

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

JOSHUA HONEA,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 76621

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**APPELLANT'S APPENDIX**

**VOLUME 4**

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ADAM LAXALT

JONATHAN MACARTHUR

STEVEN WOLFSON



1 Q. What kinds of things would you do?

2 A. We hung out at her house. We went to parties.  
3 Normal teen stuff. I would help her with her homework.

4 Q. In that first conversation or any thereafter  
5 that you had with Morgan about Joshua, did she ever tell  
6 you that she was lying about that relationship?

7 A. No.

8 Q. Did she ever tell that you she felt pressured  
9 to tell the police about that relationship?

10 A. No. If anything, pressured not to.

11 Q. Pressured not to by who?

12 A. By herself, I guess.

13 Q. Taylor, were there sometimes where you and  
14 Morgan would use illegal drugs together?

15 A. On occasion.

16 Q. Was that marijuana?

17 A. Yes.

18 Q. The times were you hanging out with Morgan,  
19 did someone in your family have a medical marijuana  
20 card?

21 A. Yes, my mother has a medical marijuana card.

22 Q. Did you and Morgan ever use your mother's  
23 medical marijuana card?

24 A. No. She keeps it tightly locked.

25 Q. Was there other times you and Morgan used

1 Xanax when you weren't prescribed it?

2 A. Yes.

3 Q. How many time would you say?

4 A. Not -- like maybe 3 times. Nothing crazy.

5 Q. In February, March 2017, how is it you lost  
6 contact?

7 A. She ran away from home.

8 Q. Did you do anything to help her mother find  
9 her, look for her?

10 A. Yeah. I posted stuff online trying to get see  
11 if people could find her. I wanted to talk to Pam to see  
12 what was up. I talked to some of the people who she was  
13 close with before she ran away. I really did everything I  
14 could.

15 Q. When was the last time that you saw Morgan?

16 A. I think my 18th birthday party, around March  
17 16th.

18 Q. Of what year?

19 A. 2017.

20 Q. After -- was she in run-away status at the  
21 time of your birthday?

22 A. Kind of in between. I talked to Pam later on  
23 about it. She said she had been in and out of the house,  
24 but not staying there very often. One day she never came  
25 back. But at that time, she was still coming home

1 occasionally.

2 Q. Were you aware that sometime thereafter that  
3 Morgan had to be hospitalized?

4 A. Yes.

5 Q. Do you know when that was?

6 A. Probably April, May.

7 Q. Did you try to go see her in the hospital?

8 A. I was in softball at the time. I didn't have  
9 free time. I wanted to though. Plus her mom took her out  
10 shortly after she was admitted. She was only in for like  
11 2 days.

12 Q. You did mention earlier something about  
13 Morgan's dad. Did you learn that Morgan reconnected with  
14 her father?

15 A. Yes.

16 Q. How did you know that?

17 MS. MCNEILL: Objection, relevance.

18 THE COURT: Overruled. Lay a foundation.

19 BY MS. RHOADES:

20 Q. What do you know about that and how do you  
21 know it?

22 A. I know that before she started running away,  
23 going off on a bender, she came back in contact with him.  
24 She wanted a relationship with him. And then after, when  
25 she had a more steady relationship with him, she had run



1 away. She won't respond to any attempt for me to contact  
2 her.

3 Q. Did you try multiple times to contact her?

4 A. Yes.

5 Q. What method did you use to contact her?

6 A. Facebook, Snap Chat, phone number, Instagram.  
7 She posted sometimes, but nothing.

8 MS. RHOADES: Thank you, your Honor. I'll pass  
9 the witness.

10 THE COURT: Mr. McNeill.

11 MS. MCNEILL: Thank you, your Honor.

12 CROSS-EXAMINATION

13 BY MS. MCNEILL:

14 Q. Okay. Taylor, you said that you and Morgan  
15 were best friends in 6th grade?

16 A. Yes.

17 Q. Best of friends spend lots of time together?

18 A. Yes.

19 Q. Talk about everything?

20 A. Yes.

21 Q. Usual girl stuff, make-up, hair?

22 A. Yeah.

23 Q. Boys?

24 A. Yeah.

25 Q. Morgan keep secrets from you?

1 A. No.

2 Q. She spent a lot of time at your house. She'd  
3 stay there during the night and spend the next day  
4 together?

5 A. Yes.

6 Q. So in 2011 you were best friends. She told you  
7 everything, but she didn't tell you anything about Joshua  
8 Honea until 2015?

9 A. Correct.

10 Q. The incident that you talked about in your  
11 house, back in 2011, she didn't tell you that she left to  
12 be with Joshua until 2015, correct?

13 A. True.

14 Q. That would have been the summer of 2015?

15 A. Yes.

16 Q. You indicated that at the time you just knew  
17 that she was talking to a boy, right?

18 A. Yes.

19 Q. Back at that time she had a lot of boyfriends,  
20 didn't she?

21 MS. RHOADES: Objection, relevance.

22 MS. MCNEILL: They opened the door in their  
23 opening statement.

24 THE COURT: Overruled.

25 BY MS. RHOADES:

1 Q. At that time Taylor had a lot of boyfriends,  
2 didn't she? I'm sorry, Taylor. You're Taylor. I mean  
3 Morgan.

4 A. Yes.

5 Q. In fact, in August 2015, you gave a statement  
6 to the police?

7 A. Yes.

8 Q. About Morgan?

9 A. Yes.

10 Q. Do you remember telling them that at the time  
11 you were confused when she talked about boys because there  
12 was a lot of boys she talked about?

13 A. Yes.

14 Q. The conversation that you had with Morgan in  
15 2015, do you remember telling the police in August of 2015  
16 that the first time you learned about Josh was about a  
17 month ago, in July 2015?

18 A. Yes.

19 Q. Do you remember telling them Morgan felt her  
20 mom would be threatened with child abuse allegations?

21 A. Yes.

22 Q. Morgan seemed worried about that didn't she?

23 A. Yes.

24 Q. When you had this conversation with her that  
25 you mentioned about when Joshua called and you said she

1 didn't seem like she wanted to talk to him, right?

2 A. Yes. I mean it wasn't -- it was -- she  
3 answered the phone like she had to.

4 Q. You would agree with me that having to do  
5 something is different from wanting to do something?

6 A. Yes.

7 Q. So it didn't seem like she wanted to talk, but  
8 she answered the phone anyway?

9 A. Yes.

10 Q. You were confused by that?

11 A. Yes.

12 Q. That is because she was trying to build a case  
13 against Joshua?

14 A. Yes.

15 Q. In fact, you said that when she finally told  
16 you about this in July 2015, you knew the next day she was  
17 going to the police?

18 A. Yes.

19 Q. So at that time you two decided to write  
20 everything down?

21 A. Yes.

22 Q. Did you write it down as she told it to you?

23 A. Yes.

24 Q. Do you know what she did with those notes she  
25 made?

1 A. No.

2 Q. You indicated that your friendship after that  
3 time, 2011, fell by the way side, correct?

4 A. Yes.

5 Q. It seemed like Morgan wanted to spend more  
6 time with boys then with you?

7 A. Yeah. Yes.

8 MS. RHOADES: Sorry. That misstates the  
9 testimony. She was mad because she left for boys, not  
10 because she wants to spend time with boys.

11 MS. MCNEILL: I recharacterized my old question.  
12 She answered, yes.

13 THE COURT: Overruled.

14 MS. MCNEILL: Thank you, your Honor.

15 BY MS. MCNEILL:

16 Q. You indicated that she felt pressured to not  
17 come forward, right? You said that she was pressured by  
18 herself?

19 A. Yes.

20 Q. She showed you a photo album and you indicated  
21 she was collecting proof?

22 A. That isn't how it started, but, yes.

23 Q. She was showing it to you because she was  
24 using it to collect proof, right?

25 A. I would say she showed it to me. It was

1 proof.

2 Q. Proof of -- that she spent time with Joshua  
3 Honea?

4 A. They had a relationship.

5 Q. You'd agree with me there's all kinds of  
6 relationships?

7 A. A sexual relationship.

8 Q. You didn't see photos of them having sex?

9 A. No.

10 Q. You would agree with me you probably have  
11 photos of people you are friends with?

12 A. Yes.

13 BY MS. MCNEILL:

14 Q. The time line of your friendship with Morgan  
15 picks back up in December 2014?

16 A. Yes.

17 Q. That's the time you started using drugs with  
18 Morgan?

19 A. Yes.

20 Q. So in December of 2014, you were using  
21 marijuana with Morgan?

22 A. Yes.

23 Q. Xanax?

24 A. On occasion. Rarely.

25 Q. Okay. Any others drugs you used around that

1 time?

2 A. No.

3 Q. And you characterize that you fell right back  
4 into this best friendship in December 2014, so telling  
5 each other everything?

6 A. Yes.

7 Q. Talking about your problems?

8 A. Yes.

9 Q. Talking about boys?

10 A. Yes.

11 Q. But you didn't hear anything about Joshua  
12 until 6 months later, correct?

13 A. Yes.

14 Q. She ran away from home in 2017?

15 A. Yes.

16 Q. Was she having problems with her mom at that  
17 time?

18 A. Yes.

19 Q. The relationship with her mom, as far as you  
20 know, wasn't the greatest?

21 A. Not the greatest.

22 Q. The State asked you if you knew that Morgan  
23 was hospitalized in April, May 2017. Is it fair to say  
24 that around that time Morgan was having problems was her  
25 mental health?

1 A. Yeah.

2 Q. When is the last time you saw Morgan?

3 A. My birthday party.

4 Q. March 16th?

5 A. Yes.

6 Q. Have you seen her at CCDC?

7 A. Yes.

8 Q. How were you aware of that?

9 A. I talked with her yesterday.

10 Q. They told you she was in jail?

11 A. Yes.

12 Q. Did they tell you that Morgan asked that these  
13 charges be dropped?

14 MS. RHOADES: Objection, relevance. What's the  
15 relevance to this case.

16 MS. MCNEILL: May we approach.

17 THE COURT: Please.

18 (Discussion held at the bench.)

19 THE COURT: Objection overruled. If the witness  
20 remembers the questions she may answer.

21 BY MS. MCNEILL:

22 Q. Did either of -- these are the people you  
23 spoke to?

24 A. Yes.

25 Q. Did either of them tell you Morgan wants to



1 have the charges dropped?

2 A. No.

3 MS. MCNEILL: Would that surprise you if Morgan  
4 said that.

5 MS. RHOADES: Objection, relevance.

6 THE COURT: Sustained.

7 BY MS. MCNEILL:

8 Q. Would it surprise you to know Morgan has  
9 admitted that she lied?

10 MS. RHOADES: Objection, relevance.

11 MS. MCNEILL: This goes to truthfulness.

12 THE COURT: The basis for this testimony was not  
13 met by the response of this witness. I'm going to sustain  
14 it.

15 MS. MCNEILL: Nothing further.

16 THE COURT: Thank you.

17 Ms. Rhoades, do you have further questions for the  
18 witness.

19 MS. RHOADES: Briefly, your Honor.

20 REDIRECT EXAMINATION

21 BY MS. RHOADES:

22 Q. When you were having a conversation with  
23 Morgan in 2015, do you remember one or both of you writing  
24 notes down?

25 A. Yes.

1 Q. Do you remember who was writing the notes  
2 down?

3 A. I was writing the notes.

4 Q. Do you remember what you did with those  
5 notes?

6 A. No. It was more just for her use. We didn't  
7 think it would be --

8 Q. Did you ever tell her what to say when you  
9 were writing those notes down?

10 A. No.

11 Q. There was some question about you were best  
12 friends in 2011. Told each other everything. She didn't  
13 tell you anything in 2011 but she did in 2015. You  
14 remember those questions?

15 A. Yes.

16 Q. In 2015 did she tell you when she hadn't  
17 previously told you anything about Joshua?

18 A. Yes.

19 Q. What did she say about that?

20 A. Because he was considered older then her, and  
21 she didn't want to tell me.

22 MS. RHOADES: Nothing further.

23 THE COURT: Ms. McNeill.

24 RECROSS-EXAMINATION

25 BY MS. MCNEILL:

1 Q. She didn't want to tell you about Josh because  
2 he was older, correct?

3 A. Yes.

4 Q. You saw the photos she had?

5 A. Yes.

6 Q. There is a lot of photos in there of her and  
7 Josh, right?

8 A. Yes.

9 Q. Photos of her and Josh with other people?

10 A. Yes.

11 Q. That didn't seem like a secret, right?

12 A. No.

13 MS. MCNEILL: Nothing further.

14 THE COURT: Ms. Rhoades.

15 MS. RHOADES: No.

16 THE COURT: I'll remind the jurors they have an  
17 opportunity, if they wish, to ask questions of this  
18 witness. Can I see by a show of hands if anyone has  
19 questions for this witness.

20 I see no hands.

21 Ms. Roberts, you are excused. Don't forget your  
22 backpack, please.

23 MS. KOLLINS: May we approach.

24 THE COURT: It's been under an hour that we've  
25 been back in session, but there are things we need to work

1 out logistically to proceed. I want to also use the  
2 restroom. I don't know if anybody else does, but I'll  
3 give everybody that opportunity.

4 JURY ADMONITION

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

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

17 Be back in 10 minutes, and we'll see you back.

18 (Brief recess taken.)

19 THE COURT: We need to take a minute to make a  
20 record of the bench conferences, and we need to figure out  
21 how to address it. Let's address the witness first.

22 I have been informed by my marshall the COs will not  
23 allow Morgan to change without a court order. My  
24 preference is to determine whether or not she wants to  
25 change. I don't know if she does or doesn't.

1           And Ms. Pandullo, would you have insights on whether  
2 she would prefer to.

3           MS. PANDULLO: I haven't had an opportunity to  
4 speak with her.

5           THE COURT: I want her up here so Ms. Pandullo  
6 an talk to her. Let's get her up here.

7           MS. KOLLINS: It seems ludicrous to me her  
8 attorney can't drop off her clothes. They prevented the  
9 DA's office from dropping off clothes.

10          MS. MCNEILL: The client as a right in trial ---  
11 the Defendant has to be dressed.

12          THE COURT: Just saying. I don't know what the  
13 process is. My question to my marshall was did she change  
14 or not. Has she had time to do so, if she wanted to do  
15 so. His response was COs won't let it happen without a  
16 court order.

17          I have three bench conferences to make a record of.  
18 The first bench conference, first objection made by Ms.  
19 McNeil as to the line of questioning of Ms. Rhoades. It  
20 was first time that Ms. Roberts was being requested to  
21 make a statement of something that Morgan said. It was in  
22 the context of something Morgan told Ms. Roberts' mother,  
23 as I understand it, about her reason for wanting to leave  
24 the evening of when she was staying over. And the  
25 argument was it was hearsay. The counter argument -- all

1 of this taking place at the bench -- was it really went to  
2 the state of mind of Morgan. And ultimately Morgan's  
3 efforts to conceal what was actually occurring.

4 The court did allow that to come in as an exception  
5 to the hearsay rule. And when we resumed I did not make a  
6 statement at that time about why it as allowed, other then  
7 to overrule the objection -- sorry -- overrule the  
8 objection.

9 When I get to the second bench conference, I'll  
10 explain more about the other piece of the puzzle.

11 Ms. McNeil, anything further to that first bench  
12 conference.

13 MS. MCNEILL: No, your Honor.

14 THE COURT: Ms. Rhoades.

15 MS. RHOADES: No.

16 THE COURT: The second bench conference came in  
17 Ms. Roberts' testimony. She was going to speak about  
18 information that Morgan relayed to her about the  
19 relationship with Mr. Honea.

20 The argument at that time was made for hearsay  
21 to apply to exclude the statement. The counter argument  
22 was it was a prior inconsistent statement based on the  
23 testimony given last night. The discussion at the bench  
24 entailed some degree about the fact that Ms. Savage would  
25 be testifying. The court's concern is we don't know what

1 that testimony will be, and whether it will be ultimately  
2 consistent with the statement Ms. Roberts made, or  
3 inconsistent based on what was expected to be the  
4 testimony based on last nights under oath statement.

5 So that ultimately, it could be admitted as a prior  
6 inconsistent statement because there were going to be  
7 statements under oath potentially that were inconsistent,  
8 even though it was argued by Ms. McNeill it wasn't ripe  
9 yet because Ms. Savage had not testified and that it would  
10 be more appropriate to bring Ms. Roberts back after  
11 Mr. Savage testified, depending on the testimony.

12 The court made the discretionary call that because of  
13 the witness' availability, this was an out-of-state  
14 witness we were trying to complete today so that she could  
15 complete her travel and return to school that we were  
16 going to allow it provisionally based on the fact that we  
17 knew Ms. Savage would be testifying. And at one point we  
18 would know one way or another in which the court could do  
19 a curative instruction if it ended up being consistent and  
20 not inconsistent.

21 I then, when counsel returned to the bench and were  
22 off the conference, I directed the jurors the testimony  
23 that was to be received was admitted as an exception to  
24 hearsay and not for the truth of the matter asserted.

25 At that point Ms. Rhoades asked to reapproach and

1 made the argument that it is a prior inconsistent  
2 statement and therefore is not hearsay and should be  
3 admitted for the truth.

4 The court ultimately agreed with that analysis. I  
5 will indicate to you, Ms. Rhoades, that I now have some  
6 concerns about that analysis, but, again, based on it  
7 still all having been done provisionally knowing Ms.  
8 Savage is going to testify, but still not knowing what the  
9 testimony will be, I think there is a possibility that it  
10 is hearsay and possibly an exception versus non-hearsay.

11 I base that on the fact that typically when you have  
12 prior inconsistent statements and they're non-hearsay,  
13 they're really simply being offered because of potential  
14 for the witness' credibility. And it's not being offered,  
15 you know, somebody says the sky is blue and someone says  
16 the sky is green, it shows that they have inconsistent  
17 statements, but it's not being offered because the sky is  
18 green, the sky is blue, it's being offered because there  
19 is a credibility issue. That is non-hearsay.

20 What is being offered because it's an inconsistent  
21 statement, and you're talking about impeachment, in that  
22 regard you're talking about a prior sworn statement, a  
23 current sworn statement, and those inconsistencies don't  
24 have that hearsay.

25 I am still working through how I might end up



1 following up with the jurors to confirm it, but I think it  
2 will hinge on what Ms. Savage's testimony is. And that's  
3 still to come.

4 That was the second bench conference and a little bit  
5 of additional remarks I'm making now. It was your  
6 objection, Ms. McNeill, so do you have anything to add to  
7 that discussion.

8 MS. MCNEILL: No.

9 THE COURT: Ms. Rhoades, anything to add.

10 MS. RHOADES: It's the State's position that  
11 51.035 is it's non-hearsay and it comes in as substantive  
12 evidence in the consistent statement. I think it goes to  
13 Crowley as well. If she does testify consistently with  
14 what she previously told Taylor, I can only assume that  
15 there is going to be fabrication issues come up. We can  
16 address that after she testifies.

17 I just think it's an inconsistent statement and does  
18 come in as substantive evidence based on the case law.

19 THE COURT: It is ultimately the court's  
20 determination to make that final call and final  
21 instructions to the jurors after we have completed Ms.  
22 Savage's testimony.

23 The third bench conference was related to Ms. Roberts  
24 testimony. This was an objection made by Ms. Rhoades to a  
25 question posed by Ms. McNeill asking with regard to Ms.

1 Roberts if she had been informed by counsel for the State  
2 of Morgan's -- possibility of Morgan wishing to not pursue  
3 charges or have charges removed.

4 Ms. Rhoades objected based on relevancy. I called to  
5 the bench and we had the discussion. Ms. McNeill's  
6 argument, which was persuasive to the court, and I allowed  
7 the testimony to proceed and it was if she had been so  
8 informed this go to potential bias on the part of Ms.  
9 Roberts to testify a certain way is she had some reason to  
10 believe something had changed with regard to Ms. Savage's  
11 testimony. And I did allow it, but once the answer came  
12 out that there had not been such a discussion with the  
13 State, I did believe that the other subsequent questions  
14 about what she might have been surprised by, what Morgan  
15 said last night, were inappropriate and not relevant at  
16 that time. That's how we concluded that line of  
17 testimony.

18 Ms. Rhoades, anything to add.

19 MS. RHOADES: If that's the path on Morgan  
20 wanting these charges dropped, I don't think that's  
21 relevant. I would ask the court to instruct the jury the  
22 State of Nevada brings the charges and not the victim in  
23 the case.

24 THE COURT: It could be a dicey playing field if  
25 those questions are going to be asked and where those

1 objections may come. We'll deal with that if the time  
2 comes.

3 Ms. McNeill, do you want to respond to that bench  
4 conference.

5 MS. MCNEILL: No, your Honor. You captured  
6 it.

7 THE COURT: Those are the bench conferences I  
8 have to have there. The Defendant is back. I know  
9 counsel is talking to her. I think Ms. Pandullo knows to  
10 ask -- officer, my understanding is that absent court  
11 order the jail taking the position they will not allow a  
12 change out of clothes until the court orders it. If the  
13 witness so wishes to change and if the court verbally  
14 orders it, is that sufficient.

15 THE OFFICER: I would have to contact my  
16 supervisor.

17 THE COURT: I don't know what the witness want,  
18 to do so we'll find out.

19 MS. KOLLINS: The only reason I made the record  
20 is I didn't want the court to think we were being  
21 disrespectful with your time. We tried to handle this.

22 THE COURT: Do we have information on whether or  
23 not the witness wishes to change.

24 MS. PANDULLO: We do. She does not wish to  
25 change.

1 THE COURT: Okay. The jurors were told to  
2 return in 10 minutes.

3 MS. PANDULLO: If I could say something briefly.  
4 I know this is going to seem a little picky, but she did  
5 invoke on questions related to her testimony at  
6 preliminary hearing. If either party intends to go into  
7 those statements she made in the voluntary statement --  
8 that was July 22, 2015 -- she didn't invoke on that. I  
9 would like to address that now outside the presence of the  
10 jury.

11 MS. RHOADES: There's no perjury charge there  
12 because that wasn't a sworn statement.

13 MS. PANDULLO: There is potential liability so I  
14 would like her to invoke. And I'd like to know if either  
15 party intends to go into that line of questioning.

16 THE COURT: Ms. Rhoades, any reason why the  
17 State would be -- you just said you didn't believe it was  
18 a statement, so perhaps it wouldn't attach. The State  
19 will give the same immunity, but to the extent there would  
20 be an argument.

21 MS. KOLLINS: Absolutely. And I can tell the  
22 court there is nothing in there that is going to subject  
23 her to prosecution. She talks about smoking weed, I guess  
24 if they want to go so far as the say, one is perjury, one  
25 is obstruction or false statement, I don't know if that is

1 the discussion had between you guys earlier, but there is  
2 nothing in there.

3 The State will grant qualified immunity as to both  
4 statements.

5 MS. PANDULLO: I feel it's necessary to address  
6 Ms. KOLLINS comment there. I think she has a very  
7 incorrect understanding of what my role is here. I'm not  
8 providing defense counsel any information. I'm also not  
9 providing the DA's office with any information. My job is  
10 to act on her behalf, not on behalf of the Defendant, not  
11 on behalf of the State.

12 What Mr. MacArthur asked me earlier was I believe  
13 it's the victim advocate who had gone back there and I  
14 said I hope she's back there, with your permission and  
15 consent. I knew my client was not back there. It wasn't  
16 an issue. I agree with Mr. MacArthur that if anyone is  
17 going to be speaking with my client I be presents for  
18 that. That was the only conversation we had.

19 THE COURT: I appreciate you making a record.

20 This is a very tense case. These are very tense  
21 inquiries. Everybody has opinions and feelings. I have  
22 no problem with that. I'm just not going to let it get in  
23 the way of what we need to do.

24 Ms. Pandullo, I chose you for this purpose because I  
25 trusted that's exactly what you would do, which is what

1 you are doing, which is to be Ms. Savages' advocate, but  
2 not in my way, shape, or form to be having communications  
3 with either side of this case that would be, in your  
4 understanding, from your role inappropriate. And I trust  
5 it has not occurred.

6 We can help Ms. Pandullo out. We can all make this  
7 smoother if we just let her do her job and maybe we don't  
8 have conversations with her. But regardless, we have that  
9 record.

10 Anything else.

11 MS. KOLLINS: No.

12 THE COURT: I'll let everyone have a chance to  
13 use the restroom. Let's return at 3:00.

14 (Brief recess taken.)

15 THE COURT: Resuming in the trial of State of  
16 Nevada vs. Joshua Honea. Take your seats. Who is your  
17 next witness.

18 MS. KOLLINS: The State calls Morgan Savage.

19 THE COURT: We'll swear in the witness for her  
20 testimony.

21 THE CLERK: You do solemnly swear the testimony  
22 you are about to give in this action, shall be the truth,  
23 the whole truth, and nothing but the truth, so help you  
24 God.

25 THE WITNESS: I do.

1 THE CLERK: Be seated. State and spell your  
2 name for the record.

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

5 THE COURT: When you are ready, Ms. KOLLINS.

6 MS. KOLLINS: Thank you, your Honor.

7 DIRECT EXAMINATION

8 BY MS. KOLLINS:

9 Q. Good afternoon, Morgan. How are you?

10 A. I'm doing okay.

11 Q. How old are you today?

12 A. I'm 18 years old.

13 Q. When is your birthday?

14 A. June 30, 1999.

15 Q. Showing defense counsel what's marked as  
16 State's Proposed Exhibit 62?

17 MS. KOLLINS: May I approach the witness.

18 THE COURT: You may.

19 BY MS. KOLLINS:

20 Q. I'm going to ask you to look at State's  
21 Proposed 62. Do you recognize the information contained  
22 in that document?

