

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Respondent.

Electronically Filed
May 02 2018 04:34 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Docket 73674 Document 2018-16728

INDEX
MELVYN SPROWSON
Case No. 73674

	<u>PAGE NO.</u>
Affidavit of Defense's Investigator filed 03/21/17.....	1118-1119
Affidavit of The Honorable Stefany A. Miley filed 01/23/17	1005-1010
Affidavit to Disqualify Judge Stefany A. Miley for Bias and Misconduct filed 01/31/17	993-997
Affidavit to Disqualify Judge Stefany A. Miley for Bias and Misconduct filed 02/07/17	998-1004
Affidavit to Reconsider Disqualifying Judge Stefany A. Miley for Bias and Misconduct Date of Hrg: 02/24/17	1016-1022
Affidavit to Reconsider Disqualifying Judge Stefany A. Miley for Bias and Misconduct filed 02/28/17	1023-1028
Amended Criminal Complaint filed 12/09/13	3-4
Application for Ex Parte Order to Extend Time in which to File the Pre-Trial Writ of Habeas Corpus filed 02/18/14	257-263
Bail Bond filed 05/05/14	360-364
Clerk's Certificate and Order Dismissing Appeal filed 12/02/15	751-754
Criminal Complaint filed 11/05/13.....	1-2
Decision and Order filed 08/28/15	597-610
Defendant's Motion to Continue Jury Trial Date of Hrg: 06/02/14.....	387-390
Defendant's Motion to Continue Trial Date filed 09/08/14	515-518
Defendant's Motion to Continue Trial Date filed 07/06/15	611-615
Defendant's Motion to Continue Trial Date Date of Hrg:: 06/06/16.....	844-849
Defendant's Proposed Jury Instructions Not Used at Trial filed 03/30/17.....	1124-1127
Defendant's Second Pro Se Motion to Continue Trial Date of Hrg: 04/10/17	1087-1095
District Court Minutes from 01/15/14 through 06/26/17	1175-1250
Ex Parte Application for Court Approval of Payment of Specific Categories of Ancillary Defense Costs Date of Hrg: 06/01/15.....	568-575

1	Ex Parte Application for Expert Witness and	
2	Investigator And Funding Therefor filed 12/09/16	964a-964f
3	Ex Parte Motion and Order for Release of Records filed 05/22/14.....	381-383
4	Ex Parte Motion and Order for Release of Records filed 05/22/14.....	384-386
5	Ex Parte Motion and Order for Release of Records filed 09/10/14.....	519-520
6	Ex Parte Motion and Order for Release of Records filed 09/10/14.....	521-522
7	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	525-526
8	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	527-528
9	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	529-530
10	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	531-532
11	Ex Parte Motion and Order for Release of Records filed 11/17/14.....	533-534
12	Ex Parte Motion and Order for Release of Records filed 09/17/15.....	663-664
13	Fifth Supplemental Notice of Witnesses and/or Expert Witnesses filed 02/27/17.....	1081-1086
14	Fourth Supplemental Notice of Witnesses and/or Expert Witnesses filed 05/09/16.....	831-843
15	Information filed 01/13/14.....	251-254
16	Instructions to the Jury filed 03/31/17	1130-1161
17	Judgment of Conviction (Jury Trial) filed 07/05/17.....	1167-1169
18	Jury List filed 03/23/17.....	1123
19	Jury List filed 03/30/17.....	1129
20	Justice Court Minutes from 11/06/13 through 01/08/14	9-20
21	Media Request & Order Allowing Camera	
22	Access to Court Proceedings filed 11/05/13.....	21-35
23	Media Request & Order Allowing Camera	
24	Access to Court Proceedings filed 01/30/14.....	255-256
25	Media Request & Order Allowing Camera	
26	Access to Court Proceedings filed 02/18/14.....	264-266
27	Media Request & Order Allowing Camera	
28	Access to Court Proceedings filed 02/18/14.....	267-269
	Media Request & Order Allowing Camera	
	Access to Court Proceedings filed 08/13/15.....	627-628

1	Media Request & Order Allowing Camera Access to Court Proceedings filed 10/07/15.....	701-702
2		
3	Media Request & Order Allowing Camera Access to Court Proceedings filed 03/21/17.....	1103-1104
4	Minute Order filed 05/27/15.....	576-577
5	Motion for Bail Reduction Date of Hrg: 11/14/13.....	48-54
6		
7	Motion for Bail Reduction Date of Hrg: 04/14/14.....	322-344
8	Motion for Disclosure of Non-Public Information filed 11/05/13	36-39
9	Motion for Disclosure of Non-Public Information filed 11/08/13	40-43
10	Motion for Disclosure of Non-Public Information filed 11/14/13	44-45
11	Motion for Disclosure of Non-Public Information filed 12/06/13	59-60
12	Motion for Disclosure of Non-Public Information filed 12/09/13	92-95
13	Motion for Disclosure of Non-Public Information filed 12/23/13	96-97
14	Motion for Discovery filed 12/12/13.....	62-91
15	Motion for Discovery filed 08/26/14.....	391-420
16	Motion for Discovery filed 09/20/16.....	859-871
17	Motion to Dismiss Misdemeanor Charges for Lack of Original Jurisdiction Date of Hrg: 11/28/16.....	896-903
18		
19	Motion to Proceed on Appeal in Forma Pauperis Date of Hrg: 10/12/15.....	658-662
20	Motion to Proceed Pro Se filed 08/19/15	629-634
21	Motion to Suppress Evidence Date of Hrg: 06/01/15.....	548-567
22		
23	Motion to Suppress Evidence Date of Hrg: 10/05/15.....	638-644
24	Motion to Withdraw as Counsel of Record filed 07/21/15	622-626
25	Motion to Withdraw the Original Record of Search and Seizure Warrants on File with the District Court	
26	Date of Hrg: 01/04/17.....	912-964
27	Notice of Appeal filed 09/08/15	635-637
28	Notice of Appeal filed 08/01/17	1171-1174

1	Notice of Change of Hearing filed 04/07/14	321
2	Notice of Change of Hearing filed 09/05/14	491
3	Notice of Change of Hearing filed 09/18/14	523
4	Notice of Change of Hearing filed 10/14/14	524
5	Notice of Change of Hearing filed 10/02/15	700
6	Notice of Change of Hearing filed 10/11/16	895
7	Notice of Contempt of Court and Brady Violation filed 03/21/17	1105-1117
8	Notice of Motion and Motion for Clarification Regarding	
9	State's Previously Filed Motion in Limine to Preclude	
10	Evidence of Victim's Prior Sexual Abuse at Trial	
11	Date of Hrg: 10/05/15	671-699
12	Notice of Motion and Motion for Independent	
13	Psychological/Psychiatric Examination of the Complaining Witness	
14	Date of Hrg: 09/08/14	438-460
15	Notice of Motion and Motion in Limine to Preclude	
16	Evidence of Victim's Prior Sexual Abuse at Trial	
17	Date of Hrg: 09/15/14	492-506
18	Notice of Motion and Motion to Admit Evidence of Other Bad Acts	
19	Date of Hrg: 10/26/15	
20	Notice of Motion and Motion to Continue	
21	Date of Hrg: 11/21/13	55-58
22	Notice of Motion and Motion to Set Conditions of	
23	Defendant's Release Upon Defendant Posting Bail	
24	Date of Hrg: 05/12/14	365-380
25	Notice of Motion and State's Motion to Revoke Defendant's Bail	
26	Date of Hrg: 02/04/15	535-543
27	Notice of Request to Withdraw Original Record	
28	of Search and Seizure Warrants filed 12/09/16	909-911
	Notice of Witnesses and/or Expert Witnesses filed 10/08/15	703-714
	Notice Resetting Date and Time of Hearing filed 05/19/17	1165
	Notice Resetting Time of Hearing filed 03/27/14	320
	Opposition to Defendant's Motion for Defendant's Motion for Bail Reduction	
	Date of Hrg: 04/14/14	345-359
	Opposition to State's Motion in Limine to Preclude	
	Evidence of Victim's Prior Sexual Abuse at Trial filed 10/14/14	507-514

1	Order filed 03/13/14	305
2	Order filed 03/22/17	1120-1122
3	Order filed 06/19/17	1166
4	Order filed 07/05/17	1170
5	Order Denying Defendant's Third Motion to Suppress Evidence Date of Hrg: 04/13/16.....	829-830
6	Order Denying Motion to Disqualify filed 01/24/17	1011-1015
7	Order Granting State's Motion to Admit Evidence of Other Bad Acts Date of Hrg: 12/10/15.....	727-729
8	Order Scheduling Status Check RE: Trial Readiness filed 11/23/16	908
9	Petition for Writ of Habeas Corpus, Motion to Dismiss, and Memorandum of Points and Authorities Date of Hrg: 03/24/14.....	270-304
10	Receipt of Copy of Documents Pertaining to Protected Information and Records from Wells Fargo Bank filed 12/11/15	756-757
11	Receipt of Copy of Protected Information and Records from Montevista Hospital, Willow Springs Center, Hope Counseling, Desert Behavioral Health, Doctor Robin Donaldson, and Doctor Eugene Ronsenman filed 07/13/15	616-617
12	Receipt of Copy of Protected Information and Records from Montevista Hospital, Willow Springs Center, Hope Counseling, Desert Behavioral Health, Doctor Robin Donaldson, and Doctor Eugene Ronsenman filed 07/14/15	618-619
13	Receipt of Copy of Protected Information and Records from Montevista Hospital, Willow Springs Center, Hope Counseling, Desert Behavioral Health, Doctor Robin Donaldson, and Doctor Eugene Ronsenman (Amended) filed 07/17/15.....	620-621
14	Receipt of Copy of Protected Information and Records from Vena M. Davis, Mojave Adult, Child & Family Services filed 11/05/15	749-750
15	Remittitur filed 12/02/15	755
16	Reply to Return to Writ of Habeas Corpus and Opposition to Motion to Dismiss Date of Hrg: 04/30/14.....	309-319
17	Reply to State's Opposition to Defendant's Motion for Independent Psychological/Psychiatric Examination of the Complaining Witness and Discovery Request for Her Medical/Mental Health Treatment Records filed 10/13/14.....	481-490
18	Response to State's Motion to Revoke Defendant's Bail Date of Hrg: 02/04/15.....	544-547
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1	Response to State's Opposition to Defendant's Motion for Discovery	
2	Date of Hrg: 11/02/16.....	884-894
3	Response to State's Opposition to Defendant's Motion to Withdraw the	
4	Original Record of Search and Seizure Warrants in the District Court	
5	Date of Hrg: 01/04/17	972-986
6	Response to State's Opposition to Defendant's Third Motion to Suppress Evidence	
7	Date of Hrg: 04/13/16.....	828i-828bb
8	Request for Rough Draft Transcript filed 09/23/15.....	667-670
9	Second Amended Criminal Complaint filed 12/19/13	5-8
10	Second Request for Rough Draft Transcript filed 02/26/16.....	758-760
11	Second Supplemental Notice of Witnesses and/or Expert Witnesses filed 10/26/15.....	735-742
12	State's Opposition to Defendant's Motion for Discovery	
13	Date of Hrg: 09/22/14.....	421-437
14	State's Opposition to Defendant's Motion for Discovery	
15	Date of Hrg: 11/02/16.....	872-883
16	State's Opposition to Defendant's Motion for Independent	
17	Psychological/Psychiatric Examination of the Complaining Witness	
18	Date of Hrg: 09/10/14.....	461-480
19	State's Opposition to Defendant's Motion to Dismiss	
20	Midemeanor Charges for Lack of Jurisdiction	
21	Date of Hrg: 11/28/16.....	904-907
22	State's Opposition to Defendant's Motion to Suppress Evidence	
23	Date of Hrg: 07/01/15.....	578-596
24	State's Opposition to Defendant's Notice of Request to Withdraw	
25	Original Record of Search and Seizure Warrants and Defendant's	
26	Ex-Parte Application for Expert Witness and Funding Therefor	
27	Date of Hrg: 01/04/17	965-971
28	State's Opposition to Defendant's Second Motion to Suppress Evidence	
	Date of Hrg: 10/05/15.....	645-657
	State's Opposition to Defendant's Sixth Motion to Continue Trial	
	Date of Hrg: 05/16/16.....	850-858
	State's Opposition to Defendant's Seventh Motion to Continue Trial	
	Date of Hrg: 03/21/17	1096-1102
	State's Opposition to Defendant's Third Motion to Suppress Evidence	
	Date of Hrg: 04/06/16.....	828a-828h
	State's Proposed Jury Instructions Not Used at Trial filed 03/30/17	1127-1128

1	Stipulation and Order Regarding Discovery of Child Pornographic Materials filed 09/21/15	665-666
2	Substitution of Attorneys filed 11/08/13	46-47
3	Supplemental Affidavit of The Honorable Stefany A. Miley filed 02/17/17	1070-1080
4	Supplemental Motion to Affidavit to Reconsider Disqualifying Judge Stefany A. Miley for Bias and Misconduct filed 03/06/17	1029-1069
5	Supplemental Notice of Witnesses and/or Expert Witnesses filed 10/19/15	730-734
6	Third Motion to Suppress Evidence Date of Hrg: 04/06/16.....	761-828
7	Third Supplemental Notice of Witnesses and/or Expert Witnesses filed 10/23/15	743-748
8	Verdict filed 03/31/17.....	1162-1164
9	Writ of Habeas Corpus filed 03/14/14.....	306-307
10	Writ of Habeas Corpus filed 03/17/14.....	308
11		
12		

TRANSCRIPTS

13		
14	Recorder's Transcript JURY TRIAL DAY 1	
15	Date of Hrg: 03/21/17.....	1646-1841
16	Recorder's Transcript JURY TRIAL DAY 2	
17	Date of Hrg: 03/22/17.....	1842-2005
18	Recorder's Transcript JURY TRIAL DAY 3	
19	Date of Hrg: 03/23/17.....	2006-2109
20	Recorder's Transcript JURY TRIAL DAY 4	
21	Date of Hrg: 03/24/17.....	2110-2442
22	Recorder's Transcript JURY TRIAL DAY 5	
23	Date of Hrg: 03/27/17.....	2443-2626
24	Recorder's Transcript JURY TRIAL DAY 6	
25	Date of Hrg: 03/28/17.....	2627-2770
26	Recorder's Transcript JURY TRIAL DAY 7	
27	Date of Hrg: 03/29/17.....	2771-2981
28		

1	Recorder's Transcript	
2	JURY TRIAL DAY 8	
	Date of Hrg: 03/30/17	2982-3111
3	Recorder's Transcript	
4	JURY TRIAL DAY 9	
	Date of Hrg: 03/31/17	3112-3117
5	Recorder's Transcript	
6	Arraignment Continued	
	Date of Hrg: 01/29/14	1253-1255
7	Recorder's Transcript	
8	Calendar Call	
	Date of Hrg: 03/19/14	1256-1260
9	Recorder's Transcript	
10	Calendar Call	
	Date of Hrg: 10/28/15	1428-1439
11	Recorder's Transcript	
12	Calendar Call	
	Date of Hrg: 03/08/17	1605-1608
13	Recorder's Transcript	
14	Calendar Call	
	Date of Hrg: 03/15/17	1609-1612
15	Recorder's Transcript	
16	Defendant's Motion for Discovery...Defendant's Motion for Independent	
	Psychological/Psychiatric Examination of the Complaining Witness	
	Date of Hrg: 09/10/14	1314-1323
17	Recorder's Transcript	
18	Defendant's Motion to Continue Jury Trial	
	Date of Hrg: 05/28/14	1311-1313
19	Recorder's Transcript	
20	Defendant's Motion to Continue Jury Trial Date	
	Date of Hrg: 07/20/15	1349-1358
21	Recorder's Transcript	
22	Defendant's Proper Person Motion for Discovery	
	Date of Hrg: 11/16/16	1543-1569
23	Recorder's Transcript	
24	Defendant's Pro Per Motion to Withdraw the Original Record of	
	Search and Seizure Warrants on File with the District Court	
25	Date of Hrg: 01/04/17	1579-1582
26	Recorder's Transcript	
27	Defendant's Pro Se Motion for Discovery	
	Date of Hrg: 11/02/16	1527-1542

1	Recorder's Transcript	
2	Defendant's Pro Se Motion to Proceed on Appeal in Forma Pauperis...	
3	Defendant's Pro Se Motion to Suppress Evidence... State's Motion for	
4	Clarification Regarding State's Previously Filed Motion in Limine to	
5	Preclude Evidence of Victim's Prior Sexual Abuse at Trial... Status Check	
6	Date of Hrg: 10/12/15.....	1395-1403
7	Recorder's Transcript	
8	Defendant's Pro Se Motion to Proceed on Appeal in Forma Pauperis...	
9	Defendant's Pro Se Motion to Suppress Evidence... State's Motion for	
10	Clarification Regarding State's Previously Filed Motion in Limine to	
11	Preclude Evidence of Victim's Prior Sexual Abuse at Trial... Status Check	
12	Date of Hrg: 10/19/15.....	1404-1427
13	Recorder's Transcript	
14	Defendant's Second Pro Se Motion to Continue Trial	
15	Date of Hrg: 03/21/17.....	1613-1645
16	Recorder's Transcript	
17	Evidentiary Hearing; Defendant's Motion to Suppress Evidence	
18	Date of Hrg: 07/01/15.....	3156-3257
19	Recorder's Transcript	
20	Initial Arraignment	
21	Date of Hrg: 01/15/14.....	1251-1252
22	Recorder's Transcript	
23	Motion	
24	Date of Hrg: 04/13/16.....	1504-1518
25	Recorder's Transcript	
26	Motion for Bail Reduction	
27	Date of Hrg: 04/14/14.....	1261-1263
28	Recorder's Transcript	
29	Motion for Bail Reduction	
30	Date of Hrg: 04/21/14.....	1264-1274
31	Recorder's Transcript	
32	Petition for Writ of Habeas Corpus	
33	Date of Hrg: 04/30/14.....	1275-1301
34	Recorder's Transcript	
35	Petrocelli Hearing	
36	State's Motion to Admit Evidence of Other Bad Acts	
37	Date of Hrg: 12/10/15.....	1443-1503
38	Recorder's Transcript	
39	Sentencing	
40	Date of Hrg: 05/24/17.....	3118-3125
41	Recorder's Transcript	
42	Sentencing	
43	Date of Hrg: 06/26/17.....	3134-3155

1	Recorder's Transcript	
2	State's Motion in Limine to Preclude Evidence of Victim's Prior Sexual Abuse at Trial;	
3	Defendant's Motion for Discovery; Defendant's Motion for Independent	
	Psychological/Psychiatric Examination of the Complaining Witness	
3	Date of Hrg: 11/05/14.....	1324-1342
4	Recorder's Transcript	
5	State's Motion to Revoke Defendant's Bail	
5	Date of Hrg: 02/04/15.....	1343-1348
6	Recorder's Transcript	
7	State's Motion to Set Conditions of Defendant's	
7	Release upon Defendant Posting Bail	
8	Date of Hrg: 05/12/14.....	1302-1310
9	Recorder's Transcript	
9	State's Opposition to Defendant's Sixth Motion to Continue Trial	
10	Date of Hrg: 05/16/16.....	1519-1526
11	Recorder's Transcript	
11	Status Check: Discovery	
12	Date of Hrg: 08/31/15.....	1380-1384
13	Recorder's Transcript	
13	Status Check: Discovery	
14	Date of Hrg: 09/21/15.....	1385-1394
15	Recorder's Transcript	
15	Status Check: Faretta Canvass, Resetting of Trial	
16	and Defendant's Motion to Proceed Pro Se	
16	Date of Hrg: 08/24/15.....	1367-1379
17	Recorder's Transcript	
17	Status Check: New Counsel/Resetting of Trial	
18	Date of Hrg: 08/19/15.....	1364-1366
19	Recorder's Transcript	
19	Status Check: PSI Corrections	
20	Date of Hrg: 05/31/17.....	3126-3133
21	Recorder's Transcript	
21	Status Check: Resetting of Trial	
22	Date of Hrg: 07/22/15.....	1359-1363
23	Recorder's Transcript	
23	Status Check: Resetting of Trial	
24	Date of Hrg: 11/02/15.....	1440-1442
25	Recorder's Transcript	
25	Status Check: Trial Readiness	
26	Date of Hrg: 11/28/16.....	1570-1578
27	Recorder's Transcript	
27	Status Check: Trial Readiness	
28	Date of Hrg: 02/06/17.....	1598-1604

1	Recorder's Transcript	
	Status Check: Trial Readiness	
2	Status Check: Investigator	
	Defendant's Pro Per Motion to Withdraw the Original Record of	
3	Search and Seizure Warrants on File with District Court	
	Date of Hrg: 01/09/17	1583-1597
4	Reporter's Transcript	
5	Motion to Continue Preliminary Hearing	
	Date of Hrg: 11/21/13	98-107
6	Reporter's Transcript	
7	Preliminary Hearing	
	Date of Hrg: 12/30/13	108-197
8	Reporter's Transcript	
9	Preliminary Hearing Volume II	
	Date of Hrg: 01/08/14	198-250
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1 MS. BLUTH: Your Honor, at this time I'd move to
2 admit into evidence State's Proposed 11.

3 MR. SPROWSON: No objection, Your Honor.

4 THE COURT: Admitted.

5 (State's Exhibit 11 admitted.)

6 MS. BLUTH: And permission to publish.

7 THE COURT: Yes.

8 MS. BLUTH: Okay.

9 BY MS. BLUTH:

10 Q So I'm going to show you the first page of this.
11 This is referred to as a Certificate of Authenticity of the
12 domestic records of regularly conducted activity. And is this
13 usually what you get when a cust -- a records custodian sends
14 paperwork?

15 A Yes, depending on the company. They typically do
16 not want to send somebody out to testify, so they'll certify
17 the records as being true and accurate.

18 Q Okay. And so then I'm going to zoom in, cause this
19 writing is pretty small.

20 A I have my glasses on, so I can see it okay, I think.

21 Q You can?

22 A Yeah.

23 Q Okay. All right. So right up here in the account,
24 it says the registered e-mail address for this Instagram
25 account is sequence580@hotmail.com; is that correct?

1 A Yes, ma'am.

2 Q Now we'll look under, and we'll see a vanity name.

3 Can you explain what a vanity name is?

4 A A vanity name is user generated. So you can make
5 your name whatever you wish. And you can change that, as
6 well.

7 Q And you can see there have been several changes to
8 the vanity. Right here it says January 3rd, 2015. The old
9 vanity was Lisa Thomas. The new vanity is No Way Dude 555; is
10 that correct?

11 A Yes, it is.

12 Q And then on January 3rd, 2015, again, the old vanity
13 is -- you know what, actually, I apologize. I'm going to go
14 from the top up. Because I was thinking --

15 A It's -- it's a little bit confusing how it's
16 written. Yeah.

17 Q -- it's actually my fault. I apologize. So I'm
18 going to start with at the bottom here. It says January 2nd,
19 2015, the old vanity was Lisa dash [REDACTED] and then the new
20 vanity becomes Audry dash [REDACTED] Meaning, the person changes
21 like their user name; is that right?

22 A Yes, their screen name.

23 Q Okay. And then if we go up, the time is now January
24 3rd, of 2015. The old name was Audry [REDACTED] and it's changed
25 to Lisa dash Thomas 04; is that correct?

1 A Yes.

2 Q And then back to the top, January 3rd, 2015, 5:49,
3 the old vanity was Lisa underscore Thomas 04, the new vanity
4 is No Way Dude 555; is that correct?

5 A Yes.

6 Q So these vanity names were changed during that time
7 period, and that corresponded -- did that correspond with the
8 screen shots that you were seeing on Jaysenia's iPod?

9 A It did. It always corresponded with what Officer
10 Malone had said in his report, that the screen named appeared
11 to be changing as the conversation was going on.

12 Q Okay. So I want to ask you some questions now in
13 regards to these e-mails. So sequence 580 at hotmail dot com.
14 What do you do, then, next with that information?

15 A We sent in an administrative subpoena to Hotmail,
16 which is owned by Microsoft, if I remember correctly.

17 Q Okay. And I'm approaching you with what's been
18 marked for purposes of identification as State's Proposed
19 Exhibit 12. What is this?

20 A It's from the custodian of records from Hotmail,
21 probably Microsoft, and it shows who the registered owner of
22 the e-mail address is, plus the information that the person
23 provided when they created the e-mail address.

24 Q Okay. And is this a clear and accurate, or fair and
25 accurate copy of that paperwork provided?

1 A Yes, it is.

2 MS. BLUTH: And, Your Honor, at this time I'd move
3 to admit into evidence State's proposed Exhibit 12.

4 MR. SPROWSON: No objection.

5 THE COURT: Admitted.

6 (State's Exhibit 12 admitted.)

7 BY MS. BLUTH:

8 Q Let me zoom out for you. Again, same type of form,
9 is this the declaration of authentication of business records,
10 and then at the bottom, we see from Microsoft?

11 A Yes, it is.

12 Q And at the top here. It says, "login", and then,
13 "sequence 580 at hotmail dot com", and then you said it
14 identifies the first and last name. And what does it identify
15 it to be?

16 A As Mel Sprowson.

17 Q Okay. And then so now you have an e-mail attached
18 to Mr. Sprowson, and then you have the -- so you have his
19 Instagram account attached to an e-mail, sequence 580?

20 A Yes.

21 Q And then you have now, sequence 580 attached to Mr.
22 Sprowson; is that correct?

23 A That's correct.

24 Q Now what do you do next? What's your next step?

25 A I believe, with Instagram, there were IP addresses

1 that showed user account activity.

2 Q Okay.

3 A And with those we sent -- I'd searched the IP
4 address through a web site called "who is", and that will tell
5 you provides that IP address, or internet service provider.

6 Q Okay.

7 A And it came back to Fidelity Communications, which
8 is located in Oklahoma.

9 Q Okay. Thank you. Now approaching you with what's
10 been marked for purposes of identification as state's Proposed
11 13?

12 A Okay.

13 Q Is this the paperwork that the administering
14 subpoena information, that you received back from Fidelity?

15 A It is. Yes.

16 Q Okay. Is this a fair and accurate copy?

17 A It is.

18 MS. BLUTH: Your Honor, at this time I'd move to
19 admit into evidence State's Proposed 13.

20 THE COURT: Objections?

21 MR. SPROWSON: No objections.

22 THE COURT: Admitted.

23 (State's Exhibit 13 admitted.)

24 BY MS. BLUTH:

25 Q And we're looking at -- let me zoom out. We're

1 looking -- same type of -- same type of form, it's an
2 affidavit by a custodian from Fidelity; is that correct?

3 A Yes.

4 Q And then this -- one second -- and then on the last
5 page, there's information from the custodian, Chantelle Leesor
6 (phonetic). And she gives you an address where that IP
7 address is coming out of; is that correct?

8 A Yes, she did.

9 Q And that states that that's at the Deluxe Inn at
10 1709 Northwest Cache Road, Lawton, Oklahoma, 73507?

11 A Yes.

12 Q And then it also talks about the authorized user
13 being Usha and Bharad Patel; is that right?

14 A That's correct.

15 Q Now so can you kind of tell us what that means,
16 though? So an IP address is attached to this Deluxe Inn.
17 What does that mean, in like layman's terms?

18 A It basically means that that's their point of access
19 for the internet. So anytime somebody accesses the internet
20 from their location, it would show that IP address as being
21 the origination point.

22 Q Okay. So while this person is contacting Jaysenia
23 through Instagram, there's an IP address that shows that
24 person is actually physically located at a computer at this
25 hotel?

1 A That they were using the internet from that hotel to
2 contact Jaysenia; that's correct.

3 Q And so now I should probably go back to my original
4 question, is after you received all of that information, and
5 this hotel in Oklahoma comes to be a point of interest, are
6 you then able to recover information in regards to the
7 defendant, and his ties to Oklahoma?

8 A Yes, we were able to determine that he was living in
9 Oklahoma. I don't remember where that information exactly
10 came from.

11 Q Okay.

12 A But we did make the determination he was living
13 there, and I know that he had an address that was somewhere
14 within five to seven miles of the actual hotel. I think it
15 was --

16 Q -- okay.

17 A -- if I remember correctly.

18 Q And did you contact local police authorities in
19 Oklahoma to kind of track down information, in regards to the
20 hotel?

21 A He was a Detective Lombardo from Lawton PD, Lawton
22 Police Department in Oklahoma.

23 Q And --

24 A -- we spoke with her via telephone, and she actually
25 went to the hotel, and spoke with the Patel's, who she said

1 she had a previous relationship, due to activity at the hotel.

2 Q Okay. And also as a part of your job duties, can
3 you run an individual through what's referred to as NCIC to
4 see, basically, their vehicle, and where they're currently
5 staying?

6 A Yes --

7 Q Or do you have those capabilities?

8 A It would show their address that they use for DMV
9 purposes. So whatever they put on their license, it would be
10 on there.

11 Q Thank you. Showing you what's been marked for
12 purposes of identification as State's Proposed 15. What does
13 this look like?

14 A Oklahoma Driver's License for Melvyn Sprowson, and
15 the address of 809 Northwest 68th Street, Lawton, Oklahoma.

16 Q Okay. And is this a fair and accurate depiction of
17 this -- that information?

18 A Yes.

19 MS. BLUTH: Your Honor, at this time I'd move to
20 admit into evidence State's Proposed 15.

21 MR. SPROWSON: No objection.

22 THE COURT: Admitted.

23 (State's Exhibit 15 admitted.)

24 BY MS. BLUTH:

25 Q And in regards to that information you stated that

1 it does say an address, 809 Northwest 68th Street. Gives the
2 date of birth of November 1st, 1968, and then?

3 MR. SPROWSON: -- 19. 11, 19.

4 MS. BLUTH: Oh, sorry. Thank you Mr. Sprowson.

5 BY MS. BLUTH:

6 Q November 19th. And then if I -- sorry. It's really
7 small. Even though I do have my glasses on. One second.
8 Sorry. I request the Court's indulgence -- and then, does it
9 also at the very top -- let me zoom out a little bit -- also
10 have a driver's license number associated with that?

11 A It does.

12 Q And -- indulgence, Judge -- and from when you did
13 surveillance on November 1st, before and after you interviewed
14 the defendant, did you see what type of vehicle it was? Or
15 did you know, at any point in time, what type of vehicle he
16 was driving?

17 A I believe he had a red-in-color, newer mustang. I
18 can't quite remember if it was a convertible or a hard top. I
19 know it was bright red, though.

20 Q Okay. Thank you.

21 MS. BLUTH: That concludes my direct examination,
22 Your Honor. I'll pass the witness.

23 THE COURT: Cross?

24 MR. SPROWSON: I have no questions, Your Honor.

25 THE COURT: Thank you for your time. You're free to

1 go.

2 THE WITNESS: Thank you.

3 MS. BLUTH: And Your Honor may we approach?

4 THE COURT: You may.

5 (BENCH CONFERENCE.)

6 MS. BLUTH: So timing wise, Mr. Patel is still on
7 the plane, the hotel owner from Oklahoma. So he's still on
8 the plane, so I don't think he's going to get here, and then
9 our doctor isn't testifying tomorrow until 1:00 because she
10 had clients all afternoon, or patients. So I don't know if
11 Mr. Sprowson has anybody he wants to call out of order, or if
12 he wants to go, or what you would like to do. Cause
13 otherwise, we're going to probably have to recess. I
14 apologize. Cause our [Inaudible] witnesses --

15 MR. SPROWSON: You're going to have to say that
16 again. I didn't here that last part.

17 MS. BLUTH: So, our two witnesses, [Inaudible]
18 Patel --

19 MR. SPROWSON: I heard the first part.

20 MS. BLUTH: Yeah. And so, right now, if you have
21 any witnesses you want to call out of order, that's totally --
22 that's totally fine.

23 MR. SPROWSON: I'm only gonna have, just one.
24 That's it.

25 MS. BLUTH: Okay. Do you want to start?

1 MR. SPROWSON: I'd rather you finish first, before I
2 start mine.

3 MS. BLUTH: Okay.

4 THE COURT: Can we work on jury instructions?

5 MS. BLUTH: Sure.

6 MR. SPROWSON: When would you like those ready?

7 THE COURT: Have you started working on them?

8 MR. SPROWSON: I was just trying to gauge things,
9 and when the timing was.

10 THE COURT: [Inaudible] what time we have
11 [Inaudible], but now I hate not to use all our time.

12 MS. BLUTH: Yeah we have, we can --

13 THE COURT: I would like to have closings by
14 Thursday.

15 MS. BLUTH: Yeah. We can get our copy. We have
16 them already done.

17 MR. SWEETIN: Yeah. I'll just have to make a copy
18 of them.

19 THE COURT: [Inaudible]

20 MR. SPROWSON: I haven't done anything. Say again?

21 THE COURT: [Inaudible]

22 MR. SPROWSON: I have some stuff. But I don't have
23 any written down or anything. I have the material, but I'd
24 have to actually sit down, and work on it.

25 THE COURT: Well, that's fine. Do you want to start

1 going through the State's? And then you can have another time
2 for them to go through yours. [Inaudible] Because there are
3 things that have to be in there, and the other things are not
4 to be in there.

5 MR. SPROWSON: Yeah [Inaudible] and the elements
6 [Inaudible]

7 THE COURT: [Inaudible]

8 MR. SPROWSON: I know pretty much [Inaudible] --
9 sorry.

10 THE COURT: Go ahead.

11 MR. SPROWSON: I know pretty much [Inaudible] I only
12 have a few other [Inaudible] that I want to throw in there,
13 and other things, but I haven't got that prepared yet.

14 THE COURT: Why don't you try to do something
15 [Inaudible], and we'll just now start working through the
16 State's [Inaudible].

