

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 5

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CERTIFICATE OF SERVICE

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ADAM LAXALT

JONATHAN MACARTHUR

STEVEN WOLFSON

JOSHUA HONEA

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

1 on the phone the very first?

2 A. I don't remember.

3 Q. Well, how do you know -- well, you said that
4 awhile ago in that phone call that was truthful, so how do
5 you know if it was truthful if you don't remember what you
6 said?

7 A. Can you repeat that one more time. I was in
8 the middle of a sneeze and it didn't come.

9 Q. Do you need a Kleenex?

10 A. I'm good now.

11 Q. Awhile ago you said that in the phone call
12 from the sexual assault detectives you were truthful with
13 them. Remember that?

14 A. Correct.

15 Q. So I just asked you now what did you tell them
16 in that phone call and you said I don't remember. So how
17 do you know if you were truthful if you don't remember?

18 A. I'm sorry. I'm confused.

19 I don't remember what was said with the people on
20 the phone. I thought just now you were talking about that
21 I was truthful about the whole statement with Detective
22 Cho.

23 Q. No.

24 A. That's what I thought you meant about
25 truthful. With the detective I can't think if I was being

1 truthful or dishonest because I don't remember what was
2 said.

3 Q. Earlier when you said you were truthful in
4 that phone call, you really don't remember?

5 A. I was confused on which you were speaking
6 of.

7 MS. KOLLINS: Your Honor, this might be a good
8 place to break.

9 THE COURT: We'll take a recess. We'll return
10 at 1:30.

11 JURY ADMONITION

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

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

24 We'll see you back here at 1:30.

25 (Jury dismissed)

1 THE COURT: Can I have the officer's attention.
2 Ms. Savage is on some protocol for her detox and whether
3 or not she'll be able to have access to those meds. She
4 just expressed concern to her attorney she will just be
5 sitting in a holding cell. My concern is that she get her
6 medications and if she needs additional food she get that
7 on this break.

8 THE OFFICER: Yes, your Honor.

9 THE COURT: Is there sufficient time and be back
10 by 1:30 to do that.

11 THE OFFICER: Yes.

12 THE COURT: I have your assurances she'll get
13 what she needs, and it doesn't sounds like she'll be in
14 the holding cell the whole time for detox and she'll get
15 food.

16 THE OFFICER: Yes.

17 THE COURT: See you back at 1:30, to see if we
18 have anything outside the presence.

19 (Brief recess taken.)

20 THE COURT: The first thing we talked about
21 before we went on the record, Ms. Savage is cold in the
22 courtroom. We've done our best to adjust the temperature.
23 There may be other factors contributing.

24 My clerk has a blanket she keeps at the desk to give
25 her. Perhaps, you know, either wrap it around your

1 shoulders or legs. That could help. It doesn't sound
2 like we have the same clothing here today we had
3 yesterday.

4 MS. KOLLINS: No, that clothing was provided by
5 my advocate. I don't know if she's here this afternoon.
6 I tried to find it. I didn't have custody of it.

7 THE COURT: How about the blanket. Would you
8 like that blanket.

9 THE WITNESS: Thank you. That's enough.

10 THE COURT: If we need a break for things like
11 that, please let us know.

12 Ms. Pandullo, you wanted to make a record.

13 MS. PANDULLO: After we broke for lunch I did
14 call your JEA, Cindy, hoping to ask your Honor what ideas
15 you might have for Mr. Savage for programs once she's
16 released to deal with the drug issues she's had going on,
17 as well as the fact she's currently homeless. I had done
18 some research on my own and talked to some other people.
19 Salvation Army is not an option because they're 21 and
20 older. A program was given to me as a good option was We
21 Care House. Apparently they don't have sponsorship type
22 of options, so it's \$2,350.00. We don't have that.

23 I wanted to see if your Honor had suggestions, but I
24 also wanted to mention it in general.

25 THE COURT: Is it Ms. Savage's desire for this

1 or something you as her advocate is seeking.

2 MS. PANDULLO: Your Honor, I have spoken with
3 her just a few minutes ago and that was what she wanted.
4 We see here what's going on right now with her issues with
5 the temperature and things of that nature, she is
6 detoxing. I spoke to her about the medication CCDC has
7 been providing her.

8 THE COURT: Did she obtain them.

9 MS. PANDULLO: All the way up through yesterday
10 she was getting it 3 time a day. Today they're telling
11 her they need to step her back to twice a day. So she's
12 crashing at this point. She had a dose early this
13 morning, very early this morning. She's not going to get
14 one now until we're done for the day and she's back in
15 CCDC. So she's having serious withdrawal effects because
16 of that. It's effecting her mood. It's effecting her
17 ability to regulate body temperature, all that kind of
18 stuff. She came in here visibly upset. She's not feeling
19 well.

20 THE COURT: Can I do this. I would like to
21 have -- sorry for what -- you have to wait. But can I
22 have you step out of the courtroom for a moment so that I
23 can have a discussion with counsel.

24 THE WITNESS: Sure. I need the CO.

25 MS. KOLLINS: If I can share information with

1 Ms. Pandullo.

2 My victim advocate was working to get her some
3 information about some assisted programs for a couple of
4 the appointments she missed. I can give you Sonia's
5 contact information. She kind of gathered some information
6 and put words out to some people, but I'm not sure what
7 the answers are, but she's got some things together.

8 MS. PANDULLO: Wonderful.

9 MS. KOLLINS: If that would be helpful.

10 THE COURT: The first one that comes to mind for
11 me is the Walter Hobbing Home. They are faith based, so
12 that is not necessarily attractive to everyone. But I
13 have had reason to believe they have taken in individuals,
14 primarily focusing on a number of females as well, but
15 individuals who can't pay right out of the gate, obtain
16 vouchers and things. It's a residential home. It's not
17 one of the court approved programs. But that's the first
18 one that comes to mind.

19 Officer.

20 THE OFFICER: Yes, your Honor.

21 THE COURT: So before I lose my shit in here,
22 before we left, I know it wasn't you, I talked to that
23 officer. I said, absolutely clearly, that this girl
24 needed her detox protocol and whatever time and effort it
25 took, that she get that. That didn't happen from the

1 representations I'm getting. I need to know who is
2 responsible for that. I need that person to be
3 communicating with us right now, because it is not
4 acceptable and I'm furious. I don't know why somebody
5 couldn't be bothered to pick up the phone and call and
6 tell the court that what we had directed to occur when she
7 left here didn't happen and why I'm sitting here at 10 to
8 2:00, finding out for the first time, she didn't get
9 that.

10 I appreciate and I'm trying not to direct this
11 at you, because you weren't that officer. But I can't
12 remember the last time I was this angry right now. So who
13 do I need to talk to about what's going on.

14 THE OFFICER: I have the number for medical, if
15 you'd talk to talk to them. The officer that was here
16 previously gets off at 1:00, so I took over for him. He
17 mentioned to me about the detox individual. I personally
18 called the charge nurse and he told me that -- his words
19 to me were, she was on 3 times a day, now she's on 2 times
20 a day -- morning and night. And the next dose would be
21 tonight.

22 THE COURT: Did he give you any insights -- I'm
23 assuming if he had you would have shared them. But did he
24 give you any insights as to is this standard protocol, is
25 this just -- I'm trying to understand this. Because

1 clearly I'm assuming with any of these protocols that you
2 still have to tailor them to the individual.

3 We have a situation here where this person is in
4 a stressful situation having to do things, not just
5 sitting in a cell. And frankly, the court said, go get
6 your detox meds. So I'm not a doctor. I'm not trying to
7 override anybody's medical expertise. I've got to try to
8 finish with this witness, and I have representations now
9 being made that that may or may not be possible because
10 nobody over there bothered to tell me that medical made a
11 decision, contrary to what we understood, and nobody
12 communicated that with us.

13 Did he give you any insights.

14 THE OFFICER: Nothing really in detail other
15 then what was represented to me. At some point, I don't
16 know, maybe yesterday or before, she was on 3 times a day,
17 now it's twice a day. The only thing that she would --
18 may be able to get at lunch would be some Gatorade. But
19 he goes, she gets that at night with her other protocol
20 medications.

21 I gave her lunch. She had a sandwich, a juice, an
22 orange. There was some other things in there. She is
23 housed in 2-A, which is detox module. I know the detox
24 prisoners are seen daily, whether she was today, I don't
25 know.

1 THE COURT: She has been over here since
2 morning.

3 THE OFFICER: Medications are usually after 6:00
4 in the morning, maybe some time after 6:00 at night. I
5 know they are seen regularly. And she's housed in the
6 detox module. I can -- that much I do know.

7 MS. PANDULLO: Your Honor, I'd like to state for
8 the record from my interactions with Ms. Savage, it was
9 6:00 this morning.

10 THE COURT: Since this morning, like since lunch
11 time.

12 MS. PANDULLO: She was fine when we left. She
13 is completely different. She left the witness stand she
14 was perfectly fine. Her mood was fine. She wasn't
15 complaining to me about any physical issues. Coming back
16 she was in tears walking into the courtroom. She's not
17 doing well. I believe this is the first day they've opted
18 to step back from 3 time a day to twice.

19 MS. KOLLINS: I had a suggestion that might
20 permit us to utilize our time, but not certainly make this
21 more difficult for Ms. Savage then it already is, given
22 what is going on.

23 I was prepared to play her video statement this
24 afternoon. I don't have to ask her questions about it.
25 She can sit and watch it. We can resume on Monday. That

1 statement is about an hour and 45 minutes. That's the
2 best solution I have for us to utilize our time. I don't
3 have another witness because of where we are. That's the
4 best I can offer the court.

5 THE COURT: I don't want to ask a dumb question,
6 but does she need to be present if you're not asking her
7 questions. You want to ask her questions about it
8 later.

9 MS. KOLLINS: She doesn't have the ability to
10 watch it where she is.

11 If she wants to take notes on it so she can remember
12 it for Monday, it might give her something to focus on,
13 but not having to interact or talk in front of all these
14 people. That's the best suggestion I have.

15 Other than that, if you want to wait for the jail to
16 respond about what they're going to do, if they can do
17 anything in short order that will make any difference,
18 give her her medication now, do we need to wait an hour
19 for it to kick in. I don't know. I'm not familiar with
20 detox, and I don't know what the step down protocol is. I
21 assume they don't want to keep people on detox meds.

22 THE COURT: Mr. MacArthur, anything you'd like
23 to add.

24 MR. MACARTHUR: Um, obviously I share everyone's
25 concern about the competency of the witness to testify.

1 I'm reminded of my expressed concern at the beginning. I
2 felt like we are on a tight schedule and in that we
3 prepared the jury for two weeks and a few days, it's not
4 like I saw this coming. But my concern is that even if
5 she was able to proceed now, I anticipate that it's going
6 to be real difficult to finish inside of two weeks judging
7 from what's right in front of us.

8 That's what I'm thinking.

9 THE COURT: I have been thinking about that too.
10 Do you have anything about how we address today. Any
11 commentary to Ms. Kollins' suggestion.

12 MR. MACARTHUR: I'll tailor it to that. My mind
13 is spinning.

14 THE COURT: I understand.

15 MR. MACARTHUR: I would encourage the court and
16 Ms. Pandullo to make an inquiry as to whether Ms. Savage
17 feels as though she could passively watch her voluntary
18 statement and then provide useful or insightful answers to
19 any questions about what it meant at some other time. If
20 there is any way we can utilize her without placing her in
21 jeopardy or doing so at a time where she is not competent
22 I would encourage the court to do that. But obviously
23 that's going to be Ms. Pandullo's and the court's call. I
24 don't want to be the party responsible for pushing it, if
25 it's not good for her.

1 MS. KOLLINS: I don't mean to jump in. I know I
2 had my moment. I don't think we're talking about a
3 competency issue. She is not feeling well. It would be a
4 hardship on her physically and emotionally to sit in here
5 and keep going through this process, but it's not like
6 she's incompetent in the legal sense of the word.

7 The only suggestion I have is a passive viewing of
8 the video.

9 MS. PANDULLO: I do need to make clear, I don't
10 consider her to be incompetent in the legal sense of the
11 word. I do think she is competent.

12 However, I have concerns for both sides and in
13 fairness to both that you are dealing with two very
14 different witnesses at this point and how the jury might
15 portray that. If they are going to incorrectly assume
16 that it's based on things they may have seen in court,
17 when what it really is is a person going through detox who
18 now doesn't have the adequate medication to remedy the
19 physical ailments she's dealing with as a consequence of
20 that.

21 My concern, for one, is Ms. Savage. That's my
22 primary concern. The fact that she has now been in
23 custody since Monday for not having done anything illegal
24 or not having violated a court order because there was the
25 potential she might not show up here, or she might be

1 under the influence when she did. But part of her being
2 under the influence and the issue there is you wouldn't
3 consider her testimony then to be credible.

4 I wouldn't say it gives rise to her being
5 incompetent, but the standard things that the jury is
6 supposed to be taking into account, a person's body
7 language, demeanor, the way in which they're saying
8 things, all of those things are now in jeopardy. Because
9 she is not under the influence, but still when you're
10 coming off of heroin and meth use, it's not a matter of a
11 few days and you're back to normal. That is what the
12 purpose of the detox drugs would be for her is to get her
13 to as close a place as normal and comfortable given what
14 she's going through.

15 I think there is potential here for -- I think, you
16 know, both the State and defense to have their cases
17 compromised based on the fact she is going to be
18 testifying much differently then she has been.

19 THE COURT: Let me clarify.

20 Your remarks are geared toward if she's called back
21 in here to testify.

22 MS. PANDULLO: Correct.

23 THE COURT: Would you share those same concerns
24 if what she was doing is passively viewing, with the rest
25 of us, a video.

1 MS. PANDULLO: Not so much. Although, I don't
2 know. I'm not in Ms. Savage's head. I don't know how
3 much pain she's going through at this point. All I can
4 tell you is she came out of the door in tears. I don't
5 know that she's going to be able to sit here, even
6 passively, watching a video and not be in tears.

7 I've not gone through heroin withdrawal, so I don't
8 know personally how she is feeling and what she's
9 experiencing, so I can't tell you what I would anticipate
10 her ability to sit here is.

11 I guess to that end, I do have a little bit of
12 concern if there is going to be a very involving direct
13 and cross-examination as to specifics on the video that we
14 show it to her today while she's detoxing and not feeling
15 well with the expectation being she's taking these great
16 notes. Then come Monday, she had the entire weekend, so
17 pretty distant in time.

18 In addition, she's not feeling well now. She's
19 expected to remember with a great amount of clarity, well,
20 when you said this and this way, or when you gave this
21 expression, et cetera.

22 THE COURT: Let me ask the question. You may be
23 about to say what I'm about to ask. Can I assume that
24 when we reassumed on Monday if and when you had questions
25 about what she had viewed in the video that you would be

1 prepared to replay those clips.

2 MS. KOLLINS: Absolutely.

3 I'm not trying to push a suggestion because I
4 think somehow it's advantageous to me. I'm trying to
5 utilize time. If Morgan wants to sit here for 20 minutes,
6 and that's all she can stand, that's fine. But I think at
7 this point, all of these behaviors or feelings or emotions
8 or physical things she may be going through, it's pretty
9 speculative now. I understand she's going through
10 withdrawal. That hasn't been a secret through any of this
11 proceeding. She was going through withdrawal when she was
12 arrested. She was going through withdrawal when Ms.
13 McNeill spoke to her. She's going through withdrawal when
14 she testified in that first hearing.

15 If she can sit there passively, great. If not,
16 I'm prepared to play it. Let her sit there for as long as
17 she can. If she needs to -- if there is something she is
18 not clear on and has a question on it on Monday, of
19 course, I would show it to her again. This isn't -- I'm
20 not trying to trick her.

21 THE COURT: I wanted to confirm that. I assumed
22 you would.

23 Officer, let me ask you this. I'll have the witness
24 come back in a minute because I want to speak with her. I
25 would like to have a phone conversation, after we are done

1 with this witness today at whatever point that is, if it
2 needs to be medical or the sergeant or somebody from the
3 detox, somebody from the jail at medical, I would like to
4 have a conversation with. How do I go about doing that.
5 If I got those numbers to my JEA, she's very capable to
6 call and make these things happen. I need numbers. I was
7 trying to figure out how to do that.

8 Is that something you be prepared for. My JEA can
9 set that up targeting it at 3:45. Assuming at best we
10 could get through the entire statement. Maybe say 4:00,
11 to be safe.

12 THE OFFICER: I can relay that information. I
13 can give you numbers for you to talk to, or they can talk
14 to me.

15 THE COURT: Relay the information. I'll be
16 bringing her back. Once we start the process you are kind
17 of in a more passive role.

18 Relay the information, your sergeant, whatever you
19 need to do, the person in medical and say the judge needs
20 additional information. She would like to have a
21 conversation at 4 o'clock with the most knowledgeable
22 folks available to the detox protocol of this person and
23 the circumstances of what we're dealing with. Because we
24 are not only trying to understand how we got to this
25 point, but also future needs, right. And further aspects

1 of the protocol that would be beneficial. I need to have
2 as much information as I can.

3 Anyone available at whatever number to reach them at
4 and give them to my marshal who can communicate with my
5 JEA.

6 THE OFFICER: That's fine. You want medical
7 people making these decisions.

8 THE COURT: We had a huge disconnect today with
9 the person who brought her in here who upon my proactive
10 inquiry said he didn't think this would be a problem. He
11 didn't seem to have any reason to know she wasn't going to
12 get her detox meds and gave me assurances she'd get her
13 detox meds. Somehow she gets over there and the next
14 thing we know she's not on protocol for detox meds and
15 nobody bothers to tell us. There's clearly a disconnect
16 with the CCDC folks also. I need somebody from CCDC. And
17 I need somebody from medical.

18 THE OFFICER: No problem. I didn't know that
19 you wanted to hear back. I did personally speak with the
20 charge nurse. I didn't know to relay --

21 THE COURT: You wouldn't have known that because
22 you wouldn't have known how strongly we felt about the
23 fact we assumed she needed it. We saw potential signs of
24 it and that she was going to get it. Not knowing that, we
25 were assuming that. You wouldn't have known to do that.

1 I'm trying to gather information now more than anything.

2 THE OFFICER: The charge nurse said I don't know
3 what meds she takes but medications are morning and night.
4 They may be detox, but I don't know.

5 THE COURT: If somebody can speak to me about
6 what she is taking. What the expectation is as the
7 remainder of the days, when she comes back to us on Monday
8 and help us understand those things to help us better plan
9 for where we are and what we are doing. We clearly did
10 not have the information we needed today. That may be
11 nobody's fault. It's just a fact.

12 Let's have Ms. Savage back in the courtroom.

13 MS. KOLLINS: Before we do, I had an out of
14 presence things before this arose.

15 THE COURT: Okay.

16 MS. KOLLINS: Ms. Savage is still under oath.
17 Her testimony is going to continue. I want there to be a
18 no contact order over the weekend, because she's still
19 under oath and a witness in the middle of trial.

20 Her counsel is a different story. But as far as
21 anyone else, no one should be in the jail speaking to her,
22 calling her, delivering messages to her. Because she is a
23 witness under oath in a criminal trial and should not have
24 discussions with anyone.

25 THE COURT: Anybody who objects to that.

1 MS. MCNEILL: I can't speak to the witness when
2 they are in testimony.

3 THE COURT: Okay. We have that clarification.

4 MS. PANDULLO: Is it my expectation she should
5 be taking notes.

6 THE COURT: No.

7 Let's have Ms. Savage back on the stand. Is it
8 okay if I call you Morgan too. Sit down back in the
9 chair. Your counsel is with you.

10 So, Morgan, it came as a surprise to all of us, I
11 think you would know that because you heard the
12 conversation we had with the correction's officer before
13 leaving the courtroom earlier before lunch, you didn't get
14 medications.

15 THE WITNESS: Correct.

16 THE COURT: The understanding I have now, which
17 is minimal as to why, but it sounds like it was sort of a
18 standard step down protocol on detox protocol. As luck
19 would have it today was a 2 time day, not a 3 time day.

20 I'm going to get more information how that works as
21 we go forward from today, because that's going to impact
22 things. But what we have talked about in here and what I
23 would like to ask of you, if you are able, I'm putting
24 that in your hands, is rather than there be additional
25 questioning of you today what we have talked about doing

1 is the State would play your statement that you gave to
2 Officer Cho, Detective Cho.

3 You would just have to watch it, not actually have to
4 answer any questions about it. Then we would end for the
5 day. It's about an hour and 45 minutes the jurors would
6 watch it. We'd end for today and resume on Monday.
7 That's when you would likely be asked questions about it.

8 We do understand when questions are asked on Monday
9 the portions being asked about could be replayed to
10 refresh. But we do want to make sure you are able to sit
11 passively and watch it today and follow along with it
12 today. If we ask that of you, is that something you think
13 you are able to do.

14 THE WITNESS: I have two questions. Would it be
15 faster by watching then going through the pages.

16 THE COURT: I know what you're asking. I don't
17 know that there is a good answer to that. Whatever exam
18 by the State and defense counsel, until we complete your
19 examination, it will be what it will be.

20 I think that it was likely that this was going to be
21 played at some point in time, so the reason we're doing it
22 now is because we know you're not feeling as well as you
23 were feeling this morning. We don't want you to have to
24 answer questions right now, given the way you are feeling,
25 right.

1 But I don't want you to have any impression that if
2 you don't watch it that you are not going to necessarily
3 have to watch it later and somehow it's going to shorten
4 up the examination. Because I don't think that is
5 accurate.

6 THE WITNESS: My question is is there any way
7 I'll be able to be released over the weekend out of jail,
8 considering that I have been here all week, just for
9 this.

10 THE COURT: I'm going to be honest with you
11 Morgan, because you deserve an honest answer. You
12 probably know what that answer is. The answer is no. The
13 reason is because -- I'm going to tell you candidly. We
14 need to complete your examination before you're released.
15 I don't have any assurances you wouldn't continue to use
16 drugs, or do other things that would keep you absent from
17 the courtroom.