23 A. Yes.

24 Q. Your birth date is when?

25 A. June 30, 1999.

1 Q. So you turned 18 this past June 30, 2017,  
2 correct?

3 A. Yes.

4 Q. The rest of that information within that chart  
5 accurately reflects your age each year on your birthday  
6 and the school year you were in?

7 A. Yes, it does.

8 MS. KOLLINS: Permission to publish, your Honor.  
9 I'm sorry.

10 THE COURT: Any objection.

11 MR. MACARTHUR: No objection, Judge.

12 THE COURT: 62 will be admitted. You may  
13 publish.

14 BY MS. KOLLINS:

15 Q. So in this past June 30th you turned 18,  
16 correct?

17 A. Yes, I did.

18 Q. You turned 17 the summer before your senior  
19 year in high school?

20 A. No. I turned 17 -- I can't really tell. I  
21 turned 17 right after the school year.

22 Q. Right after the school year ended. So going  
23 into your senior year?

24 A. No.

25 Q. So these ages are not correct?



1           A.       I'm confused.

2           Q.       So were you 11 as you went into 6th grade?

3           A.       Yes.  Actually, I get it now.  So June 30,  
4           2016, I turned 13 then right after senior year ended,  
5           which ends around the beginning of June.

6           Q.       All right.

7                    THE COURT:  I want to clarify.  I still think  
8           the witness still said the same thing.  Are you going to  
9           clear this up.

10                   MS. KOLLINS:  I'm going to try.

11           BY MS. KOLLINS:

12           Q.       So Morgan, when you turned 11 years old, do  
13           you remember that, turning 11?

14           A.       I don't remember the day.  I do know I turned  
15           11.

16           Q.       Did you turn 11 before the 6th grade in  
17           June?

18           A.       Yes, I did.

19           Q.       Then you stayed sequentially in each grade,  
20           6th grade, 7th grade, 8th grade, 10th grade, 11th grade,  
21           12 grade?  You didn't skip any grades or repeat any  
22           grades?

23           A.       No, I didn't.

24           Q.       So thinking about it like that would that make  
25           this accurately reflect your ages and your grades in

1 school?

2 THE COURT: To be clear, the ages depicted in  
3 the middle row is intended to be the age prior to the  
4 start of the next school year. The school year depicted  
5 in the right column; is that correct.

6 MS. KOLLINS: That is correct. So what I said  
7 previously is she turned 11 years old the summer prior,  
8 June 30th, to her 6 grade year. And she agreed with  
9 that.

10 THE WITNESS: Yes.

11 BY MS. KOLLINS:

12 Q. You didn't skip any grades?

13 A. No.

14 Q. And you didn't repeat any grades?

15 A. No, I didn't.

16 Q. Okay.

17 When was your last time you attended school?

18 A. I haven't attended school since -- I don't  
19 know the exact month. I do know it was toward the end of  
20 March when the second semester was going to start.

21 Q. Last year?

22 A. That was this year.

23 Q. So were you still living at your mom's when  
24 you were in school?

25 A. Yes, I was.

1 Q. When I say last year, I mean last school  
2 year?

3 A. Yes, last school year.

4 Q. Would that have been any time near Taylor's  
5 birthday, the last time you attended school?

6 A. Yes.

7 Q. Where did you go to school?

8 A. Bonanza High School.

9 Q. You were a senior?

10 A. Yes.

11 Q. Did you complete that year?

12 A. No, I did not.

13 Q. Who did you live with up until the time you  
14 stopped going to school?

15 A. Toward the end for a few weeks I was living  
16 with one of my friends that lived on the east side of Las  
17 Vegas, but before that I was living with my mother.

18 Q. Who is your mom?

19 A. Pamela Savage.

20 Q. Where does your mom live?

21 A. Right now, she lives on Rainbow and Twain.

22 Q. Has she always lived on Rainbow and Twain?

23 A. No.

24 Q. Where did she live while you were growing up  
25 and going to middle school and the beginning of high

1 school?

2 A. Charleston.

3 Q. Do you know your address on Charleston?

4 A. 8452 Fossy Drive.

5 Q. Is that here in Las Vegas, Clark County,  
6 Nevada?

7 A. Yes.

8 Q. Who lived with you and mom at that address?

9 A. Nobody lived with us.

10 Q. Nobody else. Just you and your mom?

11 A. Yes.

12 Q. Where is your dad?

13 A. My dad is over in the area of Charleston and  
14 Torrey Pines.

15 Q. When you say he is the area of Charleston and  
16 Torrey Pines, is he in a house? Is he in an apartment?

17 A. At the moment he is homeless.

18 Q. For -- since you quit going to school, back in  
19 March, up until you are here today, have you  
20 intermittently lived with your dad, albeit being  
21 homeless?

22 A. Yes. The entire time.

23 Q. You were hospitalized in March, correct --  
24 March or May?

25 A. Yes, I was.

1 Q. Why was that?

2 A. I was -- I had a gas intestinal infection. I  
3 was later sent to WestCare for amphetamines in my  
4 system.

5 Q. So you had an infection and then -- it was a  
6 drug issue; is that right?

7 A. Yes.

8 Q. Was it for your mental health?

9 A. It was for both. I was for my mental and my  
10 drug abuse.

11 Q. You are hear in custody today?

12 A. Yes.

13 Q. You are here with your attorney, right?

14 A. Yes.

15 Q. You were subpoenaed to be a witness in this  
16 case?

17 A. Yes.

18 Q. Do you know Joshua Honea?

19 A. Yes, I do.

20 Q. Do you see him here in court today?

21 A. Yes, I do.

22 Q. Can you indicate where that person is sitting  
23 and what they are wearing in court today?

24 A. He's on the right side, as far as I'm sitting.  
25 And he is wearing gray and has a pink tie on.

1 MS. KOLLINS: Record reflect identification of  
2 the Defendant, Joshua Honea.

3 THE COURT: The record will so reflect.

4 BY MS. KOLLINS:

5 Q. You know what we are here to talk about today,  
6 correct?

7 A. Yes.

8 Q. I want to take you back to just before going  
9 into 6th grade. Where were you going to 6th grade?

10 A. Johnson Middle School.

11 Q. Where is Johnson Middle School?

12 A. Buffalo and Ducharme.

13 Q. When you were going into the 6th grade, did  
14 you attend a preparatory indoctrination thing you had to  
15 go through for a couple of days to try to teach you what's  
16 what in middle school?

17 A. Yes.

18 Q. Who did you meet there?

19 A. I met all my teachers, including the staff and  
20 Josh.

21 Q. Josh that you've identified today?

22 A. Yes.

23 Q. And at that time you were 11?

24 A. Right.

25 Q. In what capacity did you meet Josh?

1           A.       I don't remember exactly what it was with the  
2 whole Eagle Camp thing or where, but it was during that  
3 time.

4           Q.       For your Eagle Camp thing were you are  
5 separated out in groups and you get a tour thing. Is that  
6 what you did?

7           A.       Yes.

8           Q.       Did Joshua participate in it with me?

9           A.       Yeah. Not with me. Not with me  
10 specifically.

11          Q.       Did you meet each other on one of those days  
12 you attended that camp and exchange lows, highs, or  
13 anything?

14          A.       Yes.

15          Q.       Who was your best friend in 6th grade?

16          A.       I don't remember really having a best friend  
17 in 6th grade.

18          Q.       Did you do well in school 6th grade?

19          A.       No, I did not.

20          Q.       Why?

21          A.       I had a lot of family issues going on at home  
22 and I was just acting out at school. I was sent to the  
23 dean's office a lot. Not focusing on what was important.

24          Q.       When you say you had a lot of issues going on  
25 at home, what do you mean?

1           A.       Well, at the time my mom and her boyfriend  
2 were having issues, so I just kind of heard the arguing  
3 and things like that. My mom was going through a hard  
4 time at work. She has a stressful job. She was stressed  
5 out. Of course, my step dad didn't really help with that.  
6 I wasn't getting much done at home like I should have.

7           Q.       So you were kind of in the middle of the  
8 battleground?

9           A.       Right.

10          Q.       What does you mom do for work?

11          A.       She's a trustee manager for Wells Fargo.

12          Q.       How long has she been doing that?

13          A.       18 years.

14          Q.       As a result of that, being trustee manager,  
15 does she travel, does she go away a lot?

16          A.       Once in awhile.

17          Q.       Did she go away while you were in middle  
18 school?

19          A.       I believe so, yes.

20          Q.       How about high school?

21          A.       I don't remember if she did in high school or  
22 not.

23          Q.       Do you know where she would go when she had to  
24 go away?

25          A.       All different sorts of cities where they



1 needed her.

2 Q. In 2011 did you start talking to Joshua?

3 A. Yes, I did.

4 Q. Tell me about starting this communication with  
5 Joshua?

6 A. I was being sent to the dean's office a lot,  
7 so I was -- he worked in the dean's office as well. He  
8 was voluntary, as campus monitor. And so from there I  
9 just kind of met him through getting in trouble. I was  
10 sitting in the dean's office a lot. He'd ask me why are  
11 you in here, like, every time why are you in here, why are  
12 you here. You should be doing better. That's all it  
13 really was.

14 Q. You were in the dean's office a lot. What  
15 were you in the dean's office about?

16 A. Because I acted out. I didn't want to sit in  
17 class. I was just a student who didn't care to learn  
18 about what was going on. I would rather sit with quote,  
19 unquote bad kids, and do the quote, unquote, talk about  
20 the fun stuff.

21 Q. Did you get referred for dress code  
22 violations?

23 A. Many, yes.

24 Q. When you say you acted out in class, what do  
25 you mean?

1           A.       Well, by acting out in class I wasn't paying  
2 attention. I was told to pay a attention a lot. I was  
3 not doing my homework. I was not doing my work.

4           Q.       It's at that point you started to speak to  
5 Josh?

6           A.       At that point I asked Josh if he would help me  
7 with my homework, when I was in the dean's office, if I  
8 had to stay after school. I didn't really have anybody  
9 else there, other then I asked him simply if he would help  
10 me.

11          Q.       Did he help you?

12          A.       Sometimes, yes, if I needed it.

13          Q.       What kind of things did he help you with --  
14 homework stuff?

15          A.       Yes.

16          Q.       Is that help you weren't getting at home?

17          A.       Yes.

18          Q.       Did your mom help you with homework at that  
19 time?

20          A.       No.

21          Q.       At the times you were going to the dean's  
22 office, did you talk to your mom about them?

23          A.       I had mentioned Josh to my mom a couple of  
24 times as far as who he was and who helped me after  
25 school.

1 Q. Okay. Did your mom -- you make this sound  
2 like it's pretty repetitive behavior. Did your mom have  
3 to come to School to take care of these problems, or is  
4 this something Josh helped with?

5 A. My mom --

6 MR. MACARTHUR: Objection. I'll withdraw the  
7 objection. It's premature.

8 THE WITNESS: My mom had to come in and  
9 obviously have conferences with the dean, because I kept  
10 violating the dress code and a lot of rules of class and  
11 school. So she had to come speak to the dean a lot about  
12 my behavior.

13 THE COURT: Keep that thought. Because of what  
14 just occurred, you did that very well.

15 If the lawyer poses an objection, then I'll need to  
16 rule on that before you complete your answer. Okay.  
17 Thank you. We hadn't had that discussion.

18 Ms. KOLLINS.

19 BY MS. KOLLINS:

20 Q. Sorry. I lost my train of thought.

21 Sounds like you needed some guidance at that point  
22 of your life?

23 A. Yes.

24 Q. Other than your mom going through a bad time,  
25 how is your relationship with your mom?

1           A.       Me and my mom did not have the good  
2 relationship for the longest time.

3           Q.       Have you ever described your mom as your best  
4 friend?

5           A.       I have said she's my best friends in times  
6 where I have nobody else.

7           Q.       At that time she wasn't?

8           A.       No.

9           Q.       In the second half of your 6th grade year --  
10 so we're talking the end of 2011 -- do you continue to  
11 talk to Josh Honea?

12          A.       Yes.

13          Q.       How do you communicate with him the second  
14 part of 2011?

15          A.       We were just texting and calling.

16          Q.       What did you talk about?

17          A.       Just stuff that was going on. Like, anything  
18 from current events, to what happened at school, to what  
19 is going on in my life.

20          Q.       How often would you talk?

21          A.       Damn near every day -- excuse my language.  
22 Almost every day.

23          Q.       When you would text and talk was that on the  
24 phone?

25          A.       Yes.

1 Q. Did you skype at that time?

2 A. Once there was a skype.

3 Q. So you talked about stuff at school. And you  
4 talked about happenings of the day. Did the tone of the  
5 conversations change?

6 A. No.

7 Q. Okay.

8 In the summer, after school is over -- well, let me  
9 do this. Do you remember Joshua's 18th birthday?

10 A. Not very clearly.

11 Q. In the summer after the 6th grade was over,  
12 did you stay in Las Vegas or did you go somewhere?

13 A. I went on a trip to Minnesota.

14 Q. Who did you stay with in Minnesota?

15 A. My aunt.

16 Q. What's your aunt's name?

17 A. Well, first I went from my aunt Melissa's  
18 to -- then I went on to aunt Amy's.

19 Q. How long would you -- was this something you  
20 did every summer going up there for awhile?

21 A. Regularly.

22 Q. The summer after 6th grade, but before you  
23 turned 12 years old, how long did you spend up there?

24 A. Probably a month-and-a-half -- half the  
25 summer.

1 Q. Half the summer?

2 A. Yes.

3 Q. Do you remember when you got home?

4 A. Yes, I do.

5 Q. While you were in Minnesota, did you talk to  
6 Josh?

7 A. Yes, I did.

8 Q. How did you communicate with him?

9 A. Text and calling. One time there was a  
10 skype.

11 Q. What did you talk about?

12 A. Like I said, current events, things going on.  
13 What is it like visiting. What I was doing for my  
14 vacation, things of that nature.

15 Q. While you are in Minnesota, who else did you  
16 talk to besides Josh in Las Vegas, other than your mom?

17 A. I don't remember.

18 Q. You don't remember, but you remember talking  
19 to Josh?

20 A. Yes.

21 Q. Okay. For that month-and-a-half that you were  
22 gone, how many times a week would you talk to Josh?

23 A. Almost every day of the week.

24 Q. Why -- so when you finished 6th grade, what  
25 was his role in your life?

1           A.       He was one of my friends. He was somebody  
2 that helped me a lot, helped as a friend when a friend is  
3 down and needs help.

4           Q.       In the summer between 6th grade when you went  
5 to Minnesota, what kinds of things were you doing with  
6 your family there?

7           A.       I was celebrating my birthday.

8           Q.       Where did you celebrate your birthday?

9           A.       Water Park of America and Mall of America.

10          Q.       And your aunts and cousins took you there?

11          A.       Correct.

12          Q.       So was this a good summer or a bad summer?

13          A.       It was a good summer, yeah.

14          Q.       When you talk to Josh almost every day when  
15 you were gone to Minnesota, what kinds of things was he  
16 helping you with?

17          A.       Say, for instance, if I was having problems  
18 with my family or I was angry, and it's not really  
19 something I can go to my mom about because that's my mom's  
20 sister and my mom's family, I would go to Josh and tell  
21 him about it. He was there for me. Or -- just things of  
22 that nature.

23          Q.       When you were in the summer of 6th grade, were  
24 you smoking weed?

25          A.       I don't remember if I was in 6th grade that

1 summer if I started smoking weed.

2 Q. When you came back was your mom still with her  
3 boyfriend?

4 A. I don't remember.

5 Q. Was there anyone in Las Vegas that you were  
6 anxious to see?

7 A. Yeah. I was anxious to see Taylor. And I was  
8 anxious to see Josh as well. And my mom.

9 Q. Let's talk about Taylor for a minute. When  
10 did you meet Taylor?

11 A. I met Taylor in elementary school, about 3rd  
12 grade.

13 Q. Did you guys become friends?

14 A. Yes.

15 Q. Did you continue in the same schools?

16 A. No.

17 Q. Where did you go and where did Taylor go?

18 A. Taylor left from 3rd grade to Gray Elementary,  
19 I think it was called. From there we went to different  
20 middle and high schools.

21 Q. Did you keep in contact intermittently over  
22 these years?

23 A. No.

24 Q. Did you at least hook back up with her late  
25 2014 early 2015?



1           A.       If I did, I don't remember. I do remember  
2 getting back with her a couple of times.

3           Q.       Let's back up a little bit.

4                    Do you remember having a sleep over with her when  
5 you came back from Minnesota when you were 11?

6           A.       Yes.

7           Q.       Tell me about that.

8           A.       We -- I came back from Minnesota and I slept  
9 over. We watched movies.

10          Q.       Did you get in a fight?

11          A.       I don't remember if it was considered a fight.  
12 We had a disagreement.

13          Q.       What did you get in a disagreement about?

14          A.       I wanted to -- I preferred -- at one point I  
15 wanted to hang out with my other friends. She got mad at  
16 me for -- she was upset at me for wanting to see my other  
17 friends instead of her.

18          Q.       Who was your other friend?

19          A.       Josh.

20          Q.       Where were you going to go see Josh?

21          A.       I don't remember exactly.

22          Q.       Obviously, you had no driver's license at that  
23 time?

24          A.       Correct.

25          Q.       How were you going to meet Josh? Were you

1 going to walk? Was he going to pick you up?

2 A. I don't remember.

3 Can you repeat that question.

4 Q. Did you meet Josh then ultimately the next  
5 day?

6 A. The next day.

7 Q. Whenever you said you wanted to leave and you  
8 were going to go meet a friend. And you said it was Josh.  
9 And asked you how you were going to get there. Did you go  
10 meet Josh?

11 A. No.

12 Q. Where did you go?

13 A. I stayed at her house and spent the rest of  
14 the night with her.

15 Q. What about the next day?

16 A. I don't remember if I did or not.

17 Q. You don't remember if you did or didn't meet  
18 Josh?

19 A. Yes.

20 Q. Do you recall having a discussion with a  
21 Detective Lisa Cho?

22 A. That's from the original statement.

23 Q. Correct.

24 A. I remember her.

25 Q. Do you remember telling her you met Josh?

1           A.       Like I said, I don't remember. But if I did,  
2 then I did.

3           Q.       We had you come over yesterday, correct?

4           A.       Yes.

5           Q.       I gave you copies of your prior testimony and  
6 your prior statements, correct?

7           A.       Correct.

8           Q.       That's not the first time I've have given you  
9 those items, correct?

10          A.       Correct.

11          Q.       Did you have a chance to review those last  
12 night?

13          A.       Yes, I did. Kind of not really. I scanned  
14 through some pages. Most of it was not the truth.

15          Q.       Okay.

16                   MS. KOLLINS: May I approach.

17                   THE COURT: You may.

18 BY MS. KOLLINS:

19          Q.       May I call you Morgan. It's hard for me to  
20 call you Ms. Savage. Okay. Is that all right?

21          A.       Yes.

22          Q.       I'm showing you what's marked for purposes of  
23 identification State's 56. Do you recognize that  
24 document?

25          A.       Yes.

1 Q. You just said that everything that you told  
2 Detective Cho is not true; is that correct?

3 A. Correct.

4 Q. Does that appear to be a copy of the same  
5 document I gave you couple of time recently that is a  
6 transcript of the statement you gave to Detective Cho back  
7 on July 22, 2015?

8 A. Yes.

9 Q. Do you have any reason -- I know you don't  
10 agree with the content, as you sit here today. Do you  
11 have any reason to disagree with the transcription? That  
12 the transcript is wrong, when they wrote down what you  
13 said at the time?

14 A. Like everything that is in here that I  
15 responded to is wrong, or -- I don't understand.

16 Q. So you said that this is all a lie?

17 A. Yes.

18 Q. But when they wrote down your words that you  
19 exchanged, you and the detective had, did they write the  
20 words down correctly?

21 A. Yes. They wrote the words correctly.

22 MS. KOLLINS: State would move for the admission  
23 of 66.

24 MR. MACARTHUR: No objection to 66.

25 THE COURT: 66 is admitted. You may publish at

1 any time, Ms. KOLLINS.

2 MS. KOLLINS: I'll get there.

3 BY MS. KOLLINS:

4 Q. I'm also showing you now -- let me ask you a  
5 question first.

6 If what you told Detective Cho is untrue, what  
7 about what you testified to back in September of 2015?

8 A. It was a lie as well.

9 Q. Categorically to every detail?

10 A. Yes.

11 Q. What you promised under oath is not true?

12 A. Yes.

13 Q. So I've given you a copy of that transcript on  
14 a couple of previous occasions, correct?

15 A. Yes.

16 Q. We've met and gone over it together a couple  
17 of times, correct?

18 A. Yes.

19 Q. The first time we herd about it being a lie  
20 was yesterday, to me, correct?

21 A. Yes.

22 Q. So I'm showing you 67, and there are some  
23 pages that are just court order stuff that was taken out,  
24 but other then those first few pages, does that appear to  
25 be the same transcript that I offered you that wrote down

1 all your testimony that you we talked about back in  
2 September 15th?

3 A. Yes.

4 Q. Do you have any reason to dispute that those  
5 words were taken down wrong? I know you don't agree with  
6 them.

7 A. Yes. There was nothing --

8 Q. It is what you said?

9 A. Yes.

10 MS. KOLLINS: State would move for the admission  
11 of 67. Permission to publish.

12 MR. MACARTHUR: No objection to 67 or  
13 publishing, Judge.

14 THE COURT: State's 67 will be admitted. You  
15 may publish.

16 BY MS. KOLLINS:

17 Q. I want to start, Morgan, since it doesn't look  
18 like we are going to get very far, with your statements  
19 regarding the communication between you and Josh before  
20 your trip to Minnesota.

21 Do you recall any of those statements you made  
22 previously?

23 What did you say previously that you now say is a  
24 lie? I'll put it like that.

25 A. Basically a lot of the majority of everything

1 I said was a lie, in spite.

2 Q. Okay. Did you talk on the phone with him?

3 A. Yes, I did.

4 Q. Did you -- did he talk to you at some point  
5 after you'd been speaking awhile before you went to  
6 Minnesota about kissing?

7 A. No.

8 Q. He did not do that?

9 A. I remember speaking about it, talking about it  
10 myself, as far as whichever it was -- the voluntary  
11 statement or preliminary hearing, but I made that up as  
12 well.

13 Q. Okay. You made that up.

14 Why did you make that up?

15 A. I did a lot of things I made up in spite of  
16 Josh. I was wrong, but it's just something I did.

17 Q. So let's look at page 14. I'll turn your  
18 attention to three-quarters of the way through the page.  
19 You tell the detective that then eventually very random  
20 and he goes, would you like to kiss me. I was like, yeah.  
21 Did you tell that to the detective?

22 A. Yes, I did.

23 Q. You felt sexually attracted to him?

24 A. That's what I said, but I did not.

25 THE COURT: Ms. KOLLINS, if you said it, which

1 exhibit is this from.

2 MS. KOLLINS: From the voluntary statement,  
3 Exhibit 66.

4 THE COURT: State's 66.

5 MS. KOLLINS: We're on 66. We'll be on 66 for a  
6 little bit.

7 THE COURT: I wanted to be clear for the  
8 jurors.

9 MS. KOLLINS: Sorry.

10 Did you have something to add, Morgan.

11 THE WITNESS: No. I was speaking to my lady  
12 here.

13 BY MS. KOLLINS:

14 Q. Did you tell Detective Cho that you would  
15 sneak out and kiss in the car?

16 A. Yes, I did. That was very much a lie.

17 Q. Did you also tell Detective Cho that you would  
18 go out to the car and act like Josh was getting something  
19 so nobody would figure you out?

20 A. Yes.

21 Q. That he would act like he was grabbing  
22 something out of the back seat?

23 A. Yes.

24 Q. And you would go out there and you would kiss  
25 in the parking lot of Johnson Middle School?



1           A.       That is what I said.

2           Q.       Were you concerned about making up all the  
3 details when you spoke to Detective Cho?

4           A.       I wasn't concerned. I was just, I guess, you  
5 could say an admission to say as much as I could to put  
6 out there as much as I could in order to get back at Josh  
7 for something that was petty.

8           Q.       Okay. Let's get there. So you wanted to get  
9 back at Josh for something petty. What was petty? Tell  
10 me --

11          A.       Here's the thing. At the time I don't  
12 remember the argument that made me so spiteful of Josh,  
13 but what I do know is that I took it too the extreme and  
14 especially in detail to get back at Josh and put him in  
15 the position that he did not deserve.

16          Q.       Okay. When did you have this argument?

17          A.       This argument. Chronologically I can tell  
18 you. I don't remember exactly.

19          Q.       Did you have it face-to-face?

20          A.       I'm sure it was face-to-face and through phone  
21 texting and calling.

22          Q.       But you don't know what the topic was, as you  
23 sit here today?

24          A.       I don't remember, no.

25          Q.       So the argument you don't remember that you

1 don't remember the topic of or how it was, whether it was  
2 face-to-face or over the phone, that's what caused all  
3 this.

