4 A One.

5 Q One? And how did you like that class?

6 MS. BLUTH: Objection. Relevance.

7 THE COURT: Sir, I don't see the relevance.

8 MR. SPROWSON: Well, because the idea of
9 emancipation and truancy came up in the conversation, and I
10 just want to see if during that class time she ever got any
11 information about emancipation outside of me having a
12 discussion with her.

13 THE COURT: I believe we've asked these questions
14 over and over again, sir. Ask that one question, then --

15 MR. SPROWSON: Well, I never asked anything about
16 the Atech.

17 THE COURT: Ask that one question and then let's
18 move on. We've talked about emancipation quite a bit, sir.

19 MR. SPROWSON: Well, I just want to see if she's
20 ever had any information --

21 THE COURT: The question is did she receive any
22 information about emancipation --

23 MR. SPROWSON: Yes.

24 THE COURT: -- from her class at Atech.

25 Ma'am?

1 THE WITNESS: No.

2 BY MR. SPROWSON:

3 Q No. Okay.

4 MR. SPROWSON: May I talk with my counsel real
5 quick?

6 THE COURT: Sure.

7 (Pause in the proceedings)

8 THE COURT: Mr. Lentz, I have a -- where are you? I
9 have a question from you, sir. Is this question -- is it
10 directed to the witness that's on the stand?

11 JUROR NO. 2: It's directed to the defendant.

12 THE COURT: Okay.

13 MR. SPROWSON: Okay, Your Honor. Thank you for your
14 indulgence.

15 Thank you, State, for your indulgence.

16 BY MR. SPROWSON:

17 Q Jaysenia, when you were staying with me, did you
18 ever tell me that you were having nightmares before?

19 A I had one.

20 Q You had one. I mean, let me rephrase the question.
21 Not nightmares when you're staying with me, but nightmares --
22 did you ever tell me that you were having nightmares prior to
23 staying with me?

24 A No.

25 Q You never -- you never told me that you were having

1 nightmares?

2 A I remember having one nightmare the day before they
3 picked me up, like they found me.

4 Q Okay. And that was at my house.

5 A Yes.

6 Q And you never had a nightmare about anything else?

7 MS. BLUTH: Objection. Asked and answered.

8 THE COURT: I'll allow that one question.

9 MR. SPROWSON: Well, I just asked if she had
10 nightmares about anything else.

11 THE WITNESS: I had nightmares after.

12 THE COURT: And she responded. Do you have a new
13 question?

14 MR. SPROWSON: All right. Thank you.

15 BY MR. SPROWSON:

16 Q Can you tell me what that nightmare was about?

17 A More like a bad dream. I had a dream that they were
18 going to find me, and then I told you that they were going to
19 find me. And then they found me the next day.

20 Q And could you have left?

21 MS. BLUTH: Objection. Asked and answered.

22 THE WITNESS: Yes.

23 BY MR. SPROWSON:

24 Q Well, I mean, at this time. I'm not talking about
25 previous. I mean could you have left at that time?

1 A Yes.

2 Q Okay.

3 THE COURT: Okay. Let's move on.

4 BY MR. SPROWSON:

5 Q Okay. Did you ever tell me in a conversation that I
6 took better care of you than your own mother?

7 A I don't remember saying that.

8 Q You don't remember saying that. When you were
9 staying with me, did you feel happy?

10 A Yes.

11 Q Were there times you felt depressed?

12 A Yes.

13 Q Can you tell us why you felt depressed?

14 A Because there was nobody else around to hang out to
15 or talk to.

16 Q Did you ever talk to anybody on the computer?

17 A No.

18 Q You never -- you never talked to anybody in a game
19 or anything like that or talk to anybody in an email or talk
20 to anybody in a social --

21 A No, I couldn't. I couldn't go on social media.

22 Q Did you ever go online?

23 A And look at stuff, yeah. And watch movies, yeah.

24 Q And if you wanted to, did you ever feel that you
25 couldn't use your phone? I mean, if you just really wanted

1 to, your phone was right in front of you where you said you
2 put it earlier to the jury. It being right there. I'm at --
3 I'm at work. Did you ever feel that you couldn't pick up that
4 phone and use it?

5 A Yes. I really felt like I just -- I really
6 couldn't. Like I just -- it was not in my mindset that I
7 could pick up my phone and use it like at all.

8 Q I didn't understand what you're saying.

9 A Like it wasn't -- I wasn't thinking that I could
10 pick it up and use it. You know, like one way or the highway
11 kind of thing. Like I could not touch my phone, and that's
12 how I saw it. Because we had a discussion, me and you had a
13 discussion, that I was not to use my phone.

14 Q And did you ever use my computer?

15 A To do things and stuff?

16 Q Did you ever use my computer?

17 A I don't think so. I could use my computer.

18 Q And so you're saying you never used my computer?

19 A I don't know. I don't know.

20 Q You don't remember?

21 A Yeah.

22 Q Okay. Did you ever walk with me to the mailbox?

23 A I don't remember. I don't think so.

24 Q Do you remember a time when we went to a park?

25 A That's the -- that's the one day we drove up to the

1 lake. It's the same day.

2 Q Did we ever go look at houses, just drive by houses?

3 A Up by the lake, yeah.

4 Q Okay. Was this all one event or was this a
5 couple --

6 A Yes, it was one big event.

7 Q One big event. Okay. And was this at night or
8 during the daytime?

9 A This was like early morning, I think. It was on a
10 weekend.

11 Q Okay. So on most weekends did I try to take you out
12 different places?

13 A No, that was the only time you took me out.

14 Q That was the only time?

15 A Except for the time you let me drive by my mom's
16 house at night.

17 Q Okay. Now, we had talked about this plan. On page
18 31 --

19 MS. BLUTH: Of what transcript?

20 MR. SPROWSON: Of the preliminary hearing
21 transcript. Sorry.

22 BY MR. SPROWSON:

23 Q On the preliminary hearing transcript, page 31,
24 there was a discussion about your plan, and this is actually
25 Ms. Bluth that is actually asking you. And if I -- let me ask

1 the question and see if you remember. Do you remember what
2 you said about the plan at the preliminary hearing testimony?
3 I mean --

4 A Exactly? No.

5 Q Exactly no. Would you like me to refresh your
6 memory on what you said on this particular --

7 A Yes.

8 Q -- question? Okay.

9 A Please.

10 MS. BLUTH: If you want, Mr. Sprowson, it'll save
11 time if you just want to read it. That's okay. That's fine.

12 MR. SPROWSON: Okay.

13 MS. BLUTH: Yeah. That.

14 MR. SPROWSON: All right.

15 BY MR. SPROWSON:

16 Q All right. It just -- the question was, and this is
17 from Ms. Bluth, well, she said, did the two of you have a
18 plan? And you said yes. And then the question was, what was
19 the plan? And then the answer was, for me to just stick it
20 out until I was like 17 and a half in the house, and then we
21 were going to get married and I was going to go to school.
22 Now, was this the plan?

23 A Are you -- do you think it's -- it's saying sticking
24 it out in the house, as in your house until I'm 17 and a half.

25 Q Well, the question is was this the plan that you

1 keep referring to?

2 A That's a different -- that was like -- I don't know.
3 That's not the -- that's not the -- we had an if we got caught
4 plan. That's like what -- she was asking like what are you
5 planning to do about school and stuff, and it was that I would
6 just stick it out until I'm 17 and a half in that house, and
7 then I'd go to school and what not.

8 Q Okay. Just wanted to clarify that. So when we talk
9 about plan, there could be different possibilities of what --
10 of what you discussed when you say plan.

11 A There was one major plan for if we got caught.

12 Q And what was that?

13 MS. BLUTH: Judge, objection. Asked and answered.

14 MR. SPROWSON: I don't remember what she said. What
15 did she say?

16 MS. BLUTH: Well, then, we've gone through --

17 MR. SPROWSON: I mean, because here's --

18 MS. BLUTH: We've been going through the plan for
19 three hours. We've been going through the plan. It's asked
20 and answered.

21 THE COURT: Why don't you just ask whether there was
22 any other plans than the ones you guys have discussed.

23 BY MR. SPROWSON:

24 Q Right. Are there -- how many plans are there total
25 that you discussed?

1 A If we got caught, or just planned in general?

2 Q Well, just in general. How many plans were there
3 that you --

4 A I don't know.

5 Q You don't know?

6 A There was -- there was the one where like what did
7 we plan to do about my schooling, what do plan to do about me
8 going to work, what do we plan to do if you got -- if we got
9 caught. Like there was like so many like what if situations.

10 Q Okay. You had mentioned about there were a couple
11 times that I got upset with you and told you to pack up your
12 things and for you to go home. Now, did you feel -- and I
13 know you said that emotionally you didn't feel you could go,
14 but you said physically you could leave if you wanted to?

15 A Yes.

16 Q Okay. And you said how many times did this occur?

17 A Of you having me pack my stuff?

18 Q Yeah.

19 A Like a few. Like more than like two or three times.

20 Q Two or three times.

21 A It like was frequent.

22 Q So was this an everyday occurrence or --

23 A Not every day, but it would -- it would happen like
24 two or three times a week.

25 MR. SPROWSON: Okay. All right. I think I've

1 exhausted my questions, and thank you for your patience. I
2 just, you know, I wanted to try to cover everything, and I
3 thank everybody.

4 THE COURT: Did you cover all your questions, Mr.
5 Sprowson?

6 MR. SPROWSON: Say again?

7 THE COURT: Are you finished?

8 MR. SPROWSON: I'm wrapping it up. Yes. I think I
9 will make everybody happy and shut it down.

10 THE COURT: All right. Thank you.

11 And redirect?

12 MS. BLUTH: Just very few, Judge. And this would
13 actually be cross.

14 THE COURT: Recross.

15 MS. BLUTH: Or recross.

16 FURTHER REDIRECT EXAMINATION

17 BY MS. BLUTH:

18 Q Okay. So I want to -- a few things. Would the
19 defendant after work go to the grocery store and get you fresh
20 vegetables and cook you a dinner every night?

21 A No.

22 Q How many times did he cook you dinner?

23 A Once.

24 Q Was that the first night you were there?

25 A Not the first night I got there because he picked me

1 up really late.