17 MR. SPROWSON: We can do that. Do we need to engage
18 the jury or anything?

19 THE COURT: [Inaudible] it's just the attorneys
20 [Inaudible].

21 MR. SPROWSON: Okay. I'll just need a bathroom
22 break.

23 THE COURT: [Inaudible]

24 MR. SPROWSON: I'm sure they'll have the same stuff
25 [Inaudible].

1 THE COURT: So let the jury go?

2 MR. SPROWSON: Yeah.

3 THE COURT: Okay.

4 Ladies and gentlemen of the jury, it looks like, the
5 witnesses that were supposed to be here -- I think the State
6 has another witness flying in from Oklahoma, but I don't know
7 what the weather issue was, I think it was tornados?

8 MS. BLUTH: It's a tornado.

9 THE COURT: So the flight was delayed today. So the
10 individual that was supposed to testify today is still on the
11 plane. So it looks like we're wrapping up for the day.
12 Tomorrow we're going to start at 1:00. It is anticipated -- I
13 think the State has two more witnesses left, and then Mr.
14 Sprowson will have a chance to put on his case, if he so
15 desires. So hopefully we'll wrap up all witnesses tomorrow.
16 That would mean you'd be left with jury instructions, which is
17 the law, and closing's probably Thursday. And remember, it's
18 kind of an art, not a science on planning. So until I see you
19 again tomorrow at 1:00, again, don't talk about the case,
20 don't research the case, don't form or express an opinion.
21 See you tomorrow.

22 (Jurors recessed at 3:34 p.m.)

23 THE COURT: So Mr. Sprowson, ordinarily, when you
24 guys are doing jury instructions there's no need for us to be
25 on the record. The only time we have to be on the record is

1 when there's a dispute, and we're trying to decide what to
2 use. So, like I said, the State's, probably like a lot of
3 them, are going to be standard, but if you want to start
4 looking through them, and reviewing them --

5 MR. SPROWSON: Yeah. I just need to take a real
6 quick bathroom break.

7 THE COURT: Of course. That's not a problem. So, I
8 think I'm just going to go back to my office and work.

9 (Court recessed for the evening at 3:36 p.m.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

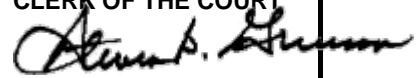
ACKNOWLEDGMENT:

Pursuant to Rule 3C(d) of Nevada Rules of Appellate Procedure, this is a rough draft transcript expeditiously prepared, not proofread, corrected or certified to be an accurate transcript.

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,)	
)	CASE NO. C295158-1
Plaintiff,)	DEPT NO. XXIII
)	
vs.)	
)	
MELVYN PERRY SPROWSON, JR.,)	TRANSCRIPT OF
)	PROCEEDING
Defendant.)	

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 7

WEDNESDAY, MARCH 29, 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.

UNCERTIFIED ROUGH DRAFT

2771

I N D E X

WITNESSES FOR THE STATE:

BHARAR BADEL

Direct Examination By Mr. Sweetin 26

VENA DAVIS

Direct Examination By Ms. Bluth 36

WITNESSES FOR THE DEFENSE:

MELVYN SPROWSON

Direct Examination 56

Cross-Examination By Ms. Bluth 119

E X H I B I T S

STATE'S EXHIBITS ADMITTED:

PAGE

14 31

21 135

103 and 104 188

1 LAS VEGAS, NEVADA, WEDNESDAY, MARCH 29, 2017, 1:10 P.M.

2 * * * * *

3 (Outside the presence of the jury.)

4 THE COURT: Okay. So this morning in our department
5 mail, I don't think this is intended to count to us, something
6 from Wells Fargo it looks like the State had subpoenaed.

7 MS. BLUTH: Oh, yes. The bank records.

8 THE COURT: Yeah, if you want to show it to Mr.
9 Sprowson.

10 MS. BLUTH: Yeah. They only complied with the
11 subpoena on the 27th. It's just the same records, Mr.
12 Sprowson. It's from Wells Fargo.

13 MR. SPROWSON: Is this the same stuff I got?

14 MS. BLUTH: Yeah. And then, Your Honor, yesterday
15 Mr. Sweetin had brought something to my attention and that was
16 that the evidence had come in in regards to the violation of
17 the no-contact order, which technically is an uncharged bad
18 act. So we're going to include the Tavares instruction and I
19 -- and forgive me because I don't know because some courts
20 read it at the time the evidence comes in and then as a jury
21 instruction and, then, some only do it as a jury instruction
22 at the end.

23 And it's usually the defendant's choice because some
24 say I don't want to bring extra attention to it when it comes
25 in. So I didn't know if Mr. Sprowson wants us to read it now,

1 like, yesterday you heard evidence of this. So whatever the
2 Court wants and whatever Mr. Sprowson wants.

3 THE COURT: I agree. Ordinarily my practice would
4 be to give it twice, to give a limiting instruction at the
5 time that the evidence is presented and, then, also at the
6 end, but some defense attorneys don't want to draw attention
7 to certain things so they only want it at the end. The choice
8 is really up to you. Have you shown Mr. Sprowson the proposed
9 instruction which basically says you can only consider the
10 evidence for certain things and not for others? Which we also
11 talked about having an instruction, limiting instruction on
12 one other item.

13 MR. SPROWSON: Now, does this have to do anything
14 with the California stuff? Is that going to be introduced?

15 MS. BLUTH: No, no, no, no.

16 MR. SPROWSON: Okay.

17 MS. BLUTH: So, basically, yesterday we brought in
18 the evidence that you had violated the no-contact order,
19 technically that's referred to as bad act evidence.

20 MR. SPROWSON: Right.

21 MS. BLUTH: And, so, you're entitled to have this
22 read to the jury right now if you'd like or if you don't want
23 to draw extra attention to it, we can just put it in the jury
24 instruction packet at the end. It's whatever you'd like to
25 do.

1 MR. SPROWSON: Well, you know, that's what I had a
2 question because part of my testimony, obviously, you know,
3 you guys brought into the whole issue of the violation of the
4 no-contact order. I -- I have -- you know, I submitted to
5 this Court when I was remanded a document in regards to what
6 had happened. This Court said it was hearsay. I couldn't get
7 that witness here, obviously, because of my situation and I
8 may have to go into the fact that I'm incarcerated because,
9 obviously, I was remanded as -- as a direct result of that.

10 MS. BLUTH: Whatever you want. That's totally your
11 choice.

12 MR. SPROWSON: Well, I know. I'm just bringing this
13 up because I'm trying to figure out how to handle it, you
14 know, because -- you know, if I kind of drop it off as, well,
15 you know, I just violated a no-contact order and just leave it
16 there, it kind of, like, leaves a lot of information out
17 because, you know, eventually, you know, I was brought back
18 here and stuff and, you know, so on and so forth.

19 MS. BLUTH: Yeah.

20 MR. SPROWSON: Because I do have a defense for that
21 and I -- I would like to offer it, but I -- you know, how much
22 am I going to actually get into it? As I mentioned, there was
23 some involvement with somebody. I'm not going to get into the
24 hearsay of what they know, but what I suspect, I can't prove
25 either way.

1 MS. BLUTH: Okay. So did you want us to read that
2 right now or did you want us to just put it in with the other
3 jury instructions?

4 MR. SPROWSON: You know, I'm going to wait on this
5 because, you know, you guys call it bad acts. You know, I
6 think the Judge is right. I don't want to bring unnecessary
7 attention to something they're going to be thinking through
8 the whole time "bad acts." You know, they may not even be
9 clear on what those bad acts are.

10 MS. BLUTH: Okay. We'll just include it at the end
11 then?

12 THE COURT: The other issue I recall, looking at my
13 notes, was limiting instruction at the time of jury
14 instructions about consideration of STD.

15 MS. BLUTH: Right.

16 MR. SPROWSON: Yeah, that needs to be included.

17 MS. BLUTH: We can -- we can draft that up today
18 after testimony.

19 THE COURT: Yeah, and you guys, they can draft it up
20 and, then, you can look at it and decide whether or not you
21 think the language should be changed at all because they --
22 they can consider it for certain things, but obviously not for
23 others because you're not charged with giving her a STD.

24 MR. SPROWSON: Yeah, and I just don't --

25 THE COURT: So it's only put in context why she

1 chose not to go back to you would be the only limited purpose
2 I think the State introduced it for and the jury needs to be
3 told that's the only thing they could consider it.

4 MS. BLUTH: And that we're not alleging in any way
5 that caused any harm.

6 THE COURT: Absolutely that needs to be clear to the
7 jury.

8 MS. BLUTH: Yes, I'll make that clear. And, then,
9 one additional thing, so Ms. Vena Davis is a therapist that
10 worked with Jaysenia from when she got out of -- she saw a
11 doctor for a brief time and, then, she was transferred to Vena
12 Davis, who's going to be testifying next, all the way until
13 she went to college.

14 I know since this has been an issue before, I've
15 spoken to Ms. Davis. Ms. Davis does not know anything about
16 the prior incidents. What she does know is that Jaysenia has
17 had therapy treatments before and those therapy treatments
18 dealt with anxiety and fear of abandonment, but she doesn't
19 know anything about that therapy or anything about what caused
20 that therapy.

21 And, so, I will be bringing that up that she is
22 aware that even before any of this happened, Jaysenia also --
23 she had gone to therapy beforehand and that was due to anxiety
24 and fear of abandonment issues and so -- because I understand,
25 you know, Mr. Sprowson keeps thinking we're laying it all on

1 his doorstep, like, with what he says and, no, that's not
2 true.

3 We are, obviously, recognizing that she had received
4 treatment before for different therapeutic uses. So Ms. Davis
5 will talk about that. She doesn't know any of the specifics
6 and she'll explain what her treatment is about. It's about
7 moving forward. So I just want to put that out there on the
8 record.

9 MR. SPROWSON: Does she know the -- the time period
10 of how long that therapy was?

11 MS. BLUTH: No.

12 MR. SPROWSON: Is the other doctor, the one from
13 Montevista going to be testifying today?

14 MS. BLUTH: Who? Oh. Nwapa [phonetic]? Nwapa will
15 not respond to subpoenas, no.

16 MR. SPROWSON: So he's probably the one that knows
17 all the information, so, nice and tidy.

18 THE COURT: Have you subpoenaed him?

19 MS. BLUTH: Excuse me?

20 THE COURT: Has he been subpoenaed?

21 MS. BLUTH: The problem is is he isn't working at
22 that -- he doesn't work there anymore and, so, he doesn't have
23 access to all of the records and, so, it's -- it's been pretty
24 difficult for us and for our investigator. He just started
25 getting back to us. I think last week was the first time --

1 might have even been this week that our investigator Ruth had
2 the opportunity. So the doctor that we heard from is the
3 doctor that still works there that we were able to talk about
4 the assessment; but Dr. Nwapa, no.

5 THE COURT: Okay.

6 MR. SPROWSON: There is another issue because if we
7 get to my -- beginning of my case-in-chief today and I get an
8 opportunity to present my side of the story, part of it
9 involves her disclosure to me about this therapy and a prior
10 incident, and I just kind of wanted to hammer little bit of
11 that out with the State because I don't plan on getting into a
12 detailed account of it. I just want to mention the fact that
13 she had mentioned to me that she was involved in a prior
14 incident and that she was receiving therapy as a result of
15 that. That's the information she gave me.

16 I'm not going to get into, hey, there was an
17 individual named such-and-such and it was because of this, but
18 I think it's fair for me because it was, you know, a part of
19 the conversations that we had that she did receive therapy and
20 that it was a result and she was having nightmares. She
21 disclosed to me that she was having nightmares. She disclosed
22 to me that it was a direct result of this particular incident.

23 So I think it's only fair and I don't plan on going
24 beyond that, but just to mention the fact that she had
25 mentioned to me she was receiving therapy, there was a

1 previous incident that had happened to her, and she was having
2 nightmares as a result of that.

3 So, and, I think that directly impacts the charge of
4 child abuse of substantial mental harm because, obviously, if
5 she's having nightmares as a direct result of this, there's,
6 obviously, something going on there and I -- I should be able
7 to disclose it that there was some other cause besides myself.

8 MS. BLUTH: And I -- and the State's position is is
9 that anything that Jaysenia said to the Defendant is hearsay,
10 so their conversations can't come in unless he meets the
11 hearsay exception, such as an inconsistent statement,
12 something like that. And Jaysenia and her mother both stated
13 that she had received therapy before and that she felt better
14 and she was doing better, she was back to a normal life and,
15 then, this happened.

16 So any of those questions should have been towards
17 Ms. Torres and so my objection is two-fold. I guess, number
18 one, I think that that's in direct violation of the motion in
19 limine and, number two, it would be hearsay. Now, I don't
20 have any problem with him saying that they had spoken about
21 the fact, you know, that she had received therapy before and
22 sometimes she had trouble sleeping or something like that, but
23 the whole thing there's been a prior incident, like, we keep
24 going over this and I just don't know what else to say.

25 MR. SPROWSON: Your Honor, I'm not offering it as --

1 for its truth value, I'm offering it as the content of our
2 conversation. This is something that she told me and -- and I
3 believe, you know, I can't tell my story. Basically, I just
4 have to stand there and say, well, what happened when she was
5 with you? Well, I can't say anything.

6 That's what pretty much I'm getting from the State
7 because a lot of the stuff when -- when we were having our
8 conversations -- I mean, it's already been on -- we texted
9 each other. We had conversations for a period of time.
10 Obviously, we talked about something and I think it's only
11 fair that the jury hear what was -- and, like, I said, I'm
12 going to be fair with the State, what they're asking, and try
13 to adhere to their motion in limine. But this is the
14 psychological aspect of it because I think the jury has a
15 right -- they're going to be highly prejudiced against me if
16 they don't hear the fact -- I'm not getting into what the
17 incident was.

18 They don't even have to know what the incident was,
19 but the fact is that there was an incident. She was receiving
20 therapy as a direct result of this incident and it was causing
21 her to have nightmares, and that's all the extent of what I
22 want to get into because she, obviously, discloses to me --
23 and I'm not offering it for its truth value, I'm offering it
24 as the content of the conversations that we had, which I think
25 I'm -- I can't tell my story if I'm just to sit there and say,

1 well, you can't say anything about what you guys talked about,
2 you know? I mean, Jaysenia talked about -- I mean, the State
3 talked a great many things about what I talked to Jaysenia
4 about and I allowed it, I didn't object to it because --

5 MS. BLUTH: That's not hearsay.

6 MR. SPROWSON: Well, it's not hearsay what I'm
7 offering either. It's the content of our conversation. I'm
8 not offering it for truth value.

9 MS. BLUTH: Judge, he's absolutely offering it for
10 truth value because what he's offering it to say is she talked
11 to me about this incident and because of what she said, I'm
12 proving to the jury that the substantial mental harm is caused
13 from someone else. I mean, that's absolutely offered for the
14 truth of the matter.

15 THE COURT: Is Mr. Yohay going to lead you through
16 the questions?

17 MR. SPROWSON: Say again?

18 THE COURT: Is Mr. Yohay going to lead you through
19 the questions?

20 MR. SPROWSON: No, I'm going to do a narrative.

21 THE COURT: Or, he uses it to show why he did what
22 he did, it's not offered for the truth, but it's used to show
23 why he -- I don't know -- didn't take her back to her mother's
24 house. I mean --

25 MS. BLUTH: Well, but how could that be -- that was

1 a stranger, had nothing to do with her mother's house. That
2 guy was in jail.

3 MR. SPROWSON: Well, I'm not going to get into those
4 details.

5 THE COURT: More of what I was thinking of -- I'm
6 trying to think.

7 MR. SPROWSON: I mean, all -- I'm giving a very
8 naked -- naked statement. It's like she had a prior incident.

9 THE COURT: I -- I don't really so much -- I mean,
10 it's hard because you're doing it yourself. So Ms. Bluth is
11 right. I don't want to bring up the prior incident, however,
12 I do, again -- it's just about how he gets it out -- I do
13 think it's relevant, the fact she was receiving --

14 MS. BLUTH: Absolutely.

15 THE COURT: -- she was receiving treatment prior to
16 him. She was having nightmares prior to him and all that
17 because that would go to whether or not there's psychological
18 damage --

19 MS. BLUTH: I agree.

20 THE COURT: -- to the victim that pre-existed Mr.
21 Sprowson.

22 MS. BLUTH: That's why I was thinking if --

23 THE COURT: I don't really know. I'm trying to
24 think of how to get it in other than being hearsay because
25 that would be offered for the truth of the matter asserted,

1 but --

2 MS. BLUTH: But, I guess what I'm saying, I'll --
3 I'll allow that. What you're saying right now, I don't have a
4 problem with him saying --

5 THE COURT: Okay.

6 MS. BLUTH: -- you know, she had expressed to him
7 that she received therapy before and she had -- when she was
8 with him sometimes, you know, she had nightmares. I'm not
9 making it seem like the nightmares are about him, but that she
10 had trouble sleeping in regard to some of the things that she
11 had talked about or something like that, but the whole thing
12 there was a prior incident, no, that's exactly what the motion
13 was about.

14 THE COURT: Trying to think of another way to say
15 it.

16 MR. SPROWSON: You know, and the bottom line, Your
17 Honor, if there has -- and we're talking about the emotional
18 aspect now, the psychological aspect now. There has been a
19 previous injury. I mean, I'm being charged with an injury --
20 this is the bottom line. I'm being charged with an injury
21 and, as far as what I understand, if there is someone else who
22 is a direct result or could have been a direct result of that
23 injury other than myself, I'm allowed to introduce that into
24 evidence.

25 THE COURT: What do you want to say? That she just

1 -- there was an event that occurred in her life, that she told
2 you that there was an event that occurred in her life that
3 caused her to have nightmares and other issues and resulted in
4 her having to attend treatment, is that basically it?

5 MR. SPROWSON: It could be -- I could frame it that
6 way.

7 THE COURT: I don't really have a problem with that.

8 MS. BLUTH: Can you say it one more time, Your
9 Honor? That there was an event in her life --

10 THE COURT: Yeah, I think -- is this fair to say?
11 There was -- she told that there was an event in her life that
12 caused her -- I don't know the sequence -- to have nightmares
13 or whatever else and that she had to attend therapy as a
14 result of it or she was attending therapy, whatever it was?
15 Is that -- is that -- I don't know what she told you. I'm
16 trying to figure out --

17 MR. SPROWSON: I mean, that's why I'm trying --

18 THE COURT: Tell me what you want to say.

19 MR. SPROWSON: If the State would have their way,
20 Your Honor, I'd sit up there and stare with a blank --

21 MS. BLUTH: Oh my gosh.

22 MR. SPROWSON: I mean, honestly.

23 MS. BLUTH: I just stipulated to him being able to
24 get in this.

25 MR. SPROWSON: Well, what I'm trying to say is --

1 THE COURT: I understand.

2 MR. SPROWSON: I'm not trying -- I am -- I am
3 bending over backwards not to just --

4 THE COURT: Mr. Sprowson, please.

5 MR. SPROWSON: -- not say anything about anything.
6 It's just --

7 THE COURT: No, no, no -- okay.

8 MR. SPROWSON: I mean, I want to know how much --

9 THE COURT: All I'm asking is what you want to say
10 because sometimes it's just a matter of how you say it. So
11 please tell me what you want to say.

12 MR. SPROWSON: Well, I do want to be able to mention
13 the fact that she was receiving -- you know, I can't say --

14 THE COURT: I agree with you on that.

15 MR. SPROWSON: Okay. So she was receiving therapy,
16 but the way that they're trying to -- to make it seem is that
17 it was over anxiety. I mean, a lot of people have therapy
18 over anxiety. There was a specific incident that caused this
19 -- that was a result -- you know, that she was having therapy
20 not just because of anxiety, but there was something that
21 caused that anxiety is what I'm trying to get at.

22 THE COURT: You want the specifics of the detail or
23 do you want to say that there was an event in her life that
24 occurred, she told me that an event occurred in her life that
25 was causing -- I don't know whether she had the therapy and

1 then the nightmares or the nightmares and the therapy, but
2 whatever, that there's an event that occurred in her life that
3 caused her to have nightmares or whatever other manifestations
4 and as a result she was seeking therapy. Is that basically
5 what you want to say?

6 MR. SPROWSON: Something to that effect, but I -- I
7 think that I'm being at a great disadvantage because it just
8 wasn't an event, it was an individual involved in this event.
9 I mean, it doesn't have to say what the -- what the -- all I'm
10 trying to get at is that I'm not the only person that -- if
11 she has some kind of emotional damage done to her, that there
12 is another cause, there is a possible other cause. I'll give
13 you an example. Like, if --

14 THE COURT: Just tell me -- instead of giving me
15 examples, just tell me specifically what you want to say.

16 MR. SPROWSON: Well, I want to be able to get into
17 the fact that there was another individual that actually was
18 involved in this incident and that's it, and that as a result
19 of that she had therapy. I don't need to go beyond that.

20 MS. BLUTH: That's in direct --

21 MR. SPROWSON: It caused -- it caused -- it caused
22 nightmares.

23 MS. BLUTH: That's in direct violation of rape
24 shield.

25 MR. SPROWSON: I didn't say anything about rape or

1 any kind of sexual assault. I said there was an incident.

2 MS. BLUTH: That incident was a -- a rape, a brutal
3 rape.

4 MR. SPROWSON: Well, I'm not getting into that. I'm
5 not getting into the rape. They don't know what the incident
6 was. How would they even know? They don't know, oh --
7 they're not going to go from there was an incident to rape.

8 MS. BLUTH: Judge --

9 MR. SPROWSON: Could have been a burglary. Could
10 have been --

11 MS. BLUTH: This -- this --

12 MR. SPROWSON: -- she was -- how can I say, robbed?
13 She could -- you know, like I said, she could have been home,
14 somebody broke in the house. It could have been any kind of
15 scenario. There's all kinds of scenarios --

16 MS. BLUTH: May I address the Court --

17 MR. SPROWSON: -- that they could come to.

18 MS. BLUTH: -- Mr. Sprowson? The State's position
19 is that the Defendant should be able to say I -- I don't think
20 that event or incident, that he should be able to say prior to
21 even meeting him she received therapy for certain issues in
22 her life, those caused her anxiety and those also caused her
23 to have bad dreams. I don't think that you should
24 specifically say "incident" or "event". I mean, that's in
25 direct violation of, a, my motion in limine, but, b, more

1 importantly, rape shield. I mean, she can't control that she
2 was raped. I understand what he's saying --

3 MR. SPROWSON: I'm not talking about rape.

4 MS. BLUTH: -- that we can't -- it's rape. I -- I
5 understand that we can't lay it all at his doorstep. We're
6 not doing that. We have -- we have talked to Jaysenia that
7 she sought a counselor way before him. We've talked to her
8 mother that she saw a counselor. This counselor is going to
9 say she saw and she has anxiety issues and uncontrollable
10 emotions and fear of abandonment. I mean, we're doing that.
11 We're saying that. And, obviously, his argument is to the
12 jury, how can you say it's caused from me? Everybody says
13 that she saw a therapist long before ever meeting me. So I --
14 that would be left up to the jury.

15 THE COURT: Okay. So I agree. I agree with the
16 State. I agree with both of you, okay? I agree with the
17 State that no matter how you want to get around it, I mean,
18 there are laws that protect being able to go into the victim's
19 past sexual history. I don't know that you need to get into
20 the fact that she was raped or violated or anything else by
21 any particular person.

22 I think it's -- I agree with the Defendant that it's
23 absolutely relevant to your case based upon how you're being
24 charged that she did have psychological issues before, that
25 she was receiving treatment for the psychological issues, that

1 perhaps she was having psychological and physical
2 manifestations because of that psychological trauma.

3 I don't so much have a problem with that because I
4 think it's relevant since you're being charged with causing
5 her emotional and mental harm, but I don't think that the
6 specific occurrence is really relevant because you -- Ms.
7 Bluth is right. You can get up to the jury and argue, hey,
8 I'm not the cause of all these psychological issues she had.
9 She told you she was in counseling before, she was having
10 nightmares before, she was doing whatever. I even let you get
11 into the run-away issue, she had run away before. I mean, I
12 don't see how you're being precluded from putting on a defense
13 because you can't --

14 MR. SPROWSON: I like the way --

15 THE COURT: -- say that -- you can't blame it on the
16 other sexual event.

17 MR. SPROWSON: I like the way you said psychological
18 trauma, that -- that's what I'm looking for. I want to --

19 THE COURT: That's argument at closing.

20 MR. SPROWSON: Well, you said psychological --
21 there's some kind of psychological trauma. We're not saying
22 what that psychological trauma is.

23 THE COURT: Well --

24 MR. SPROWSON: Because if we're being specific that
25 -- what I'm trying to avoid is they're saying there's anxiety

1 issues. You know, kind of seems to downplay the whole thing.
2 Substantial mental harm compared to, oh, well, she was seeing
3 therapy for anxiety. This is what I'm trying to avoid. You
4 just mentioned psychological trauma. There was some
5 psychological trauma.

6 If I [inaudible] able to frame it that way to where
7 it's not, like, specific, well, she was receiving this for
8 anxiety. I mean, she was actually receiving therapy for
9 psychological trauma. That's -- that would be perfect. I
10 would have no -- that -- that would satisfy me.

11 MS. BLUTH: I've read over -- literally a thousand
12 pages of medical records and I know Your Honor wasn't quoting
13 medical records.

14 THE COURT: I wasn't.

15 MS. BLUTH: That word has never been used,
16 "psychological trauma" has never been used.

17 THE COURT: Hold on. Again, that was just -- I
18 don't --

19 MS. BLUTH: I know. I know.

20 THE COURT: If that came up at all it would be the
21 sake of argument and, you know, it sounds like there's going
22 to be -- the jury's going to have to weigh the testimony
23 between the victim and the Defendant, since he's probably
24 going to take the stand, and weigh the testimony of the
25 providers that are going to say, oh, she received counseling,

1 but it was for anxiety and this.

2 And, then, there's, obviously, going to be Mr.
3 Sprowson that gets up on the stand and testifies, no, it was
4 because -- it was much more than that. She was having
5 nightmares, she was having these other physical
6 manifestations. And I think certainly you guys can go into
7 that in your closing arguments and the jury's going to have to
8 weigh the evidence and --

9 MS. BLUTH: Right.

10 THE COURT: -- that is assuming that the evidence is
11 going to come in as each of you are representing because,
12 again, remember, you can only argue what comes into evidence
13 and if you testify a certain way, then, obviously, you can
14 argue that evidence at closing. Do you see what I'm saying?
15 And you can frame it however you want and the State can frame
16 it however they want.

17 MS. BLUTH: Okay.

18 THE COURT: But I -- but, again, I want to make it
19 clear, we can't -- I'm letting you go into [inaudible] because
20 of the way you're charged, but I think the rape shield would
21 protect bringing in that other occurrence with that other man.

22 MR. SPROWSON: So what -- all I want to be clear
23 on --

24 THE COURT: I don't know what she told you is what
25 I'm saying, so I'm just speculating as to what you're going to

1 say.

2 MR. SPROWSON: Well, you know, she gave me full
3 disclosure of what happened and, so, that's -- that's what I'm
4 having trouble with because, you know, she -- she discussed a
5 great deal with me in regards to David Schulman and, also,
6 this other individual Sean. It's not just David Schulman who
7 was prosecuted. There was another individual, Sean, who, like
8 I've already disclosed to the State, used to pick her up after
9 school and take her to his home and engage in intercourse with
10 her and this is when she was 15, which I know is illegal.

11 You know, I mean, I did disclose this to the State.
12 You know, I -- I'm not even arguing about that. All I want to
13 do is just say, look, you know what? There have been prior
14 incidents that have resulted in -- I mean, I even read in the
15 psychological reports that the mother had actually suspected
16 that the father was engaging in some other stuff, you know?

17 THE COURT: Well, okay, so we're kind of going
18 astray. We're kind of arguing the same thing over and over
19 again.

20 MR. SPROWSON: So what -- what am I --

21 THE COURT: Okay. The State has basically
22 stipulated to let you go into most of everything you want,
23 other than the fact that she was involved in another -- well,
24 call it what it apparently was, which was a rape with this
25 other individual. I mean, they're stipulating to let you go

1 into the counseling, the nightmares, whatever other physical
2 or psychological manifestations she may have had prior to
3 meeting you.

4 MR. SPROWSON: Okay. So we got counseling,
5 nightmares and --

6 THE COURT: I don't know what she told you, that's
7 just what you brought up today, but you can't go into this
8 other incident with the other man. And the State has, I
9 believe, if I'm not misquoting you, has agreed not to object
10 based upon hearsay on those.

11 MS. BLUTH: On those limited things, yeah, I don't
12 have a problem saying he had -- she had discussed with him
13 issues and that she had previously gotten therapy over and
14 that she was, you know, still having night -- she had
15 nightmares regarding those, but I -- I do object to, like, an
16 event or an incident or something like that, but the fact
17 that --

18 THE COURT: Therapy and physical and emotional
19 manifestations of --

20 MS. BLUTH: Yeah.

21 THE COURT: -- whatever was going on, right?

22 MS. BLUTH: Yes.

23 MR. SPROWSON: Okay. So --

24 THE COURT: And -- and whatever -- and I don't know
25 what she told you, but you can testify regarding whatever

1 those physical and emotional manifestations were.

2 MR. SPROWSON: Therapy, nightmares.

3 THE COURT: I don't know what you want to testify
4 to, but is there anything else before we bring the jury in?

5 MS. BLUTH: No, we're ready.

6 THE COURT: Okay. Let's bring the jury in, please.
7 Hold on. Is there another issue?

8 MR. SPROWSON: Can I use the bathroom real quick
9 before we start?

10 THE COURT: Of course, you can use the bathroom,
11 sir.

12 (Court recessed at 1:33 p.m. until 1:35 p.m.)

13 THE COURT: All right. You ready?

14 MR. SPROWSON: Yes. Thank you.

15 THE COURT: All right.

16 (The jury reconvened at 1:36 p.m.)

17 THE COURT: Welcome back, ladies and gentlemen of
18 the jury. How are you doing? Got you feet rest? Good today?

19 UNIDENTIFIED SPEAKER: Yeah, my -- I had to work
20 this morning. They're a little swollen, but I'm okay.

21 THE COURT: Make yourself comfortable. All right.
22 Welcome back, ladies and gentlemen of the jury. We're going
23 to call our next witness by the State, please.

24 MR. SWEETIN: State calls Bharat Badel.

25 THE MARSHAL: Sir, can you please remain standing.

1 Please raise your right hand and be sworn in by our clerk.

2 BHARAT BADEL, STATE'S WITNESS, SWORN

3 THE CLERK: Please be seated. Would you please
4 state and spell your first and last name for the record?

5 THE WITNESS: Okay. My name is B-H-A-R-A-T, middle
6 name is D, last name is B-A-D-E-L.

7 THE COURT: Okay.

8 DIRECT EXAMINATION

9 BY MR. SWEETIN:

10 Q Mr. Badel, are you familiar with the Lux Inn located
11 at 1709 Cache Road in Lawton, Oklahoma?

12 A Yes.

13 Q And how are you familiar with that place?

14 A I been running property so many years.

15 Q So you -- you currently run the property?

16 A Yes.

17 Q Do you have an equity interest? Do you own the
18 property, as well?

19 A Yes.

20 Q You said you've been doing that for years. About
21 how long?

22 A Twenty-seven years.

23 Q So how big is the Lux Inn? How many rooms are
24 there?

25 A Twenty-one.

1 Q And you, as owner, do you ever work at the property
2 or do you just own the property?

3 A Yes, I work the property. I own this property.

4 Q Do you -- as far as you working at the property,
5 what kind of jobs do you do around the property?

6 A I do maintenance, rooms clean and front desk.

7 Q So you kind of fill in the blanks that the employees
8 don't fill in --

9 A Yes.

10 Q -- is that right?

11 A Yes.

12 Q Okay. Now, I want to turn your attention back to
13 December -- the end of December 2014, beginning of January
14 2015. You were operating the hotel during that period of
15 time; is that correct?

16 A Yes.

17 Q Now, over that period of time was there Internet
18 capabilities there at the -- at the motel itself?

19 A Yes.

20 Q Are you familiar with Wifi?

21 A Yes.

22 Q What is wifi exactly?

23 A For the login for the Internet.

24 Q And was the Wifi available there at your -- at your
25 motel?

1 A Yes.

2 Q And, so, that Wifi, would it be available where?
3 Just at the hotel and out on the parking lot, just that sort
4 of thing?

5 A Yes, parking lot and motel.

6 Q Was -- was the Wifi that you're referring to, was it
7 limited or controlled?

8 A Well, I didn't have it [inaudible] password.

9 Q So there was no password?

10 A No password.

11 Q So, so long as you were at the hotel or in the
12 parking lot, you could access that Wifi, would that be right?

13 A Yes, yes.

14 Q And that would be using your Internet capabilities
15 at the hotel or motel?

16 A Yes.

17 Q Okay. Now, do you recall a person by the name of
18 Mel Sprowson being a guest at your hotel during the end of --
19 or December 2014, beginning January 2015?

20 A Yes.

21 Q Do you remember what that person looked like? Do
22 you remember Mel Sprowson, who was a patron there at your
23 hotel or motel, do you remember what he looked like?

24 A No glass on.

25 Q I'm sorry?

1 A No glass on. It was no glass.

2 Q There was no glasses?

3 A No glasses.

4 Q So you don't have glasses right now?

5 A [Inaudible.]

6 Q Okay. Can you see -- can you see me in the
7 courtroom?

8 A Yes, yes, I can see you.

9 Q Do you see the person who was Mel Sprowson staying
10 at your hotel in the courtroom today?

11 A Yes.

12 Q Okay. And what I'd like you to do is please point
13 that person out for the Judge and identify something he's
14 wearing today? You're pointing over here; is that right?