4 Is that what you are telling me?

5 A. Yes.

6 Q. When you talked to Detective Cho about going  
7 out with Joshua to the car and kissing, did you tell her  
8 that you would always be in the dean's office and that's  
9 where you would meet and that would be like the perfect  
10 time. Did you tell her that?

11 A. I don't recall. I may have, but I don't  
12 recall.

13 Q. Would it refresh your recollection to look at  
14 your statement?

15 A. Please.

16 MS. KOLLINS: Approach the witness.

17 THE COURT: You may.

18 MS. KOLLINS: We are on page 15. Read that to  
19 yourself for a moment and see and if that refreshes your  
20 recollection as to what you told Detective Cho.

21 THE COURT: I'll let the witness understand and  
22 the jurors may understand this phrase refreshing  
23 recollection. What happens is that there is a document  
24 you believe can refresh your recollection, as counsel just  
25 said, read it to yourself. When you are done reading it

1 you let counsel know and they'll follow up with more  
2 questions. You won't testify from the document. It's  
3 just to help you remember things.

4 THE WITNESS: Thank you.

5 BY MS. KOLLINS:

6 Q. Let me know when you are done, Morgan.

7 A. I'm done.

8 Q. You'd always be in the dean's office. And  
9 you'd wait to see the perfect time. Then you'd go out to  
10 the car.

11 A. Yes.

12 Q. And at first the kissing just started out as  
13 pecks?

14 A. There was no kissing.

15 Q. But that is what you told the detective?

16 A. Yes.

17 Q. Do you remember telling the detective that you  
18 knew it was really high risk behavior for you and Joshua  
19 to do that?

20 A. Yes. In order to make it sound more  
21 truthful.

22 Q. You are saying that that was embellishments,  
23 as well?

24 A. Yes.

25 Q. Did you also remember telling Detective Cho

1 that Josh told you that one night while you were still  
2 that age that he wanted you to be his girlfriend?

3 A. I remember saying that, yes. But in all  
4 reality that is not what was said.

5 Q. But that is what you told Detective Cho?

6 A. Correct.

7 Q. Did you also tell Detective Cho that Joshua  
8 told you, all the time, that you should be 16 years of  
9 age?

10 A. That is what I said.

11 Q. And you also told Detective Cho that that was  
12 the topic of conversation frequently, that you needed to  
13 be 16?

14 A. That is what I said.

15 Q. Did you also tell Detective Cho that you would  
16 be Joshua's girlfriend if you were able to at that time?

17 A. That's what I said. That is what I said, but  
18 not what I felt.

19 Q. All right.

20 Did you also tell Detective Cho that after 2 months  
21 of kissing in the car and talking on the phone that you  
22 and Josh -- well, Josh was ready to do more with you than  
23 just sit on the phone?

24 A. I said that, but, yeah, no that's not what --  
25 that's not true.

1 Q. Did you tell Detective Cho that your response  
2 to Joshua wanting to do more was that you wanted to wait.  
3 That you thought you were a little young. You wanted to  
4 wait?

5 A. That is what I stated.

6 Q. Did you express to Detective Cho that you had  
7 told Joshua what if we get caught?

8 A. Yes, I did say that.

9 Q. Let me stop you here.

10 So you said all of these things because you had an  
11 argument and you wanted to get back at Joshua. What did  
12 you think was going to happen to Josh? What did you think  
13 the consequence of making up this big elaborate story was  
14 going to be?

15 A. I knew it would put him a position of facing  
16 prison time, and because I was young and didn't realize  
17 how terrible that is to do to somebody, I was willing to  
18 do it no matter what details I had to say.

19 Q. So before you went and talked to Detective  
20 Cho, did you write down what you were going to say?

21 A. I don't remember exactly.

22 Q. You don't remember exactly?

23 A. No.

24 Q. Do you remember how you got to talk to  
25 Detective Cho?

1           A.       No, I don't.

2           Q.       Do you remember talking to your mom about  
3 talking to somebody, right before you had your  
4 interview?

5           A.       I don't remember, no.

6           Q.       So all these details that you gave Detective  
7 Cho, up to this point where we're at, all of this was off  
8 the top of your head?

9           A.       Yeah.

10          Q.       You were just making it up as you go?

11          A.       Very easily I was just able to go along with  
12 each thing and I said what I thought was necessary to put  
13 him away.

14          Q.       When you were speaking to Detective Cho, did  
15 you tell her -- you know, you just said the question about  
16 you asking Josh, what if we got caught. And then you gave  
17 her Joshes' response to, what if we get caught.

18                   Do you remember that?

19          A.       I don't remember what Joshes' response was.

20          Q.       If you would -- so I don't have to keep coming  
21 up. If you would flip to page 17 of State's 66. Read  
22 that to yourself to see if that refreshes your  
23 recollection as to the exchange you had with Joshua to  
24 Detective Cho.

25                   Does that help refresh your recollection of what

1 you told Detective Cho Joshes' responses were?

2 A. Not really, cause it doesn't seem to be that I  
3 said a response. There would be no response, though.

4 Q. Well --

5 A. He never asked me that.

6 Q. I'm referring to the middle of the page.  
7 There's a big paragraph. See that bigger paragraph?

8 A. Yes.

9 MS. KOLLINS: May I approach, your Honor.

10 THE COURT: You may.

11 THE WITNESS: Yeah.

12 MS. KOLLINS: That paragraph.

13 BY MS. KOLLINS:

14 Q. Is that you talking about Joshes' response  
15 about getting caught. Where he says -- or you say he  
16 says, no, he thinks we can do it. Or, no, I think we can  
17 do it.

18 A. That's what I said he responded to.

19 Q. That was you telling her what Joshes' response  
20 was?

21 A. That was me making up a response for what he  
22 had said.

23 Q. You told her, well, if Joshua thinks we can do  
24 it, it's obviously safe?

25 A. Right.

1 Q. You tell her you knew he did all of this stuff  
2 with Metro, remember that?

3 A. Yes.

4 Q. How is it that you knew he did all of this  
5 stuff with Metro?

6 A. It was well-known. Everybody, including  
7 people at Johnson, every body that was around knew that  
8 Josh wanted to be a police officer. He was doing what he  
9 could before he could join the academy, which included  
10 Metro Explorer.

11 Q. Was he an Explorer when you were 11?

12 A. I believe he was an Explorer.

13 Q. When you were 11 he was turning 18?

14 A. Yes.

15 Q. Do you recall telling Detective Cho that  
16 before you had sex there were conversations, several  
17 conversations, between you and Josh over the phone about  
18 having sex?

19 A. That's what I said.

20 Q. That is what you told her.

21 A. That is what I told her.

22 Q. Did you also tell her that you acted dumb  
23 during these conversations, like acted like what do you  
24 mean, when you are talking about, Josh. Did you tell her  
25 that?



1           A.       I don't understand what you mean by acting  
2 dumb.

3           Q.       Those are your words.  If it would refresh  
4 your recollection to your words, if you could flip to page  
5 18.

6                    Sorry.  You didn't say acted dumb.  You said acted  
7 clueless.  My apologies.  At the bottom of the page.

8           A.       Okay.  Yeah I see what you are talking about,  
9 yes.

10          Q.       So to Detective Cho, at that time at least,  
11 you told her about the conversations you had with Josh  
12 about sex proceeding any acts that you told her about?

13          A.       To make it seem more believable on my part.

14          Q.       And you said you wanted to seem more  
15 believable.  Was there any other ways you thought of  
16 getting him in trouble other than this?

17          A.       This is the one that would definitely do it.  
18 So no.

19          Q.       Again, you don't know what the fight was  
20 about?

21          A.       Bottom of my heart, I don't remember.

22          Q.       Was there a fight about hanging out with  
23 Taylor and smoking weed?

24          A.       There was a little bit of me -- like letting  
25 me know the consequences of like smoking weed.  Like if I

1 were to get caught, and/or the bad effects it has to your  
2 body. He was, out of concern, he was telling me this is  
3 what it would do to you.

4 Q. My question was was the fight that prompted  
5 you to do this about smoking weed?

6 A. I wouldn't consider that a fight. I wouldn't  
7 consider it more of like a conversation in order to help  
8 me -- inform me.

9 Q. Josh did a bunch of good things for you?

10 A. Nothing about good.

11 Q. Then you have this argument, right?

12 A. Right.

13 Q. You give the statement to Detective Cho,  
14 right?

15 A. Right.

16 Q. What I'm asking you is was that argument about  
17 smoking weed or what was the big blow up that made you go  
18 all the way down this road?

19 A. I'm sure -- I'm not going to say this and know  
20 for sure if this was it. But I can tell you it was  
21 probably somewhere along the lines of me stepping out of  
22 line to mess with people that are no good and people that  
23 do nothing good for me, as far as drugs and alcohol, sex,  
24 abuse and all those kinds of things. That being the age I  
25 was, I wanted to do that and experience that, so therefore

1 he probably got mad at me. We argued back and forth. I  
2 went off the chain.

3 Q. Got you.

4 So when you say I was stepping out of line, what  
5 does that mean?

6 A. Just as students in school there are things  
7 you do good that aren't drugs and have the right friends  
8 who encourage you to do better. Then you have people who  
9 are wrong and have drugs and lead you down the wrong path.  
10 That was the path I choose for a moment.

11 Q. When you choose that path, would you and Josh  
12 have discussions about your choice of paths with the wrong  
13 people, the wrong drugs, alcohol, those kinds of things,  
14 would you have those discussions?

15 A. Yeah. I'd come to Joshua for a lot of  
16 discussions. Joshua was very, very experienced in knowing  
17 what those could do to you. He was a senior. He worked  
18 at Metro. I knew he was out for my best interest. He  
19 would not tell me something that he'd think would have  
20 harmed me, or he'd think would have led me to somewhere  
21 that no person should have to be doing or feeling.

22 Q. It sounds to me though that some of that  
23 conduct spawned some anger in Josh. It made you argue,  
24 right?

25 A. Right.

1           Q.       So when he would get angry or aggravated -- my  
2 words not yours -- and these fights would happen, how  
3 could he help you rise above all of these bad friends and  
4 bad influences, smoking dope, or doing whatever you were  
5 doing that was the wrong path?

6           A.       If there was anything wrong he -- if -- he  
7 would give me advice to -- say you are going to give this  
8 person advice and tell them, look, you are either -- it's  
9 up to you. The choice is yours. You can do this and stay  
10 out of this. Take this path that is going to do you well,  
11 or, you know, fuck it. You are not going to take it. The  
12 choice is yours.

13                 Yeah, of course, he was flustered with me because  
14 I was a very hard-headed person. Like, you know what,  
15 screw it. I'll do it myself. I'm going to touch the hot  
16 pan, and I know it's hot and will burn myself. But guess  
17 what, I'll come back, and I touched that hot pan, and it's  
18 hot. Now, please, can I have some advice to go in the  
19 direction that is going to take me somewhere better.

20                 Yes you asked for advise by.

21           Q.       You asked him for advise and it still spawned  
22 fights?

23           A.       Yes.

24           Q.       Back to my question from page 18. Do you  
25 recall defining your own reaction to Josh about sex that

1 you were acting clueless. Remember that, now that you  
2 read that?

3 A. I remember saying that, yes.

4 Q. He was asking you for sex and you were telling  
5 him you'd only kiss?

6 A. I remember saying that.

7 Q. Did you know when you were 11 -- when you were  
8 11 and these conversations were taking place what he meant  
9 by sex, or were those his words? Or is that the words you  
10 were conveying to Detective Cho?

11 A. I knew what sex was from a young age. I grew  
12 up around adults. I was brought up maturely from a young  
13 age so I knew what sex was.

14 If Josh were to mention sex to me or I mention it  
15 to him, I'm sure we both understand what that meant.  
16 Considering what I said, it's not what was said between  
17 us, so I was very aware of what sex was?

18 Q. At least to Detective Cho, at that time you  
19 relayed the conversations between you and Josh, when you  
20 discussed sex it meant penis and vagina intercourse,  
21 right?

22 A. Correct.

23 Q. You told Detective Cho you put Joshua off for  
24 awhile?

25 A. Yes.

1 Q. Did you also tell Detective Cho that these  
2 conversations about sex took place just before your  
3 Minnesota trip that would include your 12th birthday.

4 Does that make sense?

5 A. That makes sense. That is something I said  
6 about my 12th birthday, that I stated as being before my  
7 12th birthday.

8 Q. I didn't hear that.

9 A. That is something I did state having happened  
10 before my 12th birthday.

11 Q. Okay.

12 Do you recall telling Detective Cho back in July of  
13 2015 that Joshua upset and got mad at you because you  
14 didn't have sex before you between Minnesota?

15 A. Untruthfully, that's what I said.

16 Q. Is that what you said?

17 A. Yes.

18 Q. Do you recall telling Detective Cho that  
19 Joshua said to you don't want to fulfill my needs. You  
20 want to take everything for granted. I make you feel  
21 good. You don't make me feel good?

22 Do you recall telling Detective Cho that  
23 statement?

24 A. No, I don't remember saying those words.

25 No.

1 Q. If you could flip to page 20 and read that to  
2 yourself a moment.

3 A. Sure.

4 Q. Do you recall saying that?

5 A. Yes.

6 Q. You phrased his demeanor to Detective Cho that  
7 he was upset and he got mad at you?

8 A. Yes. I don't mean to laugh or anything. I  
9 thought it's ridiculous how I said this.

10 Q. What was ridiculous?

11 A. The paragraph at the bottom on page 20, about  
12 fulfilling your needs. I said like, whatever, just  
13 something retarded.

14 Q. Remember being in here yesterday?

15 A. Yes.

16 Q. Can you tell me and everyone else in here what  
17 your emotional reaction was when you first came in the  
18 courtroom?

19 A. I was very upset. I was crying.

20 Q. Before yesterday when was last time you saw  
21 Joshua Honea?

22 A. Not -- the preliminary hearing of 2015.

23 Q. Okay. So did you also told Detective Cho --  
24 it's Salzessa Cho. If I say that every time, we'll be  
25 here for days.

1           Detective Cho -- that you continued to talk to  
2 Joshua in Minnesota?

3           A.       Yes.

4           Q.       Did you tell Detective Cho that you sent  
5 Joshua naked pictures?

6           MR. MACARTHUR:  Objection.  Court's indulgence.  
7 I'll withdraw the objection.

8           THE COURT:  Thank you.  You may answer.

9           THE WITNESS:  That is what I said.

10          BY MS. KOLLINS:

11           Q.       You told Detective Cho that you sent him naked  
12 pictures of your body with your clothes off because he  
13 asked for it.

14                    Is that what you said?

15           MR. MACARTHUR:  Objection.

16           THE COURT:  Basis.

17           MR. MACARTHUR:  Court's indulgence.

18           MS. KOLLINS:  Sorry, page 21.

19           MR. MACARTHUR:  Thank you.

20           THE COURT:  Hold on.  Let me find out if there  
21 is a basis.

22           MR. MACARTHUR:  Permission to approach.

23           THE COURT:  Yes.

24                    (Discussion held at the bench.)

25           THE COURT:  Overruled.  You may proceed.



1 BY MS. KOLLINS:

2 Q. Morgan, my question was, did you tell  
3 Detective Cho that Joshua asked you for naked pictures and  
4 you sent those naked pictures of your body?

5 A. Yes, I did.

6 Q. That was in the summer of 2011?

7 A. Yes, it was.

8 Q. You told Detective Cho you sent them by cell  
9 phone?

10 A. Yes.

11 Q. You sent them from Minnesota to Josh here in  
12 Las Vegas to Josh?

13 MR. MACARTHUR: Objection, your Honor,  
14 misstates --

15 THE COURT: Overruled, as to form of the  
16 question.

17 Ask the question.

18 BY MS. KOLLINS:

19 Q. As far as what you told Detective Cho, were  
20 you telling her that that was an exchanged from Minnesota  
21 or were you telling her that that happened in Las Vegas?

22 A. I was telling her that was an in exchange in  
23 Minnesota.

24 Q. Did you also tell Detective Cho that you sent  
25 it to him first, right, you told her that?

1           A.       I don't remember if I said that. I said is  
2 there anything that says that. I don't remember.

3           Q.       I would ask you to turn to page 21. Read it  
4 to yourself and see if that refreshes your recollection to  
5 that part of conversation with Detective Cho?

6           A.       I see it here.

7           Q.       In your effort to get Joshua in trouble did  
8 you tell her, Detective Cho, that you text Joshua first?

9           A.       Yes.

10          Q.       Did you tell Detective Cho that he responded  
11 to your text?

12          A.       Yes.

13          Q.       What did you tell Detective Cho that Joshua  
14 responded to your text with?

15          A.       Well, here it says I said just a picture of  
16 his dick.

17          Q.       You told Detective Cho that Josh sent you a  
18 picture of his dick?

19          A.       Yes.

20          Q.       Okay. Again, you were referring to Minnesota,  
21 correct?

22          A.       Correct.

23          Q.       Did you talk to Detective Cho about your first  
24 night back from Minnesota?

25          A.       Yes.

1 Q. What did you tell her about your first night  
2 back?

3 A. I went to go see my best friend, Taylor.

4 Q. A little while ago you said you went to see  
5 Taylor when you got back from Minnesota. So this part of  
6 your statement is true, that you went to Taylor's?

7 A. Yes, I did go to Taylor's.

8 Q. You went over there to stay the night?

9 A. Correct.

10 Q. Then you told Detective Cho that you were  
11 texting with Josh?

12 A. Correct.

13 Q. You said a little while ago, talking about  
14 Taylor's house, that you were supposed to go meet Josh?

15 A. Yes. I wanted to leave to go hang out with  
16 Josh.

17 Q. Where were you going to hang out?

18 A. It wasn't decided.

19 Q. Now -- but you did go to Taylor's right when  
20 you got home from Minnesota. That part of what you told  
21 Detective Cho is true?

22 A. That part, yes.

23 Q. You told Detective Cho that in that text  
24 exchange with the Defendant that he told you it was time.  
25 Do you remember that?

1           A.       I remember saying that.

2           Q.       In the context that you used, it's time, to  
3 Detective Cho, it's time for what?

4           A.       When I was saying it it meant as if it was  
5 time to have sex.

6           Q.       Okay. And in that conversation to Detective  
7 Cho -- strike that.

8                   Wrong question.

9                   Did you tell Detective Cho that after, in the same  
10 conversation, Josh said that it's time for sex that he  
11 said you left before we could do it. Meaning you left for  
12 vocation before we could do it?

13          A.       I remember saying that.

14          Q.       Do you remember telling Detective Cho that you  
15 informed Josh you were at a friend's house and couldn't  
16 leave?

17          A.       Yes.

18          Q.       Did Josh want to meet you in the morning?

19          A.       Yes.

20          Q.       Was your mom working the next morning?

21          A.       I'm not sure.

22          Q.       Do you remember telling Detective Cho part of  
23 the response to Josh was, yeah, mom's working in the  
24 morning?

25          A.       I see here, yes, that is what I said.

1           Q.       Did you tell Detective Cho that Josh was angry  
2 because you couldn't figure something out to get out of  
3 the house where you were at to go have sex?

4           A.       Falsely, yes. That's what I said.

5           Q.       That he got mad. You told her that you were  
6 sending angry text messages?

7           A.       Right.

8           Q.       You told Taylor that you had to go home?

9           A.       I mentioned it to her. Then with further  
10 discussion of talking to Joshua we made it clear -- I made  
11 it clear that he wasn't aware I was at a friend's house,  
12 so therefore, I said to him I'm at my friend's house.  
13 It's a total -- not misunderstanding, there was plans to  
14 meet up the next morning.

15          Q.       So part of what you told Detective Cho is true  
16 is that you were texting with Joshua and that you told him  
17 you couldn't meet up until the next morning. That part is  
18 true?

19          A.       Yes.

20          Q.       But the part about him being angry, that's not  
21 true?

22          A.       No.

23          Q.       You told Detective Cho Taylor didn't know  
24 about Josh?

25          A.       Correct.

1 Q. You told Detective Cho, if you recall, that  
2 the earliest you could meet was 9:30 the next morning?

3 A. Correct.

4 Q. Did you -- do you recall whether or not you  
5 told Detective Cho that Josh had a response to that?

6 A. Yeah.

7 Q. When did you tell Detective Cho Joshes'  
8 response was?

9 A. All right. You better be there at that  
10 time.

11 Q. Where did he want to be, that you told  
12 Detective Cho?

13 A. I told the detective the elementary school  
14 next to where I had been living.

15 Q. Sorry.

16 A. I told her on the other side of the elementary  
17 school which I was living.

18 Q. What was the name of that school?

19 A. Jacobson Elementary.

20 Q. Why did you make up that detail?

21 A. There were a lot of details made up in order  
22 to make this believable. If you think about it, there's  
23 no other way to get prosecuted if there weren't details.

24 Q. Okay. All right.

25 Did you have that conversation with Josh, no victim

1 no crime. That's the only way they'd know what you did.

2 Did you ever have that conversation with Josh?

3 A. No, I didn't have that conversation, but I  
4 said I did.

5 Q. Did you have it in front of Lieutenant Ray  
6 Spencer?

7 A. Yes.

8 Q. So that conversation didn't take place?

9 A. It took place under speaking with officers  
10 listening.

11 Q. And Josh said that?

12 A. I believe so.

13 Q. Back to where we were.

14 How far was Jacobson Elementary School from your  
15 house on Charleston and Durango?

16 A. No less than 5 minute walk.

17 Q. Was that your elementary school?

18 A. Yes.

19 Q. Is that through 5th grade?

20 A. Yes.

21 Q. So it was walking distance from your house?

22 A. Yes.

23 Q. Was it visible from your house?

24 A. Yes.

25 Q. At the time you told Detective Cho you were

1 supposed to meet Josh at Jacobson Elementary School, would  
2 that have been the time your mom would have been at work  
3 and would that have been a time where you would have been  
4 amenable to parental supervision?

5 A. Repeat that question.

6 Q. At 9:30 in the morning, like you told  
7 Detective Cho, would your mom be at work at Wells Fargo or  
8 would she be home?

9 A. Depending on the day of the week or a week  
10 day, yeah, she'd be at work.

11 Q. You added that fact when you talked about your  
12 conversation, you mom would be at work?

13 A. That is -- yes.

14 Q. When you were back from Minnesota you turned  
15 12 years old, right? You turned 12 on June 30th?

16 A. Right.

17 Q. What kind of car did Josh have?

18 A. 2010 red Mustang.

19 Q. Is that the only car at that time you knew him  
20 to have?

21 A. Yes.

22 Q. Did you tell Detective Cho he drove that car  
23 to meet you in the parking lot of Jacobson?

24 A. I said that, yes.

25 Q. That was about a week after you got back from



1 Minnesota and were staying at Taylor's house is what you  
2 relayed to Detective Cho; is that right?

3 A. Given that I said I was going to meet him the  
4 next morning, it was only 2 days back from Minnesota, so  
5 yeah.

6 Q. Okay. Did you tell Detective Cho that you  
7 didn't tell your mom about that meeting?

8 A. I did not tell my mom, no.

9 Q. You told Detective Cho that you didn't tell  
10 your mom, right. Then you didn't tell your mom?

11 A. Hold on a second. I didn't tell my mother. I  
12 said it -- here it says, no. Yes, she was going to be at  
13 work, so I didn't tell her.

14 Q. So when you went to spend the night at  
15 Taylor's house the night before, did you have permission  
16 from your mom?

17 A. Yes.

18 Q. Is that somewhere your mom knew you were going  
19 to be?

20 A. Yes.

21 Q. Is that something you were supposed to ask  
22 your mom before you just, at 12 years old, disappeared for  
23 the night?

24 A. Correct.

25 Q. But I guess I'm confused because there was a

1 plan to meet Josh. Did you meet Josh the next day or not  
2 meet Josh the next day?

3 A. I did meet Josh the next day. What I claimed  
4 to have happened when we met --

5 Q. That's not my question. Did you meet him the  
6 next day?

7 A. Yes.

8 Q. Where did you meet him?

9 A. Right on the other side of the elementary  
10 school.

11 Q. Jacobson Elementary School you told Detective  
12 Cho about?

13 A. Yes.

14 Q. And I know what you told Detective Cho -- what  
15 did you guys do that you told Detective Cho is the right  
16 thing?

17 A. Once I met up with him I told him about my  
18 trip. Things I didn't tell him over the phone or texting  
19 him. I told him about the trip. He said what he did this  
20 summer. We exchanged what friends do, simple talk, simple  
21 conversation.

22 Q. Where did this conversation take place?

23 A. In the car.

24 Q. In the car in the Jacobson parking lot?

25 A. It wasn't in the parking lot. It was along

1 the side, near the parking lot.

2 Q. Did you stay in that parking lot?

3 A. No.

4 Q. Where did you go?

5 A. He took me home afterwards. So it was  
6 literally just sit there and talk for awhile, catch up and  
7 see what was going on. Then after that he said, I'll  
8 drive you home. We made a loop around the school, and he  
9 dropped my at the gate. I was staying in the apartment,  
10 which ever you call it.