2 Q Okay.

3 A So it might have been like -- it was pretty soon
4 after I got there.

5 Q Okay. Now, the defendant asked you some questions
6 about the -- how did the age of consent come up. And I'm
7 sorry because I was a little confused when you guys were
8 talking about the Craigslist. So was there -- did -- after
9 you said you were 16, the defendant said something about like
10 why are you on here being jail bait?

11 A Yes.

12 Q I don't know what that means. Can you explain it to
13 me?

14 A Like -- like someone that will send him to jail,
15 like --

16 Q Like that show To Catch a Predator?

17 A Like a young girl that's like -- yeah, like To Catch
18 -- like a young girl that's like cute or whatever sometimes
19 that'll like -- it's not really like not legal.

20 Q So like a setup.

21 A Yes.

22 Q Like you're just a pretend person and it's really
23 the cops?

24 A Yes.

25 Q Okay. And so you said obviously that's not the

1 case, I'm 16, that doesn't happen in Nevada?

2 A Yes, like I'm 16, that's --

3 Q Okay. Now, in regards to you said that your memory
4 of certain things is hazy.

5 A Yes.

6 Q Would a good example of your memory being hazy is if
7 you had sex with the defendant the second night of the Boca
8 Park weekend?

9 A Yes.

10 Q But are you hazy about the two of you having the
11 plan if you got caught?

12 A No.

13 Q Are you hazy about the two of you working together
14 so that you could leave your mom's house?

15 A No.

16 Q Are those things that you remember?

17 A Yes.

18 Q You stated that there were a lot of things that you
19 lied about with Michelle Fischer, and I think there's a little
20 bit of confusion about who Michelle Fischer was so I just want
21 to clarify that. So the police come and they get you on
22 November 1st; correct?

23 A Yes.

24 Q And you are -- you speak with two police officers
25 and they interview you?

1 A Yes.

2 Q And you lie to those interviewers?

3 A Yes.

4 Q Now, after that, on that same day, they take you to
5 the Southern Nevada Children Advocacy Center and you are
6 interviewed by a female by the name of Michelle Fischer?

7 A Yes.

8 Q And you lie through certain parts of that; is that
9 correct?

10 A Yes.

11 Q Now, on page 72, which the defendant was just going
12 through with you, the statement that he took better care of
13 you than your own mother, would that be a truth or a lie?

14 A A lie.

15 Q Okay. That you told him if he didn't come get you
16 you would kill yourself?

17 A A lie.

18 Q That you had never seen him before the day he picked
19 you up?

20 A A lie.

21 Q The fact that you never did anything sexual with
22 him?

23 A A lie.

24 Q The fact that your relationship was like a
25 father-daughter relationship?

1 A A lie.

2 Q Okay. So those are the things -- those are examples
3 of things you lied about?

4 A Yes.

5 Q But that was within hours of leaving the defendant's
6 home?

7 A Yes.

8 Q You know now that the police took custody of you
9 cell phone and your laptop; right?

10 A Yes.

11 Q And that they also took possession of the
12 defendant's phone and his laptop?

13 A Yes.

14 Q Would there be any reason that there would be like
15 young pictures of you as a child on like the defendant's phone
16 or any of his properties?

17 A I don't know.

18 Q Did you ever like take pictures of like you as a
19 young child and put them on any of his things?

20 A Like did I put them on his --

21 Q Yeah, on his phone?

22 A Like did I take a picture on his phone of my --

23 Q Yeah.

24 A No.

25 Q Okay. Can you think of any reason why he would have

1 pictures of you as a young child?

2 A I don't -- I don't really remember because I don't
3 really remember sending them, but --

4 Q Okay. All right. And then the last thing I want to
5 ask you is the defendant asked you, you know, did you think I
6 took good care of you. And your answer was are you talking
7 about now or then? And the defendant said then.

8 A Yes.

9 Q I'd like to ask you now --

10 A No.

11 Q -- when you look back at it, do you think that the
12 defendant took good care of you?

13 A No.

14 Q Why?

15 A It was pretty much like I was taking care of
16 myself --

17 Q Okay.

18 A -- at his place.

19 Q Okay. When you would get your stuff and get ready
20 to go and you'd come downstairs and he would cry and say like
21 he sacrificed everything for you, did you -- did you fall for
22 that every time?

23 A Yes.

24 Q Looking back now, you know, in your mind as someone
25 who is in college now, looking back at when you were 16, the

1 defendant had asked you if you had called him and -- or
2 emailed him and said, you know, please pick me up, pick me up,
3 pick me up, there is a point on August 28th where you and him
4 do have a conversation about your mom finding out; right?

5 A Yes.

6 Q And is it at that point that the two of you are
7 like, hey, we've got to do something?

8 A Yes.

9 Q And that was something that you talked about
10 together?

11 A Yes.

12 Q Okay. Nothing further. Thank you so much.

13 THE COURT: Okay.

14 MR. SPROWSON: I have one more question.

15 THE COURT: Sure.

16 FURTHER RECROSS EXAMINATION

17 BY MR. SPROWSON:

18 Q When you got home after this whole ordeal, when you
19 got home you -- did you ever try to kill yourself?

20 A No.

21 Q You never tried to kill yourself when you got home
22 with your mother?

23 A Like with the balcony incident?

24 Q Well, the question is did you ever try to kill
25 yourself?

1 A No.

2 Q Did you ever threaten to kill yourself?

3 A Yes.

4 Q Okay. Thank you.

5 THE COURT: Are you finished?

6 MR. SPROWSON: Yes.

7 THE COURT: Thank you.

8 Thank you. You're free to go if you want to step
9 down. And we're going to call it a night.

10 All right. Mr. Lentz, the question you gave me is
11 for the defendant, so I'm going to hold onto the question and
12 we'll have to address it later on. As I'll tell you later on
13 during the course of the trial, the defendant is not mandated
14 to testify. So I need to hold onto this until a determination
15 is made by Mr. Sprowson whether or not he wants to testify in
16 this case, okay?

17 JUROR NO. 2: Okay.

18 THE COURT: Thank you.

19 And, ladies and gentlemen of the jury, thank you for
20 your patience today. We will -- Jason, did you give them the
21 schedule?

22 THE MARSHAL: Yes.

23 THE COURT: Okay. So have a lovely weekend. Again,
24 you're admonished not to converse amongst yourselves or with
25 anyone connected with the trial. Do not read, watch, or

1 listen to any report of or commentary on the trial by any
2 medium of information, including, without limitation,
3 television, newspapers, radio, or Internet. And please do not
4 form or express an opinion on this case.

5 Have a great weekend. See you Monday.

6 (Jury recessed at 5:48 p.m.)

7 THE COURT: Bye everyone. Have a great weekend.

8 (Court recessed for the evening at 5:49 p.m.)
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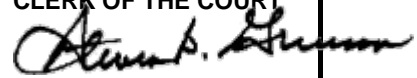
ACKNOWLEDGMENT:

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A handwritten signature in cursive script, reading "Kimberly Lawson", is written over a horizontal line.

KIMBERLY LAWSON
TRANSCRIBER

UNCERTIFIED ROUGH DRAFT



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C295158-1
)	DEPT NO. XXIII
vs.)	
)	
MELVYN PERRY SPROWSON, JR.,)	TRANSCRIPT OF
)	PROCEEDING
Defendant.)	

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 5

MONDAY, MARCH 27, 2017

APPEARANCES:

For the State:	JAMES SWEETIN, ESQ. JACQUELINE M. BLUTH, ESQ. Chief Deputy District Attorneys
For the Defendant:	MELVYN PERRY SPROWSON, Pro Se MICHAEL R. YOHAY, ESQ.

RECORDED BY MARIA GARIBAY, COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

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1 **LAS VEGAS, NEVADA, MONDAY, MARCH 27, 2017, 1:16 P.M.**

2 *** * * * ***

3 (Outside the presence of the jury.)

4 MR. SPROWSON: One of --

5 THE COURT: Hold on. Hold on. Hold on.

6 MR. SPROWSON: Sorry.

7 THE COURT: Yes.

8 THE RECORDER: We're on the record.

9 MR. SPROWSON: Okay. Your Honor, one of the issues
10 that we had on Friday was I wanted to enter an exhibit, the
11 Montevista record.

12 THE COURT: Uh-huh.

13 MR. SPROWSON: And one of the issues was that the
14 rape shield law and all that other stuff, and I had an
15 opportunity to look into the Federal Rules of Evidence
16 412(b)1(a), and specifically what it says, it just says,
17 "evidence of specific instances of a victim's sexual behavior
18 if offered to prove that someone other than the defendant was
19 the source of semen, injury or other physical evidence," I
20 would be able to allow -- to enter that evidence in.

21 I was being accused of giving this young lady a STD
22 and this is one of the reasons why I wanted to enter that
23 Montevista exhibit. So I would just like to, for the record,
24 object to the fact that I wasn't allowed to enter that
25 Montevista record into the --

1 THE COURT: So what's your point? That she was
2 having relations with someone else at the time she was having
3 relations with you and that that's what --

4 MR. SPROWSON: Well, there could have been an STD
5 prior to -- to the relationship with me. For example --

6 THE COURT: Okay. So where is that relevant to the
7 charges against you is what I'm having a hard time seeing?

8 MR. SPROWSON: Well, I'm being accused of giving her
9 a STD, it's an injury. An STD would be considered an injury,
10 so I -- I should have been allowed to actually bring that up,
11 but I wasn't --

12 THE COURT: [Inaudible.] Is there something about
13 the STD as far as --

14 MS. BLUTH: No, Your Honor, we didn't charge it.

15 THE COURT: Okay. So I don't -- if it's not part of
16 what you've supposedly done to -- I don't understand. It's
17 not part of the charge.

18 MR. SPROWSON: Well, I just --

19 THE COURT: I'm trying to figure out the relevance.
20 I mean, I'll be honest with you. Like I said after the bench,
21 had you objected to the -- the discussion, the STD, I probably
22 would have sustained the objection based upon how the
23 Information is phrased because I don't see the relevance.

24 MR. SPROWSON: Well, I was trying to bring that up
25 to -- to your attention last time with the STD thing. It's

1 just I -- I think it's relevant because it shows that -- it
2 shows that I wasn't the source of the -- the STD, but then
3 also leads into that she had -- well, without getting into her
4 sexual history, but it shows that I wasn't the first person
5 that she's had sexual contact with as far as, again, if we
6 raise it to another level of emotional damage and all this
7 other stuff that I am being charged with substantial mental
8 harm. I mean, an STD to some degree could affect that.

