

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA HONEA,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 76621

Electronically Filed
Dec 07 2018 10:34 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX

VOLUME 3

Jonathan MacArthur, Esq.
Nevada Bar No. 7072
Monique McNeill, Esq.
Nevada Bar No. 9862
P.O. Box 7559
Las Vegas, NV 89125
(702) 497-9734
Attorney for Appellant Honea

INDEX

<u>Document</u>	<u>Page Nos.</u>
Ex Parte Application for Order Requiring Material Witness to Post Bail	vol. 1, 103-108
Information	vol. 1, 1-17
Instructions to the Jury	vol. 13, 3058-3116
Judgment of Conviction	vol. 14, 3291-3296
Motion for Judgment of Acquittal, or in the Alternative, Motion for a New Trial	vol. 13, 3129-3177
Motion for Setting of Appeal Bail,	vol. 14, 3249-3253
Motion to Admit Evidence of M.S.'s Knowledge Of Sex Acts and Prior Sexual Conduct	vol. 1, 26-31
Notice of Appeal	vol. 14, 3294-3296
Notice of Motion and Motion to Preclude Karen Hughes, And Reference to Chief Deputy District Attorney Elizabeth Mercer and/or Christopher Baughman and/or Convicted Defendant Raymond Sharpe at Trial	vol. 1, 84-95
Notice of Motion and Motion to Use Reported Testimony	vol. 1, 18-25
Order Declaring Defendant Indigent	vol. 14, 3293
Order Denying Motion for Acquittal or, in the Alternative, Motion for a New Trial	vol. 14, 3245-3248
Order Requiring Material Witness to Post Bail	

Or Be Committed to Custody	vol. 1, 109-110
Reply to State's Opposition to Motion to Admit Evidence Of M.S.'s Knowledge of Sex Acts and Prior Sexual Conduct	vol. 2, 274-276
Second Amended Information	vol. 2, 258-273
State's Notice of Motion and Motion in Limine re Raymond Sharpe	vol. 1, 32-33
State's Opposition to Defendant's Motion for Judgment of Acquittal, or in the Alternative, Motion for a New Trial,	vol. 14, 3204-3221
State's Opposition to Defendant's Motion to Admit Evidence of M.S.'s Knowledge of Sex Acts and Prior Sexual Conduct	vol. 1, 80-83
Transcript November 6, 2017	vol. 1, 34-79
Transcript November 15, 2017	vol. 1, 96-102
Transcript December 15, 2017	vol. 1, 120-140
Transcript January 3, 2018	vol. 13-14, 3178-3203
Transcript, January 10, 2018	vol. 14, 3222-3244
Transcript, May 21, 2018	vol. 14, 3254-3290
Trial Transcript, November 27, 2017	vol. 1-2, 111-257
Trial Transcript, November 28, 2017	vol. 2, 277-440
Trial Transcript, November 29, 2017	vol. 2-3, 441-639
Trial Transcript, November 30, 2017	vol. 3-4, 640-895
Trial Transcript, December 1, 2017	vol. 4-5, 896-1080

Trial Transcript, December 4, 2017	vol. 5, 1081-1246
Trial Transcript, December 5, 2017	vol. 5-6, 1247-1396
Trial Transcript, December 6, 2017	vol. 6-7, 1397-1551
Trial Transcript, December 7, 2017	vol. 7, 1552-1725
Trial Transcript, December 8, 2017	vol. 7-8, 1726-1979
Trial Transcript, December 11, 2017	vol. 8-9, 1980-2182
Trial Transcript, December 12, 2017	vol. 9-10, 2183-2389
Trial Transcript, December 13, 2017	vol. 10-11, 2390-2534
Trial Transcript, December 14, 2017	vol. 11-12, 2535-2811
Trial Transcript, December 15, 2017	vol. 12-13, 2812-3057
Verdict	vol. 13, 3117-3128

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 7th day of December, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT

JONATHAN MACARTHUR

STEVEN WOLFSON

JOSHUA HONEA

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

1 your mind but you. You have seen shady stuff before. You
2 knew it was shady when you saw it. Fair. You didn't need
3 somebody else to explain to you why it was shady, right.
4 Did you trust that person or those people after that
5 anymore.

6 PROSPECTIVE JUROR: Maybe not trust. I'd be
7 careful.

8 MR. MACARTHUR: Have more caution with them.

9 PROSPECTIVE JUROR: Yeah.

10 MR. MACARTHUR: Anybody fundamentally disagree
11 with that. Anybody here who gives everybody the benefit
12 of the doubt until they violate your trust. Raise your
13 hand if you start off trusting people until they loose it.
14 If you raised your hand, drop them. If you did not raise
15 your hand, raise it.

16 Okay.

17 PROSPECTIVE JUROR: Milton -- 517 -- I'll be
18 honest. Through my life I have ran into people who are
19 all similar styles. So when you have an initial
20 impression there is always that instant of judgment. I
21 try to get past that and talk to people and get to know
22 them and then make a decision. But with everything we do,
23 that first impression you have that judgment or whatever
24 it is, it's positive or negative. So I can't say
25 instantly I trust people. I try hard to work past that

1 first judgment and learn if I should or shouldn't trust
2 them. But there's always that initial judgment.

3 MR. MACARTHUR: Stating that another way, you
4 assume that most people can't be trusted. And that they
5 have to earn your trust.

6 PROSPECTIVE JUROR: Yes.

7 MR. MACARTHUR: Fair enough.

8 How many people agree with that. It's a
9 reasonable position, isn't it.

10 Regardless of whether you are in the first group
11 where you trust until somebody disappoints you. The
12 second group, you don't really trust anyone until somebody
13 earns it.

14 Are each of you willing to apply your individual
15 rules to these two table fairly. That neither table
16 starts with more trust then the other. In your instance
17 it's got to be earned. And in everybody else's instance,
18 it can be lost. Is that fair.

19 All right. Believe it or not, I'm really close to
20 being done.

21 I would like to go to Mr. Goings, Badge 462.

22 PROSPECTIVE JUROR: Yes.

23 MR. MACARTHUR: Mr. Goings, the State asked you
24 a little about can children make bad choices and should we
25 hold that against them. Do remember that question.

1 PROSPECTIVE JUROR: Yes.

2 MR. MACARTHUR: I believe your answer was, the
3 very definition of childhood is make all of your mistakes
4 now, right.

5 PROSPECTIVE JUROR: My exact words were, child
6 means they make mistakes here.

7 MR. MACARTHUR: If I can remember it right, I'll
8 be using it again and I'll send you roses.

9 Would you agree with me that one of the problems with
10 children or the child's decision making process is that
11 they frequently can't see too many steps down the road.

12 PROSPECTIVE JUROR: You are lucky if you can see
13 3 seconds ahead. I have 3 young cousins. Since I use to
14 baby sit for them, I had 3 rules when I baby sat. Rule
15 one, don't touch my stuff. Rule 2, do not touch stuff.
16 Rule 3, don't break rules 1 and 2. All right.

17 If I were to watch them for a week, spring break,
18 parents out of town and I had them for a week. Once a day
19 one of them is going to break that rule, right. Not with
20 the same piece of property, it's always something
21 different. It's because they can't think 3 steps ahead
22 to, right, if I touch that, his stuff, I'm going to get in
23 trouble. But they touch it. They get in trouble and
24 learn, okay, that was a mistake.

25 MR. MACARTHUR: Thank you.

1 PROSPECTIVE JUROR: That's basically childhood
2 in a nut shell, typically.

3 MR. MACARTHUR: Well put.

4 PROSPECTIVE JUROR: Kids make a mistake. They
5 go, that was a mistake. I better not do that again in the
6 future.

7 MR. MACARTHUR: Thank you, sir.

8 Ms. Escoto, 501.

9 PROSPECTIVE JUROR: Yes.

10 MR. MACARTHUR: Did I hear you correctly early
11 on -- I wasn't listening as closely as I should. Did you
12 say you had been falsely accused of something.

13 PROSPECTIVE JUROR: No.

14 THE COURT: She just was.

15 MR. MACARTHUR: Now, you have been. Okay.

16 That concludes my questions.

17 THE COURT: Let's take a quick break. We've
18 been at it an hour, maybe a little over. We'll bring you
19 back at 3 o'clock. That's 10 minutes. I don't anticipate
20 taking longer than that.

21 JURY ADMONITION

22 During the recess, ladies and gentlemen, you are
23 admonished not to converse among yourselves or with anyone
24 else, including, without limitation, the lawyers, parties
25 and witnesses, on any subject connected with this trial,

1 or any other case referred to during it, or read, watch,
2 or listen to any report of or commentary on the trial, or
3 any person connected with this trial, or any such other
4 case by any medium of information including, without
5 limitation, newspapers, television, internet or radio.

6 You are further admonished not to form or express any
7 opinion on any subject connected with this trial until the
8 case is finally submitted to you.

9 Enjoy your 10 minutes. See you back shortly.

10 (Brief recess taken.)

11 THE COURT: Have a seat. Ms. McNeill, you may
12 inquire of the panel.

13 MS. MCNEILL: Thank you, your Honor.

14 THE COURT: A little longer folks.

15 MS. MCNEILL: I know it's like the worst first
16 date ever, awkward silences.

17 I'm going to talk to you about some questions. I
18 never have enough room. The topic I want to talk to you
19 about are a little more sensitive, but along the same
20 lines that Mr. MacArthur set up so you are thinking about
21 the burden of proof.

22 The State asked you questions. They talked to you
23 about victims of sex crimes and what predators look like
24 and those types of things. I want to have more
25 conversations along those lines, because I think we can

1 all, sort of, admit that the elephant in the room is that
2 nobody wants to talk about sex abuse. We don't like it,
3 but we've got to do it.

4 We had some people who talked about the fact that
5 they themselves have been victims, so they're really
6 sensitive subjects. The concern for both sides is that
7 because it's so sensitive, we worry that the burden of
8 proof might be a little lower for that side, right. So
9 I'm going to talk to you -- some people who just about
10 things to follow up with what the State said.

11 They talked about disclosures and why someone might
12 not disclose. There was conversations about they might be
13 scared.

14 Is there anyone in here who thinks that a child would
15 never lie. No hands, right. We have kids. We teach
16 We've been kids. So no one thinks they wouldn't lie.

17 Anyone in here would thinks a child would never lie
18 about sex.

19 Is there anyone in here that thinks that a child
20 would only know about sex if something happened to them.
21 We all -- different when we were kids with the internet
22 now, right. Every parent's worst nightmare.

23 Ms. Wong, I'm terrible with getting juror numbers --
24 353, right. You made a comment about -- when asked about
25 why sex doesn't have to be forcible. You said if someone

1 is not mentally alert or impaired, or if they were a
2 minor. But then you said it depends on the maturity
3 level. You have children, right.

4 How old are your children.

5 PROSPECTIVE JUROR: 18, 12, 11, 5.

6 MS. MCNEILL: You have 4 kids. I have 4 kids as
7 well. You I'm sure knew some of their friends when they
8 were growing up.

9 Do you have any daughters.

10 PROSPECTIVE JUROR: Yes.

11 MS. MCNEILL: You were a teen girl at one point,
12 right. Would you agree with me that some girls just grow
13 up faster than others.

14 PROSPECTIVE JUROR: Yes.

15 MS. MCNEILL: Some girls are just a little more
16 mature in ways that make us a little uncomfortable.

17 Would you also agree with me that some kids are less
18 mature than others. And those things might balance out
19 when people become friends. Someone who is more mature
20 and someone who is less mature and there's an age gap
21 might even out the playing field. Would you agree with
22 that.

23 PROSPECTIVE JUROR: Yes.

24 MS. MCNEILL: Do you think that as a parent
25 yourself, hearing someone come in and talk about things

1 that may or may not have happened, is going to have any
2 effect on you as far as what their burden is.

3 PROSPECTIVE JUROR: No, I don't think so.

4 I mean, having kids, I always have to see both sides
5 of everything, yeah. Otherwise, it's always going to be
6 the same kid getting in trouble all the time.

7 MS. MCNEILL: As a parent you have to a fact
8 finder, much like we're asking you to do.

9 How do you navigate that. I know you said if I
10 didn't listen to both sides it would always be the same
11 kid. I'm guessing, as a parent of four, there's one who
12 tends to get in troubler more then the others. When those
13 situations arise with your children, how did you stop
14 yourself from saying it must have been this one.

15 PROSPECTIVE JUROR: I don't know about stopping
16 myself. It's just become natural for me to talk to both
17 of them on what happened. You tell me your story. I
18 would ask the other kid, tell me your story. And decide
19 from there.

20 MS. MCNEILL: Because you know your children you
21 use what you know about them to evaluate their
22 credibility. How do you evaluate credibility if you don't
23 know the person.

24 PROSPECTIVE JUROR: The facts.

25 MS. MCNEILL: Other circumstances to look at

1 what they're saying and how it fits, right.

2 Mr. Ward, 312.

3 PROSPECTIVE JUROR: Yes.

4 MS. MCNEILL: You're a teacher.

5 PROSPECTIVE JUROR: Yes.

6 MS. MCNEILL: You were a lawyer.

7 PROSPECTIVE JUROR: Briefly.

8 MS. MCNEILL: So bad you just went --

9 PROSPECTIVE JUROR: No, no. Well, you guys do
10 better than I did. I taught, then I went to law school.
11 I did it for a year or so and went back to teaching.

12 MS. MCNEILL: You teach what grade.

13 PROSPECTIVE JUROR: 12th grade, seniors.

14 MS. MCNEILL: Almost adults do we have a
15 tendency so dismiss children opinions.

16 PROSPECTIVE JUROR: I suppose some adults
17 would.

18 MS. MCNEILL: Probably not as much you because
19 you deal with them more.

20 Would you agree you probably stop yourself from doing
21 that so you can build a rapport.

22 PROSPECTIVE JUROR: Okay.

23 MS. MCNEILL: Do you think that as adults we
24 tend to tell ourselves -- we sometimes tell ourselves this
25 kid doesn't know what he's talking about because they

1 don't have life experience.

2 PROSPECTIVE JUROR: It would depend on what he's
3 taking about.

4 MS. MCNEILL: Would it also depend on the
5 personal circumstances of that child.

6 PROSPECTIVE JUROR: Sure. It depends on the
7 kid, his or her experience, life expense, background.

8 MS. MCNEILL: Do you teach public school.

9 PROSPECTIVE JUROR: Yes.

10 MS. MCNEILL: Which high school.

11 PROSPECTIVE JUROR: Centennial High school.

12 MS. MCNEILL: Would you agree with me that some
13 kid's lives are less than ideal.

14 PROSPECTIVE JUROR: Absolutely.

15 MS. MCNEILL: Does that effect their maturity
16 level.

17 PROSPECTIVE JUROR: I can't say it does, but it
18 can.

19 MS. MCNEILL: Some factors might force a child
20 to go up faster.

21 PROSPECTIVE JUROR: Sure.

22 MS. MCNEILL: Again, as a teacher, you are a
23 mandatory reporter.

24 PROSPECTIVE JUROR: Yes.

25 MS. MCNEILL: Have you had a child disclose any

1 type of abuse to you before.

2 PROSPECTIVE JUROR: Yes.

3 MS. MCNEILL: Is there anything about that
4 situation that would make it difficult for you to sit
5 here.

6 PROSPECTIVE JUROR: I don't think so.

7 MS. MCNEILL: As a teacher who obviously cares
8 about children, do you feel like if you get back there,
9 just not sure, you have some type of doubt, still, you
10 better just give them -- lower the bar a little, so you
11 don't put a child molester back on the street.

12 PROSPECTIVE JUROR: I don't think so.

13 MS. MCNEILL: You don't think so. You know,
14 being a lawyer, every word everyone says.

15 PROSPECTIVE JUROR: Strike that.

16 Yeah, I would, like the judge said, apply the
17 facts to the law on this case. Not because of something
18 else I experienced. Apply the law to the facts of this
19 case and render with my other jurors a fair verdict.

20 MS. MCNEILL: You don't have any concerns you
21 might not be able to.

22 PROSPECTIVE JUROR: No, I don't.

23 MS. MCNEILL: Do you want to be a juror.

24 PROSPECTIVE JUROR: Do I want to be a juror.
25 Honestly, no.

1 MS. MCNEILL: Why not.

2 PROSPECTIVE JUROR: It's hugely inconvenient.

3 MS. MCNEILL: I understand that. You're
4 probably getting ready for finals.

5 PROSPECTIVE JUROR: First semester is ending.
6 I've got to get ready -- I teach AP, government, so I've
7 got to get the kids ready for government.

8 MS. MCNEILL: Is that concern -- because really
9 we're just looking for anything to keep somebody from
10 getting their whole attention. There's no right or wrong
11 answer. Your lives are your lives. Your opinions are
12 your opinions.

13 Anything about that stress that you feel might be
14 unfair to either side if that's in the back of your
15 mind.

16 PROSPECTIVE JUROR: I think so.

17 MS. MCNEILL: I appreciate that.

18 Ms. Chacon, 463, your husband is a Metro police
19 officer.

20 PROSPECTIVE JUROR: Yes, ma'am.

21 MS. MCNEILL: Obviously, you love him because
22 you married him, right.

23 PROSPECTIVE JUROR: Yes.

24 MS. MCNEILL: Do you -- does he have a lot of
25 friends who are also police officers.

1 PROSPECTIVE JUROR: Yeah, the academy group.

2 MS. MCNEILL: Police officers tend to be close
3 knit, right.

4 PROSPECTIVE JUROR: Yeah, they are close. They
5 spend a lot of time and need to trust each other.

6 MS. MCNEILL: They spend a lot of time in
7 dangerous situations, so you've got to have that trust.

8 PROSPECTIVE JUROR: Yes.

9 MS. MCNEILL: We've talked a little about are
10 you going to listen to a police officer more than you
11 would any other witness. I think you said, no, you
12 wouldn't.

13 Along those lines, does your husband talk to you
14 about his job.

15 PROSPECTIVE JUROR: At times, yes.

16 MS. MCNEILL: Does he ever talk about situations
17 maybe he's seen other officers and that he was kind of
18 like, that wasn't to great.

19 PROSPECTIVE JUROR: Some things he keeps in.
20 Some things we talk about. I guess maybe there are things
21 he doesn't agree with what another officer would do
22 because his actions would be different then the other
23 officer's actions.

24 MS. MCNEILL: So it would be just like any other
25 job. You are going to look at people and say I don't like

1 the way you are doing your job.

2 PROSPECTIVE JUROR: I would have done this
3 instead of that.

4 MS. MCNEILL: Would you agree with me that
5 police officer don't have super powers, as much as we wish
6 they did.

7 PROSPECTIVE JUROR: Not all super powers.

8 MS. MCNEILL: Just people.

9 PROSPECTIVE JUROR: We are human beings.

10 MS. MCNEILL: They have all the same problems,
11 issues, and biases we all have.

12 PROSPECTIVE JUROR: We all have opinions.

13 MS. MCNEILL: I think you mentioned that -- is
14 your husband fairly new.

15 PROSPECTIVE JUROR: He finished the academy
16 April 2015.

17 MS. MCNEILL: You don't feel like you would have
18 to give them less of a burden because your husband is a
19 police officer.

20 PROSPECTIVE JUROR: No. What's fair is fair.

21 MS. MCNEILL: Ms. Lundquist, you also are
22 married to someone who is an officer for quite some
23 time.

24 PROSPECTIVE JUROR: Yes.

25 MS. MCNEILL: I know you also mentioned that

1 that's not going to be a problem for you.

2 PROSPECTIVE JUROR: No.

3 MS. MCNEILL: Do you believe that a police
4 officer, if they come in here and sit on the stand, must
5 be telling the truth.

6 PROSPECTIVE JUROR: I think it's the same that
7 applies to anyone.

8 MS. MCNEILL: So the badge --

9 PROSPECTIVE JUROR: I can't say because you have
10 a certain job you are an honest person and do everything
11 right.

12 MS. MCNEILL: Perfect.

13 PROSPECTIVE JUROR: I guess that's across the
14 board in any field.

15 MS. MCNEILL: You would hope so.

16 PROSPECTIVE JUROR: I would hope so.

17 MS. MCNEILL: You also have 4 children.

18 PROSPECTIVE JUROR: Yes.

19 MS. MCNEILL: Is there anything about that that
20 makes you feel like you will be uncomfortable holding the
21 State to such a high standard when you are going to hear
22 testimony about something that may or may not of happened
23 to someone when they were a child.

24 PROSPECTIVE JUROR: I would have to hold them to
25 the high standard because this is a serious issue.

1 MS. MCNEILL: Do you think that everyone who
2 says they were a victim of a sex crime is telling the
3 truth.

4 PROSPECTIVE JUROR: No.

5 MS. MCNEILL: Have you heard of somebody who
6 made false a allegation about a sex crime.

7 PROSPECTIVE JUROR: I have worked with teenagers
8 most of my adult life. Sometimes you come across a teen
9 that needs extra attention. I think that's very rare, the
10 kind of attention you get is not necessarily positive when
11 you make up allegations, but I have seen that.

12 MS. MCNEILL: Okay.

13 You said the type of attention isn't positive.
14 Do you think young people really understand that when they
15 make allegations that they are able to see into the future
16 about what might be coming.

17 PROSPECTIVE JUROR: I think some do. By the
18 time you are dealing with high school teenagers,
19 especially today, I think it varies. I think some can see
20 ahead.

21 MS. MCNEILL: And are still willing to --

22 PROSPECTIVE JUROR: I think they are all
23 different.

24 MS. MCNEILL: Fair enough.

25 Mr. Collins, 333, you indicated you had a DUI.

1 PROSPECTIVE JUROR: Yes.

2 MS. MCNEILL: Would you agree with me that DUI
3 is different then this case, because you got pulled over.
4 Took your breath or blood, and there it was, right,
5 absolute proof you had been drinking and driving.

6 PROSPECTIVE JUROR: Yes.

7 MS. MCNEILL: So that's a little different then
8 saying something happened.

9 PROSPECTIVE JUROR: Yes.

10 MS. MCNEILL: Do you have any problem with that
11 Do you expect either side to have some sort of iron-clad
12 proof that it did or didn't happen.

13 PROSPECTIVE JUROR: No. I'm expecting myself to
14 weigh the evidence, just like the rest of the jurors
15 would.

16 MS. MCNEILL: Do you think that some evidence is
17 better than others.

18 PROSPECTIVE JUROR: I think some could be more
19 hurtful than others.

20 MS. MCNEILL: That was a bad question on my
21 part.

22 Do you think there are types of evidence that are
23 more helpful than other types. Like, a blood draw for a
24 DUI versus someone saying something happened.

25 PROSPECTIVE JUROR: Yeah.

1 MS. MCNEILL: Why is that What makes that so
2 different.

3 PROSPECTIVE JUROR: I think there is probably a
4 number of things that are combined to let us know that
5 that certain thing is true.

6 MS. MCNEILL: Maybe the example of the blood is
7 we use science to figure that out, right. Where as people
8 saying something, we have to think about --

9 MS. KOLLINS: May we approach.

10 THE COURT: You may.

11 (Discussion held at the bench.)

12 THE COURT: Thank you. Ms. McNeill, you may
13 proceed.

14 MS. MCNEILL: I'll wing it.

15 I don't mean to suggest that I think evidence is
16 better than others. It's to find if you think that and if
17 you have any problems with weighing evidence and comparing
18 what you think about that evidence. That's a no. We have
19 to say it.

20 PROSPECTIVE JUROR: No.

21 MS. MCNEILL: If we didn't have the type of
22 evidence that you would want to see, would you hold that
23 against us.

24 PROSPECTIVE JUROR: No.

25 MS. MCNEILL: So you don't have problems with

1 listening to everything and examining everything and
2 weighing it in a way that's appropriate to you.

3 PROSPECTIVE JUROR: When you say evidence that
4 you don't have, if you're giving me evidence, I don't know
5 what evidence you have.

6 MS. MCNEILL: I guess evidence they have,
7 because they're the only one who have to show you
8 anything, right.

9 PROSPECTIVE JUROR: I guess.

10 MS. MCNEILL: I know Mr. MacArthur talked about
11 that at length, so do you understand that part of what you
12 are going to be required to do is figure out what the
13 evidence means to you.

14 PROSPECTIVE JUROR: Yes.

15 MS. MCNEILL: You don't have a problem with
16 that.

17 PROSPECTIVE JUROR: No.

18 MS. MCNEILL: Okay.

19 THE COURT: Where the confusion maybe came in is
20 you said we. I think you probably meant collectively. It
21 might have been misinterpreted.

22 There is an instruction that the jurors will have
23 when it's time, prior to deliberation and during
24 deliberation, written form of instructions that will talk
25 about how to weigh evidence, what is evidence.

1 For instance, any one witness worthy of belief is
2 evidence. So we don't mean to suggest as we are finding
3 out some of these questions and answers that are being
4 asked that there is any type of evidence that's more
5 worthy of belief than another, or anything else that gets
6 understood better or differently than another. It's all
7 about, as Ms. McNeill said, what does the evidence mean to
8 you and you weighing the evidence, okay.

9 MS. MCNEILL: Thank you, your Honor. I
10 appreciate that.

11 Mr. Hankins, 513 -- you have 2 daughters.

12 PROSPECTIVE JUROR: Yes.

13 MS. MCNEILL: They are over 18.

14 PROSPECTIVE JUROR: Yes.

15 MS. MCNEILL: Were you close with them when they
16 were growing up.

17 PROSPECTIVE JUROR: Yes.

18 MS. MCNEILL: Would you agree with me that kids
19 go through a weird where maybe they don't want to tell
20 their parents anything.

21 PROSPECTIVE JUROR: Absolutely.

22 MS. MCNEILL: Do you think that explains why
23 sometimes we don't know everything going on in a kid's
24 mind.

25 PROSPECTIVE JUROR: Yes.

1 MS. MCNEILL: When kids are trying to grow up,
2 would you agree with me they sometimes push away from
3 their parents, they don't want to take your advice.

4 PROSPECTIVE JUROR: They are not your little
5 girl anymore.

6 MS. MCNEILL: Sometimes they want to make that
7 clear, right.

8 PROSPECTIVE JUROR: Yes.

9 MS. MCNEILL: That can become difficult for a
10 parent.

11 PROSPECTIVE JUROR: Yeah.

12 MS. MCNEILL: Because you have daughters, is it
13 going to be difficult for you to listen to evidence about
14 the State making allegations that some had sex with a
15 teenager.

16 PROSPECTIVE JUROR: No.

17 MS. MCNEILL: The State mentioned something
18 about do you think when a person makes allegations that
19 they are victim of a sex crime that they are going to
20 scrutinize and a lot of people said that was unfair. Do
21 you remember that.

22 PROSPECTIVE JUROR: Yes.

23 MS. MCNEILL: You understand my job is to
24 represent this young man, right. So part of that might be
25 to question witnesses about things that might be

1 inconsistent. Do you think that that makes me unfair to
2 that person to scrutinize what they said.

3 PROSPECTIVE JUROR: A little bit.

4 MS. MCNEILL: Tell me why you feel that way.
5 Why you feel that way is -- I'm not judging you. I just
6 need the information.

7 PROSPECTIVE JUROR: First of all, let me
8 explain. I'm a shy person. I don't talk.

9 MS. MCNEILL: I like shy people.

10 PROSPECTIVE JUROR: I don't know. It's just one
11 of those things where if you're representing someone in
12 this case, it just -- I don't know. I feel a certain type
13 of way.

14 MS. MCNEILL: Okay. The way you feel, is it
15 going to cause you to maybe be a little unfair to
16 Mr. Honea.

17 PROSPECTIVE JUROR: Not be unfair, because I
18 have nephews too that give me issues as well. Not be
19 unfair, like you said, in the back of my mind.

20 MS. MCNEILL: So that's going to be sort of in
21 your head space.

22 PROSPECTIVE JUROR: Just --

23 MS. MCNEILL: I get it. That's natural. That's
24 human nature, right. There are things that we're going to
25 keep in our heads when we listen to people tell us things.

1 But you said something important, which was you have
2 nephews, so you are going to balance that out.

3 PROSPECTIVE JUROR: Yes.

4 MS. MCNEILL: So I don't need to worry that if
5 I'm questioning someone you're going to be say, I think
6 Ms. Kollins' word, victim shaming. You're not going to
7 think, wow, she's victim shaming that person.

8 PROSPECTIVE JUROR: No.

9 MS. MCNEILL: You understand this is an
10 important process.

11 PROSPECTIVE JUROR: Absolutely, yes.

12 MS. MCNEILL: Is there anyone who feels
13 differently. Who might hold it against myself or
14 Mr. MacArthur if we are questioning one of the State's
15 witnesses that you might feel like, wow, that is victim
16 shaming, and I don't like it.

17 No one feels that way.

18 PROSPECTIVE JUROR: 517 -- I think it's a lot in
19 how you ask the questions whether or not I feel you're
20 being unfair or victim shaming. Because asking questions
21 doesn't mean that, but if you say it a certain way, you're
22 badgering or saying negative things about the person and
23 not just asking for facts, I can view that as being
24 aggressive and unfair and could sway my decision.

25 MS. MCNEILL: You're going to listen to what I'm

1 saying and how I'm saying it.

2 PROSPECTIVE JUROR: Yes.

3 MS. MCNEILL: If you think that question is
4 related in any way to what we are all doing here.

5 PROSPECTIVE JUROR: Yes.

6 MS. MCNEILL: That makes sense.

7 You also have children.

8 PROSPECTIVE JUROR: Correct.

9 MS. MCNEILL: Your kids ever lied to you.

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: For the record that's pishhh
12 (sic).

13 MS. MCNEILL: That was like a heck, yeah, right.
14 Do they lie about big things, small things, both.

15 PROSPECTIVE JUROR: Nothing big things. I'm
16 lucky there. They're both young. A lot of small
17 things.

18 MS. MCNEILL: Maybe big things you don't know
19 about.

20 PROSPECTIVE JUROR: Potentially.

21 MS. MCNEILL: Do you think when kids lie it's
22 different then when adults lie.

23 PROSPECTIVE JUROR: Sometimes.

24 MS. MCNEILL: What is that difference.

25 PROSPECTIVE JUROR: Kids, they're children.

1 They'll lie because they are afraid of what the
2 consequence might be or afraid of what will happen.
3 Adults have the capability to lie for a special purpose,
4 to gain something. Kids, generally speaking, it's more of
5 a fear. Did you steel this. No, because they're afraid
6 of what will happen. Trouble at school. Adults have the
7 capacity to make conscious decisions to lie for a
8 purpose.

9 MS. MCNEILL: Okay.

10 Well let me ask you this. Do you think kids lie to
11 keep themselves out of trouble.

12 PROSPECTIVE JUROR: Yes.

13 MS. MCNEILL: So then wouldn't that be a motive
14 to lie.

15 PROSPECTIVE JUROR: Of course, yeah.

16 MS. MCNEILL: Do you think that when it comes to
17 talking about sex if it's someone that you think might be
18 too young to know about those things it must be they're
19 telling the truth.

20 PROSPECTIVE JUROR: Not necessarily. I think it
21 might be something they believe is the truth, but, again,
22 the viewpoint and what they feel is the emotional truth of
23 them may not be the same as what is in the eyes of the law
24 for that person or another adult.

25 MS. MCNEILL: Your kids are 8 and 14.

1 PROSPECTIVE JUROR: 8 and 4.

2 MS. MCNEILL: Little young for big lies.

3 PROSPECTIVE JUROR: Hopefully.

4 MS. MCNEILL: Boys, girls, one of each.

5 PROSPECTIVE JUROR: Boys.

6 MS. MCNEILL: So little different for you then
7 people with daughters, but do you think there is double
8 standards when it comes to when little boys disclose that
9 he might have been a victim versus a girl.

10 PROSPECTIVE JUROR: I do. Especially at the
11 teen level. It's a human double standard. A boy says an
12 older woman, girl, hooked up with me. A lot of sometimes
13 they say good job, I'm proud of you. A girl, they're
14 shamed.

15 MS. MCNEILL: Boys we kind of high-5.

16 PROSPECTIVE JUROR: Unfortunately, yes.

17 MS. MCNEILL: Do you think that double standard
18 comes from that we, as a society, feel we have to protect
19 girls more.

20 PROSPECTIVE JUROR: I don't know if it's
21 protect. I think we are a very prude society and because
22 of that for woman sex is shamed where men it's a conquest.

23 MS. MCNEILL: Women sex is shamed. Do you think
24 that sometimes that makes it hard for women to feel like
25 they have a voice.

1 PROSPECTIVE JUROR: Definitely.

2 MS. MCNEILL: That doesn't always apply to
3 sex.

4 PROSPECTIVE JUROR: The work force, promotions
5 as well.

6 MS. MCNEILL: Do you think women are more
7 susceptible to people in positions of power using that
8 power against them.

9 PROSPECTIVE JUROR: Both men and women are equal
10 power to control someone in their life through some sort
11 of sex or other type of coercion to get what they want.

12 MS. MCNEILL: That's sort when Mr. MacArthur
13 talked about whistle blowing. Like people who have come
14 forward, people in positions of power equal to men and
15 women feeling that pressure.

16 PROSPECTIVE JUROR: Yes.

17 MS. MCNEILL: Ms. Hewitt, 430 -- you've been
18 quiet. I'll pick on you.

19 You have 3 kids.

20 PROSPECTIVE JUROR: Yes.

21 MS. MCNEILL: Two are adults.

22 PROSPECTIVE JUROR: Two are. One is 17.

23 MS. MCNEILL: Do you think that -- sort of along
24 the lines -- that kids, if they are talking about sex,
25 must not know what they are talking about.

1 PROSPECTIVE JUROR: I think they hear a lot from
2 their friends. When my daughter tells me something I ask
3 how do you know. Is that something your friend told you
4 or is that's something you looked up, did research on.

5 MS. MCNEILL: Looked up, you mean on the
6 Internet.

7 PROSPECTIVE JUROR: Of course.

8 MS. MCNEILL: Internet, Facebook, Twitter.

9 Do you think there are all kinds of ways kids learn
10 about sex.

11 PROSPECTIVE JUROR: Yeah. They learn from TV,
12 U-Tube. They learn from other friends, their friends.

13 MS. MCNEILL: So there's all kinds of reasons
14 why some person might have more sexual knowledge than
15 another kid, right.

16 PROSPECTIVE JUROR: Yeah.

17 MS. MCNEILL: Would you agree with me.

18 PROSPECTIVE JUROR: Yeah. TV, depending on how
19 much you let your kids watch TV. Some parents are
20 controlling on what their kids watch Other parents don't
21 care.

22 MS. MCNEILL: Maybe your kid goes to someone's
23 house and see something you wouldn't want them to see.

24 Will you use that information to evaluate the State's
25 evidence, where the knowledge that every child has a

1 different universe of information when comes to sex, or do
2 you think that you will be able to use that common sense
3 to hold them to their burden.

4 PROSPECTIVE JUROR: Yes.

5 MS. MCNEILL: You don't feel like, again, you
6 hear about a child involved with sex and people shut down.
7 You'll be able to hold them to their burden.

8 PROSPECTIVE JUROR: I don't know what you
9 mean.

10 MS. MCNEILL: Some people when they walk in the
11 room and hear the charges think, oh, right. I don't want
12 to hear this. Then they hear all about the victim, who's
13 a child molester, predator and all of these words. Do you
14 feel like that gets stuck in your head and you just feel
15 like you don't need to hear anymore. They don't need to
16 prove anything to you. You've heard enough.

17 PROSPECTIVE JUROR: No.

18 MS. MCNEILL: You'll be able to listen to
19 everything.

20 PROSPECTIVE JUROR: Yes.

21 MS. MCNEILL: Mr. Perreault, 459 -- you made a
22 comment about -- I think you talked a little bit about --
23 you tend to believe police.

24 PROSPECTIVE JUROR: I told this lady here. I
25 thought about it, so, no. At any given point anybody can

1 be giving you their perspective, it doesn't matter who
2 they are. It could be right, wrong, otherwise. It
3 doesn't matter if they are wearing a badge or not.

4 MS. MCNEILL: I like the personal insight.

5 PROSPECTIVE JUROR: I may watch Law and Order,
6 but is this the way it's supposed to be, you know. I went
7 home and thought about it and thought, you know, that's a
8 cop out saying I give it more credence.

9 That's like saying my priest knows all about being
10 Catholic.

11 MS. MCNEILL: I won't ask more about that.

12 PROSPECTIVE JUROR: Any given position.

13 MS. MCNEILL: Right. Okay.

14 Just like Ms. Jankiewicz, that officers are just
15 people.

16 PROSPECTIVE JUROR: Yep.

17 MS. MCNEILL: So when they testify, just like
18 any other person that testifies, they have their own bias
19 and motives.

20 PROSPECTIVE JUROR: Yes.

21 MS. MCNEILL: Do you feel you're able to
22 evaluate their credibility.

23 PROSPECTIVE JUROR: Yes.

24 MS. MCNEILL: What -- where do you get those
25 skills to evaluate credibility.

1 PROSPECTIVE JUROR: Life. I have been a phone
2 man since 1980. I have been in and out of people's home
3 all day long. Different people, different situations. I
4 can knock on a door and meet you and know what kind of
5 person you are going to be and the way I have to act in
6 your home.

7 MS. MCNEILL: So you good at reading people.

8 PROSPECTIVE JUROR: I think I am.

9 MS. MCNEILL: Based on skills you picked up
10 through life.

11 PROSPECTIVE JUROR: Yeah.

12 MS. MCNEILL: Ms. Riley, 460 -- I'm going t talk
13 to you about some stuff you have talked about when -- not
14 in great detail -- but you mentioned you have been a court
15 reporter. So you have watched a lot of trials.

16 PROSPECTIVE JUROR: Yes.

17 MS. MCNEILL: Do you have -- have you ever seen
18 cases where someone was falsely accused.

19 PROSPECTIVE JUROR: Falsely accused.

20 MS. MCNEILL: I don't know if I would say
21 falsely accused. I was not on the jury. I couldn't make
22 that determination Accused of a crime and adjudged not
23 guilty, yes. That's not necessarily falsely accused.

24 MS. MCNEILL: I guess that's a good point.

25 No one really knows, because we weren't all there,

1 right.

2 Were there cases where you were concerned about the
3 quality of the State's evidence as you watched the trial
4 unfold.

5 PROSPECTIVE JUROR: Concerned about the quality,
6 it depends on the verdict.

7 MS. MCNEILL: Well, were there ever times you
8 were watching a trial you thought, what is happening
9 here.

10 PROSPECTIVE JUROR: Lots of times.

11 MS. MCNEILL: Anything about that experience,
12 obviously, you come --

13 PROSPECTIVE JUROR: But I have to see what's
14 coming on the backside.

15 MS. MCNEILL: So you won't take your experience
16 as a court reporter and you'll evaluate all the
17 testimony.

18 PROSPECTIVE JUROR: Yes.

19 MS. MCNEILL: Being a court reporter, you saw a
20 lot of different lawyers in the courtroom. You're no
21 longer a court reporter.

22 PROSPECTIVE JUROR: No.

23 MS. MCNEILL: You got tired of lawyers.

24 PROSPECTIVE JUROR: Some of them.

25 MS. MCNEILL: I get it.

1 PROSPECTIVE JUROR: I needed a break.

2 MS. MCNEILL: Ms. Monson, 499 -- you made a
3 comment as well yesterday when Ms. Kollins was saying some
4 kids are more mature than others, right. Do you think
5 that's important in a case where someone is going to talk
6 about things that may or may not have happened when they
7 were a child.

8 PROSPECTIVE JUROR: Yeah.

9 MS. MCNEILL: Why is that.

10 PROSPECTIVE JUROR: Well, if they are immature
11 how they interpret things. If they are more mature, they
12 have a better understanding of it. More then somebody
13 younger and less mature. Maybe they don't know what they
14 are -- maybe more naive, immature, they don't have a true
15 picture of what they are seeing and hearing.

16 MS. MCNEILL: Okay.

17 Do you think though that information is
18 important to know when you are evaluating someone's
19 credibility.

20 PROSPECTIVE JUROR: Sure.

21 MS. MCNEILL: All right. Why is that.

22 PROSPECTIVE JUROR: You are kind of getting --
23 seeing their perspective of what they are saying or
24 seeing. You know, it depends if they understand what they
25 saw, they have a better perspective of it.

1 MS. MCNEILL: Sure.

2 PROSPECTIVE JUROR: Just getting a clearer
3 vision of how they are seeing it of what happens. You
4 know what I mean.

5 PROSPECTIVE JUROR: Perspective is important
6 when someone is telling you something.

7 PROSPECTIVE JUROR: Right.

8 MS. MCNEILL: Ms. Savko, 404.

9 How are you doing.

10 PROSPECTIVE JUROR: Good.

11 MS. MCNEILL: You talked fairly openly in front
12 of us about something that happened when you were very
13 young. Not to poke bad memories, but I'm assuming since
14 you talked about it in front of all of us you've worked
15 through it and are fairly comfortable talking about it.

16 PROSPECTIVE JUROR: Yes.

17 MS. MCNEILL: You mentioned that you were 2 when
18 the person was 8.

19 PROSPECTIVE JUROR: Yes.

20 MS. MCNEILL: Do you think the fact that the
21 person was also young, even though they were holder than
22 you, makes it different then if the person had been
23 significantly older then you, an adult, perhaps.

24 PROSPECTIVE JUROR: Yes. He was a kid. An
25 adult would know more than an 8 year old about what they

1 were doing.

2 MS. MCNEILL: So even though there was a 6 year
3 age difference, you considered it was different.

4 PROSPECTIVE JUROR: Yes. Because he knows more
5 then me, obviously. I'm a toddler at that point. He's
6 been in school a couple of years. Kids do -- I'm 27, so
7 I'm still learning things. Like I didn't figure out what
8 sex was and all of that was until I was 10, because of my
9 friends. So he had to have learned these things and seen
10 them from someplace to do what he would do to me. I mean,
11 never penetration, just figuring things out, my body,
12 because I had different parts.

13 PROSPECTIVE JUROR: People are curious.

14 PROSPECTIVE JUROR: Yes.

15 MS. MCNEILL: You mentioned -- you said just now
16 you learned about sex when you were 10.

17 PROSPECTIVE JUROR: Yes.

18 MS. MCNEILL: From your friends.

19 PROSPECTIVE JUROR: Yes.

20 MS. MCNEILL: Do you -- were you comfortable
21 talking to your parents, hey, I heard weird things.

22 PROSPECTIVE JUROR: My dad was totally opposite
23 then some moms. My mom was very old school. She never
24 gave us any kind of sex talk. My dad gave us his, but it
25 was too late by that point. So she just never talked. My

1 mom was like -- I never told my mom anything. She would
2 never -- if I did something against her will, what she
3 wanted me to do, I was bad. I always got shamed. I was
4 the bad seed. My sister was the angel until she was 18,
5 an adult, then made her mistakes. I always wore mine on
6 my sleeve. So I was always in trouble.

7 MS. MCNEILL: That's an interesting area that
8 you were saying you wouldn't tell your mom things.

9 PROSPECTIVE JUROR: I tell her now.

10 MS. MCNEILL: Is that fairly common with kids,
11 that maybe some of them don't feel comfortable talking to
12 one or both parents.