18 I also would say that other reason is, as it's been
19 expressed here just a few moments ago, if you are someone
20 who is looking for or even thinking about the possibility
21 of treatment when you complete this process, the best way
22 to start that treatment would be to be clean and not
23 having drugs in your system. Oftentimes when I have folks
24 in court who are in court for other reasons, obviously,
25 from their own circumstances, but we are going to send

1 them to treatment, we do it directly from the jail so that
2 they can start on the best way possible. I'm not saying
3 you have to voluntarily offer to stay in custody. I'm not
4 saying what my thought process is. But ultimately in the
5 short term, it may seem difficult, but in the long term it
6 could benefit you.

7 But the main and primary reason and my authority to
8 keep you in custody would be to ensure you return on
9 Monday to give testimony.

10 THE WITNESS: Thank you.

11 THE COURT: Any others questions for me.

12 THE WITNESS: No.

13 THE COURT: Do you believe you can sit there to
14 watch the video.

15 THE WITNESS: Yes.

16 THE COURT: If at any point, as we are watching
17 the video, you get to the point where you don't think you
18 can sit here and pay attention to the video sufficiently
19 to be present in the courtroom as the rest of us are, you
20 let me know and we'll break for the day.

21 THE WITNESS: Yes.

22 THE COURT: Do we need to cover anything else.

23 MS. KOLLINS: I did get the sweatshirt if she
24 wants the sweatshirt. May I approach.

25 THE COURT: Is it okay with the CO.

1 THE OFFICER: Yes.

2 THE COURT: Resuming trial in the State of
3 Nevada vs. Joshua Honea. We have the Sate present.
4 Defense counsel is present. The jurors have joined us.

5 We are, as I understand, resuming testimony with
6 Ms. Savage. We are going to be playing a video tape at
7 this time; is that correct.

8 MS. KOLLINS: Your Honor, we are. Based on the
9 discussion we had we are going to ask for permission to
10 publish State's 2 that the foundation was laid 4 days
11 ago.

12 MR. MACARTHUR: Permission to approach.

13 THE COURT: Yes.

14 (Discussion held at the bench.)

15 THE COURT: Thank you.

16 MR. MACARTHUR: Thank you.

17 MS. KOLLINS: With the court's permission, I'll
18 proceed with publication.

19 THE COURT: I believe we confirmed there's no
20 objection.

21 MR. MACARTHUR: There is not.

22 THE COURT: You may.

23 Just again to identify the exhibit that it is,
24 can you identify what it is and what we're going to be
25 watching.

1 MS. KOLLINS: It's Exhibit 2. It's the
2 interview taken of Morgan Savage on July 22, 2015
3 conducted by Detective Lisa Cho at Las Vegas Metropolitan
4 Police Department headquarters in a victim room.

5 If the jurors have difficulty seeing it or hearing
6 it, you can certainly raise your hands and get the court's
7 attention.

8 When you're ready to proceed.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Thank you.

11 (Video interview played for jury,
12 not reported.)

13 THE COURT: Let's take a recess.

14 JURY ADMONITION

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

24 You are further admonished not to form or express any
25 opinion on any subject connected with this trial until the

1 case is finally submitted to you.

2 See you in 5 minutes.

3 We have Ms. Savage, and, Ms. Savage your counsel
4 asked us to stop the recording, so I did. For the record
5 I over heard -- at one point I looked over and Ms.
6 Savage's head was down so I gave her attorney a look to
7 check in with her. When she did, I thought I heard her
8 say she is feeling sick. She was feeling sick, based on
9 watching the video. I didn't do anything further.

10 I thought we were going to proceed, then she, Ms.
11 Savage indicated to her attorney she needed to stop. So
12 that's what we did. So Ms. Savage is there something you
13 want us to understand about why you wanted us to
14 stopped.

15 THE WITNESS: The video, I put everybody through
16 this and watch this. It's very uncomfortable for me.
17 It's just uncomfortable for me to have to sit here with
18 Josh and his lawyers and the State of Nevada to listen to
19 what I said. To know that it was untruthful and is very
20 embarrassing. It's sickening, ultimately really
21 sickening.

22 THE COURT: Can I ask you if your feelings are
23 in any way impacted by the fact you are in detox.

24 THE WITNESS: Not at all.

25 THE COURT: This is entirely about watching the

1 video.

2 THE WITNESS: Yes, it is.

3 THE COURT: I want you to understand that the
4 video will be played regardless. You'll be asked
5 questions.

6 So how much time remaining do we have on the video,
7 just out of curiosity.

8 MS. RHOADES: It's about an hour and 45 minutes
9 long. We have maybe an hour.

10 THE COURT: We probably have a little less than
11 an hour remaining. If we don't do it today, we'll do that
12 hour on Monday.

13 THE WITNESS: Can we please. It's just making
14 me --

15 THE COURT: Any reason to believe you'll be less
16 uncomfortable Monday.

17 THE WITNESS: I'll be able to come in here better.
18 Also because I'm detoxing, I'll feel better as well.

19 THE COURT: I just inquired of you whether or
20 not you felt detoxing was having any impact and you said
21 it was not.

22 THE WITNESS: It's not, but I do feel like I
23 will be in a better state of mind to sit here and watch
24 this. But at the same time detox doesn't change how I
25 feel about the video.

1 I'll feel the same way in the next hour if we watch
2 it, if that's the case, but, I mean, for right now, as far
3 as detoxing goes -- I don't know what else to say.

4 THE COURT: There's nothing you have to say. I
5 just want you to give honest information. I'll ask you to
6 go ahead with the CO and step back out into the waiting
7 area, then we'll come back to.

8 THE WITNESS: All right.

9 THE COURT: State have any position at this time
10 whether or not we proceed.

11 MS. KOLLINS: Your Honor, obviously I'm not
12 trying to further traumatize her, but if her distaste for
13 the video is distaste for the video versus detoxing and
14 feeling physically ill -- she started getting anxious over
15 the information she was viewing, and it went to, I don't
16 feel good. I might be in a better state of mind Monday
17 when I'm not detoxing.

18 You know, I'll submit to the court. The bottom line
19 is I'm going to play this video, and she's going to be
20 asked questions about it at some point.

21 I'm sorry that it is emotionally uncomfortable for
22 her, but, you know, when this case went to recant I don't
23 know if she anticipated this is how it was going to
24 proceed, very slowly and methodically. I don't think she
25 realized it wasn't looking at a couple of transcripts and,

1 yes, I said that. And, that was me.

2 I don't know what else to do. This is how I prove
3 my case. We'll have to watch this at some point, if not
4 today. If the court thinks the detoxing is the true
5 impediment, that's fine.

6 THE COURT: Mr. MacArthur or Ms. McNeill.

7 MS. MCNEILL: I think with Ms. Kollins, to the
8 extent it's just she's uncomfortable, this is what it is.
9 If she's sick, then that's another thing.

10 Our concern is that if we do stop for the day I think
11 we would ask that the jury be instructed that it is
12 because of what she said that sitting here watching it
13 knowing that it was a lie made her sick. We ask that that
14 record be made.

15 THE COURT: This is my problem with the request
16 and Mr. MacArthur's request at the bench conference when
17 we began playing of the video. I do want to make that
18 record, so I'll tie them together.

19 Mr. MacArthur asked to approach right at the
20 beginning of the video. We hadn't started watching it
21 yet. He express the concern that the jury be informed
22 what is going on with the witness. What I understood to
23 mean the fact that she -- we had discussion about her
24 detoxing and not getting meds and not feeling well. I
25 declined at that time do so. The witness was visibly

1 crying. Not out loud, but visible to anyone who could
2 see. I declined at that time because the witness had just
3 been informed by the court she was not being released from
4 custody. There could be any number of reasons and causes
5 for that emotion. I noted what the court's observations
6 were that she fairly quickly stopped crying, got herself
7 under control and continued to watch.

8 Throughout the watching of the video she multiple
9 times was shaking her head, was expressing what the jury
10 could see not what the court could, her -- for lack of a
11 better word -- disdain for the video at various points.
12 And to the extent that the jurors could see and observe
13 that demeanor, however that is viewed, that was the far
14 more appropriate way to proceed. And I ultimately did
15 indicate that Mr. MacArthur could renew his objection.

16 I did not indicate what my thought process was
17 depending on if she wanted to stop the video what the
18 reason was for that stoppage, that I would reconsider that
19 opinion. But at this time, I believe this witness from
20 her own testimony just now and from the court's
21 observation is not having difficulty with detox but is
22 having difficult with the subject matter. This is this
23 trial, and we need to proceed with this trial.

24 I have a concern, in all candor, with allowing this
25 witness to drive the train, so to speak, as to when and

1 how we are dealing with evidence. Because if that starts
2 now it potentially can continue and would continue through
3 Monday and other days of this trial. We need to get
4 through this.

5 She's not physically incapable of doing this to
6 complete and that's the testimony I got from her. I throw
7 that out there for further commentary from counsel. I
8 don't know that I -- I think that answers your question
9 Ms. McNeill at this point. The court is not inclined to
10 direct, from the court's view, anything that the jury
11 should be understanding about this witness other than what
12 they are observing. They are aware she is under detox
13 protocol. It's mentioned multiple times in opening
14 statements and throughout the questioning. I think that
15 is sufficient to inform the jurors as to what might be
16 going on and otherwise what is going on. They're going to
17 have to have that from their own perspective. There will
18 be further questions from the State and of course
19 opportunities to cross-examine the witness by the defense.

20 To the extent that that information comes out in
21 those circumstances, that's fine. This court is not going
22 to inform the jurors about what this witness is thinking
23 and feeling. That's my answer to that question.

24 Do we have anything further with regard to whether we
25 proceed now or whether we don't.

1 MS. MCNEILL: No. I think since the court is
2 going to proceed that makes what I said moot. I'll submit
3 to your Honor.

4 THE COURT: What I said is, I wasn't going to
5 instruct the jurors. I am still deciding how we
6 proceed.

7 MS. MCNEILL: It's becoming a concern with this
8 never ending trial. I understand Ms. Savage's feelings.
9 I am sympathetic to them, but we've got to get through it.
10 If it's not a physical, because of the detox, then we are
11 where we are. I'll submit it.

12 THE COURT: Ms. Kollins.

13 MS. KOLLINS: No, your Honor. You struck the
14 view point. If it's not physical, let's move on and get
15 as far as we can. It's awfully early to break. We have a
16 lot to get through.

17 THE COURT: We need to finish the video unless
18 the witness indicates she's incapable of doing so. I have
19 not heard her say it. I heard her say it would be easier
20 for her. She might be better prepared mentally to deal
21 with it on Monday. But I have not heard there is a
22 physical impediment to proceeding and then taking a
23 break.

24 Let's come back in 5 minutes, if we can please.

25 (Brief recess taken.)

1 THE COURT: So Ms. Savage you have been in the
2 courtroom when there's been objections and letting me rule
3 on requests and things, that's my job. I'm going to treat
4 your request the same way. I'm going to decline your
5 request to break until Monday.

6 From what you have expressed to me, I very much
7 understand it would be your desire not to have to sit here
8 and watch the video. It's also my understanding you are
9 not incapable of doing so. And since you are not
10 incapable of doing so, for purposes of assuring this trial
11 proceeds in a timely fashion, for purposes I feel are
12 beneficial to you to get through examination, I'm going to
13 proceed and continue to show the video.

14 It's anticipated to be something less than an hour.
15 When we complete we'll be done for the day. I'm going to
16 talk to the medical personnel and get more information as
17 discussed before about your continuing protocol and what
18 things will look like on Monday. Monday is our afternoon
19 return. I have other matters in the morning. I would
20 like us to complete the process today.

21 THE WITNESS: That's fine.

22 THE COURT: Thank you for understanding that.
23 Bring the jurors in.

24 I'll invite everyone to have a seat. We are going to
25 reassume with the video at this time. It's about 3:25.

1 Our best estimate of remaining time for video is slightly
2 under an hour. When we complete the video, we'll complete
3 our time for today. But we're going to look at that and
4 see what that looks like.

5 Let's restart the video.

6 (Video resumed playing for the jury,
7 not reported.)

8 MS. RHOADES: Your Honor, may we approach,
9 please.

10 THE COURT: Yes.

11 (Discussion held at the bench.)

12 THE COURT: Thank you, Counsel. We can resume.

13 (Video resumed playing to jury,
14 not reported.)

15 THE COURT: That concluded the video.

16 MS. KOLLINS: It does.

17 THE COURT: As I said we can break for the
18 weekend.

19 JURY ADMONITION

20 During the recess, ladies and gentlemen, you are
21 admonished not to converse among yourselves or with anyone
22 else, including, without limitation, the lawyers, parties
23 and witnesses, on any subject connected with this trial,
24 or any other case referred to during it, or read, watch,
25 or listen to any report of or commentary on the trial, or

1 any person connected with this trial, or any such other
2 case by any medium of information including, without
3 limitation, newspapers, television, internet or radio.

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

7 We'll reconvene Monday at 1:30. We'll see you
8 outside at that time. Have a good weekend. Leave your
9 note pads and pens. Thank you.

10 MS. PANDULLO: Can she take her notes with
11 her.

12 THE COURT: We'll be inquiring of her on Monday,
13 so she should be able to.

14 THE OFFICER: Paperwork, yes.

15 THE COURT: Thank you, Officer. Go ahead and
16 let Ms. Savage return. I have to check in with my JEA,
17 but I think we can proceed with a phone call.

18 Good afternoon. This is Judge Delaney. I understand
19 Sandy Molina, you are on the phone.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Thank you, Sandy. I understand we
22 have also on the call Kendra Schultz, the administer for
23 NAFCARE and Dr. -- I was just told your name and I've
24 forgotten.

25 THE WITNESS: Karen Duran.

1 THE COURT: Dr. Duran, who I understand is the
2 detox specialist.

3 THE WITNESS: Yes.

4 THE COURT: Let me cut to the chase. It has
5 been a very long day for all of us. We're very tired and
6 hoping to go home soon. Let me tell you how much I
7 appreciate your ability to talk with us on this late hour
8 on Friday so we can get information.

9 We have a witness who is in custody on a material
10 witness warrant. You may already be aware of who I'm
11 speaking of just by way of background for the call today,
12 but we had her start her testimony yesterday afternoon.
13 When she returned here today we knew with some certainty
14 that we were going to have her here all day. We hadn't
15 really thought to inquire into her detox protocol because
16 as of yesterday, although we knew she was in the protocol,
17 the testimony proceeded and we didn't really have
18 issues.

19 Today -- she -- I would say about midway through the
20 morning testimony was hungry and was vocalizing the need
21 to have something to eat, but was otherwise okay. When
22 she returned from the lunch hour her counsel -- she has
23 counsel appointed to her for purposes of appearance in
24 this trial -- indicated it was two different witnesses.
25 She came in in tears. She vocalized she wasn't feeling

1 well. And what had been advised was that she did not get
2 detox protocol during lunch.

3 We had all been under the impression, without having
4 asked or confirmed with anyone, to be clear, that she was
5 on a 3 times a day protocol and then we were advised by
6 the CO this afternoon that apparently from yesterday to
7 today she went from 3 times a day to a 2 times a day
8 protocol. The difficulty I had -- I don't want to belabor
9 this point -- but when she was leaving at the lunch hour I
10 specifically inquired of the CO would she get her detox
11 protocol, having given ample time for her to get her detox
12 protocol, because we could see that she was in some need
13 and that we wanted to be sure she was in her best position
14 to continue her testimony this afternoon.

15 When she returned here at 1:30 nobody contacted the
16 court to advise us that she did not get her detox protocol
17 when we realized her demeanor had changed, her appearance
18 had changed, her physical aspect had changed, then her
19 counsel inquired of her and that's how we determined she
20 did not get her detox protocol.

21 My biggest issue is she is going to be coming back on
22 Monday. She is going to be staying under the material
23 witness warrant through the weekend. What can I expect as
24 far as where she will be in the protocol on Monday so that
25 I'm not having mistaken impressions of what protocol she's

1 under so I can hopefully complete her -- have some
2 reasonable expectation of completing her testimony.

3 I don't know who is appropriate to answer that. I'm
4 not looking for her personal medical information as far as
5 what she's taking. I guess I am asking if there is some
6 review that takes place of individual people of what their
7 needs may be. This girl was in here testifying, clearly
8 it's a stressful situation. And to the extent that that
9 impacts things, perhaps maybe today wasn't the best day
10 for her to go from 3 to 2. But I'm not a doctor. I don't
11 know.

12 Anybody want to jump in on that.

13 DR. DURHAM: Judge, this is Dr. Duran. The --
14 there are a couple of things that I want to clarify.
15 Ms. Savage's booking date is the 27th. It was, from what
16 I can see on our records, I went to her module to see her
17 this morning and yesterday morning. On both occasions she
18 was at court. However, we do get vital signs, blood
19 pressure, heart rate and such routinely in the morning and
20 evening. And up until the most recent vital sign her
21 heart rate is one aspect, and her blood pressure have not
22 been significantly elevated. The last provider to see her
23 was Dr. Wilson on the 29th.

24 THE COURT: Wednesday right.

25 THE WITNESS: What's that.

1 THE COURT: Wednesday.

2 THE WITNESS: So, yeah. So she was not -- she
3 showed no signs of any bit of stress. She didn't have any
4 typical finding that we see in terms of detoxing from
5 substances that she reported to us.

6 In terms of the medication, she had -- the protocol
7 we have her on is a fairly standard protocol from the
8 Board. Most of these medications are comfort medications
9 for nausea, diarrhea, stomach cramps, headache or muscle
10 pain. She has received those medications at about 3:00 or
11 4:00 in the morning in preparation for court. And each
12 morning of the 30th and the 1st. So she received those.

13 The one medication is a benzodiazepine that we are
14 using to -- as a detox from either alcohol or other
15 benzodiazepine or Xanax. Her alcohol use -- I'm going by
16 what she reported to our providers -- is not incredibly
17 high compared to what I have seen in other alcohol
18 abusers. Her heroin use is not high either, compared to
19 other heroin users.

20 Now we are looking at being 4 days out from her
21 arrest and her last use of substance she should be on the
22 downhill slope from the severity of the detox symptoms, if
23 she was truthful with our assessments and truthfully what
24 she was taking and did not underestimate the amount of
25 alcohol or other substances that she was ingesting.

1 The other thing is that she did move to a lower
2 dosage phase of the benzodiazepine taper we have her on.
3 That taper should be complete by the 5th of December.

4 THE COURT: So not until Tuesday. Will she
5 still be receiving two times a day. How often is she
6 receiving the benzo.

7 THE WITNESS: Right. She's receiving it twice a
8 day.

9 In fact, that has been what she is receiving. She's
10 on a schedule to receive the benzodiazepine at 0800
11 hundred and 20 hundred. Because she is going to court,
12 she is -- has been receiving this benzo at -- let me
13 double check here -- at between 3:00 and 4:00 a.m. And is
14 not due to receive it again until 8:00 p.m.

15 This particular benzodiazepine taper is medication
16 that has a long half life, so it does not need to be given
17 3 times a day.

18 THE COURT: Can I interrupt you for a second.
19 Help me understand because maybe we are
20 misunderstanding.

21 When she didn't get something at lunch today, which
22 is the information we have. Yesterday she got 3 things.
23 We don't know what, but 3 times a day yesterday she got
24 something and today she only got it twice. What did she
25 not get at the middle of the day. Was it the

1 benzodiazepine or something else.

2 THE WITNESS: She is not scheduled to get the
3 benzodiazepine at lunch time.

4 THE COURT: Can I understand you correctly.
5 She's been getting it twice a day since she came into the
6 jail.

7 THE WITNESS: Correct.

8 THE COURT: She's still continuing to get it
9 twice a day.

10 THE WITNESS: Correct.

11 THE COURT: The other things that might have
12 changed from her mid-day were more palliative type things,
13 meaning making her feel better then otherwise.

14 THE WITNESS: Yesterday she may not have
15 received her anti-nausea medication at noon, so that --
16 she didn't receive it for court this morning, that may
17 have been the issue.

18 THE COURT: So let me ask again. You are
19 talking about tapering her the benzodiazepine. When does
20 that start. If she started on two a day and still on two
21 a day.

22 MS. PANDULLO: Lower dose, 2 a day.

23 THE COURT: I was just corrected by counsel for
24 Ms. Savage. Does she keep two a day but lower dosing or
25 go to one. I want to know what Monday looks like, if you

1 can estimate, which would be the 4th of December.

2 THE WITNESS: Monday, let me pull up the
3 calendar. Monday is going to be the 4th. She should be
4 on the second to last day of a once a day benzodiazepine
5 at the low dose. And typically for court these are given
6 at between 3:00 or 4:00 in the morning. She's only going
7 to receive one dose of that on Monday. And this is the
8 standard protocol, based on the information she reported
9 to us about what she used. She should not be having
10 severe trimming or anything like that. In fact, that far
11 out she would be pretty well over the detox.

12 Now, she may have post-acute syndrome, which may
13 constitute as anxiety, some muscle pain things like that.
14 But those are usually not overpowering and disabling.
15 There is discomfort and anxiety, maybe nausea some --
16 maybe some mild shaking, but these are not disabling.

17 We frequently, by this time, have moved most of these
18 patients out of the acute detox part of our facility and
19 into general population where they then receive the
20 comfort medication for the gastrointestinal issues or
21 muscle pain.

22 THE COURT: What do the comfort meds look like
23 on Monday.

24 THE WITNESS: The comfort meds, well, the
25 comfort meds will be -- they will be running out starting

1 this evening for the stomach issues.

2 THE COURT: Okay.

3 THE WITNESS: So that -- she will have 5 days of
4 those. That is usually, in our experience, most of the
5 detox that comes through the facility is 5 days for most
6 of those.

7 THE COURT: I probably should have said this at
8 the beginning. You were transferred to this call in the
9 court room. I do have all counsel and the Defendant
10 present, including counsel for Ms. Savage. We wanted
11 better information on what we were dealing with.