9 THE COURT: Okay.

10 MS. BLUTH: In regards to the STD, Your Honor, why
11 we brought it up, and I apologize if I didn't make it clear, I
12 said in opening and I said it with Jaysenia was that she was,
13 you know, I want to go back with him, I want to go back with
14 him, and then at Willow Springs she finds out she has this STD
15 and that makes her angry for a period of time at him, and
16 that's when we -- me and my investigator were able to speak to
17 her the first time while she was at Willow Springs and
18 pre-trialed her.

19 When she gets out, she returns back to the -- at the
20 end of the day, I mean, he didn't object to it and, so, it's
21 not charged. So if you're -- if you're saying that it's not
22 relevant, I believe it had a relevant purpose at that point,
23 but I think that's pretty much in the past. We haven't
24 charged her -- charged him with -- like I've seen it charged
25 in other cases as child abuse when you give a child, but we

1 haven't charged that at all in this case.

2 And what the Defendant has tried to do from the
3 beginning is bring in her past sexual history and I think the
4 Court's ruling has been clear that we can bring up that there
5 was mental harm before -- not mental harm -- but we can bring
6 up that she sought counseling before, and I think he can do
7 that with the mom. I just -- we should probably discuss the
8 parameters of how that gets in.

9 THE COURT: Is there any indication -- okay. So if
10 I remember correctly, the -- the prior sexual contact with
11 adults, one of those resulted in a case, correct --

12 MS. BLUTH: Yes.

13 THE COURT: -- against a man? In -- in the prior
14 case, was there any indication that she had a STD which caused
15 her to have emotional turmoil? I'm trying to find some --

16 MS. BLUTH: Yeah. So I can explain. When she was
17 -- that case was pretty brutal rape and she was given a rape
18 kit. She tested negative for all sexually transmitted
19 diseases at the hospital after that. Now, I'm -- obviously,
20 I'm just talking about this in the courtroom.

21 She did not have sex with any other person until Mr.
22 Sprowson and, so, that is why she was angered by that fact
23 because she knew she had tested negative at the hospital, and
24 then knew the only person she had been with was Mr. Sprowson,
25 and that's why she was so angry at Willow Springs.

1 MR. SPROWSON: Your Honor, if I may. Jaysenia
2 specifically told me that she tested positive as a result of
3 that, and then they went back and tested her again and then it
4 tested negative. So there were actually two results from
5 that.

6 THE COURT: Do you have any medical records to
7 indicate that?

8 MR. SPROWSON: I don't have any medical records.
9 I'm just going by what she told me. But the other issue is
10 that there was another individual named Sean, which I have
11 brought to the DA's attention, that used to pick her up from
12 school and take her home and have sexual relations with her.

13 See, this is another point that it's relevant, that
14 Montevista report, because she admits in there that she's had
15 prior -- more than one person, not just David Schulman.
16 There's other people that have come in between the David and
17 the me incidents and, so, there's -- I don't know where this
18 STD issue is coming in.

19 So, you know, if -- if -- I've -- I've been tested
20 for STD. I don't have STD. She supposedly was tested for STD
21 and she's tested positive, and then she has another
22 relationship with at least two other men that I know of, David
23 and Sean. And, so, this is why I'm bringing it up and this is
24 why it's relevant because it flushes that out a little bit.

25 And I just think it's unfair to just lay everything

1 at my doorstep, especially since I don't have a STD. I never
2 had an STD. And, so, if she's had an STD, she had to get it
3 from somewhere.

4 MS. BLUTH: Well, he can say that on -- he says he's
5 testifying, so he can say that he didn't have chlamydia and
6 that she must have got it from somewhere else, I guess. I
7 mean, I don't -- but it doesn't mean -- Mr. Sprowson continues
8 to say, I mean, honestly, all the time, they just want to lay
9 everything at my door step. No, we don't. We recognize that
10 there was mental harm issues beforehand. We are going to talk
11 about those. We're not laying everything at his doorstep.
12 Absolutely not.

13 THE COURT: Okay. So, again, the STD, at least what
14 I've been given, I -- I don't see -- I don't see the relevance
15 in this particular case, other than just to put -- bring up
16 the -- you can always testify if you choose to testify that
17 you don't have an STD, but I just don't see the relevance
18 other than to say that -- put her prior sexual history at
19 issue. I mean, if there had been something, anything. It was
20 in the records pertaining to the -- to the other man that
21 resulted in criminal charges, but there's nothing out there.

22 I think perhaps we could also discuss when we do
23 jury instructions, we can offer what's called a limiting
24 instruction, which would be that the jury can consider the STD
25 for purposes of why Jaysenia maybe decided not to get back

1 together, but it cannot be used for any other purpose because
2 I don't want it to seem as though this -- this was part of the
3 substantial bodily harm.

4 MS. BLUTH: Yeah.

5 THE COURT: So, I mean, we can discuss telling the
6 jury the -- how -- how and the only way they can consider that
7 evidence. Probably we should have done it contemporaneously.

8 MR. SPROWSON: I mean, that's what I'm concerned
9 with.

10 THE COURT: But we'll have to do it at some point.

11 MS. BLUTH: So that would -- but, I mean, Judge,
12 that would have been because the specificity with child abuse
13 pleadings -- well, I guess [inaudible] specific, we would have
14 had to plead that a certain way. We're not doing any physical
15 contact at all.

16 THE COURT: I understand. But, I mean, I can see --
17 again, I probably would have not let it in had it been
18 objected to, but, quite simply, it wasn't objected to
19 contemporaneously. The only thing I could do at this point
20 would be to offer a limiting instruction, which would tell the
21 jury that they can use it for one thing, but they can't use it
22 for anything else.

23 MS. BLUTH: Yeah, I don't have any issues with that.

24 THE COURT: Is there anything else?

25 MS. BLUTH: Yes, Your Honor. So on Friday the

1 Defendant several times with the victim would say something
2 like "are those the only -- only photos you've ever sent
3 anybody?" And she said, "yes." And he goes, "really?" You
4 know, things like that kind of inferring to the jury, like,
5 you know, you -- you know that you've sent other pictures.
6 You know, this is a different situation because only he and
7 her know exactly the conversations and exactly what went on.

8 But he also brought up the fact that she ran away.
9 It was my understanding in the motion in limine that he wasn't
10 allowed to get into that. We were overruled at the bench.
11 I'm sure he's going to bring that up with Ms. Smith, as well,
12 Jaysenia's mother. And, so, I just want to make sure, like, I
13 understand the parameters and he understands the parameters
14 because I don't right now.

15 MR. SPROWSON: The issue, if I may, with the running
16 away, look, a person doesn't run away for no reason at all.

17 THE COURT: Hold on. I can tell you why I kind of
18 allowed it. Because listening to everything, it seemed to
19 indicate as the testimony unfolded that she would not have run
20 away but for the Defendant enticing her to run away. So I
21 think that there was some relevance to the fact that
22 notwithstanding the -- she had been someone who had run away
23 in the past, but I didn't allow a lot of questioning. And,
24 obviously, sometimes things just change as the evidence comes
25 out. That's why I allowed it in this situation because

1 certainly that's going to be relevant to some of the charges.

2 MS. BLUTH: Sure. I guess where I'm confused at is
3 I don't -- and Mr. Sprowson kept saying we're saying he
4 enticed, he reads that as part of the statute.

5 THE COURT: He "enticed" was my word.

6 MS. BLUTH: No, when we were up at the bench, he,
7 Mr. Sprowson, said to Your Honor "they're charging me with
8 enticing her," and I said, "that's not our position." And,
9 so, it's not, but it's already out, so there's no point in us
10 talking about it.

11 THE COURT: Well, it's kind of like -- yeah, and I
12 think -- and, see, I cut you off. I'm so sorry. But at the
13 bench you made representations as to what the laws -- which
14 basically the State has to prove that she was there without
15 her mother's permission since she is still a minor. So, you
16 know, I did allow a little bit of questioning on it because --
17 well, I did, for reasons indicated.

18 MS. BLUTH: Yes.

19 MR. SPROWSON: Well, see, here's -- here's --

20 THE COURT: I thought it was kind of relevant the
21 way the evidence came out [inaudible] --

22 MS. BLUTH: And I understand Your Honor's ruling and
23 I'm not trying to argue. I just want to know now going
24 forward because the only other person that really would be
25 able to talk about that is the mother. So I just want to

1 understand the parameters or ask, you know, that we understand
2 the parameters with the mom of where Mr. Sprowson can go
3 because he, obviously, is going to go there.

4 MR. SPROWSON: Well, if I --

5 THE COURT: If you want to ask her --

6 MR. SPROWSON: -- may clear some things up. What I
7 want -- the purpose that I would like to use the running away,
8 and we can flush it out now, is just to establish the fact --
9 a person doesn't run away for any reason. Now, one of the
10 issues that is at hand here is she's having a conflict with
11 the mother, okay? Because they're charging me that I had the
12 intention of keeping her from her mother.

13 So this is the point. If I am keeping her from her
14 mother and she's got a conflict with the mother, that seems to
15 me would be antagonistic. So the reason why I want to bring
16 up the runaway issue and the past running away is that she's
17 had a conflict with the mother and it shows that she has a
18 reason for leaving home other than me.

19 And, so, again it comes back to the intention of
20 keeping her from her mother. You know, quite frankly, Your
21 Honor, she was keeping herself from her mother and I -- you
22 know, obviously she was at my place, yes, but the issue, then,
23 again, is I just want to -- because today is Kathryn Smith.

24 THE COURT: She's there on her own volition and she
25 could have left at any time, right?

1 MR. SPROWSON: Yes. So, you know, they're tying it
2 to the intention of keeping her from her mother and, so, all I
3 want to show is that, look, she was having a conflict with the
4 mother and -- you know, granted, part of the reason that she
5 wanted to leave was me, I -- I will give the State that, but
6 there's also other issues underlying that have -- before I
7 even came into her life she has already done this before.
8 David Schulman's case was, what happened in that case.