11 Q. Did you tell Detective Cho that part of your  
12 desire in meeting him that day was to make him happy?

13 A. That is what I said.

14 Q. You wanted to fulfill what he wanted?

15 A. Correct.

16 Q. You also told her that part of you didn't want  
17 to?

18 A. Correct.

19 Q. You told her that you were still young?

20 A. Yeah.

21 Q. Too young to do this?

22 A. Correct.

23 Q. What is this referring to, so we're clear?

24 A. Vaginal sex.

25 Q. Did you tell her that you loved him?

1           A.       That's what I told her.

2           Q.       Why -- if you are trying to get him in trouble  
3 and he's this big bad guy, why are you telling him you  
4 loved him?

5           A.       If I was go to play out a situation where I  
6 thought to make it seem like we were together, if you are  
7 going to be in a relationship with somebody you're going  
8 to love that person. Now, on the other hand, partially  
9 saying I love you about Joshua was true. I did have -- I  
10 love him as a person. He was my friend. Just like we  
11 love our friends and care for our friends.

12          Q.       So you told her you loved him, because you  
13 were friends. That was part of building of the story?

14          A.       I told her I loved him because I wanted it to  
15 play out with the situation of a relationship. That was  
16 that I love you I meant to her, but truthfully that I love  
17 was two people who have the best interest out for each  
18 other and love each other.

19          Q.       Just the next couple of lines you tell her, I  
20 don't know why -- referring to I love him -- and now I  
21 think why did I ever love him. It's right after you tell  
22 her you love him.

23                 What does that mean?

24          A.       Because when I was making up the story and  
25 going through it and being asked questions I was confused

1 on keeping up with what you have to. I don't know why I  
2 loved him. It started I loved him, then actually I don't  
3 know why I loved him. If that's how the situation was,  
4 why would you love that person. The reality is it wasn't  
5 that I loved him sexually or romantically.

6 Q. You tell Detective Cho that you got in the  
7 Mustang and you drove somewhere, remember that?

8 A. I remember.

9 Q. Today you say he drove you home?

10 A. Yes.

11 Q. How long was it from the time you got in the  
12 car till the drive home?

13 A. Less than 30 minutes.

14 Q. You sat for awhile at the elementary school,  
15 then he drove you home?

16 A. Yes.

17 Q. What did you tell Detective Cho? Do you  
18 remember without looking?

19 A. No.

20 Q. What did you tell her?

21 A. I don't remember what I told her exactly,  
22 personally, but I just know what happened.

23 Q. There's two different things. There are those  
24 things you say happened. And there's things you talked  
25 about that happened. We're just trying to get through all

1 of that. I know it's slow going, but we are on page 27.  
2 If that will refresh your recollection as to where you  
3 told Detective Cho that you went after you get into the  
4 Mustang.

5 A. It says we drove to the SunCoast, which was --

6 Q. Why did you pick the SunCoast?

7 A. Why did I pick SunCoast. Because it was the  
8 closest to my house, along with Rampart. They were  
9 closest so it seemed the most real. If I didn't want to  
10 be gone too long and without my mother being suspicious  
11 and not being home.

12 Q. I thought mom was at work?

13 A. This is for other instances when we were  
14 farther into it. That's just what I mean.

15 Q. So you are telling --

16 A. Sorry --

17 Q. So I'm clear. Because I have been working on  
18 this for awhile, so if I understand, some other people  
19 aren't going to get it?

20 What you are doing is giving me a reason right now,  
21 a rational for why you pick specific locations for the  
22 rest of your statement?

23 A. Correct.

24 Q. Why do you feel compelled to do that?

25 A. Because the voluntary statement, I remember

1 specifically other instances where I had mentioned us  
2 driving to particular casinos and those casinos have to be  
3 in the area of which I lived. I choose those because they  
4 were immediately in the area.

5 Q. Did it concern you that -- strike that.

6 You told Detective Cho you went to the SunCoast.  
7 Did you tell her where you parked?

8 A. Yes.

9 Q. The record reflects I believe you're  
10 refreshing your recollection. Are you reviewing page  
11 28?

12 A. Yes.

13 Q. What did you tell Detective Cho about what you  
14 did in the car and what happened at SunCoast?

15 A. It says here that we parked in a spot that was  
16 kind of hidden. The parking garage is kind of closed off  
17 from the rest of the traffic. He would -- we'd get in the  
18 back seat, then we talked about it.

19 It also mentioned where we go if we, like, want to  
20 do it in the car, and he said like the back seat. I said,  
21 okay.

22 That's it.

23 Q. You talked about -- you tell Detective Cho you  
24 parked in the part of the parking lot that was blocked off  
25 to traffic?

1           A.       That's what I said.

2           Q.       Did you tell Detective Cho you parked and  
3 started kissing?

4           A.       Yes.

5           Q.       Then you told Detective Cho -- still on page  
6 28 if you need to review it to refresh your memory.

7                    You told Detective Cho he asked if I wanted to suck  
8 his dick. Did you tell her that?

9           A.       Yes.

10          Q.       You told Detective Cho that you never have.  
11 Appears you were talking about the conversation you had  
12 with Josh. And your response to his request, I mean, I  
13 never have. I don't know how, but, I mean, I will. Is  
14 that what you said?

15          A.       Yes.

16          Q.       Then you tell Detective Cho that you did,  
17 referring to putting your mouth on his penis?

18          A.       That is what I mentioned.

19          Q.       Did you also tell Detective Cho, you didn't do  
20 it for very long because it hurt your mouth?

21          A.       Yeah. That's what I claimed.

22          Q.       What were you -- what kind of physical pain  
23 were you trying to relay to her when you were trying to  
24 tell her it hurt?

25          A.       To me honest, I'm not sure what I meant by



1 that. I don't know why I said it to begin with. But as  
2 far as it hurting my mouth, I have never even put my mouth  
3 on a penis at that point or at that moment, so having a  
4 penis hurt my mouth I don't know what that pain feels  
5 like.

6 Q. You tell her -- tell Detective Cho that you  
7 continue to express your physical pain to Josh, this hurt  
8 too much, I can't.

9 A. Yes.

10 Q. You said that a couple times?

11 A. That's something I played out.

12 Q. You tell Detective Cho Defendant wanted you to  
13 lay on your back so he can put it -- referring to his  
14 penis -- in really quick?

15 A. Yeah, that is what I meant.

16 Q. You told her Defendant has his pants down and  
17 his dick out?

18 A. Yeah.

19 Q. You relayed to her that he put a condom on?

20 A. Yes.

21 Q. That you didn't remember the first time  
22 whether your clothes were off?

23 A. I don't. I said I didn't remember.

24 Q. You told her that was not the only time you  
25 had been to the SunCoast, correct?

1 A. Correct.

2 Q. What did you tell her about the SunCoast, when  
3 you told her that was not the only time you went?

4 A. I told her that it had been multiple times, it  
5 says. Multiple times I would get fully undressed,  
6 sometimes not. Sometimes I take my shirt or pants off.  
7 It was different every time. He tried to stick it in. It  
8 was way to big and didn't work.

9 Q. Stick what in where?

10 A. His penis into my vagina.

11 Q. You said it didn't work?

12 A. Right.

13 Q. Did you -- did you tell Detective Cho your  
14 physical size at that time?

15 A. Yeah. I said I was small, considering that I  
16 was a virgin.

17 Q. You told her you were very little?

18 A. Yeah.

19 Q. It wouldn't go in?

20 A. Yeah.

21 Q. You told detective Cho Joshua became  
22 frustrated because his penis wouldn't go in your vagina?

23 A. Correct.

24 Q. Why -- since you are making up this story, why  
25 didn't you just say this first time the sex worked. Why

1 didn't you just talk about sex worked this time, that was  
2 it, end of story. Just shut it down there.

3 A. Because the more details the better in my  
4 opinion.

5 Q. Who told you that?

6 A. Nobody had to tell me anything about that. It  
7 was knowledge that I knew myself, because if you say it's  
8 just one time and didn't get it out, then I don't believe  
9 that's enough evidence or anything more to collect to  
10 build a case on that. That's something that could be -- I  
11 don't know myself, but to me it's better to have it long  
12 and drawn out then have to say petty things. I wanted  
13 more time put on him rather than just, you know.

14 Q. We're not going to talk about time, okay.  
15 That is not a topic for today. So whatever your  
16 understanding is about that, it's not a topic for today.  
17 We have had that discussion, right?

18 A. Okay.

19 MR. MACARTHUR: I realize it's not contemporary  
20 objection, it's delayed. I'll object on the basis the  
21 State asked the question, the witness should be able to  
22 answer.

23 THE COURT: Overruled. Thank you.

24 BY MS. KOLLINS:

25 Q. Did you tell Detective Cho what happened at

1 the conclusion of this encounter at the SunCoast?

2 A. Yeah. Yes.

3 Q. You said --

4 A. Can you restate your question.

5 Q. Did you tell Cho -- we'll just go to Cho.  
6 It's getting to much?

7 Did you tell Cho what happened when you got done,  
8 where he tried to put his penis in you and couldn't at the  
9 SunCoast. Did you tell her what happened after that?

10 A. Yeah. I told her that we talked on the phone  
11 about it and that meanwhile he said to use a vibrator or a  
12 banana. That will open me up.

13 Q. Okay. That's what you told Cho that the  
14 Defendant wanted you to utilize a vibrator or some  
15 apparatus to enlarge your genital opening so he could get  
16 inside you?

17 A. That is what I made up.

18 Q. Do you recall having a discussion in another  
19 occasion where you talked about actually using an item to  
20 do that for the Defendant?

21 It's not in here.

22 A. I was going to say it's not in here. I do  
23 remember saying it.

24 Q. What did you say?

25 A. I used a cucumber.

1 Q. Why did you say that?

2 A. It was something similar to what -- I was  
3 trying to make my point across, use something like a  
4 banana and a cucumber is like a banana.

5 Q. That was in a meeting in my office with my  
6 investigator?

7 A. Correct.

8 Q. That was about maybe 3 weeks ago, give or  
9 take?

10 A. Yeah.

11 Q. That was the day that you showed up and I had  
12 clothing from your mom for you?

13 A. Correct.

14 Q. I had your social security number?

15 A. Correct.

16 Q. After that day I didn't see you in my office,  
17 correct?

18 A. Correct.

19 Q. You added that fact in my office about the  
20 cucumber?

21 A. Correct.

22 Q. You did not discuss that day when you  
23 discussed the cucumber that everything for the last 2  
24 years has been a lie? We didn't have that conversation?

25 A. Yes.

1 Q. Yes, we did have that conversation?

2 A. Wait, wait. Can you repeat that.

3 Q. Sure. So we have met in this case in order to  
4 prepare prior to the preliminary hearing, right?

5 A. Right.

6 Q. So we kind of got to know each other and you  
7 know what to expect from the process. We have had several  
8 conversations?

9 A. Right.

10 MR. MACARTHUR: Permission to approach.

11 MS. KOLLINS: I'm really done. We've just met  
12 and prepared for court. That's the only place I'm  
13 going.

14 THE COURT: Counsel.

15 (Discussion held at the bench.)

16 THE COURT: Objection overruled. I'll invite  
17 you to resume the questioning.

18 BY MS. KOLLINS:

19 Q. I would like to break it up a little. This is  
20 get tedious for you, Morgan.

21 THE COURT: We're about to take a break. That's  
22 one of the discussions I have had with counsel as well. I  
23 just want her to finish up this line at this point.

24 MS. KOLLINS: Showing defense counsel the  
25 exterior of the package of the video. If I may approach.

1 THE COURT: Please.

2 BY MS. KOLLINS:

3 Q. Morgan, I'm showing you a disc. You and I  
4 have not had an opportunity to review it. You have  
5 reviewed your voluntary statement, correct.

6 Were you aware when you talked to Detective Cho  
7 that that was being videotaped as well because you were in  
8 kind of an interview room with Metro?

9 A. Correct.

10 Q. Other than that meeting a few weeks ago you  
11 and I haven't had a chance to sit down and have you review  
12 that. I know you read the transcript. You haven't seen  
13 the video, right. If I show you the first little smidge  
14 of that video, do you think you'll recognize yourself and  
15 whether that's the interview room?

16 A. Yes.

17 Q. You think you will.

18 MS. KOLLINS: Your Honor, I just want to play  
19 enough for her to be able to see that on the screen.

20 Your Honor, that envelope is 2 a, the CD itself is  
21 Exhibit 2. Exhibit 2 is without sticker, until at the  
22 conclusion.

23 THE COURT: Understood.

24 BY MS. KOLLINS:

25 Q. Indulge us for just a moment. There are

1 different media players installed for these playbacks.  
2 Just for the record, what is purported to be -- Ms. Savage  
3 has the opportunity to review it -- is a video and audio  
4 recording of her interview with Detective Lisa Cho at the  
5 Las Vegas Metropolitan Police Department, sexual assault  
6 section on July 22, 2015, at 15:30 hours, for the record.

7 (Video of interview with Detective Cho  
8 shown to the jury.)

9 BY MS. KOLLINS:

10 Q. Does that appear to be a video and audio  
11 recording from your interview July 22nd?

12 A. Yes.

13 Q. Do you have any reason to dispute that that's  
14 any different from what you read in your transcript or --  
15 we're just talking about what you said.

16 A. You mean, like anything I said there is  
17 different from what I said here.

18 Q. Do you have any reason to believe that's an  
19 inaccurate copy of your whole interview?

20 A. No, I don't believe it's inaccurate.

21 Q. Is that you in the video?

22 A. Yes.

23 Q. Is that Detective Cho, at least as you were  
24 introduced to her?

25 A. Yes.



1 Q. Just you and her in that interview room for  
2 the whole time?

3 A. Correct.

4 MS. KOLLINS: Your Honor, I move for admission  
5 of 2 A and it's contents, No. 2. Permission to publish at  
6 some point tomorrow.

7 THE COURT: Observation.

8 MR. MACARTHUR: No objection.

9 THE COURT: State's Exhibit 2 and 2 (a)  
10 consisting of 2 discs will be admitted and published  
11 tomorrow when we return.

12 At this time we are going to take our evening recess.  
13 We'll return tomorrow at 9 o'clock. We'll start promptly  
14 at 9:00.

15 JURY ADMONITION

16 During the recess, ladies and gentlemen, you are  
17 admonished not to converse among yourselves or with anyone  
18 else, including, without limitation, the lawyers, parties  
19 and witnesses, on any subject connected with this trial,  
20 or any other case referred to during it, or read, watch,  
21 or listen to any report of or commentary on the trial, or  
22 any person connected with this trial, or any such other  
23 case by any medium of information including, without  
24 limitation, newspapers, television, internet or radio.

25 You are further admonished not to form or express any

1 opinion on any subject connected with this trial until the  
2 case is finally submitted to you.

3 Do we need Ms. Savage for anything else.

4 MS. KOLLINS: Not the State. Thank you so  
5 much.

6 THE COURT: Ms. Savage, you can go ahead and go  
7 with the CO. That copy stays here, Ms. KOLLINS.

8 MS. KOLLINS: Yes, because I can keep that.

9 THE COURT: Leave it there on the deck.

10 MS. KOLLINS: If the court doesn't have anything  
11 tomorrow, can we leave it there because I have made the  
12 copy over.

13 THE COURT: Leave it there so Ms. Savage knows  
14 where to find it and what page it's on.

15 THE WITNESS: Thank you.

16 THE COURT: I have two bench conferences that  
17 occurred during the testimony so far of Ms. Savage to make  
18 a quick record of, then we'll break for the evening.

19 The first bench conference was an objection by Mr.  
20 MacArthur when questions with taking place regarding  
21 photographs that were referenced in the voluntary  
22 statement of Ms. Savage. Photographs she indicated to the  
23 interviewer, Ms. Cho, that she had sent from Minnesota.

24 The argument or objection was that there was a corpus  
25 problem because it's understood that those pictures

1 specifically being referenced were not in evidence or were  
2 not anticipated to be placed into evidence.

3 The counter argument was there is not a requirement  
4 to show specific pictures. That her testimony was  
5 sufficient with regard to that. There was further  
6 argument by Ms. McNeill at the bench in order for the  
7 charges related to or charge or charges related to this  
8 inquiry of this piece of evidence to be sustained that  
9 there would need to be potentially some additional  
10 evidence not just the Defendant's statement could be  
11 utilized for that purpose.

12 Ultimately the court overruled the objection.  
13 Believed at best it was premature as an objection because  
14 it's not clear what evidence is still to be forthcoming.  
15 And that court did not perceive there to be a corpus  
16 problem specifically related to this at this time.

17 The second bench conference related to the  
18 observation -- I do this to myself, what was last one  
19 again Ms. McNeill.

20 MS. MCNEILL: The objection was that --

21 THE COURT: Back up. Did anyone want to add  
22 anything to the first bench conference.

23 MS. KOLLINS: No.

24 MS. MCNEILL: Just briefly. The rule of corpus  
25 delecti is you cannot use a Defendant's statement as

1 evidence unless there is independent corpus of the crime.  
2 So to ask Ms. Savage anything that Mr. Honea said that  
3 would be used as evidence -- the issue is they are saying  
4 he asked her to send the photo. Thus making him the one  
5 responsible. If she just sent it, I don't think he'd be  
6 responsible for that.

7 So they have to establish that he asked her that.  
8 That his words would be the evidence of the crime. They  
9 don't have the photo.

10 MS. KOLLINS: Well --

11 MS. MCNEILL: I'll submit it.

12 THE COURT: Okay. I always invite there to  
13 be -- I try to encapsulate the bench conference. I  
14 appreciate that counsel may have something they wish to  
15 add.

16 Obviously, I'm trying to encapsulate what happened at  
17 the bench conference not embellish further.

18 MS. MCNEILL: I was adding that because that is  
19 what I was trying to say at the bench. I think that  
20 perhaps the court misunderstood. It's difficult at bench  
21 conferences to hear what everyone is saying. I'll submit  
22 it. I think otherwise you encapsulated it fine. The  
23 court made its ruling.

24 THE COURT: Ms. KOLLINS, something you wanted to  
25 add.

1 MS. KOLLINS: I do, your Honor.

2 Count 46 of the information is use of a minor in  
3 producing pornography. The court reads the elements, did  
4 willfully, unlawfully, and feloniously use, encourage or  
5 entice a minor under the age of 18, et cetera.

6 So the corpus is not the photograph. The  
7 encouragement, the request, the enticement to produce that  
8 photograph and the subsequent production, which is nice, I  
9 wish I had it, but I don't because I don't know that the  
10 nude photos I have of Morgan are going to match up to what  
11 we're talking about. Especially after Morgan's change of  
12 heart, if you will. So the corpus is in the words. If  
13 there was a corpus issue post-preliminary hearing, Mr.  
14 Troiano did a phenomenal job filing a writ in this case, I  
15 don't think that's what is required.

16 THE COURT: The second bench conference Ms.  
17 McNeill posed an objection. I know that response to the  
18 objection was that I thought that was something to be  
19 raised -- that there was reference to -- in Ms. Kollin's  
20 question to Ms. Savage about an interview that she had  
21 undertaken with Ms. Savage -- she being Ms. KOLLINS -- and  
22 that that interview may have involved note taking.

23 Ms. McNeill made the point in the bench conference  
24 that as of yesterday there was a discussion about notes,  
25 obviously, that defense counsel had taking of Ms. Savage

1 in the jail and those notes were identified as not being  
2 work product as they were discussions with a witness. And  
3 that ultimately they needed to be turned over. Those were  
4 turned over.

5 Ms. KOLLINS response to that objection was that she  
6 would make a copy of her notes and provide them. She said  
7 she had approximately 3 pages of those pretrial notes and  
8 would make a copy and provide them. I trust that she will  
9 comply with that.

10 My response ultimately was it wasn't appropriate  
11 timing of the objection, given that the issue being raised  
12 was one that really needed to be addressed outside the  
13 presence of jurors, but not -- an issue may have been  
14 raised by the question, but the objection made  
15 contemporaneous to the witness answering the question was  
16 not the appropriate time in the court's opinion.

17 We knew we are going to be having this discussion by  
18 Ms. KOLLINS offering to provide the note and us continuing  
19 this line of questioning for whatever length tomorrow,  
20 defense should have ample time to review those notes and  
21 get up to speed for cross.

22 MS. KOLLINS: Your Honor, just in response to  
23 that. I said three. I write very big, so it's probably  
24 really 2 pages of information. In fact, that's 6 pages.  
25 I turn over to Mr. MacArthur. He went in the back. I

1 double checked. He has everybody I have.

2 This is from my interview with Morgan, the interview.  
3 Here are her statements, let's prep for trial, whether you  
4 have read this kind of situation. I think a lot of what  
5 is in here mimics things that have been in discovery.  
6 Those are some things I recall on the stand here.

7 MS. MCNEILL: Your Honor, can I just for the  
8 record, state that I believe it is a valid objection. The  
9 State is excluding evidence that has not been turned over  
10 to us. It's very clear I have to objection at the time,  
11 and so that's what I did.

12 THE COURT: I don't disagree with that general  
13 statement. I didn't perceive the question to be  
14 identifying evidence that had been turned over. I  
15 perceived the question having been, wait a minute, they  
16 asked for this from us yesterday. At that point you all  
17 had not turned it over, but then you acquiesced. Then  
18 you've asking it turned over.

19 It didn't occur to me that the question related to  
20 evidence, meaning her notes. The question related to the  
21 fact you know she interviewed her and you might get  
22 notes.

23 MS. MCNEILL: She specifically said that we had  
24 a discussion when I interviewed you and you said this. I  
25 knew there must be notes. And based on the fact we were

1 accused of not turning over information, it seems to me  
2 that hasn't happened.

3 THE COURT: The point is fair. I think it  
4 should have been made. I just didn't perceive it to be  
5 the perfect timing at that time. However, I'm not  
6 criticizing. I'm just indicating that was something that  
7 I said at the bench, so I wanted to make sure the record  
8 of the bench conference was complete.

9 Anything further. We really need to take our evening  
10 break.

11 MS. KOLLINS: We had a redacted copy of a  
12 preliminary hearing transcript for Morgan to review. I  
13 apologize for that. Strike all that.

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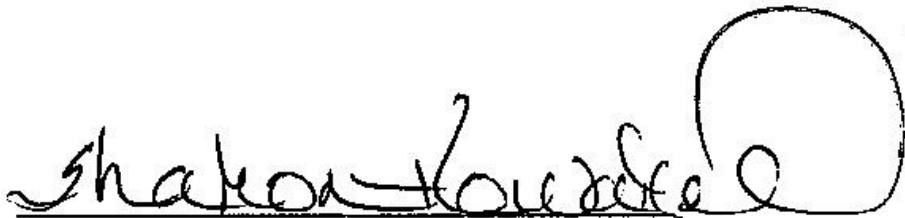
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CERTIFICATE  
OF  
CERTIFIED COURT REPORTER

\* \* \* \* \*

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.



\_\_\_\_\_  
Sharon Howard  
C.C.R. #745

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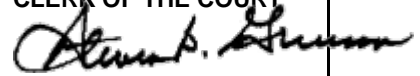
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TRAN  
CASE NO. C-15-309548-1  
DEPT. NO. 25

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \* \*

THE STATE OF NEVADA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
JOSHUA HONEA, )  
)  
Defendant. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT  
OF  
JURY TRIAL

BEFORE THE HONORABLE KATHLEEN DELANEY  
DISTRICT COURT JUDGE

DATED: FRIDAY, DECEMBER 1, 2017

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

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APPEARANCES:

For the State: STACEY KOLLINS, ESQ.  
KRISTINA RHOADES, ESQ.

For the Defendant: MONIQUE MCNEILL, ESQ.  
JONATHAN MACARTHUR, ESQ.

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\* \* \* \* \*

1 LAS VEGAS, NEVADA, FRIDAY, DECEMBER 1, 2017

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

3 \* \* \* \* \*

4  
5 THE COURT: Good morning.

6 MR. MACARTHUR: I want to make a brief record in  
7 anticipation of an objection I might log later. I want to  
8 make it clear the parties are not making the objection no,  
9 I'm just laying the foundation so it's not surprising.

10 THE COURT: Okay.

11 MR. MACARTHUR: Clearly there has been some  
12 tension. We all know why. We don't have to revisit it.  
13 But the source of the tension is simply information given  
14 by this witness that is now being direct examined. She's  
15 in custody because she has to be here to be able to be  
16 examined and cross-examined by both parties. I'm  
17 cognizant that she's not going to be out until we're done.  
18 So I just want the court to be aware that the State has  
19 every right to ask its questions to prove its case. They  
20 have the burden. I don't think that should be truncated.  
21 However, we've been going page by page through the  
22 voluntary statement. I think we're on 28, out of 90, then  
23 there has been at least a suggestion she might actually  
24 play the interview in whole or in part. And I don't find  
25 that objectionable.

1           However, this is the last full day before the  
2 weekend. I can imagine a situation where if this  
3 examination goes until say 3:30, 4:00, there's no way I'm  
4 going to be able to finish with this witness, and she's  
5 going be in over the weekend. Given that the source of  
6 tension between the parties came from things that she said  
7 about Stacey and yesterday where the family members, who I  
8 don't think are ever going to testify or identified as  
9 witnesses so they can't be in here to support the  
10 Defendant, I don't want to see a situation where it  
11 appears as though it's dragging out so that this young  
12 lady has to be in jail over the weekend. I have no reason  
13 to believe that that was Ms. Kollins' intention. I see  
14 the potential. And based on the way we have been  
15 intermittently been getting along, I fear the possibility.  
16 So, I want to put that out there. I'm going to withhold  
17 making any sort of objection until lunch. If it seems  
18 like we're making the kind of progress I expect in trials,  
19 then I will not be making that objection. I just wanted  
20 to put that in the court's mind.