12 Does counsel have any questions the doctor.
13 Ms. Kollins.

14 MS. KOLLINS: We do not.

15 THE COURT: State does not have questions.
16 Mr. MacArthur or Ms. McNeill.

17 MR. MACARTHUR: No questions.

18 THE COURT: I have the information I was looking
19 for in terms of how we might plan for Monday. I don't
20 know if this makes a difference in terms of her court
21 transport. Maybe this is a better piece of information
22 for Sandy.

23 We don't reassume trial on Monday until 1:30. So if
24 that effects the time she has to be woken up and given
25 meds and transported. Honestly, we didn't have her until

1 the afternoon yesterday, so I'm not sure -- and we did
2 start trial in the morning, but we weren't scheduling to
3 have her until the afternoon. That may explain why she
4 was out earlier over here. But for Monday we don't need
5 her until 1:30.

6 THE WITNESS: Okay. Will that transportation
7 work for court for the entire day, Judge. So sometimes as
8 far as what medical will do these people are going to
9 court, not necessarily what time they are go in, but will
10 they be in court that day.

11 THE COURT: I'm looking to have whatever you all
12 can do to have the most well-rested able to testify
13 witness I have.

14 THE WITNESS: I'll notify the charge nurse for
15 the Monday morning meds to go ahead and pass that out at
16 the regular time, but not at court time.

17 THE COURT: Let me have her counsel add anything
18 she might be able to add as far as her observations.

19 MS. PANDULLO: Based on my conversation with Ms.
20 Savage and her testimony today I believe she may have been
21 on heroin and methamphetamine. I don't know if she
22 reported both. She did mention the methamphetamine. I'm
23 not sure if that was very recent, right before her arrest
24 or just historically she'd done it within the last year.
25 But I think it does warrant a follow up with her to make

1 sure everything is accounted for, because she may not have
2 been fully forthright with you on what all she was
3 getting.

4 THE WITNESS: I agree. So if we don't have a
5 true and correct report from her exactly what she was
6 taking and how much, he may be under-treated. That's
7 always a concern of mine.

8 THE COURT: Can I add something, doctor.

9 I'm going to give you this, leave you with this.
10 We need to do the evaluation, but I wouldn't necessarily
11 over-assume that she's being under treated. There was not
12 shakes. There was not -- I have not personally witnessed
13 someone going through withdrawal. It was not a situation
14 where there were those kinds of visible signs you were
15 describing. It was a situation where she was emotional
16 when she came back from lunch. It's very difficult subject
17 matter she is being examined about, as I'm sure you can
18 appreciate. When there was a time in which she asked us
19 to convene for the afternoon, which I declined she
20 indicated she was not feeling detox symptoms but that her
21 concern was how difficult it was for her to be engaging in
22 the evidence view she was engaging in. She indicated she
23 was not having a detox issue.

24 THE WITNESS: I can address that. It's really
25 straightforward.

1 THE COURT: I think we're on the same page. I
2 thank you all so much.

3 THE WITNESS: We'll make the referral tonight for
4 a mental health provider to try to help her with anxiety.
5 I will make sure the meds are on the regular scheduled
6 time for Monday and not at court time.

7 THE COURT: Thank you all so much. Have a great
8 weekend.

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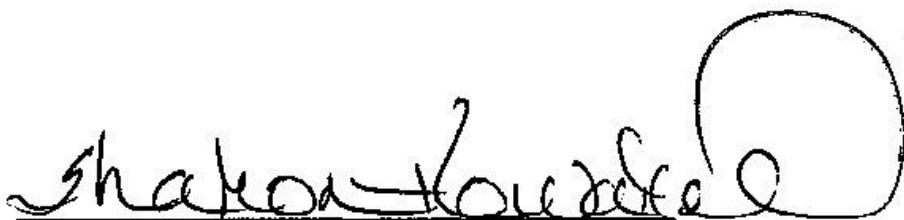
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CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

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.

A handwritten signature in cursive script, appearing to read "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large loop at the end.

Sharon Howard
C.C.R. #745

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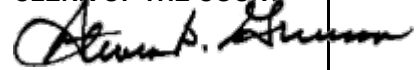
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CLERK OF THE COURT



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

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

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

BEFORE THE HONORABLE KATHLEEN DELANEY
DISTRICT COURT JUDGE

DATED: MONDAY, DECEMBER 4, 2017

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

1 APPEARANCES:

2 For the State:

STACEY KOLLINS, ESQ.

3 KRISTINA RHOADES, ESQ.

4
5 For the Defendant:

MONIQUE MCNEILL, ESQ.

6 JONATHAN MACARTHUR, ESQ.

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

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* * * * *

1 LAS VEGAS, NEVADA; MONDAY, DECEMBER 4, 2017

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

3 * * * * *

4

5 THE COURT: On the record. We do not have our
6 jurors in yet. We do have counsel for the State and
7 counsel for the defense.

8 Ms. Kollins.

9 MS. KOLLINS: Thank you. Stacey Kollins on
10 behalf of the State, bar No. 5391.

11 I was noticed of it over the weekend, but I got a
12 confirmatory e-mail this morning from Sergeant Jeff Clark.
13 His father passed away unexpectedly. His first
14 availability in the jurisdiction will be Tuesday, a week
15 from tomorrow. I don't see that as a problem for
16 scheduling, I wanted everyone to know that he is necessary
17 for the State, but letting everyone know.

18 THE COURT: Is it possible that we would be
19 taking him out of order in that the State would have
20 completed its other witnesses.

21 MS. KOLLINS: We'll have to take him out of
22 order because he fits into the chronology early on. So
23 we'll be taking him --

24 THE COURT: Do you anticipate -- I know it's
25 premature -- do you anticipate otherwise the State would

1 be completing with its witnesses by next Tuesday.

2 MS. KOLLINS: That is my hope.

3 THE COURT: I have a question to pose question.
4 I just want a yes or no answer to this. I want it known
5 when I pose this I have no underlying agenda with the
6 question. I have no preconceived outcome for posing the
7 question. I really want to know yes or no.

8 Is there any chance we'll complete with Ms. Savage's
9 testimony today.

10 MS. KOLLINS: No.

11 THE COURT: Any chance we'll complete with it
12 tomorrow.

13 MS. KOLLINS: No.

14 THE COURT: When do you think we'll complete
15 with it. I'm asking you both.

16 MS. KOLLINS: I can't speak to
17 cross-examination. I don't know if their theory has
18 changed because of the recant. Not being able to speak to
19 cross, I guess what the court needs to know is
20 substantively she had a 200 page prelim. That prelim makes
21 my elements. I can't just submit it to the jury. I
22 imagine it's going to take at least the next 3 afternoons
23 with her, if not into Thursday.

24 THE COURT: Can I ask the question, Ms. Kollins,
25 in terms of -- I understand. We've obviously been going

1 through her voluminous statement in part to make your
2 elements as well. Are you creating whatever efficiencies
3 you can by what you go through in those two statements to
4 assure once you have made your elements you have done that
5 or is it your intention to go pretty much page by page. I
6 ask these questions with no preconceived -- I don't do
7 passive aggressive. Like I'm asking the question because
8 I think the answer should be something. I'm just trying
9 to find out the answer.

10 MS. KOLLINS: I'm trying to be as efficient as I
11 can by blending things in the middle as we go along, as
12 they arise. I can tell the court that the information or
13 second amended, I think, that's before your Honor is based
14 on the testimony before the preliminary hearing. If she
15 would have adopted the information in the voluntary
16 obviously this would have moved a lot quicker. There is
17 nuances in the voluntary that were not elicited at the
18 prelim, so that's why I'm doing that first.

19 THE COURT: Okay.

20 Mr. MacArthur, if we finish with Mr. Savage on
21 State side by, give or take, end of day Wednesday or
22 earlier in the day Thursday, when do you anticipate when
23 you would complete with Ms. Savage.

24 MR. MACARTHUR: I don't have a strong sense of
25 how she'll respond to me, but I would expect that with the

1 questions I currently intend to ask her based on what has
2 been covered by the State, I could get through her in an
3 hour-and-a-half.

4 THE COURT: Probably Thursday to complete with
5 her when we take both into account. There may be redirect
6 and other stuff. I'm just trying to figure it out, in
7 terms of timing.

8 All right. That was my main question. I guess the
9 follow-up question to that is -- I appreciate, I really
10 don't need to know this until Wednesday, I guess in my
11 mind I was still hopeful we might have some furtherance in
12 the trial. I don't know the questioning. You all do.
13 That's why I asked.

14 I have another trial that's supposed to start next
15 week. Now it's already been told to those counsel that
16 that isn't going to happen early in the week, but is there
17 any chance that this trial will complete before the end of
18 next week. That does depends on the State. It sounds
19 like ms. Kollins expects to have completed her case with
20 the exception of Officer Clark by next Tuesday.

21 Do you think, Ms. Kollins, you'll be in your case and
22 chief until Tuesday or you might finish up. So State will
23 complete sometime Tuesday.

24 From the 12th, where do you think you'd finish, Mr.
25 MacArthur.

1 MR. MACARTHUR: That's awfully tough to see that
2 far in the future. The metrics we're using is the reason
3 why we had a two week time frame was that you probably
4 have two days of voir dire, then the State would start in
5 earnest and if there were no delays we could be in two
6 weeks by Friday. However that presumes the State would
7 have started with Morgan on Wednesday. I'm adding that in
8 there so that if we just remove the previous week we've
9 had, that week is behind us. If we start as though this
10 is day one, then the question becomes would the State
11 still be finished with Morgan by Thursday. If that's yes,
12 then my answer is, yes, we would we able to finish by
13 Friday of the third week.

14 However, the same way I cautioned the court at the
15 beginning, if there are unanticipated delays with other
16 witnesses -- we assume Morgan finishes with the State at
17 some point on Wednesday, that I then start. And there are
18 no other delays with witnesses, then, yes, we would be
19 done by Friday of the third week. However, if there are
20 any other unexpected delays, I don't think we'd finish the
21 end of the third week.

22 THE COURT: I guess what I'm asking now is
23 whatever you anticipated your case to look like before
24 this trial started, things have changed. Maybe they
25 haven't terribly changed in terms of the amount of time

1 you would spend with each witness and the witnesses you
2 intend to call, but maybe they have. So if the State
3 finishes somewhere on Tuesday the 12th, whatever your case
4 is, you think it will be completed by what day. I'm not
5 trying to do the math. If say the State finishes on the
6 12th, what day do you finish.

7 MR. MACARTHUR: We believe we'd be done on
8 Friday.

9 THE COURT: Is that just with your evidence or
10 are you anticipating we can instruct and close on
11 Friday.

12 MS. MCNEILL: We can probably instruct and close
13 on Friday. Are you going with, the same Thursday and
14 Friday, full days.

15 THE COURT: Yes. If it isn't, I'll make it.

16 Okay, next, I have had the follow-up informal
17 discussion with you all where I thought the issue turned
18 on what type of potential impeachment could occur with
19 Lieutenant Hughes and whether there could be extrinsic,
20 which would then implicate these other things and other
21 witnesses. We still have not put that to bed.

22 The way the conversation occurred I thin it is
23 unlikely the court would anticipate there being any
24 extrinsic impeachment. I don't know, because we talked at
25 one point that maybe where we have an opportunity

1 somewhere in the next couple of days we'd use that to talk
2 about what this looks like.

3 MS. KOLLINS: Well, and not including -- your
4 Honor, just for the record, the State has yet to call and
5 will be calling regarding -- regardless of the ruling on
6 the extrinsic issue James Wirey, Larry Samples, Kevin
7 Zafiriz, Jeff Clark, Zack Marsh, Rachel Calderon, Sean
8 Comiskey, Austin Kane, Austin Carara, Joseph Belmonte, Ray
9 Spencer, Lisa Salavessa Cho, Franco Cardejos-Orduno, Vince
10 Rameriez, Jeremy Hendricks, Pam Savage, John Pacult, Egor
11 Dicaro, and probably Joel Albert.

12 THE COURT: That's 19. I counted on my fingers
13 as you read the names off.

14 MS. KOLLINS: I was close.

15 THE COURT: Without the other people.

16 MS. KOLLINS: That's exclusive of the other
17 people.

18 THE COURT: Anything else you want to add about
19 trial schedule.

20 MR. MACARTHUR: No, your Honor.

21 THE COURT: Can I just confirm that your
22 estimation of your case in chief, regardless of when the
23 State ends, is give or take somewhere 3 to 4 days. And of
24 course that depends on if they are full days or half
25 days.

1 Is that a fair assessment.

2 MR. MACARTHUR: It is.

3 Just to give the court a little bit of optimism.
4 Because of Ms. Savage's recantation it does make a lot of
5 our cross easier.

6 We can do that in 3 to 4 days, barring anything
7 really going off. Like a bomb under our desk. I think
8 that is ample time now.

9 THE COURT: I only smile at the idea of a bomb
10 going off. Not yours, but mine. Just feel free.

11 MR. MACARTHUR: As long as it kills me.

12 THE COURT: Right there with you.

13 THE COURT: Did you need to have a minute.

14 (Off the record.)

15 THE COURT: We are resuming the trial of State
16 of Nevada vs. Joshua Honea. We now have present in the
17 courtroom the State, the Defendant. I wanted to note that
18 Ms. Savage is on the stand with her counsel present as
19 well.

20 I just wanted to check in with you, Ms. Savage. We
21 did have a conversation on Friday with the medical
22 providers at the jail, as well as one of the transport
23 folks in hopes of alleviating the difficulties that
24 occurred last week with you being on calendar but not
25 going to be called into court until later in the day, that

1 they wouldn't bring you over quite so early. And also to
2 make sure that they were properly assessing your
3 medication and step down of your medication.

4 We got some assurances from them they would meet with
5 you to make sure that they were meeting all of your needs
6 and that ultimately you'd be brought over here more this
7 afternoon, rather than in the morning.

8 Did all of that occur for you.

9 THE WITNESS: For the most part. The only thing
10 I was really counting on today was the anxiety medicine.
11 My anxiety medicine that was prescribed Saturday was not
12 in the system by this morning, so I'm not sure what all
13 went on with that, but that's one thing that is -- if that
14 could be definitely put in for tomorrow if that's the case
15 for tomorrow.

16 THE COURT: Can I ask you this. Have you been
17 on any anxiety medication since you've been in there.

18 THE WITNESS: Yes.

19 THE COURT: So was that part of the protocol
20 that is being stepped down. You just referenced something
21 being prescribed Saturday so was that a new thing.

22 THE WITNESS: It was just like an extra pill
23 like Zoloft. Zoloft takes time to kick in. It's a
24 process as far as months ago, but the psych doctor said he
25 would definitely give me an anxiety pill today for trial.

1 I don't know what he meant by that.

2 THE COURT: May be a dumb question. My
3 understanding -- don't quote me -- that there was going to
4 be some medication this morning, but none in the evening.
5 Are you sure you didn't get whatever that was in your
6 morning meds.

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Anything else we need to address
9 regarding Mr. Savage's testimony today before we bring in
10 the jurors.

11 MS. KOLLINS: It doesn't address her testimony,
12 but the court made inquiry of the State to communicate
13 with mom to check on insurance regarding treatment that
14 was requested by Ms. Savage. In the interest of having
15 this on the record I contacted Pam Savage, who is Morgan's
16 mother. Her insurance for Morgan is active until the end
17 of the year. I will give Ms. Pandullo the contact
18 information.

19 Beyond that, the State has no position in that.
20 That's it.

21 THE COURT: That relates, for the record, to a
22 communication from your counsel, Ms. Savage. I think you
23 were present for at least one of those communications
24 where it was discussed that you yourself expressed the
25 possibility of benefiting from some form of treatment and

1 the effort to try to identify what might be available.
2 I'm sure you can imagine that there's not a lot available
3 for which there is not payment required, but to the extent
4 there is some insurance available that might be accessible
5 by you that that could open up more options. I think that
6 is where that arose. So we'll take that in stride and
7 find out what we can find out.

8 Anything from the defense.

9 MR. MACARTHUR: No, your Honor.

10 THE COURT: All right. Let's go ahead and bring
11 the jurors in.

12 Thank you. We're resuming in the trial of State of
13 Nevada vs. Morgan Savage. All counsel are present. Ms.
14 Savage is present. The Defendant is present.

15 I think we are ready to resume with Ms. Savage's
16 testimony. Ms. Kollins, when you are ready.

17 MS. KOLLINS: Thank you.

18 CONTINUED DIRECT EXAMINATION

19 BY MS. KOLLINS:

20 Q. How are you today?

21 A. Feeling better.

22 Q. Good.

23 I think when we left off we had watched your video.
24 Remember that?

25 A. Yes.

1 Q. That was you relaying all of that information
2 to Detective Cho?

3 A. Right.

4 Q. You answered her questions?

5 A. Yes.

6 Q. Now, you mentioned previously that the
7 information you had given Detective Cho was in an effort
8 to get Joshua in trouble; is that right?

9 A. Correct.

10 Q. How did you know what questions Detective Cho
11 would ask you?

12 A. I didn't know what questions she would ask me.
13 I just know which information would be valid.

14 Q. Which information would be valid?

15 A. To get him in trouble, correct.

16 Q. Okay.

17 When we left off going through your statement and
18 we kind of let you watch that passively because you
19 weren't feeling great last week, right?

20 A. Right.

21 Q. So we played the video and stopped for a
22 little bit?

23 A. Right.

24 Q. You have your voluntary statement in front of
25 you?

1 A. Yes, I do. Which page. I'm not sure.

2 Q. We're going to be around page 70, 71.

3 A. Yes, I have it.

4 Q. Okay.

5 Now, when you spoke to Detective Cho, you told her
6 that you resumed talking to Joshua 2 months before that
7 statement, correct?

8 A. Right.

9 Q. And what were you talking to Joshua about 2
10 months before that statement?

11 A. Two months before that statement. So you mean
12 the last time I talked to him before going in to talk to
13 the detective?

14 Q. I'm asking about page 70.

15 A. Okay.

16 Q. So you indicate to Detective Cho that the last
17 time, prior to July 22, that you spoke to him was a month
18 or two ago. See that?

19 A. Yes, I do.

20 Q. So my question is when you started talking to
21 him again, did you start talking -- what did you start
22 talking to him about?

23 A. We were just catching up. I was more so just
24 me apologizing for me being so sporadic about freaking out
25 about whatever it was at the time. It was just normal

1 conversation.

2 Q. Did you talk to Josh in those two months
3 proceeding your interview with Detective Cho about the
4 investigation that had been started against Josh?

5 A. Yes.

6 Q. Why did you talk to him about that?

7 A. Because I thought it was weird for there to be
8 suspicion of there being something going on between us so
9 I brought it up to Josh.

10 Q. What did you tell him about that?

11 A. I let him know I got a phone call from
12 detectives asking me what our relationship was like and
13 what -- just -- I don't want to quote it, but just some
14 questions they asked me. And I thought it was weird so I
15 said to him, what it was and he thought it was weird as
16 well.

17 Q. What did Josh say?

18 A. He thought it was weird as well. I mean, when
19 I was telling my statement I told her that Josh said not
20 to say anything or anything like that, but that wasn't
21 true obviously. I was telling my statement as -- sorry.
22 Can I read what I said.

23 When I was telling Josh, he was just saying that --
24 he was -- we were just talked about how weird it was.
25 Obviously, there was no reason for suspicion, but at the

1 time same time when I was giving my voluntary statement I
2 claimed to her that he said it was something that I should
3 deny and not saying about.

4 Q. So that's what you told her?

5 A. Yes.

6 Q. Did you tell her that he was constantly coming
7 by your house, texting, trying to talk to you?

8 A. Yeah, I said that.

9 Q. You told Detective Cho that detectives had
10 told Josh not to speak with you, correct?

11 A. Yes.

12 Q. Then you tell Detective Cho that you actually
13 talked to sexual assault detectives on the phone?

14 A. Yes.

15 Q. You told Detective Cho at the time you spoke
16 to sexual assault detectives on the phone that you were
17 not truthful with them?

18 A. Right.

19 Q. And on that date, it was about April 1st of
20 2015, you told them nothing happened?

21 A. Right.

22 Q. With Josh?

23 A. Right.

24 Q. After that date you began to talk with Josh
25 about the investigation?

1 A. Right.

2 Q. Up until the July 22nd date?

3 A. I believe there was definitely parts in
4 between that we were not talking, because we were not as
5 close as we had been. But, yes, for sure there was --

6 Q. For sure there was conversations up till
7 then?

8 A. Yes.

9 Q. And for sure they involved the
10 investigation?

11 A. Very minimum, yes. Can I see -- my pages are
12 messed up there. I'm going from page 71 to 12.

13 THE COURT: Let's take a minutes and get them
14 ordered.

15 MS. KOLLINS: I have another clean copy.

16 THE COURT: If you have a clean copy that would
17 be great. There may just be a few out of order.

18 MS. PANDULLO: I've got it.

19 THE COURT: Ms. Pandullo thinks she's got it.

20 BY MS. KOLLINS:

21 Q. So then in referring to these conversations
22 you had with Josh about the investigation, you told
23 Detective Cho that Josh told you that he believed Officer
24 Zafiridis had been to the captain of Enterprise?

25 A. Yeah, that's what I said.

1 Q. So did Josh tell you that in one of those
2 conversations, that he believed part of this was on
3 Officer Kevin Zafiridis and that Kevin Zafiridis had gone to
4 somebody in administration in Enterprise?

5 A. At the time that is what I said, but it was
6 not towards this whole case going on now with me and Josh.
7 At the time when I was speaking about it Josh had been
8 talking about something else that happened. I'm not sure
9 what it was, but for a reason as to why Zafiridis had gone
10 to his captain of his area command.

11 Q. Did -- then why did you bring it up in
12 response to talking to Joshua about the investigation, if
13 it didn't have anything to do with that?

14 A. Because that was just part of the casual talk
15 we were having going on in between just conversation about
16 this and conversations about life outside of this.

17 Q. So right after that statement you tell
18 Detective Cho that Josh expressed to you that Zafiridis had
19 kind of come down on him for being so protective over
20 you?

21 A. Yes.

22 Q. So Joshua told you that he and Zafiridis
23 actually had an argument about Josh being protective over
24 you?

25 A. That's what I said. If that's what I said --

1 what page is that on.