13 PROSPECTIVE JUROR: Yes.

14 MS. MCNEILL: They have other people they'll be
15 more honest with, like peers.

16 PROSPECTIVE JUROR: Yes.

17 MS. MCNEILL: You said that you are currently a
18 stay-at-home mom of a 2 year old.

19 PROSPECTIVE JUROR: Yes.

20 MS. MCNEILL: Is that why you're excited to be
21 on the jury because you want a break.

22 PROSPECTIVE JUROR: I get to hear my language
23 and not his language on a day-to-day basis.

24 MS. MCNEILL: Excited to speak in full
25 sentences.

1 PROSPECTIVE JUROR: I'm still nervous because --
2 I'm not getting open, but, you know, being at home and
3 only seeing my walls or the grocery store on a daily basis
4 is a lot different, you know.

5 MS. MCNEILL: That excitement, you don't feel
6 like you'll have issues with the topics.

7 PROSPECTIVE JUROR: No.

8 MS. MCNEILL: Okay.

9 PROSPECTIVE JUROR: I'm very open-minded.

10 MS. MCNEILL: I can tell. I watch you and you
11 seem to be interested in what everyone has to say.

12 Do you have any background in criminal justice or
13 anything like that.

14 PROSPECTIVE JUROR: I took -- high school, you
15 know. The school I went to we had the extra credits you
16 could do. I took justice classes, just because it is
17 interesting. I did medical classes too, just -- I spun
18 around just in case I decided to do something with my
19 life. I am. I just didn't go to college.

20 MS. MCNEILL: You're doing something important
21 with your life.

22 PROSPECTIVE JUROR: I take care of a small
23 little guy.

24 MS. MCNEILL: You seem outspoken. You said you
25 were nervous. You seem comfortable standing up to

1 people.

2 PROSPECTIVE JUROR: Yes. I used to not be. I
3 was very shy. I let people walk all over me. I was
4 married for 5 months. It was horrible. But we were
5 together almost five years. He walked all over me all the
6 time. It took me moving out here and having a different
7 job, meeting new people. I didn't have friends and wasn't
8 hardly allowed to see my family, which my family is life.
9 We moved out here. I started meeting new people. I was
10 like, look, you have to go. You made me into the person I
11 never wanted to be. So I found myself again, reborn, I
12 guess, right.

13 MS. MCNEILL: You found your voice.

14 PROSPECTIVE JUROR: I found my voice. And I
15 don't stand for anybody walking over me anymore.

16 MS. MCNEILL: Do you think -- the questions I
17 was asking Mr. Milton, that sometimes as a society we
18 don't let women use their voice, especially when it comes
19 to sex.

20 PROSPECTIVE JUROR: Sometimes.

21 MS. MCNEILL: Why do you think that is.

22 PROSPECTIVE JUROR: About sex, because it's
23 viewed differently on a man and a woman, you know. If I
24 told you how many people I had sex with you would look at
25 me differently then you would if a man told you they had

1 sex with more, you know. I would get looked at like,
2 geese, but -- you know --

3 MS. MCNEILL: Do you think sometimes women feel
4 like they can't be honest in some settings.

5 PROSPECTIVE JUROR: Yes.

6 MS. MCNEILL: Do you think sometimes women feel
7 like they have to say certain things because people want
8 them to. They are trying to please people.

9 PROSPECTIVE JUROR: Yes.

10 MS. MCNEILL: Is that something you'll use to
11 evaluate people's credibility when they're talking, why is
12 this person saying this, what is their motive.

13 PROSPECTIVE JUROR: Yes.

14 MS. MCNEILL: So are you going to have any
15 issues back in the jury room using your voice.

16 PROSPECTIVE JUROR: No.

17 MS. MCNEILL: Twelve people telling you one
18 thing -- eleven people. I can't do math.

19 PROSPECTIVE JUROR: We might -- not fight, but
20 you know what I mean. I will -- if I feel adamant about
21 something, I'll keep pushing it, you know, because it's
22 how I am.

23 MS. MCNEILL: All right. I appreciate that.
24 Thank you.

25 Ms. Escoto, what is your number.

1 PROSPECTIVE JUROR: 501.

2 MS. MCNEILL: You were also a teacher.

3 PROSPECTIVE JUROR: Yes.

4 MS. MCNEILL: So you also may have children who
5 disclosed things to you. And not just about sex, but
6 their situations at home.

7 PROSPECTIVE JUROR: Yes.

8 MS. MCNEILL: Do you think those situations at
9 home sometimes effect how fast a kid grows up.

10 PROSPECTIVE JUROR: Well, each child is an
11 individual and their home life does definitely effect how
12 they grow up. Sometimes they are able to express
13 themselves well and let you know what's going on and
14 sometimes you have no idea how bad their situation is
15 until something happens then you are exposed to that. But
16 like I said, each one is very different. It does
17 sometimes lend itself to how mature they are or are not at
18 a certain age.

19 MS. MCNEILL: Do you think that sometimes kids
20 are more comfortable telling some people everything that's
21 going on versus other people.

22 PROSPECTIVE JUROR: Yes. I have -- I know a lot
23 about people's families. I know that they would never
24 ever want to know that I know. Some kids will tell you
25 every little thing this goes on in their home life and

1 personal life, and it would embarrass their parents to
2 know that we have that much information about them. And
3 some kids don't tell you anything.

4 MS. MCNEILL: Those kids that don't tell you
5 anything, they may have a friend they tell or someone else
6 they trust.

7 PROSPECTIVE JUROR: Usually they're pretty good
8 about telling somebody something and eventually it will
9 get back to us.

10 MS. MCNEILL: That makes parent/teacher
11 conferences awkward.

12 PROSPECTIVE JUROR: It is when you know a lot
13 about their personal life.

14 MS. MCNEILL: Anything about that experience as
15 a teacher that you feel you are just going to be concerned
16 about how some evidence might effect you.

17 PROSPECTIVE JUROR: No. Being a teacher has
18 taught me that you have to listen to every side of a story
19 before you can make a judgment because you never know.
20 The nicest person could be in reality the worst person
21 possible. So you have -- you have no clue what someone is
22 going through, what's going on at their house that would
23 make them do the things they do or not do the things they
24 do.

25 MS. MCNEILL: I appreciate that.

1 I know we are tired.

2 Ms. Makinster, 437.

3 PROSPECTIVE JUROR: Yes.

4 MS. MCNEILL: Along the lines of talking about
5 sex offenders and sex crime, do you think it's easier to
6 accuse a man of being a sex offender than a women.

7 PROSPECTIVE JUROR: I doubt it.

8 MS. MCNEILL: Why.

9 PROSPECTIVE JUROR: It's more known that a man
10 would do something like that. And I don't know -- repeat
11 the question.

12 I'm really nervous. I had a lot of coffee. I want to
13 be awake.

14 MS. MCNEILL: I get that. I thought you were
15 being great, for the record.

16 Is it easier to paint a man into being a sex offender
17 then a woman into a sex offender based on allegations.

18 PROSPECTIVE JUROR: Yes.

19 MS. MCNEILL: Why do you think we do that.

20 PROSPECTIVE JUROR: I think it is more reported
21 that a man is a sex offender.

22 MS. MCNEILL: Does it have to do with our
23 perception of men and sexuality of men.

24 PROSPECTIVE JUROR: I think so.

25 MS. MCNEILL: Is that fair.

1 PROSPECTIVE JUROR: No.

2 MS. MCNEILL: Why not.

3 PROSPECTIVE JUROR: When I was in high school --
4 this story just -- I went to high school and was told this
5 story. There was a teacher, a female teacher, that had
6 relations with boys and that wasn't reported. But the
7 health teacher was kind of being flirtatious with a girl
8 and he was reported.

9 MS. MCNEILL: You think that's fairly common
10 when it comes to students and teachers, male versus
11 female.

12 PROSPECTIVE JUROR: Yes.

13 MS. MCNEILL: Do you think it's easier for us to
14 accept a man might have done something to a girl is we're
15 protected.

16 PROSPECTIVE JUROR: I do.

17 MS. MCNEILL: Do you think as a society maybe we
18 don't want to see girls as the same sexual creatures.

19 PROSPECTIVE JUROR: Right.

20 MS. MCNEILL: It might effect how we view these
21 things.

22 PROSPECTIVE JUROR: Right.

23 MS. MCNEILL: Is that fair to girls.

24 PROSPECTIVE JUROR: No because -- I mean, I know
25 I have friends who are very -- even in high school I have

1 friends that are sexual. They own up to it. I don't
2 think it a bad thing. Girls like sex too, right.

3 Was that the question.

4 MS. MCNEILL: No. And now you're on the
5 record.

6 PROSPECTIVE JUROR: Seriously, this coffee is
7 working on me.

8 MS. MCNEILL: One last question, Mr. Jankiewicz,
9 356.

10 You mentioned you had a close friend that was a
11 police officer.

12 PROSPECTIVE JUROR: Yes.

13 MS. MCNEILL: Can I get his name.

14 PROSPECTIVE JUROR: Mike Dune.

15 MS. MCNEILL: As a police officer he works in
16 schools with kids and sees a different side of kids then
17 some of us do.

18 Anything -- do you talk to him about his work.

19 PROSPECTIVE JUROR: He'll talk to me somewhat
20 about it. He's more about the profession, about the
21 situations. He's asked for my insight on it, because
22 we've all been kids and how to go about handling it. It's
23 different for everyone.

24 MS. MCNEILL: Do you think that school police,
25 because they are more experience with kids, maybe handle

1 situations differently then Metro.

2 PROSPECTIVE JUROR: For sure.

3 MS. MCNEILL: Why is that.

4 PROSPECTIVE JUROR: I think because a lot of
5 people will look at school police different then on an
6 authority level. So you'll be judged by school police and
7 get in trouble, where as if you get pulled over by Metro
8 they write you a ticket. It's different. They judge you
9 based on vocation.

10 MS. MCNEILL: You get accused of being a
11 security guard.

12 PROSPECTIVE JUROR: Yes.

13 MS. MCNEILL: Do you think that maybe that
14 people who have more experience dealing with kids are
15 better able to judge children's behavior.

16 PROSPECTIVE JUROR: Yeah, because you're around
17 it more. You should be able to analyze it a lot better
18 then someone randomly on the street.

19 MS. MCNEILL: Do you think people who work with
20 kids more better understand that kids are actually people
21 instead of just little creatures we talk down to.

22 PROSPECTIVE JUROR: For sure.

23 MS. MCNEILL: Anything about your friend being
24 with school police is going to make this difficult for
25 you.

1 PROSPECTIVE JUROR: Not at all.

2 MS. MCNEILL: Okay.

3 Court's indulgence.

4 THE COURT: Yes. Can I have counsel at the
5 bench just briefly.

6 (Discussion held at the bench.)

7 THE COURT: While counsel retakes their seats,
8 ladies and gentlemen, I can tell the panel at this time we
9 do have a qualified group of 32 that we need to make the
10 final selection process. That means all the folks seated
11 in that far row to my left looking out to the courtroom
12 and all the folks to the right, at this time, you are
13 excused. I have -- before you stand up and start running
14 out the door, I think after 2 days, do they go back to
15 jury services because they get some compensation for that.
16 That's what I was told in the past, and I don't know for
17 sure.

18 THE OFFICER: They need to check out.

19 THE COURT: You do need to check out. So
20 instead of leaving, be sure to run back over there --
21 right across the bridge to jury services. Turn in your
22 badges and check out and see if there is any final things
23 they need from you. Your service is complete. Thank you
24 very much for your patience over this time frame. You are
25 excused. Thank you.

1 We are close to our final process here today to find
2 out from 32 of you who will be the final 14 who will
3 remain with us. We're not going to take any opening
4 statements or witnesses today. We'll give those 14 the
5 opportunity to digest the fact that they are going to be
6 staying with us for the remainder of the process. Then
7 we'll start here tomorrow at 9:00.

8 As I mentioned earlier in the week, tomorrow and
9 Friday are full days of trial. And we do anticipate
10 starting promptly at 9:00. We anticipate starting
11 promptly every day. If we're not starting right at the
12 time we give, the reason it's important to be out there is
13 we're here doing something that's important related to the
14 case. It's just not something you need to be present for,
15 but then we're ready to proceed we want you right there so
16 we can get going.

17 So while the final selection process is being
18 undertaken now with counsel, I do have some instructions I
19 want to go over with you about your service, if you are to
20 be the 14 who stay. I appreciate there's 18 of you who do
21 not. This isn't going to be information you need, but in
22 the meantime I think it's important and it helps us save
23 time before we return tomorrow. Okay.

24 So one of the things I want to make clear, I might
25 have touched on it on day one, but as we get going we

1 forget about it -- I'm going to read a lot of these
2 instructions so that I don't miss anything and we cover
3 everything.

4 One of the things to keep in mind, this is important
5 as we go forward. It always happens that even though I go
6 over this instruction, somebody is going to wave at me or
7 wave at staff or ask a question of somebody, counsel or
8 otherwise.

9 At this point you are to understand that during the
10 course of this trial the attorneys for both sides, the
11 parties, the witnesses, the court staff -- other than the
12 marshall and only the marshall -- we can't have any
13 individual contact with you, converse with you,
14 acknowledge you, or interact with you in any way. Okay.

15 So it's not because we are antisocial. It's not
16 because we don't like you. It's because we need to be
17 sure that we don't have any inadvertent impact of your
18 service, no perception by anyone that might see that
19 interaction that there's anything inappropriate going on.
20 We have to avoid that contact in all ways at all times.

21 So we, you know, it's very hard for folks, we might
22 see you and we have to ignore you and move on, but we
23 don't want you to think badly of us, but that's just how
24 that works. The only person you can have any
25 communication with -- that's from this moment on -- is the

1 marshall.

2 Of course, we talked many times about the
3 admonishment you have in terms of not doing any
4 independent investigation, not visiting the scene of any
5 of the circumstances, trying to independently research or
6 recreate anything related to the case, all of that is so
7 important. Again, your job is going to be to receive the
8 evidence that comes in through this trial.

9 Anything you hear or see outside the courtroom, even
10 if it's one of us or one of them doing it, it's not
11 evidence. Only what comes in here through the witnesses,
12 through the exhibits.

13 Obviously, these introductory remarks are
14 introductions. There's going to be the detailed
15 instructions that I give you at the end of the trial. I
16 mentioned several of them so far. Those will come to you
17 at the end of the trial. When you go into deliberate, of
18 course, of the 14 of you two will be alternates that will
19 serve. We want you all paying attention. But the 12 that
20 deliberate will have all the exhibits, their notes they
21 will take of whatever notes they want to take to help them
22 refresh their memory of the evidence, the instructions
23 from the court, and the verdict forms. So when you go in
24 you'll have all of that.

25 One thing to keep in mind is this case is based on a

1 charging document. We talked about the charging document
2 and what it means and doesn't mean. The clerk will read
3 that to you tomorrow. That charging document is simply a
4 charge. Again, it is not any sense of evidence of the
5 allegations it contains. The defendant has pled not
6 guilty to all the charges. The State has the burden to
7 prove each of the elements of the charges beyond a
8 reasonable doubt. As the Defendant sits there now, he's
9 not guilty. We've had that discussion at length.

10 The purpose of the trial is to determine whether the
11 State will meet their burden. It is your primary
12 responsibility as jurors to find and to determine the
13 facts. Under our system of criminal procedure you are the
14 only judges of those facts, and you are to determine the
15 facts from the testimony you hear and the other evidence.

16 You are to determine the evidence from the testimony
17 you hear and the other evidence including exhibits
18 introduced in court. It is up to you to determine the
19 inferences and how to weigh that evidence as we've talked
20 about which you may feel properly drawn from the
21 evidence.

22 There are times when I may sustain an objection or
23 direct that you disregard certain testimony or exhibits.
24 You must not consider any evidence to which an objection
25 has been sustained, or which I have instructed you to

1 disregard. Anything, again, as I said, you may see or
2 hear outside the courtroom is not evidence and must be
3 disregarded. If I overrule the objection, that means the
4 witness can answer. Of course, you are allowed to hear
5 that witness' testimony.

6 We touched upon this also over the last couple of
7 days. You must not be influenced in any degree by any
8 personal feelings of our sympathy for or prejudice against
9 the State or the Defendant. Both sides are entitled to
10 the same fair and impartial consideration.

11 In considering the weight and value of the testimony
12 of any witness, you may take into consideration the
13 appearance, attitude, behavior of the witness. The
14 interest of the witness in the outcome of the case, if
15 any. The relation of the witness to the Defendant or the
16 State. The inclination of the witness to speak truthfully
17 or not. And the probability or improbability of the
18 witnesses' statements and all the facts and circumstances
19 in evidence. Thus you may give the testimony of any
20 witness just such weight and value as you believe the
21 testimony of the witness is entitled to.

22 There are two kinds of evidence, direct and
23 circumstantial. Direct evidence is the testimony by a
24 witness about what that person saw, or heard, or did.
25 Circumstantial evidence is testimony or exhibits which are

1 proof of one fact and from which, if proven, you may infer
2 the existence of a second fact. Once again, some legal
3 terms we here on TV. This is the example I heard and my
4 be the best. I'm not very good about explaining it, but
5 circumstantial evidence can be, you heard on the weather
6 report it might rain. You heard sounds on the roof. You
7 wash outside there's a puddle in the driveway where
8 typically a puddle would form if it had rained. You
9 didn't see it rain, but all those facts you can infer that
10 it rained, right. That's what circumstantial evidence is
11 an example of.

12 You may consider both direct and circumstantial
13 evidence in deciding this case. The law permits you to
14 give equal weight to both, but it is for to decide how
15 much weight to give to any evidence. We touched upon that
16 about all the evidence that comes in can be weighed by you
17 and given weight. It's all valuable. It all has worth.
18 It's up to you to decide what it all means, right. There
19 is no certain type of evidence that has greater weight or
20 otherwise, right.

21 One of the things that I mentioned because we had a
22 juror who had service a long time ago, that jurors can ask
23 questions of witnesses. Not in verbal question mode like
24 attorneys would do, but in writing. Each of the 14 jurors
25 who will be on the panel will have a note pad individual

1 to them and pen individual to them that will stay with you
2 through the trial. You will not take it home. It will
3 stay in the courtroom when you're not present in the
4 courtroom. But that will be your note pad and pen for
5 your own note taking But also for possibility of asking
6 questions of witnesses. You don't have to ask questions,
7 but if you need to clarify something a witness might say,
8 if you want to understand something better, that's the
9 purpose of the questioning.

10 One of things to keep in mind, even though jurors are
11 able to ask questions, they are designed to clarify
12 information already presented, that you cannot and should
13 not place undue weight on an answer given just because
14 it's one of your questions. It should be weighed like any
15 other evidence. Of course if there is some reason that
16 the court has determined with discussion with counsel that
17 the question should not asked, you should not give that
18 any thought or consideration. There could be any number
19 of reasons why a question isn't asked. It could be an
20 improper question. You are bound by the same requirement
21 that counsel is bound by, but you wouldn't know as someone
22 who isn't an attorneys would know necessarily how to ask a
23 proper question. But more likely the question you have
24 for that witness will be answered by another witness later
25 on in the trial.

1 As we proceed with the trial there will be opening
2 statements made by counsel. There will also be closing
3 arguments at the end of trial made by counsel. These
4 opening statements and closing arguments are intended to
5 help you understand at the open what evidence counsel
6 intends to present and at the closing what evidence they
7 believe has been presented and how to apply the law that
8 the court has given you to it. But you will understand,
9 again, this is conversation and statements by counsel and
10 itself is not evidence.

11 So when you hear those opening statements you'll hear
12 this is the evidence we intend to present and what story
13 we are going to show you. But you'll understand that's
14 just counsel's testimony, right, or counsel's discussion.
15 That's not testimony, that's not evidence. Only when it
16 comes in through the witnesses and exhibit that it is
17 evidence. Okay. It is important that you have that
18 understanding from their perspectives.

19 Until the case is submitted to you, again, you are
20 not to discussion it with anyone, even your fellow jurors.
21 That's because we need you to keep an open mind. It's
22 important that you keep an open mind and not decide any
23 issue in the case until the entire case has been submitted
24 to you under instructions from me. That was some of the
25 questioning we had today that touched upon the fact that

1 evidence comes in in a certain way at a certain time from
2 certain parties, but it's at the end of all the evidence
3 coming in where you should begin deliberations and I'll
4 give you those instructions and you deliberate and think
5 about the evidence that time.

6 If for some reason you can't hear a witness or need a
7 break, again, raise your hand, get our attention, or the
8 marshall's attention and we'll make sure we take care of
9 that. We'll take regular breaks during the natural course
10 of having witnesses testify and come and go. But let us
11 know if you have any issues like that.

12 Times during the trial I may have staff come in and
13 out or may be working on something or taking notes related
14 to the trial, I have to be prepared for any arguments, any
15 circumstances that may arise making record, et cetera, so
16 please don't infer from any of my note taking or any of my
17 actions I have any opinion whatsoever with regard to this
18 case, how this case should proceed, outcome of the case,
19 or anything else. I have no such opinion, and will not
20 find I have any such opinion.

21 As I said the trial will proceed in the following
22 manner. The district attorney will make an opening
23 statement, which is an outline to help you understand what
24 the State expect to prove. Next defense may, but does not
25 have to, make an opening statement. Opening statements

1 are to serve as an introduction to the evidence, which the
2 party making the statement intends to prove. The State
3 will then present its evidence and counsel for the
4 Defendant may cross-examination those witnesses.
5 Following the State case the Defendant may present
6 evidence and the deputy district attorney may
7 cross-examine those witnesses.

8 However, we talked about this, the Defendant is not
9 obligated to present any evidence. The burden rests with
10 the State to prove guilty or not guilty beyond a
11 reasonable doubt. The Defendant is not obligated to
12 present any evidence.

13 After all the evidence has been presented I will
14 instruct you on the law. After the instructions on the
15 law have been read to you each side has the opportunity to
16 present oral arguments in closing. What is said in
17 closing is not evidence. The arguments are designed to
18 summarize and interpret the evidence. Since the State has
19 the burden of proving the Defendant guilty beyond a
20 reasonable doubt, the State has the right to open and
21 close those arguments. So you will hear from them twice
22 at the end.

23 After the arguments are completed you're require to
24 deliberate on your verdict. Those alternates will not
25 deliberate, but they will stand by and they will not be

1 excused from service unless and until a verdict is
2 reached.

3 I want to remind you, again, of the admonishment have
4 you'll when we go overnight now, because you will be the
5 14 who stay with us. Those jurors who will be engaging in
6 this trial that the admonishment I've given you, I'll read
7 in more detail more like this.

8 During the recess, ladies and gentlemen, you are
9 admonished not to converse among yourselves or with anyone
10 else, including, without limitation, the lawyers, parties
11 and witnesses, on any subject connected with this trial,
12 or any other case referred to during it, or read, watch,
13 or listen to any report of or commentary on the trial, or
14 any person connected with this trial, or any such other
15 case by any medium of information including, without
16 limitation, newspapers, television, internet or radio.

17 You are further admonished not to form or express any
18 opinion on any subject connected with this trial until the
19 case is finally submitted to you. You cannot and must not
20 do that.

21 You know we don't anticipate anything out there
22 related to this case that you might stumble upon, but we
23 don't want anybody looking or trying to find something
24 like that. To the extent there is anything like that that
25 you do become aware of, you must let us know that, so that

1 we can have that. Do your best to avoid any such
2 exposure. We don't want you to do any research, consult
3 dictionaries, look at reference materials make any
4 investigations, test any theory of case.

5 Elvis can I check in and see where we might be in
6 the process.

7 MS. MCNEILL: We're working at 4.

8 THE COURT: Fair enough.

9 The instructions I've read to you now are what I
10 have to pre-instruct you with. I don't have a lot of
11 additional information to provide you. We are close to
12 being complete.

13 We had one bench conference that was not process
14 related. There was an objection that Ms. Kollins raised
15 to a question that Ms. McNeill had directed towards the
16 number 7 seat, Mr. Collins that dealt with him being in
17 the criminal justice system. The State expressed an
18 objection at the bench conference it might be misconstrued
19 my the jurors this was elevating scientific evidence over
20 regular evidence.

21 Ms. Kollins anything you want to add.

22 MS. KOLLINS: No, ma'am.

23 THE COURT: Last, but not least, for record
24 keeping Mr. MacArthur did provide to the court and a copy
25 to the State of his handwritten notes from his interview

1 last night with Ms. Savage. We'll resume discussion with
2 Ms. Savage here when we finish the jury selection process.
3 I do want to note that we did receive those notes, and I
4 did have them marked as Court's Exhibit 2. So that is
5 included in the court's record at this time.

6 Does the defense have challenges to make to the State
7 excusals.

8 MR. MACARTHUR: No, ma'am.

9 THE COURT: Thank you.

10 The clerk is making the final list.

11 At this time we now do know who the 14 will be
12 who are staying on the service with us for the remainder
13 of trial. As I mentioned, please, if you do not hear
14 your name please wait until all the name are read and I
15 formally excuse you.

16 THE CLERK: Seat No. 1, Francis Rango; Seat No.
17 2, Catherine Wong; Seat No. 3, Bret-Aaron Jankiewicz; Seat
18 No. 4, Sharon Monson; Seat No. 5, Stephen Hankins; Seat
19 No. 6, Randy Weise; Seat No. 7, Blaire Savko; Seat No. 8,
20 Matthew McMullen; Seat No. 9, Jeanette Juarez; Seat No.
21 10, Mary Hewitt; Seat No. 11, Leslie Makinster; Seat No.
22 12, Lorenzo Ormond; Seat No. 13, John Perreault; Seat No.
23 14, Sally Ann Khalil.

24 THE COURT: If you didn't hear your names you
25 are excused. Thank you very much for your service.

1 We are going to return here tomorrow at 9:00
2 a.m. Thank you for your anticipated service. You are
3 excused.

4 At this time folks here observing can exit the
5 courtroom at this time. I didn't want to say family get
6 out. I was trying to think of a political way to say
7 it.

8 Let's have Ms. Savage in the courtroom.

9 MS. KOLLINS: While they are bringing here in
10 just to let the court know any inquiry because of
11 statements made by Ms. Rhoades, I'm not going to confront
12 her about allegations made about my conduct from defense
13 counsel.

14 THE COURT: Okay. Who is going to inquire of
15 her.

16 MR. MACARTHUR: I guess I will. Let me just
17 correct the record. That -- and I realize --

18 THE COURT: Do you need to correct the record.

19 MR. MACARTHUR: I suppose I don't have to.

20 THE COURT: We can have you go to the jury box
21 over there.

22 Present in the courtroom at this time as we
23 reassume the hearing that we had commenced at 1 o'clock
24 today with Ms. Savage present in the courtroom, but
25 without counsel present, we have now appointed counsel.

1 For the record we've asked Jennifer Pandullo to represent
2 Ms. Savage in these proceedings. Ms. Savage was returned
3 here on a material witness warrant. And prior to the
4 beginning of the proceedings with Ms. Savage, the defense
5 requested to make representations of a communication with
6 Ms. Savage yesterday evening. The State made responsive
7 statements to that, and the State has further informed the
8 court prior to reconvening now that there were individuals
9 known to the State, the state investigator and people
10 identified by title as victim advocates who had also had
11 communication apparently with Ms. Savage yesterday.

12 So we have a host of individuals who spoke with
13 Ms. Savage following her being brought into custody as a
14 material witness and there is definitely I think some need
15 to add to the record today through questioning of Ms.
16 Savage about what has been represented by counsel for the
17 record the typewritten notes, then the supporting
18 handwritten notes that Mr. MacArthur had entered into the
19 court record as Exhibits 1 and 2.

20 At this time I'm going to ask that Ms. Savage be
21 sworn to give testimony. Of course, her advocate attorney
22 is present with her and can assist and advise her in
23 responding to the questions being posed.

24 May I have Ms. Savage rise.

25 THE CLERK: You do solemnly swear the testimony

1 you are about to give in this action shall be the truth
2 the whole truth and nothing but the truth, so help you
3 God.

4 THE WITNESS: I do.

5 THE CLERK: State and spell fist last name for
6 the record.

7 THE WITNESS: Morgan Savage, M-o-r-g-a-n,
8 S-a-v-a-g-e.

9 THE COURT: Thank you, Ms. Savage.

10 I would prefer make whatever inquiry they wish
11 to make.

12 Ms. Rhoades.

13 MS. RHOADES: Well, I don't know if they want to
14 go first or what.

15 THE COURT: There were representation made.
16 There were counter-representations made by the State.
17 This is the, as I understand it, the State's witness that
18 has been brought forward to the court based on the court
19 signing off on an order that this is a material witness
20 for the State. Obviously, there were some questions and
21 concerns about her being present and available to proceed
22 in the trial. I think as this is the State's witness, to
23 the extent the State has any record they need to make with
24 regard to this witness they may proceed.

25 MS. RHOADES: Okay.

1 BY MS. RHOADES:

2 Q. Morgan, did anyone from the State ever tell
3 you what to say when you came into court?

4 MR. MACARTHUR: Can I have an unobstructed view
5 of the witness.

6 BY MS. RHOADES:

7 Q. Did anyone from the State tell you what to say
8 when you came into court?

9 A. No.

10 Q. Do you remember testify at the preliminary
11 hearing?

12 A. I do.

13 Q. Do you remember you were sworn to tell the
14 truth there?

15 A. Yes.

16 Q. Did you tell the truth when you testified
17 there?

18 THE COURT: I'll note for the record you had
19 communication with your attorney. I understand you may be
20 answering questions on advice of your attorney, but you
21 must speak up and articulate your answers so we have it in
22 the record, please.

23 What is answer to the question that was posed by the
24 State.

25 THE WITNESS: I'm pleading the 5th.

1 THE COURT: Do you understand what that means.

2 THE WITNESS: Yes.

3 THE COURT: What does that mean to you.

4 THE WITNESS: It means that I have the right to
5 say that I don't want to answer it because it would
6 --because --

7 THE COURT: I'm not trying to be unkind, but
8 you're trailing.

9 THE WITNESS: I'm saying it because I want to be
10 able to not have to incriminate myself from what I said
11 last time at preliminary hearing.

12 THE COURT: Ms. Rhoades.

13 MS. RHOADES: Your Honor, we are not going to --
14 the State is not going to proceed on the perjury charges
15 against Ms. Savage. So in that respect, we are going to
16 qualify immunity with regard to any perjury charges. So
17 therefore, there is no fear of incriminating herself, if
18 that's the case.

19 THE COURT: So Ms. Savage I think you heard what
20 the State has said. They have indicated at this time
21 there is no possibility of them pursuing any kind of
22 charge against you based on any truthful testimony given
23 here today or testimony given here today that may
24 implicate your concerns about what you just stated. So at
25 this time, do you need to confer with counsel for a moment

1 to see whether you wish to answer.

2 THE WITNESS: Yes.

3 THE COURT: Okay.

4 (Discussion held with counsel.)

5 THE COURT: Ms. Savage, are you prepared to
6 answer counsel's questions.

7 THE WITNESS: Yes.

8 THE COURT: Ms. Rhoades, repose the question to
9 be sure it's understood.

10 BY MS. RHOADES:

11 Q. When you testified at the preliminary hearing
12 and you were sworn to tell the truth, do you remember that
13 day?

14 A. Yes.

15 Q. Did you tell the truth when you testified?

16 A. No, I did not.

17 Q. What did you not tell the truth about?

18 A. Just about everything.

19 Q. When was the last time that you used any kind
20 of drug?

21 A. About 4 days.

22 Q. What drug was that that you used?

23 A. Heroin.

24 Q. Do you remember coming in to Stacey's office
25 about 2-and-a-half, 3 weeks ago?

1 A. I do.

2 Q. Do you remember I was there?

3 A. Yes.

4 Q. Do you remember there was -- Keith was there?

5 MS. RHOADES: He's the investigator with Clark
6 County -- Keith Gross.

7 A. Yes.

8 Q. When you came in and spoke with us in Stacey's
9 office did you tell us that day that you hadn't told the
10 truth at the preliminary hearing?

11 A. No.

12 Q. Did you tell us on that day that you did not
13 want to participate in this case?

14 A. Not that day, no.

15 Q. When did you tell us -- when did you tell
16 someone that you didn't want to participate?

17 A. When Officer Dicaro and Stacey first came to
18 me in the alley, I was asked if I even wanted to through
19 with this and I told them, no.

20 Q. Do you remember what day that was?

21 A. No, I don't.

22 Q. Did you also tell Stacey and Officer Dicaro
23 that you would show up to court for the case?

24 A. Yes, I did.

25 Q. Why did you tell them that you would show up

1 if you didn't want to participate?

2 A. I wanted to make sure that anything I would
3 say in court would be set right from when I had the first
4 hearing.

5 Q. Why did you come in and testify to that when
6 you testified at the preliminary hearing?

7 A. Like, why, did I come and testify for this
8 same thing. Like --

9 Q. When you testified at the preliminary hearing.

10 A. Okay.

11 Q. Why did you say that in court. Why did you
12 testify under oath that all those things happened?

13 A. Because it was out of spite, being angry with
14 Josh.

15 Q. Why were you angry at Josh?

16 A. Because I just -- like, any other relationship
17 I got pissed at him, whether it was controlling or
18 something or was manipulated at the time, it was more --
19 so I stepped the boundary to take it to court and take it
20 to the officers and report and kind of get back at him.
21 It was taken too far.

22 Q. Morgan, when is the first time you told anyone
23 that you did not want to participate in this?

24 A. The first time was the day that Officer Dicaro
25 and Stacey met me in the alley.

1 Q. That was within the last 4 weeks or so?

2 A. Yes.

3 Q. Did you ever tell Stacey again that you didn't
4 want to participate after that day in the alley?

5 A. Not that I remember.

6 Q. Do you remember meeting Stacey at Jack-in-the
7 Box on a separate occasion when you saw her in the
8 alley?

9 A. Yes.

10 Q. Did you tell her on that day you didn't want
11 to participate?

12 A. I don't remember.

13 Q. Were you told by anyone yesterday that you
14 spoke with that you could get out of jail sooner if you
15 came in and told the court what you are telling us now?

16 A. No.

17 Q. Did you tell the attorneys for the Defendant
18 when they came and saw you yesterday Stacey was
19 responsible for your lack of cooperation?

20 A. No.

21 Q. Did you tell them that Stacey manipulated
22 you?

23 A. No. Not to a degree, no.

24 Q. What do you mean by that?

25 A. Obviously, there is some things in court I

1 would have said as far as making sure this goes through,
2 like that these charges are put against Josh. But as far
3 as being manipulative about what to say, no. But how to
4 say it, stuff like that, is more so what I meant by it
5 then saying manipulative making me say that.

6 Q. So your testimony is that Stacey did not
7 manipulate you to say anything?

8 A. Yeah.

9 Q. Right?

10 A. Yes.

11 Q. Are you saying that Stacey told you how to say
12 things?

13 A. Yes, in a way. I mean it's also be careful of
14 how I say what I say.

15 Q. Like can you give me an example?

16 A. Not off the top of my head.

17 Q. How about slandering Josh. Do you remember
18 telling attorneys for Josh that Stacey slandered Josh?

19 A. Could you tell me what slander means.

20 MR. MACARTHUR: Objection, your Honor.

21 MS. MCNEILL: I never said --

22 MR. MACARTHUR: She's reading from my notes.

23 THE COURT: Reading from notes.

24 MR. MACARTHUR: Let me make sure we're not
25 quoting here. These are my notes not her statements.

1 MS. MCNEILL: That is -- I haven't read the
2 statements. I didn't say that. I'll withdraw the
3 objection.

4 BY MS. RHOADES:

5 Q. Did Stacey say bad things -- multiple bad
6 things about Josh to you?

7 A. Yes.

8 Q. What bad things?

9 A. To the extent that he was a predator and that
10 he was -- what he did was wrong, and things of that
11 nature. I don't want to quote anymore than I don't know
12 for sure.

13 Q. When do you remember Stacey saying he was a
14 predator?

15 A. This was back before I -- this was months,
16 months ago. Even before I left Minnesota before -- around
17 the time that I had court for the preliminary hearing.

18 Q. Do you remember talking to a female police
19 officer, Detective Cho. Do you remember talking to her
20 and giving her an interview about what happened?

21 A. Yes.

22 Q. Do you remember telling her why you wanted to
23 come in tell somebody what was going on?

24 A. No. I don't remember exactly why.

25 Q. Do you remember telling her that someone

1 needed to know the truth about what was going on between
2 you and Josh?

3 A. That I do.

4 Q. That interview was given sometime in July of
5 2015. Does that sound right?

6 A. Yeah.

7 Q. You never talked to Stacey before that
8 interview, right?

9 A. No. I mean, yes, that's right.

10 Q. Did anyone tell you what to say before you
11 went in talk to talk to the police on that day?

12 A. No.

13 Q. Did you tell the attorneys for Josh that
14 Stacey was using you as a tool to prosecute Josh?

15 A. Yes.

16 Q. Why did you say that?

17 A. I feel that way because everything that was
18 being said through my word, everything, and given that,
19 you know, I did plead the Fifth to everything I said.
20 Everything in these papers I believe is everything that is
21 being able to be use against Josh.

22 Q. When you say using you as a tool, it means all
23 of this information what you told the police is what you
24 testified to at the hearing, right?

25 A. Yes.

1 Q. Did you mean that in a bad way that Stacey was
2 using you as a tool?

3 A. Well, I mean, I don't know if you consider it
4 bad or good, but, I mean, I just believe it is what it is.
5 There would be no case without my word, so that's the only
6 thing anybody is able to go, like, off of.

7 Q. How do know that?

8 A. Because you guys wouldn't have -- nobody here
9 would have any details about anything or any sort of
10 information if I hadn't said anything.

11 Q. If Josh wouldn't have said anything either?

12 A. Yeah.

13 Q. Did Josh tell you that in a phone call that if
14 you didn't say anything then no one would ever know?

15 A. No.

16 Q. Do you remember making a phone call to josh
17 with a detectives listening to that call?

18 A. Yes, I do.

19 Q. Did Josh tell you something like that in the
20 phone call, if you didn't say anything then there wouldn't
21 be a case?

22 A. I don't remember if it was that. I don't
23 really remember the phone call. Well, I can't say for
24 sure.

25 Q. Did you tell the attorneys that Stacey makes

1 you not want to go through with this?

2 A. Yes, I did.

3 Q. Why?

4 A. Because it's being -- I feel like it's very
5 pushed upon me. I said it's pushed upon me to go ahead
6 and testify in court here and prosecute him. They don't
7 have the right to prosecute because I lied about it.

8 Q. Because you lied?

9 A. I was lying about it.

10 Q. Do you remember talking to the investigator
11 yesterday with I believe another investigator. Do you
12 remember that?

13 A. Yeah.

14 Q. Did you ever tell them that you wanted to talk
15 to Stacey yesterday and tell her what was going on?

16 A. Yes.

17 Q. What did you say?

18 A. I said -- he asked me if I would like to let
19 Stacey know any message. I said leave her a message that
20 I would like to see her.

21 Q. Why did you want to see her?

22 A. Let her know about how I lied about all of
23 this and figure out a way to fix it and change it.

24 Q. Is that the first time -- is yesterday the
25 first time that you realized you lied at the preliminary

1 hearing when you testified?

2 A. Well, no, I didn't realize it yesterday. I
3 knew all long.

4 Q. But yesterday the first time you told anybody
5 that?

6 A. Yes.

7 Q. Who was the first person you told that you
8 lied in that preliminary hearing?

9 A. Joshes' lawyers. I'm sorry. I don't know
10 their names.

11 Q. His attorneys?

12 A. Yes.

13 Q. For the record, it's those two people sitting
14 next to Josh, right?

15 A. Yes.

16 Q. Yesterday when they came and talked to you,
17 did they tell you anything about the prison sentence that
18 Josh was facing?

19 A. Well, they didn't say Josh specifically, but
20 something like it.

21 Q. What did they say?

22 A. I don't remember the exact things. They just
23 said like he'll do a lot of time.

24 Q. Do you remember how much time?

25 A. I do not.

1 Q. Did they tell you anything about it being a
2 life sentence?

3 A. I don't remember.

4 Q. Did they tell you that before or after you
5 lied at the preliminary hearing?

6 A. I don't remember the order.

7 Q. Who brought up the topic of that sentence?
8 Did you ask them or did they bring it up to you?

9 A. I'm not really aware. I don't remember
10 exactly.

11 Q. Have you ever asked Stacey or anyone from the
12 State about the sentence that Josh is facing in a prison
13 sentence?

14 A. I don't remember asking, but I do remember
15 knowing that I heard something about him facing 2, 25 to
16 life sentences.

17 Q. Were you told by anyone that if you didn't say
18 what Stacey wanted you to say that you would not get out
19 of jail?

20 A. No.

21 Q. Do you think that?

22 A. Do I think if I don't say what she wants me to
23 say I won't get out of jail?

24 Q. Yes.

25 A. No.

1 Q. If someone said you said I feel like I have to
2 say what Stacey wants me to say, otherwise, I'm not going
3 to get out of jail, that would be a lie?

4 A. That exact statement, yes.

5 Q. Do you remember telling the defense attorneys
6 you felt like a victim for awhile but now you were 18 and
7 no long felt like a victim?

8 A. For awhile, yeah. Previous years, in one way
9 or another, yeah, I am a victim. But considering that
10 everything that I said when it came time to testify in
11 court the last time for the preliminary hearing, I was
12 saying stuff and convincing myself of being a victim. But
13 in the end, now that I'm 18, I'm older. I have been
14 through this a couple of years. I've developed a mind set
15 to know that I was not a victim.

16 Q. Do you remember telling your mom about what
17 happened between you and Josh?

18 A. There were -- I never told my mom the full --
19 I would just tell her bits and pieces, but ultimately I
20 would tell her a little of what I said in court so that
21 the stories match up a little in case she were to come as
22 well. I didn't want her to be off with the story that I
23 told.

24 Q. Yesterday when you spoke with Joshes'
25 attorneys, what, if anything, were you told would happen

1 if you came in here and said what you said was a lie.

2 Do you understand my question?

3 A. No.

4 Q. What, if anything, were you told by the
5 defense attorneys, when you met with them yesterday --
6 what, if anything, were you told would happened if you
7 came in here to court today and said you lied at the
8 preliminary hearing? What would happen?

9 A. I didn't say anything about that question.

10 Q. Do you remember there were meetings with
11 Stacey that you failed to show up to?

12 A. Yes.

13 Q. That's between when you saw her in the alley
14 with Detective Dicaro until today, right?

15 A. Yes.

16 Q. About at least 4 or 5 meetings you set up with
17 Stacey and you failed to show up to, right?

18 A. Yes.

19 Q. Why did you not come to any of those meetings
20 to tell her what you said at the hearing was a lie?

21 A. Well, for one it was embarrassing. Of course,
22 given fact that I would have to tell this person who has
23 worked at lot and worked hard on this case, look, this was
24 a lie.

25 I didn't show up because I don't have the

1 necessary -- or the convenience to a phone. I'm in a
2 really bad position right now. I don't have a phone.
3 Someone I'm with all the time has a phone, but do I use
4 it, hardly never, never in my position.

5 Other than simply not showing up for that those
6 reasons, another reason would be I was just confused when
7 I was supposed to be there.

8 Q. Why are you not embarrassed now?

9 A. Because this is the time when it all breaks
10 down to having to tell the truth. Unfortunately, it's in
11 this way, but ultimately because I don't want somebody to
12 be put away for something that I simply lied about.