9 THE COURT: What do you want to ask? What do you
10 want to ask?

11 MR. SPROWSON: Well, it depends on how they -- they
12 do their direct examination. I just, basically, want to
13 establish the fact that she's had a conflict with her mother
14 before and it's caused her to run away and she's also reached
15 out to other older men. Well, here's the point. She's
16 reached out to other men. David Schulman, she was supposedly
17 going to get married.

18 There's a lot of similarities in my case with his
19 and you see -- you see not just a pattern there, but you see,
20 again, she's having a conflict with her mother, she reaches
21 out to an older man and she runs away. You know, granted, it
22 was just for a couple of hours and she came back, but, still,
23 I think the jury has a right to hear that because it's going
24 to prejudice my case that they don't hear that other
25 information, especially when it comes to that kidnapping

1 charge because it makes it seem, like, hey, you know, I'm just
2 reaching out to her and she's only running away because she's
3 in love with me and that she hasn't ever had a conflict with
4 the mother.

5 And this is a big part of my defense is that she
6 has, she has had, and it's in the record already, the mother
7 admits it, she has had a conflict with the mother and she took
8 away her phone and her computer for, at least, a period of two
9 years after the David Schulman incident and, so, it is very
10 relevant.

11 MS. BLUTH: So we'll get into the facts on direct
12 that they were having issues, that there was much conflict
13 between them. We're not going to hide from that. The issue
14 is is the Defendant keeps wanting to talk about David Schulman
15 and it's a pattern. It is not relevant and it does not
16 matter.

17 The law says if you take away a child with the
18 intent to keep them from their parent, even if it's an
19 agreement between the two of you, you are guilty of
20 kidnapping. Consent does not matter, therefore, if she did it
21 with David Schulman, if she did it with Melvyn Sprowson, if
22 she did it with John Smith, if she did it with Bill Smith, all
23 of those can still be guilty of kidnapping if the -- the other
24 person agrees with her and takes her with the intention that
25 they're going to hide her from her mom. All of them are

1 guilty of kidnapping and consent is not a defense.

2 And I just feel like we keep arguing this -- the
3 motion in limine and the clarification of the motion in limine
4 has -- it's been, like, two years and Your Honor has made a
5 very strict ruling in regards to that. We'll talk about the
6 conflict, but the fact that, you know, she's ran away before,
7 I guess that that ruling has already come in, that she went
8 with older guys and that, you know, the similar and the
9 pattern, that is exactly what the motion in limine was about.

10 MR. SPROWSON: Well, the other issue is the fact
11 that, again, you know, when she came to -- to live with me,
12 she -- she had threatened to commit suicide. Now, whether
13 [inaudible] seen what happened with our testimony on Friday,
14 but this -- this, in reality, happened. I -- I was the person
15 that was a recipient of that email. I know what the content
16 is, but my point is is that she threatened to kill herself.
17 And you keep coming at that it was my intention to keep her
18 from her mother, when all my intention was to keep her safe
19 and prevent her from killing herself.

20 The other issue is that I wanted her to go home.
21 You don't know how many times I asked her and insisted that
22 she go home, and she didn't want to go home, and this is what
23 I'm trying to get at is she doesn't want to go back to her
24 mother. Matter of fact, I have in the preliminary hearing
25 testimony that she would rather kill herself than stay with

1 her mother, you know?

2 And, so, this is very, very relevant and they're
3 trying to say that, hey, I'm saying, hey, come -- you know,
4 that, hey, come stay with me. You know, I had the -- the
5 young lady's -- yes, I was in a relationship with her,
6 granted, but I had the young lady's health and her safety.
7 Now, I didn't handle it properly, obviously, or I wouldn't be
8 here, but that was my main concern.

9 It wasn't an issue of keeping her from her mother
10 and I never wanted to keep her from her mother. Matter of
11 fact, I was insisting on her going back. The fact that she
12 stayed with me so long is the fact she didn't want to go back
13 to her mother. I even drove by her house to drop her off.
14 Hey, let me take you home. Matter of fact, many times I -- I
15 even showed her how to get home.

16 MS. BLUTH: I apologize. We've gotten kind of far
17 away from the argument.

18 MR. SPROWSON: Well, I'm just trying --

19 MS. BLUTH: I apologize. I know the jury is
20 waiting.

21 MR. SPROWSON: -- this is -- this is relevant. It's
22 very relevant to my case and to get into the whole aspect of
23 that.

24 THE COURT: Okay. What I'm doing is I'm looking at
25 the Information, how it's plead. So Count I, first degree

1 kidnapping is plead as follows: "Did unlawfully, feloniously,
2 and without authority of law, lead, take, entice, carry away
3 or detain Jaysenia Torres, a minor, with the intent to keep,
4 imprison, or confine said Jaysenia Torres, from her parents,
5 guardians," et cetera. I don't think there's any relevance to
6 her relationships with older men.

7 I do think that based upon the testimony that I
8 would -- I want to see what the State brings up, but I might
9 allow a little question -- are you going to ask the mother if
10 she's had prior conflict with her daughter?

11 MS. BLUTH: It's Mr. Sweetin's witness, so I'll let
12 him make representation.

13 MR. SWEETIN: No, never going to stay specifically
14 to this particular situation.

15 THE COURT: Here's my concern is where I think it
16 could be relevant for the Defendant is his defense seems to be
17 that I -- I kept trying to send her back, I kept trying to
18 send her back and, basically, she just wouldn't go. And I do
19 think that it's relevant in that if she's had conflict with
20 her mother before and she's left before and didn't want to
21 come back.

22 I -- I don't really want to go much further into the
23 issue because that's basically his defense in this case is,
24 again, she's having conflict with her mother and she's -- I'm
25 telling her go, I'm telling her go and -- I mean, I'm telling

1 her not to come stay with me, but I'm telling her to go back,
2 I'm telling her to go back and she doesn't. I think that it
3 -- I think that is relevant.

4 I don't want to go into all the other stuff, though.
5 So, I mean, it would just be very limited questions in this --
6 on this issue. So I'm saying it's the way you've plead it
7 because, I mean, he -- he does have a defense he's trying to
8 put forward.

9 MR. SWEETIN: Well, I think --

10 THE COURT: I understand what the law says, but, I
11 mean, there's also the intent to keep, imprison,
12 blah-blah-blah, which you have to prove, and he's saying that
13 there was no intent to keep her, that she came to him, he's
14 trying to push her back and she keeps coming back, if I'm
15 hearing his defense correctly.

16 MR. SPROWSON: And not only that, Your Honor, but
17 the whole issue of her killing herself. She's -- she's
18 already shown the first thing that she did when she came back
19 to her --

20 THE COURT: What's the relevance of that, honestly?

21 MR. SPROWSON: Huh?

22 THE COURT: I don't see the relevance of that.

23 MR. SPROWSON: Well, what it shows -- well, the
24 thing is that she's denying -- she denied Friday that she said
25 that. It's important that I bring that up because it shows

1 that this is a tactic that she used when she doesn't get what
2 she wants. The first thing that she wanted to do when she
3 tried to leave was she threatened to kill herself, and they
4 even took her to the hospital. And then her mother made a
5 statement in the preliminary hearing testimony that she told
6 her that she would rather kill herself than stay with her
7 mother.

8 See, this is what I'm getting at is that it's very
9 important because it's showing a conflict. I have nothing to
10 do with the scene there. She's already back home and she's
11 telling her mother that "I'd rather kill myself than stay with
12 you" and it's on the record.

13 THE COURT: I don't see the relevance of that at
14 this point.

15 MR. SWEETIN: No, I -- I mean, the State's position
16 would be that in regards to the prior runaway incidents, they
17 really have no relevance here because it would all go to the
18 state of mind of the victim in this case. The Defendant's
19 state of mind in regards to this particular incident would
20 have nothing to do with whether the child had runaway
21 previously, so that's what the State's position would be.

22 THE COURT: I understand. Like I said, I'll allow a
23 little bit of leeway as far as questioning by the Defendant on
24 that very small area because, again, I think it goes to his
25 defense whether or not he was trying to keep her away from the

1 mother, but I -- I don't think the suicide's relevant. I
2 don't think the older men is relevant. I don't think that any
3 -- I don't think anything else is really relevant. So can we
4 bring the -- the jury in?

5 MR. SPROWSON: Well, I have one other thing, Your
6 Honor. I'd like to ask this -- I'd like to make a moral --
7 excuse me -- an oral motion that you issue an order, if you
8 could allow Mr. David Ferrara a contact visit with me.

9 THE COURT: Who's that?

10 MR. SPROWSON: I'd like to meet with him.

11 MS. BLUTH: He's the writer at the RJ.

12 MR. SPROWSON: I've -- I've spoken with him before
13 and I told him I would speak with you to ask you to issue an
14 order to allow him to have a contact visit with me because I
15 offered certain --

16 THE COURT: I've never had to get involved before.
17 I don't know anything about that.

18 MR. SPROWSON: Well, that's why I'm asking for an
19 order, if you could issue an order to allow him to have a
20 contact --

21 THE COURT: You just go over as a normal visitor to
22 the jail?

23 MR. SPROWSON: Well --

24 CORRECTION OFFICER: Your Honor, he'd have to
25 request a -- a media release form filled out by the Defendant,

1 and then that would be on file, and with that the detention
2 watch commander could, therefore, authorize someone from the
3 media to come in.

4 THE COURT: And do I sign that?

5 CORRECTION OFFICER: No, ma'am. It's just going to
6 be --

7 THE COURT: It's internal with you guys, isn't it?

8 CORRECTION OFFICER: It's internal with us, so I'm
9 not sure where --

10 MR. SPROWSON: Well, my investigator told me I have
11 to have an order -- there had to be -- I had to have an order
12 from the Judge to allow him to do a contact visit. He's
13 already filled out -- he's already filled out a media request.
14 I've already spoken to him on the video screen, but the
15 problem with that is I got too many people around me and
16 certain things I, obviously, don't want to get into --

17 THE COURT: I can't do anything about that.

18 CORRECTION OFFICER: Well, the contact visit, yeah,
19 the contact visit, Your Honor, that would be an order -- and
20 I'll be honest with you, I'm not sure what the --

21 THE COURT: An order from me? I don't care his
22 contact as long as he --

23 CORRECTION OFFICER: He's -- he's requesting a
24 contact visit with this individual, which is typically not
25 done.

1 THE COURT: I don't really care who he visits with
2 so long as he's complying with the jail protocol. So I don't
3 know what I -- I've never had this come up before where I --

4 MR. SPROWSON: Well, there's a difference between,
5 say, for example, the normal visits are I would sit down and I
6 would see the individual on the screen.