15 A Yes.

16 Q And what is that person wearing? What kind of
17 clothes he have on?

18 THE COURT: Not a long time ago. Today what does
19 the person you're pointing to wearing? What is the person
20 you're pointing to wearing?

21 THE WITNESS: [Inaudible.]

22 THE COURT: Can you describe something he's wearing?

23 THE WITNESS: He's wearing a shirt.

24 THE COURT: Okay. What color is the shirt, sir?

25 THE WITNESS: Black.

1 THE COURT: All right.

2 MR. SWEETIN: May the record reflect the witness
3 identified the Defendant.

4 THE COURT: It will.

5 BY MR. SWEETIN:

6 Q Now, that time we're talking about, the end of
7 December, beginning of January 2015, was that the first time
8 you had seen him or had you seen him on a prior occasion?

9 A I seen him before.

10 Q Okay. Had he stayed at the hotel on prior
11 occasions?

12 A Yes.

13 Q Okay. Now, do you have a system there at the hotel
14 where you keep track of people who stay at the hotel?

15 A I register card.

16 Q I'm going to show you what's marked as State's
17 Proposed Exhibit 14. This is actually a two-page document.
18 Will you agree with me that this is one of your registration
19 cards?

20 A Yes.

21 Q Looking at the first page?

22 A Yes.

23 Q And on the second page there's another -- this is
24 actually a copy of the same registration card in the first
25 page; is that right?

1 A Yes, yes.

2 Q And there's, also, it appears to be a --

3 A Credit card issue.

4 Q -- credit card receipt that is signed by an
5 individual by the name of Mel Sprowson?

6 A Yes.

7 Q Now, is -- you indicated that you keep these --
8 these records of individuals who stay at your hotel. Do you
9 keep those in the ordinary course of business?

10 A Yes.

11 Q And in this particular case, were you asked to
12 retrieve the registration card for Mr. Sprowson over the
13 period the end of December, the beginning of January?

14 A Yes.

15 Q And is it a clear and accurate copy of that
16 registration card?

17 A Yes.

18 MR. SWEETIN: State would move the admission what's
19 been marked as State's Exhibit 14.

20 THE COURT: Any objection?

21 MR. SPROWSON: No objection, Your Honor.

22 MR. SWEETIN: Permission to publish.

23 THE COURT: Yes. Admitted, and yes.

24 (State's Exhibit 14 admitted.)

25 BY MR. SWEETIN:

1 Q All right. Okay. Can you see the registration card
2 up there on your monitor?

3 A Yes, yes.

4 Q All right. So, now, looking at this registration
5 card, it details the individual who's registered at the hotel;
6 is that correct?

7 A Yes.

8 Q And in this particular case, what does it indicate?
9 Who is registered at the hotel?

10 A Melvyn Sprowson.

11 Q Okay. And that would be up here at the -- at the
12 top of that; is that right?

13 A Yes, yes.

14 Q Okay. And does it indicate the room number that Mr.
15 Sprowson is staying in?

16 A In 107.

17 Q Okay. And that would be over here; is that correct?

18 A Yes, yes.

19 Q Does it list the -- the current address of Mr.
20 Sprowson?

21 A 809 Northwest 68th Street.

22 Q Okay. And that would be there in Lawton, Oklahoma;
23 is that right?

24 A Yes, 73505.

25 Q And I don't imagine Lawton is a very big town, is

1 it?

2 A It's big town.

3 Q Okay. Are you familiar with this particular
4 address?

5 A No.

6 Q Okay. Do you know about how far from your hotel?

7 A About three miles.

8 Q Okay. Now, there's also an indication here of a
9 vehicle; is that correct?

10 A Yes.

11 Q Okay. And what would be the purpose of having that
12 vehicle there?

13 A Red Mustang.

14 Q And would that be, essentially, when someone checks
15 in they would detail what sort of vehicle they drove?

16 A No.

17 Q No?

18 A Well, can you repeat again?

19 Q Would you collect this information because it would
20 be basically describing the vehicle that someone actually
21 drove to your hotel?

22 A No.

23 Q No?

24 A No.

25 Q What would that information be?

1 A Well, when he -- when he check in.

2 Q Uh-huh.

3 A I got this information when he check in.

4 Q Okay. And would that information be the vehicle
5 that he actually had with him when he drove to the hotel to
6 check in?

7 A Yes.

8 Q Okay. Now, you indicated that Mr. Sprowson had been
9 to your hotel on previous occasions; is that right?

10 A Yes.

11 Q Did you have occasion to see the vehicle that he was
12 driving?

13 A Yes.

14 Q Okay. I'm showing you what's marked as Exhibit No.
15 89 and I ask, do you recognize that?

16 A Yes.

17 Q And what is that?

18 A That's the red Mustang.

19 Q Is that the vehicle that you observed him driving?

20 A Yes.

21 Q Now, this document also indicates how many
22 individuals were staying in the room; is that right?

23 A Yes.

24 Q And what does this indicate?

25 A One. One person.

1 Q Okay. And it also details the length of stay; is
2 that correct?

3 A Yes.

4 Q So in this particular case what was the period that
5 the Defendant was staying at your hotel? What dates?

6 A December 28th, '14, through January 4, '15.

7 Q Okay. So he would have checked in on December 28th
8 and checked out on January 4th; is that right?

9 A Yes.

10 Q So, according to this, he would have been staying at
11 your hotel on January 2nd, 2015; is that right?

12 A Yes.

13 Q Now, showing you the second page, you made reference
14 earlier on the second page of, again, State's Exhibit 14, you
15 made reference to a credit card receipt; is that right?

16 A Yes.

17 Q And are we looking at that right now?

18 A Yes.

19 Q Okay. And that -- this credit card receipt details
20 the payment for the room over the period that you made
21 reference to?

22 A Yes.

23 Q And it has a signature; is that correct?

24 A Yes.

25 Q And is that Mr. Sprowson's signature?

1 A Yes.

2 MR. SWEETIN: Okay. Thanks. I have no further
3 questions.

4 THE COURT: Any questions, Mr. Sprowson?

5 MR. SPROWSON: No, I have no questions, Your Honor.

6 THE COURT: No questions. All right. Sir, you're
7 free to go. Have a nice day. Next witness.

8 MS. BLUTH: Thank you, Your Honor. The State calls
9 Vena Davis.

10 THE MARSHAL: Please remain standing. Raise your
11 right and be sworn in by our clerk.

12 VENA DAVIS, STATE'S WITNESS, SWORN

13 THE CLERK: Please be seated. Would you please
14 state and spell your first and last name for the record?

15 THE WITNESS: Yes, my name is Vena Davis, V as in
16 Victor, E-N-A. Davis, D-A-V-I-S.

17 THE COURT: Whenever you're ready.

18 MS. BLUTH: Thank you.

19 DIRECT EXAMINATION

20 BY MS. BLUTH:

21 Q Good afternoon, ma'am. What is your profession?

22 A I am a licensed clinical social worker.

23 Q Okay. And can you explain to us what someone
24 working in your capacity does?

25 A Yes, so being an LCSW that allows me to work with

1 individuals in a therapeutic setting, providing psychotherapy,
2 mental health treatment.

3 Q Okay. And how would that -- how would it be that a
4 patient comes to you for treatment? Like, how do they end up
5 getting to you?

6 A A variety of ways. Usually referral. In my
7 profession, working at Mojave Mental Health, we would get
8 referrals from a DFS worker if a child is in foster care or it
9 could be a direct parental placement if a parent calls Mojave,
10 if they have the insurance that we take. So it's typically
11 referral based.

12 Q And, then, you used the term "DFS," which would be
13 the Department of Family Services?

14 A Correct.

15 Q Okay. And, then, you also talked about Mojave
16 Mental Health. Can you just explain to the ladies and
17 gentlemen of the jury what that is?

18 A Absolutely. So Mojave Mental Health is a
19 out-patient mental health agency in town that provides
20 individual and family therapy to children, teenagers and
21 adults.

22 Q So what is the age -- the general age range when
23 you're working in connection with Mojave of patients that you
24 see?

25 A So at Mojave Mental Health I'm able to work with

1 children as young as six, up to the age of 18 and, on
2 occasion, some adults, depending upon the circumstances.

3 Q Okay. And can you explain to us kind of the - the
4 range of either, you know, issues, mental health issues or
5 problems that clients that you see or patients that you see
6 have?

7 A Yeah. So, typically, when I'm working with a client
8 it can be because they've been placed in foster care and
9 having some -- just working through the trauma of that. Also,
10 just having a general traumatic experience, whether it be
11 sexual abuse, physical abuse, emotional abuse. Also, I'm
12 working with folks who have engaged in self-harming behaviors,
13 having overwhelming emotions. So it's really a very broad
14 amount of folks that I can see.

15 Q And can you describe the education and training that
16 you received for you -- in order for you to do the work that
17 you do?

18 A Absolutely. So I received a bachelor's degree in
19 social work; thereafter, I received a master's degree in
20 social work. I completed 3,000 hours of training in the
21 clinical setting and then I took my licensure test to be able
22 to practice clinical social work in the state of Nevada.

23 Q Okay. And sometimes in certain situations because
24 of your employment do you also have to come to court and
25 testify?

1 A Yes.

2 Q So I'd like to turn your attention to July of 2015.
3 Did you begin treating an individual by the name of Jaysenia
4 Torres?

5 A I did.

6 Q Now, before coming to see you, had Jaysenia
7 previously been treated at an in-patient program called Willow
8 Spring?

9 A Yes.

10 Q And can you explain to us what Willow Springs is?

11 A So to the best of my knowledge, and I've referred a
12 few clients there, Willow Springs is located in Reno, Nevada,
13 and it is a facility that's in-patient. They have a variety
14 of programs there and one of those programs is entitled
15 Dialectical Behavior Therapy Treatment.

16 Q Okay.

17 A It's for adolescents, typically, and I'm not sure if
18 they see children younger than 13. I'm not clear on that.

19 Q Okay. Now, but after -- so after getting out of
20 Willow Springs, did Jaysenia see a doctor? I think her --
21 Robin Donaldson?

22 A Yes.

23 Q And, then, after treatment with Robin Donaldson, did
24 -- did Jaysenia come to you?

25 A She did, yes.

1 Q And she first started treatment with you in July of
2 2015 and, then, did you treat her all the way up until her
3 departure for college?

4 A Yes.

5 Q Now, before -- even before Montevista and Willow
6 Springs, the case that we're here before today, is it your
7 understanding that Jaysenia had received therapy in the past?

8 A Yes.

9 Q And what were -- what were some of the symptoms that
10 she was having that required therapy?

11 A So, to my knowledge, it was some heightened anxiety,
12 the experience of overwhelming emotions, things of that
13 nature.

14 Q And did -- do your notes also notate that she had a
15 fear of abandonment?

16 A Yes, and a history of abandonment.

17 Q Now, when Ms. Torres gets to you, do you do what's
18 referred to as an assessment and go through kind of, like,
19 family history and things like that?

20 A Yes.

21 Q And were any of her family members active in making
22 sure she came to treatments or doing treatments with her?

23 A Yes.

24 Q And who was that?

25 A Her mother, Kathryn Smith.

1 Q And as part of your assessment, did Jaysenia's
2 father have an active life -- excuse me -- an active part in
3 her life?

4 A No.

5 Q And did she discuss kind of issues with that?

6 A Yes, we had spoken about his leaving the family home
7 at a very young age. I believe it was under the age -- like,
8 probably between the age of five or six and, then, just never
9 really having a consistent ongoing relationship after his
10 leaving the family.

11 Q Okay. Now, I'd like to talk to you a little bit --
12 when Jaysenia gets to you in July of 2015, what were her
13 present issues? Like, what was she coming to you for?

14 A So, to my remembrance, Jaysenia was having
15 heightened anxiety. I'm not really clear on when her
16 discharge date was from Willow Springs. There may have been
17 this anticipation about school starting up and the stress
18 associated with that and some anxiety surrounding, you know,
19 some things that have occurred in her past, and then, also,
20 having some occasional discord with mom and, also, her desire
21 to begin to be more skillful as she had been when she
22 discharged from Willow Springs.

23 Q Okay. And I want to ask you about some terms that
24 I'm not familiar with that were in your notations. You stated
25 that Jaysenia struggled with self-identified tendency to

1 self-invalidate?

2 A Yes.

3 Q Which lead to self-judgment and avalanche thinking?

4 A Yes.

5 Q Can you explain what that means to me, please?

6 A So, then, because Jaysenia has -- not because.
7 Jaysenia has amplified anxiety. So what would tend to happen
8 would be she would have a lot of judgmental thoughts, things
9 that were very negative, self-statements about herself, a lot
10 of self-judgment that ended up creating a lot of shame and
11 heightened -- more heightened anxiety, which could, then, lead
12 to just experiencing really painful emotions.

13 Q So can you give us an example of maybe, like, a
14 statement -- not -- I'm not saying one that she used, but to
15 give us an example of what, like, self-invalidation or
16 self-judgment is and, then, how you would work with her
17 through it?

18 A Yes, absolutely. So just a really innocuous
19 statement. Let's say, for example, I drop my bracelet on the
20 ground. I would have this judgment in my head, like, I'm so
21 stupid I can't believe that, everybody thinks I'm a moron,
22 whatever, and then I would feel more shame and, then, that
23 would trigger other moments of me thinking some really
24 unpleasant, painful thoughts about myself, which then
25 transfers into avalanche thinking, one thought leads to many

1 other thoughts that are painful. So, then, how I would work
2 with her on that, even though this is not specific to her --

3 Q Sure.

4 A -- would be let's be descriptive. What happened? I
5 dropped my bracelet on the floor and it made a noise. Okay.
6 And you felt embarrassed? Yes. So I dropped my bracelet on
7 the floor and I felt embarrassed because it made a noise,
8 which is far more different than I'm so stupid, I'm such a
9 moron because blah-blah-blah.

10 Q Okay.

11 A Yeah.

12 Q So pretty hard on herself?

13 A Exactly.

14 Q And you stated that one of her goals was -- you
15 weren't sure of the discharge date, but one of her goals was
16 to get back to the point where she was after she left the
17 Willow Springs treatment center and that she was more skillful
18 then?

19 A Yes.

20 Q And skillful just in -- in dealing with the anxiety
21 or -- is that what you mean?

22 A Yes. So Ms. Torres would -- a lot of the work that
23 we did was for her to practice noticing what her emotions are,
24 the sensations in her body so, then, that way she would be
25 able to practice behavior skills to manage any urges or

1 impulse just to -- to reduce the likelihood of her getting
2 more anxious or feeling more shame.

3 Q Okay. So after meeting with her and assessing her
4 issues, your treatment modality that you recommended was what?

5 A Dialectical behavior therapy informed treatment.

6 Q Can you explain to us what that is?

7 A Absolutely. So dialectical behavior therapy is a
8 treatment modality that was created by Dr. Marsha Linehan some
9 time in the '80s, specifically at that time for women who had
10 overwhelming emotions, amplified reactivity to their emotions
11 and so return to baseline or their emotional baseline of
12 feeling better. Because of those three things, there could be
13 a tendency to engage in harmful behavior, heightened shame,
14 different things like that.

15 So DBT informed treatment, there are five modes and
16 functions that go along with DBT, and any time all five of
17 those things are not going at the same time for treatment,
18 it's then informed. So because Jaysenia received such
19 intensive DBT training and she was fairly skilled up, I was of
20 -- excuse me -- of support to her in re-enforcing her use of
21 skillful needs and practicing those things that had helped her
22 previously upon her discharge from the RTC, which is a
23 residential treatment center.

24 Q So Willow Springs?

25 A Correct.

1 Q Okay. Now, when you were working with her and
2 providing her with this DBT, how often would you see her?

3 A I would see her in the very beginning -- I can't say
4 three to six months or more -- I don't know -- every week.

5 Q Okay.

6 A Or every other week, just depending upon what was
7 going on in terms of scheduling.

8 Q Now, how was Kathryn during that time? Would you --
9 would she come? Was she supportive? How would you
10 characterize it?

11 A Kathryn was very, in my opinion, very supportive.
12 She would participate in treatment in the very beginning and
13 then, thereafter, as needed, allowing Jaysenia and I to do
14 more work on the individual aspects of her experience, and I
15 would speak to Kathryn quite often and, to me, she was very
16 engaged in the therapeutic process.

17 Q While you were treating Jaysenia, did she discuss
18 that there had been a period of time or a period in time where
19 she had no contact with others besides one human being for a
20 period of about two months?

21 A Yes.

22 Q And because of that, did you try to work with her in
23 developing skills?

24 A In the sense of whatever emotions she experienced
25 during that moment in her life, when she may have had

1 intrusive thoughts or memories about that event, helping her
2 manage those emotions in the context of practicing different
3 behaviors to manage them.

4 Q Did she have apprehension or fears about kind of
5 completely being re-integrated into, like, a school setting or
6 something like that?

7 A Yes.

8 Q And because of those fears or anxiety, what types of
9 things did you discuss or what types of things did you work
10 with her on, you know, her ultimate goal of being able to feel
11 comfortable in that setting?

12 A Right. So because she had a lot of anxiety, we
13 would discuss different strategies that would help her reduce
14 the intensity of anxiety. So it could be a self-soothe kit,
15 different -- her five senses and doing something that is
16 soothing for that. Also, engaging in different body movements
17 to help reduce the sense of urgency or the intensity of
18 anxiety that she experienced. So a variety of skills along
19 those lines.

20 Q Could -- a self-soothing kit, can you give me an
21 example of something that someone might put in that kit or
22 use?

23 A Yes. So we have five senses, plus one, which is
24 movement. So, you know, for sight, is there photographs that
25 you could look at and put in a box. For hearing, what's your

1 favorite piece of music or what's a sound that you really
2 enjoy. Sense of touch, same thing, is there, like, a blanket
3 or something that is soothing against the skin that you like.
4 Movement is something that you can do with your body, whether
5 that be running or swimming or something like that. And,
6 then, the other two senses, smelling, taste, things of that
7 nature, so that would be a self-soothe kit.

8 Q Have you ever recommended to a child -- do some of
9 the children you see, unfortunately, do they have to go to
10 court?

11 A Yes.

12 Q And testify?

13 A Yes.

14 Q Have you ever recommended a child bring in something
15 like Play-do or something like that to court to kind of get
16 through that?

17 A Absolutely, and even something called a confidence
18 stone, just something they can fiddle with, as I'm doing right
19 now, to act as a grounding anchor during stressful situations.

20 Q Okay. Now, did Jaysenia express fear or concerns
21 about people knowing what happened to her?

22 A Yes.

23 Q How would you get -- like, would you say that that
24 was a minute concern or would you say that -- I mean, that's a
25 pretty big concern that she's expressing?

1 A It was pretty significant for her. I -- I remember,
2 to the best of my memory, during that summer when I met her
3 she was very anxious about going back to school and kind of
4 concerned that people may know about her trauma history, and I
5 do remember discussing that with her. I just had to kind of
6 manage that.

7 Q What -- was she aware that it had been in the news?

8 A To my knowledge, it's kind of -- it's difficult to
9 pinpoint the exact time frame. I do know that she had said
10 something about the court proceeding being in the news and
11 because she was a minor, her face being blurred out, and still
12 worried that people could tell by her image that it was her.

13 Q Okay. Now, did you work with her in regards to --
14 well, let me ask you this first before I go to that second
15 question. Did she express to you that there was still a court
16 case going on?

17 A Yes.

18 Q And did she have fears or anxiety about that?

19 A Yes.

20 Q And what did you -- you know, explain how that made
21 her feel and what you did to work through that with her,
22 please?

23 A Really, it made her feel extremely anxious, so I
24 would -- I would kind of shift away from the behavioral piece
25 to do more process work, find out how her sleeping was, was

1 her appetite affected, how was her mood, did that affect her
2 relationships with her family members, and then checking in
3 with her on, you know, kind of where she felt that in her body
4 to enhance the mind body connected, checking in to find out
5 the quality of her thoughts, and then what skills have
6 historically been helpful in her managing all the symptoms
7 that she had experienced during that time.

8 Q Did she discuss with you a specific aspect of the
9 case that made her particularly upset?

10 A Yes.

11 Q And what was that?

12 A Two things, people knowing that, you know, she was
13 the victim and, then, also, being cross-examined.

14 Q Did she express anxiety about the fact that she felt
15 that the -- the Defendant was blaming her?

16 A Yes.

17 Q While you were -- you're mindful that, you know, a
18 court process is going on, do you talk about the incidents
19 that lead to the court process or is DPT -- DBT a
20 forward-thinking type therapy?

21 A That's a good question. So, typically, you know, we
22 do gather a portion of the history to kind of get the context
23 of the situation and -- and usually with using DBT or DBT
24 informed treatment we focus mostly on the present moment and
25 how to apply skills for the present moment in whatever

1 circumstances are surrounding that.

2 Q So in -- in your treatment of Jaysenia, when she was
3 in the in-patient treatment at Willow Springs, was it your
4 understanding that she had missed that year of school?

5 A Yes.

6 Q And, so, was one of the goals being -- did you work
7 with her on a major goal of going back to school and hopefully
8 eventually being able to go to college?

9 A I worked with her in the context of her
10 transitioning from high school to the college atmosphere, not
11 so much the point that you had just made.

12 Q From Willow Springs to high school?

13 A Right, right. I mean, it came up in the sense of
14 her being anxious about going to school because she was
15 worried that people would identify her based upon what was
16 going on. And the transitional piece, we discussed that a
17 bit, and it was more so discussion about behavioral skills for
18 her emotions and kind of what was going on in that moment.

19 Q And before -- before you're even able to discuss,
20 you know, a thing about, you know, thoughts of actually going
21 into school, did -- did you work with verbalizing with her the
22 ability to even just kind of re-integrate and be around other
23 people, not necessarily just school kids, but just in general
24 in society?

25 A Sure, yeah.

1 MS. BLUTH: Thank you so much, Ms. Davis. Your
2 Honor, that concludes my direct examination. I'll pass the
3 witness.

4 THE COURT: Mr. Sprowson?

5 MR. SPROWSON: I have no questions, Your Honor.

6 THE COURT: No. All right. Thank you, ma'am, for
7 your time. You're free to go.

8 MS. BLUTH: Thank you.

9 THE COURT: Next witness by the State.

10 MS. BLUTH: May we approach the clerk, Your Honor?

11 THE COURT: You may.

12 MS. BLUTH: Thank you.

13 (Pause in proceedings.)

14 MS. BLUTH: Your Honor, at this time the State has
15 no further witnesses and, so, the State would rest. Thank
16 you.

17 THE COURT: Mr. Sprowson, would you like to present
18 your case?

19 MR. SPROWSON: Are they going to do a closing
20 argument?

21 THE COURT: The closing would be at the very end of
22 the case after you've rested, sir, and then after we give the
23 jury instructions.

24 MR. SPROWSON: I probably need, like, a five-minute
25 break.

1 THE COURT: You can take a five-minute break.
2 Actually, we'll do a ten-minute break for you. So come back,
3 ladies and gentlemen of the jury, at 2:20. Do not talk about
4 the case. Don't research the case. Do not form or express an
5 opinion. We'll see you back shortly. Thank you.

6 (The jury recessed at 2:08 p.m.)

7 THE COURT: Anything we need for the record before
8 we go on?

9 MS. BLUTH: Not on behalf of the State, Your Honor.

10 MR. SPROWSON: I just want to be clear on I'm going
11 to do a narrative in my defense in chief. I'm just going to
12 go ahead from point A till the end and just give a narrative.
13 I'm going to try to adhere to what the State has requested in
14 their motion in limine. I believe that I'm allowed to, if I'm
15 correct, I just want to make sure because I want to be able to
16 do a flow on this. I don't want to have to stop and, you
17 know, have the State object. Just the fact that I'm going to
18 get into there was previous counseling, therapy and nightmares
19 prior to me, is that fine?

20 MS. BLUTH: Yes.

21 MR. SPROWSON: I'm not going to get -- just, you
22 know, that she expressed this to me. I'm not going to get
23 into the individual incident, whatever. I just -- I just want
24 to lay the record that there was prior instances and if I
25 would have known a lot of this stuff that was going on with

1 this young lady prior to, it probably would have been a lot
2 different, but I think this is actually very good that I've
3 heard all of this and a little bit more of what probably was
4 going on prior to meeting me. But, so, I will try to adhere
5 to that and that's fine.

6 MS. BLUTH: But, I'm sorry, can you just state what
7 it is your understanding that you can say?

8 MR. SPROWSON: I'm just going to leave it blank.
9 Counseling, there were nightmares and therapy. The
10 nightmares, I'm going to get into just a little bit about that
11 she was just -- she was having, like, nightmares and it would
12 scare her about -- I don't even know how I'm going to express
13 that, but I'll just leave it at nightmares, that she was
14 having nightmares. I won't get into any detail.

15 MS. BLUTH: Okay. And not -- but you're not going
16 to say -- because just right now you said "prior incident,"
17 you're not going to say --

18 MR. SPROWSON: I know, I'll try to avoid that as
19 much as possible.

20 MS. BLUTH: Well, if you don't avoid it I'm going to
21 move for a mistrial. Just so you know.

22 MR. SPROWSON: Well, that's fine, but, like I said,
23 I will try to avoid anything that, you know, that -- that you
24 feel is inappropriate. Nightmares is a blank statement. I'll
25 stick it at nightmares because -- when she had different types

1 of nightmares. Can I say that?

2 There was -- there was certain types of nightmares
3 because -- I'll give you an example. She had mentioned she
4 had a nightmare at the end right prior to the police coming to
5 get her. She said she had a nightmare that the police would
6 find her. This is a very different type of nightmare compared
7 to the nightmare she was having about the individual and going
8 to -- it was also related to trial, as well. She was anxious
9 about going to trial. So there were different types -- so can
10 I -- is it fair to say that they were different types of
11 nightmares --

12 MS. BLUTH: Sure.

13 MR. SPROWSON: -- without going into detail?

14 MS. BLUTH: That's fine with me.

15 MR. SPROWSON: The last one I think is fair for me
16 to mention, the content of it because it's directly related to
17 my case.

18 MS. BLUTH: Which one?

19 MR. SPROWSON: The last one where she -- she had a
20 nightmare about the police were going to find her. I don't
21 see any problem with that, do you?

22 THE COURT: I don't see -- as long as it has to do
23 with you.

24 MR. SPROWSON: That's fine. I'll stick to that.
25 That's fine.

1 MS. BLUTH: Okay.

2 MR. SPROWSON: I need to use a restroom break and
3 I'll probably be ready to go after.

4 MS. BLUTH: Sounds good.

5 (The Court recessed at 2:12 p.m. until 2:24 p.m.)

6 (In the presence of the jury.)

7 THE COURT: Welcome back, ladies and gentlemen of
8 the jury. When we left off the State had rested. Mr.
9 Sprowson, would you like to present your case, sir?

10 MR. SPROWSON: Yes, I would. And can you explain
11 how we're going to do this because I am defending myself and
12 it's going to be in a narrative format?

13 THE COURT: Yeah. So, ladies and gentlemen of the
14 jury, I mean, it's a little bit different because Mr.
15 Sprowson's representing himself, so it's anticipated he's
16 going to get up there and he's going to give a narrative and
17 when he's finished he'll, obviously, be subject to
18 cross-examination by the District Attorney. So you want to
19 come up, Mr. Sprowson?

20 MR. SPROWSON: Yes.

21 THE COURT: You will have to be sworn in, sir, for
22 your testimony.

23 MR. SPROWSON: Yes.

24 THE MARSHAL: Remain standing. Raise your right
25 hand and be sworn in by our clerk.

1 MELVYN SPROWSON, DEFENDANT'S WITNESS, SWORN

2 THE CLERK: Please be seated. Would you please
3 state and spell your first and last name for the record?

4 MR. SPROWSON: Melvyn Sprowson, M-E-L-V-Y-N. Last
5 name, S-P-R-O-W-S-O-N.

6 THE COURT: Mr. Sprowson, would you like to begin
7 and you can speak to the jury.

8 DIRECT EXAMINATION

9 MR. SPROWSON: Okay. I'm going to begin with
10 starting with I first moved here from California to Las Vegas
11 for a job, a teaching job, and was already testified, I moved
12 to a townhome. And, so, I moved here, it was during the
13 summer, and I was getting ready to start a job teaching. So
14 this is the summer time. I wasn't working.

15 I was getting ready to start a job and I had invited
16 my brother to visit with me for a couple days and he, at the
17 time, was retiring from the military and he had brought with
18 him some ROTC clothing that he was bringing to give to me.
19 And, you know, it was different sizes. It was sweaters.
20 There were baseball caps. There were different shorts and
21 things like this. So he left this with me and they're all
22 different sizes. And the reason why I'm bringing that up is
23 because later on I'm going to disclose some things about that,
24 so I'm just trying to lay a little bit of a foundation about
25 that clothing.

1 So my brother had visited with me. I think this was
2 about -- I moved out there to Las Vegas, I believe it was
3 June, and school wasn't going to start until about, I believe,
4 like maybe late -- early, early August or something like that.
5 Maybe the middle of August. They had changed the -- changed
6 the -- instead of from a later date to an earlier date, so I
7 do believe it was around August, early August.

8 So after my brother had left from visiting me and
9 leaving all of this ROTC clothing, sweaters, stuff -- it was
10 all brand new stuff -- I was getting ready for work as a
11 teacher. As I said, I wasn't working at the time because, you
12 know, teachers, for those of you that don't teach, we have the
13 summers off. You know, it's the time period where we have
14 vacation.

15 Most of the time if you're a salaried teacher you --
16 you get your pay kind of broken up into 12 segments some
17 times. So I had previous employment, I had a retirement, I
18 had funding, so I had enough money to support myself during
19 this time while I was making the transition from California to
20 Las Vegas.

21 And, you know, as I was buying furniture, I went
22 out, I bought furniture for my apartment. As you've seen in
23 the pictures, there was -- I started furnishing my apartment.
24 I had three bedrooms upstairs. I had an air mattress because
25 I had not purchased any bedroom furniture. Most of the money

1 that I spent was on the living room, the dining room, buying
2 dishes, things like that. Trying to furnish just the
3 downstairs. You know, slowly -- you know, I was living by
4 myself, slowly trying to furnish my apartment and start my new
5 job.

6 And, so, how everything began was one night I was --
7 I was extremely bored and sometimes, you know, I would put up
8 a Craigslist ad. It was a fake ad, just for kicks. And the
9 ad that particularly started this whole scenario to where --
10 why we are here today was an ad that I had posted on
11 Craigslist, and this was for fun.

12 It was a joke. It was never meant to target
13 anybody. It was never meant to address -- it was simply an
14 issue of being bored. I wanted to have fun, just bantering
15 back and forth with different people. I got many responses.
16 And the title of the ad was "lonely millionaire seeks gold
17 digging slut." Now, sounds kind of odd, but, again, like I
18 said, it was -- it was meant to be a joke.

19 And I did put the age 34. It was a random age. I
20 wasn't trying, like I said, it wasn't meant to target anybody.
21 It wasn't meant to do anything. Just a random ad to see what
22 kind of responses I would get. Now, at the time I didn't
23 realize it would get me in so much trouble, but, nonetheless,
24 that's the ad I put.

25 Some of the responses I got, I got from people, "are

1 you really a millionaire?" You know, "It's not nice to tease
2 people about being a millionaire." And, then, I got many ads
3 about, hey, yeah, you know, I'm a so-and-so because the ad was
4 in regard to gold-digging slut. It was just a joke, keep in
5 mind. And, so, I got various different responses.

6 One of the responses that I got was from Jaysenia.
7 And, so, she -- she sent an ad, I was reading it, and we
8 started talking, and at some point her age came up. She said,
9 "I'm 16." And I started thinking to myself, I said, "well,
10 you know what, you're kind of young, you're 16, you know, I
11 really don't want to talk to you unless it's okay with your
12 parents."

13 I said, "if you want to just talk, again, like I
14 said, just bantering back and forth, you know, if you want to
15 have a conversation with me through the emails" -- I mean, I
16 wasn't having issues with that as long as it was okay with her
17 -- her parents, and I did state this to her. She responded to
18 me, "well, 16 is the age of consent." I said, "okay."

19 I thought that was kind of odd at first, but why
20 would you be saying 16 is the age of consent? So, well, I
21 started thinking about, well, the ad was, you know, lonely
22 millionaire seeks gold-digging slut. I'm not trying to imply
23 anything, but the topic came up. So, and I don't remember
24 what my response was to that.

25 We just were having conversations -- like I said,

1 this has been three years ago, so I have notes and I had to
2 sit down and think about -- through some of these. So some of
3 these times I might stop and look and see, you know, just to
4 keep on in a -- in a regular chronological sequence of how
5 things happened.

6 So as -- as time went by, we -- you know, I don't
7 remember the entire conversation, but, you know, we were
8 talking back and forth. We were becoming familiar with each
9 other. And, again, I actually looked up and I said, "16, 16
10 is the age of consent, what does she mean by that?"

11 So I looked that up because, you know, it wasn't
12 like we were back and forth. You know, I'd send an email.
13 Maybe a little while later she would send an email. Little
14 while later I'd send an email back. It wasn't like, oh, this
15 is like a whole two, three hours straight in one day. This --
16 this was over a couple of days, you know, our conversation
17 getting to know each other.

18 At some point we started becoming familiar with each
19 other. It's, like, okay, you know, we're still talking.
20 We're still going back and forth on the emails and, then, she
21 suggested, hey, you know, why don't we switch to KIK? I said,
22 "what is KIK?" I didn't even know what KIK was. And as -- I
23 believe she explained in her testimony it's an application
24 where you can -- it's kind of, like, text messaging kind of.