13 Q. And no one from the State ever told you what
14 to say in court, except to tell truth; is that right?

15 A. Correct.

16 Q. Were you offered anything to come in here and
17 say that what you testified to previously was a lie?

18 A. No.

19 Q. Have you -- since you have been in custody,
20 have you talked to anyone from Joshes' family?

21 A. No, I have not.

22 Q. Have you talked to Josh?

23 A. No, I have not.

24 Q. How many times have you talked to the
25 attorneys for Josh?

1 A. One time.

2 Q. Last night?

3 A. Yes.

4 Q. That was the first time you ever told anyone
5 that what you said at the preliminary hearing was a lie?

6 A. Yes.

7 Q. Did you ever say that Stacey was coercive with
8 you or intimidated you?

9 A. No.

10 MS. RHOADES: I'll pass the witness.

11 THE COURT: Mr. MacArthur.

12 BY MR. MACARTHUR:

13 Q. Thank you.

14 All right. You know who I am?

15 A. Yes.

16 Q. When was the first time you met me?

17 A. Yesterday.

18 Q. Do you know about what time it was?

19 A. Evening.

20 Q. Did I come by myself or with somebody else?

21 A. Somebody else.

22 Q. How many people did I come with?

23 A. Including you, just the two of you.

24 Q. Was it Ms. McNeill and I?

25 A. Yes.

1 Q. Remember what floor you were on?

2 A. No.

3 Q. How long did we talk?

4 A. Maybe 45 minutes to an hour.

5 Q. Now, when we met, where we standing or
6 sitting?

7 A. Sitting.

8 Q. Did I have or did Monique have anything with
9 us?

10 A. Paper and pen.

11 Q. Do you remember what color the paper was?

12 A. Yellow.

13 Q. Do you recognize this?

14 A. Yes, I do.

15 MS. MCNEILL: Can you show that to counsel. I
16 believe the court has a copy.

17 THE COURT: So when you say this, you're
18 referring to what is now Court's Exhibit 2.

19 MR. MACARTHUR: Yes, ma'am.

20 BY MR. MACARTHUR:

21 Q. Referring to this as 2, you recognize this
22 page?

23 A. Yes, I do.

24 Q. Did you see me writing on it?

25 A. Yes, I did.

1 Q. Did I write on it when you were quiet or did I
2 write on it when you were talking?

3 A. While I was speaking.

4 Q. So let's start at the beginning.

5 Ms. Savage, when was the last time you had a
6 conversation in person or on the phone with Josh?

7 A. 2015 -- July 2015.

8 Q. You haven't seen him or heard from him since
9 then?

10 A. I have not.

11 Q. Isn't it, in fact, true that you thought he
12 was in custody when you talked to me last night?

13 A. Yes.

14 Q. How did you find out he was out of custody?

15 A. You guys informed me of that.

16 Q. Remember if I told you when he got out of
17 custody?

18 A. Yes.

19 Q. When was that, to the best of your
20 recollection?

21 A. July this year 2017.

22 Q. That's your recollection of it?

23 A. Yes. That is my recollection.

24 Q. Now, were you aware that me or Ms. McNeill
25 were looking for you to interview you?

1 A. Yes.

2 Q. Did anybody tell you that we were looking for
3 you?

4 A. You guys informed me you were looking for me
5 like -- last night you informed me you were looking for me
6 previously.

7 Q. Other than me and Ms. McNeill, did anybody
8 else give you a message that we had been looking for you
9 in town?

10 A. No, not to my recollection.

11 Q. Were you staying sometimes in the alley way
12 kind of near Charleston and Torrey Pines?

13 A. Yes.

14 Q. Does your dad drive a red Cadillac?

15 A. Not a Cadillac. It looks like one, but it's a
16 Buick.

17 Q. Os it parked in front of an alley that has a
18 mattress at the end of it?

19 A. Mattress -- I'm not sure, but definitely at
20 the end of the alley.

21 Q. Did you -- let me start here. You have a
22 boyfriend?

23 A. Yes, I do.

24 MS. RHOADES: Relevance.

25 MR. MACARTHUR: It's merely to establish the

1 effort we made to try contact her and find out if she had
2 heard anything about.

3 MS. RHOADES: How is that relevant to todays
4 hearing.

5 MS. MCNEILL: Court's indulgence, your Honor.

6 BY MR. MACARTHUR:

7 Q. Did you receive a message from anyone that we
8 called trying to see if we could find where you were?

9 A. No. I did not receive that message.

10 Q. Understood.

11 Okay.

12 Last night didn't you ask me if Josh could go to
13 prison?

14 A. Yes, I did.

15 Q. Didn't I ask you, hasn't Stacey told that to
16 you?

17 A. Yes, I did.

18 Q. Didn't I, in fact, say, yes, he would go to
19 prison for awhile?

20 A. Yes, you did.

21 Q. Do you remember telling me that you mistakenly
22 believed that you were supposed to come to court Monday
23 morning at 10 o'clock?

24 A. No. I mistakenly believed I was to come on
25 Tuesday.

1 Q. Got it. That I was my mistake.

2 A. Yes.

3 Q. Did you tell me that that is why you thought
4 you were in custody?

5 A. Yeah. I thought I was in custody because I
6 missed court Monday at 10:00 rather than being here on
7 Tuesday.

8 Q. Did I tell you that you were in custody on
9 something called a material witness warrant?

10 A. Correct, yes.

11 Q. That it had been issued on the 20th of
12 November not Monday?

13 A. Right.

14 Q. Now, before I go any further, as I was taking
15 notes was there some point in which I gave you the notes I
16 took?

17 A. Yes.

18 Q. Did I ask you to read them?

19 A. Yes.

20 Q. At the end, did I ask you if they were all
21 true?

22 A. Correct.

23 Q. How many times did I ask you that do you
24 think?

25 A. One time.

1 Q. What did you tell me?

2 A. They were correct.

3 Q. Did I tell you or suggest to what you needed
4 to say in these notes?

5 A. No.

6 Q. Did you tell me that you didn't want to come
7 to court?

8 A. I don't remember if I exactly told you that,
9 but I do know I didn't. But I would have anyway.

10 Q. Would it refresh your recollection if you were
11 able to see the notes I took last night?

12 A. Yes, it would.

13 Q. About 3 lines down, read as much as you like.

14 A. Yes.

15 Q. Recognize that?

16 A. Yes.

17 Q. Are those the things you told me last night?

18 A. Yes, it is.

19 Q. All right. Morgan, was there a time in the
20 interview where myself and Ms. McNeill said that there
21 were certain things we couldn't talk about because of
22 ethical rules?

23 A. Yes.

24 Q. Did I tell you that they applied to both
25 sides?

1 A. Yes.

2 Q. I want you to listen to my next question
3 carefully because it's a legal thing. I'm not asking you
4 if these statements are true in the real world. I'm
5 asking you whether you said them.

6 You understand the difference?

7 A. Yes.

8 Q. So there is a line here that says -- court's
9 indulgence.

10 THE COURT: Yes.

11 BY MR. MACARTHUR:

12 Q. I feel like I have to say what Stacey wants to
13 here or I won't get out.

14 Is that -- bear in mind, I'm not saying you, quote,
15 unquote said that. Did you say something along those
16 lines to me?

17 A. Yes.

18 Q. Did you, in fact, say it felt like you needed
19 to come to court and say what you had said before at
20 preliminary hearing or you might stay in jail longer?

21 A. Yes.

22 Q. Did that bother you?

23 A. Yes.

24 Q. Were you conflicted about that?

25 A. Of course.

1 Q. Did we ever have a conversation about Judge
2 Delaney?

3 A. Yes.

4 Q. Do you remember at all what I told you?

5 A. The only thing I remember is that she is a
6 good judge, that she is pretty -- when it comes to things
7 like this, she is pretty -- I don't know what the word is.
8 There are some things, like this situation, she is the one
9 to decide what is right or wrong.

10 Q. Since the events leading to this case -- let's
11 go all the way back to 6th grade. Had you used marijuana
12 regularly?

13 MS. RHOADES: Objection, relevance.

14 THE COURT: Overruled.

15 BY MR. MACARTHUR:

16 Q. Have you used marijuana regularly?

17 A. Yes.

18 Q. Was there a time in which you were using
19 pills?

20 A. Yeah.

21 Q. Was there a time in which you were or are
22 using heroin?

23 A. Now, yes.

24 Q. Did I tell you that Judge Delaney had done
25 drug court before?

1 A. I don't remember.

2 Q. When I -- withdrawn.

3 When you told Ms. McNeill and I these things did I
4 tell you when you should bring it up?

5 MS. RHOADES: I don't understand. Objection.

6 THE COURT: Rephrase.

7 BY MR. MACARTHUR:

8 Q. Ms. Savage, did I tell you that you should
9 wait to tell in front of the jury, or did I tell you if
10 you had to so say something you should say it in front of
11 the judge?

12 MS. RHOADES: I object, again as to foundation
13 as to say what.

14 BY MR. MACARTHUR:

15 Q. There are a list of statements on the page I
16 wrote?

17 A. Right.

18 Q. You've told me they are true you said them?

19 MS. RHOADES: I don't know that she said that
20 about every single statement.

21 MR. MACARTHUR: I'm happy to lay the
22 foundation.

23 BY MR. MACARTHUR:

24 Q. You read through these lines?

25 A. Yes.

1 Q. Are there any on this list that you didn't
2 say?

3 A. If I didn't say them exactly word for word I
4 said something just like them, paraphrased.

5 Q. Did I give you an opportunity to review them
6 before I left?

7 A. Yes.

8 Q. Now, after you'd given me and Ms. McNeill the
9 information, did I suggest to you that you should bring it
10 up in front of the judge, or that you should it bring up
11 in front of the jury?

12 A. I don't remember.

13 Q. Did you say you regretted accusing Josh?

14 A. Yes.

15 Q. Did you tell us a story about you witnessing
16 your father have sex with another woman in front of you?

17 MS. RHOADES: Objection.

18 THE COURT: Sustained.

19 MR. MACARTHUR: Okay. Withdrawn. It is on the
20 page.

21 MS. RHOADES: That's not why we're having this
22 hearing.

23 THE COURT: The concerns expressed by Ms.
24 McNeill earlier today there may have been some form of
25 Brady violation and some information that provided inquiry

1 as to what was said related to that. I overruled the
2 objection with regard to drug use because I think there
3 was inquiry about that that's relevant. I don't see the
4 relevance of this inquiry.

5 MR. MACARTHUR: I apologize. I'll withdraw the
6 question. I want the record to be clear that these notes
7 are made in anticipation of cross-examination. There was
8 an issue, or may still be an issue, about prior knowledge
9 of sex. That's why. They're not for any other purpose.

10 BY MR. MACARTHUR:

11 Q. Morgan, did you tell us that after you
12 testified at the preliminary hearing you saw Josh in
13 custody and that you went into a severe depression?

14 A. Yes.

15 Q. How long did that last?

16 A. Long. Three months at least.

17 Q. Back when -- well, let me back up.

18 Were you friends with Josh?

19 A. Yes.

20 Q. Really close friends?

21 A. Yes.

22 Q. Did you ever go to Explorer meetings with
23 him?

24 A. Yes.

25 Q. Did you remember going to Explorer meetings

1 that covered how a domestic violence case is
2 investigated?

3 MS. RHOADES: I don't know what Explorer has to
4 do with this hearing.

5 THE COURT: Mr. MacArthur, you know I have given
6 leeway here. I know you can appreciate the hour. I want
7 to wrap up on anything truly relevant to what we're trying
8 to address.

9 I'll overrule. You may answer the question.

10 BY MR. MACARTHUR:

11 A. Yes.

12 Q. Thinking about those meetings, were they on
13 Wednesdays?

14 A. Yes.

15 Q. In addition to learning about how domestic
16 violence cases are investigated and prosecuted, did you
17 learn about how sex assault cases are investigated and
18 prosecuted?

19 A. I don't remember sexual assault cases.

20 Q. Do you remember back in 2015 when you took
21 anything that you learned from those things in order to
22 make your testimony?

23 A. No.

24 Q. Just to be clear, are you saying, no, you
25 don't remember if you did, or no you didn't do that?

1 A. No, I did not do that.

2 MR. MACARTHUR: With that, your Honor, no
3 further questions.

4 THE COURT: Anything further, Ms. Rhoades.

5 BY MS. RHOADES:

6 Q. Yesterday were you detoxing?

7 A. Yesterday, yes. But not too badly. I was
8 being given prescription pills from the nurse to make me
9 feel better.

10 Q. How were you feeling yesterday throughout the
11 day?

12 A. Upset stomach.

13 Q. When did you take the medication, what time?

14 A. Morning, lunch, and dinner.

15 Q. What time do you remember talking to the
16 defense attorneys?

17 A. Evening. I don'ts remember the time.

18 Q. After dinner?

19 A. I don't remember.

20 Q. Did the defense attorney tell you you would be
21 released if you come in here and say what you said
22 today?

23 A. No.

24 MS. RHOADES: Nothing further.

25 THE COURT: Mr. MacArthur, anything further.

1 MR. MACARTHUR: I don't.

2 THE COURT: Okay.

3 So, Ms. Savage, I know you have counsel. I know
4 this is difficult. You are in custody on this material
5 witness warrant. We are going to be commencing trial
6 tomorrow. We don't know what the circumstances of the
7 time when you may be called. There is a bail setting, if
8 you are able to achieve it. If not, you may -- you will
9 remain in custody until you complete your appearance in
10 this case.

11 Do you have all the contact information you need for
12 your counsel.

13 MS. PANDULLO: I do want to address her custody
14 status.

15 THE COURT: All right.

16 MS. PANDULLO: It appears to me though the files
17 on the material witness warrant, it appears to me that it
18 was filed on 11/20 at 10:37 a.m. Trial commenced on
19 Monday of this week. So I do believe this would be vastly
20 premature, given the fact that she would have most likely
21 been called on to testify no earlier then what she told me
22 she was told by the DA as the 27th. I believe she was
23 arrested on this material witness warrant on Monday,
24 though I'm not positive on that.

25 THE COURT: That's accurate, because we were

1 trying to make sure we got her back into court within 72
2 hours. We had one additional day to do that.

3 MS. PANDULLO: It appears to be reading through
4 the application the basis is not that this she failed to
5 comply with the subpoena, she did not. But rather that on
6 a few different occasions she was supposed to do pretrials
7 with the DA's office and did not appear.

8 Obviously, she was not under subpoena or order of the
9 court, so it's not as though she violated an order
10 there.

11 Additionally, she has no legal obligation, generally
12 speaking, to pretrial with the DA's office, so it's not by
13 virtue of failing to appear or failing to respond to texts
14 or calls. That in no way makes her criminally liable for
15 anything.

16 Additionally, to say that -- sorry, I'm reading
17 specifics -- that they couldn't be reasonable assured they
18 would be able to secure her presence for trial. I
19 disagree entirely. They effectively served a subpoena on
20 11/2. The same with her father. They talked to her on
21 the phone on 11/9, where she agreed to meet on 11/11. She
22 met with them on 11/11.

23 It's my understanding from speaking with Ms. Savage
24 that it was on 11/11 that she was told by Ms. Kollins
25 verbally that she would need to be in court on 11/27. So

1 I was hoping to get a copy of the subpoena that was served
2 on her. She didn't have that. But what she indicated to
3 me is that the subpoena she was given had incorrect dates
4 that were not for this week. She was told verbally by Ms.
5 Kollins to hold on to that subpoena, but know generally
6 we'll need you on the 27th.

7 So she planned on being here on the 27th. What she
8 just testified to now was she doesn't want any part of
9 this case, but she understood she had a legal obligation
10 to be here and to testify for the court on what she
11 believed to be the 27th, but generally speaking.

12 I don't agree with the State's representation that
13 they couldn't be reasonably assured to secure her presence
14 here. I don't believe that it is reasonable to continue
15 holding her in custody on a material witness warrant.

16 I know that your Honor set bail at \$10,000.00, which
17 in the abstract shouldn't seem like a lot of money, but it
18 specifically referenced in paragraph 5 on page 4 of the
19 application she is currently homeless and fallen on hard
20 times. So \$10,000.00 at this point might as well be a
21 million. She's not capable of bailing out on that. I
22 believe she's been sitting in custody since Monday. Today
23 being Wednesday. I don't know when the State intends to
24 call her. I'm sure the State will get up and say, well,
25 we'll call her tomorrow. What's one more night. It is a

1 lot easier to say that when a person not sitting in Clark
2 County Detention Center. One more night is pretty
3 unpleasant for someone who has to do that, your Honor.

4 She broken no laws here. She has not failed to
5 comply with the subpoena, a court order, et cetera. I
6 would ask that she be released without having to post a
7 bond, with the understanding she needs to be back here
8 when the court tells her to be back here.

9 THE COURT: One thing I want to clarify because
10 Ms. Pandullo is at a bit of a disadvantage in that we had
11 to adjust the trial start time. I don't know how that
12 overlapped or impacted with the communication that Ms.
13 Savage had about the start date of trial. But the
14 original start date of trial was not the 27th. It was
15 earlier. That may very well be the expectation of when
16 she would be called on that date, but based on
17 circumstances that evolved with witness notice and things
18 unrelated to Ms. Savage we adjusted the court date back.
19 That very well could explain some of that confusion.

20 But the real issue now is securing Ms. Savage's
21 testimony. I did hear her say and appreciate you pointing
22 out she understood she wasn't wanting to be here, but that
23 she knew she needed to be here.

24 I have another concern that has risen here today in
25 this discussion about her being present, and for lack of a

1 better way to put it now, competent to testify. But both
2 counsel, if they have something to say. Let me start with
3 Mr. MacArthur, for inquiry.

4 MR. MACARTHUR: Mine isn't argument, just
5 information so I can sit down sooner.

6 THE COURT: Fine.

7 MR. MACARTHUR: Because Ms. Pandullo has just
8 met Ms. Savage I wanted to inform her for her edification
9 there had been a successful motion filed by the State that
10 if we have to declare her unavailable, we could proceed on
11 the transcripts. That's it.

12 MS. RHOADES: That has nothing to do with
13 this.

14 MR. MACARTHUR: I wanted Ms. Pandullo to know
15 it.

16 MS. RHOADES: We obtained a material witness
17 warrant pursuant to the law, pursuant to our application
18 and affidavit that we were not reasonably assured she
19 would show up for court.

20 I am still not reasonably assured she'll show up for
21 court, even though she came in here and told you we made
22 multiple accommodations and tried to reach out to her
23 multiple ways, multiple different meetings, sent texts on
24 multiple times and she did not come and she did not
25 comply. So that's what our basis was for the warrant,

1 which this court granted. If she gets released, we have
2 some serious concerns about what she is going to do as
3 soon as she walks out of those doors. And if she is here
4 tomorrow, I don't believe she -- I don't know that she
5 would be competent to testify. I have concerns for her
6 safety, her health and well-being. I don't think she is
7 going to come in.

8 There is no reason to quash the warrant at this time.
9 I'm not saying what's the big deal in keeping her one day.
10 She is in on the warrant because she did what she did
11 because of her actions. We're going to get her up and out
12 of here as soon as we can. There's no reason to release
13 her now.

14 THE COURT: is it anticipated you'll call her
15 tomorrow.

16 MS. RHOADES: Yes.

17 THE COURT: Ms. Savage, I'll address you
18 directly, but counsel as well. I very much appreciate the
19 difficulty of this situation. I really do. It is the
20 concern of the court that whenever it is you are called to
21 testify -- you just heard counsel it is going to be
22 tomorrow -- that you be competent to make that testimony.
23 Given the fact that you are -- when you were brought into
24 custody you had been using heroin by your own admission.
25 Although the detoxing you described going through

1 yesterday was not significant from your perspective, I
2 have grave concerns that -- I believe this is what the
3 State was eliding to as well -- the court had reached this
4 conclusion on it's own -- that we could not be certain
5 that you would not go out and use. And if you were to go
6 out and use, if released, then we can't be certain (a)
7 you'd return. It may be out of your control, right. It
8 wouldn't be necessarily of your own volition. That you
9 wouldn't do some harm to yourself, if you used.

10 That's what I meant to focus on in terms of, now you
11 have detoxed, now it's out of your system for a few days,
12 now you go back out it could be dangerous, regardless it
13 could be additionally dangerous.

14 Ultimately, even if you got out and used and came
15 here, would your testimony be in any way, shape, or form
16 tainted by that use. The only way I believe the court can
17 ensure that whatever your testimony is tomorrow, again,
18 the court's expectation of you is that it simply be
19 truthful, is that it be as sober as possible and as clean
20 as possible. Ultimately, it be the best testimony you can
21 give. I see no certainty that that would be the case
22 other than for you to remain in custody until tomorrow.
23 So respectfully, the request to have you released is
24 denied. I do believe there was a valid basis to issue the
25 warrant, that's why I did so. I believe there is a valid

1 basis or you to remain in custody one additional evening.
2 It's this court's intention to release you from custody
3 immediately upon the completion of your testimony in this
4 trial, which is anticipated to be tomorrow. It's still
5 subject to completing that testimony, however.

6 So that's the court determination on this. I would
7 like to have the CO take you back now so I can complete
8 with counsel on unrelated matters.

9 MS. PANDULLO: May I require about provided
10 immunity.

11 THE COURT: Are you --

12 MS. PANDULLO: When are we starting.

13 THE COURT: We start at 9:00. Read the charging
14 document, have opening statements. I'm not sure of the
15 time frame of those. I'm not sure when we'll break for
16 lunch.

17 When would the State participate -- how long are
18 openings.

19 MS. KOLLINS: I might be 40 minutes, so maybe
20 11:30.

21 THE COURT: Probably 9:15. We'll break at 1:30,
22 because I'm trying to keep a lunch commitment.

23 (Off the record.)

24

25

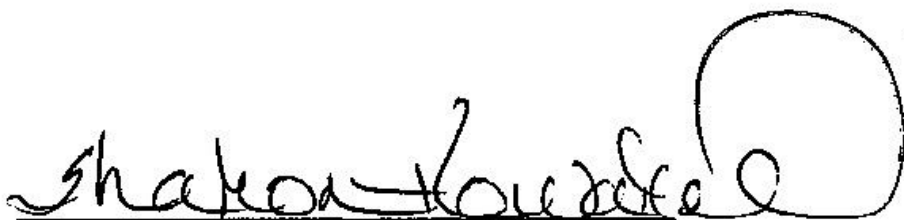
* * * * *

CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

I, the undersigned certified court reporter in and for the
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the
time and place therein set forth; that the testimony and
all objections made at the time of the proceedings were
recorded stenographically by me and were thereafter
transcribed under my direction; that the foregoing is a
true record of the testimony and of all objections made at
the time of the proceedings.

A handwritten signature in cursive script, reading "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard
C.C.R. #745

< Dates >.	162 3:10.	353 66:24.
April 2015	17 47:19, 87:22.	356 104:9.
74:16.	178.494. 4:10.	364 53:7, 58:25.
December 4th	18 67:5, 80:13,	39 3:6.
4:14.	96:4, 107:20,	.
July 2015 141:7.	136:6, 136:13.	.
NOVEMBER 29, 2017	1980. 91:2.	< 4 >.
1:28, 4:1.	1:30 160:21.	4 10:14, 18:14,
second may	.	18:17, 43:22,
48:15.	.	56:9, 67:6,
#745 161:28.	< 2 >.	75:17, 86:1,
\$10,000.00 155:16,	2 8:23, 14:11,	118:7, 119:18,
155:20.	26:14, 57:22,	125:21, 128:1,
\$10,000.00. 18:5,	63:15, 80:11,	137:16,
29:6.	94:17, 96:18,	155:18.
--because 124:6.	106:14, 119:17,	40 160:19.
.	135:15, 140:18,	404 47:15, 48:24,
.	140:21.	94:8.
< 1 >.	2-and-a-half	428 51:16.
1 19:8, 25:18,	125:25.	430 47:9, 47:10,
27:3, 57:22,	2. 63:16, 119:4,	87:17.
63:16, 119:16,	121:19.	437 102:2.
120:23,	2015 141:7,	448 60:18.
121:19.	151:20.	45 140:4.
10 28:16, 55:24,	2015. 131:5.	454 53:14,
64:19, 65:9,	2017 141:21.	54:13.
95:8, 95:16,	20th 14:23,	459 51:12, 55:6,
119:21,	144:11.	89:21.
143:23.	25 1:3, 135:15.	460 91:12.
10:00 14:18,	27 95:6.	462 50:11,
14:19, 144:6.	27th 14:18,	62:21.
10:37 153:18.	153:22, 155:6,	463 72:18.
11 67:5, 119:21.	155:7, 155:11,	499 93:2.
11/11 154:22,	156:14.	4:00 14:15.
154:24.	.	4:30. 18:25,
11/11. 154:21.	.	28:15.
11/2. 154:20.	< 3 >.	4:36 38:2.
11/20 153:18.	3 5:5, 20:23,	.
11/27. 154:25.	21:9, 57:22,	.
11/9 154:21.	63:13, 63:14,	< 5 >.
11:30 160:20.	63:16, 63:21,	5 56:9, 67:5,
12 67:5, 109:19,	64:19, 87:19,	98:4, 119:18,
119:22.	119:17, 125:25,	137:16,
12th 69:13.	145:13.	155:18.
13 119:22.	30 25:12.	501 64:8, 100:1.
14 85:25, 107:2,	312 59:10, 69:2.	504 52:11.
107:4, 107:20,	32 39:5, 42:20,	513 55:16,
109:18, 112:24,	48:20, 106:9,	80:11.
117:5, 119:11,	107:2.	517 40:11, 61:17,
119:23.	333 76:25.	83:18.

52-count 27:3.	90:21, 100:12,	adamant 99:20.
523 48:4.	105:15, 105:17,	add 14:3, 118:21,
5th 123:25.	113:11, 124:10,	121:15.
.	131:21, 132:6,	addition 20:20,
.	145:11, 153:8,	21:10, 151:15.
< 6 >.	154:18.	additional 118:11,
6 25:18, 95:2,	absolute 77:5.	154:2, 160:1.
119:19.	Absolutely 6:23,	Additionally
6. 19:8, 27:3.	27:16, 51:25,	154:11, 154:16,
6th 147:11.	70:14, 80:21,	159:13.
.	83:11.	address 4:6, 17:9,
.	abstract 155:17.	39:3, 151:8,
< 7 >.	abuse 66:2,	153:13,
7 25:4, 118:16,	71:1.	158:17.
119:19.	academy 73:1,	adjudged 91:22.
7. 48:1.	74:15.	adjust 156:11.
72 4:13, 154:1.	accept 13:7, 22:1,	adjusted 32:25,
745 1:35.	24:4, 24:7,	156:18.
.	26:6, 103:14.	adjustment 12:8.
.	accepted 24:9.	admission
< 8 >.	access 28:18.	158:24.
8 25:4, 85:25,	accommodations	admit 66:1.
86:1, 94:18,	157:22.	admonished 20:11,
94:25, 119:19.	accomplish 43:2.	21:5, 22:18,
.	accurate 153:25.	23:15, 43:14,
.	accuse 11:18,	64:23, 65:6,
< 9 >.	102:6.	117:9, 117:17.
9 119:20.	Accused 64:12,	admonishment
9:00 107:7,	91:18, 91:19,	109:3, 117:3,
120:1.	91:21, 91:22,	117:6.
9:00. 107:10,	91:23, 105:10.	ADMONITION
160:13.	accusing 149:13.	64:21.
9:15. 160:21.	achieve 153:8.	adult 8:23, 76:8,
9:34 19:6.	acknowledge	85:24, 94:23,
.	108:14.	94:25, 96:5.
.	acquaintances	Adults 69:14,
< A >.	45:5.	69:16, 69:23,
a.m. 14:18, 14:20,	acquittal 27:3.	84:22, 85:3,
120:2, 153:18.	across 26:16,	85:6, 87:21.
ability 4:23,	75:13, 76:8,	advance 7:19,
9:14, 27:16,	106:21.	28:14, 34:17.
58:2.	act 26:8, 91:5.	advertise 44:25.
able 5:7, 5:18,	action 11:23,	advice 15:4,
9:6, 16:4, 17:7,	122:1.	15:15, 28:2,
18:6, 19:19,	actions 73:22,	81:3, 123:20.
28:3, 39:3,	73:23, 115:17,	advise 29:19,
44:18, 46:16,	158:11.	121:22.
52:12, 71:21,	actually 14:24,	advocate 27:25,
76:15, 89:2,	39:19, 105:20.	121:21.
89:7, 89:18,	acutely 45:8.	advocates

<p>121:10. affairs 49:12. affidavit 4:9, 157:18. afoul 18:13. afraid 56:24, 56:25, 85:1, 85:2, 85:5. afternoon 35:11. age 47:20, 67:20, 95:3, 100:18. agency 50:8, 50:9. aggressive 83:24. ago 5:5, 10:14, 21:5, 28:16, 36:13, 36:16, 112:22, 125:25, 130:16. agony 27:3. agree 46:21, 62:8, 63:9, 67:12, 67:17, 67:21, 69:20, 70:12, 73:21, 74:4, 77:2, 80:18, 81:2, 88:17, 155:12. agreed 154:21. ahead 59:4, 63:13, 63:21, 76:20, 133:5. aides 32:24. air 59:8. alcove 25:11, 31:18, 34:19, 35:3. alert 67:1. allegation 14:7, 76:6. allegations 46:6, 76:11, 76:15, 81:14, 81:18, 102:17, 110:5, 120:12. alleged 23:5. Allen 16:21, 27:21. alley 10:13,</p>	<p>10:14, 126:18, 127:25, 128:4, 128:8, 137:13, 142:11, 142:17, 142:20. allow 32:4, 34:7. allowed 6:13, 8:16, 20:13, 32:13, 98:8, 111:4. Almost 25:25, 69:14, 98:5. already 9:14, 25:2, 27:14, 113:12. alternates 109:18, 116:24. Although 14:1, 158:25. among 64:23, 117:9. amongst 22:10. amount 56:15. ample 40:2. analyze 105:17. and/or 59:15. angel 96:4. angry 127:13, 127:15. Ann 119:23. answer 13:8, 63:2, 72:11, 111:4, 113:13, 123:23, 124:5, 125:1, 125:6, 151:9. answered 113:24. answering 123:20. answers 28:1, 29:17, 39:11, 80:3, 123:21. anti-room 22:19. anticipate 64:19, 107:9, 107:10, 117:21. anticipated 120:2, 158:14, 160:4. anticipation 150:7.</p>	<p>antics 19:22. antidotally 21:12. antisocial 108:15. Anybody 45:8, 50:24, 58:10, 58:15, 58:17, 60:1, 60:5, 61:10, 61:11, 89:25, 98:15, 117:23, 132:6, 134:4, 142:2, 142:7. anyway 145:9. AP 72:6. apologies 7:19. apologize 39:9, 150:5. Apparently 53:24, 58:16, 121:11. appear 14:23, 154:7, 154:13. appearance 111:13, 153:9. APPEARANCES 2:1. appearing 14:17. appears 38:22, 153:16, 153:17, 154:3. application 29:1, 154:4, 155:19, 157:17. applied 145:24. applies 75:7. Apply 40:22, 56:19, 62:14, 71:16, 71:18, 87:2, 114:7. appointed 120:25. appreciate 5:15, 9:18, 12:7, 12:13, 17:22, 19:14, 19:15, 34:22, 39:2, 72:17, 80:10, 99:23, 101:25, 107:20, 151:6, 156:21,</p>
--	--	--

158:18.	attempts 39:21.	backfire 21:22.
approach 59:5,	attention 72:10,	background 70:7,
78:9.	76:9, 76:10,	97:12.
approached 22:5.	76:13, 109:19,	backside 92:14.
appropriate 10:1,	115:7, 115:8.	bad 15:7, 15:25,
46:21, 79:2.	attitude 54:9,	16:2, 58:15,
appropriately	111:13.	62:24, 69:8,
23:25.	attorney 17:13,	77:20, 94:13,
area 96:7.	17:18, 115:22,	96:3, 96:4,
argue 57:20.	116:6, 121:21,	100:14, 104:2,
argument 57:10,	123:19, 123:20,	130:5, 130:8,
57:18, 157:4.	152:20.	132:1, 132:4,
arguments 114:3,	attorney/client	138:2.
114:4, 115:14,	36:19.	Badge 47:8, 47:14,
116:16, 116:17,	attorneys 16:12,	53:6, 58:24,
116:21,	26:3, 27:19,	62:21, 75:8,
116:23.	108:10, 112:24,	90:3.
arise 68:13,	113:22, 128:17,	badgering 83:22.
115:15.	129:18, 131:13,	badges 20:6,
around 20:9,	132:25, 134:11,	106:22.
30:16, 31:5,	136:5, 136:25,	badly 108:23,
33:16, 33:17,	137:5, 138:25,	152:7.
34:3, 97:18,	152:16.	bail 4:11, 6:5,
105:16,	authority 105:6.	9:15, 12:1,
130:16.	available 16:13,	12:10, 12:11,
arrange 11:20.	17:15, 18:16,	18:5, 18:6,
arrested 14:14,	27:11, 27:12,	18:8, 29:3,
14:15, 14:16,	122:21.	29:6, 153:7,
14:20, 38:2,	avoid 22:16,	155:16.
47:20, 153:23.	23:23, 39:9,	Bailiff 22:5.
arrived 22:2,	108:20, 118:1.	bailing 155:21.
25:1, 25:2.	avoided 25:9,	balance 67:18,
Arrogance 59:18.	49:1.	83:2.
articulate	awake 55:12,	balcony 26:15.
123:21.	102:13.	ball 30:9.
aside 46:17.	aware 11:7, 45:8,	bar 71:10.
assault 151:17,	117:25, 135:9,	Based 4:7, 4:9,
151:19.	141:24.	7:23, 24:12,
assigned 35:17.	awareness 27:14.	24:13, 27:12,
assist 121:22.	away 25:4, 34:6,	28:4, 46:7,
assume 12:9, 17:1,	40:7, 55:4,	51:17, 57:20,
35:23, 40:16,	81:2, 138:12.	91:9, 102:17,
58:7, 60:7,	awhile 136:6,	105:9, 109:25,
60:23, 62:4.	136:8, 143:19.	122:18, 124:22,
assuming 21:13,	awkward 65:16,	156:16.
94:13.	101:11.	Basically 29:6,
assured 154:17,	.	29:13, 50:14,
155:13, 157:18,	.	64:1.
157:20.	< B >.	basis 36:20,
AT&T 50:18.	baby 63:14.	96:23, 97:3,

154:4, 157:25,	93:12, 93:25,	Box 59:12, 120:20,
159:24, 160:1.	105:15, 105:17,	128:7.
bathroom 34:25.	105:20, 113:8,	boy 50:25,
beans 49:14.	152:9, 157:1.	86:11.
bear 146:14.	Beyond 11:22,	boyfriend
beat 50:1.	39:16, 39:22,	142:22.
become 67:19,	41:11, 42:9,	Boys 86:4, 86:5,
68:16, 81:9,	110:7, 116:10,	86:8, 86:15,
117:25.	116:19.	103:6.
becomes 54:16.	bias 90:18.	Brady 7:13, 7:25,
befriend 15:21.	biases 74:11.	149:25.
beg 42:3, 42:17.	big 84:14, 84:15,	brand 27:7.
begin 115:3.	84:18, 86:2,	brave 51:18.
beginning 121:4,	158:9.	break 38:11,
141:4.	bigger 21:23.	63:16, 63:17,
behalf 6:7.	bit 48:25, 59:7,	63:19, 64:17,
behavior 105:15,	82:3, 89:22,	93:1, 96:21,
111:13.	156:10.	115:7, 160:15,
behind 25:14.	bits 136:19.	160:21.
beings 74:9.	black-balled	breaking 48:8.
belief 80:1,	51:22.	breaks 32:10,
80:5.	black-listed	34:24, 115:9,
believed 14:16,	51:22.	138:9.
143:22, 143:24,	Blaire 119:19.	breath 77:4.
155:11.	blood 77:4, 77:23,	Bret-aaron
believes 8:19.	78:6.	119:17.
believing 41:19.	blow 55:5.	bridge 106:21.
belongings 5:6.	blower 47:3,	Brief 65:10.
bench 4:6, 41:16,	47:11, 48:23,	Briefly 69:7,
106:5, 118:13,	51:2, 52:12,	106:5.
118:18.	52:18, 53:10,	Bring 11:3, 28:20,
bench. 78:11,	54:16, 55:14.	30:3, 31:22,
106:6.	blowers 50:6,	34:20, 39:3,
beneficial	51:7, 51:21,	45:3, 47:5,
38:16.	53:22, 54:18.	64:18, 135:8,
benefit 21:22,	blowing 50:3,	148:4, 149:9,
21:25, 31:7,	87:13.	149:10.
38:20, 61:11.	blue 38:5, 38:7.	bringing 31:19,
benefits 30:9.	board 11:21,	120:9.
best 18:9, 44:10,	75:14.	brings 8:14.
44:11, 44:13,	body 95:11.	broken 156:4.
45:22, 48:1,	bond 156:7.	brought 6:24,
49:2, 112:4,	book 21:18.	8:13, 8:24, 9:8,
118:1, 141:19,	bother 146:22.	18:12, 18:23,
159:20.	bottom 37:1,	35:24, 40:25,
better 33:10,	37:2.	42:5, 47:13,
34:1, 34:25,	bound 26:24,	121:13, 122:18,
64:5, 69:10,	113:20,	135:7, 158:23.
71:10, 77:17,	113:21.	Buick 142:16.
78:16, 80:6,	boundary 127:19.	build 69:21.

burden 42:9, 42:13, 46:19, 57:19, 65:21, 66:7, 68:2, 74:18, 89:3, 89:7, 110:6, 110:11, 116:9, 116:19.	Catherine 119:17.	characterizes 26:1.
business 54:19.	Catholic 90:10.	charge 110:4, 124:22.
button 58:9.	cause 21:24, 52:21, 54:11, 82:15.	charged 7:11, 44:14.
.	caused 58:20.	charges 6:22, 6:24, 7:14, 8:13, 8:15, 8:23, 8:24, 9:8, 40:24, 42:5, 42:10, 89:11, 110:6, 110:7, 124:14, 124:16, 129:2.
.	caution 61:8.	charging 46:3, 46:5, 110:1, 110:3, 160:13.
< C >.	CCDC 6:13.	Charleston 142:12.
C-15-309548-1	cell 28:21.	check 37:19, 106:18, 106:19, 106:22, 118:5.
1:2.	Centennial 70:11.	child 8:25, 63:5, 63:10, 66:14, 66:17, 66:19, 70:5, 70:19, 70:25, 71:11, 75:23, 88:25, 89:6, 89:13, 93:7, 100:10.
Cadillac 142:14, 142:15.	Center 156:2.	childhood 63:3, 64:1.
calendar 29:5.	Certain 8:4, 10:23, 55:7, 75:10, 78:5, 82:12, 83:21, 99:7, 100:18, 110:23, 112:19, 115:1, 115:2, 145:21, 159:4, 159:6.	children 62:24, 63:10, 67:3, 67:4, 68:13, 68:20, 69:15, 71:8, 75:17, 84:7, 84:25, 100:4, 105:15.
call 132:13, 132:16, 132:17, 132:20, 132:23, 155:24, 155:25, 158:14.	Certainly 13:15, 56:18, 58:8.	Cho 130:19.
called 48:14, 143:8, 144:9, 153:7, 153:21, 156:16, 158:20.	certainty 159:21.	choices 62:24.
calls 154:14.	CERTIFICATE 161:1.	church 51:5.
capability 85:3.	CERTIFIED 161:3, 161:8.	circumstances 29:22, 68:25, 70:5, 109:5, 111:18, 115:15, 153:6, 156:17.
capable 155:21.	certify 161:9.	Circumstantial 111:23, 111:25,
capacity 85:7.	cetera 54:12, 115:15, 156:5.	
car 47:17, 47:18.	Chacon 72:18.	
care 16:3, 16:4, 33:19, 34:8, 54:8, 88:21, 97:22, 115:8.	chairs 26:13.	
careful 46:9, 61:7, 129:13.	challenged 10:25.	
carefully 146:3.	challenges 119:6.	
cares 71:7.	chance 5:11, 28:22.	
cases 7:20, 10:19, 16:22, 45:6, 91:18, 92:2, 151:16, 151:17, 151:19.	change 18:13, 39:21, 133:23.	
cast 24:3.	changes 40:16, 41:10.	
Caste 25:21, 49:23.	Changing 47:2.	
	character 13:16, 45:6.	
	characterized 56:4.	