7 THE COURT: You mean you want to have a private
8 contact with the media?

9 MR. SPROWSON: Well, it's like -- it's like
10 basically an attorney visit or an investigator visit.

11 THE COURT: No, it's a big difference.

12 MR. SPROWSON: Well, what I'm saying is it's just a
13 contact visit where I'm able to sit down with him and have a
14 conversation with him without all the people around me hearing
15 what I'm saying. That's why I'm asking for -- for the order,
16 that he be able to sit down and meet with me and -- cause, you
17 know, I want -- I've offered him an exclusive on my story and
18 there are certain things I, obviously, don't want to get out
19 beforehand, so I -- I talked to him about --

20 THE COURT: I have to look into that a little bit.
21 Unless -- I don't want to make any orders like that. I just
22 want to follow the jail's protocol. I mean, there's a huge
23 difference with your lawyer, investigator, because they have a
24 privilege issue that the journalist does not. It's just that
25 you don't want everyone else to hear, but there's no privilege

1 that we're trying to protect.

2 MR. SPROWSON: Well, the information that I'll be
3 relaying will be privileged.

4 THE COURT: No, there's no privilege between you and
5 a reporter, sir, that has to be protected by law. They only
6 have to protect the privilege between you and your lawyer and
7 the lawyer's representatives.

8 MR. SPROWSON: All right. So you're denying the
9 request for the order?

10 THE COURT: I am unless I have more information.
11 Okay. We need to call the jury in. Is there anything else?

12 MS. BLUTH: No, Your Honor. Not on behalf of the
13 State.

14 MR. SPROWSON: Okay. Just real quick. The
15 parameters on what I'm allowed and not allowed to do as far as
16 the questioning.

17 THE COURT: Yes, sir.

18 MR. SPROWSON: Can you kind of just briefly go over
19 what you're allowing me and not allowing me to do as far as
20 like the questions as far as runaway --

21 THE COURT: Quickly.

22 MR. SPROWSON: -- the David Schulman --

23 THE COURT: No.

24 MR. SPROWSON: So with the mother I'm not allowed --
25 now here's another question. So with the mother I'm not

1 allowed to bring it up is what you're saying even though --

2 THE COURT: David Schulman?

3 MR. SPROWSON: -- it's already in the preliminary
4 hearing testimony.

5 THE COURT: Schulman?

6 MR. SPROWSON: Yeah, David Schulman.

7 THE COURT: No, you cannot bring that up.

8 MR. SPROWSON: Even though it's already in the
9 preliminary hearing testimony?

10 THE COURT: No, you can't. Things come up in the
11 preliminary hearing because it's a judge that may not be
12 allowed to come up in front of a jury, and I don't really --
13 no, it's just not -- there's just no relevance to it.

14 MR. SPROWSON: Well, the thing is that she was --
15 she was -- here's the issue, that she was grounded for two
16 years, so, I mean, are they going to get into --

17 THE COURT: What's the relevance to this other guy?
18 Your crimes stand alone. I -- I allowed you leeway on the
19 runaway because I think it goes to, like I said, if -- if what
20 I'm hearing is -- if I'm hearing you correctly is basically
21 you kept trying to send this girl back to her mom and she kept
22 coming back, kept sending her back to her mom, she kept coming
23 back.

24 So I'm giving you a little bit -- I'm giving you a
25 whole lot of leeway as far as the runaway because your

1 argument is kind of like this is what she does when she and
2 her mom have an issue, you send her away, she runs away, and
3 someone tries to send her back to her mother and she doesn't
4 want to go back.

5 I'm giving you some leeway, but I don't see what the
6 relevance is that she's had a relationship -- I don't even
7 think it's a relationship. She had a sexual encounter with an
8 older man. I don't see the relevance because your crimes are
9 your crimes. It doesn't matter if another man committed a
10 crime on her. Your's is separate and distinct from that other
11 man's crime.

12 MR. SPROWSON: Okay. So, but, I'm allowed to just
13 establish the fact that when she has a conflict with the
14 mother she's ran away, yes?

15 THE COURT: Yes.

16 MR. SPROWSON: Okay.

17 THE COURT: Anything else? Because I want to bring
18 the jury back.

19 MR. SPROWSON: Really -- Judge, that's really all I
20 want to get at. I mean, I'd like to just, you know --

21 THE COURT: If that's it, we need to bring the jury
22 in.

23 MR. SPROWSON: -- get into other things that
24 happened, but, I mean, just so that we don't have that come up
25 during the trial.

1 THE COURT: Okay.

2 MR. SPROWSON: There was an issue with the therapy.
3 Am I allowed to get into that? Because she -- she did have
4 therapy --

5 THE COURT: With respect to this case? Yeah,
6 they're going to bring up -- hold on -- they're going to bring
7 up in direct, I believe -- let's hear how the testimony comes
8 out. I think they're going to bring up the fact that she's
9 had prior mental issues.

10 MR. SPROWSON: Are they going to mention the therapy
11 that she had for two years with her mom?

12 THE COURT: I don't know. Mr. Sweetin --

13 MR. SPROWSON: Am I -- am I going to be allowed --

14 THE COURT: Hold on. Mr. Sweetin, are you going to
15 bring up her prior therapy in the examination of her mother?

16 MR. SWEETIN: Her prior therapy, no, I'm not going
17 to bring up.

18 THE COURT: I think we said he could ask her
19 because, you know, she was already -- the argument is that she
20 was already having these psychological emotional issues prior
21 to you.

22 MR. SPROWSON: [Inaudible] harm.

23 MS. BLUTH: I forgot that I -- Mr. Sweetin wasn't
24 there when we had this argument, so I'm just going to explain
25 that part to him.

1 THE COURT: Okay.

2 MS. BLUTH: So, sorry.

3 (The jury reconvened at 1:43 p.m.)

4 THE COURT: All right. The jury is here. Welcome
5 back, ladies and gentlemen of the jury. Make yourself
6 comfortable. The State please call your next witness.

7 MR. SWEETIN: Your Honor, the State would call
8 Kathryn Smith.

9 THE MARSHAL: Remain standing. Please raise your
10 right hand and be sworn in by our clerk.

11 KATHRYN SMITH, STATE'S WITNESS, SWORN

12 THE CLERK: Please be seated. Will you please state
13 and spell your first and last name for the record?

14 THE WITNESS: Kathryn Smith, K-A-T-H-R-Y-N,
15 S-M-I-T-H.

16 MR. SWEETIN: May I proceed, Judge?

17 THE COURT: You may, sir.

18 DIRECT EXAMINATION

19 BY MR. SWEETIN:

20 Q Kathryn, do people call you Katie?

21 A Yes.

22 Q Is it all right if I refer to you as Katie?

23 A Yes.

24 Q All right. Katie, I'm going to ask if you're
25 familiar with Jaysenia Torres.

1 A Yes.

2 Q And how are you familiar with her?

3 A She's my oldest daughter.

4 Q How old is Jaysenia now?

5 A Nineteen.

6 Q What's her date of birth?

7 A [REDACTED]

8 Q Now, I want to turn your attention back to the end
9 of July of 2013, beginning of August of 2013. Was Jaysenia
10 living with you at that time?

11 A Yes, she was.

12 Q And how old was she at that time?

13 A Sixteen, she just turned sixteen.

14 Q How long had Jaysenia been living with you at that
15 time?

16 A Her whole life.

17 Q And at that time where were you guys living
18 particularly? A residence here in Las Vegas?

19 A In Henderson.

20 Q And was that a house or an apartment?

21 A A house.

22 Q And how big was it? How many bedrooms?

23 A Four bedrooms, four-bedroom house with --

24 Q Who, if anyone, was living there with you and
25 Jaysenia?

1 A Me, my mom, Jaysenia, and her two youngest sisters.

2 Q You mentioned your mom. What's her name?

3 A Cheryl Smith.

4 Q And her two younger sisters, what's their names and
5 ages about that time, 2013?

6 A Jaylexie [phonetic], twelve. Sarian [phonetic],
7 eleven.

8 Q Now, you mentioned that there was four bedrooms
9 there. Did Jaysenia have her own room?

10 A Yes, she did.

11 Q At that particular time, we're talking back in 2013,
12 the end of July, beginning of August, did Jaysenia have a job?

13 A Yes.

14 Q And where was she working?

15 A She was a hostess at the Omelet House in Henderson.

16 Q And how long had she had that job?

17 A Right around her birthday, so about a month.

18 Q Did she know anyone else that had worked there?

19 A My mom.

20 Q So your mother who lived with you had kind of helped
21 her get the job?

22 A Yes.

23 Q Was she in -- in school at the time?

24 A We were on summer break, but, yeah, she'd been
25 consistently in school her whole life.

1 Q And where was she attending school at that
2 particular time?

3 A Atech.

4 Q Is that a special school?

5 A Yeah, she had to apply to get into that school and
6 she had to have the grades to be in that school.

7 Q So in the summer of 2013, what year of school was
8 she going into?

9 A She was going into tenth grade.

10 Q So she just finished up ninth, going into tenth?

11 A Yes.

12 Q So going back to this time, did Jaysenia have any
13 electronic devices or anything like that?

14 A Yes, she had a cell phone and a computer.

15 Q When you say "cell phone," do you remember
16 particularly what kind of cell phone it was?

17 A A Samsung Galaxy 3.

18 Q Okay. Do you remember who serviced or what -- what
19 company services the phone?

20 A Sprint.

21 Q And do you remember whose name that phone was in?

22 A My sister's name, Gracie Smith.

23 Q And why was it in Gracie Smith's name?

24 A She got it for her for a present couple years before
25 that.

1 Q Now, besides the cell phone, you mentioned that she
2 had some other electronic devices?

3 A A laptop.

4 Q What kind of laptop was that?

5 A A Lenovo black laptop.

6 Q Did Jaysenia have any bank accounts at that time?

7 A Yes, she had a teen account that was -- I was on
8 that, too. So it was a joint account because she was a
9 teenager.