25 And, so, I said, "okay, sure." You know, and you

1 use your -- you use your phone. You can use your cell phone
2 to do this as long as you have, like, I believe an Internet
3 connection or something. So we switched to KIK and she had
4 actually sent me some face photos. I said, "okay," you know.
5 You know, I looked at her photographs and, like I said, these
6 were face photos. They were nothing more, nothing -- as we'll
7 get into later on, the other photographs. These were just
8 simply face photographs. I said, "okay."

9 So we started talking and, then, one of the things
10 that came up was, she goes, "hey, you know, I work at the
11 Omelet House." I said, "oh, really?" Because the Omelet
12 House was not too far from where I lived and I went there a
13 couple times T.O.O. because I like catfish. The Omelet House
14 actually has this little dish, they put catfish and stuff,
15 [inaudible] cause, you know, I just like catfish. So this is
16 one of the places that actually they cook it and actually
17 tastes pretty good, so I would frequent there a couple times.

18 And I said, "oh, you work at the Omelet House? And,
19 so, you know what? I may have seen you." And, so, we talked
20 about that, and I said, "okay." You know, as time went on, we
21 had more and more conversations and we started discussing more
22 and more things and, at some point, she wanted to see me face
23 to face and this is where I believe the skating rink situation
24 came in.

25 She had talked about she was going to be at the

1 skating rink with her friend, Jessica. I said, "okay." You
2 know, she's, like, I want to see you face to face. And I want
3 to first say something. I know there's been a lot about that,
4 oh, well, you know, she's worried about me trying to put all
5 the blame on her. I'm not trying to blame her for anything,
6 okay? I'm willing to take full responsibility for whatever
7 happened, but I have to tell you what happened according to
8 the way I perceived it.

9 And she had asked me to come and see her face to
10 face. I was very reluctant to do this. As I stated before in
11 my opening statement, you know, this is a young lady, I wasn't
12 too sure how this was going to end up. My experience, being
13 an older man, that women, in particular, have a tendency to be
14 very fickle. In my dating relationships women had been very
15 fickle.

16 So, you know, we're going back and forth and online,
17 are you sure? You know, you want to move it up to the next
18 level, whatever. I really wanted to kind of keep a distance
19 as I didn't -- I didn't want to have any problems with getting
20 ready to start a job teaching. You know, so, anyways, bottom
21 line, I ended up going to the skating rink. We saw each other
22 face to face. Okay.

23 She introduced me to her friend, Jessica. She told
24 her friend, Jessica, "oh, this is an older teacher of mine."
25 I said, "okay." You know, I went along with it. I don't know

1 if she felt embarrassed, you know, and she kind of expressed
2 that, you know, because of I was an older man. You know, at
3 that time, and I do have to stop and say, the ad said 34. Now
4 that was never meant to deceive anybody. Like I said, that
5 was a random thing I did, but I believe that she probably
6 thought that I was 34. I never presented that to her, to lie
7 to anybody, to be deceptive, okay?

8 So, at some point, I started thinking to myself,
9 well, I'm going to have to tell her my age because at that
10 time I was 44 and she's 16. You know, a lot of people say,
11 wow, you know, you're 44, she's 16. You know, that's not
12 really a smart thing to do, you know and, so, you know, I'm
13 trying to be cautious.

14 You know, I mean, I'm beginning to become attracted
15 to her. She's highly intellectual, young lady. Our
16 conversations, I was, like, wow. You know, I'm a teacher and
17 she's keeping up with my conversations. She's going to ATECH.
18 She's getting very, very good grades, you know. And this is
19 one of the things that I started becoming attracted to her was
20 the fact that she was very intellectual.

21 Now, as you saw in some of the pictures, I'm just --
22 I'm going to stick to the chronology. I'll get into it. I
23 was going to mention something about the games and how she
24 used to win most of the time when we played the games and --
25 and, you know, actually I felt pretty bad a lot of times cause

1 here it is someone is just really, really -- and this is what
2 really, really attracted me to her was her intelligence.

3 So let me just kind of go back to the time line. So
4 we're at the skating rink. We meet, you know. She's cute.
5 She's looking at me. She's attracted to me. So, you know, I
6 leave. It was nothing special. It was just a face-to-face
7 meeting. Nothing serious.

8 So, you know, I go back home. She goes back home. I
9 -- I don't know what happens after that. We -- we continue
10 our conversations, texting, and communicating on Kix or KIK.
11 KIK is what it is, KIK, KIK. And let me see. Some of our
12 conversations -- and I kind of just jotted down what were some
13 of the topics and some of the things that we discussed in our
14 conversations because, keep in mind, this was not like, you
15 know, where we were 24/7 talking to each other.

16 I mean, I had things that I had to do during the
17 day. She, you know, she was living with her mother, with her
18 two sisters, her grandmother. She had her day-to-day things
19 and -- and, you know, like I said, we both had our business to
20 take care of so we weren't always in conversations. You know,
21 she would text me, I would text her. We'd talk.

22 And at this time, she was not the only one that I
23 was talking to. You know, I had just moved to Las Vegas and,
24 you know, I'm a lonely guy. I'm seeking someone to -- to
25 occupy my time with, whether it's going to develop a

1 relationship or not, you know, it's hard to say, you know,
2 but, nonetheless, I was seeking to -- to familiarize myself.
3 I'm new in town. I don't know anybody here. You know, my
4 closest family is in California. After that, my brother's in
5 Oklahoma. So, you know, I'm the only one in Las Vegas. I'm
6 all by myself, starting a new job, got my own place.

7 So long story short, one of the things that we
8 talked about was emancipation. Now, I don't remember how the
9 conversation came up. I think she was telling me -- we
10 started talking about some of the issues that she was having
11 with her mother. She said there was some conflicts. I said,
12 "okay." You know, I mean, I tried to explain to her, well,
13 you know, that's normal.

14 You know -- you know, sometimes, you know, people
15 your age are going to have conflicts with their parents. I
16 know I had conflicts with my parents when I was that age. I
17 think most people when they're at that age, they have
18 conflicts. So, you know, she was talking about, well, you
19 know, I have a job, and I want to live on my own, and I'm
20 getting tired of living with my mother. And I said, you know,
21 "come on, this is" --

22 MS. BLUTH: Judge, I apologize -- I apologize, Mr.
23 Sprowson. I'm going to object to anything that Jaysenia said
24 because that would be hearsay unless there's an applicable
25 exception.

1 MR. SPROWSON: Well, okay, there was just a conflict
2 she made me aware of. Is that fair?

3 THE COURT: I'll allow a little bit of leeway, but.

4 MR. SPROWSON: Just -- just a conflict. Well,
5 anyways, what I was trying to lead into the conversation
6 because the conversation's a result of -- well, the whole
7 conversation about the emancipation was a result of the
8 conflict she was having. That's what she mentioned. Is that
9 fair?

10 THE COURT: That's fine.

11 MR. SPROWSON: Okay. All right. So, anyways, we
12 started talking about emancipation. So I said, well, you
13 know, I said, "if a person, what I know, when a person wants
14 to become emancipated, a lot of times what they do is they
15 have to go to a judge and they have to prove to a judge that,
16 number one, you got a job, that you can support yourself." I
17 said, you know, "you have to -- a lot of times you have to see
18 an attorney. You know, an attorney will probably go ahead and
19 they'll start the process."

20 And I was just familiarizing her with what I knew
21 about emancipation. In no way was I suggesting it to her.
22 And, like I said, I can't speak for Jaysenia. I can't speak
23 how she took that, but what I understood was she was asking me
24 for advice on it. I gave her advice, this is how it works.
25 And she said, "well, you know, I want to see if I can" --

1 well, again, I'm not going to get into what she said. But at
2 some point what I did was, I said, "well, if you want me to,
3 if you need to and if you can, I will take you to an attorney
4 and we'll see what they say and see what you have to do."
5 Because she had told me, "well, I'm working at the Omelet
6 House" --

7 MS. BLUTH: Objection, still for hearsay.

8 MR. SPROWSON: Well, she already stated she was
9 working at the Omelet House.

10 THE COURT: I'll give you a little bit of leeway.

11 MR. SPROWSON: I mean, she did say, it's on the
12 record she was working at the Omelet House.

13 THE COURT: Just --

14 MR. SPROWSON: Right?

15 THE COURT: Continue.

16 MR. SPROWSON: Okay. So, anyways, let me get back
17 to where I was. Anyways, long story short, I had kind of gave
18 her the gist and the summary of what involved emancipation.
19 Okay. And, again, I never intended to suggest to her that she
20 should become emancipated. I was trying to advise her on what
21 I thought she wanted to know.

22 And, so, let's see -- oh. Fast approaching was the
23 school season. School season was coming up and school
24 shopping. Most parents buy school clothes for their kids, I
25 think, at this time. And we had a conversation and she --

1 well, I can't get into what she told me, but, at some point, I
2 offered to give her \$150 to help her with the school clothes
3 so she wouldn't have to share the money with her sisters.

4 Now, keep in mind, I gave her this money to buy for
5 school clothes. Now, I'm going to talk about this topic a
6 little bit later and why that story changed a little bit, but,
7 at this point in time, I wired directly into her account
8 knowing full well that my name would be attached to that \$150.
9 It's very important.

10 I knew full well that the recipient would know my
11 name and I knew full well that her mother was attached to that
12 account, okay? I did this knowing that her mother would know
13 that that money would be attached and in that account. Now,
14 at that point -- that concludes the whole issue of the \$150
15 and that was my intention was for her to buy school clothes.

16 This was someone I was becoming interested in. This
17 was someone I was becoming attracted to. This was someone
18 that I wanted to go to school and do well. And, so, part of
19 that is buying her -- or not buying her, but providing her
20 funds to buy school clothes. So I will kind of close with the
21 school clothes.

22 Let's see. And I'm just going to back up a little
23 bit. Like I said, there's a lot of things that happened
24 during this two-month period of time, so I'm going to try to
25 go as much in order as possible, but some of this stuff is

1 kind of -- like I said, it was three years ago.

2 So one of the incidents that came up -- and I
3 believe this incident -- I can't remember if it was during
4 when she was going to school, if it was prior to her going to
5 school because school had started. She started going to
6 school. I started working. I was, you know, brand new
7 teacher at Wengert Elementary and there came an issue with a
8 time where she said, "hey, I'm going to spend the night" --
9 well, again, I can't get into what she said.

10 How can I frame this? There came a time where she
11 spent the night at my house and I had picked her up from this
12 place called Bocca Park. I didn't even know where it was.
13 Like I said, I'm not from Las Vegas. I don't know this area.
14 I don't know where anything is at. But there came a time when
15 I had picked her up and she was supposed to spend the night
16 with her friend, Jessica.

17 Somehow she suggested that I spend the night -- that
18 she wanted to spend the night with me. So I said, "okay, is
19 that all right with your mom and you're not going to get in
20 trouble?" And she said, "no, I'm not going to get into
21 trouble." I don't know what the response was about the mom.
22 She just said -- I think my main focus was, you're not going
23 to get into trouble, are you? She said, "no." So I said,
24 "okay."

25 Again, I was kind of reluctant at first, but, you

1 know, she kept insisting and she said, "come on, you know, I
2 want to spend the night" -- well, again, I can't get into what
3 she said, but, anyways, she came to -- I went, I picked her up
4 from there, from this place called Bocca Park. I think it's
5 over by where Jessica lives. I'm not exactly sure because I
6 got the directions from Jaysenia. That's how I even knew
7 where it was.

8 So once I pick her up, I bring her back to my house
9 and she's going to spend the night. That was the plan, she
10 was going to spend the night. And, you know, the relationship
11 is starting to develop and we kiss for the first time. So we
12 had our first kiss and, you know, things start settling down.
13 We watched a little TV. We started having more of a
14 conversation, getting to know each other more. You know, we
15 became really, really attracted to each other.

16 And, so, during that night we made love because I
17 knew I was not doing anything unlawful. In the State of
18 Nevada, 16 is the age of sexual consent, so it wasn't, like,
19 oh, you know, I'm doing something wrong. This was something
20 that I legally did. This is someone that I was attracted to.
21 Someone that I had -- I can't -- I think it was prior to that
22 I had asked her, you know, do you want to be my girlfriend?

23 I can't remember if it was online or if it was this
24 very night, but, at some point, she was my girlfriend and we
25 had consummated the relationship. We made love that night.

1 And, then, the next day came and she wanted to spend the night
2 again. I said, "well, you're going to have to call your mom."
3 So she calls her mom and she said her mom said it was okay.

4 I didn't hear the conversation so I don't know if --
5 like I said, I can't speak for Jaysenia, but all I know is
6 that "I told you, you got to call your mom." She called her
7 mom. She said it was okay. I was, like, okay, fine. All
8 right. So she spends the night again. You know, kind of the
9 same old thing, you know.

10 We're having conversations, watching TV, you know,
11 getting to know each other. We're boyfriend-girlfriend.
12 We're enjoying each other's company. Eventually, the next day
13 I take her home to her house, I drop her off in front of her
14 house. This was day time. It's not at night. Not in secret.
15 I drop her off in front of her house, day time. She gets out,
16 she goes to her house, she goes in. I go back home. Okay.

17 So, of course, we continue our conversations, you
18 know, texting and something came up. Again, Jaysenia -- well,
19 I got to be careful when I say this. When I called Jaysenia,
20 she would give me times when she would want me to call her.
21 Now, I can't, like I said, I can't get into the conversations
22 and say what she said, but there were -- you know, I was
23 instructed to call her during this time or during this time or
24 during this time.

25 You know, like I said, I can't get into whether

1 there were issues or whatever with her mom or stuff like that,
2 but, like I said, I was instructed when she wanted me to call
3 her. So I said, "okay, it's not a problem." You know, I
4 don't mind. You know, you want me to call you at this time.
5 I'll call you at this time. Okay. Let's see.

6 Oh. Let me back up a little bit. I forgot. Okay.
7 Prior to me taking her back home when she spent the night,
8 there was the issue of the diamond ring. Now, when I was in
9 California I bought this ring. I was actually engaged to be
10 married in California and I had bought an engagement ring.
11 That relationship did not work out, so I had this engagement
12 ring that I bought. It cost me a great deal of money.

13 And it wasn't something that I was flippant about.
14 You know, this was something that I highly valued and I had it
15 -- I had it in my closet. I had it with me. You know, and,
16 so, here it is I have this young lady as my girlfriend and,
17 you know, I had her try it on and actually fit her finger. I
18 said, "okay. You know what? I'm going to go ahead and give
19 this to you as a promise ring," you know?

20 I mean, at some point, you know, you really don't
21 know if a relationship is going to work out or not, but, you
22 know, you give it your best shot and I'm -- I'm kind of a
23 romantic, you know. Forgive me, but I am kind of a romantic
24 and, you know, I like to try to be romantic about things.
25 Now, I thought it was a very sweet gesture to her.

1 It wasn't meant to try to do anything other than
2 just to say, hey, you know what? If things work out, you
3 know, then, why don't we -- because one of the things with the
4 ring is -- for the ladies here in the jury that know about
5 rings -- sometimes you have that soft metal. It was kind of
6 white gold and it's kind of soft. So on the bottom of it
7 because it had been worn before, it had, like, some chip
8 marks, like, little scratches and stuff on it.

9 So I said, you know, "hey, if things work out in our
10 relationship, what we're going to do is I'm going to take
11 that" -- the diamond -- cause the diamond's worth -- really
12 was worth the money. You know, it had -- I think they call it
13 an ICG or something. There's a number that goes on it. I
14 bought it from -- I don't know if you're familiar with it.
15 It's called the Jewelry Exchange in California. I don't know
16 if you ever heard of it. Here in Vegas I don't know if they
17 have commercials for it. It's called the Jewelry Exchange.
18 That's where I bought it in Tustin, California.

19 And, so, what I told her was -- well, you know,
20 because of these chips on here, I -- I don't think it would be
21 fair. I mean, would you want somebody to give you a ring
22 that's got chips on it? You know, I said, "look, you know
23 what? Why don't you go ahead and wear it. Later on if things
24 work out, what we'll do is we'll take the diamond out, we'll
25 put it into another band and, you know, we'll use it as an

1 engagement ring, if we get that far."

2 Like I said, you know, I'm a romantic, so it was --
3 I thought it was a sweet gesture. Well, come to find out this
4 -- this ring created a lot of problems because she put it on a
5 necklace and she brought it home and, at some point, her mom
6 had discovered it and, wow, it created -- from -- from what I
7 found out, it created a lot of problems.

8 And, you know, let's see. I have to be careful how
9 I kind of navigate through the next things here because there
10 are certain things I can say and certain things I can't say.

11 MS. BLUTH: Judge, I'm going to object to the
12 narrative in regards to court rulings.

13 MR. SPROWSON: Well, I mean, I just --

14 MS. BLUTH: Can we approach?

15 MR. SPROWSON: Can I say I navigate as best I can.

16 THE COURT: Hold on. She's not the one you ask,
17 number one.

18 MR. SPROWSON: Okay.

19 THE COURT: But as far as just -- give your
20 testimony.

21 MR. SPROWSON: Okay.

22 THE COURT: But just don't have all the little
23 comments --

24 MR. SPROWSON: Okay. I won't. I'll try not to.

25 THE COURT: -- about, oh, I can't go into this or I

1 can't go into that.

2 MR. SPROWSON: All right. All right. Well, okay,
3 so let's see. Well, at some point, I found out that she had
4 been grounded for two years and her computer and phone was
5 taken away. I'm going to kind of leave it at that. She had
6 expressed to me -- well, let's see, how can I say this?

7 I found out that -- that her mom would not have
8 approved of our relationship. Now, and maybe a lot of people
9 would not approve of our relationship. I'm a 44-year-old man,
10 at this time she's 16. A lot of people say, well, you know,
11 that's a big age difference. Don't you think you can find
12 someone your own age, you know?

13 I've dated -- I've dated eight women my age, older
14 than me, younger than me, various ages, you know? For me,
15 it's an issue of love, attraction and, you know, I always kind
16 of like to test the waters, you know. And at some point, I
17 was developing a relationship with Jaysenia.

18 So I found out this information and -- about her
19 being grounded. Okay. Now, at some point her computer and
20 her phone get taken away from her again and, so, there is,
21 like, a time period, I think probably like a day or two -- I
22 can't remember how much time it was -- where there was no
23 communication.

24 And we communicated through email. We communicated
25 through KIK. And at some point, I get an email -- I was

1 starting to get concerned because I had not -- I had not heard
2 from her. I was wondering what had happened. And, so, I get
3 an email from her and she was telling me -- well, again, I
4 can't get into -- I get an email from her and -- how can I say
5 this? She's not allowed to -- she's grounded. She's not
6 allowed to talk to me and I don't know -- let's see.

7 I'm trying to figure out a way to phrase this.
8 Forgive me. So, at some point, she's grounded. She's not
9 allowed to talk to me and this is of concern for her. So, at
10 some point, I start getting more emails from her and we're
11 going back and forth, and what I'm getting from her is that
12 she's concerned that we're not going to be able to talk
13 anymore, that the relationship is going to be ended. We're
14 not going to be able to continue. This is what I'm getting
15 from the conversation.

16 And, so, I expressed to Jaysenia, you know, why
17 don't you just let things calm down? If there's an issue with
18 your mother, I'm sure it will -- it will calm down, you know.
19 Let's wait till -- you know, Thanksgiving is going to come up
20 in November. I think this time we had just started school.
21 It was August, September. It was probably August time.

22 I said, you know what? The concern was that she
23 would never be able to talk to me again. This is what the
24 concern was, so it was kind of -- I felt it was -- it was
25 urgent. It was kind of an urgent thing for her because she

1 was -- there -- the feeling I was getting from her is that she
2 was very concerned and very worried about that.

3 And, so, what I tried to express to her was, look,
4 you know, these things happen, let it calm down. So, again,
5 the emails continue and I had found out that she wasn't
6 supposed to be -- she was grounded and she wasn't supposed to
7 be on her computer. I said, "well, what are you doing on your
8 computer? I thought you were grounded."

9 And, let me see, she was supposed to be doing a
10 homework project. And, so, what I got from the conversation
11 was that she was wanting me to come pick her up. And I said,
12 "look, I can't come pick you up," you know what I mean? And,
13 so, it goes back and forth. I'm expressing to her my
14 reluctance.

15 I even tell her, "is this something that you and
16 your mom are scooping up to, you know, try to extort money
17 from me or something?" And I was kind of serious about that
18 because, I don't know, just the way things kind of happened I
19 was becoming suspicious.

20 So at some point, you know, she -- she continues and
21 she -- she says this one thing in the email, she says, you
22 know, "if you don't come get me tonight, I'm going to kill
23 myself." I'm, like, wow. What do I do? And, so, you know, I
24 thought about it and I thought about it and, you know, I'm
25 getting concerned, you know, because without getting into all

1 our conversations and saying what she said, you know, there
2 were things that -- that I had perceived that there was some
3 -- some issues going on just emotionally with this young lady
4 and, so, I was becoming concerned.

5 And, so, at some point I gave in and I said, "okay,
6 well, what time do you want me to pick you up?" Okay. So I
7 got the time. You know, it was early in the morning. I had
8 to go to work the next day, so, I'm, like, you know. So I
9 figure if I pick her up, she'll calm down. You know, my
10 intention was never, never ever for her to stay with me. My
11 intention and my purpose of picking her up was just to get her
12 to calm down.

13 You know, it was never for her to stay with me long
14 term or anything like that. And some people might say --
15 well, I'm not going to get into what people might say. One of
16 the things that I thought of, well, maybe I should take her to
17 a hospital or maybe I should say something to somebody.
18 [Inaudible] well, you know what? Maybe that's just kind of
19 jumping the gun.

20 Why don't I just pick her up, she'll calm down.
21 I'll take her back home. We'll explain things to her mom.
22 Okay. This is what my thought process was, you know? So,
23 anyways, I pick her up and I take her back to my home and she
24 calms down. You know, she's calming down. She's relaxing.
25 And she suggests to me, "hey, why don't you change your phone

1 number?" So I'm thinking, well, you know, this is kind of odd
2 because I had just been talking to her using this phone number
3 repeatedly.

4 And, so, to set her at ease, I said, "well, okay."
5 You know, and I was going to change my phone number anyway.
6 This is what I eventually told the police. So what I didn't
7 tell the police was that I also wanted to set this young lady
8 at ease because I was sensing some emotional issues going on
9 with her and I was very concerned.

10 I also -- oh. Let me not forget this. There was an
11 issue of items that she had brought with her. Now, first I
12 want to say, I never told her, "hey, why don't you bring a
13 big, whole backpack full of clothes and you're going to stay
14 here for the rest of your life." I never did that.

15 What I did tell her to bring was her Social Security
16 card and her birth certificate, and I had a reason for that.
17 I didn't disclose that to her. I'm thinking, like, here's a
18 person that's attempting -- or not attempting, but is
19 threatening to kill themselves. What if they actually do that
20 at my house? Well, I need to have some kind of paperwork to
21 say who she is and just in case -- I'm not familiar with these
22 things.

23 Like I said, I didn't even know where hospitals are
24 in Las Vegas. I -- I don't know the area and, at this point,
25 I don't know a lot of people. So I don't -- I probably did

1 not exercise the best judgment in this situation, I -- I will
2 absolutely admit to that. But my intention, again, was her
3 concern, her -- I mean, my concern was her safety and the
4 whole issue of her threatening to kill herself.

5 I mean, let me just kind of stop and say something.
6 I'm a teacher. I have taught before. I'm not a brand new
7 teacher. I wasn't a brand new teacher at this time. I've had
8 students tell me before that they're going to kill themselves
9 and, you know, I say -- I'm thinking, hey, are you joking or
10 what?

11 And you want the teachers to kind of take this a
12 little bit serious, you know, and the predicament that I was
13 in is this is a young lady I'm in a relationship with. So
14 should I rush her to the hospital or should I kind of just,
15 you know what? We're in a relationship, maybe I can calm her
16 down, just take her back to her mom, you know? So I figured
17 the latter was the best thing to do.

18 So, eventually, she -- she ends up at my place.
19 Like I said, the whole issue with the phone thing came up.
20 Hey, why don't you change your number? Set her at ease, I
21 decided to do that. I was going to do it anyways. It wasn't
22 anything more than that. You know, like I said, I had been
23 using that number repeatedly. Wasn't trying to hide, wasn't
24 trying to conceal anything, and I don't know what else to say
25 about that. It was necessary to talk about that, so let me

1 move on.

2 Let's see, and I just want to say, you know, I did
3 notice that when she came over she was a little bit anxious.
4 She was a little bit nervous and, you know, I -- I wanted to
5 kind of, just like I said, calm her down. My intention was
6 her health, her wellbeing. You know, I -- I'd only known her
7 for about, maybe -- let's see.

8 This was the end of August. It was August 28th,
9 2013. It could have been the 29th because it was after 12:00,
10 so it was probably more like the 29th. And I think, when did
11 we start -- we started dating, I think it was maybe about a
12 month that we had known each other and, you know, I can't
13 really -- I think it was probably within a month prior to
14 that.

15 So -- so, anyways, I -- I had already -- by the way,
16 school had already started. I -- I'm not sure. Let's see,
17 August, I think it was early August when school had started
18 this year. I think it was in 2013, I'm not sure, but I'm just
19 guessing on this, it could have been around August 12th,
20 approximation. I think it was the middle of August, so this
21 would have been, like, two weeks into school.

22 So she had been attending school and I had been
23 attending work. I had been going to work. I just started my
24 job. And, so, anyways, this night had happened, she came to
25 stay with me. So that following morning I went to work.

1 During my lunch break and stuff I'd call her and text and say,
2 "hey, are you okay?" She had her phone. I can't remember if
3 I texted her. I think I texted her. She said she didn't use
4 her phone, but I believe that I texted her, might have been on
5 the computer. I'm not sure. But I know that I had -- I
6 inquired on whether she was okay or not. And she said
7 everything was okay.

8 So my work day had finished. I went home and we had
9 discussed -- I said, "are you okay?" She said she's okay,
10 she's feeling [inaudible]. So I'm sensing that she's starting
11 to calm down. Again, this was never intended to be two
12 months. I mean, this lasts two months and I'm going to get
13 into that whole time period.

14 So now we're into the two-month time period is about
15 ready to begin. She's -- she's now at my home. I'm concerned
16 about her and, you know, like I said, I'm still thinking in my
17 mind, you know, should I call somebody? Should I take her to
18 the hospital? And I'm sensing from her that she's a very --
19 very sensitive person, very, very, very sensitive person.

20 So she's the type of person, what I perceived, as
21 someone you don't want to force or push to do something. And,
22 so, you know, I'm trying to navigate through this carefully.
23 So she's staying there and she has her clothes there. Again,
24 I just want to say -- I didn't tell her, you know, to bring a
25 whole sack full of clothes, whatever.

1 We've seen pictures of clothes and stuff. I didn't
2 tell her to bring all those things. That was up to her. I
3 didn't ask her to -- you know, only thing I did ask her --
4 again, I'll state it again, to bring the Social Security card
5 and birth certificate and that was for the purpose in case of
6 an emergency. Let me see.

7 The other thing was -- now, the next question that
8 came up in my mind was the issue of school because school had
9 started and, like I said, it was never meant to be an intended
10 long stay. I wanted her to go to school. So I wasn't sure --
11 you know, at some point, I was expecting her to go back to her
12 -- her mom, you know, so, but I wanted her to make that
13 decision.

14 I didn't want her to perceive that I'm trying to
15 force her because we had just started a relationship and as
16 she's -- she does have -- what I sense, she is a very, very,
17 very emotional, young lady. So, like I said, I didn't want to
18 -- she's already threatening to kill herself, I don't want to,
19 like, you know, push too much. I wanted her to make that
20 decision so that she felt comfortable with it. And I wanted
21 to be sensitive about it. I'm not saying I did the right
22 thing, but I wanted to be sensitive about it. Okay.

23 Now, as -- as time is going by, I asked her, I said,
24 "well, do you want me to take you home?" She would say, "I am
25 home." So I was starting to think, well, now she's starting

1 to get a little too comfortable. And, again, I just want to
2 stop and make a comment. I'm not trying to blame Jaysenia for
3 anything in this --

4 MS. BLUTH: Judge, I'm going to object to him -- I
5 understand he has to do a narrative, but it still has to be
6 relevant and it can't be what he's trying or not trying to do.

7 THE COURT: I agree with the State.

8 MR. SPROWSON: Okay. All right. So, anyways, at
9 this point, so, I'm asking her, "do you want me to take you
10 home?" She says, "I am home." Okay. Then, there are other
11 occasions where I would drive her by her house hoping that
12 she'd say, hey, take me home, this was my home. That she'd
13 say, you know, I'm ready to go home. You know, driving by her
14 house, hope she starts missing her home.

15 I showed her how to get home. Keep in mind, she
16 worked at the Omelet House. She only lived 1.7 miles from
17 where I lived. When I drove by her house, I said, "look, this
18 is how you get home if you want to go home when I'm at work."
19 I purposely showed her how to get home and, again, with an
20 expectation that maybe she would go home. Again, I'm trying
21 to be sensitive with this. Let's see.

22 Time is going by. Now it's starting to get into a
23 week, two weeks, she's still there. I did not sense that she
24 was feeling abandoned or anything like that. You know, I -- I
25 did -- I would go shopping. I'd buy -- there was food there.

1 Some of it was frozen, yeah, because from what I recollect,
2 she -- she didn't really know how to cook too many things, so,
3 I wanted to have things at the house that she could make. You
4 know, I had a microwave. You put it in the microwave 30
5 seconds, three minutes. It's not a very hard, complex thing
6 to do. So one of my concerns was that she was eating.

7 She had food. There were vegetables there. There
8 was fruit there. I like vegetables. I like fruit. And, you
9 know, I did cook on several occasions when I would come home.
10 I would go shopping and buy food. Again, this was not with an
11 expectation of long-term stay. This was just, look, from day
12 to day you got to have food, you got to have stuff in the
13 house. Those things were provided for myself and for the
14 young lady. Let's see.

15 The issue of alcohol came up. I like to drink beer.
16 I like to have a wine cooler. Sometimes I like to have a shot
17 of whiskey. I had these things at my house and on occasion on
18 weekends I like to drink, I like to have a beer. Some people
19 do. Some people don't. It's a matter of preference.

20 So, anyways, two occasions she had drank some
21 alcohol. I had some wine coolers. She drank a wine cooler.
22 This was not with my approval, okay? Another occasion she had
23 drank some whiskey. Again, this was not with my approval.
24 And both times I did get upset with her. I said, look, you
25 know, at some point, you know, I'm -- this is my thought

1 process. At some point she's got to go home, but at the same
2 time I don't want to push her, but now, you know, she's doing
3 things that I know should not be done and not with my
4 approval. So as far as the alcohol thing, I did admonish her,
5 "look, you know, I don't want you drinking my alcohol," okay?

6 Now, on one of the occasions or maybe two -- now, I
7 had started this narrative with the fact that my brother came
8 to visit me. He left these -- these heavy sweaters, ROTC.
9 You know, he's in the Army. He's retired. He's teaching
10 ROTC. He brought all of this stuff with him during his visit.
11 And, so, I had given to Jaysenia a lot of these things. I
12 said, "I have them in my closet." I said, "pick what you
13 want."

14 Now, keep in mind, this time period it's starting to
15 get a little bit chilly at night. I believe it's -- I don't
16 know, it's like getting -- I don't know. Some of the nights
17 were kind of chilly from what I recollect and we were going on
18 drives at night and we were going on drives during the day.
19 So I suggested that -- you know, I had given her some of those
20 sweaters. So there was a couple of times I said, "why don't
21 you wear the sweaters?"

22 And, you know, also, I had baseball caps. Now, this
23 was not intended for her to be hiding or concealing herself
24 from anybody. This was to keep her a little bit warm. I,
25 also, I had a jacket. I don't think she had a jacket. I

1 don't think she brought a jacket with her from what I
2 recollect in the clothing and stuff that she brought. I don't
3 think there was a jacket, so -- so I had those sweaters. I
4 gave her some of them and on a couple of occasions she wore
5 those sweaters and she did wear the baseball cap. I wore the
6 baseball caps. They were kind of cool. They were brand new.
7 They said "ROTC" on them. Okay.

8 So more time is going by now. So, at this point,
9 I'm starting to get a little upset and, so, I get upset with
10 her. I said, "look," you know -- you know, "you're going to
11 have to go home at some point." And keep in mind, when she
12 was there, I have Internet access, okay? I have a TV. A lot
13 of times I would observe -- when I would come home I would be
14 tired from work, I'd watch TV. She would be on the Internet,
15 okay?

16 She played games on the Internet. I saw this. She
17 played games on the Internet. She did a few other things on
18 the Internet. Looking, shopping, different -- different web
19 sites and things like that. The reason why I'm bringing this
20 up and the relevance of this is there was one occasion where I
21 came home and she was talking with somebody on the computer.

22 And I said, "well, you know, who are you talking
23 to?" So I looked over and I noticed that she's talking to an
24 older man. So here I am. I get upset. Here I am. She's
25 talking to an older man. She's at my house. What's going on?

1 So I'm getting jealous. I'm getting upset because, you know,
2 I'm starting to think, hey, you know, you're not wanting to
3 kill yourself. This is a good time that I can -- you know
4 what? Now I get really upset. You got to go home. Pack your
5 stuff up. You're going home. Okay?

6 So she does. She packs her stuff up. She's
7 teary-eyed. I get teary-eyed. We get emotional. Bottom line
8 is, you know, we resolve -- okay, you know what? I don't want
9 to push you. I don't want you to get upset. She ended up
10 staying. Okay. Time goes by. Again, I'm trying to keep this
11 in a chronological order. Okay.