112:5, 112:10, 112:12.	coercive 139:7.	21:14.
clarify 113:7, 113:11, 156:9.	coffee 102:12, 104:6.	communication
Clark 1:7, 126:5, 156:1.	coin 57:2.	27:13, 29:8, 41:8, 108:25, 121:5, 121:11, 123:19, 156:12.
classes 97:16, 97:17.	collateral 55:7.	communications
clean 159:19.	collectively	8:4, 8:5, 29:12.
cleanly 54:5.	79:20.	company 50:13, 54:25.
clear 21:18, 26:5, 30:7, 32:23, 56:22, 81:7, 107:24, 150:6, 151:24.	college 97:19.	comparing 78:17.
clearer 94:2.	Collins 76:25, 118:16.	compartmentalize
Clearly 33:11, 51:2.	color 140:11.	58:3.
CLERK 110:2, 119:10, 119:16, 121:25, 122:5.	combined 78:4.	compelled 7:24, 10:21.
cloak 35:15.	comes 9:16, 34:8, 35:18, 50:8, 85:16, 86:8, 86:18, 89:1, 98:18, 103:10, 109:8, 109:11, 112:16, 114:16, 115:1, 147:6.	compensation
close 18:12, 24:22, 25:4, 25:8, 33:23, 45:4, 56:2, 62:19, 73:2, 73:4, 80:15, 104:10, 107:1, 116:21, 118:11, 150:20.	comfortable 15:9, 28:4, 28:12, 34:5, 48:21, 94:15, 95:20, 96:11, 97:25, 100:20.	106:15.
closed 27:2.	coming 16:8, 17:6, 20:2, 27:14, 28:5, 48:22, 51:17, 76:16, 92:14, 115:3, 125:24.	competent 157:1, 158:5, 158:22.
closely 64:11.	commenced 120:23, 153:18.	complaining 6:23, 8:15.
closest 25:3.	commencing	complete 43:10, 106:23, 118:12, 153:9, 160:7.
closing 57:17, 57:18, 114:2, 114:4, 114:6, 116:16, 116:17.	153:5.	completed
clue 101:21.	comment 53:5, 66:24, 89:22, 93:3.	116:23.
CO 5:2, 5:7, 5:21, 16:19, 160:7.	commentary 65:2, 117:13.	Completely 20:9, 41:5, 45:17, 59:24.
co-counsel 16:22, 27:22, 36:25.	commit 48:14.	completing 17:3, 160:5.
CO. 5:20.	commitment	completion
Coalman 23:14.	160:22.	160:3.
coerced 10:17, 56:17.	common 89:2, 96:10, 103:9.	complicated
Coercion 56:11, 87:11.	commonly 59:16.	58:17.
	communicated	comply 154:5, 156:5, 157:25.
	30:15.	concepts 40:5, 43:15.
	communicating	concern 8:6, 12:17, 13:14, 21:23, 26:12, 33:12, 33:13, 66:6, 72:8, 156:24, 158:20.
		Concerned 7:11, 15:18, 48:9,

48:13, 92:2, 92:5, 101:15.	contact 5:4, 33:4, 33:5, 49:1, 108:13, 108:20, 143:1, 153:11.	copy 5:9, 35:21, 35:25, 38:18, 118:24, 140:16, 155:1.
concerns 6:16, 6:18, 7:2, 7:9, 19:20, 33:14, 42:3, 71:20, 122:21, 124:24, 149:23, 158:2, 158:5, 159:2.	contains 46:6, 110:5.	cordoned 30:21.
concludes 64:16.	continue 16:16, 17:1, 34:23, 42:24, 155:14.	corporate 55:7.
conclusion 4:20, 159:4.	continued 15:17.	Correct 6:9, 6:10, 41:6, 84:8, 120:17, 120:18, 138:15, 144:10, 144:22, 145:2.
condition 9:15.	contradict 13:12, 24:25.	corrected 43:25.
conduct 120:12.	contradicting 29:10.	correctly 43:23, 64:10.
conducting 23:24.	control 87:10, 159:7.	counsel. 125:4.
confer 124:25.	controlling 88:20, 127:17.	counter 57:24.
conference 118:13, 118:18.	convenience 138:1.	counter-representa tions 22:3, 122:16.
conferences 101:11.	conversation 8:21, 22:6, 22:9, 22:12, 33:6, 34:9, 51:1, 114:9, 141:6, 147:1.	County 1:7, 126:6, 156:2.
confirming 12:1.	conversations 16:9, 31:1, 31:5, 33:9, 33:17, 65:25, 66:12.	couple 48:4, 48:5, 49:25, 95:6, 111:6, 136:14.
conflict 54:12.	converse 64:23, 108:13, 117:9.	courageous 52:15.
conflicted 146:24.	convey 8:13, 33:10.	course 28:3, 42:2, 85:15, 88:7, 108:10, 109:2, 109:18, 111:4, 113:15, 115:9, 121:21, 137:21, 146:25.
confront 120:11.	conveyed 9:24, 33:11.	courtroom 20:3, 20:5, 20:13, 22:7, 22:16, 23:1, 23:21, 31:9, 33:7, 33:19, 34:11, 92:20, 106:11, 109:9, 111:2, 113:3, 113:4, 120:5, 120:8, 120:22, 120:24.
confused 37:23, 138:6.	convicted 45:1.	cousins 63:13.
confusing 42:25.	convincing 136:12.	cover 108:2.
confusion 41:18, 79:19, 156:19.	cool 51:6.	covered 37:13, 43:6, 57:3, 151:1.
connected 64:25, 65:3, 65:7, 117:11, 117:14, 117:18.	Cooper 27:1.	
conquest 86:22.	cooperate 13:6.	
conscious 85:7.	cooperation 5:16, 128:19.	
consequence 85:2.	cooperative 7:21.	
consider 10:1, 110:24, 112:12, 132:3.	cop 90:8.	
consideration 111:10, 111:12, 113:18.	copies 4:22, 5:3, 5:14.	
considered 47:20, 95:3.		
considering 111:11, 136:9.		
consult 118:2.		

created 35:16.	.	decent 56:15.
creates 41:18.	< D >.	decide 68:18,
creatures 103:18,	DA 15:25, 153:22,	112:14, 112:18,
105:21.	154:7, 154:12.	114:22, 147:9.
credence 90:8.	dad 95:22, 95:24,	decided 97:18.
credibility 68:22,	142:14.	deciding 112:13.
90:22, 90:25,	daily 97:3.	decision 58:3,
93:19, 99:11.	damage 55:7.	61:22, 63:10,
credible 58:7.	damning 58:6,	83:24.
credits 97:15.	58:8.	decisions 85:7.
crime 39:15, 76:2,	danger 7:4.	decks 26:6.
76:6, 81:19,	dangerous 73:7,	declare 157:10.
91:22, 102:5.	159:12,	Defendant 1:20,
crimes 44:15,	159:13.	2:5, 4:18, 6:25,
65:23.	Dara 23:14.	18:18, 26:4,
criminal 43:16,	date 4:5, 4:15,	40:23, 42:4,
52:2, 97:12,	18:7, 65:16,	43:12, 44:5,
110:13,	156:13, 156:14,	110:5, 110:8,
118:17.	156:16,	111:9, 111:15,
criminally	156:18.	116:4, 116:5,
154:14.	DATED 1:28.	116:8, 116:11,
cross 37:9, 37:10,	dates 155:3.	116:19,
37:23, 38:15.	daughter 88:2.	128:17.
cross-examination	daughters 67:9,	defending 13:19.
13:24, 116:4,	80:11, 81:12,	Defense 4:18,
150:7.	86:7.	5:11, 6:8, 11:1,
cross-examine 9:6,	dawn 110:20.	11:3, 13:20,
116:7.	Day 20:24, 29:11,	14:2, 23:8,
crouched 43:11.	57:22, 63:18,	23:13, 26:3,
crystal 32:22.	91:3, 107:11,	26:18, 26:20,
curious 60:16,	107:25, 125:13,	27:18, 35:7,
95:13.	126:9, 126:12,	35:8, 57:11,
currently 96:17,	126:14, 126:20,	57:15, 57:18,
155:19.	127:24, 128:4,	57:25, 58:12,
custody 4:16, 7:9,	128:10, 131:11,	115:24, 119:6,
12:10, 12:11,	152:11, 154:2,	120:12, 121:4,
14:21, 15:2,	158:9.	136:5, 137:5,
15:22, 15:24,	day-to-day	152:16,
18:19, 121:13,	96:23.	152:20.
138:19, 141:12,	days 21:5, 106:14,	Definitely 87:1,
141:14, 141:17,	107:9, 111:7,	100:11, 121:14,
144:4, 144:5,	125:21,	142:19.
144:8, 150:13,	159:11.	definition 63:3.
153:4, 153:9,	deal 47:18, 47:22,	defuse 60:6.
153:13, 155:15,	69:19, 158:9.	degree 111:7,
155:22, 158:24,	dealing 76:18,	128:23.
159:22, 160:1,	105:14.	Delaney 1:25,
160:2.	dealt 33:13,	15:6, 147:2,
cut 57:1.	118:16.	147:24.
.	debate 9:17.	deliberate 24:4,

109:17, 109:20, 115:4, 116:24, 116:25.	detoxed 159:11.	70:25, 86:8.
deliberation 46:9, 46:20, 79:23, 79:24.	detoxing 11:7, 152:6, 158:25.	disclosed 100:5.
deliberations	developed	disclosures
115:3.	136:14.	66:11.
demoted 55:3.	device 32:21.	discourage 43:7.
denied 159:24.	Dicaro 126:17, 126:22, 127:24, 137:14.	discussed 40:21.
deny 10:9.	dictionaries	Discussion 10:6, 12:12, 17:12, 17:21, 32:9, 38:9, 45:25, 78:11, 106:6, 110:9, 113:16, 114:14, 114:20, 119:1, 125:4, 156:25.
department	118:3.	dishonest 60:16.
17:16.	difference 84:24, 95:3, 146:6.	dismiss 69:15.
depend 70:2, 70:4.	differently 56:13, 80:6, 83:13, 98:23, 98:25, 105:1.	disparage 26:9.
depending 11:18, 88:18.	difficult 71:4, 81:9, 81:13, 105:24, 153:4.	disregard 110:23, 111:1.
depends 54:24, 55:4, 67:2, 70:6, 92:6, 93:24.	difficulty 48:22, 48:23, 158:19.	disregarded
depression 7:8, 150:13.	digest 107:5.	111:3.
DEPT. 1:3.	dinner 152:14, 152:18.	District 1:6, 1:26, 43:16, 115:22, 116:6.
deputy 116:6.	dire 20:15, 25:15, 32:3, 32:7, 32:13, 34:17, 35:4, 41:24, 43:2, 43:10, 57:9.	divorced 58:17.
derided 13:16.	Direct 54:11, 110:23, 111:22, 111:23, 112:12.	document 14:5, 46:3, 46:5, 110:1, 110:3, 160:14.
described 25:18, 158:25.	directed 14:8, 118:15.	documentation
describes 36:5.	directing 48:19.	4:24.
designed 113:11, 116:17.	direction	documented 13:1, 13:23.
detail 48:13, 91:14, 117:7.	161:15.	documents 5:17, 5:20, 5:21, 5:23, 56:5.
detailed 109:14.	directly 22:15, 26:15, 158:18.	doing 12:21, 15:22, 21:20, 24:11, 26:9, 26:12, 33:21, 34:22, 34:23, 35:22, 44:13, 47:12, 48:7, 50:9, 52:15, 52:20, 53:16, 53:24, 53:25, 54:1, 57:8, 69:20, 74:1, 84:4, 94:9,
details 132:9.	disadvantage	
Detective 130:19, 137:14.	156:10.	
detectives	disagree 61:10, 154:19.	
132:17.	disagrees 39:23.	
Detention 156:2.	disappoints	
determination	62:11.	
4:11, 46:7, 91:22, 160:6.	disclose 66:12,	
determine 40:23, 42:7, 42:12, 110:10, 110:12, 110:14, 110:16, 110:18.		
determined		
113:16.		

95:1, 97:20, 107:13, 109:3, 109:10. domestic 151:1, 151:15. don'ts 36:10, 152:17. done 18:14, 22:17, 25:25, 45:19, 48:8, 54:5, 57:14, 57:25, 62:20, 74:2, 103:14, 147:24. door 91:4, 106:14. doors 20:3, 158:3. double 86:7, 86:11, 86:17. doubt 39:16, 39:22, 41:11, 42:10, 61:12, 71:9, 102:7, 110:8, 116:11, 116:20. doubts 44:18. down 14:25, 16:14, 16:18, 23:1, 23:10, 23:24, 25:6, 28:16, 31:15, 38:3, 40:3, 44:2, 48:2, 63:11, 89:6, 105:21, 138:10, 145:13, 157:5. downstairs 18:21, 28:17, 28:19. draw 77:23. drinking 48:10, 77:5. drive 142:14. driveway 112:7. driving 48:10, 77:5. drop 61:14. dropped 6:22, 7:15. drug 47:17,	125:20, 125:22, 147:25, 150:2. duck 19:17, 19:19. DUI 76:25, 77:2, 77:24. duly 23:16. Dune 104:14. During 32:2, 32:3, 32:13, 35:9, 64:22, 65:1, 79:23, 108:9, 115:9, 115:12, 117:8, 117:12. duty 26:24, 40:21, 42:11, 42:15, 43:1, 46:18, 46:19. . . < E >. ear 20:6, 22:8. earlier 10:1, 23:7, 54:17, 107:8, 149:24, 153:21, 156:15. early 64:10. earn 62:5. earned 62:17. earns 62:13. easement 31:11. easier 102:5, 102:16, 103:13, 156:1. edification 157:8. effect 19:14, 68:2, 70:15, 100:9, 100:11, 101:16, 103:20. effectively 154:19. effort 143:1. egg 13:12, 13:13. Eighth 43:16. either 16:12, 18:3, 29:16,	32:1, 72:14, 77:11, 132:11. elbowing 25:19. electronically 37:4. elements 39:15, 110:7. elephant 66:1. elevating 118:19. eleven 99:18. eliding 159:3. eliminated 54:2. Elvis 22:15, 22:23, 22:25, 25:2, 31:14, 32:15, 34:20, 118:5. email 59:12. embarrass 101:1. embarrassed 138:8. embarrassing 137:21. emotion 17:20. emotional 85:22. emphatically 10:9. encounters 44:23. encouraged 56:21. end 23:1, 23:10, 29:11, 31:21, 54:6, 54:7, 54:10, 57:17, 109:15, 109:17, 114:3, 115:2, 116:22, 136:13, 142:18, 142:20, 144:20. ending 72:5. engage 17:11. engaging 117:5. Enjoy 65:9. enough 10:19, 16:10, 24:22, 25:4, 31:2, 33:23, 36:17, 45:5, 52:23,
---	--	--

58:22, 62:7, 65:18, 76:24, 89:16, 118:8. ensure 46:19, 159:17. entered 121:18. entire 26:22, 114:23. entirely 154:19. entitled 31:11, 35:6, 35:9, 35:14, 35:18, 36:7, 111:9, 111:21. equal 87:9, 87:14, 112:14. Escoto 64:8, 99:25. Especially 76:19, 86:10, 98:18. ESQ 2:2, 2:3, 2:5, 2:6. essentially 30:16. establish 142:25. et 15:21, 54:12, 115:15, 156:5. ethical 11:13, 50:21, 145:22. ethics 10:24. evaluate 68:21, 68:22, 88:24, 90:22, 90:25, 92:16, 99:11. evaluating 93:18. Evening 121:6, 139:19, 152:17, 160:1. events 147:10. eventually 54:18, 101:8. Everybody 11:7, 11:8, 17:22, 17:23, 19:12, 43:21, 47:18, 55:23, 56:18, 57:13, 57:23, 61:11, 62:17.	Everyone 9:1, 32:1, 39:24, 48:20, 49:15, 56:22, 58:2, 71:14, 76:1, 97:11, 104:23. Everything 53:25, 61:22, 68:5, 75:10, 79:1, 80:23, 89:19, 100:20, 108:3, 125:18, 131:17, 131:18, 131:19, 131:20, 136:10. evidence-wise 17:6. evolved 156:17. exact 63:5, 134:22, 136:4. exactly 130:24, 135:10, 145:8, 149:3. examining 79:1. example 28:9, 55:22, 78:6, 112:3, 112:11, 129:15. except 138:14. Excited 96:20, 96:24. excitement 97:5. exclude 31:12, 34:17. excluded 4:19, 20:15, 32:6, 32:13. exclusionary 32:5. exclusive 38:19. excommunicated 53:23, 54:18. exculpatory 6:17, 6:23, 7:17. excusals 119:7. excuse 119:15. excused 34:11, 106:13, 106:25, 117:1, 119:25, 120:3.	excuses 26:7. exercised 50:12. Exhibit 114:16, 119:4, 140:18. Exhibits 109:12, 109:20, 110:17, 110:23, 111:25, 121:19. exiled 53:23. existence 112:2. exit 120:4. expect 17:24, 60:7, 77:11, 115:24. expectation 156:15, 159:18. expected 29:16. expecting 77:13. expense 70:7. expensed 11:12. experience 31:8, 33:20, 49:16, 52:13, 58:16, 70:1, 70:7, 92:11, 92:15, 101:14, 104:25, 105:14. experienced 71:18. experiences 48:5. explain 61:3, 82:8, 156:19. explained 14:21, 19:11. explaining 112:4. explains 80:22. Explorer 150:22, 150:25, 151:3. exposed 100:15. exposure 118:2. express 15:5, 15:6, 52:25, 65:6, 100:12, 117:17. expressed 21:15, 33:12, 118:17, 149:23.
--	--	---

extended 25:6.	111:10, 118:8.	feet 25:4,
extent 13:21,	fairly 62:15,	30:21.
21:16, 25:16,	74:14, 94:11,	fellow 42:12,
117:24, 122:23,	94:15, 96:10,	114:20.
130:9.	103:9.	felt 48:8, 136:6,
extra 76:9,	fallen 155:19.	136:7, 146:18.
97:15.	false 14:7, 15:13,	female 103:5,
eyes 85:23.	76:6.	103:11,
.	Falsely 64:12,	130:18.
.	91:18, 91:19,	few 10:11, 36:13,
< F >.	91:21, 91:23.	47:15, 47:25,
face 11:9.	familiar 17:16,	154:6, 159:11.
Facebook 88:8.	47:3.	fiber 52:25.
facing 29:21,	families 100:23.	field 67:21,
134:18, 135:12,	family 20:4, 20:7,	75:14.
135:15.	20:9, 21:7,	Fifth 131:19.
fact 4:9, 8:22,	21:13, 22:14,	fight 99:19.
9:9, 42:18,	23:6, 23:16,	figure 28:24,
66:4, 68:7,	24:22, 25:4,	78:7, 79:12,
94:20, 107:5,	25:8, 26:1,	95:7, 133:23.
112:1, 112:2,	26:4, 26:7,	figuring 95:11.
114:25, 137:22,	26:12, 26:16,	file 37:19.
141:11, 143:18,	30:5, 30:13,	filed 59:12,
146:18, 153:20,	32:6, 98:8,	153:18, 157:9.
158:23.	120:5, 138:20.	files 153:16.
factors 70:19.	far 30:17, 57:13,	filled 15:8.
facts 14:11,	68:2, 106:11,	final 106:10,
40:22, 60:3,	109:16, 127:21,	106:22, 107:1,
68:24, 71:17,	129:1, 129:2.	107:2, 107:17,
71:18, 83:23,	fashion 50:12.	119:10.
110:13, 110:14,	fast 100:9.	finally 65:8,
110:15, 111:18,	faster 67:13,	117:19.
112:9.	70:20.	finals 72:4.
failed 6:17,	father 149:16,	find 17:14, 40:22,
137:11, 137:17,	154:20.	45:6, 46:11,
154:4, 156:4.	fault 15:21.	78:16, 107:1,
failing 154:13.	favor 31:14,	110:12, 115:20,
fails 36:4.	33:25.	117:23, 141:14,
Fair 16:10, 36:17,	fear 53:3, 85:5,	143:1, 143:8.
39:12, 39:13,	124:17.	finder 68:8.
46:9, 46:20,	feathers 52:14,	finding 80:2.
50:4, 50:18,	54:6.	Fine 10:7, 10:8,
50:20, 50:25,	feeling 10:16,	28:12, 32:4,
58:1, 58:22,	10:17, 87:15,	42:23, 45:20,
60:7, 60:10,	152:10.	157:6.
60:23, 60:24,	feelings 14:5,	Finfrock 43:24,
61:2, 62:7,	111:8.	45:19.
62:18, 71:19,	feels 6:25, 7:24,	finish 32:7,
74:20, 76:24,	10:20, 53:10,	119:2.
102:25, 103:23,	83:12, 83:17.	finished 74:15.

Finrock 43:23.	formally 119:15.	149:16.
Fired 54:20,	forms 109:23.	fulfilling
54:23.	forth 17:21,	11:13.
First 14:12,	40:14, 57:12,	full 15:23, 96:24,
15:13, 16:17,	57:16, 161:12.	107:9, 136:18.
18:3, 27:17,	fortunate 56:9.	fundamentally
42:20, 48:20,	forward 4:15,	61:10.
49:4, 59:12,	11:3, 17:4,	furthest 34:4.
61:23, 62:1,	17:8, 35:24,	fuss 31:23.
62:10, 65:15,	36:21, 42:7,	future 64:6,
72:5, 82:7,	51:13, 51:17,	76:15.
122:14, 126:17,	87:14, 108:5,	.
127:3, 127:22,	122:18.	.
127:24, 133:24,	found 10:12,	< G >.
133:25, 134:4,	10:14, 98:11,	gain 85:4.
134:7, 139:4,	98:13, 98:14.	GALLERY 32:24,
139:16.	foundation 148:12,	34:13.
fist 122:5.	148:22.	gap 22:11,
fits 69:1.	four 20:20,	67:20.
five 98:5.	68:11.	gathered 13:1.
fix 133:23.	frame 106:24,	gave 5:5, 23:19,
flirtatious	160:15.	48:9, 95:24,
103:7.	Francis 119:16.	144:15.
floor 140:1.	free 15:5.	geese 99:2.
focus 159:10.	frequently	general 24:13,
focused 27:17.	63:11.	43:15.
Folks 7:20, 32:19,	Friday 107:9.	Generally 47:3,
33:1, 33:5,	friend 21:7, 48:1,	59:21, 85:4,
34:21, 65:14,	88:3, 101:5,	154:11, 155:5,
106:10, 106:12,	104:10,	155:11.
108:21, 120:4.	105:23.	gentlemen 39:8,
follow 42:16,	friends 45:4,	64:22, 106:8,
42:19, 66:10.	47:16, 47:21,	117:8.
Following 115:21,	49:2, 51:5,	genuinely 45:22.
116:5, 121:13.	67:7, 67:19,	gets 55:25, 57:17,
force 70:19,	72:25, 88:2,	57:18, 80:5,
87:4.	88:12, 95:9,	89:14, 158:1.
forced 7:6, 7:10,	95:18, 98:7,	Getting 52:14,
10:16, 50:14.	103:25, 104:1,	54:5, 66:23,
forcible 66:25.	150:18,	68:6, 72:4,
forcing 10:17.	150:20.	72:10, 93:22,
foregoing 161:11,	front 20:5, 20:10,	94:2, 97:2.
161:15.	22:6, 22:7,	Giles 27:2.
forget 108:1.	22:15, 22:25,	girl 67:11, 81:5,
form 30:25, 40:18,	23:17, 23:21,	86:9, 86:12,
50:12, 65:6,	23:23, 25:10,	86:13, 103:7,
79:24, 112:8,	31:19, 94:11,	103:14.
117:17, 149:24,	94:14, 142:17,	Girls 67:12,
159:15.	148:9, 148:10,	67:15, 86:4,
formalizing 6:5.	149:10, 149:11,	86:19, 103:18,

103:23, 104:2.	greater 52:25,	61:13, 61:14,
Give 5:3, 9:19,	54:9, 112:19.	61:15, 115:7.
15:4, 17:25,	grocery 97:3.	handle 21:17,
18:11, 29:17,	Gross 126:6.	104:25.
32:21, 59:1,	group 47:12,	handling 104:22.
59:14, 60:8,	49:13, 49:14,	hands 42:15,
71:10, 74:18,	51:5, 54:19,	42:21, 44:2,
82:18, 90:8,	54:23, 62:10,	44:3, 48:19,
107:4, 107:12,	62:12, 73:1,	48:21, 56:7,
109:15, 111:19,	106:9.	58:13, 60:14,
112:14, 112:15,	grow 67:12, 81:1,	66:15.
113:17, 115:4,	100:12.	handwritten
121:21, 122:1,	growing 67:8,	118:25,
129:15, 142:8,	80:16.	121:18.
149:5, 159:21.	grows 100:9.	Hankins 80:11,
Given 89:25,	guard 105:11.	119:18.
90:12, 112:17,	guess 4:23, 10:23,	happen 5:19, 8:9,
113:13, 114:8,	32:2, 73:20,	8:16, 13:17,
117:6, 124:22,	75:13, 79:6,	15:7, 54:21,
124:23, 131:4,	79:9, 91:24,	55:4, 58:11,
131:18, 137:22,	98:12, 120:16.	77:12, 85:2,
149:8, 151:5,	guessing 13:5,	85:6, 136:25,
152:8, 153:20,	68:11.	137:8.
155:3, 158:23.	guide 29:23.	happened 8:7,
gives 13:8, 40:23,	guilty 19:8, 40:1,	22:21, 66:20,
46:11, 61:11.	40:9, 40:12,	68:1, 68:17,
giving 44:8, 79:4,	40:17, 40:18,	75:22, 77:8,
90:1, 130:20.	40:19, 40:24,	77:24, 93:6,
glad 49:3.	41:2, 41:4,	94:12, 127:12,
gland 36:24.	41:10, 41:14,	130:20, 136:17,
goal 17:2, 17:3.	42:9, 50:13,	137:6.
God 122:3.	58:9, 91:23,	happening 34:9,
Goings 54:17,	110:6, 110:9,	51:10, 52:10,
56:9, 60:12,	116:10,	92:8.
62:21, 62:23.	116:19.	happens 5:25,
government 72:6,	gut 40:7.	50:5, 50:7,
72:7.	guy 51:13,	50:10, 51:14,
grade 69:12,	97:23.	54:17, 94:3,
69:13, 147:11.	guys 59:25, 69:9,	100:15, 108:5.
Grandparents	132:8, 141:15,	happy 13:25,
20:16, 20:18,	142:4.	28:10, 36:11,
20:21, 20:24,	.	37:2, 148:21.
20:25, 21:10,	.	hard 44:5, 45:13,
21:14, 23:3,	< H >.	49:2, 61:25,
32:20.	hallway 23:11,	86:24, 108:21,
granted 158:1.	25:7.	137:23,
grave 7:8,	hamper 12:4.	155:19.
159:2.	hand 37:17, 42:18,	hardly 98:8,
great 73:18,	43:22, 44:6,	138:4.
91:14, 102:15.	51:1, 56:14,	harm 159:9.

hate 48:24, 49:4.	97:14, 103:3, 103:4, 103:25.	hour 55:24, 64:18, 140:4, 151:6.
He'll 104:19, 134:23.	high-5 86:15.	hours 4:13, 154:2.
head 45:12, 82:21, 89:14, 129:16.	hindsight 14:9.	house 34:11, 51:24, 88:23, 101:22.
heads 82:25.	hit 58:9.	Howard 1:35, 161:27.
health 103:7, 158:6.	hold 46:19, 60:10, 60:15, 62:25, 75:24, 78:22, 83:13, 89:3, 89:7, 155:5.	hugely 72:2.
heard 10:18, 16:5, 22:3, 24:5, 24:22, 31:2, 32:22, 40:4, 54:17, 58:4, 58:12, 76:5, 89:16, 95:21, 111:24, 112:3, 112:5, 112:6, 124:19, 135:15, 141:8, 143:2, 158:21.	holder 94:21.	human 74:9, 82:24, 86:11.
heart 40:7.	holding 75:20, 155:15.	humble 41:21.
heat 55:8.	holds 42:8, 42:9.	humor 27:7.
heck 84:13.	holidays. 27:4.	hurt 55:8, 55:17.
heightened 17:22, 19:12.	home 90:7, 91:2, 91:6, 97:2, 100:6, 100:9, 100:11, 100:25, 113:2.	hurtful 77:19.
held 30:1, 78:11, 106:6, 125:4.	homeless 155:19.	husband 72:18, 73:13, 74:14, 74:18.
Help 7:16, 29:22, 32:22, 48:2, 109:21, 114:5, 115:23, 122:2.	Honea 1:18, 7:1, 7:7, 20:3, 20:7, 20:23, 32:20, 82:16.	.
helpful 33:18, 77:23.	honest 61:18, 75:10, 96:15, 99:4.	< I >.
helps 34:1, 107:22.	Honestly 71:25.	I. 39:14.
hereby 161:9.	Honor 5:2, 8:23, 9:23, 19:25, 21:11, 28:6, 38:25, 47:1, 65:13, 80:9, 124:13, 129:20, 143:5, 152:2, 155:16, 156:3.	idea 25:5, 33:16, 39:18, 100:14.
hero 51:13.	HONORABLE 1:25.	ideal 70:13.
Heroin 125:23, 147:22, 158:24.	hooked 86:12.	identified 16:17, 23:14, 121:10.
herself 124:17.	hope 16:13, 30:6, 33:25, 51:13, 75:15, 75:16.	identify 11:13, 16:12, 16:20, 19:1.
Hewitt 87:17, 119:21.	hoped 33:2.	ignore 108:22.
hide 30:8.	Hopefully 17:15, 32:17, 86:3.	ill-feelings 49:18.
High 25:13, 45:2, 47:15, 48:6, 54:25, 70:10, 70:11, 75:21, 75:25, 76:18,	hoping 28:13, 56:6, 155:1.	illegal 45:17, 50:10.
	horrible 98:4.	Ilseley 26:14.
	host 121:12.	imagine 12:16, 13:16, 49:11, 50:10, 56:20.
		immature 93:10, 93:14.
		immediately 33:7, 160:3.
		immunity 124:16, 160:10.
		impact 108:17.
		impacted 156:12.
		impaired 67:1.

impartial 46:9, 46:20, 111:10.	inconsistent 82:1.	118:11, 131:23, 132:10, 149:9, 149:25, 153:11, 157:5.
impeach 12:21, 12:25, 13:6.	inconvenient 72:2.	informed 23:16, 121:7, 141:15, 142:4, 142:5.
imperative 33:3.	incorrect 155:3.	ingredients 39:15.
implement 44:18.	incriminate 124:10.	initial 61:19, 62:2.
implicate 124:24.	incriminating 124:17.	initiated 34:10.
implicitly 27:16.	independent 109:4.	innocence 39:18, 40:15, 41:9, 44:19.
implied 13:19.	independently 109:5.	innocent 39:19, 40:11, 40:16, 40:18, 41:1, 41:5, 41:14, 42:5, 44:6, 45:23.
implying 25:17.	Index 3:10.	inquire 11:16, 65:12, 120:14.
important 14:5, 14:9, 34:1, 35:8, 60:2, 60:3, 83:1, 83:10, 93:5, 93:18, 94:5, 97:20, 107:12, 107:13, 107:22, 108:4, 109:7, 114:17, 114:22.	indicate 9:13.	inquired 5:2.
impressing 59:25.	indicated 5:1, 6:7, 6:19, 6:25, 7:2, 7:6, 10:15, 10:20, 35:21, 76:25, 124:20, 155:2.	inquiry 36:1, 120:10, 122:10, 149:25, 150:3, 150:4, 157:3.
impression 61:20, 61:23.	indication 34:8.	inside 60:25.
improbability 111:17.	INDIVIDUAL 17:14, 32:24, 62:14, 100:11, 108:13, 112:25, 113:1.	insight 90:4, 104:21.
improper 113:20.	INDIVIDUALS 34:13, 43:10, 55:8, 121:8, 121:12.	instance 14:8, 62:16, 62:17, 80:1.
in. 73:19, 158:7.	indulgence 106:3, 143:5, 146:9.	instant 61:20.
inadvertent 108:17.	infer 112:1, 112:9, 115:16.	instantly 61:25.
inadvertently 21:21.	inferences 110:19.	instead 74:3, 105:21, 106:20.
inappropriate 20:9, 20:12, 108:19.	influenced 111:7.	instruct 38:17, 116:14.
inception 35:18.	inform 26:24, 46:2, 157:8.	instructed 22:14, 46:4, 110:25.
inclination 22:2, 111:16.	information 9:16, 12:14, 13:1, 13:25, 14:24, 16:8, 17:6, 29:10, 37:11, 58:3, 59:17, 60:8, 65:4, 82:6, 88:24, 89:1, 93:17, 101:2, 107:21, 113:12, 117:15,	instructing 35:24.
inclined 15:12.		instruction 79:22, 108:6.
include 14:12.		instructions 40:21, 42:17, 42:19, 79:24,
included 119:5.		
Including 15:12, 64:24, 65:4, 110:17, 117:10, 117:15, 139:23.		

107:18, 108:2, 109:15, 109:22, 114:24, 115:4, 116:14, 118:9.	intimidation 59:8.	.
intend 12:16, 114:12.	introduced 110:18.	< J >.
intended 13:24, 114:4.	introduction 116:1.	Jack-in-the 128:6.
intends 12:14, 114:6, 116:2, 155:23.	introductions 109:14.	jail 128:14, 135:19, 135:23, 136:3, 146:20.
intention 41:19, 160:2.	introductory 109:13.	Jankiewicz 90:14, 104:8, 119:17.
intentions 33:24, 33:25.	inverse 52:8.	JEA 16:11, 21:15.
interact 23:17, 23:19, 30:17, 108:14.	invest 39:19.	Jeanette 119:20.
interacting 23:5, 25:2, 30:25.	investigated 151:2, 151:16, 151:17.	Jennifer 121:1.
interaction 24:2, 34:9, 35:2, 58:18, 108:19.	investigation 109:4.	Jenny 16:21.
interactions 23:4.	investigations 118:4.	jeopardy 30:24.
interest 17:19, 111:14.	investigator 12:18, 12:23, 13:3, 121:9, 126:5, 133:10, 133:11.	job 17:23, 19:15, 27:17, 50:22, 53:16, 55:19, 60:4, 60:5, 73:14, 73:25, 74:1, 75:10, 81:23, 86:13, 98:7, 109:7.
interested 97:11.	invited 17:11.	John 119:22.
interesting 96:7, 97:17.	invoke 32:4.	jokes 59:13.
interfering 26:2.	involved 47:16, 89:6.	JONATHAN 2:6.
Internet 65:5, 66:21, 88:6, 88:8, 117:16.	iron-clad 77:11.	Josh 8:8, 127:14, 127:15, 129:2, 129:17, 129:18, 130:6, 131:2, 131:13, 131:14, 131:21, 132:11, 132:13, 132:16, 132:19, 134:14, 134:18, 134:19, 135:12, 136:17, 138:22, 138:25, 141:6, 143:12, 149:13, 150:12, 150:18.
interpret 33:20, 93:11, 116:18.	irrelevant 59:24.	Joshes 134:9, 136:24, 138:20.
interrupt 42:24, 45:10, 45:18, 50:16.	issue 7:12, 21:17, 27:10, 30:6, 36:14, 42:23, 51:2, 75:25, 114:23, 150:8, 156:20, 159:24.	JOSHUA 1:18.
intervention 48:16.	issued 4:7, 4:9, 14:22, 29:2, 144:11.	Juarez 119:20.
interview 35:10, 36:6, 118:25, 130:20, 131:4, 131:8, 141:25, 145:20.	issues 37:12, 74:11, 82:18, 97:6, 99:15, 115:11.	Judge 1:26, 15:6, 22:1, 24:17, 26:3, 39:7, 40:4, 41:20, 43:3, 43:25,
intimidated 139:8.	items 5:5.	
	itself 13:19, 100:17, 114:10.	
	.	

<p>44:19, 71:16, 105:8, 105:15, 147:1, 147:6, 147:24, 148:11, 149:10. judged 105:6. judges 110:14. judging 82:5. judgment 61:20, 61:23, 62:1, 62:2, 101:19. Judicial 43:16. July 131:4, 141:21. JURY 1:15, 3:6, 17:3, 20:11, 23:4, 24:3, 26:25, 39:8, 57:10, 64:21, 91:21, 96:21, 99:15, 106:15, 106:21, 119:2, 120:20, 148:9, 149:11. justice 52:2, 97:12, 97:16, 118:17. justify 44:4. . . < K >. KATHLEEN 1:25. keep 16:23, 19:22, 43:15, 43:18, 45:11, 56:23, 58:11, 72:9, 82:25, 85:11, 99:21, 108:4, 109:25, 113:10, 114:21, 114:22, 160:22. keeping 28:17, 118:24, 158:9. keeps 9:1, 73:19. Keith 126:4, 126:6. Khalil 119:23. kid 68:6, 68:11, 68:18, 69:25,</p>	<p>70:7, 70:13, 80:23, 88:15, 88:22, 94:24, 100:9. kind 12:4, 25:13, 26:5, 33:16, 44:13, 55:3, 56:7, 73:17, 76:10, 86:15, 91:4, 93:22, 95:24, 103:7, 124:21, 125:19, 127:20, 142:12. kinds 88:9, 88:13, 111:22. knit 73:3. knock 91:4. knowing 135:15. knowledge 24:11, 88:14, 88:25, 150:8. known 9:5, 44:25, 102:9, 121:9. knows 15:24, 90:9, 91:25, 95:4. KOLLINS 2:2, 4:22, 5:2, 10:9, 11:5, 12:4, 12:17, 12:20, 15:17, 19:6, 26:21, 26:22, 35:5, 35:25, 36:5, 38:17, 78:9, 83:6, 93:3, 118:14, 118:21, 118:22, 120:9, 154:24, 155:5, 160:19. Kraski 23:7. KRISTINA 2:3. . . < L >. lack 53:3, 128:19, 156:25. Ladies 26:24, 39:8, 48:18, 64:22, 106:8, 117:8.</p>	<p>lady 20:22, 53:12, 89:24. language 96:22, 96:23. LAS 4:1. Last 6:13, 10:11, 11:8, 12:8, 19:6, 29:8, 37:11, 37:23, 38:9, 38:11, 38:12, 38:19, 53:21, 104:8, 111:6, 118:23, 119:1, 122:5, 124:11, 125:19, 128:1, 136:11, 139:2, 141:5, 141:12, 142:5, 143:12, 145:11, 145:17, 150:15. late 39:10, 55:25, 95:25. later 16:5, 16:16, 18:3, 25:1, 29:16, 36:1, 113:24. Law 40:7, 40:22, 46:11, 59:12, 69:10, 71:17, 71:18, 85:23, 90:5, 112:13, 114:7, 116:14, 116:15, 157:17. laws 53:8, 156:4. lawyer 7:12, 58:20, 69:6, 71:14. lawyers 58:15, 58:16, 58:19, 58:23, 59:2, 59:13, 59:15, 59:23, 60:1, 60:15, 64:24, 92:20, 92:23, 117:10, 134:9. lay 148:21. leadership 48:7.</p>
--	--	--

leading 147:10.	133:7, 133:8,	82:3, 82:15,
learn 62:1, 63:24,	133:22, 133:25,	86:2, 86:6,
88:9, 88:11,	134:8, 135:5,	86:8, 89:22,
88:12, 151:17.	137:7, 138:12.	97:23, 100:25,
learned 95:9,	lies 86:2.	105:21, 136:20,
95:16, 151:21.	Life 52:21, 58:17,	136:21.
learning 95:7,	61:18, 70:1,	live 56:23,
151:15.	70:7, 76:8,	56:24.
least 15:21,	87:10, 91:1,	lives 20:10,
37:10, 118:23,	91:10, 97:19,	70:13, 72:11.
137:16,	97:21, 98:8,	locked 20:3.
150:16.	100:11, 100:25,	Long 30:15, 57:22,
leave 16:21,	101:1, 101:13,	91:3, 112:22,
27:21, 44:6,	135:2, 135:16.	134:3, 136:7,
133:19.	likely 22:18,	140:3, 150:15,
leaving 106:20.	33:22, 51:9,	150:16,
led 14:25.	113:23,	160:17.
leeway 151:6.	153:20.	longer 15:2,
left 28:15, 44:1,	limitation 64:24,	64:20, 65:14,
106:11, 130:16,	65:5, 117:10,	92:21, 146:20.
149:6.	117:16.	look 10:5, 16:25,
legal 6:18, 15:4,	line 16:17, 50:21,	26:15, 37:10,
15:15, 40:5,	57:20, 146:8.	45:23, 54:3,
47:20, 112:2,	lines 65:20,	65:23, 68:25,
146:3, 154:11,	65:25, 73:13,	73:25, 98:10,
155:9.	87:24, 102:4,	98:24, 105:5,
legitimate	145:13, 146:16,	118:3, 137:23.
19:21.	148:24.	Looked 88:4, 88:5,
lend 100:17.	lingering 44:17.	99:1.
length 79:11,	list 119:10,	looking 27:24,
110:9.	148:15, 149:1.	72:9, 106:11,
Leslie 119:21.	listen 36:24,	117:23, 141:25,
less 67:17, 67:20,	65:2, 68:10,	142:2, 142:4,
70:13, 74:18,	73:10, 81:13,	142:5, 142:8.
93:13.	82:25, 83:25,	looks 20:7, 20:8,
letting 24:8.	89:18, 101:18,	37:22, 142:15.
level 67:3, 70:16,	117:13, 146:2.	loose 61:13.
86:11, 105:6.	listened 24:8.	Lorenzo 119:22.
liable 154:14.	listening 64:11,	losing 50:22.
lie 9:9, 9:10,	79:1, 132:17.	lost 62:18.
10:22, 66:15,	literally 38:1,	lot 28:8, 41:16,
66:16, 66:17,	48:25, 56:4.	54:6, 55:6,
84:14, 84:21,	Little 27:20,	55:8, 57:21,
84:22, 85:1,	48:25, 49:1,	72:24, 73:5,
85:3, 85:7,	59:7, 62:24,	73:6, 81:20,
85:10, 85:14,	64:18, 65:14,	83:18, 84:16,
136:3, 137:1,	65:19, 66:8,	86:12, 88:1,
137:20, 137:24,	67:15, 67:16,	91:15, 92:20,
138:17, 139:5.	71:10, 73:9,	97:4, 100:22,
lied 7:3, 84:9,	77:7, 81:4,	101:12, 102:12,

105:4, 105:17, 108:1, 118:10, 134:23, 137:23, 155:17, 156:1. Lots 92:10. loud 31:2. loudly 22:9, 26:17. love 72:21. lower 38:19, 38:20, 66:8, 71:10. loyal 49:13. lucky 63:12, 84:16. lunch 152:14, 160:16, 160:22. Lundquist 74:21. lying 133:9. . . < M >. M-o-r-g-a-n 122:7. ma'am 37:16, 43:17, 53:21, 72:20, 118:22, 119:8, 140:19. mad 8:8, 9:11. majority 25:6, 43:21, 51:3. Makinster 102:2, 119:21. male 103:10. man 39:18, 44:14, 81:24, 91:2, 98:23, 98:25, 102:6, 102:9, 102:16, 102:21, 103:14. mandatory 70:23. manipulate 129:7. manipulated 127:18, 128:21. manipulative 129:3, 129:5. manner 115:22.	marijuana 147:11, 147:16. marked 119:4. married 72:22, 74:22, 98:4. MARSHAL 31:16, 31:20, 31:24. marshall 108:12, 109:1, 115:8. martial 34:5. Mary 119:21. match 136:21. material 4:7, 4:12, 14:22, 29:2, 29:3, 29:25, 121:3, 121:14, 122:19, 144:9, 153:4, 153:17, 153:23, 155:15, 157:16. materials 118:3. math 99:18. matter 14:5, 17:1, 17:23, 39:2, 90:1, 90:3. matters 39:9, 59:23, 160:8. Matthew 119:20. Mattress 142:18, 142:19. mature 67:16, 67:18, 67:19, 67:20, 93:4, 93:11, 93:13, 100:17. maturity 67:2, 70:15. Mcmullen 119:20. mean 45:10, 47:4, 53:16, 53:24, 68:4, 78:15, 80:2, 80:7, 83:21, 88:5, 89:9, 94:4, 95:10, 99:20, 103:24, 110:2, 124:3, 128:24, 129:13, 131:9, 132:1, 132:3,	132:4. meaningful 35:10. means 63:6, 79:13, 106:10, 110:2, 111:3, 112:18, 124:1, 124:4, 129:19, 131:22. meant 129:4, 159:10. meantime 107:22. meat 79:20. medical 97:17. medication 152:13. medium 65:4, 117:15. meet 28:23, 39:16, 91:4, 110:11, 154:21. meeting 98:7, 98:9, 128:6. meetings 137:10, 137:16, 137:19, 150:22, 150:25, 151:12, 157:23. member 50:17, 50:18. members 20:4, 21:13, 21:17, 23:6. memories 94:13. memory 109:22. men 86:22, 87:9, 87:14, 102:23. mentally 67:1. mentioned 10:1, 44:21, 74:13, 74:25, 81:17, 91:14, 94:17, 95:15, 104:10, 107:8, 109:16, 112:21, 119:13. merely 142:25. message 133:19, 142:8, 143:7, 143:9.
--	---	---

<p>met 42:13, 127:25, 137:5, 139:16, 140:5, 154:22, 157:8. methamphetamine 47:16. Metro 72:18, 105:1, 105:7. Mike 104:14. million. 155:21. Milton 61:17, 98:17. mind 22:4, 30:8, 30:16, 31:3, 39:21, 40:17, 41:10, 44:8, 47:24, 58:8, 61:1, 72:15, 80:24, 82:19, 108:4, 109:25, 113:10, 114:21, 114:22, 136:14, 146:14. Mine 96:5, 157:4. minimum 19:23. Minnesota 130:16. minor 67:2. minute 12:8, 21:19, 24:10, 30:12, 36:16. minutes 28:16, 36:13, 64:19, 65:9, 140:4, 160:19. misconstrued 118:18. misguided 31:5. misinterpreted 79:21. missed 144:6. missing 10:12. misspoke 30:6. mistake 14:17, 63:24, 64:4, 64:5, 144:1. mistakenly 143:21, 143:24. mistakes 63:3,</p>	<p>63:6, 96:5. mob 50:17, 54:19. mode 112:23. molester 71:11, 89:13. mom 95:23, 96:1, 96:8, 96:18, 136:16, 136:18. moment 27:1, 108:25, 124:25. moms 95:23. Monday 14:15, 14:18, 21:17, 30:15, 33:11, 34:22, 143:22, 144:6, 144:12, 153:19, 153:23, 155:22. money 155:17. Monique 2:5, 140:8. Monson 93:2, 119:18. months 7:14, 10:11, 98:4, 130:15, 130:16, 150:16. moral 52:24. Morgan 4:6, 5:3, 5:25, 10:9, 13:24, 15:24, 37:9, 122:7, 123:2, 127:22, 145:19, 150:11. Morning 18:3, 19:3, 23:10, 37:5, 143:23, 152:14. mother 20:23, 23:15. motion 157:9. motive 85:13, 99:12. motives 90:19. move 19:19, 31:20, 44:7, 55:2,</p>	<p>58:13, 108:22. moved 4:15, 26:11, 98:9. moving 17:4, 98:6. multiple 6:19, 20:4, 30:23, 33:14, 45:14, 54:10, 130:5, 157:22, 157:23, 157:24. myself 35:16, 68:16, 77:13, 83:13, 98:11, 124:10, 136:12, 139:20, 145:20. . . < N >. naive 7:17, 93:14. name 28:9, 43:23, 47:7, 104:13, 119:14, 122:5. namely 23:19. names 119:24, 134:10. narrative 50:6. narrow 40:3. natural 53:3, 68:16, 82:23, 115:9. nature 16:8, 82:24, 130:11. navigate 68:9. near 142:12. necessarily 37:10, 43:8, 76:10, 85:20, 91:23, 113:22, 159:8. necessary 138:1. needed 4:13, 17:9, 29:14, 30:18, 93:1, 131:1, 145:3, 146:18, 156:23. needs 6:4, 7:12, 16:3, 34:24, 76:9, 156:7.</p>
---	---	--

negative 61:24, 83:22.	Nobody 58:16, 60:12, 60:25, 66:2, 132:8.	120:23, 143:23.
neighboring 25:7.	Nor 23:15, 26:8.	oath 11:7, 17:25, 48:9, 127:12.
neither 62:15.	normally 51:14.	object 36:2, 148:12.
nephews 82:18, 83:2.	Notably 15:17.	objecting 36:22.
nervous 97:1, 97:25, 102:12.	note 4:16, 17:10, 17:20, 37:25, 112:25, 113:4, 113:5, 115:16, 119:3, 123:18.	Objection 36:17, 110:22, 110:24, 111:3, 118:14, 118:18, 129:20, 130:3, 147:13, 148:5, 149:17, 150:2.
net 49:23.	notes 13:23, 35:9, 35:14, 35:24, 36:6, 36:7, 36:20, 37:2, 37:17, 37:22, 38:4, 38:18, 109:20, 109:21, 115:13, 118:25, 119:3, 121:17, 121:18, 129:22, 129:23, 129:25, 144:15, 145:4, 145:11, 150:6.	objections 161:13, 161:16.
Nevada 1:7, 1:10, 4:1, 161:9.		obligated 116:9, 116:11.
new 74:14, 98:7, 98:9.	Nothing 9:12, 84:15, 122:2, 152:24, 157:12.	obligation 18:2, 154:11, 155:9.
news 50:3.	notice 156:17.	obligations 11:13, 30:13.
newspapers 65:5, 117:16.	noticed 26:19, 32:1, 34:15.	observe 33:22.
Next 5:21, 5:22, 16:17, 22:7, 22:12, 22:19, 23:12, 27:19, 53:11, 53:20, 57:8, 115:24, 134:14, 146:2.	notified 12:9.	observed 22:22.
nice 20:8.	notion 60:7.	observing 120:4.
nicest 101:20.	November 144:12.	obtained 157:16.
night 6:13, 11:8, 19:6, 29:9, 37:11, 37:23, 38:10, 38:11, 38:12, 38:19, 119:1, 139:2, 141:12, 142:5, 143:12, 145:11, 145:17, 155:25, 156:2.	NRS 4:10.	obvious 31:22, 50:25.
nightmare 66:22.	Number 14:11, 22:12, 22:14, 30:21, 47:8, 47:14, 53:6, 58:24, 78:4, 99:25, 113:18, 118:16.	Obviously 10:5, 71:7, 72:21, 92:12, 95:5, 109:13, 122:20, 128:25, 154:8.
nit 44:12.	numbers 66:23.	occasion 128:7.
No. 1:2, 1:3, 1:35, 69:9, 74:20, 77:13, 78:18, 89:25, 101:17, 104:4, 119:16, 119:17, 119:18, 119:19, 119:20, 119:21, 119:22, 128:16, 128:23, 129:3, 130:24, 131:9, 143:9, 143:24.	nurse 152:8.	occasions 154:6.
	nut 28:24, 64:2.	occur 19:2, 24:15, 24:18.
	.	occurred 6:8, 24:14, 24:15, 24:24, 29:6, 29:21.
	.	occurs 5:19.
	< O >.	offended 60:13, 60:17, 60:19.
	o'clock 18:14, 18:17, 64:19,	offender 102:6, 102:16, 102:17, 102:21.
		offenders 102:5.
		offer 9:23, 19:8.