2 Q. Referring to page 72.

3 A. 72. I don't have it. Can I have a moment to
4 read over this page.

5 THE COURT: What page are you looking at.

6 THE WITNESS: Page 72.

7 MS. KOLLINS: Sure. Let us know when you are
8 ready, Ms. Savage. May I proceed.

9 THE COURT: You may resume.

10 BY MS. KOLLINS:

11 Q. Did you get to read page 72?

12 A. Yes.

13 Q. So I guess -- back up a little bit.

14 Josh told you that he and Zafiridis had an argument
15 over Josh being protective of you?

16 A. Yes.

17 Q. You also told her that Josh expressed to you
18 that Zafiridis said Josh was making Zafiridis look bad?

19 A. Yes.

20 Q. Just after this you say that the Defendant
21 told you he was in the hospital when you guys separated;
22 is that right?

23 A. Yes.

24 Q. That was in May?

25 A. Right.

1 Q. And part of the reason you knew that was
2 because Joseph Belmonte sent you a screen shot of text
3 messages between Josh and Joseph?

4 A. Yes.

5 Q. Did you go on to tell Detective Cho that Josh
6 had been told many times to stay away from you?

7 Now I'm on page 76.

8 A. Yes.

9 Q. You told Detective Cho that Josh was told by
10 Officer Zafiris Josh was making it very obvious that
11 something was going on between you too?

12 A. Right.

13 Q. Josh said because of this Zafiris told the
14 captain. That is what you said?

15 A. Yeah.

16 Q. So within just a few paragraphs we talked
17 about Zafiris telling the captain about you and Josh
18 versus Zafiris telling the captain about something else
19 with Josh?

20 A. Right. That was two separate conversations.

21 Q. Okay. But you would agree that you told Cho
22 that Zafiris was reporting Josh to someone in Metro about
23 you?

24 A. Right. That's at least what he claimed to
25 have thought.

1 Q. And that Josh expressed to you that people
2 were suspicious?

3 A. That was something that we both came to terms
4 on. It wasn't just really him coming to me. It was both
5 of us.

6 Q. Suspicious of you and he having a relationship
7 beyond brother and sister?

8 A. Right.

9 Q. You tell Detective Cho that you lied to the
10 sexual assault detective because you stood up for Josh and
11 you felt bad?

12 A. That is what I said.

13 Q. Do you feel bad now?

14 A. Yeah. I feel -- I feel humiliated.

15 Q. Did you tell Detective Cho that you could
16 never do this to him? By this, discussing what happened
17 between you?

18 A. Right.

19 Q. And did you tell Detective Cho that at the
20 time of that interview in July of 2015 that you no longer
21 had feelings for Josh?

22 A. Right.

23 Q. That your feelings for him turned to hate for
24 what he did?

25 A. Yes.

1 Q. And that he had again told me he was going to
2 take my mom to court for the things I had done?

3 A. Yeah. That was very made up, but, yes.

4 Q. That was mean. That would be a mean thing to
5 do?

6 A. I said that was made up, but, yes.

7 Q. Did you think your mom deserved to be sent to
8 court for any of the things you'd done?

9 A. Any of the things that she had done?

10 Q. No, that you had done?

11 A. That I had done?

12 Q. Yeah.

13 A. No. My mom should have no involvement with
14 this.

15 Q. But you told Detective Cho that the thought of
16 your mom having to go to court over what you had done made
17 you nervous?

18 A. Yes.

19 Q. And your feelings toward the Defendant, Josh
20 Honea, turned to hate in Minnesota and what he did to you
21 was disgusting?

22 A. That is what I said.

23 Q. That's what we watched on the video last
24 week?

25 A. Yes.

1 Q. You tell her the dates you were in Minnesota
2 that summer of 2015, correct?

3 A. Yes.

4 Q. You told her that you realized while you were
5 there somebody needed to know the truth?

6 A. Yes.

7 Q. And that for a long time you were okay with
8 it?

9 A. Yes.

10 Q. Then you told her that you weren't mature
11 enough before to understand?

12 A. Yes.

13 Q. And you thought it was normal and just your
14 life?

15 A. Right.

16 Q. That you in July or on July 22, 2015 you were
17 not okay with it. And you did not have a boyfriend.

18 A. Right.

19 Q. And you told Detective Cho that the last sex
20 you had with Joshua Honea was in December of 2014,
21 correct, about 7 months before your interview?

22 A. That is what I said.

23 Q. You tell Detective Cho after the last sex you
24 argued a lot in January, February. And you might have
25 still had sex a couple times a week?

1 A. Yeah.

2 Q. You told her what you thought should happen to
3 him, correct?

4 A. Right.

5 Q. You told her you thought he should go to
6 jail?

7 A. Right.

8 Q. Then you also told her you weren't sure if you
9 wanted to tell, because you weren't sure you felt that
10 that is what he deserved?

11 A. That is what I said.

12 Q. So if you're trying to get him in trouble why
13 are you hesitating in your comments to her?

14 A. I'm trying to think of stuff to say as I'm
15 saying the answers to her. That's why when I'm going
16 through this and following with you, I'm making the
17 expression I am because it's very -- just a lot of stuff I
18 said is very interesting. How I stuttered about saying
19 certain things.

20 Q. How you are stuttering now or during the
21 interview?

22 A. In the interview.

23 Q. You then tell here that it came to a point in
24 your mind that's what he served?

25 A. Yes.

1 Q. You tell her he damn well knew that he should
2 not be flitting with an 11 year old and that he wasn't
3 supposed to be doing anything with an 11 year old?

4 A. That's what I said.

5 Q. That's what you said to her?

6 A. That's what I said.

7 Q. It took you since February of 2015 up to July
8 to accept telling her is what you should do?

9 A. Took a short time.

10 Q. You expressed your fear to her, what if Josh
11 did it to someone else?

12 A. Yes.

13 Q. That you would not be able to live with
14 yourself?

15 A. Right.

16 Q. That you came to the point where you needed to
17 say something?

18 A. Right.

19 Q. You brought items with you to that
20 interview?

21 A. Yes, I did.

22 Q. What did you bring?

23 A. I brought a photo album of trips me and Josh
24 made. And that was it.

25 MS. KOLLINS: May I approach the witness.

1 THE COURT: You may.

2 BY MS. KOLLINS:

3 Q. Showing Ms. Savage what's previously marked as
4 76 A and A. Is showed it to Mr. MaCarthur as it was
5 brought in the courtroom and deposited by Detective
6 Dicaro.

7 Showing you an evidence bag. Do you have any
8 reason to disbelieve it contains a photo album that you
9 gave to Metro?

10 A. No.

11 Q. I'm going to open it up and take a look at it.

12 THE COURT: Just for the record, the reason we
13 open it up the way that it is because there is a seal that
14 was placed on this evidence at the top. I assume there
15 will be testimony with regard to that forthcoming, but to
16 open it on the side allows the item to be opened without
17 that seal being broken.

18 MS. KOLLINS: Additionally, your Honor, I
19 wouldn't assume there would be a chain of custody issue
20 because it's not chemical or subject to testing. I can
21 connect the foundation up later with detectives at
22 impound, but in order to get it out in keep with the
23 testimony and moving on we'll open it and connect that
24 later.

25 MR. MACARTHUR: We'll waive any defect with the

1 evidence chain.

2 THE COURT: I don't anticipate any issue.

3 The contents will be marked now that it has been
4 removed.

5 MS. KOLLINS: I made the record earlier that it
6 was 76. We'll put the sticker on there for the clerk, if
7 she would like me to take it over there.

8 For the record, it's on the bottom right of the last
9 page.

10 THE COURT: Okay.

11 MS. KOLLINS: Flip to the last page, bottom
12 right.

13 BY MS. KOLLINS:

14 Q. Have you been through it?

15 A. Yes.

16 Q. Does it fairly and accurately depict what you
17 turned over to detectives, you'd brought with you to your
18 interview on July 22, 2015?

19 A. Yes.

20 MS. KOLLINS: Permission to publish.

21 THE COURT: You may.

22 BY MS. KOLLINS:

23 Q. So this is the cover, correct, Morgan. What
24 do we see there?

25 A. It's me and Josh.

1 Q. How old were you in this picture?

2 A. I don't remember exactly.

3 Q. Then page one.

4 A. Yes.

5 Q. Is that your handwriting?

6 A. Yes.

7 Q. What does it say?

8 A. Each heaviness yesterday is a memory for
9 tomorrow.

10 Q. Within this photo album is there anyone else
11 in here but primarily you and Joshua. Or is this family
12 pictures of everyone or just you and Josh?

13 A. It's me and Joshua. There may be a couple of
14 people from a couple of things that happened.

15 Q. But mostly you and Josh?

16 A. Right.

17 Q. So flipping to page 1. Who is in that
18 picture?

19 A. Me and Josh.

20 Q. Where and when was that taken?

21 A. That was taken at the top of Mandalay Bay in
22 2012.

23 Q. Was that for your birthday?

24 A. I don't remember.

25 Q. Can you see the description on the bottom of

1 the page?

2 A. That was for a different picture that I don't
3 believe I placed there. Everything in one of those boxes
4 is either not the right picture or it has the right
5 picture with it. But if the picture is not there, I don't
6 have it.

7 Q. Showing you the next page. What is at the
8 top?

9 A. That's a picture of me and Josh.

10 Q. Where?

11 A. In Laughlin on vacation with my family in
12 February 2013.

13 Q. How about the bottom?

14 A. That was in Carl's Bad, California December
15 2014.

16 Q. And December of 2014, how old were you?

17 A. 14.

18 Q. Also Carl's Bad on the next page?

19 A. Yes.

20 Q. At the top. What about the bottom?

21 A. Yes.

22 Q. Same trip?

23 A. Same trip.

24 Q. Just you and Josh?

25 A. Yes.

1 Q. What about the photo you're looking at now?

2 A. Disneyland trip in December 2012.

3 Q. And what about the bottom?

4 A. Those are parking tickets we got.

5 Q. Same trip?

6 A. Yes.

7 Q. Just you and Josh?

8 A. Just me and Josh.

9 Q. Can you see those more?

10 A. I can see them, yeah.

11 Q. What is at the top?

12 A. It's Shark Reef for my birthday in 2012. And
13 the dolphin exhibit ticket that was for the dolphin
14 exhibit.

15 Q. So the Shark Reef exhibit June 30, 2012,
16 that's your 13th birthday?

17 A. Yes.

18 Q. That was at Mandalay?

19 A. Correct.

20 Q. But this picture of Mandalay Bay with the 13th
21 birthday destination on the other picture, is that not the
22 same night at Mandalay Bay?

23 A. There may be a mix up on the dates. I do
24 remember when I was first going through this album with my
25 first court date I was a little mixed up on the dates. So

1 I don't believe that was my birthday. I could be wrong.
2 I don't remember exactly.

3 Q. Okay.

4 But you were at the Mandalay Bay at the Shark Reef
5 on June 30, 2012?

6 A. Yes.

7 Q. The dolphin exhibit 5/4/13, those tickets?

8 A. Yes.

9 Q. 5/4 is Joshua's birthday?

10 A. Correct.

11 Q. Do you know how old he turned on May 4,
12 2013?

13 A. Top of my head, no.

14 Q. What is at the bottom?

15 A. At the bottom is -- that is a ticket to a
16 different show.

17 Q. That was August 2013?

18 A. Yes.

19 Q. The tickets at the top of that the page to
20 Country Feast?

21 A. Yes.

22 Q. When was that?

23 A. August 10, 2013. We were also with my
24 mother.

25 Q. Okay. But not at Shark Reef or the dolphin

1 exhibit?

2 A. No, yeah. I believe that was --

3 Q. Not Carl's Bad or Disneyland?

4 A. No.

5 Q. Then it looks like January 14th, did you go to
6 the Stratosphere together?

7 A. Yes.

8 Q. Anybody else with you?

9 A. Nope.

10 Q. I know those are sideways. I don't know that
11 I can make these fit.

12 Do you recognize those pictures?

13 A. Yes, I do.

14 Q. What are those?

15 A. That is when we went to Mt. Charleston.

16 Q. When did you go to Mt. Charleston?

17 A. January 2014.

18 Q. Now, all of these boxes you wrote in, did you
19 write as you put the pictures in here?

20 A. Yes.

21 Q. So you didn't create this to take to Metro?
22 This is something you kept for yourself?

23 A. Right. It's an album -- I have another album
24 with Taylor like this.

25 Q. You have siblings, right?

1 A. Yes.

2 Q. Any photo albums was your blood siblings?

3 A. Yes.

4 Q. At home?

5 A. Yes.

6 Q. The next page, what are we looking at?

7 A. Valley of Fire State Park. February -- on
8 Valentine's Day.

9 Q. Valentine's Day of 2014?

10 A. Yes.

11 Q. Who went on that trip?

12 A. Me and Josh.

13 Q. Is the picture at the bottom same day, same
14 trip?

15 A. Same day, same trip.

16 Q. The next page?

17 A. Same thing, same trip for Valley of Fire.

18 Q. Okay.

19 A. Those two, as well.

20 Q. Same day, same trip?

21 A. Yes.

22 Q. No one else but you and Josh?

23 A. Yes.

24 Q. You guys taking those pictures as selfies,
25 kind of?

1 A. Yes.

2 Q. Same day, same trip?

3 A. Same day same trip.

4 Q. Next page?

5 A. Same day, same trip.

6 Q. You by yourself at the top and you by yourself
7 in the bottom sitting in the road on Valentine's Day?

8 A. Yes.

9 Q. You have this one. What is that?

10 A. That was a picture that I'd gotten from Josh.
11 I don'ts know if the dates are correct. I'm not sure. I
12 know that was one day when he was doing something with
13 Metro.

14 Q. Okay. Did he give you his ID too to put in
15 there?

16 A. I asked for it because it went along with the
17 picture.

18 Q. Probably goes in there?

19 A. For sure.

20 Q. Then that picture, recognize what is depicted
21 on this page?

22 A. Yes. That was Joshes' 21st birthday.

23 Q. Where was that taken?

24 A. BJs.

25 Q. The one on Charleston or another one?

1 A. The one on Charleston.

2 Q. May 4th, 2014?

3 A. Yes.

4 Q. Is that a cake you made him on the bottom?

5 A. Yes.

6 Q. You took it to BJs for him?

7 A. Yes.

8 Q. Did you get him a present that year?

9 A. Probably. I don't remember, but I'm sure I

10 did.

11 Q. What are we looking at there?

12 A. Same thing going on with BJs. Then the bottom

13 is with the dean secretary from Johnson.

14 Q. What is her name?

15 A. Linda.

16 Q. Do you know her last name?

17 A. Seko.

18 Q. What about this page?

19 A. That was my birthday in 2013.

20 Q. You would have been turning 14?

21 A. Right.

22 Q. Who else was at Benihana?

23 A. Nobody.

24 Q. Just you and Josh?

25 A. Yes.

1 Q. Now, this next part says -- what does that
2 say?

3 A. Joshes' 21st happy birthday card.

4 Q. I'm going to pull it out and see if that's
5 what it is?

6 A. Right.

7 Q. Does that appear to be the birthday card --
8 I'm try to flatten it out without doing anything to it --
9 that you made for Joshua?

10 A. Yes, it is.

11 Q. Why do you have it instead of Josh having
12 it?

13 A. It was part of the picture album. It went
14 with the album. So -- I mean that was just the reason why
15 I had it. He said it would be better just if I held on to
16 it in the album. He was in the process of moving when he
17 was moving from house to apartment. It was something that
18 would have been thrown away and too much effort to just
19 throw it away so I was like put it in the album.

20 Q. Do you think it would have looked good for a
21 21-year-old man to have a birthday card in his possession
22 from a 14-year-old girl?

23 A. That wasn't the mind set. It wasn't our
24 thinking.

25 Q. Was that your vision when you gave it to

1 Metro?

2 A. Yeah. Well, the album was a good thing.

3 Q. Why was it a good thing?

4 A. It was a good thing on the part of being
5 believable.

6 Q. What about the album that documents and makes
7 your story believable?

8 A. Just like if I was building a case against any
9 of my other friends I made albums for -- I would give that
10 album to them as well. Or whether it's my brother or
11 sister, like my family albums, it's something that -- it's
12 one of the very few things I had that that had any
13 documented things being together like dates of us
14 actually.

15 Q. So the reason you thought this was important
16 is -- all of these tickets to different events and these
17 photographs and different locations -- that corroborates
18 your story about being in a sexual relationship with
19 Josh?

20 A. Right.

21 Q. Showing you the next page Morgan. These pages
22 aren't numbered.

23 What do we see in there?

24 A. That was the Cher concert.

25 Q. When was that?

1 A. May 25th of 2014.

2 Q. Who went to that?

3 A. Josh and I.

4 Q. Any of his other friends?

5 A. No.

6 Q. The picture at the bottom, is that you and
7 Josh at that concert?

8 A. Correct.

9 Q. Showing you the next page with anything in it.
10 Do you recognize those pictures?

11 A. That is the same concert.

12 Q. The Cher concert May 25th of 2014?

13 A. Right.

14 Q. And what do we have there?

15 A. Those were pictures that Josh sent to me
16 through text message and I printed.

17 Q. Why is it important that they were sent
18 through text messages?

19 A. That's only because it was taken on his cell
20 phone.

21 Q. Is it important for you not to have been in
22 that vehicle when he was taking pictures?

23 A. I was never around when he did anything with
24 VPSR. I wasn't a VPSR myself. I couldn't personally go
25 to those. Honestly, I don't even know if he was doing

1 VPSR when he took those pictures. I was never involved
2 when those pictures were taken.

3 Q. Back when you were trying to get him in
4 trouble would it have gotten him in more trouble if you
5 said you were in that vehicle present when those pictures
6 were taken?

7 A. I'm not sure.

8 Q. After you discuss this photo album with
9 Detective Cho, you kind of do a run down about your sexual
10 history with Josh?

11 A. Yes, I do.

12 Q. You told her there were no picture of you and
13 him kissing, right?

14 A. Right.

15 Q. In -- that you had did not have sex when you
16 were 11, but you began having sex when you were 12?

17 A. That is what I said.

18 Q. From 12 up until you were 14 you had sex 2, 3,
19 4 times a week?

20 A. Right.

21 Q. That's what you said?

22 A. That's what I said.

23 Q. At the beginning, for the first 9 or 10 months
24 after you were 12, you had sex almost every day with
25 Josh?

1 A. Correct.

2 Q. Then he started working and it slowed down?

3 A. Right.

4 Q. So if you're trying to get him in trouble for
5 having sex with you when you were 12, how do you pick a 9
6 or 10 months? Where does that come from?

7 A. Just off the top of my head. I can't tell
8 you.

9 Q. Sorry.

10 A. It was off the top of my head. I can't tell
11 you exactly.

12 Q. Then you told Detective Cho that by the time
13 you were 14, it was 2, 3, 4 times a week.

14 I'm on page 84.

15 Is that correct?

16 A. Yes.

17 Q. It was almost the same up until you were 16?

18 A. Right.

19 Q. You told her by the end of 2014, it was once a
20 week?

21 A. Right.

22 Q. You told her that you sent pictures to each
23 other, referring to naked pictures, when you were 11 or
24 12?

25 A. Right.

1 Q. That you deleted those pictures?

2 A. Yes.

3 Q. Because what?

4 A. I was going to say because they were with
5 somebody else.

6 Q. You started saving pictures to your
7 computer?

8 A. Yes.

9 Q. You exchanged these pictures all the time?

10 A. Yes.

11 Q. One time it sounds like from, what you said,
12 that he had you leave your iPod in the dean's office
13 because he was mad at you, and you had to send him nude
14 pictures to make up for whatever the perceived wrong was
15 you did?

16 Is that the gist of what you said?

17 A. Yes. That's the gist of what I said.

18 Q. You made it sound to Detective Cho like you
19 were in some kind of trouble by your alleged boyfriend and
20 you had to send naked pictures to make up for the
21 trouble?

22 A. Yeah. I never left my iPod.

23 Q. That's what you told her?

24 A. That's what I said.

25 Q. You told her you would send nudes all the

1 time, both full and part nudes?

2 A. Yes.

3 Q. And videos of you masturbating?

4 A. Yes.

5 Q. And sometimes he send you nudes?

6 A. Yes.

7 Q. Sometimes you would have phone sex and
8 masturbate over the phone?

9 A. That's what I said.

10 Q. You told her that you felt you had had phone
11 sex?

12 A. Yes.

13 Q. That you felt so terrible that you were
14 completely -- excuse me -- that you were blinded by him?

15 A. Right.

16 Q. You brought the detective in your laptop?

17 A. Yes.

18 Q. You told her you didn't have any text messages
19 on your phone because they were deleted?

20 A. Right.

21 Q. Then you tell her something about something
22 has expired and he gave you a new one. What were you
23 talking about there?

24 I'm looking on page 88.

25 A. That was the -- I believe -- don't quote me on

1 this. I believe that was the Explorer badge from the
2 picture album.

3 Q. The badge that was in the photo album that was
4 expired?

5 A. Yeah.

6 Q. You told her that you never thought about
7 turning him in?

8 A. Right.

9 Q. But at the time -- I'm talking about at the
10 time July 22nd -- you thought you were better off without
11 him?

12 A. Yes.

13 Q. You referred again to the 21st birthday card
14 and tell her you make him birthday cards almost every
15 year?

16 A. I make everyone birthday cards.

17 Q. You make everyone birthday cards?

18 A. Yes.

19 Q. So if you make birthday cards for everyone,
20 why is it important to tell Detective Cho you specifically
21 make birthday cards for somebody?

22 A. Just a habit that I do with all birthdays. It
23 just seemed normal, just another person in my life. Just
24 like mom, friends, siblings.

25 Q. That conversation you are not trying to make

1 him look normal and just like another person, you are
2 trying to make him look like somebody who sexual offended
3 you?

4 A. Right. Like I said last week, there was a
5 mixture of me telling the truth and a mixture of me
6 lying.

7 Q. Then you talk to Detective Cho about a note
8 book that you made for Joshua where you filled in all the
9 pages and told him why you loved him?