21           THE COURT: Before you respond Ms. Kollins, let  
22 me make sure I understand the objection.

23           You sort of self-policed yourself two minutes ago  
24 when one of the objections I think you were intending to  
25 make was really more perhaps the responsibility of

1 Ms. Pandullo, who is Ms. Savage's counsel. I don't have a  
2 problem with anyone expressing a concern with regard to  
3 the flow of things, but I'm not sure what the objection is  
4 other than somebody should shorten up their time frame in  
5 their inquiry to ensure we complete today. I don't know  
6 that that's a valid objection.

7 MR. MACARTHUR: Good point, Judge. I should  
8 have named the objection that I would bring at lunch, if I  
9 brought it. It would be cumulative.

10 If she is going to go through page by page, the  
11 perhaps the efficient was to do that is actually just to  
12 play her statement, and then examine her off of the  
13 statement that the jury's heard. I would think that it is  
14 a waste of time and duplicative if we were to go page by  
15 page until we got to 90, and then play the statement, and  
16 then have further questions about the statement. I'm not  
17 saying that's what she's doing. She may not plan to do  
18 that. But the objection is cumulative and harassment of  
19 the witness.

20 The reason why it's appropriate for me to make that  
21 objections as opposed to Ms. Pandullo, she has that right  
22 to involve herself as well, but yesterday the State stated  
23 on the record that they felt as though because Morgan was  
24 detoxing that might have been related to why her testimony  
25 had changed and that they didn't know what she was going

1 to say yesterday. We now know what she was going to say  
2 yesterday. But they may be under the impression it could  
3 change again, if she has even more time to quote, unquote  
4 dry out.

5 MS. RHOADES: I don't think this should be had  
6 in front of Morgan.

7 THE COURT: I don't think there is anything that  
8 Ms. Savage don't glean about what's going on here. Here's  
9 the thing Mr. MacArthur. I am going to interrupt you this  
10 way.

11 MR. MACARTHUR: I'm done.

12 THE COURT: You -- tell me just what you said  
13 right before Ms. Rhoades said something, because I have a  
14 point to make.

15 MR. MACARTHUR: I was talking about why it was  
16 appropriate for me to make the objection.

17 THE COURT: That's what I was going to  
18 anticipate.

19 To the extent you have a concern and it's going to  
20 look like you're the ones who's dragging this out beyond a  
21 certain point, I don't see how that plays. Because  
22 whatever the exam is Ms. Kollins does, whatever the exam  
23 is you do, whatever those are they are. I don't think  
24 anybody is going to look at this at whatever point Ms.  
25 Kollins finishes and say, well, you should have finished

1 by a certain time because of X, Y, Z. I don't see  
2 that.

3 The other point I was going to make is I said  
4 yesterday I'm not going to hear objections and I'm not  
5 going to delve into speculation about what other people's  
6 thoughts and motives might be. It's not appropriate. We  
7 don't know what's in other people's heads. I think it's  
8 part of what is creating some of the tension between the  
9 parties, between counsel as well. And to the extent you  
10 can police that for yourselves that would be important.  
11 But I note your objection. I really don't know that there  
12 needs to be a response, Ms. Kollins, because here's my  
13 take what has been said so far.

14 You are the prosecutor for the State of Nevada. You  
15 have every right to complete your exam in the time you see  
16 fit, as long as you don't violate any rules of court  
17 process. I haven't seen anything in that regard at this  
18 point.

19 MS. KOLLINS: The only thing I would note as Mr.  
20 MacArthur was counsel of record for the preliminary  
21 hearing. The preliminary hearing in this case probably  
22 went, just on that, maybe 4 hours. So that was just a  
23 probable cause hearing. So I would fully expect his  
24 direct examination, the way it's having to be conducted,  
25 is probably going to take the better part of the day. I'm

1 just being candid with the court.

2 THE COURT: It wasn't unclear to me yesterday  
3 that's where we were probably headed today.

4 MS. KOLLINS: Thank you, ma'am.

5 THE COURT: Let's proceed, if we don't have any  
6 other specifics.

7 Anything else.

8 MS. RHOADES: No.

9 THE COURT: Thank you.

10 State of Nevada vs. Joshua Honea. We are  
11 resuming the examination of Morgan Savage. Ms. Savage,  
12 before we get started here today, can I please ask you to  
13 acknowledge, for the record, you understand you are still  
14 under oath.

15 THE WITNESS: Yes, I do understand.

16 THE COURT: Thank you.

17 I'll remind, again, yesterday, about making sure  
18 your answers are stated loudly enough that everyone can  
19 hear, the reporter can take it down, and using words as  
20 opposed to expressions that she wouldn't be able to type.  
21 Okay. Thank you.

22 Ms. Kollins, whenever you are ready.

23 MS. KOLLINS: Thank you, your Honor.

24 CONTINUED DIRECT EXAMINATION

25 BY MS. KOLLINS:

1 Q. Hi Morgan. How are you today?

2 A. I'm doing okay.

3 Q. Good.

4 MS. KOLLINS: If I may approach your clerk.

5 THE COURT: Yes.

6 BY MS. KOLLINS:

7 Q. Morgan, when we started this case, just to  
8 recap a little bit, we first met in September 2015. That  
9 sound about right?

10 A. Yes.

11 Q. And soon after that did you move away  
12 somewhere for a little while?

13 A. Yes.

14 Q. Where did you go?

15 A. I moved to Minnesota.

16 Q. Minnesota. How long did you live there,  
17 again?

18 A. It was less than 6 months.

19 Q. Was that a full school year?

20 A. No.

21 Q. Now, when you left the jurisdiction and came  
22 back, did you and I communicate every once in awhile?

23 A. I can't recall. I remember there being maybe  
24 a couple of times, but not consistently.

25 Q. But not even really about the case, unless it



1 was continued or something like that?

2 A. Correct.

3 Q. We were friends on Facebook?

4 A. Yes.

5 Q. Remember that?

6 A. Yes.

7 Q. That was over the course of 2015, 2016, 2017.

8 Sound about right?

9 A. Yes, it does.

10 Q. In any of those communications with you over  
11 the phone or through Facebook, did you feel pressured by  
12 myself or my office?

13 A. I felt a little more like not fear but  
14 intimidated because I was not really wanting to go through  
15 with any of this because of the fact I made all of it up.  
16 It's really embarrassing to have to sit here in court and  
17 tell everybody that and face the fact that I may have to  
18 have a perjury charge.

19 Q. Well, you know that's not true?

20 A. Now, I do, yes.

21 Q. Did you ever express that to me?

22 A. No, I did not.

23 Q. Why not?

24 A. Because it was embarrassing -- very  
25 embarrassing.

1 Q. So all of 2015, all of 2016, and up till 2  
2 days ago in 2017, you never expressed to me this was a  
3 lie?

4 A. No, I never expressed that.

5 MS. KOLLINS: Approach the witness, your  
6 Honor.

7 THE COURT: You may.

8 BY MS. KOLLINS:

9 Q. Showing you State's Proposed 69, 70, 71, and  
10 72. Do you recognize what's depicted in those  
11 photographs?

12 A. That's me in all of them.

13 Q. Where do those photographs come from?

14 A. Facebook.

15 Q. Do you see who's name is on the bottom of  
16 those?

17 A. Stacey Kollins.

18 Q. That would be me, right?

19 A. Right.

20 Q. One of them says Merry Christmas?

21 A. Yes.

22 Q. Fair and accurately depict your Facebook posts  
23 over some of the years?

24 A. Yes.

25 MS. KOLLINS: State would move to admit 69

1 through 72.

2 THE COURT: Any objection.

3 MR. MACARTHUR: Those are our exhibits. And as  
4 long as they are admitted as defense exhibits, I have no  
5 objection to them coming in.

6 THE COURT: Appears to be State's Proposed 69  
7 through 72. Defense was also proposing them. They can  
8 come in as State's 69 through 72. The exhibits are  
9 admitted.

10 You may proceed and publish, Ms. Kollins.

11 BY MS. KOLLINS:

12 Q. Facebook post No. 69. My name on the bottom.  
13 That is a Merry Christmas message from me, right?

14 A. Yes, it is.

15 Q. 70, that's just I liked your page and no  
16 message, right?

17 A. Right.

18 Q. Your hug a tree. I liked your page May 30th.  
19 Nothing else, correct?

20 A. Right.

21 Q. State's 71, this is from January 29th. I  
22 don't know the year on this one. I don't know if this is  
23 2017 or earlier, but that's just me liking your page,  
24 right?

25 A. Yes.

1 Q. I think, correct me if I'm wrong, did we  
2 befriend each other on Facebook after you went to  
3 Minnesota?

4 MR. MACARTHUR: Objection as to leading.

5 THE WITNESS: I'm not sure when.

6 THE COURT: Remember when I mentioned -- and I  
7 forgot to recap all the rules -- if the attorney has an  
8 objection to make, if you'll wait a second to answer, so I  
9 can make a ruling.

10 THE WITNESS: My bad.

11 THE COURT: It was a leading foundational  
12 question. I'm not sure how you do that without doing so,  
13 so I'll overrule that.

14 Ms. Kollins, I'll remind you not to ask leading  
15 questions.

16 MS. KOLLINS: I'll do my best, your Honor.  
17 Thank you.

18 THE COURT: Did she answer.

19 BY MS. KOLLINS:

20 Q. She wasn't sure.

21 Is it fair to say that sometime after I met you in  
22 September 2015, we become friends on Facebook?

23 A. Yes.

24 Q. Did we personally message each other on  
25 Facebook or did we personally like photos?

1           A.       I believe maybe one time or a couple of times  
2 where we did message on Facebook. My phone wasn't  
3 working, but mostly text message.

4           Q.       Okay.

5           MR. MACARTHUR: Permission to approach, Judge.

6           THE COURT: Yes.

7           (Discussion held at the bench.)

8           THE COURT: Objection is noted. You may  
9 proceed.

10          BY MS. KOLLINS:

11          Q.       Morgan, when I first met you did I meet your  
12 mother?

13          A.       Yes.

14          Q.       Did she bring you to my office?

15          A.       She did.

16          Q.       Did she accompany you to the preliminary  
17 hearing?

18          A.       She did.

19          Q.       I would like to get back to your statement  
20 where we left off yesterday.

21                 We talked about the first time you told Detective  
22 Cho about having sex with Josh. Do you remember that?

23          A.       Yes, I remember that.

24          Q.       Do you recall telling Detective Cho a week  
25 later you went to the SunCoast and Josh picked you up?

1 A. That is what I said.

2 Q. Do you recall telling Detective Cho that when  
3 you drove up with Josh that you saw a security guard so it  
4 made you change locations and drive to Rampart?

5 A. Correct.

6 Q. That's what you told her?

7 A. That is what I told her.

8 Q. Then you told her the same thing happened. I  
9 sucked him. Then I got in the back seat?

10 A. That is what I said.

11 Q. You told her that time he put a condom on?

12 A. Say that again.

13 Q. You told her that time that he put a condom  
14 on?

15 A. Right. That is what I said.

16 Q. You told her that time it still wouldn't go in  
17 so Josh said give it a rest, and we'll try again in a  
18 little bit?

19 A. Yes.

20 Q. He said he tried and it final went in and you  
21 had sex?

22 A. Yes.

23 Q. You told her it lasted like 10 seconds and he  
24 came?

25 A. That's what I said.

1 Q. You said he was a virgin? That's what he told  
2 me.

3 A. Yes.

4 Q. You said he ejaculated outside the condom,  
5 then you went home?

6 A. Yes. That's what I said.

7 Q. Then did you tell Detective Cho that after  
8 that you did it a few more times?

9 A. Yes.

10 Q. And that that made you feel mature?

11 A. Yes.

12 Q. And that you were much more -- more mature  
13 then anyone else. You were ahead of everyone. Did you  
14 tell Detective Cho that?

15 A. That's what I said.

16 Q. Is what you meant by that when you said it was  
17 by having sex you felt more mature. Is that what that was  
18 intended to mean?

19 A. Yeah. That's what I wanted it to mean when I  
20 said it.

21 Q. Then you tell Detective Cho it felt wrong and  
22 you knew what you did was wrong. Is that what you told  
23 her?

24 A. Yes.

25 Q. Why did you tell her that if you were trying

1 to get Josh in trouble?

2 A. Because it's quite believable.

3 Q. What makes you think it's quite believable?

4 A. If you tell somebody that -- sorry. Can I  
5 real over this statement real quick.

6 Q. Are you referring to page 34?

7 A. Yeah.

8 Q. Sure. If that will help you refresh your  
9 memory as to what we're discussing.

10 A. Repeat your question, please.

11 Q. Sure.

12 You told Detective Cho that it felt wrong. You  
13 knew what you did was wrong, correct?

14 A. Yes.

15 Q. Why did you tell Detective Cho that what you  
16 did felt wrong, if you were trying to get Josh in  
17 trouble?

18 A. Because it was -- if I feel wrong, then doing  
19 something I felt wrong about would make it more believable  
20 because if I said I felt right about it that's just giving  
21 it away. Like saying, yeah, this is what happened at the  
22 time. Though when you said that, I can't really describe  
23 exactly, meaning of why I said it. It was part of the  
24 story. I kept going on with it as I went. It was  
25 something -- picking stuff up at the top of my head.



1 Q. What about the times then you said you loved  
2 him or you thought you loved him?

3 A. Any and every time I said I love Josh was  
4 because I loved him as a friend and things he helped me  
5 and my family with. Just being around, being there to  
6 support me. He was one of the very few people had hope in  
7 me and supported me to do better in school. And to, you  
8 know, have a relationship with my mother and steer me.  
9 Like he was trying to guide me in a way he knew would help  
10 me rather than bad.

11 Q. Did that guidance work out for you in the long  
12 run?

13 A. After I stopped talking to Josh, no. I am out  
14 on the streets now doing heroin and meth.

15 Q. You told Detective Cho that sex didn't -- you  
16 didn't feel comfortable having it, remember that?

17 A. Yeah.

18 Q. You told Detective Cho you did it a few more  
19 times again?

20 A. Yes, I did.

21 Q. Did you also tell Detective Cho that it was a  
22 normal part of your routine to go to the SunCoast and have  
23 sex?

24 A. Yes.

25 Q. Did you tell her that at a point instead of

1 meeting him at the elementary school that you started  
2 meeting at the CVS drug store by your house?

3 A. Yes.

4 Q. Why did you tell her that?

5 A. I felt like saying elementary school would  
6 become suspicious, considering there were kids around if  
7 that was the case. If you were to pick me up near the  
8 elementary school that was just, to me, feeling it just  
9 wasn't appropriate. So then I said, well, the closet  
10 thing to my house was CVS. I claimed we met at that wall,  
11 the wall at CVS.

12 Q. You told Detective Cho that this would happen  
13 while your mom was at work and that you would walk there  
14 really quick; is that right?

15 A. Yep. Yes.

16 Q. You told your mom -- or you told Detective Cho  
17 that Josh told you not to tell anyone?

18 A. Yes.

19 Q. You told Detective Cho you were on the phone  
20 with Josh all the time and you talked to a girl named  
21 Paris about this stuff.

22 A. That was a long time ago.

23 Q. So you are trying to get Josh in trouble and  
24 why did you drag Paris into it? Who is Paris and why ddi  
25 you want her involved in this?

1           A.       Paris was a girl I talked to in middle school.  
2       I didn't really enjoy her company or enjoy her myself, but  
3       I used her as an excuse in this to make it seem as if  
4       someone had known about, quote, unquote, whatever happened  
5       had happened.

6           So Paris had no meaning to me. Paris -- she wasn't  
7       anything important to me. I didn't -- I told her because  
8       the things I told her was not about sex, it was about  
9       Josh. It was nothing, had nothing to do with sex or a  
10      relationship with Josh. All of it had to do with whether  
11      I was telling her about Josh.

12          Say for instance if I got in trouble at school, he  
13      would help -- talk to me about things. He'd talk to me  
14      about things, like, this is how you can change it. Take  
15      this, take it or leave it.

16          Q.       I understand your response, but it doesn't  
17      answer my question.

18          Back to the original part was, why do you drag  
19      Paris into a situation where you're trying to get Josh in  
20      trouble?

21          A.       I just remember it because she was somebody I  
22      used to talk to Josh about.

23          Q.       You talked to Detective Cho and you tell  
24      her -- is this accurate -- that on another occasion Josh  
25      told you to walk to the SunCoast, right now, he wanted sex

1 and you told him you were with Paris?

2 A. Correct.

3 Q. You told Josh that?

4 A. Correct.

5 Q. Where were you expressing to Detective Cho you  
6 were walking from when you got this communication from  
7 Josh?

8 A. I was walking -- I'm not I don't exactly  
9 recall where I said I was walking from, but I do know that  
10 when I said where I was walking from I actually stayed  
11 home that whole day, then I met up with Josh later on. It  
12 had nothing to do with walking to the SunCoast or anything  
13 like that. We met up like normal and probably went to  
14 Tropical Smoothie or something like that. Did what  
15 friends do.

16 Q. You're telling me a bunch of probably and you  
17 remember now, today, right now, you remember that the day  
18 you were talking about in here on this page 36 was really  
19 a day you went to Tropical Smoothie with Josh?

20 A. Yes, because I remember now. I remember when  
21 I was talking to the detective that I was telling her -- I  
22 was telling her about this whole thing with Paris and it  
23 was my best excuse to hide what I was really doing. What  
24 I was really doing was chilling at home, waiting for  
25 fucking -- sorry, excuse my language -- my bad -- waiting

1 for someone to pick up Paris that way I can leave and me  
2 and Josh can get something to eat or Tropical Smoothie.

3 Q. What you told Detective Cho that day is you  
4 Josh said to you, walk to the SunCoast right now and no  
5 one better be with you. And you were with Paris.

6 That's what you told Detective Cho?

7 A. Yes.

8 Q. Different from what you just told me right  
9 now?

10 A. Yes.

11 Q. Then you told Josh that you would meet him at  
12 Bocca Park at Total Wine or REI?

13 A. Yes.

14 Q. And Paris came with you?

15 A. Yes.

16 Q. And you told Detective Cho that when Paris was  
17 with you and Josh saw it Joshua was angry and he yelled at  
18 you. Remember that?

19 A. Yes.

20 Q. Yelled at you. You told Detective Cho yelled  
21 at you and said why would you ever bring anyone. Are you  
22 trying to get us caught. What did you say to her.

23 That's what you relayed to Detective Cho that Josh  
24 said?

25 A. That is what I said.

1 Q. Then you told Detective Cho that he sped away  
2 very mad?

3 A. That is what I said.

4 Q. You said Paris asked you who is Josh and why  
5 is he here, right.

6 You told Detective Cho that?

7 A. Yeah.

8 Q. Is that a yes?

9 A. Yes.

10 Q. So you told Detective Cho that it sounds like  
11 it was going through your mind that you were going to see  
12 how this goes and see if Josh would pick up Paris as  
13 well?

14 A. Yes. But when I said pick her up as well, I  
15 didn't mean it as far as going to SunCoast or anything  
16 like that. I mean going out and doing something.

17 Q. Okay. So that part was true. That little  
18 part was true?

19 A. Yes.

20 Q. You said he was mad for awhile, and he got  
21 over it?

22 A. Right.

23 Q. Did you tell Detective Cho that at some point  
24 he wanted to stop using condoms?

25 A. Yes.

1 Q. Then you tell Detective Cho -- when did you go  
2 on birth control?

3 A. I don't remember exactly.

4 Q. Did your mom get those for you?

5 A. She did.

6 Q. Did she get those at your request?

7 A. Yes.

8 Q. Did you, as previously stated, that Josh  
9 wanted you to go on birth control because he didn't want  
10 to use a condom anymore?

11 A. I remember saying that as far as just --  
12 because of the pills. But what I got them for was I had  
13 very, very irregular cycles. And I had a lot of pain.

14 Q. So do you then go on to tell Detective Cho  
15 that you had sex way more than 10 times, almost every  
16 day?

17 A. That's what I said.

18 Q. You tell detective Cho that after 9 or 10  
19 months of having sex that that's when Josh wants to stop  
20 using condoms?

21 A. Yes.

22 Q. So you've told Detective Cho that sex happened  
23 right after your 12th birthday, right?

24 A. Right.

25 Q. So you pick a number, 9 or 10 months into the

1 relationship, that you say Josh wanted to stop using  
2 condoms.

3 Why did you pick that number?

4 A. Because it just seemed realistic. It seemed  
5 like if you are in a relationship with someone you imagine  
6 you would want to stop using condoms after awhile.

7 You either care about that person, or, you know,  
8 for example, I went on birth control, not because of Josh.  
9 I went on birth control for my periods. It seems more  
10 believable. We don't need to use condoms, quote, unquote.  
11 Technically there's a chance of getting pregnant, if that  
12 was the case.

13 Q. I want to back you up to this argument that  
14 got us here to this interview that you were at. Can we  
15 talk about that. We talked a little yesterday, but we  
16 didn't clear it up.

17 You said you and Josh had an argument and that's  
18 why you went to Metro and gave a statement, right?

19 A. Yes.

20 Q. When was that argument?

21 A. That argument was maybe a week -- or, no, it  
22 continued -- the argument continued for about a week  
23 before that. That's -- but don't take my word on that.  
24 I'm not hundred percent. It was very recent, before I had  
25 gone in.



1 Q. Within days?

2 A. Yes.

3 Q. But you don't remember the topic of the  
4 argument, like you said yesterday?

5 A. Yes.

6 Q. Not exactly? Not at all?

7 A. I say it's along the lines of probably  
8 something of something, but I'm not going to say it  
9 because I'm totally not sure.

10 Q. Do you remember when you got a phone call from  
11 sexual assault detectives way before your interview?  
12 Remember that?

13 A. Yes.

14 Q. You told them nothing happened?

15 A. Right.

16 Q. So you were telling them the true thing  
17 then?

18 A. Yes.

19 Q. Then did you communicate with Josh about the  
20 investigation between the time you said nothing happened  
21 and the time you gave this interview we're going  
22 through?

23 A. Yes. I told him, hey, look this is what they  
24 are doing.

25 Q. How did you do that?

1           A.       I called him. I said, hey, Josh, why are  
2 there detectives calling me and asking me about some sort  
3 of case that they're trying to build against you,  
4 considering that we are just very close, like a brother  
5 and sister. I was saying why are sexual assault  
6 detectives calling me.

7           He said, well, there is nothing to hide. Tell them  
8 the truth.

9           Q.       So they were trying to build a case, and then  
10 you decided to lie and help those cops that were trying to  
11 build a case. Is that kind of how it worked out?

12          A.       Who decided to lie.

13          Q.       You did. You said this is all a lie. So you  
14 have these cops over here, all of these detectives are  
15 trying to build a case against Josh, and then you decide  
16 to go help them out by lying so that we can get where we  
17 are today?

18               MR. MACARTHUR: Objection, your Honor. Can we  
19 get some clarification as to which interview with Metro  
20 she's talking about.

21               MS. KOLLINS: The one we're discussing now.

22               THE COURT: Overruled. The question is clear.  
23 The witness can answer.

24               THE WITNESS: For this voluntary statement --  
25 sorry. What was your question.

1 BY MS. KOLLINS:

2 Q. You said these cops are trying to build a case  
3 against Josh, and you tell them nothing is going on at one  
4 point. Then you go back in and decide to give this  
5 statement. So did you give this statement to help those  
6 cops build a case against Josh?

7 A. Out of spite, yes, I did.

8 Q. Did you talk to those cops and say, I really  
9 want to get Josh. I really want to go after him. Did you  
10 tell them anything like that?

11 A. I don't remember.

12 Q. I would like to talk about page 38 of your  
13 statement.

14 You told Detective Cho you'd meet the Defendant up  
15 to 7 times -- up to 7 days a week and it depended on if  
16 your mom was at work?

17 A. Yes.

18 Q. If she was home on the weekend, then we  
19 wouldn't meet up?

20 A. Yes, that's what I said.

21 Q. She did a lot of business traveling?

22 A. Yes.

23 Q. He was watching you because your mom knew he  
24 helped you out at school?

25 A. Right.

1 Q. Did your mom ever ask you what your  
2 relationship was with Josh all of these times?

3 A. All these times, no, she never asked to be  
4 clarified what it was. I did mention it to her, so that  
5 way she wouldn't be suspicious. I didn't want people  
6 looking at us like, here's this grown man trying to be  
7 with this young girl. It didn't look right. So I told me  
8 mother, no.

9 Before you start to think -- and I explained to  
10 Josh, she met Josh first at Eagle Camp from 6th grade, so  
11 it was very clear that Josh was nothing more than just a  
12 friend at that -- really like a brother.

13 Q. When your mom asked about your relationship  
14 with Josh at some point did you tell her he was gay?

15 A. Yeah, I did say that just so that way she  
16 wouldn't -- because we spent a lot of time together and in  
17 the eyes of regular people that would look really bad. So  
18 that is where I then told her he's gay, because also I  
19 wanted to take him on a trip with me to San Francisco to  
20 see San Francisco because it's an awesome city. So I told  
21 my aunt he was gay.