<p> offered 138:16. offering 19:7. office 125:24, 126:9, 154:7, 154:12. Officer 6:1, 10:19, 18:17, 18:20, 18:24, 19:4, 28:20, 72:19, 73:10, 73:21, 73:23, 74:5, 74:19, 74:22, 75:4, 104:11, 104:15, 106:18, 126:17, 126:22, 127:24, 130:19. officers 11:11, 17:7, 36:5, 72:25, 73:2, 73:17, 90:14, 127:20. official 36:10, 36:11. old 47:19, 67:4, 94:25, 95:23, 96:18. older 20:8, 56:17, 86:12, 94:23, 136:13. Once 18:22, 40:11, 45:1, 54:16, 57:9, 63:18, 112:2. one. 25:8, 57:3, 60:12. ones 48:19. open 10:25, 47:6, 47:13, 97:2, 114:5, 114:21, 114:22, 116:20. open-minded 97:9. opened 15:10. Opening 12:5, 12:7, 12:15, 57:10, 107:3, 114:1, 114:4, 114:11, 115:22, 115:25, 160:14. openings 160:18. openly 26:17, 94:11. operating 14:23. opine 54:17. opinion 31:6, 31:11, 41:21, 41:24, 65:7, 115:17, 115:19, 115:20, 117:18. opinions 21:15, 69:15, 72:11, 72:12, 74:12. opportunity 9:19, 12:9, 15:23, 57:15, 107:5, 116:15, 149:5. opposed 35:20, 35:22. opposite 95:22. oral 116:16. Order 9:15, 29:2, 29:5, 43:5, 90:5, 122:19, 135:6, 151:21, 154:8, 154:9, 156:5. organization 51:3, 53:24. original 156:14. originally 4:14, 44:22. Ormond 119:22. Os 142:17. ostracized 49:6. others 8:11, 20:16, 20:18, 20:19, 67:13, 67:18, 68:12, 77:17, 77:19, 78:16, 93:4. Otherwise 7:22, 11:19, 68:5, 90:2, 108:8, 112:20, 136:2. ourselves 69:24. outcome 4:12, 17:2, 46:7, 46:20, 111:14, 115:18. outline 115:23. outside 31:1, 31:9, 33:7, 39:9, 109:9, 111:2, 112:7. outspoken 97:24. overheard 21:16. overlapped 156:12. overnight 117:4. overrule 111:3, 151:9. Overruled 147:14, 150:1. overspeak 36:15. own 7:12, 10:2, 12:23, 35:1, 52:21, 90:18, 104:1, 113:5, 158:24, 159:4, 159:8. . . < P >. p.m. 14:15, 38:2. pad 37:25, 112:25, 113:4. PAGE 3:5, 3:9, 37:12, 140:22, 148:15, 149:20, 155:18. paid 14:7. paint 102:16. PANDULLO 16:21, 27:11, 27:12, 28:6, 29:19, 29:25, 30:2, 30:4, 121:1, 153:13, 153:16, 154:3, 156:10, 157:7, 157:14, 160:9, 160:12. panel 65:12, 106:8, 112:25. Paper 5:8, 55:12, 55:14, 140:10, </p>	<p> 115:25, 160:14. openings 160:18. openly 26:17, 94:11. operating 14:23. opine 54:17. opinion 31:6, 31:11, 41:21, 41:24, 65:7, 115:17, 115:19, 115:20, 117:18. opinions 21:15, 69:15, 72:11, 72:12, 74:12. opportunity 9:19, 12:9, 15:23, 57:15, 107:5, 116:15, 149:5. opposed 35:20, 35:22. opposite 95:22. oral 116:16. Order 9:15, 29:2, 29:5, 43:5, 90:5, 122:19, 135:6, 151:21, 154:8, 154:9, 156:5. organization 51:3, 53:24. original 156:14. originally 4:14, 44:22. Ormond 119:22. Os 142:17. ostracized 49:6. others 8:11, 20:16, 20:18, 20:19, 67:13, 67:18, 68:12, 77:17, 77:19, 78:16, 93:4. Otherwise 7:22, 11:19, 68:5, 90:2, 108:8, 112:20, 136:2. ourselves 69:24. outcome 4:12, 17:2, 46:7, 46:20, 111:14, 115:18. outline 115:23. outside 31:1, 31:9, 33:7, 39:9, 109:9, 111:2, 112:7. outspoken 97:24. overheard 21:16. overlapped 156:12. overnight 117:4. overrule 111:3, 151:9. Overruled 147:14, 150:1. overspeak 36:15. own 7:12, 10:2, 12:23, 35:1, 52:21, 90:18, 104:1, 113:5, 158:24, 159:4, 159:8. . . < P >. p.m. 14:15, 38:2. pad 37:25, 112:25, 113:4. PAGE 3:5, 3:9, 37:12, 140:22, 148:15, 149:20, 155:18. paid 14:7. paint 102:16. PANDULLO 16:21, 27:11, 27:12, 28:6, 29:19, 29:25, 30:2, 30:4, 121:1, 153:13, 153:16, 154:3, 156:10, 157:7, 157:14, 160:9, 160:12. panel 65:12, 106:8, 112:25. Paper 5:8, 55:12, 55:14, 140:10, </p>
--	--

140:11.	pass 139:10.	132:20, 132:23,
papers 131:20.	past 8:11, 16:23,	138:1, 138:2,
paperwork 5:12,	25:15, 26:5,	138:3, 141:6,
9:12, 28:25.	27:23, 61:21,	154:21.
paragraph	61:25, 106:16.	phrased 40:11,
155:18.	path 14:25,	41:23, 42:1.
paraphrased	48:2.	phrasing 41:18.
149:4.	patience 25:12,	pic 44:12,
paren 27:2.	39:2, 106:24.	44:13.
parent 66:22,	Paula 23:7.	pick 87:18.
67:24, 68:7,	paying 109:19.	picked 91:9.
68:11, 81:10.	peers 96:15.	picture 16:22,
parent/teacher	pen 113:1, 113:4,	93:15.
101:10.	140:10.	piece 63:20.
parenthetical	penetration	pieces 5:8,
27:1.	95:11.	136:19.
parents 47:18,	per 4:8, 54:5.	pills 147:19,
47:23, 48:14,	perceive 30:20,	152:8.
63:18, 80:20,	31:9, 31:10,	Pines 142:12.
81:3, 88:19,	33:18.	pishhh 84:11.
88:20, 95:21,	perception 102:23,	pissed 127:17.
96:12, 101:1.	108:18.	place 11:20,
parked 142:17.	Perfect 75:12.	22:17, 31:4,
Part 8:18, 13:21,	perhaps 21:21,	34:5, 34:18,
13:24, 14:2,	35:21, 46:15,	52:16, 113:13,
38:15, 38:19,	59:18, 94:23.	161:12.
38:20, 38:22,	perjury 7:5, 7:11,	placed 17:25.
47:12, 49:12,	124:14,	places 7:4.
77:21, 79:11,	124:16.	Plaintiff 1:12.
81:24, 155:8.	permanently	planned 155:7.
participate 35:11,	31:12.	plate 10:20.
126:13, 126:16,	permission	play 30:8,
127:1, 127:23,	14:14.	59:19.
128:4, 128:11,	permits 112:13.	played 13:21.
160:17.	Perreault 51:12,	playing 60:10,
participating	89:21, 119:22.	67:21.
48:21.	personal 70:5,	plea 19:7.
particular	90:4, 101:1,	plead 131:19.
43:12.	101:13, 111:8.	pleading 123:25.
Particularly	personally 52:5.	Please 6:11, 20:1,
10:11.	Perspective 90:1,	25:24, 42:17,
particulars	93:23, 93:25,	42:20, 44:6,
28:8.	94:5, 159:1.	56:7, 99:8,
parties 25:13,	perspectives	115:16, 119:13,
64:24, 108:11,	114:18.	119:14,
115:2, 117:10.	petty 19:10.	123:22.
parts 15:13,	ph 23:8.	pled 110:5.
95:12.	phased 50:13.	Point 6:16, 11:22,
party 60:15,	phone 91:1,	12:5, 14:21,
116:2.	132:13, 132:16,	15:1, 15:3,

15:10, 15:14, 16:22, 22:2, 22:12, 22:14, 23:12, 34:4, 36:18, 45:14, 52:14, 53:25, 54:6, 67:11, 89:25, 108:9, 144:15, 155:20.	18:8, 29:3, 156:6.	24:4, 24:7, 40:8.
point. 40:13, 53:11, 54:7, 91:24, 95:5, 95:25.	posts 12:11.	premises 39:23.
pointing 156:21.	potential 7:25, 20:14.	prep 38:21.
poke 94:13.	Potentially 7:10, 7:14, 7:21, 13:17, 16:13, 16:16, 25:5, 26:18, 31:2, 31:5, 32:12, 84:20.	preparation 37:8.
Police 8:7, 9:10, 36:5, 72:18, 72:25, 73:2, 73:10, 74:5, 74:19, 75:3, 89:23, 104:11, 104:15, 104:24, 105:5, 105:6, 105:24, 130:18, 131:11, 131:23.	power 87:7, 87:8, 87:10, 87:14.	prepare 37:7.
political 120:6.	powers 74:5, 74:7.	prepared 37:22, 115:14, 125:5.
politics 51:23.	practice 17:16.	prescription 152:8.
portion 43:10.	pre-instruct 118:10.	presence 15:7, 154:18, 155:13.
posed 28:1, 121:23, 123:23.	precarious 13:15.	Present 4:16, 4:18, 4:19, 12:2, 17:11, 17:13, 19:1, 22:4, 23:6, 23:7, 33:16, 34:16, 39:3, 107:14, 113:3, 114:6, 114:12, 116:3, 116:5, 116:9, 116:12, 116:16, 120:22, 120:24, 120:25, 121:22, 122:21, 156:25.
position 18:11, 24:2, 39:20, 55:3, 62:9, 90:12, 138:2, 138:4.	predator 45:9, 89:13, 130:9, 130:14.	presentation 14:12.
positions 87:7, 87:14.	predators 44:24, 45:1, 65:23.	presented 113:12, 114:7, 116:13.
positive 33:18, 61:24, 76:10, 76:13, 153:24.	predicament 15:20.	presents 39:21.
possibility 113:5, 124:21.	predictable 54:22.	pressure 87:15.
possible 14:6, 18:3, 101:21, 159:19, 159:20.	predisposed 17:1.	pressured 10:17.
post 12:10, 18:6,	prefer 122:10.	presuming 44:5.
	preference 16:17, 16:25.	presumption 39:17, 40:15, 41:9, 44:18.
	prejudice 111:8.	pretrial 154:12.
	preliminary 5:9, 6:20, 7:4, 7:7, 9:9, 123:10, 124:11, 125:11, 126:10, 127:6, 127:9, 130:17, 133:25, 134:8, 135:5, 136:11, 137:8, 139:5, 146:20, 150:12.	pretrials 154:6.
	premature 24:5, 153:20.	Pretty 49:7, 101:7, 147:6, 147:7, 156:2.
	premise 23:18,	Previous 136:8.
		previously 5:4, 32:20, 33:2, 138:17, 142:6.
		priest 90:9.

primary 35:17, 39:5, 110:11.	process 10:15, 17:17, 46:1, 46:13, 54:22, 55:2, 57:4, 59:24, 63:10, 83:10, 106:10, 107:1, 107:6, 107:17, 118:6, 118:13, 119:2.	provided 4:10, 15:11, 18:7, 21:12, 29:10, 149:25, 160:9.
principle 51:17.		providing 35:21.
prior 5:7, 22:22, 33:14, 57:5, 79:23, 121:3, 121:8, 150:8.		proving 116:19.
prison 134:17, 135:12, 143:13, 143:19.		prude 86:21.
privilege 36:19.		Ps 30:16.
privy 8:21, 12:15.	processes 24:16.	public 70:8.
probability	product 35:15, 36:3.	puddle 112:7, 112:8.
111:17.	profession	pull 55:1.
Probably 7:12, 14:5, 28:16, 30:11, 48:5, 69:18, 69:20, 72:4, 78:3, 79:20, 160:21.	104:20.	pulled 77:3, 105:7.
problem 6:1, 21:24, 36:16, 58:20, 75:1, 77:10, 79:15.	professional	purpose 85:3, 85:8, 110:10, 113:9, 150:9.
problematic	26:10.	purposeful 33:4.
32:8.	promotions 87:4.	purposes 41:7.
problems 30:24, 52:21, 63:9, 74:10, 78:17, 78:25.	promptly 107:10, 107:11.	pursuant 4:10, 157:17.
procedure	proof 9:23, 57:19, 65:21, 66:8, 77:5, 77:12, 112:1.	pursuing 124:21.
110:13.	proper 113:23.	push 81:2.
proceed 4:20, 6:4, 6:5, 6:6, 6:21, 10:10, 11:16, 12:1, 12:14, 12:16, 17:10, 18:2, 34:14, 36:1, 78:13, 107:15, 114:1, 115:18, 115:21, 122:21, 122:24, 124:14, 157:10.	properly 42:1, 110:20.	pushed 133:5.
proceedings 121:2, 121:4, 161:11, 161:13, 161:17.	property 63:20.	pushing 99:21.
proceeds 46:12.	prosecute 7:1, 131:14, 133:6, 133:7.	put 15:25, 17:7, 25:14, 26:22, 28:21, 29:5, 30:23, 42:7, 48:25, 49:8, 52:22, 64:3, 71:11, 129:2, 138:12, 157:1.
	prosecuted 7:5, 9:9, 151:16, 151:18.	puts 12:4.
	prosecutor 35:17, 44:21.	.
	protect 11:17, 17:19, 29:15, 86:18, 86:21.	.
	protected 14:10, 103:15.	< Q >.
	proud 86:13.	Qs 30:16.
	prove 42:9, 89:16, 110:7, 115:24, 116:2, 116:10.	qualified 106:9.
	proven 41:4, 112:1.	qualify 124:16.
	provide 4:23, 13:25, 15:15, 35:25, 118:11, 118:24.	quality 92:3, 92:5.
		quash 158:8.
		questioning 39:4, 57:9, 57:12, 83:5, 83:14, 113:9, 114:25, 121:15.
		questions 28:1, 29:18, 42:3,

42:23, 43:7,	157:22.	116:11, 116:20,
43:9, 43:15,	reached 16:11,	154:17,
46:24, 48:20,	117:2, 159:3.	155:14.
64:16, 65:17,	Read 25:19, 25:22,	reasonably 26:2,
65:22, 80:3,	26:3, 46:3,	155:13, 157:18,
83:19, 83:20,	65:1, 108:1,	157:20.
98:16, 112:23,	110:2, 116:15,	reasons 58:23,
113:6, 113:11,	117:6, 117:12,	59:1, 59:14,
113:14, 121:23,	118:9, 119:14,	88:13, 113:19,
122:20, 123:20,	130:1, 144:18,	138:6.
125:6, 152:3.	145:13, 148:24,	reassume 120:23.
quick 64:17.	160:13.	reborn 98:11.
quickly 30:10.	Reading 91:7,	recant 7:21.
quiet 87:18,	129:22, 129:23,	receipt 46:8.
141:1.	154:3, 154:16.	receive 42:11,
quite 74:22.	ready 18:22, 72:4,	46:18, 109:7,
quote 130:11,	72:6, 72:7,	119:3, 143:7,
146:14.	107:15.	143:9.
quoting 129:25.	real 146:4,	received 19:6.
.	156:20.	recess 64:22,
.	reality 101:20.	65:10, 117:8.
< R >.	realize 120:17,	Recognize 140:13,
radio 65:5,	134:2.	140:21,
117:16.	realized 133:25.	145:15.
rain 112:6,	Really 15:14,	recollection
112:9.	20:8, 27:24,	141:20, 141:22,
rained 112:8,	29:23, 54:5,	141:23, 142:10,
112:10.	57:24, 60:22,	145:10.
Raise 42:15,	62:12, 62:19,	reconvening
42:18, 44:3,	66:5, 72:8,	121:8.
51:1, 56:7,	76:14, 91:25,	record. 160:23.
56:14, 61:12,	102:12, 132:23,	recorded 11:6,
61:14, 61:15,	135:9, 138:2,	13:2, 13:22,
115:7.	150:20,	161:14.
raised 43:21,	158:19.	recreate 109:6.
48:19, 61:14,	reason 7:17, 8:18,	red 142:14.
118:14.	14:16, 15:23,	reference 118:3.
raising 48:21.	20:14, 26:8,	referenced
ran 61:18.	27:17, 36:4,	155:18.
random 47:4.	39:24, 40:14,	referencing
randomly 105:18.	40:17, 40:20,	38:9.
Randy 119:19.	44:4, 45:3,	referred 65:1,
Rango 119:16.	55:24, 107:12,	117:12.
rapport 69:21.	113:15, 115:6,	Referring 140:18,
rare 76:9.	138:6, 158:8,	140:21.
rate 23:10.	158:12.	refresh 109:22,
rather 16:7,	reasonable 25:11,	145:10.
43:11, 47:22,	39:16, 39:22,	regard 115:17,
144:6, 154:5.	41:11, 42:10,	122:24, 124:16,
reach 45:13,	62:9, 110:8,	150:2.

Regardless 9:17, 40:6, 59:18, 62:10, 159:12.	102:10.	35:22, 79:12.
regretted	repeatedly	requirement 17:24, 113:20.
149:13.	43:14.	requires 40:15.
regular 115:9, 118:20.	repercussions	requiring 29:2.
regularly 17:16, 147:12, 147:16.	53:9.	reschedule 19:2.
regulations	Rephrase 148:6.	research 88:4, 109:5, 118:2.
53:8.	Rephrasing	resolved 42:22.
reinstruct 46:4.	52:17.	respect 124:15.
rejected 19:9.	report 10:12, 36:12, 65:2, 112:6, 117:13, 127:20.	respectfully 43:4, 159:23.
related 4:12, 6:8, 9:20, 37:3, 38:21, 43:15, 84:4, 107:13, 109:6, 115:13, 117:22, 118:14, 150:1.	REPORTED 1:35, 102:20, 103:6, 103:8.	respond 9:19, 154:13.
relation 111:15.	REPORTER 70:23, 91:15, 92:16, 92:19, 92:21, 161:3, 161:8.	responding
relations 103:6.	REPORTER'S 1:13.	121:23.
relationship	reports 36:7, 36:10.	response 10:4.
27:15, 127:16.	repose 125:8.	responsibility
relative 31:7.	represent 16:14, 16:15, 17:13, 81:24, 121:1.	26:10, 110:12.
release 158:12, 160:2.	representation	responsible
released 8:20, 9:14, 152:21, 156:6, 158:1, 159:6, 159:23.	10:2, 15:11, 24:1, 122:15, 155:12.	128:19.
Relevance 142:24, 147:13, 150:4.	representations	responsive
relevant 25:17, 143:3, 150:3, 151:7.	24:13, 25:16, 26:12, 29:7, 29:9, 30:12, 41:17, 121:5.	121:6.
remain 12:10, 34:7, 44:2, 107:3, 153:9, 159:22, 160:1.	represented 8:4, 11:10, 38:18, 121:16.	rest 57:5, 77:14.
remainder 107:6, 119:12.	representing	rests 116:9.
remains 41:10.	38:21, 82:11.	result 14:20, 41:9.
remarks 109:13.	reprisal 49:9.	resume 39:4, 119:1.
remind 117:3.	reprisals 49:21, 49:24.	retakes 106:7.
removed 53:23, 55:1.	request 4:8, 159:23.	retaliate 53:9.
render 71:19.	requested 14:1, 121:5.	retaliated
repeat 54:13,	require 116:23, 160:9.	51:22.
	required 18:7,	return 4:6, 4:12, 4:21, 18:7, 107:23, 120:1, 159:7.
		returned 18:10, 28:23, 29:4, 29:16, 121:2.
		returning 28:14.
		review 5:7, 149:5.
		Rightly 27:6.
		rights 6:18, 11:17, 28:1, 29:15.
		Riley 91:12.
		rise 121:24.

risen 156:24.	40:18, 40:19,	93:24, 94:3,
risk 52:22.	44:19, 50:8,	97:3.
road 63:11.	71:14, 76:2,	seeking 21:21.
roof 112:6.	86:11, 146:8.	seem 35:20, 97:11,
room 4:20, 4:25,	scared 66:13.	97:24, 97:25,
23:24, 65:18,	scary 49:10.	155:17.
66:1, 89:11,	scene 109:4.	seems 50:25.
99:15.	school 23:8, 45:2,	seen 21:16, 52:5,
roses 63:8.	47:15, 48:6,	52:12, 54:5,
route 54:11.	51:5, 54:19,	61:1, 73:17,
routinely 36:5.	59:12, 69:10,	76:11, 91:17,
row 106:11.	70:8, 70:10,	95:9, 141:8.
rub 54:6.	70:11, 76:18,	sees 104:16.
ruffle 54:6.	85:6, 95:6,	selected 57:9.
ruffles 52:14.	95:23, 97:14,	Selection 3:6,
Ruggeroli 16:18,	97:15, 103:3,	17:3, 106:10,
27:11, 27:17.	103:4, 103:25,	107:17, 119:2.
Rule 26:8, 32:5,	104:24, 105:5,	self-police 34:2,
63:14, 63:15,	105:6, 105:24.	34:25.
63:16, 63:19.	schools 104:16.	self-preservation
rules 53:8, 62:15,	science 78:7.	53:2.
63:14, 63:16,	scientific	semester 72:5.
145:22.	118:19.	send 5:8, 63:8.
run 18:13,	Scott 59:10.	seniors 69:13.
106:20.	scrutinize 81:20,	sense 31:6, 49:15,
running 106:13.	82:2.	57:1, 84:6,
.	se 16:20.	89:2, 110:4.
.	se. 54:5.	senses 17:22.
< S >.	Seat 65:11,	sensitive 65:19,
S-a-v-a-g-e	118:16, 119:16,	66:6, 66:7.
122:8.	119:17, 119:18,	sent 5:19, 25:17,
safe 48:10,	119:19, 119:20,	157:23.
53:10.	119:21,	sentence 134:17,
safety 158:6.	119:22.	135:2, 135:7,
sake 35:1.	seated 106:10.	135:12,
Sally 119:23.	seats 39:5,	135:13.
sanction 14:7.	106:7.	sentences 96:25,
sat. 63:14.	second 33:12,	135:16.
save 10:7, 27:2,	33:13, 62:12,	separate 30:18,
107:22.	112:2.	128:7.
Savko 94:8,	seconds 25:12,	separated 23:20,
119:19.	63:13.	27:18.
saw 5:24, 9:13,	section 58:14.	separation 16:23,
22:24, 25:2,	secure 154:18,	27:21.
26:13, 61:2,	155:13.	serious 7:8,
92:19, 93:25,	securing 156:20.	27:10, 44:15,
111:24, 128:7,	security 105:11.	47:19, 75:25,
128:18, 137:13,	seed 96:4.	158:2.
150:12.	Seeing 58:13,	Seriously 104:6.
says 8:1, 9:22,	93:15, 93:23,	serve 109:19,

116:1.	She'll 12:10,	significant 22:11,
served 27:22,	157:20.	159:1.
154:19, 155:1.	sheet 37:8, 38:6,	significantly
service 106:23,	38:7.	94:23.
107:19, 108:18,	shell 28:24,	signing 122:19.
112:22, 117:1,	64:2.	silence 27:1.
119:12, 119:25,	shenanigans	silences 65:16.
120:2.	21:19.	Similar 48:6,
services 106:15,	shift 18:13.	49:16, 49:17,
106:21.	shifted 60:20.	57:7, 61:19.
set 4:6, 4:13,	shocking 45:6.	simply 110:3,
4:14, 5:17,	shopping 47:17.	138:5, 138:12,
18:5, 28:15,	short 43:18.	159:18.
31:3, 35:25,	shortly 65:9.	single 56:4,
46:17, 65:20,	shot 20:6, 22:8.	148:20.
127:3, 136:14,	shouldn't 47:13,	Sir 32:21, 53:20,
137:16, 155:16,	48:8, 62:1,	55:12, 59:9,
161:12.	155:17.	64:7.
setting 4:11, 6:5,	show 37:14, 38:8,	sister 96:4.
12:2, 13:4,	60:14, 79:7,	sit 15:19, 32:3,
29:6, 153:7.	114:13, 126:23,	34:6, 34:19,
settings 99:4.	126:25, 137:11,	35:7, 40:6,
Several 44:2,	137:17, 137:25,	41:13, 41:22,
109:16.	140:15, 157:19,	55:9, 63:14,
severe 150:13.	157:20.	71:4, 75:4,
sexual 44:23,	showing 55:17,	157:5.
44:25, 88:14,	138:5.	sits 40:8, 42:4,
103:18, 104:1,	shown 17:20.	110:8.
151:19.	shows 55:23.	Sitting 7:9, 20:4,
sexuality	shut 89:6.	26:13, 31:1,
102:23.	shy 82:8, 82:9,	134:13, 140:6,
sexy 19:8, 25:18,	98:3.	140:7, 155:22,
27:3.	sic 84:12.	156:1.
shady 61:1, 61:2,	side 14:6, 19:18,	situation 13:15,
61:3.	32:1, 56:11,	48:6, 48:11,
shall 122:1.	60:10, 60:11,	48:12, 48:13,
shamed 86:14,	60:20, 66:8,	56:1, 56:3,
86:22, 86:23,	72:14, 77:11,	56:6, 56:8,
96:3.	101:18, 104:16,	71:4, 100:14,
shaming 83:6,	116:15.	147:8, 158:19.
83:7, 83:16,	sides 11:10,	situations 68:13,
83:20.	12:16, 19:21,	73:7, 73:16,
shape 30:25,	30:7, 30:11,	91:3, 100:6,
159:15.	57:2, 58:4,	100:8, 104:21,
share 29:20,	60:9, 66:6,	105:1.
33:16.	68:4, 68:10,	sketchy 26:4.
Sharon 1:35,	108:10, 111:9,	skills 90:25,
119:18,	145:25.	91:9.
161:27.	sight 33:23.	slander 129:19.
she'd 14:15.	sighting 55:22.	slandered

129:18.	sooner 128:14,	128:21, 129:6,
slandering	157:5.	129:11, 129:18,
129:17.	Sorry 21:14,	130:5, 130:13,
sleeve 96:6.	30:14, 59:8,	131:7, 131:14,
slight 56:11.	134:9, 154:16.	132:1, 132:25,
small 84:14,	sort 39:17, 58:18,	133:15, 133:19,
84:16, 97:22.	66:1, 77:11,	135:11, 135:18,
smart 52:22.	82:20, 87:10,	136:2, 137:11,
smells 16:2.	87:12, 87:23,	137:17, 139:7,
snitched 50:15.	132:9.	143:15,
Snitches 50:14.	sound 7:17, 7:18,	146:12.
sober 159:19.	131:5.	staff 21:17,
Socially 49:6.	sounds 58:8,	27:13, 30:15,
society 86:18,	112:6.	35:24, 38:17,
86:21, 98:17,	space 22:11, 33:8,	108:7, 108:11,
103:17.	82:21.	115:12.
solely 17:13,	speaking 47:4,	stage 31:13.
57:6.	55:23, 85:4,	stand 35:19,
solemnly 121:25.	141:3, 154:12,	51:16, 75:4,
Somebody 28:18,	154:23,	98:15, 106:13,
47:12, 49:12,	155:11.	116:25.
49:14, 51:13,	speaks 16:7.	standard 75:21,
52:12, 55:2,	special 85:3.	75:25, 86:11,
61:3, 62:11,	specifically	86:17.
62:12, 72:9,	55:23, 134:19,	standards 86:8.
76:5, 93:12,	155:18.	Standing 22:10,
101:8, 108:6,	specifics 52:6,	26:14, 32:15,
108:7, 130:23,	154:17.	97:25, 140:5.
138:11, 139:20,	speechless 11:2.	start 39:10,
139:21.	spell 122:5.	39:18, 59:21,
somehow 31:7,	spend 73:5,	61:13, 106:13,
33:16, 46:17.	73:6.	107:7, 141:4,
someplace 95:10.	spent 40:2,	142:21, 156:11,
sometime 131:4.	56:15.	156:13, 156:14,
Sometimes 30:10,	spills 49:13.	157:2, 160:13.
45:12, 54:11,	spin 59:17.	started 35:4,
57:7, 59:5,	spite 127:13.	41:15, 98:9.
59:16, 69:24,	spoke 12:22,	starting 39:20,
76:8, 80:23,	20:24, 22:23,	41:8, 107:10,
81:2, 81:6,	33:1, 121:12,	107:11,
84:23, 86:12,	126:8, 128:14,	160:12.
86:24, 98:17,	136:24.	starts 62:16.
98:20, 99:3,	spoken 55:13.	stated 124:24.
99:6, 100:9,	spring 63:17.	statement 5:6,
100:12, 100:14,	spun 97:17.	5:9, 10:18,
100:17, 100:19,	Stacey 2:2, 8:19,	35:7, 115:23,
142:11.	125:24, 126:8,	115:25, 116:2,
somewhat 104:19.	126:17, 126:22,	136:4, 148:20.
soon 14:6, 18:2,	127:25, 128:3,	statements 5:4,
158:3, 158:12.	128:6, 128:18,	11:23, 12:5,

12:7, 12:15, 35:13, 35:15, 35:16, 42:25, 107:4, 111:18, 114:2, 114:4, 114:9, 114:11, 115:25, 120:11, 121:7, 129:25, 130:2, 146:4, 148:15, 160:14. Stating 62:3. status 153:14. statute 4:8, 4:11. Stay 5:25, 15:2, 17:2, 17:4, 30:18, 56:10, 107:20, 113:1, 113:3, 117:5, 146:20. stay-at-home 96:18. staying 107:6, 119:12, 142:11. steel 85:5. stenographically 161:14. step 35:3, 51:13, 56:11. Stephen 119:18. stepped 127:19. steps 63:11, 63:21. stitches 50:14. stolen 5:5. stomach 152:12. stop 68:13, 69:20. stopping 68:15. stories 136:21. story 68:17, 68:18, 97:3, 101:18, 103:4, 103:5, 114:12, 136:22, 149:15. straight 39:11. street 71:11,	105:18. stress 72:13. Strike 71:15. strong 53:2. strongly 10:21. struggling 30:14. stuck 89:14. student 48:7. students 103:10. stuff 20:7, 61:1, 63:15, 63:22, 91:13, 129:4, 136:12. stumble 117:22. stupid 7:18. styles 61:19. subject 10:12, 64:25, 65:7, 117:11, 117:18, 160:5. subjects 66:6. submitted 65:8, 114:19, 114:23, 117:19. subpoena 154:5, 154:8, 154:19, 155:1, 155:3, 155:5, 156:5. subpoenaed 32:12, 32:17. substantive 37:21. succeed 39:22. successful 52:12, 157:9. sudden 55:14. suddenly 56:5. suffered 7:8. suggest 78:15, 80:2, 145:3, 149:9. suggests 38:6. suicide 48:14. suit 20:8. summarize 116:18. super 74:5, 74:7. supervisor	55:20. supporting 121:17. suppose 59:16, 69:16, 120:19. supposed 12:24, 14:19, 49:13, 50:20, 53:9, 53:25, 90:6, 138:7, 143:22, 154:6. surprise 50:19, 57:7. susceptible 87:7. sustain 110:22. Sustained 110:25, 149:18. sway 83:24. swear 121:25. switch 40:17. sworn 121:21, 123:13, 125:12. sympathy 111:8. system 52:2, 110:13, 118:17, 159:11. . . < T >. table 62:15. tail 47:24. tainted 159:16. taken. 65:10. talked 9:3, 9:10, 10:13, 37:5, 41:16, 41:23, 65:22, 66:4, 66:11, 73:9, 79:10, 87:13, 89:22, 91:13, 94:11, 94:14, 95:25, 109:2, 110:1, 110:19, 116:8, 131:7, 134:16, 138:20, 138:22, 138:24, 141:12, 154:20.
--	---	---

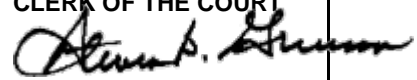
<p>tattle 47:24. tattled 47:25. taught 69:10, 101:18. teach 66:15, 69:12, 70:8, 72:6. teacher 23:8, 69:4, 70:22, 71:7, 100:2, 101:15, 101:17, 103:5, 103:7. teachers 103:10. teaching 69:11. team 26:25, 27:18. teen 67:11, 76:8, 86:11. teenager 81:15. teenagers 76:7, 76:18. television 65:5, 117:16. tells 88:2, 156:8. tend 69:24, 73:2, 89:23. tendency 69:15. tends 68:12. tension 12:1, 19:13. tensions 25:13. term 47:3. terms 16:24, 43:11, 109:3, 112:3, 159:10. terrible 66:23. test 41:12, 118:4. testified 6:20, 9:5, 123:16, 125:11, 125:15, 127:6, 127:9, 131:24, 134:1, 138:17, 150:12, 155:8. testifies 90:18. testify 7:3, 7:7, 7:10, 90:17, 115:10, 123:10,</p>	<p>127:5, 127:7, 127:12, 133:6, 136:10, 153:21, 155:10, 157:1, 158:5, 158:21. testifying 7:2. Texas 47:20. text 19:7, 25:17, 25:19, 25:22, 26:22. texts 154:13, 157:23. themselves 12:20, 23:24, 31:4, 35:12, 52:22, 66:5, 85:11, 100:13. theory 14:2, 35:6, 35:8, 118:4. thereafter 161:14. therein 161:12. They'll 85:1, 96:14. They've 22:20, 30:14, 30:23. Thinking 18:14, 27:19, 30:9, 31:6, 44:8, 48:6, 65:20, 151:12. thinks 59:20, 59:22, 60:1, 66:14, 66:16, 66:17, 66:19. third 20:25. third-party 13:2. thoroughly 43:6. though 37:9, 45:22, 52:15, 93:17, 94:21, 95:2, 108:5, 113:10, 153:16, 153:24, 154:9, 157:21. thoughtful 46:9. thoughts 46:15, 51:20. threat 56:14,</p>	<p>56:22. Three 20:20, 150:16. throughout 152:10. throws 13:12, 13:13. ticket 105:8. tie 7:16. tied 39:17. tired 92:23, 102:1. title 121:10. todays 143:3. toddler 95:5. together 58:11, 98:5. tomorrow 11:20, 12:3, 12:11, 15:5, 16:3, 19:3, 29:17, 107:7, 107:8, 107:23, 110:3, 120:1, 153:6, 155:25, 158:4, 158:15, 158:22, 159:17, 159:22, 160:4. Took 77:4, 97:14, 97:16, 98:6, 144:16, 145:11, 151:20. tool 7:1, 131:14, 131:22, 132:2. top 37:2, 37:12, 38:2, 129:16. topic 65:18, 135:7. topics 47:2, 97:6. Torrey 142:12. totally 95:22. touch 63:15, 63:22, 63:23. touched 45:24, 107:25, 111:6, 112:15, 114:25. touchy 15:14. toward 49:18.</p>
--	---	---

towards 118:15.	truth 48:23,	40:12, 41:2,
town 63:18,	59:18, 59:24,	41:3, 44:25,
142:9.	75:5, 76:3,	48:18, 53:21,
toy 156:23.	85:19, 85:21,	54:10, 57:2,
track 16:12, 17:3,	85:22, 122:1,	62:15, 63:11,
17:4, 27:19.	122:2, 123:14,	87:21, 87:22,
trail 55:12,	123:16, 125:12,	109:18, 111:22,
55:14.	125:15, 125:17,	134:13,
trailing 124:8.	126:10, 131:1,	139:23.
TRAN 1:1.	138:10,	type 55:16, 71:1,
transcribed	138:14.	71:9, 76:13,
161:15.	truthful 18:1,	78:21, 80:4,
TRANSCRIPT 1:13,	29:17, 60:8,	82:12, 87:11,
5:10.	124:22,	112:19.
transcripts	159:19.	types 65:24,
157:11.	truthfully	77:22, 77:23.
transport 18:20.	111:16.	typewritten
treat 59:6.	try 16:11, 16:16,	121:17.
triage 16:20.	18:25, 30:7,	typical 49:12,
trials 27:1,	44:14, 59:17,	50:6.
91:15.	60:6, 61:21,	Typically 52:18,
tried 8:12, 21:17,	61:25, 143:1.	54:4, 64:2,
157:22.	trying 7:17, 9:17,	112:8.
trigger 7:25.	17:14, 18:9,	.
Trouble 47:22,	28:24, 43:2,	.
55:18, 63:23,	81:1, 99:8,	< U >.
68:6, 85:6,	109:5, 117:23,	U-tube 88:12.
85:11, 96:6,	120:6, 124:7,	ultimate 43:18,
105:7.	143:8, 151:7,	46:6.
troubler 68:12.	154:1, 160:22.	Ultimately 17:5,
True 9:7, 11:5,	Tuesday 14:19,	36:6, 36:9,
12:22, 14:24,	143:25, 144:7.	136:19, 138:11,
23:14, 50:17,	Turn 6:17, 36:18,	159:14,
53:4, 78:5,	37:2, 106:21.	159:20.
93:14, 141:11,	turned 36:9.	umbrage 10:24.
144:21, 146:4,	turning 36:16.	unanimously
148:18,	turns 55:8,	46:21.
161:16.	57:12.	unavailable
truly 151:7.	TV 57:6, 88:11,	157:10.
trust 5:18, 11:11,	88:18, 88:19,	uncomfortable
27:16, 28:3,	112:3.	67:16, 75:20.
59:15, 61:4,	Twelve 99:17.	uncommon 7:20.
61:6, 61:12,	twice 10:13,	undefeated
61:25, 62:1,	40:11, 116:21.	26:25.
62:5, 62:11,	Twitter 88:8.	undersigned
62:12, 62:16,	Two 12:18, 14:3,	161:8.
73:5, 73:7,	15:25, 21:5,	understanding 6:4,
101:6.	22:14, 23:3,	6:6, 27:13,
trusted 62:4.	25:16, 32:19,	29:21, 34:16,
trusting 61:13.	33:1, 34:21,	46:15, 46:17,