10 Q And what bank was that with?

11 A Wells Fargo.

12 Q Now, I want to turn your attention to this same
13 time, July and August of 2013. Were there things that
14 concerned you about your daughter over that period of time?

15 A She was starting to be more -- alone in her room
16 more and I would come in to check on her and the computer
17 screen would look like it changed really quick, like, in the
18 reflection of the background, and her -- and I started
19 questioning what was going on and I would take it and try to
20 see what was going on, but I didn't really find anything.

21 Q Okay. Was there anything else that kind of caused
22 you concern?

23 A She was, like, texting a lot, being away from the
24 family more, and just a lot of time alone.

25 Q Was there anything about the subject matter, the

1 conversations that she had with you to cause you concern?

2 A I don't know.

3 Q Did she mention the word "emancipated"?

4 A Oh. Yeah, that -- that was right before she left,
5 she had come outside and was talking to me and said she was
6 going to go try to get emancipated. And I said, why? Like,
7 why do you think they'll emancipate you? And cause I can, I
8 can do it. I said, they don't just let you get emancipated.
9 There has to be something wrong at home and there's no reason
10 why they'd let you get emancipated.

11 And that did, like, raise red flags to me because
12 she had never said that before and I didn't think she even
13 knew what that meant before. We had never talked about that
14 and that isn't a subject that just comes up.

15 Q Now, speaking of this time, you said some things
16 concerned you. Over this period of time, what would you
17 consider your relationship like with your daughter?

18 A A teenage mom-and-daughter relationship.

19 Q And when you say that, what do you mean?

20 A Like, we had good days and we had bad days, but it's
21 that push and pull where she thought she shouldn't have rules
22 and I'm the mom and have to give her rules.

23 Q All right. So sort of a typical mother-teenage
24 relationship?

25 A Yeah.

1 Q Now, had there been bumps in the road in regards to
2 your relationship with Jaysenia in the past?

3 A There had been bumps.

4 Q Had there -- had Jaysenia been subject to counseling
5 and things of that sort?

6 A Yes, and we went to counseling together, and she
7 went individually for years, a couple years.

8 Q During the time period that we're talking about in
9 the summer of 2013, were you submitting to any counseling over
10 that period of time?

11 A Yes.

12 Q Were things going well during that period of time?

13 A Yes, we were going well.

14 Q So at that period of time Jaysenia was -- was doing
15 fine and sort of the bumps kind of --

16 A She had just tried out for the Voice. I mean, we
17 were doing stuff. Like, you know, I mean, like I said, it was
18 just a teenage mother-daughter. She's the oldest of three
19 sisters relationship. We would have great times and then
20 other days it was like --

21 Q You mentioned she was going to Atech and you said
22 she tried out for what?

23 A For this? What I just said? She went and tried out
24 for The Voice, that TV show The Voice. They had auditions in
25 Vegas that year in June and I brought her to do that. I

1 mean --

2 Q And did she -- was she involved in activities at
3 school, as well?

4 A She did -- well, not after school. It was, like,
5 she took a bus there and bus back, but she was involved in,
6 like, speech and debate. She was going for law, that program
7 for law. She did after -- she did do, like, this first Friday
8 thing where she would do acting with an acting person we
9 brought her to. She did stuff like that.

10 Q So she's involved in a number of things?

11 A Uh-huh.

12 Q Now, do you recall that year that school started
13 August 26th of 2013?

14 A Yes.

15 Q Now, prior to school, you remember your daughter
16 staying over anywhere?

17 A Yes, her friend's house.

18 Q When was that?

19 A The weekend before school started.

20 Q Now, you mentioned her friend's house. Who would
21 that be?

22 A Jessica Patterson.

23 Q And who would that be?

24 A That was her best friend.

25 Q Was she -- did she go to school with her?

1 A She went to school with her.

2 Q So like age?

3 A Yes.

4 Q And on that particular occasion, how did she get
5 over there to spend the night with Jessica?

6 A I brought her. I dropped her off. I saw her go in
7 the house.

8 Q At the time she went over there, was she just going
9 to spend one night or more than one night?

10 A One night.

11 Q Did she just spend one night?

12 A She ended up spending two.

13 Q How did that happen?

14 A She called me and asked me if she could spend
15 another night, and she had slept over at Jessica's house
16 before, and I said that was fine, school was about to start.

17 Q Now, so, on that particular night you believed that
18 she was at Jessica's house?

19 A Yes.

20 Q Is that correct?

21 A Yes.

22 Q Did she have permission to stay at any other
23 residence?

24 A No.

25 Q Including a residence owned by Marvin Sprowson?

1 A No.

2 Q Did you even know who Marvin Sprowson was at that
3 time?

4 A No.

5 Q Now, ultimately, your daughter returned home from
6 staying with what you believed was her friend just before
7 school started?

8 UNIDENTIFIED SPEAKER: Do you mean Melvyn?

9 MR. SWEETIN: I'm sorry?

10 UNIDENTIFIED SPEAKER: Marvin? You mean Melvyn?

11 MR. SWEETIN: I'm sorry. Melvyn.

12 THE WITNESS: Melvyn.

13 BY MR. SWEETIN:

14 Q Now, ultimately, your daughter returned home after
15 spending the night with what you believed to be Jessica; is
16 that correct?

17 A Yes.

18 Q And was that before school started?

19 A Yes.

20 Q Now, upon her returning home, was there anything
21 that concerned you?

22 A She had a ring that was -- I had never seen before.
23 It was around her neck on a chain.

24 Q How did you come to see it?

25 A It was just there and I noticed it because it wasn't

1 something she left with.

2 Q And what did you do upon seeing it?

3 A I asked her where she got it from because it looked
4 like a wedding band and it was just -- it didn't -- it didn't
5 feel right to me. And, so, I asked her where she got it, and
6 she said that she found it and took it and picked it up and
7 kept it, which to me was out of character for her because she
8 would give -- like us, we would give it to customer service or
9 return it because it looks like a wedding ring.

10 Q So did you confront her about that explanation?

11 A Yeah, I said that didn't sound right.

12 Q And what -- how did she respond?

13 A And she -- then, she came saying that a friend gave
14 it to her, a guy.

15 Q Now, based upon that conversation, what do you do?

16 A I -- she went to school and, then, when she came
17 back, I took it. Ultimately, I took the ring.

18 Q So once you had this conversation, does this --
19 you've already mentioned that there's a few things that are
20 already sort of concerning; is that right?

21 A Yes.

22 Q I mean, she's in -- she's in her bedroom, she's on
23 the computer, seems to be changing the screen, those sorts of
24 things; is that correct?

25 A Yes.

1 Q So after this happens, do you do any additional sort
2 of looking around?

3 A Yeah, I checked her phone records and I noticed that
4 there was a phone number that was being called a lot, like,
5 excessively.

6 Q Now, did you ultimately at some point access your
7 daughter's phone records?

8 A Yes.

9 Q And how did you do that?

10 A I did it looking at her phone through the computer
11 with Sprint.

12 Q Okay. And I'm going to show you what is marked
13 State's Proposed Exhibit 4 and ask if you recognize this.

14 A Yes.

15 Q And what is that?

16 A It's her phone logs. I'm sorry.

17 Q It's okay. And the phone logs cover a particular
18 period of time; is that correct?

19 A Yeah.

20 Q And what period of time do they cover?

21 A June to August.

22 Q And that would be of 2013?

23 A Yes.

24 Q Okay. Now, does this document, the phone log that
25 you observed on or about the time that you were doing this

1 investigation?

2 A Yes.

3 Q Obviously, it was for a portion of that period; is
4 that correct?

5 A Yes.

6 Q Now, is this a clear and accurate depiction of what
7 you observed at that time?

8 A Yes.

9 MR. SWEETIN: Your Honor, the State would move for
10 the admission what's been marked as State's Proposed Exhibit
11 No. 4, which is actually a self-authenticating business
12 record.

13 THE COURT: Any objections?

14 MR. SPROWSON: No. Go ahead.

15 THE COURT: It will be admitted.

16 (State's Exhibit 4 admitted.)

17 BY MR. SWEETIN:

18 Q Now, you made reference to specific numbers being on
19 this that caused you concern, right, or a specific number?

20 A Yeah.

21 Q Do you recall what that number was?

22 A It was 6-2 -- it was the 6-2-6 number.

23 Q Could you say that number for the record?

24 A 6-2-6-2-9-8-1-3-6-5.

25 Q Okay. And did you later find out what that area

1 code or what part of the country that area code relates to?

2 A California.

3 Q Okay. Now, looking at those records, when's the
4 first phone call that you see?

5 A Can I point something out too? This is why -- this
6 is why this number stuck out to me is because of the time of
7 talking on the phone and my daughter did a lot of texting.

8 Q Okay. And let me ask you that while you brought it
9 up. You mentioned that there's a number of phone calls to
10 that number; is that correct?

11 A Yes.

12 Q And from that number; is that correct?

13 A Yes.

14 Q And you mentioned something about the time. What
15 did you mean by that?

16 A Like, 29 minutes, 74 minutes. I wouldn't see her on
17 the phone for that amount of time to later find out when I
18 left her to take care of her two younger sisters is when these
19 phone calls were going on.

20 Q Okay. So you -- you see this number. You'd never
21 seen that number before, correct?

22 A No.

23 Q And it had an area code to another part of the
24 country?

25 A Yeah.

1 Q And you see a number of calls and a great duration
2 of calls; is that correct?

3 A Yes.

4 Q So now based upon that, are you further concerned?

5 A Yes.

6 Q Okay. Now, did you do anything else as your -- you
7 have this additional information from your daughter, you're
8 trying to figure out what -- what's going on?

9 A I tried to call that number a couple of times with
10 my number to not show up, like a restricted call. So I'd call
11 unavailable. I wanted to see if somebody would answer that
12 phone.

13 Q Okay. And let me just make sure that I understand.
14 So you would call that number from what phone?

15 A My telephone.

16 Q Your phone. Okay. And you mentioned something
17 about that you would make your number a restricted number?

18 A Yeah.

19 Q How would you do that?

20 A I would press star-6-7.

21 Q Okay.

22 A And, then, dial the phone number.

23 Q So that's a function on your cell phone such that
24 when you press that, then, you can call a number and the
25 person at the other end won't have caller -- wouldn't be able

1 to see who's calling by caller ID?