22 I mean, obviously he was not too fond of that.

23 Q. So you knew grown man, little girl, you knew  
24 that concept?

25 A. Right.

1 Q. You knew that was wrong, right?

2 A. Correct.

3 Q. And you still, as you sit there today, think  
4 that's wrong right?

5 A. Yeah, if that were the case.

6 Q. I'm asking do you think that's wrong?

7 A. Yes.

8 Q. You think it's wrong for an 18 year old to  
9 have sex with a 12 year old?

10 A. Yes.

11 Q. In order so that your mom wouldn't have the  
12 wrong perception, you told your mom Josh was gay. You  
13 didn't want her to worry about you having sex with Josh  
14 with that relationship being inappropriate?

15 A. It wasn't until later on in the relationship,  
16 like the relationship of me and Josh that I told her that  
17 because she started becoming like kind of worried about  
18 why am I spending all of this time with Josh. It wasn't  
19 because I was in love with him or like I wanted to be with  
20 him or anything like that. It was just because I really  
21 didn't want to loose him in my life. I didn't want her to  
22 take me and seclude him out of my life, because he helped  
23 me a lot. More then I can explain.

24 Q. You thought if you told her he was gay that  
25 would be a safety zone for you to hang out with him

1 without her thinking something was going on between you  
2 two.

3 So that is true?

4 A. That is true.

5 Q. Did you tell Detective Cho that the Defendant  
6 was watching out for you -- sorry -- watching me because  
7 your mom knew he helped you out at school?

8 I'm talking about page 38.

9 A. That is true.

10 Q. Then you told Detective Cho -- referring back  
11 to the watching out for you -- that you believed that that  
12 was Defendant's way of getting closer to your mom?

13 A. Yes.

14 Q. So the rides to and from school, the helping  
15 you with your homework, all of those kinds of things you  
16 thought that was Joshes way of getting to your mom?

17 A. I wouldn't say it's so much close to my mom.  
18 I would say that the times he made me confront my mom  
19 about things she should have known, as far as like things  
20 that I got in trouble for at the dean's office and things  
21 I may have said to people that were wrong. He made  
22 sure -- well, he didn't make sure, but he made it clear to  
23 me that honesty is the best policy. Tell your mother.  
24 Make sure your mother knows. Because if she doesn't it  
25 comes down the line.

1 Q. That is not my question.

2 A. I'm sorry.

3 Q. You said that Josh did those things to get  
4 close to your mom. Is that -- do you believe that?

5 A. Like I said, partially, yes.

6 Q. So when you told Detective Cho that that was  
7 partially true?

8 A. Correct.

9 Q. Then you tell Detective Cho Josh gained her  
10 whole trust, and she believed your relationship was  
11 brother and sister?

12 A. Correct.

13 Q. Why do you use brother and sister? Why did  
14 you label that brother and sister?

15 A. Because when you have -- an example. Say we  
16 were blood related. At my age you would look up to an  
17 older brother. It's good to do well in life like Josh was  
18 doing. I wanted to look up to him. He was my hero in my  
19 life. My mom was constantly gone. My dad's a piece of  
20 low-life. My family lives in other places. I'm not that  
21 close with my siblings, so, of course, I looked at him  
22 like a brother.

23 Q. Have you read the statement that Josh gave to  
24 the police?

25 A. No, I have not.

1 Q. Was that provided to you by anyone?

2 A. No, it was not.

3 Q. Okay. Have you heard Josh explain your  
4 relationship as brother, sister?

5 A. Vaguely. I vaguely remember.

6 Q. Would you and Joshua together also tell your  
7 mom you were brother and sister?

8 A. Yes.

9 Q. You also told that to Detective Cho?

10 A. Yes.

11 Q. So that was true?

12 A. All of that was true.

13 Q. If you are trying to get him in trouble, why  
14 are you telling Detective Cho the things you were doing to  
15 cover up the relationship?

16 A. Because, I mean, like I said it's believable  
17 that way. I mean, if I -- some things in it is true.  
18 Most of the things in it is not.

19 Q. Did you tell Detective Cho that Josh came up  
20 with that notion, that brother, sister notion?

21 A. I did, but it wasn't really. It was a mutual  
22 thing. We both had to know how we were close, we both  
23 knew our relationship was as that being brother and  
24 sister.

25 Q. So telling Detective Cho that you represented



1       yourself as brother, sister is true?

2           A.       Right.

3           Q.       You told her Josh came up with it?

4           A.       Yes.   That is what I said.

5           Q.       Did you also tell Detective Cho that Josh was  
6       the one to come up with the idea of birth control?

7           A.       Yes.

8           Q.       Did you also tell Detective Cho you were  
9       nervous about taking birth control and nervous about not  
10       using condoms?

11          A.       Untruthfully, yes, that's what I said.

12          Q.       Did you tell Detective Cho the Defendant told  
13       you you need to go on birth control because if you don't  
14       you are going to get pregnant?

15          A.       That is what I said.

16          Q.       He didn't want to use condoms any longer?

17          A.       Right.

18          Q.       Then you tell Detective Cho that you talked to  
19       your mom at that time to get birth control and  
20       successfully got birth control by your mom, correct?

21          A.       Correct.

22          Q.       And that actually did happen.   You went on  
23       birth control that was provided to you by your mom?

24          A.       Yes.

25          Q.       You go on to tell her that if Josh hadn't

1 brought it up you'd never gone on birth control?

2 A. That is what I said.

3 Q. Then when you finally went on birth control  
4 you tell Detective Cho that Josh was nervous too, and he  
5 still used condoms for awhile, even though he didn't want  
6 to?

7 A. Right.

8 Q. That you, or Josh, or both of you decided to  
9 let it settle in for a couple of months, referring to the  
10 birth control?

11 A. Correct.

12 Q. That is what you told Detective Cho?

13 A. Can I make a statement?

14 Q. There is not a question pending.

15 A. Okay.

16 Q. Then eventually you expressed to Detective Cho  
17 that one night or one day when you are about to have sex  
18 he said, it's okay, we don't have to use condoms anymore.  
19 Referring to page 42, if that will refresh your  
20 recollection.

21 A. He -- sorry I skipped a page. My bad. Yeah.  
22 That's what I said.

23 Q. Then you tell Detective Cho that you were  
24 doing it all the times without condoms in 2013 and 2014?

25 A. Yes.

1 Q. That you were actually dating -- your word --  
2 until January of 2015?

3 A. Yes.

4 Q. That everything stopped when you turned 15?

5 A. Right.

6 Q. You told her it had been going on for 4 years  
7 and up until this point in the conversation you'd really  
8 only been taking about the 7th grade?

9 A. Okay. Yes.

10 Q. Is that what you told her?

11 A. Yes.

12 Q. Now, you said you came up with all of these  
13 recitations or these facts kind of off the top of your  
14 head. Did you think by this point that you had given her  
15 enough?

16 Because yesterday you said you're making this up as  
17 you go. I'm curious. When did you think enough was  
18 enough?

19 A. I was kind of going based off of experiences  
20 with other people. Like I wasn't really speaking of Josh  
21 in most of the cases. I would claim if I was talking  
22 about Josh, I would say something specifically about Josh.  
23 She would ask, well, did he, he pertaining to Josh.

24 Now when I was saying details about taking a condom  
25 or anything to do with sex -- because there was no sex

1 between us -- anything to do with sex, it was talking  
2 about relationships I was having with other men -- well,  
3 not men but boys. However you want to claim it.

4 Q. Your other sexual history is not relevant in  
5 here. So we're not going to talk about whoever else you  
6 had sex with.

7 A. Of course, yes.

8 Q. You did express to the detective though that  
9 Josh took your virginity?

10 A. I did say that.

11 Q. You o ton to tell Detective Cho about having  
12 sex at the SunCoast, parking lots where we were, the  
13 Excalibur parking garage, do you recall that?

14 A. I said that.

15 Q. You told her all those places?

16 A. Correct.

17 Q. You told her one time you were somewhere up in  
18 Summerlin?

19 A. Yes.

20 Q. In all those places you told her about in  
21 those conversations, those were all in Las Vegas, Clark  
22 County, Nevada?

23 A. Correct.

24 Q. You go on to tell her the kind of sex acts you  
25 performed on each other, oral sex on him, oral sex on you.

1 Did you tell her that.

2 A. Yes, I did.

3 Q. Then you tell Detective Cho that two nights  
4 ago, two nights before this interview, you final told  
5 Taylor Roberts everything?

6 A. When?

7 Q. I'm referring you to page -- if you need to  
8 refresh your recollection -- page 46.

9 A. Yes. Two days before the interview I told  
10 Taylor.

11 Q. Two days before the interview you told  
12 Taylor?

13 A. Yes.

14 Q. That was at a sleep over?

15 A. Yes.

16 Q. Did you tell Taylor all the things you told  
17 Detective Cho?

18 A. Yes. That was just in case she'd appear as a  
19 witness in court she'd have the same stories as the  
20 papers, if I still wanted to follow along getting Josh in  
21 trouble.

22 Q. Did you tell her that you were manufacturing  
23 this to get Josh in trouble?

24 A. Yes.

25 Q. You told Taylor Roberts this was all a lie?

1           A.       I didn't tell her it was all a lie. I told  
2 her this was -- I told her I was doing this, I wanted to  
3 get in court. I wanted to put Josh away. There was no  
4 other reason to say it. If I said he was a good friend.  
5 I don't want -- there's anything bad to say, but I told  
6 her bad things.

7           Q.       So you knew that Josh wanted to be a police  
8 officer. Why didn't you just get him in trouble at  
9 work?

10          A.       Because I was his friend. I cared about him  
11 like that. I wasn't going to go to Metro. Eventually I  
12 did, but like, I mean, to me it was more intimidating. I  
13 was very intimidated. I started crying right away. I was  
14 scared that I was making the wrong decision. I was scared  
15 that to go in there and lie to them could backfire on me  
16 or -- one day just --

17          Q.       Take it easy. We're not -- I'm just trying  
18 to figure out what's going on.

19                 So you wouldn't go get him in trouble with his  
20 employment, but you would go get him in trouble legally  
21 with this stuff. Because he was your friend and you  
22 didn't want to get him in job trouble?

23          A.       Right.

24          Q.       But you'd get him in this kind of trouble.

25          A.       Yes, as retarded as that sounds. Yes.

1           Q.       Did you tell Detective Cho that the reason you  
2 went to go talk to Taylor about everything is that you  
3 knew this was coming and you were really nervous and  
4 Taylor could tell that something was going on with you  
5 that was making you anxious?

6           A.       You are speaking the night of the sleep over,  
7 right.

8           Q.       Right.

9           A.       Yeah. Yes, I did tell her. That was just  
10 like yesterday when we spoke about Josh wanting to meet up  
11 with me the next day.

12          Q.       Sorry Morgan -- answer my question.

13          A.       Like I was saying yesterday, it was more so  
14 like she was upset because I was going to leave her house.  
15 I wanted to leave her house to see Josh because I hadn't  
16 seen Josh since I gotten home from vacation. It was only  
17 the first night, it didn't really matter. At the same  
18 time she was upset and emotional about it.

19                So in the end I stayed with her, because there no  
20 way to get to that area. Josh had apologized to me for  
21 being pushy. Not pushy, but being anxious about seeing  
22 me. We were friends. We'd see each other. I can't  
23 attend to 4 people at once.

24          Q.       So he was being pushy and anxious and wanted  
25 to see you while you were at Taylor's?

1           A.       Not excessively, but a little bit. I was kind  
2 of pushy about leaving her house as well because I wanted  
3 to leave and go see him as well.

4           Q.       Did you tell Detective Cho that in front of  
5 Taylor you couldn't hold this in much longer. This  
6 referring to all of the stuff about Josh. Did you tell  
7 Cho that?

8           A.       Yes.

9           Q.       At this point do you let Detective Cho know  
10 whether or not you spoke to your mom about this stuff?

11          A.       I did not mention to my mom anything.

12          Q.       You told Detective Cho you didn't tell your  
13 mom?

14          A.       Right.

15          Q.       And then you tell Cho that to your mom -- tell  
16 your mom, I'll tell you everything that's going on when  
17 this is over?

18          A.       Yes.

19          Q.       Did you say that to your mom?

20          A.       Yes.

21          Q.       Did you also tell Detective Cho that you  
22 wanted the right ears to hear about this stuff first?

23          A.       Yes, because my mom wasn't giving me the right  
24 ears to report it to the police.

25          Q.       You told me you said those things to your mom.



1 Why would you group your mom into this thing that was just  
2 designed to get back at Josh?

3 A. Because I was afraid if I went in and  
4 testified and -- I said anything about Josh, something  
5 might happen to my mother. Because my mother is obviously  
6 not one of the best parents. She has her own issues as  
7 well. I didn't want Josh to think that, well, I can't  
8 believe she's making all of this shit up about me, why  
9 don't I deserve to have things not made up -- not made up  
10 but things said about me, pertaining to my mother, and  
11 being taken away from me.

12 Q. You told Detective Cho about that didn't you  
13 early on in the interview that Josh told you your mother  
14 could get in trouble for the things you had been doing?

15 A. Right.

16 Q. You told Detective Cho that was one of reasons  
17 you were afraid to come forward is Josh told you in his  
18 position as an Explorer that something could happened to  
19 your mom for the weed you're smoking and parties you were  
20 going to and the alcohol. You told that to Cho?

21 A. Yes.

22 Q. You thought that was true, that your mom would  
23 get in trouble?

24 A. Yes.

25 Q. You go on to talk about the 9th grade when

1 things got rocky with Josh. Remember that?

2 A. Yes.

3 Q. We're trying to get Josh in trouble, and you  
4 tell them you start seeing somebody else. You tell  
5 Detective Cho that Franco, he's a football player. You  
6 liked him a lot?

7 A. Yes.

8 Q. That was in 9th grade?

9 A. Yes.

10 Q. That is when you are going to Desert Oasis  
11 High School?

12 A. Correct.

13 Q. When you began going to Desert Oasis you were  
14 distant from Josh?

15 A. I started to become distant.

16 Q. Those things are true?

17 A. Yes.

18 Q. So why, if you are trying to get him in  
19 trouble, why are you talking about distancing yourself  
20 from him and those kinds of things?

21 A. Just naturally occurred. I found somebody  
22 else who is fulfilling my needs as a friend. Not only  
23 that but he gave me more in a sexual relationship. With  
24 Josh I didn't have both of those things. I had the best  
25 friend, but naturally I pushed him away as opposed to

1 Franco.

2 Q. In 9th grade and you went to Desert Oasis and  
3 you started distancing yourself from Josh, did your social  
4 life change?

5 A. A little bit. I didn't really alter it too  
6 much. I only had a couple of friends. Franco and my other  
7 friend.

8 Q. You started ignoring him and he always pulled  
9 you back in?

10 A. That is what I said.

11 Q. You just stayed with him?

12 A. I stayed friends with him.

13 Q. But what you told Detective Cho is you stayed  
14 with him. You were trying to get him in trouble so you  
15 weren't trying to say you were best friends with him?

16 A. Right. Yeah.

17 Q. You meant with him like boyfriend, girlfriend  
18 like him?

19 A. That is what I tried to make it seem.

20 Q. You told Detective Cho at that time you were  
21 distant you were making new friends and you were happy?

22 A. I was happy for a moment.

23 Q. So you were happy for a moment while you were  
24 distant from Josh?

25 A. Yeah, but I wasn't happy with Josh. It was

1 just for the moment. It was interesting to have a  
2 boyfriend. I was just starting high school. I never was  
3 dating anybody in middle school. I was too young. I was  
4 exciting to be in high school and have the whole  
5 experience of what was going on around me. It was fun,  
6 but it wasn't fun for long.

7 Q. Back to my question. Because I see or sense  
8 your need to give me information that I'm not asking you,  
9 okay. But back to my question.

10 Did you tell Detective Cho you were still talking  
11 to Josh. You were distant from him and making new friends  
12 and were happy?

13 A. Yes.

14 Q. Did you tell Detective Cho that Josh find out  
15 about Franco and tells you to break up with Franco  
16 immediately, or he will do something about it?

17 A. That is what I said.

18 Q. And eventually Josh gave you a guilt trip and  
19 you broke up with Franco?

20 A. That is what I said.

21 Q. And you guys wrote vows to each other, you and  
22 Josh?

23 A. Yes.

24 Q. You told Detective Cho that he gave a guilt  
25 trip, if I tell you how is this going to effect our future

1 if you're in a dating relationship -- meaning with  
2 Franco -- how are you doing this to me. You told  
3 Detective Cho all that?

4 A. Yes.

5 Q. You told Detective Cho that you thought you  
6 loved him, but what you knew about love, but you could  
7 never see a future, with him; is that right?

8 A. Yes, that is true.

9 Q. In 9th grade how old are you Morgan?

10 A. 9th grade, I was 14, 13.

11 Q. You go on to tell Detective Cho you knew it's  
12 not right, the whole situation?

13 A. Right.

14 Q. You tried to block him out. He drove by your  
15 house a couple of times.

16 A. Right.

17 Q. That he would constantly call you.

18 A. Yes.

19 Q. Eventually, it turned to where you had to  
20 break up with Franco?

21 A. Yes.

22 Q. So if you and Josh were just friend, why do  
23 you break up with Franco at his request?

24 A. Because Franco was doing things I didn't want  
25 to be involved in.

1 Q. Franco the football player was doing drugs?

2 A. Yes. He was going to parties and stuff like  
3 that and that wasn't the scene I wanted to follow. That's  
4 not the crowd I wanted to be in. I was better than that.  
5 Way better than that.

6 Q. Josh made you tape breaking up with Franco?

7 A. Tape it?

8 Q. That's what you told Detective Cho at page 50.  
9 See where I'm talking about?

10 A. Which page.

11 Q. Page 50.

12 A. Okay.

13 Q. Did you tell Detective Cho that Josh made you  
14 video -- it says auto tape. That's a typographical error.  
15 Audio tape your break up with Franco?

16 A. Yes. That is what I said. I don't think that  
17 is what I meant by it though.

18 Q. Sorry, what was that?

19 A. That is what I said, but I don't think that is  
20 what I meant by it.

21 Q. What do you think you meant?

22 A. If anything to be more realistic I would say  
23 to be listening to make sure if he were to call Franco  
24 that it would make more sense to have him put on speaker  
25 and have me listen to it, rather than me record it and

1 replay it.

2 Q. Why would -- did that happen -- was that  
3 recorded, the Franco break up, was that recorded  
4 somewhere?

5 A. No.

6 Q. So Josh didn't care one way or the other, as  
7 your friend, whether or not you were with Franco other  
8 then he was a bad kid?

9 A. Right. Right, exactly.

10 Q. You told Detective Cho that Josh made you cut  
11 off your friendship with a girl named Brittany, who was  
12 16?

13 A. That is what I said.

14 Q. Josh convinced you she was drinking and she  
15 wasn't okay to hang around with?

16 A. Yes.

17 Q. Josh convinced you that Brittany was a bad  
18 influence?

19 A. Yes.

20 Q. You were friends with her on Instagram and she  
21 knew about Josh?

22 A. Yes.

23 Q. That you told Detective Cho that Josh took you  
24 and Brittany to the Cheesecake Factor on the Strip at  
25 Caesars?

1 A. Yes.

2 Q. And that whole night you were secretly talking  
3 to Franco?

4 A. Yes.

5 Q. Was -- did you go to the Cheesecake Factory at  
6 Caesars?

7 A. Yes.

8 Q. With Josh and Brittany and yourself?

9 A. Correct.

10 Q. You were secretly texting Franco?

11 A. Correct.

12 Q. Why were you secretly texting Franco?

13 A. I really wasn't. That's just what I said.  
14 Josh didn't care if I was texting anybody, because he's  
15 not --

16 Q. Did you tell Detective Cho that you were  
17 taking a trip to Town Square, but you were keeping the  
18 attendance of that trip to Town Square secret from Josh?

19 A. Correct.

20 Q. Now, how is telling Detective Cho about a  
21 secret trip, how does that get Josh in trouble? I'm not  
22 following that logic.

23 A. I'm not sure myself.

24 Q. Did you go to Town Square with Franco? Did  
25 that trip happen?



1           A.       I remember there being one trip. That was at  
2 the South Point Casino. I don't believe we went to Town  
3 Square.

4           Q.       Have you kept up with Franco and what he's  
5 doing these days?

6           A.       No.

7           Q.       Did you tell Detective Cho that just prior to  
8 that trip to Town Square with Franco, and whatever other  
9 friends were going, that Josh sat at your house all day  
10 waited for you to leave because we wanted to know who was  
11 picking you up and who you were going with. Did you tell  
12 her that?

13          A.       Yes.

14          Q.       Did Josh wait at your house because he didn't  
15 want you hanging out with Franco?

16          A.       No.

17          Q.       Did you tell Detective Cho that Josh was  
18 checking your cell phone for Franco's messages?

19          A.       That is what I said.

20          Q.       Did you tell Detective Cho that you would  
21 block Franco when Josh was around?

22          A.       Yes.

23          Q.       Was Josh so concerned about your friendship or  
24 relationship with Franco that he was checking your  
25 phone?

1           A.       He did look at the phone for messages from  
2 Franco related to partying and drugs. When he began to  
3 tell me it's -- the choice is yours. Pick your poison.  
4 You take that elf path you know what you are going to do.  
5 You'll make the same mistake twice, 3 times, 4 times.  
6 I've done it. I did it before. The whole blocking and  
7 everything he doesn't really didn't care. It was  
8 something I made up because it was part of the story.

9           Q.       He didn't care, but he told you to pick your  
10 poison?

11          A.       That was just words. I'm not saying he  
12 specifically said pick your poison, but he specifically  
13 said it's either this way or that way. Because it is not  
14 like he's giving me an ultimatum to choose. It was just  
15 as myself do I want to go with Franco and follow his  
16 footsteps, because you eventually do the things that the  
17 people you are around, you start to do what they do. In  
18 that case, I didn't want to do that.

19                Josh didn't have concern as to anything else in my  
20 phone, just an incident where he opened it and it was  
21 those messages. He didn't care. He had no reason to.

22          Q.       Did you block -- did you tell Cho that you  
23 blocked Franco when Josh was around?

24          A.       That is what I said.

25          Q.       Did you do that?

1           A.       No.

2           Q.       When Josh would tell you, there is this path  
3 the other path, your words, pick your poison, did that  
4 feel like a parent talking to you?

5           A.       No, it didn't. The way he approached me was  
6 never like a parent. It was never like trying to fill-in  
7 the role of a parent.

8           Q.       Did you tell Detective Cho that Josh began to  
9 figure out you were blocking certain numbers when he was  
10 around?

11          A.       Yes.

12          Q.       Okay. What does Josh figuring out that you  
13 were blocking numbers while he was around have to do with  
14 getting Josh in trouble?

15          A.       When I first brought up the whole Franco  
16 statement, I added on the fact that it was the other  
17 quote, unquote, numbers I blocked too. So if I tell told  
18 the story as if he gets mad then that shows that he cares  
19 for me more than just a brother/sister relationship. It  
20 would have to be romantic, because there is no reason for  
21 someone to get mad over you blocking numbers if you are  
22 not in a romantic relationship.

23          Q.       You figured all of that out off the top of  
24 your head while you were sitting there?

25          A.       I thought about this for days before I came in

1 here.

2 Q. Did you tell Detective Cho that Josh was  
3 figuring out you were blocking certain numbers that you  
4 eventually just ran out of girl friends because of the  
5 interaction?

6 A. Yes, I did.

7 Q. Is that a yes?

8 A. Yes.

9 Q. Did you run out of friends back then?

10 A. Yes, I did.

11 Q. Who did you spend most of your time with?

12 A. I spent most of my time with Josh, or I stayed  
13 home.

14 Q. Spent time at home listening to his police  
15 radio?

16 A. There was a few instances where I did. It was  
17 interesting I was able to do it.

18 Q. While he's working he'd give it to you to  
19 listen to?

20 A. Yes.

21 Q. Do you remember telling people he'd get mad if  
22 you didn't listen while he was working all night?

23 A. I remember stating that, but that was not  
24 true.

25 THE COURT: We've been at it about a hour.

1 Maybe we can take a short recess. We'll take a little more  
2 then 15 minutes. We'll come back at a quarter till  
3 11:00.

4 JURY ADMONITION

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

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

17 See you back at quarter till.

18 (Brief recess taken.)

19 THE COURT: I do have one bench conference. I  
20 over heard briefly, not all of the conversation, but just  
21 a little bit between counsel and Ms. Savage that she  
22 appears to be hungry and may need some food. I don't know  
23 what options there are for that.

24 MS. KOLLINS: I have peanuts and M&Ms.

25 THE COURT: Is there some way CO -- we're going

1 to be on a break.

2 THE WITNESS: Yeah. I know I'm pretty sure the  
3 officer can get me a bag lunch.

4 THE OFFICER: We can get that downstairs.

5 MS. KOLLINS: May I approach.

6 THE COURT: Can she have the M&Ms in the  
7 meantime.

8 I do have a bench conference. I'll do that two  
9 seconds, counsel, before we start doing other things then  
10 you can have your break.

11 We had one bench conference. I want to give my  
12 reporter a break. We had conference. It came up in  
13 reference to communications between Kollins and Ms. Savage  
14 referencing text messages. The question was about how  
15 communications occurred and were there any private  
16 messages or was it liking her photos. She indicated there  
17 might have been one or two private messages when she  
18 couldn't be reached, but otherwise they communicated by  
19 text.