93:12, 114:18, 154:23, 156:7. understands 27:25. Understood 43:3, 46:13, 46:14, 56:18, 57:25, 80:6, 125:9, 143:10, 155:9, 156:22. undertake 46:10. undertaken 107:18. undue 113:13. unduely 25:8. unfair 55:20, 72:14, 81:20, 82:1, 82:15, 82:17, 82:19, 83:20, 83:24. unfairly 13:16. unfold 92:4. Unfortunately 86:16, 138:10. unique 12:4. universe 89:1. unkind 124:7. unless 117:1. unobstructed 123:4. unpleasant 58:18, 156:3. unpredictable 14:4. unquote 146:15. unreasonably 26:8. unrecorded 10:23. unrelated 156:18, 160:8. Until 10:7, 12:11, 17:12, 40:16, 41:10, 53:25, 57:25, 58:4, 58:11, 61:12, 61:13, 62:11, 62:12, 65:7, 95:8, 96:4, 100:15, 114:19,	114:23, 117:1, 117:18, 119:14, 137:14, 153:9, 159:22. Untoward 45:16. upholding 50:21. Upset 152:12. using 63:8, 87:7, 99:15, 131:14, 131:22, 132:2, 147:18, 147:22, 158:24. . . < V >. valid 159:24, 159:25. valuable 112:17. value 11:9, 111:11, 111:20. varies 76:19. vast 25:5, 43:21. vastly 153:19. VEGAS 4:1. verbal 31:1, 112:23. verbally 154:25, 155:4. verdict 40:18, 71:19, 92:6, 109:23, 116:24, 117:1. versus 77:24, 86:9, 100:21, 103:10. vicinity 31:3, 33:9. victim 9:2, 76:2, 81:19, 83:6, 83:7, 83:15, 83:20, 86:9, 89:12, 121:10, 136:6, 136:7, 136:9, 136:12, 136:15. victims 65:23, 66:5. view 50:14, 83:23,	103:20, 123:4. viewed 98:23. viewpoint 85:22. violate 23:18, 26:7, 61:12. violated 154:9. violation 7:13, 7:25, 149:25. violence 151:1, 151:16. virtue 154:13. Visible 20:6. vision 94:3. visited 6:12. visiting 109:4. vocation 105:9. voice 19:20, 86:25, 98:13, 98:14, 98:18, 99:15. voir 20:15, 25:15, 32:3, 32:7, 32:13, 34:17, 35:4, 41:24, 43:2, 43:10, 57:9. volition 159:8. voluntary 5:9. vote 39:25, 40:1. vs 1:15. . . < W >. wait 119:14, 148:9. waiting 58:9. walk 40:7, 89:10, 98:3. walked 98:5. walking 98:15. walks 158:3. wall 26:15, 49:1, 49:9. walls 97:3. wanted 5:1, 6:7, 28:22, 48:2, 48:25, 49:8, 96:3, 98:11, 126:18, 127:2,
---	---	--

130:22, 133:14, 135:18, 157:8, 157:14. wanting 29:11, 156:22. wants 8:19, 9:4, 9:23, 66:2, 135:22, 136:2, 146:12. Ward 59:10, 69:2. warrant 4:6, 4:7, 4:9, 14:22, 29:2, 29:4, 30:1, 121:3, 144:9, 153:5, 153:17, 153:23, 155:15, 157:17, 157:25, 158:8, 158:10, 159:25. wash 112:7. watch 63:17, 65:1, 88:19, 88:20, 90:5, 97:10, 117:12. watched 91:15, 92:3. watching 92:8. water 19:17, 19:18. wave 108:6, 108:7. ways 54:10, 57:1, 67:16, 88:9, 108:20, 157:23. wearing 90:3. weather 112:5. Wednesday 1:28, 4:1, 155:23. Wednesdays 151:13. week 58:1, 63:17, 63:18, 107:8, 153:19, 155:4. weeks 5:5, 10:14, 125:25, 128:1. weigh 42:7, 42:11, 77:14, 79:25,	110:19. weighed 112:16, 113:14. weighing 78:17, 79:2, 80:8. weight 111:11, 111:20, 112:14, 112:15, 112:17, 112:19, 113:13. weird 80:19, 95:21. Weise 119:19. well-being 158:6. whatever 5:25, 13:7, 15:5, 15:8, 17:5, 17:6, 18:7, 18:15, 28:11, 33:8, 34:25, 43:9, 44:3, 61:23, 109:21, 122:10, 159:17. whatsoever 115:17. whenever 158:20. wherever 5:22. Whether 5:3, 16:12, 32:7, 34:10, 40:23, 42:8, 42:12, 50:17, 50:19, 51:4, 62:10, 83:19, 110:10, 125:1, 127:17, 146:5. Whistle 47:3, 47:11, 48:23, 50:2, 50:6, 51:2, 51:6, 51:21, 52:12, 52:18, 53:10, 53:22, 54:16, 54:18, 55:5, 55:13, 87:13. whole 16:2, 25:19, 25:22, 72:10, 122:2.	wide 49:23. willing 6:14, 25:14, 54:8, 62:14, 76:21. win 59:23, 60:2. wing 78:14. wish 11:16, 74:5, 122:10, 125:1. withdraw 130:2, 150:5. Withdrawn 148:2, 149:19. within 4:13, 28:10, 128:1, 154:1. Without 11:17, 12:18, 12:19, 22:3, 24:11, 31:18, 64:24, 65:4, 117:10, 117:15, 120:25, 132:5, 156:6. witnesses 6:14, 7:22, 12:20, 12:22, 13:16, 20:14, 23:13, 24:5, 26:18, 32:16, 35:13, 36:6, 57:14, 57:21, 57:23, 57:24, 64:25, 81:25, 83:15, 107:4, 108:11, 109:11, 111:18, 112:23, 113:6, 114:16, 115:10, 116:4, 116:7, 117:11. witnessing 149:15. woman 86:12, 86:22, 98:23, 102:17, 149:16. Women 86:23, 86:24, 87:6, 87:9, 87:15, 98:18, 99:3, 99:6, 102:6. Wonderful 30:4.
--	---	---

Wong 66:23, 119:17.	wrote 38:1, 38:3, 148:16.
Word 3:10, 19:13, 71:14, 83:6, 131:18, 132:5, 147:7, 149:3.	. . < Y >.
words 19:8, 63:5, 89:13.	year 69:11, 94:25, 95:2, 96:18, 141:21.
wore 96:5.	years 8:24, 47:19, 95:6, 98:5, 136:8, 136:14.
work 11:21, 12:24, 13:4, 16:19, 30:2, 33:24, 33:25, 35:15, 36:3, 51:4, 52:1, 52:16, 52:18, 54:12, 56:10, 61:25, 87:4, 104:18, 105:19.	Yellow 140:12. Yep 90:16. Yesterday 6:8, 29:4, 39:25, 40:21, 45:12, 45:25, 56:15, 93:3, 121:6, 121:11, 128:13, 128:18, 133:11, 133:15, 133:24, 134:2, 134:4, 134:16, 136:24, 137:5, 139:17, 152:6, 152:7, 152:10, 159:1.
worked 17:18, 76:7, 94:14, 137:23.	Yoda 44:13.
working 19:3, 104:7, 115:13, 118:7.	young 56:16, 63:13, 76:14, 81:24, 84:16, 85:18, 86:2, 94:13, 94:21.
works 57:6, 104:15, 108:24.	younger 20:8, 93:13.
world 52:22, 55:7, 56:23, 56:25, 146:4.	yourself 27:2, 39:19, 56:24, 67:25, 68:14, 69:20, 159:9.
worried 58:5, 58:10.	yourselves 64:23, 117:9.
worry 66:7, 83:4.	youthful 56:20, 56:21.
worst 65:15, 66:22, 101:20.	
worth 112:17.	
worthy 80:1, 80:5.	
wow 83:7, 83:15.	
wrap 151:7.	
write 37:17, 105:8, 141:1, 141:2.	
writing 112:24, 140:24.	
written 55:25, 79:24.	
wrongly 27:6.	



TRAN
CASE NO. C-15-309548-1
DEPT. NO. 25

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	
)	REPORTER'S TRANSCRIPT
)	OF
vs.)	JURY TRIAL
)	
)	
JOSHUA HONEA,)	
)	
Defendant.)	
<hr/>)	

BEFORE THE HONORABLE KATHLEEN DELANEY
DISTRICT COURT JUDGE

DATED: THURSDAY, NOVEMBER 30, 2017

REPORTED BY: SHARON HOWARD, C.C.R. NO. 745

1 APPEARANCES:

2 For the State:

STACEY KOLLINS, ESQ.

3 KRISTINA RHOADES, ESQ.

4
5 For the Defendant:

MONIQUE MCNEILL, ESQ.

6 JONATHAN MACARTHUR, ESQ.

7
8
9
10
11
12
13 * * * * *
14
15
16
17
18
19
20
21
22
23
24
25

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

I N D E X
O F
W I T N E S S E S

PAGE

Opening Statement By Ms. Kollins 52
Opening Statement By Ms. McNeill 80

PAGE

NAME: TAYLOR ROBERTS
Direct Examination By Ms. Rhoades 94
Cross-Examination By Ms. McNeill 115
Redirect Examination By Ms. Rhoades 123
Recross-Examination By Ms. McNeill 125

PAGE

NAME: MORGAN SAVAGE
Direct Examination By Ms. Kollins 137

PAGE

Word Index 212

* * * * *

1 LAS VEGAS, NEVADA; THURSDAY, NOVEMBER 30, 2017

2 P R O C E E D I N G S

3 * * * * *

4
5 THE COURT: State of Nevada vs. Joshua Honea.
6 We have counsel present. In fact, Mr. MacArthur just
7 joining us now. We just went on the record, I'll say
8 informally, because everybody is getting situated. We are
9 still missing one juror.

10 THE MARSHALL: I think he just came through.

11 THE COURT: We were missing one juror, so we
12 were not quite ready to start, then I thought perhaps we
13 could take care of a couple of matters outside the
14 presence. I still have one lingering matter from the week
15 and I have some very specific thoughts on it. I also
16 determined the day before that I needed additional
17 information as well. I appreciate that that could have
18 some impact this morning.

19 Was there anything else outside the presence before
20 we resume discussion of the outstanding matter of the
21 scope of impeachment of the witness the defense intends to
22 call.

23 MS. KOLLINS: Your Honor, I raised this concern
24 yesterday very briefly. Defense asked for a hearing
25 regarding Brady violations by the State, information that

1 had not been turned over. I voiced my concern that
2 Mr. MacArthur and Ms. McNeill made themselves witnesses in
3 the case.

4 Here is where the problem comes in. So if Ms. Savage
5 in mid-detox gets up here today and says I didn't say any
6 of those things, now that becomes unimpeachable, because
7 the only source of those statements are to both
8 Mr. MacArthur and Ms. McNeill.

9 The problem is if -- we're looking ahead a little, I
10 realize that -- is post-conviction, because now you have a
11 confrontation problem for the Defendant. So if she comes
12 in today and changes her story, yet again, now we have a
13 confrontation problem for Mr. Honea.

14 THE COURT: Let me speak to that for just a
15 minute. Certainly it goes against every understanding and
16 teaching and thought process that we as attorneys would
17 have that we could or would become witnesses in a trial.
18 However, I'm not sure that there is a bright line
19 impediment to that incredibly unique, but certainly
20 possible experience that we may encounter today, that one
21 of these individuals could not be sworn to give testimony,
22 then the jurors be instructed about those unique
23 circumstances and what that is without them then having to
24 leave the case and not be representatives. I think the
25 need to confront would overcome those concerns.

1 MS. KOLLINS: Your Honor, I feel duty bound to
2 make a record of that.

3 THE COURT: There's other issues too. I want to
4 go back to the Brady piece. I didn't address that.

5 MS. KOLLINS: If the court thinks the detriment
6 to Mr. Honea would not enure by swearing one of his
7 counsel to testify as to what happened and having them
8 cross-examine each other as to those statements, then
9 certainly that's is a remedy. I realize leaving counsel,
10 at this juncture, it is a discretionary call. I realize
11 that's a huge call, disqualifying them. I want the court
12 to know that we are cognizant of these issues and if it
13 becomes, I guess, hypercritical for their defense, I'm
14 going to bring it up again. It is a post-conviction
15 issue. It is a strong one because it's confrontation.

16 MS. MCNEILL: May I respond.

17 THE COURT: Wait a minute. I also want to
18 respond too.

19 MS. KOLLINS: It was their request for hearing.
20 I didn't know if you were looking for the State for some
21 kind of motion. I didn't know what the court was looking
22 for. I guess in an abundance of caution I'd ask this
23 court to make a record there has been no Brady violation
24 by the State, that there has been no witness tampering or
25 witness concealment by the State, based on what I was

1 getting from the argument.

2 We had an off record discussion yesterday where it
3 was posed to me that that was the information given by
4 Morgan Savage. That is not what I heard when I heard the
5 Brady violation allegation. I would ask the court to make
6 that finding based on what you heard yesterday. I don't
7 think it appropriate based on the way things have played
8 out. Especially regarding Morgan's answers yesterday to
9 say I for months had information that she did not want to
10 participate in this trial.

11 Now, when I met her in the alley she was groggy,
12 sleepy, didn't want to go. But never told me she lied.
13 Never told me that she didn't want to come, like, I'm not
14 coming, adamantly it was more displeasure as many
15 witnesses say, I don't want to do this. I don't want to
16 go.

17 She accepted a subpoena that day and said I will
18 participate. And the court knows the history from there.
19 It was like showing up, not showing up, missing taxi after
20 taxi.

21 In the interest of full disclosure, I told Ms.
22 McNeill I bought her lunch that day. While I talked to
23 her 30, 45 minutes, talked with her with my investigator,
24 ands never was I told anything that was alleged to be part
25 of a Brady violation.

1 THE COURT: Let me say a couple of things, then
2 Ms. McNeill, let me come to you.

3 So the way the court interpreted what played out
4 yesterday was the original way Ms. McNeill introduced the
5 information at the 1:00 o'clock start time was we would
6 like to make a record of a conversation we had the night
7 before. That is how it started. So that statement we want
8 to make a record, that is sort of language that dictates
9 to me I'm not necessarily going to do anything with it,
10 but make a record.

11 Then, the record that was made did indicate that
12 there might be, based on what was explained, what they
13 understood to have been said by Ms. Savage the night
14 before was some form of a Brady violation. When we then
15 concluded with Ms. Savage last night and you -- I think it
16 was Ms. Rhoades, are we going to sort of wrap this up. I
17 said, well, I didn't hear a motion. I literally didn't
18 hear a motion. I heard I want to make a record. I heard
19 there might be some form of violation. We determined we'd
20 inquire of Ms. Savage. We did so with counsel present.
21 Then when I said I didn't hear a motion, I believe I
22 heard, although I think one of the counsel was starting to
23 exit was, we're not making a motion. And it was
24 Mr. MacArthur.

25 So I never heard there being a motion posed. I don't

1 disagree with you that there was dialogue in the record
2 that could be interpreted as the allegation of a Brady
3 violation. So the way I was thinking to clean it up this
4 morning was -- my interpretation of why there was no
5 motion was because Ms. Savage made it clear the first time
6 she indicated she lied about the preliminary hearing was
7 that night with the discussion with defense counsel.

8 She also made it clear she had not had any other
9 conversations where she said she didn't want to
10 participate other than that one moment in the alley, which
11 was within the last couple of weeks which, again, appeared
12 to be more in the category of what you are representing
13 today the some sort of I refuse to participate in this
14 process kind of thing. And you have given it context of
15 the service of the subpoena, her agreeing to participate,
16 and accept the subpoena.

17 I don't perceive there has been a motion related to
18 the information that was gathered from Ms. Savage two
19 nights ago so, therefore I didn't believe there was one to
20 rule on. I don't disagree with your assessment of the
21 evidence that came in from Ms. Savage yesterday is not
22 being supportive of any form of Brady violation or witness
23 tampering.

24 Now I'll throw it to defense if you concur with that
25 easement or if you do, in fact, have a motion to make.

1 MS. MCNEILL: No. We don't. That was the point
2 of the hearing. It speaks a lot for Ms. KOLLINS character
3 that she is physically bothered by that. I understand
4 that. As your Honor is aware, my job is advocacy. My job
5 is to act and make that record for my client. It's not
6 about trying to hurt Ms. KOLLINS. But when Morgan Savage
7 tells us these things -- and I've been in similar
8 situations where a witness told me something, and then
9 told the State something about me and, your Honor, very
10 King Solomon like, I think that is what happened. They're
11 telling you what you want to hear. You are both acting on
12 that. I don't think anybody has done anything wrong,
13 except the person giving the information to both sides.
14 That may be similar to what is going on here and that's
15 why we asked for the hearing is to ferret that out. When
16 did the learn about that. Once it comes to my attention
17 I'm duty bound to do something with that. But at the end
18 of the hearing we didn't make a Brady motion, so we concur
19 with the court's assessment.

20 As far as that we would need to be removed from the
21 case, the glaring part that was left out of that is she
22 has now given that information under oath in this
23 courtroom, sworn testimony. So I can ask her or
24 Mr. MacArthur can ask her about that. We can now impeach
25 her. I don't -- I understand we should have had an

1 investigator. Both of us have been doing this long enough
2 to know that. But there are also situations that arise.
3 We aren't the State. We don't have investigators on call
4 at 7 o'clock at night. We go it's better to do it this
5 way then to not do it at all. Talk to the witness when
6 you can versus not do it because you can't get an
7 investigator at 7:30 at night. So things arise.

8 I don't think we're in a position where Mr. Honea is
9 going to be -- and I'm saying his name wrong too -- where
10 he's in a position where his right to confront and
11 cross-examine witnesses is effected.

12 Additionally, this is a retained case.
13 Post-conviction is a little different when the client has
14 retained you then when you are appointed. I don't believe
15 it's his desire to have us removed. He's smart enough to
16 understand what Ms. KOLLINS is talking about. I don't
17 think it's an issue. I don't think it's going to be an
18 issue.

19 THE COURT: I do think if it's ultimately an
20 issue we can deal with it if it comes along. As you
21 indicated, Ms. KOLLINS, if it becomes hyper-critical, we
22 can take a break and make a record and discuss it
23 further.

24 MS. KOLLINS: I guess just one final comment, if
25 I might. I don't want to go back and forth. This isn't

1 ping-pong.

2 Depending on what Morgan says and if it's impeachable
3 to them because they were there, it's not impeachable to
4 me because I wasn't there. I don't think I gleaned it
5 until I communicated it to counsel. I could have been
6 cured by recording it. All they had to do was bring in a
7 recorder and hit the button, hit a button on their phone,
8 have the jail record it for them. It could have been
9 cured. It wasn't.

10 So I don't know what Morgan is going to do today or
11 what is going to happen. I just wanted to let the court
12 know what my concerns were.

13 THE COURT: I really want to get started with
14 the jurors. I still want to break where we need to break
15 today. So this outstanding issue of the scope of the
16 impeachment. When I say that, obviously, the way it's
17 boiled down for the scope of impeachment of Lieutenant
18 Karen Hughes when called by the defense. And the court
19 indicated that she would be able to be called. The court
20 indicated that the scope of the examination, as far as
21 questions from counsel to Lieutenant Hughes would be as
22 broad enough to cover questions and concerns you'd have
23 about this case. The open question was would it be
24 possible to impeach her with extrinsic evidence and did
25 that implicate the Collateral Fact Rule and where are we

1 on that.

2 Here's where it comes down for me. I am very candid.
3 I have been looking at this very intently. I want to make
4 this call correctly, to the best of my ability. I believe
5 I can, but I have one missing piece.

6 I had a certain mind set the earlier part of the
7 week, but I didn't get to it because of jury selection and
8 late nights. Still having time, what I did was I went
9 back and I reviewed the JAVZ of the November 6th hearing.
10 There was quite a bit of discussion that day and that's
11 when the proffer was given of Mr. MacArthur of what he
12 believed he knew and had and what that scope of that
13 impeachment might be. I had to listen to it because I had
14 in my mind set, and I think it was kind of the way the
15 argument went down that stayed with me that day. We had
16 Lieutenant Hughes over here related to that e-mail. Then
17 we had this issue of was there any retaliation,
18 whistle-blower related over here. It was Mr. MacArthur
19 who indicated those two things touched and in what way
20 they touched that opened the door potentially for there to
21 be some use of extrinsic impeachment.

22 The reason I say that is it's quite clear to me
23 looking at the case law -- I have been looking at it at
24 length -- specifically Lovato and Jesta. When you look at
25 those cases and the surrounding cases that inform on this

1 that when you are talking about motive to potentially have
2 untruthful testimony related to facts in the case, the
3 collateral source fact rule does not apply, because that's
4 always not collateral.

5 When you have testimony from someone that is related
6 to the case but your information that may be used to
7 impeach goes to general issues of truthfulness of that
8 witness that is, in fact, collateral. If you look at the
9 Jesta case, it goes very specifically into what the policy
10 of the Collateral Fact Rule is, and it describes exactly
11 the idea of somebody puts a witness on, sets them up with
12 a question and an answer, then comes in with another
13 witness or other evidence to try to then impeach them.
14 That's exactly what the policy is intended to prevent, but
15 there are certain exceptions.

16 So here is the missing piece for me. I went back
17 after listening to the JAVZ and I went back and looked at
18 the e-mail. This is what occurred to me. I can't and
19 would not do any independent investigation on this, so
20 this is where I'm turning it back to counsel to see if we
21 can get some insight on this.

22 It didn't stand out to me at the time of the hearing
23 because I was so focused on the fact that there was some
24 form of investigation that did not result in charges.
25 Then there was a subsequent situation that resulted in

1 Lieutenant Hughes opening a Statement of Complaint, and
2 that started what was the internal review or that was at
3 least what resulted in detectives going back out and
4 speaking to family members that resulted in charges.

5 My knowledge of Lieutenant Karen Hughes is her role
6 in vice. My knowledge of that is related to obviously
7 current events, but also related to passing acquaintances
8 in terms of when I worked with the attorney general's
9 office, going to events in which the attorney general was
10 discussing human trafficking and Lieutenant Karen Hughes'
11 role in some of those things. I don't understand how or
12 why Lieutenant Karen Hughes would be the one to say open
13 the Statement of Complaint on this. That is the missing
14 piece for me. What was her title role.

15 Here's my other understanding that comes into play
16 with this. Metro -- for lack of a better way to put
17 this -- their divisions, their departments are very solid
18 off to my experience. And you don't have vice -- you
19 know, there is overlap. Don't get me wrong. But in terms
20 of chain of command, in terms of who reports to whom, I'm
21 looking at this, I don't know who Dan McGrath is, who was
22 the recipient of the original email from Sean Miniaci.
23 But then Dan McGrath sends the e-mail to Christopher
24 Anhee, who I also don't know, cc's Karen Hughes, then
25 Karen Hughes sends it to Zachary Marsh and Brett Primas.

1 I understand Mr. Primas to be the captain and Zachary
2 Marsh I assumed to be, based on our discussions
3 previously, someone in internal affairs. I don't
4 understand the chain. I don't understand how Karen Hughes
5 gets cc'd on this. I don't understand why Karen Hughes,
6 if in fact she's a lieutenant in vice is the one doing
7 this.

8 MS. KOLLINS: May I.

9 THE COURT: Please.

10 MS. KOLLINS: At that point she is not a
11 lieutenant in vice. She's a lieutenant in internal
12 affairs.

13 THE COURT: Can I get some evidence of that.
14 Because this is 2015. All of this stuff going down right
15 now is --

16 MS. KOLLINS: Is from 2011.

17 THE COURT: I'm talking about FBI
18 investigation.

19 MS. KOLLINS: That's what I'm talking about as
20 well. That's -- the inception of that is 2011.

21 In term of the players, to give the court some
22 insight. So whenever there is a concern that something
23 may be criminal or internal affairs, criminal always leads
24 the investigation. Because things being gathered by
25 internal affairs may not be admissible in a criminal

1 case.

2 THE COURT: You made that record before. I did
3 go back over that.

4 MS. KOLLINS: When they first talked to Morgan
5 Savage -- when I say they, I'm talking about sexual
6 assault detectives, CAYF, Crimes Against Youth and
7 Family -- Morgan doesn't disclose. They speak to Pam
8 Savage. Pam Savage relates to Crimes Against Youth and
9 Family, to Detective Dicaro, that she doesn't know about
10 the sex at that time. She knows about the texting and the
11 drive-bys and all those kind of things. At that time Dan
12 McGrath is the lieutenant of CAYF. He's now a captain of
13 homicide. But at that time he was lieutenant in CAYF.
14 And he forwards that information on to internal affairs,
15 which I believe Detective Akins is part of and Karen
16 Hughes is the lieutenant of internal affairs at that time.
17 Her career ended with IAB on May 4th, 2015.

18 So because there's still that conduct out there and
19 Mr. Honea is a part-time employee until May 18, 2015,
20 because there's still that conduct out there that is
21 concerning, the texting, the harassing, the driving by,
22 internal affairs opens an investigation. And that is the
23 routine. Open a Statement of Complaint and follow up.

24 So Zack Marsh is the assigned detective. At that
25 time Zack believes, at least that juncture, there's no

1 criminal conduct. This case gets back burner, because
2 he's assigned to a couple of high profile cases. To close
3 this case out he goes and talks to Pam Savage a second
4 time on behalf of internal affairs. A card of Detective
5 Rachel Calderon is given to Pam Savage. Pam Savage
6 forwards that information to Morgan Savage. She was out
7 of state at the time. And Morgan calls internal affairs
8 and says, I want to come in and talk about this.

9 So that is the -- Karen Hughes is not in her role as
10 a lieutenant in vice in this case. Now, I have detectives
11 that can come in and speak about that. I have not -- I
12 assumed they've noticed her. They've said they are going
13 to call her. She can testify to her own employment
14 history. And when you say I don't have any evidence of
15 that, I mean, that is through my putting together the time
16 line of this case.

17 THE COURT: Help me reconcile that. Again, I
18 don't want to spend too much longer on this this morning
19 My assumption is that somebody would be able to pull up a
20 work chart from this time frame and help he see who was
21 where and who was assigned to what.

22 When you look at this e-mail from Sean Comiskey --

23 MS. KOLLINS: I'm sorry. I left him out. I
24 apologize. He was a sergeant in crimes against --

25 THE COURT: His actual title is on his e-mail,

1 so that was the only one I could figure out. It says,
2 sexual assault on March 29th, sexual assault section
3 received information from Sergeant Jeffrey Clark. Then it
4 goes on to say what Jeffrey Clark was saying about the
5 possible inappropriate relationship between them and what
6 they looked into, et cetera. Then you have this going to
7 Dan McGrath, who then sends it to Karen Hughes.

8 If it turns out, and I can see something or perhaps
9 throw in a little side hearing here somewhere in there
10 that we get someone to come when we can, that we can get
11 this sort of some view of this chart that this is within
12 Lieutenant Hughes' operational requirements at the time,
13 that's one thing. If this is --

14 MS. RHOADES: I think they know that. They know
15 she retired as a lieutenant in internal affairs.

16 THE COURT: They may have. The discussion that
17 day never looked at that piece, because perhaps it didn't
18 need to because of what you all knew. But I didn't know.
19 As I said, when I went back and listened to JAVZ, I
20 thought about it, then I realize what I know of Karen
21 Hughes, which is only what I know from random encounters,
22 was I didn't understand how she'd have this role in this
23 thing. But I take that at face value for now We talked
24 about other people -- Jeffrey Clark -- again, knowing who
25 these people are and where they work it is a key issue.

1 Whether Karen Hughes was in IAB or not, how this got
2 around, how this got escalated, that is the issue.
3 Because she's got testimony about -- I'll go back to it in
4 a minute and clear it up in a minute or at the point in
5 time when I make my final ruling -- but that's the
6 open-ended for me.

7 MS. KOLLINS: I don't want to belabor this at
8 this point. It has never been anyone's contention that
9 Karen Hughes is percipient to any comment by Josh
10 personally. So Mr. Honea is a volunteer patrol service
11 provider. That means he goes around Metro and takes
12 reports. He does that for Enterprise Area Command.
13 Within that command are Kevin Zafiridis, Officer Wirey,
14 Officer Larry Samples. He's also been an explorer for
15 Metro. He is being supervised at VPSR over in Enterprise,
16 and there is interaction between Mr. Honea, Larry Samples,
17 Wirey, and Zafiridis that causes them concern. And they
18 draft a note to Jeff Clark who is the sergeant of
19 Enterprise Area Command. They sit down with Mr. Honea and
20 have a discussion about -- because he's being evaluated on
21 performance issues. The topic of Morgan comes up and he
22 makes statements, statements enough to cause Jeff Clark
23 concern. I think something is going on with this
24 15-year-old girl.

25 So then the information is forwarded to CAYF, Crimes

1 Against Youth and Family, because if you have somebody in
2 your employee that you think there is criminal conduct
3 afoot, he's duty bound to have that investigated, whether
4 it comes to fruition or not. Then I think I explained the
5 second half of the chain here. So I'm unclear what is it
6 you want from me in terms of organizational layout. I
7 don't think I can get an organizational layout that's
8 going to encompass Enterprise Area Command, Sexual
9 Assault, Internal Affairs in one global thing.

10 THE COURT: The easiest thing for me to have
11 would be a top work chart from that time frame. Second
12 easiest thing for me to have to understand what each of
13 these individual's titles were and assignments were that
14 are on this e-mail chain on this date.

15 MS. KOLLINS: Well, if each of those individuals
16 save and except Dan McGrath, who is now the captain of
17 homicide, I wasn't going to call him. But save and except
18 him, those individuals are going to be here.

19 THE COURT: We may have to address it then.

20 MS. MCNEILL: I will say, for the record, we
21 don't dispute Karen Hughes was within IAB at the time.

22 THE COURT: That may resolve it, but I had
23 concerns and I can better articulate -- I touched upon
24 what I read in those cases and why I believe that's a key
25 point. But I've got, you know, that review.

1 Go ahead.

2 MS. MCNEILL: That's all I'm saying, your Honor.
3 That they are correct.

4 THE COURT: Based on the information I have now
5 as we have discussed it there would not be allowed to be
6 impeachment by extrinsic evidence. There would be allowed
7 to be whatever line of questioning, but you'd live with
8 the answers that Karen Hughes gave. I reserve a final
9 pronouncement on that to confirm what we discussed here
10 today.

11 MS. MCNEILL: For the record, your Honor, that's
12 all we were asking to do is be able to ask the question.

13 THE COURT: But that, in fairness, that's not --
14 I went back and listened to the JAVZ and that was not my
15 understanding of what was going on that day. What was
16 going on that day -- in fact, Ms. McNeill, you had some
17 discussion about that too. We talked very, very 30,000
18 foot view of if someone has a propensity for
19 untruthfulness we want to impeach on that. It's one thing
20 to ask questions, but when the answers come out if you
21 have other evidence to question that that's extrinsic
22 impeachment. That's what does or doesn't come in.

23 MS. KOLLINS: I will voice my same concerns that
24 I voiced when this all kind of arose. I have been given
25 no discovery regarding Karen Hughes and what evidence they

1 believe they have that renders her untruthful in another
2 context. That has not been turned over to me.

3 THE COURT: All they will be able to do, Ms.
4 KOLLINS, at this point, based on my understanding subject
5 to confirmation, is ask questions They are not going to
6 be able to crowd in here with a bunch of documents and
7 evidence you don't have.

8 MS. MCNEILL: Let me allay her fears. We have
9 nothing except a source in the FBI, we are not allowed to
10 identify, who has verbally given to us information. We
11 wish we had documents. That's all we have.

12 THE COURT: There was representation by Mr.
13 MacArthur he really doesn't have necessarily documents
14 from his Raymond Sharp representation, but some antidotal
15 information. And we have articles. We have -- again,
16 we're not going there. There's nothing to go to.

17 MS. RHOADES: They are not going to be able to
18 ask anything about Raymond Sharpe, Chris Bauchman,
19 Elizabeth Mercer, anything like that, with any uncharged
20 bad acts, anything that hasn't been litigated. Those are
21 all bad acts.

22 THE COURT: Let's talk about it on the next
23 break, but at this point, as I said, I already ruled they
24 could call her. I already ruled the State requested that
25 her scope be narrowed to just her role in this email was

1 denied. They can inquire as to all of the questions in
2 their theory of defense, what they think she may had done
3 or not done related to this case. Okay.

4 To the extent that they want to try to impeach her
5 with collateral issues related to her truthfulness, and
6 let's -- example. Why was she released from employment.
7 Did it have to do with truthfulness or untruthfulness.
8 They are allowed to make those inquires. What they're not
9 allowed to do is come in with extrinsic evidence to try to
10 impeach her, depending on those answers. They are allowed
11 to make those inquire, related to it. They are not
12 allowed to challenge her answers with outside
13 information.

14 If we need to talk it through and role play of what
15 that looks like, we can do that. We don't have time to do
16 it right now.

17 MS. KOLLINS: I'm not asking for that. I would
18 ask --

19 THE COURT: They've indicated they don't intend
20 to inquire.

21 MS. KOLLINS: Okay.

22 THE COURT: Go ahead.

23 MS. KOLLINS: I expressed concern about this
24 before. Elizabeth Mercer, a deputy in our office has
25 nothing to do with this. I would ask that you forbid

1 their inquiry and use of her name. She has nothing to do
2 with this case. She is a spouse of Chris Bowman (ph) and
3 that's it.

4 THE COURT: If we get into the role play and
5 talking it through we'll find out where that goes.

6 MS. MCNEILL: Your Honor, we keep saying this
7 We're not asking about Raymond Sharp. We're not going to
8 say the words Raymond Sharp, Liz Mercer, Christopher
9 Bauchman.

10 THE COURT: I heard you say that today. Sounds
11 good to me.

12 Anything else before I bring the jurors in. All
13 right. Let's get started.

14 Ladies and gentlemen of the jury, we are now
15 present to commence the trial in State of Nevada vs.
16 Joshua Honea. We have counsel for the State present,
17 counsel for Mr. Honea. Mr. Hones is present with us as
18 well. We now have all of the jurors present.

19 You, of course, administered an oath on Monday when
20 we started the process of selection. That oath is
21 different than the oath you would have as jurors in this
22 trial. I'm going to ask you all at this time, to the
23 extent you are able to stand, but otherwise raise your
24 right hand, so that the clerk may administer the oath for
25 the trial to you.

1 THE CLERK: You and each of you do solemnly
2 swear you will well and truly try the case at issue and a
3 true verdict render according to the evidence so help you
4 God.

5 IMPANELED JURORS: (Choir of I does.)

6 THE COURT: As I mentioned, you should all have
7 note pads and pen. Let me explain a little about our late
8 start today. I'll give you a heads up in advance, we
9 might have a slightly extended lunch today as well, based
10 on witness availability. That is not a bad thing on the
11 first day trying to find your way around and get lunch.

12 One reason we started late today -- I'm not saying
13 this to be critical of anyone, just a heads up about
14 building in enough time to be sure to here. We never know
15 when the gates might be busy. We know you have escalators
16 to get up here, but those who chose to take the elevators,
17 those can get busy in the morning on a court day.

18 We are in here ready to go about 10 after 9, but not
19 everybody was present from your group. So what happened
20 was, and is naturally the case, we started talking about
21 things, looking ahead into the trial, doing instructions,
22 things like that will come up at any given time, dealing
23 with matters, you know, that we need to deal with Then we
24 start talking and it's hard to stop.

25 So the reason why you didn't get in here at 10 after

1 9 is because you all weren't here ready to go and we
2 started talking about other things. I don't intend to
3 mean that as a criticism. I just ask you to think about
4 being sure to build in enough time so you are here so if
5 we can start, we can start with you. Otherwise, again,
6 we'll get distracted and busy on other things.

7 We very much appreciate your patience while we get
8 started. I'll invite the State of Nevada to make their
9 opening remarks.

10 I jumped ahead of myself. You're right. My clerk
11 will begin by reading you the charging document in this
12 case. And we have discussed this multiple times, but I do
13 want to remind you so it's fresh in your mind today. This
14 is a charging document. That is all this is. This is not
15 evidence of the allegations it contains, but so you can
16 understand what a charging document is in this case.

17 THE CLERK: District Court, Clark County Nevada,
18 State of Nevada, Plaintiff, versus Joshua Honea,
19 Defendant, case C-309548, Department 25; Second Amended
20 Information.

21 State of Nevada, County of Clark, Steven B. Wolfson,
22 district attorney, with and for the County of Clark, State
23 of Nevada, in the name and by the authority of the State
24 of Nevada informs this court that Joshua Ray Honea, the
25 Defendant above-named, having committed the crimes of

1 sexual assault with a minor, under 14 years of age,
2 felony; sexual assault with a minor, under 16 years of
3 age, felony; first degree kidnapping, felony; lewdness
4 with a minor, under 14 years of age, felony; use of minor
5 in producing pornography, felony; luring children or
6 mentally ill person with the intent to engage in sexual
7 conduct, felony, in the manner following;

8 Said Defendant on or between May 4th, 2011 and July
9 13th, 2015, at and within the County of Clark, State of
10 Nevada, contrary to the form, force and effects of statute
11 in such cases made and provided and against the peace and
12 dignity of the State of Nevada.

13 Count (1), first degree kidnapping. Did on or
14 between May 4th, 2011 and June 29th, 2013, willingly,
15 unlawfully, and feloniously lead, take, entice, carry away
16 or kidnap, MS, a minor, with the intent to keep, imprison,
17 or confine said MS from the parents, guardian or other
18 person or persons having lawful custody of MS, all with
19 the intent to hold MS to unlawful service or to perpetrate
20 upon the person of MS any unlawful act, to wit, sexual
21 assault with a minor under 14 years of age.

22 Count (2), sexual assault with a minor under 14 years
23 of age. Did on or between June 30th, 2011 and June 29th,
24 2013, then and there willfully, unlawfully, and
25 feloniously sexually assault the subject MS, a child under

1 14 year of age, to sexual penetration, to wit, sexual
2 intercourse. By said Defendant inserting his penis into
3 the genital opening of the said MS against the will of the
4 said MS, and under conditions in which Defendant knew or
5 should have known that --

6 THE COURT: Or under conditions which the
7 Defendant knew.

8 THE CLERK: -- in which Defendant knew or should
9 have known MS was mentally, physically incapable of
10 resisting, understanding the nature of Defendant's
11 conduct.

12 Count (3), sexual assault with a minor under 14 years
13 of age. Did on or between June 30th, 2011 and June 29th
14 2013, then and there willfully, unlawfully, and
15 feloniously sexually assault said MS, a child under 14
16 years of age, to sexual penetration, to wit, sexual
17 intercourse. By said Defendant inserting his penis into
18 the genital opening of the said MS, against the will of
19 the said MS, or under conditions in which Defendant knew
20 or should have known that MS was mentally or physically
21 incapable of resisting or understanding the nature of
22 Defendant's conduct.

23 Count (4), sexual assault with a minor under 14 years
24 of age. Did on or between June 30th, 2011 and June 29th
25 2013, then and there willfully, unlawfully, and

1 feloniously sexually assault said MS, a child under 14
2 years of age, to sexual penetration, to wit, sexual
3 intercourse. By said Defendant inserting his penis into
4 the genital opening of the said MS, against the will of
5 the said MS, or under conditions in which Defendant knew
6 or should have known that MS was mentally or physically
7 incapable of resisting or understanding the nature of
8 Defendant's conduct.

9 Count (5), sexual assault with a minor under 14 years
10 of age. Did on or between June 30th, 2011 and June 29th
11 2013, then and there willfully, unlawfully, and
12 feloniously sexually assault and subject MS, a child under
13 14 years of age, to sexual penetration, to wit, sexual
14 intercourse. By said Defendant inserting his penis into
15 the genital opening of the said MS, against the will of
16 the said MS, and under conditions in which Defendant knew
17 or should have known that MS was mentally or physically
18 incapable of resisting or understanding the nature of
19 Defendant's conduct.

20 Count (6), sexual assault with a minor under 14 years
21 of age. Did on or between June 30th, 2011 and June 29th
22 2013, then and there willfully, unlawfully, and
23 feloniously sexually assault and subject MS, a child under
24 14 years of age, to sexual penetration, to wit, fellatio.
25 By said Defendant placing his penis on and/or into the

1 mouth of the said MS, against the will of the said MS, or
2 under conditions in which Defendant knew or should have
3 known that MS was mentally or physically incapable of
4 resisting or understanding the nature of Defendant's
5 conduct.

6 Count (7), sexual assault with a minor under 14 years
7 of age. Did on or between June 30th, 2011 and June 29th
8 2013, then and there willfully, unlawfully, and
9 feloniously sexually assault and subject MS, a child under
10 14 years of age, to sexual penetration, to wit, fellatio.
11 By said Defendant placing his penis on and/or into the
12 mouth of the said MS, against the will of the said MS, or
13 under conditions in which Defendant knew or should have
14 known that MS was mentally or physically incapable of
15 resisting or understanding the nature of Defendant's
16 conduct.

17 Count (8), sexual assault with a minor under 14 years
18 of age. Did on or between June 30th, 2011 and June 29th
19 2013, then and there willfully, unlawfully, and
20 feloniously sexually assault and subject MS, a child under
21 14 years of age, to sexual penetration, to wit, fellatio.
22 By said Defendant placing his penis on and/or into the
23 mouth of the said MS, against the will of the said MS, or
24 under conditions in which Defendant knew or should have
25 known that MS was mentally or physically incapable of

1 resisting or understanding the nature of Defendant's
2 conduct.

3 Count (9), sexual assault with a minor under 14 years
4 of age. Did on or between June 30th, 2011 and June 29th
5 2013, then and there willfully, unlawfully, and
6 feloniously sexually assault and subject MS, a child under
7 14 years of age, to sexual penetration, to wit, fellatio.
8 By said Defendant placing his penis on and/or into the
9 mouth of the said MS, against the will of the said MS, or
10 under conditions in which Defendant knew or should have
11 known that MS was mentally or physically incapable of
12 resisting or understanding the nature of Defendant's
13 conduct.

14 Count (10), sexual assault with a minor under 14
15 years of age. Did on or between June 30th, 2011 and June
16 29th, 2013, then and there willfully, unlawfully, and
17 feloniously sexually assault and subject MS, a child under
18 14 years of age, to sexual penetration, to wit,
19 cunnilingus, by Defendant placing his mouth and/or tongue
20 on and/or into the genital opening of the said MS, against
21 the will of the said MS, or under conditions in which
22 Defendant knew or should have known that MS was mentally
23 or physically incapable of resisting or understanding the
24 nature of Defendant's conduct.

25 Count (11), sexual assault with a minor under 14

1 years of age. Did on or between June 30th, 2011 and June
2 29th, 2013, then and there willfully, unlawfully, and
3 feloniously sexually assault and subject MS, a child under
4 14 years of age, to sexual penetration, to wit,
5 cunnilingus, by said Defendant placing his mouth and/or
6 tongue on and/or into the genital opening of the said MS,
7 against the will of the said MS, or under conditions in
8 which Defendant knew or should have known that MS was
9 mentally or physically incapable of resisting or
10 understanding the nature of Defendant's conduct.

11 Count (12), sexual assault with a minor under 14
12 years of age. Did on or between June 30th, 2011 and June
13 29th, 2013, then and there willfully, unlawfully, and
14 feloniously sexually assault and subject MS, a child under
15 14 years of age, to sexual penetration, to wit,
16 cunnilingus, by said Defendant placing his mouth and/or
17 tongue on and/or into the genital opening of the said MS,
18 against the will of the said MS, or under conditions in
19 which Defendant knew or should have known that MS was
20 mentally or physically incapable of resisting or
21 understanding the nature of Defendant's conduct.

22 Count (13), sexual assault with a minor under 14
23 years of age. Did on or between June 30th, 2011 and June
24 29th, 2013, then and there willfully, unlawfully, and
25 feloniously sexually assault and subject MS, a child under

1 14 years of age, to sexual penetration, to wit,
2 cunnilingus, by Defendant placing his mouth and/or tongue
3 on and/or into the genital opening of the said MS, against
4 the will of said MS, or under conditions in which
5 Defendant knew or should have known that MS was mentally
6 or physically incapable of resisting or understanding the
7 nature of Defendant's conduct.