12 There -- there was one occasion where I -- I believe
13 this may have been a month into it -- I'm not exactly sure.
14 Like I said, this was three years ago -- where an investigator
15 came by the house and he knocks on the door, I answered the
16 door, and he asked for Jaysenia. Well, I'm thinking to
17 myself, you know, it's been a while, I -- I don't want to get
18 in trouble. I'm thinking, you know, I'm going to have to take
19 her back home and, you know, at some point, she's -- she's got
20 to go home.

21 And he asks me, he goes, "hey, have you seen
22 Jaysenia?" So, you know, at -- at this point, I don't want to
23 get in trouble. I'll be honest with you. I don't want to get
24 in trouble. I'm thinking, hey, you know what? You know, this
25 is -- this is -- if there's an investigator showing up, maybe

1 there's something going on.

2 So I said -- you know, I don't want to get in
3 trouble, so I tell "him, no, I don't know where she's at,
4 she's not here." Okay. So he leaves, closes the door. I
5 tell Jaysenia, you know, "look, now there's an investigator
6 looking for you." And I'm -- I'm not sure if I have the right
7 time period on this. I know there was -- that came after.

8 So, anyways, so, after he leaves, I tell her, you
9 know, again -- again, I'm insisting that she goes home. And
10 keeping in mind just the -- the emotional issues with her.
11 Now, I know that at this point, you know, this is something
12 that now it's -- it's already a month into it, you know? And
13 this is why I'm saying that I'm thinking that, well, hey, I
14 don't want to get into trouble because she's already been here
15 a month. I've been insisting that she go home. I don't want
16 to push the issue because, you know, I -- I -- for one, I
17 don't want to get in, two -- and, for two, I don't want her to
18 end up hurting herself as she already threatened to do.

19 So I tell her, look, you know, an investigator
20 showed up. She had run -- run upstairs at this time when he
21 knocked on the door and when I answered it. And, so, I don't
22 know if she heard the conversation or not, but, again, I did
23 tell the individual, "I don't know where she's at, she's not
24 here." I didn't want to get in trouble. That was my
25 intention.

1 So, again, now things are starting to get a little
2 bit -- a little bit more, how can I say, concerning for me
3 because now you've got an investigator coming, she's already
4 threatened to kill herself, so what do I do? How do I handle
5 this? I don't always make the best decisions, so I'm -- I'm
6 trying to figure this out for myself. What am I going to do
7 with this situation?

8 So more time comes by. Again, I'm -- I'm kind of
9 fast forward a little bit. There was an occasion when -- I
10 believe, I don't know if it was a Detective Gates from
11 Henderson Police? I believe that's who he was, Detective
12 Gates, but, anyway, it was an individual -- the individual
13 that was here. He also inquires about her and I lied to him.
14 I lied to him. I said, "I don't know where she's at."

15 And, again, I don't want to get in trouble. At this
16 point I'm thinking, you know, now I'm going to get in trouble.
17 She's been here a while, you know, what do I do? I'm caught
18 between kind of a catch-22 here. I don't want her to hurt
19 herself. At the same time, I don't want to get in trouble,
20 you know? So what do I do?

21 So I lie to him. I say, "hey, you know what? I
22 don't know where she's at," you know what I mean? He asked
23 me, I believe -- I don't know if it was Gates or the other --
24 I think it was Gates. He asked me about the \$150. I said,
25 "well, you know, I gave her a loan, she was supposed to pay it

1 back." You know, I knew she had a job. I -- I lied to him
2 about that.

3 So I think he goes and -- trying to remember if
4 there was another investigator. I think after Gates, I think
5 there was another investigator, he had called me. I can't
6 remember if it was from Henderson. And he had, also, inquired
7 about her. And, again, like I said, I'm -- I'm in a
8 predicament here that I'm not sure how to get out of. I don't
9 want her to hurt herself.

10 I don't want her to kill herself and at the same
11 time, I don't want to get in trouble, but now I'm already into
12 it. This is already a month -- probably a month and a half
13 into the whole scenario. I'm insisting that she go home. I
14 don't want to force her because she's a very sensitive, young
15 lady. My concern for her is that, you know, if I do force
16 her, you know, something may happen to her, you know?

17 And, so, at some point -- and, again, I'm just going
18 to go over the police incidents and I may go back to some of
19 the stuff. I'm just trying to recollect everything because
20 there's a lot of stuff that happened over that two-month
21 period of time. So I'm going to try to just discuss the
22 police stuff.

23 So, at some point, I believe it was -- I think it
24 was Officer Abbott that came to Wengert Elementary and he
25 asked to interview me. And, again, he asked me, he's, like,

1 hey, you know -- or wait a minute. Let me back up. I don't
2 know if it was the investigator or if it was Gates that gave
3 me -- there was a missing children's flyer that was given to
4 me. I think it was either Gates or the investigator, I can't
5 recollect which one it was, but, at some point, this missing
6 -- missing flyer was given to me and I had brought it home and
7 I showed it to her.

8 I said, "look, you know, your mom is looking for
9 you." We looked on the Internet because I think there was a
10 website or something on there. I can't remember. We looked
11 on the Internet. I said, "look, your mom is looking" --
12 here's -- here's -- I'm starting to get hopeful now because
13 I'm thinking, hey, you know, maybe she's going to go home at
14 this point. And, again, not trying to blame anybody.

15 So I'm getting hopeful that, you know, this is going
16 to persuade her to go home. And now I'm going to speed it
17 back up to when Abbott got involved. I just wanted to make
18 sure I don't forget the missing flyer because that -- I did
19 have that on my counter, they did find it there, I did bring
20 it home and I did show it to her and I was hopeful that this
21 would be the persuading factor that she would go home.

22 So I think Abbott -- when Abbott comes and visits
23 me, he asks me the same thing. I'm, like, you know what? I
24 don't want to get in trouble. I'm thinking at this point I'm
25 going to have to take this young lady home whether she wants

1 to or not. She has got to go home because now the police are
2 inquiring at my work, I've got to take this young lady home.

3 So I lie to him. I say, "no, I don't know where
4 she's at." And the only reason I lied to him is -- well, for
5 two reasons. One, I didn't want to get in trouble and, for
6 two, is you know what? This -- this is now -- this is the --
7 the cake -- the icing on the cake. She has got to go home.
8 She has got to go home.

9 And, so, I believe that this was on October 31st.
10 This was Halloween. And I can't remember the other officer.
11 I think -- was it -- I think it was Platt. It was Abbott and
12 Platt. I can't remember which officer it was, but it was
13 Abbott with another officer. And I came home that day, this
14 was Halloween, and I said, "look, this -- this is the final
15 straw, you have got to go home."

16 So we had had a discussion, and I said, "I'm going
17 to take you home this weekend." I said, "today's Halloween,
18 I'm going to take you home this weekend." Well, unfortunately
19 for me, the next day was November 1st and November 1st,
20 Officer Abbott, while I was at work, had came to my residence
21 and through whatever means discovered Jaysenia at my
22 residence.

23 Now, I'm going to back up just a little bit cause
24 there's something very significant that has to be said because
25 I'm almost at the tail end of my presentation. So that night

1 before I go to work on November 1st -- and I find this in
2 retrospect very interesting -- Jaysenia tells me about a
3 nightmare. She tells me about a nightmare that she had that
4 night. And I said -- she's telling me, you know what? Don't
5 go to work, stay here with me. I said, "why?" She said, "I
6 had a nightmare that the police are going to find me." I
7 said, "you know what? It's okay. I'm going to take you home
8 this weekend anyway, don't worry about it. It's going to be
9 fine," you know? I said, you know, "I'm taking you home this
10 weekend, don't worry about it."

11 And she was really adamant -- this is my impression.
12 I'm just telling my impressions. She was really adamant about
13 being found and she did not want to be discovered, and this
14 was my impression. So, like, again, I said, "don't worry
15 about it." And I just kind of -- before I go on in the rest
16 of this, I want to kind of back up a little bit. Like I said,
17 I've had to take notes because there's a whole lot of
18 information. I'm trying to compress a two-month period of
19 time in -- in a short period of time here.

20 One of the things that came up in our conversations
21 -- and I'm going to be careful in this. One of the things
22 that came up in our conversation that we had was that she had
23 previously been attending therapy and this had been ongoing
24 for two years. She had been receiving counseling and I don't
25 know what exactly the reasons were. I do believe it was

1 something with maybe anxiety or something like that.

2 I'm not exactly sure what she was receiving therapy
3 for, but there was already some ongoing therapy prior to
4 meeting me. There was already some ongoing counseling prior
5 to meeting me and this was one of the factors that really,
6 really lead me to not be too forceful and to compel her to go
7 home. You know, my whole intention was to calm her down, make
8 sure she's okay. I don't want her to kill herself. You know,
9 I mean, like I said, I've had people tell me that before. You
10 don't know when a person is going to actually do it.

11 And, so, like I said, another thing, you got to keep
12 in mind this is someone that I care about, this is someone
13 that I'm developing a relationship with, this is someone that
14 I'm involved with, so it's just -- it's a little bit more than
15 just a -- a passing, hey, you're going to kill yourself, not
16 kill yourself. I'm a person that is actually involved with
17 her and cares about her and wants -- I should say -- is
18 concerned about her wellbeing, okay?

19 Now, I'm just laying this all out before you
20 because, you know, ultimately I probably should have taken her
21 to the hospital. I probably should have brought it to
22 somebody's attention, but I thought that it would be a little
23 bit wiser just to try to calm her down myself, try to do it
24 myself. Since I was her boyfriend I figured she'd listen to
25 me, you know? And that this would be something passing.

1 She would go back to her mom, it would be resolved
2 and, at some point, you know, I actually wanted to meet her
3 mother. But, again, think about it. I'm 44, she's 16, ah,
4 you know, some people may be not so accepting of that type of
5 situation. So, again, I was kind of reluctant, so to say, to
6 kind of -- I don't know -- say, hey, mom, you know, hey, you
7 know, I want to date your daughter, and so on and so forth.
8 So, you know, it was kind of a touchy situation I had to go
9 about that. So a lot of these things I was trying to navigate
10 through and had to deal with. But, okay, so I'm going to try
11 to go back now to -- I just wanted to mention that because
12 it's very important.

13 MS. BLUTH: Judge, objection, in regards to his
14 narrative about why he's mentioning certain things.

15 MR. SPROWSON: Okay. Sorry. Anyways --

16 THE COURT: I agree. Sustained.

17 MR. SPROWSON: -- going back to November 1st. So
18 November 1st -- let's see. Who shows up? I believe it's
19 Officer Abbott again and I think Maciszak, Officer Abbott and
20 Maciszak show up at my work, Wengert Elementary, and, again,
21 they ask me questions about Jaysenia, you know, and he's
22 already asked me about -- questions about Jaysenia the day
23 before.

24 Now, you all heard that conversation, so I really
25 don't need to go into too much detail. You've already heard

1 firsthand what that conversation was about. I did not tell
2 those officers the truth. Again, I did not want to get into
3 trouble and I was already planning on taking her home that
4 weekend. This was Friday, by the way. Halloween was a
5 Thursday. This was a Friday. And it was that weekend that I
6 was going to take her home. I was not going to take no for an
7 answer.

8 Unfortunately, we didn't get to the weekend.
9 Unfortunately, I got arrested on November 1st. And, so, I'm
10 going to get into a little bit more because there's some other
11 things that happened after that. So November 1st I get
12 arrested. I'm six months in jail. I bail out. I get out of
13 this state as fast as I can. I mean, I'm stressing because
14 this was like -- this is, like, a very, very, very stressful
15 time in my life. I was emotionally upset. I flee to my
16 brother in Oklahoma and now I'm [inaudible] because there's a
17 situation with Mr. Patel's testimony today and I'm going to
18 get into a little bit of that as much as possible.

19 So I -- I flee to Oklahoma with my brother now, and
20 I believe this was around -- see, I got arrested on November
21 1st, so six months. It was around maybe May 2nd or so. So
22 Judge Miley granted me a bail reduction. I bailed out. There
23 were no conditions at this time. I had mentioned this
24 previously -- earlier. There were no conditions on my bail,
25 so I left the state. I paid my bail in full. Went to

1 Oklahoma, stayed with my brother.

2 Now, my brother is a divorced parent. He has kids.
3 He has three. All of them at that time were minors, okay? So
4 when I first get there, you know, his kids are there. They're
5 visiting. You know, we eat pizza. Good time, whatever,
6 everything is fine. Well, I think about a week into it -- at
7 this time, I had obtained an attorney by the name of John
8 Momot and Momot was representing me. He's the one that helped
9 me get the bail reduction, he filed the paperwork, et cetera,
10 et cetera, et cetera.

11 And the reason why I'm mentioning Momot because I
12 get a phone call from John Momot probably about a week, week
13 half into it. I'm not exactly what the time period was. I'm
14 approximating here. So he calls me and says, "well, hey,
15 guess what?" I said, "what?" You got -- you got conditions
16 on your bail. I said, "really?" I said, "is that even
17 legal?" I said, "when I got my bail there was no conditions
18 on my bail."

19 So I'm thinking, like, well, you know, this is kind
20 of fishy, so, but, you know, I wanted to do the right thing.
21 I did the right thing. So the conditions were thus: I had to
22 surrender my passport. Well, when they went into my home, for
23 some reason, my passport came up missing. I don't know where
24 it went. I'm not even trying to find out. So I didn't have
25 to worry about that. I wrote something -- he said, "well,

1 you're going to have to write something up about that." So I
2 wrote a letter. I sent it to him. I don't have my passport.

3 Second condition was not to get on the Internet,
4 okay? Third condition, you're not allowed to be around minors
5 because of your charges. I said, "okay, that's great." Now
6 what am I going to do? My brother has his kids coming over
7 every other weekend. So this is where the motel thing comes
8 in. And as you see, he -- he testified. I spent a great deal
9 of time at this motel on weekends trying to adhere to those
10 conditions.

11 There were many days when I spent the weekends in my
12 car. Park it at a Walmart. Park it at a park, wherever I
13 could. Lawton is -- it's kind of -- it's not a big town.
14 It's not a small town because it's connected to a military
15 base, Fort Sill. So the area is large because the military
16 base is there. You have a lot of military families, so on and
17 so forth, that are in this area. There's parks. It's -- you
18 know, this is -- they have -- they have a lot -- a lot of
19 stuff in this particular area.

20 So far as -- the reason why I'm -- this is relevant
21 is because, you know, I would go to different wilderness
22 areas, I'd park, or I'd go to a Walmart or I'd go to Food for
23 Less. They had, you know, big, huge parking lots, so, you
24 know, I'd spend my time there. And I did this and the reason
25 why I'm -- I'm bringing this up is because I did this to

1 adhere to their conditions.

2 So one of the nights I'm spending -- this is --
3 there was a week that I had to rent the motel for a week
4 because my kids -- my brother's kids, my nephews and niece
5 were on Christmas break. This is about the right time,
6 January. Yeah, they were on Christmas break. So my brother
7 says, well, you know, you're going to have to be out of the
8 house for a week if you're going to meet those conditions. So
9 as you've seen, I spent that week at that motel. I was not at
10 my brother's house. Adhering to the State's conditions, to
11 the bail conditions.

12 So during this time, you know, it's New Year's, it's
13 Christmas, and I'm here at the motel. I don't have my family.
14 I'm by myself. So there's -- there's a little bar down the
15 street. I go there, drink a few drinks. I meet somebody, and
16 this person comes back to -- to the room with me and spends
17 some time with me, and I had disclosed to this individual
18 everything that was going on.

19 I had no one to talk to. I was really, really
20 emotionally distraught extremely because I had no one to talk
21 to about these things, you know, that -- that had happened.
22 You know, I -- I've never been in jail my entire life and I
23 just spent six months in the Clark County Detention Center.
24 You know, it's -- it's --

25 MS. BLUTH: Objection. Relevance.

1 MR. SPROWSON: Well, anyways -- relevance, I'm just
2 kind of going on to the experience. So, anyways, getting back
3 to the motel, getting back to the motel. So, anyways, so I
4 spill my guts to this individual and I give them a lot of
5 details of what had happened. Now, the weekend -- the week is
6 over. Oh, there's something I have to mention.

7 So one of the nights that I was with this individual
8 because they weren't -- they weren't actually stay -- they
9 weren't on the -- they weren't supposed to be there. They
10 were just in the room with me spending time with me because,
11 you know, I was there for a week so I wasn't -- so they were
12 spending time with me. I had met this individual at the bar
13 and I was venting, so to say.

14 So let me just kind of speed it up. So I'm -- I'm
15 telling them everything that's going on, all the information
16 that I had, and one of the limitations that I had was the
17 Internet connection. Now, you might find this kind of a
18 little farfetched, but I had actually -- since I don't have
19 Internet, I'm not allowed to get on the Internet, you know, I
20 -- I needed to access email and things like that. I had
21 important things -- my bank account was on the email -- I
22 mean, online. I had online everything.

23 So I had given this individual my -- my password and
24 my user name for a lot of different things and I asked them --
25 and this was after I'd become acquainted, this is a couple

1 days into it so I felt safe with this individual. So I gave
2 them this -- only two people had this information was my
3 brother and this individual.

4 So that day -- I should say one of the days -- and I
5 have to kind of describe -- Oklahoma is -- is an area where
6 this is January, December, January time, so you get snow and
7 ice. It gets very, very cold, and if you're driving on the
8 road, the roads ice up. So I have a Mustang, as you saw. My
9 -- my tires on my Mustang, those are not weather tires. Those
10 are raceway tires. So when you're on the road with ice,
11 you're doing this [indicating].

12 So I believe that -- that one of the evenings I had
13 to go out and I had to -- I was wanting to get some food. We
14 were hungry, so I said, "you know what? Let me go get some
15 food, I'll come right back." So I go out, I'm in my car, I'm
16 on the ice and I end up smacking into a curb. I had to -- had
17 to replace one of the tires. I didn't have a spare tire. My
18 -- my Mustang doesn't have -- it doesn't have -- you know,
19 nowadays they don't have those regular spare tires. You got
20 those little doughnut tires and that thing was -- was not
21 functioning properly, so I had to go and try to find a tire.

22 So this -- the reason why I'm bringing this up
23 because this took a long period of time to accomplish. So,
24 anyways, I get the tire fixed and I go back to the motel to
25 where the person that was staying with me was and they were

1 kind of upset. You know, I was thinking, like, hey, you know,
2 it's been a long time, you know, [inaudible] hungry, whatever.

3 So I come back. I bring the food and I explain to
4 them what happened and, you know, she's upset, so she leaves.
5 Now I'm thinking, again, you know, what is it? Because I was
6 late? Whatever. So, at this point, that's kind of the end of
7 it with the motel things. So I go back to my brother's.

8 And, then, again, Mr. Momot is my attorney still and
9 he gives me a phone call. I get a phone call from him and he
10 says, "hey, are you contacting the alleged victim?" And I'm,
11 like, no. Why? He said, "well, someone said that you were
12 contacting the alleged victim through Instagram." I said,
13 "really?"

14 So, anyways, without getting into the conversation
15 that my attorney at that time had with me, we -- we had talked
16 about it. I disclosed to him and, at some point, I had to
17 come back here to Nevada --

18 THE COURT: Mr. Sprowson, is there a place we can
19 stop for a second? Some of the jurors need to use the
20 restroom.

21 MR. SPROWSON: Oh. Okay. I need to, too.

22 THE COURT: Are you at a stopping point?

23 MR. SPROWSON: I'm almost ready to wrap it up. Just
24 can you -- well, I mean, if you need to take a break or --

25 THE COURT: I don't want you to stop in the middle

1 of anything.

2 MR. SPROWSON: I'm almost -- I'm almost at the end.
3 Give me, like, five, six minutes. I don't know if they want
4 to start their cross right away or --

5 MS. BLUTH: Oh, no. Whatever -- whatever everybody
6 wants. I'm here.

7 THE COURT: Okay. So I don't know who needs the
8 break. Can you wait five more minutes? Okay. Mr. Sprowson,
9 you want to continue.

10 MR. SPROWSON: Okay. Just five more minutes. I'm
11 going to wrap it up, so, I got to go to the bathroom, too.
12 So, anyways, so just to kind of wrap it up, so I -- it's what
13 they call a remand. So it's a remand hearing because one of
14 the conditions was you're not allowed to contact the victim.
15 So I did not contact the victim.

16 So, anyways, I rush back here to Nevada. I'm
17 remanded. I have a hearing. It's a remand hearing and this
18 may -- well, I have a remand hearing and I end up getting
19 remanded and that means that you are now back in jail. And,
20 so, I'm going to close it right there with that remand, and I
21 guess we're going to take our break.

22 THE COURT: We're going to take our break. Ladies
23 and gentlemen of the jury, okay, come back in about ten
24 minutes, so come back at 3:50. Don't talk about the case.
25 Don't research the case. Don't form or express an opinion on

1 this case. Please we'll see you very shortly.

2 (The jury recessed at 3:38 p.m.)

3 THE COURT: Yes, sir.

4 MR. SPROWSON: Can I just review and make sure I
5 have everything --

6 THE COURT: Yes.

7 MR. SPROWSON: -- before they start their cross? I
8 want to make sure I covered everything.

9 THE COURT: Yeah. Yes. Don't go off quite yet.
10 All right. Now that the jury is out of the room, Mr.
11 Sprowson, this is for both you and the State, I received two
12 questions from jurors and they actually came up during other
13 witnesses' questions, but it's really directed to you. So I
14 need to show them to you and the State to see if there are --

15 MR. SPROWSON: You want me to step down or --

16 THE COURT: Yeah, you want to come over here? I can
17 show them to you. Some of it I think he kind of touched on,
18 actually.

19 MR. SPROWSON: Did you want us to answer this or --

20 THE COURT: I can answer them.

21 MR. SPROWSON: Okay.

22 THE COURT: I don't see -- I think you actually
23 touched on the subject.

24 MR. SPROWSON: Oh. Yeah, I -- I think I addressed
25 that. Was this earlier or --

1 THE COURT: No, that was actually received probably
2 after Jaysenia left the stand.

3 MR. SPROWSON: Okay. I don't know if I already
4 answered that, but I can address that again.

5 THE COURT: Is there any objection by the State?

6 MR. SPROWSON: [Inaudible] have an objection?

7 MS. BLUTH: In regards to [inaudible] for the drugs.

8 MR. SPROWSON: The age [inaudible].

9 MS. BLUTH: I thought he talked already, but I don't
10 have any objection to him.

11 MR. SPROWSON: I can just reiterate it.

12 MR. SWEETIN: [Inaudible] any objection.

13 THE COURT: Okay.

14 MR. SPROWSON: All right.

15 THE COURT: I'll just ask you the questions, that
16 way they can make a record that they've been asked and, then,
17 they're marked because they're court exhibits.

18 MR. SPROWSON: Okay.

19 THE COURT: It means they don't go back to the jury,
20 they just stay in the court record, okay? Is there anything
21 else we need to address?

22 MS. BLUTH: No, Your Honor.

23 MR. SPROWSON: Just need to use the restroom, if I
24 can.

25 THE COURT: We'll see you guys in a second.

1 (The Court recessed at 3:41 p.m. until 3:53 p.m.)

2 (Outside the presence of the jury.)

3 MR. SPROWSON: Your Honor, I actually forgot, like,
4 three or four different things.

5 THE COURT: That's fine. And, then, I'll ask you
6 those two questions, okay?

7 THE RECORDER: I'm on the record.

8 THE COURT: Okay. Let's bring the jury back.

9 (In the presence of the jury.)

10 THE COURT: Ms. Bluth, Mr. Sprowson had a few more
11 things on his direct.

12 MS. BLUTH: Oh. Okay.

13 THE COURT: Mr. Sprowson [inaudible]. All right.
14 Mr. Sprowson, please continue.

15 DIRECT EXAMINATION, resumed

16 MR. SPROWSON: Yeah, I had -- I had -- like I said,
17 I forgot a few things that I wanted to discuss. I was kind of
18 jumping around a little bit. I was trying to go in a
19 chronological order. Couple issues, there's two main issues
20 that I wanted to get into. There's an issue of the school
21 thing. My intentions for her were always to go to school. I
22 never bought her books. I bought her crayon books, I think
23 one or two. Her stay was never meant to be long term so
24 that's what I -- I always intended her to go back to her mom
25 and to actually attend school.

1 I never intended for her to be missing school for
2 that long period of time and that's why I never bought her any
3 school supplies or anything like that because, you know, my
4 intention was not for her to be home schooled or anything like
5 that. I just wanted to just bring that up because that was an
6 issue.

7 The other thing is, and I totally forgot about this,
8 there was an issue of those pictures. Now, how did that come
9 about? There was a -- during one of our communications, I
10 believe it was through KIK or -- I don't believe it was
11 through email. I do believe it was through KIK. And, again,
12 just for you that don't know what KIK is, it's an application.
13 It's kind of like a messaging application where you can talk
14 back and forth and I think you use -- it's on your phone, you
15 know, through the Internet. You just -- you -- you access
16 KIK, you have a user name, password, you go in there and,
17 then, you can communicate with different users. That's how
18 KIK operates. So this is one of the ways that we actually
19 communicated.

20 Now, there was an occasion that Jaysenia had brought
21 to my attention. She asked me -- you know, this is already --
22 we've already been familiar with each other, we've been
23 talking for a while and she asks me if I wanted a breast
24 picture. And, you know, at this time she was my girlfriend
25 and I -- I said, "where did you get the breast picture?" And

1 I -- I can't really -- let's see, how can I frame this?

2 Anyways, she -- she asked me if I wanted a breast
3 picture. I agreed to it. This was not a picture that I had
4 asked for. This is not a picture that -- how can I say it? I
5 didn't know how old this picture was. Let me just say that.
6 I don't know if she had previously taken it, but this was not
7 something at my request. This was something that she asked me
8 if I wanted. I agreed to it. She sent me the picture. It
9 was a breast picture. I said, "okay."

10 Then, our conversation continued. And as you
11 noticed in the pictures, they're not -- some of those pictures
12 you can see she's wearing different things. They were not on
13 different -- they were not all on the same day. They were on
14 different days. Some of those pictures she already had.
15 These were not pictures at my request and she testified to
16 that.

17 MS. BLUTH: Objection.

18 MR. SPROWSON: Well, she already had. She already
19 had.

20 MS. BLUTH: Objection, that misstates her testimony.
21 That was not her testimony at all. She stated she never had
22 those photos before him.

23 THE COURT: Your objection is sustained. I do
24 believe that misstates the testimony.

25 MR. SPROWSON: Well, what --

1 THE COURT: You can testify to what you know, but I
2 believe that it misstates what she --

3 MR. SPROWSON: Okay. Well, what I know --

4 THE COURT: -- has already testified to.

5 MR. SPROWSON: Well, what I know is that those --
6 those pictures were not at my request. I don't know if she
7 had them -- how old -- how can I say it? I don't know how old
8 those pictures were. And I'm not talking about all of them.
9 I'm only talking about some of them, okay? Particularly, the
10 breast picture.

11 Now, there came a point where she asked me, you
12 know, what kind of poses do you like? So I told her. And, of
13 course, she took some pictures. Now, in some of those
14 pictures she told -- well, in some of those pictures I know
15 they were brand new underwear and she had taken pictures of
16 certain poses with those brand new underwear.

17 So that's how that whole scenario came about. This
18 was not something that I said, hey, you know, I want you to do
19 this for me, do that for me, do this for me. She asked me,
20 "what poses do you like?" I said, "hey, this is what I like.
21 This is what I like." And I will tell you something. There
22 are two nude photos. I said, "hey, you know what? Can you
23 send me two nude photos?" She sent me two nude photos. I
24 believe the picture where she's in the mirror. I asked for
25 those. Those nude photos I asked for.

1 The rest of them, that was a question of what do you
2 like? This is what I like. This was not some kind of
3 direction that I gave her. This was something that I said
4 this is the kind of pose I like. And she took pictures and,
5 then, eventually gave them to me.

6 I just want to make sure that I've covered
7 everything before I close out my direct examination of myself.
8 I don't believe -- if I touched upon this, but, there were
9 several occasions where I got upset at her and we got upset at
10 each other. I touched on a few of those. They were different
11 scenarios. They weren't all the same scenario.

12 I believe I've already touched upon the one when she
13 was on the computer and she was talking with the individual on
14 the computer. I touched on that. There was a couple times
15 where I insisted that she go home. I believe I touched upon
16 that.

17 And I think there was one other occasion -- this
18 only happened, like, three or four times by the way. This was
19 not something that was a regular occurrence, you know. And --
20 and most of the times when these things happened, it was
21 either I was insisting she go home or it was a situation
22 where, like I described, where she was on the computer and
23 talking to someone else. You know, we were supposed to be in
24 a relationship, I felt, but not only that, my concern was,
25 like I already stated, that she was going to hurt herself. So

1 I'm thinking, you know, you need to go home if you're going to
2 be doing that kind of stuff.

3 And, like I said, a couple other times I did get
4 upset at her over -- I believe there was an issue with the
5 dishes. Now, how did the dishes come up? Well, I told her,
6 you know, since you've been here a couple days -- I don't know
7 if it was a week into it or something -- you know, can you
8 help me out, at least wash dishes? You know, I'm cooking.
9 You know, you're here. You know, you're not doing anything.

10 And, like I said, my intention was that she would be
11 going -- at some point would go home. So I said, wait, maybe
12 if I have her do dishes and have her do a few chores, maybe
13 she'll be, like, hey, going back home is not so bad. So I
14 asked her to wash the dishes. And, so, a couple times when I
15 came home, you know, I'm going through the dishes, I'm putting
16 them away and they were dirty. So I said, you know, I -- I
17 confronted her about it. I said, "hey, you know, this is not
18 the way you're supposed to wash dishes." She got upset.

19 You know, she's a very sensitive, young lady. She
20 gets upset very easy. This is one of the reasons why I did
21 not want to push her to go home. And, so, you know, I didn't
22 think it was anything. You know, I'm an older gentleman.
23 She's younger. You know, I'm kind of particular about eating
24 with clean dishes. I don't know about the jury, but, I like
25 to have clean dishes.

1 She didn't have to do much around the house. It
2 wasn't really like I -- I always told her, you don't have to
3 do this, but it would be nice if you helped me out. I think I
4 asked her to wash clothes a couple times. She said she didn't
5 know how to wash clothes. I had a washer and dryer in the
6 garage. I said, "well, you know, let me show you."

7 So I showed her how to -- you know, this is what you
8 got to do. You got to do the settings, put the clothes in
9 there. You know, put the soap in there. You know, all the
10 whole thing, you know, how you wash clothes and how you, you
11 know, put them in the dryer. It's not a very complicated
12 process.

13 She noticed that I ironed my shirts, you know? I'm
14 a teacher. I -- I wore a tie, dress shirt, dress pants. I
15 like to look professional. I like to look nice, whether it's
16 kindergarten or whatever grade. I like to look professional.
17 So, at some point, I even showed her how to iron. I like
18 creases.

19 MS. BLUTH: Judge, I'm going to object as to
20 relevance at this point.

21 MR. SPROWSON: I showed her how to do the creases.
22 Well, I'm just -- these are some of the things that she did
23 around the house.

24 THE COURT: I'll allow a little leeway because I do
25 think it has some relevance to some of the charges against

1 him.

2 MR. SPROWSON: Just some of the things -- yeah.

3 These are some of the things that she did. These were not
4 things that I made her do. Again, she was never -- she was --
5 it was never intended for her to stay there long term, but
6 while she was there I wanted her to occupy her time and do
7 stuff.

8 And, also, there -- since this was brought up.
9 There were a couple times we went out on the patio. This
10 apartment complex, this was really nice. It's not a shabby
11 place. It's very nice. It's got four apartments and each one
12 has a patio. I have a three bedroom with a garage and I have
13 a nice, little patio outside with neighbors around in plain
14 view.

15 On occasion, at least two, we went out on the patio.
16 We sat out there. Just, you know, evening time. Took her on
17 drives to the lakes. We went to drive to the lakes. We
18 looked at houses and stuff. You know, I -- I did these things
19 because I noticed that she was -- she was relaxed. She was --
20 she was happy. She was comfortable, you know, and she -- she
21 was just at peace. That was my perception. You know, we'd go
22 look at houses. You know, how does that look? You know, we'd
23 go drive by the lakes and stuff. It's very relaxing.

24 A couple times I took her to the store with me. I
25 didn't bring her in. I left her in the car. She -- she --

1 she had my phone and she was using my phone. I had Internet
2 connection. I'd go in. I'd do the shopping. Come back out
3 with the food. We'd go back to my house. What else?

4 A couple times, at least, we went to fast food
5 together. El Pollo was one of them. And she had mentioned --
6 I'm trying to remember that one restaurant. It's a Japanese,
7 they had, like, the stir-fry stuff. She used to really like
8 that. So we used to go there, at least, two occasions and we
9 got some of that stuff and we'd bring it back, we'd eat.

10 And, of course, I mean, I was going to work every
11 day. I was going to work every day and, you know, when I
12 would leave, I would be kind of concerned, you know, hoping
13 that everything would be okay with her. Everything seemed
14 fine when I left. She was at peace. She wasn't upset. I --
15 I don't -- at one time at all ever sensed that she was, like,
16 emotionally upset. That's not my perception that I ever got
17 from her.

18 If I had noticed something like that -- remember, my
19 whole concern was her killing herself. You know, if there was
20 anything beyond that that I noticed that she was upset or
21 anything like that, I never noticed it. And, most certainly,
22 if I did, I would have done something about it. I did
23 everything that I possibly could to take care of this young
24 lady while she was at my place and it was never intended to be
25 long term and it was never intended to be two months.