20 Mr. MacArthur asked to approach and indicated that he  
21 believed there would be some form of witness statement  
22 that may be inclusive in these text messages and he'd be  
23 entitled to have them and raised that concern.

24 Again, I guess my thought is I don't perceive -- this  
25 is just a general thought. I don't perceive that when

1       there is a concern coming up about evidence during the  
2       course of testimony that it is necessary to make the  
3       objection at that moment in time. I think the appropriate  
4       time to make that objection -- when I say evidence,  
5       meaning there is a concern about something that isn't here  
6       in the courtroom that hasn't been turned over that might  
7       be problematic -- then that is not really pertaining to  
8       that question, it's just brought to mind by the question  
9       and the answer. I think it is more appropriate to wait  
10      till breaks like this to bring it up.

11            Regardless, we had that brought up. Ms. Kollins  
12      indicated she may or may not still have access to that  
13      photo those messages. At the end of the day, I did not  
14      perceive it to be something that required interruption of  
15      the testimony or any objection be sustained. And it's  
16      still not quite clear to me there is anything that would  
17      constitute a witness message.

18            That's the end of my bench conference report.  
19      Anything anybody wishes to add.

20            Mr. MacArthur.

21            MR. MACARTHUR: Please.

22            I accept the court's view, but I would add that  
23      the Supreme Court reminds defense counsel time and time  
24      again that our objections have to be contemporaneous. I  
25      have seen way too many issues when the objection is even

1 two minutes later, depending on what is going on in court,  
2 that we no longer have standing. It wasn't my intention  
3 to do anything other than preserve the objection at the  
4 time.

5 THE COURT: Here's my point. Having a bench  
6 conference doesn't preserve it at the time. It sort of  
7 does because there's something in the record that says I  
8 asked for a bench conference. But as you know we're  
9 having a conference here and I'm making notes and a  
10 reference to it later. So that's one issue.

11 The point is the objection isn't to the question.  
12 The objection is to the question and answer and the  
13 information it elicits that's points to you there might be  
14 some sort of violation of evidentiary rules that occurred  
15 perviously that may impact this case. It's not the same  
16 thing. It came up yesterday related to -- I don't  
17 remember what point or with whom, but I remember having  
18 this discussion once before with Ms. McNeill.

19 It's not a criticism. It's just a thoughtful  
20 consideration to have that if the concern you all have  
21 about what information is coming to light in trial is  
22 something that you think could potentially pertain to a  
23 future motion or pertains to something of import, then  
24 bring up when the jurors are not present separately.

25 If it pertains to that question and that answer and



1 is relevant to whether that question should be asked or  
2 that answer given or stricken, I understand bringing it up  
3 then.

4 What I'm pointing out to you is I think that these  
5 things being brought up in the moment it occurs it's  
6 potentially problematic to the case is not the same thing  
7 as bringing up something contemporaneous related to the  
8 questions and answer being asked.

9 That point aside, I didn't want to make a huge point  
10 about that. I'm just trying to give you some thoughtful  
11 consideration about that. Your objection itself, however,  
12 if you want to add anything else to the bench conference  
13 about your objection itself.

14 MR. MACARTHUR: Thank you. Let the record  
15 reflect that exhibits that were submitted for proposal I  
16 believe now been have been entered and admitted.

17 MS. KOLLINS: Yes, sir.

18 MR. MACARTHUR: Our screen shots were obtained  
19 by defense counsel based on information provided from  
20 Morgan Savage. We've only begun to have contact with her  
21 on Monday night and have listened to her testimony in  
22 court like everyone else. Having gotten those screen  
23 shots, it was my initial impression I would ask her about  
24 the relationship between herself and Ms. Kollins, and then  
25 if she denied it, or did not remember it, that I would use

1 it to refresh recollection as they are from her Facebook  
2 page.

3 In speaking with Ms. McNeill last night she thought  
4 there was a possibility they might be exhibits and that in  
5 fairness, if there was any potential they would be  
6 exhibits, we should provide it to the State. I agreed  
7 with her, despite the varying levels of comity when we  
8 came in, Ms. Rhoades and I had a conversation, civil. I  
9 provided them to her. She thanked me. She gave them to  
10 Stacey. Then Stacey immediately admitted them, which I  
11 wouldn't say is improper. We certainly could admit other  
12 exhibits. However, in my experience, if I'm using a  
13 State's Proposed Exhibit, typically, I would ask the  
14 State, State do you have any objection if I use State's  
15 13. If the State says no, I have no objection, I go  
16 through foundation and ask it be admitted. The court says  
17 yes. And we move forward.

18 However, Ms. Kollins, used my exhibits and made them  
19 seem as though they were State exhibits, without ever  
20 acknowledging in front of the jury, these were mine. I  
21 understand tactically why she would do that. She would  
22 like to be in control of the information that might be  
23 used to cause the jury to question the professionalism  
24 here, and that is why I made the objection that I did. I  
25 was disappointed that the court didn't allow them to be

1 categorized as defense proposed exhibits. The court  
2 sustained or should I say overruled my objection, and they  
3 are now State's Proposed Exhibits. And I will probably  
4 have to, in large part, wait until I cross Morgan then go  
5 into closing argument before I can tie that together for  
6 the jury.

7 I thought that that was strictly speaking legal, that  
8 it was not professionally courteous. And it could have  
9 been avoided merely just by changing the title and laying  
10 the foundation.

11 MS. KOLLINS: There is no title on those  
12 documents.

13 Here is the issue. From the inception, including  
14 opening statements, it has been not even suggested, it's  
15 been overtly stated that I have exuded undue pressure on  
16 this kid. That I have dug my heels in, and I have done  
17 all of these things to personally push forward this  
18 prosecution. That simply isn't the case.

19 There is a kid -- I do these cases all the time.  
20 There are kids I communicate with. There is a small  
21 handful that I do have communications with. That's my  
22 job. You know what, when these cases last for 3 years at  
23 and time, due to circumstances outside of everyone's  
24 control, it's not only plausible, but preferred that I  
25 keep lines of communication open.

1           Now, that being said, that was going to be used, my  
2           assumption is, because I have already said exuded undue  
3           influence, to show the jury that I somehow coerced or  
4           pressure this kid. Well, that's me knocking the wind out  
5           of that sail. And that's perfectly appropriate. I'm  
6           allowed to do that. I am allowed to get ahead of a  
7           purported defense, and that's all I did. It's not  
8           unprofessional. It's not disrespectful. I just heard  
9           Mr. MacArthur say he was in to see more Morgan Monday.  
10          Well, I don't know if he misspoke, they were actually  
11          there for two days and that that's when he gathered her  
12          Facebook information.

13                I'm friends with Ms. McNeill on Facebook. My  
14                assumption is that's where it was presented out to begin  
15                with. I don't know. It's not anything inappropriate for  
16                me to defuse what has been suggested.

17                There was some concern whether I had text messages.  
18                I didn't know if I had Morgan's old phone number. I do.  
19                I will turn those over. I can read them into the record  
20                now. These are the nature of my communications with  
21                Morgan Savage, July 7, 2016, from Morgan.

22                Hi, Stacey. It's Morgan Savage. This is my new  
23                number.

24                My response. Yeah. Thank you.

25                From Morgan -- July 18, 2016 -- hey, I was wondering

1 if the court date for July 25th is still happening.

2 My response -- July 18, 2016 -- Morgan, no, ma'am.

3 He got a new lawyer. Continued to February.

4 From Morgan the same date. Oh, wow. Okay then.

5 My response -- that's the best I could do. Come  
6 visit me.

7 Her response -- that's okay. I'm not too worried  
8 anymore. Yes, I'm in San Francisco right now until the  
9 weekends sometime, but I'll let you know when I get  
10 back.

11 Cool. Post pictures -- is my response to her.

12 Then I haven't heard from her. The whole time she's  
13 been a run away, I haven't heard from her until back on  
14 October 24th. Morgan, it's Stacey, at the DA's office.  
15 This was a please reach out -- it says ease reach out so I  
16 know you're okay.

17 Please, Morgan, -- I guess it's later that same day.  
18 October 24th, the last message wa from to her -- is  
19 Morgan, I need to find you to continue this case. I can't  
20 do it without -- now that you've responded, so I know you  
21 are okay.

22 So she can have copies of those. I didn't know they  
23 transferred over to this phone. That is -- we text people  
24 all the time. It's logistical. It's not coercive. I  
25 don't know what else to say to the court right now.

1           THE COURT: Well, the court hasn't asked anybody  
2 to say anything. I appreciate we have that history of the  
3 text messages in the record. You provided a copy to  
4 counsel, as you indicated you would. I see them.

5           I have thoughts in regards to some of what Mr.  
6 MacArthur said, but Mr. MacArthur, do you have anything to  
7 wrap this up. Obviously, I need to give the staff a break  
8 here too, which means we probably won't start until closer  
9 to 11:00 now, because I have to give my staff the break I  
10 intended to give them.

11           That's not a criticism of you or Ms. Kollins either.  
12 We just need to make the record. I'm trying to wrap this  
13 up.

14           MR. MACARTHUR: I understand, Judge. If the  
15 court would like to do the break and have me make the  
16 record --

17           THE COURT: No. When we come back we'll start  
18 with the jurors, unless something comes to light between  
19 now and then. I would like to finish this commentary  
20 now.

21           MR. MACARTHUR: I'll be as quick as possible,  
22 Judge.

23           Having listened to the State it's important to  
24 note several things. First, is that I understand the  
25 intention and why it happened, but what's being missed

1 here is that defense counsel has not leveled an allegation  
2 against the State. We reiterated information that came  
3 from the witness, and that over several days now, it's  
4 been characterized as their imputing my professional  
5 credibility. What we have done is merely introduce the  
6 evidence provided by the witness. There is a difference  
7 between taking evidence you have and presenting it to the  
8 court or to a jury, if appropriate, and believing that  
9 it's true. Just because a witness says that Stacey  
10 Kollins did wrong things to me does not make that so. I'm  
11 intimately familiar with that having been wrongfully  
12 excused of many things by many people.

13 THE COURT: I'm sure those circumstances you had  
14 your personal feelings of how you interpreted them.

15 MR. MACARTHUR: I did.

16 THE COURT: So let us not try to continue --  
17 hold on -- let us not try to continue to persuade  
18 Mr. Kollins not to feel the way she feels. Because that's  
19 what it seems like what you're trying to do last night and  
20 trying to do today as well.

21 MR. MACARTHUR: That's not what I was trying to  
22 do last night. That is not what I'm doing now. I'm  
23 making my record. And I want to make sure that everybody  
24 is on the same page.

25 Now, with that said, the response has been that

1 because of our contact with Morgan Savage, who is a  
2 witness that we have equal access to, and because we  
3 became aware at the first day of voir dire that she was in  
4 custody and went and saw her at CCDC, that somehow it was  
5 unethical or at least inappropriate to go see her.

6 THE COURT: You're saying Ms. Kollins' opinion  
7 to your integrity, which I haven't heard her do.

8 MR. MACARTHUR: Can I just make my argument. I  
9 appreciate it, but you're not saying the same thing I'm  
10 just saying.

11 THE COURT: You're not saying anything that's  
12 helpful to the court. You want to make your record, make  
13 your record. Maybe I can step out of here. But that's not  
14 really appropriate, is it. I need you to give something  
15 that's helpful to the court.

16 What is helpful to the court about what you are  
17 saying now. You didn't accuse her. She didn't accuse I  
18 get it. I've heard it all. We made those records  
19 multiple times. What is your point right now.

20 MR. MACARTHUR: Withdrawn, Judge. I don't have  
21 a point.

22 THE COURT: Do me this favor. I don't want to  
23 frustrate you, because I know that that doesn't help  
24 things. Do me this favor. You have a style of speaking.  
25 I'm similar. Where I know where I'm going here, and I



1 start back here with information and I get there  
2 eventually. Give me this now, and then take me there.  
3 What is the point. What did you want to tell me, and then  
4 get me there.

5 She went over all the text messages. You made your  
6 point previously about the Facebook postings and the  
7 documents that were your exhibits and your concerns about  
8 how they were handled. I thought that was a very fair  
9 record to make.

10 She talked about the text messages. I just wasn't  
11 sure when we came back and you started discussing what you  
12 didn't -- what hadn't been accused of Ms. Kollins and then  
13 started discussing what you believe was being accused of  
14 you. I wasn't sure what the point was. Help me know what  
15 the point you ultimately want to make is and I can  
16 understand where we're going.

17 MR. MACARTHUR: I don't think there is a way to  
18 put this more diplomatically.

19 THE COURT: Say it.

20 MR. MACARTHUR: I understand the State's  
21 frustration, but when they make a complaint about us, you  
22 give them some relief. Such as, Mr. MacArthur, turn over  
23 your notes.

24 We just want comity. I'm not saying that the court  
25 somehow hasn't in the end arrived at the proper position

1 We, after all, got their notes. But remember that the  
2 reason why these reliefs are being provided by the State  
3 is because they've objected. They've made whatever  
4 accusations. And the court has sought to find balance.

5 Then, they act with the exact same intent. I'm not  
6 saying that either side is unethical. If I believed these  
7 things about Ms. Kollins I would have gone to the bar. I  
8 don't believe them. I think we're both victim of what  
9 people are telling us. But it's our job to act on it.

10 So, when the State makes a complaint about the  
11 defense and its approach, there is not always a need for a  
12 remedy that impacts work product or questions or  
13 credibility. I think we should be able to proceed without  
14 having constantly be suspect in each other's motives. I  
15 believe that the court is being put in an unfortunate  
16 position of being the enforcer of misconduct that's not  
17 actually occurred. I would just ask the court to be  
18 mindful that a complaint doesn't always need a remedy.

19 THE COURT: The only thing I guess I'll say to  
20 wrap this up is I don't follow in this sense. When a  
21 complaint was made by Mr. Kollins, the first words out of  
22 your mouth was, I'll give my notes. When you made the  
23 concern about what was in her phone the first words out of  
24 her mouth was, I'll give them to you. I haven't said a  
25 word about it. And when I know of something, because it's

1 brought to my attention, I'm dealing with it. But I don't  
2 know what it is. I don't know what's in each of your  
3 minds. I'm doing my best to call the balls and strikes as  
4 we go along and then follow through. If someone says they  
5 want to do something, then I'm letting them do it. I  
6 haven't ordered anything. They haven't done anything.

7 I'm not sure what this is about, but it doesn't  
8 matter. You made your record. Fair enough. If it's back  
9 related to the exhibits, I'll tell you right there that I  
10 didn't understand at all the concern as long as the jurors  
11 have it. You made your point very well that those were  
12 your exhibits and you intended to have them in. I just  
13 wanted them in and I just moved on. I thought that was an  
14 appropriate call to make.

15 That had nothing to do with trying to pick sides one  
16 over the other or anything else like that. Or any  
17 relationship to where they came from and how they came  
18 about.

19 Let's take 10 minutes. I need to give my reporter a  
20 break. We'll come back and resume with Ms. Savage.

21 I still hope to break for lunch in about an hour from  
22 there.

23 (Brief recess taken.)

24 THE COURT: Before we resumed and had a break,  
25 you remember you are still under oath.

1 THE WITNESS: Correct. Yes.

2 THE COURT: Thank you.

3 Ms. Kollins, when you are ready.

4 MS. KOLLINS: Thank you, your Honor.

5 BY MS. KOLLINS:

6 Q. Okay. Do you remember we were talking about  
7 Franco a little bit?

8 A. Correct.

9 Q. That's where I want to go back to.

10 You tell Detective Cho about a month after Josh  
11 finds you sending text messages and learns about that Town  
12 Square trip, that time frame, you start talking to Franco  
13 again, correct.

14 A. Correct.

15 Q. Is that true in your statement, that you --  
16 after Josh gave you the information, like you said  
17 earlier, that Franco is a bad kid, that you stop talking  
18 to him. Did you actually start talking to him again?

19 A. I don't remember.

20 Q. Okay. So why would you even bring that up in  
21 your interview to get Josh in trouble?

22 A. Just kind of a story. I'm not sure why I said  
23 it. I can't recall why I would say it now.

24 Q. You can't what?

25 A. I can't recall why I would have said that,

1 being now. Like now that I'm in this moment, I don't know  
2 why I would have said it back then. It's something to go  
3 along with the story.

4 Q. It seemed to go the story?

5 A. Yes. It seemed to.

6 Q. It seemed to go with the whole talking about  
7 Josh and you having sex. Josh getting jealous and going  
8 through your texts. Seems to go with that whole story of  
9 a romantic relationship between you and Josh?

10 A. Right. Franco, if he was someone that  
11 interfered on the relationship, obviously, one of --  
12 somebody would be mad or jealous. That's the way that I  
13 explained it.

14 Q. So making Josh look like a jealous boyfriend  
15 made your story better?

16 A. Of course.

17 Q. That was what all of those details and  
18 everything you filled in on that day were designed to look  
19 like a boyfriend?

20 A. Correct.

21 Q. A boyfriend you were having sex with  
22 underage?

23 A. Correct.

24 Q. You tell Detective Cho that Franco accepting  
25 you back at some point. I'm looking at 55, if you need to

1 refresh.

2 MS. KOLLINS: I appreciate the court's  
3 accommodations to not make me approach with every page.

4 THE COURT: I'm glad that we are able to  
5 identify the pages and Ms. Savage has the copy she needs.  
6 Of course, it's been admitted again as State's Exhibit 66  
7 so it's available as well.

8 MS. KOLLINS: Thank you, your Honor.

9 BY MS. KOLLINS:

10 Q. See what I'm talking about Morgan on 55?

11 A. I see what you're talking about.

12 Q. You tell Detective Cho that Franco took you  
13 back. That you told Franco that it wasn't your choice to  
14 break up with him?

15 A. Right.

16 Q. So, do you remember as you sit there today,  
17 whether you got back with Franco around a month after Josh  
18 told you to get rid of him? Did that happen?

19 A. No. I don't believe it actually did happen.

20 Q. Do you then tell Detective Cho that one night  
21 Josh is looking at Franco's Twitter page?

22 A. Yes.

23 Q. And that that Josh would always look at your  
24 friends Twitter and social media to make sure you weren't  
25 hanging out with people or friends?

1           A.       Yeah.

2           Q.       How is Josh looking at your social media,  
3           controlling who you hang out with, how does that enhance  
4           your efforts to get him in trouble for this non-existent  
5           sex relationship?

6           A.       Back to the jealousy thing.    Back to  
7           controlling.   Back to manipulating of -- if there is  
8           something there that says -- if there is something there  
9           on Twitter to say that looks like, oh, that person has  
10          something to do with me, that would show that Josh was  
11          being manipulative and controlling.

12          Q.       Okay.   So if Josh were doing those things, if  
13          he were looking at your social media and telling you who  
14          you could like or tweet with, that would be controlling  
15          behavior in your mind?

16          A.       Yeah.

17          Q.       That would be jealous behavior in your mind?

18          A.       Yes.

19          Q.       Those would be things in your mind that  
20          somebody that you were having a relationship would do?

21          A.       Correct.

22          Q.       If the person was monitoring -- if Josh were,  
23          in fact, monitoring your social media to make sure you  
24          didn't hang out with certain people that would go more to  
25          him being jealous, right?

1           A.       Right.

2           Q.       And all of those things strung together make  
3 sense of things a jealous boyfriend would do, right?

4           A.       Yes.

5           Q.       So that's why they were part of your story?

6           A.       Exactly.

7           Q.       Then you tell Detective Cho that Josh actually  
8 gets ahold of text messages between you and Franco. Is  
9 that right?

10          A.       Yes, that is.

11          Q.       Did Josh actually look at text messages  
12 between you and Franco at some point?

13          A.       No, he did not.

14          Q.       You laid out the social media thing, then you  
15 add the text message thing. Why do you add text messages?  
16 Does that make your story more believable and plausible?

17          A.       I added text messages because, yeah, the same  
18 thing as Twitter. Something like that would be jealous  
19 and manipulative as far as you wanted me to stop talking  
20 to a person.

21          Q.       Now, you tell Detective Cho that Josh said he  
22 used a detective in the gang unit to gain access to your  
23 text messages?

24          A.       I suppose that's true. If that's what I said  
25 on here.



1 Q. You suppose that is true?

2 A. Well, I'm looking on here. I'm trying to see  
3 it.

4 Q. I'm looking at page 56.

5 A. That is what I said.

6 Q. Just to make sure I'm clear. You said Josh  
7 said a detective in the gang unit is helping him work to  
8 access it, meaning your text messages?

9 A. Correct.

10 Q. So earlier we talked about the difference  
11 between getting Josh in work trouble and getting Josh in  
12 legal trouble. Remember that?

13 A. Yes.

14 Q. So how is telling Metro that he's accessing  
15 text messages with the use of the gang unit, not getting  
16 him in work trouble? How do those two things go together  
17 to your understanding?

18 A. I'm not clear myself. To be honest, I'm not  
19 sure.

20 Q. So did you -- when you told her -- told  
21 Detective Cho -- that he was expressing to you using Metro  
22 facilities and individuals to gain access to your text  
23 messages, did you think that would get Josh in work  
24 trouble?

25 A. Through himself doing it, yes. Because he was

1 the one that would have to go through it to do that. He  
2 would have to go through work to get those messages. So  
3 he would be the one that gets in trouble.

4 If the case were he did do that, it's not like I  
5 encouraged it. So it's not that I was the one to get him  
6 in trouble.

7 Q. Now, what we're -- you said earlier you were  
8 trying to paint a picture of him being a jealous  
9 boyfriend, correct?

10 A. Correct.

11 Q. Does this accessing of your text messages  
12 through Metro, does that enhance the picture of jealous  
13 boyfriend?

14 A. Yes.

15 Q. Does that also get him in work trouble?

16 A. It would, yes.

17 Q. Before you said you weren't looking to get him  
18 in work trouble, right?

19 A. Yes.

20 Q. But you did?

21 A. Thinking about it now and going through it  
22 now, yes, that is what I did.

23 Q. And you expressed to Detective Cho that these  
24 text messages that he gained access to were messages that  
25 he had not reviewed on your phone?

1           A.       I'm not sure exactly. Is that what I said on  
2 one of these pages.

3           Yeah, it is.

4           Q.       56, read it to yourself.

5           A.       I said it.

6           Q.       You told Detective Cho that Josh left you with  
7 the impression that the messages he accessed through Metro  
8 were messages he had not seen on the phone?

9           A.       Right.

10          Q.       You told her this happened in November,  
11 December 2013 when you were a freshman?

12          A.       Yes.

13          Q.       You told Detective Cho that you were amazed  
14 because Josh was telling you word for word what you were  
15 saying to Franco?

16          A.       Yes.

17          Q.       You told her that you have a code on your  
18 phone, and he got those through the computer?

19          A.       Yes, I said that.

20          Q.       Why did you elaborate on that? What is that  
21 going to do?

22          A.       Say what?

23          Q.       Why did you elaborate on the access to the  
24 text messages on like a whole page?

25          A.       Because it was -- that was the best way to do

1 it. Plus me and Franco were communicating. It's almost  
2 like saying what was going on with the messages and  
3 everything, was that really what's was going on. Now Josh  
4 he did not figure that out. I added Joshes situation to  
5 seem as if, you know, there were evidence to come up with  
6 me and Franco talking and I threw Josh in and made it seem  
7 like he was that jealous, manipulative boyfriend that  
8 pushed me away from Franco.

9 Q. When you were 16, you were a junior in high  
10 school, right?

11 A. Yes.

12 Q. You were 16 when you gave this interview?

13 A. I was not 16 when the interview was conducted,  
14 no.

15 Q. Did you not turn 16 on June 30, 2015?

16 A. Was this when I we had this?

17 Q. This interview was in July of 2015?

18 A. My bad. You are right. My bad.

19 Q. You seem to know a lot and have a lot of  
20 opinions about what it takes to prosecute a case and how  
21 to come up with a logical story toward prosecution. How  
22 did you know all of that at 16?

23 A. When Josh worked for Metro I learned a lot  
24 just being at Explorer. I also know a lot about cases  
25 like this because I have had couple of my family members

1 and friends that have gone through stuff like this. And  
2 it's very similar things that happened, especially when  
3 they are true.

4 Q. So you had friends and family members that  
5 have gone through this process and had to come to court  
6 and talk about what happened to them?

7 A. Right.

8 Q. All the true things that happened to them?

9 A. Yeah. Talk about things that happened to them  
10 underage.

11 Q. So you followed those cases and you brushed up  
12 on the law and what was necessary and all that?

13 A. I didn't brush you up on the law. I went  
14 based off what they told me and some crime shows  
15 obviously. TV is not always real, but somewhat to the  
16 extent it is.

17 Q. So your next discussion with Detective Cho  
18 talks about Josh coming across a picture on Twitter -- on  
19 Franco's Twitter of you and Franco kissing. Do you recall  
20 telling her that?

21 A. Yes.

22 Q. Was there a picture on Twitter of you and  
23 Franco kissing?

24 A. Yes.

25 Q. What was Joshes' reaction to that picture?

1           A.       I don't know what his reaction was. I  
2 remember saying he was mad and he got upset and he made a  
3 phone call -- yada, yada, yada, but that's not what  
4 happened. It was -- it was just like in his eyes, and  
5 kind of in mine from the first time we met, to post things  
6 like that on social media is like PDA.