2 A Yes.

3 Q So you did that for this particular number; is that
4 correct?

5 A Yes.

6 Q And what happened when you called the number?

7 A It would come on an answering machine without a
8 person's voice, like the generic answering machine, the number
9 you have reached.

10 Q Okay. So sort of a cell phone company generic
11 answering, "you've reached this number, leave a message"?

12 A Yes.

13 Q So you got no information from that?

14 A No.

15 Q So what did you do next?

16 A I told my daughter that -- well, the day -- we went
17 to school for a couple days. We had some thing -- when I took
18 the ring away, she got really upset. I took her computer away
19 and I took the phone away, and I said until we had a
20 conversation and I figured out what was going on, she was not
21 going to be allowed to use that stuff. I took it away.

22 I told her that I would talk to her the next day
23 because I didn't want to cause a -- I didn't want it to be,
24 like, turmoil with my other two kids and my mom. So I said
25 we'd talk when she came home from school, because she would

1 get home earlier than the other kids, the next day and that we
2 would figure it all out, but that I was taking --

3 Q And you mentioned that your other two kids were
4 actually 12 and 10 years old, right?

5 A Twelve and 10, yes.

6 Q And, so, they were in school at the same time as
7 Jaysenia; is that correct?

8 A Uh-huh.

9 Q But you indicated that Jaysenia's school got out at
10 a different time than their school?

11 A Yes.

12 Q So at the time that you have a conversation with
13 Jaysenia about this and took away her phone and her computer
14 and the -- the ring, at that particular time were the other
15 kids around?

16 A Well, they weren't, like, right there, but our house
17 isn't a mansion, so.

18 Q Okay. So your idea was let's have a discussion
19 about this when the other kids are out of the house when you
20 get home from school tomorrow?

21 A Yeah, and it was the evening so it was, like, bed
22 time. There was things to do, yeah, and I just didn't want
23 to --

24 Q Now, at the time that you have this conversation
25 with Jaysenia and you take away these items, do you remember

1 whether or not or what night of the week that was?

2 A A Tuesday or Wednesday.

3 Q Was that the night before she went missing?

4 A Yes.

5 Q Would that have been Wednesday, August 28th, 2013?

6 A Yes.

7 Q So on that particular night, you indicated it was
8 getting to be toward bed time; is that correct?

9 A Uh-huh. Yes.

10 Q So how does the night sort of conclude?

11 A We had, like, a little spat. I said, we'll handle
12 it tomorrow, just go to bed, we can talk about it when she
13 came home from school. The other kids went to bed. She went
14 to bed. I went in and checked on her around 10:30, 10:00,
15 10:30, and then I went to bed.

16 Q Now, you had mentioned that you had taken the
17 computer and the phone; is that right?

18 A Yes.

19 Q And where did you put those items?

20 A In my room under my bed.

21 Q Did you have any idea if Jaysenia knew that you put
22 them under your bed?

23 A She didn't see where I put them, no.

24 Q And what about the ring?

25 A It was in my night stand, like, hidden on -- I hid

1 it.

2 Q So on that particular night you remember about the
3 time that you end up getting ready and go to bed?

4 A Like, 10:30, 11:00.

5 Q Now, you make mention earlier that you had called
6 that same 626 number that you made reference to; is that
7 correct?

8 A Yes, I tried to call that before I went to bed.

9 Q So that would have been about that same time?

10 A Yes.

11 Q And what happened? Did you -- did you call it the
12 same way?

13 A Yes, and the same thing happened.

14 Q When you say "the same thing," you got an answering
15 machine, sort of a generic message saying "leave a message"?

16 A Yes.

17 Q Okay. Now, do you recall what time you got up the
18 following morning?

19 A Around 5:00.

20 Q Is that normally when you got up on a school day?

21 A Yeah, yes, I had to bring Jay -- I had to drive her
22 to a bus really early to go to school, so I would wake up
23 first with her, and then later the other kids would get up.

24 Q And when you say "Jay" you're referring to Jaysenia?

25 A Jaysenia, yes.

1 Q Okay. So on that particular morning you got up at
2 5:00 a.m., what happened?

3 A I went in her room and she was gone.

4 Q What did you do at that point?

5 A I -- I, like, looked through the house. I was,
6 like, Jay, Jay. You know, like, I looked through the house a
7 little bit and I realized she was gone. I went upstairs and
8 looked and noticed, like, a couple things were missing. I
9 noticed the computer was missing, so I knew she was gone. She
10 took stuff and she was -- she was gone. I told my mother I
11 woke up and Jay wasn't there, but to not say anything until
12 the kids went to school and I would do everything after I
13 brought them to school.

14 Q Okay. So you mentioned as you got up you noticed
15 that the computer wasn't there?

16 A Yes.

17 Q Is that --

18 A Like, when I noticed she was gone, I started looking
19 around to see what else was gone, you know, was some -- I
20 don't know what I was thinking. I just --

21 Q Now, you -- you said the night before you put the
22 computer and the phone underneath your bed; is that right?

23 A Uh-huh.

24 Q Is that the computer that you're referring to?

25 A Yes.

1 Q So was the computer gone, was the phone still there?

2 A The computer was gone, the phone was gone, and some
3 of her stuff was gone.

4 Q Now, had Jaysenia run away at any time previous to
5 that?

6 A Yes.

7 Q At that particular time, did you have concerns in
8 regards to where Jaysenia was?

9 A When -- what do you mean?

10 Q On this particular occasion --

11 A Yes.

12 Q -- on that particular morning? So upon basically
13 talking to your mother, you indicated that you were trying to
14 just go through the morning with just the activities you
15 normally did?

16 A Yes.

17 Q Okay. And, so, what did you do exactly?

18 A So I -- I called that number again that I had called
19 the previous night and it was shut off, so then I really -- it
20 was, like, no longer a message. It was "this number has been
21 disconnected" message, so that freaked me out. Then, after
22 that, I -- I don't really, like, remember exactly what I did.
23 I waited until about 7:00, my kids got up, the two younger
24 kids got up. I brought -- one was in elementary school at the
25 time, one was in middle school, so I got them ready. I

1 brought them to school.

2 Q Now, just going back to the phone very quickly. You
3 indicated that you had called it on prior occasions; is that
4 correct?

5 A Yes.

6 Q About how many times prior to that day had you
7 called?

8 A Probably four or five.

9 Q And was that on just one day or different days?

10 A I think it was the day before. It was just the day
11 before.

12 Q And on all those prior occasions you got the
13 answering machine essentially; is that correct?

14 A Yes.

15 Q On that morning it was disconnected?

16 A Right.

17 Q Do you recall about what time you called?

18 A 5:30, six o'clock in the morning.

19 Q Now, you mentioned that you were -- were trying to
20 get your other kids to school; is that correct?

21 A Yes.

22 Q And -- and did you do that that morning?

23 A Yes.

24 Q And what happens after you get to -- get the kids to
25 school?

1 A Well, I got -- we had just moved, so they were
2 starting new schools, the two younger kids, and I was worried
3 about my kids. So when I dropped my daughter off at
4 elementary school, I went in and asked to speak to her school
5 counselor and I let her know that my daughter -- I woke up
6 this morning, my daughter wasn't in her room, she's missing
7 right now. I'm hoping maybe she'll come home before the kids
8 do.

9 My kids didn't know yet because I was hoping maybe
10 she'd just come home. So I didn't tell them to worry them,
11 and that if there was problems in school behavior-wise, or,
12 like, they noticed something with my kids, that that's why,
13 and that to let me know, and I went to the middle school and
14 did the same thing.

15 Q You felt like you had a good relationship with the
16 counselors at their school?

17 A Well, I never met -- they just started school. I
18 felt it was important that I connected with them because if
19 their sister was going to be missing, I don't know how they'd
20 act in school.

21 Q Okay. Now, after you get the kids to school, what
22 do you do next?

23 A I went to the police station.

24 Q Prior to going to the police station, did you do
25 anything to attempt to locate your daughter? Do you remember

1 making any phone calls?

2 A Well, I called a whole bunch of places. I called
3 Nevada Child Seekers. I called National Center for Missing
4 and Exploited Children, Close [phonetic] Kids. I called a
5 bunch of places, the timing.

6 Q Let's just talk about that morning. On that
7 morning, did you call any of your daughter's friends or
8 anything of that sort?

9 A I called her friend Jessica's parents and I talked
10 to another friend.

11 Q And were you able to develop any leads as to
12 where --

13 A No.

14 Q -- your daughter was in talking to them?

15 A No.

16 Q Okay.

17 A Nobody knew -- nobody I talked to that --

18 Q Besides talking to the counselors at your kids'
19 school, did you talk to your daughter Jaysenia's school?

20 A Yes.

21 Q Why was that important?

22 A Because it was a special school that she went to and
23 school was really important to her and I know, like, it sounds
24 crazy, but even though she was missing, I thought maybe she'd
25 show up for school, and I wanted to let them know that she was

1 missing, and if that she made it to school, please flag her
2 attendance or something to let me know right away.

3 Q Now, you indicated that you went down to the police
4 station, as well; is that correct?

5 A Yes.

6 Q When was -- when did you go to the police station?

7 A Same day.

8 Q And what happened when you got to the police
9 station?

10 A They took a report from me and told me somebody
11 would get back to me.

12 Q Did they ask you for any identifying information
13 about your daughter when you were at the police department?

14 A Her Social Security -- that's when I realized her
15 Social Security card was missing.

16 Q You mentioned her Social Security card. Where did
17 you normally keep her Social Security card?

18 A In my wallet.

19 Q Okay. And, so, as the police ask you that, you find
20 out that it's missing?

21 A Yes.

22 Q Did you later find out that anything else was
23 missing?

24 A Birth certificate.

25 Q How did you find that out?

1 A Because I looked. After I noticed that was missing,
2 I looked for her birth certificate and, then, that was
3 missing, too.