1 I was hoping it would only last maybe that night and
2 she'd go back to her mom and it would be done and over and she
3 wouldn't be threatening to kill herself. You know, I mean,
4 when somebody -- like I said, I think I covered most of it. I
5 just want to review and make sure I've discussed everything
6 that -- there's a lot of things that happened during that
7 time.

8 And, you know, I did have an extensive library at my
9 home and as far as reading and stuff, she -- she did -- she
10 did read my -- I have some educational books. I have some
11 religious books. I have a variety of material at my home.
12 One of the pictures -- they showed you one of the bookcases.
13 That's just a few books. I have another one in my living
14 room. I have a huge bookcase with nothing but books and, you
15 know, several occasions she would be reading these books.

16 I purchased -- there was a series out that she
17 really liked. And, again, I bought these things for her so
18 that she would be at ease and eventually, like, finally say,
19 you know what? It's time to go home. None of the things that
20 I provided for her were meant to be long term. This was --
21 obviously, she's in my care. I'm not going to neglect her.
22 I'm not going to not feed her, you know?

23 And bottom line is, you know, I did everything that
24 I could to take care of this young lady. I was very concerned
25 about her all the time. And one other thing and I think I

1 will close it off, when I was arrested I had several meetings
2 with my attorney and -- trying to see if I can even say this.
3 Let me see. Sorry. I found out that when she got back home
4 to her mother's that she threatened to kill herself. Not
5 threatened to kill herself, but she -- yeah, she threatened to
6 kill herself.

7 This is the very thing that I was hoping that she
8 would not do and this is the very first thing that she tries
9 to do when she gets back home. You know, I don't even know
10 what to say about that, you know? I mean, I think about it
11 now and it just -- I get upset, you know. She actually tried
12 to do that. You know, all I tried to do was care for her, you
13 know?

14 And I don't mind being in jail and I don't mind
15 doing the pain and penalties for what I've had to pay, okay?
16 But know one thing. I cared for this young lady and no matter
17 what happens, I cared for her to the best of my ability and I
18 never, never tried to keep her from her mother and I never,
19 ever, ever wanted her to feel like she couldn't have food or
20 anything that she needed.

21 I'm sorry. I just, you know, I feel bad. I start
22 thinking about that. I just -- I'm sorry.

23 THE COURT: I have two questions for Mr. Sprowson
24 that were presented by the jury.

25 MR. SPROWSON: Yeah.

1 MS. BLUTH: Yes, Your Honor.

2 THE COURT: You want to take a second? There's
3 tissue there, sir, if you need it.

4 MR. SPROWSON: Sorry.

5 THE COURT: Are you ready?

6 MR. SPROWSON: Yeah.

7 THE COURT: All right. Mr. Sprowson, this question
8 is from Juror No. 2, Doug Lentz. Why did the Defendant feel
9 the need to lie about his age of 33-year-old on Craigslist
10 from his actual age of 44?

11 MR. SPROWSON: Okay. On that I -- I think I
12 addressed that. It was a random ad. I just put any number on
13 there. It was a fake ad. I just put whatever. It wasn't
14 meant to be deceptive or anything. I think I addressed that.
15 I just put 34 because I just -- sorry.

16 THE COURT: Okay. And the next one is from Juror
17 No. 10, Joe [Inaudible]. Was there any drug usage? Did the
18 Defendant give her drugs?

19 MR. SPROWSON: No, she never had any drugs. I don't
20 take drugs. I don't use drugs. She doesn't use drugs. She
21 wasn't pimped out. She wasn't drugged. The only thing was
22 there was alcohol there that she got into and I didn't approve
23 of that. You know, that was the only thing.

24 She was, like I said, I tried to take care of her
25 the best of my ability and, you know, I wish I could have

1 talked to the mom. I wish I could have felt comfortable and
2 talked to the mom and say, hey, you know what's going on with
3 your daughter? It just, you know, I was in an awkward
4 situation. I'm 44. She's 16, you know.

5 MS. BLUTH: Judge, I'm going to object. This is
6 non-responsive to the question you asked.

7 MR. SPROWSON: I did -- sorry, I kind of went off on
8 that, sorry, but, no, there were no drugs.

9 THE COURT: Okay. Thank you very much.
10 Cross-examination by the State.

11 MS. BLUTH: Yes.

12 CROSS-EXAMINATION

13 BY MS. BLUTH:

14 Q Mr. Sprowson, how long were you a teacher?

15 A Here in Nevada?

16 Q No. All together.

17 A I think probably about maybe ten years.

18 Q And what age groups did you teach?

19 A Elementary.

20 Q Always the same age or just --

21 A Different ages.

22 Q Okay. So, like, tell me the grades.

23 A I've taught -- when I was here I taught
24 kindergarten. I taught first grade. When I first became a
25 teacher I taught second grade. I taught fourth grade. I

1 taught fifth grade.

2 Q Okay. And when you did your opening statement you
3 said that your -- like, your expertise, your specialization is
4 in children?

5 A Well, it's not --

6 Q Did you say that?

7 A Well, my -- my specialty is not in children. My
8 specialty is in education.

9 Q Okay. So, obviously, as a teacher you know the
10 importance of education?

11 A Absolutely.

12 Q You know -- do you teach your students the
13 importance of listening to their parents?

14 A That's not my responsibility. I teach them --

15 Q Do you teach them that? It's yes or --

16 A No, I -- I don't teach them that.

17 Q Do you teach them and educate them about the
18 importance of continuing to go to school?

19 A No, I don't teach them about that.

20 Q Do you teach them the importance of abstaining from
21 things like drugs and alcohol?

22 A No, I do not teach them about that.

23 Q Do -- are there programs at your school like DARE or
24 things like that that take place in your courtroom -- in your
25 classroom?

1 A Not in my classroom. There -- that would be outside
2 my classroom.

3 Q Do your students go to those types of programs?

4 A I -- you know what? I can't speak for all my
5 students. They may have.

6 Q I'm asking in the ten years you taught students, did
7 you ever --

8 A Not that I know.

9 Q Sorry. You have to wait until I'm done.

10 A Sorry.

11 Q In the ten years that you taught students, none of
12 your children that you worked with ever went through, like,
13 the DARE program?

14 A Not that I know of.

15 Q Do you ever talk to children about, you know, abuse
16 and how to report it, who to report it to?

17 A No.

18 Q Are the children that you work with taught that?

19 A I don't know. I -- there could be people there that
20 do those types of things. Like, they have psychologists, they
21 have counselors at the school. I don't. That's not my --
22 what I do is I teach grade-level standards.

23 Q What's a mandatory reporter?

24 A A mandatory reporter is a person that is mandated to
25 report child abuse.

1 Q Are you a mandatory reporter?

2 A Currently, no.

3 Q Were you a mandatory reporter in 2013?

4 A Yeah, at that time I was, yes.

5 Q Now, did you -- do you know what grooming is? Had
6 you heard about that before you became involved in this case?

7 A Not particularly, no.

8 Q What's your understanding of grooming?

9 A I couldn't really tell you what grooming is.

10 Q When you -- in the ten years that you were teaching,
11 did you have things like parent-teacher conferences?

12 A Yes, we did.

13 Q And would you work with parents in regards to the
14 wellbeing of their children?

15 A No. We would -- I would -- you know, the parent
16 conferences that we would have would be discussing their
17 academic progress, so it was really, more or less, along the
18 lines of the academics. I don't -- I don't get into the
19 behavioral aspect of it, just the academics.

20 Q So if a child is acting out or concerning to you as
21 part of your class, that's not something that you worry about
22 or speak to their parents about?

23 A That would be more of something I would bring to the
24 attention of the principal and, then, there would probably be,
25 like, a conference or something. That may or may not happen

1 at that time period, but most of the time it's an academic
2 time period. You say, look, you know what? This is the
3 progress that your students are making. This is where they
4 need to improve, such and such like that.

5 The situation that you're referring to, if I had a
6 student that was acting out or something like that or
7 misbehaving, one of the things that I would do is we would
8 probably have something in the classroom to deal with that,
9 you know, immediately. You know, like, maybe some positive
10 re-enforcement or something like that.

11 If it got out of hand and it continued, then, I
12 would bring it to the attention of maybe the assistant
13 principal or the principal, and he or she would speak to the
14 student and hopefully that would resolve it. If it went
15 beyond that, then, we would have a parent conference.

16 Q So let's talk about the posts. So you state that
17 the posts that you initially placed on Craigslist said,
18 "Lonely millionaire looking for gold-digging slut." And are
19 you saying that you're -- are you saying that your age, the
20 fake age of 33 was attached to that or wasn't attached to
21 that?

22 A I believe it was 34, and it was part of the title,
23 yes.

24 Q So, like, "Lonely millionaire, age 34, looking for
25 gold-digging slut"?

1 A Yeah, because in the Craigslist --

2 Q You just have to say yes or no. I'm sorry. I don't
3 need an entire answer every time. It's just these are
4 yes-or-no questions.

5 A No. Well, the way that it's filled out, no, it's
6 not attached the way that's filled out.

7 Q Okay. Now, you said that this was just a fake ad.
8 So when you say "fake ad," were you -- were you not expecting
9 to meet people?

10 A No, it was a joke. I was bored.

11 Q Okay. But you met Jaysenia through it?

12 A Well, that was not my expectation, but, you know,
13 eventually that happened, yeah.

14 Q So, I mean, it was fake to the extent that you
15 weren't planning on responding, but for some reason Jaysenia
16 caught your eye?

17 A We got into a conversation, extended conversation
18 and, yes, we ended up developing a relationship, yes.

19 Q Now, very soon, as in that day, the initial day you
20 guys are messaging through Craigslist, she states to you that
21 she is 16?

22 A Are you talking about the initial contact?

23 Q Yes.

24 A I believe, you know, in one of the -- because it
25 went back and forth with the emails and it wasn't like -- the

1 time period was probably, like, within 30 minutes, an hour,
2 two hours.

3 Q Right. So my question is --

4 A I was talking to other people.

5 Q -- that day did she tell you she was 16?

6 A I can't remember if it's that day or if it was the
7 -- the following day. I know, at some point, she had told me
8 she was 16. I don't know if it was the very day or the next
9 day. I was talking with several people.

10 Q Now, so you were -- so on this fake ad, you actually
11 did start several conversations with different women?

12 A Yeah.

13 Q Now, in regards to the fact that you stated she said
14 the age of consent is 16. Do you remember that after she
15 states to you "I'm 16," you responded with, "then what are you
16 doing on here as jail bait?" Like, meaning like to catch a
17 predator type [inaudible]?

18 A You know, to be honest with you, I don't remember
19 saying that. If she said that, I don't know. I never -- I --
20 I can't recall if I said that or not. I don't even know if I
21 said that to her. Like I said, I was engaged in several
22 conversations.

23 Q So it's your testimony that she just writes you and
24 says 16 is the age of consent?

25 A No, I -- you know, this is three years ago. All I

1 remember is that that part of it came up. I don't know what
2 the front end of it was. I don't know what the back end of it
3 was. I do know that she -- two things that I remember, to
4 answer your question. There was a discussion about is it okay
5 with your parents? Because she told me she was 16. I come
6 from California. There are different age limits over there as
7 far as, like, you know, when sexual consent and all that other
8 stuff.

9 Considering the nature of the ad, the first thing --
10 my response was, well, if you're 16, you know, is it okay with
11 your parents, first of all? And, then, that's when she
12 responded, "well, 16 is the age of consent." And, then,
13 matter of fact, I didn't talk to her till I think it was an
14 hour or two later because I actually went and I was looking it
15 up. What you mean? Because she said in Nevada. I had just
16 moved to this state.

17 Q So, then, you looked up the law in Nevada when you
18 could have sex with someone under --

19 A Yeah, I looked up the law before I even proceeded to
20 continue the conversation.

21 Q Okay. And, so, you look up the law whether or not
22 you can have sex with someone who's 16?

23 A Well, I --

24 Q Yes or no.

25 A No.

1 Q Okay.

2 A I wanted to see what it meant.

3 Q And, sir, I apologize. And you'll have an
4 opportunity to speak to the jury again afterwards, but if we
5 -- if we could just get this going.

6 A I got you.

7 Q Thank you.

8 A Sure.

9 Q Now, so, you stopped in the conversation, you look
10 up the law, and at some point you ask her if she's a virgin
11 and if she likes sex?

12 A I don't remember that.

13 Q You don't remember that either?

14 A It may have came up. I don't know. This is three
15 years ago.

16 Q But you remember for sure you asked her if it was
17 okay with her parents, but you can't really remember --

18 A The reason why is because the nature of the ad and
19 she told me she was 16, and that's why it sticks out.

20 Q But you don't remember asking her if she likes sex?

21 A I may have. I may have. I don't remember.

22 Q Well, you know yourself. Would that be out of the
23 ordinary for you to ask a 16-year-old if she's a virgin?

24 A I wouldn't ask a 16-year-old if she's a virgin until
25 I actually found -- like I said, the sequence of things, if I

1 may, I looked it up cause I wasn't sure what she was talking
2 about. I wasn't sure she was talking about, like, in 16,
3 like, you're fully legal-legal-legal. You know, like, you
4 know, like 18 you're an adult, or, if she was talking about
5 sex. I wasn't even sure what she was referring to, so that's
6 why I looked it up and, then, I say, "oh, okay." She's
7 talking about sex. And that's probably -- maybe that's where
8 the conversation went after --after I found out what she was
9 talking about.

10 Q Okay.

11 A I wasn't sure what she was talking about in the
12 first place.

13 Q Okay. So you may have asked her if she was a virgin
14 and if she liked sex?

15 A It's quite possible, yeah.

16 Q Okay. And, at some point, you guys move on to the
17 KIK app that you're talking about. And you move on to KIK
18 because she had expressed to you that her family would not
19 approve of this -- you talking with her?

20 A No, that's not what she told me.

21 Q She never expressed to you on Craigslist that that's
22 why you guys needed to move to KIK?

23 A She told me --

24 Q Yes or no?

25 A No.

1 Q Okay. So you -- why did you move to KIK, then,
2 instead of just normal texting?

3 A Because it was a lot easier.

4 Q Why would it be easier to KIK rather text?

5 A I don't know. She -- she said this is a program
6 that she uses. She asked me to use KIK. I said, "what is
7 KIK?" I didn't even know what KIK was. She said, "hey, it's
8 an application," and -- and she wanted -- she had a KIK
9 account and she preferred to use KIK. I said, "okay."

10 Q She didn't tell you that KIK is a secret messaging
11 app that people can use?

12 A I don't know about secret. It's quite popular from
13 what I know. I know several people that have used KIK. I --
14 I hadn't used it at the time.

15 Q How old are the people you know that use KIK?

16 A Different -- different ages.

17 Q Like what?

18 A It could be anywhere from, I would say, mid teens to
19 probably forties, fifties.

20 Q So who is it -- who are the mid teens that you're
21 using KIK talking to?

22 A I wasn't talking to any teens on KIK.

23 Q You just said the people you were talking to were on
24 KIK?

25 A You asked me the age range that I know. You can see

1 the -- when you -- when you're on KIK you have -- there's --
2 there's a section where you can actually see all of the users
3 and it gives their ages and information, so you can -- you can
4 actually talk to different people. You can invite them as
5 friends or things like that. So it's not like I'm talking to
6 that individual. You know, you have the information like a
7 lot of the applications today, you have access to their --
8 their personal information kind of like an advertisement.

9 Q So it's your testimony that on your KIK app you
10 could look and see everybody who uses KIK and their ages?

11 A This was three years ago --

12 Q Don't remember? Don't remember?

13 A I probably -- I couldn't remember exactly.

14 Q Okay. Now, you -- the two of you would use KIK like
15 you just stated, but you would also use other forms or
16 precautions so her mother would not know that you guys were
17 speaking? Like, she would direct you when you could call her?

18 A That's kind of a loaded question. I mean, can you
19 kind of break it down into different pieces?

20 Q Sure. Would you use other precautions to make sure
21 that Kathryn Smith did not know you were speaking to her
22 daughter?

23 A No.

24 Q So in between August 1st and August 28th there were
25 42 phone calls between the two of you and 32 of them were made

1 by you. So how do you -- how would you explain that? What is
2 that?

3 A She asked me to call her.

4 Q So she was telling you, "you can call me now"?

5 A She'd say "call me."

6 Q So why wouldn't she call you then?

7 A She did call me several times.

8 Q Well, she called you ten times and you called her
9 32?

10 A Okay. So I -- I was a little bit more aggressive
11 about it.

12 Q I thought she was the one seeking you out?

13 A I never said that. We were -- we had a mutual
14 conversation. There's no seeking --

15 Q You --

16 A I don't understand where this seeking is coming
17 from. Nobody was seeking anybody.

18 Q I'm sorry. I'll use a different word. You used the
19 words that she was impetuous and persistent?

20 A Yes.

21 Q But, yet, you were the one who called her 32 times
22 in 27 days?

23 A Yeah, because I was the one paying my phone bill
24 and --

25 Q So it's --

1 A Well, if I may? Can I?

2 Q Sure.

3 A I -- I think she had mentioned to me that the phone
4 that she was using that her aunt was paying for, and I think
5 something about a bill came up and she didn't want to use --
6 she didn't want to, like, raise the bill too much or something
7 like that. I said, "you know what? I have a phone." You
8 know, as far as money-wise, obviously, I had the money. I was
9 paying my own bills and stuff.

10 Q Sure.

11 A So it wasn't a problem for me. You know, I -- I
12 didn't count phone calls. Did I call her a lot? I probably
13 did. This is somebody I was interested in. Was she impetuous
14 at the same time? Yeah.

15 Q Okay.

16 A But it doesn't mean that I -- I wasn't returning
17 phone calls. I was very interested in this young lady.

18 Q But, so, she was telling you when you could call
19 her?

20 A I believe so, yeah.

21 Q Okay. But you didn't know why it was that she was
22 telling you when?

23 A As we -- as time started going on she -- you know, I
24 can't really tell you what her state of mind is, but as time
25 is going on I started suspecting that maybe she was hiding

1 stuff from her mom, quite possible.

2 Q At what point?

3 A I don't know. Probably at -- towards the end there
4 before she started threatening to kill her self.

5 Q So, like, the night she was spending the night, the
6 two nights she spent the night at your house are you
7 suspecting her then?

8 A I would probably say after that.

9 Q Well, you -- you went and picked her up, like, a few
10 days after that?

11 A What do you mean?

12 Q You went in the middle of the night and took her
13 from her home just a few days after that weekend, so at what
14 point --

15 A Well, I don't think -- no, it wasn't a few days
16 after that weekend. I don't believe so. Was it?

17 Q Yes. You took a -- you guys took a picture with
18 each other that weekend, right?

19 A Yeah, we -- no, she took a picture using my phone
20 that weekend, yes.

21 Q Just one second. Do you remember when Detective or
22 Investigator Cox was describing in State's Exhibit 95 that
23 this picture, it was taken on August 24th because it records
24 on your phone when the image was captured? And that's the two
25 of you together?

1 A Could you put it back a little bit so I can see it?
2 Yeah, it may have been around that time.

3 Q And this is State's Proposed 21. It's just the
4 bigger version of you.

5 A Okay. That's fine.

6 MS. BLUTH: I'm going to move for it.

7 MR. SPROWSON: No, that's fine. It's a good
8 picture.

9 THE COURT: That wasn't already admitted.

10 MS. BLUTH: It wasn't, Your Honor.

11 THE COURT: Okay. Any objections?

12 BY MS. BLUTH:

13 Q Did you say it's a good picture?

14 A Yeah, I think so.

15 Q Why?

16 A It's a good picture. Look at it.

17 Q I can see it. I'm just asking you why you think
18 it's a good picture.

19 A I just think it's a good picture. It's just --

20 Q Like, of you? Of her? Of you guys --

21 A Both of us. I think that's a good picture. I think
22 it's a cute picture.

23 Q Like, sitting here now is there -- you don't think
24 anything wrong about this picture?

25 A No.

1 THE COURT: Is it -- if you're moving to admit that,
2 we need the photograph, please. Is there any objection?

3 MR. SPROWSON: No, I have no objection.

4 MS. BLUTH: Do you need it right now?

5 THE COURT: It will be admitted.

6 (State's Exhibit 21 admitted.)

7 THE COURT: Yeah. If you want to admit it, yes.

8 BY MS. BLUTH:

9 Q Now, you said that you -- you wanted to keep things
10 at a distance and you didn't want anything to happen until she
11 was 18.

12 A Yes.

13 Q And you said you were cautious. Can you explain to
14 me, like, what types of things did you do that was cautious?

15 A Well, initially, I wanted to keep it just an online
16 thing, you know, but as we -- as we started talking, I don't
17 know, started -- you know, the first thing that came up was
18 the skating rink, and then spending the night, and then
19 eventually the night she threatened to kill herself. So these
20 were things that I did not anticipate and these things were
21 not things that I wanted to happen, but, at the same time, I
22 think I was kind of very vulnerable during this period of time
23 because I was kind of lonely. Like I said, my intention was
24 for her to -- and I -- well, actually, she and I, to kind of
25 put it off a little bit and take our time. Obviously, it

1 didn't happen that way, but that's what my intention was.

2 Q I understand. So you're saying that you were
3 vulnerable. I mean, you're -- you are -- and what's the age
4 difference between the two of you at the time? 44 and 16? I
5 mean, would you characterize you as being more vulnerable than
6 her?

7 A Well, let me clarify. When I say "vulnerable," I
8 wasn't talking about her.

9 Q I'm asking -- I'm asking you.

10 A What -- what I'm saying vulnerable is that I was
11 lonely at this time, that's what I mean by vulnerable.

12 Q Okay. So your original plan was to keep it kind of
13 an online conversation until she turned 18?

14 A Well, I didn't even think it was a plan about 18. I
15 think I wanted to keep a distance just being smart. I mean, I
16 dated women -- you know, I'm 44 years old at this time. I've
17 dated women. I -- I've kind of come across a lot of fickle
18 women. One minute they love you, the next minute they don't.
19 So, you know, she's not the only person I'm talking to at this
20 time, you know, [inaudible], and then as things progressed,
21 obviously, I stopped talking to the other people, but I don't
22 know. Yeah, I think --

23 Q So when did you first --

24 A -- long-term-wise --

25 Q -- meet in person?

1 A Say again?

2 Q When did you first meet in person?

3 A Let me see. I first thought it was the Omelet
4 House, but I think I was wrong about that because I used to
5 frequent the Omelet House and I had seen her there. I believe
6 it was the skating rink, if I --

7 Q So you -- you start talking on August 1st. I'm not
8 going to hold you to the date and time, but, like,
9 approximately when is it that you think that you first meet at
10 the roller skating rink?

11 A You know what? I couldn't tell you. It may have
12 been within a short period of time.

13 Q Days? Weeks?

14 A It could have been. It could have been an hour. I
15 don't know. Like I said, you know, my intention was for --

16 Q I apologize. That's not the -- you're not answering
17 my question.

18 A What was the question? Sorry.

19 Q My question is -- I guess your answer is you could
20 have even met her the same day at the skating rink, you don't
21 know?

22 A It could have been, yeah.

23 Q But, I mean, you're saying -- on one hand you're
24 saying you -- you wanted to keep her at a distance and be
25 cautious and now you're saying you could have actually met her

1 at the skating rink on the same day?

2 A Well, what I'm saying is that my state of mind is I
3 wanted -- I wanted to go slow.

4 Q Okay.

5 A Okay? Now, she's telling me -- you want me to
6 discuss this particular night?

7 Q I -- I -- I just want you to answer my questions.

8 A Well, I'm -- I'm not sure because during this time,
9 you know, like I say, if you're asking me what my intentions
10 were --

11 Q I didn't ask that.

12 A Okay.

13 Q I just asked you --

14 A What happened? If you're asking me what happened,
15 it happened rather quickly.

16 Q I just asked you what your idea with being cautious
17 was. That's what my question was.

18 A Well, my idea of being cautious as far as
19 relationships or with -- with Jaysenia?

20 Q With Jaysenia.

21 A With Jaysenia. I -- I wanted to kind of spread it
22 out over a period of time. Obviously, it didn't happen that
23 way, but that's -- that's what I wanted.

24 Q Okay. But you -- you could have actually met her
25 within the hour at a skating rink?

1 A An hour from when you mean?

2 Q An hour from when you just said that you started
3 talking to her on [inaudible].

4 A It was a possible scenario, yeah. Did -- it didn't
5 happen that way, but, it's a possible scenario.

6 Q Okay.

7 A Keep in mind, you know, a lot of times, you know,
8 you're -- you're talking with somebody and you're saying, you
9 know, I want to be careful, I want to be cautious and, you
10 know, and, then, they say something that kind of is
11 persuasive. So, well, maybe -- maybe I just kind of give it a
12 short --

13 Q Now, at the point you go to the skating rink, you're
14 aware that her mom isn't approving -- that's why you're
15 meeting at the skating rink?

16 A No, she asked me to meet her at the skating rink,
17 she's going to be there with her friend. I didn't know
18 anything about her mom's state of mind.

19 Q And she -- she lied to her friend about who you were
20 and you knew that?

21 A No, when I got there she -- she told her friend that
22 I was her -- an older teacher, and I kind of thought that was
23 odd, yeah.

24 Q So you were aware that she had lied to her friend,
25 but you didn't know --

1 A After the fact, yeah.

2 Q -- that she was lying to her mom?

3 A After the fact, yeah.

4 Q Okay. Now, in regards to what we've been referring
5 to as the Boca Park, so the day you --

6 A Was it Boca or Boga?

7 Q It's Boca, like B-O-C-A, Boca Park. So you stated
8 that it was her idea for you to come get her and once you get
9 her, you take her to your house; is that correct?

10 A She asked me to pick her up there from Boca Park,
11 yes, and then once I picked her up, yes, we did go to my
12 house.

13 Q Okay. And, at this point, are you still trying to
14 be cautious?

15 A At this point, we had already met. At this point --
16 well, let me back up --

17 Q Just a yes or no. At this point, are you trying to
18 be cautious still?

19 A You know, well, it depends on what you mean.
20 Obviously, I wasn't because I picked her up, but my -- you
21 know, like I said, I wanted to be cautious, but, you know, we
22 kind of -- it didn't work out that way.

23 Q Okay. And because that night --

24 A You know, this relationship went really fast, that
25 was not my intention, but it didn't happen that way.

1 Q And, so, that night you shared your first kiss and
2 you slept with her?

3 A Yes.

4 Q And you felt like she was kind of an emotional --
5 you felt like she was an emotional person. At this point in
6 time, did you feel like she was emotional?

7 A I think as I'm starting to get to know her, getting
8 to know her, yes, I'm starting to gage a little bit more and
9 more about her. This is three years ago. So I think what I
10 was thinking may or may not -- I -- I don't know how much I
11 felt about her emotions, but I started sensing things, at this
12 point in time, once I came in contact with her, we started
13 talking and things like that, yeah, I started gaging kind of,
14 like, how she was because before it was, you know, we're
15 talking online. We met briefly at the skating rink. You
16 know, we're having more conversations. All of a sudden she's
17 asking me to pick her up. I'm telling her, you know, I don't
18 think it's a good idea.

19 Q Right.

20 A You know, I'm --

21 Q Sir --

22 A But keep in mind --

23 Q I -- I know --

24 A I do want to say to the cautious thing -- you asked
25 me the cautious thing --

1 Q I know, but this is not in answer to the cautious
2 question.

3 A Okay.

4 Q We have to stay in -- in just --

5 A Okay. That's fine.

6 Q And you will have an opportunity [inaudible], okay?

7 A That's fine.

8 Q Okay. So you're being cautious. You take her to
9 your house. This is the first time you guys get to be alone
10 like in an area where there are no other people, correct?

11 A As far as, like, versus the skating rink?

12 Q Yes.

13 A Yeah, I'd say so.

14 Q Okay. And, so, that -- so that first time that
15 you're alone, you share your first kiss and you sleep with
16 her?

17 A Yes.

18 Q And you do not use condoms?

19 A No.

20 Q And the first night are you stating that you
21 believed her mom was aware that she was at your house and okay
22 with it?

23 A I don't know what -- what her -- her mom had told
24 her. What -- what had happened was --

25 Q Just yes or no.

1 A No, restate the question again because it's kind of
2 confusing.

3 Q When she is staying the night at your house on the
4 first night, did you believe that her mom was okay with that
5 happening?

6 A I wasn't sure because -- I was kind of confused
7 because, at first, she told me she's supposed to be spending
8 the night at her friend, Jessica's, and then she -- I kind of
9 -- she said, "well, why don't you come pick me up." I was
10 thinking, like, well, wait a minute, I thought you were
11 spending a night at your friend, Jessica's. And, then, she
12 said -- then, she said, "no, just come pick me up." And I
13 said, "are you going to get into trouble if you -- you know,
14 if you're with me?" And she said, "no, I'm not going to get
15 into trouble."

16 So she comes to my house, so, I mean, at the time I
17 wasn't -- I was trying -- I was thinking I was starting to
18 suspect what was going on in this situation. Like, wait a
19 minute, because she had mentioned that, well, her mom has
20 taken her to Jessica's and now she's asking me to pick her up
21 and it's okay to come and stay at my place. So, wait a
22 minute. You know, I actually --

23 Q Sir?

24 A -- didn't ask her whether or not her mom knew about
25 it, but, you know, I was, like, well --

1 Q So you're starting to think, okay, maybe mom doesn't
2 know; you don't know?

3 A At that point, I started to suspect that maybe there
4 might have been some issues, yeah.

5 Q So, then, second night she stays the night again?

6 A That's correct.

7 Q Now, is it your understanding that mom is okay with
8 her staying the night at your house a second night or in the
9 mom's mind the first night?

10 A Well, I can't say yes or no on that because she made
11 a phone call to her mom, and I wasn't there. So if you're
12 asking me if I thought it was okay with her mom, I probably
13 would have to say, yes, because she made a phone call. I
14 don't know if her mom said she was spending the night with me
15 or with Jessica. I -- I wasn't there when she made the phone
16 call, but, you know, she said -- she said that her mom said
17 that she could spend the night. And I was, like, okay with
18 me, but she didn't really answer it. I wasn't there when she
19 made the phone call.

20 Q So up to this point -- so, now, per the picture that
21 we're looking at, we're at around August 24th. So you've been
22 with her now for over three weeks off and on talking and
23 still, at this point, you're not aware of the fact that
24 Kathryn Smith doesn't -- would not approve of this type --
25 Jaysenia has never told you that that she wouldn't be okay

1 with that type of relationship?

2 A We were more not talking about what her mom's state
3 of mind was. We were more talking about developing a
4 relationship. So, you know, there may have been some times
5 that she had discussed things about her mom, but most of the
6 conversations were in regards to she and I.

7 Q So it never crossed your mind or worried you, like,
8 hey, does this 16-year-old's mother know where she is?

9 A What do you mean "where she is"? As far as, like,
10 when she's staying with me?

11 Q Yeah.

12 A You know, I don't think it crossed -- it might have
13 crossed my mind. I don't know. She's 16. She said it was
14 okay with her mom, so I'm thinking, like -- cause I know a lot
15 of 16-year-olds, their parents would allow them. I don't know
16 -- I don't know if she knew if I was 44, if she knew she was
17 with me, but I didn't know that information, if her mom knew
18 that or not, if that's what you're asking me.

19 Q Okay.

20 A But I do know that a lot of times the parents, when
21 they're out spending the night, that, you know, usually it's
22 okay. They're not, you know, like, hunting down their kids or
23 whatever, so to say.

24 Q All right. So the -- the second night, is it your
25 testimony that you did not provide her with alcohol?

1 A There was alcohol at my house. I don't know if she
2 drank some that night or not, but there was alcohol at my
3 house because I -- I kept some beer in the refrigerator and I
4 had some alcohol on my counter.

5 Q Okay. So did you provide her with alcohol the
6 second night?

7 A There was alcohol at my place.

8 Q That's not my question. Did you provide it to her?

9 A No, I did not provide it. Depends on what you mean
10 by "provide".

11 Q But did she get drunk that night?

12 A I think she did drink -- drink something that night,
13 yeah.

14 Q Was that in your presence?

15 A I have two stories. I know that she drank that
16 night, but I don't -- it wasn't in my presence.

17 Q So if she -- so if she drank it would be, like,
18 upstairs in a closet or something?

19 A I don't know. I had it downstairs. As you've seen
20 in the pictures, I had my kitchen. I kept it on the counter.
21 I was upstairs in the bathroom. I have three bathrooms. I
22 have one downstairs and I have two upstairs. I was upstairs
23 in the bathroom going to the bathroom.

24 Q And, so, she drank when you weren't looking?

25 A I don't know -- I don't know if that's when she --

1 she drank some alcohol. I know at some time during the night
2 that she probably did drink some alcohol and --

3 Q She probably did or she did? I mean, you even know
4 if someone is drunk or not. Was she drunk?

5 A Well, you know, I know she had drank some alcohol.
6 I don't know if she was drunk.

7 Q Was she feeling the effects of the alcohol?

8 A I don't -- I can't tell you what she was feeling,
9 but --

10 Q Did you have sex with her that --

11 A Did I observe -- did I observe that she might have
12 been drinking? Yeah, I did observe something. That's why I
13 asked her, you know, did you drink some of the alcohol. So,
14 you know, I mean, I don't know. It's kind of like when I was
15 upstairs I didn't know what she was doing or not doing.

16 Q Okay.

17 A You know, I came downstairs and --

18 Q That's fine.

19 A It's three years ago. I can't really remember what
20 actually happened.

21 Q Did you have sex with her that night?

22 A Which night are we referring to? The very --

23 Q The second night. You already said the first night
24 you did. So the second --

25 A The second night? I don't think we did the second

1 night. The first night I believe we did.