10 A. Yeah.

11 Q. You said you threw it away?

12 A. Yeah, but I never made it. There was never a
13 note book. It was something I saw on Pentrist and add it
14 in.

15 Q. You start to talk to Detective Cho about the
16 Defendant's behavior, and you tell her that the Defendant
17 was worried about the things that would show a
18 relationship?

19 A. Right.

20 Q. And that he made you as secret as possible?

21 A. Right.

22 Q. Is that correct?

23 A. Yeah, that is what I said.

24 Q. You said, wouldn't want you walking a certain
25 closeness in public?

1 A. That's what I said.

2 Q. You also tell her Defendant was very on top of
3 being secretive?

4 A. Yes.

5 Q. That Defendant wanted you to be sexy?

6 A. Yes.

7 Q. What did you mean by that, when you said sexy.
8 What was supposed to be the implication of the Defendant
9 wanting you to be sexy in terms of getting him in
10 trouble?

11 A. I'm not sure to be honest. It doesn't make
12 sense to me.

13 Q. You said he told people that he would marry
14 you?

15 A. Yeah.

16 Q. So who are these people that were going to
17 back up your story? When you told Detective Cho, he's
18 told people he's going to marry me, who is out there that
19 is going to back up and perpetuate this story?

20 A. There was nobody, I don't believe.

21 Q. Kind of a flaw in your logic?

22 A. Yeah.

23 Q. You said he told officers that, that he used
24 to hang around with?

25 A. I guess that's what I said. I don't --

1 Q. Referring to page 90. Review it to yourself.

2 A. I seen it. I'm not sure if he really did say
3 that.

4 Q. Weren't you worried when you told Detective
5 Cho that that people could verify that information and
6 that would be a flaw in the plan?

7 A. I didn't think about it.

8 Q. But you had everything else lined up from the
9 time you were 11, 14, 15?

10 A. Yeah.

11 Q. You told Detective Cho that the Defendant's
12 friends knew how old you were?

13 A. Yes.

14 Q. Did you tell Detective Cho that after the
15 Defendant was interviewed at Metro that he called you in
16 an emergency call through school?

17 Page 92.

18 A. I guess so, yes.

19 Q. Did he call you?

20 A. No.

21 Q. Did he call Renee and have Renee call you to
22 the office and get you out of class?

23 A. I don't remember. That's something I don't
24 remember.

25 Q. Okay.

1 A. No. I see here it says that when he did call
2 that she referred the message, the gang unit wants to
3 terminate him. I remember him telling me that himself.

4 Q. But what I was asking about was the phone call
5 from Joshua that you tell Detective Cho took place. You
6 don't remember that phone call?

7 A. I don't remember that phone call, no.

8 Q. Did you tell Detective Cho that you promised
9 him you would never say anything?

10 A. Yes.

11 Q. Did you tell Detective Cho that Joshua knew
12 you were the only person that would ever say anything.
13 And that he trusted you.

14 A. Yeah.

15 Q. Is that yes?

16 A. Yes.

17 Q. And you told Detective Cho that emergency call
18 happened in May. Remember that?

19 I'm looking at 95.

20 A. That's what I said, yes.

21 Q. You told Detective Cho that all of those
22 vacations you took you slept in the same bed and the
23 Defendant paid?

24 A. Yes.

25 Q. The Disneyland, Carl's Bad, San Diego Zoo all

1 those?

2 A. Yeah.

3 Q. You said that the Disney Hotel was a Holiday
4 Inn or Hilton?

5 A. Yes.

6 Q. Did it cause you concern to think that there
7 might be hotel bills out there for any of these stays?

8 A. No. It doesn't cause me concern.

9 Q. Did it cause you concern when you were telling
10 Detective Cho?

11 A. No.

12 Q. When you talked to her about Disneyland, did
13 you let her know that that was only supposed to be a day
14 trip you weren't supposed to stay?

15 A. Yes.

16 Q. And that Josh got sick and you ended up
17 staying over at the hotel?

18 A. Yes.

19 Q. Did you tell her at Carl's Bad you stayed at a
20 Hilton?

21 A. Yes.

22 Q. And that hotel was right across from the beach
23 and that matched up to the beach pictures we matched up in
24 the album?

25 A. Yes.

1 Q. You told her that you went to Cher and you
2 took out a few pictures from that album?

3 A. Yes.

4 Q. That album was suppose to be an album for the
5 rest of your life?

6 A. I guess so, yeah.

7 Q. Page 100.

8 A. Sorry Yes.

9 Q. You told her that you had tried all sex
10 positions with him?

11 A. Right.

12 Q. You mention, because Detective Cho asks you if
13 anything in public ever happens. The only thing you talk
14 to her about is having your leg rubbed one time in the
15 dean's office, right?

16 A. Yeah.

17 Q. Then you kind of change the conversation to a
18 promise ring is that right?

19 A. Right.

20 Q. You change the conversation to a promise ring;
21 is that right?

22 A. Right.

23 Q. You have your mom's wedding band from your
24 dad?

25 A. Yes.

1 Q. And your parents are divorced, right?

2 A. Right.

3 Q. Did your mom give you that wedding band?

4 A. She did.

5 Q. Did you give it to Joshua?

6 A. For safekeeping, yes.

7 Q. When did you give it to Josh for
8 safekeeping?

9 A. I don't remember the time period.

10 Q. Why would you give it to Josh for
11 safekeeping?

12 A. Because Josh was more responsible with holding
13 on to things than I was.

14 Q. You told Detective Cho that you took a picture
15 of it on your finger on December 26th, 2013?

16 A. I suppose I did.

17 Q. Is that, yes?

18 A. Yes.

19 Q. And that he'd given it back to you as a
20 promise ring to get married?

21 A. Right.

22 Q. Then you move on to a discussion about his
23 genitals; is that right?

24 A. Yes.

25 Q. Tell me how you described his penis to

1 Detective Cho?

2 A. I said that he shaved. Not long but thick,
3 very thick, circumcised, mole.

4 Q. What did you say about the mole?

5 A. I said he had a mole on the bottom of the
6 shaft.

7 Q. That he has a mole on his penis on the
8 bottom?

9 A. Yeah -- or the head, by the head, or on the
10 bottom. I said a bunch of stuff here.

11 Q. I'm asking how you described his penis. I
12 know you said a bunch of stuff. I appreciate that.

13 So you said he was circumcised; is that right?

14 A. Yes.

15 Q. Not long but thick?

16 A. Right.

17 Q. And he was shaved?

18 A. Right.

19 Q. And that he has a mole on his penis on the
20 bottom, maybe near the shaft. Sound about right?

21 A. Right.

22 Q. As of July 22nd, 2015, had you seen Joshes'
23 penis?

24 A. No.

25 Q. Because you wouldn't look at the penis of a

1 sibling, right?

2 A. No.

3 MS. KOLLINS: Approach the witness.

4 THE COURT: Yes.

5 BY MS. KOLLINS:

6 Q. Do you recognize that?

7 A. No.

8 Q. Do you know whose penis that is?

9 A. Yes.

10 Q. How do you recognize that?

11 A. That's --

12 Q. Do you know whose penis it is?

13 A. A dude I talk to in San Francisco when I was
14 speaking to him in 20 -- I'm not sure what year. But I
15 used to go on vacation to San Francisco, aside from
16 Minnesota.

17 Q. If I don't know who that is, how do you think
18 I got a picture of Gustavo's -- whoever it is -- penis?

19 A. Pulled up through text message.

20 Q. Do you see a mole on that penis?

21 A. Vaguely.

22 Q. Vaguely you see a mole on that penis?

23 A. Yes.

24 Q. Did you go on to describe the kind of
25 underwear Josh wore?

1 A. Yeah.

2 Q. What kind of underwear did you say he wore?

3 A. He liked to wear tight compression boxers or
4 boxer briefs that were tight compression.

5 Q. What brand?

6 A. Adidas. I think that's what I said.

7 Q. Did you see Joshua in his underwear?

8 A. No.

9 Q. How do you know that's what he wore?

10 A. When I would go to his house obviously there
11 is dirty laundry.

12 Q. You saw them in the laundry?

13 A. I helped fold his laundry.

14 MS. KOLLINS: Showing defense counsel 41, 42,
15 and 43. May I approach.

16 THE COURT: You may.

17 BY MS. KOLLINS:

18 Q. Showing you State's 41, 42, and 43.

19 Do you recognize those photographs generally?

20 A. They look like general photographs.

21 Q. When you say compression Adidas boxer briefs,
22 is that what you're referring to? What's depicted in
23 there?

24 A. I believe so, yes. If there is anything
25 different it's how the Adidas is printed on the strap of

1 the waist.

2 Q. You can't say who those are, but you recognize
3 that brand and that kind of --

4 A. Yeah.

5 Q. So when were you describing Joshua's underwear
6 to Detective Cho, was that what you had in mind or
7 something different?

8 A. Something different.

9 Q. How different?

10 A. Just the strap and how it was printed on, the
11 Adidas print.

12 Q. So the printing on the strap was different,
13 although you never saw them on Josh, right?

14 A. Right.

15 Q. Very briefly Morgan, just for a sense of
16 completeness with your photo album.

17 Court's indulgence, please.

18 THE COURT: Yes.

19 MS. KOLLINS: Approach the witness with State's
20 3 through 26, inclusive of State's 46 and 47. May I
21 approach with 46 and 47 while Mr. MacArthur reviews the
22 balance of those.

23 THE COURT: Yes.

24 MS. KOLLINS: Thank you.

25 BY MS. KOLLINS:

1 Q. Morgan, do you recognize State's 46 and 47?

2 A. Yes.

3 Q. How do you recognize what's depicted in those
4 photographs?

5 A. That is Joshes' new truck he'd gotten.

6 Q. When did he get that truck?

7 A. I can't say exact timing. I don't remember
8 exactly.

9 Q. Both photographs fairly and accurately depict
10 his truck as it was at least the last time you saw it?

11 A. Yes.

12 Q. Ever ride in that truck?

13 A. Yes.

14 MS. KOLLINS: State moves for admission of 46
15 and 47.

16 MR. MACARTHUR: No objection to 46 and 47.

17 THE COURT: State's 46 and 47 will be admitted.
18 You may publish as needed.

19 MS. KOLLINS: Morgan, we've already gone through
20 your photo album, but these just to be complete, are
21 photographs of the photographs in your photo album.
22 Lawyers do everything twice.

23 So I'm going to ask you to look through 3 through 26
24 and see if you recognize those as pictures we just went
25 through from your photo album.

1 MR. MACARTHUR: I'll stipulate to the admission
2 of those photos to save time.

3 THE COURT: We'll admit them. The range of
4 numbers again, Ms. Kollins.

5 MS. KOLLINS: 3 through 26.

6 THE COURT: 3 through 26 are admitted.

7 MS. KOLLINS: Permission to approach.

8 THE COURT: Please.

9 MS. KOLLINS: You can put that away and give
10 yourself room, if you like.

11 Showing you State's Exhibit 68, you recognize that.

12 THE WITNESS: Yes.

13 MS. KOLLINS: What is depicted in State's 68.

14 THE WITNESS: A note I wrote to Joshua to his
15 attorneys.

16 MS. KOLLINS: Who are his attorneys.

17 MR. MACARTHUR: I'm sorry. I don't remember
18 your name, but the lady with the pretty black hair.

19 MS. KOLLINS: Record reflect she identified Ms.
20 McNeill.

21 THE COURT: Record will so reflect.

22 MS. KOLLINS: That meeting took place in Clark
23 County Detention Center.

24 THE WITNESS: Correct.

25 MS. KOLLINS: that was a note you wrote to Mr.

1 MacArthur to deliver to Joshua.

2 THE WITNESS: Yes.

3 MS. KOLLINS: Looks like your handwriting and
4 nothing is altered on it.

5 THE WITNESS: No.

6 MS. KOLLINS: Move for admission of 68.
7 Permission to publish.

8 MR. MACARTHUR: Court's indulgence.

9 THE COURT: Yes.

10 MR. MACARTHUR: No objection.

11 THE COURT: 68 will be admitted publish.

12 BY MS. KOLLINS:

13 Q. Can you see that?

14 A. Yes.

15 Q. So what did you have to say to Ms. McNeill and
16 Mr. MacArthur to pass to Josh on, when was that, last
17 Tuesday night?

18 A. Yes.

19 Q. Tell us what that says?

20 A. This is not a position I believe you deserve
21 to be in. The DA to the case had a lot to do with
22 convincing me you were a predator and me a victim. Our
23 relationship has been like any other relationship,
24 forgetting the legal age parts. I'm sorry for ever
25 placing you with this huge burden on your shoulders.

1 You're amazing and unique soul that will hopefully get out
2 of this nightmare.

3 Q. When you talk about forgetting the legal age
4 part, what does that mean?

5 A. Because of everything going on in court, how
6 it's all being brought about because of the under age.
7 When I was speaking about the DA, just -- I don't know how
8 to explain. But the legal age part that has to do with
9 this whole case.

10 Q. Because were you 11 and he was 18?

11 A. Right. Everything and how it's trying to be
12 placed on him.

13 Q. Because he was always 7 years older than
14 you?

15 A. 6, I believe.

16 Q. June of 2011 you turned 12, right?

17 A. Yes.

18 Q. So --

19 A. June 2011 I was 12.

20 Q. June 30th 2011, you turned 12?

21 A. Yes.

22 Q. 6 years and a couple months?

23 A. Right.

24 Q. You said the DA has a lot to do with this.
25 What do you mean by that?

1 A. Because the part that you guys play is trying
2 to convince the jury of there being sexual activity that
3 took place.

4 Q. So that's my role?

5 A. Right.

6 Q. Are you apologizing to Josh in that note for
7 talking and coming to court and all the things you
8 participated in before?

9 A. Yeah. Apologizing for putting him through
10 something that potentially might run his life.

11 Q. In that conversation with Mr. McNeill and Mr.
12 MacArthur were you given any documents to review?

13 A. No.

14 Q. Were you given anything else to take notes
15 with or on that you did?

16 A. No.

17 Q. You met with my investigator the same day -- a
18 couple of investigators the same day?

19 A. Right.

20 Q. Earlier in the day. Did you tell Mr. Gross
21 that you wanted to change your story?

22 A. No. I basically was telling him how much I
23 hated being in here because I was detoxing.

24 Q. A lot of people hate being in jail?

25 A. Yeah. But I understood why.

1 Q. Why were you there?

2 A. I wasn't complying with meetings. I didn't
3 want to follow through on this to begin with. Towards the
4 end here, now, so that I kind of screwed off a couple of
5 the meetings with you guys.

6 Q. More than a couple?

7 A. Yeah.

8 Q. So don't you think instead of screwing off
9 those meetings, it would have been easier to come in and
10 say I lied about everything instead of going through
11 this?

12 A. Much, much easier.

13 Q. When you told Ms. McNeill and Mr. MacArthur
14 that this all was now a lie, were you given the perimeters
15 of punishment for Josh?

16 A. No.

17 Q. Did you say in a hearing the other day you
18 knew perimeters of punishment for Joshua?

19 A. I know of them, yes.

20 Q. Was punishment discussed with you?

21 A. No.

22 Q. Between around the noon hour to about 7:00
23 p.m., last Tuesday, what prompted you to tell Mr. McNeill
24 and Mr. MacArthur that this was a lie?

25 A. It's not that anything prompted me. It's

1 simply being in front of the ones that are defending the
2 person that deserves justice. It kind of -- I had finally
3 come to my truth with wanting to tell the truth and
4 wanting to -- it's been years now -- couple of years now.
5 I'm 18 now. I went through this time and being in front
6 of them, I don't know what it was about then that
7 triggered me, it was something about them that I know they
8 were supporting the one who is innocent so I decided to go
9 again and give them my truth. And know that they were
10 going to be the best ones to help.

11 Q. So the last time you and I were in court, save
12 and except the last few days, was back in September 2015.

13 Do you remember that?

14 A. Right.

15 Q. You came in there and testified?

16 A. Right.

17 Q. We were intermittently in touch after that?

18 A. Right.

19 Q. From September 2015, through last Tuesday,
20 which was November 27th, maybe, 2015, you'd never told me
21 nor one of my investigators that everything that we've
22 been through was a lie?

23 A. Right. I had minimal contact with you.

24 Q. When Mr. MacArthur appeared and Ms. McNeill
25 came to see you, did they have a recording device?

1 A. I don't believe so.

2 Q. Did they have a third party with them?

3 A. No.

4 Q. Tell me everything you talked about?

5 A. They just asked me how I was feeling about
6 this. I believe they wanted to make sure that I -- that
7 how I was feeling. I'm not -- I don't really remember to
8 be honest, except toward the end, is there anything you
9 would like us to relay to Joshua as far as -- that's when
10 I wrote that letter. They took notes on some of the
11 things that we were talking about, but I don't remember
12 what the notes were. I'm sorry for -- sort-term memory.

13 Q. What were the topics of the short-term
14 conversation?

15 A. I don't -- if I could remember being present
16 with them, I would be able to elaborate, but otherwise I
17 don't remember.

18 Q. Okay.

19 Did those -- did you review those notes to see
20 whether or not Mr. MacArthur and Ms. McNeill were taking
21 down verbatim what you were saying, or did you get to look
22 at those notes while you were in there?

23 A. I got to look at the notes toward the end. He
24 says is there anything on here that have reminded what he
25 said -- written down was paraphrased. But if it was

1 inaccurate to let him know. If everything he wrote was
2 not accurate and paraphrased or what I said.

3 Q. But you don't remember what that was as you
4 sit here today?

5 A. Right.

6 Q. Did you discuss defense strategies?

7 A. No, I don't think so. No.

8 Q. Did you discuss Las Vegas Metropolitan Police
9 Department and any investigation in this case that may
10 have transpired?

11 A. No.

12 Q. Did you discuss internal affairs?

13 A. No.

14 MS. KOLLINS: Court's indulgence.

15 THE COURT: Yes.

16 Is this a good time to take a break.

17 MS. KOLLINS: This is a good time.

18 THE COURT: Let's take 15 minutes. So that will
19 take us to about -- let's give you 20 minutes. Let's go
20 till 3:30. See you back here at 3:30.

21 JURY ADMONITION

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

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

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

9 THE COURT: All right. I made the break a
10 little longer because I overheard Ms. Savage ask her
11 counsel if she can have a break. You said to have lunch.
12 I don't know if the officer has that box lunch or
13 something there. Is there anything we can do to obtain
14 something for her.

15 THE OFFICER: She had lunch at 9:00 o'clock.

16 THE COURT: It's 3:10.

17 THE OFFICER: Dinner hasn't been served yet.

18 THE COURT: Where will she remain on break till
19 3:30, in the holding area.

20 THE OFFICER: Yes.

21 THE COURT: If you can have Ms. Savage go.

22 I wanted to see if there something we can give
23 her to eat. I can't have her not being able to be awake
24 and active in this testimony. I had a whole discussion on
25 Friday with the NAFCARE people and with transport people

1 about how we were going to triage this and there was never
2 any mention she'd only be able to eat at 9:00. She wasn't
3 supposed to be over here till closer to the afternoon.

4 THE OFFICER: She wasn't.

5 THE COURT: There has to be an opportunity to
6 give her lunch. I don't want to do it and run afoul of
7 you.

8 THE OFFICER: I'm not taking responsibility for
9 any of that. If you want to take responsibility.

10 THE COURT: I'm not going to take
11 responsibility.

12 THE OFFICER: If she is allergic to something.
13 I'll canvass her on that.

14 THE COURT: If you can take care of that, I'd
15 appreciate it.

16 MS. KOLLINS: Your Honor, so we don't keep the
17 jury waiting, I know the court expressed concern about how
18 long -- you wanted to know how long we are going to be. I
19 thought perhaps in the interest of time since the court
20 obviously -- Ms. Savage has already denied everything
21 categorically I can read her prelim questions and read the
22 prelim answer. When I need to stop, I can stop. I told
23 Mr. MacArthur where I'd stop and if there was something
24 that needs additional inquiry, to do that, but -- I will
25 not read the cross-examination. I'm just going to do

1 direct. If there is any information out of that, I'm not
2 going to forego that today.

3 THE COURT: Mr. MacArthur.

4 MR. MACARTHUR: 179 appears to be where the
5 redirect ends.

6 MS. KOLLINS: 179 is where the cross ends.

7 MS. PANDULLO: Well, I suppose it wouldn't be of
8 great benefit. That's the bulk of the preliminary
9 transcript.

10 MS. KOLLINS: There is a lot of material at the
11 beginning there is --

12 MS. PANDULLO: I'll leave entire stack with
13 her.

14 MS. KOLLINS: I can continue in the same fashion
15 I'm doing.

16 THE COURT: No. No. Pick a page and show me
17 what this looks like.

18 MS. KOLLINS: Page 53, By Ms. Kollins. My
19 question, line 7.

20 To give you a place to look at, I'm not going to say
21 that every time, before you turned 14, did you take any
22 trips with Josh.

23 A. Before 14, yes.

24 Q. Where did you go?

25 A. We went to Disneyland.

1 Q. How old were you when you went to
2 Disneyland?

3 A. I want to say Disneyland was at Christmas, so
4 I would have been 14.

5 Q. You would have been 14?

6 A. Yes.

7 Q. When you went to Disneyland -- sorry -- who
8 went to Disneyland with you and Joshua?

9 A. Just me and Josh.

10 Q. Did your mom know you were going to
11 Disneyland?

12 A. Yes.

13 THE COURT: Somewhere in there, if you needed to
14 step back and ask a question about that line of testimony,
15 you would insert the question. If she has -- I mean, we
16 understand that everything in there categorically she says
17 is not true.

18 THE COURT: You said you'll set that up.

19 MS. KOLLINS: I thought it was more efficient
20 then doing what we've been doing.

21 THE COURT: I'm open to trying that. We'll see
22 how it goes. The only thing I will remind you, because I
23 have had this discussion a couple of times, is that when
24 we read we tend to read faster than we speak. So keep in
25 mind the reporter. Also because it will be right in front

1 of you reading, kind of like you just did, there is a
2 difference -- I'll go off the record, because it's not
3 necessary it be on the record.