4 Q Which is when you went back home?

5 A Yes.

6 Q When you went back home, did you notice other items
7 missing around the house?

8 A Almost everything she owned was missing.

9 Q Did that include --

10 A Shoes.

11 Q -- shoes and clothes?

12 A Clothes, everything.

13 Q Did she wear a dental retainer at the time?

14 A Yes.

15 Q And was that gone, as well?

16 A Yes.

17 Q Now, after you make the report at the police
18 station, do you have a discussion as to what's the next step?

19 A They told me somebody would get in touch with me and
20 that from missing persons, and that was it.

21 Q And that was the Henderson Police Department, right?

22 A Yes.

23 Q Okay. Now, subsequently, did the Henderson Police
24 Department get in contact with you?

25 A Well, I contacted them. I called them, like, every

1 day.

2 Q How long was it after that first day that you
3 contacted them?

4 A A week or two. Like, a week, week and a half.

5 Q You indicated that you called them every day.

6 A I called them. I didn't have a detective at this
7 point. They still kept saying that there was no detective
8 assigned to the case, that they would call me, there was no
9 detective assigned and, then, finally, they gave me a name of
10 a person that was assigned to the case.

11 Q About how long was it [inaudible]?

12 A Over a week, a week.

13 Q Over that period of time as you continued to call
14 the police department and weren't getting any answers, did you
15 do anything else on your own?

16 A That's when I called KlaasKids National Center for
17 Missing and Exploited Children, the CSFI, Nevada Child
18 Seekers. Anywhere that would listen to me, I called.

19 Q Did you do anything in regards to social media?

20 A After five days I put it on social media with her
21 missing picture and it said "help find Jaysenia Torres".

22 Q When you say "social media," what are you referring
23 to?

24 A Facebook and Twitter.

25 Q Besides the organizations that you made reference to

1 contacting, did you contact any other law enforcement
2 agencies?

3 A I contacted the -- like, in Las Vegas, I contacted
4 and we eventually got a private investigator.

5 Q Now, you made reference to a private investigator.
6 Did there come a time when you decided to hire a private
7 investigator?

8 A Yes.

9 Q About how long was that after Jaysenia had been
10 missing?

11 A A couple weeks.

12 Q And you mentioned the ring that -- that you had
13 taken the night before. Do you still have that ring --

14 A Yes.

15 Q -- that was missing?

16 A Uh-huh. Yes.

17 Q You just have to wait until I get done asking.

18 A I'm sorry. I'm sorry.

19 Q And in regards to that ring, did you do anything
20 with that ring after Jaysenia was missing?

21 A Yes.

22 Q What did you do?

23 A We sold the ring.

24 Q And why did you do that?

25 A Because I felt like the police weren't really

1 helping me and I didn't know what to do, so we thought if I --
2 maybe that's a more important crime, maybe a stolen ring is
3 more important than my missing daughter is.

4 Q That's okay.

5 A I'm sorry.

6 Q Do you need a Kleenex?

7 MS. BLUTH: Do we have tissue?

8 THE WITNESS: I just felt unimportant. Like nobody
9 cared. Thank you.

10 BY MR. SWEETIN:

11 Q So when you say -- I just want to understand what
12 your thought process was. So when you sold the ring, what
13 were you trying to accomplish?

14 A I was trying to make the police come arrest me so I
15 could find out who the ring belonged to.

16 Q Now, I want to show you what's -- what's marked as
17 State's Proposed Exhibit 7. Ask do you recognize that?

18 A Yes.

19 Q And is that the receipt for the sale of the ring?

20 A Yes.

21 Q And is that a fair and accurate depiction?

22 A Of the ring, yes.

23 Q Of the [inaudible]?

24 A Yes.

25 Q Did you sale -- sell it yourself?

1 A No, my mother did it.

2 Q Okay. Your mother was living with you?

3 A Yes.

4 Q And what was the cost or the price that was paid for
5 the ring?

6 A 450.

7 MR. SWEETIN: And, Your Honor, the State would move
8 for the admission what's been marked as State's Proposed
9 Exhibit 7 as a self-authenticating business record.

10 MR. SPROWSON: No objection, Your Honor.

11 THE COURT: It will be admitted.

12 (State's Exhibit 7 admitted.)

13 BY MR. SWEETIN:

14 Q Now, you made mention that you hired a private
15 investigator; is that right?

16 A Uh-huh. Yes.

17 Q Now, I think you mentioned earlier you didn't live
18 in a mansion; is that right?

19 A Right.

20 Q Did you have a lot of extra money?

21 A No.

22 Q Okay. Did you have extra money to hire a private
23 investigator?

24 A We used that money to hire the private investigator.

25 Q Okay. And after hiring the private investigator,

1 did the private investigator help you in trying to find your
2 daughter?

3 A He tried to. He tried to help us. It kept coming
4 to dead-ends.

5 Q When you say "dead-ends," could you be more
6 specific?

7 A Like, he would check different things. I actually
8 went with him to the friend's parents' house, like, there --
9 there wasn't a lot of leads of where she could be. It just
10 seemed like she disappeared into thin air.

11 Q At this point you had information about this phone
12 number; is that correct?

13 A Yes.

14 Q And your daughter's disappearance essentially; is
15 that correct?

16 A Yes.

17 Q So you didn't have much information at that time?

18 A No.

19 Q Did there come a point in time when that private
20 investigator stopped assisting?

21 A Yes.

22 Q That would be after the \$450 essentially was spent?

23 A Yes.

24 Q Now, did you ever have occasion to have another
25 private investigator help?

1 A Yes.

2 Q And how did that come about?

3 A Through me having my daughter's picture out through
4 social media, somebody contacted me from that organization
5 that they help people with missing kids to find their children
6 with private investigators that work pro bono, like.

7 Q And based upon your contact with that agency, were
8 you connected up with another private investigator?

9 A Yes.

10 Q And who was that private investigator?

11 A Denise.

12 Q Be Denise --

13 A Savaspano.

14 Q And where was her office located?

15 A California.

16 Q Did you have contact with her?

17 A Yes, I talked to her.

18 Q And did you provide her all the information that you
19 had at that time?

20 A Yes.

21 Q And did she go about assisting you at that time?

22 A Yes.

23 Q Now, you indicated that at this point you just had
24 the phone record essentially. Did you later go about trying
25 to collect other evidence that your daughter might have?

1 A Yeah, I -- I remember that when we went school
2 shopping she seemed to have a little more money than I had
3 given her and I thought to check her bank account, and I did,
4 and when I checked it there was a deposit of money from -- his
5 name on it -- with his name on it.

6 Q I'm going to show you what's been marked State's
7 Proposed Exhibit 5. Show you what's marked State's Proposed
8 Exhibit 5. Do you recognize that?

9 A Yes.

10 Q Okay. And what is that?

11 A It's a bank statement with -- of mine and Jaysenia's
12 bank account.

13 Q Okay. And do you see what period that bank
14 statement covers?

15 A 7/25 to 8/23/2013.

16 Q Okay. And you indicated that at some point you were
17 able to obtain this bank statement, look at it; is that
18 correct? Is this a clear and accurate depiction of that
19 statement?

20 A Yes.

21 MR. SWEETIN: The State would move for the admission
22 of what's been marked as State's Proposed Exhibit 5.

23 MR. SPROWSON: No objection, Your Honor.

24 THE COURT: It will be admitted.

25 (State's Exhibit 5 admitted.)

1 MR. SWEETIN: Permission to publish.

2 THE COURT: You may.

3 BY MR. SWEETIN:

4 Q Okay. Now, is this -- this the statement of
5 transactions related to the bank statement you're referring to
6 that we just talked about?

7 A Yes.

8 Q Now, you indicated that once you got this bank
9 statement that something stood out to you; is that right?

10 A Yes.

11 Q Okay. What is it exactly that stands out to you?

12 A That a person's name had wired her money or
13 deposited money in her account.

14 Q Now, what I'm asking you to do is if you could place
15 your -- do -- do you see the transaction that -- that you --
16 your attention was directed to on there?

17 A Yes.

18 Q If I could just get you to put your finger on the
19 screen in front of you and circle it?

20 A Is it circling it?

21 Q Can you put your finger just on the screen? Just
22 touch it and then circle it.

23 A Oh. Sorry.

24 Q Okay. That's fine. And that particular
25 transaction, what does it say specifically?

1 A Melvyn Sprowson, Junior, 130822 xxxxx 8812, \$150.00.

2 Q Okay. And the \$150.00 that we see, is that
3 deposited into your account?

4 A Yes.

5 Q Okay. Now, based upon you making this observation
6 in this bank account, what do you do next?

7 A I gave it to Denise and to the police.

8 Q Now, you had said earlier that you were contacting
9 the Henderson Police Department sort of on a daily basis; is
10 that correct?

11 A Yes.

12 Q And you said about a week, week and a half after
13 Jaysenia was missing that the case was actually assigned to an
14 individual?

15 A Yes.

16 Q And who was that individual, do you remember?

17 A Detective Gates.

18 Q And after it was assigned to that individual, did
19 you continue to contact Detective Gates?

20 A Yes.

21 Q Did you have regular contact with him?

22 A Well, he's a -- he's actually a volunteer, retired
23 police officer that they have do the missing persons. So he's
24 there two days a week, 7:00 a.m. til 12:00 p.m. So I talked
25 to him as much as I could. He's -- he was a really sweet,

1 older gentleman, it's just I didn't feel like he knew how to
2 pull or leeway when I gave him information. He was, like,
3 volunteering his time, his extra time to do this, but --

4 Q So it would be fair to say you were a little
5 frustrated?

6 A Yes.

7 Q So after providing that information to the -- the
8 police and to your private investigator, you become aware of
9 anything happening? Do you have contact with yet another
10 police officer?

11 A The CCSD school police officer, Officer Abbott.

12 Q At some point in time, do you have contact with
13 Detective Logiudice?

14 A Yeah, but -- that was through Denise, though. Like,
15 he -- him and her were talking, and then I had talked to him,
16 yes.

17 Q Okay. And about what time was it that you ended up
18 having that contact with Detective Logiudice?

19 A What do you mean what time? Like, in August?

20 Q Yes, what -- what part of August was that?

21 A It may have been in September or --

22 Q So about in September is when you had contact with
23 him, somewhere in that neighborhood?

24 A Yeah.

25 Q Can't remember exactly?

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MELVYN SPROWSON,) No. 73674
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 Appellant,)
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 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
 _____)

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 2 day of May, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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

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BY /s/ Carrie M. Connolly
Employee, Clark County Public Defender's Office