2 Q Okay.

3 A I don't believe the second night we did. I don't
4 remember.

5 Q Okay. Now, I was going to ask you a few questions
6 about the ring because when -- when you did your opening
7 statement you stated that the ring wasn't really a big deal,
8 like, it was just a gesture; but today you're saying that this
9 was important, it was an engagement ring. So you're gifting
10 her that ring and making a promise to her, was that important
11 or not important?

12 A Well, you kind of said some things that were not
13 true in your opening there.

14 Q In my -- I'm talking about your opening.

15 A No, no, no. When I say "it's not important," it's
16 not important in the sense to the value of me. It's not
17 important that I give it to somebody because it's a valuable
18 ring. There's two things. Let me kind of split it up. It's
19 valuable in the sense of what I -- what I intend it to be, but
20 it's not important to me as far as its value money-wise
21 because, you know, I've already purchased it. The money's
22 already -- so when I say it's not important value-wise,
23 money-wise, it wasn't a big deal for me to give it to her as
24 far as, like, the loss of the money. But, as far as, like,
25 the emotional value of it and what it's intended to be for,

1 that's a little bit different. It's kind of, you know, two
2 things going. It's not one thing. It's two things going on
3 there.

4 Q Okay. So when you said it wasn't a big deal, it was
5 just a gesture?

6 A I'm not sure what you mean by that. When I say "it
7 wasn't a big deal," I'm talking about money-wise.

8 Q Okay.

9 A I mean, this is -- I -- I spent, like, over \$2,000
10 on this and when I say it wasn't a big deal, I'm saying, you
11 know what? I spent \$2,000, but it's not a big deal for me to
12 -- to lose that financial of \$2,000 and give it to her.

13 Q So, at that point when you give her the ring, are
14 you still -- are you still being cautious, do you feel?

15 A Cautious in what regard? You talking about --

16 Q Sir, it's your word.

17 A -- proceeding with the relationship?

18 Q And I apologize, but your word is "cautious". So
19 whatever you think cautious means, are you still being
20 cautious at the point that you give her a diamond ring?

21 A Well, let me start off by saying --

22 Q Yes or no.

23 A You're kind of taking things out of context.

24 Q No. I'm asking, were you still being cautious when
25 you gave her the diamond ring?

1 A I don't understand what you're talking about.

2 Q Okay.

3 A If you kind of clear it up because when I said -- if
4 I can clarify --

5 Q There's no -- there's no question before you. In
6 regards to the weekend. So you've heard from Jaysenia and you
7 know that, you know, Kathryn finds the ring and, so, she gets
8 confronted with it. And when you pick her up, it's in the
9 middle of the night, it's after midnight, correct?

10 A I believe so. It's three years ago.

11 Q And you -- she comes into your car and, then, at
12 that point in time she has her Social Security card and her
13 birth certificate, right?

14 A I don't know what she had when she got into the car.
15 I didn't go through her clothes.

16 Q Well, did she go back and get it?

17 A Like I said, I don't know what she had. She didn't
18 go back, no.

19 Q Did you ever see her birth certificate and her
20 Social Security card at your house?

21 A At some point I believe I did, but the point she got
22 in the car I didn't say, hey, what's in your bag, let me see.
23 I didn't check what she had.

24 Q But you had told her to bring her birth
25 certificate --

1 A I told her to bring her birth certificate --

2 Q Sorry. You have to wait until I'm done so they can
3 transcribe it.

4 A Sorry.

5 Q That's okay. You told her to bring her birth
6 certificate and her Social Security card, correct?

7 A Yes, I did.

8 Q And when you pick her up, you know that she's not
9 going to be going back to school?

10 A I don't know about that. What do you mean she's not
11 going back to school?

12 Q You knew that she wasn't going to be going back to
13 school until she was, at least, 17 and a half or 18, which is
14 why she would need her birth certificate and her Social
15 Security card?

16 A Is that your statement or mine?

17 Q I'm -- I'm asking you.

18 A No, that's not -- that's not what I said.

19 Q Okay. So you're saying -- all right. So let's move
20 one step forward. And you get to your house and that morning,
21 in those early morning hours, you turn off your phone, you
22 change your number?

23 A Yes, I do.

24 Q Okay. Now, when you change your number, are you
25 thinking, hey, her mom's going to be looking for her soon?

1 A No, that was not -- what I was trying to do was I
2 was trying to -- she had asked me to change my number, so I
3 was trying to just kind of appease her in what she requested.

4 Q Okay. Now, that night you -- you guys -- you have
5 sex with her?

6 A Yeah, we made love that night.

7 Q Okay. And this is when you're -- you're -- you are
8 very concerned over her emotional health because she has told
9 you she is going to kill herself?

10 A Yes, when she was at her mom's house.

11 Q Okay. But you don't take her to the hospital?

12 A I didn't.

13 Q You don't call 911?

14 A No.

15 Q You take her home and you have sex with her?

16 A It didn't happen that way --

17 Q Did you take her home to your house?

18 A I took her home.

19 Q And did you have sex with her?

20 A At some point, yes, I did.

21 Q That same night?

22 A That same night, yes.

23 Q Okay. Now, you stated that the next day you go to
24 work and you are still -- you're still very concerned about
25 her emotional health, basically?

1 A Yeah.

2 Q But you leave her alone at your house?

3 A She was okay when I left. She was emotionally okay
4 when I left, so I was assuming that when I get back she'd be
5 the same status.

6 Q Okay. But, then, because you had said this entire
7 time -- this entire two months you were concerned about her
8 emotional health?

9 A Yes, I was.

10 Q So, but, that morning when you left you weren't
11 concerned any more?

12 A I was concerned, but I had to go to work, too.

13 Q Okay. So you leave her home at your house, you have
14 alcohol, correct?

15 A There was alcohol there, yes.

16 Q There's razors?

17 A I don't -- no, there was no -- I have electric.

18 Q Did you see her razors in your bathroom?

19 A At that point in time I don't believe there were
20 razors in there.

21 Q Were there methods in which she could take her own
22 life at your house?

23 A There may or may not, depends on, you know, I didn't
24 go through and, like, try to hide everything.

25 Q Right, but you had -- you had to go to school?

1 A I had to go to work and, yes, I was concerned about
2 her. Did I try to take every precaution that I could? No.
3 I'm not an expert on those things.

4 Q Now, in regards to -- did you ever talk to Jaysenia
5 about if the two of you got caught?

6 A Caught doing what?

7 Q Got caught with her at your home.

8 A You know, in the beginning she was there. As far as
9 I could discuss, you know, if we got caught, no, I don't think
10 we got into a conversation about -- it depends on what you
11 mean by "getting caught". I mean, there was -- there was some
12 times --

13 Q What do you think -- what do you think I mean by
14 "caught"? I just said if you guys get caught, if the police
15 find you, if her mom finds you, did you have a plan regarding
16 what she would tell people?

17 A No, I did not have a plan as far as what she would
18 tell people.

19 Q Did you talk to her? Did you guys have a
20 communication about what she would tell people?

21 A As far as what?

22 Q If you got caught.

23 A No, we didn't talk about getting caught because my
24 intention was to have her go back to her mom.

25 Q At what point?

1 A At some point I was hoping she would, but she kept
2 -- you know, like I said, I insisted and I kept insisting, and
3 she ended up staying there and I didn't want to push her to go
4 home.

5 Q Did you continue having sex with her?

6 A We did not have sex very often.

7 Q How many times --

8 A I -- I probably would estimate it at maybe once a
9 week. There was not -- you know, I -- I'm an older gentleman.
10 I -- I'd like to say, hey, you know, we had sex every day.
11 I'm sorry. I'm an older gentleman. I just don't perform.

12 Q So maybe once a week?

13 A Probably.

14 Q Now, when you would have sex with her, would you --
15 was it common for you not to want to look at her face because
16 her body was mature but her face looked young?

17 A I don't know what that means.

18 Q Okay. I guess my question is: Were there -- when
19 you -- when you were having sex with her, would you prefer to
20 not look at her face because it reminded you of how young she
21 was?

22 A I -- I can't tell you what my state of mind was
23 during that time I was making love to her. I can't tell you
24 what I was thinking at that time. There were different
25 occasions. There were different times.

1 Q Did that ever cross your mind? Is that something
2 that you told Jaysenia?

3 A No, that's nothing I've ever told Jaysenia.

4 Q You never told Jaysenia that you wanted to --

5 A I never told her.

6 Q -- look at -- you didn't want to look at her face
7 during sex because it reminded you of how young she was?

8 A I don't know where that's coming from.

9 Q Okay. Now, you stated you spoiled her. In regards
10 to -- it's over here. Your statement was that you had spoiled
11 her and she spent most of her time in this room right here,
12 which is State 64, correct? That's where she spent the
13 majority of her time?

14 A No, she did not spend -- she spent the majority of
15 her time on the Internet in the livingroom.

16 Q Okay.

17 A She probably spent, maybe, an hour a week in there.
18 That -- you know what? It's kind of funny because that looks
19 more like a set up to me than anything else. That was not in
20 there when I left.

21 Q I'm sorry.

22 A That was not in there --

23 Q A set up? Who?

24 A That was not -- she did not have a coloring book in
25 the middle of the freaking empty room like that. That

1 coloring book was downstairs on the -- one of the counters
2 with the crayons. Matter of fact, she used to color in the
3 livingroom, so that right there --

4 Q That's why --

5 A -- if -- if she ever went in there, she did that on
6 her own.

7 Q Showing you State's 65. Are you saying that someone
8 must have put these there?

9 A There were several people in my house and I know the
10 day that I -- that they found her there, there was, at least,
11 five officers in my house.

12 Q So if those are in that room, those officers put
13 those there?

14 A I don't know how they got there, to be honest with
15 you, but I didn't put them there.

16 Q It wasn't Jaysenia?

17 A She could have. That's quite -- that's a
18 possibility.

19 Q Okay.

20 A But it looks kind of odd to me that you got a
21 coloring book, crayons, in the middle of an empty room. It's
22 really bazaar to me.

23 Q Now, you said you spoiled her. You bought her this
24 crayon book or crayons with a coloring book and one book, so
25 where -- tell me how you spoiled her.

1 A Well, it wasn't in regards to material wealth. You
2 know, I bought food for her. I provided for her. So when I
3 say I spoiled her, when she wanted something, I usually got it
4 for her. She wanted to go to this restaurant and get some
5 fast food, we would go there. So, you know, I really -- when
6 you talk about spoiling her, if you're talking about buying
7 her all kinds of material things, you know, if she wanted
8 something I usually bought it for her, yes.

9 Q Now, you saw -- you saw Jaysenia, obviously, this
10 week. She's now 19 years old. It's almost been four years.

11 A Well, it's been about maybe --

12 Q In August it will be four years, so three and a
13 half?

14 A Yeah, something like that.

15 Q She, obviously, looks a lot different now, is that
16 -- is that a fair statement?

17 A No, she looks about the same to me. I mean,
18 maybe --

19 Q Okay.

20 A -- maybe she's kind of, like, a little older.

21 Q Showing you State's 22. These are the pictures she
22 initially sent you, and State's 23, that -- is that what she
23 looked like when you saw her?

24 A That picture is one of them. The first one that you
25 have on there.

1 Q Yes, State's 22.

2 A That picture is when she was actually a lot younger.
3 She sent me a bunch of pictures that she had. She wanted to
4 send me all the pictures that she had, some of them included
5 when she was an infant and all the ones that you showed
6 yesterday, I believe. She sent me all her pictures that she
7 had. I didn't -- I didn't specifically ask for this picture
8 or that picture. She sent me everything she had, so I put it
9 in a little folder that said "Jaysenia".

10 Q So you're --

11 A That one, the one that you referred to, the second
12 one?

13 Q Uh-huh.

14 A That one, I think she had posted that online. I
15 don't think that was one that was current. That was one she
16 had used when she was younger, maybe either 14 or 15.

17 Q Now, you're saying that Jaysenia sent you pictures
18 of herself as a child in --

19 A She sent me -- she sent me a whole bunch of pictures
20 and some of them, yes, were pictures of her as a child, yes.

21 Q Now, you said that she was very intellectual, that
22 it reminded you like speaking to an adult?

23 A She was very intellectual. I don't know what that
24 means, reminded me of talking to adults. It reminded me of
25 someone talking to -- to someone who is highly intelligent,

1 yes.

2 Q Okay.

3 A Adults -- some adults aren't so -- you know what I
4 mean?

5 Q That's true. In regards to the games, you said that
6 she would even beat you at the games and then --

7 A Yeah, on occasion.

8 Q -- sometimes embarrass you. But, I mean, you're
9 playing games, like, Life and Sorry?

10 A Yeah, I like those games.

11 Q Right, but, I mean -- but the fact that she beat you
12 at those types of board games, are you saying that that's what
13 made you think that she was highly intelligent?

14 A No, we played games like Yahtzee and -- what is that
15 one? Scrabble.

16 Q Okay. I'm going to show you --

17 A Yeah, she kicked my butt in Scrabble.

18 Q I'm going to show you State's 53, which is your game
19 section. We have Shoots and Ladders. Something and apples.
20 I'm sorry, I can't see it.

21 A Yeah, there are other games on the other side of
22 that. There's a whole stack on the other side of that that
23 you're not showing.

24 Q Right, this is the only picture I have so --

25 A Yeah, I'm sorry, but there's -- there's a whole

1 stack of other games. I bought a bunch of games. I have --
2 under that part that you're talking about, there's that stack
3 and, then, behind it is another stack of games.

4 Q Okay.

5 A So it's not just that stack.

6 Q And, then, you saw in evidence earlier when Jaysenia
7 is making you cards, 3B, and I'll put it out, "Dear Mel," with
8 crayons, open, and then kind of, like, little cartoon figures.
9 You saw that, right? Did you see that while at your house?

10 A Can I see that again?

11 Q Sure.

12 A So I can look at it. I know that she made me -- she
13 made me several cards and sometimes she would put, like --
14 like, the little Skittles and stuff. She'd write stuff on the
15 table when I'd come home.

16 Q Like "I love you"?

17 A Yeah, she -- she did several things like that.

18 Q And, then, like, Mel and J is State's 3C. I love
19 you forever, with little crayon figures of you and her
20 together?

21 A Yeah, I -- I think she made some of those, yeah.

22 Q And, then, I'm not going to read this whole thing,
23 but the big poster that she --

24 A That one -- that one I don't remember. I don't
25 remember that one, to be honest with you.

1 Q This one right here in which she talks about you
2 being her Prince Charming and saving her from her evil
3 stepmother mom?

4 A I think that may have been the day that we -- you
5 know, she got discovered at my house cause I don't remember
6 seeing that one, but it may have been.

7 Q Do these types of things when she's drawing these
8 things and [inaudible] and crayons and stuff, like, at any
9 point in time are you -- do you think, like, I'm dealing with
10 a child here?

11 A You know, I see someone who is in love. I see
12 someone who -- I've had girlfriends that are in their twenties
13 write me things like that. I've had girlfriends --

14 Q In crayon?

15 A Pen, crayons, whatever, yes, they're very creative.
16 I mean, it depends on -- you know, women have a tendency --
17 they are very emotional and they -- and they do things a lot
18 of times writing cards and stuff. I had one girlfriend who
19 used to write things on sticky notes and put them all around
20 -- all over the place, you know, on sticky notes. In crayons,
21 some, some in pens, and, yes, sometimes like that and -- and
22 she was probably in her mid twenties, so, I mean --

23 Q So none of these hand-made cards and letters in
24 crayons ever made you think twice about a relationship with
25 this girl?

1 A You know, to be honest with you, those things, you
2 know, most of the time I came home from work, I was tired,
3 she'd have something for me. I mean, I'd look at it and --
4 and I'd read it. You know, I thought it was cute, but I
5 didn't really pay too much attention to it.

6 Q So the answer is no, then, that didn't bring you any
7 concern?

8 A No, it didn't.

9 Q Now, while you -- you -- did you tell Jaysenia she
10 couldn't sing?

11 A I had -- she had some videos online and --

12 Q Sir, it's just a yes or no.

13 A I told her she couldn't sing, yeah.

14 Q Okay.

15 A That was my opinion, yes.

16 Q Okay.

17 A I still think she can't sing. Sorry.

18 Q That's okay. Did you tell her she didn't walk
19 right?

20 A I don't believe I told her she couldn't walk right.
21 I think a couple times she told me that she -- that sometimes
22 that she -- she gets a -- I don't know what it is. She gets
23 dizzy cause she has low blood pressure or something and she
24 said that sometimes she'll trip and fall. That may have been
25 an occasion when I said, you know, you got to walk right or

1 something like that.

2 Q Okay.

3 A I think she may have taken that out of context.

4 Q Did you tell her that -- you already talked to her
5 -- you already said that you didn't tell her or you told her
6 that she wasn't doing the dishes correctly because there was
7 food left on them?

8 A Well, I said, you know, if you're going to wash
9 dishes, you got to wash them.

10 Q Okay.

11 A I mean, you can't -- dirty dishes are not washed --
12 I mean --

13 Q And, then, you also had her help prepare your work
14 for your kindergartners?

15 A She was --

16 Q You had her help?

17 A Yes, I did.

18 Q And you told her that she didn't write correctly on
19 those flash cards? Yes or no?

20 A On the flash cards, they were not what they were
21 supposed to be, no.

22 Q At this point, are you still -- you're still
23 concerned over her emotional stability?

24 A I've always been --

25 Q Yes or no.

1 A Yes, yes, I was concerned.

2 Q There comes a point in time when you and Jaysenia
3 start seeing on Facebook and Instagram that people are looking
4 for her?

5 A It came to my attention with the missing flyer.
6 Yes, we did look online and I said, I told her, "look, people
7 are looking for you," yes.

8 Q And, so, you knew her mom was looking for her?

9 A Yes, I did, and I was trying to insist on her going
10 home. I said, "your mom is looking for you, you need to go
11 home."

12 Q So, at that point in time, you could have called her
13 mom or you could have responded to Facebook? Yes or no?

14 A I could have done a lot of things --

15 Q Okay.

16 A -- but at this point in time I, you know, like I
17 said, I was --

18 Q Just yes or no, sir.

19 A I'm sorry. No, I didn't do it.

20 Q So you researched the Internet and you saw on
21 several places it showed that she was missing and that her
22 family was looking for her?

23 A I don't know about several places. I know there
24 was, at least, one place because I had that missing flyer and
25 we went online. I said, "look, your mom is looking for you,"

1 and I had brought it to her attention.

2 Q And that's what I was going to say. Then, you come
3 across the missing photo. At that point in time, you see that
4 law enforcement is now involved, correct?

5 A I don't know. Doesn't it say "law enforcement" on
6 that one? I don't remember because I -- you know, I looked at
7 it. I seen -- I seen the missing persons and I brought it to
8 her attention. I don't know if I read through it or not. I
9 don't remember.

10 Q Okay.

11 A Does it say "law enforcement" on it? If you could
12 put it up there.

13 Q I -- I can get it in a second. There's a few stack
14 of pictures that I'd be happy to get in just one moment.

15 A Okay. I just -- I don't remember if it said "law
16 enforcement".

17 Q And, so, at that point in time you recognize, again,
18 you could have made a phone call, but didn't?

19 A Recognize that I could have made a phone call and
20 didn't?

21 Q Yeah, could you have made a phone call to Jaysenia's
22 mom or to the police letting them know where Jaysenia was?

23 A I didn't call the mom, no, if that's your question.

24 Q Could you have called the mom?

25 A I don't believe so. I was going to take her home,

1 that -- that was the bottom line. I -- I don't think I could
2 have called the mom and the reason -- well, I can't get into
3 it. I don't think I could have called the mom.

4 Q You said that you wanted her to bring her birth
5 certificate and her Social Security number in case she killed
6 herself you -- you would, like, know who this person was?

7 A Well, I -- I wouldn't say --

8 Q Did you say that?

9 A I said if something happened to her.

10 Q Okay. Is something --

11 A For example, you know, if she's there, she cut
12 herself, if I had to take her to a hospital or if -- yeah, you
13 know, if she did kill herself, I mean, I would hope that she
14 wouldn't do that.

15 Q Right.

16 A But if I came home and -- it's not like I abandoned
17 her, but if I came home and -- and she had hurt herself. You
18 know, it was always my concern when I left work. Obviously, I
19 couldn't be in two places at the same time and I was trying to
20 get her to go home and, like I said --

21 Q Sir, you're getting far from the question.

22 A I -- I know. I'm sorry.

23 Q Social Security card and birth certificate, your
24 testimony previously was you had that -- you had her bring
25 that --

1 A Yes, I did.

2 Q -- because if something happened to her?

3 A In case -- in case I needed to -- you know, have
4 some kind of identification to go to the hospital. I don't
5 know how it works.

6 Q You're getting far off again.

7 A I'm sorry again.

8 Q You knew her name, right?

9 A I knew her name, yes.

10 Q You knew her birthday?

11 A At that point in time, I don't know. It may have
12 came up later on, but, at that point in time, I just wanted
13 some identifying paperwork.

14 Q You knew where she lived?

15 A I knew where she lived, yes.

16 Q And you knew a phone number that you had her -- you
17 had her cell phone in your possession?

18 A Well, her cell phone was not in my possession. Her
19 cellphone was in her possession.

20 Q At your house?

21 A Well, it was at my house with her, yes.

22 Q Okay. So, but, it's your testimony that you needed
23 her birth certificate and Social Security number in case
24 something happened to her, even though you knew --

25 A In case I had to -- look, if she cut herself, I'm

1 not going to say "call her mom," if that's what you're
2 implying. I'm going to take her to the hospital.

3 Q And she's going to go to the hospital and say "I'm
4 Jaysenia Torres, this is my birthday, I cut my finger, I need
5 help"?

6 A She's not going to say that. That's why I had the
7 paperwork.

8 Q Okay. Cause she --

9 A You know, look, I can't describe any possible
10 scenario. I was trying to be careful. You know, I don't even
11 know if I would need the paperwork. It may have been as
12 simple as, hey, I'm so and so, this is so and so. It may have
13 been that simple. I just asked her to bring that stuff, just
14 in case. You know, I don't know what the rules -- you know,
15 our -- our healthcare system changes constantly.

16 Q So just in case she got hurt, it has nothing to do
17 with you wanting to keep her until she was 18?

18 A I don't know this thing about wanting to keep her
19 until she was 18. I wanted to make sure that we were going to
20 start a relationship at 18. That was in the beginning, if
21 that's what you're implying.

22 Q Okay.

23 A I'm not sure what your question was on that.

24 Q That's okay. We'll move on, Mr. Sprowson. So you
25 said that there were a couple different times where you guys

1 kind of got into spats, but, at the end, you would both get
2 teary-eyed and you could agree that, you know, she's going to
3 stay?

4 A I wouldn't say that. I -- I was always insistent on
5 her going home, but the thing is, like I said, she's an
6 emotional, young lady. I'm an emotional person, too. We both
7 are emotional. In a situation, whatever it was, you know, my
8 ultimate -- my ultimate intention was for her to go home. Did
9 I know how to handle it? Probably not. Did I do the right
10 thing? Probably not. But to answer your question, we both
11 would get teary-eyed and, ultimately, she would end up
12 staying, yes.

13 Q Okay. I mean, you were the adult in this situation.
14 If you wanted her to go home, you could have -- you could have
15 driven her home?

16 A You know, that's kind of a slippery slope there.

17 Q Yes or no, could you have driven her home?

18 A I don't believe so.

19 Q What would have prevented you from driving her home?

20 A Her emotional state.

21 Q And what about her emotional state would prevent
22 you?

23 A I just -- you know, like I said, she had threatened
24 she wanted to kill herself. You know, she was calming down.
25 She was happy. She was becoming -- and I was, like, okay, so

1 now she's making progress as far as, you know, these things,
2 so that's why I would always ask her -- if I may. I don't
3 know you asked --

4 Q No. My question is --

5 A I'm sorry.

6 Q -- did anything prevent you from taking her home?
7 You said her emotional state.

8 A Well, I -- I didn't even know if that prevented me.
9 I mean, realistically, I probably could have grabbed her by
10 the hand and said "you're going home" and forced her and say,
11 "you know what, let me just take you back to mom," I probably
12 could have done that.

13 Q Okay. So I just -- I don't want to go through -- I
14 don't need to go through every single thing, but you were
15 approached by a private investigator. So that's one time,
16 correct?

17 A Yes.

18 Q You were approached by -- it's actually -- you refer
19 to him as Gates, but it's Detective Logiudice?

20 A Is it Logiudice?

21 Q Yeah.

22 A It was one of those two.

23 Q So that's a second time?

24 A Yes, that's a second time.

25 Q And with Logiudice, Logiudice even tells you, "hey,

1 her mom is looking for her"?

2 A Yes.

3 Q Third time you're approached by Officer Abbott.

4 And, then, the last time you're approached by Detective Platt
5 and Detective Platt says, "I want -- I know you don't have any
6 children, but I want you to look at it through a mom -- a
7 parent's eyes and what they're going through." Do you
8 remember him saying that?

9 A Yes, I do.

10 Q Okay. Now, it just so -- and it's your testimony
11 that you were actually going to take her home the following
12 day or the following weekend?

13 A It was the Halloween weekend, yes, she was
14 definitely going home that weekend because --

15 Q No, it's just that's my question. It was that
16 weekend?

17 A Yes, yes.

18 Q Right?

19 A I'm sorry. Yes.

20 Q But it just so happens that you didn't have that
21 opportunity because you got arrested?

22 A Well, that Friday, yeah.

23 Q Okay. But you, for sure, would have taken her home
24 at the end of that weekend?

25 A She would have been home, and the reason why --

1 cause it was -- we had decided that on Halloween. The
2 following day was the 1st and, then, it was that weekend.
3 That's --

4 Q So her emotional state was okay then? She was at a
5 point where you felt, like, she can go home now?

6 A You know, at this point --

7 Q Just yes or no. Was her emotional state at a point,
8 then, you felt like she could go home?

9 A I had reached a breaking point where there was too
10 many officers, and I said, "you know what? You cannot stay
11 here." So it was at a point where, you know, whether I got in
12 trouble or not, she was going to have to go home.

13 Q Okay. So, then, you get arrested and it gets
14 scheduled for what's referred to as a preliminary hearing. Do
15 you remember that? The initial -- the first -- it would be
16 the first setting of the preliminary hearing?

17 A It's, like, three years ago, yeah, or something like
18 that.

19 Q Okay. And you got that -- the first setting of that
20 preliminary hearing got continued because Jaysenia tried to
21 kill herself, correct?

22 A I don't know what happened, but I guess that's what
23 happened.

24 Q Well, you were present in court when I made those
25 representations --

1 A Well --

2 Q Right?

3 A I remember that the -- I was kind of -- well, to
4 answer your question, Mr. Momot told me that it's going to be
5 continued. I don't know what the details were. I was asking
6 him.

7 Q But you were standing -- we were in a courtroom
8 like --

9 A It was continued a couple of times.

10 Q Okay. Just one second. Let me ask, okay? You were
11 sitting at a table right here and I was standing at a table
12 right here. We were that close, is that fair?

13 A I would say so, yeah.

14 Q Okay. And when I made the motion to continue, I
15 stated in open court in front of you that Jaysenia had tried
16 to kill herself so I could not go forward with the hearing.
17 Do you remember that?

18 A That may or -- I don't remember, to be honest with
19 you.

20 Q So you don't remember me saying that Jaysenia tried
21 to kill herself?

22 A That may have been where I actually found out and
23 heard that she tried to kill herself.

24 Q Okay.

25 A It may have been then. I don't remember if it was

1 Momot that told me and that might have been when -- when I
2 found out.

3 Q Okay. So that preliminary hearing gets continued
4 and, then, it gets reset for a preliminary hearing and, at
5 that point in time, you were aware that Jaysenia had tried to
6 commit suicide by the time the preliminary hearing went
7 forward, correct?

8 A I possibly could have, yeah.

9 Q And you were aware that she was being flown in from
10 a treatment facility, but you did not know where from?

11 A All I know is that information was being kept from
12 me and I wasn't allowed to know anything.

13 Q Well, you weren't allowed to know her whereabouts.

14 A Well, Mr. Momot was handling my case at that time,
15 so, most of the information was given to him. I -- I met with
16 him on several occasions and we discussed certain things,
17 but --

18 Q Were you aware at the time of the preliminary
19 hearing she was flown in from a treatment facility that was
20 in-patient?

21 A Like I said, most of the information that I received
22 in that time I can't remember. That's, like, three years ago.
23 I could have. I don't remember.

24 Q During the preliminary hearing did she, in fact,
25 testify that she was currently in-patient at a treatment

1 facility?

2 A I'd have to look at the preliminary hearing to see
3 what she testified about.

4 Q Okay. And during that preliminary hearing you tried
5 to speak to her? Yes or no?

6 A I said it was okay --

7 Q Yes or no. Mr. Sprowson, did you try to speak to
8 her?

9 A No, I did speak to her.

10 Q Okay. Did you make gestures toward her?

11 A I did make gestures toward her.

12 Q When walking past her towards the -- the cell, did
13 you again try to speak to her?

14 A No, I think I winked at her or something.

15 Q You winked at her?

16 A Could have been. Something like that.

17 Q Okay. And you were told by the marshal that you
18 needed to stop?

19 A I was told --

20 Q Yes or no.

21 A Yeah, I was told I can't communicate with her, yes.

22 Q Okay. And there's a point in that preliminary
23 hearing when Jaysenia breaks down and starts going at --
24 saying to you, "I -- I stuck with the plan, you should have
25 stuck with the plan. How was I supposed to stick with it?"

1 Do you remember that?

2 A I don't recall that conversation. Was that a
3 conversation we had or --

4 Q She's testifying. Do you remember her turning to
5 you and saying, "How was I supposed to stick to the plan? You
6 didn't stick to the plan." Do you remember that?

7 A I don't remember that, no.

8 Q So at the end of that preliminary hearing you're
9 fully -- and I'm almost done, Your Honor -- you're fully aware
10 of the mental issues that Jaysenia is now having, correct?

11 A I'm not sure what you mean by that.

12 Q Okay. Well, at the preliminary hearing you know
13 that she's tried to commit suicide?

14 A I may have learned that.

15 Q You knew that she had to go to Montevista?

16 A You know --

17 Q Yes or no, sir. I --

18 A I don't remember because, you know, you're talking
19 about three years ago. There was a lot of things that was
20 going on. I was in jail at this time. I was dealing with
21 being in jail, so, and I'm stressing out. Most of the
22 information that I got was from Mr. Momot. A lot of it -- I
23 wasn't even paying attention to a lot of that stuff because,
24 you know, I'm in jail --

25 Q So no --

1 A -- I was --

2 Q -- you don't remember that? The answer is no?

3 A I don't remember what you're talking about. I -- I
4 -- may or may not happened, I don't know.

5 Q When Mr. Momot and I were in court with one another,
6 you were always with us, right?

7 A I would say I was there physically, yes.

8 Q Oh, but not mentally?

9 A But I was -- you know, she's not the only one that
10 was having emotional issues at this time, okay?

11 Q Uh-huh. So you were -- so you're not sure whether
12 or not that you knew she had been to Montevista?

13 A You know, like I said, Mr. Momot handled all my
14 affairs at that time, that's what I paid him to do.

15 Q Sure. And you're not aware of the fact that she's
16 an in-patient at Willow Springs, you just don't know if you
17 were aware of that?

18 A Willow Springs? I don't even know what that is.

19 Q Were you aware that she was in an in-patient
20 long-term treatment program?

21 A Mr. Momot had -- I guess he mentioned something to
22 her -- that she was in a hospital or something. I don't know
23 if there was one, two, whatever, but --

24 Q Okay.

25 A -- you know, he was the one that was handling the

1 case. I was trusting him. I paid him. That's why I paid
2 him.

3 Q Let me make it a little more simple for you. You
4 were aware that she was under some pretty severe emotional
5 distress, would that be fair?

6 A I don't know what her emotional status was. That
7 may have been what the State was claiming, but, to be honest
8 with you, I don't know what was going on. Mr. Momot was
9 handling my affairs.

10 Q Okay. So you don't remember anything about the
11 preliminary hearing when she discussed all of this in detail?

12 A I remember that we --

13 Q Do you remember it, sir?

14 A No, I don't, not to exact details, no.

15 Q You've had the opportunity to read through that
16 preliminary hearing multiple, multiple times, correct?

17 A Most of the stuff is pertaining to the officer. I
18 haven't read through the whole thing, no.

19 Q You haven't read through the preliminary hearing
20 transcript in four years?

21 A Not the whole thing, no. Only the pertinent things
22 that I thought were in regards to motions that I filed and
23 things like that, and most of that stuff was dealing with the
24 officers and the search warrant.

25 Q So you didn't read through Jaysenia's statements?

1 A I think probably when she was up here, that was
2 probably the first time that I actually -- as you can see, I
3 was trying to find stuff, so, no, I hadn't been very familiar
4 with it. Matter of fact, I'd asked -- I'd asked to have
5 preparation time to actually go through some of that stuff.

6 Q Okay. Now, after the Justice Court -- after the
7 preliminary hearing, were you aware that there was a
8 no-contact order at that time?

9 A Say that one more time.

10 Q After the preliminary hearing at the Justice Court
11 level, right now we're at the District Court, but when we were
12 down at the Justice Court level, were you aware that there was
13 a no-contact order at that point between you -- you were not
14 to contact Jaysenia?

15 A I was in jail. I don't remember if Mr. Momot had
16 told me. At that point in time I was in jail --

17 Q Okay.

18 A -- so, obviously, I wasn't going to be --

19 Q So when we get up to the District Court and, at some
20 point, like you testified, you bailed out?

21 A May 2nd, yes, I bailed out.

22 Q Okay. And you are later informed that one of the
23 conditions of your bail is that you are to have no contact
24 with Jaysenia?