4 (Off the record.)

5 THE COURT: Ms. Savage, first can I just confirm
6 that you were provided a snack consisting of an unopened
7 package of some cheese cubes and nuts and fruit --

8 THE WITNESS: Correct.

9 THE COURT: -- during break.

10 Because dinner is not yet to be served, the 9:00
11 a.m. meal was lunch. The breakfast was early morning
12 hours, based on where you are housed. The other thing I
13 wanted to advise you I had my staff reach out to same
14 NAFCARE representatives that we spoke with on Friday. For
15 the record the person my staff communicated with was
16 Kendra Schultz, identified as the administer for NAFCARE
17 for the jail. And the indication that was given was that
18 you did receive all of the medications that were
19 prescribed to you this morning, including Librium for
20 anxiety. What occurred is an additional prescription for
21 something called Vistaril, also for anxiety was just added
22 today, but wasn't available this morning. That however
23 the Vistaril for anxiety, Zofran for nausea, the Phenergan
24 for nausea, and Cyclonamine to the extent you have
25 gastrointestinal spasms are all medications that nor not

1 automatically going to be given to you. They are only
2 going to be given to you if you requesting them.

3 THE WITNESS: Okay.

4 THE COURT: I wanted to clarify those
5 circumstances.

6 THE WITNESS: Thank you.

7 THE COURT: Is there anything else before we get
8 started.

9 MR. MACARTHUR: No, your Honor.

10 THE COURT: One last thing my clerk is reminding
11 me. When we put the label on the photo album that came
12 out of the exhibit bag, we might want to return it to the
13 exhibit bag when we're done, is just a proposed exhibit.
14 It hasn't been admitted. Are you moving to admit it.

15 MS. KOLLINS: That is true because I didn't lay
16 the foundation for the exterior bag, which I will with the
17 detective. So it's just a proposed.

18 THE COURT: All right. Let's get the jury.

19 Make sure your cell phones are silenced if you
20 used them on the break. We did want to get started at
21 3:30, but we had things to take care of some things. I
22 apologize to the jury in that regard.

23 I want to advise the jurors how we are going to
24 proceed with the questioning at that point time.

25 Ms. Kollins will give the details on this, but it is going

1 to be different then how we proceeded previously in terms
2 of the document that the witness is referring to. And the
3 parties have all discussed and agreed to do it this way.
4 I wanted to let you know.

5 Go ahead, Ms. Kollins.

6 MS. KOLLINS: Thank you, very much. I have just
7 a couple more questions for Ms. Savage on the last
8 topic.

9 BY MS. KOLLINS:

10 Q. Just so I understand, everything that you told
11 Mr. McNeill and Mr. MacArthur you read what they wrote
12 down?

13 A. Yes.

14 Q. Were those your words or was that paraphrased
15 of what you said?

16 A. Both. Mixture of both.

17 Q. Both. Okay. Do you after specific
18 recollection of what your words were as you sit there
19 today?

20 A. No.

21 Q. Between the time that you told detectives over
22 the phone -- remember talking to the detective over the
23 phone?

24 A. Yes, vaguely.

25 Q. You told him nothing happened?

1 A. Right.

2 Q. Then when you went in for the interview that
3 time between there?

4 A. Yes.

5 Q. Did you have discussions with Kevin Zafiris
6 about Joshua?

7 A. No.

8 Q. Did you have discussions with a Sergeant Jeff
9 Clark about Joshua?

10 A. No.

11 Q. How about a detective Zack Marsh about
12 Joshua?

13 A. No.

14 Q. How about with Officer Wirey?

15 A. No.

16 Q. Okay. So you didn't have any contact with any
17 of the people that you knew was associated with Joshua
18 while he was an Explorer or volunteer patrol service
19 representative or a part-time being with Metro?

20 A. I didn't.

21 Q. No contact with any of those people?

22 A. No.

23 Q. Were you every urged by any of those people to
24 make a report?

25 A. No.

1 Q. Okay. Did your mom send you to counseling for
2 victim of sex abuse?

3 A. Yes.

4 Q. Was that here in Las Vegas?

5 A. No.

6 Q. Was that in Minnesota?

7 A. Yes.

8 Q. You moved to Minnesota, you told us yesterday,
9 or not yesterday about last week for about 6 months?

10 A. Right.

11 Q. You went to sex abuse victim counseling in
12 Minnesota?

13 A. Right.

14 Q. How many sessions do you go to?

15 A. I had weekly sessions for about 3 months.

16 Q. So once a week, like 12 sessions -- ish, 3
17 times 4 is 12?

18 A. Yeah.

19 Q. About that?

20 A. Yeah.

21 Q. Did you talk about the things that you talked
22 to Detective Cho about?

23 A. No, actually. What I talked to her about was
24 my whole living situation and moving and just -- it was
25 very different from what was actually talked about with

1 Detective Cho.

2 Q. So -- but it was designed to be for a victim
3 of sex abuse?

4 A. Yeah.

5 Q. Do you know if that is what your mom thought
6 she was paying for with her insurance?

7 A. Yeah.

8 Q. It is what she thought she was paying for?

9 A. Yes.

10 Q. Morgan, you remember you testified at a
11 previous proceeding?

12 A. Correct.

13 Q. September 15th of 2015?

14 A. Right.

15 Q. So just shy of 2 months after you went to
16 Detective Cho?

17 A. Right.

18 Q. I provided you a copy of that whole
19 transcript?

20 A. Right.

21 Q. It was myself asking you questions in that
22 hearing?

23 A. Right.

24 Q. You have a copy of that transcript in front of
25 you?

1 A. Yes, I do.

2 MS. KOLLINS: May I approach the witness.

3 THE COURT: You may.

4 BY MS. KOLLINS:

5 Q. Morgan, I'm showing you what has been marked
6 as admitted as State's 67. It appears to be the same big
7 fat document you have in front of you?

8 A. Yes.

9 Q. Okay. And yours ends with the index on page
10 205, sounds about right?

11 A. Yeah.

12 Q. You believe you have all those pages?

13 A. I believe so.

14 Q. Okay. Permission to publish the front cover,
15 your Honor?

16 THE COURT: Yes.

17 MY MS. KOLLINS:

18 Q. Morgan, that looks like the front page of the
19 document we're discussing?

20 A. Yes.

21 Q. Reporter's transcript of the proceedings that
22 we were previously in, right?

23 A. Right.

24 Q. And in that hearing you put your hand up, just
25 like you did in here, and promised to tell the truth,

1 right?

2 A. Yes, I did.

3 Q. Then you and I had a discussion for several
4 hours, is that right, on the record?

5 A. Several.

6 Q. A long time, right?

7 A. Yes.

8 Q. You testified to the events, at least as how
9 you were portraying them in 2015?

10 A. Right.

11 Q. We talked about your ages at different places
12 and different sex conduct that happened?

13 A. Right.

14 Q. Now, today -- well, and last week too, I guess
15 you are categorically denying everything you said at the
16 prelim?

17 A. Yes.

18 Q. We discussed, outside the jury's presence --

19 MR. MACARTHUR: Sorry for the delay. Objection
20 to misstate her testimony.

21 THE COURT: I think the question was asked and
22 answered. There can be clarification given for
23 questioning if necessary.

24 BY MS. KOLLINS:

25 Q. Let me ask it this way. When you testified to

1 the sex between you and Joshua from the time that you were
2 12 years old to the time in January -- December '14 to
3 January of '15, you now say today that that is not
4 accurate?

5 A. Correct.

6 Q. So you are, I guess my word, disavowing what
7 you told that justice of the peace back in September of
8 2015?

9 A. Yes.

10 Q. So we had a discussion about how to proceed
11 with this in a faster manner, did we not?

12 A. Yes.

13 Q. I'm going to read the questions I posed to you
14 back in September 2015, and you're going to read those
15 answers back.

16 If we have something that we need to discuss
17 further, then we're going to open that up for discussion;
18 is that fair.

19 A. Yes.

20 Q. Understanding that you are not subscribing to
21 what you previous said, can we continues in that manner
22 just for now, so we can try to get some of this
23 information to the ladies and gentlemen?

24 A. Yes.

25 Q. Okay.

1 Your direct examination begins on page 14 -- sorry
2 15 of that transcript.

3 Are you with me on that page?

4 A. Yes, I am.

5 Q. I asked you good morning. I'll start by
6 reading my statement. You can respond with your response.
7 Please feel free to give me any qualifications you need
8 to.

9 Okay.

10 Q. Good morning, Morgan. What's your middle
11 name?

12 A. Ashley.

13 Q. Morgan Ashley Savage?

14 A. Yes.

15 Q. How old are you, Morgan?

16 A. 16.

17 Q. I asked to approach. When was your
18 birthday?

19 A. June 30, 1999.

20 Q. How old are you today?

21 A. 16.

22 Q. What grade are you in?

23 A. 11th.

24 Q. Do you know Joshua Honea?

25 A. Yes, I do.

1 Q. Do you see him in court today?

2 A. Yes, I do.

3 Q. Where is he seated and what is he wearing?

4 A. He's seated on the left side of the courtroom
5 and he's wearing a navy blue shirt.

6 Q. I ask you -- no tie?

7 A. No tie.

8 Q. You identify Mr. Honea in court back on
9 September 15, 2015?

10 A. Yes.

11 Q. Similar to what you did in here the other day
12 correct?

13 A. Yes.

14 Q. Okay.

15 Morgan how old were you when you first met Joshua
16 Honea?

17 THE WITNESS: Where are we?

18 MS. KOLLINS: Page 16.

19 THE WITNESS: Which line?

20 MS. KOLLINS: Line 1.

21 BY MS. KOLLINS:

22 A. I was 11.

23 Q. Where did you meet Joshua?

24 A. At Johnson Middle School.

25 Q. What grade were you in?

1 A. I was going into 6th.

2 Q. Going into the 6th grade?

3 A. Uh-huh.

4 Q. Is that, yes?

5 A. Yes.

6 Q. What are the circumstances under which you met
7 Joshua?

8 A. I was at Eagle Camp and he was like a
9 volunteer campus monitor.

10 Q. When you were 11 Joshua was 17, correct?

11 A. Yes.

12 Q. And he turned 18 on May 4 of 2011?

13 A. Yes.

14 Q. Now, in the course between you meeting him at
15 Eagle Camp and his 18th birthday did you communicate with
16 him?

17 A. Yes, I did.

18 Q. How did you first communicate with him?

19 A. It first started with when I started getting
20 in trouble in school. I was being sent to the dean's
21 office and he would be in there.

22 Q. The dean's office at your middle school?

23 A. Yes.

24 Q. Was he working or volunteering for the middle
25 school at that time?

1 A. Yes.

2 Q. In what position, do you know?

3 A. Volunteering.

4 Q. Okay. And what were --

5 A. Like he was doing basically what the campus
6 monitors did, which was watch over the kids in the
7 hallways and take care of dress code and help with
8 whatever the dean's office needed.

9 Q. Okay. So did your 6th grade year track normal
10 school schedule August 2010 into May, June 2011?

11 A. Yes.

12 Q. Do you remember Joshua's 18th birthday?

13 A. Yes. But I was not with him. I didn't
14 celebrate it with him.

15 Q. Let me stop you there.

16 Do you know where he celebrated his 18th
17 birthday?

18 A. No.

19 Q. By the time Joshua turned 18, the nature of
20 your relationship changed?

21 A. Yes.

22 Q. Tell me about that?

23 A. It was at that time it was more. We were
24 communicating more. We kissed. We made out like with
25 tongue, and he -- we were just basically talking.

1 Q. Okay. How were you talking with him?

2 A. It was casual and it was sexual, and it was
3 like --

4 Q. Okay.

5 A. -- a relationship talking.

6 Q. When I say how, that answers part of my
7 question. Were you texting? Were you talking?

8 A. Oh, we were texting. We were talking on the
9 phone.

10 Q. Were you skyping at all at this time?

11 A. Not at that point.

12 Q. You said by this time you were kissing?

13 A. Uh-huh.

14 MS. KOLLINS: When you said, uh-huh, at the
15 prelim, did you mean that as a positive response, like a
16 yes.

17 THE WITNESS: Yes.

18 BY MS. KOLLINS:

19 Q. I asked right after he was 18; is that
20 correct?

21 A. Yes.

22 Q. You were 11?

23 A. Yes.

24 Q. Your 12th birthday would have been the
25 following June 30th, 2011?

1 A. Yes.

2 Q. Now, is it your routine every summer to go on
3 a kind of vacation. You go stay with a family member?

4 A. Yes.

5 Q. Where do you go?

6 A. At that time I was usually going to
7 Minnesota.

8 MS. KOLLINS: Now, up until this point I know
9 you deny the kissing part, but up until this point is
10 everything pretty much true. All about the Eagle Camp,
11 volunteering, Joshua being around school and you texting
12 and talking on the phone, all of that is true.

13 THE WITNESS: Yes.

14 BY MS. KOLLINS:

15 Q. Okay.

16 Who -- other family members live in Minnesota?

17 A. Yeah.

18 Q. Who did you live with in Las Vegas?

19 A. My mom.

20 Q. What is your mom's name?

21 A. Pam Savage.

22 Q. That year after Josh turned 18, and you had
23 been kissing, were you supposed to go to Minnesota?

24 A. Yes.

25 Q. After Josh turned 18, but before you went to

1 Minnesota, did you engage in any touching of each other?

2 A. Yes.

3 Q. What was that?

4 A. It was just we would -- I would put my mouth
5 on his dick and he would put -- or no. He did not put his
6 mouth on me, and we made out and felt each other.

7 Q. Okay. I asked you so by dick, you mean penis,
8 right?

9 A. Right.

10 Q. Is that a yes?

11 A. Yes, it is.

12 Q. How did you know how to put your mouth on a
13 penis? Was that something you knew about when you were
14 11?

15 A. Yeah. I knew just from being in school and
16 being with the kids like that was something that we talked
17 about.

18 Q. Did Joshua tell you how to do that at all?

19 A. No.

20 Q. When you were 11 and he was 18th, did you then
21 go to Minnesota?

22 MR. MACARTHUR: Objection. If we're going to do
23 it this way, I need it to be exactly as it is on the
24 page.

25 MS. KOLLINS: What did I miss.

1 MR. MACARTHUR: I didn't make an objection, but
2 line 15.

3 THE COURT: I don't think there was any
4 intention not to read it as written, so let us know that
5 there may have been a misreading and we'll be happy to
6 correct it.

7 I don't have a copy here so I'm relying on counsel.
8 Thank you.

9 MS. KOLLINS: My apologies to the court. I've
10 been talking for 4 days right now.

11 BY MS. KOLLINS:

12 Q. Okay. So you were 11 and he was 18, then did
13 you go to Minnesota?

14 A. Yes, I did.

15 MS. KOLLINS: Would the court like to follow a
16 long.

17 THE COURT: I didn't know there was an
18 additional copy set. I don't have doubts, I wanted to
19 have the update be -- I think there was a misreading.

20 MS. KOLLINS: I apologize. I don't know what it
21 was. I'm sure I did though.

22 THE COURT: What page are you on.

23 MS. KOLLINS: Your Honor, I'm on page -- it says
24 20 on the top and 21 on the bottom.

25 THE COURT: Thank you.

1 BY MS. KOLLINS:

2 Q. So you are 11 and he was 18 and then did you
3 go to Minnesota?

4 A. Yes, I did.

5 Q. When you had to put your mouth on his penis,
6 where were you?

7 A. I was in his car.

8 Q. In his car. That was here in Las Vegas, Clark
9 County, Nevada?

10 A. Yes.

11 Q. Everything we talked about so far was in Las
12 Vegas, correct?

13 A. Yes.

14 Q. All right. And when you were in his car, how
15 did you get to his car?

16 A. I walked to CVS by my house and he'd pick me
17 up there.

18 Q. So when you were 11, that time we're talking
19 about, you walked to CVS that's near your house on
20 Charleston and Durango?

21 A. Yes.

22 Q. And he picked you up there?

23 A. Yes.

24 Q. Did your mom know that you were going with
25 him?

1 A. No.

2 Q. Is that something that your mom would have
3 approved of, you at 11 years old, going out with an 18
4 year old?

5 A. No.

6 Q. Then you go to Minnesota; is that correct?

7 A. Yes.

8 Q. You flew to Minnesota?

9 A. Yes.

10 Q. How long did you stay there that summer?

11 A. It was about 2-and-a-half months.

12 Q. Did you celebrate your 12th birthday in
13 Minnesota?

14 A. Yes.

15 Q. Do you remember what you did for your 12th
16 birthday?

17 A. I went to the water park and America -- Mall
18 of America.

19 Q. Okay. And the whole time you were in
20 Minnesota were you speaking with Josh?

21 A. Yes.

22 Q. Okay. How were you communicating with Josh?

23 A. I was texting and calling him.

24 MS. KOLLINS: I would like to stop you there.
25 You told -- understanding what your feelings are about

1 what we spoke about sexually, is this part of your
2 testimony true, you are texting and calling Josh while you
3 are in Minnesota and he's back here in Vegas?

4 THE WITNESS: Right.

5 MS. KOLLINS: That parts true.

6 THE WITNESS: Yes, it is.

7 BY MS. KOLLINS:

8 Q. So from the time you met him and started
9 talking through the 6th grade year up to your 12th
10 birthday when you are away in Minnesota, you are texting
11 and talking and calling?

12 A. Right. Not as much, but, yes.

13 Q. What kind of stuff were you talking about?

14 A. Just talking about what I was doing in
15 Minnesota. What was going on. What was going on here.
16 What is going on with Explores. Talk and skype a couple
17 of times.

18 Q. Those conversations included sex talk?

19 A. Yes, it did.

20 Q. Like what kind of stuff?

21 A. I don't --

22 Q. My next question is -- the time period is
23 while we are in Minnesota is what we're talking about.

24 You understand that, right?

25 A. Yes.

1 Q. Okay. So if you can remember back then, we're
2 going to talk about one time.

3 So if you understand, referring to one time about
4 sexting and texting. You understand that is what we are
5 referring to, Morgan?

6 A. Yeah.

7 Q. I'm on page -- it says 23 on the top, 24 on
8 the bottom?

9 A. Uh-huh -- yes. Yes, I see that.

10 Q. I ask you, do you understand?

11 A. Yes.

12 Q. So to clarify what kinds of sexual talk were
13 you having over text messages.

14 You ask me to repeat the question.

15 THE COURT: Page 24, line 21, I believe.

16 BY MS. KOLLINS:

17 A. Can you repeat it.

18 Q. I want to know the difference between what
19 happened on text and what happened on skype and what
20 happened over the phone.

21 A. Okay.

22 Q. Let's start with the text messages. What kind
23 of stuff back then when you were in Minnesota just near
24 your 12th birthday in 2011, what kind of stuff did Joshua
25 text you?

1 A. It would be more we'd talk like sexually. So
2 I would -- he would want me to explain the whole situation
3 of what would happen when I would get home, what we would
4 do, and I would give him a whole story of all the details
5 of everything that would happen, but I don't remember the
6 exact details right now.

7 Q. Okay. So when you say details what would
8 happen when you got home, was there a plan of what would
9 happen between you and Josh when you got home?

10 A. Yes. We made multiple plans.

11 Q. What was the plan to do. I'm sorry.

12 What was that plan to do?

13 A. It was to have sex where he would put his
14 penis inside me, and we would have oral sex or I would put
15 my mouth on his penis. And he would put his mouth on my
16 vagina and sexually feel each other.

17 Q. That was in text messages, right?

18 A. Uh-huh, yes.

19 Q. Did your communications through skype mimic
20 those conversations?

21 A. No. The skype was more casual. We never
22 talked about anything sexual on skype.

23 Q. What about on the computer, messaging on
24 Facebook or anything like that?

25 A. Facebook was only used at the beginning. That

1 is how I got his number. It was casual, like, hey, how
2 are you. And like we switched numbers.

3 Q. So most of the sex chat was through texting?

4 A. Yeah.

5 Q. Now, at that point were you a virgin?

6 A. Yes, I was.

7 Q. Did Joshua know you were a virgin?

8 A. Yes, he did.

9 MS. KOLLINS: Now, that part of your preliminary
10 hearing about the virgin stuff is true, correct?

11 THE WITNESS: Yes.

12 MS. KOLLINS: Did you tell Joshua were you a
13 virgin back then.

14 THE WITNESS: Yes.

15 MS. KOLLINS: So that part is true.

16 THE WITNESS: Yes.

17 BY MS. KOLLINS:

18 Q. When you were 11 years old and getting ready
19 to turn 12, did Josh know you were going to turn 12 in
20 Minnesota?

21 A. Yes, he did.

22 Q. Did you talk about your 12th birthday with
23 him?

24 A. I don't remember. To the extent that it
25 concerned us.

1 Q. How did you get back to Las Vegas?

2 A. Flew.

3 Q. Did you see Josh when you got home?

4 A. I did see Josh.

5 Q. Okay. Do you remember when you came back from
6 Minnesota?

7 A. It was mid-August.

8 MS. KOLLINS: Is that part of your testimony
9 true that you did come back in mid-August from Minnesota
10 in the summer of 2011.

11 THE WITNESS'S: Yes.

12 BY MS. KOLLINS:

13 Q. Okay. So you had turned 12 on June 30, 2011,
14 so we're talking about mid-August 2011?

15 A. Yes, we are.

16 Q. How many days, if you remember, were you home
17 before you saw Josh?

18 A. Only a few days, 3 or 4 maybe.

19 Q. Where is the first place you saw Josh when you
20 came home?

21 A. I saw him on the opposite side of the
22 elementary school across the street from my house.

23 MS. KOLLINS: Stopping you at that point. Did
24 you, in fact, see Josh very soon after you got home from
25 that Minnesota trip.