8 Count (14), sexual assault with a minor under 14
9 years of age. Did on or between June 30th, 2011 and June
10 29th 2013, then and there willfully, unlawfully, and
11 feloniously sexually assault and subject MS, a child under
12 14 years of age, to sexual penetration, to wit, fellatio.
13 By said Defendant placing his penis on and/or into the
14 mouth of the said MS, against the will of the said MS, or
15 under conditions in which Defendant knew or should have
16 known that MS was mentally or physically incapable of
17 resisting or understanding the nature of Defendant's
18 conduct.

19 Count (15), sexual assault with a minor under 14
20 years of age. Did on or between June 30th, 2011 and June
21 29th 2013, then and there willfully, unlawfully, and
22 feloniously sexually assault and subject MS, a child under
23 14 years of age, to sexual penetration, to wit, fellatio.
24 By said Defendant placing his penis on and/or into the
25 mouth of the said MS, against the will of the said MS, or

1 under conditions in which Defendant knew or should have
2 known that MS was mentally or physically incapable of
3 resisting or understanding the nature of Defendant's
4 conduct.

5 Count (16), first degree kidnapping. Did on or
6 between June 30, 2013 and December 31, 2014, willingly,
7 unlawfully, and feloniously lead, take, entice, carry away
8 or kidnap, MS, a minor, with the intent to keep, imprison,
9 or confine said MS from the parents, guardians, or other
10 person or persons having lawful custody of MS, all with
11 the intent to hold MS to unlawful service or to perpetrate
12 upon the person of MS any unlawful act, to wit, sexual
13 assault with a minor under 16 years of age.

14 Count (17), sexual assault with a minor under 16
15 years of age. Did on or between June 30th, 2013 and
16 December 31, 2014, then and there willfully, unlawfully,
17 and feloniously sexually assault said MS, a child under 16
18 years of age, to sexual penetration, to wit, sexual
19 intercourse. By said Defendant inserting his penis into
20 the genital opening of the said MS, against the will of
21 the said MS, or under conditions in which Defendant knew
22 or should have known that MS was mentally or physically
23 incapable of resisting or understanding the nature of
24 Defendant's conduct.

25 Count (18), sexual assault with a minor under 16

1 years of age. Did on or between June 30th, 2013 and
2 December 31, 2014, then and there willfully, unlawfully,
3 and feloniously sexually assault said MS, a child under 16
4 years of age, to sexual penetration, to wit, sexual
5 intercourse. By said Defendant inserting his penis into
6 the genital opening of the said MS, against the will of
7 the said MS, or under conditions in which Defendant knew
8 or should have known that MS was mentally or physically
9 incapable of resisting or understanding the nature of
10 Defendant's conduct.

11 Count (19), sexual assault with a minor under 16
12 years of age. Did on or between June 30th, 2013 and
13 December 31, 2014, then and there willfully, unlawfully,
14 and feloniously sexually assault and subject said MS, a
15 child under 16 years of age, to sexual penetration, to
16 wit, sexual intercourse. By said Defendant inserting his
17 penis into the genital opening of the said MS, against the
18 will of the said MS, or under conditions in which
19 Defendant knew or should have known that MS was mentally
20 or physically incapable of resisting or understanding the
21 nature of Defendant's conduct.

22 Count (20), sexual assault with a minor under 16
23 years of age. Did on or between June 30th, 2013 and
24 December 31, 2014, then and there willfully, unlawfully,
25 and feloniously sexually assault and subject MS, a child

1 under 16 years of age, to sexual penetration, to wit,
2 sexual intercourse. By said Defendant inserting his penis
3 into the genital opening of the said MS, against the will
4 of the said MS, or under conditions in which Defendant
5 knew or should have known that MS was mentally or
6 physically incapable of resisting or understanding the
7 nature of Defendant's conduct.

8 Count (21), sexual assault with a minor under 16
9 years of age. Did on or between June 30th, 2013 and
10 December 31, 2014, then and there willfully, unlawfully,
11 and feloniously sexually assault and subject MS, a child
12 under 16 years of age, to sexual penetration, to wit,
13 sexual intercourse. By said Defendant inserting his penis
14 into the genital opening of the said MS, against the will
15 of the said MS, or under conditions in which Defendant
16 knew or should have known that MS was mentally or
17 physically incapable of resisting or understanding the
18 nature of Defendant's conduct.

19 Count (22), sexual assault with a minor under 16
20 years of age. Did on or between June 30th, 2013 and
21 December 31, 2014, then and there willfully, unlawfully,
22 and feloniously sexually assault and subject MS, a child
23 under 16 years of age, to sexual penetration, to wit,
24 fellatio. By said Defendant placing his penis on and/or
25 into the mouth of the said MS, against the will of the

1 said MS, or under conditions in which Defendant knew or
2 should have known that MS was mentally or physically
3 incapable of resisting or understanding the nature of
4 Defendant's conduct.

5 Count (23), sexual assault with a minor under 16
6 years of age. Did on or between June 30th, 2013 and
7 December 31, 2014, then and there willfully, unlawfully,
8 and feloniously sexually assault and subject MS, a child
9 under 16 years of age, to sexual penetration, to wit,
10 fellatio. By said Defendant placing his penis on and/or
11 into the mouth of the said MS, against the will of the
12 said MS, or under conditions in which Defendant knew or
13 should have known that MS was mentally or physically
14 incapable of resisting or understanding the nature of
15 Defendant's conduct.

16 Count (24), sexual assault with a minor under 16
17 years of age. Did on or between June 30th, 2013 and
18 December 31, 2014, then and there willfully, unlawfully,
19 and feloniously sexually assault and subject MS, a child
20 under 16 years of age, to sexual penetration, to wit,
21 fellatio. By said Defendant placing his penis on and/or
22 into the mouth of the said MS, against the will of the
23 said MS, or under conditions in which Defendant knew or
24 should have known that MS was mentally or physically
25 incapable of resisting or understanding the nature of

1 Defendant's conduct.

2 Count (25), sexual assault with a minor under 16
3 years of age. Did on or between June 30th, 2013 and
4 December 31, 2014, then and there willfully, unlawfully,
5 and feloniously sexually assault and subject MS, a child
6 under 16 years of age, to sexual penetration, to wit,
7 fellatio. By said Defendant placing his penis on and/or
8 into the mouth of the said MS, against the will of the
9 said MS, or under conditions in which Defendant knew or
10 should have known that MS was mentally or physically
11 incapable of resisting or understanding the nature of
12 Defendant's conduct.

13 Count (26), sexual assault with a minor under 16
14 years of age. Did on or between June 30th, 2013 and
15 December 31, 2014, then and there willfully, unlawfully,
16 and feloniously sexually assault and subject MS, a child
17 under 16 years of age, to sexual penetration, to wit,
18 fellatio. By said Defendant placing his penis on and/or
19 into the mouth of the said MS, against the will of the
20 said MS, or under conditions in which Defendant knew or
21 should have known that MS was mentally or physically
22 incapable of resisting or understanding the nature of
23 Defendant's conduct.

24 Count (27), sexual assault with a minor under 16
25 years of age. Did on or between June 30th, 2013 and

1 December 31, 2014, then and there willfully, unlawfully,
2 and feloniously sexually assault and subject MS, a child
3 under 16 years of age, to sexual penetration, to wit,
4 cunnilingus, by said Defendant placing his mouth and/or
5 tongue on and/or into the genital opening of the said MS,
6 against the will of the said MS, or under conditions in
7 which Defendant knew or should have known that MS was
8 mentally or physically incapable of resisting or
9 understanding the nature of Defendant's conduct.

10 Count (28), sexual assault with a minor under 16
11 years of age. Did on or between June 30th, 2013 and
12 December 31, 2014, then and there willfully, unlawfully,
13 and feloniously sexually assault and subject MS, a child
14 under 16 years of age, to sexual penetration, to wit,
15 cunnilingus, by said Defendant placing his mouth and/or
16 tongue on and/or into the genital opening of the said MS,
17 against the will of the said MS, or under conditions in
18 which Defendant knew or should have known that MS was
19 mentally or physically incapable of resisting or
20 understanding the nature of Defendant's conduct.

21 Count (29), sexual assault with a minor under 16
22 years of age. Did on or between June 30th, 2013 and
23 December 31, 2014, then and there willfully, unlawfully,
24 and feloniously sexually assault and subject MS, a child
25 under 16 years of age, to sexual penetration, to wit,

1 cunnilingus, by said Defendant placing his mouth and/or
2 tongue on and/or into the genital opening of the said MS,
3 against the will of the said MS, or under conditions in
4 which Defendant knew or should have known that MS was
5 mentally or physically incapable of resisting or
6 understanding the nature of Defendant's conduct.

7 Count (30), sexual assault with a minor under 16
8 years of age. Did on or between June 30th, 2013 and
9 December 31, 2014 then and there willfully, unlawfully,
10 and feloniously sexually assault and subject MS, a child
11 under 16 years of age, to sexual penetration, to wit,
12 cunnilingus, by said Defendant placing his mouth and/or
13 tongue on and/or into the genital opening of the said MS,
14 against the will of the said MS, or under conditions in
15 which Defendant knew or should have known that MS was
16 mentally or physically incapable of resisting or
17 understanding the nature of Defendant's conduct.

18 Count (31), sexual assault with a minor under 16
19 years of age. Did on or between June 30th, 2013 and
20 December 31, 2014, then and there willfully, unlawfully,
21 and feloniously sexually assault and subject MS, a child
22 under 16 years of age, to sexual penetration, to wit,
23 cunnilingus, by said Defendant placing his mouth and/or
24 tongue on and/or into the genital opening of the said MS,
25 against the will of the said MS, or under conditions in

1 which Defendant knew or should have known that MS was
2 mentally or physically incapable of resisting or
3 understanding the nature of Defendant's conduct.

4 Count (32), sexual assault with a minor under 16
5 years of age. Did on or between June 30th, 2013 and
6 December 31, 2014, then and there willfully, unlawfully,
7 and feloniously sexually assault and subject MS, a child
8 under 16 years of age, to sexual penetration, to wit,
9 fellatio. By said Defendant placing his penis on and/or
10 into the mouth of the said MS, against the will of the
11 said MS, or under conditions in which Defendant knew or
12 should have known that MS was mentally or physically
13 incapable of resisting or understanding the nature of
14 Defendant's conduct.

15 Count (33), sexual assault with a minor under 16
16 years of age. Did on or between June 30th, 2013 and
17 December 31, 2014, then and there willfully, unlawfully,
18 and feloniously sexually assault and subject MS, a child
19 under 16 years of age, to sexual penetration, to wit,
20 fellatio. By said Defendant placing his penis on and/or
21 into the mouth of the said MS, against the will of the
22 said MS, or under conditions in which Defendant knew or
23 should have known that MS was mentally or physically
24 incapable of resisting or understanding the nature of
25 Defendant's conduct.

1 Count (34), first degree kidnapping. Did on or
2 between June 30, 2011 and June 29, 2013, willingly,
3 unlawfully, and feloniously lead, take, entice, carry away
4 or kidnap, MS, a minor, with the intent to keep, imprison,
5 or confine said MS from the parents, guardians, or other
6 person or persons having lawful custody of MS, all with
7 the intent to hold MS to unlawful service or to perpetrate
8 upon the person of MS any unlawful act, to wit, sexual
9 assault with a minor under 14 years of age.

10 Count (35), sexual assault with a minor under 14
11 years of age. Did on or between June 30th, 2011 and June
12 29th, 2013, then and there willfully, unlawfully, and
13 feloniously sexually assault and subject MS, a child under
14 14 years of age, to sexual penetration, to wit, sexual
15 intercourse. By said Defendant inserting his penis into
16 the genital opening of the said MS, against the will of
17 the said MS, or under conditions in which Defendant knew
18 or should have known that MS was mentally or physically
19 incapable of resisting or understanding the nature of
20 Defendant's conduct.

21 Count (36), sexual assault with a minor under 14
22 years of age. Did on or between June 30th, 2011 and June
23 29th 2013, then and there willfully, unlawfully, and
24 feloniously sexually assault and subject MS, a child under
25 14 years of age, to sexual penetration, to wit, fellatio.

1 By said Defendant placing his penis on and/or into the
2 mouth of the said MS, against the will of the said MS, or
3 under conditions in which Defendant knew or should have
4 known that MS was mentally or physically incapable of
5 resisting or understanding the nature of Defendant's
6 conduct.

7 Count (37), sexual assault with a minor under 14
8 years of age. Did on or between June 30th, 2011 and June
9 29, 2013, then and there willfully, unlawfully, and
10 feloniously sexually assault and subject MS, a child under
11 14 years of age, to sexual penetration, to wit,
12 cunnilingus, by said Defendant placing his mouth and/or
13 tongue on and/or into the genital opening of the said MS,
14 against the will of the said MS, or under conditions in
15 which Defendant knew or should have known that MS was
16 mentally or physically incapable of resisting or
17 understanding the nature of Defendant's conduct.

18 Count (38), first degree kidnapping. Did on or
19 between June 30, 2013 and December 13, 2014, willingly,
20 unlawfully, and feloniously lead, take, entice, carry away
21 or kidnap, MS, a minor, with the intent to keep, imprison,
22 or confine said MS from the parents, guardians, or other
23 person or persons having lawful custody of MS, all with
24 the intent to hold MS to unlawful service or to perpetrate
25 upon the person of MS any unlawful act, to wit, sexual

1 assault with a minor under 16 years of age.

2 Count (39), sexual assault with a minor under 16
3 years of age. Did on or between June 30th, 2013 and
4 December 31, 2014, then and there willfully, unlawfully,
5 and feloniously sexually assault and subject MS, a child
6 under 16 years of age, to sexual penetration, to wit,
7 sexual intercourse. By said Defendant inserting his penis
8 into the genital opening of the said MS, against the will
9 of the said MS, or under conditions in which Defendant
10 knew or should have known that MS was mentally or
11 physically incapable of resisting or understanding the
12 nature of Defendant's conduct.

13 Count (40), sexual assault with a minor under 16
14 years of age. Did on or between June 30th, 2013 and
15 December 31, 2014, then and there willfully, unlawfully,
16 and feloniously sexually assault and subject MS, a child
17 under 16 years of age, to sexual penetration, to wit,
18 fellatio. By said Defendant placing his penis on and/or
19 into the mouth of the said MS, against the will of the
20 said MS, or under conditions in which Defendant knew or
21 should have known that MS was mentally or physically
22 incapable of resisting or understanding the nature of
23 Defendant's conduct.

24 Count (41), sexual assault with a minor under 16
25 years of age. Did on or between June 30th, 2013 and

1 December 31, 2014, then and there willfully, unlawfully,
2 and feloniously sexually assault and subject MS, a child
3 under 16 years of age, to sexual penetration, to wit,
4 cunnilingus, by said Defendant placing his mouth and/or
5 tongue on and/or into the genital opening of the said MS,
6 against the will of the said MS, or under conditions in
7 which Defendant knew or should have known that MS was
8 mentally or physically incapable of resisting or
9 understanding the nature of Defendant's conduct.

10 Count (42), use of a minor in producing pornography.
11 Did on or between June 30, 2011 and December 31, 2014
12 willfully, unlawfully, feloniously, and knowingly use,
13 encourage, entice or permit MS, a minor under the age of
14 18, to simulate or engage in or assist others to simulate
15 or engage in sexual conduct, to wit, by said Defendant
16 causing and/or directing and/or encouraging the said MS to
17 take picture of the said MS in the nude on a cell phone
18 and send to said Defendant for the purpose of producing a
19 pornographic performance.

20 Count (43), luring children or mentally ill person
21 with use of technology with the intent to engage in sexual
22 conduct. On or between June 30, 2011 and July 13, 2015,
23 then and there, did willfully and feloniously and
24 knowingly contact or communicate with or attempt to
25 contact or communicate with MS, who is less than 16 years

1 of age and who is at least 5 years younger than the
2 Defendant or person who the Defendant believed to be a
3 child being less than 16 years of age, and at least 5
4 years younger than the Defendant, regardless of the actual
5 age of the person.

6 Through the use of a computer system or network with
7 the intent to persuade, lure, or transport the said child
8 away from her home or from any location known to a parent
9 or guardian, or other person legally responsible for the
10 child, without the express consent of the parent or
11 guardian or the person legally responsible for the child
12 with the intent to avoid the consent of a parent or
13 guardians or other person legally responsible for the
14 child, the Defendant committed the crime in the following
15 manner, to wit, by texting and/or otherwise communicating
16 with the said MS to lure her to various locations,
17 Defendant possessing the intent to engage in sexual
18 conduct with the child or mentally ill person, or to cause
19 the child or mentally ill person to engage in sexual
20 conduct, in which Defendant knew or should have known that
21 MS was mentally or physically incapable of resisting or
22 understanding --

23 THE COURT: There is a missing page in the copy
24 that the clerk has. The court has the same copy with the
25 missing page. I'm having the clerk pull it up in the

1 computer, because as she started to read over to the next
2 page that actually is language that goes to charge 47 --
3 Count 47. She was still continuing reading in Count 43.
4 So we'll pick up with the new page with Count 44.

5 MS. KOLLINS: May I approach the clerk.

6 THE COURT: If you have a copy that would be
7 easier. I thought we might have the same missing page
8 copy.

9 MS. KOLLINS: I see a page 14.

10 THE COURT: Should begin with Count 44.

11 THE CLERK: Count (44), lewdness with a minor
12 under 14 years of age. Did on or between May 4, 2011 and
13 June 30, 2011, then and there willfully, unlawfully, and
14 feloniously committed a lewd or lascivious act upon or
15 with the body or any part or member thereof of a child, to
16 wit, MS, a child under the age of 14 years, by said
17 Defendant touching, and/or rubbing, and/or kissing the
18 body, and/or mouth of the said MS, with the intent of
19 arousing, appealing to, or gratifying the lust, passion,
20 or sexually desires of the said Defendant or MS.

21 Count (45), sexual assault with a minor under 14
22 years of age. Did on or between May 4, 2011 and June 5,
23 2011, then and there willfully, unlawfully, and
24 feloniously sexually assault and subject MS, a child under
25 14 years of age, to sexual penetration, to wit, fellatio.

1 By said Defendant placing his penis on and/or into the
2 mouth of the said MS, against the will of the said MS, or
3 under conditions in which Defendant knew or should have
4 known that MS was mentally or physically incapable of
5 resisting or understanding the nature of Defendant's
6 conduct.

7 Count (46), use of a minor in producing pornography.
8 Did on or between June 30, 2011 and December 31, 2014
9 willfully, unlawfully, feloniously, and knowingly use,
10 encourage, entice, or permit, MS, a minor under the age of
11 18, to simulate or engage in or assist others to simulate
12 or engage in sexual conduct, to wit, by said Defendant
13 causing, and/or directing, and/or encouraging the said MS
14 to take a cell phone video of the said MS in the nude
15 and/or masturbating and send said video to Defendant for
16 the purpose of producing a pornographic performance.

17 Count (47), sexual assault with a minor under 14
18 years of age. Did on or between June 30th, 2011 and June
19 29, 2013, then and there willfully, unlawfully, and
20 feloniously sexually assault and subject MS, a child under
21 14 years of age, to sexual penetration, to wit, sexual
22 intercourse. By said Defendant inserting his penis into
23 the genital opening of the said MS, against the will of
24 the said MS, or under conditions in which Defendant knew
25 or should have known that MS was mentally or physically

1 incapable of resisting or understanding the nature of
2 Defendant's conduct.

3 Count (48), sexual assault with a minor under 14
4 years of age. Did on or between June 30, 2011 and June 29
5 2013, then and there willfully, unlawfully, and
6 feloniously sexually assault and subject MS, a child under
7 14 years of age, to sexual penetration, to wit, fellatio.
8 By said Defendant placing his penis on and/or into the
9 mouth of the said MS, against the will of the said MS, or
10 under conditions in which Defendant knew or should have
11 known that MS was mentally or physically incapable of
12 resisting or understanding the nature of Defendant's
13 conduct.

14 Count (49), sexual assault with a minor under 14
15 years of age. Did on or between June 30th, 2011 and June
16 29, 2013, then and there willfully, unlawfully, and
17 feloniously sexually assault and subject MS, a child under
18 14 years of age, to sexual penetration, to wit, sexual
19 intercourse. By said Defendant inserting his penis into
20 the genital opening of the said MS, against the will of
21 the said MS, or under conditions in which Defendant knew
22 or should have known that MS was mentally or physically
23 incapable of resisting or understanding the nature of
24 Defendant's conduct.

25 Count 50, sexual assault with a minor under 14 years

1 of age. Did on or between June 30, 2011 and June 29 2013,
2 then and there willfully, unlawfully, and feloniously
3 sexually assault and subject MS, a child under 14 years of
4 age, to sexual penetration, to wit, fellatio. By said
5 Defendant placing his penis on and/or into the mouth of
6 the said MS, against the will of the said MS, or under
7 conditions in which Defendant knew or should have known
8 that MS was mentally or physically incapable of resisting
9 or understanding the nature of Defendant's conduct.

10 Count 51, sexual assault with a minor under 16 years
11 of age. Did on or between June 30th, 2013 and December
12 31, 2014, did then and there willfully, unlawfully, and
13 feloniously sexually assault and subject MS, a child under
14 16 years of age, to sexual penetration, to wit, sexual
15 intercourse. By said Defendant inserting his penis into
16 the genital opening of the said MS, against the will of
17 the said MS, or under conditions in which Defendant knew
18 or should have known that MS was mentally or physically
19 incapable of resisting or understanding the nature of
20 Defendant's conduct.

21 Count (52), sexual assault with a minor under 16
22 years of age. Did on or between June 30th, 2013 and
23 December 31, 2014, then and there willfully, unlawfully,
24 and feloniously sexually assault and subject MS, a child
25 under 16 years of age, to sexual penetration, to wit,

1 sexual intercourse. By said Defendant inserting his penis
2 into the genital opening of the said MS, against the will
3 of the said MS, or under conditions in which Defendant
4 knew or should have known that MS was mentally or
5 physically incapable of resisting or understanding the
6 nature of Defendant's conduct.

7 Steven B. Wolfson, Clark County District Attorney, to
8 which Defendant has entered pleas of not guilty.

9 THE COURT: Ms. KOLLINS, is the State prepared
10 to make its opening statement.

11 MS. KOLLINS: If I may, your Honor. Thank
12 you.

13 OPENING STATEMENT

14 BY MS. KOLLINS:

15 Good morning, Ladies and Gentlemen, on behalf of
16 the Clark County District Attorney's office, myself, chief
17 deputy district attorney, Kristina Rhoades, more
18 specifically, special victims unit, we thank you for your
19 time and attention in this case.

20 You were read a lot of information, and my opening
21 statement is meant to give you some context to what you
22 just heard the clerk read.

23 I have a little bit to talk to you about today. The
24 case is State of Nevada vs. Joshua Honea. It involves a
25 young woman by the name of Morgan Savage. Her date of

1 birth is June 30th of 1999. June 30ht of this year she
2 turned 18 years old. She would have been in the 12th
3 grade last year. That's a picture of Morgan with her
4 mother Pamela Savage. That's Morgan at about 13, 14 years
5 old.

6 The case also involves the Defendant, Joshua Honea.
7 That is a picture of Joshua. That comes from his I-Pad.
8 Joshua was born on May 4, 1993. As he sits here today, he
9 is 24 year of age. You will have copies of those age
10 charts. The information you just heard were broken down
11 by dates, and they are collated, the evidence will show,
12 to Morgan Savage's age. It's not as complicated as it
13 sounded when it was being read.

14 One thing I'm here to tell you today is that the
15 evidence is going to show that this case is about anything
16 but a brother/sister relationship. The Defendant is 24.
17 He was a Metro explorer. That is a program for young
18 people to determine whether law enforcement is their
19 correct career path. He participated in that at rancho
20 High School through the age of 21. He aged out, but then
21 he still participated in the explore program as a mentor.
22 He was a VPSR for Metro. That is a volunteer patrol
23 service representative. That means when Metro gets an
24 auto burglary, and they don't have enough officers to
25 respond, young men like Mr. Honea go out and take reports

1 on behalf of officers to turn them in. He did that for a
2 number of years.

3 Mr. Honea also was a part-time employee in the gang
4 unit at Las Vegas Metropolitan Police Department. That is
5 a picture of Mr. Honea, posted on November 7th. So that
6 shows his current age.

7 He was an explorer. He did all of these good things
8 for the metropolitan Police Department. And he held
9 himself out, the evidence will show, to be a care-taker
10 for Morgan Savage. To be a hero. To be a knight in
11 shining armor. He held himself out to help her with her
12 homework, keep her out of trouble and monitor her friends
13 and her teenager activities and make sure that she didn't
14 hang out with the wrong crowd. You will learn that those
15 actions, the evidence will show, were taken by Mr. Honea
16 at a very early point in Morgan Savage's life. Right
17 around the time she was 11 years old.

18 In 2010, just before the 6th grade, Morgan Savage
19 became a pre-teen. She was 11 years old. She meets
20 Joshua Honea as he volunteers at an Eagle Camp, which is a
21 pre-requisite indoctrination for kids going to middle
22 school. They walk you around for a couple of days, show
23 you the hallways, the ins and outs, and he's volunteering
24 at that middle school. And he meets Morgan Savage. They
25 begin to speak throughout that 6th grade school year. She

1 is 11. She would have turned 11, June 30th of 2010, prior
2 to 6th grade.

3 In the beginning of 2011, they begin to speak on the
4 phone. The Defendant calls Morgan Savage on the phone.
5 It's flirtatious. It is welcomed by this 11-year-old
6 child. She is flattered. She is interested.

7 They begin to sneak to his car, because he's working
8 at the middle school, to steal a kiss here and there. And
9 the Defendant turns 18, May 4, 2011. Morgan Savage is
10 still 11 and Mr. Honea begins to ask Morgan Savage for sex
11 and for more.

12 There is sexting conversation. There is some
13 touching and groping and kissing. And Morgan, without
14 having intercourse with the Defendant, leaves for a
15 Minnesota vacation that she takes every year in the summer
16 of 2011. She is in Minnesota. Mr. Honea continues to
17 text, call. I think there is some skyping. And she
18 returns from Minnesota.

19 During those conversations, while Morgan is in
20 Minnesota, Mr. Honea is here in Las Vegas, they're
21 discussing about sex -- when are we going to have sex --
22 when are we having sex -- when are you coming back.

23 Before her trip to Minnesota, I believe the evidence
24 will show, that on at least one occasion she performs
25 fellatio on the Defendant. On June 30, 2011 Morgan Savage

1 turns 12 years old. She returns to Las Vegas from her
2 vacation, and within days she's in the company of the
3 Defendant in his car, in the parking lot of a hotel,
4 having intercourse.

5 There is oral sex performed, mutual oral sex,
6 fellatio, cunnilingus -- mouth on the vagina, mouth on his
7 penis. Then Morgan -- I'm not going to stand up here and
8 go through every count the evidence will show -- Morgan
9 will tell you that after that first sexual encounter that
10 prompted a series of sexual events that would go on for
11 some years and for some time. Where the Defendant would
12 pick her up and take her to the SunCoast Casino. Drive
13 into the corner of a parking garage, into a place that
14 couldn't be seen. Get in the back seat and have sex with
15 her. Sometimes when he would pick her up, he would make
16 her lay down in the back of the car so that no one would
17 see her. He would also take her to the Rampart Casino.
18 He took her to his house. He took that young woman to his
19 grandparents house. All the while all of these sex acts
20 were being performed -- fellatio and cunnilingus.

21 There were some times he would pick her up at the
22 elementary school near her home. He'd pick her up at the
23 CVS near her home. He'd pick her up and make sure that
24 nobody saw her and nobody saw them together.

25 Morgan will come in here -- well, she'll be here.

1 Morgan discusses trips to Disneyland with the Defendant,
2 trips to Carlsbad, California, the Valley of Fire, a Cher
3 concert, Mandalay Bay on her birthday, a Laughlin trip.
4 Morgan doops her mom -- she's 11, 12, 13 at this time --
5 and she tells her mom everything is cool, mom, because
6 he's gay. There is nothing happening here.

7 Like any pre-teen, she keeps a scrapbook. The
8 evidence will shows she keeps memorabilia of these
9 encounters or dates with the Defendant. The evidence will
10 show at 12 years old, 13 years old she was enamored with
11 Mr. Honea, who carried himself like he was part of law
12 enforcement. She thought he was safe, the evidence will
13 show.

14 But in any event, she saves all of these things.
15 This is an admission to shark week reef at Mandalay bay.
16 Tickets to various events, The Divas. You'll have all of
17 these. Those are just some of the best photographs we
18 could get to show that for you today.

19 The Defendant takes Morgan to Disneyland. Now, he
20 gets permission from the mom. And it's supposed to be a
21 day trip, but lo and behold, Joshua gets sick at
22 Disneyland. They have to stay the night and get a hotel.
23 The have sex in California. This is when she's -- just
24 December 2012, just after she turned 13.

25 The Defendant in May of 2012, takes her -- sorry --

1 June of 2012 takes her to Mandalay Bay for a birthday
2 celebration. She keeps those photographs. They're all
3 contained in an album.

4 In 2013 the Defendant takes Morgan Savage to
5 Carlsbad, California. And the purpose of this trip is so
6 they can go to the Wild Animal Park. Ms. Pam Savage,
7 Morgan's mother, gives her daughter a permission slip to
8 go down there. But what it ends up being is an over night
9 stay in a hotel. This is Morgan, February 2013 --
10 sorry -- summer of 2013, with the Defendant at Carlsbad
11 beach, acting like a couple. I submit to you the evidence
12 will show, it doesn't show a picture of the brother and
13 sister.

14 More pictures of Morgan in Carlsbad that summer of
15 2013. We know that that was the summer of 2013. In
16 summer ways, one, that's what Morgan will say and the
17 Defendant also kept a copy of that hotel receipt for that
18 Carlsbad hotel, scanned into his I-Pad. That's right
19 here. That came off Defendant's I-Pad -- Hilton Garden
20 Inn in Carlsbad beach. When you have the photo you'll see
21 it's the summer of 2013. It appears they did go to the
22 zoo or the Wild Animal Park. Those pictures also from
23 that trip.

24 On Morgan's 14th birthday in 2013, the Defendant
25 takes her to Benihana. That's her birthday celebration.

1 You will learn during this period of time that Joshua
2 Honea is not seen dating any age-appropriate women by any
3 of his friends. And you will learn that he doesn't talk
4 about any other woman to any of his friends. You will
5 learn that his discussion and his obsession, the evidence
6 will show, is with Morgan Savage.

7 Morgan had pictures of the Defendant in his Metro
8 car. When she turned this album over, she pulled those
9 photographs out, but those are her annotations. Just more
10 pre-teen, teenage girl keeping pictures of their crush.
11 That's what kids do. Some adults do to, but that's what
12 kids do.

13 Again, Mandalay Bay tickets. I may have put that in
14 there twice. I apologize. From Defendant's I-Pad, he
15 keeps a photograph scanned of a ticket to Cher. Defendant
16 took Morgan on a date -- date, quote, unquote, to the Cher
17 concert on May 25, 2014. That was very close to
18 Defendant's birthday. You will see those same ticket
19 stubs end up in Morgan's photo album. She kept those as
20 memorabilia. She took pictures of herself with Josh at
21 that concert of May 25, 2014. Some more pictures of the
22 concert and the Defendant and Morgan, 2014.

23 The evidence will show that they went to all of these
24 places and participated in these events, but the evidence
25 will show you and it will be evidence that Defendant took

1 great care in his outward appearance around Morgan Savage.
2 Don't walk to me too closely. Don't be affectionate.
3 Things like that. He was very careful. Because he knew
4 from day one, from meeting her way back in 2010, she was
5 11 years old. So he knew all this time she was
6 underage.

7 They went to Country Feast together. That was with
8 some participation of Morgan's mother. Again, he's being
9 told he's gay, mom. Don't worry. And the Defendant is
10 telling Pam Savage, keeping your daughter on the right
11 track. Keeping her from smoking pot. Keeping her from
12 hanging out with the wrong kids and making sure she keeps
13 her grades up. I'm a good guy. I work for Metro. I'm a
14 safe guy.

15 Another picture from Morgan in her book, January
16 2014, looks like she's still got her braces. The evidence
17 will show this is a trip they took to Mount Charleston.

18 Morgan will recount for you which of these trips on
19 which occasions there was sexual encounters. I can stand
20 here and talk to you for quite a few hours about every sex
21 act and give you the frame work of what was going on
22 between 2011 to January 2015.

23 So this is 2014. This comes from Defendant's I-Pad.
24 This is a Valentine's Day trip with Defendant, Josh Honea
25 and Morgan Savage. There are pictures of this Valentine's

1 Day trip in Defendant's I-Pad, as well as in Morgan's
2 photo album. These particular ones on the screen now come
3 from the Defendant's I-Pad. These come from -- this is a
4 picture of Valley of Fire that come from Morgan's photo
5 album. They took that trip together. The evidence will
6 show that for all intents and purposes, they were
7 boyfriend and girlfriend. They were not brother and
8 sister. Again, this is a Valentine's Day trip in 2014.
9 The evidence will show that these are souvenirs kept by an
10 infatuated pre-teen, teenager. Same trip, same trip,
11 Valentine's Day, 2014, all for Morgan's scrapbook.

12 On February 19, 2014 Morgan adds this to the
13 scrapbook. It is the Defendant's explorer identification
14 and him driving a Metro car as an explorer or -- excuse
15 me -- as a volunteer representative or doing a ride
16 along.

17 Interestingly enough Morgan will tell you that
18 during the course of their relationship -- if you want to
19 call it that -- the Defendant would leave his police radio
20 with her and have her listen to that radio while he was at
21 work and would become angered and agitated when she didn't
22 listen until he would get off shift. So the evidence will
23 show that that kind of conduct, that kind of control kept
24 Morgan a little grounded, a little bit isolated from her
25 age appropriate peer group.

1 Again, she has pictures of the Defendant in his
2 volunteer patrol service representative vehicle - VPSR.
3 It's unknown if Morgan took those photos. We can ask her
4 that question.

5 The Defendant turns 21 years old on May 4, 2014.
6 Morgan is 14 years of age. That is pictures of a birthday
7 party that was for the Defendant's 21st birthday. She is
8 there. I believe there are some family members there. I
9 believe the evidence will show that family members on the
10 Honea side. Family members. Pam Savage, which is Morgan
11 Savage's only involved family member. She didn't grow up
12 with her dad in the house. She was led to believe this
13 was a mentoring, brother/sister relationship based on the
14 outward appearances that were presented to her by
15 Mr. Honea.

16 The Defendant turning 21. There's Morgan, the same
17 day at his birthday party that took place at PJ's
18 Restaurant on West Charleston. Family members, friends,
19 the evidence show didn't have any concern about Morgan
20 being there because at that time nobody is questioning why
21 this 21-year-old man was constantly and persistently
22 involved in this 14 year old's life.

23 This is a birthday card from Morgan Savage to Josh on
24 his 21st birthday. She talks to him about,
25 congratulations, that you can now get your CCW. And the

1 Defendant wants her to keep that in her scrapbook, and she
2 does keep that.

3 These pictures of Morgan all come from the
4 Defendant's I-Pad. This collage of Morgan and the dogs.
5 I don't know if that's the Defendant's pet or if that's
6 Morgan's pet, but those are taken from the Defendant's
7 I-Pad.

8 In late 2014 early 2015 Morgan Savage is 15 years
9 old. Morgan Savage has been with -- the evidence will
10 show -- under the supervision, guidance, and control, the
11 evidence will show, of the Defendant. Joshua Honea. He's
12 telling her which friends she can be around. He's telling
13 her -- he's checking her social media. He is monitoring
14 her friendships. In any event, she's a teenager. He's
15 not her parent. She's tired of it. She kind of slows
16 down the communication with Defendant.

17 Defendant at this time has interaction with Kevin
18 Zafiridis, Officer Wirey, Larry Samples at the Enterprise
19 Area Command here in Las Vegas. He is still doing VPSR
20 and involved in the explorer activities. He's a
21 supervisor. He's over 21 now -- or a mentor, as a
22 participant in the program. And he has multiple
23 conversations with them about Morgan. Those conversations
24 include things like, she's going off the wrong track.
25 She's behaving poorly. Why won't she talk to me.

1 Behavior, the evidence will show not consistent with
2 someone who is in a brother/sister relationship with this
3 young woman.

4 Statements made by the Defendant, I will date her
5 when she's 16. He's confronted by these officers on a
6 couple occasions. They are his friends, so when I say
7 confront, I don'ts mean accusingly, I mean like as a
8 friend. What's going on. What's happening here. But
9 Defendant's behavior as Morgan slows this conversation
10 becomes more hyperfocused on Morgan, the evidence will
11 show.

12 The Defendant is expressing his -- in spring of 2015
13 expressing his frustration with the notion that Morgan is
14 not with him and not responding to him and doing what high
15 school kids do. She wants to make her own friends. She
16 wants to do her own thing. He calls, texts, drives by her
17 house, checks her social media. I submit to you the
18 evidence will show that that is behavior not consistent
19 with a brother/sister relationship, but consistent with
20 that of a throated boyfriend or love interest.

21 Purportedly he becomes so anxious he is hospitalized.
22 His conversation and his behavior lead Officer Zafiriz to
23 notify the sergeant of the Enterprise Area Command. Like,
24 I have strong concerns about his relationship with Morgan
25 Savage. And that is embodied in an email. I'm giving you

1 the flavor of that email. Zafiridis notifies the sergeant.
2 The investigation commences.

3 On March 29, 2015, Sergeant Clark, because remember,
4 he's a part-time employee in the gang unit, calls internal
5 affairs division after he has a performance conversation
6 with Josh Honea. Performance conversation regarding
7 things involved with work, and he also has this
8 information about Morgan Savage and Sergeant Clark has
9 concerns so he sits down and talks with Defendant Honea,
10 Officer Zafiridis, Wirey, Sergeant Clark. At the
11 termination of that conversation, Mr. Honea is advised
12 that his VPSR services will not be required. Based on the
13 tone and content of this conversation with Josh Honea,
14 his indications he would date Morgan Savage when she was
15 16, Sergeant Clark had strong concerns that Defendant's
16 prophecy, after this kid turned 16, had already come true.
17 That there was already something inappropriate going on
18 with this young woman.

19 That information goes to Crimes Against Youth and
20 Family. That's the sexual assault unit of the
21 Metropolitan Police Department. When you have a criminal
22 investigation, the evidence will show, you have an
23 internal affairs investigation, the evidence will show.
24 The criminal investigation always has to lead the internal
25 affairs investigation. Sometimes evidence gathered in

1 internal affairs cannot be used criminally. Because of
2 this suspicion there is criminal conduct afoot, it goes to
3 sexual assault detectives.

4 March 30, 2015 Detective Dicaro opens a criminal case
5 against the Defendant. He contacts Morgan Savage by
6 phone. Morgan says nothing happened.

7 Sexual assault detective conducts and interview that
8 same day with Pam Savage, her mom. And Pam reiterates the
9 behavior, the post-break-up or communication behaviors
10 that the Defendant evoked, the texting, the driving by the
11 house. Texting Pam and asking Pam to talk to her
12 daughter. Having family members of his call Morgan and
13 say, why are you not talking to Joshua. So he tells the
14 detectives all of that, but he doesn't know about the sex.
15 She doesn't tell about the sex. Morgan has told her, the
16 evidence will show, the Defendant is gay. Nothing is
17 going on. Morgan would jump in and defuse any
18 conversation about that issue.

19 So she does give the information to the detective
20 that Morgan was tired of being controlled. He continues
21 to call, drive by. Also stopped in at her church --
22 Morgan's church. So Detective Dicaro, he will tell you
23 that it's not unusual to approach a victim early on in an
24 investigation and there be no disclosure. So he doesn't
25 stop there. He goes and talks to Officer Samples,

1 Zafiriris, Wirey, we've talked before. Speaks to them, what
2 do you think is going on. What have you observed. They
3 also reiterate Defendant's statement, he intended to date
4 Morgan once she turned 16 years old.

5 At this point the sexual assault team of Las Vegas
6 Metropolitan Police Department does not have a disclosure
7 about sexual conduct with a child. Because Morgan hasn't
8 expressed anything, yet. So text messaging and driving
9 by, the evidence will show, showing up at church, that is
10 not within the purview of the sexual assault detective
11 unit.

12 So the then lieutenant of sexual assault refers the
13 case back to internal affairs and says there's no sex
14 crime here. We don't have it. Morgan didn't tell us
15 anything.

16 Because there was a show, criminal leads internal
17 affairs, case goes back to internal affairs. Karen
18 Hughes, the lieutenant of internal affairs, says start a
19 Statement of Complaint, year 2015, 0242 reference
20 allegation of any criminal violations that may have
21 occurred -- the harassing behavior, the texting, that sort
22 of thing that can rise to criminal behavior -- but they
23 were investigating it internally.

24 Zack Marsh is assigned the internal affairs case
25 regarding Josh Honea. Zack Marsh for the spring of 2015,

1 will tell you that he was involved in several high profile
2 cases and there appeared to be nothing here, so this case
3 sat for a couple of months.

4 He always has an obligation to -- so on April 1st,
5 2015, following up with Joshua Honea, sex detective, they
6 interview him. They offered to take a harassment report
7 from Pam, but that's pretty much -- she didn't want to do
8 that to Josh at that time. She didn't want to be involved
9 with that so that kind of sat. You will hear Mr. Honea's
10 statement from April 1st for yourself.

11 So between his interview on April 1st, 2015, on May
12 18th, 2015 Josh Honea, in his capacity at Metro, pulls up
13 the investigative notes in this case. He pulls up the
14 investigative notes that are created in the sexual assault
15 detective unit by Detective Dicaro and his team. They are
16 after, you will learn, that once it was found out that
17 those notes were accessed, that access to that
18 investigative work was locked, because you're not supposed
19 to look into your own investigation.

20 On May 18th, he was terminated -- 2015 -- terminated
21 from his part-time employment in the gang unit. His
22 access as voluntary patrol service representative was
23 cancelled. That day or within a day or two thereafter,
24 the Defendant places an emergency phone call to the
25 school that Morgan Savage is going to and tries to get her

1 on the phone.

2 What you see here is a screen shot taken from the
3 Defendant's I-Pad. Here is a note on the frame here.
4 Says, Joshua, thank you for your help at the electric
5 light concert -- electric daisy -- in any event. This is
6 a screen shot of the investigative notes into his case
7 that were found on his I-Pad. Again, looking up a review
8 of that investigation is what caused it to be locked
9 out.

10 So the evidence will show that he was curious in
11 monitoring his own investigation within Metro. The
12 evidence will show that he was looking to see what they
13 knew.

14 May 28th Defendant -- this comes from his I-Pad as
15 well, has been terminated. He didn't give any admissions
16 about Morgan in that interview, but what he did talk about
17 was what a bad kid she is and how she needed correction
18 for smoking dope, bad friends, something about a gym
19 membership.

20 Officer Zafiris is angry at me because I continue to
21 be around Morgan. He just doesn't understand. I'm
22 somebody that won't give up on their friends. She's like
23 a sister. There's a lot of that in that interview.

24 So that interview doesn't convince anyone and he's
25 terminated. At this time, the evidence will show, he is

1 number one to serve the Las Vegas Metropolitan Police
2 Department Academy, due to commence in August 2015.

3 So he writes this letter to Joe Lombardo -- and this
4 comes off the Defendant's I-Pad. You'll have photos of
5 these images. Essentially, he complains that Zafiris is
6 out to get him. And that all this is promulgated by
7 Zafiris, this officer being out to get him, despite that
8 just weeks before in an interview he also describes
9 Zafiris as a good guy, a mentor and somebody who watched
10 out for him.