25 A About a week or two later, yes.

1 Q Now, at a previous -- before you get bailed out --
2 sorry -- I need to go back one second. At a previous hearing
3 you are made aware that Jaysenia will be leaving the treatment
4 center soon, correct?

5 A You got to be a little bit more specific than that.

6 Q At a court hearing, at the District Court level --

7 A There were --

8 Q -- were you ever made aware that Jaysenia would be
9 getting out of the in-patient treatment soon?

10 A Was this after I bailed out you're talking about?

11 Q No, before you bailed out.

12 A Before I bailed out? The only hearings I remember
13 was a writ of habeas corpus and a bail hearing, that was it.
14 After the bail hearing, I was in Oklahoma. Mr. Momot
15 represented me on several motions without my presence.

16 Q Understood. I'm talking about when you were here at
17 the bail hearing.

18 A District Court I remember two -- two hearings.

19 Q Okay.

20 A I remember a bail hearing and a writ of habeas
21 corpus.

22 Q Thank you. At the bail hearing do you remember the
23 State making representations that Jaysenia was getting out of
24 the in-patient program?

25 A I remember that --

1 Q Yes or no. Mr. Sprowson, yes or no.

2 A No, I don't remember because I was focusing on
3 getting the bail and one of the things we were talking about
4 was my rent. I was more concerned about getting my rent paid
5 because it was actually due and I was pushing Momot to
6 actually sign my check.

7 Q Okay.

8 A You may have said that. I don't remember.

9 Q Okay. So you meet this individual once you get to
10 Oklahoma and --

11 A Well, not when I get to Oklahoma, no.

12 Q At some point, when you're in Oklahoma you meet
13 someone over the Christmas break that your nieces and nephews
14 are home?

15 A Yes.

16 Q Okay. What is her name?

17 A Lisa.

18 Q Lisa what?

19 A Lisa Thomas.

20 Q And how old is Lisa?

21 A She's probably in her mid thirties.

22 Q And where -- like, where is she?

23 A I met her at the bar. She had stayed with me, like
24 I said, this was over several days. I was in an emotional
25 state at this time.

1 Q I'm just asking you where is she?

2 A She's probably somewhere in Oklahoma. I didn't have
3 her home address, if that's what you're asking.

4 Q Did you have her number?

5 A No, because she was there with me.

6 Q Okay. So you guys just stayed together for how many
7 nights?

8 A It was probably, like, maybe two, three, possibly
9 four.

10 Q Okay. And when you are staying with her, you
11 divulge to her all these -- these things that happened between
12 you and Jaysenia?

13 A Yeah, eventually I did tell her all the information
14 that was going on and stuff, yes.

15 Q And, so, I mean, are you and Lisa -- are you guys
16 close? Like, do you feel like --

17 A No, no.

18 Q -- she's your girlfriend?

19 A It's probably something stupid that I did, but, you
20 know, I mean, come on, I'm --

21 Q I'm just asking you if you're close? Like, did you
22 consider her your girlfriend?

23 A No, it was more of a -- it was just kind of someone
24 that I connected with and someone I met at a bar, and I was
25 feeling -- it was the holidays and I was feeling very down,

1 yes.

2 Q Okay. But it's -- so it's more like -- I don't -- I
3 don't want to say, like, a one-night stand because it's a few
4 nights, but it's something like that?

5 A It's probably -- it was not a long-term thing.

6 Q Okay. But you choose to give her your user name and
7 passwords and the only other person is your brother who has
8 those things?

9 A Because of my -- my conditions, yes, I had no other
10 choice. I mean, I wasn't allowed to go to my brother's. I
11 need to check -- I needed to check my information and, you
12 know, I -- I could have just gone on there and violated the
13 conditions probably. That probably would have been easier.

14 Q You didn't go on there, Lisa went on there?

15 A I gave her -- well, it depends on -- well, like I
16 testified, I gave --

17 Q Sir, I'm just asking did Lisa go on there or did you
18 go on there?

19 A Go on where?

20 Q Go onto Instagram and contact Jaysenia?

21 A You know what? I don't know who went on there.

22 Q But it wasn't you?

23 A But it wasn't me.

24 Q And that person -- showing you State's 33 -- just
25 happens to know --

1 A Yeah, I did disclose that to her, absolutely.

2 Q You disclosed to Lisa that --

3 A Yes.

4 Q -- you and Jaysenia were going to name your daughter
5 Audrey?

6 A Well, that's not the way I put it to her. You know
7 what that is? That was in case -- because there was a time --

8 Q Go ahead.

9 A Well, if you want me to explain.

10 Q Yeah, please do.

11 A Earlier on when we had -- when Jaysenia and I had a
12 discussion, when she was talking about her mom was not going
13 to let us communicate, I think at that time is when we
14 suggested, well, you know what? Cause she was talking about
15 one or two years. I said, "well, if that happens, you know,
16 we'll just -- we'll just use Audrey and your birthdate," and
17 it was kind of like -- it wasn't, like -- like, a really quick
18 long-term planned thing. It was just something that came up
19 and, you know, that's --

20 Q So Lisa knew --

21 A Yeah.

22 Q Lisa knew Audrey and she had Jaysenia's birthday
23 memorized?

24 A No, I had told her what had happened in that
25 conversation and I had given her that information, yes.

1 Q And, so, she remembered it when she contacts
2 Jaysenia?

3 A You know, well, first of all -- first of all, I
4 don't know if it was even Lisa, you know what I mean?

5 Q Who else at the hotel in Oklahoma knew this?

6 A Exactly. That's why I suspect it as Lisa, but the
7 reason why I'm saying it's not Lisa is because, you know,
8 there's only two people --

9 Q Who --

10 A -- that had it was my brother and Lisa. I suspect
11 Lisa. I was told I wasn't allowed to use that information,
12 that's why I'm saying, but, if you want to know who I
13 suspected?

14 Q Yeah.

15 A I suspect Lisa.

16 Q Lisa?

17 A Yeah, that's the only person it could have been.

18 Q I thought you just said you don't suspect Lisa?

19 A Well, look, the reason why I'm saying that is -- no,
20 I didn't say I didn't suspect Lisa. What I'm saying is that
21 there's only two people, was my brother and Lisa -- you're
22 confusing things -- was my brother and Lisa. Now, I was told
23 at the remand hearing that I wasn't allowed to introduce --

24 Q This isn't the remand hearing.

25 A I know. I wasn't allowed to disclose that

1 information, so, what I'm -- what I'm talking about is some of
2 the things in the back of my mind say, can I talk about that
3 or not talk about that?

4 Q Okay.

5 A But if you want to know who I think it was, I think
6 it was Lisa, yes.

7 Q Okay. And Lisa -- you've seen all the Twitters.
8 Lisa changes the screen name multiple times, correct?

9 A If it was her. It looks that way, yeah.

10 Q So you're saying it's either Lisa or your brother?

11 A Well, it's probably -- you can narrow it down to
12 Lisa.

13 Q Was your brother ever at the hotel?

14 A No, he wasn't at the hotel so it was probably --

15 Q Okay. So, now, we've got it narrowed down to either
16 you or Lisa?

17 A Yeah, well, I've already stated that I thought it
18 was Lisa. I just want to -- like I said, I'm not allowed -- I
19 was told I was not allowed to introduce that information,
20 so --

21 Q State's 40. Audrey [REDACTED] states, "are you going to
22 tell your mom I don't mean any harm and just want you to be
23 happy?" Correct?

24 A That's what it says, yeah.

25 Q And you've never seen Lisa after that?

1 A After that, I was, I think, a couple weeks and I got
2 remanded.

3 Q So the answer is no, then, you've never seen Lisa?

4 A No, because I already told you that that night she
5 got angry about something and she had left the room. I don't
6 know if it was because I had taken that long time with the
7 tire thing and bringing back the food or --

8 Q Okay.

9 A -- that may have happened.

10 Q So you were, ultimately, like you stated, you were
11 arrested initially on November 1st and then you were remanded
12 into custody. And I'm just going to show you pictures.
13 You've seen this of yourself. 104 and 103, correct?

14 A Yeah, those are me.

15 Q Those are fair and accurate copies of you? Yes?

16 A Yeah.

17 MS. BLUTH: Okay. I move to admit those in, Your
18 Honor.

19 THE COURT: If there's no objection, they're
20 admitted.

21 MS. BLUTH: Okay.

22 MR. SPROWSON: Oh. No objection.

23 (State's Exhibit 103 and 104 admitted.)

24 BY MS. BLUTH:

25 Q So I want to just ask you a few -- couple last

1 questions. You stated --

2 THE COURT: I need the photographs.

3 MS. BLUTH: Oh. Did they fall? Sorry.

4 THE COURT: No, no, no. I just need them. Kathy
5 has to mark them. Once they're admitted we have to take
6 custody of them.

7 BY MS. BLUTH:

8 Q In regards to -- you said, you know, that you're --
9 you're willing to take responsibility for your actions, do you
10 remember saying that?

11 A Yes, and I still am.

12 Q Okay. But, yet, is it -- it's your testimony today
13 that it was Jaysenia's idea for you guys to meet in person for
14 the first time?

15 A You'd have to be a little bit more specific than
16 that. What do you mean? You mean -- are you talking about
17 the skating rink?

18 Q The very first time you met in person it was
19 Jaysenia's idea, that was her request, correct?

20 A Is it at the skating rink you're referring to
21 because that was the first time we met.

22 Q Well, then, that would be it.

23 A Okay. So at the skating rink, yes, she asked me to
24 be there.

25 Q Okay. And it was her idea for you to pick her up at

1 Boca Park?

2 A Yes, it was.

3 Q And it was her idea for you to -- for her to spend
4 the night, the first night together?

5 A You mean the Boca Park thing?

6 Q Yeah.

7 A Yeah.

8 Q And the second night?

9 A Well, that's the same incident, so.

10 Q Was it -- whose idea was it for her to spend another
11 night?

12 A You know, I can't remember. It may have been both
13 of ours.

14 Q Okay.

15 A It probably was both of ours.

16 Q It was her idea and she went and got the alcohol on
17 her own? Yes or no.

18 A Did she drink alcohol? Oh, yes.

19 Q Okay. The photos, the photos were originally her
20 idea?

21 A Well, she -- the initial one was, and she asked me
22 what poses that I liked, and I told her, yes, and I -- I told
23 you I asked for --

24 Q It's just yes or no. That's all you --

25 A Because there were some photos that I did say, yes,

1 I want.

2 Q Initially, I said initially the photos --

3 A Initially, initially, the first one, yeah.

4 Q -- those were her ideas?

5 A There was one, yeah.

6 Q And, then, the plan to stay at your house was all
7 her idea?

8 A What do you mean the plan to stay at my house?

9 Q The plan to stay at your house, to live there for
10 two months, it was all her idea?

11 A There -- there was no plan for her to stay at my
12 house. She had threatened to kill herself and I didn't know
13 how long she was going to stay there. I was hoping it was
14 only going to be a one -- one night thing, that she would
15 eventually calm down and she would go back to her mom, and I'd
16 be taking her home the next day, to be honest with you.

17 Q Right. And the violation of the no-contact order,
18 that was Lisa's fault, that's who you suspect?

19 A That's what it had to be, yes.

20 Q So what about any of this -- what have you taken
21 responsibility for?

22 A I've already told you. I picked her up. Not only
23 that, I took responsibility of her being there and I took
24 responsibility -- I'll tell you what I took responsibility
25 for. I've been in jail for two years and seven months total

1 time, that's what I'm taking responsibility for.

2 Q But you're saying you didn't do it, so what are you
3 taking responsibility for?

4 A Here's the thing. Was I participating in these
5 things and thought was I responsible at some level in these
6 things? Yes, in every last thing. I picked her up from Boca
7 Park, yes. Did I -- did I go to the skating rink? Yes. Did
8 I eventually pick her up when she threatened to kill herself?
9 Yes. I'm taking responsibility now for all of those things.
10 What I'm saying is that when -- when these things came about,
11 it's this young lady who is saying, look, you know what?
12 Let's do this. Let's do this. You know, and I didn't use
13 proper judgment in that and, like I said, let's look at the
14 Boca Park, she was there first --

15 Q Sir, I'm just asking what have you taken
16 responsibility for? That's all I'm asking.

17 A Everything. I'll take responsibility for
18 everything.

19 Q Okay. Will you take --

20 A All I'm saying is when -- how things came about is
21 very different than taking responsibility. I'll take
22 responsibility for everything, okay?

23 Q Do you take responsibility for picking her up on
24 August 28th, her getting in your car knowing that her mother
25 did not know?

1 A As far as, like, what do you mean knowing her mother
2 did not know?

3 Q I don't know how --

4 A Well, yes, I -- I take responsibility.

5 Q -- it's very simple.

6 A Her mother -- if her mother didn't know, I take
7 responsibility for that.

8 Q Do you know her mother did not know?

9 A She threatened to kill herself.

10 Q Did you know her mother didn't know?

11 A I didn't know anything, at that point in time,
12 except she was threatening to kill herself.

13 Q So you were unaware at the time you picked her up
14 that her mother --

15 A You know, if you're asking me to guess about what
16 her mother knew or didn't know --

17 Q You picked her up in the middle of the night.

18 A She asked me to pick her up and probably her mother
19 -- I would say her mother didn't know. So as far as answering
20 your question, her mother didn't know, I probably have to say
21 that, yes.

22 Q Would you agree with me that today is the first time
23 in almost four years you have ever shed a tear in a courtroom?

24 A As far as like what? I mean -- you -- no, no, no,
25 no. No, no. At the preliminary, if you remember correctly, I

1 was balling.

2 Q At what point?

3 A At the preliminary.

4 Q So it's your testimony that you cried at the
5 preliminary hearing?

6 A Yes, I did.

7 MS. BLUTH: Nothing further, Judge.

8 THE WITNESS: And you know how many times I've cried
9 in my cell.

10 MS. BLUTH: Sir, there's no other questions.

11 THE COURT: Mr. Sprowson, there's not a question.

12 MS. BLUTH: Thank you.

13 THE COURT: Would you like to redirect yourself, I
14 mean, as far as anything you want to follow up on the State
15 mentioned?

16 MR. SPROWSON: I just like to clean up some of this
17 stuff because, you know, I mean, some of this stuff is, you
18 know, kind of asked in such a way to where -- now, as far as
19 the responsibility thing, I've already stated that, you know,
20 as far as like going to the skating rink, I went to the
21 skating rink, yes, but she was already there. She asked me to
22 meet her there.

23 We talk about responsibility. Did I go there? Yes.
24 Did I meet her? Yes. But I want to remind the jury, she was
25 already there. So if it was me initiating this, how was she

1 already there? The same thing with the Boca Park. I wasn't
2 there first. She was already there. She was asking me to be
3 there. So in all of these situations and the same thing as
4 far as, like, I take responsibility on my part.

5 Yes, I eventually went to go to the skating rink. I
6 don't think there's any harm in that. I went to go meet
7 somebody, talk to them, and I left. I don't think that's
8 illegal. As far as going to Boca Park, she said that she's
9 initially going to be at Jessica's and all of a sudden she's
10 telling me, you know, I'm going to spend the night at your
11 house. You know, she was already there.

12 I picked her up, so I take -- yes, I picked her up.
13 I brought her back to my home. Taking responsibility for
14 that. The night that she threatened to kill herself, you
15 know, her -- her mother didn't know. Probably her mother
16 didn't know, but at the same time I'm thinking about her not
17 killing herself.

18 I'm in a relationship with her and, look, did I make
19 the right judgment in that? Should I have said, look, you
20 know what? Just go to her mom's door and say, hey, you know
21 your daughter's killing herself? I probably should have done
22 that. It wasn't the best choice, but, ultimately, we went
23 back to my place and, ultimately, she ended up staying there
24 for two months. Yes, I take responsibility for that. I don't
25 know what else to say.

1 THE COURT: Is there anything else, sir?

2 MR. SPROWSON: I think that's it.

3 THE COURT: All right.

4 MR. SPROWSON: There might have been something else
5 that I wanted -- that I wrote down. Yeah, let me see. Yeah,
6 I think that's it.

7 MS. BLUTH: Nothing further. Thank you, Your Honor.

8 THE COURT: All right. Mr. Sprowson, if you'd like
9 to go back to your table, sir. Counsel, can I just -- Counsel
10 and Mr. Sprowson, actually, if you could come over here real
11 quick so we can talk about scheduling.

12 MR. SPROWSON: Sure.

13 (Bench conference transcribed as follows.)

14 THE COURT: Okay. So you guys need to finish jury
15 instructions and you need a verdict form. How long will that
16 take tomorrow?

17 MR. SWEETIN: It's hard to [inaudible] the
18 Defendant. I'm not sure he has any objections.

19 MR. SPROWSON: I have some definitions I'd like to
20 add. Do I need to show that to you guys today?

21 MS. BLUTH: Not today.

22 MR. SPROWSON: Well, there's a few of the words that
23 I'd like to add the definitions to them just to kind of --

24 THE COURT: We can talk about that real quick. I
25 just need to let the jury know what time to come back

1 tomorrow.

2 MR. SPROWSON: I don't know. You guys are
3 professionals, you know.

4 THE COURT: What time?

5 MS. BLUTH: [Inaudible.]

6 THE COURT: Okay. But I'm going [inaudible] three
7 hearings before this starts. When are we going to do that?
8 We have to do jury instructions because --

9 MS. BLUTH: Right. Okay. Then let's do [inaudible]
10 jury instructions at 9:30.

11 THE COURT: Yeah, that's fine. [Inaudible.]

12 THE MARSHAL: [Inaudible.]

13 THE COURT: Yeah, that's fine.

14 MS. BLUTH: [Inaudible.] Yeah.

15 THE COURT: Okay.

16 (End of bench conference.)

17 THE COURT: Actually, Mr. Sprowson, do you have
18 additional witnesses, sir?

19 MR. SPROWSON: No, just me. That's it.

20 THE COURT: Are you going to rest your case, sir?

21 MR. SPROWSON: As far as witnesses, yes.

22 THE COURT: Yes. All right. So the Defense has
23 rested. All right. So procedurally, ladies and gentlemen,
24 what's going to happen, the State has rested and the Defense
25 has rested and I don't believe -- is the State going to call a

1 rebuttal case?

2 MS. BLUTH: No, Your Honor. Thank you.

3 THE COURT: All right. So tomorrow we're going to
4 ask that you come here at ten o'clock and once you get here at
5 ten o'clock I'm going to go through the jury instructions with
6 you. I'll read those jury instructions to you, then, you will
7 have a chance to take them back to the room when you
8 deliberate and that's the law that you're going to use when
9 you deliberate this case. Thereafter, the State will present
10 its closing, Mr. Sprowson can present his closing, the State
11 will have a chance to do the rebuttal, if they so desire.

12 So ten o'clock tomorrow and, again, as always, don't
13 talk about the case, don't research the case, don't form or
14 express an opinion on the case and don't read about the case.
15 See you tomorrow. Have a lovely day.

16 (The jury recessed at 5:26 p.m.)

17 THE COURT: All right. Mr. Sprowson?

18 MR. SPROWSON: Yes.

19 THE COURT: Do you have the ones that you're
20 proposing? Can you -- do you have a copy you can give the
21 State?

22 MR. SPROWSON: I -- I kind of -- I have the -- they
23 provided some jury instructions to me. I just wrote on those
24 and I would like to show it to the State and see what they
25 think. It's not really too -- too complicated, just

1 definitions. Let me find them.

2 THE COURT: Oh. You know what? Jason, does the
3 pregnant lady still have a doctor's appointment tomorrow?

4 THE MARSHAL: 2:30 she got to be walked out the
5 door.

6 THE COURT: This is what we had -- what time -- does
7 she know when she'll be back?

8 THE MARSHAL: She'll probably be done for the day.

9 MS. BLUTH: Is it a doctor's appointment? It's a
10 scope apartment, right?

11 THE MARSHAL: It's scope.

12 MS. BLUTH: Yeah. Don't -- you don't think we'll be
13 able to be done, Judge?

14 THE COURT: I have -- well, I'd have to discharge my
15 whole jury, but, I think we can come back Friday and
16 deliberate all day.

17 MS. BLUTH: Oh. Oh. You're saying -- I thought --
18 I thought you were concerned we wouldn't be done with
19 arguments, but you're just talking about the deliberation
20 process. I apologize. You're a step ahead of me.

21 THE COURT: Okay. Mr. Sprowson, you want to share
22 with the State what your changes are?

23 MR. SPROWSON: Yeah, I'm trying to find them, Your
24 Honor. Excuse me. I'm sorry. Okay if I -- I just added a
25 few definitions, Mr. Sweetin.

1 THE COURT: All right. 8:35 tomorrow.

2 MR. SPROWSON: It's probably back here. Here we go.
3 There's a couple more I think I want to add, but I just want
4 to kind of clear it up and add some of these words to it,
5 sexual, sexy, and just kind of -- just a difference because
6 there is a difference between sexual and --

7 MR. SWEETIN: See, the problem with that is that
8 these -- this is verbatim right out of the statute. So this
9 is the law, so there's a -- the legislature puts together
10 laws. If you violate a specific requirement of the law, then,
11 you're violating the law. So if you change the wording of
12 that, then, it wouldn't be the law anymore.

13 MR. SPROWSON: Yeah, but the wording here is sexual
14 betrayal.

15 MR. SWEETIN: Right.

16 MR. SPROWSON: All I'm doing is giving a definition
17 of what sexual is. It doesn't change anything here, but just
18 tells that what it means.

19 MR. SWEETIN: Again, this is the law. It's sexual
20 sort of stands on its own. You know, what you're doing --

21 MR. SPROWSON: Well, so does betrayal.

22 MR. SWEETIN: Well, no. We would object to this and
23 Judge would make the call and the reason for that is as I laid
24 out. If -- what you're really doing is you're kind of making
25 arguments in this and you can do that in front of the jury.

1 You can say all of this in front of the jury. You know, hey,
2 sexual betrayal, what really is sexual?

3 MR. SPROWSON: I just seen -- I just seen a few
4 where they actually have definition of words in there. The
5 only reason I wanted to add it because there is a difference
6 -- I can argue that. That's fine.

7 MR. SWEETIN: Yeah.

8 MR. SPROWSON: I mean, ultimately, comes to that.
9 There is a difference between sexy and sexual. Sexual
10 betrayal, I mean, this is -- you know, even though that it is
11 coming straight out of the book, I think even Momot used this
12 word [inaudible]. If I was a juror, just -- it would be very
13 vague for me and that's why I'm just trying to clean it up so
14 that [inaudible] understand a little more, but I can argue
15 that.

16 MR. SWEETIN: Yeah, I mean, that's kind of argument.
17 You know, because sexual, everyone kind of knows what you're
18 talking about sexual. You can kind of put your slant on it
19 [inaudible].

20 MR. SPROWSON: But this is -- this is the literal
21 action, but --

22 MR. SWEETIN: Yeah.

23 MR. SPROWSON: -- you know, I guess we'll have the
24 Judge take a look. I don't know if she wants to --

25 MR. SWEETIN: Okay. Because that's your --

1 MR. SPROWSON: No, I'd like to add it --

2 MR. SWEETIN: Is that your only issue?

3 MR. SPROWSON: Yeah, I just want to add a few words.
4 If it's not allowed, that's fine, I can make it part of my
5 argument. It's not a big deal.

6 MR. SWEETIN: So there's no other objections that
7 you have then?

8 MR. SPROWSON: You know, it was actually pretty
9 good.

10 MR. SWEETIN: Okay.

11 MR. SPROWSON: I was looking through it and I think
12 it's pretty sound. I think --

13 MR. SWEETIN: Yeah.

14 MR. SPROWSON: -- you know, most of this stuff is
15 straight forward.

16 MR. SWEETIN: We could probably settle this tonight,
17 Judge, five minutes.

18 THE COURT: But it's during finals week.

19 MR. SWEETIN: Okay. That's fine. I think we could
20 settle them tonight, Judge.

21 THE COURT: Let's do it. Yeah, it's a huge
22 opportunity. I'm sure they will because it gives them the
23 [inaudible] and everything. Yeah, I've got to get water.

24 (The Court recessed at 5:32 p.m. until 5:35 p.m.)

25 (Outside the presence of the jury.)

1 THE COURT: Okay. So let's go through jury
2 instructions. Mr. Sprowson, have you had an opportunity to go
3 through the ones offered by the State?

4 MR. SPROWSON: What was the question? I'm sorry,
5 Your Honor.

6 THE COURT: Have you had a chance to go through the
7 State's jury instructions?

8 MR. SPROWSON: Yeah, I looked through these and for
9 the most part, yeah, I agree to all of them. I just wanted to
10 add a few definitions. Mr. Sweetin was saying that there
11 might be some legal issues with that or something. Just kind
12 of run it by you real quick.

13 THE COURT: Yeah. So are you agreeable to the
14 State's? You just want additional ones?

15 MR. SPROWSON: I just want to add -- yeah. What
16 they have already I think is sufficient. I think it's
17 actually pretty good.

18 THE COURT: Okay. And, then, what do you want to
19 add? Can I see the ones you want to add?

20 MR. SPROWSON: May I approach?

21 THE COURT: Yeah. No problem. I just can't sit
22 down anymore.

23 MR. SPROWSON: They're just definitions on certain
24 things. Mr. Sweetin was saying that, you know, probably not a
25 good idea to add those or whatever. He said I could argue

1 those.

2 THE COURT: So what -- what is it you want to add?

3 MR. SPROWSON: Just the definition of the words.

4 THE COURT: The problem is this, is -- were these
5 originally the State's definitions?

6 MR. SWEETIN: What's typed there is the State's and
7 that's directly out of the statute.

8 THE COURT: It's the State. So the problem is is
9 the Supreme Court is very, very specific, like, with
10 definitions and the definition has to be what's contained in
11 the statute. And I know sometimes the language seems a little
12 bit archaic, but you don't get a lot of leeway as far as
13 coming up with new definitions.

14 MR. SPROWSON: Those are just the words that are
15 already there, but.

16 THE COURT: Yeah, but you don't get to further
17 define them because there's a very specific definition for
18 everything.

19 MR. SPROWSON: Yeah, I can argue that, right, in my
20 argument, my closing argument?

21 THE COURT: Yeah. So the term sexual betrayal, I'm
22 assuming you got it out of the statute?

23 MR. SWEETIN: Yes.

24 THE COURT: It appears to be accurate. And you
25 don't object to the language of sexual betrayal, do you?

1 MR. SPROWSON: The thing -- is that the one where
2 they're -- well --

3 THE COURT: The depiction of a person in a manner
4 which appears to the pure interest in sex and which does not
5 have --

6 MR. SPROWSON: A little bit vague on the pure
7 interest. The reason why I wanted to kind of just highlight
8 that a little bit because a pure interest is kind of a very
9 subjective term in some degree.

10 THE COURT: The only way you can sometimes define it
11 is if you go back and you find, like, a Nevada case where the
12 Supreme Court has discussed that jury instruction, but we
13 can't just use like the Merriam-Webster Dictionaries.

14 MR. SPROWSON: So if -- can I have one more day just
15 to look into it before we decide a hundred percent on this?
16 I'll be real quick --

17 THE COURT: We can go over these briefly tomorrow
18 morning.

19 MR. SPROWSON: Yeah, cause I just -- you know, I
20 mean, I'd like to have, at least, something to kind of give --
21 you know, I mean, what the State has proposed as far as like
22 [inaudible] I have no problem with.

23 THE COURT: And I hate to be disrespectful. May I
24 take this, probably from my child?

25 MR. SPROWSON: Yeah. Sorry. Sorry.

1 THE COURT: Thank you.

2 (Pause in proceedings.)

3 THE COURT: I'm sorry. They're probably wondering
4 where I am.

5 MR. SPROWSON: Your Honor, I mean, Mr. Sweetin
6 pointed out that I could argue those things in my closing
7 argument.

8 THE COURT: Okay.

9 MR. SPROWSON: That would be fine with me. I mean,
10 if you want to submit it as it is, I have no problem with it.

11 MR. SWEETIN: Maybe we can just preliminarily settle
12 instructions and give him the night to look at and see if he
13 wants to augment it tomorrow.

14 THE COURT: I'm fine with that.

15 MR. SWEETIN: And [inaudible] tomorrow and we can --

16 MR. SPROWSON: Yeah, I mean, if that's okay.

17 THE COURT: Yeah, I don't know what you have,
18 your --

19 MR. SPROWSON: Law library, I'll look into it to see
20 if there's --

21 THE COURT: Sure. That's fine.

22 MR. SPROWSON: -- any case law or something.

23 THE COURT: So the instructions themselves are fine,
24 you just may want to further define, correct?

25 MR. SPROWSON: I just want to kind of, you know,

1 [inaudible].

2 THE COURT: Okay.

3 MR. SPROWSON: You know, I've seen some jury
4 instructions where they actually have some definitions
5 [inaudible].

6 THE COURT: They do, but they -- they have to come
7 usually from case or statute.

8 MR. SPROWSON: Right, so that's why if I can get a
9 night to kind of look that up.

10 THE COURT: Sometimes what happens is you have a
11 statute that defines a crime like child abuse, okay? And,
12 then, there's a further statute that -- there's a statute that
13 further defines, you know, the elements of it, but it either
14 comes from usually the statutes or cases.

15 MR. SPROWSON: Right, and don't they usually have,
16 like, a book or something that already has all that stuff laid
17 out?

18 THE COURT: There is a jury -- a standard Nevada
19 pattern jury instructions. I don't -- I don't know if you
20 guys use it for criminal, do you?

21 MR. SWEETIN: No.

22 THE COURT: Does it have just civil jury
23 instructions?

24 MR. SWEETIN: I think there's just -- it's just an
25 Eighth Judicial District and the standards that you see here

1 are the standards that we have, so.

2 MR. SPROWSON: Is that -- are these actually -- is
3 there a place that you can actually find these anywhere in the
4 law library?

5 THE COURT: Did you bring the ones with the cites on
6 them?

7 MR. SWEETIN: I didn't bring them, Judge. I didn't
8 bring them with the cites.

9 THE COURT: I don't know what that cite is. Do you
10 know maybe what the statute that is, Mr. Sweetin, off the top
11 of your head, sir, so you can go back and look at the statute?

12 MR. SWEETIN: Yeah, that's going to be -- it's going
13 to be the statute -- it's going to be the same one that's
14 cited in the Information, Unlawful Use of a Minor, so it's
15 going to be 200.700 and 710 and 750.

16 MR. SPROWSON: Okay. So it will be in that group
17 right there?

18 MR. SWEETIN: Yes.

19 MR. SPROWSON: So the definition -- oh, you're
20 pulling from there?

21 MR. SWEETIN: Yes.

22 MR. SPROWSON: Oh, yeah. I know what you're talking
23 -- I know what that -- I know what that's on. Okay. If I can
24 just have --

25 THE COURT: We'll see you tomorrow. Have them bring

1 you up at 9:00.

2 MR. SWEETIN: Do -- do you want -- do you want to
3 number the instructions now or not?

4 THE COURT: I'm sorry. I'm sorry, it's just, you
5 know, later in the day.

6 (Pause in proceedings.)

7 THE COURT: Sorry. We can -- doesn't matter unless
8 those need to be in specific order, that would be the only
9 problem. I guess if he adds -- let's just number them
10 tomorrow. You guys just sit real quick and go through and
11 number them tomorrow.

12 MR. SWEETIN: We can do that.

13 THE COURT: We have 30 minutes leeway. The verdict
14 form, you guys come up with a verdict form?

15 MR. SWEETIN: We do, and it's been provided to the
16 Defendant.

17 THE COURT: Okay. Mr. Sprowson, have you had a
18 chance to look at the verdict form?

19 MR. SPROWSON: Say again?

20 THE COURT: Verdict form? That's actually what the
21 jury fills out --

22 MR. SWEETIN: The verdict form is this.

23 MR. SPROWSON: Yeah, what was the question?

24 MR. SWEETIN: Have you had a chance to look at it?

25 MR. SPROWSON: Yeah, I looked at it. Yeah, I looked

1 at it.

2 THE COURT: Any objections to --

3 MR. SPROWSON: No, I don't have any objections.

4 THE COURT: Okay. Do you want to give me the
5 verdict form that's, in fact, stipulated to at this time?
6 They've stipulated to the verdict form.

7 MR. SWEETIN: It's the same one I gave you last
8 night.

9 THE COURT: Oh. It is. I'm sorry. Then, you can
10 have it. I have a copy. So we'll take the one you provided
11 me and, again, since I -- doublecheck again it's exactly what
12 the State showed me and it's going to be the verdict form by
13 way of stipulation. Thank you. So we'll put -- give that to
14 Kathy. We'll see you tomorrow at nine o'clock, Mr. Sprowson.
15 Anything else?

16 MR. SPROWSON: Thank you, Your Honor. Thank you,
17 Mr. Sweetin.

18 MR. SWEETIN: No, Judge. Thank you.

19 (Court recessed for the evening at 5:43 p.m.)
20
21
22
23
24
25

ACKNOWLEDGMENT:

Pursuant to Rule 3C(d) of Nevada Rules of Appellate Procedure, this is a rough draft transcript expeditiously prepared, not proofread, corrected or certified to be an accurate transcript.

A handwritten signature in cursive script, reading "Kimberly Lawson", is written over a horizontal line.

KIMBERLY LAWSON
TRANSCRIBER

UNCERTIFIED ROUGH DRAFT

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

MELVYN SPROWSON,) No. 73674
)
 Appellant,)
)
 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
 _____)

PHILIP J. KOHN Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 ADAM LAXALT Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
---	---

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:

ADAM LAXALT
STEVEN S. OWENS

DEBORAH L. WESTBROOK
HOWARD S. BROOKS

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

MELVYN SPROWSON, #1180740
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Carrie M. Connolly
Employee, Clark County Public Defender's Office