1 THE WITNESS: Yes.

2 MS. KOLLINS: And did you see him at that
3 elementary school.

4 THE WITNESS: Yes.

5 MS. KOLLINS: And he was in his car.

6 THE WITNESS: Correct.

7 MS. KOLLINS: And he was alone.

8 THE WITNESS: Correct.

9 MS. KOLLINS: So that part of your preliminary
10 hearing testimony was true.

11 THE WITNESS: Right.

12 BY MS. KOLLINS:

13 Q. Okay. Did you talk to him at that time -- talk
14 to him at that time?

15 A. Yes, I did.

16 Q. Okay. And when he was on the opposite side of
17 the street by the elementary school, did you end up in his
18 company that day?

19 A. Yes, I did.

20 Q. MS. KOLLINS: Now, that portion of your
21 preliminary hearing transcript is true because you
22 actually met up with him when you were in his company,
23 right?

24 THE WITNESS: Yes.

25 MS. KOLLINS: Do you mean at the prelim you

1 actually got in his car and hung out with him.

2 THE WITNESS: Yes.

3 MS. KOLLINS: Did that happen.

4 THE WITNESS: Yes. I hung out in his car. We
5 talked.

6 BY MS. KOLLINS:

7 Q. Line 22, was that because you guys had planned
8 that?

9 A. Yes.

10 Q. Okay. I want to back up. I want to back you
11 up one second, because I forgot to ask you something.
12 When you were in Minnesota did Joshua request that you
13 take pictures of yourself?

14 A. Yes.

15 Q. Okay. And we're talking specifically when you
16 were in Minnesota in the summer of 2011?

17 A. Yes.

18 Q. Did he ask you for pictures?

19 A. Yes, he did.

20 Q. Pictures of what?

21 A. Pictures of me naked.

22 Q. Of?

23 A. My genitals.

24 Q. Okay. So breasts, genitalia, everything?

25 A. Yes.

1 Q. Did you take those pictures?

2 A. I did.

3 Q. Did you send them to Joshua?

4 A. Yes, I did.

5 Q. One time or more than one time?

6 A. More than on time.

7 Q. Okay. So back to where you were at the
8 elementary school, did you have a plan to meet him that
9 day?

10 A. Yes, I did.

11 Q. Okay. And what -- was it a school day or had
12 school started yet, or --

13 A. It -- school had not started.

14 Q. Okay. So tell me what happened then?

15 A. We had made a plan to meet there so we could
16 go drive to either SunCoast or Rampart and have sex in the
17 car. He picked me up. We went to SunCoast. Security was
18 driving around so we went to Rampart and parked in the
19 parking garage. I got in the back and got undressed. I
20 put my mouth on his penis, then he put his penis inside
21 me.

22 MS. KOLLINS: That first story about having to
23 leave the SunCcoast and going to Rampart, you relayed
24 substantially that same thing to Detective Cho, correct.

25 THE WITNESS: Right.

1 BY MS. KOLLINS:

2 Q. Okay.

3 So when you say penis inside of you, you mean your
4 vagina, right?

5 A. Yes.

6 Q. You said you first drove to the SunCoast. Is
7 that the SunCoast Hotel Casino here in Las Vegas?

8 A. Yes, it is.

9 Q. And the Rampart, that is also here in Las
10 Vegas, Clark County, Nevada?

11 A. Yes.

12 Q. Okay. When he picked you up that day, did you
13 sit in the front seat of the car or the back seat?

14 A. I don't remember. Normally I would sit in
15 back, but I vaguely remember having to get in the back
16 seat. I think that was because it was our first time. We
17 hadn't really planned it out yet. So I had -- I vaguely
18 remember getting into the back seat.

19 Q. Okay. You said a lot of times you'd get in
20 the back seat. Why is that?

21 A. Because it was easier for me to be back there
22 already when he would come back after parking so we didn't
23 have to crawl in the back.

24 Q. Okay. So on times when you were in the back
25 seat, did you sit up in back seat or did you lay down, or

1 something different while you were driving?

2 I think I misspoke. It should have said while he
3 was driving.

4 A. He would make me lay down so my head wouldn't
5 show so nobody would see me, see us in the car together.

6 MS. KOLLINS: So obviously you were never
7 driving the car, correct.

8 THE WITNESS: No.

9 MS. KOLLINS: So I misspoke there when I said
10 you were driving.

11 THE WITNESS: Right.

12 MS. KOLLINS: You tell -- you testify on that
13 day he would make you lay down so your head wouldn't
14 show.

15 THE WITNESS: Yeah.

16 BY MS. KOLLINS:

17 Q. Okay. So the first time you have sex, you
18 placed your mouth on his penis and he put his penis in
19 your vagina?

20 A. Yes.

21 Q. Did he use a condom?

22 A. Yes, he does.

23 Q. Does he ejaculate?

24 A. Yes.

25 Q. In the condom?

1 A. Yes.

2 Q. Do you know what he does with the condom after
3 he ejaculated?

4 A. Took it off and placed it in the center
5 console to throw away later.

6 Q. So was it daytime or nighttime when he picked
7 you up that time?

8 A. Daytime.

9 MS. KOLLINS: Okay. Is it true that the time
10 that Joshua picked you up just after Minnesota that was a
11 daytime he pick you up? That is the true part of what you
12 had to say.

13 THE WITNESS: Yes.

14 BY MS. KOLLINS:

15 Q. Okay. So that's the first time you had sex.
16 Do you remember the next time you had sex?

17 A. After that I don't remember specifically.

18 Q. Do you remember places you had sex?

19 A. I do.

20 Q. Let's talk about his grandparents house. Do
21 you know who his grandparents are?

22 A. Yes.

23 Q. What are their names?

24 A. Marty and Evelyn Coleman -- I think Evelyn.
25 I'm not hundred percent.

1 MS. KOLLINS: Why were you not hundred percent
2 of Evelyn's name that day. Do you remember.

3 THE WITNESS: I don't remember.

4 MS. KOLLINS: Were you close with family.

5 THE WITNESS: Yes.

6 MS. KOLLINS: But you didn't remember her name
7 at the prelim.

8 A. THE WITNESS: I didn't.

9 BY MS. KOLLINS:

10 Q. And I asked you, do you see them here today?

11 A. Yes, I did.

12 Q. Did they have a house here in Las Vegas, Clark
13 County, Nevada?

14 A. Yes, they do.

15 Q. Do you know where that house is?

16 A. Yes. It is by the Northwest Area Command
17 Station. I don't know the exact street, but it was right
18 behind there.

19 Q. Can you tell, did you have sex with the
20 Defendant at their house?

21 A. Yes, I did.

22 Q. Would that have been before you turned 14?

23 A. Yes, it was.

24 Q. Can you tell me about one of those?

25 A. The one time that it did happen we were

1 together right before going to the hospital because we
2 went home to go take care of the dog, the grandparent's
3 dog. Then we were going to the hospital to visit his
4 grandpa after having surgery. So we had sex, and he put
5 his penis inside my vagina, and I had my mouth on his
6 penis. He had his mouth on my vagina in the guest bedroom
7 of their house.

8 MS. KOLLINS: Let me ask you about that. Have
9 you been to his grandparent's house.

10 THE WITNESS: Yes.

11 MS. KOLLINS: Do you recall when his grandpa was
12 having surgery.

13 THE WITNESS: Yes, I do.

14 MS. KOLLINS: When was that.

15 THE WITNESS: I don't recall the exact time
16 period. I remember the whole experience of visiting
17 hospital.

18 MS. KOLLINS: Did you go to the grandparents'
19 house to take care of the dog.

20 THE WITNESS: We did.

21 MS. KOLLINS: So that part really happened.

22 THE WITNESS: Yeah, but not the sex.

23 BY MS. KOLLINS:

24 Q. Okay. Do you remember what grade you were in
25 when that happened?

1 A. I was -- I was in grade --

2 Q. Just so we're clear on June 30, 2011 you
3 turned 12, right?

4 A. Yes.

5 Q. On June 30, 2012 you turned 13?

6 A. Right.

7 Q. You would have been in 8th grade then?

8 A. Yes.

9 Q. Okay. Now you talked about going to Rampart
10 before. You talked about going to SunCoast as well. But
11 on that day was there security driving around?

12 A. Yes.

13 Q. Can you tell me about a day before you turned
14 14 where something happened at the SunCoast that you can
15 remember?

16 A. Yes. There was one day, like, we went to --
17 he picked me up at CVS, because I would walk there. Then
18 he picked me up and drove to SunCoast. We always parked
19 in the same spot on the same floor. We parked there and I
20 was in the back seat already. They came back and we
21 started getting undressed. We were kissing, using our
22 tongues, then he pulled down his pants and put his
23 penis -- I took my pants off and my shirt, then we -- he
24 stuck his penis inside my vagina.

25 MS. KOLLINS: I want to stop you there. Did you

1 ever go to the SunCoast with Josh.

2 THE WITNESS: No.

3 MS. KOLLINS: Did you ever go to Rampart with
4 Joshua.

5 THE WITNESS No.

6 MS. KOLLINS: Did you get in the car with the
7 detectives and take them to the SunCoast and show them a
8 spot where you and Joshua parked.

9 THE WITNESS: Yes.

10 MS. KOLLINS: How did you come up with that
11 spot.

12 THE WITNESS: It matched the statement.

13 MS. KOLLINS: So you just picked any spot.

14 THE WITNESS: Yes. Because it matched what I
15 said in the statement.

16 MS. KOLLINS: Did you take them also to
17 Rampart.

18 THE WITNESS: I don't remember.

19 MS. KOLLINS: Okay. Why did you need two hotels
20 in the statement.

21 THE WITNESS: It was because when I said the
22 whole security thing, there had to be another place to go
23 to.

24 BY MS. KOLLINS:

25 Q. Okay. So what makes you remember this day at

1 the SunCoast?

2 A. Because it was -- it was one of the few times
3 that it was -- it was in the period of time before we
4 stopped going to SunCoast. Like that was this period of
5 time at the SunCoast, then we started doing it at my
6 house. Figure out when my mom wasn't home. I remember
7 that was probably the last time we had done it in the car
8 at the SunCoast.

9 Q. Okay. Where there multiple times you did it
10 at the SunCoast?

11 A. Yes.

12 Q. Before you turned 14?

13 A. Yes.

14 Q. And by done it you mean penis to vagina sex?

15 A. Yes, I do.

16 Q. And your mouth on his penis?

17 A. Yes.

18 Q. And your -- his mouth on your vagina?

19 A. Yes.

20 MR. MACARTHUR: I'll object. Same objection as
21 earlier. That's not the transcript.

22 MS. KOLLINS: I'm sorry.

23 I'll repeat it. And your -- hyphen -- instead
24 of the word correction -- hyphen -- his mouth on your
25 vagina?

1 THEW WITNESS: Yes.

2 BY MS. KOLLINS:

3 Q. Okay. This one day we're talking about at the
4 SunCoast, that was nearing the end of the era at the
5 SunCoast, if you will?

6 A. Yes.

7 Q. Was it daytime or nighttime that day?

8 A. Daytime.

9 Q. And you said he picked you up at the CVS. Did
10 he pick you up with his car?

11 A. Yes, he did.

12 Q. What did -- what did -- hyphen -- what kind of
13 car did he have back then?

14 A. It was a 2010 Ford Mustang.

15 THE COURT: Can I have counsel at this time at
16 the bench for one second.

17 (Discussion held at the bench.)

18 THE COURT: I just wanted to clarify something
19 with counsel.

20 BY MS. KOLLINS:

21 Q. Was there a plan for you to be at the CVS?

22 A. That was the plan right before each time we
23 would, you know.

24 Q. You said you had -- you were in the back seat
25 from the beginning of the trip that time?

1 A. Yes, I was.

2 Q. Had that become part of your routine?

3 A. Yes.

4 Q. Why was that?

5 A. Because it was easier for me to be in the back
6 seat when he would get in from -- easier to come back
7 there instead of both of us having to come back there. A
8 lot of times he would have the idea for me to be undressed
9 so when he got there so it would be faster and quicker.

10 Q. Okay. Now, up to this point, you know, up to
11 this end of this era at the SunCoast has Joshua had any
12 discussions with you whether it's okay for you to tell
13 people about what -- tell people about going out with
14 him?

15 A. Yeah. He was -- hyphen -- he was -- hyphen --
16 we had talked about it multiple times where he was not
17 okay talking to other people about who I was hanging out
18 with, or if I did something the night before or the day
19 before, he did not want his name mentioned. He didn't
20 want anybody to know that we were hanging out.

21 MS. KOLLINS: Morgan, if you and I miss a word
22 or misread something, the ladies and gentlemen of the jury
23 have an accurate copy of this if we miss a word or I miss
24 something.

25 THE COURT: Mr. MacArthur or the court of course

1 will try to help catch it. The punctuation isn't
2 necessary to be read, because there was a concern about a
3 word being inserted in the reading that is what clarified
4 it at the time. Again, read it as you would have said it,
5 then if we need to clarify we can.

6 THE WITNESS: Sounds good.

7 BY MS. KOLLINS:

8 Q. Sorry. Ms. Savage, did you finish line 5
9 through 10 on page 36 at that time top?

10 A. Yes.

11 Q. Okay. At this time, just so I can get a
12 reference point about where we are with Joshua, is he 19
13 by this time or 20?

14 A. In what year.

15 Q. At the end of the SunCoast time?

16 A. He was -- he was 19.

17 Q. Okay. Was he already in Metro Explorer at
18 that time?

19 A. Yes.

20 Q. Was he still working at your school?

21 A. He was off and on more toward the end of 7th
22 grade I -- that era of us going to SunCoast ended, so he
23 was off and on. He was kind of working the gang unit.
24 Sometimes he could be there. He was, but there was a lot
25 of times that he wasn't as well.

1 Q. At school?

2 A. Yes.

3 MS. KOLLINS: Let me stop you there. So when
4 you are telling us at the probable cause hearing that Josh
5 is still volunteering from time to time at your middle
6 school; is that true.

7 THE WITNESS: Yes.

8 MS. KOLLINS: So that's a true point of your
9 preliminary hearing transcript.

10 THE WITNESS: Yes.

11 MS. KOLLINS: And he was working with the gang
12 unit.

13 THE WITNESS: Yes.

14 MS. KOLLINS: Okay.

15 BY MS. KOLLINS:

16 Q. Where were you going to school at that time?

17 A. Johnson Middle School.

18 Q. Still Johnson Middle School. Okay.

19 Now you said at the end of this time that you
20 started to figure out that your mom wasn't home at certain
21 times?

22 A. Yes.

23 Q. So did you and Josh take advantage then of
24 your mom not being home?

25 A. Yes, we did.

1 Q. Okay. And we're talking about before you
2 turned 14, where is your house?

3 A. It is 4524 Boseck Drive.

4 Q. Boseck?

5 A. B-o-s-e-c-k.

6 Q. Okay.

7 A. On the corner of Charleston and Durango.

8 Q. Okay. Here -- that is here in Las Vegas,
9 Clark County, Nevada? That's here in Las Vegas, right?

10 A. Yes, it is.

11 Q. Tell me about a time before you turned 14
12 something happened at your house on Boseck Drive?

13 A. One day he came over and I had planned to
14 surprise him in a way, because he was always talking about
15 me surprising him.

16 Like me opening the door being completely naked,
17 just to -- for some reason that's what he wants. One day
18 he came in and I had a rob on. Then right when he came
19 in, I took it off and started kissing him and grabbing
20 him.

21 We went to my bedroom and he pushed me up against
22 the wall and was feeling my body, hard stuff. We're
23 making out intensely and he pushed me onto the bed and got
24 on top of me. But then I turned over and got on top of
25 him.

1 We were kissing intensely, and I, at that point, I
2 went down and pulled down his pants and put my mouth on
3 his penis and started to suck it. He laid me down and he
4 put his mouth on my vagina and he started to lick me and
5 that. And eventually he came back up and put his penis in
6 my vagina.

7 Q. Okay. Did he use a condom that day?

8 A. Yes, he did.

9 Q. Did he ejaculate that day?

10 A. Yes, he did.

11 Q. Where did the condom go?

12 A. In the trash can.

13 MS. KOLLINS: Now, you are giving some details
14 about a sexual encounter with Josh, right.

15 THE WITNESS: Right.

16 MS. KOLLINS: And the statement to Detective
17 Cho, you are trying to get him in trouble, right.

18 THE WITNESS: Right.

19 MS. KOLLINS: And at the prelim you're trying to
20 get him in trouble.

21 THE WITNESS'S: Right.

22 MS. KOLLINS: Why do you say he did the
23 responsible thing and used a condom? Why add that.

24 THE WITNESS: Because it was safe. First it was
25 a question asked, so it was something I said.

1 BY MS. KOLLINS:

2 Q. MS. KOLLINS: Okay. You now other then these
3 encounters at these places, the grandparents, the
4 SunCoast, the Rampart, your house, did you and Joshua go
5 out to dinner sometimes?

6 A. Yes.

7 Q. Okay. Again, I'm talking about before you
8 turn 14?

9 A. Yes, we did.

10 Q. Do you remember a time where you were supposed
11 to go to dinner before you turned 14 at the Golden
12 Coral?

13 A. Yes.

14 Q. Do you remember when that was?

15 A. That would be December of 2014. So I was
16 already 15 at that time.

17 Q. You were already 15?

18 A. Yes.

19 Q. My bad. We'll save that for later.

20 How about a time at the Red Rock?

21 MR. MACARTHUR: Misreading.

22 THE COURT: It says -- we'll save that. And
23 she'll say, we will.

24 MR. MACARTHUR: We'll save that, then save that
25 for later.

1 THE COURT: I didn't hear.

2 THE WITNESS: Excuse me. I was 14.

3 BY MS. KOLLINS:

4 Q. You were 14?

5 A. Yes.

6 Q. So --

7 A. It was two Christmas' ago, so not last
8 Christmas but the Christmas before.

9 Q. So it would have been December of '14?

10 A. Yes.

11 MR. MACARTHUR: Misreading.

12 THE COURT: Read it again Ms Kollins as we
13 identify that. Read the line again.

14 BY MS. KOLLINS:

15 Q. So it would have been December of 2014?

16 A. Yes.

17 Q. Okay. What about Red Rock?

18 A. Yes.

19 Q. How old were you at the time about Red Rock?

20 A. 13.

21 Q. Can you tell me what happened when you were 13
22 when you where with Josh and you were supposed to go to
23 the Red Rock Hotel and Casino?

24 A. We were going out to dinner one night. We
25 were going to one of the restaurants in there. I don't

1 remember exactly which one. There was a time I came
2 out -- no -- excuse me. I was --

3 Q. I'm going to ask you to slow down. The court
4 reporter is never going to get all of this down.

5 Start from and there was --

6 A. And there was a time after we came back
7 out -- no, excuse me. It was before we went in to go have
8 dinner. He I had put my mouth on his penis because we
9 were talking about it, and he asked for it, so I did.

10 Q. He asked you to give him oral sex in the
11 car?

12 A. Yes.

13 Q. That is before you went in for dinner?

14 A. Yes.

15 Q. Was that daytime or nighttime?

16 A. Nighttime.

17 Q. And Red Rock Hotel and Casino -- I'm sorry.
18 And Red Rock Hotel and Casino?

19 A. Well, it was evening -- excuse me -- so it was
20 getting dark out.

21 Q. Okay. Like dusk?

22 A. Yes. Yeah.

23 Q. Okay. Red Rock Hotel, that's here in Las
24 Vegas, Clark County, Nevada?

25 A. Yes, it is.

1 MR. MACARTHUR: Misreading.

2 THE COURT: Can I have counsel at the bench,
3 again, please.

4 (Discussion held at the bench.)

5 THE COURT: The conference was it's always
6 difficult reading something. It's not at all uncommon to
7 miss or skip over a word. That is not a major difference
8 in the meaning of what's read. There are other times when
9 something might get missed and it would be a major
10 difference in the meaning of what's read.

11 As Ms. Kollins pointed out the actual transcript has
12 been admitted. Remind me again it's -- I got it now
13 --State's 67. So if there are questions or concerns about
14 that, obviously, the jurors will have the opportunity to
15 have it. But I've asked counsel to help us with, as we go
16 through this, when there is a misreading that is material
17 the court will be reviewing it as well, we'll seek to have
18 it read exactly. If there is a misreading -- they are all
19 inadvertent -- but that is not material to the meaning of
20 what's being read, we may not seek to read it again.

21 We'll try see how it goes. We're trying to just get
22 through the information in a meaningful way as efficiently
23 as possible. Maybe this method works, maybe it doesn't.

24 MS. KOLLINS: I guess I could go through it by
25 just publishing, but I want to move this along and publish

1 each page.

2 THE COURT: Let's finish this half hour as we
3 have been doing. We don't have Mr. MacArthur though.

4 MS. MCNEILL: He stepped out.

5 THE COURT: You'll step in, Ms. McNeill, if you
6 need to.

7 MS. MCNEILL: Yes.

8 THE COURT: Thank you.

9 Then we'll proceed.

10 MS. KOLLINS: Morgan, I'm going to put you at to
11 top of page -- line 12 of page 41. What was cause for
12 concern, this was where I was at.

13 BY MS. KOLLINS:

14 Q. Okay. Red Rock Hotel, that's here in Las
15 Vegas, Clark County, Nevada, correct.

16 I don't think I said the word, correct, the last
17 time.

18 A. Yes, it is.

19 Q. And when you placed your mouth on his penis
20 that time, did he wear a condom?

21 A. No, he did not.

22 Q. Did he ejaculate in your mouth?

23 A. Yes, he did.

24 MS. KOLLINS: I'll stop you right there. Was
25 Red Rock in a part of town close to where you lived on

1 Charleston and Durango?

2 THE WITNESS: Yeah.

3 MS. KOLLINS: And close to Defendant's house.

4 THE WITNESS: Yes.

5 MS. KOLLINS: So was that someplace you guys
6 would go to do other stuff, like movies, bowling, or
7 dinner because it's in that area.

8 THE WITNESS: I vaguely remember, yeah.

9 MS. KOLLINS: So it wouldn't have been unusual
10 for you to be at that property, given where you lived and
11 where he lived.