11 So in June 2015, Zack Marsh, he puts the IAB
12 investigation away, remember. All these I-Pad images come
13 up later. Zack Marsh has put the internal affairs
14 investigation away, but what he does is he goes back out
15 and talks to Rachel Calderon, and Pam Savage and says I'm
16 going to close this case out. Talks to mom. Anything
17 change. Anything new. Anything developed. Mom gives the
18 same information she gave back to the sex detectives in
19 May, essentially. And Rachel Calderon, who is internal
20 affairs at that time, now she's a sexual assault
21 detective, and Rachel gives a card to Pam Savage. At this
22 time Pam hasn't spoken to Morgan. She's in San Francisco
23 or Minnesota.

24 Soon thereafter, Morgan calls internal affairs,
25 Rachel Calderon, because that's the only contact

1 information she has and she tells Detective Calderon she's
2 ready to talk. She's ready for someone to know the truth
3 about this situation.

4 On July 23rd, 2015, after Morgan returns from her
5 out-of-state vacation, she's interviewed at the Las Vegas
6 Metropolitan Police Department headquarters and that
7 interview is video taped and audio taped. And she is
8 interviewed by Detective Salzessa Cho.

9 During this interview Morgan says Josh told me if I
10 ever turned him in he'd put my mom away for some of the
11 stuff she knows I did that wasn't good. The evidence will
12 show she knew he was involved with law enforcement. The
13 evidence will show she believed that, at this point, that
14 her mom could get in trouble for her smoking weed or doing
15 some other kids things, drinking, going to a party if she
16 turned him in. The evidence will show it's pretty easy to
17 manipulate a pre-teen and teenager.

18 The Defendant knows my best friend Taylor. Knows I
19 did bad things with her. He knows I drank and smoked
20 weed. So at the inception of this interview the evidence
21 will show that Morgan was fearful to talk about this for
22 fear of what would happen to her mom.

23 Known Taylor since 3rd grade. Morgan tells them that
24 Taylor knows everything about Joshua. Tells them she met
25 Josh when she was in 6th grade. She was still 11 years

1 old. She told them that obviously he was safe because he
2 works for Metro. These are the words of Morgan, just
3 after she turns 16. She recounts the history in that
4 interview. On the phone for hours. One night he asked
5 about kissing. We'd meet in the dean's office and we'd go
6 to the car. At that time he was 18. After a couple of
7 months, he was ready to go more with me. This is all from
8 that same interview, conversations about we talked about
9 doing it on the phone. At first I acted dumb. He wanted
10 to have sex with me. I told him no for awhile. When it
11 was summertime and I was getting ready to go to Minnesota,
12 he was mad that there was no sex before I left. This is
13 what Morgan told police officers in June -- excuse me --
14 July of 2015.

15 He was upset and got mad at me. You don't fulfill my
16 needs. You just want to take everything for granted. I
17 make you feel good, and you don't make me feel good.
18 Those are the conversations Defendant had with Morgan
19 regarding sex.

20 She talked about being back from her Minnesota
21 vacation. She talked about being at Taylor's house,
22 returning from that vacation where the Defendant was
23 sending text messages to her, telling her it's time for us
24 to have sex. It's time for us to do it. He was mad. You
25 left before I could -- before we could do it. She tells

1 the interviewer, part of me wanted to make him happy. She
2 also tells that interviewer, I'm too young to be doing
3 this. I loved him. I don't know why. She talks about
4 the SunCoast and having to perform fellatio, suck his
5 penis. Not for very long because it hurt my mouth. One
6 of their first encounters he put a condom on. When he
7 tried to stick it in it hurt because he was way too big
8 for me. This is the detail, the evidence will show, she
9 gave back in July of 2015.

10 I was very little. It just wouldn't go in. He was
11 super frustrated. Meantime he wanted me to use a
12 vibrator, something to open me up, so he would fit. These
13 are the details of Morgan Savage relating to Detective
14 Salzessa Cho in July 2015.

15 When she told, we went to the SunCoast many times.
16 Picked me up at CVS all the time. He got to the point
17 where he didn't want to use condoms and wanted me to go on
18 birth control. The evidence will show that Pam Savage had
19 that conversation with her daughter and put her daughter
20 on birth control when he was 13, 14.

21 Sex eventually included oral sex on each other. This
22 is what she tells the detective. She tells her that she
23 dated him -- dated him, her word -- until January 2015.
24 For awhile, a short period of time, she was at Desert
25 Oasis High School. She met a football player, age

1 appropriate, she's 14. He's 17. The Defendant found out
2 and told her to break it off with Franco or something
3 would happen. This is information Morgan gave Metro back
4 in 2015. He began to figure out Josh, the Defendant, that
5 I was texting certain people. He figured I was blocking
6 phone numbers when I was around him.

7 She tells Detective Cho that because of the
8 Defendant's controlling conduct, kid just eventually ran
9 out of friends. She tells them that he would make her
10 listen to his police scanner at nights he was working and
11 he would get very angry with her and yell at her if she
12 didn't stay awake and listen to everything going on while
13 he was out as a volunteer patrol service representative
14 taking stolen property reports, et cetera.

15 Morgan described for them that at one point her and
16 the Defendant wrote vows to each other. She discusses
17 that when she was at Desert Oasis and all the stuff blew
18 up with Franko, he pressured her to change schools, and
19 mom, Pam Savage, the evidence will show, did not want
20 Morgan to change schools. The Defendant insisted and went
21 to Pam Savage and convinced her. Letters had to be
22 written so she could get into Bonanza. The Defendant had
23 all the passwords to her tablets, phones, social media.
24 Again, I submit to you the evidence will show not a
25 brother/sister relationship.

1 The Defendant, if he liked a picture on Instagram,
2 he'd get rid of it. She would have to go to him and
3 convenience him that she deserved access to her social
4 media, Instagram. So I submit to you this theme of
5 controlling behavior will be evidence after you hear the
6 testimony and read the transcripts in this case.

7 She tells Metro back in July of 2015, that many
8 times, many times josh Honea has been told to stay away.
9 He's been told by Metro, friends, leave this girl alone.
10 She's too young. What's going on. He knew her age. And
11 the evidence will show he was warned, and warned, and
12 warned, and warned, and warned.

13 Morgan tells officers that Zafiridis told the Defendant
14 you are making this super obvious that something is going
15 on with you and this underage girl. You are going to
16 jeopardize your career as an officer. I submit to you
17 from the Defendant's statement, he will indicate that that
18 risk, because of his need to be a brother, friend,
19 supporter of Morgan, that risk of people finding out about
20 an underage girl, couldn't be overcome. He was dedicated
21 to be her friend and her savior and her mentor.

22 In her statement in July 2015 Morgan says she has
23 pure hatred for him. She discusses how she recalls she
24 said I loved him, but I don't know why. Well, at 16 years
25 old, the evidence will show, the lights came on. She has

1 hate for him. He told her she's still nervous that he is
2 going take my mom to court. It really turned to hate for
3 her while she was away in Minnesota, what this guy did to
4 me is disgusting. I realize that somebody needs to know
5 the truth. I wasn't mature enough to understand. I
6 thought it was normal. I thought it was my life, and it
7 is not okay now.

8 Morgan, the evidence will show, finding her voice in
9 an interview tells them, he knew damn well he shouldn't by
10 flirting with an 11 year old. We wasn't supposed to be
11 doing anything with an 11 year old. It took me from
12 February 2015 to now to accept that. She expressed how
13 terrible she felt. She felt blinded by the Defendant.
14 She lets the detective know in July 2015, that he made us
15 keep this as secret as possible. He wouldn't want me
16 walking close to him in public. Wouldn't let me say
17 certain things to him in public. He never thought he
18 would get caught because I, Morgan, promised him I would
19 never turn him in.

20 She describes his penis. Describes it as
21 circumcised. Says he has a mole on his penis. The mole
22 will be evidence to you when you look at that picture. On
23 July 23rd of 2017 a pre-text phone call is made by
24 Detective Ray Spencer wherein Morgan Savage is on the
25 phone and she calls the Defendant and Ray is listening.

1 Morgan is discussing, hey, they are reaching out me. They
2 want to talk to me. The Defendant in response to Morgan
3 Savage is he trusts her with the issue. The only person
4 that knows what's going on is her. I apologize for that
5 typo.

6 If she was going to tell the detectives he couldn't
7 be accused of anything because there was no witnesses. I
8 added that late this morning.

9 He also tells her no victim no crime. So essentially
10 what Defendant says to her is if you don't talk nobody
11 knows anything. So if they don't have you as the victim
12 in this case, there is no crime.

13 The evidence will show that what you have in this
14 case to corroborate Morgan's initial disclosure are her
15 memorabilia and what's contained on the Defendant's I-Pad.
16 It's obvious. Everybody's conversations of Defendant's
17 conduct with individuals at Metro. They saw him and some
18 other friends as well. The Defendant's monitoring of that
19 investigation backlash, the letters to Joe Lombardo. I
20 submit to you you will hear his statement that he gave to
21 Las Vegas Metropolitan Police. The evidence will show
22 that for the first several pages in that statement there
23 is no question, and the evidence will show, that it is
24 just the Defendant with his free-flowing conversation
25 about what a bad person Morgan is. I submit it doesn't

1 make sense.

2 There was a court process Morgan testified at a
3 previous proceeding that was under oath. She testified to
4 many of the same things we talked about from her initial
5 disclosure. I'm not going to read all of that to you or
6 we'll be here another 6 hours. She testified at a
7 preliminary hearing proceeding in 2017.

8 So Morgan Savage moved to Minnesota for awhile and
9 kept in contact with the district attorney's office for a
10 while and returned from Minnesota. She returned to the
11 care of her mom and she ran away. And there is a missing
12 person's report filed last spring, and Morgan now lives on
13 the streets, addicted to heroin. And she has been
14 hospitalized, and she has left hospitalization and ran
15 away. So to security her presence for this case, the
16 evidence will show, has been tricky.

17 The evidence will show that she has been
18 intermittently cooperative, that she has met investigators
19 in this case at her initial disclosure. I did meet her at
20 Jack-in-the-Box on a Saturday and bought her lunch. I
21 gave her some of her belongings we were able to get from
22 her mom to drop off. That was in the course of
23 preparation for this trial.

24 The evidence will show that Morgan got her hands on
25 stuff she needed from us to include her SS number and

1 clothes and she became uncooperative. A decision was
2 made, because this case is aging, we needed to go to trial
3 that Morgan would be incarcerated on a material witness
4 warrant that was signed by the Honorable Judge Delaney.
5 She was been incarcerated since Monday this week at 4
6 o'clock p.m. She will come to you to this court in
7 custody.

8 On Tuesday evening she was visited by Mr. MacArthur
9 and Ms. McNeill, who represent Joshua Honea. The evidence
10 will show they are permitted access to our witnesses. We
11 don't harbor our witnesses from defense counsel.

12 On November 29th, yesterday, Morgan came into this
13 courtroom and said that her entire detailed statement to
14 police, that her entire detailed statement at the
15 preliminary hearing were all lies. The evidence will show
16 through my investigator, the detectives that never before,
17 before yesterday, came to the district attorney's office,
18 through any representatives of law enforcement has Morgan
19 Savage said that this did not happen. That it's all lies,
20 categorically.

21 She will testify in custody. I can tell you the
22 evidence will also show that Morgan last shot up heroin
23 just prior to her incarceration. That she has been in
24 detox since Monday. I submit to you I don't know what she
25 will say when she gets here.

1 Again, incarcerated Monday evening. Visitation on
2 Tuesday evening. Blanket undetailed, the evidence will
3 show, recant yesterday. I submit to you ladies and
4 gentlemen, the evidence in this case will show that there
5 is one person charged with criminal conduct. And that is
6 the Defendant, Joshua Honea. I know I've gone long this
7 morning. I thank you for your patience.

8 Thank you.

9 THE COURT: May I see counsel at the bench at
10 this time.

11 (Discussion held at the bench.)

12 THE COURT: I'm going to invite Ms. McNeill, on
13 behalf of Mr. Honea, to present her opening here.

14 MS. MCNEILL: Thank you.

15 OPENING STATEMENT

16 BY MS. MCNEILL:

17 I want to start with the last thing that Ms.
18 KOLLINS talked about, which is Mr. MacArthur and I spoke
19 to Morgan Savage and she came to court and said it's all
20 lies. The suggestion seems to be that it was something
21 that Mr. MacArthur and I had done. If I can do that I
22 would be a millionaire. But it's not just my words.
23 Morgan Savage in her own words wrote down on Tuesday night
24 in the jail, after she said she wanted to talk to us, this
25 is not a position I leave you deserve to be in. The DA on

1 this case has a lot to do with convincing of you be a
2 predator and of me being a victim. Our relationship has
3 been likely other relationship, forget the legal age part.
4 I'm sorry for ever placing this huge burden on your
5 shoulders. You're an amazing and unique soul that will
6 hopefully get out of this nightmare. What nightmare.
7 Sitting here of 52 counts of felonies. It's been 2 years
8 since she has seen Joshua, 2 years since she has talked to
9 Joshua. Do you think that if she saw herself as a victim
10 she would be telling him I hope you get out of this
11 nightmare. You don't deserve to be here.

12 Morgan Savage also said she doesn't see herself as a
13 victim. She sees herself as being used by the State of
14 Nevada as a tool to convict Joshua Honea. That she lied
15 at the preliminary hearing. That she lied to the police.
16 And she lied because she was mad at Josh.

17 She said that she feels like she has to say what the
18 State wants her to say, so she can get out of jail. Now
19 they put her in jail.

20 So how did we all end up here. Why are you here, if
21 she doesn't want to be here. When Morgan Savage was in
22 6th grade, in middle school, Johnson Middle School she
23 started having a lot of trouble at school. People that
24 worked in the DEA's office were concerned. You'll hear
25 from those people, that they had some concerns about

1 behaviors she's engaging in, people she's spending time
2 with, and her mother wasn't really around. So they had
3 concerns about that.

4 People who worked in the dean's office were trying to
5 intervene. Morgan didn't have anywhere to go after
6 school. She's going to a park nearby where the high
7 school boys hang out. The teachers were worried They
8 talked about it a lot.

9 One of the people that worked in that office was Dare
10 Coleman, Joshua's mom. And because Joshua's mom was
11 there, Joshua began volunteering at school. Dara thought
12 maybe we can take Morgan under our wing, maybe we can help
13 her out. We after big involved family. It was his family
14 that brought her into the fold. They didn't need an Eagle
15 Camp. He didn't fall in love with her and pull her into
16 his life to control her. His family took her in.

17 You will hear that when she was taken in by the
18 family her grades improved. She applied for a job in the
19 dean's office. The principal at that time thinks she
20 remembers that Morgan got on the honor role. And makes
21 all of these huge change in this kid that they were once
22 concerned about, because Joshua Honea's family was keeping
23 her under their wing.

24 The State said to you that he saw himself as this
25 hero, right. That he was going to control everything she

1 did. And you are going to hear from other people in
2 Joshes' life that is just how he is. He is like that with
3 his friends. Josh is kind of that kid that walks that
4 straight and narrow line. He has other friends who will
5 say, yeah, you know, I would do the some things that maybe
6 weren't so great and Joshua would tell me, don't you care
7 about your future. It wasn't just Morgan, he wasn't just
8 controlling her, Joshua is worried about people that he
9 cares about.

10 At that time Josh was really interesting, first and
11 foremost, to become a Las Vegas Metropolitan Police. That
12 was the focus of his life. He starts spending time with
13 Morgan, and it wasn't just him. All those pictures that
14 you saw that made it look like they had all of this alone
15 time together. You're going to hear that she spent time
16 with his family, his parents, his grandparents, siblings.
17 And Morgan's mom spent time with the family. Both of them
18 were welcomed into that family.

19 When the State says that her mother tries to act like
20 she really didn't know what was going on, Pam was fully
21 aware. She spent time with that family. They went on
22 trips together. It's convenient for them to charge him
23 with first degree kidnapping, but you will hear from the
24 evidence, Pam frequently asked Joshua to take care of
25 Morgan because she we was unable to. He was used to baby

1 sitter.

2 They took trips together that she approved. The
3 photos that you were shown that made it look like they
4 were on all of these dates, in public places, yet, Morgan
5 told the police -- and bear in mind, she's angry with
6 Joshua when she talked to him that he wouldn't be seen
7 with her in public. Who took all of those photos. Looks
8 like they were seen together in public. Interesting
9 enough, some of those photos with taken at events where
10 members of the Las Vegas Police Department were also
11 present.

12 So around this time they're spending all of this time
13 together. And he sees her as someone he's mentoring. She
14 sees him as a mentor. And they had this friendship.
15 Morgan will tell you she's also sort of sexually mature.
16 She was much more mature than Josh. Josh was immature.
17 Let's not kid ourselves, teenagers have hormones. Were
18 they interested in each other. Absolutely. But what
19 you're going to learn is this. Josh had one interest
20 above all else, becoming a police officer. He knew it
21 wasn't okay. And they were interested in each other.
22 They had feelings. But despite what the State says you
23 are going to hear that Josh had plenty of other women in
24 his life who were age appropriate, and those are the women
25 he went on dates with. You've going to see those pictures

1 and hear that evidence.

2 You are also going to learn that Morgan had age
3 appropriate boyfriends and went on dates with other people
4 during the time period. You are going to learn that
5 during this time period Ms. Coleman made it seem like
6 Joshua was around all the time controlling her behavior.
7 Joshua was in college, and he had a friend who he would
8 pick-up and they would drive home or give a ride. They
9 would hang out after school and do homework. That doesn't
10 sound like behavior where he's spending every free moment
11 of his time controlling Morgan Savage.

12 So how do we get here. Let's talk about Metro. Josh
13 spent lots of time with people from the Las Vegas Police
14 Department. Guess who else did, Morgan Savage and other
15 volunteers. But also police officers, including
16 detectives who worked in juvenile sex crimes who are
17 trained to notice if anything is going on that might poke
18 their radar. No one at any time believed anything was
19 going on inappropriate. She had activities and things to
20 do keep her business. No one notices any inappropriate
21 behavior.

22 Around December late 2014 a couple of things occurred
23 in Joshua's life. His parents separated and get a
24 divorce. It's not amicable. Joshua starts having
25 anxiety. He's sad. He's distraught. He's having trouble

1 focusing. Around that same time Morgan decides to end the
2 friendship. You're going to learn the reason she does is
3 because she wants to start doing all of those things she
4 wanted to do back in the 6th grade, right. She's in
5 another relationship at that time. She's in an actual
6 boyfriend, a girlfriend/boyfriend relationship with
7 Franko, who the State mentioned. She wants to use drugs.
8 Joshua is distraught because his parents' marriage is
9 ending. He's distraught because the girl, yes, he's a
10 mentor to, but he does have feelings for her and hopes
11 when she's 16 he can act on those.

12 She ends their friendship. Josh now the State calls
13 obsessed, but if you were going through possibly one of
14 those things he's gone through up to that point in your
15 life and your best friend suddenly stops talking to you,
16 that's the one person that knows everything that's going
17 on in your life with your parents, you would be distraught
18 too. You would probably wants to talk to them.

19 What does he do that makes Morgan so angry she has to
20 call the police. Well, initially what he does in January
21 2015, is tell Morgan's mom, hey, just so you know. She
22 won't talk to me anywhere more. You need to be aware she
23 is using drugs. She and her friend Taylor are using
24 drugs. I don't think Morgan liked that very much. Then
25 while that drama is playing itself out, Joshua, at the end

1 of March 2015, is working in his capacity as a volunteer
2 with Metro, and he's out with Officer Zafiris.

3 Josh is out with Officer Zafiris and Sergeant Clark.
4 Remember the State talked about Zafiris multiple times.
5 He was the one that was so concerned about the
6 relationship. Joshua is with Officer Zafiris and Sergeant
7 Clark and they pull over a car that Joshua ran the plates
8 and the plates come back stolen. Those officers are
9 investigating. They arrest a woman in the car for being
10 in possession of a stolen vehicle. There is another
11 gentleman in the car and when the officers separate the
12 two, they're aware that the woman is very anxious because
13 there's guns and drugs in the car. And that arrest was
14 not handled properly, and the guns and drugs were turned
15 over to some other gentleman who showed up at the scene.
16 That bothered Josh. He felt like something needed to be
17 done about that, somebody needed to be told. Joshua
18 complains about Officer Zafiris. He went through informal
19 channels, and he told his supervisors what he had seen and
20 what he was concerned about. That was the end of the
21 conversation.

22 What else happened the end of March, based on the
23 time line the State told you. Officer Zafiris suddenly
24 writes this letter saying I'm worried about this
25 relationship with Morgan. I think something else is going

1 on. Does Morgan tell them that. No. Morgan tells them,
2 yep, we were friends. He's a mentor. There is not much
3 going on. Bear in mind they aren't even friends anymore
4 at that point. She doesn't confirm any of this.

5 They open an investigation and close it April 2017,
6 but internal affairs --

7 THE COURT: You indicated 2017.

8 MS. MCNEILL: I'm sorry, your Honor. It's
9 2015.

10 Internal affairs keep investigating because after May
11 2015 Joshua doesn't work for Metro anymore, but internal
12 affairs is still investigating. Internal affairs keeps
13 pushing with Pam Savage, keeps pushing, and internal
14 affairs contacted Pam Savage, that CPS has concerns based
15 on information that Josh mentioned when he talked to
16 police about Pam's parenting. Now Morgan is really,
17 really mad. When you are friends with someone there are
18 things you discuss that should be kept just between the
19 two of you, and issues that Morgan had with her mother
20 were one of those things. When she finds out from her
21 mother -- remember they told you, they themselves told you
22 Pam calls Morgan and says these detectives want to talk to
23 me.

24 Now Morgan is angry because she feels like Josh
25 violated her confidence about the issues with her mom and

1 now she thinks her mom might be taken away. And in July
2 of 2015, Morgan posts something on her social media, it's
3 pictures of (inaudible) when Morgan is testifying, that
4 says I thought I could trust you, but you words and action
5 show me that I can't. Then she does what. She calls the
6 police. She calls the police, who are doing whatever they
7 can to make sure this young man can never by a police
8 officer and that this young man is sleazy, to his credit,
9 that if anything comes out of this car stop with guns and
10 drugs put back on the street, you've got to discredit the
11 whistle blower. And that's why internal affairs is still
12 investigating. And now Morgan is mad at him. So sow she
13 goes to the police and gives all these details she's never
14 had before. She takes this photo album and shares all of
15 this information.

16 Now she's committed, right. The police are
17 committed. They've got to get rid of him. She's
18 committed because she's made statements. She's committed
19 when she comes in to testify. She'll tell you that the
20 reason I lied is, one, I was mad at him, and, two, at that
21 point what was I supposed to do. I'd gone too far. I gone
22 too far at that point.

23 But she was so distraught about sitting on that
24 witness stand saying that these things happened that for
25 months after she testified at preliminary hearing she fell

1 into a severe depression. That's where we are today.
2 Morgan is a tool being used by the prosecutor to
3 conviction Joshua Honea.

4 MS. KOLLINS: Your Honor, that's argument.

5 MS. MCNEILL: It's evidence.

6 THE COURT: Sustained.

7 MS. MCNEILL: The evidence will show that Morgan
8 believes that.

9 Let me ask you this. The State just asked you to
10 find him guilty of all 52 counts. They are not going to
11 bring in anyone, not one single person who is going to
12 provide you with any substantive evidence that he
13 committed anything other than being a friend to Morgan
14 Savage, being romantically interested in Morgan Savage,
15 and trying to help Morgan Savage. You're going to hear
16 from her, herself, she doesn't want to be here She
17 doesn't want him to be here. So why are we all here.

18 Because Metro wanted to get rid of him, and now the
19 State has dug in its heels and.

20 MS. KOLLINS: Objection, your Honor.

21 MS. MCNEILL: We ask you to find him not
22 guilty.

23 THE COURT: Both parties have given their
24 opening statement. You are reminded you are to receive
25 the evidence from the witnesses and exhibits in the case.

1 That the opening statements are to help you understand
2 what evidence they intend to show.

3 I did sustain the objection when argument was made
4 because that's not the time. You will have argument
5 following the presentation of evidence in closing
6 statements.

7 At this time though we're going to take a lunch
8 recess. As I indicated we do need to give more time
9 because of witness availability. I am going to ask you
10 to, please, return here at 1:30. We do anticipate
11 starting around that time frame, so please do your best to
12 be on time. That gives you an hour-and-a-half to find
13 your lunch.

14 JURY ADMONITION

15 During the recess, ladies and gentlemen, you are
16 admonished not to converse among yourselves or with anyone
17 else, including, without limitation, the lawyers, parties
18 and witnesses, on any subject connected with this trial,
19 or any other case referred to during it, or read, watch,
20 or listen to any report of or commentary on the trial, or
21 any person connected with this trial, or any such other
22 case by any medium of information including, without
23 limitation, newspapers, television, internet or radio.

24 You are further admonished not to form or express any
25 opinion on any subject connected with this trial until the

1 case is finally submitted to you.

2 See you back at 1:30.

3 (Brief recess taken.)

4 THE COURT: Anything before we get started.

5 MS. KOLLINS: Nothing from the State.

6 THE COURT: So we'll start with the out-of-state
7 witness.

8 MS. RHOADES: Yes.

9 THE COURT: We'll get that completed.

10 MS. RHOADES: The family is now excluded. They
11 sat through the opening.

12 THE COURT: Any who are witnesses must leave the
13 courtroom.

14 MS. MCNEILL: None are ours. We only noticed
15 the mom.

16 MS. KOLLINS: We noticed the grandparents, for
17 good reason, there's allegations of sex in their home.

18 THE COURT: Anybody noticed as a witness, the
19 exclusionary rule has been invoked.

20 MS. KOLLINS: The rule is the rule. I don't
21 know if I'm going to call them. I haven't been given any
22 discovery from defense, so I don't know what they're
23 saying on their behalf.

24 THE COURT: I'm not getting into speculating
25 about motives. If they are on the witness list,

1 exclusionary rule is invoked.

2 MS. MCNEILL: They're not on our witness list.
3 His sister is not on any one's list.

4 THE COURT: I don't care about who gets to watch
5 it. I appreciate everyone needs support. At the end of
6 the day, we're going to get this trial done and get it
7 done correctly. I don't think we should be trying to
8 guess about ulterior motives. If they're on the list,
9 they're out. If they are not on the list, then they can
10 stay.

11 Anything else.

12 MS. RHOADES: No.

13 THE COURT: Do we have all the jurors.

14 THE MARSHALL: Yes.

15 THE COURT: Where is the witness. Oh, in the
16 room.

17 We're resuming in the trial for State of Nevada vs.
18 Joshua Honea. The State may call their first witness.

19 MS. RHOADES: Taylor Roberts.

20 THE COURT: Taylor Roberts, please come
21 forward.

22 THE CLERK: You do solemnly swear the testimony
23 you are about to give in this action shall be the truth,
24 the whole truth, and nothing but the truth, so help you
25 God.

1 THE WITNESS: I do.

2 THE CLERK: Be seated. State and spell your
3 name for the record.

4 THE WITNESS: Taylor Roberts, T-a-y-l-o-r,
5 R-o-b-e-r-t-s.

6 THE COURT: Let me make sure before we start
7 questioning, by a show of hands, is there any jurors who
8 cannot see the witness. Seeing no hands, Ms. Rhoades,
9 whenever you are ready.

10 DIRECT EXAMINATION

11 BY MS. RHOADES:

12 Q. Taylor, how old are you?

13 A. 18.

14 Q. Are you in school?

15 A. Yes. I go to Ohio State.

16 Q. Is this your first year at Ohio State?

17 A. Yes.

18 Q. Where are you from?

19 A. Las Vegas.

20 Q. Did you grow up in Las Vegas?

21 A. Yes.

22 THE COURT: So the witness knows, the court
23 reporter is sitting in front of you. She's writing down
24 everything that gets said in the courtroom. We don't have
25 a uh-huh, so we need you to speak out loud.

1 BY MS. RHOADES:

2 Q. Do you know Morgan Savage?

3 A. Yes.

4 Q. How do you know her?

5 A. She was my best friends off and on for
6 awhile.

7 Q. When did you first meet Morgan?

8 A. In 3rd grade, at elementary school.

9 Q. Were you two going to the same elementary
10 school?

11 A. Yes.

12 Q. What elementary school was that?

13 A. Jacobson Elementary School.

14 Q. Were you close, good friends with her in 3rd
15 grade?

16 A. Yes.

17 Q. How about 4th grade?

18 A. In 4th grade I moved away, so we kind of lost
19 contact.

20 Q. Where did you move?

21 A. Just couple of miles away, but I moved
22 schools.

23 Q. And at some point did you regain contact with
24 Morgan?

25 A. Yes In the end of 6th grade in 2011.

1 Q. At the end of 6th grade in 2011, how did you
2 regain contact?

3 A. Through Facebook.

4 Q. Were you going to the same school as Morgan in
5 the 6th grade?

6 A. No.

7 Q. What school were you going to in 6th grade?

8 A. I was going to Kenny Glen Middle School.

9 Q. Do you know what school Morgan was going to?

10 A. Johnson Middle School.

11 Q. Is that the same name as the elementary
12 school?

13 A. No, Jacobson is the elementary school.

14 Q. Thank you.

15 When you kind of reunited with Morgan, did you
16 regain your good friendship?

17 A. Yes.

18 Q. How often would you hang out?

19 A. Like every other weekend.

20 Q. Did you know Morgan's mom?

21 A. Yes.

22 Q. What is Morgan's mom's name?

23 A. Pam Savage.

24 Q. I'm showing you what's been marked as State's
25 Proposed Exhibit 3. Do you recognize the girl in that

1 photo?

2 A. Yes.

3 Q. Who is that?

4 A. That's Morgan.

5 Q. Can you describe your knowledge of Morgan's
6 relationship with her mother?

7 A. Um, her mom works a lot. She's a single mom.
8 But, I mean, it was a good relationship. She wasn't home
9 often, so we were alone in the house a lot.

10 Q. When you say she wasn't home often, you mean
11 Pam; is that right?

12 A. Yes, Pam.

13 Q. What to your knowledge was Morgan's
14 relationship with her father?

15 A. For most of her life, I don't think he was
16 very present. Up until recently, they've kind of regained
17 contact, I believe.

18 Q. Have you ever met Josh Honea?

19 A. No.

20 Q. Have you ever spoken with Joshua Honea?

21 A. No.

22 Q. Directing you to the summer of 2011, going
23 into 7th grade, was that a time when you were hanging out
24 with Morgan?

25 A. Yes.

1 Q. Do you recall an incident where she slept over
2 at your house?

3 A. Yes.

4 Q. Tell us about that incident.

5 A. We were having a sleep over, and she was
6 texting a boy and she -- the boy wanted her to leave my
7 house. It was late at night. We got into an argument
8 about it, and we were downstairs. She was about to leave
9 and my mom came out and noticed we were arguing. She told
10 my mom that her mom --

11 MS. MCNEILL: Objection, hearsay.

12 MS. RHOADES: It's not offered for the truth.

13 THE COURT: What's the basis.

14 MS. RHOADES: What Morgan more told Taylor's mom
15 is the basis of -- I mean, it's not offered for the
16 truth.

17 THE COURT: Let me have counsel at the bench. I
18 should have had this discussion before we got started. I
19 apologize.

20 (Discussion held at the bench.)

21 THE COURT: The objection is overruled. You may
22 need to restate the question, Ms. Rhoades.

23 BY MS. RHOADES:

24 Q. So you, I believe said, that you, and Morgan,
25 and you mom were downstairs and Morgan was about to leave,

1 right?

2 A. Yes.

3 Q. What did Morgan tell your mom?

4 A. She told my mom that she was having problems
5 was her period and her mother was there to pick her up.

6 Q. What happened?

7 A. We convinced her to stay, but she left the
8 next morning.

9 Q. When you convinced her to stay, could you tell
10 us what her demeanor was?

11 MS. MCNEILL: Objection, foundation.

12 THE COURT: Overruled. You can lay a foundation
13 for it, how this witness might have that information.

14 BY MS. RHOADES:

15 Q. When you told her to stay, when you and your
16 mom convinced her to stay, was she in front of you?

17 A. Yes.

18 Q. You were talking to her?

19 A. Yes.

20 Q. Could you tell us what she was feeling or what
21 her demeanor was?

22 A. She was definitely conflicted.

23 Q. How could you tell that?

24 A. Because I knew that she wanted to go, but she
25 was in a bad place with my mom. My mom wouldn't let her.

1 It was hostile.

2 Q. You said that she left the next morning, was
3 that different then prior nights that she had stayed at
4 your house?

5 A. Yeah. Usually she'd stay the night at my
6 house. We would hang out all day. But she left early in
7 the morning the next morning.

8 Q. In addition to Morgan telling you she was
9 talking to a boy, did you see her on her cell phone?

10 A. Yes.

11 Q. Could you tell what she was doing on her cell
12 phone?

13 A. Texting.

14 Q. Do you remember about what time she left in
15 the morning?

16 A. No.

17 Q. Do you know who picked her up?

18 A. I didn't see it.

19 Q. After that incident, did you fall out of touch
20 with her?

21 A. Yes.

22 Q. How come?

23 A. Because I was angry that she wanted to leave
24 for a boy.

25 Q. After that when did you reconnect with Morgan

1 again?

2 A. December of 2014, through Facebook again.

3 Q. What grade were you in at that time?

4 A. Sophomore in high school.

5 Q. You and Morgan were always in the same
6 grade?

7 A. Yes.

8 Q. What high school were you going to?

9 A. Clark High School.

10 Q. Was Morgan going to the same school or a
11 different school?

12 A. No. She went to Desert Oasis, I believe, from
13 her freshman year and transferred to Bonanza.

14 Q. When you reconnected in December 2014, what
15 was your relationship with her like?

16 A. It was pretty like instant. We clicked back
17 into it, best friends relationship.

18 Q. When is the first time that you remember
19 hearing Morgan talk about Josh?

20 A. We were in a car outside of a Thai restaurant
21 and he called her, and she was just talking to him. I was
22 kind of confused because she told me it was over. I was
23 like, why would you answer the phone. But, yeah, they
24 talked about it and she told me that she was working on
25 building some kind of case against him. That's the first

1 thing I heard.

2 Q. What did you take that to mean?

3 A. At the time I didn't really know anything
4 about it, but I figured that it had to be something
5 serious if she was looking for proof that something was
6 going on.

7 Q. What information had she given you up to that
8 point about her relationship with Joshua.

9 A. I knew that it had been going on for a long
10 time. I didn't know it started so young, but I knew it
11 was complicated, not healthy. It was very clear to me
12 from the beginning it was not health.

13 Q. How was it clear to you?

14 A. Because the way she answered the phone was
15 kind of like she had to. She was like what do you need.

16 Q. Do you remember what month and what year that
17 happened?

18 A. That must have been like April of 2015, like,
19 late in the school year.

20 Q. After that conversation at some point did
21 Morgan talk to you in more depth about her relationship
22 with Josh?

23 A. Yes.

24 Q. When did that conversation occur?

25 A. A month or two later, in June.

1 Q. Summer of 2015?

2 A. Yes.

3 Q. Are you okay?

4 A. I'm just hot.

5 Q. So this was the summer going into your junior
6 year of high school?

7 A. Yes.

8 Q. Where were you at when this conversation
9 occurred?

10 A. We were at her my mom's condo on the balcony
11 having a conversation.

12 Q. Do you remember what time of day -- was it
13 day, night?

14 A. Nighttime.

15 Q. Nighttime?

16 A. Yes.

17 Q. Were you spending the night at her house?

18 A. Yes.

19 Q. Do you remember whether or not her mother was
20 home?

21 A. No.

22 Q. No you don't remember?

23 A. No, I don't remember.

24 Q. How did the conversation come up? How did it
25 start?

1 A. Well, I knew like very vague things about it,
2 but she was telling me that she was finally ready to take
3 it to the police. So we sat down and she told me the
4 whole story from beginning to end and I kind of helped her
5 sort through it. I wrote some things down so that she
6 would be prepared for her interview. I think her
7 interview was the next day or in a week or so.

8 Q. Did she tell you why now was the time she was
9 prepared to go to police?

10 A. I think she was scared before that. She
11 didn't -- I honestly don't think she realized how wrong it
12 was. But once she did, she wanted justice.

13 Q. How did you know that?

14 A. Because what did she have to gain from all of
15 this.

16 Q. Did she tell you anything about someone making
17 her tell this story at this time?

18 A. No.

19 Q. What did she tell you during that conversation
20 about her relationship with Joshua?

21 A. From the beginning?

22 Q. Yes.

23 MS. MCNEILL: Objection, hearsay.

24 MS. RHOADES: It's a prior inconsistent
25 statement based on testimony we had yesterday.

1 MS. MCNEILL: We didn't have testimony in front
2 of the jury, your Honor. I don't think it's ripe yet.

3 THE COURT: One more time. Let me have counsel
4 at the bench, please.

5 (Discussion held at the bench.)

6 THE COURT: I'm going to overrule the objection
7 and allow the statements made. For clarification for the
8 jurors, there is a rule of evidence that would not allow
9 someone to come in and testify to an out-of-court
10 statement that someone else made for the truth of that
11 matter. And I'm not admitting the statements for the
12 truth of the matter. I'm admitting the statements
13 because, as counsel has argued, may indicate inconsistent
14 statements with other statements you'll receive.

15 MS. KOLLINS: May we approach on that, your
16 Honor.

17 THE COURT: You may.

18 (Discussion held at the bench.)

19 THE COURT: Let me clarify something. We have
20 had two objections as to hearsay. So the initial
21 information I provided to you about hearsay statements
22 being, again, statements that someone made to someone else
23 who isn't in court that someone in court is trying to
24 relay, but that typically is prohibited as a hearsay
25 statement and not allowed. But there are certain things

1 that are exceptions to hearsay. The prior matter I
2 allowed was an exception to hearsay. This particular
3 matter the argument of counsel to the court is basically
4 to allow the this testimony is that it's not hearsay;
5 therefore, it can be admitted for the truth, and it's up
6 to the fact finder to determine how to weigh the evidence
7 and those things.

8 I want to correct my prior statement that this
9 particular testimony is not offered for the truth. The
10 prior testimony is not offered for the truth, but for
11 other bases. But this is being offered potentially for
12 the truth. And again, it's up to the fact finders to make
13 those determinations.

14 Ms. Rhoades, you may continue.

15 MS. RHOADES: Thank you, very much.

16 BY MS. RHOADES:

17 Q. So the summer of 2015 you're going into your
18 junior year and you were having that conversation with
19 Morgan. You were there in her house you were having
20 that?

21 A. On the balcony.

22 Q. What did Morgan tell you about her
23 relationship with Josh?

24 A. She said that when she was in 6th grade she
25 was a dean's aide in the office and he worked there as a

1 hall monitor, police officer. I'm not sure. But they
2 started, I guess, flirting, talking, going on dates and
3 stuff, and it basically went on until we regained our
4 contact in 2014.

5 But, yeah, she told me that basically that he would
6 tell her when and where they were having sex, and she had
7 no say in the matter. It was just not a healthy
8 relationship.

9 Q. Did she tell you anything that he had said
10 about her mom?

11 A. Yeah. There was -- he kind of pressured her
12 not to go forward -- to come forward with it because, I
13 guess, her mom let her do things that parents arguably
14 should be actively discouraging. So he was going to turn
15 her in for child abuse.

16 Q. Turn her mom in for child abuse?

17 A. Yes.

18 Q. Did she tell you that it was a dating
19 relationship she had with Joshua?

20 A. Yes.

21 Q. Did she tell you anything about that day in
22 2011 when she left your house and you had gotten in an
23 argument?

24 A. Yeah. Later on she told me that he was so
25 persistent with her leaving house, he had waited long

1 enough for sex, because at that point they had not had
2 sex. They were waiting. Then the next morning she says,
3 it wasn't her mom that picked her up, but it was him and
4 they went to the SunCoast parking garage and had sex in
5 his car.

6 Q. When you say later on, was it in the same
7 conversation you had with her, right?

8 A. Yes. Like when we were on the balcony she
9 told me about it.

10 Q. When Morgan was telling you these things, did
11 she seem mad at Josh?

12 A. No. That's what was so weird about it. It
13 was more like --

14 MS. MCNEILL: Objection, speculation.

15 THE COURT: Sustained.

16 MS. RHOADES: I can lay foundation.

17 BY MS. RHOADES:

18 Q. At this point, the summer 2105, Morgan had
19 been in your life for several years, right?

20 A. Yes.

21 Q. Have you seen her and helped her through good
22 times, bad times?

23 A. Yes. We were really close.

24 Q. You know her reaction to things. You can tell
25 her demeanor when she's upset?

1 MS. MCNEILL: Objection, leading.

2 THE COURT: It is somewhat leading in the
3 foundation, but overruled.

4 BY MS. RHOADES:

5 Q. Can you tell her demeanor when she's
6 expressing something?

7 A. Yes.

8 Q. Were you able to tell her demeanor when she
9 was expressing these things to you about Joshua when you
10 where on the balcony?

11 A. Yes. She was overwhelmed with all the
12 information running around in her head. She had a lot of
13 proof. We went through the photo albums, texts. I helped
14 her go through and sort everything out. Yeah, she was
15 nervous about coming forward.

16 BY MS. RHOADES:

17 Q. Did she tell you why she was nervous about
18 coming forward?

19 A. She was honestly apprehensive about doing this
20 to Josh.

21 Q. Did she tell you why?

22 A. I think that --

23 MS. MCNEILL: I'm going to lodge an objection.
24 This is not -- this is all hearsay, and I don't believe
25 it's consistent or inconsistent and is speculative.

1 THE COURT: Ms. Rhoades, it does appear to be
2 perspective. We did allow some foundation to be laid, but
3 this is now going into her belief and understanding of
4 Morgan's state of mind. That would be appropriate to
5 sustain at this time.

6 Unless there's foundation, I'll sustain it.

7 MS. RHOADES: Thank you, your Honor.

8 BY MS. RHOADES:

9 Q. Did Morgan tell you anything during this
10 conversation about being apprehensive about telling
11 anybody about Joshua?

12 A. Yes.

13 Q. What did she tell you?

14 A. Yes.

15 Q. What did she tell you?

16 MS. MCNEILL: Objection, hearsay.

17 MS. RHOADES: I think it's the same argument we
18 had at the bench, based on the testimony yesterday.

19 THE COURT: Overruled.

20 MS. RHOADES: Thank you, your Honor.

21 BY MS. RHOADES:

22 Q. What did Morgan tell you about that?

23 A. She never wanted to hurt him.

24 Q. That's what she told you?

25 A. Yes, more or less. Yes.

1 Q. Did she tell you anything about loving Josh?

2 A. Yes.

3 Q. What did she say about that?

4 A. That she did love him.

5 Q. After that conversation, what did you two
6 do?

7 A. We talked about it for a long time and it
8 wasn't just that one time. We talked about it -- it was
9 something I helped her get through.

10 MS. MCNEILL: Objection, non-responsive.

11 THE COURT: Overruled. You may complete your
12 answer.

13 THE WITNESS: I'm sorry. I lost it.

14 BY MS. RHOADES:

15 Q. You had multiple conversations after this
16 first conversation about Josh?

17 A. Yes. All the proceedings of the case and
18 stuff, yeah.

19 Q. At some point did you lose contact with
20 Morgan?

21 A. Midway, about February, March of 2017.

22 Q. So before you lost contact with her from that
23 summer 2015 to February, March 2017, were you hanging out
24 with her a lot?

25 A. Yeah.