7           Q.       PDA -- some of us are a little older -- so  
8 it's public display of affection?

9           A.       Yeah. So like that's what I meant.

10           He told me that that was just like, why would you  
11 do that. I'm like why not. I thought about it. I didn't  
12 really want it like that anymore, so I called Franco and  
13 told him to take it off.

14           Q.       So there was a phone call to Franco?

15           A.       By me.

16           Q.       So what you told Detective Cho is that when  
17 Josh came across that Twitter post he got really mad?

18           A.       That's what I said, yes.

19           Q.       You told Cho that Josh said call him right  
20 now?

21           A.       Yes.

22           Q.       You told Cho that you got on the phone, you  
23 called Franco. He was on speaker phone. And you had to  
24 act stupid to Franco and act like you had not been talking  
25 to him?

1 A. Right.

2 Q. That's all the stuff you told her.

3 You told her that the phone call was made and you  
4 had to act stupid to Franco in front of Josh so that Josh  
5 wouldn't know that you had been speaking?

6 A. Correct.

7 Q. Then you asked Franco, in front of Josh, why  
8 is that picture on your Twitter page, please, take it  
9 down?

10 A. Yes.

11 Q. Did you really say that to Franco?

12 A. I said that to Franco politely, yes.

13 Q. You said Franco is asking you on the other end  
14 of the phone, why are you being so different? Remember  
15 that?

16 A. Yes.

17 Q. You tell Cho that Josh grabs the phone from  
18 you and starts talking to Franco?

19 A. Correct.

20 Q. Correct?

21 A. Yes.

22 Q. And you tell Cho that Josh turns up his police  
23 radio in the background and says to Franco, tell him I'm  
24 at work so you don't talk for very long?

25 A. Right.

1 Q. You continue to tell Cho that Josh is telling  
2 Franco about your relationship with Josh and telling  
3 Franco not to speak to her?

4 A. Right.

5 Q. Those are all things you told her?

6 A. That is what I said, yes.

7 Q. And you become upset because at that point  
8 Franco is done with you. You tell Cho that that Franco is  
9 done with you?

10 A. Correct.

11 Q. In that phone call where you disgusted Twitter  
12 with Franco, did you guys actually break up in that phone  
13 call after this post?

14 A. Yes, we did. I believe so.

15 Q. And you told Detective Cho Defendant was  
16 pretending he was at work?

17 A. Yes.

18 Q. At this point you comment that he has his  
19 radio all the time; is that right?

20 A. Right.

21 Q. At this point you also tell her you knew all  
22 of the codes, the call and practice codes, acted like a  
23 dispatcher. Did all those things happen?

24 A. Yes.

25 Q. You practiced Metro crime codes and dispatch



1 codes with Josh?

2 A. Yes.

3 Q. How is talking about a work radio and  
4 practicing dispatch codes getting Josh in trouble? I  
5 don't understand that logic.

6 A. It's actually open to the public the 400  
7 codes. You're allowed to actually go on the LVN website  
8 and look it up. As far as the radio and scanners, that's  
9 probably not so legal for me to be in possession of it,  
10 considering I could push a button and speak into it. But  
11 I wouldn't have, but still, that's not the point. I'm not  
12 sure how it had gotten him in trouble or if he would have  
13 been in any trouble at all.

14 Q. Okay. Those things really happened. You had  
15 access or possession of his radio to practice codes,  
16 right?

17 A. Right.

18 Q. You tell Detective Cho that every time you  
19 went to his house he had the radio?

20 A. Right.

21 Q. Did you go to his house here in Las Vegas?

22 A. Yes.

23 Q. And that you were close with his parents, his  
24 grandparents, and his sister?

25 A. Correct.

1 Q. What are his grandparents' names?

2 A. Marty and Ellen, I believe.

3 Q. And his parents' names?

4 A. Dara and Larry.

5 Q. His sister's name?

6 A. Lauren.

7 Q. And have you spoke to them in the last year?

8 A. No.

9 Q. When did your relationship with them stop  
10 being close?

11 A. Once my relationship stopped being close right  
12 before we stopped being friends in January.

13 Q. Why did you stop being friends in January?

14 A. Because of the argument that I'm not update on  
15 remembering what it was about.

16 THE COURT: Can we have a year for that  
17 reference.

18 MS. KOLLINS: January 2015, we're talking about  
19 right now Morgan.

20 THE WITNESS: Yes.

21 THE COURT: The January before all of this stuff  
22 came out.

23 THE WITNESS: Yes.

24 BY MS. KOLLINS:

25 Q. So, you said earlier the argument was a week

1 before you gave the statement and now you're saying it was  
2 in January 2015?

3 A. Yes. I'm kind of confused on all the dates  
4 here. I'm not sure when I stopped. I know before the  
5 voluntarily statement I was not close with his family  
6 anymore. I do know that when I made the voluntary  
7 statement I was not talking to Josh very often.

8 Q. In January 2015, you weren't talking to Josh  
9 very often either?

10 A. What was that?

11 Q. January 2015, based on what you said a couple  
12 of minutes ago, you were not talking to Josh either  
13 because of the argument; is that right?

14 A. Correct.

15 Q. Was the argument topic in January the same  
16 argument topic as right before the voluntary statement or  
17 was it one big 6 months of argument?

18 A. I think it was -- I believe it was the same  
19 argument.

20 Q. You continued to talk to Detective Cho about  
21 the conversation that Josh was having with Franco on the  
22 phone.

23 I'm looking at page 63 -- actually -- yeah, I'm  
24 looking at 63, and you tell Detective Cho that Joshua  
25 tells Franco he's a cop?

1 A. Right.

2 Q. Why did you do that?

3 A. Because it looks more serious.

4 Q. More serious for what?

5 A. For the statement. Because if I notice before  
6 that if anybody in Metro or any sort of government  
7 official doing something related to what I claimed, it's  
8 really big. That's why I said that Josh claimed he was a  
9 cop to Franco, because, therefore, that means it's not  
10 pretty on his case.

11 Q. It's not pretty on his case?

12 A. It wouldn't look good on his case if you say a  
13 cop. Like I said -- I said that Josh said to Franco that  
14 he was a cop. Being a cop means you are going to get way  
15 more advertised, aka, on the news, like it was, just  
16 because he was related to Metro. So that's why. I wanted  
17 to make sure that detail was added in there.

18 Q. So you wanted to add that detail because you  
19 wanted the fact that he was a police officer to get some  
20 notoriety?

21 A. Right.

22 Q. Well, earlier you said you were such good  
23 friends you didn't want to get him in job trouble. So how  
24 did those two things go together?

25 A. Well, once the argument broke out I didn't

1 care what kind of trouble I got him in.

2 Q. You tell Detective Cho that Josh is really mad  
3 at the termination of that phone call, that he tells you  
4 he doesn't want to talk to you and he wants you to go home  
5 and tell mom everything you did?

6 A. Right.

7 Q. Is that what you told Cho?

8 A. That's what I told her.

9 Q. Did that fight actually happen with you and  
10 Josh?

11 A. No, he was not mad at me. He didn't argue  
12 with me over the whole Franco thing. Nothing was Franco,  
13 it's just he said to let my mom -- if I wanted to -- he  
14 said, if I wanted to, you should let your mom know. This  
15 is what happened and the break up with Franco. You had to  
16 break up with him and so on. So obviously I'm going to  
17 tell my mother what happened.

18 Q. So did he have that conversation with you  
19 after the phone call to Franco?

20 A. It was mentioned before.

21 Q. So Josh was there for the phone call?

22 A. Yes.

23 Q. So Josh talked on the phone to Franco too?

24 A. Josh never spoke on the phone to Franco.

25 Q. Back to the radio thing for one minute Did

1 Josh leave the radio at your house sometimes?

2 A. Yes.

3 Q. Why would the radio be left at your house?

4 A. So I could listen to it while he was  
5 volunteering, working.

6 Q. While he was a volunteer patrol service  
7 representative?

8 A. Yes.

9 Q. Did you tell Detective Cho that the Defendant  
10 would get angry if you didn't stay awake and listen to the  
11 radio until he got off work?

12 A. That is something I said.

13 Q. And, again, an effort to inject this motion of  
14 Metro notoriety to this case?

15 A. Right.

16 Q. You wanted media attention in this case?

17 A. Sorry. If that was -- if I said yes to that  
18 last, I wanted the media involved, I did not want the  
19 media involved.

20 Q. Did you tell Detective Cho that when you got  
21 home from this phone call with Franco that you called your  
22 mom and her reaction was anger?

23 A. My mom didn't really have a reaction. That is  
24 true.

25 Q. It is true that you called her?

1           A.       Yeah, it's true that I called her. The  
2 reaction, no, that's not true.

3           Q.       I'm going to direct your attention to page 65.  
4 Did you tell your mom that Josh was having you call mom  
5 and tell her about Franco and the things going on with  
6 Franco?

7           A.       That is what I claimed.

8           Q.       You claimed that your mom was mad because Josh  
9 was having you do this?

10          A.       Right.

11          Q.       You told Detective Cho you thought Josh was  
12 having you do this was to get on your mom's good side?

13          A.       Yes.

14          Q.       You also told her he's doing this to make her  
15 think he was watching out for you and your mistakes?

16          A.       Yes.

17          Q.       Then you tell Detective Cho at this point that  
18 he was doing way worse because he was the one that was  
19 having sex with me?

20          A.       Yes.

21          Q.       That was in the 9th grade?

22          A.       Correct.

23          Q.       Then you tell Detective Cho about going to  
24 Bonanza, correct?

25          A.       Right.

1 Q. What did you tell her about that?

2 A. I told her -- well, in the statement I  
3 claimed --

4 Q. I'm just asking you what you remember from  
5 your recollection. What did you tell her about going to  
6 Bonanza?

7 A. I told her Josh was the one making me go  
8 because of the whole thing with Franco. He didn't want me  
9 to be around him and influenced by him or my friend  
10 Brittany.

11 Rather than it being Josh, it really was my  
12 decision. He -- Josh was the one who helped me and me  
13 introduced me to staff and get the paperwork I needed from  
14 the school in order to enroll.

15 Q. You tell Detective Cho, however, that you had  
16 to write a long letter for Bonanza to take you back?

17 A. Correct.

18 Q. Did you write that letter?

19 A. I sure did, yes.

20 Q. You told Cho that Josh helped you write it?

21 A. Correct.

22 Q. Was your intent when you told Detective Cho  
23 that Josh was making you change schools?

24 A. Yes.

25 Q. Why is that?



1           A.       That was just something I said. I don't have  
2 an answer why. It was just something I said in order to  
3 go along with this, because it was -- I don't know how to  
4 explain it. I'm not going to say anything I don't mean to  
5 say. I'm not sure why I said that exactly.

6           Q.       Did it kind of go along with the jealous  
7 boyfriend to switch schools from where Franco went to that  
8 school and switch to what Josh wanted because he was  
9 jealous?

10          A.       More like manipulative or jealous. Because if  
11 you're jealous of this one person, and he doesn't want me  
12 around that person, you're not going to be around him.  
13 That person is at that place where that person is all the  
14 time, you need to move schools.

15          Q.       That would be manipulative behavior to you?

16          A.       Yeah.

17          Q.       In telling Detective Cho that, do you -- did  
18 you believe in telling her that you were also letting her  
19 know this is a decision a parent should be making which  
20 school you go to?

21          A.       Yes.

22          Q.       Then you tell Detective Cho you get to Bonanza  
23 and Josh sets you up with all the staff so they can check  
24 on you?

25          A.       He introduces me to them, not so they can

1 check-up on me. But just so they knew who I was in case I  
2 needed help.

3 Q. So he introduced you the staff; is that  
4 true?

5 A. Yes.

6 Q. Who are the names of those people he  
7 introduced you to?

8 A. Renee Colina, Barbara -- I don't remember her  
9 last name. She was the campus monitor. That's all I  
10 remember.

11 Q. You tell Cho your mom was mad about you  
12 leaving Desert Oasis?

13 A. Yes, she was because it was convenient to her  
14 work.

15 Q. Did you also tell Detective Cho there was a  
16 lot of effort or a lot to get you into Desert Oasis and  
17 that was part of why your mother was mad?

18 A. Right.

19 Q. Did you tell Detective Cho that Josh insisted  
20 you change to Bonanza?

21 A. Yes.

22 Q. Did you tell detective Cho that Josh had  
23 convinced your mom to let you leave Desert Oasis and go to  
24 Bonanza?

25 A. Yes, but he didn't.

1 Q. Then you tell her that if you didn't listen to  
2 him, you didn't know what he would do?

3 A. Right.

4 Q. And that Josh had -- these are your words.  
5 Josh had serious, serious anger problems with me?

6 A. Yes.

7 Q. You told Detective Cho that?

8 A. Yes.

9 Q. Did he become angry easily?

10 A. He became angry easily if it came to certain  
11 things that bothered you. Things bother people, triggers  
12 them to get angry. Not anything that I would consider  
13 very, very, very dangerous or anything that was severity  
14 of worrying about my safety.

15 Q. Would one of the examples of Josh becoming  
16 angry be when you were talking to Franco on Twitter and he  
17 was trying to get you to knock it off because he thought  
18 Franco was a bad influence. Would that be an example of  
19 Josh being really angry?

20 A. Yeah. That is what I tried to tie it into,  
21 yes.

22 Q. Would -- when it came to the topic of your  
23 friends -- because earlier in your statement you said you  
24 were running out of girlfriends.

25 When it came to the topic of you separating your

1 time from certain friends is that something that made  
2 Joshua angry like you described it?

3 A. Only if it was plans on top of one we already  
4 had. Because that was rude of me. There was times we  
5 already had plans and I'm going to go this, and he'd be  
6 like, we were supposed to go do this. Forgetting who and  
7 when and where and time I was supposed to go do things.

8 Q. Morgan, I know it has been a long day. I know  
9 you're tired of all these questions. I appreciate that.  
10 But you are starting to trail off?

11 I want to make sure we get everything in writing,  
12 so I'm going to ask you to scoot up a little bit. Your  
13 voice is getting soft. Get a little closer to the  
14 microphone.

15 Did you tell Detective Cho that there were wrong  
16 people that you were hanging out with in your third year  
17 of high school?

18 A. Yes.

19 Q. At that point did you tell Detective Cho that  
20 you were getting really tired of Defendant, Joshua Honea,  
21 controlling you and your friendships?

22 A. Correct.

23 Q. How does this fit into your story?

24 A. Because it is all part of controlling.

25 Q. You are telling Detective Cho that you are

1 getting sick of it, you're done with it?

2 A. Which is probably something that I was telling  
3 about the story of how we got upset at each other -- never  
4 mind. Sorry. I take that back. That had nothing to do  
5 with it.

6 But, yes, that was something I claimed.

7 Q. To be clear. You told Cho, I know I started  
8 getting really mad at him for controlling me?

9 A. That's something I said.

10 Q. You tell Detective Cho that Josh had to have  
11 all of your passwords?

12 A. Yes.

13 Q. Did Josh have all of your passwords to your  
14 stuff, your Instagram and Twitter and stuff like that?

15 A. Never.

16 Q. Did you share a Facebook account?

17 A. No.

18 Q. So you didn't have a joint friend account  
19 anywhere?

20 A. We did not.

21 Q. You tell Cho that if you liked or had a  
22 positive response to a picture on Instagram, he would  
23 delete your whole Instagram account?

24 A. Yeah.

25 Q. That you would have to go to him -- you told

1 Detective Cho -- and convince him a month later you  
2 deserved that, you deserved the Instagram account?

3 A. Yes, I said that.

4 MR. MACARTHUR: Your Honor, permission to  
5 approach.

6 THE COURT: Thank you for bringing that to our  
7 attention.

8 MR. MACARTHUR: Thank you, Judge.

9 THE COURT: It will be about 20 minutes before  
10 we take a break, so Ms. Kollins you can finish this line  
11 of questions.

12 BY MS. KOLLINS:

13 Q. Just a second.

14 Morgan what I was saying was you would wait a month  
15 or -- at least you told Detective Cho -- and ask for your  
16 Instagram back from Josh, to see if you deserved it at  
17 that point.

18 How would you be deserving your Instagram?

19 A. That never happened. I made it up as well in  
20 the statement. But I would willingly erasing my  
21 Instagram. I was tired of social media and the drama that  
22 came with it.

23 Q. What was deserving your Instagram back?

24 A. Like what I said in the statement that is  
25 something you would have to -- like if he is that

1 controlling as I claimed, then -- excuse me. My bad.

2 Then you would have to prove you deserve something  
3 back. I don't know if you can see where I'm coming from.

4 Q. Correct me if I'm wrong. You would have to  
5 earn that back because you weren't behaving correctly?

6 A. Yeah. Just depending on like if I was say if  
7 I was doing something wrong, I like break a trust or  
8 something, then you don't deserve that. You don't  
9 deserve that back. It's kind of like a parent to a kid,  
10 but that didn't happen. If that's was the case -- yes.

11 Q. So in your mind bringing up this notice of  
12 deserving your social media back that further implicated  
13 Josh in being controlling of you and your behavior?

14 A. Correct.

15 Q. Then you tell Detective Cho that this point  
16 you start to get really mad at him?

17 A. Right.

18 Q. You tell her that you wanted him to stop  
19 controlling you. You needed your friends and freedom.  
20 That you weren't leading a normal life?

21 A. Right.

22 Q. You tell her that he's really mad and that you  
23 blocked him for a week?

24 A. Correct. That is what I said.

25 Q. When you said you blocked him for a week, what

1 were you referring to, cell phone, social media or what?

2 A. If I were to have blocked him, it would  
3 probably have been social media, texts, calls.

4 Q. Then you tell her that he started contacting  
5 you through the iPad?

6 A. Right.

7 Q. Instant message on iPad?

8 A. The iPad was like I messaged my cell phone.  
9 iPad is all linked together.

10 Q. You tell her that through the whole course of  
11 all of this you are still having sex, but not as often.  
12 Just a couple times a week?

13 A. That's what I claimed.

14 Q. You reiterate to her -- Detective Cho -- he  
15 was trying to control everything. You said you were done.

16 A. Correct.

17 Q. Then he iPad messages you and tells you that  
18 people are talking crap about you and that he wants to  
19 talk to you?

20 A. Can you tell me what page that is on?

21 Q. Page 69.

22 A. Yes. I just read it. What was your question  
23 again.

24 Q. It might be easier if we just --

25 MS. KOLLINS: Permission to approach.



1 THE COURT: Page 69 of Exhibit 66.

2 THE WITNESS: I found it as well.

3 THE COURT: You may need to zoom in a little, Ms.  
4 Kollins.

5 BY MS. KOLLINS:

6 Q. So after you stop speaking to him you give  
7 Detective Cho this long explanation about the interaction  
8 between you and him, right?

9 A. Right.

10 Q. And it says, you say, okay. I'm done. I'm  
11 done. I'm done. I stopped talking to him for a week. He  
12 comes around on iPad and starts messaging you on iPad and  
13 letting her know that's the only way to get to you?

14 A. Right.

15 Q. iPad instead of the phone?

16 A. Yeah, I suppose that is what I meant by  
17 that.

18 Q. He starts telling you people are talking a  
19 bunch of crap about you, people that you are hanging out  
20 with?

21 A. Yeah.

22 Q. Did you know what -- did you know what that  
23 was supposed to mean?

24 A. Well, I didn't as far as me saying that. I'm  
25 not sure why I said that. I kind of just saw it as a

1 vindictive way to sneak through all the other blocked  
2 electronics and social media.

3 He had all ready -- the iPad was still went through  
4 to my phone, so that's how I know that I was lying.  
5 Because when he said I need to talk to you. People are  
6 talking a bunch of crap. There was nobody talking crap  
7 about me. He did not mention that.

8 THE COURT: Can you read more slowly. You read  
9 more quickly then when you speak.

10 THE WITNESS: Yes.

11 THE COURT: Thank you.

12 THE WITNESS: So that is how I knew that I was  
13 lying in the statement because with your iPad you can  
14 still get the messages to other person.

15 BY MS. KOLLINS:

16 Q. Okay. So, in any event, you tell her iPad  
17 because you blocked him from the phone?

18 A. Correct.

19 Q. You say he gets really mad?

20 A. That's what I claimed, yes.

21 Q. Okay. And you let Detective Cho know that you  
22 go back to him?

23 A. Correct.

24 Q. Why, if you are trying to get Josh in trouble,  
25 why do you talk about this break up period and going back

1 to him?

2 A. Because it's very realistic.

3 Q. It makes a lot of sense, doesn't it. Like the  
4 whole thing from the beginning to where we are now makes a  
5 lot of sense how you told it?

6 A. It's a great story I put together. Not only  
7 that, but it's, as friends, there were times when we would  
8 have disputes where we wouldn't talk for awhile just like  
9 all friends do. We don't talk for awhile then you come  
10 back together and you're friends again. You pick up where  
11 you left off.

12 When I say I broke up with him, things like that,  
13 romantic relationship matters, romantic friends part to  
14 where we had like any other normal friendship does.

15 Q. When you are speaking to Detective Cho  
16 marrying some of these to reality, the speaking, not  
17 speaking, texting, you're marrying some of those though  
18 reality?

19 A. Right. Right.

20 Q. Because that would help make your story more  
21 plausible and believable and make sense from beginning to  
22 end?

23 A. Right. Some of it being true. Some of it not  
24 being true.

25 Q. You tell Detective Cho you go back to him and

1 things are better?

2 A. Right.

3 Q. You tell Detective Cho Josh promises not to be  
4 mean to you and let you live somewhat of your life again,  
5 right?

6 A. Yeah.

7 Q. So when you tell Detective Cho that you're  
8 kind of painting Josh as a nice guy by giving you your  
9 teen freedom. Is that you painting him as a nice guy  
10 there?

11 A. Yes.

12 Q. But you are trying to get him in trouble so  
13 you are painting him as a nice guy, giving you all of this  
14 new freedom in your friendship?

15 A. There was an instance where we'd come back  
16 together as friends. I told him because of the reason,  
17 for like exam, Franco, although he wasn't mad at me as of  
18 the romantic part it was more like the public display of a  
19 affection. So therefore we stopped talking for a few days  
20 and come back. Or come back and say, look, let's -- we're  
21 better than this. We don't have to fucking -- excuse my  
22 language -- we don't have to argue like that. I mean, as  
23 friends, there is no reason to be arguing like that.  
24 Things happen. Things get better with time.

25 Q. You tell Detective Cho that when Dependant

1 told you he wouldn't be mean to you any more and he would  
2 allow you to live somewhat of a life, you believed him,  
3 but that's not what happened.

4 Remember saying that to her?

5 A. No.

6 Q. I'm going to refer you to page 70.

7 Did reviewing page 70 refresh your recollection?

8 A. Yes, ma'am.

9 Q. Thank you.

10 A. Repeat your question.

11 Q. Sure.

12 So you tell Detective Cho you go back to him. You  
13 believed him. He was not going to be mean and let you  
14 live somewhat of a life. You did tell her that?

15 A. I did tell her that.

16 Q. You tell her after you go back with him it got  
17 worse. He was more critical. And he got angrier with  
18 you.

19 Did you tell her that?

20 A. Yes, I did.

21 Q. So, again, the angry -- the commenting on the  
22 relationship getting worse and him being more critical and  
23 angrier, did that just also make sense and was consistent  
24 with your whole jealous boyfriend you were having sex with  
25 story?

1           A.       Yes.  Because it was kind of true as far as  
2       not -- not that he was mad at me for having sex with these  
3       people or anybody, it was more like mad because each time  
4       I -- each time he got angry with me, I did something  
5       worse.  I was kind of rebellious.  I was kind of a  
6       daredevil child and did the worst, knowing that I would  
7       still have Josh at the end of the day be my friend, be  
8       there to tell me -- give me support.

9           Q.       So that's the kind of guy he was.  He'd give  
10      you support?

11          A.       Like a brother -- like an older brother.

12          Q.       You communicated.  You were close for a long  
13      period of time?

14          A.       Right.

15          Q.       Then you went to Metro and lied about him?

16          A.       Yes.

17          Q.       So after this break up and reunion occasion,  
18      you tell Detective Cho that it was worse.  He was angrier  
19      with you and you blocked him again?

20          A.       Yes.

21          Q.       That's what you told her?

22          A.       Yes.

23          Q.       You began talking to him casually?

24          A.       It was all casual.

25          Q.       What you told Cho is you started talking to

1 him casually, meaning, I assume, just a friend to Cho not  
2 as a boyfriend, girlfriend, as you had been telling her,  
3 right?

4 A. Of course, yes.

5 Q. The messages and communication with Josh, you  
6 dumped him cold turkey and he misses you?

7 A. That's what I said.

8 Q. You told Cho during this time that he was  
9 constantly texting your phone, coming by your house,  
10 constantly coming by your house trying to talk to you even  
11 though he'd been told by detectives not to?

12 A. Yes. But he did not.

13 Q. You are aware he was told by detectives not to  
14 talk to you -- or officers?

15 A. I vaguely remember. I'm not sure exactly.

16 Q. Then you tell Detective Cho that you had spoke  
17 on the phone to detectives. Remember that?

18 A. Yes.

19 Q. And you told Detective Cho that when you spoke  
20 to those detectives you were not truthful about everything  
21 that was gong with Josh?

22 A. Correct.

23 Q. That is what you told Detective Cho?

24 A. Yes.

25 Q. Do you remember what you told those detectives