12 THE WITNESS: Right.

13 MS. KOLLINS: Where did he live at that time.

14 THE WITNESS: He lived on Oakey and Durango,
15 which was.

16 MS. KOLLINS: So Oakey is south of Charleston,
17 right.

18 THE WITNESS: Oakey is east -- no, yes, south of
19 Charleston.

20 MS. KOLLINS: Okay. So not far -- you lived in
21 a condo with your mom on Boseck.

22 THE WITNESS: Yes.

23 MS. KOLLINS: So Red Rock, that's up in your
24 area.

25 THE WITNESS: Summerlin-ish.

1 MS. KOLLINS: When you told -- when you told
2 that story, were you ever concerned that somebody could
3 corroborate that in some manner.

4 A. THE WITNESS: No.

5 BY MS. KOLLINS:

6 Q. And when you placed your mouth on his penis
7 that time, did he wear a condom?

8 A. No, he did not.

9 Q. Okay. Did he ejaculate in your mouth?

10 A. Yes, he did.

11 Q. Was it typical for him to ejaculate in your
12 mouth through this part of your sexual relationship if did
13 you not have penis, vagina sex after?

14 A. Yes.

15 Q. Okay. So you went in for dinner? Is that
16 yes?

17 A. Yes.

18 Q. Did you do anything else at the Red Rock, bowl
19 or movie or anything like that?

20 A. No.

21 Q. When you left the Red Rock on that time, did
22 anything else sexual occur?

23 A. No. He just took me home.

24 Q. Okay. Now, up until this time when you are
25 14 -- before you turned 14, does your mom know the nature

1 of your relationship?

2 A. No.

3 MS. KOLLINS: Let's just talk a little bit right
4 now about what did you tell your mom about Josh up to this
5 point.

6 THE WITNESS: That he was guiding me in a better
7 direction then what I was leading on in school. It was as
8 if he was mentor, brother.

9 MS. KOLLINS: Mentor, brother you were brother,
10 sister.

11 THE WITNESS: Yeah.

12 MS. KOLLINS: Did your mom ever express concerns
13 to you about your nature of your relationship with
14 Joshua.

15 THE WITNESS: Not until the very, very ends.

16 MS. KOLLINS: Did you ever tell your mom that
17 Josh was gay.

18 THE WITNESS: Yes. One time. But then I took
19 it back.

20 MS. KOLLINS: Why did you tell your mom Josh was
21 gay.

22 THE WITNESS: So I could try to get to go on a
23 trip to San Francisco.

24 MS. KOLLINS: San Francisco or San Diego.

25 THE WITNESS: San Francisco.

1 MS. KOLLINS: Why would Josh need to be gay for
2 you to go on this trip to San Francisco.

3 THE WITNESS: Because she was making me
4 irritated with her thinking that there was something --
5 she was making me irritated because my aunt was expressing
6 concern by the age. So I was, like, well, look, you know,
7 I know the age looks weird, but trust me there is nothing
8 going on. I just expressed that he was gay so that it
9 would release some of the tension which my aunt felt
10 concern for him going San Francisco with me.

11 MS. KOLLINS: Did someone express to you that
12 they thought something sexual was going on with you and
13 Josh, if you said he was gay your mom is not going to
14 worry because nothing sexual could happen with a gay dude,
15 right.

16 THE WITNESS: Right.

17 MS. KOLLINS: So back to the transcript.

18 BY MS. KOLLINS:

19 Q. Okay. So some of those occasions you said
20 you'd meet him -- you would meet him at CVS.

21 Line 13, Morgan.

22 A. Yes.

23 Q. Okay. When you would meet him at CVS, did you
24 have your mom's permission to be with him?

25 A. No, I did not.

1 Q. Why were you meeting him at CVS and not
2 letting him pick you up at your house?

3 A. He didn't want to pick me up at my house
4 because somebody -- so we have no one see him in my
5 neighborhood picking me up.

6 MS. KOLLINS: So during the course of your
7 friendship, your boyfriend -- sorry, your brother, sister
8 thing with Joshua, did he pick you up at the CVS
9 sometimes.

10 THE WITNESS: Sometimes. There was a couple of
11 times -- that's just because I was conveniently over by
12 the CVS.

13 MS. KOLLINS: Okay. So at least that part is
14 true of what you testified to before.

15 THE WITNESS: Part of it, yeah.

16 MS. KOLLINS: Not necessarily this time, but
17 sometimes.

18 THE WITNESS: Right.

19 BY MS. KOLLINS:

20 Q. Okay. Now, do you remember whether or not you
21 spent your 13th birthday with Joshua?

22 A. Yes, I did.

23 Q. What did you do and where did you go?

24 A. My 13th birthday we went to Mandalay Bay to
25 Shark Reef.

1 Q. Okay.

2 A. And --

3 Q. Go ahead.

4 A. -- and then that night we went to Benihana
5 for dinner.

6 MS. KOLLINS: Now, you remember when we looked
7 at this photo album before.

8 THE WITNESS: Yes.

9 MS. KOLLINS: And we looked at those pictures
10 from Benihana and tickets from the Shark Reef.

11 THE WITNESS: Yes.

12 MS. KOLLINS: So is that what you are talking
13 about at the prelim.

14 THE WITNESS: Right. Yes, it was.

15 MS. KOLLINS: Permission to republish the
16 contents of State's 76.

17 THE COURT: Any objection.

18 MR. MACARTHUR: No objection.

19 THE COURT: It's admitted. Permitted to
20 publish.

21 MS. KOLLINS: That's what you are talking about
22 at the prelim.

23 THE WITNESS: Yes.

24 MS. KOLLINS: So as you sit there today, did
25 this actually happen on your 13th birthday.

1 THE WITNESS: We did go to dinner and go to
2 Shark Reef.

3 MS. KOLLINS: Shark Reef was for your
4 birthday.

5 THE WITNESS: Right.

6 MS. KOLLINS: Sorry. Maybe I misunderstood what
7 you said. You said the Shark Reef was not for your
8 birthday.

9 THE WITNESS: I wasn't sure if it was. I'm
10 stating it was. It was.

11 MS. KOLLINS: So now does your preliminary
12 hearing testimony of what you had to say about that event
13 before, does that refresh your recollection.

14 THE WITNESS: For the Shark Reef, yes.

15 MS. KOLLINS: That did happen. You went to the
16 Shark Reef.

17 THE WITNESS: Right.

18 MS. KOLLINS: And you went to Shark Reef with
19 Joshua.

20 THE WITNESS: Correct.

21 MS. KOLLINS: And you go to Benihana.

22 THE WITNESS: Yes.

23 MS. KOLLINS: And your mom didn't go with you.

24 THE WITNESS: No.

25 MS. KOLLINS: Joshes' family didn't go with

1 you.

2 THE WITNESS: No.

3 MS. KOLLINS: Not Joshes' mom and dad.

4 THE WITNESS: No.

5 MS. KOLLINS: Not Joshes' grandma and grandpa.

6 THE WITNESS: Nope.

7 MS. KOLLINS: And Benihana is on the Strip.

8 THE WITNESS: Yes.

9 MS. KOLLINS: Not Joshes' sister.

10 THE WITNESS: No.

11 MS. KOLLINS: No chaperone.

12 THE WITNESS: No.

13 MS. KOLLINS: None of your other friends that
14 you were friends with when you were turning 13.

15 THE WITNESS: No.

16 MS. KOLLINS: Who were your best friends when
17 you were turning 13.

18 THE WITNESS: I don't remember.

19 MS. KOLLINS: Is that the only celebration you
20 had for your 13th birthday.

21 THE WITNESS: Yeah, probably. Other than
22 something I did with my mom and brother and sister. But I
23 don't remember exactly.

24 MS. KOLLINS: Did you ask permission from your
25 mom to go to Shark Reef and Benihana.

1 THE WITNESS: Yes.

2 MS. KOLLINS: Did she give it to you.

3 THE WITNESS: Yes, she did.

4 MS. KOLLINS: Did you tell her who was going.

5 THE WITNESS: Yes.

6 MS. KOLLINS: Who did you tell her was going.

7 THE WITNESS: Josh.

8 BY MS. KOLLINS:

9 Q. Question at line 6, Morgan.

10 In the interest of completeness.

11 Question: Okay.

12 A. And.

13 Q. Go ahead.

14 A. And then that night we went to Benihana for
15 dinner.

16 Q. Did you have sex on your 13th birthday?

17 A. Yes, we did.

18 Q. Where did you have sex on your 13th
19 birthday?

20 A. Before dinner we had sex at my house. That
21 meant he was putting his penis inside my vagina.

22 MS. KOLLINS: Stop you right there.

23 Did Josh pick you up from your house on your
24 13th birthday.

25 THE WITNESS: Yes.

1 MS. KOLLINS: He picked you up alone and took
2 you to Mandalay Bay, Shark Reef and Benihana for dinner.

3 THE WITNESS: Right.

4 MS. KOLLINS: Was Benihana in Mandalay Bay that
5 that time.

6 THE WITNESS: No.

7 BY MS. KOLLINS:

8 Q. Question, line 16. Okay. So let me stop you,
9 Morgan.

10 A. Okay.

11 Q. Just so we're clear. Before you went out to
12 the Shark Reef to the Mandalay Bay, you had sex at your
13 house?

14 A. Before we went to dinner and Shark Reef we got
15 ready and he came inside and we had sex.

16 Q. Okay. I'm sorry. I must have asked you a bad
17 question. So before dinner you had sex?

18 A. Yes.

19 Q. Okay. That is penis vagina sex?

20 A. Yes.

21 Q. Any other kind of sex?

22 A. Oral, where I put my mouth on his penis. He
23 put his mouth on my vagina.

24 Q. Okay. Referring to the session at the
25 house --

1 A. That's right. Yes, or whatever.

2 Q. I say that's right. Right. You say,
3 correct?

4 A. Yes.

5 Q. So those sex acts at the house, then you go to
6 dinner?

7 A. Yes.

8 Q. At the Mandalay?

9 A. Yes.

10 Q. Or Benihana?

11 A. Or -- yes.

12 Q. Benihana?

13 A. Yes.

14 Q. Then you leave dinner and go where?

15 A. We go back to his -- well, we went back to the
16 car to park at a different casino, so we walk the Strip.
17 But after that we went back to the car and we had sex in
18 the car. But we went to SunCoast where it was safer and
19 have sex. He put his penis inside my vagina, but we
20 didn't have oral sex.

21 MS. KOLLINS: So the preliminary hearing you
22 testified that you went to the Shark Reef and went home to
23 change for dinner, right.

24 THE WITNESS: Yes.

25 MS. KOLLINS: Did that really happen. You went

1 to Shark Reef and went home and changed for dinner.

2 THE WITNESS: Yeah.

3 MS. KOLLINS: Then you went out for dinner you
4 went to Benihana.

5 THE WITNESS: Right.

6 MS. KOLLINS: Then you parked the car at the
7 casino so you can walk around.

8 THE WITNESS: Yes.

9 MS. KOLLINS: So all of those things really
10 happened.

11 THE WITNESS: Those happened, yes.

12 MS. KOLLINS: Did you leave -- when you left the
13 Strip and it was time to go home, did you go anywhere
14 between the Strip and home.

15 THE WITNESS: We went straight home.

16 MS. KOLLINS: And this all on your 13th
17 birthday.

18 THE WITNESS: Yes.

19 MS. KOLLINS: Did you take pictures on your 13th
20 birthday.

21 THE WITNESS: Yes.

22 MS. KOLLINS: For purposes -- so we don't have
23 to read all of this. I showed you the pictures we've been
24 looking at today at the preliminary hearing.

25 THE WITNESS: Yes.

1 MS. KOLLINS: We went through the pictures of
2 the Mandalay Bay, Shark Reef, is that correct.

3 THE WITNESS: Yes.

4 BY MS. KOLLINS:

5 Q. Morgan, I'm going to flip to page 47 on the
6 top to 48 bottom.

7 A. Okay.

8 Q. Line --

9 MR. MACARTHUR: Are we skipping the rest of
10 46.

11 MS. KOLLINS: May we approach.

12 THE COURT: Yes.

13 (Discussion held at the bench.)

14 BY MS. KOLLINS:

15 Q. Morgan, when we spoke at the preliminary
16 hearing we had -- misunderstanding is my word. You have a
17 different word for it, please use it. But we didn't
18 have -- we weren't communicating well about the dates on
19 some of the items that we were trying the get admitted in
20 evidence. Do you remember that?

21 A. Yeah.

22 Q. Do you remember you and I not being able to
23 figure out whether something occurred on June 30th of 2012
24 or June 30th of 2013?

25 A. Right.

1 Q. There was some discussion back and forth about
2 that. Remember that?

3 A. Yes.

4 Q. Are you reading some of that in there right
5 now?

6 A. Yes. I saw some of that.

7 Q. So is what we were discussing -- showing you
8 the first page of State's purported 60. Do you see the
9 cross out at the bottom box of that page. It looks like
10 it said 13, then you cross it out and it says 12?

11 A. Yes.

12 Q. Is that what we were discussing, if you
13 know?

14 A. Yes.

15 Q. Were we trying to get an accurate date?

16 A. Yes, we were. But there was no picture for
17 there to go there. But it would have gone with the top
18 one considering that I would have turned 13 in 2012.

19 Q. Would you agree with me that you turned 13 in
20 2012?

21 A. Yes.

22 Q. Would you agree with me you visited Mandalay
23 Bay and Benihana on your 13th birthday in 2012?

24 A. Yes.

25 Q. So we have some dialogue at the preliminary

1 hearing about that, correct? Is that correct?

2 A. We do.

3 Q. Do you come to the conclusion that in 2012 is
4 the correct date?

5 A. Yes, I did.

6 Q. I'm going to read you all of our exchange in
7 the interest of being complete. And it might be
8 confusing.

9 So we're at 45 on the top and 46 on the bottom. I
10 asked you this.

11 All -- this was all on your 13th birthday?

12 A. Yes, it was.

13 Q. Did you take pictures on your 13th birthday?

14 A. Yes, I did.

15 Q. Okay. Showing you -- Mr. Triano has all the
16 photographs provided in discovery.

17 Question by Mr. Triano. Do you agree?

18 A. Yes.

19 Q. I have mine marked as State's 1, 2, and 8 for
20 purpose of identification. The Mandalay Bay, Benihana,
21 and Shark Reef.

22 Mr. Triano says, thank you.

23 Question: Morgan, I'm going to show you some
24 pictures, one at a time. I'm going to ask you some
25 questions about them. Before you start telling me we have

1 some kind of weird foundation questions we have to ask.

2 A. Okay.

3 Q. Do you recognize what's depicted in State's
4 Proposed Exhibit 1?

5 A. Yes.

6 Q. Okay. How is it that you recognize State's
7 Proposed Exhibit 1?

8 A. Because I remember taking that picture. I
9 know where that is at.

10 Q. How do you remember taking that picture?

11 A. We asked the waiters to take our picture.

12 Q. That would have been on your 13th birthday on
13 June 30th of 2012?

14 A. That was not June 30, 2012.

15 Q. I mean, 2013. I'm sorry.

16 A. Well, it is 12th, but this was not my
17 birthday.

18 Q. Okay. Those don't all go together?

19 A. No.

20 Q. I'm going to withdraw one. That's my bad.
21 Okay.

22 Next page 48 on the top.

23 See where you say this one?

24 A. Yes.

25 Q. So you say this one. I'm withdrawing one for

1 just a moment. I -- I'll get back it. Okay.

2 Showing you what's been marked as State's Proposed
3 Exhibit 2. Do you recognize State's Proposed Exhibit 2?

4 A. Yes, I do.

5 Q. How do you recognize that?

6 A. I remember going to places collecting
7 tickets.

8 Q. When you were talking about going to the Shark
9 Reef on your birthday on June 30 of 2013; is that
10 correct?

11 A. 2012.

12 Q. I thought we were talking about your 13th
13 birthday?

14 A. Oh, this is my 13th birthday. Wait, no. It's
15 not. This was my 13th birthday. And this is -- was my
16 14th -- wait.

17 Q. Okay.

18 A. Sorry. That is confusing.

19 Q. She is looking at number 8, your response?

20 A. I need to look at this.

21 Q. Needless to say, at least up to page 48, you
22 and I have confusion about what birthdays we're trying to
23 establish. Is that fair?

24 A. Yes.

25 Q. Okay.

1 Any of that change that Shark Reef, Benihana, and
2 Mandalay Bay from your 13th birthday on June 30th of 2012,
3 despite what our confusion was on that date?

4 A. No.

5 Q. So you have no confusion as you sit there
6 today about when those picture were taken?

7 A. Right.

8 Q. Okay.

9 So, again, just in the interest of completeness
10 because we need to hear our confusion. We are going to
11 read the rest of this in the record.

12 Let me look at them for a second.

13 Then you can answer some questions. Okay.

14 A. The date was wrong on this because I turned
15 thirteen at the Shark Reef. I wrote the wrong date on the
16 book.

17 Q. Okay?

18 So let me stop you there. So that scribble mark
19 out where it was 13 and crossed out to 2012, that is
20 because there were things in there from your 13th birthday
21 in those spots, right?

22 A. I don't believe there was anything in that
23 spot. I think I had marked it there to put something in
24 that spot but I ended up not either doing that or I didn't
25 have a picture I wanted to put a picture there. I'm not

1 sure. I do know that that was going to be a date that was
2 going to be a correct picture to have for my birthday.

3 Q. The top picture from that page is from your
4 13th. And there is a 13, 2013 crossed out to reflect 2012
5 at the bottom. That kind of started this confusion?

6 A. Yes.

7 Q. Okay.

8 So showing you State's 2 and 8. Do you recognize 2
9 and 8. Do you recognize what these two photos that --

10 A. Yes, I do.

11 Q. Are those photos that you provided me out of
12 your photo album?

13 A. Yes, it is.

14 Q. Both fairly and accurately represent copies of
15 what you gave to me, correct?

16 A. Yes.

17 Q. Okay.

18 A. Okay.

19 Q. Now, State's No. 2 is a ticket from the Shark
20 Reef. Those are actual tickets in your album, correct?

21 A. Yes, they are.

22 Q. That was just like what you gave me, right?

23 A. Yes.

24 Q. State would move for admission of 2.

25 No objection by Mr. Triano.

1 Admitted by the court?

2 State's Exhibit 2 will be admitted into evidence.

3 BY MS. KOLLINS:

4 Q. My question on 49.

5 You just told me about spending your birthday with
6 Joshua at the Shark Reef, correct?

7 A. Yes.

8 Q. That was which, your 13th birthday; is that
9 correct?

10 A. Yes, it was.

11 Q. And your 13th birthday was June 30, 2012,
12 correct?

13 A. Yes.

14 Q. And you also went to dinner at Benihana on
15 your 13th birthday?

16 A. Yes.

17 Q. Showing you what's marked as State's Proposed
18 8. Do you recognize the picture in State's Proposed
19 Exhibit 8?

20 A. This one?

21 Q. Yes, ma'am.

22 A. Yes.

23 Q. What is that a picture of?

24 A. Me and Joshua at dinner at Benihana.

25 Q. For your 13th birthday?

1 A. Yes.

2 Q. Which was June 30, 2012?

3 A. Yes.

4 Q. Does the picture in Exhibit 8 accurately
5 depict a copy of what you provided from your photo album,
6 correct?

7 A. Yes.

8 Q. And I move for admission of 8.

9 MS. KOLLINS: Your Honor, I think where I am in
10 the transcript it is a good time to break.

11 THE COURT: Okay. We'll resume with these
12 questions of the witness tomorrow. I just want to check
13 one scheduling thing before I break, Counsel, at this
14 time.

15 Can you approach the bench, please.

16 (Discussion held at the bench.)

17 THE COURT: Thank you. I just wanted to confer
18 with counsel on our afternoon start. We'll start between
19 1:00 and 1:30.

20 JURY ADMONITION

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

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

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

8 THE COURT: Remember to leave your note pads.
9 See you tomorrow at 1:00. All right. Thank you. We'll
10 excuse Ms. Savage for the day.

11 THE WITNESS: Thank you.

12 THE COURT: I'll ask the CO to take her back.

13 THE OFFICER: Yes, ma'am.

14 THE COURT: The expectation was the same thing
15 followed today would be followed tomorrow. And whatever
16 remaining days we have with Ms. Savage.

17 THE OFFICER: I'm going to relate in the records
18 now that you are going to start at 1:00 o'clock.

19 THE COURT: We would like her not to be brought
20 over in the morning. You'll let them know.

21 THE OFFICER: Yes.

22 THE COURT: See you tomorrow. Anything else
23 before we break for the day.

24 MS. RHOADES: No.

25 MR. MACARTHUR: Nothing from defense.

1 THE COURT: Thank you.

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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.

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

Sharon Howard
C.C.R. #745

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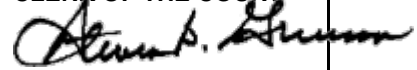
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CLERK OF THE COURT



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

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

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

BEFORE THE HONORABLE KATHLEEN DELANEY
DISTRICT COURT JUDGE

DATED: TUESDAY, DECEMBER 5, 2017

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

1 APPEARANCES:

2 For the State:

STACEY KOLLINS, ESQ.

3 KRISTINA RHOADES, ESQ.

4
5 For the Defendant:

MONIQUE MCNEILL, ESQ.

6 JONATHAN MACARTHUR, ESQ.

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* * * * *

1 LAS VEGAS, NEVADA; TUESDAY, DECEMBER 5, 2107

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

3 * * * * *

4
5 THE COURT: Resuming trial in the State of
6 Nevada vs. Joshua Honea. Ms. Kollins, whenever you are
7 ready.

8 MS. KOLLINS: Thank you.

9 CONTINUED DIRECT EXAMINATION

10 BY MS. KOLLINS:

11 Q. Good afternoon, Morgan. How are you today?

12 A. Sober.

13 Q. Very sober?

14 A. Okay.

15 Q. Do you feel better?

16 A. I feel great.

17 Q. Got your hair braided. You feel good today?

18 A. Yeah.

19 Q. Went through yesterday I was reading the
20 questions to you and you were giving me the answers. That
21 worked out for some of us, not for others. So we're going
22 to switch it up a little bit. Okay?

23 A. Okay.

24 Q. Is that all right?

25 A. That's fine.